

<p>Non-Executive Report of the:</p> <p><b>Licensing Committee</b></p> <p><b>31<sup>st</sup> May 2022</b></p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> David Tolley Head of Environmental Health and Trading Standards</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Late Night Levy: Annual Review</b></p>	

<b>Originating Officer(s)</b>	Tom Lewis Team Leader of Licensing and Safety
<b>Wards affected</b>	All wards

## 1. Executive Summary

- 1.1 The London Borough of Tower Hamlets (“the Council”) adopted the Late Night Levy (“the Levy”), which came into effect on 1<sup>st</sup> January 2018. From that date, any licence holder (Premises Licence and/or Club Premises Certificate) permitted to sell (or supply in the case of Club Premises Certificates) alcohol between 00:00 hours (midnight) and 06:00 hours (6am) is required to pay the Levy. All income raised by the Levy must fund activities and resources which benefit the late-night economy.
- 1.2 The legislation governing the Levy requires that 70% of the revenue must be paid to the Police and the council may retain 30% of the revenue. However, during the consultation for the decision to adopt the Levy, the Council obtained an agreement with the Deputy Mayor for Police and Crime (MOPAC) that all of the revenue raised by the Levy could be retained by the Council and that the decision of how to spend the revenue would be made through the Community Safety Partnership (CSP).
- 1.3 Section 130(5)(b) of the Police Reform and Social Responsibility Act 2011 requires that the licensing authority must publish an end of year statement of its estimate of the amount for deductions permitted for relevant expenses. This report is to outline what initiatives the Levy revenue has funded and the achievements of these initiatives.

## 2. Recommendations:

The Licensing Committee is recommended to:

- 2.1 Note the work achieved via the Levy revenue, the income received and the expenditure and to make any comments for consideration.

### **3. REASONS FOR THE DECISIONS**

3.1 This is a noting report to outline the annual report for 2021/22 of income received, expenditure and initiatives funded by the Levy.

### **4. ALTERNATIVE OPTIONS**

4.1 This is a noting report.

### **5. DETAILS OF THE REPORT**

5.1 The levy charge is set by Central Government and is based on the rateable value of the premises. See table below for charges.

Rateable Value	Annual Levy
Band A (Nil - £4,300)	£299
Band B (£4,301-£33,000)	£768
Band C (£33,001-£87,000)	£1,259
Band D (£87,001-£125,000)	£1,365* (£2,730)
Band E (£125,001 and above)	£1,493* (£4,440)

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

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

5.3 The Levy is payable at the same time as the annual licence fee is due, which falls annually from the date the premises licence was first granted.

5.4 During the transitional period for the Levy, the Council offered a cost-free minor variation to all licensed premises that wished to reduce their licensed hours for the sale/supply of alcohol to 00:00 hours or earlier so that they would not be liable to pay the Levy upon its introduction on 1<sup>st</sup> January 2018. This cost-free minor variation was allowed between 25<sup>th</sup> September 2017 and 18<sup>th</sup> December 2017. Any minor variation applications received after this time attracted the statutory fee of £89. As a result of this cost-free minor variation 44 premises reduced their licensable hours for sale/supply of alcohol to 00:00 hours or earlier prior to the Levy coming into force on 1<sup>st</sup> January 2018.

- 5.5 Total Income received by the Levy in Year 4 (2021/22) was £299, 904.17.
- 5.6 The Council is entitled to deduct its administration costs from the introduction and management of the Levy. However, it was decided that Council would waive these costs so that all the revenue could be used to benefit the night-time economy within the borough.
- 5.7 Therefore, the amount that has been deducted from the Levy income for Year 4 is zero.
- 5.8 In year one the Community Safety Partnership (CSP) was presented with a number of costed options for initiatives to be funded by the Levy revenue. Since this time additional initiatives, such as Conflict Awareness Training and Welfare and Vulnerability Engagement (WAVE) Training, have been agreed by CSP. This is shown as the joint committed and actual spend in year 4 (2021/22):

