**The Leader’s Office**



Briefing note

Subject: Removal of the 10pm Curfew

For: Rt. Hon. Matt Hancock, Secretary of State for Public Health and Social Care

 Rt. Hon. Alok Sharma, Secretary of State for Business, Energy and Industrial Strategy

 Rt. Hon. Robert Jenrick, Secretary of State for Housing, Communities and Local Government

**Introduction**

Following the implementation of the 10pm curfew on 24 September 2020, the Leader of Westminster City Council (WCC) wrote to the Rt Hon. Matt Hancock on 12 October 2020, requesting the removal of the restriction. This letter is included in **appendix B.**

The City Council believes that the 10pm curfew is counterproductive and has come at great cost to Westminster’s local businesses, many of whom have already been hardest hit by the pandemic.

Therefore, the Council, along with local Business Improvement Districts and their members, would strongly favour the removal of the 10pm curfew when England comes out of lockdown on 2 December 2020. Businesses need an adequate chance to recover, and the winter/ Christmas period can provide a good opportunity for them to get back on their feet. Continuing the curfew over this period will only serve to worsen the local and national economy.

This briefing note exemplifies Westminster City Council’s core concerns about the curfew and provides alternative suggestions for measures that would be better suited to controlling the virus whilst still allowing local businesses to operate and recover.

As part of this briefing note, the Council also canvassed local Business Improvement Districts and their members to get insight into how the curfew has affected them,, which have been fed through into our concerns and our recommendations. An anonymised list of businesses and their feedback has been incorporated in **appendix A**.

**Westminster City Council’s Concerns**

The City Council’s primary concerns around the 10pm curfew orientate around:

* Public Protection
* Detriment to Businesses
* Public Transport

This briefing note will expand on these key concerns, citing evidence as to why they are concerns and the effect they have had on resource, COVID-19 mitigation and businesses.

**Public Protection**

The 10pm curfew has had a fundamental, counterproductive impact on public protection by driving huge crowds onto Westminster’s streets at the same time. These crowds are not socially distanced, very dense and cannot be dispersed easily. Following the 10pm curfew, these crowds are driven to do one of two things; 1) go to off licences to purchase alcohol in order to drink on the streets in large crowds; 2) head to key public transport hubs, such as tube stations, which causes congestion.

Prior to the November lockdown, off-licences were drawing in large crowds and Westminster’s City Inspectors and local police have witnessed extensive queues of people seeking to purchase alcohol in order to street drink after 10pm. This has been particularly prevalent in key areas of the West End, such as Leicester Square, Piccadilly Circus and Oxford Street. Local businesses, especially hospitality venues, have cited major concern about not only asking patrons to leave onto these crowded streets at 10pm, but also forcing their staff onto these crowded, and obviously unsafe streets at the end of their shifts.

WCC’s City Inspectors have reported that the peak in activity starts around 10pm and continues until 10.30pm, which suggests clearly that it is the 10pm curfew that is causing the mass crowding. Westminster’s local police have reported that they feel a larger scale police response has been required to maintain public order. Furthermore, Westminster has received an increase in noise complaints from residents as people exit establishments at the same time.

Figure 1 provides WCC’s City Inspector report from the last weekend prior to the November lockdown on the crowding issues:

Figure 1)

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| **Location** | **Observations** | **Action Taken** |
| **Soho** | Street Drinking, 7 to 8 small groups and one large group of c.15 people gathered around the square.3 groups seen inside premises and a few people seen climbing over the gates into Soho square | Advised to refrain from selling alcohol to customers in groups to avoid further loitering in the area.Police to be put on notice to assist with dispersals. |
| **Oxford Circus** | Reports of large crowds gathering after 22:00pm, and observations confirmed a large increase of people walking the streets after 22:00pm | Police Present in area to disperse |
| **Soho** | Request from local Police to support interventions following identifying crowds of people outside drinking. | 2 x Off licence in the area to close the shutters on the sale of drinks for 15 minutes to support crowd dispersal |
| **Soho & Chinatown** | The streets were busy for 30-40 mins after 10pm on both nights with many people heading towards transport hubs or taking shelter under premises awnings while waiting for Ubers.  There were queues outside of the off licence, with some customers proceeding to consume their purchased alcohol in nearby awnings. | Off licence in the area to close the shutters on the sale of drinks for 15 minutes to support crowd dispersal |

WCC’s City Inspectors and Public Protection team have been engaging with local businesses to try and remediate the impact of the 10pm closing. In particular, officers have been encouraging off-licences to temporarily close or stop selling alcohol between 10pm and 10.30pm in order to avoid drawing large crowds of street drinkers. Whilst off licences have been very cooperative, it should not be the responsibility of the Council to have to remedy the effects of the curfew by asking businesses to cease trade for a period of time.

