

Westminster City Council Consultation Responses on the Proposed Revisions to the Councils Statement of Licensing Policy : November 2020

Summary of responses received by groupings

1. **Affiliated with licensed premises**
2. **Licensing Agents and Solicitors**
3. **Amenity Societies and Residents Associations**
4. **Residents**
5. **Organisations**
6. **BIDs, Land and Property Owners**
7. **Councillors and Political Entities**
8. **Responsible Authorities**

1. **Affiliated with a licensed business or employed by a licensed premises within Westminster (p.3)**

- **Restaurants:** remove the night café restrictions for restaurants and cafés in all areas in the West End. Restaurants and cafés should be treated differently to pubs and bars, allowed to trade up to much later into the early hours.
 - **COVID -19 specific policy:** licence flexibility during the recovery period. To remove the presumption to refuse applications in the West End Cumulative Impact Area (WECIA), new general policy presumption to grant.
 - Allow premises to operate as private members clubs.
 - **West End:** new applications pubs and bars, fast food, music and dance - should be to core hours and not 21:00.
 - **Support for external seating:** policy should promote greater flexibility - hours and size of area.
 - More live music venues, support new bars, pubs, bar uses within other uses i.e restaurants
 - Support for longer hours, cultural venues cinemas etc.
 - New exception to the Cumulative Impact Area policy where the applicant can demonstrate that it is a venue with protected characteristics.
 - View that Cumulative Impact Area has been successful in reducing Cumulative Impact over past 10-15yrs - policies have gone too far.
 - Agreement - not to implement the Cumulative Impact Zone in Mayfair
 - The policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth
 - Don't agree with the proposal to refuse applications for both pubs and bars fast food music and dance
 - Questioning the evidence in Cumulative Impact Assessment, not supportive of the implementation of the Policy
 - There should be a relaxation of hours and conditions
 - Restaurants are safe places control while selling alcohol, view that restaurants with a lounge bar should be able to sell alcohol until midnight every day and 1 am at the weekend
- (Responses received from 62 premises, 40 of which responded using a generic template response. Premises were not identified by name.)*

2. **Licensing Agents and Solicitors (p.98)**

- Support the removals of CI Area's and allow the council to make decisions on the merits of each application

- Pubs & Bars core hours Policy : do not agree with the policy, residents live in the West End must reasonably expect a certain level of noise and cannot reasonably consider this a nuisance
- Support the removals of the CI Area's. Should suspend WECIA for the time being. Flexible approach in the Core Hours Policy
- Cumulative Impact Assessment 2020 not relevant following the impact of COVID
(*Responders: Kuit Steinart Levy LLP, Big Sky Acoustics, Licensing Studio, JCP Law*)

3. Amenity Societies and Residents Associations (p.132)

- Disagree with the removal of the CIAs
- Support for the Core Hours Policy
- Concerns regarding Shisha cafes and crime levels, need for Government to license these premises - crime associated with Shisha cafes is not reflected in the CI Area's.
- Request to designate some or all of the Knightsbridge International Centre as a Special Consideration Zone (SCZ)
- Concerns of the potential impact of the new planning Class E
- Concern that the new SCZs may displace licensing applications to other areas in Westminster
- Lack of detailed information in the Operating Schedules
- Disagree with the decision (due to COVID) not to deal with the increase in cumulative impact in the West End at this time
- Table meal needs defining
- Strong argument for CIA status for Berkeley St/ Sq, Dover St area
- Support the principle of the Special Consideration Zones
- Concern loss of control over building use created by Planning Use Class E result in likely increase of licence premises, SCZs and CI Area need to be constantly reviewed

(*Responses received: Paddington Waterways & Maida Vale Society, Marylebone Association, Knightsbridge Association, Knightsbridge Residents Management Company Limited, Covent Garden Community Association, Knightsbridge Neighbourhood Forum, Citizens Advice Licensing Advice Project, Soho Society, Queensway Residents Association, South East Bayswater Residents Association, Fitzrovia Neighbourhood Association, St. John's Wood Society, Fitzrovia West Business Neighbourhood Forum, The Meard & Dean St Residents Association, Maitland Court Limited, Residents' Society of Mayfair & St. James's*)

