



City of Westminster

Council Agenda

Title: **Extraordinary Council Meeting**

Meeting Date: **Wednesday 9th December, 2020**

Time: **7.00 pm**

Venue: **This is a virtual meeting**

Members: **All Councillors are hereby summoned to attend the Meeting for the transaction of the business set out.**

This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda This meeting will be live streamed and recorded.

To access the recording after the meeting please revisit the link.

If you require any further information, please contact the Committee Officer, Reuben Segal, Head of Committee and Governance Services.

**Email: rsegal@westminster.gov.uk Tel: 07890 380137
Corporate Website: www.westminster.gov.uk**

1. APPOINTMENT OF RELIEF CHAIRMAN

To appoint a relief Chairman.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

In accordance with Standing Order 9.4 (1) b, I requisition that an Extraordinary Meeting of the City Council be held on Wednesday 9 December 2020 to consider the following items of business:

3. BUSKING AND STREET ENTERTAINMENT POLICY

Report of the Executive Director for Environment and City Management

(Pages 3 - 80)

4. LICENSING ACT 2003: ADOPTION OF THE COUNCIL'S REVISED STATEMENT OF LICENSING POLICY

Report of the Cabinet Member for Public Protection and Licensing

(Pages 81 - 328)

Signed by: Councillor Jonathan Glanz, Lord Mayor of Westminster

**64 Victoria Street
London, SW1E 6QP
1 December 2020**

**Stuart Love
Chief Executive**



Council Report

| | |
|-----------------|---|
| Date | 9 December 2020 |
| Title of report | Busking and Street Entertainment Policy |
| Report of | Raj Mistry, Executive Director Environment and City Management Licensing Committee |
| Decision maker | Full Council |
| Wards involved | All |
| Report author | Kirsty Munro, Principal Policy Officer |

1.0 Executive Summary

- 1.1 Located in the heart of central London, Westminster's streets are brought to life with performances by buskers and street entertainers, who come from all over the world to perform here and play an important role in the vibrancy of our City.
- 1.2 However, at the same time, buskers and street entertainers share the streets with everyone else who lives, works, and visits our City, and, typically we receive around 2,200 complaints each year relating to noise. Certain locations see a high number of loud or amplified performances daily, which means local residents and businesses get little or no respite for lengthy periods of time, which impacts significantly on their health and wellbeing. At busy times, we also witness risks to public safety where pedestrians spill out onto roads to get past street entertainers and their audience.
- 1.3 Views between stakeholders on the most appropriate response to these issues are varied. Residents and businesses have advocated for strong controls, particularly around the use of amplification. Buskers and street entertainers support a continuation of voluntary approaches with strengthened engagement and using the current powers already available to officers.
- 1.4 The council has previously supported buskers and street entertainers to set up informal management groups, self-regulate and (more recently) abide by the 'Busk In London' Code in order to give buskers the opportunity to make a success of self-regulation. Options for self-regulation were included in our initial draft policy, consulted on in January 2020. However, residents and business respondents felt strongly that these voluntary measures alone are not enough to offer effective protection against the adverse impacts of street entertainment.
- 1.5 Busking and street entertainment continues to cause adverse impacts to those who live and work in the area, despite the good intentions of voluntary approaches. The council continues to receive a high number of complaints and existing powers are not effective in tackling irresponsible busking and street entertainment. Through existing

powers, we are also unable to prevent the cumulative adverse impact of responsible and considerate performances which, in certain busking hotspots, can be heard for up to eight hours a day. Appropriate regulation is therefore considered the only option.

1.6 However, the council does not take the introduction of regulation lightly and understands that this is a difficult balance to achieve. The council recognises many street entertainers have built their livelihoods performing in the public space and wants to continue to support opportunities for buskers and street entertainers in our City. At the same time, the council also wants to protect the needs and rights of residents and businesses. To this end, we have carried out extensive engagement with stakeholders over two years including holding two formal consultations to develop and shape the council's policy approach.

1.7 The council consulted on an initial draft policy in January 2020, which proposed a mixture of licensing and self-regulation in key busking hotspots. Following feedback from residents and businesses that more was needed to be done to protect them from adverse impacts and displacement, we updated our proposals to broaden licensing across the centre of our City where in these areas, performers will need to apply for a licence to perform, keep to designated pitches, and abide by the conditions of the licence. The Licensing Committee approved that a second public consultation be held in September on the following policy proposals:

- a voluntary City-wide Westminster Code of Conduct
- details of the Busking and Street Entertainment Forum
- adoption of Part V of the London Local Authorities Act 2000 including detailed maps of the proposed 'licensed streets'. The policy would prohibit busking and street entertainment on these streets, apart from 25 designated pitches where busking and street entertainment will be permitted under and in accordance with the standard licensing conditions and terms and conditions of the pitch. These streets are located in the areas of:

| | | |
|-----------------|------------------|-------------------|
| Paddington | Soho | Embankment |
| Mayfair | Leicester Square | Trafalgar Square |
| Marylebone | Chinatown | Whitehall |
| Bayswater | Piccadilly | Parliament Square |
| Oxford Street | Covent Garden | Victoria |
| Regent Street | The Strand | Knightsbridge |
| New Bond Street | Charing Cross | Belgravia |

- details of the Licensing Application process (including the procedure to vary the standard conditions)
- details of how the council will manage complaints and enforcement
- a commitment to monitor and review the approach during and after the first full calendar year of implementation

- 1.8 The consultation was held between 24th September and 1st November, and the council received 893 responses to our consultation survey, 30 written responses from individuals as well as collective organisations, associations and Business Improvement Districts (BIDs), and feedback from three engagement sessions with stakeholders. Analysis of the consultation survey results is provided in Appendix A.
- 1.9 The results demonstrated that the majority of residents and businesses were in agreement with the proposals to regulate busking, and this support is increased when considering written responses from collective groups who both live and work close to our busking hotspots. Concerns however remain about the control of amplification, as well as how the policy will be implemented and enforced.
- 1.10 The majority of buskers, street entertainers and visitors disagreed with the proposals indicating that they feel licensing regulation is unnecessary, is not cost effective, and will damage livelihoods. Many feel regulations will end busking in the City, due to limited pitches and restrictions placed on amplification. An argument is also presented that the council should make better use of their existing powers to manage the issues arising, as well as to do more to work closely with the busking and street entertainment community to deliver workable results.
- 1.11 As a result of the consultation, and in our continued efforts to listen to and strike a balance between needs of stakeholders, several amendments are proposed to the policy including:
- Addition of an unamplified pitch in Covent Garden near to the London Transport Museum
 - Amendment to the terms and conditions of Pitch 12 (Market Square/James Street) to permit vocal amplification
 - Removal of Villiers street pitch from its current location, and relocation to Northumberland Avenue/Hungerford Bridge
 - Standard Licence Condition 12 to remove reference to a 20-minute break between performances; this will remain in the guidance under the Code of Conduct
 - A £10 licence will be made available for buskers and street entertainers wanting to apply for a shorter length licence of 1 month
 - There will be a 50% discounted fee for registered students
 - Alternative forms of identification for buskers and street entertainers who may not have a passport or driving licence will be permitted when applying for a licence
 - When making an application for a licence, for buskers and street entertainers who may not have a permanent UK home address, the wording has been amended to make clear this means any address in the UK where the individual will be residing (including hostels, hotels, friends/family addresses)
- 1.12 It is considered that this policy proposal will best balance the needs of stakeholders and provide several benefits for all, including:

- improved safety for both buskers and street entertainers as well as the public
- designated pitches providing opportunities for buskers and street entertainers to perform
- reduced noise nuisance for residents and businesses
- appropriate pitches to permit amplification for those buskers and street entertainers who require it to perform
- clear parameters for enforcement and improved powers to tackle issues
- the continuation of busker and street entertainer self-regulated approaches to support a culture and community of considerate performers and to enable the council to keep regulation light touch
- improved communication and updates for all through the dedicated busking and street entertainment website
- improved complaint mechanisms to enable officers to take a proportionate and targeted approach
- a direct avenue for ongoing engagement including the Forum and through the commitment to keep the policy under review
- a quick and simple licencing application process
- the ability to request a licence variation to the standard conditions to suit more unique performances
- subsidised fees
- bespoke street trading permit
- encouraging new opportunities for performances for young people and students

1.13 As part of the wider strategy, the council remains committed to supporting a diverse platform of opportunities for buskers and street entertainers including working with residents, businesses, buskers and street entertainers, as well as other music, art and theatre institutions to curate the performer spaces for collaborative and inspired performances, competitions and events.

1.14 On 25 November 2020 the Licensing Committee met to consider this report and appendices, as well as hearing representations from buskers/street entertainers, local businesses and local residents. The Licensing Committee unanimously resolved to recommend this report and its recommendations to Full Council. Nonetheless, the Licensing Committee recognises that the Decision to adopt part V of the London Local Authorities Act 2000 and to designate licensed streets under that Act is a matter for the Full Council to consider.

1.15 If the Full Council resolves to adopt the draft designating resolution for the licensed streets, along with the application procedures and standard conditions, that draft resolution will be subject to a statutory consultation period during which representations can be made in writing or orally, if requested. Full Council in March 2021 will then decide whether to adopt the draft designating resolution, as drafted or as amended in light of the representations received during the consultation period. Such resolution would not come into effect until 5 April 2021.

2.0 Recommendations

The Council is asked to adopt:

(1) A Busking and Street Entertainment Policy for the City of Westminster which includes (as specified in Appendix B):

- the adoption of a city-wide Busking and Street Entertainment Code of Conduct;
- the creation of a dedicated Buskers and Street Entertainers Forum; and
- ongoing seasonal (quarterly) monitoring and an annual review of the policy after one full year of operation.

(2) A resolution to adopt Part V (Licensing of Buskers) of the London Local Authorities Act 2000 to apply to all the area of the City of Westminster.

(3) The draft designating resolution for consultation to prohibit busking and street entertainment from all licensed streets save that busking and street entertainment will be permitted under and in accordance with (a) the terms and conditions of designated pitches and (b) the terms and conditions of a busking and street entertainment licence.

(4) The draft designating resolution for consultation contains.

(4.1) the designated streets and areas where busking and street entertainment is to be prohibited – the licensed streets, namely:

| | | |
|-----------------|------------------|-------------------|
| Paddington | Soho | Embankment |
| Mayfair | Leicester Square | Trafalgar Square |
| Marylebone | Chinatown | Whitehall |
| Bayswater | Piccadilly | Parliament Square |
| Oxford Street | Covent Garden | Victoria |
| Regent Street | The Strand | Knightsbridge |
| New Bond Street | Charing Cross | Belgravia |

(4.2) the busking and street entertainment pitches where busking and street entertainment will be permitted (under and in accordance with (a) the terms and conditions of designated pitches and (b) the terms and conditions of a busking and street entertainment licence – the busking pitches, namely:

| | |
|----------------------------|---|
| Pitch 1: Marble Arch | Pitch 14: London Transport Museum |
| Pitch 2: Old Quebec Street | Pitch 15: St Pauls Church |
| Pitch 3: Vere Street | Pitch 16: St Martins |
| Pitch 4: Princes Street | Pitch 17: Trafalgar Square Charing Cross Rd |
| Pitch 5: Glasshouse Street | Pitch 18: Trafalgar Square North Terrace |
| Pitch 6: Eros Statue | Pitch 19: Trafalgar Square North Terrace |
| Pitch 7: Chinatown | Pitch 20: Trafalgar Square North Terrace |

| | |
|--------------------------------------|--|
| Pitch 8: Leicester Square North West | Pitch 21: Trafalgar Square North Terrace |
| Pitch 9: Leicester Square North East | Pitch 22: Trafalgar Square North Terrace |
| Pitch 10: Covent Garden James Street | Pitch 23: King Charles Statue |
| Pitch 11: Covent Garden James Street | Pitch 24: Northumberland Avenue |
| Pitch 12: Market Square James Street | Pitch 25: Charing Cross Station |
| Pitch 13: Royal Opera House | Pitch 26: Northumberland/Hungerford Bridge |

- (4.3) the terms and conditions that apply for each busking pitch;
 - (4.4) the terms and conditions for a busking and street entertainment licence;
 - (4.5) the application process (and fee) for a busking and street entertainment licence, including the process for applying for a variation of the standard terms and conditions.
- (5) The following time-table:
- (5.1) For the city-wide Busking and Street Entertainment Code of Conduct; dedicated Buskers and Street Entertainers Forum; and ongoing seasonal (quarterly) monitoring and an annual review of the policy after one full year of operation to have effect from 5th April, 2021.
 - (5.2) Resolution to Adopt Part V of the 2000 Act 9th December 2020 coming into operation on the 5th April, 2021.
 - (5.3) Consultation upon the draft designating resolution from the 10th December 2020 to the 31st January 2021 (a seven week period)
 - (5.4) 3rd March, 2021 the Full Council may adopt, amend and adopt, or reject the designating resolution; in the event of adoption it shall come into effect on the 5th April, 2021.

3.0 Reason for Decision

- 3.1 On balance busking and street entertainment is and continues to cause adverse impacts despite the good intentions of voluntary approaches. The council continue to receive a high volume of complaints and are challenged by the very low effective use of existing powers to tackle the issue. Appropriate regulation is therefore considered the only option.
- 3.2 This policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit our streets and shared public spaces by promoting the best of busking and street entertainment through a voluntary City-Wide Code of Conduct and supporting buskers and street entertainers to integrate into our communities, through membership to the Westminster Busking and Street Entertainment Forum.

3.3 The policy also recognises that in certain locations within our City, there is good reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street; and /or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area. It is therefore proposed to adopt Part V of the London Local Authorities Act 2000 and to further designate licensed streets for the areas listed below so as to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the twenty-six designated busking pitches.

| | | |
|-----------------|------------------|-------------------|
| Paddington | Soho | Embankment |
| Mayfair | Leicester Square | Trafalgar Square |
| Marylebone | Chinatown | Whitehall |
| Bayswater | Piccadilly | Parliament Square |
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4.0 Background

4.1 Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase ‘busking and street entertainment’ should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

4.2 Westminster is populated with residential and business property sited close to and within nationally and internationally recognised commercial, cultural and tourist destinations and this creates a vibrant and exciting atmosphere. These areas of high footfall are also attractive to buskers and street entertainers. Every day our streets are enlivened with performances, by buskers and street entertainers who come from all over the world to perform here and play an important role in the vibrancy of our City. At the same time, buskers and street entertainers share the streets and open spaces with everyone else who lives, works, and visits our City, and, typically, we receive around 2,200 complaints each year relating to noise and with certain locations having a high number of loud or amplified performances daily, meaning locals get little or no respite for lengthy periods of time. At busy times, we also witness risks to public safety caused by busking and street entertainment where pedestrians spill out onto roads to get past buskers and street entertainers and their audience.

4.3 In 2015 the council fully supported the Mayor Of London’s ‘Busk in London’ scheme which promoted busker and street entertainer self-regulated approaches, identified appropriate areas for busking, developed a voluntary Code of Conduct and introduced

a dedicated busking taskforce to help ensure the Code was followed. However, in 2016 the Busk in London taskforce ceased to operate, and the scheme became less effective without their presence.

4.4 Following the removal of the Busk in London taskforce, in January 2017 the council took a targeted approach and deployed four dedicated City Inspectors – the Busking Enforcement Team – who actively monitored and responded to any issues raised by the performers, or complainants. Officers proactively observed and monitored c.2200¹ during their year of operation. Officers observations included regular interventions to correct behaviours that were non-compliant with the Busk in London code.

4.5 Whilst the implementation of these officers saw a 30% reduction in complaints from 2016/17 – 2017/18, the Busk in London voluntary approach and deployment of dedicated teams was faced with several challenges including:

- whilst behaviours were not consistent with the code they were also not so severe to result in formal enforcement action.
- Officers ability to effectively manage issues raised were limited to voluntary requests for performers to cease, offers of advice and guidance, and using deterrents to tackle bad practices.
- a tendency for volumes to be increased as soon as officers had left the area.
- the powers the council have available to use are not fit for purpose against performers who are causing adverse impact - only in very serious incidences where officers can strongly evidence over a period of time an individual persistently causing a negative impact by acting unreasonably or refusing to co-operate, can the council intervene with stronger action - resulting in frustration from both the responsible busking and street entertainers as well as residents and businesses that effective action cannot be taken quickly or effectively.
- this approach is considerably resource intensive and officers and the police cannot be exclusively concerned with busking and street entertainment alone.
- the council is not able to protect residents and businesses from the cumulative impact that even responsible busking and street entertainment can create when consecutive performances are heard up to eight hours every day.

4.6 It was therefore considered that the council needed to take a new approach to busking and street entertainment. This should be one that balances the interests of buskers and street entertainers by supporting a culture of consideration for others, continuing to encourage talent that contributes to our City's lively and diverse street scene, whilst still ensuring those in our busking hotspots are better protected from adverse impacts. An evidential review and engagement with stakeholders (including residents, businesses, buskers and street entertainers, visitors and enforcement officers) was commissioned by the Licensing Committee in 2018 to understand and consider:

¹ To note that this is the number of observations made only and is not reflective of the total number of performances or buskers operating across our borough.

- the experiences and complaints from residents and businesses close to busking hotspots
- how buskers and street entertainers operate and develop their shows, as well as the challenges they face
- the observations and interventions from police officers
- the use of and challenges with existing enforcement measures and interventions
- how this issue is managed across other cities both in the UK and globally
- targeted powers available to adopt by the council to manage issues arising

4.7 A summary overview of the journey to date has been provided below, with detailed reports on considerations provided in background Licensing committee reports (the links to which are attached as background reports in Paragraph 13.0).

Complaints

4.6 The council receives complaints about busking and street entertainment in numerous ways, including through scheduled and ad hoc officer meetings with residents and businesses, written complaints, anti-social behaviour logs, impact statements, environmental health requests and petitions. The most common complaints received include:

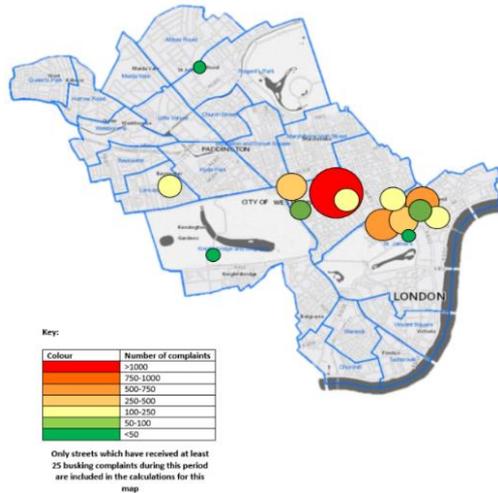
- Unreasonable levels of noise often (but not exclusively) from the use of amplifiers and loud instruments including percussion and items used as percussive instruments such as pots and pans, brass and wind instruments
- Sound clash from multiple loud buskers and street entertainers in the same area
- Performance fatigue due to buskers and street entertainers performing one after another in the same place for up to eight hours every day
- Limited and repetitive repertoire
- Obstructions caused by performance audiences that can impede on entrances or exits to businesses (including transport services and those street businesses that themselves operate in our public spaces such as street traders)
- The quality of some performances (*Please note, however, the council does not comment upon or judge the creativity or artistic choices of buskers and street entertainers*).

4.7 Requests for officers to intervene with busking and street entertainment that is causing adverse impacts in real time are received through the council's online complaint report mechanism, or over the phone. The number and location of complaints received in this way each year is provided in table 1 and figure 1 below, with the detailed complaint data since 2015 attached as Appendix C.

Table 1: Number of complaints received about busking and street entertainment by financial year through the councils online complaint report-it and over the phone since 2015

| 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | Total |
|---------|---------|-------------------|---------|---------|-------------------------------|--------|
| 2352 | 2546 | 1730 ² | 1922 | 2486 | 414 ((Apr – Oct) ³ | 11,450 |

Figure 1: Hotspot map of Busking and Street Entertainment complaints received across the City of Westminster, April 2017 to November 2020



- 4.8 The council receives on average 2,200 of these complaints each year. Complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the City increases during the day and later into the night. Figure 1 highlights that most complaints received are across the West End and centre of our City, but complaints are also received beyond this concentrated area further north and south.
- 4.9 The council has kept under review the validity of our complaint data, following an argument being presented that a small number of complainants are solely responsible for the volume of complaints received. The council acknowledges whilst multiple complaints may be made by one individual (but not in every case), this does not invalidate the adverse impacts experienced by the complainant. In addition, the council acknowledge that not every complaint made against a busker or street entertainer is considered reasonable when officers have gone to witness the event. However, it is also recognised that for some residents and businesses the impact of consecutive performances that omit sound, even when done so responsibly, can create a cumulative experience of adverse impacts resulting in a complaint being made. The council has also heard from residents and businesses that there is for them an element of reporting fatigue, whereby they no longer make efforts to report an individual, as the council is unable to manage the concerns effectively, through a lack

² This reduction comparative to the previous year was a result of the council employing four dedicated officers to support and manage street entertainers explained further in para 4.5.

³ The reduction comparative to the previous year is a result of the Covid19 pandemic and national restriction measures

of powers. Instead general complaints are made about the cumulative adverse impact this activity has on their health and wellbeing, and comfort of living and working in the City through other fora available to residents and businesses. Care is also taken within our recording system to separate other on-street noise such as amplified music heard from pedicabs. Nonetheless, officers both acknowledge and have accounted for a low margin of error for incorrectly categorised complaints.

Observations

4.10 Enforcement Officers witness risks to public safety where pedestrians spill out onto roads to get past buskers or street entertainer and their audience, or witness performances and their audience impeding on pedestrian flow in already highly congested areas of footfall. Officers often need to intervene to ask buskers and street entertainers to control their audience or cease their performance and move to another location. A summary of the general representative position of authorised officers' experience with busking and street entertainment is provided below:

- ***City Inspector Council Officers (24 hour 365 days a year shift workers)***
Officers feel that responsible busking can contribute culturally to the borough, but that due to adverse impacts, stronger controls are required. They feel they are unable to carry out effective enforcement to tackle issues with existing resources and powers, and whilst busking is permitted in all areas of our City. This is especially the case in our popular busking and street entertainment areas.
- ***Busking Enforcement Team (a taskforce of four dedicated busking and street entertainment City Inspector Officers operating in 2017)***
This team built a strong relationship with many of the established buskers and street entertainers in our City but also came across a high volume of transient and new buskers and street entertainers daily. Officers felt the majority of the buskers and street entertainers were responsible, especially those that were established, and most were generally compliant when asked to adjust their behaviours. However, deterring irresponsible practices was only effective when officers were a visible presence in the area, and due to the size and distance between the locations they needed to cover, and the daily churn of new buskers and street entertainers, this was not always possible and would ultimately require an investment of significantly more dedicated resources. They felt that pro-active controls were needed to make clear to all buskers and street entertainers wanting to perform in the City how they should carry out their performance. This would both reduce the impacts and provide clear rules for when enforcement should take place.
- ***Metropolitan Police Service***
The Metropolitan police have cited that crowding as a result of street entertainment and busking has attracted crime and created safety risks. There are concerns about exploitation of vulnerable people and the current lack of effective legislation

and responses. The Police are supportive of a scheme to improve vibrancy, quality and behaviours of buskers.

Challenges with existing legislation

4.11 The council currently uses several existing enforcement powers to tackle any busking and street entertainment that is causing adverse impacts on the surroundings. However, these are considered imperfect tools to deal with buskers and street entertainers and we come across various challenges in our attempts to use them. These enforcement tools and their associated challenges are detailed below:

- ***Antisocial Behaviour, Crime and Policing Act 2014***

The council can issue Community Protection Notices (CPNs) when there is evidence that the conduct of a busker or street entertainer is 'causing intimidation, alarm, harassment or distress which is having a detrimental effect on the quality of life of those in the locality, is persistent in nature, and is unreasonable'. Admissible evidence considered by the courts include witness statements from those impacted. These must demonstrate that nuisance or harm is being caused to their quality of life, beyond the level that could be considered as 'irritating'. In order to issue a CPN the council must witness the anti-social behaviour from the same individual on a number of occasions and go through numerous stages, including issuing a warning, then a statutory notice, followed by a Fixed Penalty Notice. This process is slow, rendering the enforcement action ineffective. This is further compounded by the transient nature of buskers and street entertainers which makes it difficult to evidence a persistent issue.

- ***Environmental Protection Act 1990 (EPA) amended by the Noise and Statutory Nuisance Act 1993***

The council can issue Noise Abatement Notices if the performance is considered a statutory nuisance by a determining Environmental Health Officer. A statutory nuisance is an objective standard defined as having a persistent or detrimental effect on a person's quality of life. Similarly to the process with CPNs (described above) there are a number of stages to achieving enforcement. In addition, noise from buskers and street entertainers, whilst often considered unreasonably loud, do not necessarily meet the threshold to be considered a statutory nuisance.

- ***Section 137 of the Highways Act 1980***

Enforcement officers can use this power to move people along if they are causing an unlawful obstruction to the Highway, however, it is difficult for officers to demonstrate that a busker or street entertainer has wilfully caused an obstruction and often it is not the busker or street entertainer themselves but the audience that is causing an obstruction. In addition, it does not apply to any busking that takes place in open spaces that do not constitute the highway.

- ***Section 62 of the Control of Pollution Act 1974***

If a busker or street entertainer chooses to use a loudspeaker during a performance between the hours of 9 pm and 8 am the following morning, this is an offence under the Control of Pollution Act. However, this does not deal with loud performances that are non-amplified such as brass, wind and percussion instruments. Moreover, it cannot be used to deal with noise from loudspeakers during the day when such noise can be having a detrimental impact on businesses and residents who are not at work.

- ***Byelaws made under section 235 of the Local Government Act for Good Rule and Government (no.2) as amended***

This byelaw applies across the City and enables the council to seize noise equipment pending prosecution for anyone playing a musical instrument or amplifier which is so loud, continuous or repeated as to give reasonable cause for annoyance. However, demonstrating evidence of when a busker or street entertainer has contravened this byelaw without clear guidelines is problematic. This byelaw also fails to have any penalty associated with non-amplified loud performances.

4.12 Wider challenges to the current enforcement options include:

- Buskers and street entertainers only temporarily act on the instructions of officers (i.e. stopping or turning down the volume when asked for a few minutes but then increasing the volume once the enforcement officer has walked away).
- Warning letters or enforcement notices can only be effectively issued to an individual if the council has access to their full name and address. Council officers alone cannot compel buskers and street entertainers to provide their personal details and if this information is not volunteered, then officers require the support of the Police. Current Police resources are understandably prioritised for the prevention of high-harm criminal activity which means there are ongoing challenges for enforcement officers to secure Police support.
- Statutory notices are location specific. This means that if statutory notices are served, this does not prevent the busker or street entertainer from relocating their performance and causing nuisance in another area, and the enforcement process must begin again.
- The volume and transient nature of buskers and street entertainers means that even if one inconsiderate busker and street entertainer is moved on, or enforcement action is taken, they are replaced by more of the same.
- Consecutive performances that omit sound, even when done so responsibly and not contravening any of the above enforcement thresholds, can create a cumulative experience of adverse impact. However, there is nothing the council can do with existing powers to tackle this challenge.

4.13 Given these challenges, the council has only been able to make effective use of these powers in very limited circumstances as set out in the table below. The successful

use of powers is flooded by the volume of complaints, and emphasises the ineffective nature of currently available enforcement powers.

Table 2: Council interventions with existing powers 2016 – 2020 (to note that this does not include any informal or formal warnings provided ahead of action being taken)

| | 2016 | 2017 | 2018 | 2019 | 2020 |
|----------------------------|------|------|------|------|------|
| CPN | 4 | 7 | | | |
| Noise Abatement Notices | 6 | | 2 | 6 | 1 |
| Obstruction on the Highway | | | | | |
| Control of Pollution Act | 4 | 18 | 1 | | |
| Bylaws | | | | | |

Considering the use of a PSPO

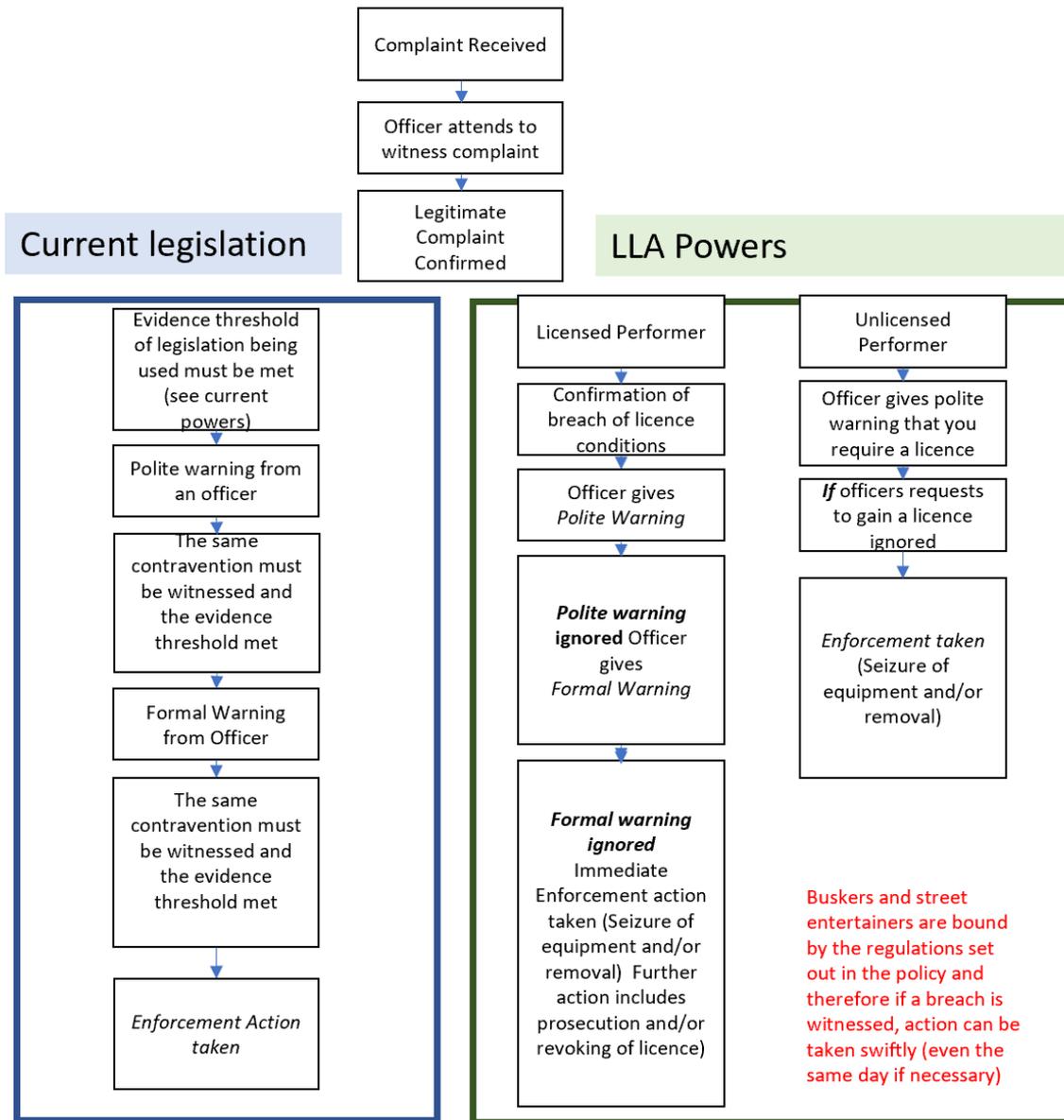
- 4.14 The council considered the available powers it has at its discretion to introduce to support us in tackling this issue. One such power includes the use of a Public Space Protection Order (PSPO). PSPOs sit amongst a broad range of powers and tools to help tackle anti-social behaviour and are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour and help deal with persistent issues that harm communities, by designating an area to prohibit or control activities that are detrimental.
- 4.15 Whilst PSPOs can be considered appropriate for addressing behaviours such as the use of noise-enhancing equipment like amplifiers, officers concluded that busking and street entertainment is not an activity or behaviour that is anti-social and that this form of regulation goes against the spirit in which the council are seeking to strike a balance between protecting communities from adverse impacts whilst continuing to find opportunities and for busking and street entertainment to take place.
- 4.16 In addition a PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. The council however are seeking to introduce a longer term form of regulation, whilst having the freedom to amend and vary measures as they embed.

Benefits of Part V London Local Authorities Act 2000

- 4.17 Part V of the London Local Authorities Act 2000 has been specifically designed for London boroughs to prohibit busking and street entertainment and/or adopt a licencing scheme when there is or is likely to be undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area. This legislation affords the Local Authority the ability to create a localised and balanced approach that is bespoke and site specific.

- 4.18 Officers have considered that adopting this legislation in areas of adverse impact will enable the council to influence, control and create clear enforcement measures around where it is appropriate to busk safely, as well as to control amplification, audible sound levels and the cumulative experience of adverse impacts through licensing conditions.
- 4.19 In addition adopting this legislation within a wider policy will bring about benefits to buskers and street entertainers including clarity of parameters for appropriate locations and types of performances across the City as well as clear enforcement measures, supporting buskers and street entertainers with subsidised fees, providing a quick and simple application process, the ability to vary the conditions to suit performances, as well as providing a bespoke street trading permit. Licensing will also open up opportunities for new performers wanting a safe and authorised space to perform, free from bullying tactics and monopolies held on certain sites by some buskers and street entertainers. The council are also seeking through the wider policy that this legislation will sit, to provide a dedicated avenue for ongoing engagement and discussion through the busking and street entertainment forum - whose members are also expected to play a key role in the ongoing seasonal monitoring and annual review to ascertain the full impact on buskers and street entertainers.
- 4.20 Officers have also considered that a key additional benefit of introducing licensing is that it will enable quicker and more effective penalties to be issued against irresponsible buskers without a licence, or those in breach of licensing conditions (Figure 2 below). These powers will improve the targeted enforcement of irresponsible buskers and street entertainers, which will ease the current frustrations of residents, businesses, responsible buskers and street entertainers, and enforcement officers alike - about the ineffective use of powers officers currently hold. Penalties include removing permission to perform through revoking a licence and seizing equipment or prosecuting should individuals fail to respond positively to informal requests to comply

Figure 2: Process map of current and London Local Authority Act enforcement



Voluntary busker managed approaches

4.21 Against a backdrop of the challenges with existing enforcement powers and consistently high complaints, the regulation of busking and street entertainment has been periodically proposed and considered over several years. The council has however previously avoided formal regulation of buskers and street entertainers, choosing to instead encourage buskers and street entertainers to set up informal management groups, self-regulate and (more recently) abide by the ‘Busk In London’ Code in order to give buskers the opportunity to make a success of self-regulation and for the council to observe self-regulation in practice. Despite some successes self-regulation fails to strike the right balance and achieve the reduction of adverse impacts.

- 4.22 To date this approach has delivered an established managed scheme on the West Piazza of Covent Garden, where performers are required to join a Street Performers Association (SPA) voluntarily run by the performers themselves and enter a draw each morning to determine who will be performing that day. Having a SPA has provided the council and businesses in the area a location-based Code of Conduct designed specifically for the area and an organised point of contact to raise issues of concern. Complaints however continue to arise even here, as well as the remainder of Covent Garden not managed by the SPA, despite their being private security provided by the landowner and two dedicated council officers provided 8am – 8pm each day.
- 4.23 In other popular informal pitches in Westminster, including Leicester Square and Trafalgar Square, informal queuing systems have been created and performers employ a ‘first come first perform’ approach, and take it upon themselves to talk with others who are being too loud, or support in reducing crowd obstructions. In these areas since 2019 a new SPA has been formed by buskers and street entertainers who use these pitches frequently to formalise the approach they take, including setting up a complaint system where residents and businesses can contact the busker and street entertainment representatives directly if they have a complaint. Whilst the majority will act upon this peer advice, there continues to be those who are not part of the SPA that act unreasonably and employ bullying tactics with other performers and does not effectively protect businesses and residents from adverse impacts.
- 4.24 In other popular informal pitches including Piccadilly and Oxford Street, there is a higher transience, spread, and volume of buskers and street entertainers and no performer managed approach or accountability - lending itself to increased levels of inconsiderate performances which is also reflected in the higher number of complaints we receive in these areas.
- 4.25 The council recognises the significant value in collaborative engagement with responsible buskers and street entertainers and through the organisation of dedicated SPAs. Working to the same mission, to ensure busking and street entertainment continues its historic legacy of bringing vibrancy to our streets whilst seeking to reduce adverse impacts, the council considers that busker and street entertainer led engagement must underpin as well as drive any policy. However, the variances in approach between locations and even within the same locality - ranging from no busker and street entertainer groups holding others to account, to organised groups holding auditions or introducing complaint systems and varying codes of conduct - needs to be better co-ordinated. The council therefore considers that a dedicated busker and street entertainment forum to include all the different area schemes and the wider community, would help to increase engagement across the piece and facilitate co-ordination and improvements. In addition the council have launched a dedicated website that keeps both established performers, as well as transient performers, informed of issues that may impact them such as the development of this policy, and more practical support such as a calendar of pre-planned events across the City to help buskers and street entertainers plan for where and when they should work.

Developing the Policy & Engagement

4.26 Since 2018, officers have undertaken extensive engagement to listen to everyone's views bringing all stakeholders together on a number of occasions to offer them the opportunity to listen and understand each other's perspectives. The aim was to try and arrive at collaborative solutions that successfully protect our businesses and residents from the adverse impacts of busking and street entertainment, whilst ensuring our streets remain vibrant and open to buskers and street entertainers. A summary of the representative views from stakeholders is summarised below

- **Buskers and Street Entertainers:** Enjoy the opportunity to perform in Westminster and recognise the City as a global platform for street entertainment. The majority of buskers and street entertainers are opposed to the premise of regulation as it would impact on their ability to work and risks the alienation of buskers. Buskers and street entertainers believe that the majority of them are responsible and that those who are irresponsible and causing a problem should be managed by the council with the enforcement powers already in its gift. Most agreed that improved communication between businesses, buskers and street entertainers and the council would help to eradicate the problem buskers and street entertainers without the need for regulation and that the council should do more to support self-regulation.
- **Businesses and Residents:** Often recognise the importance of street entertainment in their district and the vibrancy this brings, but have expressed that current voluntary-based approaches with buskers and street entertainers and current enforcement powers are not effective, and that regulation is needed to ban or control busking, especially in hotspot areas. Even responsible busking can cause a significant impact when loud performances are heard for up to eight hours each day with no respite, and audiences cause obstructions to entrances and exits to business premises.

4.27 Officers also heard that the experience of busking and street entertainment in our City can be different from one location to another, which can be attributable to how buskers and street entertainers interact with the general use, design and characteristics of an area.

4.28 Following the evidential review and engagement, a policy was designed that took a targeted and area specific approach including:

- promoting responsible busking and street entertainment by developing a voluntary Code of Conduct tailored to our City
- encouraging buskers and street entertainers to integrate into our community by developing a dedicated busker and street entertainment forum
- recognising the established self-regulation of buskers and street entertainers already present in our City (Covent Garden)

- supporting newly created self-regulation schemes with buskers and street entertainers in identified suitable areas (Trafalgar Square)
- balancing the needs and rights of residents and businesses that are near to popular busking and street entertainment locations experiencing the highest levels of adverse impacts by introducing a light touch approach to control and regulation (Oxford Street, Piccadilly, Chinatown and Leicester Square) through adoption of Part V London Local Authorities Act.

January Consultation

4.29 On 10th January 2020, the Licensing Committee approved that the council go out to consultation on the policy proposal and a public consultation was held between 14th January and 24rd February 2020.

4.30 On 1st July 2020 (following a delay in processes due to Covid19), the Licensing Committee reviewed the analysis of 729 consultation responses and heard a general representative position from both a resident and a street entertainer, and in summary the Committee discussed:

- that good and responsible busking and street entertainment are an important part of the cultural heritage of the City
- the introduction of control and regulation in Oxford Street, Piccadilly, Chinatown and Leicester Square to manage adverse impacts experienced was strongly supported by most residents and workers
- whilst the proposed self-regulation schemes in Covent Garden and Trafalgar Square were generally supported as an alternative approach to introducing control and regulation, there was strong consensus from those who live and work in the immediate vicinity of these busking hotspot areas that despite the councils commitment to enhance current ways of working, based on the historic support of voluntary approaches this would not be enough to effectively prevent or protect against the current adverse impacts experienced. Nor is it able to effectively prevent or protect against a likely increase in issues should buskers and street entertainers be displaced from licensed areas into self-regulation areas.

4.31 Following feedback from the consultation it was heard that the council should employ a more consistent approach to regulation across the City's busking hotspot areas to ensure our response and enforcement is pro-active, improved and consistent to issues arising, and to protect against the likelihood of displacement.

Policy Re-design

4.32 Officers considered that self-regulation through the Code of Conduct and support of buskers and street entertainers through the Forum as well as through SPAs, were key parts of the policy approach. However, underpinning this and to improve the balance for business and residents, our licensing approach was expanded across the City

where adverse impacts are experienced, as well as to immediate surrounding areas such as mainline train stations where footfall is high to protect against displacement.

4.33 In expanding the regulation, busking and street entertainment is prohibited in the following areas:

| | | |
|-----------------|------------------|-------------------|
| Paddington | Soho | Embankment |
| Mayfair | Leicester Square | Trafalgar Square |
| Marylebone | Chinatown | Whitehall |
| Bayswater | Piccadilly | Parliament Square |
| Oxford Street | Covent Garden | Victoria |
| Regent Street | The Strand | Knightsbridge |
| New Bond Street | Charing Cross | Belgravia |

4.34 However, officers sought to identify within these areas safe and appropriate locations for performance space (commonly referred to as 'pitches') for buskers and street entertainers. In summary the methodology used to do so began with a process of eliminating the following locations:

- anywhere in close vicinity of tube entrances and exits, business entrances or exits,
- anywhere where the width of the pavement is reduced,
- anywhere where there are long standing construction works, and
- where other queues or audiences may also gather i.e. near bus stops, taxi ranks, ATMs and next to pedestrian crossings.

4.35 Officers also took into consideration the specific locations which most buskers and street entertainers currently gravitate towards, as these provide a good indication of what would be considered from their perspective an attractive and lucrative location to both perform and attract audiences. Where possible, we have sought to retain these areas.

4.36 Once general locations were identified, officers then determined that to ensure pedestrians could also comfortably pass by a busker or street entertainer and their audience, a gap of at least 2 metres must be kept from fixed structures at all times (enough to allow a wheelchair or double buggy to pass). This then clearly defined the size of the performance space to include both the busker and street entertainer and their expected audience size.

4.37 A total of twenty-five pitches were proposed. Officers then considered the types of performances and controls that we would want to put in place in these locations to minimise the impact of nuisance. Officers have designed tailored conditions to include responsibilities for:

- their performance
- the management of their audience

- the control of sound

4.38 In summary five pitches were identified as suitable for amplification, brass, wind percussion and percussive instruments; six pitches identified as suitable for larger acts and attracting larger audiences; five identified as suitable for walk by acts only; with the remainder of pitches suitable for attracting smaller audiences providing they do not cause an obstruction.

4.39 Officers considered at length the argument presented that prohibiting amplification apart from on five pitches, would effectively end busking and street entertainment in our City. However, on balance the council considers it necessary to restrict amplification to protect residents and businesses from adverse impacts, whilst providing opportunity for a variety of different buskers and street entertainers to continue performing in our City.

4.40 On 23rd September 2020, the Licensing Committee reviewed the Policy design and approved that the council consult on the new proposals.

5.0 November Consultation Results

5.1 The consultation ran from 24th September to 1st November 2020. The council invited responses to the council's proposals through an online survey, written responses to our dedicated mailbox, as well as attendance at open engagement sessions for all stakeholders to have their questions answered and views heard on the proposals. Results from the consultation are outlined below.

Survey Results

5.2 The consultation survey sought feedback on the areas to be regulated including the streets where busking and street entertainment would be prohibited, the pitch locations and terms and conditions where busking will be permitted, the licence terms and conditions, as well as the application process.

5.3 The consultation asked respondents to indicate on a 5-point scale (from strongly agree to strongly disagree) their views on the proposals, as well as providing an opportunity to provide open comment on any part of the council's proposals.

5.4 The detailed consultation report can be found at Appendix A, and a summary has been provided below.

5.5 The completion rate was high at 893 responses, this is 181 more responses than the consultation carried out in February due to a significant increase in the number of visitor responses received.

- 101 (10%) street entertainers

- 275 (28%) residents
- 140 (14%) respondents affiliated with a business or who work in Westminster
- 468 (47%) visitors (278 visitors from London, 156 visitors from UK, 34 visitors from abroad)

5.6 Figure 3 below demonstrates the split in responses by the respondent group, with buskers and street entertainers strongly opposing all proposals, whilst residents and businesses mostly in support.

Figure 3: Breakdown of survey response by respondent groups



5.7 **Busker and Street Entertainers** strongly oppose all proposals with common reference to the disagreement with regulation and control measures because the council already have sufficient powers to intervene with problematic performers. Concerns were repeatedly raised that licensing and the controls placed on pitches and amplification would end busking and street entertainment and damage livelihoods. This is further exasperated by the current Covid19 pandemic and economic climate.

5.8 **Residents and Businesses** disagreed with the licence terms and conditions proposed however in contrast, comments were more likely to cite that amplification should not be permitted at all. Reasons for disagreeing with overall proposals indicate that street entertainment should not be regulated, followed by the regulations not covering a wide enough area for residents and businesses. The pitch most unfavoured by residents and businesses is amplified Pitch 9 Leicester Square North East.

5.9 **Visitors** also strongly oppose all proposals often citing that the streets should be open to anybody who wants to perform on them and that busking and street entertainment is a valued and popular activity that brings about a unique artistic vibrancy and

spontaneity. Whilst the council encourage the input and views of visitors as it supports our wider understanding of the value of street entertainment, officers are also mindful that visitors experience is one that is very different to that of residents and businesses.

Written Responses

- 5.10 The council received 30 written responses from those who live and/or work close to busking hotspots including several residents and street performers, businesses, performers associations, BIDs (representing c.3000 businesses), museums, neighbourhood organisations and housing providers

Key themes arising from written responses included:

- Busking and Street entertainment is a welcomed historical and cultural attraction across the City, but encourage that the council recognise the need to take a new approach to manage the issues arising
- The new proposals address the previous concerns of displacement, however require more detail and reassurance on how it will be enforced once implemented
- Requests for pitches to be removed due to the proximity of business and residents
- Requests for additional pitches to be included
- Requests for amplification to be banned
- The impact of licencing on busking and street entertainment community
- Requests for the council to use its existing powers

Engagement Sessions

- 5.11 Three open engagement sessions were held for stakeholders to engage with officers and the Cabinet Member for Public Protection and Licensing, to voice their views on the new proposals as well as have their questions answered.

- 5.12 In attendance these sessions represented views from residents, businesses, buskers and street entertainers, as well as institutions and associations. A summary of key themes included:

- Removal of amplification, particularly on Leicester Square
- Removal of Villiers Street pitch due to the proximity of residents and businesses
- Validity of the evidence and data the policy is based upon
- Not enough pitches
- Not enough engagement with buskers and street entertainers, and other institutions
- Not giving buskers and street entertainers the opportunity to work with the council on alternative proposals
- The council not using its existing powers effectively
- The impact on buskers and street entertainers' livelihoods and mental health
- The impact on residents and business livelihoods and mental health

- The 20minute break between performances considered unnecessary if no amplification is permitted, as this further restricts performance times and opportunities

Petition

5.13 The council are aware of a petition that has been created by the buskers and street entertainers to campaign against the proposals and there are a number of signatories on it. No formal approach has been made to the council

6.0 Proposed Policy Amendments

6.1 The varied views of our stakeholders mean that the council must consider all the available information it has and reach a balanced view that enables busking and street entertainment to take place in our City, whilst protecting residents and businesses from adverse impacts.

6.2 Following the consultation, the council proposes that the following key amendments to the policy should be made:

- Addition of an unamplified pitch in Covent Garden near to the London Transport Museum
- Amendment to the terms and conditions of Pitch 12 (Market Square/James Street) to permit vocal amplification
- Removal of Villiers street pitch from its current location, and relocation to Northumberland Avenue/Hungerford Bridge
- Standard Licence Condition 12 to remove reference to a 20-minute break between performances; this will remain in the guidance under the Code of Conduct
- A £10 licence will be made available for buskers and street entertainers wanting to apply for a shorter length licence of 1 month
- There will be a 50% discounted fee for registered students
- Alternative forms of identification for buskers and street entertainers who may not have a passport or driving licence will be permitted when applying for a licence
- When making an application for a licence, for buskers and street entertainers who may not have a permanent UK home address, the wording has been amended to make clear this means any address in the UK where the individual will be residing (including hostels, hotels, friends/family addresses)

6.3 The council has carefully considered the consultation responses from residents and businesses in the Leicester Square area to remove the proposed single amplified pitch following a high number of reports of this location being unsuitable due to the proximity of residents and businesses and sound travel. The council however does consider that this location currently remains suitable due to Leicester Square being an open pedestrianised public space surrounded by businesses with high footfall and outside hospitality use, it is also an area that is recognised and associated with busking and

street entertainment. Therefore, to achieve a balance in stakeholder needs, the council considers that one amplified pitch is proportionate in this area.

6.4 The council understands that a regulatory approach is one that is generally not supported by the busker and street entertainment community, however remain committed to balancing their interests by embedding this policy within a wider busking and street entertainment policy that ensures we continue to encourage and support talent that contributes to our City's lively and diverse street scene including:

- continuing to support busker and street entertainer self regulatory approaches and associations to enable the council to keep regulation light touch
- establishing a dedicated busker and street entertainment website that provides information and relevant updates to buskers and street entertainers as well as promoting the community.
- formalising an ongoing platform of engagement through the Forum to ensure that buskers and street entertainers have a voice in the decisions we and our wider community take, as well as considering changes to the policy as it embeds including the variation of pitch terms and conditions as well as the addition of any new pitches
- work with residents, businesses, buskers and street entertainers, as well as other music, art and theatre institutions to curate the performer spaces for collaborative and inspired performances, competitions and events.

7.0 Policy Proposal

7.1 The draft policy is attached as Appendix B. An outline of the policy including intentions on its implementation is summarised below.

Promoting Self-Regulation

- **Voluntary Code of Conduct:** Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking whether a busker or street entertainer is in a regulated or non-regulated area.
- **Busking and Street Entertainment Forum:** This will be held twice a year and will be a formal meeting designed to regularise and support our engagement with the community. Giving buskers and street entertainers a platform to raise issues and have questions answered, share and develop ideas, and work together on ways of promoting busking and street entertainment in our City. It is also intended that this Forum will play a key role in co-ordinating and driving self-regulation standards across the City whilst being underpinned by regulation in some areas, as well as monitoring and reviewing the impact of this policy during its first year of implementation.

- **Supporting SPAs:** The council will continue to support established and newly created SPAs across the City who play a vital and important role in supporting engagement between performers and with the wider community to foster good relations with all users of the shared public space through
 - Operating a queuing or ballot system for popular busking and street entertainment locations.
 - Pro-actively asking other buskers and street entertainers who may be too loud to adjust their volume and helping to control audiences and prevent them from causing a nuisance.

Introducing Regulation and Control

7.2 Introducing a licensing scheme for certain locations within our City (below), where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby property. Busking and street entertainment to be prohibited in these areas apart from performers who are licensed to operate under a number of conditions from twenty-six identified designated pitches. This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.

| Regulated Area | Pitches |
|------------------|---|
| Paddington | - |
| Mayfair | - |
| Marylebone | - |
| Bayswater | - |
| Oxford Street | Pitch 1: Marble Arch Pitch 2: Old Quebec Street Pitch 3: Vere Street |
| Regent Street | Pitch 4: Princes Street |
| New Bond Street | - |
| Soho | - |
| Piccadilly | Pitch 5: Glasshouse Street Pitch 6: Eros Statue |
| Chinatown | Pitch 7: Chinatown |
| Leicester Square | Pitch 8: Leicester Square North West Pitch 9: Leicester Square North East |
| Covent Garden | Pitch 10: Covent Garden James Street Pitch 11: Covent Garden James Street Pitch 12: Market Square James Street Pitch 13: Royal Opera House Pitch 14: London Transport Museum Pitch 15: St Pauls Church |
| Trafalgar Square | Pitch 16: St Martins Pitch 17: Trafalgar Square Charing Cross Road |

| | |
|-------------------|--|
| | Pitch 18: Trafalgar Square North Terrace Pitch 19: Trafalgar Square North Terrace Pitch 20: Trafalgar Square North Terrace Pitch 21: Trafalgar Square North Terrace Pitch 22: Trafalgar Square North Terrace Pitch 23: King Charles Statue Pitch 24: Northumberland Avenue |
| Charing Cross | Pitch 25: Charing Cross Station |
| Embankment | Pitch 26: Northumberland Avenue/Hungerford Bridge |
| The Strand | - |
| Whitehall | - |
| Parliament Square | - |
| Victoria | - |
| Knightsbridge | - |
| Belgravia | - |

Policy Monitoring and Review

7.3 This policy represents an entirely new approach to busking in our City and has been carefully designed to balance the needs of everyone that shares the public space, by taking a targeted approach. However, the council remains committed to ongoing quarterly monitoring to account for the seasonality changes, and an annual report of will be published after one full calendar year of operation that considers the policy impact and effectiveness.

7.4 This review will consider:

- The effectiveness of the Code of Conduct
- A review of licensing including the areas, conditions of the licence, fees and duration of licences, and whether the scheme should be reduced or expanded beyond the current designated streets.
- Resource and finance implications

7.5 To assist in our review the council will:

- Review the data available and consider the views of our enforcement officers
- Use quarterly forum groups which include buskers and street entertainers, local businesses and residents to gather qualitative evidence on how the policy is operating
- Invite interested stakeholders to feed back to us with their views on how effective the policy has been. We will facilitate this process by using an open survey which will ask for views on aspects such as whether buskers and street entertainers are more compliant as a result of the policy, how well the complaints process is working, and how the policy has affected the look and feel of the City's public spaces.

Complaints, Compliance and Enforcement

- 7.6 The council will provide a daily deployment of City Inspectors, to proactively ensure compliance with the new licensing approach, providing support and guidance to buskers, residents and business. The Officers will be deployed from the existing council resource, working on a rotational basis from within our Neighbourhood Teams. Officers will be trained on the new licensing scheme, supported by Senior City Inspectors, to ensure oversight and consistency of approach across the City Inspectorate.
- 7.7 As with the implementation of any new scheme, Officers will be mindful to balance the need for enforcement against the understanding of the new approach. All action will be taken as set out below and in accordance with the councils corporate enforcement policy.
- 7.8 Regulation and enforcement will be supported with the implementation of a new online platform, linked to a mobile working solution. This will make applying for a license simple and easy, as well as providing information and the ability to share concerns. City Inspectors will be tasked directly through the system and able to respond to any issues that have been identified.
- 7.9 The deployments and resource requirements will be regularly and reviewed, to ensure an effective regulation and advisory approach is taken.

8.0 Equalities Implications

- 8.1 The council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 8.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 An Equalities Impact Assessment has been conducted and the council believes that the busking and street entertainment proposals, including the licensing regime, does not adversely impact or unlawfully discriminate against any protected characteristics.

9.0 Financial Implications

- 9.1 Set up costs to develop the policy and business systems is estimated to be c.£73,500. With projected ongoing annual operational costs of £43,985.
- 9.2 In our efforts to keep costs as low and improve the efficiency of the application process, officers are seeking to introduce automated processes where possible.
- 9.3 The council can recover its costs, however having considered and balanced the needs of our community with wanting to ensure we continue to encourage busking and street entertainment talent here, we believe that the costs to performers to obtain a licence must be kept low. The council is therefore choosing to absorb all the set up and ongoing costs of implementing a licensing scheme through existing budgets, and only charge a nominal fee for performer licence applications. The introduction of the fee will result in very minimal income to the council approximately £2,400 based on 120 applications per year.
- 9.4 The proposed nominal charges for buskers and street entertainers are summarised below:

6-month Licence Term

| | |
|--|-----|
| Busking and Street Entertainment Licence application fee | £20 |
| Busking and Street Entertainment Renewal application fee | £20 |
| Additional cost to vary a Busking and Street Entertainment Licence | £20 |
| Temporary Street Trading Licence | £20 |

1-month Licence Term

| | |
|--|-----|
| Busking and Street Entertainment Licence application fee | £10 |
| Busking and Street Entertainment Renewal application fee | £10 |
| Additional cost to vary a Busking and Street Entertainment Licence | £20 |
| Temporary Street Trading Licence | £10 |

- 9.5 For example if a busker and street entertainer wished to apply for a 6-month licence, required a variation on the licence conditions and wanted to sell merchandise associated with the performance, the total fee would amount to £60.
- 9.6 The council has considered that in our efforts to support new performances and provide a platform for students, a 50% discount will be applied to for those able to provide confirmation of their student status.
- 9.7 Complaint and regulation costs will be met through the distribution of existing resources and as such there are no additional costs for resource requirements to the council arising from the recommendations in the report. We are also working closely

with BIDs and the Metropolitan Police to ensure that they are also aware of and prepared for resource demands.

- 9.8 The fee's and costs required to implement the policy will be reviewed following one full calendar year of implementation and may be subject to change.

10.0 Resource implications

- 10.1 As described above there are no additional resource costs attributed to the implementation of this policy, rather the resources needed to review licence applications and manage compliance will be met through the phased distribution of existing resources. It is anticipated that to embed the policy 3000 City inspector hours will be required in advance and during the implementation period.

11.0 Legal implications

- 11.1 Part V of the London Local Authorities Act 2000 ("the 2000 Act") is enabling legislation that can potentially be implemented in Westminster to regulate busking, either by prohibiting busking or licensing busking.

What busking will be regulated?

- 11.2 Busking means the provision of entertainment in a street but does not include the provision of entertainment:
- a. of a class which from time to time is by resolution excluded from the operation of the 2000 Act;
 - b. under and in accordance with a premises licence or a temporary event notice having effect under the Licensing Act 2003 and which authorises the performance of music or dancing;
 - c. which is authorised specifically to take place in a street under any other enactment; or
 - d. consisting of music performed as an incident of a religious meeting, procession or service.
- 11.3 Subject to the above, busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.
- 11.4 For the purposes of this policy busking and street entertainment **is not** considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service (this includes performances of carol concerts by members of the Salvation Army)
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.

What is the meaning of a street for the purposes of the busking scheme?

- 11.5 A “street” includes any street or way to which the public commonly have access, whether or not as of right; any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access and any area in the open air to which the public commonly have access.

Application of Part V

- 11.6 A resolution to implement the legislation can only be passed if there is reason to believe that there has been, is being or is likely to be caused, as a result of the busking:
- a. Undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street; or
 - b. Nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.
- 11.7 The council shall cause to be published in a local newspaper circulating in the City notice of the passing of the resolution and the date when Part V will apply to busking in the City and also of the general effect of the provisions of Part V coming into operation as from that day. The date when Part V is to apply must not be earlier than the expiration of three months from the publication of the said notice.

The designation of licence streets

- 11.8 Section 34 of the 2000 Act states that, if the council considers that busking should be licensed in the area it may pass any of the following resolutions:
- a. A resolution designating any street or part of a street within the City as a licence street (a designating resolution); or
 - b. A resolution prescribing in relation to any licence street or any part of a licence street any hours during which busking may take place.

- 11.9 If the council passes a resolution under section 34, that resolution shall take effect on the day specified in the resolution which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.
- 11.10 The council must not pass a resolution under section 34 unless it has published notice of its intention to do so in a local newspaper circulating in the area and have served a copy of that notice on the highway authority, the Metropolitan Police Commissioner, and any body which appears to be representative of persons carrying on busking in the area affected by the proposed resolution. The notice must state that representations or a request to hear representations relating to it may be made in writing within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.
- 11.11 It is advised that the council should use the process above to seek opinions on both the implementation of Part V of the Act itself and any proposals to license busking pursuant to section 34 of the 2000 Act. This will then give all persons who might be affected by the proposals the opportunity to comment on whether the proposed restrictions are appropriate, proportionate or needed at all.
- 11.12 The council must consider any written representations relating to the proposed resolution which they have received in the specified time and must hear oral representations if requested to do so. Having considered the representations, the Council may, if it thinks fit, pass the proposed resolution with any modifications considered to be appropriate.
- 11.13 The council must publish notice of the passing of such a resolution in a local newspaper circulating in the area on two consecutive weeks, the first of which shall not be later than 28 days before the day specified in the resolution from the coming into force of the designation.
- 11.14 The Act makes provision for a resolution to adopt Part V, provision for a designating resolution, and provision for standard conditions and application procedures. As set out above there are different statutory notification requirements. In order to comply with these requirements and ensure compliance with time limits, the 5th April 2021 is the most appropriate date for the policy and regime to come into effect.

Application process

- 11.15 An applicant for the grant of a licence shall provide such information as the council may by regulation prescribe. Regulations may, inter alia, prescribe the procedure for determining applications. An applicant for a licence shall pay such a fee determined by the council as may be sufficient to cover in whole or in part the reasonable administrative or other costs incurred in connection with their functions under Part V of the 2000 Act.
- 11.16 The council may refuse to grant a licence on any of the following grounds -

- a. that the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;
- b. that there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street;
- c. that there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made.

11.17 The council shall refuse to grant a licence in respect of an application which relates to any street other than a licence street.

11.18 The council may revoke a licence on any of the following grounds -

- a. that there has been a breach of the conditions of the licence;
- b. that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
- c. that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

11.19 The council may make regulations prescribing standard conditions applicable to all licences. Where the council have made such regulations, every licence granted by the council shall be deemed to have been so granted subject to the standard conditions except so far as they are expressly excluded or amended in any particular case.

Human Rights implications

11.20 The powers need to be exercised appropriately so as to provide a proportionate response to the problems caused by busking. In deciding whether to prohibit or licence busking in any part of the City, the council is advised to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. It is unlawful for the council to carry out its functions in a way which is incompatible with rights set out in the European Convention of Human Rights.

11.21 Article 10 states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for

preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

- 11.22 Article 11 states that everyone has the right to freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.
- 11.23 These rights must be balanced against the protection of the rights and freedoms of others, including the right that everyone has under Article 8 to respect for their private and family life and their home. In some circumstances, public authorities must take positive steps to prevent intrusions into a person's private life by other people, including those who engage in anti-social busking and street entertainment.
- 11.24 Article 14 of the convention (prohibition of discrimination) states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. The council has undertaken an Equalities Impact Assessment (EIA) in accordance with its Public-Sector Equalities Duty under Section 149 of the Equality Act 2010 and found that there is not anticipated to be a negative impact on protected groups.
- 11.25 Concern has been expressed about the potential use of the 2000 Act to interfere with legitimate and reasonable activity such as peaceful protests and busking. The proposals in this report are intended to support responsible busking and to be a proportionate response to the irresponsible and anti-social busking that has been identified from complaints submitted by residents and businesses in the identified areas.
- 11.26 As indicated above, a balance must be struck between the rights of individuals who wish to engage in busking and street entertainment and the interests of the local residential and business community. Even if significant members of the public are enjoying the busking entertainment, the "right" of the public to enjoy that busking must be balanced against the detrimental effect that it might be causing if it is too loud or intense or too persistent etc. What might be acceptable in one public place might not be acceptable in a public place within a highly residential area or even an area with many commercial operators if the busking unreasonably interferes with their ability to work.

Appeals and Challenge

11.27 Any of the following persons, that is to say:

- a. An applicant for the grant of a licence whose application is refused;
- b. A licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- c. A licence holder whose licence has been refused

may at any time before the expiration of a period of 21 days appeal to the magistrates' court acting for the area in which the licence street is situated. An appeal by either party against the decision of the magistrates' court may be made to the Crown Court.

11.28 There is no means within the legislation to challenge either the implementation of Part V or the designation of licence streets. Any person who is aggrieved by the implementation of the legislation or the licensing scheme itself can potentially seek permission to appeal to the Administrative Court by way of Judicial Review proceedings. The grounds for such a review would typically have to be based on illegality and/or irrationality and/or procedural impropriety.

Enforcement

11.29 Any person who:

- a. busks in any street to which Part V of the 2000 Act applies without the authority of a licence; or
- b. is concerned with the organisation or management of busking which is not authorised by a licence; or
- c. contravenes any condition of his or her licence; or
- d. in connection with his or her application for a licence makes a statement which he or she knows to be false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

11.30 An authorised officer or a constable who has reasonable cause to believe that busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence or in a street which is not a licence street to which Part V of the 2000 Act applies may require that busking either cease or not take place. If the busking continues or takes place despite the requirement for the busking to either cease or not take place, the authorised officer or constable may seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in evidence in respect of an offence under section 42 (Enforcement under Part V) of the 2000 Act.

12.0 Appendices

- Appendix A: Consultation Analysis
<https://committees.westminster.gov.uk/documents/s39730/4a%20Appendix%20A%20Consultation%20Results.pdf>
- Appendix B: Draft Policy incorporating
 - Draft Code of Conduct
 - Plans of the designated areas where busking will be licensed
 - Draft regulations prescribing standard conditions
 - Draft regulations prescribing application process
<https://committees.westminster.gov.uk/documents/s39731/4b%20-%20Appendix%20B%20Busking%20and%20Street%20Entertainment%20Policy%2020.pdf>
- Appendix C: Evidential Review (document links from 4c – 4g)
<https://committees.westminster.gov.uk/mgAi.aspx?ID=14518#mgDocuments>
- Appendix D: Equalities Impact Assessment
<https://committees.westminster.gov.uk/documents/s39742/4h%20Appendix%20D%20Equalities%20Impact%20Assessment.pdf>

13.0 Background Reports

- Licensing Committee 28th November 2018: Item 6
<https://committees.westminster.gov.uk/ieListDocuments.aspx?MId=4578>
- Licensing Committee 10th January 2020: Item 6
<https://committees.westminster.gov.uk/ieListDocuments.aspx?MId=4940>
- Licensing Committee 7th July 2020: Item 6
<https://committees.westminster.gov.uk/ieListDocuments.aspx?MId=5215&EVT=105>
- Licensing Committee 23rd September 2020: Item 4
<https://westminster.moderngov.co.uk/ieListDocuments.aspx?MId=5216>
- Licensing Committee 25th November 2020: Item 4
<https://committees.westminster.gov.uk/ieListDocuments.aspx?CIId=129&MId=5490>

BUSKING

AND STREET ENTERTAINMENT IN WESTMINSTER




City of Westminster

City
for
All

Draft policy 2020

#BuskWestminster

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INTRODUCTION AND POLICY OVERVIEW

Every day the streets and public spaces of Westminster are brought to life by busking and street entertainment. This includes musicians, magicians, comedians, artists, dancers and others who come from all over the world to perform on our streets.

