



The Soho Society  
Saint Anne's Tower  
55 Dean Street  
London  
W1D 6AF

Office: 0300 302 1301  
[www.thesohosociety.org.uk](http://www.thesohosociety.org.uk)

## Response from the Soho Society - 15th November 2020

**Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.**

**Licensing Act 2003**

### CUMULATIVE IMPACT ASSESSMENT

***1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?***

Yes

***2. If you have any comments about the implementation of a Cumulative Impact Policy, please provide them below.***

The application of the West End Cumulative Impact Policy since January 2016 whilst apparently strong on paper has failed to work in practice as a policy to prevent further cumulative impact in the West End.

The January 2016 Statement of Licensing Policy in October 2015 stated that there were 3,134 licensed premises in City of Westminster. The Proposals for the Revision of WCC's Statement of Licensing Policy (SLP) 12.10.2020 states that there are 3,076 licensed premises in the City of Westminster. This is a reduction of 2%.

By contrast in the West End Cumulative Impact Area (WECIA) appendix 12 of the January 2016 SLP it is stated that there were 1,002 licensed premises. The Proposals for the Revision of WCC's Statement of Licensing Policy (SLP) 12.10.2020 states in Paragraph 1.2 that there are 1304 licensed premises in the WECIA, an increase of 30%. However, a lower figure is given in the Cumulative Impact Assessment on page 15 of 1169 licensed premises and this is a percentage increase of 17%.

In either case the WECIA policy has failed to reduce the number of licensed premises when the number has fallen marginally across Westminster as a whole.

This may be a function of the demand for licensed premises to locate within the WECIA but it shows clearly that the 2016 policy has not reduced cumulative impact in terms of the numbers of licensed premises. Every additional premises licence increases the total customer capacity within the area and therefore must contribute to the risk of adverse cumulative impacts. The CIA on page 65 highlights the increase in premises vs incidents using two analytical models. Both models found that incidents of all types were more likely to be reported in the vicinity of licensed premises.

The Odds regression model states that with every additional licensed premises (of any type) the likelihood of there being at least 1 reported incident at night in the vicinity increased by 20% - 471% depending on type of crime. Of all public realm crimes, the addition of licensed premises influenced the likelihood of theft reports the most (471% increase in Odds per additional licensed premises) and drugs, the least 20%. The Relationship regression model found that every additional licensed premises within a given area (20,000m<sup>2</sup>) incidents of crime were likely to increase by a factor of [1.06-1.17](#) (6-17%).

In summary the current Cumulative Impact Assessment shows that in March 2020 within Zone 1 of the WECIA the number of adverse incidents was 9 times higher than the borough average. Therefore, on the evidence of the Council's own CIA the granting of further licences increases the likelihood of adverse cumulative impact.

If the new SLP is to be effective in preventing, and ideally reducing, further cumulative impact it needs to be much more robust: robust not only in the way that policies are worded but also in the way that the policies are applied by councillors sitting on the licensing sub-committees if it is to be an effective policy to reduce cumulative impact in the WECIA which covers Soho. The Soho Society proposes below a number of ways in which the policy can be made more effective.

We also ask the City Council and its licensing service is more robust in encouraging applicants to demonstrate clearly in their applications, and well before the matter comes to decision, how their proposals will meet the issues they are asked to consider in each of the licensing policies as set out in the new SLP.

Where the councillors are not convinced by the information provided in support of the application and also that it has been provided in a timely way to allow scrutiny and revision, they must refuse to grant more applications. To do otherwise will be against the stated objectives of their policy and evidence and recommendation within the CIA 2020.

### **3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?**

We agree with the important findings of the Cumulative Impact Assessment which presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1. Although we welcome the retention of the existing West End Cumulative Impact Zone 1, we disagree with the council's proposal to go against the evidence of the CIA to support further policy restrictions. In its conclusion the document states:

*'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises are such that it is likely granting further types of licenses or varying existing licenses would be inconsistent with the authority's duty to promote the licensing objectives.'* (p.19)

*'The granting of licences for certain types of operation that are likely to add to the cumulative impact within these areas would not be consistent with the licensing authorities duty under the Licensing Act 2003.'* (p.19)

The CIA defined as:

*'The principle of cumulative impact is to identify which areas are saturated with a significant number, type or composition of licensed premises, causing the benefits*

*provided by alcohol outlets to be outweighed by public nuisance, crime, disorder and other costs of excessive alcohol consumption.’ (p.8)*

presents a number of key findings identifying the high level of cumulative impact in the West End as detailed below:

