



City of Westminster

Licensing Committee

CABINET REPORT 27 JUNE 2011 – REFERS TO LICENSING DURING OLYMPIC GAMES AND PARALYMPIC GAMES IN 2012

Classification:	For General Release
Title:	The City Council's Involvement in and Preparation for the London 2012 Olympic and Paralympic Games
Wards Affected:	City-wide
Policy Context:	The City of Westminster London 2012 Olympics Games and Paralympic Games Strategy and Action Plan endorsed by Cabinet in June 2008
Financial Summary:	The Council has successfully bid for and secured £4.5m funding towards the cost implications of the games for Westminster. There are potential risks of loss of income (especially parking), but this is still under review
Report of:	Strategic Director for City Management and Strategic Director for Built Environment

1. Executive Summary

- 1.1 The purpose of this report is to give an overview of the exceptional challenges facing Westminster over the summer of 2012, provide assurance that our services will be ready and able to respond to them in a co-ordinated fashion, and seek endorsement of a proposed management approach, encompassing a range of different council responsibilities, which in combination will assist in delivering a successful experience for residents, businesses and visitors next summer.
- 1.2 We will be trying to do two very different things in 2012: helping to deliver a safe and successful Olympic experience on the one hand; and minimising disruption to the normal life of the city on the other. Even with additional Olympic funding from the GLA, it may not be possible to do everything that we would normally aim to do

and, in those parts of the city most impacted by the Olympics, our normal service priorities won't necessarily be sustainable or even appropriate.

- 1.3 As well as providing an update on our plans for ensuring continuity and co-ordination of our services, this report attempts to set out the proposed approach to balancing the needs and expectations of residents, businesses, visitors and, for this special period, of the Olympic and Paralympic Games themselves.
- 1.4 It is possible that Government may seek to prescribe a general relaxation in licensing hours during Games time; and/or that the Council will receive numerous applications for variations of conditions attached to planning permissions and licenses from businesses seeking to operate for longer than would normally be permitted. Either scenario presents specific threats to the successful management of the city if, as anticipated, there is also a significant increase in night-time freight movements throughout the central area (because it may not be possible to carry out normal servicing during the hours when the Olympic Route Network is operating). The period between midnight and 6.00 am is likely to be particularly critical, both for the servicing of the West End and for an enhanced cleansing and waste removal regime. The report proposes that the Council resists any general relaxation in licensing controls (in line with its approved planning and licensing policies).
- 1.5 The disruption which may be caused by the displacement of freight movements will inevitably involve a temporary increase in the levels of disturbance caused to residents of the central area. The report sets out proposals to mitigate the impact of such disturbance; but it also recognises that, in the exceptional circumstances of an Olympic year, some of the controls which would normally apply (and in particular conditions attached to planning consents regarding permitted delivery times) may not be appropriate. It is proposed that the Council seeks a limited and temporary exemption from the Secretary of State for Communities and Local Government from some of its normal statutory obligations to enforce against breaches of such controls, in order to assist those businesses which would otherwise have to make specific application for temporary variations, facilitate a balanced approach to the management of the city, and enable the essential needs of Westminster businesses to be met without fear of subsequent legal challenge.

2. Recommendations

- 2.1 That Cabinet endorses the overall approach taken to preparing for the Games.
- 2.2 That Cabinet notes the anticipated increase in overnight freight operations in some central areas and its potential implications for the enforcement of licensing, environmental and planning controls, and for cleansing and waste management.
- 2.3 That Cabinet endorses the proposed approach to the management of night-time deliveries and collections as set out in Section 7 of the report, including the preparation of a code of conduct for delivery and waste collection companies.

- 2.4 That the specific risks associated with the enforcement of planning conditions relating to night-time deliveries, and any general relaxation in licensing controls, be noted and incorporated into the Council's lobbying agenda.

