



City of Westminster

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

1. Introduction

- 1.1 Westminster is at the heart of London's night-time and visitor economy. In March 2020, Westminster had over 3,700 venues licensed under the Licensing Act 2003. Westminster has a diverse hospitality and entertainment sector. We have world-leading theatres that provide theatrical performances attracting visitors from across the globe. Our restaurants provide a diverse offer of food from around the world, ranging from street food to Michelin Star dining experiences. Our bars, pubs and entertainment venues provide an opportunity for people to socialise, wind down after work or party.
- 1.2 Whilst licensed premises within Westminster contribute to the vibrancy of our borough, they do generate a significant burden on local services and our residents. This is not to say that licensed premises are not operated in a responsible way. The main issues of crime and disorder occur due to the accumulation of licensed premises within a confined area. The West End¹, which has a footprint of 1.54km², had 1,304 licensed premises as of March 2020. With so many licensed premises, vast numbers of visitors and the prevalence of alcohol, issues of crime and disorder have been common. Unfortunately, criminality is often attracted to where there are large groups of people. People who are intoxicated can be vulnerable to becoming victims of crime. The Council works in close partnership with the Metropolitan Police Service to tackle crime and disorder within our evening and night-time economy and to provide a safe environment for those who live, work and visit our City.
- 1.3 Our residents and local communities live alongside our licensed premises and this can create challenges in balancing the rights of residents to enjoy their home and family life and for businesses to operate as they wish. Noise is a particular issue associated with licensed premises that operate within the evening and night-time economy. The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Preventing public nuisance is one of the key considerations when determining applications and responding to complaints associated with licensed premises. We continue to work with businesses to promote best practice and, when necessary, implement controls to adequately protect residents from noise nuisance, whilst enabling businesses to operate effectively.
- 1.4 The COVID-19 virus has changed the way we have approached the review of our Licensing Policy. The hospitality and entertainment sectors have been hugely affected by COVID-19 and the measures imposed to limit the spread of the virus. Westminster has been active in supporting businesses to recover from the lock down period and to open. For example, we have supported the use of outside space in areas of the City where it was safe to do so.
- 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. Therefore, our proposed approach to this year's revision is to continue with the current policy approach where possible. We believe that this will provide a stable policy background whilst maintaining the protections for our residents and enabling businesses to operate in a responsible way.
- 1.6 For this revision of our Policy the Licensing Authority has produced a Cumulative Impact Assessment (CIA). This CIA is a legal requirement where the authority believes that cumulative impact has an effect on the promotion of the Licensing Objectives. The CIA provides the evidence base to support the Licensing Authority's Cumulative Impact Policy.
- 1.7 We have reviewed our policy approach in light of the findings from the CIA and the implication of changing our policy approach in light of COVID-19. We have therefore taken a pragmatic approach in considering the CIA findings and our policy approach to it. COVID-19 has changed the way venues are operating at the moment and the number of people utilising them. As such, we have decided that expanding the current Cumulative Impact Area and implementing further restrictions on other premises uses within this area would not be appropriate. Due to the current COVID-19 impact and restrictions on the hospitality sector we do not believe that this approach will be at odds with our duty to promote the licensing objectives.

¹ Area of the West End identified as Zone 1 and 2 within the 2020 Cumulative Impact Zone.

- 1.8 The proposed revisions of the Statement of Licensing Policy are:
- (a) Add a statement on the Licensing Authority's expectation on licensed premises' approach to inclusion in the evening and night-time economy
 - (b) A summary of the 2020 Cumulative Impact Assessment
 - (c) A revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1
 - (d) A revised Protection of Children from Harm Policy (CH1) framework and the addition of 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 revise the policy framework for the Cumulative Impact Policy – CIP1
 - (f) The removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater
 - (g) A revised Core Hours Policy - HRS1 framework based on premises uses rather than licensable activities
 - (h) A new Special Consideration Zone Policy- SCZ1
 - (i) Revised policy framework for premises use policies and 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 along policy for Qualifying Clubs
 - (l) Minor updates and changes across the statement to references to law, guidance or Council policies/strategies.
- 1.9 The Licensing Authority's proposed revisions to the Statement of Licensing Policy and the approach to implementing the findings of the CIA will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protections for our residents.
- 1.10 This document sets out the proposals in further detail and we would welcome views and comments on these proposals. The period when comments and views can be submitted will be open until 15 November 2020. The Licensing Authority will consider all comments and views prior to adopting the final revised document which would take effect from 7 January 2021.

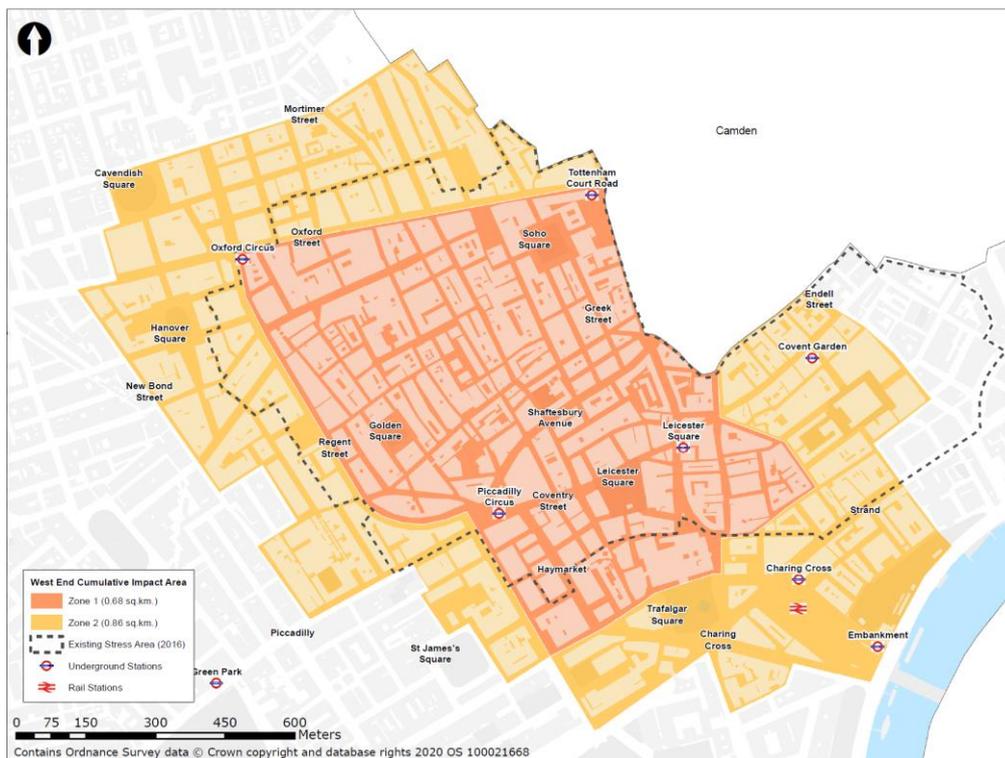
2. Background

- 2.1 Westminster has had a Statement of Licensing Policy (SLP) under the Licensing Act 2003 (the Act) since its introduction in 2005. The Council is required under the Act to review and publish a revised SLP every five years. The current SLP came into effect on 7 January 2016 and the five-year policy period will end on 6 January 2020.
- 2.2 The Act was amended in 2018 to make it a requirement of Licensing Authorities to produce a CIA if they believed that an area of their authority was suffering from cumulative impact. "Cumulative impact" is a term used to describe the stress that a concentrated number of licensed premises in an area can have on the licensing objectives, prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Westminster has designated three areas as under cumulative stress; the West End, Queensway/Bayswater and Edgware Road. The SLP includes a Cumulative Impact Policy, 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.
- 2.3 The Licensing Authority will be undertaking public consultation on both the intention to publish the CIA and the proposed revisions to the SLP. The consultation on these two documents will commence on 12 October for five weeks, ending on 15 November 2020. This document is provided as brief summary of the CIA and the proposed revisions to the SLP that will be consulted upon.

3. Summary of Cumulative Impact Assessment Findings

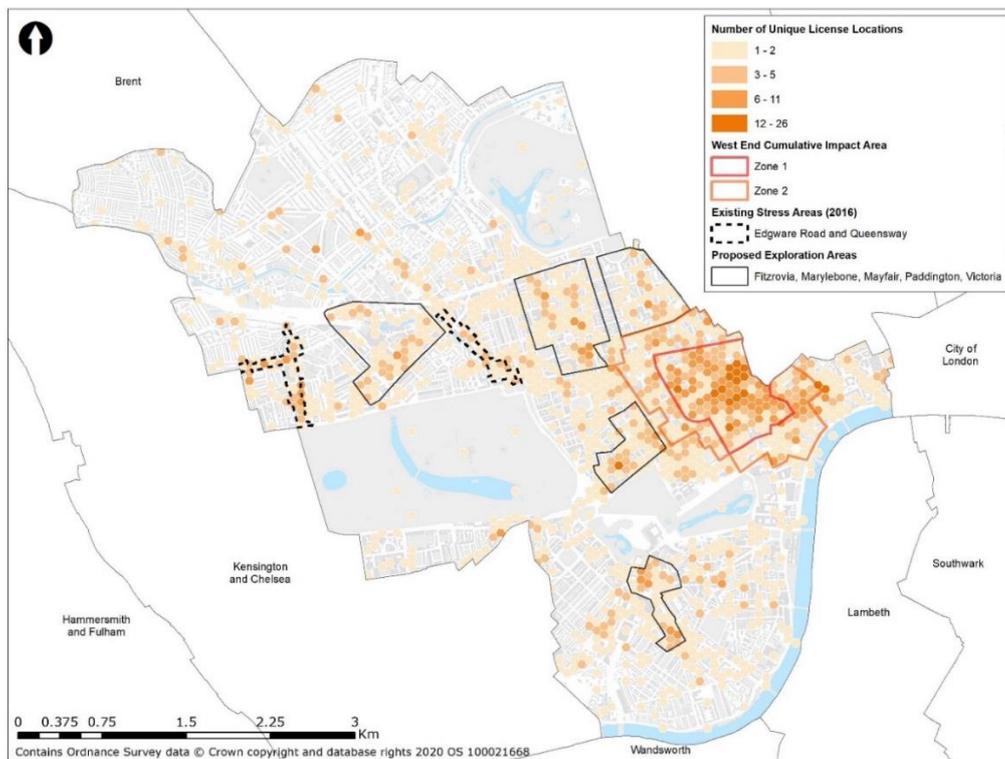
3.1 Westminster's CIA research was conducted in late 2019 to March 2020. The CIA was based on data spanning a period of three years (2017 to 2019). The data came from a variety of sources; including the police, ambulance service, TFL, open source data and Westminster's own records. The CIA findings indicated before the impact of COVID-19 cumulative stress within the West End had increased and the area to which it was occurring had expanded from the current West End cumulative impact area boundary. The effect of cumulative impact was significant in the heart of the West End (Zone 1) where the rates of incidents were nine times above the borough average. The area surrounding Zone 1 (Zone 2) also showed signs of cumulative impact but had a lower incident rate of four times above the borough average.

