

LICENSING COMMITTEE

Tuesday, 8 March 2016 at 6.30 p.m.

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor Khales Uddin Ahmed
Vice-Chair: Councillor Peter Golds
Councillor Rajib Ahmed
Councillor Mahbub Alam
Councillor Shah Alam
Councillor Gulam Kibria Choudhury
Councillor Amy Whitelock Gibbs
Councillor Clare Harrison
Councillor Denise Jones
Councillor Md. Maium Miah
Councillor Muhammad Ansar Mustaqim
Councillor Joshua Peck
Councillor Candida Ronald
Councillor Rachael Saunders
1 Vacancy

Ward Represented

Bromley North;
Island Gardens;
Lansbury;
St Dunstan's;
Mile End;
Poplar;
Bethnal Green;
St Peter's;
St Katharine's & Wapping;
Canary Wharf;
St Peter's;
Bow West;
Blackwall & Cubitt Town;
Mile End;

[The quorum for this body is 3 Members]

Contact for further enquiries:

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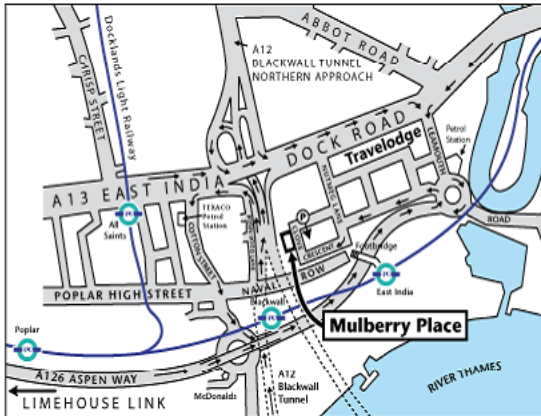
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		
	5 - 10	
To confirm the minutes of the meeting of the Licensing Committee held on 8 th December 2015 as an accurate record of the proceedings.		
3. ITEMS FOR CONSIDERATION		
3 .1 Late Night Levy Proposals	11 - 62	All Wards
3 .2 Update in relation to Prosecutions and Appeals - Quarter 3 2015/2016	63 - 68	All Wards
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Melanie Clay, Director of Law, Probity & Governance & Monitoring Officer, Telephone Number:
020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 8 DECEMBER 2015

**COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Khales Uddin Ahmed (Chair)
Councillor Peter Golds (Vice-Chair)
Councillor Shah Alam
Councillor Gulam Kibria Choudhury
Councillor Denise Jones
Councillor Muhammad Ansar Mustaqim
Councillor Joshua Peck
Councillor Rachael Saunders

Apologies

Councillor Rajib Ahmed
Councillor Mahbub Alam
Councillor Amy Whitelock Gibbs
Councillor Clare Harrisson
Councillor Md. Maium Miah
Councillor Candida Ronald

Officers Present:

Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services, Law, Probity & Governance)
David Tolley	– (Head of Consumer and Business Regulations Service, Safer Communities, Communities Localities & Culture)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Cllr Denise Jones declared a personal interest on item 3.2, Licensing and Brick Lane, on the basis that she owned a bookshop on Brick Lane and confirmed that it was not a licensed premises.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the Licensing Committee meeting held on 6th October 2015 were confirmed and agreed as a correct record.

3. ITEMS FOR CONSIDERATION

3.1 Sexual Entertainment Venues Review

Mr David Tolley, Head of Consumer and Business Regulations introduced the report which updated Members on the successful process the Council had recently completed to apply an updated Licensing regime to the sexual entertainment venues (SEV's) operating in the Borough.

Mr Tolley requested that Members consider setting and agreeing the Sexual Entertainment Venue Licence fees for 2016/2017. He suggested that the fee remain the same as last year at £9000.

In response to questions from Members the following was noted;

- That the fee was bench marked against other local boroughs and when compared to these boroughs, Tower Hamlets was in the medium range.
- That the fees included all administrative costs, and was noted that this year, the fees covered all the costs required for each application.
- The fees would be reviewed annually.
- That site visits should be arranged for Members when considering future SEV applications. In order for Members to gain a better understanding and knowledge of the area and the premises.
- Concerns were raised regarding the advertising of SEVs. Members asked that Officers strengthen the conditions around advertising.

RESOLVED

1. That the report be noted.
2. That the fee for Sexual Entertainment Venues Licence remain set at £9000 for the municipal year 2016/2017.

3.2 Licensing and Brick Lane

Mr David Tolley, Head of Consumer and Business Regulations introduced the report which detailed the current activities within the Brick Lane area. He

explained that due to ongoing operations within this part of the Borough, an outline of certain activities could only be given at present.

It was noted that on 1st November 2013, the Cumulative Impact Zone (CIZ) for the Brick Lane area came into effect after the adoption of the Statement of Licensing Policy at Full Council. It was noted that since the inception of the CIZ, 50 new licences had been issued within the area and this did not include variations. It was also noted that 20% of the applications received by Licensing Services on the whole were within the CIZ.

Mr Tolley then detailed non enforcement activities that had been carried out in the Brick Lane area to ensure that visitors had an enjoyable time but do not disrupt those that live in the surrounding area. He highlighting the work of the following Educational Programmes;

- Tower Hamlets Street Pastors
- Pubwatch
- The Good Trader Scheme
- Best Br None Scheme

The following enforcement initiatives were also highlighted;

- That there had been 21 reviews in the last 12 months
- There had been prosecutions, where licence holders are found to be deliberately disregarding conditions that have been set.
- Joint operations with the Police, Trading Standards and HMRC in relation to inspections of premises to ensure that conditions are being met and counterfeit and contraband material is not being sold, having had 99 visits over the last 12 months.
- There were routine evening visits by Licensing Officers to ensure conditions are being met and premises are not trading without appropriate licences
- Routine patrols by the THEO's along Brick Lane dealing with any anti-social behaviour.

Members welcomed the report, and noted the information detailed in the report.

RESOLVED

1. That the report be noted.

3.3 Gambling Policy Review 2015/16

Mr David Tolley, Head of Consumer and Business Regulations introduced the report on the Gambling Policy Review. He explained that as a Licensing Authority the Council must review the existing Gambling Policy and adopt a new policy by November 2016, as one of the responsibilities it has to administer 'high street' licences under the Gambling Act 2005.

He explained that the purpose of the policy is to define how the responsibilities under the Act were going to be exercised and administered. This was highly prescribed and limited by statute. It was noted that a statutory consultation process must be undertaken, and this had commenced on the 19 October 2015 and would last for three months and end on 17th January 2016. In addition there would be the opportunity for the local community to comment along with other partners.

It was noted that following consultation the reviewed policy will ultimately go to full Council for adoption.

Mr Tolley explained that the Gambling Act 2005 gave local authorities a range of responsibilities relating to gambling. The Gambling Policy states how the Licensing Authority would be able to exercise its authority.

The policy covered the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objectives for the authority is protecting children, preventing crime and disorder and ensuring gambling is fair and open.
- The Licensing Authorities approach to regulation
- The scheme of delegation
 - Members should note that some of the major issues and concerns about gambling are not addressed in the policy and in any consultation. For example, gambling addiction is outside the remit of the consultation, as are arguments about the public benefits, or otherwise, of a more liberal gambling regime.

Mr Tolley said that there have been several concerns raised though London Councils concerning the fixed odds betting terminals that had been installed within betting shops. These gambling machines play games of chance such as roulette. With a betting shop licence, the operator can install up to four machines, which have a maximum stake of £100 and a maximum prize of £500. London Councils are promoting that the maximum £100 stake on machines should be changed to £2 to prevent the clustering of betting shops due to the profitability of such gambling machines. It was noted that Tower Hamlets was a signatory to this campaign.

In response to questions from Members the following was noted;

- That there were four Licensing Officers in post to monitor activities around the borough.
- That staff in Trading Standards and Environmental Health are also used to carry out work across services.

- That there has been one gambling application in the last year for a Paddy Power Shop in Roman Road. This application was objected to by the community, but after consideration by the Licensing Sub Committee and legal advice the licence was issued
- That Members' supported the London Council's initiative of promoting the maximum £100 stake on machines to be changed at £2 to prevent the clustering of betting shops.
- That officers, explore options to restrict the number of machines that an operator can install with a betting shop licence, from up to four machines to two.

RESOLVED

1. That the report be noted.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT


There was no other business considered urgent by the Chair.

The meeting ended at 7.40 p.m.

Chair, Councillor Khaled Uddin Ahmed
Licensing Committee

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Agenda Item 3.1

Non-Executive Report of the: Licensing Committee 8th March 2016	 TOWER HAMLETS
Report of: Steve Halsey: Corporate Director of Communities, Localities and Culture	Classification: Unrestricted
Late Night Levy Proposals	

Originating Officer(s)	David Tolley: Head of Environmental Health and Trading Standards
Wards affected	All wards

1.0 Summary

- 1.1 The Police Reform and Social Responsibility Act 2011 have introduced an adoptive provision whereby Local Authorities may impose a late night levy on businesses that sell alcohol between midnight and 06.00am. The council can decide what times the levy will operate provided it is between midnight and 6 06:00am (e.g. the levy could be imposed on premises that operate between midnight and 6am or between 1am and 6am, etc.). However it must be the same time each night.
- 1.2 The purpose of the Levy is to assists Council and the Police manage and improve the night time economy. The additional income raised from the levy must be spent on managing the night time economy and is split between the Metropolitan Police and the Council on a 70:30 percentage basis. The money can be used for a range of things and can be given to other agencies where they can assist in the reduction of crime and disorder or improve the night time economy.
- 1.3 To enable the levy to be introduced across the Borough a consultation of businesses and other interested groups that may be affected by the introduction of the levy must be carried out. If introduced, the levy will apply to any licensed premises that sells alcohol and operates within the set times of the levy. The levy will apply to licensed premises with on and off sales of alcohol. The Council does not have the power to limit the levy to certain parts of the Borough, thus if introduced it will be a borough wide levy.

2 Recommendations

- 2.1 That the Licensing Committee note, consider and comment on the proposal that Cabinet has put forward to consult on the introduction of a Late Night Levy on Licensed Premises within the borough that operate within the set time of the levy.

