Overview and Scrutiny

Night Marshals Task and Finish Group

FINAL REPORT

November 2016
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2.0 Summary of Recommendations

**Service Provision**

Recommendation (1):

Any future provision of the Night Marshals service could be based on the following as required, determined by available funding:

i. Service provision at peak times of the year such as Christmas, New Year and bank holidays and known events

ii. A flexible contract with provision to increase NM numbers based on guaranteed number of weekends/other times and the provision to have an agreed number of other times with defined notice period

iii. Service provision based on discussions/agreement with NYP and CCTV planned service provision and calendar/events for the year

iv. The provision of a service brief with a defined route for NMs to undertake each shift (to be varied as incidents occur) with any other requirements also included e.g. glass removal and returns. This would reduce the reliance on individual NMs and also reduce the existing risk that they are unavailable/not employed by the current contractor

v. An informal briefing with NYP each shift, not at the NYP HQ but with Officers or via an agreed telephone contact/time

**Funding**

(I). **Short Term Funding**

Recommendation (2):

The following discussions about sponsorship could take place with involvement of appropriate commercial support/advice and members of the task and finish group to support funding in 2017/18, if this was agreed then it should be undertaken as soon as possible:

i. Further discussions with the organisation that has expressed a commitment to contribute to funding (name withheld) - *Match funding/part funding*

ii. Other area/regional representatives of identified organisations (names withheld) - *Match funding/part funding*

iii. Other organisations identified (names withheld) - *Match funding/part funding*

(II). **Medium Term Funding**

Recommendation (3):

A proposal could be developed with Visit Harrogate/ Cabinet Member for the provision of Night Marshals that can be considered as one of the projects to be funded by any agreed Bedroom/Bed Tax
(III). **Long Term Funding**

Recommendation (4):

Harrogate Borough Council could support the development of a Harrogate Town Centre BID and one of the projects/initiatives to support the night time economy could be the provision of NM on the basis of the work above.
3.0 Background

3.1 The Overview and Scrutiny Commission considered funding for the Night Marshals service at its meeting on 11 April 2016 where it was confirmed that funding for the project was due to cease at the end of March 2016 but an extension had been agreed for a further six months. It was agreed that the Overview and Scrutiny Commission would have the opportunity to review the provision of Night Marshals in Harrogate Town centre and that this would be undertaken by a Task and Finish Group after the elections in May. The following aims for the review were identified:

(1) How to retain the project

(2) Gather more information on the value of Night Marshals and their purpose, particularly their relationship with the Police and venue door staff

(3) Identify possible alternative sources of funding

3.2 Night Marshals are men and women employed to provide a patrol service in Harrogate town centre, generally during the late evenings and early hours when licensed premises and clubs are busiest. They wear a uniform, which includes a high visibility reflective coat, and carry radio handsets, which link them to the CCTV control Room and other radio users such as door supervisors and the police. Their role is to support the police and help the public and local businesses, providing a reassuring presence on the streets intervening when necessary at an early stage to prevent alcohol-related violence before it starts. This role is complimentary to the responsibilities of the Police to deal with incidents of crime and violence and Night Marshals have been used successfully in town and city centres across the country where they have contributed to marked reductions in the levels of violence and antisocial behaviour and made a positive contribution to the local economy generally.

3.3 Over the period of time that the Night Marshals have been in operation the following benefits have been recognised:

- Provide assistance to police, door staff and CCTV operators
- Remove glasses/alcohol from the street
- Helping visitors and local residents feel safe in the town centre
- Having a physical presence on the streets to deter anti-social behaviour
- Defuse unsociable behaviour
- Report acts of crime, violence, anti-social behaviour and suspicious behaviour to the police and/or other organisations with enforcement powers
- Help vulnerable people
- Report problems with graffiti, vehicles causing obstructions

3.4 The Night Marshals Service is not provided on a permanent basis and since their introduction they have been funded from a number of sources:

- Local Area Agreement Performance Reward Grant 2011-2014

3.5 The Police & Crime Commissioner (PCC) took the decision not to continue funding for Night Marshals within the District after 2015 and adopted a new commissioning model rather than grant funding with no further opportunity to access funding. As a result of the withdrawal of the funding by the PCC the Harrogate District Community Safety Group solely funded the project in 2015-16 using reserves. This funding was
due to cease at the end of March 2016 due to funding uncertainty and reduced reserves held by the Harrogate District Community Safety Group. In 2015-16 the budget was £20,000, approximately £385 per weekend.