3.2 The area to the East of Covent Garden that is currently within the cumulative impact zone boundary could not be linked to cumulative impact even though there was a clustering of licensed premises in the area. This area is outside Zone 2 as identified on the map below.



3.3 In addition to the West End the CIA research looked closely at areas that were:

- (a) previously classified as a cumulative impact area (Queensway/Bayswater and Edgware Road)
- (b) of concern, as identified via previous studies (Mayfair), or
- (c) had high concentrations of licensed premises within a confined area (Victoria, Paddington, Fitzrovia North and the corridor between Marylebone Road and Oxford Street).



- 3.4 Queensway/Bayswater and Edgware Road were found not to be under cumulative stress. The levels of incidents rates in these areas were higher than the borough average (Queensway/Bayswater 2.9 and Edgware Road 3.9) but the incidents could not be conclusively linked to licensed premises to demonstrate cumulative impact. Incidents in the area specifically related to crime and disorder and public nuisance issues (waste and noise).
- 3.5 Mayfair was also found not to be under cumulative stress, with the level of incident rates 1.6 times above the borough average. However, uniquely to this area a previous study was undertaken in 2016 that was based on observational analysis, which could not be done for this study due to COVID-19. It did demonstrate a continuing elevated level of incidents in the area. The 2016 study identified the area around Berkeley Street, Berkeley Square and Dover Street to demonstrate negative impacts on the licensing objectives. This area is primarily populated with bars, hotels and restaurants.
- 3.6 Victoria, Paddington, Oxford Street/Marylebone Corridor and Fitzrovia were not considered to be under cumulative stress.

Area Name	West End Zone 1	West End Zone 2	West End Stress Area	Queensway & Bayswater	Edgware Road	Victoria	Paddington	Oxford St - Marylebone Corridor	Mayfair	Fitzrovia North
Relative incident Rate	8.84	3.86	7.27	2.9	3.85	1.86	0.99	1.27	1.67	1.02

4. Summary of Proposed Revisions to the Councils Statement of Licensing Policy

4.1 The Licensing Authority intends to maintain the current Licensing Policy approach from the 2016 Statement of Licensing Policy (SLP)². The revisions proposed below are intended to implement limited changes as a result of the evidence provided in the CIA, where things have changed, and further refinement of the policy is necessary. We are also taking the opportunity to make updates and revise out-of-date information or references to legislation, strategies or guidance that have changed since the SLP was last revised in 2015.

² Which is supported by the letter of Kit Malthouse MP, Minister for Crime and Policing) dated 1st October 2020

Statement on the approach to Inclusion in the evening and night-time Economy

- 4.2 In 2019, the Council created a Scrutiny Commission Task Group to look at inclusion in the night-time economy following a number of reports that people were being discriminated against due to their race in licensed premises in Westminster. The Task Group focused its investigation on nightclubs as they were the subject to original complaints, however, the recommendations of the report can apply to all licensed premises. One of the report's recommendations was that *"The licensing authority should encourage applicants to provide information/details about how they will ensure and support inclusivity as part of the operating schedule attached to a premise's licence."*
- 4.3 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunity; and
 - to foster good relations, between persons with different protected characteristics.
- 4.4 The Equality Act 2010 states that when someone provides a service, they must not discriminate on the basis of "protected characteristics". Service providers, such as venues, must not discriminate against a person based on one of these characteristics. This includes providing the service on different terms to others (e.g. higher or lower entry fee).
- 4.5 The Licensing Authority intends to create a new section to replace paragraph 1.15 of the current policy, which refers to the Equality Act 2010 (2010 Act). This new section will set out the authority's approach to fulfilling its duties under the 2010 Act. We want to promote and embrace inclusion in Westminster's evening and night-time economy. We intend to set out the authority's expectations on licensed businesses to meet the requirements of the legislation, to implement best practice, to implement inclusivity and diversity training focused at door staff and other customer facing personnel; and to consider how the design and layout of a premises could further promote inclusion, especially for those with disabilities.
- 4.6 We do not intend to create a specific policy for licensed premises at this at this time, but we welcome views on whether a specific policy approach would be reasonable and how it would relate to the Licensing Authorities duty to promote the Licensing Objectives.

Summary of the Cumulative Impact Assessment

- 4.7 The Licensing Act requires the Licensing Authority to provide a summary of the CIA within the SLP, along with the Licensing Authority's approach regarding the CIA. The CIA has identified from the data collected between 2017 and 2019, the West End as the only location within the City where cumulative impact was identifiable. This area was identified as Zones 1 and 2 within the CIA. The evidence collected between that period supported further policy restriction on applications, as they would likely to add to cumulative impact. However, since this evidence was compiled for the CIA, the nation has had to face COVID-19, which has created an unprecedented situation where licensed premises have had to restrict their operations significantly and footfall is outside those normally seen within these areas prior to COVID-19. Having taken into account the CIA findings, and considering the current unprecedented nature of the impact that COVID-19 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.

Revised policy framework for the Licensing Objectives Policies CD1, PS1, and PN1

- 4.8 The Licensing Authority has a duty to promote the Licensing Objectives under the Act. Applicants must demonstrate to the Authority that an application for a new licence or to vary an existing licence will not

negatively impact these objectives. Applicants must also look to promote these objectives if the application were to be granted. The current wording of the Licensing Objectives policies is framed in a way that doesn't emphasise the requirement on applicants to promote the objectives. For example, the prevention of crime and disorder objective policy CD1 currently states:

“Prevention of crime and disorder – Policy CD1

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:”

[the criteria and considerations are then listed below]

4.9 The proposed new wording for the Prevention of Crime and Disorder (DC1), Public Safety (PS1) and Prevention of Public Nuisance (PN1) are set out below.

Prevention of crime and disorder - Policy CD1

- 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:***

Criteria

- 1. Whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.***

Considerations

- 2. The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police's effective management checklist (see Appendix X) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.***
- 3. Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix X).***
- 4. Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix X).***
- 5. Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account the possibility of crowding the areas set aside for drinking while standing, and of the measures set out in Appendix X.***
- 6. Whether the premises has a sufficient CCTV system in place that will adequately support the recording of incidents and assist in the identification and prosecution of offenders (see Appendix X for the minimum Westminster's CCTV standards).***

Public safety - Policy PS1

- A. The Licensing Authority will only grant applications that can demonstrate that they will promote the public safety 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:**

Criteria

- 1. Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.**

Considerations

- 2. Whether the applicant has undertaken a terrorism threat risk assessment and put in place measures to reduce the risk to their customers and staff. Applicants should have considered the National Counter Terrorism Security Office (NaCTSO) Crowded Places Guidance when carrying out their risk assessments relating to the risk of terrorism.**
- 3. Whether the premises already have a licence or a fire certificate that specifies the maximum number of people that can attend or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises so that it can be operated safely, and they can be evacuated safely in the event of an emergency.**
- 4. Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.**
- 5. Whether patrons can arrive at and depart from the premises safely.**
- 6. Whether there may be overcrowding in particular parts of the premises.**
- 7. Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).**
- 8. Whether due account has been given to:**
 - (a) prevention of overcrowding**
 - (b) air conditioning and ventilation**
 - (c) availability of drinking water**
 - (d) affordable Cloak rooms**
 - (e) further measures to combat dancers and others overheating**
 - (f) overall safety**
- 9. Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.**
- 10. The levels of compliance with conditions on existing licences relating to public safety.**

Prevention of public nuisance - 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:**

Criteria

- 1. 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.**

Considerations

- 2. Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether airborne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix X.**
- 3. Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to limit noise and vibration, eating, drinking and smoking outside their premises and other environmental impacts by:**
 - (a) Restricting the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open-air site**
 - (b) Limiting the escape of noise from the premises or open-air site**
 - (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**
 - (d) Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it**
 - (e) Minimising and controlling noise from staff, contractors and suppliers and their activities**
 - (f) Minimising and controlling noise from vehicles associated with and providing services to the premises or open-air site and their customers (including delivery companies)**
 - (g) Identifying whether people standing or sitting outside premises are likely to cause obstruction or other nuisance**
 - (h) Identifying whether the premises are under or near to residential accommodation**
 - (i) Limiting the hours of the sale of alcohol in open containers or food for consumption outside the premises.**
 - (j) Introducing measures to make sure that customers move away from outside premises when such sales cease**
 - (k) Implementing measures to collect drinking vessels and crockery, cutlery and litter**
 - (l) Limiting the extent and location of areas proposed to be set aside for the consumption of food, alcoholic drink and for smoking**
 - (m) Identify the measures proposed for the management of people leaving the premises to smoke and for their readmission; including managing readmissions in**

relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions

- (n) Identifying whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. In addition, there may be particular issues of crime and disorder with regard to outside activities*
- (o) Identify whether queuing is likely, and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.*
- (p) Identify whether there are adequate measures to prevent:
 - (i) litter, smells, fumes, dust, tobacco or other smoke, or other emissions*
 - (ii) street fouling*
 - (iii) light pollution*arising from the proposed licensable activity that may cause disturbance to people in the vicinity.*
- (q) Identify whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).*
- (r) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.*
- (s) Whether the proposals would lead to the need for increased refuse storage or waste collection.*
- (t) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.*
- (u) Whether the sale of take-away food is proposed, and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.*
- (v) Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.*

4. The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix X

Note: Both planning permission and a street trading licence may be required for providing seating for the use of customers on the public highway and these permissions are generally restricted to before 23:00 in Westminster unless there are exceptional reasons for granting longer hours.

4.10 The wording is a subtle change in how these policies will be framed. It is felt that this policy approach will provide more emphasis on these licensing objective policies, which are the primary policies that set out the Licensing Authority approach to fulfilling its duty under the Act.

Amending the Protection of Children from Harm Policy (CH1) framework and include Safeguarding as a key consideration within that policy.

- 4.11 In addition to the rewording of the protection of Children from Harm Policy CH1, as described above, it was essential that the safeguarding of children was added as a key consideration to this policy. It is therefore proposed to include additional safeguarding of children requirements as part of that policy. The revised policy is set out below:

Protecting Children from harm – Policy CH1

- A. *The Licensing Authority will only grant applications that can demonstrate that they will promote the protection of children from harm 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 in Clauses C and D below:***
- C. *The Licensing Authority will consider the following general protection of children from harm criteria and relevant considerations:***

Criteria

- 1. *Whether there are appropriate measures in place to protect children from harm***

Considerations

- 2. *Whether there are effective measures to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol led premises (see Appendix X).***
- 3. *Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.***
- 4. *Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises, are taking a table meal or are being entertained by a live performance.***
- 5. *The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.***
- 6. *Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks***
- 7. *Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.***
- 8. *The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.***
- 9. *Whether there is evidence of heavy, binge or underage drinking on the premises.***
- 10. *Whether the premises commonly provide entertainment or services of an adult or sexual nature (see Glossary).***
- 11. *Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).***
- 12. *Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself; Revised Guidance (paragraph XX.XX) refers.***
- 13. *If performances or activities are likely to attract children, the number of adults required for the supervision of children.***

14. **Where play facilities are provided, if an adequate risk assessment has been made and appropriate measures taken.**
15. **The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.**
16. **Proposals for the provision or arrangement for safe transport for children.**

Safeguarding of children applies to all staff (paid or unpaid) involved in the operation and management of the licensed premise and is a key part to protecting children from harm. The Licensing Authority will expect applicants to demonstrate that they will have systems and processes in place to adequately safeguard children as set out within the minimum criteria below.

