The Statement of Licensing Policy of Westminster City Council
the Licensing Authority for the City of Westminster prepared
under Section 5 of the Licensing Act 2003 with regard to
Guidance issued by the Secretary of State for Culture, Media and
Sport under section 182 of the Licensing Act 2003.

Determined for a three year period commencing 7 January 2005
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"We want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment."
and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.”
This Statement of Licensing Policy sets out the policies that Westminster will apply in considering applications for activities that are licensed under the Licensing Act 2003. Its aim is to promote the four licensing objectives enshrined in the Act. It strikes a balance between the different aspirations of business, residents and visitors who all feel ownership of their part of the City that is the heart of London.

As the largest licensing authority in the country and the host to one of the busiest night-time economies in Europe, we are committed to providing the highest possible standards and a variety of quality late night entertainment, competing with other major cities such as New York, Paris and Dublin.

We want to see premises that reflect the diversity, interests and needs of the millions of people that visit us each year and in particular a West End and central area that is accessible for all ages. We want to see the sale and consumption of alcohol in Westminster, be it on premises or off trade, carried out legally and responsibly at all times.

The best operators and licensees in Westminster are already performing to these international standards and we wish to support them even further in raising performance throughout the industry. The small minority of operators that are not able to perform to this standard will be supported to improve through inspection, but if they fail to adhere, we will enforce the full extent of our powers in conjunction with the Police and other agencies when necessary.

Our Policy recognises the commercial importance of our night-time economy whilst at the same time supporting the rights of people to their residential amenity and a peaceful night’s sleep. At a time when all major cities are seeking to encourage an ‘urban renaissance’ of sustainable residential communities at their heart, we must maintain an environment that is continually clean and safe throughout the day and night.

This policy is our response to these challenges. In addition to addressing the four licensing objectives of the Act, it complements our comprehensive city management programmes, and the critical strategies we have with the Metropolitan Police for tackling crime, disorder and anti-social behaviour.

In developing this policy, we have had regard to the Ministerial Guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004.

This Guidance is indicative and not binding and we have also taken into account our own extensive knowledge, based on our experience of managing the UK’s largest existing late-night economy, and international best practice most appropriate to our unique size, scale and circumstances.

The Licensing Act brings enormous potential to consolidate Westminster’s position as a premier evening and late night destination. I believe this policy provides a fair and balanced framework for all the stakeholders to co-operate in achieving this.
Foreword by Commander Chris Allison of the Metropolitan Police

The City of Westminster is without doubt the Capital of the Capital - the shop window of London. Working closely with the City Council, the Metropolitan Police is working hard to make Westminster not only to be safe but to feel safe.

The scale of the night-time economy is one of the things that makes Westminster the unique environment that it is and the importance of an effective licensing regime in making this a thriving and safe area cannot be under-estimated.

This policy articulates that regime and clearly sets out how the Metropolitan Police, Westminster City Council and licensed businesses and residents of the City can work together to further drive down crime and the fear of crime. Our partnership approach will enable us to help businesses to operate lawfully but where necessary, we will use our powers against those who choose to operate outside the law.

Chris Allison
1 Overview
Strategy

1.1 The City Council has wide experience in regulating entertainment. Licensed entertainment in Westminster contributes to London’s appeal to tourists and visitors as a vibrant city. The size, the diversity and the concentration of entertainment in the West End are unique. The City of Westminster has more licensed premises than any other local authority in Britain. These include over 2,900 premises licensed to serve alcohol, 38 theatres and 370 night clubs and dance venues capable of holding more than 179,000 people. The entertainment industry brings cultural and financial benefits to the City. The City Council believes that good management of its vibrant entertainment industry and of the street environment within which it operates is essential to the continued success of central London and to attracting the wide range of people who want to come here to work, to visit and to live.

1.2 This Statement of Licensing Policy, has been drawn up to set out how the City Council as the Licensing Authority will promote the licensing objectives in the Licensing Act 2003.

THE LICENSING OBJECTIVES:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance and
- protection of children from harm.

Section 4(2) of the Licensing Act 2003

1.3 The Licensing Authority will have regard to these licensing objectives in carrying out its licensing functions under the Licensing Act 2003. They embody concerns that the City Council has acknowledged in exercising its licensing powers under previous legislation. It has had regard to the Guidance issued by the Secretary of State1 in drawing up this Statement of Licensing Policy. If the City Council, acting as the Licensing Authority, departs from this Guidance it will give reasons as suggested in Paragraph 2.3 of Guidance. It will always consider the circumstances of each application. It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for this.

1 Guidance under Section 182 of the Licensing Act 2003 issued by the Secretary of State for Culture Media and Sport. Referred to as Guidance in this document.
1.4 The policies are intended to strike a reasonable balance between different and sometimes competing aims. The foreword to Guidance identifies the importance of a range of aims including: widening the choice and appeal of licensed premises; the development of culture and the protection of local residents. The City Council has shaped its policies very much in line with these aims. It gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them coupled with its long standing policies of increasing the residential population of the City and ensuring that a good quality of life is enjoyed. In doing so it will be furthering the licensing objectives of prevention of crime and disorder and public nuisance. The City Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol in place of open bar space which caters for high volume vertical drinking as referred to in Guidance (paragraph 7.80). This will enable people to sit and enjoy a drink and, if they wish, to be served with food.

1.5 The City Council, acting as the Licensing Authority, has discretion on whether to grant applications for licences (see Appendix 2) and to impose conditions in granting and reviewing licences, but only when representations relevant to the licensing objectives are made by or on behalf of “interested parties” (local residents and businesses) or by “responsible authorities” (see Glossary). When no relevant representations are received it is the duty of the Licensing Authority to grant a licence subject to conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003 (Guidance paragraph 7.4). This licensing policy reflects the City Council’s understanding of the concerns of the responsible authorities at the time this licensing policy was drawn up. However, the responsible authorities are not bound by this statement and can make any representations if concerned over the effect of the grant of the application on the licensing objectives. The City Council can advise potential applicants if activities require licences. Further information can be accessed on the City Council’s website http://www.westminster.gov.uk/business/businessandstreettradinglicences

1.6 This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits (Guidance, paragraph 3.9). The way that the City Council will delegate authority to determine applications is shown at Appendix 3 (Guidance, paragraph 3.61). This Statement of Licensing Policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to
Related Strategies and Initiatives

1.7 The City Council has adopted a variety of strategies to protect and promote Westminster’s status as a world class city. These are outlined in Appendix 5 (see also Guidance, paragraph 3.45). The City Council has taken initiatives to prevent anti-social behaviour, noise and degradation of the street environment. These problems are often associated with late night entertainment. A combination of licensing and planning powers and effective management of the street environment are required to tackle these problems (see paragraph 2.43 and Guidance, paragraph 3.28).

However, the City Council regards licensing as the most appropriate tool to ensure the licensing objectives are promoted through premises being properly managed and operated and, where necessary, the number, location and hours of premises are controlled when this cannot be done adequately or appropriately through other legislation. The City Council regards licensing as a key means of controlling nuisance and anti-social behaviour and as part of the holistic approach to the management of the evening and night-time economy (Guidance, paragraph 3.11).

1.8 The City Council recognises the links between excessive alcohol consumption and poor health. As part of a wider package of initiatives the City Council is aiming to tackle the negative impacts associated with alcohol consumption through the Westminster Alcohol Strategy (see Appendix 5).

Other Relevant Legislation

1.9 Many other statutory requirements apply to licensed premises such as those on fire safety, planning, building control, public health, food hygiene and trading standards and the City Council must in exercising all its functions have regard to the importance of doing all that it reasonably can to prevent crime and disorder (under Section 17 of the Crime and Disorder Act 1998). These regulatory regimes will be properly separated as described in Guidance (paragraph 3.51). This suggests that applications for premises licences for commercial premises should normally be from businesses with planning consent for the property concerned. The City Council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered necessary to promote the licensing objectives and are not required under other legislation (Guidance, paragraph 3.53). Other relevant legislation is listed in Appendix 6.
2 The Policies
2.1 Policy Approach

The City Council as the Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences (see Appendix 2), and to impose conditions on granting licences if representations relevant to the licensing objectives are made by or on behalf of “interested parties” (local residents and businesses) or by “responsible authorities” (see Glossary) in due time. Otherwise, the Licensing Authority must grant all applications for premises licences. Therefore, the Licensing Authority will only consider these policies when such relevant representations have been made.

There are four types of policies in this statement:

- Policies supporting each of the licensing objectives (Policies CD1, PS1, PN1 and CH1). These apply to all applications. They contain criteria and considerations that will be relevant depending on the type and nature of the application. They refer to matters that may be the subject of conditions.
- A policy on hours (Policy HRS1) on the considerations that will apply to all applications.
- A special policy (Policy STR1) on cumulative impact that applies only in the Stress Areas (see Appendices 14 and 15).
- Policies that apply to various types of licensable activities. These outline the way the criteria and considerations will be applied. They reflect both the likely impact of different kinds of activities and the City Council’s intention to promote greater diversity in terms of entertainment and cultural facilities and in the age groups of people attracted to them. This is in order to promote the licensing objectives of the prevention of crime and disorder and of public nuisance. Policies on licensable activities are set out below:

- Restaurants and late night refreshment premises (RLN1&2);
- Premises supplying hot takeaway food or hot drink (TAW1&2);
- Public Houses and bars (PB1&2);
- Sale of alcohol for consumption off the premises (OS 1&2);
- Premises that have facilities for music and dancing (MD1&2);
- Theatres, cinemas, performance venues and qualifying clubs (PVC1&2);
- Combined use premises (COMB1);
- Nudity, striptease and sex related entertainment (NS1).
2.1.2 It should be noted that the City Council has adopted Action Plans for the improvement of particular areas, e.g. the Leicester Square Action Plan, Chinatown Action Plan and Covent Garden Action Plan (Appendix 5) and that it may adopt other area improvement plans in future. The Licensing Authority will take such plans into account where relevant to the licensing objectives.

2.1.3 Through development of a monitoring programme, the Licensing Authority will monitor the effect of the grant of licences on the licensing objectives. It will monitor the impact on the provision of entertainment including music and dancing and receive reports on the needs of the tourist economy and on employment and investment as referred to in Guidance (paragraphs 3.34 and 3.51). It will consider carefully the cumulative impact of the grant of licences, having particular regard to areas adjoining Stress Areas where the special policy on cumulative impact applies, when it undertakes a review of its Statement of Licensing Policy. This must be undertaken at least every three years but may be undertaken more frequently. It will consider, as part of such reviews, if there are additional areas or extensions to areas where special policies on cumulative impact are needed.

2.1.4 The Licensing Authority will apply the relevant parts of these policies in relation to applications including those for provisional statements, new licences and variations for premises licences and similar applications related to club premises certificates for qualifying clubs for:

- an increase in the capacity of the premises;
- an extension in the hours of operation of the premises;
- a change to the way the premises operate in regard to the Operating Schedule which will have an impact on the promotion of the licensing objectives;
- varying an existing condition attached to a premises licence which will have an impact on the promotion of the licensing objectives

2.1.5 As described in Guidance (paragraph 5.65), these policies will not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.
2.2 Policies supporting each of the licensing objectives

Introduction/definition

2.2.1 These policies are intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an operating schedule. Whereas the criteria, because they relate to the licensing objectives, will apply to all applications to some degree, the considerations will not necessarily apply or apply equally to all applications. These considerations have been developed with reference to the licensing objectives and in consultation with the responsible authorities. They therefore alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They also draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to the grant of a licence.

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:

Criteria
(i) 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 by the applicant of the likelihood of crime and disorder occurring as a result of the grant of the application.

Considerations
(ii) In deciding this, regard will be had to: the levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which the Metropolitan Police’s effective management checklist has been taken into account (see Appendix 7). This provides a comprehensive but not exhaustive list of considerations, not all of which will be applicable to all premises;
(iii) 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 7).

(iv) Whether the operating schedule includes sufficient management measures to prevent crime and disorder (see Appendix 7).

(v) Whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to: the number of people who may be admitted to the premises and the possibility of crowding increasing the likelihood of crime and disorder; the areas set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 9 to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may need to have regard to these matters in exceptional circumstances.

**Reasons for Policy CD1**

2.2.2 The Licensing Authority will expect applicants to explain in their operating schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs) a specific assessment is needed of how the risks of violence and crime in the premises and the vicinity will be managed. This is attached as Appendix 9. Details of the issues associated with crime and disorder, public safety and public nuisance are outlined in Appendix 12. The Westminster Police’s policy statement is attached as Appendix 10.

**Conditions**

2.2.3 Annex D of the Secretary of State’s Guidance sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The Licensing Authority will tailor appropriate and necessary conditions for premises licences and club premises certificates. Since the matters set out in Guidance and this Statement of Licensing Policy cannot cover every possible scenario, the Council will liaise with the Police for advice on appropriate conditions for particular premises. Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies as suggested in Guidance (paragraph 3.45).
The Licensing Authority may impose a range of conditions to premises licences or club premises certificates which include matters referred to in Guidance (paragraph 7.81 and Annex D) for example:

- Prescribed capacity of premises;
- Requirements for an appropriate ratio of tables and chairs to customers based on capacity and for areas to be allocated permanently for seated customers, in order to prevent overcrowding which can lead to disorder and violence;
- A requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime;
- Requirements for drinking vessels to be made of toughened glass or plastic or other materials that do not form a sharp edge when broken and that glass bottles are not passed to customers;
- Restrictions on drinking in areas within and outside the premises;
- Limitations on the types of promotions of alcoholic drinks so as to not encourage excessive drinking or drunkenness;\(^2\)
- Procedures for checking the ages of young people under 18;
- The maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted;
- Dedicated text, pager or other remote communications between management teams and local police stations and other licensed premises to provide early warning of disorder;
- Warning signs about crime prevention measures;
- Clear policies and measures to prevent the bringing of illegal drugs onto the premises and to discourage their use;
- The installation and maintenance of appropriately sited closed circuit television cameras (CCTV) to be operational during the period of the licence and other appropriate times both inside and immediately outside the premises capable of providing images of a suitable quality for use in evidence.