3. Overview of the challenges

- 3.1 In Westminster we have evolved policies over time which balance the needs of our high densities of residents, businesses and visitors. These include policies stipulating how late entertainment establishments can stay open, when and where deliveries and collections can take place, specified hours when plant can operate including specified operational noise levels, where residents and visitors can park, and what is reasonable in terms of disturbance to residents. The protection of permanent residential accommodation is also afforded a high priority in these policies.
- 3.2 Over the summer of 2012, we will also host the largest programme of planned events ever to come to London, starting with the Queen's Diamond Jubilee in June and culminating with the London 2012 Heroes' Parade on 11th September. With the eyes of the world on London, and with three event arenas and ten road races taking place within our boundaries as well as numerous cultural events, the reputation of the London Games will depend heavily on how successfully we balance London 2012's needs with our normal responsibilities (see **appendix 1** for the 2012 timeline).
- 3.3 The key to this is less about coping with the actual numbers, which can't be predicted with any certainty, but more about **keeping everyone moving** so that the Games run smoothly and everyone else can get on with what they are trying to do, enjoy the Games and, in the case of visitors, enjoy what London has to offer. Fortunately, we have a very experienced team which has been working with the GLA, TfL, the London Organising Committee for the Olympic and Paralympic Games (LOCOG), the Olympic Delivery Authority (ODA) and other agencies for a number of years to develop a plan for achieving this. We now need to decide how best to balance the conflicting needs of our own stakeholders, in particular, businesses trying to cope with the necessary traffic measures, and residents faced with an increase in night-time noise over the Games period.
- 3.4 How well we manage the **appearance and experience of the city** for visitors, residents and businesses (and viewers of the Games) will also have a major impact on the overall perception of the Games' success and London's reputation. This means we have to be able to access central areas to clean up and remove waste and require the cessation of illegal or disruptive activities. We are also advising LOCOG about how best to achieve their goals in Westminster so that our respective plans are joined up.

- 3.5 We also need to **maintain our services** to the more residential areas to the north and south of the city where, apart from the Notting Hill Carnival which will take place between the Olympics and Paralympics and the relatively small archery event at Lord's Cricket Ground, normal life will carry on. The problem is that all our resources will tend to be drawn into the central area if we don't plan ahead, so we are developing a '100 Days Continuity and Co-ordination Plan' to ensure that the needs of the rest of the city are not neglected.
- 3.6 Sections 4, 5 and 6 below set out in more detail what we are doing both outside and within the Council to meet these three interrelated challenges and the decisions that are needed, which are addressed in more detail in section 7.

4. Movement management

- 4.1 The GLA-led City Operations Working Group is working on two mechanisms for keeping London moving at street level: the Olympic Route Network (ORN) to ensure the Games runs on time and the Movement Management Area (MMA) to ensure pedestrian safety.
- 4.2 The ORN formed part of London's Olympic bid and enables the ODA to restrict public use of mainly right hand lanes and some right turns on certain major routes to enable Olympic traffic to flow freely. A map of the ORN in Westminster is shown at **appendix 2**. The restrictions vary on a daily basis depending on the day's events, but the main elements are expected to be in operation from 6:00 am until midnight from mid-July 2012 until the end of the Paralympics. Officers have been assisting the ODA, and more recently TfL, for over a year with the design of, and consultation about, the ORN in order to minimise its impact on residents and businesses and give them opportunities to comment on and plan for the changes. Officers have also submitted a bid to TfL for funding for complementary traffic management measures to help mitigate the impacts of the ORN. We expect the Traffic Management Orders to be submitted for formal consultation in the autumn and confirmed in the New Year.
- 4.3 More recently, work has started on the MMA which will be subject to a range of scalable measures, from advice signs on major routes to road closures, designed to minimise conflicts between pedestrians and vehicles by influencing and controlling movements within and access to crowded areas, i.e. central Westminster. At minimum, the MMA is likely to involve the closure to vehicles of Whitehall, Parliament Street and Charing Cross Road to enable the large numbers of pedestrians going to and from the beach volleyball event at Horse Guards Parade to spill onto the road safely, but it is likely that at peak times wider areas will be subject to restrictions. A map of the areas the MMA could impact most heavily is shown at **appendix 3**.

