

**Consultation on a proposal to introduce a late night levy for premises licensed to sell alcohol in Camden**

**Results of the consultation**



## Overview

This report was created on Tuesday 9 June 2015.

From 14 February 2015 to 8 May 2015, we ran a consultation on a proposal to introduce a late night levy for premises licensed to sell alcohol in Camden. This report provides the responses received in respect of the consultation.

The online consultation was available online at:

<https://consultations.wearecamden.org/culture-environment/late-night-levy-alcohol-licenced-premises-online>

We received 182 responses to the consultation.

Percentages are calculated to two decimal places and then rounded up or down.

**Questions 1 to 3** relate to personal data and analysis is not included in this report.

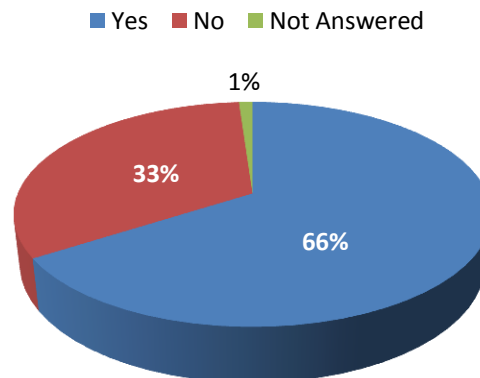
Responses to **Questions 13, 15 and 17** are included in the charts provided in questions 12, 14 and 16 respectively.

#### Question 4

Would you support the introduction of a late night levy in Camden where the income generated is focused on reducing and preventing crime, anti-social behaviour and nuisance related to the late night supply of alcohol?

**Answer:** We received 180 responses to this question. Respondents could provide one answer.

### Do you support the LNL?



Option	Total	% of all
Yes	120	66%
No	60	33%
Not Answered	2	1%

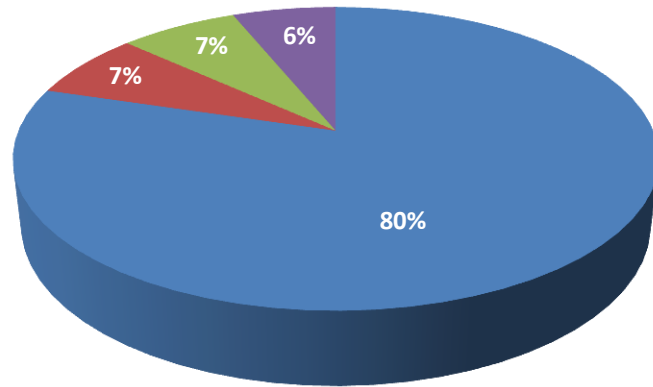
**Quote:** “Question 4: This is a loaded question given that nobody would argue with an objective of reducing and preventing crime but the Council simply makes an assumption that the levy will do that, offering neither an analysis of the problem or the effect of any measures put in place.”

### Question 4 (continued)

Breakdown of the responses to question 4:

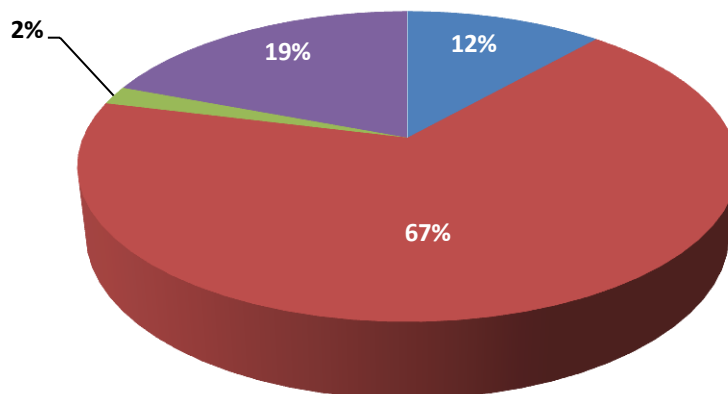
### Support the introduction of a levy

■ Residents ■ Licensees ■ Other ■ Trade or other business organisation



### Do not support the introduction of a levy

■ Residents ■ Licensees ■ Other ■ Trade or other business organisation

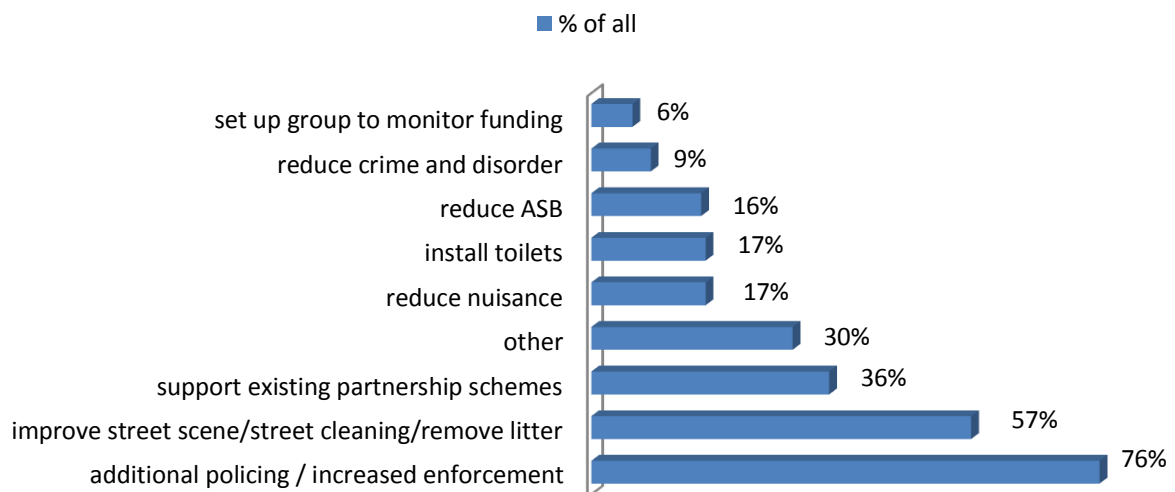


### Question 5:

**Camden will work in partnership with the Police to find the best ways to invest the levy receipts in solutions for managing the Camden night time economy. Please tell us here about your preferences or recommendations for how the police and council should spend the levy.**