However, along with entertainment and vibrancy, busking and street entertainment can also cause adverse impacts including noise, obstruction and public safety issues. In recent years we have received an average of 2200 complaints each year.

To ensure we deliver a City for All, this draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here by promoting a voluntary Code of Conduct to support performers to self-regulate, and promoting membership to the Westminster wide Busking and Street Entertainment Forum. The policy also recognises that in certain locations within our City, the adverse impacts experienced by pedestrians, residents and business are significant and a tailored and targeted response is needed to improve control and address these concerns.

Before you perform in the City of Westminster we ask that you make yourself familiar with our Code of Conduct and this Policy.

- We have a Westminster wide Code of Conduct within this Policy that you should follow to ensure you are being considerate of both the local community and those sharing the public space with you. We also encourage all buskers and street entertainers to go to our dedicated webpage for information and join our Busking and Street Entertainment Forum.
- The centre of our City is a busking and street entertainment regulated area. There is a light touch licensing scheme applicable here which means you will only be able to busk in designated pitches, need to apply for a licence to perform, keep to the terms and conditions of the designated pitches, and abide by the conditions of your licence. The centre of our City includes the areas in and around:

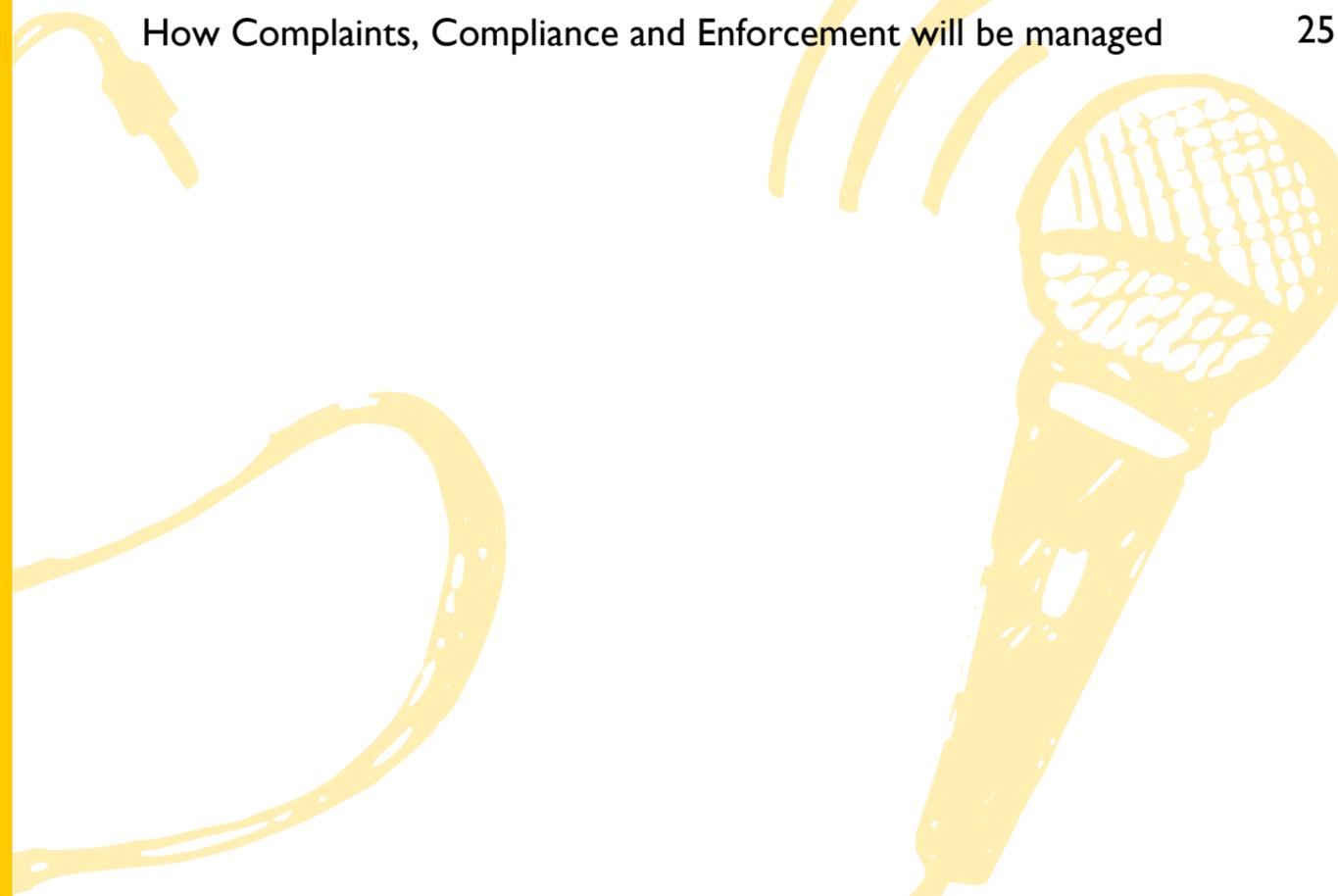
- | | |
|--------------------|---------------------|
| • Paddington | • Covent Garden |
| • Marylebone | • The Strand |
| • Bayswater | • Charing Cross |
| • Oxford Street | • Embankment |
| • Mayfair | • Trafalgar Square |
| • Regent Street | • Whitehall |
| • New Bond Street | • Parliament Square |
| • Piccadilly | • Victoria |
| • Chinatown | • Knightsbridge |
| • Leicester Square | • Belgravia |
| • Soho | |

- In Covent Garden there is an established Street Performers Association (SPA) that you are encouraged to join before performing here.
- In Trafalgar Square and Leicester Square there is a newly created SPA that you are encouraged to join before performing here.

This draft policy is based upon the careful consideration of evidence and engagement with buskers and street entertainers, businesses and residents, however we will also monitor the policy throughout its first year of implementation and conduct a full review after 12 months so that it can be adapted based on results and feedback if required.

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WHAT IS BUSKING AND STREET ENTERTAINMENT?

Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.

The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists including street artists, dancers, acrobats and mime artists.

For the purposes of this policy busking and street entertainment **is not** considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service (this includes performances of Christmas carols by members of the Salvation Army)
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.

If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact streetentertainment@westminster.gov.uk

HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON



1741
'The Enraged Musician'
by William Hogarth



1850
Harmony In
Leicester Square'



1955
Harpist, Photo by B J Green



1903
Buskers, Living
London Magazine
by George Sims



1955
Musicians, Soho Fair



1965
The Happy Wanderers
Sand Dance,
Leicester Square



1980
Musicians, Abbey
Road pedestrian
crossing



2019
Busking and Street
Entertainment in
present day

JOIN OUR BUSKING AND STREET ENTERTAINMENT COMMUNITY

Stay informed

The council's website has a page dedicated to all things busking and street entertainment including:

- What is busking and street entertainment
- Frequently asked questions
- Busker and Street Entertainer Forum details and meeting dates
- Details and dates of busking and street entertainment wide community and partnership meetings
- Community involvement opportunities and events
- Diary of upcoming city events that may affect where you choose to perform
- Feedback
- Mailing list
- Contacts

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Please go online to find out more

westminster.gov.uk/busking-westminster

Join our Busking and Street Entertainment Forum

We have created a Busking and Street Entertainment Forum which is open to all buskers and street entertainers and is free to join online.

The Busking and Street Entertainment Forum meet with council officers twice a year to collect your feedback and concerns, answer your questions, share ideas, and work together to find ways to promote busking and street entertainment across our city.

The Forum also serves as a bridge between the busking community and our local resident and business forums in order to foster good relations and open communication and to promote partnership among all those that strive to contribute to the use and enjoyment of our shared public spaces.

The Forum will play a key role in reviewing the implementation of this policy.



THE WESTMINSTER BUSKING AND STREET ENTERTAINMENT CODE OF CONDUCT

There are seven principles that make up our Code of Conduct. If you're performing anywhere in Westminster you should abide by this Code, which sets out how you can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

1. Safety first!

All buskers and street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- You should hold public liability insurance of at least £2 million.
- You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No unlicensed animals should accompany the busker or street entertainer, or be used as part of the performance.

2. Performance hours

All busking and street entertainment should only take place between the hours of 10am and 9pm. Any amplified entertainment beyond 9pm and before 8am is an offence under the Control of Pollution Act 1974 and you may be liable to enforcement action.

3. Avoid causing a nuisance

Buskers and street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound as a result of any performance does not cause nuisance to persons in nearby property.
- If you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.
- You should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- You should be aware that noise can be generated by the audience.
- You should be aware of other buskers and street entertainers in the area and space yourself far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next busker or street entertainer performs.
- You should respect other buskers and street entertainers and cooperate with any queuing system in the area by leaving the location after you have finished your performance.

4. Don't cause an obstruction

Buskers and street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring premises. This means that:

- You should never block any entrances or exits to premises, and no pedestrians should spill out onto the road to get past you or your audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- You should stop your performance or ask other buskers and street entertainers to help you take steps to control your audience if they cause an obstruction. If your attempts to relieve the audience from causing an obstruction do not work, you should cease your performance.

5. Co-operate with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that you adjust your performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Our officers have a right to do this without fear of threatening or abusive behaviour.

You should co-operate with any such reasonable requests, however if you have any concerns about the conduct of officers carrying out their duties you can contact the team at www.westminster.gov.uk/complaints

6. Only sell merchandise if you have permission

- You may only sell items if you have a temporary licence to engage in street trading under the City of Westminster Act 1999 www.westminster.gov.uk/street-trading
- In the busking and street entertainment regulated areas, there is a special permit you can apply for which allows you to sell merchandise items directly associated with your performance (for example a musician selling their CDs). Buskers and street entertainers will be granted a temporary street trading licence for a nominal fee if you are a Busking and Street Entertainment Licence Holder trading in the regulated areas and in accordance with your licence conditions.

7. Talk to the council and the local community, and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us, and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining the dedicated Busking and Street Entertainment Forum, attending wider community meetings, and providing us with feedback via our website.



PERFORMER SELF REGULATION AND STREET PERFORMERS ASSOCIATIONS

Whether you are a regular or occasional performer in Westminster, you are part of our City's busking and street entertainment community. Being a part of this community means that you should look after each other, respect each other and work together. This is commonly known as busking and street entertainment self-regulation.

Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy and/or licence conditions in the regulated area.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainer Forum and engaging with the wider community to foster good relations with all users of the shared public space.

Across our City there are some buskers and street entertainers that have formed organised groups known as Street Performers Associations (SPAs). Members of the SPA work together in local areas to ensure that busking and street entertainers treat each other fairly, and performances are not adversely impacting on the surroundings by pro-actively monitoring each other's behaviour. In Westminster there are two SPAs that operate in our busking and street entertainment regulated area that you are encouraged to join once you have obtained your licence.

The Covent Garden SPA

The Covent Garden SPA is a long-established group of regular buskers and street entertainers managing a wide-ranging repertoire of world leading performers. To become a member of the SPA and perform here, you will need to audition.

To find out more you should go online www.coventgarden.london/street-performers or visit their Facebook page www.facebook.com/coventspa

Westminster SPA (Leicester Square and Trafalgar Square)

The Westminster SPA is a new group of regular performers in Trafalgar Square and Leicester Square. Anyone can join and become a member of The Westminster SPA by going online www.westminsterspa.co.uk.

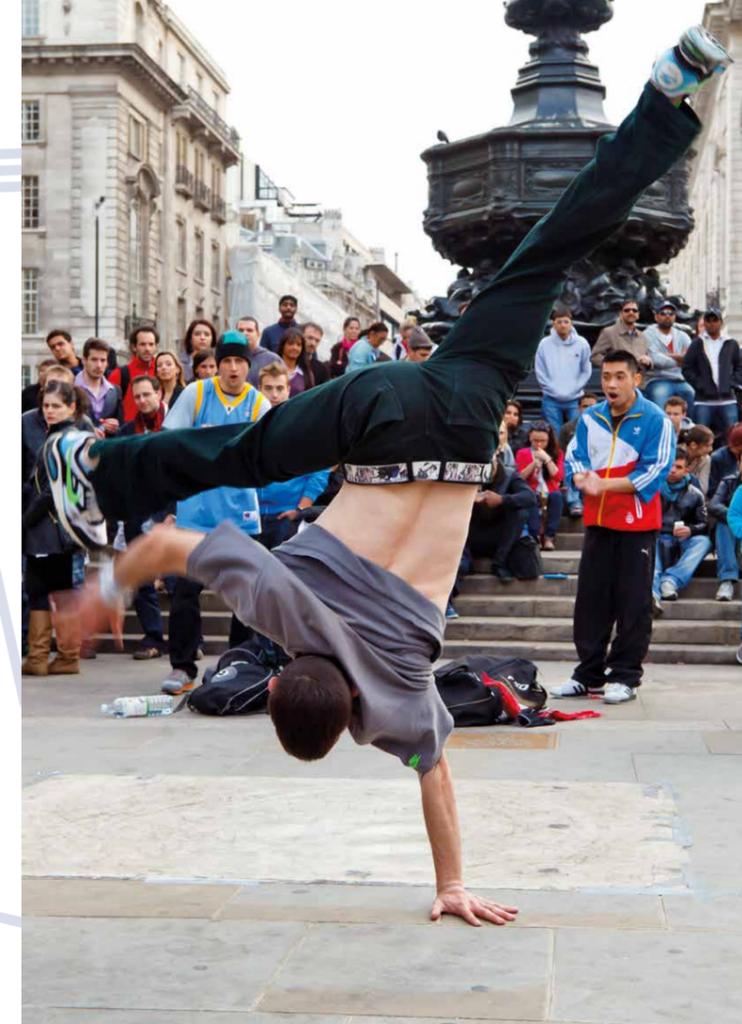
THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Our City is a popular and busy visitor area, also attracting a high number of buskers and street entertainers. Competition for performance space is high and the adverse impacts are significant in these busy and congested areas.

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The areas that make up our Regulated Area include:

- Paddington
- Covent Garden
- Marylebone
- The Strand
- Bayswater
- Charing Cross
- Oxford Street
- Embankment
- Mayfair
- Trafalgar Square
- Regent Street
- Whitehall
- New Bond Street
- Parliament Square
- Piccadilly
- Victoria
- Chinatown
- Knightsbridge
- Leicester Square
- Belgravia
- Soho



Busking and street entertainment needs to be controlled in these areas to ensure:

- Buskers and street entertainers have dedicated spaces.
- Buskers and street entertainers perform only in dedicated locations that minimises adverse impacts to pedestrians, businesses and local residents.
- Levels of sound and volume are controlled to prevent a nuisance being caused to surrounding businesses and residents.

Busking and street entertainment is therefore prohibited in all parts of these regulated areas other than on designated and marked pitches.

Busking or street entertainment is **ONLY** permitted if:

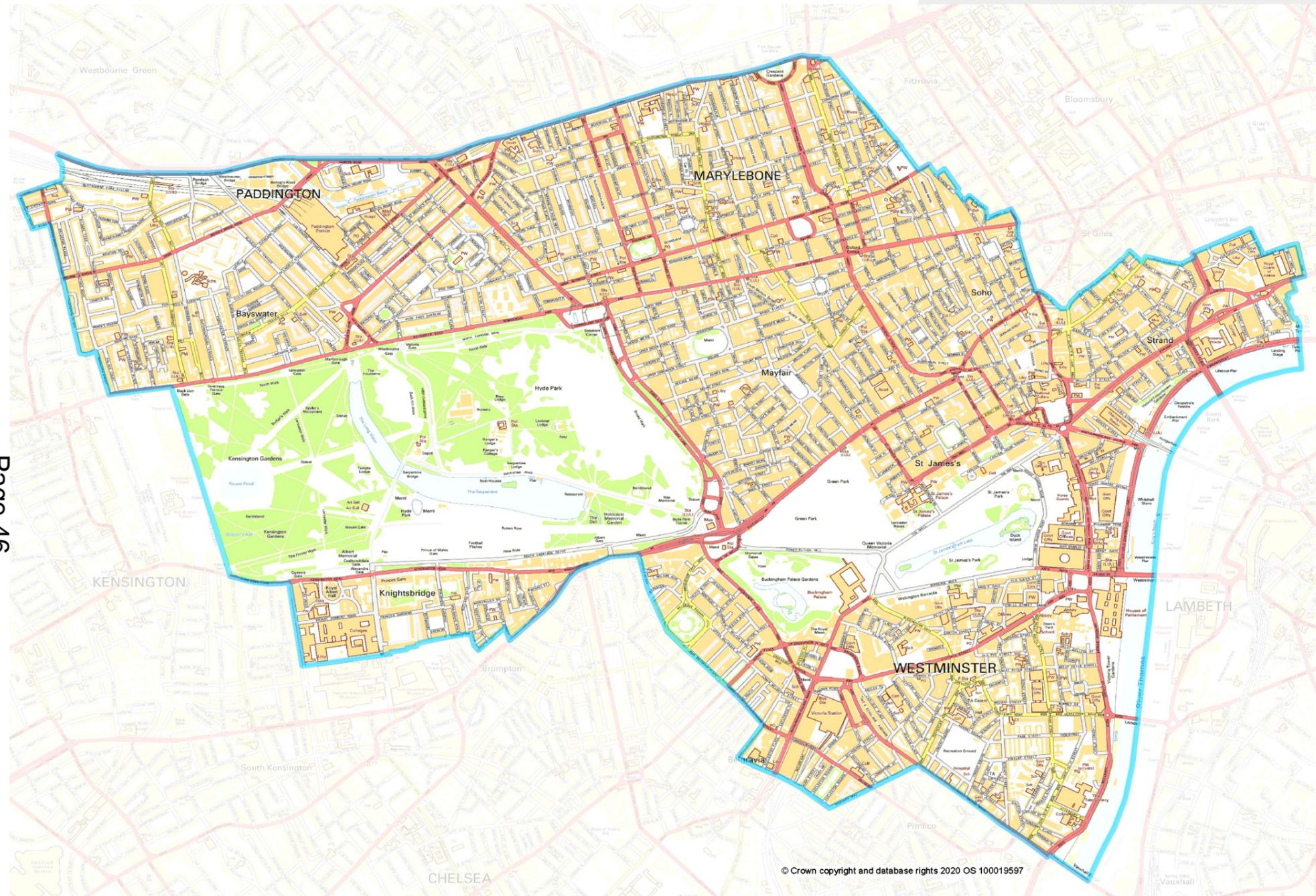
- you are on a designated and marked busking and street entertainment pitch, and
- you have a licence to perform on these pitches, and
- are performing in accordance with the busking and street entertainment licence terms and conditions.

A summary guide to the regulated areas and designated and marked pitches is provided overleaf. For the full and detailed list of streets where busking and street entertainment is prohibited, and exact location of the marked and designated pitches, see Appendix A.

THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Our City is made up of several distinct districts and neighbourhoods that are popular and internationally recognised visitor destinations, collectively hosting up to a million people each day.

Performances are not permitted anywhere unless you hold a licence, are abiding by the standard licence conditions, and are performing on one of the 26 marked busker and street entertainment performance pitches.



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Oxford Street, Regent Street and New Bond Street
This area is best known as one of Europe's busiest shopping districts. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets.

Piccadilly, Chinatown and Leicester Square
The area is host to internationally recognised venues, cultural attractions and the UK's film premiers. It is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

Trafalgar Square, Charing Cross, Embankment & The Strand
Known for art galleries, fountains, river sidewalk and theatres, and is also home to a large mainline station connecting people from London to the south east of the UK.

Soho
A vibrant neighbourhood made up of narrow streets and alleyways, best known for its offering of restaurants, bars, theatres and nightlife.

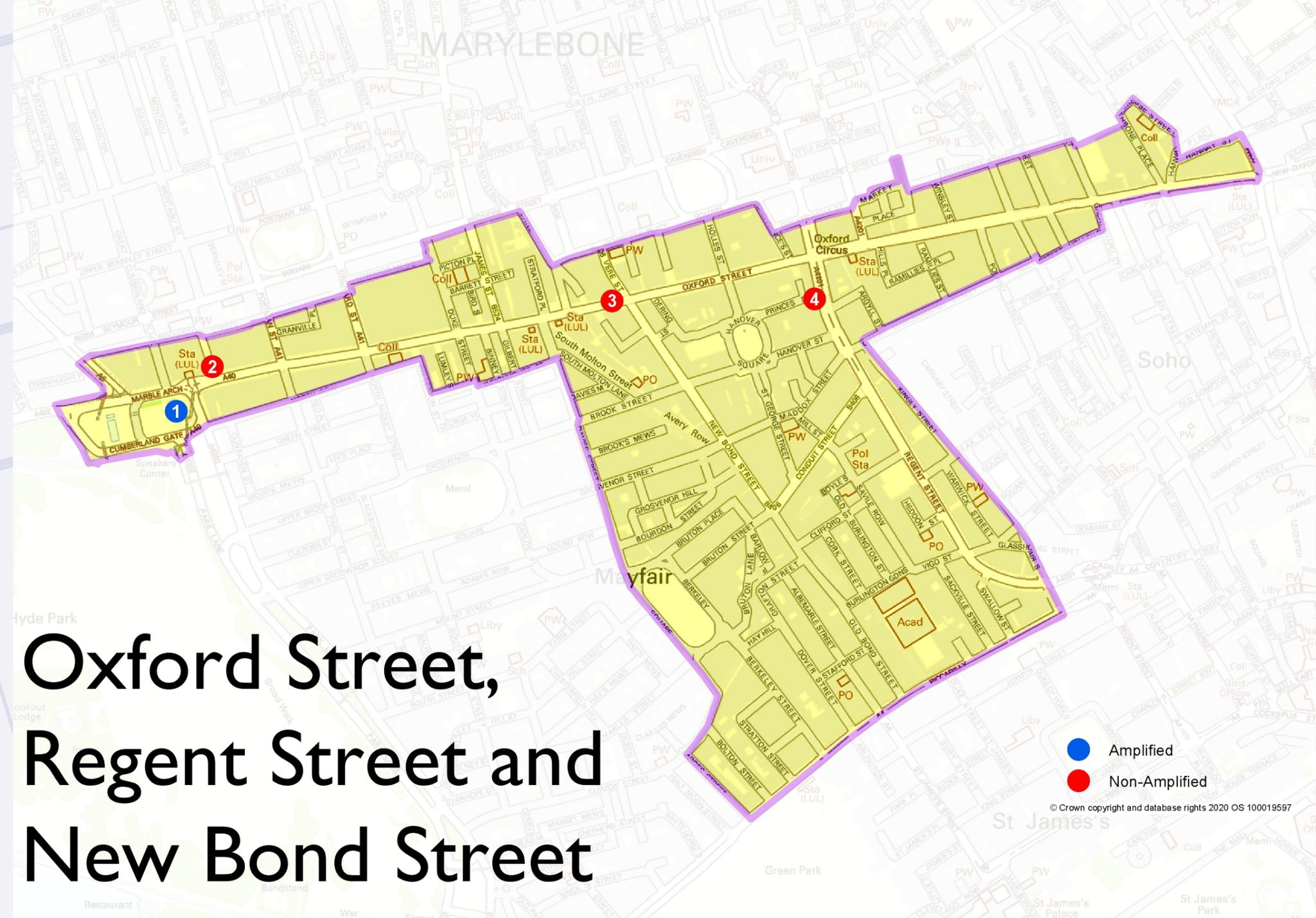
Covent Garden
Well known and popular pedestrian market place, also host to world leading street performances.

Marylebone
This area is an important carriageway and thoroughfare for central London and is also host to a number of tourist attractions close to world famous Baker Street.

Paddington
Home to busy landmarks including Paddington station and St Mary's hospital.

Victoria, Knightsbridge & Belgravia
A significant business and commuter district for the City.

Whitehall, Parliament Square and St James
Home to the UK Government and official residency of the Royal Family.



Oxford Street, Regent Street and New Bond Street

- Amplified
- Non-Amplified

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Performances are not permitted anywhere in this area other than the four designated busking and street entertainment pitches in accordance with the busking and street entertainment licence conditions.

Pitch 1: Marble Arch

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and any event that may be taking place in the vicinity. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.

Pitch 2: Old Quebec Street

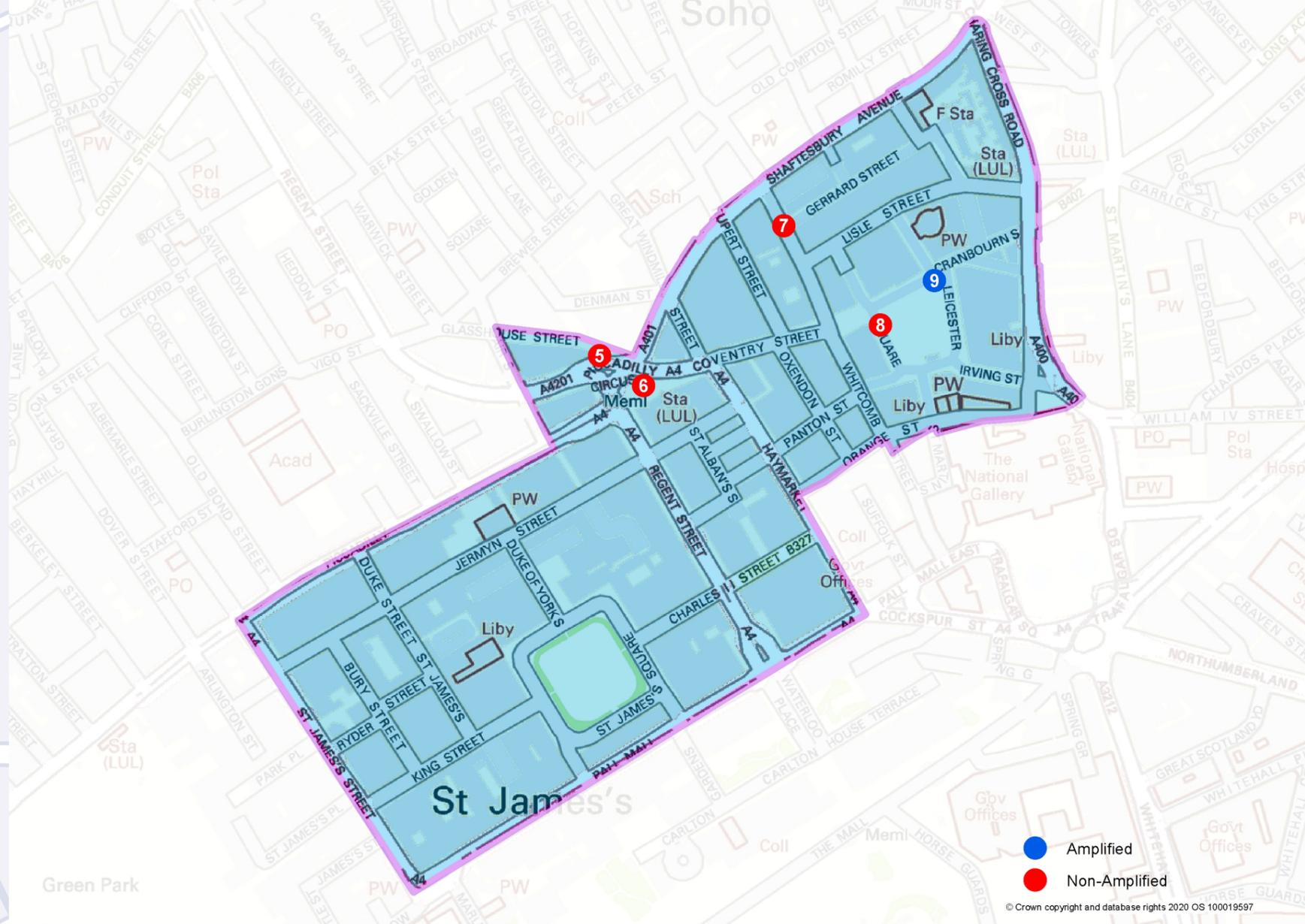
This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 3: Vere Street

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space. Due to the proximity of the road and business property, and this area being a busy pedestrian thoroughfare, this pitch is more appropriate for walk-by performances that do not attract audience. Due to the proximity of business and residential property amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 4: Princes Street

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.



Piccadilly Circus, Chinatown and Leicester Square

Performances are not permitted anywhere other than the 5 designated busking and street entertainment pitches in accordance with the licence terms and conditions. The Westminster SPA also operate in this area supporting buskers and street entertainers to understand the rules and working with businesses to reduce complaints and the need for enforcement here.

Pitch 5: Glasshouse Street

This pitch is suitable for all performances that need no more than 1.5 metres in space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted. Due to the proximity of the road this pitch is more appropriate for walk-by performances that do not attract audiences.

Pitch 6: Eros Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians, nearby property and the entrance to the tube station. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 7: Chinatown

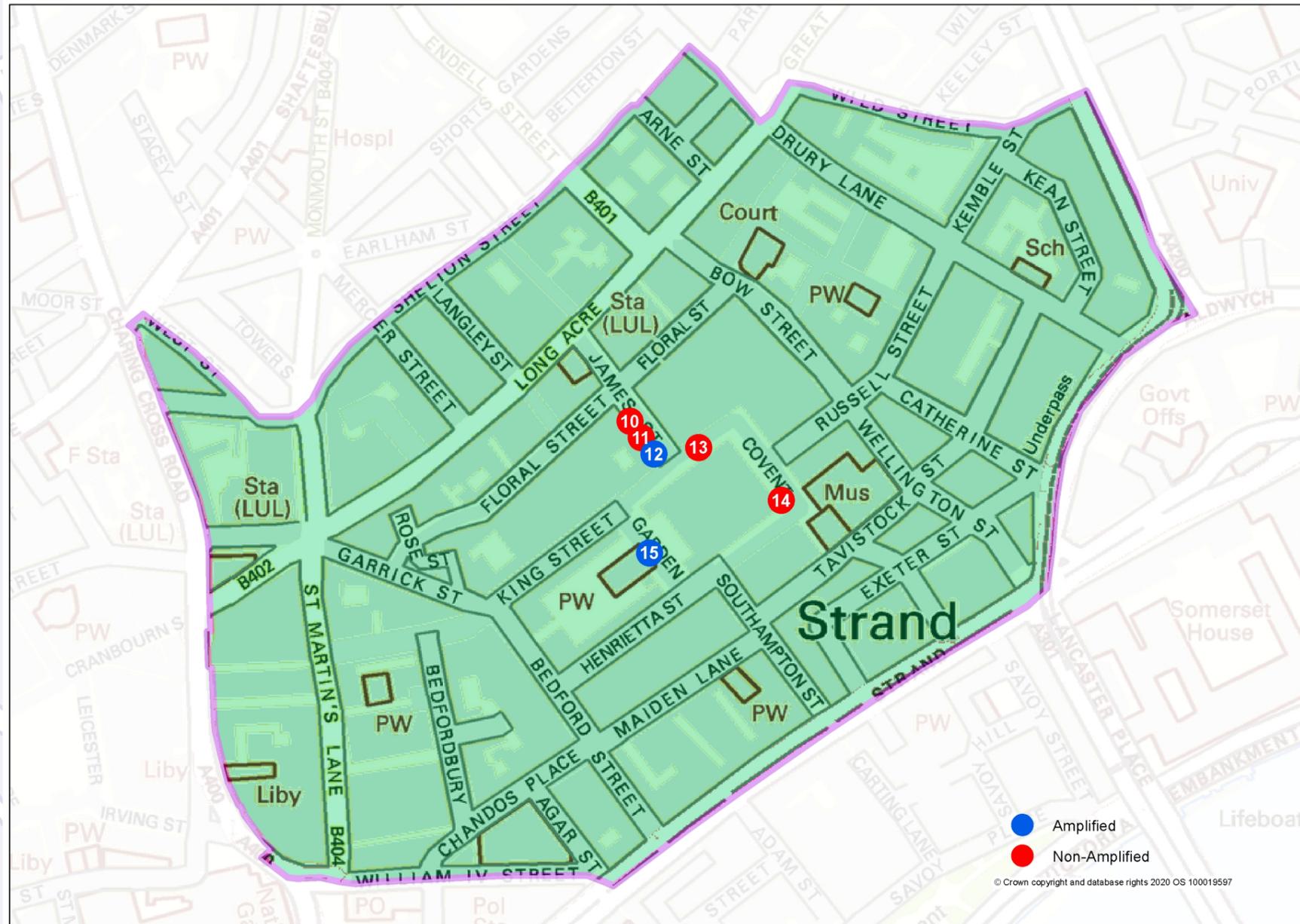
This pitch only operates Monday – Friday between the hours of 10am – 9pm. It is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property and this area being a busy pedestrian thoroughfare this pitch is more appropriate for walk-by performances that do not attract audiences. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 8: Leicester Square North West

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 9: Leicester Square North East

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.



Covent Garden

Performances are not permitted anywhere other than the 6 designated busking and street entertainment pitches in accordance with the licence terms and conditions. You should also note that:

- The Covent Garden Market Place is private land and performances are not permitted unless you have the express permission of the landowner.
- Covent Garden SPA operate on Pitch 14 and you are encouraged to first audition with them before performing here.

Pitch 10, 11: Covent Garden James Street

These pitches are suitable for performances that need no more than 1.5 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 12: Market Square/James Street

This pitch is suitable for performances that need no more than 1.5 metres in diameter space. Due to the proximity of business property music amplification, brass, wind percussion and percussive instruments are not permitted, however a vocal amplifier is permitted here.

Pitch 13: Royal Opera House

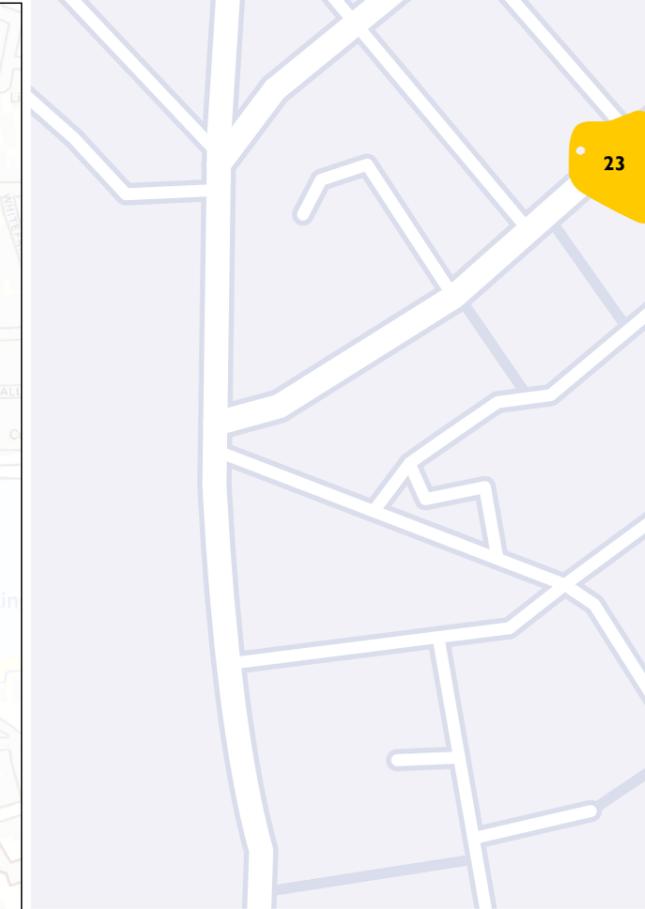
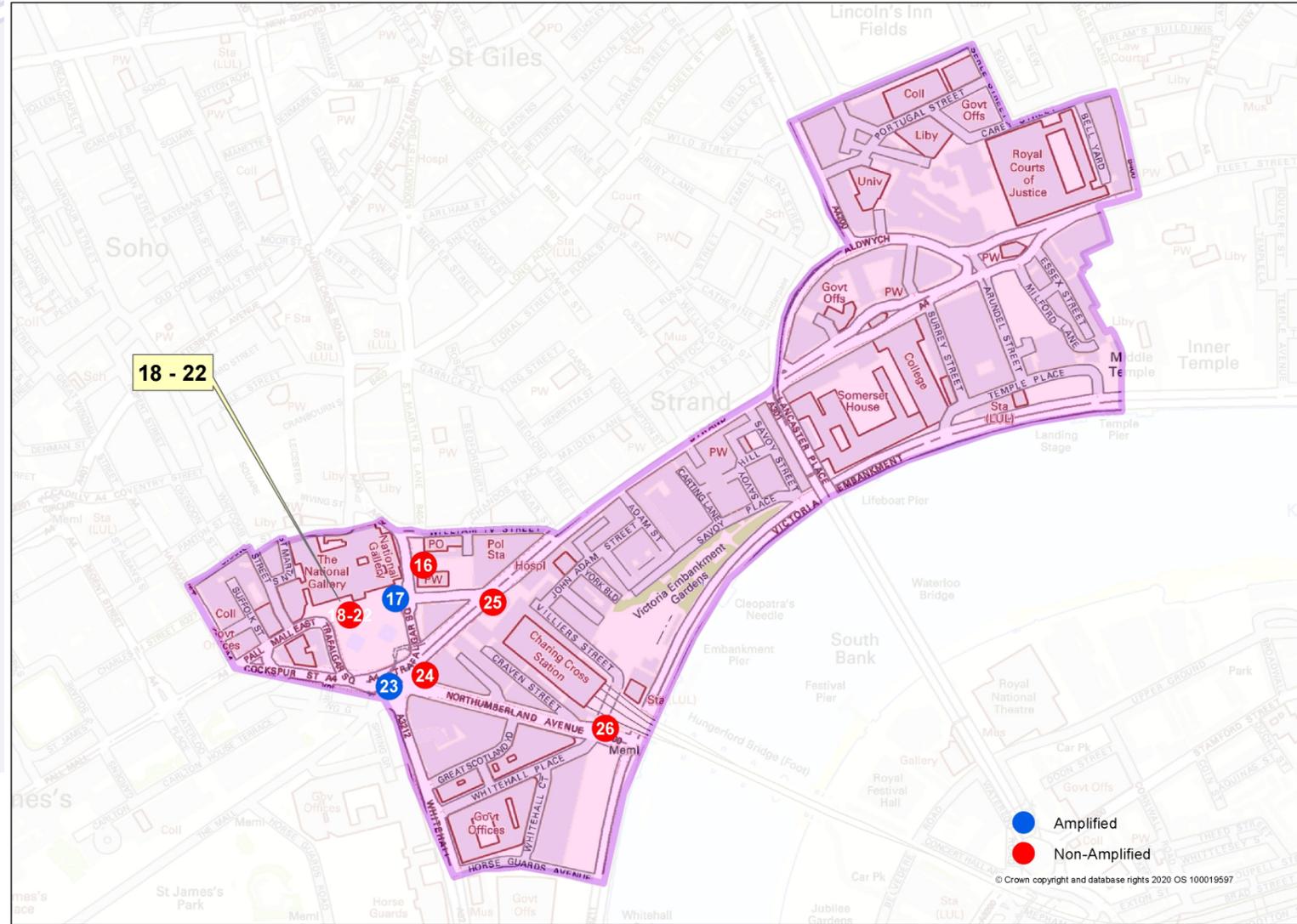
This pitch is suitable for performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 14: Transport Museum

This pitch is suitable for performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 15: St Pauls Church

This pitch is suitable for all performances and is an appropriate space for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.



Trafalgar Square, Whitehall, Charing Cross, Embankment & The Strand

Performances are not permitted anywhere other than the eleven designated busking and street entertainment pitches in accordance with the licence terms and conditions.

Pitch 16: St Martins
 This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 17: Trafalgar Square North Terrace Charing Cross Road
 This pitch is suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace
 These pitches are individually marked and are suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 23: King Charles Statue
 This pitch is suitable for all performances that need no more than 3 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

Pitch 24: Northumberland Avenue
 This pitch is suitable for all performances that need no more than 1.5 metres in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business property, amplification, brass, wind, percussion and percussive instruments is not permitted.

Pitch 25: Charing Cross Station
 This pitch is suitable for performance that need no more than 1.5 metres in space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 26: Northumberland Avenue / Hungerford Bridge
 This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

STANDARD LICENCE CONDITIONS²

- 1) Each busker and street entertainer must clearly display their busking and street entertainment licence during any performance, and this must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 2) Each busker and street entertainer requires a busking and street entertainment licence, whether performing individually or as part of a busking and street entertainment group. For group performances, each member of the group needs to have a valid busking and street entertainment licence. Busking and street entertainment licences cannot be transferred or used by any person other than the named person on the licence.
- 3) Each busker and street entertainer must be familiar with and adhere to the Westminster Busking and Street Entertainment Policy, the extent of the busking and street entertainment regulated areas, the location of designated and marked busking pitches and any terms and conditions that apply in respect of each of the designated and marked pitches.
- 4) Each busker and street entertainer must obtain and hold a valid certificate of no less than £2 million public liability insurance which must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 5) Each busking and street entertainment licence holder must comply with any request given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer regarding the busking or street entertainment, which may include directions to stop performing.
- 6) Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby premises and levels must be immediately reduced on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 7) Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring property. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- 8) All buskers and street entertainers must have a valid Busking and Street Entertainment Licence to perform at any of the designated and marked pitches within the busking and street entertainment regulated areas.

- 9) Busking and street entertainment is permitted at any of the designated and marked pitches within the busking and street entertainment regulated areas from Monday to Sunday between the hours of 10am and 9pm, with the exception of Pitch 6 (Chinatown), where busking and street entertainment is only permitted from Monday to Friday between the hours of 10am and 9pm.
- 10) All busking and street entertainment must be contained within the designated and marked busking pitch. This means that all the buskers and street entertainers, the performance itself and anything used in connection with the performance must be within the designated and marked pitch. If a performance cannot be contained within the designated area it is unsuitable for that pitch.
- 11) Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.
- 12) Busking and street entertainment performances must not be longer than 40 minutes from start to finish.
- 13) No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of
Pitch 1 (Marble Arch),
Pitch 9 (Leicester Square North East)
Pitch 14 (St Pauls Church)
Pitch 16 (Trafalgar Square Charing Cross Road), Pitch 22 (King Charles Statue)
These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby property.

Pitch 12 (Market Square/James Street) permits vocal amplification only where the sound does not cause a nuisance to persons in nearby property.

The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).
- 14) No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.
- 15) Pitches may be suspended in the event of an emergency, public disorder, planned events, or to prevent a nuisance being caused. Buskers and street entertainers must immediately comply with any requirement to cease busking that may be given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer in those circumstances.

² Regulations made by the City of Westminster pursuant to Section 40(1) of the London Local Authorities Act 2000 prescribing the standard conditions which will be applicable to all licences to busk, except when expressly excluded or amended in any particular case





LICENSING APPLICATION PROCESS AND PROCEDURES

The full regulations for applications and the determination of applications is outlined in Appendix B³. A summary of the process and procedures has been provided below.

Applying for a Licence

An application for a busking and street entertainment licence must be made in writing to the council using the application form available online. The following information and documents will also be required:

- Name and home address in the UK (if you are a performer travelling from outside of the UK, please provide the address(es) of where you are staying whilst you are here).
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- One form of photographic ID including either a passport or driving licence. (If you do not hold photographic ID, the council will accept a birth certificate along with a recent photograph)
- Proof of valid Public Liability Insurance (of at least 2 million).
- National Insurance number or declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- Statement of truth

(optional)

- Self-declaration of membership of the Westminster Street Performers Association and/or union membership.
- Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.
- Proof of student status to qualify for a discounted fee.

³ These regulations are made pursuant to section 36(1) of the London Local Authorities Act 2000

How a decision is made to grant, vary or refuse an application

Applications will only be considered valid if the application is fully completed along with all required accompanying documents and payment of the application fee.

All applications will be considered on their own merits.

Applications for a six-month or one-month licence that do not involve any changes to the standard conditions will be determined within 10 days, and the licence will be granted for a period of six months or for a period of one month

There may be applicants who would like the terms of their licence application varied. For example, a juggler might choose to apply to vary the pitch conditions to allow flaming torches; or a magician might choose to apply to vary the pitch conditions to allow a performance with a licensed performing animal. An application to vary any of the standard conditions can be made when making the application for the licence by completing the appropriate section of the application form. Should an applicant request a variation, they may expect to receive a decision within 21 days.

The following process for deciding whether to grant, vary or refuse an application is set out below:

- **Online Application**
- **Automated Validation** - Where applicant is able to provide all the requested information and documentation.
- **Automated Determination** - Where the applicant satisfies the relevant requirements and is able to confirm acceptance of the pitch and licence conditions and has paid the relevant fees.
- **Officer Determination** - Where automated validation and determination cannot be made because there is a question over the relevant requirements or the applicant seeks to vary the licence conditions the application will be determined by an officer.
- **Senior Manager Determination** - Where the application is deemed to raise complex, serious or sensitive matters or the application involves unusual or novel requests for variation of the licence conditions the determining officer may defer the determination of the application to a senior manager.

When we may refuse an application

An application for a busking and street entertainment licence may be refused on the following grounds:

| Refusal Reason | Considerations include (but not limited to): |
|--|--|
| Does not meet the threshold of 'fit and proper' | <ul style="list-style-type: none"> ● Does not have a right to work. ● Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. ● Has a record of noncompliance with the Westminster Code of Conduct and/or officer instructions. ● Has a record of substantiated complaints and noncompliance with licence terms and conditions. ● A licence has previously been revoked in our city or other similar schemes. ● Information provided as part of the application is demonstrated to be false. |
| Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space | The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions. |

When we may revoke a licence

The decision to revoke a licence may only be made by the Licensing Sub-Committee.

A Police Officer or Authorised Officer of the council may request that the Licensing Sub-Committee consider that a busking and street entertainment licence should be revoked. In such cases the busker or street entertainer licence holder will:

- Receive a letter setting out the grounds upon which the officer is requesting that the busking and street entertainment licence ought to be revoked.
- Be given 21 days to provide a written submission for consideration by the Licensing Sub-Committee.
- Be invited to attend a Licensing Sub-Committee where the licence holder will be given an opportunity to address the Licensing Sub-Committee.

A licence may be revoked on the following grounds:

- That there has been a breach of the conditions of the licence;
- that nuisance has been caused or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking and street entertainment taking place.

How you can cancel your licence

A performer wanting to cancel their licence can do so if the request is made in writing to the council. This can be done via the councils busking and street entertainment webpages.

How you can renew your licence

A busker and street entertainer can apply to renew their busking and street entertainment licence online.

A renewal application should only be made when being made on the same terms of the existing licence. If any changes are required, this will be treated as a new application.

If an application to renew a licence is submitted prior to the expiry of that licence, it will be deemed to continue until the application for the renewal is determined. Where a licence expires before a renewal application is submitted, the licence holder will need to apply for an entirely new licence.

Licence renewal is subject to submission of renewal application form and payment of the application fee. If the fee is not received before the current licence expires, the licence holder will need to apply for an entirely new licence.

When you can appeal a decision, we have made

There is a right of appeal if:

- an application for the grant of a licence is refused.
- a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held.
- a licence holder whose licence has been revoked.

Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins seven days after the notification was posted by first class post.

A further appeal against the Magistrates' Court decision may be made to the Crown Court where the court may make any such order as it thinks fit.

Getting your feedback and reviewing our Policy

We are committed to monitoring this policy through regular feedback with our community including buskers and street entertainers, residents and businesses. Feedback sessions will occur every three months throughout the first full calendar year of the policy, in order to assess its impact and effectiveness. Meeting dates and how to get involved in these feedback sessions will be available online. We will also complete a full review after the first 12 months (or sooner) and amend the policy if required.

COMPLAINTS, COMPLIANCE AND ENFORCEMENT

Making a complaint

Buskers and street entertainers are usually unaware of the impact they are having on their surroundings and will often happily adjust their performance if asked. If a busker or street entertainer is causing a nuisance and you feel comfortable to do so, you should approach the them, explain the problem and politely ask that they adjust their performance.

If speaking to the busker or street entertainer is not possible, or you are experiencing an on-going issue, you can report your complaint to the council.

Please provide us with as much information as possible as this helps our enforcement officers gather the right information and take targeted action. Your complaint should include information such as:

- The physical description of the busker or street entertainer.
- The exact location and time of the performance.
- What type of performance it was (for example a band, a magician etc.).
- What behaviour was problematic and/or causing you a nuisance and for how long.
- Any other information you think will be relevant for our officers to know.

To report a complaint go online at westminster.gov.uk/report-it or call us on 020 7641 2000.

Compliance and Enforcement

We keep records of engagement and complaints, and in line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the Busking and Street Entertainment Policy across our City which may include receiving a warning notice. Should the busker or street entertainer continue to act unreasonably or breach the licensing conditions, our officers will take appropriate enforcement action.

The enforcement action taken will vary depending on whether the busker or street entertainer is in a nonregulated or regulated area, as outlined below.

Enforcement in Nonregulated / Self-regulated Areas

In all non-regulated areas across our city the following enforcement options are available to an authorised officer or police officer:

- they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance which may include requesting that the performance stops.
- they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

Enforcement in Regulated Areas

In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the licence conditions, the following additional options are available to an authorised officer or a police officer:

- equipment (including instruments) connected with the busking and street entertainment may be seized.
- proceedings may be instigated to prosecute the person for offences under Part V London Local Authorities Act 2000.
- the council may consider revoking the licence and/or refusing any future application.

The Busking and Street Entertainment Regulation Areas

The Busking and Street Entertainment Regulation Areas (where Part V of the London Local Authorities Act 2000 applies). Busking and street entertainment is prohibited in these areas apart from licensed busking and street entertainment in any of the 26 designated pitches identified in the maps that follow.

Abbey Orchard Estate
Abbey Orchard Street
Abingdon Street
Adam And Eve Court
Adam Street
Adams Row
Adelaide Street
Adelphi Terrace
Agar Street
Air Street
Albany
Albany Courtyard
Albemarle Street
Albert Gate
Albion Close
Albion Mews
Albion Mews Private Section
Albion Street
Aldburgh Mews
Aldford Street
Aldwych
Alexander Mews
Alexander Street
All Souls Place
Allington Street
Ambassadors Court
Ambrosden Avenue
Andrews Crosse
Angel Court
Apple Tree Yard
Apsley Way
Archer Street
Archer Street Chambers
Archer Street Works
Archery Close
Archibald Mews
Argyll Street
Arlington Street
Arne Street
Arneway Street
Artillery Place
Artillery Row
Arundel Street
Ashburnham Mews
Ashburton Place
Ashland Place
Ashley Place
Atterbury Street
Audley Square
Avery Row

Aybrook Street
Ayrton Road
Babmaes Street
Baker Street
Baker's Mews
Balderton Street
Balfour Mews
Balfour Place
Banbury Court
Bark Place
Barlow Place
Barrett Street
Barrie Estate
Barton Street
Bateman Street
Bateman's Buildings
Bathurst Mews
Bathurst Street
Bayswater Road
Beak Street
Bear Street
Beaumont Mews
Beaumont Street
Bedford Court
Bedford Street
Bedfordbury
Beeston Place
Belgrave Mews North
Belgrave Mews South
Belgrave Place
Belgrave Square
Belgrave Yard
Bell Yard
Bennet Street
Bennett's Yard
Bentinck Mews
Bentinck Street
Berkeley Mews
Berkeley Square
Berkeley Street
Berners Mews
Berners Place
Berners Street
Berwick Street
Bickenhall Street
Bingham Place
Binney Street
Bird Street
Birdcage Walk

Bishop's Bridge Road
Black Lion Passage
Blackburne's Mews
Blandford Street
Blenheim Street
Bloomburg Street
Bloomfield Place
Bloomfield Place Private Section
Blore Court
Blue Ball Yard
Blue Ball Yard Private Section
Bolney Gate
Bolsover Street
Bolton Street
Booth's Place
Botts Mews
Botts Mews Private Section
Botts Passage
Bourchier Street
Bourdon Place
Bourdon Place Private Section
Bourdon Street
Bourlet Close
Bourne Mews
Bouverie Place
Bow Street
Boyle Street
Bremner Road
Brendon Street
Brewer Street
Brewer's Green
Brick Street
Bridford Mews
Bridge Street
Bridle Lane
Bridstow Place
Broad Court
Broad Sanctuary
Broad Walk Hyde Park
Broadbent Street
Broadstone Place
Broadway
Broadwick Street
Brook Mews North
Brook Street
Brook's Mews
Brown Hart Gardens
Brown Street
Browning Mews
Brunswick Mews
Bruton Lane
Bruton Place
Bruton Street
Bryanston Mews East
Bryanston Mews West
Bryanston Place

Bryanston Square
Bryanston Street
Brydges Place
Buck Hill Walk
Buckingham Arcade
Buckingham Gate
Buckingham Mews
Buckingham Palace Road
Buckingham Place
Buckingham Street
Bulinga Street
Bull Inn Court
Bulleid Way
Bulstrode Place
Bulstrode Street
Burdett Mews
Burleigh Street
Burlington Arcade
Burlington Gardens
Burwood Place
Bury Street
Butler Place
Bywell Place
Cabbell Street
Callendar Road
Cambridge Circus
Cambridge Square
Canalside Walk
Candover Street
Canon Row
Canon Row Private Section
Carburton Street
Cardinal Walk
Carey Place
Carey Street
Carlisle Place
Carlisle Street
Carlos Place
Carlton Gardens
Carlton House Terrace
Carlton Street
Carnaby Street
Caroline Close
Caroline Place
Caroline Place Mews
Carpenter Street
Carrington Street
Carteret Street
Carting Lane
Castle Lane
Castlereagh Street
Cathedral Piazza
Cathedral Walk
Catherine Place
Catherine Place Private Section
Catherine Street
Catherine Wheel Yard
Cato Street

Causton Street
Causton Street Private Section
Cavendish Mews North
Cavendish Mews South
Cavendish Place
Cavendish Square
Caxton House Access Road
Caxton Street
Cecil Court
Celbridge Mews
Central St Martin's College Access Road
Cerne Mews
Cervantes Court
Chadwick Street
Chandos Place
Chandos Street
Chapel Place
Chapel Side
Chapel Street
Chapone Place
Chapter Chambers
Chapter Street
Charing Cross
Charing Cross Road
Charles li Street
Charles Street
Charlotte Place
Chepstow Place
Chepstow Road
Chester Close
Chester Mews
Chester Square Mews
Chester Street
Chesterfield Gardens
Chesterfield Hill
Chesterfield Street
Chiltern Street
Chilworth Mews
Chilworth Street
Christchurch Walk
Church Place
Circus Mews
Clare Market
Clarendon Close
Clarendon Mews
Clarendon Place
Clarges Mews
Clarges Street
Clarke's Mews
Clay Street
Clement's Inn
Clement's Inn Passage
Clenston Mews
Cleveland Gardens
Cleveland Place
Cleveland Row
Cleveland Row Private Section
Cleveland Square
Cleveland Terrace

Clifford Street
Clifton Place
Clipstone Mews
Clipstone Street
Coach And Horses Yard
Coburg Close
Cockpit Steps
Cockspur Court
Cockspur Street
Colonnade Walk
Colour Court
Conduit Court
Conduit Mews
Conduit Passage
Conduit Place
Conduit Street
Coniston Court
Connaught Close
Connaught Close Private Section
Connaught Place
Connaught Square
Connaught Street
Constitution Hill
Cork Street
Cork Street Mews
Corner House Street
Covent Garden
Coventry Street
Cowley Street
Craig's Court
Cramer Street
Cranbourn Alley
Cranbourn Street
Craven Hill
Craven Hill Gardens
Craven Hill Mews
Craven Passage
Craven Road
Craven Street
Craven Terrace
Crawford Mews
Crawford Place
Crawford Street
Cross Keys Close
Crown Court
Crown Passage
Cubitt's Yard
Culross Street
Cureton Street
Curzon Square
Curzon Street
Dacre Street
Dalkeith Court
Dansey Place
D'Arblay Street
Dartmouth Street
David Mews
Davies Mews
Davies Street
Dawson Place
De Walden Street
Dean Bradley Street

Dean Farrar Street
Dean Ryle Street
Dean Stanley Street
Dean Street
Dean Trench Street
Deanery Mews
Deanery Street
Dean's Mews
Dean's Yard
Denman Place
Denman Street
Derby Gate
Derby Gate Private Section
Derby Street
Dering Street
Dering Yard
Devereux Court
Devonshire Close
Devonshire Mews North
Devonshire Mews South
Devonshire Mews West
Devonshire Place
Devonshire Place Mews
Devonshire Row Mews
Devonshire Street
Devonshire Terrace
Diadem Court
Dorset Mews
Dorset Street
Douglas Street
Dover Street
Dover Yard
Dover Yard Private Section
Down Street
Down Street Mews
Downing Street
Drury Lane
Dryden Street
Duchess Mews
Duchess Street
Duck Lane
Dudley Street
Dufour's Place
Duke Of York Street
Duke Street
Duke Street St James's
Duke's Mews
Duke's Yard
Duncannon Street
Dunraven Street
Dunstable Mews
Durham House Street
Durham Terrace
Durweston Mews
Durweston Street
Eagle Place
Easley's Mews
Eastbourne Mews
Eastbourne Terrace
Eastcastle Street
Eaton Lane

Eaton Row
Ebury Mews East
Ebury Street
Eccleston Mews
Eccleston Place
Eccleston Place Private Section
Eccleston Square
Eccleston Square Mews
Eccleston Street
Edinburgh Gate
Edward's Mews
Elizabeth Court
Elms Mews
Elverton Street
Embankment Place
Emery Hill Street
Endell Street
Enford Street
Engine Court
Ennismore Gardens
Ennismore Gardens Mews
Ennismore Mews
Erasmus Street
Essex Street
Esterbrooke Street
Evelyn Yard
Excel Court
Exchange Court
Exeter Street
Exhibition Road
Fairholt Street
Falconberg Court
Falconberg Mews
Falconberg Mews Private Section
Fareham Street
Farm Street
Fitzhardinge Street
Fitzmaurice Place
Flaxman Court
Floral Court
Floral Street
Foley Street
Forset Street
Fosbury Mews
Foubert's Place
Fountain Square
Francis Street
Frederick Close
Friary Court
Frith Street
Fulton Mews
Fynes Street
Ganton Street
Garbutt Place
Garrick Street
Garrick Yard
Garway Road
Gate Mews
Gayfere Street

Gees Court
George Court
George Street
George Yard
Gerrard Place
Gerrard Street
Gilbert Street
Gildea Street
Gillingham Mews
Gillingham Row
Gillingham Street
Gillinghouse Street
Globe Yard
Gloucester Gardens
Gloucester Mews
Gloucester Mews West
Gloucester Place
Gloucester Place Mews
Gloucester Square
Gloucester Terrace
Golden Square
Goodge Street
Goodwin's Court
Gosfield Street
Goslett Yard
Grafton Street
Grange Court
Grantham Place
Grantham Place Private Section
Granville Place
Gray's Yard
Great Castle Street
Great Chapel Street
Great Cloisters
Great College Street
Great Cumberland Mews
Great Cumberland Place
Great George Street
Great Marlborough Street
Great Newport Street
Great Peter Street
Great Portland Street
Great Pulteney Street
Great Queen Street
Great Scotland Yard
Great Scotland Yard Access Road Number 1
Great Smith Street
Great Titchfield Street
Great Windmill Street
Greek Court
Greek Street
Green Street
Greencoat Place
Greencoat Row
Green's Court
Greenwell Street
Greycoat Lane
Greycoat Place
Greycoat Street
Greyhound Court

| | | | |
|--------------------|--------------------|-------------------|-----------------|
| Sussex Gardens | Unwin Road | West Garden Place | Wyndham Yard |
| Sussex Gardens | Upbrook Mews | Westbourne Bridge | Wythburn Place |
| Service Road | Upper Belgrave | Westbourne | Yarmouth Place |
| Sussex Mews East | Street | Crescent | Yarmouth Place |
| Sussex Mews East | Upper Berkeley | Westbourne | Private Section |
| Private Section | Street | Crescent Mews | York Buildings |
| Sussex Mews West | Upper Brook | Westbourne | York Place |
| Sussex Mews West | Street | Gardens | York Street |
| Private Section | Upper Grosvenor | Westbourne Grove | |
| Sussex Place | Street | Westbourne Grove | |
| Sussex Square | Upper James Street | Terrace | |
| Sutton Row | Upper John Street | Westbourne Park | |
| Swallow Passage | Upper Montagu | Passage | |
| Swallow Place | Street | Westbourne Park | |
| Swallow Street | Upper St Martin's | Road | |
| Swiss Court | Lane | Westbourne Park | |
| Tachbrook Mews | Upper Tachbrook | Villas | |
| Talbot Square | Street | Westbourne Street | |
| Tanner Lane | Upper Wimpole | Westbourne | |
| Tarrant Place | Street | Terrace | |
| Tavistock Court | Vandon Passage | Westbourne | |
| Tavistock Street | Vandon Street | Terrace Mews | |
| Temple Place | Vane Street | Westmoreland | |
| Tenison Court | Vere Street | Street | |
| Tenniel Close | Victoria Arcade | Weymouth Mews | |
| Tent Place | Victoria Place | Weymouth Street | |
| Tenterden Street | Victoria Square | Wheatley Street | |
| Terminus Place | Victoria Street | Whitcomb Court | |
| Thayer Street | Vigo Street | Whitcomb Street | |
| The Arches | Villiers Street | White Bear Yard | |
| The Broad Walk, | Vincent Square | White Horse | |
| Kensington Gardens | Vincent Street | Street | |
| The Mall | Vine Street | Whitehall | |
| The Mall Access | Virgil Place | Whitehall Court | |
| Road Old Admiralty | Walcott Street | Whitehall Gardens | |
| Build | Walker's Court | Whitehall Place | |
| The Mall Approach | Wallenberg Place | Wigmore Place | |
| The Market | Walmer Place | Wigmore Street | |
| The Piazza | Walmer Street | Wilcox Place | |
| The Royal Mews | Wardour Mews | Wild Street | |
| The Sanctuary | Wardour Street | Wilder Walk | |
| Thirleby Road | Warwick House | Wilfred Street | |
| Thorney Street | Street | William Iv Street | |
| Thornton Place | Warwick Place | Willow Place | |
| Three Kings Yard | North | Wilton Mews | |
| Tilney Street | Warwick Row | Wilton Mews | |
| Tisbury Court | Warwick Street | Private Section | |
| Titchborne Row | Water Street | Wilton Place | |
| Tothill Street | Watergate Walk | Wilton Road | |
| Tottenham Court | Waterloo Bridge | Wilton Row | |
| Road | Waterloo Place | Wilton Street | |
| Trafalgar Square | Watson's Mews | Wimpole Mews | |
| Transept Street | Waverton Street | Wimpole Street | |
| Transept Street | Wedgewood Mews | Windsor Place | |
| Private Section | Weighhouse Street | Winnett Street | |
| Treasury Passage | Welbeck Street | Winsland Mews | |
| Trebeck Street | Welbeck Way | Winsland Street | |
| Trevor Place | Wellington Arch | Winsley Street | |
| Trevor Square | Processional | Wood's Mews | |
| Trevor Street | Wellington Street | Wood's Mews | |
| Trevor Walk | Wells Mews | Private Section | |
| Tufton Street | Wells Street | Woodstock Mews | |
| Tweezer's Alley | Wells Way | Woodstock Street | |
| Tyler's Court | Wesley Street | Wyndham Mews | |
| Udall Street | West Carriage | Wyndham Place | |
| Union Yard | Drive | Wyndham Street | |

BUSKING AND STREET ENTERTAINMENT PITCH LOCATIONS



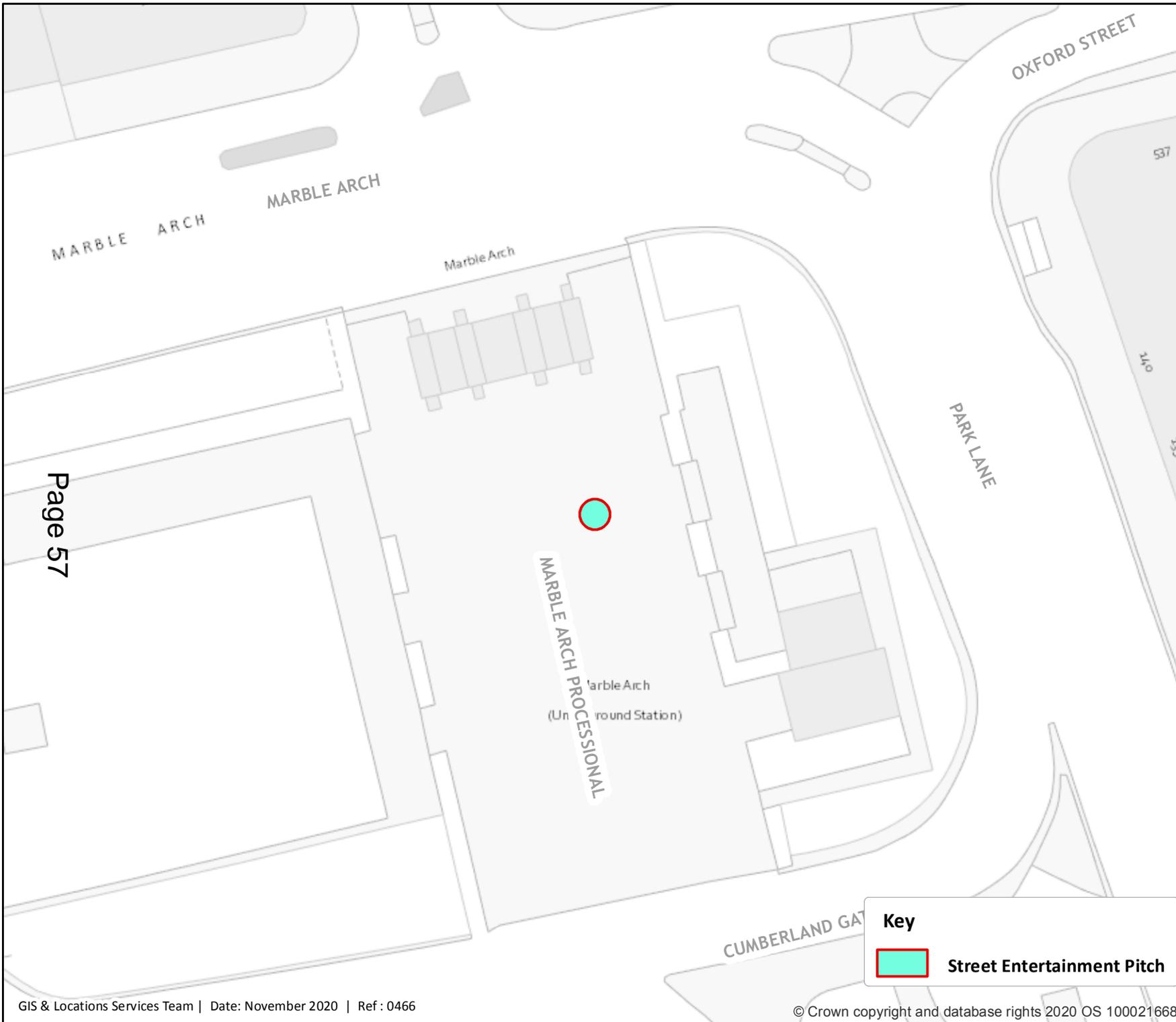
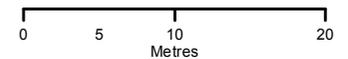
Marble Arch

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.

