



Consultation Responses Received Via Email

Responses Affiliated with Licensed Premises

R1 – 19/10/2020

Dear Sir,

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

Many thanks

XXXXXX

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

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

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

R2 – 06/11/2020

To Westminster Licensing Policy Consultation

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

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

Yours Faithfully
XXXXXXXXXXXX

R2 – 13/11/2020 (Additional Submission)

To Westminster Licensing Policy Consultation

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

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

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

R3 – 11/11/2020

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

R4 – 11/11/2020 (Additional Submission)

Response to Westminster Licensing Policy Co

Dear Westminster Council

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

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

XXXXXXXXXX

R5 – 11/11/2020

Dear Sir or Madam

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

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

Yours faithfully

XXXXXXXXXX

R6 – 11/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation.
I am COO of licensed businesses operating in Soho trading as XXXXXXXXXX and XXXXXXXXXX respectively.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXX

R7 – 12/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

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

2. 9.00 pm Bar Exception

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

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

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

3. External Seating

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

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

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

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

4. Inclusivity policy

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

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

Vital to protect and support the LGBTQ heart of Soho

5. General Observation

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

This policy is leading to the sanitisation of Soho rather than a diversity of offers eg where is the bike repair shop ? where can i go just for a drink ?

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXX

R8 – 12/11/2020

Dear Sir/Madam,

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

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

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

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

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

Kindest regards,

XXXXXXXXXXXX

R9 – 12/11/2020

Dear Westminster Council,

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXX

R10 – 12/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R11 – 12/11/2020

Dear Westminster Council

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R12 – 12/11/2020

Dear Westminster Council,

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R13 - 12/11/2020

Dear Westminster Council

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

I oversee the licensed business XXXXXXXXXXXXXXXXXXXX.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

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

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

4. General Observation

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

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

Thank you for your consideration of our policy response.

Kind regards
XXXXXXXXXXXXXX

R14 – 12/11/2020

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

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

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

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

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

Kind regards
XXXXXXXXXXXXXX

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

R15 – 12/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

R16 – 12/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R17 – 12/11/2020

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

R18 – 12/11/2020

Dear Westminster Council

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

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

Also a Westminster resident

[living at XXXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R19 – 12/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R20 – 12/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of our policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R21 – 12/11/2020

Dear Westminster Council,

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

I own a licensed business operating in Soho area trading as XXXXXXXXXXXXXXXXXXXXXXXX. I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards,

XXXXXXXXXXXXXXXXXXXX

R22 – 12/11/2020

Dear Westminster Council,

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

I, XXXXXXXXXXXXXXXX, represent a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R23 – 12/11/2020

Dear Westminster Council,

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

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

1. Covid-19 Policy

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

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

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

2. 9.00 pm Bar Exception

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

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

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

3. External Seating

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

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

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

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

4. Inclusivity policy

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

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

Vital to protect and support the LGBTQ heart of Soho

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to

Soho's status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

This policy is leading to the sanitisation of Soho rather than a diversity of offers eg where is the bike repair shop ? where can i go just for a drink ?

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

Thank you for your consideration of my policy response.

Thank you for taking the time to read the above.

XXXXXXXXXXXXXXXXXXXXXX

R24 – 13/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R25 – 13/11/2020

Dear Westminster Council

Please see below my response to the Westminster Council Policy Consultation

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX and I am a local resident living at XXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

PLEASE NOTE : As I write no official decision seems to have been made rehearing the closure of Beak Street. I can tell you that should the Council's policy continue to be that Beak Street operators will not enjoy the same benefits as those in East Soho then many of us will not make it to spring. Well over half the retailers and restaurants are now in serious trouble and without a significant change to encourage higher footfall in the West Soho area many businesses will go to the wall. Retailers of every type will benefit from greater footfall not just those in the F&B sector. Opening up West Soho to greater outdoor seating will also take the pressure away from congestion in East Soho, make the Soho area safer in general and save many businesses on the verge of insolvency.

4. Inclusivity policy

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

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

5. General Observation

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

I therefore hope that Westminster will take the opportunity to help protect Soho and the hospitality sector in the new licensing policy. The current unprecedented conditions require new thinking about how the area functions and how WCC functions to support both businesses and residents.

Yours sincerely
XXXXXXXXXXXXXXXXXX

R26 – 13/11/2020

Dear Westminster Council

Licensing Policy Consultation

I am a food writer and chef/owner of a number of restaurants in London, including a XXXXXXXXXXXX restaurant called XXXXXXXXXXXXXXXXXXXX. I am grateful for the opportunity to respond to your consultation on the new Licensing Policy.

My business is heavily reliant on the evening and night-time economy. Approximately 60% of all my revenue is generated from about 6.00 pm onwards. I am therefore particularly interested in the proposals relevant to evening and night-time economy business and infrastructure.

Soho is the centre of the creative world. Hospitality venues contribute to the fabric of the creative world and in doing so play a vital part in stimulating exciting new Soho businesses and supporting the evening and night-time economy. This should not be disproportionately restricted by licensing policies.

The loss of live music venues needs particular attention. The live music scene is incredibly important to British culture – the music industry generates huge amounts of money for the UK economy and enhances our reputation worldwide. I believe that an appropriate balance can be struck between the amenity of local residents and well managed grass roots live music venues who implement comprehensive measures to mitigate the risk of disturbance. In any event, there are existing and sufficient measures in place to protect residents if everything goes wrong, particularly under the licensing regime.

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

I am also interested to learn of the council's response and support to businesses in respect of the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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

I encourage the council to look at policies to promote and welcome people coming into the Soho to support the struggling businesses. Enhanced live music venues and private members clubs will help. On a more practical basis, access to Soho should also be less of a burden.

Without a concerted effort amongst the council, stakeholders and local businesses, perhaps with a joined-up and robust marketing campaign, Soho is at risk of never getting back on track. A more flexible view on planning or licensing consents, coupled with incentives to get people into Central London, will help make visiting and operating in Soho more viable. A failure to act now may doom Soho's fate as a ghost town for the foreseeable future.

Thank you for taking into account my views.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

R27 – 13/11/2020

Dear Westminster Council,

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Best,

XXXXXXXXXXXXXXXXXXXX

R28 – 13/11/2020

Dear Westminster Council

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

We are the owners of XXXXXXXXXXXXXXXXX restaurant located on XXXXXXXXXXXXXXXXX in Soho.

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

We are grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided us with a lifeline.

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

External seating has become vitally important for hospitality venues in the wake of the pandemic. The new licensing policy should recognise this and promote greater flexibility in terms of hours and size of external areas, where appropriate to do so. For example, we have been lobbying for a permanent closure of D’Arblay

Street for external seating, since it has been closed to traffic due to prolonged road works for the last 2 years anyway.

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

XXXXXXXXXXXXXXXXXXXX

R29 – 13/11/2020

Dear Westminster,

I am the co-owner and founder of XXXXXXXXXX Bar and Restaurant located at XXXXXXXXXX. Please can you consider my views in response to your licensing policy consultation.

I support the proposed policy exception for new bars, pubs and music venues. However, I would ask that Westminster considers a more appropriate terminal hour. 9.00 pm is not realistically viable for most Soho businesses. At least 11.00 pm would be more appropriate and welcomed by the business community in Soho.

I understand that the licensing authority will keep the impact of the Covid-19 pandemic under review. I know that most Soho businesses welcomed Westminster's intervention over the summer with the alfresco scheme. Unfortunately, our proposal to close our section of Poland Street was not successful. This means that we did not benefit from the alfresco scheme and had to re-open much later than most.

I suggest that Westminster adopts a new licensing policy to address the impact of the pandemic. Temporary flexibility on licence hours and conditions would provide a great source of hope for many struggling Soho businesses. Publishing a new licensing policy that fails to address the pandemic would send a worrying message to the West End hospitality sector. I therefore ask you to consider including Covid-19 policies promoting greater licence flexibility and improved external seating allowances to help the Soho business community survive and, hopefully, one day flourish again.

On a general note I believe that Westminster's tight licensing policies have in part contributed to the so called gentrification of Soho. Now more than ever is the time to offer some proportionate and controlled relaxation of policies to help maintain Soho's world class reputation as a centre for culture and the evening and night-time economy.

Thank you for your considering my views.

XXXXXXXXXXXXXX

R30 – 13/11/2020

Dear Licensing Policy Team

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

Thank you for the opportunity to respond to these proposals. XXXXXXXXXX Theatres own/operate X theatres in the heart of the West End; XX. XXXX of the XXXXXX theatres, and our administrative offices, are in the West End Cumulative Impact Area.

XXXXXXXXXXXXX Theatres, is also building a new state of the art theatre under construction at XXXXXXXXXX XXXXXXXXXX.

Our comments on the proposals are set out below:

General

1. We greatly appreciate WCC's recognition of the impact the coronavirus pandemic has had on the theatre sector, as discussed in more detail below. While we recognise that the Council has a legal obligation to review and publish a statement of licensing policy in January 2021 the timing of, and short window for responses to, this consultation have come at a time when resources and priorities are stretched. We therefore hope that there will be the opportunity for further consideration and discussion on any aspect of the proposals which could impact the future recovery of theatre prior to adoption.

2. We of course welcome the recognition in the proposals of "*the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city.*" As you will know, in 2019 there were 15.3 million attendances at West End and major London subsidised theatres generating significant funds for HM Treasury. As well as world class theatre attracting diverse audiences, the West End provides many job opportunities directly and indirectly.

Policy Proposals

3. We welcome the slightly longer "core hours" proposed for theatres in HRS1, in light of the fact that the "*Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.*" Theatre bars are absolutely vital to both financial and cultural viability and we appreciate the continued acknowledgment that theatres are generally considered to be low risk.

4. We do however question the reason for the proposed new definition of theatres in CCSOS1:

"the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience".

We understand this is a new definition which isn't in the existing policy, PVC2. Of course, that is the primary purpose of our theatres, but we would not want to be prevented from providing a broad range of other entertainment from plays to musicals, to comedy, dance, live music, televised events, award ceremonies, launches, cinema and of course, pantomime. We question therefore whether this new definition is necessary and appropriate?

5. Given that it is acknowledged both in the proposed policy draft at B.15 and the current policy, that theatres "*provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups*" along with having "*little association with crime and disorder or public nuisance*", we do not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7). Under PVC2, the primary purpose of theatre is as a performance venue and therefore alcohol is always ancillary overall to that primary purpose.

6. The current policy at PVC2 provides that:

"theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City."

"Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas."

"Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities"

7. B.15 proposes "*However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience.*" This new definition appears to be more restrictive than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 23:00.

8. The ability to maximise ancillary revenue streams is vital to the survival of London theatre, given short performance hours and the cost involved in preserving and running these prestigious historic buildings. Customers also wish to attend theatres outside performance hours as part of the cultural and creative experience, for example for creative meetings and networking, family celebrations, lunches, dinners or bar facilities pre and post show. This does not mean that the premises turn into a late-night bar or indeed would have any impact upon the licensing objectives. We also question the practicalities of implementing this, in particular how to ensure we are only serving "that audience" assuming other guests not attending that evening's show may have legitimately entered the theatre prior to 23:00. The key is that use is always ancillary to the overall use as per Policy PVC2. We are not aware that there is any reason or justification to change this definition.

9. Equally, that is also a subtle but important difference to proposed policy D.5 which provides that:

"Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs must be limited to patrons or customers who have made use of the primary activity of the venue. For example, it is acceptable for a theatre to maintain the use of their bar following a performance

beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.”

10. D.4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst we understand there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D.5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, we ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged, provided it was ancillary to the overall use as a theatre. We would suggest policy wording similar to this:

“Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn’t add to cumulative impact.”

11. We support the proposed wording at B.9 for greater flexibility for core hours, which is the same as in the current policy, but strongly contest the new final sentence which now seeks to restrict that flexibility (underlined): *“The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.*

We believe this new limitation is unnecessary and was not in the previous policy. It is acknowledged that bar uses should be ancillary but these venues attract people of all ages for a diverse range of cultural entertainment for seated audiences, all of this makes the venue low risk. There is no further need to restrict alcohol sales to intervals or by the type of alcohol sold if that is the intention.

12. The Covid-19 pandemic has had a catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses, and especially theatres, have been particularly hard hit by the lockdowns and social distancing restrictions, evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster’s world class reputation as a cultural capital, the theatre industry and the arts need to continue to be supported.

13. XXXXXXXXXXXXXXX has pioneered the re-opening of theatres in the West End with social distancing. As reported widely in the press, on the 6 month anniversary of the last performance in the West End, we announced we were switching back on the lights and re-opening our theatres with social distancing plus robust risk mitigation to comply with Government guidelines from 22nd October. Although with reduced capacities it is not possible to make a profit, we were earning a contribution to our costs and most importantly the income allowed us to retain XXXXXXXXXXXX highly skilled and experienced workforce, and give work to the talented tapestry of freelancers onstage and backstage. A special season of fantastic entertainment from 22nd October was planned, needless to say this was very short-lived and yet again we find ourselves closed.

14. We know that the Council recognises the impact of the pandemic on theatre and wishes to support recovery and we ask that this is reflected in its policies in cases where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

We appreciate that any policy changes introduced at the beginning of next year will affect new applications for licences or variations and not any current applications determined before then or existing licences relating to XXXXXXXXXX Theatres. However, we wish to ensure that any changes in policy protect our theatres for the future.

We would welcome the opportunity to discuss the proposals further.

Yours Sincerely

XXXXXXXXXXXXXXXXXX

R31 – 13/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter (**and please include Great Windmill Street**). It provided many Soho businesses with a lifeline.

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R32 – 13/11/2020

Dear Licensing Committee,

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

I am a gay businessman and have been involved in running licensed premises in Westminster since the late 1980's.

I opened my own venue, XXXXXXXX back in XXXXX on XXXXXXXXXXXX and the brand will celebrate 25 years trading next month (if we are out of lockdown). I currently own (lease) two premises in Westminster; XXXXXXXXXXXXXXX and XXXXXXXXXXXXXXXXXX. These are divided into XXXX separate venues all catering to the LGBTQ+ community, including XXXXXXXXXXXXXXX dedicated Lesbian bar. I pride myself on running professional venues with inclusive events for the entire broad spectrum of my wonderful community.

Prior to the pandemic, my business was challenging but ultimately successful and profitable. Westminster's summer alfresco scheme, for which I am extremely grateful, gave the business a lifeline by allowing it to break even. I proactively engaged with Councillor Green and the movement strategy team during this process. I also appeared on BBC News alongside Councillor Green praising the scheme.

I recently joined the board of the Soho Business Alliance. I endorse and reiterate the consultation responses made by the Soho Business Alliance and its members. I also wanted to take the opportunity to emphasise a few key points most relevant to my business.

As a long-standing LGBTQ+ business, I was very pleased to see the proposal for a new inclusivity policy. Soho has sadly lost many of its LGBTQ+ venues over recent years. I hope that policies promoting venues for persons with protected characteristics will help stop the decline.

Westminster have a duty under the Equalities Act to reduce inequalities and promote inclusivity when carrying out their public sector licensing function. In order to properly meet this statutory obligation, the inclusivity policy should proactively promote and protect licensed venues providing a safe environment for persons with protected characteristics.

This means that the policy should introduce a new exception to the cumulative impact area policy where an applicant has successfully demonstrated that it is a venue with protected characteristics, providing of course that granting the application is appropriate and the licensing objectives are promoted. A licence holder's track record can and should be taken into account under this policy test. This would provide a lifeline to Soho's last remaining LGBTQ+ venues, and possibly encourage new venues to open. Otherwise, I fear many of us will not survive the pandemic under existing licensing restrictions.

LGBTQ+ venues are very social by definition. Their foundations are built upon providing a safe and inclusive environment for members of the community to meet and socialise. Social distancing, lockdowns and tier restrictions on mixed households meeting have hit LGBTQ+ venues particularly hard. I ask the council to recognise this and help LGBTQ+ venues, as well as the West End hospitality sector as a whole, survive and recover from the pandemic. Soho's evening and night-time economy needs a Covid-19 support policy.

The pre-existing cumulative impact policies have been effective in reducing cumulative impact in the West End over the last 10-15 years. In my view, the policies have now gone too far. The policies, together with the impact of the pandemic, are now having a seriously damaging effect on Westminster's prized cultural and entertainment districts. At the very least, I ask you to please consider time limited Covid-19 policies allowing temporary relaxations of licensed conditions, external seating and/or hours to help businesses adapt and build a foundation to continue contributing to Westminster's success when the pandemic is over.

Thank you for considering my consultation response. Please do not hesitate to contact me if you have any questions about my views.

Yours faithfully
XXXXXXXXXXXXXX

R33 – 13/11/2020

Dear Westminster

XXXXXXXXXXXX provides capital and advisory services to ambitious entrepreneurs within the hospitality industry. We work in close partnership with the following Soho businesses:

- XXXXXXXXXXXXXXXXXXXX
 - XXXXXXXXXXXXXXXXXXXX
 - XXXXXXXXXXXXXXXXXXXX
 - XXXXXXXXXX

We would be grateful for the City Council's consideration of our consultation response to the licensing policy review. Even before the pandemic, high streets were suffering in a new world of online retailing and commerce. The outlook for high streets over the next 18 months is bleak. They will be decimated. It is vital to start developing longer term strategies and policies to create hubs of activity as an intersection of all human connectivity.

High streets need to focus on a new role of experience. They could transform into vital community and public health assets by providing places for people to connect socially and creatively. The move away from high street retail should focus on the concept of human interaction and in doing so contribute positively to the health and mental well being of the public. Places like Soho can be at the vanguard of this pioneering approach.

I hope and believe that Westminster can play its part in creating and regenerating Soho and surrounding high streets as one of these creative hubs attractive to workers, tourists and all the individuals and businesses that continue to contribute to Soho's world-renowned reputation.

If an appropriate balance is not struck between support for the hospitality and creative businesses against the sometimes conflicting views of local residents, Soho will die. I am particularly concerned that in a new world of "working from home" offices will be lost to residential development and the "Soho buzz" will peter out. Soho is so great because anyone can visit at any time of the week and it always has a positive buzz and energy. That is why people love it.

We therefore encourage the City Council to adopt licensing policies protecting and promoting individual creativity and businesses that contribute to the fabric of Soho. In particular, restaurants, live music venues, bars, nightclubs and private members clubs. Policies should welcome new licensed premises with more flexibility on hours and conditions of use. Private members clubs are particularly important hubs of creativity and Soho community.

Similarly, more flexible policies on external seating could help many businesses survive whilst serving their customers in a safe and attractive environment. All of this can be done without harming the residential amenity, the vast majority of which believe choose to live in Soho because of its diverse creative and entertainment led businesses.

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

I am concerned about the lack of policy proposals to help support hospitality businesses in respect of the Covid-19 pandemic. Levels of cumulative impact in Soho are at an all-time record low, and will continue to be low for the foreseeable future. Many of the West End's prized hospitality and cultural venues will close permanently if Westminster do not seize and execute the opportunity to introduce a Covid-19 policy in January.

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

Thank you for taking into account my views.

XXXXXXXXXXXXXXXXXXXX

R34 – 13/11/2020

Dear Westminster Council,

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

[I own a licensed businesses operating in Soho trading as Pierre Victoire Restaurant, 5 Dean Street and Prix Fixe Brasserie 39 Dean Street.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R35 – 13/11/2020

Dear Westminster Council,

Please can you consider our response to your licensing policy consultation.

Introduction

We operate XXXXXXXXX on XXXXXXXXX in Mayfair. Our restaurant is headed by a Michelin Star chef specialising in seafood. We opened in XXXXXXXXX 20XX. After a successful start we have had an extremely challenging first 12 months due to the Covid-19 pandemic.

Mayfair

We agree with the cumulative impact assessment findings that there is no requirement to implement a cumulative impact policy in Mayfair. Mayfair does not have the same levels of crime, disorder and nuisance as experienced in other areas of the West End.

However, our restaurant would be caught by the proposed Mayfair special consideration zone policy. We are concerned that this could be interpreted or relied upon effectively as a cumulative impact policy by persons objecting to reasonable applications. As a result, we do not think a special consideration zone should be implemented in Mayfair.

Your own evidence indicates that Mayfair experiences proportionately very low levels of incidents, particularly bearing in mind the number of licensed premises in the area. The incident level is just 1.6 x the Borough average, despite it being a busy commercial area. We therefore do not think it is necessary and have concerns about how it would be interpreted, implemented and applied when applications are determined.

Alternatively, the special consideration zone policy should include clarity confirming that applications will generally be granted where an applicant successfully demonstrates that it has taken into account and mitigated the special considerations in its applicable area.

Coronavirus

We are concerned that there appears to be no proposal to implement a special Coronavirus licensing policy. A Coronavirus policy is crucial to help existing and new West End hospitality businesses survive. The policy could help obtain some flexibility on licences when considered appropriate and the applicant can demonstrate that they can promote the licensing objectives. Applications could be granted on time limited basis if necessary. Otherwise many restaurants and bars will sadly close.

In our case, it could be the difference between our business surviving or not, with an associated loss of a number of jobs.

Thank you

xxxxxxxxxxxxxxxxxxxx

R36 – 13/11/2020

XXXXXXXXXXXXXXXXXXXX Response to Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment

To whom it may concern

Thank you for consulting with us on the proposals for the revision of the Westminster City Council Statement of Licensing Policy. Our responses to the questions are detailed below, however, our position is that with an uncertain future and the difficulties that the hospitality and entertainment sector face, that despite your reassurances that you are not implementing significant change and that you intend to continue with the current policy approach where possible this is not the case as there are a number of significant revisions that will negatively impact growth, business development and regeneration of the high street post-COVID when London, in particular, will need it most. Therefore, we are not generally supportive of the amended Statement of Licensing policy, as we do not believe that it reflects the severity of the impact of COVID on trading conditions and usage of our town and city centres.

We are most concerned about:

1. The revised core hours policy:

This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that do not. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants. This is because of their current trading style, due to the impact of COVID legislation and the growth of delivery models most restaurants now offer self-seating, counter ordering, take away, disposable wrapping and crockery and pre-sealed for immediate consumption.

We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by:

- ☒ Providing a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups.
- ☒ Creating access to free toilets for disabled people
- ☒ Hiring security staff above and beyond requirements
- ☒ Delivering extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm
- ☒ Dispersing people safely and well from the night time economy is an essential part of all policing strategies. XXXXXXXXXX is an essential component in this strategy, as people visiting our restaurants come to sober up or wait safely for transport and a study performed by XXXXXXXXXXXX indicated that people come into XXXXXXXXXXXX louder than they leave and they are also more sober which means that they can safely get home. This has a direct impact on reducing anti-social behaviour

We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45% of all hospitality businesses will be lost. Therefore, we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts with the Greater London Authority Mayor's vision of a 24-Hour London.

We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore, we do not support the proposal to automatically refuse applications based on the following conditions

- a. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone): Monday to Sunday: 10:00 to 21:00
- b. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):
 - ☒ Monday to Thursday: 10:00 to 23:30
 - ☒ Friday and Saturday: 10:00 to midnight
 - ☒ Sunday: 12:00 to 22:30
 - ☒ Sundays immediately before a bank holiday: 12:00 to midnight

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

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

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

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

6. Consultation: There are clear guidelines in the Section 128 guidance in paragraph 14.4 on the consultation process. As a multinational operator with multiple XXXXXXXX Restaurants both inside and outside the Cumulative Impact Zones, we believe that there has been an insufficient enquiry into the Policy. Further time should have been given due to the closure of premises during the consultation period, due to Central Government implementing Lockdown2 and closing licensed premises, and closure of head offices where the consultation was sent to. This is further backed up by the evidence given, all the evidence to support the Licensing Policy and CIP is pre-COVID evidence and therefore has not taken into consideration the full impact of COVID on the hospitality industry. Further considerations need to be given to

- a. **Tourism footfall:** this is unlikely to restart until a vaccine is found and provided effective, it would take 12-24 months for tourism footfall to recover
- b. **Workforce:** the majority of large businesses have indicated that they are unlikely to return their workforce to offices post-COVID, with many downsizing or removing offices as their teams have worked effectively from home. Therefore, pre-COVID levels of office worker footfall is unlikely to return
- c. **Business closures:** 45% of hospitality businesses are unlikely to reopen post-COVID

With an uncertain future and the likely long term difficulties facing the hospitality sector related to reduced tourism, lack of office workers in the city and restricted business travel it is highly unlikely that footfall will increase in the west end within the next 12 to 24 months, and may never fully recover due to changes in working patterns, with more office staff and businesses indicating that they may never return to an office environment. Therefore, we believe that the policy is unnecessarily restrictive at a time when it should be supportive of business-led regeneration.

Our responses to the questions are as follows:

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?

No, we are not supportive of Westminster Council implementing a Cumulative Impact Policy for the following reasons:

- ☒ Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. There should not be an automatic assumption of rejection.
- ☒ A detailed study by Night Time Economy Solutions Ltd indicated that a CIP was one of the main reasons investors decided not to invest in an area with 100% of investors and major high street hospitality chains indicating that if there were a CIP in place they would choose to invest elsewhere. Post-COVID restrictions such as these will not be helpful for regeneration.
- ☒ We believe that the cumulative impact of footfall, crime and anti-social behaviour post-COVID will look very different therefore data gathered beforehand will be null and void.
- ☒ The cumulative impact policy does not account for the diversity of offer and unnecessarily penalises those from poorer backgrounds, BAME community, disabled people, women, late-night workers by grouping quick-service restaurants with takeaways. These diverse communities need somewhere safe without alcohol to socialise, use the toilets, eat after 9 pm, so to automatically refuse a license to them negatively impacts the ability of those with protected characteristics to utilise the evening and night-time economy.

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

We believe that the implementation of the policy is flawed for the following reasons

- ☒ The defined hours are based on pre-COVID trading, crime, antisocial behaviour and footfall and are not representative of the new world we are living in or the likely post-COVID recovery.
- ☒ The assumption of rejection of a license does not account for each license needing to be reviewed under its merit
 - ☒ “For the purposes of this policy a Fast Food Premises is defined as:
 - (1) a premises that provides late night refreshment either by way of fast food on a counter or self-seating basis or take away for immediate consumption
 - (2) provides no or minimal table service
 - (3) food is either prepared on the premises and cooked in bulk in advance or supplied to the customer in pre sealed disposable packaging for immediate consumption, and
 - (4) is served in disposable wrapping and may be consumed using the disposable crockery provided.

This doesn't differentiate between takeaways, quick service restaurants and restaurants, all of whom offer these services under current COVID legislation and as standard due to the increase in delivery-based models.

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?

- ☒ Westminster Council states that you have “reviewed our policy approach in light of the findings from the CIA and the implication of changing our policy in light of COVID”. We believe that it is at odds with promoting the licensing objectives in that it is based on historic pre-COVID evidence and there is no balanced post-COVID evidence, or planning for a post-COVID environment. Where the prevention of crime and disorder, Public safety, the prevention of public nuisance are all likely to look significantly different due to reduced footfall and the number of operational businesses.
- ☒ In 3.3c it states that “had a high concentration of licensed premises” but it does not directly link those premises with crime or disorder, it's just a statement that they exist. There is a need to directly link crime and disorder with the premises to justify having a CIP.

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

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

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

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

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

☒ As public toilets are lost from our high street or are not open after dark, our toilets are often the only public toilets, and in many communities councils pay us to keep our toilets open late, especially if they are working towards national accreditation schemes such as Purple Flag. Our toilets are often the only disabled friendly public toilets on a high street, for example a disabled person interviewed for a recent study commissioned by Lambeth Borough Council that “without XXXXXXXXXX opening at night I would not be able to use Brixton at night at all, as there are no other disabled toilets in the area, this would make me really isolated, cutting me off from my friends and community, XXXXXXXX toilets at night are a lifeline for disabled people”

☒ Many people who visit XXXXXX do so because accessing more expensive restaurants, culture and arts is outside their economic reach. We provide a cost-effective night out for families and those on low incomes. By removing Fast Food or Quick Service restaurants such as XXXXXXXx from the future high street plans you will make the high street inaccessible to these groups and therefore reduce economic inclusivity. This is particularly important in a post COVID era where many people will be economically challenged.

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

As previously detailed, we believe that the summary of the 2020 Cumulative Impact Assessment is deeply flawed because of not including COVID related statistics or plans. We believe that more research and evidence is needed.

6. Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1 and PN1? This includes their criteria and considerations, listed in clauses B of each policy.

CD1:

☒ **Criteria 1:** We do not agree to the proposed changes due to the fact that there is no clear guidance as to what “a significant contribution to levels of crime and disorder” and the “likelihood of crime and disorder occurring as a result of the grant application” are these are open to interpretation at a local officer level.

☒ **Considerations:** Including levels of crime and disorder in and around the venue. In the venue is understandable but venues have no control over what happens outside their venue.

PS1:

☒ **Considerations:** Q4 states “whether there are procedures proposed to record and limits the number of people on the premises with the opportunities for pass outs and readmission”. This is only relevant to venues such as pubs, bars and nightclubs and does not account for quick service restaurants. Q8 states “affordable cloakrooms, further measures to combat dances and other overheating” this does not take into account the different styles of premises that are now being included in the CIP such as fast food, quick service restaurants, and is therefore too restrictive.

PN1:

☒ **Point 1:** “Limiting the hours of the sales.. or food for consumption outside the premises” does not take into consideration the fast food and quick service restaurants, delivery and takeaways that have been built into the new Statement of Licensing Policy and therefore this undermines the existence of the new categories.

10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?

Yes we fully support this Policy and the criteria and considerations. Protection of Children and vulnerable adults is something that XXXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.

11. Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?

Yes we fully support this inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives this is something that XXXXXXXXX as a family friendly quick service restaurant takes very seriously. We welcome the clear guidance, as it matches our internal training, policies and practises.

13. Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)?

No we do not agree with the policy to automatically refuse applications that have an opening hour before 10:00am and a terminal hour beyond 21:00 within the Cumulative Impact Zone. As detailed in our concerns above. We believe that we will be returning to a very different world post COVID where 50% of hospitality venues will not reopen and therefore the high street will look very different from the one the policy is built around. This policy will restrict growth and regeneration at a time when it is most needed. Pre COVID the night time economy was the only part of the economy in growth, therefore restricting this on reopening will hamper economic regeneration and job creation which will be essential for recovery.

We also believe that it is discriminatory toward BAME, disabled, lower socio economic groups by restricting their access to essential services.

14. Do you agree with?

- a. Not expanding the West End CIZ to include Zones 1 and 2
- b. Retaining the current West End CIZ (except for the North East beyond Covent Garden)
- c. Excluding the area to the NE of Covent Garden which is within the current boundary of the CIZ, from the proposed new boundary for this zone

We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

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

- a. Queensway / Bayswater CIZ**
- b. Edgware Road CIZ**

We do not believe that there is enough evidence to make decision on these expansions and contractions as there is no evidence from the COVID era or future projections, and therefore we do not believe that a reasonable judgement can be reached.

18. Do you agree with the proposed changes to the Core Hours policy?

No, we do not. This is a substantial change to your approach. The current policy distinguishes between premises that offer alcohol and those that don't. We understand from your evidence alcohol is the main driver for the disorder and noise-related complaints. Whereas the new policy includes Fast Food Premises, and although we classify ourselves as a quick-service restaurant we are concerned that this wording is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.

We have substantial evidence to indicate that we reduce noise and disorder in the evening and night-time economy by providing

- a safe and welcoming, alcohol-free environment where those who do not drink alcohol can come and socialise, this is particularly important to diverse groups such as those who don't drink, late-night workers, women, under 18's, those on low incomes and minority ethnic groups.
- free toilets for disabled people
- security staff above and beyond requirements
- extensive training for our team in managing noise, safety and protecting children and vulnerable adults from harm

We are concerned that the council is proposing to limit the trading potential for new businesses at a time when Central Government, the High Streets Task Force and Industry bodies have all indicated that approximately 45% of all hospitality businesses will be lost. Therefore we believe that this policy is a stealth policy to cut late-night trading opportunities and prevent healthy 24-hour growth which conflicts with the Greater London Authority Mayor's vision of a 24 Hour London.

We do not believe that this policy supports business recovery at a time when Westminster Council should be supporting the businesses that have been hardest hit to maximise their trade and recover from COVID. This policy puts unnecessary strain on regeneration plans. Therefore we do not support the proposal to automatically refuse applications based on the following conditions

- d. Pubs and bars, Fast Food and Music and Dance venues (within the West End Cumulative Impact Zone):
Monday to Sunday: 10:00 to 21:00
- e. Pubs and bars, Fast Food and Music and Dance venues (outside the West End Cumulative Impact Zone):
 - Monday to Thursday: 10:00 to 23:30
 - Friday and Saturday: 10:00 to midnight
 - Sunday: 12:00 to 22:30
 - Sundays immediately before a bank holiday: 12:00 to midnight

We also do not support that it applies to all new and variation application for premises licenses.

20. Do you agree with the proposal to introduce new SCZs?

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

21. Do you have any specific comments on SCZs?

The text of the SCZ's makes reference to "large number of transport hubs", "noise complaints at night", "illegal waste", "robberies" and "serious violent crime" none of these are attributed to licensed premises. There is only one reference to licensed premises which is "ambulance call outs". Therefore, we believe that alternative measures such as a safe space as used in Nottingham Newcastle and Chester, Street Pastors, Vulnerability Training for venues could be deployed to reduce these to an acceptable level without further restricting businesses.

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

- West End buffer
- Queensway / Bayswater
- Edgware Road
- East Covent Garden
- Mayfair
- Victoria

No, we do not support these as they are not attributed to licensed premises, there are other factors involved, and they do not take into account the changing and challenging trading conditions created by COVID.

24. Regarding the following establishments, do you agree with the revisions to the policy framework for...

- Restaurants
- Fast Food Premises

We do not agree with the revisions to the policy. There is not enough delineation between Fast Food Premises and Restaurants, the wording surrounding Fast Food Premises is too broad and therefore could be used to include all restaurants in their current trading style due to the impact of COVID legislation and the growth of delivery models.

29. Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?

We agree with the LA making minor changes to reflect updates to the law, guidance and council strategies and policies.

30. If you have any comments regarding the updating of the statement, please provide them below: Do you wish to provide further comments or additional information / evidence?

We have no further comments.

R37 – 13/11/2020

Dear Westminster Council

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

I am an employee of a business operating in Soho, trading as XXXXXXXXXXXXXXXX.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R38 – 13/11/2020

Dear Westminster Council

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

I am an employee of a business operating in Soho, trading as Soho Estates, 58 Wardour Street, London, W1D 4JQ.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXX

R39 – 13/11/2020

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

We are instructed by XXXXXXXXXXXXXXXXXXXXXXX to provide its consultation response to Westminster City Council's proposed revisions to its Statement of Licensing Policy.

Below are our client's submission and comments on the consultation. **Please note that this letter supersedes and replaces our client's letter of 12 November, which should be disregarded.**

XXXX operates XXXXX of the most prestigious theatres in London's West End;
XX.

We have split our client's response in two parts. The first section deals with its response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of Covid-19 on the theatre industry and how XXXXXXXXXX believe the City Council could aide business recovery in the new Licensing Policy.

Whilst most of XXXXXXXXXX theatres are in the West End Cumulative Impact Area, these comments are made on the proposals both within and outside of that area.

Response to Policy Proposals

1. XXXXXXXX welcomes the slightly longer “core hours” proposed for theatres in HRS1, as continued acknowledgment that theatres are generally considered to be low risk as “*they have little association with crime and disorder or public nuisance*”.

2. **However, it does not believe or support** that extending core hours should be a justification for limiting and restricting the policy in other respects.

3. XXXXXXXXX welcomes the continued support for the theatre industry in general at D1:
“The Council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The Council as the Licensing

Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.”

XXXXXXX believe this to be **key** to how theatres and performance venues should be looked at within the Policy.

New definitions -v- existing policies

4. In relation to the proposed definition of theatres in CCSOS1: “*the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience*”. XXXXXXXX understands that this is a new definition which isn’t in the existing policy, PVC.

5. Of course, that is the primary purpose of our theatres, but XXXXXX would not want to be prevented from providing a broad range of other entertainment, showing a film or having a live music event (such as those it has in the XXXXXXXX Room at the XXXXXXXXX Theatre (where there are occasional cabaret nights, operated under TENS, without complaint).

6. Given that it is acknowledged both in this policy draft at B15 and the current policy, that theatres “*provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups*” along with having “*little association with crime and disorder or public nuisance*”, XXXXXXXX does not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7). The primary purpose of theatre is as a performance venue therefore alcohol is always ancillary overall to that primary purpose.

7. The current policy at PVC2 provides that:

“theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City.”

“Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.” “Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities”

8. B.15 proposes “*However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience.*” **This new definition appears to be more restrictive** than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 11pm.

9. Equally, there is also a subtle but important difference to proposed policy D5 which provides that:

*"Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs **must be limited to patrons or customers who have made use of the primary activity of the venue**. For example, it is acceptable for a theatre to maintain the use of their bar following a performance beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area."*

10. D4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst our client understands there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, DMT ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged , provided it was ancillary to the overall use as a theatre. Alternative policy wording similar to the following is suggested:

"Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn't add to cumulative impact"

11. Given the short hours of a performance and the high expenses involved of upkeep of these beautiful buildings, it is important for their viability and survival that other income streams as ancillary to performances are permitted. This includes use of the theatre facilities and services by non-theatregoing customers. Indeed, it could curtail our client and others from having events such as those in the XXXXXXXX room which both bring in income and new customers who might not have seen our historic buildings before.

