



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 25th November, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Heather Acton (Chairman)	Jim Glen
Barbara Arzymanow	Louise Hyams
Margot Bright	Tim Mitchell
Susie Burbridge	Karen Scarborough
Rita Begum	Jacqui Wilkinson
Maggie Carman	Aziz Toki
Aicha Less	Richard Elcho
Murad Gassanly	

This will be a virtual meeting and members of the public are welcome to view the live broadcast by following the media link on the council's website.



If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk

Tel: 07817054613

Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

6. SUMMARY OF CONSULTATION RESPONSES TO THE PROPOSED REVISIONS OF THE COUNCILS STATEMENT OF LICENSING POLICY

Report and appendices are attached.

(Pages 3 - 402)

**Stuart Love
Chief Executive
20 November 2020**



Licensing Committee Report

Date	25 November 2020
Classification	For General Release
Title or report	Summary of Consultation Responses to the Proposed Revisions of the Councils Statement of Licensing Policy
Report of	Executive Director of Innovation and Change
Decision maker	Licensing Committee
Wards involved	All
Financial summary	None
Report author and telephone	Mr Kerry Simpkin, Head of Licensing, Place and Investment Policy. Tel: 07583 108491

1. Executive Summary

- 1.1 The Licensing Authority began its statutory consultation on its proposed revisions to the Statement of Licensing Policy on the 12th October 2020. The consultation ran for a period of 5 weeks ending on the 15th November. The Licensing Authority has received 166 responses to date from a range of different stakeholders.
- 1.2. This report provides a summary of those responses. The majority of the Licensing Authority's proposals are supported by the consultation respondents. Officers are still assessing the consultation responses and what changes, if any could be made to the proposed revisions of the Statement of Licensing Policy. However, where possible officers have provided additional commentary within this report on the possible direction that the proposed revisions are being or could be explored.
- 1.3 The Cabinet Member for Public Protection and Licensing will agree the final revisions to the Statement of Licensing Policy and refer it to Full Council on the 9th December requesting that it be formally adopted. This report provides an opportunity for the Licensing Committee to provide their final views on the proposals in light of the consultation responses summarised below.

2. Recommendations

- 2.1 That the Licensing Committee is recommended to:

- 2.1.1 provide their views on the summary of the consultation responses relating to the proposed revisions of the Statement of Licensing Policy, and
- 2.1.2 having had regard to the responses to the consultation provide a steer on whether any of the proposed revisions should be amended.

3. Background, including Policy Context

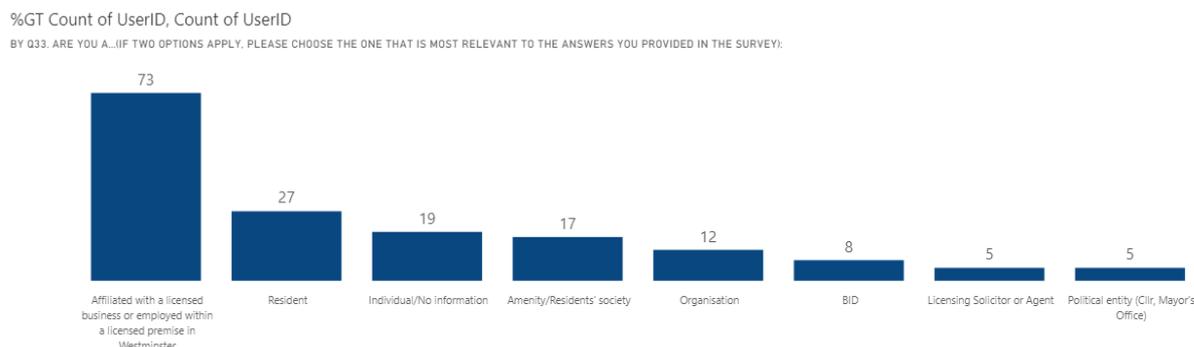
- 3.1 The Licensing Act 2003 (the Act) requires that each Licensing Authority must for every five-year period determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period. Before the Licensing Authority can determine its policy for a five-year period it must consult those specified within the Act.
- 3.2 The current Statement of Licensing Policy (SLP) five-year term will end on the 6th January 2021. The Licensing Authority has undertaken a review of this policy and proposed a number of revisions. Some of these revisions are as a result of the findings of the Cumulative Impact Assessment (CIA), which provides evidence to support the inclusion of an amended cumulative impact policy within the SLP.
- 3.3 In light of the findings from the CIA and the potential impact of COVID-19 the Licensing Authority has taken a pragmatic approach in considering the CIA findings and the proposed revisions to the SLP. As a direct result of the ongoing uncertainty, impact on licensed premises and the reduction in visitor numbers, the Licensing Authority has decided that expanding the current West End Cumulative Impact Area and implementing further restrictions on other premises uses within that area would not be appropriate. Due to the current COVID-19 impact and restrictions on the hospitality sector the Licensing Authority did not believe that this approach would be at odds with its duty to promote the licensing objectives.
- 3.4 The full proposed list of revisions of the SLP consultation document is attached at Appendix 1 to this report. In summary the proposed revisions are:
 - (a) A statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy
 - (b) A summary of the 2020 Cumulative Impact Assessment
 - (c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1
 - (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.
 - (e) Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and revision of the policy framework for the Cumulative Impact Policy – CIP1
 - (f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater
 - (g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities
 - (h) A new Special Consideration Zone Policy- SCZ1
 - (i) A revised policy framework for premises use policies and updates to policy narrative where necessary
 - (j) Removal of qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues
 - (k) Creation of a standalone policy for Qualifying Clubs
 - (j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

4. Consultation

- 4.1 Before the Licensing Authority can formally adopt and publish a revised SLP it is required under section 5 of the Act to consult the following:
- (a) Police,
 - (b) Fire Authority,
 - (c) Public Health,
 - (d) any persons who represent personal licence holders,
 - (e) any persons who represent premises licence or club premises certificate holders,
 - (f) any persons who represent businesses, and,
 - (g) any persons who represent residents.
- 4.2 The Licensing Authority also intends to publish its CIA in accordance with Section 5A of the Act. The consultation for both the CIA and revision to the SLP were conducted together as the statutory consultees were the same.
- 4.3 On the 12th October 2020 the Licensing Authority began its consultation on proposed revisions to its SLP in accordance with the Act. In addition to contacting the statutory consultees referred to in 4.1(a) to (g) above this consultation was widely promoted to the general public through social media and dedicated articles in council newsletters. The consultation ran for a period of five weeks and ended on the 15th November 2020. Due to the impact of the second government-imposed national restrictions some respondents contacted the Licensing Authority for some additional time to respond to this consultation. The Licensing Authority has agreed to that request and will consider responses that were received after the 15th November.
- 4.4 In addition to the consultation documentation that were made available on the Councils website (see Appendix 1) two virtual question and answer sessions took place on the 19th and 26th October. These sessions were provided to enabled residents, businesses and interested parties to attend and put questions to both officers and the Cabinet Member for Public Protection and Licensing/Licensing Committee Chair. Both events were well attended and provided an opportunity to explain and discuss the proposals in greater detail. Officers also met with some key stakeholders who had requested a meeting to discuss the proposals and how they relate to the area in which they are most interested.
- 4.5 The Licensing Authority provided an online survey throughout the consultation period for statutory consultees, residents and other interested parties. This survey set out the questions relating to the proposed revisions to the SLP along with some questions to identify in what capacity they were completing the survey, e.g. resident or business. In addition to the survey the Licensing Authority also received responses via email. These email responses have been combined with the submissions made via the online survey.

5. Summary of Consultation Responses

5.1 The Licensing Authority has received 166 responses to date to this consultation. Most responses were received in the last 4 days of the consultation period. The respondents to this consultation have either self-identified as being within a specific demographic or officers have assigned them based on their response. The graph below shows the breakdown of respondents by demographic.



5.2 Respondents provided their responses either via the online survey or in writing via email. The respondents that completed the online survey were able to provide their views to each of the consultation questions posed on the proposed revisions. The questions from the online survey are listed in Appendix 2 to this report. The online survey responses that the Licensing Authority are attached at Appendix 3.

5.3 The responses that were received via email have been reviewed by officers. The comments and views from those written responses have been assigned to the relevant questions that were posed within the online survey so that each revision proposal and the responses to it can be considered together. In a number of cases, where a written response was provided via email the respondent has specifically addressed the proposals that are relevant to them. Therefore, they may not have provided a view or comment on some of the proposals. Some online respondents have also chosen to skip or mark the response as “no opinion” if a proposal did not relate to them or where they had no specific opinion on it. In those cases, officers have logged their responses as “No opinion/Did not respond”. All of the emailed responses to this consultation are attached to this report at Appendix 4 for reference.

5.4 It should be noted that some respondents who completed the online survey and also sent a copy of their submission via email so they may appear in both the online responses at Appendix 3 and the emailed responses at Appendix 4. Some of the respondents provided additional documents and information to support their responses. Due to the size of these documents and sensitivities they have not been included within the report. If a document was not included officers have referred to this at the end of the relevant response. If members of the Licensing Committee wish to review any of the documents that were submitted in support of a response and have not been included within this report, please contact the report author.

5.5 The consultation on the proposed revisions of the Statement of Licensing Policy set a number of questions relating to these proposals (see Appendix 2 for the list of consultation questions). Some of the questions were whether the respondent agreed or disagreed (yes or no) with the proposals. We also asked questions on their views on the proposals or whether they had any further comments to make relating to either the proposals, the wider revision of the Statement of Licensing Policy or anything else relating to the Licensing Authority’s approach to its licensing function under the Act. For these questions the respondent could provide their views and comments in writing. As stated above, officers have reviewed the responses that have been received and where the respondent has not specifically stated the revision that

they are commenting on officers have assigned their comments, based on the content to the relevant consultation proposals.

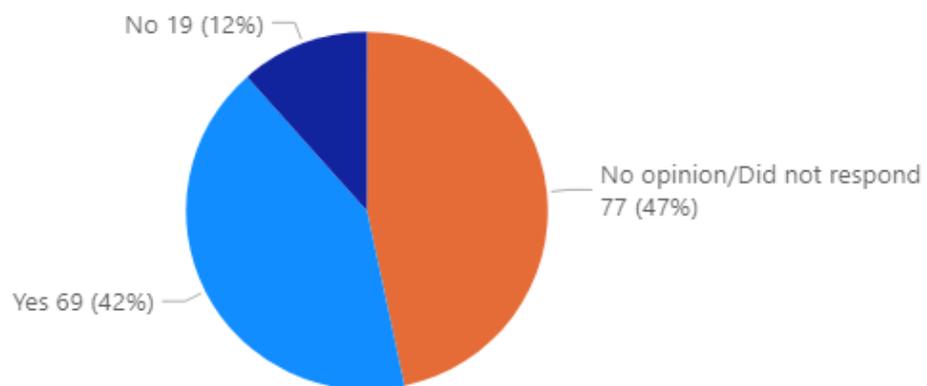
5.6 The following sections of this report set out the specific revision proposals, the number of responses relating to that specific proposal, the demographic of the respondent, the number of respondents by demographic that approve disapprove with the proposal and a summary of the views and comments provided by the respondents, if any. The Licensing Authority is still considering the responses that have been received and as a result this report does not set out any proposed amendments or additions to the current proposals for the revision of the Councils Statement of Licensing Policy. However, for some proposals officers have provided comments on the possible approach the Licensing Authority may make following those responses.

6. Implementing a Cumulative Impact Policy

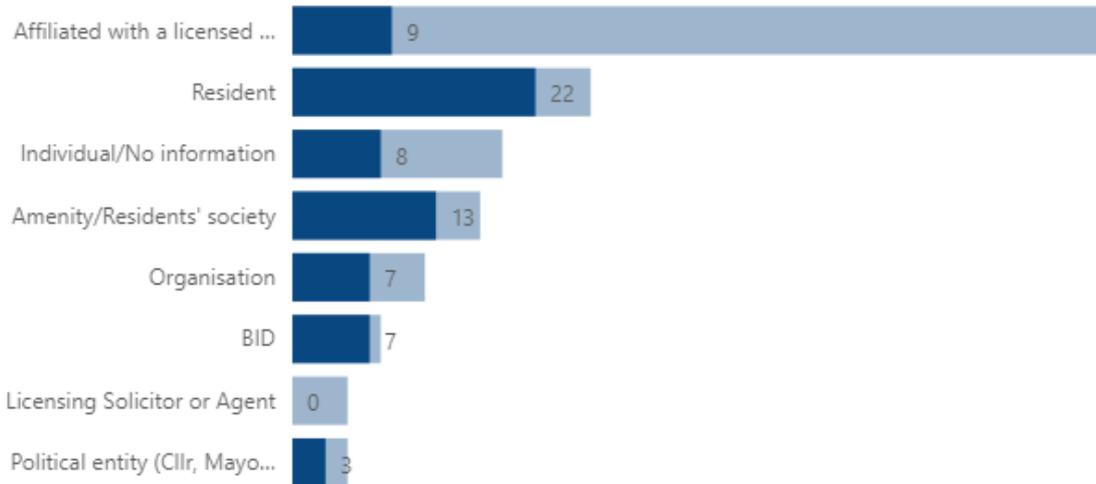
6.1. The Licensing Authority intends to retain the existing West End Cumulative Impact Zone boundary, except for the North East Area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy – CIP1. The authority also intends to remove the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater. As part of the consultation, stakeholders were asked for their views on whether the authority should implement a Cumulative Impact Policy and to provide further feedback.

Number of Responses and Demographics.

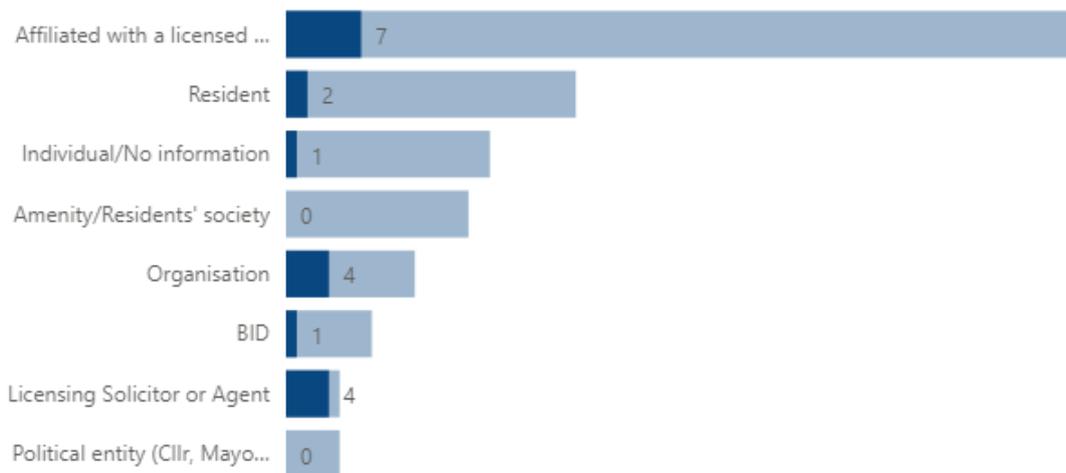
6.2. The Licensing Authority received 69 responses that supported this proposal, 19 who opposed it and 77 who had no opinion/did not respond.



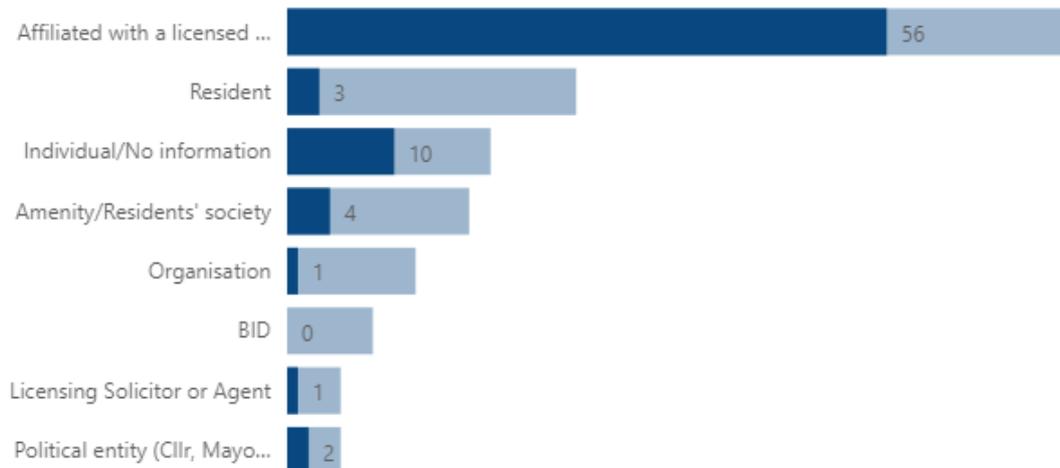
6.3 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



The number of respondents by demographic who did agree with this proposal.



The number of respondents by demographic who did not agree with this proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of responses

6.4. Comments on the proposal to implement a Cumulative Impact Policy

- The New West End Company (NWECC), the Greater London Authority (GLA), and the Safer Business Partnership have welcomed the flexibilities offered in the draft Licensing Policy. However, NWECC Maintains that the Cumulative Impact Policy does not go far enough to support the West End's post-COVID recovery as an international centre for tourism and evening and night-time culture. More specifically, the new policy will not support regeneration of Oxford St and revitalisation of various economic sectors. Responses from businesses were similar
- The Crown Estate pointed to the lack of granularity and place-specific nuance in the Cumulative Impact Assessment, and that 'problematic incidents that have been highlighted as associated with licensed premises near to the Estate can be attributed to dispersal flows as opposed to being directly generated from venues within the estate. They have also called for the boundary to the Cumulative Impact Zone to be amended around Regent Street to Piccadilly.
- Mixed views from residents – most are overwhelmingly in support of a CIP and wish to see it enforced more aggressively in sub-committee hearings.
- One respondent called for an end to the licensing of sexual entertainment venues (SEVs). They expressed that SEVs are linked to sexual harassment and assault of women and has argued that most venues are running covert brothels.

7. **New statement on inclusion in the evening and night-time economy**

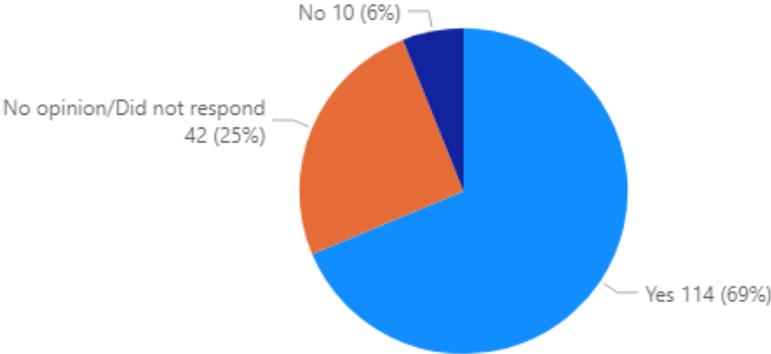
- 7.1 The Licensing Authority intends to create a new section to replace paragraph 1.15 of the current policy, which refers to the Equality Act 2010 (2010 Act). This new section will set out the authority's approach to fulfilling its duties under the 2010 Act. We want to promote and embrace inclusion in Westminster's evening and night-time economy.

7.2 We intend to set out the authority’s expectations on licensed businesses to meet the requirements of the legislation, to implement best practice, to implement inclusivity and diversity training focused at door staff and other customer facing personnel; and to consider how the design and layout of a premises could further promote inclusion, especially for those with disabilities. This will not be a specific policy.

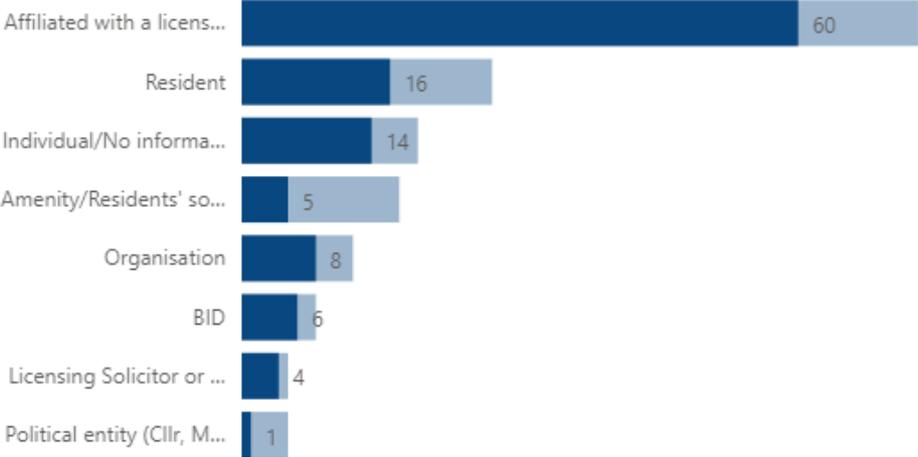
Number of responses and Demographics

7.3 The Licensing Authority received 114 responses in favour of this proposal, 10 opposed and 42 who have no opinion/did not respond.

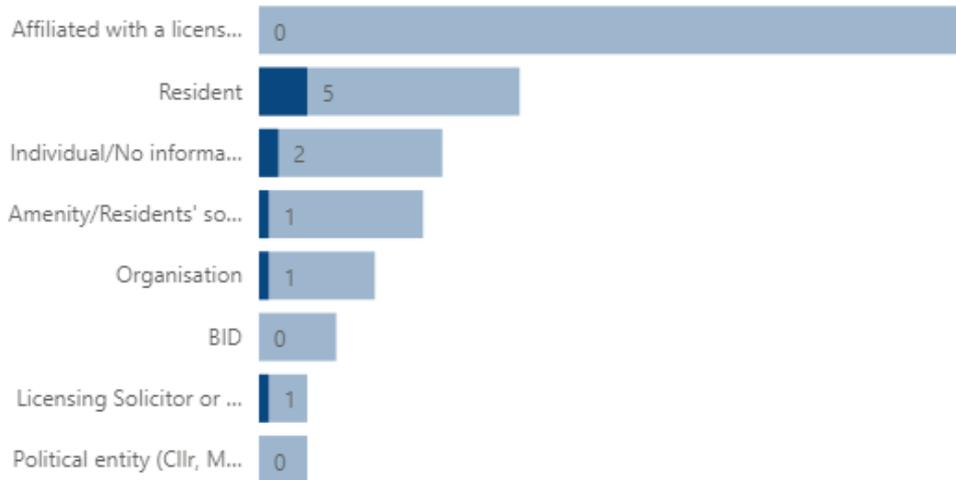
Q4. The Licensing Authority aims to include its expectation that licensed premises, as...



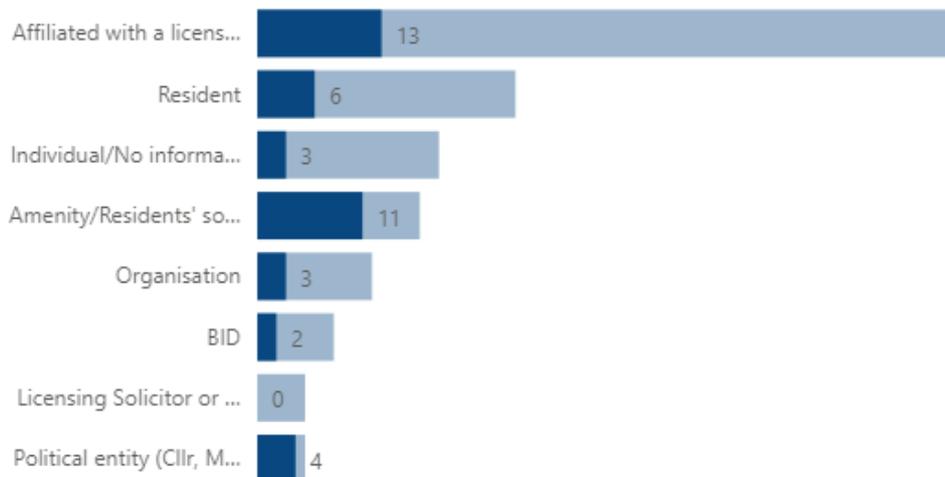
7.4 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



The number of respondents by demographic who did agree with this proposal.



The number of respondents by demographic who did not agree with this proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of Responses

7.5 Comments on the proposal included:

- There is a need to consider how venues can demonstrate commitment to inclusion and detail should be included about what inclusion means.
- Separate equality legislation exists and too much regulation is an unnecessary burden on businesses.
- Licensing policy cannot affect the attitudes of individuals.
- McDonald's suggested that by refusing to allow quick service in late night restaurants (the Licensing Authority is unwittingly being less inclusive because:
 - They offer high quality night-time working opportunities that are suitable for diverse groups such as young women

- They are often the only non-alcohol venue open in the night-time economy providing somewhere for non-drinkers (e.g. certain religions) to socialise.
- Their toilets are often the only disabled friendly public toilets on a high street
- They provide a cost-effective night out for families and those on low incomes.

7.6 There was one specific suggested amendment which was that the policy should allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

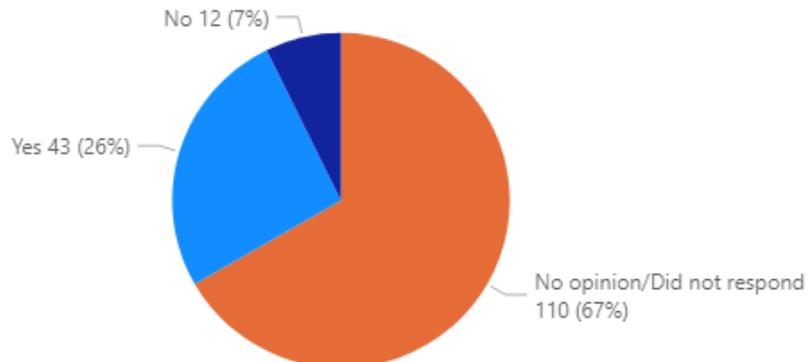
8. Summary of the 2020 Cumulative Impact Assessment

8.1 The responses to the findings of the consultation on the CIA are detailed in a separate report. As part of the consultation on the Statement of Licensing Policy the Licensing Authority consulted on a proposal to include a summary of the CIA in the SLP.

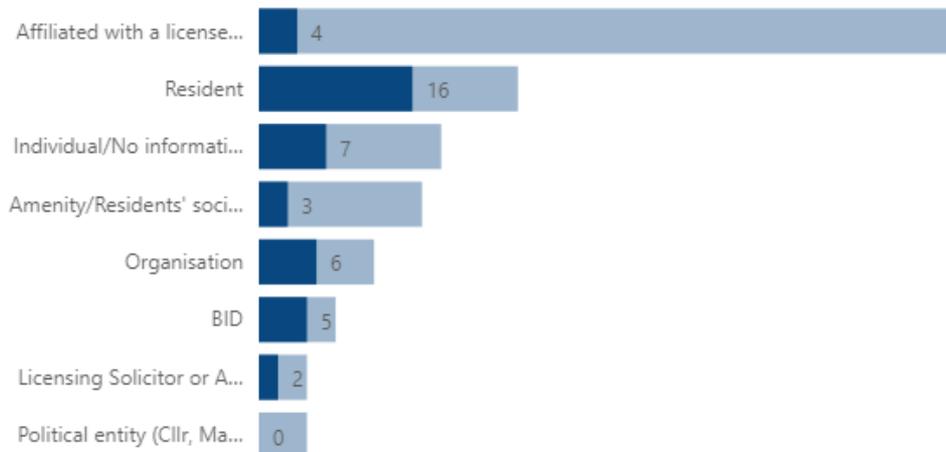
Number of responses and Demographics

8.2 The Licensing Authority received 43 responses who agreed with the proposal, 12 who opposed it and 110 who had no opinion/did not respond.

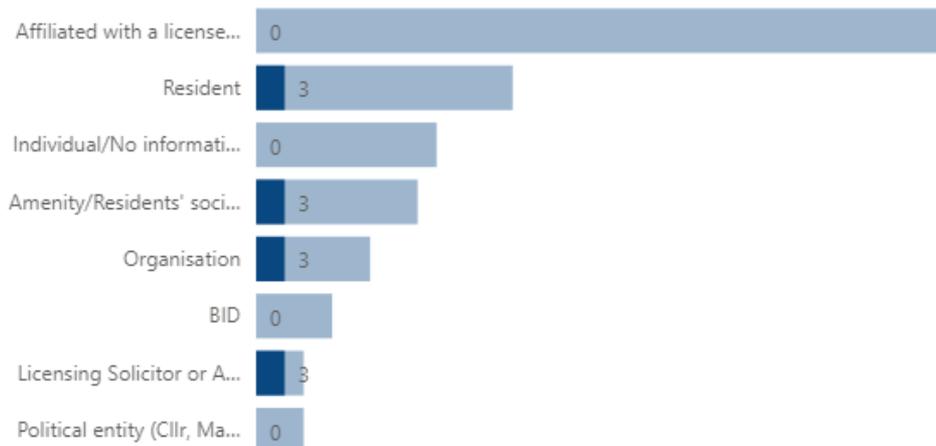
Q6. Do you agree with the proposal to include a summary of the 2020 Cumulative ...



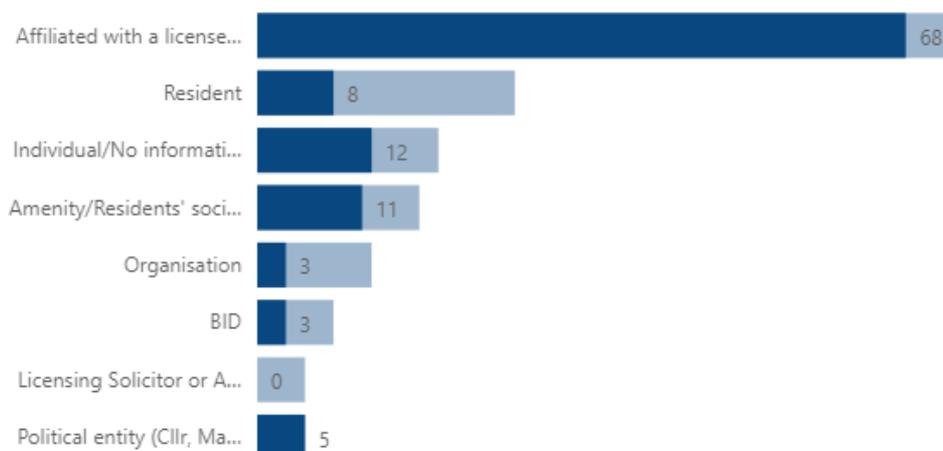
8.3 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



The number of respondents by demographic who did agree with this proposal.



The number of respondents by demographic who did not agree with this proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of Responses

8.4 Comments on the proposal included:

- The impact of COVID-19 has made the findings of the CIA irrelevant and new data should be collected.
- The Soho Society commented that the proposal, if adopted, would lead to continued additional cumulative impact and that, due to planning changes, the cumulative impact zone is the only regulatory lever over increasing numbers of food and beverage venues.
- Some respondents such as Meard and Dean Street Residents' Association commented that the COVID-19 pandemic does not justify not introducing measures to tackle cumulative impact.

9. Revised Policy Framework for the Licensing Objectives Policies (CD1, PS1, and PN1)

9.1 The Licensing Authority has a duty to promote the Licensing Objectives under the Act. Applicants must demonstrate to the Authority that an application for a new licence or to vary an existing licence will not negatively impact these objectives. Applicants must seek to promote these objectives if the application were to be granted. The current wording of the Licensing Objectives policies is framed in a way that does not emphasise the requirement on applicants to promote the objectives. For example, the prevention of crime and disorder objective policy CD1 currently states:

“To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews”

9.2 The proposed new wording for the Prevention of Crime and Disorder (DC1), Public Safety (PS1) and Prevention of Public Nuisance (PN1) will start with:

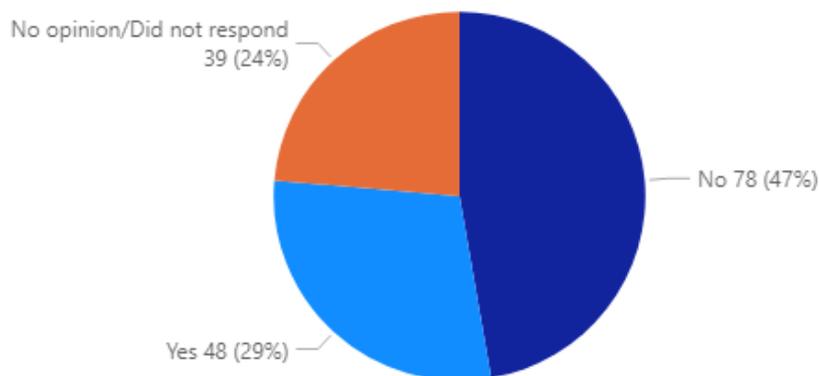
“The Licensing Authority will only grant applications that can demonstrate that they will promote the [prevention of crime and disorder, public safety, prevention of public nuisance or protection of children from harm] licensing objective.”

9.3 The policies then set out the criteria that the Licensing Authority will apply and the considerations that it will take into account when considering the application.

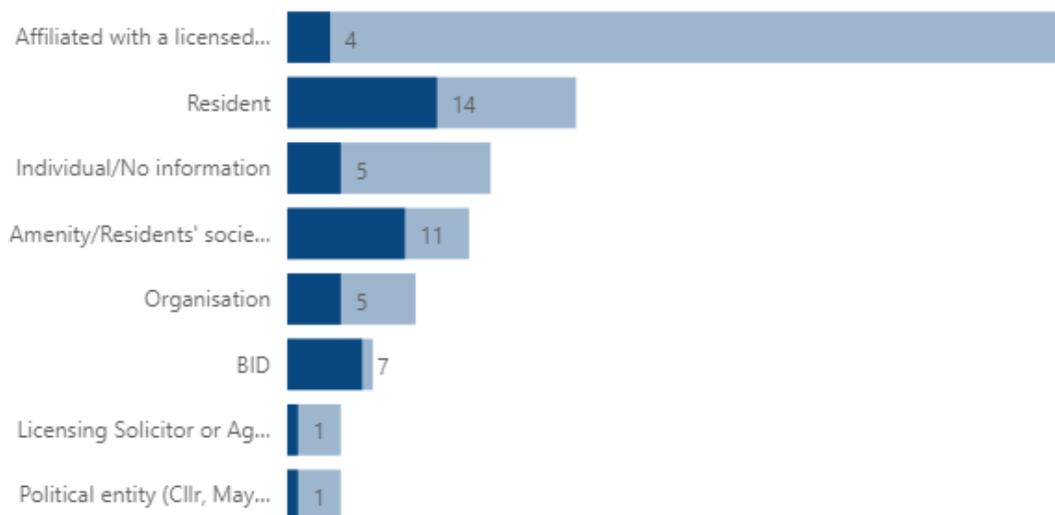
Number of Responses and Demographics

9.4 Out of the 166 responses to this consultation, 48 respondents were in favour of the proposal, 78 respondents were opposed to the proposal and 39 had no opinion/did not respond.

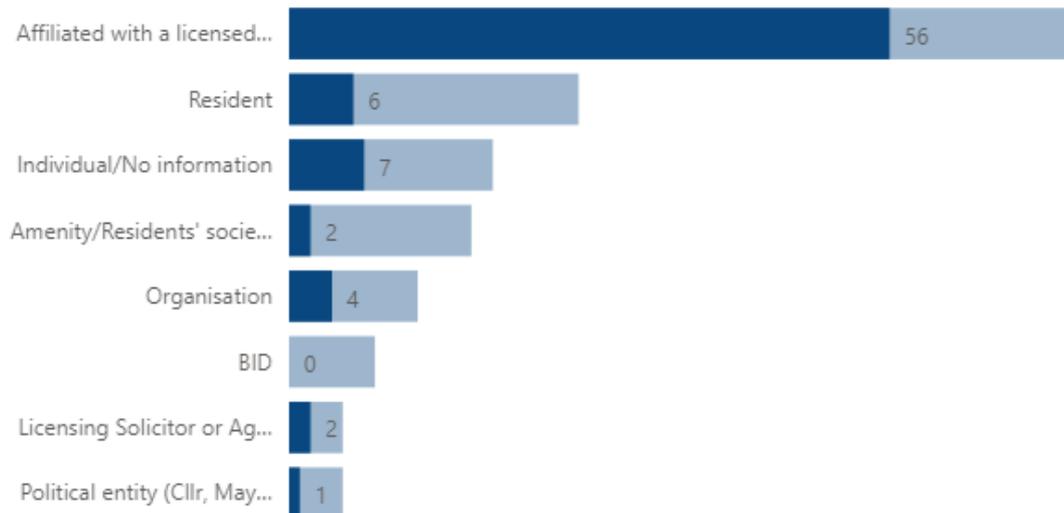
Q8. Do you agree with the proposed changes to the Licensing Objectives polici...



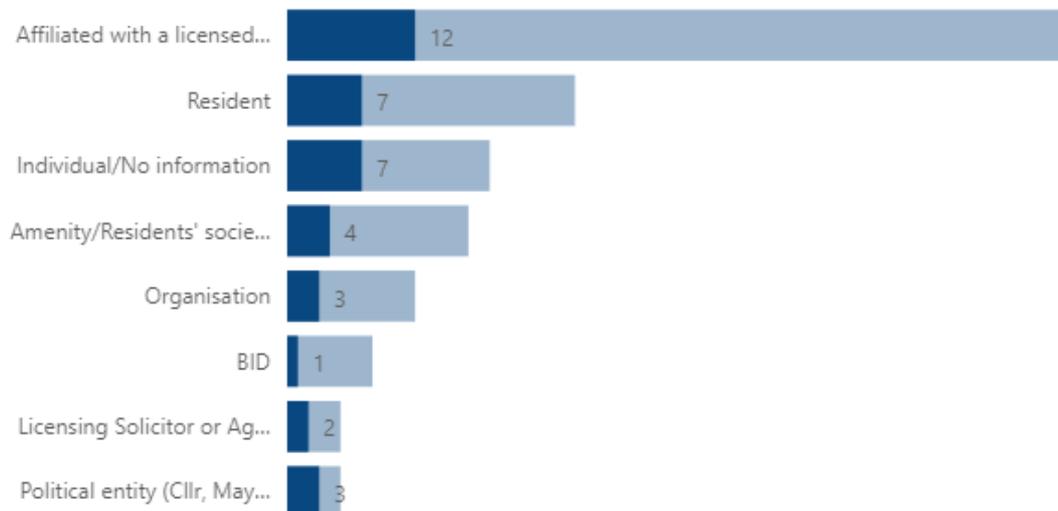
9.5 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



The number of respondents by demographic who did agree with this proposal.



The number of respondents by demographic who did not agree with this proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of Responses

9.6 Comments on the proposal included:

- More clarity was needed as to what was expected of the applicant within these policies. An example put forward related to controlling the external space and when an area ceases to be under the licensee's jurisdiction.
- Some respondents who were in favour of the proposals suggested additional considerations could be added relating to transport and the impact of patrons arriving and leaving.

- Dispersal and people congregating outside venues was also identified as a key factor relating to impacting the Licensing objectives.
- One respondent proposed that the model conditions should be amended to reflect the revised policy structure.
- The need for applicants to provide more information in their operating schedule was something that residents flagged as essential to enabling them to understand their operation and the Licensing Objectives.
- Some respondents stated it would be difficult for some residents to adequately comment on applications without enough understanding of these policies.
- One respondent felt that these revisions were subjective, checklist driven and could stifle entrepreneurship.
- It was felt that the proposed changes to these policies were not minor changes and were in fact a significant change from the current policy approach. They stated that “the introduction of policies which state that ‘The Licensing Authority will only grant applications that can demonstrate....’ reverses the normal licensing burden, will impose significant financial and administrative burdens, and is contrary to the principles in the Regulators’ Code”.
- One respondent stated that these revisions, particularly Policy PN1 referred to “nuisance”, “causing a disturbance”, “noise that could affect people” and “prevent disturbance” were all beyond the requirements of the prevention of public nuisance licensing objective.
- A number of respondents have raised that they feel more information about the operation of the venues and control measures proposed are required from the applicant. The respondents felt strongly that this additional information should be included in the applicants operating schedule. This information is essential for residents so that they can adequately understand the operation of the premises and the possible impacts it may have on the licensing objectives.

Policy Revision Direction

9.7 It is important to note in keeping with the overall aim of the review the revised policy approach is reasonably consistent with the current policy. The framework of these policies has been amended and there is now an emphasis on the grant being subject to the applicant demonstrating that the licence will promote the licensing objectives. The Licensing Authority has not changed the criteria and has only made some very minor additions to the considerations within these policies. The additional or amended considerations are:

- 9.7.1 Policy CD1(6) which relates to the premises having sufficient CCTV,
- 9.7.2 Policy PS1(2) which relates to a terrorism threat risk assessment,
- 9.7.3 Policy PN1(3) the headings of the current considerations have been incorporated into that paragraph, and
- 9.7.4 PN1(3)(f) where delivery companies have been included.

9.8 The Licensing Authority duty under section 4(1) of the Act is to promote the Licensing Objectives. The Home Office Revised Guidance (April 2018) refers to this in its introduction at paragraphs 1.2 to 1.4:

“1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;*
- Public safety;*
- The prevention of public nuisance; and*
- The protection of children from harm.*

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.”

9.9 The Licensing Objective policies CD1, PS1, PN1 and CH1 have been included in the Councils Statement of Licensing Policy since the first revision in 2005. The proposed revision to these policies is intended to provide more of an emphasis on the purpose of these policies and embody the Licensing Authority’s expectations. The Home Office Revised Guidance at paragraph 8.41 highlights the need for Licensing Authority’s to make applicants aware of its expectations. It also sets out the importance of the operating schedule:

“8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.”

9.10 Whilst there is a greater number of respondents who did not agree with the proposals, (the majority of which are affiliated with licensed premises) the criteria and considerations proposed are identical to the current policies, except for those slight amendments as detailed in 9.7 above. Some respondents have expressed that the criteria and considerations could be clarified, or additional considerations could be included, specifically relating to transport. More detailed assessment of the responses relating to this proposal will be made with regard to whether the criteria and considerations should be further amended.

10. Revised Policy Framework and addition of safeguarding as a key consideration to the Protection of Children from Harm Policy (CH1)

10.1 There are two parts to this proposal. The first relates to the amended licensing objective policy framework, as described in part 8 above. The Protection of Children from Harm Policy CH1 would be amended to state:

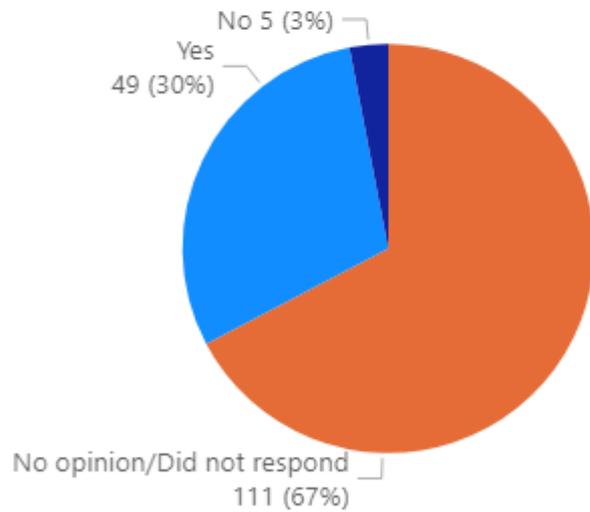
“The Licensing Authority will only grant applications that can demonstrate that they will promote the protection of children from harm licensing objective.”

- 10.2 The policy then sets out the criteria the Licensing Authority will apply and the considerations that it will take into account when considering the application.
- 10.3 The second part of this proposal is the inclusion of safeguarding within this policy. The Licensing Authority feels that it is essential that the safeguarding of children was added as a key consideration to this policy. The proposed amended policy added a set of minimum criteria and provided that applicants/licensees should designate someone who has specific operational responsibilities to ensure children are safeguarded within their premises. These responsibilities included that the designated person must:
- (a) Ensure that all staff were provided with safeguarding training,
 - (b) Monitor and record whether all staff have received the minimum (initial and refresher) safeguarding children training,
 - (c) Ensure all staff have read and know where to find this policy and the Government Guidance: "What To Do If You're Worried A Child is Being Abused",
 - (d) Provide advice and support to staff when they have a concern about safeguarding a child,
 - (e) Have a system in place to record all concerns raised by staff
 - (f) Be the contact person for the Council's Children's Services Department and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises,
 - (g) Ensure all staff are made aware that if the person who they suspect may be harming children is senior to them in the licensed premises staff hierarchy they can contact the Council's Children's Services Department and the Police directly

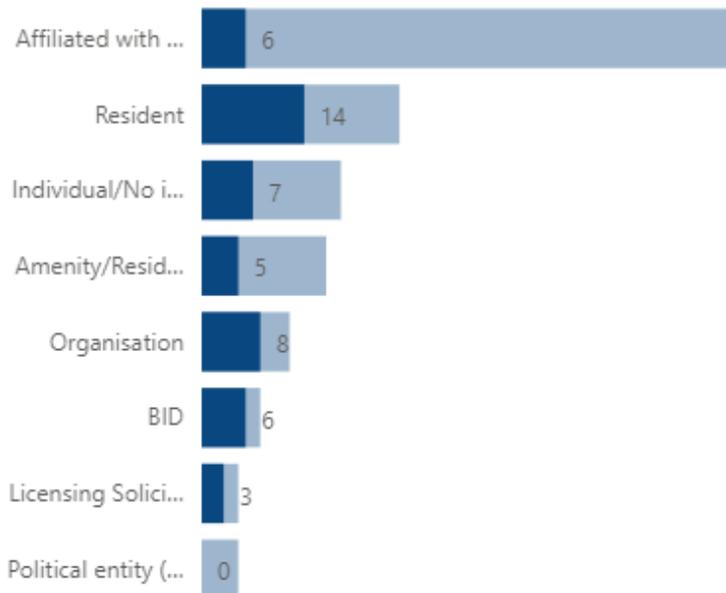
Number of Responses and Demographics

- 10.4 In relation to the first part of the proposal, whether the Protection of Children from Harm framework should be revised the Licensing Authority received 54 responses where the respondent either was in favour or opposed. For the second part of the proposal, whether the Protecting Children from Harm Policy CH1 should include the safeguarding of children the Licensing Authority received 55 responses that were either in favour or opposed to this proposal. Licensees or those affiliated with licensed premises were the largest group of respondents to this proposal.
- 10.5 Of the 166 total responses to the first part of this proposal, whether the Protection of Children from Harm Policy framework should be revised, 49 respondents were in favour of the proposal whilst 5 respondents were not. The remaining 111 had no opinion/did not respond.

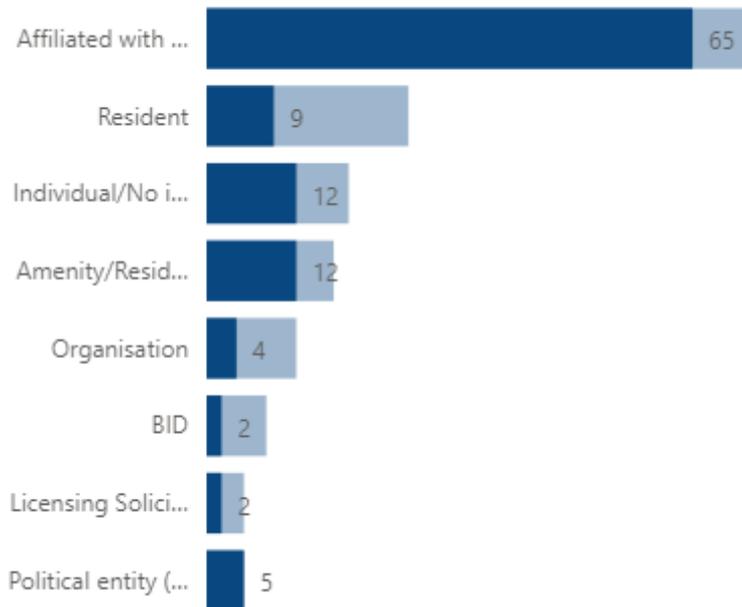
Q10. Do you agree with the proposed chang...



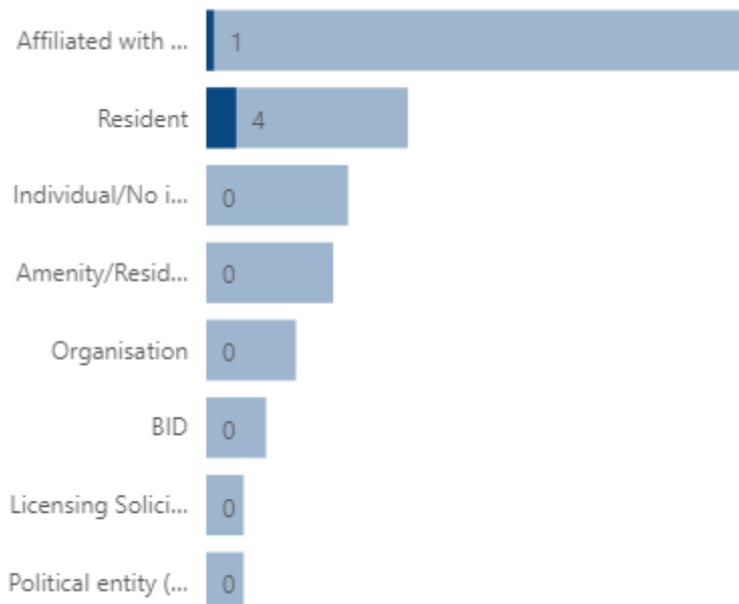
10.6 The bar charts below show the number of respondents by demographic who agreed, did not agree or had no opinion/did not respond to this proposal.



Number of respondents by demographic who agreed with this part of the proposal.



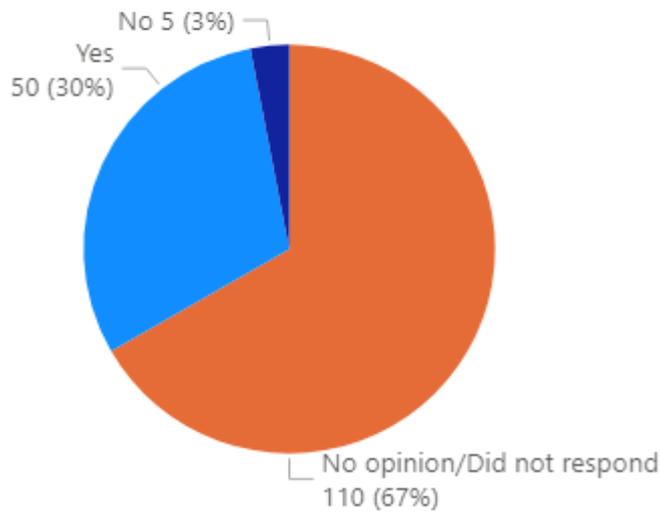
Number of respondents by demographic who did not agree with this part of the proposal.



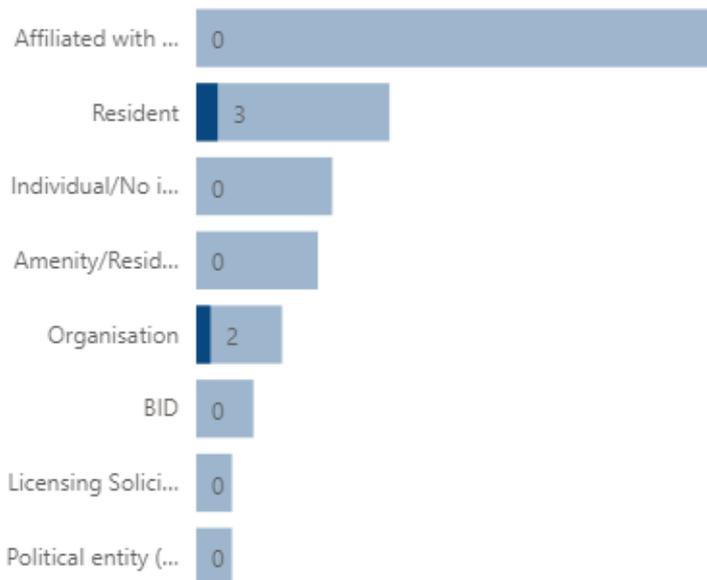
Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

10.7 Of the 55 responses on whether the Protection of Children from Harm Policy should include the safeguarding of children, 50 respondents were in favour of the proposal whilst 5 respondents were not.

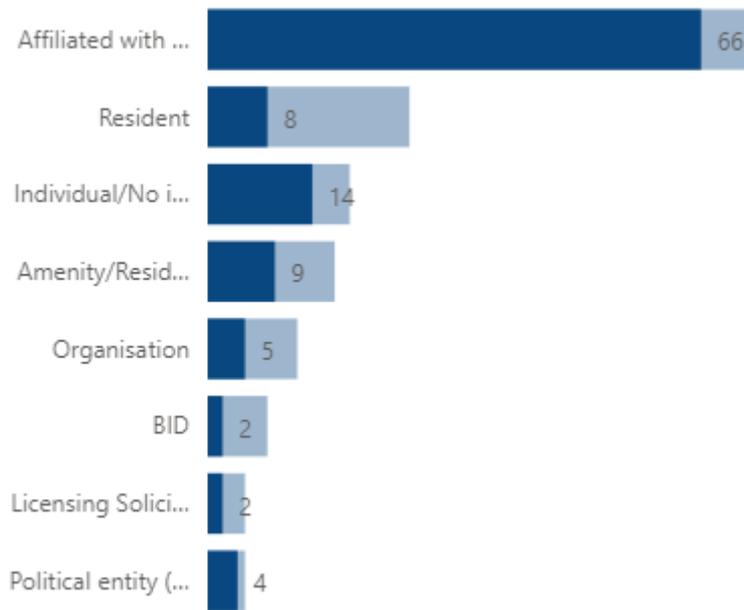
Q11. Do you agree with the inclusion of the ...



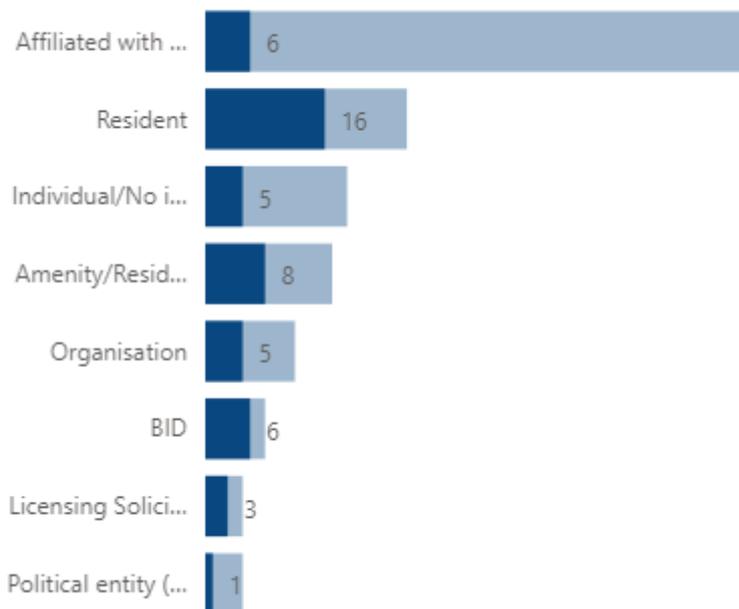
10.8 The bar charts below show the number of respondents by demographic who agreed, did not agree or had no opinion/did not respond to this proposal.



Number of respondents by demographic who agreed with this part of the proposal.



Number of respondents by demographic who disagreed with this part of the proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of Responses

10.9 Comments on the proposal included:

- Training on safeguarding provided by the Council along with specific guidance would be useful to ensure that licensees can meet the new policy considerations.
- One respondent raised how the checks on safeguarding training will be undertaken for new applications and variation of existing licences.
- One respondent welcomes the simplicity and clarity of this proposed approach to this Licensing Objective policy.
- Some respondents have proposed amendments and strengthening of this policy, for example the requirement for DBS checks on staff.
- It was stated that the role of licensees and their staff with regard to safeguarding is limited and it is arguable that the general requirement for the protection of children from harm already includes safeguarding concerns.

Policy Revision Direction

10.10 The policy direction as stated in paragraphs 9.7 to 9.9 will be applicable to this proposed revision.

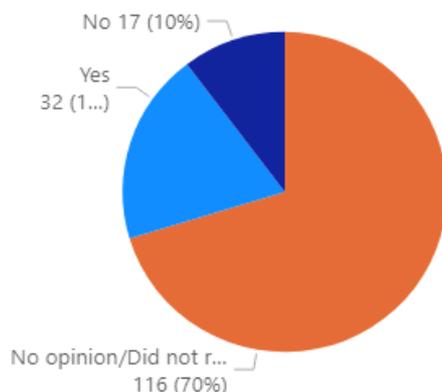
11. Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy (CIP1)

11.1 Policy CIP1 sets out the Licensing Authorities' approach to applications within the Cumulative Impact Zone (CIZ). The proposed amendment was to remove the policy to refuse pubs and bars, fast food premises and music and dancing and similar entertainment venues within the CIZ. This would be replaced with a policy to refuse these types of venues if they had an opening hour before 10:00 and a terminal hour beyond 21:00. Applications for other premises types within the CIZ would be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

Number of responses and Demographics

11.2 The Licensing Authority received 32 responses in favour of this proposal, 17 opposed and 116 who had no opinion/did not respond.

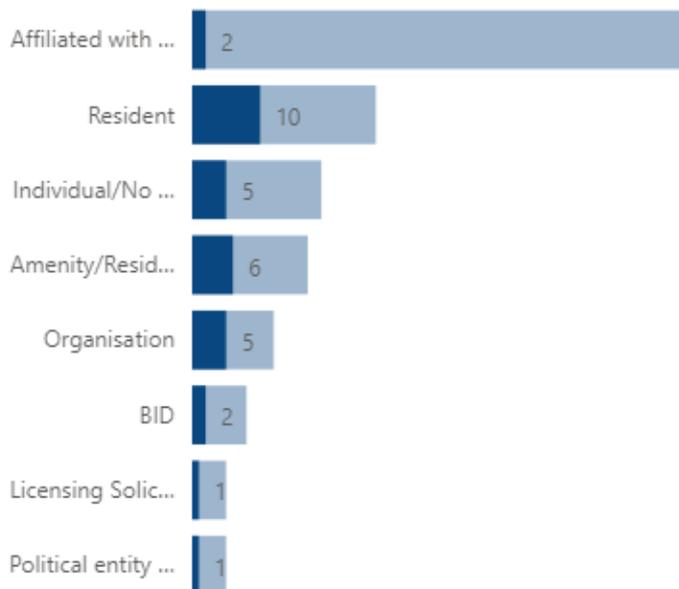
Q13. Do you agree with the proposed r...



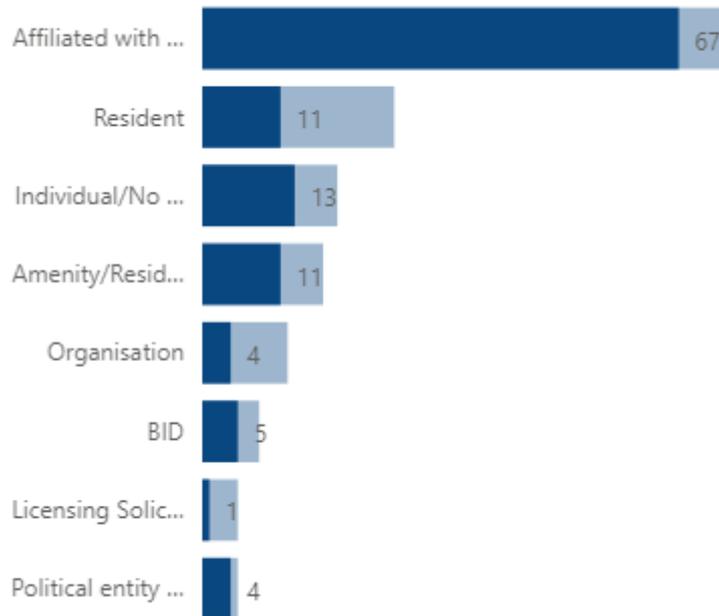
11.3 The table below sets out the responses that the Licensing Authority received on the proposals relating to the boundary of the West End Cumulative Impact Zones within policy CIP1.

Question No.	Question	Do you agree with the proposed revision?		
		Yes	No	No opinion/did not respond
Q14.1	Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2	39 (24%)	13 (8%)	113 (68%)
Q14.2	Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)	33 (20%)	16 (10%)	116 (70%)
Q14.3	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	29 (18%)	14 (8%)	122 (74%)

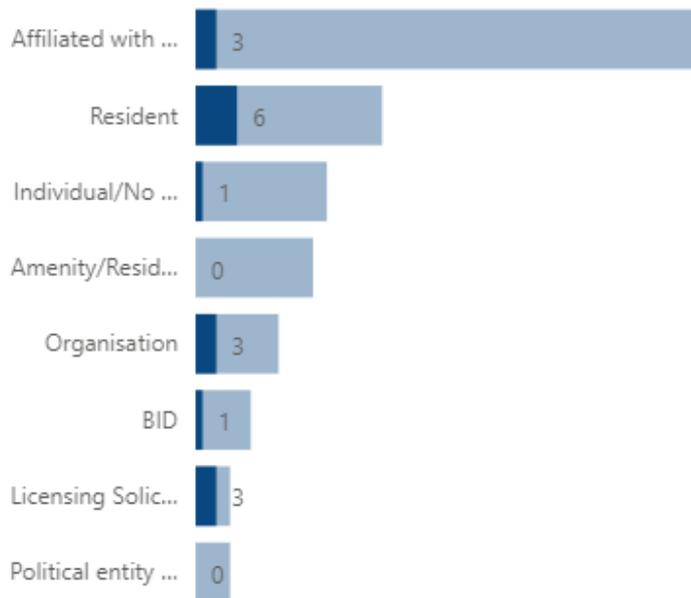
11.4 The breakdown of the respondents who were supportive of the proposed revisions to the framework and those who were not are shown in the graphs below.



Number of respondents by demographic who agreed with this part of the proposal.



Number of respondents by demographic who agreed with this part of the proposal.



Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

Summary of Responses

11.5 Comments on this proposal included:

- Concerns the proposed timings, including that the presumption to grant before 9pm would lead to more alcohol led premises being opened to that point.
- Others commented that venues that could only operate to 9pm would not be viable and imposes a greater restriction.
- Some respondents commented that the Cumulative Impact Policy was too restrictive and would restrict growth and regeneration post-pandemic. Others thought it should be reviewed after 12 months to ensure it was not a barrier to recovery.
- Concerns were raised about there not being enough evidence available since the beginning of the COVID-19 pandemic.
- One comment made the point that they believed that the proposed CIP1 '*is discriminatory toward BAME, disabled, lower socio-economic groups by restricting their access to essential services*'.

11.6 Some respondents suggested specific amendments, they were:

- Including a statement that, if cumulative impact levels reached pre-pandemic levels, a more restrictive policy in Cumulative Impact Zones (CIZ) could be introduced.
- CIZ Boundaries should not be in the middle of a road, as this will lead to an increase in applications on one side.
- Points A and B in CIP1 should be reversed to ensure there is an emphasis on 'other applications' demonstrating that they do not add to cumulative impact, which the respondent suggested is often ignored
- Fast Food premises should not be treated the same as alcohol led premises under CIP1
- St James Market should not be included in the West End CIZ as there is a lack of residential properties

12. The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

12.1 The CIA did not conclusively link licensed premises in Queensway/Bayswater and Edgware Road with cumulative stress. As there is insufficient evidence at this time to support the retention of these areas as cumulative impact zones, they will no longer be subject to the Cumulative Impact Policy – CIP1. These areas will be within the proposed Special Consideration Zones (discussed below)

Number of responses and Demographics

12.2 Of the 166 respondents to the consultation, 47 were in favour of the removal of the Cumulative Impact Zones for Queensway/Bayswater and Edgware Road. 52 were opposed to their removal. A breakdown of these relevant responses per area is set out in the table below.

Question No.	Question	Do you agree with the proposed revision?		
		Yes	No	No opinion/did not respond
Q16.1	Remove: Queensway/Bayswater Cumulative Impact Zone	24 (15%)	28 (17%)	113 (68%)
Q16.2	Remove: Edgware Road Cumulative Impact Zone	23 (14%)	24 (15%)	118 (72%)

Summary of Responses

12.3 Comments on the proposals included:

- That there is not enough evidence since the beginning of the pandemic on which to base these decisions.
- There are high levels of anti-social behaviour (ASB) in these areas that did not meet the criteria to be included in CIA but affect residential amenity and should be considered
- There should be an explanation as to why the levels of impact in these areas was not enough to justify a CIZ
- The absence of observational data means that the impact of public nuisance is understated.
- That on Edgeware Road the Licensing Authority should make it easier for new applicants in order to reduce the number of vacant units and that crime cannot be linked to specific premises and there are other issues in the area (e.g. prostitution) that cause ASB but are not linked to licences premises.
- One suggestion made was to keep the current Cumulative Impact Zones in place until the impact of the COVID-19 pandemic is clear.

Policy Revision Direction

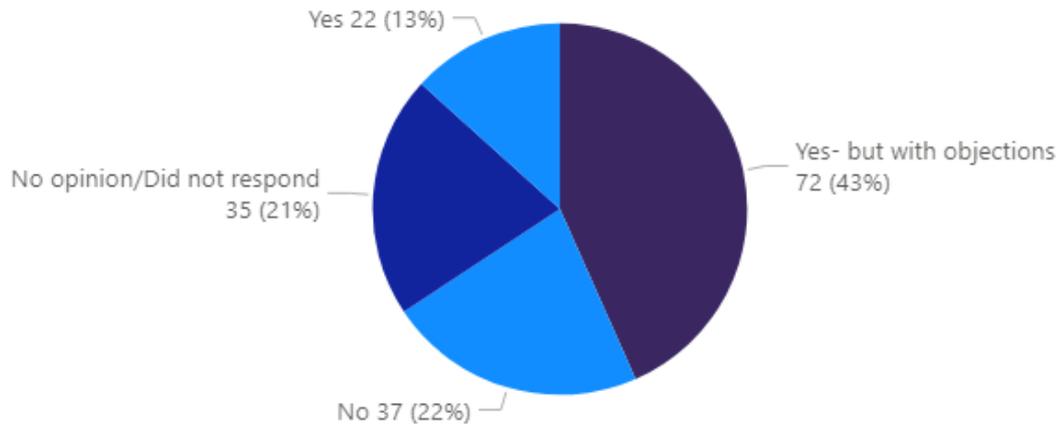
- 12.4 The Cumulative Impact Assessment was produced on data collected between 2017 and 2019. The incidents and crime data did not provide a conclusive link the incidents and crime in the area were a result of the cumulative impact of licensed premises. A number of respondents to the consultation highlighted incidents and anti-social behaviour that related to begging, rough sleepers and prostitution. These types of activity are not normally directly relating to licensed premises.
- 12.5 As stated within the Cumulative Impact Assessment and within the consultation document for the proposed revisions of the Statement of Licensing Policy, the Licensing Authority was unable to undertake direct observational analysis as a result of COVID-19. It is unknown whether observational analysis would have changed the findings within the Cumulative Impact Assessment for these areas.
- 12.6 The Licensing Authority is bound by the requirements of the Act in that it can only identify an area as a Cumulative Impact Zone and impose a restrictive policy if it can demonstrate that there is evidence that the area is under cumulative stress. That evidence must be presented in the Licensing Authority's Cumulative Impact Assessment.
- 12.7 The Licensing Authority is committed to undertaking a further review of its Statement of Licensing Policy and the Cumulative Impact Assessment within the next three years. This is much earlier than the statutory deadlines imposed within the Act for such reviews. This review will look at how the City has responded during the recovery from the impact of COVID-19 and how the policies should be revised further in light of the findings of that review.
- 13. A revised Core Hours Policy (HRS1) framework based on premises uses rather than licensable activities**
- 13.1 The current Core Hours Policy has three core hours that applications are intended to fall within. These are for premises that sell alcohol for consumption on the premises, premises that sell alcohol for consumption off the premises and for premises that provide the provision of other licensable activities.

- 13.2 The proposed revision of this policy will change the framework of the Core Hours policy to relate to the premises use type rather than whether the premises sell alcohol on or off the premises or provides other licensable activities. The premises use definitions are already contained within the current policies associated within the venues. The intention was to convert the current Core Hours to apply to the specific premises uses as defined within the premises use policies within the Statement of Licensing Policy. This meant that the venues primary use and the main licensing activity were used to determine the appropriate Core Hours to apply to the premises.
- 13.3 For Cinemas, cultural venues and live sporting premises there is an intention to extend the Core Hours for these venues to midnight seven days a week. This extended Core Hours proposal recognises that cinemas, cultural venues and live sporting premises can provide specific benefits to the area and local community. These venues attract a diverse mix of customers, both in terms of backgrounds but also in ages. This diverse range of customers provides a stabilising influence in an area with people who may be older or with their families. These venues provide local communities with an opportunity to experience culture and the arts, something which the Council is keen to encourage.
- 13.4 It was also intended to set Core Hours for pubs and bars, fast food premises and music and dancing venues within the West End Cumulative Impact Zone with a maximum terminal hour of 21:00hrs. This was also reflected in the proposed revision of the Cumulative Impact Policy (CIP1) and the proposed revisions of the premises use policies PB1, FFP1 and MD1. The Current Cumulative Impact Policy (CIP1) and the relevant premises use policies (PB2, FFP2 and MD2) has a presumption to refuse applications relating to these premises uses within the Cumulative Impact Zones. It doesn't make any allowances for applicants that may wish to operate up to when cumulative impact occurs. The 2020 Cumulative Impact Assessment established that cumulative impact within the West End Zones 1 and 2 could be identified as impacting on incident rates from 21:00 each day. The proposed Core Hours for these premises within the West End Cumulative Impact Zone was intended to relax the current policy approach, providing a period in which applications for these types of venues would not be subject to that presumption to refuse. For pubs and bars, fast food premises and music and dancing venues outside the West End Cumulative Impact Zone the Core Hours were set to the current Core Hours for the sale of alcohol on the premises.
- 13.5 The full proposed revision to the Core Hours Policy HRS1 is set out in the consultation document at Appendix 1.

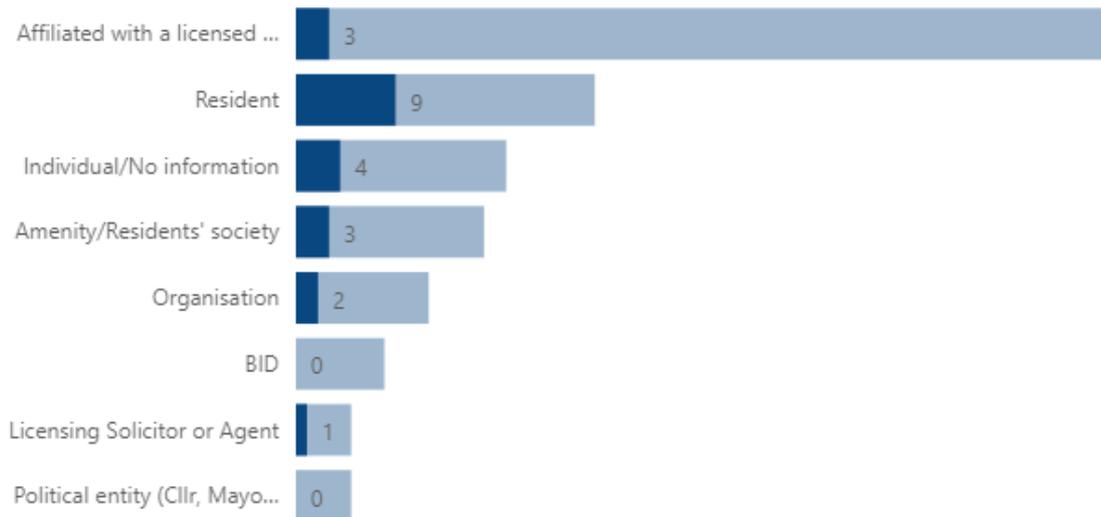
Number of Responses and Demographics

- 13.6 Of the 166 responses, 22 respondents were in favour of the proposal, 72 were in favour of the proposals but had specific objections associated with one or more of the premises types Core Hours, 37 were opposed to the proposal and 35 had no opinion/did not respond.

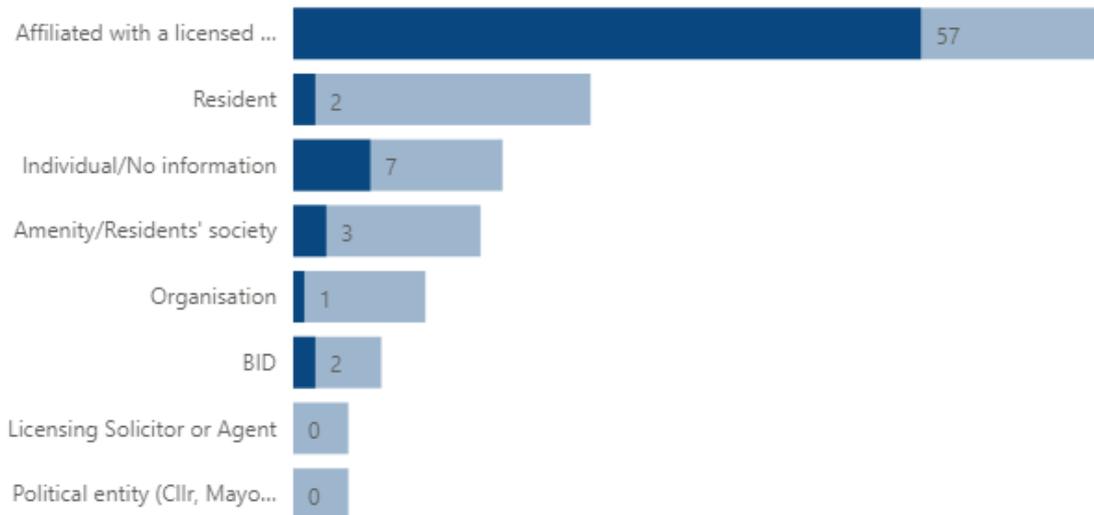
Q18. Do you agree with the proposed changes to the Core Hours Policy (HRS...



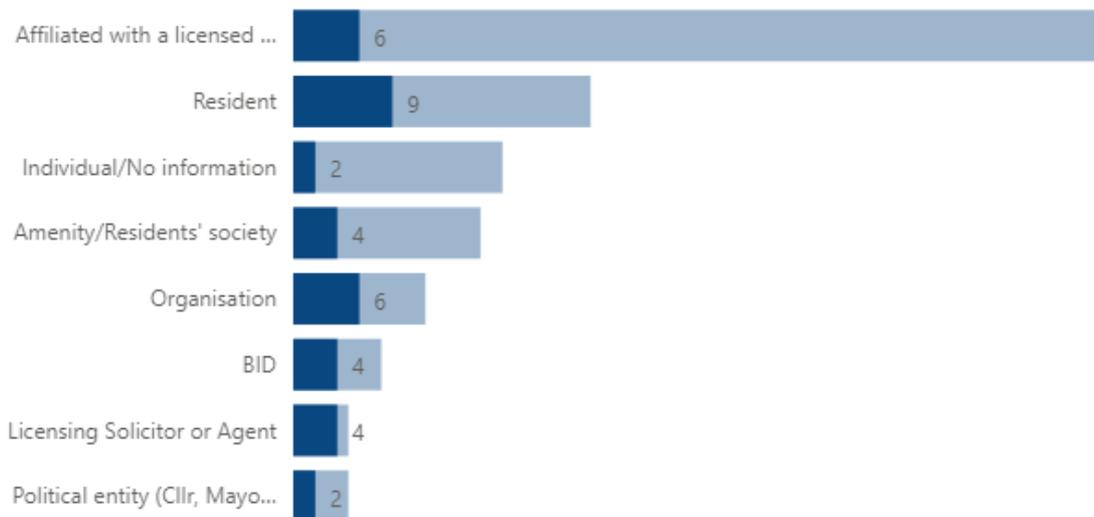
13.7 The graphs below show the number of respondents by demographic who either supported the proposal, supported the proposals but had specific objections, did not support the proposals and had no opinion/did not respond.



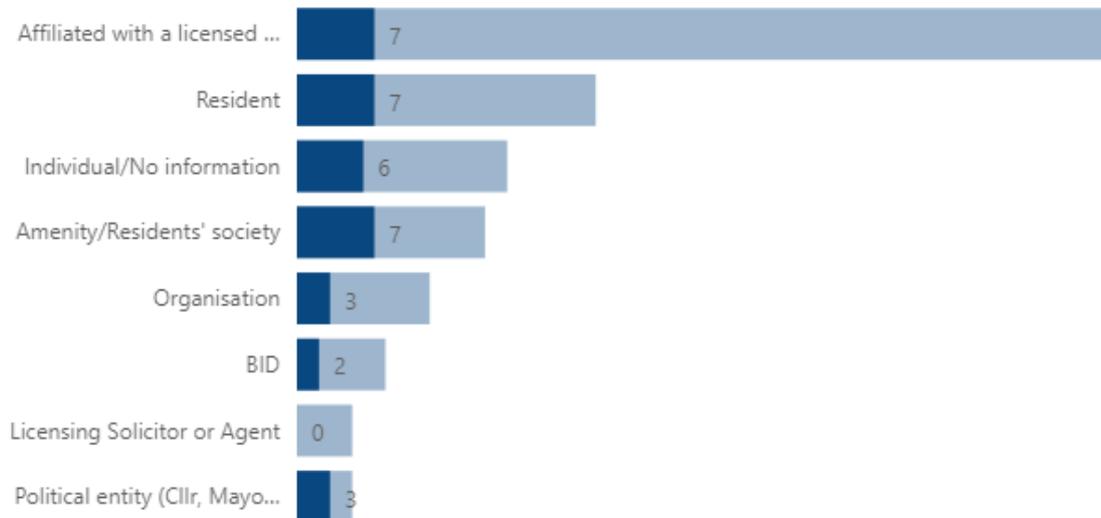
Number of respondents by demographic who agreed with the proposal.



Number of respondents by demographic who agreed with the proposal but had specific objections associated with one or more of the premises type Core Hours.



Number of respondents by demographic who did not agree with the proposal.



Number of respondents by demographic who had no opinion/did not respond to this proposal.

Summary of Responses

13.8 Comments on the proposals included:

- The slightly longer hours for theatres are welcome and there is support for the general principle that hours later than Core Hours will be considered on their own merits.
- The additional restrictions placed on theatres within the West End that alcohol sales and late night refreshment beyond 23:00hrs must be ancillary to the primary use of the venue and limited to members of the audience appears to be more restrictive than the current policy which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 23:00hrs.
- A large proportion of the respondents commented on the new Core Hours for pubs and bars, fast food premises and music and dance venues within the West End. It is felt that the 21:00hrs limit would be unworkable for any business. This restriction would prohibit new businesses opening in the West End and with the impact of COVID-19 large numbers of venues are already closing up across the city.
- A large number of respondents stated that they were supportive of the policy revision except for the restriction of 21:00hrs in the West End for pubs and bars, fast food premises and music and dance venues where they felt it should be extended to a later terminal hour which was suggested to be 23:00hrs at a minimum.
- A respondent stated that the policy should be further amended to include a clause that requires applicants to demonstrate that the circumstances are clearly exceptional in order to justify any extension to hours.
- Another respondent stated that it should be a requirement that any premises apply for a licence after 23:00hrs should be required to produce a dispersal policy to show how the venue will disperse their customers away from their venue and reduce the impact on noise nuisance on local residents.