**Answer:** We received 146 responses to this question. Respondents could provide more than one answer.

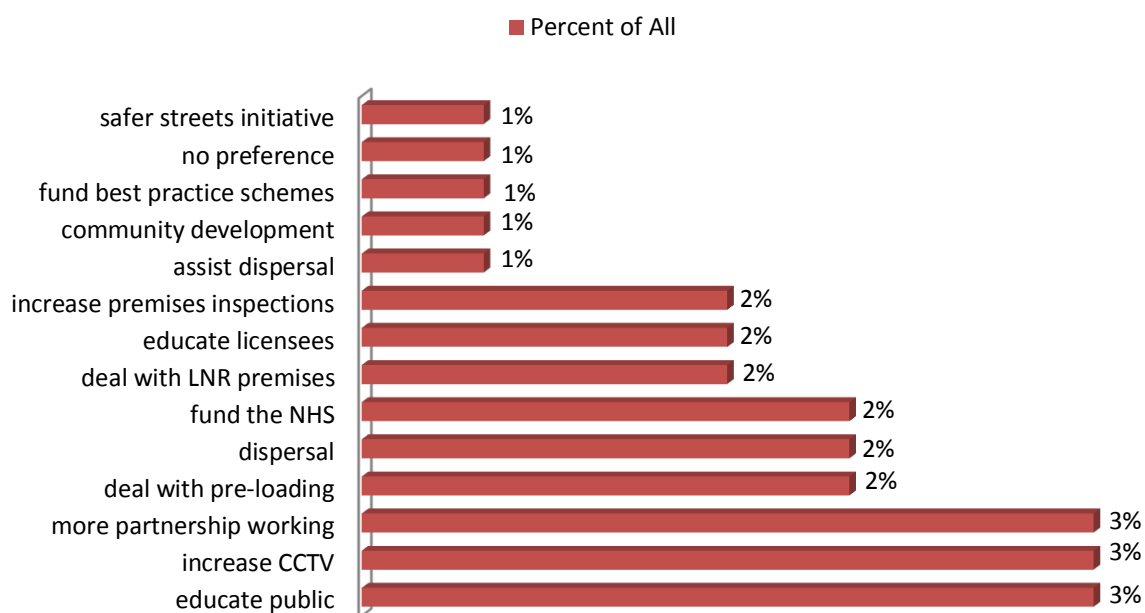
## How should we spend the levy?



Option	Total	% of all
additional policing / increased enforcement	111	76%
improve street scene/street cleaning/remove litter	83	57%
support existing partnership schemes	52	36%
other	44	30%
reduce nuisance	25	17%
install toilets	25	17%
reduce ASB	24	16%
reduce crime and disorder	13	9%
set up group to monitor funding	9	6%

**Question 5 (continued) other categories**

**Additional comments**



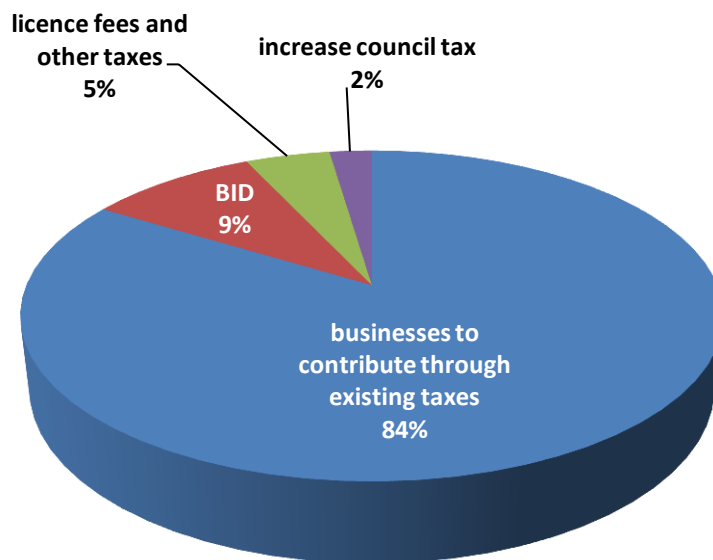
Answer	Total	% of All
educate public	6	3%
increase CCTV	6	3%
more partnership working	6	3%
deal with pre-loading	4	2%
dispersal	4	2%
fund the NHS	4	2%
deal with LNR premises	3	2%
educate licensees	3	2%
increase premises inspections	3	2%
assist dispersal	1	1%
community development	1	1%
fund best practice schemes	1	1%
no preference	1	1%
safer streets initiative	1	1%

**Question 6:**

**If you answered no to Question 4 (if you do not support the introduction of a late night levy), what do you think is the best way to pay for the work to tackle alcohol-related crime and anti-social behaviour?**

We received 57 responses to this question, but the chart below shows only those 43 respondents who had answered “no” to question 4.

