

Oversight and Scrutiny Committee Meeting on “Westminster After Dark” on 13 March 2024

Written Submission from the Soho Society

Background

The Soho Society

The Soho Society is a charity that has operated for over 50 years to make Soho a better place to live, work and visit - essentially to ensure that a balance is maintained between these activities and to allow all these different uses to co-exist. Over that 50 years it has reviewed, and where appropriate commented on, any planning or licensing application made for a property located in Soho. It's members played a key role in the establishment of the Soho Conservation Area, the Soho Housing Association and the Soho Neighbourhood Forum. It publishes a quarterly magazine, a monthly e-newsletter and runs a weekly community radio show. It organises a number of events such as the Soho Village Fete, the waiters race and election hustings. It has some 400 residential and business members.

Soho

Soho is part of the West End Ward in the borough of Westminster, has an area of 1/4 of a square mile, has some 3,000 residents of which 30% are social housing tenants. We understand from the Soho Housing Association that some 200 families live here. It also has shops, offices, restaurants, theatre, bars and cinemas which all co-exist cheek by jowl with often commercial activity on the ground and basement floors with residents in flats above. The residential density per square kilometre varies between average and above average when compared to the rest of Westminster. Over £235M was raised in business rates from this small area in 2022.

Broadly, evening activity up until 11pm (theatres, cinemas, restaurants and pubs) has been manageable but activity after 11pm, especially when outdoors, high volume and alcohol led, has caused considerable harm to residential amenity. People need 7 to 10 hours sleep at night and that becomes increasingly impossible if noise from people dispersing from licensed premises occurs after 11pm night after night. 11pm is the key watershed between the evening and the night.

At the end of the second world war some 30,000 people lived in Soho. By the turn of the millennium it had reduced to 5,000 and we believe it is now less than 3,000.

The current situation - Environmental Noise Nuisance and the impact on the community

People are giving up on Soho as their main place of residence for multiple reasons but for many it is because of the increase in noise from the significantly increased number of late night premises which have a terminal hour after 11pm.

This is a typical statement from people that have given up on living in Soho:-

“I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing

sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.” (2022)

“During the 17 years I lived on that street it went from a pleasant place to live to a total nightmare. In the end I simply had no choice to move out this year.” (2022)

People in social housing and people unable to sell or lease their flats have to put up with the increasing environmental noise at night as it is neither a simple nor affordable option for them simply to “just move”. There is evidence that it impacts their quality of life, health and mental health, sometimes seriously.

*“As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time.”
January 2022*

“I've noticed an obvious increase in the disruption from noise at night since the pandemic. This is due to a few factors, but I think the increase in bars and late night alcohol licences in Soho has been one of the main causes of this because it results in people who must be completely inebriated/on drugs shouting and screaming into the early hours on weekday nights (as well as weekends of course). I have had sleepless nights on every day of the week. It is effecting my performance at work because I am extremely tired, usually on at least two days a week. I really, really don't want to leave Soho but if this continues, I don't see continuing to live here being a realistic option unfortunately. I'm concerned it will effect my career in the long term, not to mention general health from sleep deprivation..... If my partner and I ever want to have a family, I don't see how we can do that in Soho. It saddens me to say this because I think it would be great to live here and raise children but with the ongoing noise problems, I think I'm probably going to have to give up the hope that we can continue to live here for the long term. I've lived here for seven and half a years and my partner has lived in Soho for around ten years so I don't say this lightly.” February 2022

The noise also has an impact on families with children.

Mr [] said that as a family they are destroyed. His [five year old] son is ill but cannot be tested for ADHD because the symptoms are the same as symptoms of disrupted sleep. His son is severely ill and has been excluded from school. Mr [] said no-one had the resources to deal with the noise, ... October 2023

The licensing of larger venues post midnight took place after the liberalisation created by the Licensing Act 2003. While late licensed small private clubs had existed in Soho before the Licensing Act 2003 their capacities were low and their customers more local and ASB and noise were low. Pre 2003 night clubs did not encourage large queues outside in the street and the demographic is now younger and just noisier. Long term residents confirm that Soho was quiet when they moved here and it is in the last 20 years that the problems have arisen and increased. There is also evidence that the situation has got much worse post pandemic - maybe because of the

various interventions that moved night time entertainment on to the street on a temporary basis but which has now changed visitors' behaviour permanently.