- There was a concern relating to the grouping of restaurants with sex establishments hours as these types of operations are very different. It was also suggested that restaurants should be permitted to have later hours than those proposed in this policy.
- Some respondents were supportive of the proposal to change the framework of this policy based on premises use rather than licensable activities. However, some respondents raised the issue that premises operations change and evolve, and these premises use categories may not fit all premises operations.
- Some respondents raised concerns about the earlier start time that was provided under the revised policy. Proposals for a start time of 09:00hrs should be considered on its own merits and with consideration to the impact on residents.
- A respondent has raised concerns about the proposed hours for Casinos and that under the new proposed Core Hours they will generally be granted 24 hours licences. They are concerned that the majority of Casinos are located within the Cumulative Impact Zone and 24-hour licences are likely to add to cumulative impact and as such should not be permitted.

Policy Revision Direction

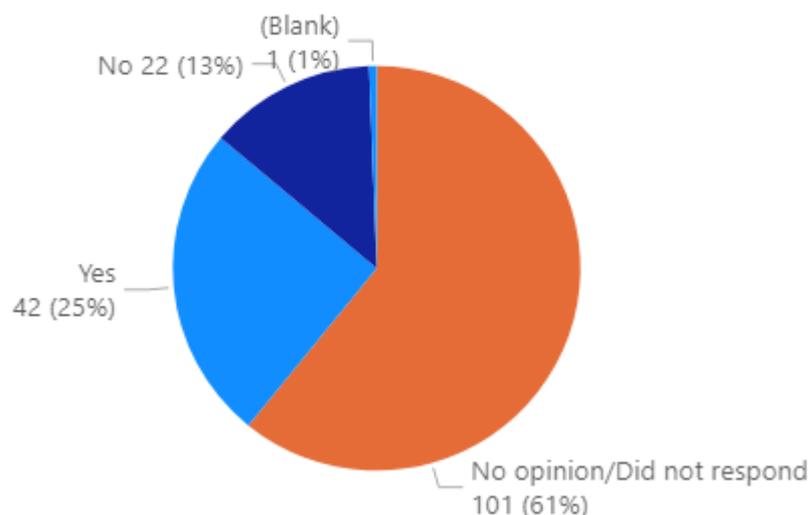
- 13.9 There has been a strong response to the proposed 21:00hrs terminal hour for pubs and bars, fast food premises and music and dance venues within the West End. The intention was to relax the Cumulative Impact Policy and associated premises use policies (PB1, FFP1 and MD1) to remove the presumption to refuse any applications of that premises type within the West End Cumulative Impact Zone for premises that apply for hours between 10:00hrs and 21:00hrs. Therefore, it was proposed to introduce these hours as Core Hours for those premises uses within the Cumulative Impact Zone.
- 13.10 In light of the responses it is likely that the Core Hours for pubs and bars, fast food premises and music and dance venues within the West End Cumulative Impact Zone will be removed. The Core Hours for these premises use will apply to all of the City. However, the Cumulative Impact Policy CIP1 is also likely to be amended to revert back to its current approach, which is to have a presumption to refuse applications for these premises uses within the Cumulative Impact Zone.
- 13.11 The proposed longer hours for cinemas, cultural venues (which include theatres) and live sporting venues also generated some detailed responses, particularly from theatre operators. The intention of the proposed revision relating to Core Hours for cultural venues was to provide them with additional hours later at night to enable them to provide their patrons with the ability to purchase food or a drink after a performance. This was in recognition of the contribution that cultural venues bring to the city and their local community. These venues are also low risk in terms of the impact that they have on the licensing objectives. However, for venues wanting to take advantage of these later Core Hours, particularly within the West End Cumulative Impact Zone the sale of alcohol and provision of late-night refreshment should be limited to patrons who have attended an event at the venue. The Licensing Authority are concerned that by opening up access to the bars within the premises to people who have not attended a performance or event could lead to the venue becoming a late bar. If that were to occur, then this is likely to increase the risk of the venue's operation impacting on the licensing objectives and for venues within the Cumulative Impact Zone it would likely add to cumulative impact. As a result of these responses the Licensing Authority will consider the detailed responses received and whether this proposed policy revision should be amended.
- 14. A new Special Consideration Zone Policy (SCZ1)**

- 14.1 The Licensing Authority intends to create a new Special Consideration Zone Policy SCZ1. The aim of this policy is to designate the following areas as Special Consideration Zones:
- West End Buffer
 - Queensway/Bayswater
 - Edgware Road
 - East Covent Garden
 - Mayfair
 - Victoria
- 14.2 These areas were identified in the CIA as areas of concern, however, with the exception the West End Buffer, did not meet the threshold for designation as Cumulative Impact Zones.
- 14.3 The policy will set a requirement for applicants to consider the local issues and then put forward appropriate mitigation to prevent them from having a negative impact on the area.
- 14.4 Applicants will be expected to address how they will promote the Licensing Objectives in the normal way, but it is also intended that applicants will have to provide greater mitigation and controls than would normally be expected from a premises in other parts of the City, excluding West End Cumulative Impact Zone. This new policy will not be a preventative policy. It is intended to highlight the areas that the Licensing Authority deem to be sensitive.

Number of responses and Demographics

- 14.5 The Licensing Authority received 42 responses that supported the proposed revision, 22 responses were opposed and 102 had no opinion, did not respond or were left blank.

Q20. Do you agree with the proposal to introduce n...



- 14.6 The table below sets out the responses that the Licensing Authority received on the proposals relating to the boundary of the West End Cumulative Impact Zones within policy CIP1.

Question No.	Question	Do you agree with the proposal to introduce a Special Consideration Zone Policy for the following areas?		
		Yes	No	No opinion/did not respond
Q22.1	West End Buffer	28 (17%)	22 (13%)	115 (70%)
Q22.2	Queensway/Bayswater	20 (12%)	22 (13%)	123 (75%)
Q22.3	Edgware Road	18 (11%)	23 (14%)	124 (75%)
Q22.4	East Covent Garden	17 (10%)	21 (13%)	127 (77%)
Q22.5	Mayfair	(1234%)	18 (11%)	124 (75%)
Q22.6	Victoria	25 (15%)	15 (9%)	125 (76%)

Summary of Responses

14.7 Comments on the proposal included:

- Some strong opposition to SCZ1 as businesses are struggling with reduced demand and additional costs as a result of COVID-19.
- A suggestion that SCZ1 may add additional operating costs to venues in relevant areas.
- That the policy approach in the West End has been kept the same due to COVID-19 and that this should be applied to the rest of the borough and therefore SCZs should not be introduced.
- Some respondents did not agree with the assertion that there is no cumulative impact in these areas and that it only appeared that way compared to the West End Cumulative Impact Zone.
- There was some concern that SCZs were an attempt to introduce CIZs without going through the necessary legal framework and that they would add an unnecessary, complicated layer to the licensing regime.
- It was suggested that additional measures could be introduced to tackle local problems without the need for SCZs such as safe spaces, street pastors or specialist training for venue staff.
- A concern was raised with British Transport Police data used in relation to Victoria as this could include issues that did not actually occur in Victoria.
- Another issue raised concerning Victoria was that there are other issues (e.g. pickpocketing) that would not be addressed by a SCZ whilst penalising venues who do not contribute to those issues.

14.8 Some respondents suggested specific amendments, they were:

- The final policy needs to be very clear that SCZ1 is not restrictive and guidance should be issued to responsible authorities that these are different to CIZ's to avoid them being treated the same.
- Detail about what type of additional measures might be required should be included
- The wording of the policy should be changed to make clear that applicants have to promote the objectives, not mitigate against failing to promote them.
- The Crown Estate suggested that the West End Buffer Special Consideration Zone should be amended to include the whole of Regent Street, excepting the area immediately around Oxford Circus, and Regent Street St James's, Piccadilly Circus, and St. James's Market area. The Crown Estate said that these revisions would enable them to take a more flexible and adaptable approach to their assets at an important time for Regent Street and the wider West End

- The Marylebone Association suggested that the Edgware Road SCZ boundary should be redrawn to be continuous on Great Cumberland Place to George Street to Marble Arch.
- A suggestion was made that different boundaries could be used for SCZs as they are not constrained by the same legislative requirements as CIZs.

Policy Revision Direction

- 14.9 It is proposed to introduce a new policy approach for areas that have been identified as having above the borough average incidents rates and a concentration of licensed premises. It should be noted that this approach is not intended to introduce a cumulative impact zone under a different name. It is also not intended to diminish the policy approach to applications outside of the proposed Special Consideration Zones and the Cumulative Impact Zone.
- 14.10 The Special Consideration Zone policy is intended to introduce a level of scrutiny that lies between the general approach to the rest of the City and the Cumulative Impact Zone. The policy is intended to require applicants to consider the local issues in the area that are detailed within the Cumulative Impact Assessment and demonstrate sufficient mitigation to prevent their venues from adding to the issues locally. This approach is intended to promote the licensing objectives by specifically focusing on the local issues that have been identified relating to crime and disorder and public nuisance. Applicants will be encouraged to set out their considerations and proposed mitigation within the operating schedule of their applications.
- 14.11 Following the feedback at the question and answer sessions that were held during the consultation and from the responses that have been received it is clear that there is a need for greater clarity on what applicants are expected to specifically consider. Therefore, it is intended to provide greater clarity and the specific issues that should be considered for each zone within the body of the policy.
- 14.12 There have also been some respondents that have suggested that the boundary of some of the Special Consideration Zones should be amended. Further consideration of the respondents' submissions on this point will be considered as to whether there is justification to adjust the proposed boundaries.
- 15. Revised policy framework for premises use policies, updates to policy narrative where necessary and creating a new standalone policy for qualifying clubs.**
- 15.1 The Licensing Authority proposed to amend the policy framework for the premises use policies to match the approach that was being taken with other policies within the revised Statement of Licensing Policy. The revisions did not seek to change the overall intention of the policy but intended to add a specific new consideration associated with premises that are located within one of the Special Consideration Zones. Applications under the relevant premises use type policies will need to demonstrate that they have taken account of the Special Consideration Zone Policy SCZ1.
- 15.2 As part of the proposed change to the policy framework the Licensing Authority intends to move the premises use definition, relating to each premises use policy from its narrative to form part of the key elements in identifying which policy will relate to certain applications.
- 15.3 The Licensing Authority proposed to revise the policy framework and rename the "Nudity, striptease and sex related entertainment Policy NS1" to "Sex Cinemas and Sexual Entertainment Venue Policy SCEV1". In addition to this the policy was to be amended to specifically relate to Sex Establishments (Sexual Entertainment Venues and Sex Cinemas) as defined under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

- 15.4 The Licensing Authority intends to revise and rename the current Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1. The purpose of this change is to expand the types of cultural venues that would fall under this policy and include live sporting premises. Qualifying clubs will be separated from this policy and a new policy created. The purpose and aim of this policy will be to retain the policy approach but expand the venues to which it relates, refine the expectation that alcohol and late-night refreshment will be ancillary to the main purpose of the venue, and within the West End Cumulative Impact Zone limit access to alcohol and late night refreshment after 23:00 to persons who have attended the exhibition of a film, cultural or sporting event and are taking late night refreshment/alcohol after such event.
- 15.5 It is intended to rename the Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1 to Cinemas, Cultural Live Sporting Venues and Outdoor Spaces Policy CCSOS1. Cultural venues will include theatres and other performance venues. Live sporting premises is a new premises use and will include stadia, live sporting events where licensable activities will be ancillary to the main event or venues that provide live sport which may be regulated, such as boxing or wrestling. Cultural and live sporting venues will be further defined within this revised policy.
- 15.6 The full proposed revision to the premises use policies are set out in the consultation document at Appendix 1.

Number of responses and Demographics

- 15.7 The table below sets out the responses that the Licensing Authority received on the proposals to revise the policy framework for the premises use policies within its Statement of Licensing Policy.

Question No.	Question	Do you agree with the proposed revision?		
		Yes	No	No opinion/did not respond
Q24.1	Restaurants – Policy RTN1	33 (20%)	9 (5%)	123 (75%)
Q24.2	Fast Food Premises – Policy FFP1	25 (15%)	13 (8%)	125 (77%)
Q24.3	Pubs and Bars – Policy PB1	25 (15%)	15 (9%)	125 (76%)
Q24.4	Off sales of alcohol – Policy OS1	29 (18%)	9 (5%)	127 (77%)
Q24.5	Music and dance premises and similar entertainment – Policy MD1	24 (15%)	14 (8%)	127 (77%)
Q.24.6	Hotels – Policy HOT1	25 (15%)	11 (7%)	129 (78%)
Q24.7	Casinos – Policy CAS1	26 (16%)	12 (7%)	127 (77%)
Q24.8	Combined Use Premises – Policy COMB1	25 (15%)	12 (7%)	128 (78%)

- 15.8 The proposal to revise the policy framework and rename the Nudity, Striptease and Sexual Entertainment Policy NS1 to the Sex Cinemas and Sexual Entertainment Venue Policy SCEV1 received 31 responses in favour of the proposal, 5 against and 129 with no opinion/did not respond.

- 15.9 The proposal to replace the Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1 & 2 with two separate policies for Cinemas, Cultural venues, Live Sporting Premises and Outdoor Spaces Policy CCSOS1 and Qualifying Clubs Policy QUC1 received 30 responses in support of the proposals, 13 opposed and 122 who had no opinion/did not respond.

Summary of Responses

15.10 Comments on the proposal included:

- Some respondents who operate theatres queried the new definition for cultural venues and theatres and raised whether this would prevent them from offering other forms of entertainment and activities, such as the exhibition of a film. The current definition refers to a theatre primary purpose is for the performance of plays or other dramatic performances to an audience.
- A respondent was opposed to the proposed revisions to the Fast Food Premises and Restaurant policies as there was not enough delineation between the two premises uses. It was felt that the wording surrounding fast food premises was too broad and could be used to include all restaurants in the current trading style due to the impact of COVID-19.
- A respondent was concerned about the proposed revision to the policy relating to sexual entertainment venues. They highlighted that the current Statement of Licensing Policy within the NS1 policy contains an important statement which states “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”. It is proposed that this is reinstated in the new SCEV1 Policy.
- The revision of the Restaurant Policy RTN1 where applications within the West End Cumulative Impact Zone will now “generally be granted” rather than the current “will be granted”.
- A number of respondents have set out possible amendments to some of the premises use policies that will strengthen them or make it clearer to what premises uses they will relate. For example, the reference to a substantial table meal within the Restaurant Policy RTN1 should be strengthened to include a description of what the Licensing Authority define as a substantial table meal.
- There are concerns that the designation of premises according to their use limits the ability to innovate and experiment with different uses or pop-ups. In such cases, innovative new uses rarely will fit into a designated category and the respondents request that the Licensing Authority consider how they may approach such premises in the future if it were to continue to encourage innovations, avoid vacant units and promote the evolution of the evening and night time economy.
- There are concerns that restaurants are not permitted to provide takeaway under the definition within that policy. It was noted that residents often look to purchase takeaways from their local restaurants.
- A number of respondents highlighted that the proposed revision to pubs and bar, fast food premises and music and dance venues to generally permit applications up to 21:00hrs within the West End Cumulative Impact Zone should be removed and revert these policies back to the presumption to refuse applications other than those varying their licence to Core Hours.

- It was highlighted that the Hotels Policy HOT1 should take into account the scale of the licensable areas (bars, restaurants, etc) which are open to non-residents compared to the scale of the hotel.
- One respondent stated that they believed that music and dancing venues should be considered as cultural venues. Many are grassroots music venues and places where new music, diversity, and cultures exists.
- One respondent proposed that Hotels and Combined Use Premises should be subject to policies that actively promote their establishment in areas where there are considered to be in excess of pubs and bars and music and dance venues (nightclubs).

Policy Revision Direction

15.11 Following the responses received relating to the premises use policies, further consideration will be given on whether further amendments are necessary to strengthen these policies or provide greater clarity.

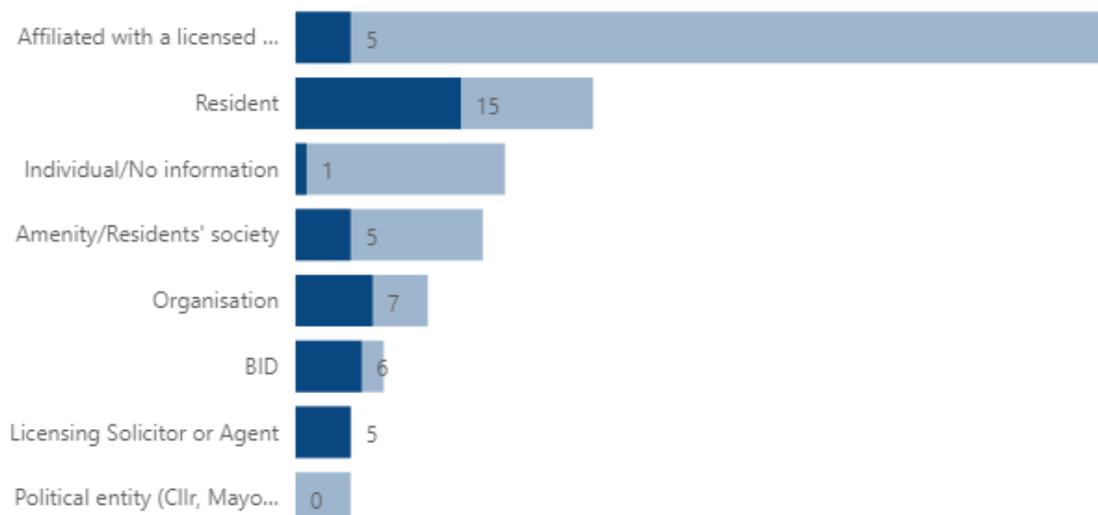
16. Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

16.1 Since the current Statement of Licensing Policy (SLP) was revised there have been changes to law, strategies and Home Office Guidance. The SLP has references to a number of these throughout which now may be outdated or incorrect. It is intended to make minor revisions to reflect changes to legislation, strategies or guidance.

Number of responses and Demographics

16.2 The Licensing Authority received 44 responses that supported this proposal, no responses opposing this proposal and 120 who have no opinion/did not respond.

16.3 The breakdown of the demographic of the respondents who are supportive of this proposal are shown in the graph below.



Summary of Responses

16.4 Comments on the proposal included:

- One respondent in support of this proposal stated that the Licensing Authority keep the decision not to expand the West End Cumulative Impact Zone under review.
- Another respondent advised that the Licensing Authority should keep its Statement of Licensing Policy under constant review due to the current pandemic and that the future is likely to remain uncertain for some time.

17. Other Comments/Issues

17.1. At the end of the consultation online survey the respondent was asked where they *wish to make any other comments relating to the proposed revision of the Council's Statement of Licensing Policy*. A summary of these responses is provided below.

- 27% of the responses came from residents/amenity societies. There has been some acknowledgement of the need to protect the West End's economy in the context of the coronavirus pandemic. However, most residents and amenity societies that responded continue to emphasise the importance of effective enforcement of the policy.
- Some individuals have asked that arts and cultural venues should be permitted more flexibility.
- A couple of responses said that the consultation was not presented in an accessible format for all residents.
- 73% of responses came from those affiliated with a licensed business. Every response refers to the need for the relaxation to support the survival of Westminster hospitality sector during and after the pandemic.
- There is a strong ask from businesses for the council to ease the licensing policy until the pandemic starts to come to an end. While businesses have acknowledged the package of support over the summer of 2020 to support recovery, they feel the new policy does not take a long-term or strategic view of supporting the revitalisation of Westminster's licensed economy.

17.2. A further question was posed to the respondents completing the online survey. They were asked if they wished to *make any other comments or provide information associated with the application and determination process under the Licensing Act 2003*. A summary of these responses is provided below.

- 73% of responses came from those affiliated with a licensed business. Most responses are akin to those to Question 31 – highlighting the importance of Westminster's night-time and visitor economy and its contribution to the regional visitor offering. Many allude to the economic impact of the pandemic and the need for a more relaxed licensing policy protect businesses and jobs.
- The Soho Society has requested for a time limit to set on the publication of decision notices, explaining that they have had to wait up to 12 months in some instances for notices to be published. They have proposed that all decision notices should be published within 4 weeks of the committee hearing.
- The Covent Garden Community Association have explained that Licensing Committee hearings have limited discussions on whether venues will promote the licensing objectives, and discussions lean towards whether the premises is a specific type and its opening hours.

- A response from TLT Solicitors (representing a licensed business) suggested that the council's approach to licensing rewards high-end and established chains that can afford specialist advice and consultancy to comply with Westminster's licensing policy. Consequently, smaller independent operators are priced out as they cannot afford specialist advice. This goes against the Licensing Act 2003 which was implemented to allow anyone to apply in person with footing significant costs. The response expressed concern at the prevalence of standard conditions being applied across all licenses within any class, and that this has taken over from a substantive analysis of the need of such conditions in the first place.
- Capital Arches Group (a McDonald's operator) have expressed some concern over the revised core hours policy, stating that the new policy will unfairly include Fast Food Premises. They believe the previous policy was fairer as it distinguished between venues that serve alcohol and those that do not and point out that the council's own evidence base suggests that alcohol is the primary driver of noise related nuisances. Capital Arches Group considers itself to be a responsible operator of fast food restaurants and believe that they reduce noise and disorder by acting as a dispersal unit for people and providing a safe and alcohol-free environment for those who do not consume alcohol. CAG also oppose the new Special Consideration Zone Policy as they consider it to be a way of introducing a Cumulative Impact Zone without going through the necessary legal frameworks.

18. Legal Implications

18.1 The legal implications are as expressed in the body of this report.

19. Financial and Staffing Implications

19.1 There are no financial or staffing implications as a result of this report.

20. Equalities Impact Assessment

20.1 The council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in Section 149 of the Equality Act 2010 in relation to persons who have protected characteristics.

20.2 Equality and diversity is not a parallel process or something to think about once a year. It is a fundamental part of improving services for everyone. It is nothing to do with ticking boxes or bureaucracy, and everything to do with making Westminster a place where anyone can be happy to live or work. It is central to delivering high quality customer services in the heart of London. We identify and actively address inequality, where evidence shows that it exists.

20.3 This diversity and the changing nature of Westminster's population makes Westminster a culturally and socially rich city, which benefits from the different experiences, perspectives and respect for others that this diversity brings.

20.4 The council's six equality objectives are:

20.4.1 Minimise loneliness, maximise independence and improve mental and physical wellbeing of older people.

20.4.2 Better understand the needs of our diverse communities to improve our approach to tackling discrimination.

20.4.3 Communities lead healthy lifestyles through increased participation in sport and physical activity.

20.4.4 Promote equality of opportunity across the city by tackling barriers to employment.

20.4.5 Create an environment where all children have an equal opportunity to succeed in life.
20.4.6 Improve the diversity of our workforce.

20.5 Officers have carried out an Equality Impact Assessment and as a result of that assessment there are no anticipated impacts as a result of the proposed revisions of the Statement of Licensing Policy and Council's ability to meet its duties under the Equality Act.

Appendices

Appendix 1 –	Proposed Revisions of Westminster City Councils Statement of Licensing Policy - Consultation Document – 12 October 2020.
Appendix 2 -	Proposed Revisions of Westminster City Councils Statement of Licensing Policy Consultation Questions – 12 th October 2020
Appendix 3 -	Consultation Responses Received via Online Survey
Appendix 4 -	Consultation Responses Received via Email

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Kerry Simpkin, Head of Licensing, Place & Investment Policy
Innovation and Change
Tel: 07583 108491, Email: ksimpkin@westminster.gov.uk

Background Papers

- Westminster City Councils Statement of Licensing Policy – Effective 7th January 2016
- Licensing Act 2003
- Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2018
- Responses to the Consultation on the Proposed Revisions to the Councils Statement of Licensing Policy received between the 12th October and 18th October 2020.
- Power BI Licensing Policy and Cumulative Impact Assessment Consultation Response Dashboard reports.

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

1. Introduction

- 1.1 Westminster is at the heart of London's night-time and visitor economy. In March 2020, Westminster had over 3,700 venues licensed under the Licensing Act 2003. Westminster has a diverse hospitality and entertainment sector. We have world-leading theatres that provide theatrical performances attracting visitors from across the globe. Our restaurants provide a diverse offer of food from around the world, ranging from street food to Michelin Star dining experiences. Our bars, pubs and entertainment venues provide an opportunity for people to socialise, wind down after work or party.
- 1.2 Whilst licensed premises within Westminster contribute to the vibrancy of our borough, they do generate a significant burden on local services and our residents. This is not to say that licensed premises are not operated in a responsible way. The main issues of crime and disorder occur due to the accumulation of licensed premises within a confined area. The West End¹, which has a footprint of 1.54km², had 1,304 licensed premises as of March 2020. With so many licensed premises, vast numbers of visitors and the prevalence of alcohol, issues of crime and disorder have been common. Unfortunately, criminality is often attracted to where there are large groups of people. People who are intoxicated can be vulnerable to becoming victims of crime. The Council works in close partnership with the Metropolitan Police Service to tackle crime and disorder within our evening and night-time economy and to provide a safe environment for those who live, work and visit our City.
- 1.3 Our residents and local communities live alongside our licensed premises and this can create challenges in balancing the rights of residents to enjoy their home and family life and for businesses to operate as they wish. Noise is a particular issue associated with licensed premises that operate within the evening and night-time economy. The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Preventing public nuisance is one of the key considerations when determining applications and responding to complaints associated with licensed premises. We continue to work with businesses to promote best practice and, when necessary, implement controls to adequately protect residents from noise nuisance, whilst enabling businesses to operate effectively.
- 1.4 The COVID-19 virus has changed the way we have approached the review of our Licensing Policy. The hospitality and entertainment sectors have been hugely affected by COVID-19 and the measures imposed to limit the spread of the virus. Westminster has been active in supporting businesses to recover from the lock down period and to open. For example, we have supported the use of outside space in areas of the City where it was safe to do so.
- 1.5 With an uncertain future and the difficulties that the hospitality and entertainment sector face, we were very aware that to implement significant change in our Licensing Policy could add to that uncertainty. Therefore, our proposed approach to this year's revision is to continue with the current policy approach where possible. We believe that this will provide a stable policy background whilst maintaining the protections for our residents and enabling businesses to operate in a responsible way.
- 1.6 For this revision of our Policy the Licensing Authority has produced a Cumulative Impact Assessment (CIA). This CIA is a legal requirement where the authority believes that cumulative impact has an effect on the promotion of the Licensing Objectives. The CIA provides the evidence base to support the Licensing Authority's Cumulative Impact Policy.

¹ Area of the West End identified as Zone 1 and 2 within the 2020 Cumulative Impact Zone.

1.7 We have reviewed our policy approach in light of the findings from the CIA and the implication of changing our policy approach in light of COVID-19. We have therefore taken a pragmatic approach in considering the CIA findings and our policy approach to it. COVID-19 has changed the way venues are operating at the moment and the number of people utilising them. As such, we have decided that expanding the current Cumulative Impact Area and implementing further restrictions on other premises uses within this area would not be appropriate. Due to the current COVID-19 impact and restrictions on the hospitality sector we do not believe that this approach will be at odds with our duty to promote the licensing objectives.

1.8 The proposed revisions of the Statement of Licensing Policy are:

- (a) Add a statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy
- (b) A summary of the 2020 Cumulative Impact Assessment
- (c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1
- (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.
- (e) Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy – CIP1
- (f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater
- (g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities
- (h) A new Special Consideration Zone Policy- SCZ1
- (i) Revised policy framework for premises use policies and updates to policy narrative where necessary
- (j) Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues
- (k) Creating a stand along policy for Qualifying Clubs
- (j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

1.9 The Licensing Authority's proposed revisions to the Statement of Licensing Policy and the approach to implementing the findings of the CIA will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protections for our residents.

1.10 This document sets out the proposals in further detail and we would welcome views and comments on these proposals. The period when comments and views can be submitted will be open until 15 November 2020. The Licensing Authority will consider all comments and views prior to adopting the final revised document which would take effect from 7 January 2021.

2. Background

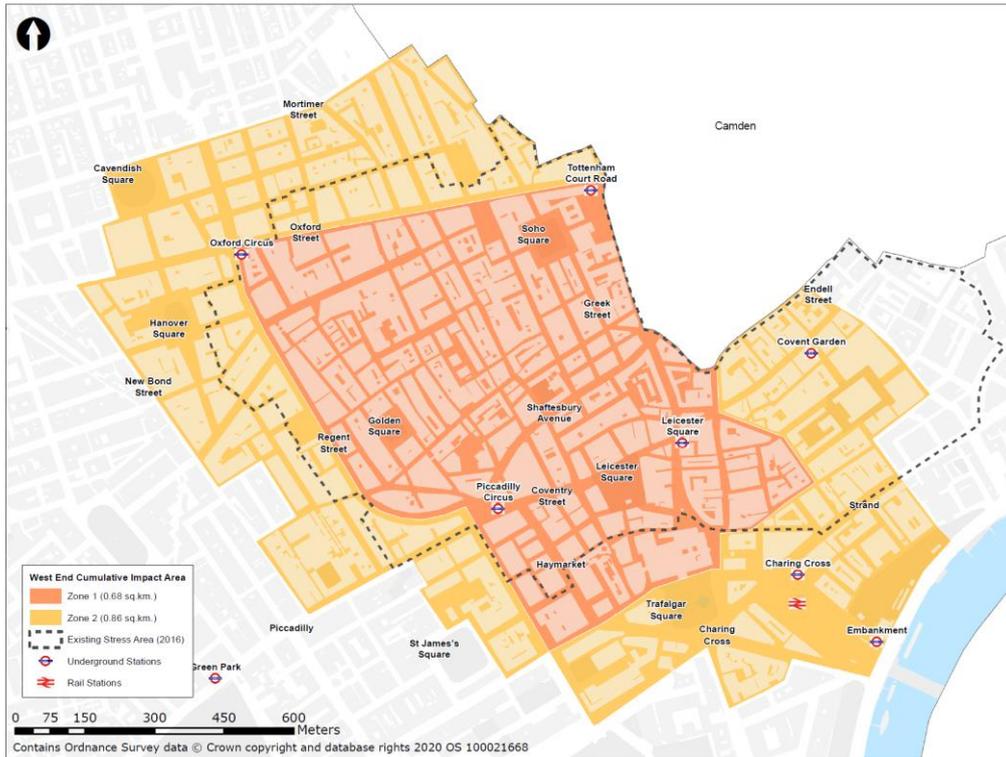
2.1 Westminster has had a Statement of Licensing Policy (SLP) under the Licensing Act 2003 (the Act) since its introduction in 2005. The Council is required under the Act to review and

publish a revised SLP every five years. The current SLP came into effect on 7 January 2016 and the five-year policy period will end on 6 January 2020.

- 2.2 The Act was amended in 2018 to make it a requirement of Licensing Authorities to produce a CIA if they believed that an area of their authority was suffering from cumulative impact. “Cumulative impact” is a term used to describe the stress that a concentrated number of licensed premises in an area can have on the licensing objectives, prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Westminster has designated three areas as under cumulative stress; the West End, Queensway/Bayswater and Edgware Road. The SLP includes a Cumulative Impact Policy, which has a presumption to refuse applications for pubs and bars, fast food premises and music and dancing venues (nightclubs) within these areas. It also makes it a requirement for all other applicants for other premises uses to demonstrate that they will not add to cumulative impact within these areas.
- 2.3 The Licensing Authority will be undertaking public consultation on both the intention to publish the CIA and the proposed revisions to the SLP. The consultation on these two documents will commence on 12 October for five weeks, ending on 15 November 2020. This document is provided as brief summary of the CIA and the proposed revisions to the SLP that will be consulted upon.

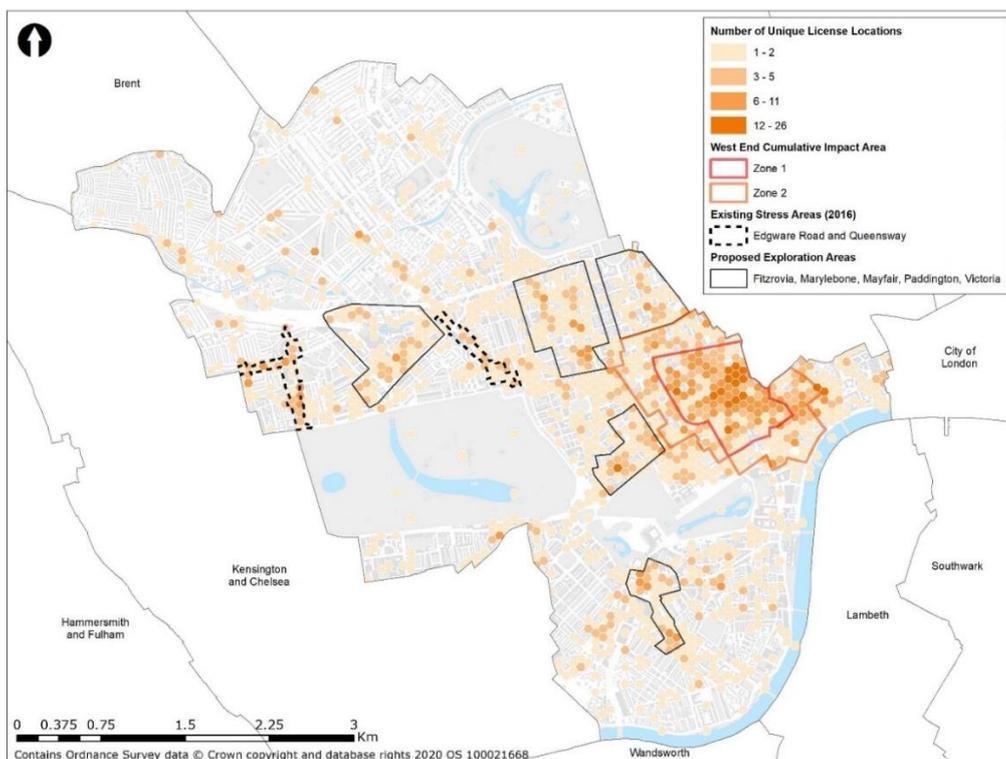
3. Summary of Cumulative Impact Assessment Findings

- 3.1 Westminster’s CIA research was conducted in late 2019 to March 2020. The CIA was based on data spanning a period of three years (2017 to 2019). The data came from a variety of sources; including the police, ambulance service, TFL, open source data and Westminster’s own records. The CIA findings indicated before the impact of COVID-19 cumulative stress within the West End had increased and the area to which it was occurring had expanded from the current West End cumulative impact area boundary. The effect of cumulative impact was significant in the heart of the West End (Zone 1) where the rates of incidents were nine times above the borough average. The area surrounding Zone 1 (Zone 2) also showed signs of cumulative impact but had a lower incident rate of four times above the borough average.
- 3.2 The area to the East of Covent Garden that is currently within the cumulative impact zone boundary could not be linked to cumulative impact even though there was a clustering of licensed premises in the area. This area is outside Zone 2 as identified on the map below.



3.3 In addition to the West End the CIA research looked closely at areas that were:

- (a) previously classified as a cumulative impact area (Queensway/Bayswater and Edgware Road)
- (b) of concern, as identified via previous studies (Mayfair), or
- (c) had high concentrations of licensed premises within a confined area (Victoria, Paddington, Fitzrovia North and the corridor between Marylebone Road and Oxford Street).



- 3.4 Queensway/Bayswater and Edgware Road were found not to be under cumulative stress. The levels of incidents rates in these areas were higher than the borough average (Queensway/Bayswater 2.9 and Edgware Road 3.9) but the incidents could not be conclusively linked to licensed premises to demonstrate cumulative impact. Incidents in the area specifically related to crime and disorder and public nuisance issues (waste and noise).
- 3.5 Mayfair was also found not to be under cumulative stress, with the level of incident rates 1.6 times above the borough average. However, uniquely to this area a previous study was undertaken in 2016 that was based on observational analysis, which could not be done for this study due to COVID-19. It did demonstrate a continuing elevated level of incidents in the area. The 2016 study identified the area around Berkeley Street, Berkeley Square and Dover Street to demonstrate negative impacts on the licensing objectives. This area is primarily populated with bars, hotels and restaurants.
- 3.6 Victoria, Paddington, Oxford Street/Marylebone Corridor and Fitzrovia were not considered to be under cumulative stress.

Area Name	West End Zone 1	West End Zone 2	West End Stress Area	Queensway & Bayswater	Edgware Road	Victoria	Paddington	Oxford St - Marylebone Corridor	Mayfair	Fitzrovia North
Relative incident Rate	8.84	3.86	7.27	2.9	3.85	1.86	0.99	1.27	1.67	1.02

4. Summary of Proposed Revisions to the Councils Statement of Licensing Policy

- 4.1 The Licensing Authority intends to maintain the current Licensing Policy approach from the 2016 Statement of Licensing Policy (SLP)². The revisions proposed below are intended to implement limited changes as a result of the evidence provided in the CIA, where things have changed, and further refinement of the policy is necessary. We are also taking the opportunity to make updates and revise out-of-date information or references to legislation, strategies or guidance that have changed since the SLP was last revised in 2015.

Statement on the approach to Inclusion in the evening and night-time Economy

- 4.2 In 2019, the Council created a Scrutiny Commission Task Group to look at inclusion in the night-time economy following a number of reports that people were being discriminated against due to their race in licensed premises in Westminster. The Task Group focused its investigation on nightclubs as they were the subject to original complaints, however, the recommendations of the report can apply to all licensed premises. One of the report's recommendations was that *"The licensing authority should encourage applicants to provide information/details about how they will ensure and support inclusivity as part of the operating schedule attached to a premise's licence."*
- 4.3 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to:

² Which is supported by the letter of Kit Malthouse MP, Minister for Crime and Policing) dated 1st October 2020

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity; and
- to foster good relations, between persons with different protected characteristics.

- 4.4 The Equality Act 2010 states that when someone provides a service, they must not discriminate on the basis of “protected characteristics”. Service providers, such as venues, must not discriminate against a person based on one of these characteristics. This includes providing the service on different terms to others (e.g. higher or lower entry fee).
- 4.5 The Licensing Authority intends to create a new section to replace paragraph 1.15 of the current policy, which refers to the Equality Act 2010 (2010 Act). This new section will set out the authority’s approach to fulfilling its duties under the 2010 Act. We want to promote and embrace inclusion in Westminster’s evening and night-time economy. We intend to set out the authority’s expectations on licensed businesses to meet the requirements of the legislation, to implement best practice, to implement inclusivity and diversity training focused at door staff and other customer facing personnel; and to consider how the design and layout of a premises could further promote inclusion, especially for those with disabilities.
- 4.6 We do not intend to create a specific policy for licensed premises at this at this time, but we welcome views on whether a specific policy approach would be reasonable and how it would relate to the Licensing Authorities duty to promote the Licensing Objectives.

Summary of the Cumulative Impact Assessment

- 4.7 The Licensing Act requires the Licensing Authority to provide a summary of the CIA within the SLP, along with the Licensing Authority’s approach regarding the CIA. The CIA has identified from the data collected between 2017 and 2019, the West End as the only location within the City where cumulative impact was identifiable. This area was identified as Zones 1 and 2 within the CIA. The evidence collected between that period supported further policy restriction on applications, as they would likely to add to cumulative impact. However, since this evidence was compiled for the CIA, the nation has had to face COVID-19, which has created an unprecedented situation where licensed premises have had to restrict their operations significantly and footfall is outside those normally seen within these areas prior to COVID-19. Having taken into account the CIA findings, and considering the current unprecedented nature of the impact that COVID-19 has had on footfall in the area, the Licensing Authority will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types within this zone at this time. It is believed that this approach, at this time, will not impact the Council’s duty to promote the Licensing Objectives. However, as the city recovers, visitor numbers increase, and associated incidents rise outside the current West End Cumulative Impact Zone, the Licensing Authority will review this approach.

Revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

- 4.8 The Licensing Authority has a duty to promote the Licensing Objectives under the Act. Applicants must demonstrate to the Authority that an application for a new licence or to vary an existing licence will not negatively impact these objectives. Applicants must also look to promote these objectives if the application were to be granted. The current wording of the Licensing Objectives policies is framed in a way that doesn’t emphasise the requirement

on applicants to promote the objectives. For example, the prevention of crime and disorder objective policy CD1 currently states:

“Prevention of crime and disorder – Policy CD1

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:”

[the criteria and considerations are then listed below]

- 4.9 The proposed new wording for the Prevention of Crime and Disorder (DC1), Public Safety (PS1) and Prevention of Public Nuisance (PN1) are set out below.

Prevention of crime and disorder - Policy CD1

- A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of crime and disorder licensing objective.***
- B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:***

Criteria

- 1. Whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.***

Considerations

- 2. The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police’s effective management checklist (see Appendix X) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.***
- 3. Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix X).***
- 4. Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix X).***
- 5. Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account the possibility of crowding the areas set aside for drinking while standing, and of the measures set out in Appendix X.***
- 6. Whether the premises has a sufficient CCTV system in place that will adequately support the recording of incidents and assist in the identification and prosecution of offenders (see Appendix X for the minimum Westminster’s CCTV standards).***

Public safety - Policy PS1

- A. The Licensing Authority will only grant applications that can demonstrate that they will promote the public safety licensing objective.***

- B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:**

Criteria

- 1. Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.**

Considerations

- 2. Whether the applicant has undertaken a terrorism threat risk assessment and put in place measures to reduce the risk to their customers and staff. Applicants should have considered the National Counter Terrorism Security Office (NaCTSO) Crowded Places Guidance when carrying out their risk assessments relating to the risk of terrorism.**
- 3. Whether the premises already have a licence or a fire certificate that specifies the maximum number 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.**
- 4. Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.**
- 5. Whether patrons can arrive at and depart from the premises safely.**
- 6. Whether there may be overcrowding in particular parts of the premises.**
- 7. Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).**
- 8. Whether due account has been given to:**
 - (a) prevention of overcrowding**
 - (b) air conditioning and ventilation**
 - (c) availability of drinking water**
 - (d) affordable Cloak rooms**
 - (e) further measures to combat dancers and others overheating**
 - (f) overall safety**
- 9. Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.**
- 10. The levels of compliance with conditions on existing licences relating to public safety.**

Prevention of public nuisance - Policy PN1

- A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of public nuisance licensing objective.**
- B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:**

Criteria

- 1. The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises.**

Considerations

- 2. Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether airborne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix X.**
- 3. Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to limit noise and vibration, eating, drinking and smoking outside their premises and other environmental impacts by:**
 - (a) Restricting the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open-air site**
 - (b) Limiting the escape of noise from the premises or open-air site**
 - (c) Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping**
 - (d) Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it**
 - (e) Minimising and controlling noise from staff, contractors and suppliers and their activities**
 - (f) Minimising and controlling noise from vehicles associated with and providing services to the premises or open-air site and their customers (including delivery companies)**
 - (g) Identifying whether people standing or sitting outside premises are likely to cause obstruction or other nuisance**
 - (h) Identifying whether the premises are under or near to residential accommodation**
 - (i) Limiting the hours of the sale of alcohol in open containers or food for consumption outside the premises.**
 - (j) Introducing measures to make sure that customers move away from outside premises when such sales cease**
 - (k) Implementing measures to collect drinking vessels and crockery, cutlery and litter**
 - (l) Limiting the extent and location of areas proposed to be set aside for the consumption of food, alcoholic drink and for smoking**
 - (m) Identify the measures proposed for the management of people leaving the premises to smoke and for their readmission; including**

managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions

- (n) Identifying whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. In addition, there may be particular issues of crime and disorder with regard to outside activities*
- (o) Identify whether queuing is likely, and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.*
- (p) Identify whether there are adequate measures to prevent:
 - (i) litter, smells, fumes, dust, tobacco or other smoke, or other emissions*
 - (ii) street fouling*
 - (iii) light pollution*arising from the proposed licensable activity that may cause disturbance to people in the vicinity.*
- (q) Identify whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).*
- (r) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.*
- (s) Whether the proposals would lead to the need for increased refuse storage or waste collection.*
- (t) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.*
- (u) Whether the sale of take-away food is proposed, and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.*
- (v) Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.*

4. *The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix X*

Note: Both planning permission and a street trading licence may be required for providing seating for the use of customers on the public highway and these permissions are generally restricted to before 23:00 in Westminster unless there are exceptional reasons for granting longer hours.

- 4.10 The wording is a subtle change in how these policies will be framed. It is felt that this policy approach will provide more emphasis on these licensing objective policies, which are the primary policies that set out the Licensing Authority approach to fulfilling its duty under the Act.

Amending the Protection of Children from Harm Policy (CH1) framework and include Safeguarding as a key consideration within that policy.

- 4.11 In addition to the rewording of the protection of Children from Harm Policy CH1, as described above, it was essential that the safeguarding of children was added as a key consideration to this policy. It is therefore proposed to include additional safeguarding of children requirements as part of that policy. The revised policy is set out below:

Protecting Children from harm – Policy CH1

- A. *The Licensing Authority will only grant applications that can demonstrate that they will promote the protection of children from harm licensing objective.***
- B. *When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out in Clauses C and D below:***
- C. *The Licensing Authority will consider the following general protection of children from harm criteria and relevant considerations:***

Criteria

- 1. *Whether there are appropriate measures in place to protect children from harm***

Considerations

- 2. *Whether there are effective measures to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol led premises (see Appendix X).***
- 3. *Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.***
- 4. *Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises, are taking a table meal or are being entertained by a live performance.***
- 5. *The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.***
- 6. *Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks***
- 7. *Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.***
- 8. *The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.***

9. *Whether there is evidence of heavy, binge or underage drinking on the premises.*
10. *Whether the premises commonly provide entertainment or services of an adult or sexual nature (see Glossary).*
11. *Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).*
12. *Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself; Revised Guidance (paragraph XX.XX) refers.*
13. *If performances or activities are likely to attract children, the number of adults required for the supervision of children.*
14. *Where play facilities are provided, if an adequate risk assessment has been made and appropriate measures taken.*
15. *The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.*
16. *Proposals for the provision or arrangement for safe transport for children.*

Safeguarding of children applies to all staff (paid or unpaid) involved in the operation and management of the licensed premise and is a key part to protecting children from harm. The Licensing Authority will expect applicants to demonstrate that they will have systems and processes in place to adequately safeguard children as set out within the minimum criteria below.

Minimum Criteria

1. *The applicant should ensure that their staff have a basic awareness of child protection issues. This includes:*
 - (a) *Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences*
 - (b) *Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances*
 - (c) *Knowing who in the organisation to raise your concerns with*
 - (d) *Being competent in taking the appropriate immediate or emergency action, and*
 - (e) *Knowing how to make a referral to the Council's Children Services Department and/or the Police*
 - (f) *The licensee can demonstrate that they understand their responsibilities for ensuring that they and their staff are familiar with, and competent with Safeguarding Children*
2. *In operating and managing a licensed premises the applicant should designate either themselves or a senior staff member to have the following*

responsibilities in relation to safeguarding children for the licensed premises:

- (a) Ensure safeguarding children training is provided for all staff**
- (b) Monitor and record whether all staff have received the minimum (initial and refresher) safeguarding children training**
- (c) Ensure all staff have read and know where to find this policy and the Government Guidance: "What To Do If You're Worried A Child is Being Abused"**
- (d) Provide advice and support to staff when they have a concern about safeguarding a child**
- (e) Have a system in place to record all concerns raised by staff**
- (f) Be the contact person for the Council's Children's Services Department and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises**
- (g) Ensure all staff are made aware that if the person who they suspect may be harming children is senior to them in the licensed premises staff hierarchy they can contact the Council's Children's Services Department and the Police directly**

4.12 The following paragraphs will be added after paragraph 2.2.22. These paragraphs provide the reasons for the addition of the safeguarding element to the "Protection of Children from Harm – Policy PC1.

A. Safeguarding of children

A.1 *All children must be safeguarded from harm and exploitation whatever their:*

- *Race, religion, first language or ethnicity;*
- *Gender or sexuality*
- *Age*
- *Health, ill-health or disability*
- *Location or placement (e.g. living alone in a hostel or residential unit, with family or a foster family; as a tourist in a hotel, etc);*
- *Criminal or offensive behaviour; wealth or lack of it; and*
- *Political or immigration status.*

A.2 *There are many types of harm and exploitation that children can be subject to.*

A.3 *Child abuse and neglect is a generic term encompassing all maltreatment of children. Children may be abused or neglected through the infliction of harm, or through the failure of the adults around them to act to prevent harm. The term 'child abuse and neglect' therefore includes the impact on children from serious physical and sexual assaults through to situations where the standard of care for the child from their parent or carer does not adequately support the child's health or development. Abuse and neglect can occur in a family or an institutional or community setting. The perpetrator of abuse may or may not be known to the child. Working Together to Safeguard Children 2018 has defined four broad categories of abuse which are used by professional working in child protection. These are: neglect, physical abuse, sexual abuse and emotional abuse. These categories overlap and a child may suffer more than one type of abuse.*

A.4 Physical abuse may take many forms, such as, hitting (including with an object) or punching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child or young person. It may also be caused when a parent or carer fabricates the symptoms of, or deliberately causes ill health to, a child or young person.

A.5 Emotional abuse is the maltreatment of a child which has a severe and negative effect on the child's emotional development. It may involve conveying to a child or young person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve:

- Imposing expectations on a child or young person which are not appropriate for their age and/or development;
- Causing children or young people to frequently feel frightened or in danger e.g. witnessing domestic or other violence; and/or
- Exploitation or corruption of children or young people.

Some level of emotional abuse is involved in all types of maltreatment of children, though emotional abuse may occur alone.

A.6 Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. Sexual abuse includes penetrative (i.e. vaginal or anal rape or buggery) or non-penetrative acts. Sexual abuse includes sexual exploitation of children. Sexual abuse also includes non-contact activities, such as involving children in looking at, or in the production of, pornographic materials, watching sexual activities, or encouraging children to behave in sexually inappropriate ways including online abuse. The fact that it is abusive to children to allow or coerce them into witnessing acts of a sexual nature between adults, may be particularly relevant where children are exposed to adult focussed activities such as premises where sexual themes are prevalent.

A.7 Neglect involves the persistent failure to meet a child or young person's basic physical and/or psychological need, likely to result in the serious impairment of the child or young person's health and development. This may involve failure to provide a child or young person with adequate food, shelter or clothing, failure to protect them from physical harm or danger or failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs. This includes children or young people being present with or without their parents, at venues unsuitable for their age e.g. venues with an 'adult only' activities such as:

- Premises where the supply of alcohol is the main activity;
- Venues providing sexual entertainment or events of a sexual nature;
- Premises where gambling is the main activity; and/or
- Where there are convictions of current members of staff for serving alcohol to minors.

A.8 Children need to be protected even when it appears that they are not aware that the physical abuse, sexual activity they are involved in or witness, or the neglect they experience, is harmful to them.

A.9 *If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with the local Police Child Abuse Investigation Team and the Council's Children's Social Care at the earliest possible opportunity. These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.*

A.10 *In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.*

Contacting the relevant child protection agencies.

A.11 *The Council, the Police (and the children's charity NSPCC) are the only agencies which have a legal obligation to investigate child abuse.*

A.12 *If a member of staff suspects that a child under the age of eighteen years or an unborn baby is being harmed by experiencing or already has, experienced abuse or neglect; and/or is likely to suffer significant harm in the future they must contact the designated safeguarding children person within the business and make a referral to the Council's Children's Services Department and the Police.*

A.13 *If you have concerns about the safety of a child you should get in contact with Children's Services straight away on 020 7641 4000 for the Access Team 9am to 5pm weekdays, or outside of these times the Emergency Duty Team.
POLICE CONTACT INFORMATION TO BE ADDED UPON PUBLICATION OF THE FINAL REVISED POLICY*

A.14 *When contact is made with the Council's Children Services Department and the Police, they will want the following information provided to them.*

1. *Your name;*
2. *Your address and a telephone number at which you can be contacted in case they require other information or to follow up;*
3. *The child or young person's name, and any other details, if known (parent's name, address, school etc);*
4. *Relevant information about the circumstances of your concerns – what you see, hear or suspect to be happening about an individual child and young person;*
5. *Also concerns relating to activities you see, hear or suspect to be happening about the premise or linked to the premises e.g. if you suspect that a member of staff is selling alcohol to young people who are underage or you believe that children are at risk of sexual exploitation or abuse via the internet. You may not have all the details about a child or young person, or the activity, but you should still refer.*

A.15 *The Council's Children's Services Department and the Police should provide advice on how to respond to the situation in a way that supports their plan of action.*

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

4.13 The Licensing Authority does not intend to extend the current West End Cumulative Impact Zone (2016 SLP) boundary. The Licensing Authority accepts the findings of the CIA but due to COVID-19, the current situation within the hospitality and entertainment sectors is extremely challenging. Venues are facing an uncertain future with a reduction in customers and new Government restrictions on the operation of their venue, in order to reduce the risk of the spread of the virus. It is still too early to predict when the operating conditions will return to normal. By not expanding the Cumulative Impact Zone we will retain the current protections at the heart of the West End. This approach will provide a period of some stability by maintaining a policy approach that businesses and residents are familiar with.

4.14 It is proposed to also amend the Cumulative Impact Policy as follows:

Cumulative Impact Policy – CIP1

A. It is the Licensing Authority’s policy 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:

(1) Pubs and bars,

(2) Fast Food Premises, and

(3) music and dancing and similar entertainment venues

B. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

C. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

4.15 it is intended to amend the narrative for this policy and remove references to the previous review evidence. We intend to add references to the most recent evidence supporting this policy from the CIA. The new map (below) of the new boundary for the Cumulative Impact Zone will also be added.

Removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

4.16 The CIA did not conclusively link licensed premises in Queensway/Bayswater and Edgware Road with cumulative stress. As there is insufficient evidence at this time to support the retention of these areas as cumulative impact zones, they will no longer be subject to the Cumulative Impact Policy – CIP1.

Proposed changes to the Core Hours Policy HRS1 framework

4.17 The current Core Hours Policy has three core hours that applications are intended to fall within. These are for premises that sell alcohol for consumption on the premises, premises that sell alcohol for consumption off the premises and for premises that provide the provision of other licensable activities.

4.18 It is proposed to change the framework of the Core Hours policy to relate to the premises use type rather than whether the premises sell alcohol on or off the premises or provides other licensable activities. The premises use definitions are already contained within the current policies associated within the venues.

- 4.19 The main purpose of this change is to make it clearer which hours relate to which premises type. Under the current Core Hours Policy there are different start times for alcohol sales compared to other licensable activities. To link Core Hours with the premises use rather than the activity, we have retained the start time for the sale of alcohol on the premises (10:00 Monday to Saturday and Midday Sunday) which will apply to pubs and bars due to their association with alcohol sales. We have also imposed the same start time to Fast Food, although we appreciate that this will not apply if the premises only wish to provide late night refreshment, and music and dancing venues as there is an association with alcohol and associated impact on crime and noise.
- 4.20 The Licensing Authority has considered the potential impact that cinemas, cultural venues and live sporting premises may have on the licensing objectives and the wider benefits that they bring to the local community and City itself. It recognises that cinemas, cultural venues and live sporting premises can provide specific benefits to the area and local community. These venues attract a diverse mix of customers, both in terms of backgrounds but also in ages. This diverse range of customers provides a stabilising influence in an area with people who may be older or with their families. These venues provide local communities with an opportunity to experience culture and the arts, something which the Council is keen to encourage. Alcohol, which can be the driver of much of the problems seen at night within the West End, is very much an ancillary activity to the main purpose of the venue. The Licensing Authority therefore wants to support and encourage a wider mix of cinemas, cultural venues and live sporting premises as defined within this statement. It is proposed to increase the core hours for these venues to enable these venues to open to midnight throughout the week. However, within the West End Cumulative Impact Zone we intend to restrict the sale by retail of alcohol and late-night refreshment from 23:00 to customers/visitors who are taking part in the primary use of the premises, e.g. exhibition or members of the audience only. This is hoped to provide additional opportunities to provide licensable activity at the end of a performance to customers.
- 4.21 Qualifying Clubs are permitted under a Club Premises Certificate. These venues are low in number and are run for the benefit of their members. There are specific statutory requirements associated with Qualifying Clubs and their membership. These premises are generally low risk in terms of their impact on the licensing objectives.
- 4.22 The Licensing Authority proposes to set a 09:00 start time for Core Hours for all other premises uses except off licences, which will be the same as the current off sales Core Hours and Casinos which will have the ability to have 24 hour licences subject to them being linked to the provision of gambling. The Licensing Authority understands the concerns of residents, the need to have a gap between closing time and the start time of a venue to provide respite to residents and to enable cleansing. The proposed revised Core Hours Policy is set out below:

B. Core Hours Policy

- B.1 This policy applies to all new and variation applications for premises licences and club premises certificates. Applications must include a 'within the hours' section and operating schedule of the hours in which premises are open to customers and the hours when licensable activities are taking place. This will include any proposals for seasonal occasions, e.g. New Year's Eve or special event variations to the proposed hours.*

- B.2 *Westminster has operated its Core Hours policy since the introduction of the Licensing Act 2003. Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives. In its Revised Guidance (paragraphs 10.13 and 14.51) the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that Licensing Authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement.*
- B.3 *It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. 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. 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.*
- B.4 *If an applicant intends to operate after midnight, operating schedules should include particular consideration to availability of transport via night buses, night tube and taxi and private hire vehicle services. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse and a dispersal plan may be provided the application.*

Core Hours Policy – HRS1

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.**
- B. Applications for hours outside the core hours set out under the relevant premises uses below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:**
- (1) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.**
 - (2) If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.**
 - (3) Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.**
 - (4) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.**

- (5) *The proposed hours when any music, including incidental music, will be played.*
- (6) *The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.*
- (7) *The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.*
- (8) *Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.*
- (9) *The capacity of the premises.*
- (10) *The type of use: recognising that some venues are more likely to impact the licensing objectives than others, for example pubs and bars are higher risk than theatres, cinemas, other cultural and sporting venues due to the nature of the operation.*
- (11) *The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.*
- (12) *Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.*
- (13) *The Council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.*
- (14) *Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Nonspecific days are expected to be covered by Temporary Event Notices or variation applications.*

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

- (1) **Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone):**
Monday to Sunday: 10:00 to 21:00
- (2) **Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):**
Monday to Thursday: 10:00 to 23:30
Friday and Saturday: 10:00 to midnight
Sunday: 12:00 to 22:30

- (3) ***Sundays immediately prior to a bank holiday: 12:00 to midnight***
Restaurants, Sexual Entertainment Venues, Sex Cinemas, Outdoor Spaces and Qualifying Clubs:
Monday to Thursday: 09:00 to 23:30
Friday and Saturday: 09:00 to midnight
Sunday: 09:00 to 22:30
Sundays immediately prior to a bank holiday: 09:00 to midnight
- (4) ***Off licences:***
Monday to Saturday: 08:00 to 23:00
Sundays: 09:00 to 22:30.
- (5) ***Cinemas, Cultural Venues and Live Sporting Premises and***
Monday to Sunday 09:00 to midnight
- (6) ***Hotels:***
Monday to Thursday: 09:00 to 23:30
Friday and Saturday: 09:00 to midnight
Sunday: 09:00 to 22:30
Sundays immediately prior to a bank holiday: 09:00 to midnight
For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours
- (7) ***Casinos:***
Up to 24 hours a day whilst Casino gaming is permitted by a premises licence under the Gambling Act 2005.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 23:00.

Reasons for this policy

B.5 *Westminster has the greatest concentration of licensed premises in the United Kingdom. Westminster has c.3700 licensed premises and many currently operate late into the night. There is extensive late-night opening and a range of closing hours throughout the night.*

B.6 *The Licensing Authority is aware of the impact that late night licensed premises can have on the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a "window of opportunity" for the city to be cleaned - in the particular circumstances of Westminster with its already extensive late opening. The Revised Guidance (paragraphs 10.13 and 13.44) acknowledges the primacy of the Licensing Authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities.*

- B.7 The Council does not accept that in the circumstances of Westminster the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week outside the Cumulative Impact Zone. This enables people to travel home relatively easily by tube, train, bus, licensed private hire vehicle and/or taxi, while retaining opportunities for residents to have an additional respite on Sunday.*
- B.8 The Licensing Authority expects applicants to consider how people using the premises are to depart from the venue and from the area and make reference to it in their operating schedule. As part of applications that intend to operate after 23:00, operating schedules should for instance give particular consideration to the availability of transport beyond that point and into the early hours of the morning in and around the venue. Venues that are some distance from either night tube lines or night bus stops will need to consider how patrons will leave their venue and in what directions. Licensed private hire vehicles and taxis may be used to take people from the venue. Businesses may need to consider how they will monitor and manage customers who are waiting for a private hire vehicle or taxi. It is known that customers in groups after leaving a licensed premise can cause public nuisance by disturbing residents living above or around it. This is more so the later at night the venue is open due to the reduction in ambient noise levels and the fact that residents may be asleep or attempting to sleep. It is also more likely that patrons leaving venues later at night during the summer months or during warmer weather may generate public nuisance as resident windows may be open. Applicants are encouraged to include a dispersal plan as part of their application. Dispersal plans are extremely useful in setting out the applicant's approach and considerations to promoting the licensing objectives. They also assist residents and members to understand the likely dispersal methods patrons will have from the venue.*
- B.9 Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The Council wishes to see a less alcohol led and a more diverse range and variety of uses available later at night. The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval. These venues attract a diverse mix of visitors/customers. They are often from a large array of different age groups and include families. The Council wishes to encourage a wider range of people to come and enjoy Westminster's evening and night-time economy. We want residents and visitors to enjoy what Westminster has to offer. We also want to encourage a wider range of age groups to the city at night. It is understood that a wider range of age groups can act to curb anti-social behaviour. In doing this, it will further the licensing objectives of prevention of crime and disorder and public nuisance.*
- B.10 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of*

particular concern. In general, conditions imposed on a premises licence or club premises certificate will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

- B.11 Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower, and residents are at home relaxing or wishing to sleep. The Licensing Authority in considering the imposition of conditions will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax, or sleep. Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises (Revised Guidance, paragraph 2.19).*
- B.12 Applicants should carefully consider the hours that they will wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of “winding down” periods (after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available, when the volume and tempo of music is reduced, and the levels of lighting are increased). These are very widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider stopping playing up tempo and base heavy music and switch to quieter, slower tempo music with a less pronounced beat while other licensable activities continue.*
- B.13 The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a “winding down” strategy described above, the Licensing Authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.*
- B.14 Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24-hour licences where there is no intention of operating on a 24-hour basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.*
- B.15 Premises where regulated entertainment is provided to a seated audience (e.g. theatres, cinemas, other performance venues and qualifying clubs), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of*

age groups. They have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City. However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience. Applications within the cumulative impact zone will still have to demonstrate that they will not add to cumulative impact.

- B.16 In the past, qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises. Clubs that don't fit the definition of a qualifying club and are operated on a commercial basis will be considered under the Public House and Bars Policy PB1.*
- B.17 There is no doubt that improved transport provision, such as the night tube has had a variety of benefits and impacts for people living, working and visiting the city, and has supported the dispersal of people from an already buoyant evening and night-time economy. However, we have seen increases in violence, thefts, robberies and ambulance call outs to Underground stations that provide the Night Tube. There has also been a significant increase in private hire vehicles operator that can be booked instantly via apps over the past three years. The availability of these vehicles and ability to easily book them has assisted in dispersing people from the busiest areas of the West End to other parts of the city and elsewhere, and also to allow people to travel into the West End from the outskirts or outside the city at later hours throughout the night.*
- B.18 The Licensing Authority recognises that the scale, diversity and concentration of the evening and night-time economy, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. However, it also brings significant challenges that impacts on services and local amenity. The Council believes that good management of licensed premises and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.*
- B.19 Statutory licensing policies are key tools in managing the competing pressures that the successful night-time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors. It is important that when the impacts of licensed premises are assessed that such policies are reviewed and if necessary, amended to ensure the Licensing Authority can continue to fulfil its duty under the Act to promote the licensing objectives*
- B.20 The core hours policy is a key policy in promoting the Licensing objectives, particularly relating to crime and disorder and public nuisance. The hours policy provides a set of core hours that relate to the location where an application may be made, or premises currently operates and for the specific premises use/operation of that premises.*
- B.21 The West End has been designated as a Cumulative Impact Zone and the evidence to support this has been produced within the Licensing Authority's 2020 Cumulative Impact Assessment. As a result, the West End Cumulative Impact Zone has a*

presumption to refuse certain types of premises use applications that are outside of Core Hours. This policy approach is necessary to promote the licensing objectives. Unlike the rest of the City this zone has the largest concentration of licensed premises in the City and, within the heart of this zone the average incident rate is nine times greater than the rest of the City.

Non-Standard Hours

- B.22 In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected. The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a Temporary Event Notice.*

New Special Consideration Zones Policy

- 4.23 Due to the CIA Queensway/Bayswater and Edgware Road will no longer be categorised as a Cumulative Impact Zone. The area to the East beyond Covent Garden will also no longer be part of the West End Cumulative Impact Zone. Although these areas are no longer under cumulative stress, they do still have significantly elevated levels of incident rates compared to the rest of the City.
- 4.24 The area surrounding the proposed boundary of the Cumulative Impact Zone also has significant levels of incidents, although the Licensing Authority does not intend expanding the West End Cumulative Impact Zone as this time there are concerns that during the recovery from COVID-19 incident rates may rise and increase towards pre March 2020 levels. The CIA also identified Mayfair (Berkeley Street, Berkeley Square and Dover Street) and Victoria as having high incident rates compared to the rest of the City.
- 4.25 The Licensing Authority intends to create a new Special Consideration Zone - Policy SCZ1. The aim of this policy is to designate the areas mentioned above as Special Consideration Zones. The policy will set a requirement for applicants to consider the local issues and then put forward appropriate mitigation to prevent them from having a negative impact on the area. Applicants will be expected to address how they will promote the Licensing Objectives in the normal way, but it is also intended that applicants will have to provide greater mitigation and controls than would normally be expected from a premises in other parts of the City, excluding West End Cumulative Impact Zone.
- 4.26 This new policy will not be a preventative policy. It is intended to highlight the areas that the Licensing Authority deem to be sensitive. Applications for these areas will require a heightened level of scrutiny, to prevent the areas from reverting back or becoming a Cumulative Impact Zones in the future. The proposed new policy is set out below:

C. Special Consideration Zones

- C.1 *The Licensing Authority has created this policy to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters. This policy will apply to areas of the City that were, until recently a Cumulative Impact Zone, or show significant level of incident rates that are above the borough average but are not yet linked to cumulative impact. This policy aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.*

Special Consideration Zones – Policy SCZ1

- A. ***In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate in their operating schedule that they have taken into account local issues identified within the 2020 Cumulative Impact Assessment.***
- B. ***Applicants should include within their operating schedule sufficient mitigation that they propose will reduce the impact of their venue and reduce the risk of failing to promote the Licensing Objectives and adding to the issues in the area.***
- C. ***For the purpose of Clause A the designated Special Consideration Zones are:***
- (1) West End Buffer***
 - (2) Queensway/Bayswater***
 - (3) Edgware Road***
 - (4) East Covent Garden***
 - (5) Mayfair***
 - (6) Victoria***

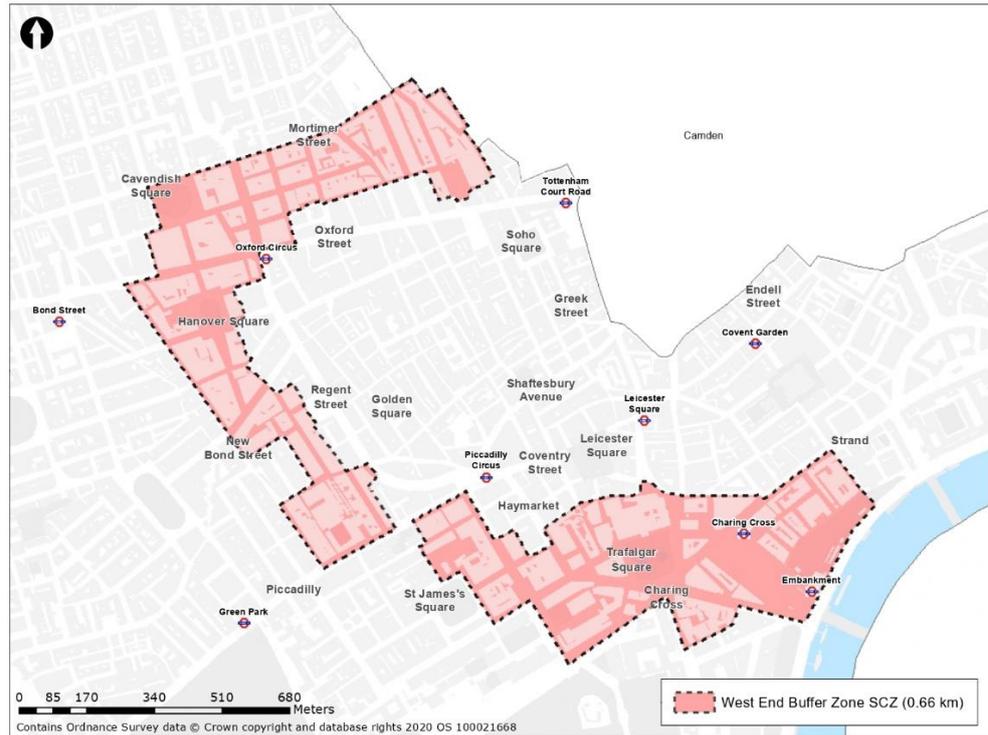
Reasons for this policy

- C.2 *The 2020 Cumulative Impact Assessment identified two areas within the West End (Zones 1 and 2) where cumulative impact was found. The Licensing Authority, at the time of revising this policy considered the findings of the assessment, but also took into account the current restrictions and impact caused by COVID-19. The Licensing Authority decided not to increase the Cumulative Impact Zone from that previously defined within the Authority's 2016 Statement of Licensing Principles, except the area East of Covent Garden.*
- C.3 *The Licensing Authority is supportive of the hospitality and entertainment sectors' need to recover from the impact of COVID-19. However, it needs to balance the needs of businesses, the residents who live in the local area and its duty under the Licensing Act 2003. Whilst the Cumulative Impact Zone has not been increased from that defined in the previous policy, there are concerns that as these sectors recover, additional applications and variations to licences are likely to occur. It is important to highlight the incident rates and types of local issues that were identified as occurring before COVID-19 within West End Zones 1 and 2, which are not captured within the designated West End Cumulative Impact Zone.*

- C.4 *The Queensway/Bayswater, Edgware Road and East Covent Garden areas, as shown in the maps below, had been or were part of a Cumulative Impact Zone since the 2003 Act came into force in 2005. However, following a review and the production of the Licensing Authority's 2020 Cumulative Impact Assessment these areas could not be conclusively linked with cumulative impact associated with the number of licensed premises in the area.*
- C54 *The Licensing Authority has been monitoring the Mayfair area for the past five years since concerns were raised by local residents and Ward Councillors. The resident concerns relate to the increasing number of late-night licensed premises in the confined area and the impact that they are having on the area, such as increased noise, crime and general anti-social behaviour. In 2016, the Council commissioned a Mayfair Evening and Night-time Economy Public Behaviour / Area Profiling Study, and a report was published on the findings in 2017. That behavioural study identified that the issues in the area observed at the time were cumulative rather than attributable to the operating and patrons of one or a small number of venues. The concerns to the potential cumulative impact in the area were specifically around Berkeley Street, Berkeley Square and Dover Street. However, the 2020 Cumulative Impact Assessment could not identify a conclusive connection with the number of licensed premises in the area and cumulative stress on the licensing objectives.*
- C.6 *These areas do have above average or sporadic levels of crime and disorder and public nuisance (noise and waste). As a result, the Licensing Authority has developed this policy to highlight areas of concern within the City of Westminster where there are increased levels of incidents that are linked to licensed premises, but are not conclusively identifiable as being under cumulative stress. These areas will be designated as Special Consideration Zones under this policy. The Licensing Authority believes that any designated area would require a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area.*

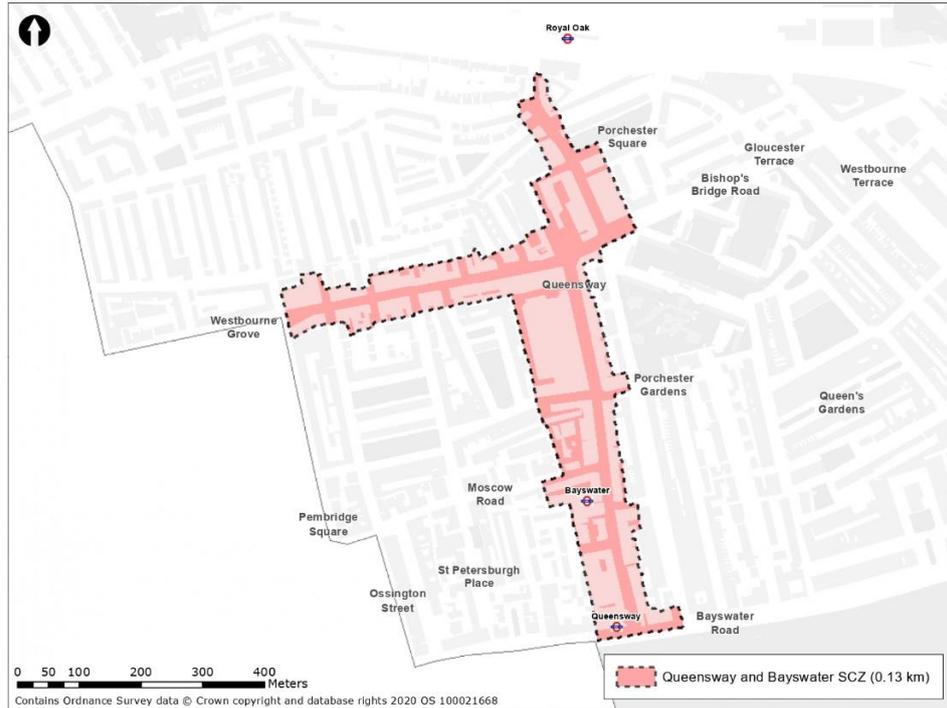
West End Buffer Special Consideration Zone

- C.7 *The West End Buffer area is the area that was identified in the 2020 Cumulative Impact Assessment as West End Zones 1 and 2, which are not included in the designated Cumulative Impact Zone (CIZ). This area is approximately 0.66km² and occupies approximately 3.6% of the borough's footprint. There are approximately 2,300 residential households within this area. The rate of incidents per square kilometre was nearly four times the borough average. Although all incident rates are well above the borough average, robberies, theft, antisocial behaviour on transport and ambulance call outs were above 20% of the proportion of the borough's incidents. This area is closely associated with dispersal due to the large number of transport hubs; which includes a national rail station, a number of Underground stations and large numbers of night bus routes.*



Queensway/Bayswater Special Consideration Zone

C.8 *The Queensway/Bayswater area is 0.13km² in size, accounting for 0.5% of the borough's footprint. There are elevated levels of noise complaints at night, illegal waste, ambulance call outs to the locations of licensed premises, as well as serious violent crimes and, to a lesser degree, robberies at night. Looking at all incidents between 2017 and 2019, this area recorded nearly three times the borough's average rate of incidents per square kilometre.*

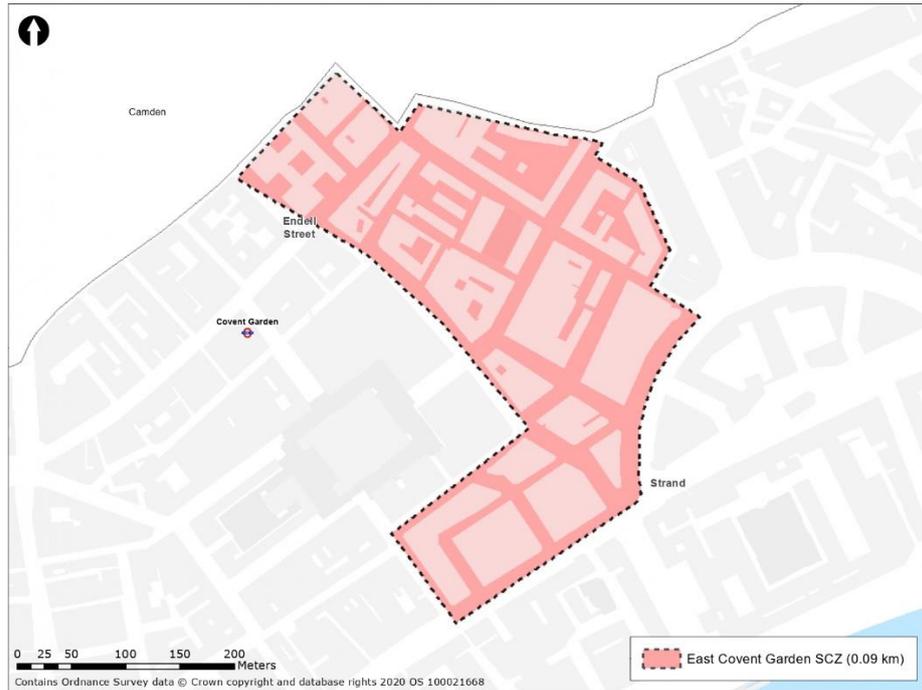


Edgware Road Special Consideration Zone

- C.9 *Edgware Road area is 0.10km² in size, accounting for 0.4% of the borough's footprint. Particularly high was the concentration of serious violent crimes at night, ambulance call outs to the locations of licensed premises, drug offences recorded at night and robberies at night. Both theft incidents at night and noise complaints at night were elevated here as well. Looking across all incident types this area recorded nearly four times the borough's average rate of incidents per square kilometre during 2017 and 2019.*

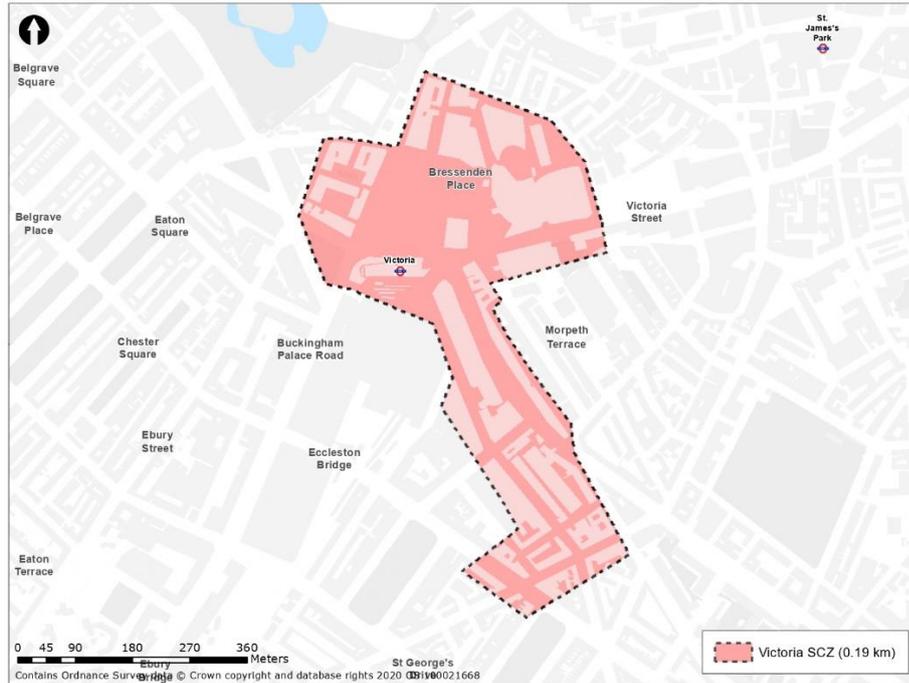
East Covent Garden Special Consideration Zone

- C.10 *The East Covent Garden area is 0.09km² in size, accounting for 0.4% of the borough's footprint. There are sporadic elevated levels of noise complaints at night surrounding locations of licensed premises.*



Victoria Special Consideration Zone

- C.11 *The Victoria area is 0.19 km² in size, accounting for nearly 1% of the borough's footprint. This area is a major transit point for London and the South East, with Victoria National Rail Station, Underground lines, a large number of bus routes and the Coach Station located either in this area or close by. The area has also seen significant regeneration in the past five years and a number of new large licensed premises opening.*
- C.12 *The 2020 Cumulative Impact Assessment found that the impacts on the licensing objectives from incidents were twice as concentrated as the borough average. Serious violence at night and anti-social behaviour at all times of the day were 2.5 times above the borough average. Ambulance call outs (x2), theft at night (x1.8) and noise at night (x1.6) were also prevalent. Victoria Station and its surrounding areas accounted for nearly one fifth of anti-social behaviour incidents recorded on transport networks between 2017 and 2019. The major transport links in this area mean that this area is a key dispersal route for a large part of London at night. The addition of a significant number of new licensed premises in the area over the past three years does mean that this area is seeing increased levels of incidents. The overall incident types rate for this area was nearly two times the borough average.*



Mayfair Special Consideration Zone

- C.13 *The 2020 Cumulative Impact Assessment reviewed the same area of Mayfair as was assessed by the 2016 Behavioural Study. The zone for Mayfair is 0.24km² in size and accounts for 1% of the borough's footprint. From the findings of the 2020 Cumulative Impact Assessment this area had numerous incidents, which were nearly twice as concentrated in space as the borough average. Crime, public nuisance (noise) and ambulance call outs to licensed premises were the most significant issues identified in this area.*



- C.14 *Applications for premises licences and club premises certificates within these Special Consideration Zone (SCZ) will not be subject to the presumption of refusal, but applicants should consider, when drawing up their operating schedules the 2020 Cumulative Impact Assessment findings for these areas. Applicants may need to consider additional measures and mitigation above that which would normally be put in place to ensure that their operation will not negatively contribute to local issues. The proposed measures to mitigate the risks to the licensing objectives may be more or less appropriate depending upon the style of operation applied for.*
- C.15 *Applicants within an SPA that receive representations should consider the points that have been raised and whether the proposed mitigation is sufficient. If they are not, additional mitigation should be proposed in an attempt to reduce any potential impact on the licensing objectives. The Licensing Authority will consider the measures proposed within the applicants' operating schedule and whether the application meets the criteria within other relevant policies within this statement.*
- C.16 *The Licensing Authority may consider additional conditions to be appropriate where representations are received but insufficient mitigation has been put forward to address those concerns. In some rare cases, where there is significant concern associated with an application and its impact on the licensing objectives, and insufficient mitigation has been proposed within the applicants' operating schedule or through further submissions, the Licensing Authority may have no other option than to refuse the application.*
- C.17 *The Licensing Authority will keep the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SPAs under review and if there is conclusive evidence that there is an ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed premises in the area the*

Licensing Authority may impose or reimpose a Cumulative Impact Zone and apply the Cumulative Impact Policy to that zone.