3.6 During the review it was confirmed that the patrol hours had been reduced and therefore it had been possible to use the existing funding to extend the service through to the New Year rather than it being time limited until the end of September, with the last weekend being 7-8 January 2017. From April 2016 to January 2017 the project has been funded by Harrogate Borough Council.

4.0 Task and Finish Group Membership

4.1 The Task and Finish Group’s membership consisted of Councillors John Mann (Chairman), David Goode, Pat Marsh, Andrew Paraskos and John Ennis.

5 Scope

5.1 The Task and Finish Group agreed the following scope areas:

1. What is the current service provided? What are the benefits?
2. What are the costs?
3. What is the view of users of the service:
   - Police
   - Businesses
   - Others
4. What are the alternatives?
   - Different service provision
   - Implications of stopping the service
   - Do other areas have a different service provision?
5. What are the alternative funding sources?
6. Establish the value of the Night Marshal Service and any potential options for future service alternatives/funding if appropriate

6.0 Methodology

(a) Overview

6.1 The review had to be undertaken within a limited period of time to ensure that the outcomes could be considered prior to the end of the current Night Marshals Service contract in January 2017. It was therefore progressed over a number of meetings between the end of July and October. It included detailed consultation/discussion with the majority of licensed premises in Harrogate town centre and an Enquiry Day
with invited participants. The following table provides an overview of the meetings together with information considered (attached to the report as Appendices that are available on request).

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<tr>
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<td>21 July 2016</td>
<td>• Scope</td>
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Information Considered/Minutes

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<td>5 August 2016</td>
<td>Patrol with the Night Marshals</td>
<td>Night Marshals Funding Report to Overview</td>
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APPENDIX B - Harrogate Borough Council Night Marshals Summary

APPENDIX C - Night Marshal Funding Examples/ Night Marshal Provision - Summary

APPENDIX D - Review Scope

APPENDIX E - Minutes of Task and Finish Group Meeting 28 June

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<td>Detailed Consultation</td>
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APPENDIX H - Consultation questionnaire

APPENDIX I - List of consultees

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(b) Consultation

6.2 Members of the Task and Finish Group distributed questionnaires to over 40 licensed premises and targeted businesses on 29 and 30 September 2016. Members then visited the premises again the week commencing 10 October to collect completed questionnaires. Discussions took place with all businesses whilst the two visits were carried out and in total 12 questionnaires were returned.

7.0 The Review Scope Consideration

1. The Night Marshals Service

7.1 The Night Marshals have been operating within the district since November 2011. The service has predominately operating within Harrogate town centre with a number of specific deployments in Ripon and Knaresborough. The aim is to provide support to the Police & to help the public providing a reassuring presence on the streets of an area within the Harrogate town centre. The Night Marshals work on a Friday & Saturday night, from 0.00 – 05.00, (unless different hours are required) they will assist the Police, door staff & CCTV and intervene when necessary at an early stage to prevent alcohol related violence and they are expected to challenge violent & anti-social behaviour.

7.2 The service is provided under a pre tendered contract with Professional Security which guarantees a presence on Friday and Saturday nights between 23.00 and 05.00. This contract was due to cease in March 2016 however funding was agreed for a further 6 months with subsequent reductions in hours/service permitting this period to be extended until January 2017. The Night Marshals work closely with the volunteer Street Pastors however the roles are very different. The Street Pastors only work between 21.00 and 03.00 on a Saturday night when resources allow providing pastoral care and compliment the work of the Night Marshals.

7.3 The Night Marshals have no power of arrest, but will intervene where necessary and attempt to reduce the risk of violence by “talking down” conflicts, they will use reasonable force (as any citizen can) to prevent an incident from escalating, an offence from taking place, or detain someone who has committed a crime until the arrival of the Police.
7.4 There are two Night Marshals on patrol on Friday and Saturday nights and they go where they are needed, they do not have to visit venues a set number of times. The Marshals are briefed at the start of their shifts if there are any specific flashpoint areas to attend. If not they will generally patrol the Harrogate town centre area, with no prescribed route. They will usually start on John Street until closing time there, & will then move towards the Parliament Street area where the late night bars/clubs are located. They can be called to other areas throughout the shift where deemed necessary. The routes are therefore flexible, and if requested they can patrol a specific area at a specific time. When on patrol the Marshals will liaise with the Police & the Night Pastors who direct them to areas of need. The Marshals will often be the first to respond to flashpoints, but will radio the Police for assistance.