12. XXXXXX supports the proposed wording at B9 for greater flexibility beyond core hours, **but does not support and objects to** the new final sentence which now seeks to restricts that flexibility (underlined): *"The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.*

Other Policies

13. XXXXXX supports PB1 uses within core hours at HRS1 C (1).

14. XXXXXX does not support any further restriction or hurdles in the policy. For examples, in policies CD1, PS1 and PN1, there is a change in perspective that the council will only grant applications where these policies are promoted. This is a subtle but important and additional hurdle which our client believes is not necessary.

15. London theatres already have extremely high levels of management and already designed the premises to promote the licensing objectives. Our client does not believe that additional conditions are required to achieve this. Indeed, as an example, XXXXXX has been working with Mr Lynagh of the City Council to update its rules of management to reflect good practice.

Covid-19

16. The Covid-19 pandemic has had catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses and especially theatres, have been particularly hard hit by the lockdown(s), evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster's world class reputation as a cultural capital, the theatre industry and the arts need help.

17. XXXXXX notes the City Council's reference to Covid-19 in the policy consultation documents. In our client's view, this does not go nearly far enough. **Now is the opportunity introduce policies to help theatres, the arts and those businesses survive and recover.** This can be achieved by introducing policies that recognise the unprecedented impact has had on theatres and licensed businesses. The policy should **allow for relaxations on hours and conditions** where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

18. A failure to properly recognise and help mitigate the impact of the pandemic in the new Policy could result in yet further theatres, arts venues and hospitality businesses closing. Our client asks that the City Council seizes the opportunity to help existing Westminster theatres and businesses survive and even encourage new operators to open where others have closed.

19. On the whole, XXXXXX welcome the positive comments about theatres, the benefit they provide and their lack of association with problems within the West End. However, our client does not understand and objects to further restrictions upon the use of theatres, particularly during Covid and its aftermath.

20. There is and can be no evidential or other justification for burdening theatre operators with additional hurdles to climb based upon non-existent evidence of problems that have or will ever happen. XXXXXX therefore urge the City Council to continue to recognise the benefit that the West End theatres bring to Westminster and support them and not impose any more restrictive policies, recognising that theatres are well run and need ancillary uses in the aftermath of a global pandemic.

Our client would be happy to discuss all or any of the above further.

Yours faithfully

XXXXXXXXXXXXXXXXXXXXXX

R40 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXX, and have also had to recently close my unlicensed premises XXXXXXXXXXXX street because it was unviable to continue trading- a sad closure after 13 years and one that could have probably been saved if we had been able to have more leeway with temporary Licensing such as has been proposed. The only times it was viable since reopening in June 2020 was with the alfresco scheme in combination with TENS. Sadly there was no way at this time to extend and the timeline and difficulty in getting a licence forced us to close.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R41 – 14/11/2020

Dear Westminster Council,

Thank you for including us in your licensing policy consultation.

I work as a wine manager at XXXXXX, a licensed business operating at XXXXXXXXXXXX.

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

1. Covid-19 Policy

It is worrying to me that there is no plan/proposal to help Soho's hospitality venues survive and recover from the COVID-19 pandemic. Due to COVID-19, Soho is seeing record low levels of footfall. This is crippling hospitality and cultural venues in the area and many will close permanently due to cost pressures if Westminster Council don't take action now and introduce a novel COVID-19 policy in January. Soho venues are small and intimate. Most have had to decrease capacity to allow for social distancing. Al fresco has been great for these venues as it has allowed them to offer increased capacity to customers in a safe environment. My suggestion is that a new COVID-19 specific licensing policy is urgently needed to remove the presumption to refuse applications for outdoor/street dining and/or introduce a presumption to grant an application when it is made to aid recovery or survival of the applicant's existing business.

2. 9.00 pm Bar Exception

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

However, the late night economy is one of the features of Soho that has made it a heritage area for LGBTQ and music. I therefore support the policy proposal, although ideally with a later terminal hour, for example 11.00 pm.

3. External Seating

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

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

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

We must look to reduce traffic and car parking spaces through timed street closures etc alongside footway widening. Encouraging pedestrians and cyclists alongside Al Fresco is key. Brewer Street, for example, is a rat run for uber drivers.

4. Inclusivity policy

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

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

Vital to protect and support the LGBTQ heart of Soho.

Thank you for your consideration.

Best regards,

XXXXXXXXXXXX

R42 – 14/11/2020

Dear Westminster Council,

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards,

XXXXXXXXXXXXXX

R43 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXX. I would be grateful for Westminster's consideration of the following key points:

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter (**and please include Great Windmill Street**). It provided many Soho businesses with a lifeline.

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXXXXXXXX

R44 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards,
XXXXXXXXXXXXXXXXXX

R45 – 14/11/2020

Dear Westminster Council

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

I work in a business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R46 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXX

R47 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your licensing policy consultation. I own XXXXXXXXXX, a licensed business that has been operating in Soho for the best part of 20 years. Our full address is: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

As part of the consultation, I would be grateful for the Council's consideration of the following:

External Seating

As a small and late-night venue, the implementation of the summer *al fresco* scheme (which will hopefully continue through the winter) has been a vital lifeline for our business. Without this, our business may not have survived – leaving another vacant premises in the area, causing additional job losses and /or certainly required us to seek additional financial help from the Government during the pandemic.

We have seen this scheme can work extremely well. By offering a pedestrian-only, safe, and well-managed street seating area, we have witnessed and welcomed a wider and more varied patronage. It has demonstrated that we, and our neighbouring bars and restaurants can operate this system in safe way and adds a new and welcoming street-setting to Soho. As such, we would welcome any decision to extend this or hopefully make it permanent.

We would emphasise the absolute need to maintain this at least for the immediate foreseeable future in order to support the survival our own venue and the vibrancy of Soho as a whole. We would strongly like the Council to consider that the new licensing policy recognise this, and promote greater flexibility in terms of longer hours, the addition of outdoor heaters and allowance of covered pop-up structures such as gazebos, and size of external areas, where appropriate to do so.

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXX

R48 – 14/11/2020

Dear Westminster Council

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

I oversee the businesses in Soho which form part of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX would all benefit from continued support from the al fresco dining initiative which has been in place since our businesses reopened at the beginning of July. There are further points below which would assist these venues, XXXXXXXXXXXXXXXXXXXXXXXXX as well as the other neighbouring hospitality businesses who operate in the Soho community.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXX

R49 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R50 – 14/11/2020

Dear Westminster Council

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

I own a licensed business operating in Soho trading as XXXXXXXXXXXXXXX at the same address.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

Kind regards,
XXXXXXXXXXXXXX

R51 – 14/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards,
XXXXXXXXXXXXXXXXXX

R52 – 14/11/2020

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

Please accept this letter as our consultation response to proposals for the revision of Westminster City Council's Statement of Licensing Policy.

XXXXXXXXXXXXXXXXXXXX is wholly owned by XXXXXXXXXXXXXXXXXXXX. Our company started in XXXX and is the largest operator of musical theatres in London. We own and operate XXXXXX West End theatres; XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. One in every three customer visits to a musical in London is at one of our theatres.

We have split our response in two parts. The first section deals with our response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of COVID-19 on the theatre industry and how we believe the City Council could aide business recovery in the new Licensing Policy. Most of XXXXXX Westminster theatres are in the West End Cumulative Impact Area, although our comments on the proposals both within and outside that area.

Response to Policy Proposals

1. We welcome the slightly longer “core hours” proposed for theatres in HRS1, as continued acknowledgment that theatres are generally considered to be low risk as “*they have little association with crime and disorder or public nuisance*”.
2. We also welcome the continued support for the theatre industry in general at D1: “*The Council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.*”
3. In relation to the proposed definition of theatres in CCSOS1: “*the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience*”. We understand this is a new definition which isn’t in the existing policy, PVC. This new definition does not accurately capture the primary purpose of our theatres, which provide a broad range of entertainment from plays to musicals, to comedy, dance, live music, recorded music, televised events, award ceremonies, launches, cinema and of course, pantomime. We question whether this new definition is correct and appropriate?
4. **We support the general principle** that hours later than Core hours should be treated on their merits but would not want alcohol being “*either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval.*”
5. Given that it is acknowledged both in this policy draft at B15 and the current policy, that theatres “*provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups*” along with having “*little association with crime and disorder or public nuisance*”, we do not support the further hurdles in the proposed CCSOS1 policy that the applicant has to meet, namely within the CIA sub paragraphs B: (4) (5) (6) and (7).
6. The current policy at PVC2 provides that:

“*theatres have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the City.*”

“*Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.*”

“*Bars are a normal feature of performance venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities*”

7. B.15 proposes “*However, alcohol and late night refreshment must be ancillary to the primary use of the venue and those venues that have audiences the additional hour for licensable activities beyond 23:00 hours will be limited to that audience.*” This new definition appears to be more restrictive than in PVC2 which provides that bar uses will usually be contemporaneous with performances but that longer hours can be argued for as an exception, without a strict curfew of 11pm.

8. Equally, there is also a subtle but important difference to proposed policy D5 which provides that:

*“Within the West End Cumulative Impact Zone the use of bars and the provision of late-night refreshment beyond 23:00hrs **must be limited to patrons or customers who have made use of the primary activity of the venue**. For example, it is acceptable for a theatre to maintain the use of their bar following a performance beyond 23:00 if the sale of alcohol and/or late-night refreshment is limited to customers who were part of the audience for the earlier performance. It would not be acceptable for the general public to enter the theatre after 23:00 and make use of a bar or purchase late night refreshment as this would create a significant risk that the venue would become a bar late at night which is likely to have a negative impact on the licensing objectives. In those cases, the application would be considered under the Public House and Bars Policy PB1. This approach will enable these venues to open later (within Core Hours) in the Cumulative Impact Zone whilst limiting the risk that they will become a destination venue or standalone bar available to passing customers and therefore add to cumulative impact in the area.”*

9. D4 seemingly reflects the existing principle of ancillary use sufficiently and indeed is consistent with the current policy at 2.5.33. Whilst we understand there is already a higher test for bar use after performances have ended, the current provision does recognise that is only the usual position, thus recognising some flexibility. D5 brings the curtain down strictly at 23:00. In these difficult times and particularly bearing in mind the low footprint theatres have in terms of crime and nuisance, we ask whether any such restriction is necessary and would welcome a policy where public bar and other use was encouraged, provided it was ancillary to the overall use as a theatre. We would suggest policy wording similar to this:

“Bars are a normal feature of performance venues and they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances but later use may be appropriate if it can be demonstrated that it promotes the licensing objectives and doesn’t add to cumulative impact”

10. Given the short hours of a performance and the high expenses involved in the upkeep of these beautiful buildings, it is important for their viability and survival that other income streams as ancillary to performances are permitted. This includes use of the theatre facilities and services by non-theatre-going customers. We want the public to visit our buildings, which as cultural and heritage assets should be enjoyed as widely as possible. Policy wording should encourage such wider use and should not restrict these buildings, which are emblematic of London itself, to performances and theatre-going customers.

COVID-19

11. The COVID-19 pandemic has had catastrophic impact on the theatre industry which makes a vital contribution to the West End and London economy. Westminster businesses and especially theatres, have been particularly hard hit by the lockdown(s), evaporation of worldwide tourist trade and low levels of central London office occupation. To protect Westminster’s world class reputation as a cultural capital, the theatre industry and the arts need help.

12. XXXXXXXXXXXXXXX himself has been pivotal and pioneering in his approach to making theatres COVID Secure, yet still creating an inviting atmosphere for audiences and safe working space for actors. He has spent

hundreds of thousands of pounds trialling equipment, initiatives, and measures to allow the show to go on. This was successfully demonstrated at XXXXXXXXXXXXXXXXX during a pilot performance on XXXXXXXXX 2020.

13. We note the City Council's reference to COVID-19 in the policy consultation documents. In our view, this does not go nearly far enough. **Now is the opportunity to introduce policies to help theatres, the arts and those businesses survive and recover.** This can be achieved by introducing policies that recognise the unprecedented impact it has had on theatres and licensed businesses. The policy should **allow for relaxations on hours and conditions** where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives.

14. A failure to properly recognise and help mitigate the impact of the pandemic in the new Policy could result in yet further theatres, arts venues and hospitality businesses closing. We ask that the City Council seizes the opportunity to help existing Westminster theatres and businesses survive and even encourage new operators to open where others have closed.

15. On the whole, we welcome the positive comments about theatres, the benefit they provide and their lack of association with problems within the West End. However, we fail to understand and we object to further restrictions upon the use of theatres, particularly during COVID and its aftermath.

16. We therefore urge the City Council to continue to recognise the benefit that the West End theatres bring to Westminster and support us, recognising that theatres are well-run and we need ancillary uses in the aftermath of a global pandemic.

We would be happy to discuss further.

Yours Faithfully

XXXXXXXXXXXXXXXXXXXX

R53 – 14/11/2020

Dear Westminster Council

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

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

I therefore support the policy proposal, although ideally with a later terminal hour, for example 11pm.

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R54 – 15/11/2020

Dear Sirs

We act for XXXXXXXXXXXXXXXX, the premises licence holder of XXXXXXXXXXXXXXXX restaurant situated at XXXXXXXXXXXXXXXXX.

Covid-19

Our client recognises that the policy consultation documents acknowledge the impact of Covid-19 on the West End hospitality sector. However, we urge Westminster to use the current process as an opportunity to implement a special Covid-19 licensing policy. A Covid-19 policy would help West End hospitality businesses to obtain some flexibility on their licences during the recovery period. Appropriate applications could be granted on a time limited basis if necessary.

Mayfair Designation

Our client supports the cumulative impact assessment findings that there is no requirement to implement a new Mayfair cumulative impact policy. Our client agrees that Mayfair does not have the same type of challenges in terms of crime, disorder and nuisance as experienced in other parts of the City.

Our client's restaurant would be included by the proposed 'Mayfair Special Consideration Zone Policy'. They are concerned that this could be interpreted or relied upon as a de facto cumulative impact area policy by a minority of possible objectors.

Any perceived negative impact of licensed premises in Mayfair is now even lower than the levels recorded in the cumulative impact assessment. In any event, many of those concerns, for example the use of super cars in Mayfair, ought not to be considered under a licensing policy. Our client does therefore do not believe the special consideration zone is necessary or indeed justified.

Alternatively, if implemented, a special consideration zone policy should include clarity g that applications will generally be granted where an applicant successfully demonstrates that it has taken into account and mitigated the special considerations in its applicable area.

XXXXXXXXXXXXXXXXXXXX

Licensing Agents and Solicitors

R55 – 13/11/2020 (Kuit Steinart Levy LLP)

Dear Sirs

Licensing Policy Consultation

We write to respond to your consultation in respect of your Licensing Policy, to be revised before 6 January 2021.

We act for a great number of operators, of many different types and styles, who trade within the Westminster Council area. We write on their behalf and also to add our voice in support of the hospitality industry as a whole.

At the very outset of your consultation document (paragraph 1.1), you state that ‘Westminster is at the heart of London’s night-time and visitor economy’. We absolutely support and endorse this statement. We would further add that Westminster is therefore at the heart of a city which has a vision, per the Mayor of London, to be a 24-hour global city, with ‘a focus on building a night time culture which promotes culture and leisure for all ages and interests [and] *increases opening hours.*’

Your consultation document further references the impact of the Covid-19 pandemic on the hospitality industry. Again, through our experience working with a variety of hospitality operators we can affirm that the impact has been devastating. Hospitality businesses will need support to get through the second lockdown which we find ourselves in, but more importantly in getting themselves back on their feet after it. Furthermore, if and when we are able to go back to ‘normal’, operators that have managed to survive will have a huge amount of ground to make up in order to get themselves back to a profitable position.

Your documents states, at paragraph 1.4, that you have been ‘active in supporting businesses’. We would agree that the pragmatic approach taken to the pavement licensing scheme under the Business and Planning Act 2020 has been most welcome and most helpful. We also welcome your decision not to expand the current Cumulative Impact Areas; to reduce the West End Area; and to remove the Edgware Road and Queensway/Bayswater areas. We generally advocate the removal of CIAs and favour instead allowing responsible authorities, interested parties and ultimately Licensing Sub-Committees to make the decisions on the merits of each application. However, we of course appreciate that this would be a significant departure from existing policy.

We also note the introduction of Special Consideration Zones and would submit that these may be problematic. The location of a site within a CIA tends to result in automatic representations, regardless of whether responsible authorities are genuinely concerned or not. Should SCZs be introduced, we would urge the policy to clarify to responsible authorities these are clearly distinct from CIAs. We would be concerned that these would become CIAs in all but name in terms of response.

However, our key concern relates to changes to the core hours policy. Indeed, your document states that you are ‘aware that to implement significant change in [your] licensing policy could add to’ the uncertainty experienced in relation to the Covid-19 pandemic. You

therefore state that your intention is to continue with the current policy approach where possible.

We would submit that your proposed amendments to the core hours policy simply do not achieve this. Your proposal to amend core hours in the remaining West End CIA to 10:00 – 21:00 daily for pubs, bars, fast food, music and dance venues is, in our submission, simply too restrictive. This is important for a number of reasons.

Firstly, it is of course extremely challenging for operators to achieve licences which go beyond core hours. As such, it is reasonable to assume that very few new licences or variations will be granted within the West End area beyond 21:00. Given that the West End is arguably the heart of Westminster, which you describe as the heart of London, which aspires to be a 24/7 city, it seems nonsensical to suggest that no new pubs or bars should be permitted to trade beyond 21:00. The ‘burden’ that hospitality premises put on the West End Area is, we would submit, significantly outweighed by the benefit, as has been shown during the period of their closure. Such a draconian core hours policy suggests entirely the opposite. We would highlight that in the aftermath of the Covid-19 pandemic, two things are likely to happen. Firstly, there will, sadly, be multiple licensed operators who simply will not survive, leaving empty units and quite possibly lapsed licences. Secondly, those that do survive will need to find new ways of generating income, possibly through looking to extend hours. In terms of the former, there will be vanishingly few operators who will be financially viable by trading to 21:00 only, particularly in such a competitive area. As such, this policy is likely to assist only in perpetuating the existence of empty units. In relation to the latter, most operators in the Area will of course already trade beyond this time, for the same reasons of financial viability and competitiveness. This policy will therefore have the effect of barring any existing operators from extending their licences at all.

We understand that a key aim of the Policy is to ensure that nuisance is not caused to residents. However, residents who live in the West End must of course reasonably expect a certain level of noise, and cannot reasonably consider this a nuisance.

We appreciate that there must be an attempt to strike a balance between the interests of operators and the interests of those residents. We would, though, submit that a core hours policy restricting trade beyond 21:00 tips the balance too far away from operators, who, as you acknowledge, will need significant support and assistance in the coming months and years.

We would urge you to consider this when finalising the wording of your revised Policy. Should you require anything further from us in relation to this matter, please contact this office on XXXXXXXXXXXXXXXX.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

R56 – 13/11/2020 (TLT Solicitors)

Consultation on Licensing Act 2003 Policy and CIA Proposals

Response on behalf of TLT Solicitors

We are grateful to WCC for the opportunity to respond to the consultation on their Licensing Act 2003 policy and their proposals for a CIA.

Our response is set out below:

1. Introduction
2. COVID 19 and the hospitality sector
3. Cumulative Impact Policy
4. Special Consideration Zones
5. Hours Policy
6. Conditions
7. Conclusions

1. Introduction

This response to WCC call for evidence in relation to the consultation on their Licensing Policy and Cumulative Impact Assessment and is made on behalf of the licensing team at TLT LLP ('TLT').

TLT is regularly ranked as one of the leading licensing advisers in England and Scotland in both Chambers and Legal 500, the annual independent guides to the legal sector, driven by client feedback.

We advise a broad range of clients from national operators to smaller independent organisations and sole traders. Our clients cover the whole range of hospitality and retail operations, from hotels, bars, clubs and restaurants to major music festivals, concert halls, food halls, sports clubs and race course, SEV, and gambling operators. We support one-off events and venues, as well as businesses with property estates that run into the thousands. Our advice is bespoke and designed around our client's business need.

Our client portfolio requires us to understand and advise on all aspects of premises licensing, whether it is technical legal advice or business oriented operational guidance.

We advise at every level, from board level strategy to operational matters at individual premises. We lecture on licensing for council officers, councillors and responsible authorities on behalf of the Institute of Licensing, as well as for operators and their advisers and other practitioners at national conferences and events. We write for a number of journals and publications, as well as produce a newsletter for our clients and other interested parties. From initial advice through to advocacy at hearings, our licensing team has significant expertise, with individual partners and other solicitors top-ranked in the national legal guides.

We have experience of working with all of the licensing authorities in England and Wales and are the only truly national practice in the Great Britain, with a large and successful licensing team in Scotland that serves our clients across both jurisdictions. This breadth of experience allows us to provide examples of good and bad policy practice from across the country and jurisdictions and is therefore invaluable to such a consultation.

Our solicitor advocates have appeared before WCC Licensing Committee on the full range of licensing applications/reviews on a significant number of occasions since the introduction of the Licensing Act 2003 and Gambling Act 2005

We are well placed to respond to this call for evidence and are grateful for the opportunity of being able to contribute to this consultation.

2. COVID 19 and the Hospitality Sector

The impact of COVID 19 on the hospitality sector is well documented and we are pleased to see that your consultation acknowledges that “*the hospitality and entertainment sectors have been hugely affected by COVID 19 and the measures imposed to limit the spread of the virus*” and that “*with an uncertain future and the difficulties that the hospitality and entertainment sector face, (you are) very aware that to implement significant change to (your) licensing policy could add to that uncertainty.*”

We would also like to acknowledge the assistance that WCC has given to business in being proactive in assisting operators with plans to place street furniture on the public highway either through the WCC own accelerated process for applying for Tables and Chairs permissions or through the deregulation provided by the Business and Planning Act with the introduction of pavement licences.

We also acknowledge that, whilst the initial pavement licences were granted for a minimum period of 3 months, WCC has adapted this policy and reapplications have been granted for an extended period of time. What may, at first blush, appear minor changes do assist the industry at a most challenging of time and we are grateful to WCC for adapting in this way. With the proposal to extend pavement licensing through to the end of March 2022 (from the end of September 2021), we hope that any further re-applications will similarly be granted for an extended period of time.

Business has had to modify and adapt to the ever changing landscape of regulation and guidance, with many businesses being forced to either remain closed as it proves uneconomic to trade or, sadly, in many cases, shut for good with the consequent loss of jobs and revenue. Westminster has not been immune from this. The immediate impact of Lockdown 2.0 is not yet known and the long term outlook for the sector is bleak.

City centres across the country have been particularly hard hit. This impacts on not only the day time economy but the night time economy.

The future remains very uncertain. At the present time the country is in Lockdown 2.0 and this will remain in place until the 2 December. No one yet knows what the short or medium term position will be when the country comes out of lockdown – indeed whether the lockdown will continue, whether we move back to a tiered system of regulation or if, which seems highly unlikely, the hospitality sector will return to business as usual and re-open.

Whilst we welcome the steps that the Council has taken in relation to CIAs (see below) we would question whether, in the current climate, these have in fact gone far enough.

Westminster City Council has the resources and expertise to recognise and adapt policy and practice to meet the challenges this unique time presents for the hospitality sector in particular. As has been the case in the past (with the imposition of CIA's, for instance) Westminster has led the way amongst licensing authorities. This is the perfect opportunity for WCC to take a leadership role amongst councils and act as a beacon, lighting the way for their own hospitality sector as well as a guiding light for other councils.

3. Cumulative Impact Areas (CIA)

We are pleased to note, and welcome the removal of the following CIAs:
☒ Edgware Road

☒ Queensway/Bayswater and

☒ the area to the North East of Covent Garden

WCC is to be congratulated on the proposal to remove these areas from the CIA policy. The removal of these CIA areas one hopes will, in due course, encourage and stimulate further investment in these areas and encourage more operators to these parts of WCC to develop their operation.

We note that the updated policy retains the existing West End Cumulative Impact Zone, except for the North East area beyond Covent Garden and that in these areas, there is a presumption to refuse new licences for pubs and bars, fast food premises and nightclubs after 9pm, with all other premises demonstrating that they will not add to cumulative impact.

(a) CIP's and other WCC strategies

Licensing policies, and CIAs in particular, work best when they reference, and indeed work with, other council strategic plans and policies.

For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Reference to specific strategies will also assist new potential businesses to understand and factor in the likely costs of entry into the city if their chosen site is within a CIA. There is nothing to prevent any CIA applying to only certain types or styles of premises, or other means being used to give potential operators a better understanding of what the council will and will not take into account in determining applications.

Providing this information and using these policies to inform where CIA's will 'bite' additionally allows applicants to be more proactive when initially looking at sites within the city.

(b) General Observations

We fully accept that there may be occasion where CIAs provide a valuable tool to local authorities in regulating the night time economy. Our experience is, however, that they can also be an impediment to businesses and the development of a thriving night time economy. They can act as a brake to entrepreneurship, adding to the challenges that small business operator's face when looking to enter a new market or look to adapt their offer to suit market trends.

CIAs can have the effect of dissuading operators from even attempting to apply for a licence. We have first hand experience of operators who have put on hold investment in to the city as a consequence of COVID 19. Once the dust has settled, these same operators may well decide, at a time when inward investment will be at a premium, not to take a risk on a site where there is a chance that a licence will be refused (or restricted) on policy grounds.

CIAs can unintentionally penalise operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy within the CIA.

In the circumstances, any continuation of the West End CIA will need to be scrutinised with an open mind.

If it is determined that there is good empirical and amenity reasons for the maintenance of the West End CIA, we believe that an assessment is needed as to exactly what the CIA is designed to catch.

We have seen the comprehensive evidence provided by WCC in support of the re-introduction of the CIA, and whilst we do not propose to carry out a forensic assessment of this we would make the following simple point.

It is important to recognise that different types or styles of premises are likely to have different impacts on the night time economy, and whilst some may be viewed as high risk, others will not. Furthermore, within the CIA itself certain specific areas may be seen as “hotspots” (a word used in the supporting CIA documentation) whilst others may not be. This is self-evident from the Council's own policy with a presumption to refuse new licences for pubs and bars, fast food premises and nightclubs that wish to remain open post 2100.

Even within these categories there may be “high risk” and “low risk” premises.

The presumption to refuse new licences for pubs and bars, fast food premises and nightclubs after 9pm is, in essence, an absolute bar on any new applications for these types of premises being made. As we have seen with the recent tiered approach to lockdown, and premises (where they were permitted to trade) having to close at 2200 has seen many premises not choosing or being able to open given that it is financially unviable to do so

Finally, the recent “one size fits all” 10pm curfew that was in place prior to Lockdown 2.0 has, in our view, seen us take a step back to the days that pre date the introduction of the Licensing Act 2003, when there was a uniform pub closing time (with the consequent issues that this creates not just for the regulatory authorities but the public and private transport systems that have the task of ensuring that people get home safely from a night out).

It is also, perhaps, a stark reminder of the unintended consequence of what a uniform and inflexible approach to a CIA might bring. For example, a CIA, by its very nature, gives a competitive advantage to current operators who can charge a premium for licences, which in itself dissuades innovative and energetic operators from coming into Westminster. It also, perversely, acts as a disincentive to operators with licences to keep standards high, knowing that their licence intrinsically has value irrespective of their offer. Finally, the policy, one would hope unintentionally, discriminates against venues that one would consider to serve the lower income residents, visitors and workers of Westminster. It is without a doubt much easier for a high fee private member's club to obtain a new licence or extend hours, than it is a pub or casual dining concept. The CIA policy changes proposed here exacerbate this.

During Covid, we all spent time applauding the work of nurses, carers and others that we do not pay very well for the work they do and that deserves the utmost respect, given how little they are paid for their dedication. The West End CIA, we are sorry to say, gives every impression of favouring the applauders, not those we applaud.

If the West End CIA is to be re-introduced it should be made clear to everyone of its purpose/intention. For instance, if it is deemed that only larger vertical drinking establishments are likely to add to the cumulative impact, then it should be made explicit that small, independent and/ or otherwise innovative applications both for new licences and variations to existing licences will be considered to be outside of the scope of the CIA even if the application is for an alcohol-led venue.

Such applications will still need to demonstrate that they do not undermine the objectives, but we would hope that adding something to this effect into the policy will stimulate and incentivise smaller operators to make applications.

Given the exceptional circumstances that the sector currently finds itself in, we would invite WCC to take a sensible and pragmatic decision which is befitting of the times that we find ourselves in and suspend their consultation on the re-implementation of the West End CIA and, for the time being at least, to remove all of the CIAs from their policy.

It could be made clear in the policy that whilst the CIAs in so far as they affect Edgware Road, Queensway/Bayswater and area to the North East of Covent Garden are all being removed, an interim approach is being adopted in so far as it affects the West End. The policy could set out that this is an interim approach to the CIA policy and that as and when the impacts of COVID are behind us the council will re-consult on the introduction of the West End CIA

4. Special Consideration Zones (SCZ)

Many of the comments that we have made in relation to CIAs equally apply to WCC proposal to introduce SCZs, and we will not repeat these in their entirety below

The introduction of SCZ do seem, on first reading, a “CIA light” which will in our view have the same unintended consequence of retaining the West End CIA.

Whilst we appreciate that there is a balance to be struck between the needs of the responsible authorities and local residents and the desire to attract new operations to WCC, it is our view that the introduction of a SCZ will simply be a disincentive to new inward investment at a time when it is perhaps most needed.

We would caution WCC against the introduction of the SCZ at this time. There is no reason why, in due course, once the landscape becomes clearer, why this may not merit further discussion.

If WCC remain determined to introduce SCZ then we would invite the Council to make it abundantly clear in their policy the rationale behind the implementation of each particular SCZ (crime and disorder/noise/public nuisance for example) so that each applicant is aware of the additional hurdles that they have clear, enabling them to properly address these in their operating schedule.

5. Hours policy

Hours policies should not be used to prevent new entrants being able to compete with existing premises. Otherwise they are nothing more or less than a prohibition on operating and anti-competitive.

It needs to be recognised that by setting out hours in the policy, whatever the policy says about these not restricting applicants from applying for what they want or pre-judging applications that go later than the policy, this is exactly what it does.

Applicants quite rightly take these matters seriously and are less likely to apply for what they actually want and, even if they do, are less likely to get it granted. The cost of property within WCC is already prohibitive and therefore arbitrary restrictions materially affect the ability of a business to survive are a disincentive to any possible new inward investment.

The authority may well say ‘so what- they should only come here if they can abide by our hours policy,’ but with respect this is short sighted for all the reasons articulated in our response to the CIA policies. It is another arbitrary hurdle that keeps operators out of Westminster.

Furthermore, the earlier the hours, the more likely it is that you put newcomers at a competitive disadvantage to established operators, which we would argue is terrible for standards and encouraging new, novel, innovative operators that are the lifeblood of the cultural attraction of a city.

It is a sad fact of life, in our experience, that WCC Licensing Authority don’t even get to see some of the marvellous operators and innovative ideas that we do, simply because by the time we have had to outline all the policy hurdles, they decide to take their businesses to other locations - where they are very successful.

6. Conditions

We make the following general comments in relation to the proposed changes to the model conditions.

WCC strict and unwavering adherence to the policy model conditions does, in our experience, reward high-end and established brands and chains who can afford to take specialist advice and use the pay to play WCC licensing pre application consultancy.

Smaller independent and low cost operators are priced out of this and can be penalised despite the fact the Licensing Act 2003 was brought in to allow anyone to apply in person and without having to take on high costs.

Whilst we recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right.

Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with.

We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Operators, in the main, are happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, which has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.

The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of

the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings for, and as a consequence further additional expense to, applicants seeking to make simple changes to their licence who are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees.

Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions. We submit there is no negative effect in terms of premises being run poorly because of this. Indeed, the clarity of the licences allows operators to focus on the proper management of the premises rather than undertaking paper exercises.

Furthermore, licences "grandfathered" in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything, this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives.

This in turn has the beneficially consequence of freeing up the resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

7. Conclusions

In summary:

- (a) We welcome the removal of CIAs in so far as they affect Edgware Road, Queensway/Bayswater and the area to the North East of Covent Garden
- (b) That the West End CIA should also be removed
- (c) That in the event a decision is taken to maintain the West End CIA that this is suspended until such time as the long term impacts of COVID 19 are fully established/know
- (d) That SCZ should not be introduced
- (e) That a flexible approach be taken to any hours policy so as not to discourage new entrants in to the market
- (f) That when the imposition of conditions on a licence are being considered that a "blanket approach" is not adopted and only those that are necessary for the promotion of the licensing objectives are added to a Licence

Thank you for taking the time to read our response which we hope is read in the constructive manner in which it is intended.

We look forward to working with the Authority – and responsible authorities - in the future

Amenity, Resident or Neighbourhood Representatives

R57 – 09/11/2020

Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

Response of Paddington Waterways and Maida Vale Society (PWMVS)

Introduction

1. PWMVS is a designated amenity society for the Maida Vale, Little Venice and Paddington areas and is the voice of residents living in these areas to Westminster City Council.
2. We exist to defend and improve the amenities, physical environment, safety and facilities within the Maida Vale, Little Venice and Paddington areas (including planning and licensing issues). Our core purpose is to conserve and extend the Residential Amenity of our Area, in terms of the Built Environment (Planning), the Residential atmosphere (Licencing) and Residents' Safety (Policing).
3. To enable this we aim to ensure a positive perspective on the area; ensuring that residents are aware of what is going on by connecting community groups; and increasingly the number of people who engage with our core purpose.
4. Since its formation the Society has worked to strike a balance between ensuring the area continues to retain its particular residential and architectural character, whilst also ensuring it attracts contemporary Londoners as residents and plays its part in providing homes for London's growing population, as well as assisting in considered and balanced growth of commerce.
5. The Society was founded in 1961 by, amongst others, the late Lord Norwich – who remained our Patron until shortly before his death – to oppose a proposal to develop along and on top of the Regent's Canal between Maida Vale and Warwick Avenue. At about the same time the Church Commissioners applied to demolish St Saviour's church, which stood at the northern end of Warwick Avenue. It was admittedly far too large for its 1960s congregation, and The Society did not object to the body of the church, i.e. behind the central tower, being replaced by a block of flats. The Society simply asked the Commissioners to keep the historic tower. However, disappointingly the Commissioners and their architects refused to consider it.
6. The struggle to preserve the area became even more acute in the mid 1970's following the Church Commissioners' proposal to 'improve' what was then their Maida Vale Estate, including the total reconstruction of Warrington Crescent, together with the replacement of some of the communal gardens with mass Car Parking. In addition it was planned to introduce large office blocks. The planning and conservation experience of Chairmen Peter Jay and Leslie Ginsburg were invaluable in resisting these plans. Subsequently, the Society played a prominent part in the Church Commissioners' decision to sell off the freeholds to the existing occupants. In due course, this led to a greatly improved maintenance and repair of all the buildings in the South of the area.
7. Then in the early 1980's, the City Council recognised the Society's activities in the whole area by choosing it as the designated Amenity Society for Westminster, North of the Canal and West of

Edgware Road. The Society's work ensured that a large proportion of the area is now a Conservation Area, leading to improvements in the standard of housing north of Sutherland Avenue.

8. The work of the society carries on, recently covering matters as diverse as promoting measures for traffic calming so diminishing the attractions of streets as commuter 'rat-runs'; working with the landlords at Paddington Central to ensure the much needed development of Paddington Goods Yards produces benefits for the local community; more recently working to ensure that the further developments on the Southern edge of the area, such as the 'Paddington Pole' aren't allowed to overshadow the Community; working with the Police to ensure that the area remains safe for residents.

Consultation response

9. We make representations on licence applications in our area where appropriate. We always look at ways in which a balance can be preserved between the legitimate rights of residents and the equally legitimate rights of businesses. We have an excellent record of negotiating compromises with applicants and their solicitors, and always endeavour to do so prior to any licence hearing.
10. We have considered the proposals in the consultation documents, and we have discussed these with Richard Brown of Westminster Citizens Advice. We would like to make the following comments.
11. We note that the Council proposes to remove the designated 'cumulative impact areas' (CIAs) for Edgware Road and Queensway Bayswater. Although neither lies in our area, we are concerned about any knock-on effect of the change in status of these two areas.
 - 11.1 In particular, the northern end of the Edgware Road CIA is directly adjacent to the south-eastern end of our areas. We are concerned that removing the Edgware Road CIA would result in more licences being granted for drink-led uses, and/or extensions of hours for these and other uses would impact on residents in our areas, in particular in and around Merchant Square.
 - 11.2 We are also concerned at the removal of the Queensway/Bayswater CIA. Although further away from our area, we consider that the existence of the two CIAs has worked to control the impact of licensed premises in these areas in a way which has benefitted our area.
 - 11.3 We are not in a position to challenge the detailed findings of the Cumulative Impact Assessment which has led to the proposal to remove the two CIAs, but we would comment on two matters.
 - 11.3.1 Firstly, if crime/disorder/nuisance has declined in these areas and/or it cannot be conclusively linked to licensed premises, may we respectfully suggest that this may be due to success of the CIAs in limiting the impact of licensed premises on residents. To then remove the CIAs would seem to be somewhat illogical and may lead to a return to the situation which would result in data suggesting that the areas should be re-designated as CIAs.

