

## Appendix I

### Submission from Better Bankside BID

Response	Officer Comment
<p>We write to you to formally object to Southwark Council’s proposal to introduce a Late Night Levy (LNL) in the London Borough of Southwark. The introduction of this levy would directly impact 591 Better Bankside BID levy payers.</p> <p>Better Bankside has been working for over 18 years to make the area safer, cleaner and greener for all those who work, live and visit. Better Bankside invests £350,000 annually in crime reduction measures, and a further £210,000 in additional street cleansing. This far outstrips the total potential revenue for the entire borough from the LNL. Through strong partnership working we have achieved significant results, addressing issues related to the Night Time Economy (NTE) for our circa 700 business members.</p> <p>Bankside has a thriving and safe NTE. It is a vibrant, busy area, with footfall of 30 million people annually. The area is a leading visitor destination, home to a number of world-renowned cultural attractions including Tate Modern, Borough Market and Shakespeare’s Globe as well as a diverse business community, with a workforce of over 70,000 employees.</p> <p>We recognise Southwark Council intent to maintain a safe evening environment across the borough and we are committed to the same aim. However, we object to using what we consider to be such a blunt instrument as the LNL, the effect of which is often to penalise well run, responsible premises for the transgressions of others. We acknowledge that the Council’s Late Night Levy Consultation document – dated 23 January 2019 – proposes a 30% discount for businesses within a BID but request that Southwark Council enters into an agreement to provide total exemption to businesses who are already contributing to a BID levy, as specified paragraph 1.33 of the Home Office’s Guidance on The Late Night Levy.</p>	<p>Comments noted.</p> <p>Comment noted, any exemptions or discounts will be considered and decided by Members, whilst a discount for BID members has been recommended; this is yet to be agreed. It is possible that no reduction will be offered.</p> <p>Members of the BIDs have quoted from the Home Office Amended Guidance on the Late Night Levy (24/10/2012)</p> <p><i>“133. Business Improvement Districts (“BIDs”) Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus. The Government would expect licensing authorities to carefully consider exempting eligible BIDs from the levy. It is up to the licensing authorities’</i></p>

*discretion to determine whether the BIDs in their area are eligible”.*

The reference to “an exemption”, we believe has been misinterpreted by the BIDs as meaning a 100% exemption, because even within the Amended Guidance at paragraph 1.25 it is confirmed that the exemption categories are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

Paragraph 5 of these Regulations, details that Licencing Authorities (LAs) have discretion in BID areas and/or premises covered by a best practice scheme that promotes the reduction or prevention of late night disorder attracts a set 30% discount. We can see there have been two amendments to the Regulations, but these do not relate to the BIDs having a 100% exemption.

BID exemptions to the LNL were also considered by the *Select Committee on the Licensing Act 2003: The Licensing Act 2003 post-legislative scrutiny*. The Select Committee was critical of the LNL and welcomed LAs that had ***abandoned the LNL in favour of supporting BID districts and other alternative initiatives. Paragraph 512 of the Report also refers to*** some businesses in LAs with a LNL, “receive a partial discount or full exemption from paying the LNL”. Having scrutinised other LAs, we can find none approving a full exemption, referring to the 2012 Regulations (above).

Footnote 481 of the Select Committee Report highlights question 14 of the public evidence heard on 5 July 2016. Question 14 was answered the then Home Office’s Head of Alcohol who made specific mention to Hackney having a voluntary levy. We looked into this and found amongst the Hackney consultation documents for the LNL that “around 40 businesses were part of a voluntary scheme, raising around £56,000 per year. The voluntary levy has helped to fund additional patrols by community safety wardens on Friday and Saturday nights in Dalston and Shoreditch with 8 businesses in BID areas”. This is most likely being the “full exemption” being inaccurately referred to.

Whilst it is important to ensure that the NTE is safe and accessible for all, there are very few examples nationally of the LNL achieving its objectives. In fact, the House of Lords Select Committee report from 2017 states:

*“Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives and should be abolished...The Committee has seen considerable evidence suggesting that Business Improvement Districts (BIDs) can achieve similar, and indeed often better, more flexible and more innovative results than Late Night Levies while also proving more acceptable to local businesses.”* - House of Lords Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny, HL Paper 146, 4 April 2017, paras 502 & 506.

The report goes further to state:

*“We welcome the initiative of local authorities such as Cheltenham which have abandoned Late Night Levies in favour of Business Improvement Districts.”* - House of Lords Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny, HL Paper 146, 4 April 2017, para 520.

Likewise, the Late Night Time Commissions recent report - Think Night: London's Neighbourhoods from 6pm to 6am, states:

*“As police budgets are challenged, many areas have found success by funding greeters and ambassadors through Business Improvement Districts. Such partnerships have been far better at bringing long-term benefits than imposing, for example, the Late Night Levy. We believe the levy should only ever be a last resort. Partnership should be the priority.”* - Think Night: London's Neighbourhoods from 6pm to 6am, page 57.

To conclude, the 2012 Regulations make it clear, there *is discretion* to impose a 30% discount, but since Southwark does not currently have any fully-endorsed Best Practice Schemes, that premises within a BID cannot be exempt and likely that a 30% discount can not be applied at this point either.

This confirms that there have also been successes with the introduction of the LNL.

The introduction of the LNL in Southwark would go against these recommendations. The point has been already made about the significant investment Better Bankside makes in additional services, and there are further factors which make the LNL unsuited and potentially damaging to the NTE in our area. These factors have been expanded on below:

**1. Better Bankside members already invest significantly to services aimed at reducing the impact of the Night Time Economy.**

Our member businesses contribute £1.8million a year to Better Bankside – which funds projects and services to improve the local trading environment. In the 2019-20 financial year Better Bankside will invest a total of £560,000 on additional safety and security initiatives, and street cleaning.

This is noted and has been cited by all the BIDs in their responses to the consultation. The Home Office have responded to this recommendation in their House of Commons Briefing Paper on the Late Night Levy (22 March 2019)

The Committee did, however, recognise that the *Policing and Crime Act 2017* “may stand some chance of successfully reforming the levy”.

If the Government decided to retain the levy, the Committee recommended that the current 70/30 split of levy revenue should be abolished and that funds should be divided equally between the police and licensing authorities.

**Government response (November 2017)**

The Government’s response to the Committee’s report was published in November 2017. On the levy, the Government said that:

- It would commence the provisions of the 2017 Act (see section 2 of this paper). However, it would not commence the measure allowing licensing authorities to charge the levy to late night refreshment premises until it had consulted on the appropriate level of the charge;
- It had no intention to introduce a sunset clause to repeal the legislation after two years. The legislation would be subject to a post-legislative review five years after Royal Assent;
- The 70/30 split of levy income was appropriate and there were no plans to change it.

Therefore, the position of the Government has not changed and a Levy is still therefore considered to be a proportionate way of fundraising for this kind of activity.

As stated above, the monies paid to the BID to not cover the times of the Levy.

<p>There is no detail given in the proposal document on how the predicted annual revenue from the LNL generated from Bankside businesses will be spent, other than a vague statement that a portion of the money raised from the LNL will go to fund the Night Time Economy (NTE) Team.</p> <ul style="list-style-type: none"> <li>• For over ten years Better Bankside has co-funded a team of Community Wardens – an example of a successful partnership with Southwark Council. Since 2015 our Bankside Community Wardens have supported the Met PCs in their work with Night Time Economy working to gather intelligence; participating in operations; and providing advice to licensed premises.</li> <li>• For the last three years Better Bankside have invested in two Metropolitan Police Service Constables for the area. Our PCs have spent this time delivering staff training in premises on crime reduction and counter terrorism; providing child sexual exploitation awareness and design-out-crime advice to licensed premises; sharing intelligence and best practise; collecting evidence; delivering briefings at Pubwatch meetings; and organising anti-theft operations.</li> <li>• Similarly, our Community Wardens have worked with the potential victims of crime by organising security briefings within the businesses in our area. Advising staff who enjoy the pubs, bars and restaurants in the area on personal safety, protecting their personal belongs and drinking responsibly. Handing out personal protection equipment such as anti-cloning card sleeves, mobile phone cables, personal alarms etc. at these events.</li> <li>• We work closely with the Southwark Safe Business Crime Reduction Partnership encouraging our businesses to sign up to the radio and DISC intelligence-sharing platform. These products are available 24 hours a day and</li> </ul>	<p>Significant detail has been provided within the Licensing Committee report proposing the consultation, this information is available online.</p> <p>The Police Reform and Social Responsibility Act 2011 which allows the Council to raise revenue on alcohol licensed premises by way of a Levy dictates that at least 70% must go towards policing. If the Levy were introduced, a Board would be set up to decide how to spend the remaining monies, which can include (among other things) street cleaning. That Board will not be set up until the LNL is agreed.</p> <p>Noted.</p> <p>Noted, though it is understood that the continuation of this arrangement is in question.</p> <p>Noted.</p> <p>Noted, work with the BCRP is something the Council also wish to develop a stronger relationship with. It may be that the Board may wish to invest in the work of the BCRP with any additional monies gathered through the LNL.</p>
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<p>improve personal safety and crime detection rates. Southwark Safe offers weekly NTE briefings and valuable training to our NTE venues including Welfare and Vulnerability Engagement (WAVE) and Project Diffuse (corrosive substances attack) which we facilitate by organising venues and promoting to our membership. The recent Night Time Commission's <i>'Think Night: London's Neighbourhoods from 6pm to 6am'</i> both BIDs and BCRPs are repeatedly identified as examples of best practice for sustainably managing the safety of the Night Time Economy.</p> <ul style="list-style-type: none"> <li>• It is stated in the consultation document that part of the funds raised through the LNL should be spent on the 'cleaning of any relevant highway.' Better Bankside currently invests over £200,000 annually to fund additional cleaning services across the area. Our five person cleaning team work seven days per week cleaning the entirety of the area, delivering 5,000 additional hours street cleaning each year.</li> </ul> <p><b>2. The LNL could damage Southwark's Night Time Economy.</b></p> <ul style="list-style-type: none"> <li>• Consultations with our business members indicates that of the 59 premises affected by the LNL, 25% of businesses intend to reduce their licensed hours to avoid paying the levy. This will challenge the financial viability of the scheme due to lower than anticipated revenue and increased administration costs generated by license amendments.</li> <li>• The legislated banding criteria which makes it comparatively easier for a business with a large rateable value to pay than one that's smaller, favours the creation of a homogenous NTE offer. Many of the smaller independent venues that give so much cultural significance to the borough will find it more difficult to continue operating.</li> <li>• All of this is at odds with the Mayor of London's vision for a 24-hour city which has the explicit aim of increasing opening hours and expanding the cultural offering.</li> </ul> <p><b>3. Crime data for Bankside and Southwark does not support the need for the LNL.</b></p> <ul style="list-style-type: none"> <li>• Between 2010 and 2017 night time offences</li> </ul>	<p>Noted, however, any additional cleaning financed through the LNL would focus on areas affected by licensed premises and take place during the late-night period.</p> <p>Of those premises that would be affected by the Levy, that responded to the online consultation, 40 stated that they were 'very likely' or 'likely' to apply for a free minor variation in the event that the LNL were introduced. This represents 8.1% of the potential 493 premises affected by the LNL, though it is accepted that this figure is only indicative.</p> <p>Noted.</p> <p>The LNL is not intended to restrict opening hours or negatively impact the diverse nature of businesses catering to the night time economy.</p> <p>Noted. The current work of the Night Time</p>
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<p>involving alcohol in London decreased by 51% and only 4.3% of all crimes at night are alcohol related.</p>	<p>Economy Team is clearly having a positive impact on alcohol-related crime.</p>
<ul style="list-style-type: none"> <li>• Data on Total Notifiable Offences (TNOs) within the Better Bankside area indicates that the most prevalent crimes in Bankside are “theft other” and “theft from person”. <ul style="list-style-type: none"> <li>o Theft makes up 70% of all reported crimes.</li> <li>o Less than 15% of thefts occur during 00:00 – 06:00.</li> </ul> </li> </ul>	<p>Noted.</p>
<ul style="list-style-type: none"> <li>• Over the last two years only 11% of the TNOs in Bankside were related to violence against the person of which 19% was “assault with injury”. <ul style="list-style-type: none"> <li>o Of the recorded “assaults with injury” 25% occurred between 00:00 – 06:00, only 22 incidents in two years.</li> <li>o Bankside has a footfall of over 30 million annually and 70,000 employees, assaults with injury represent a ratio of 0.00018 per person annually.</li> <li>o There is no evidence to suggest that any of these assaults were linked to licensed premises.</li> </ul> </li> </ul>	<p>Noted.</p>
<ul style="list-style-type: none"> <li>• The violent crime statistics for the borough (appendix 6 of the proposal document) link crime in the evening to alcohol but make no reference to those crimes happening at licensed premises. The data analysis highlights on page 3 that “assault with injury” offences “remain high throughout the evening period and actually rise at 3am.” However, it neglects to mention that these offences begin to rise at 2pm, peak between 3pm-4pm and then begin a steady decline with incidents down a third by midnight. Rather than peaking as the document states it is more so a blip within a steady decline throughout the LNL period. In addition, these figures are a total of pan-borough offences, not just those committed in licensed premises. Once again there is no evidence that the sale of alcohol in licensed premises beyond midnight is responsible for them.</li> </ul>	<p>Comments noted. Work of the Night Time Economy Team is not just to reduce violent crime, but to manage any antisocial behaviour and assist in the regulatory function associated with alcohol-led premises.</p>
<ul style="list-style-type: none"> <li>• Likewise, the London Ambulance Service (LAS) data included within the reports shows that call-outs for “alcohol related incidents” peaks between 11pm – midnight. After which it rapidly declines throughout the LNL period. There is no evidence to indicate that the call-outs are linked</li> </ul>	<p>Noted.</p>

<p>to alcohol consumed in licensed premises as suggested.</p> <p>In addition to the above the statement within Table 7 – LNL exemption categories, Page 6, London Borough of Southwark – Late Night Levy consultation, dated 7 November 2018, <i>“Businesses participating in a qualifying Business Improvement District where there is an existing levy to promote the reduction or prevention of late night disorder (there are none within Southwark)”</i>, is factually incorrect - and misleading to the public. There are five BIDs in Southwark all of which have been working tirelessly for over a decade to improve the borough and support the NTE.</p> <p>Better Bankside has enjoyed 15 years of working in partnership with Southwark Council, and would favour strong partnership working to achieve a healthy, safe NTE over the introduction of the LNL.</p> <p>We urge Southwark Council to desist from introducing the LNL. If it does determine to proceed then it should go further than offering BID businesses a 30% discount to the LNL and offer a permanent, full exemption to the levy for all businesses paying a BID levy. Following the recommendations of the Home Office, House of Lords and Night Time Commission, who have all recognised the contributions of BIDs as being highly effective at mitigating the impacts of the NTE.</p> <p>We would welcome the opportunity to discuss our concerns further and how business groups such as BIDs can work closer with Southwark Council to have a greater impact on reducing alcohol related crime in the borough.</p>	<p>The current services offered by Southwark’s BIDs do not contribute to the safety and security initiatives, and street cleaning times covered by the late-night period after midnight.</p> <p>Southwark Council welcomes any opportunity to enhance partnership working with the BIDs.</p> <p>See above.</p>
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**Submission from Team London Bridge BID**

Response	Officer Comment
<p>On behalf of the members of the London Bridge Business Improvement District (BID) we are writing in response to Southwark Council’s</p>	



proposal to introduce a Late Night Levy (LNL) across the borough, an initiative that would directly impact 45 of our members.