Revision to the policy framework for Premises Use Policies and updates to policy narrative

- 4.27 It is proposed to amend the policy framework to match the approach being taken with other policies within the revised SLP. The revisions will not seek to change the overall intention of the policy but bring the current policies together into one policy. Premises that are located within a Special Consideration Zone will need to demonstrate that they have taken account of Policy SPA1.
- 4.28 The definition of the premises to which the policy relates is contained within the narrative of the majority of the existing premises use policies. However, for some a new premises use definition has been developed. It is intended to now include that definition within the specific policy consideration. The proposed layout of the premises use policies are set out below:

Restaurants – Policy RTN1

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities being within the Council's Core Hours Policy – HRS1**
 - (3) the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and**
 - (4) the application and operation of the venue meeting the definition of a restaurant as per Clause C.**
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1**
 - (3) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and**
 - (4) the application and operation of the venue meeting the definition of a restaurant as per Clause C.**
- C. For the purposes of this policy a restaurant is defined as:**
- (1) a premises in which customers are shown to their table or the customer will select a table themselves to which food is served to**
 - (2) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery**
 - (3) which do not provide any takeaway service of food or drink for immediate consumption**

- (4) *where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals, and*
 - (5) *the sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.*
- 4.29 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Fast Food Premises – Policy FFP1

- A. ***Applications outside the West End Cumulative Zones will generally be granted subject to:***
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,*
 - (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meet the definition of a fast food premises.*
- B. ***It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than applications that meet Clause C and D below.***
- C. ***New applications inside the West End Cumulative Impact Zone within the Core Hours Policy – HRS1 will generally be granted subject to:***
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue meeting the definition of a Fast Food Premises.*
- D. ***Applications within the West End Cumulative Impact Zone which seek to either vary the existing licence hours within Core Hours under Policy HRS1 and/or propose a reduction in the overall capacity of the premises will generally be granted subject to:***
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue continuing to meet the definition of a Fast Food Premises.*
- E. ***For the purposes of this policy a Fast Food Premises is defined as:***
 - (1) *a premises that provides late night refreshment either by way of fast food on a counter or self seating basis or take away for immediate consumption*
 - (2) *provides no or minimal table service*
 - (3) *food is either prepared on the premises and cooked in bulk in advance or supplied to the customer in pre sealed disposable packaging for immediate consumption, and*
 - (4) *is served in disposable wrapping and may be consumed using the disposable crockery provided.*

- 4.30 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Public Houses and Bars – Policy PB1

- A. Applications outside the West End Cumulative Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities being within the councils Core Hours Policy – HRS1**
 - (3) the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and**
 - (4) the application and operation of the venue meet the definition of a Public House or Bar in Clause D.**
- B. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone other than:**
- (1) applications for new licences that are within the Core Hours under Policy HRS1**
 - (2) applications to vary the existing licence hours within the Core Hours under Policy HRS1, and/or**
 - (3) applications to vary the existing licence to reduce the overall capacity of the premises**
- C. The applications referred to in Clause B(1) to (3) above will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.**
- D. For the purposes of this policy a Public House or Bar is defined as a premises or part of a premises that is being used primarily for the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.**

- 4.31 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Off sales of alcohol – Policy OS1

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities are within the Council’s Core Hours Policy – HRS1**

- (3) *the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.*
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone*
 - (4) *the application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.*
- C. For the purposes of this policy a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is exclusively for consumption off the premises (i.e. shops, stores and supermarkets, etc.)**

4.32 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Music and dance premises and similar entertainment – Policy MD1

- A. Applications outside the West End Cumulative Zone will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities being within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.*
- C. New applications inside the West End Cumulative Impact Zone within the Core Hours Policy – HRS1 will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue meeting the definition of a music and dance premises or similar entertainment in Clause E.*
- D. Applications within the West End Cumulative Impact Zone which seek to either vary the existing licence hours within Core Hours under Policy HRS1 and/or propose a reduction in the overall capacity of the premises will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*

- (2) *the application and operation of the venue continuing to meet the definition of a music and dance premises or similar entertainment in Clause E.*
- E. *For the purposes of this policy a music and dance premises are defined as a premises whereby the primary purpose of the venue is to provide music, either as live performances or recorded, amplified music to customers, facilities for the provision of dance and the sale by retail of alcohol. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.*
- 4.33 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Hotels Policy – HOT1

- A. *Applications outside the West End Cumulative Impact Zone will generally be granted subject to:*
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities being within the Council’s Core Hours Policy – HRS1*
 - (3) *the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel*
 - (4) *the applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, and*
 - (5) *the application and operation of the venue meeting the definition of a Hotel as per Clause C.*
- B. *Applications inside the West End Cumulative Impact Zone will generally be granted subject to:*
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities are within the Council’s Core Hours Policy – HRS1,*
 - (3) *the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel,*
 - (4) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and*
 - (5) *the application and operation of the venue meeting the definition of a Hotel as per Clause C.*
- C. *For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.*
- 4.34 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Casinos Policy – CAS1

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities being within the Council's Core Hours Policy – HRS1**
 - (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a casino**
 - (4) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and**
 - (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1**
 - (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a casino**
 - (4) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and**
 - (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**
- C. For the purposes of this policy a casino is defined as a premises that has been granted a Converted Casino Premises Licence under the Gambling Act 2005.**

4.35 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Combined use premises - Policy COMB1

- A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,**
 - (2) the hours for licensable activities for the relevant use being within the Council's Core Hours Policy – HRS1, and**
 - (3) the applicant has taken account of the Special Consideration Zone policy SPA1 if the premises are located within a designated zone**
- B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:**

- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
- (2) *the hours for licensable activities for the relevant premises use being within the Council's Core Hours Policy – HRS1,*
- C. *When considering what weight is to be given to the relevant premises uses and policies the Licensing Authority will take into account:*
 - (1) *the current and proposed use of the premises,*
 - (2) *when those uses will take place,*
 - (3) *what the primary use of the premises is, if any, and*
 - (4) *which licensable activities are proposed outside the core hours*
- D. *The Licensing Authority will consider any premises which include any pub or bar use, facilities for fast food or music and dancing primarily under policies specific to those uses e.g. PB1, FFP1 and MD1.*
- E. *For the purpose of this policy a Combined Use Premises means premises which need a licence under the Licensing Act 2003 and operate in different ways where there is more than one premises use, and the uses are not dependent on or part of the other uses i.e. ancillary to them.*

4.36 It is proposed to rename the “Nudity, striptease and sex related entertainment Policy NS1” to “Sex Cinemas and Sexual Entertainment Venue Policy SCEV1”. The purpose of this policy was to apply to Sexual Entertainment Venues as defined under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Sexual Entertainment Venues and Sex Cinemas – Policy SCEV1

- A. *It is the Licensing Authority's policy to only grant applications for Sexual Entertainment Venues and Sex Cinemas in exceptional circumstances and subject to:*
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the premises is not located in the proximity of:*
 - (a) *residential accommodation*
 - (b) *schools*
 - (c) *places of worship, and/or*
 - (d) *community facilities or public buildings.*
 - (3) *the hours for licensable activities being within the Council's Core Hours Policy – HRS1,*
 - (4) *the sale by retail of alcohol, regulated entertainment and/or late-night refreshment must be an ancillary function to the primary purpose of the venue as providing nudity, striptease or sex related entertainment*
 - (5) *the applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, and*
 - (6) *the application and operation of the venue meeting the definition of a sexual entertainment venue or as a sex cinema as per Clause B.*

- B. For the purpose of this policy a sexual entertainment venue and sex cinemas are defined as:**
- (1) Sexual Entertainment Venue: a venue that meets the definition of a Sexual Entertainment Venue as defined under paragraph 2A of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.**
 - (2) Sex Cinema: a venue that meets the definition of Sex Cinema as defined under paragraph 3 of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.**
- C. Venues that are operating under their entitlement to provide relevant entertainment (nudity, striptease, etc) on up to 11 occasions, not lasting any more than 24 hours and the occasion has not begun within a period of one month beginning with the end of any pervious occasion under paragraph 2A(3)(b) of schedule 3 of the Local Government Miscellaneous Provisions Act 1982 shall not be subject to this policy and will be considered under other relevant policies as appropriate.**

4.37 In addition to policy framework changes, the narrative for the policies will also be updated to amend any references to the previous review and outdated references to guidance or legislation. The reasons for the policy will also be updated with new information that has been provided via the CIA or other sources where necessary.

Revised and Restructured Theatre, Cinema, Other Performance Venues and Qualifying Clubs.

- 4.38 The Licensing Authority intends to revise and rename the current Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1. The purpose of this change is to expand the types of cultural venues that would fall under this policy and include live sporting premises. Qualifying clubs will be separated from this policy and a new policy created. The purpose and aim of this policy will be to retain the policy approach but expand the venues to which it relates, refine the expectation that alcohol and late-night refreshment will be ancillary to the main purpose of the venue, and within the West End Cumulative Impact Zone limit access to alcohol and late night refreshment after 23:00 to patrons, audience members or customers only.
- 4.39 It is intended to rename the Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1 to Cinemas, Cultural Live Sporting Venues and Outdoor Spaces Policy CCSOS1. Cultural venues will include theatres and other performance venues. Live sporting premises is a new premises use and will include stadia, live sporting events where licensable activities will be ancillary to the main event or venues that provide live sport which may be regulated, such as boxing or wrestling. Cultural and live sporting venues will be further defined within this revised policy.

Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces – Policy CCSOS1

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1,**

- (3) *the applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space*
 - (4) *the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated area, and*
 - (5) *the application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.*
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,*
 - (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1,*
 - (3) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,*
 - (4) *the applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space*
 - (5) *the sale by retail of alcohol and/or late-night refreshment after 23:00hrs is limited to customer, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue or live sporting premises*
 - (6) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and*
 - (7) *the application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.*
- C. For the purposes of this policy cinemas, cultural venues and live sporting premises are defined as:**
- (1) *Cinema: the primary purpose of the venue is for the exhibition of feature or shorts films to an audience*
 - (2) *Cultural Venues:*
 - (a) *Theatres: the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience*
 - (b) *Performance Venues: the primary purpose of the venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues*
 - (c) *Cultural Uses: The primary purpose of the venue is for the exhibition of art (e.g. galleries), a museum, or historical building/site that is open for visitors to visit on payment or otherwise,*
 - (3) *Live sporting premises: The primary purpose of the premises or the use to which the licence is intended for is for live sporting events which are either inside or outside and are in the presence of an audience. This may include any live sports including those that are*

regulated entertainment under the Licensing Act 2003 such as wrestling or boxing. It could also include indoor sporting events which are also licensable where the sport and audience are accommodated wholly or partly inside the building. It can also apply to live sporting events that take place outside, which are not in themselves licensable under the Licensing Act 2003 but other licensable activities, such as alcohol may be provided as ancillary to that live sporting event.

- (4) Outdoor space: the use of an outdoor space for licensable activities and other purposes as part of or ancillary to an event, small to large concerts, national significant musical concert or events (e.g. Hyde Park), Mayoral or Council organised events and seasonal activities (e.g. Christmas market or Winter Wonderland).**
- (5) For the purposes of subclause (1) to (3) above:**
 - (a) the sale of alcohol and late-night refreshment must be an ancillary function to the primary purpose of the venue**
 - (b) an audience may include either invited guests, members of that venue or associated organisation or members of the public who have purchased a ticket or not.**

Reason for this policy

- D.1 The Council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities. The substitution of these types of uses in the West End Cumulative Impact Zone in place of pubs, bars and alcohol-led music and dance venues will likely promote the licensing objectives.*
- D.2 Theatre, cinema, other cultural and live sporting venue will be subject to conditions on public safety related to the staging of special effects, the management of people, security, building design, evacuation and invacuation, lighting, stairs, lifts and any other relevant safety consideration. These venues are likely to have a range of capacities and therefore there may be a need for significant scrutiny in the planning, building and operation of these venues. The Licensing Authority will expect, where relevant, that applicants have regard to the “Technical Standards for Places of Entertainment” and that as part of the application a detailed operating schedule is provided setting out how the venue will operate and how the operator will ensure that the Licensing Objectives are promoted. Further advice and support for larger venues and events can be sought via pre-application advice from the Council’s Regulatory Support Team.*
- D.3 Applicants will be expected to demonstrate that the primary use of the premises will be as a cinema, cultural venue or live sporting premises as defined within this policy. Alcohol and late-night refreshment must be ancillary to the main use of the venue. This is to ensure that the venue will operate as a cinema, cultural venue or live sporting premises. Conditions may be attached to the premises licence to ensure that alcohol and late-night refreshment remain ancillary to the primary purpose of the venue. This approach will ensure that the premises use does not change to a venue*

which is more drink led which is likely to have a detrimental impact on the Licensing Objectives.

- D.4 Bars and the sale of alcohol will be permitted in these venues as long as the sale of alcohol is ancillary to the primary use of the venue. The hours of the operation of the bar will usually be those related to the times the premises are open for visitors, customers, performances and the sporting event.*
- D.5 Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs must be limited to patrons or customers who have made use of the primary activity of the venue. For example, it is acceptable for a theatre to maintain the use of their bar following a performance beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.*
- D.6 Westminster is keen to encourage cultural venues which attract a wide variety of visitors ranging from those from the local community to international tourists. Westminster has a large number of cultural venues ranging from galleries, museums and historical buildings. Many of these venues will provide some form of licensable activity which may be in the form of limited alcohol sales or entertainment. These licensable activities are normally ancillary to the main activity of the venue and may be provided as part of their wider food and beverage offer or for special events, e.g. exhibition opening. The Licensing Authority will likely grant applications for cultural venues where it can clearly be demonstrated that the licensable activity is limited in its offer or provided as ancillary to the main use of the premises, e.g. museum.*
- D.7 There are not many live sporting premises within Westminster, but there are a few premises where live sporting events are played regularly, e.g. Lords Cricket Ground. Westminster also hosts a large number of live sporting events that range from the London Marathon to international cycle racing. There are venues that also may provide either regulated sport, such as boxing or wrestling, or non-regulated sport such as tennis either indoors or outdoors. Although some of these events are unlikely to apply for the sale of alcohol or late-night refreshment, some may. If alcohol or late-night refreshment is to be provided, then it must be ancillary to the main sporting event taking place. Live sporting events are often extremely well managed, and a great deal of planning goes into them before they can take place. Therefore, these normally present a low risk in terms of their impact on the licensing objectives.*
- D.8 Westminster is known for its major cinemas and film premiers. There are a range of cinemas within Westminster that are small intimate venues to large multi-screen venues, such as those within Leicester Square. Cinemas are normally well-run venues and the sale of alcohol or late-night refreshment is normally ancillary to the main purpose of the venue for the exhibition of films. The sale of alcohol or late-night refreshment should be limited to customers and therefore these venues and any bars within them do not become a location for people to drink alcohol late at night.*

Therefore, the Licensing Authority may attach conditions to the licence to ensure that any alcohol and late-night refreshment is limited to members of the audience for a film screening.

- D.9 Outdoor spaces where licensable activities take place are defined as “premises” under the Licensing Act 2003. The Royal Parks Agency and its predecessors have for many years hosted and facilitated a wide range of nationally significant musical and other events. The Mayor has similarly organised events in Trafalgar Square, often focussing on the rich cultural and ethnic diversity of London. The Council itself has a programme of smaller events in its parks with occasional larger events over wider areas. There are other occasional events in squares. The range and diversity of these events may make it desirable to have provisions in the licence for a specific “event plan” to be agreed for each event rather than to rely solely on conditions within the premises license.*
- D.10 Because of their prominence, some of these events attract very large crowds. Sound from outdoor events is not enclosed and carries across the city and therefore may cause widespread nuisance. The British climate dictates that most proposals are made in the summer months. The extent and frequency of these events in relation to the areas where the impact is felt will be considered in determining applications for premises licences for outdoor licensable activities, and the imposed conditions will reflect this. When subsequent applications are received for the same, or part of the same, area to be licensed for additional activities or events, the Council will take into account the cumulative effect over a period of time of the events which have already taken place or are planned at the open space, under all of the licences which may have authorised events at the open space. Licences for large open spaces are generally restricted in the intensification of their use and the involvement of Safety Advisory Groups for significant events provides a flexible mechanism for consultation.*
- D.11 Under the Licensing Act 2003 the Council holds a number of its own premises licences, covering some of the City’s busiest and highest profile areas (including Maida Hill, Piccadilly, Whitehall, Covent Garden, Leicester Square, Soho, Regent Street and Oxford Street). These are known as Area Premises licences.*
- D.12 These licences, held by the Council, enable the safe, controlled facilitation of event activities. Specifically, by making use of this framework, event organisers are enabled to submit their plans to the multi-agency LOSPG (Licensing, Operational and Safety Planning Group) event planning process, under the ‘umbrella’ of an area licence held by the Council. In this way proper consideration can be given to the whole range of factors that are relevant in deciding whether a given event proposal ought to be permitted, such as traffic and pedestrian congestion, local consultation, the appropriateness of an event to its proposed locale, and the management of litter and waste.*
- D.13 The use of the Area Premises Licences has been largely successful. The Area Premises Licences require a named person of experience and proven competence to be responsible for compliance with the set conditions, co-ordination and planning. The Council’s Special Events Group therefore holds the Area Premises Licences on behalf of Westminster City Council. There is a general recognition by all concerned that Area Premises Licences have a part to play in the overall licensing system. They can be ideal for small, low impact community event activities that align to defined*

criteria, removing a bureaucratic/regulatory burden, and have been used as such. They also assist in the facilitation of “last minute” event applications that the City Council wishes to support, and they can afford the Council a robust level of control over the way event activities are planned and executed on the ground.

D.14 When an event proposal entails any form of licensable activity, the most appropriate means of licensing it must be identified by the Council at an early stage. An event activity may be licensed by way of its own Premises Licence or, for event activities within the relevant geographic areas, permission can be sought to use one of the Area Premises Licences held by the City Council. The City Council wishes to ensure that local residents and others have the opportunity to have their say in appropriate circumstances regarding licensing decisions that may affect them, and this includes the use of Area Premises Licences.

D.15 However, an event will only be authorised under an Area Premises Licence held by the Council when it is appropriate to do so to promote the licensing objectives and will not do so where it considers that wider consultation of the application is considered appropriate.

4.40 The Licensing Authority intends to provide a separate policy for Qualifying Clubs. The current Licensing Policy included Qualifying Clubs with theatres, cinemas, other performance venues and special events. These premises don't really relate to Qualifying Clubs. The other reason for separating these policies was to enable Qualifying Clubs to be considered based on the specific criteria that is applicable to Club Premises Certificates. The policy approach for Qualifying Clubs remains unchanged from the current policy. The new policy for Qualifying Clubs is set out below.

New - Qualifying Club Policy - QUC1

A. Applications outside the West End Cumulative Zones will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1***
- (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1,***
- (3) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated area, and***
- (4) the application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.***

B. Applications within the West End Cumulative Impact Zones may be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,***
- (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1,***
- (3) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,***

(4) the application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.

C. For the purpose of this policy a Qualifying Club for the sale of alcohol for members and guests will meet the requirements of the general conditions in section 62, and the additional conditions in section 64 of the Licensing Act 2003.

Reasons for this Policy

E.1 Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs. Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance.

E.2 Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act. A qualifying club has general conditions it must satisfy. These are:

- a person may not be given membership, or as a candidate for membership to any membership privileges, without an interval of at least two days from their membership application or nomination and their membership being granted;*
- that club rules state that those becoming members without nomination or application cannot have membership privileges for at least two days between them becoming members and being admitted to the club;*
- that the club is established and conducted in good faith;*
- that the club has at least 25 members;*
- that alcohol is only supplied to members on the premises on behalf of or by the club.*

E.3 There are also additional conditions in relation to the supply of alcohol that must be complied with. These conditions are:

- that alcohol purchased for and supplied by the club is done by members of the club who are over 18 years of age and are elected to do so by the members;*
- that no person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club;*
- that there are no arrangements for anyone to receive a financial benefit from supplying alcohol, apart from any benefit to the club or to any person indirectly from the supply giving a gain from running the club.*
- Registered industrial and provident societies and friendly societies will qualify if the alcohol purchased for and supplied by the club is done under the control of the members or a committee of members.*

E.4 These venues will apply for and operate under a Club Premises Certificate under the Act. Applications will be considered on their own merits and subject to the application demonstrating that the operation of the club will promote the licensing objectives, the location where the club will operate, the proposed hours, the proposed licensable activities and whether they meet the specific conditions for a Qualifying Club.

Minor updates and changes across the statement to references to law, guidance or Council policies/strategies

4.41 Since the current SLP was revised there have been some changes to law, strategies and Home Office Guidance. The SLP has references to a number of these throughout which now may be outdated or incorrect. It is intended to make minor revisions to reflect changes to legislation, strategies or guidance.

5. Consultation

5.1 The Licensing Authority is consulting on the proposed revision of the Council's Statement of Licensing Policy and its intention to publish the 2020 Cumulative Impact Assessment. As both documents are linked, we have decided to consult on both documents at the same time. We will collate all responses and make any revisions as deemed appropriate for the consultation period.

5.2 The consultation period for the proposals to revise the Council's Statement of Licensing Policy and the intention to publish the 2020 Cumulative Impact Assessment will run from Monday 12th October to Sunday 15th November 2020. Consultation responses can be made using the dedicated online consultation response form which has been made available via the www.westminster.gov.uk/licensing-consultation. Responses can also be sent via email to licensingconsultation@westminster.gov.uk or via post to:

Licensing Policy Consultation
Policy Team – Innovation and Change
17th Floor
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

5.3 Please note that if you post your response to this consultation there may be delays in the postal service due to COVID-19 and therefore ensure that you send them with enough time so that they are received before the end of the consultation period.

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Proposed Revisions of Westminster City Councils Statement of Licensing Policy Consultation Questions

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?
2. If you have any comments about the implementation of a Cumulative Impact Policy, please provide them below:
3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment? The summary of these findings can be found on pages 8-18
4. The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?
5. If you have any comments, please provide them below:
6. Do you agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment?
7. If you have any comments, please provide them below:
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.
9. If you have any comments about policies CD1, PS1 and PN1, please provide them below and state the policies and specific aspects that you are referring to:
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?
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?
12. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:
13. Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)?
14. Do you agree with...?
 - 14.1 Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2
 - 14.2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)
 - 14.3 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

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

16. Regarding the following Cumulative Impact Zones, do you agree with the proposal to remove the...?
 - 16.1 Queensway/Bayswater Cumulative Impact Zones
 - 16.2 Edgware Road Cumulative Impact Zone

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

18. Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them?

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

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

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

22. Do you agree with the reasoning, boundary and designation of the following zones?
 - 22.1 West End Buffer
 - 22.2 Queensway/Bayswater
 - 22.3 Edgware Road
 - 22.4 East Covent Garden
 - 22.5 Mayfair
 - 22.6 Victoria

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

24. Regarding the following establishments, do you agree with the revisions to the policy framework for...?
 - 24.1 Restaurants - Policy RTN1
 - 24.2 Fast Food Premises - Policy FFP1
 - 24.3 Public Houses and Bars - Policy PB1
 - 24.4 Off sales of alcohol - Policy OS1
 - 24.5 Music and dance premises and similar entertainment - Policy MD1

- 24.6 Hotels - Policy HOT1
- 24.7 Casinos - Policy CAS1
- 24.7 Combined Use Premises – Policy COMB1

- 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 SCEV1?

- 26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises

- 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

- 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:

- 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?

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

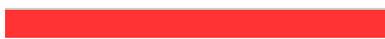
- 31. If you wish to make any other comments relating to the proposed revision of the Councils Statement of Licensing Policy, please do so below:

- 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:

Licensing Policy Consultation Responses Received Via Smart Survey

1. Licensing Policy and Cumulative Impact Assessment Consultation

2. Cumulative Impact Assessment

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?										
									Response Percent	Response Total
1	Yes							73.68%	42	
2	No opinion							12.28%	7	
3	No							14.04%	8	
Statistics	Minimum	1	Mean	1.4	Std. Deviation	0.72	Satisfaction Rate	20.18	answered	57
	Maximum	3	Variance	0.52	Std. Error	0.1			skipped	0

2. If you have any comments about the implementation of a Cumulative Impact Policy, please provide them below:											
									Response Percent	Response Total	
1	Open-Ended Question								100.00%	31	
1	12/10/2020 19:42 PM ID: 150000476	I think the Cumulative Impact Assessment should be delivered in such a way that it is easy for the layperson to understand it. In its current form it does require a significant level of analytical knowledge and understanding, which most Westminster residents are unlikely to have. The policy is also delivered in such a way as for the language to act as a barrier, rather than being understandable to the majority of people. Therefore how can you expect to get a meaningful response to this consultation?									
2	12/10/2020 19:44 PM ID: 150004612	Implementation will have a positive effect.									
3	13/10/2020 09:38 AM ID: 150020804										
4	13/10/2020 12:47 PM ID: 150037782	I support the growth of local shops and businesses but some have noisy customers outside or leaving a premises or attract the kind of customers that bring									

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

			Response Percent	Response Total
		<p>in crime. Food outlets that have a large delivery service provided by bike couriers take all the parking spaces without paying and also obstruct pavements. Likewise, licensed premises especially with licenses after 11pm, for example casinos or hotel ballrooms, tend to attract more trouble. The casinos on Edgware Road, also being close to lots of cheap hotels, are attracting street prostitutes who attract other car customers, pimps and drug dealers, and professional beggars, and are affecting all the residential streets and squares south of Edgware Road. The Royal Lancaster regularly has (pre-covid) large crowds of drunken, shouting smokers outside ballroom events or large weddings with very loud music which start in the early weekend mornings and wake up all the surrounding neighbours. Limiting the number of late night establishments concentrated in one area will reduce the attractiveness to anti social behaviour and crime and requiring premises that receive complaints about outside noise to have employees stationed to prevent this noise as a matter of standard policy will be a huge help to exhausted and fed up residents.</p>		
5	13/10/2020 20:38 PM ID: 150040177	<p>While cumulative impact is an important thing to measure and I would normally support such a policy, it is likely that the net result of the current pandemic when it ends will see fewer entertainment venues, particularly smaller ones, in operation. To put such restrictions in the way of new applicants to take over closed premises when they will not be contributing to an increase in footfall compared to pre-lockdown is unfair to applicants, will result in less choice for the public and negatively affect the local economy. It is also unlikely that even with the exact same number of venues open post-lockdown as there were pre-lockdown that footfall will be anything near the size it was pre-lockdown, owing to the public's reticence to enter such venues in the first place, a relative lack of disposable income and the predicted increase in the already extortionate cost of a night out in the West End. Putting further restrictions such as only licensing premises between 1000 and 2100 at this stage seems excessive and counterproductive.</p>		
6	15/10/2020 07:26 AM ID: 150175673	<p>Anything which helps to safeguard the 'quiet enjoyment' of homes against noisy night time activities is welcome.</p>		
7	24/10/2020 17:30 PM ID: 150975443	<p>many of the problems identified are linked to the high numbers of vagrants, beggars and rough sleepers in the area (as well as the number of licensed premises)</p>		
8	11/11/2020 17:19 PM ID: 152172014	<p>Section 14.26 of the ministerial guidance under s182 of the licensing act, in summary, requires the licensing authority to state that in one or more parts of it area it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. From the evidence in the current CIA on data in March 2020 compared with the 2016 Statement of Licensing Policy (SLP) it shows that, despite the 2016 SLP containing a cumulative impact policy (CIP), decisions taken since that policy was put in place</p>		

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

			Response Percent	Response Total
		<p>have not reduced or ameliorated cumulative impact in the West End Cumulative Impact Area(WECIA).</p> <p>In October 2015 there were 3,134 licensed premises in the whole of Westminster and in March 2020 3,076, a fall of 2%. In the WECIA there were 1,002 licensed premises and in March 2020 1,169 according to the Cumulative Impact Assessment an increase of 17%. In the Proposals for Revisions to the SLP it states a higher figure that there were 1304 licensed premises in March 2020, an increase of 30%.</p> <p>So in comparison with the rest of the City the number of premises is rising at a faster rate despite the existence of the CIP. Page 65 of the CI Assessment uses two measurement models to show that over the period studied every additional licensed premises increases the risk of adverse incidents in the vicinity of premises and across a wider area. So it is quite clear that decisions taken despite the 2016 CIP have failed to reduce cumulative impact and in designing a new CIP the wording and decisions taken in the light of it will need to be much more robust if it is to halt the continuing increase in cumulative impact and the erosion of residential amenity within the WECIA.</p> <p>However, the Covid 19 pandemic has concentrated the Council and licensing authority's mind, rightly in my view, not to bear down harshly whilst the pandemic has such an adverse effect on operating conditions for licensed premises and it would not in my view be in the best interest of the WECIA as a whole if the F&B industry was burdened by a tighter policy whilst operating conditions are so adverse and while public confidence in the sector is so dented. That said 5 years is a long time for the new SLP and I would like to see an explicit commitment from the licensing authority that it will keep the evidence under close review and if things return to the pre-Covid normal and that evidence of adverse cumulative impact start to emerge again the licensing sub-committee will take action to severely restrict the granting of new premises licences in the WECIA to ensure that it is actually promoting the licensing as set out in the S182 guidance.</p>		
9	12/11/2020 14:19 PM ID: 152273419	There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. Where is the help?		
10	13/11/2020 12:17 PM ID: 152348366	<p>Heart of London supports the ambitions of a Cumulative Impact Policy in being able to effectively manage the evening and night-time economy. We also welcome the evidence-based approach to the proposed new Cumulative Impact Zone and new Special Consideration Zones to serve as a new intermediate step in the policy.</p> <p>Whilst we welcome the fact that new premises licences for pubs, bars and fast-food ,as well as music and dancing venues, will now be accepted within the CIZ, we consider that the proposed terminal hour for new licences of 9pm is too restrictive.</p>		

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

			Response Percent	Response Total
		<p>The experience of the 10pm curfew arising from Covid-19 has demonstrated what an impact an early terminal hour can have on the ability of BIDs, the local authority and other statutory partners to effectively manage the evening and night-time economy. Furthermore, given the West End is likely to have a significant number of vacant units due to the impact of Covid-19, we would encourage the council to consider a more flexible approach to the terminal hour of new licences which are granted in the West End CIZ, or at least to seek to further distinguish between the different uses, which may be drink-led or fast food-based; these would currently be treated the same under the proposals.</p> <p>In terms of the distinction between premises, we would also encourage Westminster to consider further flexibilities for those premises which are already trading successfully and have significant mitigation plans in place within the West End CIZ. For example, we are aware of fast-food premises which have previously sought to extend their licence the application has been refused. This is despite the premises being a responsible business which contributes to the local economy and local mitigation schemes such as 'My Local Bobby' and providing fast food and a safe place for visitors who have been in bars and pubs before they return home.</p>		
11	13/11/2020 13:02 PM ID: 152354533	<p>I am the Licensing Representative for the Knightsbridge Association and make the following comments on its behalf.</p> <p>The Knightsbridge Association thanks Westminster City Council for the opportunity to respond to the consultation on Licensing Policy and Cumulative Impact Assessment. In reviewing the policy we ask the Council to designate some or all of the Knightsbridge International Centre and environs as a Special Consideration Zone which would mean that businesses will only be granted new licences, or variations of their current licences if they can demonstrate how they will manage local issues, above and beyond what would normally be required.</p> <p>As background to our request, we note the following:</p> <ol style="list-style-type: none"> 1. The significant increase in recent years in the number of cafes, late night entertainment and tables and chairs on the pavement, especially on Brompton Road and in Knightsbridge Green. This has been accompanied by higher noise levels, with a negative impact on the quality of life for nearby residents. 2. The potential impact of the new planning use 'Class E' category, which removes traditional planning protections on change of use. One highly relevant and striking example of the potential impact of this change is the proposed 850 seat restaurant at Scotch House Corner (at the junction of Brompton Road and Knightsbridge), which if permitted will accentuate the trend of the area becoming a major night 		

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			Response Percent	Response Total
		<p>time destination. Another example is the possible conversion of the former Montpeliano's restaurant in Montpelier Street into a second, large restaurant / bar complex. If either of these developments were to proceed there would be significant implications for local transport capacity as well as an increase in crime and disorder, threats to public safety and public nuisance, the latter three being a breach of the objectives of the Licensing Act 2003. These risks would arise both during and outside 'core hours', i.e. after 11 p.m. The creation of a Special Consideration Zone would in our view substantially mitigate the impact of these developments if they were to proceed.</p> <p>If we have further comments we shall make them in a second posting to the Council's website.</p>		
12	13/11/2020 15:01 PM ID: 152367343	<p>The Westminster BIDs support the ambitions of a Cumulative Impact Policy in helping the local authority to manage the evening and night-time economy. We also welcome the evidence-based approach to the proposed new Cumulative Impact Zone and new Special Consideration Zones which serve as a new intermediate step in the policy. However, we do have some reservations about the data on which the policy changes have been based, particularly as some of it is now out of date and does not take into account the reduction in police resources allocated to Central London in recent years.</p> <p>Whilst we welcome the fact that new premises licences for pubs, bars and fast-food, as well as music and dancing venues, will be accepted within the CIZ, we consider that the proposed terminal hour for new licences of 9pm is too restrictive and would strongly recommend that this terminal hour is increased if we are to support the economic recovery of central London and recognise the role that the evening and night-time economy plays in this regard.</p> <p>The experience of the 10pm curfew arising from Covid-19 has demonstrated what an impact an early terminal hour can have on the ability of BIDs, the local authority and other statutory partners to effectively manage the evening and night-time economy. Furthermore, given the West End is likely to have a significant number of vacant units due to the impact of Covid-19, we would encourage the council to consider a more flexible approach to the terminal hour of new licences which are granted in the West End CIZ, or at least to seek to further distinguish between the different uses, which may be drink-led or fast food-based; these would currently be treated the same under the proposals.</p> <p>In terms of the distinction between premises, we would also encourage Westminster to bring forward further flexibilities for those premises which are already trading successfully and have significant mitigation plans in place within the West End CIZ. For example, permitting extensions of hours for well-run</p>		

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			Response Percent	Response Total
		<p>premises provided they actively contribute to local enforcement activities, have been well-run for a designated period of time and have a strong management plan in place. Such incentives and flexibilities would encourage premises to improve their management processes, participate in local enforcement initiatives and help contribute to the growth of the West End's economy as it emerges from the effects of Covid-19.</p> <p>We also believe that each application must be treated fairly and evenly in comparison to its neighbouring businesses, and must not have imposed different conditions or opening hours from its business neighbours so that they can compete on an even playing field. The fact that a neighbouring business might be attracting anti-social behaviour should not be used to discriminate against the applicant for an unconnected business. The impact assessment refers to problematic properties in an area and as a result it is unfair to impose strict conditions on a new business or well managed existing businesses simply because other businesses are causing problems.</p>		
13	13/11/2020 17:41 PM ID: 151148200	n/a		
14	14/11/2020 12:37 PM ID: 152424557	<p>The Northbank BID supports the implementation a Cumulative Impact Policy with accurate area evidence.</p> <p>We wish for this to be balanced with supporting the future growth of the hospitality sector in the Northbank area and to allow them flexibility to evolve and adapt to future challenges particularly in the recovery from Covid and its impacts. We wish to see how temporary changes bought in during this time can be adapted to be more permanent.</p> <p>We are yet to see the full impact of Covid on the hospitality sector for our area and support licensing policy which can help new businesses which may be needed to replace ones which have closed as a result of the pandemic. Footfall in the Northbank area has seen a drastic reduction and it may be some time before they return to pre-covid levels.</p> <p>We are also working to use the current window of opportunity to ensure a high standard of operation with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lane, Night Czar.</p> <p>We wish to encourage all support for the pubs, bars, restaurants, hotels and nightclubs, all of which make such a vital contribution to London's nightlife, making it a world class destination for international and domestic visitors.</p>		
15	14/11/2020 19:29 PM ID: 152448869	I think a Cumulative Impact Policy is detrimental to business. In the current climate of COVID restrictions businesses are struggling, particularly in the west end. A CIP		

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			Response Percent	Response Total
		does not give any consideration for responsible businesses and operators who contribute significantly to the local economy and area. Businesses such as fast food restaurants offer a solution to the issue of vulnerable people who are out late at night. They do not sell alcohol but offer a place of refuge for people who have been in pubs/bars and had too much to drink.		
16	15/11/2020 12:52 PM ID: 152468395	<p>We feel strongly that businesses need to have later closing times, outside seating and a Covid 19 specific policy to help all businesses survive the incredibly difficult trading conditions that currently prevail and may well prevail for the foreseeable future. Failure to implement a Covid 19 specific policy will see many businesses close.</p> <p>There is no new proposal to introduce external seating area policies. In light of the pandemic there needs to be more flexibility for businesses around external seating areas. The external seating areas need to be larger to properly allow for al fresco dining. Closing times need to be later than 10:00pm</p>		
17	15/11/2020 12:52 PM ID: 152470624	<p>A Cumulative Impact Policy (CIP) is based on data regarding existing issues. It seeks to prevent these issues increasing as a result of the grant of additional licences, or variations to existing ones. The data provided in the Cumulative Impact Assessment suggests that it has not been ineffective. Within the West End CIZ the number of licenses and the level of harm to the Licensing Objectives have both continued to increase, despite the existence of the CIP. This suggests that the CIP has not been effective in achieving its objective.</p> <p>We agree that a CIP should be implemented but believe that the Licensing Authority needs to take a more aggressive stance when considering applications so that fewer are granted. The presumption to refuse only applies to certain types of premises. If an applicant can demonstrate they are not one of these then they can frequently obtain a licence even if, in our opinion, they fail to demonstrate that they "they will not add to cumulative impact."</p> <p>In Camden, where the CGCA also makes Representations, the CIP says that the presumption applies to all new or variation application UNLESS they can demonstrate that they will not add to Cumulative Impact. There are some possible exemptions based on the style or size of operation, but our experience is that this make it more difficult to rebut the presumption than in Westminster. To avoid continuing harm to the Licensing Objectives in the CIZ we believe that WCC should take a similar approach. We have given a proposed wording in our response to Q15 of the survey.</p> <p>Because the CIP is based on backward looking data it is unable to prevent a Cumulative Impact arising in a new area caused by new applications being granted. The Special Consideration Zones have a role to play in preventing</p>		

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			Response Percent	Response Total
		Cumulative Impact arising but this requires a much more questioning attitude from the Licensing Authority when considering applications. See comments on SCZ's below.		
18	15/11/2020 13:44 PM ID: 152468159	I welcome the implementation of the CI Policy, as a long time Soho resident I am witness to the huge increase in food / beverage and drink led businesses which has completely changed the nature of the area. The year on year increase in the number of licensed premises and those that are granted past midnight has had a huge detrimental impact on residents. The current Cumulative Impact policy 2016 has failed to prevent further cumulative impact in the area, in fact this has increased over the years. The failure of the policy lies with its implementation, Licensing Sub-Committees regularly grant new and variation to licences outside core hours, WCC needs to take seriously their duty to promote the licensing objectives by effectively implementing the new policy and activity work to reduce CI in the area.		
19	15/11/2020 14:38 PM ID: 152475605	there needs to be a recognition of the effect of COVID and the aftermath which is missing and is pretty fundamental		
20	15/11/2020 15:28 PM ID: 151604949	<p>Due to the current COVID 19 global pandemic, we strongly feel that hospitality businesses should be supported due to so many having already closed and many facing insolvency. We appreciate this is not just a licensing issue and the ramifications of the epidemic, government restrictions and the general economic downturn are far-reaching. However, for the purposes of this consultation, it is crucial that Westminster look at the current state of the whole area and the West End.</p> <p>The proposal is to remove the Edgware Road and Bayswater CIP. We agree with this.</p> <p>In respect of the West End CIP - we believe this should be temporarily suspended with a review in the next couple of years to see what the fall out following the COVID 19 global Pandemic. The West End is the beacon that attracts people from all over the world. It is a sign that Britain is open for Business. More than ever, we need the West End to thrive as it will show to the world that we are world leaders. Westminster needs a vibrant and sustainable West End. It is the uniquely diverse offering that Westminster provides that makes operators attracted to Westminster. In the West End, large department stores sit next to independent boutiques. Nightclubs sit next to Artisan craft beer pubs. Michelin starred chefs sit along with local cafes. This diverse mix is what makes the West End special. Once this is lost it will be hard to recreate as businesses will not invest in the area. Therefore for the next two years - encouraging investment into Westminster must surely priority. Failure to encourage investment will lead to at best to bland high street offerings or at worst a deserted ghost town. For the first time in our lifetime, we have heard the</p>		

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			Response Percent	Response Total
		<p>West End as being described as Tumbleweed Town.</p> <p>Putting in a CIP based upon data prior to covid would be unreasonable and potentially dangerous unless there were certain safeguards. Eg a temporary relaxation for COVID or for a review mechanism in one to two years time. Businesses are fighting for their lives and if we do not encourage investment during this time then it could lead to the West End losing its uniqueness.</p> <p>Further, if a CIP is added, a Cumulative Impact Policy should aim to increase the quality of the operator within the Cumulative Impact Zone. Rather than simply imposing a presumption against the grant of new Premises Licences, the Policy should identify measures that can amount to exceptions such as:-</p> <ul style="list-style-type: none"> - granting licences for known good operators with established track records, - making licences ""personal"" to specific operators to ensure they are accountable - attracting investments into the city in a time of uncertainty and economic downturn eg new retail developments, hotels, theatres, restaurants, galleries etc - applications that can demonstrate that they are committed to improving the public realm at no cost to the taxpayer - eg extra security, street ambassadors, the running of local community liaison groups 		
21	15/11/2020 15:30 PM ID: 152165406	<p>While we agree that the Council should implement a Cumulative Impact Policy where this is supported by evidence, we are concerned at the present time about the potential impact of Cumulative Impact Policies to:</p> <ul style="list-style-type: none"> - potentially inhibit the future growth of hospitality businesses as they seek to recover from the devastating effects of the global pandemic, and - to deter new businesses from opening up in the Cumulative Impact Zone and replacing businesses which may have closed as a result of the health crisis. <p>Safer Business Network sits on the GLA Licensing and Regulation Group and the GLA High Street Co-ordination Group where the role of licensing policies in assisting the recovery of the hospitality sector has been under discussion in recent weeks. While we appreciate that an existing Cumulative Impact Policy has legal status and cannot simply be suspended, the discussions that we have had in these forums would suggest that guidance from Government on how Cumulative Impact Policies might be positively applied post Covid-19 would be helpful. It may be some time before visitor numbers to the West End recover to normal volumes, and as a result crime may not return to previous levels. This provides a window of opportunity for our work at Safer Business Network, through Safer WestEnd and our Safer Sounds Partnership, to tackle crime from a potentially lower base than usual, and to work with licensed premises to ensure training and high standards of operation. It is also an opportunity for WCC to consider how, via its application of its Licensing Policy and Cumulative Impact Policy, it can continue to support pubs, bars, restaurants, hotels and nightclubs, all of which make such a vital contribution</p>		

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			Response Percent	Response Total
		to London's nightlife, making it a world class destination for international and domestic visitors.		
22	15/11/2020 16:11 PM ID: 152478097	As result of global pandemic and the devastating effect this has had on the night time economy, any decision to further restrict the hours or ability to open new premises until after the full impact on businesses closing is fully determined. The last 20 years has seen the live music venues open in Westminster been decimated. The policy should at least clarify that grassroots live venues fall within the cultural section definition and also reconsider terminal hours policy to give flexibility for these space to utilise night tube and open longer hours to ensure that new venues open in the City of Westminster and allow the handful of existing venues survive.		
23	15/11/2020 16:19 PM ID: 152449399	The CI policy has failed to reduce cumulative impact in Soho, indeed it has increased as can be seen from the excellent academic analysis. This is due in part because the decisions of licensing s-c's are often in variance to policies, thus negating them. Also the standard information given to s-c's is deficient because it fails to give cllrs the capacities of nearby premises thus preventing cllrs or officers assessing cumulative impact. These figures should appear in all reports & an example is the information provided by the Meard & Dean RA & the Soho Society for Royalty House (20/03127/LIPN) where it was difficult to obtain exact capacity figures as some were not on the licensing register which needs to be urgently remedied or how can WCC assess cumulative impact? This is compounded by the negative impact of the AI Fresco [policy which has greatly increased public nuisance in East Soho.		
24	15/11/2020 17:12 PM ID: 152381378	I feel a cumulative impact policy should continue to be implemented within Soho (where I live), which has the highest number of food and beverage premises within Westminster, and also has the highest crime rates. This should be considered against any future application		
25	15/11/2020 17:34 PM ID: 152481404	It seems logical to identify areas where extra considerations need to be made but the problem arises with a fixed boundary resulting in a very different approach to an application that is just on one side, or just on the other, of that boundary. Each application must always be considered on its own merits so to have a different set of rules for two properties that could be on the same street can be unfairly punitive (or unfairly generous) if both are providing a similar offering at similar hours and feeding customers onto the same streets and same transport hubs. So a policy for an area does seem logical, but applying it to rigid boundaries does not.		
26	15/11/2020 17:59 PM ID: 152483731	While we have the Cumulative Impact Policy (CIP) implemented we should not lose sight of the cumulative Impact Zones (CIZ) , like Edgware Rd and more so Queensway and Bayswater. As the CIP presumption to refuse further licensing		

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			Response Percent	Response Total
		application would have no means of dealing with these localities particularly problems and issues.		
27	19/11/2020 11:32 AM ID: 152332620	<p>it should implement, but it must not then be used as a tool by WCC to decide which use classes can sit where..</p> <p>in light of use class changes, isnt the CIP completely at odds with what landlords/occupiers are freely available to do under planning.</p>		
28	19/11/2020 11:36 AM ID: 152316500	In my area there no problem with too many drinking establishments. The, fairly minor issue since we moved away from a main thoroughfare is the transport by foot mof people from one place to another, having forgotten to use the facilities to make their movement quieter and less stressful. Many of them seem to have no permanent homes. The general problem seems to be an ability for governing groups to make rules for other people without then providing enforcement for those rules.		
29	19/11/2020 11:43 AM ID: 152267599	We agree with this however believe the timing of the impact policy should be later.		
30	19/11/2020 13:24 PM ID: 150300014	<p>STOP Licensing strip clubs and other sex establishments - your current (SEV) policy seems to think 25 is suitable in one small area of the borough (Soho) - approx 12 of these are strip clubs. This cannot possibly be compatible with your LEGALLY BINDING public sector equality duty - which legally requires you to strive to ELIMINATE harassment, victimisation and discrimination of women and to FOSTER GOOD relations between the sexes. The entire strip industry is a hot bed of sexual harassment and assault. Most clubs operate as little more than brothels themselves (with sexual contact the norm) and as conduits for your many local brothels.</p> <p>We have worked for many years, alongside survivors of the strip and sex trade and have wealth of evidence showing how strip clubs really operate and they harm they do to lap dancers and women more widely. We have found reports of incidents (often serious) in over half the UK strip club industry. This includes many of Westminster's own strip clubs, They cannot be regulated - all measures every council has in place is routinely circumvented. You are in effect white washing a highly abusive industry with substantial links to organised crime - at huge cost to the tax payer.</p> <p>Their cumulative impact is huge.</p> <p>Post covid, the industry will seek to yet further expand and will be yet more abusive - full of desperate, poverty-stricken women and feeding even more brothels full of yet more desperate women.</p>		

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			Response Percent	Response Total
31	19/11/2020 13:27 PM ID: 150952251	Bear in mind residents and pedestrians		
			answered	31
			skipped	26

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment? The summary of these findings can be found on pages 8-18 on this link.

			Response Percent	Response Total
1	Open-Ended Question		100.00%	32
1	12/10/2020 19:07 PM ID: 150000861	The consideration of the road closures and rerouting of traffic within Westminster will also affect the CIP and was not taken into consideration the plans of Westminster Council themselves with their directives on changing buses, road closures and direction of traffic.		
2	12/10/2020 19:42 PM ID: 150000476	There is no comparison to 5, 10, 20 years ago. Those of us who have been around for a while will remember significantly more night-time activity generally, yet on the whole fewer incidents of violence. It is beyond my personal ability to explain the potential reasons for that; however, one hypothesis could be a proportionately higher police (and other enforcement capacity) presence in the areas. For residents among us who know Westminster (and indeed Camden) police officers, we hear first-hand how few of them are available at weekends to patrol high-activity areas such as Soho, Covent Garden, and so on. Often this is single figures in the central part of the borough. This is of course beyond Westminster Council's power to address, as it is a function of cuts to police (both frontline and back office staff, as now frontline officers have to carry out much more in the way of admin functions than they ever did before) as well as some of the ways the police function these days (I've never met an officer who thinks Mi Investigation benefits victims!). Anyway, yes, back to the comment on the findings - it's interesting that the REASONS things are so problematic these days don't seem to have been investigated. We do need a healthy and robust night-time economy - but we need to take steps to ensure it can be safe as well as healthy and robust		
3	12/10/2020 19:44 PM ID: 150004612	This policy protects the residents and the environment. A recent rise in drug abuse and criminal activity can be controlled through this. The hospitality industry and families in residential areas have opposite interests in the late hours.		
4	12/10/2020 21:23 PM ID: 150008665	The fact that the rate of incidents per square kilometre observed in the assessment, as well as the rate of licensed premises per square kilometre was approximately 9 times than the borough's average rate is telling. For crimes in particular, the rate was 10–13 times higher between 6pm – 6am compared to the		

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			Response Percent	Response Total
		borough average. Again, a significant and worrying statistic. In effect, the licensing policy has increased crime and anti-social behaviour.		
5	13/10/2020 09:38 AM ID: 150020804	<p>It was mentioned that the work done in evaluating Mayfair was impacted by Covid. Was the work done to analyze Fitzrovia, Paddington, Marylebone/Oxford corridor, etc. also impacted by Covid, or is it felt that there is a good understanding of CIP in those areas?</p> <p>Why was an impact of approx. 4x not considered sufficient to continue to consider Edgware?</p>		
6	13/10/2020 12:47 PM ID: 150037782	Below the level of outright crime are negative impacts on residents such as begging, harrassment, pickpockets that are not reported, etc. The findings that Paddington and Queensway and Edgware Road fall below the CIA thresholds mean the thresholds are set too high. Even the local police have had trouble enforcing orders to reduce ASB in Queensway which has also a lot of neighbouring hostels used by Westminster Council to house young refugees or asylum seekers who are bored and hang out together in large groups in the streets. The combination of all these factors combine to create an environment which leads to problems for residents, even if one single premises alone cannot be identified as the cause. I think you should lower the threshold and also seek police input on where they have been experiencing many complaints, even if not prosecuted crimes.		
7	13/10/2020 20:38 PM ID: 150040177	<p>The findings seem to state that bigger venues are more likely to lead to the type of incidents that are causing concern; however, the implementation of the Cumulative Impact Policy as stated is more likely to lead to smaller venues becoming unviable. For example, anyone wishing to open a comedy or music venue with its own bar - not a type of venue listed as being among those to be of significant risk of such incidents, presumably because the presence of entertainment in a venue reduces the sort of circumstances where an incident could occur, but the very type of venue the West End had lost in some number prior to lockdown and is likely to lose further over the coming months - would not bother submitting an application because the venue would rarely be able to open to the public before 1900, so a 2100 closing time would be impractical. Yes, a new venue of any sort should be assessed, as they always have been, to determine what cumulative effect they might have upon the surrounding areas - and nobody wants a street of pub after club after restaurant after pub - but turning down all potential applicants on such draconian terms serves no logical purpose.</p> <p>That said, of course, very high concentrations of licensed premises on individual streets or blocks of streets, worsening crime hotspots, must continue to be considered all over the borough, not just in the West End. I note the comments about Victoria, although a lot of this is down to people from short-term lets, hotels</p>		

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		Response Percent	Response Total
		<p>and hostels and/or the police's reluctance to deal with the small number of regular individuals repeatedly making people's lives a misery. It is nothing to do with those on a night out or long-term residents, nor the concentration of venues. My own view is that Victoria and the surrounding area could do with fewer restaurants, a couple more pubs (or those that close at weekends opening up for local residents, rather than just catering for office workers, civil servants, Parliamentarians etc.), and a wider variety of entertainment venues (i.e. we have theatres and cinemas we cannot afford, but if we want to see a band play we need to go to Camden, an areas where there are way too many of those venues, as well as others). Balance is the key, not density. Blanket licensing for new applicants should therefore be avoided.</p> <p>There is also, perhaps, a need to stop building new residential developments in noisier areas generally, be they in high-density entertainment, shopping and leisure areas, or close to transport hubs, railway lines, road interchanges, petrol stations etc. Every new build I've seen has been in an area that I would not consider residential. Also, I would venture that many of those who live in the areas most of concern have more than enough money to choose to move elsewhere if conditions are not to their liking or worsen in future - there still seems to be plenty of people prepared to trade off the considerable reduction in quality of life for a West End address - but I see no point in increasing residential capacity in an entertainment district and then complaining that there are too many entertainment venues for the number of residential units in the area. Those in areas with fewer venues who suffer exactly the same disruption or worse, either from local venues or caused by people making their way to or from the West End, often cannot afford to move. That is not to say that I do not have sympathy with those living in the West End zones - undoubtedly those who've lived in the area since the 1950s or 1960s have seen a number of changes, both positive and negative - but ultimately many have plenty more options than those of us on estates two miles or so from the West End.</p> <p>It is also important to look at whether the aesthetics or overall layout of a street, a block, an alleyway etc. are factors in the sort of disorder reported in the assessment. Approach the layout of the West End like you would a no-go housing estate suffering the same problems. This seemed to be the approach 20-30 years ago, particularly when Soho was being "cleaned up" and then, all of a sudden, was abandoned, to the point where the West End is even more cluttered than it was in the 1970s.</p>	
8	24/10/2020 17:30 PM ID: 150975443	<p>are the findings that there are more crimes recorded in areas where there are more licensed premises? if so it does not necessarily mean that one caused the other - the cause of the higher crime could be gangs, beggars being drawn to the high (wealthy) population density for example</p>	

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			Response Percent	Response Total
9	27/10/2020 20:24 PM ID: 151167267	Better policing and security from the estates would bring down unsocial behaviour. Police and local enforcement teams should operate on a more preventative matter.		
10	11/11/2020 17:19 PM ID: 152172014	Please see comments above. In addition I welcome the fact that the CIA is so thorough and that the underlying evidence is made clear.		
11	12/11/2020 14:19 PM ID: 152273419	Basically my concern is, have you factored how businesses have been effected during the pandemic, and the continued survival to them.		
12	13/11/2020 12:17 PM ID: 152348366	<p>We welcome the extensive study which has been undertaken. As stated above, we would welcome additional information and data about the impact identified between different uses if they are remain in a single premises licence category under the new policy – for example the different impact between alcohol-led premises and those which provide fast food.</p> <p>Furthermore, as with other BIDs, we are also concerned that the Assessment and how it informs the approach to policies is based upon data which does not consider wider issues such as rough-sleeping or issues around transport hubs.</p> <p>We are also concerned that the findings around crime are out of context. Acquisitive crime in a tourist and business hotspot such as the West End is always going to be higher and requires the correct resources from the police, local authority and BID's to mitigate against it. The reduction of dedicated police resources in Leicester Square and surrounding areas has led to an increase in theft from the person and robbery offences despite the best efforts of responsible operators.</p>		
13	13/11/2020 13:02 PM ID: 152354533	We are broadly in agreement with the findings.		
14	13/11/2020 15:01 PM ID: 152367343	<p>We welcome the extensive study which has been undertaken. As stated above, we would nonetheless welcome additional information and data about the impact identified between different uses if they are remain in a single premises licence category under the new policy – for example the different impact between alcohol-led premises and those which provide fast food and ask the local authority to consider additional incentives for well-run premises to expand their operations in the future. In addition to our concerns outlined above about the timeliness of the data, we are also concerned about the fact that footfall is not overlaid when assessing Cumulative Impact.</p> <p>Within this context, our most significant concern is that the Assessment does not take into account other factors beyond licensable premises which may impact upon the findings and ultimately lead to areas such as the Strand and Victoria being designated as within Special Consideration Zones. In both of these areas,</p>		

**3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?
The summary of these findings can be found on pages 8-18 on this link.**

			Response Percent	Response Total
		<p>there is high footfall and major travel hubs which are used by people departing the West End Cumulative Impact Zone and which also experience issues, such as rough-sleeping and soup-runs that in turn impact upon the findings of the Assessment. Similarly there is no recognition given to vice and prostitution (cards are put in telephone boxes on a more than daily basis) and we know that such activity is related to violent crime and drug offences in a much more significant way than to licensed premises. There is no mention of vice or prostitution in the CIA report.</p> <p>Specifically in relation to Edgware Road, we know that the area experiences gang related crime that spills over from north of the Marylebone Road and recorded incidents both here an on Oxford Street can also be attributed to events in Hyde Park.</p> <p>As a result, we would ask the authority to consider these wider issues, as it is otherwise unfair that licensed premises face additional restrictions in these areas.</p>		
15	13/11/2020 17:41 PM ID: 151148200	<p>We have the following views on the findings in regard to Victoria's designation as a Special Consideration Zone (SCZ):</p> <ul style="list-style-type: none"> - The evidence base presented in the Cumulative Impact Assessment (CIA) underpinning Victoria's designation as a SCZ is inconclusive and its interpretation put forward in the consultation document is open to question. Indeed, the CIA itself expresses concerns about the applicability of its data and findings to Victoria whilst Victoria's designation as a SCZ is contradictory with the data within the CIA. - Views of service experts and city inspectors suggest many of the patterns of incidents occurring in Victoria are attributable to travelling revellers coming into Victoria despite the increase in the number of licensed premises in Victoria in the last several years. - The CIA and consultation document also suggest the link between licensed premises and incidents in Victoria – which has not been designated as a Cumulative Impact Zone before – is weaker than in other areas. 		
16	14/11/2020 12:37 PM ID: 152424557	<p>We welcome the commitment of WCC to review the Cumulative Impact Policy and we also welcome the decision of WCC not to expand its current Cumulative Impact Zones in the current climate. Cumulative Impact Policies should be reviewed at a suitable time so that that they do not hamper the recovery of business and the hospitality.</p> <p>Both zone 1 and 2 are busy connections for rail, underground and bus routes so attract a higher proportion of people to them. The cause of incidents are driven by</p>		

**3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?
The summary of these findings can be found on pages 8-18 on this link.**

			Response Percent	Response Total
		<p>people travelling to the transport hubs and interchanges.</p> <p>The good transport links themselves, can attract issues and crime as it provides efficient and easy access and dispersal for those wishing to attaining drugs, which leads to other anti-social behaviour. This can be seen by the hotspots at Charing Cross Station and Embankment Station.</p>		
17	14/11/2020 17:50 PM ID: 152441492	We live in Berkeley street. The designation of Special Consideration Zone is a positive step for residents, although we are of the view it should be a cumulative impact area in its own right. The Hadfield Study in 2016 which suggested designation as a cumulative impact area for Berkeley street, had considerably more observational data.		
18	14/11/2020 17:57 PM ID: 152445317	We live in Berkeley street. The designation of Special Consideration Zone is a positive step for residents, although we are of the view it should be a cumulative impact area in its own right. The Hadfield Study in 2016 which suggested designation as a cumulative impact area for Berkeley street, had considerably more observational data.		
19	14/11/2020 19:29 PM ID: 152448869	The findings around crime are out of context. Acquisitive crime in a tourist and business hotspot such as the west end is always going to be higher and requires the correct resources from the police, local authority and BID's to mitigate against it. The withdrawal of dedicated police resources in Leicester Square and surrounding areas has led to an increase in theft from the person and robbery offences. CAG and other businesses have provided additional financial support to fund private security patrols. Due to lack of police resources private prosecutions have increased led by My Local Bobby the private security provider.		
20	15/11/2020 12:52 PM ID: 152468395	It is difficult to see how the findings relating to analysis done between 2017 and 2019 pre Covid19 can be relevant going forward without further research to include the effects that Covid 19 have had. These may well be long term effects.		
21	15/11/2020 12:52 PM ID: 152470624	We believe that the spatial analysis of the existing datasets is well explained and of a high standard. However there is a gap between the data arising from reporting and the experience of residents on the ground. Observational studies serve to fill this gap but this was, unfortunately, not possible for this assessment. This matters particularly in the case of public nuisance, especially noise from people in the street, as the rate at which this is reported will be low. This is because there is an understanding from residents that reporting it does not result in any action to stop it. As a result the Cumulative Impact Assessment reflects the Cumulative Impact on the Crime and Disorder Licensing Objective but NOT the Cumulative Impact on Public Nuisance.		
22	15/11/2020 13:44 PM ID: 152468159	It clearly demonstrates the year on year increase in CI in the West End, the key finding being that incidents between 6pm and 6am were 9x higher than the		

**3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?
The summary of these findings can be found on pages 8-18 on this link.**

			Response Percent	Response Total
		borough average, it has higher rates of all incidents, serious violent crime, robberies, theft, drug offences etc. Residents in Soho will not be surprised by these results, we are aware of how dangerous the area is especially at night. I agree with the statements that the granting of licences or variations would be inconsistent with their duty to promote the licensing objectives or their duty under the Licensing Act 2003.		
23	15/11/2020 15:28 PM ID: 151604949	The findings of the 2020 CI Assessment are of limited relevance in the wake of the COVID 19 epidemic. COVID is not simply a transient issue that will be gone in a matter of months leaving things as they were. It has already had a profound and substantial effect on the leisure and hospitality industry. The damage done will already take years to repair and COVID is still with us; only three days ago a second national lockdown was announced, with no sign of the curfew or social distancing requirements being lifted anytime after. Many businesses have already closed and with these new measures, many more will follow before we even reach the end of 2020. Given the annual ebb and flow of trade in L&H, any surviving businesses may well cease to be financially viable in the first three months of 2021. Further the Data relies heavily on assumptions on existing data collection methods and it not fully accurate. Moving forward - better data collection methods should be implemented, reviewed regularly and improved.		
24	15/11/2020 15:30 PM ID: 152165406	<p>We welcome the commitment of WCC to review the Cumulative Impact Policy earlier than the statutory 3 year requirement. Our view is that it should be revisited no later than one year from now, give the impact of the health crisis on hospitality businesses. We also welcome the decision of WCC not to expand its current Cumulative Impact Zones in the current climate.</p> <p>We acknowledge the evidence presented for retaining Cumulative Impact Zones in the West End for the time being, but as recognised in the Assessment, the health crisis has had a dramatic impact on levels of crime in the area since March 2020. While it is likely that crime will increase in due course as we eventually emerge from the height of the crisis, it may not return to Covid-19 levels immediately, and as highlighted above, there is an opportunity for our Safer WestEnd BCRP to work in partnership with businesses, the Police and the Council to ensure that perhaps it never does. The role of Cumulative Impact Policies in the aftermath of the crisis should be reviewed so that that they do not hamper business recovery. Overall, a more permissive approach to licensing, in the context of regeneration and growth, is needed over the next couple of years in order to retain existing businesses and also encourage new hospitality business start ups, which will be vital to the future of the industry and the provision of employment.</p> <p>In terms of the data, we would highlight that most crime and anti-social behaviour cannot be attributed to specific licensed premises. Reduced police resources also</p>		

**3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?
The summary of these findings can be found on pages 8-18 on this link.**

			Response Percent	Response Total
		has a bearing on crime levels as a whole. The role of organisations such as Safer Business Network/Safer WestEnd and BIDs in making public spaces safer should also be recognised.		
25	15/11/2020 16:11 PM ID: 152478097	It is impossible to review data without similar data for other central city locations, and especially in respect of Noise related complaints for on licensed premises whether these simply recorded or if there substantiated by qualified persons and whether if is the result of poor residential planning modelling.		
26	15/11/2020 16:19 PM ID: 152449399	We agree with the comments analysis made by the Soho Society. This Assessment is a damning report on the Council's failure to control cumulative impact. We cannot see that the revised policies are intended to deal with this situation, indeed in some respects the reverse appears to be the case. We would welcome a statement from the Council as to how the revised policies are aimed at reversing the many negative statistics in this Assessment.		
27	15/11/2020 17:12 PM ID: 152381378	The findings in relation to crime are alarming and show that there are too many premises in the area, combined with not enough police and council enforcement, leading to safety problems, particularly for those who are vulnerable, for whatever reason.		
28	15/11/2020 17:34 PM ID: 152481404	The findings are not conclusive and although there is a correlation between crime and the concentration of licensed premises these data are not detailed enough to conclude that licensed premises are the cause of crime. It is beyond question that a vibrant night-time economy drives footfall to an area, otherwise, it would not be by definition, vibrant. With that increased footfall comes an opportunity for increased criminal activity. More detailed analysis is required before simple conclusions can be made.		
29	15/11/2020 17:59 PM ID: 152483731	I certainly feel the Queensway and Bayswater and other Impact Zones should be maintained till we know actually the long-term impact on the Central London economy and jobs is felt after the pandemic.		
30	15/11/2020 21:44 PM ID: 152485251	Mayfair has a unique character and mix of residential streets, internationally renowned shopping, hotels, dining and entertainment. It is a small dense area and has licensed premises and transport nodes on all sides which lead to visitors often walking from one side to the other. Licensed uses have been on the increase in the area for many years and it has been identified in this and other reports that they are having a cumulative impact. Whilst statistics for all of Westminster have been collected, the area analysed is not the whole of Mayfair and the licensed premises in the area you study have an impact on the wider area of Mayfair. The neighbouring residential streets to the area of study are also bounded by a number of other clusters of licenses, still		

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment? The summary of these findings can be found on pages 8-18 on this link.

			Response Percent	Response Total
		<p>within Mayfair, which add to the cumulative impact already experienced. We are also next to the West End Cumulative Impact Area which inevitably has an impact on Mayfair due to its close proximity and mix of similar uses.</p> <p>With the creation of the new Planning Use Class E, and the resultant loss of local control over the balance of uses, Licensing is now the only control mechanism for Local Authorities. This loss of control of use classes and the decline in retail could lead to a significant increase in the number of licensed premises in Mayfair.</p> <p>There is now a very strong argument for Cumulative Impact Area status for the Berkeley Street/Sq - Dover St area.</p>		
31	19/11/2020 11:32 AM ID: 152332620	are they findings? in light of covid-19, the year 2020 is not an ideal benchmark or a basis to form an opinion.		
32	19/11/2020 13:24 PM ID: 150300014	<p>There is not even any distinct analysis of SEVS (strip clubs) or other sex venues - SEVs are clubbed together under 'other'. Why? Clearly these are hot spots for drugs, sexual assaults (of lap dancers and women more generally), prostitution (on premises and fuelling it elsewhere), financial fraud and other crime - they are little more than a shop front for organised crime, as outlined above as has been shown many times in your own SEVs that you continue to relicense.</p> <p>The fact that this assessment does not look distinctly at venues that are clearly hotspots for breach of the PSED could in itself be seen as an unlawful breach of the PSED</p> <p>They also help create 'no go' zones - where women feel uncomfortable to go about their every day business - particularly when there is such a high concentration in such a small Soho area. This too is a breach of the council's legally binding public sector equality duty.</p> <p>We would welcome the opportunity to discuss the council's duties. We have taken two successful High Court cases against Sheffield City Council for breach of the PSED in relation to its pro sex industry stance. Westminster is even more open to Judicial Review.</p>		
			answered	32
			skipped	25

3. 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 promote inclusion in Westminster. Do you agree with the inclusion of this expectation?

									Response Percent	Response Total
1	Yes								69.64%	39
2	No opinion								14.29%	8
3	No								16.07%	9
Statistics	Minimum	1	Mean	1.46	Std. Deviation	0.76	Satisfaction Rate	23.21	answered	56
	Maximum	3	Variance	0.57	Std. Error	0.1			skipped	1

5. If you have any comments, please provide them below:

			Response Percent	Response Total
1	Open-Ended Question		100.00%	22
1	12/10/2020 19:42 PM ID: 150000476	Westminster Council is not leading the way on inclusion, so how can it expect businesses to take it seriously? The council website is not fully accessible. The public realm is barely accessible. Black and minority ethnic residents as well as older and disabled residents are excluded from work opportunities in our borough. The onus shouldn't be on licensed premises to fix this.		
2	13/10/2020 09:38 AM ID: 150020804	Can be difficult to measure. How do you propose to make it easy for establishments to demonstrate?		
3	13/10/2020 12:47 PM ID: 150037782	There are plenty of laws governing this already. Too much regulation for small businesses is a burden and also hard to prove.		
4	13/10/2020 20:38 PM ID: 150040177	This is just extra bureaucracy and will not deter bigoted door staff or club owners from doing the sort of things you have mentioned, which we all know has happened and will continue to happen regardless of whether a licensee has made a written commitment or not. I prefer an approach of stricter recruitment, licensing and training for door staff, even to the point where perhaps the door staff are directly employed by the council, not the establishment - this would allow door staff to have a better appreciation of the whole of the borough's night-time economy rather than becoming over-familiar with the clientele of one particular establishment. Naturally, this must be linked with the severest of penalties for any establishment where it has been proven beyond all doubt that persons have been turned away purely on the basis of their skin colour, ethnicity etc. (To be honest, I tend to avoid anywhere that has door staff in the first place, although this is becoming increasingly difficult.)		

5. If you have any comments, please provide them below:

			Response Percent	Response Total
		<p>However, we must not let isolated incidents of prejudice by a small number of individuals who perhaps should not be holding licences in the first place to open the back door to a formal policy of inclusion, which would almost certainly be open to abuse and see decent venues suffer at the hands of overzealous and litigious individuals with a specific agenda.</p> <p>There will always be ""rough"" pubs or establishments that have an objectionable regular and if the landlord does not take action, for whatever reason, then those who object will always find somewhere else, particularly in an area with so many such establishments. Pubs have traditionally been a place where people can speak freely, and where the landlord has the final say when someone has overstepped the mark. If this doesn't please the millennials, then let them take their money elsewhere. The public as a whole must be allowed to have the final say as to whether any establishment is worthy of patronage purely by the virtue of their custom.</p> <p>I speak as someone who has been barred from a local pub for standing up to a particularly objectionable individual, albeit in a way that does not make me proud. The other party has not been barred, nor has his equally objectionable son. I understand they have continued to cause trouble, and that several other individuals have voted with their feet. Despite having a great affection for the landlord, his wife, their bar staff and most of the regulars, I have already told a mutual friend that I won't return to the establishment until a) I am invited back and b) the objectionable individuals are permanently barred. This has not happened in the 20 months to date, and with draught beer now at £6 a pint and myself jobless, I doubt it will ever happen, which is a great shame.</p>		
5	14/10/2020 01:08 AM ID: 150093041	The Bureaucratic imbecile who formulated the convoluted and purposefully confusing questionnaire should be sacked!		
6	16/10/2020 14:12 PM ID: 150290791	Inclusion in Westminster should also include space for residents to securely park their bicycles.		
7	24/10/2020 17:30 PM ID: 150975443	you should spell out what you mean by inclusion in the question - are you talking about quotas, or aims or targets or what specifically		
8	11/11/2020 17:19 PM ID: 152172014	It is not just on the subject of promoting inclusion that the licensing authority (LA) should ask and expect applicants to set out either in their proposed operating schedule or in other documents accompanying the application how they will meet all 4 of the licensing objectives. Some applicants and/or their advisors are reluctant to set out clearly how their application can demonstrate that it will promote the licensing objectives and the policy criteria attached to them. I recognise that the legislation does not allow the LA to require more detail but if it is apparent to the licensing service that applicants are using the absence of detail in their application		

5. If you have any comments, please provide them below:

			Response Percent	Response Total
		or the delay in supplying it until the last moment as tactics to prevent scrutiny and negotiation on the details of how the licensing objectives will be promoted and the conditions therefore necessary to secure this then the LA through its licensing sub committee to make that displeasure very clear in order to bear down on this type of behaviour.		
9	13/11/2020 12:17 PM ID: 152348366	Yes, we strongly welcome this objective and all premises should seek to provide an inclusive, safe and welcoming experience to all patrons.		
10	13/11/2020 15:01 PM ID: 152367343	Yes, we strongly welcome this objective and actively encourage premises who are members of our BIDs to provide an inclusive, safe and welcoming experience to all patrons. An ambition which is consistent with our objective to continue to promote London as a global destination and City. We would also welcome further information, guidance and training to be made available to help support and promote inclusion as outlined in the policy.		
11	13/11/2020 15:51 PM ID: 152367683	Such inclusion will only be appropriate insofar as it impinges directly on the promotion of the licensing objectives		
12	13/11/2020 17:34 PM ID: 152298169	I agree with the need to demonstrate how they will promote inclusion for all, including those with disabilities, but not clear how this can be done for race or other protected characteristics. While the document mentions the need for training of door staff and other customer facing personnel, there are cases when management have given instruction to door staff and customer facing personnel on the type of clients they want frequenting their establishment. It is not clear how the policy of no discrimination is to be policed / enforced. Are there penalties if it can be evidenced that someone was excluded due to discrimination?		
13	13/11/2020 17:41 PM ID: 151148200	n/a		
14	14/11/2020 12:37 PM ID: 152424557	The Northbank BID supports inclusivity with its member organisations and is currently reviewing how to enhance this.		
15	15/11/2020 13:44 PM ID: 152468159	None		
16	15/11/2020 15:30 PM ID: 152165406	Safer Business Network would be happy to work with businesses in its Safer WestEnd BCRP to ensure that they promote inclusion.		
17	15/11/2020 16:11 PM ID: 152478097	This is a positive message and a field that live music venues and night clubs specialise in, if it is therefore a shame that Westminster Council does not support these sectors both in practical terms and in this policy document.		
18	15/11/2020 16:19 PM ID: 152449399	None.		

5. If you have any comments, please provide them below:

			Response Percent	Response Total
19	15/11/2020 17:12 PM ID: 152381378	None		
20	15/11/2020 17:59 PM ID: 152483731	It is good to see the promotion of inclusion in night-time economy in Westminster licensing regime as the Council has statutory responsibilities from the Equality Act and also it has been highlighted as an issue by the media that we need to address so as all can enjoy the hospitality and entertainment sector.		
21	19/11/2020 11:32 AM ID: 152332620	isnt this a given but another hurdle of licence holders to try and satisfy with words, when actions ultimately speak louder.		
22	19/11/2020 13:24 PM ID: 150300014	The sex industry is the antithesis of inclusion - it actively excludes women from feeling safe, comfortable or welcome. And it actively promotes deeply harmful, stereotyping and abusive attitudes -the opposite of inclusion		
			answered	22
			skipped	35

4. B. Summary of the Cumulative Impact Assessment Findings

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

									Response Percent	Response Total
1	Yes								69.09%	38
2	No opinion								12.73%	7
3	No								18.18%	10
Statistics	Minimum	1	Mean	1.49	Std. Deviation	0.78	Satisfaction Rate	24.55	answered	55
	Maximum	3	Variance	0.61	Std. Error	0.11			skipped	2

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	23

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

			Response Percent	Response Total
1	12/10/2020 19:07 PM ID: 150000861	However the plans and directives of Westminster council on these areas were not part of the 2020 CIA		
2	12/10/2020 19:42 PM ID: 150000476	It doesn't examine the issues in much detail so a summary may not be all that worthwhile.		
3	12/10/2020 21:23 PM ID: 150008665	What does this actually mean: ""Do you agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment? "" Why would anyone not agree to including the assessment as a piece of information.		
4	13/10/2020 20:38 PM ID: 150040177	The wording needs to be simplified and/or bulletpointed, so it is aimed more at the general public. The inclusion of tables and diagrams always helps further understand the text, so don't lose those.		
5	14/10/2020 01:08 AM ID: 150093041	My god what an awful questionnaire! Try and ask basic questions to actually get the true answer from the public		
6	24/10/2020 17:30 PM ID: 150975443	don't understand the question - include a summary of the 2020 Cumulative Impact Assessment? - include it in what????		
7	11/11/2020 17:19 PM ID: 152172014	I welcome this.		
8	12/11/2020 14:19 PM ID: 152273419	There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. The increased importance of external areas in light of the pandemic		
9	13/11/2020 12:17 PM ID: 152348366	See above in terms of the distinction between different premises and how we believe this should be taken into account in emerging policy.		
10	13/11/2020 15:01 PM ID: 152367343	See above comments regarding the distinction between different premises and other issues which we believe should be taken into account when bringing forward policies for the Cumulative Impact Zone and Special Consideration Zones.		
11	13/11/2020 17:34 PM ID: 152298169	Gives context for the proposed changes though alternatively a reference to the summary could be provided.		
12	13/11/2020 17:41 PM ID: 151148200	n/a		
13	14/11/2020 12:37 PM ID: 152424557	n/a		
14	14/11/2020 17:50 PM ID: 152441492	We live in Berkeley street. Although we agree with the overall assessment, we believe the Hadfield Study in 2016 better reflected the issues in Berkeley street, and had considerably more observational data.		