\(^2\) Reference should be made to codes of good practice from responsible authorities and from the industry, such as the British Beer and Pub Association’s Guidance on Point of Sale Promotions.
2.2.5 Other conditions relating to the deterrence and prevention of crime and disorder and initiatives to design out crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

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<th><strong>Public Safety</strong></th>
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<td>To promote public safety the Licensing Authority will apply the following criteria and take into account the following considerations where relevant in determining applications and reviews:</td>
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**Criteria**
- Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authorities and to the Licensing Authority that demonstrate that the public will be safe within and in the vicinity of the premises;

**Considerations**
- 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 they can be operated safely and can be evacuated safely in the event of an emergency;
- Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for “pass outs” and readmission;
- Whether patrons can arrive at and depart from the premises safely;
- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines);
(vii) Whether due account has been given to the measures outlined in ‘Safer Clubbing’\(^3\) in applications for facilities for music and dancing. The key areas identified are:

- Prevention of overcrowding;
- Air conditioning and ventilation;
- Availability of drinking water;
- Further measures to combat dancers and others overheating;
- Overall safety.

(viii) Whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

(ix) The levels of compliance with conditions on existing licences relating to public safety.

**Reasons for Policy PS1**

2.2.6 The City Council in its role as the Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. It will need to satisfy itself that measures to protect public safety including fire risk assessments, setting safe capacities, adequate means of escape and fire fighting equipment and CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. There are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. In addition, crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.

**Conditions**

2.2.7 Annexes E and F of Guidance set out matters which relate to conditions on public safety and fire safety. Annex J in Guidance sets out a Safer Clubbing checklist. These will be used to tailor appropriate and necessary conditions for premises licences and club premises certificates (Guidance, paragraph 7.31,7.36). Where premises comprise a vessel for which a current passenger ship certificate is in force, the public safety objective can generally be considered to be met in respect of the premises themselves and the operation of the vessel.

2.2.8 Conditions that may be attached to licences by the Licensing Authority where appropriate may include the following matters but other conditions related to public safety may also be attached:

- Checks on equipment at specified intervals;
- Standards to be maintained e.g. temporary electrical installations to comply with British Standards;
- The number of people on the premises appropriate to the activities taking place and reliable ways of counting the number of people on the premises;
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes and appliances and of the number of people on the premises;
- Ensuring that floors do not become slippery from spillages or condensation;
- Measures to prevent climbing onto ledges, balconies and speakers;
- Measures to keep sound levels below levels where damage to hearing of staff and customers is likely to occur;
- Management measures to reduce the risks of dancers and others overheating such as affordable cloakrooms, “chillout rooms”, breaks from fast dance rhythms and the spotting of dancers who may be in distress;
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover or be kept safe while awaiting medical assistance.

Prevention of Public Nuisance Policy PN1

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

Criteria

(i) The potential for nuisance associated with the style, characteristics and activities of the business to be carried on 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 (Guidance, paragraph 6.8) or where there is residential accommodation in the proximity of the premises;
Considerations

**Noise and Vibration**

(ii) Whether operating schedules contain adequate measures to prevent noise and vibration, whether air borne or structure borne, generated from within the premises or outside it or from an open site, causing disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home or at work or otherwise staying in or visiting the vicinity. However, stricter conditions with regard to noise control will be imposed on premises licences in areas that have denser residential accommodation (*Guidance, paragraph 3.30*) or have residential accommodation in proximity to them (*see Appendix 11*);

**MEASURES TO LIMIT NOISE AND VIBRATION**

Applicants will be expected to have included measures in their operating schedules that make adequate provision to:

a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity or from an open air site;

b) limit 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) minimise and control noise from customers arriving at the premises or open air site outside it and departing from it;

e) minimise and control noise from staff, contractors and suppliers and their activities;

f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers.

*The measures proposed in the operating schedule should have regard to the objective noise criteria set out in Appendix 11.*
Other Environmental Impacts

(iii) Whether operating schedules contain adequate measures to prevent:

- litter, smells, fumes, dust or other emissions
- street fouling
- light pollution

arising from the proposed licensable activity causing disturbance to people in the vicinity;

(iv) Whether the proposed licensable activities will be likely to cause nuisance by congestion of the pavement or the roadway, so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning);

(v) If there is proposed to be the sale of alcohol in open containers or food for consumption outside the premises, either within open areas which form part of the premises, such as forecourts or gardens, or outside the premises, whether or not external seating is proposed, the following considerations are relevant:

EATING AND DRINKING OUTSIDE PREMISES

(a) whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;

(b) whether the premises are under or in the proximity of residential accommodation;

(c) the hours of the sale of alcohol in open containers or food for consumption outside the premises;

(d) measures to make sure that customers move away from outside premises when such sales cease;

(e) measures to collect drinking vessels and crockery, cutlery and litter;

(f) the areas proposed for the consumption of food and alcoholic drink;

(g) whether there is a need for door supervisors to prevent or to control the consumption of food or drink, whether supplied from the premises or not, outside premises either in certain areas and between certain hours or at all times.

Note: Street Trading Licences are required for seating for the use of customers on the public highway and these are generally restricted to before 11:00 p.m. in Westminster.
(vi) Whether the proposals would lead to the need for increased refuse storage or waste collection;

(vii) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials;

(viii) Whether the sale of takeaway food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs;

(ix) Whether premises are likely to generate litter late at night. Premises may need to make provision for patrols to clear up litter taking into consideration the hours of street sweeping;

(x) 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;

(xi) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are necessary.

**Reasons for Policy PN1**

2.2.9 The Licensing Authority will expect applicants to set out in their operating schedules the steps taken or proposed to be taken to deal with the potential for public nuisance arising from the operation of the premises or open air site under the licence. Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community (Guidance, paragraph 7.40). It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of interested parties in the vicinity of licensed premises.

2.2.10 Westminster has a substantial residential population and the City Council, as the Licensing Authority, has a duty to protect it from nuisance. In certain areas, the increased concentration of entertainment uses and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the City Council as the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the
entertainment industry and the needs of residents and other users of the City including businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

2.2.11 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard and this can lead to them being noisier when leaving premises. The later that music is played the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns resulting from congestion and the pressure for on-street parking space and the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include noise from open-air drinking and eating, the servicing of premises and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

2.2.12 Residents are often subjected to nuisance from the noise of people on their way to and from premises and hanging about the streets after they have left premises. This can affect residents at some distance from the premises themselves, especially along routes to transport facilities and to car parks and parking areas and between late night premises of various types. The nuisance from noise depends on its nature; whether it is in the day, in the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is “high spirits”. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.

2.2.13 Eating and drinking outdoors is increasingly popular. However, the noise of people socialising out of doors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways and more occasionally roadways by people eating and drinking is a public nuisance. The placing of tables and chairs for people to eat or drink at, on any part of the public highway requires both planning permission and a street trading licence in Westminster. In the determination of both these types of applications, regard will be paid to amenity concerns. However, the use of garden or courtyard areas and private forecourts is not controlled under these other regimes. In order to prevent public nuisance it will be
necessary to consider the extent of eating and drinking that will take place outdoors and the measures that will be necessary to ensure that nuisance is not created. Outdoor eating and drinking and the congregation of people at night is likely to cause nuisance and conditions are likely to be imposed to limit the hours when this takes place. This may require staff to control or prevent people going outdoors with food or drink either some or all of the time. Where necessary, conditions will be imposed to manage or, if appropriate, prevent outdoor eating and drinking. One option at review might be the removal of the sale of alcohol for consumption off the premises from a premises licence.

2.2.14 Some late night premises contribute significantly to the public nuisance of litter; particularly premises selling hot takeaway food and drink late at night, and clubs where there is queuing or which distribute publicity flyers (Guidance, paragraphs 7.39 and 7.46). Customers drop litter late at night and by congregating outside these premises they make it impossible for the streets to be properly and effectively swept. Flyposting is a public nuisance. Entertainment venues are one of the main types of business that resort to this type of advertising.

2.2.15 In those parts of the City characterised by round-the-clock activity, the City Council operates a 24-hour cleansing service. However, at the busiest times and in the busiest places, it is sometimes impossible to maintain streets to a high standard of cleanliness. In such locations, a “window of opportunity” is needed between about 2:30 a.m. and 5:00 a.m. when the streets are sufficiently empty to sweep them effectively and to use mechanical equipment, in order to restore a high standard of cleanliness before the start of the next working day.

Conditions

2.2.16 Annex G of the Guidance sets out matters that may be the subject of conditions related to the prevention of public nuisance. Hours of opening and hours for each licensable activity must be included in the operating schedule. Conditions will be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance. Conditions could be necessary to limit the times when certain licensable activities take place although the premises may be open to the public at such times. For example, there may be reason to have a condition on the hour that music ceases to be played in a bar or restaurant or when alcohol is served at a music venue which is prior to the end of other licensable activities. Conditions may also be attached referring to the parts of premises that might be used for certain licensable activities.
at certain times. Stricter conditions will be expected in areas of denser residential accommodation as suggested in Guidance (3.30).

2.2.17 Conditions will be attached to premises licences where appropriate. These may include conditions on: maximum noise levels over particular time periods; the installation of acoustic lobbies; signs and verbal advice to patrons on leaving quietly and by certain routes; the control of nuisance from light pollution; taking food or drink outside the premises; flyposting; distribution of leaflets, litter and cleaning outside of the frontage and in the vicinity of the premises.

To protect children from harm, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Considerations</th>
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<tbody>
<tr>
<td>(i) Whether there are appropriate measures in place to protect children</td>
<td>(ii) Whether there are effective measures to check the age of those</td>
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<tr>
<td>from harm.</td>
<td>under 18 (see Appendix 9);</td>
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<tr>
<td>(iii) Whether due regard is paid to industry codes of good practice on</td>
<td>(iv) Whether there are adequate procedures for identifying unaccompanied</td>
</tr>
<tr>
<td>the labelling and display of alcoholic drinks;</td>
<td>or lost children and ensuring that they are kept safe and adequately</td>
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<td></td>
<td>supervised until they can be handed over to a responsible adult;</td>
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<td></td>
<td>(v) The likelihood of children being attracted to the premises; e.g. by the</td>
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<td>nature of activities or facilities provided whether or not these are licensed;</td>
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<td></td>
<td>(vi) Whether there is evidence of problems of underage drinking on the</td>
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<td>premises;</td>
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<td></td>
<td>(vii) Whether the premises commonly provides entertainment or services of</td>
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<td></td>
<td>an adult or sexual nature (see Glossary);</td>
</tr>
</tbody>
</table>

4 The Portman Group Code of Practice on the Naming, Packaging and Merchandising of Alcoholic Drinks and their Retail Alert Bulletins on unsuitable packaging and marketing.
(viii) Whether there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines);

(ix) Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises (Guidance, paragraph 3.37);

(x) 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 City Council itself (Guidance paragraph 3.43);

(xi) If performances or activities are likely to attract children, the number of adults required for the supervision of children;

(xii) Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken;

(xiii) 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. Obtaining Enhanced Disclosure from the Criminal Records Bureau may be appropriate in some cases;

(xiv) Proposals for the provision or arrangement for safe transport for children.

**Reasons for Policy CH1**

2.2.18 Westminster is unique in the range of entertainment facilities it has to offer and in its accessibility from all over London, the South East and nationally. The “bright lights” of the West End attract young people from far and near. Young people who are some distance from their homes are particularly vulnerable, especially underage and inexperienced drinkers.

2.2.19 The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this. These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:
(i) the sale of alcohol;
(ii) children’s performances;
(iii) attractions or performances likely to attract children.

Conditions

2.2.20 Annex H of Guidance sets out suggestions for conditions that venue operators may offer relating to the protection of children from harm. This includes the protection of children from moral, psychological and physical harm (Guidance paragraphs 7.47-7.60).

2.2.21 In line with Guidance (paragraph 3.39) conditions may be attached relating to the access or, where necessary, the exclusion of people under the age of 18 to premises with a premises licence or club premises certificate for example where there is:

(i) A history of offences relating to underage drinking;
(ii) A known association with drug taking or dealing;
(iii) A strong element of gambling on the premises;
(iv) Entertainment of an adult or sexual nature is commonly provided;
(v) Films shown with age restricted classification.

2.2.22 Conditions limiting the access of children may be attached. These could include one or any combination of the following (Guidance paragraph 3.39):

(i) Requirements for adequate procedures to check ages in premises where alcohol is served;
(ii) Limitations on the hours when children may be present;
(iii) Limitations or the exclusion of children under certain ages when particular specified activities are taking place;
(iv) Age limitations (below 18);
(v) Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
(vi) Limitations on parts of premises to which children may have access;
(vii) Full exclusion of people under 18 from the premises when any licensable activities are taking place (Guidance, paragraphs 3.39 and 7.52).

2.2.23 As a Licensing Authority, the City Council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives. These will include:
(i) A requirement to adhere to either the age restricted recommendations of the British Board of Film Classification or to similar classifications imposed by the City Council. Details of the certifications imposed by the City Council are available from the City Council’s Licensing Service;

(ii) A requirement for the cinema venue operator to submit any film not classified by the British Board of Film Classification which it intends to exhibit 28 days before it is proposed to show it;

(iii) In line with the various classifications of films by the British Board of Film Classification, the Licensing Authority will impose conditions necessary to restrict access accordingly and to require any certificates or notices of category to be displayed appropriately.

2.2.24 At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during an emergency.

2.3 Hours

Introduction/definition

2.3.1 This policy applies to all types of premises licences and club premises certificates. It should be noted that the operating schedules must specify both the hours during which premises are open to customers and the hours when licensable activities are taking place. Under Policy PN1, hours when servicing refuse and recycling collections may take place may also be subject to conditions.

2.3.2 The City Council, as the Licensing Authority, is not proposing to set fixed, predetermined closing times for particular areas as urged against in Government Guidance (paragraph 6.9). It is the intention generally to grant licences or variations to licences where the hours when customers are allowed to be on the premises are within the ‘core hours’ as set out in the table in Policy HRS1. This is not a policy to refuse applications for hours longer than the core hours. Where a proposal is made to operate outside these core hours each application will be considered on its merits, as suggested in Guidance (paragraph 3.29), against the criteria as set out in paragraphs (ii) to (iv) below. In the case of the Stress Areas where special policies on cumulative impact apply variations of hours within the core hours under Policy HRS1 will generally be granted. This is in recognition that even in
areas where there is cumulative impact and there are a great number of late night licences the closing time of ordinary public houses is artificially early as suggested in Guidance (paragraph 6.10).