3 BACKGROUND

- 3.1 The Regulations governing the introduction of the levy, set the amount of levy that can be imposed in relation to the rateable value of the property, how the levy should be divided amongst the Metropolitan Police and Local Authority and the type of activities that the levy can be spent on within the Local Authority. The levy is set by Government depending on the rateable value of the property that is licenced to retail alcohol, in the same manner that the annual licence fee is set.
- 3.2 The levy enables the Local Authority to raise a contribution from late opening alcohol suppliers towards policing the night-time economy. It is a provision which the Local Authority has the power to adopt, but the levy must cover the whole of the licensing authorities' area. The Local Authority can also choose the period during which the levy applies every night, between midnight and 6.00am, but it must be the same for every day. There is also a possibility for specific exemptions and reductions to be granted with regards to the levy payment.
- 3.3 The aim of the levy is to empower Local Authorities to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. The Government consider it is right for businesses which profit by selling alcohol in the night time economy to contribute towards the costs of managing the night-time economy, rather than relying on other taxpayers in the community to bear the full costs.
- 3.4 The Metropolitan Police have stated that they do post additional staff, a Police Sergeant and 6 Police Constables, every Friday and Saturday night to deal with for specific night-time economy issues. Under a special services agreement the cost of such a posting would be in the region of £336,752 a year.
- 3.5 There are approximately 200 alcohol related ambulance call-outs per month. In relation to all ambulance call-outs in Tower Hamlets, 17% are between midnight at 6.00am for the whole week, with 22% and 15% at weekend and weekdays respectively during midnight and 6.00am. As a general rule it has been estimated that one third of ambulance pick-ups are alcohol related.
- 3.6 The licensing authority must consider the desirability of introducing a levy in relation to the costs of policing and other arrangements for the reduction or prevention of crime and disorder.

- 3.7 If the local authority chooses to introduce the levy in their area, all licensed premises which are authorised to sell alcohol within the levy period will be able to make a free minor variation to their licence before the levy is introduced, so as to avoid the levy.
- 3.8 The Metropolitan Police would receive approximately 70% of the net levy revenue. The net levy revenue amount would be less deduction by the Local Authority for such items as the collection of payments, procedure for implementation of the levy and publication of its statutory statement. MOPAC have indicated that it would agree to have their allocation spent within the Borough through the current partnership arrangements.
- 3.9 The Local Authority must allocate their proportion of the net levy amount on the following activities:
- Reduction or prevention of crime and disorder
 - Promotion of public safety
 - Reduction or prevention of public nuisance
 - Cleaning of any relevant highway or relevant land in it' area
- 3.10 The estimate from the income of the LNL is detailed in Appendix One, it must be noted that this is an estimate only and is dependent on the exemptions and reductions that may be granted. The provision of free minor variations during the lead up period to the introduction of the levy would have an impact on the estimates presented in the appendices.
- 3.11 The increase in annual fee for the licence holder is shown in Appendix Two. It must be noted that the annual fee, without the levy component is set by Government depending on the rateable value of the property and not locally. The fees set for licensed premises have not increased since their introduction in 2005. During the intervening 10 years, the demand for services along with premises opening late, it is now appropriate to determine other ways of financing the services needed to manage the impacts of late night opening.
- 3.12 Appendix Three shows the type of premises usage that would be affected by the introduction of the levy fee, the relevant Licensing period in intervals of one hour and the Valuation Band.
- 3.13 In the case of current late night licences the levy is payable annually along with the licence fee. With new licences, it is payable within 14 days of the grant of the licence and reverts back to annually afterwards.
- 3.14 If the levy is not paid within 21 days, the Council is required to suspend the premises licence pending payment.

Consultation

- 3.15 The local authority must consult before the introduction of the levy, that consultation must include MOPAC, the relevant chief officer of police and businesses affected.
- 3.16 The consultation document must state its intention to introduce a levy, its proposed design and the services that the licensing authority intends to fund with its share of the levy revenue.
- 3.17 The consultation must be published on line and in a local newspaper, details sent to MOPAC and the chief officer of police, and all licensed premises that are permitted to sell alcohol for the times when the levy will apply.
- 3.18 The licensing authority will need to assess the consultation responses and make a final decision about the introduction of the levy, which will need to be approved by full Council.
- 3.19 It is suggested that the date of commencement of the late night levy, would come into effect three months after adoption by full Council, to enable licenced premises the opportunity to make variations to avoid having to pay the levy.
- 3.20 The supply period for the determination of the levy would need to be made by Members. It is suggested that the time period should commence at midnight, as this may have a greater impact on reducing reported crime and ant-social behaviour.

Potential Exemptions from the LNL

- 3.21 The legislation for the introduction of the LNL state that certain premises can be exempt from paying the levy. This will form part of the consultation process, but an indication of the exempt premises should be given in the consultation document. These are;
 - Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo Halls
 - Community Amateur Sports Clubs
 - Community premises
 - Country village pubs
 - Business Improvement Districts
 - Premises authorised to sell alcohol between 00:00 and 06:00 on 1st January every year (but not between those times on any other day of the year)

- 3.22 It is proposed, as a basis for any consultation, that the following premises, as permitted by regulations, are exempt or not exempt from the levy for the following reasons.

Premises with overnight accommodation: It is considered that these premises do not contribute significantly to the detrimental effects of the late night economy. However this exemption would not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight.

Theatres and cinemas: This exemption applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose. It is considered that these premises do not contribute significantly to the detrimental effects of the late night economy.

Bingo Halls: these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity. There are currently no Bingo Halls in Tower Hamlets and should be exempt.

Community Amateur Sports Club: these are clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions. It is considered that these premises do not contribute significantly to the detrimental effects of the late night economy and should be exempt.

Community Premises: these are premises that form part of the church hall, chapel hall, community hall and other similar buildings. It is considered that these premises do not contribute significantly to the detrimental effects of the late night economy and should be exempt.

Country Village Pubs: these are pubs that are solely designated in rural settlements with a population less than 3000, there are none in Tower Hamlets. There are currently no country village pubs in Tower Hamlets and should be exempt.

Business Improvement Districts (BIDS): there are currently no BIDS in Tower Hamlets and should be exempt.

New Year's Eve: appertaining to premises which are authorised to sell alcohol between midnight and 6am only on New Year's Day. These premises should be exempt, as for one day a year they would not add to the late night economy pressures, if there was no exemption the premises could apply for a temporary exemption notice which would add burdens on the Council and businesses alike.

Potential Reductions from the LNL

- 3.23 Licensing authorities can use the late night levy to promote and support participation by premises in other business-led best practice schemes, for example Purple Flag or the Best Bar None schemes. A reduction of 30% of the levy fee could be possible for businesses which participate in such schemes, currently there are 8 businesses that have been awarded the Best Bar None Scheme. The offer of a financial reduction may drive businesses to join these schemes thus increasing participation. It is proposed to offer a conditional reduction to premises that are awarded the Best Bar None award.
- 3.24 A reduction can also be offered to on-trade premises that are in receipt of Small Business Rate relief and have a rateable value of £12,000 or less, currently estimated to be 36 premises. It is proposed not to provide a reduction, these premises receive business rates relief to assist in their viability, however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Due to their rateable value, they are more likely to be liable to the lower levy amounts.

Proposals

- 3.25 The Metropolitan Police and the Council would have to determine how they would wish to spend their allocation and detail the additional work that would be carried out to police the night time economy.
- 3.26 Based on the current number of premises opening between midnight and 6am, and using midnight as the point the levy commences, the additional income would be in the region of £400,000. This figure will vary if premises apply to reduce their operating hours. The Council is able to deduct the costs of applying and collecting the levy and it is estimated that this will be in the region of £50,000.
- 3.27 Data has been sourced from the Metropolitan Police in relation to crime statistics. Appendix Four provides details of recorded crime data from 14/15 and this has been established from incidents linked from the use of alcohol and licensed premises against time period after midnight. The graph demonstrates that the peak of crime incidents, within the potential levy period, occurs from 00:00 to 00:30 (195 incidents). Appendix Five a – f plots the anti-social behaviour complaints between 2014/15 relating to licensed premises, and the hourly terminal period of the licence. Appendix Five e and f have relatively low levels of anti-social behaviour complaints and so have not been 'hot spotted'. Appendix Six details the crime numbers and types of recorded crime that the incidents relate to.

- 3.28 Assuming the LNL commenced at midnight, approximately 350 licences could be affected, pending applications for minor variations, the exemptions detailed and licence holders joining the Best Bar None scheme.
- 3.29 It would be proposed that no further exemptions are granted from the levy, unless a good business case is put forward by affected groups during the consultation.
- 3.30 It is anticipated that through the Community Safety Partnership the levy will be spent on addressing the following topics:
- Reduction or prevention of crime and disorder
 - Promotion of public safety
 - Reduction of prevention of public nuisance
 - Cleaning of streets or public spaces
- 3.31 Ideally the Council would work through the Community Safety Partnership to appoint 'Night-time economy enforcement officers'. The licensing authorities' proportion of the levy could support the funding the Best Bar None scheme (public safety) and night-time enforcement Officers to increase the percentage of time spent by the licensing team ensuring licensed premises adhere to legislative requirements, particularly where they have a direct effect on crime and disorder.
- 3.32 It would be anticipated that the Night-time enforcement Officers would work with licensed premises to assist with the prevention of street urination, selling to drunks, rowdy and nuisance behaviour, enforcement of licence conditions, supporting and leading operations to target crime and disorder, providing additional support to prevent street drinking and identifying littering hot spots, graffiti removal and cleaning.

Considerations

- 3.33 There would be direct implications on the late night premises, with the licence fee increasing from the current annual fee by the following amounts:

Band	A	B	C	D	D Multiplier	E	E Multiplier
% increase	299%	404%	399%	303%	303%	235%	233%
Increase in fee £	299	768	1259	1365	2730	1493	4440

- 3.34 There are potential operational and efficiency benefits for the local community extending to the Ambulance Service, local accident and emergency provision in hospitals, the Courts and wider justice system and the Local Economy resulting from a more effectively managed night time economy brought about by the

additional resource generated by the scheme. Accepting that these may well be nullified by the ongoing public sector austerity cuts the potential for wider indirect benefits of such a scheme should not be underestimated and could in a modest way help offset some of the negative impact of public sector budget cuts in these areas.