In addition, the council is slow to act on other night time noise nuisance such as deliveries, car horns, waste collections - rather than having greater vigilance for an area already stressed by multiple noise causes at night the council appears to have less.

There are now 491 licensed premises in Soho, of which 121 have a terminal hour between 1am and 6am. The capacity of those late night premises exceeds 22,000 people. The number of licences has continuously increased since 2003. Between 2020 and 2023, 51 new alcohol licences were granted which a capacity of over 4,200. Of the 51 new licences 9 licences were granted with hours outside the Council's own core hours policy - with a capacity of 1,178.

Nigh Time Alcohol Licensing in Soho and the West End - the debate

As a result of the changes that have taken place in the number of licensed premises, the grant of hours much later into the night, and customer behaviour, many people that live here worry that Soho will decline into an area that is not viable for living in on a permanent basis and more long term members of the community will leave. In turn this means services aimed at residents such as certain shops, the primary school and the GP practices will close - creating a vicious circle. This is exacerbated by changes in national planning rules and the introduction of the Class E use class - this allows changes of use which would previously have required planning permission. Such changes may maximise rental income in the short term but reduce the amenity of the area for both businesses and residents as, for example, useful and diverse retail shops are replaced by a monoculture of bars and restaurants.

Maybe the best that can be done is to document the slow eradication of the long term community that has existed in Soho for many years. While older residents are reluctant to leave as they are too old to re-establish community connections in a new area and fear loneliness if they move, younger people and families move out.

Families with young children in particular are impacted by noise nuisance as children need more sleep. Adults too may not get enough sleep given the the number of premises authorised to operate past 11pm and the amount of outdoor noisy activity that creates.

Sleep hygiene in children and young people

Your child's age	Recommended sleep time in 24 hours
Children 1 to 2 years	11 to 14 hours including naps
Children 3 to 5 years	10 to 13 hours including naps
Children 6 to 12 years	9 to 12 hours
Teenagers 13 to 18 years	8 to 10 hours

We are trying to establish if social housing tenants have been re-housed because of noise, but while we believe some have, it is not a route that all tenants can take. Moving long term residents out is not, in any event, the solution - we need to re-establish control of environmental noise nuisance at night so that Soho once again becomes a healthy place for people and families to make their home.

Some in the community blame the council for the ongoing damage to residents' health and well being that has resulted from the cumulative impact of licensing/planning decisions which they believe should not have been granted in a residential area, which conflict with the Licensing Act's objectives and with the council's own licensing and planning policies, and which appear to benefit primarily commercial property companies and a small number of businesses in a way that is unfair. It is impossible to imagine that the council is unaware of the declining quality of life for Soho's community and the strong feelings the expansion of the night time economy past 11pm in the area has caused. It was a major issue of contention in the 2022 local elections.

The council has documented these concerns in some detail in its recent update (2023) to its cumulative impact assessment.

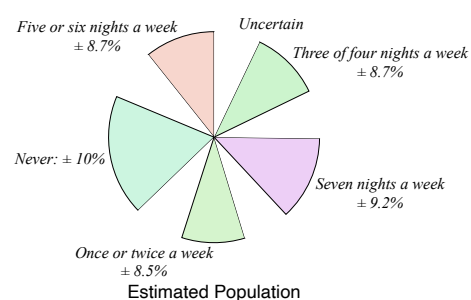
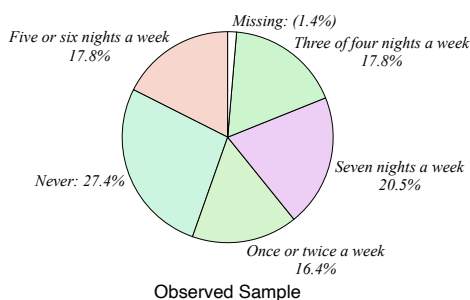
For example the CIA states:-

27% of West End respondents feel there are problems related to licensed premises (e.g., people drinking/smoking outside, blocked pavements, deliveries, etc.). Any other ward is below 6% and too small a sample size. (page 30)

The output area with the most Noise Complaints (Output Area 1 with the most Licensed Premises covers the south end of Dean Street, Frith Street and Greek Street. Along Old Compton Street) has a noticeably different proportion of premises licence types than the borough average output area:

- *More Nightclubs – three times as many (8 or 8.5% vs. 2.7%)*
- *More Restaurants (40 or 42.6% vs. 39.3%)*
- *More Cafés (9 or 9.6% vs. 6.4%)*
- *Fewer Shops, stores or kiosks (5 or 5.3% vs. 12.9%) (page 34)*

Distribution of Environmental noise pollution disturbs my sleep



Therefore, it can be concluded that the number of licensed premises is a significant factor in the generation of Noise Complaints. (page 38)

In addition:

A Soho Society survey showed 70% of the Soho community who responded agreed with the statement, “Noise nuisance and sleep deprivation is adversely impacting my health and the health of the people I live with” (2022)

Over 20% said their sleep was disturbed 7 nights a week. (2022) See above graphic.

Despite this:-

- the harm caused to the health of residents by environmental noise remains largely unexplored by the council - despite repeated requests inviting it to do so and despite evidence that there is a serious problem
- its licensing committees continue to grant additional licences and hours sometimes against its own policy, against police licensing officer advice, and in apparent ignorance of the evidence contained in its own cumulative impact assessment and the Licensing Act 2003 statutory objectives
- enforcement of licence conditions relating to noise is often ineffective even where there is clear evidence of breach of the license terms e.g. on late night deliveries
- prosecutions of licence breaches which relate to noise rarely seem to reach a conclusion
- the council's noise complaints service is ineffective for short duration repeated intermittent late night noise from dispersal, car horns, deliveries - exactly the noise problems which are identified most often by Soho residents - while useful data is potentially collected by the complaints process - a complaint rarely if ever leads to effective action to stop the noise as the noise is never “witnessed” by an officer - as a result many residents think it's a waste of time and do not use it

Previous ward councillors have suggested that residents adversely impacted by the council's decisions and failures to act “should just leave”. Many have already done so - but the “just leave” strategy is not a meaningful option for all those that remain.

Certain information obtained during the pandemic suggests that the “just leave” strategy may even be part of a deliberate strategy by the council.

A Proper Cost Benefit Analysis of Night Time Activity

Property companies and businesses engaged in the night time economy have argued for its continued expansion because of the claimed benefits to the economy and jobs. Specifically, they argue that growth flatlined during the pandemic and there is therefore catching up to do to make up for the lost period of growth.

The Society is skeptical about these claims of economic benefits as we do not believe that the externalities imposed by the increases in late night licensed premises and inadequate management

of them has been properly taken into account. The costs of the night time economy to the public / everyone else - primarily post 11pm are significant:-

- the cost of crime - estimated at £315M for Westminster as a whole in 2022 i.e. £210M in the West End and St James' wards - see below on the crime issue and its associations with the NTE in more detail (*January 2023 Strategic Assessment by the Met and the Council*)
- the current cost of policing
- the cost of the criminal justice system
- the cost of treating the victims of crime in the NHS
- the cost of Accident and Emergency attendances by visitors to the West End due to excessive alcohol and drug consumption
- the cost of the Night Stars and similar interventions both public and private
- the diminution of the value of the public and private housing stock from environmental noise pollution
- the damage to the quality of life and well being of the Soho community and the cost of NHS treatment costs from sleep deprivation - we know that residents have been admitted to hospital with health issues related to sleep deprivation, others indicate it has impacted their recovery from other conditions
- the damage to Soho's businesses that operate earlier in the night whose customers who are put off by the crime and sense of disorder later in the night as they disperse

The council we understand plans to re-issue its cost benefit analysis of the night time economy published in 2015. The council was unable to ascertain the cost of policing the night time economy in Soho in 2015 or indeed any of the NHS costs or costs of environmental noise nuisance. It also contained this statement at paragraph 49 in discussing the late night levy:-

*We believe that it would make greater sense to engage with all stakeholders who have an interest in the ENTE to ensure a common understanding **such that a crude expression of 'polluter pays' is not simply foisted upon the business.** (my emphasis)*

i.e. any suggestion that the relatively small number of companies that profit from the expansion in the night time economy might contribute to the costs that expansion has imposed on the public purse is explicitly rejected - why this is the case is unstated.

47% of all Violent Crime in the West End is related to the Night Time Economy and 65% of sexual offences in Westminster are in the West End and St James wards, 66% of all crime in Westminster takes place in the West End and St James'

Crime in Soho is significant and is associated with the night time economy - the statistics from the police/council are informative.