- 11.3.2 We do note the intention that these areas will each be designated as a new 'Special Consideration Zone'. We understand that applications for these areas will require a heightened level of scrutiny, to prevent the areas from reverting back or becoming a Cumulative Impact Zones in the future. The success of this initiative will be very much dependent on applicants taking on board the Licensing Authority's expectations in this regard, and providing residents with sufficient information *when an application is submitted* to enable us to provide informed comment.
- 11.3.3 Secondly, we are concerned about the impact of the change in planning use classes (see https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use) which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.
12. A longstanding concern of ours is shisha premises. We have a number in our area, even had at least one discreetly hidden from sight. We regret that there is little assistance to us in terms of law that allows us to apply the same principles as we do to licensed premises.
- 12.1 We are aware that shisha is not a 'licensable activity' under Licensing Act 2003, and that many shisha premises do not sell alcohol or have a licence for late night refreshment. Although we understand the difficulty of regulating such premises in a licensing context, we would like the licensing authority to set out its position on shisha premises in its Statement of Licensing Policy, so that if such premises do apply for a premises licence they are aware of the expectations.
13. We are pleased that the Licensing Authority proposes to amend the current wording of the Licensing Objectives policies (4.8 of the consultation document). We welcome an increased emphasis on the requirement on applicants to promote the objectives. This would lead to Policy CD1 reading:
- A. *The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of crime and disorder licensing objective.***
- B. *When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:***
- Policies PN1, PS1 and CH1 would be reworded in a similar manner.
14. Finally, we have issues in some parts of our area with Notting Hill Carnival sound systems. This can cause considerable noise, and there should be a requirement for these to be licensed and for the issue as a whole to be recognised in the Statement of Licensing Policy.
15. We hope that these comments have been of assistance and look forward to the Licensing Authority's response in due course.

XXXXXXXXXXXXXX

PWMVS

7th November 2020



Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

Licensing Act 2003

THIS REPRESENTATION is made by the Marylebone Association which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road.

On the whole the Marylebone Association welcomes the draft proposals as they seem largely uncontroversial when it comes to the area for which we are concerned. In particular the ongoing emphasis on the need for a clear policy on 'Core Hours' is particularly apposite as Marylebone is a heavily residential area and the existing balance between businesses and residents generally is working well.

There is one area in which we have a concern:

Independently from licencing issues we have been observing much comment and increasing alarm about levels of crime east of the Edgware Road within the Marylebone Association bailiwick. The following is an example from a resident:

"One other issue would be the horrific state of affairs around Marble Arch and Edgware Rd which have become encampments of Eastern European beggars who are defecating openly in the area and have created a terrible and unsafe atmosphere. Over a year ago one of them attempted to snatch a child from one of our local mothers near Waitrose. On top of that, a few nights ago around midnight there were Kurdish gangs running around the Edgware Rd M&S waving machetes. There is open drug dealing behind Seymour Leisure Centre and in HDRA's area, and junkies openly using. These are organised gangs taking over the streets. I have lived around this area for coming up to 25 years and have always safely walked around the area between Marylebone and Lancaster Gate at night when I can't sleep. The worst I used to encounter was

prostitutes on Sussex Gardens. Now it is no longer safe for me to walk around Edgware Road at all. It has become a gangland."

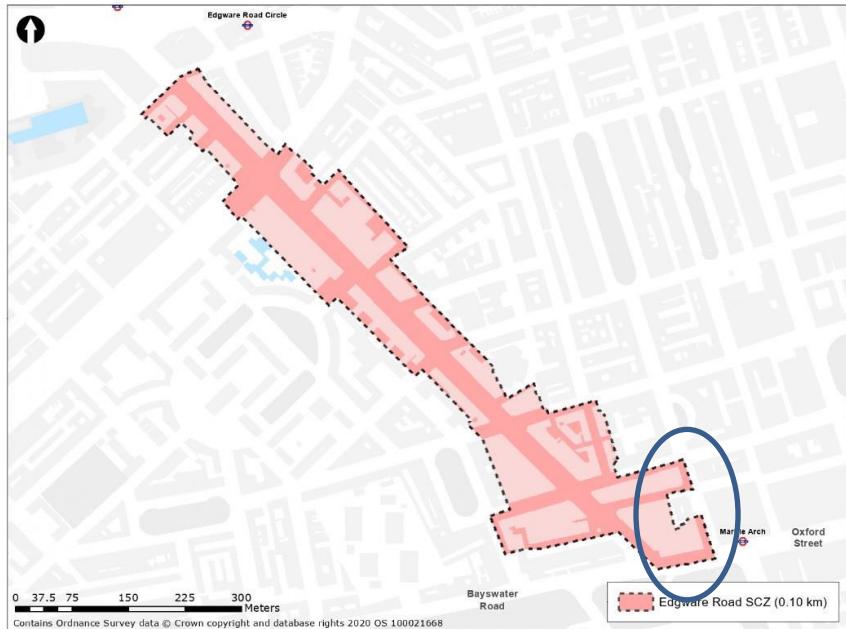
This kind of sentiment gives us cause for concern regarding the redesignation of the Edgware Road CIZ as a Special Consideration Zone. The draft itself makes the point that:

Edgware Road Special Consideration Zone

C.9 Edgware Road area is 0.10km² in size, accounting for 0.4% of the borough's footprint. Particularly high was the concentration of serious violent crimes at night, ambulance call outs to the locations of licensed premises, drug offences recorded at night and robberies at night. Both theft incidents at night and noise complaints at night were elevated here as well. Looking across all incident types this area recorded nearly four times the borough's average rate of incidents per square kilometre during 2017 and 2019. (Paragraph C9)

We understand the position the Council finds itself in with respect to the data which disallows the area to remain a CIZ but wish to make the following observations.

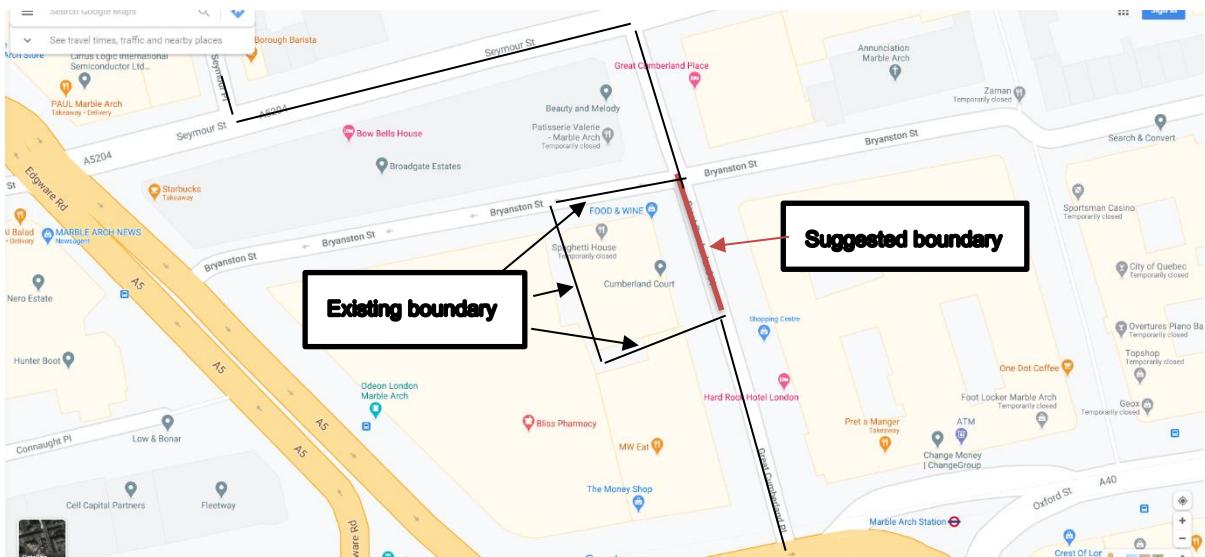
We believe that regression techniques were used to determine the link between the prevalence of licenced premises and the level of incidents. This threw up high linkages within the West End but insufficient in Queensway and Edgware Road. It would be very interesting if the analysis were extended to cover shisha cafés in both locations. We wonder whether this might demonstrate links between the prevalence of shisha cafés and crime levels. Regardless of this suspicion the public nuisance and potential damage to health created by shisha is well accepted (*Reducing the Harm of Shisha: Towards a Strategy for Westminster. February 2017*) and we would hope that the Licencing Authority continue to press Government on the need for shisha to come under a licencing regime.



That said we nevertheless welcome the SCZ around Edgware Road but would like to understand what the mechanism is and what are the triggers for WCC to reverse and re-designate Edgware Road as CIZ. Paragraph C17 merely states that *"if there is conclusive evidence that there is an ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed premises in the area the Licensing Authority may impose or reimpose a Cumulative Impact Zone and apply the Cumulative Impact Policy to that zone."*

Finally, we have noticed one very strange anomaly with boundary of the Edgware Road SCZ which we believe should be amended.

Boundary runs south down Great Cumberland Place, west into Bryanston Street for 34 metres, turns south behind Cumberland Court – not along a public right of way – skirts Cumberland Court and re-establishes in Great Cumberland Place 35 metres from Bryanston Street before continuing to Marble Arch. Thus, for the 135 meters of the west side of Great Cumberland Place from Seymour Street to Marble Arch premises are within the SCZ – except for 35 metres covering Cumberland Court. This, to us, makes no sense and we would suggest the boundary be re-drawn to be continuous on Great Cumberland Place from Seymour Street to Marble Arch.



R58 – 15/11/2020 (Marylebone Association) (Further Submission)

www.marylebone.org



Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

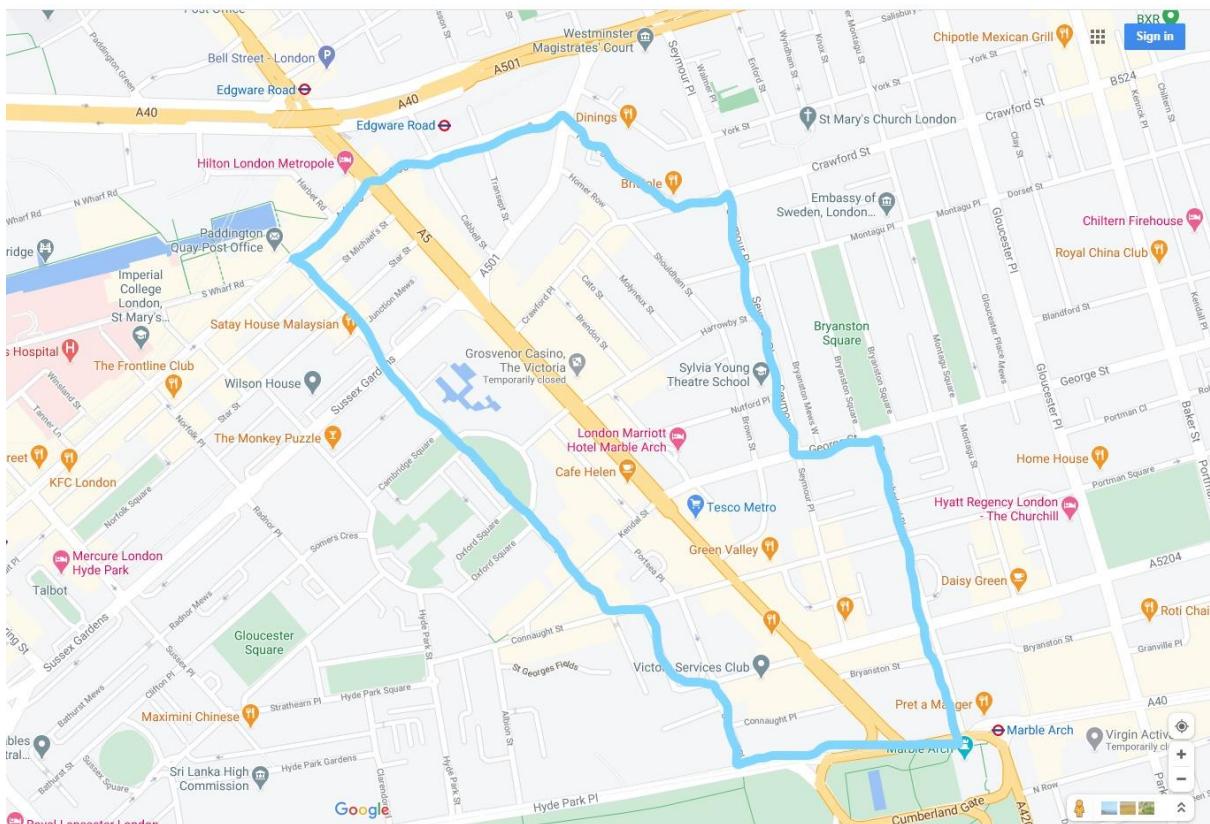
Licensing Act 2003

THIS FURTHER REPRESENTATION is made by the Marylebone Association which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road.

In our representation emailed submitted on 11th November we made some comments regarding the proposed Edgware Road Special Consideration Zone. On further reflection we would like to add to our comments below.

The proposed zone appears to be the same as the old Cumulative Impact Zone which we assume was drawn up originally under the constraints of legislation at that time. The idea of a Special Consideration Zone ("SCZ"), however, seems to be a concept planned by Westminster and is not constrained by legislation and is also open to constructive observation at this stage of policy development. Consequently we would suggest that at this time the Council consider what a SCZ could be used for and whether a more encompassing footprint should be adopted as this is the time when this can be modified sensibly.

The promotion of the Licensing Objectives and the enforcement of policies of the Council need to be considered holistically. A large part of these are to do with public nuisance and prevention of crime. Although the current consultation admits that there is insufficient statistical evidence to connect licenced premises to crime and disorder we believe that the continued increase in rates of crime in the Edgware Road area should at least be subject to some form of attention from the Council. Redesigning the shape of the SCZ perhaps will give the Council some leverage. We attach a map with a suggested new SCZ for Edgware Road. We have no expertise on the area to the west of the Edgware Road so this may need amendment.



Google Maps

15/11/2020

Clockwise from Edgware Road down Chapel Street, Homer Street, Crawford Street, Seymour Place, George Street, Great Cumberland Place, Marble Arch, Stanhope Place, clockwise round Connaught Square, Connaught Street, Norfolk Crescent, Sale Place, Praed Street to Edgware Road.

R59 – 13/11/2020 (Knightsbridge Association)

Here is a copy of the submission that I have just made on your website re the above:

KA response to City of Westminster consultation on licensing

The Knightsbridge Association thanks Westminster City Council for the opportunity to respond to the consultation on Licensing Policy and Cumulative Impact Assessment. In reviewing the policy we ask the Council to designate some or all of the Knightsbridge International Centre and environs as a **Special Consideration Zone** which would mean that businesses will only be granted new licences, or variations of their current licences if they can demonstrate how they will manage local issues, above and beyond what would normally be required.

As background to our request, we note the following:

1. The significant increase in recent years in the number of cafes, late night entertainment and tables and chairs on the pavement, especially on Brompton Road and in Knightsbridge Green. This has been accompanied by higher noise levels, with a negative impact on the quality of life for nearby residents.
2. The potential impact of the new planning use 'Class E' category, which removes traditional planning protections on change of use. One highly relevant and striking example of the potential impact of this change is the proposed 850 seat restaurant at Scotch House Corner (at the junction of Brompton Road and Knightsbridge), which if permitted will accentuate the trend of the area becoming a major night time destination. Another example is the possible conversion of the former Montpeliano's restaurant in Montpelier Street into a second, large restaurant / bar complex. If either of these developments were to proceed there would be significant implications for local transport capacity as well as an increase in crime and disorder, threats to public safety and public nuisance, the latter three being a breach of the objectives of the Licensing Act 2003. These risks would arise both during and outside 'core hours', i.e. after 11 p.m. The creation of a **Special Consideration Zone** would in our view substantially mitigate the impact of these developments if they were to proceed.

R60 – 13/11/2020 (Knightsbridge Residents Management Company Limited)

Dear Sirs,

Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

I am writing on behalf of the residents at The Knightsbridge which is an estate comprising 201 residences accommodating over 500 persons; many of whom are children or elderly residents. KMRC is authorised by the Residents to submit this email response to the City Council's consultation on its proposed revision of the Council's Statement of Licensing Policy.

A major issue for our Residents is the noise and disturbance caused by patrons arriving at and departing and dispersing from licensed establishments in the locality and public transport is not always sufficient to cope with the large numbers of people, and in many cases patrons of the establishments arrive by taxi, private hire car or

chauffeur driven vehicle. These vehicles often park illegally or are left with engines running and doors are slammed all of which disturbs the Residents.

The policy does make repeated reference to transport, but applicants are asked to consider the adequacy of transport with an emphasis on late at night and after the end of the Council's core hours.

We are very concerned that the change to the Use Classes Order which came into effect on 1 September 2020 will see an increase in the number of applicants who have taken or seek to take advantage of the new Use Class E. These changes deprive our Residents of the opportunity to comment on planning applications for change of use from retail to restaurant. Such a change can have a huge impact on people who live and work in the area. The protection offered by licensing therefore becomes all the more important.

The Policy states at paragraph 1.3:

"Noise is a particular issue associated with licensed premises that operate within the evening and nighttime economy."

We are grateful for this statement but the policy itself, with its focus on applications outside of core hours does not go far enough to protect residents during the earlier part of the evening. We ask that in PH1 applicants be required to demonstrate that the arrival and departure and dispersal of patrons will not create a noise or other disturbance to residents both in and out of core hours. We respectfully ask that the revised policy make it clear that the Council will have regard to the adequacy of transport for staff, patrons, arrival and dispersal both during core hours and late at night.

In addition to this, we expect that the creation of the new Special Consideration Zones coupled with the Cumulative Impact Zones will make the Knightsbridge area all the more attractive to large venue operators. We have noted with dismay the impact of such venues in the Mayfair area. It is clear to us that the offer of or imposition of the Council model restaurant condition does not go far enough.

We are not in apposition to request that the area be designated as a Cumulative Impact Zone or a Special Consideration Zone. We are asking the Council to note our very real concern that if there is inadequate control on the number of restaurants permitted to open and their respective capacities we will have no option but to petition for the area to be designated at the next policy review.

We are asking here that the Council support the Residents in taking preventative measures so that the future designation of the area will not be necessary.

Yours faithfully,
XXXXXXXXXXXXXXXXXX

R61 – 15/11/2020 (Covent Garden Community Association)

**CONSULTATION – WCC Licensing Policy and Cumulative Impact Assessment
CGCA Response**

Closing Date 15/11/20

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?

[Yes.]

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

A Cumulative Impact Policy (CIP) is based on data regarding existing issues. It seeks to prevent these issues increasing as a result of the grant of additional licences, or variations to existing ones. The data provided in the Cumulative Impact Assessment suggests that it has not been ineffective. Within the West End CIZ the number of licenses and the level of harm to the Licensing Objectives have both continued to increase, despite the existence of the CIP. This suggests that the CIP has not been effective in achieving its objective.

We agree that a CIP should be implemented but believe that the Licensing Authority needs to take a more aggressive stance when considering applications so that fewer are granted. The presumption to refuse only applies to certain types of premises. If an applicant can demonstrate they are not one of these then they can frequently obtain a licence even if, in our opinion, they fail to demonstrate that they “they will not add to cumulative impact.”

In Camden, where the CGCA also makes Representations, the CIP says that the presumption applies to all new or variation application UNLESS they can demonstrate that they will not add to Cumulative Impact. There are some possible exemptions based on the style or size of operation, but our experience is that this make it more difficult to rebut the presumption than in Westminster. To avoid continuing harm to the Licensing Objectives in the CIZ we believe that WCC should take a similar approach. We have given a proposed wording in our response to Q15 of the survey.

Because the CIP is based on backward looking data it is unable to prevent a Cumulative Impact arising in a new area caused by new applications being granted. The Special Consideration Zones have a role to play in preventing Cumulative Impact arising but this requires a much more questioning attitude from the Licensing Authority when considering applications. See comments on SCZ's below.

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?

We believe that the spatial analysis of the existing datasets is well explained and of a high standard. However there is a gap between the data arising from reporting and the experience of residents on the ground. Observational studies serve to fill this gap but this was, unfortunately, not possible for this assessment. This matters particularly in the case of public nuisance, especially noise from people in the street, as the rate at which this is reported will be low. This is because there is an understanding from residents that reporting it does not result in any action to stop it. As a result the Cumulative Impact Assessment reflects the Cumulative Impact on the Crime and Disorder Licensing Objective but NOT the Cumulative Impact on Public Nuisance.

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

[No Opinion]

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

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

[Yes,]

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

In the summary please include a caveat regarding the absence of the observational study and therefore the lack of data on the actual, as opposed to the reported, level of Public Nuisance.

8. Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1 and PN1? This includes their criteria and considerations, listed in clauses B of each policy.

[Yes,]

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

General

The new structure of these policies is good, with objective, criteria and considerations listed. We believe that there is an urgent need to update the Model Conditions to reflect this structure, with MC's available to cover all of the "considerations" in the Policy.

CD1

The word significant in the criteria should be removed. The Licensing Objective is the PREVENTION of crime and disorder. The criteria should be whether the premises will reduce, or at worst leave the same, the level. Allow a premises to contribute to Crime and Disorder, as long as it is not significantly, leaves too much room for argument in hearings and appeals. This is especially an issue in areas, such as the CIA's, where the existing level is already high. It makes it easier for an applicant to argue that they will not make a significant contribution in that area, because of the existing high level.

PS1

The impact of customers outside the premises, such as on the pavement outside, should be taken into account. The fact that pedestrians have to walk in the roadway to pass customers standing on the pavement is a Public Safety issue.

PN1

One of the main issues for residents associated with licensed premises is dispersal. Although the benefit of dispersal policies is mentioned in the narrative for HRS1 we believe that all premises need to have considered the need for a dispersal policy. The relevant consideration is PN1 3(d)

Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it

This should include a reference to dispersal, such as below.

Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it, including how dispersal is managed

10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?

[Yes,]

11. Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?

[Yes,]

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

13. Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)?

[Yes,]

14. Do you agree with...?

- Not expanding the West End Cumulative Impact Zone to include Zone 1 and 2 – Yes
- Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden) – Yes
- Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone. - No

15. If you have any comments about the boundary proposals and the revision of the Cumulative Impact Policy (CP1), please provide them below and state the areas and aspects that you are referring to:

- • Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2
- • Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)
- • Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone

Boundary

Whilst we understand that the analysis supports the exclusion on the NE of Covent Garden from the zone the absence of observational data means that public nuisance impacts are understated. Also the boundary chosen for the zone is along a road which has significant numbers of premises on both sides and is not a natural boundary. The fact that one side of the road is excluded means that there may now be a flurry of applications to vary licenses on that side to remove conditions which require alcohol to be served with food, and so quickly turn the area into one with many bars. It would continue to make sense to draw the area boundary along a major boundary road, such as Kingsway as it is now.

Policy Wording

We have long seen that the Licensing Authority, when considering applications, places a lot of emphasis on the presumption to refuse for certain types of premises and too little emphasis on the requirement that other types of premises

“must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.”

We believe that this is best addressed by reversing the emphasis in Paragraphs 1 and 2 in CIP1. Whilst this does not change the Policy it may serve to emphasise the importance of not adding to Cumulative Impact, rather than the importance of not falling into a particular premises type.

Our suggested wording is as follows:

It is the Licensing Authority’s policy to refuse applications that are unable to demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Zone.

This applies especially to premises of the following types within the zone that have an opening hour before 10:00 and a terminal hour beyond 21:00

- (1) Pubs and bars,
- (2) Fast Food Premises, and
- (3) music and dancing and similar entertainment venues

Applications for other premises types within the West End Cumulative Impact Zones are subject to other policies within this statement.

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

- Queensway/Bayswater Cumulative Impact Zone – No
- Edgware Road Cumulative Impact Zone - No

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

As with East Covent Garden the absence of an observational study means that public nuisance impacts will be understated in the analysis. Carrying out this study (pre-Covid) would have shown a very different picture.

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

[Yes,]

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

HRS1, along with CIP1, are the policies on which residents in the CGCA's area most often rely to ensure that the Licensing Objectives are supported. Other Policies, especially PN1, are equally important, and it is clear in HRS1 that premises need to comply with them. However this is not what we observe during hearings. We are concerned then that para B3 states that the intention is to generally grant licences within core hours without any mention of the need for premises to comply with the other policies. Although this is stated in the Policy itself (Para A) we believe it should also be mentioned clearly in the preamble to it.

Our view is that within the CIZ and SCZ all premises which operate after 23:00 (not midnight as suggested in B4) SHOULD have dispersal policy stating how customers will leave the premises. The reason for the earlier time it is frequently dispersal which gives rise to the most issues. After 23:00 it is reasonable that residents should not be disturbed and so this is latest time at which businesses should start actively managing the dispersal process. We note that 23:00 is also the time used in B8. The dispersal policy needs to be included in the list of things to which particular regard will be taken.

We would point out in this regard that in the list under Para B both points 8 and 11 relate to the process of customers leaving the premises and could be combined and the actual dispersal policy (if produced) could be taken into account.

The CGCA has in a number of recent applications proposed a condition regarding dispersal policies which we believe the Licensing Authority could use as a Model Condition in this regard. The wording is as follows:

The premises will operate a dispersal policy and all staff will be trained in its implementation. The policy will include a requirement [xxxxxxxxxxxx] The Policy will be reviewed regularly and whenever the Licensee becomes aware of issues associated with dispersal.

The xxxx section includes the minimum measures which the applicant believes will mitigate the impact of dispersal.

In B15 the policy suggests that some premises such as theatres can have licensable activities for non-patrons until 23:00, even in the CIZ (provided they do not add to cumulative impact). Theatres are not open 7 days a week but the bar could be, and there appears to be nothing in the policy that would prevent a theatre running a large bar open to the public until 23:00 even in an area where there is a presumption to refuse bar licenses which operate after 21:00. Whilst we do not object to theatres operating later for their patrons it is important that this flexibility is not given in a way which can be abused to the detriment of local residents.

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

[Yes,]

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

We agree ONLY compared to the option of treating these areas as the same as the rest of the Borough. If these zones were in almost any other borough in London they would justify being Cumulative Impact Zones as they would have very high impacts from the licensed premises within them. It is only by comparison with the Westminster average level, driven by the extremely high levels in Zone 1, and they appear to have a lesser impact.

We believe that Paragraph C1 needs rewording. We do not agree with the assertion that there is no cumulative impact in these areas. There is an impact, but it is not at a high enough level to justify (at the moment) designating the area as a CIZ where a presumption to refuse should apply. We also question whether “by particularising the steps..” is a recognised phrase in English.

In Paragraph A we believe that as well as the 2020 Impact Assessment applicants need to take account of other local issues of which they are aware.

In Paragraph B the mitigation they introduce should go further than “reduce the risk of failing to promote the Licensing Objectives”. The mitigations they introduce need to promote the licensing objectives. If they only reduce the risks then it is possible for them to still have a moderate, but lower than high risk of harming the licensing objectives and still comply with this policy.

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

- West End Buffer - Yes
- Queensway/Bayswater - Yes
- Edgware Road - Yes
- East Covent Garden - Yes
- Mayfair - Yes
- Victoria - Yes

23. If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:

- West End

- Queensway/Bayswater
- Edgware Road
- East Covent Garden
- Mayfair
- Victoria

24. Regarding the following establishments, do you agree with the revisions to the policy framework for...?

Policy RTN1 – Yes

Policy FFP1 – Yes

Policy PB1 – Yes

Policy OS1 – Yes

Policy MD1 – Yes

Policy HOT1 – Yes

Policy CAS1 – Yes

Policy COMB1 - Yes

25. Do you agree with the proposal to rename the Nudity, striptease and sex related entertainment – Policy NS1 to Sex Cinemas and Sexual Entertainment Venues – Policy SCEV1?

[Yes.]

26. If you have any comments about the proposed revisions to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to:

- Restaurants - Policy RTN1
- Fast Food Premises - Policy FFP1
- Public Houses and Bars - Policy PB1

- Off sales of alcohol – Policy OS1
- Music and dance premises and similar entertainment - Policy MD1
- Hotels - Policy HOT1
- Casinos - Policy CAS1
- Combined Use Premises

In MD1 the reference to Clause D in B(4) should in fact be to Clause E.

We believe that HOT1 needs to take into account the scale of the licensable areas (bars, restaurant etc) which are open to non-residents compared to the scale of the hotel. A hotel with 100 rooms and capacity for 500 people in the various licensable areas could also be regarded as a combined use premise. It is unclear on the point at which the sale of alcohol etc stops being ancillary to the primary purpose as a hotel.

27. Do you agree with the proposal to replace Theatres, Cinemas, other performance venues and Qualifying Clubs - Policy PVC1 with the following two new policies:

- Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1
- Qualifying Club – Policy QUC1

[Yes,]

28. If you have any comments about the proposals to replace Policy PVC1 with the two new policies (Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1 and a Qualifying Club – Policy QUC1) please provide them below and specify which policies and aspects you are referring to:

In CCSOS1 we believe that B(5) – the requirement that sale of alcohol etc must be to patrons after 23:00 should also be included in A. This is stated in HRS1 (B15) – see answer to Q19 above and so we fail to see why in CCSOS1 the requirement only applies in the CIZ.

29. Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?

[Yes,]

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

We understand the need to update the Statement in the midst of the current crisis. The statement, and especially the decision not to expand the CIZ, needs to be kept under review. If, as we hope, a vaccine is developed it may be that a return to “normal” will take place well before the next required Policy Review. This bring the risk that Cumulative Impact will happen without the Policy protections to prevent it.

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

32. If you wish to make any other comments or provide information associated with the application and determination process under the Licensing Act 2003, please do so below:

As stated earlier in our response it is important that when determining applications it is the promotion of the Licensing Objectives which is seen as most important. Whilst complying with CIP1 and HRS1 are important these policies exist in order to promote the Licensing Objectives. Our experience of the determination process over the last 15 years is that there is a tendency of Licensing Lawyers, and Committee Members, to focus on whether or not a premises is of a specific type or open at certain hours, rather than whether or not they will promote the Licensing Objectives.

R62 – 15/11/2020 (Knightsbridge Neighbourhood Forum)

Licensing Policy and Cumulative Impact Assessment

I am writing on behalf of the Knightsbridge Neighbourhood Forum (Forum or KNF) to respond to Westminster City Council's (Westminster or the Council) consultation on Licensing Policy and Cumulative Impact Assessment (the 'Consultation') which can be seen at <https://www.westminster.gov.uk/licensing-consultation>.

Thank you for the opportunity to do so.

The KNF welcomes Westminster's timely consultation on Licensing Policy and Cumulative Impact Assessment. Our comments relate principally to Licencing Policy under the following topics and sections: 1. COVID-19; 2. General; 3. Policies; and 4. Special Consideration Zones.

1. COVID-19 and general transport issues in Knightsbridge

The COVID-19 pandemic has had a major impact in many areas. Scientific advice suggests that the virus will remain 'endemic' even if one or more vaccines are used to protect the population i.e. it will persist.

Consequences of COVID-19 include: the collapse in Transport for London (TfL) fare income; reductions in bus and tube services; and social distancing requirements.

Even if 'life' returns to 'normal', the Government bailout of TfL looks set to reduce dramatically short, medium and/or long-term transport capacity in Knightsbridge e.g. fewer bus and tube services, higher fares or the removal of free-travel for under-18s and over-60s and perhaps continued social distancing requirements. These likely outcomes must be taken into account in the current Licensing Policy Review together with less optimistic scenarios.

The KNF wishes to highlight other serious transport capacity limitations in Knightsbridge including: the current Cadent gas works (which are scheduled to continue from mid-January 2021, immediately east of Scotch House Corner to Hyde Park Corner, through 2021; the major building developments that are ongoing on the south side of Brompton Road and Knightsbridge (the road); and the Hyde Park Winter Wonderland which is so popular (when it is operating) that Knightsbridge tube station has been exit-only on Friday evening and night and all weekend at certain times of the year.

All of the above major issues are on top of the ‘usual’ major issues of public transport being insufficient or not chosen by large numbers of people including many patrons of the existing licensed or shisha establishments who choose to arrive by taxi, private hire car or chauffeur driven vehicle.

The KNF also brings to Westminster’s attention that there are residential properties above and adjacent to many of the commercial frontages in Brompton Road between Montpelier Street and Scotch House Corner and on Knightsbridge between the Bulgari Hotel and Scotch House Corner. The pavements are also exceptionally narrow and often already crowded and congested (in ‘normal’ times). These matters further constrain the ‘opportunity’ for new licensed premises.

Individually and collectively, these many issues mean that there is and likely will be no spare transport capacity for large new licensed premises in Knightsbridge or outside space to manage it. Two recent ‘Certificates of Lawfulness’ applications for proposed use as large restaurants at Knightsbridge Green and Scotch House Corner (i.e. one of the most challenging places already for transport access) are therefore very concerning.

These matters highlight the need to take account of a wide range of transport related matters during and outside core hours in licensing decisions in the City of Westminster.

2. General

Your references:

- I. Revised framework for Premises Use policies and updates to policy narrative*
- J. Minor statement updates to reflect changes in law, guidance or council policies*
- K. Final comments on the proposed revisions to the Council's Statement of Licensing Policy*

The KNF is very concerned about the consequences of the new use ‘Class E’ (commercial, business and service) in the planning system which has merged retail, restaurant, office and other uses with effect from 1 September 2020.

These changes to the Use Classes Order have deprived the Forum and others of the opportunity to comment on planning applications for change of use from retail (or other planning use) to restaurant (or other ‘venues’). They have also weakened or removed some important planning protections that existed in the Knightsbridge Neighbourhood Plan (KNP) which was ‘made’ (i.e. adopted) by the Council on 12 December 2018:

https://www.knightsbridgeforum.org/media/documents/knp_made_version_december_2018_131218_website.pdf

Relevant KNP policies, in part or whole, include:

- Policy KBR1: Character, design and materials
- Policy KBR2: Commercial, frontages, signage and lighting
- Policy KBR14: Mitigating the impact of commercial development
- Policy KBR15: Night-time and early morning uses in or adjacent to residential areas
- Policy KBR16: Security and resilience measures
- Policy KBR17: Retail uses in the International [Shopping] Centre.
- Policy KBR20: Office uses

‘Change of use’ or new restaurants (or ‘venues’) within an existing use class can have a major impact on the Knightsbridge community – residents, businesses and others. The protection offered by licensing therefore becomes all the more important.

The KNF also brings to Westminster's attention that licensing and cumulative impact considerations need to take account of more than immediately adjacent licensing premises because of the proliferation of restaurants or venues serving shisha in Knightsbridge. While Westminster may succeed in 'controlling', to some extent, the impacts of shisha smoking through the emerging Westminster City Plan 2018 – 2040, it will still not be a licensing matter.

Examples of major forthcoming licensing applications in Knightsbridge

'Certificates of Lawfulness' applications were quickly submitted for change of proposed use from existing retail use to restaurant use for two large and adjacent retail units in the Knightsbridge International [Shopping] Centre:

127-139 Knightsbridge (includes 2-12 Brompton Road) (received on 4 September 2020 and pending).

This follows a withdrawn application submitted in December 2019 for a **714 cover/seat restaurant**.

[https://idoxpa.westminster.gov.uk/onlineapplications/
applicationDetails.do?keyVal=QG53KWRPJQI00&activeTab=summary](https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QG53KWRPJQI00&activeTab=summary)
[https://idoxpa.westminster.gov.uk/onlineapplications/
applicationDetails.do?activeTab=summary&keyVal=Q2RO4YRPKJ100](https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=Q2RO4YRPKJ100)

20 Brompton Road (Received on 9 September 2002 and permitted on 7 October 2020). This follows a withdrawn application submitted in March 2020 for a **136 cover/seat restaurant**.

[https://idoxpa.westminster.gov.uk/onlineapplications/
applicationDetails.do?keyVal=QG53KPRPJQD00&activeTab=summary](https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QG53KPRPJQD00&activeTab=summary)
[https://idoxpa.westminster.gov.uk/onlineapplications/
applicationDetails.do?activeTab=summary&keyVal=Q7ALT3RPMKS00](https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?activeTab=summary&keyVal=Q7ALT3RPMKS00)

Together these applications suggest imminent requests for licenses for one or two restaurants totalling up to 850 covers/seats perhaps throughout the day and week.

Immediately outside the other end of the International [Shopping] Centre, a new licensing application is expected for another large restaurant soon at **13-17 Montpelier Street**:

[https://idoxpa.westminster.gov.uk/onlineapplications/
applicationDetails.do?keyVal=QHXU51RPFQW00&activeTab=summary](https://idoxpa.westminster.gov.uk/onlineapplications/applicationDetails.do?keyVal=QHXU51RPFQW00&activeTab=summary)

These examples highlight the need the need to take account of transport related matters within and outside core hours in Knightsbridge.

