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SUMMARY : WCC Licensing Policy January 2021

Introduction - How to Use this Policy (p.5)

Operating Schedule - Applicants (p.6)

- The operating schedule should be used to set out how the proposed premises will operate.
- If supporting documents or any additional documents are to be provided they should be submitted when the application is made.
- Applicants should engage with the local community on the proposed application before submitting it to the licensing authority.

Relevant representations (p.7)

- **Representations;** can't be based on issues that do not relate to the licensing objectives, such as moral grounds or whether the premises has planning permission
- **Planning permission;** or lack of it, is not a reason to grant or refuse a licensing application.
- Planning matters will only be considered where they relate to the promotion of the licensing objectives.
- The relevance of planning matters will be decided on a case by case basis. (*See section F restaurants below*)

A. City of Westminster (p.11)

- **A1:** Westminster has more licensed premises than any other local authority in Britain 3,700.
- Largest evening and night time economy in the UK generating 3 billion per annum, larger than the night time economy of Edinburgh, Manchester, Birmingham combined.
- **A7:** the growth of the entertainment industry is important for Westminster's economic vitality, this must not compromise the ability to make Westminster a great place to live for the 227,000 residents.

B. Our Approach for Licensing in Westminster (p.15)

- **B3:** The Licensing Authority may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this.
- **B5:** Council wishes to discourage drunkenness and encourage more seating in premises which serve alcohol for people to sit, drink and order food by table service, in place of open bar space - vertical drinking.
- Key feature of the policy is to encourage a change in composition of the evening and night time economy, to become more widely based and less dominated by alcohol lead premises, thereby promoting the licensing objectives.
- Effective dispersal of customers from premises and from the Cumulative Impact Area is a key principle of the policy to promote the licensing objectives.
- **B6:** Clearly states where no relevant representations are received (by people or a responsible authority - Police, EHO, Licensing Authority), it is the duty of the Licensing Authority to grant a licence subject to conditions.

Policy Approach

- **B16-24: Related Strategies and Initiatives** - relates to the relationship between planning and the licensing regime, it acknowledges the changes in new Town and Country Planning (Use Classes) Regulations 2020, in particular Use Class E. They highlight the distinct and separate regulatory regimes of planning and licensing, they do not propose any changes to the licensing functions as a result of these new regulations.
- **B37: Equality & Inclusion in Licensed Venues** - the council to develop supplementary licensing documents and codes of practice for license operators on equality and inclusivity with relevant trade bodies, licensed club venues and other key stakeholders.
- **B39: Environmental Best Practice in Licensed Venues** - Of the four licensing objectives, the prevention of public nuisance is most relevant to creating a healthier living environment. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common-law meaning. May include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- **B40-45:** sets out a range of environmental best practice examples for licensed premises, ranging from minimise waste, improving efficiency, reducing traffic. They set out a range of commitments to support best practice across the borough.

C. Licensing Objectives Policies (p.27)

- **Prevention of Crime and Disorder Policy CD1:** States the licensing authority may impose a range of conditions on premises licences. The seeking and any imposition of these conditions and their extent will depend upon the risks of crime and disorder at the particular premises.
- **Examples being:** (as previously described in the 2016 policy) prescribed capacity of premises, ratio of tables and chairs to customers based on capacity, on drinking in areas within and outside the premises.
- New section on counter terrorism.
- **Capacity:** we raised this issue in our consultation response, there are 114 licences from 01:00 to 06:00 capacity information available for 98 premises totalled 20,483. The Licensing Authority response to this issue, '*imposing capacity limits on licensed premises is not standard practice and is only done so when there is a need to manage the number of people permitted to be on the premises at any one time to promote the licensing objectives. The imposition of a capacity condition will be considered by subcommittees only when appropriate, this will be based on the merits of an application.*' But our view it is important not only in respect to safety (especially fire safety), it would also promote the licensing objectives, knowing the capacity of premises and the number of people in the area late at night would assist the sub-committees in determining if any increase in numbers would add to cumulative impact .
- **Prevention of Public Nuisance Policy PN1:** 2016 Policy use of tables and chairs generally be restricted to 23:00, this section has been removed and appears to have been replaced with '*limiting the hours of the sale of alcohol in open containers or food for consumption outside the premises*'.
- **Public Safety Policy PS1:** as the previous policy, under **Considerations (General Public Safety) No.2**, they state, '*whether the premises already has a specified maximum capacity of people that can attend or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises so that it can be operated safely, and they can be evacuated safely in the event of an emergency*'.
- **C8: Reasons for Policy PS1** - in relation to the above it states, '*The council in its role as licensing authority must try to ensure the safety of people visiting and working in licence premises*'. And goes on, '*there are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. Crime, disorder and antisocial behaviour inside and in the vicinity of licensed premises may*

threaten public safety and affect perceptions of public safety. However, the council fails to present a plan of how this may be rectified.

- There is a new section on counter terrorism.
- **Prevention of Public Nuisance Policy PN1:** no significant changes.
- **Preventing Children from Harm Policy CH1:** significantly expanded Policy detailing information on child abuse and contact details of relevant agencies.