7.5 Harrogate Borough Council is responsible for the Night Marshal Service and in 2015-16 the budget was £20,000, which is approximately £385 per weekend. Although the Marshals report to the council they work closely with the Police, door staff & CCTV who may direct them to an incident. All incidents are reported to the council following the weekend’s patrols, but if Police assistance is required, then this will be reported at that time. The Marshals have started to wear body worn cameras and if they see fit and it is safe to do so, they will record incidents for the use of evidence.

7.6 North Yorkshire Police reported that the Night Marshals used to have a briefing at the main Police HQ before each shift but this no longer took place. Reports were given to the police predominantly the following Monday based on agreed categories of incidents and liaison also took place if required to attend incidents during each shift. They suggested that there would be a benefit in having a catch up during the evening with the Night Marshals on duty to discuss on-going intelligence not necessarily about particular incidents but about anything in general.

7.7 North Yorkshire Police also reported that the night time economy in Harrogate Town Centre was changing with the growth in the number of restaurants and a change in culture. They felt that the current way that the Night Marshals were deployed may not reflect this in that a permanent presence at all times may not be the most appropriate use of resources/have maximum benefit.

7.8 It was reported that other services working within the night time economy operated a flexible service in that provision was planned based on anticipated increases/decreases in requirements for the service. In practice this meant that North Yorkshire Police and the council-run CCTV planned for busy periods (via a Calendar or similar arrangement) with additional support/less provision at appropriate peak/off peak times. There were also examples where a Night Marshals service (or Taxi Marshals) was provided in other local authority areas such as Leeds at peak times in the year such as at Christmas and New Year.

2. Benefits of the service

7.9 In the period November 2015-June 2016 the Night Marshals dealt with 772 incidents ranging from criminal damage to administering First Aid, an average of over 11 per shift. In addition to this in the same period they handled 273 incidents of glasses/drink left on the street resulting in the return of glasses to appropriate establishments. If the Night Marshals had not been in operation these incidents would potentially have been dealt with by the police or by local businesses themselves and the early intervention may also have prevented further, more serious issues, later on in the evening.
7.10 The Night Marshals provide a visible presence/intervention contributing to reductions in violent crime, antisocial behaviour and dealing with excessive drinking. In response to reducing budgets the police have significantly reduced resources over recent years and their ability to provide a visible on street presence is limited, Night Marshals are often the first to assist door staff and respond to CCTV. There was a view expressed by Visit Harrogate that the presence of Night Marshals rather than the Police may provide a more appropriate impression to visitors of Harrogate Town Centre night time economy.

7.11 The responses to the survey and the discussions with each business indicated strong general support for the work of the Night Marshals/the principle of having Night Marshals even if experience was from other areas rather than Harrogate. This was supported by businesses attending the Enquiry day and the view was that they helped door staff at busy times and provided support for vulnerable people.

3. Service/Benefits - Consideration

7.12 The Task and Finish Group considered that the Night Marshals were a valued service within the night time economy. This was a view supported by businesses and representatives consulted as part of the review. The review also identified that there were potential changes to the current Night Marshals service that could be developed to support the following:

- Changes to current funding levels and effective use of available resources
- Sustainability of the Night Marshals Service
- Longer –Term Changes to the Night Time Economy
- Planned service provision around known peak times
- Coordination with other services (North Yorkshire Police and CCTV)

Recommendation (1):

Any future provision of the Night Marshals service could be based on the following as required, determined by available funding:

i. Service provision at peak times of the year such as Christmas, New Year and bank holidays and known events
ii. A flexible contract with provision to increase NM numbers based on guaranteed number of weekends/other times and the provision to have an agreed number of other times with defined notice period
iii. Service provision based on discussions/agreement with NYP and CCTV planned service provision and calendar/events for the year
iv. The provision of a service brief with a defined route for NMs to undertake each shift (to be varied as incidents occur) with any other requirements also included e.g. glass removal and returns. This would reduce the reliance on individual NMs and also reduce the existing risk that they are unavailable/not employed by the current contractor
v. An informal briefing with NYP each shift, not at the NYP HQ but with Officers or via an agreed telephone contact/time
4. Funding

7.13 The work undertaken by the Task and Finish Group identified the following potential funding options:

- North Yorkshire County Council Ward Member Locality Budgets for those Members in Harrogate Town
- Early Morning Restriction Orders (on the basis that reduced opening hours would require reduced hours of operation for the Night Marshals)
- The late night levy
- Bedroom Tax/Bed Tax
- Harrogate Business Improvement District (BID)
- Voluntary contribution/sponsorship

I. North Yorkshire County Council Ward Member Budget

7.14 The Task and Finish Group noted that the £5,000 Locality Budgets available for each ward councillor from North Yorkshire County Council may not be suitable as a potential funding option for the Night Marshals as it was anticipated that they were intended to support one-off funding and not on-going commitments such as the Night Marshals Service.