3. Policies

Your references:

*C. Revised framework for the Licensing Objectives policies CD1, PS1 and PN1
G. Proposed changes to the Core Hours Policy - HRS1*

The only mentions currently of transport related matters in the proposed Licensing Policies (other than once in relation to children) relate to 'after midnight' (B.4 on page 18), 'outside the core hours' (B(8) on page 18), 'after 23:00 (B.8 on page 20), 'night tube' (B.17 on page 22) and named Special Consideration Zones.

Recommendations

For the reasons set out in detail above the KNF considers it essential that licensing policy 'Prevention

of Public Nuisance Policy PN1' is amended to address precisely and explicitly the issues highlighted in this submission through the following additions or amendments:

- i. Applicants be required to demonstrate that the arrival and departure and dispersal of patrons will not create noise or other disturbance to residents both in and out of Core Hours; and
- ii. The Council will have regard to the adequacy of transport for staff, patrons, arrival and dispersal both during Core Hours and late at night.

The KNF considers that the wording of three other policies may also need to be amended similarly:
Public safety PS1 e.g. Consideration B(5) is insufficient.

Core Hours Policy HRS1 e.g. A and Consideration B(8) and B(11) etc are insufficient.
Restaurants Policy RTN1 e.g. A is insufficient.

It will be important that the Licensing Committee and Sub-Committees apply these new policies in their decision making.

4. Special Consideration Zones

Your reference:

H. Introducing Special Consideration Zones (SPZs)

The KNF strongly supports the creation of the SPZs category and approach by Westminster. We also note the excellent report by Dr Philip Hadfield titled 'Mayfair Evening and Night-time Economy Behaviour Study – Research Project to inform Review of the Statement of Licensing Policy in 2017.

https://www.westminster.gov.uk/sites/default/files/mayfair_evening_and_nighttime_economy_behaviour_study.pdf

While the KNF has no objection to the proposed designation of Mayfair as a Special Consideration Zone (and some other parts of Westminster), we are concerned that these new zones will displace licensing applications and activity of large venue operators to Knightsbridge because it may be seen as less 'regulated'. Such displacement would be very concerning and potentially difficult to manage.

The KNF is not currently in a position to request that the Knightsbridge International [Shopping] Centre, which is defined precisely in the KNP, and perhaps its immediate environs (e.g. Montpelier Street south of Montpelier Place), be designated as a Cumulative Impact Zone or a Special Consideration Zone.

However, we ask the Council to note our very real concern that if there is inadequate control on the number of restaurants and other licensed establishments permitted to open and their respective capacities and transport and access arrangements that we will have no option but to petition the Council for part or all of the Knightsbridge International [Shopping] Centre and perhaps its immediate environs (e.g. Montpelier Street south of Montpelier Place) to be designated as a Special Consideration Zone (or Cumulative Impact Zone) at the next Licensing Policy Review. This would be a great pity when Knightsbridge is home to a number of the most prestigious and best run hotels in the world.

Please support the community in taking preventative measures so that the future designation of the Knightsbridge area will not be necessary.

My colleagues and I would be pleased to meet you or your licensing team to discuss our concerns highlighted in this letter and/or related matters.

Yours sincerely
XXXXXXXXXXXXXXXXXXXX

R63 – 15/11/2020 (Citizens Advice Westminster – Licensing Advice Project)

Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

Response of the Licensing Advice Project, Westminster Citizens Advice

We have responded to each proposed revision as set out at page 3 of the consultation document, using the questions set out in the online questionnaire as relevant under each proposed revision.

- (a) Add a statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy

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

Yes.

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

We are aware of at least some the reports referred to in para 4.2 of the consultation document. We agree that the findings of the Scrutiny Commission Task Group as summarised in para 4.2 are applicable to licensed premises other than nightclubs (which we understand were the premises type upon which the complaints were focused).

We therefore agree with the replacement of para 1.15 of the current Policy with a new section setting out the authority's approach to fulfilling its duties under Equality Act 2010, setting out the authority's expectations in this regard.

- (b) A summary of the 2020 Cumulative Impact Assessment

Question 1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?

We agree with the authority's intention to publish a 'cumulative impact assessment' ("CI assessment"), and to implement a Cumulative Impact Policy ("CIP").

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

Question 3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?

West End

- The evidence in respect of the West End CIZ seems to be extremely robust. Indeed, it appears that there is evidence for an expansion of the West End CIZ and/or a widening of its scope,

although the conclusion that the impact of Covid-19 mitigates against any such changes at this time is difficult to impeach.

- Appendix 12 of the current (2016) Policy states that there were 1,002 licensed premises within the West End CIZ at that time. The consultation document states at para 1.2 on page 2 that there are 1304 licensed premises in the West End CIZ - an increase of 30%. However, the CI Assessment states on page 15 that there are 1169 ‘unique licence locations’ in the West End CIZ – which, if the term ‘unique licence locations’ is analogous to ‘licensed premises’ is an increase of 17%.

We are unclear which figure is correct, but in any event even the lower figure shows a very significant increase in licensed premises since 2016. It would be helpful to have a view from the authority as to whether there is a link between the increase in licensed premises (or ‘unique licence locations’) and the data from which it is concluded that *‘the results conclusively characterised two parts of the West End as burdened by cumulative impact between 2017 and 2019, to varying degrees.’*¹

- It is noted that at para 4.7. on page 6 of the consultation document, the authority finds that *‘the evidence collected...supported further policy restrictions on applications, as they would likely add to cumulative impact.’*
- The presence or absence of a causal link is important in considering the efficacy of the current Policy, because it is appreciated that the majority and perhaps even the vast majority of these licences will have been granted as ‘restaurants’ under policy RNT2. The current Policy approach is that an application *‘will be granted’* if it can be demonstrated that they do not *‘add to cumulative impact’* (to ‘core hours’) and is subject to a further consideration *‘on their merits’* subject to various criteria, outside ‘core hours’.

If it is the case that the increase in the number of licensed premises has materially impacted on the data in the CI assessment which points to an increase in cumulative impact in the West End CIZ, then it is appropriate to question the efficacy of the current approach to determining whether or not any particular application will add to cumulative impact.

- It has been disappointing to the Soho Society, for example, that the police routinely withdraw representations in the CIZ, because the Soho Society have felt that this has undermined their view that ‘cumulative impact’ has increased. The data in the CI assessment appears to bear out this view. The CI assessment suggests that the current CIP and/or the way it is implemented has not succeeded in resolving issues of cumulative impact in the West End.
- That said, there is a widespread sympathy with licensed operators due to Covid-19 and an acceptance that Covid-19 has changed the licensing picture in the short term in the manner suggested in the CI assessment in the context of potential changes to the West End CIZ.

¹ Page 16 of the CI assessment

Queensway/Bayswater and Edgware Road

- We are aware that amenity societies disagree with the removal of the Bayswater/Queensway and Edgware Road CIzs, and we question whether the data in the CI assessment in respect of these areas justifies the removal of these areas in the context of *inter alia* the conclusion at para 4.16 on page 16 of the CI assessment and the provisions of s5A of the 2003 Act.

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

Yes, with the caveats set out above as to the areas to be designated as CIzs.

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

No comments further to those above.

(c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

Question 8. *Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1 and PN1? This includes their criteria and considerations, listed in clauses B of each policy.*

Yes.

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

- A common concern raised with us is that applicants do not demonstrate sufficiently in the Operating Schedule attached to the application form that they have assessed the risks posed by the application to the promotion of the licensing objectives. We agree with the proposal to change the way in which these policies are worded.
- Taking the Prevention of public nuisance' policy (PN1) by way of example, it currently reads as follows (my emphasis):

'To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:...'

It would now read as follows (my emphasis):

'Policy PN1 A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of public nuisance licensing objective. B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:'

- We believe that this is a positive change for residents both in concentrating the minds of applicants on locality-specific measures in their Operating Schedules, and ensuring that this

information is available in the application form itself and so is available to residents during the statutory consultation period rather than at a later stage, and ensuring the primacy of these policies in the decision-making process. As the licensing authority has a duty to promote the licensing objectives, it makes sense to emphasise their importance.

- We also agree with the addition of the words ‘including delivery companies’ to 3. (f) at page 9 of the consultation document re: PN1. We presume this is intended to address potential issues arising from increased use of delivery services.
 - We also agree with the addition of the words ‘unless there are exceptional circumstances’ at 4. on page 10 of the consultation document re: PN1.
- (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.

Question 10. *Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?*

Yes.

Question 11. *Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?*

Yes. We agree with the additional safeguarding requirements set out in this policy.

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

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

Question 13. *Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)?*

Yes, although we query the change to 9pm for ‘core hours’ for some premises.

Question 14. a. *Do you agree with...Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2?*

Yes, at this time, due to the impact of Covid-19.

Question 14. b. *Do you agree with...Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)? and:*

Question 14. c. Do you agree with...*Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone?*

We agree with the proposal to retain the West End CIZ, but have concerns about the removal of the North East area beyond Covent Garden due to the absence of observational data to support the data set in the CI Assessment.

Question 15. If you have any comments about the boundary proposals and the revision of the Cumulative Impact Policy (CP1), please provide them below and state the areas and aspects that you are referring to:

- We believe that removing a CIZ or part of a CIZ based on the CI assessment and/or in the absence of observational data is a retrograde step, and that such a step is not necessary given the provisions of s5A of the 2003 Act (for which, see our comments at (f) below).
- We note that the authority '*accepts the findings of the CI[assessment]*'² i.e. which includes the conclusion that '*[t]he results conclusively characterised two parts of the West End as burdened by cumulative impact...*'. These areas are described as 'West End Zone 1' and 'West End Zone 2'.

The proposal to retain the current West End CIZ boundaries (apart from North east of Covent Garden) amounts to a proposal not to designate 'Zone 2' as a CIZ.

Of course, it must be noted that the period of the cumulative impact assessment was pre-Covid-19. The consultation document states³ that due to the impact of Covid-19, '*we have decided that expanding the current Cumulative Impact Area...would not be appropriate*'.

We have not had any feedback to the effect that this approach is not justified at this time. The impact of Covid-19 on licensed premises has been profound, and there is broad agreement that the industry should be helped.

- We ask that the authority considers the impact of the change in planning use classes which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.

There is no recognition of this change in this consultation, but it could have a profound effect and is highly relevant to licensing. Matters which would ordinarily be picked up on a planning application will in many cases now not be. This increases the importance of the licensing regime to protect residents.

(f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

² 4.13 of page 15 of the consultation document

³ Para 1.7 on page 2

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

Queensway/Bayswater Cumulative Impact Zones

No.

Edgware Road Cumulative Impact Zone

No.

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

- For both areas, we believe that removing a CIZ or part of a CIZ based on the CI assessment and/or in the absence of observational data is a retrograde step, and that such a step is not necessary given the provisions of s5A of the 2003 Act.
- The findings set out in the CI assessment show that these areas have been subject to a level of incidents 3.7 times the borough average (for Queensway and Bayswater) and 3.9 times the borough average (for Edgware Road). We believe that the content of the CI assessment does not justify the removal of the Queensway/Bayswater and Edgware Road CIZs.

The CI assessment acknowledges the absence of a behavioural audit, saying⁴ that given this absence, the evidence was not 'conclusive'. Whilst this may understandably result in caution in designating new CIZs, it should result in the same caution in removing existing CIZs.

- s5A(1) states that a licensing authority may publish a CI assessment if it considers (our emphasis): '*that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations...*'. There is no requirement for the finding to be 'conclusive'.
- Even if it is the case that the CIA does not 'conclusively' link incident rates to licensed premises in the two CIZs, this may simply show that the CIPs have been effective. To take a materially different approach in future simply risks the data changing and Queensway/Bayswater and/or Edgware Road being made subject to a CIP again.

Regarding Queensway/Bayswater specifically, the CI assessment goes on to state that:

'In this area numerous incidents indicative of cumulative impact were between two and five times as concentrated in space as the borough average. Particularly elevated were noise complaints at night (x5), ambulance call outs to the locations of licensed premises(x4), as well as serious violent crimes (x2.8) and, to a lesser degree, robberies (x1.8) at night. Looking across all incident types plotted in the

⁴ P.17 of the CI assessment

radial chart, on average this area recorded nearly 3 times the borough's average rate of incidents per square kilometre between 2017 and 2019.⁵

- The CI assessment goes on to state: '*However further exploration of licensed premises and their externalities in this area is advised to situate and nuance whether and how they negatively impact the promotion of the licensing objectives.*'⁶
- Likewise, the CI assessment concludes that in respect of Edgware Road, '*[f]or the above stated reasons, and in the absence of behavioural audit insights, evidence characterising Edgware Road as burdened by cumulative impact as a result of a significant number or types of licensed premises cannot be described as conclusive.*'
- We believe that the authority should be cautious about removing a CIZ until this '*further exploration*' takes place and until there is firm evidence that removing the CIZ will not likely be '*inconsistent with the authority's duty to promote the licensing objectives*'.
- The point made about the changes to planning use classes in our response to question 15 also applies. Removal of a CIZ at a time when there may subsequently be an increased number of applications for licences would seem to be illogical.

(g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities

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

We agree with some changes and have concerns about others.

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

A framework based on premises use rather than licensable activities may prove to be more agile and fit-for-purpose.

The major changes appear to be as follows.

1. 'Core hours' for 'Cinemas, Cultural Venues and Live Sporting Premises' will be until midnight Mon-Sun.

We understand the rationale for this, but would emphasise the potential for nuisance when customers depart these premises. If the later hours are based on the provision of licensable activities only to those who have attended/have a ticket to attend a performance, this may limit the potential for nuisance.

⁵ Page 117 of the CIA

⁶ Page 120 of the CIA

2. Core hours for pubs/bars etc remain as before, except that in the CIA it is proposed that core hours for new pub/bar uses is 9pm.

The effect of this seems to be that there is no presumption to refuse these uses until 9pm. This is a relaxation to the current Policy. There would now be a requirement for 'exceptional circumstances' for variations beyond 9pm. This is a restriction to the current Policy.

We are slightly unclear as to the purpose of this change. The current Policy did take a more flexible approach to bar uses until 8pm, subject to various considerations set out at 2.4.17 to 2.4.21 of the current Policy. Is the change to 'core hours' effectively to replace those provisions?

It would seem that if the intention of removing the 'presumption to refuse' up until 9pm is to help pubs and bars, it may not in any event do so. This part of the Policy if implemented is perhaps more likely to come into play on applications by restaurants etc to have an element of bar use. This may hinder rather than help pubs and bars, without helping residents.

One view is that although cumulative impact may not manifest until later in the evening, granting more licences earlier in the evening may attract more people to the CIA, a proportion of whom may then go on to drink later having started earlier.

3. Earlier commencement hours for premises other than pubs/bars, fast food premises and music and dancing premises.

Any earlier hours would need to be considered on their merits. Our experience is that residents resist hours for sale of alcohol at earlier times than the commencement for 'core hours', particularly on Sundays. The proposed change on Sundays from midday to 9am is perhaps excessive.

(h) A new Special Consideration Zone Policy- SCZ1

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

Yes.

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

- We believe that the concept of a policy which sits somewhere between a CIZ and not a CIZ will be helpful for residents in areas which have been identified in the CI assessment as being problematic, but not to the extent to justify a new designation as a CIZ.
- The new proposed SCZ policy may be positive for those areas where it is proposed that are not currently CIZs. We agree that there should be an increased expectation on the part of the licensing authority for applicants to demonstrate that they have understood the challenges of the local areas in their Operating Schedules, and an increased scrutiny to prevent these areas becoming CIZs.

- We have received feedback to the effect that although this information is frequently available by the time of the hearing, it should be made explicit in the application form rather than in an amended Operating Schedule produced for the purposes of a hearing. In fact, although the expectations outlined in SCZ1 are positive for residents, we would question whether they need to go further, given the existing expectations of applicants set out in the s182 Guidance.
- We believe that the proposed SCZ may help to limit any potential adverse impacts in those areas proposed which are currently CIZs in the event that the designation as CIZs is removed.

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

West End Buffer - Yes.

Queensway/Bayswater

We disagree with the reasoning to the extent that we believe on the evidence in the CI assessment it should remain as a CIZ, but we agree with the reasoning, boundary and designation if it is removed as a CIZ.

Edgware Road - As above.

East Covent Garden - As above.

Mayfair - Yes.

Victoria - Yes.

Question 23. *If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:*

None additional to those above.

- (i) Revised policy framework for premises use policies and updates to policy narrative where necessary

Question 24. *Regarding the following establishments, do you agree with the revisions to the policy framework for...?*

We agree with the revised policy framework for all the premises use policies.

Question 25. *Do you agree with the proposal to rename the Nudity, striptease and sex related entertainment – Policy NS1 to Sex Cinemas and Sexual Entertainment Venues – Policy SCEV1?*

Yes.

Question 26. *If you have any comments about the proposed revisions to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to:*

We believe that the change in emphasis in the RTN Policy at RTN1 B. (3) on page 29 of the consultation document may be helpful. The sub-section provides that an application will 'generally' be granted but requires 'the applicant' to demonstrate 'that they will not add to cumulative impact...'.

The current position is less robust, providing that an application 'will be granted' 'provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.'

- (j) Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues

Question 27. *Do you agree with the proposal to replace Theatres, Cinemas, other performance venues and Qualifying Clubs - Policy PVC1 with the following two new policies:*

- *Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1*
- *Qualifying Club – Policy QUC1*

Yes. We agree that it makes sense to have a separate category of policy for qualifying clubs.

Question 28. *If you have any comments about the proposals to replace Policy PVC1 with the two new policies (Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1 and a Qualifying Club – Policy QUC1) please provide them below and specify which policies and aspects you are referring to:* N/A

- (k) Creating a stand along policy for Qualifying Clubs

We agree that it makes sense to have a separate category of policy for qualifying clubs.

- (j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

Question 29. *Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?*

Yes.

Question 30. *If you have any comments regarding the updating of the statement, please provide them below:* N/A

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

- It may assist to set out expectations as to what constitutes a 'substantial table meal'.

- If core hours for cultural venues are extended to midnight Mon-Sun, there will be a need for awareness of the potential for movement of equipment/people after the end of an event/performance.
- It would assist to have further information on the expectations in proposed Policy SCZ, and the way this Policy would be implemented at hearings i.e. what will the approach be where an applicant has not complied with the expectations.

Question 32. *If you wish to make any other comments or provide information associated with the application and determination process under the Licensing Act 2003, please do so below:*

- The online Licensing Register is a very useful source of information. However, we have had repeated concerns from residents that they are not able to access information about applications, conditions etc. On further exploration, we have found that this is (usually) not because the information is not there, but because the link given in the notification letters defaults to the Planning Register. Thus, when the application reference is typed in, no results show up. We would ask that the authority takes the necessary steps to rectify this as soon as possible.
- We have already expressed the concern on behalf of some residents that whilst additional information/conditions etc submitted by applicants may not be 'late' in terms of the Rules of Procedure, it often does not give residents (not experts in licensing law) time to properly assimilate it.
- We often have positive feedback about the hearing process, and the Licensing Service and Councillors should be commended for the way in which they encourage and facilitate the effective involvement of residents at hearings.

Our experience is that residents are (and, just as importantly, feel that they are) a) listened to; b) given sufficient time to express the points they wish to make; c) treated with due respect by all concerned (including applicants and their representatives); and d) have the opportunity to be involved in the licensing process and engage in a positive way.

Westminster's Licensing Sub-Committee often deal with complex and lengthy hearings and hearings which can involve multiple residents and amenity societies, and it is to the credit of all participants that the hearing process runs so smoothly.

- More recently, remote hearings have proved a challenge but we feel that the needs of the various parties have been balanced. There have been some more recent issues with accessing remote hearings, but it is hoped that this is just a temporary blip.

Licensing Advice Project
15 November 2020

Please see previous email. The email below from Mr Jackaman was in response to the attached.

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

The Soho Society states:

*The importance of the **Operating Schedule** is a key theme throughout these policies, however in our experience the lack of information and detail of the operation and the scant response by some applicants on how they will address the licensing objectives needs to be robustly addressed within the policy. It is extremely difficult for residents to try to divine what an applicant actually wants, and why they think they are an exception to Policy and do not add to cumulative impact. Following on from this we have also noticed the practice of applicants presenting late submissions providing more details of the operation/proposed conditions which further places residents at a disadvantage in not being able to address all the issues within the original representation. We ask that revisions to the licensing policy are made to address these issues.*

In our view the attached & the response is a demonstration of the Society's point. In the end the information requested was obtained after many days of voluntary work on the attached letter & other material. The Guidance makes it quite clear that operating Schedules should state the details residents need to assess whether to object & for other interested parties to properly comment.

We forgot to say that final decisions notices should be issued within say 2 months as at present they can take more than one year.

(Officers have not attached the emails as referenced within this response. If members of the Licensing Committee wish to view these emails, please contact the report Author)

R65 – 15/11/2020 (Soho Society)

Response from the Soho Society - 15th November 2020

Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

Licensing Act 2003

CUMULATIVE IMPACT ASSESSMENT

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy? Yes

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

The application of the West End Cumulative Impact Policy since January 2016 whilst apparently strong on paper has failed to work in practice as a policy to prevent further cumulative impact in the West End. The January 2016 Statement of Licensing Policy in October 2015 stated that there were 3,134 licensed premises in City of Westminster.

The Proposals for the Revision of WCC's Statement of Licensing Policy (SLP) 12.10.2020 states that there are 3,076 licensed premises in the City of Westminster. This is a reduction of 2%. By contrast in the West End Cumulative Impact Area (WECIA) appendix 12 of the January 2016 SLP it is stated that there were 1,002 licensed premises. The Proposals for the Revision of WCC's Statement of Licensing Policy (SLP) 12.10.2020 states in Paragraph 1.2 that there are 1304 licensed premises in the WECIA, an increase of 30%. However, a

lower figure is given in the Cumulative Impact Assessment on page 15 of 1169 licensed premises and this is a percentage increase of 17%. In either case the WECIA policy has failed to reduce the number of licensed premises when the number has fallen marginally across Westminster as a whole. This may be a function of the demand for licensed premises to locate within the WECIA but it shows clearly that the 2016 policy has not reduced cumulative impact in terms of the numbers of licensed premises.

Every additional premises licence increases the total customer capacity within the area and therefore must contribute to the risk of adverse cumulative impacts. The CIA on page 65 highlights the increase in premises vs incidents using two analytical models. Both models found that incidents of all types were more likely to be reported in the vicinity of licensed premises.

The Odds regression model states that with every additional licensed premises (of any type) the likelihood of there being at least 1 reported incident at night in the vicinity increased by 20% - 471% depending on type of crime. Of all public realm crimes, the addition of licensed premises influenced the likelihood of theft reports the most (471% increase in Odds per additional licensed premises) and drugs, the least 20%. The Relationship regression model found that every additional licensed premises within a given area (20,000m²) incidents of crime were likely to increase by a factor of 1.06-1.17 (6-17%). In summary the current Cumulative Impact Assessment shows that in March 2020 within Zone 1 of the WECIA the number of adverse incidents was 9 times higher than the borough average.

Therefore, on the evidence of the Council's own CIA the granting of further licences increases the likelihood of adverse cumulative impact. If the new SLP is to be effective in preventing, and ideally reducing, further cumulative impact it needs to be much more robust: robust not only in the way that policies are worded but also in the way that the policies are applied by councillors sitting on the licensing sub-committees if it is to be an effective policy to reduce cumulative impact in the WECIA which covers Soho.

The Soho Society proposes below a number of ways in which the policy can be made more effective. We also ask the City Council and its licensing service to be more robust in encouraging applicants to demonstrate clearly in their applications, and well before the matter comes to decision, how their proposals will meet the issues they are asked to consider in each of the licensing policies as set out in the new SLP. Where the councillors are not convinced by the information provided in support of the application and also that it has been provided in a timely way to allow scrutiny and revision, they must refuse to grant more applications. To do otherwise will be against the stated objectives of their policy and evidence and recommendation within the CIA 2020.

3. Do you have any views on the findings of the 2020 Cumulative Impact Assessment?

We agree with the important findings of the Cumulative Impact Assessment which presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1. Although we welcome the retention of the existing West End Cumulative Impact Zone 1, we disagree with the council's proposal to go against the evidence of the CIA to support further policy restrictions. In its conclusion the document states:

'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises are such that it is likely granting further types of licenses or varying existing licenses would be inconsistent with the authority's duty to promote the licensing objectives.' (p.19)

'The granting of licences for certain types of operation that are likely to add to the cumulative impact within these areas would not be consistent with the licensing authorities duty under the Licensing Act 2003.' (p.19)

The CIA defined as: *'The principle of cumulative impact is to identify which areas are saturated with a significant number, type or composition of licensed premises, causing the benefits provided by alcohol outlets to be outweighed by public nuisance, crime, disorder and other costs of excessive alcohol consumption.'* (p.8)

presents a number of key findings identifying the high level of cumulative impact in the West End as detailed below:

- **West End Zone 1:** on just 3% of the borough's footprint, which held 25% of all unique licence locations as of February 2020, 943 unique licences were issued to 766 unique locations. Over 3200 residential households. (p.9)
- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends. (p.8)
- **For crimes West End Zone 1,** the rate was 10 - 13 times higher between 6pm - 6am compared to the borough average. (p.9) • **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%). Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). Total = 50,594. Compared to West End Zone 2 the second highest incident rate at 3.86 totals 35,584, significant comparisons being, Serious violent crimes, 388 (15%), Robberies (21%), Drug Offences 487 (13%). (p.9)
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents where primarily concentrated in the West End where licensed premises are disproportionately concentrated. (p.28)
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night. (p.40) • **Serious violent crimes:** recorded between 6pm and 6am concentrated overwhelmingly in the West End. (p.44)
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between 6pm - 6am were significantly clustered in and around the west end to varying degrees. (p.46)
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street. (p.37) • On average, for every additional unique licence location (proxy) for premises in an area 200m² in size) reported incidents were likely to increase by factor of 1.06 - 1.17, depending on the premises type, incident type and time of day. (p.8)
- **Among specific premises types assessed,** pubs and wine bars, restaurants, shops and stores, and hotels and hostels were most significantly aligned with incidents in their proximity.

This is a damning indictment of the failure of the current process, we require policies to be robustly applied by councillors sitting on licensing sub-committees. A review of the Society's representations in 2019/20 shows the sub-committee approved 2 additional 3am night club/ performance venues (capacity 420), 1 bar extension until 1am (capacity 80) and time limited until 30/9/21. 1 x new 1am restaurant (capacity 300) and 3 extensions of existing restaurant licences until 00:30 (capacities 156), 1 x removal of restaurant condition (allowing alcohol sales without food) until 10pm, time limited 30/9/21, all of which will continue to add to cumulative impact in the area.

We note the issue of capacities has not been mentioned within the consultation or within the CIA 2020 it is a key factor in cumulative impact. As the 2016 SLP 2.4. states:

'The extent of crime and disorder and public nuisance in the Cumulative Impact Areas arises from the number of people there late at night; a considerable number of them being intoxicated, especially in the West End Cumulative Impact Area.'

We consider this to be a weakness in the assessment. We reviewed all licences in Soho for capacities and found that of the 114 licences from 01:00 to 06:00 capacity information was available for premises 98 (86%) with a total capacity of 20,483. This is a huge number, and it is therefore unsurprising that cumulative impact is so high in the area. We ask that capacity information is recorded as standard practice on every new licence, and this information is also included as routine in the sub-committee reports alongside the list of licensed premises in the vicinity and including the street of the application.

There is also the need to further strengthen the premises use policies. In particular we propose under 'other premises types' as mentioned in 4.7 that the council includes restaurants, with stricter parameters for either new licences or extensions beyond core, or both. A study in Mayfair in 2016 recommended that Berkeley Street had the characteristics of a stress area such that the 'presumption to refuse' should be extended to certain type of restaurant application. The majority of new licences granted in Soho are for restaurants. We make further comments on the proposed changes to premises types at No. 26.

In relation to COVID-19 we will not support any relaxation of policy to facilitate the extension of existing licences or to grant new late night licences in the area. Whilst we are aware that the Council has found exceptions on a case by case basis where a licence is time-limited, we have concerns as to the public health implications of more people drinking later at night, in addition to public nuisance and crime and disorder implications. We would like re-assurance from the Council about their general approach to applications which are not for time limited licences/variations, and their general approach to applications which seek to make permanent the time limited changes which may have been granted. We remain strongly opposed to any weakening of the policy in this regard.

The Society has received counsel's advice to the effect that the breach of COVID restrictions which may take place when large numbers of customers are intoxicated is a public safety, public nuisance and prevention of crime issue. None of this is addressed in the report even though the economic impacts of the restrictions is used to justify ignoring the evidence of increasing cumulative impact. Surely if COVID is a relevant factor for the Council's decision it has to be both in regard to economic impact AND safety issues.

A. PROPOSED REVISIONS TO WESTMINSTER CITY COUNCIL'S STATEMENT OF LICENSING POLICY

4. *The Licensing Authority aims to include its expectation that licensed premises, as part of their application process, demonstrate how they can provide inclusion in Westminster. Do you agree with the inclusion of this expectation? Yes, No Option, No.*

Yes.

5. *If you have any comments, please provide below.*

None.

B. SUMMARY OF THE CUMULATIVE IMPACT ASSESSMENT FINDINGS

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

No: We do not agree with this statement, for the all reasons described in No. 3 and summarised below.

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

As described in No.3. In summary, the conclusion of the CIA, in particular the Licensing Authority's view that the number of premises are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the Authority's duty to promote the licensing objectives. In summary, the failure of the current policy to prevent further cumulative impact resulting in the year on year increase in CIA in the West End, incidents 9 x higher than other areas, and in response to COVID-19 we will not support any relaxation of policy to facilitate the extension of existing licences or to grant new late night licences in the area.

We fail to understand how WCC can ignore these findings. The proposal if adopted will continue to add to cumulative impact, and we ask that WCC takes this opportunity to reduce it.

Planning Class E : With the continuing decline in retail and the move to online shopping the long term trend to find alternative uses which are food and beverage related is likely to continue after COVID abates. Planning Class E now makes it impossible for the planning process to stop this. The last element of control that WCC has over increased food and beverage numbers is premises licensing. The only way this can be combatted effectively is through the use of the CIA which presents strong evidence which could be used much more robustly to limit an increase in the numbers of licensed premises and in overall capacity.

C. REVISED FRAMEWORK FOR THE LICENSING OBJECTIVES POLICIES CD1, PS1 AND PN1

8. Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1, and PN1? This includes their criteria and considerations, listed in clauses B of each policy? Yes.

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

The importance of the **Operating Schedule** is a key theme throughout these policies, how-ever in our experience the lack of information and detail of the operation and the scant response by some applicants on how they will address the licensing objectives needs to be robustly addressed within the policy. It is extremely difficult for residents to try to divine what an applicant actually wants, and why they think they are an exception to Policy and do not add to cumulative impact. Following on from this we have also noticed the practice of applicants presenting late submissions providing more details of the operation/proposed conditions which further places residents at a disadvantage in not being able to address all the issues within the original representation. We ask that revisions to the licensing policy are made to address these issues.

Prevention of crime and disorder - Policy CD1: We note the statement: '*... and whether the Operating Schedule is based on an adequate risk assessment*'. We ask how is an 'adequate' risk assessment to be defined, and what information is required for the assessment to be deemed as adequate? Should not the requirement be for a more robust risk assessment?

Prevention of public nuisance - Policy PN1: Having reviewed the policy (against 2016) we highlight the significant addition of wording in the paragraph headed 'Note'. In the revised document the following has been included: '*... seating for the use of customers on the public highway and these are generally restricted to before 23:00 in Westminster unless there are exceptional reasons for granting longer hours.*'

We acknowledge at present there is no licensing policy as such against later than 23:00 for tables and chairs. The inclusion of exceptional circumstances can be argued as strengthen-ing the current policy. However, we are concerned that this provides the opportunity to grant applications during these unprecedented times and beyond, and we will oppose any extensions beyond 23:00 as this would have an adverse impact on residents, and it would fail to promote this objective.

D. AMENDED FRAMEWORK FOR THE PROTECTION OF CHILDREN FROM HARM POLICY - CH1

10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?

Yes.

11. Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?

Yes.

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

We welcome the inclusion of additional safeguarding of children requirements. However, we propose two amendments to the policy, no. 15 states ... ‘those supervising or having significant contact with children have been appropriately vetted...’ and we ask this is strengthened and stated as DBS checks. It states in the section ‘Minimum Criteria, 1. The applicant should ensure that their staff have a basic awareness of child protection issues’. We ask this is strengthened to state the expectation of completion of Level 1 Protecting children from harm training. How does the Licensing Authority propose to ensure checks and training has been undertaken for new applications and on existing?

E. PROPOSAL TO RETAIN THE EXISTING WEST END CUMULATIVE IMPACT ZONE BOUNDARY EXCEPT FOR THE NORTH EAST BEYOND COVENT GARDEN AND TO REVISE THE CUMULATIVE IMPACT POLICY - CIP1

13. Do you agree with the proposed revisions of the framework of the Cumulative Impact Policy (CIP1)?

See below.

14. Do you agree with?

- Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2**

Yes.

- Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)**

Yes.

- Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone.**

No.

15. If you have any comment about the boundary proposals and the revision of the Cumulative Impact Policy (CP1), please provide them below and state the areas and aspects that you are referring to: (listed above)

We do not agree with statement 4.13, we ask for the addition of the following statement: '*The findings of the Cumulative Impact Assessment have shown that cumulative impact has increased and not declined since the introduction of the 2016 SLP. On the assumption that operating conditions will be able to return to normal post COVID-19 during the life of the 2021 SLP the Council will need to examine increasingly carefully whether a stronger presumption against all types of new premises licence will be required if demand increases again in order to ensure that the protection offered by the cumulative impact policy is effective and not further eroded by a continuing gradual increase in the number of licensed premises in the West End CIZ.*'

15 Revision of the Cumulative Impact Policy (CP1)

The revision proposes to refuse applications that have an opening hour before 10:00 and a terminal hour beyond 21:00 within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment venues. This is a significant shift in policy and it is not obvious where this change originates from. The document does not provide an explanation for the amendment. This revised policy has significantly reduced the terminal hour to 21:00 which appears at first glance to benefit the West End. However whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, under this new policy premises will now be granted until 21:00 and also affords the opportunity to apply to extend to core hours. This is a relaxation in policy and is likely to increase drink led operations, including workplace bars and retail shops establishing evening bars as 'members clubs'. We also consider the likely impact of the policy will be an increase in applications for bar areas in restaurants, or the ability to operate as a bar until 9pm, where an exception to Policy would no longer be required. We are concerned as we have already seen a number of these types of applications in the West End.

In addition, we support the CGCA's proposed revision of the CIP policy, as stated in their response to this question.

F. REMOVAL OF THE QUEENSWAY/BAYSWATER AND EDGWARE ROAD CUMULATIVE IMPACT ZONE

16. Regarding the following Cumulative Impact Zones, do you agree with the proposal to remove the?
Queensway/Bayswater Cumulative Impact Zone: Yes / No / No opinion / N/A

No.

Edgware Road Cumulative Impact Zone: Yes / No / No opinion / N/A

No.

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

It appears the CIA policy has been successful in these areas resulting in a reduction in cumulative impact. It therefore seems illogical to remove the CIZ where it has worked and is still working.

G. PROPOSED CHANGES TO THE CORE HOURS POLICY - HRS1 **18. Do you agree with the proposed changes to the Core Hours Policy (HRS1), including the reasoning behind them? Yes / No opinion / No**

For comments see below.

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

We welcome the clear framework and standardisation of the policies into premises types and we agree with sections A and B of the policy. Reviewing Section C we note, with the exception of Pubs and Bars within the West End CIZ (as described above at 15), there has been no change for premises outside the CIZ, and casinos. However, there has been an increase in alcohol hours from **10:00 to 09:00** for restaurants, sexual entertainment venues, sex cinemas, outdoor spaces and qualifying clubs, and hotels, and for off-licences the increase of one hour is from **10:00 to 09:00** on Sundays. We oppose these increases from 10:00 to 09:00 for alcohol sales on the grounds of public nuisance.

It is clear that WCC wishes to encourage and will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity, a mix of cinemas, cultural venues and live sporting venues and proposes to permit a change from core hours to Monday - Sunday from 09:00 to midnight. It will allow venues to operate as bars to the general public up to 23:00 with patrons being able to drink on into the night. We oppose this policy on the grounds of increased crime and disorder and public nuisance. We make further comment at no. 28 below.

In relation to statement B.3, pubs and bars and FF and live music venues, the policy is helpful in some circumstances but none of these potential businesses will want to close at that time so will be likely to make the case that their application is exceptional. The test will be the way in which 'exceptions to policy' are handled in actual decisions. Therefore we ask for the second sentence of para 8.3 to be deleted '*These are not policies to refuse applications for hours longer than the core hours, and consideration will in all cases be given to the individual merits of an application*'. The third sentence, '*Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out under each policy*' deals adequately with the 'application considered on its merits' requirement but the second sentence gives councillors too much of a get-out if they continue to grant a number of exceptions to policy.

We support the statement at B.8 and note the reduction in the current policy from midnight to 23:00 and the inclusion within the operating schedule. In particular the importance of dispersal plans and would suggest WCC make it clear the expectation such plans will be submitted. We support in B.16 the distinction between qualifying clubs and proprietary clubs operating on a commercial basis and them being considered under Public House and Bars Policy PB1.