5.9 Committed/actual spend for year 4

- Additional Police Officers on patrol between 23:00 hours and 03:00 hours(Thursday to Saturday) – Actual Spend = Actual Spend = £20,056.52  
\* Annual committed spend was £67,525.
- Additional Police Serials on patrol between 23:00 hours and 07:00 hours Thursday to Saturday), June to end of September, and – (Friday and Saturday), November to 1<sup>st</sup> January – Actual Spend = £51,968.45  
\*Annual committed was £112,502.64
- Street Pastors on patrol between 22:00 hours and 02:00 hours (Friday and Saturday) – Actual Spend was £17,474.48.  
\*Annual committed spend was £64,306.
- Officer to Manage the Late Night Levy – Actual Spend was £47, 976.  
\*Annual committed spend was £50,000.
- Additional street cleansing – Actual Spend was £31,506  
\*Annual committed spend was £50,000.
- Portable Urinal placed in the borough during the evening/night – Actual Spend = £73,217.28  
= £9,035 (Permits to occupy land)
- \*Annual committed spend was £78,000 (toilets hire only)
- Conflict awareness training Licensed Premises - £7,000 (training for maximum of fifty people)  
\*due to the pandemic this has not taken place in 2021/22, therefore will be take place in year 5 (2022/23).

Total committed/actual expenditure on the above Initiatives

Actual = £251,233.73

Committed = £429,333.64

Surplus from Year 3 (this includes any unspent surplus from previous years)  
= £451,778

Surplus from year 4 = £48,670.44

Estimated Surplus into year 5 = £500,448.45

#### 5.10 Effect of the Pandemic

The Coronavirus Pandemic has also meant that certain initiatives were reduced or stopped during parts of 2021/22. These include Street Pastors, Portable Toilets, Additional Street Cleaning, and the Conflict Awareness Training.

Due to the surplus, we increased the initiative for the following:

- Additional Police Serials June to 1<sup>st</sup> January. These are a unit of 6 PC and 1 PS operating 3 days per week in the summer and 2 days per week in the Autumn.

As well as the above we have benchmarked with other London boroughs to review what they are spending their Levy revenue on. This showed a number of other possible initiatives that could be considered, such as:

- Alcohol-free campaign,
- Radio linked scheme for late night venues,
- Additional safety campaigns and training.

These have not been completed for 2021/22 but will be considered for 2022/23.

#### 5.11 Levy Initiatives Roles and Outcomes

#### 5.12 **Additional Police Patrols**

Role:

- Reduction of crime and disorder link to licensed premises.
- Increase public safety.
- Potential reduction in minor crimes due to more police presence.
- Potential decrease in street urination.

5.13 The Additional Police work a shift pattern of 4 Officers (1 Police Sergeant and 3 Police Constables) working 3 nights per week and additional Sunday nights where the Sunday precedes a bank holiday Monday. There is also the addition of four patrols to be tasked as part of quarterly projects, such as operations to tackle Nitrous Oxide sellers outside late night venues.

5.14 The Police Patrols continue to be tasked via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), Community Safety and other Responsible Authorities, e.g., London Fire Brigade.

5.15 In year 4 (2021/22), approximately 104 tasked patrols of the borough were

completed by the additional Police. Their role is to be a uniformed presence on the streets in order to deter crime and disorder and promote a safer night-time economy.

- 5.16 There have been a number of positive outcomes from these additional Police Patrols, such as dispersing raves, dealing with disorder, and drugs. Below are just a few more examples of the positive impact on the late-night economy within the borough:

Additional Police Patrols (23:00 hours to 03:00 hours)

- Street urination identified and evidence gathered resulting in Tower Hamlets Enforcement Officers being able to serve Fixed Penalty Notices (FPNs) for an offence.
- Dealt with a premises for noise and operating beyond permitted hours. Evidence used by Licensing Police in a review of the premises, resulting in the revocation of the licence by the Licensing Sub Committee.
- Multiple Nitrous Oxide sellers disrupted.
- Report from licensed venue of person with knife and hammer outside premises. Police intervened and dealt with person.
- Report from licensed premises of two males causing disorder in the venue. Both males ejected by the venue and police issued ASB warnings to both individuals. Both banned by the venue.
- During Step 2 Coronavirus Business Restrictions Police were called to a premises with 40 people inside having a party. As a result, 13 Coronavirus FPNs were issued.
- Police were successful in calming and bringing to an end a party of 100+ people in a car park.
- Police officers attended an event in Hackney Wick causing issues such as disorder from large crowds and illegally parked vehicles. This enabled Council Officers to engage with the organisers to ensure a repeat does not occur.
- Pennington street patrols - vehicle nearly crashed into police from cutting a junction far too early. Person drove off at speed. Police stopped the vehicle and the driver was arrested for drink driving.
- Officers assisted two females outside a venue who were believed to have been victims of spiking.