- 4.4 These mechanisms together, one pre-determined but changing on a daily basis and the other highly flexible, will make it much more difficult for vehicles in particular to access certain central areas in the day-time. For residents, access to properties will be guaranteed but where they can park is likely to be affected. For the many businesses in these central areas, the challenge will be keeping up with demand as getting supplies in and goods and waste out will be more difficult, and their storage facilities are limited. Without good planning, this could lead to gridlock on certain roads at peak times.
- 4.5 TfL is attempting to alleviate the congestion by running some tube and bus lines an hour later on particular evenings in line with events, and advising businesses in London to plan ahead by: a) assessing which employees need to travel into London and how they should do it; and b) altering the timings of deliveries and collections and storage arrangements. TfL is also requesting that London Councils consider temporarily relaxing or suspending their London Lorry Control Scheme which requires vehicles over 18 tonnes with business in London at night or at weekends to obtain permits for this and regulates their routes to minimise use of residential roads. Officers are also working with TfL and businesses on freight consolidation plans.
- 4.6 The knock-on effect is expected to be a sharp increase in night-time deliveries, spreading congestion, kerb-space competition and noise problems over a longer period and reducing the 'window of opportunity' during which our own cleansing services can carry out overnight clean-up operations.

5. Appearance and experience of the city

- 5.1 With the world's media focused on London as 'host city' there will be much greater incentives for non sponsor companies to attempt illegal or **guerrilla advertising**, even if they only expect to have very short exposure periods. With tight controls on the Olympic Park and so many iconic sites and events happening in the streets of Westminster, we expect that a substantial proportion of this activity will come our way.
- 5.2 Similarly, the numbers of **illegal street traders** and **counterfeit goods**, such as unauthorised "Olympic" branded goods, are expected to increase significantly near Olympic venues and road races and in the West End generally, in line with the increased visitor footfall.
- 5.3 The ODA and LOCOG are seeking to protect the Olympic brand, sponsor investments and the Games experience through additional enforcement powers, over and above our own, to limit or remove non-sponsor advertising and street trading in the vicinity of their events. Consultation by the Department for Culture, Media and Sport on the proposed Advertising and Street Trading regulations and the definitions of activities and areas to which additional powers should apply closed in May 2011, but it has not yet been decided who will be designated to

enforce the regulations. It is understood however that additional funding would be available from the ODA to resource these efforts, and it is possible that local authorities will be asked to take on responsibility for the areas within their boundaries.

- 5.4 The new regulations on advertising and trading will have effect within relatively tightly-defined geographical areas around the arena and streets where individual events are held and will remain in force for short periods covering the period before, during and after each event. Officers designated by the ODA will have enhanced powers to seize items used to facilitate the offences. Westminster has commented on the new regulations, but despite our lobbying efforts, we do not expect to obtain a general power to enter buildings and/or seize equipment or vehicles used for guerrilla advertising by 2012. This means that for areas not covered by the new regulations, we are limited to prosecution action, which is resource intensive and will not always secure the immediate removal that the Olympic family might expect. We have argued in our submission to Government that the areas covered by these enhanced powers be expanded to include as many of our iconic sites as possible as these are likely to be targeted whether or not they are near an event.
- 5.5 We are also in discussions with TfL about taking on responsibility for **parking enforcement on the ORN**, partly funded from retention of fines and at no cost to ourselves.
- 5.6 These responsibilities bring with them reputational consequences in terms of how local and international media will represent Westminster and London. This point is explored in more detail in section 7.

6. Maintaining services: The 100 days continuity and co-ordination plan

- 6.1 The events and restrictions described above will have wide-ranging implications for Westminster's customers and services. 'Service readiness' operational planning to minimise these impacts has been under way since October 2009. Changes to normal practices include provisions for additional staff, changes to shift patterns and rescheduling of certain routine activities such as pro-active inspections to enable all staff to focus on reactive work during the busiest periods. Furthermore, an HR policy has been developed specifically for the summer of 2012 to ensure there is sufficient staffing during the peak periods. Plans for training staff to cover a broader variety of roles and for recruiting staff on temporary secondment from other authorities are also being considered. Each service is assessing whether overnight accommodation will be needed for key Council and contractor staff. The necessary IT and support is also being arranged so that, where possible, staff can work remotely to avoid lengthy commutes. These plans are being continually updated as details, such as the ORN, are confirmed.