4. Residents (p.245)

- Supports a COVID specific licensing Policy. New Pubs & Bars Policy to extend to 11pm. Support al fresco dining.
- Restrict core hours / stricter rules Victoria area
- Language of the Policy acts as a barrier.
- Disagree removal of CIZ Edgware Rd, Queensway/Bayswater.
- Limiting hours is one tool and makes sense outside of the West End, inside the West End wouldn't agree
- Request that if adverse Cumulative Impact emerges again the council will take action to severely restrict the granting of new licences in the WECIA
- Lack of detailed information in the Operating Schedule, applicants use the absence of detail or supplying it late as a tactic to prevent scrutiny
- Mayfair - SCZ positive step but should be a CIZ
- CIZ should include West End Impact Zone 1 & 2
- Cumulative Impact Policy should continue to be implemented within Soho
- Core hours should be expanded until 12:00- 01:00

(32 responses)

5. Organisations (p.434)

- **RNIB response:** concern relating to guide dogs and user being denied access to premises
- **UK Hospitality:** a poor moment to adopt a five-year licensing policy which imposes further policy constraints on the hospitality industry. Existing policy should be readopted. Proposed a policy for a light touch approach to new and variations until December 2021, as evidence citing Plymouth and Hartlepool relaxation in Policy including the CI Area for 12 months allowing extensions on a temporary basis, also highlighted the LSC granting of extended hours to Jimi Lives Gloria and Blame Gloria as exceptions.
- **Soho Business Alliance:** presumption that applications should be granted where it is established that COVID has had an affect upon business. Support Pubs & Bars Policy until 9 pm but ideally would prefer later. Support tables and chairs, commend a policy to be encouraged in terms of hours and restrictions. Disagree that proprietary clubs should not be treated as Pubs & Bars. Note the additional criteria and considerations relating to promotion of licensing objectives, information required a disproportionate burden to applicants and will deter operators. Remove CI Area status during COVID. CI Assessment survey, around Old Compton St suggests had a significantly lower density of crime, nuisance, noise, anti- social, according to the number of graphs.
- **Westminster LGBT Forum:** agreed should implement a Cumulative Impact Policy. CI Assessment survey, around Old Compton St suggests had a significantly lower density of crime, nuisance, noise, anti- social, according to the number of graphs. This where most of the LGBT Pubs are, community places. LGBT shouldn't be classified under the Core Hours Policy they are community venues.
- **Not Buying It:** stop licensing strip clubs and sex establishments, the policy thinks 25 licences in Soho is suitable in one small area. Can't be compatible with the Council's legally binding public sector equality duty which requires them to strive to eliminate harassment, victimisation and discrimination of women and to foster good relations between the sexes. Strip industry hotbed of sexual harassment and assault, most clubs operate as little more than brothels. They work with survivors of the industry (including lap dancing). Reports of serious incidents. The council whitewashing a highly abusive industry with links to organised-crime, they cannot be regulated. They've taken two successful High Court cases against Sheffield Council for breach of the PSED in relation to its pro-sex industry stance, Westminster is even more open to Judicial Review.
- **Not stated:** agreed with Cumulative Impact Assessment and Policy. Disagree with the removal of Queensway/Bayswater and Edgware Rd from the CI Areas.
- **Music Venue Trust:** The policy should clarify grassroots live venues for within the cultural section definition and we consider terminal hours to give flexibility. Core hours policy is completely anti-business, terminal hours do not reflect any city in Europe or America. SCZ's unnecessary. Welcome commitment to review the Cumulative Impact Policy, should be reviewed in 1 year.
- **Safer Business Network:** agree Council should implement a CI Policy, but concern potentially inhibit growth and recovery, deter new businesses from opening in the CIZ. The CIA review should take place no later than one year from now. Support the views of their partner Marble Arch BID for the removal of the CI Area for Edgware Rd. Pubs & Bars Policy for West End CI Zone should be 22:30. Support SCZ's.
- **Not stated:** better policing and security from the estate would bring down antisocial behaviour. Do not agree to implement the cumulative impact policy. Agree with the SCZ Policy, revised framework for premises uses.
- **Church of England:** Agree the council should implement a Cumulative Impact Policy. Disagree not to expand the West End CIZ to includes Zones 1 & 2.
- **Liam Hennessy Architect:** don't agree with the revisions to the frameworks of the CI Policy. Proposes Park Lane be recreated as a pedestrian boulevard then it has potential for a Special

Consideration Zone, could be classified as a Special Outdoor Space give a major boost to hospitality industry.