Additional Police Serials (23:00 hours to 07:00 hours)

- 5.17 The Serial Police work a shift pattern of 7 Officers (1 Police Sergeant and 6 Police Constables) working 3 nights per week and additional Sunday nights where the Sunday precedes a bank holiday Monday. These Police Serials are also tasked via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), Community Safety and other Responsible Authorities, e.g., London Fire Brigade.
- 5.18 In year 4 (2021/22) approximately 59 tasked patrols of the borough were completed by the Serial Police between June and end of September 2021, and 23 tasked patrols between November 2021 and 1<sup>st</sup> January 2022. These units reduced crime and disorder and promoted a safer night-time economy

largely by being a presence on the street.

5.19 There have been a number of positive outcomes from these Serial Police Patrols, such as dealing with disorder, and drugs, deterring street urination and NOx Sellers. Below are just a few more examples of the positive impact on the late-night economy within the borough:

- Number of actions taken against males found with drugs, including issuing of ASB warnings and arrests.
- They assisted in dealing with and ABH and assault on an emergency worker.
- Assistance in dealing with stabbings in the borough.
- Supported several venues in removing customer who appeared drunk refuse to leave.
- Took lead in dealing with a large gathering (Party) during Coronavirus Business Restrictions. This action closed down the party
- Nitrous Oxide sellers disrupted in various locations, particularly Pennington Street, Brick Lane, and White Post Lane.
- Engaged with licence premises on drink spiking which has increased since some the ending of Coronavirus Restriction.
- Deterring street urination, including providing evidence to Community Safety so that FPNs could be served on individual.
- Deterring street urination.
- Assisted hotel in dealing with a drunk male who was fighting in the hotel. Male was arrested.
- Similar to Standard Unit this Serial dealt with same Premises in Borough for Noise and continuing past licensed hours. Evidence used by Licensing Police in a review of the premises where the licence was revoked by the Licensing Sub Committee.
- Nitrous Oxide sellers caught and ASB warning given.
- Assistance given to Licensed Premises in dealing with a male that refused to leave and was threatening staff. Male was arrested, given an ASB Warning and a PND for Drunk and Disorderly.

## 5.20 Street Pastor Patrols

Role:

- Increase public safety and wellbeing.
- Deter minor crimes due to uniformed presence.
- Deter street urination due to uniformed presence.
- Promote a safe late-night economy.

5.21 The Street Pastor Patrols work a shift pattern of a minimum of 4 Pastors who wear branded high visibility jackets. They are contracted to complete two patrols per week (Friday and Saturday) and are the 'friendly faces on the street'.

5.22 The Street Pastor Patrols are tasked similarly to the police via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards). Also invited are all other Responsible Authorities, e.g., London Fire Brigade.

5.23 Due to the Coronavirus Pandemic the Street Pastors were not able to recommence patrols until 4<sup>th</sup> June 2021. They then completed patrols until the end of their contract on 4<sup>th</sup> January 2022. For Year 4 they completed a total of 24 tasked patrols. Plans are in place to seek a new contract with the Pastors for another 12 to 18 months.