- 6.2 Officers are now working on how these operational plans will be co-ordinated and how communications will be relayed in order to achieve timely, efficient and appropriate responses to planned and unplanned disruptions on the streets. This will be particularly important in responding to issues which could be tackled from different legal angles by different services. The core proposal is to have a 24 hour dedicated co-ordination room where key contacts from services and contractors will be provided with daily briefings and regular situation reports as well as updates from our main partner agencies, such as TfL, the Metropolitan police and the NHS. Existing corporate Civil Contingency and Business Continuity plans are also being reviewed and updated with reference to the Games.
- 6.3 The Metropolitan Police expect to be significantly constrained by resources from an Olympic operation perspective. It is their intention to deploy sufficient resources to dedicated events and functions but to retain a large flexible resource. The Olympic Command advise that we develop a rapid communication link with their central control room to ensure adequate support for on-street services. Officers are lobbying to ensure that sufficient police support is available, either centrally or locally, so that we can provide effective city management in our iconic locations.
- 6.4 In addition to managing Westminster's Command, Co-ordination and Communication (C3) operation the City Council has also been offered funding to play a leading role in the Central Zone's C3 operations. This role is still to be defined and officers are working with LOCOG and external partners to develop plans.
- 6.5 The preceding four paragraphs explain how information will flow during the 100 days. The question of where and on what each service should focus its efforts is discussed below in section 7.

7. Policies and priorities for the 100 days

- 7.1 In order to progress to the next stage of our preparations, officers are seeking endorsement, through this report, of the following proposals for the 100 day period:
- The proposed approach to licensing and planning set out below; and
 - The proposed approach to enforcement also set out below.

Licensing and Planning approach

- 7.2 While many of the city's residents and businesses are used to coping with the noise and congestion caused by major events, they have never had to deal with as prolonged a series of events, over consecutive days, as they will next summer. While some residents may choose to absent themselves, as happens during the Notting Hill Carnival, many more will either be unable to do so or indeed will want to stay and experience the Games. Our approach should therefore take into account the duration of the period to which it applies and the compound effect on residents.

- 7.3 We also need to take into account the needs of businesses trying to continue to operate in central areas affected by the travel restrictions and their impacts, as described in section 4 above. In order to cope, more businesses than do currently will need to carry out their deliveries and collections between midnight and 6am. At present the Council seeks to minimise noise disturbance by restricting overnight deliveries in three ways: via location specific loading bans where on-street signage tells all businesses what they can and can't do; via licence conditions which set out operational limitations; and via planning conditions attached to some premises' planning consents.
- 7.4 It is proposed that, to avoid the economic, residential and reputational consequences that would follow were central London allowed to grind to a halt during Games time, the City Council should enable more overnight deliveries in some central areas and that, to this end, we need to do the following:
- i) To acknowledge that there will, for a temporary period only, be a general increase in overnight deliveries and collections, to an extent greater than would normally be acceptable;
 - ii) Statutory controls over noise and other forms of nuisance will remain in force; but to assist those who are attempting to carry out overnight deliveries and collections, and to minimise the impact on residents, we will adopt and publicise a code of good conduct for freight carriers. Companies adhering to the code can have reasonable confidence that they can operate in Westminster without becoming the target of enforcement. Conversely, companies flagrantly breaching the code will be at risk of enforcement action.
 - iii) To review parking controls in locations where designated kerb-space is currently insufficient to cope with the numbers of vehicles likely to be competing for access;
 - iv) As we are unable to identify and temporarily change the relevant conditions attached to each planning permission in the central area, we will lobby for legislation that will temporarily relieve businesses of the obligation to apply to us for a temporary variation to those conditions, and relieve the Council of the obligation to consider and potentially enforce against each breach of a planning condition on a case-by-case basis.
- 7.5 The second practical challenge is the impact of these changes on the Council's cleansing and waste operations. There is a limited 'window of opportunity', after the evening crowds have largely dispersed, during which the council's contractor is able to work to restore the West End to a clean state before the start of the next working day. The effect of additional night-time crowds attracted into the West End after the recent European Cup Final demonstrated the impact which additional numbers generated by a single major sporting event can have in this regard. This window is also likely to be impacted by the anticipated increase in night-time

freight operations (including the collection of waste by both the council and by private waste operators) and extended hours of public transport operations. Any general relaxation in the hours of licensed activities would exacerbate the effect still further, to an extent that could compromise our ability to achieve clean streets by the following morning.