Minimum Criteria

1. **The applicant should ensure that their staff have a basic awareness of child protection issues. This includes:**
 - (a) **Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences**
 - (b) **Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances**
 - (c) **Knowing who in the organisation to raise your concerns with**
 - (d) **Being competent in taking the appropriate immediate or emergency action, and**
 - (e) **Knowing how to make a referral to the Council's Children Services Department and/or the Police**
 - (f) **The licensee can demonstrate that they understand their responsibilities for ensuring that they and their staff are familiar with, and competent with Safeguarding Children**

2. **In operating and managing a licensed premises the applicant should designate either themselves or a senior staff member to have the following responsibilities in relation to safeguarding children for the licensed premises:**
 - (a) **Ensure safeguarding children training is provided for all staff**
 - (b) **Monitor and record whether all staff have received the minimum (initial and refresher) safeguarding children training**
 - (c) **Ensure all staff have read and know where to find this policy and the Government Guidance: "What To Do If You're Worried A Child is Being Abused"**
 - (d) **Provide advice and support to staff when they have a concern about safeguarding a child**
 - (e) **Have a system in place to record all concerns raised by staff**
 - (f) **Be the contact person for the Council's Children's Services Department and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises**
 - (g) **Ensure all staff are made aware that if the person who they suspect may be harming children is senior to them in the licensed premises staff hierarchy they can contact the Council's Children's Services Department and the Police directly**

4.12 The following paragraphs will be added after paragraph 2.2.22. These paragraphs provide the reasons for the addition of the safeguarding element to the "Protection of Children from Harm – Policy PC1.

A. Safeguarding of children

A.1 *All children must be safeguarded from harm and exploitation whatever their:*

- *Race, religion, first language or ethnicity;*
- *Gender or sexuality*
- *Age*
- *Health, ill-health or disability*
- *Location or placement (e.g. living alone in a hostel or residential unit, with family or a foster family; as a tourist in a hotel, etc);*
- *Criminal or offensive behaviour; wealth or lack of it; and*
- *Political or immigration status.*

A.2 *There are many types of harm and exploitation that children can be subject to.*

A.3 *Child abuse and neglect is a generic term encompassing all maltreatment of children. Children may be abused or neglected through the infliction of harm, or through the failure of the adults around them to act to prevent harm. The term 'child abuse and neglect' therefore includes the impact on children from serious physical and sexual assaults through to situations where the standard of care for the child from their parent or carer does not adequately support the child's health or development. Abuse and neglect can occur in a family or an institutional or community setting. The perpetrator of abuse may or may not be known to the child. Working Together to Safeguard Children 2018 has defined four broad categories of abuse which are used by professional working in child protection. These are: neglect, physical abuse, sexual abuse and emotional abuse. These categories overlap and a child may suffer more than one type of abuse.*

A.4 *Physical abuse may take many forms, such as, hitting (including with an object) or punching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child or young person. It may also be caused when a parent or carer fabricates the symptoms of, or deliberately causes ill health to, a child or young person.*

A.5 *Emotional abuse is the maltreatment of a child which has a severe and negative effect on the child's emotional development. It may involve conveying to a child or young person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve:*

- *Imposing expectations on a child or young person which are not appropriate for their age and/or development;*
- *Causing children or young people to frequently feel frightened or in danger e.g. witnessing domestic or other violence; and/or*
- *Exploitation or corruption of children or young people.*

Some level of emotional abuse is involved in all types of maltreatment of children, though emotional abuse may occur alone.

A.6 *Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. Sexual abuse includes penetrative (i.e. vaginal or anal rape or buggery) or non-penetrative acts. Sexual abuse includes sexual exploitation of children. Sexual abuse also includes non-contact activities, such as involving children in looking at, or in the production of, pornographic materials, watching sexual activities, or encouraging children to behave in sexually inappropriate ways including online abuse. The fact that it is abusive to children to allow or coerce them into witnessing acts of a sexual nature between adults, may be particularly relevant where children are exposed to adult focussed activities such as premises where sexual themes are prevalent.*

A.7 Neglect involves the persistent failure to meet a child or young person's basic physical and/or psychological need, likely to result in the serious impairment of the child or young person's health and development. This may involve failure to provide a child or young person with adequate food, shelter or clothing, failure to protect them from physical harm or danger or failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs. This includes children or young people being present with or without their parents, at venues unsuitable for their age e.g. venues with an 'adult only' activities such as:

- Premises where the supply of alcohol is the main activity;
- Venues providing sexual entertainment or events of a sexual nature;
- Premises where gambling is the main activity; and/or
- Where there are convictions of current members of staff for serving alcohol to minors.

A.8 Children need to be protected even when it appears that they are not aware that the physical abuse, sexual activity they are involved in or witness, or the neglect they experience, is harmful to them.

A.9 If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with the local Police Child Abuse Investigation Team and the Council's Children's Social Care at the earliest possible opportunity. These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

A.10 In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

Contacting the relevant child protection agencies.

A.11 The Council, the Police (and the children's charity NSPCC) are the only agencies which have a legal obligation to investigate child abuse.

A.12 If a member of staff suspects that a child under the age of eighteen years or an unborn baby is being harmed by experiencing or already has, experienced abuse or neglect; and/or is likely to suffer significant harm in the future they must contact the designated safeguarding children person within the business and make a referral to the Council's Children's Services Department and the Police.

A.13 If you have concerns about the safety of a child you should get in contact with Children's Services straight away on 020 7641 4000 for the Access Team 9am to 5pm weekdays, or outside of these times the Emergency Duty Team.

POLICE CONTACT INFORMATION TO BE ADDED UPON PUBLICATION OF THE FINAL REVISED POLICY

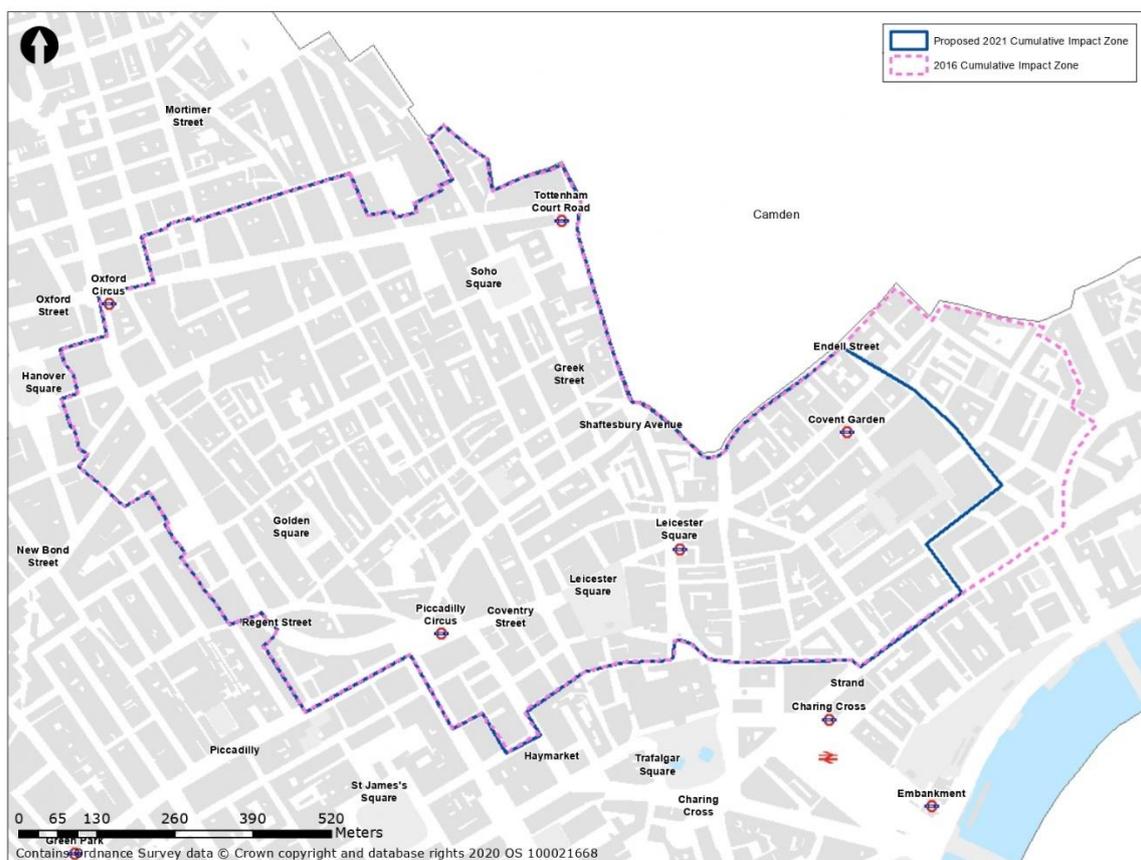
A.14 When contact is made with the Council's Children Services Department and the Police, they will want the following information provided to them.

1. Your name;
2. Your address and a telephone number at which you can be contacted in case they require other information or to follow up;
3. The child or young person's name, and any other details, if known (parent's name, address, school etc);
4. Relevant information about the circumstances of your concerns – what you see, hear or suspect to be happening about an individual child and young person;
5. Also concerns relating to activities you see, hear or suspect to be happening about the premise or linked to the premises e.g. if you suspect that a member of staff is selling alcohol to young people who are underage or you believe that children are at risk of sexual exploitation or abuse via the internet. You may not have all the details about a child or young person, or the activity, but you should still refer.

A.15 The Council's Children's Services Department and the Police should provide advice on how to respond to the situation in a way that supports their plan of action.

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

4.13 The Licensing Authority does not intend to extend the current West End Cumulative Impact Zone (2016 SLP) boundary. The Licensing Authority accepts the findings of the CIA but due to COVID-19, the current situation within the hospitality and entertainment sectors is extremely challenging. Venues are facing an uncertain future with a reduction in customers and new Government restrictions on the operation of their venue, in order to reduce the risk of the spread of the virus. It is still too early to predict when the operating conditions will return to normal. By not expanding the Cumulative Impact Zone we will retain the current protections at the heart of the West End. This approach will provide a period of some stability by maintaining a policy approach that businesses and residents are familiar with.