- **West End Zone 1:** on just 3% of the borough’s footprint, which held 25% of all unique licence locations as of February 2020, 943 unique licences were issued to 766 unique locations. Over 3200 residential households. (p.9)
- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends. (p.8)
- **For crimes West End Zone 1,** the rate was 10 - 13 times higher between 6pm - 6am compared to the borough average. (p.9)
- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough’s incidents (31%). Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%). Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). Total = 50,594. Compared to West End Zone 2 the second highest incident rate at 3.86 totals 35,584, significant comparisons being, Serious violent crimes, 388 (15%), Robberies (21%), Drug Offences 487 (13%). (p.9)
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated. (p.28)
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night. (p.40)
- **Serious violent crimes:** recorded between 6pm and 6am concentrated overwhelmingly in the West End. (p.44)
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between 6pm - 6am were significantly clustered in and around the west end to varying degrees. (p.46)
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street. (p.37)
- On average, for every additional unique licence location (proxy) for premises) in an area 200m<sup>2</sup> in size) reported incidents were likely to increase by factor of 1.06 - 1.17, depending on the premises type, incident type and time of day. (p.8)

- **Among specific premises types assessed**, pubs and wine bars, restaurants, shops and stores, and hotels and hostels were most significantly aligned with incidents in their proximity.

This is a damning indictment of the failure of the current process, we require policies to be robustly applied by councillors sitting on licensing sub-committees. A review of the Society's representations in 2019/20 shows the sub-committee approved 2 additional 3am night club/performance venues (capacity 420), 1 bar extension until 1am (capacity 80) and time limited until 30/9/21. 1 x new 1am restaurant (capacity 300) and 3 extensions of existing restaurant licences until 00:30 (capacities 156), 1 x removal of restaurant condition (allowing alcohol sales without food) until 10pm, time limited 30/9/21, all of which will continue to add to cumulative impact in the area.

We note the issue of capacities has not been mentioned within the consultation or within the CIA 2020 it is a key factor in cumulative impact. As the 2016 SLP 2.4. states:

*'The extent of crime and disorder and public nuisance in the Cumulative Impact Areas arises from the number of people there late at night; a considerable number of them being intoxicated, especially in the West End Cumulative Impact Area.'*

We consider this to be a weakness in the assessment. We reviewed all licences in Soho for capacities and found that of the 114 licences from 01:00 to 06:00 capacity information was available for premises 98 (86%) with a total capacity of 20,483. This is a huge number, and it is therefore unsurprising that cumulative impact is so high in the area. We ask that capacity information is recorded as standard practice on every new licence, and this information is also included as routine in the sub-committee reports alongside the list of licensed premises in the vicinity and including the street of the application.

There is also the need to further strengthen the premises use policies. In particular we propose under 'other premises types' as mentioned in 4.7 that the council includes restaurants, with stricter parameters for either new licences or extensions beyond core, or both. A study in Mayfair in 2016 recommended that Berkeley Street had the characteristics of a stress area such that the 'presumption to refuse' should be extended to certain type of restaurant application. The majority of new licences granted in Soho are for restaurants. We make further comments on the proposed changes to premises types at No. 26.

In relation to COVID-19 we will not support any relaxation of policy to facilitate the extension of existing licences or to grant new late night licences in the area. Whilst we are aware that the Council has found exceptions on a case by case basis where a licence is time-limited, we have concerns as to the public health implications of more people drinking later at night, in addition to public nuisance and crime and disorder implications. We would like reassurance from the Council about their general approach to applications which are not for time limited licences/ variations, and their general approach to applications which seek to make permanent the time limited changes which may have been granted. We remain strongly opposed to any weakening of the policy in this regard.

The Society has received counsel's advice to the effect that the breach of COVID restrictions which may take place when large numbers of customers are intoxicated is a public safety, public nuisance and prevention of crime issue. None of this is addressed in the report even though the economic impacts of the restrictions is used to justify ignoring the evidence of increasing cumulative impact. Surely if COVID is a relevant factor for the Council's decision it has to be both in regard to economic impact AND safety issues.

**A. PROPOSED REVISIONS TO WESTMINSTER CITY COUNCIL'S STATEMENT OF LICENSING POLICY**

**4. *The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can provide inclusion in Westminster. Do you agree with the inclusion of this expectation? Yes, No Option, No.***

Yes.

**5. *If you have any comments, please provide below.***

None.