- 7.6 The extent of business interest in extended hours for licensed activities and/or extending terminal hours conditioned in planning permissions remains uncertain. Some business representatives have suggested that there may not be as high a level of demand for extending entertainment licences/terminal hours as might have been expected. However there is clear interest in enabling certain streets to enhance their 'al fresco' dining offer by adding to the numbers of tables and chairs permitted on the highway and extending the hours during which they can be used.
- 7.7 It is proposed that such applications should be dealt with on a case by case basis, taking into account existing licensing and planning policies including the City Council's licensing policy, City Management Plan and saved Unitary Development Plan policies, and that the following criteria should also be used during the 100 days:
- Not within primarily residential areas or in locations where residential amenity will be detrimentally affected;
 - Not within existing 'stress areas' as defined in the aforementioned policies;
 - Not in a location that would impede pedestrian and vehicular movements, considered in the context of the information within the 'London Events Co-ordination Calendar'.
- 7.8 Taking these factors together, it is proposed that the existing licensing and planning policies be maintained as the alternative would mean setting aside all the considerations that support our current policies, including protecting residents from disruption and enabling the West End to be adequately serviced, for the duration.

Enforcement approach

- 7.9 As described in sections 4 and 5 there will be different pressures in different parts of the city over the 100 days. Our focus will also need to shift from prevention to immediate resolution if we are to play our part in protecting the Olympic brand, sponsor investments, the Games experience and London's reputation. In some instances our normal priorities or ways of working may be turned on their head and we are likely to decide to use different powers from normal to address particular issues. The costs of these changes will also need to be captured for cost recovery purposes. Some examples of what this might mean in operational terms are shown below:

- a) As set out in paragraph 7.4, enforcement of planning conditions restricting **night-time deliveries** would be temporarily suspended and our parking enforcement resources would be focused on marshalling vehicles competing for kerb-space rather than enforcing alone. Where necessary, the Noise Team would also enforce against contraventions of the code of good conduct aimed at mitigating impacts on residents.
- b) **Ambush marketing** too is normally dealt with using planning enforcement which usually focuses on prosecution and can take weeks to secure cessation. As there are no planning powers to immediately remove and store illegal advertisements and equipment until formal enforcement action is initiated, save by designated officers authorised by the ODA in areas where and when the new regulations will be in force, a number of other methods will have to be used in an effort to secure immediate cessation. These might include using Health and Safety legislation (where relevant) to serve an instant prohibition notice, where a serious risk to public safety is identified; and Highways legislation to require immediate removal where the obstruction gives rise to an immediate danger by obstructing the highway.
- c) **Waste collection** will be very difficult for both our services and private waste companies due to Games-related congestion and, potentially, volume increases; and it is likely that collection schedules will need to be revised. Normally we try to keep waste collections (both our own and private collectors') to tight timetables, enforcing against waste presented at the wrong time, and we leave private waste for the private operators to remove. However, during major events such as the Notting Hill Carnival, Veolia collects large quantities of unpaid commercial waste since businesses know that whatever they put out is collected without question, and enforcement is minimal. If we took this approach during the 100 days, there would be a significant impact on our disposal costs, so we need to emphasise that unpaid commercial waste will be enforced against, and enforce rigorously in the lead up to the Games. We will also engage with the private waste companies to encourage them to plan their operations to ensure the streets are cleared.
- d) While it is proposed to employ four graduate planners for the whole of 2012 to alleviate **short-term letting** and protect residential amenity, planning enforcement powers to prevent disruption caused by short-term lets of residential properties can take weeks to have an impact. So while action will be pursued by planning enforcement, if the disturbance caused could be classed as 'statutory nuisance' the Noise Team will be deployed in the first instance.

7.10 We also need to consider our priorities if on certain days we are unable to maintain normal services because of exceptional pressures and constraints. It is proposed that public safety should be our main driver and incoming issues should be prioritised by **impact and nuisance caused** rather than achieving a standard response time. The '100 Days Continuity and Co-ordination Plan' currently being developed sets out how we will maintain normal services during

exceptional circumstances, or adapt our responses as necessary, in a well co-ordinated way.