(11 responses)

6. BIDS, Land and Property Owners (p.511)

- **Marble Arch BID:** Edgware Rd - CIA drop in police numbers would result in the rise in crime , vice and prostitution related to crime and drug offences but not mentioned in the assessment. Gang related crime spilling over from north of Marylebone Rd. Not just licensed premises causing problems.
- **Soho Estates** (Director of a Business Operating in Soho, trading as Soho Estates): concerned WE CI Policy over past 10 yrs, tightening of policies and restrictive licensing decisions will put Soho's night-time economy in jeopardy. Concerned no proposal to help Soho's hospitality venues, levels of CI all time low and foreseeable future, COVID Policy urgently needed. Support new Bars & Pubs Policy would prefer terminal hour of 11pm. Tables & Chairs pooch should promote greater flexibility.
- **Shaftesbury COVID response (p519):** this is an initial COVID 19 submission and relates specifically to the Council's request in their email dated 21st October 2020 to provide input in relation to the inclusion of a COVID-19 Policy: recovery will take time license premises will need significant practical and financial support. Proposes the council considers a three-part test when introduce relaxation of restrictions on licence premises. Further proposed 2 options for a time limited Policy.
- **Shaftesbury consultation response:** Supports the removal of NE Covent Garden area from CIA. Believe 'special consideration zones' could be more widely applied within areas of the CIA, and promote Carnaby in particular as an area which would be suitable for the application of a SCZ. Welcome exception for Pubs & Bars also support this specifically for ancillary restaurant bars. Should be a **new Policy for competitive socialising venues** - these premises include activities like indoor golf, table tennis, and darts, most of which also serve food and the sale of alcohol is ancillary to the main purpose of a visit to play a competitive game. Do not support cut off time of 23:00 for tables & chairs. Tightening of polices CD1, PS1, PN1, CH1, introduces new Policy hurdle for applicants.
- **Shaftesbury commissioned independent research (MAKE)** - attached as Annex 2: provided detailed analysis of the nature and impact and uses around Carnaby. They have instigated move towards restaurants / food led ops in Kingly Court and leisure concepts in Carnaby St, examples of strong positive curation strategy that Shaftesbury has implemented over the years. *Quote* - MAKE evidence that premises in this area have 'no discernible impact' on the CIA. Ethos of the area - 'upmarket' independent restaurants which attract 'an older and more sophisticated clientele.' *Note: Licensing Officers have removed Annex 2 from Shaftesbury's response, if members wish to see a copy of this Annex, need to contact the report author.*
- **New West End Company (NEWC):** welcomes additional flexibilities, but significant concerns - will not support growth in the international centre or the economic recovery post COVID. Conflict between the Zones and the emerging strategy for the regeneration of Oxford Street district, particularly the need for greater flexibility of uses. Support pubs and bars policy until 9 pm. Concern about application for an extension of hours in SCZs, how they will be determined/ evidence required by applicants.
- **CAPCO:** response based on their extensive ownership / understanding of licensed premises in Westminster particularly Covent Garden (owns the market) and majority landowner. Review of CIA there's a strong case that Central Covent Garden should be considered for exclusion from CIA. Suggests noise complaints in the area associated with street performers and not with hospitality venues. Support for alfresco arrangements there were few complaints and their own survey show 95% of residents supported these measures. Support new bars policy may be permitted until 9 pm, this would be a complimentary offer to existing theatre bars in the area and restaurants.

- **The Crown Estate:** commissioned Arcola Law LLP in association with Phil Hadfield to produce a report that details their response which summarises some of those findings. Evening and night time economies to be supported to receiver, innovate for future - exploring 'flexing regulations' can help physical distancing whilst promoting long-term cultural change to opening hours. Supports the decision not to expand the West End CIA. Proposal for a revised boundary for the SCZ to include whole of Regent St and St. James and St. J Market, Piccadilly Circus (except area around Oxford Circus), Piccadilly Circus. The revision would allow a more flexible and adaptable approach to their assets. An area which should be considered as part of the policy consultation is the treatment of existing premises licence where a building is demolished and redeveloped.
- **The Northbank BID** (covers the area south of Maiden Lane, including the Aldwych and Trafalgar Sq): Wish to see how temporary changes brought in during COVID can be adapted to be more permanent. Support decision not to expand the West End CIZ. SCZ - Zone 2 busy transport interchange, while incidents are high this cannot be attributed to the licensing policy. Don't support the SCZ's.
- **Almacantar** (Marble Arch): A property investment company specialising in large-scale developments in central London. Assets include Marble Arch Place. Supports removal of CIA from Edgware Rd. Asks the Council to introduce new policies that favour applications submitted within the area of their development. COVID response does not go far enough, should introduce policies that allow relaxation on hours and conditions, where it can be demonstrated that an applicants proposals will help the business recover and promote the Licensing Objectives.
- **The Portman Estate:** one issue of concern relating to the southern most city block on Seymour Place where the Portman Estate directly manages and promotes an area of historic boutique retailing, request as this area doesn't suffer from issues that it is removed from the proposed SCZ.
- **Victoria BID and Victoria Westminster BID:** strongly oppose the area being designated a SCZ. Revision of core policy hours for Pubs & Bars, fast food, music and dance for the West End CIZ may reduce of this area to tourists. More could be done to support theatres, sale of alcohol after 23:00 should not be limited to theatre customers.
- **The Heart of London Business Alliance:** supports the ambitions of the CI Policy. Welcome the new Pubs & Bars, Fast Food, Music & Dance venues Policy but terminal hour of 9 pm is too restrictive. Ask Westminster to consider further flexibilities for those premises that trade successfully and have significant mitigation plans in place within the West End CIZ. Don't agreed that Fast Food premises being treated the same as alcohol led premises. They have commissioned a scoping study looking into the evening and night time economy in the Heart of London with a view to eventually formulating an evening and night-time strategy. Initial high-level engagement with local stakeholders supported the extension of the opening hours for cultural institutions i.e. theatres requires careful planning, also taking into account wellbeing of night-shift workers.
- **Westminster BIDs: (very similar wording to the HofL response above).** supports the ambitions of the CI Policy. Welcome the new Pubs & Bars, Fast Food, Music & Dance venues Policy but terminal hour of 9 pm is too restrictive. Adopt a more flexible approach to the terminal hour of new licenses which are granted in the West End CIZ or to seek to further distinguish between the different uses that may be drink-led or fast food-based. Supports the direction of travel to a more flexible approach within the CIZ, examples being theatres/ cinemas/qualifying clubs to provide alcohol to a later hour.