H. INTRODUCING SPECIAL CONSIDERATION ZONES 20. Do you agree with the proposal to introduce new Special Consideration Zones?

Yes.

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

As stated above we would prefer these areas to remain as CIZ's, however, we agree with the statement C.17 that the Licensing Authority needs to keep the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SPAs under review, and we would expect them to be upgraded to CIZs if post-COVID data supports its inclusion.

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

West End Buffer? No.

Queensway/Bayswater: No.

Edgware Rd: No.

East Covent Garden: No.

Mayfair: Yes.

Victoria: Yes.

23. If you have any comments about the reasoning, boundary and designation of these zones, please give your comments below and specify which areas and aspects you are referring to: West End.

Queensway/Bayswater. Edgware Road. East Covent Garden. Mayfair. Victoria. None.

I. Revised framework for Premises Use policies ad updates to policy narrative 24. Regarding the following establishments, do you agree with the revisions to the pol-icy framework for...?

Restaurants - Policy RTN1: Yes

Fast Food Premises - Policy FFP1: No.

Public Houses and Bars - Policy PB1: No.

Off sales of alcohol - Policy OS1: Yes.

Music and dance premises, similar entertainment: No.

Hotel - Policy HOT1: Yes.

Casinos - Policy CAS1: No.

Combined Use Premises: Yes.

25. Do you agree with the proposal to rename the Nudity, striptease and sex related entertainment - Policy NS1 to Sex Cinemas and Sexual Entertainment Venues - Policy SCEV1 Yes.

The revised policy has not been included for comment in question no.26, we therefore include our comments below.

Sexual Entertainment Venues and Sex Cinemas - Policy SCEV1:

We note the content of the revised policy. However, we are concerned that an important statement from the 2016 SLP has been removed from this revision:

(iv) 'The Licensing Authority will have regard to the cumulative effect of the number of such premises, and sexual entertainment venues, in proximity to each other in the vicinity.'

We propose this statement be reinstated as it provides an additional and important test in managing the number of such licences in a small geographical area as Soho. This area has the highest number of sex entertainment uses and requires tighter controls than other areas in the borough. We know these types of premises attract criminal activity, especially SEVs where men leaving these premises are targeted and offered services elsewhere which results in them becoming victims of robbery and assault.

26. If you have any comments about the proposed revision to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to:

Restaurants - Policy RTN1. Fast Food Premises - Policy FFP1. Public Houses and Bars - Policy PB1. Off sales of alcohol - Policy OS1. Music and dance premises, similar entertainment. Hotel - Policy HOT1. Casinos - Policy CAS1. Combined Use Premises -Policy COMB1.

Restaurants - Policy RNT1:

We support the beneficial amendment to section B. We support the revision - Applications inside the West End Cumulative Impact Zone will generally (as opposed to 2016 'will be granted'). Section C (2) states food in the form of substantial table meals, we would ask this is strengthened by the inclusion of a description of what the LA considers to constitute a substantial table meal, rather than small plates of canapé type food

described as a table meal. We ask also ask the Sub-Committees to retain restaurants in their defined form where alcohol is ancillary to food and rather than the relaxation of this condition facilitating the transition to a seated bar.

Fast Food Premises - Policy FFP1:

As below (Pubs and Bars PB1), we note the revision and reiterate the issues raised under the Cumulative Impact Policy - CP1. This revised policy has significantly reduced the terminal hour to 21:00. However, whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, (11.30pm Mon - This and Fr- Sat, midnight) the result would be that these premises uses will now be granted until 21:00, which then affords the opportunity to apply to extend to core hours, thereby increasing the number of fast food premises from the 72 which already exist in Soho. We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

Public Houses and Bars - Policy PB1:

We note the revision and reiterate the issues raised under the Cumulative Impact Policy - CP1, this revised policy has significantly reduced the terminal hour to 21:00. However, whereas before the policy was to refuse all applications other than to vary hours within the core hours policy, (11.30pm Mon - This and Fr- Sat, midnight) the result would be that these premises' uses will be now be granted until 21:00, which then affords the opportunity to apply to extend to core hours. This is a relaxation in policy and will increase drink-led operations including workplace bars and retail shops establishing evening bars as 'members clubs'. We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

Music and dance premises and similar entertainment - Policy MD1:

The new policy states new applications in the West End CIZ within the Core Hours Policy - HRS1 (21:00) will be granted. As with Public House and Bars and Fast Food Premises above this is a change in policy from 2016 where the 'policy to refuse applications in the CIA, other than applications to vary hours within core hours.' We cannot support this policy unless there is a really strong presumption against longer hours than 21:00.

Hotels Policy - HOT1:

The West End CIZ is home to a large number of hotels. In Soho alone there are 11, the majority of which have bars and restaurants which are open to the general public. Some of these hotels are large with high capacities and late hours which would add to cumulative impact. These premises would benefit from being considered under Combined use premises COMB1.

Casinos Policy - CAS1:

We are concerned at the statement that Casinos will generally be granted (subject to sections B and C). Casinos are open 24 hours a day and granted late alcohol licences in an area with high cumulative impact. The presumption that applications will generally be granted cannot be justified and we therefore support a more robust approach.

27. Do you agree with the proposal to replace Theatres, Cinemas, other performance venues and Qualifying Clubs - Policy PVC1 with the following two new policies: • Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1 • Qualifying Club - Policy QUC1

No - to cinemas, cultural venues, live sporting premises and outdoor space.

Yes - to qualifying clubs. See comments below.

28. If you have any comments about the proposals to replace Policy PVC1 with the two new policies (Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1 and a Qualifying Club - Policy QUC1) please provide them below and specify which policies and aspects you are referring to:
Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space - Policy CCSOS1

We oppose any relaxation of policy in allowing the flexibility proposed in B.15 as these are large venues selling alcohol. We are concerned that these type of premises will be granted extended alcohol licences into the night. Even though it states this will be limited to patrons attending the performance, it still allows a late night bar to operate in venues with potentially large capacities. It will also allow venues to operate as bars open to the general public up to 23:00. We oppose this policy on the grounds of increased crime and disorder and public nuisance which will fail to support the licensing objectives and have a detrimental impact on residential amenity.

In relation to the performance venues policy, we are particularly concerned with the continued inclusion of live music venues within this category. We consider this to be an anomaly as their characteristics are more aligned with the music and dance and similar entertainment Policy MD1, which defines such premises as, '*where the primary purpose of the venue is to provide music, either as live performance or recorded...*'. The potential extension of hours late into the night facilitates the extended opportunity for increased alcohol consumption and therefore should be considered under MD1.

Qualifying Club - Policy QUC1

We welcome the definition of a qualifying club. However there needs to be a clear distinction between qualifying clubs which are owned by the members and proprietary clubs, therefore we ask the following sentence be included, '*Qualifying clubs should not be 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*'.

J. MINOR STATEMENT UPDATE TO REFLECT CHANGES IN LAW, GUIDANCE OR COUNCIL POLICIES

29. Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?

Yes

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

None.

K. FINAL COMMENTS ON THE PROPOSED REVISIONS TO THE COUNCIL'S STATEMENT OF LICENSING POLICY

31. If you wish to make any further comments relating to the proposed revision of the Council's Statement of Licensing Policy, please do so below: None. **32. If you wish to make any other comments or provide information associated with the application and determination process under the Licensing Act 2003, please do so below.**

Decision notices: We request WCC sets a time limit for the publication of these notices. In some cases we have waited nearly a year for them to be published. We propose they are made available four weeks after the Sub-Committee hearing.

Police representations: Reviewing Licensing Sub-Committee hearings we note the police have regularly withdrawn their representations to applications outside of core hours. We consistently present crime figures

that clearly demonstrate significant increases in crime and disorder which has been confirmed by the CIA 2020. We hope the evidence from the CIA will now be utilised accordingly by the authorities in their future representations.

R66 – 15/11/2020 (Queensway Residents Association)

I write on behalf of QRA in response to the proposals for a revision of WCC's Statement of Licensing Policy/Cumulative Impact Assessment etc. We have had the opportunity to discuss with and subsequently view SEBRA's initial response to the above and in so doing, we wish to record QRA's concurrence with the points raised therein and in particular the very real concerns we have in relation to the 'possible' removal of the CIZ zone covering Edgware Road, Queensway & Bayswater. Indeed, we are at a loss to comprehend just how this particular element of the proposals could possibly be seen as beneficial to our longstanding residential community, to say nothing of the resulting adverse impact on the local amenity that such a proposal, if implemented, would undoubtedly cause.

R67 – 15/11/2020 (South East Bayswater Residents Association)

Proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment.

Response of South East Bayswater Residents' Association (SEBRA)

Introduction.

1. SEBRA was formed in 1970 and works to protect the special character of our area.
2. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.
3. Our area has some wonderful streets and squares, quiet mews and bustling shopping areas, all bounded to the south by the open green acres of Kensington Gardens. Bayswater is a cosmopolitan area; around Queensway just about any language can be heard, and there is hardly an ethnic cuisine which is not represented.
4. We represent residents, local businesses and visitors.

Over more than 50 years, our group of dedicated volunteers has played a significant role in the continuing improvement of Bayswater; we comment where appropriate on relevant licence applications which impact on our Members and residents.

Consultation response

5. We exercise our rights under Licensing Act 2003, but we are also very mindful of our responsibilities. We make representations on licence applications in our area where appropriate. We always look at ways in which a balance can be preserved between the legitimate rights of residents and the equally legitimate rights of businesses. We have an excellent record of negotiating compromises with applicants and their solicitors, and

always endeavour to do so prior to any licence hearing. Even where we cannot come to a full agreement, we always try narrow down the issues for the Licensing Sub-Committee to consider.

6. We have considered the proposals in the consultation documents in the same spirit.

7. We will take the approach of the online questionnaire in responding to the application, but we are sending in our response by email as this will allow for more nuance in our response – some of our views are not simply an ‘agree’ or ‘disagree’.

8. The proposed revisions of the Statement of Licensing Policy are set out below, along with our comments and views:

9. (a) Add a statement on the Licensing Authority’s expectation on licensed premises’ approach to inclusion in the evening and night-time economy.

We agree with this proposal but have no further comments to make.

10. (b) A summary of the 2020 Cumulative Impact Assessment

We agree with the proposal to include a summary of the 2020 Cumulative Impact Assessment (CIA).

We most strongly disagree with the proposal to remove the Queensway/Bayswater cumulative impact area. We will expand on this at para 14 below.

We do have some further comments of the efficacy of the dataset produced. Whilst very thorough – a major drawback when concluding that the data does not ‘conclusively’ link incidents to licensed premises is the absence of observational data.

11. (c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

We agree with the proposed change of wording and apparent change in focus of these policies.

It currently reads as follows (our emphasis):

‘To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:...’

It would now read as follows (our emphasis):

Policy PN1 A. The Licensing Authority will only grant applications that can demonstrate that they will promote the prevention of public nuisance licensing objective. B. When considering whether the application will meet Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below.

We hope this will encourage applicants to consider in more detail what steps are appropriate to protect the local area and to include such measures in their applications.

We trust that the Licensing Authority when determining applications will draw inferences from a failure by an applicant to comply with these expectations.

12. (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of safeguarding as a key consideration within that policy.

We agree with this proposal but have no comment to make.

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

We agree with the retention of the West End Cumulative Impact Zone (CIZ). The evidence clearly shows that the CIZ is necessary, and indeed we note the conclusion that in fact the evidence suggests further measures may be appropriate.

14. (f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

We strongly disagree with these proposals.

Since the Act came into force, it has designated three areas as under cumulative stress; the West End, Queensway/Bayswater and Edgware Road. Accordingly, Queensway and parts of some adjoining streets have been included in a ‘Cumulative Impact Policy’ (CIP), which has a presumption to refuse applications for pubs and bars, fast food premises and music and dancing venues (nightclubs) within these areas. It also makes it a requirement for all other applicants for other premises uses to demonstrate that they will not add to cumulative impact within these areas.

The Queensway / Bayswater Stress Area has not gone this far in any event – there was only a presumption to refuse certain types of application. Licences for restaurants and similar have continued to be granted.

We believe that it will be seriously detrimental to our members and residents to remove the cumulative impact area. The level of incidents is nearly 3 times the borough average.

We further believe that the content of the CIA justifies the retention of the Queensway/Bayswater CIZ:

‘In this area numerous incidents indicative of cumulative impact were between two and five times as concentrated in space as the borough average. Particularly elevated were noise complaints at night (x5), ambulance call outs to the locations of licensed premises(x4), as well as serious violent crimes (x2.8) and, to a lesser degree, robberies (x1.8) at night. Looking across all incident types plotted in the radial chart, on average this area recorded nearly 3 times the borough’s average rate of incidents per square kilometre between 2017 and 2019.’

However, somewhat contrary to this, it then concludes that ‘Queensway and Bayswater is concerning, however cannot confidently be described as characterised by cumulative impact due to a high volume or type of licensed premises.’

SEBRA suggests that it is an unjustified step to remove a CIZ on this basis, particularly when the CIA goes on to state: ‘However further exploration of licensed premises and their externalities in this area is advised to situate and nuance whether and how they negatively impact the promotion of the licensing objectives.’

Any decision on whether to remove the CIZ should not be taken unless and until this ‘further exploration’ takes place and until there is firm evidence that removing the CIZ will not likely be ‘inconsistent with the authority’s duty to promote the licensing objectives.

We note that the incident rate for Queensway/Bayswater is significantly in excess of the borough average. Whilst we are not in a position to agree or disagree as to whether this can be linked ‘confidently’ to licensed premises, we feel that observational data may well have linked it.

This year in area around Queensway the Lancaster Gate Ward Councillors along with local police have had to introduce a Community Protection Zone (CPZ) due to persistent and increasing crime, drug taking, begging, rough sleeping and antisocial behaviour including street drinking

Even if it is the case that the CIA does not ‘conclusively’ link incident rates to licensed premises, SEBRA suggests that this shows that the CIZ has worked. SEBRA’s view is that the CIZ has encouraged a more diverse night-time offering, particularly in terms of dining (it being easier to obtain a licence for a restaurant/café/deli than for a drink-led premises). In short, if it isn’t broken, why fix it?

We draw an analogy to a 20mph zone on a road. If it reduces traffic accidents, it would be proof of the success of the zone. It would be very unlikely to be removed, but would remain as a preventative measure unless there was positive evidence that it was no longer needed. Otherwise, traffic accidents would increase again, and the 20mph zone would have to be reintroduced.

This is exactly what we are concerned will happen in the context of the removal of the CIZ.

SEBRA is also concerned that the proposal comes without any apparent recognition of the change in planning use classes (see para 21 below) which will make it much easier for a premises to become an A3 restaurant. Removal of the CIZ at a time when there may subsequently be an increased number of applications for licences would seem to be illogical.

The cumulative impact assessment indicates that ‘further exploration’ is needed, would it not make sense to retain the CIZ at this stage.

We accept that Covid-19 has made it very difficult to assess the impact in the last 8 months. This another reason not to make any major changes.

The Edgware Road CIZ is close to our area, and the same points above apply to it and we object to the removal of that Stress area.

15. (g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities

We do not have any major concerns as to a slightly earlier commencement time for licensable activities, save for Sundays which we believe should remain at midday or certainly be later than 9am.

We do however wonder what the evidence base for this proposal is, as our experience is that applicants are happy to accept the current commencement times.

We are not aware of any wish for changes in hours from our members (which include businesses with Premises Licences) or local residents.

We note a slightly later terminal hour for core hours for theatres, cinemas, performance venues etc. Again, we do not have major concerns about this, subject to clarity that the 'core hours' are based on provision of licensable activities to those who have attended/have a ticket to attend a performance. This will stop migration from other premises.

We would add for clarity that there are of course individual cases where the later hour may not be appropriate, if it is close to residents.

16. (h) A new Special Consideration Zone Policy- SCZ1

We agree that this is helpful concept for some areas of the City. Whilst our view is firmly that Queensway/Bayswater should remain a CIZ, if the Council does remove this status then the SCZ Policy would at least provide a measure of additional protection.

SEBRA notes that although there would be additional expectations for applicants when making applications in these areas, it would be for the licensing authority to monitor and address failures of applicants to provide such information in the application form, and not provide it subsequently and/or only a few days before the hearing.

17. (i) Revised policy framework for premises use policies and updates to policy narrative where necessary.

We have no comments to make on the revised policy framework.

18. (j) Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues

We agree with this proposal.

19. (k) Creating a stand alone policy for Qualifying Clubs

We agree with this proposal.

20. (j) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.

No comment to make.

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

- SEBRA is extremely active in responding to planning applications. We are very concerned about the impact of the change in planning use classes (see

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use) which creates a new use class E and will make it easier for premises to become A3 restaurants without the scrutiny of a planning application for change of use.

- There is no recognition of this change in this consultation, but it could have a profound effect and is highly relevant to licensing. Matters which would ordinarily be picked up on a planning application will in many cases now not be. This increases the importance of the licensing regime to protect residents.
- We are concerned with what we see as a lack of consultation with amenity societies before the consultation commenced, particularly been kept involved and updated about the Council's intentions. Although there was an informal consultation of sorts shortly before the consultation went 'live', there was no opportunity to input into the process.

When the last Licensing review took place the major amenity associations had regular meetings with officers and the Cabinet Member nd discussed our thoughts on the changes proposed.

- Although we appreciate that the complexity of licensing in Westminster requires a lengthy document to be produced, it has been difficult for us to get to grips with.

22. If you wish to make any other comments or provide information associated with the application and determination process under the Licensing Act 2003, please do so below:

23. We hope that these comments have been of assistance and look forward to the Licensing Authority's response in due course.

R68 – 15/11/2020 (Fitzrovia Neighbourhood Association)

Dear Sirs,

I am writing on behalf of the Fitzrovia Neighbourhood Association, which is the recognised amenity society for Fitzrovia.

we appreciated seeing the cumulative impact assessment report, detailing for the first time a whole host of anti-social behaviour, nuisance levels and criminal activities record in the West End.

In reality, the impact of anti-social behaviour and noise pollution is much larger, but unrecorded, as residents do not always report those incidents to WCC 'noise team' hotline.

Since the previous review, the number of licensed premises has been steadily growing in our area, alongside extensions granted, causing an increase in noise and nuisance incidents experienced by residents in 'real-life' situations.

Since the emergence of COVID and resulting restrictions in nighttime activities, residents have had some relief from the worst aspects of noise and nuisance, and we are sure that the number of recorded criminal activities has gone down.

We welcome the creation of a new Special Consideration Zones in the future/post-Covid area- in particular, the West End buffer zone; this has the potential to offer some protection to the part of Fitzrovia suffering the most from the late night time activities- as recorded in the Cumulative Impact Assessment.

We note that the council intends to require applicants within the ZCZ to be more specific when they explain how their operating schedule would promote, amongst others, the prevention of public nuisance [policy PN1].

with reference to paragraphs c14 to C16 inclusive, we welcome the policies; we think that it may be appropriate for WCC to give some concrete examples showing how in practice the requirements from applications in the ZCZ would differ from the requirements in the rest of the WCC area. this applies to the standard set of conditions attached to a license.

This would be helpful to applicants and interested parties.

We welcome new policy QUC1= qualifying club policy;

Since the last policy review, we had at least two applications for such venues, which were not covered specifically in the current policy.

A requirement for applications to refer specifically to arrangements for patrons and employees to the need to disperse quietly, state how they would arrive and depart via transport facilities to and from the premises [i.e. tube, buses, taxis, minicabs, uber, etc] so we will not see a large congregation of noisy private hire cars in the immediate vicinity of licensed premises waiting for customers.

We are concerned about the relentless increase in the number of licensed premises in our area vis a vis the limited capacity for parking and people congregating due to the nature of the narrow streets in the area.

This relates to policies PN1 PS1.

R69 – 15/11/2020 (St John's Wood Society)

St John's Wood is not included within the Cumulative Impact Zone or the Special Consideration Zones and although many of the proposed changes contained within the Licensing Consultation do not directly impact us, we support the comments made by our colleagues in Soho, Knightsbridge, Mayfair and Bayswater.

The St John's Wood Society would like to raise the following points which are of particular concern in our two wards, Regents Park and Abbey Road.

- The importance of the **Operating Schedule** cannot be underestimated. Unfortunately in our experience the information and detail relating to the nature of an applicant's operation and how they intend to address the licensing objectives is not always robustly investigated.
- When a premises changes hands, the licence can seemingly be inherited from the previous operator with little investigation into the new operator's intentions.
- Once approved, it is virtually impossible for residents, environmental health, noise and enforcement officers to accumulate the necessary evidence to trigger a licensing review.
- Whilst we fully appreciate that shisha is not currently a licensable activity, it is however an activity which is usually conducted on licensed premises.
- Licensing needs to take into account that shisha operators conduct their main business in canopied and heated outside seating areas 365 days a year until late at night, beyond core hours in some cases. This results in a significant loss of amenity for residents.

- The lack of proper due diligence into an applicant's main activity by licensing committees means that residents have to resort to Planning enforcement and a protracted enforcement process to protect their amenity.
- Shisha smoking conducted on a licensed premises is harmful to children and should be mentioned in policy CH1.
- The Government's recently implemented Change of Use policy is likely to cause an escalation in the current trend of restaurants serving shisha in outside seating areas in St John's Wood. Our experience is that the beleaguered planning system struggles to control problems of public nuisance and environmental health caused by late night shisha operators in quiet residential areas. These issues could be avoided through the judicious use of reasonable licensing hours and conditions to control the use of outside seating areas, in the first instance.

We have been asking since 2012 that these urgent revisions are made to the licensing policy and hope that they can now be included in the proposed revisions.

We are grateful to have had the opportunity to comment on this licensing consultation. Please do follow this link as a reminder of the harmful nature of shisha.

<https://westminster.moderngov.co.uk/Data/Adults,%20Health%20and%20Public%20Protection%20Policy%20&%20Scrutiny%20Committee/20130718/Agenda/Item%207%20-%20Shisha%20Smoking.pdf>

R70 – 15/11/2020 (Fitzrovia West Business Neighbourhood Forum)

Dear Sirs,

Fitzrovia West business Neighbourhood Forum [FitzWest NF] has been designated for the area known as Fitzrovia West.

We have some concerns regarding Premises Licensing and the potential impact of the late-night economy on our area and residential amenity.

We attended a joint meeting with the Fitzrovia Neighbourhood Association, the recognised Amenity society for the area, discussing some of the issues raised by the consultation.

We welcome the Cumulative Impact Assessment report; as far as we are aware this was the first time major indicators of crime, public disorder, drug dealing, and anti-social behaviour were compiled and combined to show the overall impact on our area.

It would have been good to see the same level of details applied to the area outside the cumulative area zone or the proposed Special Consideration Zones.

Since the last policy review, there has been a marked increase in the number of licensed premises and the hours they are permitted to operate.

This has put some pressure on the street and transport infrastructure in the area; much of Fitzrovia consists of narrow roads and narrow pavements.

We have observed the proliferation of night time queues outside certain venues, the high congregation of noisy private hire cars waiting for their customers, and the increased commuting by cars to various venues, causing some traffic jams, street blockages and block parking spaces- creating additional nuisance from the noise created by that activity.

This is putting a strain on our area, prevents the collection of rubbish at certain instances and locations.

We would therefore like the council to require applicants to refer specifically to the issue of transport to and from the venue- for patrons and members of staff; it should detail how the applicant intends preventing much

of what has been stated above, encourage the use of public transport, management of private hire/uber/minicab traffic.

This refers to policy PN1 and PS1.

We note the council's intention to create a special consideration zone- the West End Buffer zone- at the appropriate time in the future.

This is supported by FitzWest NF;

With reference to sections C13-5, we agree with our colleagues at the FNA that it would be a good idea to bring some practical examples to make it clearer to applicants and interested parties how the requirements for operating schedules and proposed conditions, especially in pursuit of policy PN1, would defer from applications outside the SCZ.

For the executive committee of FitzWest NF

Organisations

R71 – 11/11/2020 (RNIB)

About RNIB

RNIB is one of the UK's leading sight loss charities and the largest community of blind and partially sighted people. We take action to prevent avoidable sight loss, provide support and services to enable independence and campaign to create a fully inclusive society. We also have a longstanding engagement in policy issues affecting blind and partially sighted people.

RNIB's Sight Loss Advice Service, which includes the Legal Rights Service, provides support to people living with sight loss in a range of areas including disability discrimination, welfare, social care and education. As part of this work we frequently advise guide dog users who have been refused access to premises (including licensed premises) and to taxis as a result of their guide dog. Such advice includes assisting guide dog users to complain and take legal action as a result of the refusal or making a complaint to licensing for breach of one of the licensing objectives. We have also published a toolkit in conjunction with our colleagues at Guide Dogs to assist guide dog users to challenge refusals.

About guide dog refusals

Guide dog refusals remain a significant issue in the UK. Our colleagues at Guide Dogs report that there has been a significant increase in refusals in the last few years and anecdotally we are seeing an increase in refusals following lockdown. We have attached with this email research published by Guide Dogs in 2019 which provides a breakdown of where refusals take place and the reasons given. After taxis, the highest number of refusals occur in restaurants and newsagent/convenience stores a large proportion of which will be licensed premises. The most frequently reported reasons given for access refusals were a blanket ban on dogs, religious/cultural reasons, food being served or a dislike of dogs.

In terms of frequency of refusal, the majority of survey respondents who reported an access refusal in the past 12 months said they encountered access refusals either once every few months or one or two times a year. Concerningly 1 in 5 (20%) of these had been refused access at least once per month. More research participants reported weekly refusals from PHVs and taxis and newsagents and convenience stores than other types of business.

The research also described the very significant emotional impact of access refusals. Survey participants reported that access refusals had a significantly negative impact on their wellbeing. As a result of access refusals participants reported: -

- 70% said it had a negative impact on their wellbeing and emotions.
- 55% felt less content with their quality of life.
- 72% said refusals negatively impacted on their ability to go out socially.
- 57% reported a negative impact on their participation in sports, hobbies and recreational activities.

Additionally, participants described that access refusals made them feel embarrassed, upset, excluded, angry and anxious, with a desire to avoid the situation. Participants reported feelings of loneliness and social

isolation specifically describing avoiding socialising, feeling limited, unable to travel or that their confidence had been affected. Participants that reported refusals that led to negative impacts on their levels of loneliness and social isolation were significantly less likely to complain or report the access refusal. Owners that experienced a negative impact on wellbeing were also less likely to take legal action. Although legal action is potentially open to participants, this does not provide an effective remedy for many reasons and as the above research highlights, those most likely to be impacted by the refusals are the least likely to take legal action. This is why RNIB considers that it is so important that the Council uses its licensing powers to address this issue.

The legislation that makes it unlawful to refuse access to a guide dog has been in place for over 20 years (the duty to make reasonable adjustments under the Disability Discrimination Act 1995 having been brought in in 1999). Despite this, as the above research shows, the situation has worsened considerably. We believe that a different approach is necessary and RNIB would like to see local authorities using their licensing powers to address these issues.

When considering our response to this consultation we approached guide dog users who we know frequently experience refusals. One guide dog users told us that within the period of the current statement of licensing policy he had been refused access to the following premises (and probably others) as a result of his guide dog:-

XXXXXX, Westminster
XXXXXXX, Westminster tube
XXXXXX, Westminster tube
XXXXXXX, Victoria Street
XXXXXXX, Victoria Street
XXXXXXX, Caxton Street
XXXXXXX, Cardinal Place
XXXXXX, Cardinal Place
XXXXXXX, Cardinal Place
XXXXXXXXXXXX

Whilst we recognise that some of these premises are not licensed, many are. This is just one guide dog users list and is probably incomplete. We hope that you will agree that guide dog refusals are a significant problem and require action to be taken.

Guide dog refusals and licensing objectives

RNIB believes that a refusal to admit guide dogs on licensed premises potentially breaches the following licensing objectives:-

- Prevention of crime and disorder

The refusal to admit a visually impaired person with her guide dog is likely to affect social cohesion and is likely to hinder the promotion of the law and order licensing objective. It is akin to refusing to admit a person on the basis of their race or sex.

- Public safety – we consider that blind people using guide dogs would constitute vulnerable customers.

As the Government's 'Revised guidance issued under section 182 of the Licensing Act 2003' makes clear, license holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act. Blind people using guide dogs should be considered vulnerable customers and the Authority should take steps to protect them from the harm documented above in the impact of refusals.

Consultation response

RNIB welcomes the decision to include an inclusion objective within its statement of licensing policy and this should include discrimination on the grounds of disability and specifically include the refusals of registered assistance dogs.

RNIB's preferred approach is that there is a standard condition in each license requiring the admittance of assistance dogs as well as the requirement to undertake staff training and to display an "assistance dogs welcome" sticker. A breach of this condition could result in action being taken against the license including removal.

An alternative approach would be to include a section on the need for licensed premises to admit registered assistance dogs and indicating that the Council will add a specific condition to a license explicitly forbidding the refusal of assistance dogs where relevant representations are regarding a previous refusal. The policy would encourage license holder to display an "assistance dogs welcome" sticker and to train their staff in their legal obligations under the Equality Act, drawing license holders attention to the EHRC guidance (copy attached). Where a breach occurs, the policy should indicate that action will be taken to either remove the license or to add a condition to the license which if breached could lead to the license being removed depending on the circumstances of the refusal.

In our experience, the Council needs to be clear in what the requirements are on license holders in respect of discrimination. We are aware of other licensing policies which refer to the need for license holders to promote inclusion but they are not specific enough to ensure that holders change their behaviour and train their staff accordingly. An approach which puts discrimination on a par with, for example, the sale of alcohol to minors and puts specific requirements on license holders is much more likely to be effective.

We believe that such a policy would also be in keeping with the Council's PSED

Finally, if the Council were to make a change to its policy we would welcome the opportunity to work with the Council to promote this change to licensed premises within the borough (and more widely) particularly to those businesses where access refusals are statistically more likely to take place to ensure that licensed premises and staff are aware of their legal obligations, display a sticker welcoming guide dogs and that they understand the consequences of any breach of the licensing policy.

Please do not hesitate to contact us if we can be of further assistance in this matter.

R72 – 14/11/2020 (UKHospitality)

**WESTMINSTER CITY COUNCIL
LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT
RESPONSE TO CONSULTATION
BY UKHOSPITALITY**

Summary

1. UKHospitality thanks Westminster City Council (“WCC”) for the opportunity to respond to this important consultation.
2. UKHospitality is the UK’s hospitality sector industry body, representing over 700 companies which in turn operate around 70,000 venues in a sector that employs 3.2 million people. The body speaks on behalf of a wide range of leisure and ‘out-of-home’ businesses, from FTSE 100 enterprises to niche groups and independent single-site operators – covering pubs, restaurants, hotels, nightclubs, contract catering, leisure parks, visitor attractions and coffee shops.
3. UKHospitality has carefully considered the following two documents:
 - ☒ *Proposals for the revision of Westminster City Council’s Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment (“the Proposals Document”).*
 - ☒ *Cumulative Impact Assessment 2020 (“the Assessment”).*

4. UKHospitality summarises the main points of its response as follows:

- (1) This is a time of unprecedented crisis for the hospitality industry, and one which already has and will continue radically to transform the licensing landscape in Westminster both now and in the medium and long term.
- (2) While the timing of this policy review is dictated by statute, it is, with respect, a uniquely poor moment at which to adopt a five year licensing policy, including a policy which in certain respects imposes further policy constraints on the hospitality industry.
- (3) With the provisos set out below, the existing policy should be re-adopted for the five year period required by statute.
- (4) The policy should make interim provision for a more flexible approach for businesses which wish temporarily to modify their business model to help them survive, explore new ways of working and help them to adapt to rapidly changing customer types, numbers and needs.
- (5) The policy should indicate that WCC will review the policy in late 2021 by which time the full impacts of Covid-19 on the hospitality industry and public protection will be clearer, the impacts of the proposed interim policy will be understood and WCC will be in a position through a revised policy to plan for the long-term recovery and regulation of the hospitality sector.
- (6) Additionally, the policy should acknowledge that the CIA assessment will also need to be reassessed at the same time in order for a proper review of Cumulative Impact to be undertaken. What is already clear though is that many businesses will not survive and the licensing landscape will not return to its pre-March 2020 state.

The impact of Covid-19 on the hospitality industry

5. The impact of Covid-19 on London venues can be understood in 6 phases:
 - (1) The pre-lockdown events in March 2020, and in particular Government advice to stop non-essential contact and travel on 16th March 2020.
 - (2) The closure of licensed premises on 21st March 2020 imposed by the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 as then developed through the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.
 - (3) The more limited restrictions imposed on pubs and restaurants from 4th July 2020 by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. Nightclubs and casinos remained subject to closure.

(4) The 10 p.m. curfew imposed by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 from 24th September 2020.

(5) The further lockdown imposed from 5th November 2020 by The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

(6) The future: it is presently unclear what restrictions will be placed on licensed premises over the next year or precisely what state the industry will be in even after such restrictions are lifted, although it is clear that its state will be greatly diminished.

6. In addition to the legal restrictions placed on premises in terms of their ability to open at all, the hours of opening, the reduced capacity of premises and the extra costs of adoption and implementation of Covid-safe measures, there are radical changes to the numbers, types and needs of customers.

7. For example,

(1) The hospitality industry in Westminster is heavily reliant on foreign and domestic tourists. Visit Britain projects the former to decline by 77% in 2020 and the latter by 48%, equating to reduction in spend of £7.4bn and £3.5bn;

(2) At the same time use of Central London by workers has radically reduced. For example in August – September 2019 there were 99.4 million underground journeys, while in August to September 2020 there were 36.3m (TFL Data). While some of these travellers will have chosen to travel by other means, the effect of working from home is having a serious and probably permanent impact on patterns of socialising.

(3) London residents are less willing to travel into Central London for entertainment and are more likely to seek entertainment locally or at home. It is unlikely that this trend will be fully reversible.

8. Further, even when premises are permitted to re-open, and even if the Tier 2 curfew arrangements are removed, there will be continuing economic impacts in terms of social distancing, customer reluctance to socialise inside venues, the effect of unemployment on customer numbers and spend, and geographical preference for socialising locally, whether at home, in local venues or outdoor spaces.

9. Businesses are insulated to some degree by fiscal support offered by Central Government. However, such support cannot and will not be permanent.

10. Some businesses have succeeded in taking advantage of the Business and Planning Act 2020 to extend their trading outdoors. However, the principal benefit of this will have come in the summer months, and the ability to trade outdoors will produce only marginal benefits until Spring 2021.

11. In sum, for an industry which trades on small margins, it is inevitable that Covid-19 will have an extremely serious long-term impact. Quarter 2 Gross Domestic Product data recently published showed a decline of around 20% for the UK economy overall – but for the hospitality sector it was even worse with a massive 85% decline. New commercial data for Quarter 3 showed that our sector's sales fell a further 48%, even with the boost from Eat Out to Help Out, the VAT cut and extra 'staycations'. In addition, a recent UKHospitality survey of companies showed almost half (41%) of businesses that were surveyed suggested that they would fail by mid-2021. 23% said that they would do so by the turn of the year. The 10pm curfew saw sales fall around 20% year-on-year from already depressed levels. In terms of visitors to the UK (many of whom would of course normally visit London, and Westminster in particular), hotels surveyed were reporting a 50% increase in cancellations, with forward bookings from October falling by 20%. Finally, Christmas trade forms a key part of hospitality's 'golden quarter,' which many businesses rely on for significant amounts of their annual revenue. This year, due to restrictions, cancellations and distancing measures, revenues will be extremely limited – the recent UKHospitality survey of our membership indicated a revenue loss of £73 billion for this year (-57%), and this was before the current November lockdown was announced and in place.

12. For London, the most recent Greater London Authority assessments estimate that the size of London's economy in terms of gross value added (GVA) is expected to fall by 10.5% in 2020, with pre-crisis levels of GVA not projected to be reached before the end of 2022. The GLA projections further highlight that it will be sectors such as hospitality, arts and entertainment that will be hardest hit. The GLA estimates both these sectors will see employment opportunities reduce by a further 10 per cent in 2021.

13. Some of the above are, of course, projections. However, the worst case could be still more serious. There will be companies with strong balance sheets, access to finance or investor support who may be able to ride out these challenges. However, there will be far more which are at risk of closure.

The impact of Covid-19 on cumulative impact data

13. The impacts of mass closure on public protection have not been fully analysed and are not clear.

14. However, it is noted that the Proposals refer in para 4.7 to "*the current unprecedented nature of the impact that Covid-19 has had on footfall in the area*". That reduction in footfall has had an unprecedented impact on the profitability and indeed solvency of venues.

15. Further, the vastly reduced footfall through Westminster has had an impact on recorded crime. According to the Assessment, total notifiable offences in Westminster fell 76% in April 2020 compared with April 2019, while crime in St. James' and West End Wards fell 90%. Although the Assessment is dated October 2020, no more recent data is given. The Proposals document, and in particular the Cumulative Impact Assessment, are principally based on data from 2017 – 2019. Therefore, the policy response in the Proposals document is based on data which is clearly out of date.

16. As the assessment also points out:

- (1) Covid-19 impeded WCC's ability to collate relevant data.
- (2) The disease also limited the ability to engage with stakeholders.