### What is the best way to pay for the work?

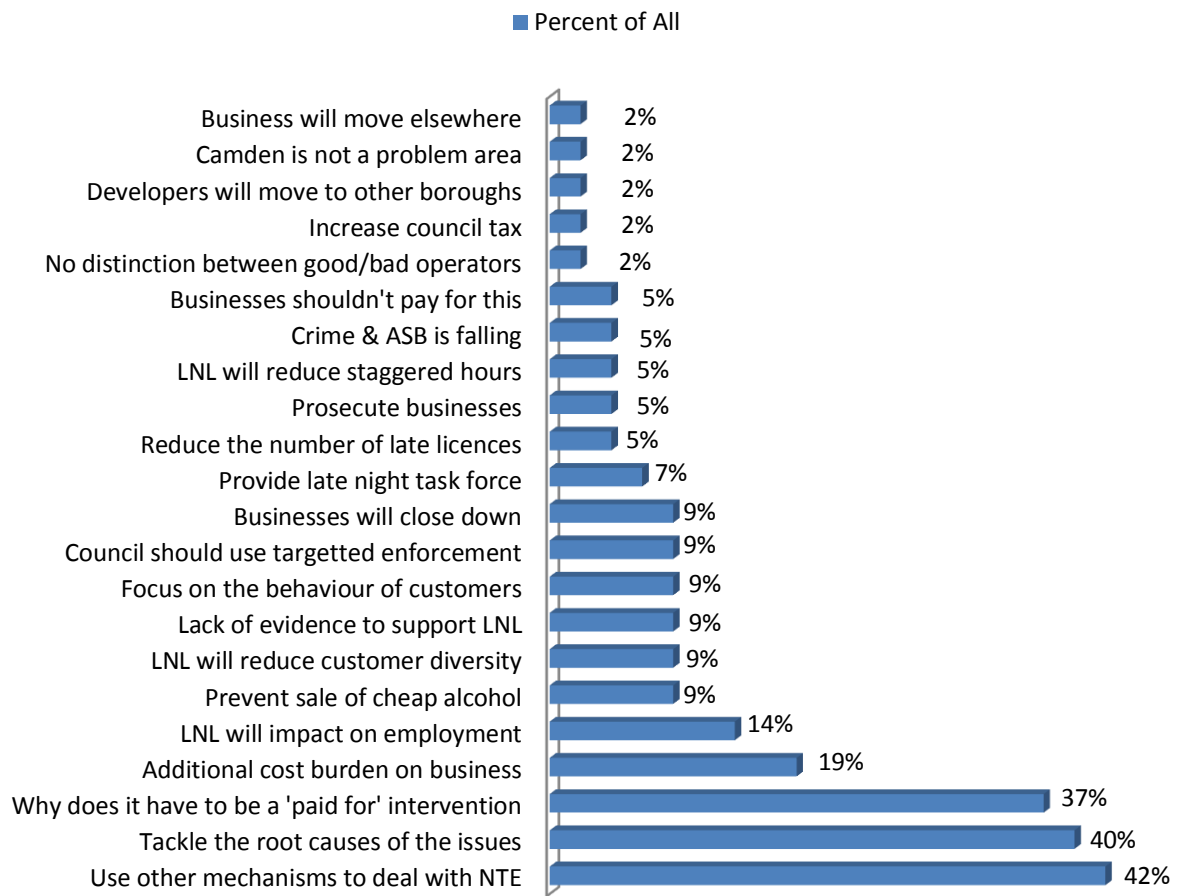


Option	Total	% of all
businesses to contribute through existing taxes	36	84%
BID	4	9%
licence fees and other taxes	2	5%
increase council tax	1	2%

### Question 6 (continued)

In addition to answering this question, respondents also commented on the potential effect of a late night levy and suggested alternative ways to deal with the effects of the night time economy.

## Potential effect of LNL

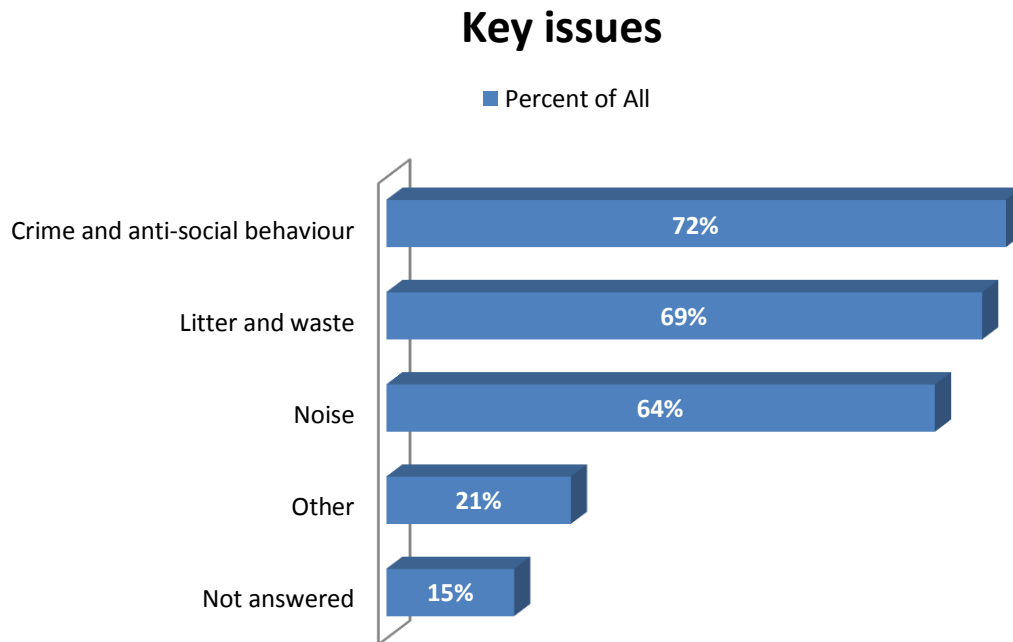




## Question 7

**What are the key issues you feel the council and its partners should be addressing to improve the late night economy for Camden? (tick all that apply)**

We received 155 responses to this question. Respondents could provide more than one answer.

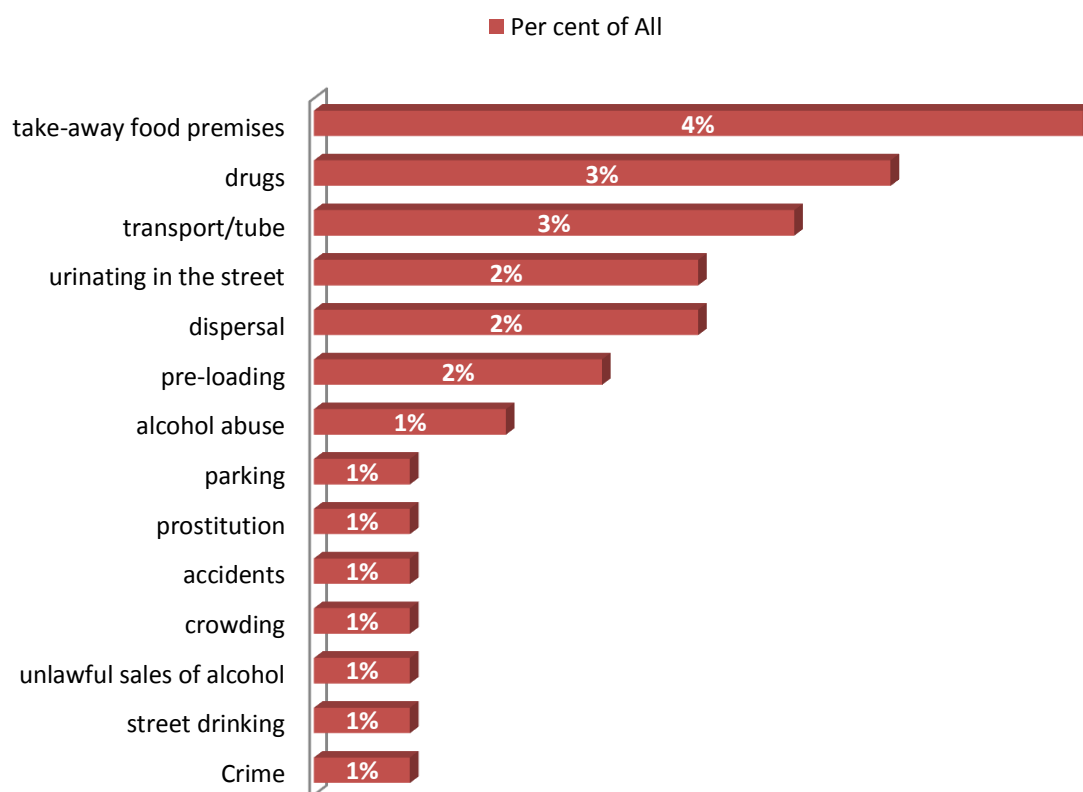


Option	Total	% of All
Crime and anti-social behaviour	131	72%
Litter and waste	126	69%
Noise	116	64%
Other	39	21%
Not answered	27	15%

## Question 7 (continued)

The respondents identified a number of other issues which could be addressed by the Council and its partners.

