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Sent via email to licensing@westminster.gov.uk

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Reference: 23/09175/LIPN: 136 Shaftesbury Avenue, W1D 5EZ

We write to make a relevant representation to the above application on behalf of The Soho Society.

About the Soho Society

As the Committee will be aware the Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's diversity of character and uses, and by improving its facilities, amenities and environment.

This is an application to sell alcohol, with associated entertainment, until 2 am Monday to Saturday, and midnight on Sunday, with opening hours until 4 am seven days a week.

Representation

We object to this application for a new licence (a renewal) on the grounds it will fail to promote the licensing objectives and will increase cumulative impact in the West End Cumulative Impact Zone.

These premises are on Shaftesbury Avenue in an area which already has a number of late night licences.

As the Committee will be aware, this is at the heart of the West End's entertainment district, with in excess of 450 licensed premises, a large proportion of which are late night 121 (25%) licences with a terminal hour of later than midnight.

As these premises are within the cumulative impact zone the applicant has to demonstrate they will not add to cumulative impact. We do not believe this to be the case. The premises has a capacity of approximately 700, which means that there is the potential for this number of people to be on the streets after 2 am.

We would also point out that, as the Committee is no doubt aware, there are at least two large blocks of flats within the immediate vicinity of these premises and, of course, Soho has a large residential population.

There are very real concerns amongst residents about the ever increasing numbers of licensed premises. Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels which increase year by year. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home. This leads to the very real problem of sleep disturbance.

Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1. ***It highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.***

The level of crime, disorder and anti-social behaviour continues to be a huge problem in the West End. The crime figures are high and rising. The recent police crime reports show that current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime are between 10pm - 2am. A lot of these crimes take place in the immediate vicinity of these premises..

The Committee will also no doubt be aware of a number of recent serious incidents that have taken place particularly in Soho. These incidents confirm what residents already know - that the area is unsafe at night. It has reached such a level that public safety is threatened. The large number of licensed premises, plus the large numbers of intoxicated people out on the streets at night attract criminal gangs, and this in turn results in high levels of crime and disorder creating a very unsafe environment. Public safety is a huge concern and has been for a long time.

The majority of robberies in the area take place at night, with people being targeted as they leave venues. Alongside the robberies and assaults, drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, which is directly linked to the large number of venues and people which creates the drugs market.

The Committee will well know that, unfortunately, intoxicated people very often become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho specifically to target them. This is one reason why, sadly, we believe customers leaving this restaurant at night would be at high risk of becoming victims of crime.

Cumulative Impact Policy CIP1

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, It describes the high level of cumulative impact in the West End Zone between 2017-2019. It concludes that:

*'After consideration of the cumulative impact assessment it is the Licensing Authority's view **that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent***

with the Licensing Authority's duty under the Licensing Act 2003.' (p.19) (Our emphasis)

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage. However, it may do in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). The West End is fully open for business and thriving, and our observation is that the area attracts more people now than at pre-COVID times.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Then D23:

***'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'* (our emphasis)**

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

The applicant needs to demonstrate that they will not increase cumulative impact. We believe that they have failed to do so.

In summary

This is an application for a renewal of an existing licence in the West End Cumulative Impact Zone, and we believe that an increase in in the number of licensed premises and numbers of people in the area will fail to promote the licensing objectives and will increase cumulative impact.

We respectfully request that Licensing Sub Committee refuse this application.

Yours faithfully,

Licensing Committee
The Soho Society



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Appendix 1 : Soho Society Sleep Survey Results

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The survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And I have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including

when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

END