17. This also corresponds with the experience of UKHospitality, whereby large numbers of key personnel are on furlough, reducing and in some cases obviating the possibility of engaging properly with this important consultation exercise.

18. Therefore, even the current situation has not fully been taken into account in the Proposals document.

19. Still more importantly, looking forward, it is obvious that the hospitality landscape in Westminster will be radically different in 2021 than at the start of the policy review process. There will be far fewer premises. Many of those which survive will be trading differently. There will be far fewer customers, spending far less money. There will be different travel patterns.

20. It is impossible at this stage to anticipate the impact of this on crime, disorder and nuisance data.

21. It is also impossible at this stage to anticipate the attitudes of local residents to an industry which by then will require strong policy support and an imaginative approach to secure its sustainable regeneration.

22. All of these changes will need to be fully understood for the policy implications to be evaluated. For example, it is impossible now to make a sensible evaluation as to whether the balance of long term policy should be towards stimulus (or stimulus of some and if so what sub-sectors) or containment.

23. The Proposals recognise this in stating (at para 1.5):

"With an uncertain future and the difficulties that the hospitality and entertainment sector face, we were very aware that to implement significant change in our Licensing Policy could add to that uncertainty."

24. UKHospitality strongly endorses that sentiment. However, it must point out, respectfully but firmly, that in many key respects the proposed policy does suggest significant changes. For example:

(1) A revised policy framework for the licensing objectives policies CD1, PS1 and PN1. The introduction of policies which state that *"The Licensing Authority will only grant applications that can demonstrate...."* reverses the normal licensing burden, will impose significant financial and administrative burdens, and is contrary to the principles in the Regulators' Code.

(2) The revised Core Hours Policy of 9 p.m. for pubs and bars, fast food and music and dance venues in the West End represents an extremely important change for the hospitality industry and one which merits full debate once the new circumstances of the industry are known.

(3) The new Special Consideration Zone Policy. While falling short of a presumption, this clearly is intended to tighten the policy position for the affected zones surrounding the stress area, totaling over 1.4 square kilometres. It merits the closest possible consideration following the fall-out from the pandemic.

25. It is noted that WCC states that, due to Covid-19, it will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types. But in most if not all other respects, the impact of Covid-19 has not had a corresponding impact on the thrust of the Policy, when quite clearly it needs to.

26. It is not suggested that the changes proposed by WCC are unworthy of proper debate. But it is strongly suggested that this is the wrong time for changes of such magnitude to be considered, given the rapidly changing landscape for the hospitality industry, the lack of current data, the inability to forecast the position of the industry 12 months from now, and the serious difficulties the industry has in engaging with a policy change of this nature at this time.

Carrying forward the existing policy

27. In the light of these unprecedented circumstances, UKHospitality strongly advocates simply re-adopting the existing policy, enabling a review of the policy to take place in late 2021.

28. UKHospitality notes that on 19th August 2020 the Leader of Westminster City Council wrote to the Minister of State for Crime and Policing seeking a two year pause of the statutory requirements to review statements of licensing policy and cumulative impact assessments. In his reply dated 1st October 2020, the Minister wrote that while he was sympathetic to the concerns about the difficulties of undertaking policy reviews at this time, he did not envisage the ability to change the requirements of primary legislation.

29. Nevertheless, the Minister stated:

"However, you may want to explore whether you can adopt a pragmatic approach to reduce the burden on already hard-pressed stakeholders and to reflect the exceptional circumstances in which we currently find ourselves.

"In particular, when consulting on your statement of licensing policy you could consider if it would be appropriate to undertake the statutory consultation on the basis that you propose to roll forward your existing statement of licensing policy in its current form and consider any representations that you receive in response.... You may [then] want to consider committing to a further review when it is feasible to do so after the pandemic has passed."

30. UKHospitality entirely agrees with that approach. It respectfully submits that the approach is not only appropriate but absolutely necessary in the current circumstances.

31. As such, it is proposed that the existing policy be simply rolled over, to be revisited in a review to take place in November 2021 or when the pandemic has passed, whichever be the later.

A flexible approach to temporary modifications

32. As WCC will be acutely aware, operators facing these unique challenges are striving to adjust and create new business models to attract a diminishing number of customers in lower capacity premises trading over fewer hours than their licences currently permit. These changes might involve layout alterations, use of parts of the premises not previously used for trading, expansion out of doors, trying to trade over extended hours, or revising the business model so as to introduce more seating, more food or an element of performance. This is all strongly to be encouraged to help to save the Westminster hospitality industry and ensure a continuation of the diverse offering for which Westminster is renowned.

33. It is well-understood that, just as WCC should not tighten its policy in the middle of an economically destructive pandemic, so it may not wish significantly to loosen its policy, given the long term ramifications of any policy decisions it makes now.

34. However, given the dramatic decreases in footfall over the last few months and the inevitability that it will remain depleted over the short to medium term, it is suggested that there is good reason to permit greater flexibility for variations which will only operate for the next 12 months.

35. A revised approach, whereby the licensing authority takes a light touch and pragmatic approach to revisions intended to last until the end of 2021 would be fully in accordance with the helpful suggestions made in the Minister's letter dated 1st October 2020.

The following suggestion for policy wording is set out below.

36. ***Temporary Modifications – Policy TM1***

"The Licensing Authority will take a flexible approach to applications for new premises licences or variations of premises licences which:

- (1) are expressed to be for a period expiring no later than 31st December 2021 and;*
- (2) comply with the relevant policies in this Statement of Licensing Policy.*

The purpose of Policy TM1 is to permit and encourage businesses to take a flexible approach to their business models in order to help them adapt and to survive the pandemic and its consequences. The licensing authority particularly wishes to endorse layout changes, expansions of space and flexing of business models which help to diversify the Westminster economy and attract a wider customer base. In deciding on such applications, the Licensing Authority will give weight to the temporary nature of the proposal, and that the fact that, if granted, the proposal will be implemented during a period in which overall trade and footfall is significantly diminished.

37. The further benefit of such a Policy would be that businesses will have an enhanced opportunity to try out different business models. This will give them and WCC the opportunity to consider the impact of such models on the licensing objectives, which will improve the evidence base for the review of the licensing policy which it is suggested takes place at the end of 2021.

38. However, it will help if we contextualise and qualify that suggestion in two respects.

39. First, we are not suggesting that such applications are only ever granted on a temporary basis. The operator must decide whether it wishes to make an application in the usual way. If the application is for an open-ended licence or variation, it is for the authority to decide whether the policy tests are met and whether the licensing objectives are undermined.

40. Second, and linked, is the consideration that for new licences in particular, it is unlikely to be viable for the business to apply for a 12 month licence, due to the investment and property commitment required and the need for business uncertainty in an uncertain environment. The suggestion is to enable an increase in applications, not to reduce the opportunity for investment.

41. It should be noted that this approach of temporary modifications is not unusual. For example, it is known that Plymouth and Hartlepool, which both operate Cumulative Impact Policies, have granted temporary permissions for extensions of hours for a circa 12 month period so that the impact can be assessed.

42. Westminster's own Licensing Sub-Committee has shown its appreciation and understanding towards the concerns facing the hospitality industry due to the Covid-19 pandemic. Two individual new Premises Licence applications, Jimi Loves Gloria at 7 Greek Street and Blame Gloria at 20 Bedford Street, were presented to the Sub-Committee on 10th of September for a time limited extension of Sale of Alcohol hours outside of Core Hours. Both applications were granted, and within the decision notice (annexed) the Committee expressed that the severe impact of the pandemic persuaded them that the application was appropriate and an exception to policy.

Rethinking cumulative impact policies

43. There are several wider issues which will require careful analysis in the context of a future review of the licensing policy, in addition to those set out in paragraph 24 above.

44. First, the Assessment document does not adequately define cumulative impact. It is patently insufficient to adopt an approach whereby a restrictive policy is applied to an area on the basis that it has higher crime rates than the authority's area as a whole. It is to be expected that an area which attracts the lion's share of

night-time footfall will attract the lion's share of crime. This provides no basis to restrict the development of late night premises in general or alcohol-licensed premises in particular.

45. Second, a far more nuanced approach is needed to the characterisation of licensed premises. The Assessment persists with descriptors which would not be recognisable to customers or the industry itself, in particular premises which provide mixed opportunities to eat, drink, dance, play or watch performances. By adopting rigid boundaries, the Policy provides insufficient guidance to Licensing Sub-Committees in considering the likely impacts of premises rather than their definition according to the Policy. Specifically, rather than deciding whether premises should be defined as a bar or a restaurant, decision-makers should be asked to make an informed judgment regarding their likely impact.

46. Third, WCC has had a cumulative impact policy of some description for 20 years, yet the period over which analysis is provided is restricted to 2017 – 2019. This is particularly unfortunate. If it were to be the case that, say, violence associated with licensed premises had decreased markedly over the last two decades, that should have an impact on the Policy. However, the history of impact on the licensing objectives and the success or otherwise of the Policy have not apparently been considered.

47. Fourth, WCC is encouraged to develop a far more sophisticated approach to the question of what constitutes unacceptable cumulative impact. For example, the number of shops in Oxford Street is associated with high levels of shoplifting and the number of cars on the roads is associated with accidents and pollution. So one would expect the large number of entertainment premises to be associated with night time impacts. That by itself provides no pretext to restrict the development of the entertainment industry in Westminster, any more than shoplifting should stymie the growth of shops. The Policy provides no clue as to the threshold of acceptability for night-time impacts.

48. Fifth, the Assessment does not adequately consider differential contributions to impacts of different types of premises, does not distinguish the impact of different trading styles of premises within overall typologies, or justify a draconian curfew of particular types of premises.

49. Sixth, the Assessment does not consider the alternatives to increasingly restrictive policies, including draconian policies against pubs and bars trading beyond 9 p.m. There is no analysis of the success – actual or potential – of alternatives, such as social responsibility schemes (Best Bar None, Purple Flag, BIDs etc), or focus on individual responsibility of visitors, or improvement of venue practices etc.

50. Seventh, whereas the amount of impact is to a degree an objective question, the policy response is an evaluative question, which can and should take into account the needs of the industry and the importance and reputation of Westminster as a world centre for hospitality, as well, of course, as the needs of local residents, many of whom have chosen to live in the heart of one of the most vibrant capital cities on earth. The assessment of the correct balance may well be different at a time when the industry is facing severe hardship and the city is trying to recover from the impacts of the pandemic.

51. The Westminster model was a forerunner of cumulative impact policies in a period characterised by high volume vertical drinking, less-developed venue practices, nascent social responsibility schemes, higher alcohol consumption per capita and far less evolved and nuanced business models than is now the case. It is now a retrograde model for a society in which alcohol is not as important an economic driver, there is a far greater diversity in businesses, and a far more developed understanding of means of controlling impact.

52. Whether or not these points are accepted, it is clear that the policy will require in depth consideration in the light of events since March 2020. There has not been an equivalent period in economic terms, certainly, since the end of World War II, and the needs of the city, the industry and customers will be very different in 2021 from what they were in 2019. The debate should be postponed until the landscape is much clearer than it is now. This would mean that the implementation of the Cumulative Impact Assessment should be postponed and any consideration of Cumulative Impact under the current policy needs to be conducted in light of the impact of Covid.

Conclusion

53. The pandemic has had an unprecedented impact on the hospitality and entertainment industry in Westminster.

54. The correct approach is to provide a measure of flexibility for businesses during 2021 as they try and survive and rebuild.

55. Other than that, the existing policy should simply be rolled forward during 2021 with a view to a full review of the policy at the end of 2021 when the picture is clearer as to the effect of the pandemic, the state of the industry, the needs of consumers and residents and the appropriate balance of policies to enable the industry to regenerate in a sustainable manner.

**UKHospitality
November 2020**

R73 – 15/11/2020 (Soho Business Alliance)

Dear Sirs

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

I am a director of the Soho Business Alliance, a company incorporated by way of guarantee in England and Wales.

The Soho Business Alliance (“SBA”) was recently formed by Soho businesses trying to work out how to bring Soho back to life during Covid and thereafter. One of our first jobs has been to support the external seating scheme, now hopefully moving into the winter stage. We have a growing membership, including a range of hospitality venues, private members’ clubs, restaurants, bars and even some landlords.

In the longer term we intend to liaise closely with other stakeholders, including the City Council. As we evolve, the SBA also hopes to work on policies including clean waste collection, community deliveries, diversity, inclusivity, safeguarding, reducing crime, tackling homelessness and creating job and training opportunities in Soho.

However, for the moment, we would like to write to you in relation to the consultation on your licensing policy. As you will be quite aware, Covid, the various tiers, curfew and the current lockdown has had a devastating effect on Soho hospitality. Operators are literally on their knees and hanging on both by the skin of their teeth and in some cases through being plainly stubborn and not wanting to give up!

The economic impact has been both severe and unthinkable. Our members will need relief and help for many areas to recover in the short through to the medium, and perhaps even longer term.

Some of our members have already submitted their own consultation response but we wanted to summarise the SBA's comments as a whole as I have done below:

1. As our primary concern, we strongly believe that any new licensing policy should address the financial and other impact of Covid, either by way of appropriate provisions and flexibility over the duration of the five year statement or a shorter, "fire break" type of policy. This policy, we suggest, would disapply or otherwise mitigate the effect of applicants having to prove exceptional circumstances in the Soho part of the West End cumulative impact area. If that is not possible, there should be a general presumption that applications should be granted where it is established that Covid has had effect upon business and provided that the application promote the licensing objectives. Weight should also be placed on the applicant's track record, particularly if they are long standing Soho businesses.
2. We support the reversal of the current policy that new pubs and bars will be granted, albeit until 9.00 pm. During Covid in particular and of course its aftermath, we believe that this terminal hour should be later. We also support such a policy in relation to restaurant bars again until 9.00 pm at least but ideally later.
3. External seating has been a life-saver to West End businesses and we commend any policy to you where this can be encouraged both in terms of the hours of operation and any restrictions (or lack of) that may be considered and imposed.
4. Inclusivity – Soho has, for many years, been the home and heart of London's LGBTQ+ community and generally supports an inclusivity policy which recognises the need to further applications which are beneficial to persons with protected characteristics. The policy consultation documents indicate that there will not be an inclusivity specific policy at this time. We believe that there should be an inclusivity specific policy, in accordance with the City Council's duties under the Equality Act 2010. LGBTQ+ venues are sadly in decline. The community cannot afford to wait at least another 5 years for the policy approach to be reconsidered.
5. We strongly believe that proprietary members clubs in Soho should not be treated the same way as pubs and bars. It is with some regret that policy has evolved over the last few years that they are now so treated. In our view, established and well-run members clubs in Soho both owe a huge part of the creative and business industries and also carry on their business without in any way significantly adding to cumulative impact. This is because proprietary clubs share many of the key characteristics of qualifying clubs. We believe at the very least therefore they should be treated in the same way as qualifying (non-profit making) clubs.
6. We note and have been advised of the consequences of the changes in paragraph 4.9 of the statement, these being in respect of policies DC1, PS1 and PN1. We are concerned that the burden has been increased on applicants so that the council will "only grant" applications that can demonstrate they will promote the relevant objectives. This, in our view, is albeit a subtle change in wording, one which changes the burden of proof and in difficult times, will effectively make applications more difficult for tenants operating with little means.
7. In a similar vein, we note that a significant number of additional criteria have been added to the considerations relating to promotion of the relevant licensing objectives. As an example:
 - (a) Assessing the crowding of areas where vertical drinking is allowed;
 - (b) Setting out appropriate management measures (although its not detailed as to what these measures might be;
 - (c) Designing out crime;
 - (d) Having terrorism threat risk assessments;

- (e) Requiring risk assessments (a matter which is dealt with of course under other regimes);
 - (f) Limiting noise (albeit the Live Music Act may apply);and
 - (g) Requiring dispersal policies.
8. We do not say, in all cases that all or some of this information may not be required but it is a disproportionate burden to require these measures on all applications and it will deter operators from submitting applications when they need to particularly during difficult times.
9. We believe that, during Covid, consideration should be given to removing the cumulative impact status (at least on the basis that it cannot currently be said there is any cumulative impact) and reversing that presumption, perhaps designating areas as special consideration zones whilst the Covid pandemic and its aftermath is in place.
10. We support the revised wording of the restaurant definition, namely the removal of the strict requirement for persons to be shown to their table and a recognition that restaurant customers may drink in the restaurant bar before their meal.
- Thank you for your consideration of our submissions. Please let me know should you have any queries arising or whether there are any other issues you would like to discuss.
- Yours faithfully
XXXXXXXXXXXXXX

Residents

R74 – 11/11/2020

i am just a local resident who is interested in quality of life issues, so i had a look at the licensing survey.

now it may be that it is not intended for local residents, only rather only for those with specialised knowledge of the business and regulatory side, but i have to say - and i am a writer and journalist - that i found it totally incomprehensible, i persevered to about p. 3, but it was all couched in this impenetrable local government jargon. i don't see how anyone can figure out what on earth you are on about.

maybe that's my problem and the consultation isn't intended for me anyway. if so, fine. if not, and you do want a range of opinions from real people who actually live in the areas affected, perhaps even at this late stage you could send out a shorter, 'translated' version that the non-experts among us could understand.

regards, XXXX XXXXXXXXX

R75 – 12/11/2020

Dear Westminster Council

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

I am a local resident living at XXXXXXXXXXXX, W1D 3DZ.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

Business Improvement Districts, Property and Landowner Responses

R76 – 12/11/2020 (Marble Arch Partners)

Dear Sir/Madam

Proposals for the revision of the Council's Statement of Licensing Policy and intention to publish its Cumulative Impact Assessment

I am writing on behalf of the Marble Arch BID to respond to the City Council's proposals for the revision of its Statement of Licensing Policy and its associated Cumulative Impact Assessment 2020 report. Thank you very much for consulting us. The hospitality sector is an important part of our economy and a key reason why many people visit Edgware Road, and so the Council's approach to licensing is very important for the district, especially in the light of the impact of the Covid 19 crisis.

Cumulative Impact Assessment

I welcome the very thorough and informative Cumulative Impact Assessment, but I am concerned that the crime data lacks context in places. There have been significant reductions in Police numbers and a reorganisation of the borough policing team into a tri borough unit and a reduction in DWO numbers over the study period. All of these would be likely to contribute to rising crime. Specifically, for Edgware Road our concerns are:

1. We know that vice and prostitution is prevalent throughout the area (cards are put in telephone boxes on a more than daily basis) and we know that such activity is related to violent crime and drug offences in a much more significant way than to licensed premises. There is no mention of vice or prostitution in the assessment.
2. The area experiences gang related crime that spills over from north of the Marylebone Road.
3. At the southern end of our area, the report does acknowledge that crime may be related to commercial activities in the neighbouring area (e.g. Oxford Street) but no mention is made of the impact of major events in Hyde Park that happen throughout the year and regular protests and marches that assemble at Marble Arch. These inevitably attract the attention of pick pockets, distraction thefts, cycle-enabled thefts and similar criminal behaviour unrelated to licensed premises.
4. Edgware Road experiences high levels of rough sleeping, both from genuine homeless people and foreign nationals in the UK for a short period of time that beg, some of whom are often aggressive and are involved in organised crime. These crimes which should not be linked to licensed premises.
5. There are several traffic accidents resulting in 999 calls which may not be attributed to licensed premises. Edgware Road is part of the Inner Ring Road and experiences high levels of traffic, and vehicles being driven at high speed. We have witnessed the results of vehicles being driven (accidentally) into licensed premises.

I am pleased to read that the study as a whole acknowledges that there is only a weak link between anti-social behaviour and licensed premises (p76) but this should be carried forward into the Statement of Licensing Policy and the policies, and ultimately decisions, need to reflect this fact.

Turning to Edgware Road specifically, page 123 of the Cumulative Impact Assessment 2020 summarises the findings for Edgware Road which say: "This suggests that alcohol-consumption and licensed premises activities may not be the main driver of crime in this area." It also says that for the area as a whole that the "evidence.... cannot be described as conclusive." This is welcomed, along with the removal of the Stress Area designation, but I would suggest needs to be carried forward and more robustly reflected in the Statement of Licensing Policy.

On the same page it states that “Records of enforcement visits over the last three years indicate that there are numerous problematic businesses in the area known to the City Council. This suggests that issues in the area may not be attributable to a saturation or type of licensed premises in the borough but linked to specific businesses.” This reflects some of my concerns over the crime figures, and I would suggest the Council should not adopt a blanket approach to the area. Instead I would propose that the Council should be encouraging more licensed premises into the area, which can be better regulated, and grant extensions to those premises that have a good track record of responsible behaviour, in order to create competition against those problematic businesses, and encourage them to resolve their problems. I am therefore concerned that the current concluding sentence on page 123 which states “careful scrutiny of licence applications should be considered in this area to ensure it is not once more characterised by cumulative impact” is not an accurate reflection of the findings of the assessment for Edgware Road. Rather, careful consideration is required for those problematic premises, but that applications for new licences from responsible operators should be encouraged and allowed to compete on an equal footing with existing premises in the area.

Statement of Licensing Policy

I welcome the statement in Para 3.4: Queensway/Bayswater and Edgware Road were found not to be under cumulative stress and that crime incidents could not be conclusively linked to licensed premises. I have made some suggestions above as to why this could be the case.

I welcome para 4.9 and Policy CD1. However, para 2 of the considerations which states “The levels of crime and disorder in and around the venue” is too broad. The Impact Assessment recognises the weak relationship between licensed premises and crime incidents. By and large, individual venues are not responsible for the crime in their area, and particularly so for new establishments that should be encouraged into our area.

I support the policy PS1 Public Safety and PN1 Prevention of Public Nuisance but have a concern over criteria 1 under PN1 which states: “The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises.”

Whilst this is supported, each application must be treated fairly and evenly in comparison to its neighbouring businesses, and must not have imposed different conditions or opening hours from its business neighbours so that it can compete on a level playing field. The fact that a neighbouring business might be attracting anti-social behaviour should not be used to discriminate against the applicant for an unconnected business. The impact assessment refers to problematic properties in our area and it is unfair to impose strict conditions on a new business or well managed existing businesses simply because other businesses are causing problems.

I welcome and wholeheartedly support the removal of the Cumulative Impact Zone for Edgware Road and believe this is properly justified. However, as I have stated above, there are several other causes of crime in the area other than that caused by licensed premises and would request that para c.9 reflects this and the findings of its own Assessment which states that “alcohol consumption and licensed premises may not be the main driver of crime.” I note that para c.9 makes no mention of shisha smoking and its clustering on Edgware Road. It would be helpful to know if the Council is still lobbying for shisha smoking to become a licensable activity.

On a more detailed point, the map on page 124 includes two pubs that have not existed throughout the study period – The Old English Gentlemen at Nutford Place (this is a restaurant) and The Tyburn at the southern end of Edgware Road was demolished several years ago as part of the Marble Arch Place scheme.

Whilst we welcome the removal of the cumulative impact designation for Edgware Road, we dispute some of the analysis that links licensed premises to crime in the area. A significant amount of crime is not directly attributable to any individual licensed premises in the area as I have set out above. More flexibility should be given for new licences sought in the area, to encourage new activities in, and as these are new licences, then the Council can require better management policies and practices. This will not only help in reducing the currently high vacancy rates in the area but also help create competition between licensed premises which might result in a general levelling up. The Impact study states that there are some problematic premises along Edgware Road, and it is unfair that licences not connected with these problematic premises should suffer as a result.

Yours faithfully

XXXXXXXXXXXXXX

R77 – 13/11/2020 (Soho Estates)

Dear Westminster Council

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

I am a Director of a business operating in Soho, trading as Soho Estates, XXXXXXXXXXXXXXXXXXXX, XXXXXXXX.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

XXXXXXXXXXXXXXXXXXXX

R78 – 04/11/2020 (Shaftesbury) (Initial COVID-19 Proposal)

CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION – COVID 19

Thank you for the invitation to comment on the current Westminster City Council Licensing Policy Review. Shaftesbury enjoys a strong working relationship with the Council and welcomes the opportunity to make submissions, drawing on the company's extensive ownership of licensed premises within Westminster.

Shaftesbury owns and manages a 16-acre property portfolio in some of the busiest parts of London's West End. The holdings are focused on restaurants, leisure and retail in the highly popular locations of Carnaby, Chinatown and Seven Dials and also includes substantial ownerships in East and West Covent Garden, Soho and Fitzrovia. The portfolio comprises 607 restaurants, cafés, pubs and shops, extending to 1.1 million sq. ft., 616 apartments and 0.4 million sq. ft. of offices. We focus on the sustainable re-purposing of existing buildings and aim to minimise the environmental impact of our operations across the business.

The outbreak of the COVID-19 global pandemic has served to emphasise the importance of ensuring that Westminster has policies which support and encourage the economic sustainability of the licensed trade, as well as promoting the licensing objectives. This letter relates specifically to your request, in your email dated 21 October 2020, to provide input in relation to the inclusion of a COVID-19 specific policy in Westminster's Statement of Licensing Policy ("SLP"). We have provided this response separately so as to give Westminster as much time as possible to consider our proposed approach, and will respond fully and separately with a complete response to the consultation on all other matters.

The Relevance of the Pandemic

The COVID-19 pandemic has had an unprecedented impact upon life in London and across the globe. The devastating economic consequences of the pandemic have been felt particularly keenly by London's hospitality industry. According to UK Hospitality, COVID-19 is expected to result in a 56% reduction in revenue across the hospitality sector as a whole, amounting to losses of approximately £73.4bn. In London, the loss of inbound expenditure from international tourism alone is expected to be at least £12bn.

Before the COVID-19 pandemic, Westminster's Evening & Night Time Economy ("ENTE") businesses (excluding hotels) actively delivered £2.5bn in direct revenue in 2013. In the same year, ENTE businesses operating in the West End Cumulative Impact Area alone generated £428m in sales revenues. In addition, Westminster's corporate ENTE revenue totalled a further £1.35bn. It is reasonable to assume that these figures would have increased during the following 6 years up to 2019/early 2020, but will have decreased very significantly as a direct result of the COVID-19 pandemic.

Against this backdrop, ensuring that Westminster's SLP provides appropriate flexibility to facilitate the survival of existing licensed businesses, the ability to welcome new operators and economic recovery in the wake of the pandemic is critical. Shaftesbury therefore welcomes Westminster City Council's indication that it is willing to consider the introduction of appropriate policy support for the businesses hardest hit by COVID-19 in its SLP. Given the importance of the issue, we have taken legal advice from Counsel on the appropriateness, feasibility and wording of a specific 'COVID-19 Policy' and have appended his opinion to this letter. In light of Counsel's advice, our view is that an appropriately worded policy to tackle the impact of COVID-19 upon the licensed trade can and should be included within Westminster's SLP.

The Approach to a COVID-19 Policy

It is important to recognise that, as they presently operate, licensed premises simply do not have the same potential to impact upon the licensing objectives (individually or cumulatively) as they did before the pandemic. Recovery will take time and licensed businesses will need significant practical as well as financial support if they are to survive and ultimately to thrive in the longer term. Unnecessarily restricting their operation during the pandemic and the period of regeneration that will follow would find businesses hamstrung by the existing and proposed policies and prevented from much needed economic recovery. It would be at odds with the Government's objective of 'getting the economy going again'.

Shaftesbury itself takes a proactive stance to promoting the licensing objectives and to ensuring the areas of central London within its control providing custodianship over the public realm and a high quality, managed environment that can be enjoyed by residents and visitors alike. We therefore recognize that any COVID-19 policy should not be overly prescriptive and should ensure that Westminster retains an appropriate level of control over how, where and for how long licensing restrictions are relaxed.

In light of the above and in line with Counsel's advice, we propose that Westminster City Council introduce a three part test when considering relaxations of restrictions on licensed premises:

Where an applicant can demonstrate that:

- (1) It has suffered and/or will suffer adversely from the impact of the COVID-19 pandemic;
- (2) Granting the application would mitigate the impact of COVID-19 or promote economic recovery following the pandemic; and
- (3) The application can be granted without adversely impacting the licensing objectives.

The third limb of the test could consider the applicant's track record for operating premises in a manner which promotes the licensing objectives and/or a proposal for a robust set of measures to ensure the responsible management and operation of the premises. Our view is that there should be a presumption in favour of granting an application if the applicant can satisfy each of the three limbs of the COVID-19 Policy test. Counsel has suggested two options for consideration:

- (1) a COVID-19 Policy which applies regardless of where the premises in question are located; and/or
- (2) a COVID-19 Policy which applies to premises located in the Cumulative Impact Areas and specifically to the usual policy presumption in CIP1.

These policy options would avoid disproportionate restrictions being imposed on businesses in circumstances where, as a result of COVID-19, the cumulative impact of licensable activities has been dramatically reduced.

The benefit of such a policy is that it would provide the necessary flexibility to support businesses to recover following the impact of the pandemic, whilst ensuring the promotion of the licensing objectives and ensuring that Westminster retains control over decisions, which are made on a case by case basis. Counsel has proposed specific wording for a policy to achieve this objective in his advice, and we would endorse that wording.

The Duration of the Policy

As to the time during which such a policy would take effect, our view is that there are two main options. The first would be expressly to time limit the policy, such that it ceases to take effect on a specified future date. Alternatively, the policy could be subject to wording which makes clear that it shall cease to take effect upon a resolution by Westminster's Licensing Committee that the policy ceases to operate. This approach, which could involve setting relevant triggers for such a resolution (such as the repeal of relevant 'coronavirus regulations' passed under the Health Protection (Control of Disease) Act 1984) would perhaps provide greater flexibility.

Conclusion

We are firmly of the view that the inclusion of a policy which facilitates the recovery of licensed businesses in the wake of the COVID-19 pandemic is achievable and is critical to ensuring Westminster's continued reputation as a world leading cultural and commercial hub.

Thank you for your consideration of this consultation response. We will be in touch with further comments on the main SLP review in due course.

Yours sincerely,
XXXXXXXXXXXXXXXXXXXX

R78 – 13/11/2020 (Shaftesbury) (Final Submission)

CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION

We write further to our letter of 4 November 2020, with our detailed response to the full Review of the Statement of Licensing Policy. Since we sent that letter with our proposed COVID-19 policy, the UK has again gone into 'lockdown' with theatres, restaurants, pubs, and bars all forced to close. This only serves to strengthen the importance of including a COVID-19 specific policy in Westminster's SLP, and we reiterate, if anything with greater urgency, the representations we made then.

We also indicated that we would respond fully and separately to you on matters in the current Westminster City Council Licensing Policy Review other than COVID-19 and it is to that end that we now write. The letter of

the 4th November and this subsequent response should be read together as Shaftesbury's full response to your consultation.

In addition to raising the need for a COVID-19 specific policy in Westminster's Statement of Licensing Policy ("SLP"), the outbreak of the COVID-19 global pandemic has emphasised the importance of ensuring that Westminster has in place an appropriate suite of licensing policies, which allow Westminster Evening & Night Time Economy ("ENTE") businesses to survive and flourish, as well as promoting the licensing objectives.

In the attached ANNEX to this letter, we detail our full response. By way of introduction, I can give you the following summary of our response:

1. With our long and extensive experience of ownership of licensed premises, we strongly disagree with the principle of any tightening of the policy generally, and specifically in relation to the newly proposed policy hurdles in CD1, PS1, PN1 and CH1, where the Licensing Authority will only grant applications that can demonstrate that they will promote the relevant licensing objective.
2. We welcome the removal of the area North East of Covent Garden from the CIA, but note also that the basis upon which Westminster's Cumulative Impact Assessment was conducted cannot now reasonably be regarded as reflecting the current levels of cumulative impact in the West End.
3. We believe that the concept of 'Special Consideration Zones' is one which could and should be more widely applied within certain areas of the CIA, and promote Carnaby in particular as an area which would be demonstrably suitable for the application of a Special Consideration Zone policy.
4. In terms of Core Hours, we welcome the exception for new bars/pubs but also support this specifically for ancillary restaurant bars, where the terminal hour should be later than 21:00.
5. We do not think it is appropriate, conceptually or presentationally to list restaurants alongside SEVs in the Core Hours Policy. Instead, they should be included in the limb of the policy that relates to cultural venues.
6. An additional 30 minute 'winding down' period following the Core Hours for licensable activities should be included within the Core Hours policy.
7. Changes to the premises use definitions are broadly supported, but we re-emphasise the importance of clarifying that ancillary restaurant bars benefit from a 23.00 terminal hour.
8. We welcome the proposed policy for members clubs, but note the improbability of new qualifying clubs coming forward, and suggest the inclusion also of proprietary clubs, which we believe would be in line with the emerging Soho Neighbourhood Plan. We also believe there should be a new policy for competitive socialising venues.
9. We recommend the inclusion of a new policy dealing with external seating, giving greater flexibility in terms of the size and hours during which such areas are used and do not support an automatic cut-off at 11pm in appropriate cases and locations.

Shaftesbury PLC

Shaftesbury owns and manages a 16-acre property portfolio in some of the busiest parts of London's West End. The holdings are focused on restaurants, leisure and retail in the highly popular locations of Carnaby, Chinatown and Seven Dials and also includes substantial ownerships in East and West Covent Garden, Soho and Fitzrovia. The portfolio comprises 607 restaurants, cafés, pubs and shops, extending to 1.1 million sq. ft., 616 apartments and 0.4 million sq. ft. of offices. We focus on the sustainable re-purposing of existing buildings and aim to minimise the environmental impact of our operations across the business.

Shaftesbury's strategy is one of long term investment within these key locations. This forms part of a longterm commitment to support and improve its villages, maintaining and improving the building stock through refurbishment and enhancing the profile and visitor experience of the villages through tenant mix strategy and an on-going programme of promotional events and initiatives. Shaftesbury works closely with Westminster in many ways including partnership in public realm improvement schemes and long-term participation in local stakeholder initiatives.

Shaftesbury take a considerable interest in the nature and mix of uses within its estate. For example, we recently commissioned independent research by MAKE Associates (See ANNEX 2) which conducted a detailed analysis of the nature and impact of the uses around Carnaby Street. In this location we have been instrumental in instigating a move towards restaurants and food led operations, in particular turning Kingly Court into a 'destination' for experiential, casual dining and leisure concepts whilst retaining the world famous retail nature of the street frontage in Carnaby Street. This is a characteristic example of the strong positive curation strategy that Shaftesbury has implemented over the areas in which its landholdings lie.

Management of Licensed Premises within the Portfolio

Shaftesbury works extremely closely with tenants to maintain a high level of control and operational quality within all commercial premises. Examples of this across the villages include:

- Careful vetting of incoming tenants and curation of operator mix within villages
- Stringent leasehold covenants and obligations
- Estate regulations and guidance
- Estate management teams
- 24/7 estate security, including security patrols and an extensive CCTV network, for example: 76 cameras across the Carnaby estate, including 14 in Kingly Court alone, and planning permission for a project to implement CCTV into Chinatown which has been supported by the Metropolitan Police.
- Close and regular contact with principals and on-site staff
- Membership of the Safer West End Business Crime Reduction Partnership
- Tenant radio links to the police and 24/7 estate security
- Organised lines of communication to quickly issue notification of emergencies and share information between tenants, managing agents, the responsible authorities and estate security
- Partnership working with the City Council on variety of measures managing public realm, including discussions about a Licensing Charter for Carnaby
- Safeguarding and promotion of safe places, to support those who may be vulnerable as a result of intoxication or other issues associated with the ENTE

We also undertake annual checks on all our tenants' licences and lodge s.178 notification of interests in respect of our licensed tenants. As a result of this proactive landlord approach, we are not aware of a single application to review any of our tenant's licenses nor any similar proceedings against any of our tenants during the term of the current policy. These measures promote the licensing objectives and should be taken into consideration, not only in application where Shaftesbury is landlord, but also in considering our comments regarding Special Consideration Zones.

This is of particular relevance to licensed premises where licenses are monitored closely and direct intervention undertaken where appropriate. It is with this in mind that we have provided our comments upon Westminster's proposed policy in the ANNEX to this letter.

In conclusion, we are generally supportive of the some of the changes Westminster has proposed to make to its SLP but there are a number of narrow but important aspects of the proposals which should be amended to ensure that the SLP is fit for purpose, proportionate, and promotes the licensing objectives and most importantly helps the hospitality industry in the West End to recover.

Thank you for your consideration of this consultation response. We would be delighted to discuss our response in more detail if you would like to.

Yours sincerely,
XXXXXXXXXXXXXX

ANNEX 1 – SHAFTESBURY - FULL RESPONSE TO CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY CONSULTATION

Review of Licensing Policy

Shaftesbury has long recognised the economic, cultural and social benefits of the ENTE, particularly the growth in popularity of small to medium sized restaurants over recent years. This has facilitated the increase in the range of different cuisines and food concepts now available in the West End, particularly in the mid-priced, independent sector. This movement has added to the overall West End experience and therefore the appeal of the area for a broad range of visitors, often as an alternative to more alcohol-focused venues. The cultural, social and economic benefits to the West End of the growth in this sector are clear. West End ENTE and hospitality businesses make a key contribution to Westminster's reputation as a world class city.