### Other issues

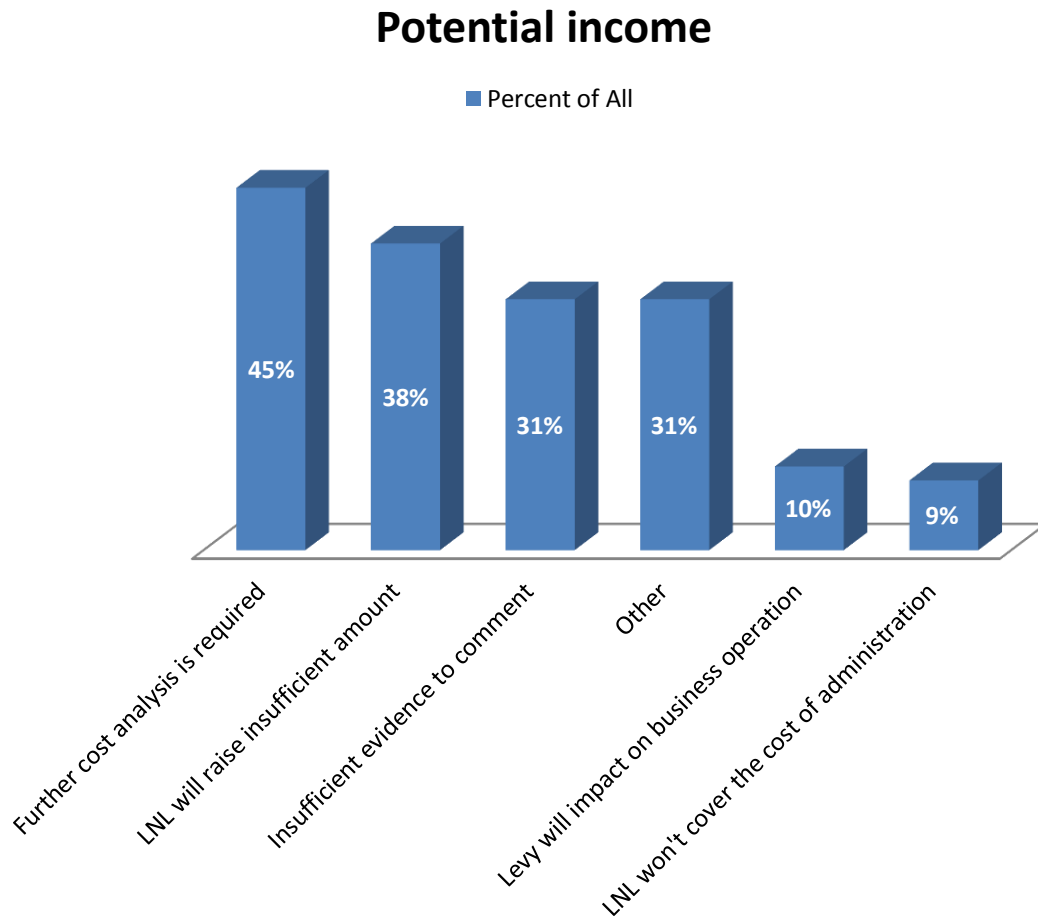


Option	Total	% of all
take-away food premises	8	4%
drugs	6	3%
Transport/tube	5	3%
dispersal	4	2%
urinating in the street	4	2%
pre-loading	3	2%
alcohol abuse	2	1%
Crime	1	1%
street drinking	1	1%
Unlawful sales of alcohol	1	1%
crowding	1	1%
accidents	1	1%
prostitution	1	1%
parking	1	1%

**Question 8:**

**Do you have any comments on the potential income that the levy may raise?**

We received 58 responses to this question. Respondents could provide more than one answer.

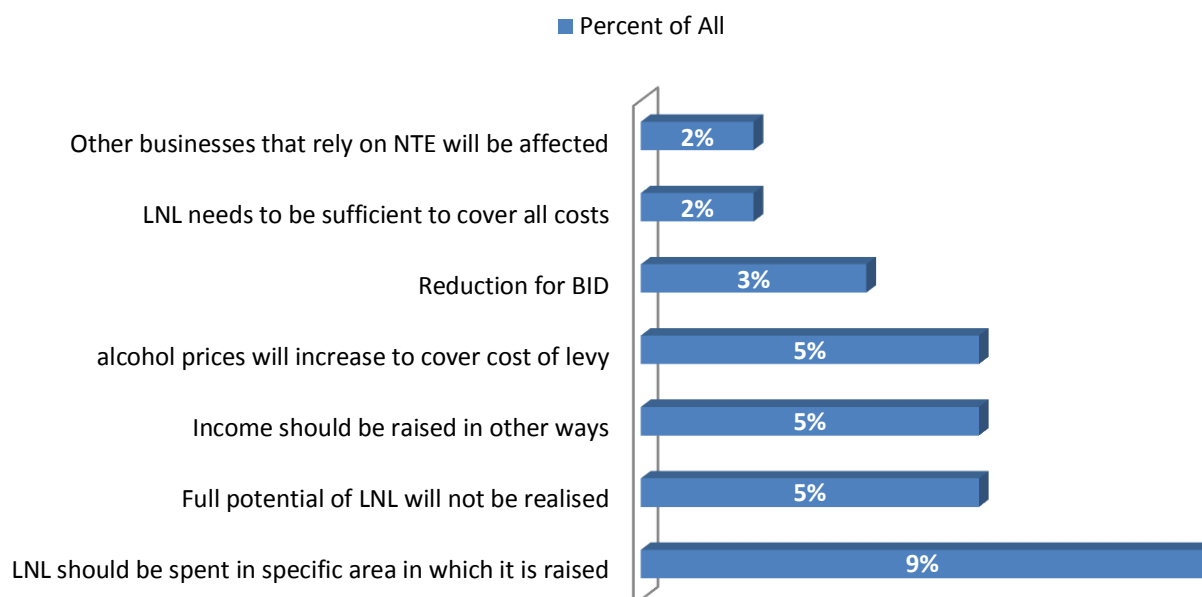


Option	Total	% of all
Further cost analysis is required	26	45%
LNL will raise insufficient amount	22	38%
Insufficient evidence to comment	18	31%
Levy will impact on business operation	6	10%
LNL won't cover the cost of administration	5	9%
Other	18	31%

## Question 8 (continued)

The respondents raised a number of other points that are not directly relevant to this question but which are relevant to the overall introduction of the LNL.