Map Scale 1:500

on A4



Key



Street Entertainment Pitch



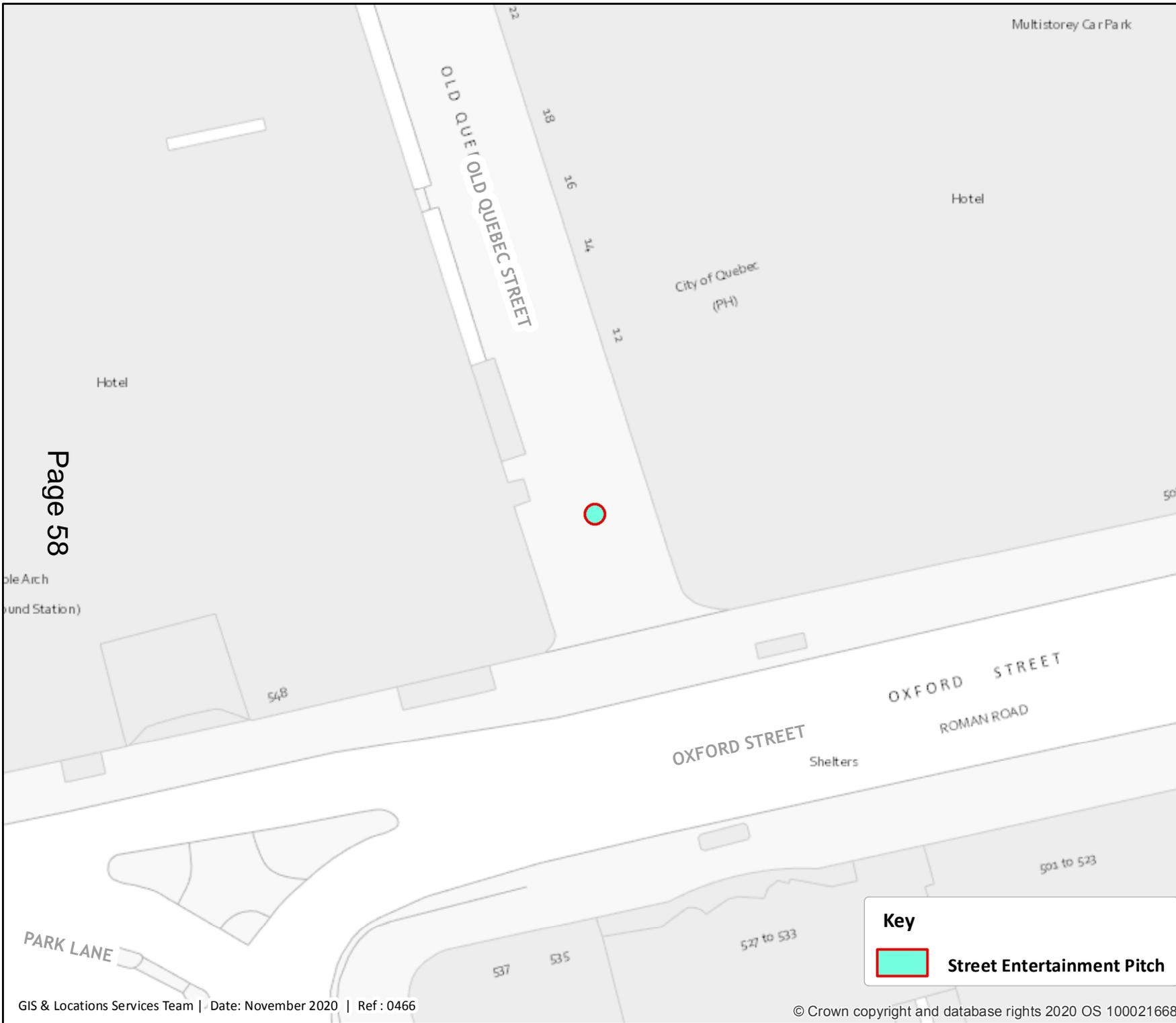
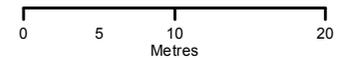
Old Quebec Street

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here

Map Scale 1:500

on A4



Key



Street Entertainment Pitch



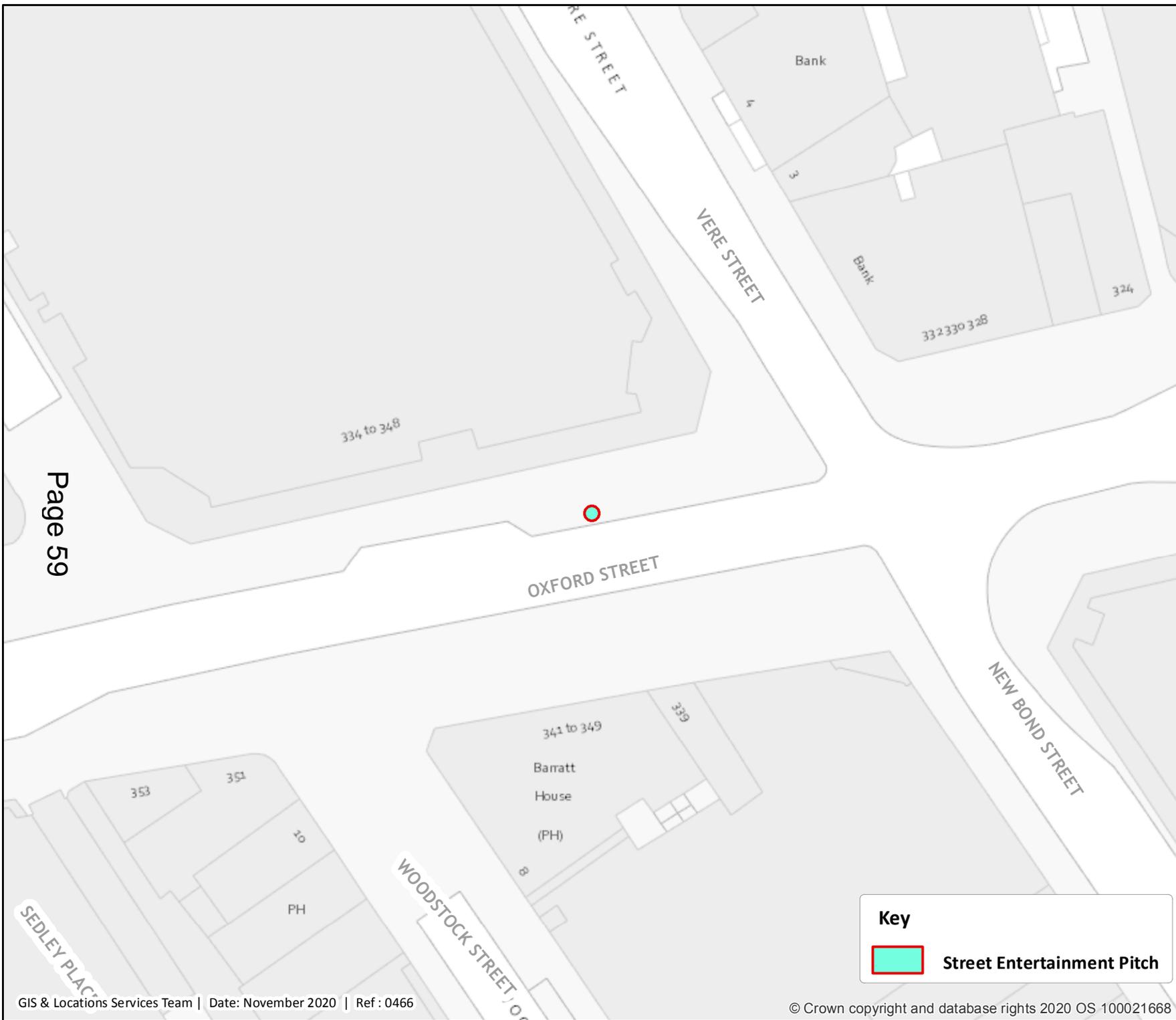
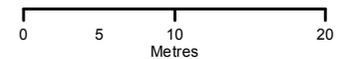
Vere Street

Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



Street Entertainment Pitch



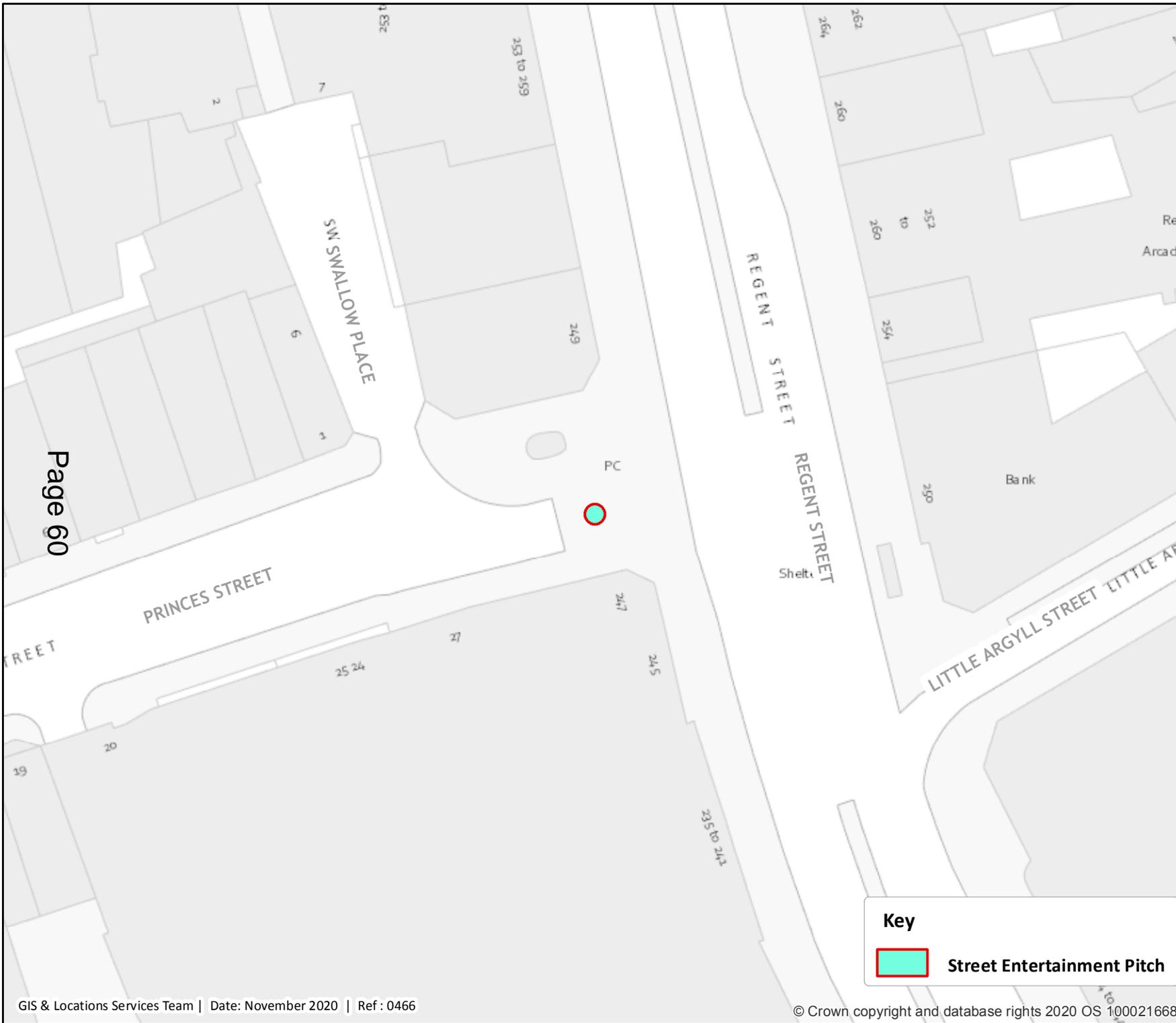
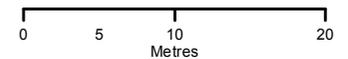
Princes Street

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



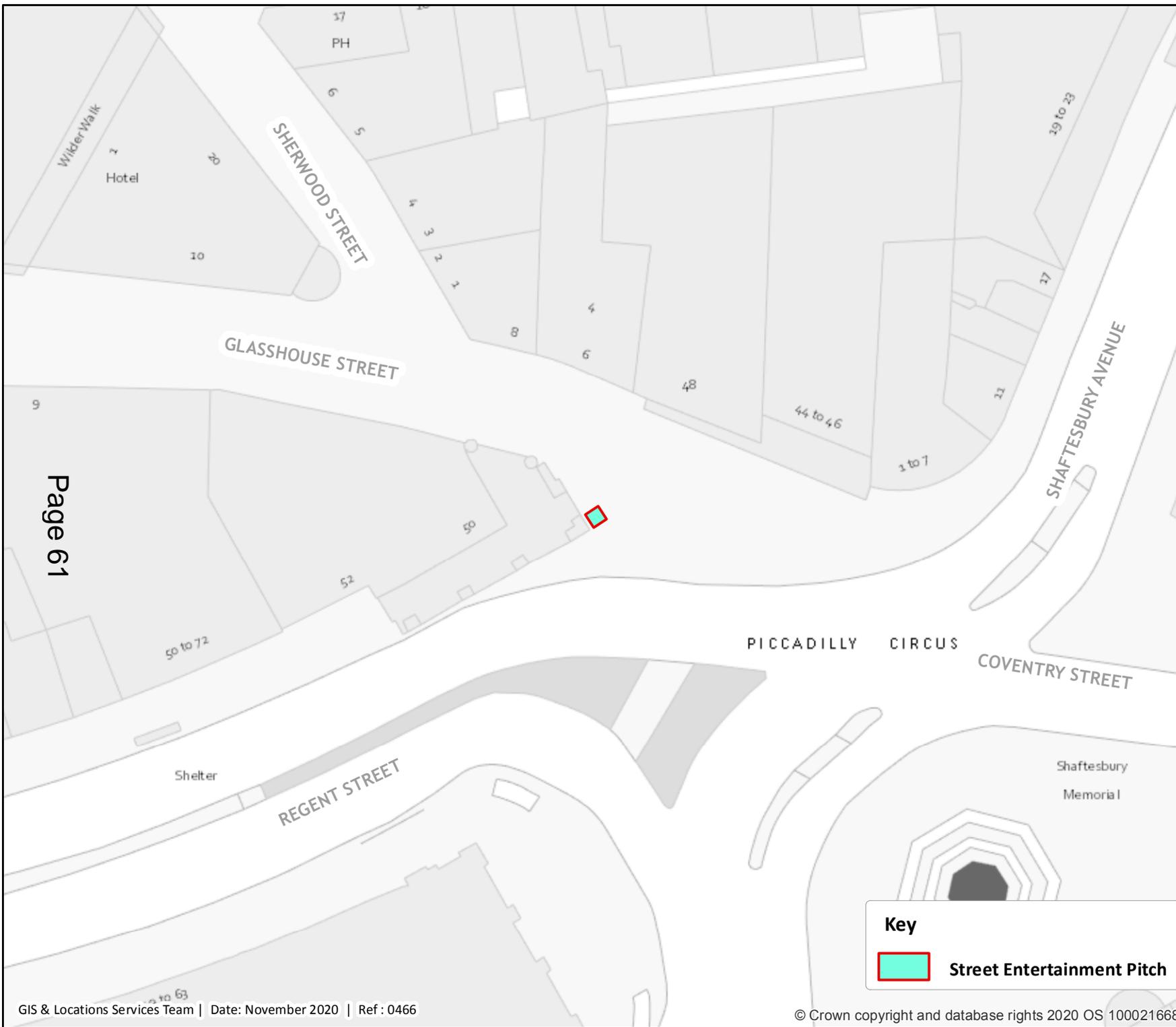
Street Entertainment Pitch



Glasshouse Street

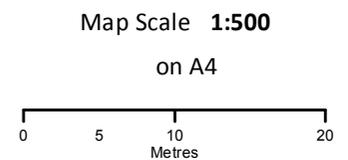
Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**



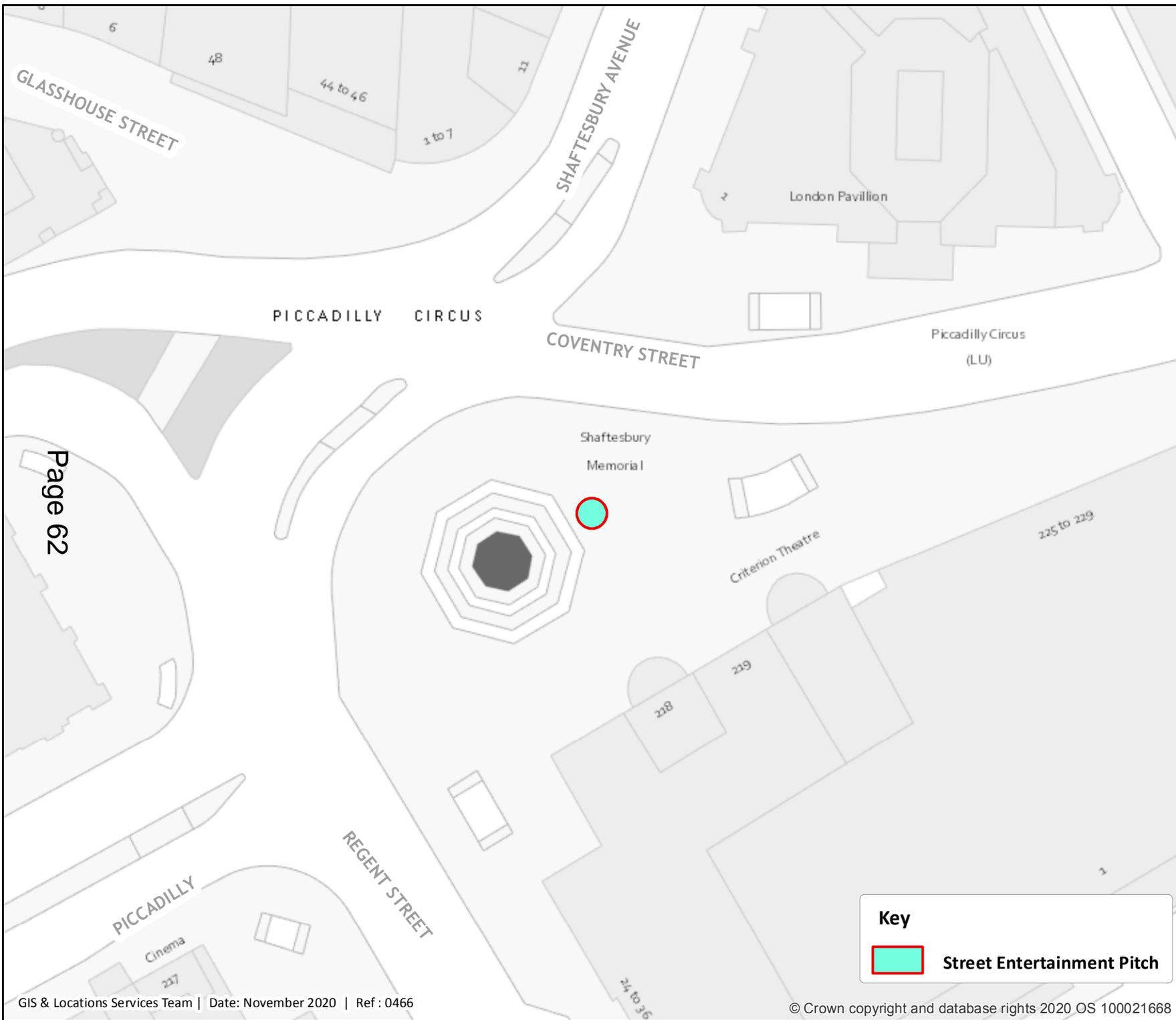
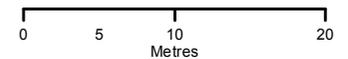


Eros Statue

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- • This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500**
on A4



Key

 **Street Entertainment Pitch**



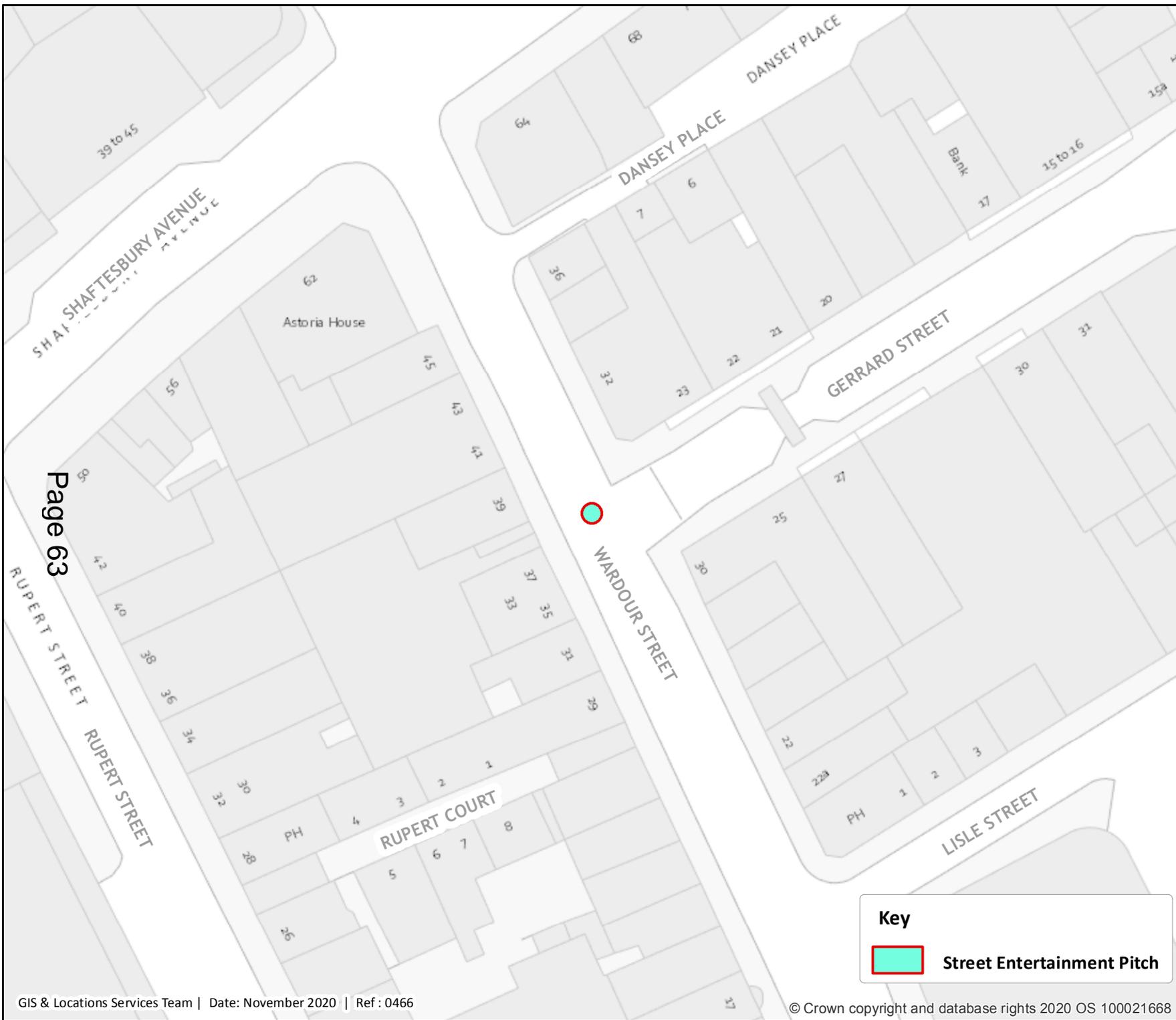
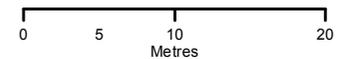
China Town

Terms and Conditions

- This pitch is only in operation Monday – Friday between the hours of 10am – 9pm
- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



Street Entertainment Pitch

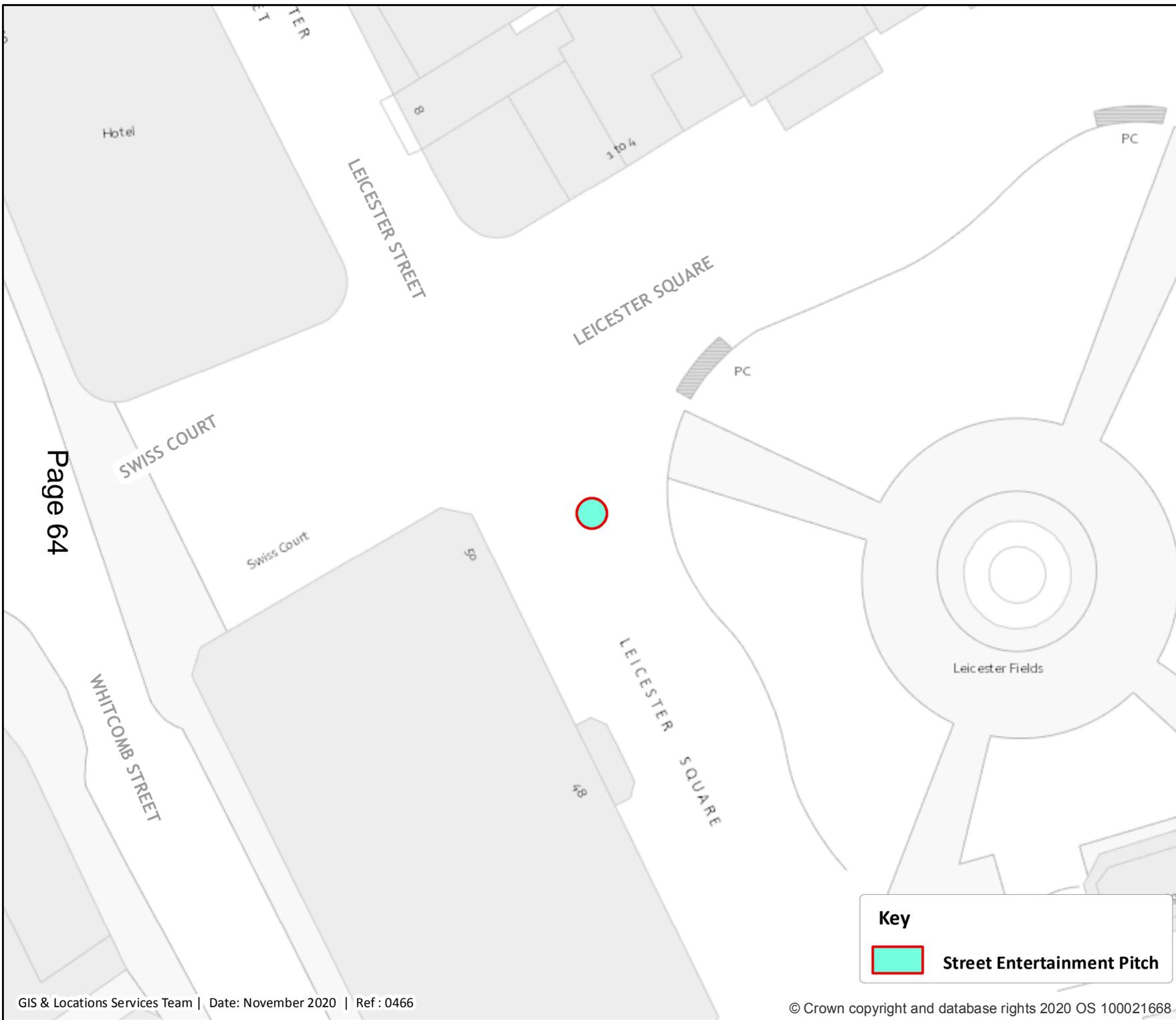
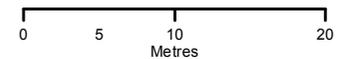


Leicester Square North West

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500**
on A4



Key

 **Street Entertainment Pitch**



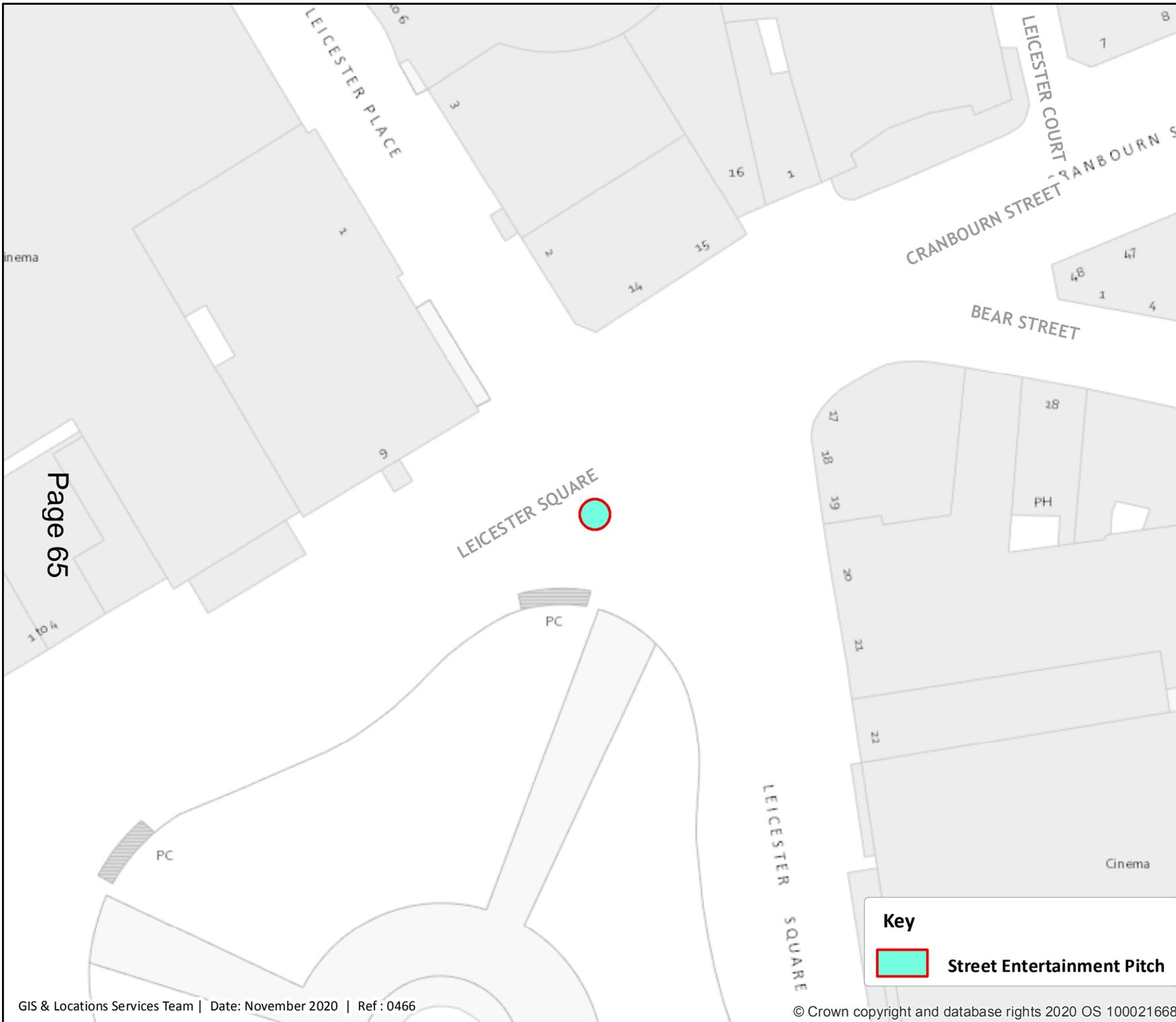
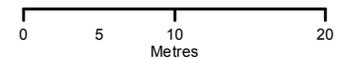
Leicester Square North East

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.

Map Scale 1:500

on A4



Key

 **Street Entertainment Pitch**



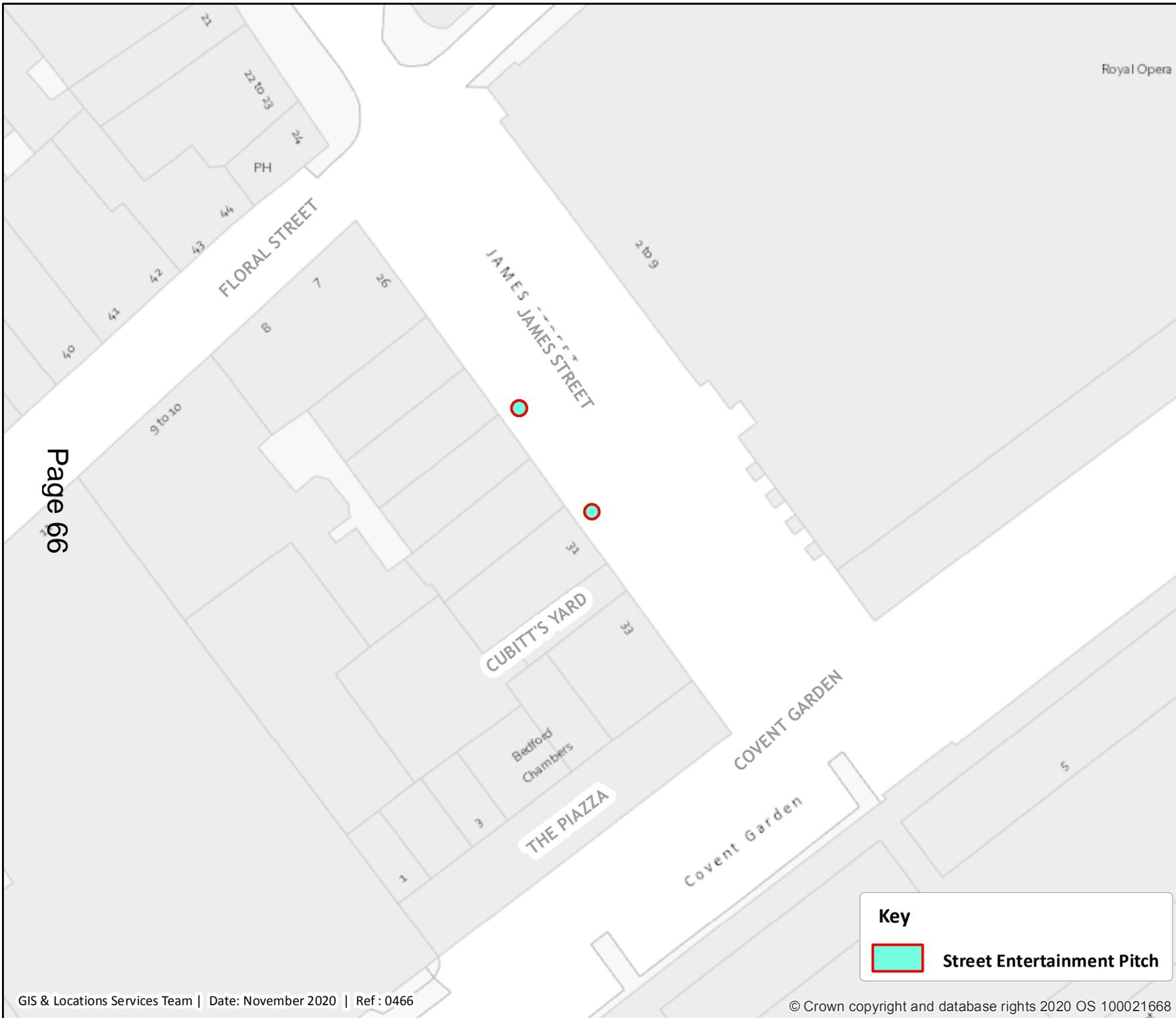
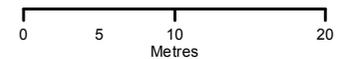
James Street

Terms and Conditions

- Each pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500**

on A4



Key



Street Entertainment Pitch



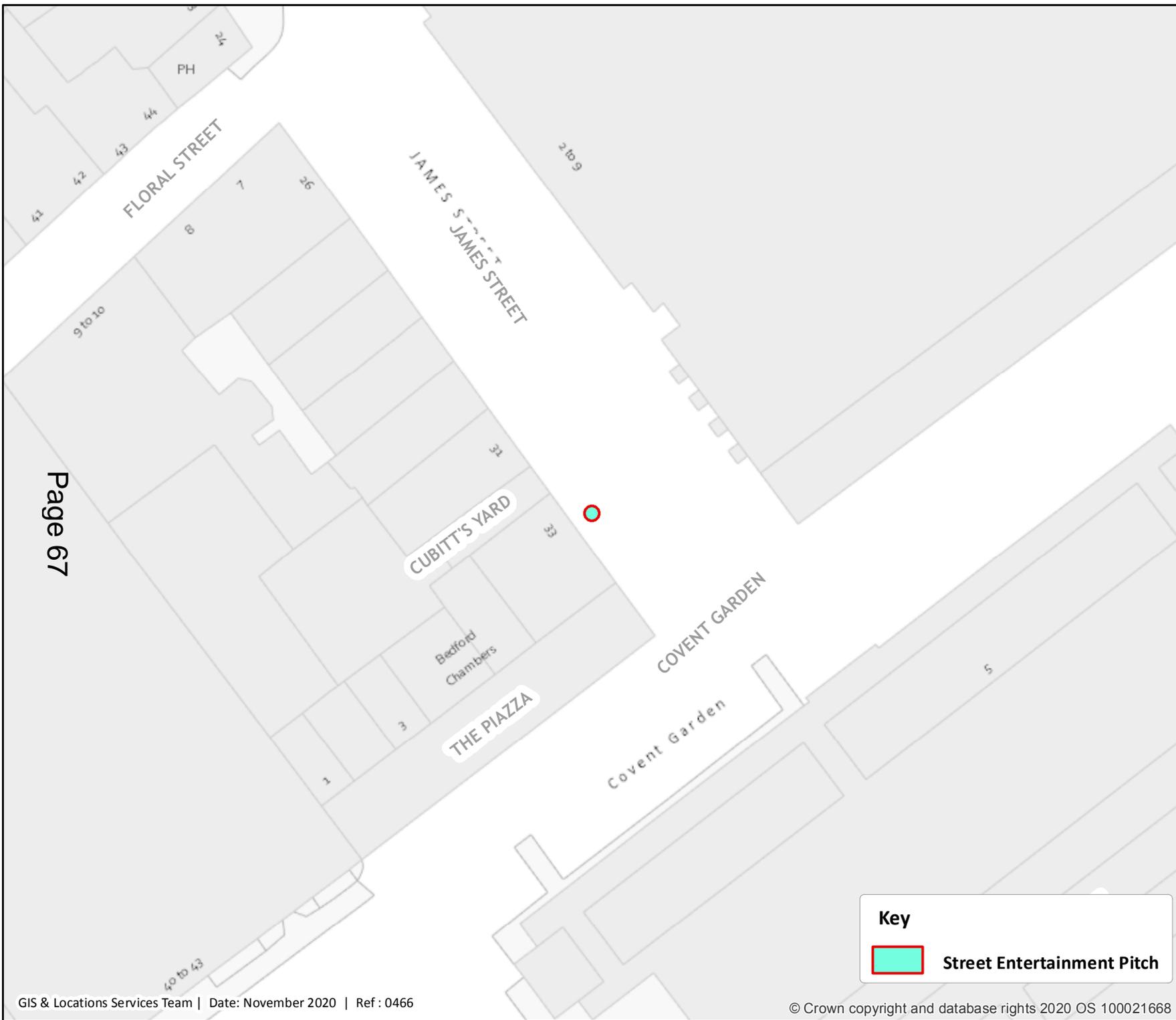
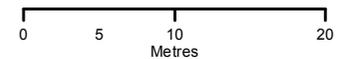
Market Square

Terms and Conditions

- Each pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Due to the proximity of business property, music amplification, brass, wind percussion and percussive instruments are not permitted here.
- However a vocal amplifier is permitted here

Map Scale **1:500**

on A4



Key

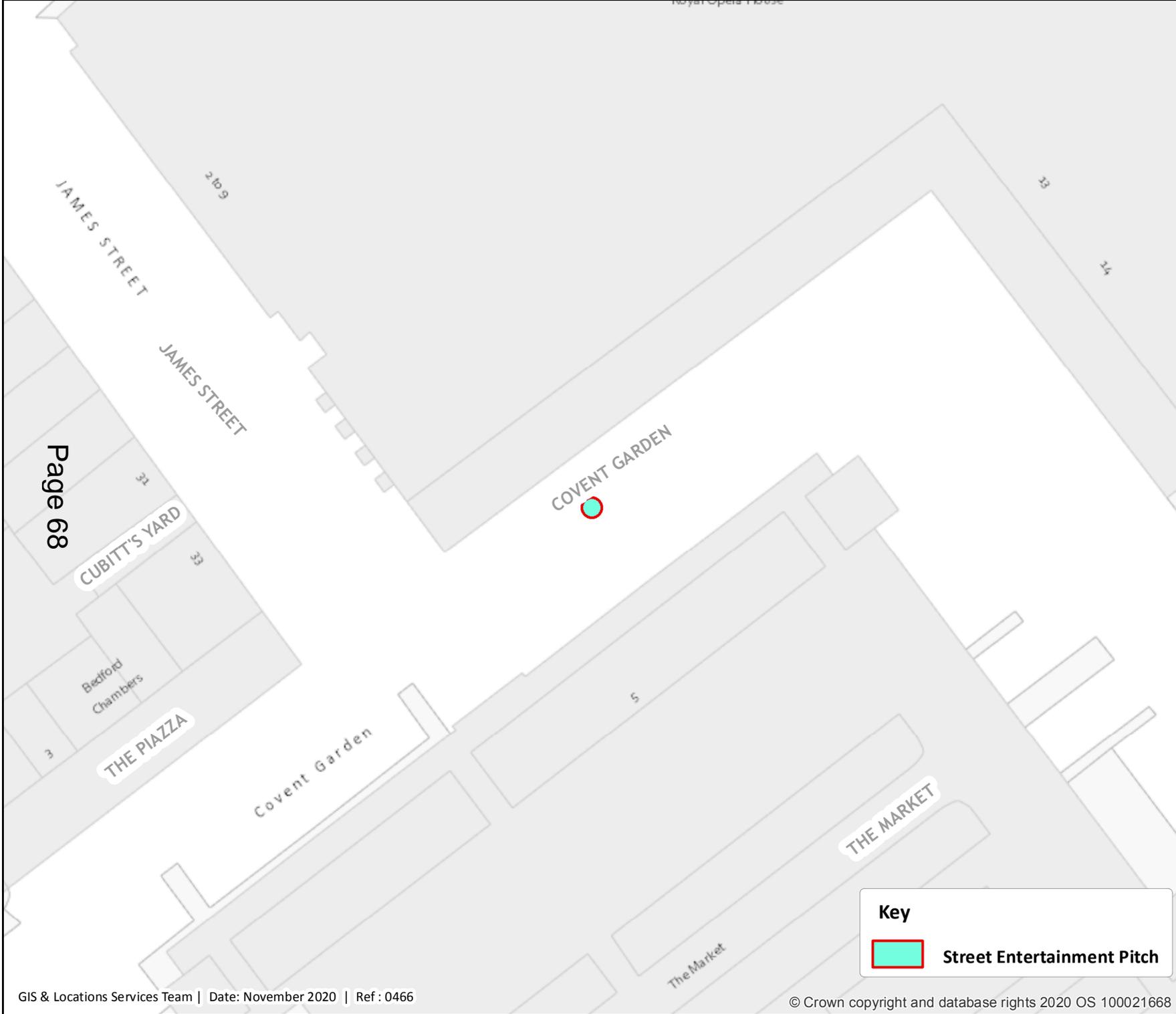
 **Street Entertainment Pitch**



Royal Opera House

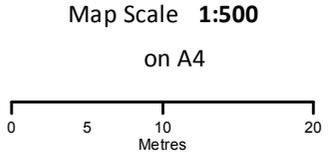
Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**





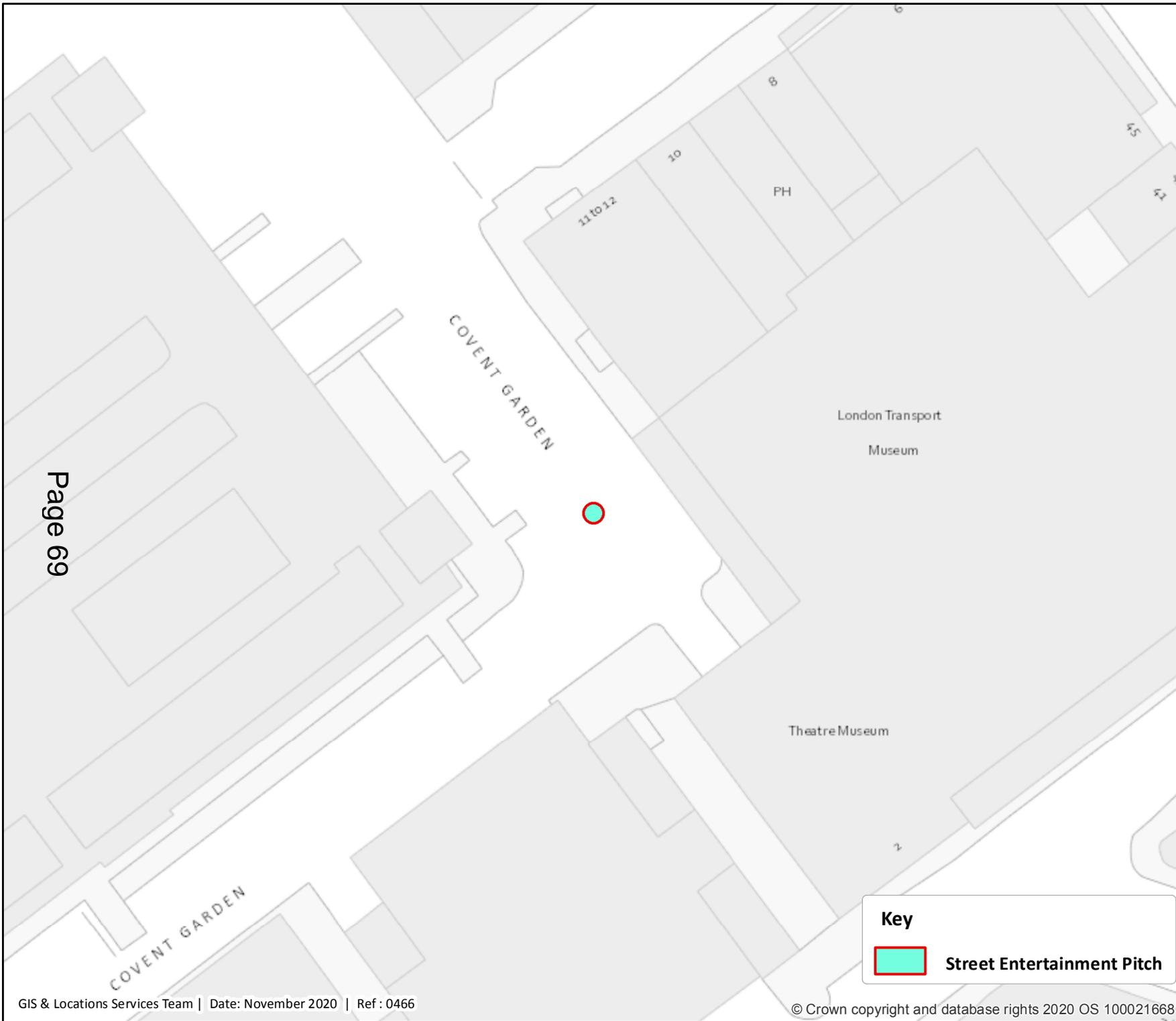
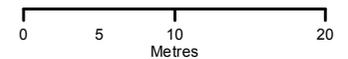
Transport Museum

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



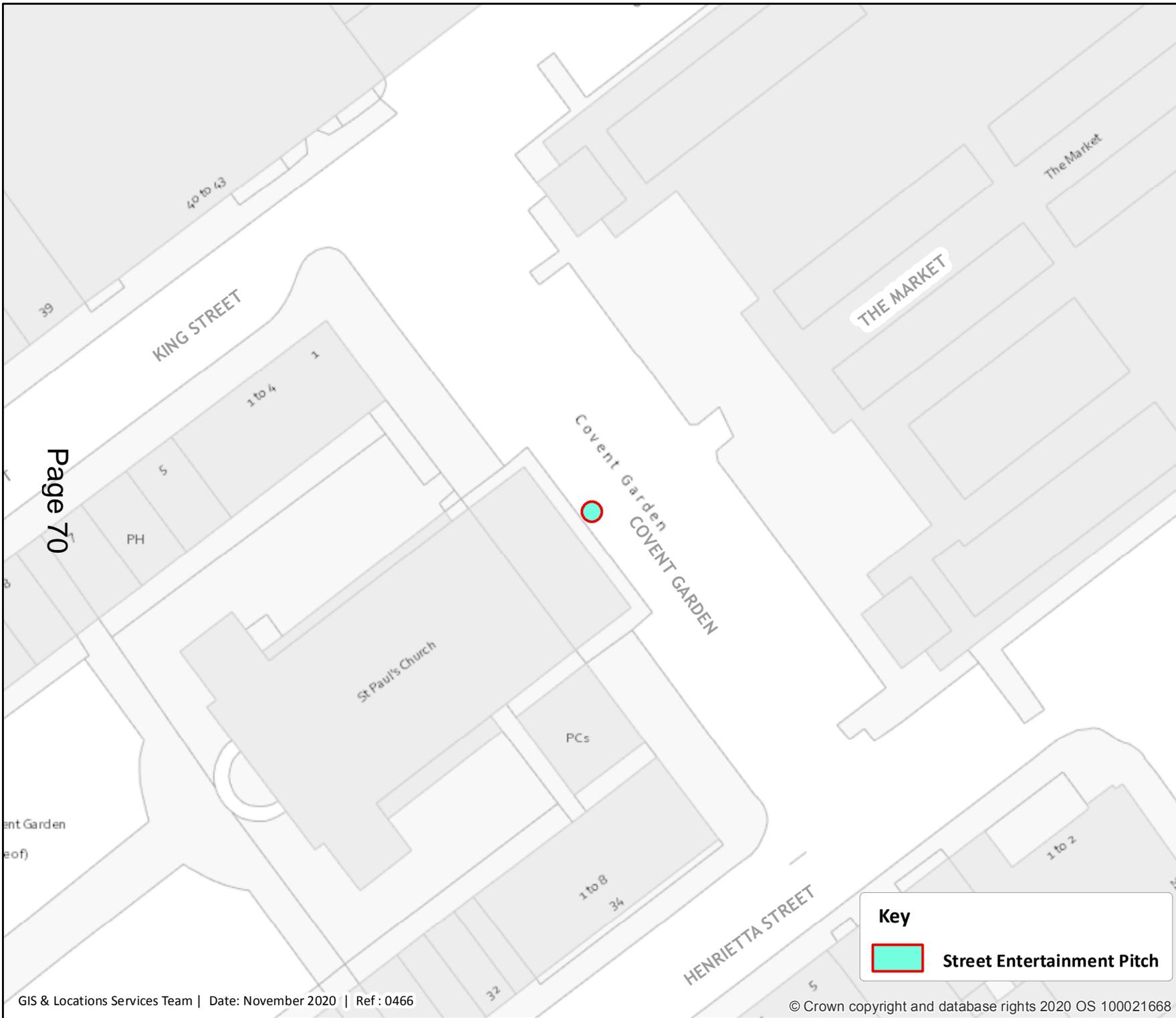
Street Entertainment Pitch



St Paul's Church

Terms and Conditions

- This pitch is not marked, however performances must not be more than 5 metres in space.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.



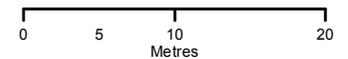
Key



Street Entertainment Pitch

Map Scale **1:500**

on A4





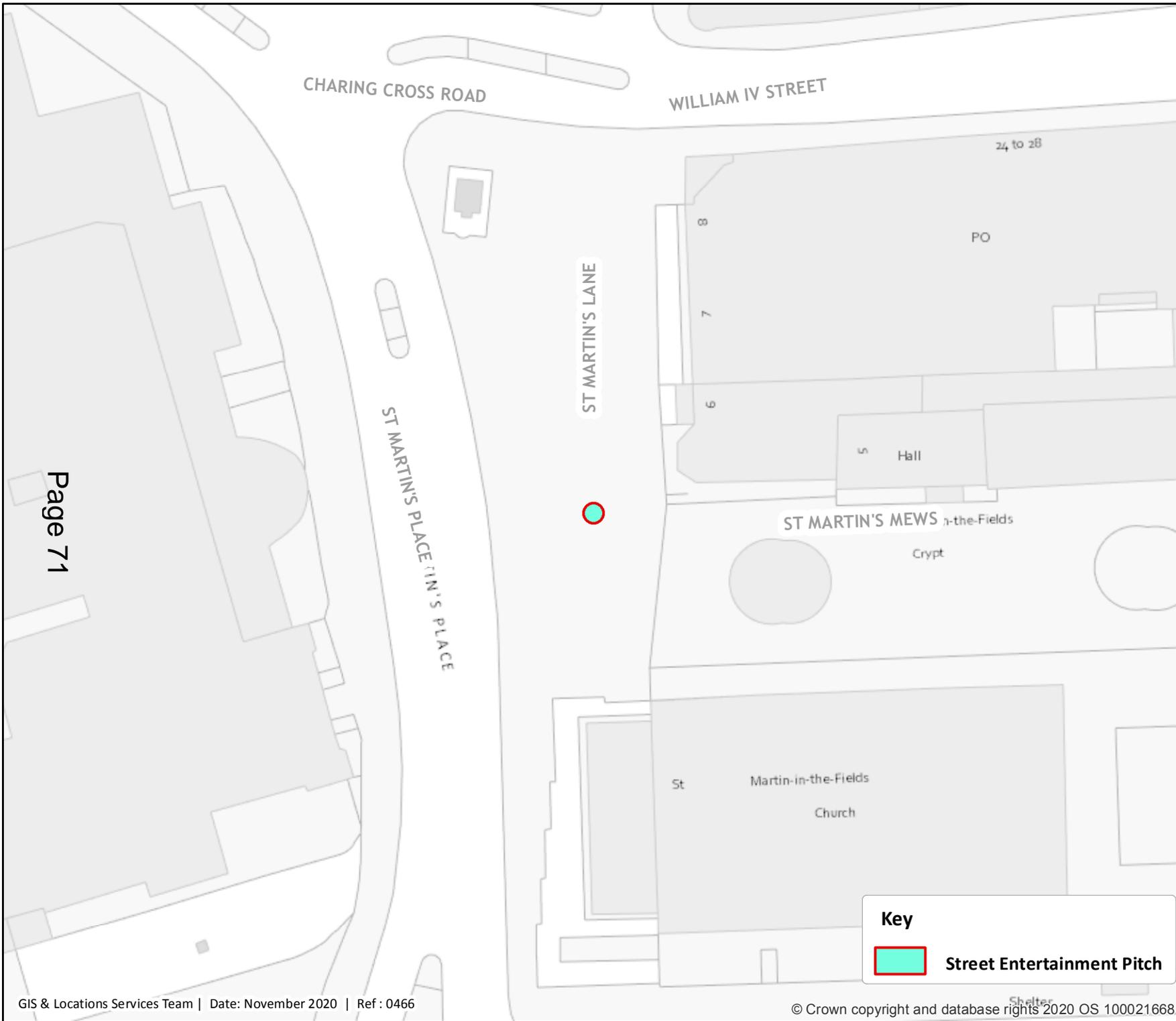
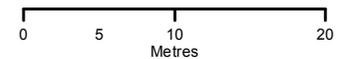
St Martins Church

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



Street Entertainment Pitch



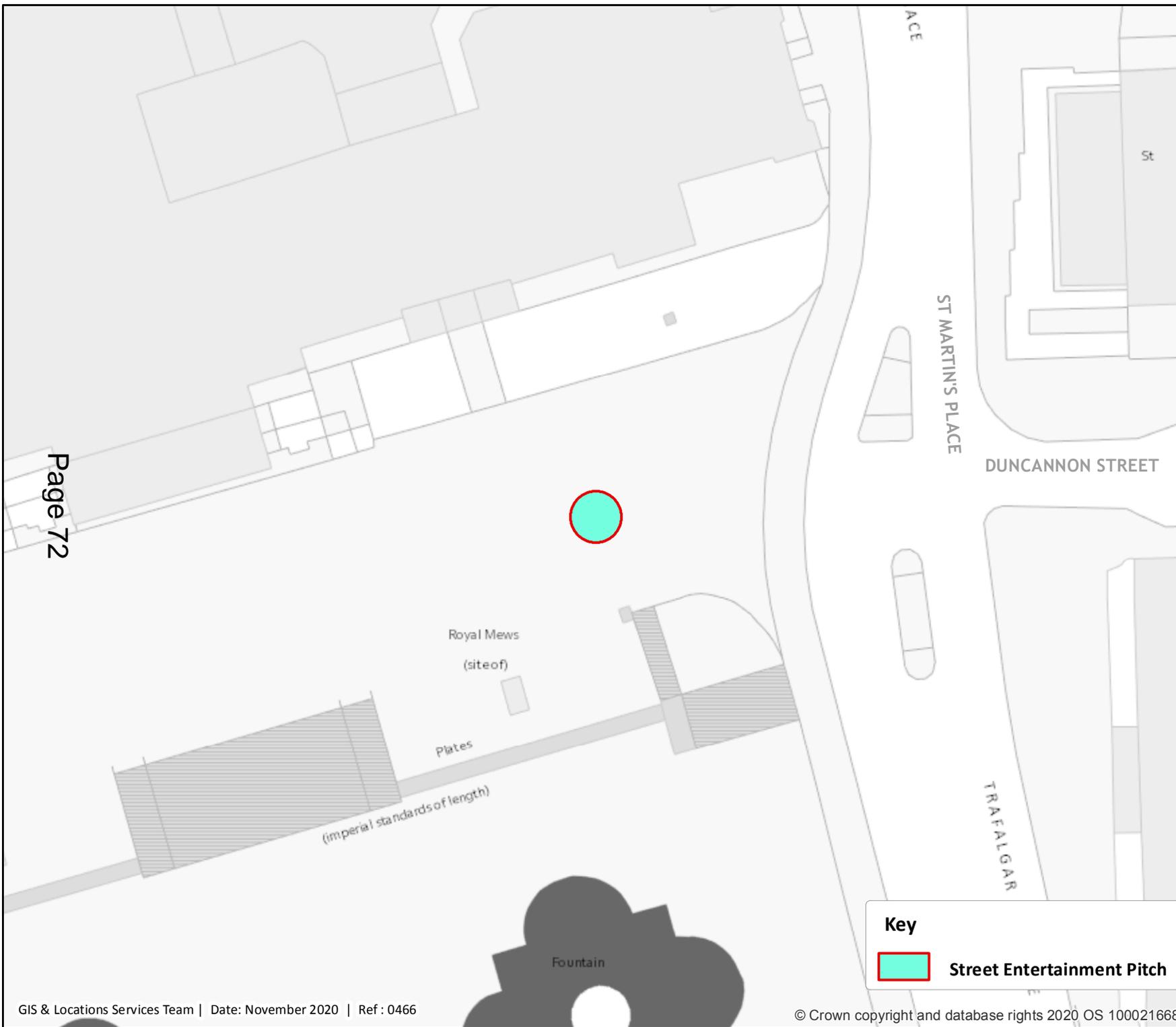
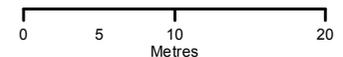
Trafalgar Square – North Terrace - Charing Cross Road

Terms and Conditions

- This pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

Map Scale 1:500

on A4



Key



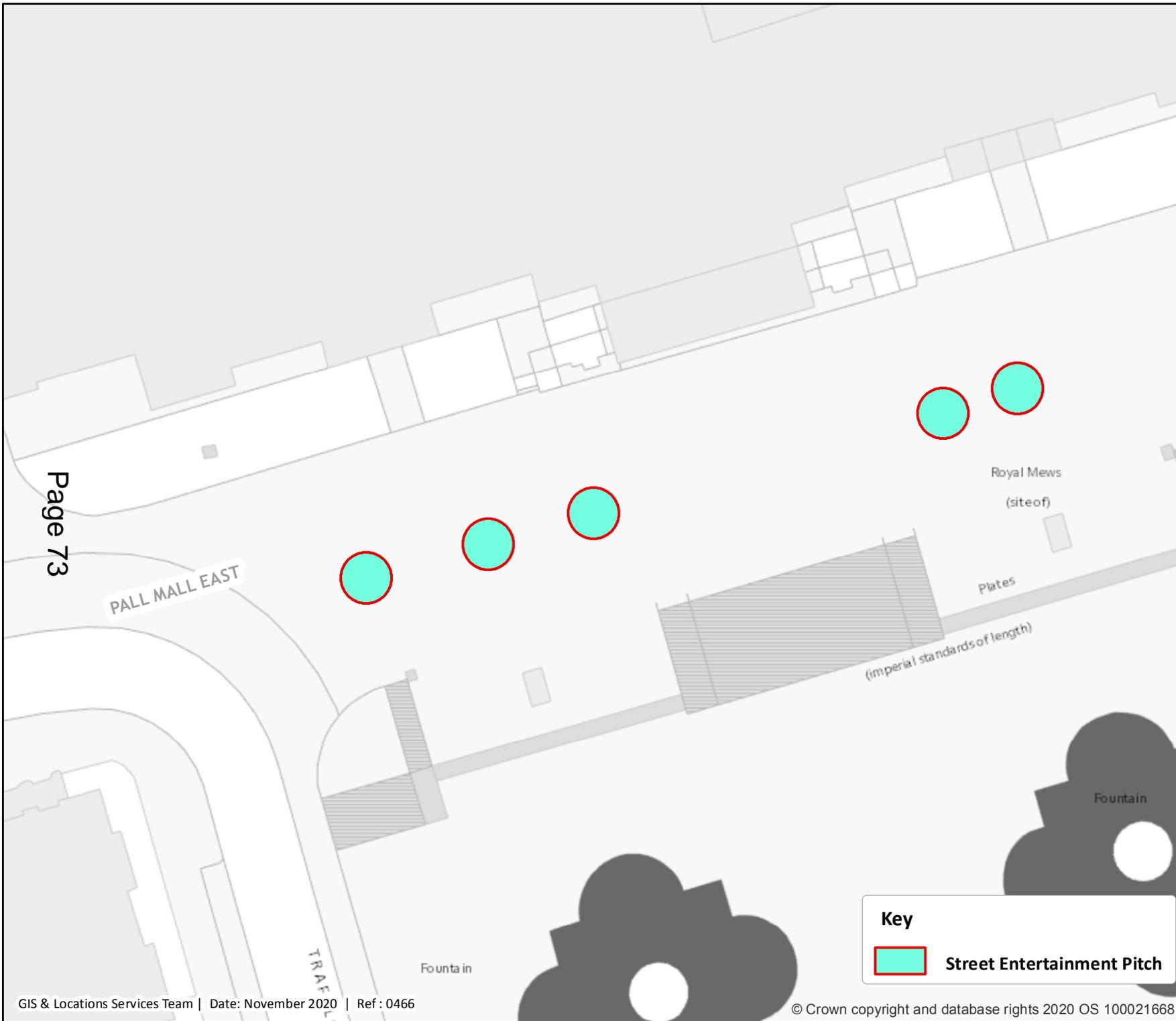
Street Entertainment Pitch



Trafalgar Square – North Terrace

Terms and Conditions

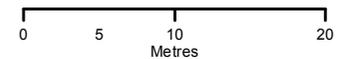
- Each pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