Whilst the Council's Late Night Levy Consultation document (dated 23<sup>rd</sup> January 2019) proposes a 30% discount for businesses within a BID, it is our contention that BID members should be excluded entirely as per paragraph 1.33 of the Home Office's Guidance On The Late Night Levy, 2012. This is largely because our members already contribute towards improving the cleanliness and safety of the local environment, with the BID mechanism ensuring additional services are delivered in a localised, targeted and transparent manner.

Comment noted; any exemptions or discounts will be considered and decided by Members, whilst a discount for BID members has been recommended; this is yet to be agreed. It is possible that no reduction will be offered.

Members of the BIDs have quoted from the Home Office Amended Guidance on the Late Night Levy (24/10/2012)

*"133. Business Improvement Districts ("BIDs") Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus. The Government would expect licensing authorities to carefully consider exempting eligible BIDs from the levy. It is up to the licensing authorities' discretion to determine whether the BIDs in their area are eligible".*

The reference to "an exemption", we believe has been misinterpreted by the BIDs as meaning a 100% exemption, because even within the Amended Guidance at paragraph 1.25 it is confirmed that the exemption categories are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

Paragraph 5 of these Regulations, details that Licencing Authorities (LAs) have discretion in BID areas and/or premises covered by a best practice scheme that promotes the reduction or prevention of late night disorder attracts a set 30% discount. We can see there have been two amendments to the Regulations, but these do not relate to the BIDs having a 100% exemption.

BID exemptions to the LNL were also considered by the *Select Committee on the Licensing Act 2003: The Licensing Act 2003 post-legislative scrutiny*. The Select Committee was critical of the LNL and welcomed LAs that had **abandoned the LNL in favour of supporting BID districts and other alternative initiatives. Paragraph 512 of the Report also refers to** some businesses in LAs with a LNL, "receive a partial discount or full

The House of Lords Select Committee, when reviewing the LNL legislation in 2017, echoed that point and concluded that the levy should even be abolished:

“Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives, and should be abolished...The Committee has seen considerable evidence suggesting that Business Improvement Districts (BIDs) can achieve similar, and indeed often better, more flexible and more innovative results than Late Night Levies while also proving more acceptable to local businesses.” *House of Lords Select Committee, The Licensing Act 2003: post-legislative scrutiny, p124-5, paras 502 & 506.*

exemption from paying the LNL”. Having scrutinised other LAs, we can find none approving a full exemption, referring to the 2012 Regulations (above).

Footnote 481 of the Select Committee Report highlights question 14 of the public evidence heard on 5 July 2016. Question 14 was answered the then Home Office’s Head of Alcohol who made specific mention to Hackney having a voluntary levy. We looked into this and found amongst the Hackney consultation documents for the LNL that “around 40 businesses were part of a voluntary scheme, raising around £56,000 per year. The voluntary levy has helped to fund additional patrols by community safety wardens on Friday and Saturday nights in Dalston and Shoreditch with 8 businesses in BID areas”. This is most likely being the “full exemption” being inaccurately referred to.

To conclude, the 2012 Regulations make it clear, there *is discretion* to impose a 30% discount, but since Southwark does not currently have any fully-endorsed Best Practice Schemes, that premises within a BID cannot be exempt and likely that a 30% discount can not be applied at this point either.

Southwark are aware of the recommendations of the House of Lords, however, this has not affected the government stance in the introduction of LNLs. The Home Office have responded to this recommendation in their House of Commons Briefing Paper on the Late Night Levy (22 March 2019)

The Committee did, however, recognise that the *Policing and Crime Act 2017* “may stand some chance of successfully reforming the levy”.

If the Government decided to retain the levy, the Committee recommended that the current 70/30 split of levy revenue should be abolished and that funds should be divided equally between the police and licensing authorities.

**Government response (November 2017)**

The Government’s response to the Committee’s report was published in November 2017. On the

Aside from the fact that additional services are already being funded by the BID, there are other factors that make the LNL ineffective and also potentially damaging to the night time economy: all businesses are charged regardless of the impact they themselves have on safety and cleanliness; premises may choose to reduce their licensing hours to avoid the levy; and the crime data used to justify the levy is questionable and fails to recognise the different crime profiles across the borough.

**1. BID members already contribute financially to services related to mitigating the impact of the night time economy.**

Through the BID Levy, our 386 member businesses voluntarily contribute £1.4 million a year to Team London Bridge – all of which funds projects and services to improve the local trading environment. There is no detail given in the proposal document on how the £51,523 predicted annual revenue from the LNL generated in our BID area will be spent, however in the coming 2019-20 financial year Team London Bridge will spend a total of £193,000 on additional safety and security initiatives, and a further £110,000 on additional street cleaning.

- £58,000 will fund an additional Metropolitan Police Service constable for the BID area who has already spent the past three years in that role

levy, the Government said that:

- It would commence the provisions of the 2017 Act (see section 2 of this paper). However, it would not commence the measure allowing licensing authorities to charge the levy to late night refreshment premises until it had consulted on the appropriate level of the charge;
- It had no intention to introduce a sunset clause to repeal the legislation after two years. The legislation would be subject to a post-legislative review five years after Royal Assent;
- The 70/30 split of levy income was appropriate and there were no plans to change it.

Therefore, the position of the Government has not changed and a Levy is still therefore considered to be a proportionate way of fundraising for this kind of activity.

Monies paid to BIDs do not cover the late night period.

See above.

Noted. No evidence has been supplied as to the hours that any additional Police work. It is understood that they do not cover the late night

<p>providing crime prevention training, child sexual exploitation awareness and design-out-crime advice to licensed premises; collecting evidence; delivering briefings at Pubwatch meetings; and organising anti-theft operations. The majority of this work is aimed at crime prevention so whilst our officer is able to work late night shifts (beyond midnight), there simply hasn't been the operational need to do so.</p> <ul style="list-style-type: none"> <li>• £58,000 will fund an additional British Transport Police officer for businesses within the station footprint and on its periphery, which includes several licensed premises. They will perform the same functions as our Met officer above.</li> <li>• Replicating a success from 2018, we will again be running a 'Safe Space' in London Bridge station for 6 weeks over the festive period in partnership with Network Rail and British Transport Police. This will be manned by qualified medics and Street Pastors and is specifically aimed at treating the injured, vulnerable and 'worse for wear' throughout the evening. The result is a safer environment for users of the local night time economy and valuable relief for the emergency services.</li> <li>• We heavily subsidise the Southwark Safe Business Crime Reduction Partnership radio and fully fund the cost of the DISC intelligence-sharing platform for our members: two excellent products that improve personal safety and crime detection rates. They're also available 24 hours a day. Alongside this, the BCRP offers valuable training to our NTE venues such as Welfare and Vulnerability Engagement (WAVE) and Project Diffuse (corrosive substances attack). In total, 18 of our licensed premises identified as eligible for the LNL are already BCRP members and subscribe to these services. In the Night Time Commission's recently published report 'Think Night: London's Neighbourhoods from 6pm to 6am' the work of both BIDs and BCRPs is repeatedly cited as best practice when it comes to sustainably managing safety of the Night Time Economy.</li> <li>• The consultation document states that a portion of the funds raised must be spent on the</li> </ul>	<p>period.</p> <p>Noted.</p> <p>Noted. This may also be a potential option for sponsorship from the Council's 30% of the revenue if the Board see fit.</p> <p>Work with the BCRP is something the Council also wish to develop a stronger relationship with. It may be that the Board may wish to invest in the work of the BCRP with any additional monies gathered through the LNL.</p> <p>Noted, however, any additional cleaning financed through the LNL would focus on areas</p>
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'cleaning of any relevant highway', however BID members are already contributing to this additional service in London Bridge. Through a contract with Southwark Council's own street cleaning team we deliver 4,300 extra hours of sweeping and litter picking, and 208 extra hours of jet washing every year. It should also be noted that 21 of the listed premises in London Bridge operate on privately managed estates and as such have no direct impact on the cleanliness of borough-maintained highways; cleaning is provided by their landlord.

## **2. Crime data does not support the need for a Late Night Levy**

- Our most recent crime statistics for the BID area (April 2019) show that 76 offences (57%) are 'Theft Person' and 'Other Theft', with the vast majority happening in our licensed premises between 17:00 – 22:00. There was just one 'Assault With Injury' linked to a licensed venue. Considering these theft offences are highly unlikely to be driven by the sale of alcohol beyond midnight, it's unclear how the LNL would address this problem. Arguably it's best addressed by our funded officers who deliver crime prevention advice and conduct anti-theft operations during peak hours.

- The violent crime statistics for the borough (appendix 6 of the proposal document) do not support the fact that serving alcohol between midnight and 06:00 leads to crime and disorder. On page 3 it's asserted that assault with injury offences 'remain high throughout the evening period and actually rise at 3am'. As is evident from the graph below, assault with injury is actually falling from its peak at 16:00, with only a small blip at 03:00 in an otherwise downward trend. The figures are also a total of all the borough's offences, not just those committed in licensed premises, so there is nothing to say that the sale of alcohol in licensed premises beyond midnight is responsible for them.

- There is a similar issue with using London Ambulance Service data on alcohol-related call-outs. There is no evidence to indicate that the call-outs are linked to alcohol consumed in

affected by licensed premises and take place during the late-night period.

Noted. The current work of the Night Time Economy Team is clearly having a positive impact on alcohol-related crime.

Comments noted. Work of the Night Time Economy Team is not just to reduce violent crime, but to manage any antisocial behaviour and assist in the regulatory function associated with alcohol-led premises.

Noted.

licensed premises and the number peaks prior midnight before rapidly declining thereafter.

### **3. The Late Night Levy could damage Southwark's night time economy**

- Out of the 45 businesses in the BID identified as potentially liable for the LNL, only 15 of them currently trade beyond 00:00, and just one serves alcohol until 06:00. It's therefore conceivable that a large proportion of these 45 will amend their license to avoid falling within the LNL hours. In turn, this will challenge the financial viability of the scheme due to lower than anticipated revenue and increased administration costs generated by license amendments. Incidentally, the administration costs for the levy are not listed in the proposal and it's acknowledged that 'a significant amount of administration would be required to set up the LNL.'

- Related to the above, introducing a LNL could damage the vitality of the borough's night time economy by reducing opening hours and increasing already expensive operating costs. This is exacerbated by the legislated banding criteria which makes it comparatively easier for a business with a large rateable value to pay than one that's smaller. This is at odds with the Mayor of London's vision for a 24-hour city which has the explicit aim of increasing opening hours.

#### **Clarity is required on the administration costs**

- The cost of implementing and managing the LNL is stated as £18,438 in year 1 and £5,268 in year 2 based on billing 439 premises. This seems very conservative, especially when compared to the £47,498.30 that Southwark Council charged Team London Bridge last financial year for billing our 564 hereditaments through a mechanism almost identical to that used for the LNL. We would therefore like clarification on how the administration costs were calculated because, if under-estimated, the net amount of levy available to fund services decreases and the viability of the scheme becomes more questionable.

In summary, we suggest that if Southwark

Of those premises that would be affected by the Levy, that responded to the online consultation, 40 stated that they were 'very likely' or 'likely' to apply for a free minor variation in the event that the LNL were introduced. This represents 8.1% of the potential 493 premises affected by the LNL, though it is accepted that this figure is only indicative.

The LNL is not intended to restrict opening hours or negatively impact the diverse nature of businesses catering to the night time economy.

Potential LNL administrative costs may appear conservative. This is possible because the LNL fee is billed at the same time as the annual fee, therefore there is some savings made where we are not charging for work done on that already carried out in processing the annual fee. We have also corresponded with other local authorities on their experience of administrative costs and these our predictions are inline with their realities.

Your request is noted, see above for explanation.

<p>Council deem it appropriate to introduce a Late Night Levy across the borough, those premises within Business Improvement Districts should be entirely exempt. This is in line with comments made by the Home Office, House of Lords and the Night Time Commission – all of whom recognise that the financial contribution and partnership approach of BIDs are already highly effective at mitigating the local impacts of the night time economy. At present there is also no detail on how revenue from the LNL would be spent, whether this would represent an uplift in existing services, and how it would be used to reduce theft which is by far the most significant crime affecting the night time economy in the north of the borough. We welcome further discussion with Southwark Council in the spirit of the strong partnership we have developed since 2005.</p>	<p>The Police Reform and Social Responsibility Act 2011 which allows the Council to raise revenue on alcohol licensed premises by way of a Levy dictates that at least 70% must go towards policing. If the Levy were introduced, a Board would be set up to decide how to spend the remaining monies, which can include (among other things) street cleaning. That Board will not be set up until the LNL is agreed.</p> <p>Southwark Council welcomes any opportunity to continue partnership working with the BIDs.</p>
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#### Submission from We Are Waterloo BID

Response	Officer Comment
<p>This letter is submitted on behalf of WeAreWaterloo Business Improvement District (BID). WeAreWaterloo operates in the Waterloo area of central London; the BID area covers parts of North Lambeth and North Southwark. The BID carries out a number of projects and services for businesses in the Waterloo area, including environmental services such as graffiti removal and cleaning services, crime and security forums, communication and training, networking, operational business support, and promotion of the area and its businesses.</p> <p>It is our belief that businesses within our BID area should be excluded from the imposition of the proposed Late Night Levy (LNL) in Southwark. Indeed, we stand in solidarity with our partner BIDs in Southwark, and are all firmly of the view that this exclusion should include all five BID areas within Southwark. We strongly believe that a LNL would be to the detriment of Southwark and the businesses we represent.</p> <p><b>Historical failure and inequality of the LNL</b> The LNL has been strongly criticised by the House of Lords Select Committee which</p>	<p>Your request is noted. Any exemptions or discounts will be considered and decided by Members, whilst a discount for BID members has been recommended; this is yet to be agreed. It is possible that no reduction will be offered.</p> <p>This is noted and has been cited by all the BIDs in their responses to the consultation. The Home Office have responded to this recommendation</p>

concluded in April 2017 that “ the levy has failed to achieve its objectives and should be abolished” . It is important to note that the conclusion of the select committee report was based on incontrovertible evidence that there is no correlation “with any degree of precision” between businesses who prosper in the night time economy and the cost of policing it. Not only is the conclusion of this report significant, but the *basis of the evidence* is indisputable that the levy itself is a blanket taxation on all night time economy businesses, and unfairly targets businesses which have little to no impact on crime within the night time economy.