- 3.35 The legislation dictates how a levy is to be introduced, requirements for consultation and notices to be displayed at the appropriate time. Thereafter, on an annual basis, a licensing authority must publish before the beginning of the year a statement of its estimate of the amount of deductions permitted under regulation to be made in respect of the year. At the end of the year, a statement of the net amount of levy payments for the year showing actual deductions will need to be published.
- 3.36 The estimated proportion of the net levy must be paid to the Metropolitan Police at the start of the levy year.
- 3.37 As the levy does not apply to Temporary Event Notifications, it is possible that licence holders will apply for (TENS), rather than pay the additional charge for the levy. This potentially reduces the regulatory control Licensing Officers would have over the premises as premises licence conditions are not automatically transferred to the TENS. Under this regime a premises can have 12 events or 21 days-worth of TENS within a rolling twelve months, involving less than 500 persons.
- 3.38 The Council is not committed to adopting the Late Night Levy after undertaking a consultation. However, if it does it would have to provide clear justified reasons why it feels that a levy is required. Any decision of this nature undertaken by the Council is open for Judicial Review. The recorded crime data would support the justification for the levy.
- 3.39 If after consultation, a licensing scheme is adopted, there is likely to be a request from businesses to vary their licences so they will not come within the scope of the levy, resources would need to be allocated to deal with these additional requests. A draft consultative document is detailed in Appendix Seven.
- 3.40 An Equalities Impact Assessment has been completed and no adverse impacts are noted with regards to the consultation proposals at Appendix Eight.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 The report request that the Committee note and consider the proposal by Cabinet to consult on the introduction of a borough wide late night levy. The introduction of a levy must be considered in relation to the costs of policing and other arrangements required that support the reduction or prevention of crime and disorder.

- 4.2 If a late night levy is introduced the fee will be set by the Government and the amount payable will be determined by the rateable value of the property where the alcohol is sold. Appendix One sets out the potential income that could be achieved from the introduction of the levy charge based on an estimation of premises affected. Appendix Two sets out the licence fee based on both the levy charge and annual fee including a multiplier applied for premises whose business is primarily or exclusively selling alcohol. It is estimated that income in the region of £400,000 could be achieved before any approved deductions are applied by the Council.
- 4.3 The licensing authority must pay at least 70 per cent of the net levy revenue to the police to be ring fenced for the purpose of directly funding activity relating to managing and improving the night time economy. The licensing authority can choose to amend the portion of the net levy revenue that will be given to the police in future levy years. This decision must be subject to consultation in the same way as a decision to introduce the levy.
- 4.4 The licensing authority will be able to retain up to 30 per cent of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. Specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply period and related to arrangements for:
- the reduction of crime and disorder;
 - the promotion of public safety;
 - the reduction or prevention of public nuisance; or
 - the cleaning of any relevant highway or relevant land in the local authority area.
- 4.5 The proposal will be revenue neutral to the Council, i.e. the cost of any additional services including the any potential reduction in the levy offered to businesses, will be met from the Levy and will not impact the General Fund.

5 LEGAL COMMENTS

- 5.1 The late night levy (“the levy”) is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This power allows licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 5.2 The levy must cover the whole of the licensing authority’s area. However, the Council will also choose the period during which the levy applies every night,

between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

- 5.3 If the Council chooses to introduce the levy in its area, then all licensed premises which are authorised to supply alcohol in the levy period will be affected although the Council does have the discretion to offer an exemption from the levy. All other relevant premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced.
- 5.4 The Council also has the discretion to offer a 30% reduction from the levy to premises that are either a member of a relevant best practice scheme or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000. This is covered in paragraphs 3.23 and 3.24 of the report.
- 5.4 With regard to the levy revenue, the police will receive at least 70% of the net levy revenue. The Council can retain up to 30% of the net levy revenue to fund other activities besides policing. There are restrictions on the types of services that licensing authorities can fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the night-time economy. The Council can deduct permitted administration, collection and enforcement costs from the gross levy revenue.
- 5.5 As to consultation, the Council should discuss the need for a levy with Mayor's Office for Policing and Crime and the relevant chief officer of police. The licensing authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy. The consultation document must state its intention to introduce a levy, its proposed design (including the late night supply period and proposed exemption and/or reduction categories) and the services that the licensing authority intends to fund with its share of the levy revenue. This is covered in paragraphs 3.15 to 3.20 of the report.
- 5.6 Pursuant to Local Authorities (Functions and Responsibilities) (England) Regulations 2000, powers and functions relating to late night levy requirements cannot be the responsibility of the Executive. This is therefore a function of full Council unless it has been delegated by it. This function has not been delegated and therefore the final decision about the introduction of the levy will be for full Council.
- 5.7 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and a detailed equality impact assessment is in Appendix 8.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The Equalities Impact Assessment has been reviewed in respect of the consultation exercise and no adverse issues have been identified.

7 BEST VALUE (BV) IMPLICATIONS

7.1 The Council is fulfilling its best value duty by considering that those businesses that impose a cost on managing the night time economy, contribute financially to its regulation.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no environmental impacts with regards to this consultation.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no identified risks with the consultation exercise.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 The Appendix to the report identifies the current anti-social behaviour statistics and crime data. As discussed in the report the proposal is currently to commence consultation on the introduction of a late night levy for licensed premises selling alcohol after midnight. If adopted at a later date, the scheme should have a downward pressure on the number of anti-social behaviour incidents and complaints as additional funding will be provided to manage the late night economy.

10. EFFICIENCY STATEMENT

10.1 There are no additional costs with the LNL as any cost in implementing the LNL can be recouped by the Council from the additional income the levy would produce, see paragraph 3.26 above.

Linked Reports, Appendices and Background Documents

Linked Report

- **None**

Appendices

Appendix One: Estimated Income of the Late Night Levy

Appendix Two: Increase in annual fee for licence holders

Appendix Three: Premise Usage showing Licensed period and Valuation Band

Appendix Four: Recorded crime data against time

Appendix Five a-f: Anti-social behaviour hot spots against licensed premises

Appendix Six: Types of recorded crime and numbers

Appendix Seven: Draft Consultative document

Appendix Eight: Equality Impact Assessment

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- **None**

Officer contact details for documents:

- **N/A**

Appendix One: Estimated Income

Late Night Levy income: Estimated Number of premises (levy charge)

Operating Hours	Band A Levy charge (299)	Band B Levy charge (768)	Band C Levy charge (1259)	Band D Levy charge (1365)	Band D Multiplier Levy charge (2730)	Band E Levy charge (1493)	Band E Multiplier Levy charge (4440)
Midnight – 1.00am	12 (3588)	96 (73,728)	28 (35,252)	4 (5,460)	-	14 (20,902)	1(4,440)
1.00am - 2.00am	8 (2,392)	79 (60,672)	15 (18,885)	3 (4,095)	-	7 (10,451)	1 (4,440)
2.00am - 3.00am	-	21 (16,128)	10 (12,590)		-	1 (1,493)	-
3.00am - 4.00am	3 (897)	9 (6,912)	1 (1259)	-	-	-	-
4.00am – 5.00am	-	2 (1,536)	2 (2,518)	-	-	-	-
5.00am – 6.00am	-	-	1 (1,259)	-	-	-	-
24 hours	14 (4,186)	12 (9,216)	2 (2,518)	-	-	3 (4,479)	-

The multiplier applies to premises in rateable value Band D and E that primarily or exclusively sell alcohol

Total Levy income: dependent of commencement of levy hour

Commencement of Levy period	Estimated levy income (£)
Midnight – 1.00am	445,496
1.00am - 2.00am	163,169
2.00am -3.00am	64,991
3.00am -4.00am	34,780
4.00am – 5.00am	25,712
5.00am – 6.00am	21,658

Appendix Two

Increase of licence fee per rateable band

Rateable Band	Annual Fee (£)	Levy Charge (£)	Total Annual Fee with Levy charge (£)	Number of premises affected if levy commences at midnight
A	100	299	399	37
B	190	768	958	219
C	315	1,259	1,574	59
D	450	1,365	1,815	7
D with multiplier	900	2,730	3,630	0
E	635	1,493	2,128	25
E with multiplier	1905	4,440	6,345	2

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Appendix Three	A Band A	B Band B	C Band C	D Band D	E Band E	Multiplier	Band E (with multiplier)
Art Gallery/Arts Venue/Museum/		2			1		
1am - 2am		1			1		
Midnight - 1am		1					
Auction/Sale Rooms/Internet sa		1					
24 hours		1					
Bowling Alley		1					
Midnight - 1am		1					
Brewery			1				
Midnight - 1am			1				
Conference/function rooms					2		
1am - 2am					1		
Midnight - 1am					1		
Disco/Night Club/Comedy Club		2	3				
2am - 3am			1				
3am - 4am		1	1				
4am - 5am		1					
5am - 6am			1				
Finance Service Industry offic					1		
24 hours					1		
Fish Products Manufacturer			1				
Midnight - 1am			1				
Hospitality			1				
Midnight - 1am			1				
Hostel - purpose built	1						
1am - 2am	1						
Members/Social Club	1		3				
2am - 3am			2				
Midnight - 1am	1		1				
Mini-Market/Grocer	3	33	4				
1am - 2am		14	1				
24 hours	1	6	2				
2am - 3am		1					
3am - 4am	1						

Midnight - 1am	1	12	1			
Newsagent/Sweet Shop/Tobacconi		4				
Midnight - 1am		4				
Off Licence/Wine Merchants	1	9				
1am - 2am	1	1				
24 hours		4				
2am - 3am		1				
3am - 4am		1				
Midnight - 1am		2				
Premise for hire - various eve		1	5		2	
1am - 2am		1	3			
Midnight - 1am			1		2	
Public House/Wine Bar-catering		54	19	5	6	1
1am - 2am		14	3	1	2	
24 hours		1				
2am - 3am		9	2		1	
3am - 4am		1				
4am - 5am			1			
Midnight - 1am		29	13	4	3	1
Public House/Wine Bar-no cate	1	3	2			
1am - 2am		1				
2am - 3am			1			
4am - 5am			1			
Midnight - 1am	1	2				
Restaurant/Cafe	7	76	19		9	1
1am - 2am	2	35	8		3	1
2am - 3am		5	4			
3am - 4am		3				
4am - 5am		1				
Midnight - 1am	5	31	7		6	
Ship/boat	21					
1am - 2am	4					
24 hours	13					

3am - 4am	1				
Midnight - 1am	3				
Shopping Area Common Parts					1
Midnight - 1am					1
Sports Club			1		
Midnight - 1am			1		
Supermarket / Hypermarket		1			3
1am - 2am		1			
24 hours					2
Midnight - 1am					1
Takeaway Food	3	32	1		
1am - 2am		11			
2am - 3am		5			
3am - 4am	1	3			
Midnight - 1am	2	13	1		
Youth Club		1			
Midnight - 1am		1			

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Appendix Four – Crime Data against time periods

Crime Records where there is either feature codes that indicate the crime is alcohol related or the venue code is included in the "licensed" description. For the London Borough of Tower Hamlets, recorded between the 1st April 2014 - 31st March 2015.

