

Minutes of the Late Night Levy Board Meeting

July 2nd, 2020 @ 14:00pm via Zoom

Present:

Cllr Emma Plouviez (EP) – Chair, also chair of Licensing Committee
 Cllr Caroline Selman (CS) - Cabinet member for Community Safety
 Robert Gardner (RG) - LBH - Business Regulation & Enforcement
 David Tuitt (DT) - LBH - Licensing Team Leader
 Olga Vandenberg (OV) - LBH - Business Communications & Engagement Officer
 Samantha Mathys (SM) - LBH - Late Night Levy Manager
 Emma Wynne (EW) - LBH - Communications Officer
 William Knowles-Moffard (WKM) – Shoreditch Pubwatch
 Margaret Ryan (MRy) – Stoke Newington Pubwatch
 Jeremy Ledlin (JL) - Dalston Pubwatch
 Adam Popple (AP) - Hackney Central Pubwatch
 Dominic Barnes (DB) Met Police

Apologies

Gerry McCarthy (GC) - LBH - Head of Community Safety, Enforcement and Business Regulation
 Sam Horton - Met Police
 Maurice Mason - LBH - Community Safety
 William Knowles-Mofford (WKM) - Shoreditch Pubwatch

<p>1. Chairs Introduction and Round table introductions & Apologies</p> <p>The Chair Cllr EP introduced herself and asked everyone else present to do the same.</p>	<p><i>Action</i></p> <p><i>Noted</i></p>
<p>2. Minutes of meeting December & matters arising</p> <p>Minutes of December accepted as a true record.</p>	<p><i>Noted</i></p>
<p>3. LBH - Late Night Levy Update</p> <p><u>Update</u></p> <p>SM presented the Late Night Levy update for July 2020, see attached papers.</p> <p>JL raised a question about the late night levy fees and the payment of these. Would a refund to licensees be possible?</p> <p>DT clarified for the board that the legislation sets out how the money collected must be spent. LBH would need to look at whether this could lawfully be done. On the face of it, it does not appear to be</p>	<p><i>Noted</i></p> <p><i>DT to look into the legalities and clarify for next meeting.</i></p>

something that can be done. He confirmed that it would be quite difficult to be able to do that as we have undertaken activities this year that we have already committed to.

Cllr Selman asked that DT clarify on this ASAP and reiterated that she was under the impression based on previous discussions that a refund / rebate was not feasible.

JL added that it has been extremely tough for licensees and operators and that a rebate would be very welcomed and much needed.

EP added that her issue with the refund was that a lot of premises paying the late night levy continued to trade throughout the pandemic. Food businesses have been open and selling all the alcohol currently being sold in the borough. It would need to be done fairly and would be quite difficult to determine the premises entitled to a refund.

DT added that even though some businesses have been ordered to close they could still be undertaking some activity. There are many premises that have also remained open, such as supermarkets and off licences.

WFM added that he would like to reinforce the position held by JL and that a rebate is something worth looking into. This has become the hottest topic with members from the Shoreditch pubwatch. He also added that many of his members are remaining closed after the 4th of July, specifically nightclubs. He said it is extremely important for the council to let operators now that they've looked into this extensively and due diligence was applied in order to reassure business owners.

EP replied and confirmed that the council will look into identifying those premises of which had to remain closed after July 4th and see what the possibilities exist for them and what the implications are in regards to annual fees.

SM then provided an update on the government guidelines around the re-opening of bars, restaurants and pubs and key points, see attached July 2020 update.

DB stated that it would be useful to know what premises are opening on the weekend of July 4th so they can adjust their policing plan.

Noted

Noted

DT and SM to look into

<p>JL added that an email was circulated to all their members and that this information was relayed to the licensing unit at Stoke Newington Police station.</p> <p>CS added that this intel is being incorporated into our partnership tasking processes with the Police and that we already have a sense of who will be re-opening.</p> <p>MR added that operators are extremely anxious about operating at reduced capacity and the cost associated with these extra measures.</p> <p>WFM members will be reopening apart from nightclubs. He would like to point out that managers are in debt to landlords and are under immense pressure. He added that he hopes enforcement will be fair and that authorities bear in mind that when approaching an operator, that they are approaching a very stressed individual who has been under an enormous amount of pressure compared to six months ago. The desired outcome is one where we all learn together in this process as it is unprecedented and that enforcement take a more pragmatic approach.</p> <p>MR asked will enforcement and Police be the same as pre-lockdown?</p> <p>DB added in terms of the Police response, it will be similar deployments that were in place prior to Lockdown. Operation Lagana will be moving forward throughout this reopening period. He understands some of the nervousness and anxiety. MET police officers will deploy an engagement based strategy and explain as well as encourage operators as opposed to undertake any unnecessary enforcement activity.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p>
<p>4. Police, update and options.</p> <p>Police Update</p> <p>DB reiterated that the focus will be on maintaining Operation Lagana which will include Safer Neighborhood officers and Licensing officers as well as the regular NTF officers who are well acquainted with the night time economy in Hackney and have been policing it for almost over a year now. Operational tactics and deployments will not change. Their priority is to maintain public safety and ensure everyone can enjoy themselves safely. Sam Horton will be the tactical delivery lead on the ground.</p>	<p><i>Noted</i></p>