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

			Response Percent	Response Total
15	14/11/2020 17:57 PM ID: 152445317	We live in Berkeley street. Although we agree with the overall assessment, we believe the Hadfield Study in 2016 better reflected the issues in Berkeley street, and had considerably more observational data.		
16	14/11/2020 19:29 PM ID: 152448869	The summary is too generic and does not specify or factor in the premises that have operated irresponsibly and contributed negatively to the Cumulative Impact Assessment. By including every licenced premises within the zone the CIA does not therefore treat each business and operator on a case by case basis and on merit as it states it should do within the Cumulative Impact Policy. The crime stats in 2020 are significantly lower mainly due to COVID and with the low footfall and visitor numbers which are likely to be in the West End well into 2021 the impact of crime is likely to be significantly less than what it was in previous years.		
17	15/11/2020 12:52 PM ID: 152470624	In the summary please include a caveat regarding the absence of the observational study and therefore the lack of data on the actual, as opposed to the reported, level of Public Nuisance.		
18	15/11/2020 13:44 PM ID: 152468159	The findings of the CI in the West End is damning and it clearly states granting further licences would be inconsistent with the authority's duty under the Licensing Act, it supported further policy restrictions, however, it is going this and decided not to impose any new restrictions, citing COVID as the reason and considers this will not impact on the Council's duty to promote the Licensing Objectives. This decision cannot be justified, the CI is 9x higher in the West End, this is an opportunity for WCC to reduce the level of CI to a more acceptable level, rather than acknowledge it is high and then do nothing proactive about it apart from granting more licences.		
19	15/11/2020 15:28 PM ID: 151604949	As noted above, the 2020 CIA is simply not relevant following the ongoing impact of COVID. This is not a temporary matter that will leave the industry as it was before March 2020. The industry is already permanently changed and becomes ever more damaged as time goes on. New data must be collected immediately so that we can know the full impact of COVID 19 epidemic and that Westminster can respond appropriately.		
20	15/11/2020 16:11 PM ID: 152478097	I think the policy review should wait until after the impacts of the Covid pandemic, and that at minimum the existing policy should be adopted for an interim period.		
21	15/11/2020 16:19 PM ID: 152449399	For the reasons set out in 3 above. 4.7 'It is believed that this approach, at this time, will not impact the Council's duty to promote the Licensing Objectives. However, as the city recovers, visitor numbers increase, and associated incidents rise outside the current West End Cumulative Impact Zone, the Licensing Authority will review this approach.' We strongly disagree with using Covid as an excuse not to deal with the increase of CI in these areas, and indeed the Council's willingness to entertain granting further licenses & thus exacerbating CI. Also the grant of more licenses will have a		

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

			Response Percent	Response Total
		negative impact on existing licensed premises thus contradicting WCC's own (incorrect) logic.		
22	15/11/2020 17:12 PM ID: 152381378	The finding are fairly dramatic and WCC cannot ignore them.		
23	15/11/2020 21:44 PM ID: 152485251	We do not support all the findings, comments in 3 above.		
			answered	23
			skipped	34

5. 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.

									Response Percent	Response Total
1	Yes								56.14%	32
2	No opinion								22.81%	13
3	No								21.05%	12
Statistics	Minimum	1	Mean	1.65	Std. Deviation	0.81	Satisfaction Rate	32.46	answered	57
	Maximum	3	Variance	0.65	Std. Error	0.11			skipped	0

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	23
1	12/10/2020 19:07 PM ID: 150000861	But the directives and changes being made by Westminster Council in these areas needs to also be included...		
2	12/10/2020 19:42 PM ID: 150000476	CD1 - Placing so much responsibility on licensed premises ignores the many reasons people feel the need to drink excessively and get violent in the first place. Very few happy fulfilled people get trashed and commit crimes. Those problems		

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

			Response Percent	Response Total
		<p>are societal, and can't be fixed by licensed premises; to place those conditions upon licenses means that licenses will inevitably be withdrawn - or people won't want to go to places where they're forced to act like they're in work or school instead of letting their hair down and having fun, so places will close through insufficient custom. Have Westminster not learnt lessons from other London boroughs who have done this very same thing and seen their night-time economies tank?</p> <p>PS1 - seems sensible. No contention from here.</p> <p>PN1 - largely sensible too. As above, no contention.</p>		
3	13/10/2020 12:47 PM ID: 150037782	I strongly welcome the policies in PN1 and hope that these will be enforced if there is non-compliance after the license has been granted.		
4	13/10/2020 20:38 PM ID: 150040177	<p>I don't see the point of the alteration in the wording. Most of the existing criteria that need to be satisfied and the considerations that need to be taken into account make perfect sense as they stand. My only view on the policies as they are detailed in the proposal are as follows:</p> <p>CD1 / PS1: There should be a greater emphasis placed on the interior layout, access and relative space allocated to seating and standing, but landlords and venue owners need to be assisted by the council in putting changes into effect rather than penalized. For example, the previous landlord of the pub from which I have since been barred was often criticized for the poor positioning of the TV screens used by patrons for watching sporting events. We suggested suspending two larger flat screens back-to-back from a central beam, so that all customers had a clear line of sight. He said the expense could not be justified because of all the licensing requirements and other overheads. Later, when he had left and the pub was fully refurbished, the number of screens increased but remained the same size, with two in virtually the same place as before. As a result, people who stood or moved to/from the bar or toilets often obscured the clear view of those sitting, and that in itself caused several arguments over time, most of which thankfully did not escalate into anything more serious. It's a small pub and there aren't a lot of options, but I'm sure current and future landlords of this and other similar sized establishments would appreciate a more proactive and collaborative approach from the council.</p> <p>PS1 / PN1: The policies cover everything for most venues, particularly larger purpose-built establishments such as clubs and cinemas. However, it's difficult to see what many smaller pubs could do to make anything safer, purely because many are in historic, protected or listed buildings to which they cannot readily make alterations such as the widening of entrances and exits or anything internal</p>		

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

			Response Percent	Response Total
		<p>to reduce crowding (other than, of course, chucking out all furniture, which then makes the establishment less inclusive to the elderly and disabled, who need access to such places more than anyone else in society). It should also be noted that dedicated policies for readmission in clubs and music venues are still not common, even now, several years after the smoking ban came into place. Indeed, dedicated smoking and vaping areas outside pubs and smaller venues are often now more crowded than the interiors, which obviously affects passers-by just as much as a venue's clientele. There are even several music and club venues across London that put more emphasis on having someone demanding £1 or more for a squirt of Carex and a square of kitchen roll (rather than having washing and drying facilities freely available) every time a patron needs to go to the toilet. I can see this being adopted widely post-lockdown, causing far more unrest among paying customers than most other issues listed amongst your policies. Clearly, it will also result in public hygiene going back out the window again as well.</p> <p>PN1: Again, everything seems rather sensible. However, more emphasis should be placed on the noise extractor fans make at take-aways, many of which are near residential premises of one sort or another. I also feel that lip service is paid when it comes to all premises - not just licensed ones - blocking pavements. As part of the council's attempts to make my area more "villagey" (a ridiculous concept in central London), several streets are now single-file for pedestrians thanks to cafes being granted outdoor seating where there is not enough space and retail outlets being permitted to display A-boards where there is little benefit in doing so. When this is added to the encroachment on walking space of recent cycling initiatives (docking stations for so-called Boris Bikes, the proliferation of electric hire bikes dumped wherever the last user felt like dumping them, the frankly dangerous cycle lanes such as those towards the bridge end of Vauxhall Bridge Road that were put in place when cyclists refused to use the existing cycle lanes installed at great expense at their demand and kept riding on the pavement anyway, etc.), pedestrians - particularly those with sight or mobility difficulties - are most definitely considered last. Social distancing in these areas is also impossible and has led to pedestrians walking in the middle of the road. So anything that makes the pavements easier for pedestrians, the very people for whom they were intended, is welcome, but don't for a minute think it's solely an issue for licensed premises.</p>		
5	14/10/2020 01:08 AM ID: 150093041	Wow		
6	24/10/2020 17:30 PM ID: 150975443	The proposals are far too subjective and checklist driven. You will stifle any entrepreneurship with such an approach. You need - especially with so many places closing - to encourage people to have a go at opening an establishment. Then you need to monitor the new premises and see if there are any problems. If there are not: do nothing. If there are: help them with advice etc. If the breaches		

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

			Response Percent	Response Total
		really, really persist withdraw the license. Otherwise you will just get sterile chain based floodlit zero-ambiance places applying to open. Obviously you have to only allow someone to open in a premises that is designated for the purpose.		
7	11/11/2020 15:38 PM ID: 152194841	<p>I believe that changes to and operation of PN1 just take account of increased events activity especially when combined with the extension of core hours. The combined effect of these things is likely to lead to permissions being available for activity which significantly increases noise and other nuisance well after core hours. This is because events, whether under a licence, a TEN or other permission, tend to have a much greater need for ancillary loading and unloading activity. Mitigation measures are of limited effect because the time and location of the loading and unloading are often directly linked to permitted activities. Current conditions of PN1 include:</p> <p>(e) minimise and control noise from staff, contractors and suppliers and their activities; and</p> <p>(f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers</p> <p>but policy and Committees will need to consider much more stringent and verifiable conditions where the cumulative number of events increases as a direct result of changing commercial opportunities, the increase in core hours and the likelihood of venues never or rarely previously hosting such activities now doing so often. Loading and unloading after 11pm can be very disruptive indeed and very hard to act on at the time. Resorting to licence reviews demands many disruptions be suffered and is always an unequal fight between paid employees and unpaid residents seeking only to protect amenity. Strict conditions (like but not limited to those set for the Marriott Hotel (20/03534/LIPN) should be promoted.</p>		
8	11/11/2020 17:19 PM ID: 152172014	<p>I welcome the wording of Clause A and B in CD1. I do not agree with the way Criteria 1 is worded as it is confusing and does not put sufficient onus on the applicant to show they have taken the Considerations into account.</p> <p>I propose that after '...the applicant' the word 'of' is removed and the following words are inserted 'which takes account of all the relevant Considerations below to reduce the'</p> <p>I welcome Clause A and B of PS1. I do not support the current wording of Criteria 1 which should be strengthened as follows: After 'Licensing Authority, that' insert the words 'show the relevant considerations have been fully considered to'.....</p>		

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

			Response Percent	Response Total
		I welcome Clause A and B of PN1. I do not support the current wording of Criteria1 which is strengthened if the word 'could' is replaced with 'would'.		
9	13/11/2020 12:17 PM ID: 152348366	Whilst we accept the need to maintain control of the external environment there should be a greater clarity on what premises are expected to maintain and control and where the outside area ceases to be under their jurisdiction.		
10	13/11/2020 15:51 PM ID: 152367683	CD1 B:6 The imposition of a CCTV condition should be imposed only where justifiable in preventing crime (and it is questionable whether assisting police in the prosecution of offenders falls within this definition). Any condition that is imposed requiring images to be given to a third party should be subject to the Data Protection legislation.		
11	13/11/2020 17:34 PM ID: 152298169	PS1 9 - What medical & other emergencies are you expecting them to cover - heart attacks, epileptic seizures, allergic reactions?		
12	13/11/2020 17:41 PM ID: 151148200	n/a		
13	14/11/2020 12:37 PM ID: 152424557	n/a		
14	14/11/2020 19:29 PM ID: 152448869	<p>Although I agree with the majority of points, PN1 point 3 subsection (n) talks about identifying the need to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).</p> <p>Whilst I accept the need to maintain control of the external environment there should be a greater clarity on what the premises is expected to maintain and control and where the outside area ceases to be under their jurisdiction.</p>		
15	15/11/2020 12:52 PM ID: 152470624	<p>General</p> <p>The new structure of these policies is good, with objective, criteria and considerations listed. We believe that there is an urgent need to update the Model Conditions to reflect this structure, with MC's available to cover all of the "considerations" in the Policy.</p> <p>CD1</p> <p>The word significant in the criteria should be removed. The Licensing Objective is the PREVENTION of crime and disorder. The criteria should be whether the premises will reduce, or at worst leave the same, the level. Allow a premises to contribute to Crime and Disorder, as long as it is not significantly, leaves too much room for argument in hearings and appeals. This is especially an issue in areas, such as the CIA's, where the existing level is already high. It makes it easier for an applicant to argue that they will not make a significant contribution in that area, because of the existing high level.</p>		

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

			Response Percent	Response Total
		<p>PS1 The impact of customers outside the premises, such as on the pavement outside, should be taken into account. The fact that pedestrians have to walk in the roadway to pass customers standing on the pavement is a Public Safety issue.</p> <p>PN1 One of the main issues for residents associated with licensed premises is dispersal. Although the benefit of dispersal policies is mentioned in the narrative for HRS1 we believe that all premises need to have considered the need for a dispersal policy. The relevant consideration is PN1 3(d)</p> <p>Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it</p> <p>This should include a reference to dispersal, such as below.</p> <p>Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it, including how dispersal is managed</p>		
16	15/11/2020 13:44 PM ID: 152468159	In general, I request the Operating Schedules should contain more detailed information about the operation, when responding to licensing applications it is difficult to understand the true nature of the operation and how it will function. Prevention of Public Nuisance Policy PN1; I disagree with the addition of the words 'unless there are exceptional reasons for granting longer hours', I would suggest the current wording 'are generally restricted to 23:00 ' is sufficient. I would not want to see Soho turned into a late night outdoor eating and drinking destination, the area is already extremely noisy during the late evening and into the night, it does not need the addition of tables and chairs past 23:00 which will also attract criminal activity. Residents need to be able to sleep.		
17	15/11/2020 15:30 PM ID: 152165406	Safer Business Network will work with premises through our Safer Sounds Partnership to ensure that they are continually aware of their obligations under the licensing objectives.		
18	15/11/2020 16:11 PM ID: 152478097	None		
19	15/11/2020 16:19 PM ID: 152449399	These policies rely on applicants providing the necessary information in their Operating Schedule. As was apparent with 20/03127/LIPN when those making Representations requested such information in the Operating Schedule officers ruled this out of order - see attachments. As was the case under the Justices late submissions should not be allowed at hearings & should be sent at least 7 days in advance.		

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

			Response Percent	Response Total
		In CD1 there is no definition of 'adequate risk assessment' and what is needed should be stated; In PN1 we object to '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'. Hitherto there has been a limit at 23.00 and this should remain as it contradicts the Prevention of Public Nuisance .		
20	15/11/2020 17:12 PM ID: 152381378	The importance of the Operating Schedule is a key theme throughout these policies,. It seems there is often a lack of information by applicants on the operation of premises. which should be addressed. It's very often difficult for residents, without sufficient knowledge of the WCC policies, to comment properly on applications (all three above)		
21	15/11/2020 17:34 PM ID: 152481404	Re: PN1 The revised wording, as the previous SLP, introduces vague terminology. The licensing objective is very specifically the prevention of PUBLIC nuisance. Within the proposed criteria and considerations wording for PN1 the term "public nuisance" is variously interchanged with "nuisance" (para 1); "may cause disturbance" (para 2); "noise that could affect people" (para 3c); and "prevent disturbance" (para 3o). These terms go beyond the licensing objective of the prevention of public nuisance.		
22	15/11/2020 17:59 PM ID: 152483731	These subtle changes to preventing crime & disorder; public safety and public nuisance with more emphasis under the Act will require a lot more public information in licensing decisions.		
23	19/11/2020 13:24 PM ID: 150300014	Can't find this - you should give link and page no		
			answered	23
			skipped	34

6. 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?

			Response Percent	Response Total
1	Yes		70.18%	40
2	No opinion		22.81%	13
3	No		7.02%	4

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?

									Response Percent	Response Total
Statistics	Minimum	1	Mean	1.37	Std. Deviation	0.61	Satisfaction Rate	18.42	answered	57
	Maximum	3	Variance	0.37	Std. Error	0.08			skipped	0

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?

				Response Percent	Response Total					
1	Yes			70.18%	40					
2	No opinion			22.81%	13					
3	No			7.02%	4					
Statistics	Minimum	1	Mean	1.37	Std. Deviation	0.61	Satisfaction Rate	18.42	answered	57
	Maximum	3	Variance	0.37	Std. Error	0.08			skipped	0

12. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

			Response Percent	Response Total
1	Open-Ended Question		100.00%	14
1	12/10/2020 19:07 PM ID: 150000861	Again the changes and directives of Westminster Council needs to also be included		
2	12/10/2020 19:42 PM ID: 150000476	CH1 C. 9. "heavy" or "binge" drinking - ought to be removed. Not all licensed premises SHOULD be suitable for children - heavy or binge drinking is literally one of the biggest markets for premises in some areas of Westminster so to include this as an essential criterion is to force them to become unattractive to the Thursday and Friday night after-work adult crowds as well as the Saturday-night-out adult crowd. I'm a Westminster parent and I definitely don't want every licensed establishment in our borough to be the boring and mundane type of place I'm happy to take my young child! Party atmospheres and adult socialising, which are a significant part of our night-time economy's attractiveness to young professionals who live in Westminster and outside of it are lubricated by heavy drinking. Despite not being a heavy drinker myself, and not wanting to actively encourage it in others - I recognise that. So I find it remarkable that those who developed this policy		

12. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

			Response Percent	Response Total
		appear to be ignorant of it. Safeguarding children is an admirable aim, but making licensing conditional upon there not being heavy or binge drinking on the premises is going to garrotte premises who don't want children in their premises but are glad of their drunken adult cohort who help them stay in business.		
3	13/10/2020 20:38 PM ID: 150040177	<p>Nobody under the age of 18 should be permitted in any licensed premises. I am tired of going into pubs to have a drink with friends and having to put up with misbehaving toddlers and screaming babies, or worse still being told to watch my language because ""there are kids around"". It's a pub, and these people should either deal with it or take their families somewhere else. They're just as bad as teenagers who want to be big and clever by trying to get served in pubs but are not prepared to take any responsibility (which is what those of us who went drinking at 16 and 17 in the days before teenagers weren't carded did as a matter of course). That said, students aged between 18 and 21 can be just as bad, but I don't want the legal drinking age to be changed. I just wish adults could rely upon pubs, clubs and other adult-oriented establishments being places where they can completely get away from kids for a few hours. I'm fed up with families taking their kids into pubs in London because ""there is nothing else for us to do as a family"" - and adults who think that way really shouldn't consider becoming parents until they're prepared to be much less selfish. And at least then bar or other venue staff wouldn't be expected to be on the look out for signs of abuse. They are not social workers, they are not paid to be social workers and, furthermore, they enjoy none of the legal protections of social workers, so don't expect that of them.</p> <p>As for child protection and safeguarding in family-friendly venues such as theatres or cinemas, or adult-oriented venues that may open during the daytime for other uses, I really have no opinion. I would only advise you to listen to a range of sources when it comes to drawing up such guidelines, because the NSPCC - which has forced a lot of this tedious legislation onto the statute books unopposed - is part of the problem, not the solution, and I wouldn't trust their opinion one bit.</p>		
4	14/10/2020 01:08 AM ID: 150093041	You are bloody idiots		
5	24/10/2020 17:30 PM ID: 150975443	I am not convinced you should burden bar, restaurant etc. operators with these changes despite there obvious good intention.		
6	11/11/2020 17:19 PM ID: 152172014	I welcome the simplicity and clarity of approach for this objective.		
7	13/11/2020 15:01 PM ID: 152367343	As outlined above, we would welcome the local authority offering training and guidance from businesses on safeguarding to ensure that they can meet the additional policy consideration.		

12. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

			Response Percent	Response Total
8	13/11/2020 17:34 PM ID: 152298169	<p>1) Consideration 2 is not very clear on two aspects: ""Whether there are effective measures to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol led premises (see Appendix X). ""</p> <p>a. when is under 21 or under 25 relevant? Should it be worded ""Whether there are effective measures to check the age of those young people who appear under 18...""</p> <p>b. The sentence implies that anyone under 16 can be accompanied by someone of any age - ie 16 and over. Is that the intent?</p> <p>2) Consideration 7 - ""Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult. "" As per my comment above, the present wording does not require anyone under 16 to be accompanied by an adult - no age is specified.</p> <p>3) Consideration 9 - ""Whether there is evidence of heavy, binge or underage drinking on the premises. "" There is no mention of drugs or other substance abuse?</p> <p>4) Reference is made to Appendix X but there is no such appendix in the document.</p>		
9	13/11/2020 17:41 PM ID: 151148200	n/a		
10	14/11/2020 12:37 PM ID: 152424557	n/a		
11	15/11/2020 13:44 PM ID: 152468159	No		
12	15/11/2020 15:30 PM ID: 152165406	We would make the point that the role of licensees and their staff is limited with regard to safeguarding, and it is arguable that the general requirement for the protection of children should already include safeguarding concerns. Safer Business Network offers training on vulnerability and how to identify potential Child Sexual Exploitation and Child Criminal Exploitation. It is important that licensees and bar staff understand what to look out for and what action to take if they have concerns, but this could be highlighted as part of policy CH1 without the level of detail proposed.		
13	15/11/2020 16:11 PM ID: 152478097	None		
14	15/11/2020 16:19 PM ID: 152449399	<p>How does the Licensing Authority propose to ensure checks and training has been undertaken for new applications and on existing?</p> <p>We support the points made by the Soho Society.</p>		

12. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

	Response Percent	Response Total
	answered	14
	skipped	43

7. 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 to the framework of the Cumulative Impact Policy (CIP1)?

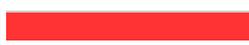
	Response Percent	Response Total
1 Yes	47.17%	25
2 No opinion	28.30%	15
3 No	24.53%	13
Statistics	answered	53
Minimum 1 Mean 1.7 Std. Deviation 0.8 Satisfaction Rate 38.6	skipped	4
Maximum 3 Variance 0.6 Std. Error 0.1		

14. Do you agree with...?

	Yes	No opinion	No	Response Total
Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2	58.5% (31)	20.8% (11)	20.8% (11)	53
Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)	48.1% (26)	27.8% (15)	24.1% (13)	54
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	39.6% (21)	39.6% (21)	20.8% (11)	53
			answered	55
			skipped	2

Matrix Charts

14.1. Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2								Response Percent	Response Total	
1	Yes							58.5%	31	
2	No opinion							20.8%	11	
3	No							20.8%	11	
Statistics	Minimum	1	Mean	1.62	Std. Deviation	0.81	Satisfaction Rate	31.13	answered	53
	Maximum	3	Variance	0.65	Std. Error	0.11				

14.2. Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)								Response Percent	Response Total	
1	Yes							48.1%	26	
2	No opinion							27.8%	15	
3	No							24.1%	13	
Statistics	Minimum	1	Mean	1.76	Std. Deviation	0.82	Satisfaction Rate	37.96	answered	54
	Maximum	3	Variance	0.66	Std. Error	0.11				

14.3. 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								Response Percent	Response Total	
1	Yes							39.6%	21	
2	No opinion							39.6%	21	
3	No							20.8%	11	
Statistics	Minimum	1	Mean	1.81	Std. Deviation	0.75	Satisfaction Rate	40.57	answered	53
	Maximum	3	Variance	0.57	Std. Error	0.1				

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	23
1	12/10/2020 19:07 PM ID: 150000861	Zone 1 using the circle line as a guide is sufficient for consideration. This also includes the boundary north of Covent Garden. The directive or proposed changes by Westminster Council needs to be also considered ie road closures, bus and road rerouting..		
2	12/10/2020 19:42 PM ID: 150000476	I disagree with ""Removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater"". Both are areas of high residential density, and removing protections for residents will be bad news for us. I expect you will see some pushback, particularly around Bayswater/Queensway which already suffer from antisocial behaviour.		
3	13/10/2020 03:54 AM ID: 150016287	If Park Lane was recreated as a pedestrian-friendly boulevard (with two-way traffic reinstated on East Carriage Drive), then it has the potential to be a Special Consideration Zone where - especially in light of Covid-19 and the absence of Winter Wonderland this year - it could be classified as a Special Outdoor Space or Place, to give a major boost to the hospitality business. The Special Outdoor Space could be from 5 to 10 metres wide, say, and extend for more than 1000 metres, from Marble Arch to Hyde Park Corner. It could and should become a major Place of international significance, and remain when the virus is gone. Is there another city where you will find more than 1000 metres of exceptional tree-lined public space, west-facing (!) onto that city's premier Park? TfL are clueless, and are harming Park Lane, even more than it was harmed over 50 years ago. It is up to Westminster City Council to rescue one of the best places in London - potentially....		
4	13/10/2020 12:47 PM ID: 150037782	I think the West End is and always has been a lively nighttime area and it is good to have an area for young people to go with lots of venues.		
5	13/10/2020 20:38 PM ID: 150040177	As previously stated, restricting licences for new premises to use between 1000 and 2100 at this stage seems excessive and counterproductive. If a licensed premise or entertainment venue has gone out of business because of lockdown, then anyone taking over that venue should be allowed to use the previous licensing arrangements as a starting point for negotiations. A lot of entertainment venues would not need to be open at 10am, but they would need to be open until 11pm to have any reasonable chance of turning a profit. Zone-wise, I agree that it is prudent to avoid any major changes at present because the density of licensed premises and the number of people visiting them		

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
		post-lockdown is likely to decrease, which may in turn reduce the cumulative impact in some problematic areas anyway. From personal experience, if I were to set a stress area, I'd make it all of Zone 1 plus the Covent Garden and Strand areas, while continuing research into areas south of Trafalgar Square, west of Regent Street and the main strip of Edgware Road. This would allow you to see if custom that was travelling to the West End pre-lockdown is seeking its kicks in a wider geographical area, and whether that in turn is having a detrimental effect on those specific neighbourhoods well ahead of the next renewal in 2026.		
6	24/10/2020 17:30 PM ID: 150975443	I don't agree with: It is the Licensing Authority's policy 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: (1) Pubs and bars, (2) Fast Food Premises, and (3) music and dancing and similar entertainment venues It is crazy to impose these hours - just keep the hours as they were for the previous license holder (unless there were complaints). A9pm close will make the place untenable. All you will do is create spill over into the area just outside the zone. You should want to keep all/ most of the nighttime activity in the central zone rather than dispersing it through residential nearby areas.		
7	10/11/2020 18:50 PM ID: 152122700	It is the Licensing Authority's policy 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: (1) Pubs and bars, (2) Fast Food Premises, and (3) music and dancing and similar entertainment venues 21:00 closing for licensed premises is unrealistic, it will have devastating impact to the late night economy		
8	11/11/2020 15:38 PM ID: 152194841	Zone 2 is subject to significant development and cumulative impact. Including it in the Zone does not preclude development but offers protection.		
9	11/11/2020 17:19 PM ID: 152172014	This question is confusing as it conflates the decision on the boundary of the WECIA with the policies within CIP1 This policy in the document is CIP1 not CP1. I		

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
		<p>have no comments about the boundary proposals but CIP1 itself does not refer to them. There are no questions about the policies in CIP1 which is a very serious weakness of this survey. It is a major policy change that is proposed and yet there are no questions about CIP1. Why not and how is this omission justified? It tends to undermine trust in the objectivity of this survey.</p> <p>I support the actual policies of CIP1 but am worried as to whether the LA will be able to defend Clause A of that policy sufficiently robustly to justify substituting it for the previous presumptions against granting.</p>		
10	13/11/2020 12:17 PM ID: 152348366	<p>As outlined above, we do not agree with the fast-food premises being treated as the same in terms of their impact as alcohol-led premises. We are also concerned that with a significant number of vacant units expected in the wake of Covid-19, a 9pm terminal hour is too restrictive. This is particularly relevant in the context of areas such as St James's Market, where there are no residential homes, and as a result we cannot see why this area is included within the Cumulative Impact Zone, which we believe should be moved eastwards to run along Haymarket.</p> <p>More broadly, we welcome the direction of travel to a more flexible approach within the CIZ, particularly the greater flexibilities offered to theatres and cinemas and qualifying clubs to provide alcohol to a later hour. This is a flexibility which our members have been calling for for many years, particularly as alcohol in cinemas, theatres and qualifying clubs is invariably ancillary to their main function and would not impact upon the licencing objectives. This is recognised in the Cumulative Impact Assessment and we would ask that the authority applies this new measure flexibly when determining new and amended licensing applications, in-line with London's ambition to be a global, 24/7 City.</p>		
11	13/11/2020 15:01 PM ID: 152367343	<p>As outlined above, are concerned that with a significant number of vacant units expected in the wake of Covid-19, a 9pm terminal hour for new bars and fast-food outlets is too restrictive and will fail to support the economic recovery of central London. We are also concerned about the evidence-base and how wider issues are considered when designating Zones.</p> <p>We nonetheless welcome the direction of travel to a more flexible approach within the CIZ, particularly the greater flexibilities offered to theatres and cinemas and qualifying clubs to provide alcohol to a later hour. This is a flexibility which our members have been calling for for many years, particularly as alcohol in cinemas,</p>		

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
		<p>theatres and qualifying clubs is invariably ancillary to their main function and would not impact upon the licencing objectives.</p> <p>This is recognised in the Cumulative Impact Assessment and we would ask that the authority applies this new measure flexibly when determining new and amended licensing applications, in-line with London's ambition to be a global, 24/7 City.</p>		
12	13/11/2020 17:41 PM ID: 151148200	n/a		
13	14/11/2020 12:37 PM ID: 152424557	<ul style="list-style-type: none"> • Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 <ul style="list-style-type: none"> → Zone 1: We agree that the area of Zone 1 should not be expanded → Zone 2: SCZ is a busy transition and transport interchange for buses, rail and underground so while the incidents are high, this cannot be attributed to licensing policy for the area. • Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) • 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. <ul style="list-style-type: none"> → We support the reduced area and the change of boundary. 		
14	14/11/2020 17:50 PM ID: 152441492	I believe the cumulative impact zone should include zones 1 and 2 and to be further extended all the way to green park.		
15	14/11/2020 17:57 PM ID: 152445317	I believe the cumulative impact zone should include zones 1 and 2 and to be further extended all the way to green park.		
16	15/11/2020 12:52 PM ID: 152470624	<p>Boundary</p> <p>Whilst we understand that the analysis supports the exclusion on the NE of Covent Garden from the zone the absence of observational data means that public nuisance impacts are understated. Also the boundary chosen for the zone is along a road which has significant numbers of premises on both sides and is not a natural boundary. The fact that one side of the road is excluded means that there may now be a flurry of applications to vary licenses on that side to remove conditions which require alcohol to be served with food, and so quickly turn the area into one with many bars. It would continue to make sense to draw the area boundary along a major boundary road, such as Kingsway as it is now.</p>		

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
		<p>Policy Wording</p> <p>We have long seen that the Licensing Authority, when considering applications, places a lot of emphasis on the presumption to refuse for certain types of premises and too little emphasis on the requirement that other types of premises</p> <p>"must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas."</p> <p>We believe that this is best addressed by reversing the emphasis in Paragraphs 1 and 2 in CIP1. Whilst this does not change the Policy it may serve to emphasise the importance of not adding to Cumulative Impact, rather than the importance of not falling into a particular premises type.</p> <p>Our suggested wording is as follows:</p> <p>It is the Licensing Authority's policy to refuse applications that are unable to demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Zone.</p> <p>This applies especially to premises of the following types within the zone that have an opening hour before 10:00 and a terminal hour beyond 21:00</p> <p>(1) Pubs and bars, (2) Fast Food Premises, and (3) music and dancing and similar entertainment venues</p> <p>Applications for other premises types within the West End Cumulative Impact Zones are subject to other policies within this statement.</p>		
17	15/11/2020 13:44 PM ID: 152468159	No		
18	15/11/2020 15:28 PM ID: 151604949	The proposed exemption for new licences with a terminal hour of 9pm has caused some concern in the industry. Although couched in permissive terms, this appears to set a limit on new licences of 9pm, whereas under the current policies, in practice, applications within Core Hours were looked on more favourably within the Stress Area than those outside of Core Hours. This revision appears to bring an end to that. Further, no sustainable licensed business could be created, with the significant investment required, with a terminal hour of 9pm. Therefore in terms of		

15. If you have any comments 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: Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2 Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) 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

			Response Percent	Response Total
		identifiable benefit to the industry (and therefore benefit to the Borough as an unused/irrelevant policy is of no benefit to anyone) there is nothing within the new proposals that will have a real world effect.		
19	15/11/2020 15:30 PM ID: 152165406	We believe the West End Cumulative Impact Zone should be kept under review over the next 12 months to ensure that it does not become a barrier to the recovery of licensed premises which have been among the hardest hit businesses as a result of the pandemic.		
20	15/11/2020 16:11 PM ID: 152478097	No opinion		
21	15/11/2020 16:19 PM ID: 152449399	North East of Covent Garden: We feel the existing boundary should remain to ensure cumulative impact does not increase. If 20mp reduces accidents you don't therefore return to 30mp which is the analogy relating to this proposal.		
22	15/11/2020 17:34 PM ID: 152481404	See my earlier comments about fixed boundaries.		
23	15/11/2020 17:59 PM ID: 152483731	Retaining the current West End Cumulative Impact Zone in light of the present circumstances of pandemic impact on the Central London economy, it makes sense just to keep it the way businesses and residents are accustomed to licensing regime for the West End.		
			answered	23
			skipped	34

8. F. Removal of the Queensway/Bayswater and Edgware Road Cumulative Impact Zones

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

	Yes	No	No opinion	N/A	Response Total
Queensway/Bayswater Cumulative Impact Zones	30.9% (17)	36.4% (20)	30.9% (17)	1.8% (1)	55
Edgware Road Cumulative Impact Zone	29.6% (16)	38.9% (21)	29.6% (16)	1.9% (1)	54

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

	Yes	No	No opinion	N/A	Response Total
				answered	55
				skipped	2

Matrix Charts

16.1. Queensway/Bayswater Cumulative Impact Zones								Response Percent	Response Total	
1	Yes							30.9%	17	
2	No							36.4%	20	
3	No opinion							30.9%	17	
4	N/A							1.8%	1	
Statistics	Minimum	1	Mean	2.04	Std. Deviation	0.83	Satisfaction Rate	34.55	answered	55
	Maximum	4	Variance	0.69	Std. Error	0.11				

16.2. Edgware Road Cumulative Impact Zone								Response Percent	Response Total	
1	Yes							29.6%	16	
2	No							38.9%	21	
3	No opinion							29.6%	16	
4	N/A							1.9%	1	
Statistics	Minimum	1	Mean	2.04	Std. Deviation	0.82	Satisfaction Rate	34.57	answered	54
	Maximum	4	Variance	0.67	Std. Error	0.11				

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	14
1	12/10/2020 19:07 PM ID: 150000861	These are areas within zone 1 and required to be included		
2	12/10/2020 19:42 PM ID: 150000476	I believe I have answered this; I'm sure you will remove them anyway, and I and many of my fellow residents will watch keenly for any worsening in antisocial behaviour which may be attributed to removal of these protections. Unlike Soho and Covent Garden residents, we did not move to noisy areas - we chose quieter more residential areas and will mobilise should that change noticeably further.		
3	13/10/2020 09:38 AM ID: 150020804	<p>In section 3.4 you indicate that you could not conclusively link licensed premises with the increase in incidents. Why is 3.9x not considered high enough to continue to consider it ClZ? Given the Edgware incident rate is significantly (35%) higher than Queensway/Bayswater, why are they not addressed separately.</p> <p>""Queensway/Bayswater and Edgware Road were found not to be under cumulative stress. The levels of incidents rates in these areas were higher than the borough average (Queensway/Bayswater 2.9 and Edgware Road 3.9) but the incidents could not be conclusively linked to licensed premises to demonstrate cumulative impact. Incidents in the area specifically related to crime and disorder and public nuisance issues (waste and noise).""</p>		
4	13/10/2020 12:47 PM ID: 150037782	<p>There are high levels of harrassment, nuisance, noise, drug dealing, prostitution, pick pocketing, begging and low level activities which may not meet your criteria but strongly impact local residents. There is also a lot of thefts from cars, muggings and attempted opportunistic burglaries which go unreported to police in most cases.</p> <p>It is when neighbourhoods have this kind of crime that you should act to stop it becoming lawless and out of control.</p>		
5	13/10/2020 20:38 PM ID: 150040177	<p>I would prefer Queensway / Bayswater to be left to the people who live in the area - they would know best.</p> <p>I can see some benefit in the Edgware Road zone but feel that it would need further research - it's a long road and therefore should be broken up into a number of areas between certain junctions to ascertain which parts may benefit from being included in a stress zone in 2026. Certainly, the southern end closest to Marble Arch would be busier as far as most revellers are concerned, but I wouldn't have a clue about the positive or negative effects of the many restaurants and shisha lounges along the entire stretch.</p>		

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

			Response Percent	Response Total
6	13/11/2020 15:01 PM ID: 152367343	Whilst the Westminster BIDs welcome the removal of the cumulative impact designation for Edgware Road, we dispute some of the analysis that links licensed premises to crime in the area. A significant amount of crime is not directly attributable to any individual licensed premises in the area as set out above. More flexibility should be given for new licences sought in the area, to encourage new activities in, and as these are new licences, then the Council can require better management policies and practices. This will not only help in reducing the currently high vacancy rate in the area but also help create competition between licensed premises which might result in a general leveling up. The Impact study states that there are some problematic premises, along the Edgware Road and it is unfair that licences not connected with these problematic premises should suffer as a result – a position that is mirrored elsewhere at other locations in the borough.		
7	13/11/2020 17:34 PM ID: 152298169	Investigation and preferably action where appropriate is needed regarding the prevalence of incidents in the area.		
8	13/11/2020 17:41 PM ID: 151148200	n/a		
9	14/11/2020 12:37 PM ID: 152424557	n/a		
10	15/11/2020 12:52 PM ID: 152470624	As with East Covent Garden the absence of an observational study means that public nuisance impacts will be understated in the analysis. Carrying out this study (pre-Covid) would have shown a very different picture.		
11	15/11/2020 15:30 PM ID: 152165406	We support the views of our partner, Marble Arch BID, with regard to the removal of the Cumulative Impact Zone for Edgware Road, and again, would highlight that it is difficult to attribute crime levels in an area specifically to licensed premises. In the Edgware Road area, other factors such as vice/prostitution lead to a range of issues, including drug dealing and usage and violent crime. While it is of course possible to identify those licensed premises that are particularly problematic, it is not fair to penalise well run premises that operate alongside these just on the basis of their proximity. Going forward, it is important to encourage new premises into the area as the West End moves towards recovery from the health crisis.		
12	15/11/2020 16:11 PM ID: 152478097	No opinion		
13	15/11/2020 16:19 PM ID: 152449399	These removals will almost certainly lead to CI especially given the new E Use Class Order.		
14	15/11/2020 17:59 PM ID: 152483731	Just retain things as there are at the moment till after its clearer what the impact of COVID19 will be long time on the street economy of these CIZs.		
			answered	14

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

	Response Percent	Response Total
	skipped	43

9. 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?

	Response Percent	Response Total
1 Yes	37.74%	20
2 No opinion	16.98%	9
3 No	45.28%	24
Statistics	answered	53
Minimum	1	Mean
Maximum	3	Variance
		Std. Error
		Std. Deviation
		Satisfaction Rate
		53.77
		0.91
		0.12
	skipped	4

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

	Response Percent	Response Total
1 Open-Ended Question	100.00%	28
1 12/10/2020 19:13 PM ID: 150002896		Restrict core hours
2 12/10/2020 19:42 PM ID: 150000476		This clumsy/opaque wording ""However, within the West End Cumulative Impact Zone we intend to restrict the sale by retail of alcohol and late-night refreshment from 23:00 to customers/visitors who are taking part in the primary use of the premises, e.g. exhibition or members of the audience only. This is hoped to provide additional opportunities to provide licensable activity at the end of a performance to customers."" implies you will stop theatres etc. serving alcohol from 11pm - if this is the case I strongly disagree with this proposal as it will limit opportunities for revenue generation for these valuable businesses. Aren't they already suffering enough as a result of the pandemic?
3 12/10/2020 21:23 PM ID: 150008665		The link does not go to the information on Core Hours Policy so this question cannot be

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

			Response Percent	Response Total
4	12/10/2020 23:55 PM ID: 150015108	They are appalling.		
5	13/10/2020 09:38 AM ID: 150020804	<p>1. Given all the negative pressure on the hospitality industry from COVID, does it make sense to implement this right now?</p> <p>2. Are we pushing the activity that would naturally be largely contained in a small area out into other neighbourhoods as people who want to enjoy the night industry past midnight will seek out other venues.</p> <p>3. How do other large cities manage this issue? Is it through early closings?</p>		
6	13/10/2020 12:47 PM ID: 150037782	<p>I do not think Queensway and Bayswater or Edgware Road should be downgraded to Special Consideration Zones and the higher criteria for good management to obtain late and longer licensing should apply.</p> <p>I do not think hotels should have core hours starting from 9am as this is already causing me lots of disturbed mornings when their large events start at 9am but guests for Indian weddings arrive in the hundreds with bands, drums, loud music and start a procession in the street and then gather outside the hotel at 8am onwards on weekends. Please change morning licensing core hours to 10.30am on weekends.</p>		
7	13/10/2020 20:38 PM ID: 150040177	<p>The explanation of the Core Hours Policy is a little unclear, as I'm not a licensee, but I think I get the picture. It would have been handy to have had some examples of how the policy is interpreted at present and in future by different types of establishment to be absolutely certain. I do agree that amending the policy to better reflect the use of specific premises makes more sense. However, what the public using these premises would like to see is a clear set of opening hours displayed at the entrance of each licensed premise. Since "24-hour drinking" became permissible, there have been times when I've been in a bar and found out that it closed at midnight rather than 1am, or 11pm rather than midnight. This can lead to enormous problems if someone gets a round in and last orders is called a few seconds later. I would also like to see drinking-up time legally extended to 40 or 60 minutes. Some West End chains are famous for calling time (sometimes even putting their clocks forward by a few minutes) and then immediately harrasing customers to drink up and leave, or moving them closer to the door. Some have even closed their toilets dead on 11pm because "we're cleaning / we've cleaned them", which leads to public urination regardless of whether there is a suitable facility situated mere yards away. It also encourages people to drink faster and can cause a lot of ill-feeling between tired landlords and tipsy patrons. They charge the public a lot of money for not a lot of service, quite frankly, so they can afford to pay their staff for the extra hour or so it takes to clean up and wind down. If their staff need to rush off to catch a last tube or train, they perhaps should consider hiring staff who live closer - or, better still, set up an account with a reputable cab firm like any other reputable employer who cared about their staff would. I've rather tired of being herded out of pubs and bars like sheep at 11.01pm</p>		

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

			Response Percent	Response Total
		and now no longer grace these establishments with my custom, which is their loss and yours.		
8	24/10/2020 17:30 PM ID: 150975443	see earlier comment		
9	10/11/2020 18:50 PM ID: 152122700	The proposed permitted hours for licensed premises HRS1C would be catastrophic to the hospitality and night time economy which West end is know for.		
10	11/11/2020 15:38 PM ID: 152194841	Nuisance impact goes well beyond core hours and well beyond the licensed premises. There is adequate provision of late night licensed activity in the borough. The main effect of increasing core hours is simply to add to the asset value of premises, which is not an objective of licensing policy. It may indeed be a negative for some premises operators where the landlord requires premises value to be maximised regardless of the operator's preferred/existing hours of operation. Some operators will see their rents increased to reflect the ability to turn the same premises to more trading, regardless of whether this is good for their business.		
11	11/11/2020 17:19 PM ID: 152172014	I support the change to a policy based on uses. I do not support the second sentence of Para 8.3 and ask for it to be removed as this gives the LA too much leeway to disregard its own policies and also feel that the third sentence is sufficient to make clear each application is judged on its merits. Whilst Clause A is clear Clause B and the 14 points it contains as worded will make it extremely difficult to refuse applications to extend hours for Pubs and bars, fast food and music and dance venues in the WECIA as set out in C1. Therefore I ask that fifteenth point is added to Clause B worded as follows. In relation to Clause C1 applications will need to demonstrate that the circumstances are clearly exceptional in order to justify any extension of hours'.		
12	12/11/2020 14:19 PM ID: 152273419	Too much of a stranglehold on businesses at these times.		
13	13/11/2020 12:17 PM ID: 152348366	As outlined above, we welcome the direction of travel in offering greater flexibilities and the focus on uses rather than the provision of alcohol as a licensable activity. The West End has been transformed over the past 20 years following the initial designation of the stress area and drive to support more food-led premises. However, we are concerned about the proposed terminal hour of 9pm for new applications and believe this should be extended. An extension of hours for bars and pubs, albeit to less than core hours, would retain the distinction between the West End Cumulative Impact Zone and areas outside it, but would support venues at this difficult time by allowing a longer trading period which could reduce their need to apply for an extension of hours. This would also be particularly helpful for any new businesses looking to start up within the Cumulative Impact Zone as a result of other premises having closed down due to the health crisis.		

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

		Response Percent	Response Total
14	13/11/2020 15:01 PM ID: 152367343		

We also retain concerns about the grouping of the premises and how they are impacted by the proposed new policy HRS1, particularly for new applications in the CIZ. We also note that the policy still does not distinguish between the Evening and Night-Time Economy, which have very different characteristics and impact and believe that this could be made more explicit.

Whilst the new policy HRS1 supports new applications in the CIZ, we would encourage the authority to think more flexibly as to its application. For example, a major landlord could give up a premises licence which has a core hours (or later) licence in order for the premises to be let to a new operator or use. However, a further unit which they own may become vacant nearby but would be limited to a 9pm terminal hour if there were a new application to introduce a bar. We would therefore encourage the authority to consider the opportunity to introduce a credit system for responsible landowners to manage uses flexibly across their estates, to avoid vacant units in the future.

As outlined above, we welcome the direction of travel in offering greater flexibilities and the focus on uses rather than solely every licensable activity. The West End has been transformed over the past 20 years following the initial designation of the stress area and drive to support more food-led premises.

We nonetheless retain concerns about the grouping of the premises and how they are impacted by the proposed new policy HRS1, particularly for new applications in the CIZ. We also note that the policy still does not distinguish between the Evening and Night-Time Economy, which have very different characteristics and require different management structures.

Whilst the new policy HRS1 supports new applications in the CIZ, we would also encourage the authority to think more flexibly as to its application. For example, a major landlord could give up a premises licence which has a core hours (or later) licence in order for the premises to be let to a new operator or use. However, a further unit which they own may become vacant nearby but would be limited to a 9pm terminal hour if there were a new application to introduce a bar. We would therefore encourage the authority to consider the opportunity to introduce a credit system for responsible landowners to manage uses flexibly across their estates, to avoid vacant units in the future.

As a final point, we would welcome additional clarity being provided as to how well-run premises that are operating successfully and without impact upon the local area could apply for additional hours, both within and outside the CIZ. For example, how a hotel bar could seek additional hours where the provision of

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

			Response Percent	Response Total
		alcohol is ancillary to their core function, or a qualifying club – and how such applications would be determined and considered upon which criteria.		
15	13/11/2020 15:51 PM ID: 152367683	C (1) : The proposed introduction of the 21:00 terminal hour does not appear to be fully supported by the findings of the Cumulative Impact Assessment. The only time that 21:00 hours has apparent support is in the statistics relating to alcohol related call outs. These are not alcohol related crimes per se, just call outs. There is no apparent evidence of 21:00 hours being supported at all in the statistics for thefts; robberies; violent crimes or drug related crimes. Whilst the graph does show an increase in noise at 21:00 hours, it is generally accepted that sleep disturbance occurs (subject to the background noise and individual case issues) after 22:00 at the earliest and more generally 23:00 hours.		
16	13/11/2020 17:41 PM ID: 151148200	Our response to Question 18 relates specifically to the revised core hours for pubs and bars, fast food and music and dance venues within the West End CIZ. The revised hours for this area may reduce the appeal of this area to tourists.		
17	14/11/2020 10:45 AM ID: 152412909	I think that restaurants are very safe places in which we do a lot of control while selling alcohol. therefore, I think the time for restaurants with a lounge bar should be able to sell alcohol till midnight every day and 1 a.m for the weekend. as said, restaurants are safe and we implement policies for alcohol sale. for instance, challenge 25 or do not sell alcohol to drunk people.		
18	14/11/2020 12:37 PM ID: 152424557	We support the proposal to apply core hours to ‘types’ of premises rather than licensable activity as this will attract a diverse range of visitors and support the cultural organisations in our area. We wish to support the recovery of hospitality businesses following the impact of the current health crisis, we believe that the Core Hours Policy (HRS1) for pubs and bars, Fast Food and Music and Dance venues within the West End Cumulative Impact Zone should be Monday to Sunday: 10.00 to 22.30. This would retain the distinction between the West End Cumulative Impact Zone and areas outside it, but would support venues at this difficult time by allowing a longer trading period which could reduce their need to apply for an extension of hours. This would also be particularly helpful for any new businesses looking to start up within the Cumulative Impact Zone as a result of other premises having closed down due to the health crisis.		
19	14/11/2020 19:29 PM ID: 152448869	I think the core hours change to 2100hrs at a time when business needs to be able to trade for as long as possible is detrimental to the recovery of the economy for the West End.		
20	15/11/2020 12:52 PM ID: 152470624	HRS1, along with CIP1, are the policies on which residents in the CGCA's area most often rely to ensure that the Licensing Objectives are supported. Other Policies, especially PN1, are equally important, and it is clear in HRS1 that		

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

			Response Percent	Response Total
		presumption was to refuse applications this change in policy allows NEW premises licences between these hours and then apply for a variation to extend. I am also concerned that this would inadvertently benefit restaurants, in changing their core operation as a food led business to a bar until 9pm then revert to restaurant post 21:00. This must be avoided at all costs, there are 226 restaurants in Soho and any such changes would have huge impact in the area.		
22	15/11/2020 15:28 PM ID: 151604949	<p>See previous comments on hours (eg- terminal hours of 9 pm for pubs and bars in the west end is not helpful for the industry). Residents and other interested parties will argue that licences should only be granted to those times and require additional expense for representation and evidence gathering to argue this. Residents are all already provided with a free service for representation through the Westminster CAB scheme but note businesses are not.</p> <p>Further definitions of types of premises are difficult and will lead to problems in interpretation. This can be seen by the recent raft of Covid legislation that seeks to define premises types.</p>		
23	15/11/2020 15:30 PM ID: 152165406	Further to our previous comments with regard to the role of Licensing Policies and Cumulative Impact Policies in supporting the recovery of hospitality businesses following the impact of the current health crisis, we believe that the Core Hours Policy (HRS1) for pubs and bars, Fast Food and Music and Dance venues within the West End Cumulative Impact Zone should be Monday to Sunday: 10.00 to 22.30. This would retain the distinction between the West End Cumulative Impact Zone and areas outside it, but would support venues at this difficult time by allowing a longer trading period which could reduce their need to apply for an extension of hours. This would also be particularly helpful for any new businesses looking to start up within the Cumulative Impact Zone as a result of other premises having closed down due to the health crisis. We would also highlight the need for an additional half an hour "drinking up time" or winding down period following the Core Hours for licensable activity. We believe that the imposition of the 10pm curfew has demonstrated the need for this, to allow more staggered dispersal of customers from licensed premises, and to avoid significantly large crowds on the streets and public transport, noise and the potential for crime, all of which are detrimental to the local community. Given the current climate, the Licensing Policy should be more supportive overall of all hospitality businesses, including pubs, bars, and nightclubs which have been hardest hit by the health crisis.		
24	15/11/2020 16:11 PM ID: 152478097	The core hours policy is completely anti business, the terminal hours do not reflect any other city or district in Europe or America. Even historically pre licensing act 2003 the terminal hour was 11pm. Given the extended night tube and public transport arrangements and the effect of Covid the Council should look at allowing longer hours to give premises the ability to survive and give residents and visiting customers to licensed premises longer term to enjoy premises.		

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

			Response Percent	Response Total
25	15/11/2020 16:19 PM ID: 152449399	We agree with the points made by the Soho Society. We are concerned at the proposed increase in core hours for entertainment and cultural activity, cinemas, cultural venues and live sporting venues with the CIA as this can only further compound the negative statistics in the CI analysis document as 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. This proposal is inappropriate for a CIA.		
26	15/11/2020 17:12 PM ID: 152381378	It is to be hoped that this won't lead to an increase in hours licensed premises are able to operate.		
27	15/11/2020 17:34 PM ID: 152481404	I have not been able to identify any reason for the 21:00hrs cut off in the West End CIZ. The CIZ already has other stringent controls in place and this is not required.		
28	19/11/2020 11:43 AM ID: 152267599	Agree however believe the core hours should be extended until 12:00 or 01:00		
			answered	28
			skipped	29

10. H. Introducing Special Consideration Zones

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

									Response Percent	Response Total
1	Yes								55.77%	29
2	No opinion								23.08%	12
3	No								21.15%	11
Statistics	Minimum	1	Mean	1.65	Std. Deviation	0.81	Satisfaction Rate	32.69	answered	52
	Maximum	3	Variance	0.65	Std. Error	0.11			skipped	5

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	20

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

			Response Percent	Response Total
1	12/10/2020 19:42 PM ID: 150000476	Again, I'm sure you'll do it anyway, you don't seem to listen to resident feedback on policies and I have to assume that this kind of thing is a fait accompli. I will watch with interest over the next few years to see what happens as a result of you forcing through these changes.		
2	13/10/2020 03:54 AM ID: 150016287	If Park Lane was recreated as a pedestrian-friendly boulevard (with two-way traffic reinstated on East Carriage Drive), then it has the potential to be a Special Consideration Zone where - especially in light of Covid-19 and the absence of Winter Wonderland this year - it could be classified as a Special Outdoor Space or Place, to give a major boost to the hospitality business. The Special Outdoor Space could be from 5 to 10 metres wide, say, and extend for more than 1000 metres, from Marble Arch to Hyde Park Corner. It could and should become a major Place of international significance, and remain when the virus is gone. Is there another city where you will find more than 1000 metres of exceptional tree-lined public space, west-facing (!) onto that city's premier Park? TfL are clueless, and are harming Park Lane, even more than it was harmed over 50 years ago. It is up to Westminster City Council to rescue one of the best places in London - potentially....		
3	13/10/2020 09:38 AM ID: 150020804	While I'm not sure about the justification of removing some of these areas from Cumulative Impact Zones, creating Special Consideration Zones seems warranted. I agree that you can't not do something given the elevated rate of incidents.		
4	13/10/2020 12:47 PM ID: 150037782	I agree with the proposal but do not agree Queensway/Bayswater and Edgware Road should be SCZ. I think they should remain CIZ.		
5	13/10/2020 20:38 PM ID: 150040177	<p>Firstly, the link at the top of this page links to the start of the survey not the proposals document.</p> <p>It is wise to keep all of the areas noted under review, and if designating them as Special Consideration Zones assists that then it seems a good approach.</p> <p>However, demanding more requirements of - and seeking assurances from - venue owners and landlords is but a pixel in the whole image. If someone wants to cause trouble on their way home from a venue or from one venue to another, they'll do so - how much paperwork has been filled out doesn't mean a thing. At the end of the day, police, environmental health, noise complaint and planning officers have got to do more across the board. It seems to me that the police are not investigating a lot of what's reported to them and are merely making a note for statistical reporting. Then, when the statistics show that over a period of time one area is statistically worse than another, they approach councils and demand a tougher approach to licensing because they feel that alcohol and drugs are largely to blame rather than their ineffectiveness in investigating crime and anti-social</p>		

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

	Response Percent	Response Total
<p>behaviour.</p> <p>This has been borne out during lockdown, particularly in the warmer weeks immediately prior to local pubs being reopened at the start of July. Aside from two female officers on bicycles moving on a group of six rough sleepers who are well known to the local constabulary for repeated anti-social behaviour and a couple of males enjoying the view over the Thames, the only officers I've seen and heard in the last six months are those who've been in cars tearing down local streets. They have otherwise been conspicuous by their absence.</p> <p>During the day we've had an individual walking up and down the street shouting obscenities at the top of his voice. The Met Police website could not accept reports, photo or video evidence as it was suffering a "run time error". Having said this, a report in the early days of lockdown of a group of 30 people ignoring social distancing and shielding advice was reported online, yet was not responded to. There has been an increase in the amount of noise from car stereos very late at night while waiting for the lights to change at the end of my street, as well as several instances of car and van drivers parking up for up to an hour outside people's houses treating the locals to their music tastes - and, in one instance, broadcasting a personal phone call via their car stereo. Police have been in the area and done nothing. Two houses opposite my flat have been given planning permission to erect an outside decking area that restricts the privacy of flats in their immediate vicinity, and both have had impromptu late-night gatherings. Police have been in the area and done nothing. One couple has split up twice late at night and let the whole neighbourhood know about it, and not a day goes by without some sort of argument in the street below me - usually between a car driver and a cyclist as a result of the "helpful" Covid-19 additions to local traffic flow.</p> <p>It is highly unlikely that any of those mentioned above had been in a pub or other licensed premise. The rough sleepers may have consumed a four-pack between them earlier in the day (which I think was the hottest day of the year), and the houseparties might have bought something from the off-licence but I'd wager they probably bought in bulk or had theirs delivered well in advance, but the others? Probably not.</p> <p>My point is that in this area, which is south of the Victoria Special Consideration Zone, the closing time revellers and weekend ravers are but a small part of our problem, and that the amount of bureaucracy reputable owners and landlords are having to contend with just to continue trading is rather disproportionate to the inaction of police and council officers towards other forms of anti-social behaviour.</p>		

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

			Response Percent	Response Total
		<p>If I remember rightly, during one summer football tournament local off-licences were told by the council and the police to close an hour before kick-off and not reopen until an hour after kick-off for all England matches, essentially forcing those stores to close at 7pm on one night which otherwise would have been one of their most profitable nights of business outwith the festive season. They were given a day's notice; the public only found out hours beforehand when official notices were put in store windows. Supermarkets were still allowed to sell alcohol and the pubs remained open, not that there was room at any of the inns. I have absolutely no idea which fragile members of the community this state of prohibition was meant to protect; it rather seemed to me that the police didn't want any bother because they wanted to watch the matches too. Similar measures were not put in place for games featuring any other nation, despite the fact that the tournament took place at the height of tourist season and this area is chockfull of hotels and B&Bs (nor have I seen similar measures put in place for rugby tournaments, which are just as popular around here). I remember one night where there was excessive noise for several hours after a match featuring another nation (I can't remember whether it was Spain or Italy or Mexico). The police were in the area and did nothing. To this day, win or lose, I have never experienced any trouble during or after an England football match; the only serious trouble I've ever seen in the streets around here was many years ago after a dull 1-1 league game between Chelsea and Spurs, which the police did attend - with dogs - and was soon brought under control.</p> <p>I am therefore hoping that the establishment of Special Consideration Zones does not get used as a future excuse for this sort of knee-jerk over-zealous reaction, and that efforts are taken to deal with all forms of disturbance in local streets at all times of day, not just ones that contravene what someone agreed to in a mass of council paperwork.</p>		
6	11/11/2020 17:19 PM ID: 152172014	I agree with the general concept and also as the creation of buffer zones to the WECIA but do not know the other areas in sufficient detail to know if these are the right boundaries.		
7	13/11/2020 12:17 PM ID: 152348366	<p>The introduction of SCZs is a welcome intermediate step between the full impact of CIZ policies and the wider borough. We would, however, welcome greater clarity as to what additional information or evidence new applications in SCZs are required to provide to secure a new licence or extend hours in the SCZ. We also consider that the Council's stated intention that this is not a preventative policy, is made very clear in the final Statement of Licensing Policy.</p> <p>We would also welcome clarity as to how often SCZs would be reviewed in the future – perhaps in partnership with local businesses and BIDs – and assurances as to how the review process would take place before the areas could be formally</p>		

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

			Response Percent	Response Total
		designated Cumulative Impact Zones, given the restrictive terminal hour proposed elsewhere in the policy.		
8	13/11/2020 13:02 PM ID: 152354533	Please see earlier comments concerning the Knightsbridge area.		
9	13/11/2020 15:01 PM ID: 152367343	<p>As outlined above we are concerned about the designation of Victoria and Northbank as SCZs with additional restrictions when most of the issues identified by the assessment are not a result of the evening or night-time economy in those areas.</p> <p>We would particularly welcome greater clarity as to what additional information or evidence new applications or applications to extend hours in SCZs are required to provide to secure a new licence or additional hours of operation. In our view, at present the additional requirements in the SCZs are opaque and the policy is vague as to what additional information the council will require from premises if they are to evidence that they are not adding to the cumulative impact in an area.</p> <p>As a further point, given the northern section of the Cumulative Impact Zone and West End buffer SCZ includes the eastern end of Oxford Street and the western side includes Regent Street, we would ask that the local authority considers the opportunity for additional flexibilities in these areas given their commercial natural, good transport links and lack of residential amenity. This is particularly relevant in the context of the changing nature of retail and the desire to provide more experiential retail opportunities and other complementary uses in these areas. In the context of Covid-19, we would ask that the local authority brings forward additional flexibilities to encourage active uses in these areas and support economic growth.</p> <p>Finally, we would also welcome clarity as to how often SCZs would be reviewed and considered in the future – perhaps in partnership with local businesses and BIDs who can provide substantial additional evidence on the effects and benefits of the evening and night-time economy.</p>		
10	13/11/2020 17:41 PM ID: 151148200	<p>We strongly oppose the proposal to introduce new SCZs for the following reasons:</p> <ul style="list-style-type: none"> - Businesses, including those in Victoria, are already struggling to continue operating amidst dramatically reduced incomes because of the coronavirus. They have incurred (and continue to incur) costs to adhere to government policy and guidelines to keep customers and staff safe. The SCZs would increase businesses' financial and operational costs further still. - Designating areas as SCZs may, as a result of increased costs incurred by businesses to adhere to the policy, cause businesses to close or to significantly revise their offer, for instance in the case of hotels which may decide not to keep 		

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

		Response Percent	Response Total
11	14/11/2020 12:37 PM ID: 152424557		

their bars open; such scaling back will reduce their appeal making it harder to attract business.

- WCC has decided not to expand the Cumulative Impact Zone in the West End at the current time to maintain a stable and familiar policy environment. It recognizes that the hospitality and entertainment sectors in this part of the borough have been heavily affected by the pandemic. This same approach should be applied to other areas, including Victoria, where businesses are facing similar extensive pressures. Businesses are entitled to the same consideration as businesses in the Cumulative Impact Zone in the West End area. As such, it is wholly inappropriate to pursue implementation of a new policy approach such as the SCZ at this time. At this time of crisis in London and Westminster, businesses in Victoria need support, not uncertainty nor additional burdens. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with.
- No detail is provided within the draft SCZ Policy as to what additional mitigation and controls might be required. However, even if details were provided, such measures would likely impose significant additional costs upon businesses to implement measures that are not justified by the incident data and its interpretation within the CIA.
- The proposed measures risk penalizing operators who manage their premises well rather than focusing on enforcement of the existing framework.

As a result of the above we strongly oppose the proposal to introduce new Special Consideration Zones.

The Northbank BID does not support the proposal to introduce new Special Consideration Zones for the following reasons:

- Businesses, including those in Zone 2, are already struggling to continue operating amidst dramatically reduced incomes because of the coronavirus. They have incurred (and continue to incur) costs to adhere to government policy and guidelines to keep customers and staff safe. The SCZs would increase businesses' financial and operational costs further still.
- Changes to policy is unwelcome when the trading environment is tough. Businesses currently need support and stability to enable them to plan for the challenging times in the short and mid term. It is inappropriate to pursue implementation of a new policy approach such as the SCZ at this time. At this time of crisis in London and Westminster, our local businesses need support, not uncertainty nor additional burdens. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with.
- Designating areas as SCZs may, as a result of increased costs incurred by

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

			Response Percent	Response Total
		<p>businesses to adhere to the policy, cause businesses to close or to significantly revise their offer, for instance in the case of hotels which may decide not to keep their bars open; such scaling back will reduce their appeal making it harder to attract business.</p> <p>– No detail is provided within the draft SCZ Policy as to what additional mitigation and controls might be required. However, even if details were provided, such measures would likely impose significant additional costs upon businesses to implement measures that are not justified by the incident data and its interpretation within the CIA.</p>		
12	14/11/2020 19:29 PM ID: 152448869	<p>Although the conditions are less stringent than a CIZ area they are still very restrictive for businesses and my concern is that they will be treated in a similar way to a CIZ.</p>		
13	15/11/2020 12:52 PM ID: 152470624	<p>We agree ONLY compared to the option of treating these areas as the same as the rest of the Borough. If these zones were in almost any other borough in London they would justify being Cumulative Impact Zones as they would have very high impacts from the licensed premises within them. It is only by comparison with the Westminster average level, driven by the extremely high levels in Zone 1, and they appear to have a lesser impact.</p> <p>We believe that Paragraph C1 needs rewording. We do not agree with the assertion that there is no cumulative impact in these areas. There is an impact, but it is not at a high enough level to justify (at the moment) designating the area as a CIZ where a presumption to refuse should apply. We also question whether "by particularising the steps.." is a recognised phrase in English.</p> <p>In Paragraph A we believe that as well as the 2020 Impact Assessment applicants need to take account of other local issues of which they are aware.</p> <p>In Paragraph B the mitigation they introduce should go further than "reduce the risk of failing to promote the Licensing Objectives". The mitigations they introduce need to promote the licensing objectives. If they only reduce the risks then it is possible for them to still have a moderate, but lower than high risk of harming the licensing objectives and still comply with this policy.</p>		
14	15/11/2020 13:44 PM ID: 152468159	<p>I agree only in that something has to replace the CI zones which have been removed, the proposal is far weaker than the CIZ, I would suggest WCC evaluates this policy after 12 months of operation to determine its impact.</p>		
15	15/11/2020 15:28 PM ID: 151604949	<p>The introduction of SCZs adds another layer of complexity to the licensing system that it simply does not need. The evidence supporting the introduction of these Zones is questionable in light of the continuing changes brought about by the</p>		

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

			Response Percent	Response Total
		<p>COVID epidemic. There is certainly no requirement for SCZ in the current climate and any move to introduce them should only be considered once a post-COVID investigation can be completed.</p> <p>EG how will an applicant know what the problems are if they are not stated in the policy.</p> <p>Any local factors that need addressing should be specified in the policy. The local data findings in the report are out of date given COVID we think it would be wrong to implement this now. The current policy has handled this well and there is no need for change.</p>		
16	15/11/2020 15:30 PM ID: 152165406	We support the proposal given the potential stress in the areas concerned and recognise the Council's intention that this is not a preventative policy. This should, however, be made very clear in the final Statement of Licensing Policy along with a process for how applications will be determined.		
17	15/11/2020 16:11 PM ID: 152478097	It is totally unnecessary and anti business		
18	15/11/2020 16:19 PM ID: 152449399	See below as 20 does not allow for different view for each area.		
19	15/11/2020 17:34 PM ID: 152481404	In some ways, this addresses my particular concerns about the rigidity of the CIZ boundaries. If the requirement of a premises in the SCZ is to be extremely well-managed premises then why not zone all CIZ, and the proposed SCZ, as simply SCZ and scrap the CIZ altogether?		
20	15/11/2020 21:44 PM ID: 152485251	We support support the principle of SCZ's but do not agree with any of the proposed removals of Cumulative Impact Area status and believe that the Berkeley/Dover Street area should be a CIA.		
			answered	20
			skipped	37

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

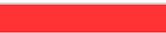
	Yes	No	No opinion	Response Total
West End Buffer	42.3% (22)	28.8% (15)	28.8% (15)	52
Queensway/Bayswater	33.3% (17)	29.4% (15)	37.3% (19)	51

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

	Yes	No	No opinion	Response Total
Edgware Road	31.4% (16)	29.4% (15)	39.2% (20)	51
East Covent Garden	27.5% (14)	29.4% (15)	43.1% (22)	51
Mayfair	36.7% (18)	24.5% (12)	38.8% (19)	49
Victoria	42.0% (21)	22.0% (11)	36.0% (18)	50
			answered	52
			skipped	5

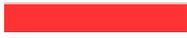
Matrix Charts

22.1. West End Buffer									Response Percent	Response Total
1	Yes								42.3%	22
2	No								28.8%	15
3	No opinion								28.8%	15
Statistics	Minimum	1	Mean	1.87	Std. Deviation	0.83	Satisfaction Rate	43.27	answered	52
	Maximum	3	Variance	0.69	Std. Error	0.12				

22.2. Queensway/Bayswater									Response Percent	Response Total
1	Yes								33.3%	17
2	No								29.4%	15
3	No opinion								37.3%	19
Statistics	Minimum	1	Mean	2.04	Std. Deviation	0.84	Satisfaction Rate	51.96	answered	51
	Maximum	3	Variance	0.7	Std. Error	0.12				

22.3. Edgware Road								Response Percent	Response Total	
1	Yes							31.4%	16	
2	No							29.4%	15	
3	No opinion							39.2%	20	
Statistics	Minimum	1	Mean	2.08	Std. Deviation	0.84	Satisfaction Rate	53.92	answered	51
	Maximum	3	Variance	0.7	Std. Error	0.12				

22.4. East Covent Garden								Response Percent	Response Total	
1	Yes							27.5%	14	
2	No							29.4%	15	
3	No opinion							43.1%	22	
Statistics	Minimum	1	Mean	2.16	Std. Deviation	0.83	Satisfaction Rate	57.84	answered	51
	Maximum	3	Variance	0.68	Std. Error	0.12				

22.5. Mayfair								Response Percent	Response Total	
1	Yes							36.7%	18	
2	No							24.5%	12	
3	No opinion							38.8%	19	
Statistics	Minimum	1	Mean	2.02	Std. Deviation	0.87	Satisfaction Rate	51.02	answered	49
	Maximum	3	Variance	0.75	Std. Error	0.12				

22.6. Victoria								Response Percent	Response Total
1	Yes							42.0%	21
2	No							22.0%	11
3	No opinion							36.0%	18

22.6. Victoria								Response Percent	Response Total	
Statistics	Minimum	1	Mean	1.94	Std. Deviation	0.88	Satisfaction Rate	47	answered	50
	Maximum	3	Variance	0.78	Std. Error	0.12				

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	20
1	12/10/2020 19:07 PM ID: 150000861	Changes to the allocation of these zones should not be segregated. All of done 1 ie the zone of the circle line should be considered as 1 zone.		
2	12/10/2020 19:13 PM ID: 150002896	Have very strict rules in Victoria area		
3	12/10/2020 19:42 PM ID: 150000476	As I've previously stated.		
4	12/10/2020 19:44 PM ID: 150004612	Bayswater and Queensway had a recent rise in drug abuse, nighttime parties, and noise due to many hotel-like businesses within residential streets for example in Inverness Terrace, where some of the houses are converted into hotels without hotel like control. This has caused a constant source of disturbance for the families.		
5	13/10/2020 03:54 AM ID: 150016287	See main comment re creating a Special Consideration Zone for all of Park Lane. Whether that is to be considered as part of Mayfair or as separate is a matter for the Council - whatever works best to allow major hospitality along an exceptional tree-lined public space that is west-facing onto Hyde Park. If there is a place with greater potential to be first class public realm, anywhere in the world, I am not aware of it. Two-way traffic existed on East Carriage Drive from at least 1799 to the 1960s. It's time to reinstate two-way traffic on East Carriage Drive, and remove all motor traffic from what was traditionally called Park Lane - the Mayfair side (currently the southbound carriageway). Access to Mayfair would be provided at all streets, as happens with most boulevards. Two-way traffic has been reinstated on Baker Street, Gloucester Place, Portman Square, Piccadilly, Pall Mall, St James's Street, and Tottenham Court Road. Why? Because it works best. TfL's retention of one-way traffic on each side of Park Lane is repeating the major strategic error that was made in the 1960s, and is a disaster for Park Lane. A far higher standard of urban planning is required, urgently.		
6	13/10/2020 12:47 PM ID: 150037782	Queensway and Bayswater and Edgware Road down to Paddington have very high levels of drug dealing, drug taking, street prostitution both soliciting and sexual activities in the streets, squares, mews and small hotels, robberies and		

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

			Response Percent	Response Total
		kerb crawling. These activities bring in lots of opportunistic criminals and it is not safe for women to walk down Sussex Gardens or in neighbouring streets after dark. I have been chased by men in hoodies, suffered kerb crawling harassment and cat calling, as have my teenage daughters. These are not reported crimes because the police aren't interested until it's too late. It is essential you keep these areas under a CIZ to prevent deterioration. The police are understaffed and unresponsive to low level crime already so the problem is not under control.		
7	13/10/2020 20:38 PM ID: 150040177	Victoria: A lot of anti-social behaviour happens closer to the river but is frequently not as a direct result of licensed premises in the area. I don't know how or if the zone could be extended without unfairly penalizing more well-run premises in the area.		
8	24/10/2020 08:39 AM ID: 150948880	If excluded otherwise I favour zones in Queens way, bayswater and Edgware Road		
9	13/11/2020 15:01 PM ID: 152367343	Please see response above in Q21.		
10	13/11/2020 17:34 PM ID: 152298169	Regarding the Mayfair area - it should not be too hard to work out the reasons for the incidents in the three/four identified streets given the nature of general activity around that area. I do not think the CIA study was very convincing or demonstrated sufficient analysis to come to this conclusion.		
11	13/11/2020 17:41 PM ID: 151148200	<p>We strongly oppose Victoria's designation as a Special Consideration Zone for the following reasons:</p> <p>- The consultation document states that ""The addition of a significant number of new licensed premises in the area over the past three years does mean that this area is seeing increased levels of incidents. The overall incident types rate for this area was nearly two times the borough average."" (p27). However, we note the Cumulative Impact Assessment finds that the: "Victoria area hosts transport networks of significance to London, regionally and nationally. It is among the busiest stations in the evening and night, as well as on weekends. This presents a challenge to ascertain whether the concentration of licensed premises are key drivers of incidents recorded over the last three years, or whether other factors are of greater significance." (p131). The assessment goes on to state that: "...service experts and city inspectors suggest that much of these patterns are attributable to the travel of night-time revellers coming from elsewhere in the city." (p113), and that: "...this area cannot be conclusively characterised by cumulative impact attributable to the concentration or types of licensed premises in the area." (p113). Given the comments of the service experts and city inspectors, the evidence base</p>		

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

			Response Percent	Response Total
		<p>underpinning Victoria's designation as a SCZ is inconclusive and does not justify Victoria's inclusion as a SCZ.</p> <ul style="list-style-type: none"> - Among other data, the CIA draws upon British Transport Police data. BTP has previously clarified to us that a crime reported at BTP Victoria Station does not necessarily mean that it happened in Victoria. People travelling on public transport may often report crimes when they reach their destination where service staff and support are more likely to be readily available. The BTP data is unlikely therefore to be fully representative of where incidents have taken place (for example, an incident may have taken place on a train outside London during a cross country journey) and its inclusion distorts the picture. - Victoria is, unfortunately, no stranger to pickpocketing gangs and incidences of drug dealing. The area's known rough sleeping problem can, in some instances, also give rise to ASB issues. We would submit that some of incidents referred to in the CIA would have occurred regardless of the presence of licensed premises. - The CIA refers to the transport hub in Victoria. The interchange is very likely skewing data given it is a major transport destination that draws in commuters and others alike from elsewhere. It is a multi-modal transport hub and includes the Victoria line which forms part of the 24-hour Night Tube. Incidents that are contained within, or around the station may not originate from licensed premises in Victoria. It is worth noting that where this influx causes incidents, these may already be having a detrimental impact on the night time economy through negatively affecting the place perception of Victoria. - For Victoria, where more businesses are forced to close as a result of increased measures this would be to the further detriment of the Victoria Opportunity Area where licensed venues and premises support the ongoing success of Victoria not only as a business hub but also as a community. <p>As a result of the above we strongly oppose Victoria's designation as a Special Consideration Zone.</p>		
12	14/11/2020 12:37 PM ID: 152424557	<p>West End Buffer</p> <p>The Northbank BID does not support Zone 2 designation as a Special Consideration Zone for the following reasons:</p> <ul style="list-style-type: none"> → The consultation document states that ""This area is closely associated with dispersal due to the lar number of transport hubs; which include a national rail station, a number of underground stations and large numbers of night bus routes."" (p24). This presents a challenge to ascertain whether the concentration of licensed premises are key drivers of incidents recorded over the last three years, or whether other factors are of greater significance. → The CIA draws upon British Transport Police data. BTP has previously suggested that a crime reported at a Station does not necessarily mean that it 		

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

			Response Percent	Response Total
		<p>happened in the area. People travelling on public transport may often report crimes when they reach their destination where service staff and support are more likely to be readily available.</p> <p>→ The CIA refers to the transport hubs in Zone 2 and the multiple busy interchanges are likely to skewing data due to the numbers of people travelling. Zone 2 is a multi-modal transport hub and includes the many 24 hour tube and bus routes.</p> <p>Incidents reported in the area may not originate from licensed premises in the area.</p> <p>The BID is working to support high quality hospitality sector and the restrictions will bring additional challenges to them.</p>		
13	14/11/2020 17:50 PM ID: 152441492	As mentioned earlier, we live in Berkeley street, Mayfair. The designation of Special Consideration Zone is a positive step for residents, although we are of the view that Berkeley street should be a cumulative impact area in its own right. The Hadfield Study in 2016 which suggested designation as a cumulative impact area for Berkeley street, had considerably more observational data.		
14	14/11/2020 17:57 PM ID: 152445317	As mentioned earlier, we live in Berkeley street, Mayfair. The designation of Special Consideration Zone is a positive step for residents, although we are of the view that Berkeley street should be a cumulative impact area in its own right. The Hadfield Study in 2016 which suggested designation as a cumulative impact area for Berkeley street, had considerably more observational data.		
15	14/11/2020 19:29 PM ID: 152448869	Some of these areas are low residential areas and therefore would have minimal impact to residents if new licences or variations were granted.		
16	15/11/2020 13:44 PM ID: 152468159	No		
17	15/11/2020 15:28 PM ID: 151604949	All SCZs are being introduced at a time when such is inappropriate and evidence is not longer relevant.		
18	15/11/2020 16:11 PM ID: 152478097	It is totally unnecessary and anti business		
19	15/11/2020 16:19 PM ID: 152449399	We feel it's up to the amenity groups in those areas as they will be aware of the consequences, but we disagree with Edgware Road & Bayswater as that would dominate the current CIA's.		
20	15/11/2020 21:44 PM ID: 152485251	The West End Buffer, Queensway, Edgware Rd and East Covent Garden and Mayfair should be Cumulative Impact Areas		

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

	Response Percent	Response Total
	answered	20
	skipped	37

11. 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...?