8. Financial implications and risks

- 8.1 As a result of our combined lobbying efforts and the assistance of the Government Olympic Executive (GOE), the Department for Communities and Local Government (DCLG) agreed that the principle of 'costs lying where they fall' is not appropriate for those London boroughs likely to be most affected by the Games. As a result the host boroughs and those with sporting events or live sites were invited to apply for reimbursement for additional costs.
- 8.2 On 23rd September 2010 WCC submitted 2012 Games & Borough Funding bid to GOE outlining the likely service impacts and resultant costs relating to each service. Following a series of moderation sessions and cross-borough meetings, the total figure put forward was approximately £3.9 million plus an additional £600,000 for C3.
- 8.3 On 30th November 2010 we received written confirmation from the GLA that Westminster's additional costs would be reimbursed up to a maximum of £4.5 million. This equates to the total estimate put forward in the bid for both service continuity and C3. This funding will come from the GLA's contribution to the £9.3 billion Olympic public spending funding package by way of grants from the GLA to the boroughs.
- 8.4 On 31st March 2011 the Council entered into a funding agreement with the GLA setting out the terms of the grant. The funding will largely be provided up front (10% was received upon the signing of the agreement; a further 20% will be received upon the submission of the draft operational plan in summer 2011; 40% once the plans are finalised in Q4 011/12; and 30% on 31st December 2012 upon receipt of the final report).
- 8.5 The £4.5 million will need to be rigorously justified on the basis of genuine Olympic additionality and detailed accounts will need to be submitted in order to claim the complete sum. As the exact cost implications of the Games can not be known in advance, the overall cost envelope has been agreed but it is likely that some items in the bid will be more costly and some less so.
- 8.6 At present, the GLA has not included any allowance for costs in Adults or Children's Social Care within the £4.5 million allocation. Where we believe there might be significant additional Games-related costs in these services, we are preparing baseline information and clear criteria for identifying costs that are indeed Games-related. Should such expenditure arise we will then be in a stronger position to ask the GLA to allow such costs within the £4.5 million allocation.

- 8.6 In addition, we are informed that it will not be possible to claim for lost income under the cost recovery scheme. This means, for example, that if parking services are disrupted we may generate less income. Retention of fines from ORN parking enforcement is unlikely to have a significant impact on income so this item remains a risk.
- 8.7 More recently the ODA has provided £31,000 to cover WestOne's work on the design of the ORN. Westminster has also put a bid into TfL to cover the costs of mitigation measures for the ORN. It is also possible that we will be offered funding for carrying out enhanced enforcement near venues.

9. Conclusions and reasons for decisions

- 9.1 It is proposed that the City Council's existing licensing and planning policies are upheld during the London 2012 Games in order to strike the best possible balance between the needs of Westminster's residents, businesses and visitors and the Games, but that parking controls are amended overnight in some central areas to avoid the economic, residential and reputational consequences of daytime gridlock. It is also proposed that in order to enable more freight and waste companies to operate overnight, they be asked to adhere to a code of good conduct to go some way towards mitigating noise impacts and that we lobby Government temporarily to release businesses from the obligation to apply for temporary variation of conditions regarding collection and delivery times; and the Council from the obligation to consider enforcement against each contravention of a planning condition relating to times of deliveries and collections on a case-by-case basis. This will help ensure the maximum benefits for the city both during and after the summer of 2012.

If you have any queries about this report please contact Kate Smith on 020 7641 5980 or at ksmith1@westminster.gov.uk

Background papers

1. Agreement for the provision of funding relating to the contribution to boroughs hosting 2012 Games venues between the Greater London Authority and Westminster City Council, signed 31st March 2011.
2. Cabinet Member report entitled London 2012 Cost Recovery dated 16th March 2011. (Decision made 31st March 2011)
3. Built Environment & Business, Enterprise and Skills Policy and Scrutiny Committee paper entitled, "The City Council's involvement and preparation for the London 2012 Olympic and Paralympic Games", dated 20th January 2011.
4. Statement of Licensing Policy 2011.
5. Built Environment & Business, Enterprise and Skills Policy and Scrutiny Committee paper entitled, "The City Council's involvement and preparation for the London 2012 Olympic and Paralympic Games", dated 17th March 2010.
6. City of Westminster London 2012 Olympic Games and Paralympic Games Strategy endorsed by Cabinet in June 2008.
7. Westminster City Council's Public Realm Works Programme.