<table>
<thead>
<tr>
<th>Hours</th>
<th>Policy HRS1</th>
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<tbody>
<tr>
<td>(i) Applications for hours when customers are allowed to be on the premises, set out below as the ‘core hours’ will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</td>
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<tr>
<td>(ii) Applications for hours outside the core hours, set out below in this policy, will be considered on their merits, subject to other relevant policies and with particular regard to the following:</td>
<td></td>
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<tr>
<td>a) 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;</td>
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<tr>
<td>b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed;</td>
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<tr>
<td>c) The proposed hours of the licensable activities and when customers will be allowed to be on the premises;</td>
<td></td>
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<tr>
<td>d) The proposed hours when any music, including incidental music, will be played;</td>
<td></td>
</tr>
<tr>
<td>e) 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;</td>
<td></td>
</tr>
<tr>
<td>f) The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity;</td>
<td></td>
</tr>
<tr>
<td>g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night;</td>
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</table>
h) The capacity of the premises;

(i) The type of use recognising that premises that sell alcohol, play music for dancing, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.

(iii) Conditions on hours will generally be attached that require that customers should not be allowed to remain on the premises later than half an hour after the time that licensable activities are licensed to take place. In considering a longer period than half an hour 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.

(iv) Conditions on hours will generally 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.

(v) The City 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.
The Policies

2.3.3 Westminster has the greatest concentration of licensed premises in the United Kingdom; many currently operate late into the night. There is extensive late night opening and range of closing hours throughout the night. Appendix 13 provides details on the current hours of operation of licensed premises across the City. There are well over 300 premises in Westminster with existing licences which allow the premises to operate after midnight. These premises will retain these hours through the process of conversion of licences during the transition period and will continue to provide a variety of later operating times. Appendix 12 illustrates the pressures late at night; the limited capacity of the transport system to serve the extent of late night activity; 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 Licensing Authority does not accept that it should in principle actively support later opening as suggested in Guidance (paragraph 6.10). It does not accept that in the circumstances of Westminster generally longer hours would result in a reduction in crime and disorder and public

**Core Hours – i.e. when customers are allowed to be on the premises** (see also paragraph (i) on page 30)

- For premises for the supply of alcohol for consumption off the premises
  - Monday to Saturday: 8:00 a.m. to 11:00 p.m.
  - Sundays: 10:00 a.m. to 10:30 p.m.

- For premises for the supply of alcohol for consumption on the premises
  - Friday and Saturday: 10:00 a.m. to midnight
  - Sundays immediately prior to Bank Holidays: Midday to midnight
  - Other Sundays: Midday to 10:30 p.m.
  - Monday to Thursday: 10:00 a.m. to 11:30 p.m.

- For premises for the provision of other licensable activities:
  - Friday and Saturday: 9:00 a.m. to midnight
  - Sundays immediately prior to Bank Holidays: 9:00 a.m. to midnight
  - Other Sundays: 9:00 a.m. to 10:30 p.m.
  - Monday to Thursday: 9:00 a.m. to 11:30 p.m.
nuisance. However, the Licensing Authority recognises that the longer opening hours for pubs and bars allowed by the core hours may have some effect in reducing the number of people leaving premises simultaneously as described in Guidance (paragraph 3.29). It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but enable people to travel home relatively easily by tube and train while retaining opportunities for residents to have an additional respite on Sunday. It may be that this additional time for the sale of alcohol will satisfy a number of customers who wish to travel home reasonably conveniently by public transport who hitherto had gone on to premises with very much later hours. Hours later than these core hours will be considered on their merits in relation to other policies in the Statement of Licensing Policy. The City Council wishes to see a more diverse range and variety of entertainment available later at night and will allow greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity. The City Council wishes to encourage a wider range of people to frequent the West End both so that they can enjoy what it has to offer and because a wider range of age groups should act to curb anti-social behaviour. In doing this it will further the licensing objectives of prevention of crime and disorder and public nuisance.

2.3.4 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents’ rest, relaxation and sleep will be of particular concern. In general, conditions 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.

2.3.5 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 general 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, during which periods of time residents in adjacent properties may be attempting to relax or to go to sleep or are sleeping. Conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises (Guidance, paragraph 7.43).
2.3.6 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 to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in 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 sales of alcoholic drinks have ceased and while food and non alcoholic drinks are still available and the volume and tempo of music is reduced and the levels of lighting are increased, 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 dance music and to switch to quieter, slower tempo music with a less pronounced beat while other licensable activities continue.

2.3.7 Applicants are encouraged not to apply for later hours than they will in fact operate; particularly applying for 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.

2.3.8 Restaurants and premises where regulated entertainment is provided to a seated audience (e.g. cinemas and theatres) generally have little association with crime and disorder and public nuisance. Restaurants, where there is no music and dancing and customers are seated and served at tables, appeal to people across a range of age groups including older customers. Premises where regulated entertainment is provided to a seated audience provide a diverse range of cultural and entertainment facilities and are attended by a mix of age groups. Because of this, these types of premises will be given the opportunity to operate more flexibly late at night. Any relevant representations received and the availability of transport will be matters for careful consideration.

2.3.9 In the past registered clubs, which will convert to become 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. Any relevant representations received and the availability of transport will also be matters for careful consideration.
2.4 Stress Areas

2.4.1 The City Council acting as the Licensing Authority is applying the special policies relating to cumulative impact as outlined in Guidance (paragraphs 3.13-3.27) to three limited areas in Westminster. These amount to less than 6% of the total area of the City of Westminster although they contain 41% of the licensed premises within the City including 62% of the entertainment licences. These areas have been identified as under stress because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence for this is set out in Appendices 12 and 13.

2.4.2 In the Stress Areas, which have been identified as areas where special policies on cumulative impact apply, the Licensing Authority has policies which indicate refusal of applications for pubs and bars, takeaway hot food and drink and the provision for facilities for music and dancing other than applications to vary hours within the core hours under Policy HRS1. This is a less restrictive approach than is suggested in Guidance (paragraph 3.16) which suggests that licensing authorities can adopt a policy of refusing all new licences subject to relevant representations being made. However, this effectively is a policy of fixed terminal hours for these limited types of premises within the Stress Areas. A policy of fixed terminal hours is contrary to Guidance (paragraph 3.26). However, the Licensing Authority considers that it is better to grant the core hours to premises in the Stress Areas rather than have a policy to refuse all applications or to make exceptions in virtually every case. The Licensing Authority is generally prepared to grant reasonable limited longer hours by way of the core hours for all premises across the City. The problems in the Stress Areas are generally later at night than the core hours. Without the provision to grant applications to vary hours within the core hours in the Stress Areas customers in the Stress Areas would leave the Stress Areas around
11:00 p.m. in search of the additional hours available outside them. There are a very large number of licensed premises in the West End Stress Area and the adverse effects on the licensing objectives consequent upon this movement at 11:00 p.m. would be serious. Policies STR1 (i), TAW2, PB2 and MD2 are intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application even where an application is made for a proposal that is apparently contrary to policy (Guidance, paragraph 3.23).

2.4.3 It is not possible to give a full list of examples of when the Licensing Authority may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the Stress Area special policies on cumulative impact.

2.4.4 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence or that are or will be generally well managed. This is to be expected in the conduct of all licensed premises.

2.4.5 The Licensing Authority's policies, in relation to the Stress Areas, are directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. A clear example would be a proposal to transfer the operation from one premises to another, where the size and location of the second premises is likely to cause no greater detrimental impact and will promote the licensing objectives. Another would be the substitution of existing licensable activities at the premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives. Similarly, the reduction in the capacity of a premises or a reduction in hours of operation might be a reason for an exception to policy. The latter would not require an application to put into effect but might be proposed with other variations. There are a number of aspects of the operation of licensed premises that are currently permitted under their existing licences that cannot be retained through the process of conversion. An example is the provision of live entertainment by not more than two performers. Applications to vary premises licences to retain some of these features may be granted as exceptions to Stress Area policies if they have no adverse effect on cumulative impact.
Special policy relating to cumulative impact – Stress Areas

(i) It is the Licensing Authority’s policy to refuse applications in the Stress Areas for: pubs and bars; late night refreshment premises offering hot food and drink to take away and premises offering facilities for music and dancing – other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

Reasons for the Stress Area Policy

2.4.6 The reasons for the Stress Area policy and how the boundaries of the areas were identified are found in Appendix 14. Evidence of the effect of the cumulative impact of licensed premises of various types is found in Appendix 12. The Licensing Authority’s view is that cumulative impact in the Stress Areas arises mainly from the numbers of pubs and bars, music and dance premises and night cafes; especially those with outside seating or serving hot food to take away. The Licensing Authority wishes to encourage the provision of a range of entertainment where this is suitable and to reduce the extent of dominance of pubs, bars and nightclubs in the West End Stress Area and of night cafés in all the Stress Areas.

2.4.7 It should be noted that the City Council employs a range of mechanisms to prevent or limit cumulative impact arising from premises and their customers behaving badly or unlawfully once away from the premises. (Guidance paragraph 2.8). The measures currently available to the City Council are given as examples such as:

- Planning Policies in the Unitary Development Plan since June 2000;
- Action plans for Leicester Square, Chinatown and Covent Garden;
- The introduction of City Guardians;
- Civic Watch Project;
- Extensive CCTV coverage in the West End;
- Additional Portable Urinals, 24 hour street cleansing;
- Orders to give the Police powers to stop street drinking and seize alcohol and receptacles;
- Use of Dispersal Orders;
- Joint Operations on illegal minicabs.
2.4.8 The Police have re-deployed their resources to allocate more officers to the night shifts and are key partners in the CCTV initiatives in confiscating alcohol and preventing street drinking in joint operations on illegal minicabs and work in close day to day collaboration through Civic Watch and with the City Guardians.

2.5 Premises Licences – Policies by Types of Use Restaurants and Late Night Refreshment Premises

Introduction/definition

2.5.1 This policy applies to those premises that are proposed to be used as a restaurant or premises offering late night refreshment to seated customers.

2.5.2 For the purposes of this policy a restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine.

2.5.3 Late night refreshment includes the supply of hot food or hot drink at any time between the hours of 11.00 p.m. and 5.00 a.m, whether for the consumption on or off the premises (Schedule 2, Licensing Act 2003). Late night refreshment premises that serve hot food or hot drink exclusively by service to customers seated at tables will be treated as restaurants in terms of this policy. Applications for the provision of late night refreshment exclusively to seated customers on the premises will be considered under policies RLN1 and RLN2.

2.5.4 Where it is proposed to sell hot food and hot drink to standing customers or for consumption off the premises (take away), the application will be considered under policies TAW1 and TAW2.

2.5.5 The Stress Area boundaries are shown on the maps at Appendix 15.

Restaurants and Late Night Refreshment Premises outside the Stress Areas Policy RLN1

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Applications will be granted subject to other policies in the plan provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

Reasons for Policies RLN1 & RLN2

2.5.6 The wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city. Restaurants attract people over a wide range of ages. It is recognised that restaurants providing table service have little association with crime and disorder or public nuisance.

2.5.7 For this reason, the Licensing Authority will generally grant premises licences and variations for restaurants outside the Stress Areas subject to criteria related to the licensing objectives. A stricter approach to restaurants in the Stress Areas has been adopted due to the current cumulative impact issues discussed in Appendices 12 and 14.

2.5.8 It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. However, because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is mainly from premises selling hot food or hot drink for consumption off the premises. Therefore, the Licensing Authority will give separate consideration to those late night refreshment premises offering the sale of hot food or drink for consumption off the premises.
Premises Supplying Hot Take Away Food or Hot Drink

Introduction/definition

2.5.9 These policies apply to those late night refreshment premises that supply hot food or hot drink for consumption off the premises (take away).

Late night refreshment premises are defined in the Glossary. The Stress Area boundaries are shown on the maps at Appendix 15.

Premises Supplying Hot Take Away Food or Hot Drink outside the Stress Areas

Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

Premises Supplying Hot Take Away Food or Hot Drink inside the Stress Areas

It is the Licensing Authority’s policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

Reasons for Policies TAW1 & TAW2

2.5.10 Premises which supply hot food or hot drink for consumption off the premises (take aways) which are open after 11p.m. can attract large groups of customers many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance. The Metropolitan Police have raised concerns about the level of crime and disorder outside take away food premises late at night due to alcohol fuelled behaviour and the opportunities for crime afforded by the congregation of people. The consumption of food outside premises can result in food waste and litter on pavements to an extent that amounts to a public nuisance. Crowding the pavement and dropping of litter late at night make effective cleaning impossible at that time.

2.5.11 These issues are of particular concern in the Stress Areas where there are high concentrations of take aways in addition to other licensed premises. On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering take away hot food or hot drink in the Stress Areas
should be limited to exceptional circumstances. See paragraphs 2.4.2 -2.4.5 on exceptional circumstances.

Public Houses and Bars

Introduction/definition

2.5.12 These policies apply to premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It excludes music and dance premises and other premises as defined in separate policies. The Stress Area boundaries are shown on these maps at Appendix 15.

Public Houses and Bars outside the Stress Areas

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Public Houses and Bars in the Stress Areas

It is the Licensing Authority’s policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

Reasons for Policies PB1 & PB2

2.5.13 Pubs and bars are part of Westminster’s offer of entertainment and provide for residents and for people working in and visiting the City. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, can in some cases have a positive effect on the promotion of the licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally from noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.

2.5.14 This is of particular concern in the Stress Areas where there has been a growth in the number of premises that primarily serve alcohol resulting in, or adding to, cumulative impact. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Stress Areas should be limited to exceptional circumstances. See paragraphs 2.4.2 -2.4.5 on exceptional circumstances.
Conditions

2.5.15 The Licensing Act 2003, Section 19, sets out mandatory conditions where a licence authorises the supply of alcohol:

(i) “No supply of alcohol may be made under the premises licence –
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.”

2.5.16 The City Council, acting as the Licensing Authority, will have particular regard to measures to prevent crime and disorder as outlined in Appendix 9 and will impose conditions as appropriate.