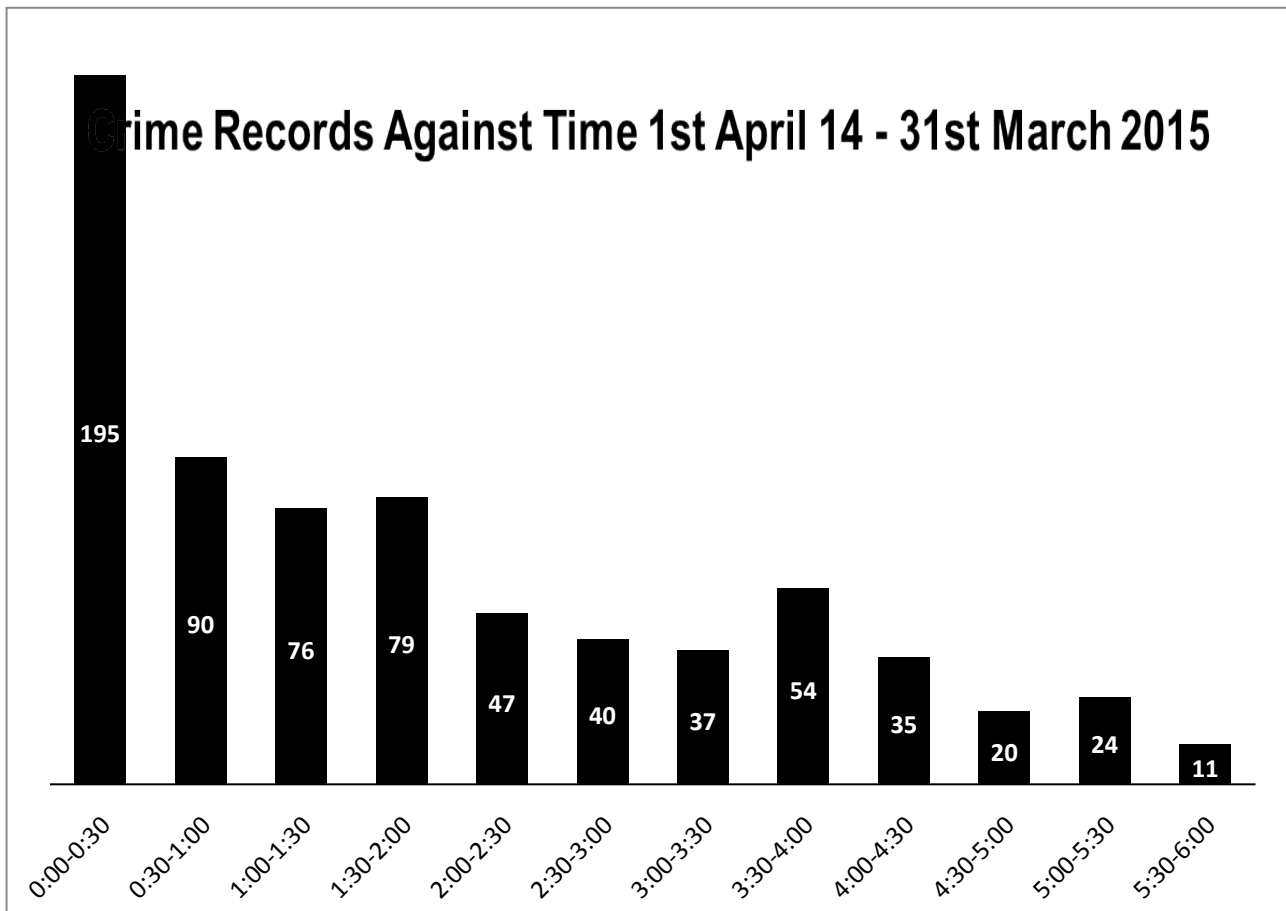
The data has been extracted in two ways;

1st - Where there is present on the CRIS record at least one of the following feature codes;

- Alcohol consumed at scene by suspect/accused
- Suspect/Accused had been drinking prior to committing offence
- Victim had been drinking prior to the offence

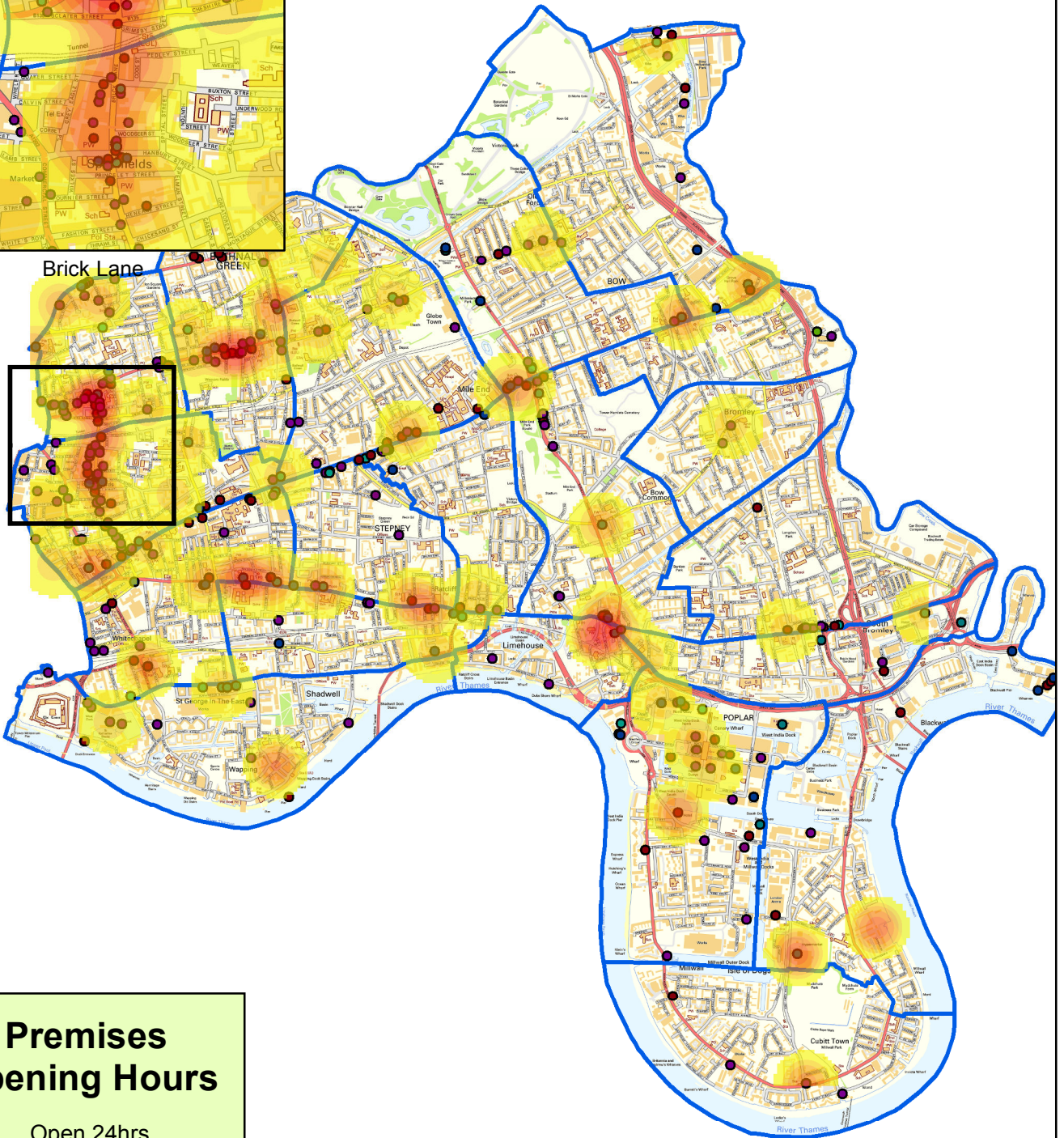
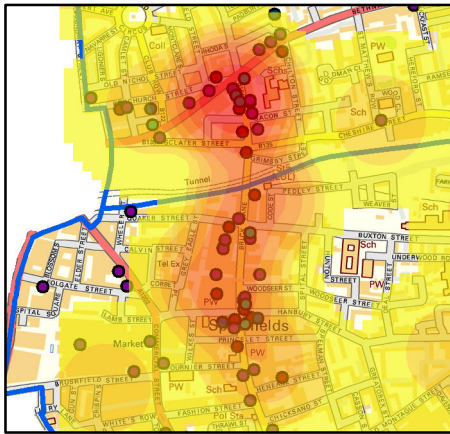
2nd - Where there is present on the CRIS record at least one of the following location codes;

- Public House
- Off Licence
- Wine Bar/Bistro
- Licensed Club (e.g. drinking/night/gambling club)
- Restaurants
- Cafes
- Pawnbrokers
- Take-Away Premises
- Other Licensed Premises
- Hotel/Guesthouse



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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 12am and 1am



Premises Opening Hours

- Open 24hrs
- Closing 12am-1am
- Closing 1am-2am
- Closing 2am-3am
- Closing 3am-4am
- Closing 4am-5am
- Closing 5am-6am

