


<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>1st June 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: David Tolley Head of Environmental Health and Trading Standards</p>	<p>Classification: Unrestricted</p>
<p>Late Night Levy: Annual Review</p>	

Originating Officer(s)	Tom Lewis Team Leader of Licensing and Safety
Wards affected	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 1st 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 2022/23 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 Total Income received by the Levy in Year 5 (2022/23) was £269,512.

5.5 The Council is entitled to deduct its administration costs from the introduction and management of the Levy. Our only cost deducted are for the Late Night Levy Officer role. This is an officer who manages the Late Night Levy, which includes coordinating the current initiatives and exploring other options for new initiatives to promote the levy objectives. The total costs deducted for this role in 2022/23 is £47,772.00.

5.6 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 5 (2022/23):

5.7 Committed/actual spend for year 5

- Additional Police Officers on patrol between 23:00 hours and 03:00 hours(Thursday to Saturday)
* Annual committed spend was £75,540.00
- Additional Police Serials on patrol between 23:00 hours and 07:00 hours Thursday to Saturday), 1st June to 1st January
*Annual committed was £105,784.00

Combined Actual Spend for Police = £61,242.11

- Street Pastors on patrol between 22:00 hours and 02:00 hours (Friday and Saturday) – Actual Spend = £42,665.29
*Annual committed spend was £64,306
- Additional street cleansing – Actual Spend = £50,000
*Annual committed spend was £50,000.
- Additional “Smart” Rubbish Bins – Actual Spend = £8,800
*Annual committed spend was £8,800
- Portable Urinal placed in the borough during the evening/night – Actual Spend = £100,880
= £12,535 (Permits to occupy land)
*Annual committed spend was £100,000 (toilets hire only)
- Welfare and Vulnerability Engagement Training (WAVE) – Room hire only – Actual Spend = £1,440
*Annual committed spend was £10,000 (this was for full training by external organisation, police currently delivering at no cost)
- Conflict awareness training Licensed Premises - £7,000 (training for maximum of fifty people)
*Previous provider for this failed to engage so we were unable to deliver in 2022/23. Alternative providers have been sourced and the training will be delivered in 2023/24.

Total committed/actual expenditure on the above Initiatives

Actual = £325,334.40 (inclusive of the spend for the Late Night Levy Officer role)

Committed = £464,430

Total estimated budget for year 5 = £588,000

5.8 Surplus reasons/Measure proposed to reduce

The Coronavirus Pandemic meant that certain initiatives were reduced or stopped during parts of 2020/21 and 2021/22. These include Street Pastors, Portable Toilets, Additional Street Cleaning, and the Conflict Awareness Training. This resulted in an increase in the surplus.

Since restrictions were lifted, we have increased initiatives such as more toilets, increased police patrols and Welfare and Vulnerability Engagement (WAVE) Training.

Our increased work with the London Borough of Hackney has assisted us in considering further initiatives. As a result, we have sought agreement from the Community Partnership (CSP) to trial and if successful set up two more initiatives:

- Medic Patrols,
- Radio linked scheme for late night venues,
- Increase the additional street cleaning and look to include litter/detritus clearance – additional £50,000.

We have also been able to source two potential providers to deliver conflict awareness training to Late Night Licensed trade within the borough.

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 5 (2022/23), approximately 65 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 Unfortunately, the Met Police have experienced some issues in resourcing the 1 and 3 (one police sergeant and three police constables) Police Patrols. This has caused a number of occurrences where tasked patrols could not be delivered. The Council has worked with the Met Police to find out the causes and ways to resolve this to reduce the possibility of tasked patrols not being able to be delivered. As a result of this we have moved to using a Serial Patrol, which is 1 police sergeant and 6 police constables. Resourcing for this patrol is

not reliant of officers already working and completing extended shifts but rather volunteering to cancel their rest day and completing a shift dedicated to these patrols. One caveat, however, is that as well as Notting Hill Carnival which take a large proportion of Met Police away from other duties, we also had the Coronation in 2023/24. This may result in some of the tasked patrols in May as well as August Bank Holiday not being able to be delivered.