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Map Scale 1:500

on A4





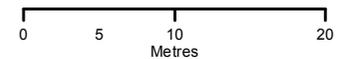
King Charles Statue

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

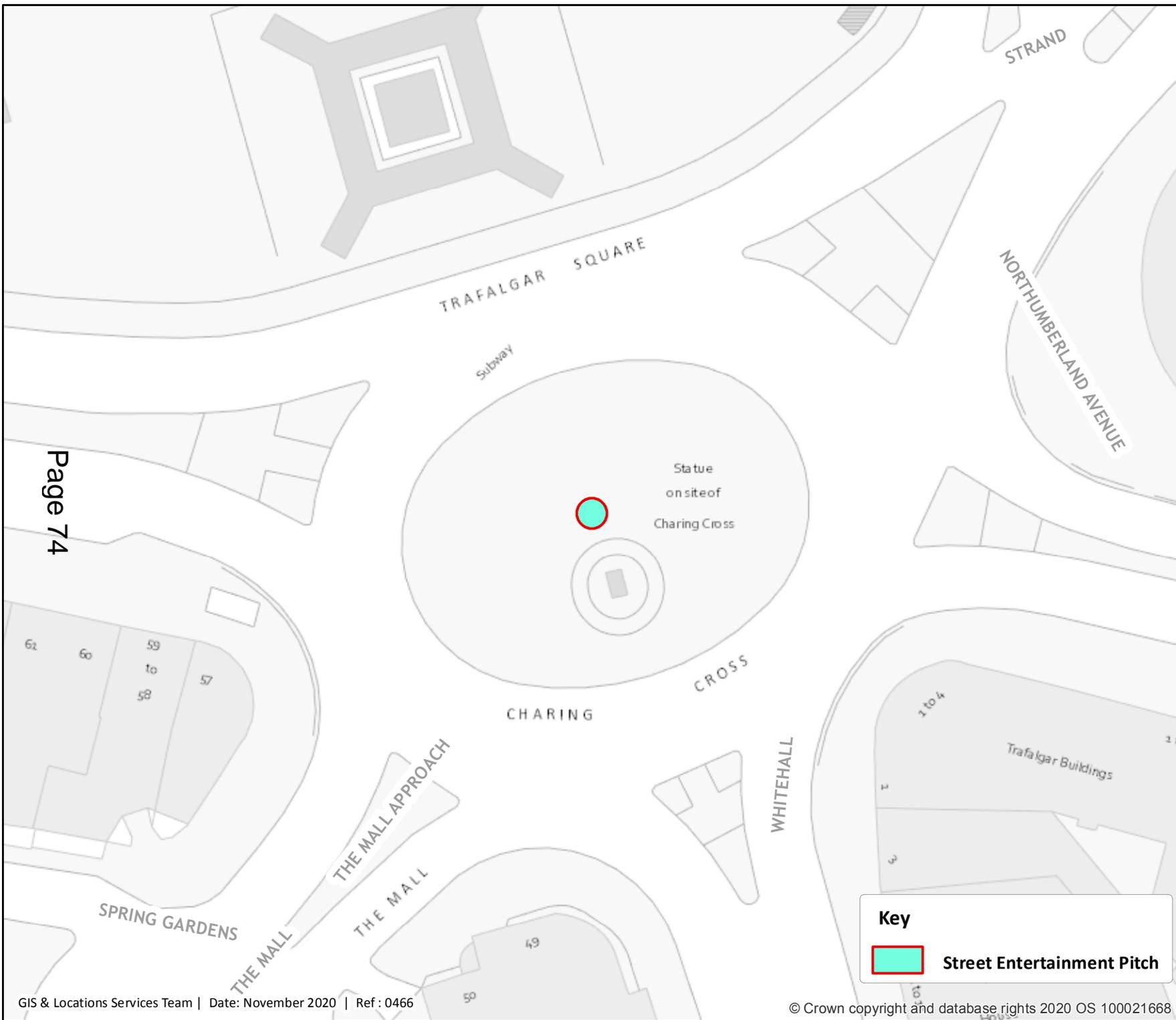
Map Scale 1:500

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Key

 **Street Entertainment Pitch**

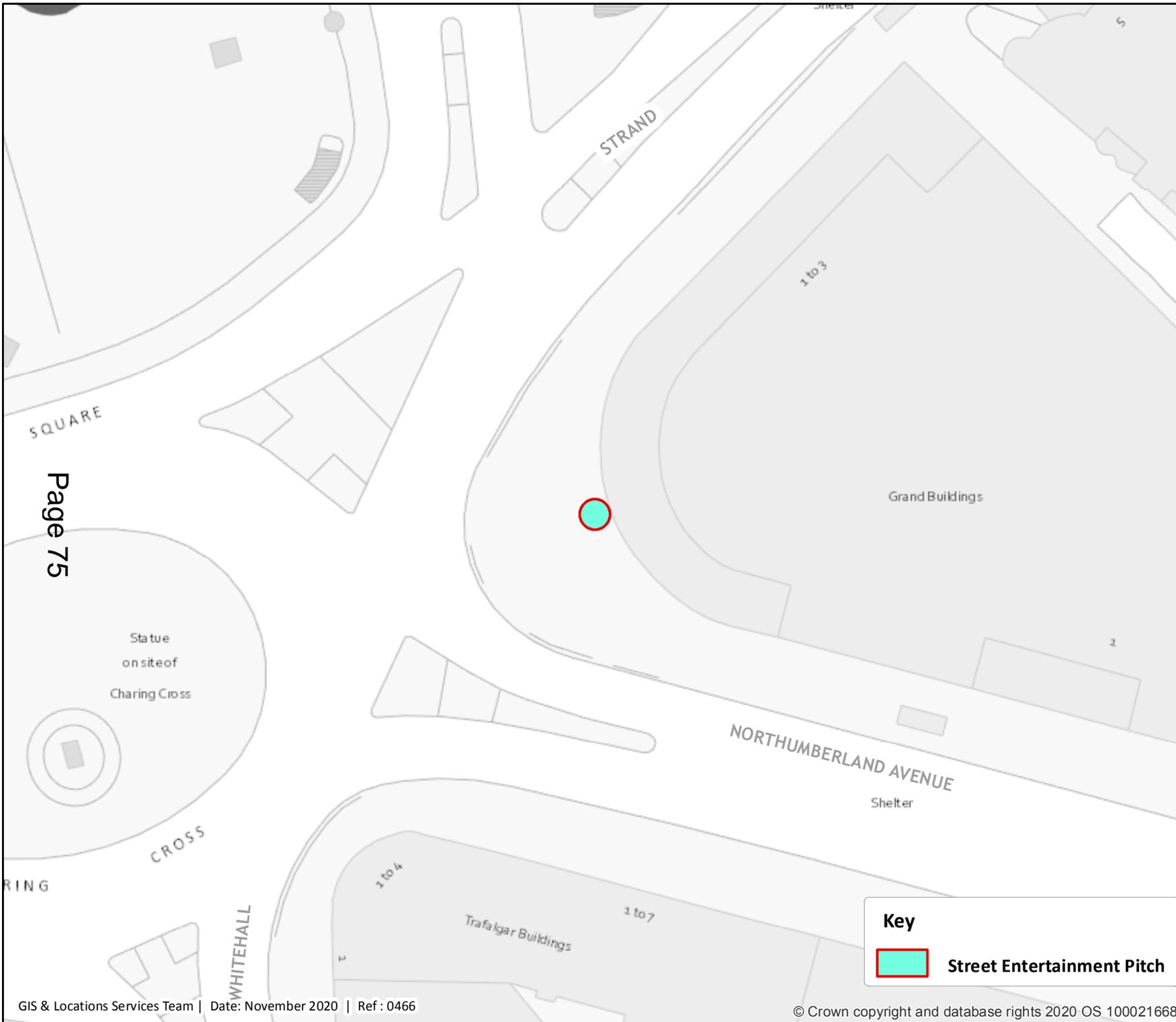




Northumberland Avenue

Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



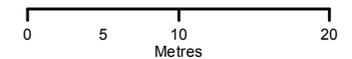
Key



Street Entertainment Pitch

Map Scale **1:500**

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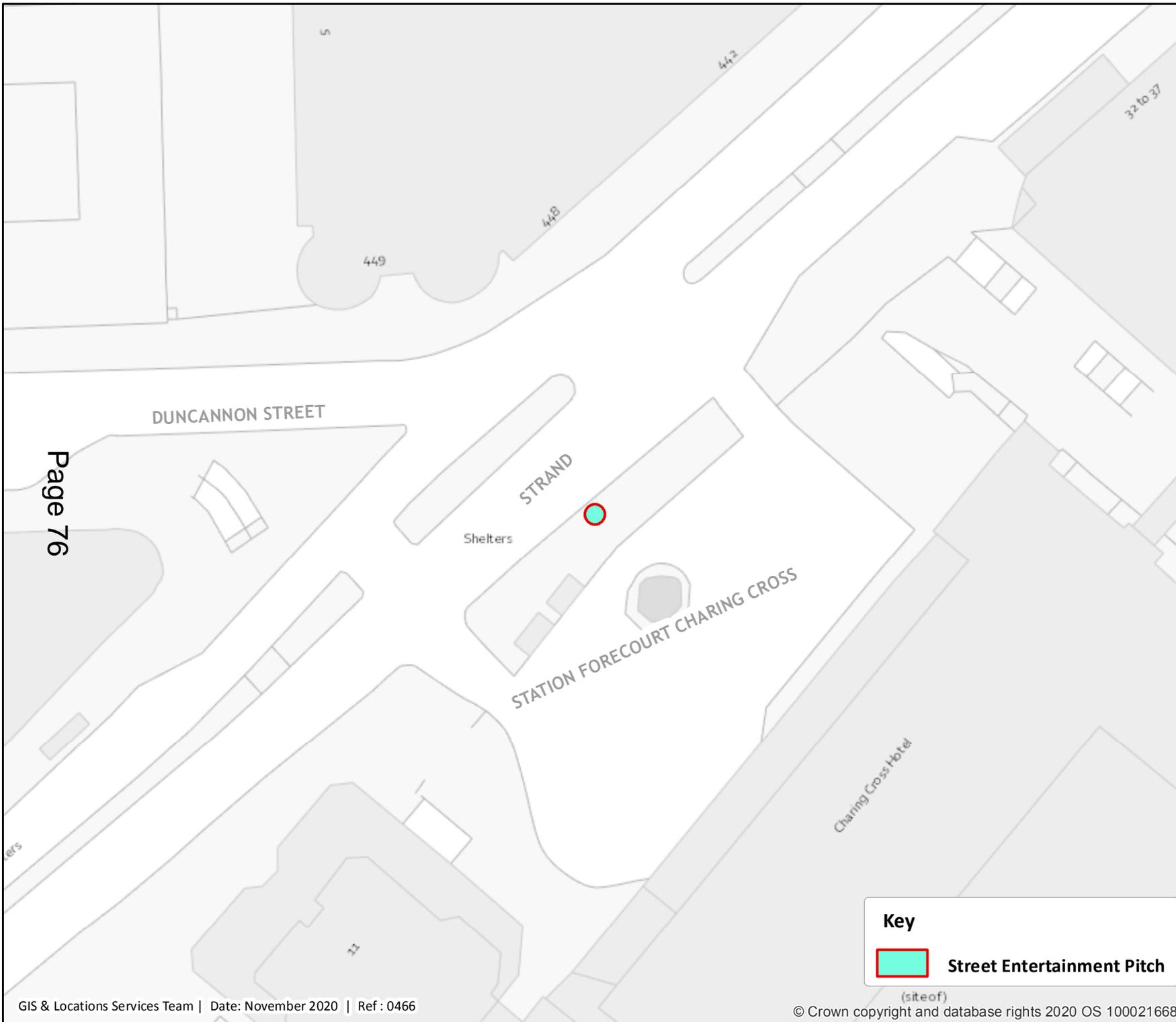




Charing Cross Station

Terms and Conditions

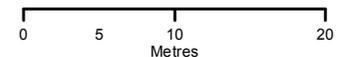
- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



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Map Scale 1:500

on A4

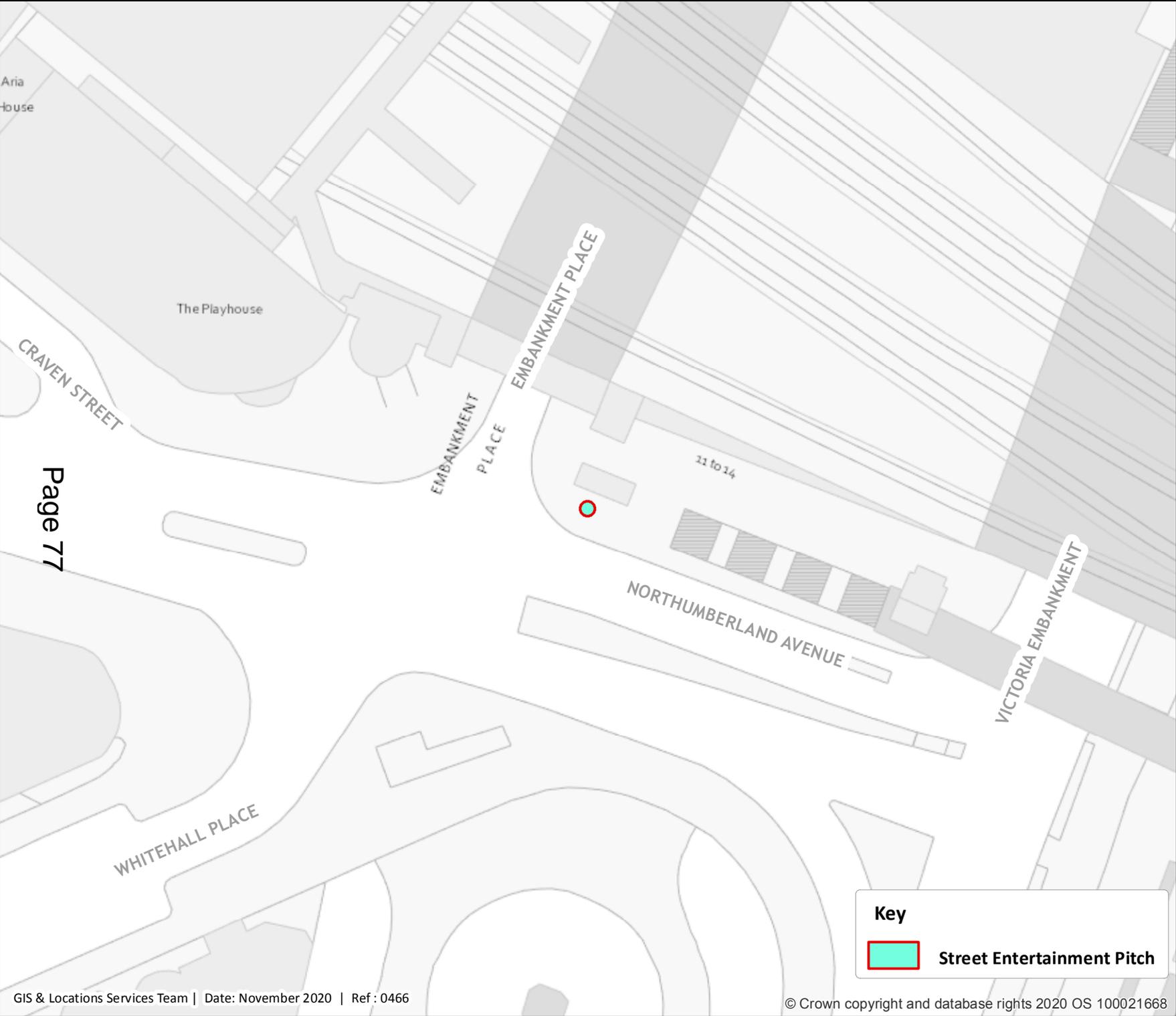




Northumberland Avenue - Hungerford Bridge

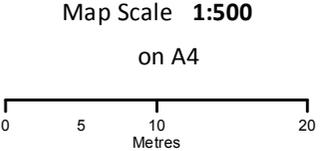
Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**



APPENDIX B

Regulations made by the City of Westminster pursuant to Section 36(1) and 36(2) of the London Local Authorities Act 2000 prescribing the information to be provided by applicants for the grant of a busking and street entertainment licence and the procedure for determining applications.

In these Regulations, the expressions “Street” and “Busking” have the same meaning as set out in Section 32 of the London Local Authorities Act 2000.

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
 - Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
 - Entertainment related to a religious meeting, procession or service (this includes performances of Christmas carols by members of the Salvation Army).
 - Entertainment organised as part of a wider authorised event by the council’s City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.
1. All applications (including new applications, renewal applications and variation applications) must be made using the online application form provided by Westminster City Council and must be accompanied by a passport size photograph of the applicant, along with the application fee.
 - Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
 - Declaration of any unspent convictions.
 - Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
 - Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
 2. Applications must be made by individual buskers and street entertainers. If in a group, each busker or street entertainer must apply for an individual licence.
 3. The following information is required for all applications:
 - Name and home address in the UK (if you are a performer travelling from outside of the UK, please provide the address(es) of where you are staying whilst you are here).
 - Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
 - One form of photographic ID including either a passport or driving licence. (If you do not hold photographic ID, the council will accept a birth certificate along with a recent photograph)
 - Proof of valid Public Liability Insurance (of at least 2 million).
 - National Insurance number or declaration of right to work.
 4. The applicant will be given the option of declaring the following information:
 - Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
 - Self-declaration of having signed up to join the Westminster Busking and Street Entertainment Forum.
 - Proof of student status to qualify for discounted fee.

5. The applicant will also be given the opportunity to apply for a temporary licence to engage in street trading pursuant to the City of Westminster Act 1999. Such a temporary licence will only be granted if the busking and street entertainment licence is granted and the duration of the temporary licence will be identical to the duration of the busking and street entertainment licence.
6. Any temporary licence that is granted pursuant to the City of Westminster Act 1990 in accordance with these regulations will only permit trading to take place from the designated pitch at which the busker and street entertainer is performing for a period starting when the performance commences and ending 15 minutes after the performance has concluded. The trading permitted by such a licence will be restricted to merchandise that is directly related to the busking and street entertainment taking place (such as CDs being sold by a musician). A separate fee will have to be paid for the temporary licence.

Additional requirements for a variation application

7. The following additional information is required for any application to vary a busking and street entertainment licence:
 - The conditions requested to be varied.
 - Proposals for alternative conditions (if any).
8. It is not possible to apply to vary a licence to:
 - provide busking and street entertainment in any part of the Westminster City Council that has not been designated as a licence street.

The Procedure for Determining Applications

9. Applications will only be regarded as valid when they have been made in accordance with these regulations, including the payment of the correct fee.
10. Any application that is made to engage in busking and street entertainment in any street in the Westminster City Council that has not been designated as a licence street will be refused (in accordance with Section 37 (2) of the London Local Authorities Act 2000).
11. All applications granted by the council shall be deemed to have been so granted subject to any standard conditions that have been prescribed by the council under Section 40 of the London Local Authorities Act 2000, except so far as they are expressly excluded or amended in any particular case.
12. Applications may be granted in full or refused or granted subject to such additional conditions as may be considered appropriate in the circumstances.
13. An application to vary a busking and street entertainment licence can be made at the same time as an application for a new licence or an application to renew the licence without incurring an additional fee. An application to vary a licence that is made at any other time will incur a separate fee.
14. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does not involve any changes to the standard conditions will usually be determined within 10 working days following the receipt of the application (excluding weekends and all bank and public holidays).
15. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does involve any changes to the standard conditions will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
16. Subject to Condition 22 below, a valid application for a variation of a busking and street entertainment licence that is not made at the same time as an application for a new licence or for the renewal of that licence will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
17. A busking and street entertainment licence will be granted for a period of six months or one month.
18. An application to renew a busking and street entertainment licence must be made so as to be received by the licensing authority on or before the date of expiry of the existing licence. No late applications for renewal will be processed.
19. When an application to renew a busking and street entertainment licence has been made so as to be received by the licensing authority on or before the date of expiry of the existing licence, the existing licence will be deemed to remain in force until such time as it is either renewed or the holder of the licence is informed in writing that the application has been refused. The holder of the licence is deemed to have been informed that the application has been refused as soon as he or she has been informed of the refusal or seven days after the date when the notice of refusal was posted by first class pre-paid letter to the address held for that person by the licensing authority, whichever is the earliest.
20. All applications will be determined by a single officer ("the determining officer"). There may be a number of determining officers but all of them will be authorised in writing by the Executive Director heading up the licensing service. The Executive Director (or any person in an equivalent post) will have delegated powers to authorise the determining officers.
21. All applications will be determined on merit having regard to any Busking and Street Entertainment policy that may be in force and may be subject to consultation with the Police or appropriate officers within the council itself, such as officers from the Environmental Health Service and Highways Service. The determination does not involve an audition process and the determining officer will not make any assessment regarding the content or the quality of the busking and street entertainment that will be provided by the applicant.
22. If the determining officer is minded to refuse the application or is only minded to grant the application subject to additional conditions being imposed on the licence, the applicant will be given written notification and an opportunity to provide additional information in support of the application. Any delay in providing additional information might impact on the ability to meet the time limits set out in Conditions 14, 15 and 16 above.
23. Applications will be determined on the basis of the information provided by the applicant, any written representations that may be received in response to any consultation and any additional written submissions received from the applicant. The final decision reached by the determining officer will not be subject to any internal review but any decision that is adverse to the applicant can be challenged by way of an appeal in accordance with the provisions contained in section 41 of the London Local Authorities Act 2000.
24. If a request is received to consider the possible revocation of a busking and street entertainment licence pursuant to Section 39 of the London Local Authorities Act 2000, that will be referred for determination by a Licensing Sub-Committee.



Report of the Cabinet Member for Public Protection and Licensing (Councillor Heather Acton)

1. Licensing Act 2003: Adoption of the Councils Revised Statement of Licensing Policy

- (a) The Council is asked to review and approve the attached revised Statement of Licensing Policy.
- (b) The Council is required to prepare and publish a Statement of Licensing Policy (SLP) at least every 5 years. The current Statement of Licensing Policy expires on 6 January 2021 and therefore the revised Statement of Licensing Policy, needs to be approved so that it is effective by 7 January 2021.
- (c) The Licensing Authority has undertaken a review of this policy and proposed several 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.
- (d) 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 170 responses to date from a range of different stakeholders.
- (e) On the 25th November 2020 the Licensing Committee was presented with a report summarising the responses to the Licensing Authority's proposed revisions to the Statement of Licensing Policy, which the Council is referred to.¹ The Licensing Committee considered the responses received during the consultation. The Committee provided a steer to the Cabinet Member for Public Protection and Licensing on how the proposed revisions should be amended considering the responses.
- (f) The SLP was revised and the Cabinet Member for Public Protection and Licensing considered the revised SLP on 30th November 2020. The Cabinet Member Report is attached at Appendix 2 and can be viewed with its appendices on the Council's website.²
- (g) The full proposed list of revisions to the SLP that were consulted on is detailed in Appendix 3 of the Cabinet Member Report. In summary the proposed revisions are:
 - i. A statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy

¹ <https://committees.westminster.gov.uk/ieListDocuments.aspx?CId=129&MId=5490>

² <https://committees.westminster.gov.uk/ieDecisionDetails.aspx?ID=1272>

- ii. A summary of the 2020 Cumulative Impact Assessment
- iii. A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1
- iv. A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.
- v. 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
- vi. The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater
- vii. A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities
- viii. A new Special Consideration Zone Policy- SCZ1
- ix. A revised policy framework for premises use policies and updates to policy narrative where necessary
- x. 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
- xi. Creation of a standalone policy for Qualifying Clubs
- xii. Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

(h) Most of the Licensing Authority's proposals are supported by the consultation respondents. Following an assessment of those responses the officers have set out the Licensing Authority's approach to each of the points raised by the respondents. The responses received during the consultation period along with the Licensing Authority's position were set out in Appendix 1 of the report to the Cabinet Member for Public Protection and Licensing. A summary of the main points that were raised during the consultation process and the changes that officers have made to the revised Statement of Licensing Policy were also set out within the Cabinet Member Report.

(i) The Council must review and publish a revised Licensing Policy before the expiry of the current 5-year period, by virtue of sub-section 5(1) of the Licensing Act 2003. It would be unlawful for the Licensing Authority to fail to comply with that mandatory requirement.

(j) The Statement of Licensing Policy must be reviewed and approved by Full Council. Once adopted the Licensing Authority must have regard to the SLP in carrying out its licensing functions under the Act, in addition to having regard to the Secretary of States' Guidance which is issued from time to time under Section 182 of the Act.

RECOMMENDATION

(k) The Cabinet Member for Public Protection and Licensing recommends that Council reviews and approves the revised Statement of Licensing Policy as

attached at Appendix 1 in accordance with section 5 of the Licensing Act 2003 so that it can come into effect on 7th January 2021.

Appendices

Appendix 1 - Revised Statement of Licensing Policy

Appendix 2 – Cabinet Member Report - Review of the Councils Revised Statement of Licensing Policy under the Licensing Act 2003.

Background Papers

Consultation Submissions and Licensing Authority response -

<https://committees.westminster.gov.uk/documents/s39928/4%20Final%20Consultation%20Comments%20and%20Response%20Table%20v4%2030112020.pdf>

Proposed Revisions of Westminster City Councils Statement of Licensing Policy: Consultation Document -

<https://committees.westminster.gov.uk/documents/s39927/3%20Proposals%20for%20revision%20of%20SLP%20and%20publication%20of%20CIA%20FINAL%200Oct%202020.pdf>

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Draft Statement of Licensing Policy

Licensing Act 2003

This draft Statement of Licensing Policy of Westminster City Council, the Licensing Authority for the City of Westminster, was prepared under Section 5 of the Licensing Act 2003 with regard to the Revised Guidance issued under section 182 of the Licensing Act 2003.

Revisions to the policy and its publication are to be considered and recommended for approval by Full Council on the 9th December 2020.

Of approved, this revised Policy is operative from 7th January 2021.

| | |
|-----------------|---|
| Document title: | Statement of Licensing Policy |
| Version: | 6 |
| Date: | 7 th January 2021 |
| Produced by: | City of Westminster Innovation and Change Westminster City Hall 64 Victoria Street London SW1E 6QP |

Foreword

Westminster is at the heart of London's diverse hospitality and visitor economy. Our world-leading theatres and restaurants offer unique experiences that attract visitors from across the globe. In March 2020, Westminster had over 3,700 venues licensed under the Licensing Act 2003.

This Statement of Licensing Policy sets out how the Council will continue to promote our licensing objectives whilst protecting residential amenity and supporting businesses.

The Council has been active in supporting businesses in acknowledgement of the devastating impact of coronavirus on the entertainment and hospitality sector. We also changed the approach we took to this review of our Licensing Policy. In order to avoid placing additional restrictions on businesses and ensure that there is regulatory certainty for venues, we have decided not to implement the findings of the Cumulative Impact Assessment (CIA) in full, and to continue with the existing policy approach where possible.

The Licensing Authority's proposed revisions to the Statement of Licensing Policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protections for our residents and promoting the licensing objectives as a whole.

I would like to thank all those who contributed to the drafting of this policy during this difficult time and I know that officers have worked long hours. Thank you too to the many businesses, amenity groups, residents and organisations that took the time to join discussions and to respond extensively to the consultation. These contributions have been invaluable to the Council when reviewing our Statement of Licensing Policy proposals.

Councillor Heather Acton
Cabinet Member for Public Protection and Licensing

Foreword

Note: - To be provided by the Metropolitan Police Service prior to final publication.

How to use this policy

How to use this policy

This Statement of Licensing Policy is for the use of applicants, residents, businesses and responsible authorities. Applicants need to have regard to the policies within this statement when considering and preparing their application. Residents and businesses should review the Licensing Authority's policies when considering an application that is near to them. Responsible Authorities should use the policy along with their expertise and any evidence they have to consider whether an application is likely to impact the Licensing Objectives and whether it meets the requirements of the policies within this statement.

No matter whether you are an applicant, Responsible Authority, resident or other interested party the policies within this statement that apply to the application should be considered as follows:

Step One – The Licensing Objective Policies (CD1, PS1, PN1 and CH1) apply to all applications. Applicants must be able to demonstrate that they will promote the four licensing objectives. The relevant considerations and criteria that the Licensing Authority will take into account are listed within these policies. Each application will be considered on its own merits having regard to this policy and the Secretary of State's Guidance (which may be issued from time to time)

Step Two – Where is the premises to which the application relates located. There are two specific spatial policy approaches within this statement.

- Cumulative Impact Zone – Policy CIP1
- Special Consideration Zone – Policy – SCZ1

Look at the relevant policies and maps depicting these zones. If the premises are located within one of these Zones, then the relevant spatial policy will apply. If the premises are located outside of these zones, then the application will be considered based on the other policies within this statement.

Step Three – The Licensing Authority has set Core Hours which it believes are appropriate for certain premises uses. The Core Hours Policy (HRS1) provides the relevant Core Hours for each of the premises uses which are defined within the premises use policies within this statement.

Step Four – The premises use policies relate to the most common licensed operations that are applied for within the City. Each premises use policy provides a definition that describes the premises operations that will fall under that policy. You should then read the policy text; this will tell you what the licensing authority's policy is for that particular type of premises operation. Some policies have a number of different policy approaches based on whether the premises are located within the Cumulative Impact Zone or Special Consideration Zone; and whether the hours are within or outside Core Hours. Finally, you should read the supporting text of the policy, this will tell you the reasons for the policy and give an indication of what the

Licensing Authority will be particularly interested in when considering an application.

If the proposed operation of a premises does not meet all or part of the definition within the premises use policies the Licensing Authority will have regard to the policy that most closely relates to that operation. For example, if an application is for a food led establishment providing meals for customers for consumption on the premises that does not fit the definition of a restaurant within the Restaurant Policy (RTN1), the licensing authority will generally look to apply the same considerations under the Restaurant Policy when determining that application.

The Licensing Authority is aware that the operation, styles and experience that licensed premises offer are always evolving and in that some operations will not fit the premises use policy definitions.

Applicants

The Operating Schedule within the application should be used to set out how the proposed premises will operate or what the variation to the licence will do to the current operation of the premises. Applicants should include as much detail as possible in their operating schedule to enable responsible authorities and other parties to understand the operation of the venue. The information provided within the operating schedule should consider the policy requirements contained within this statement. The applicant should demonstrate how the applicant and the operation of the premises will promote the licensing objectives. Similar information should be provided by Applicants for reviews and other types of permissions.

Residents, businesses and Responsible Authorities will have regard to the information contained within the operating schedule and therefore it is important to provide as much information upon application as possible. Applicants that do not provide enough information are more likely to receive representations from residents, businesses or Responsibly Authorities.

As well as the specific policies, applicants should pay particular attention to the appendices to this statement of licensing policy. The appendices include useful information that applicants should take into account when drafting their operating schedule such as the Metropolitan Police crime prevention and effective management checklist.

Applicants should also take into account reasons for specific policies and the unique characteristics surrounding the area in which the venue is located to draft an operating schedule that would address the concerns of responsible authorities and other parties. Applicants may also wish to provide supporting documents to the operating schedule. If additional documentation is to be provided, then it should be submitted when the application is made.

Applicants should engage with the local community as much as possible on the proposed application before submitting it to the Licensing Authority. In some cases, pre engagement with local residents, businesses and responsible authorities can significantly reduce representations to the application and therefore could prevent the need for the application to be determined at a public hearing of the Licensing Authority. If an application does receive representations the applicant is encouraged to engage with those opposing the application to understand in more detail their concerns and to offer mitigation where possible. Engaging with responsible authorities or other parties as soon as possible after being notified of the representation can enable meaningful discussions that can lead to agreement between both parties.

A list of the relevant responsible authorities for the City of Westminster and their contact information is provided at Appendix 13 (which will be updated separately if details change).

Relevant representations, responsible authorities and other parties

In order for the views of any party to be taken into account in respect of an application, they must qualify as 'relevant', which means representations:

- That are made by any person or responsible authority
- That are made in writing to the licensing authority
- That are received by the licensing authority no later than 28 days after the date the application was made (ten working days for a minor variation)
- Must relate to the likely effect of the granting of the application upon one or more of the licensing objectives
- Must not (in the case of any person who is not a responsible authority) be considered by the licensing authority as frivolous or vexatious.

When making a representation with regards to an application (either in opposition to or in support) responsible authorities and other parties must only address the likely effect of the grant/variation of the premises licence on the promotion of the licensing objectives and the relevant policies that apply. Representations cannot be based on issues that do not relate to the licensing objectives, such as moral grounds or whether the premises does not have the benefit of planning permission.

Licensing and Planning are complimentary but legally distinct regimes with their own considerations. Planning permission, or lack thereof, is not a reason to grant or refuse a licensing application. Planning matters will only be considered where they relate to the promotion of the licensing objectives. The relevance of planning matters will be decided on a case by case basis.

Where possible representations should include as much detail as possible so that they can be addressed by the applicant at or before a hearing. Responsible authorities or other parties who have made a representations are encouraged to engage with applicants if they attempt to make contact to discuss the content and reasons for the representation. This engagement and meaningful discussions between parties can lead to agreement and therefore strengthen the protections and reduce the concerns of the objector. However, the Licensing Authority does understand that in some cases it will not be possible to come to an agreement. Therefore, the application will be determined at a public hearing of the Licensing Sub-Committee.

Residents and businesses who make a representation to an application and do not withdraw it prior to the Licensing Sub-Committee hearing are encouraged to attend these hearings if possible. This will allow residents or business the opportunity to hear the applicant's explanation about how they will operate the premises and to enable resident or business to provide elaborate on their representation and if appropriate, to provide additional information and; answer specific questions that the Sub-Committee may have relating to their concerns.

Licensing Advice Project

The Licensing Authority does understand that residents may not be able to attend a hearing due to other commitments or that they may find the proposition of attending a Licensing Sub-Committee daunting. Residents are encouraged to use the Westminster Citizens Advice Bureau Licensing Advice Project for support. This service provides advice on the licensing process, help in drafting a

representation to a particular application and, if required, can represent the resident at a Licensing Sub-Committee hearing on the resident behalf. This service is free for Westminster residents.

Further information on the Westminster Citizens Advice Bureau Licensing Advice Project services can be found at www.licensingadvice.org. Alternatively, residents can contact them via:

Email: licensing@westminstercab.org.uk

Telephone: 020 7706 6029

Postal Address: Licensing Advice Project, Westminster Citizens Advice Bureau, 21a Conduit Place, London, W2 1HS

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A. The City of Westminster

- A.1 The council has wide experience in regulating entertainment. Licensed entertainment in Westminster contributes to London's appeal to tourists and visitors as a vibrant city. The scale, the diversity and the concentration of entertainment in the West End are unique. The City of Westminster has more licensed premises than any other local authority in Britain; over 3,100. These include nearly 500 pubs, bars and wine bars, over 1,000 restaurants licensed to serve alcohol, 56 theatres and 136-night clubs and dance venues, and 21 Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), and Intersex (LGBTQI+) venues. There are many other premises which are licensed which include other cultural venues and shops. The entertainment industry brings cultural and financial benefits to the city, with the night-time element alone being estimated as having over 14,000 firms with turnover of more than £24 billion and employing over 220,000 people. As a result, Westminster has the largest evening and night-time economy in the UK, generating £3 billion per annum towards the UK's economic output. The council believes that good management of its vibrant entertainment industry and of the street environment within which it operates is essential to the continued success of central London and attracting a wide range of people who want to come here to work, to visit and to live.
- A.2 Licensed entertainment in Westminster contributes to London's appeal to tourists and visitors as a vibrant city. The scale, diversity and concentration of entertainment in the West End are unique. The City of Westminster has more licensed premises than any other local authority in Britain; over 3,700. These include nearly 500 pubs, bars and wine bars, over 1,500 restaurants licensed to serve alcohol, 56 theatres and 136-night clubs and dance venues, and 21 LGBTQI+ venues.
- A.3 The entertainment industry brings cultural and financial benefits to the city, with the night-time element alone being estimated as having over 14,000 firms with turnover of more than £24 billion and employing over 220,000 people. Westminster has the largest evening and night-time economy in the UK, generating £3 billion per annum towards the UK's net economic output – this is larger than the night-time economies of Edinburgh, Manchester and Birmingham combined.
- A.4 The council believes that good management of its vibrant entertainment industry and of the street environment within which it operates is essential to the continued success of central London and attracting a wide range of people who want to come here to live, work and visit.
- A.5 Westminster's licensed operators contribute significantly to enriching Westminster. Many licensed operators in Westminster play a pivotal role as cultural venues that are crucial in sustaining Westminster's visitor economy and offering a diversity of world class and cutting-edge cultural experiences. The council strongly believes that the Westminster should be accessible and inclusive for all; this includes those who live here, the many people who work here, and those who visit and support local businesses.
- A.6 Beyond the economic benefit, a certain proportion of Westminster's licensed operators offer important late-night services and spaces for those who work unsocial hours, particularly medical and healthcare staff. The night-time is as much for somebody visiting friends for dinner at 8pm or working as a nurse at 2am, as it is for somebody going to the theatre, eating out at restaurant, or attending to a music venue.

- A.7 The growth of the entertainment industry is important for Westminster's economic vitality and its leading role as place for cultural innovation; however, this must not compromise our ability to make Westminster a great place to live for our 227,000 residents. The council expects licensed operators to demonstrate best practice by being responsible, inclusive and equal operators. The council aims to strike a delicate balance by taking the balanced approach set out below.

B. Our Approach for Licensing in Westminster

Licensing Strategy

- B.1 The policy, alongside the Council's commitment to City for All sets out how the Council, as a Licensing Authority, will undertake its duty to promote the licensing objectives and carry out its licensing functions under the Licensing Act 2003. Changes to this Statement of Licensing Policy were approved by the Council on 9th December 2020 (see Appendix 1).
- B.2 The licensing objectives: (Section 4(2) of the Licensing Act 2003)
- prevention of crime and disorder
 - public safety
 - prevention of public nuisance
 - protection of children from harm.
- B.3 The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Licensing Act 2003. They embody concerns that the Council acknowledged in exercising its licensing powers under previous legislation. It has had regard to Revised Guidance issued by the Secretary of State in April 2018 in drawing up this Revised Statement of Licensing Policy. If the Council acting as the Licensing Authority departs from this Guidance, it will give its reasons¹. It will always consider the merits of each application. It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this.
- B.4 The policies are intended to strike a reasonable balance between different and sometimes competing aims in promoting the licensing objectives. The introduction to Revised Guidance² states that the legislation also supports a number of other key aims and purposes which are vitally important. These include giving the police and licensing authorities powers to effectively manage the evening and night time economy; recognising the important role that licensed premises play in local communities; reflecting the needs of local communities and making the most appropriate strategies for their local area; and encouraging greater community involvement and giving local residents the opportunity to have their say on decisions which may affect them. The Council has shaped its policies very much in line with these aims. It gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them. By doing this it furthers the licensing objectives of prevention of crime and disorder and public nuisance.
- B.5 The Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking³. It is a key feature of the Statement of Licensing Policy that its policies are intended to encourage change in the composition of Westminster's evening and night-time economy so that it

¹ Paragraph 1.9 Revised Home Office Guidance (April 2018)

² Paragraph 1.5 Revised Home Office Guidance (April 2018)

³ Paragraph 10.23 and 10.24 Revised Home Office Guidance (April 2018)

becomes more widely based and less dominated by alcohol led premises, and thus promotes the licensing objectives. The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.

- B.6 The Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences (see Appendix 2) and to impose conditions on granting and reviewing licences, only when representations relevant to the licensing objectives are made by “responsible authorities” or “other persons” (including local residents and businesses) (see Glossary). Where no relevant representations are received it is the duty of the Licensing Authority to grant a licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003⁴ (see Appendix 15). This Statement of Licensing Policy generally reflects the Council’s understanding of the concerns of these responsible authorities at the time it was revised. However, the responsible authorities are not bound by this Statement and can make any representations if they are concerned over the effect of the grant of any application on the licensing objectives. The Council can advise potential applicants if activities require licences. Further information can be accessed on the Council’s website: www.westminster.gov.uk/licensing.
- B.7 This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits⁵. The way that the Council has delegated authority to determine applications is shown at Appendix 3⁶. This Statement of Licensing Policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so in the Licensing Act 2003⁷. See Appendix 4 on reviews of premises licences.

Policy Approach

- B.8 The Council as a Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences (see Appendix 2), and to impose conditions on granting or varying licences, if representations relevant to the licensing objectives are made by “responsible authorities” or by “other persons” (including local residents and businesses) in due time. Otherwise, the Licensing Authority must grant all applications for premises licences. Therefore, the Licensing Authority will only consider these policies when such relevant representations have been made. There are four types of policy in this statement:
- Policies supporting each of the licensing objectives (Policies CD1, PS1, PN1 and CH1). These apply to all applications. They contain criteria and considerations whose relevance will depend on the type and nature of the application. They refer to matters that may be the subject of conditions.
 - A policy on hours (Policy HRS1) that will apply to the premises use types that are defined within this statement.

⁴ Paragraph 1.15 Revised Home Office Guidance (April 2018)

⁵ Paragraph 14.10 Revised Home Office Guidance (April 2018)

⁶ Paragraphs 14.58 to 14.70 Revised Home Office Guidance (April 2018)

⁷ Paragraph 14.11 Revised Home Office Guidance (April 2018)

- Spatial policies which contain special policies on cumulative impact CIP1 and CIP2 that apply only to the West End Cumulative Impact Zone, and a special consideration zone policy SCZ1 for areas within the city that have been defined as areas of special consideration due to the level of incidents associated with licensed premises compared to other parts of the city.
- Policies that apply to various types of premises use. These outline the way the criteria and considerations will be applied. They reflect the likely impact of types of premises uses and the Council's intention to promote the licensing objectives:
 - Casinos (CAS1),
 - Cinemas, Cultural Venues, Live Sport Premises and Outdoor Spaces (CCSOS1),
 - Combined Use Premises (COMB1),
 - Fast Food Premises (FFP1),
 - Hotels (HOT1),
 - Music and dancing venues and similar entertainment (MD1),
 - Off sales (OS1),
 - Public Houses and Bars (PB1),
 - Qualifying Clubs (QUC1),
 - Restaurants (RTN1), and
 - Sexual Entertainment Venues and Sex Cinemas (SCEV1)

- B.9 The Licensing Authority will continue to monitor the effect of the grant of licences on the licensing objectives. It has once again considered carefully the cumulative impact of the grant/variations of licences, having particular regard to areas of the city that have higher than average incident rates associated with a concentration of licensed premises and those adjoining the West End Cumulative Impact Zone when reviewing its Statement of Licensing Policy. The Licensing Authority has produced its Cumulative Impact Assessment which has identified the West End as being under cumulative stress. A summary of the Cumulative Impact Assessment can be found at Appendix 14.
- B.10 The designation of additional areas as Special Consideration Zones is a new revision to this policy. This approach is necessary to highlight specific areas of the city where the Licensing Authority has concerns relating to the relationship between the number of licensed premises and the above average number of incidents occurring in that area. It is intended that the Special Consideration Zones and the associated policy will prevent these areas from becoming Cumulative Impact Zones in the future.
- B.11 In accordance with Revised Guidance⁸ the Licensing Authority will consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within the city, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives.
- B.12 The Revised Guidance states "The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives"⁹. There will not be a policy presumption against grant of a premises licence outside the West End Cumulative Impact Zone on the

⁸ Paragraph 13.48 Revised Home Office Guidance (April 2018)

⁹ Paragraph 14.42 Revised Home Office Guidance (April 2018)

grounds of cumulative impact. However, the overall effect of the grant of any licence or the variation of a licence will be considered in relation to evidence of cumulative impact on the licensing objectives.

- B.13 When relevant representations are made, the Licensing Authority will apply the relevant parts of these policies in relation to applications for new licences, including those for provisional statements, for variations to premises licences, to reviews and also to similar applications related to club premises certificates for qualifying clubs.
- B.14 Trial periods are not appropriate in the Cumulative Impact Policy with regard to the policies for fast food (FFP1), for pubs and bars (PB1), and music and dancing (MD1) in the West End Cumulative Impact Zone. This is because the impact on the Cumulative Impact Zone of any one premises staying open later can rarely be measured empirically over a trial period (which underlies the fact that cumulative impact is a consequence of the totality of premises in an area rather than any individual premises). Moreover, there are not the resources available to the responsible authorities to conduct such empirical measurement exercises. Accordingly, a trial period for individual premises in the Cumulative Impact Zone will almost inevitably be refused. Any trial periods to demonstrate that granting licences of other types does not add to cumulative impact in the Cumulative Impact Zone would generally be impractical for the same reasons. The Council considers that as a general principle, trial periods are not in accordance with the principles of the Licensing Act because the Licensing Authority needs to be satisfied that the grant of an application would promote the licensing objectives, and if it were so satisfied a trial period would not be necessary. It is for this reason that trial periods outside Cumulative Impact Zone are not considered appropriate.
- B.15 In cases where licences have lapsed through insolvency or death, the Council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However, the Council will take into account the previous history of the premises, the length of time the premises have been closed, and any problems at the premises, and will determine and impose conditions that reflect current good practice for the type of business proposed at the premises.

Related Strategies and Initiatives

- B.16 The Council has adopted a variety of strategies to protect and promote Westminster's status as a world class city. These are outlined in Appendix 5. The Council has taken initiatives to prevent anti-social behaviour, noise, and degradation of the street environment. These problems are often associated with late night entertainment. A combination of licensing and planning powers, and effective management of the street environment, is required to tackle these problems¹⁰.
- B.17 The local planning authority is a responsible authority and can make representations on applications. However, it can only make representations related to the licensing objectives. Nuisance and crime and disorder are shared concerns of planning and licensing. Planning concerns relating to the character and function of an area and aspects of amenity that fall short of being a public nuisance are outside the scope of the licensing regime. For example, a large restaurant might be unacceptable in a conservation area characterised by small retail units on planning grounds of character and function, whereas licensing grounds of public nuisance might not apply.

¹⁰ Paragraph 14.47 and 14.63 Revised Home Office Guidance (April 2018)

- B.18 The absence of lawful planning use for an activity is not of itself a matter for licensing. The Licensing Sub Committee and the applicants may be informed of the planning status of premises where licences are sought, by providing this information in reports on licensing applications. Only in exceptional cases has the Council as the planning authority made representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.
- B.19 The Council as a planning authority has planning policies which apply differently in the Cumulative Impact Areas and other areas. These are policies which relate to planning concerns and are related to development, including the use of buildings and land. They contain criteria related to sizes of premises and the use of premises rather than to individual licensable activities.
- B.20 In September 2020 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force changing the planning use classes for commercial, business and service uses. Prior to this change these uses had their own distinct use class and therefore any changes from one use class to another required planning permission. Cafés and Restaurants are now categorised as Use Class E under these Regulations along with shops, financial and professional, office, research and development, light industrial, clinics, health centres, crèches, nurseries and indoor recreation including gyms. This now means that any of these uses can change to another within that same use class without the need to apply for a planning permission. For example, a shop could be converted to a café or an office converted to a restaurant without applying for planning permission for a change of use.
- B.21 As there will no longer be a need for a planning application for change of use within Use Class E, it is now possible that the Licensing Authority will receive representations based on matters that might previously have been considered and addressed by the Planning Authority in the context of a planning application. However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations. Accordingly, the Licensing Authority will only consider matters that relate to the licensing objectives and not those that relate to planning considerations.
- B.22 The 2020 Regulations also changed the use class for pubs and drinking establishments and takeaway. They remain separate uses but are classified as Sui Generis. A premises that has planning permission for a public house will still need to obtain planning permission for a change of use if it were to change to a restaurant. The same would apply for a change of use from a takeaway to another use class.
- B.23 Planning remains the regime that is directed at the development of premises and their overall use. Licensing is the regime that is directed at individual licensable activities and their management and their impact on the licensing objectives. The granting of a planning permission for premises, or finding that a premises enjoys a lawful use, does not constrain the Council as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- B.24 The Council regards licensing as the most appropriate tool to ensure that the licensing objectives are promoted through premises being properly managed and operated and,

where necessary, the types, number, location and hours of premises being controlled when this cannot be done adequately or appropriately through other legislation. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour, and part of a holistic approach to the management of the evening and night-time economy¹¹.

Other Relevant Legislation

- B.25 Many other statutory requirements apply to licensed premises such as fire safety, planning, building control, public health, food hygiene, and trading standards.
- B.26 The Council must also have regard to its duties under Section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. These regulatory regimes will be properly separated as described in Revised Guidance¹². This suggests that applications for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The Council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered appropriate to promote the licensing objectives and are not required under other legislation.
- B.27 Other relevant legislation is listed in Appendix 6.

Equality & Inclusion in Licensed Venues

- B.28 Westminster City Council is committed to creating Vibrant Communities through our City for All vision. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work and visit our City.
- B.29 We are already proud to be called home to our diverse resident population, as well as being host to the largest concentrated volume of venues in the UK, which means every day our cosmopolitan City has so much to offer. With the elaborate network of public transport connecting people into and around our City, you can find anything from a tremendous array of multi-cultural cuisines in cheap fast food eateries to world class dining experiences, charming local pubs to high end bars. You can shop and explore late into the night, be taken in by the intimate surroundings of shows, late night exhibitions, live music venues, and comedy clubs; or get involved in glitz and glamour of our West End theatre, international film premiers, casinos and nightclubs. What further enriches this inclusive offer, is that all of this is immersed in a backdrop of rich cultural history and situated amongst the eclectic mix of historical and modern architecture, and world-famous landmarks and attractions.
- B.30 But there is more we can do through our role as a Licensing Authority to ensure our City is open and accessible to all. It is unlawful for any venue to discriminate against anyone based on race, sex, sexual orientation, age or any of the protected characteristics under the Equality Act 2010. However, equality and inclusion for us extends beyond this. We have experienced discriminatory policies that refuse admittance to venues simply because someone may not be the right 'look' or 'fit'. Discriminatory policies such as these are

¹¹ Paragraph 14.13 Revised Home Office Guidance (April 2018)

¹² Paragraph 14.64 Revised Home Office Guidance (April 2018)

inherently damaging to the individual, our wider community, as well as our economy¹³. In addition, it actively harms the interests of licensed premises and the licensed industry.

- B.31 We want to remain one of the most visited places in the world as well as ensuring our local residents continue to access and take advantage of living in the centre of London. This means we need to hold ourselves, as well as the venues and businesses we license, to account to ensure that together we continue to promote and offer equal opportunities and inclusive experiences for everyone.

Legal Context

Your Duty as a Licensed Venue Operator

- B.32 Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website¹⁴.
- The Act makes discrimination against any person (including employees and customers) unlawful.
 - Section 149 (7) of the Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
 - Any activity in breach of the Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

Public Sector Duty

- B.33 The Council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Promoting Equality & Inclusivity in Licensed Venues

Our expectations on licensed venues to promote equality & inclusivity

- B.34 There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:

¹³ <https://cebr.com/reports/cebr-research-with-involve-on-the-value-of-diversity/>

¹⁴ Equality & Human Rights Commission website

- (a) inclusive and transparent policies (*for example admittance policies may clearly stipulate adherence to a dress code and refusal if someone presents as intoxicated; however they must not prevent admittance based on perceived attractiveness, size, or against any of the protected characteristics*)
- (b) robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed
- (c) accessible venue layouts that make venues welcoming
- (d) comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed.

Using the Licensing Process

B.35 We will use the Licensing Process to ensure both Operators and the Local Authority are compliant in carrying out their legal obligations. This includes:

- Providing pre-application advice to applicants
- Determining licensing applications and reviews
- Making representations as a responsible authority
- Applying for reviews in appropriate circumstances
- Defending appeal decisions.

B.36 In practice this means that the Council through the Licensing Process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity, and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

Council Commitments

B.37 Over the duration of this statement of licensing policy the Council will:

- (a) ensure that any strategy or policy affecting the licensed industry is always underpinned by the promotion of equality and inclusivity.
- (b) develop a Supplementary Licensing Document (SLD) and accompanying code of practice for licensed operators on equality and inclusivity with relevant trade bodies, licensed club venues and other key stakeholders.
- (c) publish progress on these commitments as part of its annual report on compliance with the Equality Duty.

Other initiatives

Environmental Best Practice in Licensed Venues

B.38 Westminster City Council is committed to creating a Greener and Cleaner Westminster through our City for All vision. Westminster will be the UK city known for leading the way in tackling the climate emergency and improving air quality and creating a better, healthier living environment. Our city will maintain the highest standards in street cleanliness and excellent open spaces that our communities can remain proud of. Westminster, as the UK's

shop window, will be a showcase destination as we welcome businesses and visitors from across the globe.

- B.39 The Licensing Authority's duty is to promote the four licensing objectives. Of those four objectives, the prevention of public nuisance is the most relevant to creating a healthier living environment. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.¹⁵

Promoting Environmental Best Practice in Licensed Venues

Our expectations

- B.40 The high density of licensed venues in the city means that it is important for us to consider the current and future impact on our environment and the ways in which the environmental impact can be minimised. Licensed premises in Westminster make up a significant part of the local economy, and they can make just as much of a contribution to creating a cleaner and greener city as any other part, by not only meeting their regulatory duties, but by following best practice including:
- Minimising waste and following the waste hierarchy of reduce, reuse, recycle
 - Improving energy efficiency in heating, cooling and use of power
 - Reducing the traffic on our roads as a result of business use e.g. freight and servicing.

Minimising waste

- B.41 Minimising waste, especially of single use, non-recyclable materials, is an important step to reducing the environmental impact of licensed premises. It can also help a business to become more efficient as well as demonstrating its commitment to its customers that it is a sustainable business. In October 2020 it became illegal, with some exceptions, to sell or supply single use plastics such as straws or drink stirrers. You can still supply and sell single-use straws and drink stirrers made from other materials or reusable alternatives.
- B.42 There are other ways that licensed premises can minimise waste, such as:
- Using online menus instead of printed versions, or where menus and promotional materials are printed, ensuring they are on recycled materials and are not single use
 - Allowing members of the public to refill water bottles to reduce plastic bottle waste.
 - Improving recycling rates across all aspects of your business, forward facing and back office
 - Training staff on sustainability best practice
 - Reviewing options for reused and upcycled furnishings and fittings.

Improving energy efficiency

¹⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

B.43 Westminster's licensed venues are synonymous with the West End's bright lights. However, increasing energy efficiency across the city will be key to achieving carbon neutrality by 2040. Many venues will also benefit financially from improving energy efficiency (e.g. 15-20% of a pub's operating costs lies in heating, and converting to LED lighting can save £2,000 per year).¹⁶ There are a number of ways that licensed venues can improve energy efficiency and tackle the climate emergency, including:

- Procuring energy efficient equipment including in kitchens or bar areas
- Ensuring lighting is turned off when not in use and is as efficient as possible where used
- Minimising the use of outdoor heaters and using energy efficient ones where necessary; this also helps to avoid fume emissions which cause a nuisance and contribute to air pollution
- Closing doors during the colder months to keep heat in.

Reducing the traffic on our roads

B.44 We know that road transport causes 58% of NOx pollution in Westminster and tackling poor air quality caused by road traffic is a priority for Westminster City Council. Licensed venues increase traffic on Westminster's roads through deliveries from suppliers and providing takeaways. Both of these can also cause considerable noise nuisance for residents and are often reasons that new licenses are objected to. Licensed venues can help address the environmental impact of road traffic by:

- Developing and implementing bespoke delivery and servicing plans that minimise traffic
- Consolidating suppliers and procuring locally
- Minimising waste and waste collections
- Avoiding personal deliveries to venues
- Shifting to low emission vehicles and using courier services that encourage drivers to use vehicles that are less likely to cause noise or air quality nuisances.

Council Commitments

B.45 The Council encourages and will support licensed premises operators to promote environmental best practice. The Council will:

- Over the duration of this statement of licensing policy the Council will ensure that any strategy or policy affecting the licensed industry is always underpinned by the promotion of environmental best practice.
- Establish a Climate Action Group to undertake a root and branch review of our carbon footprint and sustainability across the Council, and work with our partners in a Climate Emergency Alliance to develop and publish a Climate Emergency Action Plan.
- Implement the main findings from the Air Quality Plan consultation, setting up zero emission zones across the city, prioritising schools, libraries and health care centres and increasing city-wide air quality monitoring.
- Adopt an Environment Supplementary Planning Document that details how the environment policies in our City Plan can be delivered.

¹⁶ <http://beerandpub.com/wp-content/uploads/2017/Briefings/factsheet-heating.pdf>,
<http://beerandpub.com/wp-content/uploads/2017/Briefings/factsheet-lighting.pdf>

- Find new ways to promote sustainable modes of transport, including running a consultation on our approach to parking policy, expanding our car-sharing scheme, and rolling out electric vehicle charging points across all our developments.
- Reduce waste, transform recycling facilities, and enhance our environmentally friendly and low emission waste collection service.

Safer Sounds Partnership

- B.46 Safer Sounds Partnership was established in March 2019 and is an arm of the Safer Business Network. Safer Sounds is supported by the Greater London Authority and Metropolitan Police.
- B.47 Safer Sounds provides a partnership focused approach to licensing across London. They provide a partnership across the events and music industry which promotes consistency of operations, sharing best practice, and facilitating information sharing whilst supporting venues, promoters and artists – creating safer events for all.
- B.48 Safer Sounds provides training which aims to increase confidence in the operation of licensed businesses and improve the way they operate.
- B.49 Safer Sounds supports collaboration and engagement between the Met Police Borough Licensing teams, the Council, Met Police Licensing Governance & Partnership Hub, SIA and the Night Czar to share views, opinions and ideas.
- B.50 Further information on Safer Sounds and their services are available via their website at www.safersounds.org.uk

Pubwatch

- B.51 Pubwatch enables the sharing of best practice to achieve a safer drinking environment in all licensed premises. Pubwatch enables licensees to take collective action to ban troublemakers, while promoting effective working relations between licensees, the police and the Council.
- B.52 For further information on the Pubwatch scheme visit the National Pubwatch website at www.nationalpubwatch.org.uk

Clubwatch

Club watch operates either under the national pub watch scheme or is run independently, bringing together night club owners and their management. The scheme has the same benefits as a pub watch scheme but due to the specific nature of the operation of night clubs these schemes provide a focused level of partnership and co-operation between similar operations.

Purple Flag

- B.53 The Purple Flag standard, launched in 2012, is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It allows members of the public to quickly identify town & city centres that offer an entertaining, diverse, safe and enjoyable night out.

- B.54 By meeting or surpassing the standards of excellence in managing the evening and night-time economy, Place Managers throughout the UK and Ireland – and now being taken up internationally – are enjoying the benefits of Purple Flag status.
- B.55 The accreditation process takes towns and cities through a comprehensive set of standards, management processes and good practice examples all designed to help transform the ENTE and provide a research, training and development programme.
- B.56 Westminster has one area that has achieved Purple Flag accreditation which was awarded to Leicester Square and Piccadilly Circus.
- B.57 For more information on the Leicester Square and Piccadilly Circus Purple Flag accreditation visit www.heartoflondonbid.london for more information or contact the Heart of London Business Alliance directly via telephone on 020 7734 4507.
- B.58 For more information on how to achieve Purple Flag accreditation visit www.atcm.org/purple-flag.

Best Bar None

- B.59 Best Bar None is an accreditation scheme supported by the Home Office and drinks industry that aims to improve standards in the evening and night-time economy. Through a combination of responsible management and operation of licensed premises, ongoing improvements, and social responsibility, Best Bar None's goal is to help provide a safer night out to all.
- B.60 Best Bar None is an awards and accreditation scheme that was developed to recognise and reward responsible premises, and to improve operating standards in the evening and night-time economy.
- B.61 The scheme intends to:
- Reduce alcohol related crime and disorder
 - Build a positive relationship between licensed trade, police and local authorities and the private sector
 - Improve knowledge and skills of enforcement and regulation agencies, licensees, and bar staff to help them responsibly manage licensed premises
 - Make sure that accredited venues meet the minimum standards and champion ongoing improvements
 - Recognise responsible premises and share good practices with others
 - Highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area.
- B.62 Westminster currently has one Best Bar None scheme that is operated by the Heart of London Business Alliance and covers premises within Leicester Square and Piccadilly. For more information on the Heart of London Business Alliance scheme please contact the Heart of London via telephone on 020 7734 4507 or visit their website www.heartoflondonbid.london.
- B.63 For further information on Best Bar None visit www.bbnuuk.com.

Women's Night Safety Charter

- B.64 The Women's Night Safety Charter is part of the Mayor's Tackling Violence Against Women and Girls Strategy and London's commitment to the UN Women Safe Cities and Safe Public Spaces global initiative.
- B.65 It's all about taking practical steps together to make London at night safer for women. Everyone should feel empowered to play their part in creating positive change.
- B.66 Business are encouraged to sign up to and promote the Women's Night Safety Charter. Businesses who sign up to this Charter will commit to some simple pledges:
- Nominate a champion in your organisation who actively promotes women's night safety
 - Demonstrate to staff and customers that your organisation takes women's safety at night seriously, for example through a communications campaign
 - Remind customers and staff that London is safe, but tell them what to do if they experience harassment when working, going out or travelling
 - Encourage reporting by victims and bystanders as part of your communications campaign
 - Train staff to ensure that all women who report are believed
 - Train staff to ensure that all reports are recorded and responded to
 - Design your public spaces and workplaces to make them safer for women at night.
- B.67 For further information on the Women's Night safety Charter visit <https://www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/womens-night-safety-charter>.

The Women's Night Safety Charter Toolkit is available via - https://www.london.gov.uk/sites/default/files/wnsc_toolkit_final.pdf

C. Licensing Objectives Policies

CD1 - Prevention of Crime and Disorder Policy

- A. The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.
- B. When considering 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 contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.

Considerations (General Crime and Disorder)

- 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 7A) 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 7A).
- 4. Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix 7A).
- 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 9
- 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 8 for the minimum Westminster's CCTV standards).

Considerations (Counter Terrorism)

- 7. Whether the Applicant has undertaken a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified,

and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack.

8. Whether the applicant has provided an ACT security plan, including an outline of the proactive steps taken (see Appendix 7B).

Reasons for Policy CD1

- C.1 The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs), a specific assessment is needed of how the risks of violence and crime in the premises and the vicinity will be managed. This is attached as Appendix 9.
- C.2 The Council works in close partnership with the Metropolitan Police Service to tackle crime and disorder. This is a broad term and includes terrorism, which is clearly a violent crime. Publicly Accessible Places provide attractive targets for terrorist attacks, and all steps must be taken to reduce the risk to the large numbers of people who use licensed premises and spaces that are part of our day, evening and night-time economy and to provide a safe environment for those who live, work and visit our City.
- C.3 Applicants will be expected to have given due consideration to any specific protective security advice provided to it by Counter Terrorism Security Advisors or other parties acting on behalf of the police or other Government agency or responsible authority.
- C.4 Advice and support is available to applicants and licensees via the National Counter Terrorism Security Office website www.nactso.gov.uk. The NaCTSO Crowded Places Guidance and the suite of Action Counters Terrorism (ACT) products (ACT strategic, ACT, Operational, Act Awareness, ACT E-learning and ACT phone application) are available via the NaCTSO website and are designed to help reduce vulnerability, improve preparedness, and resilience, and Security Culture.

NaCTSO Crowded places guidance - www.gov.uk/government/publications/crowded-places-guidance

Conditions

- C.5 Revised Guidance sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises¹⁷. The Licensing Authority will tailor appropriate conditions for premises licences and club premises certificates. Since the matters set out in Guidance and this Statement of Licensing Policy cannot cover every possible scenario, the council will liaise with the police for advice on appropriate conditions for particular premises. Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies as suggested in Revised Guidance¹⁸.

¹⁷ Paragraph 2.2 to 2.6 Revised Home Office Guidance (April 2018)

¹⁸ Paragraph 2.1 Revised Home Office Guidance (April 2018)

C.6 The Licensing Authority may impose a range of conditions on premises licences or club premises certificates, which may include model conditions collated by the licensing authority. The seeking and any imposition of these conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

- Prescribed capacity of premises.
- Requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence.
- A requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime.
- Requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers; this may be a particular concern if drinks are to be consumed outside the premises. These conditions will generally only be required when there have been a number of incidents of injuries inflicted with by broken glass and where numbers of people gather in association with major sporting and other events. The Police will encourage the adoption of shatter-proof or crumpleable drink containers at particular premises at times when there are risks of disorder or threats to public safety. If problems of disorder or threats to public safety persist and result in reviews, appropriate conditions may be imposed preventing the use of glasses and glass bottles and requiring appropriate types of shatter-proof, or crumpleable drink containers that can neither be deployed as a weapon or a missile to be used in premises at specified times. In all cases the licensing subcommittee will need to determine in the context of the individual circumstances of an application, whether it is appropriate to ban glass bottles and glasses based on the evidence presented
- Restrictions on drinking in areas within and outside the premises.
- Procedures for checking the ages of 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.
- The maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted.
- Dedicated text, pager or other remote communications between management teams, and local police stations and other licensed premises to provide early warning of disorder.
- Warning signs about crime prevention measures.
- Where appropriate, the installation and maintenance of an appropriate number of suitably sited closed-circuit television cameras (CCTV) both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence. These to be operational during the period of provision of licensable activities and at other appropriate times. CCTV images are an integral part of crime investigation and one of the most powerful pieces of evidence to secure a conviction. CCTV should be provided at premises to varying extents, and only as appropriate to promote the licensing objectives. Generally, only minimum levels of CCTV to cover entrances, exits and the till areas, to a standard to enable facial recognition, will be required in those licensed premises where CCTV is appropriate to assist in the investigation of thefts, underage sales, non-payment of bills etc.

Higher levels of coverage, based on factors including the type and location of the premises, any history of crime, and the layout and proposed use of the premises, may be appropriate at individual premises or types of premises associated with high levels or serious crime. In these cases, the council would expect the police to indicate why and to what extent CCTV was being requested. Conditions may require the installation, maintenance, and operation of appropriately sited CCTV cameras and recording systems, which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, when premises are used for licensable activities. Conditions may also require that images should be retained for a calendar month and that staff should be trained and authorised to make these images readily available to the Police and other authorised officers.

- Clear policies and measures to prevent illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs.
- Searching of customers and staff may be a condition on premises licences associated with serious crime and disorder or those where they are holding events organised by an outside promoter. Search arches and search wands to detect weapons and “clubscan” schemes to record the identity of all those attending premises, may be required where there is evidence of a significant risk of serious violence at an event or premises.

C.7 Other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise. The council recognises the value of the coordination of premises through schemes, such as the Pubwatch and other similar schemes, to combat problems associated with football and other sporting events, and in alerting premises to trouble. The council encourages membership of an appropriate scheme where this would promote the licensing objectives.

PS1 - Public Safety Policy

- A. The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.
- B. When considering 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 show the relevant considerations have been fully considered to demonstrate that the public will be safe within and in the vicinity of the premises.

Considerations (General Public Safety)

- 2. Whether the premises already has a specified maximum capacity of people that can attend or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises so that it can be operated safely, and they can be evacuated safely in the event of an emergency.
- 3. Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
- 4. Whether patrons can arrive at and depart from the premises safely.
- 5. Whether there may be overcrowding in particular parts of the premises.
- 6. 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).
- 7. Whether due account has been given to:
 - (a) prevention of overcrowding
 - (b) air conditioning and ventilation
 - (c) availability of drinking water
 - (d) affordable cloakrooms
 - (e) further measures to combat dancers and others overheating
 - (f) overall safety

8. **Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services, e.g. terrorist threat or incident, fire, serious medical (e.g. heart attack) or trauma.**
9. **The levels of compliance with conditions on existing licences relating to public safety.**

Considerations (Counter Terrorism)

10. **Whether the Applicant has undertaken a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack.**
11. **Whether the applicant has provided an ACT security plan, including an outline of the proactive steps taken.**

Reasons for Policy PS1

- C.8 The council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and where appropriate, CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. There are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. Crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.
- C.9 Terror attacks, although not common have occurred within the City of Westminster, some of which have previously been targeted at bars, pubs and nightclubs. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) Crowded Places Guidance and suite of Action Counters Terrorism (ACT) products that are available via the NaCTSO website (www.nactso.gov.uk). The prevention of terrorism is an essential element of the public safety and crime and disorder licensing objectives. Applicants and licensees are expected to have given due consideration to any specific protective security advice provided to it by Counter Terrorism Security Advisors or other parties acting on behalf of the police or other Government agency or responsible authority. Licensed premises must carry out suitable and sufficient terrorism threat risk assessments and keep them under regular review.