For your awareness, video footage and images of the crowding seen in Westminster can be found in **appendix C** and **D** respectively.

**Impact on businesses**

The implementation of the 10pm curfew has had an indisputable effect on local businesses. Businesses in the West End have already been disproportionately hit by the COVID-19 pandemic. With hundreds of businesses making most of their revenue after 10pm each day, the introduction of the curfew was yet another critical blow to them. Furthermore, with the West End, especially the evening and night-time sector (which contributes 40% of the £66bn of the UK’s night-time economy), contributing so much to the national economy, the curfew will have only served to have an extreme effect on the UK’s own financial situation.

We already know that there have been tens of thousands of redundancies across London, and there is the prospect of closure for hundreds of local independents and national chains. For example, Youngs, who operate 270 pubs in England, have confirmed they made 500 of their 4,200 staff redundant in October. Fuller’s pub group said they would have to make 10% of their staff force redundant and City Pub group 1,000 of their staff redundant. [[1]](#footnote-2)

According to research undertaken nationally, 63% of restaurants and big hospitality operators say they will not survive six months with the 10pm curfew.[[2]](#footnote-3) Drink sales were down 37% in the second week of the curfew being instated compared to the previous year. Weekend trading has been hardest hit, with total drink sales down 47%.[[3]](#footnote-4)

CGA data also shows that the takings at 7,000 chain restaurants, pubs and bars were slightly above levels seen on 21 October 2019 as the UK enjoyed an unseasonably warm weather and venues could operate normal hours. In the wake of the announcement the following day confirming the 10pm curfew, sales went down by 8%, slumping to 37% by 25 September compared to the previous year.

With research showing only 5% of COVID-19 transmission being attributed to the hospitality sector, it proves how unfair this curfew is upon this sector, and how detrimental it has become to businesses and their likelihood of survival.

We canvassed our local Business Improvement Districts and local businesses to provide a sense of how the curfew has affected them and their revenue. A full comprehensive, anonymised list of responses from businesses is included in **appendix A.**

Some key headlines for Westminster are as follows:

* Some businesses have seen revenue drop to only 25% following the implementation of the curfew, when it had already dropped to 50% post-first lockdown;
* A huge number of businesses in the evening and night-time sector make up to 50% revenue post-10pm. The curfew has seriously hit them and their ability to generate revenue;
* Reservations have been cut by around 30-40% in some instances;
* Restaurants have had to change sitting schedules and staff rotas at additional cost whilst income remains the same and very low;
* Almost all businesses canvassed reported a severe drop in sales- one representative of restaurant chains suggested a drop in sales by 90% following the curfew;
* Alcohol sales have significantly dropped in some instances; in other instances, the curfew is actually encouraging an unhealthy attitude to alcohol as people consume as much as possible before the 10pm cut off;
* The curfew has had a psychological effect on visitors and patrons;
* Hotels are feeling the hit, as there is no draw for patrons to stay in the City with the curfew in place
* Patrons do not want to have to enter the huge crowds on Westminster’s streets and the venues do not want to encourage this either;
* The congestion charge has had a significant impact

Another huge concern for the businesses who responded was that they had already spent thousands of pounds ensuring their premises were operating safely within the COVID-19 guidance and operating to the maximum capacity they could within the parameters, still with a huge knock on impact to their sales and revenue. The curfew has only served to worsen their economic recovery and has rendered their efforts to be COVID compliant null if they cannot operate.

With this obvious negative impact reported by our businesses, it is clear that the curfew is already having and will continue to have an extreme effect on both Westminster’s and the national economy. If the curfew is maintained following 2 December, we fear that a large portion of Westminster’s hospitality sector will face collapse due to their businesses being simply unsustainable.

**Public Transport**

There is considerable concern around public transport as a result of the curfew. Whilst Westminster City Council has been pushing for better messaging around using public transport safely, we are gravely concerned that the 10pm curfew undermines this, with huge crowds moving towards key transport hubs at the same time.