Recently, Shaftesbury commissioned MAKE, the specialist ENTE consultant to produce the enclosed report in relation to a successful application for a new licence (ref 20/04102/LIPT) for the basement unit of 59-51 Carnaby Street in the West End Cumulative Impact Area ("CIA"). The conclusions of the report are of wider relevance, however. They demonstrate that even Soho, let alone the West End as a whole, is not homogenous. It is comprised of different areas each with its own distinct character; Chinatown for example, is popular as a late night dining destination, eastern Soho is more late-night drink-led, whilst Carnaby is a tightly managed restaurant area.

Looking specifically at Carnaby, the MAKE Associates report (attached at ANNEX 2) demonstrates that the vast majority of the premises around Carnaby Street close before midnight. Only 5 (13%) of the 38 premises surveyed were drink-led venues, with the vast majority of venues closing at or before midnight.

As is self-evident (and recognised by Government Guidance), different types of licensable activity may impact upon the licensing objectives in different ways. It is unsurprising, given the different character areas within the West End, that the impacts of licensed premises on those objectives are *not* evenly dispersed across the West End. The MAKE report makes clear that there are some areas which have little or no impact, cumulative or otherwise, upon the promotion of the licensing objectives, even though they are inside the CIA. Others, however, are hotspots.

When reviewing the Carnaby area and Kingly Court, MAKE conducted a detailed analysis of the character and impact of the premises in the area. Its conclusions merit quotation in full:

"The Carnaby area has been carefully 'curated' by its largest local landowners, Shaftesbury, to be a food and retail driven destination, with a limited late-night alcohol and socialising offer that attracts a more upmarket crowd. As is shown in the following crime and disorder and ASB sections, this has proved fruitful because the area around Carnaby and Kingly is low (even non-existent) in recorded incidents relative to the rest of the West End Stress Area..."

Unlike many parts of Soho, whilst there are some incidents, there in fact no discernible cumulative impact in Carnaby Street or Kingly Court despite a large agglomeration of licensed premises here. This is most likely, as noted above, because there are no young persons' alcohol-led 100% vertical drinking licensed premises here. The venues that are located here are food-led and which attract an older and more sophisticated clientele. Shaftesbury's 24hr, 7 day a week security services will also play an important part in ensuring any problem individuals who may venture into the area are dealt with promptly. This generalised approach to cumulative impact. i.e. the amalgamating of both unproblematic areas (such as Carnaby and Kingly Court) with those that are problematic (e.g. Old Compton Street or Wardour Street) is an area that the new 2021 Westminster Statement of Licensing Policy will need to grapple with during its re-drafting in 2020."

Against this background, we make the comments below on the proposals for Westminster's SLP, and we would welcome the opportunity to discuss the policy and responses after the end of the consultation and an on-going basis.

Cumulative Impact Areas

We welcome and support your decision to remove the area to the North East of Covent Garden from the West End Cumulative Impact Area. We agree that there is no substantive evidence of a link between the licensed premises in the area and any cumulative impact upon the licensing objectives. It demonstrates the literal sub-division of the West End into a number of different character areas and reflects how management and curation can have a positive effect. Shaftesbury is the majority owner of property in the area East of Covent Garden that Westminster proposes to remove from the CIA and it shows that the absence of a link between the licensed premises in that area and an impact on the licensing objectives is as a result of the careful and proactive approach we take to curating the tenant mix and managing our licensed premises.

As Westminster appears to recognise, the 2017-2019 data relied upon in its 2020 Cumulative Impact Assessment cannot reasonably be regarded as reflecting the current levels of cumulative impact in the West End, which is presently at an all-time low. We have proposed, in our letter of 4 November, a separate COVID-19 specific policy that aims, to some degree, to address this. It would be naïve to think that it will be 'business as usual' following the pandemic. As we explained in our 4 November letter, the impact of COVID-19 has been particularly keenly felt by the ENTE and its consequences will be long lasting. Moreover, the effect of the pandemic is likely to go beyond simple economics. As London, the UK, and the rest of the world recover, there are likely to be significant social and cultural changes which impact the different ways in which people live their lives. In such circumstances, the utility of, and weight which can be placed upon the pre-pandemic data from 2017-2019 is limited.

New Special Consideration Zone Policies

We note with interest Westminster's proposal to introduce new "Special Consideration Zones" in Edgware Road, Queensway/Bayswater, North East Covent Garden, along with areas in the West End, Victoria and Mayfair, where licence applications will receive a heightened level of scrutiny such that applicants must demonstrate in particular how they will manage local issues. We can in principle understand this approach. However, our view is that the policy should work both ways, so that that specific character areas presently within the CIA which have been demonstrated not to contribute

materially to the cumulative impact upon the licensing objectives are not subjected to the full force of the CIA policies. In this regard we feel, in particular, that the area around Carnaby would be suitable for inclusion in a Special Consideration Zone.

As indicated above, MAKE has provided independent and objective evidence to demonstrate that the premises in this area have “no discernable impact” on the CIA. Similar to our premises in the area North East of Covent Garden, Carnaby is tightly managed. The ethos of the area is one of “upmarket” independent restaurants which attract “an older and more sophisticated clientele”. Indeed, MAKE’s evidence is that on the rare occasions issues do occur in this area, they are “the result of people passing through the area rather than simply from the customers of a ‘cumulative presence’ of licensed premises in this area (as all but a handful of licensed premises are closed by midnight)”.

The Carnaby estate benefits from 24/7 estate security, 76 CCTV cameras, safeguarding initiatives, radio links and a whole suite of comprehensive estate management controls. This makes Carnaby eminently suitable for inclusion as a Special Consideration Zone, where applications should be considered against the backdrop of Carnaby’s unique characteristics and its curated infrastructure, which contribute to demonstrably promoting the licensing objectives in this area within the CIA. This close management of our area together with the low level of impact mean that a heightened level of scrutiny with a particular emphasis on addressing local issues would be a proportionate approach to promoting the licensing objectives, rather than the current CIA policy approach in Carnaby.

Indeed, this evidence was accepted and instrumental in the Licensing Committee recently granting a licence to a new live music venue operating until 3am in Kingly Court (ref 20/04102/LIPT). In addition to the Licensing Committee’s acknowledgement of the distinctiveness of this area, back in 2018, Shaftesbury was in discussion with the Council about implementing a Westminster Licensing Charter for the Carnaby area, in recognition of its particular character for restaurants and the estate management provided. This area has long been recognised as being different in character to the overall CIA. We therefore promote Carnaby’s inclusion as a Special Consideration Zone, rather than an area subject to CIA policies.

Core Hours

Shaftesbury welcomes the proposed change to the framework, which relates to the premises use type and support in particular the proposed extension to core hours for cultural venues.

We also welcome the exception for pubs, bars, fast food and music and dance venues within the West End CIA between 10:00 and 21:00. In our view, however, it is unlikely to be viable to operate a standalone pub, bar or music venue that opens only between the hours of 10:00 and 21:00. The real value of such an exception, in our view, would be in permitting ancillary bar areas within restaurants, where the primary use remains as a restaurant. In this regard, our view is that a more appropriate terminal hour for such ancillary restaurant bars would be 23:00.

We do not think that it is appropriate, conceptually or presentationally, to categorise restaurants together with SEVs. Restaurants are an important part of London’s cultural offering and contribute to its reputation as a world class city⁵. In the course of the past 20 years London has seen a gastronomic revolution, the effect of which has been to transform the City into an international restaurant destination offering some of the finest food in the world. There is no evidence that such restaurants are typically associated with any material or cumulative impact upon the licensing objectives. It is our view, therefore, that restaurants should be categorised together with Cultural Venues, and subject to the same Core Hours. Much like the character outlined in the draft policy for Cultural venues, the clientele that are attracted to

restaurants is much more closely aligned to that of Cultural venues than to SEVs, further demonstrating why the alignment of restaurants in hours policy is incongruent with SEVs.

We would also emphasise the contribution that restaurants that serve breakfast make to Westminster's cultural offering. The breakfast service at a restaurant cannot reasonably be said to impact upon the licensing objectives. It is, however, an important aspect of the culture associated with certain restaurants, with whole books written on the subject and an increasing preference in some industries for meetings at breakfast rather than later in the day.⁶ In our view, Core Hours should reflect this and give restaurants an opportunity for an extra sitting, particularly while capacity and space is squeezed by social distancing and beyond during the period of recovery.

Finally, the Core Hours policy should permit for a 30 minute 'winding down' period following the terminal hour for licensable activities. In practice, the licenses granted often include such a period. However, the experience during the 'lockdown' curfew at 10.00pm has demonstrated the challenges and issues for dispersal presented by requiring *en masse* departure at an early cut off time. These issues could be resolved by enabling a more gradual departure, for which the policy should make provision.

Premises use Definitions

We broadly support Westminster's proposed changes to its premises use definitions. As indicated above, however, the one matter which we regard as of particular importance is that the combined use policies should make explicit that bars within restaurants benefit from the new exception for bars/pubs, but are subject to a later terminal hour, of 11pm. Those bar areas should allow the sale of alcohol in ancillary and designated bar areas whether the customer is dining on the premises or not, providing the primary use of the premises remains a restaurant.

Private Members Clubs and Competitive Socialising

We note with approval Westminster's new private member's club policy. However, in reality it is unlikely in the extreme that many (if any) new qualifying clubs will seek to open in Westminster in the foreseeable future. Such clubs simply do not represent the predominant model in 2020. By contrast, proprietary clubs are increasingly popular, and share many of the same characteristics as a qualifying club. Policy 11 of the draft Soho Neighbourhood Plan, presently subject to examination and likely, in due course, to become part of Westminster's statutory development plan, includes positive policy support for new members clubs. In harmony with this approach, it may be desirable to include proprietary clubs within the scope of the policy.

There are also a burgeoning number of premises which provide for 'competitive socialising', a relatively new and distinct type of enterprise. These premises include activities like indoor golf, table tennis, and darts. The nature of these premises, most of which also serve food, is that the sale of alcohol is demonstrably ancillary to the main purpose of a visit, which is to play a competitive game, which often requires coordination. Given the increasing popularity of such venues, we would recommend that Westminster's SLP include a policy that makes specific provision for them, recognising the low impact that they have upon the licensing objectives, by virtue of the of activities on offer.

External Seating

The importance of making provision for outdoor seating has been drawn into sharp focus by the COVID-19 pandemic. Our view is that Westminster's SLP should make provision for this, giving greater flexibility, both in terms of size and hours, for premises to provide seating externally.

The tier 2 restrictions followed by the second lockdown which commenced on 5 November 2020 demonstrate the importance of premises facilitating socially distant outdoor interaction when premises are permitted to reopen. This can only be achieved through the use of external seating areas, and our view is that Westminster's SLP must recognise this, particularly alongside the al fresco schemes which have provided a lifeline to many hospitality venues in Westminster

General Tightening of Policy

We note with concern the proposal to tighten policies CD1, PS1, PN1 and CH1. The new wording "*Licensing Authority will only grant applications that can demonstrate that they will promote [the relevant licensing objective]*" would introduce a new policy hurdle for applicants.

The new test would be subtly stricter than the existing policy and go further than the tests set out in the Licensing Act 2003 and s.182 Guidance. The statutory scheme requires the Licensing Authority to consider the promotion of, and impact upon, the licensing objectives against the backdrop of a host of other considerations. The proposed additional wording in CD1, PS1, PN1 and CH1 goes much further by placing a strict and disproportionate prohibition on granting applications unless an applicant can demonstrate that it proactively promotes all four licensing objectives. We also note the requirements for dispersal plans and other evidence, which whilst we agree may be appropriate in some cases, it would not be in every application.

It is not an appropriate time to tighten the policy generally or specifically. We ask Westminster to resist following the historical trend, which has gradually tightened the policy under each review process. Tightening the policy now would further compromise the West End's reputation as a world class cultural hub. It would not be proportionate and would send a worrying message to existing Westminster businesses and new enterprise seeking to open in the West End, especially during a period of recovery.

We know from experience that our independent operators with more than one premises in London will actively shift their focus away from areas that are difficult to operate in, whether that be as a result of reduced footfall, but also where policies prohibitively affect their operations and ability to make a living, especially when their good conduct and reputation may count for nothing. Shaftesbury urges the City Council to consider the short and medium term effect of a more restrictive new SLP on the beleaguered ENTE in the West End, which is already subject to the 'doughnut' effect of severely reduced footfall and economic activity as a result of the pandemic.

Annex 2 – (Officers have removed the MAKE Associates Report form this report. If members wish to see a copy of this Annex, please contact the report author)

R79 – 13/11/2020

New West End Company – Strategic response to Licensing Consultation

Whilst welcoming the additional flexibilities offered in the proposed draft Licensing Policy brought forward by Westminster City Council, The New West End Company retains a number of significant concerns that the draft Statement of Licensing Policy will not support growth in the International Centre or the economic recovery post Covid-19 and consider that there is some conflict between the Zones and the emerging strategy for the regeneration of the Oxford Street District, particularly the need for greater flexibility of uses.

Our first concern relates to the Cumulative Impact Assessment and the data which has been used to inform the subsequent policy proposals. Whilst welcoming the data-driven approach provided by the policy, we are however concerned that the data used to justify the decisions and changes in the draft policies has a number of significant issues and deficiencies. Firstly, much of the data around crime and anti-social behavior cannot

be attributed to individual licensed premises. In addition to this, footfall has not been overlaid to provide an appropriate context to the data. We are also concerned that the data does not take into account the reduction in Metropolitan Police Service resources and officers allocated to the respective areas, and that much of the data is as also too old to be relevant to decisions being taken today.

Our second concern is that the additional flexibilities outlined in the policies do not go far enough. Whilst introducing a policy presumption in favour of new restaurants to operate to Core Hours is a welcome move, we cannot see any justification for a proposed terminal hour of 9pm for new bars or pubs, fast-food premises or dance venues. This is particularly relevant in the Oxford Street District and International Centre where the planning system is increasingly supportive of a greater flexibility of uses.

We also have reservations about the timing of the consultation being undertaken. The proposals represent the most significant change to Westminster's licensing policies in a generation, at a time when the future of central London is at stake and the full impact of Covid-19 has yet to be fully understood. We would therefore encourage Westminster to commit to further annual reviews for at least the next three years where the policy can be assessed both against the recovery of the evening and night-time economy and its ability to offer additional flexibilities around uses.

As a further point, we are also concerned about the uncertainty with regards to new applications and extensions of hours in Special Consideration Zones. How these applications would be determined, and the ability for operators to evidence that they are well-run is unclear. If an applicant is to invest in applying for an extension of their license, additional comfort is required in these areas in order to avoid effectively being at the whim of a licensing committee or held responsible for data and local issues which are outside of their area or control.

Finally, we would encourage Westminster to acknowledge the significant role that BIDs play in the management of the evening and night-time economy. As Police resources have been withdrawn, the BIDs have stepped-up, investing in their on-street teams and cleansing services to ensure the provision of a safe and welcoming environment for visitors.

For all of these reasons, whilst welcoming the direction of travel in providing more flexibilities than existed under previous policies, we are concerned about the additional uncertainty and that the proposed new policies could actually fail to support the evening and night-time economy or the recovery of central London at this critical time.

R80 – 13/11/2020 (Covent Garden CAPCO)

City of Westminster Statement of Licensing Policy Consultation

PROTECT COMMERCIAL

We write further to your invitation to comment on Westminster City Council's Licensing Policy Review.

Our submissions on the draft Policy are made from the position of our extensive ownership, and understanding, of licensed premises within Westminster and in particular the Covent Garden area. Capital & Counties CG And CG Nominee Limited ("Capco") owns Covent Garden Market, the surrounding Piazza and many other properties (see attached ownership plan). Capco is the majority landowner in Covent Garden and manages an estate of some 1.2 million sqft, over 85 properties, from its offices in central Covent Garden.

As a responsible estate owner, Capco invests very significant sums annually in running a team of over 100 stewards who manage the Covent Garden estate, extending to provision of 24/7 security and cleaning teams supported by extensive, state of the art CCTV and cleaning machines, gardeners, handymen and City Inspectors. Capco works in close collaboration with Westminster City Council in many respects.

We are committed to the future of Covent Garden and its role in supporting Westminster, and London as a whole, as a world class city. Capco is a long-term investor in Covent Garden; we support the City Council's high aspirations for Covent Garden as a place to live and work, alongside its role as a destination for retail, hospitality, culture and entertainment in the City.

The outbreak of the COVID-19 global pandemic has brought to the forefront the importance of ensuring that the City Council has policies which *support and encourage* the economic sustainability of the licensed trade, *as well as* promoting the licensing objectives. We firmly believe the two can stand shoulder to shoulder.

Following a careful and thorough examination on the data that has been made available by the City Council at the level of granularity shown within the Cumulative Impact Assessment, we believe that there is a strong case that Central Covent Garden should be further considered for exclusion from the proposed new cumulative impact area.

Capco Submissions - Background

We enclose two documents for your consideration. **Please note that these reports are commercially sensitive, hence why we have marked them "protect/commercial"** (so they are not subject to FOI):

- (1) **Covent Garden: Impact Analysis of Proposed Land Use Changes & Evening and Night-time Placemaking Review (MAKE Associates Report – September 2020)**
- (2) **Westminster Cumulative Impact Assessment – Covent Garden and Capco Estate Analysis (November 2020)**

The documents assess the evolution of Covent Garden over recent years, and in particular the change in use of the premises, from retail through to hospitality. The reports consider the loss of drink-led premises, safeguarding measures particular to the Capco estate – such as 24/7 CCTV and security teams, private cleaning operations, stringent and compulsory Operational Management Schemes, urban greening and upgrading, alongside assistance for vulnerable people and lost children and the impact these measures have on cumulative impact on the Capco Estate within Covent Garden and the surrounding areas.

The consequences of such measures have been, with reference to the Cumulative Impact Assessment:

- ☒ Overall, Covent Garden appears to be **significantly lower** - in terms of crime, ASB and noise and pollution incidents - than many other parts of the West End and more akin to East Covent Garden. This is particularly the case in comparison with Soho, the Leicester Square / Piccadilly Circus / Charing Cross Road / Shaftesbury Avenue locus, and the area around Charing Cross Station / Trafalgar Square / western end of The Strand.
- ☒ In Covent Garden, and the Capco Estate in particular, **theft** and **robbery** are both low (similar to non-West End parts of Westminster).
- ☒ Central Covent Garden, identified on the attached estate ownership plan has been included in a wider definition of Covent Garden where incidents take place which are wholly unconnected with Licenced premises e.g. Strand, Charing Cross station environs and underpass, the Agar Street soup kitchen and King William IV St tent city.
- ☒ A number of noise complaints relate to street performance in Covent Garden, again not an issue relating to Licenced premises.

- ☒ Broadly, **central** Covent Garden appears to have a low intensity of incidents of all types.
- ☒ Central Covent Garden is an intensively managed estate by a large landowner controlling over 85 properties. The high levels of security personnel, funding for City Inspectors, curation of the F&B tenant mix to introduce high quality operations and a responsible approach we believe have materially contributed to the low level of incidents.

Executive Summary of Position

Our submission, as supported by our analysis of the Cumulative Impact Assessment is that Central Covent Garden to be treated the same as East Covent Garden and should be moved outside of the Cumulative Impact Policy area, either in its entirety or be a Special Consideration Zone, rather than an area subject to CIA policies.

Reasoning

Following our review of the draft documentation we have identified a real concern about the definition of "Covent Garden" within the City Council's Cumulative Impact Assessment report, and in particular the statistics that are used in the consideration of this area.

By way of example, the use of the Metropolitan Police definition of Covent Garden which we understand includes the underpass connecting Charing Cross with St Martin in the Fields. Our strong view is that these areas are **not** within the Covent Garden estate and we consider the inclusion of statistics associated to such area – including the soup kitchen and the “tent city” on King William IV Street (not being within our estate) and complaints/incidents associated with homelessness/drug abuse and not licensed premises **do not reflect the true figures attributable to Covent Garden and the licensed premises within it**. This is a key area to which we believe further consideration and refinement should be given to determine a more accurate view and understanding of the Covent Garden area.

To the South of Strand and outside of central Covent Garden there are several all-night uses which are not within a managed estate. Whilst the diversity of use is very welcome and these premises well run by well-regarded management teams, there will inevitably be incidents outside these operations which are unrelated to our estate.

Capco takes a hands-on approach to tenant curation and, as can be seen from the attached reports, a number of poorer quality, wet led operations have exited (due to Capco estate management) the estate to be replaced primarily with high quality restaurants with a high price point, attracting a more responsible customer. The latest example of this is Capco taking a surrender of the lease of the nightclub known as The Roadhouse (a tenant we inherited when we acquired the estate) which used to be a source of incident on the Piazza, albeit mitigated and well marshalled by our 24/7 security teams, which will be re-let to an appropriate new operator, backed by an OMS in due course, which we will have vetted.

Furthermore, we believe insight could be drawn from re-examining how central Covent Garden compares to those zones that were previously Cumulative Impact Policy areas (e.g. Edgware and Queensway) or those that were considered for cumulative impact (such as Bayswater and Victoria). This is because in some cases it appears that the crime and anti-social behaviour indicators for cumulative impact appear higher in some of those areas than central Covent Garden.

We believe the data projects a cogent argument that central Covent Garden to be treated the same as East Covent Garden and should be moved outside of the Cumulative Impact Policy area, either in its entirety or be a Special Consideration Zone, rather than an area subject to CIA policies.

We submit that the data presented supports the description of Covent Garden being a doughnut, with the Piazza - the “hole” - and relatively crime free. This, we say, is no coincidence and is linked to the way that we have managed and created the area for a number of years.

The CIA data records that the Piazza area accounts for just **0.8%** of all antisocial behaviour incidents reported in Covent Garden. The ‘vicinity’ of The Piazza accounts for just over **2%** of reported antisocial behaviour in Covent Garden, in the context over 45 million customer visits annually and even with our hospitality provision then this is an extraordinarily low number. The rest of Covent Garden sees the remaining 97% of reported antisocial behaviour in Covent Garden as a whole. We would suggest that this data clearly supports our contentions in relation to the incorrect designation of Covent Garden as a Cumulative Impact Policy area.

Whilst we acknowledge the Cumulative Impact Assessment as an impressive and thorough piece of research, a greater capacity for third parties to interrogate it, such as through vector mapping that allows the user to drill down to street level, would make a significant difference to the ability to *interpret* its findings.

Indeed, we consider it appropriate to be able to view the data or that the City Council produce more granular maps for stakeholders to evidence why their areas / premises are included inside the proposed CIP area. We would welcome that opportunity, or alternatively a forum in which our interpretation of the data can be discussed directly with the City Council, to present our views as to the viability of maintaining Covent Garden, and in particular the Capco Estate, as part of the Cumulative Impact Policy area.

Noise

Levels of noise and other complaints against street performers are high in central Covent Garden and around Strand and Charing Cross, these skew complaints data and are **not associated with hospitality venues** and so could you please confirm these have been excluded from the CIA.

Use Classes Order – Class E and Sui Generis

As can be seen in the attached reports Capco has been responsible for replacing 7 wet led operations e.g. the Rock Garden/Gardening Club (3 AM Licence not recycled) and Walkabout and 2 pubs to either retail or high-quality restaurants.

Capco feels that in hindsight perhaps too many of these have been lost and it seeks flexibility in trialling a small number of high-quality replacement bars, tightly controlled through Operational Management Plans both through the planning process and within leases. Capco uses Operational Management Plans extensively, pre – COVID-19, 17 hospitality premises were controlled through its leases, further contributing to the low level of incidents in central Covent Garden

The COVID-19 Pandemic

We recognise and welcome the comments in the consultation document about the difficulty that COVID-19 is causing and will cause. The data assessed and presented by the City Council is based upon 2017-2019 data, up to March 2019. It does not consider the impact of the COVID-19 Pandemic – against which there is likely to have been no cumulative impact during lockdown periods and limited problems even upon licensed / evening and night-time economies reopening. The conclusions made therefore apply only to historical circumstance, not to *current or likely future conditions* (short term or otherwise) under ongoing, and fluctuating, COVID-19 restrictions and uncertainties over the ability to vaccinate sufficient numbers of persons, especially when it is likely a large number of people will refuse the vaccine on safety grounds meaning infection levels remain high with tiered restrictions likely to remain.

It is clear the COVID-19 pandemic has had an unprecedented impact upon day to day life in London and around the world. The economic consequences of the pandemic have been felt across the board, however it would be true to say particularly keenly by the hospitality industry which will have a consequential negative impact on retail and cultural sectors.

According to UK Hospitality, COVID-19 is expected to result in a 56% reduction in revenue across the hospitality sector as a whole, amounting to losses of approximately £73.4bn. In London alone, the loss of inbound expenditure from international tourism alone is projected to be at least £12bn. To that end, and with the long-term effects of the pandemic still unknown, we consider it entirely appropriate that a COVID-19-specific policy be considered by the council.

There must be at least temporary respite for licensed premises to be able to recover from the pandemic and a more flexible licensing policy in the short to medium term is essential. We can see through the temporary alfresco arrangements permitted by the City that there were few complaints in central Covent Garden and by your own survey 95% of residents supported these measures. One influential resident in Covent Garden referred to the estate as the '*grown-up big brother to Soho*' - testimony to how well-run hospitality works within a mixed use district when coupled with responsible estate management.

It is well documented that the pandemic has accelerated structural changes in the retail sector and so implementing a too rigid policy will leave a vacuum of empty premises without a viable alternate use

Other Policies

Aspects of the policy are very welcome, for example that new bars may be permitted until 9pm, although we believe this terminal hour should be longer, in appropriate cases, particularly during COVID-19 and recovery. This would be a complimentary offer to existing theatre bars in the area. That would also be very beneficial to bars in restaurants, again ideally with later hours, which also due to enhanced footfall, benefit other ground floor uses where for example flagships retail units regularly trade to 10:00 P.M.

It was clear from the first post lock-down reopening that footfall does not increase without the support from hospitality venues as customers increasingly demand experiences as part of their shopping and cultural activities.

We would be opposed to any tightening of licensing policy for example in respect of CD1, PS1, PN1 and CH1 where it is proposed "*(the) Licensing Authority will only grant applications that can demonstrate that they will promote [the relevant licensing objective]*" which would introduce a new and stricter policy hurdle for applicants, thereby negatively impacting any hope of a quick post COVID-19 recovery.

Generally, we believe that there needs to be adequate recognition of the harm that COVID-19 has and is doing to the hospitality economy and licensing should recognize that as a way of mitigating that loss.

A policy of this nature has never been drawn up in such a crisis as we are currently experiencing and there could be serious ramifications to large sections of the West End economy, the powerhouse behind UK GDP, if drawn too restrictively and so we would urge a flexible case by case rather than blanket approach

We would welcome the opportunity to discuss the above matters and suggestions with you prior to the City Council making a final decision as to the Statement of Licensing Policy for the next five year period.

Yours faithfully

XXXXXXXXXXXXXXXXXXXX

(Officers have not included the two reports that the CAPCO response refers too. If members of the Licensing Committee wish to review these documents, please contact the report author)

R81 – 13/11/2020 (The Crown Estate's)

Dear Sir/Madam

Licensing Policy and Cumulative Impact Assessment (CIA), 2020

Thank you for the opportunity to comment on the ‘Licensing Policy and Cumulative Impact Assessment, 2020’. I set out an overview of The Crown Estate’s responses below, which are detailed in the attached reports. In summary, at a high level, we have two main requests, that the boundary line for West End CIZ and the SCZ is amended as below and to protect existing licensed premises within responsible redevelopments.

Background

The Crown Estate are the long term owners and managers of Regent Street and half of St James’s with a proven track record of responsible management and working in tandem with Westminster City Council. We are established partners in the West End, and take a long term view of our investments and assets. As part of this approach, we work as an active landlord that builds close working relationships with our customers.

We carefully consider the locations, concepts and terms of operation of licensed premises as part of a long term managed mixed use portfolio. We understand the value of finding the right occupiers not only for users and visitors of the West End, but our adjacent customers, stakeholders and the wider community which experience such uses.

We welcome the recent work by the council to support licensed businesses throughout the challenges in response to Covid-19. We are committed to continuing to work closely with Westminster City Council, as well as our customers and stakeholders, and welcome the opportunity to comment on the proposals to promote our shared vision of a better West End.

Responses

We recognise the need for Westminster City Council to effectively manage the wider evening and night-time economy.

The majority of our Central London portfolio is located within or adjacent to the West End Cumulative Impact Zone, in responding we seek to address changes that relate to our holdings. We have commissioned **Arcola Research LLP in association with Phil Hadfield** to produce a report that details our response to this consultation. This letter seeks to summarise some of those findings and provide an overview with the detail and supporting material included as an appendix.

However, whilst we wish to comment predominantly on proposals related to the Cumulative Impact Zone and our estate, we would also like to note our support for other revised policies that seek to promote inclusion and safeguarding as part of the licensing process.

Cumulative Impact Assessment

We welcome the detailed evidence-based approach of the new proposed Cumulative Impact Assessment. However, as part of our appendix report, we believe that further considerations need to be made to the context of some of this data including the unique position of the West End when compared to other areas (including tourism), dispersal around transport hubs and other social factors. Some key considerations highlighted in our appendix report are:

- The need for Evening and Night Time Economies (ENTEs) of which the West End is a prime example, to be supported to recover, become more resilient and, more importantly, to innovate for the future – including exploring how ‘flexing regulations’ can help physical distancing in response to the pandemic, whilst promoting long-term cultural change to opening hours as well as changing citizens’ habits.
- A recognition that – whilst the research techniques applied in developing WCC’s Cumulative Impact Assessment are robust, effective and generally persuasive - they to some extent lack the granularity and ‘place nuance’ that could have been reflected in the CIA through the use of techniques like behavioural observation and stakeholder interviews
- The application of such research techniques in our own commissioned research suggests that some of the ‘problematic incidents’ associated with licensed premises in some key areas of the Cumulative Impact and Special Consideration Zones – notably in those areas in which the bulk of TCE’s estate is situated – can largely be attributed to the ‘dispersal flows’ of people moving to key transport hubs, rather than generated from licenced venues within The Crown Estate’s portfolio (TCE).
- Hospitality and Leisure uses that are licenced within our core West End portfolio make up less than 7% of the property portfolio. The majority of this portfolio is made up of non-food retail – in particular high end fashion goods and offices. Of the ‘licensed premises’ part of the portfolio, 66% are restaurants in which alcohol plays an ancillary function. Pubs and wine bars constitute only 7% of TCE licensed premises and therefore only represent approximately 0.5% of the total core West End portfolio. Only 4% of TCE’s licensed premises are categorized as night clubs. Pubs and wine bars in the TCE core estate make up only 5% of the pubs and wine bars within West End Cumulative Impact Zones 1 and 2, and less than 2% of the Borough total.

Special Consideration Zone (Policy SCZ1) – Revised Boundary

We are pleased by the decision not to seek an expansion of the West End Cumulative Impact Zone at this time and we recognise the objectives of the new Special Consideration Zone for Mayfair and the area to the West/South of the existing CIZ, which will serve as an intermediate in policy terms requiring sensitivity and appropriate mitigation. However, we would welcome further information on requirements for applications and future reviews of the Special Consideration Zone(s). Page 3 of 4

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In light of our appraisal of the Cumulative Impact Assessment, our main objective of this response is a proposed revised boundary for the Special Consideration Zone as shown below (see also the map on page 28 in the appendix report). The Special Consideration Zone amendment would be to include the whole of Regent Street, excepting the area immediately around Oxford Circus, and Regent Street St James's, Piccadilly Circus, and St. James's Market area.

We are committed to working towards the licensing objectives set out by Westminster City Council. As a major landowner we would be able to reflect this within the management across our assets within the Special Consideration Zone, which in turn would be secured through sufficient mitigation and oversight of licensed premises by the local authority.

By making these revisions to the Special Consideration Zone this will enable us to take a more flexible and adaptable approach to our assets at an important time for Regent Street and the wider West End. Recognising the assessment given above, if these areas are included within the CIZ, redesignation of premises according to their use would risk limiting the ability for managed innovation that supports the wider business eco-system, together with the evening and night-time economies, if they do not fit into appropriate categories.

This is critical to the necessary evolution of the portfolio to retain its status as a globally renowned and pioneering destination within Westminster and London as a global city and to attract visitors and workers to return to the West End for the benefit of all stakeholders. Quarantine and social distancing has led to increased adaption of online retail and a deceleration of office densification. It is estimated that it will be at least 2023 before international tourists return to 2019 numbers. Our internal research on retail trends show that experiences are rising as the strongest driver for retail footfall. High street and shopping destinations should provide rich F&B, entertainment and leisure options to attract footfall as the pandemic has accelerated and embedded new ways for consumers to work, shop and play online to the detriment of the built environment.

We believe that these revisions would still be consistent with the overall aims of the City of Westminster, specifically the SLP review, the Licensing Act 2003, and, specifically, the licensing objectives. As a long term landowner focused on delivering value for the nation, with contiguous holdings, we have shown what careful curation can do to enhance an area. We will apply the same philosophy to our approach to licensing, in effect a masterplan approach, using all our skills, working within your policies for the betterment of the area.

Protection of Licences for Redevelopment

One of the other issues we have identified that we believe should be considered and addressed as part of the policy consultation and review is the treatment of existing premises licence where a building is demolished and redeveloped. We believe that this adversely affects landlords with larger holdings which may include multiple licensed premises where they wish to redevelop the site as a whole. This may discourage proper investment to improve areas of the City of Westminster which we believe should be avoided. We have attached a detailed submission in that regard as part of our response which sets out the issues and concerns that arise.

I trust that the above comments are clear in expressing our views along with the detailed response in the appendix, and I would be grateful if you could keep me informed of future updates in relation to these emerging policy additions/changes. Please do not hesitate to get in touch should you wish to discuss.

Yours faithfully
XXXXXXXXXXXXXXXXXX

Appendix 1 - Response to Westminster Council's public consultation on its review of Licensing Policy and Cumulative Impact Assessment, 2020 – Arcola Research in association with Phil Hadfield

Appendix 2 – Protection of licences for redevelopment

(Officers have not included the Appendices to this response. If members of the Licensing Committee wish to view these documents, please contact the report author)

R82 – 14/11/2020

The Northbank BID response

The Northbank BID area has high quality hospitality, theatres, cultural, universities, retail and other leisure industries. The area is the gateway to the West End which attracts visitors from around the world to enjoy the night life. We wish to nurture the best London offer for visitors to enjoy and we are passionate about ensuring that “offering” is of the highest quality; including evening and night experience which is safe and welcoming.

The BID area is a busy multi transport hub for day and night travel. This includes many 24 hour tube and bus routes for buses, underground services. As such many people are traveling through the area while on their way to other areas in the West End.

The BID prioritises area safety and we work to align priorities, resources and information by working closely with partners including is working closely with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lame, Night Czar.

The Northbank BID welcomes and supports Westminster City Council's work to create an appropriate Licensing Statement Policy which recognises, that Covid has created extremely challenging times for the hospitality sector due to “the current unprecedented nature of the impact that COVID19 has had on footfall in the area, the Licensing Authority will not seek to impose an expansion of the West End Cumulative Impact Zone or introduce the presumption of refusal to other premises use types within this zone at this time. It is believed that this approach, at this time, will not impact the Council's duty to promote the Licensing Objectives. However, as the city recovers, visitor numbers increase, and associated incidents rise outside the current West End Cumulative Impact Zone, the Licensing Authority will review this approach.”

Businesses currently need support and stability to enable them to plan for the challenging times in the short and mid term and beyond. A key part of that is providing continued regulatory stability and consistency by maintaining the existing policy approach which businesses and residents are familiar with. Businesses need to be able to adapt to the new trading environment to deliver central London recovery for a thriving economy.

Proposed changes to the Statement of Licensing Policy

WCC recognises the large contribution by licensed premises make to the city and the economy, the Licensing Policy also aims to enable WCC to promote the following objectives: prevent crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm. The current Statement of Licensing Policy is proposals include changes for:

- a. Addition of a statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy. Reflecting Equality Act 2010 to promote and embrace inclusion
- b. Summary of 2020 CIA

c. Introducing a revised policy framework for the Licensing Objectives Policies:

CD1: Prevention of Crime and Disorder

PS1: Public Safety

PN1: Prevention Public Nuisance

d. Revision of the Protection of Children from Harm Policy (CH1) and including safeguarding as a key consideration within that policy

e. Retention of the existing West End Cumulative Impact Zone boundary, except for the North East area beyond Covent Garden, and to revising the Cumulative Impact Policy – CIP1.

f. Removing Cumulative Impact Zone designations for Edgware Rd and Queensway/ Bayswater.

g. Introducing a revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities

h. Introducing a new Special Consideration Zone Policy- SCZ1.

i. Updating the policy framework for premises use policies and associated updates to policy narrative where necessary.

j. Removing qualifying clubs from the theatres, cinemas and other performance venues policy, and expanding the policy to include a wider variety of cultural venues and live sporting venues.

k. Creating a stand-alone policy for Qualifying Clubs.

- Orange: Zone 1 West End Cumulative Impact Zone (CIZ) with revised Cumulative Impact Policy (CIP1)
- Yellow: Zone 2 West End buffer SZ1 Policy Area, Special Consideration Zones (policy SZ1)
- Dotted line: West end stress area 2016

Questionnaire responses

1. Do you agree that the Licensing Authority should implement a Cumulative Impact Policy?

Yes

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

The Northbank BID supports the implementation a Cumulative Impact Policy with accurate area evidence.