	Yes	No opinion	No	Response Total
Restaurants - Policy RTN1	55.1% (27)	28.6% (14)	16.3% (8)	49
Fast Food Premises - Policy FFP1	43.5% (20)	32.6% (15)	23.9% (11)	46
Public Houses and Bars - Policy PB1	41.7% (20)	29.2% (14)	29.2% (14)	48
Off sales of alcohol – Policy OS1	47.9% (23)	33.3% (16)	18.8% (9)	48
Music and dance premises and similar entertainment - Policy MD1	39.6% (19)	33.3% (16)	27.1% (13)	48
Hotels - Policy HOT1	45.8% (22)	37.5% (18)	16.7% (8)	48
Casinos - Policy CAS1	41.7% (20)	33.3% (16)	25.0% (12)	48
Combined Use Premises	43.8% (21)	35.4% (17)	20.8% (10)	48
			answered	49
			skipped	8

Matrix Charts

24.1. Restaurants - Policy RTN1			Response Percent	Response Total
1	Yes		55.1%	27

24.1. Restaurants - Policy RTN1								Response Percent	Response Total	
2	No opinion							28.6%	14	
3	No							16.3%	8	
Statistics	Minimum	1	Mean	1.61	Std. Deviation	0.75	Satisfaction Rate	30.61	answered	49
	Maximum	3	Variance	0.56	Std. Error	0.11				

24.2. Fast Food Premises - Policy FFP1								Response Percent	Response Total	
1	Yes							43.5%	20	
2	No opinion							32.6%	15	
3	No							23.9%	11	
Statistics	Minimum	1	Mean	1.8	Std. Deviation	0.8	Satisfaction Rate	40.22	answered	46
	Maximum	3	Variance	0.64	Std. Error	0.12				

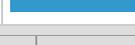
24.3. Public Houses and Bars - Policy PB1								Response Percent	Response Total	
1	Yes							41.7%	20	
2	No opinion							29.2%	14	
3	No							29.2%	14	
Statistics	Minimum	1	Mean	1.88	Std. Deviation	0.83	Satisfaction Rate	43.75	answered	48
	Maximum	3	Variance	0.69	Std. Error	0.12				

24.4. Off sales of alcohol – Policy OS1								Response Percent	Response Total
1	Yes							47.9%	23
2	No opinion							33.3%	16
3	No							18.8%	9

24.4. Off sales of alcohol – Policy OS1									Response Percent	Response Total
Statistics	Minimum	1	Mean	1.71	Std. Deviation	0.76	Satisfaction Rate	35.42	answered	48
	Maximum	3	Variance	0.58	Std. Error	0.11				

24.5. Music and dance premises and similar entertainment - Policy MD1									Response Percent	Response Total
1	Yes								39.6%	19
2	No opinion								33.3%	16
3	No								27.1%	13
Statistics	Minimum	1	Mean	1.88	Std. Deviation	0.81	Satisfaction Rate	43.75	answered	48
	Maximum	3	Variance	0.65	Std. Error	0.12				

24.6. Hotels - Policy HOT1									Response Percent	Response Total
1	Yes								45.8%	22
2	No opinion								37.5%	18
3	No								16.7%	8
Statistics	Minimum	1	Mean	1.71	Std. Deviation	0.73	Satisfaction Rate	35.42	answered	48
	Maximum	3	Variance	0.54	Std. Error	0.11				

24.7. Casinos - Policy CAS1									Response Percent	Response Total
1	Yes								41.7%	20
2	No opinion								33.3%	16
3	No								25.0%	12
Statistics	Minimum	1	Mean	1.83	Std. Deviation	0.8	Satisfaction Rate	41.67	answered	48
	Maximum	3	Variance	0.65	Std. Error	0.12				

24.7. Casinos - Policy CAS1							Response Percent	Response Total
Maximum	3	Variance	0.64	Std. Error	0.12			

24.8. Combined Use Premises							Response Percent	Response Total		
1	Yes						43.8%	21		
2	No opinion						35.4%	17		
3	No						20.8%	10		
Statistics	Minimum	1	Mean	1.77	Std. Deviation	0.77	Satisfaction Rate	38.54	answered	48
	Maximum	3	Variance	0.59	Std. Error	0.11				

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 SCEV1?							Response Percent	Response Total		
1	Yes						53.19%	25		
2	No opinion						36.17%	17		
3	No						10.64%	5		
Statistics	Minimum	1	Mean	1.57	Std. Deviation	0.68	Satisfaction Rate	28.72	answered	47
	Maximum	3	Variance	0.46	Std. Error	0.1			skipped	10

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises							Response Percent	Response Total
1	Open-Ended Question						100.00%	19

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises

			Response Percent	Response Total
1	12/10/2020 19:13 PM ID: 150002896	Shut all ""nudity"" venues		
2	12/10/2020 19:42 PM ID: 150000476	<p>RTN1 C. 3. - this reads as though restaurants are not allowed to provide takeaway services. For those of us who live near to restaurants, lots of us like to just grab our favourite dishes and take them round the corner to have them in the comfort of their own home. I'm sure you like to do that too. Was this policy developed by anyone who actually lives in Westminster? Why on earth would you want to stop restaurants offering takeaway services? And will this apply to established restaurants as well as new ones? If not, that will put new restaurants at a massive disadvantage when trying to establish a local customer base. We don't always want to have to sit in a restaurant to eat a nice dinner, sometimes we just want to eat nice dinners on the sofa with our families. We occasionally quite like to have a bottle of wine with our meals too - and you would prevent a restaurant selling us one of those with our meal to have at home too.</p> <p>FFP1 C. 1 & D. 1. please note my previous objections to aspects of the policies mentioned in those lists.</p> <p>FFP1 also seems like a missed opportunity to include some aspects of the London-wide Healthier Catering Commitment in licensing conditions for takeaway premises - but with obesity increasingly high on the Government's priority list as a political concern, to protect the NHS and public services from its costs, shouldn't local authorities be doing what they can to support healthier food options being more widely available? The Commitment doesn't stop unhealthy food being served, but it balances it out with healthy options too. A sad omission from Westminster Council here.</p> <p>PB1 - same objections to specific aspects as before.</p> <p>MD1 - same as before - we really need to learn our lesson from other boroughs that have made nightlife dull and unexciting. Don't kill the few clubs we have left - the pandemic is ravaging them, and these policies will deliver the final blow to whichever survive.</p> <p>HOT1 - C. - does this definition of hotels include AirBnBs? it certainly seems to. I would support that!</p> <p>For other sections please see my prior reasoning for objecting to and criticising specific aspects of the policies.</p>		

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises

			Response Percent	Response Total
3	13/10/2020 09:38 AM ID: 150020804	As stated previously, while limiting hours is one tool and I think makes sense outside of the West End, inside the west end, I don't agree.		
4	13/10/2020 12:47 PM ID: 150037782	Think about if you lived there yourself. Walk around the areas at night yourself.		
5	13/10/2020 20:38 PM ID: 150040177	Very difficult to judge, as unable to easily compare current policy framework and proposed policy framework at a glance.		
6	24/10/2020 17:30 PM ID: 150975443	You need to have a framework which is not based on the notion that you might only open a premises if you can demonstrate you can meet these 100 or so very subjective criteria.		
7	11/11/2020 17:19 PM ID: 152172014	I think the off-sales policy OS1 that applies in the WECIA should also apply in the West End buffer zone SCZ. I do not support long hours for casinos as I do not support long hours for the addictive activity of gambling which can cause great personal and social harm especially if facilitated by the consumption of alcohol. I think a premises licence for gambling should have at least a period of 6 hours in any 24 when alcohol is not available to sale.		
8	12/11/2020 14:19 PM ID: 152273419	to		
9	13/11/2020 12:17 PM ID: 152348366	See earlier comments regarding the restrictive terminal hour for new applications within the CIZ. As a further point, what has been demonstrated elsewhere is that designating premises according to their use limits the ability for innovation and experiential uses or pop-ups. In such cases, innovative new uses rarely fit into a designated category and we would ask Westminster to consider how they may approach applications from such premises in the future if we are to continue to encourage innovation, avoid vacant units and promote the evolution of the evening and night-time economy.		
10	13/11/2020 15:01 PM ID: 152367343	See earlier comments regarding the restrictive terminal hour for new applications within the CIZ and rationale for additional restrictions in the SCZs to address issues which are not a result of the evening and night-time economy in those areas. As a wider point, we are concerned that at present the policies for hotels do not		

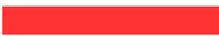
26. If you have any comments about the proposed revisions to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to: Restaurants - Policy RTN1 Fast Food Premises - Policy FFP1 Public Houses and Bars - Policy PB1 Off sales of alcohol – Policy OS1 Music and dance premises and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises

			Response Percent	Response Total
		<p>recognise the important role that security teams at many hotels play in the CIZ, SCZ and across the borough. Often operating 24/7 the security teams play an important role in looking after vulnerable individuals in an evening or late at night, are active on local security radio networks, have a positive effect on the wider community and assist in terrorist and emergency situations. As a result, we consider this should be recognised in the policy, with encouragement and support to continue to operate to later hours where possible.</p> <p>As a final point, what has been demonstrated in other authorities is that designating premises according to their use limits the ability for innovation and experiential uses or pop-ups. In such cases, innovative new uses rarely fit into a designated category and we would ask Westminster to consider how they may approach applications from such premises in the future if we are to continue to encourage innovation, avoid vacant units and promote the evolution of the evening and night-time economy.</p>		
11	13/11/2020 17:34 PM ID: 152298169	<p>The revisions do not make reference to any requirement for accessibility for those with a disability.</p> <p>Is there any requirement on gender specific, transgender, unisex, disabled toilet facilities, or any issues that may arise?</p>		
12	13/11/2020 17:41 PM ID: 151148200	n/a		
13	14/11/2020 12:37 PM ID: 152424557	n/a		
14	15/11/2020 12:52 PM ID: 152470624	<p>In MD1 the reference to Clause D in B(4) should in fact be to Clause E.</p> <p>We believe that HOT1 needs to take into account the scale of the licensable areas (bars, restaurant etc) which are open to non-residents compared to the scale of the hotel. A hotel with 100 rooms and capacity for 500 people in the various licensable areas could also be regarded as a combined use premise. It is unclear on the point at which the sale of alcohol etc stops being ancillary to the primary purpose as a hotel.</p>		
15	15/11/2020 13:44 PM ID: 152468159	<p>Fast Food - Policy FFP1 and Public Houses and Bars - Policy FFP1 and Music and dance premises and similar entertainment - Policy MD1</p> <p>Where before the presumption was to refuse applications this change in policy allows NEW premises licences between these hours and then apply for a variation to extend.</p>		

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1 Hotels - Policy HOT1 Casinos - Policy CAS1 Combined Use Premises

			Response Percent	Response Total
		Casinos - Policy CAS1 : concerned the policy states these will generally be granted, these are large premises with lat night licences and would add to CI I the West End.		
16	15/11/2020 15:28 PM ID: 151604949	Hotels and Combined use premises should be subject to policies that actively promote their establishment in areas where there are considered to be an excess of ""pubs, clubs and bars"".		
17	15/11/2020 16:11 PM ID: 152478097	I believe music and dancing venues should be considered as cultural venues. Many are grassroots music venues and places where new music, diversity, and culture exist.		
18	15/11/2020 16:19 PM ID: 152449399	No 25: The 2016 SLP iv) 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', and should be reinstated within the CIA. RTN1 'table meal' needs defining as often misused; FFP1: shou;d revert to the previous 'refuse all applications other than to vary hours within the core hours policy.' PB1: In effect this is a relaxation in policy and will increase drink led operations including workplace bars and retail shops establishing evening bars as 'members clubs', within the CIA MD1: 2016 states 'policy to refuse applications in the CIA, other than applications to vary hours within core hours.' HOT1: would be better placed under COMB1 as they all have bars & restaurants open to the public & can therefore add to CI. CAS1: The presumption to grant these 24/7 operations within the CIA can only add to cumulative impact & should therefore be subject to a more rigorous policy.		
19	19/11/2020 11:36 AM ID: 152316500	Not possible to find what policies are without spending three days.		
			answered	19
			skipped	38

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

									Response Percent	Response Total
1	Yes								46.00%	23
2	No opinion								36.00%	18
3	No								18.00%	9
Statistics	Minimum	1	Mean	1.72	Std. Deviation	0.75	Satisfaction Rate	36	answered	50
	Maximum	3	Variance	0.56	Std. Error	0.11			skipped	7

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:

				Response Percent	Response Total
1	Open-Ended Question			100.00%	15
1	12/10/2020 19:07 PM ID: 150000861	By changing Poicy QUC1 promotes discrimination			
2	12/10/2020 19:42 PM ID: 150000476	As above. It seems the bulk of this document was prepared before the pandemic and its impact on our cultural economy became apparent. As a resident of the borough I know council officers have a strong tendency to ignore concerns unless they come from residents who are friendly with the great and the good in its cabinet. However, I would plead with you to consider the implications of forcing through these changes after the devastation of our cultural sector by the pandemic, and to reconsider whether or not to make these changes.			
3	13/10/2020 03:54 AM ID: 150016287	Outdoor Space: please refer to my main comment regarding creating an exceptional Outdoor Space that could be used for hospitality, along all of Park Lane - west facing onto Hyde Park. If Park Lane was made into a tree-lined pedestrian-friendly place, it would become part of a Scenic Route all the way from Trafalgar and Parliament Squares to Marble Arch. The majority of these Scenic Routes is already there: The Mall, St James's Park, Buckingham Palace, Green Park, and Constitution Hill. If Park Lane were to become a green and pleasant place, the Scenic Route to and from Marble Arch would be complete.			
4	13/10/2020 20:38 PM ID: 150040177	It is right that qualifying clubs (e.g. members' bars) be separated out, as many of them operate after-hours specifically for their members (e.g. the Phoenix Theatre Bar for West End performers and crew) and may therefore require more distinct criteria to regular bars and clubs. I honestly can't see what relevance policy CH1 has with regard to such establishments.			

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:

			Response Percent	Response Total
		<p>It is mentioned that comedy clubs are considered as Cultural Venues; however, only a few are standalone premises and many are rooms above or below pubs or performance spaces within theatre buildings. Would there not be some wisdom in further clarifying this? Regardless, policy CH1 would again not be relevant to these clubs unless they were hosting all-ages shows at weekends or school events during the week, but clearly a theatre would have different licensing requirements to a pub, so how would that affect comedy or acoustic music clubs that run in rooms within each type of establishment?</p> <p>I am also concerned about the current proposals in Scotland to criminalize hate speech that will inevitably lead to comedians and other public speakers being prosecuted for performing their acts, or simply answering questions or discussing matters freely in a public forum. There is a real risk, should Labour win the next General Election, that their leader, a former DPP, will wish to follow suit, should Scotland adopt these proposals as law. That in turn, I feel, will lead to the re-establishment of an office not dissimilar to the old Lord Chamberlain's Office (although without the support of the current Lord Chamberlain, who has better things to do), effectively bringing back the sort of theatre censorship last seen in 1968. This would kill comedy clubs overnight; the few that survive would have to become members' clubs. Whatever policies are adapted in the coming months for comedy venues MUST therefore be 100% future-proof, working to a worst-case scenario, and there must be no loopholes that can be exploited by any future government to hasten the demise of such clubs. These clubs must be given the greatest possible chance to fight their corner, preferably with the support of local authorities, if the worst should happen.</p>		
5	11/11/2020 15:38 PM ID: 152194841	Policy for events should differentiate between venues which typically host runs of events (e.g. theatres) and those which typically host one off or short run events. This is because the potential for nuisance from loading and unloading after core hours end is much greater in the latter (more such occasions in any given period) than the former.		
6	12/11/2020 14:19 PM ID: 152273419	have you considered the cost of these proposals, changes. This is not the time for these proposals		
7	13/11/2020 12:17 PM ID: 152348366	As outlined above, this is a very welcome reform, given that the Cumulative Impact Assessment has proven that cinemas, cultural venues, outdoor space and qualifying clubs are invariably well-managed and do not impact upon the licensing objectives. The additional flexibilities offered are therefore welcome, although we would suggest the proposed terminal hour for qualifying clubs remains too restrictive and would ask that greater clarity be provided as to the hours during		

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:

			Response Percent	Response Total
		which cinemas and cultural venues can continue to provide alcohol (as long as this is ancillary to their main purpose).		
8	13/11/2020 15:01 PM ID: 152367343	This is a very welcome reform, given that the Cumulative Impact Assessment has proven that cinemas, cultural venues, outdoor space and qualifying clubs are invariably well-managed and do not impact upon the licensing objectives. The additional flexibilities offered are therefore welcome, although we would suggest the proposed terminal hour for qualifying clubs remains too restrictive and would ask that greater clarity be provided as to the hours during which cinemas and cultural venues can continue to provide alcohol (as long as this is ancillary to their main purpose).		
9	13/11/2020 17:34 PM ID: 152298169	For Qualifying Clubs - is there any requirement not to discriminate against any group wishing to become a member?		
10	13/11/2020 17:41 PM ID: 151148200	We feel that more could be done to support theatres in the proposed policy. The sale by retail of alcohol and/or late-night refreshment after 23:00hrs should not be limited to customer, patrons or members of the audience who will or have made use of venue for enjoying plays or other dramatic performances. Instead, theatres should be given the scope to put on other events - such as lectures or community events for example - with the same licensing approach as for plays or other dramatic performances also being permitted to support these offers.		
11	14/11/2020 12:37 PM ID: 152424557	We would like to see more support for theatres in the proposed policy. The sale by retail of alcohol and/or late-night refreshment after 23:00hrs should not be limited to customer, patrons or members of the audience who will or have made use of venue for enjoying plays or other dramatic performances. Instead, theatres should be given the scope to put on other events - such as lectures or community events for example - with the same licensing approach as for plays or other dramatic performances also being permitted to support these offers.		
12	15/11/2020 12:52 PM ID: 152470624	In CCSOS1 we believe that B(5) – the requirement that sale of alcohol etc must be to patrons after 23:00 should also be included in A. This is stated in HRS1 (B15) – see answer to Q19 above and so we fail to see why in CCSOS1 the requirement only applies in the CIZ.		
13	15/11/2020 13:44 PM ID: 152468159	Cinemas, Cultural Venues, Live Sporting premises and Outdoor Space - Policy CCSOS1 Within the West End CIZ I am concerned that this is a relaxation in policy and allows drinking at venues for people attending an event post 23:00 and for those not attending the event it creates a new bar where people can drink until 23:00. Qualifying Clubs - Policy QUC1: The policy needs to clearly state the distinction		

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:

			Response Percent	Response Total
		between qualifying clubs and proprietary clubs which will be considered under Public House and Bars -PB1.		
14	15/11/2020 16:11 PM ID: 152478097	The definition should be expanded to clearly include grassroots music venues, and the terminal hours policy should be removed to give these spaces flexibility to grow and survive.		
15	15/11/2020 16:19 PM ID: 152449399	No to CCSOS1: Because many are large venues & this relaxation will negatively impact on amenity & public nuisance & crime & disorder. Yes to QUC1: but we feel there should be definitions of a) qualifying clubs, b) clubs owned by members, and c) proprietary clubs ,as c) tend to have late night events with TENS and in effect can be large bars. We support the Soho Society proposals to include: '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'.		
			answered	15
			skipped	42

12. J. Minor statement updates 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?

									Response Percent	Response Total
1	Yes								74.00%	37
2	No opinion								24.00%	12
3	No								2.00%	1
Statistics	Minimum	1	Mean	1.28	Std. Deviation	0.49	Satisfaction Rate	14	answered	50
	Maximum	3	Variance	0.24	Std. Error	0.07			skipped	7

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

			Response Percent	Response Total
1	Open-Ended Question		100.00%	11
1	13/10/2020 03:54 AM ID: 150016287	Major changes should be considered, if needed, to create Park Lane as a major hospitality Outdoor Space venue.		
2	13/10/2020 20:38 PM ID: 150040177	It rather depends on what those changes will be.		
3	24/10/2020 17:30 PM ID: 150975443	you don't actually say what these are in 4.41 so how could any one answer yes or no		
4	13/11/2020 15:51 PM ID: 152367683	To reflect the updating, the reference to 'fire certificate' should be deleted from PS1 B 3		
5	13/11/2020 17:41 PM ID: 151148200	n/a		
6	14/11/2020 12:37 PM ID: 152424557	n/a		
7	15/11/2020 12:52 PM ID: 152470624	We understand the need to update the Statement in the midst of the current crisis. The statement, and especially the decision not to expand the ClZ, needs to be kept under review. If, as we hope, a vaccine is developed it may be that a return to "normal" will take place well before the next required Policy Review. This bring the risk that Cumulative Impact will happen without the Policy protections to prevent it.		
8	15/11/2020 13:44 PM ID: 152468159	None		
9	15/11/2020 15:30 PM ID: 152165406	Given the current climate, it will be important to keep the WCC Licensing Policy under review. The future is likely to remain uncertain over the next eighteen months or so, and we believe that it would not be appropriate to put the revised Licensing Policy in place for the usual three year period given the challenges that businesses will face as we emerge from the health crisis. We believe that that WCC should review its Licensing Policy again within a 12 month period, alongside its Cumulative Impact Policy, in order to ensure that it is supporting and not inhibiting the recovery of the night-time economy in central London.		
10	15/11/2020 16:11 PM ID: 152478097	No comment		
11	15/11/2020 16:19 PM ID: 152449399	We strongly support the Soho Society's points under Q2 Implementation of a Cumulative Impact Policy: '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, and all the points they raise in that section, and Q3 2020 Cumulative Impact Assessment. Our references to the CIA in our answers relate to the West End CIA.		

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

	Response Percent	Response Total
	answered	11
	skipped	46

13. K. Final comments on the proposed revisions to the Council's Statement of Licensing Policy

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

		Response Percent	Response Total
1	Open-Ended Question	100.00%	17
1	12/10/2020 19:07 PM ID: 150000861		The changes and directives that Westminster Council plans to do within these areas should also be evaluated
2	12/10/2020 19:42 PM ID: 150000476		You won't get a huge number of individual ordinary resident responses to this consultation, chiefly because of the format of the policy and this survey and the sheer level of effort you appear to expect from respondents. You really need to consider the end-user first when designing these surveys. I'm not convinced you actually want us to respond, because these things aren't designed in such a way to eliminate barriers and make it easy and straightforward for us to participate. Most of us are just normal people with normal lives, and it's only because I have an evening unexpectedly free that I have the time and energy to do this. Would you fill this out? Do you work out how long it will take us, and how much effort we will need to put in? Again, not inclusive, those of us with kids or other responsibilities rarely have the opportunity to bother with something like this. And for those of us with English as another language, or from lower income backgrounds, or who are old, or who are disabled, how do you make sure this is inclusive?
3	13/10/2020 20:38 PM ID: 150040177		This was described as a "short online survey". It has taken the best part of an afternoon to read 40 pages of complex text and dip into a second 154-page document in order to try and get to grips - perhaps unsuccessfully - with certain terminology. May I politely suggest that if you intend to consult residents about licensing in future that you do so in a clearer and more concise manner. The supporting documents are largely aimed at licensees and bureaucrats, and people with nothing better to do, and I'd be amazed if you receive more than a handful of responses from ordinary residents, particularly those in social housing.
4	24/10/2020 17:30 PM ID: 150975443		This really is not the right time to impose a raft of new, complex subjective checklists on potential new businesses.
5	11/11/2020 17:19 PM ID: 152172014		In my first answer I made clear that I do not believe the WECIA policy has been effective in reducing cumulative impact based on my personal experience of living

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

			Response Percent	Response Total
		<p>in Soho since 1968 and as a restaurant owner and licensee for 26 of those years. Although things are not as bad as the years around the millennium the adverse impacts of too many people and too much alcohol and drugs has had an adverse social impact of the area particularly in the evening and late at night. There is an increasingly clear difference between what is said and stated in policies to prevent harm and control cumulative impact (which is all better worded and evidence based than in the past) and what has actually occurred in practice.</p> <p>The Covid pandemic has had a devastating effect on the F&B industry at present but a sustainable solution when operating conditions return to normal will require Westminster City Council to ensure that they robustly apply the policies in the amended SLP.</p>		
6	12/11/2020 14:19 PM ID: 152273419	<p>No proposals for outside seating and alfresco dining. No proposal for designated areas to facilitate this.....I fear this is out of touch right now. Failure to have COVID 19 recovery plan and help will compromise many businesses, close businesses, create job losses and poverty.</p>		
7	13/11/2020 12:17 PM ID: 152348366	<p>We 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 returned feedback supporting the view that the extension of opening hours for cultural institutions such as theatres required careful planning, taking into account considerations such as licences and the amenity and wellbeing of night-shift workers.</p>		
8	13/11/2020 15:01 PM ID: 152367343	<p>As a general point, we are disappointed that the draft Statement of Licensing Policy does not provide sufficient focus on the benefits of the evening and night-time economy. This forms a core part of the economy of the West End and Central London and its international attraction. This is recognised by the Mayor's Office and continued promotion of London as a 24 hour City. In this respect, we would welcome the authority continuing to consider how the Statement of Licensing Policy can more actively assist in the road to economic recovery and promote growth for businesses within the CIZ and SCZ areas.</p> <p>As outlined above, we would also welcome more clarity through the policy on what licensed premises will be judged against when applying for a licence later than core hours, particularly outside of the CIZ, especially in relation to management and requirement that this covers the 'wider vicinity'.</p> <p>Finally, we would welcome confirmation that the use of licensable outside space will also be considered on its merits and against clear criteria. With wellness and outside space now a key consideration for businesses, particularly in a post Covid-19 world, we would ask that the authority seeks to promote this wherever possible,</p>		

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

			Response Percent	Response Total
		potentially with trial periods to allow for the premises to prove it can be well-managed.		
9	13/11/2020 17:41 PM ID: 151148200	<p>Licensed premises in Victoria and Victoria Westminster BIDs contribute to the increased vibrancy Victoria has witnessed since the last licensing policy review. Establishments within the NOVA development, the Market Halls and many others help bolster Victoria's appeal as an Opportunity Area generally and specifically support the success of the commercial office sector.</p> <p>The new Statement of Licensing Policy should provide a supporting framework for business whilst helping the council achieve its licensing aims. However, the evidence underpinning the SCZ Policy in Victoria is inconclusive and not fully justified. The proposal ignores the current challenging landscape the coronavirus pandemic has created for businesses and the bleak outlook facing businesses.</p>		
10	14/11/2020 12:37 PM ID: 152424557	<p>The Northbank BID area has high quality hospitality, theatres, cultural, universities, retail and other leisure industries. The area is the gateway to the West End which attracts visitors from around the world to enjoy the night life. We wish to nurture the best London offer for visitors to enjoy and we are passionate about ensuring that "offering" is of the highest quality; including evening and night experience which is safe and welcoming.</p> <p>The BID area is a busy multi transport hub for day and night travel. This includes many 24 hour tube and bus routes for buses, underground services. As such many people are traveling through the area while on their way to other areas in the West End.</p> <p>The BID prioritises area safety and we work to align priorities, resources and information by working closely with partners including is working closely with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lane, Night Czar.</p> <p>The Northbank BID welcomes and supports Westminster City Council's work to create an appropriate Licensing Statement Policy which recognises, that Covid has created extremely challenging times for the hospitality sector due to "the current unprecedented nature of the impact that COVID19 has had on footfall in the area, the Licensing Authority will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types within this zone at this time. It is believed that this approach, at this time, will not impact the Council's duty to promote the Licensing Objectives. However, as the city recovers, visitor numbers increase, and associated incidents rise outside the current West End Cumulative Impact Zone, the Licensing Authority will review this approach."</p>		

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

			Response Percent	Response Total
		<p>Businesses currently need support and stability to enable them to plan for the challenging times in the short and mid term and beyond. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with.</p> <p>Businesses need to be able to adapt to the new trading environment to deliver central London recovery for a thriving economy.</p>		
11	14/11/2020 19:29 PM ID: 152448869	The policy in general goes against the Mayor's Office and Night Czar's message that London is open for business and is a 24hr city. At a time when businesses (particularly in the West End) are at breaking point the policy does not assist in the road to recovery and does not promote growth for businesses that find themselves within the CIZ and SCZ areas.		
12	15/11/2020 13:44 PM ID: 152468159	None		
13	15/11/2020 15:30 PM ID: 152165406	<p>Safer Business Network is currently working with Westminster City Council to set up a specific group under the Safer Westminster Partnership which will focus on communications with businesses in the West End and formalise the contribution of the work of the Safer WestEnd Business Crime Reduction Partnership to the aims and objectives of the Safer Westminster Partnership. With this in mind, we suggest that it would be helpful to include a reference to Safer WestEnd and the Safer Sounds Partnership in the Licensing Policy at Paragraph 1.2 as follows:</p> <p>""The Council works in close partnership with the Metropolitan Police Service to tackle crime and disorder within our evening and night-time economy and to provide a safe environment for those who live, work and visit our City. The Safer WestEnd Business Crime Reduction Partnership also works closely with businesses to tackle crime trends in the West End, while the Safer Business Network's Safer Sounds Partnership provides good practice advice and training to licensed premises.""</p>		
14	15/11/2020 16:11 PM ID: 152478097	We believe that before Westminster Council further restricts licensed premises it should fully understand the effect of Covid on its existing businesses and potential new licence holders. The policy also needs to clearly specific grassroots music venues as an exempted type of licence premises. It also should acknowledge that also multi use arts and cultural venues need flexibility in licence activities and hours to survive especially even the financial pressures of trying to run and a manage a premises in Westminster even before Covid. The music venue trust is happy to provide any supporting data to Westminster if required. It needs to be recognised that live music venues are on the brink of extinction in Westminster so should carry greater protection.		

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

			Response Percent	Response Total
15	15/11/2020 16:19 PM ID: 152449399	We wish to attach some documents relating to proper details being submitted in Operating Schedules. No legislation has been passed indicating that LA's should relax licensing policies because of Covid 19 & once relaxed we doubt if they will revert.		
16	15/11/2020 17:59 PM ID: 152483731	Maybe some emphasis on protecting jobs and the West End economy is needed in light of the recent experience with COVID19 pandemic impact on the Central London economy.		
17	15/11/2020 21:44 PM ID: 152485251	With the loss of control over building use created by Planning Use Class E and the decline in retail there is likely to be a significant increase in the number of licensed premises, it is therefore important that SCZ's and CIA's are kept under constant review.		
			answered	17
			skipped	40

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:

			Response Percent	Response Total
1	Open-Ended Question		100.00%	9
1	24/10/2020 17:30 PM ID: 150975443	This really is not the right time to impose a raft of new, complex subjective checklists on potential new businesses.		
2	13/11/2020 17:41 PM ID: 151148200	n/a.		
3	14/11/2020 19:29 PM ID: 152448869	Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment To whom it may concern Thank you for consulting with us on the proposals for the revision of the Westminster City Council Statement of Licensing Policy. Our responses to the questions are detailed below, however, our position is that with an uncertain future and the difficulties that the hospitality and entertainment sector face, that despite your reassurances that you are not implementing significant change and that you intend to continue with the current policy approach where possible this is not the case as there are a number of significant revisions that will negatively impact growth, business development and regeneration of the high street post-COVID when London, in particular, will need it most. Therefore, we are not generally		

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:

	Response Percent	Response Total
<p>supportive of the amended Statement of Licensing policy, as we do not believe that it reflects the severity of the impact of COVID on trading conditions and usage of our town and city centres.</p> <p>We are most concerned about:</p> <p>1. The revised core hours policy:</p> <p>This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that do not. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants. This is because of their current trading style, due to the impact of COVID legislation and the growth of delivery models most restaurants now offer self-seating, counter ordering, take away, disposable wrapping and crockery and pre-sealed for immediate consumption.</p> <p>We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by:</p> <ul style="list-style-type: none"> • Providing a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups. • Creating access to free toilets for disabled people • Hiring security staff above and beyond requirements • Delivering extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm • Dispersing people safely and well from the night time economy is an essential part of all policing strategies. XXXXXXX's is an essential component in this strategy, as people visiting our restaurants come to sober up or wait safely for transport and a study performed by XXXXXXX indicated that people come into XXXXXXX louder than they leave and they are also more sober which means that they can safely get home. This has a direct impact on reducing anti-social behaviour <p>We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45% of all hospitality businesses will be lost. Therefore, we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts with the Greater London Authority Mayor's vision of a 24-Hour London.</p> <p>We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest</p>		

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:

	Response Percent	Response Total

hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore, we do not support the proposal to automatically refuse applications based on the following conditions

a. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone): Monday to Sunday: 10:00 to 21:00

b. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):

- Monday to Thursday: 10:00 to 23:30
- Friday and Saturday: 10:00 to midnight
- Sunday: 12:00 to 22:30
- Sundays immediately before a bank holiday: 12:00 to midnight

2. The new Special Consideration Zone Policy (SCZ1): We do not support the proposal to put forward greater mitigation and controls than those which would normally be expected from premises, therefore creating a higher threshold to grant new applications, without the legal frameworks in place to support this. This appears to be a way of introducing a CIZ without going through the correct legal frameworks. Therefore, in our opinion, it puts unnecessary strain on new and existing businesses at a time when Westminster Council should be supporting businesses set up, thrive and grow.

3. Change of Emphasis: We have concerns on the change of emphasis to include Fast Food we do not believe that there is enough delineation between new operating standards between Fast Food and Restaurants due to new delivery and takeaway models and Centra Government COVID trading restrictions.

4. Differentiation of Fast Food: There is no evidence in the Cumulative Impact Assessment to suggest that Fast Food has a negative impact on Westminster. Therefore, the differentiation is not supported by any facts. We would like to understand what consultations Westminster Council has performed relating to Fast Food and Quick Service Restaurants to reach the conclusion that they have a negative impact and therefore need to be treated differently.

5. Lack of Evidence: The Cumulative Impact Assessment and changes to the Statement of Licensing Policy lack recent and relevant evidence, creating insufficient inquiry relating to the proposed changes. Therefore, we do not believe that there is enough evidence to make decisions on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

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:

	Response Percent	Response Total
<p>6. Consultation: There are clear guidelines in the Section 128 guidance in paragraph 14.4 on the consultation process. As a multinational operator with multiple XXXXXXXX Restaurants both inside and outside the Cumulative Impact Zones, we believe that there has been an insufficient enquiry into the Policy. Further time should have been given due to the closure of premises during the consultation period, due to Central Government implementing Lockdown2 and closing licensed premises, and closure of head offices where the consultation was sent to. This is further backed up by the evidence given, all the evidence to support the Licensing Policy and CIP is pre-COVID evidence and therefore has not taken into consideration the full impact of COVID on the hospitality industry. Further considerations need to be given to</p> <p>a. Tourism footfall: this is unlikely to restart until a vaccine is found and provided effective, it would take 12-24 months for tourism footfall to recover</p> <p>b. Workforce: the majority of large businesses have indicated that they are unlikely to return their workforce to offices post-COVID, with many downsizing or removing offices as their teams have worked effectively from home. Therefore, pre-COVID levels of office worker footfall is unlikely to return</p> <p>c. Business closures: 45% of hospitality businesses are unlikely to reopen post-COVID</p> <p>With an uncertain future and the likely long term difficulties facing the hospitality sector related to reduced tourism, lack of office workers in the city and restricted business travel it is highly unlikely that footfall will increase in the west end within the next 12 to 24 months, and may never fully recover due to changes in working patterns, with more office staff and businesses indicating that they may never return to an office environment. Therefore, we believe that the policy is unnecessarily restrictive at a time when it should be supportive of business-led regeneration.</p> <p>Our responses to the questions are as follows:</p> <p>1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?</p> <p>No, we are not supportive of Westminster Council implementing a Cumulative Impact Policy for the following reasons:</p> <ul style="list-style-type: none"> • Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. There should not be an automatic assumption of rejection. • A detailed study by Night Time Economy Solutions Ltd indicated that a CIP was one of the main reasons investors decided not to invest in an area with 100% of 		

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:

	Response Percent	Response Total
<p>investors and major high street hospitality chains indicating that if there were a CIP in place they would choose to invest elsewhere. Post-COVID restrictions such as these will not be helpful for regeneration.</p> <ul style="list-style-type: none"> • We believe that the cumulative impact of footfall, crime and anti-social behaviour post-COVID will look very different therefore data gathered beforehand will be null and void. • The cumulative impact policy does not account for the diversity of offer and unnecessarily penalises those from poorer backgrounds, BAME community, disabled people, women, late-night workers by grouping quick-service restaurants with takeaways. These diverse communities need somewhere safe without alcohol to socialise, use the toilets, eat after 9 pm, so to automatically refuse a license to them negatively impacts the ability of those with protected characteristics to utilise the evening and night-time economy. <p>2. If you have any comments about the implementation of a Cumulative Impact Policy, please provide them below</p> <p>We believe that the implementation of the policy is flawed for the following reasons</p> <ul style="list-style-type: none"> • The defined hours are based on pre-COVID trading, crime, antisocial behaviour and footfall and are not representative of the new world we are living in or the likely post-COVID recovery. • The assumption of rejection of a license does not account for each license needing to be reviewed under its merit • "For the purposes of this policy a Fast Food Premises is defined as:" <ul style="list-style-type: none"> o (1) a premises that provides late night refreshment either by way of fast food on a counter or self seating basis or take away for immediate consumption o (2) provides no or minimal table service o (3) food is either prepared on the premises and cooked in bulk in advance or supplied to the customer in pre sealed disposable packaging for immediate consumption, and o (4) is served in disposable wrapping and may be consumed using the disposable crockery provided. <p>This doesn't differentiate between takeaways, quick service restaurants and restaurants, all of whom offer these services under current COVID legislation and as standard due to the increase in delivery-based models.</p> <p>3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?</p> <ul style="list-style-type: none"> • Westminster Council states that you have "reviewed our policy approach in light of the findings from the CIA and the implication of changing our policy in light of COVID". We believe that it is at odds with promoting the licensing objectives in that 		

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:

	Response Percent	Response Total

it is based on historic pre-COVID evidence and there is no balanced post-COVID evidence, or planning for a post-COVID environment. Where The prevention of crime and disorder, Public safety, The prevention of public nuisance are all likely to look significantly different due to reduced footfall and the number of operational businesses.

- In 3.3c it states that "had a high concentration of licensed premises" but it does not directly link those premises with crime or disorder, it's just a statement that they exist. There is a need to directly link crime and disorder with the premises to justify having a CIP.

4. The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?

We agree in principle that inclusion in the evening and night-time economy is vitally important and should be promoted. The evening and night time economy should be a place where all people irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Therefore, it is important to have a balanced night time offer, which is inclusive of those who do not drink, those who have limited finances, disabled toilets. Quick service restaurants such as XXXXXXXX provide this essential service, and therefore to meet the needs of inclusion should not be unduly punished.

By refusing to consider later opening quick service restaurants Westminster Council is unwittingly being less inclusive for the following reasons.

- We offer high quality night time working opportunities. Our staff tell us that working a full shift that finishes at 6am rather than at 11pm or 2.30am makes a huge difference to them. This is because it is difficult for them to find late night transport to get home if the restaurant closes at earlier, if they cannot get public transport they are forced to stay at work, or choose less safe options to get home, whereas if they finish at 6am local transport is running. This is particularly problematic for female and young workers. The additional operating hours make it easier for them financially because the shifts are longer and therefore their wages are higher. Therefore, for the benefit of our staff we prefer to operate 24-hour operations.

- We are often the only non-alcohol venue open in the night time economy. This means that we are the place of choice for communities such as groups of female Muslims whose choices are underrepresented in the night time economy, and who cannot go to bars or nightclubs. This was highlighted in a Nottingham night time report where a group of BAME women aged 18 to 25 years said "without XXXXXXXXXXXX we would have nowhere to socialise, our parents let us come to XXXXXXXXXXXX because it's supervised, there's no alcohol, we can meet boys from our community in a safe environment, it's well-lit and we can eat and chat for hours,

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:

	Response Percent	Response Total
<p>our community needs XXXXXXXX to be open late a night, without it we would have literally nowhere to go"</p> <ul style="list-style-type: none"> • As public toilets are lost from our high street or are not open after dark, our toilets are often the only public toilets, and in many communities councils pay us to keep our toilets open late, especially if they are working towards national accreditation schemes such as Purple Flag. Our toilets are often the only disabled friendly public toilets on a high street, for example a disabled person interviewed for a recent study commissioned by Lambeth Borough Council that "without XXXXXXXX opening at night I would not be able to use Brixton at night at all, as there are no other disabled toilets in the area, this would make me really isolated, cutting me off from my friends and community, XXXXXXXX toilets at night are a lifeline for disabled people" • Many people who visit XXXXXXXX do so because accessing more expensive restaurants, culture and arts is outside their economic reach. We provide a cost-effective night out for families and those on low incomes. By removing Fast Food or Quick Service restaurants such as XXXXXXXX from the future high street plans you will make the high street inaccessible to these groups and therefore reduce economic inclusivity. This is particularly important in a post COVID era where many people will be economically challenged. <p>5. Do you agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment?</p> <p>As previously detailed, we believe that the summary of the 2020 Cumulative Impact Assessment is deeply flawed because of not including COVID related statistics or plans. We believe that more research and evidence is needed.</p> <p>6. 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.</p> <p>CD1:</p> <ul style="list-style-type: none"> • Criteria 1: We do not agree to the proposed changes due to the fact that there is no clear guidance as to what "a significant contribution to levels of crime and disorder" and the "likelihood of crime and disorder occurring as a result of the grant application" are these are open to interpretation at a local officer level. • Considerations: Including levels of crime and disorder in and around the venue. In the venue is understandable but venues have no control over what happens outside their venue. <p>PS1:</p> <ul style="list-style-type: none"> • Considerations: Q4 states "whether there are procedures proposed to record and 		

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:

	Response Percent	Response Total
<p>limits the number of people on the premises with the opportunities for pass outs and readmission". This is only relevant to venues such as pubs, bars and nightclubs and does not account for quick service restaurants. Q8 states "affordable cloakrooms, further measures to combat dances and other overheating" this does not take into account the different styles of premises that are now being included in the CIP such as fast food, quick service restaurants, and is therefore too restrictive.</p> <p>PN1:</p> <ul style="list-style-type: none"> • Point 1: "Limiting the hours of the sales.. or food for consumption outside the premises" does not take into consideration the fast food and quick service restaurants, delivery and takeaways that have been built into the new Statement of Licensing Policy and therefore this undermines the existence of the new categories. <p>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 we fully support this Policy and the criteria and considerations. Protection of Children and vulnerable adults is something that XXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.</p> <p>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 we fully support this inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives this is something that XXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.</p> <p>13. Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)? No we do not agree with the policy to automatically refuse applications that have an opening hour before 10:00am and a terminal hour beyond 21:00 within the Cumulative Impact Zone. As detailed in our concerns above. We believe that we will be returning to a very different world post COVID where 50% of hospitality venues will not reopen and therefore the high street will look very different from the one the policy is built around. This policy will restrict growth and regeneration at a time when it is most needed. Pre COVID the night time economy was the only part of the economy in growth, therefore restricting this on reopening will hamper economic regeneration and job creation which will be essential for recovery. We also believe that it is discriminatory toward BAME, disabled, lower socio economic groups by restricting their access to essential services.</p> <p>14. Do you agree with:</p> <p>a. Not expanding the West End CIZ to include Zones 1 and 2</p>		

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:

	Response Percent	Response Total
<p>b. Retaining the current West End CIZ (except for the North East beyond Covent Garden)</p> <p>c. Excluding the area to the NE of Covent Garden which is within the current boundary of the CIZ, from the proposed new boundary for this zone</p> <p>We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.</p> <p>15. Regarding the following Cumulative Impact Zones, do you agree with the proposal to remove the</p> <p>a. Queensway / Bayswater CIZ</p> <p>b. Edgware Road CIZ</p> <p>We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.</p> <p>18. Do you agree with the proposed changes to the Core Hours policy?</p> <p>No, we do not. This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that don't. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.</p> <p>We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by providing</p> <ul style="list-style-type: none"> • a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups. • free toilets for disabled people • security staff above and beyond requirements • extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm <p>We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45%1 of all hospitality businesses will be lost. Therefore we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts</p>		

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:

	Response Percent	Response Total
<p>with the Greater London Authority Mayor's vision of a 24 Hour London.</p> <p>We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore we do not support the proposal to automatically refuse applications based on the following conditions</p> <p>d. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone): Monday to Sunday: 10:00 to 21:00</p> <p>e. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):</p> <ul style="list-style-type: none"> • Monday to Thursday: 10:00 to 23:30 • Friday and Saturday: 10:00 to midnight • Sunday: 12:00 to 22:30 • Sundays immediately before a bank holiday: 12:00 to midnight <p>We also do not support the that it applies to all new and variation application for premises licenses.</p> <p>20. Do you agree with the proposal to introduce new SCZs?</p> <p>We do not support the desire to put forward greater mitigation and controls than those which would normally be expected from premises, therefore creating a higher threshold to grant new applications, without the legal frameworks in place to support this. This appears to be a way of introducing a ClZ without going through the correct legal frameworks. Therefore in our opinion, it puts unnecessary strain on new and existing businesses at a time when Westminster Council should be supporting businesses set up, and grow.</p> <p>21. Do you have any specific comments on SCZs?</p> <p>The text of the SCZ's makes reference to "large number of transport hubs", "noise complaints at night", "illegal waste", "robberies" and "serious violent crime" non of these are attributed to licensed premises. There is only one reference to licensed premises which is "ambulance call outs". Therefore, we believe that alternative measures such as a safe space as used in Nottingham Newcastle and Chester, Street Pastors, Vulnerability Training for venues could be deployed to reduce these to an acceptable level without further restricting businesses.</p> <p>22. Do you agree with the reasoning, boundary and designation of the following SCZs?</p> <ul style="list-style-type: none"> • West End buffer • Queensway / Bayswater • Edgware Road • East Covent Garden • Mayfair 		

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:

			Response Percent	Response Total
		<p>• Victoria</p> <p>No, we do not support these as they are not attributed to licensed premises, there are other factors involved, and they do not take into account the changing and challenging trading conditions created by COVID.</p> <p>24. Regarding the following establishments, do you agree with the revisions to the policy framework for...</p> <ul style="list-style-type: none"> • Restaurants • Fast Food Premises <p>We do not agree with the revisions to the policy. There is not enough delineation between Fast Food Premises and Restaurants, the wording surrounding Fast Food Premises is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.</p> <p>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? We agree with the LA making minor changes to reflect updates to the law, guidance and council strategies and policies.</p> <p>30. If you have any comments regarding the updating of the statement, please provide them below: Do you wish to provide further comments or additional information / evidence? We have no further comments.</p>		
4	15/11/2020 12:52 PM ID: 152470624	As stated earlier in our response it is important that when determining applications it is the promotion of the Licensing Objectives which is seen as most important. Whilst complying with CIP1 and HRS1 are important these policies exist in order to promote the Licensing Objectives. Our experience of the determination process over the last 15 years is that there is a tendency of Licensing Lawyers, and Committee Members, to focus on whether or not a premises is of a specific type or open at certain hours, rather than whether or not they will promote the Licensing Objectives.		
5	15/11/2020 13:44 PM ID: 152468159	None		
6	15/11/2020 14:38 PM ID: 152475605	there needs to be a recognition of the effect of COVID and the aftermath which is missing and is pretty fundamental		
7	15/11/2020 16:11 PM ID: 152478097	No		
8	15/11/2020 17:12 PM ID: 152381378			

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:

			Response Percent	Response Total
9	19/11/2020 13:24 PM ID: 150300014	Please see answers at beginning of this questionnaire		
			answered	9
			skipped	48

14. About You

33. Are you a...(if two options apply, please choose the one that is most relevant to the answers you provided in the survey):

			Response Percent	Response Total						
1	Resident		48.08%	25						
2	Affiliated with a licensed business or employed within a licensed premise in Westminster		9.62%	5						
3	Organisation		13.46%	7						
4	Amenity or residents' society		9.62%	5						
5	BID		9.62%	5						
6	Licensing Solicitor or Agent		5.77%	3						
7	Trade representative		0.00%	0						
8	Responsible Authority		1.92%	1						
9	Ward Councillor		0.00%	0						
10	Other (please specify):		1.92%	1						
Statistics	Minimum	1	Mean	2.63	Std. Deviation	2.08	Satisfaction Rate	18.16	answered	52
	Maximum	10	Variance	4.31	Std. Error	0.29			skipped	5
Other (please specify): (1)										
1	13/10/2020 03:54 AM ID: 150016287	Architect who has carried out a detailed study of the landscape and history of Park Lane.								



Consultation Responses Received Via Email

Responses Affiliated with Licensed Premises

R1 – 19/10/2020

Dear Sir,

Please see my comment in relation to the licensing consultation below.

Many thanks

XXXXXXXXXX

This Covid pandemic has been very challenging for all walks of life, particularly the hospitality trade in the West End. We must therefore learn and challenge our status quo vigorously in order to help all affected and, on a wider scope, the whole community to re-build our lives speedily. We therefore have to think outside our historical comfort zone and work outside the box as a starting point! We simply can NOT afford a simple approach if we are serious to save lot of families.

During the pandemic, it is clear that alcohol has been singled out as the fuel for a lot of anti-social behaviours. However, we have also seen a well-documented picture frequently that restaurants and cafes which offering table service are not related to the root cause of this potential anti-social behaviour. Hence, restaurants and cafes are still allowed to open in the current Tier 3 areas at this present time. On this basis, it is time for us all to accept there is a difference between pubs and bars Vs restaurants in relation to licensing and its associated anti-social behaviour. In order to aid and assist the restaurant trade to recover, we shall therefore remove the night café restriction for restaurants and cafes in all areas in the West End so that the restaurants will have a wider scope to operate and hopefully to recover their loss before it is too late.

In conclusion, we can no longer afford to use a simple strategy of by eliminating and restricting the licensing hours unilaterally for all establishments in the West End as the only policy for all under the blame of the high relatively higher crime rate Vs alcohol. Restaurants and cafes should be treated differently to pubs and bars, and allowed to trade up to much later into the early hours in order to aid their survival in the months to come.

R2 – 06/11/2020

To Westminster Licensing Policy Consultation

As a business in the East Covent Garden district we write to confirm that we fully support Westminster Council's proposal to remove the East Covent Garden area from the cumulative impact order in early January 2021.

In addition, we ask that the Council take the opportunity to give the West End's hospitality industry a lifeline by implementing a Covid-19 specific policy to help businesses obtain some licence flexibility during the recovery period. A failure to implement such a policy in January could see the end of many of Westminster's prized hospitality venues.

Yours Faithfully
XXXXXXXXXXXX

R2 – 13/11/2020 (Additional Submission)

To Westminster Licensing Policy Consultation

In addition to the below we confirm that we are in agreement to:

- the extension of licensing hours to permit later closing times
- The allowance of premises to operate private members clubs

And we would support the closure of streets to traffic to enable the development of pedestrianised areas and cafe style dining in the Opera Quarter & Covent Garden as part of a Covid 19 and ongoing strategy to support businesses in the area

R3 – 11/11/2020

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an "inclusivity policy" recognising Westminster's duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

R4 – 11/11/2020 (Additional Submission)

Response to Westminster Licensing Policy Co

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.
I own a licensed business operating in Soho trading as xxxxxxxxxx at xxxxxxxxxx

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.
Kind regards

XXXXXXXXXX

R5 – 11/11/2020

Dear Sir or Madam

In support of all hospitality traders within Soho please consider the following:-

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an "inclusivity policy" recognising Westminster's duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

Yours faithfully

XXXXXXXXXX

R6 – 11/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am COO of licensed businesses operating in Soho trading as XXXXXXXXXX and XXXXXXXXXXXX respectively.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXX

R7 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I co-own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

Soho venues are small and are not Covid friendly. Al Fresco has been great for Soho and London and Soho should now take the lead

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm. Nobody would open a bar that closes at 9pm.

Its vital that we protect and encourage the late night economy as the centre of a global city. Soho and its LGBTQ and music heritage must nurture and develop this part of its proposition

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter and beyond. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

We must look to reduce traffic and car parking spaces through timed street closures etc alongside footway widening. Encouraging pedestrians and cyclists alongside Al Fresco is key

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

Vital to protect and support the LGBTQ heart of Soho

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

This policy is leading to the sanitisation of Soho rather than a diversity of offers eg where is the bike repair shop ? where can i go just for a drink ?
I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.
Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXX

R8 – 12/11/2020

Dear Sir/Madam,

In response to the proposed new licencing policy, please see below our comments:

1- We could not see a proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.

2- Concerning a new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm, we are supporting the proposal but will suggest a later terminal hour, perhaps 11pm.

3- There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.

4- Concerning a new proposal for an "inclusivity policy" recognising Westminster's duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

Kindest regards,
XXXXXXXXXXXX

R9 – 12/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R10 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

I would very much like to see this continue far in to 2021 and go longer term, with consultation.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R11 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics. The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R12 – 12/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

I am the director of an architectural practice based in XXXXXXXXXXXXXXXXXXXX which is or has been involved with the design and construction of various licensed hospitality businesses in Soho.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R13 - 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I oversee the licensed business XXXXXXXXXXXXXXXXXXXXXXX.

We would be grateful to Westminster for the consideration of the following key points:

1. Covid-19 Policy

We are concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low and will continue to be low for the foreseeable future. We are constantly concerned about the ever changing situation and if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January, many of the West End's prized hospitality and cultural venues will close permanently.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

We generally support the policy proposal of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

We are grateful to Westminster for implementing the summer *al fresco* scheme, which we hope will continue through the winter.

It provided us with extra support allowing us to extend our reach to allow more business opportunities to be achieved during these restrictive times.

We think that during the course of the summer scheme businesses general demonstrated that the external seating areas were well managed and we were able to provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. General Observation

We have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

We therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of our policy response.

Kind regards
XXXXXXXXXXXXXX

R14 – 12/11/2020

Dear Licensing,

I am an owner of a licensed premises in Soho and I would like to put to you my opinions to you in a snapshot from the above Cumulative Impact.

There seems to be no specific policy to help businesses licensed or otherwise to help survive COVID 19 and help the long term recovery. This is paramount to have these world famous businesses survive.

The new exception for new bars, pubs, music venue to have restricted core hours, such as 9pm....I cannot see how that would work or any business would work....I imagine any new business agreeing to those terms will break these rules later on....how would you police it? Those businesses would not survive and potentially cause more harm by creating different ways to operate.

Another major issue you seem to have completely missed is the external seating and having new policies allowing flexibility for larger seating areas especially in this "new normal" of social distancing.

Being in such an important part of London, has huge responsibilities and community need more help, not more draconian rules thrust upon us at a most difficult time.

Kind regards
XXXXXXXXXXXXXXXXXX

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an "inclusivity policy" recognising Westminster's duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

R15 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

[I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

R16 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made to help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R17 – 12/11/2020

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

R18 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

[I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Also a Westminster resident

[living at XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXX

R19 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I, XXXXXXXXXXXXXXXXXXXX, represent a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R20 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

The XXXXXXXXXXXXXXXXXXXX is a worldwide hospitality company with a carefully curated selection of cocktail bars, wine bars, beach bars and hotels across the globe. In London, the group owns and operates XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

The company would be grateful for Westminster's consideration of the following key points

1. **Covid-19 Policy**

We are concerned that there is no proposal to help hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in the West End are at an all-time record low, and will continue to be low for the foreseeable future.

Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made to help the applicant's business to survive and recover.

2. **9.00 pm Bar Exception**

We generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants and hotels where there is limited vertical drinking.

We therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm or midnight.

3. **External Seating**

We are grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many West End businesses with a lifeline, including our hotel on Henrietta Street.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. **Inclusivity policy**

We support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equalities Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

We have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

We therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of our policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R21 – 12/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho area trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards,

XXXXXXXXXXXXXXXXXXXXXX

R22 – 12/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

I, XXXXXXXXXXXXXXXX, represent a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXXX

R23 – 12/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation. I co-own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

Soho venues are small and are not Covid friendly. Al Fresco has been great for Soho and London and Soho should now take the lead

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm. Nobody would open a bar that closes at 9pm.

Its vital that we protect and encourage the late night economy as the centre of a global city. Soho and its LGBTQ and music heritage must nurture and develop this part of its proposition

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter and beyond. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

We must look to reduce traffic and car parking spaces through timed street closures etc alongside footway widening. Encouraging pedestrians and cyclists alongside Al Fresco is key

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

Vital to protect and support the LGBTQ heart of Soho

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to

Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

This policy is leading to the sanitisation of Soho rather than a diversity of offers eg where is the bike repair shop ? where can i go just for a drink ?

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Thank you for taking the time to read the above.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

R24 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive ‘buzz’ and energy, which has historically contributed to Soho’s status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho’s night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R25 – 13/11/2020

Dear Westminster Council

Please see below my response to the Westminster Council Policy Consultation

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX and I am a local resident living at XXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

PLEASE NOTE : As I write no official decision seems to have been made rehearing the closure of Beak Street. I can tell you that should the Council's policy continue to be that Beak Street operators will not enjoy the same benefits as those in East Soho then many of us will not make it to spring. Well over half the retailers and restaurants are now in serious trouble and without a significant change to encourage higher footfall in the West Soho area many businesses will go to the wall. Retailers of every type will benefit from greater footfall not just those in the F&B sector. Opening up West Soho to greater outdoor seating will also take the pressure away from congestion in East Soho, make the Soho area safer in general and save many businesses on the verge of insolvency.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy. The current unprecedented conditions require new thinking about how the area functions and how WCC functions to support both businesses and residents.

Yours sincerely
XXXXXXXXXXXXXXXXXX

R26 – 13/11/2020

Dear Westminster Council

Licensing Policy Consultation

I am a food writer and chef/owner of a number of restaurants in London, including a XXXXXXXXXXXX restaurant called XXXXXXXXXXXXXXXXXXXX. I am grateful for the opportunity to respond to your consultation on the new Licensing Policy.

My business is heavily reliant on the evening and night-time economy. Approximately 60% of all my revenue is generated from about 6.00 pm onwards. I am therefore particularly interested in the proposals relevant to evening and night-time economy business and infrastructure.

Soho is the centre of the creative world. Hospitality venues contribute to the fabric of the creative world and in doing so play a vital part in stimulating exciting new Soho businesses and supporting the evening and night-time economy. This should not be disproportionately restricted by licensing policies.

The loss of live music venues needs particular attention. The live music scene is incredibly important to British culture – the music industry generates huge amounts of money for the UK economy and enhances our reputation worldwide. I believe that an appropriate balance can be struck between the amenity of local residents and well managed grass roots live music venues who implement comprehensive measures to mitigate the risk of disturbance. In any event, there are existing and sufficient measures in place to protect residents if everything goes wrong, particularly under the licensing regime.

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

I am also interested to learn of the council's response and support to businesses in respect of the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new Covid-19 specific licensing policy is urgently needed to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

I encourage the council to look at policies to promote and welcome people coming into the Soho to support the struggling businesses. Enhanced live music venues and private members clubs will help. On a more practical basis, access to Soho should also be less of a burden.

Without a concerted effort amongst the council, stakeholders and local businesses, perhaps with a joined-up and robust marketing campaign, Soho is at risk of never getting back on track. A more flexible view on planning or licensing consents, coupled with incentives to get people into Central London, will help make visiting and operating in Soho more viable. A failure to act now may doom Soho's fate as a ghost town for the foreseeable future.

Thank you for taking into account my views.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

R27 – 13/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed to** remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive ‘buzz’ and energy, which has historically contributed to Soho’s status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho’s night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Best,

XXXXXXXXXXXXXXXXXXXX

R28 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

We are the owners of XXXXXXXXXXXXXXXXXXXX restaurant located on XXXXXXXXXXXXXXXXXXXX in Soho.

1. **Covid-19 Policy**

We are concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. **9.00 pm Bar Exception**

We generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

We therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. **External Seating**

We are grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided us with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so. For example, we have been lobbying for a permanent closure of D’Arblay

Street for external seating, since it has been closed to traffic due to prolonged road works for the last 2 years anyway.

4. Inclusivity policy

We support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equalities Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

We have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

We therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

XXXXXXXXXXXXXXXXXXXXXXX

R29 – 13/11/2020

Dear Westminster,

I am the co-owner and founder of XXXXXXXXXXXX Bar and Restaurant located at XXXXXXXXXXXXXXXXXX. Please can you consider my views in response to your licensing policy consultation.

I support the proposed policy exception for new bars, pubs and music venues. However, I would ask that Westminster considers a more appropriate terminal hour. 9.00 pm is not realistically viable for most Soho businesses. At least 11.00 pm would be more appropriate and welcomed by the business community in Soho.

I understand that the licensing authority will keep the impact of the Covid-19 pandemic under review. I know that most Soho businesses welcomed Westminster's intervention over the summer with the alfresco scheme. Unfortunately, our proposal to close our section of Poland Street was not successful. This means that we did not benefit from the alfresco scheme and had to re-open much later than most.

I suggest that Westminster adopts a new licensing policy to address the impact of the pandemic. Temporary flexibility on licence hours and conditions would provide a great source of hope for many struggling Soho businesses. Publishing a new licensing policy that fails to address the pandemic would send a worrying message to the West End hospitality sector. I therefore ask you to consider including Covid-19 policies promoting greater licence flexibility and improved external seating allowances to help the Soho business community survive and, hopefully, one day flourish again.

On a general note I believe that Westminster's tight licensing policies have in part contributed to the so called gentrification of Soho. Now more than ever is the time to offer some proportionate and controlled relaxation of policies to help maintain Soho's world class reputation as a centre for culture and the evening and night-time economy.

Thank you for your considering my views.

XXXXXXXXXXXXXXXXXX

R30 – 13/11/2020

Dear Licensing Policy Team

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

Thank you for the opportunity to respond to these proposals. XXXXXXXXXXXX Theatres own/operate X theatres in the heart of the West End; XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. XXXX of the XXXXXXXX theatres, and our administrative offices, are in the West End Cumulative Impact Area. XXXXXXXXXXXXXXXX Theatres, is also building a new state of the art theatre under construction at XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX.

Our comments on the proposals are set out below:

General

1. We greatly appreciate WCC's recognition of the impact the coronavirus pandemic has had on the theatre sector, as discussed in more detail below. While we recognise that the Council has a legal obligation to review and publish a statement of licensing policy in January 2021 the timing of, and short window for responses to, this consultation have come at a time when resources and priorities are stretched. We therefore hope that there will be the opportunity for further consideration and discussion on any aspect of the proposals which could impact the future recovery of theatre prior to adoption.

2. We of course welcome the recognition in the proposals of *"the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city."* As you will know, in 2019 there were 15.3 million attendances at West End and major London subsidised theatres generating significant funds for HM Treasury. As well as world class theatre attracting diverse audiences, the West End provides many job opportunities directly and indirectly.

Policy Proposals

3. We welcome the slightly longer "core hours" proposed for theatres in HRS1, in light of the fact that the *"Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities."* Theatre bars are absolutely vital to both financial and cultural viability and we appreciate the continued acknowledgment that theatres are generally considered to be low risk.

4. We do however question the reason for the proposed new definition of theatres in CCSOS1:

"the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience".

We understand this is a new definition which isn't in the existing policy, PVC2. Of course, that is the primary purpose of our theatres, but we would not want to be prevented from providing a broad range of other entertainment from plays to musicals, to comedy, dance, live music, televised events, award ceremonies, launches, cinema and of course, pantomime. We question therefore whether this new definition is necessary and appropriate?

5. Given that it is acknowledged both in the proposed policy draft at B.15 and the current policy, that theatres "provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups" along with having "little association with crime and disorder or public nuisance", we do not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7). Under PVC2, the primary purpose of theatre is as a performance venue and therefore alcohol is always ancillary overall to that primary purpose.

6. The current policy at PVC2 provides that:

"theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City.

"Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas."

"Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities"

7. B.15 proposes "However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience." **This new definition appears to be more restrictive** than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 23:00.

8. The ability to maximise ancillary revenue streams is vital to the survival of London theatre, given short performance hours and the cost involved in preserving and running these prestigious historic buildings. Customers also wish to attend theatres outside performance hours as part of the cultural and creative experience, for example for creative meetings and networking, family celebrations, lunches, dinners or bar facilities pre and post show. This does not mean that the premises turn into a late-night bar or indeed would have any impact upon the licensing objectives. We also question the practicalities of implementing this, in particular how to ensure we are only serving "that audience" assuming other guests not attending that evening's show may have legitimately entered the theatre prior to 23.00. The key is that use is always ancillary to the overall use as per Policy PVC2. We are not aware that there is any reason or justification to change this definition.

9. Equally, that is also a subtle but important difference to proposed policy D.5 which provides that:

*"Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs **must be limited to patrons or customers who have made use of the primary activity of the venue.** For example, it is acceptable for a theatre to maintain the use of their bar following a performance*

beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.”

10. D.4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst we understand there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D.5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, we ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged, provided it was ancillary to the overall use as a theatre. We would suggest policy wording similar to this:

“Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn’t add to cumulative impact.”

11. We support the proposed wording at B.9 for greater flexibility for core hours, which is the same as in the current policy, but strongly contest the new final sentence which now seeks to restrict that flexibility (underlined): *“The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.*

We believe this new limitation is unnecessary and was not in the previous policy. It is acknowledged that bar uses should be ancillary but these venues attract people of all ages for a diverse range of cultural entertainment for seated audiences, all of this makes the venue low risk. There is no further need to restrict alcohol sales to intervals or by the type of alcohol sold if that is the intention.

12. The Covid-19 pandemic has had a catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses, and especially theatres, have been particularly hard hit by the lockdowns and social distancing restrictions, evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster’s world class reputation as a cultural capital, the theatre industry and the arts need to continue to be supported.

13. XXXXXXXXXXXXXXX has pioneered the re-opening of theatres in the West End with social distancing. As reported widely in the press, on the 6 month anniversary of the last performance in the West End, we announced we were switching back on the lights and re-opening our theatres with social distancing plus robust risk mitigation to comply with Government guidelines from 22nd October. Although with reduced capacities it is not possible to make a profit, we were earning a contribution to our costs and most importantly the income allowed us to retain XXXXXXXXXXXXXXX highly skilled and experienced workforce, and give work to the talented tapestry of freelancers onstage and backstage. A special season of fantastic entertainment from 22nd October was planned, needless to say this was very short-lived and yet again we find ourselves closed.

14. We know that the Council recognises the impact of the pandemic on theatre and wishes to support recovery and we ask that this is reflected in its policies in cases where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

We appreciate that any policy changes introduced at the beginning of next year will affect new applications for licences or variations and not any current applications determined before then or existing licences relating to XXXXXXXXXXXX Theatres. However, we wish to ensure that any changes in policy protect our theatres for the future.

We would welcome the opportunity to discuss the proposals further.
Yours Sincerely

XXXXXXXXXXXXXXXXXXXX

R31 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter (**and please include Great Windmill Street**). It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics. The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R32 – 13/11/2020

Dear Licensing Committee,

Thank you for providing me with the opportunity to respond to your licensing policy consultation.

I am a gay businessman and have been involved in running licensed premises in Westminster since the late 1980's.

I opened my own venue, XXXXXXXXX back in XXXXX on XXXXXXXXXXXXXXX and the brand will celebrate 25 years trading next month (if we are out of lockdown). I currently own (lease) two premises in Westminster; XXXXXXXXXXXXXXX and XXXXXXXXXXXXXXXXXXXXXXX. These are divided into XXXX separate venues all catering to the LGBTQ+ community, including XXXXXXXXXXXXXXX dedicated Lesbian bar. I pride myself on running professional venues with inclusive events for the entire broad spectrum of my wonderful community.

Prior to the pandemic, my business was challenging but ultimately successful and profitable. Westminster's summer alfresco scheme, for which I am extremely grateful, gave the business a lifeline by allowing it to break even. I proactively engaged with Councillor Green and the movement strategy team during this process. I also appeared on BBC News alongside Councillor Green praising the scheme.

I recently joined the board of the Soho Business Alliance. I endorse and reiterate the consultation responses made by the Soho Business Alliance and its members. I also wanted to take the opportunity to emphasise a few key points most relevant to my business.

As a long-standing LGBTQ+ business, I was very pleased to see the proposal for a new inclusivity policy. Soho has sadly lost many of its LGBTQ+ venues over recent years. I hope that policies promoting venues for persons with protected characteristics will help stop the decline.

Westminster have a duty under the Equalities Act to reduce inequalities and promote inclusivity when carrying out their public sector licensing function. In order to properly meet this statutory obligation, the inclusivity policy should proactively promote and protect licensed venues providing a safe environment for persons with protected characteristics.

This means that the policy should introduce a new exception to the cumulative impact area policy where an applicant has successfully demonstrated that it is a venue with protected characteristics, providing of course that granting the application is appropriate and the licensing objectives are promoted. A licence holder's track record can and should be taken into account under this policy test. This would provide a lifeline to Soho's last remaining LGBTQ+ venues, and possibly encourage new venues to open. Otherwise, I fear many of us will not survive the pandemic under existing licensing restrictions.

LGBTQ+ venues are very social by definition. Their foundations are built upon providing a safe and inclusive environment for members of the community to meet and socialise. Social distancing, lockdowns and tier restrictions on mixed households meeting have hit LGBTQ+ venues particularly hard. I ask the council to recognise this and help LGBTQ+ venues, as well as the West End hospitality sector as a whole, survive and recover from the pandemic. Soho's evening and night-time economy needs a Covid-19 support policy.

The pre-existing cumulative impact policies have been effective in reducing cumulative impact in the West End over the last 10-15 years. In my view, the policies have now gone too far. The policies, together with the impact of the pandemic, are now having a seriously damaging effect on Westminster's prized cultural and entertainment districts. At the very least, I ask you to please consider time limited Covid-19 policies allowing temporary relaxations of licensed conditions, external seating and/or hours to help businesses adapt and build a foundation to continue contributing to Westminster's success when the pandemic is over.

Thank you for considering my consultation response. Please do not hesitate to contact me if you have any questions about my views.

Yours faithfully
XXXXXXXXXXXXXXXXXXXX

R33 – 13/11/2020

Dear Westminster

XXXXXXXXXXXX provides capital and advisory services to ambitious entrepreneurs within the hospitality industry. We work in close partnership with the following Soho businesses:

- XXXXXXXXXXXXXXXXXXXX
- XXXXXXXXXXXXXXXXXXXX
- XXXXXXXXXXXXXXXXXXXX
- XXXXXXXXXXXXXXXXXXXX

We would be grateful for the City Council's consideration of our consultation response to the licensing policy review. Even before the pandemic, high streets were suffering in a new world of online retailing and commerce. The outlook for high streets over the next 18 months is bleak. They will be decimated. It is vital to start developing longer term strategies and policies to create hubs of activity as an intersection of all human connectivity.

High streets need to focus on a new role of experience. They could transform into vital community and public health assets by providing places for people to connect socially and creatively. The move away from high street retail should focus on the concept of human interaction and in doing so contribute positively to the health and mental well being of the public. Places like Soho can be at the vanguard of this pioneering approach.

I hope and believe that Westminster can play its part in creating and regenerating Soho and surrounding high streets as one of these creative hubs attractive to workers, tourists and all the individuals and businesses that continue to contribute to Soho's world-renowned reputation.

If an appropriate balance is not struck between support for the hospitality and creative businesses against the sometimes conflicting views of local residents, Soho will die. I am particularly concerned that in a new world of "working from home" offices will be lost to residential development and the "Soho buzz" will peter out. Soho is so great because anyone can visit at any time of the week and it always has a positive buzz and energy. That is why people love it.

We therefore encourage the City Council to adopt licensing policies protecting and promoting individual creativity and businesses that contribute to the fabric of Soho. In particular, restaurants, live music venues, bars, nightclubs and private members clubs. Policies should welcome new licensed premises with more flexibility on hours and conditions of use. Private members clubs are particularly important hubs of creativity and Soho community.

Similarly, more flexible policies on external seating could help many businesses survive whilst serving their customers in a safe and attractive environment. All of this can be done without harming the residential amenity, the vast majority of which believe choose to live in Soho because of its diverse creative and entertainment led businesses.

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

I am concerned about the lack of policy proposals to help support hospitality businesses in respect of the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new Covid-19 specific licensing policy is urgently needed to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

Thank you for taking into account my views.

XXXXXXXXXXXXXXXXXXXX

R34 – 13/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

[I own a licensed businesses operating in Soho trading as Pierre Victoire Restaurant, 5 Dean Street and Prix Fixe Brasserie 39 Dean Street.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster’s recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R35 – 13/11/2020

Dear Westminster Council,

Please can you consider our response to your licensing policy consultation.

Introduction

We operate XXXXXXXXXXXX on XXXXXXXXXXXX in Mayfair. Our restaurant is headed by a Michelin Star chef specialising in seafood. We opened in XXXXXXXXXXXX 20XX. After a successful start we have had an extremely challenging first 12 months due to the Covid-19 pandemic.

Mayfair

We agree with the cumulative impact assessment findings that there is no requirement to implement a cumulative impact policy in Mayfair. Mayfair does not have the same levels of crime, disorder and nuisance as experienced in other areas of the West End.

However, our restaurant would be caught by the proposed Mayfair special consideration zone policy. We are concerned that this could be interpreted or relied upon effectively as a cumulative impact policy by persons objecting to reasonable applications. As a result, we do not think a special consideration zone should be implemented in Mayfair.

Your own evidence indicates that Mayfair experiences proportionately very low levels of incidents, particularly bearing in mind the number of licensed premises in the area. The incident level is just 1.6 x the Borough average, despite it being a busy commercial area. We therefore do not think it is necessary and have concerns about how it would be interpreted, implemented and applied when applications are determined.

Alternatively, the special consideration zone policy should include clarity confirming that applications will generally be granted where an applicant successfully demonstrates that it has taken into account and mitigated the special considerations in its applicable area.

Coronavirus

We are concerned that there appears to be no proposal to implement a special Coronavirus licensing policy. A Coronavirus policy is crucial to help existing and new West End hospitality businesses survive. The policy could help obtain some flexibility on licences when considered appropriate and the applicant can demonstrate that they can promote the licensing objectives. Applications could be granted on time limited basis if necessary. Otherwise many restaurants and bars will sadly close.

In our case, it could be the difference between our business surviving or not, with an associated loss of a number of jobs.

Thank you

XXXXXXXXXXXXXXXXXXXX

R36 – 13/11/2020

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

To whom it may concern

Thank you for consulting with us on the proposals for the revision of the Westminster City Council Statement of Licensing Policy. Our responses to the questions are detailed below, however, our position is that with an uncertain future and the difficulties that the hospitality and entertainment sector face, that despite your reassurances that you are not implementing significant change and that you intend to continue with the current policy approach where possible this is not the case as there are a number of significant revisions that will negatively impact growth, business development and regeneration of the high street post-COVID when London, in particular, will need it most. Therefore, we are not generally supportive of the amended Statement of Licensing policy, as we do not believe that it reflects the severity of the impact of COVID on trading conditions and usage of our town and city centres.

We are most concerned about:

1. The revised core hours policy:

This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that do not. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants. This is because of their current trading style, due to the impact of COVID legislation and the growth of delivery models most restaurants now offer self-seating, counter ordering, take away, disposable wrapping and crockery and pre-sealed for immediate consumption.

We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by:

- ☑ Providing a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups.
- ☑ Creating access to free toilets for disabled people
- ☑ Hiring security staff above and beyond requirements
- ☑ Delivering extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm
- ☑ Dispersing people safely and well from the night time economy is an essential part of all policing strategies. XXXXXXXXXXXX is an essential component in this strategy, as people visiting our restaurants come to sober up or wait safely for transport and a study performed by XXXXXXXXXXXX indicated that people come into XXXXXXXXXXXXXXX louder than they leave and they are also more sober which means that they can safely get home. This has a direct impact on reducing anti-social behaviour

We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45%1 of all hospitality businesses will be lost. Therefore, we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts with the Greater London Authority Mayor's vision of a 24-Hour London.

We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore, we do not support the proposal to automatically refuse applications based on the following conditions

- a. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone):
Monday to Sunday: 10:00 to 21:00
- b. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):
 - ☑ Monday to Thursday: 10:00 to 23:30
 - ☑ Friday and Saturday: 10:00 to midnight
 - ☑ Sunday: 12:00 to 22:30
 - ☑ Sundays immediately before a bank holiday: 12:00 to midnight

2. The new Special Consideration Zone Policy (SCZ1): We do not support the proposal to put forward greater mitigation and controls than those which would normally be expected from premises, therefore creating a higher threshold to grant new applications, without the legal frameworks in place to support this. This appears to be a way of introducing a CIZ without going through the correct legal frameworks. Therefore, in our opinion, it puts unnecessary strain on new and existing businesses at a time when Westminster Council should be supporting businesses set up, thrive and grow.

3. Change of Emphasis: We have concerns on the change of emphasis to include Fast Food we do not believe that there is enough delineation between new operating standards between Fast Food and Restaurants due to new delivery and takeaway models and Central Government COVID trading restrictions.

4. Differentiation of Fast Food: There is no evidence in the Cumulative Impact Assessment to suggest that Fast Food has a negative impact on Westminster. Therefore, the differentiation is not supported by any facts. We would like to understand what consultations Westminster Council has performed relating to Fast Food and Quick Service Restaurants to reach the conclusion that they have a negative impact and therefore need to be treated differently.

5. Lack of Evidence: The Cumulative Impact Assessment and changes to the Statement of Licensing Policy lack recent and relevant evidence, creating insufficient inquiry relating to the proposed changes. Therefore, we do not believe that there is enough evidence to make decisions on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

6. Consultation: There are clear guidelines in the Section 128 guidance in paragraph 14.4 on the consultation process. As a multinational operator with multiple XXXXXXXX Restaurants both inside and outside the Cumulative Impact Zones, we believe that there has been an insufficient enquiry into the Policy. Further time should have been given due to the closure of premises during the consultation period, due to Central Government implementing Lockdown2 and closing licensed premises, and closure of head offices where the consultation was sent to. This is further backed up by the evidence given, all the evidence to support the Licensing Policy and CIP is pre-COVID evidence and therefore has not taken into consideration the full impact of COVID on the hospitality industry. Further considerations need to be given to

- a. **Tourism footfall:** this is unlikely to restart until a vaccine is found and provided effective, it would take 12-24 months for tourism footfall to recover
- b. **Workforce:** the majority of large businesses have indicated that they are unlikely to return their workforce to offices post-COVID, with many downsizing or removing offices as their teams have worked effectively from home. Therefore, pre-COVID levels of office worker footfall is unlikely to return
- c. **Business closures:** 45% of hospitality businesses are unlikely to reopen post-COVID

With an uncertain future and the likely long term difficulties facing the hospitality sector related to reduced tourism, lack of office workers in the city and restricted business travel it is highly unlikely that footfall will increase in the west end within the next 12 to 24 months, and may never fully recover due to changes in working patterns, with more office staff and businesses indicating that they may never return to an office environment. Therefore, we believe that the policy is unnecessarily restrictive at a time when it should be supportive of business-led regeneration.

Our responses to the questions are as follows:

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

No, we are not supportive of Westminster Council implementing a Cumulative Impact Policy for the following reasons:

☒ Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. There should not be an automatic assumption of rejection.

☒ A detailed study by Night Time Economy Solutions Ltd indicated that a CIP was one of the main reasons investors decided not to invest in an area with 100% of investors and major high street hospitality chains indicating that if there were a CIP in place they would choose to invest elsewhere. Post-COVID restrictions such as these will not be helpful for regeneration.