(14 responses)

7. Councillors and Political Entities (p.612)

- **Cllr Maggie Carman:** Supports Sebra's views.

- **Cllr Pancho Lewis, West End Ward:** Agree with Special Consideration Zones applied to Berkeley St /Sq and Dover St. WE Cumulative Impact Policy in operation in 2016 has failed to prevent CI. More robust polices with regards to wording and implementation in licensing committees when Cllr make decisions. Soho Society submitting view urge to consider them closely.
- **Cllr Andrew Smith, Lancaster Gate Ward: Endorse the general changes.** Concerned with residents the impact of the removal of the CIZ for Queensway and other areas. Hope LSC and officers rigorous in ensuring that applicants will have to provide greater mitigation and controls than would normally be expected.
- **Cllr Susie Burbidge, Lancaster Gate Ward:** Supports Sebra's comments. Regrets not continuing with Queensway/Bayswater CIA . Suggest enough evidence could be produced to keep the area within the CIA.
- **Amy Lamé, Night Czar GLA :** Mayor published Vision for London as a 24hr city, encourages all LA's to reflect this in their Licensing Policy. Supports Al Fresco, successfully balanced the needs of business and local people. Post COVID change in business models, increase demand outdoor eating and drinking, or longer opening hours, LA's need flexibility in Licensing Polices to support change. Doesn't support Pubs and Bars Policy. Supports removal of CIA, concern SCZ act as a barrier to licence applications. Encourages greater use of 24hr licences as a way to reduce unhealthy overcrowding and phased dispersal. Supports House of Lords Licensing Act 2003 review to encourage greater alignment between planning and licensing.

(5 responses)

8. Responsible Authorities (p.624)

- **Met Police Service, Westminster BCU: CIA areas:** West End CIA due to having the most licensed premises in the U.K. is likely to be most deserving of this status. Removal of Edgware Rd/ Queensway, Bayswater, NE section Covent Garden, based on CIA data the change proposed is a balanced move. View that the Edgware Rd, Bayswater area CIA is rarely utilised, with reduced crime figures linked to premises licences. **Special Consideration Zones:** not clear how much weight and decisions on applications can be made and how it will stand up to scrutiny in appeals and JR. Support but the phone around any CIA. Recent webinar with Francis Taylor Buildings commented that this appears to be a pragmatic approach.
- **Met Police Service, Protective Security Operations:** risk of terrorism terrorism is a concern, licence premises operators key partners in counter terrorism. Requested additional considerations to be added to policies CD1 and PS1 to include applicant undertakes a terrorism threat risk assessment and ACT security plan.
- **Environmental Health & Licensing Service:** View on holding bars in restaurants, agree with bars for pre-dinner drinks and the area to be identified on the plan, also agree they should include post meal drinks which helps to reduce cumulative impact as it reduces movement of people between venues. Welcome flexibility of allowing licensable activities after 23:00 hours to audience members, pragmatic and forward thinking approach which will also show support for the performing arts sector.

(3 responses)

END