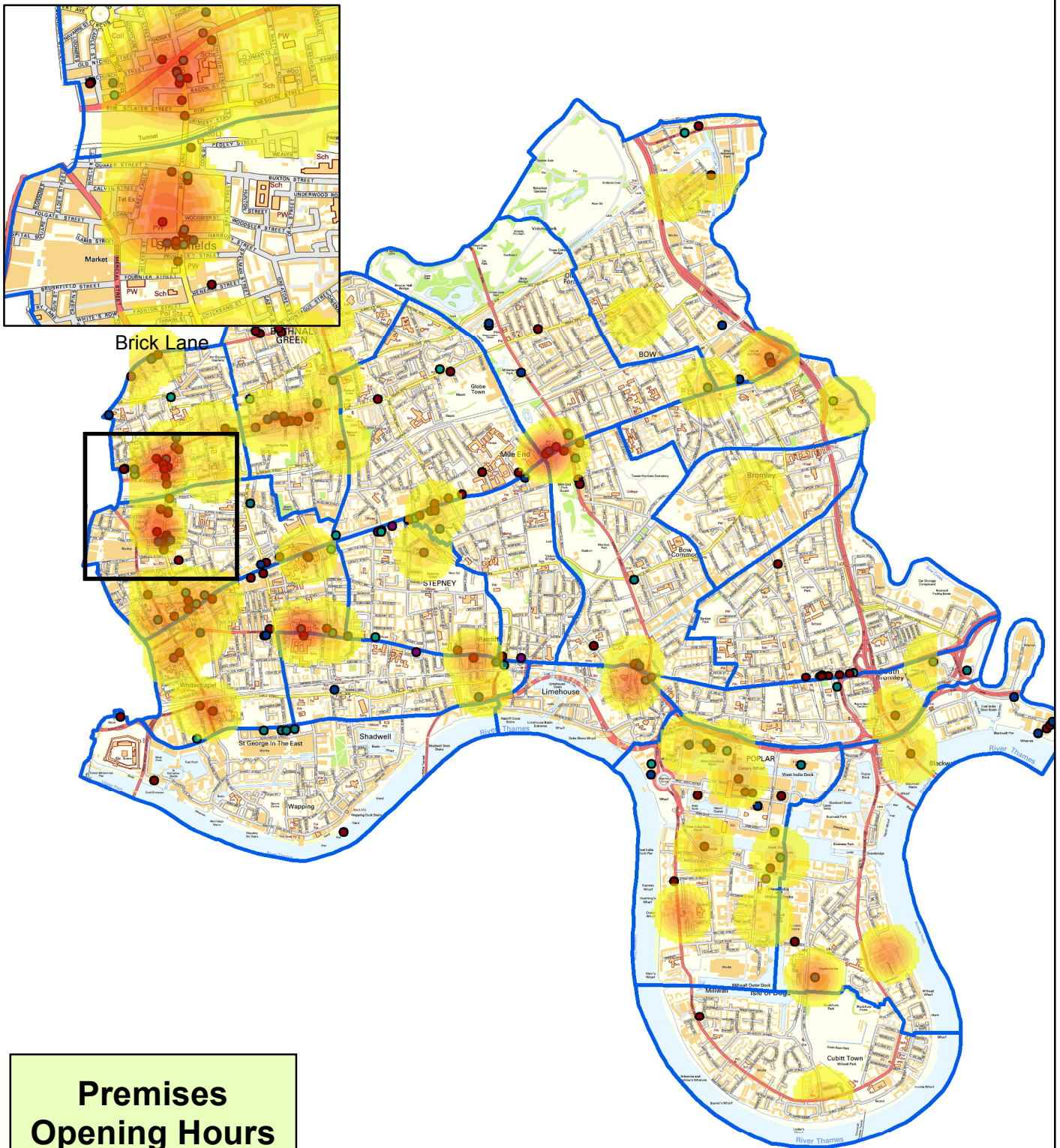
Between September 2014 and August 2015 there has been 155 incidents reported to the Council or the Police relating to a licensed premises between the hours of midnight and 1am. There has been a 19% increase in reported incidents compared to the same period in 2013 - 2014.

Brick Lane has the largest concentration of incidents with a total of 25 incidents which equates to 16%.

The premises with the most incidents between this period is the Urban Bar located on Three Colt Street which has 9 incidents (5%)

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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 1am and 2am



Premises Opening Hours

- Open 24hrs
- Closing 1am-2am
- Closing 2am-3am
- Closing 3am-4am
- Closing 4am-5am
- Closing 5am-6am

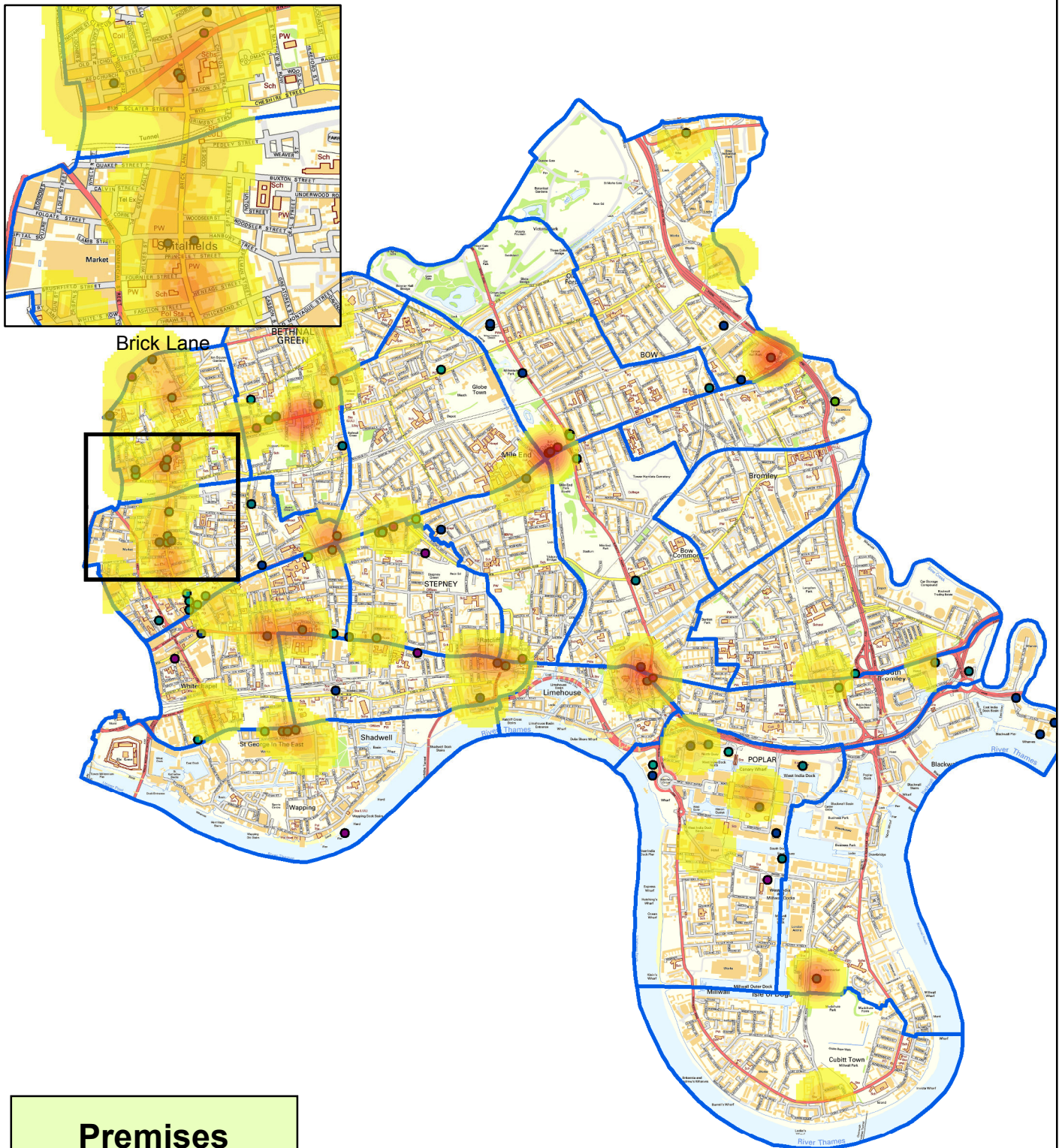
Between September 2014 and August 2015 there has been 132 incidents reported to the Council or the Police relating to a licensed premises between the hours of 1am and 2am. There has been a 41% increase in reported incidents compared to the same period in 2013 - 2014.

Brick Lane has the largest concentration of incidents with a total of 20 incidents which equates to 15%.

12 incidents have occurred between the hours of 1am and 2am at fast food outlets or pubs close to Mile End Station, of which 9 incidents occurred on a Friday/Saturday night.

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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 2am and 3am



Premises Opening Hours

- Open 24hrs
- Closing 2am-3am
- Closing 3am-4am
- Closing 4am-5am
- Closing 5am-6am

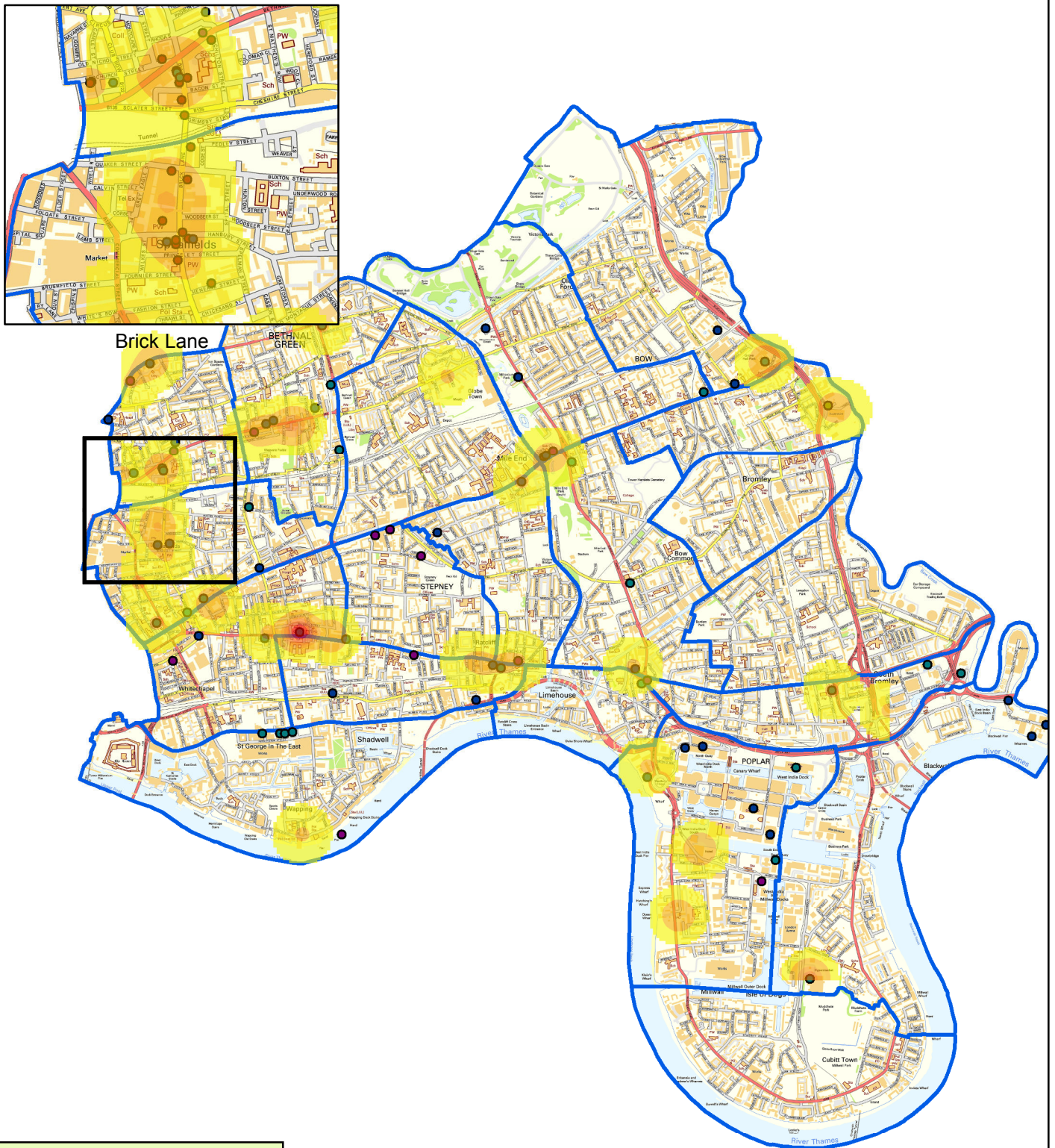
Between September 2014 and August 2015 there have been 79 incidents reported to the Council or the Police relating to a licensed premises between the hours of 2am and 3am. There has been a 12% reduction in reported incidents compared to the same period in 2013 - 2014.