**B. SUMMARY OF THE CUMULATIVE IMPACT ASSESSMENT FINDINGS**

**6. *Do you agree with the proposals to include a summary of the 2020 Cumulative Impact Assessment?***

No: We do not agree with this statement, for the all reasons described in No. 3 and summarised below.

**7. *If you have any comments, please provide them below.***

As described in No.3. In summary, the conclusion of the CIA, in particular the Licensing Authority's view that the number of premises are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the Authority's duty to promote the licensing objectives. In summary, the failure of the current policy to prevent further cumulative impact resulting in the year on year increase in CIA in the West End, incidents 9 x higher than other areas, and in response to COVID-19 we will not support any relaxation of policy to facilitate the extension of existing licences or to grant new late night licences in the area.

We fail to understand how WCC can ignore these findings. The proposal if adopted will continue to add to cumulative impact, and we ask that WCC takes this opportunity to reduce it.

**Planning Class E :** With the continuing decline in retail and the move to online shopping the long term trend to find alternative uses which are food and beverage related is likely to continue after COVID abates. Planning Class E now makes it impossible for the planning process to stop this. The last element of control that WCC has over increased food and beverage numbers is premises licensing. The only way this can be combatted effectively is through the use of the CIA which presents strong evidence which could be used much more robustly to limit an increase in the numbers of licensed premises and in overall capacity.

**C. REVISED FRAMEWORK FOR THE LICENSING OBJECTIVES POLICIES CD1, PS1 AND PN1**

**8. *Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1, and PN1? This includes their criteria and considerations, listed in clauses B of each policy?***

Yes.

**9. If you have any comments about the policies CD1, PS1, and PN1, please provide them below and state the policies and specific aspects that you are referring to.**

The importance of the **Operating Schedule** is a key theme throughout these policies, however in our experience the lack of information and detail of the operation and the scant response by some applicants on how they will address the licensing objectives needs to be robustly addressed within the policy. It is extremely difficult for residents to try to divine what an applicant actually wants, and why they think they are an exception to Policy and do not add to cumulative impact. Following on from this we have also noticed the practice of applicants presenting late submissions providing more details of the operation/proposed conditions which further places residents at a disadvantage in not being able to address all the issues within the original representation. We ask that revisions to the licensing policy are made to address these issues.

#### **Prevention of crime and disorder - Policy CD1:**

We note the statement: '*... and whether the Operating Schedule is based on an adequate risk assessment*'. We ask how is an 'adequate' risk assessment to be defined, and what information is required for the assessment to be deemed as adequate? Should not the requirement be for a more robust risk assessment?

#### **Prevention of public nuisance - Policy PN1:**

Having reviewed the policy (against 2016) we highlight the significant addition of wording in the paragraph headed 'Note'. In the revised document the following has been included: '*... seating for the use of customers on the public highway and these are generally restricted to before 23:00 in Westminster unless there are exceptional reasons for granting longer hours.*'

We acknowledge at present there is no licensing policy as such against later than 23:00 for tables and chairs. The inclusion of exceptional circumstances can be argued as strengthening the current policy. However, we are concerned that this provides the opportunity to grant applications during these unprecedented times and beyond, and we will oppose any extensions beyond 23:00 as this would have an adverse impact on residents, and it would fail to promote this objective.

#### **D. AMENDED FRAMEWORK FOR THE PROTECTION OF CHILDREN FROM HARM POLICY - CH1**

**10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?**

Yes.

**11. Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?**

Yes.

**12. Do you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects you are referring to?**

We welcome the inclusion of additional safeguarding of children requirements. However, we propose two amendments to the policy, no. 15 states ... *'those supervising or having significant contact with children have been appropriately vetted...'* and we ask this is strengthened and stated as DBS checks. It states in the section *'Minimum Criteria, 1. The applicant should ensure that their staff have a basic awareness of child protection issues'*. We ask this is strengthened to state the expectation of completion of Level 1 Protecting children from harm training.

How does the Licensing Authority propose to ensure checks and training has been undertaken for new applications and on existing?

#### **E. PROPOSAL TO RETAIN THE EXISTING WEST END CUMULATIVE IMPACT ZONE BOUNDARY EXCEPT FOR THE NORTH EAST BEYOND COVENT GARDEN AND TO REVISE THE CUMULATIVE IMPACT POLICY - CIP1**

**13. Do you agree with the proposed revisions of the framework of the Cumulative Impact Policy (CIP1)?**

See below.

**14. Do you agree with ....?**

- ***Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2***

Yes.

- ***Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)***

Yes.