- 5.17 There have been a number of positive outcomes from these additional Police Patrols, assessing security checks at venues, dealing with disorder (including street urination), and drugs (including NOx), assisting venues and members of the public. 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)

- Dealing with off licence selling alcohol to street drinkers.
- Dispersed males graffitiing and using NOx.
- Assisted venue dealing with intoxicated persons and dispersing NOx sellers.
- Person arrested for assault
- At least 3 Antisocial behaviour Warning for NOx use outside venues.
- Assisted in dealing in report of sexual assault.
- Assisted venue resulting two people being arrested for GBH against security at a venue, with a further 10 people dispersed from the premises.
- Arrest of person for driving under influence of alcohol, and possession of class A and B drugs (amount equaled intend to supply).
- Use of Borough-wide PSPO for Responsible Drinking, result in a number of persons loitering in areas of the borough being dispersed thus reducing potential nuisance/ASB.
- Street urination identified and evidence gathered resulting in Tower Hamlets Enforcement Officers being able to serve Fixed Penalty Notices (FPNs) for an offence.
- Assisted Tower Hamlets Enforcement Officers (THEOs) to issue to FPNs for NOx under Borough's PSPO for Nitrous Oxide (NOx) and assisted in seizing NOx canisters.

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

- 5.18 The Serial Police work a shift pattern of 7 Officers (1 Police Sergeant and 6 Police Constables) working 2 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.
- 5.19 In year 5 (2022/23) approximately 53 tasked patrols of the borough were completed by the Serial Police between June 2022 and January. These units reduced crime and disorder and promoted a safer night-time economy largely by being a presence on the street.
- 5.20 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, dispersal of parties causing disturbance. Below are just a few

more examples of the positive impact on the late-night economy within the borough:

- Street urination identified and evidence gathered resulting in Tower Hamlets Enforcement Officers being able to serve Fixed Penalty Notices (FPNs) for an offence.
- Gathered evidence in relation to a premises breaching Licence Conditions, evidence resulted in the Licence being reviewed and eventually revoked at a hearing of the licensing sub-committee.
- Assisted venue in removing customer who refused to leave.
- Assisted venue in regard to customer report of drink being spiked.
- ASB Warning issued to male urinating in street.
- Assisted venue in ejecting a customer who refused to leave and cause damage to premises and staff vehicle. Person dealt with under Disturbance of the Peace.
- Arrest of person for possession with intend to supply class A drugs.
- Assisted THEOs in removal of a large “Rambo” style knife and baseball bat.
- Assisted intoxicated person get home via taxi and speaking to family member.
- Arrested person who refused to leave venue and racially abused staff.
- Prevented attempted suicide.
- Dispersal of fight, which resulted in arrest of one person for common assault.
- Number of NOx sellers disrupted and assisting THEOs take action under the Nitrous Oxide PSPO.
- Deal with illegal road closure to ensure road reopened and not obstructed.

5.21 In October and December 2022, we conducted two Nitrous Oxide (NOx) Operation using the Late Night Level Serial Police Patrols. This was in partnership with Community Safety and the THEOs. The Objective was to disrupting NOx Users/Sellers linked to the Late Night Economy within Tower Hamlets. There was also an emphasis on the use of the borough’s Public Space Protection Order PSPO for Nitrous Oxide.

A number of areas within the borough were selected for these operations based on intelligence. The result of these operations are summarised:

October

11 Fixed Penalty Notice (FPN) served by THEOs with Police assistance
Several NOx canisters seized.

December

4 FPNs served by THEOs with Police assistance
ASB Warning Issued for NOx
2 large NOx canisters seized.

The photograph below shows the total amount of NOx seized during the October operation



5.22 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.

5.23 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'.

5.24 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.

5.25 In year 5 (2022/23) it took longer than anticipated to agree the contract with the Street Pastors. This led to them not being able to start until the beginning of August 2022. Since this time, they have completed a total of 68 tasked patrols.

5.26 There have been a number of positive outcomes from Street Pastors Patrols, such as preventing disorder, and disrupting drugs use/dealing (including NOx), assisting persons within the nighttime economy, e.g., providing water, breakfast bars, rain ponchos, hats, scarves, pairs of socks, flip flops, toothbrushes, toothpaste, and deodorant etc. Below are just a few more

examples of the positive impact on the late-night economy within the borough:

- Prevented street urination by speaking to person and explaining how it could affect others.
- Collecting and properly disposing of numerous glass bottles during patrols.
- Provided intelligence on location of NOx sellers, this enabled us to deploy police to these areas.
- Assisted persons getting home by calling them a taxi.
- Assisted male who had his phone stolen to contact the police.
- Assisted in getting a premises to turn their music down as seemed excessive from the street.
- Pass evidence of drug dealing to the police, including car registration number.
- Assisted in disrupting a fight.
- Found an unconscious male who had been sick, called ambulance and stayed with male until ambulance arrived.
- Deescalate a fight between two males.