5.24 There have been a number of positive outcomes from Street Pastors Patrols, such as dispersing raves, dealing with disorder, and drugs. Below are just a few more examples of the positive impact on the late-night economy within the borough:

- Supported 3 young, intoxicated females outside cocktail club. They picked up broken glass they had dropped, provided them with water, and helped them find their friends and get home safely.
- Assisted a person found vomiting outside licensed premises in Brick Lane.
- Assisted in providing leaflets on testing as part of the borough response to the Coronavirus pandemic.
- Picked up multiple glass bottles on Brick Lane.
- Provided intelligence on Nitrous Oxide sellers that was used to task LNL Police to those areas.
- Engaged with persons fighting to de-escalate the situation and stop the fight.
- Gave some sanitary products to one man begging on the street
- Engaged with one male who had had his phone stolen and assisted him to report it and call his service provider to block the number.
- Assist an intoxicated young male with directions.
- Supported one young male suffering from chest pains and waited with him for an ambulance to arrive.
- Assisted an inebriated male after falling on the street while crossing the road at an underground station.
- Assisted heavily intoxicated young male who was on the street. On several occasions provided water/thermal blankets/flip flops/lollipops, water, breakfast bar, rain poncho, hat, scarf, pairs of socks, toothbrush, toothpaste, and deodorant to people associated with the late night economy.

#### 5.25 Enhanced Cleaning and Bins

Role:

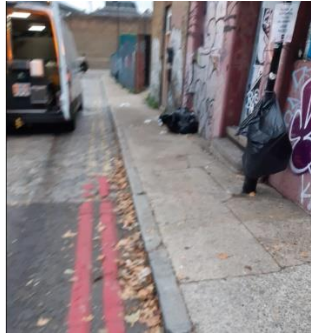
- Enhanced Cleaning of street to reduce impact of night-time economy on day-time economy
- Reduce littering

5.26 Four Big Belly smart solar bins have been purchased. Two of these were placed near Bethnal Green station and on Brick Lane. Two more are due to be put out in other locations of the borough this year (2022/23). The bins are smart bins and have in built compactors to increase the amount of waste they can take before needing to be emptied. These bins are also solar powered and automatically send a message to the collection service when it needs to

be emptied.

5.27 All bins purchased via the Levy have signs on them stating that they have been funded by the licensed trade in Tower Hamlets.

5.28 An enhanced programme of street cleansing across the Borough did not occur in the initial part of 2021/22 due to the Coronavirus Pandemic. However, it recommenced on in the Summer of 2021, and will continue in year 5. Below are some photographs of the cleaning undertaking in year 4.

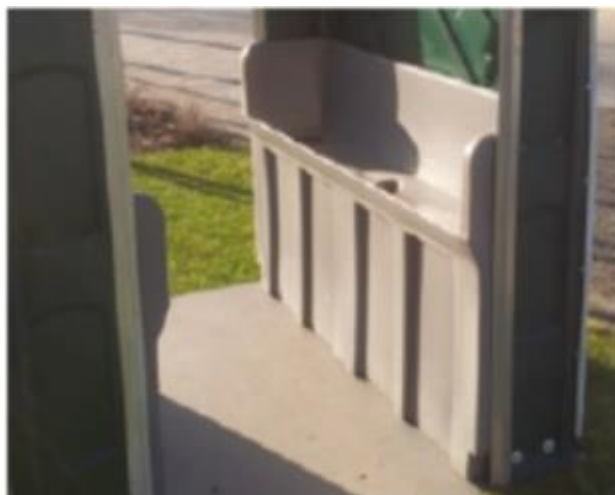


### 5.29 Portable Urinal

Role:

- Discourage street urination in the borough.

5.30 Following the pilot project in Year 2 of the Levy (2019/20) a contract was agreed for two urinals to be placed in the borough every Friday and Saturday night. The locations are normally the corner of Sclater Street and Bethnal Green Road, near to Shoreditch High Street Station, and Brick Lane opposite Jack the Clipper (178b Brick Lane).





The urinals are delivered to site on Friday and Saturday evenings and collected on the following morning between 4-5am to allow for street cleansing and ensuring no negative impact on the day-time economy. They also have a sign on them stated that they are funded on a trial basis by the licensed trade in the Borough.

5.31 The contract company also provides an estimate of each urinal's usage each weekend, which ranges from 56 people to 560 people.

5.32 During year 4 of the Levy (2021/22) the Sclater Street toilet was relocated to the corner of Cavate Avenue and Boundary Street due to ongoing reports of street urination in that area. This was also in partnership with the London Borough of Hackney, who place a toilet near to this site. However, the toilet was moved back to corner of Sclater Street and Bethnal Green Road on 28<sup>th</sup> January 2022. This was because of low usage, possibly because of two toilets being located so close together.