4.14 It is proposed to also amend the Cumulative Impact Policy as follows:

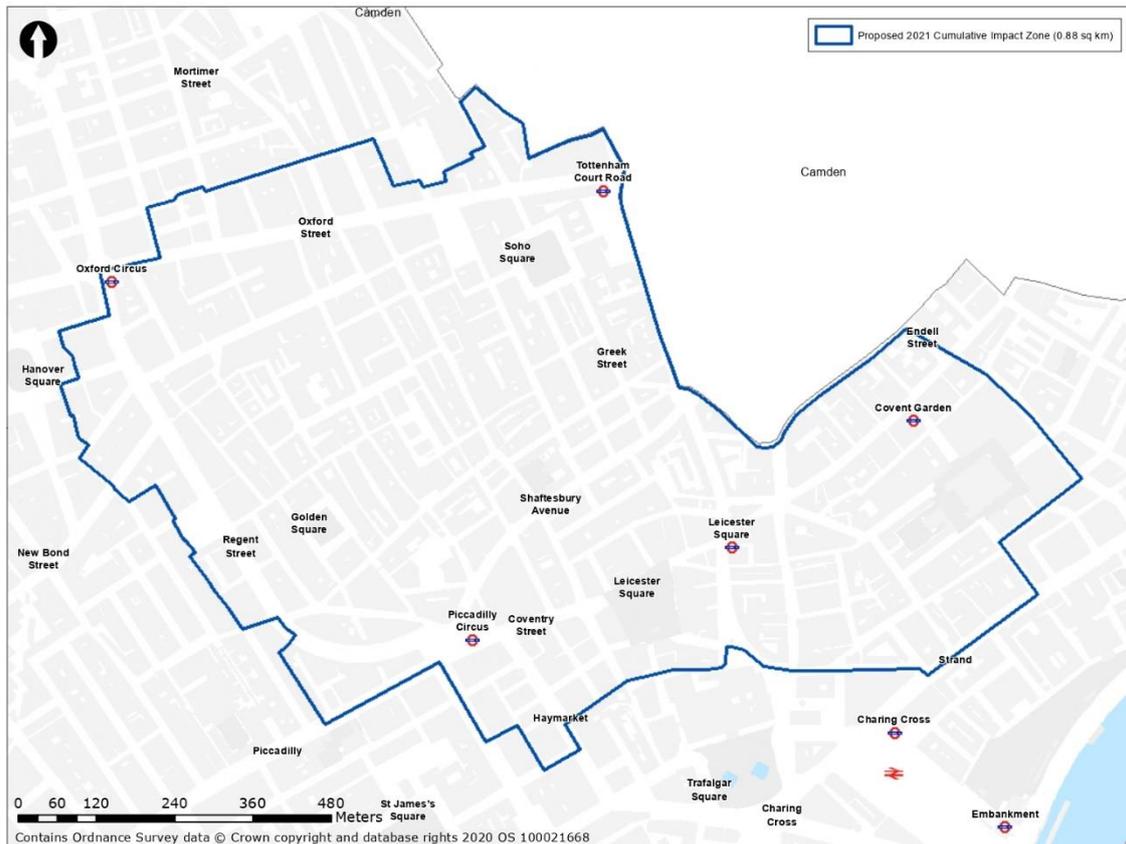
Cumulative Impact Policy – CIP1

A. It is the Licensing Authority's policy 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:

- (1) Pubs and bars,**
- (2) Fast Food Premises, and**
- (3) music and dancing and similar entertainment venues**

- B. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.**
- C. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.**

4.15 it is intended to amend the narrative for this policy and remove references to the previous review evidence. We intend to add references to the most recent evidence supporting this policy from the CIA. The new map (below) of the new boundary for the Cumulative Impact Zone will also be added.



Removal of the Cumulative Impact Zones for Edgware Road and Queensway/Bayswater

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.

Proposed changes to the Core Hours Policy HRS1 framework

4.17 The current Core Hours Policy has three core hours that applications are intended to fall within. These are for premises that sell alcohol for consumption on the premises, premises that sell alcohol for consumption off the premises and for premises that provide the provision of other licensable activities.

4.18 It is proposed to change the framework of the Core Hours policy to relate to the premises use type rather than whether the premises sell alcohol on or off the premises or provides other licensable activities. The premises use definitions are already contained within the current policies associated within the venues.

4.19 The main purpose of this change is to make it clearer which hours relate to which premises type. Under the current Core Hours Policy there are different start times for alcohol sales compared to other licensable

activities. To link Core Hours with the premises use rather than the activity, we have retained the start time for the sale of alcohol on the premises (10:00 Monday to Saturday and Midday Sunday) which will apply to pubs and bars due to their association with alcohol sales. We have also imposed the same start time to Fast Food, although we appreciate that this will not apply if the premises only wish to provide late night refreshment, and music and dancing venues as there is an association with alcohol and associated impact on crime and noise.

- 4.20 The Licensing Authority has considered the potential impact that cinemas, cultural venues and live sporting premises may have on the licensing objectives and the wider benefits that they bring to the local community and City itself. It recognises that cinemas, cultural venues and live sporting premises can provide specific benefits to the area and local community. These venues attract a diverse mix of customers, both in terms of backgrounds but also in ages. This diverse range of customers provides a stabilising influence in an area with people who may be older or with their families. These venues provide local communities with an opportunity to experience culture and the arts, something which the Council is keen to encourage. Alcohol, which can be the driver of much of the problems seen at night within the West End, is very much an ancillary activity to the main purpose of the venue. The Licensing Authority therefore wants to support and encourage a wider mix of cinemas, cultural venues and live sporting premises as defined within this statement. It is proposed to increase the core hours for these venues to enable these venues to open to midnight throughout the week. However, within the West End Cumulative Impact Zone we intend to restrict the sale by retail of alcohol and late-night refreshment from 23:00 to customers/visitors who are taking part in the primary use of the premises, e.g. exhibition or members of the audience only. This is hoped to provide additional opportunities to provide licensable activity at the end of a performance to customers.
- 4.21 Qualifying Clubs are permitted under a Club Premises Certificate. These venues are low in number and are run for the benefit of their members. There are specific statutory requirements associated with Qualifying Clubs and their membership. These premises are generally low risk in terms of their impact on the licensing objectives.
- 4.22 The Licensing Authority proposes to set a 09:00 start time for Core Hours for all other premises uses except off licences, which will be the same as the current off sales Core Hours and Casinos which will have the ability to have 24 hour licences subject to them being linked to the provision of gambling. The Licensing Authority understands the concerns of residents, the need to have a gap between closing time and the start time of a venue to provide respite to residents and to enable cleansing. The proposed revised Core Hours Policy is set out below:

B. Core Hours Policy

- B.1 This policy applies to all new and variation applications for premises licences and club premises certificates. Applications must include a 'within the hours' section and operating schedule of the hours in which premises are open to customers and the hours when licensable activities are taking place. This will include any proposals for seasonal occasions, e.g. New Year's Eve or special event variations to the proposed hours.*
- B.2 Westminster has operated its Core Hours policy since the introduction of the Licensing Act 2003. Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives. In its Revised Guidance (paragraphs 10.13 and 14.51) the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that Licensing Authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement.*
- B.3 It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. 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. 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.

- B.4** *If an applicant intends to operate after midnight, operating schedules should include particular consideration to availability of transport via night buses, night tube and taxi and private hire vehicle services. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse and a dispersal plan may be provided the application.*

Core Hours Policy – HRS1

- A.** *Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.*
- B.** *Applications for hours outside the core hours set out under the relevant premises uses below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:*
- (1)** *The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.*
 - (2)** *If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.*
 - (3)** *Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.*
 - (4)** *The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.*
 - (5)** *The proposed hours when any music, including incidental music, will be played.*
 - (6)** *The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.*
 - (7)** *The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.*
 - (8)** *Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.*
 - (9)** *The capacity of the premises.*
 - (10)** *The type of use: recognising that some venues are more likely to impact the licensing objectives than others, for example pubs and bars are higher risk than theatres, cinemas, other cultural and sporting venues due to the nature of the operation.*
 - (11)** *The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.*
 - (12)** *Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.*
 - (13)** *The Council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.*

(14) *Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Nonspecific days are expected to be covered by Temporary Event Notices or variation applications.*

C. *For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:*

(1) *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

(2) *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 prior to a bank holiday: 12:00 to midnight

(3) *Restaurants, Sexual Entertainment Venues, Sex Cinemas, Outdoor Spaces and Qualifying Clubs:*

Monday to Thursday: 09:00 to 23:30

Friday and Saturday: 09:00 to midnight

Sunday: 09:00 to 22:30

Sundays immediately prior to a bank holiday: 09:00 to midnight

(4) *Off licences:*

Monday to Saturday: 08:00 to 23:00

Sundays: 09:00 to 22:30.

(5) *Cinemas, Cultural Venues and Live Sporting Premises and*

Monday to Sunday 09:00 to midnight

(6) *Hotels:*

Monday to Thursday: 09:00 to 23:30

Friday and Saturday: 09:00 to midnight

Sunday: 09:00 to 22:30

Sundays immediately prior to a bank holiday: 09:00 to midnight

For the sale of alcohol to guests for consumption in hotel/guest rooms only:

Anytime up to 24 hours

(7) *Casinos:*

Up to 24 hours a day whilst Casino gaming is permitted by a premises licence under the Gambling Act 2005.

D. *Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.*

E. *For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.*

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 23:00.

Reasons for this policy

- B.5 *Westminster has the greatest concentration of licensed premises in the United Kingdom. Westminster has c.3700 licensed premises and many currently operate late into the night. There is extensive late-night opening and a range of closing hours throughout the night.*
- B.6 *The Licensing Authority is aware of the impact that late night licensed premises can have on the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a “window of opportunity” for the city to be cleaned - in the particular circumstances of Westminster with its already extensive late opening. The Revised Guidance (paragraphs 10.13 and 13.44) acknowledges the primacy of the Licensing Authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities.*
- B.7 *The Council does not accept that in the circumstances of Westminster the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week outside the Cumulative Impact Zone. This enables people to travel home relatively easily by tube, train, bus, licensed private hire vehicle and/or taxi, while retaining opportunities for residents to have an additional respite on Sunday.*
- B.8 *The Licensing Authority expects applicants to consider how people using the premises are to depart from the venue and from the area and make reference to it in their operating schedule. As part of applications that intend to operate after 23:00, operating schedules should for instance give particular consideration to the availability of transport beyond that point and into the early hours of the morning in and around the venue. Venues that are some distance from either night tube lines or night bus stops will need to consider how patrons will leave their venue and in what directions. Licensed private hire vehicles and taxis may be used to take people from the venue. Businesses may need to consider how they will monitor and manage customers who are waiting for a private hire vehicle or taxi. It is known that customers in groups after leaving a licensed premise can cause public nuisance by disturbing residents living above or around it. This is more so the later at night the venue is open due to the reduction in ambient noise levels and the fact that residents may be asleep or attempting to sleep. It is also more likely that patrons leaving venues later at night during the summer months or during warmer weather may generate public nuisance as resident windows may be open. Applicants are encouraged to include a dispersal plan as part of their application. Dispersal plans are extremely useful in setting out the applicant’s approach and considerations to promoting the licensing objectives. They also assist residents and members to understand the likely dispersal methods patrons will have from the venue.*
- B.9 *Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The Council wishes to see a less alcohol led and a more diverse range and variety of uses available later at night. 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. These venues attract a diverse mix of visitors/customers. They are often from a large array of different age groups and include families. The Council wishes to encourage a wider range of people to come and enjoy Westminster’s evening and night-time economy. We want residents and visitors to enjoy what Westminster has to offer. We also want to encourage a wider range of age groups to the city at night. It is understood that a wider range of age groups can act to curb anti-social behaviour. In doing this, it will further the licensing objectives of prevention of crime and disorder and public nuisance.*
- B.10 *The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of*

residents' rest, relaxation and sleep will be of particular concern. In general, conditions imposed on a premises licence or club premises certificate will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

- B.11 Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower, and residents are at home relaxing or wishing to sleep. The Licensing Authority in considering the imposition of conditions will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax, or sleep. Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises (Revised Guidance, paragraph 2.19).*
- B.12 Applicants should carefully consider the hours that they will wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "winding down" periods (after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available, when the volume and tempo of music is reduced, and the levels of lighting are increased). These are very widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider stopping playing up tempo and base heavy music and switch to quieter, slower tempo music with a less pronounced beat while other licensable activities continue.*
- B.13 The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a "winding down" strategy described above, the Licensing Authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.*
- B.14 Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24-hour licences where there is no intention of operating on a 24-hour basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.*
- B.15 Premises where regulated entertainment is provided to a seated audience (e.g. theatres, cinemas, other performance venues and qualifying clubs), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They 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. 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. Applications within the cumulative impact zone will still have to demonstrate that they will not add to cumulative impact.*
- B.16 In the past, qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and*

around their premises. Clubs that don't fit the definition of a qualifying club and are operated on a commercial basis will be considered under the Public House and Bars Policy PB1.