Off Sales of Alcohol

Introduction/definition

2.5.17 This policy applies to premises where the sale of alcohol is for consumption off the premises. i.e. shops, stores and supermarkets etc.

Off Sales of Alcohol outside the Stress Areas Policy OS1

Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1 and subject to policy HRS1.

Off Sales of Alcohol within the Stress Areas Policy OS2

Applications will be granted subject to other policies in the plan provided it is demonstrated that they will not add to cumulative impact in the Stress Areas.

Reasons for Policies OS1 & OS2

2.5.18 Guidance recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the licensing objectives, in particular the prevention of crime and disorder and public nuisance (Guidance, paragraphs 3.31, 5.71 and 6.2).
2.5.19 Some shops and supermarkets selling alcohol in Westminster’s commercial and residential areas have been a focus for anti-social behaviour, disorder and disturbance. This has been caused by street drinkers and underage drinkers who have tried to obtain, or have obtained, alcohol from such premises. Due to these concerns over crime, disorder and disturbance, the Licensing Authority will not, as a general rule, grant applications for the 24 hour sale of alcohol for consumption off the premises for shops which trade to the full extent they are permitted to under the Shops Act 1950 and Sunday Trading Act 1994. It will consider seriously any representation made by the Police, other responsible authorities and relevant representations from interested parties and will take into account Policy HRS1 in determining applications. The Licensing Authority will impose, where necessary to promote the licensing objectives, conditions on the checking of the ages of those who might be under 18 as suggested in the Effective Management Checklist Appendix 7. In instances where there are problems of street drinking or late night disorder and public nuisance the Licensing Authority may impose conditions on hours that restrict sales to start later and finish earlier than the hours that it will generally grant under policy HRS1. Where there are problems of street drinking the Licensing Authority will impose conditions that there should be no sales of beers and ciders with alcoholic contents of over 5.5% by volume. Assurances given to this effect have been successful in discouraging street drinking and drunkenness under the previous licensing regime when used in association with measures under the Crime and Disorder Act 1998.

2.5.20 In appropriate cases, the hours of selling alcohol for consumption off the premises may be conditioned to cease the supply of alcohol before the hours of premises in the vicinity supplying alcohol for consumption on the premises. This is to discourage the consumption of alcohol on the streets after premises in the vicinity selling alcohol for consumption on the premises have closed.

2.5.21 The City Council introduced a controlled drinking zone by making Orders to give the Police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001 in the south of the City centred on Victoria and extended this ban northwards in April 2004.
Theatres, cinemas, other performance venues and qualifying clubs

Introduction/definition

2.5.22 These policies apply to a wide range of premises including:

- Theatres, cinemas, concert halls and other venues providing facilities for regulated entertainment (performance venues);
- Qualifying clubs requiring club premises certificates (see Glossary);
- Outdoor events involving licensable activities.

2.5.23 These policies apply to any premises requiring a premises licence other than:

- those premises defined as a restaurant or a late night refreshment premises (See Policies RLN1 and RLN2); or
- those premises supplying hot food or drink for consumption off the premises (See Policies TAW1 and TAW2); or
- those premises primarily for the sale and consumption of alcohol on the premises. (See Policies PB1 and PB2); or
- venues where facilities are included for enabling persons to take part in entertainment, (See Policies MD1 and MD2); or
- premises selling alcohol for consumption off the premises (See Policies OS1 and OS2); or
- outdoor areas such as parks and squares where regulated entertainment particularly music and dancing are provided; or
- Casinos and bingo Clubs in relation to licensable activities; there is separate legislation on the licensing of gaming.

2.5.24 The detailed Stress Area boundaries are shown on the maps at Appendix 15.

Theatres, cinemas, other performance venues, and qualifying clubs outside the Stress Areas Policy PVC1

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Theatres, Cinemas, other performance venues, and qualifying clubs in the Stress Areas

Policy PVC2

Applications will be granted subject to other policies in the plan provided it is demonstrated that they will not add to cumulative impact in the Stress Areas.

Reasons for Policy PVC1 & PVC2

2.5.25 The City Council welcomes the vital contribution that theatres, cinemas, concert halls and other performance venues make in providing the diverse cultural and entertainment offer that attracts people of all ages into Westminster and maintains its status as a world class city. The City 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 Stress Areas in place of pubs and bars and alcohol led music and dance venues will be likely to promote the licensing objectives.

2.5.26 Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs (see Glossary). Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance.

2.5.27 Performance venues will be subject to conditions on public safety related to the staging of special effects and the exhibition of film is subject of mandatory conditions on the admittance of children.

2.5.28 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. There have been proposals at Lords Cricket ground for licensable activities. The City Council itself has a programme of smaller events in its parks with occasional larger events. There are other occasional events in squares. The range and diversity of these events may make it desirable to license such events separately rather than through a single premises license.

2.5.29 Some of these events, because of their prominence, attract very large crowds. Sound from outdoor events is not enclosed and carries across the City and may therefore, if not carefully controlled, 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 a consideration in determining applications for premises licences for outdoor licensable activities and the conditions imposed will reflect this.

**Music and Dance Premises**

**Introduction/definition**

2.5.27 These policies apply to premises where there is the provision of entertainment or facilities for entertainment. They apply to venues with facilities for enabling persons to take part in entertainment for the purpose of being entertained such as: making music, or dancing as in nightclubs or entertainment of a similar description to music and dancing such as karaoke (see Glossary). Generally, these venues also serve alcohol. The Stress Area boundaries are shown on the maps at Appendix 15.

<table>
<thead>
<tr>
<th>Music and dancing or similar entertainment outside the Stress Areas</th>
<th>Policy MD1</th>
</tr>
</thead>
</table>

Applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

<table>
<thead>
<tr>
<th>Music and dancing or similar entertainment within the Stress Areas</th>
<th>Policy MD2</th>
</tr>
</thead>
</table>

It is the Licensing Authority’s policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

**Reasons for Policies MD1 & MD2**

2.5.28 Music and dance venues are an important part of London’s entertainment offer. Nightclubs are an inherent part of social life for many young people in Britain. However the provision of music and dancing, especially with amplified music, and the large numbers of people attending venues and congregating outside them can lead to concerns over public nuisance and in some cases crime and disorder.

2.5.29 There is particular concern in the Stress Areas where there has been a growth in the number of entertainment premises and other licensed premises (see Appendices 12 and 14). On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the Stress Areas should be limited to exceptional circumstances. (See paragraphs 2.4.2 -2.4.5 on exceptional circumstances).
2.5.30 Outside the Stress Areas, more scope has been provided for the establishment of new premises licences where they are not in conflict with the licensing objectives.

**Conditions**

2.5.31 The Licensing Authority will expect the licensee to provide in the operating schedule details of the drug policy in operation at the premises and will impose conditions, as appropriate, on licences in line with the recommendations in “Safer Clubbing”.

2.5.32 The Licensing Authority will have regard to measures to prevent crime and disorder, as outlined in Appendices 7 and 9, and in guidelines on crime prevention such as “Safe and Sound” and will impose conditions as appropriate.

**Combined Use Premises**

**Introduction/Definition**

2.5.33 In this licensing policy, the term ‘combined use premises’ means premises which need a licence under the Licensing Act 2003 and which operates as multi-use premises. This is when there is more than one use and the uses are not dependent on or part of the other uses i.e. ancillary to them. Examples include: hotels, casinos, café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

<table>
<thead>
<tr>
<th>Combined use premises</th>
<th>Policy COMB1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The Licensing Authority will take into account the current and proposed use of the premises. When considering what weight is to be given to the relevant uses and policies, it will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see Policy HRS1).</td>
<td></td>
</tr>
<tr>
<td>(ii) It will consider any premises which includes any pub or bar use or provides facilities for take away hot food and drink or for music and dancing primarily under the policies specific to those uses. (PB1 &amp; PB2, TAW1 &amp; TAW2, MD1 &amp; MD2).</td>
<td></td>
</tr>
<tr>
<td>(iii) Where premises propose to operate as a ‘combined use premises’, other than those specified in (ii) above, applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 and HRS1.</td>
<td></td>
</tr>
</tbody>
</table>

*“Safe and Sound” guidance leaflet on safety with regard to drugs and weapons published by the Metropolitan Police 2004*
Reasons for Policy COMB1

2.5.34 In recent years, there has been a rapid development of new entertainment and leisure concepts including ‘chameleon’ bars that change over the course of the day, ‘superpubs’, ‘gastropubs’ and multi-attraction entertainment complexes. As a result, the conceptual boundaries between premises such as pubs and restaurants and other entertainment venues are increasingly becoming blurred and difficult to define. This policy has been developed to meet these changing circumstances.

2.5.35 Major hotels and some other hotels provide a range of licensed activities including entertainment for hotel residents and others, and provide venues for conferences, celebrations and parties. These are important central London activities and are long established. Casinos are licensed for the sale of alcohol and since 2002 are no longer prohibited from serving drinks at gaming areas but must ensure that they are provided in a way which does not disturb or threaten the orderly conduct of the gaming. The restrictions on live entertainment in casinos were removed by the Gaming Clubs (Licensing) (Amendment) Regulations 2002 (SI No 1910/2002), which came into force on 12th August 2002. They are no longer prohibited from providing entertainment but do so as ancillary to the gaming and as a private place of entertainment. Casinos are currently private clubs but may cease to be so if the provisions of the Gambling Bill come into effect as an Act. They are likely to seek premises licences alongside the licences they need for gaming and gambling.
Nudity, Striptease and Sex Related Entertainment

Introduction/definition

2.5.36 The Guidance on their draft application forms for operating schedules indicates that applicants should specify in their operating schedule anything which may give rise to concern in respect of children. This would include whether they propose to have entertainment involving nudity or striptease or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with a restricted 18 category (R18).

Guidance (paragraph 7.69) states that other than in the context of film classification, censorship of the content of regulated entertainment is not a proper function of licensing law and cannot be properly related to the licensing objectives. The City Council as the Licensing Authority does not seek to censor the content of regulated entertainment. As Guidance points out (paragraph 7.30), that indecency is covered by other legislation. The City Council in its role as the Licensing Authority seeks to limit the number, and location of premises offering sex related entertainment in pursuit of the licensing objectives of the prevention of crime and disorder and preventing of public nuisance. It seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder and to protect children from harm.

Nudity, Striptease and Sex Related Entertainment  Policy NS1

(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.

(ii) Applications will be subject to appropriate conditions which promote the licensing objectives.

(iii) Applications will not be granted in proximity to:

a) Residential accommodation;

b) Schools;

c) Places of worship;

d) Community facilities or public buildings.

(iv) The Licensing Authority will have regard to the cumulative effect of the number of such premises in close proximity to each other and in the vicinity.
Reasons for Policy NS1

2.5.37 Premises providing sex related entertainment are likely to constitute a public nuisance if they are in or near residential areas, or other areas which are not already associated with entertainment; particularly if they are close to schools, places of worship or community facilities. Their clientele often arrives and departs in large groups. Premises offering sex-related entertainment have a cumulative effect particularly if they are clustered together. This is irrespective of any visual displays that indicate the type of entertainment on offer which, only if judged to be indecent, can be regulated by the Indecent Displays Act 1981. Many of these premises are not subject to the separate licensing regime for sex establishments. This is by virtue of having a public entertainment licence or in future a premises licence under the Licensing Act 2003 exempting them from the legal requirement for a sex establishment licence under the Local Government Miscellaneous Provisions Act 1982. The City Council has consulted Visit London, the official, visitor organisation for London, on their views on expansion in the number of premises offering sex related entertainment. It has advised that, if the balance and mix of uses in areas such as Soho were to change to become more dominated by sex related entertainment, this could deter visitors and have a negative impact overall.

2.5.38 There are specific concerns over some aspects of crime and disorder and public nuisance associated with some poorly run premises offering this type of entertainment. These arise from lewd acts and disorder on the premises and prostitution, touting and “clipping” around and associated with the premises.

2.5.39 This policy has therefore been designed to restrict further growth of this form of entertainment and to ensure that, where it is permitted, it promotes the licensing objectives and has sufficient conditions attached to ensure the premises are managed satisfactorily. The City Council as the Licensing Authority and the Police are concerned that nudity or partial nudity does not become incidental to the operation of licensed premises such as pubs and bars on either a permanent or occasional basis. The Licensing Authority would expect that any proposals for such entertainment or operation at any time should be identified in the operating schedule as indicated in the guidance notes for operating schedules. In general the Licensing Authority will not consider that nudity is part of the normal operation of a pub, bar or restaurant and will require that the premises, where such entertainment or operation is proposed, benefits from an appropriate planning
permission or other lawful planning use. The proper regulation of sex related entertainment requires a range of conditions to be imposed and supervised by the Licensing Authority and the specialist units of the Police. The specialist resources to do this are limited and such necessary regulation cannot be operated if sex related entertainment is provided on an incidental or casual basis or in a great number of premises.

Conditions

2.5.40 If nudity or partial nudity forms part of the entertainment (e.g. striptease, pole or lap dancing), or is part of the operation of the premises (e.g. topless or fetish bars and clubs), the Licensing Authority will attach conditions to any such premises licence it may grant to promote the licensing objectives. These will include conditions relating to the exclusion of persons under 18 at all times from premises where these activities take place; the prevention of views into the premises; prohibiting exterior advertising of the sex related entertainment at the premises; and the leafleting or touting for business. Conditions will be imposed requiring that all service is to seated customers; prohibiting the participation of customers in performances and on maintaining a minimum distance of one metre between performers and customers and between performers during performance. This is to ensure that it can be easily observed that no touching or other acts that would constitute disorder take place. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. The Licensing Authority may attach other conditions as appropriate.
2.6 **Temporary Event Notices**

2.6.1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting for no longer than 96 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority and the Metropolitan Police (Guidance, paragraphs 8.402 and 8.14).

2.6.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. The number of times a premises can be used in one year is limited to 12. In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved (Guidance, paragraphs 8.4 and 8.5).