In 2017 Cheltenham Council abolished their LNL for two reasons: Firstly, the amount of income they received from the levy was significantly lower than their expectations. From our own calculations and research with businesses (which we will detail later on) we expect the amount that Waterloo businesses will actually pay is significantly lower than Southwark’s predictions. Secondly, Cheltenham Council, believed the Cheltenham Business Improvement District to be a more effective tool in the area. This analysis has been shared by the aforementioned House of Lords Select Committee report of 2017; that BIDs offer novel and bespoke solutions to their distinct areas. Furthermore the British Beer and Pub Association and Campaign for Real Ale , also

in their House of Commons Briefing Paper on the Late Night Levy (22 March 2019)

The Committee did, however, recognise that the *Policing and Crime Act 2017* “may stand some chance of successfully reforming the levy”.

If the Government decided to retain the levy, the Committee recommended that the current 70/30 split of levy revenue should be abolished and that funds should be divided equally between the police and licensing authorities.

**Government response (November 2017)**

The Government’s response to the Committee’s report was published in November 2017. On the levy, the Government said that:

- It would commence the provisions of the 2017 Act (see section 2 of this paper). However, it would not commence the measure allowing licensing authorities to charge the levy to late night refreshment premises until it had consulted on the appropriate level of the charge;
- It had no intention to introduce a sunset clause to repeal the legislation after two years. The legislation would be subject to a post-legislative review five years after Royal Assent;
- The 70/30 split of levy income was appropriate and there were no plans to change it.

Therefore, the position of the Government has not changed and a Levy is still therefore considered to be a proportionate way of fundraising for this kind of activity.

This is correct, however the intended expenditure of the LNL in Southwark is very different to the Cheltenham model.

The Beer and Pub Association have also been a respondent in this consultation.



<p>view BIDs as a more effective and successful alternative to the LNL.</p> <p>We believe that the benefits that WeAreWaterloo, South Bank BID, Better Bankside, Team London Bridge and Blue Bermondsey bring to Southwark have been overlooked, and as of January 2018 provide well over £1,000,000 worth of additional policing and street cleaning to the borough.</p> <p>As a general criticism of the levy itself, the banding penalises smaller businesses, as the difference between bands is vast. It does not take into consideration small businesses of which the levy would have a severely damaging effect. In Waterloo, we have a strong and thriving economy of small independent businesses. The addition of this levy does not only threaten the existing night time economy, but will deter future business-people from considering the Waterloo area as a viable marketplace.</p> <p>The introduction of a LNL has historically caused businesses to reduce their opening hours in order to avoid paying the additional charge. This proven reduction of the night time economy is proposed in stark contrast to the Mayor’s aspiration to ensure London is a 24/7 economy. Further on in this response, we detail the effect that the LNL will inevitably have on shrinking the night time economy in Waterloo.</p> <p><b>Southwark’s LNL Proposal</b></p> <p>There are significant flaws in the consultation document from Southwark. Ultimately, the proposal seems ill-thought out, poorly researched and fraught with errors and inconsistencies. Even publically, the notice for the LNL was copied and pasted from Tower Hamlets proposal in 2017.</p> <p>The LNL consultation document produced does not put forward a good enough case to justify the enforcement of the levy.</p> <p>Section 23 of the report shows that there are 14 premises in the WeAreWaterloo BID area which will be obliged to pay the LNL. In Appendix 3 Map 4, there are now 15 premises which are</p>	<p>Southwark gratefully recognises the benefits brought to the Borough by the BIDs. The LNL is not intended as a replacement, rather as an addition.</p> <p>Noted.</p> <p>This is a generalisation, as only a minority of businesses licensed after midnight will seek to alter their hours.</p> <p>The template for the notice was given to us by our colleagues in Tower Hamlets. As soon as the error was noticed, a correct notice was published at the earliest opportunity.</p> <p>Noted. The numbers drawn from our database and the creation of maps were done at different times. This may account for the difference in numbers as premises come and go. The number</p>
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thought to be obliged to pay the LNL. After evaluating Southwark's own Licensing Register, it appears only nine premises are actually eligible to pay the levy (see appendix α ).

We have since spoken to all nine businesses to understand whether they intend to amend their license to avoid the levy, or would pay the additional charge. The majority have informed us they will or will strongly consider amending their license to avoid the fee. For a number of businesses, they have an extension on their license for Fridays and Saturdays exclusively. They therefore will find it more difficult to fund the extra cost of the LNL and their most sensible option will be to reduce their opening hours.

Our own informed research and conversations with our nine businesses has confirmed that a realistic amount the council can expect to raise from businesses within the WeAreWaterloo BID area is £6592. This is due to businesses reducing their opening hours to avoid the LNL. Minus the 30% discount, and we are down to £4,614. This is a far cry from the £10,899 the council has stated will be raised in the consultation document. If this rationale is extended to businesses throughout Southwark, there is simply no way that the levy raised will fund the services the council are proposing.

Section 30 comments on exemption categories and states that businesses may be exempt if they are "participating in a qualifying Business Improvement District" and then states "there are none within Southwark." There are five within Southwark which has been previously established seven points prior in the consultation document. As mentioned previously these five BIDs contribute well over £1,000,000 per year to Southwark in terms of policing and street cleaning. This unfortunately shows a severe lack of recognition, acknowledgement and understanding from the council regarding the services BIDs provide to businesses.

Section 37 lists potential disadvantages to adopting the LNL in Southwark; we would like to put these points into context.

*A significant amount of administration would be*

of premises potentially affected is intended to be indicative as the reasons additional revenue is required remain constant.

This is noted, however, of those premises that would be affected by the Levy, that responded to the online consultation, 40 stated that they were 'very likely' or 'likely' to apply for a free minor variation in the event that the LNL were introduced. This represents 8.1% of the potential 493 premises affected by the LNL, though it is accepted that this figure is only indicative.

Noted.

Southwark are not blind to the existence of the BIDs. The current services offered by Southwark's BIDs do not contribute to the safety and security initiatives, and street cleaning times covered by the late-night period after midnight.

*required.*

This significant amount of administration would be in the form of license amendments (to reduce hours of alcohol sales to midnight) and a Temporary Event Notice (TEN) per event past midnight. For the majority of our businesses, it is more cost effective for them to apply for a TENS for each event rather than pay the LNL charge.

The average Waterloo-based business will be charged £768 for their LNL. The charge for a TEN is £21 meaning each business would have to have 36 or fewer late night events for the cost to be worthwhile. This is clearly the most appealing option, considering our businesses (as mentioned) tend to have extensions on their licenses for Friday and Saturday nights. As a TENS can last for 168 hours (one week), there would simply be no need for our businesses to pay the levy; they will simply apply for the TENS when their events require.

The council will have to process a substantial amount of paperwork in order for these TEN applications and license amendments to be dealt with in a reasonable timeframe. If we conservatively say that five of our nine businesses amend their licenses and each apply for fifteen TENS per year - this is 80 additional applications for the council to deal with. Extrapolated to the numerous businesses that will inevitably change their licensing conditions and apply for TENS, this will be a severe increase. The reality is that the predicted administration costs of the proposal will be radically higher than the proposal outlines. As aforementioned, "a significant amount of administration cost will be required to set up the levy"; judging by our own research, this will be fair greater than the council's estimations. The more that is spent on simple administration costs, less funds are available for actual services.

Further, we as a BID spend roughly £40,000 per year on BID levy collection. The council's proposition states that their costs will be £ 23,706 for year one *and* year 2. We would question the authenticity of these figures, as we both will be collecting our levy in near identical manners, and a £60,000 gap in our respective collection fees over a two year period does not

Noted.

A premise can only have 15 events or 21 days in any calendar year with a maximum of 168 hrs with 24 hours break until the next event under the Temporary Events Notice (TEN) regime.

A potential increase in TEN applications is expected by the Licensing Authority. Minor variation applications to amend licence hours are also expected and will continue to be processed by officers within the existing legislative timeframe.

Potential LNL administrative costs may appear conservative. This is possible because the LNL fee is billed at the same time as the annual fee, therefore there is some savings made where we are not charging for work done on that already carried out in processing the annual fee.

See above. We have also corresponded with other local authorities on their experience of administrative costs and these our predictions are inline with their realities.

seem genuine.

*Negative community response*

Whilst speaking to our potentially affected businesses, one such business mentioned that they “would have no choice but to put up their prices” if the levy is introduced. The cost of the LNL is therefore being passed on to the community. Not only this, but we as a BID represent a demographic that covers all incomes. Higher costs will ultimately result in a lack of customers for our businesses, which will be detrimental to their survival. There is a real chance the introduction of the levy will endanger the permanence of our independent businesses.

*Increased police presence expected*

The Night Time Economy team that Southwark currently funds appear to have their work concentrated in other areas of the borough which possess a thriving NTE. The licensees in the Waterloo area have frequently commented at the Licensing Forums, and Crime & Security Forums, organised by the BID, that they are unaware of the presence of this team. Indeed, they do not attend our meetings and we have no real knowledge of their work in the Waterloo area. If the team are working in other areas of the borough, then Waterloo-based businesses are being asked to fund a team which do not contribute to the improvement of the Waterloo NTE and are therefore funding a resource which has no effect on their business or our NTE.

We would welcome evidence that the council’s Night Time Economy team do work with the local businesses in the Waterloo area - engagement visit logs and patrol reports would be ideal. As all our businesses surveyed did not have any knowledge of this resource, we believe it completely inappropriate for our businesses to fund a service they currently receive no benefit from. The levy itself will not be funding additional policing or service, but simply keeping the current service going, to which Waterloo has no benefit.

Noted, however the cost is passed to the customer, not the community at large.

All businesses with alcohol hours after midnight would be expected to contribute (unless they are awarded an exemption). The work of the NTE Team will continue to be Borough-wide.

The following is a list of visits carried out by the Council’s NTE Team over FY16/17 and FY17/18. The visits listed are of visits that have been carried out between midnight at 06:00, as these are the visits that would be covered by the LNL income. This data has been requested at a previous meeting with the BIDs.

The data does not include visits carried out by the Police, as this data has not been recorded. It must however be noted that many of the visits conducted below will have had a Police presence.

#### Exclusion of BID areas from the Levy

We, alongside the other four BID within Southwark, believe that businesses within our respective BID areas should be excluded from the levy. Shown in Southwark's own crime figures in their consultation report, the majority of crime issues take place in the south of Southwark. For a levy to be implemented in areas of Southwark which currently do not benefit from the LNL team, nor cause any of the issues which the levy is designed to counteract is very counterintuitive.

#### Summary

To summarise, WeAreWaterloo wishes to work closely with the council to support businesses that operate in the NTE, but the introduction of a LNL is not the best solution to go about this process. The range of evidence is clear that a LNL does not provide positive solutions for an area, but instead will shrink the NTE and weaken links between the local community and their council.

We are open to new ideas, initiatives and partnership working, but penalising all businesses with an unfair, unjust and undeserved blanket tax is unacceptable.

We would advise the council to strongly take

NTE logged visits	FY16/17 Midnight - 6am	% of Total	FY17/18 Midnight - 6am	% of Total
Peckham CIZ	52	9.4	45	12.7
Better Bankside BID	29	5.3	29	8.2
Camberwell CIZ	18	3.3	8	2.3
We are Waterloo BID	10	1.8	4	1.1
Blue Bermondsey BID	3	0.5	3	0.8
Team London Bridge BID	10	1.8	2	0.6
Southbank BID	1	0.2	0	0.0
All other visits	429	77.7	262	74.2
<b>Total</b>	<b>552</b>	<b>100%</b>	<b>353</b>	<b>100%</b>

NTE logged visits	FY16/17 Midnight - 6am	% of Total	FY17/18 Midnight - 6am	% of Total
BID areas combined	53	9.6	38	10.8
All other areas	499	90.4	315	89.2

We believe that whilst this is a true list of the Council's data, this is potentially misleading. Points to take into account:

- This does not show visits conducted by the Police
- This is a list of historical visits which are immaterial to any future visits, the rational can change
- The NTE Team was started in 2012 at which time the data would have shown a different story as the vast majority of visits were only done in the north of the Borough, Peckham and Camberwell were only just emerging as popular night-time destinations

Noted, see above.

Southwark Council welcomes any opportunity to enhance partnership working with the BIDs.

into consideration our points on the matter, as well as those of our neighbouring BIDs, and look forward to the council's response.

**Submission from BCRP BID**

Response	Officer Comment
<p>On behalf of the members of Southwark Safe Business Crime Reduction Partnership (BCRP), we are writing in response to Southwark Council's proposal to introduce a Late Night Levy (LNL) across the borough. Thank you for allowing us this opportunity.</p> <p>Southwark Safe BCRP was introduced into Southwark in 2016, with full support from MOPAC and the local police in response to high levels of violence with injury, robbery and theft crime across the borough. Since then, our BCRP has grown across night time economies in Peckham, London Bridge, Camberwell and Bankside, and has been a proven method in offering support to the Police, local authorities and other stakeholders by helping to reduce the burden on their resources and to help businesses reduce the impact and cost of crime against them and in their town centres. In both the MOPAC Crime and Policing Plan 2017-2021 and the recently published report from the GLA, <i>'Think Night: London's Neighbourhoods from 6pm to 6am'</i>, BCRP are repeatedly cited as a best practice when it comes to sustained safety management of the night time economy, and improving confidence amongst the businesses, and with the police and local authority. BCRPs are a voluntary paid membership scheme, open to all Southwark businesses, where members are offered the tools, information and skills required to protect their business, staff and customers allowing them to make informed decisions.</p> <p>Proven as an effective tool to share real time information, our radio was used during the awful London Bridge terror attack of 2017, where businesses in neighbouring town centres communicated amongst themselves when there was the fear of a secondary attack. Using this information, businesses implemented their lock-down procedures, keeping customers inside until</p>	

it was deemed safe to do otherwise. Through our locally run pub watches, licensees have shared information on prolific offenders operating within their venues, which led to several arrests and a prosecution. In the North of the borough we have also assisted the police in identifying unknown offenders, and directing them towards crime hot spots for patrolling officers.