Brick Lane has the largest concentration of incidents with a total of 8 incidents which equates to 10%.

7 incidents have occurred between the hours of 2am and 3am at fast food outlets or pubs close to Mile End Station. There has also been 7 incidents reported at premises' which supply alcohol in the Three Colt Street area

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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 3am and 4am



Premises Opening Hours

- Open 24hrs
- Closing 3am-4am
- Closing 4am-5am
- Closing 5am-6am

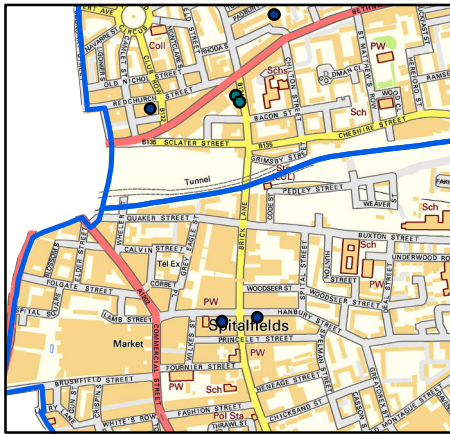
Between September 2014 and August 2015 there have been 54 incidents reported to the Council or the Police relating to a licensed premises between the hours of 3am and 4am. There has been a 12% reduction in reported incidents compared to the same period in 2013 - 2014.

Brick Lane has the largest concentration of incidents with a total of 7 incidents which equates to 12%.

The premises with the most number of incidents is McDonalds on Commercial Road with 6 incidents

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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 4am and 5am



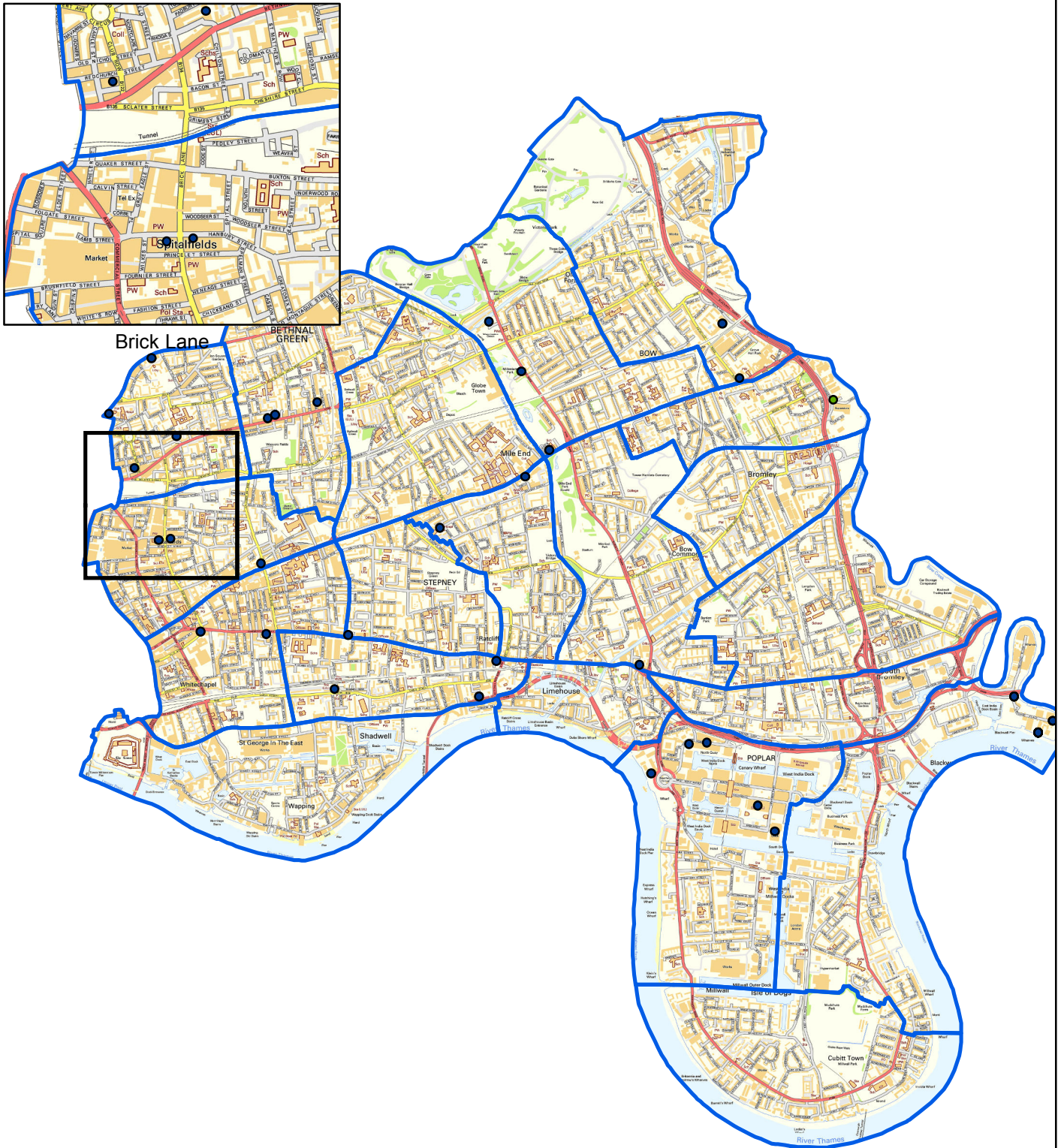
Premises Opening Hours

- Open 24hrs
- Closing 4am-5am
- Closing 5am-6am

Between September 2014 and August 2015 there has been 45 incidents reported to the Council or Police relating to a licensed premises between the hours of 4am to 5am . Due to an insufficient number of incidents it is not appropriate to produce a hotspot map.

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Sep 14 to Aug 15 ASB/crime hotspot map for licensed premises between 5am and 6am



Between September 2014 and August 2015 there has been 42 incidents reported to the Council or Police relating to a licensed premises between the hours of 5am to 6am. Due to an insufficient number of incidents it is not appropriate to produce a hotspot map.

Premises Opening Hours

- Open 24hrs
- Closing 5am-6am

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Appendix Six : Numbers of Crime Types

Offence	Total
Personal Injury Collision	1
ABH	78
Administering Poison to Injure	1
Affray	5
Arson-Oth Prop-No Danger to Life	1
Assault On Constable	4
Att. Burglary in a Dwelling.	1
Att. Burglary Non Dwelling	1
Attempt Rape of Female 16 or over	1
Breach of Harassment Injunction	1
Burglary in a Dwelling.	5
Burglary Non Dwelling	20
Common Assault	77
Communications Act Offences	2
Course Of Conduct - Stalking	2
Crim Dam Dwelling - £500 to £5000	1
Crim Dam Dwelling - under £500	9
Crim Dam Other Building < £500	18
Crim Dam to M/Veh - £500 to £5000	3
Crim Dam to M/Veh - under £500	9
Crim Dam-Other Prop £500 to £5000	3
Crim Dam-Other Prop under £500	12
CrimDam-Other Building £500-£5000	2
Dangerous Driving	1
Domestic Incident	75
GBH with Intent	14
GBH/Serious Wounding	56
Harassment	7
Having Blade or Point in Public	4
Interference with Motor Vehicles	1
Kidnapping	1
Making Off Without Payment	4
Murder	1

Appendix Six : Numbers of Crime Types

Non Crime Fraud - Action Fraud	2
Outraging Public Decency	1
Poss. Crack with Intent to Supply	1
Possess W/Intent Class a Heroin	1
Possession of Cannabis	11
Possession of Class a - Cocaine	7
Possession of Class a - Heroin	1
Possession of Class a - Mdma etc	2
Public Order Offence S4 Poa 86	8
Public Order Offence S4A Poa 86	4
Public Order Offence S5 Poa 86	6
Racial/Religious GBH/Wound	1
Racially/religious Agg ABH	2
Racially/religious Agg Assault	3
Racially/religious Agg fear of V	1
Racially/religious Agg harassment	4
Rape - Female under 13 by a Male	1
Rape of a Male Aged 16 or over	2
Rape of Female Aged 16 and over	12
Religiously Agg Harassment	1
Resist/Obstruct Constables	1
Robbery of Business Property	1
Robbery of Personal Property	53
Send letters etc. cause distress	1
Serious Personal Injury Collision	2
Sexual Assault Female under 13	1
Sexual Assault On a Female	9
Sexual Assault On a Male	1
Shoplifting Value under £200	1
Theft by an Employee	2
Theft from Motor Vehicles	2

Appendix Six : Numbers of Crime Types

Theft From The Person of Another	78
Theft in a Dwelling	9
Theft Not Classified Elsewhere	116
Theft of Pedal Cycles	2
Threat to Commit Criminal Damage	2
Grand Total	773

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Appendix Seven
Late Night Levy – proposed consultation

Guidance on the consultation and your responses to this licensing review

The consultation covers the introduction of a late night levy
At the end of each section, there are questions on which we are seeking your comments
The closing date for responses will be the 2nd May 2016

How to respond

There are a number of ways you can respond the consultation –
Responses can be made either:

By email to: licensing@towerhamlets.gov.uk

By post to: Environmental Health & Trading Standards,
London Borough of Tower Hamlets
Town Hall
Clove Crescent
London
E14 1BY

Or by completing the online form which can be found at on the Councils website

Freedom of information statement

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (such as the Freedom of Information Act 2000 and the Data Protection Act 1998 (DPA)). If you want information that you provide to be treated as confidential, please explain to us why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. We will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.