2.6.3 Although the statutory notice for temporary events notices to the Licensing Authority is ten working days, the City Council would prefer that organisers give around two month’s notice of a temporary event. However a minimum one month’s notice of a temporary event will be considered acceptable. At least one month’s notice is needed because of the number of notices that the City Council expects for such events and the detailed arrangements for traffic, cleansing and other matters that need to be put in hand in a busy city centre. For the same reason the City Council must focus its attention on events in the immediate future and cannot always enter into detailed arrangements for events that are to be held many months in the future. This is to help the City Council to assist the organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation (Guidance, paragraphs 8.10 and 8.14). The Police must also be notified of the event. This allows the Police to intervene if necessary in order to prevent crime and disorder or insist on conditions (Guidance, paragraph 8.16).

2.6.4 Organisers may choose to notify the Licensing Authority and the Police of multiple events at a single time (Guidance, paragraph 8.10). Organisers of outdoor events are strongly advised to contact the City Council’s Special Events Team.
2.6.5 The City Council’s Community Protection Team may visit an event held under the terms of the Temporary Event Notice. Although the Police are the only body able to intervene to prevent such an event taking place, the City Council will review and act under other associated legislation if necessary e.g. noise, health and safety.

2.6.6 The Fire Authority will receive notice of these events from the City Council and will give fire safety advice on request. They may also carry out visits to events, and take any action necessary under fire safety legislation that they enforce.
3 Conditions, Management and Enforcement
3.1 Conditions on licences

3.1.1 The Licensing Authority will not impose any conditions, apart from the mandatory conditions on the sale of alcohol and on the exhibition of films and on door supervision (see paragraphs 2.5.15 and 2.5.27), and such other conditions as are consistent with the operating schedule accompanying the application unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (Guidance paragraphs 7.1 7.4 and 7.5). Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of those premises. The primary focus will be on the direct impact of the licensed premises activities on members of the public living, working or engaged in normal activity in the area concerned (Guidance, paragraph 3.11).

3.1.2 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises these will not be duplicated as conditions. However, these general duties will not always adequately cover specific issues that arise on the premises in connection with certain entertainment, and in these cases additional measures in the form of conditions will be required to promote the licensing objectives.

3.1.3 Conditions include any limitations or restrictions attached to a licence or certificate, and are essentially the steps the holder of the premises licence or the club premises certificate will be required to take when licensable activities are taking place at the premises in question.

3.1.4 The Licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to person who is drunk or is underage. Nevertheless, the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

3.1.5 When granting variations to licences, the Licensing Authority will apply conditions to replicate the effect of previous undertakings where relevant to the premises and the promotion of the licensing objectives.
3.2 **Management and Enforcement Approach**

3.2.1 It is essential that licensed premises operate in accordance with the Licensing Act 2003 and to ensure the promotion of the licensing objectives. Part of the Licensing Authority’s role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.

3.2.2 In accordance with Guidance, *(paragraphs 3.50, 3.56, 3.57, 11.46, 14.2)* the Licensing Authority will work alongside the Metropolitan Police in promoting the licensing objectives. Protocols will be agreed between the Police and the City Council on the responsibilities and procedures for joint working and enforcement.

3.2.3 The City Council, in its role as the Licensing Authority, will also work in partnership with the Fire Authority to promote the licensing objectives. Protocols will be agreed between the London Fire & Emergency Planning Authority (LFEPA) and the City Council on responsibilities and procedures for joint working and enforcement.

3.2.4 The City Council has an established Corporate Enforcement Policy (agreed on 16 June 2003) based around consistency, transparency and proportionality which can be viewed on the City Council’s web site at [www.westminster.gov.uk](http://www.westminster.gov.uk). The City Council has also adopted the Enforcement Concordat that can also be viewed on the web site.

3.2.5 Inspection and enforcement under the Licensing Act 2003 will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.

3.2.6 An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance.

3.2.7 The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act 2003 and any licensing conditions which may be attached to the premises licence. The frequency of inspections will need to be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.
3.2.8 Premises found to be fully compliant will attract a lower risk rating and those where breaches are detected will attract a higher risk rating.

3.2.9 The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the City Council’s Corporate Enforcement Policy.

3.2.10 Any complaints received by the Licensing Authority about unlicensed activity or the way a licensed premises may be operating will be dealt with in accordance with the City Council’s Corporate Enforcement Policy and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.
Adult Entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

Children

There are several definitions of children under the Licensing Act 2003

A ‘Child’ is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on a premises with a premises licence, club premises certificate or temporary event notice between midnight and 5.00 a.m.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to individuals under 18 is an offence.

For the purposes of Section 20 on the exhibition of film, children means persons under 18.

Clipping

Obtaining money through deception by the apparent offer of sexual services or entertainment. This may involve the simple deception of receiving money and sending victims to addresses where no such offer is available, the supply of non-alcoholic drinks at inflated prices and the charging of fees for hostess services when not requested. In some instances, it is associated with luring victims to places where they are robbed.

Combined Use Premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

7 Section 145 (2) of the Licensing Act 2003 Chapter 17.
**Interested Party**
Residents and businesses in the vicinity of premises where an application for a premises licence or a qualifying club certificate has been made or an existing premises with a premises license or a qualifying club certificate.

**Karaoke**
Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.

**Late Night Refreshment Premises**
A person providing late night refreshment at any time between the hours of 11.00 p.m. and 5.00 a.m. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. *(Schedule 2, Licensing Act 2003).*

**Licensable Activities**
Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (City Council) include the following: *(Section 1, Licensing Act 2003).*

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

**Licensing Authority**
In the Licensing Act 2003 Section 3 Licensing Authorities in London are defined as the Councils of London Boroughs.

**Personal Licences**
This is a licence which:

- is granted by a licensing authority to an individual in the local authority area where they usually reside; and
- authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence. *(Section 111(1), Licensing Act 2003).*
The Licensing Act 2003 specifies the tests that may be applied when determining an application for a Personal Licence (Section 120). Any individual is only permitted to hold one Personal Licence (Section 118). Personal Licences will need to be renewed every ten years (Section 115).

In the transition period an individual seeking a licence as an existing licence holder must meet the qualifications as outlined in Schedule 8 of the Act and summarised in paragraph 4.3 of the Guidance.

Public Entertainment Licences

In this document these are taken to be licences issued under:
- The London Government Act 1963
- The Local Government Miscellaneous Provisions Act 1982
- The Cinemas Act 1985
- The Theatres Act 1968

Qualifying Club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase.

Such clubs have traditionally not been “licensed”; they have registered with the Magistrates’ Courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club.

Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.
**Regulated Entertainment**

Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment (indoors and outdoors);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

There are important exemptions in Section 177 of the Licensing Act 2003 for small premises with a capacity certificated or recommended by the fire authority of not more than 200 where if a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of “music entertainment” (live music or dancing),

- the premises are used primarily for the consumption of alcohol on the premises and,
- the premises have a capacity limit of up to 200

any conditions relating to the provision of the music entertainment imposed on the licence by the Licensing Authority, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

In addition, if a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and the premises have a capacity limit of up to 200, during the hours of 8.00 am and midnight, if the premises are being used for the provision of unamplified live music but no other regulated entertainment, then any conditions imposed on the licence by the Licensing Authority, which relate to the provision of that music entertainment will be suspended.

These exemptions can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate.
Relevant representation
A representation on the likely effect of the grant of an application or the operation of an existing licence on the licensing objectives.

Responsible Authorities
These include at the time of publication:
- the Chief Officer of Police,
- the Fire Authority,
- the enforcing authority for health and safety at work,
- the Planning Authority,
- the local authority responsible for minimising or preventing the risk of pollution or harm to human health,
- the recognised body responsible for the protection of children from harm,
- a person prescribed by the Secretary of State.

Notes: The City Council considers the Area Child Protection Committee to be competent in the area of protecting children from harm.

The Secretary of State intends to make an order prescribing Crime and Disorder Partnerships and the Mayor of London as responsible authorities. (See under “vessels” for the additional responsible authorities for vessels.)

Restaurant
Defined as a premises where alcohol is served only to seated customers who are dining where any ancillary bar is only for customers waiting to dine.

Safer Clubbing
‘Safer Clubbing’ is guidance published by the Home Office (Drugs Prevention Advisory Service and the London Drug Policy Forum) January 2002. The key issues identified are:
- Prevention of overcrowding;
- Air conditioning and ventilation;
- Availability of drinking water;
- Further measures to combat overheating;
- Overall safety.

Security Industry Authority (SIA)
The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at http://www.the-sia.org.uk
Sex Establishment Licences
These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, sex cinemas, and sex encounter premises that are not subject to licences under previous licensing regimes or the Licensing Act 2003.

Stress Areas
Three such areas, the West End Stress Area, the Edgware Road Stress Area and the Queensway/Bayswater Stress Area have been designated. (See Appendices 14 and 15.)

Street Drinking Ban
A ban on the consumption of alcohol under section 13(2) of the Police and Criminal Justice Act 2001. This has the effect that, in designated areas, the Police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer’s requirements.

Variation
A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

Vessels
A vessel (which includes a ship or a boat) that is permanently moored or berthed is regarded as a “premises” situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international journey. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire safety, issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels, for example, restaurant ships moored on the Thames Embankment. In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
5 | The Appendices
Appendix 1. Consultation

1. Consultation with key stakeholders and interested parties on this policy was carried out, for a period of eight weeks, from 6 September to 1 November 2004 satisfying the requirements of the Licensing Act 2003. Proper weight has been given to the views of these bodies.

2. Regard has been paid to the Code of Practice on Consultation issued by the Cabinet office in January 2004. The consultation timetable has been determined by the Secretary of State’s issuing of Guidance on 7 July 2004 and the announcement of the first appointed day as 7 February 2005. In order to analyse, give feedback to responses and show how they have influenced policy, there is a requirement to have the Licensing Policy agreed a month in advance of the first appointed day to allow potential applicants to be ready to make applications and the City Council to determine them having regard to the Licensing Policy. Regrettably, as Guidance was not published until 7 July the period of public consultation could not therefore be the full 12 weeks as in the Cabinet Office code of practice.

3. Consultation included the following:
   - The Chief Officer of Police for the area;
   - The Fire Authority for the area;
   - Other relevant and interested bodies/authorities;
   - Persons/bodies representative of local holders of premises licences;
   - Persons/bodies representative of local holders of club premises certificates;
   - Persons/bodies representative of businesses in its area;
   - Persons/bodies representative of residents in its area.

4. In addition, the City Council consulted current licence holders in Westminster and other key stakeholders and bodies which would satisfy Paragraph 29, Part 4 of Schedule 8 of the Licensing Act. Consultation will occur at each three yearly cycle of review, or sooner if for instance there is feedback from the local community on whether the licensing objectives are being met or if amendments are proposed.

5. This licensing policy will be used to inform existing licensees and other applicants before they prepare applications. It will come into formal use on the first appointed day on 7 February 2005, when applications can be made to convert existing licences and to vary them. It can remain in force for not more than three years but may be reviewed before then. At the time of printing this policy the regulations under the Licensing Act 2003 had not been published.
Appendix 2. **Applications**

1. The City Council’s Licensing Committee, through its Sub Committees, is responsible for the determination of applications of the following types:

   - Premises licences;
   - Provisional statements;
   - Club premises certificates;
   - Temporary event notices;
   - Personal licences for the sale or supply of alcohol.

Those activities under the Licensing Act 2003 which require a licence or other authorisation include the following:

   - the sale of alcohol by retail;
   - the supply of alcohol to a member of a club;
   - the provision of regulated entertainment;
   - the provision of late night refreshment.

See the Glossary for fuller definitions of licensable activities.

**Conversion of existing licences**

2. From the First Appointed Day holders of an existing licence can apply to convert it into a new permanent premises licence. This must be done within 6 months. The licence must be converted unless the Police make a representation that this would undermine the prevention of crime and disorder licensing objective. If the Police make representations, the City Council will hold a hearing to consider the application. A schedule is attached at Appendix 3 that shows which licences will be granted by officers and which will be considered by the Licensing Sub Committee. If the City Council fails to convert any licence within two months, it is treated as granted. The premises licence will be subject to conditions similar to those already on the existing licence. If it is for the sale of alcohol, it will specify who is the designated premises supervisor and include the compulsory conditions in the Act on the sale of alcohol. There are also compulsory conditions on film exhibition and door supervision.

**Variation of a licence**

3. Applications to vary licences can also be made after the First Appointed Day on 7 February 2005. The application for a variation must be advertised in accordance with regulations and the City Council will expect applications to be advertised to residents and businesses in the vicinity. Applications must be notified to the “responsible authorities”. These must be accompanied by an
“Operating Schedule” setting out what licensable activities the premises will be used for and any other hours when it will be open to customers or members. The Operating Schedule should be prepared after an applicant’s assessment of the effect of the grant of the licence on the licensing objectives. Applicants are advised to consult the “responsible authorities” when they do this.

4. The City Council is itself the responsible authority for the prevention of pollution, and for health and safety (in most cases), and is the planning authority. Acting in any of these capacities, it may make representations to the Licensing Committee acting as the Licensing Authority. These can be expected to be made with reference to the Statement of Licensing Policy. These representations may reflect views of the City Council acting as the Principal Litter Authority or as the Waste Collection Authority or as the Waste Disposal Authority.

5. Unless “relevant representations” are made that relate to the licensing objectives by the responsible authorities or residents and businesses in the vicinity, the application must be granted. The licence will be subject to those conditions that give effect to the operating schedule. If the licence includes the sale of alcohol, it must specify the designated premises supervisor and the compulsory conditions on the sale of alcohol. There are also compulsory conditions for film exhibition and on door supervision.

