

7 May 2004

Toby Cuthbertson
Head of City Development
Development Planning Services
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Dear Mr Cuthbertson

Draft of Supplementary Planning Guidance booklet “Guidelines for the Placing of Tables and Chairs on the Highway”

The Westminster Licensees Association (WLA) welcomes the opportunity to submit comments on the above document. As the trade body representing the interests of pub, bar, restaurant and club operators within the Borough, many of our members’ outlets will already have licences for tables and chairs outside their premises. As has been noted in the draft Guidance, the popularity of alfresco dining amongst customers has soared over recent years, and many of our members would wish to apply for tables and chairs to accommodate this demand. Our members are therefore directly affected by the proposals.

Whilst we welcome the clarification of policy, and indeed the expansion of useful information for applicants, we are concerned that the policy as drafted may be unduly restrictive in a number of areas. These are highlighted below. As a general comment, we note the Council’s decision to press ahead with this publication despite the fact that neither the Council’s Unitary Development Plan nor the Government’s revision of the Use Classes Order have been finalised. We believe that this is premature.

Overview

Westminster Licensees Association (WLA) was established in March 2001 to provide an authoritative and collective voice for licensed businesses in Westminster. It is the only trade body dedicated to representing the specific views of Westminster-based businesses in local partnership and forum discussions. It sits on the Westminster Entertainment Forum, has regular quarterly meetings with Council officers and is represented in discussions with local magistrates, the police and other key stakeholders. We also work closely with other trade and business bodies, both national and local.

The WLA is made up entirely of local business people – predominantly bar, club and restaurant owners based in the West End – and in particular those not well represented by other national trade bodies. The WLA currently represents over a third of licensed premises within the Borough. Our members include national chains such as Mitchells & Butler, S&N Retail, established London operators such as Urbium and Regent Inns and a number of individual independent small businesses operating under their own fascia.

We welcome the Council's recognition in the document of the beneficial role tables and chairs can play in making the street environment more attractive, more welcoming and safer. Our members are nevertheless key stakeholders in their local environments and, as responsible operators, are well aware that the impact of tables and chairs needs to be carefully managed. We support the principle behind the Council's approach – namely the application of location controls coupled with criteria to ensure a high quality offering.

We do not believe it would certainly not be appropriate for all outlets in all locations to have tables and chairs outside their premises. Certain locations within the Borough are particularly sensitive – notably Covent Garden - and we welcome the Council's decision to address these specific concerns through dedicated area action plans and smaller discussion groups. A number of our members are involved in this and we explicitly endorse and support their work, in particular representations on this subject made by The Rock Garden and Covent Garden Restaurateurs Association.

Scope and Application

Street trading licences and permission for tables and chairs are temporary permissions and only granted for a very limited period. They are therefore subject to constant review which puts and administrative strain and cost on businesses, not to mention the Council. The WLA accepts the need to grant these permissions on a temporary basis to enable the impact of the activity to be monitored, but we believe that an annual licence and permission would be equally effective and reduce bureaucratic burdens, particularly when coupled with the provisions of the new Licensing Act and the increased powers to take action against outlets causing a nuisance.

As noted above, many of our members will already have permissions and licences for tables and chairs and in some cases these may not meet the precise criteria laid down in the new policy – for example the street may be narrower or they may already have residential use in the upper floors. We do not believe that the new policy should apply to renewals of existing permissions.

Location

The Council is proposing a clear zone of at least 1.8 metres of footway width in all locations. We believe that this should not be an absolute requirement and that there must be provision for a case by case assessment. As noted above, some existing tables and chairs will be in locations which do not meet this requirement and this should not be used against them in renewals.

The Right Type of Furniture

We fully endorse the Council's statement that there is a need to ensure that any development is suitable for its locality. The additional information for applicants will undoubtedly helpful, but we are concerned that these criteria should not become absolute requirements.

Reducing Crime

We are extremely concerned at the negative tone of the introduction to this section and the bald statement that “busy streets with tables and chairs can attract criminals”. This is at odds with the final paragraph of this section which notes the potentially beneficial effect tables and chairs may have on public order and nuisance. The WLA disputes the claim that tables and chairs automatically contribute to crime.

There is much research to show that a move towards a European style café culture will be instrumental in helping to minimise the public order concerns about licensing. Well managed al fresco dining – particularly full service restaurants serving high quality food – fosters a more friendly, relaxed ambience and can help to discourage anti-social behaviour. Covent Garden is a particularly good example of this. **We would draw the Council’s attention to the report produced by the Covent Garden Restaurateur’s Association in this subject in September 2001 and the reports from the Leicester Square Association which demonstrate the beneficial effect al fresco dining may have on street crime**

Police reports following the introduction of a more pragmatic and relaxed approach to tables and chairs in Leicester Square endorse this. In October 2003, the Metropolitan Police and Leicester Square Association recorded a reduction in street crime of 46%, in burglary of 50% and in all crime of 29% compared to the previous year. Moreover, this decline is sequential, since the previous year had seen a reduction of 70% in street crime, a 48% reduction in burglary and a 51% reduction in all crime. These findings entirely dispute the suggestion in the draft Guidance that tables and chairs attract crime and criminals.

In support of a recent application for tables and chairs, the local police made the following comments in support of positive contribution properly regulated tables and chairs can make to crime and public order.

“I support the notion of having tables and chairs properly supervised and regulated by WCC.....Removal would also lead to some element of increased vagrancy.....I would anticipate that many areas vacated by tables and chairs would be quickly filled with homeless and other itinerants.....Crime within the alfresco dining facilities is low due to the very strict access controls to such areas and opportunities for thieves to wander in from the street and steal from customers is very much reduced.....”

The picture below was taken recently in Covent Garden at a site where previously there had been a restaurant with al fresco dining. If this were a managed space, then this level of vagrancy, street drinking and potential nuisance would not be allowed to occur.



The above comments suggest that the Council would be right to experiment with extending or introducing tables and chairs areas for dining as an alternative way of dispersing and discouraging undesirable elements. We accept and support the statement that this would be conditional on appropriate licence conditions and design criteria to ensure a quality operation linked to the serving of full meals.

We are concerned, and a little confused, at the inclusion of references to standing drinkers in a policy relating to the licensing of tables and chairs. We are particularly concerned that this section is premised on the basis that all forms of drinking outside premises are inherently problematic.

Drinking outside is something which is extremely popular in the summer - in the case of many traditional pubs, drinking often spills out onto the street - and which adds to the atmosphere of many parts of central London without causing any problems. The Council has recently introduced a new ban on street drinking to tackle problem drinking. We therefore believe this section of the policy is unnecessary and should be removed.

How we will deal with your application

The policy states that the Council will not normally grant planning permission where the upper floors of the application premises are in residential use. We are unclear what this definition would apply to and believes it require further clarification. Would this apply if the upper floors were used for staff use? Would this apply only to the floors directly above the application premises or adjacent properties? Would the prohibition apply if there was only one resident?

We should be happy to provide additional information or comment on any matter.

Yours sincerely

Kate Nicholls
Secretary WLA