- B.17 There is no doubt that improved transport provision, such as the night tube has had a variety of benefits and impacts for people living, working and visiting the city, and has supported the dispersal of people from an already buoyant evening and night-time economy. However, we have seen increases in violence, thefts, robberies and ambulance call outs to Underground stations that provide the Night Tube. There has also been a significant increase in private hire vehicles operator that can be booked instantly via apps over the past three years. The availability of these vehicles and ability to easily book them has assisted in dispersing people from the busiest areas of the West End to other parts of the city and elsewhere, and also to allow people to travel into the West End from the outskirts or outside the city at later hours throughout the night.*
- B.18 The Licensing Authority recognises that the scale, diversity and concentration of the evening and night-time economy, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. However, it also brings significant challenges that impacts on services and local amenity. The Council believes that good management of licensed premises and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.*
- B.19 Statutory licensing policies are key tools in managing the competing pressures that the successful night-time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors. It is important that when the impacts of licensed premises are assessed that such policies are reviewed and if necessary, amended to ensure the Licensing Authority can continue to fulfil its duty under the Act to promote the licensing objectives*
- B.20 The core hours policy is a key policy in promoting the Licensing objectives, particularly relating to crime and disorder and public nuisance. The hours policy provides a set of core hours that relate to the location where an application may be made, or premises currently operates and for the specific premises use/operation of that premises.*
- B.21 The West End has been designated as a Cumulative Impact Zone and the evidence to support this has been produced within the Licensing Authority's 2020 Cumulative Impact Assessment. As a result, the West End Cumulative Impact Zone has a presumption to refuse certain types of premises use applications that are outside of Core Hours. This policy approach is necessary to promote the licensing objectives. Unlike the rest of the City this zone has the largest concentration of licensed premises in the City and, within the heart of this zone the average incident rate is nine times greater than the rest of the City.*

Non-Standard Hours

- B.22 In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected. The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a Temporary Event Notice.*

New Special Consideration Zones Policy

- 4.23 Due to the CIA Queensway/Bayswater and Edgware Road will no longer be categorised as a Cumulative Impact Zone. The area to the East beyond Covent Garden will also no longer be part of the West End Cumulative Impact Zone. Although these areas are no longer under cumulative stress, they do still have significantly elevated levels of incident rates compared to the rest of the City.
- 4.24 The area surrounding the proposed boundary of the Cumulative Impact Zone also has significant levels of incidents, although the Licensing Authority does not intend expanding the West End Cumulative Impact Zone as this time there are concerns that during the recovery from COVID-19 incident rates may rise and increase towards pre March 2020 levels. The CIA also identified Mayfair (Berkeley Street, Berkeley Square and Dover Street) and Victoria as having high incident rates compared to the rest of the City.
- 4.25 The Licensing Authority intends to create a new Special Consideration Zone - Policy SCZ1. The aim of this policy is to designate the areas mentioned above as Special Consideration Zones. The policy will set a requirement for applicants to consider the local issues and then put forward appropriate mitigation to prevent them from having a negative impact on the area. Applicants will be expected to address how they will promote the Licensing Objectives in the normal way, but it is also intended that applicants will have to provide greater mitigation and controls than would normally be expected from a premises in other parts of the City, excluding West End Cumulative Impact Zone.
- 4.26 This new policy will not be a preventative policy. It is intended to highlight the areas that the Licensing Authority deem to be sensitive. 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 proposed new policy is set out below:

C. Special Consideration Zones

- C.1 *The Licensing Authority has created this policy to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters. This policy will apply to areas of the City that were, until recently a Cumulative Impact Zone, or show significant level of incident rates that are above the borough average but are not yet linked to cumulative impact. This policy aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.*

Special Consideration Zones – Policy SCZ1

- A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate in their operating schedule that they have taken into account local issues identified within the 2020 Cumulative Impact Assessment.**
- B. Applicants should include within their operating schedule sufficient mitigation that they propose will reduce the impact of their venue and reduce the risk of failing to promote the Licensing Objectives and adding to the issues in the area.**
- C. For the purpose of Clause A the designated Special Consideration Zones are:**
- (1) West End Buffer**
 - (2) Queensway/Bayswater**
 - (3) Edgware Road**
 - (4) East Covent Garden**
 - (5) Mayfair**
 - (6) Victoria**

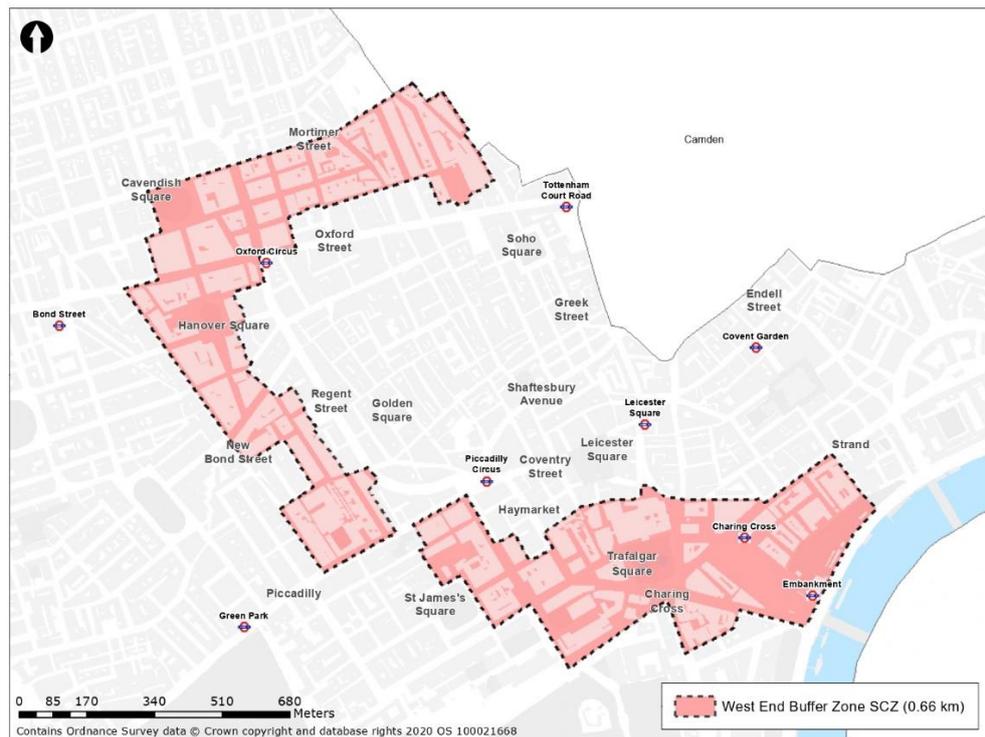
Reasons for this policy

- C.2 *The 2020 Cumulative Impact Assessment identified two areas within the West End (Zones 1 and 2) where cumulative impact was found. The Licensing Authority, at the time of revising this policy considered the findings of the assessment, but also took into account the current restrictions and impact caused by COVID-19. The Licensing Authority decided not to increase the Cumulative Impact Zone from that previously defined within the Authority's 2016 Statement of Licensing Principles, except the area East of Covent Garden.*
- C.3 *The Licensing Authority is supportive of the hospitality and entertainment sectors' need to recover from the impact of COVID-19. However, it needs to balance the needs of businesses, the residents who live in the local area and its duty under the Licensing Act 2003. Whilst the Cumulative Impact Zone has not been increased from that defined in the previous policy, there are concerns that as these sectors recover, additional applications and variations to licences are likely to occur. It is important to highlight the incident rates and types of local issues that were identified as occurring before COVID-19 within West End Zones 1 and 2, which are not captured within the designated West End Cumulative Impact Zone.*
- C.4 *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.*
- C54 *The Licensing Authority has been monitoring the Mayfair area for the past five years since concerns were raised by local residents and Ward Councillors. The resident concerns relate to the increasing number of late-night licensed premises in the confined area and the impact that they are having on the area, such as increased noise, crime and general anti-social behaviour. In 2016, the Council commissioned a Mayfair Evening and Night-time Economy Public Behaviour / Area Profiling Study, and a report was published on the findings in 2017. That behavioural study identified that the issues in the area observed at the time were cumulative rather than attributable to the operating and patrons of one or a small number of venues. The concerns to the potential cumulative impact in the area were specifically around Berkeley Street, Berkeley Square and Dover Street. However, the 2020 Cumulative Impact Assessment could not identify a conclusive connection with the number of licensed premises in the area and cumulative stress on the licensing objectives.*
- C.6 *These areas do have above average or sporadic levels of crime and disorder and public nuisance (noise and waste). As a result, the Licensing Authority has developed this policy to highlight areas of concern within the City of Westminster where there are increased levels of incidents that are linked to licensed premises, but are not conclusively identifiable as being under cumulative stress. These areas will be designated as Special Consideration Zones under this policy. The Licensing Authority believes that any designated area would require a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area.*

West End Buffer Special Consideration Zone

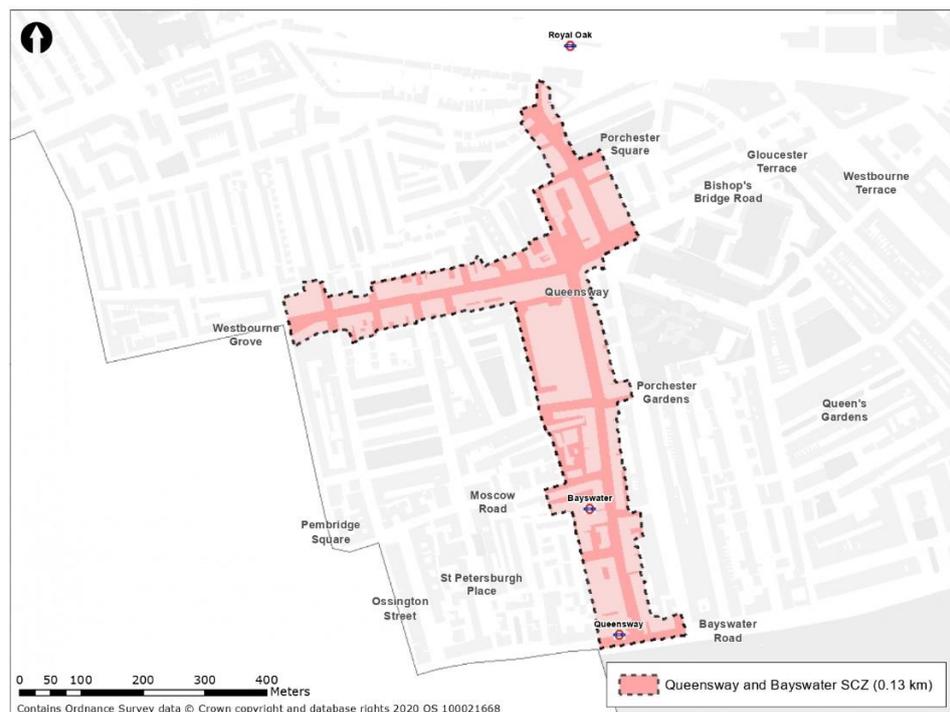
- C.7 *The West End Buffer area is the area that was identified in the 2020 Cumulative Impact Assessment as West End Zones 1 and 2, which are not included in the designated Cumulative Impact Zone (CIZ). This area is approximately 0.66km² and occupies approximately 3.6% of the borough's footprint. There are approximately 2,300 residential households within this area. The rate of incidents per square kilometre was nearly four times the borough average. Although all incident rates are well above the borough average, robberies, theft, antisocial behaviour on transport and ambulance call*

outs were above 20% of the proportion of the borough's incidents. This area is closely associated with dispersal due to the large number of transport hubs; which includes a national rail station, a number of Underground stations and large numbers of night bus routes.