5.33 During 2021/22 the potential for changing one urinal to a female toilet was investigated. Unfortunately, the company that provides the current urinal was not able to facilitate this due to the weight and size of the unit. Furthermore, it transpired that this and other units found did not appear suitable for street use, appearing to be more suitable for event use, due to the need for supervision.

#### 5.34 **Late Night Levy Officer**

Role:

- Coordinate the Levy Initiatives,
- Increase in Best Bar None membership,
- Increase in compliance with licensing,
- Better engagement with licensed businesses, with ability to promote national initiatives such as Ask Angela, or Operation Make Safe, WAVE Training.

5.35 This post manages the Late Night Levy, coordinating the Initiatives funded by the levy. This role also includes attending Pub Watch Meetings and liaison with the Best Bar None Scheme.

5.36 The post holder also attends the multi-agency forum to provide feedback on the Levy initiatives' weekly outcomes.

5.37 During year 4 of the Levy (2021/22) as well as tasking the Levy initiatives, e.g., Police, this post also provided delivered two briefing sessions for late night venues. These covered details of the Coronavirus Business Restrictions; WAVE, and Misogyny in the Nighttime Economy Briefing provided by the Council's Violence Against Women and Girls (VAWG) Unit. This was attended by approximately 50 business on each occasion.

5.38 In Quarter 4 of 2021/22, in partnership with the Met Police and London Borough of Hackney, further face-to-face WAVE training was completed. This resulted in a total of 167 people working in Hackney and Tower Hamlets premises receiving training. This resulted in staff from 25 licensed premises in Tower Hamlets receiving this training. Following the success of this training we are planning further training to be delivered in year 5 (2022/23), which will be monthly sessions alternating between Tower Hamlets and Hackney each time.

## **6 EQUALITIES IMPLICATIONS**

6.1 These late-night inspections will ensure:

- That Tower Hamlets remains a safe and cohesive community and a great place to live by dealing accordingly with offending premises and ensuring compliance.
- It ensures a fair and prosperous community by ensuring unlicensed premises are dealt with accordingly and that licensed premises prosper within their permissions granted.

## **7 OTHER STATUTORY IMPLICATIONS**

7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration.

### **7.2 Best Value Implications**

This work will ensure that licence fees that are due to the Council under the Licensing Act 2003 are received. Those businesses that do not pay their licensing fees will have their licences suspended.

### **7.3 Environmental considerations**

There are no adverse impacts identified.

### **7.4 Risk Management**

The Council will be at risk of legal challenge if its decision-making process on formal action is not transparent and evidentially based in relation to non-compliance of licence conditions.

The impact of business operating without a licence has a potential impact on the local community.

### **7.5 Crime and disorder reduction implications**

The enforcement of licence conditions and prosecution of offending businesses both licensed and unlicensed. This assists with the reduction of anti-social behavior and controls the inappropriate use of alcohol sales and consumption, in addition to identifying localised disturbances around late night refreshment premises.

## **8 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 8.1 There are no financial implications emanating from this report which provides an update on how the late night levy charged to premises selling alcohol between the hours of midnight and 6am is spent and benefits the late night economy. The levy and spend is contained within existing general fund budgets.

## 9 **COMMENTS OF LEGAL SERVICES**

- 9.1 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 authorised 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.
- 9.2 The levy must cover the whole of the licensing authority’s area. However, the Council chooses the period during which the Levy applies every night, between midnight and 06:00 hours, and may decide whether exemptions or reductions should be applied.
- 9.3 There are restrictions on the types of services that licensing authorities can fund with the Levy revenue to ensure that the Levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the nighttime economy. The Council can deduct permitted administration, collection and enforcement costs from the gross levy revenue. The report at paragraph 1.3 refers to the annual publication requirements in respect of the Levy.
- 9.4 The 2011 Act provides that the police are entitled to receive at least 70% of the net levy revenue. The Council may retain up to 30% of the net levy revenue to fund other activities besides policing.
- 9.5 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). Whilst that does not apply specifically to this report, which is for noting purposes only, it would apply to all decisions taken in respect of the Levy, including the activities to be funded by the Levy.

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## **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