### Other comments



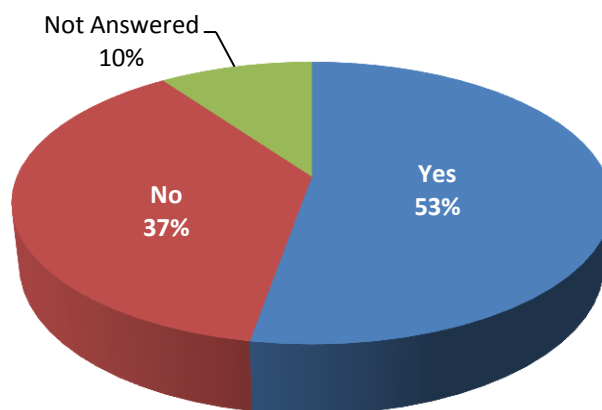
Option	Total	% of All
LNL should be spent in specific area in which it is raised	5	9%
Full potential of LNL will not be realised	3	5%
Income should be raised in other ways	3	5%
Alcohol prices will increase to cover cost of levy	3	5%
Reduction for BID	2	3%
LNL needs to be sufficient to cover all costs	1	2%
Other businesses that rely on NTE will be affected	1	2%

### Question 9

We are proposing to introduce the late night levy for premises that supply alcohol between midnight and 6am. Do you think that this is the right time period for us to focus on?

We received 164 responses to this question. Respondents could provide only one answer.

### Is midnight to 6am the right period to focus on?

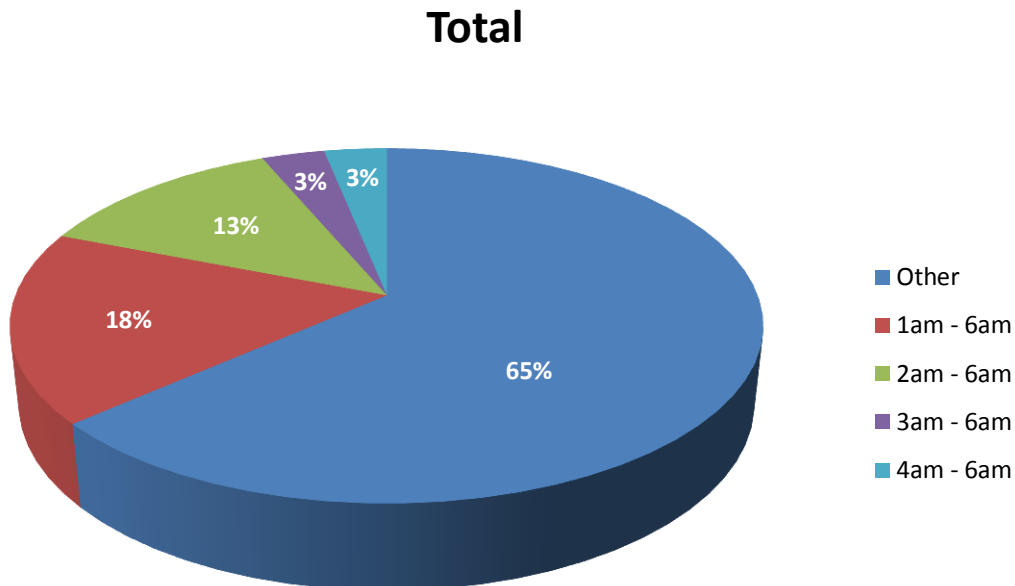


Option	Total	% of all
Yes (go straight to question 11)	96	53%
No	68	37%
Not Answered	18	10%

## Question 10

**If you think midnight to 6am is not the right time period for us to focus on, which of these do you prefer?**

We received 67 responses to this question, but the chart shows only those 62 respondents who had answered “no” to question 9.



Option	Total	% of All
Other	40	65%
1am - 6am	11	18%
2am - 6am	8	13%
3am - 6am	2	3%
4am - 6am	2	3%

### Note:

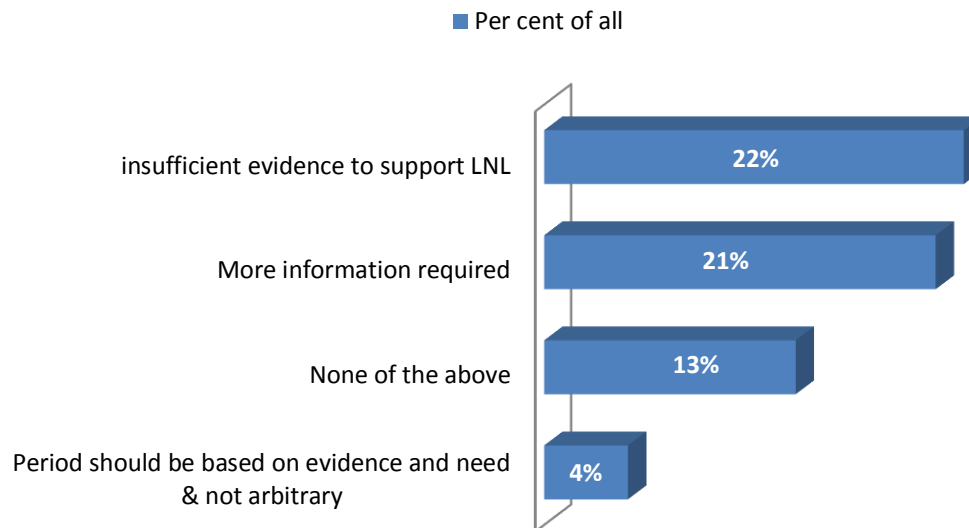
Of the 40 respondents that stated ‘other’:

- 18 (29%) required hours which are outside the scope of the LNL (one answered yes to Q9 and also answered Q10 with 11pm to 6am)
- 3 (5%) did not provide a time and did not answer the question
- 15 (24%) respondents opposed the LNL stating there is insufficient evidence to form a reliable judgement about the hours to be applied to the levy if adopted
- 1 (2%) opposed the LNL
- 3 (5%) stated ‘none of the above’

### Question 10 (continued)

The respondents provided some additional comments in respect of this question.