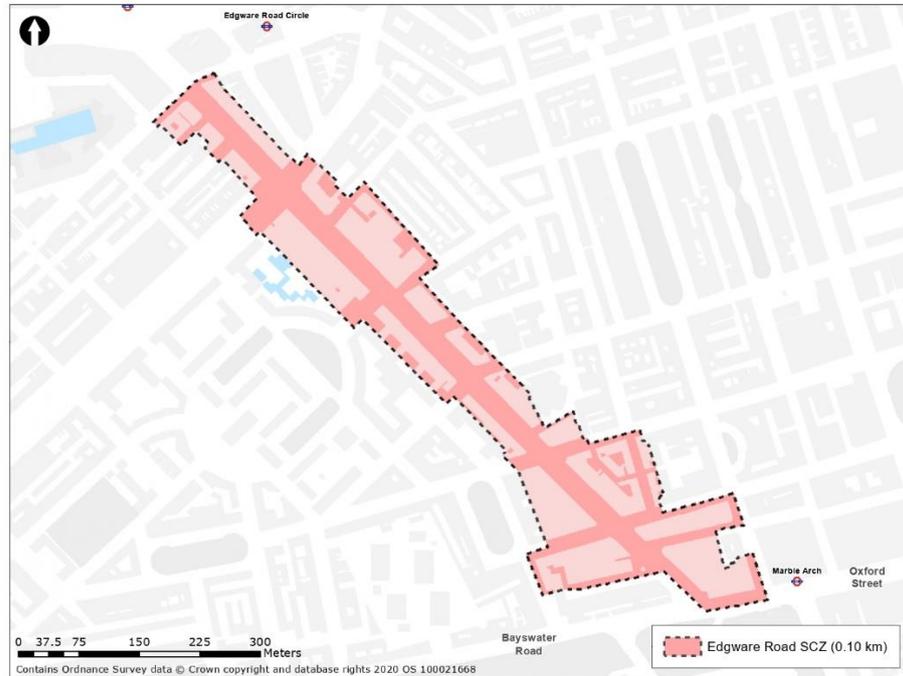
Queensway/Bayswater Special Consideration Zone

C.8 The Queensway/Bayswater area is 0.13km² in size, accounting for 0.5% of the borough's footprint. There are elevated levels of noise complaints at night, illegal waste, ambulance call outs to the locations of licensed premises, as well as serious violent crimes and, to a lesser degree, robberies at night. Looking at all incidents between 2017 and 2019, this area recorded nearly three times the borough's average rate of incidents per square kilometre.



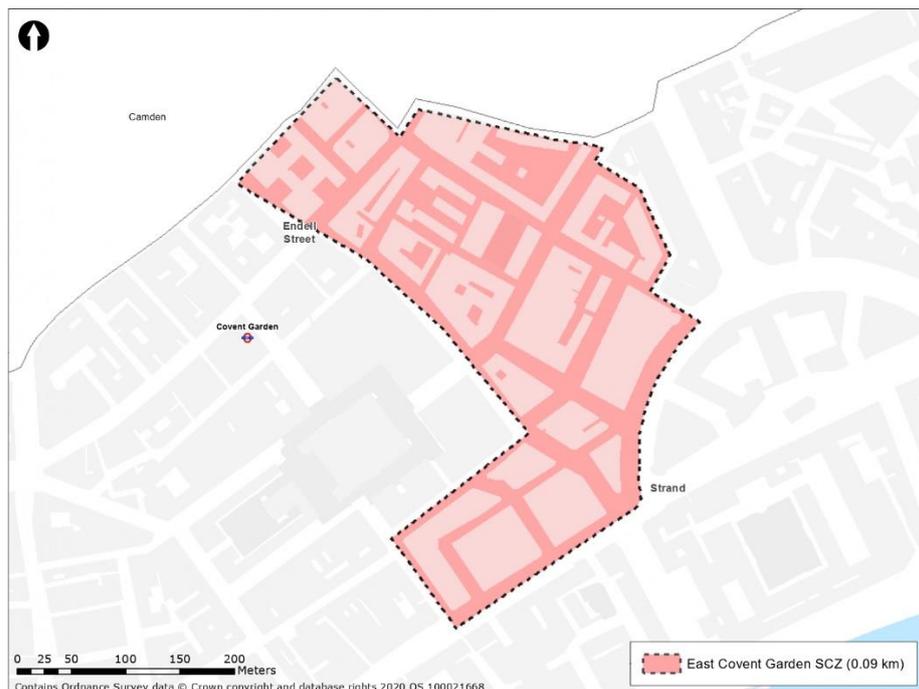
Edgware Road Special Consideration Zone

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.



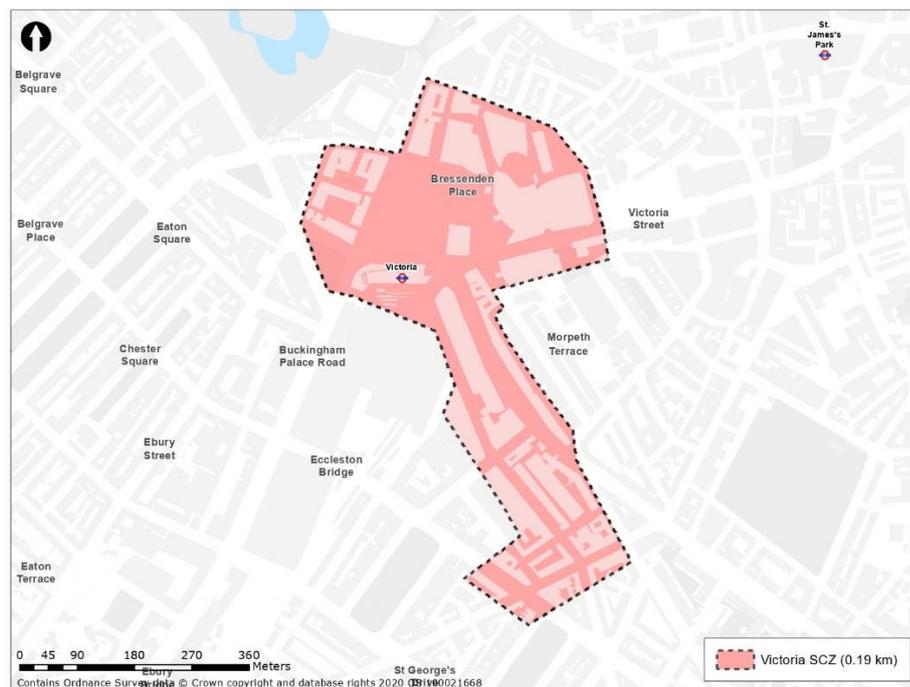
East Covent Garden Special Consideration Zone

C.10 The East Covent Garden area is 0.09km² in size, accounting for 0.4% of the borough's footprint. There are sporadic elevated levels of noise complaints at night surrounding locations of licensed premises.



Victoria Special Consideration Zone

- C.11 *The Victoria area is 0.19 km² in size, accounting for nearly 1% of the borough's footprint. This area is a major transit point for London and the South East, with Victoria National Rail Station, Underground lines, a large number of bus routes and the Coach Station located either in this area or close by. The area has also seen significant regeneration in the past five years and a number of new large licensed premises opening.*
- C.12 *The 2020 Cumulative Impact Assessment found that the impacts on the licensing objectives from incidents were twice as concentrated as the borough average. Serious violence at night and anti-social behaviour at all times of the day were 2.5 times above the borough average. Ambulance call outs (x2), theft at night (x1.8) and noise at night (x1.6) were also prevalent. Victoria Station and its surrounding areas accounted for nearly one fifth of anti-social behaviour incidents recorded on transport networks between 2017 and 2019. The major transport links in this area mean that this area is a key dispersal route for a large part of London at night. The addition of a significant number of new licensed premises in the area over the past three years does mean that this area is seeing increased levels of incidents. The overall incident types rate for this area was nearly two times the borough average.*



Mayfair Special Consideration Zone

- C.13 *The 2020 Cumulative Impact Assessment reviewed the same area of Mayfair as was assessed by the 2016 Behavioural Study. The zone for Mayfair is 0.24km² in size and accounts for 1% of the borough's footprint. From the findings of the 2020 Cumulative Impact Assessment this area had numerous incidents, which were nearly twice as concentrated in space as the borough average. Crime, public nuisance (noise) and ambulance call outs to licensed premises were the most significant issues identified in this area.*



- C.14 *Applications for premises licences and club premises certificates within these Special Consideration Zone (SCZ) will not be subject to the presumption of refusal, but applicants should consider, when drawing up their operating schedules the 2020 Cumulative Impact Assessment findings for these areas. Applicants may need to consider additional measures and mitigation above that which would normally be put in place to ensure that their operation will not negatively contribute to local issues. The proposed measures to mitigate the risks to the licensing objectives may be more or less appropriate depending upon the style of operation applied for.*
- C.15 *Applicants within an SPA that receive representations should consider the points that have been raised and whether the proposed mitigation is sufficient. If they are not, additional mitigation should be proposed in an attempt to reduce any potential impact on the licensing objectives. The Licensing Authority will consider the measures proposed within the applicants' operating schedule and whether the application meets the criteria within other relevant policies within this statement.*
- C.16 *The Licensing Authority may consider additional conditions to be appropriate where representations are received but insufficient mitigation has been put forward to address those concerns. In some rare cases, where there is significant concern associated with an application and its impact on the licensing objectives, and insufficient mitigation has been proposed within the applicants' operating schedule or through further submissions, the Licensing Authority may have no other option than to refuse the application.*
- C.17 *The Licensing Authority will keep the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SPAs under review and 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.*

Revision to the policy framework for Premises Use Policies and updates to policy narrative

- 4.27 It is proposed to amend the policy framework to match the approach being taken with other policies within the revised SLP. The revisions will not seek to change the overall intention of the policy but bring the current

policies together into one policy. Premises that are located within a Special Consideration Zone will need to demonstrate that they have taken account of Policy SPA1.