Going forward, with ever increasing demands on statutory services, businesses coming together and working in partnership in this way to deter and detect crime and maintain safety is crucial in keeping Southwark Town Centres safe and welcoming to all those that live, work and visit them. Across one busy weekend, there may be 50 SIA security staff for every one police officer/enforcement officer. Through membership of the BCRP, we ensure these staff are working together across the radio, and are updated on local crime trends and prolific offenders. Where appropriate, we offer free training on workplace skills, critical for the role of security and customer service engagement. This has included business response critical incidents, acid attacks awareness and vulnerability training, often now not available to businesses by any other organisation. This has led to year-on-year high satisfaction rates amongst our members who are pleased with the service we provide. Our fear is that if this additional tax is imposed upon licensed premises, they will abandon the BCRP, and retreat back into their siloed mentality, which will only be detrimental for the borough.

Our ask, if Southwark Council deem it appropriate to introduce a Late Night Levy across the borough, is that those premises within the BCRP become exempt from the levy. Alternatively, similar to projects in Islington, some of the levy pays for membership of the BCRP, and in partnership we introduce innovative approaches to tackling crime in the night time economy, which incorporates and celebrates the skills and knowledge of the business community to compliment that of the council and police staff.

Southwark Safe has a positive working relationship with Southwark Council, whose

Comments noted. It would not be the intention of the Levy for premises to stop using the services of the BCRP.

The Authority believes that there may be certain responses to this. If the BCRP was considered to be a 'best practice' scheme, we may look to offer your members a 30% discount, if the Levy were to be imposed, but an exemption is unlikely. Any exemptions or discounts will be considered and decided by Members.

Alternatively/and, we may look to sponsor the work of the BCRP through allocation of monies by the Board dealing with the 30% to the Council.

Southwark Council also looks forward to working closed with BCRP.

wardens carry our BCRP radio. We welcome closer working opportunities to ensure businesses flourish and town centres remain safe across Southwark.	
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**Submission from Amy Lane, Night Czar**

Response	Officer Comment
<p>The Mayor and I are committed to championing London’s nightlife and nurturing our night time economy and London’s boroughs are vital partners in ensuring that our capital is a balanced 24- hour city. As London’s Night Czar I am committed to working closely with Southwark and all London boroughs to deliver the Mayor’s bold vision of London as a 24-Hour City. The report by the independent London Night Time Commission, <i>Think Night: London’s Neighbourhoods from 6pm to 6am</i> showed that London’s night time economy is growing. It is up to us now to actively engage and shape that process, to make the night time offer work for businesses, residents and visitors alike and to develop policies that facilitate and guide, rather than stifle, that growth.</p> <p>I was therefore very pleased to see in the overview for the consultation that Southwark is committed to supporting its vibrant night time economy and working with businesses to ensure Southwark is a great place to go out. I hope we can work together to ensure Southwark’s offer strikes the right balance in addressing the needs of local residents and businesses while delivering in full its potential contribution to the night time economy.</p> <p>Whilst I appreciate the sentiment behind Southwark’s decision to consult on the introduction of the late night levy, I have grave reservations about the impact a levy would have on businesses, the majority of which are responsible operators, as well as the impact to our ambition for London become a truly 24-hour city. I look forward to meeting with Cllr Victoria Mills next month and hope you will be able to join us to discuss how we can work together to tackle the issues you are seeking to resolve, in a way which is both proportionate and addresses the needs of businesses, residents and visitors,</p>	<p>Comments noted.</p> <p>Comments noted. Southwark looks to encourage a vibrant, varied and safe night time economy for visitors and residents alike to enjoy.</p> <p>Before a Levy can be introduced, a local authority is under a statutory duty to consult; therefore we are both assessing the actual merits of a Levy, whilst satisfying a bureaucratic administrative requirement. Your comments on a Levy being proportionate are understood, however, it is the intention that all non-exempt premises will contribute to maintain the safety of the late-night economy.</p>



<p>while supporting a thriving night time economy.</p> <p>I understand that in a time of reduced budgets for local authorities there are tough financial decisions that need to be taken. It is also understandable that the council should look at ways of raising money using the tools at their disposal.</p> <p>However, all too often discussion around night time activities focuses on problems and costs. There is already a lot of good work being undertaken by businesses and Business Improvement Districts (BIDs) to ensure that Southwark is a safe, clean and welcoming place at night. Southwark businesses have raised concerns with me about the serious impact of the introduction of a late night levy, which they believe could be detrimental to those responsible late night businesses that operate in the borough.</p> <p>The Mayor and I are also concerned that with increases in businesses rates and rents more widely, this measure could be seen as anti business and have serious unintended consequences such as contradicting your own consultation overview which states that you are <i>“committed to supporting its (Southwark’s) vibrant night time economy and working with businesses to ensure Southwark is a great place to go out.”</i></p> <p>You may be aware that the late night levy has been strongly criticised by the House of Lords Select Committee on the licensing act 2003 who said:</p> <p><i>“The late night levy was introduced in large part to require businesses which prosper from the night time economy to contribute towards the cost of policing it. Yet the evidence we have heard suggests that in practice it can be very difficult to correlate the two with any degree of precision, which contributes to the impression, held by many businesses, that the levy is serving as a form of additional general taxation, and is not being put towards its intended purpose.”</i></p> <p>The Committee concluded that, on balance, the levy in its current form had <i>“failed to achieve its</i></p>	<p>Noted.</p> <p>The monies currently paid to BIDs do not cover the late-night economy period covered by the Levy.</p> <p>Comments noted, however, the introduction of a Levy has never been intended to be anti-business, rather than to encourage good business practices.</p> <p>This is noted and has been cited by all the BIDs in their responses to the consultation. The Home Office have responded to this recommendation in their House of Commons Briefing Paper on the Late Night Levy (22 March 2019)</p> <p>The Committee did, however, recognise that the <i>Policing and Crime Act 2017</i> “may stand some chance of successfully reforming the levy”.</p> <p>If the Government decided to retain the levy, the Committee recommended that the current 70/30 split of levy revenue should be abolished and that funds should be divided equally between the police and licensing authorities.</p> <p><b>Government response (November 2017)</b> The Government’s response to the Committee’s</p>
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*objectives and should be abolished.”*

Equally, the recent report by the London Night Time Commission states that: *“We believe the levy should only ever be a last resort. Partnership should be the priority”*

We welcome the attendance of Southwark at the Night Time Borough Champions Network meetings. As Night Czar I am keen to explore the potential for greater partnership working with Southwark and ensure that all possible avenues have been considered ahead of any commitment to implement a late night levy. We would therefore be interested to know whether or not the council considers the implementation of the late night levy in Southwark as a last resort, and if so why? What other interventions have been tested previously before deciding on this course of action?

It is absolutely vital that the council and police work in partnership to ensure Southwark is a safe place at night. This partnership working should also include the businesses and any collective business groupings such as BIDS, as well as residents’ groups. We all have a part to play in making London a safe place 24-hours a day. However, this partnership working could be damaged if those who are being levied feel that they are being subjected to additional taxation for no other reason than because they sell alcohol after midnight.

report was published in November 2017. On the levy, the Government said that:

- It would commence the provisions of the 2017 Act (see section 2 of this paper). However, it would not commence the measure allowing licensing authorities to charge the levy to late night refreshment premises until it had consulted on the appropriate level of the charge;
- It had no intention to introduce a sunset clause to repeal the legislation after two years. The legislation would be subject to a post-legislative review five years after Royal Assent;
- The 70/30 split of levy income was appropriate and there were no plans to change it.

Therefore, the position of the Government has not changed and a Levy is still therefore considered to be a proportionate way of fundraising for this kind of activity.

Noted.

Southwark is using the Levy as a legislatively available tool to fundraise to support the continued work of the Night Time Economy Team. Without that funding, there is a possibility that it would have to cease, as it is a non-statutory function. Other means of sponsoring this work would mean taking from other budgets and reducing services in other sectors.

Comments noted.

In the event of a late night levy being introduced, those businesses that are already paying into a recognised collective business grouping such as a BID, should be exempt from any further charges.

All BIDs have responded to the consultation with the same request, inferring that there is an entitlement to exemption if a member is paying into a BID. This is not factually correct.

Members of the BIDs have quoted from the Home Office Amended Guidance on the Late Night Levy (24/10/2012)

*"133. Business Improvement Districts ("BIDs") Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus. The Government would expect licensing authorities to carefully consider exempting eligible BIDs from the levy. It is up to the licensing authorities' discretion to determine whether the BIDs in their area are eligible".*

The reference to "an exemption", we believe has been misinterpreted by the BIDs as meaning a 100% exemption, because even within the Amended Guidance at paragraph 1.25 it is confirmed that the exemption categories are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

Paragraph 5 of these Regulations, details that Licencing Authorities (LAs) have discretion in BID areas and/or premises covered by a best practice scheme that promotes the reduction or prevention of late night disorder attracts a set 30% discount. We can see there have been two amendments to the Regulations, but these do not relate to the BIDs having a 100% exemption.

BID exemptions to the LNL were also considered by the *Select Committee on the Licensing Act 2003: The Licensing Act 2003 post-legislative scrutiny*. The Select Committee was critical of the LNL and welcomed LAs that had **abandoned the LNL in favour of supporting BID districts and other alternative initiatives**. **Paragraph 512 of the Report also refers to** some businesses in LAs with a LNL, "receive a partial discount or full exemption from paying the LNL". Having scrutinised other LAs, we can find none approving a full exemption, referring to the 2012 Regulations (above).

In the event of a late night levy being introduced the council should set out clearly how all money raised from the levy will be spent in the borough. Those businesses being charged the levy should be informed of all decisions relating to the allocation of money received through the levy. We are aware of instances in which a late night levy has been implemented and the money has not been spent. We are clear that where a levy is in place, this money should be released quickly and invested in the night time economy.

As stated above, we are very concerned and have had representations from Southwark businesses that the introduction of a late night

Footnote 481 of the Select Committee Report highlights question 14 of the public evidence heard on 5 July 2016. Question 14 was answered the then Home Office's Head of Alcohol who made specific mention to Hackney having a voluntary levy. We looked into this and found amongst the Hackney consultation documents for the LNL that "around 40 businesses were part of a voluntary scheme, raising around £56,000 per year. The voluntary levy has helped to fund additional patrols by community safety wardens on Friday and Saturday nights in Dalston and Shoreditch with 8 businesses in BID areas". This is most likely being the "full exemption" being inaccurately referred to.

To conclude, the 2012 Regulations make it clear, there *is discretion* to impose a 30% discount, but since Southwark does not currently have any fully-endorsed Best Practice Schemes, that premises within a BID cannot be exempt and likely that a 30% discount can not be applied at this point either.

The reports to the Licensing Committee have already clearly shown how the bulk of the monies will continue a contract with local Police to maintain the Night Time Economy Team, working jointly with Council Enforcement Officers. The Police Reform and Social Responsibility Act 2011 which allows the Council to raise revenue on alcohol licensed premises by way of a Levy dictates that at least 70% must go towards policing. If the Levy were introduced, a Board would be set up to decide how to spend the remaining monies. Additional street cleaning may be one potential option. Collation and spending of monies will be audited and reported on.

Southwark are aware of the issues in Islington, that the monies collected through the Levy have not been spent. As throughout the consultation, we already have a clear path for where the majority of income will already go.

Comments noted. We would also encourage closer partnership working with the Mayor's Office.

<p>levy could be detrimental to those responsible late night businesses that operate in the borough, particularly at a time of increased business rates and rents. I reiterate my offer to work in partnership with Southwark to explore other possible solutions ahead of any introduction of a late night levy.</p> <p>In November 2018 the GLA intelligence unit published 'London at night: an evidence base for a 24-hour city', the most comprehensive study of a city at night. The report states that:</p> <p><i>“Alcohol is becoming less important. There has been a long-term fall in alcohol consumption when out at night, and a long-term move towards less frequent drinking. For all adults in England, the number of people who drank alcohol in the last week dropped from 67 per cent in 1998 to 58 per cent in 2016. For those aged 16-24, the drop has been even bigger - from 65 to 46 per cent.</i></p> <p><i>Police figures also show a falling role for alcohol at night. Across London, the number of alcohol related recorded offences at night fell by 51 per cent between 2010/11 and 2017/18. Alcohol related reports make up only 4.3 per cent of all recorded offences at night. Likewise, only a small proportion of health service activity is due to things happening at night. For example, there are fewer hospital A&amp;E attendances for assault than there are for road traffic accidents or sports injuries.”</i></p>	<p>Comments noted, though Southwark believe that there remains a direct causational link between premises licensed for late-night alcohol and alcohol-led antisocial behaviour throughout the Borough.</p>
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**Submission from Thomas and Thomas LLP**

Response	Officer Comment
<p>There should be recognition that some premises have more impact in Southwark (in particular inside the cumulative impact areas) than others. The potential negative impact caused by a minority of licensed premises could be more fairly tackled by dealing with the problem premises directly, rather than requiring all premises licensed to sell alcohol after midnight to be charged the levy (the majority of which do not add to cumulative impact).</p> <p>If the levy is implemented, the funds should be</p>	<p>Exemptions are not being given to premises which are considered to have less negative impact. The Levy would be applied equally to all premises selling alcohol after midnight. Licensing Enforcement Officers already spend considerable time ensuring licensee compliance through reactive enforcement, including warnings, simple cautions, prosecutions and reviews.</p> <p>Licensing enforcement is already primarily a</p>