6. If the relevant representations are withdrawn, possibly after mediation and revision of the operating schedule, the licensing authority must grant the application. If the representations stand but all parties agree that there is no need to hold a hearing, the licensing authority can decide the application without holding a hearing.
# Appendix 3. Committees and Delegation Decision Making Chart

<table>
<thead>
<tr>
<th>MATTER TO BE DEALT WITH</th>
<th>FULL COMMITTEE</th>
<th>LICENSING SUB COMMITTEE</th>
<th>OFFICERS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PERSONAL LICENCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for a personal licence</td>
<td>If a police objection is made</td>
<td>If no objection is made</td>
<td></td>
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<tr>
<td>Application for personal licence with unspent convictions</td>
<td>All cases</td>
<td></td>
<td></td>
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<tr>
<td>Application to vary designated personal licence holder</td>
<td>If a police objection is made</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Request to be removed as designated personal licence holder</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PREMISES LICENCES AND CLUB PREMISES CERTIFICATES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation is made</td>
<td>If no relevant representation is made</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a police objection is made</td>
<td>All other cases</td>
<td></td>
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<tr>
<td>Application for Interim Authorities</td>
<td>If a police objection is made</td>
<td>All other cases</td>
<td></td>
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<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
<td></td>
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<tr>
<td>Decision on whether a ground for review is irrelevant, frivolous, vexatious, etc.</td>
<td></td>
<td>All cases</td>
<td></td>
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<tr>
<td>Decision to object when local authority is a consultee and not the lead authority</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>

**TEMPORARY EVENT NOTICES**

<table>
<thead>
<tr>
<th>MATTER TO BE DEALT WITH</th>
<th>FULL COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of a police representation to a temporary event notice</td>
<td>All cases</td>
</tr>
</tbody>
</table>

(Source: Guidance paragraph 3.63)
Appendix 4. Reviews of Premises Licences

Working in partnership
1. The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the Police, Fire Authority and the City Council. The City Council will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement (Guidance, paragraph 5.103).

Purpose of reviews
2. The review process is integral to the operation of the Licensing Act 2003. The Government’s intention is for a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the Licensing Authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the responsible authorities and the interested parties to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring (Guidance paragraph 5.100).

Initiating Reviews
3. At any stage, following the grant of a premises licence, any of the responsible authorities or any interested party, such as a resident living in the vicinity of the premises, may ask the City Council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The Police can take action to close a premises for up to 24 hours on grounds of disorder and noise nuisance under the terms of the Licensing Act 2003. There are powers under Sections 40 and 41 of the Anti Social Behaviour Act 2003 for Environmental Health officers to close premises for 24 hours on grounds that noise from a licensed premises is causing a public nuisance. The City Council cannot initiate its own reviews of premises licences, however, officers of the City Council who are specified as responsible authorities under the Act may request reviews (Guidance, paragraph 5.100).

4. In every review case an evidential basis for the allegations made will need to be submitted to the City Council as the Licensing Authority.

5. When a request for a review is initiated from an interested party, the City Council is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous. In addition, the Secretary of State recommends that more than one review on similar grounds originating from interested parties should not be permitted within a period of twelve months except in exceptional and compelling circumstances or where it arises following a closure order.

6. Where the City Council receives a request for a review in accordance with the closure procedures described in Part 8 of the Act, the City Council will arrange a hearing in accordance with the regulations set out by the Secretary of State (Guidance, paragraph 5.106).
Powers following determination of review

7. The City Council in determining a review may exercise the range of powers given to them to promote the licensing objectives.

8. The Licensing Authority must take the following steps it considers necessary to promote the licensing objectives:
   - Modifying the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition temporarily or permanently);
   - Excluding a licensable activity from the scope of the licence;
   - Removing the designated supervisor;
   - Suspending the licence for a period not exceeding three months;
   - Revoking the licence.

Steps that can be taken by the City Council include:
   - Taking no action;
   - Issuing an informal warning;
   - Recommending improvements within a particular time;
   - Monitoring by regular inspection and invite to seek a further review if problems persist.

(Guidance, paragraphs 5.108 and 5.109)

9. Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003; the City Council will treat representations that these offences have occurred seriously when they arise in connection with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises:
   - Sale or distribution of drugs;
   - Sale or distribution of stolen or counterfeit goods or weapons;
   - Sale of smuggled tobacco and alcohol;
   - Prostitution, pimping or procuring;
   - Use as a base for criminal activity, particularly gangs;
   - Organisation of racist activity;
   - Unlawful gaming and gambling.

(Guidance, paragraph 5.115)

10. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, the revocation of the licence will be seriously considered (Guidance, paragraph 5.116). However, revocation remains an option if other licensing objectives are being undermined.
Appendix 5. **Westminster Strategies**

1. The City Council has prepared a number of strategies that contain visions, aims and objectives to promote, improve, and protect Westminster’s status as a world class city centre. The City Council has had regard to the local strategies, which have been developed for the City; its businesses, residents, workers and visitors. These are outlined below. The City Council intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the licensing statement is consistent with the aims and objectives of these strategies and will continue to participate in partnerships and committees as appropriate (Guidance, paragraph 3.45).

**City Plan**

2. The Local Government Act 2000 places a duty on local authorities to prepare ‘community strategies’ for promoting or improving the economic, social and environmental well-being of their areas, and contributing to the achievement of sustainable development in the UK. The shared vision for Westminster is a city that:
   a) provides access to outstanding customer focused services;
   b) is a successful world class city;
   c) is a learning community, in which children, young people and adults realise their full potential;
   d) is clean, safe and environmentally sustainable, where residents and organisations are considerate and active in improving their own environment and neighbourhood; and
   e) ensures everyone is able to enjoy the best possible health and well being.

3. This licensing policy will play a role in achieving the City Plan’s vision by supporting the success of the world city role and by supporting the City as an attractive, clean and safe and environment for all to enjoy.

**Civic Renewal**

4. The City Council’s fourth Civic Renewal Programme for 2004/05 identifies initiatives that are highly relevant to the licensing objectives and build on previous initiatives. These include:
   - CivicWatch;
   - Tackling anti-social behaviour;
   - Control of anti social street drinking;
   - Leicester Square Improvements (City Guardians previously introduced);
   - Piccadilly Circus and Regent street;
   - Reducing high impact drinking and introduce more diverse leisure;
   - Chinatown improvements following the Action Plan;
   - Come back to the West End campaign

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8 City of Westminster, City Plan
9 City of Westminster, Civic Renewal Programme
5. Previous programmes that are most relevant to the City Council's licensing functions are the Clean Streets Programme and the City Guardian Programme. These identified the commitment and priorities set by the City Council to improve the street and local environment.

6. The City Guardian Programme has been established to work with the Police on community safety and crime reduction initiatives. This joint working is being used to combat illegal street trading, unlicensed minicabs, litter and begging and to ensure the public realm is safe and orderly.

Leicester Square Action Plan

7. The original Leicester Square Action Plan was adopted in 2002 and the majority of its actions focused on improving the cleanliness and safety of the Square. A City Guardian (or warden) service has been implemented and they are present in the Square 24 hours a day. The City Council has worked with night club operators on the conditions of their licences to ensure better safety and control of numbers in night clubs. A late night (until 1.00 a.m.) al fresco dining scheme was introduced in 2003, which has made a significant and positive difference to the late night atmosphere in the Square. The cleaning of the Square has improved through the introduction of more frequent cleaning and new technology for washing down the paving and the introduction of a dedicated janitor service. The City Guardian service has been further enhanced by services provided by the Heart of London Voluntary Business Improvement District (BID), who have also provided litter picking services in the gardens to enable the City Council to extend the opening hours to 10.30 p.m. Leicester Square Action Plan 2 is currently in draft (as at 7 January 2005) and this focuses on making physical improvements to the Square including re-paving, new lighting, new garden landscaping and the introduction of a performance space.

Chinatown Action Plan

8. In September 2003, Cabinet adopted the Chinatown Action Plan, setting a vision for regenerating the area in partnership with the local community, the Metropolitan Police and the major landlord, Shaftesbury PLC. The commitment to implementing the Chinatown Action Plan was re-emphasised in the Leader's State of the City speech in March 2004.

9. As with other West End area plans, the Chinatown Action Plan takes a holistic approach across initiatives on crime, safety, cleanliness and attractiveness of the physical environment, celebration of local culture and the strategic and day-to-day management of the area.

10. The Action Plan envisages using both planning and licensing powers to manage the growth of new entertainment premises in the West End Stress Area, and to protect the local convenience retail, medical and community activities from changes of use, as well as to encourage activities with a Chinese, East Asian, or South East Asian Character.

Covent Garden Action Plan

11. The change in purpose of Covent Garden’s market, and the area’s subsequent popularity and success, has led to pressures it was never designed to bear, undermining its special character and creating a multitude of anti-social and street management problems. Cabinet adopted the Covent Garden Action Plan in June 2004 in order to address the problems facing the area, and the often conflicting demands of residents, businesses and visitors.
12. Developed in partnership with local community groups, businesses, landowners and the Metropolitan Police Service and also Camden Council, it provides a vision for Covent Garden and over 70 actions under the headings of Transport, Street Environment and Enforcement. Work has begun on the implementation of the Action Plan’s aims, with the initial drive centred upon Area 1 (of 4 areas), in and around the piazza. The focus is currently on a drive to encourage London Underground to improve the station, efforts to ensure that special events are of the highest standard, and moving towards increasing the amount of al fresco dining offered in the piazza.

**Cultural Strategy**

13. In March 2003, the City Council released ‘Culture in the City’ a Cultural Strategy that acknowledges that Westminster is the creative and cultural heart of the capital. It is a major gateway for tourists visiting London and the UK. The strategy encourages the City Council and its partners to play a large part in developing and promoting culture through support and investment.

14. The vision of this licensing statement complements the aim of the City Council’s Cultural Strategy. In drafting this Licensing Statement the City Council has taken into account the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally (Guidance, paragraph 3.45). When appropriate the City Council’s Licensing Committee will be given updating reports on any revised needs of the Local Cultural Strategy (Guidance, paragraphs 3.47, 3.51 and 3.58).

**Westminster Alcohol Strategy: Tackling Alcohol Abuse**

15. The Westminster Joint Health Partnership Board commissioned this strategy on behalf of the Crime and Disorder Act Executive. It is as a result of collaboration by a multi-agency steering group, whose membership includes Kensington and Chelsea and Westminster Health Authority, The Metropolitan Police, Westminster City Council, NHS trusts, residents’ associations, business representatives and voluntary agencies.

16. The strategy aims to:

   - Reduce alcohol-related harm by encouraging sensible and responsible attitudes to drinking;
   - Protect individuals and communities from alcohol-related criminal and anti-social behaviour;
   - Reduce the level of alcohol induced ill health.

**Westminster Crime and Disorder Reduction Strategy**

17. The Crime and Disorder Partnership, of which the City Council is a member, produced a three-year strategy running from 2002 to 2005. In its introduction, it states:

   “Crime and disorder adversely affect quality of life and welfare. The many agencies that can affect crime and disorder in Westminster recognise that the social, economic and environmental welfare of our residents can be improved by tackling crime effectively.”

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10 City of Westminster, Culture in the City
11 City of Westminster, April 2002, Crime and Disorder Reduction Strategy, Safer in the Heart of London
18. It has the following aspirations:

- To reduce crime;
- To safeguard communities and reduce the fear of crime;
- To improve the quality of life in the City.

19. The aim is to build safe communities where residents can be free from the fear of crime. The Strategy recognises that reducing crime and disorder can also do much to improve the prosperity and diversity of the City – the many businesses, colleges, art and cultural institutions, tourism and entertainment venues which are found here also benefit from a safe, welcoming environment.

20. Prevention of terrorism is an overarching priority.

21. The 8 priorities for 2002-2005 are:

- Street Crime – robbery and snatch;
- Burglary;
- Quality of life;
- Youth diversion;
- Drugs;
- Safety on public transport;
- Motor vehicle crime;
- Hate crime and rape.

22. The issues of litter, noise nuisance, drunkenness and street drinking and street urination are specifically referred to under the quality of life priority.

23. There is currently an audit of crime underway for the revision of the Strategy in 2005. The draft priorities are:

- Community engagement;
- Begging;
- Cleaner Environment (including abandoned waste, non-accidental fires, graffiti, and criminal damage);
- Serious Crime (includes racial crime, rape, homophobic crime & domestic violence);
- Youth Crime & Disorder;
- Violence against the Person;
- Alcohol Crime;
- Drugs & Substance Misuse.

**Tourism Charter**

24. Many of the strands within Civic Renewal will help to enhance Westminster’s image and attractiveness as a place to visit. The Clean Streets Programme and the City Guardian Programme will benefit visitors as well as residents and those who work in Westminster.

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25. One of the previous specific targets in Civic Renewal under the City Investment programme, was to:

“Agree a strategy to provide better support to London’s tourist industry through regular dialogue and a new Tourism Charter”

26. A Tourism Charter ‘Taking London Forward: Westminster’s Charter for Tourism’ was launched at a conference on 4 July 2002 which sets out the City Council’s current commitments towards developing and managing tourism in Westminster. The Tourism Charter has 10 themes covering:

- World class destination;
- Improved facilities for visitors;
- The role of government;
- Partnership;
- Visitor safety;
- Trading standards;
- Public realm;
- Employment, training and research;
- World class cultural attractions;
- Transport.

27. When appropriate, the City Council’s Licensing Committee will be given updating reports on any revised needs of the Tourism Charter and appraised of the employment situation and the need for new investment and employment (Guidance, paragraph 3.51).

**Unitary Development Plan**

28. The Unitary Development Plan (UDP) sets out the City Council’s planning policies for developing land, improving transport and protecting the environment. It also describes some of the more significant development proposals likely to take place during that time. In 2007, it will be superseded, in part, by the production of documents which will form part of the Local Development Framework that will be introduced under the Planning and Compensation Act 2004.

29. At the moment the Town & Country Planning Act 1990 (the 1990 Act) sets the legal background for the UDP.

30. Section 54A of the Town & Country Planning Act 1990 requires the City Council to determine planning applications in accordance with the Development plan (the Unitary Development Plan in Westminster) and any other material considerations. That means it should decide applications for planning permission according to the policies set out in the Plan. It is important to weigh each case against the policies in the Plan and other relevant factors.
Appendix 6. Other Relevant Legislation

Planning Legislation and Building Regulations
1. The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. (Guidance, paragraph 3.51) states that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate (Guidance, paragraph 3.51). In Westminster, which is a densely built up area with a variety of uses in close proximity, the City Council expects all applications for new licences and variations to demonstrate that the proposed activities are lawful planning uses.

Health and Safety at Work Act 1974 and associated legislation
2. The City Council is the authority for this legislation for almost all premises in the City.

Human Rights Act 1998
3. The City Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate his business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

Disability Discrimination Act 1995
4. The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

Crime and Disorder Act 1998 Section 17
5. This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states,

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

6. Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.
Environmental Protection Act 1990
7. This covers a wide range of types of pollution including noise pollution.

Fire Safety Legislation
8. The London Fire and Emergency Planning Authority (LFEPA) enforces fire safety legislation. This currently includes the Fire Precautions (Workplace) Regulations and the Fire Precautions Act.