Late night Levy

Background Information

The purpose of the Levy is to assist Councils and the police manage and improve the night time economy. The money can be used for a range of things and can be given to other agencies where they can assist in the reduction of crime and disorder or improve the night time economy.

This is a discretionary power for Councils to require a fee from premises that sell alcohol between midnight and 6am. The council can decide what times the levy will operate (e.g. the levy could be imposed on premises that operate between midnight and 6am).

If introduced, the levy will apply to any licensed premises that sells alcohol that operates within the set times of the levy. The Council does not have the power to limit the levy to certain parts of the Borough.

It would apply to alcohol sales on or off premises.

The Council must consider the desirability of introducing a levy in relation to the costs of policing and other arrangements for the reduction of prevention of crime and disorder, in connection with the supply of alcohol consumption between midnight and 6am.

How can the money be used?

The net levy revenue must be split between the Council (30%) and the Mayor's Office for Policing and Crime, however, it is proposed that the levy is allocated to Tower Hamlets through the current Community Safety Partnership.

How much will licensees pay?

The levy is dependent on the rateable value of the premises and the levy amounts are set by the Government.

Table 1: Cost of Levy to each Rateable value

Rateable Value		Annual Levy	Cost per week
Band A	Nil - £4,300	£299	£5.75
Band B	£4,301-£33,000	£768	£14.76
Band C	£33,001-£87,000	£1,259	£24.21
Band D	£87,001-£125,000	£1,365 * (£2,730)	£26.25 (£52.50)
Band E	£125,001 and above	£1,493 * (£4,440)	£28.71 (£85.38)

*Those that are band D or E where the main use is the sale for consumption on the premises will pay an additional fee.

Most premises in Tower Hamlets are rated as band B or C.

Every licensed premise, with the ability to open between the times set by the Council, will have to pay the levy. The Council has discretion to either exempt or allow a reduction in the amount of levy in some specific cases. This consultation lists all the possible exemptions and reductions and explains the current proposal and whether they will be used.

How much money will the late night levy raise?

The final amount is difficult to estimate but will depend on:

- What time the levy will start (midnight or 1am or later?)
- How many premises will be open during the late night period
- Which exemptions and reductions will be applied by the council

Due to the number of potential exemptions or reductions and the trade amending their operating hours, it is difficult to provide an exact income if the levy is introduced. Theoretically it may range from £20,000 to £450,000 per year subject to all of these variables.

Will there be a transition period and when will it start?

The levy must be approved by the Council who will agree when it should start and any transition periods.

Any licensee who wishes to amend their license and reduce the operating hours to before the time set for the levy can do so via a free minor variation. We propose a 3 month period for these free variations will be provided.

How will the levy be collected?

The Council will collect the levy at the same time as the licence annual fee

What happens if a licence doesn't pay?

The money can be recovered as a civil debt, but it would also result in the premises licence being suspended; this scenario would mean that the business could not operate until the levy has been paid.

Will the need for the levy be reviewed?

All aspects of the levy will be reconsidered at least every five years to ensure that the policies are still appropriate

LATE NIGHT LEVY CONSULTATION

USE OF THE LEVY MONEY

The Council can recover all costs associated with the administration of the levy system. These are the costs that the Council incurs with the introduction or variation, administration, collection and enforcement of the levy.

The amount left over (the net levy revenue) must be split between the Council and the Mayor's Office of Policing and Crime (MOPAC) but MOPAC must receive at least 70%.

The Council is restricted as to what it can use the funds for; it must be used to fund services that it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy.

Proposal

It is proposed that the net amount collected is initially allocated on the 70/30 split, but it is to be held in a central trading account. The allocation of this funding is then managed by the Community Safety Partnership. This team has responsibility for liaison with the both public and voluntary sector on community safety issues, which will provide transparency and will allow greater flexibility in the use of the funds from year to year.

How will the money be spent?

We wish to seek views on the use of levy funds. Possible ideas that could be considered by the Partnership include:

- Taxi Marshalls
- Street Pastors
- Street Cleaning
- Enforcement Initiatives – Night time enforcement officers
- Personal Safety Initiatives
- Health Care Facilities
- Additional Police or private security
- Financial support could be provided to assist schemes that promote improved management of licenced premises, such as Best Bar None or Pub watch

THE LATE NIGHT SUPPLY PERIOD

The late night supply period must begin at or after midnight, and end at or before 6am. Only premises that are authorised to sell or supply alcohol within that period are subject to the levy. Within those parameters, the council has the discretion to actually set the period, but it must be the same every day.

Proposal

The Council proposes to set the late-night supply period to run from midnight to 6am. It is considered that all premises opening during this impact on the need for additional resources to address the consequences of the late night economy and so should contribute to the costs incurred by the Police and the Council.

EXEMPTIONS FROM THE LEVY

There may be some premises which the Council feels should not have to pay the levy. The categories of premises that can be exempt are set in regulations.

The following premises may be allowed an exemption:

Premises with overnight accommodation

This exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight

Proposal

EXEMPT: It is not considered that these premises contribute significantly to the detrimental effects of the late night economy.

Theatres and cinemas

This exemption applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose.

Proposal

EXEMPT: It is not considered that these premises will contribute significantly to the detrimental effects of the late night economy

Bingo Halls

These premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity.

Proposal

EXEMPT: It is not considered that these premises will contribute significantly to the detrimental effects of the late night economy.

Community Amateur Sports Club

These are clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates.

Proposal

EXEMPT: The type of premises covered by CASC range from table tennis, cricket to rugby. Overall it is not considered that these premises will contribute significantly to the problems of the late night economy and their exemption will have minimal impact on the levy.

Community Premises

These are premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings.

Proposal

EXEMPT: It is not considered that these premises will contribute significantly to the detrimental effects of the late night economy.

Country Village Pubs

These pubs are solely designated in rural settlements, with a population less than 3000

Proposal

EXEMPT: Currently, we do not believe there are any such premises within Tower Hamlets

Business Improvement Districts (BIDS)

These premises are within a BID, which are subject to the BID levy and where the purpose for which the BID arrangements were established, included purposes which are likely to result in the reduction or prevention of crime and disorder in relation to the supply of alcohol between midnight and 6am

Proposal

EXEMPT: There are currently no BID in Tower Hamlets

New Year’s Eve

Relating to premises which are authorised to sell alcohol between midnight and 6am, ONLY on New Year’s Day.

Proposal

EXEMPT: The operation of licensed premises beyond midnight on only one day in each year will have minimal impact on the overall operation and costs of the late night economy. If there is no exemption, licensed premises will need to apply for a temporary event notice, which will not attract any levy and will add administrative burdens on businesses and the Council to process these applications.

Reductions from the levy

The council can allow a 30% reduction of the levy for two types of premises; there can only be one reduction even for premises that fall within both categories.

Small business rate relief

A reduction can be granted in respect of premises that only supply alcohol for consumption on the premises, where the rateable value is £12000 or less, and which receive Small Business Rate Relief.

Proposal

NOT TO PROVIDE A REDUCTION: These premises receive business rate relief to assist in their viability; however, if they operate in the late night period, there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Due to their size they are more likely to be liable to the lower levy amounts.

Members of business-led best practice schemes

A reduction can be granted in respect of premises that participate in business led best practice schemes, such as The Best Bar None scheme. In this way, the levy can be used to promote and support participation in such schemes. The scheme has to comply with benchmarks specified in regulations and statutory guidance.

Proposal

CONDITIONAL REDUCTION: for The Best Bar None scheme, that raise standards will be beneficial to the management of the late night economy. It is essential that any scheme has robust and stringent standards with disciplinary mechanisms to remove non-compliant businesses.

HOW AND WHEN WOULD WE INTRODUCE THE LATE NIGHT LEVY?

It is proposed that licenses are given 3 months to apply for their free minor variation to reduce licensed hours to avoid late night levy.

In order to allow for the consultation, adoption and transition process to be followed it is considered that the earliest date for implementation would be XXXXXX

Consultation Form

**We would like your views on the following
The late night levy consultation**

Do you believe it is appropriate for the council to introduce the levy?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you agree the Levy should start at midnight?, if not at what time	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Do you agree with the proposed exemption and reductions?

Premises with overnight accommodation? Proposal: EXEMPT, if alcohol is sold to overnight guests only	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Theatre and cinemas Proposals: EXEMPT, if alcohol is sold to ticket holders to events only	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bingo Halls Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community Amateur Sports Club Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Community Premises Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Country Village Pubs Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Business Improvement Districts (BIDs) Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
New Year's Eve Proposal: EXEMPT	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Small Business Rate Relief Proposal: NOT TO PROVIDE A REDUCTION	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Members of Business-led Best Practice Schemes Proposal: CONDITIONAL REDUCTION FOR BEST BAR NONE SCHEME	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Do you have any comments or suggestions not already covered?

How do you propose the levy is target on the following areas?