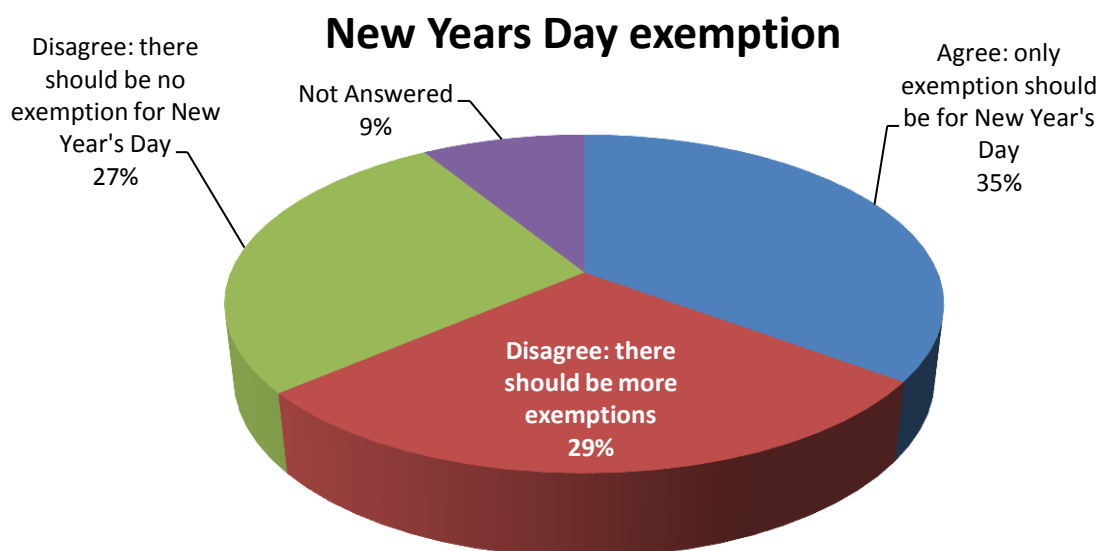
## Additional comments



## Question 11

Certain licences can be exempted from paying the levy. We are not proposing to make any exemptions, with one exception: an exemption is proposed to apply if the only time that a licence authorises alcohol sales for consumption on the premises is between midnight and 6am on New Year's Day each year. Do you agree?

We received 166 responses to this question. Respondents could provide only one answer.



	Option	Total	Per cent of All
A	Agree: only exemption should be for New Year's Day	64	35%
B	Disagree: there should be more exemptions	52	29%
C	Disagree: there should be no exemption for New Year's Day	50	27%
D	Not Answered	16	9%

### Notes:

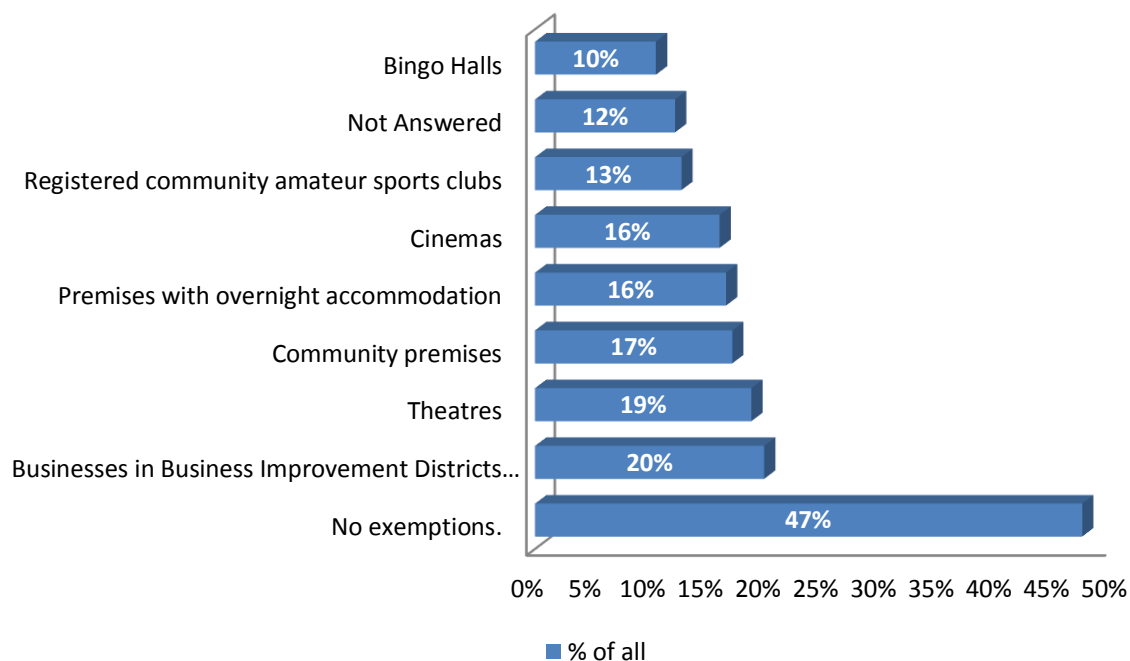
- More accurate analysis of this question could have been achieved if the respondent had been asked either to agree or disagree
- This is because B could be interpreted as the respondent agrees that NYD should be exempt but disagrees that it should be the **only** exemption.
- Therefore those in agreement with a NYD exemption could be 64%.



## Question 12

### Do you think there should be exemptions for particular types of premises?

We received 160 responses to this question. Respondents could provide more than one answer.



Option	Total	% of all
No exemptions.	86	47%
Businesses in Business Improvement Districts (BID) areas	36	20%
Theatres	34	19%
Community premises	31	17%
Premises with overnight accommodation	30	16%
Cinemas	29	16%
Registered community amateur sports clubs	23	13%
Not Answered	22	12%
Bingo Halls	19	10%

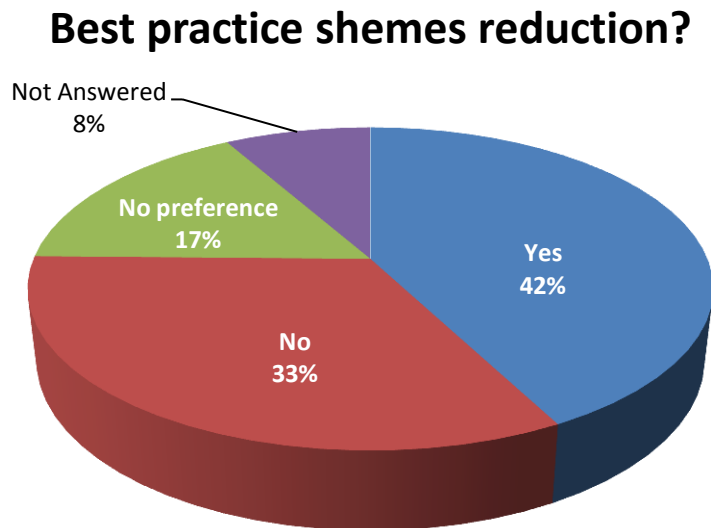
#### Notes:

- More accurate analysis of this question may have been achieved by not mixing 'types' of premises the 'location' of premises (for example businesses within the BID area are not a type of licensed premises).