The council's own 2023 Cumulative Impact Assessment puts it clearly:-

- There are 4,045 licenses issued in Westminster, these are largely concentrated in the West End (30%).
- Just under 66% (50,462) of all crime in Westminster and 74% (43,715) of 'public realm' crime occurs in just two wards: West End Ward and St James's Ward
- Approximately a third (30% 8,329) of all crime (with an identifiable location) during the night-time economy (NTE) was identified as involving a location related to licensing and the night-time economy
- Violence is also concentrated in the West End areas, with 47% (4,879) of all violence in West End Ward and St James's Ward. Approximately 59% (6,028) took place during the night-time, most concentrated in the period just prior to and after midnight. This places Westminster in contrast with other boroughs, as our violence is not in highly deprived areas but locations with an active night-time economy.
- there is a concentration of offending in the West End where there are approximately 1,236 unique licensed premises. The key times for crimes occurring at locations of interest to licensing and the night-time economy are predominantly overnight Friday/Saturday and Saturday/Sunday
- Over 65% (808) of all sexual offences in Westminster occur in the West End and St James's wards.
- This is a similar case for Violence against Women and Girls (VAWG), where 46% (5,006) of these offences occur in these wards, with 28% (1,347) being associated locations of interest to licensing and the night-time economy

In addition the Met's analysis of crime in the West End for January 2024 presented at the Soho West End Ward Panel meeting (19 February 2024) revealed as follows:-

In the West End and St James wards (but primarily Soho and Leicester square based on the crime heat maps):-

Violence Against Women and Girls in **January 2024 alone**

sexual assault on a female9
rape of woman over 162
GBH serious wounding1
GBH with intent.....1

exposure	2
actual bodily harm.....	8
assault on a female	1
attempted rape.....	1
common assault.....	19
Total	44

Violence against a person (Assault with injury, Common assault, Harassment, Murder (homicide), Offensive weapon, Other violence, Wounding/GBH) in **January 2024 alone**

199 offences

We continue to discuss with local officers the degree to which each incident is NTE related but the cumulative impact assessment and heat maps suggest much of it is. 17.4% of the victims of crime in the West End also live in the West End.

These statistics are significant and suggest the cost of crime from the NTE is both large and puts further pressure on already stretched police resources. We also note that there appears to be no clear accountability within the council for producing and delivering on a plan to reduce the level of crime from current levels and to stop it increasing - it appears to be accepted as a given and no-ones responsibility. At best the public are advised how to take fewer risks but without any clarity being provided about the scale of the risk.

None of it deals with the fact that creating an area with 1,000's of vulnerable people post midnight with narrow streets, limited CCTV coverage, no "designed-in" crime mitigation and insufficient police resources is a gift to organised criminal gangs and sexual predators.

Westminster After Dark (“WAD”) and the proposed Night time plan

Into this context of difficult issues the council started a process called “Westminster After Dark” last year which is intended to assist the council in developing its evening and night time plan.

The council is seeking:-

“to find the right balance between the interests of residents, visitors, and businesses, so that night-time in the city is managed well and serves the needs and interests of all those who have stake in the evening and night-time environment.”

It certainly needs to.

The questions put to us tonight was as follows:-

How we can support and enhance Westminster’s world class evening and night-time, whilst meeting the needs and aspirations of our residents, visitors and night working community?

Some parts of the night time economy in Soho are not world class - they are unsafe for visitors, workers and residents and do significant damage to the sustainability of our community. The night time economy doesn’t need to be supported and enhanced in Soho - it needs to be made safe and to no longer undermine the community. Also see attached cuttings on visitor experience to Soho night clubs from Trip Advisor.

Council documents state that WAD is pan Westminster and includes everything from 6am to 6pm. The process, in the council’s words, seeks engagement, encouragement of diversity, supports sustainable economic growth and employment. The night time plan will be launched in June/July 2024 (though this date may have slipped). After the stakeholder assembly no further engagement is planned - at least in the original documents. There has been an online process where people can geo-tag their comments on the night time economy called “Common Place”. The themes in the stakeholder assembly were safety, community and culture, economic development and accessibility. Crime and environmental noise nuisance are not directly mentioned.

