

**WESTMINSTER LICENSING POLICY
SUMMARY OF WLA RESPONSE**

- Independent pubs, bars, restaurants and nightclubs are at the heart of Westminster's vibrant and dynamic evening and night time economy. They make a very positive contribution to the local economy, they provide social and community spaces and facilities for residents, local businesses and visitors alike. They are a major part of the West End's appeal for overseas visitors and underpin other industries such as retail and tourism. If they are to continue to contribute to the economic, social and cultural life of the Borough, they need a supportive regulatory framework and that includes the licensing process. Westminster's draft policy fails to provide this.
- The tone of the document is unremittingly negative when referring to licensed retail outlets; the only exception being references to a very tightly defined group of restaurants. There is no attempt at presenting a balanced picture and, as a consequence, the policy as a whole fails to provide the encouragement, support and promotion of the interests of operators it claims to seek. More specifically, it fails to achieve the balance of interests the Council claims it is seeking to promote.
- The policy requirements are unduly prescriptive and onerous, seeking to specify much of what will be required from operator. This far exceeds what was envisaged by the Act and goes beyond what is best practice in terms of Guidance. In particular, we are concerned about the proposed draft Operating Plan and accompanying extensive checklists, the draft policy on hours, the use of blanket conditions and the special saturation policy

Policies to meet the licensing objectives

- One of the fundamental aims of the Licensing Act was to simplify the existing legislation and provide an opportunity for individual businesses to handle their own licensing applications. Westminster's policy is so complicated that no businessman would be able to approach it without professional assistance – it is, in short, a lawyer's charter and as such will be costly to implement and apply.
- The proposed Operating Schedule is far too prescriptive and require too much detail to be provided by applicants. The list is best described as onerous and bureaucratic rather than comprehensive and will daunt many potential applicants. The detailed criteria read as absolute requirements which must be met rather than guidance to applicants. Furthermore, it strays into many commercial matters which are not strictly necessary to secure the licensing objective.
- Application forms, operating schedules and supporting documentation will be set by national regulation and Westminster should not seek to go beyond these requirements. We question whether the Metropolitan Police checklist, the requirement for an environmental impact assessment, a crime and violence audit or written risk assessments may be insisted upon. This would impose a disproportionate burden on many smaller, independent operators, increasing the cost of applying for a licence.
- Contrary to Guidance, much of what is listed by the Council under references to public safety and nuisance duplicates existing statutory regimes. We are pressing the Council to revise the existing Rules of Management and not translate those over as standard conditions on conversion.

Hours

- We are strongly opposed in principle to the concept of core hours. In practice, we see little that differentiates the policy described from the existing terminal hours approach. The proposed core hours are unrealistic.
- We believe fixed and artificially early closing times encourage customers to drink to time and result in a door rush. This leads to a greater degree of noise and nuisance immediately outside the outlet as well as friction at public transport point, late night cafés and other outlets with later opening hours. It is our contention that Westminster's proposed policy will actually exacerbate these problems.
- The policy is not clear whether the core hours relate to times during which licensable activities may take place or opening hours and appear to fundamentally misunderstand the Act which abolishes drinking up time.

Stress Areas

- The concept of stress areas has been extensively debated in the context of Westminster's Planning Policy. The WLA remains wholeheartedly opposed to the policy and believes it is too broad brush and blunt. In view of the fact that the modified UDP will shortly be adopted, we see no reason for including a further stress area approach in licensing policy.
- We do not believe that WCC has provided sufficient evidence to justify its approach. The only evidence provided is that presented at the UDP inquiry, which the planning inspector found to be inadequate. Moreover, the bulk of the evidence relates solely to the West End not Edgware Road or Bayswater.

Outlet Policies

- Whilst the Licensing Act replaces 6 licensing regimes with one unified approach for all outlets, WCC is seeking to maintain different policies for different types of outlets. This is based on its erroneous assumption that restaurants automatically make a positive contribution and bars are automatically negative in their impact. It is a moot point whether the customers of restaurants and the type of outlet the policy appears to except may not equally cause the same problems of cumulative impact. The key is whether an outlet is well run and managed, not what its generic type is.
- The definitions used are outdated and too tightly drawn to be meaningful. For example, the definition of a restaurant allows customers to drink at the bar before a meal but an outlet would fall outside the more flexible provisions if it allowed the same customers to drink at a bar after a meal. Similarly pubs and bars should be primarily used for the sale of alcohol. The policy does not adequately reflect the hybrid nature of the market.

Conclusion

- We believe that, as drafted, the policy will result in a stagnant market, with no incentive for existing operators to improve standards, quality of operation or diversification of offering. It will deter investment and instead place a disproportionate premium on existing licensed premises. In short, it will distort the entertainment market within the West End to the detriment of operators, customers, residents and visitors alike.