☒ We believe that the cumulative impact of footfall, crime and anti-social behaviour post-COVID will look very different therefore data gathered beforehand will be null and void.

☒ The cumulative impact policy does not account for the diversity of offer and unnecessarily penalises those from poorer backgrounds, BAME community, disabled people, women, late-night workers by grouping quick-service restaurants with takeaways. These diverse communities need somewhere safe without alcohol to socialise, use the toilets, eat after 9 pm, so to automatically refuse a license to them negatively impacts the ability of those with protected characteristics to utilise the evening and night-time economy.

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

We believe that the implementation of the policy is flawed for the following reasons

☒ The defined hours are based on pre-COVID trading, crime, antisocial behaviour and footfall and are not representative of the new world we are living in or the likely post-COVID recovery.

☒ The assumption of rejection of a license does not account for each license needing to be reviewed under its merit

☒ “For the purposes of this policy a Fast Food Premises is defined as:”

- o (1) a premises that provides late night refreshment either by way of fast food on a counter or self-seating basis or take away for immediate consumption
- o (2) provides no or minimal table service
- o (3) food is either prepared on the premises and cooked in bulk in advance or supplied to the customer in pre sealed disposable packaging for immediate consumption, and
- o (4) is served in disposable wrapping and may be consumed using the disposable crockery provided.

This doesn't differentiate between takeaways, quick service restaurants and restaurants, all of whom offer these services under current COVID legislation and as standard due to the increase in delivery-based models.

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

☒ Westminster Council states that you have “reviewed our policy approach in light of the findings from the CIA and the implication of changing our policy in light of COVID”. We believe that it is at odds with promoting the licensing objectives in that it is based on historic pre-COVID evidence and there is no balanced post-COVID evidence, or planning for a post-COVID environment. Where the prevention of crime and disorder, Public safety, the prevention of public nuisance are all likely to look significantly different due to reduced footfall and the number of operational businesses.

☒ In 3.3c it states that “had a high concentration of licensed premises” but it does not directly link those premises with crime or disorder, it's just a statement that they exist. There is a need to directly link crime and disorder with the premises to justify having a CIP.

4. The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?

We agree in principle that inclusion in the evening and night-time economy is vitally important and should be promoted. The evening and night time economy should be a place where all people irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Therefore, it is important to have a balanced night time offer, which is inclusive of those who do not drink, those who have limited finances, disabled toilets. Quick service restaurants such as XXXXXXXXX provide this essential service, and therefore to meet the needs of inclusion should not be unduly punished.

By refusing to consider later opening quick service restaurants Westminster Council is unwittingly being less inclusive for the following reasons.

☑ We offer high quality night time working opportunities. Our staff tell us that working a full shift that finishes at 6am rather than at 11pm or 2.30am makes a huge difference to them. This is because it is difficult for them to find late night transport to get home if the restaurant closes at earlier, if they cannot get public transport they are forced to stay at work, or choose less safe options to get home, whereas if they finish at 6am local transport is running. This is particularly problematic for female and young workers. The additional operating hours make it easier for them financially because the shifts are longer and therefore their wages are higher. Therefore, for the benefit of our staff we prefer to operate 24-hour operations.

☑ We are often the only non-alcohol venue open in the night time economy. This means that we are the place of choice for communities such as groups of female Muslims whose choices are underrepresented in the night time economy, and who cannot go to bars or nightclubs. This was highlighted in a Nottingham night time report where a group of BAME women aged 18 to 25 years said “without XXXXXXXXXXXX we would have nowhere to socialise, our parents let us come to XXXXXXXXXXXX because it’s supervised, there’s no alcohol, we can meet boys from our community in a safe environment, it’s well-lit and we can eat and chat for hours, our community needs XXXXXXXXXXXX to be open late a night, without it we would have literally nowhere to go”

☑ As public toilets are lost from our high street or are not open after dark, our toilets are often the only public toilets, and in many communities councils pay us to keep our toilets open late, especially if they are working towards national accreditation schemes such as Purple Flag. Our toilets are often the only disabled friendly public toilets on a high street, for example a disabled person interviewed for a recent study commissioned by Lambeth Borough Council that “without XXXXXXXXXXXX opening at night I would not be able to use Brixton at night at all, as there are no other disabled toilets in the area, this would make me really isolated, cutting me off from my friends and community, XXXXXXXXXXXX toilets at night are a lifeline for disabled people”

☑ Many people who visit XXXXXXXX do so because accessing more expensive restaurants, culture and arts is outside their economic reach. We provide a cost-effective night out for families and those on low incomes. By removing Fast Food or Quick Service restaurants such as XXXXXXXXX from the future high street plans you will make the high street inaccessible to these groups and therefore reduce economic inclusivity. This is particularly important in a post COVID era where many people will be economically challenged.

5. Do you agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment?

As previously detailed, we believe that the summary of the 2020 Cumulative Impact Assessment is deeply flawed because of not including COVID related statistics or plans. We believe that more research and evidence is needed.

6. 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.

CD1:

☒ **Criteria 1:** We do not agree to the proposed changes due to the fact that there is no clear guidance as to what “a significant contribution to levels of crime and disorder” and the “likelihood of crime and disorder occurring as a result of the grant application” are these are open to interpretation at a local officer level.

☒ **Considerations:** Including levels of crime and disorder in and around the venue. In the venue is understandable but venues have no control over what happens outside their venue.

PS1:

☒ **Considerations: Q4** states “whether there are procedures proposed to record and limits the number of people on the premises with the opportunities for pass outs and readmission”. This is only relevant to venues such as pubs, bars and nightclubs and does not account for quick service restaurants. **Q8 states** “affordable cloakrooms, further measures to combat dances and other overheating” this does not take into account the different styles of premises that are now being included in the CIP such as fast food, quick service restaurants, and is therefore too restrictive.

PN1:

☒ **Point 1:** “Limiting the hours of the sales.. or food for consumption outside the premises” does not take into consideration the fast food and quick service restaurants, delivery and takeaways that have been built into the new Statement of Licensing Policy and therefore this undermines the existence of the new categories.

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 we fully support this Policy and the criteria and considerations. Protection of Children and vulnerable adults is something that XXXXXXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.

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 we fully support this inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives this is something that XXXXXXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.

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

No we do not agree with the policy to automatically refuse applications that have an opening hour before 10:00am and a terminal hour beyond 21:00 within the Cumulative Impact Zone. As detailed in our concerns above. We believe that we will be returning to a very different world post COVID where 50% of hospitality venues will not reopen and therefore the high street will look very different from the one the policy is built around. This policy will restrict growth and regeneration at a time when it is most needed. Pre COVID the night time economy was the only part of the economy in growth, therefore restricting this on reopening will hamper economic regeneration and job creation which will be essential for recovery.

We also believe that it is discriminatory toward BAME, disabled, lower socio economic groups by restricting their access to essential services.

14. Do you agree with?

- a. Not expanding the West End CIZ to include Zones 1 and 2
- b. Retaining the current West End CIZ (except for the North East beyond Covent Garden)
- c. Excluding the area to the NE of Covent Garden which is within the current boundary of the CIZ, from the proposed new boundary for this zone

We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

15. Regarding the following Cumulative Impact Zones, do you agree with the proposal to remove the

a. Queensway / Bayswater CIZ

b. Edgware Road CIZ

We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

18. Do you agree with the proposed changes to the Core Hours policy?

No, we do not. This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that don't. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.

We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by providing

a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups.

free toilets for disabled people

security staff above and beyond requirements

extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm

We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45%1 of all hospitality businesses will be lost. Therefore we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts with the Greater London Authority Mayor's vision of a 24 Hour London.

We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore we do not support the proposal to automatically refuse applications based on the following conditions

d. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone):

Monday to Sunday: 10:00 to 21:00

e. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight

Sunday: 12:00 to 22:30

Sundays immediately before a bank holiday: 12:00 to midnight

We also do not support that it applies to all new and variation application for premises licenses.

20. Do you agree with the proposal to introduce new SCZs?

We do not support the desire to put forward greater mitigation and controls than those which would normally be expected from premises, therefore creating a higher threshold to grant new applications, without the legal frameworks in place to support this. This appears to be a way of introducing a CIZ without going through the correct legal frameworks. Therefore in our opinion, it puts unnecessary strain on new and existing businesses at a time when Westminster Council should be supporting businesses set up, and grow.

21. Do you have any specific comments on SCZs?

The text of the SCZ's makes reference to "large number of transport hubs", "noise complaints at night", "illegal waste", "robberies" and "serious violent crime" none of these are attributed to licensed premises. There is only one reference to licensed premises which is "ambulance call outs". Therefore, we believe that alternative measures such as a safe space as used in Nottingham Newcastle and Chester, Street Pastors, Vulnerability Training for venues could be deployed to reduce these to an acceptable level without further restricting businesses.

22. Do you agree with the reasoning, boundary and designation of the following SCZs?

- West End buffer
- Queensway / Bayswater
- Edgware Road
- East Covent Garden
- Mayfair
- Victoria

No, we do not support these as they are not attributed to licensed premises, there are other factors involved, and they do not take into account the changing and challenging trading conditions created by COVID.

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

- Restaurants
- Fast Food Premises

We do not agree with the revisions to the policy. There is not enough delineation between Fast Food Premises and Restaurants, the wording surrounding Fast Food Premises is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.

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?

We agree with the LA making minor changes to reflect updates to the law, guidance and council strategies and policies.

30. If you have any comments regarding the updating of the statement, please provide them below: Do you wish to provide further comments or additional information / evidence?

We have no further comments.

R37 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am an employee of a business operating in Soho, trading as XXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R38 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am an employee of a business operating in Soho, trading as Soho Estates, 58 Wardour Street, London, W1D 4JQ.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

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3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive ‘buzz’ and energy, which has historically contributed to Soho’s status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho’s night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXX

R39 – 13/11/2020

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council’s Statement of Licensing Policy

We are instructed by XXXXXXXXXXXXXXXXXXXX to provide its consultation response to Westminster City Council’s proposed revisions to its Statement of Licensing Policy.

Below are our client’s submission and comments on the consultation. **Please note that this letter supersedes and replaces our client’s letter of 12 November, which should be disregarded.**

XXXX operates XXXXX of the most prestigious theatres in London’s West End;
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

We have split our client’s response in two parts. The first section deals with its response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of Covid-19 on the theatre industry and how XXXXXXXXXXXX believe the City Council could aide business recovery in the new Licensing Policy.

Whilst most of XXXXXXXXXXXX theatres are in the West End Cumulative Impact Area, these comments are made on the proposals both within and outside of that area.

Response to Policy Proposals

1. XXXXXXXX welcomes the slightly longer “core hours” proposed for theatres in HRS1, as continued acknowledgment that theatres are generally considered to be low risk as “they have little association with crime and disorder or public nuisance”.
2. **However, it does not believe or support** that extending core hours should be a justification for limiting and restricting the policy in other respects.
3. XXXXXXXX welcomes the continued support for the theatre industry in general at D1: “The Council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The Council as the Licensing

Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.”

XXXXXXX believe this to be **key** to how theatres and performance venues should be looked at within the Policy.

New definitions -v- existing policies

4. In relation to the proposed definition of theatres in CCSOS1: *“the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience”*. XXXXXXXX understands that this is a new definition which isn’t in the existing policy, PVC.

5. Of course, that is the primary purpose of our theatres, but XXXXXXXX would not want to be prevented from providing a broad range of other entertainment, showing a film or having a live music event (such as those it has in the XXXXXXXX Room at the XXXXXXXXXX Theatre (where there are occasional cabaret nights, operated under TENS, without complaint).

6. Given that it is acknowledged both in this policy draft at B15 and the current policy, that theatres *“provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups”* along with having *“little association with crime and disorder or public nuisance”*, XXXXXXXX does not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7). The primary purpose of theatre is as a performance venue therefore alcohol is always ancillary overall to that primary purpose.

7. The current policy at PVC2 provides that:

“theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City.”

“Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.”
“Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities”

8. B.15 proposes *“However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience.”* **This new definition appears to be more restrictive** than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 11pm.

9. Equally, there is also a subtle but important difference to proposed policy D5 which provides that:

*“Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs **must be limited to patrons or customers who have made use of the primary activity of the venue.** For example, it is acceptable for a theatre to maintain the use of their bar following a performance beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.”*

10. D4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst our client understands there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, DMT ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged, provided it was ancillary to the overall use as a theatre. Alternative policy wording similar to the following is suggested:

“Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn’t add to cumulative impact”

11. Given the short hours of a performance and the high expenses involved of upkeep of these beautiful buildings, it is important for their viability and survival that other income streams as ancillary to performances are permitted. This includes use of the theatre facilities and services by non-theatre-going customers. Indeed, it could curtail our client and others from having events such as those in the XXXXXXXX room which both bring in income and new customers who might not have seen our historic buildings before.

12. XXXXXX supports the proposed wording at B9 for greater flexibility beyond core hours, **but does not support and objects to** the new final sentence which now seeks to restricts that flexibility (underlined): *“The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.*

Other Policies

13. XXXXXX supports PB1 uses within core hours at HRS1 C (1).

14. XXXXXX does not support any further restriction or hurdles in the policy. For examples, in policies CD1, PS1 and PN1, there is a change in perspective that the council will only grant applications where these policies are promoted. This is a subtle but important and additional hurdle which our client believes is not necessary.

15. London theatres already have extremely high levels of management and already designed the premises to promote the licensing objectives. Our client does not believe that additional conditions are required to achieve this. Indeed, as an example, XXXXXX has been working with Mr Lynagh of the City Council to update its rules of management to reflect good practice.

Covid-19

16. The Covid-19 pandemic has had catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses and especially theatres, have been particularly hard hit by the lockdown(s), evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster's world class reputation as a cultural capital, the theatre industry and the arts need help.

17. XXXXXXXX notes the City Council's reference to Covid-19 in the policy consultation documents. In our client's view, this does not go nearly far enough. **Now is the opportunity introduce policies to help theatres, the arts and those businesses survive and recover.** This can be achieved by introducing policies that recognise the unprecedented impact has had on theatres and licensed businesses. The policy should **allow for relaxations on hours and conditions** where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

18. A failure to properly recognise and help mitigate the impact of the pandemic in the new Policy could result in yet further theatres, arts venues and hospitality businesses closing. Our client asks that the City Council seizes the opportunity to help existing Westminster theatres and businesses survive and even encourage new operators to open where others have closed.

19. On the whole, XXXXXXXX welcome the positive comments about theatres, the benefit they provide and their lack of association with problems within the West End. However, our client does not understand and objects to further restrictions upon the use of theatres, particularly during Covid and its aftermath.

20. There is and can be no evidential or other justification for burdening theatre operators with additional hurdles to climb based upon non-existent evidence of problems that have or will ever happen. XXXXXXXX therefore urge the City Council to continue to recognise the benefit that the West End theatres bring to Westminster and support them and not impose any more restrictive policies, recognising that theatres are well run and need ancillary uses in the aftermath of a global pandemic.

Our client would be happy to discuss all or any of the above further.

Yours faithfully

XXXXXXXXXXXXXXXXXXXXXXXXXX

R40 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX, and have also had to recently close my unlicensed premises XXXXXXXXXXXXX street because it was unviable to continue trading- a sad closure after 13 years and one that could have probably been saved if we had been able to have more leeway with temporary Licencing such as has been proposed. The only times it was viable since reopening in June 2020 was with the alfresco scheme in combination with TENS. Sadly there was no way at this time to extend and the timeline and difficulty in getting a licence forced us to close.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R41 – 14/11/2020

Dear Westminster Council,

Thank you for including us in your licensing policy consultation.

I work as a wine manager at XXXXXX, a licensed business operating at XXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

It is worrying to me that there is no plan/proposal to help Soho's hospitality venues survive and recover from the COVID-19 pandemic. Due to COVID-19, Soho is seeing record low levels of footfall. This is crippling hospitality and cultural venues in the area and many will close permanently due to cost pressures if Westminster Council don't take action now and introduce a novel COVID-19 policy in January. Soho venues are small and intimate. Most have had to decrease capacity to allow for social distancing. Al fresco has been great for these venues as it has allowed them to offer increased capacity to customers in a safe environment. My suggestion is that a new COVID-19 specific licensing policy is urgently needed to remove the presumption to refuse applications for outdoor/street dining and/or introduce a presumption to grant an application when it is made to aid recovery or survival of the applicant's existing business.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

However, the late night economy is one of the features of Soho that has made it a heritage area for LGBTQ and music. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter and beyond. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

We must look to reduce traffic and car parking spaces through timed street closures etc alongside footway widening. Encouraging pedestrians and cyclists alongside *Al Fresco* is key. Brewer Street, for example, is a rat run for uber drivers.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

Vital to protect and support the LGBTQ heart of Soho.

Thank you for your consideration.

Best regards,

XXXXXXXXXXXX

R42 – 14/11/2020

Dear Westminster Council,

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm **Bar Exception**

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. **External Seating**

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. **Inclusivity policy**

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. **General Observation**

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards,

XXXXXXXXXXXXXXXXXXXX

R43 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX. I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter (**and please include Great Windmill Street**). It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXXXX

R44 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards,
XXXXXXXXXXXXXXXXXX

R45 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I work in a business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R46 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXX

R47 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation. I own XXXXXXXXXXXXX, a licensed business that has been operating in Soho for the best part of 20 years. Our full address is: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

As part of the consultation, I would be grateful for the Council's consideration of the following:

External Seating

As a small and late-night venue, the implementation of the summer *al fresco* scheme (which will hopefully continue through the winter) has been a vital lifeline for our business. Without this, our business may not have survived – leaving another vacant premises in the area, causing additional job losses and /or certainly required us to seek additional financial help from the Government during the pandemic.

We have seen this scheme can work extremely well. By offering a pedestrian-only, safe, and well- managed street seating area, we have witnessed and welcomed a wider and more varied patronage. It has demonstrated that we, and our neighbouring bars and restaurants can operate this system in safe way and adds a new and welcoming street-setting to Soho. As such, we would welcome any decision to extend this or hopefully make it permanent.

We would emphasise the absolute need to maintain this at least for the immediate foreseeable future in order to support the survival our own venue and the vibrancy of Soho as a whole. We would strongly like the Council to consider that the new licensing policy recognise this, and promote greater flexibility in terms of longer hours, the addition of outdoor heaters and allowance of covered pop-up structures such as gazebos, and size of external areas, where appropriate to do so.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXX

R48 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I oversee the businesses in Soho which form part of
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX would all benefit from continued support from the al fresco dining initiative which has been in place since our businesses reopened at the beginning of July. There are further points below which would assist these venues, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX as well as the other neighbouring hospitality businesses who operate in the Soho community.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster’s recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive ‘buzz’ and energy, which has historically contributed to Soho’s status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho’s night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXX

R49 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXXXX

R50 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX at the same address.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

Kind regards,
XXXXXXXXXXXXXXXXXX

R51 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I operate a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster’s recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive ‘buzz’ and energy, which has historically contributed to Soho’s status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho’s night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards,
XXXXXXXXXXXXXXXXXX

R52 – 14/11/2020

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council’s Statement of Licensing Policy

Please accept this letter as our consultation response to proposals for the revision of Westminster City Council’s Statement of Licensing Policy.

XXXXXXXXXXXXXXXXXX is wholly owned by XXXXXXXXXXXXXXXXXXXX. Our company started in XXXX and is the largest operator of musical theatres in London. We own and operate XXXXXX West End theatres; XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. One in every three customer visits to a musical in London is at one of our theatres.

We have split our response in two parts. The first section deals with our response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of COVID-19 on the theatre industry and how we believe the City Council could aid business recovery in the new Licensing Policy. Most of XXXXXXXX Westminster theatres are in the West End Cumulative Impact Area, although our comments on the proposals both within and outside that area.

Response to Policy Proposals

1. We welcome the slightly longer “core hours” proposed for theatres in HRS1, as continued acknowledgment that theatres are generally considered to be low risk as *“they have little association with crime and disorder or public nuisance”*.

2. We also welcome the continued support for the theatre industry in general at D1: *“The Council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.”*

3. In relation to the proposed definition of theatres in CCSOS1: *“the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience”*. We understand this is a new definition which isn’t in the existing policy, PVC. This new definition does not accurately capture the primary purpose of our theatres, which provide a broad range of entertainment from plays to musicals, to comedy, dance, live music, recorded music, televised events, award ceremonies, launches, cinema and of course, pantomime. We question whether this new definition is correct and appropriate?

4. **We support the general principle** that hours later than Core hours should be treated on their merits but would not want alcohol being *“either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.”*

5. Given that it is acknowledged both in this policy draft at B15 and the current policy, that theatres *“provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups”* along with having *“little association with crime and disorder or public nuisance”*, we do not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7).

6. The current policy at PVC2 provides that:

“theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City.”

“Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.”

“Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities”

7. B.15 proposes *“However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience.”* **This new definition appears to be more restrictive** than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 11pm.

8. Equally, there is also a subtle but important difference to proposed policy D5 which provides that:

*“Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs **must be limited to patrons or customers who have made use of the primary activity of the venue.** For example, it is acceptable for a theatre to maintain the use of their bar following a performance beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.”*

9. D4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst we understand there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, we ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged, provided it was ancillary to the overall use as a theatre. We would suggest policy wording similar to this:

“Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn’t add to cumulative impact”

10. Given the short hours of a performance and the high expenses involved in the upkeep of these beautiful buildings, it is important for their viability and survival that other income streams as ancillary to performances are permitted. This includes use of the theatre facilities and services by non-theatre-going customers. We want the public to visit our buildings, which as cultural and heritage assets should be enjoyed as widely as possible. Policy wording should encourage such wider use and should not restrict these buildings, which are emblematic of London itself, to performances and theatre-going customers.

COVID-19

11. The COVID-19 pandemic has had catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses and especially theatres, have been particularly hard hit by the lockdown(s), evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster’s world class reputation as a cultural capital, the theatre industry and the arts need help.

12. XXXXXXXXXXXXXXXX himself has been pivotal and pioneering in his approach to making theatres COVID Secure, yet still creating an inviting atmosphere for audiences and safe working space for actors. He has spent

hundreds of thousands of pounds trialling equipment, initiatives, and measures to allow the show to go on. This was successfully demonstrated at XXXXXXXXXXXXXXXXXXXX during a pilot performance on XXXXXXXXXXXX 2020.

13. We note the City Council's reference to COVID-19 in the policy consultation documents. In our view, this does not go nearly far enough. **Now is the opportunity to introduce policies to help theatres, the arts and those businesses survive and recover.** This can be achieved by introducing policies that recognise the unprecedented impact it has had on theatres and licensed businesses. The policy should **allow for relaxations on hours and conditions** where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

14. A failure to properly recognise and help mitigate the impact of the pandemic in the new Policy could result in yet further theatres, arts venues and hospitality businesses closing. We ask that the City Council seizes the opportunity to help existing Westminster theatres and businesses survive and even encourage new operators to open where others have closed.

15. On the whole, we welcome the positive comments about theatres, the benefit they provide and their lack of association with problems within the West End. However, we fail to understand and we object to further restrictions upon the use of theatres, particularly during COVID and its aftermath.

16. We therefore urge the City Council to continue to recognise the benefit that the West End theatres bring to Westminster and support us, recognising that theatres are well-run and we need ancillary uses in the aftermath of a global pandemic.

We would be happy to discuss further.

Yours Faithfully

XXXXXXXXXXXXXXXXXXXX

R53 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R54 – 15/11/2020

Dear Sirs

We act for XXXXXXXXXXXXXXXX, the premises licence holder of XXXXXXXXXXXXXXXX restaurant situated at XXXXXXXXXXXXXXXX.

Covid-19

Our client recognises that the policy consultation documents acknowledge the impact of Covid-19 on the West End hospitality sector. However, we urge Westminster to use the current process as an opportunity to implement a special Covid-19 licensing policy. A Covid-19 policy would help West End hospitality businesses to obtain some flexibility on their licences during the recovery period. Appropriate applications could be granted on a time limited basis if necessary.

Mayfair Designation

Our client supports the cumulative impact assessment findings that there is no requirement to implement a new Mayfair cumulative impact policy. Our client agrees that Mayfair does not have the same type of challenges in terms of crime, disorder and nuisance as experienced in other parts of the City.

Our client's restaurant would be included by the proposed 'Mayfair Special Consideration Zone Policy'. They are concerned that this could be interpreted or relied upon as a de facto cumulative impact area policy by a minority of possible objectors.

Any perceived negative impact of licensed premises in Mayfair is now even lower than the levels recorded in the cumulative impact assessment. In any event, many of those concerns, for example the use of super cars in Mayfair, ought not to be considered under a licensing policy. Our client does therefore do not believe the special consideration zone is necessary or indeed justified.

Alternatively, if implemented, a special consideration zone policy should include clarity g that applications will generally be granted where an applicant successfully demonstrates that it has taken into account and mitigated the special considerations in its applicable area.

XXXXXXXXXXXXXXXXXXXX

Licensing Agents and Solicitors

R55 – 13/11/2020 (Kuit Steinart Levy LLP)

Dear Sirs

Licensing Policy Consultation

We write to respond to your consultation in respect of your Licensing Policy, to be revised before 6 January 2021.

We act for a great number of operators, of many different types and styles, who trade within the Westminster Council area. We write on their behalf and also to add our voice in support of the hospitality industry as a whole.

At the very outset of your consultation document (paragraph 1.1), you state that ‘Westminster is at the heart of London’s night-time and visitor economy’. We absolutely support and endorse this statement. We would further add that Westminster is therefore at the heart of a city which has a vision, per the Mayor of London, to be a 24-hour global city, with ‘a focus on building a night time culture which promotes culture and leisure for all ages and interests [and] *increases opening hours.*’

Your consultation document further references the impact of the Covid-19 pandemic on the hospitality industry. Again, through our experience working with a variety of hospitality operators we can affirm that the impact has been devastating. Hospitality businesses will need support to get through the second lockdown which we find ourselves in, but more importantly in getting themselves back on their feet after it. Furthermore, if and when we are able to go back to ‘normal’, operators that have managed to survive will have a huge amount of ground to make up in order to get themselves back to a profitable position.

Your documents states, at paragraph 1.4, that you have been ‘active in supporting businesses’. We would agree that the pragmatic approach taken to the pavement licensing scheme under the Business and Planning Act 2020 has been most welcome and most helpful. We also welcome your decision not to expand the current Cumulative Impact Areas; to reduce the West End Area; and to remove the Edgware Road and Queensway/Bayswater areas. We generally advocate the removal of CIAs and favour instead allowing responsible authorities, interested parties and ultimately Licensing Sub-Committees to make the decisions on the merits of each application. However, we of course appreciate that this would be a significant departure from existing policy.

We also note the introduction of Special Consideration Zones and would submit that these may be problematic. The location of a site within a CIA tends to result in automatic representations, regardless of whether responsible authorities are genuinely concerned or not. Should SCZs be introduced, we would urge the policy to clarify to responsible authorities these are clearly distinct from CIAs. We would be concerned that these would become CIAs in all but name in terms of response.

However, our key concern relates to changes to the core hours policy. Indeed, your document states that you are ‘aware that to implement significant change in [your] licensing policy could add to’ the uncertainty experienced in relation to the Covid-19 pandemic. You

therefore state that your intention is to continue with the current policy approach where possible.

We would submit that your proposed amendments to the core hours policy simply do not achieve this. Your proposal to amend core hours in the remaining West End CIA to 10:00 – 21:00 daily for pubs, bars, fast food, music and dance venues is, in our submission, simply too restrictive. This is important for a number of reasons.

Firstly, it is of course extremely challenging for operators to achieve licences which go beyond core hours. As such, it is reasonable to assume that very few new licences or variations will be granted within the West End area beyond 21:00. Given that the West End is arguably the heart of Westminster, which you describe as the heart of London, which aspires to be a 24/7 city, it seems nonsensical to suggest that no new pubs or bars should be permitted to trade beyond 21:00. The ‘burden’ that hospitality premises put on the West End Area is, we would submit, significantly outweighed by the benefit, as has been shown during the period of their closure. Such a draconian core hours policy suggests entirely the opposite. We would highlight that in the aftermath of the Covid-19 pandemic, two things are likely to happen. Firstly, there will, sadly, be multiple licensed operators who simply will not survive, leaving empty units and quite possibly lapsed licences. Secondly, those that do survive will need to find new ways of generating income, possibly through looking to extend hours. In terms of the former, there will be vanishingly few operators who will be financially viable by trading to 21:00 only, particularly in such a competitive area. As such, this policy is likely to assist only in perpetuating the existence of empty units. In relation to the latter, most operators in the Area will of course already trade beyond this time, for the same reasons of financial viability and competitiveness. This policy will therefore have the effect of barring any existing operators from extending their licences at all.

We understand that a key aim of the Policy is to ensure that nuisance is not caused to residents. However, residents who live in the West End must of course reasonably expect a certain level of noise, and cannot reasonably consider this a nuisance.

We appreciate that there must be an attempt to strike a balance between the interests of operators and the interests of those residents. We would, though, submit that a core hours policy restricting trade beyond 21:00 tips the balance too far away from operators, who, as you acknowledge, will need significant support and assistance in the coming months and years.

We would urge you to consider this when finalising the wording of your revised Policy. Should you require anything further from us in relation to this matter, please contact this office on XXXXXXXXXXXXXXXX.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

R56 – 13/11/2020 (TLT Solicitors)

Consultation on Licensing Act 2003 Policy and CIA Proposals

Response on behalf of TLT Solicitors

We are grateful to WCC for the opportunity to respond to the consultation on their Licensing Act 2003 policy and their proposals for a CIA.

Our response is set out below:

1. Introduction
2. COVID 19 and the hospitality sector
3. Cumulative Impact Policy
4. Special Consideration Zones
5. Hours Policy
6. Conditions
7. Conclusions

1. Introduction

This response to WCC call for evidence in relation to the consultation on their Licensing Policy and Cumulative Impact Assessment and is made on behalf of the licensing team at TLT LLP ('TLT').

TLT is regularly ranked as one of the leading licensing advisers in England and Scotland in both Chambers and Legal 500, the annual independent guides to the legal sector, driven by client feedback.

We advise a broad range of clients from national operators to smaller independent organisations and sole traders. Our clients cover the whole range of hospitality and retail operations, from hotels, bars, clubs and restaurants to major music festivals, concert halls, food halls, sports clubs and race course, SEV, and gambling operators. We support one-off events and venues, as well as businesses with property estates that run into the thousands. Our advice is bespoke and designed around our client's business need.

Our client portfolio requires us to understand and advise on all aspects of premises licensing, whether it is technical legal advice or business oriented operational guidance.

We advise at every level, from board level strategy to operational matters at individual premises. We lecture on licensing for council officers, councillors and responsible authorities on behalf of the Institute of Licensing, as well as for operators and their advisers and other practitioners at national conferences and events. We write for a number of journals and publications, as well as produce a newsletter for our clients and other interested parties. From initial advice through to advocacy at hearings, our licensing team has significant expertise, with individual partners and other solicitors top-ranked in the national legal guides.

We have experience of working with all of the licensing authorities in England and Wales and are the only truly national practice in the Great Britain, with a large and successful licensing team in Scotland that serves our clients across both jurisdictions. This breadth of experience allows us to provide examples of good and bad policy practice from across the country and jurisdictions and is therefore invaluable to such a consultation.

Our solicitor advocates have appeared before WCC Licensing Committee on the full range of licensing applications/reviews on a significant number of occasions since the introduction of the Licensing Act 2003 and Gambling Act 2005

We are well placed to respond to this call for evidence and are grateful for the opportunity of being able to contribute to this consultation.

2. COVID 19 and the Hospitality Sector

The impact of COVID 19 on the hospitality sector is well documented and we are pleased to see that your consultation acknowledges that *“the hospitality and entertainment sectors have been hugely affected by COVID 19 and the measures imposed to limit the spread of the virus”* and that *“with an uncertain future and the difficulties that the hospitality and entertainment sector face, (you are) very aware that to implement significant change to (your) licensing policy could add to that uncertainty.”*

We would also like to acknowledge the assistance that WCC has given to business in being proactive in assisting operators with plans to place street furniture on the public highway either through the WCC own accelerated process for applying for Tables and Chairs permissions or through the deregulation provided by the Business and Planning Act with the introduction of pavement licences.

We also acknowledge that, whilst the initial pavement licences were granted for a minimum period of 3 months, WCC has adapted this policy and reapplications have been granted for an extended period of time. What may, at first blush, appear minor changes do assist the industry at a most challenging of time and we are grateful to WCC for adapting in this way. With the proposal to extend pavement licensing through to the end of March 2022 (from the end of September 2021), we hope that any further re-applications will similarly be granted for an extended period of time.

Business has had to modify and adapt to the ever changing landscape of regulation and guidance, with many businesses being forced to either remain closed as it proves uneconomic to trade or, sadly, in many cases, shut for good with the consequent loss of jobs and revenue. Westminster has not been immune from this. The immediate impact of Lockdown 2.0 is not yet known and the long term outlook for the sector is bleak.

City centres across the country have been particularly hard hit. This impacts on not only the day time economy but the night time economy.

The future remains very uncertain. At the present time the country is in Lockdown 2.0 and this will remain in place until the 2 December. No one yet knows what the short or medium term position will be when the country comes out of lockdown – indeed whether the lockdown will continue, whether we move back to a tiered system of regulation or if, which seems highly unlikely, the hospitality sector will return to business as usual and re-open.

Whilst we welcome the steps that the Council has taken in relation to CIAs (see below) we would question whether, in the current climate, these have in fact gone far enough.

Westminster City Council has the resources and expertise to recognise and adapt policy and practice to meet the challenges this unique time presents for the hospitality sector in particular. As has been the case in the past (with the imposition of CIA's, for instance) Westminster has led the way amongst licensing authorities. This is the perfect opportunity for WCC to take a leadership role amongst councils and act as a beacon, lighting the way for their own hospitality sector as well as a guiding light for other councils.

3. Cumulative Impact Areas (CIA)

We are pleased to note, and welcome the removal of the following CIAs:

☒ Edgware Road

☒ Queensway/Bayswater and

the area to the North East of Covent Garden

WCC is to be congratulated on the proposal to remove these areas from the CIA policy. The removal of these CIA areas one hopes will, in due course, encourage and stimulate further investment in these areas and encourage more operators to these parts of WCC to develop their operation.

We note that the updated policy retains the existing West End Cumulative Impact Zone, except for the North East area beyond Covent Garden and that in these areas, there is a presumption to refuse new licences for pubs and bars, fast food premises and nightclubs after 9pm, with all other premises demonstrating that they will not add to cumulative impact.

(a) CIP's and other WCC strategies

Licensing policies, and CIAs in particular, work best when they reference, and indeed work with, other council strategic plans and policies.

For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Reference to specific strategies will also assist new potential businesses to understand and factor in the likely costs of entry into the city if their chosen site is within a CIA. There is nothing to prevent any CIA applying to only certain types or styles of premises, or other means being used to give potential operators a better understanding of what the council will and will not take into account in determining applications.

Providing this information and using these policies to inform where CIA's will 'bite' additionally allows applicants to be more proactive when initially looking at sites within the city.

(b) General Observations

We fully accept that there may be occasion where a CIAs provide a valuable tool to local authorities in regulating the night time economy. Our experience is, however, that they can also be an impediment to businesses and the development of a thriving night time economy. They can act as a brake to entrepreneurship, adding to the challenges that small business operator's face when looking to enter a new market or look to adapt their offer to suit market trends.

CIAs can have the effect of dissuading operators from even attempting to apply for a licence. We have first hand experience of operators who have put on hold investment in to the city as a consequence of COVID 19. Once the dust has settled, these same operators may well decide, at a time when inward investment will be at a premium, not to take a risk on a site where there is a chance that a licence will be refused (or restricted) on policy grounds.

CIA's can unintentionally penalise operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy within the CIA.

In the circumstances, any continuation of the West End CIA will need to be scrutinised with an open mind.

If it is determined that there is good empirical and amenity reasons for the maintenance of the West End CIA, we believe that an assessment is needed as to exactly what the CIA is designed to catch.

We have seen the comprehensive evidence provided by WCC in support of the re-introduction of the CIA, and whilst we do not propose to carry out a forensic assessment of this we would make the following simple point.

It is important to recognise that different types or styles of premises are likely to have different impacts on the night time economy, and whilst some may be viewed as high risk, others will not. Furthermore, within the CIA itself certain specific areas may be seen as “hotspots” (a word used in the supporting CIA documentation) whilst others may not be. This is self-evident from the Councils own policy with a presumption to refuse new licences for pubs and bars, fast food premises and nightclubs that wish to remain open post 2100.

Even within these categories there may be “high risk” and “low risk” premises.

The presumption to refuse new licences for pubs and bars, fast food premises and nightclubs after 9pm is, in essence, an absolute bar on any new applications for these types of premises being made. As we have seen with the recent tiered approach to lockdown, and premises (where they were permitted to trade) having to close at 2200 has seen many premises not choosing or being able to open given that it is financially unviable to do so

Finally, the recent “one size fits all” 10pm curfew that was in place prior to Lockdown 2.0 has, in our view, seen us take a step back to the days that pre date the introduction of the Licensing Act 2003, when there was a uniform pub closing time (with the consequent issues that this creates not just for the regulatory authorities but the public and private transport systems that have the task of ensuring that people get home safely from a night out).

It is also, perhaps, a stark reminder of the unintended consequence of what a uniform and inflexible approach to a CIA might bring. For example, a CIA, by its very nature, gives a competitive advantage to current operators who can charge a premium for licences, which in itself dissuades innovative and energetic operators from coming into Westminster. It also, perversely, acts as a disincentive to operators with licences to keep standards high, knowing that their licence intrinsically has value irrespective of their offer. Finally, the policy, one would hope unintentionally, discriminates against venues that one would consider to serve the lower income residents, visitors and workers of Westminster. It is without a doubt much easier for a high fee private member’s club to obtain a new licence or extend hours, than it is a pub or casual dining concept. The CIA policy changes proposed here exacerbate this.

During Covid, we all spent time applauding the work of nurses, carers and others that we do not pay very well for the work they do and that deserves the utmost respect, given how little they are paid for their dedication. The West End CIA, we are sorry to say, gives every impression of favouring the applauders, not those we applaud.

If the West End CIA is to be re-introduced it should be made clear to everyone of its purpose/intention. For instance, if it is deemed that only larger vertical drinking establishments are likely to add to the cumulative impact, then it should be made explicit that small, independent and/ or otherwise innovative applications both for new licences and variations to existing licences will be considered to be outside of the scope of the CIA even if the application is for an alcohol-led venue.

Such applications will still need to demonstrate that they do not undermine the objectives, but we would hope that adding something to this effect into the policy will stimulate and incentivise smaller operators to make applications.

Given the exceptional circumstances that the sector currently finds itself in, we would invite WCC to take a sensible and pragmatic decision which is befitting of the times that we find ourselves in and suspend their consultation on the re-implementation of the West End CIA and, for the time being at least, to remove all of the CIAs from their policy.

It could be made clear in the policy that whilst the CIAs in so far as they affect Edgware Road, Queensway/Bayswater and area to the North East of Covent Garden are all being removed, an interim approach is being adopted in so far as it affects the West End. The policy could set out that this is an interim approach to the CIA policy and that as and when the impacts of COVID are behind us the council will re-consult on the introduction of the West End CIA

4. Special Consideration Zones (SCZ)

Many of the comments that we have made in relation to CIAs equally apply to WCC proposal to introduce SCZs, and we will not repeat these in their entirety below

The introduction of SCZ do seem, on first reading, a “CIA light” which will in our view have the same unintended consequence of retaining the West End CIA.

Whilst we appreciate that there is a balance to be struck between the needs of the responsible authorities and local residents and the desire to attract new operations to WCC, it is our view that the introduction of a SCZ will simply be a disincentive to new inward investment at a time when it is perhaps most needed.

We would caution WCC against the introduction of the SCZ at this time. There is no reason why, in due course, once the landscape becomes clearer, why this may not merit further discussion.

If WCC remain determined to introduce SCZ then we would invite the Council to make it abundantly clear in their policy the rationale behind the implementation of each particular SCZ (crime and disorder/noise/public nuisance for example) so that each applicant is aware of the additional hurdles that they have clear, enabling them to properly address these in their operating schedule.

5. Hours policy

Hours policies should not be used to prevent new entrants being able to compete with existing premises. Otherwise they are nothing more or less than a prohibition on operating and anti-competitive.

It needs to be recognised that by setting out hours in the policy, whatever the policy says about these not restricting applicants from applying for what they want or pre-judging applications that go later than the policy, this is exactly what it does.

Applicants quite rightly take these matters seriously and are less likely to apply for what they actually want and, even if they do, are less likely to get it granted. The cost of property within WCC is already prohibitive and therefore arbitrary restrictions materially affect the ability of a business to survive are a disincentive to any possible new inward investment.

The authority may well say 'so what- they should only come here if they can abide by our hours policy,' but with respect this is short sighted for all the reasons articulated in our response to the CIA policies. It is another arbitrary hurdle that keeps operators out of Westminster.

Furthermore, the earlier the hours, the more likely it is that you put newcomers at a competitive disadvantage to established operators, which we would argue is terrible for standards and encouraging new, novel, innovative operators that are the lifeblood of the cultural attraction of a city.

It is a sad fact of life, in our experience, that WCC Licensing Authority don't even get to see some of the marvellous operators and innovative ideas that we do, simply because by the time we have had to outline all the policy hurdles, they decide to take their businesses to other locations - where they are very successful.

6. Conditions

We make the following general comments in relation to the proposed changes to the model conditions.

WCC strict and unwavering adherence to the policy model conditions does, in our experience, reward high-end and established brands and chains who can afford to take specialist advice and use the pay to play WCC licensing pre application consultancy.

Smaller independent and low cost operators are priced out of this and can be penalised despite the fact the Licensing Act 2003 was brought in to allow anyone to apply in person and without having to take on high costs.

Whilst we recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right.

Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with.

We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Operators, in the main, are happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, which has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.

The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of

the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings for, and as a consequence further additional expense to, applicants seeking to make simple changes to their licence who are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be sent the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees.

Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions. We submit there is no negative effect in terms of premises being run poorly because of this. Indeed, the clarity of the licences allows operators to focus on the proper management of the premises rather than undertaking paper exercises.

Furthermore, licences “grandfathered” in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than “conditioned licences.”

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything, this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives.

This in turn has the beneficially consequence of freeing up the resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

7. Conclusions

In summary:

- (a) We welcome the removal of CIAs in so far as they affect Edgware Road, Queensway/Bayswater and the area to the North East of Covent Garden
- (b) That the West End CIA should also be removed
- (c) That in the event a decision is taken to maintain the West End CIA that this is suspended until such time as the long term impacts of COVID 19 are fully established/know
- (d) That SCZ should not be introduced
- (e) That a flexible approach be taken to any hours policy so as not to discourage new entrants in to the market
- (f) That when the imposition of conditions on a licence are being considered that a “blanket approach” is not adopted and only those that are necessary for the promotion of the licensing objectives are added to a Licence

Thank you for taking the time to read our response which we hope is read in the constructive manner in which it is intended.

We look forward to working with the Authority – and responsible authorities - in the future

Amenity, Resident or Neighbourhood Representatives

R57 – 09/11/2020

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

Response of Paddington Waterways and Maida Vale Society (PWMVS)

Introduction

1. PWMVS is a designated amenity society for the Maida Vale, Little Venice and Paddington areas and is the voice of residents living in these areas to Westminster City Council.
2. We exist to defend and improve the amenities, physical environment, safety and facilities within the Maida Vale, Little Venice and Paddington areas (including planning and licensing issues). Our core purpose is to conserve and extend the Residential Amenity of our Area, in terms of the Built Environment (Planning), the Residential atmosphere (Licencing) and Residents' Safety (Policing).
3. To enable this we aim to ensure a positive perspective on the area; ensuring that residents are aware of what is going on by connecting community groups; and increasingly the number of people who engage with our core purpose.
4. Since its formation the Society has worked to strike a balance between ensuring the area continues to retain its particular residential and architectural character, whilst also ensuring it attracts contemporary Londoners as residents and plays its part in providing homes for London's growing population, as well as assisting in considered and balanced growth of commerce.
5. The Society was founded in 1961 by, amongst others, the late Lord Norwich – who remained our Patron until shortly before his death – to oppose a proposal to develop along and on top of the Regent's Canal between Maida Vale and Warwick Avenue. At about the same time the Church Commissioners applied to demolish St Saviour's church, which stood at the northern end of Warwick Avenue. It was admittedly far too large for its 1960s congregation, and The Society did not object to the body of the church, i.e. behind the central tower, being replaced by a block of flats. The Society simply asked the Commissioners to keep the historic tower. However, disappointingly the Commissioners and their architects refused to consider it.
6. The struggle to preserve the area became even more acute in the mid 1970's following the Church Commissioners' proposal to 'improve' what was then their Maida Vale Estate, including the total reconstruction of Warrington Crescent, together with the replacement of some of the communal gardens with mass Car Parking. In addition it was planned to introduce large office blocks. The planning and conservation experience of Chairmen Peter Jay and Leslie Ginsburg were invaluable in resisting these plans. Subsequently, the Society played a prominent part in the Church Commissioners' decision to sell off the freeholds to the existing occupants. In due course, this led to a greatly improved maintenance and repair of all the buildings in the South of the area.
7. Then in the early 1980's, the City Council recognised the Society's activities in the whole area by choosing it as the designated Amenity Society for Westminster, North of the Canal and West of

Edgware Road. The Society's work ensured that a large proportion of the area is now a Conservation Area, leading to improvements in the standard of housing north of Sutherland Avenue.

8. The work of the society carries on, recently covering matters as diverse as promoting measures for traffic calming so diminishing the attractions of streets as commuter 'rat-runs'; working with the landlords at Paddington Central to ensure the much needed development of Paddington Goods Yards produces benefits for the local community; more recently working to ensure that the further developments on the Southern edge of the area, such as the 'Paddington Pole' aren't allowed to overshadow the Community; working with the Police to ensure that the area remains safe for residents.

Consultation response

9. We make representations on licence applications in our area where appropriate. We always look at ways in which a balance can be preserved between the legitimate rights of residents and the equally legitimate rights of businesses. We have an excellent record of negotiating compromises with applicants and their solicitors, and always endeavour to do so prior to any licence hearing.
10. We have considered the proposals in the consultation documents, and we have discussed these with Richard Brown of Westminster Citizens Advice. We would like to make the following comments.
11. We note that the Council proposes to remove the designated 'cumulative impact areas' (CIAs) for Edgware Road and Queensway Bayswater. Although neither lies in our area, we are concerned about any knock-on effect of the change in status of these two areas.
 - 11.1 In particular, the northern end of the Edgware Road CIA is directly adjacent to the south-eastern end of our areas. We are concerned that removing the Edgware Road CIA would result in more licences being granted for drink-led uses, and/or extensions of hours for these and other uses would impact on residents in our areas, in particular in and around Merchant Square.
 - 11.2 We are also concerned at the removal of the Queensway/Bayswater CIA. Although further away from our area, we consider that the existence of the two CIAs has worked to control the impact of licensed premises in these areas in a way which has benefitted our area.
 - 11.3 We are not in a position to challenge the detailed findings of the Cumulative Impact Assessment which has led to the proposal to remove the two CIAs, but we would comment on two matters.
 - 11.3.1 Firstly, if crime/disorder/nuisance has declined in these areas and/or it cannot be conclusively linked to licensed premises, may we respectfully suggest that this may be due to success of the CIAs in limiting the impact of licensed premises on residents. To then remove the CIAs would seem to be somewhat illogical and may lead to a return to the situation which would result in data suggesting that the areas should be re-designated as CIAs.

11.3.2 We do note the intention that these areas will each be designated as a new 'Special Consideration Zone'. We understand that applications for these areas will require a heightened level of scrutiny, to prevent the areas from reverting back or becoming a Cumulative Impact Zones in the future. The success of this initiative will be very much dependent on applicants taking on board the Licensing Authority's expectations in this regard, and providing residents with sufficient information *when an application is submitted* to enable us to provide informed comment.

11.3.3 Secondly, we are concerned about the impact of the change in planning use classes (see https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use) which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.

12. A longstanding concern of ours is shisha premises. We have a number in our area, even had at least one discreetly hidden from sight. We regret that there is little assistance to us in terms of law that allows us to apply the same principles as we do to licensed premises.

12.1 We are aware that shisha is not a 'licensable activity' under Licensing Act 2003, and that many shisha premises do not sell alcohol or have a licence for late night refreshment. Although we understand the difficulty of regulating such premises in a licensing context, we would like the licensing authority to set out its position on shisha premises in its Statement of Licensing Policy, so that if such premises do apply for a premises licence they are aware of the expectations.

13. We are pleased that the Licensing Authority proposes to amend the current wording of the Licensing Objectives policies (4.8 of the consultation document). We welcome an increased emphasis on the requirement on applicants to promote the objectives. This would lead to Policy CD1 reading:

A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of crime and disorder licensing objective.

B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:

Policies PN1, PS1 and CH1 would be reworded in a similar manner.

14. Finally, we have issues in some parts of our area with Notting Hill Carnival sound systems. This can cause considerable noise, and there should be a requirement for these to be licensed and for the issue as a whole to be recognised in the Statement of Licensing Policy.

15. We hope that these comments have been of assistance and look forward to the Licensing Authority's response in due course.

XXXXXXXXXXXXXXXXXX

PWMVS

7th 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

THIS REPRESENTATION is made by the Marylebone Association which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road.

On the whole the Marylebone Association welcomes the draft proposals as they seem largely uncontroversial when it comes to the area for which we are concerned. In particular the ongoing emphasis on the need for a clear policy on 'Core Hours' is particularly apposite as Marylebone is a heavily residential area and the existing balance between businesses and residents generally is working well.

There is one area in which we have a concern:

Independently from licencing issues we have been observing much comment and increasing alarm about levels of crime east of the Edgware Road within the Marylebone Association bailiwick. The following is an example from a resident:

"One other issue would be the horrific state of affairs around Marble Arch and Edgware Rd which have become encampments of Eastern European beggars who are defecating openly in the area and have created a terrible and unsafe atmosphere. Over a year ago one of them attempted to snatch a child from one of our local mothers near Waitrose. On top of that, a few nights ago around midnight there were Kurdish gangs running around the Edgware Rd M&S waving machetes. There is open drug dealing behind Seymour Leisure Centre and in HDRA's area, and junkies openly using. These are organised gangs taking over the streets. I have lived around this area for coming up to 25 years and have always safely walked around the area between Marylebone and Lancaster Gate at night when I can't sleep. The worst I used to encounter was

prostitutes on Sussex Gardens. Now it is no longer safe for me to walk around Edgware Road at all. It has become a gangland."

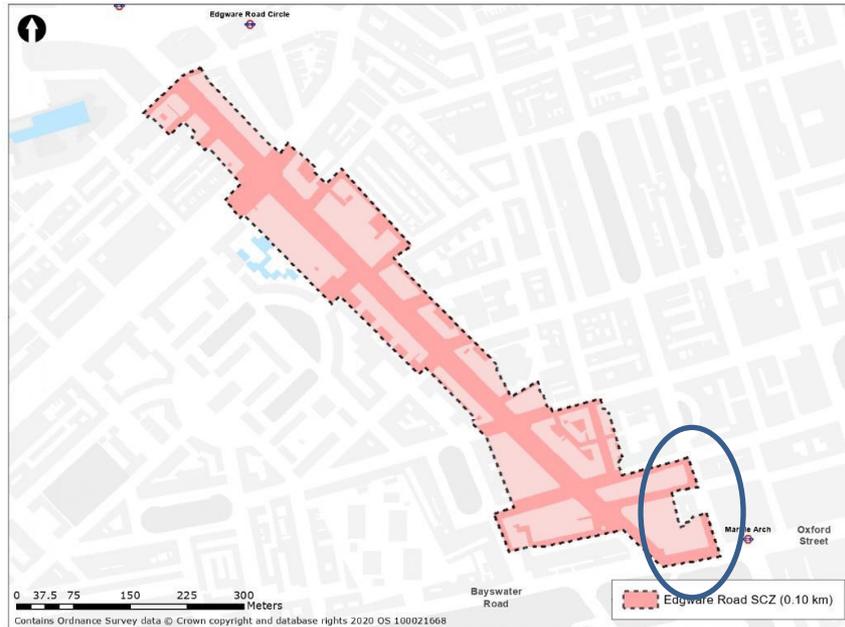
This kind of sentiment gives us cause for concern regarding the redesignation of the Edgware Road CIZ as a Special Consideration Zone. The draft itself makes the point that:

Edgware Road Special Consideration Zone

*C.9 Edgware Road area is 0.10km² in size, accounting for 0.4% of the borough's footprint. Particularly high was the concentration of serious violent crimes at night, ambulance call outs to the locations of licensed premises, drug offences recorded at night and robberies at night. Both theft incidents at night and noise complaints at night were elevated here as well. Looking across all incident types this area recorded nearly **four times the borough's average rate** of incidents per square kilometre during 2017 and 2019. (Paragraph C9)*

We understand the position the Council finds itself in with respect to the data which disallows the area to remain a CIZ but wish to make the following observations.

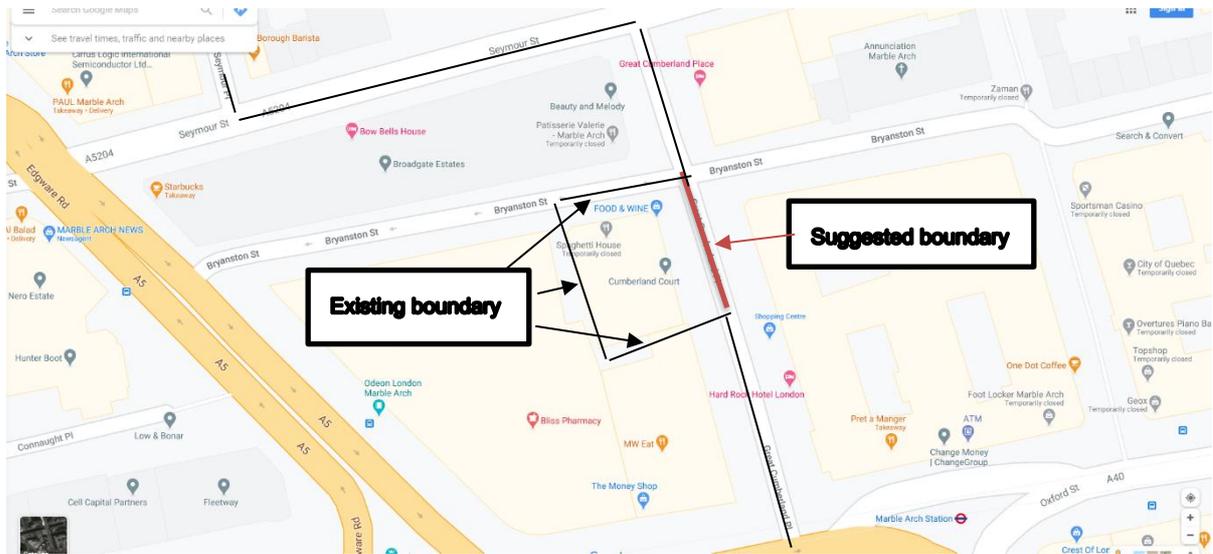
We believe that regression techniques were used to determine the link between the prevalence of licenced premises and the level of incidents. This threw up high linkages within the West End but insufficient in Queensway and Edgware Road. It would be very interesting if the analysis were extended to cover shisha cafés in both locations. We wonder whether this might demonstrate links between the prevalence of shisha cafés and crime levels. Regardless of this suspicion the public nuisance and potential damage to health created by shisha is well accepted (*Reducing the Harm of Shisha: Towards a Strategy for Westminster. February 2017*) and we would hope that the Licencing Authority continue to press Government on the need for shisha to come under a licencing regime.



That said we nevertheless welcome the SCZ around Edgware Road but would like to understand what the mechanism is and what are the triggers for WCC to reverse and re-designate Edgware Road as CIZ. Paragraph C17 merely states that *“if there is conclusive evidence that there is an ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed premises in the area the Licensing Authority may impose or reimpose a Cumulative Impact Zone and apply the Cumulative Impact Policy to that zone.”*

Finally, we have noticed one very strange anomaly with boundary of the Edgware Road SCZ which we believe should be amended.

Boundary runs south down Great Cumberland Place, west into Bryanston Street for 34 metres, turns south behind Cumberland Court – not along a public right of way – skirts Cumberland Court and re-establishes in Great Cumberland Place 35 metres from Bryanston Street before continuing to Marble Arch. Thus, for the 135 meters of the west side of Great Cumberland Place from Seymour Street to Marble Arch premises are within the SCZ – except for 35 metres covering Cumberland Court. This, to us, makes no sense and we would suggest the boundary be re-drawn to be continuous on Great Cumberland Place from Seymour Street to Marble Arch.



R58 – 15/11/2020 (Marylebone Association) (Further Submission)

www.marylebone.org



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

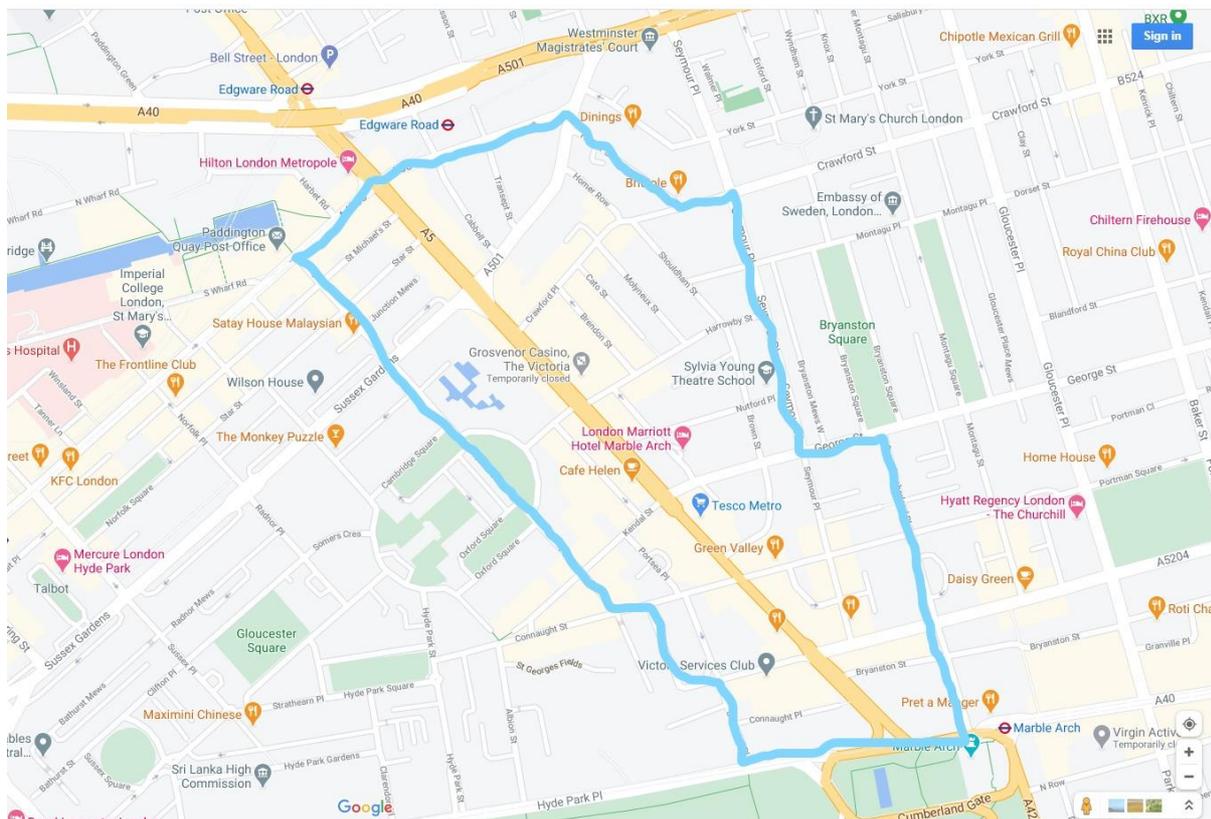
Licensing Act 2003

THIS FURTHER REPRESENTATION is made by the Marylebone Association which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road.

In our representation emailed submitted on 11th November we made some comments regarding the proposed Edgware Road Special Consideration Zone. On further reflection we would like to add to our comments below.

The proposed zone appears to be the same as the old Cumulative Impact Zone which we assume was drawn up originally under the constraints of legislation at that time. The idea of a Special Consideration Zone (“SCZ”), however, seems to be a concept planned by Westminster and is not constrained by legislation and is also open to constructive observation at this stage of policy development. Consequently we would suggest that at this time the Council consider what a SCZ could be used for and whether a more encompassing footprint should be adopted as this is the time when this can be modified sensibly.

The promotion of the Licencing Objectives and the enforcement of policies of the Council need to be considered holistically. A large part of these are to do with public nuisance and prevention of crime. Although the current consultation admits that there is insufficient statistical evidence to connect licenced premises to crime and disorder we believe that the continued increase in rates of crime in the Edgware Road area should at least be subject to some form of attention from the Council. Redesigning the shape of the SCZ perhaps will give the Council some leverage. We attach a map with a suggested new SCZ for Edgware Road. We have no expertise on the area to the west of the Edgware Road so this may need amendment.



Google Maps

15/11/2020

Clockwise from Edgware Road down Chapel Street, Homer Street, Crawford Street, Seymour Place, George Street, Great Cumberland Place, Marble Arch, Stanhope Place, clockwise round Connaught Square, Connaught Street, Norfolk Crescent, Sale Place, Praed Street to Edgware Road.

R59 – 13/11/2020 (Knightsbridge Association)

Here is a copy of the submission that I have just made on your website re the above:

KA response to City of Westminster consultation on licensing

The Knightsbridge Association thanks Westminster City Council for the opportunity to respond to the consultation on Licensing Policy and Cumulative Impact Assessment. In reviewing the policy we ask the Council to designate some or all of the Knightsbridge International Centre and environs as a **Special Consideration Zone** which would mean that businesses will only be granted new licences, or variations of their current licences if they can demonstrate how they will manage local issues, above and beyond what would normally be required.

As background to our request, we note the following:

1. The significant increase in recent years in the number of cafes, late night entertainment and tables and chairs on the pavement, especially on Brompton Road and in Knightsbridge Green. This has been accompanied by higher noise levels, with a negative impact on the quality of life for nearby residents.
2. The potential impact of the new planning use 'Class E' category, which removes traditional planning protections on change of use. One highly relevant and striking example of the potential impact of this change is the proposed 850 seat restaurant at Scotch House Corner (at the junction of Brompton Road and Knightsbridge), which if permitted will accentuate the trend of the area becoming a major night time destination. Another example is the possible conversion of the former Montpeliano's restaurant in Montpelier Street into a second, large restaurant / bar complex. If either of these developments were to proceed there would be significant implications for local transport capacity as well as an increase in crime and disorder, threats to public safety and public nuisance, the latter three being a breach of the objectives of the Licensing Act 2003. These risks would arise both during and outside 'core hours', i.e. after 11 p.m. The creation of a **Special Consideration Zone** would in our view substantially mitigate the impact of these developments if they were to proceed.

R60 – 13/11/2020 (Knightsbridge Residents Management Company Limited)

Dear Sirs,

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

I am writing on behalf of the residents at The Knightsbridge which is an estate comprising 201 residences accommodating over 500 persons; many of whom are children or elderly residents. KMRC is authorised by the Residents to submit this email response to the City Council's consultation on its proposed revision of the Council's Statement of Licensing Policy.

A major issue for our Residents is the noise and disturbance caused by patrons arriving at and departing and dispersing from licensed establishments in the locality and public transport is not always sufficient to cope with the large numbers of people, and in many cases patrons of the establishments arrive by taxi, private hire car or

chauffeur driven vehicle. These vehicles often park illegally or are left with engines running and doors are slammed all of which disturbs the Residents.

The policy does make repeated reference to transport, but applicants are asked to consider the adequacy of transport with an emphasis on late at night and after the end of the Council's core hours.

We are very concerned that the change to the Use Classes Order which came into effect on 1 September 2020 will see an increase in the number of applicants who have taken or seek to take advantage of the new Use Class E. These changes deprive our Residents of the opportunity to comment on planning applications for change of use from retail to restaurant. Such a change can have a huge impact on people who live and work in the area. The protection offered by licensing therefore becomes all the more important.

The Policy states at paragraph 1.3:

"Noise is a particular issue associated with licensed premises that operate within the evening and nighttime economy."

We are grateful for this statement but the policy itself, with its focus on applications outside of core hours does not go far enough to protect residents during the earlier part of the evening. We ask that in PH1 applicants be required to demonstrate that the arrival and departure and dispersal of patrons will not create a noise or other disturbance to residents both in and out of core hours. We respectfully ask that the revised policy make it clear that the Council will have regard to the adequacy of transport for staff, patrons, arrival and dispersal both during core hours and late at night.

In addition to this, we expect that the creation of the new Special Consideration Zones coupled with the Cumulative Impact Zones will make the Knightsbridge area all the more attractive to large venue operators. We have noted with dismay the impact of such venues in the Mayfair area. It is clear to us that the offer of or imposition of the Council model restaurant condition does not go far enough.

We are not in apposition to request that the area be designated as a Cumulative Impact Zone or a Special Consideration Zone. We are asking the Council to note our very real concern that if there is inadequate control on the number of restaurants permitted to open and their respective capacities we will have no option but to petition for the area to be designated at the next policy review.

We are asking here that the Council support the Residents in taking preventative measures so that the future designation of the area will not be necessary.

Yours faithfully,
XXXXXXXXXXXXXXXXXX

R61 – 15/11/2020 (Covent Garden Community Association)

**CONSULTATION – WCC Licensing Policy and Cumulative Impact Assessment
CGCA Response**

Closing Date 15/11/20

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:

A Cumulative Impact Policy (CIP) is based on data regarding existing issues. It seeks to prevent these issues increasing as a result of the grant of additional licences, or variations to existing ones. The data provided in the Cumulative Impact Assessment suggests that it has not been ineffective. Within the West End CIZ the number of licenses and the level of harm to the Licensing Objectives have both continued to increase, despite the existence of the CIP. This suggests that the CIP has not been effective in achieving its objective.

We agree that a CIP should be implemented but believe that the Licensing Authority needs to take a more aggressive stance when considering applications so that fewer are granted. The presumption to refuse only applies to certain types of premises. If an applicant can demonstrate they are not one of these then they can frequently obtain a licence even if, in our opinion, they fail to demonstrate that they “they will not add to cumulative impact.”

In Camden, where the CGCA also makes Representations, the CIP says that the presumption applies to all new or variation application UNLESS they can demonstrate that they will not add to Cumulative Impact. There are some possible exemptions based on the style or size of operation, but our experience is that this make it more difficult to rebut the presumption than in Westminster. To avoid continuing harm to the Licensing Objectives in the CIZ we believe that WCC should take a similar approach. We have given a proposed wording in our response to Q15 of the survey.

Because the CIP is based on backward looking data it is unable to prevent a Cumulative Impact arising in a new area caused by new applications being granted. The Special Consideration Zones have a role to play in preventing Cumulative Impact arising but this requires a much more questioning attitude from the Licensing Authority when considering applications. See comments on SCZ’s below.

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

We believe that the spatial analysis of the existing datasets is well explained and of a high standard. However there is a gap between the data arising from reporting and the experience of residents on the ground. Observational studies serve to fill this gap but this was, unfortunately, not possible for this assessment. This matters particularly in the case of public nuisance, especially noise from people in the street, as the rate at which this is reported will be low. This is because there is an understanding from residents that reporting it does not result in any action to stop it. As a result the Cumulative Impact Assessment reflects the Cumulative Impact on the Crime and Disorder Licensing Objective but NOT the Cumulative Impact on Public Nuisance.

4. The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?

[No Opinion]

5. If you have any comments, please provide them below:

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

[Yes,]

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

In the summary please include a caveat regarding the absence of the observational study and therefore the lack of data on the actual, as opposed to the reported, level of Public Nuisance.

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 policies CD1, PS1 and PN1, please provide them below and state the policies and specific aspects that you are referring to:

General

The new structure of these policies is good, with objective, criteria and considerations listed. We believe that there is an urgent need to update the Model Conditions to reflect this structure, with MC's available to cover all of the "considerations" in the Policy.

CD1

The word significant in the criteria should be removed. The Licensing Objective is the PREVENTION of crime and disorder. The criteria should be whether the premises will reduce, or at worst leave the same, the level. Allow a premises to contribute to Crime and Disorder, as long as it is not significantly, leaves too much room for argument in hearings and appeals. This is especially an issue in areas, such as the CIA's, where the existing level is already high. It makes it easier for an applicant to argue that they will not make a significant contribution in that area, because of the existing high level.

PS1

The impact of customers outside the premises, such as on the pavement outside, should be taken into account. The fact that pedestrians have to walk in the roadway to pass customers standing on the pavement is a Public Safety issue.

PN1

One of the main issues for residents associated with licensed premises is dispersal. Although the benefit of dispersal policies is mentioned in the narrative for HRS1 we believe that all premises need to have considered the need for a dispersal policy. The relevant consideration is PN1 3(d)

Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it

This should include a reference to dispersal, such as below.

Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it, including how dispersal is managed

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. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

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

[Yes,]

14. Do you agree with...?

- Not expanding the West End Cumulative Impact Zone to include Zone 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 comments 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:

- • Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2
- • Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)
- • 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

Boundary

Whilst we understand that the analysis supports the exclusion on the NE of Covent Garden from the zone the absence of observational data means that public nuisance impacts are understated. Also the boundary chosen for the zone is along a road which has significant numbers of premises on both sides and is not a natural boundary. The fact that one side of the road is excluded means that there may now be a flurry of applications to vary licenses on that side to remove conditions which require alcohol to be served with food, and so quickly turn the area into one with many bars. It would continue to make sense to draw the area boundary along a major boundary road, such as Kingsway as it is now.

Policy Wording

We have long seen that the Licensing Authority, when considering applications, places a lot of emphasis on the presumption to refuse for certain types of premises and too little emphasis on the requirement that other types of premises

“must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.”

We believe that this is best addressed by reversing the emphasis in Paragraphs 1 and 2 in CIP1. Whilst this does not change the Policy it may serve to emphasise the importance of not adding to Cumulative Impact, rather than the importance of not falling into a particular premises type.

Our suggested wording is as follows:

It is the Licensing Authority’s policy to refuse applications that are unable to demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Zone.

This applies especially to premises of the following types within the zone that have an opening hour before 10:00 and a terminal hour beyond 21:00

- (1) Pubs and bars,
- (2) Fast Food Premises, and
- (3) music and dancing and similar entertainment venues

Applications for other premises types within the West End Cumulative Impact Zones are subject to other policies within this statement.

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

- Queensway/Bayswater Cumulative Impact Zone – No
- Edgware Road Cumulative Impact Zone - No

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

As with East Covent Garden the absence of an observational study means that public nuisance impacts will be understated in the analysis. Carrying out this study (pre-Covid) would have shown a very different picture.

18. Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them?

[Yes,]

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

HRS1, along with CIP1, are the policies on which residents in the CGCA's area most often rely to ensure that the Licensing Objectives are supported. Other Policies, especially PN1, are equally important, and it is clear in HRS1 that premises need to comply with them. However this is not what we observe during hearings. We are concerned then that para B3 states that the intention is to generally grant licences within core hours without any mention of the need for premises to comply with the other policies. Although this is stated in the Policy itself (Para A) we believe it should also be mentioned clearly in the preamble to it.

Our view is that within the CIZ and SCZ all premises which operate after 23:00 (not midnight as suggested in B4) SHOULD have dispersal policy stating how customers will leave the premises. The reason for the earlier time it is frequently dispersal which gives rise to the most issues. After 23:00 it is reasonable that residents should not be disturbed and so this is latest time at which businesses should start actively managing the dispersal process. We note that 23:00 is also the time used in B8. The dispersal policy needs to be included in the list of things to which particular regard will be taken.

We would point out in this regard that in the list under Para B both points 8 and 11 relate to the process of customers leaving the premises and could be combined and the actual dispersal policy (if produced) could be taken into account.

The CGCA has in a number of recent applications proposed a condition regarding dispersal policies which we believe the Licensing Authority could use as a Model Condition in this regard. The wording is as follows:

The premises will operate a dispersal policy and all staff will be trained in its implementation. The policy will include a requirement [xxxxxxxxxxxx] The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal.

The xxxxx section includes the minimum measures which the applicant believes will mitigate the impact of dispersal.

In B15 the policy suggests that some premises such as theatres can have licensable activities for non-patrons until 23:00, even in the CIZ (provided they do not add to cumulative impact). Theatres are not open 7 days a week but the bar could be, and there appears to be nothing in the policy that would prevent a theatre running a large bar open to the public until 23:00 even in an area where there is a presumption to refuse bar licenses which operate after 21:00. Whilst we do not object to theatres operating later for their patrons it is important that this flexibility is not given in a way which can be abused to the detriment of local residents.

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

[Yes,]

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

We agree ONLY compared to the option of treating these areas as the same as the rest of the Borough. If these zones were in almost any other borough in London they would justify being Cumulative Impact Zones as they would have very high impacts from the licensed premises within them. It is only by comparison with the Westminster average level, driven by the extremely high levels in Zone 1, and they appear to have a lesser impact.

We believe that Paragraph C1 needs rewording. We do not agree with the assertion that there is no cumulative impact in these areas. There is an impact, but it is not at a high enough level to justify (at the moment) designating the area as a CIZ where a presumption to refuse should apply. We also question whether “by particularising the steps..” is a recognised phrase in English.

In Paragraph A we believe that as well as the 2020 Impact Assessment applicants need to take account of other local issues of which they are aware.

In Paragraph B the mitigation they introduce should go further than “reduce the risk of failing to promote the Licensing Objectives”. The mitigations they introduce need to promote the licensing objectives. If they only reduce the risks then it is possible for them to still have a moderate, but lower than high risk of harming the licensing objectives and still comply with this policy.

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

- West End Buffer - Yes
- Queensway/Bayswater - Yes
- Edgware Road - Yes
- East Covent Garden - Yes
- Mayfair - Yes
- Victoria - Yes

23. If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:

- • West End

- • Queensway/Bayswater
- • Edgware Road
- • East Covent Garden
- • Mayfair
- • Victoria

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

Policy RTN1 – Yes

Policy FFP1 – Yes

Policy PB1 – Yes

Policy OS1 – Yes

Policy MD1 – Yes

Policy HOT1 – Yes

Policy CAS1 – Yes

Policy COMB1 - 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 SCEV1?

[Yes,]

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1
- • Hotels - Policy HOT1
- • Casinos - Policy CAS1
- • Combined Use Premises

In MD1 the reference to Clause D in B(4) should in fact be to Clause E.

We believe that HOT1 needs to take into account the scale of the licensable areas (bars, restaurant etc) which are open to non-residents compared to the scale of the hotel. A hotel with 100 rooms and capacity for 500 people in the various licensable areas could also be regarded as a combined use premise. It is unclear on the point at which the sale of alcohol etc stops being ancillary to the primary purpose as a hotel.

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

[Yes,]

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:

In CCSOS1 we believe that B(5) – the requirement that sale of alcohol etc must be to patrons after 23:00 should also be included in A. This is stated in HRS1 (B15) – see answer to Q19 above and so we fail to see why in CCSOS1 the requirement only applies in the CIZ.

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;

We understand the need to update the Statement in the midst of the current crisis. The statement, and especially the decision not to expand the CIZ, needs to be kept under review. If, as we hope, a vaccine is developed it may be that a return to “normal” will take place well before the next required Policy Review. This brings the risk that Cumulative Impact will happen without the Policy protections to prevent it.

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

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:

As stated earlier in our response it is important that when determining applications it is the promotion of the Licensing Objectives which is seen as most important. Whilst complying with CIP1 and HRS1 are important these policies exist in order to promote the Licensing Objectives. Our experience of the determination process over the last 15 years is that there is a tendency of Licensing Lawyers, and Committee Members, to focus on whether or not a premises is of a specific type or open at certain hours, rather than whether or not they will promote the Licensing Objectives.

R62 – 15/11/2020 (Knightsbridge Neighbourhood Forum)

Licensing Policy and Cumulative Impact Assessment

I am writing on behalf of the Knightsbridge Neighbourhood Forum (Forum or KNF) to respond to Westminster City Council's (Westminster or the Council) consultation on Licensing Policy and Cumulative Impact Assessment (the 'Consultation') which can be seen at <https://www.westminster.gov.uk/licensing-consultation>.

Thank you for the opportunity to do so.

The KNF welcomes Westminster's timely consultation on Licensing Policy and Cumulative Impact Assessment. Our comments relate principally to Licencing Policy under the following topics and sections: 1. COVID-19; 2. General; 3. Policies; and 4. Special Consideration Zones.

1. COVID-19 and general transport issues in Knightsbridge

The COVID-19 pandemic has had a major impact in many areas. Scientific advice suggests that the virus will remain 'endemic' even if one or more vaccines are used to protect the population i.e. it will persist.

Consequences of COVID-19 include: the collapse in Transport for London (TfL) fare income; reductions in bus and tube services; and social distancing requirements.

Even if 'life' returns to 'normal', the Government bailout of TfL looks set to reduce dramatically short, medium and/or long-term transport capacity in Knightsbridge e.g. fewer bus and tube services, higher fares or the removal of free-travel for under-18s and over-60s and perhaps continued social distancing requirements. These likely outcomes must be taken into account in the current Licensing Policy Review together with less optimistic scenarios.

The KNF wishes to highlight other serious transport capacity limitations in Knightsbridge including: the current Cadent gas works (which are scheduled to continue from mid-January 2021, immediately east of Scotch House Corner to Hyde Park Corner, through 2021; the major building developments that are ongoing on the south side of Brompton Road and Knightsbridge (the road); and the Hyde Park Winter Wonderland which is so popular (when it is operating) that Knightsbridge tube station has been exit-only on Friday evening and night and all weekend at certain times of the year.

All of the above major issues are on top of the 'usual' major issues of public transport being insufficient or not chosen by large numbers of people including many patrons of the existing licensed or shisha establishments who choose to arrive by taxi, private hire car or chauffeur driven vehicle.

The KNF also brings to Westminster's attention that there are residential properties above and adjacent to many of the commercial frontages in Brompton Road between Montpelier Street and Scotch House Corner and on Knightsbridge between the Bulgari Hotel and Scotch House Corner. The pavements are also exceptionally narrow and often already crowded and congested (in 'normal' times). These matters further constrain the 'opportunity' for new licensed premises.

Individually and collectively, these many issues mean that there is and likely will be no spare transport capacity for large new licensed premises in Knightsbridge or outside space to manage it. Two recent 'Certificates of Lawfulness' applications for proposed use as large restaurants at Knightsbridge Green and Scotch House Corner (i.e. one of the most challenging places already for transport access) are therefore very concerning.

These matters highlight the need to take account of a wide range of transport related matters during and outside core hours in licensing decisions in the City of Westminster.

2. General

Your references:

- I. Revised framework for Premises Use policies and updates to policy narrative*
- J. Minor statement updates to reflect changes in law, guidance or council policies*
- K. Final comments on the proposed revisions to the Council's Statement of Licensing Policy*

The KNF is very concerned about the consequences of the new use 'Class E' (commercial, business and service) in the planning system which has merged retail, restaurant, office and other uses with effect from 1 September 2020.