**Question 14:**

**The council has not proposed to introduce any reductions in the late night levy contributions for business which have signed up for best practice schemes. Do you agree?**

We received 167 responses to this question. Respondents could provide only one answer.



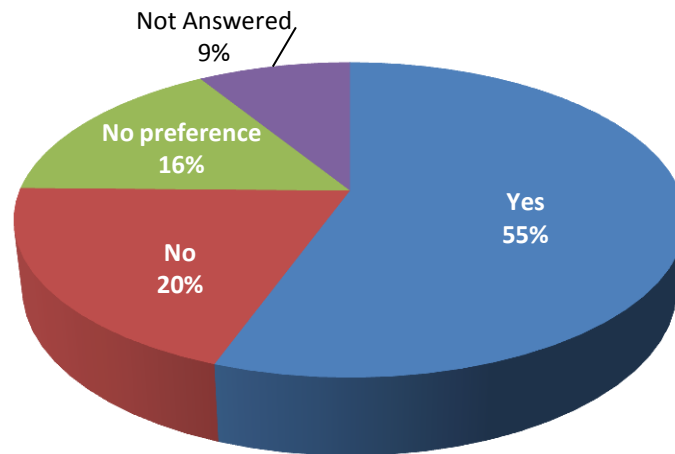
Option	Total	Percent of All
Yes	77	42.31%
No	60	32.97%
No preference	30	16.48%
Not Answered	15	8.24%

**Question 16:**

**The council has not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal?**

We received 166 responses to this question. Respondents could provide only one answer.

**Reduction for small business rate relief?**

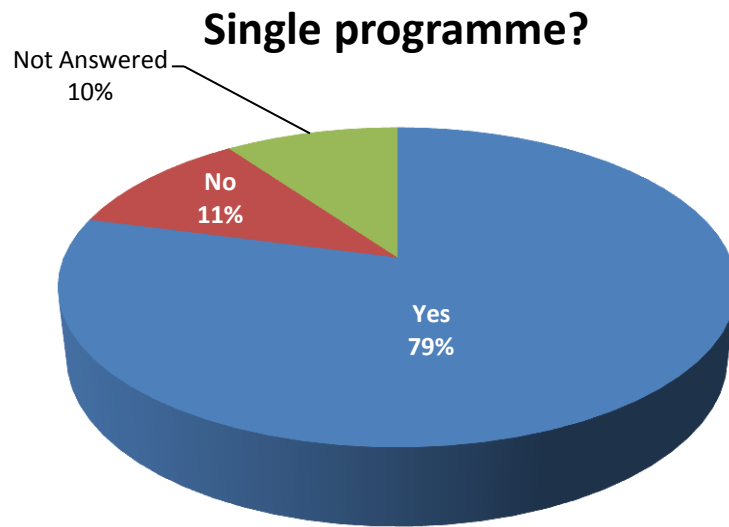


Option	Total	Percent of All
Yes	101	55.49%
No	36	19.78%
No preference	29	15.93%
Not Answered	16	8.79%

**Question 18:**

**Do you support the proposal for the police and council to deliver a single programme for how the levy should be spent?**

We received 168 responses to this question. Respondents could provide only one answer.



Option	Total	% of all
Yes	144	79.12%
No	20	10.99%
Not Answered	18	9.89%

**Question 19:**

**If you answered no to Question 18, how would you prefer the police and council to spend their portions of the levy?**

We received 40 responses to this question. Respondents could provide more than one answer.

Note:

Further analysis is required on the responses to this question. In particular:

- confirm that the respondents answered 'no' to question 18
- there are **38** responses to the police part of the question.
- there are **29** responses to the Council part of the question.

Responses to this question did not identify any particular trend. The comments in responses to this question are incorporated in question 5.

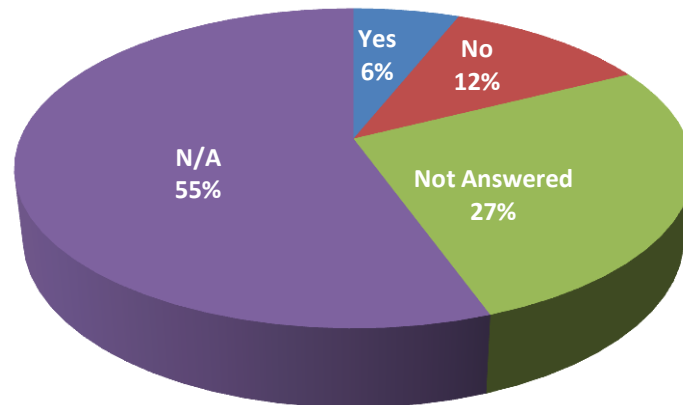
**Quote** “The precise split of the revenue between the relevant parties is arguably less relevant than whether a new tax should be imposed in the first instance and how any proceeds are to be spent.”

**Question 20:**

**If you are a business licensed for the supply of alcohol after midnight, are you likely to reduce your licensed hours so that you are not liable for the levy?**

We received 168 responses to this question. Respondents could provide only one answer.

**Business likely to reduce hours?**



Option	Total	% of all
Yes	11	6%
No	21	12%
Not Answered	49	27%
N/A	101	55%

**Quote:** “(We) will almost certainly apply to reduce (our) hours for the sale of alcohol to avoid the levy. We would also take issue with the Council’s assertion in the consultation that “Any change to the licence will however be permanent unless there is a subsequent successful application to vary, and former hours will not automatically be re-instated if the LNL is withdrawn in the future.” This runs contrary to the decision taken on appeal in Newcastle by J D Wetherspoon that allowed the conditional variation that later trading hours would be re-instated in the event that the levy was removed. The Council should revise its position on this.

**Comment:** This refers to a successful appeal to the Magistrate’s Court against the decision of Newcastle City Council to refuse to vary a premises licence. JD Wetherspoon sought to introduce a condition removing authorisation to sell alcohol during the late night levy period whilst a levy was in place. If the levy was removed, Wetherspoon could then reintroduce the sale of alcohol without requiring a further variation of the licence.