Conditions

- C.10 Revised Guidance sets out matters which relate to conditions on public safety¹⁹. These will be used to tailor appropriate conditions for premises licences and club premises certificates. Where a premises is a vessel for which a current passenger ship certificate is in force, the

¹⁹ Paragraph 2.7 to 2.14 Revised Home Office Guidance (April 2018)

public safety objective can generally be considered to be met in respect of the premises itself where the operation of the vessel is in accordance with that certificate.

C.11 Matters that should be considered in operating schedules include the following and conditions may be attached to licences by the Licensing Authority, but other conditions related to public safety may also be attached:

- Checks on equipment at specified intervals.
- Standards to be maintained e.g. temporary electrical installations to comply with British Standards.
- The number of people on the premises appropriate to the activities taking place and reliable ways of counting the number of people on the premises.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur.
- Management measures to reduce the risks of dancers and others
- overheating such as affordable cloakrooms, “chill-out rooms”, breaks from fast dance rhythms, and identifying dancers who may be in distress.
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.
- Policies and procedures must be in place that improve the premises preparedness for and resilience to a terrorist attack. These policies and procedures must be developed in line with NaCTSO Crowded Places Guidance and appropriate products within the suite of ACT products.
- Planned rehearsal of terrorism attack plans should be undertaken to assess overall preparedness and whether policies and procedures are effective. Well-rehearsed plans can reduce the overall impact of attacks.
- Counter Terrorism Policies and Procedures must be tested and reviewed every 12 months.

PN1 Prevention of Public Nuisance Policy

- A. The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.**
- B. When considering 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 would 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 11.**
- 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 including noise and other nuisance caused by customers' transportation and how dispersal is managed**
 - (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 pollutionarising 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 11.**

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.

Reasons for Policy PN1

- C.12 The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open-air site under the licence. Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, a reduction of the living and working amenity and environment of persons in the vicinity of licensed premises.
- C.13 Westminster has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance. In certain areas, the increased concentration of entertainment uses, and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the city including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.
- C.14 Playing music can cause nuisance both through noise breakout, transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the need for the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open-air, the servicing of

premises, and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

- C.15 Residents are often subjected to nuisance from the noise of people on their way to and from premises and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is “high spirits”. It is impossible to distinguish between the reasons for these noises and in any case, it can be very disruptive late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.
- C.16 Eating and drinking outdoors is increasingly popular, and the smoking ban inside premises has increased the number of people outside premises smoking or accompanying smokers. The noise of people socialising outdoors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways, and more occasionally roadways, by people standing outside drinking and smoking is a public nuisance, whether or not it amounts to the offence of obstruction or becomes an issue of public safety. There have been a number of reviews of premises licences solely on the basis of nuisance from outside drinking. The placing of tables and chairs for people to eat or drink on any part of the public highway, or within seven metres of it, requires both planning permission and a street trading licence in Westminster. In determining both these types of applications, regard will be paid to amenity concerns. However, the use of garden or courtyard areas or other private areas is not controlled under these regimes.
- C.17 In order to prevent public nuisance, it will be necessary to consider the extent of eating and drinking that will take place outdoors and the measures that may be appropriate to ensure that nuisance is not created. Outdoor eating and drinking and the congregation of people at night is likely to cause nuisance and conditions are likely to be imposed to limit the hours when this takes place. It also increases the potential for criminal activity. This may require staff to control or prevent people going outdoors with food or drink, either some or all of the time. Where appropriate, conditions will be imposed to manage or, if appropriate, prevent outdoor eating and drinking.
- C.18 The council is aware that problems arising from people congregating to smoke and to accompany smokers are widespread. The council will continue with its risk-based approach to enforcement, using a range of escalating informal measures, prior to review. It may encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives. The council may impose conditions that if customers leave premises to smoke, they must not take drinks with them. While there can be no ban on people leaving premises to smoke, conditions may be imposed that there is no readmission after certain hours or at any time. If problems from people congregating outside premises persist, and if there are representations from the police, other responsible authorities or other persons and these are substantiated at review, the council might restrict the hours for, or remove the sale of alcohol for consumption off the premises from a premises licence.
- C.19 Some late-night premises contribute significantly to the public nuisance of litter; particularly premises selling hot take-away food and drink late at night, or clubs where there is queuing,

or which distribute publicity flyers. Customers drop litter late at night and, by congregating outside these premises, they make it impossible for the streets to be properly and effectively swept. Flyposting is a public nuisance. Entertainment venues are one of the main types of business that resort to this type of advertising

- C.20 In those parts of the city characterised by round-the-clock activity, the council operates a 24-hour cleansing service. However, at the busiest times and in the busiest places, it is sometimes impossible to maintain streets to a high standard of cleanliness. In such locations, a “window of opportunity” is needed between about 02:30 and 05:00 when the streets are sufficiently empty to sweep them effectively and to use mechanical equipment, in order to restore a high standard of cleanliness before the start of the next working day.
- C.21 For the purpose of this policy statement “touting on behalf of premises” includes behaviour which involves physically approaching and getting customers to come directly to premises either from on the streets or from other premises. This has an adverse effect on the licensing objectives; nuisance is caused by pestering the public in the street and in other premises; it has an adverse effect on crime and disorder and public safety because of the potential for disputes between touts over potential customers, and the sending of customers to venues which are unsuitable for their needs. Escorting groups of customers in party mood from one licensed premises to another may cause nuisance and increase queuing and consequential nuisance in the vicinity of the second venue. Where such problems arise, an appropriate remedy may be to restrict the hours of admission at the second, “follow-on” premises that is engaging in, or encouraging, touting. Conditions may be sought that make the use of touts a breach of the terms of the licence, irrespective of whether payment is made to touts. Model conditions will be developed on unacceptable practices, referring to those activities which compromise the licensing objectives including engaging in or encouraging touting.

Conditions

- C.22 Revised Guidance includes advice on conditions that relate to the prevention of public nuisance²⁰. Hours of opening and hours for each licensable activity must be included in Operating Schedules. Conditions will be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance. Conditions could be appropriate to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition on the hour that music ceases to be played in a bar or restaurant, or when alcohol is served at a music venue, which is prior to the end of other licensable activities. Conditions may also be attached referring to the parts of premises that might be used for certain licensable activities at certain times. Stricter conditions will be expected in areas of denser residential accommodation.
- C.23 Conditions will be attached to premises licences where appropriate. These may include conditions on: maximum noise levels over particular time periods, the installation of sound limiters, acoustic lobbies; provision of signs, publicity and verbal advice to patrons to leave quietly and by certain routes; controlling nuisance from light pollution; taking food or drink outside the premises; flyposting; distribution of leaflets; litter and cleaning outside of the frontage and in the vicinity of the premises.

²⁰ Paragraph 2.15 to 2.21 Revised Home Office Guidance (April 2018)

CH1 - Protecting Children from Harm Policy

- A. The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.
- B. When considering 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 young people who appear under 18 to ensure that:
 - (a) alcohol is not sold to a person under the age of 18,
 - (b) access is not permitted to a person under 18 years of age to a premises, a performance of entertainment or an exhibition of a film intended for adults only, and
 - (c) those under 16, if permitted to enter the premises are accompanied by an adult (see Appendix 9).
- 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, use of drugs or other intoxicating substances 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;.
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**

Reasons for Policy CH1

- C.24 Westminster is unique in the range of entertainment facilities it has to offer and in its accessibility from all over London, the South East and nationally. The "bright lights" of the West End attract young people from far and near. Young people who are some distance from their homes are particularly vulnerable, especially underage and inexperienced drinkers. Licensees and the staff that work within their premises have a duty to safeguard children and young people as part of their responsibilities under this objective.
- C.25 The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this. These measures may include staff training, e.g. age restricted items, age verification, safeguarding, controlling the entry of children and young people under 18 to the premises, signage and the vetting of staff who will supervise them (safeguarding). Applicants will have to give particular regard to these measures in applications for licences involving:
- (a) the sale of alcohol
 - (b) children's performances.
 - (c) attractions or performances likely to attract children.
 - (d) activity / or entertainment that is intended for adults, has a mature theme that is unsuitable for children or has sexual references, acts or performances.
 - (e) provision of overnight accommodation.
- C.26 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. There is a further specific offence of persistently selling alcohol to children if sales to children are made on two or more different occasions within period of three consecutive months. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (e.g. "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- C.27 It is recognised that it is increasingly difficult to define a "bar area" as premises trade longer and change in character over the day. Those making applications for "alcohol led" premises that seek to remove the embedded conditions on children in bars should consider in their Operating Schedules whether there will be circumstances when children under 16 should

not be on the premises. Considerations could include: the hours they were on the premises and whether they were there for a specific purpose such as partaking of a meal or being entertained by live performances and whether there were any specific aspects of licensable or other activities taking place when children should be excluded, e.g. drink promotions or particular types of performances or competitions.

- C.28 The 2003 Act application forms indicates that applicants should specify in their operating schedule anything which may give rise to concern in respect of children. The examples given include whether they propose to have entertainment involving nudity, striptease, or any other activity involving full or partial nudity, e.g. topless waitresses, or sex related entertainment such as the showing of films or other recordings with a restricted 18 category (R18). It notes that these examples are not an exclusive list. Revised Guidance advises in respect of the protection of children from moral, psychological and physical harm²¹.
- C.29 Hotels and hostels play an important role in protecting children from harm. These premises may sell alcohol either in a bar, restaurant, at an event on the premises or in rooms, either via room service or mini bar. Therefore, sufficient procedures and suitable training must be provided to staff on age restricted sales. Hotels and hostels often have children staying at their premises who are accompanied by an adult. The licensee and staff have an important part to play in safeguarding children and young people. Hotels are often used as a place to exploit and abuse victims of Child Sexual Exploitation (CSE). There are a number of criminal offences associated with child sexual exploitation which could have damaging consequences for a hospitality business, including a possibility of prosecution, action being taken against a premises licence and reputational and/or financial damage. It is the responsibility of premises license holders and their managers to make sure that suitable control measures are in place at licensed venues for the protection of children from harm. This is a legal requirement under the Licensing Act 2003 and there are legal implications if you do not have safeguards in place or fail to act if sexual exploitation of children occurs, or is believed to have occurred, on your premises. The Police have powers to demand guest information in connection with child exploitation.
- C.30 In 2018 a multiagency operation led by the Metropolitan Police Service was undertaken in Westminster. Operation SONGTROOP undertook a proactive operation utilising children to test the compliance with CSE measures within budget hotels across Westminster. Budget hotels are recognised nationally as being 'hotspots' for CSE. Children (Police Cadets) along with a Police Officer were used to visit a hotel after school with a clear plastic bag showing that it contained alcohol. The primary objective of the adult is to attempt to book a hotel room for them and the child with the desire to pay using cash. The adult and child were encouraged to give other indicators of CSE during the booking process if the opportunity arises, such as being reluctant to provide ID, asking if the room would be available for only a few hours, and to speak for the child if the child is spoken to. Prior to this operation, the police, through the Mets Operation MAKESAFE, provided talks on CSE and made training available for the hotels. The aim of the operation was to test the hotels understating, recognition and response to possible CSE situations, to test hotel procedures and collate this data and to share the findings with the hotels themselves as well as partner agencies. Within Westminster, 19 hotels were visited. During that operation 5 hotels out of 19 accepted a booking, 14 hotels refused the booking due to ID issues, or being fully booked and no hotels took any positive action. Similar results were found in Kensington and Chelsea and Hammersmith and Fulham local authority areas.

²¹ Paragraph 2.22 to 2.31 Revised Home Office Guidance (April 2018)

C.31 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.

C.32 There are many types of harm and exploitation that children can be subject to.

Child abuse and neglect

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.

Physical abuse

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.

Emotional abuse

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.

Sexual abuse

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 child sexual exploitation (CSE). 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 in premises where sexual themes are prevalent.

Neglect

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.

- C.33 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.
- C.34 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.
- C.35 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.

- C.36 The Council, the Police (and the children's charity NSPCC) are the only agencies that have a legal obligation to investigate child abuse.

C.37 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.

C.38 If the licensee or a member of staff suspects that someone is in immediate danger, they must call [999](#) immediately.

If it isn't an emergency, the concerns relating to that young person can be reported by:

- calling the Police non-emergency, 24/7 number: [101](#). If someone is deaf or hard of hearing, then they can use the police textphone service on 18001 101
- visit a police station to speak to an officer in person
- contact the [NSPCC](#) to speak to a professional practitioner on 0808 800 5000 or go online and visit www.nspcc.org.uk/keeping-children-safe/reporting-abuse/report/ for further ways to report concerns online.
- contact the children's social care team at the council.
- contact [Crimestoppers](#) confidentially and anonymously via 0800 555 111 or go to the Crimestoppers website at www.crimestoppers-uk.org/give-information.

C.39 If anyone has concerns about the safety of a child then they can also contact the Council's Children's Services Department on 020 7641 4000 for the Access Team 9am to 5pm weekdays, or outside of these times the Emergency Duty Team.

C.40 When contact is made with the Council's Children Services Department and the Police, they will want the following information provided to them.

- The name of the person making contact;
- The address and a telephone number of that person which can be used to contact them in case they require other information or to follow up;
- The child or young person's name, and any other details, if known (parent's name, address, school etc);
- Relevant information about the circumstances of the concern – what has been seen, heard or suspected to be happening about an individual child and young person;
- Also concerns relating to activities that have been seen, heard or suspected to have happened about the premise or linked to the premises e.g. if it is suspected that a member of staff is selling alcohol to young people who are underage or it is believed that children are at risk of sexual exploitation or abuse via the internet. The person making contact may not have all the details about a child or young person, or the activity, but the referral should still be made.

C.41 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. Additional information on safeguarding and Child Sexual Exploitation is provided at Appendix 12.

Further information and Guidance

C.42 The Metropolitan Police Service provide additional information and guidance via their dedicated Child Sexual Exploitation website:

www.met.police.uk/advice/advice-and-information/caa/child-abuse/child-sexual-exploitation/

- C.43 The Metropolitan Police Service has a dedicated operation relating to Child Sexual Exploitation, Operation MAKESAFE. This operation is helping to raise awareness of child sexual exploitation in the business community, which includes licensed premises.

The Operation MAKESAFE webpage provides posters for licensed premises as well as training sheets to assist in staff development. A link to the Operation MAKESAFE webpage is provided below:

www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe/

- C.44 A Guide to Sexual Exploitation and what licensees should do is provided at Appendix 12

Conditions

- C.45 Revised Guidance states that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms, such as exposure to strong language and sexual expletives and sexual exploitation²².

- C.46 In line with Revised Guidance,²³ conditions may be attached relating to the access or, where appropriate, the exclusion of children to a premises licence or club premises certificate where there is:

- (i) a history of offences relating to underage drinking
- (ii) a known association with drug taking or dealing
- (iii) a strong element of gambling on the premises
- (iv) entertainment of an adult or sexual nature commonly provided
- (v) films shown with age restricted classification.

- C.47 In line with Revised Guidance (paragraph 2.26) conditions limiting the access of children may be attached²⁴. These could include one or any combination of the following:

- (i) Requirements for adequate procedures to check ages in premises where alcohol is served.
- (ii) Limitations on the hours when children may be present
- (iii) Limitations or the exclusion of children under certain ages when particular specified activities are taking place.
- (iv) Age limitations (below 18).
- (v) Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- (vi) Limitations on of parts of premises to which children may have access.

²² Paragraph 2.22 Revised Home Office Guidance (April 2018)

²³ Paragraph 2.23 Revised Home Office Guidance (April 2018)

²⁴ Paragraph 2.27 Revised Home Office Guidance (April 2018)

- (vii) Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- C.48 As a Licensing Authority, the council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives. These will include:
- (i) A requirement to adhere to either the age restricted recommendations of the British Board of Film Classification or to similar classifications imposed by the council. Details of the certifications imposed by the council are available from the council's Licensing Service
 - (ii) A requirement for the cinema venue operator to submit to the council any film not classified by the British Board of Film Classification which it intends to exhibit 28 days before it is proposed to show it
 - (iii) In line with the various classifications of films by the British Board of Film Classification, the Licensing Authority will impose conditions necessary to restrict access accordingly and to require any certificates or notices of category to be displayed appropriately.
- C.49 At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during an emergency.

D. Spatial Policies

CIP1 - Cumulative Impact Policy

- A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to vary hours within the Core Hours under Policy HRS1.
- 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.

Reasons for Policy CIP1

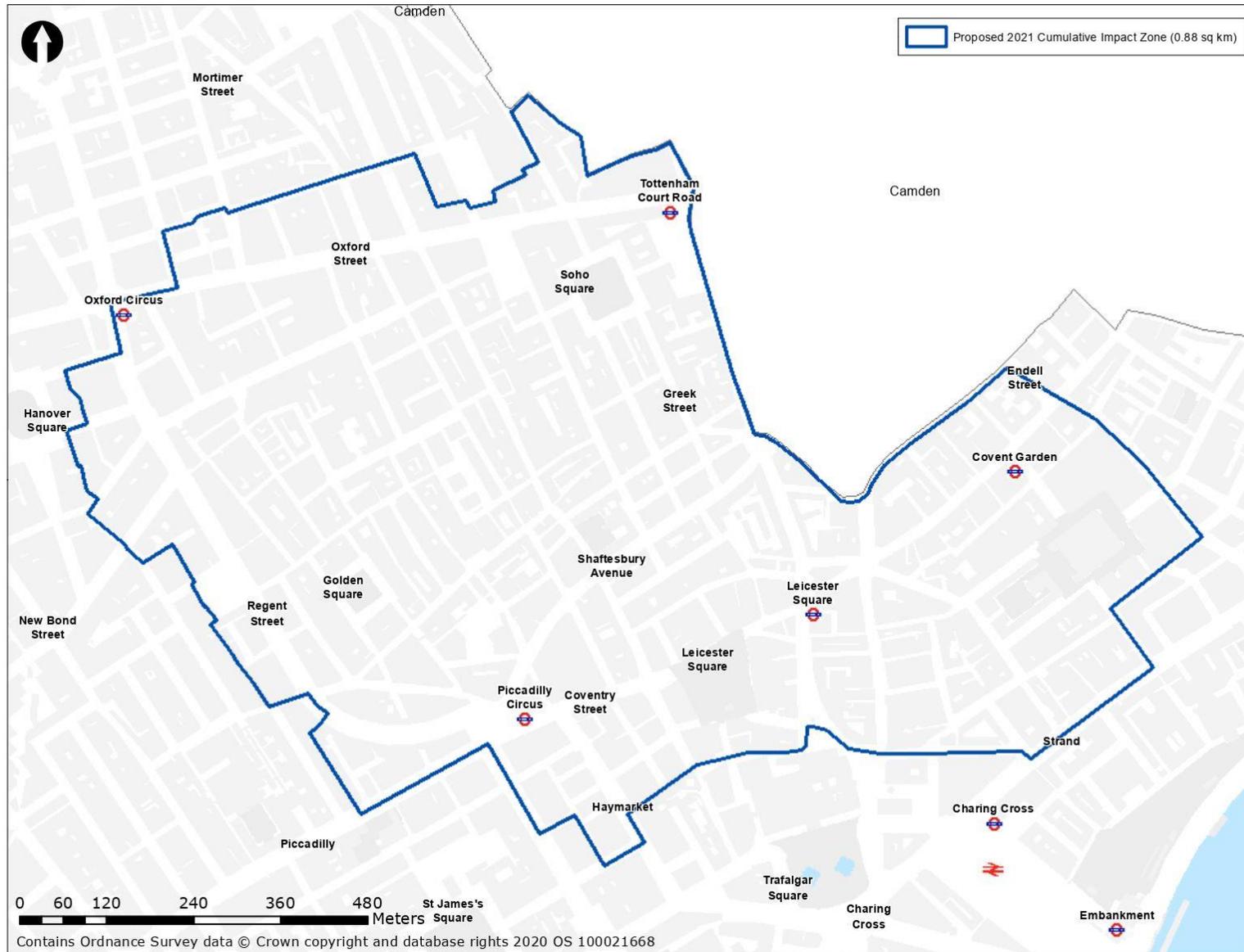
- D.1 The 2020 Cumulative Impact Assessment provides the evidence base to support this policy. The Cumulative Impact Assessment identified, from the data collected between 2017 and 2019, that the West End was the only location within the City where cumulative impact was identifiable. The evidence collected from those three years supported further policy restriction on applications, as they would likely to add to cumulative impact. However, in March 2020 the COVID-19 pandemic took hold and through lockdowns, government restrictions and the requirement for social distancing the evening and night-time economy within Westminster changed dramatically. The COVID-19 pandemic started at the point when the Licensing Authority had begun its review of this policy. The unprecedented situation of COVID-19 has meant that the Licensing Authority decided not to implement greater restrictions to other premises uses other than that already contained in the policy at the time. It also decided not to expand the West End Cumulative Impact Zone to encompass Zones 1 and 2 as detailed within the Cumulative Impact Assessment. However, as the City begins to recover from the pandemic during the life of this policy the Licensing Authority may review its policy approach and could, if footfall moves toward pre March 2020 levels look to implement greater restrictions as a result of the findings from either the 2020 Cumulative Impact Assessment or a revised version.
- D.2 The Council acting as Licensing Authority is applying the special policies relating to cumulative impact as outlined in Revised Guidance to the West End Cumulative Impact Zone as displayed in the map below²⁵.
- D.3 The West End Cumulative Impact Zone has a total area of 0.88 sq km representing 6% of the City's footprint. As of February 2020, there were **1164** licences issued to **639** unique locations. This represents **26.9%** of all unique licence locations within the entire City of Westminster. The main licensed premises type within the Cumulative Impact Zone are restaurants. There are **504** licensed restaurants within this zone which represents **38.3%** of all licensed restaurants within the City. There are **112** pubs and bar representing **26.1%** of all licensed pubs and bars in the City and **56** nightclubs which represents **60.9%** of all nightclubs within Westminster. It is also important to note that there are also **38** cultural venues (e.g.

²⁵ Paragraphs 14.20 to 14.48 Revised Home Office Guidance (April 2018)

theatres, cinemas, museums and galleries) within this zone. This represents **33.9%** of all licence's cultural venues within the city.

- D.4 The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 – 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the City were recorded within the West End Cumulative Impact Zone. Additionally, 43% of ambulance call outs between that same period to the locations of licensed premises fell within this zone.
- D.5 The retention of people late at night contributes to the cumulative impact. This arises from reduced levels of late night transport, existence of facilities such as quick service restaurant and take away outlets that encourage people to stay on after other licensed premises have closed. This can attract criminals to the area who wish to target visitors who may be vulnerable due to alcohol, drugs or a lack of knowledge of the City (e.g. tourists).
- D.6 It should be noted that the council employs a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from premises, and their customers behaving badly or unlawfully once away from the premises²⁶. The measures currently available to the council are given as examples such as:
- Planning policies
 - 24 hour City Inspector Teams (licensing and waste advice, compliance and enforcement)
 - 24 hour Council Noise Team
 - Embedded Police Licensing Team within Council Offices
 - Neighbourhood crime reduction service
 - Support to Pub Watch and Club watches
 - Support to Best Bar None and Purple Flag schemes
 - Collaborative operations and joint working with Police Dedicated Ward Officers, Specialists Police Units, British Transport Police, Security Industry Authority, NCA, HMRC and HM Immigration.
 - Additional portable urinals, and 24-hour street cleansing;
 - Orders to give the police powers to stop street drinking and seize alcohol and receptacles
 - Use of Dispersal Orders
 - Joint operations on illegal minicabs

²⁶ Paragraph 14.47 Revised Home Office Guidance (April 2018)



- D.7 The police have re-deployed their resources to allocate more officers to Westminster's evening and night-time economy and are key partners in preventing street drinking and confiscating alcohol. They are also involved in joint initiatives with the council in operations on illegal minicabs, underage alcohol sales and in close day to day collaboration through neighbourhood crime reduction teams and City Inspectors.
- D.8 The Licensing Authority's 2020 Cumulative Impact Assessment provides more detail and the evidence base to support the Licensing Authority's rationale to identify the West End Cumulative Impact Zone as an area of cumulative stress. This document can be found via the council's website at www.westminster.gov.uk/licensing-policies-and-fees.
- D.9 The Licensing Authority's view is that cumulative impact in the West End Cumulative Impact Zone arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises. The Licensing Authority wishes to encourage the provision of a range of cultural entertainment premises, where this is suitable and to reduce the extent of dominance of pubs, bars, night clubs and fast food premises within the West End Cumulative Impact Zone.
- D.10 The 2020 Cumulative Impact Assessment was unable to identify night clubs (music and dance venues) as providing an impact on incident rates. However, previous behavioural audits, as well as practitioner and academic research have discerned that such late-night venues are frequently associated with cumulative impact and are of greater risk if having a negative impact on the licensing objectives. Music and dance venues are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. The relationship of nightclubs to crimes, nuisance and disorder may also have been obscured in the model used within the 2020 Cumulative Impact Assessment and their location among many other more populous premises types. For example, in the West End Zone 1, there were approximately 47 nightclubs situated in close proximity to 404 restaurants. Furthermore, the premises type classifications in the licensing data analysed did not always ideally capture the nature of the business. For example, a fine dining establishment, a venue which also hosts a late-night bar and club, as well as a late-night fast-food restaurant all fall under the umbrella of 'restaurant' within the licensing data. Therefore, the Licensing Authority will retain its presumption to refuse such applications within the West End Cumulative Impact Zone unless the applicant can provide exceptional reasons as to why the application should be granted.
- D.11 The Cumulative Impact Policy provides a presumption to refuse pubs and bars, music and dance venues and fast food premises. This policy is intended to be strict and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy²⁷.
- D.12 Applicants for premises uses that have a presumption to refuse will be expected to demonstrate an exception as to why their licence application should be permitted. It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing

²⁷ Paragraph 14.44 Revised Home Office Guidance (April 2018)

Authority will consider the reasons underlying the West End Cumulative Impact Zone special policy when considering applications.

- D.13 The 2020 Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 21:00hrs. Although there is a general presumption to refuse applications for music and dancing venues and pubs and bars within the West End Cumulative Impact Zone under this policy, an exception may be permitted to applications that have a terminal hour of no later than 21:00hrs and meet the other policies within this statement. However, applications that are granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and will not promote the licensing objectives.
- D.14 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions. Neither will the licensing authority consider the case to be exceptional merely because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the council is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.
- D.15 Any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an existing operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and where the existing operation would otherwise continue as before in the first premises. In order for this to be treated as a consideration justifying an exception to policy, the council will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises.
- D.16 The Licensing Authority’s policy, in relation to the West End Cumulative Impact Zone, is directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for genuinely exceptional reasons.
- D.17 The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact. This can be by introducing fixed seating and conditions to provide a minimum number of

seats at all times and limiting sales to be by waiter or waitress service only. This measure is also unlikely to be considered as an exception to policy alone.

- D.18 The council will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises which have not previously had set capacities and whether offers to reduce capacities, actually do effectively address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.
- D.19 Revised Guidance recognises that capacity conditions can be attached for the promotion of the prevention of crime and disorder and refer to appropriate ratios of tables and chairs based on the capacity and door supervision to control numbers on entry and exclude drunk or disorderly individuals²⁸. The council further consider that prescribed capacity and the provision of minimum levels of seating and tables can also promote the licensing objective of the prevention of public nuisance. Customers who have been seated in premises which are not crowded will behave differently; they are less likely to have been talking at high volume and will leave the premises more quietly than the greater number of customers in equivalently sized premises without capacity limits with more vertical drinking. However, the introduction of a capacity limit will not on its own provide an exception to policy.
- D.20 The Licensing Authority may consider granting applications for licences that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These 'Shadow Licences' are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule.
- D.21 Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

²⁸ Paragraph 10.24 Revised Home Office Guidance (April 2018)

- D.22 The Licensing Authority considers that within the West End Cumulative Impact Zone premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone.
- D.23 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. However, the absence of residential accommodation in the vicinity of premises within the West End Cumulative Impact Zone is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a 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.
- D.24 The Licensing Authority has also identified premises use types, such as restaurants, cinemas, cultural venues, qualifying clubs, off licences, hotels, sexual entertainment venues and sex cinemas and combined use premises that will not have a presumption to refuse applications that are made within the Cumulative Impact Zone. However, applications for these premises use types must demonstrate that they will not add to cumulative impact. The Revised Guidance recognises that different types of premises have different impacts²⁹.
- D.25 Restaurants are the most numerous licensed premises across the City and within the West End Cumulative Impact Zone. Although restaurants normally represent a low risk to the licensing objectives if sufficient conditions and controls are in place. However, due to the large concentration of licensed premises within the Cumulative Impact Zone and the number of customers that may be present later at night it is important that the applicant provide sufficient evidence that they will not add to cumulative impact in the area. The Licensing Authority took a view, after considering the outcome of the 2020 Cumulative Impact Assessment and the impact of COVID-19 not to impose a presumption to refuse on applications for other premises uses other than those already established within the policy, i.e. pubs and bars, music and dance venues and fast food premises. However, the Licensing Authority may consider it necessary to amend its policy in the future due to impact associated from cumulative impact as businesses recover from the impact of the COVID-19 pandemic.
- 5.26 Cinemas, cultural venues, live sporting premises and outdoor spaces are significantly less likely to have an impact on the licensing objectives and part of this is related to the activities that the venues provides. The variety of entertainment uses that these premises offer are of real positive benefits to the area (e.g. providing a wider entertainment offer, other than alcohol, provides a varied customer age range and provides positive benefits to the local community and visitors). Cinemas and cultural venues (e.g. theatres, museums and galleries) will provide regulated entertainment (e.g. exhibition of a film, performance of play) or a non licensable activity (e.g. exhibition of artwork) that will form the primary purpose and activity for that venue. Therefore, any activity that is considered a higher risk, such as the sale of alcohol will be ancillary to this main function and limited in its offer. The same will apply to live sporting premises where the main function of the premises will be either regulated entertainment in the form of boxing or wrestling in front of an audience or a nonregulated live sport, e.g. cricket match. Alcohol and other licensable activities are likely to be ancillary to the main function of the venue and limited in its availability.

²⁹ Paragraph 14.43 Revised Home Office Guidance (April 2018)

- D.27 The current policy recognises that well managed members clubs, which meet the qualifying criteria in the Act to operate under the authority of a club premises certificate, have little association with crime and disorder and public nuisance, because of their membership controls and the strict criteria which the premises must meet. In particular these “qualifying clubs” are often characterised by long standing membership which is valued by the member and gives a real incentive for the club to promote the licensing objectives in its neighbourhood. New members are often nominated and vetted by existing members and in all cases there is a delay of at least 2 days between the grant of membership and the use of the club by the new member. Membership is usually intended to be long term and often renewable annually, with a significant financial commitment on joining.
- D.28 In contrast, many proprietary clubs may allow members to join on-line with little or no prior contact with the member. Joining fees may be nominal and membership short term. Access to the club may be extended to guests of the management or other categories of person to allow immediate access. Individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser. Access may also be permitted to guests of invitees or guests of the management. Moreover, persons leaving proprietary clubs and premises operating private functions will sometimes cause public nuisance or be involved in crime, either as perpetrators or victims.
- D.29 The council is therefore of the view that there is a clear distinction in the character and operation between “qualifying clubs” and proprietary clubs and premises which promote private functions, and considers that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact in the West End Cumulative Impact Zone and will often not offer sufficient control over their members to promote the licensing objectives.
- D.30 Sexual entertainment venues and sex cinemas were not found to be significantly associated with incidents indicative of cumulative impacts. However, due to the potential capacities of these venues and the association with alcohol for their operation the Licensing Authority will expect applicants to demonstrate how they will not add to cumulative impact in the area. The Licensing Authority will also consider the proximity of the premises to residential accommodation, schools, places of worship, and/or community facilities or public buildings due to the type of entertainment being provided.
- D.31 Other venues, such as Off Licences, Hotels, Casinos and Combined Use Premises do not have a presumption to refuse under this policy and will be considered on their own merits, in line with other policies within this Statement and whether they have demonstrated that they will not add to cumulative impact.
- D.32 Applicants for licences for premises uses that do not have a presumption to refuse must provide evidence that they will not add to cumulative impact within the West End Cumulative Impact Zone. The applicant must provide significant mitigation within the operation schedule and the rationale on how their operation will not add to cumulative impact. It is not for the Licensing Authority to identify and put forward proposals for how a premises could prevent adding to cumulative impact in the area. Applicants that fail to add sufficient information within their operating schedule and don’t adequately demonstrate how they will not add to cumulative impact may have all or part of their application refused, if representations are received.

- D.33 Although this would not be considered as exceptional or mitigation as to how the venue will not add to cumulative impact the Licenisng Authority encourages licensees to be active members of local pub watches, business radio networks or other schemes that enable businesses to share information and work together to tackle local issues. The Licensing Authority and the Police actively support local schemes and will work with businesses who engage and participate. There are significant benefits to such schemes. These schemes can provide a mechanism for the dissemination of information and intelligence between businesses on local issues or problem individuals. Being a member of a local crime prevention business radio network provides greater opportunities for businesses to work together and support one another via mutual aid between local security staff in the event of an incident. It also provides a way of quickly communicating with other venues on that channel if there was a wider incident that required immediate action, for example invac, if a terrorist incident occurred nearby.

CIP2 - Reviews within the West End Cumulative Impact Zone relating to Cumulative Impact

- A. In deciding what steps, if any, are necessary to promote the licensing objectives in the determination of a review of a premises licence within the West End Cumulative Impact Zone, that the premises are in an area where special policies of cumulative impact apply, and the need to reduce the cumulative impact of licensed premises within the Cumulative Impact Area, will be taken into account.

Reasons for the Cumulative Impact Zones Policy – CIP2

- D.34 Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.

- D.35 The Revised Guidance on reviews (Paragraph 11.7) includes a statement that:

“Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.”.

The Revised Guidance (paragraph 14.45) states:

“CIAs should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 17). The “cumulative impact” on the promotion of the licensing objectives of a concentration of licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.”

- D.36 Taking Revised Guidance into account, and also the continued existence of some serious problems of nuisance within the West End Cumulative Impact Zone, the Licensing Authority may, in determining reviews of individual premises licences within the that zone, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where special policies on cumulative impact apply.

SCZ1 - Special Consideration Zones Policy

- A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.**
- B. 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 Policy SCZ1

- D.37 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.
- D.38 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.
- D.39 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 and operate 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.
- D.40 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.

- D.41 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.
- D.42 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.

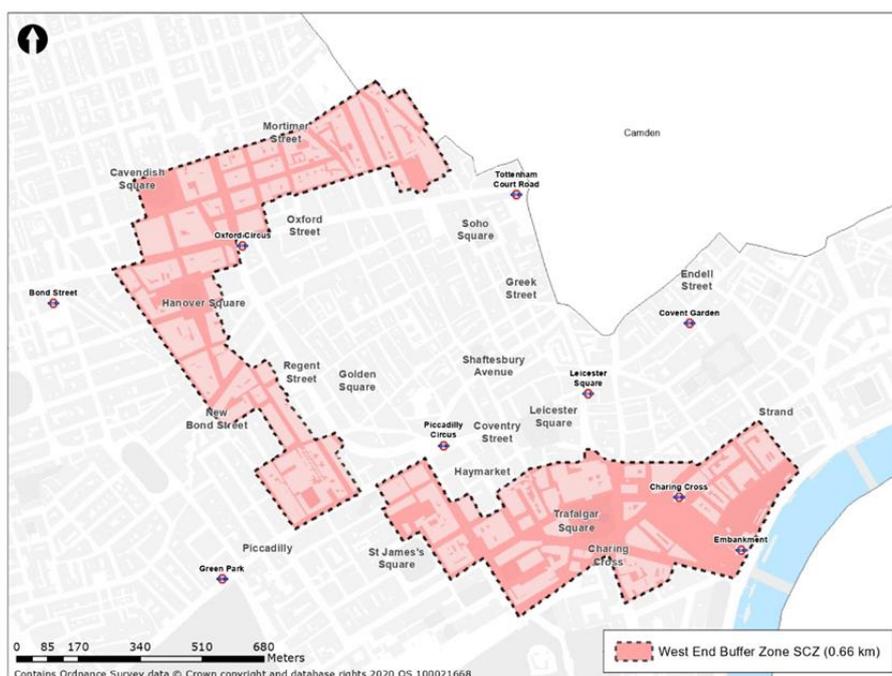
Special Consideration Approach

- D.43 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. These are summarised in list form above for each designated Special Consideration Zone. 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.
- D.44 Applicants within a SCZ 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.
- D.45 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 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.

- D.46 The Licensing Authority will keep the Special Consideration Zones under review. However, attention will be given to the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SCZs as these were areas that were formally Cumulative Impact Zones. The Licensing Authority wants to closely monitor the SCZ's so as to identify if they reach a point where there is ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed premises in the area. If that does occur and it is deemed to be as a result of cumulative impact the Licensing Authority may designate the relevant area as a Cumulative Impact Zone which would then mean the Cumulative Impact Policy would apply. The aim, however, is that this policy approach will prevent any increase in the local issues identified within the 2020 Cumulative Impact Assessment and therefore there will be no need to consider applying a more restrictive policy approach.

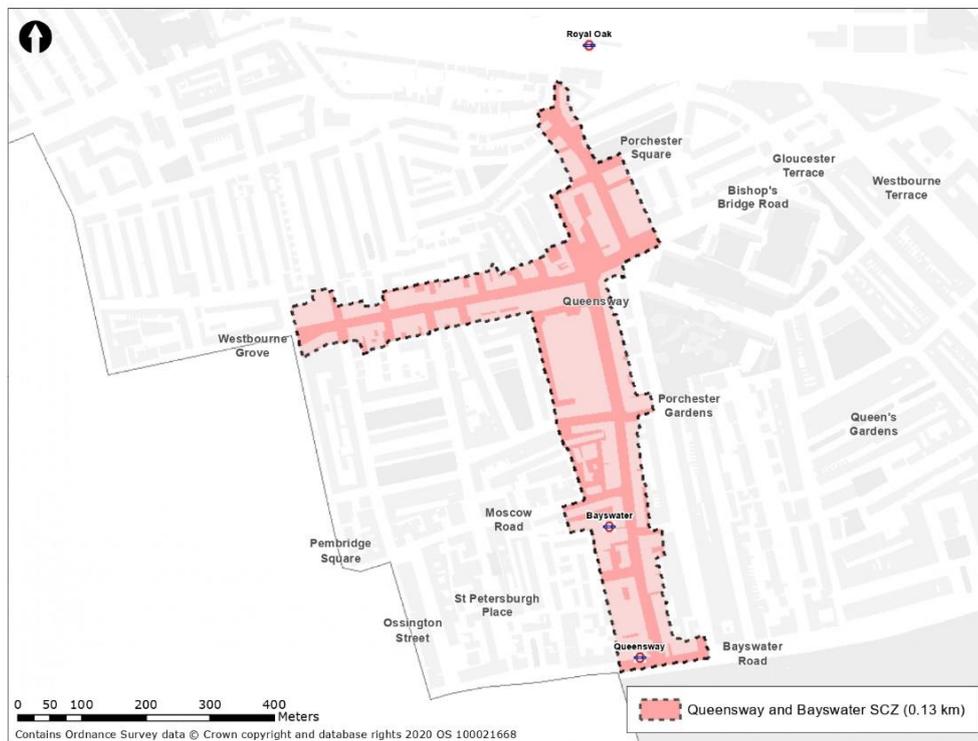
West End Buffer Special Consideration Zone

- D.47 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. 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.
- D.48 Although all incident rates are well above the borough average, the key local issues that need to be considered by applicants are:
- (a) robberies,
 - (b) theft,
 - (c) antisocial behaviour on and around public transport, and
 - (d) Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.



Queensway/Bayswater Special Consideration Zone

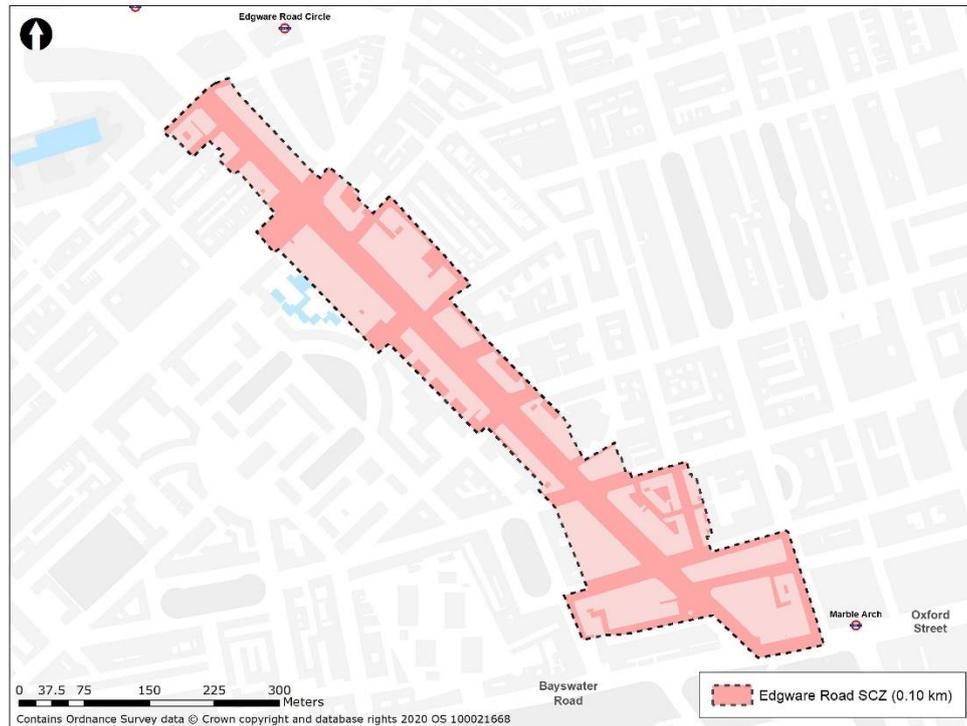
- D.49 The Queensway/Bayswater area is 0.13km² in size, accounting for 0.5% of the borough's footprint. The local issues that need to be considered by applicants are
- (a) elevated levels of noise nuisance at night,
 - (b) illegal waste,
 - (c) Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault,
 - (d) serious violent crimes and,
 - (e) robberies at night.
- D.50 The incidents recorded between 2017 and 2019 for this area were nearly three times the borough's average rate of incidents per square kilometre.



Edgware Road Special Consideration Zone

- D.51 Edgware Road area is 0.10km² in size, accounting for 0.4% of the borough's footprint. The local issues that need to be considered by applicants are:
- (a) serious violent crimes at night,
 - (b) Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault,
 - (c) drug dealing at night,
 - (d) robberies at night,
 - (e) theft incidents at night, and
 - (f) noise nuisance at night

- D.52 The incidents recorded between 2017 and 2019 were nearly four times the borough's average rate of incidents per square kilometre.



East Covent Garden Special Consideration Zone

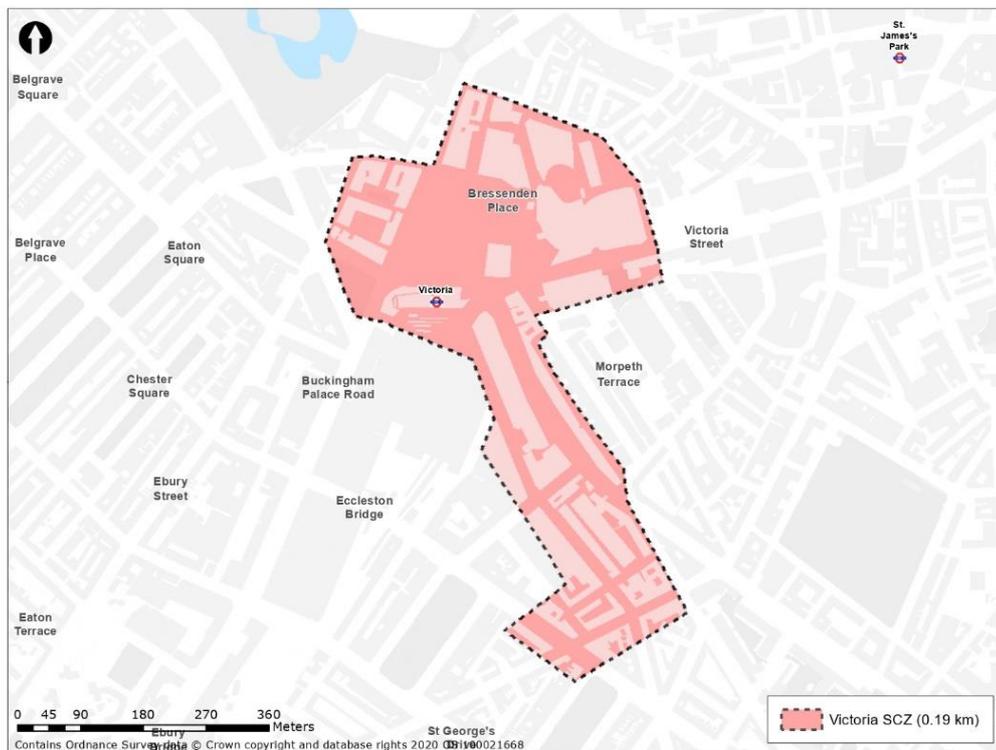
- D.53 The East Covent Garden area is 0.09km² in size, accounting for 0.4% of the borough's footprint. The local issues that need to be considered by applicants are:

- (a) elevated levels of noise nuisance at night surrounding locations of licensed premises.



Victoria Special Consideration Zone

- D.54 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.
- D.55 The 2020 Cumulative Impact Assessment found that the impacts on the licensing objectives from incidents were twice as concentrated as the borough average. 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.
- D.56 The local issues that need to be considered by applicants are:
- (a) Serious violence at night,
 - (b) anti-social behaviour at all times of the day (street drinking and begging),
 - (c) Incidents relating to ambulance call outs to the locations of licensed premises for intoxication, injury related to intoxication and/or assault,
 - (d) theft at night
 - (e) noise at night



Mayfair Special Consideration Zone

- D.57 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.
- D.58 The local issues that need to be considered by applicants are:
- general crime,
 - noise nuisance (noise), and
 - Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault,



E. Core Hours Policy

HRS1 - Core Hours Policy

- 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 in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:**
- (1) The demonstration of compliance in the requirements of 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 and 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. Non-specific 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) **Casinos:**
Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005
- (2) **Cinemas, Cultural Venues and Live Sporting Premises**
Monday to Sunday 09:00 to midnight
- (3) **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
- (4) **Off licences:**
Monday to Saturday: 08:00 to 23:00
Sundays: 09:00 to 22:30.
- (5) **Outdoor Spaces:**
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
- (6) **Pubs and bars, Fast Food and Music and Dance venues:**
Monday to Thursday: 10:00 to 23:30
Friday and Saturday: 10:00 to midnight
Sunday: 12:00 to 22:30
Sundays immediately prior to a bank holiday: 12:00 to midnight
- (7) **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
- (8) **Restaurants:**
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
- (9) **Sexual Entertainment Venues and Sex Cinemas**
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

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 Policy HRS1

- E.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.
- E.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 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 statement³⁰.
- E.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. However, this is subject to the application meeting the other policies within this statement. 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.
- E.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 with the application.
- E.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.
- E.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 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

³⁰ Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities³¹.

- E.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.
- E.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 stations 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.
- E.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.
- E.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,

³¹ Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

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.

- E.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 premises³².
- E.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) are 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 bass-heavy music and switch to quieter, slower tempo music, with a less pronounced beat while other licensable activities continue.
- E.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.
- E.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.
- E.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

³² Paragraph 2.19 Revised Home Office Guidance (April 2018)

City. However, alcohol and late-night refreshment must be ancillary to the primary use of the venue and for 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.

- E.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.
- E.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 vehicle operators 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.
- E.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.
- E.19 Statutory licensing policies are key tools in managing the competing pressures that the successful evening and 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
- E.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.
- E.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

- E.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.

F.Premises Uses Policies

CAS1 - Casinos Policy

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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.**

Reasons for Policy CAS1

- F.1 Casinos are licensed for the sale of alcohol and since 2002 are no longer prohibited from serving drinks at gaming areas. However, they must ensure they are provided in a way which does not disturb or threaten the orderly conduct of the gaming. The restrictions on live entertainment in casinos were removed by the Gaming Clubs Licensing Amendment Regulations 2002 (SI No 1910/2002), which came into force on 12 August 2002. They are no longer prohibited from providing entertainment but do so as ancillary to the gaming and as a private place of entertainment. Casinos no longer have to be private clubs since the provisions of the Gambling Act 2005 came into effect on 1 September 2007. The requirement for identity checks at casinos has led many casinos to continue to operate membership schemes. Casinos have sought premises licences for the sale of alcohol and regulated entertainment alongside the licences they need for gaming and gambling.

- F.2 There are, at the time of writing this statement, 22 casinos in Westminster. Proposals for new style casinos under the Gambling Act 2005 can only be submitted for 17 sites identified by the Casino Advisory Panel and approved by the Parliament for the initial period of the operation of the Gambling Act 2005 (2005 Act). Westminster was not identified, and Parliament has not approved any sites. Therefore, there can be no new casino licences issued under the 2005 Act within the City.
- F.3 Existing licensed Casinos under the 2005 Act can apply to the Licensing Authority to vary their Casino Premises Licence to a new premises, as long as that new premises is still within the boundary of the City of Westminster. If a Casino did seek to move its operation to a new premises within the City then they would likely be required to apply to the Licensing Authority for a new premises licence under the 2003 Act. The Licensing Authority will generally grant Casinos licences outside the West End Cumulative Impact Zone subject to other policies within this statement. If the new premises, to which the Casino operation was intended to be moved to was within the West End Cumulative Impact Zone the applicant would need to demonstrate that they would not add to cumulative impact. If the premises the Casino operation was moving from was within the West End Cumulative Impact Zone, the new licence didn't increase the capacity or hours from the original licence and that licence was to be surrendered upon the grant of the new licence then this is likely to be sufficient to demonstrate that the new licence would not add to cumulative impact. If a casino was permitted to change the location of its operation and the Licensing Authority were minded to grant the new premises licence then a condition may be imposed on that new licence that would require the licensee to surrender the previous licence before the new licence could take effect.
- F.4 The hours for casino gambling are set by way of default conditions on converted licences to be midday until 06:00 every day of the week. However, casinos can seek longer hours by applying to the Licensing Authority to vary their Casino Premises Licence under the 2005 Act. The provision of regulated entertainment, the sale of alcohol, and late-night refreshment, and hours for these activities, are separately regulated under the 2003 Act.
- F.5 Casinos within Westminster are authorised to being used primarily for the playing of casino table games under the provisions of a Casino Premises Licence issued by the Licensing Authority under the 2005 Act. People gambling at table games do not tend to drink excessively. Casinos operate as with membership or without. Alcohol consumption will continue to be limited within these premises as the primary function of these venues are as a casino.
- F.6 If representations are received to an application for a Casino the Licensing Authority may impose conditions on that licence that the provision of licensable activities will only be carried on when casino gambling takes place. This is to prevent casinos changing to alcohol led bars and dance premises if gaming activity is abandoned.
- F.7 Account will be taken of the hours when the premises may be open for gambling. The Licensing Authority will consider the hours being requested carefully and any representations received. As Casinos can operate 24 hours a day the Licensing Authority may grant licensable activities up to 24 hours in line with the Casino Premises Licence hours issued under the 2005 Act. However, if there are concerns associated with these longer hours and the impact that it may have on the licensing objectives or cumulative impact, if the venue is located within the West End Cumulative Impact area lesser hours may be imposed.

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

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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 the primary function of a cinema, cultural venue and live sporting premises is defined as:**
- (1) **Cinema:** for the exhibition of feature or shorts films to an audience.
 - (2) **Cultural Venues:**

- (a) **Theatres:** for the performance of plays, dramatic or other entertainment performances to an audience
- (b) **Performance Venues:** for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues
- (c) **Cultural Uses:** 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 premises or the use to which the licence is intended for:
 - (a) live sporting events in the form of boxing and wrestling which takes place either inside or outside in the presence of an audience,
 - (b) live sporting events that are licensable as they are being held within a building where the sport and audience are accommodated wholly or partly inside that building, or
 - (c) live sporting events that will take place outside a building, where the live sporting event is not a licensable activity but other licensable activities, are provided 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

- F.8 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.
- F.9 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 scheduled 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.

- F.10 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.
- F.11 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.
- F.12 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.
- F.13 The Licensing Authority understands that premises operators may need to diversify their income due to the additional costs associated with the ongoing maintenance of large and historic buildings. For example, theatres may wish to provide food and drink to the public or use their premises for occasional events. This policy does not set out to prohibit the ancillary use as long as it will not impact the licensing objectives and the primary use of the premises remains a cinema, cultural venue or live sporting premises. The use of a premises for other activities may also apply to outdoor spaces, however this is less likely due to the operation and use of such space.
- F.14 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.

- F.15 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.
- F.16 This policy will apply to dedicated premises that provide live sporting events as its primary use (e.g. Lords Cricket Ground), larger events (where a Temporary Event Notice is not applicable) and venues where live sport is taking place in front of spectators and other licensable activities are provided as ancillary to that live sporting event for those spectators, (e.g. a boxing match in front of spectators who are able to purchase alcohol from locations around the premises for consumption whilst watching the boxing event).
- F.17 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.
- F.18 Outdoor spaces where licensable activities take place are defined as “premises” under the 2003 Act. 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.
- F.19 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.

- F.20 Under the 2003 Act 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.
- F.21 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.
- F.22 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.
- F.23 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.
- F.24 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.

COMB1 - Combined use premises Policy

- 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 requirements of 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 requirements of 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, and
 - (3) the applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone.
- C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:**
- (1) whether it will undermine the licensing objectives,
 - (2) the current and proposed use of the premises,
 - (3) when those uses will take place,
 - (4) what the primary use of the premises is or the uses that will take place in different parts of that premises,
 - (5) whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises, and
 - (6) whether the hours sought for the all or parts of the premises are within or outside the Core Hours.
- D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement**
- E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/or part of the other uses i.e. are not ancillary to the other uses.**

Reasons for Policy COMB1

- F.25 In recent years, there has been a rapid development of new entertainment and leisure concepts including chameleon bars that change over the course of the day, food halls, which

are contained within one building and are proposed to be operated under one licence, and multi-attraction entertainment complexes. As a result, the conceptual boundaries between premises such as pubs, restaurants and other entertainment venues are increasingly becoming blurred and difficult to define. This policy has been developed to meet these changing circumstances.

- F.26 Premises that operate as combined use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. are not ancillary to them, will be considered under this policy. The policy is intended to capture premises that either significantly change their operation/offer throughout the day (e.g. a restaurant, offering substantial table meals that transitions to a night club with DJ and dance floor late at night), have multiple uses and units under one licence (e.g. large food halls that have numerous units providing licensable activities to a shared seating/congregating area) or large space that have multiple activities over a wide footprint (e.g. Winter Wonderland). These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.
- F.27 When considering applications under this policy the Licensing Authority will take into account the specific considerations under other policies for the types of activities that may occur on the premises. Those activities or uses may occur at the same time or transition from one to another during the day or from day to day. If a premises has a number of bars, restaurants and provides a concert experience with dancing then the relevant policy considerations from PB1, RTN1 and MD1 may be relevant.
- F.28 Due to the potential complexity of these applications and the need for different hours, licensable activities and conditions, applicants will be expected to provide significant information on the proposed operation of the premises and how they will manage its operation to promote the licensing objectives. The Licensing Authority will expect the applicant to see out these points within their operating schedule.
- F.29 This policy will not apply to premises that would be considered as operating under one premises use offering other forms of licensable activities as ancillary to that main use. For example, a pub that provides a stand-up comedy night or drag act would not be considered a combined use premises under this policy as the primary use is as a pub and the entertainment is ancillary to that use.

FFP1 - Fast Food Premises Policy

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the requirements of 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:**
- (1) applications to vary the existing licence hours within the Core Hours under Policy HRS1, and/or**
 - (2) applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.**
- C. The applications referred to in Clause B(1) and (2) will generally be granted subject to:**
- (1) the application meeting the requirements of policies CD1, PS1, PN1 and CH1**
 - (2) the application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.**
- D. 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 over a counter, via a self-seating basis or take away for immediate consumption,**
 - (2) food and drink are:**
 - (a) available on the premises for self-selection, and/or**
 - (b) prepared on the premises, and/or**
 - (c) cooked or produced off the premises but brought to that premises in advance of its sale to customers, and**
 - (3) the food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.**

Reasons for Policy FFP1

- F.30 Fast food premises which are open after 23.00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold

food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

- F.31 The Licensing Authority and the Metropolitan Police Service are concerned with the levels of crime and disorder that happen outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises within Westminster have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance. Crowding the pavement and the dropping of litter late at night can make effective street cleaning impossible at that time.
- F.32 These issues are of particular concern within the West End Cumulative Impact Zone where there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances.
- F.33 Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.
- F.34 Applicants and licensees must not sell or supply single use plastic, such as straws, cutlery or drink stirrers. You can still supply and sell single-use straws, cutlery and drink stirrers made from other materials or reusable alternatives. Applicants are encouraged to provide recyclable or bio-degradable disposable packaging for the provision of fast food. For more information on the Licensing Authority's expectations associated with licensed premises and the environment see paragraphs B38 to B45.
- F.35 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the West End Cumulative Impact Zone special policy (CIP1) when considering applications.
- F.36 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions. Neither will the licensing authority consider the case to be exceptional merely because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the Licensing Authority is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the

observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.

- F.37 Any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an existing operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and where the existing operation would otherwise continue as before in the first premises. In order for this to be treated as a consideration justifying an exception to policy, the Licensing Authority will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises.
- F.38 The Licensing Authority will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises located within the West End Cumulative Impact Zone which have not previously had set capacities and whether offers to reduce capacities, actually do effectively address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.
- F.39 The Licensing Authority may consider granting applications for licences within the West End Cumulative Impact Zone that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These ‘Shadow Licences’ are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule.
- F.40 Applications for new licences within the West End Cumulative Impact Zone to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist or will not

continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

- F.41 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. However, the absence of residential accommodation in the vicinity of premises within the West End Cumulative Impact Zone is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a 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.

HOT1 - Hotels Policy

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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.**

Reasons for Policy HOT1

- F.42 Applications within the West End Cumulative Impact Zone will need to demonstrate that the venue will not add to cumulative impact. Applicants will be expected to provide reasons why their application will not add to cumulative impact within the operating schedule. Applicants will be expected to set out how the venues will operate. Of particular importance is to understand what licensable activities will take place in different rooms and areas of the hotel and whether it is proposed to have different hours, activities or conditions apply to those specific parts of the hotel. The applicant should include mitigation to support their application and this can be through proposed conditions and how the venue will be managed.

- F.43 Hotels commonly seek extended hours in order to hold events for non-residents which they would have previously done under occasional licences and cannot do so under Temporary Event Notices because of the limits which apply to temporary permitted activities.
- F.44 Hotels have, under the previous regime, been able to serve alcohol to residents at any hour although hotel bars are generally closed before 02:00. This provision allowed for room service and minibars in rooms. New hotels generally will want to offer the same provision as existing hotels.
- F.45 Hotels also commonly want to allow bona fide invited guests of residents to be able to buy alcoholic drinks on their own behalf after alcohol sales to members of the general public have ceased. This provision will generally be granted but it may be subject to conditions limiting such sales (e.g. by time or number of guests) if representations are made that these provisions are likely to be, or have been abused, or are likely to lead to adverse effects on the licensing objectives.
- F.46 The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from the street will be likely to raise similar concerns to pubs and bars. The advertising of the operation of late bars by hotels would give rise to concerns in relation to the licensing objectives. The provision of off sales may be restricted in relation to the hours of operation on the premises and with regard to its effect on the licensing objectives.
- F.47 The playing of films and non-broadcast TV in hotel bedrooms is regulated entertainment and hotels should include it in applications.

MD1 - Music and Dance Premises and Similar Entertainment Policy

- A. Applications outside the West End Cumulative Zone will generally be granted subject to:**
- (1) the application meeting the requirements of 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.**
- B. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone other than:**
- (1) applications to vary the existing licence hours within the Core Hours under Policy HRS1, and/or,**
 - (2) applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.**
- C. The applications referred to in Clause B(1) and (2) will generally be granted subject to:**
- (1) the application meeting the requirements of 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 in Clause D.**
- D. (1) “For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:**
- (a) provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers, or**
 - (b) provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance.**
- (2) The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment.**
- (3) Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.**
- (4) De-regulated entertainment (as set out in the glossary will not be subject to this policy)**

Reasons for Policy MD1

- F.48 Music and dance venues are an important part of London’s entertainment offer. Night clubs are an inherent part of the social life for many young people in Britain. However, the provision of music and dancing, especially with loud amplified music, and the large numbers of people attending venues and congregating outside them, can lead to concerns over public nuisance and in some cases crime and disorder. The police’s experience is that some people who visit music and dance venues carry controlled drugs for recreational use or to sell to others.
- F.49 Entertainment by the performance of dance does not generally give rise to these concerns to the same degree, but the playing of music and the noise from the audience can give rise to nuisance. If the dance performance involves nudity or partial nudity and is likely to fall under the definition of a sexual entertainment venue then Policy SCEV1 would apply.
- F.50 There is particular concern within the West End Cumulative Impact Zone where there has been a growth in the number of entertainment premises and other licensed premises over the years. The 2020 Cumulative Impact Assessment was unable to identify night clubs (music and dance venues) as providing an impact on incident rates. However, previous behavioural audits, as well as practitioner and academic research have discerned that such late-night venues are frequently associated with cumulative impact and are of greater risk if having a negative impact on the licensing objectives. Music and dance venues are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the West End Cumulative Impact Zone should be limited to exceptional circumstances.
- F.51 The 2020 Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 21:00hrs. Although there is a general presumption to refuse applications for music and dancing venues within the West End Cumulative Impact Zone under this policy, an exception may be permitted to applications that have a terminal hour of no later than 21:00hrs and meet the other policies within this statement. However, applications that are granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and will not promote the licensing objectives.
- F.52 Applicants will be required to demonstrate how the proposal will truly be an exception to this policy. The requirement to demonstrate an exception to this policy is necessarily high. The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- F.53 The Licensing Authority does not consider a case to be exceptional because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the Licensing Authority is that this is not the case.

The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.

- F.54 Any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an existing operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and where the existing operation would otherwise continue as before in the first premises. In order for this to be treated as a consideration justifying an exception to policy, the Licensing Authority will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises.
- F.55 The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact. This can be by introducing fixed seating and conditions to provide a minimum number of seats at all times and limiting sales to be by waiter or waitress service only. This measure is also unlikely to be considered as an exception to policy alone.
- F.56 The Licensing Authority will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises located within the West End Cumulative Impact Zone which have not previously had set capacities and whether offers to reduce capacities, actually do effectively address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.
- F.57 The Licensing Authority may consider granting applications for licences within the West End Cumulative Impact Zone that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These ‘Shadow Licences’ are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule.
- F.58 Applications for new licences within the West End Cumulative Impact Zone to replace licences which have lapsed because of the failure to submit an interim authority notice in

due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

- F.59 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. However, the absence of residential accommodation in the vicinity of premises within the West End Cumulative Impact Zone is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a 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.
- F.60 Outside the Cumulative Impact Areas, more scope has been provided for the establishment of new premises licences where they are not in conflict with the licensing objectives.
- F.61 The Licensing Authority will expect the applicant to provide an operating schedule that details the drug policy in operation at the premises. It may require a condition that customers entering the premises are subject to searches by trained door supervisors, together with conditions in line with the recommendations in “Safer Clubbing”.
- F.62 The Licensing Authority will have regard to measures to prevent crime and disorder, as outlined in Appendix 7A, 7B, 8 and 9, and in guidelines on crime prevention such as “Safe and Sound” and will impose conditions as appropriate.

OS1 - Off sales of alcohol Policy

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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 primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.)**

Reasons for Policy OS1

- F.63 Revised Guidance recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are good reasons, based on the licensing objectives, for restricting those hours³³. This is in the context of paragraph 10.13 of Revised Guidance which states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on local knowledge and in consultation with responsible authorities.
- F.64 There are problems of street drinking found across the city. While there are some areas with recurring problems of street drinking 'schools', they also crop up in different areas at different times and seasons. Shops selling alcohol can be a focus of antisocial behaviour, disorder and disturbance. These include the day-long consumption of alcohol on the street and in open spaces by groups of drinkers who cause various types of public nuisance and engage in antisocial behaviour. In the Victoria Special Consideration Zone, for example, new licences for the off sale of alcohol will be considered in the light of the problems of street

³³ Paragraph 10.15 Revised Home Office Guidance (April 2018)

- drinking in that area and may be restricted in their numbers and have conditions imposed on their management and supervision.
- F.65 The sale of alcohol to underage young people which apart from being a criminal offence, gives rise to disorder, public nuisance and concerns over public safety and harm to children. The sale of alcohol to people who consume it on the way to other premises gives rise to problems of drunkenness and disorderly behaviour.
- F.66 The proliferation of premises for the sale of alcohol off the premises is of concern if it leads to consumption of alcohol on the streets or being carried into premises licensed to sell alcohol on the premises. In light of the evidence it has considered, the council is concerned that alcohol loading from off licence sales is a significant problem, particularly within the West End and adversely affects the licensing objectives.
- F.67 Whilst it is likely that off licence sales after core hours are likely to add to cumulative impact in the West End Cumulative Impact Zone the Licensing Authority are not, at this time going to implement a general presumption against new off licences, or restricting their hours below core hours. The restriction of premises to core hours and the imposition of conditions can be an effective means of promoting the licensing objectives. However, this will be considered on a case by case basis.
- F.68 Some premises may wish to provide limited samples of their products for purchase and consumption on the premises. This will be an ancillary function to the main licensable use of premises, selling alcohol off the premises. Where an application proposes a limited on sale provision that is directly for the purpose of promoting the sale of alcoholic products for consumption off the premises, the Licensing Authority may consider such applications under this policy. However, the nature of the limited sales of samples for consumption on the premises will be considered on the merits of that proposal. If the authority considers the proposed sale of alcohol for consumption on the premises to be beyond the scope of this policy, it will be considered under the Pubs and Bars Policy (PB1).
- F.69 The Licensing Authority will generally grant applications that are within Core Hours as set out in the policy HRS1, subject to not being contrary to other policies in the licensing statement. However, if there is evidence of alcohol loading from a specific off licence premises which is undermining the licensing objectives, after review, the licence may be revoked, or measures may be imposed which would restrict the hours that the premises can sell alcohol, e.g. so that it shall not be sold after 20:00.
- F.70 The earliest hours of opening will be of concern. This is because problematic street drinkers, and other people who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning than other premises and create public nuisance.
- F.71 Where there are representations on problems of late-night disorder (these are generally within the West End Cumulative Impact Zone) the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted core hours.
- F.72 Some shops and supermarkets selling alcohol in Westminster's commercial and residential areas have been a focus for anti-social behaviour, disorder and disturbance. This has been caused by street drinkers and underage drinkers who have tried to obtain or have obtained alcohol from such premises. Due to these concerns over crime, disorder and disturbance,

the Licensing Authority will not, as a general rule, grant applications for the 24-hour sale of alcohol for consumption off the premises for premises outside the West End Cumulative Impact Zone. It will consider seriously any representation made by the police, other responsible authorities, and relevant representations from other persons and will take into account Policy HRS1 in determining applications.