These changes to the Use Classes Order have deprived the Forum and others of the opportunity to comment on planning applications for change of use from retail (or other planning use) to restaurant (or other 'venues'). They have also weakened or removed some important planning protections that existed in the Knightsbridge Neighbourhood Plan (KNP) which was 'made' (i.e. adopted) by the Council on 12 December 2018:

https://www.knightsbridgeforum.org/media//documents/knp_made_version_december_2018_131218_website.pdf

Relevant KNP policies, in part or whole, include:

- Policy KBR1: Character, design and materials
- Policy KBR2: Commercial, frontages, signage and lighting
- Policy KBR14: Mitigating the impact of commercial development
- Policy KBR15: Night-time and early morning uses in or adjacent to residential areas
- Policy KBR16: Security and resilience measures
- Policy KBR17: Retail uses in the International [Shopping] Centre.
- Policy KBR20: Office uses

'Change of use' or new restaurants (or 'venues') within an existing use class can have a major impact on the Knightsbridge community – residents, businesses and others. The protection offered by licensing therefore becomes all the more important.

The KNF also brings to Westminster's attention that licensing and cumulative impact considerations need to take account of more than immediately adjacent licensing premises because of the proliferation of restaurants or venues serving shisha in Knightsbridge. While Westminster may succeed in 'controlling', to some extent, the impacts of shisha smoking through the emerging Westminster City Plan 2018 – 2040, it will still not be a licensing matter.

Examples of major forthcoming licensing applications in Knightsbridge

'Certificates of Lawfulness' applications were quickly submitted for change of proposed use from existing retail use to restaurant use for two large and adjacent retail units in the Knightsbridge International [Shopping] Centre:

127-139 Knightsbridge (includes 2-12 Brompton Road) (received on 4 September 2020 and pending).

This follows a withdrawn application submitted in December 2019 for a **714 cover/seat restaurant**.

<https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QG53KWRPJI00&activeTab=summary>

<https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=Q2RO4YRPKJ100>

20 Brompton Road (Received on 9 September 2002 and permitted on 7 October 2020). This follows a withdrawn application submitted in March 2020 for a **136 cover/seat restaurant**.

<https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QG53KPRPJQD00&activeTab=summary>

<https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=Q7ALT3RPMKS00>

Together these applications suggest imminent requests for licenses for one or two restaurants totalling up to 850 covers/seats perhaps throughout the day and week.

Immediately outside the other end of the International [Shopping] Centre, a new licensing application is expected for another large restaurant soon at **13-17 Montpelier Street**:

<https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QHXU51RPFQW00&activeTab=summary>

These examples highlight the need to take account of transport related matters within and outside core hours in Knightsbridge.

3. Policies

Your references:

C. Revised framework for the Licensing Objectives policies CD1, PS1 and PN1

G. Proposed changes to the Core Hours Policy - HRS1

The only mentions currently of transport related matters in the proposed Licensing Policies (other than once in relation to children) relate to 'after midnight' (B.4 on page 18), 'outside the core hours' (B(8) on page 18), 'after 23:00 (B.8 on page 20), 'night tube' (B.17 on page 22) and named Special Consideration Zones.

Recommendations

For the reasons set out in detail above the KNF considers it essential that licensing policy 'Prevention

of Public Nuisance Policy PN1' is amended to address precisely and explicitly the issues highlighted in this submission through the following additions or amendments:

- i. Applicants be required to demonstrate that the arrival and departure and dispersal of patrons will not create noise or other disturbance to residents both in and out of Core Hours; and
- ii. The Council will have regard to the adequacy of transport for staff, patrons, arrival and dispersal both during Core Hours and late at night.

The KNF considers that the wording of three other policies may also need to be amended similarly: Public safety PS1 e.g. Consideration B(5) is insufficient.

Core Hours Policy HRS1 e.g. A and Consideration B(8) and B(11) etc are insufficient.

Restaurants Policy RTN1 e.g. A is insufficient.

It will be important that the Licensing Committee and Sub-Committees apply these new policies in their decision making.

4. Special Consideration Zones

Your reference:

H. Introducing Special Consideration Zones (SPZs)

The KNF strongly supports the creation of the SPZs category and approach by Westminster. We also note the excellent report by Dr Philip Hadfield titled 'Mayfair Evening and Night-time Economy Behaviour Study – Research Project to inform Review of the Statement of Licensing Policy in 2017.

https://www.westminster.gov.uk/sites/default/files/mayfair_evening_and_nighttime_economy_behaviour_study.pdf

While the KNF has no objection to the proposed designation of Mayfair as a Special Consideration Zone (and some other parts of Westminster), we are concerned that these new zones will displace licensing applications and activity of large venue operators to Knightsbridge because it may be seen as less 'regulated'. Such displacement would be very concerning and potentially difficult to manage.

The KNF is not currently in a position to request that the Knightsbridge International [Shopping] Centre, which is defined precisely in the KNP, and perhaps its immediate environs (e.g. Montpelier Street south of Montpelier Place), be designated as a Cumulative Impact Zone or a Special Consideration Zone.

However, we ask the Council to note our very real concern that if there is inadequate control on the number of restaurants and other licensed establishments permitted to open and their respective capacities and transport and access arrangements that we will have no option but to petition the Council for part or all of the Knightsbridge International [Shopping] Centre and perhaps its immediate environs (e.g. Montpelier Street south of Montpelier Place) to be designated as a Special Consideration Zone (or Cumulative Impact Zone) at the next Licensing Policy Review. This would be a great pity when Knightsbridge is home to a number of the most prestigious and best run hotels in the world.

Please support the community in taking preventative measures so that the future designation of the Knightsbridge area will not be necessary.

My colleagues and I would be pleased to meet you or your licensing team to discuss our concerns highlighted in this letter and/or related matters.

Yours sincerely
XXXXXXXXXXXXXXXXXXXX

R63 – 15/11/2020 (Citizens Advice Westminster – Licensing Advice Project)

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

Response of the Licensing Advice Project, Westminster Citizens Advice

We have responded to each proposed revision as set out at page 3 of the consultation document, using the questions set out in the online questionnaire as relevant under each proposed revision.

- (a) Add a statement on the Licensing Authority’s expectation on licensed premises’ approach to inclusion in the evening and night-time economy

Question 4. *The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?*

Yes.

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

We are aware of at least some the reports referred to in para 4.2 of the consultation document. We agree that the findings of the Scrutiny Commission Task Group as summarised in para 4.2 are applicable to licensed premises other than nightclubs (which we understand were the premises type upon which the complaints were focused).

We therefore agree with the replacement of para 1.15 of the current Policy with a new section setting out the authority’s approach to fulfilling its duties under Equality Act 2010, setting out the authority’s expectations in this regard.

- (b) A summary of the 2020 Cumulative Impact Assessment

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

We agree with the authority’s intention to publish a ‘cumulative impact assessment’ (“CI assessment”), and to implement a Cumulative Impact Policy (“CIP”).

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

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

West End

- The evidence in respect of the West End CIZ seems to be extremely robust. Indeed, it appears that there is evidence for an expansion of the West End CIZ and/or a widening of its scope,

although the conclusion that the impact of Covid-19 mitigates against any such changes at this time is difficult to impeach.

- Appendix 12 of the current (2016) Policy states that there were 1,002 licensed premises within the West End CIZ at that time. The consultation document states at para 1.2 on page 2 that there are 1304 licensed premises in the West End CIZ - an increase of 30%. However, the CI Assessment states on page 15 that there are 1169 'unique licence locations' in the West End CIZ – which, if the term 'unique licence locations' is analogous to 'licensed premises' is an increase of 17%.

We are unclear which figure is correct, but in any event even the lower figure shows a very significant increase in licensed premises since 2016. It would be helpful to have a view from the authority as to whether there is a link between the increase in licensed premises (or 'unique licence locations') and the data from which it is concluded that *'the results conclusively characterised two parts of the West End as burdened by cumulative impact between 2017 and 2019, to varying degrees.'*¹

- It is noted that at para 4.7. on page 6 of the consultation document, the authority finds that *'the evidence collected...supported further policy restrictions on applications, as they would likely add to cumulative impact.'*
- The presence or absence of a causal link is important in considering the efficacy of the current Policy, because it is appreciated that the majority and perhaps even the vast majority of these licences will have been granted as 'restaurants' under policy RNT2. The current Policy approach is that an application *'will be granted'* if it can be demonstrated that they do not *'add to cumulative impact'* (to 'core hours') and is subject to a further consideration *'on their merits'* subject to various criteria, outside 'core hours'.

If it is the case that the increase in the number of licensed premises has materially impacted on the data in the CI assessment which points to an increase in cumulative impact in the West End CIZ, then it is appropriate to question the efficacy of the current approach to determining whether or not any particular application will add to cumulative impact.

- It has been disappointing to the Soho Society, for example, that the police routinely withdraw representations in the CIZ, because the Soho Society have felt that this has undermined their view that 'cumulative impact' has increased. The data in the CI assessment appears to bear out this view. The CI assessment suggests that the current CIP and/or the way it is implemented has not succeeded in resolving issues of cumulative impact in the West End.
- That said, there is a widespread sympathy with licensed operators due to Covid-19 and an acceptance that Covid-19 has changed the licensing picture in the short term in the manner suggested in the CI assessment in the context of potential changes to the West End CIZ.

¹ Page 16 of the CI assessment

Queensway/Bayswater and Edgware Road

- We are aware that amenity societies disagree with the removal of the Bayswater/Queensway and Edgware Road CIZs, and we question whether the data in the CI assessment in respect of these areas justifies the removal of these areas in the context of *inter alia* the conclusion at para 4.16 on page 16 of the CI assessment and the provisions of s5A of the 2003 Act.

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

Yes, with the caveats set out above as to the areas to be designated as CIZs.

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

No comments further to those above.

(c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

Question 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.

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

- A common concern raised with us is that applicants do not demonstrate sufficiently in the Operating Schedule attached to the application form that they have assessed the risks posed by the application to the promotion of the licensing objectives. We agree with the proposal to change the way in which these policies are worded.
- Taking the Prevention of public nuisance' policy (PN1) by way of example, it currently reads as follows (my emphasis):

*'To prevent public nuisance **the Licensing Authority will apply the following criteria and take into account the following considerations**, where relevant, in determining applications and reviews:...*

It would now read as follows (my emphasis):

*'Policy PN1 A. The Licensing Authority **will only grant applications** that can demonstrate that **they will promote** the prevention of public nuisance licensing objective. B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:'*

- We believe that this is a positive change for residents both in concentrating the minds of applicants on locality-specific measures in their Operating Schedules, and ensuring that this

information is available in the application form itself and so is available to residents during the statutory consultation period rather than at a later stage, and ensuring the primacy of these policies in the decision-making process. As the licensing authority has a duty to promote the licensing objectives, it makes sense to emphasise their importance.

- We also agree with the addition of the words ‘including delivery companies’ to 3. (f) at page 9 of the consultation document re: PN1. We presume this is intended to address potential issues arising from increased use of delivery services.
 - We also agree with the addition of the words ‘unless there are exceptional circumstances’ at 4. on page 10 of the consultation document re: PN1.
- (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.

Question 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.

Question 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. We agree with the additional safeguarding requirements set out in this policy.

Question 12. *If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to: N/A.*

- (e) Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy – CIP1

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

Yes, although we query the change to 9pm for ‘core hours’ for some premises.

Question 14. a. *Do you agree with...Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2?*

Yes, at this time, due to the impact of Covid-19.

Question 14. b. *Do you agree with...Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)? and:*

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

We agree with the proposal to retain the West End CIZ, but have concerns about the removal of the North East area beyond Covent Garden due to the absence of observational data to support the data set in the CI Assessment.

Question 15. *If you have any comments 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:*

- We believe that removing a CIZ or part of a CIZ based on the CI assessment and/or in the absence of observational data is a retrograde step, and that such a step is not necessary given the provisions of s5A of the 2003 Act (for which, see our comments at (f) below).
- We note that the authority '*accepts the findings of the CI[assessment]*'² i.e. which includes the conclusion that '*[t]he results conclusively characterised two parts of the West End as burdened by cumulative impact...*'. These areas are described as 'West End Zone 1' and 'West End Zone 2'.

The proposal to retain the current West End CIZ boundaries (apart from North east of Covent Garden) amounts to a proposal not to designate 'Zone 2' as a CIZ.

Of course, it must be noted that the period of the cumulative impact assessment was pre-Covid-19. The consultation document states³ that due to the impact of Covid-19, '*we have decided that expanding the current Cumulative Impact Area...would not be appropriate*'.

We have not had any feedback to the effect that this approach is not justified at this time. The impact of Covid-19 on licensed premises has been profound, and there is broad agreement that the industry should be helped.

- We ask that the authority considers the impact of the change in planning use classes which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.

There is no recognition of this change in this consultation, but it could have a profound effect and is highly relevant to licensing. Matters which would ordinarily be picked up on a planning application will in many cases now not be. This increases the importance of the licensing regime to protect residents.

(f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

² 4.13 of page 15 of the consultation document

³ Para 1.7 on page 2

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

Queensway/Bayswater Cumulative Impact Zones

No.

Edgware Road Cumulative Impact Zone

No.

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

- For both areas, we believe that removing a CIZ or part of a CIZ based on the CI assessment and/or in the absence of observational data is a retrograde step, and that such a step is not necessary given the provisions of s5A of the 2003 Act.
- The findings set out in the CI assessment show that these areas have been subject to a level of incidents 3.7 times the borough average (for Queensway and Bayswater) and 3.9 times the borough average (for Edgware Road). We believe that the content of the CI assessment does not justify the removal of the Queensway/Bayswater and Edgware Road CIZs.

The CI assessment acknowledges the absence of a behavioural audit, saying⁴ that given this absence, the evidence was not ‘conclusive’. Whilst this may understandably result in caution in designating new CIZs, it should result in the same caution in removing existing CIZs.

- s5A(1) states that a licensing authority may publish a CI assessment if it considers (our emphasis): ‘that it **is likely** that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations...’. There is no requirement for the finding to be ‘conclusive’.
- Even if it is the case that the CIA does not ‘conclusively’ link incident rates to licensed premises in the two CIZs, this may simply show that the CIPs have been effective. To take a materially different approach in future simply risks the data changing and Queensway/Bayswater and/or Edgware Road being made subject to a CIP again.

Regarding Queensway/Bayswater specifically, the CI assessment goes on to state that:

‘In this area numerous incidents indicative of cumulative impact were between two and five times as concentrated in space as the borough average. Particularly elevated were noise complaints at night (x5), ambulance call outs to the locations of licensed premises(x4), as well as serious violent crimes (x2.8) and, to a lesser degree, robberies (x1.8) at night. Looking across all incident types plotted in the

⁴ P.17 of the CI assessment

radial chart, on average this area recorded nearly 3 times the borough's average rate of incidents per square kilometre between 2017 and 2019.⁵

- The CI assessment goes on to state: *'However further exploration of licensed premises and their externalities in this area is advised to situate and nuance whether and how they negatively impact the promotion of the licensing objectives.'*⁶
- Likewise, the CI assessment concludes that in respect of Edgware Road, *'[f]or the above stated reasons, and in the absence of behavioural audit insights, evidence characterising Edgware Road as burdened by cumulative impact as a result of a significant number or types of licensed premises cannot be described as conclusive.'*
- We believe that the authority should be cautious about removing a CIZ until this *'further exploration'* takes place and until there is firm evidence that removing the CIZ will not likely be *'inconsistent with the authority's duty to promote the licensing objectives'*.
- The point made about the changes to planning use classes in our response to question 15 also applies. Removal of a CIZ at a time when there may subsequently be an increased number of applications for licences would seem to be illogical.

(g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities

Question 18. *Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them?*

We agree with some changes and have concerns about others.

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

A framework based on premises use rather than licensable activities may prove to be more agile and fit-for-purpose.

The major changes appear to be as follows.

1. 'Core hours' for 'Cinemas, Cultural Venues and Live Sporting Premises' will be until midnight Mon-Sun.

We understand the rationale for this, but would emphasise the potential for nuisance when customers depart these premises. If the later hours are based on the provision of licensable activities only to those who have attended/have a ticket to attend a performance, this may limit the potential for nuisance.

⁵ Page 117 of the CIA

⁶ Page 120 of the CIA

2. Core hours for pubs/bars etc remain as before, except that in the CIA it is proposed that core hours for new pub/bar uses is 9pm.

The effect of this seems to be that there is no presumption to refuse these uses until 9pm. This is a relaxation to the current Policy. There would now be a requirement for 'exceptional circumstances' for variations beyond 9pm. This is a restriction to the current Policy.

We are slightly unclear as to the purpose of this change. The current Policy did take a more flexible approach to bar uses until 8pm, subject to various considerations set out at 2.4.17 to 2.4.21 of the current Policy. Is the change to 'core hours' effectively to replace those provisions?

It would seem that if the intention of removing the 'presumption to refuse' up until 9pm is to help pubs and bars, it may not in any event do so. This part of the Policy if implemented is perhaps more likely to come into play on applications by restaurants etc to have an element of bar use. This may hinder rather than help pubs and bars, without helping residents.

One view is that although cumulative impact may not manifest until later in the evening, granting more licences earlier in the evening may attract more people to the CIA, a proportion of whom may then go on to drink later having started earlier.

3. Earlier commencement hours for premises other than pubs/bars, fast food premises and music and dancing premises.

Any earlier hours would need to be considered on their merits. Our experience is that residents resist hours for sale of alcohol at earlier times than the commencement for 'core hours', particularly on Sundays. The proposed change on Sundays from midday to 9am is perhaps excessive.

(h) A new Special Consideration Zone Policy- SCZ1

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

Yes.

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

- We believe that the concept of a policy which sits somewhere between a CIZ and not a CIZ will be helpful for residents in areas which have been identified in the CI assessment as being problematic, but not to the extent to justify a new designation as a CIZ.
- The new proposed SCZ policy may be positive for those areas where it is proposed that are not currently CIZs. We agree that there should be an increased expectation on the part of the licensing authority for applicants to demonstrate that they have understood the challenges of the local areas in their Operating Schedules, and an increased scrutiny to prevent these areas becoming CIZs.

- We have received feedback to the effect that although this information is frequently available by the time of the hearing, it should be made explicit in the application form rather than in an amended Operating Schedule produced for the purposes of a hearing. In fact, although the expectations outlined in SCZ1 are positive for residents, we would question whether they need to go further, given the existing expectations of applicants set out in the s182 Guidance.
- We believe that the proposed SCZ may help to limit any potential adverse impacts in those areas proposed which are currently CIZs in the event that the designation as CIZs is removed.

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

West End Buffer - Yes.

Queensway/Bayswater

We disagree with the reasoning to the extent that we believe on the evidence in the CI assessment it should remain as a CIZ, but we agree with the reasoning, boundary and designation if it is removed as a CIZ.

Edgware Road - As above.

East Covent Garden - As above.

Mayfair - Yes.

Victoria - Yes.

Question 23. *If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:*

None additional to those above.

- (i) Revised policy framework for premises use policies and updates to policy narrative where necessary

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

We agree with the revised policy framework for all the premises use policies.

Question 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 SCEV1?*

Yes.

Question 26. *If you have any comments about the proposed revisions to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to:*

We believe that the change in emphasis in the RTN Policy at RTN1 B. (3) on page 29 of the consultation document may be helpful. The sub-section provides that an application will 'generally' be granted but requires 'the applicant' to demonstrate 'that they will not add to cumulative impact...'

The current position is less robust, providing that an application 'will be granted' 'provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.'

- (j) Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues

Question 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*

Yes. We agree that it makes sense to have a separate category of policy for qualifying clubs.

Question 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: N/A*

- (k) Creating a stand alone policy for Qualifying Clubs

We agree that it makes sense to have a separate category of policy for qualifying clubs.

(j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

Question 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.

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

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

- It may assist to set out expectations as to what constitutes a 'substantial table meal'.

- If core hours for cultural venues are extended to midnight Mon-Sun, there will be a need for awareness of the potential for movement of equipment/people after the end of an event/performance.
- It would assist to have further information on the expectations in proposed Policy SCZ, and the way this Policy would be implemented at hearings i.e. what will the approach be where an applicant has not complied with the expectations.

Question 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:*

- The online Licensing Register is a very useful source of information. However, we have had repeated concerns from residents that they are not able to access information about applications, conditions etc. On further exploration, we have found that this is (usually) not because the information is not there, but because the link given in the notification letters defaults to the Planning Register. Thus, when the application reference is typed in, no results show up. We would ask that the authority takes the necessary steps to rectify this as soon as possible.
- We have already expressed the concern on behalf of some residents that whilst additional information/conditions etc submitted by applicants may not be 'late' in terms of the Rules of Procedure, it often does not give residents (not experts in licensing law) time to properly assimilate it.
- We often have positive feedback about the hearing process, and the Licensing Service and Councillors should be commended for the way in which they encourage and facilitate the effective involvement of residents at hearings.

Our experience is that residents are (and, just as importantly, feel that they are) a) listened to; b) given sufficient time to express the points they wish to make; c) treated with due respect by all concerned (including applicants and their representatives); and d) have the opportunity to be involved in the licensing process and engage in a positive way.

Westminster's Licensing Sub-Committee often deal with complex and lengthy hearings and hearings which can involve multiple residents and amenity societies, and it is to the credit of all participants that the hearing process runs so smoothly.

- More recently, remote hearings have proved a challenge but we feel that the needs of the various parties have been balanced. There have been some more recent issues with accessing remote hearings, but it is hoped that this is just a temporary blip.

**Licensing Advice Project
15 November 2020**

R64 – 15/11/2020 (The Meard & Dean Street Residents Association)

Please see previous email. The email below from Mr Jackaman was in response to the attached.

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 Soho Society states:

*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.*

In our view the attached & the response is a demonstration of the Society's point. In the end the information requested was obtained after many days of voluntary work on the attached letter & other material. The Guidance makes it quite clear that operating Schedules should state the details residents need to assess whether to object & for other interested parties to properly comment.

We forgot to say that final decisions notices should be issued within say 2 months as at present they can take more than one year.

(Officers have not attached the emails as referenced within this response. If members of the Licensing Committee wish to view these emails, please contact the report Author)

R65 – 15/11/2020 (Soho Society)

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 (20,000m²) 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 200m² 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 re-assurance 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 pro-mote 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, how-ever 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 in-formation 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 restrict-ed 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 (CIP1), 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 im-pact 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 careful-ly 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.'*

15 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 SCEVI:

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 ap-ply 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 pa-trons 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 con-fused 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.

R66 – 15/11/2020 (Queensway Residents Association)

I write on behalf of QRA in response to the proposals for a revision of WCC's Statement of Licensing Policy/Cumulative Impact Assessment etc. We have had the opportunity to discuss with and subsequently view SEBRA's initial response to the above and in so doing, we wish to record QRA's concurrence with the points raised therein and in particular the very real concerns we have in relation to the 'possible' removal of the CIZ zone covering Edgware Road, Queensway & Bayswater. Indeed, we are at a loss to comprehend just how this particular element of the proposals could possibly be seen as beneficial to our longstanding residential community, to say nothing of the resulting adverse impact on the local amenity that such a proposal, if implemented, would undoubtedly cause.

R67 – 15/11/2020 (South East Bayswater Residents Association)

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

Response of South East Bayswater Residents' Association (SEBRA)

Introduction.

1. SEBRA was formed in 1970 and works to protect the special character of our area.
2. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.
3. Our area has some wonderful streets and squares, quiet mews and bustling shopping areas, all bounded to the south by the open green acres of Kensington Gardens. Bayswater is a cosmopolitan area; around Queensway just about any language can be heard, and there is hardly an ethnic cuisine which is not represented.
4. We represent residents, local businesses and visitors.

Over more than 50 years, our group of dedicated volunteers has played a significant role in the continuing improvement of Bayswater; we comment where appropriate on relevant licence applications which impact on our Members and residents.

Consultation response

5. We exercise our rights under Licensing Act 2003, but we are also very mindful of our responsibilities. We make representations on licence applications in our area where appropriate. We always look at ways in which a balance can be preserved between the legitimate rights of residents and the equally legitimate rights of businesses. We have an excellent record of negotiating compromises with applicants and their solicitors, and

always endeavour to do so prior to any licence hearing. Even where we cannot come to a full agreement, we always try narrow down the issues for the Licensing Sub-Committee to consider.

6. We have considered the proposals in the consultation documents in the same spirit.

7. We will take the approach of the online questionnaire in responding to the application, but we are sending in our response by email as this will allow for more nuance in our response – some of our views are not simply an ‘agree’ or ‘disagree’.

8. The proposed revisions of the Statement of Licensing Policy are set out below, along with our comments and views:

9. (a) Add a statement on the Licensing Authority’s expectation on licensed premises’ approach to inclusion in the evening and night-time economy.

We agree with this proposal but have no further comments to make.

10. (b) A summary of the 2020 Cumulative Impact Assessment

We agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment (CIA).

We most strongly disagree with the proposal to remove the Queensway/Bayswater cumulative impact area. We will expand on this at para 14 below.

We do have some further comments of the efficacy of the dataset produced. Whilst very thorough – a major drawback when concluding that the data does not ‘conclusively’ link incidents to licensed premises is the absence of observational data.

11. (c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

We agree with the proposed change of wording and apparent change in focus of these policies.

It currently reads as follows (our emphasis):

‘To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:...’

It would now read as follows (our emphasis):

Policy PN1 A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of public nuisance licensing objective. B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below.

We hope this will encourage applicants to consider in more detail what steps are appropriate to protect the local area and to include such measures in their applications.

We trust that the Licensing Authority when determining applications will draw inferences from a failure by an applicant to comply with these expectations.

12. (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.

We agree with this proposal but have no comment to make.

13. (e) Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy – CIPI.

We agree with the retention of the West End Cumulative Impact Zone (CIZ). The evidence clearly shows that the CIZ is necessary, and indeed we note the conclusion that in fact the evidence suggests further measures may be appropriate.

14. (f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

We strongly disagree with these proposals.

Since the Act came into force, it has designated three areas as under cumulative stress; the West End, Queensway/Bayswater and Edgware Road. Accordingly, Queensway and parts of some adjoining streets have been included in a 'Cumulative Impact Policy' (CIP), which has a presumption to refuse applications for pubs and bars, fast food premises and music and dancing venues (nightclubs) within these areas. It also makes it a requirement for all other applicants for other premises uses to demonstrate that they will not add to cumulative impact within these areas.

The Queensway / Bayswater Stress Area has not gone this far in any event – there was only a presumption to refuse certain types of application. Licences for restaurants and similar have continued to be granted.

We believe that it will be seriously detrimental to our members and residents to remove the cumulative impact area. The level of incidents is nearly 3 times the borough average.

We further believe that the content of the CIA justifies the retention of the Queensway/Bayswater CIZ:

'In this area numerous incidents indicative of cumulative impact were between two and five times as concentrated in space as the borough average. Particularly elevated were noise complaints at night (x5), ambulance call outs to the locations of licensed premises(x4), as well as serious violent crimes (x2.8) and, to a lesser degree, robberies (x1.8) at night. Looking across all incident types plotted in the radial chart, on average this area recorded nearly 3 times the borough's average rate of incidents per square kilometre between 2017 and 2019.'

However, somewhat contrary to this, it then concludes that 'Queensway and Bayswater is concerning, however cannot confidently be described as characterised by cumulative impact due to a high volume or type of licensed premises.'

SEBRA suggests that it is an unjustified step to remove a CIZ on this basis, particularly when the CIA goes on to state: 'However further exploration of licensed premises and their externalities in this area is advised to situate and nuance whether and how they negatively impact the promotion of the licensing objectives.'

Any decision on whether to remove the CIZ should not be taken unless and until this 'further exploration' takes place and until there is firm evidence that removing the CIZ will not likely be 'inconsistent with the authority's duty to promote the licensing objectives.'

We note that the incident rate for Queensway/Bayswater is significantly in excess of the borough average. Whilst we are not in a position to agree or disagree as to whether this can be linked 'confidently' to licensed premises, we feel that observational data may well have linked it.

This year in area around Queensway the Lancaster Gate Ward Councillors along with local police have had to introduce a Community Protection Zone (CPZ) due to persistent and increasing crime, drug taking, begging, rough sleeping and antisocial behaviour including street drinking

Even if it is the case that the CIA does not 'conclusively' link incident rates to licensed premises, SEBRA suggests that this shows that the CIZ has worked. SEBRA's view is that the CIZ has encouraged a more diverse night-time offering, particularly in terms of dining (it being easier to obtain a licence for a restaurant/café/deli than for a drink-led premises). In short, if it isn't broken, why fix it?

We draw an analogy to a 20mph zone on a road. If it reduces traffic accidents, it would be proof of the success of the zone. It would be very unlikely to be removed, but would remain as a preventative measure unless there was positive evidence that it was no longer needed. Otherwise, traffic accidents would increase again, and the 20mph zone would have to be reintroduced.

This is exactly what we are concerned will happen in the context of the removal of the CIZ.

SEBRA is also concerned that the proposal comes without any apparent recognition of the change in planning use classes (see para 21 below) which will make it much easier for a premises to become an A3 restaurant. Removal of the CIZ at a time when there may subsequently be an increased number of applications for licences would seem to be illogical.

The cumulative impact assessment indicates that 'further exploration' is needed, would it not make sense to retain the CIZ at this stage.

We accept that Covid-19 has made it very difficult to assess the impact in the last 8 months. This another reason not to make any major changes.

The Edgware Road CIZ is close to our area, and the same points above apply to it and we object to the removal of that Stress area.

15. (g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities

We do not have any major concerns as to a slightly earlier commencement time for licensable activities, save for Sundays which we believe should remain at midday or certainly be later than 9am.

We do however wonder what the evidence base for this proposal is, as our experience is that applicants are happy to accept the current commencement times.

We are not aware of any wish for changes in hours from our members (which include businesses with Premises Licences) or local residents.

We note a slightly later terminal hour for core hours for theatres, cinemas, performance venues etc. Again, we do not have major concerns about this, subject to clarity that the 'core hours' are based on provision of licensable activities to those who have attended/have a ticket to attend a performance. This will stop migration from other premises.

We would add for clarity that there are of course individual cases where the later hour may not be appropriate, if it is close to residents.

16. (h) A new Special Consideration Zone Policy- SCZ1

We agree that this is helpful concept for some areas of the City. Whilst our view is firmly that Queensway/Bayswater should remain a CIZ, if the Council does remove this status then the SCZ Policy would at least provide a measure of additional protection.

SEBRA notes that although there would be additional expectations for applicants when making applications in these areas, it would be for the licensing authority to monitor and address failures of applicants to provide such information in the application form, and not provide it subsequently and/or only a few days before the hearing.

17. (i) Revised policy framework for premises use policies and updates to policy narrative where necessary.

We have no comments to make on the revised policy framework.

18. (j) Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues

We agree with this proposal.

19. (k) Creating a stand alone policy for Qualifying Clubs

We agree with this proposal.

20. (j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

No comment to make.

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

- SEBRA is extremely active in responding to planning applications. We are very concerned about the impact of the change in planning use classes (see

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use) which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.

- There is no recognition of this change in this consultation, but it could have a profound effect and is highly relevant to licensing. Matters which would ordinarily be picked up on a planning application will in many cases now not be. This increases the importance of the licensing regime to protect residents.
- We are concerned with what we see as a lack of consultation with amenity societies before the consultation commenced, particularly been kept involved and updated about the Council's intentions. Although there was an informal consultation of sorts shortly before the consultation went 'live', there was no opportunity to input into the process.

When the last Licensing review took place the major amenity associations had regular meetings with officers and the Cabinet Member and discussed our thoughts on the changes proposed.

- Although we appreciate that the complexity of licensing in Westminster requires a lengthy document to be produced, it has been difficult for us to get to grips with.

22. 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:

23. We hope that these comments have been of assistance and look forward to the Licensing Authority's response in due course.

R68 – 15/11/2020 (Fitzrovia Neighbourhood Association)

Dear Sirs,

I am writing on behalf of the Fitzrovia Neighbourhood Association, which is the recognised amenity society for Fitzrovia.

we appreciated seeing the cumulative impact assessment report, detailing for the first time a whole host of anti-social behaviour, nuisance levels and criminal activities record in the West End.

In reality, the impact of anti-social behaviour and noise pollution is much larger, but unrecorded, as residents do not always report those incidents to WCC 'noise team' hotline.

Since the previous review, the number of licensed premises has been steadily growing in our area, alongside extensions granted, causing an increase in noise and nuisance incidents experienced by residents in 'real-life' situations.

Since the emergence of COVID and resulting restrictions in nighttime activities, residents have had some relief from the worst aspects of noise and nuisance, and we are sure that the number of recorded criminal activities has gone down.

We welcome the creation of a new Special Consideration Zones in the future/post-Covid area- in particular, the West End buffer zone; this has the potential to offer some protection to the part of Fitzrovia suffering the most from the late night time activities- as recorded in the Cumulative Impact Assessment.

We note that the council intends to require applicants within the ZCZ to be more specific when they explain how their operating schedule would promote, amongst others, the prevention of public nuisance [policy PN1].

with reference to paragraphs c14 to C16 inclusive, we welcome the policies; we think that it may be appropriate for WCC to give some concrete examples showing how in practice the requirements from applications in the ZCZ would differ from the requirements in the rest of the WCC area. this applies to the standard set of conditions attached to a license.

This would be helpful to applicants and interested parties.

We welcome new policy QUC1= qualifying club policy;

Since the last policy review, we had at least two applications for such venues, which were not covered specifically in the current policy.

A requirement for applications to refer specifically to arrangements for patrons and employees to the need to disperse quietly, state how they would arrive and depart via transport facilities to and from the premises [i.e. tube, buses, taxis, minicabs, uber, etc] so we will not see a large congregation of noisy private hire cars in the immediate vicinity of licensed premises waiting for customers.

We are concerned about the relentless increase in the number of licensed premises in our area vis a vis the limited capacity for parking and people congregating due to the nature of the narrow streets in the area.

This relates to policies PN1 PS1.

R69 – 15/11/2020 (St John’s Wood Society)

St John’s Wood is not included within the Cumulative Impact Zone or the Special Consideration Zones and although many of the proposed changes contained within the Licensing Consultation do not directly impact us, we support the comments made by our colleagues in Soho, Knightsbridge, Mayfair and Bayswater.

The St John’s Wood Society would like to raise the following points which are of particular concern in our two wards, Regents Park and Abbey Road.

- The importance of the **Operating Schedule** cannot be underestimated. Unfortunately in our experience the information and detail relating to the nature of an applicant’s operation and how they intend to address the licensing objectives is not always robustly investigated.
- When a premises changes hands, the licence can seemingly be inherited from the previous operator with little investigation into the new operator’s intentions.
- Once approved, it is virtually impossible for residents, environmental health, noise and enforcement officers to accumulate the necessary evidence to trigger a licensing review.
- Whilst we fully appreciate that shisha is not currently a licensable activity, it is however an activity which is usually conducted on licensed premises.
- Licensing needs to take into account that shisha operators conduct their main business in canopied and heated outside seating areas 365 days a year until late at night, beyond core hours in some cases. This results in a significant loss of amenity for residents.

- The lack of proper due diligence into an applicant's main activity by licensing committees means that residents have to resort to Planning enforcement and a protracted enforcement process to protect their amenity.
- Shisha smoking conducted on a licensed premises is harmful to children and should be mentioned in policy CH1.
- The Government's recently implemented Change of Use policy is likely to cause an escalation in the current trend of restaurants serving shisha in outside seating areas in St John's Wood. Our experience is that the beleaguered planning system struggles to control problems of public nuisance and environmental health caused by late night shisha operators in quiet residential areas. These issues could be avoided through the judicious use of reasonable licensing hours and conditions to control the use of outside seating areas, in the first instance.

We have been asking since 2012 that these urgent revisions are made to the licensing policy and hope that they can now be included in the proposed revisions.

We are grateful to have had the opportunity to comment on this licensing consultation. Please do follow this link as a reminder of the harmful nature of shisha.

<https://westminster.moderngov.co.uk/Data/Adults,%20Health%20and%20Public%20Protection%20Policy%20&%20Scrutiny%20Committee/20130718/Agenda/Item%207%20-%20Shisha%20Smoking.pdf>

R70 – 15/11/2020 (Fitzrovia West Business Neighbourhood Forum)

Dear Sirs,

Fitzrovia West business Neighbourhood Forum [FitzWest NF] has been designated for the area known as Fitzrovia West.

We have some concerns regarding Premises Licensing and the potential impact of the late-night economy on our area and residential amenity.

We attended a joint meeting with the Fitzrovia Neighbourhood Association, the recognised Amenity society for the area, discussing some of the issues raised by the consultation.

We welcome the Cumulative Impact Assessment report; as far as we are aware this was the first time major indicators of crime, public disorder, drug dealing, and anti-social behaviour were compiled and combined to show the overall impact on our area.

It would have been good to see the same level of details applied to the area outside the cumulative area zone or the proposed Special Consideration Zones.

Since the last policy review, there has been a marked increase in the number of licensed premises and the hours they are permitted to operate.

This has put some pressure on the street and transport infrastructure in the area; much of Fitzrovia consists of narrow roads and narrow pavements.

We have observed the proliferation of night time queues outside certain venues, the high congregation of noisy private hire cars waiting for their customers, and the increased commuting by cars to various venues, causing some traffic jams, street blockages and block parking spaces- creating additional nuisance from the noise created by that activity.

This is putting a strain on our area, prevents the collection of rubbish at certain instances and locations.

We would therefore like the council to require applicants to refer specifically to the issue of transport to and from the venue- for patrons and members of staff; it should detail how the applicant intends preventing much

of what has been stated above, encourage the use of public transport, management of private hire/uber/minicab traffic.

This refers to policy PN1 and PS1.

We note the council's intention to create a special consideration zone- the West End Buffer zone- at the appropriate time in the future.

This is supported by FitzWest NF;

With reference to sections C13-5, we agree with our colleagues at the FNA that it would be a good idea to bring some practical examples to make it clearer to applicants and interested parties how the requirements for operating schedules and proposed conditions, especially in pursuit of policy PN1, would defer from applications outside the SCZ.

For the executive committee of FitzWest NF

Organisations

R71 – 11/11/2020 (RNIB)

About RNIB

RNIB is one of the UK's leading sight loss charities and the largest community of blind and partially sighted people. We take action to prevent avoidable sight loss, provide support and services to enable independence and campaign to create a fully inclusive society. We also have a longstanding engagement in policy issues affecting blind and partially sighted people.

RNIB's Sight Loss Advice Service, which includes the Legal Rights Service, provides support to people living with sight loss in a range of areas including disability discrimination, welfare, social care and education. As part of this work we frequently advise guide dog users who have been refused access to premises (including licensed premises) and to taxis as a result of their guide dog. Such advice includes assisting guide dog users to complain and take legal action as a result of the refusal or making a complaint to licensing for breach of one of the licensing objectives. We have also published a toolkit in conjunction with our colleagues at Guide Dogs to assist guide dog users to challenge refusals.

About guide dog refusals

Guide dog refusals remain a significant issue in the UK. Our colleagues at Guide Dogs report that there has been a significant increase in refusals in the last few years and anecdotally we are seeing an increase in refusals following lockdown. We have attached with this email research published by Guide Dogs in 2019 which provides a breakdown of where refusals take place and the reasons given. After taxis, the highest number of refusals occur in restaurants and newsagent/convenience stores a large proportion of which will be licensed premises. The most frequently reported reasons given for access refusals were a blanket ban on dogs, religious/cultural reasons, food being served or a dislike of dogs.

In terms of frequency of refusal, the majority of survey respondents who reported an access refusal in the past 12 months said they encountered access refusals either once every few months or one or two times a year. Concerningly 1 in 5 (20%) of these had been refused access at least once per month. More research participants reported weekly refusals from PHVs and taxis and newsagents and convenience stores than other types of business.

The research also described the very significant emotional impact of access refusals. Survey participants reported that access refusals had a significantly negative impact on their wellbeing. As a result of access refusals participants reported: -

- 70% said it had a negative impact on their wellbeing and emotions.
- 55% felt less content with their quality of life.
- 72% said refusals negatively impacted on their ability to go out socially.
- 57% reported a negative impact on their participation in sports, hobbies and recreational activities.

Additionally, participants described that access refusals made them feel embarrassed, upset, excluded, angry and anxious, with a desire to avoid the situation. Participants reported feelings of loneliness and social

isolation specifically describing avoiding socialising, feeling limited, unable to travel or that their confidence had been affected. Participants that reported refusals that led to negative impacts on their levels of loneliness and social isolation were significantly less likely to complain or report the access refusal. Owners that experienced a negative impact on wellbeing were also less likely to take legal action. Although legal action is potentially open to participants, this does not provide an effective remedy for many reasons and as the above research highlights, those most likely to be impacted by the refusals are the least likely to take legal action. This is why RNIB considers that it is so important that the Council uses its licensing powers to address this issue.

The legislation that makes it unlawful to refuse access to a guide dog has been in place for over 20 years (the duty to make reasonable adjustments under the Disability Discrimination Act 1995 having been brought in in 1999). Despite this, as the above research shows, the situation has worsened considerably. We believe that a different approach is necessary and RNIB would like to see local authorities using their licensing powers to address these issues.

When considering our response to this consultation we approached guide dog users who we know frequently experience refusals. One guide dog users told us that within the period of the current statement of licensing policy he had been refused access to the following premises (and probably others) as a result of his guide dog:-

XXXXXXX, Westminster
XXXXXXXX, Westminster tube
XXXXXX, Westminster tube
XXXXXXXX, Victoria Street
XXXXXXXX, Victoria Street
XXXXXXXX, Caxton Street
XXXXXXXX, Cardinal Place
XXXXXX, Cardinal Place
XXXXXXXX, Cardinal Place
XXXXXXXXXXXX

Whilst we recognise that some of these premises are not licensed, many are. This is just one guide dog users list and is probably incomplete. We hope that you will agree that guide dog refusals are a significant problem and require action to be taken.

Guide dog refusals and licensing objectives

RNIB believes that a refusal to admit guide dogs on licensed premises potentially breaches the following licensing objectives:-

- Prevention of crime and disorder

The refusal to admit a visually impaired person with her guide dog is likely to affect social cohesion and is likely to hinder the promotion of the law and order licensing objective. It is akin to refusing to admit a person on the basis of their race or sex.

- Public safety – we consider that blind people using guide dogs would constitute vulnerable customers.

As the Government's 'Revised guidance issued under section 182 of the Licensing Act 2003' makes clear, license holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act. Blind people using guide dogs should be considered vulnerable customers and the Authority should take steps to protect them from the harm documented above in the impact of refusals.

Consultation response

RNIB welcomes the decision to include an inclusion objective within its statement of licensing policy and this should include discrimination on the grounds of disability and specifically include the refusals of registered assistance dogs.

RNIB's preferred approach is that there is a standard condition in each license requiring the admittance of assistance dogs as well as the requirement to undertake staff training and to display an "assistance dogs welcome" sticker. A breach of this condition could result in action being taken against the license including removal.

An alternative approach would be to include a section on the need for licensed premises to admit registered assistance dogs and indicating that the Council will add a specific condition to a license explicitly forbidding the refusal of assistance dogs where relevant representations are regarding a previous refusal. The policy would encourage license holder to display an "assistance dogs welcome" sticker and to train their staff in their legal obligations under the Equality Act, drawing license holders attention to the EHRC guidance (copy attached). Where a breach occurs, the policy should indicate that action will be taken to either remove the license or to add a condition to the license which if breached could lead to the license being removed depending on the circumstances of the refusal.

In our experience, the Council needs to be clear in what the requirements are on license holders in respect of discrimination. We are aware of other licensing policies which refer to the need for license holders to promote inclusion but they are not specific enough to ensure that holders change their behaviour and train their staff accordingly. An approach which puts discrimination on a par with, for example, the sale of alcohol to minors and puts specific requirements on license holders is much more likely to be effective.

We believe that such a policy would also be in keeping with the Council's PSED

Finally, if the Council were to make a change to its policy we would welcome the opportunity to work with the Council to promote this change to licensed premises within the borough (and more widely) particularly to those businesses where access refusals are statistically more likely to take place to ensure that licensed premises and staff are aware of their legal obligations, display a sticker welcoming guide dogs and that they understand the consequences of any breach of the licensing policy.

Please do not hesitate to contact us if we can be of further assistance in this matter.

R72 – 14/11/2020 (UKHospitality)

**WESTMINSTER CITY COUNCIL
LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT
RESPONSE TO CONSULTATION
BY UKHOSPITALITY**

Summary

1. UKHospitality thanks Westminster City Council (“WCC”) for the opportunity to respond to this important consultation.

2. UKHospitality is the UK’s hospitality sector industry body, representing over 700 companies which in turn operate around 70,000 venues in a sector that employs 3.2 million people. The body speaks on behalf of a wide range of leisure and ‘out-of-home’ businesses, from FTSE 100 enterprises to niche groups and independent single-site operators – covering pubs, restaurants, hotels, nightclubs, contract catering, leisure parks, visitor attractions and coffee shops.

3. UKHospitality has carefully considered the following two documents:

☒ *Proposals for the revision of Westminster City Council’s Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment (“the Proposals Document”).*

☒ *Cumulative Impact Assessment 2020 (“the Assessment”).*

4. UKHospitality summarises the main points of its response as follows:

(1) This is a time of unprecedented crisis for the hospitality industry, and one which already has and will continue radically to transform the licensing landscape in Westminster both now and in the medium and long term.

(2) While the timing of this policy review is dictated by statute, it is, with respect, a uniquely poor moment at which to adopt a five year licensing policy, including a policy which in certain respects imposes further policy constraints on the hospitality industry.

(3) With the provisos set out below, the existing policy should be re-adopted for the five year period required by statute.

(4) The policy should make interim provision for a more flexible approach for businesses which wish temporarily to modify their business model to help them survive, explore new ways of working and help them to adapt to rapidly changing customer types, numbers and needs.

(5) The policy should indicate that WCC will review the policy in late 2021 by which time the full impacts of Covid-19 on the hospitality industry and public protection will be clearer, the impacts of the proposed interim policy will be understood and WCC will be in a position through a revised policy to plan for the long-term recovery and regulation of the hospitality sector.

(6) Additionally, the policy should acknowledge that the CIA assessment will also need to be reassessed at the same time in order for a proper review of Cumulative Impact to be undertaken. What is already clear though is that many businesses will not survive and the licensing landscape will not return to its pre-March 2020 state.

The impact of Covid-19 on the hospitality industry

5. The impact of Covid-19 on London venues can be understood in 6 phases:

(1) The pre-lockdown events in March 2020, and in particular Government advice to stop non-essential contact and travel on 16th March 2020.

(2) The closure of licensed premises on 21st March 2020 imposed by the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 as then developed through the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

(3) The more limited restrictions imposed on pubs and restaurants from 4th July 2020 by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. Nightclubs and casinos remained subject to closure.

(4) The 10 p.m. curfew imposed by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 from 24th September 2020.

(5) The further lockdown imposed from 5th November 2020 by The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

(6) The future: it is presently unclear what restrictions will be placed on licensed premises over the next year or precisely what state the industry will be in even after such restrictions are lifted, although it is clear that its state will be greatly diminished.

6. In addition to the legal restrictions placed on premises in terms of their ability to open at all, the hours of opening, the reduced capacity of premises and the extra costs of adoption and implementation of Covid-safe measures, there are radical changes to the numbers, types and needs of customers.

7. For example,

(1) The hospitality industry in Westminster is heavily reliant on foreign and domestic tourists. Visit Britain projects the former to decline by 77% in 2020 and the latter by 48%, equating to reduction in spend of £7.4bn and £3.5bn;

(2) At the same time use of Central London by workers has radically reduced. For example in August – September 2019 there were 99.4 million underground journeys, while in August to September 2020 there were 36.3m (TFL Data). While some of these travellers will have chosen to travel by other means, the effect of working from home is having a serious and probably permanent impact on patterns of socialising.

(3) London residents are less willing to travel into Central London for entertainment and are more likely to seek entertainment locally or at home. It is unlikely that this trend will be fully reversible.

8. Further, even when premises are permitted to re-open, and even if the Tier 2 curfew arrangements are removed, there will be continuing economic impacts in terms of social distancing, customer reluctance to socialise inside venues, the effect of unemployment on customer numbers and spend, and geographical preference for socialising locally, whether at home, in local venues or outdoor spaces.

9. Businesses are insulated to some degree by fiscal support offered by Central Government. However, such support cannot and will not be permanent.

10. Some businesses have succeeded in taking advantage of the Business and Planning Act 2020 to extend their trading outdoors. However, the principal benefit of this will have come in the summer months, and the ability to trade outdoors will produce only marginal benefits until Spring 2021.

11. In sum, for an industry which trades on small margins, it is inevitable that Covid-19 will have an extremely serious long-term impact. Quarter 2 Gross Domestic Product data recently published showed a decline of around 20% for the UK economy overall – but for the hospitality sector it was even worse with a massive 85% decline. New commercial data for Quarter 3 showed that our sector's sales fell a further 48%, even with the boost from Eat Out to Help Out, the VAT cut and extra 'staycations'. In addition, a recent UK Hospitality survey of companies showed almost half (41%) of businesses that were surveyed suggested that they would fail by mid-2021. 23% said that they would do so by the turn of the year. The 10pm curfew saw sales fall around 20% year-on-year from already depressed levels. In terms of visitors to the UK (many of whom would of course normally visit London, and Westminster in particular), hotels surveyed were reporting a 50% increase in cancellations, with forward bookings from October falling by 20%. Finally, Christmas trade forms a key part of hospitality's 'golden quarter,' which many businesses rely on for significant amounts of their annual revenue. This year, due to restrictions, cancellations and distancing measures, revenues will be extremely limited – the recent UK Hospitality survey of our membership indicated a revenue loss of £73 billion for this year (-57%), and this was before the current November lockdown was announced and in place.

12. For London, the most recent Greater London Authority assessments estimate that the size of London's economy in terms of gross value added (GVA) is expected to fall by 10.5% in 2020, with pre-crisis levels of GVA not projected to be reached before the end of 2022. The GLA projections further highlight that it will be sectors such as hospitality, arts and entertainment that will be hardest hit. The GLA estimates both these sectors will see employment opportunities reduce by a further 10 per cent in 2021.

13. Some of the above are, of course, projections. However, the worst case could be still more serious. There will be companies with strong balance sheets, access to finance or investor support who may be able to ride out these challenges. However, there will be far more which are at risk of closure.

The impact of Covid-19 on cumulative impact data

13. The impacts of mass closure on public protection have not been fully analysed and are not clear.

14. However, it is noted that the Proposals refer in para 4.7 to *"the current unprecedented nature of the impact that Covid-19 has had on footfall in the area"*. That reduction in footfall has had an unprecedented impact on the profitability and indeed solvency of venues.

15. Further, the vastly reduced footfall through Westminster has had an impact on recorded crime. According to the Assessment, total notifiable offences in Westminster fell 76% in April 2020 compared with April 2019, while crime in St. James' and West End Wards fell 90%. Although the Assessment is dated October 2020, no more recent data is given. The Proposals document, and in particular the Cumulative Impact Assessment, are principally based on data from 2017 – 2019. Therefore, the policy response in the Proposals document is based on data which is clearly out of date.

16. As the assessment also points out:

- (1) Covid-19 impeded WCC's ability to collate relevant data.
- (2) The disease also limited the ability to engage with stakeholders.

17. This also corresponds with the experience of UKHospitality, whereby large numbers of key personnel are on furlough, reducing and in some cases obviating the possibility of engaging properly with this important consultation exercise.

18. Therefore, even the current situation has not fully been taken into account in the Proposals document.

19. Still more importantly, looking forward, it is obvious that the hospitality landscape in Westminster will be radically different in 2021 than at the start of the policy review process. There will be far fewer premises. Many of those which survive will be trading differently. There will be far fewer customers, spending far less money. There will be different travel patterns.

20. It is impossible at this stage to anticipate the impact of this on crime, disorder and nuisance data.

21. It is also impossible at this stage to anticipate the attitudes of local residents to an industry which by then will require strong policy support and an imaginative approach to secure its sustainable regeneration.

22. All of these changes will need to be fully understood for the policy implications to be evaluated. For example, it is impossible now to make a sensible evaluation as to whether the balance of long term policy should be towards stimulus (or stimulus of some and if so what sub-sectors) or containment.

23. The Proposals recognise this in stating (at para 1.5):

“With an uncertain future and the difficulties that the hospitality and entertainment sector face, we were very aware that to implement significant change in our Licensing Policy could add to that uncertainty.”

24. UKHospitality strongly endorses that sentiment. However, it must point out, respectfully but firmly, that in many key respects the proposed policy does suggest significant changes. For example:

(1) A revised policy framework for the licensing objectives policies CD1, PS1 and PN1. The introduction of policies which state that *“The Licensing Authority will only grant applications that can demonstrate...”* reverses the normal licensing burden, will impose significant financial and administrative burdens, and is contrary to the principles in the Regulators’ Code.

(2) The revised Core Hours Policy of 9 p.m. for pubs and bars, fast food and music and dance venues in the West End represents an extremely important change for the hospitality industry and one which merits full debate once the new circumstances of the industry are known.

(3) The new Special Consideration Zone Policy. While falling short of a presumption, this clearly is intended to tighten the policy position for the affected zones surrounding the stress area, totaling over 1.4 square kilometres. It merits the closest possible consideration following the fall-out from the pandemic.

25. It is noted that WCC states that, due to Covid-19, it will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types. But in most if not all other respects, the impact of Covid-19 has not had a corresponding impact on the thrust of the Policy, when quite clearly it needs to.

26. It is not suggested that the changes proposed by WCC are unworthy of proper debate. But it is strongly suggested that this is the wrong time for changes of such magnitude to be considered, given the rapidly changing landscape for the hospitality industry, the lack of current data, the inability to forecast the position of the industry 12 months from now, and the serious difficulties the industry has in engaging with a policy change of this nature at this time.

Carrying forward the existing policy

27. In the light of these unprecedented circumstances, UKHospitality strongly advocates simply re-adopting the existing policy, enabling a review of the policy to take place in late 2021.

28. UKHospitality notes that on 19th August 2020 the Leader of Westminster City Council wrote to the Minister of State for Crime and Policing seeking a two year pause of the statutory requirements to review statements of licensing policy and cumulative impact assessments. In his reply dated 1st October 2020, the Minister wrote that while he was sympathetic to the concerns about the difficulties of undertaking policy reviews at this time, he did not envisage the ability to change the requirements of primary legislation.

29. Nevertheless, the Minister stated:

“However, you may want to explore whether you can adopt a pragmatic approach to reduce the burden on already hard-pressed stakeholders and to reflect the exceptional circumstances in which we currently find ourselves.

“In particular, when consulting on your statement of licensing policy you could consider if it would be appropriate to undertake the statutory consultation on the basis that you propose to roll forward your existing statement of licensing policy in its current form and consider any representations that you receive in response.... You may [then] want to consider committing to a further review when it is feasible to do so after the pandemic has passed.”

30. UKHospitality entirely agrees with that approach. It respectfully submits that the approach is not only appropriate but absolutely necessary in the current circumstances.

31. As such, it is proposed that the existing policy be simply rolled over, to be revisited in a review to take place in November 2021 or when the pandemic has passed, whichever be the later.

A flexible approach to temporary modifications

32. As WCC will be acutely aware, operators facing these unique challenges are striving to adjust and create new business models to attract a diminishing number of customers in lower capacity premises trading over fewer hours than their licences currently permit. These changes might involve layout alterations, use of parts of the premises not previously used for trading, expansion out of doors, trying to trade over extended hours, or revising the business model so as to introduce more seating, more food or an element of performance. This is all strongly to be encouraged to help to save the Westminster hospitality industry and ensure a continuation of the diverse offering for which Westminster is renowned.

33. It is well-understood that, just as WCC should not tighten its policy in the middle of an economically destructive pandemic, so it may not wish significantly to loosen its policy, given the long term ramifications of any policy decisions it makes now.

34. However, given the dramatic decreases in footfall over the last few months and the inevitability that it will remain depleted over the short to medium term, it is suggested that there is good reason to permit greater flexibility for variations which will only operate for the next 12 months.

35. A revised approach, whereby the licensing authority takes a light touch and pragmatic approach to revisions intended to last until the end of 2021 would be fully in accordance with the helpful suggestions made in the Minister’s letter dated 1st October 2020.

The following suggestion for policy wording is set out below.

36. *Temporary Modifications – Policy TM1*

“The Licensing Authority will take a flexible approach to applications for new premises licences or variations of premises licences which:

(1) are expressed to be for a period expiring no later than 31st December 2021 and;

(2) comply with the relevant policies in this Statement of Licensing Policy.

The purpose of Policy TM1 is to permit and encourage businesses to take a flexible approach to their business models in order to help them adapt and to survive the pandemic and its consequences. The licensing authority particularly wishes to endorse layout changes, expansions of space and flexing of business models which help to diversify the Westminster economy and attract a wider customer base. In deciding on such applications, the Licensing Authority will give weight to the temporary nature of the proposal, and that the fact that, if granted, the proposal will be implemented during a period in which overall trade and footfall is significantly diminished.

37. The further benefit of such a Policy would be that businesses will have an enhanced opportunity to try out different business models. This will give them and WCC the opportunity to consider the impact of such models on the licensing objectives, which will improve the evidence base for the review of the licensing policy which it is suggested takes place at the end of 2021.

38. However, it will help if we contextualise and qualify that suggestion in two respects.

39. First, we are not suggesting that such applications are only ever granted on a temporary basis. The operator must decide whether it wishes to make an application in the usual way. If the application is for an open-ended licence or variation, it is for the authority to decide whether the policy tests are met and whether the licensing objectives are undermined.

40. Second, and linked, is the consideration that for new licences in particular, it is unlikely to be viable for the business to apply for a 12 month licence, due to the investment and property commitment required and the need for business uncertainty in an uncertain environment. The suggestion is to enable an increase in applications, not to reduce the opportunity for investment.

41. It should be noted that this approach of temporary modifications is not unusual. For example, it is known that Plymouth and Hartlepool, which both operate Cumulative Impact Policies, have granted temporary permissions for extensions of hours for a circa 12 month period so that the impact can be assessed.

42. Westminster’s own Licensing Sub-Committee has shown its appreciation and understanding towards the concerns facing the hospitality industry due to the Covid-19 pandemic. Two individual new Premises Licence applications, Jimi Loves Gloria at 7 Greek Street and Blame Gloria at 20 Bedford Street, were presented to the Sub-Committee on 10th of September for a time limited extension of Sale of Alcohol hours outside of Core Hours. Both applications were granted, and within the decision notice (annexed) the Committee expressed that the severe impact of the pandemic persuaded them that the application was appropriate and an exception to policy.

Rethinking cumulative impact policies

43. There are several wider issues which will require careful analysis in the context of a future review of the licensing policy, in addition to those set out in paragraph 24 above.

44. First, the Assessment document does not adequately define cumulative impact. It is patently insufficient to adopt an approach whereby a restrictive policy is applied to an area on the basis that it has higher crime rates than the authority’s area as a whole. It is to be expected that an area which attract the lion’s share of

night-time footfall will attract the lion's share of crime. This provides no basis to restrict the development of late night premises in general or alcohol-licensed premises in particular.

45. Second, a far more nuanced approach is needed to the characterisation of licensed premises. The Assessment persists with descriptors which would not be recognisable to customers or the industry itself, in particular premises which provide mixed opportunities to eat, drink, dance, play or watch performances. By adopting rigid boundaries, the Policy provides insufficient guidance to Licensing Sub-Committees in considering the likely impacts of premises rather than their definition according to the Policy. Specifically, rather than deciding whether premises should be defined as a bar or a restaurant, decision-makers should be asked to make an informed judgment regarding their likely impact.

46. Third, WCC has had a cumulative impact policy of some description for 20 years, yet the period over which analysis is provided is restricted to 2017 – 2019. This is particularly unfortunate. If it were to be the case that, say, violence associated with licensed premises had decreased markedly over the last two decades, that should have an impact on the Policy. However, the history of impact on the licensing objectives and the success or otherwise of the Policy have not apparently been considered.

47. Fourth, WCC is encouraged to develop a far more sophisticated approach to the question of what constitutes unacceptable cumulative impact. For example, the number of shops in Oxford Street is associated with high levels of shoplifting and the number of cars on the roads is associated with accidents and pollution. So one would expect the large number of entertainment premises to be associated with night time impacts. That by itself provides no pretext to restrict the development of the entertainment industry in Westminster, any more than shoplifting should stymie the growth of shops. The Policy provides no clue as to the threshold of acceptability for night-time impacts.

48. Fifth, the Assessment does not adequately consider differential contributions to impacts of different types of premises, does not distinguish the impact of different trading styles of premises within overall typologies, or justify a draconian curfew of particular types of premises.

49. Sixth, the Assessment does not consider the alternatives to increasingly restrictive policies, including draconian policies against pubs and bars trading beyond 9 p.m. There is no analysis of the success – actual or potential – of alternatives, such as social responsibility schemes (Best Bar None, Purple Flag, BIDs etc), or focus on individual responsibility of visitors, or improvement of venue practices etc.

50. Seventh, whereas the amount of impact is to a degree an objective question, the policy response is an evaluative question, which can and should take into account the needs of the industry and the importance and reputation of Westminster as a world centre for hospitality, as well, of course, as the needs of local residents, many of whom have chosen to live in the heart of one of the most vibrant capital cities on earth. The assessment of the correct balance may well be different at a time when the industry is facing severe hardship and the city is trying to recover from the impacts of the pandemic.

51. The Westminster model was a forerunner of cumulative impact policies in a period characterised by high volume vertical drinking, less-developed venue practices, nascent social responsibility schemes, higher alcohol consumption per capita and far less evolved and nuanced business models than is now the case. It is now a retrograde model for a society in which alcohol is not as important an economic driver, there is a far greater diversity in businesses, and a far more developed understanding of means of controlling impact.

52. Whether or not these points are accepted, it is clear that the policy will require in depth consideration in the light of events since March 2020. There has not been an equivalent period in economic terms, certainly, since the end of World War II, and the needs of the city, the industry and customers will be very different in 2021 from what they were in 2019. The debate should be postponed until the landscape is much clearer than it is now. This would mean that the implementation of the Cumulative Impact Assessment should be postponed and any consideration of Cumulative Impact under the current policy needs to be conducted in light of the impact of Covid.

Conclusion

53. The pandemic has had an unprecedented impact on the hospitality and entertainment industry in Westminster.

54. The correct approach is to provide a measure of flexibility for businesses during 2021 as they try and survive and rebuild.

55. Other than that, the existing policy should simply be rolled forward during 2021 with a view to a full review of the policy at the end of 2021 when the picture is clearer as to the effect of the pandemic, the state of the industry, the needs of consumers and residents and the appropriate balance of policies to enable the industry to regenerate in a sustainable manner.

UKHospitality November 2020

R73 – 15/11/2020 (Soho Business Alliance)

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

I am a director of the Soho Business Alliance, a company incorporated by way of guarantee in England and Wales.

The Soho Business Alliance ("SBA") was recently formed by Soho businesses trying to work out how to bring Soho back to life during Covid and thereafter. One of our first jobs has been to support the external seating scheme, now hopefully moving into the winter stage. We have a growing membership, including a range of hospitality venues, private members' clubs, restaurants, bars and even some landlords.

In the longer term we intend to liaise closely with other stakeholders, including the City Council. As we evolve, the SBA also hopes to work on policies including clean waste collection, community deliveries, diversity, inclusivity, safeguarding, reducing crime, tackling homelessness and creating job and training opportunities in Soho.

However, for the moment, we would like to write to you in relation to the consultation on your licensing policy. As you will be quite aware, Covid, the various tiers, curfew and the current lockdown has had a devastating effect on Soho hospitality. Operators are literally on their knees and hanging on both by the skin of their teeth and in some cases through being plainly stubborn and not wanting to give up!

The economic impact has been both severe and unthinkable. Our members will need relief and help for many areas to recover in the short through to the medium, and perhaps even longer term.

Some of our members have already submitted their own consultation response but we wanted to summarise the SBA's comments as a whole as I have done below:

1. As our primary concern, we strongly believe that any new licensing policy should address the financial and other impact of Covid, either by way of appropriate provisions and flexibility over the duration of the five year statement or a shorter, "fire break" type of policy. This policy, we suggest, would disapply or otherwise mitigate the effect of applicants having to prove exceptional circumstances in the Soho part of the West End cumulative impact area. If that is not possible, there should be a general presumption that applications should be granted where it is established that Covid has had effect upon business and provided that the application promote the licensing objectives. Weight should also be placed on the applicant's track record, particularly if they are long standing Soho businesses.
2. We support the reversal of the current policy that new pubs and bars will be granted, albeit until 9.00 pm. During Covid in particular and of course its aftermath, we believe that this terminal hour should be later. We also support such a policy in relation to restaurant bars again until 9.00 pm at least but ideally later.
3. External seating has been a life-saver to West End businesses and we commend any policy to you where this can be encouraged both in terms of the hours of operation and any restrictions (or lack of) that may be considered and imposed.
4. Inclusivity – Soho has, for many years, been the home and heart of London's LGBTQ+ community and generally supports an inclusivity policy which recognises the need to further applications which are beneficial to persons with protected characteristics. The policy consultation documents indicate that there will not be an inclusivity specific policy at this time. We believe that there should be an inclusivity specific policy, in accordance with the City Council's duties under the Equality Act 2010. LGBTQ+ venues are sadly in decline. The community cannot afford to wait at least another 5 years for the policy approach to be reconsidered.
5. We strongly believe that proprietary members clubs in Soho should not be treated the same way as pubs and bars. It is with some regret that policy has evolved over the last few years that they are now so treated. In our view, established and well-run members clubs in Soho both owe a huge part of the creative and business industries and also carry on their business without in any way significantly adding to cumulative impact. This is because proprietary clubs share many of the key characteristics of qualifying clubs. We believe at the very least therefore they should be treated in the same way as qualifying (non-profit making) clubs.
6. We note and have been advised of the consequences of the changes in paragraph 4.9 of the statement, these being in respect of policies DC1, PS1 and PN1. We are concerned that the burden has been increased on applicants so that the council will "only grant" applications that can demonstrate they will promote the relevant objectives. This, in our view, is albeit a subtle change in wording, one which changes the burden of proof and in difficult times, will effectively make applications more difficult for tenants operating with little means.
7. In a similar vein, we note that a significant number of additional criteria have been added to the considerations relating to promotion of the relevant licensing objectives. As an example:
 - (a) Assessing the crowding of areas where vertical drinking is allowed;
 - (b) Setting out appropriate management measures (although its not detailed as to what these measures might be;
 - (c) Designing out crime;
 - (d) Having terrorism threat risk assessments;

- (e) Requiring risk assessments (a matter which is dealt with of course under other regimes);
- (f) Limiting noise (albeit the Live Music Act may apply);and
- (g) Requiring dispersal policies.

8. We do not say, in all cases that all or some of this information may not be required but it is a disproportionate burden to require these measures on all applications and it will deter operators from submitting applications when they need to particularly during difficult times.

9. We believe that, during Covid, consideration should be given to removing the cumulative impact status (at least on the basis that it cannot currently be said there is any cumulative impact) and reversing that presumption,perhaps designating areas as special consideration zones whilst the Covid pandemic and its aftermath is in place.

10. We support the revised wording of the restaurant definition, namely the removal of the strict requirement for persons to be shown to their table and a recognition that restaurant customers may drink in the restaurant bar before their meal.

Thank you for your consideration of our submissions. Please let me know should you have any queries arising or whether there are any other issues you would like to discuss.

Yours faithfully
XXXXXXXXXXXXXXXX

Residents

R74 – 11/11/2020

i am just a local resident who is interested in quality of life issues, so i had a look at the licensing survey.

now it may be that it is not intended for local residents, only rather only for those with specialised knowledge of the business and regulatory side, but i have to say - and i am a writer and journalist - that i found it totally incomprehensible, i persevered to about p. 3, but it was all couched in this impenetrable local government jargon. i don't see how anyone can figure out what on earth you are on about.

maybe that's my problem and the consultation isn't intended for me anyway. if so, fine. if not, and you do want a range of opinions from real people who actually live in the areas affected, perhaps even at this late stage you could send out a shorter, 'translated' version that the non-experts among us could understand.

regards, XXXX XXXXXXXXXXXX

R75 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a local resident living at XXXXXXXXXXXXX, W1D 3DZ.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

Business Improvement Districts, Property and Landowner Responses

R76 – 12/11/2020 (Marble Arch Partners)

Dear Sir/Madam

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

I am writing on behalf of the Marble Arch BID to respond to the City Council's proposals for the revision of its Statement of Licensing Policy and its associated Cumulative Impact Assessment 2020 report. Thank you very much for consulting us. The hospitality sector is an important part of our economy and a key reason why many people visit Edgware Road, and so the Council's approach to licensing is very important for the district, especially in the light of the impact of the Covid 19 crisis.

Cumulative Impact Assessment

I welcome the very thorough and informative Cumulative Impact Assessment, but I am concerned that the crime data lacks context in places. There have been significant reductions in Police numbers and a reorganisation of the borough policing team into a tri borough unit and a reduction in DWO numbers over the study period. All of these would be likely to contribute to rising crime. Specifically, for Edgware Road our concerns are:

1. We know that vice and prostitution is prevalent throughout the area (cards are put in telephone boxes on a more than daily basis) and we know that such activity is related to violent crime and drug offences in a much more significant way than to licensed premises. There is no mention of vice or prostitution in the assessment.
2. The area experiences gang related crime that spills over from north of the Marylebone Road.
3. At the southern end of our area, the report does acknowledge that crime may be related to commercial activities in the neighbouring area (e.g. Oxford Street) but no mention is made of the impact of major events in Hyde Park that happen throughout the year and regular protests and marches that assemble at Marble Arch. These inevitably attract the attention of pick pockets, distraction thefts, cycle-enabled thefts and similar criminal behaviour unrelated to licensed premises.
4. Edgware Road experiences high levels of rough sleeping, both from genuine homeless people and foreign nationals in the UK for a short period of time that beg, some of whom are often aggressive and are involved in organised crime. These crimes which should not be linked to licensed premises.
5. There are several traffic accidents resulting in 999 calls which may not be attributed to licensed premises. Edgware Road is part of the Inner Ring Road and experiences high levels of traffic, and vehicles being driven at high speed. We have witnessed the results of vehicles being driven (accidentally) into licensed premises.

I am pleased to read that the study as a whole acknowledges that there is only a weak link between anti-social behaviour and licensed premises (p76) but this should be carried forward into the Statement of Licensing Policy and the policies, and ultimately decisions, need to reflect this fact.

Turning to Edgware Road specifically, page 123 of the Cumulative Impact Assessment 2020 summarises the findings for Edgware Road which say: "This suggests that alcohol-consumption and licensed premises activities may not be the main driver of crime in this area." It also says that for the area as a whole that the "evidence.... cannot be described as conclusive." This is welcomed, along with the removal of the Stress Area designation, but I would suggest needs to be carried forward and more robustly reflected in the Statement of Licensing Policy.

On the same page it states that “Records of enforcement visits over the last three years indicate that there are numerous problematic businesses in the area known to the City Council. This suggests that issues in the area may not be attributable to a saturation or type of licensed premises in the borough but linked to specific businesses.” This reflects some of my concerns over the crime figures, and I would suggest the Council should not adopt a blanket approach to the area. Instead I would propose that the Council should be encouraging more licensed premises into the area, which can be better regulated, and grant extensions to those premises that have a good track record of responsible behaviour, in order to create competition against those problematic businesses, and encourage them to resolve their problems. I am therefore concerned that the current concluding sentence on page 123 which states “careful scrutiny of licence applications should be considered in this area to ensure it is not once more characterised by cumulative impact” is not an accurate reflection of the findings of the assessment for Edgware Road. Rather, careful consideration is required for those problematic premises, but that applications for new licences from responsible operators should be encouraged and allowed to compete on an equal footing with existing premises in the area.

Statement of Licensing Policy

I welcome the statement in Para 3.4: Queensway/Bayswater and Edgware Road were found not to be under cumulative stress and that crime incidents could not be conclusively linked to licensed premises. I have made some suggestions above as to why this could be the case.

I welcome para 4.9 and Policy CD1. However, para 2 of the considerations which states “The levels of crime and disorder in and around the venue” is too broad. The Impact Assessment recognises the weak relationship between licensed premises and crime incidents. By and large, individual venues are not responsible for the crime in their area, and particularly so for new establishments that should be encouraged into our area.

I support the policy PS1 Public Safety and PN1 Prevention of Public Nuisance but have a concern over criteria 1 under PN1 which states: “The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises.”

Whilst this is supported, each application must be treated fairly and evenly in comparison to its neighbouring businesses, and must not have imposed different conditions or opening hours from its business neighbours so that it can compete on a level playing field. The fact that a neighbouring business might be attracting anti-social behaviour should not be used to discriminate against the applicant for an unconnected business. The impact assessment refers to problematic properties in our area and it is unfair to impose strict conditions on a new business or well managed existing businesses simply because other businesses are causing problems.

I welcome and wholeheartedly support the removal of the Cumulative Impact Zone for Edgware Road and believe this is properly justified. However, as I have stated above, there are several other causes of crime in the area other than that caused by licensed premises and would request that para c.9 reflects this and the findings of its own Assessment which states that “alcohol consumption and licensed premises may not be the main driver of crime.” I note that para c.9 makes no mention of shisha smoking and its clustering on Edgware Road. It would be helpful to know if the Council is still lobbying for shisha smoking to become a licensable activity.

On a more detailed point, the map on page 124 includes two pubs that have not existed throughout the study period – The Old English Gentlemen at Nutford Place (this is a restaurant) and The Tyburn at the southern end of Edgware Road was demolished several years ago as part of the Marble Arch Place scheme.

Whilst we welcome the removal of the cumulative impact designation for Edgware Road, we dispute some of the analysis that links licensed premises to crime in the area. A significant amount of crime is not directly attributable to any individual licensed premises in the area as I have set out above. More flexibility should be given for new licences sought in the area, to encourage new activities in, and as these are new licences, then the Council can require better management policies and practices. This will not only help in reducing the currently high vacancy rates in the area but also help create competition between licensed premises which might result in a general levelling up. The Impact study states that there are some problematic premises along Edgware Road, and it is unfair that licences not connected with these problematic premises should suffer as a result.

Yours faithfully

XXXXXXXXXXXXXXXXXX

R77 – 13/11/2020 (Soho Estates)

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a Director of a business operating in Soho, trading as Soho Estates, XXXXXXXXXXXXXXXXXXXX, XXXXXXXXX.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

XXXXXXXXXXXXXXXXXXXX

R78 – 04/11/2020 (Shaftesbury) (Initial COVID-19 Proposal)

CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION – COVID 19

Thank you for the invitation to comment on the current Westminster City Council Licensing Policy Review. Shaftesbury enjoys a strong working relationship with the Council and welcomes the opportunity to make submissions, drawing on the company's extensive ownership of licensed premises within Westminster.

Shaftesbury owns and manages a 16-acre property portfolio in the some of the busiest parts of London's West End. The holdings are focused on restaurants, leisure and retail in the highly popular locations of Carnaby, Chinatown and Seven Dials and also includes substantial ownerships in East and West Covent Garden, Soho and Fitzrovia. The portfolio comprises 607 restaurants, cafés, pubs and shops, extending to 1.1 million sq. ft., 616 apartments and 0.4 million sq. ft. of offices. We focus on the sustainable re-purposing of existing buildings and aim to minimise the environmental impact of our operations across the business.

The outbreak of the COVID-19 global pandemic has served to emphasise the importance of ensuring that Westminster has policies which support and encourage the economic sustainability of the licensed trade, as well as promoting the licensing objectives. This letter relates specifically to your request, in your email dated 21 October 2020, to provide input in relation to the inclusion of a COVID-19 specific policy in Westminster's Statement of Licensing Policy ("SLP"). We have provided this response separately so as to give Westminster as much time as possible to consider our proposed approach, and will respond fully and separately with a complete response to the consultation on all other matters.

The Relevance of the Pandemic

The COVID-19 pandemic has had an unprecedented impact upon life in London and across the globe. The devastating economic consequences of the pandemic have been felt particularly keenly by London's hospitality industry. According to UK Hospitality, COVID-19 is expected to result in a 56% reduction in revenue across the hospitality sector as a whole, amounting to losses of approximately £73.4bn. In London, the loss of inbound expenditure from international tourism alone is expected to be at least £12bn.

Before the COVID-19 pandemic, Westminster's Evening & Night Time Economy ("ENTE") businesses (excluding hotels) actively delivered £2.5bn in direct revenue in 2013. In the same year, ENTE businesses operating in the West End Cumulative Impact Area alone generated £428m in sales revenues. In addition, Westminster's corporate ENTE revenue totalled a further £1.35bn. It is reasonable to assume that these figures would have increased during the following 6 years up to 2019/early 2020, but will have decreased very significantly as a direct result of the COVID-19 pandemic.

Against this backdrop, ensuring that Westminster's SLP provides appropriate flexibility to facilitate the survival of existing licensed businesses, the ability to welcome new operators and economic recovery in the wake of the pandemic is critical. Shaftesbury therefore welcomes Westminster City Council's indication that it is willing to consider the introduction of appropriate policy support for the businesses hardest hit by COVID-19 in its SLP. Given the importance of the issue, we have taken legal advice from Counsel on the appropriateness, feasibility and wording of a specific 'COVID-19 Policy' and have appended his opinion to this letter. In light of Counsel's advice, our view is that an appropriately worded policy to tackle the impact of COVID-19 upon the licensed trade can and should be included within Westminster's SLP.

The Approach to a COVID-19 Policy

It is important to recognise that, as they presently operate, licensed premises simply do not have the same potential to impact upon the licensing objectives (individually or cumulatively) as they did before the pandemic. Recovery will take time and licensed businesses will need significant practical as well as financial support if they are to survive and ultimately to thrive in the longer term. Unnecessarily restricting their operation during the pandemic and the period of regeneration that will follow would find businesses hamstrung by the existing and proposed policies and prevented from much needed economic recovery. It would be at odds with the Government's objective of 'getting the economy going again'.

Shaftesbury itself takes a proactive stance to promoting the licensing objectives and to ensuring the areas of central London within its control providing custodianship over the public realm and a high quality, managed environment that can be enjoyed by residents and visitors alike. We therefore recognize that any COVID-19 policy should not be overly prescriptive and should ensure that Westminster retains an appropriate level of control over how, where and for how long licensing restrictions are relaxed.

In light of the above and in line with Counsel's advice, we propose that Westminster City Council introduce a three part test when considering relaxations of restrictions on licensed premises:

Where an applicant can demonstrate that:

- (1) It has suffered and/or will suffer adversely from the impact of the COVID-19 pandemic;
- (2) Granting the application would mitigate the impact of COVID-19 or promote economic recovery following the pandemic; and
- (3) The application can be granted without adversely impacting the licensing objectives.

The third limb of the test could consider the applicant’s track record for operating premises in a manner which promotes the licensing objectives and/or a proposal for a robust set of measures to ensure the responsible management and operation of the premises. Our view is that there should be a presumption in favour of granting an application if the applicant can satisfy each of the three limbs of the COVID-19 Policy test. Counsel has suggested two options for consideration:

- (1) a COVID-19 Policy which applies regardless of where the premises in question are located; and/or
- (2) a COVID-19 Policy which applies to premises located in the Cumulative Impact Areas and specifically to the usual policy presumption in CIP1.