- 4.28 The definition of the premises to which the policy relates is contained within the narrative of the majority of the existing premises use policies. However, for some a new premises use definition has been developed. It is intended to now include that definition within the specific policy consideration. The proposed layout of the premises use policies are set out below:

Restaurants – Policy RTN1

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities being within the Council’s Core Hours Policy – HRS1**
 - (3) the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and**
 - (4) the application and operation of the venue meeting the definition of a restaurant as per Clause C.**
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
 - (2) the hours for licensable activities are within the Council’s Core Hours Policy – HRS1**
 - (3) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and**
 - (4) the application and operation of the venue meeting the definition of a restaurant as per Clause C.**
- C. For the purposes of this policy a restaurant is defined as:**
- (1) a premises in which customers are shown to their table or the customer will select a table themselves to which food is served to**
 - (2) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery**
 - (3) which do not provide any takeaway service of food or drink for immediate consumption**
 - (4) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals, and**
 - (5) the sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.**

- 4.29 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Fast Food Premises – Policy FFP1

- A. Applications outside the West End Cumulative Zones will generally be granted subject to:**
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,**

- (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meet the definition of a fast food premises.*
- B.** *It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than applications that meet Clause C and D below.*
- C.** *New applications inside the West End Cumulative Impact Zone within the Core Hours Policy – HRS1 will generally be granted subject to:*
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue meeting the definition of a Fast Food Premises.*
- D.** *Applications within the West End Cumulative Impact Zone which seek to either vary the existing licence hours within Core Hours under Policy HRS1 and/or propose a reduction in the overall capacity of the premises will generally be granted subject to:*
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue continuing to meet the definition of a Fast Food Premises.*
- E.** *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.*

4.30 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Public Houses and Bars – Policy PB1

- A.** *Applications outside the West End Cumulative Zone will generally be granted subject to:*
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities being within the councils Core Hours Policy – HRS1*
 - (3) *the applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meet the definition of a Public House or Bar in Clause D.*
- B.** *It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:*
- (1) *applications for new licences that are within the Core Hours under Policy HRS1*

- (2) *applications to vary the existing licence hours within the Core Hours under Policy HRS1, and/or*
- (3) *applications to vary the existing licence to reduce the overall capacity of the premises*
- C. *The applications referred to in Clause B(1) to (3) above will generally be granted subject to:*
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.*
- D. *For the purposes of this policy a Public House or Bar is defined as a premises or part of a premises that is being used primarily for the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.*

4.31 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Off sales of alcohol – Policy OS1

- A. *Applications outside the West End Cumulative Zones will generally be granted subject to:*
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and*
 - (4) *the application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.*
- B. *Applications inside the West End Cumulative Impact Zone will generally be granted subject to:*
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1*
 - (3) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone*
 - (4) *the application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.*
- C. *For the purposes of this policy a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is exclusively for consumption off the premises (i.e. shops, stores and supermarkets, etc.)*

4.32 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Music and dance premises and similar entertainment – Policy MD1

- A. *Applications outside the West End Cumulative Zone will generally be granted subject to:*
 - (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*

- (2) the hours for licensable activities being within the Council's Core Hours Policy – HRS1**
- (3) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and**
- (4) the application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.**

C. New applications inside the West End Cumulative Impact Zone within the Core Hours Policy – HRS1 will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the application and operation of the venue meeting the definition of a music and dance premises or similar entertainment in Clause E.**

D. Applications within the West End Cumulative Impact Zone which seek to either vary the existing licence hours within Core Hours under Policy HRS1 and/or propose a reduction in the overall capacity of the premises will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the application and operation of the venue continuing to meet the definition of a music and dance premises or similar entertainment in Clause E.**

E. For the purposes of this policy a music and dance premises are defined as a premises whereby the primary purpose of the venue is to provide music, either as live performances or recorded, amplified music to customers, facilities for the provision of dance and the sale by retail of alcohol. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.

4.33 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Hotels Policy – HOT1

A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the hours for licensable activities being within the Council's Core Hours Policy – HRS1**
- (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel**
- (4) the applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, and**
- (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1,**
- (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel,**

- (4) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and**
- (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**

C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.

4.34 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Casinos Policy – CAS1

A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the hours for licensable activities being within the Council’s Core Hours Policy – HRS1**
- (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a casino**
- (4) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone, and**
- (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1**
- (2) the hours for licensable activities are within the Council’s Core Hours Policy – HRS1**
- (3) the sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a casino**
- (4) the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and**
- (5) the application and operation of the venue meeting the definition of a Hotel as per Clause C.**

C. For the purposes of this policy a casino is defined as a premises that has been granted a Converted Casino Premises Licence under the Gambling Act 2005.

4.35 It is intended to amend the narrative for this policy which will include the removal of out of date references to legislation, guidance, Council policies.

Combined use premises - Policy COMB1

A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a ‘combined use premises’ will be considered on their merits and subject to:

- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,**
- (2) the hours for licensable activities for the relevant use being within the Council’s Core Hours Policy – HRS1, and**

- (3) *the applicant has taken account of the Special Consideration Zone policy SPA1 if the premises are located within a designated zone*
- B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the hours for licensable activities for the relevant premises use being within the Council's Core Hours Policy – HRS1,*
- C. When considering what weight is to be given to the relevant premises uses and policies the Licensing Authority will take into account:**
- (1) *the current and proposed use of the premises,*
 - (2) *when those uses will take place,*
 - (3) *what the primary use of the premises is, if any, and*
 - (4) *which licensable activities are proposed outside the core hours*
- D. The Licensing Authority will consider any premises which include any pub or bar use, facilities for fast food or music and dancing primarily under policies specific to those uses e.g. PB1, FFP1 and MD1.**
- E. For the purpose of this policy a Combined Use Premises means premises which need a licence under the Licensing Act 2003 and operate in different ways where there is more than one premises use, and the uses are not dependent on or part of the other uses i.e. ancillary to them.**

4.36 It is proposed to rename the “Nudity, striptease and sex related entertainment Policy NS1” to “Sex Cinemas and Sexual Entertainment Venue Policy SCEV1”. The purpose of this policy was to apply to Sexual Entertainment Venues as defined under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Sexual Entertainment Venues and Sex Cinemas – Policy SCEV1

- A. It is the Licensing Authority's policy to only grant applications for Sexual Entertainment Venues and Sex Cinemas in exceptional circumstances and subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1*
 - (2) *the premises is not located in the proximity of:*
 - (a) *residential accommodation*
 - (b) *schools*
 - (c) *places of worship, and/or*
 - (d) *community facilities or public buildings.*
 - (3) *the hours for licensable activities being within the Council's Core Hours Policy – HRS1,*
 - (4) *the sale by retail of alcohol, regulated entertainment and/or late-night refreshment must be an ancillary function to the primary purpose of the venue as providing nudity, striptease or sex related entertainment*
 - (5) *the applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, and*

(6) the application and operation of the venue meeting the definition of a sexual entertainment venue or as a sex cinema as per Clause B.

B. For the purpose of this policy a sexual entertainment venue and sex cinemas are defined as:

(1) Sexual Entertainment Venue: a venue that meets the definition of a Sexual Entertainment Venue as defined under paragraph 2A of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

(2) Sex Cinema: a venue that meets the definition of Sex Cinema as defined under paragraph 3 of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

C. Venues that are operating under their entitlement to provide relevant entertainment (nudity, striptease, etc) on up to 11 occasions, not lasting any more than 24 hours and the occasion has not begun within a period of one month beginning with the end of any previous occasion under paragraph 2A(3)(b) of schedule 3 of the Local Government Miscellaneous Provisions Act 1982 shall not be subject to this policy and will be considered under other relevant policies as appropriate.

4.37 In addition to policy framework changes, the narrative for the policies will also be updated to amend any references to the previous review and outdated references to guidance or legislation. The reasons for the policy will also be updated with new information that has been provided via the CIA or other sources where necessary.

Revised and Restructured Theatre, Cinema, Other Performance Venues and Qualifying Clubs.

4.38 The Licensing Authority intends to revise and rename the current Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1. The purpose of this change is to expand the types of cultural venues that would fall under this policy and include live sporting premises. Qualifying clubs will be separated from this policy and a new policy created. The purpose and aim of this policy will be to retain the policy approach but expand the venues to which it relates, refine the expectation that alcohol and late-night refreshment will be ancillary to the main purpose of the venue, and within the West End Cumulative Impact Zone limit access to alcohol and late night refreshment after 23:00 to patrons, audience members or customers only.

4.39 It is intended to rename the Theatres, Cinemas, Other Performance Venues and Qualifying Clubs Policy PVC1 to Cinemas, Cultural Live Sporting Venues and Outdoor Spaces Policy CCSOS1. Cultural venues will include theatres and other performance venues. Live sporting premises is a new premises use and will include stadia, live sporting events where licensable activities will be ancillary to the main event or venues that provide live sport which may be regulated, such as boxing or wrestling. Cultural and live sporting venues will be further defined within this revised policy.

Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces – Policy CCSOS1

A. Applications outside the West End Cumulative Zones will generally be granted subject to:

(1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1

(2) the hours for licensable activities are within the Council's Core Hours Policy – HRS1,

(3) the applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space

(4) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated area, and

- (5) *the application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.*
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:**
- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,*
- (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1,*
- (3) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,*
- (4) *the applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space*
- (5) *the sale by retail of alcohol and/or late-night refreshment after 23:00hrs is limited to customer, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue or live sporting premises*
- (6) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, and*
- (7) *the application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.*
- C. For the purposes of this policy cinemas, cultural venues and live sporting premises are defined as:**
- (1) *Cinema: the primary purpose of the venue is for the exhibition of feature or shorts films to an audience*
- (2) *Cultural Venues:*
- (a) *Theatres: the primary purpose of the venue is for the performance of plays or other dramatic performances to an audience*
- (b) *Performance Venues: the primary purpose of the venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues*
- (c) *Cultural Uses: The primary purpose of the venue is for the exhibition of art (e.g. galleries), a museum, or historical building/site that is open for visitors to visit on payment or otherwise,*
- (3) *Live sporting premises: The primary purpose of the premises or the use to which the licence is intended for is for live sporting events which are either inside or outside and are in the presence of an audience. This may include any live sports including those that are regulated entertainment under the Licensing Act 2003 such as wrestling or boxing. It could also include indoor sporting events which are also licensable where the sport and audience are accommodated wholly or partly inside the building. It can also apply to live sporting events that take place outside, which are not in themselves licensable under the Licensing Act 2003 but other licensable activities, such as alcohol may be provided as ancillary to that live sporting event.*
- (4) *Outdoor space: the use of an outdoor space for licensable activities and other purposes as part of or ancillary to an event, small to large concerts, national significant musical concert or events (e.g. Hyde Park), Mayoral or Council organised events and seasonal activities (e.g. Christmas market or Winter Wonderland).*
- (5) *For the purposes of subclause (1) to (3) above:*
- (a) *the sale of alcohol and late-night refreshment must be an ancillary function to the primary purpose of the venue*