- ***Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone.***

No.

**15. If you have any comment about the boundary proposals and the revision of the Cumulative Impact Policy (CP1), please provide them below and state the areas and aspects that you are referring to: (listed above)**

We do not agree with statement 4.13, we ask for the addition of the following statement:

*'The findings of the Cumulative Impact Assessment have shown that cumulative impact has increased and not declined since the introduction of the 2016 SLP. On the assumption that operating conditions will be able to return to normal post COVID-19 during the life of the 2021 SLP the Council will need to examine increasingly carefully whether a stronger presumption against all types of new premises licence will be required if demand increases again in order to ensure that the protection offered by the cumulative impact policy is effective and not further eroded by a continuing gradual increase in the number of licensed premises in the West End CIZ.'*

### **Revision of the Cumulative Impact Policy (CP1)**

The revision proposes to refuse applications that have an opening hour before 10:00 and a terminal hour beyond 21:00 within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment venues. This is a significant shift in policy and it is not obvious where this change originates from. The document does not provide an explanation for the amendment. This revised policy has significantly reduced the terminal hour to 21:00 which appears at first glance to benefit the West End. However whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, under this new policy premises will now be granted until 21:00 and also affords the opportunity to apply to extend to core hours. This is a relaxation in policy and is likely to increase drink-led operations, including workplace bars and retail shops establishing evening bars as 'members clubs'. We also consider the likely impact of the policy will be an increase in applications for bar areas in restaurants, or the ability to operate as a bar until 9pm, where an exception to Policy would no longer be required. We are concerned as we have already seen a number of these types of applications in the West End.

In addition, we support the CGCA's proposed revision of the CIP policy, as stated in their response to this question.

### **F. REMOVAL OF THE QUEENSWAY/BAYSWATER AND EDGWARE ROAD CUMULATIVE IMPACT ZONE**

**16. Regarding the following Cumulative Impact Zones, do you agree with the proposal to remove the ....?**

**Queensway/Bayswater Cumulative Impact Zone: Yes / No / No opinion / N/A**

No.

**Edgware Road Cumulative Impact Zone: Yes / No / No opinion / N/A**

No.

**17. If you have any comments about the proposal to remove the Queensway/Bayswater and Edgware Road Cumulative Impact Zone, please provide them below and state which areas and aspects you are referring to.**

It appears the CIA policy has been successful in these areas resulting in a reduction in cumulative impact. It therefore seems illogical to remove the CIZ where it has worked and is still working.

### **G. PROPOSED CHANGES TO THE CORE HOURS POLICY - HRS1**

**18. Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them? Yes / No opinion / No**

For comments see below.

**19. If you have any comments about the proposed changes to the Core Hours Policy (HRS1), please provide them below.**

We welcome the clear framework and standardisation of the policies into premises types and we agree with sections A and B of the policy. Reviewing Section C we note, with the exception of Pubs and Bars within the West End CIZ (as described above at 15), there has been no change for premises outside the CIZ, and casinos. However, there has been an increase in alcohol hours from 10:00 to 09:00 for restaurants, sexual entertainment venues, sex cinemas, outdoor spaces and qualifying clubs, and hotels, and for off-licences the increase of one hour is from 10:00 to 09:00 on Sundays. We oppose these increases from 10:00 to 09:00 for alcohol sales on the grounds of public nuisance.

It is clear that WCC wishes to encourage and will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity, a mix of cinemas, cultural venues and live sporting venues and proposes to permit a change from core hours to Monday - Sunday from 09:00 to midnight. It will allow venues to operate as bars to the general public up to 23:00 with patrons being able to drink on into the night. We oppose this policy on the grounds of increased crime and disorder and public nuisance. We make further comment at no. 28 below.

In relation to statement B.3, pubs and bars and FF and live music venues, the policy is helpful in some circumstances but none of these potential businesses will want to close at that time so will be likely to make the case that their application is exceptional. The test will be the way in which 'exceptions to policy' are handled in actual decisions. Therefore we ask for the second sentence of para 8.3 to be deleted '*These are not policies to refuse applications for hours longer than the core hours, and consideration will in all cases be given to the individual merits of an application*'. The third sentence, '*Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out under each policy*' deals adequately with the 'application considered on its merits' requirement but the second sentence gives councillors too much of a get-out if they continue to grant a number of exceptions to policy.

We support the statement at B.8 and note the reduction in the current policy from midnight to 23:00 and the inclusion within the operating schedule. In particular the importance of dispersal plans and would suggest WCC make it clear the expectation such plans will be submitted.