5. Pubwatch representative options and observations	
<p><u>Hackney Central Pubwatch</u></p> <p>AP addressed concerns similar to other pubwatch groups. Question marks over the enforcement would be delivered. He suggested that a letter confirming the Police's position from the Licensing unit at the MET would be well received and ease concerns from licensees. They would appreciate the reassurance.</p> <p>AP has added that it might be worth getting a solid position on the question of rebates / refunds as some operators may simply decide to rollback hours as they don't believe they are getting much from the late night levy.</p> <p>EP added that we would not like to give the impression that a rebate is possible, the council has already taken a stance of not collecting fees for a certain amount of time. She would not like the takeaway to be that the rebate is possible but that in her view this would not be possible.</p> <p>SM added that during a London wide licensing group meeting that the issue of rebates and refunds was discussed. The 7 London boroughs who adopted the late night levy were keen to find a solution around rebates / refunds to help licensees in their borough. However, it was determined that there was no provision for any sort of refund or rebate mechanism to allow local authorities to move forward with this initiative.</p> <p><u>Stoke Newington</u></p> <p>MR Stoke Newington pubwatch is eager to open for business but was a bit of anxiety in regards to associated crime and disorder but she is reassured to know Police and licensing will be about. SHE raised the issue of waste removal due to off sales. She fears this will increase.</p> <p>CS added that the strategy has been discussed intensely at partnership tasking meetings; additional resources have been allocated to ensure that clean street initiatives are factored into the reopening plan.</p> <p><u>Shoreditch Pubwatch</u></p> <p>WKM raised the issues around outdoor trading and the provision of selling alcohol for consumption off premises.</p>	<p><i>Noted</i></p> <p><i>DB to ensure letter is circulated</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p>

<p>DT explained the business and planning bill which would come into effect at the end of July would grant off sales to all 'on sales' premises licenses automatically without the need for an application. We are constrained by the legislation and the council is adopting a pragmatic approach to new applications</p>	<p><i>Noted</i></p>
<p>WKM pointed out that a major variation application is just not practical for operators as the turnaround is way too long. He asked whether the council was planning on adopting a better system for business owners to be able to adapt more quickly. Concerns were voiced over the changing landscape of how pubs and bars are trading and that this will have an effect on crowds and street drinking will increase. He would like to see a temporary suspension to the rules in regards to trading outside and allow licensees to trade off sales for reopening weekend.</p>	<p><i>Noted</i></p>
<p>RG added that the law is quite clear about who is allowed to trade at the moment and unfortunately the council must conform to the law as it is at this time. He also added that there might be added amends to that legislation and that we as a council cannot act before the act has passed.</p>	<p><i>Noted</i></p>
<p>WKM added that perhaps this could be managed via TENS application as opposed to having the council jump ahead of the government legislative changes.</p>	<p><i>SM and DT to send out an email to pubwatch chairs before the weekend</i></p>
<p>RG added that members are encouraged to apply for a TENS if they feel like they would like to but that Police are mostly responsible for representations in regards to TENS applications.</p>	<p><i>SM to arrange</i></p>
<p>EP added that a staggered approach would probably be in the interest of the council and that each case should be evaluated and decided on its own merits.</p>	
<p>DB and RG would like to reiterate the partnership approach to get the best possible results with enforcement only being used as a last resort.</p>	<p><i>Noted</i></p>
<p><u>Dalston Pubwatch</u></p>	
<p>JL would like to reiterate AP's previous point in regards to reassuring operators and stressed the importance of receiving local</p>	<p><i>Noted</i></p>

<p>guidance on top of the government published guidance and would welcome any additional information that could be circulated.</p> <p>JL suggested that we hold the licensing advice sessions more frequently.</p>	<p><i>SM to coordinate</i></p>
<p>6. AOB</p>	
<p>N/A</p>	
<p>7. Date of Next Meeting.</p> <p>The next meeting is 20 August 2020 via Zoom, details to be circulated</p>	<p><i>Noted</i></p>