We wish for this to be balanced with supporting the future growth of the hospitality sector in the Northbank area and to allow them flexibility to evolve and adapt to future challenges particularly in the recovery from Covid and its impacts. We wish to see how temporary changes bought in during this time can be adapted to be more permanent.

We are yet to see the full impact of Covid on the hospitality sector for our area and support licensing policy which can help new businesses which may be needed to replace ones which have closed as a result of the pandemic. Footfall in the Northbank area has seen a drastic reduction and it may be some time before they return to pre-covid levels.

We are also working to use the current window of opportunity to ensure a high standard of operation with partners including: neighbouring area BID's, Met Police, BTP, business members, and Safer Business Network, GLA and Amy Lame, Night Czar.

We wish to encourage all support for the pubs, bars, restaurants, hotels and nightclubs, all of which make such a vital contribution to London's nightlife, making it a world class destination for international and domestic visitors.

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

We welcome the commitment of WCC to review the Cumulative Impact Policy and we also welcome the decision of WCC not to expand its current Cumulative Impact Zones in the current climate. Cumulative Impact Policies should be reviewed at a suitable time so that they do not hamper the recovery of business and the hospitality.

Both zone 1 and 2 are busy connections for rail, underground and bus routes so attract a higher proportion of people to them. The cause of incidents are driven by people travelling to the transport hubs and interchanges.

The good transport links themselves, can attract issues and crime as it provides efficient and easy access and dispersal for those wishing to attain drugs, which leads to other anti-social behaviour. This can be seen by the hotspots at Charing Cross Station and Embankment Station.

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

Yes

5. Comments

The Northbank BID supports inclusivity with its member organisations and is currently reviewing how to enhance this.

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

Yes

7. Comments

N/A

8. Do you agree with the proposed changes to the Licensing Objectives policies CD1, PS1 and PN1? This includes their criteria and considerations, listed in clauses B of each policy.

Yes

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

n/a

10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?

Yes

10. Do you agree with the proposed changes to the framework of the Protection of Children from Harm Policy (CH1), including its criteria and considerations?

Yes

11. Do you agree with the inclusion of the safeguarding of children as a key policy consideration within the Protection of Children from Harm Licensing Objectives?

Yes

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

N/A

13. Do you agree with the proposed revisions to the framework of the Cumulative Impact Policy (CIP1)?

Yes

14. Do you agree with...?

- Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2

Yes

- Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)

Yes

15. If you have any comments about the boundary proposals and the revision of the Cumulative Impact Policy (CP1), please provide them below and state the areas and aspects that you are referring to:

- Not expanding the West End Cumulative Impact Zone to include Zones 1 and 2
 - Zone 1: We agree that the area of Zone 1 should not be expanded
 - Zone 2: SCZ is a busy transition and transport interchange for buses, rail and underground so while the incidents are high, this cannot be attributed to licensing policy for the area.
- Retaining the current West End Cumulative Impact Zone (except for the North East beyond Covent Garden)
- Excluding the area to the North East of Covent Garden, which is within the current boundary of the West End Cumulative Impact Zone, from the proposed new boundary for this Zone.

➤ We support the reduced area and the change of boundary.

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

N/a

17. - If you have any comments about the proposals to remove the Queensway/Bayswater and Edgeware Road CIZ please provide them below.

N/A

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

No

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

We support the proposal to apply core hours to 'types' of premises rather than licensable activity as this will attract a diverse range of visitors and support the cultural organisations in our area.

We wish to support the recovery of hospitality businesses following the impact of the current health crisis, we believe that the Core Hours Policy (HRS1) for pubs and bars, Fast Food and Music and Dance venues within the West End Cumulative Impact Zone should be Monday to Sunday: 10.00 to 22.30. This would retain the distinction between the West End Cumulative Impact Zone and areas outside it, but would support venues at this difficult time by allowing a longer trading period which could reduce their need to apply for an extension of hours.

This would also be particularly helpful for any new businesses looking to start up within the Cumulative Impact Zone as a result of other premises having closed down due to the health crisis.

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

No

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

We do not support the proposal to introduce new Special Consideration Zones for the following reasons:

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

- Designating areas as SCZs may, as a result of increased costs incurred by businesses to adhere to the policy, cause businesses to close or to significantly revise their offer, for instance in the case of hotels which may decide not to keep their bars open; such scaling back will reduce their appeal making it harder to attract business.
- No detail is provided within the draft SCZ Policy as to what additional mitigation and controls might be required. However, even if details were provided, such measures would likely impose significant additional costs upon businesses to implement measures that are not justified by the incident data and its interpretation within the CIA.

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

West End Buffer – Zone 2

No

23. If you have any comments about the reasoning, boundary and designation of these zones, please leave your comments below and specify which specific areas and aspects you are referring to:

West End Buffer The Northbank BID does not support Zone 2 designation as a Special Consideration Zone for the following reasons:

- The consultation document states that "This area is closely associated with dispersal due to the large number of transport hubs; which include a national rail station, a number of underground stations and large numbers of night bus routes." (p24). This presents a challenge to ascertain whether the concentration of licensed premises are key drivers of incidents recorded over the last three years, or whether other factors are of greater significance.
- The CIA draws upon British Transport Police data. BTP has previously suggested that a crime reported at a Station does not necessarily mean that it happened in the area. People travelling on public transport may often report crimes when they reach their destination where service staff and support are more likely to be readily available.
- The CIA refers to the transport hubs in Zone 2 and the multiple busy interchanges are likely to skewing data due to the numbers of people travelling.

Zone 2 is a multi-modal transport hub and includes the many 24 hour tube and bus routes.

Incidents reported in the area may not originate from licensed premises in the area.

The BID is working to support high quality hospitality sector and the restrictions will bring additional challenges to them.

24. Regarding the following establishments, do you agree with the revisions to the policy framework for...?

Restaurants - Policy RTN1 Yes

Fast Food Premises - Policy FFP1 Yes

Public Houses and Bars - Policy PB1 Yes

Off sales of alcohol – Policy OS1 Yes

Music and dance premises and similar entertainment - Policy MD1 Yes

Hotels - Policy HOT1 Yes

Casinos - Policy CAS1 Yes

Combined Use Premises Yes

25. Do you agree with the proposal to rename the Nudity, striptease and sex related entertainment – Policy NS1 to Sex Cinemas and Sexual Entertainment Venues – Policy SCEV1?

n/a

26. If you have any comments about the proposed revisions to the policy framework of the following establishments, please provide them below and specify which policies and aspects you are referring to:

Restaurants - Policy RTN1
Fast Food Premises - Policy FFP1
Public Houses and Bars - Policy PB1
Off sales of alcohol – Policy OS1
Music and dance premises and similar entertainment - Policy MD1
Hotels - Policy HOT1
Casinos - Policy CAS1
Combined Use Premises

N/A

27. Do you agree with the proposal to replace Theatres, Cinemas, other performance venues and Qualifying Clubs - Policy PVC1 with the following two new policies:

Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1
Qualifying Club – Policy QUC1

Yes

28. If you have any comments about the proposals to replace Policy PVC1 with the two new policies (Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Space – Policy CCSOS1 and a Qualifying Club – Policy QUC1) please provide them below and specify which policies and aspects you are referring to:

We would like to see more support for theatres in the proposed policy. The sale by retail of alcohol and/or late-night refreshment after 23:00hrs should not be limited to customer, patrons or members of the audience who will or have made use of venue for enjoying plays or other dramatic performances.

Instead, theatres should be given the scope to put on other events - such as lectures or community events for example - with the same licensing approach as for plays or other dramatic performances also being permitted to support these offers.

29. Do you agree with the Licensing Authority making minor changes to the statement to reflect updates to the law, guidance and council strategies or policies?

Yes

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

n/a

General Responses

R83 – 11/11/2020

Dear Sir or Madam

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

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

Yours faithfully

XXXXXXXXXXXXXXXXXXXXXX

R84 – 11/11/2020

Dear Westminster Council,

I have been alerted about your current licensing consultation.

The hospitality business is the lifeblood of Soho and I believe it must be protected and enhanced at every opportunity. Therefore, the most relevant policy proposals for hospitality businesses in Soho, as follows:

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.
3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the

alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.

4. A new proposal for an “inclusivity policy” recognising Westminster’s duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

Kind regards,
XXXXXX

R85 – 12/11/2020

Dear Westminster Council

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

I own a business that carries out a lot of work within the Soho hospitality and property sector.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards
XXXXXXXXXXXXXX

R86 – 12/11/2020

Dear Westminster Council

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

I am a former Soho resident and current Soho office worker.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R87 – 12/11/2020

Dear Sirs,

In response to proposals for a new licensing policy, I write to support the position of the Soho Business Alliance. I know the area well and have a strong personal relationship with Soho. I was formally the Managing Director of XXXXXX, the investment and development subsidiary, XXXXXXXXXXXXXXXXXXXX for 9 years between XXXX and XXXX. On a more personal basis, I am a regular visitor to Soho and a passionate supporter of its unique and diverse hospitality offer in terms of bars, restaurants and music venues. It is desperately sad to see it struggle during the Covid crisis and many businesses will not survive. It is urgently in need of support.

Specifically, I support the following representations made by the SBA as follows:

1. There is no proposal to introduce a Covid-19 specific policy to help businesses survive during the pandemic and subsequent recovery period. We are emphasising the critical importance of implementing a Covid-19 specific policy in January. Failure to do so would seriously compromise many of Soho's prized businesses.
2. A new exception to the West End cumulative impact area policy for new pubs, bars and music venues, but only until 9.00 pm. We are supporting the proposal but will suggest a later terminal hour.

3. There is no proposal to introduce new external seating area policies. We are suggesting new policies allowing increased flexibility for larger seating areas and later hours to promote consistency with the alfresco dining schemes. We will emphasise the increased importance of external areas in light of the pandemic.
4. A new proposal for an “inclusivity policy” recognising Westminster’s duties under the Equality Act and possibly supporting venues that attract customers with protected characteristics, for example LGBTQ+ venues. We will be supporting this policy proposal.

I would ask that you take into consideration my views when deciding on and implementing the final policy.

Kind regards.

XXXXXXXXXXXXXXXXXXXX

R88 – 12/11/2020

Dear Westminster Council

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

I live and work in Westminster. I also enjoy Westminster’s many great restaurants, bars and nightclubs.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXX

R89 – 12/11/2020

Dear Westminster Council

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

I operate a security business (MITMARK) contracted to a number of clients based in the Soho area. Changes to the licensing policy would impact our business as well as many other security businesses operating in the area.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

I am grateful to Westminster for implementing the summer *al fresco* scheme, which will hopefully continue through the winter. It provided many Soho businesses with a lifeline. The summer scheme served to demonstrate that well managed external seating can provide a safe environment for customers in an attractive

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

R90 – 12/11/2020

Dear Westminster Council

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

I own a business that advises on retail, restaurant and licenced property in Soho trading as XXXXXXXXXXXX at the above address.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R91 – 12/11/2020

Dear Westminster Council

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

I am a practicing lawyer who works in the West End and works on a number of properties in Soho which therefore plays an important part on my working and non-working life.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXX

R92 – 12/11/2020

Dear Westminster Council

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

I am a regular customer and a former resident.

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

1. Covid-19 Policy

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

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

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

4. Inclusivity policy

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXXXX

R93 – 12/11/2020

Dear Westminster Council

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

I am a former resident, former office worker and regular visitor of soho.

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

1. Covid-19 Policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R94 – 13/11/2020

Dear Westminster Council

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

I work locally in the area and spend a lot of my personal time in Soho.

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

1. Covid-19 Policy

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

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

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4. Inclusivity policy

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

5. General Observation

I have become increasingly concerned about the effect of the West End cumulative impact area policy over the last 10 years. Soho has lost much of its positive 'buzz' and energy, which has historically contributed to Soho's

status as an iconic destination and cultural hub for visitors locally and worldwide. A prolonged tightening of policies and restrictive licensing decisions puts Soho's night-time economy and world class reputation in serious jeopardy.

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R95 – 13/11/2020

Dear Westminster Council

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

I work in Westminster, based at xxxxxxxxxxxxxxxxxx & undertaking significant work in Soho for a number of property owners and have done so for circa 30 years.

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

R96 – 13/11/2020

Dear Westminster Council

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

I operate a business which carries out works in Soho.

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

1. Covid-19 Policy

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

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

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXXXXXXXX

R97 – 14/11/2020

Dear Westminster Council

Thank you for the opportunity to respond to your consultation.

I have worked in Soho for the last 5 years

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

1. 9.00 pm Bar Exception

I think the support of bars and restaurants in Soho is critical in the coming months as this is what Soho is famed for and when it feels most alive .A 9pm cut off is very tough and would put people off from travelling into the area for an evening as they would have very limited time to enjoy the venues before they have to depart again .I think 11pm is a fairer point in the evening for punters and establishments .

2. External Seating

I think the outdoor seating that was implemented over the summer months really brought a great atmosphere to Soho inspite of the circumstances, the area really suits the buzz and energy of alfresco dining and drinking .I would very much like to see this scheme extended and the possibility of heaters, lights etc to "winter proof " this experience .

3. Inclusivity policy

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

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

Vital to protect and support the LGBTQ heart of Soho

Kind regards

XXXXXXXXXXXXXX

R98 – 14/11/2020

Dear Westminster Council,

Thanks for the opportunity to respond to your licensing policy consultation.

I am a former manager of a small restaurant in soho, I now work for the same company in a different part of London but regularly visit soho to socialise, (or did before C19 hit).

Firstly, I think there needs to be a specific Covid 19 recovery policy to help struggling businesses post pandemic so they don't have to close. I support the new bars proposal, but a later terminal hour, the 9pm bar rule due to Covid must end as soon as the government allows, it would not be viable to open a new bar that closes at 9pm, soho has always been a late night destination, we mustn't change this. I have seen more restrictions over the years due to the cumulative impact policy and I worry that is sucking the life out of soho. It's always been a late night, crowded, exciting place and it is at risk of becoming too safe and samey. After the pandemic we need less restrictions not more to make sure the original, quirky, fun bars, restaurants and pubs that it is world famous for can thrive.

I would definitely support more external seating and pedestrian areas, closing areas to traffic during certain times. I would also be in favour of wider pavements where possible. Encouraging more cycling and public transport use alongside this would be key. For me, this will encourage people back to the area and provide a safe welcoming environment, it will help soho regain its buzz.

I 100% support the inclusivity policy. The LGBTQ community is at the heart of soho, it's in its history and DNA. These communities must be protected and I am pleased to see Westminster's recognition that they have an obligation under the Equality Act to protect the venues that have been a safe haven for them.

Thanks for considering my response,

XXXXXXXXXXXXXXXXXXXXXX

R99 – 15/11/2020

Dear Westminster Council

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

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

1. Covid-19 Policy

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

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

2. 9.00 pm Bar Exception

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

3. External Seating

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

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

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

4. Inclusivity policy

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

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

5. General Observation

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

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

Thank you for your consideration of my policy response.

Kind regards

XXXXXXXXXXXXXX

Councillor Responses

R100 – 15/11/2020 (Cllr Maggie Carman)

I agree with SEBRA's response to this consultation.

Thanks

Maggie

R101 – 15/11/2020 (Cllr Pancho Lewis)

Dear Sir/Madam,

I would like to make two points.

First, the decision to develop a new Special Consideration Zone and apply it to the Berkeley St, Berkeley Sq, and Dover St area is a step in the right direction. Residents in the area have experienced significant disorder and nuisance in recent years. If this new policy leads to a decrease in disruption it will be very much welcomed by the community. However, the proof is in the pudding as they say; whether it will have enough teeth to lead to the change we need to see remains to be seen. It may be that we need stronger enforcement. Given the issues the community have experienced, I would have liked to have seen a Cumulative Impact Zone considered more closely. The Council should impose one if the SCP does not lead to the results we need to see.

Second, I note that there are issues with the way the West End Cumulative Impact Policy is operating. It has since being 2016 failed to prevent further cumulative impact. In 2016 there were 1,002 licensed premises. It appears there are either now 1304 licensed premises (SLP, Paragraph 1.2, referring to licensed premises in the WECIA) or 1169 (CIA, p. 15). Both represent increases which means the Cumulative Impact Zone has failed its objective (to restrict licensable activities to reduce cumulative impact). There need to be more robust policies both with regards to wording but also in implementation in licensing committees when councillors make decisions. I understand the Soho Society is submitting its own set of views and I would urge the Cabinet Member and officers to consider these closely.

Best wishes,

Pancho Lewis

West End Ward Councillor

Shadow Cabinet Member for Environment

R102 – 15/11/2020 (Cllr Andrew Smith)

I would like to respond to consultations on proposals for the revision of Westminster City Council's Statement of Licensing Policy and the intention to publish its Cumulative Impact Assessment in my role as a ward councillor for the Lancaster Gate Ward

I endorse the general changes to licensing policy that are proposed.

On the specific local impact on Lancaster Gate, I am aware that there is concern from local residents and amenity societies about the impact of the removal of the cumulative impact zone for Queensway. I hope that some of the concerns raised by SEBRA and others can be addressed in response to the consultation.

I welcome the introduction of the New Special Consideration Zones Policy which is aimed at mitigating some of the concerns about the removal of the cumulative impact zone for Queensway and other areas. As the proposals highlight, these areas do still have significantly elevated levels of incident rates compared to the rest of the City.

In implementing this policy I hope that officers and licensing committee members are rigorous in ensuring that applicants will have to provide greater mitigation and controls than would normally be expected from a premises in other parts of the City and that extra scrutiny of applications for licensing applications in the area is exacting. Ensuring scrutiny and ensuring that mitigation is effective will be important to prevent problems associated with licensed premises increasing.

Best wishes

Andrew Smith
Lancaster Gate

R103 – 15/11/2020 (Cllr Susie Burbridge)

To those it may concern regarding the WCC Licensing Policy.

I Have read Sebra's response to the consultation and I must say there is little I can disagree with. Sebra have made the case very clearly and succinctly and therefore I want it to be noted that I as a local councillor I totally support Sebra's the comments below and feel it unnecessary to repeat comments already made.

I must stress my deep regret for not continuing to include Queensway/Bayswater in the CIA/stress area - it beggars belief that presently having in place a CPZ due to ASB/drug crime /begging etc. etc. there is a suggestion we do not meet the criteria. I disagree and suggest enough evidence could be produced to keep this area within the CIA.

A huge thank you to Sebra for once again taking the time and effort to respond and always bearing in mind the safety and wellbeing of our neighbourhood.

Sincerely Susie Burbridge
Member for Lancaster Gate

Other Responses

R104 – 16/11/2020 (Night Czar – Greater London Authority)

The Mayor is committed to ensuring London is a safe, welcoming and accessible 24-hour city that balances the needs of residents, workers and visitors. The night time offer of a world city should be extensive, diverse and inclusive; London's night time economy generates over £40bn and supports over 1.6 million jobs. Westminster has a long history as one of London's most iconic areas of night time activity, particularly in the West End.

Covid-19 has had a devastating impact on the hospitality, culture and leisure sectors, particularly in Westminster. Q2 GDP data showed a decline of around 20% for the UK economy. For the hospitality sector it was 85%. These sectors were growing faster than the economy as a whole before the pandemic. They are drivers of regeneration on London's high streets, they are one of the biggest employers in the capital and they have made central London's night time economy one of the best in the world. However, they will require considerable support to survive the coming months and begin to flourish again. Together, we must pull every lever at our disposal to provide this support.

Local authority licensing policies will play a pivotal role in the recovery of London's hospitality, culture and leisure businesses, their supply chains and the workers they support. I urge every London local authority to use their licensing policies to support the recovery of these businesses. Over time, many licensing policies and premises licenses have become lengthy and complex. Every additional policy, procedure and licence condition has a real cost for businesses. I would encourage a concerted effort to simplify and streamline licensing policies and premises licenses wherever possible.

I welcome the council's support for licensed businesses during the pandemic, such as working with businesses to arrange large-scale al-fresco dining. This was a lifeline for many businesses after a prolonged period of closure. The scheme has successfully balanced the needs of businesses and local people and I hope it will be continued, to aid the economic recovery of central London throughout 2021 and beyond.

The Mayor appointed me as Night Czar to make London a sustainable 24 hour city. Since the publication of Westminster's last Statement of Licensing Policy, the Mayor has published his Vision for London as a 24-Hour City. It sets out 10 principles for the development of London at night which I would encourage all London local authorities to reflect in their statements of licensing policy. I would also encourage all local authorities to make use of the London At Night Evidence Base for a 24 Hour City and the Think Night Report by the London Night Time Commission. The links to these documents are below:

www.london.gov.uk/24hourvision

www.london.gov.uk/sites/default/files/london_at_night_-_executive_report_-_final.pdf

www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/think-night

I would like to thank Westminster's Night Time Borough Champions for their continuing commitment to my Night Time Borough Champions Network. It is an invaluable forum for local authorities and global leaders in night time policy to exchange ideas and create new ways of working.

Comments on Westminster's proposed Licensing Policy

- Westminster's plan to largely retain the previous licensing policy will hopefully bring some certainty to businesses. However, I would encourage Westminster to keep the licensing policy under frequent review,

as the real impact of the pandemic becomes clear over the coming months. This may require adjusting the policy support the recovery of local high streets as well as the West End.

- • I welcome Westminster's commitment to inclusion and diversity in its evening and night time economy, particularly in relation to the training of customer facing staff and the design and layout of spaces
- • I encourage Westminster to refer to 'London At Night – An Evidence Base for a 24 Hour City'. Key findings from that report are relevant as evidence for this licensing policy review.
- • The revised policy does not acknowledge the scale of the night time workforce and their needs. There is a reference to the evening economy allowing people to "wind down after work". However, 1.6 million people (one-third of London's employees) usually work between 6pm and 6am. These workers need to be able to access goods and services outside their normal working hours, including being able to eat, drink or socialise before or after their working day. Westminster is uniquely placed to cater for the needs of this workforce.
- • I urge caution in assuming that the economy costs more to police and manage at night than it does in the day. It is important to look closely at the data and to put it into context. For example, to understand crime and ambulance data, it must be reported as a percentage of the population in an area at the time. 20 ambulance callouts may be high for a place with few people in it, but comparatively low for a busy location.
- • The Summary of Cumulative Impact Assessment (CIA) findings refers to 'rates of incidents' but doesn't describe what is classed as an incident. This data is key to understanding how the decision to recommend the removal or retention of a Cumulative Impact Zone has been arrived at.
- • The CIA findings describe rates of incidents as "9 times above the borough average". However, it doesn't state the population of that area compared to the borough average. If the population is ten times the borough average, that would indicate that incidents per head of the population are lower than the borough average.
- • Assumptions are often made that crime at night is a direct result of night time businesses. This assumption is less frequently made for daytime businesses. And yet peaks in crime happen at all times of the day in places where people gather in large numbers, for example there is a spike in thefts in the afternoon driven by daytime economic activity, and this too creates a cost to policing.
- • It should also be noted that alcohol related crime fell 51% between 2010 and 2017 and only 4.3% of all crimes at night are 'alcohol related'. In terms of the call on the NHS, you are more likely to go to hospital with a sports injury at night than an alcohol related injury.
- • The narrative of the licensing policy is currently heavily focused on crime and antisocial behaviour being linked to the hospitality sector. I would encourage a more balanced narrative that recognises that crime happens around the clock and that the hospitality sector makes a huge contribution to Londoners' wellbeing, as well as a major contribution to London's economy.
- • As you note, the Cumulative Impact Assessment uses pre-COVID-19 data. This does not reflect the situation that licensed premises are now in, or the issues they are likely to face over the coming two years. Covid-19 will have a long and lasting impact on licensed premises. It has increased their debt levels considerably and many are in the most precarious of positions. It is unclear when consumer demand will recover and what lasting changes COVID-19 will have on the trade. For example, we may see changing business models, increased demand for outdoor eating and drinking, or the need for longer opening hours.

Local authorities will need flexibility in their licensing policies to support and accommodate these changes in a safe and sustainable way.

- • The policy presumes refusal of licenses to pubs, bars, music, dancing and entertainment venues that wish to open after 9pm in the West End CIZ. I encourage Westminster to reconsider this policy, given the devastating impact of the pandemic on hospitality, culture and leisure businesses. There is likely to be a loss of such businesses in the CIZ. To support economic recovery, I would like to suggest a more nurturing approach to new licence applications and variations within the CIZ. This may be achieved through a temporary removal of the CIZ, or replacement of the CIZ with a Special Consideration Zone. This supportive approach will need to be clearly and quickly communicated to businesses and the licensing profession, to build confidence and encourage new applications.
- • I welcome the decision to remove the CIZs for Edgware Road and Queensway / Bayswater. This will encourage businesses to innovate and hopefully see a return of strong trading following the pandemic.
- • I am concerned that the introduction of extensive Special Consideration Zones (SCZs) will act as a barrier to licence applications in those areas. There is likely to be a reduction in the number of licensed premises over the coming months and a reduction in the busyness of those areas for some time to come. Applications for new and varied licensed in SCZs will have a higher bar for approval and businesses may need to accept increased conditions. The hospitality sector may struggle to be viable within these restrictions given the financial damage that it has suffered as a result of the pandemic.
- • I am very concerned at that the new Core Hours Policy requiring new licensed premises in the West End CIZ to stop serving alcohol by 9pm. Late night venues have been the hardest hit by the pandemic. The 10pm curfew has brought many of these venues to the edge of bankruptcy. London could lose many nightclubs and late night venues as a result of the pandemic, not least its much loved LGBTQ+ venues. 40% of LGBTQ+ venues' trading hours on a Friday and Saturday are after 10pm. London has lost 62% of LGBTQ+ venues since 2007. They are the heart of London's open, welcoming and inclusive culture. This policy could have a severe impact on the number of LGBTQ+ and other important venues in Westminster.
- • COVID-19 has also shown that we need to take a fresh view of operating ours. Spreading large volumes of customers out over a longer period is far preferable to packing people in over a shorter timescale. Extending the hours of a range of licensed premises, including restaurants, cultural venues, and pubs, helps to stop crowding and associated opportunistic crime, reduce noise problems and reduce the risk of the coronavirus spreading. Businesses will be expected to be prepared for future pandemics such as flu and SARS and the ability to space customers out – physically, and over time, will be key to increasing the resilience. Staggered closing times and the slow arrival and dispersal of customers over time, can aid the licensing objectives and help stop the spread of infection.
- • Westminster is at the heart of London's late night offer and the West End is known around the world for its history and heritage of ground-breaking late night cultural activity. But London risks falling behind other global cities by not supporting innovation and evolving its late night offer. The proposed Core Hours policy limits new licenses to 11:30pm in the week and midnight at weekends. I am concerned that this policy does not help London to realise its potential as a thriving, sustainable, 24 hour city. This policy discourages competition by limiting late licenses to those premises that already have them; the unwanted effect being a 'baking-in' of problems and stifling of innovation.

- I would encourage greater use of 24 hour licences as a way for good operators to reduce unhealthy overcrowding and noise and support a phased dispersal of customers throughout the night. This goes hand in hand with a strategic approach to diversifying the night time offer. For example, increasing the number of late night restaurants in order to reduce the crowding effect and potential for ASB at a small number of late night food outlets.
- Please could you confirm that the definition of 'cultural venues' in the Core Hours policy includes live music venues and LGBTQ+ performance venues.
- Prevention of public nuisance – Policy PN1. This policy contains an extremely long list of considerations. This sets a high and costly barrier to businesses that wish to set up or adapt their operations in Westminster. Given the devastating impact of the pandemic upon hospitality, culture and leisure businesses, I would encourage this policy to be slimmed down.
- Policy PN1 should make it clear that noise, vibration, eating, drinking and smoking are only problematic if they are having a detrimental impact on others. Where people are not living or staying within earshot of the premises, these considerations would not apply.
- Policy PN1 suggests that premise should not cause a disturbance to people 'visiting the vicinity'. This would appear to be an unreasonable expectation as the premises cannot monitor people visiting the vicinity and adjust their operation to suit them. I would encourage this consideration to be removed from the policy.
- Specifically, Consideration C:

Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping

Premises should work with local residents to ensure noise doesn't become a serious problem. However, premises cannot be held solely accountable for mitigating sounds that residents and others find unpleasant. For example, the premises cannot control the type of glazing that a resident or business has, and cannot control whether the resident or business has their window open or closed. Therefore, I would suggest a more nuanced wording of this policy, which encourages premises, residents and others to work together, with the local authority if necessary, to solve noise problems. The cost of these solutions may be borne by either party or shared, should be proportionate to the problem and should be affordable for those concerned.

- Policy PN1 is worded in a way that discourages al-fresco eating and drinking through the large number of considerations that businesses will need to address. The policy also mentions the potential need for planning permission and a highways licence.

- The new Pavement Licence, which will be in operation during the lifespan of the policy, is not mentioned. Given the importance of al-fresco eating and drinking during the COVID-19 pandemic, and how important it will be to the recovery of the economy after the epidemic, I would encourage specific mention of the new Pavement Licence and the excellent work Westminster has done to successfully plan and deliver an al-fresco eating and dining scheme.

Additional considerations for the proposed policy

Set out in the licensing policy how the licensing and planning regimes will work together.

Following the House of Lords review into the Licensing Act 2003, we encourage greater alignment between planning and licensing functions within councils, with consideration of applications taking place by both committees.

Set out how the licensing policy supports the Agent of Change Principle.

The draft London Plan also includes the ‘Agent of Change’ principle, which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. Whilst this is primarily a planning tool, I would encourage Westminster to refer to the Agent of Change principle in its licensing policy as other licensing authorities, such as Islington, have already done.

Develop a Westminster Night Time Strategy.

Through his draft London Plan, the Mayor asks every borough to develop a Night Time Vision for their area to support sustainable growth, particularly within strategic areas of night time activity. Alongside planning and regeneration policies, licensing is an integral part of delivering this Vision. I would therefore ask Westminster to include a commitment in their Licensing Policy to creating a Night Time Vision for the borough. The Mayor will be issuing guidance to support boroughs in creating their strategies soon.

Continue to support outdoor hospitality.

I’m pleased that Westminster has decided not to charge businesses additional costs for use of the public realm after the success of the summer schemes in the borough. Outdoor dining will continue to be important as we move through the pandemic, but also in the future. Support for innovative solutions in this area will make London an attractive visitor destination, will boost the devastated hospitality sector and will increase confidence in London’s ability to cope and respond to any future pandemic.

Promote the Women’s Night Safety Charter.

In July 2018, the Mayor launched the Women’s Night Safety Charter, which includes a seven-point pledge to help ensure women in the capital are safe at night. To support your efforts on diversity and inclusion, I would encourage the council to promote the charter in its licensing policy. Through joint initiatives like this, we can make a real difference to help women feel safer at night.

Support for LGBTQ+ Venues.

London’s LGBTQ+ spaces are a vital resource to the community, offering safe havens where people are free to be who they want to be. After losing 62% of venues in a decade, the Mayor launched his LGBTQ+ Venues Charter to

protect existing infrastructure and encourage the opening of new venues. As Westminster is home to the largest concentration of LGBTQ+ venues in the capital, I would encourage the council to use its licensing policy to support these vital places of cultural infrastructure, particularly in the area that is proposed to remain a CIZ. **Support for grassroots live music venues.** I welcome Westminster's commitment to supporting live music in the borough, and notably the support and unique status given to the iconic 100 Club on Oxford Street. The Mayor's Rescue Plan for Grassroots Music Venues shows that additional licensing conditions placed on venues can put them at risk due to the costs of implementing them. As these venues operate on very tight margins, I would encourage Westminster to continue to support its world-renowned music scene by keeping licensing conditions on venues as simple as possible.

Please do not hesitate to contact me or my team if you have any further questions about the issues raised in this letter.

Yours sincerely

Amy Lamé

Night Czar

R105 – 19/11/2020 (Almacantar)

Re: Response to proposals for the revision of Westminster City Council's Statement of Licensing Policy

Please accept this letter as our response to proposals for the revision of Westminster City Council's Statement of Licensing Policy, reference to which is also set out in the Consultation Response Form. Almacantar is a property investment company specialising in large-scale, complex developments in Central London. Known for its design-led approach, the company focuses on creating long term value through development, repositioning or active asset management.

Since the company was launched in 2010, Almacantar has acquired over 1.5 million sq ft of prime assets in the heart of London including projects; Centre Point, Marble Arch Place, One and Two Southbank Place and Lyons Place.

Marble Arch Place is a mixed-use development that will result in a new landmark building for London, and a striking gateway to the West End once completed in 2021. The development consists of an 18-storey residential tower, with 54 apartments and a 7-storey commercial building providing over 95,000 sq ft of high-quality office space. The scheme is further enhanced by new public realm, 7 retail and leisure units and a dramatic art installation designed by Lee Simmons.

We have split our response in two parts: The first section deals with our response to a number of the specific proposals set out in the policy consultation documents. The second section deals with the impact of Covid-19 on the hospitality sector and how we believe the City Council could assist business recovery in the new Licensing Policy.

Response to Policy Proposals

By way of background, our development site at 5-9 Marble Arch, 2-20 Edgware Road, and 53-59 Bryanston Street, is situated just within the current Edgware Road Cumulative Impact area. The new development replaces JD Wetherspoon high-volume drinking premises at 20 Edgware Road, with far less intense uses, therefore reducing Cumulative impact in the area. These uses, which have been granted provisional statements are:

- Deli/café GF - Unit 2, 5 Marble Arch: 18/03362/LIPST
- Restaurant GF - Unit 3, 6 Marble Arch: 18/03367/LIPST
- Restaurant G & LG - Unit 4, 6 Marble Arch: 18/03368/LIPST

- Deli/Café GF - Unit 1, 5 Marble Arch: 18/03364/LIPST
- Bar G&LG - Unit 1, 6 Marble Arch: 18/03365/LIPST

The Decision Notice of the 21st June 2018 states (emphasis added):

"The Sub-Committee were also satisfied that both the Police and Environmental Health concerns had been addressed and that development would not add to the CIA but would have the effect of promoting the licensing objectives due to the vast improvements to the area that the Applications would bring."

We fully support the removal of the CIA for the Edgware Road area set out at paragraph 1.8 (f) of the consultation document. We welcome and support the findings at paragraph C4:

"The Queensway/Bayswater, Edgware Road and East Covent Garden areas, as shown in the maps below, had been or were part of a Cumulative Impact Zone since the 2003 Act came into force in 2005. However, following a review and the production of the Licensing Authority's 2020 Cumulative Impact Assessment these areas could not be conclusively linked with cumulative impact associated with the number of licensed premises in the area."

We fully agree with conclusion drawn at paragraph 4.16:

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

In addition, we hope that the new policy can acknowledge that for developments such as ours, the removal of a high volume drinking establishment, can contribute to a reduction in Cumulative Impact and result in more general improvements to an area. It should be recognised that considered and responsible development of land by local stakeholders can help facilitate the promotion of the Licensing Objectives.

We also agree with the similar findings provided in the Westminster Evening Night Time Economy Cost Benefit Analysis Full Report published in 2015. At paragraph 27 of Executive summary it states:

"Based on our study of the stress area ENTE economies, their demographics and relative recorded crime levels there seems a case to consider some re-definition of the Stress Area geographies and to treat each location on its very different merits."

Edgware Road and Queensway/Bayswater are completely different in scale to the WESA being much smaller in economic activity and public attraction levels. They provide significantly less evidence of concentrations of criminal behaviour or ENTE economic density. Business densities are much lower and economic impact is relatively much smaller whilst offence levels are also very much smaller than in the WESA. Understandable concerns about neighbourhood disturbance may require different models of management and local communities should engage in defining these differences."

In light of all of the above, we do not believe this area should be subject to any additional policies as suggested at paragraph C14, although, of course, a slightly higher hurdle is preferential to a presumption to refuse.

Based on the foregoing, we ask that the City Council introduces new policies that favour applications submitted within the area of our development and particularly where there has been proactive estate management by landlords who have brought about positive change by thoughtful and considered

development. The cumulative effect of these additional layers of estate management and planning better equip licensed premises to promote the Licensing Objectives.

Covid-19

The Covid-19 pandemic has had catastrophic impact on the licensed hospitality industry. Westminster businesses have been particularly hard hit by the lockdown(s), evaporation of tourist trade and low levels of central London office occupation. To protect Westminster's world class reputation as a cultural capital, these businesses need help.

We note the City Council's reference to Covid-19 in the policy consultation documents. In our view, this does not go nearly far enough. Now is the opportunity to introduce policies to help those businesses survive and recover. This can be achieved by introducing policies that recognise the unprecedented impact Covid-19 has had on licensed businesses. The policy should allow for relaxations on hours and conditions where it can be demonstrated that an applicant's proposals will help the business to recover and promote the Licensing Objectives. Ultimate power to grant would be retained by the Licensing Sub-Committee to consider each case on its own merits. The policy could also be time limited, if required.

A failure to properly recognise and help mitigate the impact of the pandemic within the new Policy could result in yet further hospitality businesses closing. We ask that the City Council seizes the opportunity to help existing Westminster businesses survive and even encourage new operators to open where others have closed.

We look forward to the results of this consultation and receipt of the new Licensing Policy.

Yours faithfully,

Almacantar (Marble Arch) S.a.r.l