

**WESTMINSTER STATEMENT OF LICENSING POLICY  
PROPOSED REVISIONS**

- All Licensing Authorities are required to have in place a local licensing policy, adopted following consultation with regulatory bodies, licensees and local residents. The policy must be revised every 3 years and Westminster is required to adopt a revised policy by early next year.
- Westminster published proposed changes to the existing licensing policy on 20 August and comments are invited by 21 September. This paper summarises the proposed changes and WLA's position on them.
- Westminster has taken the opportunity of the 3-yearly review to hammer home its view that its policy is working well. It cites the fact that no-one has challenged the policy's legality and the limited number of successful appeals in support of that. It therefore resists the need for fundamental revision or relaxation of existing controls.
- The policy of core hours and stress areas will be retained. However, the Council will keep the question of boundaries of the existing stress areas under review and may yet designate additional areas.

***Review of operation of the existing policy***

- The City Survey revealed that residents were overwhelmingly more often satisfied than dissatisfied about licensing issues. These are useful stats for the industry to quote back in discussions with the Council. Residents were asked about their satisfaction with licensing of premises, licensing hours and problems of drunk or rowdy people.
- Within the Stress Areas, 46% of residents were satisfied with the licensing of premises and 51% were satisfied with licensing hours, and only 10% were dissatisfied. The level of dissatisfaction falls to 8% in W1, W2, WC2 and SW1 and in the rest of Westminster it drops to 5%. In the rest of Westminster, however, the level of satisfaction also falls to 35% for premises and 39% for hours, suggesting that licensing is not as much of an issue outside the main entertainment districts.
- Interestingly, the survey also asked whether drunk or rowdy people were a problem. Whilst a small proportion of residents still feel it is a problem, the overwhelming majority said it was not. 38% of residents in the stress area said it wasn't a big problem and 77% said it was either not a problem at all or not a big problem – in fact fewer than 20 residents in the Stress Area said it was a problem. 79% said either not a problem at all or not a big problem in W1, W2, WC2, SW1 and 70% said it was either not a big problem or nor problem at all in the rest of Westminster.
- In addition, police reports suggest that late night violent crime in the borough has fallen by 11% since 2004/5..
- There have been 13 reviews of licences – 6 of these were at the request of the police, 5 at the request of Environmental Health, and 3 brought by residents, 1 of which related to supermarket hours.

### *Stress Areas*

- Westminster's overall strategy for 2006-2010 suggested that the council might adopt a special saturation policy to reduce the concentration of licensed premises in current or emerging areas of saturation. This would be in addition to the existing measures it has in place under the planning regime.
- An explicit policy to reduce concentration is not envisaged, however the review does suggest that the contribution to cumulative impact of premises having a negative impact on the licensing objectives may be reduced if applications for review of the licence are made.
- It proposes that cumulative impact should be taken into account when complaints are raised in respect of premises within the stress area. This suggests that the Council will be actively encouraging reviews in the stress area and will specifically take cumulative impact into account in determining a review. This would appear to be counter to central Government Guidance.
- In addition, the strategy suggested the review of the licensing policy consider whether the boundaries of the existing stress areas should be adjusted or new areas designated. There have been representations from residents to extend the West End Stress Area boundary.
- In considering the representations, the Council has looked at areas of concentration of late night licensed premises – Villiers Street, Duke Street/James Street/St Christopher's Place, Shepherd's Market area, Dover St/Albermarle St, area around Victoria Station – and evidence of crime and disorder in those areas.
- Whilst it acknowledges that there are areas which have a density of licensed premises, it concludes that the Stress Areas successfully encapsulate the real areas of cumulative impact and do not need to be extended. Levels of crime outside the Stress Area are generally attributable to individual premises and should be addressed by targeted enforcement.

### *Premises specific policies*

- The Council is proposing amending a number of policies in respect of certain types of outlet. These new policies will only apply to new applications or applications to vary, the change in policy will not be applied retrospectively.
- The Council is proposing introducing a new specific policy for **hotels**, allowing them to sell alcohol at any time to people staying overnight and their guests, but restricting sales for non-residents after a certain hour to pre-booked events.
- The Council is proposing to further relax the regime for certain types of **restaurant**, increasing the core hours to 1am Monday to Saturday and Sundays preceding a Bank Holiday and midnight for other Sundays. These hours relate to the time during which the outlet is open - any sale of alcohol after midnight must be made at table as part of a meal.
- The definition of a restaurant has also been amended, to make clear that any bar area must only be open to those customers waiting to dine. Drinks after the meal must be served at the table, not the bar. The inclusion of a bar open to the public or the inclusion

of facilities for music and dancing by the public will take the outlet outside the definition of a restaurant and subject it to the core hours applied to pubs and bars.