- F.73 The council has introduced a controlled drinking zone across the whole city, by making Orders to give police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. Originally it introduced such a zone in the south of the city centred on Victoria. It extended this zone northwards in April 2004, acknowledging that the problems were widespread and that the awareness of the boundary of the zone gave rise to drinkers congregating just outside it. Short term Dispersal Zones have also been used in various parts of the city to break up street drinking “schools” and disrupt patterns of street drinking. These Orders continue in force under the Crime and Policing Act 2014.
- F.74 Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over problems of street drinking or late night disorder associated with the off sale of alcohol in the area, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. This is to hinder both underage drinkers, and problematic street drinkers masking their consumption by purchasing from a series of premises and using a number of premises to try to buy alcohol if they are refused in one.
- F.75 The Licensing Authority will expect applications to set out, within the operating schedule their management and training procedures, staffing levels, the types, quantities and whether alcohol is high strength; and where and how alcohol will be securely stored. The Licensing Authority will consider whether the application and the proposed operation of the premises will be appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances.
- F.76 If there are significant concerns associated with street drinkers in the area the Licensing Authority may impose conditions that there should be no sale of alcoholic beverages over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 5.5% alcoholic content by volume). Other conditions may be imposed directed at reducing problematic street drinking. There will be concerns over irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.
- F.77 The Licensing Authority will impose, where appropriate to promote the licensing objectives, conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18, Licence holders of smaller outlets need to have sufficient day to day control of operations. They can be held responsible for breaches of the licence and that they have not provided adequate staffing and training.
- F.78 The council and police will continue to use young people for test purchasing of alcohol and CCTV, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of review of licences for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder and, where appropriate, revocation.

- F.79 In appropriate cases, the hours of selling alcohol for consumption off the premises may be conditioned, to cease the supply of alcohol before the hours of premises in the vicinity supplying alcohol for consumption on the premises. This is to discourage the consumption of alcohol on the streets after premises in the vicinity selling alcohol for consumption on the premises have closed.

PB1 - Public Houses and Bars Policy

- A. Applications outside the West End Cumulative Zone will generally be granted subject to:**
- (1) the application meeting the requirements of 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 to vary the existing licence hours within the Core Hours under Policy HRS1, and/or**
 - (2) applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.**
- C. The applications referred to in Clause B(1) and (2) will generally be granted subject to:**
- (1) the application meeting the requirements of 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’s primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.**

Reasons for Policy PB1

- F.80** The wide variety of pubs and bars are part of Westminster’s appeal and its character and they provide for residents and for people working in and visiting the city. They also provide live music which, aside from its cultural benefits and its enjoyment by customers. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.
- F.81** This is of particular concern within the West End Cumulative Impact Zone where there are substantial numbers of licensed premises within a confined area. Premises that primarily sell alcohol are likely to have a greater risk of impacting the licensing objectives. Applicants will be expected to describe the operation of their venue and put forward conditions within

their operating schedule that would likely reduce the impact of their operation on these objectives.

- F.82 There has over the years been a growth in the number of premises that operate within the West End Cumulative Impact Zone. In the past some of these have been to primarily serve alcohol, resulting in or adding to cumulative impact. Among specific premises types assessed within the 2020 Cumulative Impact Assessment, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity. It also identified that new pubs and bars will increase the number of incidents in and around the area where the premises are located. The Assessment identified that pubs and bars were significantly associated with a greater likelihood of reported crime, disorder and nuisance. Overall, for every additional licensed premises the number of reported crimes increased by 13%, noise complaints by 9% and disorder at all times of day by 6%. For every additional pub or bar noise complaints increased by 24%.
- F.83 If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances.
- F.84 The 2020 Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 21:00hrs. Although there is a general presumption to refuse applications for music and dancing venues within the West End Cumulative Impact Zone under this policy, an exception may be permitted to applications that have a terminal hour of no later than 21:00hrs and meet the other policies within this statement. However, applications that are granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and will not promote the licensing objectives.
- F.85 Applicants will be required to demonstrate how the proposal will truly be an exception to this policy. The requirement to demonstrate an exception to this policy is necessarily high. The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- F.86 The Licensing Authority does not consider a case to be exceptional because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the Licensing Authority is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.

- F.87 Any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an existing operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and where the existing operation would otherwise continue as before in the first premises. In order for this to be treated as a consideration justifying an exception to policy, the Licensing Authority will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises.
- F.88 The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact. This can be by introducing fixed seating and conditions to provide a minimum number of seats at all times and limiting sales to be by waiter or waitress service only. This measure is also unlikely to be considered as an exception to policy alone.
- F.89 The Licensing Authority will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises located within the West End Cumulative Impact Zone which have not previously had set capacities and whether offers to reduce capacities, actually do effectively address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.
- F.90 The Licensing Authority may consider granting applications for licences within the West End Cumulative Impact Zone that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These 'Shadow Licences' are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule.
- F.91 Applications for new licences within the West End Cumulative Impact Zone to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no

practical effect because the premises to which they applied no longer exist or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

- F.92 Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. However, the absence of residential accommodation in the vicinity of premises within the West End Cumulative Impact Zone is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a 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.
- F.93 The provision of a bar within a workplace solely for the use of those working there, and their invited guests, will generally be regarded as an exception to the policy not to grant new bars in the Cumulative Impact Areas. Regard will be had to other policies in this Statement and the hours of operation of the workplace, the hours and extent of the use of the bar and the effect on cumulative impact in the West End Cumulative Impact Zone. The off sale of alcohol and drinking outside the premises would also be of concern.
- F.94 Premises that are small and size and customers therefore consume the alcohol purchased from that venue outside the venue on the public highway or on private open-air land are likely to create significant amounts of public nuisance to residents in the area. The risk is even greater during the summer months or periods when the temperature is warm enough that residential windows are likely to be left open at night. Applications for small venues in an area that has residential properties surrounding it will need to demonstrate within their operating schedule how they will limit the impact of noise and manage customers. The Licensing Authority will consider conditions to restrict the use of outside space and off sales of alcohol in open containers to promote the Licensing Objectives.
- F.95 Licensed premises are encouraged to be active members of local pub watches, business radio networks or other schemes that enable businesses to share information and work together to tackle local issues. The Licensing Authority and the Police actively support local schemes and will work with businesses who engage and participate. There are significant benefits to such schemes. These schemes can provide a mechanism for the dissemination of information and intelligence between businesses on local issues or problem individuals. Being a member of a local crime prevention business radio network provides greater opportunities for businesses to work together and support one another via mutual aid between local security staff in the event of an incident. It also provides a way of quickly communicating with other venues on that channel if there was a wider incident that required immediate action, for example invacuation and venue lockdown, if a terrorist incident occurred nearby.

QUC1 - Qualifying Club Policy

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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 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

- F.96 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. 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.
- F.97 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.

F.98 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.

F.99 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.

RTN1 - Restaurants Policy

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the requirements of 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 requirements of 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 either served to them or they have collected themselves,**
 - (2) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table,**
 - (3) which do not provide any takeaway service of food and/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.**

Reasons for Policy RTN1

- F.100 This policy only applies to those premises that are proposed to be used as a restaurant as defined within this policy, and not to fast food premises. The policy distinguishes between restaurants, where dining (a substantial table meal) is the main evening activity for its

customers, and fast food premises which at certain hours are likely to attract and provide food for people at the end of an evenings' drinking.

- F.101 Fast food premises provide late night refreshment either by way of take-away food for immediate consumption, or fast food on a counter or self-seating basis. These types of premises are in general more likely than restaurants (as defined in this section) to lead to people remaining on the streets of the West End Cumulative Impact Zone or returning rapidly to those streets. If no fast food premises were available people would be more inclined to disperse, and in retaining people until a later hour these fast food premises undermine the objective of timely dispersal. Late at night, it is likely that they would be attractive to persons who have been drinking elsewhere. The Licensing Authority considers that seeking to minimize the number of people on the street late at night, through rapid dispersal, especially those who have been drinking, is fundamental to promoting the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety. The Licensing Authority comes to this view notwithstanding the benefits which may be offered by well run fast food premises in terms of security, staff, CCTV, toilets, and the provision of a safe environment in which to wait until transport is available. These aspects have been considered by the council but are outweighed by the need for more rapid dispersal from the area in order to promote the licensing objectives.
- F.102 The Licenisng Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat but should not be prevented from accompanying diners and having a drink. The Licensing Authority, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.
- F.103 Where an application is to be considered under this policy, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include:
- requiring alcohol to be served only by waiter/ waitress service,
 - customers to be only served while seated, and
 - the sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal.
- F.104 The Licensing Authority may attach conditions limiting the hours and/or capacity of premises for the sale of alcohol in ancillary restaurant bar areas prior to meals.
- F.105 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 changed the planning use classes for commercial, business and service uses. Prior to this change these uses had their own distinct use class and therefore any changes from one use class to another required planning permission. Cafes and Restaurants are now categorised as Use Class E under these Regulations along with shops, financial and professional, office, research and development, light industrial, clinics, health centres, creches nurseries and indoor recreation including gyms. This now means that any of these uses can change to another within that same use class without the need to apply for a planning permission. For

example, a shop could be converted to a cafe or an office converted to a restaurant without applying for planning permission for a change of use.

- F.106 As there will no longer be a need for a planning application for change of use within Use Class E, it is now possible that the Licensing Authority will receive representations based on matters that might previously have been considered and addressed by the Planning Authority in the context of a planning application. However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations. Accordingly, the Licensing Authority will only consider matters that relate to the licensing objectives and not those that relate to planning considerations.
- F.107 It follows that if in respect of a proposed change of use under Use Class E, a licence application were received and relevant representation/s made, that the Licensing Authority would consider and determine the application purely in terms of the licensing objectives, taking into account the relevant Departmental Guidance and this SLP. If, for example, representations were received regarding matters such as extraction fumes and noise (which might have featured as objections in a planning application had one been required) such issues would fall to be considered by the Licensing Authority purely in terms of the licensing objective concerning the prevention of public nuisance.
- F.108 When making an application for a premises licence the extent of the premises is defined by the applicant. The premises may consist of a building or part of it, a private outdoor space associated with the building, or an area of public highway adjacent to the building.
- F.109 A restaurant for example may seek to use tables and chairs on an area of the adjoining pavement in a similar way to the way it uses rooms inside its restaurant building. To enable licensable activities to be provided both inside the building and on the pavement area the applicant may define the premises as including both the restaurant building and the area of the pavement it intends to use.
- F.110 Whilst the premises licence may authorise the provision of licensable activities it cannot authorise the use of an area of highway for that activity. Permission for the use of the highway is considered separately, and in this example, a tables and chairs licence must also be obtained before the restaurant can operate any activity on the pavement. The tables and chairs licence will define the extent of the area, and the numbers of tables and chairs which may be used on the pavement.
- F.111 The Licensing Authority is concerned that granting a premises licence which includes an area of public highway within a premises is confusing and may mislead by wrongly implying that permission for the use of the highway is being given. That is not to say that permission for the provision of licensable activities on the highway may not be granted where an appropriate tables and chairs licence is or will be in force and the licensing objectives would be promoted, but the council would prefer to permit such licensable activity to be conditioned as an exceptional “off sale” to an area appropriately authorised by a tables and chairs licence. An appropriate condition might state; The consumption of alcohol sold for immediate consumption off the premises shall be limited to any area of the highway immediately adjacent to the premises in respect of which the licence holder is in possession of a separate and current authorisation to place and use tables and chairs in that area.
- F.112 The Licensing Authority’s intention therefore is that a premises licence should not generally include any area of public highway intended for use for tables and chairs, notwithstanding

that where appropriate licensable activities will be permitted on the highway where the use of tables and chairs is appropriately authorised.

- F.113 New applications or variations for premises licences seeking permission to sell alcohol for consumption on the premises other than in respect of restaurant premises will be considered under other relevant policies in this statement. The operation of premises with a new premises licence granted as a restaurant solely under this policy may not include independent use of the bar or entertainment. Bar use and entertainment would have to be specifically sought and considered having regard to other policies within this statement.
- F.114 Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the Licensing Authority will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the West End Cumulative Impact Zone, and the times of closing of other premises in the vicinity.
- F.115 The wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city. Restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have a low risk of association with crime and disorder.
- F.116 It is necessary to recognise that activities in restaurants continue after licensable activities have ended for longer than in many other types of premises. This includes customers finishing their meals and paying the bill, and the clearing up in the kitchen and the public parts of the restaurant. There may also be handling and removal of waste and recyclable materials, but this can also be done the next day. These activities can give rise to public nuisance.
- F.117 New restaurant premises will generally be granted the core hours (for premises that serve alcohol for consumption on the premises) in line with Policy HRS1, and for premises within the West End Cumulative Impact Zone only if they can demonstrate that they will not add to cumulative impact. These are times when customers are permitted to be on the premises. The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property. If there are representations made, conditions may be imposed that the sale of alcohol in restaurants later than core hours must be as part of the continuing service and consumption of a table meal at the same table. i.e. no retiring to the bar This is in order to ensure that restaurants continue to function as restaurants and not as late-night bars. When considering applications for the sale of alcohol after 00:00 where representations are made on the grounds of prevention of crime and disorder or public nuisance, the council will take into account the increased likelihood of crime and disorder and the greater disturbance from activities late at night.
- F.118 The Licensing Authority will generally grant premises licences and variations for restaurants outside the West End Cumulative Impact Zone subject to the relevant criteria and considerations in policies CD1, PS1, PN1 and CH1 and, if relevant the Special Consideration Zone Policy SCZ1. A stricter approach to restaurants within the West End Cumulative

Impact Zone has been adopted due to the current cumulative impact issues as set out in the 2020 Cumulative Impact Assessment and within policy CIP1. For applicants within the Cumulative Impact Zone they must demonstrate that they will not add to cumulative impact.

- F.119 It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. those premises offering the sale of hot food or drink for consumption off the premises. However, because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is particularly from premises selling hot food or hot drink for consumption off the premises. Therefore, the Licensing Authority will give separate consideration to those late-night refreshment premises offering the sale of hot food or drink for consumption off the premises.
- F.120 Where it is proposed to sell hot food and hot drink which is not ancillary to the provision of a substantial table meal, the application will be considered under the Fast Food Premises Policy FFP1.

SCEV1 - Sexual Entertainment Venues and Sex Cinemas Policy

- 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 requirements of policies CD1, PS1, PN1 and CH1,**
 - (2) the premises are 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 previous 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 within this statement as appropriate.**

Reasons for Policy SCEV1

- F.121 Premises that operate as a "sexual entertainment venues" (SEV) or sex cinema under the Local Government (Miscellaneous Provisions) Act 1982 (1982 Act) will be subject to this policy if they intend to provide licensable activities under the 2003 Act.
- F.122 The council has separate policies and standard conditions which apply to premises licensed as SEVs, whether or not those premises are also licensed under the Licensing Act 2003.

Whilst most venues providing nudity, striptease and sex related entertainment will require to be licensed as a SEV, there are premises and circumstances in which a SEV licence will not be required. In those circumstances the application would be considered under other policies within this statement.

F.123 Premises providing sex related entertainment are likely to constitute a public nuisance if they are:

- in or near residential areas
- in other areas which are not already associated with entertainment
- if they are close to schools, places of worship and community facilities.

Their clientele sometimes arrive and depart in large groups. Premises offering sex related entertainment have a cumulative effect particularly if they are clustered together. This is irrespective of any visual displays that indicate the type of entertainment on offer, which if judged to be indecent can be regulated by Indecent Displays (Control) Act 1981. Many of these premises are required to be licensed by the Licensing Authority as SEV's.

F.124 There are specific concerns over some aspects of crime and disorder and public nuisance that have associated with some poorly run premises offering this type of entertainment. These arise from lewd acts and disorder on the premises and prostitution, touting and "clipping" around and associated with the premises.

F.125 This policy, in conjunction with policies in respect of SEVs to ensure that where it is permitted it promotes the licensing objectives and has sufficient conditions attached to ensure the premises are managed satisfactorily. The Licensing Authority, and the police, are concerned that nudity or partial nudity does not become incidental to the operation of licensed premises such as pubs and bars on either a permanent or occasional basis. The Licensing Authority would expect that any proposals for such entertainment or operation as a "hostess" venue at any time should be identified in the operating schedule. In general the Licensing Authority will not consider that nudity is part of the normal operation of a pub, bar or restaurant and will require that the premises where such entertainment or operation is proposed benefits from an appropriate planning permission or other lawful planning use. The proper regulation of sex related entertainment requires a range of conditions to be imposed and supervised by the Licensing Authority and the specialist units of the police in order to promote the licensing objectives. The specialist resources to do this are limited and such necessary regulation cannot be operated if sex related entertainment is provided on an incidental or casual basis or in a great number of premises.

F.126 If nudity or partial nudity forms part of the entertainment (e.g. striptease, pole or lap dancing), or is part of the operation of the premises (e.g. topless or fetish bars and clubs), the Licensing Authority will attach conditions to any such premises licence it may grant to promote the licensing objectives. These will include conditions relating to:

- the exclusion of persons under 18 at all times from premises where these activities take place
- the prevention of views into the premises
- prohibiting exterior advertising of the sex related entertainment at the premises

F.127 Conditions will be imposed requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one

metre between performers and customers, and between performers during performance. This is to ensure that it can be easily observed that no touching, or other acts that would constitute disorder, take place. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. Licences for premises with “hostesses” will be subject to a range of conditions to ensure that they operate in a way that ensures that all charges are transparent to customers, that the identity of the hostesses are recorded, and that conduct of the “hostesses” with regard to patrons is regulated. The Licensing Authority may attach other conditions as appropriate.

- F.128 To prevent the proliferation of such premises, applications for premises which provide music, dancing and late night refreshment, that do not specify that there will not be any adult entertainment, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N on page 13 of the application form), will be asked to accept a “no nudity, no hostesses” condition on any licence granted. The removal of conditions which restrict adult entertainment or nudity in premises is likely to impact on the licensing objectives, and the council considers therefore that in general it is not appropriate to remove such conditions from licences under the “minor variations” procedure of the Licensing Act 2003.
- F.129 Sex cinemas are licensed under the 1982 Act and are permitted to exhibit pornographic films rated R18 by the BBFC to an audience for payment. These types of venues are now rare and in 2020 there were no Sex Cinema licensed premises in existence within Westminster. However, applicants can apply for a Sex Cinema licence and could apply for a licence under the 2003 Act to sell alcohol or provide other licensable activities. However, if an applicant applied for a licence under the 2003 for regulated entertainment to exhibit film, including R18 pornography and it was granted by the Licensing Authority then a Sex Cinema licence would not be required. In those circumstances this policy would not be applicable, and it would be considered under other policies within this statement.

G. Temporary Event Notices

TENS - Temporary Event Notices

- G.1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting no longer than 168 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority, the Environmental Health service and the Metropolitan Police in the form of a Temporary Event Notice (TEN)³⁴. There are two types of TEN, a standard TEN and a late TEN, which are subject to different processes. A standard TEN must be given no later than 10 working days before the proposed event; a late TEN may be given not before 9 but not later than 5 working days before the event.
- G.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. From 1st January 2016 the number of times premises can be used in one year is limited to 15 over a maximum of 21 days. The maximum duration of any single event authorised by a TEN cannot exceed 168 hours (7 days) and the minimum period between events at the same premises by the same premises user is 24 hours.
- G.3 Although the statutory notice for temporary events notices to the Licensing Authority and the police is 10 working days, the council would prefer that organisers give a minimum one month's notice of a temporary event. One month's notice is desirable to check that the limitations set down in the Act are being observed, and to hold a hearing if there are objections from the police or environmental health on grounds relating to any of the licensing objectives, or if they seek the notice to be modified³⁵. The police and environmental health must make their objection within 3 working days. Breach of notices which are crimes, even those not necessarily prosecuted by the Police, but which would be committed as a consequence of the event taking place, are relevant grounds on which the Police can issue a counter notice.
- G.4 Organisers may choose to notify the Licensing Authority and the Police of multiple events at the same time³⁶. Organisers of outdoor events are strongly advised to contact the council's Special Events Team.
- G.6 The council's Premises Management team may visit a permitted temporary event held under the terms of the Temporary Event Notice and may monitor the event to ensure it is in accordance with it and with other associated legislation (e.g. pollution, health and safety etc) if necessary.
- G.7 The Fire Authority will receive notice of these events from the council and will give fire safety advice on request. They may also carry out visits to events, and take any action necessary under fire safety legislation that they enforce.

³⁴ Paragraphs 7.2 to 7.5 Revised Home Office Guidance (April 2018)

³⁵ Paragraph 7.11 Revised Home Office Guidance (April 2018)

³⁶ Paragraph 7.22 Revised Home Office Guidance (April 2018)

H. Licence Conditions and Enforcement

CONS - Conditions on licences

- H.1 The Licensing Authority will not impose any conditions, other than those consistent with the operating schedule accompanying the application and any mandatory conditions required under the Act (see Appendix 15) unless its discretion has been engaged following the making of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the licensing objectives³⁷. It will also consider the issues of proportionality highlighted in Revised Guidance³⁸. It will only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations. Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of those premises. The primary focus will be on the direct impact of the licensed premises' activities on members of the public living, working or engaged in normal activity in the area concerned³⁹.
- H.2 When it is considered that the effect on the licensing objectives of the grant of a licence or a variation to a licence will be dependent on the licensable activities not being available to the general public, then conditions should ensure that events are genuinely private and that corporate events are genuinely for members of bona fide organisations. It should recognise that different corporate and private events can have a range of different impacts on the licensing objectives. The policy also recognises that the impact that promoter led events can have on the licensing objectives can vary considerably dependent on the promoter, but in all cases conditions should only be applied where appropriate to promote the licensing objectives and only be applied to premises hosting private or corporate events when they are proportionate to promote the licensing objectives. Appropriate model conditions have been drafted to assist applicants and responsible authorities.
- H.3 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises as the Licensing Authority will avoid attaching conditions which duplicate other statutory regimes as far as possible⁴⁰. However, these general duties will not always adequately cover specific issues that arise on the premises in connection with certain entertainment, and in these cases additional measures in the form of conditions will be required to promote the licensing objectives.
- H.4 Conditions include any limitations or restrictions attached to a licence or certificate and are essentially the steps the holder of the premises licence or the club premises certificate will be required to take when licensable activities are taking place at the premises in question.
- H.5 The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage⁴¹. Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

³⁷ Paragraph 10.8 Revised Home Office Guidance (April 2018)

³⁸ Paragraph 10.10 Revised Home Office Guidance (April 2018)

³⁹ Paragraph 1.16 Revised Home Office Guidance (April 2018)

⁴⁰ Paragraph 14.15 Revised Home Office Guidance (April 2018)

⁴¹ Paragraph 1.16 Revised Home Office Guidance (April 2018)

- H.6 When granting variations to licences, the Licensing Authority will apply conditions to replicate the effect of previous undertakings where relevant to the premises and the promotion of the licensing objectives.
- H.7 The council will utilise “works conditions” to the effect that the premises will not be operated until specified works are completed or measures put in place to the satisfaction of the relevant responsible authorities. This is an expedient way of resolving technical matters which cannot be readily determined at hearings.
- H.8 The council may publish and from time to time review a set of “model conditions” which may be used either by the applicant when completing an Operating Schedule or by the council when considering granting an application, to identify conditions which may be appropriate in the individual circumstances of an application. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

ENF - Enforcement approach

- H.9 It is essential that licensed premises operate in accordance with the Licensing Act and to ensure the promotion of the licensing objectives. Part of the Licensing Authority’s role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.
- H.10 In accordance with Revised Guidance, the Licensing Authority will work alongside the Metropolitan Police in promoting the licensing objectives⁴². Protocols will be agreed as appropriate between the police and the council on the responsibilities and procedures for joint working and enforcement.
- H.11 The council in its role as the Licensing Authority will also work in partnership with the Fire Authority to promote the licensing objectives. Protocols as appropriate will be agreed between the London Fire Brigade and the council on responsibilities and procedures for joint working and enforcement.
- H.12 The council has an established Corporate Enforcement Policy based around consistency, transparency and proportionality which can be viewed on the council’s website at http://www.westminster.gov.uk/sites/default/files/draft_corporate_enforcement_policy.pdf
- F.13 Inspection and enforcement under the Licensing Act 2003 will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.
- H.14 An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance.
- H.15 The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act and any licensing conditions, which may be attached to the premises

⁴² Paragraphs 14.16 and 14.17 Revised Home Office Guidance (April 2018)

licence. The frequency of inspections will need to be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.

- H.16 Premises found to be fully compliant will attract a lower risk rating and those where breaches are detected will attract a higher risk rating.
- H.17 The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the council's Corporate Enforcement Policy.
- H.18 Any complaints received by the council about unlicensed activity or the way licensed premises may be operating will be dealt with in accordance with the council's Corporate Enforcement Policy and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.
- H.19 Increasingly, applications have been made for premises licences at premises where a licence is already in force. Typically the applicant is the landlord of the premises where the licence holder of the licence already operating is their tenant. The landlord in many cases is seeking what they term a "shadow licence" on the same or similar terms to the licence already existing.
- H.20 The Act permits more than one licence to be in effect at any one time at the same premises and it has been established in law that the landlord may apply for a second or subsequent licence.
- H.21 The council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of one of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.
- H.22 The council recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of a premises licence in effect at the premises the council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives.
- H.23 In order to promote the licensing objectives the council will take a holistic view of the licensing circumstances at the premises. When the licensing authority makes an application to review a premises licence to promote the licensing objectives at a premises, it will also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives. Where the applicant for the review is not the licensing authority it will encourage the applicant to also consider whether it is appropriate to review all the licences in effect at the premises, and will consider bringing a review of any other licence in effect at those premises if it considers it appropriate to promote the licensing objectives.
- H.24 To support the council's approach to multiple licences for the same premises it is the licensing authority's policy that all licences take effect when granted and continue to have

effect in accordance with section 26 of the 2003 Act, and that the imposition of a condition which purports to suspend the effect of a licence would not promote the licensing objectives.

Glossary

Adult Entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over.⁴³ The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00. Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence. In Section 20, for the purposes of the exhibition of film, children means persons under 18.

Clipping

Obtaining money through deception by the apparent offer of sexual services or entertainment. This may involve the simple deception of receiving money and sending victims to addresses where no such offer is available, the supply of non-alcoholic drinks at inflated prices and the charging of fees for hostess services when not requested. In some instances, it is associated with luring victims to places where they are robbed.

De-regulated entertainment

The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:

Performances of plays between 8am and 11pm, provided that the audience does not exceed 500.

Performances of dance between 8am and 11pm, provided that the audience does not exceed 500.

'Not-for-profit' film exhibitions held in community premises between 8am and 11pm, provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises, and (b) ensures that each such screening abides by age classification ratings.

Indoor sporting events between 8am and 11pm, provided that those present do not exceed

⁴³ Section 145 (2) of the Licensing Act 2003 Chapter 17

1,000.

Any contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8am and 11pm, provided that the audience does not exceed 1,000.

Performances of unamplified live music between 8am and 11pm, on any premises.

Performances of amplified live music between 8am and 11pm:

- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500
- In a church hall, village hall, community hall, or other similar community premises that is not licensed by a Premises Licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
- At the non-residential premises of
 - (i) a local authority, or
 - (ii) a school, or
 - (iii) a hospital, provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the relevant premises from:
 - (i) the local authority concerned, or
 - (ii) the school or
 - (iii) the health care provider for the hospital.

Playing of recorded music between 8am and 11pm:

- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a Premises Licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
- At the non-residential premises of
 - (i) a local authority, or
 - (ii) a school, or
 - (iii) a hospital, provided that
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the relevant premises from
 - (i) the local authority concerned, or
 - (ii) the school proprietor or
 - (iii) the health care provider for the hospital.

Any entertainment taking place on the premises of the local authority between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority.

Any entertainment taking place on the hospital premises of the health care provider between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.

Any entertainment taking place on the premises of the school between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor.

Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 8am and 11pm, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) the travelling circus has not been located on the same site for more than 28 consecutive days.

Karaoke

Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.

Late night refreshment

Premises providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).

Licensable Activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (council) include the following:

- (a) the sale by retail of alcohol
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- (c) the provision of regulated entertainment
- (d) the provision of late-night refreshment.

Licensing Authority

In the Licensing Act 2003 licensing authorities in London are defined as the Councils of London Boroughs. For the purposes of this statement this is the City of Westminster.

On and Off sales of alcohol

For the purposes of this policy and conditions attached to a licence, an on sale of alcohol is a sale of alcohol intended for consumption on the licensed premises. An off sale occurs where the alcohol supplied is intended for consumption off the licensed premises. This may include the consumption of alcohol on an area of the highway where that area has been appropriately authorised for the use of tables and chairs by the highway and/or planning authorities.

Other Persons

There is no restriction under the Act on who may make a representation in respect of an application or apply to review a licence. Other Persons are anyone other than responsible authorities.

Personal Licences

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a Personal Licence (Part 6, Section 120). An individual is only permitted to hold one Personal Licence (Part 6, Section 118 Licensing Act 2003).

Private events

It may be important to determine whether an event is private either because it is relevant to determining whether an entertainment activity is regulated entertainment and therefore licensable under the Act, or to understand the extent of a condition which restricts access to a premises and which purports to operate to the exclusion of the general public. Events can only be considered bona fide private if persons attending the event have been personally invited or belong to a distinct class of persons so invited and who were directly connected to the organiser of the event. This would include persons working together, or friends and relatives of an individual holding a celebratory event but would not include persons who registered themselves on a “guest list” or took up some form of membership mainly for the purpose of gaining admission to the event.

Regulated Entertainment

Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment and when they are licensed and those activities which are not and therefore exempted from the regulated entertainment regime. The descriptions of entertainment activities licensable under the Act are:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

To be licensable, one or more of these activities need to be provided for the purpose of entertaining an audience; has to be held on premises made available for enabling that activity; and must either (i) take place in the presence of a public audience, or (ii) where the activity takes place in private, be the subject of a charge made with a view to profit.

Since the 2003 Act came into force further exemptions have been introduced through the deregulation of entertainment in certain circumstances and where different criteria apply. (see de-regulated entertainment above).

Relevant representation

A representation on the likely effect of the grant of an application or the operation of an existing licence on the licensing objectives.

Responsible authorities

These include:

- the Licensing Authority
- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for health and safety at work
- the Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution or harm to human health
- the recognised body responsible for the protection of children from harm
- the local authority's Director of Public Health
- the Trading Standards Authority

The council has recognised Westminster Children's Services Safeguarding & Quality Assurance Team to be competent for the protection of children from harm.

See under "vessels" for the additional responsible authorities for vessels.

Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at www.the-sia.org.uk

Sex Establishments

These are defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Licences are required for sex shops, and for sex cinemas, that are not providing regulated entertainment or late-night refreshment authorised under the Licensing Act 2003, and for sexual entertainment venues.

Street drinking controlled zone

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a Police officer's requirements.

Substantial Meal

A meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.

Substantial Table Meal

For the purposes of any references to a **substantial table meal** this means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

Table Meal

A table meal is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

Variations

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor. Where a licence holder wishes to make small variations to their licence which would not adversely impact on the licensing objectives a simplified “minor variation” process will apply.

Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a “premises” situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage.

The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels, for example, restaurant ships moored on the Thames Embankment.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

Appendices

Appendix 1 - Consultation on Revision 6 of the Councils Statement of Licensing Policy

Consultation was carried out with key stakeholders and interested parties on this policy for a formal period of five weeks, from 12th October to 15th November 2020, satisfying the requirements of section 5 of the Licensing Act 2003. Consultation was undertaken on the proposed revisions to version 5 of the Statement of Licensing Policy. Those consulted included the following:

- the Chief Officer of Police for the area the Fire Authority for the area other relevant and interested bodies/authorities persons/bodies representative of local holders of premises licences persons/bodies representative of local holders of club premises certificates persons/bodies representative of businesses in its area persons/bodies representative of residents in its area.

These included the Westminster Amenity Society Forum, and members of the Westminster Entertainment Forum. The consultation was also publicised through Licensing News to individuals and organisations, and their representatives, who have registered an on-going interest in licensed premises in Westminster, and available to members of the public on the council website.

170 responses to the consultation were received:

- 73 – from respondents who were affiliated with a licensed business or employed within a licensed premises in Westminster
- 27 – from residents
- 19 – from individuals*
- 17 – from Amenity Societies, Resident Associations or Neighbourhood Forums
- 12 – from organisations
- 10 – from Business Improvement Districts, Land or Property Owners
- 5 – from Licensing Solicitors or Agents
- 5 – from Councillors or Political Entity
- 2 – from responsible authorities

* The respondent did not identify or provide information to link their response with a respondent group type.

Appendix 2 – Licensing Authority Functions and Duties

The Council, as Licensing Authority under section 3 of the Licensing Act 2003 (the Act) has established a Licensing Committee in accordance with section 6 of the Act.

The Licensing Committee, through its Sub Committees, and the powers delegated to officers as detailed in Appendix 3, is responsible for the determination of applications relating to the following:

- Premises licences
- Provisional statements
- Club premises certificates
- Temporary event notices
- Personal licences for the sale or supply of alcohol.

Those activities under the Licensing Act 2003 which require a licence or other authorisation include the following:

- the sale of alcohol by retail
- the supply of alcohol to a member of a club
- the provision of regulated entertainment
- the provision of late-night refreshment.

Applications for New or to Vary existing Premises Licence or Club Premises Certificate

An application for a new premises licence or club premises certificate or to vary an existing licence or certificate must be advertised in accordance with regulations and the Licensing Authority will expect applications to be advertised to residents and businesses in the vicinity. The applicant must send a copy of their application to the “responsible authorities” if they are not making their application via electronic means (Councils online form). If an application is made using the Councils online form then the Licensing Authority will notify the responsible authorities of the application.

Applications must include an “Operating Schedule” setting out what licensable activities the premises will be used for and any other hours when it will be open to customers or members. The Operating Schedule should be prepared after an applicant’s assessment of the effect of the grant of the licence on the licensing objectives. Applicants are advised to consult the “responsible authorities” when they do this.

The council is itself the responsible authority for the purposes of the prevention of pollution of the environment including noise, for health and safety (in most cases), trading standards, as the planning authority and also as the Licenisng Authority. Acting in any of these capacities, it may make representations to the Licensing Committee acting as the Licensing Authority. These can be expected to be made with reference to the Statement of Licensing Policy. These representations may reflect views of the council; acting as the Principal Litter Authority or as the Waste Collection Authority or as the Waste Disposal Authority.

Unless “relevant representations” are made by the responsible authorities or “other persons” (including residents and businesses in the vicinity) that are related to the licensing objectives, the application must be granted. The licence or certificate will be subject to those conditions that give effect to the Operating Schedule and the mandatory conditions that are set by statute (see Appendix 15).

If the relevant representations are withdrawn, possibly after mediation and revision of the Operating Schedule, the Licensing Authority must grant the application. If the representations stand but all parties agree that there is no need to hold a hearing, the Licensing Authority can decide the application without holding a hearing, but this function cannot be delegated from the Licensing Sub Committee. If representations are not withdrawn and a hearing is necessary to determine the application the application will be considered by a Licensing Sub-Committee.

A formal decision will be issued by the Licensing Authority after the application has been determined.

Minor Variations

Under sections 41A to 41C of the Licensing Act 2003, an application may be made for small variations that will not impact adversely on the licensing objectives by way of a simplified 'minor variations' process.

Under this process, the licensee is not required to advertise the variation in a newspaper or copy it to responsible authorities. However, they must display a white notice at the premises in accordance with regulations for no less than ten working days, starting on the working day after the minor variation was given to the licensing authority.

Upon receipt of an application for a minor variation, the licensing authority shall consider whether the variation could adversely impact upon the licensing objectives. In considering the application, the licensing authority will consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives or it requires specialist advice.

The licensing authority will also take into account any relevant representations received from any other person (who is not a responsible authority) in making a decision on a minor variation application. There is no right to a hearing under the minor variation procedure.

Applications must be determined no later than 15 working days, beginning on the first working day after the application was received by the licensing authority. There is no right of appeal against the decision of the licensing authority.

Where the licensing authority considers that the variation could adversely impact upon one or more of the licensing objectives, the application will be refused. If the application is not determined within 15 working days, the licensee will initially be offered the opportunity to treat the undetermined application as a new application.

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises
- The removal of out-of-date, irrelevant or unenforceable conditions
- The addition of volunteered conditions
- The addition of certain licensable activities.

Applications to remove licensable activities will normally be approved as minor variations.

Variations to:

- Extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or
- Increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases. The licensing authority expects the applicant to clearly set out the reasons why the proposal could not adversely impact upon the variation. Where reasons are not provided, less weight will be given to the potential of the variation to not adversely impact on the licensing objectives. Generally, applications to add conditions will be considered as an exception to this presumption.

Provisional Statement Application

Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:

- the activities to take place there;
- the time at which such activities will take place;
- the proposed hours of opening;
- where the applicant wishes the licence to have effect for a limited period, that period; • the steps to be taken to promote the licensing objectives; and
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.

The 2003 Act therefore provides for a person who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations.

Applications for a provisional statement are made in a similar manner to those for new and variation applications as set out above.

Transfer Applications

A licence can be transferred from one person to another at any time. A transfer application can be made on behalf of a business, partnership or individual to the Licensing Authority.

Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late-night refreshment.

Where it is made electronically via the Councils website or via GOV.UK, the Licensing Authority will notify the police and the Home Office (Immigration Enforcement). However, the responsibility to notify the Designated Premises Supervisor remains the responsibility of the applicant.

In the vast majority of cases, it is expected that a transfer will be processed without delay. However, the applicant can make it clear on their application that the transfer will take immediate effect. This will deem the transfer valid until such time as the Licensing Authority determines the application.

In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Designated Premises Supervisor

Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the designated premises supervisor (DPS).

All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.

Applications must be in the prescribed form and accompanied by the specified documents and fee. Applications to vary an existing licence to specify a new person as the premises supervisor must be made on the prescribed form and be accompanied by the specified documents and fee.

In exceptional circumstances, the police may object to the appointment of an individual as a designated premises supervisor.

Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a designated premises supervisor would undermine the crime prevention licensing objective, the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

If a premises licence holder intended to change the designated premises supervisor, they are required to make an application to the Licensing Authority. An application for the variation of the designated premises supervisor must be made on the prescribed form and be accompanied by the specific documents and fees required for that process. The Police can, if appropriate to promote the licensing objectives oppose the application to vary the designated premises supervisor.

Other applications

For further information on Interim authority notices and the right of the freeholder, etc to be notified of licensing matters or for further information on the above applications under the Licensing Act 2003 please visit the Councils website at www.westminster.gov.uk/licensing or review the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, which is available via GOV.UK.

Appendix 3 – Delegation of Licensing Functions

| Matter to be dealt with | Licensing Committee or Sub-Committee | Officers |
|---|--------------------------------------|---------------------------------------|
| Applications for personal licence | If a police objection | If no objection made |
| Application for personal licence with unspent convictions | All cases | |
| Application to vary the designated premises supervisor | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | All cases |
| Application for a new premises licence or club premises certificate | If a relevant representation is made | If no relevant representation is made |
| Application for a provisional statement | If a relevant representation is made | If no relevant representation is made |
| Application to vary an existing premises licence or club premises certificate | If a relevant representation is made | If no relevant representation is made |
| Application for a minor variation to a premises licence or club premises certificate | | All cases |
| Determination whether to consult other responsible authorities on minor variation applications. | | All cases |
| Application for the transfer of a premises licence | If a police objection | All other cases |
| Application for Interim Authorities | If a police objection | All other cases |
| Application for a Notification of Interest | | All cases |
| Application to review a premises licence or club premises certificate | All cases | |
| Decision on whether a representation is irrelevant, frivolous, vexatious, etc. | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority consider the application. | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition. | If a policy objection | All other cases |

| | | |
|--|-----------|--|
| Determination of a Police or Environmental Health representation to a temporary event notice | All cases | |
|--|-----------|--|

In certain circumstances it may be necessary for the Licensing Committee or a Sub-Committee to determine a case that would normally be determined by an officer under delegated powers.

Appendix 4 – Reviews of Premises Licences or Club Premises Certificates

Working in partnership

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the police, fire authority and the council. The council will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement (Revised Guidance, paragraph 11.10).

Purpose of reviews

The review process is integral to the operation of the Licensing Act 2003. The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the licensing authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the responsible authorities and other persons to apply for a review of the licence. In appropriate circumstances, the Licensing Authority itself may review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring (Revised Guidance paragraph 11.1).

Initiating reviews

At any stage, following the grant of a premises licence, any of the responsible authorities or any other person, such as a resident living in the vicinity of the premises, may apply to the council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The police can take action to close premises for up to 24 hours on grounds of disorder and noise nuisance under the terms of the Licensing Act 2003, and the powers for the police to apply for an expedited review of a premises licence where the premises selling alcohol are associated with serious crime and disorder. There are powers under Sections 40 and 41 of the Anti Social Behaviour Act 2003 for Environment Health officers to close premises for 24 hours on grounds that noise from licensed premises is causing a public nuisance. The licensing authority can also initiate its own reviews of premises licences, and officers of the council who are specified as responsible authorities under the Act, or elected members of the council, may request reviews (Revised Guidance, paragraph 11.5).

In every review case an evidential basis for the allegations made will need to be submitted to the council as the Licensing Authority.

When a request for a review is initiated from a person other than a responsible authority, the council is required to first consider whether the representation made is relevant to the licensing objectives, or is vexatious or frivolous. (Revised Guidance paragraph 11.11). In addition, the Secretary of State recommends that more than one review on similar grounds originating from interested parties should not be permitted within a period of 12 months except in exceptional and compelling circumstances or where it arises following a closure order (Revised Guidance, paragraph 11.13).

Where the council receives a request for a review in accordance with the closure procedures described in Part 8 of the Act, the council will arrange a hearing in accordance with the regulations set out by the Secretary of State (Revised Guidance, paragraph 11.15).

Powers following determination of review

The council, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps to promote the licensing objectives:

- modify the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition), for example by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

(Revised Guidance, paragraphs 11.19)

Other steps that can be taken by the council include:

- taking no action
- issuing an informal warning
- recommending improvements within a particular time
- monitoring by regular inspection and invite to seek a further review if problems persist.

Revised Guidance paragraph 11.18 states “However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.”

Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003; the council will treat representations that these offences have occurred seriously when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises, and which will be treated particularly seriously:

- sale or distribution of drugs and the laundering of the proceeds of drug crime
- sale or distribution of stolen or counterfeit goods or weapons
- sale of smuggled tobacco and alcohol
- prostitution, pimping or procuring
- use as a base for criminal activity, particularly gangs
- organisation of racist activity
- unlawful gaming and gambling
- knowingly employing a person who is unlawfully in the UK, or cannot lawfully be employed
- grooming of children by organised groups of paedophiles

(Based upon Revised Guidance, paragraph 11.27)

Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence - even in the first instance - will be seriously considered (Revised Guidance, paragraph 11.28). However, revocation also remains an option if other licensing objectives are being undermined.

Appendix 5 – Westminster Strategies

The council has prepared several strategies that contain visions, aims and objectives to promote, improve, and protect Westminster’s status as a world class city . The council has had regard to the local strategies, which have been developed for the city’s businesses, residents, workers and visitors. These are outlined below. The council intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the Statement of Licensing Policy is consistent with the aims and objectives of these strategies and will continue to participate in partnerships and committees as appropriate (Revised Guidance, paragraph 13.56).

City for All (2020/21)

City for All is the council’s corporate strategy and it invites each one of us to play a part in creating a city that is Greener and Cleaner; has Vibrant Communities and use Smart technologies to improve services. City for All aims to focus the council’s efforts to tackle the one of biggest challenges facing Westminster today - the Climate Emergency - we want to create a better place now and to safeguard our city for future generations. We will enable all our communities to share in the economic prosperity of our city and create opportunities for everyone to make responsible choices for themselves, their families and their neighbourhoods. We also want to create a smart City by using cutting edge technology to transform council services and improve people’s lives.

Westminster Draft City Plan 2019 – 2040 and Unitary Development Plan

The Westminster City Plan (2019) and Unitary Development Plan (adopted January 2007) contain planning policies which control the location, size and activities of entertainment uses to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city. These policies will be supported by Supplementary Planning Guidance, currently being developed by the council. The City Plan is currently in draft phase and is undergoing statutory examination as of November 2020.

West End Partnership Vision 2030

The West End Partnership was established in 2013 to provide stronger leadership, greater coordination and a more influential voice for the West End. This Partnership draws upon senior public service and private sector leaders including those from the City of Westminster and London Borough of Camden, academic experts and residents’ representatives working together for the common good of the area.

Economic Development Strategy Framework (2015)

The framework sets out the approach the council is taking to economic development in the city. It sets out the principles for prioritising projects and identifies strategic themes through which the council vision will be delivered. The framework recognises that the first step in tackling problems of deprivation is getting individuals into sustained and good quality employment – and then helping them make the best of the chances that work can bring. This in turn depends on ensuring Westminster is a place that welcomes and nurtures enterprise, with a council that is open for business.

Safer Westminster Partnership Strategy (2017-2020)

The Safer Westminster Partnership is the statutory Community Safety Partnership (CSP) established to meet the requirements of Crime and Disorder Act 1998. The Partnership, currently led by the Metropolitan Police, has a duty to conduct an audit of crime, disorder, anti-social behaviour and drug misuse in Westminster, to consult widely on the findings and set strategies to tackle the issues identified.

There is currently a three-year strategy in place (The Crime and Disorder Reduction Strategy) under which the partnership sets more detailed annual plans. Since the last three-year Crime and Disorder Reduction Strategy was agreed there have been significant reductions in street crime, burglary and motor vehicle crime.

Health and Wellbeing Strategy (2017 - 2022)

The Joint Health and Wellbeing Strategy sets out the priorities and actions which the Health and Wellbeing Board are planning to carry out in the period 2017 to 2022 to improve the health and wellbeing of people living in, working in and visiting Westminster.

Alcohol Strategy

Reducing alcohol related harm by encouraging responsible drinking, protecting individuals and communities from alcohol related criminal behaviour, and improving treatment and support for those affected by problems of alcohol abuse.

Greener City Action Plan

Our Greener City Action Plan (GCAP) plays an important part in how the City of Westminster is leading the way to becoming a more sustainable city, supporting the council's Greener and Cleaner commitment in City for All. Regular performance reporting is undertaken on GCAP deliverables via service area business plans. Since the City Council declared a Climate Emergency in September 2019, the council has been moving at pace to develop a comprehensive programme to support the delivery of the council's carbon neutral ambitions. Many of the GCAP programmes now align and overlap with the Climate Emergency programme of activities. Moving forward, the intention is for GCAP priorities to be subsumed within the Climate Emergency programme to maximise opportunities to deliver environmental co-benefits. This will be reflected in the council's emerging Climate Emergency Action Plan, due early 2021.

Air Quality Action Plan 2019 – 2023

Westminster City Council is required to produce an Air Quality Action Plan as part of its duty to London Local Air Quality Management. The 2019 – 2023 Action Plan follows on from the previous plan (2013 – 2018) under which our key achievements included:

- Providing London's largest number of electric vehicle charging points
- Launching the nationally award winning Don't Be Idle campaign and
- Partnering on cutting edge research and global best practise with research institutes including King's College London

The plan in two parts – Part 1 sets out the context incorporating the council’s statutory requirements as an Air Quality Management Area. It establishes the links between air pollution and a range of the council activities, policies and strategies, including,

- Sustainable transport
- Public Health, and
- Climate Emergency.

The second part of the plan is the Action Plan. It consists of 88 individual actions that the council will undertake to support air quality improvement in the city.

- Monitoring Air Quality – to continue to monitor air quality across the city to continually assess our compliance with Air Quality Limit Values and against World Health Organisation targets
- Reducing emissions from transport – to implement a range of measures to reduce emissions from transport sources throughout the city, to continue to be the leading local authority for Electric Vehicle Charging infrastructure and to continue to support major policy interventions to reduce emissions from transport sources
- Reducing emissions from buildings and new development – to mitigate and minimise emissions from both existing buildings and from new development using a combination of policy, partnership working and specific projects and interventions that will support creating a net zero emission city by 2040
- Awareness raising to continue to research and implement wide ranging behaviour change and awareness raising projects around air quality to inform and educate our stakeholders, and
- Lobbying and partnership working – to call for more action from where necessary from regional and national government

Each theme and the actions that sit beneath it have been incorporated into the latest iteration of City for All and embedded across relevant directorate activities.

Other Strategies

Equality and Diversity Strategy and Action Plan (including the Primary Care Trust Race, Diversity and Gender Equality Schemes)

Local Implementation Plan (2011)

Programme for a Healthier Westminster (2006)

Draft Municipal Waste Management Strategy for the City of Westminster (2016 to 2031)

Appendix 6 – Other relevant legislation

Gambling Act 2005

The Council is the Licensing Authority for the City of Westminster under the Gambling Act 2005. As a licensing authority the council has powers to regulate the local provision of gambling to granting, refusing and attach conditions to premises licences and review premises licences and attaching conditions or revoking them as a result. There is a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles we propose to apply in exercising our functions under the Gambling Act 2005

Planning legislation and building regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Paragraph 13.57 of Revised Guidance makes it clear that licensing committees are not bound by decisions of the planning committee and vice versa. The grant or variation of a licence by the licensing committee which involves a material alteration to a building would not relieve the applicant of the need to apply for and obtain any relevant planning permission or building regulation approval where appropriate before operating under the terms of the licence or Temporary Event Notice (Revised Guidance, paragraphs 13.57 and 13.58). In Westminster, which is a densely built up area with a variety of uses in close proximity, the council expects all applications for new licences and variations to demonstrate that the proposed activities are lawful planning uses.

Health and Safety at Work Act 1974 and associated legislation

The council is the administrative and enforcement authority for this legislation for almost all premises in the city. Where responsibility for health and safety administration is designated to another body, such as the Health and Safety Executive, the council will work in partnership with that body to promote health and safety improvements.

Human Rights Act 1998

The council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate his business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

Equality Act 2010

Westminster recognises that the Equalities Act places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not share it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion and belief, sex, and sexual orientation.

Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states,

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

The Anti-social Behaviour, Crime and Policing Act 2014

The Act introduced a wide range of powers available to the Police and local authorities to tackle anti-social behaviour, including incidents of crime, nuisance and disorder, which make people’s lives a misery. This Act covers noisy neighbours, vandalism, litter and public drunkenness. It has introduced public spaces protection orders which allows a local authority to designate areas within their Borough where certain anti-social behaviour will be prohibited, including drinking. It also gives the Police or local councils the ability to close premises where nuisance and disorder is taking place. They also allow the Police and local authorities to issue Community Protection Notices (CPN’s) for a wide range of anti-social behaviour.

Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

Fire safety legislation

The London Fire Brigade enforce fire safety legislation. This currently includes the Fire Precautions (Workplace) Regulations, the Fire Precautions Act, and the Regulatory Reform (Fire Safety) Order 2005.

Merchant shipping legislation

This applies to vessels that undertake voyages but not to those permanently moored.

Sex Establishment legislation

The Local Government (Miscellaneous Provisions) Act 1982, as amended by the Greater London Council (General Powers) Act 1986, and the Policing and Crime Act 2009.

City of Westminster Act 1999

The City of Westminster Act 1999 is a local Act which regulates street trading in Westminster. Consent for the use of tables and chairs on the highway associated with licensed premises may need authorisation under the 1999 Act. A temporary street trading licence issued under the 1999 Act will define the permitted area to be used, the hours for which the consent is granted, and any limitation on the numbers of tables and chairs or restrictions on other associated equipment.

Appendix 7A – Metropolitan Police crime prevention and effective management checklist.

A. Links to health and safety policy and legislation:

1. Is there a written Health and Safety Policy for the premises?
2. Is there a written Risk Assessment?
3. When was it carried out and how often is it reviewed and reassessed?

Incident logs – Crime & Disorder incidents to be recorded in detail and checked/supervised by a manager.

B, Mapping scheme, mark location incidents within premises

1. Is there an incident log in operation?
2. Is the incident log available for inspection?
3. Within your premises, where are your crime hotspots and are they covered by CCTV?

C. Staff training – training to resolve identified risks

1. Are all staff trained to recognise aggressive or suspicious behaviour and recognise intoxication?
2. Do staff receive any conflict management training?
3. Are all staff requested to approach customers about unattended property/clips?
4. On busy nights, are staff employed to warn customers about leaving property unattended?
5. Do door Supervisors attend staff training days?
6. Is there a record of staff training?
7. Do staff sign a training attendance record?
8. Who is responsible for company policy on staff training?

D. Staffing levels

1. What are your minimum and maximum staffing levels?
2. How are they decided?

E. Design of premises – implement recommendations of CPO

1. How many points of entry are there?
2. Are the entry points monitored and covered by CCTV?
3. Is there a Police response alarm?
4. Do staff carry panic buttons?
5. Do Staff wear BWV?
6. Is there a panic button in cash office?
7. How is capacity monitored and recorded?

8. Are the tills positioned, so staff face customers?
9. Is cash stored at the premises?
10. Is there a cloakroom?
11. Does the cloakroom offer free hand luggage storage?
12. Is the cloakroom facility advertised?
13. Can the toilets be monitored easily and are they checked frequently?
14. Are cupboards & drawers within the toilet kept locked?
15. Are the cisterns boxed in and secure?
16. Are there any flat surfaces?
17. Do toilet cubicle doors have a gap at top and bottom (recommend gap at bottom of 200mm)?

F. Managing the effects on the local environment

1. Ensure glass is not taken outside the premises. Glass related assaults can be minimised by having in place appropriate measures to mitigate its Risk such as SIA Registered Door staff to monitor those persons leaving or re-entering, visible sign displayed stating that no glass is allowed outside, but offer an alternative such as polycarbonate.
2. Are noise levels within legal limits? (To be set by EHO). Consider if it would be appropriate to ask for pre-application advice from Westminster City council environmental health team. (Depending on your type of venue, and any form of regulated entertainment).
www.westminster.gov.uk/licensing-and-planning
3. Ensure that pedestrians & vehicles are not affected. Considerations should be given to identifying your venue boundary, and putting in place mitigation to ensure it is not expanded, therefore causing highway obstruction of the public roads and footpaths.
4. No rubbish on the street. Westminster City council Web Site, will be able to offer advice on collection days. The City Inspectors regularly conduct patrols to engage with local Business.
www.westminster.gov.uk/recycling-and-rubbish
5. Correct use of CCTV. It would be imperative that the CCTV system complies with up to date regulations, and that the Model Conditions within Westminster City Council List of Model conditions is adhered to. <https://www.gov.uk/data-protection-your-business/using-cctv>
6. Are staffing levels adequate to monitor outside drinking? Appropriate levels of Staff must be trained in the responsible sale of alcohol and in recognising signs of intoxication both in and out of the premises.
7. What links do you have with local residents? Consider engaging and building rapport with your community, consider joining a local Pub Watch, where issues can be discussed and build confidence in responsible management.
8. What steps are taken to minimise disruption when people are leaving? Signs can be placed on exit points asking that patrons leave as quietly as possible, consider the use of a dispersal policy staff or SIA stay behind another 30 minutes to ensure safe departure of patrons, away from the venue.

G. Commercial policies – i.e. happy hours & drink Promotions. & Victim Care Policy

By Their very nature, these events can increase intoxication and associated crime and Anti-Social Behaviour. Mitigation to be considered as examples would be.

1. Welfare and Vulnerability Engagement Training. www.nbcc.police.uk/guidance/wave-presentation
2. Ask For Angela Campaign. www.met.police.uk/AskforAngela
3. The use of Welfare Officers.
4. Conflict Management training
5. Crime Scene Preservation Training.

H. CCTV

See Appendix 8

I. Security

1. Are all security personnel SIA (Security Industry Authority) trained and do they possess a current, valid Licence? This Licence must be seen at all times when engaging in designated licensable activity.
2. How often is the resourcing of security assessed and is this documented in an ongoing risk assessment?
3. Who is responsible for supervising security staff?
4. Is there a written security policy? Access, queues, ejections, positioning of security.
5. Is the queue supervised outside the venue?
6. Is the queue supervised at the cloakroom?
7. Is a record kept of door staff working on each day?
8. Are personal details of security staff kept?
9. How is the capacity managed and monitored?
10. Do your security undergo regular Conflict Management training?
11. Is there a need for Body Worn Video to be utilised by security on duty?

J. Crime prevention

1. Is crime prevention advice literature clearly displayed in a prominent position within the venue?
2. Is there a company policy regarding the display of crime prevention material?
3. Who is in charge of the policy?
4. What crime prevention initiatives are in place?

5. Are new staff members made aware of what issues the venue may have with regards to crime? This will ensure staff know what to look out for and how to advise customers, i.e high levels of bag thefts, phone thefts from tables.

K. Outside eating & drinking

1. Does the venue allow outside drinking?
2. Has the venue got a WCC 'tables and chairs' licence?
3. How are customers supervised outside? i.e. smoking area
4. How are numbers of persons outside controlled? (Capacity).
5. Is crime prevention literature displayed outside?
6. Have any crime prevention measures been implemented outside?
7. Is the outside area risks assessed with regards to passing pedestrians and traffic?
8. Are tables and chairs taken in when not in use, to prevent them offering opportunities for being used in crimes and disorder?
9. Does CCTV adequately cover the exterior, including any seating or smoking area?

L. Drugs and Weapons

1. Does the premises have a search policy?
2. Are notices prominently displayed explaining the policy?
3. Do staff receive regular search training?
4. Do security staff patrol inside the premises?
5. Are staff trained in identifying problems within the venue?
6. Are efforts made for close supervision of toilets and poorly lit areas?
7. Are their toilet attendants equipped with radios?
8. Are police periodically informed of seizures? If more than for personal supply is found, Police should be called. Otherwise seize suspected substances and refuse entry
9. Are seizures correctly documented? With date, time, place member of staff
10. Has the premises been supplied with self-sealed property bags and plastic weapon containers?
11. Are door staff trained in how to deal with weapons/firearms?
12. Is there a policy for the safe retention of items such as drugs/weapons and firearms? And when Police should be called
13. Do management/staff keep written notebooks for 'original notes' such as incident logs?
14. Does the venue provide search arches and or search wands?
15. Will the venue be using drug swipes?
16. Are door staff licensed? (SIA licence is now obligatory)
17. Does the venue consider providing local police with details of events involving outside one month notice? And complete risk assessments

18. Does the premises enter into contractual agreements with outside promoters?
19. Are police contacted before such agreements are signed? (this is now up to operators themselves to risk assess)

M. Admission of children

1. Ensure door supervisors/staff are trained and empowered to deal with underage drinking.
2. Is there a policy in place to deal with underage drinking under the licensing objective of protecting children from harm?
3. Put in place robust systems to monitor and control the access of young people.
4. Ensure a Challenge 21 or Challenge 25 scheme is in place where the only forms of identification that are acceptable are recognised photo identification such as Driving licence, passport, or those with the PASS hologram.
5. Display of Policy on checking of age.
6. Does the venue have ID scanner installed? How long will this information be kept? Does it have a camera fitted to capture an image of the person entering

Appendix 7B – Licensed Premises Applications – Action Counters Terrorism (ACT) Products.



Licensed Premises Applications. Action Counters Terrorism (ACT) Products.

The threat from terrorism to the U.K. is real and enduring. Crowded Places provide a target rich environment for those engaging in acts of terrorism. Licensed Premises by the nature are crowded publically accessible places and will be at risk.

The table below helps applicants decide which of the ACT products is needed to achieve the following.

- **Vulnerability reduction.**
- **Increased preparedness for and resilience to terrorist attack.**
- **A strong and positive security culture (limiting the opportunity for criminals).**

The table is a guide only and designed to recognise that operations and licensable activities vary in size and nature and therefore any security planning requirement need to be proportionate. Please note that this is a guide and access to ACT products is not in most cases restrictive.

Further information and directions regarding **ACT E Learning** and the **ACT APP** can be found by visiting www.NaCTSO.GOV.uk

For further information regarding the delivery of **ACT Strategic**, **ACT Operational**, and **ACT AWARENESS** products across the City of Westminster, please contact Metropolitan Police Service, Counter Terrorism Protect Officers by e mailing PSOArea2@met.pnn.police.uk

A brief outline of each ACT product is provided below. If applicants are unsure or need further advice please use the contact details provided where help is readily available.

| Premises Type (By Sector) | Relevant ACT Product | Specific to (but not exclusive) |
|--|--|--|
| Bars, Pubs, Clubs (including private members clubs and Sex Establishments). <i>Size and nature of operation and location is factor, e.g. large nightclub v small Public House.</i> | ACT Strategic. ACT Operational. *ACT Awareness. *ACT – E Learning. ACT APP / PSO SHIELD APP. | Designated Premises Supervisor. Premises Licence Holder. Managers. Head of Security. Facilities Management. ANY other managerial stakeholders contracted to the premises to maintain Public Safety / Security. |

| | | |
|-----------------------------------|--|---|
| | | *Recommended for ALL permanent & contracted employees. |
| Stadia (Music / Sporting). | ACT Strategic. ACT Operational. *ACT Awareness. *ACT – E Learning. ACT APP / PSO SHIELD APP. | Designated Premises Supervisor. Premises Licence Holder. Managers. Head of Security. Facilities Management. ANY other managerial stakeholders contracted to the premises to maintain Public Safety / Security. *Recommended for ALL permanent & |
| Theatres. | ACT Strategic. ACT Operational. *ACT Awareness. *ACT E Learning. ACT APP / PSO SHIELD. | General Managers, Operations Managers, Head of Security, Facilities Managers. *Recommended for ALL permanent & contracted Employees. |
| Events. | ACT Operational. *ACT Awareness. *ACT E Learning. ACT APP / PSO SHIELD. | Designated Premises Supervisor. Premises Licence Holder. Head of Security / Steward. All Stewards & Security personnel. *Recommended for ALL permanent & contracted Employees. |
| Cinemas. | ACT Operational. *ACT Awareness. *ACT E Learning. ACT APP / PSO SHIELD. | Designated Premises Supervisor. Premises Licence Holder. Duty Managers. Head of Security. Facilities Management. ANY other managerial stakeholders contracted to the premises to maintain Public Safety / Security *Recommended for ALL permanent & |

| | | |
|--|---|--|
| Restaurants (Independent / family owned). | ACT E Learning. ACT APP. | *Recommended for ALL permanent & contracted Employees. |
| Restaurants (corporate chains). | ACT Operational. *ACT Awareness. *ACT E Learning. ACT APP / PSO SHIELD (Managers). | *Recommended for ALL permanent & contracted Employees. |
| Café / Late Night Refreshment Premises, other small premises conducting a licensable activity. | *ACT E Learning. *ACT APP. | *Recommended for ALL permanent & contracted Employees. |

ACT STRATEGIC.

- Duration: 3 hours.
- For Decision Makers. Discussion based workshop to develop understanding and share best practice to help organisations prepare strategies to manage and recover from a terrorist attack.

ACT OPERATIONAL.

- Duration 3 –4 HOURS.
- For ALL STAFF. Interactive workshop designed to raise awareness of CT issues, ensure crisis and recovery plans are responsive to current and emerging threat and risk, improve security culture, assist delegates with understanding the role they play and increase confidence when responding to an incident.

ACT AWARENESS.

- Duration 2 hours.
- For ALL staff. Facilitated awareness presentation to a general audience which is designed to raise awareness of the threat from terrorism and actions they can take to protect themselves and their organisation from or during an attack.

ACT E LEARNING.

- Duration 1 hour.
- For ALL staff. An entry level, interactive, online product designed to provide CT guidance to help mitigate against current terrorist methodology. There is an option for businesses to deliver the course using their own Learning Management System through a SCORN file.

Appendix 8 – Recommended ‘minimum’ requirements for CCTV systems within Westminster

1. The Metropolitan Police requests all licensed premises have CCTV systems.² It is best practice to cover as much of the inside of the premises as possible, and any external tables. Entrances are particularly important to allow for frontal identification for every person entering the venue. When customers are searched by security on arrival, this should also be covered on camera.
2. The CCTV DVR main recorder (or can be termed an NVR) should be in a secure, lockable room.
3. CCTV recordings should be stored for a recommended minimum of 31 days.
4. Managers and selected staff should have individual password access.
5. CCTV equipment should be checked on a daily basis and any faults and corresponding engineer call outs; immediately arranged and recorded in the Incident Log.
6. You must notify the Information Commissioners Office (ICO) of the CCTV system in your licensed premises (ico.org.uk)
7. You should ensure there is adequate lighting to provide good images or that the cameras have effective Infra-Red illumination for dark areas e.g. dance floors.
8. There should always be a member of staff on duty who can operate the CCTV system and burn off footage for Police if requested.
9. There should be one Manager or member of staff appointed as the data controller; to handle any CCTV access requests.
10. There must be adequate signage informing customers that CCTV is in operation.
11. You must ensure that the time set on the DVR is correct, particularly following seasonal changes GMT to BST etc.
12. When recording incidents in the incident log, where CCTV has been referred to, the DVR (if there is more than one) should be recorded, along with the camera number and exact times. This enables fast time location of footage.
13. You should always ensure that CCTV is only for the prevention of crime and disorder and remember it is always subject to the 2018 Data Protection Act, which contains principles you should have a basic awareness of.