- Reduction or prevention of crime and disorder Yes No
- Promotion of public safety Yes No
- Reduction or prevention of public nuisance Yes No
- Cleaning of any relevant highway or relevant land Yes No

Are you:

- A licensed business with a licence to all alcohol from midnight – 6am
- A licensed business with a licence that does not permit the sale of alcohol between midnight – 6am
- A non-licenced business
- A member of the public
- Tower Hamlets Resident
- Non TH resident


Type of Business:

- Restaurant
- Pub/bar
- Retailer
- Fast Food outlet
- Other

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Appendix Eight – Equalities Impact Assessment

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of ‘proposal’ and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Late Night Levy (LNL)
Directorate / Service	CLC/ Consumer and Business Regulation
Lead Officer	David Tolley, Head of Consumer and Business Regulation
Signed Off By (inc date)	Andy Bamber, Service Head, Safer Communities
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">  </div> <div> <p>Proceed with implementation</p> <p>As a result of performing the QA checklist, the proposal does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> <p>This proposal is to ask the decision-making body to consider whether a Late Night Levy (LNL) should be proposed in the Borough. Once it is decided that the adoption of a LNL is to be considered, further data will be collected and a consultation process will be held.</p> </div> </div>

Page 57

		Yes /	Comment (If the answer is no/unsure, please ask
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Stage	Checklist Area / Question	No / Unsure	the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	<p>The Council can agree to impose an additional financial levy on licensed premises that retail alcohol within the Borough, to pay for managing the night time economy. This report asks to consider whether a Late Night Levy (LNL) should be applied to those premises in the Borough that sell alcohol between a selected period of midnight and 6.00am. The decision-making body is asked to:</p> <ul style="list-style-type: none"> • Note the adoptive powers under the Police Reform and Social Responsibility Act 2011 • Consider and comment on whether the Council should consult on the adoption of the powers for introducing a late night levy • Consider and comment on the parameters for the levy • Comment on the proposal to commit the funding to Night-time Enforcement Officers. <p>If a consultation is to take place the following matters need to be determined:</p> <ul style="list-style-type: none"> - When the levy shall be applied between midnight and 6.00am - To agree to consult with the Mayor's Office for Policing and Crime (MOPAC) for the introduction of a levy on how the levy will be allocated - To determine any exemptions or reductions that may be applied to businesses - To consider how the extra income for the LNL will be allocated within the Licensing Team. <p>The aim of LNL is to empower local authorities to charge</p>

			<p>businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. The levy fee is set by Government and is determined by the rateable value of the property where the alcohol sales take place. The fee is split between the Metropolitan Police and Local Authority on a 70:30 basis. This levy enables the Local Authority to raise a contribution from late opening alcohol suppliers towards policing the night-time economy. Based on the current number of premises opening between midnight and 6am, and using midnight as the point the levy commences, the additional income would be in the region of £306,500.</p> <p>The local authority must allocate their proportion of the net levy amount on the following activities:</p> <ul style="list-style-type: none"> - Reduction or prevention of crime and disorder - Promotion of public safety - Reduction or prevention of public nuisance - Cleaning of any relevant highway or relevant land in its area. <p>If the local authority chooses to introduce the levy in their area, all licensed premises which are authorised to sell alcohol within the levy period will be able to make a free minor variation to their licence before the levy is introduced, so as to avoid the levy.</p>
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p><u>Improvement of safety and public realm</u> LNL is to enable the Council to better respond to the safety and street-cleaning requirements generated by the night-time economy. The levy must cover the whole of the licensing authorities' area. If this is introduced, responding to the requirements generated by the night-time economy will be better resourced and the neighbourhoods will be safer and</p>

cleaner. This will benefit residents, especially those who live in the vicinity of the areas having strong night-time economy. Data of the 2011 Census and other ONS data provide the equalities profile of the residents.

There is no data on protected characteristics of customers who buy alcohol during the midnight and 6am. However, some data (e.g. London ambulance alcohol-related calls and enforcement data on street drinking perpetrators) may inform the impact of this proposal on customers.

Licensed premises

All licensed premises that are permitted alcohol for the times when the levy will apply (between midnight and 6am) will be charged for late night opening. These licensed premises will be allowed to make a free minor variation to their licence and avoid the levy, before the levy is introduced.

The majority of the license holders are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business database has been reviewed by D&R that have corporate lead responsibility for Business related data.


Consultation, which is required to be held prior to the introduction of levy, may help identify the profile of the affected businesses.

Consultation

If this proposal is agreed, the Council must consult before the introduction of the levy. The consultation will be published online and in a local newspaper. Details of the proposal need to be sent to MOPAC, the relevant chief officer of the police

			and all licensed premises that are permitted alcohol for the times when the levy will apply.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	Appendix four shows crime and alcohol related calls. Appendix 5 a-f shows ASB/crime hotspot map for licensed premises of each hour between midnight and 6am. If the proposal is agreed by Cabinet, the Council will consult the stakeholders before the introduction of the levy.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	Appendix One identifies the number of premises that would be affected by the proposal and estimates the total levy income depending on commencement of levy hour. The impact of the night-time economy on the community has been widely researched. For example, GLA and Camden Council published 'Camden Town Night Time Economy Research' in 2004. Locally, the service has researched and analysed the issue for a number of years. For example, the Cumulative Impact Policy – Brick Lane Area report submitted to Council in July 2013 includes the impact of the night-time economy on the community.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	If the Council agree the proposal, a consultation process will be held.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Consultation is required to be held prior to the introduction of the levy.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	As above, performance indicator data including London ambulance alcohol-related calls, the enforcement data on street drinking perpetrators and ARS may inform the impact of this proposal.
b	Is there a clear understanding of the way in which	Yes	As above, the majority of the license holders are companies,

	proposals applied in the same way can have unequal impact on different groups?		who may be owned by people in different equality strands from those who operate the business premises in the Borough. Although the technical implications in developing an equalities strand of the Council's business database has been reviewed by D&R, a consultation process may identify unequal impact on different groups of affected businesses.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	Yes	This proposal will be submitted to the various decision-making bodies.
b	Have alternative options been explored	Yes	'Do nothing' option has been considered.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	It will be considered by the various decision-making bodies.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	If this proposal is agreed and implemented, relevant performance indicators will be monitored to identify the impact of this proposal.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	

Non-Executive Report of the: Licensing Committee 08 March 2016	
Report of: Service Head - Legal Services	Classification: [Unrestricted]
Update in relation to Prosecutions and Appeals- Quarter 3 2015/2016	

Originating Officer(s)	Agnes Adrien, Team Leader – Enforcement & Litigation
Wards affected	All wards

Summary

- 1.1 At its meeting on 4th June 2013, the Licensing Committee requested that regular reports should be prepared for the Licensing Committee giving details of licensing enforcement activity and specifically as to outcomes of prosecutions and appeals.
- 1.2 This report provides details of completed licensing related prosecutions and appeals for Quarter 3 2015/2016 (October to December).

Recommendations:

The Licensing Committee is recommended to:

- 1. Consider and comment upon the information provided in the report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 N/A

3. DETAILS OF REPORT

- 3.1 The London Borough of Tower Hamlets is a Licensing Authority and amongst its functions it is required to ensure compliance with conditions imposed on Premises Licences; take action against unlicensed premises; and act as a respondent on Appeals against decisions of the Licensing Sub-committee in respect of applications that come before it.

3.2 Where the Licensing Authority takes enforcement action to ensure compliance with conditions etc. then it does so in accordance with the Council's Enforcement Policy. The Enforcement Policy provides that the Council's approach to enforcement is founded on firm but fair regulation, around the principles of:

- raising awareness of the law and its requirements
- proportionality in applying the law and securing compliance
- consistency of approach
- transparency about the actions of the Council and its officers
- targeting of enforcement action.

3.3 Further, as a Licensing Authority the Council has a duty under section 4 of the Licensing Act 2003 to carry out its Licensing functions with a view to promoting the Licensing Objectives and in carrying out such functions must also have regard to its own statement of licensing policy and the Licensing Guidance issued pursuant to section 182 of the Licensing Act 2003.

Prosecutions

3.4 In Quarter 3, 2015/2016, no prosecutions were issued.

Appeals

3.4 During quarter 3, 2015/2016, two (2) appeals were concluded.

The outcome of the appeals are set out below:

No	Outcome
1	Consent Order agreed. Appeal allowed. Staff who come into contact with members of the public shall receive conflict training within one month of their employment commencing. A record of the training should be maintained and access should be made available to the licensing authority on reasonable request. Each party to bear their own costs.
2	Appeal allowed. Removal of the sale by retail of alcohol as a licensable activity and the associated conditions. No alcohol or tobacco to be purchased from sellers calling at the premises. All receipts for goods bought in connection with the premises shall include the sellers name, address, company details and VAT details (if applicable) All staff to be trained in relation to the conditions in force under the licence. Training records to be made available to the police and licensing authority upon reasonable request. The Appellant to pay the Authority's costs of £3345.00

The appeals were in respect of 2 reviews.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report describes the Council's licensing enforcement activity and the outcomes of prosecutions and appeals for Quarter 3 2015/2016.
- 4.2 There are no financial implications arising from the recommendations in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report. The costs in relation to appeal 1 will be met from existing resources.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2 The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3 The exercise of the Council's various enforcement functions consistent with the enforcement policy and its principles should also help achieve the following key Community Plan themes-
- A Safe and Cohesive Community. This means a safer place where feel safer, get on better together and difference is not seen as a threat but a core strength of the borough.
 - A Great Place to Live. This reflects the aspiration that Tower Hamlets will be a place where people live in quality affordable housing, located in clean and safe neighbourhoods served by well-connected and easy to access services and community facilities.
 - A Prosperous Community. This encompasses the objective that Tower Hamlets will be a place where everyone, regardless of their background and circumstances, has the aspiration and opportunity to achieve their full potential.

6.4 An equality analysis was conducted prior to approval of the revised enforcement policy by Cabinet on 3 October 2012. A further equality analysis was done on 16th September 2011 in relation to touting prosecutions. It is recognised that Enforcement action may lead to indirect discrimination in limited circumstances but prior to taking any proceedings, an assessment as to whether the case meets the two stages in the Code for Crown Prosecutors is undertaken so that there is both a realistic prospect of a conviction and that it is in the public interest to prosecute. Further, proceedings are kept under review once initiated.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific best value implications arising from this noting report

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment. [

9. RISK MANAGEMENT IMPLICATIONS

9.1 Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to the Council's policies, the Licensing Objectives, the Council's Statement of Licensing Policy and the section 182 guidance will ensure that risks are properly managed. .

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 One (1) of the four (4) Licensing Objectives is Crime and Disorder and enforcement promotes that Licensing Objective. Enforcement will also play its part in helping to drive down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)**List of “Background Papers” used in the preparation of this report**

- None

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