There is public health evidence published that cites that poor ventilated areas and crowding will be key factors in transmission of COVID-19[[4]](#footnote-5). This clearly suggests that Underground stations will act as breeding grounds for transmission, worsened by very poor to non-existent social distancing, which we have clearly seen following the 10pm curfew introduction.

Therefore, the evidence that increased frequency of exposure to public spaces including public transport is associated with increased risk of acquiring COVID-19 is a critical reason to end the 10pm curfew.

**Westminster City Council’s Recommendation**

Considering all the arguments posited, it is clear that the 10pm curfew is severely hindering local business, which is already having a detrimental effect on the economy and is simultaneously having an impact on public protection and risks damaging public health.

We recommend that Government seriously consider removing this restriction when England comes out of lockdown on 2 December. The winter and Christmas period is a critical time for all businesses and could provide a life-line for hospitality businesses as they try to recover from the severe economic hit that they have taken this year.

However, WCC and local BIDs and businesses are also suggesting a number of alternate measures to the curfew that may assist businesses to keep operating, but also mitigate crowding.

**Asks and alternate measures**

Westminster City Council would, first and foremost, welcome the complete removal of the 10pm curfew. We know that our pubs, restaurants and other hospitality venues are observing appropriate social distancing measures and have spent unprecedented amounts on ensuring COVID-19 compliant venues. However, we also suggest the following alternative measures:

*End the 10pm curfew*

* This restriction has only damaged businesses further and has increased dangerous crowding
* Removing the curfew will allow businesses to continue to operate fully within the parameters of COVID-19 guidelines and assist them to recover
* This will assist in reducing the crowding that has been seen in key areas of the city and will assist in relieving the amplified resource of both WCC’s City Inspectors and Met Police
* This will also relieve the pressure and crowding of key transport hubs across key areas of the city
* This would support businesses and enable local authorities to manage businesses adherence at a local level

*Make 10pm last orders for some venues (pubs and restaurants)*

* This will allow a more natural end to the evening without people exiting onto the street at the same time. Allow a 30 minute grace period for people to finish their food or drinks
* Alternatively, have a different finish time for those having a restaurant meal rather than those just drinking in a bar or pub
* This would reduce overall numbers leaving the area at the same time, which will also have a public health benefit though mitigating mass congregating both outside and at public transport hubs.

*Stagger closing times*

* Stagger closing times for different kind of venues in order to ease the flow of people on the streets and heading to key transport hubs
* As above, there is a notable health benefit to people dispersing slowly and safely from COVID-19 secure venues
* An example of how this could look:
	+ 10pm last orders for pubs with10.30pm close
	+ 11pm for restaurants and sit down meals
	+ 1am for bars/ clubs

*Take a flexible approach*

* Where food and drink are secondary to the core offer of a business (such as casinos or cinemas), review whether the curfew is applicable.
* Many of these venues generate most of their income post 10pm
* Taking a flexible approach will enable businesses with less “risky” business models to continue to operate and dilute the number of people at pinch points

*Prohibit sale of alcohol after 10pm*

* Allow venues to stay open beyond 10pm but prohibit the sale of alcohol beyond this time
* This will allow a more natural flow of people exiting venues and will prevent restaurants rushing service and people nervous about dining/ drinking out

*Consider the Christmas retail and hospitality package*

* Extend trading hours to allow people to enjoy a winter retail and hospitality package.
* This will allow people to spread out their activities and prevent overcrowding in both shops and on the street
* This will also encourage a return to the UK’s globally renowned shopping districts and encourage visiting hospitality venues in the process
* This would require removal of the 10pm curfew to allow people adequate time to safely shop and drink/dine at venues without the fear of time restrictions, overcrowding and travel home
1. <https://www.ft.com/content/1941942f-c836-4704-a87e-3ddf84f38386> [↑](#footnote-ref-2)
2. Lumina Intelligence’s ‘Hospitality Leader’s Poll’: <https://www.morningadvertiser.co.uk/Article/2020/10/08/How-much-has-consumer-confidence-been-impacted-by-10pm-curfew> [↑](#footnote-ref-3)
3. CGA Drink recovery Tracker: <https://www.cga.co.uk/2020/10/09/curfew-cuts-spirits-sales-in-half/>] [↑](#footnote-ref-4)
4. SAGE: <https://www.gov.uk/government/publications/sars-cov-2-transmission-routes-and-environments-22-october-2020> [↑](#footnote-ref-5)