We support in B.16 the distinction between qualifying clubs and proprietary clubs operating on a commercial basis and them being considered under Public House and Bars Policy PB1.

## **H. INTRODUCING SPECIAL CONSIDERATION ZONES**

### ***20. Do you agree with the proposal to introduce new Special Consideration Zones?***

Yes.

### ***21. Do you have any comments about the proposal to introduce new Special Consideration Zones, please provide them below:***

As stated above we would prefer these areas to remain as CIZ's, however, we agree with the statement C.17 that the Licensing Authority needs to keep the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SPAs under review, and we would expect them to be upgraded to CIZs if post-COVID data supports its inclusion.

**22. Do you agree with the reasoning, boundary and designation of the following zones?  
West End Buffer?**

No.

**Queensway/Bayswater:**

No.

**Edgware Rd:**

No.

**East Covent Garden:**

No.

**Mayfair:**

Yes.

**Victoria:**

Yes.

**23. If you have any comments about the reasoning, boundary and designation of these zones, please give your comments below and specify which areas and aspects you are referring to: West End. Queensway/Bayswater. Edgware Road. East Covent Garden. Mayfair. Victoria.**

None.

**I. Revised framework for Premises Use policies and updates to policy narrative**

**24. Regarding the following establishments, do you agree with the revisions to the policy framework for...?**

**Restaurants - Policy RTN1:**

Yes

**Fast Food Premises - Policy FFP1:**

No.

**Public Houses and Bars - Policy PB1:**

No.

**Off sales of alcohol - Policy OS1:**

Yes.

***Music and dance premises, similar entertainment:***

No.

***Hotel - Policy HOT1:***

Yes.

***Casinos - Policy CAS1:***

No.

***Combined Use Premises:***

Yes.

***25. Do you agree with the proposal to rename the Nudity, striptease and sex related entertainment - Policy NS1 to Sex Cinemas and Sexual Entertainment Venues - Policy SCEVI***

Yes.

The revised policy has not been included for comment in question no.26, we therefore include our comments below.

***Sexual Entertainment Venues and Sex Cinemas - Policy SCEV1:***

We note the content of the revised policy. However, we are concerned that an important statement from the 2016 SLP has been removed from this revision:

(iv) 'The Licensing Authority will have regard to the cumulative effect of the number of such premises, and sexual entertainment venues, in proximity to each other in the vicinity.'

We propose this statement be reinstated as it provides an additional and important test in managing the number of such licences in a small geographical area as Soho. This area has the highest number of sex entertainment uses and requires tighter controls than other areas in the borough. We know these types of premises attract criminal activity, especially SEVs where men leaving these premises are targeted and offered services elsewhere which results in them becoming victims of robbery and assault.

***26. If you have any comments about the proposed revision to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to: Restaurants - Policy RTN1. Fast Food Premises - Policy FFP1. Public Houses and Bars - Policy PB1. Off sales of alcohol - Policy OS1. Music and dance premises, similar entertainment. Hotel - Policy HOT1. Casinos - Policy CAS1. Combined Use Premises -Policy COMB1.***

***Restaurants - Policy RNT1:***

We support the beneficial amendment to section B. We support the revision - Applications inside the West End Cumulative Impact Zone will *generally (as opposed to 2016 'will be granted')*. Section C (2) states food in the form of substantial table meals, we would ask this is strengthened by the inclusion of a description of what the LA considers to constitute a substantial table meal, rather than small plates of canapé type food described as a table meal. We ask also ask the Sub-Committees to retain restaurants in their defined form where alcohol is ancillary to food and rather than the relaxation of this condition facilitating the transition to a seated bar.

***Fast Food Premises - Policy FFP1:***

As below (Pubs and Bars PB1), we note the revision and reiterate the issues raised under the Cumulative Impact Policy - CP1. This revised policy has significantly reduced the terminal hour to 21:00. However, whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, (11.30pm Mon - This and Fr- Sat, midnight) the result would be that these premises uses will now be granted until 21:00, which then affords the opportunity to apply to extend to core hours, thereby increasing the number of fast food premises from the 72 which already exist in Soho. We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

***Public Houses and Bars - Policy PB1:***

We note the revision and reiterate the issues raised under the Cumulative Impact Policy - CP1, this revised policy has significantly reduced the terminal hour to 21:00. However, whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, (11.30pm Mon - This and Fr- Sat, midnight) the result would be that these premises' uses will be now be granted until 21:00, which then affords the opportunity to apply to extend to core hours. This is a relaxation in policy and will increase drink-led operations including workplace bars and retail shops establishing evening bars as 'members clubs'. We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