II. Early Morning Restriction Orders

7.15 Early Morning Alcohol Restriction Orders (EMROs) were considered these enabled licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives. It was noted that to implement one would require the demonstration of a real problem in an area and in the opinion of the Task and Finish Group this would be a significant imposition and potentially damage the economy.

III. The late night levy

7.16 The late night levy is a power, that licensing authorities have to charge a levy to premises that are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy. The decision to introduce the levy is an option available to all licensing authorities and will be payable by the holders of any premises licence or club premises in relation to premises which authorise the sale or supply of alcohol beginning at or after midnight and ending at or before 6am. It was confirmed that certain streets or areas could be targeted.

7.17 The Task and Finish Group noted that where a levy is being considered the concept must be discussed and agreed with the PCC and any revenue split 70/30 with the police receiving 70%. The Police can use the money for any purpose and would not
necessarily fund Night Marshals. The rate is set based on the Business Rates for the premises and only 7 Local Authorities had adopted a Late Night Levy nationally. Based on the current premises that open between 12:00 - 06:00 am the income alone for the council would not fund the Night Marshals at the current rate. It was noted that the area covered by the levy could be varied depending on issues/evidence and that one of the main issues to be considered would be the evidence required in support of implementation. In other authorities income generally reduced after introduction as premises varied opening hours to avoid it. It was also noted that the proportion of the levy to be retained by the Police and Local Authority could be varied after the first year of implementation subject to consultation.

IV. Bedroom/Bed Tax

7.18 It was noted that the possibilities of introducing a bedroom/bed tax was in the early stages of discussion as part of a possible overall funding solution for Visit Harrogate but that at this stage no decisions had been taken. This envisaged a tax on the use of hotel rooms paid for by the customer and as part of this the Night Marshals Service was an initiative that Visit Harrogate could consider.

V. Harrogate Business Improvement District (BID)

7.19 A BID is a business-led and business funded body formed to improve a defined commercial area. It is a defined area in which a levy is charged on all business ratepayers in addition to the business rates bill. This levy is used to develop projects which will benefit businesses in the local area. There is no limit on what projects or services can be provided the only requirement is that it should be something that is in addition to services provided by local authorities. A BID is a partnership between a local authority and local businesses which is intended to provide improvements to the public sphere within a specified geographical area. In the UK, BIDs are funded in whole or in part by a levy, which is added to the non-domestic rate liability of businesses in the given area and collected through the business rates administration system.

7.20 To implement a BID a ‘proposer’ must develop a proposal describing the additional services and the proposed levy upon ratepayers. All non-domestic ratepayers in the BID area vote on the proposal in a ballot. Normally, the levy takes the form of a liability of between 1% and 2% of the rateable value of the ratepayer’s property: but there is no fixed maximum. The proposal must also specify the length of time that the BID will last, however the vast majority last for the maximum five-year period. It may also include provisions for discounts or exemptions from the levy (for example, for properties below a certain rateable value).

7.21 In England and Wales, a BID must be approved by a numerical majority and a majority by rateable value, of the businesses covered by it. The maximum term of a BID is five years. After this time, a new ballot must take place. The BID may be altered at this point, including changing the rate of the levy and/or the area covered.

7.22 If the result of the ballot is in favour of the BID, all businesses which fall into the geographical area, and the business sector defined in the proposal, will be obliged to contribute to the scheme. It is not possible for businesses to refuse to pay a BID levy once it is in place: the only option would be to argue against the scheme being extended after its end.
7.23 It was noted that work to develop a Harrogate Business Improvement District (BID) was dependent on representatives from local businesses and the agreement of priorities in the town centre. In discussions with representatives at the Enquiry Day the Task and Finish Group noted that work on a potential BID had not been developed at present but that the initiative was generally supported. Any further work would require leadership and support from local businesses and it was noted that the provision of NMs within a BID was recognised as a way of funding in other areas and was consistent with service provision in other BIDS that were operating successfully.

vi. Voluntary contribution/sponsorship

7.24 The responses to the survey and the discussions with each business showed that although there was strong general support for the work of the Night Marshals the business generally did not support a voluntary contribution from licensed premises but anticipated that local taxation would cover such services. There were also indications that area/regional offices of major chains were more likely to support funding. This was confirmed in discussions with one company indicating that they were looking for something to participate in locally, another national/international organisation (name withheld) has agreed to provide some funding (on the basis of sponsorship in the first year) subject to further discussions/agreement about other participants/match funding.