5.27 Enhanced Cleaning and Bins

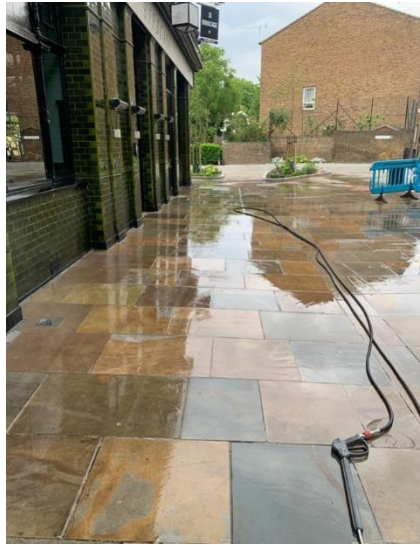
Role:

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

5.28 There are a total of four Big Belly smart solar bins purchased through levy revenue. Two of these located near Bethnal Green station and on Brick Lane. Two more are located near Columbia Road and White Post Lane. 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.

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

5.30 This year saw the full return of the enhanced program, which provides additional street washing of a number within the Borough where they are or are likely to be adversely affected by the late night licensing economy. Below are some photographs of the cleaning undertaking in year 5.



Columbia Road E2 - front of The Birdcage



Brick Lane

5.31 Portable Urinal

Role:

- Discourage street urination in the borough.

5.32 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 as of 2023 are the corner of Sclater Street and Bethnal Green Road, near to Shoreditch High Street Station, Brick Lane down from Jack the Clipper, end of the Santander Bike Stands, and White Post Lane Junction of Rothbury Road.



Brick Lane



Sclater Street/Bethnal Green Road



White Post Lane/Rothbury Road

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.

- 5.33 The contract company also provides an estimate of each urinal's usage each weekend, which ranges from 56 people to 560 people.
- 5.34 During year 5 of the Levy (2022/23) a third toilet was added. This was placed at Grove Road E9. However, in February 2023 the decision was made to move it to another location. This was due to low usage data being return by the toilet provider. It was then moved to White Post Lane Junction of Rothbury Road, where it become the most used of all three toilets.

As well as the third toilet it became necessary to relocate the toilet on Sclater Street because of highway repair being done on Sclater Street. The toilet was relocated to Club Row. However, following a complaint about the location of this toilet and the completion of the street repairs the toilet was moved back to Sclater St.

- 5.35 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 28th January 2022. This was because of low usage, possibly because of two toilets being located so close together.

5.36 **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.

5.37 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.

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

5.39 During year 5 of 2022/23, in partnership with the Met Police and London Borough of Hackney, face-to-face Welfare and Vulnerability Engagement (WAVE) training. This now runs the first Tuesday of each month, with the venue alternating between Tower Hamlets and Hackney (Professional Development Centre, and Tomlinson Centre, respectively). Since June 2022 we have run a total of sessions 6 (10 in total between Tower Hamlets and Hackney) with attendance ranging from 30 to 60 people per session. We also ran an additional World Cup focused WAVE training session on 15th November 2022, which was a hybrid session.

5.40 As well as the Welfare and Vulnerability Engagement Training that includes Ask for Angela, Tower Hamlets and Hackney Violence Against Women and Girls (VAWG) Services worked with Licensing and Met Police to include Misogyny in the Nighttime Economy as an additional session run at the conclusion of the WAVE session. Now at the end of 2022/23 WAVE and Misogyny and Sexual Harassment have been fully incorporated in to one session run in partnership with Met Police, Tower Hamlets and Hackney VAWGs and Licensing Services.

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 is a positive impact on the environment provided by the additional street

cleaning and additional big belly bins. The additional toilets also provide a positive in preventing street urination within the borough.

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 with 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 behaviour 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 the annual performance of the late night levy scheme. The license fees are set by Central Government, with 30% being retained by the Council and 70% transferring to MOPAC. The Council uses its share of the license fee to administer the scheme and fund initiatives in relation to the night time economy.

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.