The council has also said:-

However, as a Council, we recognise the challenges that come with so much night-time activity, including crime and disorder, anti-social behaviour, and noise disturbances, which often adversely impact our residents. We must strike the right balance between the interests of residents, visitors, and businesses, so that night-time in the city is managed well and serves the needs and interests of all those who have stake in the evening environment.

That is why we are launching Westminster After Dark, a six-month engagement with the city’s residents, businesses, visitors, and communities, will take place from today, 3 October, to inform the council’s first ever Evening and Night-time Plan. Once in place, the plan will outline an approach which has been designed with residents, visitors and businesses that sets a vision for the future of our evening and night-time environment that truly reflects the diverse needs, aspirations, and desires of everyone who lives, works in, visits, or runs a business in the city.

We agree that balance is key but we do not agree that the current situation reflects an appropriate balance. Any night time strategy needs to first address existing problems with crime and noise nuisance before considering opportunities for expansion post 11pm. More emphasis and engagement is needed on crime reduction and protecting residential communities from the impact of environmental noise pollution at night in all its forms. Although the council mentions the “interests of residents” it does not go on to say what those “interests” are - but they are simple - people need 7 to 10 hours sleep in every 24 hours which means repeated noise nuisance between 11pm and 7am is not compatible with residential occupation. This is a hard boundary which needs to be policed not fudged. Homes you can’t sleep in aren’t homes which is why people have moved out. Some of the council’s actions and failures to act raise the possibility that it has breached the Article 8 rights of residents - without a change of course those concerns will become more pressing.

We note that the council have said nothing as to whether the introduction of a night time strategy will lead to changes in licensing policy that might further increase activity late at night. Indeed very little in the council’s documents on WAD explain what policy levers might be engaged as a result of any new night time economy plan. At the WASF meeting on 31 January 2024 licensing officers were asked if the possible outcome might be later core hours and that was **not** ruled out.

With slightly unfortunate timing, Camden Council announced on 25 January 2024 its plans to cancel its cumulative impact policies and significantly increase its alcohol core hours by as much as two hours, following on from its stakeholder assembly in 2023 and its new more recently announced night time strategy.

Westminster residents, worried that Westminster Council might be working in a similar direction to Camden, have concluded that yet later hours are in prospect in Westminster and are scared.

While the council’s language suggests that it wants to play the honest broker between two conflicting interest groups on this issue, its management of the WAD stakeholder assembly caused alarm as it did not appear to be fair in a number of respects:-

- the stakeholder assembly was not a consultation but a “sortition process”, further consultation exercises with residents were promised by the Leader at the WASF meeting, but they are not in the council’s original timetable
- sortition is a process from public choice theory that seeks better public policy decisions by excluding interest groups with strong views from decision making and replacing them with a middle ground of members of the public selected at random - a bit like a jury in a criminal trial
- there are a number of issues with the choice of sortition to inform these decisions - it seems inappropriate where individual rights are engaged under ECHR Article 8 for example see <https://www.theguardian.com/world/2023/jun/05/italy-top-court-orders-city-to-pay-euro-50000-couple-noisy-nightlife-brescia-residents> - but leaving that aside for now.
- the main problem with the assembly was that while the council excluded west end residents from the assembly as they have “too strong” a view, the council did not exclude business or property interests that have a clear, and in some cases very large financial interests, in increasing the amount of night time activity in the areas where they own large swathes of commercial property - no fewer than three members of the assembly were from the Soho Business Alliance and one was

the managing director of Soho Estates. If the council was serious about “sortition” then these individuals should also have been excluded. I know of four Soho residents who applied and were excluded from the assembly for various reasons.