5. Funding - Consideration

7.25 The review demonstrated that, although there was general agreement from local licensed establishments, about the value of Night Marshals there was a general reluctance to support/be able to support voluntary payment locally but it was anticipated that local taxation would cover such services. The Task and Finish Group did, however, identify one business that expressed an interest in contributing to funding in the short term on a sponsorship basis (a meeting has already taken place), other potential organisations that could be contacted on an area/regional basis (names withheld) and other potential sources of short term funding (to be developed). The Group considered that if this was supported by the council then these sources of funding should be followed up as soon as possible with appropriate commercial support/advice within the council (Harrogate Borough Council commercial team) and participation/support from members of the Task and Finish Group.

7.26 The Group noted that there was difficulty in securing any short-term funding as part of on-going initiatives such as a Bedroom Tax or a Harrogate BID but these funding options could be developed as medium/long term options. The Late Night Levy could also be developed as an option but the group noted the evidence required to support implementation and the issues with participation; split of monies raised and long term funding commitments from licensed premises.

7.27 The Task and Finish Group did not support the use of the North Yorkshire County Council Ward Member Locality Budgets or Early Morning Restriction Orders as potential options for funding/service provision.

7.28 The following recommendations for funding were identified:

(a) Short Term Funding

Recommendation (2):
The following discussions about sponsorship could take place with involvement of appropriate commercial support/advice and members of the task and finish group to support funding in 2017/18, if this was agreed then it should be undertaken as soon as possible:

i. Further discussions with the organisation that has expressed a commitment to contribute to funding (name withheld) - *Match funding/part funding*

ii. Other area/regional representatives of identified organisations (names withheld) - *Match funding/part funding*

iii. Other organisations identified (names withheld) - *Match funding/part funding*

**(b) Medium Term Funding**

**Recommendation (3):**

A proposal could be developed with Visit Harrogate/ Cabinet Member for the provision of Night Marshals that can be considered as one of the projects to be funded by any agreed Bedroom/Bed Tax

**(c) Long Term Funding**

**Recommendation (4):**

Harrogate Borough Council could support the development of a Harrogate Town Centre BID and one of the projects/initiatives to support the night time economy could be the provision of NM on the basis of the work above.

**8.0 Conclusions**

8.1 The Task and Finish Group has completed its review of the provision of Night Marshals in Harrogate Town Centre and the following is a summary of the work to address the aims of the review and the recommendations:

(1) The work has demonstrated how the Night Marshal Service could be retained and identified potential changes that could be implemented based on the changing night time economy in Harrogate, comments from partner organisations and also evidence from other areas. The potential changes identified would also enable the service to be provided within flexible/reduced funding.

(2) The review demonstrated that all organisations within the Town Centre supported the provision of Night marshals and valued the service with good working relationships with the Police and door venue staff.

(3) The review was successful in identifying alternative sources of funding. In the short term with at least one organisation willing to contribute to the provision of Night Marshals but, if agreed, this would require immediate appropriate support to develop this further. Other sources of funding have been identified, in the medium term the council could support the Night Marshals project as a priority bid if Bedroom/Bed Tax is developed and in the longer term the
council could also support Night Marshals as part of a Harrogate BID if it is progressed.

8.2 It should be noted that other sources of funding were identified and considered by the Task and Finish Group and the funding recommendations reflect the consideration of these alternatives by the Group. Cabinet can consider the report and recommendations to inform any decision about the future provision of Night Marshals in Harrogate Town Centre.

8.3 The Task and Finish Group would like to thank everyone who contributed throughout the process in particular the following:

- Mike Proctor – Chamber of Trade (Chairman of the Town Centre Focus Group)
- Michael Newby – Director, Visit Harrogate
- Graham Swift - Cabinet Member for Tourism, Economic Development and Enterprise
- Alex Langley – A/Insp North Yorkshire Police
- Representatives from Businesses in Harrogate Town

8.4 There is a recommendation within the report that refers to participation/support by members of the Task and Finish Group and it is proposed that the existing Task and Finish Group membership continues so that meetings can be convened where appropriate in accordance with the recommendation.