<p>directed to the payment of enforcement against the premises that are actually causing cumulative impact i.e. those which are not well managed and with high incidents of public disorder and crime. Tackling these premises would reduce cumulative impact.</p> <p>There should be recognition that there is a reduction of cumulative impact where premises vary their licences to reduce hours to midnight. This should be reviewed and reported on an annual basis.</p> <p>The levy should not apply to premises which only operate between midnight and 06:00 in non standard timings – e.g. those whose licence extends beyond midnight only on New Year’s Eve.</p> <p>A more appropriate start time for the levy threshold is 1am, rather than midnight.</p> <p>Hotels authorised to supply alcohol after the threshold time should be exempt.</p> <p>There should be a 30% discount for licence holders partaking in a recognised BID or similar.</p> <p>Any premises licence holder whose licence currently allows them to operate between midnight and 06:00 should be given a grace period of 6 months during which time a minor variation can be made without fee to reduce the hours to take them outside of the levy payment.</p>	<p>reactive and information-led operation. Enforcement Officers and the Police already follow this model. However, monies gathered from the Levy would also go to ensuring prevention of antisocial behaviour across the Borough.</p> <p>Current CIAs are currently under review as part of the Southwark’s Statement of Licensing Policy. Maintenance of CIAs is based on updates alcohol-led crime statistics. If an area saw a dramatic decline in premises numbers, this would also be taken into account.</p> <p>This is already a recommendation being made by the Licensing Authority.</p> <p>Comment noted, however Police Reform and Social Responsibility Act 2011 which allows the Council to raise revenue on alcohol licensed premises by way of a Levy dictates the hours to which the Levy would apply.</p> <p>Licensing is recommending that hotels with no public access be made exempt as their guests would likely have a limited impact on the night time environment. Hotels will be looked at on a case-by-case basis to ensure that there is no public access after midnight.</p> <p>Comment noted, any exemptions or discounts will be considered and decided by Members.</p> <p>If the Levy is agreed by full assembly, a further notice will be publicised advising of the implementation. The date for which is intended to be 01 September 2019. Premises will have the time between those to apply for a minor variation. All premises were written to as part of the consultation process, before the consultation started, thereby putting them on notice. Therefore there will have been around 16 weeks to take measurements of how the Levy may affect them and whether they would rather apply for a minor variation.</p>
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**Submission from Gavin Blackburn (Southwark Planning)**

Response	Officer Comment
<p data-bbox="188 271 778 763">Money spent on ensuring regulatory compliance (licensing) and preventing any breach of the peace (policing) is almost by definition a good thing. We expect licences to be kept to and we want to be safe particularly late at night when there might be a perception that we are more vulnerable and regulations aren't always as tightly followed. No one is going to be in favour of a cut to the night team economy team and equally if there is no opportunity cost I don't think anyone would be against more police and licensing officers. Greater safety at night makes it more likely that people will go out at night and enjoy whats available.</p> <p data-bbox="188 801 778 1514">I don't know the statistics for Southwark, but as part of the GLA night time economy study a number of favourable statistics were produced which suggest crime late at night is more of a perceived problem than an actual one. An example being across London a 51% drop in night time offences involving alcohol from 2010 to 2017. I'm sure you have access to more accurate statistics for Southwark so I don't want to disagree with any that you have, as I'm sure they will be more relevant than any from the GLA. The night time economy commission is anxious though to present the night time economy as an opportunity, rather than a problem to be policed and tolerated. That line of encouragement of an expanded night time economy is broadly supported by our planning and regeneration policies. Expansion of course does not have to mean more alcohol, in fact we would want more diversity.</p> <p data-bbox="188 1552 778 2002">A night time levy is going to have an impact depending upon the amount of the levy so we would want an impact assessment as to the potential for this to curtail night time uses developing, particularly in regeneration areas such as Peckham where our planning policies encourage them. The night time economy commission came about in part because of a concern about loss of venues; placing a further tax on them may cause others to close. It may also have quite a marked impact on different communities. Night time businesses catering for more established communities which are well</p>	<p data-bbox="805 271 1029 297">Comments noted.</p> <p data-bbox="805 801 1401 871">Southwark's statistics are available online as part of the LNL consultation report.</p> <p data-bbox="805 1552 1390 1868">The potential fees for the Levy are available as part of the consultation report. Your comments on the potential for loss of venues are noted. In relation to the potential effect on Hispanic/Latin communities, the equalities impact assessment done for the consultation has made it clear that the Levy is not intended to adverse affect any minority, or cultural-specific group. Please see for further information.</p>

established themselves maybe be better able to bear a levy than newer entrants serving newer communities. Some cultures maybe quite used to a 11:00pm or midnight closing hour and be unaffected. Whereas others such as the Hispanic/Latin American community might be much more affected by a late night levy. An equalities impact assessment would need to be carried out on the effect of this levy.

Ideally BIDs would expand across the borough and raise money themselves to support their areas including the cost of Policing. I appreciate that isn't going to happen and some top down compulsion to get everyone to contribute is needed, but its very hard to impose a tax if there is no support at all for it from those expected to pay. I think there needs to be a core of licencees who want more Policing and are willing to pay something toward it. No one wants to pay to park their car in a CPZ, but equally no one wants cluttered streets so when we introduce one of these there is always an active group of residents wanting more control. I think you need the same thing for this proposal.

In summary we are in favour of raising money to make the borough safe, but there is a lot of detail to be worked through as to how that is achieved. Probably the best contacts to discuss that with further are Dan and Neil in the regen North and South teams.

Comment noted, however, the funds paid towards the BID do not cover the late night period.

Comment noted.



## **APPENDIX H BETTER BANKSIDE**

Mr. Andrew Heron  
Principal Licensing Officer  
Regulatory Services - Environment and Leisure  
Southwark Council  
160 Tooley Street  
London  
SE1 2QH

17<sup>th</sup> May 2019

Dear Mr. Heron,

### **RE: Consultation on the introduction of a Late Night Levy in the London Borough of Southwark**

We write to you to formally object to Southwark Council's proposal to introduce a Late Night Levy (LNL) in the London Borough of Southwark. The introduction of this levy would directly impact 59<sup>1</sup> Better Bankside BID levy payers.

Better Bankside has been working for over 18 years to make the area safer, cleaner and greener for all those who work, live and visit. Better Bankside invests £350,000 annually in crime reduction measures, and a further £210,000 in additional street cleansing. This far outstrips the total potential revenue for the entire borough from the LNL. Through strong partnership working we have achieved significant results, addressing issues related to the Night Time Economy (NTE) for our circa 700 business members.

Bankside has a thriving and safe NTE. It is a vibrant, busy area, with footfall of 30 million people annually. The area is a leading visitor destination, home to a number of world-renowned cultural attractions including Tate Modern, Borough Market and Shakespeare's Globe as well as a diverse business community, with a workforce of over 70,000 employees.

We recognise Southwark Council intent to maintain a safe evening environment across the borough and we are committed to the same aim. However, we object to using what we consider to be such a blunt instrument as the LNL, the effect of which is often to penalise well run, responsible premises for the transgressions of others. We acknowledge that the Council's Late Night Levy Consultation document – dated 23 January 2019 – proposes a 30% discount for businesses within a BID but request that Southwark Council enters into an agreement to provide total exemption to businesses who are already contributing to a BID levy, as specified paragraph 1.33 of the Home Office's Guidance on The Late Night Levy.

Whilst it is important to ensure that the NTE is safe and accessible for all, there are very few examples nationally of the LNL achieving its objectives. In fact, the House of Lords Select Committee report from 2017 states:

*"Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives and should be abolished...The Committee has seen considerable evidence suggesting that Business Improvement Districts (BIDs) can achieve similar, and indeed often better, more flexible and more innovative results than Late Night Levies while also proving more acceptable to local businesses."* - House of Lords Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny, HL Paper 146, 4 April 2017, paras 502 & 506.

The report goes further to state:

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<sup>1</sup> The list of premises potentially liable for LNL within Better Bankside area identifies two businesses no longer operating. There are two instances where it appears that businesses sharing hereditaments have been counted twice. There are also instances of four businesses whose rateable values fall below the BID levy threshold. Therefore, the true figure is 59 not 67.

*“We welcome the initiative of local authorities such as Cheltenham which have abandoned Late Night Levies in favour of Business Improvement Districts.”* - House of Lords Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny, HL Paper 146, 4 April 2017, para 520.

Likewise, the Late Night Time Commissions recent report - Think Night: London’s Neighbourhoods from 6pm to 6am, states:

*“As police budgets are challenged, many areas have found success by funding greeters and ambassadors through Business Improvement Districts. Such partnerships have been far better at bringing long-term benefits than imposing, for example, the Late Night Levy. We believe the levy should only ever be a last resort. Partnership should be the priority.”* - Think Night: London’s Neighbourhoods from 6pm to 6am, page 57.

The introduction of the LNL in Southwark would go against these recommendations. The point has been already made about the significant investment Better Bankside makes in additional services, and there are further factors which make the LNL unsuited and potentially damaging to the NTE in our area. These factors have been expanded on below:

**1. Better Bankside members already invest significantly to services aimed at reducing the impact of the Night Time Economy.**

Our member businesses contribute £1.8million a year to Better Bankside – which funds projects and services to improve the local trading environment. In the 2019-20 financial year Better Bankside will invest a total of £560,000 on additional safety and security initiatives, and street cleaning.

There is no detail given in the proposal document on how the predicted annual revenue from the LNL generated from Bankside businesses will be spent, other than a vague statement that a portion of the money raised from the LNL will go to fund the Night Time Economy (NTE) Team.

- For over ten years Better Bankside has co-funded a team of Community Wardens – an example of a successful partnership with Southwark Council. Since 2015 our Bankside Community Wardens have supported the Met PCs in their work with Night Time Economy working to gather intelligence; participating in operations; and providing advice to licensed premises.
- For the last three years Better Bankside have invested in two Metropolitan Police Service Constables for the area. Our PCs have spent this time delivering staff training in premises on crime reduction and counter terrorism; providing child sexual exploitation awareness and design-out-crime advice to licensed premises; sharing intelligence and best practise; collecting evidence; delivering briefings at Pubwatch meetings; and organising anti-theft operations.
- Similarly, our Community Wardens have worked with the potential victims of crime by organising security briefings within the businesses in our area. Advising staff who enjoy the pubs, bars and restaurants in the area on personal safety, protecting their personal belongs and drinking responsibly. Handing out personal protection equipment such as anti-cloning card sleeves, mobile phone cables, personal alarms etc. at these events.
- We work closely with the Southwark Safe Business Crime Reduction Partnership encouraging our businesses to sign up to the radio and DISC intelligence-sharing platform. These products are available 24 hours a day and improve personal safety and crime detection rates. Southwark Safe offers weekly NTE briefings and valuable training to our NTE venues including Welfare and Vulnerability Engagement (WAVE) and Project Diffuse (corrosive substances attack) which we facilitate by organising venues and promoting to our membership. The recent Night Time

Commission's *'Think Night: London's Neighbourhoods from 6pm to 6am'* both BIDs and BCRPs are repeatedly identified as examples of best practice for sustainably managing the safety of the Night Time Economy.

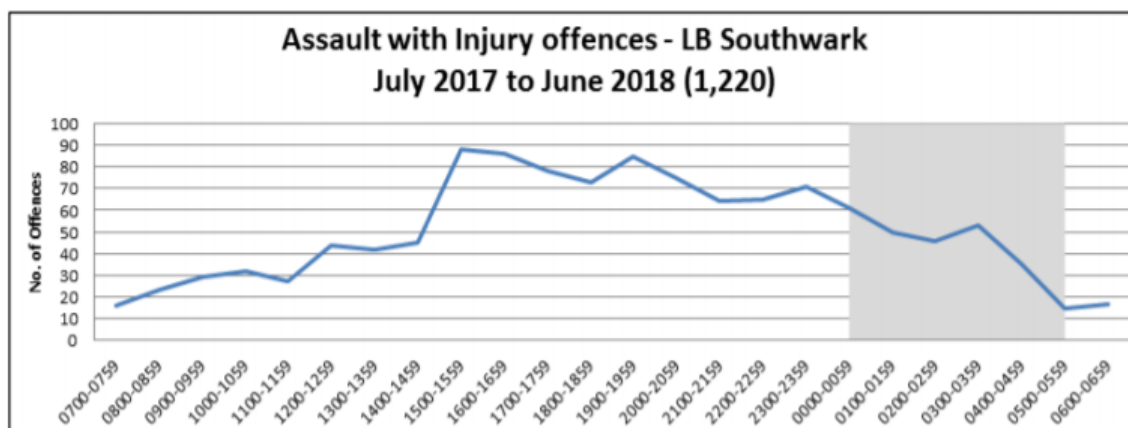
- It is stated in the consultation document that part of the funds raised through the LNL should be spent on the 'cleaning of any relevant highway.' Better Bankside currently invests over £200,000 annually to fund additional cleaning services across the area. Our five person cleaning team work seven days per week cleaning the entirety of the area, delivering 5,000 additional hours street cleaning each year.

## **2. The LNL could damage Southwark's Night Time Economy.**

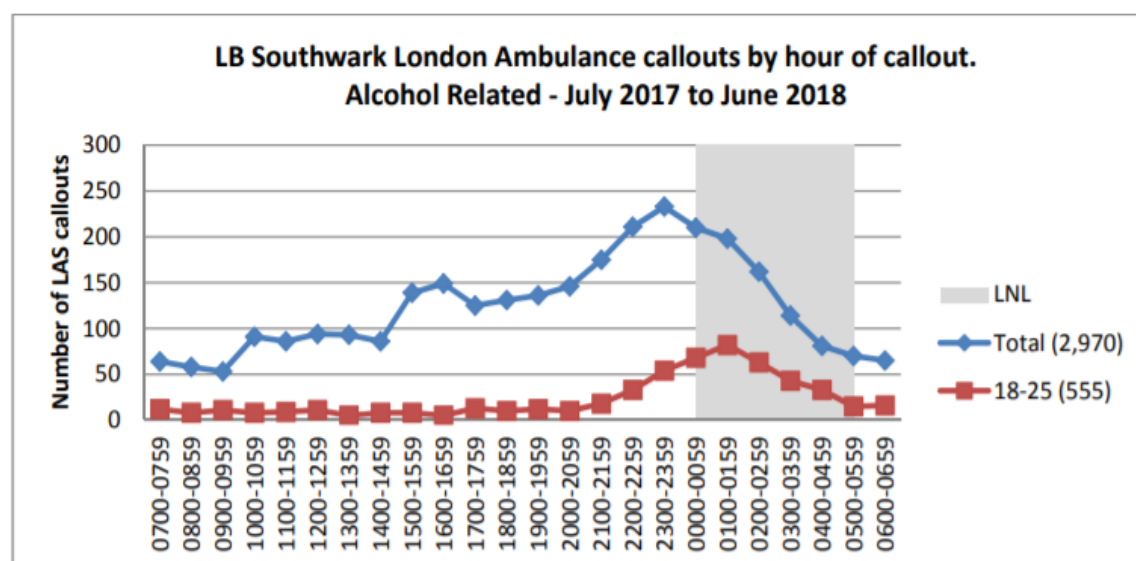
- Consultations with our business members indicates that of the 59 premises affected by the LNL, 25% of businesses intend to reduce their licensed hours to avoid paying the levy. This will challenge the financial viability of the scheme due to lower than anticipated revenue and increased administration costs generated by license amendments.
- The legislated banding criteria which makes it comparatively easier for a business with a large rateable value to pay than one that's smaller, favours the creation of a homogenous NTE offer. Many of the smaller independent venues that give so much cultural significance to the borough will find it more difficult to continue operating.
- All of this is at odds with the Mayor of London's vision for a 24-hour city which has the explicit aim of increasing opening hours and expanding the cultural offering.