D. Spatial Polices (p.44)

- **Cumulative Impact Policy CIP1: A.** it retains the policy to refuse applications within the West End CI zone for pubs, bars, fast food premises, music and dance, other than **1.** to vary within the core hours, and the new **2.** to vary the licence to reduce the overall capacity of the premises. The West End Cumulative Impact Zone (includes the borders of Soho, with slight extensions north of Oxford St and west of Regent St, Charing Cross Rd, Haymarket, Covent Garden to Endell St and part of the Strand).
- **Reasons for Policy CIP1: D1.** The cumulative impact assessment provides the evidence to support this policy. Data collected between 2017 and 2019, the West End only location where cumulative impact was identifiable.
- **D1. COVID-19:** the unprecedented situation has meant the Licensing Authority has decided not to implement greater restrictions to other premises uses, also decided not to expand the West End CI Zone 1 to encompass Zones 1 & 2 as detailed in the CIA.
- **Post COVID-19:** as the City begins to recover during the life of policy they may review the policy approach and could if footfall moves towards pre-March 2020 levels look to implement greater restrictions as a result of the findings from either the 2020 CIA or a revised version.
- **D3: West End Cumulative Impact Zone** - has a total area of **0.88sq km representing 6%** of the City's footprint.
- **February 2020:** there were **1,164 licences issued to 639 unique locations - 26.9%** of all unique locations within Westminster.
- **Restaurants:** main premises type within the CIZ, **504 licensed restaurants, representing 38.3%** of all licensed restaurants in Westminster.
- **Pubs & Bars: 112** which represents **26.1%** of all licensed P&Bs in Westminster.
- **Nightclubs: 56** which represents **60.9%** in Westminster.
- **Cultural venues : 38** which represents **33.9%** in Westminster.
- **D4. West End CIZ** - effect of the concentration of late night and drink led premises and night cafés has led to serious problems of disorder/crime/nuisance - the extent of which arises from the number of people there at night /intoxicated.
- The urban infrastructure cannot sustain further growth in licensed premises.
- Over the three-year period 2017 2019, 45% of violent crimes and over half of all robberies, thefts, drug offences were recorded within the West End CIZ, 43% of ambulance call outs at locations of licensed premises.
- **D13:** 2020 CI Assessment identified incidence rates associated with cumulative impact increase rapidly from 9pm. General presumption to refuse applications for music and dancing, pubs & bars within the West End CIA, an exception may be permitted to applications that have a terminal hour of no later than 9pm and meet other policies. If granted and then seek to extend hours, will likely be refused on grounds of CI and not promote the licensing objectives.
- **D14:** exceptional circumstances - will not consider merely because the capacity of the premises, or any proposed increase in capacity is small.

- High number of premises within the West End CIZ means a small increase in capacity in each premises would lead to significant increase overall.
- The massive increase in capacity in the past and continuing number of applications and the observable night-time occupancy levels serves to discredit argument that people drawn from other premises within the zone.

E. Core Hours Policy (p.62)

- **Changes to the policy framework:** now relates to the **premises use type** rather than whether the premises sell alcohol on or off the premises, or provide other licensable activities.
- **Premises types with defined core hours:** **1.** Casino's. **2.** Cinemas, Cultural Venues, Live Sporting Venues. **3.** Hotels. **4.** Off Licences **5.** Outdoor Space. **6.** Pubs & Bars, Fast Food, Music and Dance Venues. **7.** Qualifying Clubs. **8.** Restaurants. **9.** Sexual Entertainment Venues and Sex Cinemas.
- **Changes:** Core Hours start times brought forward (no change Casino's, Off Licences) from **10am to 9am** in all other use types.
- Cinema's, Cultural Venues, Live Sporting Venues and Qualifying Clubs also extended - **Mon to Thurs from 11.30pm to 12am.**
- Appears to be a typo within the Pubs & Bars, Fast Food, Music and Dance premises Policy, hours to remain as 2016 Policy, but now states - Mon to Sat 10am, *but Sun 9am* (to raise with the council).

F. Premises Uses Policy (p.69)

- **Music and Dance Premises and Similar Entertainment Policy MD1:** within the West End CIZ the Policy is to refuse applications other than to vary existing licence within core hours (2016 Policy) it now includes - *'and/or vary to reduce the capacity of the premises'*
- **F51:** There is a significant change in Policy - *'an exception may be permitted to applications that have a terminal hour of no later than 9pm and meet other policies within the statement. Applications granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and would not promote the licensing objectives'*.
- **Public Houses and Bars Policy PB1:** as M&D above - within the West End CIZ the Policy is to refuse applications other than to vary existing licence within core hours (2016 Policy) it now includes - *'and/or vary to reduce the capacity of the premises'*
- **F84:** There is a significant change in Policy - *'an exception may be permitted to applications that have a terminal hour of no later than 9pm and meet other policies within the statement. Applications granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and would not promote the licensing objectives'*.
- **Restaurants Policy RTN1, F105 - 107:** refers to the Town and Planning (Use Classes) (Amendment) Regulations 2020, resulting in Cafes and Restaurants now being categorised as Use Class E alongside shops, financial services, office, health, light industrial, crèches, any of these uses can change to another without planning permission. The Licensing Committee will only consider matters that relate to the licensing objectives and not those that relate to planning considerations, for example matters relating to public nuisance such as extraction fumes and noise. We raised concerns regarding Planning Use Class E in our response.

Glossary (p.113)

- **Table meal definitions:** New addition to the policy - they've included 3 definitions of table meals.

- **Substantial Meal:** *'A meal such as might be expected to be served at the main midday or main evening meal, or as a main course at either such a meal.'*
- **Substantial Table Meal:** *'For the purposes of any references to a substantial table meal this means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of the table.'*
- **Table Meal:** *'A table meal is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.'*
- We raised the lack of a definition in our consultation response.

Appendices

Appendix 3 : Delegation of Licensing Functions (p.119). Informative and expanded table setting out the areas where an application is required to be dealt with by the Licensing Committee / Licensing Sub-Committee or Officers only.