- The reasoning behind this amendment is that genuine restaurants have little association with crime and disorder. A study of crime reports in Westminster has found that for every 10 restaurants there were just over 3 violent incidents a year as compared to 6 incidents for every 10 pubs and 42 incidents for every 10 nightclubs. However, the statistics show a higher number of actual incidents associated with restaurants – 344 – than by pubs – 253. When you look at timing of incidents, there are only 85 incidents associated with pubs between 1am and 6am on a Friday (equivalent to the numbers associated with hotels), but 228 incidents associated with restaurants during the same time period.
- The Council is proposing that **casinos** which stay open for gambling until at least 6am should be allowed to sell alcohol and provide entertainment during the same hours as gambling is provided. It is interesting that the same crime statistics referred to above show 7 violent incidents per 10 casinos – higher than both pubs and restaurants, but the lowest level of violence during the later hours.
- The Council is proposing restricting the numbers of new licences granted for **off-sales** in areas where street drinking or disorder is a problem. This is a move which is likely to be welcomed by the trade, but it runs directly counter to Government Guidance on this subject which states that policies on cumulative impact should not be directed at shops. More likely would be a policy which allows for conditions to be imposed restricting hours, type and quantity of alcohol drink sold. There is an opportunity to press for restrictions on the promotion of low cost alcohol.

#### *Other issues*

- **Children:** the Council is proposing to amend their policy to impose a condition on new licences for pubs, bars and nightclubs only allowing children under 16 to be on the premises after 6pm if they are accompanied by an adult and eating a meal and requiring them to leave the premises by 21.30. This approach mirrors that agreed with some applicants when they converted existing licences with restrictions on under 14s
- This goes beyond the provisions of the Licensing Act which allows accompanied under 16s into premises at any time, with no requirement to have a meal or leave at a particular hour. For premises such as pubs and bars which are exclusively or primarily concerned with the sale of alcohol, there is a statutory ban on unaccompanied under 16s. For other types of premises, the ban only applies between midnight and 5am. Further restrictions should only be applied on a case by case, not blanket, basis. The proposals therefore seem unnecessary.
- **Non-standard hours:** the Council is proposing to clamp down on the non-standard requested in operating schedules. These hours relate to specific and identified events such as bank holidays, saints days etc and not events covered by a TEN. In the past, the Council has often agreed to a set number of later hours on unspecified dates. In the future, it will only agree to non-standard hours for specific days and applications for these must be justified. It goes on to make clear that within the Stress Area, non-standard hours will not generally be granted beyond the core hours and applications relating to Bank Holiday Mondays will not generally be granted.

- **Nudity:** most converted Justices licences and Public Entertainment licences were converted with a 'no nudity' condition. The Council is proposing to impose this as a matter of course on new applications for premises licences which include regulated entertainment and late night refreshment.
- **Smoking:** the policy makes clear that licences with 'no readmission' conditions will need to seek a variation if they intend to allow smokers to be readmitted after leaving the premises for a cigarette. Existing policies on public nuisance will also be revised to include reference to tobacco smells and smoke arising from licensed premises and the need to manage people leaving the premises to smoke.

### *WLA Response*

- The WLA will be responding to the consultation document and will seek to influence the further development of policy in this area. In addition to the Licensing Policy, we will also engage in the ongoing consultation on the Development Plan later this Autumn, which includes detailed policies in relation to the stress areas, low impact entertainment use and the reduction of high impact entertainment use in defined areas
- The key points we will be making are as follows:
  - **The policy is not working well:** the absence of appeals and challenges should not be taken as implying satisfaction with the policy and decisions made under it. Small independent retailers feel disempowered and unable to challenge the Council's position.
  - **Blunt Instrument:** the existing policy is too blunt an instrument to allow for a genuine case by case assessment of applications. It therefore imposes blanket or standard conditions on certain types of premises
  - **the hurdles for exception are too high:** we acknowledge that the Council does allow for exceptions to be made from its restrictive approach but too high to be meaningful
  - **Relaxation:** there is scope to relax the policy more than is currently being proposed – particularly for full-service restaurants which fall outside the scope of the definitions. Core hours should also be eased to allow for a more flexible approach and truly staggered closing times. The crime statistics suggest that the problems envisaged by Westminster have not emerged, the trade has done much to tackle this and therefore deserves recognition and reward. Note that the Council has more increased powers to tackle irresponsible operators
  - **Stress Areas:** welcome decision not to include new areas or expand boundaries – applaud police and council approach to problems outside those areas in respect of tackling specific premises and urge that approach to be adopted more widely within the Stress Areas. Recommend that the Stress Area approach be removed from licensing control and used exclusively in a land use/planning context
  - **Resist increased use of blanket conditions:** although not of material impact the use of blanket policies will be opposed
  - **Restrictions on off-sales:** the policy provides an opportunity to press for greater restrictions on promotions, siting and price of alcohol in supermarkets and off-licences.