Appendix 9 – Prevention of crime and disorder

Measures for pubs, bars and music and dance premises

- a) Effective measures to check the age of those possibly under 18.
- b) Ensure door supervisors and management are trained and empowered to deal with underage drinking.
- c) Put in place robust systems to monitor and control the access of young people.
- d) Have a policy statement to deal with underage access, which should include Reference to the use of approved 'Proof of Age' schemes that include photo identity cards such as the PASS scheme.
- e) Display of policy on checking of age.
- f) Whether the design and layout of the premises are likely to lead to local overcrowding.
- g) Measures to ensure no excessive drinking and drunkenness.
- h) Measures to promote sensible drinking: These will include the encouragement of purchasing soft drinks and pricing them below that of alcoholic drinks.
- i) Regard paid to good practice guides and industry codes; e.g. on packaging and labelling; drink promotions especially discounted promotions such as "happy hours", "buy one get one free" offers.
- j) Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
- k) Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.
- l) Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the vicinity of the premises.
- m) Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions. (See Metropolitan Police's minimum requirement Appendix 8.)
- n) Adequate measures to prevent the use and supply of illegal drugs.
- o) Adequate search procedures to prevent the bringing of illegal drugs or weapons into the premises.
- p) Information displayed for staff and patrons and the training for staff on drug awareness including the spiking of drinks with drugs.
- q) Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons. The MPS Alcohol and Licensing Strategy along with Safer Clubbing Guidance (published by Home Office and London Drugs Policy Forum) has sections on seizure procedure.
- r) Participation in a Pubwatch, Clubwatch or other local crime reduction schemes.

Appendix 10 – Metropolitan Police Service

Licensing Policy Statement

The Metropolitan Police Service are committed to reducing the levels of crime and disorder associated with premises undertaking 'Licensable Activities' and to providing active supervision of such premises. We will work in partnership with licensed premises to ensure that they are aware of the principles of good management and abide by them. Where co-operation is not forthcoming, we will enforce compliance with existing legislation by working in partnership with Westminster City Council and other Responsible Authorities. Whilst every application will be considered on its individual merits and there will be no general policy of opposing all new applications or variations, this policy seeks to allow for the fact that the City of Westminster occupies a unique position in terms of its policing challenges.

Premises licensed for the sale and consumption of alcohol create significant demands on resources. This Policy must balance the various competing rights of individuals and businesses whilst allowing police to focus their resources on those areas of greatest need and effectively reduce crime and disorder. Westminster Police believe that the cumulative impact on levels of crime and disorder generated by licensed premises within the West End Cumulative Impact Area is significant. Any further increase in the numbers of licensed premises within this area would lead to an increase in overall crime and disorder and should not be countenanced. Therefore, any application relating to premises within the West End Cumulative Impact Zone which is likely to add to the crime and disorder problems which already exists is likely to result in an objection by the police unless exceptional circumstances apply.

All applications will be considered on their individual merits. Westminster Licensing Police expect an application to clearly describe the business and activities taking place so that an informed decision can be made. Applications will only be opposed if the application does not promote the Licensing Objectives. All applicants should follow the advice contained within the relevant Appendix of this Licensing Policy.

Appendix 11 – Guidance on noise

1. The council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities. The Westminster Noise Strategy outlines Westminster’s commitment to adopt noise conscience city management, planning and licensing.

Note: in September 2020 the government brought in changes under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 whereby retail and restaurant use are permitted developments under Use Class E. Particular attention should therefore be made to the requirements in Section 10 below.

Noise sources

2. Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority’s noise criteria relate to all these sources of noise whether indoors or in the open air, including:
 - (a) music and human voices, both amplified and unamplified
 - (b) other internal activities
 - (c) use of open areas
 - (d) patrons queuing
 - (e) patrons and staff entering and leaving the premises and in its vicinity
 - (f) vehicles arriving, waiting, parking and departing
 - (g) deliveries and collections including refuse and collection of recyclable materials
 - (h) plant, machinery and associated equipment
 - (i) any other factors that could cause noise disturbance.
3. Many licensed activities can cause noise that is heard outside the premises or originates from an open air site and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities, should take account of the criteria and guidance on noise set out below which indicates circumstances in which a noise report will be necessary and what it should contain.
4. On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

Information on noise

5. All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met.
 - (a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within one year prior to this application.
 - (b) There have been no noise complaints relating to the premises received by the applicant, the council or the police within one year prior to this application.
 - (c) There have been no objections to the renewal of a licence in relation to the premises within one year prior to this application.

- (d) There are no noise sensitive properties above, below, adjacent, opposite in the proximity of the premises or otherwise likely to be affected.
- (e) There is no air conditioning, or other plant and associated equipment.
- (f) There is no loudspeaker system.
- (g) There are no activities involving performances of music or other sounds, whether live or recorded, or any other 'regulated entertainment'.
- (h) No door staff are required as a condition of an existing licence.
- (i) Deliveries, collections, servicing; use of vehicles, do not take place between 19.00 and 07.00 hours.

Noise report

6. When the Licensing Authority receives a statement from the applicant demonstrating how they do or do not meet the criteria above, it will determine whether a noise report will be required, which aspects of it will be required, what it should cover, and how it should be prepared.
7. A noise report may contain some or all of the following:
 - (a) An environmental noise impact assessment (required for all noise reports).
 - (b) An acoustic report for premises where there is plant and equipment (e.g. ventilation, air conditioning, lifts, hoists etc).
 - (c) A sound insulation and sound reduction measures assessment (for premises where there is plant and equipment and/or sound systems, or 'regulated entertainment').
 - (d) Planned management measures for control of noise disturbance related to door control, deliveries and collections, waste management, servicing, and any other aspects requiring control of noise. (This will be required in most noise reports and all applications where operating hours include any of the period 19.00-07.00 hours, and/or where door staff are required.)
 - (e) Planned management measures for control of noise disturbance from an open air site or event. (This will be required for open air sites and events.)

Environmental noise impact assessment

8. An Environmental Noise Impact Assessment should provide information, as applicable, including, but not limited to:
 - (a) Existing ambient and background noise climate and a survey of both pedestrian and vehicular numbers in and around the premises.
 - (b) Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels.
 - (c) Assessment of the existing and predicted number and level of noise events.
 - (d) An assessment of the acoustic character / quality of the vicinity of the premises and / or the receptor, this may require an assessment of a combination of ambient levels (LAeq) and other acoustic indicators and descriptors (LAFmax, LZeq1/3Octave LZFmax1/3Octave, SEL), agreement may be sought with the Council on the assessment approach.
 - (e) Details of management procedures to reduce the impact of the premises' operation on the locality, including noise from customers and others arriving and departing.

Acoustic report (plant and equipment)

9. An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:
- (a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.
 - (b) The location of the most relevant openable window of the most relevant noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance and orientation between these.
 - (c) The proposed operational hours.
 - (d) The background noise level assessment (LA90, 15 min) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology).

Note: The use of 'Mean' background will not be appropriate – must use a 'lowest' background level (LA9015min) in line with Council's Planning Policy as all external plant (and internal plant with external louvres) will require planning permission.

- (e) Calculations for the predicted noise level 1 metre from the window of the most affected noise sensitive property. Note: Theoretical prediction to 1 metre from a window will not require a correction for façade reflection. The standard that should be achieved is normally 10dBA below the 'lowest' background level – for more detailed information on the requirements contact the Council's Environmental Health Consultation Team at EHConsultation@westminster.gov.uk,
- (f) A report may need to include a consideration of the existing acoustic character of the location taking into consideration noise events, the type of noise sources, ambient and impulsive noise (LAeq, LAFmax, SEL) and the possible impact of the proposals / changes on the existing acoustic environment.
- (g) Use of acoustic enclosures.
- (h) Use of noise attenuators and acoustic screens as required.
- (i) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.
- (j) Use of vibration isolators.

Sound insulation and sound reduction assessment.

10. Whereas previously noise transfer through the building structure could be considered under change of use planning applications the permitted development changes mean that Environmental Health will require submission of a comprehensive acoustic report as part of a new licence application that includes 'On' sale of alcohol in Use Class E premises. The standard to be achieved shall be that the internal transfer of noise to noise sensitive premises shall comply with the noise criteria of NR30 (day), NR25 (night), and

NR40 (LFmax) – for more detailed information on the requirements contact the Council's Environmental Health Consultation Team at EHConsultation@westminster.gov.uk.

A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- (a) Assessment of the existing sound insulation of the building fabric.
- (b) Operational building layout to prevent noise escape.
- (c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
- (d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.
- (e) Use of electronic sound limiters on amplification systems as alternative means of control.
- (f) Other measures to reduce structural transmission of noise and vibration.
- (g) Installation of acoustic doors and lobbies.

(Note: BS 8233:2014 contains useful guidance on commercial design criteria).

Planned management measures for control of noise

11. This is a statement of management measures to be taken to prevent and control noise, covering matters such as:
- (a) hours of operation
 - (b) location of entry and departure points
 - (c) door control
 - (d) control and prevention of queuing
 - (e) control of amplified and unamplified music and voices
 - (f) steps to be taken to achieve good behaviour outside and within the premises
 - (g) communication with customers (signs, announcements and other means)
 - (h) management of use of outdoor areas
 - (i) steps to be taken to ensure customers leave quietly
 - (j) advice to customers on departure routes
 - (k) stewarded access to taxis and licensed mini-cabs
 - (l) arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance
 - (m) arrangements for staff and patron parking
 - (n) limits set on hours for servicing and delivery
 - (o) guidance to drivers to limit noise during deliveries
 - (p) communications with suppliers and service providers
 - (q) providing quiet means for storage and movement of waste and recycling materials.

Planned management measures for control of noise disturbance from an open-air event or site.

12. This is a statement of management measures to be taken to prevent and control noise from open air events and sites, covering matters such as:
- (a) hours of operation
 - (b) location of entry and departure points

- (c) control of queuing
- (d) management of amplified and unamplified music and voices, details of noise monitoring positions, data collection, availability and ability to view data
- (e) steps to be taken to achieve good behaviour outside and within the open air site
- (f) communication with patrons or members of the public (signs, announcements and other means)
- (g) management of use of covered and outdoor areas
- (h) steps to be taken to ensure customers leave quietly
- (i) advice to customers on departure routes
- (j) stewarded access to taxis and licensed mini-cabs #
- (k) arrangements for staff and patron parking
- (l) limits set on hours for servicing, delivery and any other on site traffic movements
- (m) guidance to drivers to limit noise during deliveries
- (n) communications with suppliers and service providers
- (o) providing quiet means for storage and movement of waste and recycling materials.

Noise criteria

13. Licensed premises and activities will be required to meet the noise criteria in Policy PN1. Noise reports should show how these criteria will be met. Plant noise breakout and structural transmission
14. Applicants should demonstrate that the licensed activities from indoor premises, and open areas associated with them, can be carried out so that plant noise, airborne noise breakout, and noise and vibration transmitted through structures, will meet the criteria for indoor premises below.
15. Applicants should demonstrate that the licensed activities from open air premises can be carried out so that plant noise, airborne noise, and noise and vibration transmitted through structures will meet the criteria for open air premises at paragraph 19 below.

Indoor premises plant and equipment

16. Premises should be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the criteria in Paragraph 17 below. The council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

Indoor premises plant & machinery and internal activities

17. The criteria relating to:
 - (a) plant, machinery and associated equipment, internally or externally installed
 - (b) ventilation
 - (c) music and human voices, both amplified and unamplified and to

- (d) other internal activities are noise emitted will achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties⁴⁴, at the quietest time during which any of these activities occur:

At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 min.; and; where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LA eq 5 min) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 min for each of the octave bands during the operating period.

Indoor premises structural transmission of noise and vibration

18. Applicants should ensure that as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 23.00 hours applicants may be required to demonstrate this.

Open air premises plant & machinery and other activities

19. The criteria relating to:
- (a) plant, machinery and associated equipment, internally or externally installed
 - (b) music and human voices, both amplified and unamplified
 - (c) other activities.

Criteria:

Account will be taken of:

- (i) the type/s of events planned
- (ii) the number of events that take place each year
- (iii) the numbers of participants and people attending each event
- (iv) the times of day and duration of events
- (v) the days/dates of the events
- (vi) conformity to The Noise Council's 'Code of Practice on Environmental Noise Control at Concerts', guidelines and recommended noise control procedures

⁴⁴ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

- (vii) conformity to standards set by the council in relation to the existing external noise levels at the nearest noise sensitive properties.⁴⁵

The council has previously set standards in agreement with event organizers for lower noise levels than in Code of Practice on Environmental Noise Control at Concerts: published by the Noise Council.

People arriving, departing and in the vicinity

20. Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises, and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:
- (a) Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, together with management arrangements to ensure this.
 - (b) Signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises.
 - (c) Guidance to patrons on routes to take as they depart, to cause least disturbance.
 - (d) Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.
 - (e) Guidance to staff to minimise noise from any activities outside and in the vicinity of the premises.
 - (f) Arrangements for the calling of taxis, minicabs, cars or limousines from within the premises and for the collection of patrons by arrangement.
 - (g) Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

Deliveries, collections and servicing

21. The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:
- (a) Ensuring that deliveries, collections and operational servicing are carried out between 07.00 and 19.00 hours or during the hours specified on the Council's website for waste collections for the street, except where access at other times is unavoidable and specific procedures are in place to limit disturbance. Note considerations shall also be given if arrangements comply with the following guidance on the TFL website: <https://tfl.gov.uk/info-for/deliveries-in-london/delivering-efficiently/retiming-deliveries?cid=retime>
 - (b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

⁴⁵ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

Appendix 12 – Child Sexual Exploitation Guidance

What is Child Sexual Exploitation (CSE)?

Child Sexual Exploitation (CSE) is a form of child sexual abuse. It happens where a person or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity:

- (a) in exchange for something the victim needs or wants, and/or
- (b) for the financial advantage or increased status of the perpetrator or facilitator.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Why do licensees and their staff need to know about CSE?

There are a number of criminal offences associated with child sexual exploitation which could have damaging consequences for a licensed premises, including a possibility of prosecution, action being taken against the premises licence and reputational and/or financial damage.

It is the responsibility of premises license holders and their managers to make sure that suitable control measures are in place at licensed venues for the protection of children from harm. This is a legal requirement under the Licensing Act 2003 and there are legal implications if you do not have safeguards in place or fail to act if sexual exploitation of children occurs, or is believed to have occurred, on your premises.

Under Section 116 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Police have powers to serve a notice on a hotel owner, operator or manager requiring guest information in connection with child exploitation. This notice can be served when an officer reasonably believes a hotel premises has been or will be used for the purposes of:

- (a) child sexual exploitation, or
- (b) conduct that is preparatory to, or otherwise connected with, child sexual exploitation.

Pubs, Bars, Restaurants and other licensed premises – What action to take and what to look out for?

- Adults befriending young people including buying them food and drinks
- Adults who come in on their own and always target young people.
- Adults who frequently come in with different young people
- Adults who come in with young people and meet other adults inside
- Adults buying alcoholic drinks which you suspect are for someone who is under 18 years old
- Young people with adults who are known or suspected to be gang members
- Girls or boys with older men or women who appear to be touching or behaving in an intimate way
- A young person looking concerned or frightened in the company of adults
- Adults giving young people presents such as jewellery, clothes, phones etc.

Young People will often try to make themselves look older than they actually are. Always consider the age of the young person even if, at first glance, they may look over 18.

Hotels, Hostels or other Licensed Premises that Provide Overnight Accommodation – What action to take and what to look out for?

Hotels, Hostels or other licensed premises that provide rooms for overnight accommodation should accurately record the details of anyone staying within your establishment (name, address, telephone number and date of birth) and check and record a copy of photo identification of guests.

If the premises do not provide accurate records to the Police upon their request the licensee or their staff may be prosecuted by the courts and issued with a fine not exceeding £2500.

Indicators of CSE for Reception Staff:

- Last minute/walk-in bookings, often late at night
- Guests only using a room for a few hours
- Guests refusing to provide identification when checking in
- Guests refusing to leave a credit card
- Guests with a local address booking a room
- Guests checking in with no luggage
- Guests insisting on paying in cash
- Guests requesting a room that is isolated
- A frequent guest of the hotel seen with different young people
- Bookings made in a different name to the person checking in
- Guests arriving and asking for a specific room number, but they don't know the name in which the room is booked
- Visitors in the hotel who do not have a room booked
- Guests who don't want rooms cleaned and/or use the 'do not disturb' sign

Indicators of CSE for Reception Staff continued...

- Guests accessing an unusual amount of pornography (TV or computer)
- Guests who appear secretive about who they are with and/or activities in their room
- High traffic to a guest room
- Repeat visitors to the hotel at irregular hours/during the night
- Young person(s) checking in with an adult or group of adults
- Young people meeting others in public areas/external areas of the hotel
- Young people clearly under the influence of alcohol or drugs
- Lots of male visitors to a room
- Noise complaints

Indicators of CSE for Housekeeping:

- Evidence of alcohol, drug or substance misuse and/or condom wrappers
- Signs of a 'party' being held in the room
- Guests who appear secretive about activities in their room, who don't want rooms cleaned and/or use the 'do not disturb' sign
- Multiple visitors, who are not guests at the hotel, visiting a room

- Signs of sexual activity having taken place in a room where young people have stayed or visited
- Guests who do not have any luggage staying in rooms
- Young people staying in/or visiting rooms

Indicators of CSE for Bar Staff:

- Room service alcohol orders to rooms where there are guests who appear to be under age
- Young persons trying to buy alcohol without ID or with a fake ID
- Young person(s) in the company of older guests in the bar area
- Guest(s) purchasing alcohol for a young person/young people
- Young person who appears withdrawn, afraid or frightened
- Young person who appears under the control or instruction of others
- A young person displaying inappropriate sexualised behaviours or dressed inappropriately for their age
- You may overhear conversations or witness sexual activity within the premises

Young People will often try to make themselves look older than they actually are. Always consider the age of the young person even if, at first glance, they may look over 18.

What to do if you have concerns about a young person.

If a young person is at imminent risk of harm, the licensee or a member of staff must call the police immediately via 999 to report your concern.

- If the child is not in imminent risk of harm and it is not an emergency, then call the Police non-emergency number 101
- Non-emergency concerns can also be raised with the Council's Children Services Department on 020 7641 4000
- Concerns relating to a young person can also be reported to the NSPCC via 0809 800 5000 or Crimestoppers via 0800 555 111.
- Have a Manager meet Police Officers on their arrival
- Provide a written record of your concerns and descriptions of individuals to the Police

The Licensee or staff should offer support to the young person:

- Ask if they are ok
- Don't serve them any alcohol or allow anyone to buy them another drink
- Check that they are not receiving unwanted attention
- Check whether they know who they are with and if they feel safe being/leaving with them
- Offer to call a licensed taxi for them
- Offer to call a parent/carer
- Ask CCTV to monitor them
- Make sure any person you are unsure of knows you have seen their face

Notify the relevant Manager and gather any relevant information:

- Document detailed descriptions of any suspected offenders

- Document detailed descriptions of the children and young people who you are concerned about
- Download and secure any CCTV
- Identify methods of payments i.e. cash/credit/debit cards
- Secure any information regarding key card usage for the rooms
- Secure any information regarding items left behind
- Secure the hotel room(s) until police arrive
- Report any relevant registration number plates
- Record any observations that concern you in your incident logs

| Safeguarding Checklist | Tick |
|--|-------------|
| Nominate a safeguarding representative | |
| Keep refusal records | |
| Maintain an incident log book | |
| Distribute and display literature and materials in staff areas | |
| Undertake age verification checks | |
| Only accept photo ID | |
| Undertake patrols (walk the public areas of the premises and the perimeter) | |
| Install CCTV monitoring and retain CCTV recordings | |
| Include CSE in your Business Risk Assessment | |
| Establish a whistle blowing policy | |
| Share information and intelligence appropriately | |
| Report suspicious activity to local Police | |
| Invest in CSE staff training and keep up to date training records | |
| Hotels, Hostels or licensed premises with overnight accommodation only | |
| Encourage staff to make eye contact and engage in conversation to inquire about the reason for guests' visit or stay | |
| Require visitors to use the main entrance to the premises | |
| Restrict unregistered persons in guest rooms between 11pm and 7am | |

Appendix 13 – Responsible Authorities

Please note that the responsible authorities contact list was correct when this revision of the Councils Statement of Licensing Policy was published. Applicants are advised that they should check the Councils website at www.westminster.gov.uk/licensing to ensure that the addresses that are used for consulting responsible authorities within the City of Westminster are correct.

| | |
|--|--|
| <p>The Licensing Authority (Westminster City Council):</p> <p>Licensing Team Public Protection & Licensing Westminster City Council 15th Floor Westminster City Hall 64 Victoria Street London SW1E 5RS</p> <p>Tel: 0207 641 6500 Email: licensing@westminster.gov.uk</p> | <p>The Chief Officer of Police (Metropolitan Police Service):</p> <p>Westminster Police Licensing Team 15th Floor, Westminster City Hall, 64 Victoria Street London, SW1E 6QP</p> <p>Telephone: 020 7641 3179 Email: metpolicelicensingteam@westminster.gov.uk</p> |
| <p>The Fire Authority (London Fire Brigade):</p> <p>South West Area Fire Safety Regulation Team London Fire Brigade 169 Union Street, London, SE1 0LL</p> <p>Telephone: 020 8555 1200 Ext 34300 Email: firesafetyregulationsw@london-fire.gov.uk</p> | <p>The Director of Public Health (Westminster City Council):</p> <p>Public Health Department Westminster City Council 12th Floor Westminster City Hall 64 Victoria Street London SW1E 6QP</p> <p>Tel: 07817054903 Email: publichealthdepartment@westminster.gov.uk</p> |
| <p>The enforcing authority under the Health and Safety at Work Act 1974; the body responsible for Minimising or preventing the risk of Pollution of the environment or of Harm to Human Health; and For Weights and Measures (Westminster City Council):</p> <p>Licensing and Regulatory Services Team Public Protection & Licensing Westminster City Council 15th Floor, Westminster City Hall, 64 Victoria Street London, SW1E 6QP</p> <p>Tel: Email: ehconsultationteam@westminster.gov.uk</p> | <p>The Planning Authority (Westminster City Council):</p> <p>Development Planning Services Westminster City Council Westminster City Hall 12th Floor 64 Victoria Street, London, SW1E 6QP</p> <p>Telephone: 020 7641 2513 E-mail: planninginformation@westminster.gov.uk</p> |
| <p>The body responsible and authorised by the Licensing Authority as being competent to advise on the Protection of Children from Harm (Westminster City Council):</p> | <p>Home Office Immigration Enforcement Directorate:</p> <p>Alcohol Licensing Team Lunar House</p> |

| | |
|---|--|
| <p>Westminster Children's Services Safeguarding & Quality Assurance Team 4 Frampton Street London NW8 8LF Telephone: 0207 641 7668 Email: safeguarding@westminster.gov.uk</p> | <p>40 Wellesley Road Croydon CR9 2BY Email: alcohol@homeoffice.gsi.gov.uk</p> |
| <p>For Vessels Not Permanently Moored</p> <p>The Navigation Authority</p> <p><u>Tidal Thames</u> The Harbour Master The Port of London Authority, London River House Royal Pier Road Gravesend Kent DA12 2BG Telephone: 020 7743 7900 Email: susan.grundy@pla.co.uk</p> <p><u>Non-Tidal Thames</u> The Environment Agency - Recreation and Navigation, Thames Region, Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ Telephone: 0118 953 5650 Email: boatreg@environment-agency.gov.uk</p> <p><u>Canals</u> Canal River Trust First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB Telephone: 0303 040 4040 Email: customer.services@canalrivertrust.org</p> <p>And</p> <p>The Maritime and Coastguard Agency, MCA Colchester Marine Office, Iceni Way, Colchester, Essex CO2 9BY Telephone: 020 390 85165 Email: colchestermo@mcga.gov.uk Main Passenger Ship Contact Email: matt.giacomini@mcga.gov.uk</p> | |

Appendix 14 – 2020 Cumulative Impact Assessment Summary

1. Cumulative impact has been used as a term to describe the stress that a large number of licensed premises can have on crime and disorder, nuisance and the demand on local services. The guidance describes cumulative impact as “... the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.” It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the cumulation of the premises and the people attending them that creates the increased problems and demands on services.
2. Cumulative impact can occur either in the area where the premises are located or some distance away from them, for example at public transport locations quick service restaurant and take away premises. The issue of cumulative impact occurs due to the number of people in the area frequenting the licensed premises. The cumulation of licensed premises has a disproportionate demand on local services such as transport, public lavatories, waste collection and street cleaning. There is also a higher level of crime and disorder, often associated with alcohol related violence that can take place which will draw in additional demands on the police as well as the ambulance service. It is also likely that criminal activity is attracted to areas where there are higher concentrations of people and who may be vulnerable to theft or other crimes due to the level on intoxication.
3. The problems associated with cumulative impact could not be attributed to individual premises, and not to mismanagement by individual licensees, and so collective restraint was called for. Westminster City Council was the first local authority to establish a stress area (cumulative impact) policy under the public entertainment and night café licensing regimes which pre-dated the Licensing Act 2003 (the Act). Under the Licensing Act 2003 the council established its cumulative impact areas and approach for determining applications within these areas within its policy statement. The council has continued to review the cumulative impact of licensed premises for every revision of its policy statement.
4. The cumulative impact policy placed a presumption that any new licensed premises within the defined stress areas (cumulative impact) areas would have a presumption against the grant of the licence or the variation of the licence to increase the capacity or hours of the premises. The policy did allow for an exception if the applicant could demonstrate that the premises operation would not adversely impact the intention of the policy and add to the cumulative stress in the area. If the Sub-Committee were satisfied that exceptional circumstances were demonstrated the it could grant the application on exception circumstances.
5. Until 6th April 2018 “cumulative impact” and cumulative impact policies were not a statutory construct under the Act. Prior to this date “cumulative impact” was only referred to within the statutory guidance issued by the Home Office.
6. The government amended the Licensing Act 2003 via the Policing and Crime Act 2017. This amendment made it a requirement that the Licensing Authority must produce a cumulative impact assessment if the authority can evidence that there is cumulative impact within its area. The Licensing Authority must consult on its intention to publish the cumulative impact assessment. The aim of the cumulative impact assessment is to limit the growth of licensed

premises where the promotion of the Licensing objectives is being compromised. The Government at the time described this change as “providing greater clarity and legal certainty about their [cumulative impact policies] use”.

Cumulative Impact Assessment Findings

7. The principle of cumulative impact is to identify which areas are saturated with a significant number, type or composition of licenced premises, causing the benefits provided by alcohol outlets to be outweighed by public nuisance, crime, disorder and other costs of excessive alcohol consumption.
8. An analysis of the temporal and spatial patterns of incidents in the borough – across years, months, weekdays and times of day was undertaken. Public realm crimes (serious violence, robberies, theft and drug offences), alcohol-related call out incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. However, these pressures varied significantly both in space and time. Data description found that all incidents observed concentrated in the West End, many occurring in the evening and at night, as well as on weekends.
8. Two regression models were employed to ascertain the relationship between incidents indicative of cumulative impact and licensed premises. Both models found that, on average, for every additional unique license location (proxy for premises) in an area (20,000m² in size), reported incidents were likely to increase by a factor of 1.06 – 1.17, depending on the premises type, incident type and time of day. Furthermore, for every additional licensed premises the odds of there being at least one reported incident in the vicinity grew by 20% - 471%, depending on the premises type, incident type and time of day.
10. 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. While this analysis controlled for area size, it did not control for other factors such as population density, the composition of premises types, operating hours or other land use characteristics. Such confounding factors likely cause deviations away from model predictions.
11. A hotspot analysis was undertaken to identify and characterise areas which experienced persistent concentrations of incidents in time and over time. A space-time pattern mining model was used to assess whether statistically significant patterns of incidents emerged over the last three years, on a quarterly basis, in both space (within approximate size of a city block) and time (day, night and 24-hour average).
12. The results conclusively characterised two parts of the West End as burdened by cumulative impact between 2017 and 2019, to varying degrees. These emerged as statistically significant areas of concern in the borough across numerous dimensions. Based on the strength of the hotspots of incidents recorded between 6pm – 6am over the twelve consecutive quarters (2017-2019), and their proximity to significant concentrations of licenced premises. Two areas were outlined: West End Zone 1 and West End Zone 2.

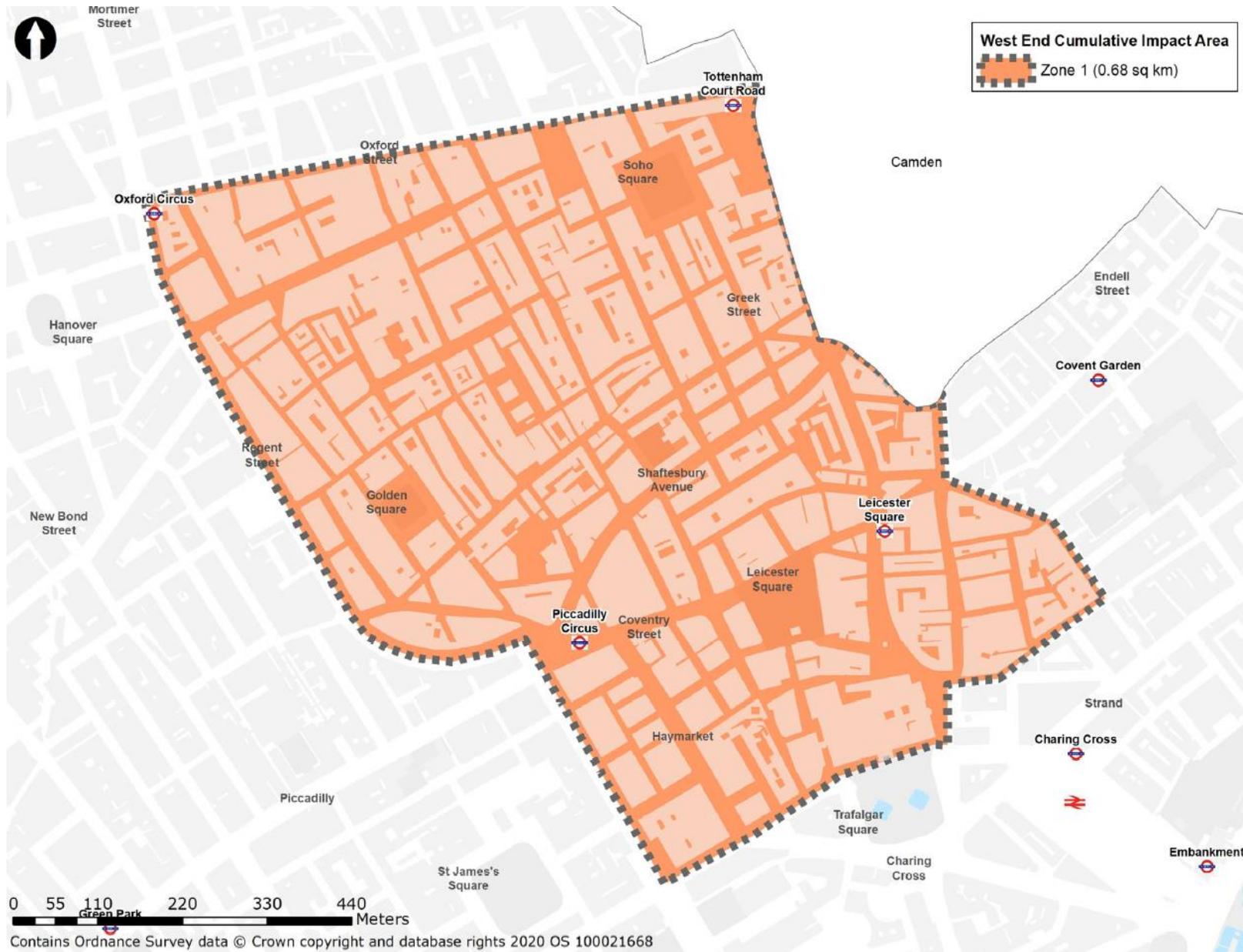
13. West End Zone 1, 0.68 km² in size, presented acute levels of cumulative impact based on crime, disorder and nuisance incident patterns between 2017 and 2019. West End Zone 2 (0.92 km²), which surrounds this area also demonstrated significant patterns, however to a less severe and uniform degree.
14. The West End Stress Area previously subject to the terms of cumulative impact in the prevision Statement of Licensing Policy published in 2016, sat within Zones 1 and 2, except for its eastern wing in Covent Garden. Although licenced premises were concentrated outside of these zones, particularly east of Zone 2 in Covent Garden, incidents indicative of cumulative impact did not, and this area was therefore excluded.

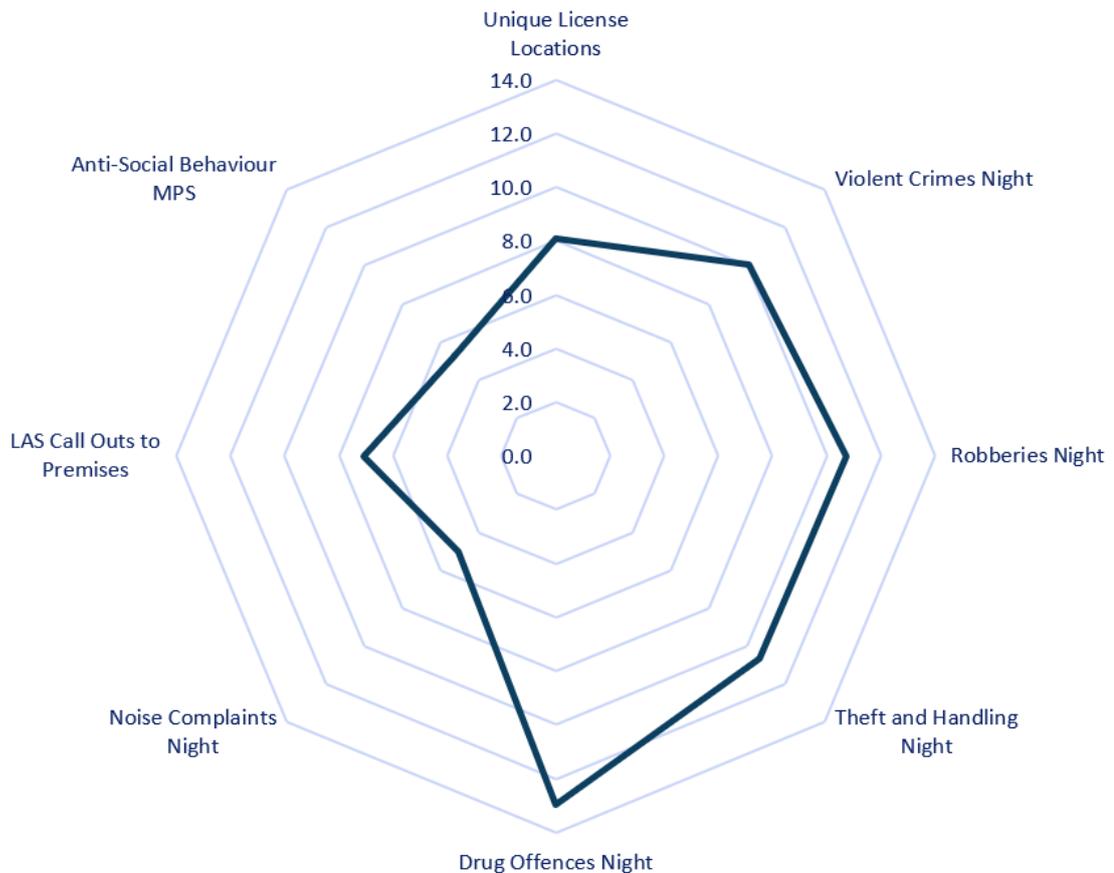
West End Zone 1

15. West End Zone 1 sits on just 3% of the borough's footprint yet held 25% of all unique licence locations as of February 2020, 943 unique licences were issued to 766 unique locations. Over 3200 residential households were also situated here, 3% of the borough's total according to council tax records in February 2020. Four underground stations fall within this zone, among the busiest in London in the evening and night.
16. The rate of incidents per square kilometre observed here, as well as the rate of licenced premises per square kilometre was approximately 9 times than the borough's average rate. For crimes in particular, the rate was 10-13 times higher between 6PM – 6AM compared to the borough average. Approximately one third of violent crimes (795), robberies (2237) and thefts (24407) recorded in the borough between 6PM and 6AM occurred in Zone 1 alone between 2017 - 2019. On average, 40% of drug offences (1529) at night were reported in this area.

| Incident Type Night = 6PM – 6AM | Total, 2017 - 2019 | Proportion of Borough's Incidents |
|---|---------------------------|--|
| Violent Crimes Night | 795 | 31% |
| Robberies Night | 2237 | 33% |
| Theft and Handling Night | 24407 | 33% |
| Drug Offences Night | 1529 | 40% |
| Noise Complaints Night | 1389 | 16% |
| Reactive Waste Management | 6630 | 10% |
| Ambulance Call Outs to locations of licenced premises | 5353 | 22% |
| Anti-social behaviour on Transport Night | 592 | 13% |
| Anti-Social Behaviour MPS | 9662 | 16% |

17. The **Zone 1 Radial Chart** below displays the rate of public realm crimes, noise nuisance and disorder incidents per km² relative to the borough's average concentration. For example, serious violent crimes in 2017-2019 which occurred between 6PM and 6AM in Zone 1 per square kilometre were approximately 10 times the borough's average concentration.

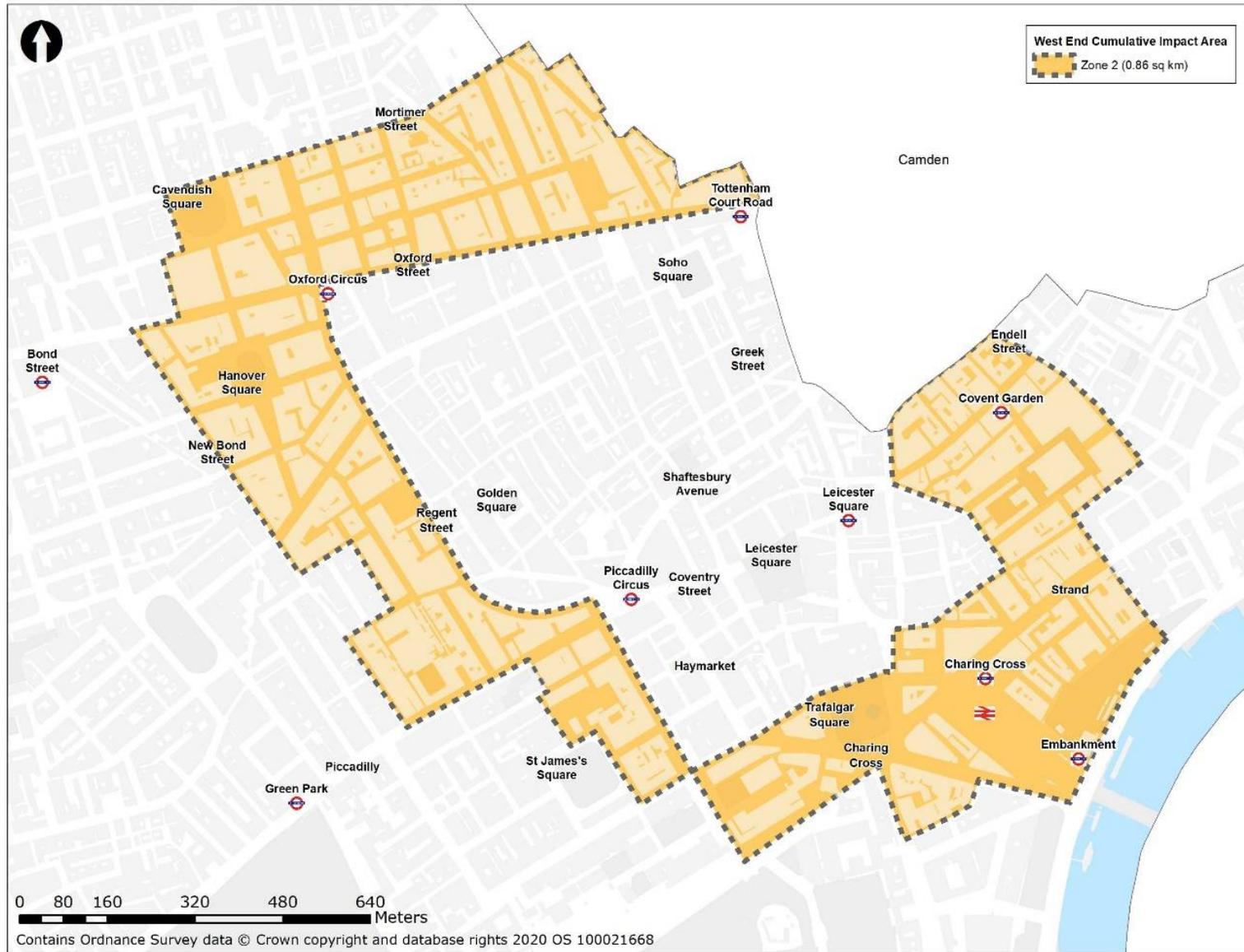




18. All of Zone 1 falls into the pre-existing West End Stress Area boundaries with the exception of the area south of Haymarket and north of Trafalgar Square. In this area patterns of theft and robberies between 6PM and 6AM had been characterised as persistent over the last three years and intensified in the final months of 2019. Persistent patterns of serious violent crimes in the evening and night emerged here, as well as sporadic trends in the volume of drug offences recorded.

West End Zone 2

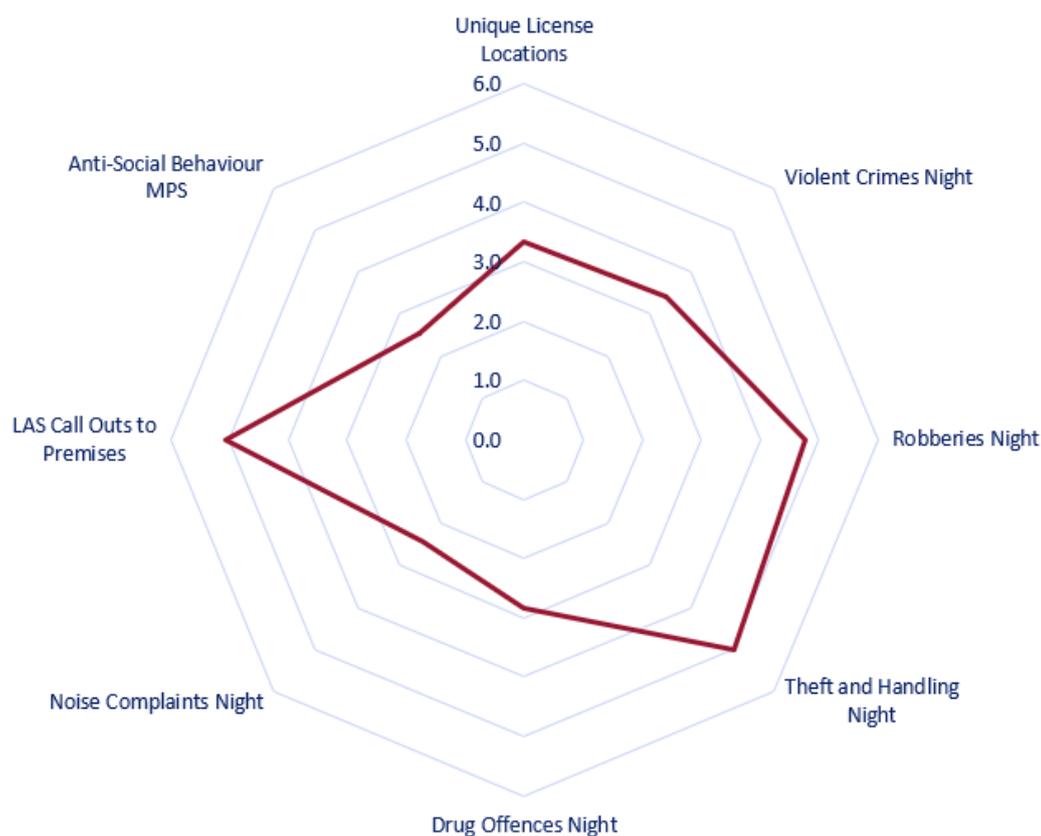
19. West End Zone 2 is a larger area (0.92 square kilometres) surrounding Zone 1, it occupies 4% of the borough's footprint and held 14% of all unique licence locations in February 2020. Nearly 2550 residential households were situated here, 2% of the borough's total.
20. Statistically significant and persistent hotspots emerged within this boundary as well, across incident categories assessed. The rate of incidents per square kilometre observed here, as well as the rate of licenced premises per square kilometre was nearly **4 times** greater than the borough's average concentration.



21. Cumulative impact in Zone 2 is likely significantly shaped not just by the premises that sit within it, but also dispersal from the acutely affected Zone 1 and hosting key transport hubs Charing Cross, Embankment and Covent Garden, in close proximity to Oxford Circus and Tottenham Court Road stations.
22. Interpreting the results of the hotspot analysis, incident types did not cluster as uniformly in Zone 2 as in Zone 1. The area around Charing Cross station, towards Embankment demonstrated particularly persistent patterns of serious violent crime in the evening and night, as well as high rates of ambulance call outs to the location of licences. Consecutive patterns of robberies in the evening and night were observed in 2019. Daily averages of antisocial behaviour were also persistent, and sporadic patterns of drug offences between 6PM and 6AM were also recorded over the last three years.
23. In the northern part of Zone 2, along Oxford Street, hotspots of thefts and robberies at night were characterised as intensifying, historical (persistent over the last 3 years but did not cluster significantly in the last quarter of 2019) and consecutive (they were significant for the majority of 2019 but not previously). Noise complaints at night were also more concentrated in the northern part of Zone 2, however there were consecutive hotspots of drug offences at night in all parts of Zone 2.

| Incident Type Night = 6PM – 6AM | Total, 2017 - 2019 | Proportion of Borough's Incidents |
|---|---------------------------|--|
| Violent Crimes Night | 364 | 14% |
| Robberies Night | 1343 | 20% |
| Theft and Handling Night | 14814 | 20% |
| Drug Offences Night | 451 | 12% |
| Noise Complaints Night | 899 | 10% |
| Reactive Waste Management | 7356 | 11% |
| Ambulance Call Outs to locations of licenced premises | 5163 | 21% |
| Anti-social behaviour on Transport Night | 1183 | 25% |
| Anti-Social Behaviour MPS | 6247 | 11% |

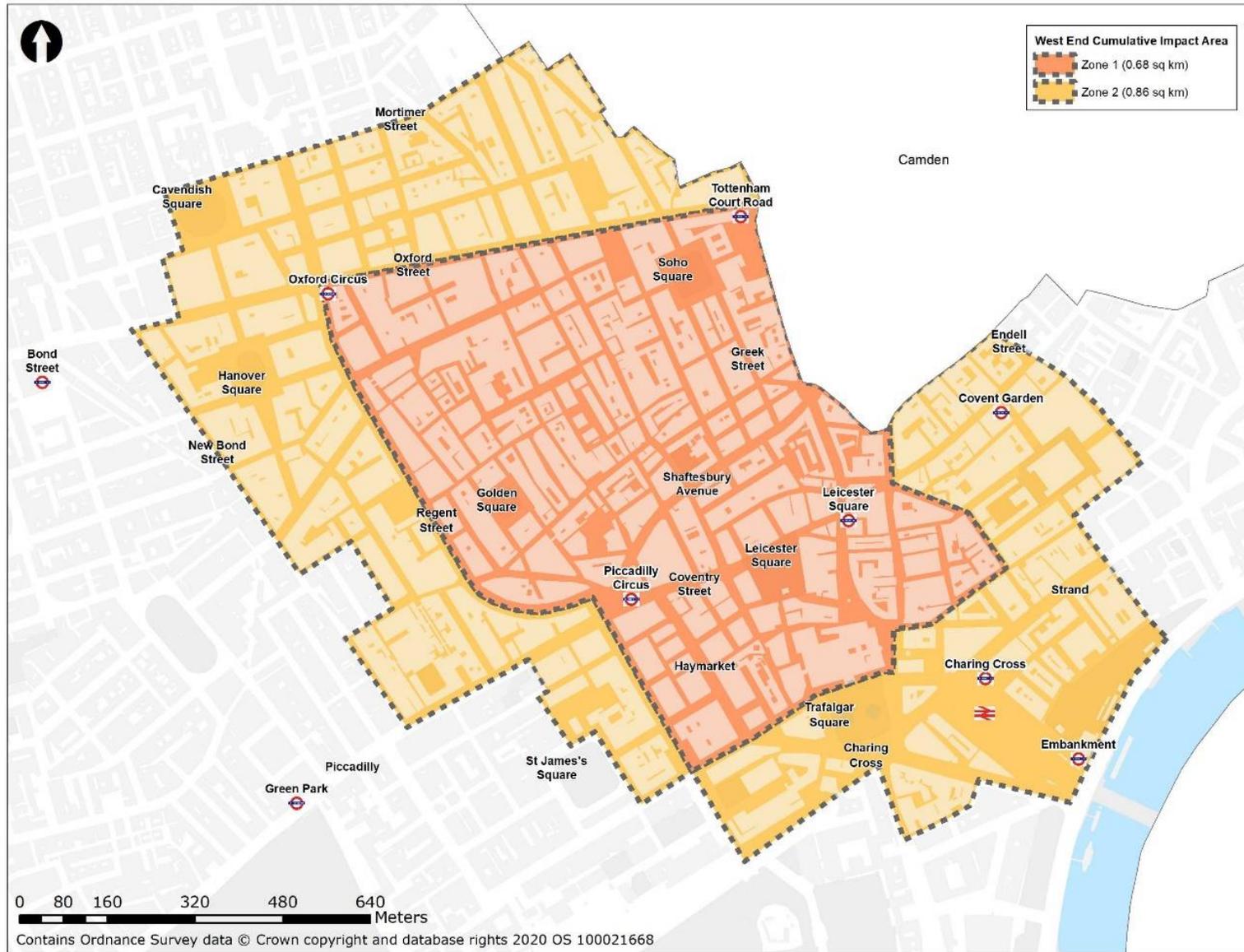
24. The **Zone 2 Radial Chart** below displays the rate of public realm crimes, noise nuisance and disorder incidents in 2017-2019 per km² relative to the borough's average concentration. Robberies and theft and handling crimes between 6PM and 6AM, as well as ambulance call outs to the locations of licenced premises per square kilometre were approximately 5 times the borough's average.



25. Statistical analysis comparing crime in these areas to the borough more widely, indicated that public realm crimes recorded in these areas between 2017 – 2019 were more likely occur in the evening and night and on weekends. This coincides with higher volumes of street population, deduced from peaks of entries and exits to the underground.

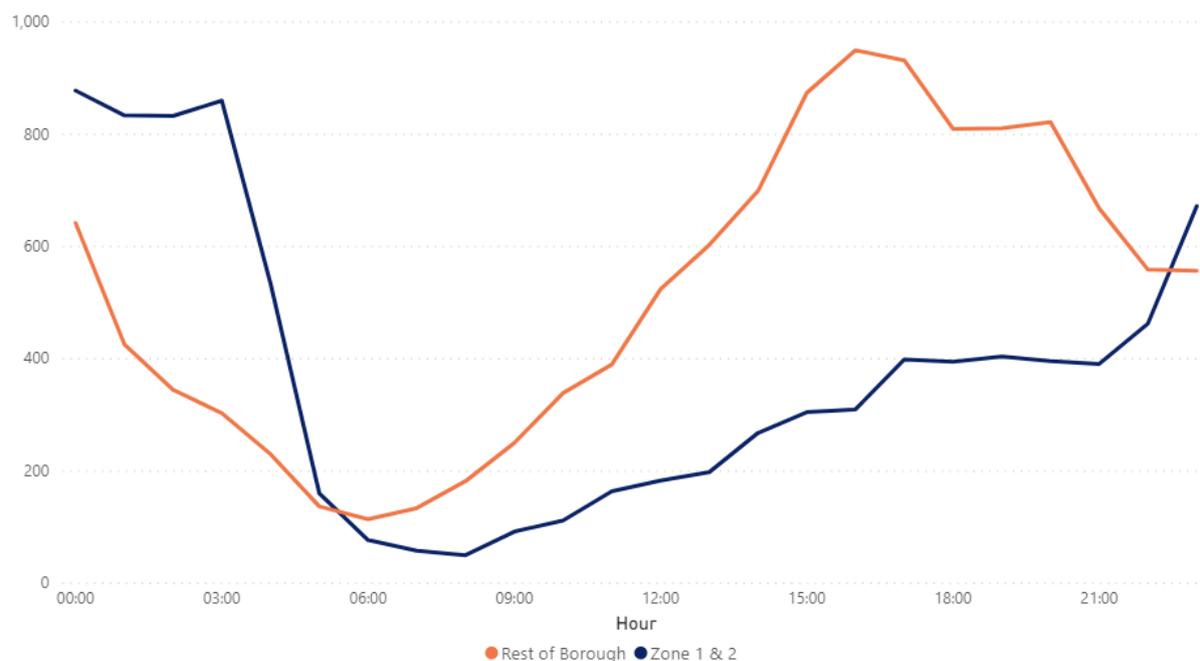
West End Zones 1 and 2

26. Zones 1 & 2 combined there were 1516 licences issued to 1196 unique licence locations. This represents 39% of unique license locations in the borough on just 7% (1.61 sq km) of its footprint. This combined area is 64% larger than the previous West End Stress Area.
27. Public realm crimes between 6PM – 6AM in the borough were disproportionately concentrated here. Over the last three calendar years, 45% of violent crimes, as well as over half of robberies, thefts and drug offences in the borough were recorded here. Additionally, 43% of ambulance call outs 2017 – 2019 to the locations of licensed premises fell within these zones.



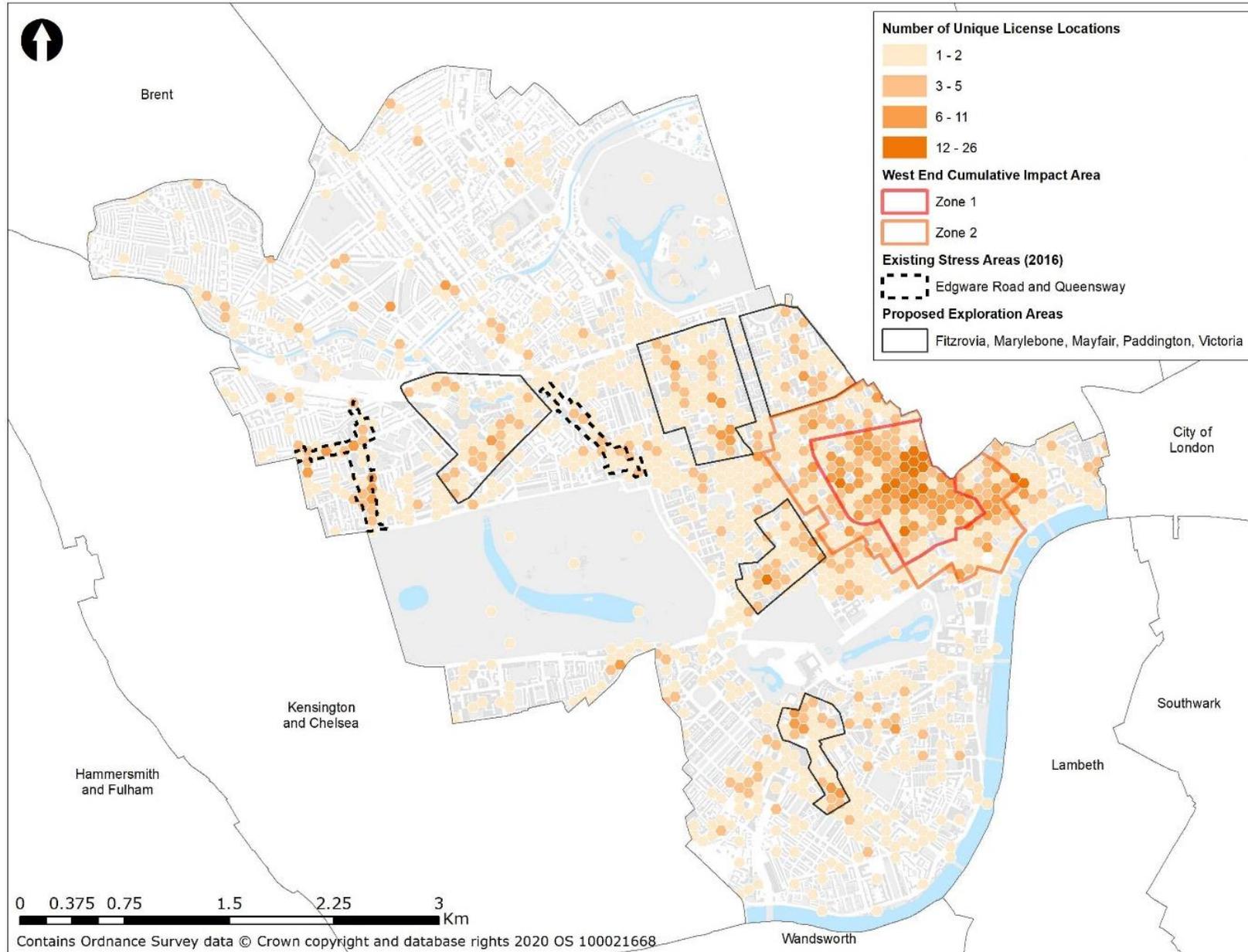
| Incident Type Night = 6PM – 6AM | Total, 2017 - 2019 | Proportion of Borough's Incidents |
|---|--------------------|-----------------------------------|
| Violent Crimes Night | 1159 | 45% |
| Robberies Night | 3580 | 53% |
| Theft and Handling Night | 39221 | 53% |
| Drug Offences Night | 1980 | 52% |
| Noise Complaints Night | 2287 | 26% |
| Reactive Waste Management | 13986 | 21% |
| Ambulance Call Outs to locations of licenced premises | 10516 | 43% |
| Anti-social behaviour on Transport Night | 1775 | 38% |
| Anti-Social Behaviour MPS | 15909 | 27% |

Graph of **all crimes excluding thefts** Zones 1 & 2 combined compared to rest of the borough by Hour and Type, 2017 – 2019 Totals



Other areas of the City

28. Evidence of cumulative impact taking place elsewhere in the borough was less conclusive. The borough-wide hotspot analysis by design set a higher threshold for cumulative impact. Further analysis focused on offering insight into whether there was evidence of less acute and persistent patterns of incidents as those seen in the West End, which could nonetheless be characterised as cumulative impact.
29. Seven areas outside West End Zones 1 and 2 were explored if they were previously characterised as:



- (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 licenced premises within a confined area (Victoria, Paddington, Fitzrovia North and corridor between Marylebone Road and Oxford Street).
30. Within each area, the total prevalence of incidents between 2017 and 2019 were compared by type, per square kilometre. As a benchmark, these were compared to the overall borough average of incident concentrations. The average of these incident rates in each area was calculated and found to be comparable to the borough's mean concentration in Paddington (x1), Fitzrovia North (x1) and the corridor between Marylebone Road and Oxford Street showed (x1.3). These areas were therefore not investigated further.
31. The rate of incidents per square kilometre observed in the West End Zone 1, as well as the rate of licenced premises per square kilometre was approximately 9 times than the borough's average rate. The average concentration of incidents was nearly 4 times greater than those seen in the borough overall.
32. Victoria and Mayfair areas demonstrated somewhat elevated relative rates compared to the borough average of incidents per square kilometre, 1.9 and 1.7 respectively. While the previous Cumulative Impact Areas in Queensway/Bayswater and Edgware Road demonstrated higher mean incident concentrations (3.7 and 3.9 times the borough average respectively).
33. A detailed review of incidents types, supplementary evidence where available (enforcement visits and residents survey responses), as well as detailed assessment of the volume and composition of licenced premises in Victoria, Mayfair, Queensway/Bayswater and Edgware Road was conducted.
34. In the absence of a behavioural audit to situate the incidents observed, the evidence that these areas could confidently be characterised as burdened by cumulative impact between 2017 - 2019, attributable to a saturation in volume or type of licenced premises, was not conclusive. However, data insights indicate there are patterns of concern in all four areas to varying degrees, the nature of which should be further explored and closely monitored to ensure these do not become characterised by cumulative impact in the future.

Licensing Authorities Conclusion

35. After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises and club premises certificates in Zones 1 and 2 of the West End, are such that it is likely granting further licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives.
36. On the 12th October 2020 the Licensing Authority consulted on its intention to publish its cumulative impact assessment for a period of 5 weeks in accordance with section 5A(6) of

the Licensing Act 2003. The consultation responses were considered at the 25th November 2020 Licensing Committee Hearing where it was determined to publish the 2020 Cumulative Impact Assessment.

37. The full 2020 Cumulative Impact Assessment can be reviewed via the councils website at www.westminster.gov.uk/cumulative-impact-assessment.

Appendix 15 - Mandatory conditions for Premises Licences and Club

Mandatory conditions for Premises Licences

Alcohol sales authorised under a Premises Licences

(Note: Conditions 4, 5, and 7 relate to on-sales only)

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
 7. The responsible person must ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8.
 - (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition when a premises licence authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Supply of alcohol under a Club Premises Certificate

Conditions 1 to 3 must also be included on all Club Premises Certificates:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Mandatory conditions when a club premises certificate authorises the supply of alcohol for consumption off the premises

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition when a club premises certificate authorises the exhibition of films

- 9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

- 1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

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City of Westminster

Cabinet Member Report

Meeting or Decision Maker: Cabinet Member for Public Protection and Licensing

Date: Monday 30th November 2020

Classification: General Release

Title: Review of the Councils Revised Statement of Licensing Policy under the Licensing Act 2003.

Wards Affected: All Wards

City for All: Vibrant Communities

Key Decision: State if report involves a Key Decision and whether an entry has been included for 28 days on the list of forthcoming decisions

Financial Summary: There are no financial impacts associated with this report

Report of: Executive Director for Innovation and Change and Executive Director for Environment and City Management

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 170 responses to date from a range of different stakeholders.
- 1.2. On the 25th November 2020 the Licensing Committee considered a report summarising the responses to the Licensing Authority's proposed revisions to

the Statement of Licensing Policy¹. The Licensing Committee considered the responses received during the consultation. The Committee provided a steer to the Cabinet Member for Public Protection and Licensing on how the proposed revisions should be amended considering the responses and these are explained in this report.

- 1.3 The majority of the Licensing Authority's proposals are supported by the consultation respondents. Following an assessment of those responses the officers have set out the Licensing Authority's approach to each of the points raised by the respondents. The responses received during the consultation period along with the Licensing Authority's position is set out in Appendix 1 to this report. A summary of the main points that were raised during the consultation process and the changes that officers have made to the revised Statement of Licensing Policy are set out within this report.
- 1.4 The Cabinet Member for Public Protection and Licensing is asked to review the final revisions to the Statement of Licensing Policy and refer it to Full Council for review and if acceptable, for approval and adoption.

2. Recommendations

- 2.1 The Cabinet Member for Public Protection and Licensing is asked to consider the revised Statement of Licensing Policy as attached at Appendix 2 and recommend to Full Council that the Policy is approved and adopted in accordance with section 5 of the Licensing Act 2003.

3. Reasons for Decision

- 3.1 The Council has published its five-year Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions. The current SLP was effective from the 7th January 2016 and the end of the current policy period will be on the 6th January 2021. The Council, as the Licensing Authority is required to keep that policy under review and make such revisions to it as it considers appropriate. Before revising its SLP the Licensing Authority must consult on those proposed revisions.
- 3.2 The Licensing Authority has concluded its consultation on its proposed revisions to the SLP and is now required to present it to Full Council for review so that the revised SLP can be published before the current SLP expires on the 6th January 2021. The Licensing Act 2003 requires that the SLP is reviewed and approved by Full Council and therefore if the Cabinet Member considers the revisions to the SLP acceptable the Cabinet Member is asked to recommend the revised SLP to Full Council for approval.

¹ [Summary of Consultation responses to the Proposed Revision of the Councils Statement of Licensing Policy Report – Licensing Committee Hearing 25th November 2020.](#)

4. Background

- 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 at this time. Due to the current COVID-19 impact and restrictions on the hospitality sector the Licensing Authority considers that this approach is consistent 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 3 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 intended to publish its CIA in accordance with Section 5A of the Act. On the 25th November 2020 the Licensing Committee considered a report relating to the consultation responses associated with Licensing Authority's intention to publish the CIA in accordance with the Act². The Licensing Committee approved the publication of the CIA at the hearing. 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 agreed to that request and has considered 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 enable 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.

² [The 2020 Cumulative Impact Assessment – Consultation Responses and Decision to Publish report - Licensing Committee Hearing 25th November 2020.](#)

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 170 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.
- 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.
- 5.3 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.
- 5.4 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.
- 5.6 Officers have now fully reviewed every consultation submission. Following discussions with the Cabinet Member and after receiving feedback from the Licensing Committee on the 25th November 2020 officers have set out the Licensing Authority's approach and response to each of the consultation submissions (see Appendix 1). The summary of responses below does not

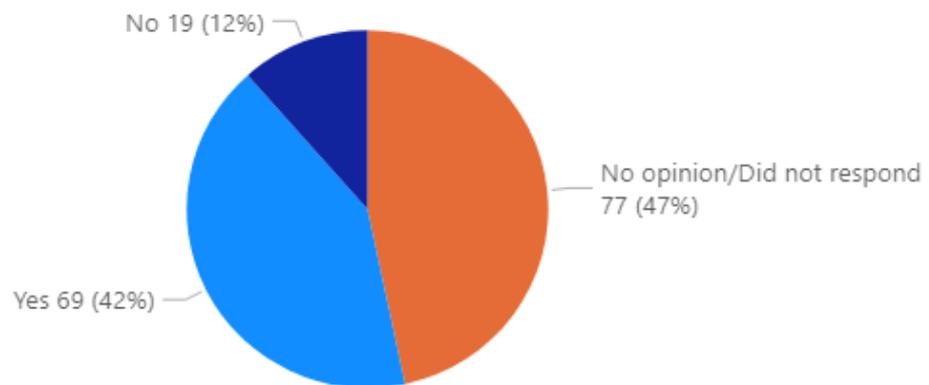
include all of the views expressed. However, they capture the majority of the significant comments that were submitted. The position of the Licensing Authority in respect of the proposed revisions, in light of the consultation responses is set out below the summary of responses for each of the proposals.