## **3. Crime data for Bankside and Southwark does not support the need for the LNL.**

- Between 2010 and 2017 night time offences involving alcohol in London decreased by 51% and only 4.3% of all crimes at night are alcohol related.
- Data on Total Notifiable Offences (TNOs) within the Better Bankside area indicates that the most prevalent crimes in Bankside are "theft other" and "theft from person".
  - Theft makes up 70% of all reported crimes.
  - Less than 15% of thefts occur during 00:00 – 06:00.
- Over the last two years only 11% of the TNOs in Bankside were related to violence against the person of which 19% was "assault with injury".
  - Of the recorded "assaults with injury" 25% occurred between 00:00 – 06:00, only 22 incidents in two years.
  - Bankside has a footfall of over 30 million annually and 70,000 employees, assaults with injury represent a ratio of 0.00018 per person annually.
  - There is no evidence to suggest that any of these assaults were linked to licensed premises.
- The violent crime statistics for the borough (appendix 6 of the proposal document) link crime in the evening to alcohol but make no reference to those crimes happening at licensed premises. The data analysis highlights on page 3 that "assault with injury" offences "remain high throughout the evening period and actually rise at 3am." However, it neglects to mention that these offences begin to rise at 2pm, peak between 3pm-4pm and then begin a steady decline with incidents down a third by midnight. Rather than peaking as the document states it is more so a blip within a steady decline throughout the LNL period. In addition, these figures are a total of pan-borough offences, not just those committed in licensed premises. Once again there is no evidence that the sale of alcohol in licensed premises beyond midnight is responsible for them.



- Likewise, the London Ambulance Service (LAS) data included within the reports shows that call-outs for “alcohol related incidents” peaks between 11pm – midnight. After which it rapidly declines throughout the LNL period. There is no evidence to indicate that the call-outs are linked to alcohol consumed in licensed premises as suggested.



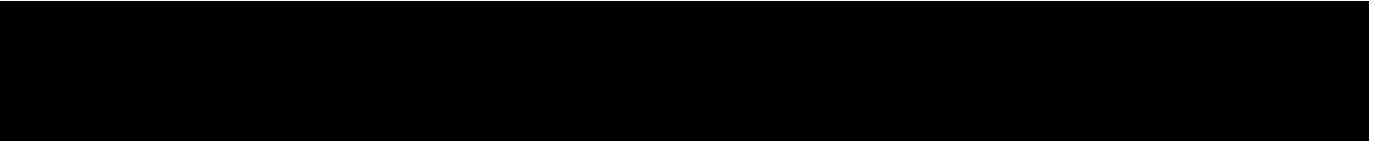
In addition to the above the statement within Table 7 – LNL exemption categories, Page 6, London Borough of Southwark – Late Night Levy consultation, dated 7 November 2018, “*Businesses participating in a qualifying Business Improvement District where there is an existing levy to promote the reduction or prevention of late night disorder (there are none within Southwark)*”, is factually incorrect - and misleading to the public. There are five BIDs in Southwark all of which have been working tirelessly for over a decade to improve the borough and support the NTE.

Better Bankside has enjoyed 15 years of working in partnership with Southwark Council, and would favour strong partnership working to achieve a healthy, safe NTE over the introduction of the LNL.

We urge Southwark Council to desist from introducing the LNL. If it does determine to proceed then it should go further than offering BID businesses a 30% discount to the LNL and offer a permanent, full exemption to the levy for all businesses paying a BID levy. Following the recommendations of the Home Office, House of Lords and Night Time Commission, who have all recognised the contributions of BIDs as being highly effective at mitigating the impacts of the NTE.

We would welcome the opportunity to discuss our concerns further and how business groups such as BIDs can work closer with Southwark Council to have a greater impact on reducing alcohol related crime in the borough.

Yours sincerely,



Donald Hyslop  
Chair Better Bankside Board  
Director of Regeneration &  
Community Partnerships  
Tate Modern

Mike Hill  
Better Bankside Board Member  
Chair, Better Bankside Security  
and Resilience Group  
Owner, Utobeer

Peter Williams  
Chief Executive Officer  
Better Bankside

Andrew Heron  
Principal Licensing Officer  
Southwark Council  
160 Tooley Street  
London  
SE1 2QU

**TEAM LONDON BRIDGE**

15<sup>th</sup> May 2019

**RE: Late Night Levy Consultation**

Dear Andrew,

On behalf of the members of the London Bridge Business Improvement District (BID) we are writing in response to Southwark Council's proposal to introduce a Late Night Levy (LNL) across the borough, an initiative that would directly impact 45<sup>1</sup> of our members.

Whilst the Council's Late Night Levy Consultation document (dated 23<sup>rd</sup> January 2019) proposes a 30% discount for businesses within a BID, it is our contention that BID members should be excluded entirely as per paragraph 1.33 of the Home Office's Guidance On The Late Night Levy, 2012. This is largely because our members already contribute towards improving the cleanliness and safety of the local environment, with the BID mechanism ensuring additional services are delivered in a localised, targeted and transparent manner. The House of Lords Select Committee, when reviewing the LNL legislation in 2017, echoed that point and concluded that the levy should even be abolished:

"Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives, and should be abolished...The Committee has seen considerable evidence suggesting that Business Improvement Districts (BIDs) can achieve similar, and indeed often better, more flexible and more innovative results than Late Night Levies while also proving more acceptable to local businesses." *House of Lords Select Committee, The Licensing Act 2003: post-legislative scrutiny, p124-5, paras 502 & 506.*

Aside from the fact that additional services are already being funded by the BID, there are other factors that make the LNL ineffective and also potentially damaging to the night time economy: all businesses are charged regardless of the impact they themselves have on safety and cleanliness; premises may choose to reduce their licensing hours to avoid the levy; and the crime data used to justify the levy is questionable and fails to recognise the different crime profiles across the borough.

All of these points are considered in more detail below.

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<sup>1</sup> The list of premises potentially liable for the levy within the London Bridge BID area mistakenly identifies 6 premises that are outside the BID area. The true figure is therefore 45 as opposed to 51.

**1. BID members already contribute financially to services related to mitigating the impact of the night time economy.**

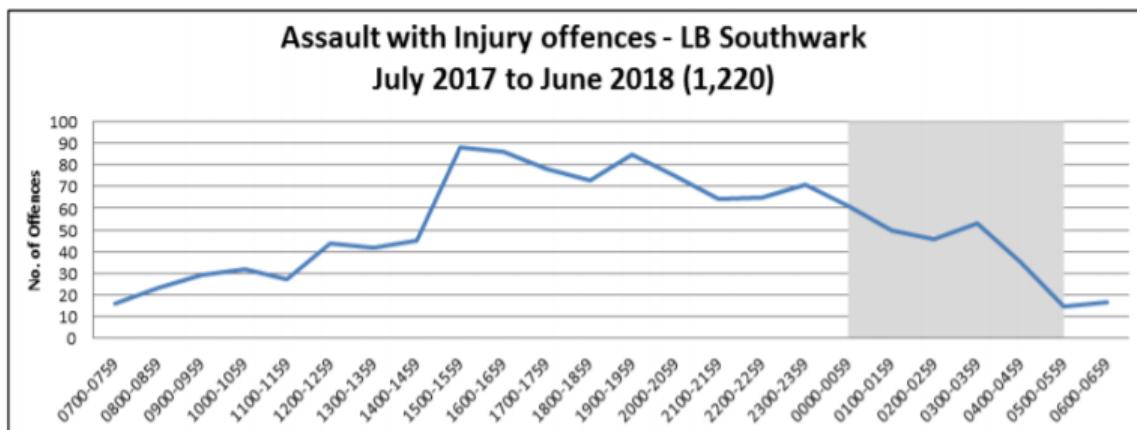
Through the BID Levy, our 386 member businesses voluntarily contribute £1.4 million a year to Team London Bridge – all of which funds projects and services to improve the local trading environment. There is no detail given in the proposal document on how the £51,523 predicted annual revenue from the LNL generated in our BID area will be spent, however in the coming 2019-20 financial year Team London Bridge will spend a total of £193,000 on additional safety and security initiatives, and a further £110,000 on additional street cleaning.

- £58,000 will fund an additional Metropolitan Police Service constable for the BID area who has already spent the past three years in that role providing crime prevention training, child sexual exploitation awareness and design-out-crime advice to licensed premises; collecting evidence; delivering briefings at Pubwatch meetings; and organising anti-theft operations. The majority of this work is aimed at crime prevention so whilst our officer is able to work late night shifts (beyond midnight), there simply hasn't been the operational need to do so.
- £58,000 will fund an additional British Transport Police officer for businesses within the station footprint and on its periphery, which includes several licensed premises. They will perform the same functions as our Met officer above.
- Replicating a success from 2018, we will again be running a 'Safe Space' in London Bridge station for 6 weeks over the festive period in partnership with Network Rail and British Transport Police. This will be manned by qualified medics and Street Pastors and is specifically aimed at treating the injured, vulnerable and 'worse for wear' throughout the evening. The result is a safer environment for users of the local night time economy and valuable relief for the emergency services.
- We heavily subsidise the Southwark Safe Business Crime Reduction Partnership radio and fully fund the cost of the DISC intelligence-sharing platform for our members: two excellent products that improve personal safety and crime detection rates. They're also available 24 hours a day. Alongside this, the BCRP offers valuable training to our NTE venues such as Welfare and Vulnerability Engagement (WAVE) and Project Diffuse (corrosive substances attack). In total, 18 of our licensed premises identified as eligible for the LNL are already BCRP members and subscribe to these services. In the Night Time Commission's recently published report *'Think Night: London's Neighbourhoods from 6pm to 6am'* the work of both BIDs and BCRPs is repeatedly cited as best practice when it comes to sustainably managing safety of the Night Time Economy.
- The consultation document states that a portion of the funds raised must be spent on the 'cleaning of any relevant highway', however BID members are already contributing to this additional service in London Bridge. Through a contract with Southwark Council's own street cleaning team we deliver 4,300 extra hours of sweeping and litter picking, and 208 extra hours of jet washing every year. It should also be noted that 21 of the listed premises in London Bridge operate on privately managed estates and as such have no direct impact on the cleanliness of borough-maintained highways; cleaning is provided by their landlord.

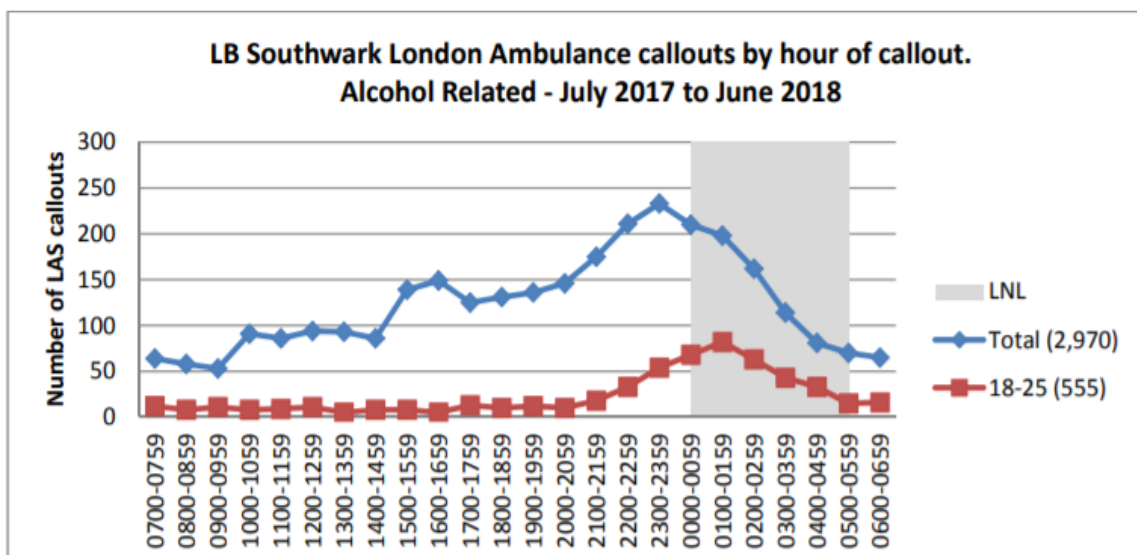


## 2. Crime data does not support the need for a Late Night Levy

- Our most recent crime statistics for the BID area (April 2019) show that 76 offences (57%) are 'Theft Person' and 'Other Theft', with the vast majority happening in our licensed premises between 17:00 – 22:00. There was just one 'Assault With Injury' linked to a licensed venue. Considering these theft offences are highly unlikely to be driven by the sale of alcohol beyond midnight, it's unclear how the LNL would address this problem. Arguably it's best addressed by our funded officers who deliver crime prevention advice and conduct anti-theft operations during peak hours.
- The violent crime statistics for the borough (appendix 6 of the proposal document) do not support the fact that serving alcohol between midnight and 06:00 leads to crime and disorder. On page 3 it's asserted that assault with injury offences 'remain high throughout the evening period and actually rise at 3am'. As is evident from the graph below, assault with injury is actually falling from its peak at 16:00, with only a small blip at 03:00 in an otherwise downward trend. The figures are also a total of all the borough's offences, not just those committed in licensed premises, so there is nothing to say that the sale of alcohol in licensed premises beyond midnight is responsible for them.



- There is a similar issue with using London Ambulance Service data on alcohol-related call-outs. There is no evidence to indicate that the call-outs are linked to alcohol consumed in licensed premises and the number peaks prior midnight before rapidly declining thereafter.





### **3. The Late Night Levy could damage Southwark's night time economy**

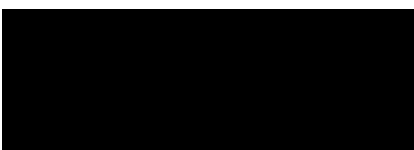
- Out of the 45 businesses in the BID identified as potentially liable for the LNL, only 15 of them currently trade beyond 00:00, and just one serves alcohol until 06:00. It's therefore conceivable that a large proportion of these 45 will amend their license to avoid falling within the LNL hours. In turn, this will challenge the financial viability of the scheme due to lower than anticipated revenue and increased administration costs generated by license amendments. Incidentally, the administration costs for the levy are not listed in the proposal and it's acknowledged that 'a significant amount of administration would be required to set up the LNL.'
- Related to the above, introducing a LNL could damage the vitality of the borough's night time economy by reducing opening hours and increasing already expensive operating costs. This is exacerbated by the legislated banding criteria which makes it comparatively easier for a business with a large rateable value to pay than one that's smaller. This is at odds with the Mayor of London's vision for a 24-hour city which has the explicit aim of increasing opening hours.