- (b) an audience may include either invited guests, members of that venue or associated organisation or members of the public who have purchased a ticket or not.**

Reason for this policy

- D.1 *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. The substitution of these types of uses in the West End Cumulative Impact Zone in place of pubs, bars and alcohol-led music and dance venues will likely promote the licensing objectives.*
- D.2 *Theatre, cinema, other cultural and live sporting venue will be subject to conditions on public safety related to the staging of special effects, the management of people, security, building design, evacuation and invacuation, lighting, stairs, lifts and any other relevant safety consideration. These venues are likely to have a range of capacities and therefore there may be a need for significant scrutiny in the planning, building and operation of these venues. The Licensing Authority will expect, where relevant, that applicants have regard to the "Technical Standards for Places of Entertainment" and that as part of the application a detailed operating schedule is provided setting out how the venue will operate and how the operator will ensure that the Licensing Objectives are promoted. Further advice and support for larger venues and events can be sought via pre-application advice from the Council's Regulatory Support Team.*
- D.3 *Applicants will be expected to demonstrate that the primary use of the premises will be as a cinema, cultural venue or live sporting premises as defined within this policy. Alcohol and late-night refreshment must be ancillary to the main use of the venue. This is to ensure that the venue will operate as a cinema, cultural venue or live sporting premises. Conditions may be attached to the premises licence to ensure that alcohol and late-night refreshment remain ancillary to the primary purpose of the venue. This approach will ensure that the premises use does not change to a venue which is more drink led which is likely to have a detrimental impact on the Licensing Objectives.*
- D.4 *Bars and the sale of alcohol will be permitted in these venues as long as the sale of alcohol is ancillary to the primary use of the venue. The hours of the operation of the bar will usually be those related to the times the premises are open for visitors, customers, performances and the sporting event.*
- D.5 *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.*
- D.6 *Westminster is keen to encourage cultural venues which attract a wide variety of visitors ranging from those from the local community to international tourists. Westminster has a large number of cultural venues ranging from galleries, museums and historical buildings. Many of these venues will provide some form of licensable activity which may be in the form of limited alcohol sales or*

entertainment. These licensable activities are normally ancillary to the main activity of the venue and may be provided as part of their wider food and beverage offer or for special events, e.g. exhibition opening. The Licensing Authority will likely grant applications for cultural venues where it can clearly be demonstrated that the licensable activity is limited in its offer or provided as ancillary to the main use of the premises, e.g. museum.

- D.7 There are not many live sporting premises within Westminster, but there are a few premises where live sporting events are played regularly, e.g. Lords Cricket Ground. Westminster also hosts a large number of live sporting events that range from the London Marathon to international cycle racing. There are venues that also may provide either regulated sport, such as boxing or wrestling, or non-regulated sport such as tennis either indoors or outdoors. Although some of these events are unlikely to apply for the sale of alcohol or late-night refreshment, some may. If alcohol or late-night refreshment is to be provided, then it must be ancillary to the main sporting event taking place. Live sporting events are often extremely well managed, and a great deal of planning goes into them before they can take place. Therefore, these normally present a low risk in terms of their impact on the licensing objectives.
- D.8 Westminster is known for its major cinemas and film premiers. There are a range of cinemas within Westminster that are small intimate venues to large multi-screen venues, such as those within Leicester Square. Cinemas are normally well-run venues and the sale of alcohol or late-night refreshment is normally ancillary to the main purpose of the venue for the exhibition of films. The sale of alcohol or late-night refreshment should be limited to customers and therefore these venues and any bars within them do not become a location for people to drink alcohol late at night. Therefore, the Licensing Authority may attach conditions to the licence to ensure that any alcohol and late-night refreshment is limited to members of the audience for a film screening.
- D.9 Outdoor spaces where licensable activities take place are defined as “premises” under the Licensing Act 2003. The Royal Parks Agency and its predecessors have for many years hosted and facilitated a wide range of nationally significant musical and other events. The Mayor has similarly organised events in Trafalgar Square, often focussing on the rich cultural and ethnic diversity of London. The Council itself has a programme of smaller events in its parks with occasional larger events over wider areas. There are other occasional events in squares. The range and diversity of these events may make it desirable to have provisions in the licence for a specific “event plan” to be agreed for each event rather than to rely solely on conditions within the premises licence.
- D.10 Because of their prominence, some of these events attract very large crowds. Sound from outdoor events is not enclosed and carries across the city and therefore may cause widespread nuisance. The British climate dictates that most proposals are made in the summer months. The extent and frequency of these events in relation to the areas where the impact is felt will be considered in determining applications for premises licences for outdoor licensable activities, and the imposed conditions will reflect this. When subsequent applications are received for the same, or part of the same, area to be licensed for additional activities or events, the Council will take into account the cumulative effect over a period of time of the events which have already taken place or are planned at the open space, under all of the licences which may have authorised events at the open space. Licences for large open spaces are generally restricted in the intensification of their use and the involvement of Safety Advisory Groups for significant events provides a flexible mechanism for consultation.
- D.11 Under the Licensing Act 2003 the Council holds a number of its own premises licences, covering some of the City’s busiest and highest profile areas (including Maida Hill, Piccadilly, Whitehall, Covent Garden, Leicester Square, Soho, Regent Street and Oxford Street). These are known as Area Premises licences.

- D.12 *These licences, held by the Council, enable the safe, controlled facilitation of event activities. Specifically, by making use of this framework, event organisers are enabled to submit their plans to the multi-agency LOSPG (Licensing, Operational and Safety Planning Group) event planning process, under the ‘umbrella’ of an area licence held by the Council. In this way proper consideration can be given to the whole range of factors that are relevant in deciding whether a given event proposal ought to be permitted, such as traffic and pedestrian congestion, local consultation, the appropriateness of an event to its proposed locale, and the management of litter and waste.*
- D.13 *The use of the Area Premises Licences has been largely successful. The Area Premises Licences require a named person of experience and proven competence to be responsible for compliance with the set conditions, co-ordination and planning. The Council’s Special Events Group therefore holds the Area Premises Licences on behalf of Westminster City Council. There is a general recognition by all concerned that Area Premises Licences have a part to play in the overall licensing system. They can be ideal for small, low impact community event activities that align to defined criteria, removing a bureaucratic/regulatory burden, and have been used as such. They also assist in the facilitation of “last minute” event applications that the City Council wishes to support, and they can afford the Council a robust level of control over the way event activities are planned and executed on the ground.*
- D.14 *When an event proposal entails any form of licensable activity, the most appropriate means of licensing it must be identified by the Council at an early stage. An event activity may be licensed by way of its own Premises Licence or, for event activities within the relevant geographic areas, permission can be sought to use one of the Area Premises Licences held by the City Council. The City Council wishes to ensure that local residents and others have the opportunity to have their say in appropriate circumstances regarding licensing decisions that may affect them, and this includes the use of Area Premises Licences.*
- D.15 *However, an event will only be authorised under an Area Premises Licence held by the Council when it is appropriate to do so to promote the licensing objectives and will not do so where it considers that wider consultation of the application is considered appropriate.*

4.40 The Licensing Authority intends to provide a separate policy for Qualifying Clubs. The current Licensing Policy included Qualifying Clubs with theatres, cinemas, other performance venues and special events. These premises don’t really relate to Qualifying Clubs. The other reason for separating these policies was to enable Qualifying Clubs to be considered based on the specific criteria that is applicable to Club Premises Certificates. The policy approach for Qualifying Clubs remains unchanged from the current policy. The new policy for Qualifying Clubs is set out below.

New - Qualifying Club Policy - QUC1

- A. *Applications outside the West End Cumulative Zones will generally be granted subject to:***
- (1) the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1***
 - (2) the hours for licensable activities are within the Council’s Core Hours Policy – HRS1,***
 - (3) the applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated area, and***
 - (4) the application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.***
- B. *Applications within the West End Cumulative Impact Zones may be granted subject to:***

- (1) *the application meeting the relevant criteria in policies CD1, PS1, PN1 and CH1,*
- (2) *the hours for licensable activities are within the Council's Core Hours Policy – HRS1,*
- (3) *the applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone,*
- (4) *the application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.*

C. For the purpose of this policy a Qualifying Club for the sale of alcohol for members and guests will meet the requirements of the general conditions in section 62, and the additional conditions in section 64 of the Licensing Act 2003.

Reasons for this Policy

- E.1 Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs. Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance.*
- E.2 Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act. A qualifying club has general conditions it must satisfy. These are:*
- *a person may not be given membership, or as a candidate for membership to any membership privileges, without an interval of at least two days from their membership application or nomination and their membership being granted;*
 - *that club rules state that those becoming members without nomination or application cannot have membership privileges for at least two days between them becoming members and being admitted to the club;*
 - *that the club is established and conducted in good faith;*
 - *that the club has at least 25 members;*
 - *that alcohol is only supplied to members on the premises on behalf of or by the club.*
- E.3 There are also additional conditions in relation to the supply of alcohol that must be complied with. These conditions are:*
- *that alcohol purchased for and supplied by the club is done by members of the club who are over 18 years of age and are elected to do so by the members;*
 - *that no person at the expense of the club receives any commission, percentage or other similar payment in regard to the purchase of alcohol by the club;*
 - *that there are no arrangements for anyone to receive a financial benefit from supplying alcohol, apart from any benefit to the club or to any person indirectly from the supply giving a gain from running the club.*
 - *Registered industrial and provident societies and friendly societies will qualify if the alcohol purchased for and supplied by the club is done under the control of the members or a committee of members.*
- E.4 These venues will apply for and operate under a Club Premises Certificate under the Act. Applications will be considered on their own merits and subject to the application demonstrating that the operation of the club will promote the licensing objectives, the location where the club will operate, the proposed hours, the proposed licensable activities and whether they meet the specific conditions for a Qualifying Club.*

Minor updates and changes across the statement to references to law, guidance or Council policies/strategies

- 4.41 Since the current SLP was revised there have been some changes to law, strategies and Home Office Guidance. The SLP has references to a number of these throughout which now may be outdated or incorrect. It is intended to make minor revisions to reflect changes to legislation, strategies or guidance.

5. Consultation

- 5.1 The Licensing Authority is consulting on the proposed revision of the Council's Statement of Licensing Policy and its intention to publish the 2020 Cumulative Impact Assessment. As both documents are linked, we have decided to consult on both documents at the same time. We will collate all responses and make any revisions as deemed appropriate for the consultation period.

- 5.2 The consultation period for the proposals to revise the Council's Statement of Licensing Policy and the intention to publish the 2020 Cumulative Impact Assessment will run from Monday 12th October to Sunday 15th November 2020. Consultation responses can be made using the dedicated online consultation response from which has been made available via the www.westminster.gov.uk/licensing-consultation. Responses can also be sent via email to licensingconsultation@westminster.gov.uk or via post to:

Licensing Policy Consultation
Policy Team – Innovation and Change
17th Floor
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

- 5.3 Please note that if you post your response to this consultation there may be delays in the postal service due to COVID-19 and therefore ensure that you send them with enough time so that they are received before the end of the consultation period.