***Music and dance premises and similar entertainment - Policy MD1:***

The new policy states new applications in the West End CIZ within the Core Hours Policy - HRS1 (21:00) will be granted. As with Public House and Bars and Fast Food Premises above this is a change in policy from 2016 where the 'policy to refuse applications in the CIA, other than applications to vary hours within core hours.' We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

***Hotels Policy - HOT1:***

The West End CIZ is home to a large number of hotels. In Soho alone there are 11, the majority of which have bars and restaurants which are open to the general public. Some of these hotels are large with high capacities and late hours which would add to cumulative impact. These premises would benefit from being considered under Combined use premises COMB1.

***Casinos Policy - CAS1:***

We are concerned at the statement that Casinos will generally be granted (subject to sections B and C). Casinos are open 24 hours a day and granted late alcohol licences in an area with high cumulative impact. The presumption that applications will generally be granted cannot be justified and we therefore support a more robust approach.

**27. Do you agree with the proposal to replace Theatres, Cinemas, other performance venues and Qualifying Clubs - Policy PVC1 with the following two new policies:**

- **Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1**
- **Qualifying Club - Policy QUC1**

No - to cinemas, cultural venues, live sporting premises and outdoor space.

Yes - to qualifying clubs. See comments below.

**28. If you have any comments about the proposals to replace Policy PVC1 with the two new policies (Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1 and a Qualifying Club - Policy QUC1) please provide them below and specify which policies and aspects you are referring to:  
Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1**

We oppose any relaxation of policy in allowing the flexibility proposed in B.15 as these are large venues selling alcohol. We are concerned that these type of premises will be granted extended alcohol licences into the night. Even though it states this will be limited to patrons attending the performance, it still allows a late night bar to operate in venues with potentially large capacities. It will also allow venues to operate as bars open to the general public up to 23:00. We oppose this policy on the grounds of increased crime and disorder and public nuisance which will fail to support the licensing objectives and have a detrimental impact on residential amenity.

In relation to the performance venues policy, we are particularly concerned with the continued inclusion of live music venues within this category. We consider this to be an anomaly as their characteristics are more aligned with the music and dance and similar entertainment Policy MD1, which defines such premises as, '*where the primary purpose of the venue is to provide music, either as live performance or recorded...*'. The potential extension of hours late into the night facilitates the extended opportunity for increased alcohol consumption and therefore should be considered under MD1.

### **Qualifying Club - Policy QUC1**

We welcome the definition of a qualifying club. However there needs to be a clear distinction between qualifying clubs which are owned by the members and proprietary clubs, therefore we ask the following sentence be included, '*Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit, these will be considered under the Public House and Bars Policy PB1*'.

## **J. MINOR STATEMENT UPDATE TO REFLECT CHANGES IN LAW, GUIDANCE OR COUNCIL POLICIES**

**29. Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?**

Yes.

**30. If you have any comments regarding the updating of the statement, please provide them below:**

None.

**K. FINAL COMMENTS ON THE PROPOSED REVISIONS TO THE COUNCIL'S STATEMENT OF LICENSING POLICY**

**31. If you wish to make any further comments relating to the proposed revision of the Council's Statement of Licensing Policy, please do so below:**

None.

**32. If you wish to make any other comments or provide information associated with the application and determination process under the Licensing Act 2003, please do so below.**

**Decision notices:** We request WCC sets a time limit for the publication of these notices. In some case we have waited nearly a year for them to be published. We propose they are made available four weeks after the Sub-Committee hearing.

**Police representations:** Reviewing Licensing Sub-Committee hearings we note the police have regularly withdrawn their representations to applications outside of core hours. We consistently present crime figures that clearly demonstrate significant increases in crime and disorder which has been confirmed by the CIA 2020. We hope the evidence from the CIA will now be utilised accordingly by the authorities in their future representations.

**ABOUT YOU**

**33. Are you a ....**

Amenity Society.

**34. If applicable, please state the name of the business / organisation / authority / BID / amnesty or residents' society / entity that you are part of.**

The Soho Society

**35. If applicable, please provide the postcode.**

W1D 6AF.

**36. What is your name.**

Tim Lord

**37. Are you happy for a member of the Licensing Policy Team to contact you with regards to your submissions, if they have any follow up questions?**

Yes.

**38. What is your email address?**

tim.lord@thesohosociety.org.uk

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