### **4. Clarity is required on the administration costs**

- The cost of implementing and managing the LNL is stated as £18,438 in year 1 and £5,268 in year 2 based on billing 439 premises. This seems very conservative, especially when compared to the £47,498.30 that Southwark Council charged Team London Bridge last financial year for billing our 564 hereditaments through a mechanism almost identical to that used for the LNL. We would therefore like clarification on how the administration costs were calculated because, if under-estimated, the net amount of levy available to fund services decreases and the viability of the scheme becomes more questionable.

In summary, we suggest that if Southwark Council deem it appropriate to introduce a Late Night Levy across the borough, those premises within Business Improvement Districts should be entirely exempt. This is in line with comments made by the Home Office, House of Lords and the Night Time Commission – all of whom recognise that the financial contribution and partnership approach of BIDs are already highly effective at mitigating the local impacts of the night time economy. At present there is also no detail on how revenue from the LNL would be spent, whether this would represent an uplift in existing services, and how it would be used to reduce theft which is by far the most significant crime affecting the night time economy in the north of the borough. We welcome further discussion with Southwark Council in the spirit of the strong partnership we have developed since 2005.

Yours sincerely,



Nadia Broccardo  
Chief Executive

# WEAREWATERLOO

WeAreWaterloo  
Build Studios  
203 Westminster Bridge Road  
London  
SE1 7FR

Andrew Heron  
Principal Licensing Officer  
Southwark Council  
160 Tooley Street  
London  
SE1 2QU

Dear Andrew Heron (Southwark Principal Licensing Officer),

This letter is submitted on behalf of WeAreWaterloo Business Improvement District (BID). WeAreWaterloo operates in the Waterloo area of central London; the BID area covers parts of North Lambeth and North Southwark. The BID carries out a number of projects and services for businesses in the Waterloo area, including environmental services such as graffiti removal and cleaning services, crime and security forums, communication and training, networking, operational business support, and promotion of the area and its businesses.

It is our belief that businesses within our BID area should be excluded from the imposition of the proposed Late Night Levy (LNL) in Southwark. Indeed, we stand in solidarity with our partner BIDs in Southwark, and are all firmly of the view that this exclusion should include all five BID areas within Southwark. We strongly believe that a LNL would be to the detriment of Southwark and the businesses we represent.

## **Historical failure and inequality of the LNL**

The LNL has been strongly criticised by the House of Lords Select Committee which concluded in April 2017 that “the levy has failed to achieve its objectives and should be abolished”. It is important to note that the conclusion of the select committee report was based on incontrovertible evidence that there is no correlation “with any degree of precision” between businesses who prosper in the night time economy and the cost of policing it <sup>[1]</sup>. Not only is the conclusion of this report significant, but the *basis of the evidence* is indisputable that the levy itself is a blanket taxation on all night time economy businesses, and unfairly targets businesses which have little to no impact on crime within the night time economy.

In 2017 Cheltenham Council abolished their LNL for two reasons: Firstly, the amount of income they received from the levy was significantly lower than their expectations. From our own calculations and research with businesses (which we will detail later on) we expect the amount that Waterloo businesses will actually pay is significantly lower than Southwark’s predictions. Secondly, Cheltenham Council, believed the Cheltenham Business Improvement District to be a more effective tool in the area. This analysis has been shared by the aforementioned House of Lords Select Committee report of 2017; that BIDs offer novel and bespoke solutions to their distinct areas. Furthermore the British Beer and Pub Association <sup>[2]</sup> and Campaign for Real Ale <sup>[3]</sup>, also view BIDs as a more effective and successful alternative to the LNL.

We believe that the benefits that WeAreWaterloo, South Bank BID, Better Bankside, Team London Bridge and Blue Bermondsey bring to Southwark have been overlooked, and as of January 2018 provide well over £1,000,000 worth of additional policing and street cleaning to the borough.

As a general criticism of the levy itself, the banding penalises smaller businesses, as the difference between bands is vast. It does not take into consideration small businesses of which the levy would have a severely damaging effect. In Waterloo, we have a strong and thriving economy of small independent businesses. The addition of this levy does not only threaten the existing night time economy, but will deter future business-people from considering the Waterloo area as a viable marketplace.

The introduction of a LNL has historically caused businesses to reduce their opening hours in order to avoid paying the additional charge. This proven reduction of the night time economy is proposed in stark contrast to the Mayor's aspiration to ensure London is a 24/7 economy. Further on in this response, we detail the effect that the LNL will inevitably have on shrinking the night time economy in Waterloo.

### **Southwark's LNL Proposal**

There are significant flaws in the consultation document from Southwark. Ultimately, the proposal seems ill-thought out, poorly researched and fraught with errors and inconsistencies. Even publically, the notice for the LNL was copied and pasted from Tower Hamlets proposal in 2017<sup>[4]</sup>.

The LNL consultation document<sup>[5]</sup> produced does not put forward a good enough case to justify the enforcement of the levy.

Section 23 of the report shows that there are 14 premises in the WeAreWaterloo BID area which will be obliged to pay the LNL. In Appendix 3 Map 4, there are now 15 premises which are thought to be obliged to pay the LNL. After evaluating Southwark's own Licensing Register, it appears only nine premises are actually eligible to pay the levy (see appendix  $\alpha$ ).

We have since spoken to all nine businesses to understand whether they intend to amend their license to avoid the levy, or would pay the additional charge. The majority have informed us they will or will strongly consider amending their license to avoid the fee. For a number of businesses, they have an extension on their license for Fridays and Saturdays exclusively. They therefore will find it more difficult to fund the extra cost of the LNL and their most sensible option will be to reduce their opening hours.

Our own informed research and conversations with our nine businesses has confirmed that a realistic amount the council can expect to raise from businesses within the WeAreWaterloo BID area is £6592 (see appendix  $\alpha$ ). This is due to businesses reducing their opening hours to avoid the LNL. Minus the 30% discount, and we are down to £4,614. This is a far cry from the £10,899 the council has stated will be raised in the consultation document. If this rationale is extended to businesses throughout Southwark, there is simply no way that the levy raised will fund the services the council are proposing.

Section 30 comments on exemption categories and states that businesses may be exempt if they are "participating in a qualifying Business Improvement District" and then states "there are none within Southwark." There are five within Southwark which has been previously established seven points prior in the consultation document. As mentioned previously these five BIDs contribute well over £1,000,000 per year to Southwark in terms of policing and street cleaning. This unfortunately shows a severe lack of recognition, acknowledgement and understanding from the council regarding the services BIDs provide to businesses.

Section 37 lists potential disadvantages to adopting the LNL in Southwark; we would like to put these points into context.

*A significant amount of administration would be required.*

This significant amount of administration would be in the form of license amendments (to reduce hours of alcohol sales to midnight) and a Temporary Event Notice (TEN) per event past midnight. For the majority of our businesses, it is more cost effective for them to apply for a TENS for each event rather than pay the LNL charge. The average Waterloo-based business will be charged £768 for their LNL. The charge for a TEN is £21 meaning each business would have to have 36 or fewer late night events for the cost to be worthwhile. This is clearly the most appealing option, considering our businesses (as mentioned) tend to have extensions on their licenses for Friday and Saturday nights. As a TENS can last for 168 hours (one week), there would simply be no need for our businesses to pay the levy; they will simply apply for the TENS when their events require.

The council will have to process a substantial amount of paperwork in order for these TEN applications and license amendments to be dealt with in a reasonable timeframe. If we conservatively say that five of our nine businesses amend their licenses and each apply for fifteen TENS per year - this is 80 additional applications for the council to deal with. Extrapolated to the numerous businesses that will inevitably change their licensing conditions and apply for TENS, this will be a severe increase. The reality is that the predicted administration costs of the proposal will be radically higher than the proposal outlines. As aforementioned, "a significant amount of administration cost will be required to set up the levy"; judging by our own research, this will be fair greater than the council's estimations. The more that is spent on simple administration costs, less funds are available for actual services.

Further, we as a BID spend roughly £40,000 per year on BID levy collection. The council's proposition states that their costs will be £23,706 for year one *and* year 2. We would question the authenticity of these figures, as we both will be collecting our levy in near identical manners, and a £60,000 gap in our respective collection fees over a two year period does not seem genuine.

#### *Negative community response*

Whilst speaking to our potentially affected businesses, one such business mentioned that they "would have no choice but to put up their prices" if the levy is introduced. The cost of the LNL is therefore being passed on to the community. Not only this, but we as a BID represent a demographic that covers all incomes. Higher costs will ultimately result in a lack of customers for our businesses, which will be detrimental to their survival. There is a real chance the introduction of the levy will endanger the permanence of our independent businesses.

#### *Increased police presence expected*

The Night Time Economy team that Southwark currently funds appear to have their work concentrated in other areas of the borough which possess a thriving NTE. The licensees in the Waterloo area have frequently commented at the Licensing Forums, and Crime & Security Forums, organised by the BID, that they are unaware of the presence of this team. Indeed, they do not attend our meetings and we have no real knowledge of their work in the Waterloo area. If the team are working in other areas of the borough, then Waterloo-based businesses are being to asked to fund a team which do not contribute to the improvement of the Waterloo NTE and are therefore funding a resource which has no effect on their business or our NTE.

We would welcome evidence that the council's Night Time Economy team do work with the local businesses in the Waterloo area - engagement visit logs and patrol reports would be ideal. As all our businesses surveyed did not have any knowledge of this resource, we believe it completely inappropriate for our businesses to fund a service they currently receive no benefit from. The levy itself will not be funding additional policing or service, but simply keeping the current service going, to which Waterloo has no benefit.

#### **Exclusion of BID areas from the Levy**

We, alongside the other four BID within Southwark, believe that businesses within our respective BID areas should be excluded from the levy. Shown in Southwark's own crime figures in their consultation report, the majority of crime issues take place in the south of Southwark. For a levy to be implemented in areas of Southwark which currently do not benefit from the LNL team, nor cause any of the issues which the levy is designed to counteract is very counterintuitive.

### **Summary**

To summarise, WeAreWaterloo wishes to work closely with the council to support businesses that operate in the NTE, but the introduction of a LNL is not the best solution to go about this process. The range of evidence is clear that a LNL does not provide positive solutions for an area, but instead will shrink the NTE and weaken links between the local community and their council. We are open to new ideas, initiatives and partnership working, but penalising all businesses with an unfair, unjust and undeserved blanket tax is unacceptable.

We would advise the council to strongly take into consideration our points on the matter, as well as those of our neighbouring BIDs, and look forward to the council's response.

Yours faithfully,

Natalie Raben  
Chief Executive  
WeAreWaterloo

## Referenced Pages

<sup>[1]</sup> Home Office Select Committee Report <https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

<sup>[2]</sup> British Beer and Pub Association [https://democracy.cheltenham.gov.uk/documents/s21198/2017\\_02\\_23\\_COU\\_LNL\\_appendix2a.pdf](https://democracy.cheltenham.gov.uk/documents/s21198/2017_02_23_COU_LNL_appendix2a.pdf)

<sup>[3]</sup> Campaign for Real Ale

<http://www.camra.org.uk/documents/10180/0/Late+Night+Levy+Report.pdf/d3a8aa4d-f8a7-424e-a0e1-2acca314afca>

<sup>[4]</sup> SE1 Direct - Tower Hamlets

<https://www.london-se1.co.uk/news/view/9839>

<sup>[5]</sup> Southwark Consultation Document

<http://moderngov.southwark.gov.uk/documents/s78407/Report%20London%20Borough%20of%20Southwark%20-%20Late%20Night%20Levy%20Consultation.pdf>

## Appendix α

Information sourced from Southwark's Licensing Register:

<http://app.southwark.gov.uk/Licensing/LicenseRegister.asp>.

N.B Only businesses who have expressed a 100% commitment to reducing their opening hours to avoid the levy have been included in our costings in paragraph five of "Southwark's LNL proposal". Numerous others expressed they would strongly consider reducing their hours, and for the purpose of our cost-exercise have *not* been included:

Licensed Business	Latest Mon-Sun Licensing Time	Eligible for LNL	Levy Band	LNL total
Flowers of the Forest	01:00	Y	B	768
Meson don Felipe	00:00	N		
Masters Superfish	00:00	N		
The Baltic	00:00	N		
Superway Supermarket	Licensed 24 hours	Y	B	768
Chillies Tandoori	04:00	Y	B	768
The Laughing Gravy	01:30	Y	B	768
Calder Books	22:00	N		
The Ring	01:00	Y	E	Confirmed - will be reducing hours to avoid levy: 4440
Palestra (TfL)	00:00	N		
Tas Restaurant	01:00	Y	C	1259
LSBU	23:00	N		
Jack's Bar	00:00	N		
Ev	00:00	N		
Thai Silk	00:00	N		
Ma's Kitchen	21:00	N		

Master's Cafe	22:30	N		
Bottle and Basket	00:00	N		
Yamagoya	22:00	N		
Imperial War Museum	01:00	Y	E	1493
H10 Hotel	00:00	N		
Paladar	02:00	Y	B	Confirmed - will be reducing hours to avoid levy: 768
Travelodge	Licensed 24 hours	N (hotels exempt)		
The Albert Arms	00:00	N		
Tesco - The Cut	00:00	N		
Byron - The Cut	00:00	N		
Honest Burger - The Cut	00:00	N		
The Crown	01:00	Y	B	768
Sainsbury's - Blackfriars Road	23:00	N		
			<b>Total:</b>	6592
			<b>Total minus 30% reduction:</b>	4614

# SOUTHWARK SAFE BCRP

Southwark Safe BCRP

Andrew Heron  
Principal Licensing Officer  
Southwark Council  
160 Tooley Street  
London  
SE1 2QU

13<sup>th</sup> May 2019

## Southwark Late Night Levy

Dear Andrew,

On behalf of the members of Southwark Safe Business Crime Reduction Partnership (BCRP), we are writing in response to Southwark Council's proposal to introduce a Late Night Levy (LNL) across the borough. Thank you for allowing us this opportunity.

Southwark Safe BCRP was introduced into Southwark in 2016, with full support from MOPAC and the local police in response to high levels of violence with injury, robbery and theft crime across the borough. Since then, our BCRP has grown across night time economies in Peckham, London Bridge, Camberwell and Bankside, and has been a proven method in offering support to the Police, local authorities and other stakeholders by helping to reduce the burden on their resources and to help businesses reduce the impact and cost of crime against them and in their town centres. In both the MOPAC Crime and Policing Plan 2017-2021 and the recently published report from the GLA, *'Think Night: London's Neighbourhoods from 6pm to 6am'*, BCRP are repeatedly cited as a best practice when it comes to sustained safety management of the night time economy, and improving confidence amongst the businesses, and with the police and local authority. BCRPs are a voluntary paid membership scheme, open to all Southwark businesses, where members are offered the tools, information and skills required to protect their business, staff and customers allowing them to make informed decisions.