These policy options would avoid disproportionate restrictions being imposed on businesses in circumstances where, as a result of COVID-19, the cumulative impact of licensable activities has been dramatically reduced.

The benefit of such a policy is that it would provide the necessary flexibility to support businesses to recover following the impact of the pandemic, whilst ensuring the promotion of the licensing objectives and ensuring that Westminster retains control over decisions, which are made on a case by case basis. Counsel has proposed specific wording for a policy to achieve this objective in his advice, and we would endorse that wording.

The Duration of the Policy

As to the time during which such a policy would take effect, our view is that there are two main options. The first would be expressly to time limit the policy, such that it ceases to take effect on a specified future date. Alternatively, the policy could be subject to wording which makes clear that it shall cease to take effect upon a resolution by Westminster’s Licensing Committee that the policy ceases to operate. This approach, which could involve setting relevant triggers for such a resolution (such as the repeal of relevant ‘coronavirus regulations’ passed under the Health Protection (Control of Disease) Act 1984) would perhaps provide greater flexibility.

Conclusion

We are firmly of the view that the inclusion of a policy which facilitates the recovery of licensed businesses in the wake of the COVID-19 pandemic is achievable and is critical to ensuring Westminster’s continued reputation as a world leading cultural and commercial hub.

Thank you for your consideration of this consultation response. We will be in touch with further comments on the main SLP review in due course.

Yours sincerely,

XXXXXXXXXXXXXXXXXXXX

R78 – 13/11/2020 (Shaftesbury) (Final Submission)

CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION

We write further to our letter of 4 November 2020, with our detailed response to the full Review of the Statement of Licensing Policy. Since we sent that letter with our proposed COVID-19 policy, the UK has again gone into ‘lockdown’ with theatres, restaurants, pubs, and bars all forced to close. This only serves to strengthen the importance of including a COVID-19 specific policy in Westminster’s SLP, and we reiterate, if anything with greater urgency, the representations we made then.

We also indicated that we would respond fully and separately to you on matters in the current Westminster City Council Licensing Policy Review other than COVID-19 and it is to that end that we now write. The letter of

the 4th November and this subsequent response should be read together as Shaftesbury's full response to your consultation.

In addition to raising the need for a COVID-19 specific policy in Westminster's Statement of Licensing Policy ("SLP"), the outbreak of the COVID-19 global pandemic has emphasised the importance of ensuring that Westminster has in place an appropriate suite of licensing policies, which allow Westminster Evening & Night Time Economy ("ENTE") businesses to survive and flourish, as well as promoting the licensing objectives.

In the attached ANNEX to this letter, we detail our full response. By way of introduction, I can give you the following summary of our response:

1. With our long and extensive experience of ownership of licensed premises, we strongly disagree with the principle of any tightening of the policy generally, and specifically in relation to the newly proposed policy hurdles in CD1, PS1, PN1 and CH1, where the Licensing Authority will only grant applications that can demonstrate that they will promote the relevant licensing objective.
2. We welcome the removal of the area North East of Covent Garden from the CIA, but note also that the basis upon which Westminster's Cumulative Impact Assessment was conducted cannot now reasonably be regarded as reflecting the current levels of cumulative impact in the West End.
3. We believe that the concept of 'Special Consideration Zones' is one which could and should be more widely applied within certain areas of the CIA, and promote Carnaby in particular as an area which would be demonstrably suitable for the application of a Special Consideration Zone policy.
4. In terms of Core Hours, we welcome the exception for new bars/pubs but also support this specifically for ancillary restaurant bars, where the terminal hour should be later than 21:00.
5. We do not think it is appropriate, conceptually or presentationally to list restaurants alongside SEVs in the Core Hours Policy. Instead, they should be included in the limb of the policy that relates to cultural venues.
6. An additional 30 minute 'winding down' period following the Core Hours for licensable activities should be included within the Core Hours policy.
7. Changes to the premises use definitions are broadly supported, but we re-emphasise the importance of clarifying that ancillary restaurant bars benefit from a 23.00 terminal hour.
8. We welcome the proposed policy for members clubs, but note the improbability of new qualifying clubs coming forward, and suggest the inclusion also of proprietary clubs, which we believe would be in line with the emerging Soho Neighbourhood Plan. We also believe there should be a new policy for competitive socialising venues.
9. We recommend the inclusion of a new policy dealing with external seating, giving greater flexibility in terms of the size and hours during which such areas are used and do not support an automatic cut-off at 11pm in appropriate cases and locations.

Shaftesbury PLC

Shaftesbury owns and manages a 16-acre property portfolio in some of the busiest parts of London's West End. The holdings are focused on restaurants, leisure and retail in the highly popular locations of Carnaby, Chinatown and Seven Dials and also includes substantial ownerships in East and West Covent Garden, Soho and Fitzrovia. The portfolio comprises 607 restaurants, cafés, pubs and shops, extending to 1.1 million sq. ft., 616 apartments and 0.4 million sq. ft. of offices. We focus on the sustainable re-purposing of existing buildings and aim to minimise the environmental impact of our operations across the business.

Shaftesbury's strategy is one of long term investment within these key locations. This forms part of a long-term commitment to support and improve its villages, maintaining and improving the building stock through refurbishment and enhancing the profile and visitor experience of the villages through tenant mix strategy and an on-going programme of promotional events and initiatives. Shaftesbury works closely with Westminster in many ways including partnership in public realm improvement schemes and long-term participation in local stakeholder initiatives.

Shaftesbury takes a considerable interest in the nature and mix of uses within its estate. For example, we recently commissioned independent research by MAKE Associates (See ANNEX 2) which conducted a detailed analysis of the nature and impact of the uses around Carnaby Street. In this location we have been instrumental in instigating a move towards restaurants and food led operations, in particular turning Kingly Court into a 'destination' for experiential, casual dining and leisure concepts whilst retaining the world famous retail nature of the street frontage in Carnaby Street. This is a characteristic example of the strong positive curation strategy that Shaftesbury has implemented over the areas in which its landholdings lie.

Management of Licensed Premises within the Portfolio

Shaftesbury works extremely closely with tenants to maintain a high level of control and operational quality within all commercial premises. Examples of this across the villages include:

- Careful vetting of incoming tenants and curation of operator mix within villages
- Stringent leasehold covenants and obligations
- Estate regulations and guidance
- Estate management teams
- 24/7 estate security, including security patrols and an extensive CCTV network, for example: 76 cameras across the Carnaby estate, including 14 in Kingly Court alone, and planning permission for a project to implement CCTV into Chinatown which has been supported by the Metropolitan Police.
- Close and regular contact with principals and on-site staff
- Membership of the Safer West End Business Crime Reduction Partnership
- Tenant radio links to the police and 24/7 estate security
- Organised lines of communication to quickly issue notification of emergencies and share information between tenants, managing agents, the responsible authorities and estate security
- Partnership working with the City Council on variety of measures managing public realm, including discussions about a Licensing Charter for Carnaby
- Safeguarding and promotion of safe places, to support those who may be vulnerable as a result of intoxication or other issues associated with the ENTE

We also undertake annual checks on all our tenants' licences and lodge s.178 notification of interests in respect of our licensed tenants. As a result of this proactive landlord approach, we are not aware of a single application to review any of our tenants' licenses nor any similar proceedings against any of our tenants during the term of the current policy. These measures promote the licensing objectives and should be taken into consideration, not only in application where Shaftesbury is landlord, but also in considering our comments regarding Special Consideration Zones.

This is of particular relevance to licensed premises where licenses are monitored closely and direct intervention undertaken where appropriate. It is with this in mind that we have provided our comments upon Westminster’s proposed policy in the ANNEX to this letter.

In conclusion, we are generally supportive of the some of the changes Westminster has proposed to make to its SLP but there are a number of narrow but important aspects of the proposals which should be amended to ensure that the SLP is fit for purpose, proportionate, and promotes the licensing objectives and most importantly helps the hospitality industry in the West End to recover.

Thank you for your consideration of this consultation response. We would be delighted to discuss our response in more detail if you would like to.

Yours sincerely,
XXXXXXXXXXXXXXXXXX

ANNEX 1 – SHAFTESBURY - FULL RESPONSE TO CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION

Review of Licensing Policy

Shaftesbury has long recognised the economic, cultural and social benefits of the ENTE, particularly the growth in popularity of small to medium sized restaurants over recent years. This has facilitated the increase in the range of different cuisines and food concepts now available in the West End, particularly in the mid-priced, independent sector. This movement has added to the overall West End experience and therefore the appeal of the area for a broad range of visitors, often as an alternative to more alcohol-focused venues. The cultural, social and economic benefits to the West End of the growth in this sector are clear. West End ENTE and hospitality businesses make a key contribution to Westminster’s reputation as a world class city.

Recently, Shaftesbury commissioned MAKE, the specialist ENTE consultant to produce the enclosed report in relation to a successful application for a new licence (ref 20/04102/LIPT) for the basement unit of 59-51 Carnaby Street in the West End Cumulative Impact Area (“CIA”). The conclusions of the report are of wider relevance, however. They demonstrate that even Soho, let alone the West End as a whole, is not homogenous. It is comprised of different areas each with its own distinct character; Chinatown for example, is popular as a late night dining destination, eastern Soho is more late-night drink-led, whilst Carnaby is a tightly managed restaurant area.

Looking specifically at Carnaby, the MAKE Associates report (attached at ANNEX 2) demonstrates that the vast majority of the premises around Carnaby Street close before midnight. Only 5 (13%) of the 38 premises surveyed were drink-led venues, with the vast majority of venues closing at or before midnight.

As is self-evident (and recognised by Government Guidance), different types of licensable activity may impact upon the licensing objectives in different ways. It is unsurprising, given the different character areas within the West End, that the impacts of licensed premises on those objectives are *not* evenly dispersed across the West End. The MAKE report makes clear that there are some areas which have little or no impact, cumulative or otherwise, upon the promotion of the licensing objectives, even though they are inside the CIA. Others, however, are hotspots.

When reviewing the Carnaby area and Kingly Court, MAKE conducted a detailed analysis of the character and impact of the premises in the area. It’s conclusions merit quotation in full:

“The Carnaby area has been carefully ‘curated’ by its largest local landowners, Shaftesbury, to be a food and retail driven destination, with a limited late-night alcohol and socialising offer that attracts a more upmarket crowd. As is shown in the following crime and disorder and ASB sections, this has proved fruitful because the area around Carnaby and Kingly is low (even non-existent) in recorded incidents relative to the rest of the West End Stress Area...

Unlike many parts of Soho, whilst there are some incidents, there in fact no discernible cumulative impact in Carnaby Street or Kingly Court despite a large agglomeration of licensed premises here. This is most likely, as noted above, because there are no young persons’ alcohol-led 100% vertical drinking licensed premises here. The venues that are located here are food-led and which attract an older and more sophisticated clientele. Shaftesbury’s 24hr, 7 day a week security services will also play an important part in ensuring any problem individuals who may venture into the area are dealt with promptly. This generalised approach to cumulative impact. i.e. the amalgamating of both unproblematic areas (such as Carnaby and Kingly Court) with those that are problematic (e.g. Old Compton Street or Wardour Street) is an area that the new 2021 Westminster Statement of Licensing Policy will need to grapple with during its re-drafting in 2020.”

Against this background, we make the comments below on the proposals for Westminster’s SLP, and we would welcome the opportunity to discuss the policy and responses after the end of the consultation and an on-going basis.

Cumulative Impact Areas

We welcome and support your decision to remove the area to the North East of Covent Garden from the West End Cumulative Impact Area. We agree that there is no substantive evidence of a link between the licensed premises in the area and any cumulative impact upon the licensing objectives. It demonstrates the literal sub-division of the West End into a number of different character areas and reflects how management and curation can have a positive effect. Shaftesbury is the majority owner of property in the area East of Covent Garden that Westminster proposes to remove from the CIA and it shows that the absence of a link between the licensed premises in that area and an impact on the licensing objectives is as a result of the careful and proactive approach we take to curating the tenant mix and managing our licensed premises.

As Westminster appears to recognise, the 2017-2019 data relied upon in its 2020 Cumulative Impact Assessment cannot reasonably be regarded as reflecting the current levels of cumulative impact in the West End, which is presently at an all-time low. We have proposed, in our letter of 4 November, a separate COVID-19 specific policy that aims, to some degree, to address this. It would be naïve to think that it will be ‘business as usual’ following the pandemic. As we explained in our 4 November letter, the impact of COVID-19 has been particularly keenly felt by the ENTE and its consequences will be long lasting. Moreover, the effect of the pandemic is likely to go beyond simple economics. As London, the UK, and the rest of the world recover, there are likely to be significant social and cultural changes which impact the different ways in which people live their lives. In such circumstances, the utility of, and weight which can be placed upon the pre-pandemic data from 2017-2019 is limited.

New Special Consideration Zone Policies

We note with interest Westminster’s proposal to introduce new “Special Consideration Zones” in Edgware Road, Queensway/Bayswater, North East Covent Garden, along with areas in the West End, Victoria and Mayfair, where licence applications will receive a heightened level of scrutiny such that applicants must demonstrate in particular how they will manage local issues. We can in principle understand this approach. However, our view is that the policy should work both ways, so that that specific character areas presently within the CIA which have been demonstrated not to contribute

materially to the cumulative impact upon the licensing objectives are not subjected to the full force of the CIA policies. In this regard we feel, in particular, that the area around Carnaby would be suitable for inclusion in a Special Consideration Zone.

As indicated above, MAKE has provided independent and objective evidence to demonstrate that the premises in this area have “no discernable impact” on the CIA. Similar to our premises in the area North East of Covent Garden, Carnaby is tightly managed. The ethos of the area is one of “upmarket” independent restaurants which attract “an older and more sophisticated clientele”. Indeed, MAKE’s evidence is that on the rare occasions issues do occur in this area, they are “the result of people passing through the area rather than simply from the customers of a ‘cumulative presence’ of licensed premises in this area (as all but a handful of licensed premises are closed by midnight)”.

The Carnaby estate benefits from 24/7 estate security, 76 CCTV cameras, safeguarding initiatives, radio links and a whole suite of comprehensive estate management controls. This makes Carnaby eminently suitable for inclusion as a Special Consideration Zone, where applications should be considered against the backdrop of Carnaby’s unique characteristics and its curated infrastructure, which contribute to demonstrably promoting the licensing objectives in this area within the CIA. This close management of our area together with the low level of impact mean that a heightened level of scrutiny with a particular emphasis on addressing local issues would be a proportionate approach to promoting the licensing objectives, rather than the current CIA policy approach in Carnaby.

Indeed, this evidence was accepted and instrumental in the Licensing Committee recently granting a licence to a new live music venue operating until 3am in Kingly Court (ref 20/04102/LIPT). In addition to the Licensing Committee’s acknowledgement of the distinctiveness of this area, back in 2018, Shaftesbury was in discussion with the Council about implementing a Westminster Licensing Charter for the Carnaby area, in recognition of its particular character for restaurants and the estate management provided. This area has long been recognised as being different in character to the overall CIA. We therefore promote Carnaby’s inclusion as a Special Consideration Zone, rather than an area subject to CIA policies.

Core Hours

Shaftesbury welcomes the proposed change to the framework, which relates to the premises use type and support in particular the proposed extension to core hours for cultural venues.

We also welcome the exception for pubs, bars, fast food and music and dance venues within the West End CIA between 10:00 and 21:00. In our view, however, it is unlikely to be viable to operate a standalone pub, bar or music venue that opens only between the hours of 10:00 and 21:00. The real value of such an exception, in our view, would be in permitting ancillary bar areas within restaurants, where the primary use remains as a restaurant. In this regard, our view is that a more appropriate terminal hour for such ancillary restaurant bars would be 23:00.

We do not think that it is appropriate, conceptually or presentationally, to categorise restaurants together with SEVs. Restaurants are an important part of London’s cultural offering and contribute to its reputation as a world class city⁵. In the course of the past 20 years London has seen a gastronomic revolution, the effect of which has been to transform the City into an international restaurant destination offering some of the finest food in the world. There is no evidence that such restaurants are typically associated with any material or cumulative impact upon the licensing objectives. It is our view, therefore, that restaurants should be categorised together with Cultural Venues, and subject to the same Core Hours. Much like the character outlined in the draft policy for Cultural venues, the clientele that are attracted to

restaurants is much more closely aligned to that of Cultural venues than to SEVs, further demonstrating why the alignment of restaurants in hours policy is incongruent with SEVs.

We would also emphasise the contribution that restaurants that serve breakfast make to Westminster's cultural offering. The breakfast service at a restaurant cannot reasonably be said to impact upon the licensing objectives. It is, however, an important aspect of the culture associated with certain restaurants, with whole books written on the subject and an increasing preference in some industries for meetings at breakfast rather than later in the day.⁶ In our view, Core Hours should reflect this and give restaurants an opportunity for an extra sitting, particularly while capacity and space is squeezed by social distancing and beyond during the period of recovery.

Finally, the Core Hours policy should permit for a 30 minute 'winding down' period following the terminal hour for licensable activities. In practice, the licenses granted often include such a period. However, the experience during the 'lockdown' curfew at 10.00pm has demonstrated the challenges and issues for dispersal presented by requiring *en masse* departure at an early cut off time. These issues could be resolved by enabling a more gradual departure, for which the policy should make provision.

Premises use Definitions

We broadly support Westminster's proposed changes to its premises use definitions. As indicated above, however, the one matter which we regard as of particular importance is that the combined use policies should make explicit that bars within restaurants benefit from the new exception for bars/pubs, but are subject to a later terminal hour, of 11pm. Those bar areas should allow the sale of alcohol in ancillary and designated bar areas whether the customer is dining on the premises or not, providing the primary use of the premises remains a restaurant.

Private Members Clubs and Competitive Socialising

We note with approval Westminster's new private member's club policy. However, in reality it is unlikely in the extreme that many (if any) new qualifying clubs will seek to open in Westminster in the foreseeable future. Such clubs simply do not represent the predominant model in 2020. By contrast, proprietary clubs are increasingly popular, and share many of the same characteristics as a qualifying club. Policy 11 of the draft Soho Neighbourhood Plan, presently subject to examination and likely, in due course, to become part of Westminster's statutory development plan, includes positive policy support for new members clubs. In harmony with this approach, it may be desirable to include proprietary clubs within the scope of the policy.

There are also a burgeoning number of premises which provide for 'competitive socialising', a relatively new and distinct type of enterprise. These premises include activities like indoor golf, table tennis, and darts. The nature of these premises, most of which also serve food, is that the sale of alcohol is demonstrably ancillary to the main purpose of a visit, which is to play a competitive game, which often requires coordination. Given the increasing popularity of such venues, we would recommend that Westminster's SLP include a policy that makes specific provision for them, recognising the low impact that they have upon the licensing objectives, by virtue of the of activities on offer.

External Seating

The importance of making provision for outdoor seating has been drawn into sharp focus by the COVID-19 pandemic. Our view is that Westminster's SLP should make provision for this, giving greater flexibility, both in terms of size and hours, for premises to provide seating externally.

The tier 2 restrictions followed by the second lockdown which commenced on 5 November 2020 demonstrate the importance of premises facilitating socially distant outdoor interaction when premises are permitted to reopen. This can only be achieved through the use of external seating areas, and our view is that Westminster's SLP must recognise this, particularly alongside the al fresco schemes which have provided a lifeline to many hospitality venues in Westminster

General Tightening of Policy

We note with concern the proposal to tighten policies CD1, PS1, PN1 and CH1. The new wording "*Licensing Authority will only grant applications that can demonstrate that they will promote [the relevant licensing objective]*" would introduce a new policy hurdle for applicants.

The new test would be subtly stricter than the existing policy and go further than the tests set out in the Licensing Act 2003 and s.182 Guidance. The statutory scheme requires the Licensing Authority to consider the promotion of, and impact upon, the licensing objectives against the backdrop of a host of other considerations. The proposed additional wording in CD1, PS1, PN1 and CH1 goes much further by placing a strict and disproportionate prohibition on granting applications unless an applicant can demonstrate that it proactively promotes all four licensing objectives. We also note the requirements for dispersal plans and other evidence, which whilst we agree may be appropriate in some cases, it would not be in every application.

It is not an appropriate time to tighten the policy generally or specifically. We ask Westminster to resist following the historical trend, which has gradually tightened the policy under each review process. Tightening the policy now would further compromise the West End's reputation as a world class cultural hub. It would not be proportionate and would send a worrying message to existing Westminster businesses and new enterprise seeking to open in the West End, especially during a period of recovery.

We know from experience that our independent operators with more than one premises in London will actively shift their focus away from areas that are difficult to operate in, whether that be as a result of reduced footfall, but also where policies prohibitively affect their operations and ability to make a living, especially when their good conduct and reputation may count for nothing. Shaftesbury urges the City Council to consider the short and medium term effect of a more restrictive new SLP on the beleaguered ENTE in the West End, which is already subject to the 'doughnut' effect of severely reduced footfall and economic activity as a result of the pandemic.

Annex 2 – (Officers have removed the MAKE Associates Report from this report. If members wish to see a copy of this Annex, please contact the report author)

R79 – 13/11/2020

New West End Company – Strategic response to Licensing Consultation

Whilst welcoming the additional flexibilities offered in the proposed draft Licensing Policy brought forward by Westminster City Council, The New West End Company retains a number of significant concerns that the draft Statement of Licensing Policy will not support growth in the International Centre or the economic recovery post Covid-19 and consider that there is some conflict between the Zones and the emerging strategy for the regeneration of the Oxford Street District, particularly the need for greater flexibility of uses.

Our first concern relates to the Cumulative Impact Assessment and the data which has been used to inform the subsequent policy proposals. Whilst welcoming the data-driven approach provided by the policy, we are however concerned that the data used to justify the decisions and changes in the draft policies has a number of significant issues and deficiencies. Firstly, much of the data around crime and anti-social behavior cannot

be attributed to individual licensed premises. In addition to this, footfall has not been overlaid to provide an appropriate context to the data. We are also concerned that the data does not take into account the reduction in Metropolitan Police Service resources and officers allocated to the respective areas, and that much of the data is as also too old to be relevant to decisions being taken today.

Our second concern is that the additional flexibilities outlined in the policies do not go far enough. Whilst introducing a policy presumption in favour of new restaurants to operate to Core Hours is a welcome move, we cannot see any justification for a proposed terminal hour of 9pm for new bars or pubs, fast-food premises or dance venues. This is particularly relevant in the Oxford Street District and International Centre where the planning system is increasingly supportive of a greater flexibility of uses.

We also have reservations about the timing of the consultation being undertaken. The proposals represent the most significant change to Westminster's licensing policies in a generation, at a time when the future of central London is at stake and the full impact of Covid-19 has yet to be fully understood. We would therefore encourage Westminster to commit to further annual reviews for at least the next three years where the policy can be assessed both against the recovery of the evening and night-time economy and its ability to offer additional flexibilities around uses.

As a further point, we are also concerned about the uncertainty with regards to new applications and extensions of hours in Special Consideration Zones. How these applications would be determined, and the ability for operators to evidence that they are well-run is unclear. If an applicant is to invest in applying for an extension of their license, additional comfort is required in these areas in order to avoid effectively being at the whim of a licensing committee or held responsible for data and local issues which are outside of their area or control.

Finally, we would encourage Westminster to acknowledge the significant role that BID's play in the management of the evening and night-time economy. As Police resources have been withdrawn, the BID's have stepped-up, investing in their on-street teams and cleansing services to ensure the provision of a safe and welcoming environment for visitors.

For all of these reasons, whilst welcoming the direction of travel in providing more flexibilities than existed under previous policies, we are concerned about the additional uncertainty and that the proposed new policies could actually fail to support the evening and night-time economy or the recovery of central London at this critical time.

R80 – 13/11/2020 (Covent Garden CAPCO)

City of Westminster Statement of Licensing Policy Consultation

PROTECT COMMERCIAL

We write further to your invitation to comment on Westminster City Council's Licensing Policy Review.

Our submissions on the draft Policy are made from the position of our extensive ownership, and understanding, of licensed premises within Westminster and in particular the Covent Garden area. Capital & Counties CG And CG Nominee Limited ("**Capco**") owns Covent Garden Market, the surrounding Piazza and many other properties (see attached ownership plan). Capco is the majority landowner in Covent Garden and manages an estate of some 1.2 million sqft, over 85 properties, from its offices in central Covent Garden.

As a responsible estate owner, Capco invests very significant sums annually in running a team of over 100 stewards who manage the Covent Garden estate, extending to provision of 24/7 security and cleaning teams supported by extensive, state of the art CCTV and cleaning machines, gardeners, handymen and City Inspectors. Capco works in close collaboration with Westminster City Council in many respects.

We are committed to the future of Covent Garden and its role in supporting Westminster, and London as a whole, as a world class city. Capco is a long-term investor in Covent Garden; we support the City Council's high aspirations for Covent Garden as a place to live and work, alongside its role as a destination for retail, hospitality, culture and entertainment in the City.

The outbreak of the COVID-19 global pandemic has brought to the forefront the importance of ensuring that the City Council has policies which *support and encourage* the economic sustainability of the licensed trade, *as well as* promoting the licensing objectives. We firmly believe the two can stand shoulder to shoulder.

Following a careful and thorough examination on the data that has been made available by the City Council at the level of granularity shown within the Cumulative Impact Assessment, we believe that there is a strong case that Central Covent Garden should be further considered for exclusion from the proposed new cumulative impact area.

Capco Submissions - Background

We enclose two documents for your consideration. **Please note that these reports are commercially sensitive, hence why we have marked them "protect/commercial"** (so they are not subject to FOI):

(1) Covent Garden: Impact Analysis of Proposed Land Use Changes & Evening and Night-time Placemaking Review (MAKE Associates Report – September 2020)

(2) Westminster Cumulative Impact Assessment – Covent Garden and Capco Estate Analysis (November 2020)

The documents assess the evolution of Covent Garden over recent years, and in particular the change in use of the premises, from retail through to hospitality. The reports consider the loss of drink-led premises, safeguarding measures particular to the Capco estate – such as 24/7 CCTV and security teams, private cleaning operations, stringent and compulsory Operational Management Schemes, urban greening and upgrading, alongside assistance for vulnerable people and lost children and the impact these measures have on cumulative impact on the Capco Estate within Covent Garden and the surrounding areas.

The consequences of such measures have been, with reference to the Cumulative Impact Assessment:

☑ Overall, Covent Garden appears to be **significantly lower** - in terms of crime, ASB and noise and pollution incidents - than many other parts of the West End and more akin to East Covent Garden. This is particularly the case in comparison with Soho, the Leicester Square / Piccadilly Circus / Charing Cross Road / Shaftesbury Avenue locus, and the area around Charing Cross Station / Trafalgar Square / western end of The Strand.

☑ In Covent Garden, and the Capco Estate in particular, **theft** and **robbery** are both low (similar to non-West End parts of Westminster).

☑ Central Covent Garden, identified on the attached estate ownership plan has been included in a wider definition of Covent Garden where incidents take place which are wholly unconnected with Licenced premises e.g. Strand, Charing Cross station environs and underpass, the Agar Street soup kitchen and King William IV St tent city.

☑ A number of noise complaints relate to street performance in Covent Garden, again not an issue relating to Licenced premises.

☑ Broadly, **central** Covent Garden appears to have a low intensity of incidents of all types.

☑ Central Covent Garden is an intensively managed estate by a large landowner controlling over 85 properties. The high levels of security personnel, funding for City Inspectors, curation of the F&B tenant mix to introduce high quality operations and a responsible approach we believe have materially contributed to the low level of incidents.

Executive Summary of Position

Our submission, as supported by our analysis of the Cumulative Impact Assessment is that Central Covent Garden to be treated the same as East Covent Garden and should be moved outside of the Cumulative Impact Policy area, either in its entirety or be a Special Consideration Zone, rather than an area subject to CIA policies.

Reasoning

Following our review of the draft documentation we have identified a real concern about the definition of “Covent Garden” within the City Council’s Cumulative Impact Assessment report, and in particular the statistics that are used in the consideration of this area.

By way of example, the use of the Metropolitan Police definition of Covent Garden which we understand includes the underpass connecting Charing Cross with St Martin in the Fields. Our strong view is that these areas are **not** within the Covent Garden estate and we consider the inclusion of statistics associated to such area – including the soup kitchen and the “tent city” on King William IV Street (not being within our estate) and complaints/incidents associated with homelessness/drug abuse and not licensed premises **do not reflect the true figures attributable to Covent Garden and the licensed premises within it**. This is a key area to which we believe further consideration and refinement should be given to determine a more accurate view and understanding of the Covent Garden area.

To the South of Strand and outside of central Covent Garden there are several all-night uses which are not within a managed estate. Whilst the diversity of use is very welcome and these premises well run by well-regarded management teams, there will inevitably be incidents outside these operations which are unrelated to our estate.

Capco takes a hands-on approach to tenant curation and, as can be seen from the attached reports, a number of poorer quality, wet led operations have exited (due to Capco estate management) the estate to be replaced primarily with high quality restaurants with a high price point, attracting a more responsible customer. The latest example of this is Capco taking a surrender of the lease of the nightclub known as The Roadhouse (a tenant we inherited when we acquired the estate) which used to be a source of incident on the Piazza, albeit mitigated and well marshalled by our 24/7 security teams, which will be re-let to an appropriate new operator, backed by an OMS in due course, which we will have vetted.

Furthermore, we believe insight could be drawn from re-examining how central Covent Garden compares to those zones that were previously Cumulative Impact Policy areas (e.g. Edgware and Queensway) or those that were considered for cumulative impact (such as Bayswater and Victoria). This is because in some cases it appears that the crime and anti-social behaviour indicators for cumulative impact appear higher in some of those areas than central Covent Garden.

We believe the data projects a cogent argument that central Covent Garden to be treated the same as East Covent Garden and should be moved outside of the Cumulative Impact Policy area, either in its entirety or be a Special Consideration Zone, rather than an area subject to CIA policies.

We submit that the data presented supports the description of Covent Garden being a doughnut, with the Piazza - the “hole” - and relatively crime free. This, we say, is no coincidence and is linked to the way that we have managed and created the area for a number of years.

The CIA data records that the Piazza area accounts for just **0.8%** of all antisocial behaviour incidents reported in Covent Garden. The 'vicinity' of The Piazza accounts for just over **2%** of reported antisocial behaviour in Covent Garden, in the context over 45 million customer visits annually and even with our hospitality provision then this is an extraordinarily low number. The rest of Covent Garden sees the remaining 97% of reported antisocial behaviour in Covent Garden as a whole. We would suggest that this data clearly supports our contentions in relation to the incorrect designation of Covent Garden as a Cumulative Impact Policy area.

Whilst we acknowledge the Cumulative Impact Assessment as an impressive and thorough piece of research, a greater capacity for third parties to interrogate it, such as through vector mapping that allows the user to drill down to street level, would make a significant difference to the ability to *interpret* its findings.

Indeed, we consider it appropriate to be able to view the data or that the City Council produce more granular maps for stakeholders to evidence why their areas / premises are included inside the proposed CIP area. We would welcome that opportunity, or alternatively a forum in which our interpretation of the data can be discussed directly with the City Council, to present our views as to the viability of maintaining Covent Garden, and in particular the Capco Estate, as part of the Cumulative Impact Policy area.

Noise

Levels of noise and other complaints against street performers are high in central Covent Garden and around Strand and Charing Cross, these skew complaints data and are **not associated with hospitality venues** and so could you please confirm these have been excluded from the CIA.

Use Classes Order – Class E and Sui Generis

As can be seen in the attached reports Capco has been responsible for replacing 7 wet led operations e.g. the Rock Garden/Gardening Club (3 AM Licence not recycled) and Walkabout and 2 pubs to either retail or high-quality restaurants.

Capco feels that in hindsight perhaps too many of these have been lost and it seeks flexibility in trialling a small number of high-quality replacement bars, tightly controlled through Operational Management Plans both through the planning process and within leases. Capco uses Operational Management Plans extensively, pre – COVID-19, 17 hospitality premises were controlled through its leases, further contributing to the low level of incidents in central Covent Garden

The COVID-19 Pandemic

We recognise and welcome the comments in the consultation document about the difficulty that COVID-19 is causing and will cause. The data assessed and presented by the City Council is based upon 2017-2019 data, up to March 2019. It does not consider the impact of the COVID-19 Pandemic – against which there is likely to have been no cumulative impact during lockdown periods and limited problems even upon licensed / evening and night-time economies reopening. The conclusions made therefore apply only to historical circumstance, not to *current or likely future conditions* (short term or otherwise) under ongoing, and fluctuating, COVID-19 restrictions and uncertainties over the ability to vaccinate sufficient numbers of persons, especially when it is likely a large number of people will refuse the vaccine on safety grounds meaning infection levels remain high with tiered restrictions likely to remain.

It is clear the COVID-19 pandemic has had an unprecedented impact upon day to day life in London and around the world. The economic consequences of the pandemic have been felt across the board, however it would be true to say particularly keenly by the hospitality industry which will have a consequential negative impact on retail and cultural sectors.

According to UK Hospitality, COVID-19 is expected to result in a 56% reduction in revenue across the hospitality sector as a whole, amounting to losses of approximately £73.4bn. In London alone, the loss of inbound expenditure from international tourism alone is projected to be at least £12bn. To that end, and with the long-term effects of the pandemic still unknown, we consider it entirely appropriate that a COVID-19-specific policy be considered by the council.

There must be at least temporary respite for licensed premises to be able to recover from the pandemic and a more flexible licensing policy in the short to medium term is essential. We can see through the temporary alfresco arrangements permitted by the City that there were few complaints in central Covent Garden and by your own survey 95% of residents supported these measures. One influential resident in Covent Garden referred to the estate as the '*grown-up big brother to Soho*' - testimony to how well-run hospitality works within a mixed use district when coupled with responsible estate management.

It is well documented that the pandemic has accelerated structural changes in the retail sector and so implementing a too rigid policy will leave a vacuum of empty premises without a viable alternate use

Other Policies

Aspects of the policy are very welcome, for example that new bars may be permitted until 9pm, although we believe this terminal hour should be longer, in appropriate cases, particularly during COVID-19 and recovery. This would be a complimentary offer to existing theatre bars in the area. That would also be very beneficial to bars in restaurants, again ideally with later hours, which also due to enhanced footfall, benefit other ground floor uses where for example flagships retail units regularly trade to 10:00 P.M.

It was clear from the first post lock-down reopening that footfall does not increase without the support from hospitality venues as customers increasingly demand experiences as part of their shopping and cultural activities.

We would be opposed to any tightening of licensing policy for example in respect of CD1, PS1, PN1 and CH1 where it is proposed "*(the) Licensing Authority will only grant applications that can demonstrate that they will promote [the relevant licensing objective]*" which would introduce a new and stricter policy hurdle for applicants, thereby negatively impacting any hope of a quick post COVID-19 recovery.

Generally, we believe that there needs to be adequate recognition of the harm that COVID-19 has and is doing to the hospitality economy and licensing should recognize that as a way of mitigating that loss.

A policy of this nature has never been drawn up in such a crisis as we are currently experiencing and there could be serious ramifications to large sections of the West End economy, the powerhouse behind UK GDP, if drawn too restrictively and so we would urge a flexible case by case rather than blanket approach

We would welcome the opportunity to discuss the above matters and suggestions with you prior to the City Council making a final decision as to the Statement of Licensing Policy for the next five year period.

Yours faithfully

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(Officers have not included the two reports that the CAPCO response refers too. If members of the Licensing Committee wish to review these documents, please contact the report author)

R81 – 13/11/2020 (The Crown Estate’s)

Dear Sir/Madam

Licensing Policy and Cumulative Impact Assessment (CIA), 2020

Thank you for the opportunity to comment on the ‘Licensing Policy and Cumulative Impact Assessment, 2020’. I set out an overview of The Crown Estate’s responses below, which are detailed in the attached reports. In summary, at a high level, we have two main requests, that the boundary line for West End CIZ and the SCZ is amended as below and to protect existing licensed premises within responsible redevelopments.

Background

The Crown Estate are the long term owners and managers of Regent Street and half of St James’s with a proven track record of responsible management and working in tandem with Westminster City Council. We are established partners in the West End, and take a long term view of our investments and assets. As part of this approach, we work as an active landlord that builds close working relationships with our customers.

We carefully consider the locations, concepts and terms of operation of licensed premises as part of a long term managed mixed use portfolio. We understand the value of finding the right occupiers not only for users and visitors of the West End, but our adjacent customers, stakeholders and the wider community which experience such uses.

We welcome the recent work by the council to support licensed businesses throughout the challenges in response to Covid-19. We are committed to continuing to work closely with Westminster City Council, as well as our customers and stakeholders, and welcome the opportunity to comment on the proposals to promote our shared vision of a better West End.

Responses

We recognise the need for Westminster City Council to effectively manage the wider evening and night-time economy.

The majority of our Central London portfolio is located within or adjacent to the West End Cumulative Impact Zone, in responding we seek to address changes that relate to our holdings. We have commissioned **Arcola Research LLP in association with Phil Hadfield** to produce a report that details our response to this consultation. This letter seeks to summarise some of those findings and provide an overview with the detail and supporting material included as an appendix.

However, whilst we wish to comment predominantly on proposals related to the Cumulative Impact Zone and our estate, we would also like to note our support for other revised policies that seek to promote inclusion and safeguarding as part of the licensing process.

Cumulative Impact Assessment

We welcome the detailed evidence-based approach of the new proposed Cumulative Impact Assessment. However, as part of our appendix report, we believe that further considerations need to be made to the context of some of this data including the unique position of the West End when compared to other areas (including tourism), dispersal around transport hubs and other social factors. Some key considerations highlighted in our appendix report are:

☒ The need for Evening and Night Time Economies (ENTEs) of which the West End is a prime example, to be supported to recover, become more resilient and, more importantly, to innovate for the future – including exploring how ‘flexing regulations’ can help physical distancing in response to the pandemic, whilst promoting long-term cultural change to opening hours as well as changing citizens’ habits.

☒ A recognition that – whilst the research techniques applied in developing WCC’s Cumulative Impact Assessment are robust, effective and generally persuasive - they to some extent lack the granularity and ‘place nuance’ that could have been reflected in the CIA through the use of techniques like behavioural observation and stakeholder interviews

☒ The application of such research techniques in our own commissioned research suggests that some of the ‘problematic incidents’ associated with licensed premises in some key areas of the Cumulative Impact and Special Consideration Zones – notably in those areas in which the bulk of TCE’s estate is situated – can largely be attributed to the ‘dispersal flows’ of people moving to key transport hubs, rather than generated from licenced venues within The Crown Estate’s portfolio (TCE).

☒ Hospitality and Leisure uses that are licenced within our core West End portfolio make up less than 7% of the property portfolio. The majority of this portfolio is made up of non-food retail – in particular high end fashion goods and offices. Of the ‘licensed premises’ part of the portfolio, 66% are restaurants in which alcohol plays an ancillary function. Pubs and wine bars constitute only 7% of TCE licensed premises and therefore only represent approximately 0.5% of the total core West End portfolio. Only 4% of TCE’s licensed premises are categorized as night clubs. Pubs and wine bars in the TCE core estate make up only 5% of the pubs and wine bars within West End Cumulative Impact Zones 1 and 2, and less than 2% of the Borough total.

Special Consideration Zone (Policy SCZ1) – Revised Boundary

We are pleased by the decision not to seek an expansion of the West End Cumulative Impact Zone at this time and we recognise the objectives of the new Special Consideration Zone for Mayfair and the area to the West/South of the existing CIZ, which will serve as an intermediate in policy terms requiring sensitivity and appropriate mitigation. However, we would welcome further information on requirements for applications and future reviews of the Special Consideration Zone(s). Page 3 of 4

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In light of our appraisal of the Cumulative Impact Assessment, our main objective of this response is a proposed revised boundary for the Special Consideration Zone as shown below (see also the map on page 28 in the appendix report). The Special Consideration Zone amendment would be to include the whole of Regent Street, excepting the area immediately around Oxford Circus, and Regent Street St James's, Piccadilly Circus, and St. James's Market area.

We are committed to working towards the licensing objectives set out by Westminster City Council. As a major landowner we would be able to reflect this within the management across our assets within the Special Consideration Zone, which in turn would be secured through sufficient mitigation and oversight of licensed premises by the local authority.

By making these revisions to the Special Consideration Zone this will enable us to take a more flexible and adaptable approach to our assets at an important time for Regent Street and the wider West End. Recognising the assessment given above, if these areas are included within the CIZ, redesignation of premises according to their use would risk limiting the ability for managed innovation that supports the wider business eco-system, together with the evening and night-time economies, if they do not fit into appropriate categories.

This is critical to the necessary evolution of the portfolio to retain its status as a globally renowned and pioneering destination within Westminster and London as a global city and to attract visitors and workers to return to the West End for the benefit of all stakeholders. Quarantine and social distancing has led to increased adaptation of online retail and a deceleration of office densification. It is estimated that it will be at least 2023 before international tourists return to 2019 numbers. Our internal research on retail trends show that experiences are rising as the strongest driver for retail footfall. High street and shopping destinations should provide rich F&B, entertainment and leisure options to attract footfall as the pandemic has accelerated and embedded new ways for consumers to work, shop and play online to the detriment of the built environment.

We believe that these revisions would still be consistent with the overall aims of the City of Westminster, specifically the SLP review, the Licensing Act 2003, and, specifically, the licensing objectives. As a long term landowner focused on delivering value for the nation, with contiguous holdings, we have shown what careful curation can do to enhance an area. We will apply the same philosophy to our approach to licensing, in effect a masterplan approach, using all our skills, working within your policies for the betterment of the area.

Protection of Licences for Redevelopment

One of the other issues we have identified that we believe should be considered and addressed as part of the policy consultation and review is the treatment of existing premises licence where a building is demolished and redeveloped. We believe that this adversely affects landlords with larger holdings which may include multiple licensed premises where they wish to redevelop the site as a whole. This may discourage proper investment to improve areas of the City of Westminster which we believe should be avoided. We have attached a detailed submission in that regard as part of our response which sets out the issues and concerns that arise.

I trust that the above comments are clear in expressing our views along with the detailed response in the appendix, and I would be grateful if you could keep me informed of future updates in relation to these emerging policy additions/changes. Please do not hesitate to get in touch should you wish to discuss.

Yours faithfully
XXXXXXXXXXXXXXXXXXXX

Appendix 1 - Response to Westminster Council's public consultation on its review of Licensing Policy and Cumulative Impact Assessment, 2020 – *Arcola Research in association with Phil Hadfield*
Appendix 2 – Protection of licences for redevelopment

(Officers have not included the Appendices to this response. If members of the Licensing Committee wish to view these documents, please contact the report author)

R82 – 14/11/2020

The Northbank BID response

The Northbank BID area has high quality hospitality, theatres, cultural, universities, retail and other leisure industries. The area is the gateway to the West End which attracts visitors from around the world to enjoy the night life. We wish to nurture the best London offer for visitors to enjoy and we are passionate about ensuring that “offering” is of the highest quality; including evening and night experience which is safe and welcoming.

The BID area is a busy multi transport hub for day and night travel. This includes many 24 hour tube and bus routes for buses, underground services. As such many people are traveling through the area while on their way to other areas in the West End.

The BID prioritises area safety and we work to align priorities, resources and information by working closely with partners including is working closely with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lane, Night Czar.

The Northbank BID welcomes and supports Westminster City Council's work to create an appropriate Licensing Statement Policy which recognises, that Covid has created extremely challenging times for the hospitality sector due to “the current unprecedented nature of the impact that COVID19 has had on footfall in the area, the Licensing Authority will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types within this zone at this time. It is believed that this approach, at this time, will not impact the Council's duty to promote the Licensing Objectives. However, as the city recovers, visitor numbers increase, and associated incidents rise outside the current West End Cumulative Impact Zone, the Licensing Authority will review this approach.”

Businesses currently need support and stability to enable them to plan for the challenging times in the short and mid term and beyond. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with. Businesses need to be able to adapt to the new trading environment to deliver central London recovery for a thriving economy.

Proposed changes to the Statement of Licensing Policy

WCC recognises the large contribution by licensed premises make to the city and the economy, the Licensing Policy also aims to enable WCC to promote the following objectives: prevent crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm. The current Statement of Licensing Policy is proposals include changes for:

- a. Addition of a statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy. Reflecting Equality Act 2010 to promote and embrace inclusion
- b. Summary of 2020 CIA

- c. Introducing a revised policy framework for the Licensing Objectives Policies:
 - CD1: Prevention of Crime and Disorder
 - PS1: Public Safety
 - PN1: Prevention Public Nuisance
- d. Revision of the Protection of Children from Harm Policy (CH1) and including safeguarding as a key consideration within that policy
- e. Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revising the Cumulative Impact Policy – CIP1.
- f. Removing Cumulative Impact Zone designations for Edgware Rd and Queensway/ Bayswater.
- g. Introducing a revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities
- h. Introducing a new Special Consideration Zone Policy- SCZ1.
- i. Updating the policy framework for premises use policies and associated updates to policy narrative where necessary.
- j. Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues.
- k. Creating a stand-alone policy for Qualifying Clubs.
 - Orange: Zone 1 West End Cumulative Impact Zone (CIZ) with revised Cumulative Impact Policy (CIP1)
 - Yellow: Zone 2 West End buffer SZ1 Policy Area, Special Consideration Zones (policy SZ1)
 - Dotted line: West end stress area 2016

Questionnaire responses

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 Northbank BID supports the implementation a Cumulative Impact Policy with accurate area evidence.

We wish for this to be balanced with supporting the future growth of the hospitality sector in the Northbank area and to allow them flexibility to evolve and adapt to future challenges particularly in the recovery from Covid and its impacts. We wish to see how temporary changes bought in during this time can be adapted to be more permanent.

We are yet to see the full impact of Covid on the hospitality sector for our area and support licensing policy which can help new businesses which may be needed to replace ones which have closed as a result of the pandemic. Footfall in the Northbank area has seen a drastic reduction and it may be some time before they return to pre-covid levels.

We are also working to use the current window of opportunity to ensure a high standard of operation with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lane, Night Czar.

We wish to encourage all support for the pubs, bars, restaurants, hotels and nightclubs, all of which make such a vital contribution to London's nightlife, making it a world class destination for international and domestic visitors.

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment? The summary of these findings can be found on pages 8-18 on this link.

We welcome the commitment of WCC to review the Cumulative Impact Policy and we also welcome the decision of WCC not to expand its current Cumulative Impact Zones in the current climate. Cumulative Impact Policies should be reviewed at a suitable time so that that they do not hamper the recovery of business and the hospitality.

Both zone 1 and 2 are busy connections for rail, underground and bus routes so attract a higher proportion of people to them. The cause of incidents are driven by people travelling to the transport hubs and interchanges.

The good transport links themselves, can attract issues and crime as it provides efficient and easy access and dispersal for those wishing to attaining drugs, which leads to other anti-social behaviour. This can be seen by the hotspots at Charing Cross Station and Embankment Station.

4. The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can promote inclusion in Westminster. Do you agree with the inclusion of this expectation?

Yes

5. Comments

The Northbank BID supports inclusivity with its member organisations and is currently reviewing how to enhance this.

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

Yes

7. Comments

N/A

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 policies CD1, PS1 and PN1, please provide them below and state the policies and specific aspects that you are referring to:

n/a

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

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. If you have any comments about the proposed changes to policy CH1, please provide them below and state the aspects that you are referring to:

N/A

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

Yes

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

Yes

15. If you have any comments 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:

- Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2
 - Zone 1: We agree that the area of Zone 1 should not be expanded
 - Zone 2: SCZ is a busy transition and transport interchange for buses, rail and underground so while the incidents are high, this cannot be attributed to licensing policy for the area.
- Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)
- 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.

➤ We support the reduced area and the change of boundary.

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

N/a

17. - If you have any comments about the proposals to remove the Queensway/Bayswater and Edgware Road CIZ please provide them below.

N/A

18. Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them?

No

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

We support the proposal to apply core hours to 'types' of premises rather than licensable activity as this will attract a diverse range of visitors and support the cultural organisations in our area.

We wish to support the recovery of hospitality businesses following the impact of the current health crisis, we believe that the Core Hours Policy (HRS1) for pubs and bars, Fast Food and Music and Dance venues within the West End Cumulative Impact Zone should be Monday to Sunday: 10.00 to 22.30. This would retain the distinction between the West End Cumulative Impact Zone and areas outside it, but would support venues at this difficult time by allowing a longer trading period which could reduce their need to apply for an extension of hours.

This would also be particularly helpful for any new businesses looking to start up within the Cumulative Impact Zone as a result of other premises having closed down due to the health crisis.

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

No

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

We do not support the proposal to introduce new Special Consideration Zones for the following reasons:

➤ Businesses, including those in Zone 2, are already struggling to continue operating amidst dramatically reduced incomes because of the coronavirus. They have incurred (and continue to incur) costs to adhere to government policy and guidelines to keep customers and staff safe. The SCZs would increase businesses' financial and operational costs further still.

➤ Changes to policy is unwelcome when the trading environment is tough. Businesses currently need support and stability to enable them to plan for the challenging times in the short and mid term. It is inappropriate to pursue implementation of a new policy approach such as the SCZ at this time. At this time of crisis in London and Westminster, our local businesses need support, not uncertainty nor additional burdens. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with.

- Designating areas as SCZs may, as a result of increased costs incurred by businesses to adhere to the policy, cause businesses to close or to significantly revise their offer, for instance in the case of hotels which may decide not to keep their bars open; such scaling back will reduce their appeal making it harder to attract business.
- No detail is provided within the draft SCZ Policy as to what additional mitigation and controls might be required. However, even if details were provided, such measures would likely impose significant additional costs upon businesses to implement measures that are not justified by the incident data and its interpretation within the CIA.

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

West End Buffer – Zone 2

No

23. If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:

West End Buffer The Northbank BID does not support Zone 2 designation as a Special Consideration Zone for the following reasons:

- The consultation document states that "This area is closely associated with dispersal due to the large number of transport hubs; which include a national rail station, a number of underground stations and large numbers of night bus routes." (p24). This presents a challenge to ascertain whether the concentration of licensed premises are key drivers of incidents recorded over the last three years, or whether other factors are of greater significance.
- The CIA draws upon British Transport Police data. BTP has previously suggested that a crime reported at a Station does not necessarily mean that it happened in the area. People travelling on public transport may often report crimes when they reach their destination where service staff and support are more likely to be readily available.
- The CIA refers to the transport hubs in Zone 2 and the multiple busy interchanges are likely to skewing data due to the numbers of people travelling.

Zone 2 is a multi-modal transport hub and includes the many 24 hour tube and bus routes.

Incidents reported in the area may not originate from licensed premises in the area.

The BID is working to support high quality hospitality sector and the restrictions will bring additional challenges to them.

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 Yes

Public Houses and Bars - Policy PB1 Yes

Off sales of alcohol – Policy OS1 Yes

Music and dance premises and similar entertainment - Policy MD1 Yes

Hotels - Policy HOT1 Yes

Casinos - Policy CAS1 Yes

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 SCEV1?

n/a

26. If you have any comments about the proposed revisions 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 and similar entertainment - Policy MD1
Hotels - Policy HOT1
Casinos - Policy CAS1
Combined Use Premises

N/A

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

Yes

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:

We would like to see more support for theatres in the proposed policy. The sale by retail of alcohol and/or late-night refreshment after 23:00hrs should not be limited to customer, patrons or members of the audience who will or have made use of venue for enjoying plays or other dramatic performances.

Instead, theatres should be given the scope to put on other events - such as lectures or community events for example - with the same licensing approach as for plays or other dramatic performances also being permitted to support these offers.

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:

n/a

General Responses

R83 – 11/11/2020

Dear Sir or Madam

In support of all hospitality traders within Soho please consider the following:-

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an "inclusivity policy" recognising Westminster's duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

R84 – 11/11/2020

Dear Westminster Council,

I have been alerted about your current licensing consultation.

The hospitality business is the lifeblood of Soho and I believe it must be protected and enhanced at every opportunity. Therefore, the most relevant policy proposals for hospitality businesses in Soho, as follows:

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the

alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.

4. A new proposal for an “inclusivity policy” recognising Westminster’s duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

Kind regards,
XXXXXXXXXX

R85 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a business that carries out a lot of work within the Soho hospitality and property sector.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster’s recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R86 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a former Soho resident and current Soho office worker.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXX

R87 – 12/11/2020

Dear Sirs,

In response to proposals for a new licensing policy, I write to support the position of the Soho Business Alliance. I know the area well and have a strong personal relationship with Soho. I was formally the Managing Director of XXXXXXX, the investment and development subsidiary, XXXXXXXXXXXXXXXXXXXX for 9 years between XXXX and XXXX. On a more personal basis, I am a regular visitor to Soho and a passionate supporter of its unique and diverse hospitality offer in terms of bars, restaurants and music venues. It is desperately sad to see it struggle during the Covid crisis and many businesses will not survive. It is urgently in need of support.

Specifically, I support the following representations made by the SBA as follows:

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.

3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an “inclusivity policy” recognising Westminster’s duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

I would ask that you take into consideration my views when deciding on and implementing the final policy.

Kind regards.

XXXXXXXXXXXXXXXXXXXX

R88 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I live and work in Westminster. I also enjoy Westminster’s many great restaurants, bars and nightclubs.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant’s business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R89 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I operate a security business (MITMARK) contracted to a number of clients based in the Soho area. Changes to the licensing policy would impact our business as well as many other security businesses operating in the area.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made, help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline. The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive

and welcoming street setting. External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R90 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I own a business that advises on retail, restaurant and licenced property in Soho trading as XXXXXXXXXXXXX at the above address.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new **Covid-19 specific licensing policy is urgently needed** to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

2. 9.00 pm Bar Exception

I generally support the proposal in support of new bars, pubs and music venues or indeed bar use within other venues, such as restaurants.

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a vital lifeline.

The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive and welcoming street setting.

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so.

4. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXX

R91 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a practicing lawyer who works in the West End and works on a number of properties in Soho which therefore plays an important part on my working and non-working life.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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5. General Observation

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

R92 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a regular customer and a former resident.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXX

R93 – 12/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I am a former resident, former office worker and regular visitor of soho.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXX

R94 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I work locally in the area and spend a lot of my personal time in Soho.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R95 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I work in Westminster, based at xxxxxxxxxxxxxxxxxxxx & undertaking significant work in Soho for a number of property owners and have done so for circa 30 years.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

R96 – 13/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I operate a business which carries out works in Soho.

I would be grateful for Westminster’s consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho’s hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End’s prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R97 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your consultation.

I have worked in Soho for the last 5 years

I would be grateful for Westminster's consideration of the following key points:

1. 9.00 pm Bar Exception

I think the support of bars and restaurants in Soho is critical in the coming months as this is what Soho is famed for and when it feels most alive. A 9pm cut off is very tough and would put people off from travelling into the area for an evening as they would have very limited time to enjoy the venues before they have to depart again. I think 11pm is a fairer point in the evening for punters and establishments.

2. External Seating

I think the outdoor seating that was implemented over the summer months really brought a great atmosphere to Soho in spite of the circumstances, the area really suits the buzz and energy of alfresco dining and drinking. I would very much like to see this scheme extended and the possibility of heaters, lights etc to "winter proof" this experience.

3. Inclusivity policy

I support the proposal for a new inclusivity policy and Westminster's recognition that they have an obligation under the Equality Act to protect venues attractive to persons with protected characteristics.

The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

Vital to protect and support the LGBTQ heart of Soho

Kind regards

XXXXXXXXXXXXXXXXXX

R98 – 14/11/2020

Dear Westminster Council,

Thanks for the opportunity to respond to your licensing policy consultation.

I am a former manager of a small restaurant in soho, I now work for the same company in a different part of London but regularly visit soho to socialise, (or did before C19 hit).

Firstly, I think there needs to be a specific Covid 19 recovery policy to help struggling businesses post pandemic so they don't have to close. I support the new bars proposal, but a later terminal hour, the 9pm bar rule due to Covid must end as soon as the government allows, it would not be viable to open a new bar that closes at 9pm, soho has always been a late night destination, we mustn't change this. I have seen more restrictions over the years due to the cumulative impact policy and I worry that is sucking the life out of soho. It's always been a late night, crowded, exciting place and it is at risk of becoming too safe and samey. After the pandemic we need less restrictions not more to make sure the original, quicrky, fun bars, retaraunts ands pubs that it is world famous for can thrive.

I would definitely support more external seating and pedestrian areas, closing areas to traffic during certain times. I would also be in favour of wider pavements where possible. Encouraging more cycling and public transport use alongside this would be key. For me, this will encourage people back to the area and provide a safe welcoming environment, it will help soho regain it's buzz.

I 100% support the inclusivity policy. The LGBTQ community is at the heart of soho, it's in it's history and DNA. These communities must be protected and I am pleased to see Westminster's recognition that they have an obligation under the Equality Act to protect the venues that have been a safe haven for them.

Thanks for considering my response,

XXXXXXXXXXXXXXXXXXXXXXXXXX

R99 – 15/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.

I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

I am concerned that there is no proposal to help Soho's hospitality venues survive and recover from the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

A new Covid-19 specific licensing policy is urgently needed to remove the presumption to refuse applications in the West End cumulative impact area and/or introduce a new general policy presumption to grant where an application is made help the applicant's business to survive and recover.

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The policy should promote these venues and allow for more licence flexibility where an applicant can demonstrate they provide a safe environment for customers with protected characteristics and granting the application would promote the licensing objectives.

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy.

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

Councillor Responses

R100 – 15/11/2020 (Cllr Maggie Carman)

I agree with SEBRA's response to this consultation.

Thanks

Maggie

R101 – 15/11/2020 (Cllr Pancho Lewis)

Dear Sir/Madam,

I would like to make two points.

First, the decision to develop a new Special Consideration Zone and apply it to the Berkeley St, Berkeley Sq, and Dover St area is a step in the right direction. Residents in the area have experienced significant disorder and nuisance in recent years. If this new policy leads to a decrease in disruption it will be very much welcomed by the community. However, the proof is in the pudding as they say; whether it will have enough teeth to lead to the change we need to see remains to be seen. It may be that we need stronger enforcement. Given the issues the community have experienced, I would have liked to have seen a Cumulative Impact Zone considered more closely. The Council should impose one if the SCP does not lead to the results we need to see.

Second, I note that there are issues with the way the West End Cumulative Impact Policy is operating. It has since being 2016 failed to prevent further cumulative impact. In 2016 there were 1,002 licensed premises. It appears there are either now 1304 licensed premises (SLP, Paragraph 1.2, referring to licensed premises in the WECIA) or 1169 (CIA, p. 15). Both represent increases which means the Cumulative Impact Zone has failed its objective (to restrict licensable activities to reduce cumulative impact). There need to be more robust policies both with regards to wording but also in implementation in licensing committees when councillors make decisions. I understand the Soho Society is submitting its own set of views and I would urge the Cabinet Member and officers to consider these closely.

Best wishes,

Pancho Lewis

West End Ward Councillor

Shadow Cabinet Member for Environment

R102 – 15/11/2020 (Cllr Andrew Smith)

I would like to respond to consultations on proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment in my role as a ward councillor for the Lancaster Gate Ward

I endorse the general changes to licensing policy that are proposed.

On the specific local impact on Lancaster Gate, I am aware that there is concern from local residents and amenity societies about the impact of the removal of the cumulative impact zone for Queensway. I hope that some of the concerns raised by SEBRA and others can be addressed in response to the consultation.

I welcome the introduction of the New Special Consideration Zones Policy which is aimed at mitigating some of the concerns about the removal of the cumulative impact zone for Queensway and other areas. As the proposals highlight, these areas do still have significantly elevated levels of incident rates compared to the rest of the City.

In implementing this policy I hope that officers and licensing committee members are rigorous in ensuring that applicants will have to provide greater mitigation and controls than would normally be expected from a premises in other parts of the City and that extra scrutiny of applications for licensing applications in the area is exacting. Ensuring scrutiny and ensuring that mitigation is effective will be important to prevent problems associated with licensed premises increasing.

Best wishes

Andrew Smith
Lancaster Gate

R103 – 15/11/2020 (Cllr Susie Burbridge)

To those it may concern regarding the WCC Licensing Policy.

I Have read Sebra's response to the consultation and I must say there is little I can disagree with. Sebra have made the case very clearly and succinctly and therefore I want it to be noted that I as a local councillor I totally support Sebra's the comments below and feel it unnecessary to repeat comments already made.

I must stress my deep regret for not continuing to include Queensway/Bayswater in the CIA/stress area - it beggars belief that presently having in place a CPZ due to ASB/drug crime /begging etc. etc. there is a suggestion we do not meet the criteria. I disagree and suggest enough evidence could be produced to keep this area within the CIA.

A huge thank you to Sebra for once again taking the time and effort to respond and always bearing in mind the safety and wellbeing of our neighbourhood.

Sincerely Susie Burbridge
Member for Lancaster Gate

Other Responses

R104 – 16/11/2020 (Night Czar – Greater London Authority)

The Mayor is committed to ensuring London is a safe, welcoming and accessible 24-hour city that balances the needs of residents, workers and visitors. The night time offer of a world city should be extensive, diverse and inclusive; London's night time economy generates over £40bn and supports over 1.6 million jobs. Westminster has a long history as one of London's most iconic areas of night time activity, particularly in the West End.

Covid-19 has had a devastating impact on the hospitality, culture and leisure sectors, particularly in Westminster. Q2 GDP data showed a decline of around 20% for the UK economy. For the hospitality sector it was 85%. These sectors were growing faster than the economy as a whole before the pandemic. They are drivers of regeneration on London's high streets, they are one of the biggest employers in the capital and they have made central London's night time economy one of the best in the world. However, they will require considerable support to survive the coming months and begin to flourish again. Together, we must pull every lever at our disposal to provide this support.

Local authority licensing policies will play a pivotal role in the recovery of London's hospitality, culture and leisure businesses, their supply chains and the workers they support. I urge every London local authority to use their licensing policies to support the recovery of these businesses. Over time, many licensing policies and premises licenses have become lengthy and complex. Every additional policy, procedure and licence condition has a real cost for businesses. I would encourage a concerted effort to simplify and streamline licensing policies and premises licenses wherever possible.

I welcome the council's support for licensed businesses during the pandemic, such as working with businesses to arrange large-scale al-fresco dining. This was a lifeline for many businesses after a prolonged period of closure. The scheme has successfully balanced the needs of businesses and local people and I hope it will be continued, to aid the economic recovery of central London throughout 2021 and beyond.

The Mayor appointed me as Night Czar to make London a sustainable 24 hour city. Since the publication of Westminster's last Statement of Licensing Policy, the Mayor has published his Vision for London as a 24-Hour City. It sets out 10 principles for the development of London at night which I would encourage all London local authorities to reflect in their statements of licensing policy. I would also encourage all local authorities to make use of the London At Night Evidence Base for a 24 Hour City and the Think Night Report by the London Night Time Commission. The links to these documents are below:

www.london.gov.uk/24hourvision

www.london.gov.uk/sites/default/files/london_at_night_-_executive_report_-_final.pdf

www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/think-night

I would like to thank Westminster's Night Time Borough Champions for their continuing commitment to my Night Time Borough Champions Network. It is an invaluable forum for local authorities and global leaders in night time policy to exchange ideas and create new ways of working.

Comments on Westminster's proposed Licensing Policy

- Westminster's plan to largely retain the previous licensing policy will hopefully bring some certainty to businesses. However, I would encourage Westminster to keep the licensing policy under frequent review,

as the real impact of the pandemic becomes clear over the coming months. This may require adjusting the policy support the recovery of local high streets as well as the West End.

- I welcome Westminster's commitment to inclusion and diversity in its evening and night time economy, particularly in relation to the training of customer facing staff and the design and layout of spaces
- I encourage Westminster to refer to 'London At Night – An Evidence Base for a 24 Hour City'. Key findings from that report are relevant as evidence for this licensing policy review.
- The revised policy does not acknowledge the scale of the night time workforce and their needs. There is a reference to the evening economy allowing people to "wind down after work". However, 1.6 million people (one-third of London's employees) usually work between 6pm and 6am. These workers need to be able to access goods and services outside their normal working hours, including being able to eat, drink or socialise before or after their working day. Westminster is uniquely placed to cater for the needs of this workforce.
- I urge caution in assuming that the economy costs more to police and manage at night than it does in the day. It is important to look closely at the data and to put it into context. For example, to understand crime and ambulance data, it must be reported as a percentage of the population in an area at the time. 20 ambulance callouts may be high for a place with few people in it, but comparatively low for a busy location.
- The Summary of Cumulative Impact Assessment (CIA) findings refers to 'rates of incidents' but doesn't describe what is classed as an incident. This data is key to understanding how the decision to recommend the removal or retention of a Cumulative Impact Zone has been arrived at.
- The CIA findings describe rates of incidents as "9 times above the borough average". However, it doesn't state the population of that area compared to the borough average. If the population is ten times the borough average, that would indicate that incidents per head of the population are lower than the borough average.
- Assumptions are often made that crime at night is a direct result of night time businesses. This assumption is less frequently made for daytime businesses. And yet peaks in crime happen at all times of the day in places where people gather in large numbers, for example there is a spike in thefts in the afternoon driven by daytime economic activity, and this too creates a cost to policing.
- It should also be noted that alcohol related crime fell 51% between 2010 and 2017 and only 4.3% of all crimes at night are 'alcohol related'. In terms of the call on the NHS, you are more likely to go to hospital with a sports injury at night than an alcohol related injury.
- The narrative of the licensing policy is currently heavily focused on crime and antisocial behaviour being linked to the hospitality sector. I would encourage a more balanced narrative that recognises that crime happens around the clock and that the hospitality sector makes a huge contribution to Londoners' wellbeing, as well as a major contribution to London's economy.
- As you note, the Cumulative Impact Assessment uses pre-COVID-19 data. This does not reflect the situation that licensed premises are now in, or the issues they are likely to face over the coming two years. Covid-19 will have a long and lasting impact on licensed premises. It has increased their debt levels considerably and many are in the most precarious of positions. It is unclear when consumer demand will recover and what lasting changes COVID-19 will have on the trade. For example, we may see changing business models, increased demand for outdoor eating and drinking, or the need for longer opening hours.

Local authorities will need flexibility in their licensing policies to support and accommodate these changes in a safe and sustainable way.

- The policy presumes refusal of licenses to pubs, bars, music, dancing and entertainment venues that wish to open after 9pm in the West End CIZ. I encourage Westminster to reconsider this policy, given the devastating impact of the pandemic on hospitality, culture and leisure businesses. There is likely to be a loss of such businesses in the CIZ. To support economic recovery, I would like to suggest a more nurturing approach to new licence applications and variations within the CIZ. This may be achieved through a temporary removal of the CIZ, or replacement of the CIZ with a Special Consideration Zone. This supportive approach will need to be clearly and quickly communicated to businesses and the licensing profession, to build confidence and encourage new applications.
- I welcome the decision to remove the CIZs for Edgeware Road and Queensway / Bayswater. This will encourage businesses to innovate and hopefully see a return of strong trading following the pandemic.
- I am concerned that the introduction of extensive Special Consideration Zones (SCZs) will act as a barrier to licence applications in those areas. There is likely to be a reduction in the number of licensed premises over the coming months and a reduction in the business of those areas for some time to come. Applications for new and varied licenses in SCZs will have a higher bar for approval and businesses may need to accept increased conditions. The hospitality sector may struggle to be viable within these restrictions given the financial damage that it has suffered as a result of the pandemic.
- I am very concerned that the new Core Hours Policy requiring new licensed premises in the West End CIZ to stop serving alcohol by 9pm. Late night venues have been the hardest hit by the pandemic. The 10pm curfew has brought many of these venues to the edge of bankruptcy. London could lose many nightclubs and late night venues as a result of the pandemic, not least its much loved LGBTQ+ venues. 40% of LGBTQ+ venues' trading hours on a Friday and Saturday are after 10pm. London has lost 62% of LGBTQ+ venues since 2007. They are the heart of London's open, welcoming and inclusive culture. This policy could have a severe impact on the number of LGBTQ+ and other important venues in Westminster.
- COVID-19 has also shown that we need to take a fresh view of operating hours. Spreading large volumes of customers out over a longer period is far preferable to packing people in over a shorter timescale. Extending the hours of a range of licensed premises, including restaurants, cultural venues, and pubs, helps to stop crowding and associated opportunistic crime, reduce noise problems and reduce the risk of the coronavirus spreading. Businesses will be expected to be prepared for future pandemics such as flu and SARS and the ability to space customers out – physically, and over time, will be key to increasing the resilience. Staggered closing times and the slow arrival and dispersal of customers over time, can aid the licensing objectives and help stop the spread of infection.
- Westminster is at the heart of London's late night offer and the West End is known around the world for its history and heritage of ground-breaking late night cultural activity. But London risks falling behind other global cities by not supporting innovation and evolving its late night offer. The proposed Core Hours policy limits new licenses to 11:30pm in the week and midnight at weekends. I am concerned that this policy does not help London to realise its potential as a thriving, sustainable, 24 hour city. This policy discourages competition by limiting late licenses to those premises that already have them; the unwanted effect being a 'baking-in' of problems and stifling of innovation.

- I would encourage greater use of 24 hour licences as a way for good operators to reduce unhealthy overcrowding and noise and support a phased dispersal of customers throughout the night. This goes hand in hand with a strategic approach to diversifying the night time offer. For example, increasing the number of late night restaurants in order to reduce the crowding effect and potential for ASB at a small number of late night food outlets.
- Please could you confirm that the definition of ‘cultural venues’ in the Core Hours policy includes live music venues and LGBTQ+ performance venues.
- Prevention of public nuisance – Policy PN1. This policy contains an extremely long list of considerations. This sets a high and costly barrier to businesses that wish to set up or adapt their operations in Westminster. Given the devastating impact of the pandemic upon hospitality, culture and leisure businesses, I would encourage this policy to be slimmed down.
- Policy PN1 should make it clear that noise, vibration, eating, drinking and smoking are only problematic if they are having a detrimental impact on others. Where people are not living or staying within earshot of the premises, these considerations would not apply.
- Policy PN1 suggests that premises should not cause a disturbance to people ‘visiting the vicinity’. This would appear to be an unreasonable expectation as the premises cannot monitor people visiting the vicinity and adjust their operation to suit them. I would encourage this consideration to be removed from the policy.
- Specifically, Consideration C:

Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping

Premises should work with local residents to ensure noise doesn’t become a serious problem. However, premises cannot be held solely accountable for mitigating sounds that residents and others find unpleasant. For example, the premises cannot control the type of glazing that a resident or business has, and cannot control whether the resident or business has their window open or closed. Therefore, I would suggest a more nuanced wording of this policy, which encourages premises, residents and others to work together, with the local authority if necessary, to solve noise problems. The cost of these solutions may be borne by either party or shared, should be proportionate to the problem and should be affordable for those concerned.

- Policy PN1 is worded in a way that discourages al-fresco eating and drinking through the large number of considerations that businesses will need to address. The policy also mentions the potential need for planning permission and a highways licence.

- The new Pavement Licence, which will be in operation during the lifespan of the policy, is not mentioned. Given the importance of al-fresco eating and drinking during the COVID-19 pandemic, and how important it will be to the recovery of the economy after the epidemic, I would encourage specific mention of the new Pavement Licence and the excellent work Westminster has done to successfully plan and deliver an al-fresco eating and dining scheme.

Additional considerations for the proposed policy

Set out in the licensing policy how the licensing and planning regimes will work together.

Following the House of Lords review into the Licensing Act 2003, we encourage greater alignment between planning and licensing functions within councils, with consideration of applications taking place by both committees.

Set out how the licensing policy supports the Agent of Change Principle.

The draft London Plan also includes the 'Agent of Change' principle, which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. Whilst this is primarily a planning tool, I would encourage Westminster to refer to the Agent of Change principle in its licensing policy as other licensing authorities, such as Islington, have already done.

Develop a Westminster Night Time Strategy.

Through his draft London Plan, the Mayor asks every borough to develop a Night Time Vision for their area to support sustainable growth, particularly within strategic areas of night time activity. Alongside planning and regeneration policies, licensing is an integral part of delivering this Vision. I would therefore ask Westminster to include a commitment in their Licensing Policy to creating a Night Time Vision for the borough. The Mayor will be issuing guidance to support boroughs in creating their strategies soon.

Continue to support outdoor hospitality.

I'm pleased that Westminster has decided not to charge businesses additional costs for use of the public realm after the success of the summer schemes in the borough. Outdoor dining will continue to be important as we move through the pandemic, but also in the future. Support for innovative solutions in this area will make London an attractive visitor destination, will boost the devastated hospitality sector and will increase confidence in London's ability to cope and respond to any future pandemic.

Promote the Women's Night Safety Charter.

In July 2018, the Mayor launched the Women's Night Safety Charter, which includes a seven-point pledge to help ensure women in the capital are safe at night. To support your efforts on diversity and inclusion, I would encourage the council to promote the charter in its licensing policy. Through joint initiatives like this, we can make a real difference to help women feel safer at night.

Support for LGBTQ+ Venues.

London's LGBTQ+ spaces are a vital resource to the community, offering safe havens where people are free to be who they want to be. After losing 62% of venues in a decade, the Mayor launched his LGBTQ+ Venues Charter to

protect existing infrastructure and encourage the opening of new venues. As Westminster is home to the largest concentration of LGBTQ+ venues in the capital, I would encourage the council to use its licensing policy to support these vital places of cultural infrastructure, particularly in the area that is proposed to remain a CIZ. **Support for grassroots live music venues.** I welcome Westminster's commitment to supporting live music in the borough, and notably the support and unique status given to the iconic 100 Club on Oxford Street. The Mayor's Rescue Plan for Grassroots Music Venues shows that additional licensing conditions placed on venues can put them at risk due to the costs of implementing them. As these venues operate on very tight margins, I would encourage Westminster to continue to support its world-renowned music scene by keeping licensing conditions on venues as simple as possible.

Please do not hesitate to contact me or my team if you have any further questions about the issues raised in this letter.

Yours sincerely

Amy Lamé

Night Czar

R105 – 19/11/2020 (Almacantar)

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

Please accept this letter as our response to proposals for the revision of Westminster City Council's Statement of Licensing Policy, reference to which is also set out in the Consultation Response Form. Almacantar is a property investment company specialising in large-scale, complex developments in Central London. Known for its design-led approach, the company focuses on creating long term value through development, repositioning or active asset management.

Since the company was launched in 2010, Almacantar has acquired over 1.5 million sq ft of prime assets in the heart of London including projects; Centre Point, Marble Arch Place, One and Two Southbank Place and Lyons Place.

Marble Arch Place is a mixed-use development that will result in a new landmark building for London, and a striking gateway to the West End once completed in 2021. The development consists of an 18-storey residential tower, with 54 apartments and a 7-storey commercial building providing over 95,000 sq ft of high-quality office space. The scheme is further enhanced by new public realm, 7 retail and leisure units and a dramatic art installation designed by Lee Simmons.

We have split our response in two parts: The first section deals with our response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of Covid-19 on the hospitality sector and how we believe the City Council could assist business recovery in the new Licensing Policy.

Response to Policy Proposals

By way of background, our development site at 5-9 Marble Arch, 2-20 Edgware Road, and 53-59 Bryanston Street, is situated just within the current Edgware Road Cumulative Impact area. The new development replaces JD Wetherspoon high-volume drinking premises at 20 Edgware Road, with far less intense uses, therefore reducing Cumulative impact in the area. These uses, which have been granted provisional statements are:

- Deli/café GF - Unit 2, 5 Marble Arch: 18/03362/LIPST
- Restaurant GF - Unit 3, 6 Marble Arch: 18/03367/LIPST
- Restaurant G & LG - Unit 4, 6 Marble Arch: 18/03368/LIPST

- Deli/Café GF - Unit 1, 5 Marble Arch: 18/03364/LIPST
- Bar G&LG - Unit 1, 6 Marble Arch: 18/03365/LIPST

The Decision Notice of the 21st June 2018 states (emphasis added):

“The Sub-Committee were also satisfied that both the Police and Environmental Health concerns had been addressed and that development would not add to the CIA but would have the effect of promoting the licensing objectives due to the vast improvements to the area that the Applications would bring.”

We fully support the removal of the CIA for the Edgware Road area set out at paragraph 1.8 (f) of the consultation document. We welcome and support the findings at paragraph C4:

“The Queensway/Bayswater, Edgware Road and East Covent Garden areas, as shown in the maps below, had been or were part of a Cumulative Impact Zone since the 2003 Act came into force in 2005. However, following a review and the production of the Licensing Authority’s 2020 Cumulative Impact Assessment these areas could not be conclusively linked with cumulative impact associated with the number of licensed premises in the area.”

We fully agree with conclusion drawn at paragraph 4.16:

“The CIA did not conclusively link licensed premises in Queensway/Bayswater and Edgware Road with cumulative stress. As there is insufficient evidence at this time to support the retention of these areas as cumulative impact zones, they will no longer be subject to the Cumulative Impact Policy – CIP1.”

In addition, we hope that the new policy can acknowledge that for developments such as ours, the removal of a high volume drinking establishment, can contribute to a reduction in Cumulative Impact and result in more general improvements to an area. It should be recognised that considered and responsible development of land by local stakeholders can help facilitate the promotion of the Licensing Objectives.

We also agree with the similar findings provided in the Westminster Evening Night Time Economy Cost Benefit Analysis Full Report published in 2015. At paragraph 27 of Executive summary it states:

“Based on our study of the stress area ENTE economies, their demographics and relative recorded crime levels there seems a case to consider some re-definition of the Stress Area geographies and to treat each location on its very different merits.

Edgware Road and Queensway/Bayswater are completely different in scale to the WESA being much smaller in economic activity and public attraction levels. They provide significantly less evidence of concentrations of criminal behaviour or ENTE economic density. Business densities are much lower and economic impact is relatively much smaller whilst offence levels are also very much smaller than in the WESA. Understandable concerns about neighbourhood disturbance may require different models of management and local communities should engage in defining these differences.”

In light of all of the above, we do not believe this area should be subject to any additional policies as suggested at paragraph C14, although, of course, a slightly higher hurdle is preferential to a presumption to refuse.

Based on the foregoing, we ask that the City Council introduces new policies that favour applications submitted within the area of our development and particularly where there has been proactive estate management by landlords who have brought about positive change by thoughtful and considered

development. The cumulative effect of these additional layers of estate management and planning better equip licensed premises to promote the Licensing Objectives.

Covid-19

The Covid-19 pandemic has had catastrophic impact on the licensed hospitality industry. Westminster businesses have been particularly hard hit by the lockdown(s), evaporation of tourist trade and low levels of central London office occupation. To protect Westminster's world class reputation as a cultural capital, these businesses need help.

We note the City Council's reference to Covid-19 in the policy consultation documents. In our view, this does not go nearly far enough. Now is the opportunity to introduce policies to help those businesses survive and recover. This can be achieved by introducing policies that recognise the unprecedented impact Covid-19 has had on licensed businesses. The policy should allow for relaxations on hours and conditions where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives. Ultimate power to grant would be retained by the Licensing Sub-Committee to consider each case on its own merits. The policy could also be time limited, if required.

A failure to properly recognise and help mitigate the impact of the pandemic within the new Policy could result in yet further hospitality businesses closing. We ask that the City Council seizes the opportunity to help existing Westminster businesses survive and even encourage new operators to open where others have closed.

We look forward to the results of this consultation and receipt of the new Licensing Policy.

Yours faithfully,

Almacantar (Marble Arch) S.a.r.l

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