**Note:**

Further analysis and financial modelling is required in relation to the responses to this question. In particular:

- analysis of those respondents who answered yes to this question and who also hold premises licence or a club premises certificates, show that 25% may reduce their hours.
- further analysis will be required to assess the cost implications if premises reduce their operating hours before a decision on whether to introduce the levy is made.
- estimate how many will reduce hours (government suggestion during consultation on the LNL is 25%)
- consider other implications in respect of employment and diversity of premises
- consider the impact on premises operating before midnight if they decide not to trade after midnight to avoid the levy.
  - the venue may become less attractive for customers who want to socialise after midnight and will have to change venue
  - consider issues at other venues with last admission and re-admission restrictions
  - venues may retain their terminal hour but operate at a loss to keep the pre midnight trade.

## Question 21:

### Have you any other comments to make regarding the introduction of the levy, or about the indicative commencement between autumn 2015 and spring 2016?

We received 81 responses to this question. Respondents could provide a free text response, some of which are shown below or have been included in the relevant question above:

**Quote:** “When the Council’s Cabinet met to approve reductions in NTE funding last December it was felt that “a reduction in the level of generic and patrolling services targeting the NTE ...is reflective of the levels of risk that victims of ASB associated with the NTE generally face” – we see no evidence to suggest that the risks have increased since this assessment and so question the necessity and desirability of introducing a new tax to fund activity which the Council felt as recently as five months ago was unnecessary.”

**Quote:** “We note that the expected revenue of £350,000 is very close to the £353,000 reduction in funding for “direct delivery of resources that tackle Anti Social Behaviour (ASB) associated with the NTE” approved by the Council in December”

**Comment:** These refer to [Camden’s financial strategy report to Cabinet on 17 December 2014](#), specifically at paragraph 5.77 and page 111 which identifies a saving of £353,000 from the general fund to “reduce direct delivery on the night time economy”. [Webcast 10](#).

**Quote:** The Licensing Committee itself acknowledged during its discussion of the proposal that “There was some concern that businesses in Camden Town were already struggling, and suffering as a result of high business rates, and that this measure might be the final straw for some of them.” Such concern will be sufficient in a number of cases to reduce their hours threatening their viability and other more sustainable businesses may also choose to reduce their hours as the levy charge would militate against their staying open. This will be particularly true of many of the hotels and other premises where the sale of alcohol is an ancillary service rather than a profit generator.

**Comment:** This refers to the discussion of the late night levy at the [Licensing Committee](#) on 4 February 2015.

**Quote:** The Council proposals suffer from two serious deficiencies in that it offers no evidence that there is a problem that needs to be addressed through the imposition of a levy, which is clearly borne out by the question that asks how the levy should be spent. The Council appears to rely merely on the fact that it can raise money through this mechanism rather than whether there is really a need that can’t be satisfied by other means. If neither the police nor the Council can identify how the money is to be spent, we seriously question whether the Council should be seeking to raise a levy.



**Quote:** Neither the Council nor the police have offered any evidence or information as to the extent of alcohol-related crime or anti-social behaviour. We do not argue that such behaviour does not exist rather that it has always been part of the crime mix that the Council through its management of the licensing process and the police are responsible for tackling. Crime in Camden has been falling along with the general national trends, as demonstrated by the overall crime figures published by the police.

**Quote:** It would appear that there has been no consideration of the hidden costs. These would include

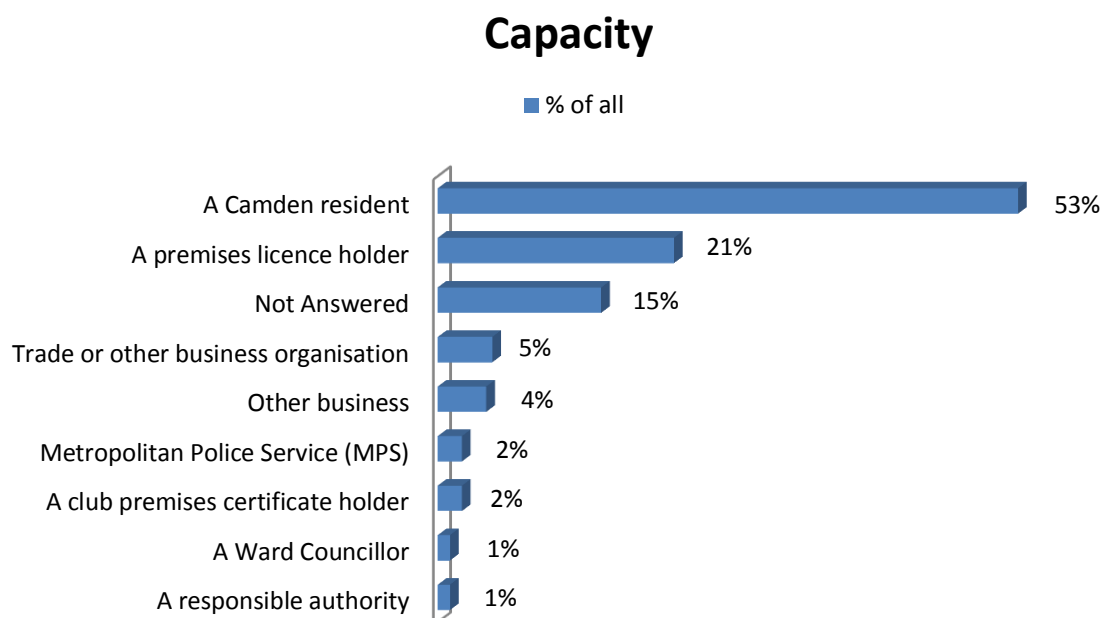
- TENs applications that will require processing and will in all probability lead to more hearings
- Chasing unpaid levy
- Prosecutions for trading when suspended
- Additional variation applications to extend hours

**Comment:** Further analysis and financial modelling should be carried out before the Council decides whether to introduce the levy. This should include evidence of alcohol-related crime or anti-social behaviour and additional administrative and other costs resulting from the introduction of the levy.

## Question 22:

**About you: We want to get as many views as possible so please let us know in what capacity you are responding.**

We received 182 responses to this question. Respondents could provide more than one answer.



Option	Total	% of all
A Camden resident	96	53%
A premises licence holder	39	21%
Not Answered	27	15%
Trade or other business organisation	9	5%
Other business	8	4%
A club premises certificate holder	4	2%
Metropolitan Police Service (MPS)	4	2%
A responsible authority	2	1%
A Ward Councillor	2	1%

## Notes:

Some responses were received from people acting in a dual capacity (licensee and resident) and some responded as both a resident and a resident's association.