6. Implementing a Cumulative Impact Policy

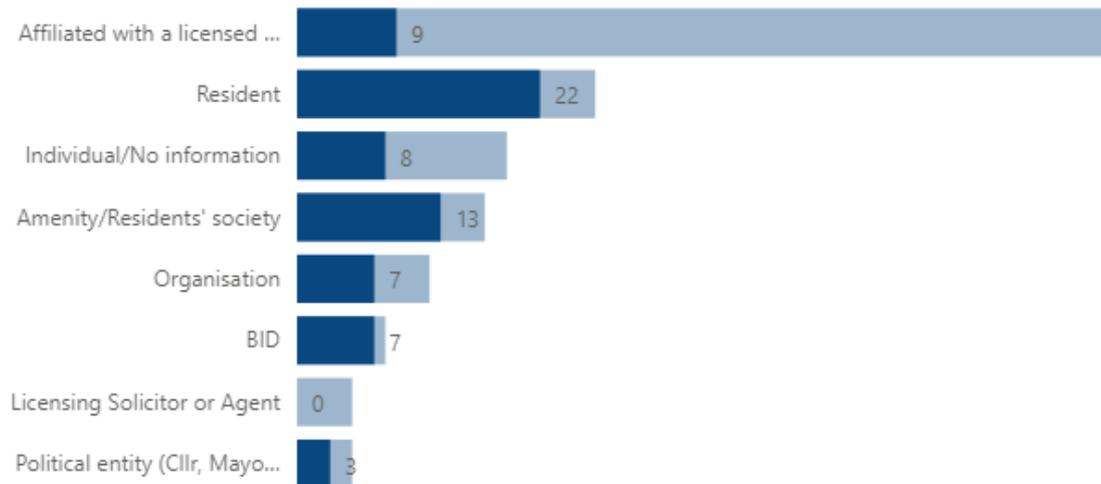
6.1. The Licensing Authority intends to retain the existing West End Cumulative Impact Zone boundary, except for the North East Area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy – CIP1. The authority also intends to remove the Cumulative Impact Zones for Edgware 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.

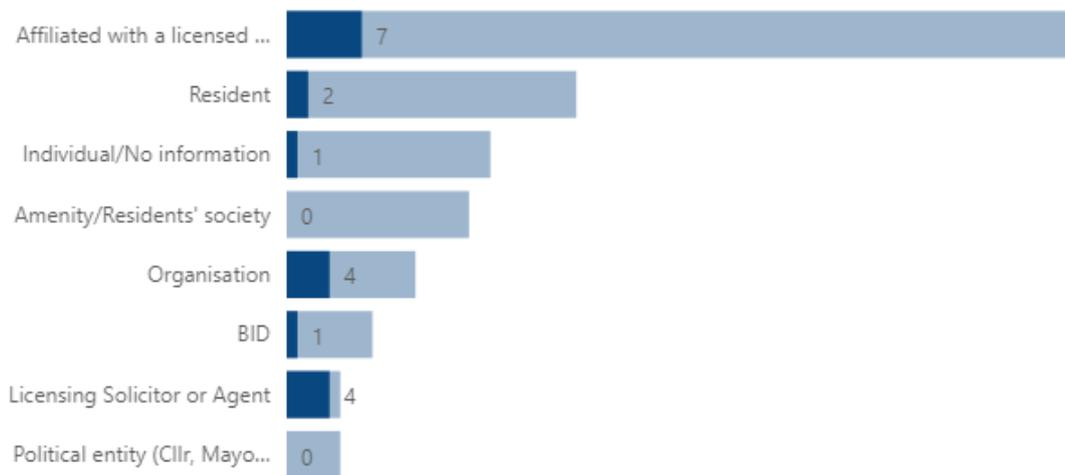
6.2. The Licensing Authority received 69 responses that supported this proposal, 19 who opposed it and 77 who had no opinion/did not respond.



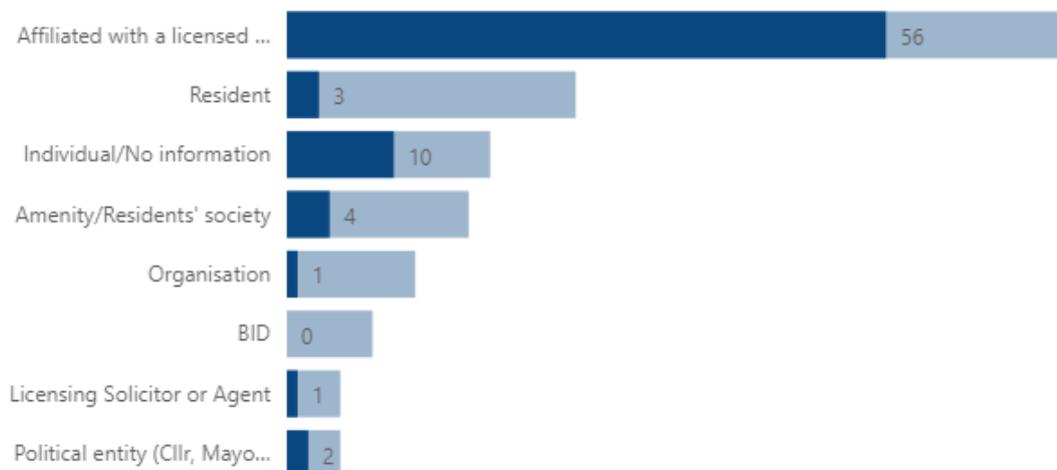
6.3 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



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.

6R - Licensing Authority Response and Action:

The Licensing Authority intends to continue with its proposal to include a Cumulative Impact Policy within the revised Statement of Licensing Policy. The Cumulative Impact Policy has been revised to take into account the 2020 Cumulative Impact Assessment findings and the changes to the areas and boundaries for the Cumulative Impact Zone.

The revised Cumulative Impact Policy is contained in the Revised Statement of Licensing Policy under the Spatial Policies at section D.

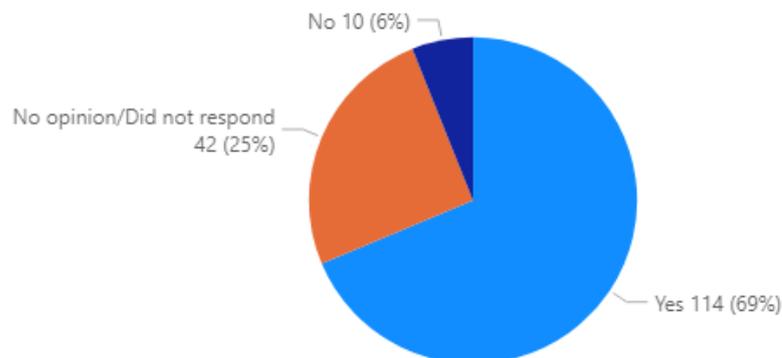
Note: It is intended to review the Cumulative Impact Assessment and Associated Cumulative Impact Policy in the next 1 to 3 years and the Licensing Authority will engage with some of the key stakeholders who had specific points associated with this in 2021.

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.

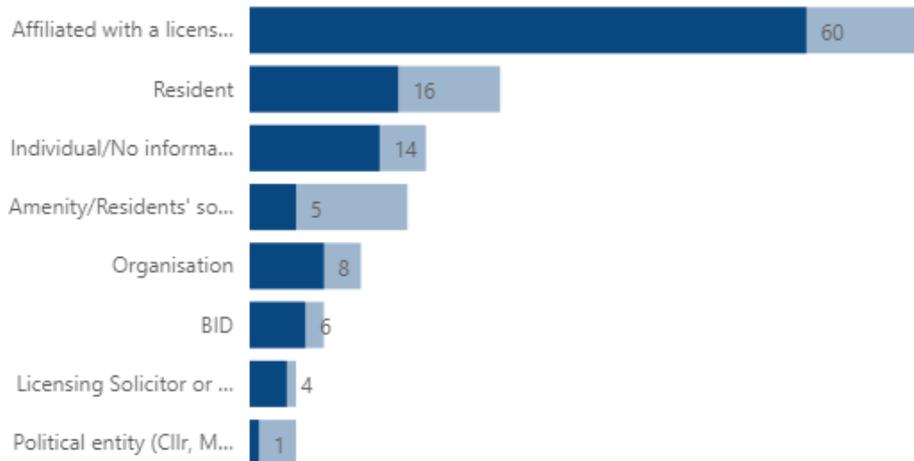
Number of responses and Demographics

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

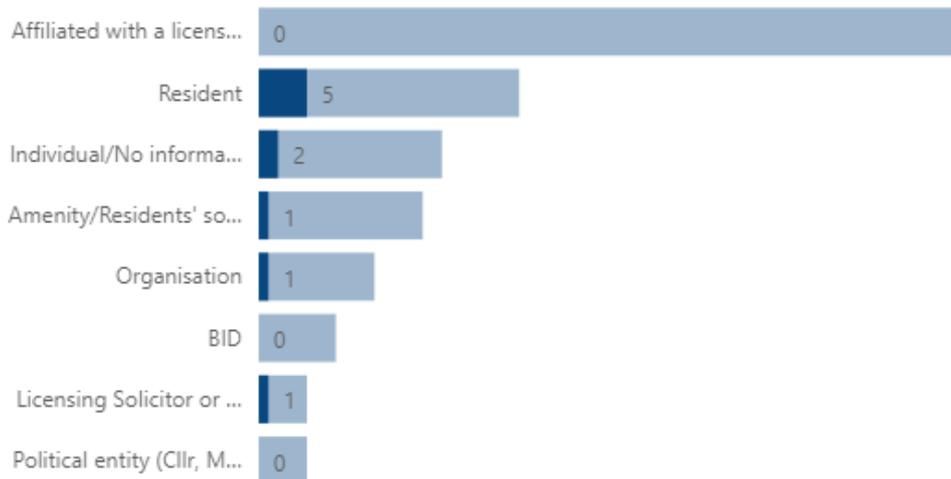


7.3 The Licensing Authority received 114 responses in favour of this proposal, 10 opposed and 42 who have no opinion/did not respond.

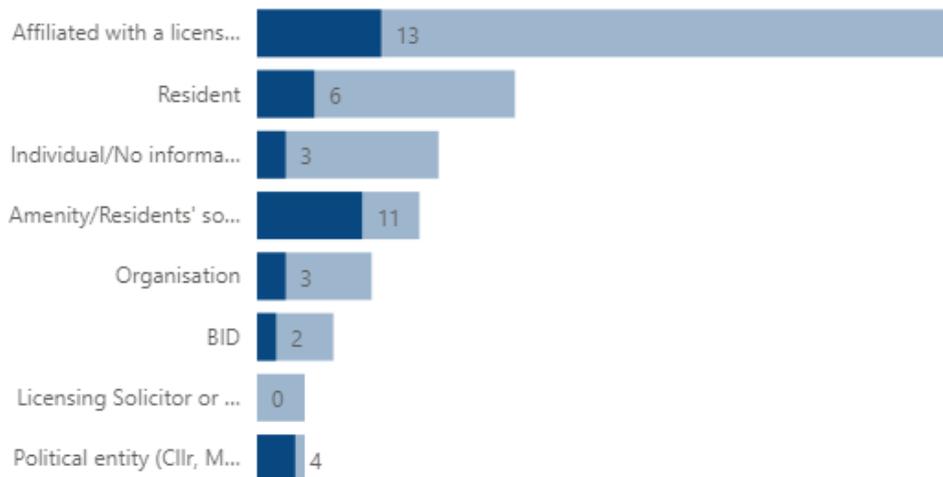
7.4 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



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.

7R - Licensing Authority Response and Action:

The Licensing Authority intends to continue with its proposal to include a new section that sets out the authority's approach to fulfilling its duties under the Equality Act 2010. This section establishes 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 implement the recommendation (set out below) from the Scrutiny Commission Task Group report into inclusion in the night-time economy 2019.

"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."

This will not be a specific policy but a statement of expectation upon licensed businesses.

The section on Inclusion and Equality has been added to the revised Statement of Licensing Policy in Section B (Our Approach for Licensing in Westminster).

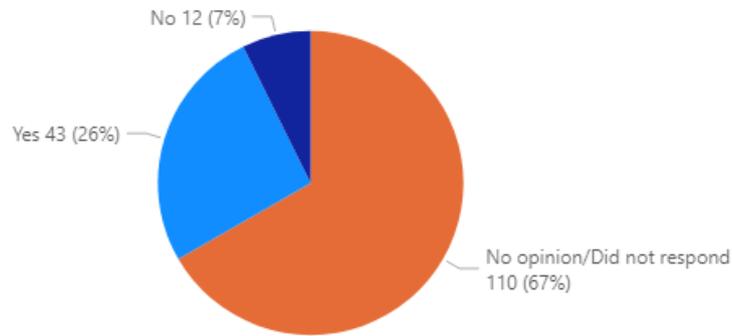
The Royal National Institute for the Blind (RNIB) provided a detailed response to this consultation relating to access for to licensed premises by people who are visually impaired. The Licensing Authority intends to develop Supplementary Licensing Document that sets out best practice and our expectations on businesses relating to disability access and inclusion. We will consult with the RNIB and other relevant bodies in the development of this document.

8. Summary of the 2020 Cumulative Impact Assessment

- 8.1 As part of the consultation on the Statement of Licensing Policy the Licensing Authority consulted upon the proposal to include a summary of the CIA in the SLP which is required under Section 5(6E) of the Licensing Act 2003.

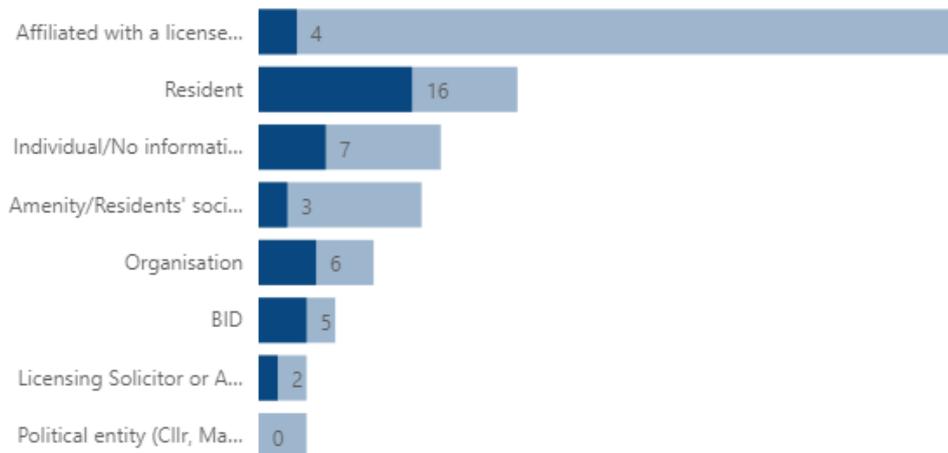
Number of responses and Demographics

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

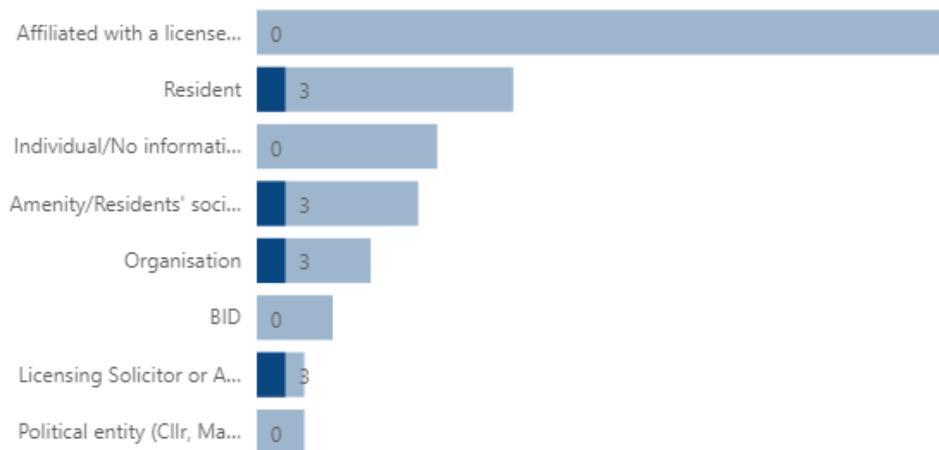


8.2 The Licensing Authority received 43 responses who agreed with the proposal, 12 who opposed it and 110 who had no opinion/did not respond.

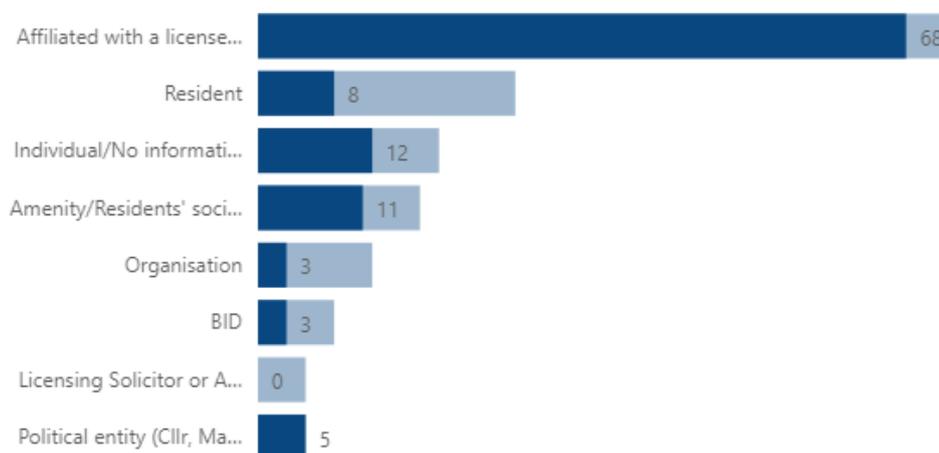
8.3 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



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.

8R - Licensing Authority Response and Action:

The Licensing Committee approved to publish the 2020 Cumulative Impact Assessment on the 25th November 2020. The Licenisng Authority has included the Summary of the Cumulative Impact Assessment findings. The inclusion of a summary of the Cumulative Impact Assessment will ensure that the Statement of Licensing Policy is compliant with Section 5(6D) and (6E) of the Licensing Act 2003.

The Cumulative Impact Assessment Summary is included in the revised Statement of Licensing Policy as Appendix 14.

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:

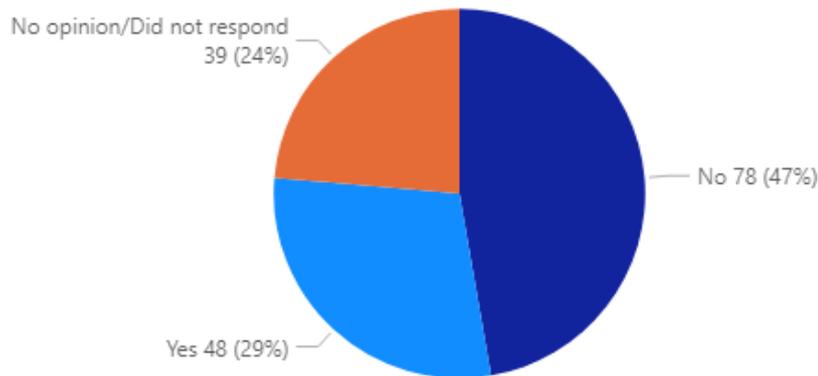
“The Licensing Authority will only grant applications that can demonstrate that they will promote the [prevention of crime and disorder, public safety, prevention of public nuisance or protection of children from harm] licensing objective.”

- 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

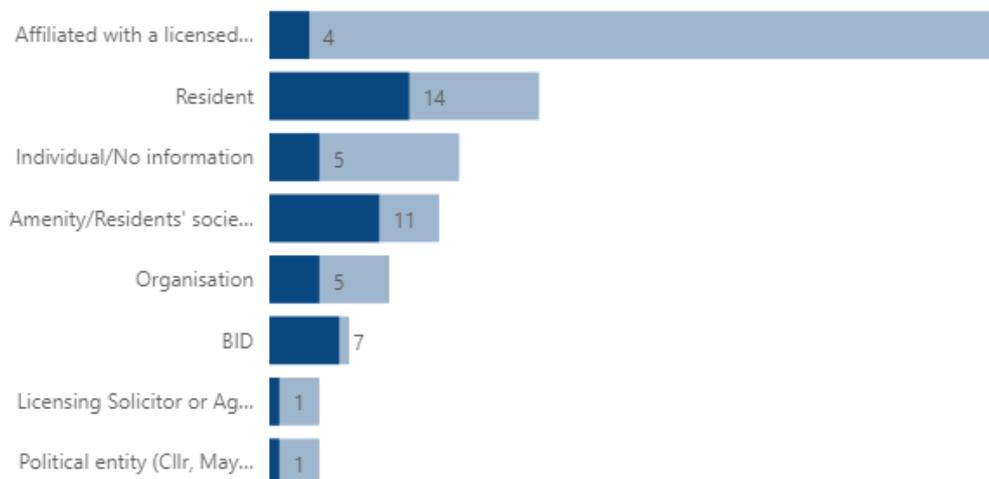
9.4 Out of the 166 responses to this consultation, 48 respondents were in favour of the proposal, 78 respondents were opposed to the proposal and 39 had no

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

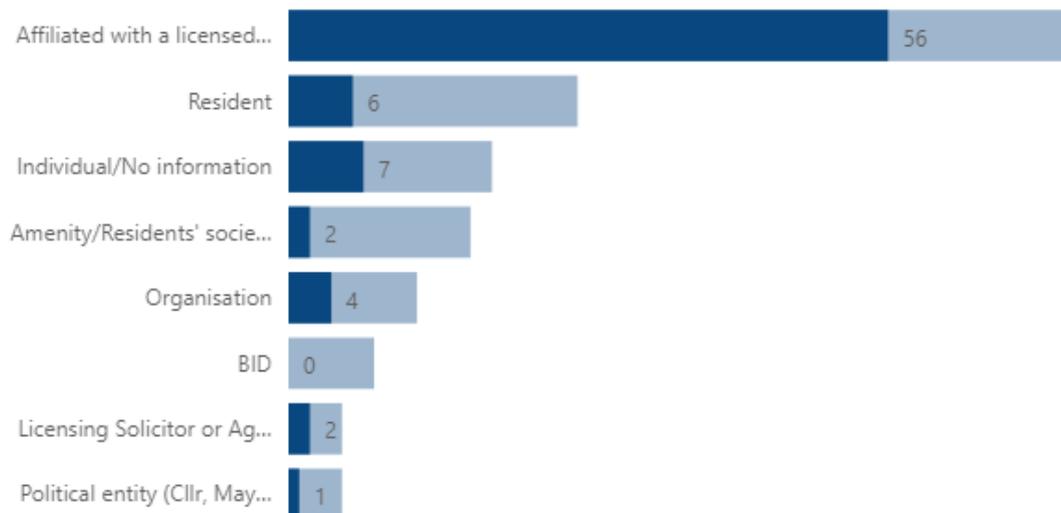


opinion/did not respond.

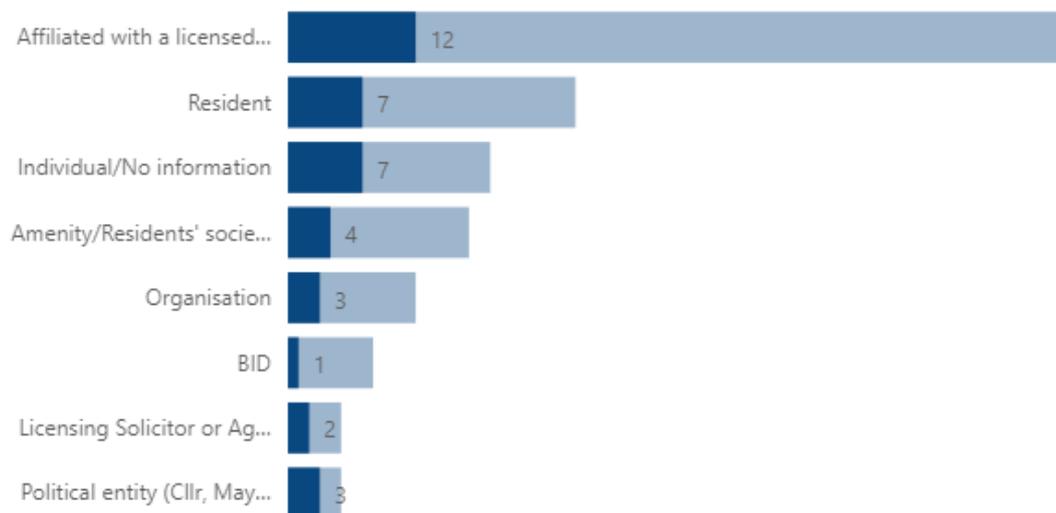
9.5 The graphs below show the number of respondents by demographic who either supported the proposal, were opposed to it or had no opinion/did not respond.



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.

9R - Licensing Authority Response and Action:

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:

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

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.”

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.”

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 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.

The Metropolitan Police Service have requested that additional considerations are added to both the Crime and Disorder and Public Safety Licensing Objective Policies associated with Counter Terrorism. They have also proposed an additional Appendix is attached to the Statement of Licensing Policy that corresponds with the Counter Terrorism consideration and sets out the relevant Action Counter Terrorism (ACT) Products available for licensees.

The Licensing Authority intends to make some slight amendments to the proposed wording of the Licensing Objectives Policies to clearly state that the Licensing Authority will not grant applications if they do not promote the licensing objectives. This amendment will also include the proposed wording of the Licensing Objectives Policies as consulted upon but will also include the additional Counter Terrorism considerations and Appendix proposed by the Police. The relevant policies are included in the revised Statement of licensing Policy in Section C. The ACT Products Appendix is included in the Statement of Licensing Policy at Appendix 7B.

The Licensing Authority has also included information within the revised Statement on the Citizen Advice Bureau's Licensing Project, which is a free service for Westminster residents that provides support understand what is being applied for and to comment on those applications where the resident has concerns.

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.

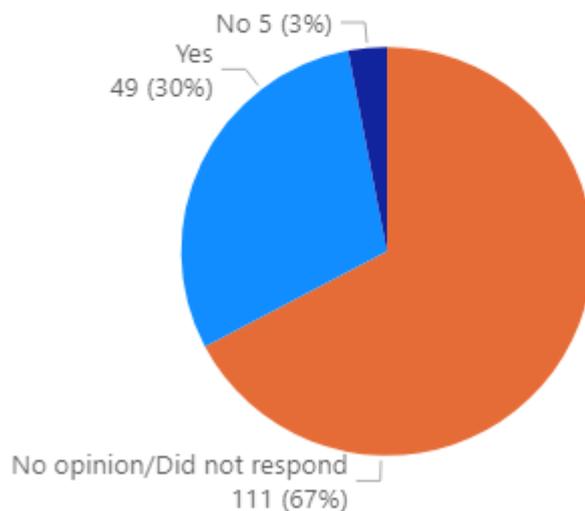
10.3 The second part of this proposal is the inclusion of safeguarding within this policy. The Licensing Authority feels that it is essential that the safeguarding of children was added as a key consideration to this policy. The proposed amended policy added a set of minimum criteria and provided that 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

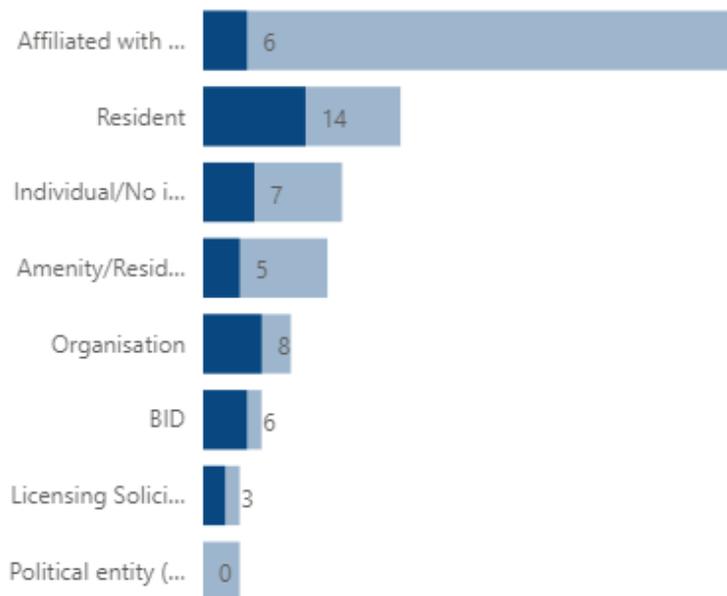
Number of Responses and Demographics

- 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.

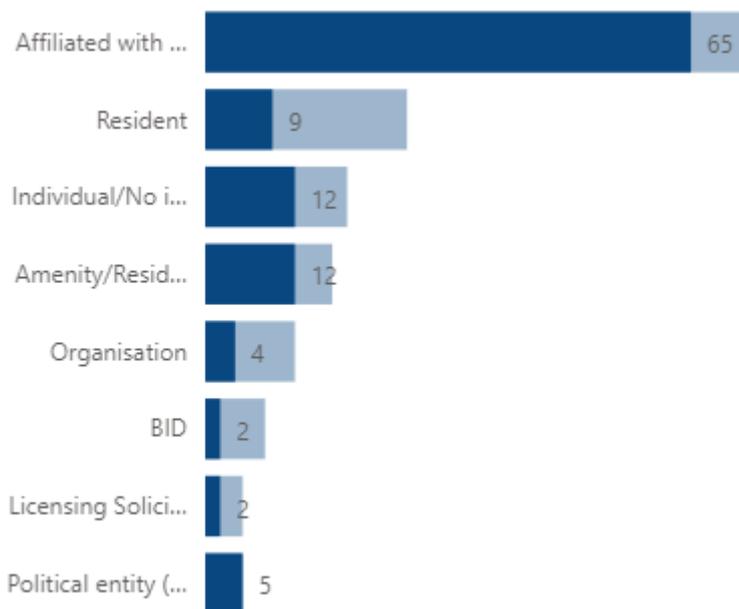
Q10. Do you agree with the proposed chang...



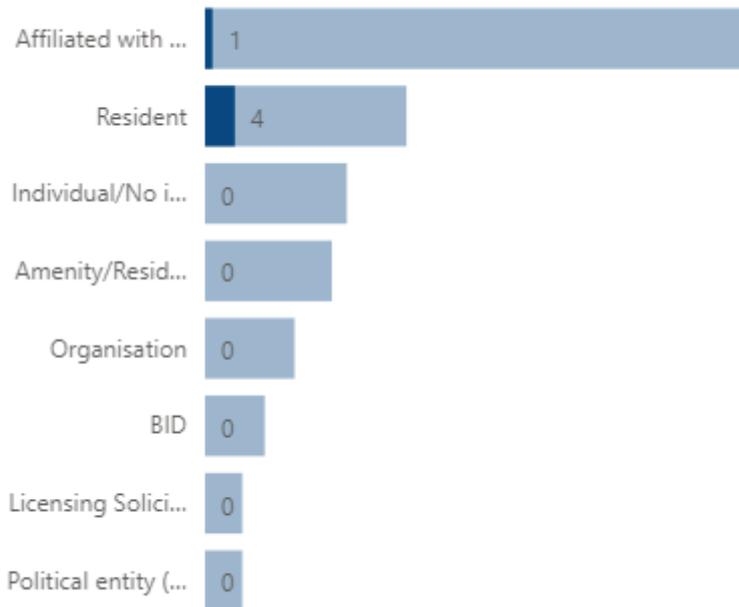
10.6 The bar charts below show the number of respondents by demographic who agreed, did not agree or had no opinion/did not respond to this proposal.



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



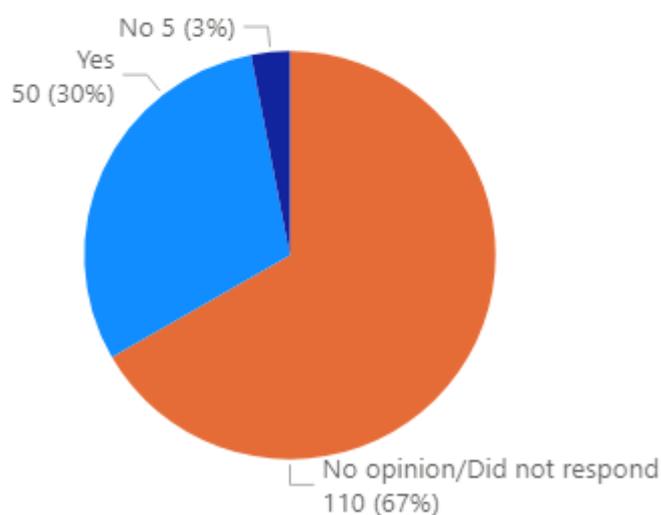
Number of respondents by demographic who did not agree with this part of the proposal.



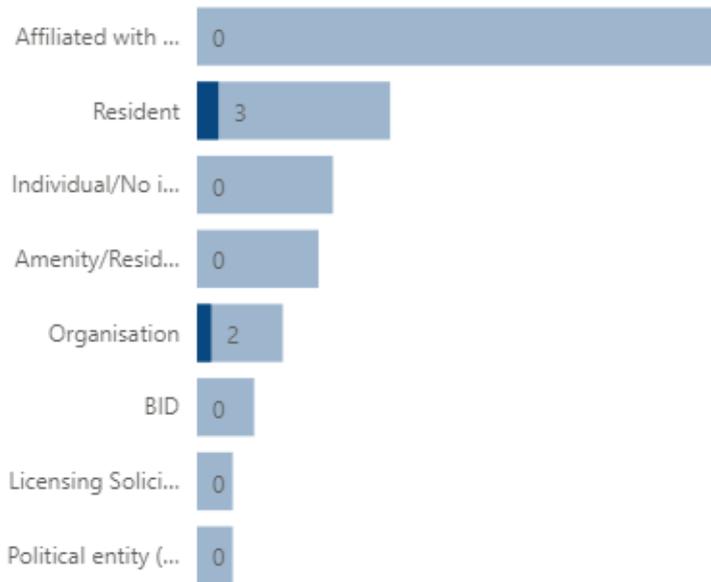
Number of respondents by demographic who had no opinion/did not respond to this part of the proposal.

- 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.

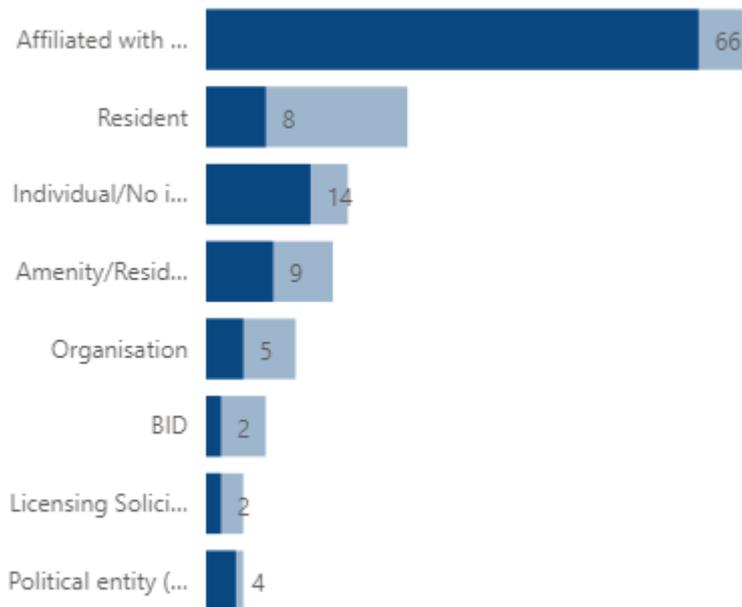
Q11. Do you agree with the inclusion of the ...



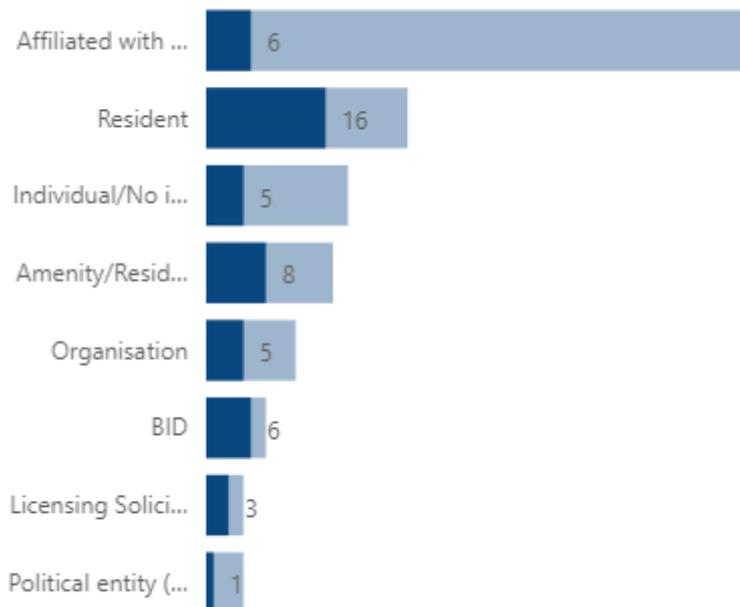
- 10.8 The bar charts below show the number of respondents by demographic who agreed, did not agree or had no opinion/did not respond to this proposal.



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.

10R - Licensing Authority Response and Action:

The Licensing Authority intends to include a slightly amended version of the proposed revised Protection of Children from Harm Licensing Objective Policy CH1.

Additional information and Appendices have been added to the Statement of Licensing Policy to provide greater information to applicants on Safeguarding and the Licensing Authority expectations.

The revised Protection Children from Harm Policy CH1 will be amended to make it clear that the Licenisng Authority not grant an application that does not promote the Licenisng Objective. This revised policy is included in the revised Statement of Licensing Policy as section C. The new Appendix on safeguarding is provided at Appendix 12.

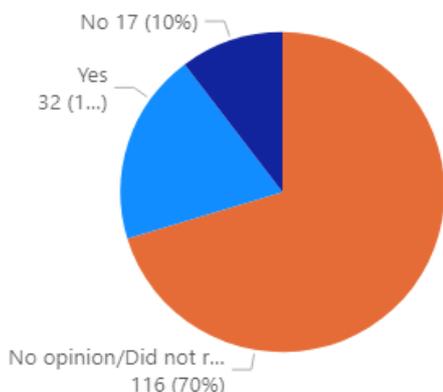
11. Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revise the policy framework for the Cumulative Impact Policy (CIP1)

- 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.

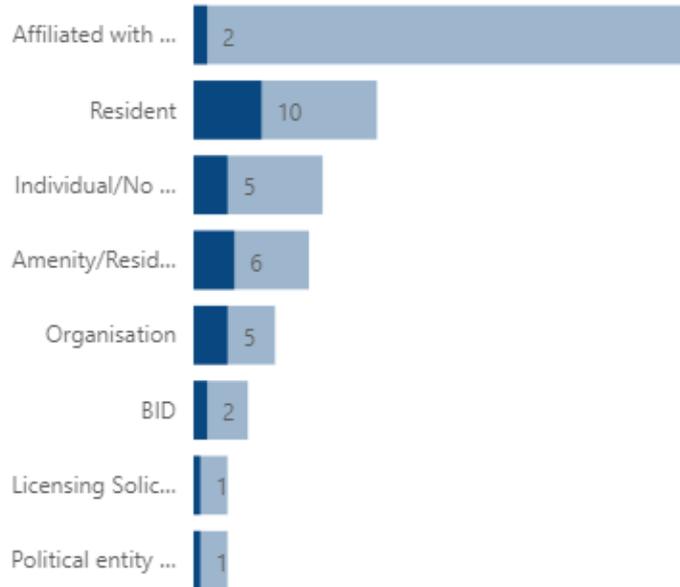
Q13. Do you agree with the proposed r...



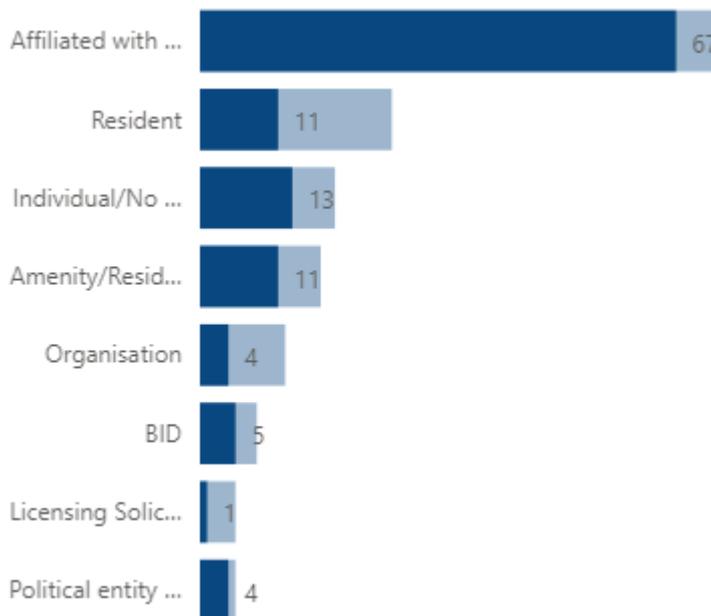
11.3 The table below sets out the responses that the Licensing Authority received on the proposals relating to the boundary of the West End Cumulative Impact Zones within policy CIP1.

| 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%) |

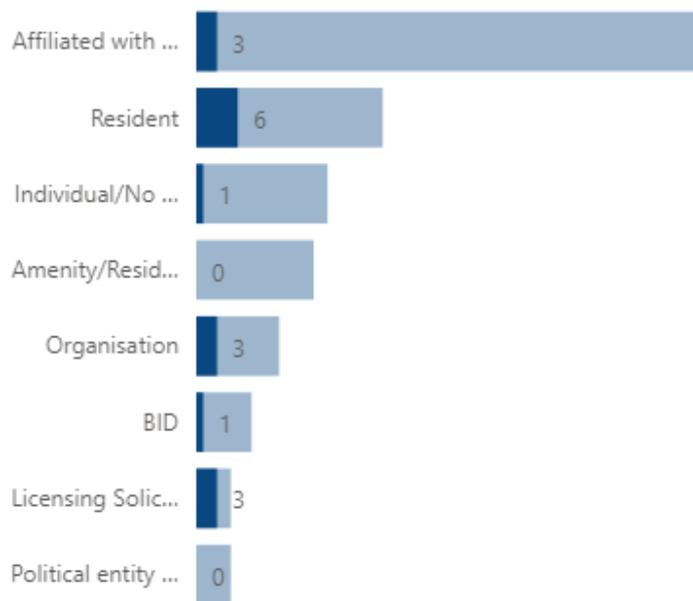
11.4 The breakdown of the respondents who were supportive of the proposed revisions to the framework and those who were not are shown in the graphs below.



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

11R - Licensing Authority Response and Action:

The Licensing Authority intends to implement the proposed West End Cumulative Impact Zone which retains the current Cumulative Impact Zone boundary except for the area to the East of Convent Garden.

The Cumulative Impact Assessments findings could not conclusively link the area to the East of Covent Garden with incidents associated with cumulative impact.

Although there were calls for the area to be removed all together or the policy approach relaxed because of the impact of COVID-19 it is felt that retaining the current Cumulative Impact Zone boundary will provide a balance of consistency and also protective measures for residents.

The Licensing Authority has also decided not to amend the boundary as proposed by The Crown Estate, CAPCO and Shaftesbury to exclude those areas from the Cumulative Impact Policy. It is intended to engage with these three organisations next year on their submissions and look at those proposals in greater detail prior to a further review of the Policy.

Note: The Licensing Authority does intend to review the Cumulative Impact Assessment and following those results review this policy again. The review of the Cumulative Impact Assessment will be undertaken over the next 1 to 3 years depending on the rate of recovery from the impact of COVID-19.

The revised Cumulative Impact Policy CIP1, which contains the new West End Cumulative Impact Zone boundary has been included within Section D (Spatial Policies Section) of the revised Statement of Licenising Policy

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 Edgware 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.

12R - Licensing Authority Response and Action:

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 related to licensed premises.

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.

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.

Therefore, the Licensing Authority intends to remove the Cumulative Impact Zone designation and Cumulative Impact Policy requirements for Queensway/Bayswater and Edgware Road.

Note: 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 considering 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

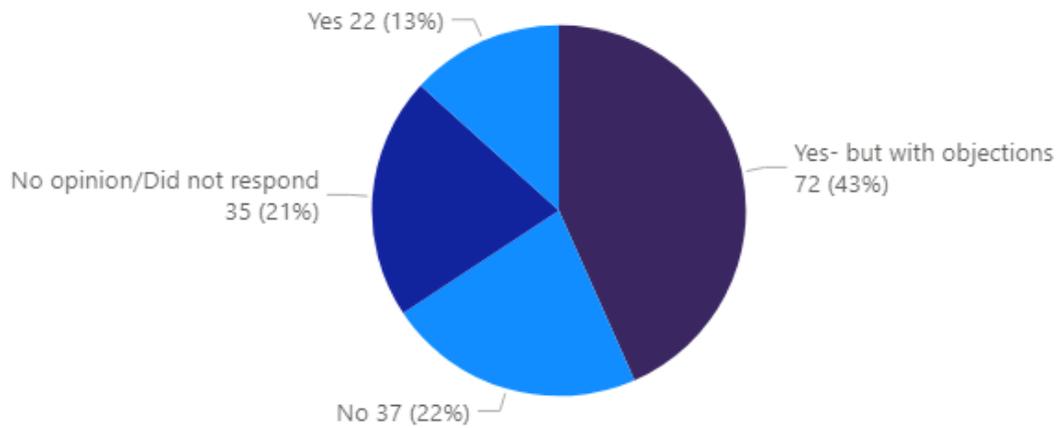
current policies associated within the venues. The intention was to convert the current Core Hours to apply to the specific premises uses as defined within the premises use policies within the Statement of Licensing Policy. This meant that the venues primary use and the main licensing activity were used 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.

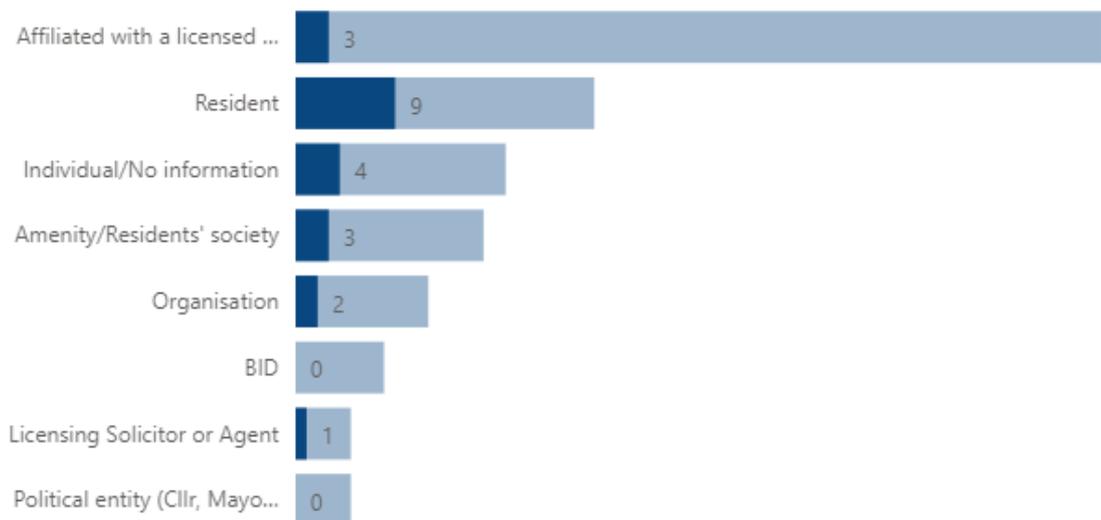
Number of Responses and Demographics

- 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.

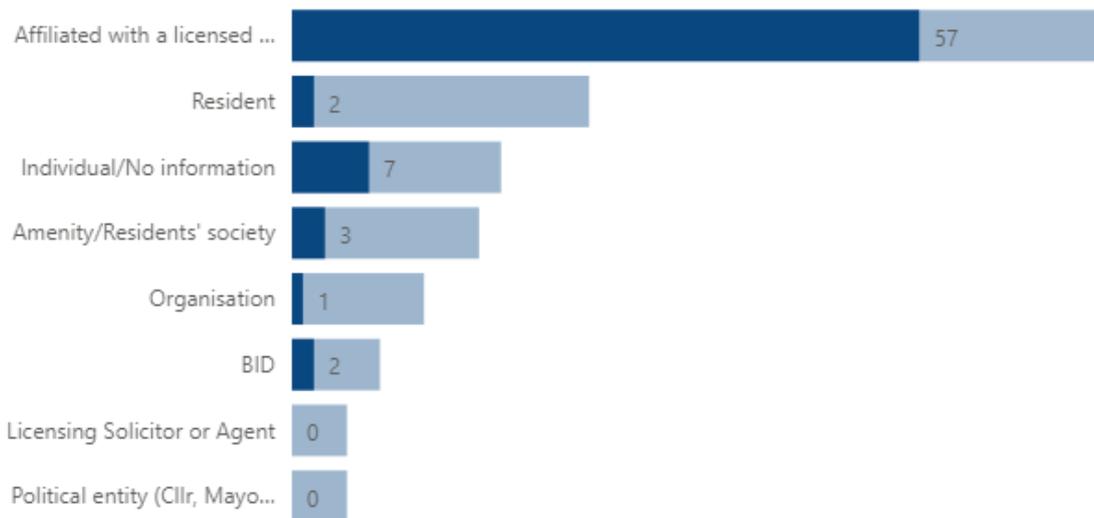
Q18. Do you agree with the proposed changes to the Core Hours Policy (HRS...



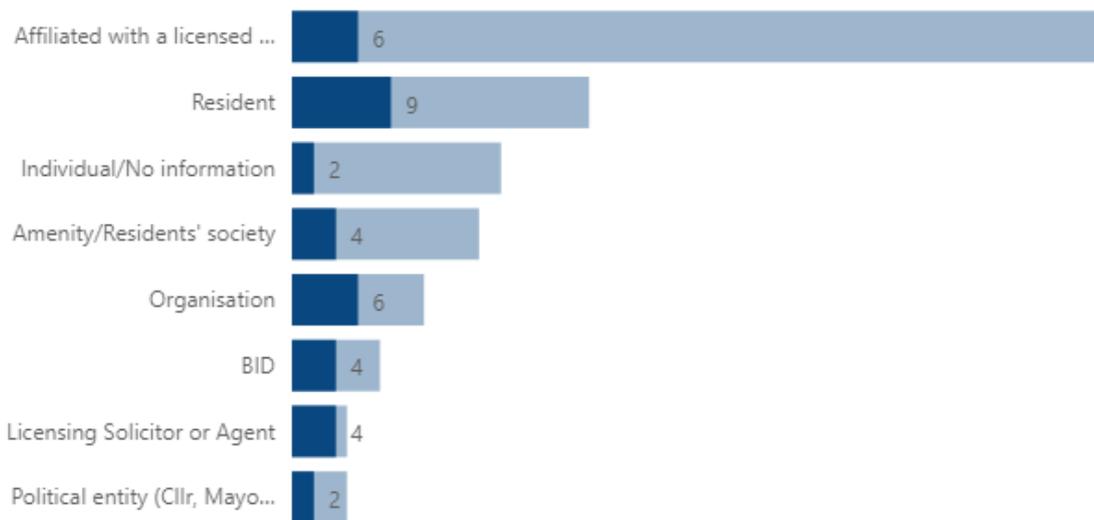
13.7 The graphs below show the number of respondents by demographic who either supported the proposal, supported the proposals but had specific objections, did not support the proposals and had no opinion/did not respond.



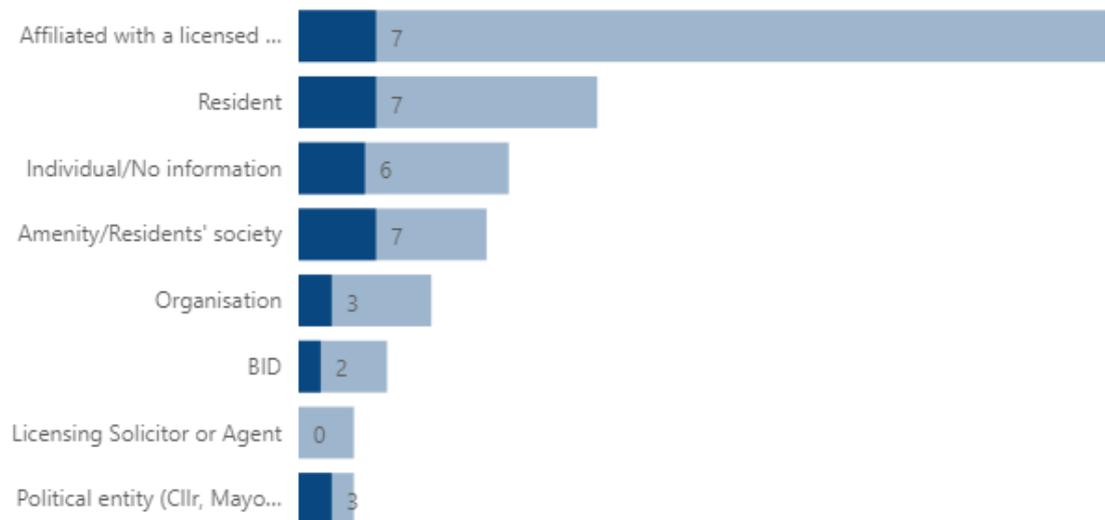
Number of respondents by demographic who agreed with the proposal.



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.

13R - Licensing Authority Response and Action:

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 for those premises uses 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.

Although there was support to permit pubs and bars, fast food premises and music and dance venues within the West End Cumulative Impact Zone to open later, there was significant opposition to the proposed 21:00hrs terminal hour. As identified in the 2020 Cumulative Impact Assessment cumulative impact was identified as taking place within the West End from 21:00hrs. To permit these premises uses within the West End Cumulative Impact Zone beyond 21:00hrs would likely negatively impact the licensing objectives and increase cumulative impact in the area.

The Licensing Authority, having considered the responses on this point have decided to remove the proposed Core Hours for Pubs and Bars, Fast Food Premises and Music and Dance venues within the West End Cumulative Impact Zone. The Cumulative Impact Policy (CIP1) has also been amended to revert to the current policy approach, which has a presumption to refuse applications for these premises uses within the Cumulative Impact Zone. A new paragraph has been added to the CIP1, Music and Dancing (MD1) and Pubs and Bars (PB1) policy's that provides a possible exception from the presumption to refuse under these policies if the terminal hours do not exceed 21:00hrs. However, any applications considered to be an exception will not be able to utilise the policy presumption that will generally grant variations to Core Hours. The proposed exception is to enable businesses to operate up to 21:00hrs if they wish and therefore, they will not add to cumulative impact which starts and escalates dramatically after 21:00hrs each day.

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 is 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.

The Licensing Authority will remove the Core Hours for Pubs and Bars, Fast Food Premises and Music and Dance venues within the West End which had the terminal hour of 21:00.

The Licensing Authority does not intend to change the new Core Hours for Cinemas, Cultural Venues (including theatres) and Live Sporting Premises as the requirement for premises in the West End Cumulative Impact Zone

to ensure that the sale of alcohol and late-night refreshment after 23:00 to customers/audience members will reduce any risk of the premises becoming a destination bar adding to cumulative impact and the risk of a negative impact on the licensing objectives.

The Licensing Authority will, however, amend the Core Hours policy to separate Restaurants from Sexual Entertainment Venues and Sex Cinema hours.

The revised Core Hours policy is included in the revised Statement of Licensing Policy as section E.

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.

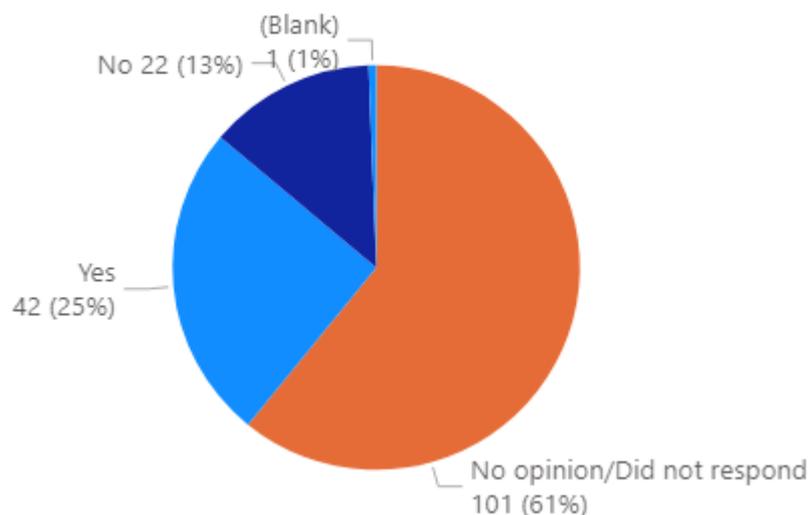
14.3 The policy will set a requirement for applicants to consider the local issues and then put forward appropriate mitigation to prevent them from having a negative impact on the area.

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 | 20 (14%) | 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 providing a wider area for the SCZ, but failing that, wanted a continuous boundary from 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.

14R - Licensing Authority Response and Action:

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.

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.

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.

There have also been some respondents that have suggested that the boundary of some of the Special Consideration Zones should be amended.

The Licensing Authority has amended the proposed Special Consideration Zone policy to provide greater clarity on this policy approach and what applicants are required to consider. This policy is not a restrictive policy like the Cumulative Impact Policy. It is intended to provide a high light on the issues in the area that applicants should consider and provide adequate mitigation for.

The Licensing Authority considered these requested very carefully but is not minded to create a new Special Consideration Zones for Carnaby Street and its surrounding streets, as requested by Shaftesbury or Central Convent Garden as requested by CAPCO at this time. The Authority is also not minded to amend the West End Buffer Special Consideration Zone to include areas of Regent Street and Piccadilly which are current within the Cumulative Impact Zone as requested by the Crown Estate at this time. It is intended to have further discussions on these proposals with the relevant organisations before the next review of the Statement of Licensing Policy.

A request was received from the Marylebone Association relating to the boundary of the Edgware Road Special Consideration Zone. They highlighted the issues in the area and that the boundary should be increased to the north east so as to provide greater leverage on assessing the impact on the Licenising Objectives in the area. The Portman Estate have argued that the area around the South of Seymour Place should be excluded from this zone. The Licensing Authority has considered this carefully and will amend the boundary of the Edgware Road Special Consideration Zone but only to include Cumberland Court.

Note: It is intended to review the Cumulative Impact Assessment within the next 1 to 3 years and the Special Consideration Zones will be carefully considered as part of that process. It is intended that the next review will be able to include observational analysis which were not possible for the 2020 Cumulative Impact Assessment due to the impact of COVID-19. Until that review takes place the Licensing Authority will be monitoring the effectiveness of the Special Consideration Zones Policy as well as incident rate levels.

The amended Special Consideration Zone Policy is included within the Statement of Licensing Policy Spatial Policies at section D.

- 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).

15R - Licensing Authority Response and Action:

The Licensing Authority has made a number of amendments to the proposed Premises Use Policies as a result of the submissions received during the consultation period.

The Pubs and Bars (PB1), Fast Food Premises (FFP1) and Music and Dancing (MD1) policies will be amended to remove the reference to generally granting applications up to Core Hours within the West End Cumulative Impact Zone. This is to reflect the feedback that was received relating to the 21:00 terminal hour. The amendment will revert the policy approach back to the current policy, which will have a presumption to refuse applications under these policies within the West End Cumulative Impact Zone unless they are varying their existing hours to within Core Hours. The additional allowance for the granting of applications that seek to reduce their capacity within the West End Cumulative Impact Zone will be retained from the initial proposal.

However, a new paragraph has been added to the CIP1, Music and Dancing (MD1) and Pubs and Bars (PB1) policy's that provides a possible exception from the presumption to refuse under these policies if the terminal hours do not exceed 21:00hrs. However, any applications considered to be an exception will not be able to utilise the policy presumption that will generally grant variations to Core Hours. The

proposed exception is to enable businesses to operate up to 21:00hrs if they wish and therefore, they will not add to cumulative impact which starts and escalate dramatically after 21:00hrs each day.

Following the receipt of the Environmental Health consultation response a number of changes are proposed to the definitions of some of the premises use policies. The proposed amendments are intended to clarify and finesse the definitions of the premises uses that would be considered under those policies.

The Cinema, Cultural Venue, Live Sporting Premises and Outdoor Venues policy (CCSOS1) has also received comments, particularly from theatre operators, BID's and land owners relating to the new requirement for the sale of alcohol and late night refreshment must be limited to customers/audience members after 23:00 for premises within the West End . It is intended to retain this requirement within the CCSOS1 policy to ensure that these venues do not become late night destination venues and that the risk to the licensing objectives and cumulative impact is reduced. We have provided greater clarity the definition of a theatre and live sporting premises. We have also set out the understanding that thee larger venues will need to utilise their venue for other uses. We have provided clarity relating to this which will make it clear that the venues can be used for other activities as long as the premises primary use does relate to the intended operation types under this policy.

The Licensing Authority has also provided some further updates and amendments throughout the rationale for these policies so that there is greater clarity for applicants.

The premises use policies are included in Sections F within the revised Statement of Licensing Policy.

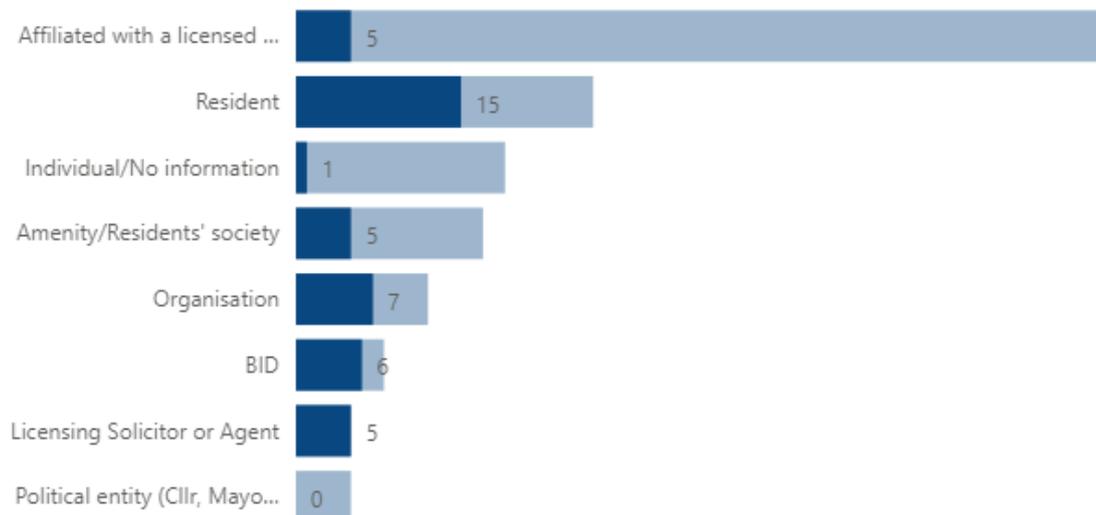
16. Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

- 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.

16R - Licensing Authority Response and Action:

The Licensing Authority has taken the opportunity with this revision to amend and update information within the Statement of Licensing Policy. The amendments have been made across the document, included appendices. Minor amendments proposed by respondents to the public consultation have also been included throughout the document.

The Licensing Authority has also updated the relevant sections at the front of the policy associated with Westminster, Council Strategies and other legislation. This has included a section on the Councils expectations on licensed businesses associated with the Environment. These revised sections are not policies that require applicants to demonstrate that they meet them. They provide context to the Councils approach to licensing and the management of the City. We have also included a "How to use this policy" section to provide clarity over the hierarchy of the relevant policies and how they will be considered.

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.
- A temporary COVID-19 policy that provides a relaxation of the Licensing Policy for a temporary period to support business has been put forward by a number of respondents associated with licensed premises, landowners and BID's.

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. Capitals 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.

17R - Licensing Authority Response and Action:

The Licensing Authority understands the wider impacts and pressures that the pandemic is having on the hospitality sector, businesses and the City. The Council are committed to supporting businesses to recover from the impact of COVID-19 and has already done a great deal in this area, including the development of the Councils movement strategy and providing significant public highway space for outside tables and chairs.

However, at this time the Licensing Authority is not minded to create a specific COVID-19 related policy approach that would temporarily relax the policies within the Statement of Licensing Policy.

The Licensing Authority would welcome appropriate new applications for businesses that want to start within the City. We also welcomes applications that seek to vary an existing licences current terms and conditions for the purpose of providing greater flexibility for that business to operate during stringent COVID-19 restrictions on a temporary basis. These applications will be considered on their own merits and the authority will have regard to any representations that are made either in support or against. The Licensing Authority has already permitted a number of variation applications that have sought to vary their licences on a temporary basis to provide greater flexibility to manage their venue.

A number of respondents have raised concerns associated with the change to the Planning Use Classes, particularly relating to Class E which includes shops, offices, restaurants and cafes. This change in the use class now means that a building with planning permission for commercial, business and service uses (class E) can change uses without the need for planning permission. There were concerns raised by resident groups and businesses that the licensing process may become the only route for residents to raise concerns associated with that change of use. The Licensing Authority has highlighted this as a possibility within "Related Strategies and Initiatives" within Section B and also within the Restaurant Policy (RTN1) in Section F. Planning and Licensing are distinctly different regimes and the Licensing Authority will only consider representations that relate to the licensing objectives.

18. Legal Implications

- 18.1 The council must review and publish a revised Licensing Policy before the expiry of the current 5-year period, by virtue of sub-section 5(1) of the Licensing Act 2003 which states that:

"Each licensing authority must in respect of each five-year period—

- (a) determine its policy with respect to the exercise of its licensing functions, and
- (b) publish a statement of that policy before the beginning of the period.”
(emphasis supplied).

18.2 It would be unlawful for the Licensing Authority to fail to comply with that mandatory requirement.

18.3 As has been stated in the body of the Report the Statement of Licensing Policy must be reviewed and approved by Full Council. Once adopted the Licensing Authority must have regard to this SLP in carrying out its licensing functions under the Act, in addition to having regard to the Secretary of States’ Guidance which is issued from time to time under Section 182 of the Act.

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.

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

APPENDICES

- Appendix 1 – Consultation Submissions and Licensing Authority response.
- Appendix 2 - Revised Statement of Licensing Policy
- Appendix 3 - Proposed Revisions of Westminster City Councils Statement of Licensing Policy - Consultation Document – 30th November 2020

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.

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member** for Public Protection and Licensing

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: _____

State nature of interest if any

.....

.....
(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I have considered the revised Statement of Licensing Policy under the Licensing Act 2003 and recommend to Full Council that the Policy is approved and adopted in accordance with section 5 of the Licensing Act 2003.

Signed

Cabinet Member for Public Protection and Licensing

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

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