Race Relations Act 1976 (as amended 2002)
9. Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination, promote equality of opportunity and good relations between persons of different racial groups.

Merchant Shipping Legislation
10. Contact the Maritime and Coastguard Agency for details.
## Appendix 7. Metropolitan Police Crime Prevention and Effective Management Checklist

### Links to Health and Safety Policy and legislation:

1. Is there a written Health and Safety Policy for the premises?

2. Is there a written Risk Assessment?

3. When was it carried out?

### Incident logs – Crime & Disorder incidents to be recorded

1. Is there an incident log in operation?

2. Is the incident log available for inspection?

3. Within your premises, where are your crime hotspots?

### Mapping scheme, mark location incidents within premises

1. Is there an incident log in operation?

2. Is the incident log available for inspection?

3. Within your premises, where are your crime hotspots?

### Staff training – training to resolve identified risks

1. Are all staff trained to recognise aggressive or suspicious behaviour?

2. Are all staff requested to approach customers about unattended property/clips?

3. On busy nights are staff employed to warn customers about leaving property unattended?

4. Do door Supervisors attend staff training days?

5. Is there a record of staff training?

6. Do staff sign a training attendance record?

7. Who is responsible for company policy on staff training?

### Staffing levels

1. What are your minimum and maximum staffing levels?

2. How are they decided?

### Design of premises – implement recommendations of CPO

1. How many points of entry are there?

2. Are the entry points monitored?

3. Is there a Police response alarm?

4. Do staff carry panic buttons?

5. Is there a panic button in cash office?

6. How is capacity monitored?

7. Are the tills positioned, so staff face customers?

8. Is cash stored at the premises?

9. Is there a cloakroom?

10. Does the cloakroom offer free hand luggage storage?

11. Is the cloakroom facility advertised?

12. Can the toilets be monitored easily?
Appendix 7 | Metropolitan Police Crime Prevention and Effective Management Checklist

13. Are cupboards & drawers within the toilet kept locked?
14. Are the cisterns boxed in and secure?
15. Are there any flat surfaces?
16. Do toilet cubicle doors have a gap at top and bottom?

Managing the effects on the local environment
1. Ensure glass is not taken outside the premises.
2. Are noise levels within legal limits? (To be set by EHO).
3. Ensure that pedestrians & vehicles are not affected.
4. No rubbish on street.
5. Correct use of CCTV
6. Are staffing levels adequate to monitor outside drinking?
7. What links do you have with local residents?
8. What steps are taken to minimise disruption when people are leaving?

Commercial policies – i.e. happy hours.
1. The incident log may show the policy is cause of crime & disorder

Positive victim care – support for witnesses and appropriate complaint procedures
1. Is there a Positive Victim Care Policy?

CCTV
1. Has the venue got CCTV?
2. Do high-resolution cameras cover all entry/exit doors?
3. Does CCTV cover the cash office door?
4. Is there a written operational requirement for the CCTV?
5. Where is the CCTV video recorder stored and is it in a secure place?
6. Which members of staff have access to it?
7. Are the videotapes secured in a secure place?
8. Is there a record of CCTV maintenance?
9. Is there a record of the tape changes?
10. How many tapes do they use?
11. How often are they renewed?
12. Does the CCTV cover external area?
13. Has the CCTV system a dedicated operator?
14. Is the system operated in accordance with Data Protection Act?
   (Registered with Data Protection Registrar)
15. Is the system registered with Operation Rainbow?
   See Appendix 8 for Recommended ‘Minimum’ requirements for CCTV systems within Westminster

Access Control
1. Who is responsible for supervising security staff?
2. Is there a written access policy?
3. Is the queue supervised outside the venue?
4. Is the queue supervised at the cloakroom?

5. Is a record kept of door staff working on each day?

6. Are personal details of security staff kept?

### Crime Prevention

1. Is crime prevention literature displayed?

2. Is there a company policy regarding the display of crime prevention material?

3. Who is in charge of the policy?

4. What crime prevention initiatives are in place?

### Outside eating & drinking

1. Does the venue allow outside drinking?

2. Has the venue got a WCC ‘tables and chairs’ licence?

3. How are customers supervised outside?

4. Is crime prevention literature displayed outside?

5. Have any crime prevention measures been implemented outside?

6. How are risks assessed regarding passing pedestrians and traffic?

7. Are staff trained to supervise those outside?

8. How are numbers of persons outside controlled? (Capacity).

### Drugs and Weapons

1. Does the premises have a search policy?

2. Are notices prominently displayed explaining the policy?

3. Do security staff patrol inside the premises?

4. Are staff trained in identifying problems within the venue?

5. Are efforts made for close supervision of toilets and poorly lit areas?

6. Are police informed of seizures?

7. Are seizures correctly documented?

8. Has the premises been supplied with self-sealed property bags and plastic weapon containers?

9. Are door staff trained in how to deal with weapons/firearms?

10. Do management/staff keep written notebooks for ‘original notes’?

11. Has the venue provided search arch, provided search wands?

12. Are door staff registered?

13. Does the venue provide local police with details of events involving outside promoters (one month notice)?

14. Does the premises enter into contractual agreements with outside promoters?

15. Are police contacted before such agreements are signed?

### Admission of children

1. Ensure door supervisors are trained and empowered to deal with underage drinking.

2. Put in place robust systems to monitor and control the access of young people.

3. Have a policy statement to deal with underage access which should include reference to the use of approved ‘Proof of Age’ schemes, which include photo identity cards as the PASS scheme.

Appendix 8. **Recommended 'Minimum' requirements for CCTV systems within Westminster Borough**

Westminster Police recommend that you read and understand the aide memoire for effective CCTV systems produced by the Association of Chief Police Officers (ACPO). Westminster Police working in partnership with Westminster City Council, also recommend that all premises within Westminster adopt the following standards:

1. The system must comply with the Data Protection Act 1998 and be registered with the Data Protection Commissioner’s - Office Tel No. 01625 545745, or [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk);

2. All recording equipment must be stored in a secure area with access restricted to authorised staff only. The video recorder and tapes must be stored in lockable cabinets. A written record must be made by the person accessing the equipment showing the time, date, printed name and signature. Tapes must be kept for 31 days on a roll around basis.

3. All 'Entry' and 'Exit' points must be monitored (recorded CCTV pictures), by a camera that records every person entering in any light conditions to a minimum standard of 'frontal' Identification. In certain circumstances ‘full frontal’ recognition may be acceptable (see ACPO guidelines to explain Identification and recognition).

4. Additionally night-clubs / pubs must have dance floors, fire exits and areas where security searches are carried out monitored in all light conditions.

5. Further monitoring will be at the recommendation of the CPO taking into account any identified risks. This may include places such as cash offices, external areas etc.

6. Constant recording is recommended for all cameras. A 'real time' recorder giving an update time of less than one second between camera pictures of the same scene will be required.

7. No split screen or rolling monitors should be on view to the public as this identifies monitored areas.

8. **Note** – Where it is shown that the identified risks are greatly reduced the CPO may agree alternative requirements in consultation with the Sector Inspector and Westminster Crime Reduction Unit.
Appendix 9. Prevention of Crime and Disorder

Measures for pubs, bars and music and dance premises

a) Effective measures to check the age of those possibly under 18.

b) Ensure door supervisors are trained and empowered to deal with underage drinking.

c) Put in place robust systems to monitor and control the access of young people.

d) Have a policy statement to deal with underage access which should include reference to the use of approved ‘Proof of Age’ schemes, which include photo identity cards as the PASS scheme.

e) Display of Policy on checking of age.

f) Whether the design and layout of the premises are likely to lead to local overcrowding in parts of the premises.

g) Measures to discourage excessive drinking and drunkenness.

h) Measures to promote ‘sensible drinking’ including measures to encourage purchase of soft drinks including pricing soft drinks below alcoholic drinks.

i) Regard paid to good practice guides and industry codes; e.g. on packaging and labelling; drink promotions especially discounted promotions such as “happy hours”, “buy one get one free” offers.  

j) Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.

k) Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.

l) Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the vicinity of the premises.

m) Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions. (See Appendix 8 for the Metropolitan Police’s minimum requirements.)

n) Adequate measures to prevent the use and supply of illegal drugs.

o) Adequate search procedures to prevent the bringing of illegal drugs or weapons onto the premises.

p) Information displayed for staff and patrons and the training for staff on drug awareness including the spiking of drinks with drugs.

q) Procedures agreed with the police for searches and the surrender and seizure of drugs and weapons. The Metropolitan Police have produced a Guidance booklet “Safe and Sound- helping you manage the threat posed by drugs and weapons “ which has sections on seizure procedure.

r) Participation in a Pub or Clubwatch scheme.

13 Reference should be made to codes of good practice from responsible authorities and from the industry such as the Portman Group Code of Practice on the naming, packaging and merchandising of alcoholic drinks and the British Beer and Pub Association’s Guidance on Point of Sale Promotions.
Appendix 10. The City of Westminster Police

Licensing Policy Statement

Westminster Police are committed to reducing the levels of crime and disorder associated with premises undertaking ‘Licensable Activities’ and to providing active supervision of such premises. We will work in partnership with licensed premises to ensure that they are aware of the principles of good management and abide by them. Where co-operation is not forthcoming we will enforce compliance with existing legislation by working in partnership with Westminster City Council and other responsible authorities.

Whilst every application will be considered on its individual merits and there will be no general policy of opposing all new applications or variations, this policy seeks to allow for the fact that the City of Westminster occupies a unique position in terms of its policing challenges.

Premises licensed for the sale and consumption of alcohol create significant demands on resources. This Policy must balance the various competing rights of individuals and businesses whilst allowing Police to focus their resources on those areas of greatest need and effectively reduce crime and disorder.

Westminster Police believe that the cumulative impact on levels of crime and disorder generated by licensed premises within the West End Stress Area is significant. Any further increase in the numbers of licensed premises within this area would lead to an increase in overall crime and disorder and should not be countenanced.

Therefore, any application relating to premises within the West End Stress Area which is likely to add to the crime and disorder problems which already exist, is likely to result in an objection by the Police unless exceptional circumstances apply.

All other applications will be opposed only if their granting would lead to an increase in crime and disorder. Premises seeking to ensure that they comply with the objective of preventing crime and disorder should follow the advice contained within the relevant appendix of this Statement of Licensing Policy.

This policy should be read in conjunction with the Statement of Licensing Policy produced by Westminster City Council.
Appendix 11. **Guidance on Noise**

1. The City Council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities.

**Noise Sources**

2. Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority’s noise criteria relate to all these sources of noise whether indoors or in the open air, including:
   a) Music and human voices, both amplified and unamplified;
   b) Other internal activities;
   c) Use of open areas;
   d) Patrons queuing;
   e) Patrons and staff entering and leaving the premises and in its vicinity;
   f) Vehicles arriving, waiting, parking and departing;
   g) Deliveries and collections including refuse and collection of recyclable materials;
   h) Plant, machinery and associated equipment;
   i) Any other factors that could cause noise disturbance.

3. Many licensed activities can cause noise that is heard outside the premises or originates from an open air site and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities should take account of the criteria and guidance on noise set out below which indicates the circumstances in which a noise report will be necessary and what it should contain.

4. On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

**Information on Noise**

5. All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met:
   a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within the two years prior to this application;
   b) There have been no noise complaints relating to the premises received by the applicant, the City Council or the Police within the two years prior to this application;
   c) There have been no objections to the renewal of a licence in relation to the premises within the two years prior to this application;
   d) There are no noise sensitive properties above, below, adjacent, opposite, in the proximity of the premises or otherwise likely to be affected;
   e) There is no air conditioning, or other plant and associated equipment;
f) There is no loudspeaker system;

g) There are no activities involving performances of music or other sounds, whether live or
recorded, or any other ‘regulated entertainment’;

h) No door staff are required as a condition of an existing licence;
i) Deliveries, collections, servicing; use of vehicles, do not take place between 7.00 p.m. and 7.00 a.m.

**Noise Report**

6. When the Licensing Authority receives a statement from the applicant demonstrating how they do
or do not meet the criteria above, it will determine whether a noise report will be required, which
aspects of it will be required, what it should cover, and how it should be prepared.

7. A noise report may contain some or all of the following:

   a) An environmental noise impact assessment (required for all noise reports);

   b) An acoustic report for premises where there is plant and equipment (e.g. ventilation,
       air conditioning, lifts, hoists etc.);

   c) A sound insulation and sound reduction measures assessment (for premises where there is
       plant and equipment and/or sound systems, or ‘regulated entertainment’);

   d) Planned management measures for control of noise disturbance related to door control,
       deliveries and collections, waste management, servicing, and any other aspects requiring control
       of noise. (This will be required in most noise reports, and all applications where operating hours
       include any of the period 7:00 p.m. - 7:00 a.m., and/or where door staff are required.)

   e) Planned management measures for control of noise disturbance from an open air site or event.
      (This will be required for open air sites and events).

**Environmental Noise Impact Assessment**

8. An Environmental Noise Impact Assessment should provide information, as applicable, including:

   a) Existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and
      around the premises;

   b) Assessment of the existing and future noise climate due to the new or increased use of the
      premises, indicating any increase in predicted noise levels;

   c) Assessment of the existing and predicted number and level of noise events;

   d) Details of management procedures to reduce the impact of the premises’ operation on the
      locality, including noise from customers and others arriving and departing.
Acoustic Report (Plant and Equipment)

9. An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:

a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment;

b) The location of the nearest openable window of the nearest noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance between these;

c) The proposed operational hours;

d) The background noise level assessment (LA90, 15 min) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology);

e) Calculations for the predicted noise level 1 metre from the window of the nearest affected noise sensitive property;

f) Use of acoustic enclosures;

g) Use of noise attenuators and acoustic screens as required;

h) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing;

i) Use of vibration isolators.

Sound Insulation and Sound Reduction Assessment.

10. A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

a) Assessment of the existing sound insulation of the building fabric;

b) Operational building layout to prevent noise escape;

c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises;

d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area;

e) Use of electronic sound limiters on amplification systems as alternative means of control;

f) Other measures to reduce structural transmission of noise and vibration;

g) Installation of acoustic doors and lobbies.