- the whole assembly event was run by a consultancy called sixtillsix (<https://sixtillsix.com>) selected by the council, sixtillsix is closely associated with lobbying efforts by the night time industries association for increased hours
- of the speakers engaged on the first day, nine represented interests in favour of longer hours and one spoke on behalf of west end residents, others talked about other issues which, while worthy, are largely a distraction as they are not controversial - over the course of the three sessions two other west end residents did participate, but only in smaller group discussions i.e. without presenting to the whole assembly
- although a police officer spoke he was relatively junior and has been substituted at the last minute which means he had not had time to familiarise himself with the slides he presented - he did not provide much data from the Met’s strategic crime assessment which you might think was highly relevant
- members of the assembly were not provided with slides in advance, complained they couldn’t read the slides and asked why the council had not provided a body of agreed and relevant background stats and evidence in advance, these seem like important admissions - but may have been addressed at later sessions
- it was not apparently technically possible to show a set of short videos showing a night club dispersal at 3 am in Marshall Street and some deliveries as an example of what noise nuisance can look like:-
 1. <https://youtu.be/s0s5iMOhbXg>
 2. <https://youtu.be/Xxn2yIjUC6I>
 3. <https://youtu.be/nUqv0qkx-pk>
- some paid participants appeared to only be there to collect the £250 voucher or had other axes to grind - such as the alleged health problems with 5G mobile phone masts and computer chips in laptop computers being used for mind control

If the council hoped the stakeholder assembly would show itself as an honest broker to the various interest groups involved - it has failed.

Conclusion

While Westminster After Dark may have been intended to show the council trying to find some sort of middle way on a controversial issue, the lack of some basic natural justice in the management of the assembly, and the unfortunate timing of announcements from Camden Council of its parallel processes, residents are at best confused, and in some cases angry and dismissive about the process that has been used.

Violent crime, sexual crime and noise nuisance forcing people to leave their homes are serious issues. Rather than reflect and document these concerns and possible mitigations for discussion the

council has presented WAD in marketing terms (branded cups and bags) as some sort of cheerful opportunity much removed from people's lived experience in the areas most likely to be impacted by any decision on the NTE. Using words such as "vibrancy" to describe the council's objectives is just confusing when what is required is data led forensic decision making that is linked to real human values such as health, safety and community.

Recommendations

Noise and Protecting Communities

A home you can't sleep in is not a home anymore ... looking for compromise when people have been forced out of their homes because they could no longer live there is unlikely to work. Instead, the council should set out minimum standards for sleep duration and quality in residential areas before it does any further work on its NTE strategy.

Adults need 7 to 10 hours sleep at night for good mental health and well being and that is true of ALL Westminster residents, make it a key policy objective and monitor the impact of all policies on that objective

Examine all the causes of noise pollution at night and make efforts to mitigate them as their impact is cumulative - dispersal, deliveries, pedicabs, car horns, waste collections, construction.

Consider changing traffic and loading restrictions to prevent late night deliveries in the West End between 11pm and 7am, don't delay action on this pending the completion of the monitoring study

Renew the WCC noise strategy and include analysis of the harm to health from lack of sleep from environmental noise

Work with UCL medics and experts on public health on the Soho Monitoring Study to investigate the problem of noise on health so we can know the scale of the issue and possible mitigation

Use Public Space Protection Orders to reduce ASB and noise in the most impacted areas - from car horns, deliveries, cars and bikes revving and racing

Commission an online surveys of all Westminster residents - . how much is your quality of life impacted by noise pollution at night?

Protect Soho as a place to live and ensure its community is retained including families

Crime

The council should aim to reduce crime in the West End with a specific target e.g. a 50% reduction in incidents of violent and sexual crime in 12 months through taking action such as:-

re-introducing monitored CCTV in the West End;

effective licence enforcement - e.g. enforcing rules about not serving people who are already intoxicated;

review licences to add conditions that reduce crime;

consider an Early Morning Restriction Order, which could be used on a time limited basis just for the streets where the crime is concentrated while the police and the council, businesses and property owners work out a plan to make the West End a safe place to visit.

By either negotiation or licence review, update all alcohol licences with a terminal hour after midnight to include model conditions dealing with customers providing ID on entry and reducing the number of customers queuing outside the premises - including considering moving to a ticketing model as crime is facilitated by victims being selected while they are queuing and then targeted later in the night

Work with taxi drivers to agree a way to ensure safe dispersal from the West End post 3am - by for example designating a part of Charing Cross Road for taxi pickup, rather than leave vulnerable visitors to find transport home having been spotted in Soho and then followed to quieter areas for a theft/assault to take place - like this video shows <https://youtu.be/VOscDo5P1aI>

Consider the councils role in protecting the NHS so that burdens on the NHS from avoidable harm are reduced (violence, sexual crime, and drug and alcohol overdosing, spiking)

Engage with victims of crime in the West End and discuss the impact on them more widely so that the consequences of a growing and yet unsafe late night economy are understood.