Proven as an effective tool to share real time information, our radio was used during the awful London Bridge terror attack of 2017, where businesses in neighbouring town centres communicated amongst themselves when there was the fear of a secondary attack. Using this information, businesses implemented their lock-down procedures, keeping customers inside until it was deemed safe to do otherwise. Through our locally run pub watches, licensees have shared information on prolific offenders operating within their venues, which led to several arrests and a prosecution. In the North of the borough we have also assisted the police in identifying unknown offenders, and directing them towards crime hot spots for patrolling officers.

Going forward, with ever increasing demands on statutory services, businesses coming together and working in partnership in this way to deter and detect crime and maintain safety is crucial in keeping Southwark Town Centres safe and welcoming to all those that live, work and visit them. Across one busy



weekend, there may be 50 SIA security staff for every one police officer/enforcement officer. Through membership of the BCRP, we ensure these staff are working together across the radio, and are updated on local crime trends and prolific offenders. Where appropriate, we offer free training on workplace skills, critical for the role of security and customer service engagement. This has included business response critical incidents, acid attacks awareness and vulnerability training, often now not available to businesses by any other organisation. This has led to year-on-year high satisfaction rates amongst our members who are pleased with the service we provide. Our fear is that if this additional tax is imposed upon licensed premises, they will abandon the BCRP, and retreat back into their siloed mentality, which will only be detrimental for the borough.

Our ask, if Southwark Council deem it appropriate to introduce a Late Night Levy across the borough, is that those premises within the BCRP become exempt from the levy. Alternatively, similar to projects in Islington, some of the levy pays for membership of the BCRP, and in partnership we introduce innovative approaches to tackling crime in the night time economy, which incorporates and celebrates the skills and knowledge of the business community to compliment that of the council and police staff.

Southwark Safe has a positive working relationship with Southwark Council, whose wardens carry our BCRP radio. We welcome closer working opportunities to ensure businesses flourish and town centres remain safe across Southwark.

Yours sincerely,

Anas Wihai  
Manager, Southwark Safe BCRP.

# MAYOR OF LONDON

## NIGHT CZAR

**Cllr Peter John OBE**

Leader of the Council  
London Borough of Southwark  
Cabinet Suite  
160 Tooley Street  
London SE1 2QH

**Date:** 17 May 2019

Dear Peter,

I welcome the opportunity to respond to Southwark's consultation on the introduction of a late night levy. Please find my response to the consultation at the attached appendix.

The Mayor and I are committed to championing London's nightlife and nurturing our night time economy and London's boroughs are vital partners in ensuring that our capital is a balanced 24-hour city. As London's Night Czar I am committed to working closely with Southwark and all London boroughs to deliver the Mayor's bold vision of London as a 24-Hour City. The report by the independent London Night Time Commission, [Think Night: London's Neighbourhoods from 6pm to 6am](#) showed that London's night time economy is growing. It is up to us now to actively engage and shape that process, to make the night time offer work for businesses, residents and visitors alike and to develop policies that facilitate and guide, rather than stifle, that growth.

I was therefore very pleased to see in the overview for the consultation that Southwark is committed to supporting its vibrant night time economy and working with businesses to ensure Southwark is a great place to go out. I hope we can work together to ensure Southwark's offer strikes the right balance in addressing the needs of local residents and businesses while delivering in full its potential contribution to the night time economy.

Whilst I appreciate the sentiment behind Southwark's decision to consult on the introduction of the late night levy, I have grave reservations about the impact a levy would have on businesses, the majority of which are responsible operators, as well as the impact to our ambition for London become a truly 24-hour city. I look forward to meeting with Cllr Victoria Mills next month and hope you will be able to join us to discuss how we can work together to tackle the issues you are seeking to resolve, in a way which is both proportionate and addresses the needs of businesses, residents and visitors, while supporting a thriving night time economy.

Yours sincerely



**Amy Lamé**  
Night Czar

CC: Cllr Victoria Mills, Cabinet Member for Finance, Performance and Brexit  
Andrew Heron, Principal Licensing Officer

## Appendix 1 – Night Czar response to London Borough of Southwark Late Night Levy Consultation

### To what extent do you agree that a Late Night Levy is an appropriate way to fund the work of the Council and the Police to deal with issues caused by the late night economy in the Borough?

I understand that in a time of reduced budgets for local authorities there are tough financial decisions that need to be taken. It is also understandable that the council should look at ways of raising money using the tools at their disposal.

However, all too often discussion around night time activities focuses on problems and costs. There is already a lot of good work being undertaken by businesses and Business Improvement Districts (BIDs) to ensure that Southwark is a safe, clean and welcoming place at night. Southwark businesses have raised concerns with me about the serious impact of the introduction of a late night levy, which they believe could be detrimental to those responsible late night businesses that operate in the borough.

The Mayor and I are also concerned that with increases in businesses rates and rents more widely, this measure could be seen as anti-business and have serious unintended consequences such as contradicting your own consultation overview which states that you are *“committed to supporting its (Southwark’s) vibrant night time economy and working with businesses to ensure Southwark is a great place to go out.”*

You may be aware that the late night levy has been strongly criticised by the House of Lords Select Committee on the licensing act 2003 who said:

*“The late night levy was introduced in large part to require businesses which prosper from the night time economy to contribute towards the cost of policing it. Yet the evidence we have heard suggests that in practice it can be very difficult to correlate the two with any degree of precision, which contributes to the impression, held by many businesses, that the levy is serving as a form of additional general taxation, and is not being put towards its intended purpose.”<sup>1</sup>*

The Committee concluded that, on balance, the levy in its current form had *“failed to achieve its objectives and should be abolished.”*

Equally, the recent report by the London Night Time Commission states that:

*“We believe the levy should only ever be a last resort. Partnership should be the priority”<sup>2</sup>*

We welcome the attendance of Southwark at the Night Time Borough Champions Network meetings. As Night Czar I am keen to explore the potential for greater partnership working with Southwark and ensure that all possible avenues have been considered ahead of any commitment to implement a late night levy. We would therefore be interested to know whether or not the council considers the implementation of the late night levy in Southwark as a last resort, and if so why? What other interventions have been tested previously before deciding on this course of action?

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<sup>1</sup> House of Lords Select Committee on the Licensing Act 2003, The Licensing Act 2003: post-legislative scrutiny, HL Paper 146, 4 April 2017, para 487

<sup>2</sup> Think Night: London’s Neighbourhoods from 6pm to 6am, London Night Time Commission January 2019, p57 [https://www.london.gov.uk/sites/default/files/think\\_night\\_-\\_londons\\_neighbourhoods\\_from\\_6pm\\_to\\_6am.pdf](https://www.london.gov.uk/sites/default/files/think_night_-_londons_neighbourhoods_from_6pm_to_6am.pdf)

## **Do you agree that the joint relationship between the Police and Council Enforcement Officers plays a role in ensuring a safe night time economy?**

It is absolutely vital that the council and police work in partnership to ensure Southwark is a safe place at night. This partnership working should also include the businesses and any collective business groupings such as BIDS, as well as residents' groups. We all have a part to play in making London a safe place 24-hours a day. However, this partnership working could be damaged if those who are being levied feel that they are being subjected to additional taxation for no other reason than because they sell alcohol after midnight.

## **There is the option to apply a 30% discount for businesses in certain categories. How do you think this discount should be applied?**

In the event of a late night levy being introduced, those businesses that are already paying into a recognised collective business grouping such as a BID, should be exempt from any further charges.

## **What is your preferred option for the allocation of potential money received through the Levy?**

In the event of a late night levy being introduced the council should set out clearly how all money raised from the levy will be spent in the borough. Those businesses being charged the levy should be informed of all decisions relating to the allocation of money received through the levy. We are aware of instances in which a late night levy has been implemented and the money has not been spent. We are clear that where a levy is in place, this money should be released quickly and invested in the night time economy.

## **Do you think that the introduction of a levy would be unfair to any particular group of people?**

As stated above, we are very concerned and have had representations from Southwark businesses that the introduction of a late night levy could be detrimental to those responsible late night businesses that operate in the borough, particularly at a time of increased business rates and rents. I reiterate my offer to work in partnership with Southwark to explore other possible solutions ahead of any introduction of a late night levy.

## **Other comments**

In November 2018 the GLA intelligence unit published 'London at night: an evidence base for a 24-hour city', the most comprehensive study of a city at night. The report states that:

*"Alcohol is becoming less important. There has been a long-term fall in alcohol consumption when out at night, and a long-term move towards less frequent drinking. For all adults in England, the number of people who drank alcohol in the last week dropped from 67 per cent in 1998 to 58 per cent in 2016. For those aged 16-24, the drop has been even bigger - from 65 to 46 per cent.*

*Police figures also show a falling role for alcohol at night. Across London, the number of alcohol related recorded offences at night fell by 51 per cent between 2010/11 and 2017/18. Alcohol related reports make up only 4.3 per cent of all recorded offences at night. Likewise, only a small proportion of health service activity is due to things happening*

*at night. For example, there are fewer hospital A&E attendances for assault than there are for road traffic accidents or sports injuries.”<sup>3</sup>*

**17 May 2019**

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<sup>3</sup> London at night: an evidence base for a 24-hour city, November 2018. p7  
[https://www.london.gov.uk/sites/default/files/london\\_at\\_night\\_-\\_executive\\_report\\_-\\_final.pdf](https://www.london.gov.uk/sites/default/files/london_at_night_-_executive_report_-_final.pdf)

**Heron, Andrew**

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**From:** Jack Spiegler [REDACTED]  
**Sent:** 17 May 2019 18:15  
**To:** Heron, Andrew  
**Cc:** Alun Thomas; Holly McColgan  
**Subject:** Late Night Levy Consultation

Hi Andrew

I hope that you are well.

Please see below comments on the proposed late night levy:

1. There should be recognition that some premises have more impact in Southwark (in particular inside the cumulative impact areas) than others. The potential negative impact caused by a minority of licensed premises could be more fairly tackled by dealing with the problem premises directly, rather than requiring all premises licensed to sell alcohol after midnight to be charged the levy (the majority of which do not add to cumulative impact).
2. If the levy is implemented, the funds should be directed to the payment of enforcement against the premises that are actually causing cumulative impact i.e. those which are not well managed and with high incidents of public disorder and crime. Tackling these premises would reduce cumulative impact.
3. There should be recognition that there is a reduction of cumulative impact where premises vary their licences to reduce hours to midnight. This should be reviewed and reported on an annual basis.
4. The levy should not apply to premises which only operate between midnight and 06:00 in non-standard timings – e.g. those whose licence extends beyond midnight only on New Year’s Eve.
5. A more appropriate start time for the levy threshold is 1am, rather than midnight.
6. Hotels authorised to supply alcohol after the threshold time should be exempt.
7. There should be a 30% discount for licence holders partaking in a recognised BID or similar.
8. Any premises licence holder whose licence currently allows them to operate between midnight and 06:00 should be given a grace period of 6 months during which time a minor variation can be made without fee to reduce the hours to take them outside of the levy payment.

We’d be grateful if these comments are taken into account during the consultation process.

Have a good weekend.

Thanks and kind regards

Jack

**Jack Spiegler**  
**Partner**

Thomas & Thomas Partners LLP

# GAVIN BLACKBURN PLANNING

**Heron, Andrew**

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**From:** Littleton, David  
**Sent:** 16 May 2019 12:14  
**To:** Heron, Andrew  
**Subject:** FW: Late Night Levy

fyi

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**From:** Blackburn, Gavin  
**Sent:** Thursday, May 16, 2019 12:02 PM  
**To:** Littleton, David  
**Cc:** Brittain, Alison; Hills, Laura; Taylor, Dan; Kirby, Neil  
**Subject:** FW: Late Night Levy

Hello David,

I'm sorry that you are getting our response to the proposed levy a bit late. Its quite a difficult issue to respond to and I think some colleagues are going to want to know a lot more about the detail.

Money spent on ensuring regulatory compliance (licensing) and preventing any breach of the peace (policing) is almost by definition a good thing. We expect licences to be kept to and we want to be safe particularly late at night when there might be a perception that we are more vulnerable and regulations aren't always as tightly followed. No one is going to be in favour of a cut to the night team economy team and equally if there is no opportunity cost I don't think anyone would be against more police and licensing officers. Greater safety at night makes it more likely that people will go out at night and enjoy whats available.

I don't know the statistics for Southwark, but as part of the GLA night time economy study a number of favourable statistics were produced which suggest crime late at night is more of a perceived problem than an actual one. An example being across London a 51% drop in night time offences involving alcohol from 2010 to 2017. I'm sure you have access to more accurate statistics for Southwark so I don't want to disagree with any that you have, as I'm sure they will be more relevant than any from the GLA. The night time economy commission is anxious though to present the night time economy as an opportunity, rather than a problem to be policed and tolerated. That line of encouragement of an expanded night time economy is broadly supported by our planning and regeneration policies. Expansion of course does not have to mean more alcohol, in fact we would want more diversity.

A night time levy is going to have an impact depending upon the amount of the levy so we would want an impact assessment as to the potential for this to curtail night time uses developing, particularly in regeneration areas such as Peckham where our planning policies encourage them. The night time economy commission came about in part because of a concern about loss of venues; placing a further tax on them may cause others to close. It may also have quite a marked impact on different communities. Night time businesses catering for more established communities which are well established themselves maybe be better able to bear a levy than newer entrants serving newer communities. Some cultures maybe quite used to a 11:00pm or midnight closing hour and be unaffected. Whereas others such as the Hispanic/Latin American community might be much more affected by a late night levy. An equalities impact assessment would need to be carried out on the effect of this levy.

Ideally BIDs would expand across the borough and raise money themselves to support their areas including the cost of Policing. I appreciate that isn't going to happen and some top down compulsion to get everyone to contribute is needed, but its very hard to impose a tax if there is no support at all for it from those expected to pay. I think there needs to be a core of licencees who want more Policing and are willing to pay something toward it. No one wants to pay to park their car in a CPZ, but equally no one wants cluttered streets so when we introduce one of these there is always an active group of residents wanting more control. I think you need the same thing for this proposal.

In summary we are in favour of raising money to make the borough safe, but there is a lot of detail to be worked through as to how that is achieved. Probably the best contacts to discuss that with further are Dan and Neil in the regen North and South teams.

Kind regards

Gavin

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