[Note: BS 8233: 1999 contains useful guidance on commercial design criteria].
Planned Management Measures for Control of Noise

11. This is a statement of management measures to be taken to prevent and control noise, covering matters such as:
   a) Hours of operation;
   b) Location of entry and departure points;
   c) Door control;
   d) Control and prevention of queuing;
   e) Control of amplified and unamplified music and voices;
   f) Steps to be taken to achieve good behaviour outside and within the premises;
   g) Communication with customers (signs, announcements and other means);
   h) Management of use of outdoor areas;
   i) Steps to be taken to ensure customers leave quietly;
   j) Advice to customers on departure routes;
   k) Stewarded access to taxis and licensed mini-cabs;
   l) Arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance;
   m) Arrangements for staff and patron parking;
   n) Limits set on hours for servicing and delivery;
   o) Guidance to drivers to limit noise during deliveries;
   p) Communications with suppliers and service providers;
   q) Providing quiet means for storage and movement of waste and recycling materials.

Planned management measures for control of noise disturbance from an open air event or site

12. This is a statement of management measures to be taken to prevent and control noise from open air events and sites, covering matters such as:
   a) Hours of operation;
   b) Location of entry and departure points;
   c) Control of queuing;
   d) Management of amplified and unamplified music and voices;
   e) Steps to be taken to achieve good behaviour outside and within the open air site;
   f) Communication with patrons or members of the public (signs, announcements and other means);
   g) Management of use of covered and outdoor areas;
   h) Steps to be taken to ensure customers leave quietly;
   i) Advice to customers on departure routes;
   j) Stewarded access to taxis and licensed mini-cabs;
   k) Arrangements for staff and patron parking;
   l) Limits set on hours for servicing, delivery and any other on site traffic movements;
   m) Guidance to drivers to limit noise during deliveries;
Appendix 11 | Guidance on Noise

n) Communications with suppliers and service providers;
o) Providing quiet means for storage and movement of waste and recycling materials.

Noise Criteria

13. Licensed premises and activities will be required to meet the noise criteria in Policy PN1. Noise reports should show how these criteria will be met.

Plant noise breakout and structural transmission

14. Applicants should demonstrate that the licensed activities from indoor premises, and open areas associated with them, can be carried out so that plant noise, airborne noise breakout and noise and vibration transmitted through structures will meet the criteria for indoor premises below.

15. Applicants should demonstrate that the licensed activities from open air premises can be carried out so that plant noise, airborne noise, and noise and vibration transmitted through structures will meet the criteria for open air premises at paragraph 19 below.

Indoor premises plant and equipment

16. Premises should be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the criteria in paragraph 17 below. The City Council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

Indoor premises plant & machinery and internal activities

17. The criteria relating to:
a) plant, machinery and associated equipment, internally or externally installed;
b) ventilation;
c) music and human voices, both amplified and unamplified; and to
d) other internal activities,
noise emitted will achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which any of these activities occur:
At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 min.

and
where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:
At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAnq 5 min) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LAq, 15 min for each of the octave bands during the operating period.
Indoor premises structural transmission of noise and vibration

18. Applicants should ensure that as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 11:00 p.m. applicants may be required to demonstrate this.

Open air premises plant & machinery and other activities

19. The criteria relating to:
   a) plant, machinery and associated equipment, internally or externally installed;
   b) music and human voices, both amplified and unamplified; and to;
   c) other activities;

Criteria:
Account will be taken of:
   i) the type/s of events planned;
   ii) the number of events that take place each year;
   iii) the numbers of participants and people attending each event;
   iv) the times of day and duration of events
   v) the days/dates of the events
   vi) conformity to The Noise Council’s ‘Code of Practice on Environmental Noise Control at Concerts’, guidelines and recommended noise control procedures;
   vii) conformity to standards set by the City Council in relation to the existing external noise levels at the nearest noise sensitive properties;¹⁴

The City Council has previously set standards in agreement with event organizers for lower noise levels than in Code of Practice on Environmental Noise Control at Concerts: (published by the Noise Council).

People arriving, departing and in the vicinity

20. Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:
   a) installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time together with management arrangements to ensure this;
   b) signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises;

¹⁴Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.
c) guidance to patrons on routes to take as they depart, to cause least disturbance;

d) guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises;

e) guidance to staff to minimise noise from any activities outside and in the vicinity of the premises.

f) Arrangements for the calling of taxis, minicabs, cars or limousines from within the premises and for the collection of patrons by arrangement;

g) Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

**Deliveries, collections and servicing**

21. The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

a) Ensuring that deliveries, collections and operational servicing are carried out between 7:00 a.m. and 7:00 p.m., except where access at other times is unavoidable and specific procedures are in place to limit disturbance;

b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

**Appendix 12. Supporting Data and Evidence**

**The importance of entertainment and licensed activities**

1. The entertainment industry in Westminster is part of the appeal of London as a vibrant city. It attracts tourists and visitors from across the UK and from overseas. It is a major contributor to Westminster’s economy and a major growth sector. The restaurant, pub and hotel sector is the third largest in Westminster at 11.1% with 63,600 jobs; providing one in four (24.2%) of all such jobs in London.\(^{15}\)

The size, diversity and degree of concentration of the entertainment sector in the West End are probably unique. The good management of licensed premises and of the street environment in which they operate is essential to the success of London, so that it has a successful entertainment industry and remains a place where a wide range of people want to live and to visit.

**Growth in licensed premises in Westminster**

2. Over the last decade, the numbers, capacity and hours of operation of premises licensed for the sale of alcohol or for entertainment or as night cafés have increased very rapidly, particularly in the West End.

3. The total number of liquor licences in Westminster increased by nearly 400 (16%) over the last twelve years; rising to 2927 in 2002. The number of licences for pubs and bars (full on licences) has increased more rapidly by 43% to 1468 with 538 additional licences being granted between 1991 and 2002.\(^{16}\)

\(^{15}\)Annual Business Inquiry, 2001

\(^{16}\)Magistrates Courts Authority 2002
4. The number of public entertainment licences (see Glossary) in Westminster has increased nearly two and a half times from under 150 in 1992 to over 370 in 2002.\(^{17}\) In 2002, these premises with entertainment licences could accommodate 179,295 people; three times the number they could hold in 1992. The vast majority of premises with public entertainment licences for music and dancing also hold Special Hours Certificates on their Liquor Licences which permit them to serve alcohol while the entertainment is in progress up to 3:00 a.m. in parts of the West End (bounded by Mortimer, Cavendish and Wigmore Streets, Seymour Place, Park Lane and the Strand) and 2:00 a.m. in the remainder of the City.

5. The number of public entertainment licences in the West End more than doubled from 85 in 1992 to 184 in 2002, with 121 of these premises now closing at 3:00 a.m. or later.\(^{18}\) In 2002, premises in the West End Stress Area with entertainment licences could accommodate 80,690 people.

6. The number of licensed night cafés in the City nearly doubled from 80 in 1992 to 155 in 2002\(^{19}\) as did the number in the West End from 48 in 1992 to 88 in 2002. They have the capacity to hold 7,000 customers.\(^{20}\) In the Edgware Road Stress Area the number of licensed night cafés has more than doubled from 11 in 1992 to 28 in 2002 having the capacity to hold approximately 1,400 customers. In Queensway, they increased from 2 in 1992 to 7 in 2002 with a capacity for 400 customers. Many premises with night café licences only operate a takeaway service late at night; the number of people they serve is many times greater than the numbers they can hold under the terms of their licence.

7. Westminster’s 38 theatres have a combined capacity to hold nearly 41,000 people. Over three-quarters of all central London theatres are in Westminster amounting to over a third of all the theatres in London. There has however been little overall change in the number of theatres between 1990 and 2001.\(^{21}\)

8. There are 17 cinemas operating in Westminster with 62 screens. There are 12 cinemas in the West End Stress Area, one in each of the other Stress Areas and three outside the Stress Areas. There has been relatively little overall change in the overall number of cinemas in Westminster.

9. There are 16 casinos operating in Westminster; one is currently closed with a further one for which planning permission was granted in 1999. In 1991, the then fifteen casinos in the West End had an average floorspace of just over 1,000sqm.\(^{22}\) The largest casino is on the Edgware Road with a further one on Queensway.

**Current pressures and impacts**

10. The growth of the entertainment industry brings positive benefits to Westminster but there are associated pressures and impacts related to public nuisance, public safety and crime and disorder. Estimates by the police of the numbers of people attracted to the West End on nights at the end

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\(^{17}\)WCC Licensing Service Public Entertainment database  
\(^{18}\)Town Centres Ltd. 2001. West End Entertainment Impact Study (pg. 39)  
\(^{19}\)WCC Licensing Service: Night Cafés database  
\(^{20}\)Town Centres Ltd. 2001. West End Entertainment Impact Study  
\(^{21}\)Town Centres Ltd. 2001. West End Entertainment Impact Study and WCC Decisions Analysis System  
\(^{22}\)City of Westminster, 2002, UDP Local Plan Inquiry, Entertainments Topic Proof of Evidence, Part Two, Setting the Scene
of the week range between 250,000 and 500,000. They regard them as conservative estimates. Many of the streets in Soho have night time pedestrian flows of over 40,000 people a night, with flows of 7,000 an hour recorded in a night time activity survey. Leicester Square, Shaftesbury Avenue, and Soho have substantially higher pedestrian flows at night than in the daytime. Edgware Road, Jermyn Street, Queensway, and Piccadilly have night time pedestrian flows comparable to their daytime flows.

The capacity of the transport system to serve late night activity

11. Customers from the whole of London and much of the South East come into the West End attracted by the many specialised, large, and high quality venues that operate late into the night. The underground and rail networks carry in over a million people a day who come to work, shop or to visit Westminster for other reasons. These rail services easily carry in those coming to enjoy a night out but they do not operate late enough to carry them all home again. The last trains on London Underground leave the centre of Westminster between 12:25 and 12:35 a.m. The last suburban and mainline trains generally leave at a similar time.

12. The night bus service only serves Greater London and the density of its routes and the frequency of service are greatly reduced by the time it reaches the outer suburbs. Although greatly improved in recent years, with an increase in capacity of over 25%, and increase in use of 16% in 2002-2003 the night bus service is unable to cope with the numbers of people that leave premises after 12:30 a.m. There are some 330 premises in Westminster capable of holding 156,000 people that close after the Underground stops running.

13. Westminster has somewhat different problems to that identified in Guidance found in many towns where taxi ranks become the focus of friction. Despite recent increases in the night tariff, taxis are reluctant to take fares late at night. The number of taxis and licensed minicabs, which are able and willing to take late night revellers home is inadequate to meet demand. Unlicensed and otherwise illegal minicabs are joined by rickshaws/ped-cabs, which come into the narrow streets in the heart of the West End to seek and pick up passengers. This is accompanied by widespread illegal touting. They frequently clog the streets leading to the sounding of horns making it difficult for the Police and other emergency service vehicles to get through.

14. The extent of these problems is unique to central London because of the numbers of people and the distances involved. This precludes the possibility of walking home for most people. Crowds disperse slowly with people staying on to visit night cafés or pick up takeaway food before they find minicabs and catch night buses. Some people remain on the streets until the London Underground starts running between 5.30–6.00 a.m. from Monday to Saturday and 7.00-7:30 a.m. on Sundays.

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23Witness statement of Chief Inspector Andrew McKechnie 7 October 2003
24City of Westminster. 2002 Daytime and Night Time Pedestrian Flowcount Surveys (PMRS)
25Annual Business Inquiry, 2001
26TfL first and last latest tube timetables for Bakerloo, Piccadilly, Victoria, Northern and Central lines
27WCC Licensing Service Public Entertainment database
28Guidance issued under Section 182 of the Licensing Act 2003, paragraph 3.29
29Transport for London first and last latest tube timetables for Bakerloo, Piccadilly, Victoria, Northern and Central lines
Crime and Disorder

15. The Council has a duty to do all that it reasonably can to prevent crime and disorder in the area, under section 17 of the Crime and Disorder Act 1998. It has paid special attention to this duty in formulating its Statement of Licensing Policy. The tackling of anti social behaviour and control of anti social street drinking are two of the City Council’s current Civic Renewal targets. The reduction of crime and disorder have been priorities in previous years. The fear of crime created by disorder including drunkenness is as damaging to public confidence and the quality of life as crime itself.

16. The City Council’s Crime and Disorder Reduction Strategy aims to reduce crime, disorder, nuisance and the fear of crime to make Westminster a safer place to live in, work in and visit. The City Council has initiated schemes to assist in reducing crime and disorder including the installation of CCTV cameras across the West End and the introduction of City Guardians in Leicester Square and elsewhere. Joint working with the Metropolitan Police is ongoing including the funding of radio links from some pubs and clubs to the Police. The Westminster Crime and Disorder Strategy, ‘Safer in the Heart of London’, produced by the Crime and Disorder Partnership is a three-year strategy running to 2005 for reducing crime and disorder, safeguarding communities and reducing the fear of crime and improving the quality of life in the City.

17. The Police in Westminster are fully committed to minimising crime and disorder which results from the use of alcohol and often tarnishes the late night entertainment industry. As a responsible authority the Police have been consulted in the drawing up of this Policy Statement and are committed to upholding its principles.

18. It is widely acknowledged and recognised by the Home Office that there are strong links between the consumption of alcohol and crime. Nationally, alcohol is a factor in 30% of city centre arrests and this proportion is rising. However the number of convictions and cautions for drunkenness are now at only 70% of their 1991 levels and those for the selling of alcohol to under 18’s and those for the purchasing of alcohol by under 18’s are at 25% and 10% of their 1991 levels. This is more to do with policing resources and priorities as any actual reduction in these offences.

19. Alcohol also causes an increase in anti-social behaviour, with 1.2 million violent incidents (around half of all violent crimes in the country) being caused by alcohol misuse. A recent survey (The Cabinet Office’s ‘Alcohol Harm Reduction Strategy for England’ (2004)).
20. The analytic study proceeding the Government’s Alcohol Harm Reduction Strategy recognises that the likelihood of aggression and violence is heavily influenced by both the characteristics of licensed premises and their surrounding environment. The factors on the premises identified affecting incidence of violence include:

- the skill, experience, attitude and management;
- a young clientele especially if allowed to drink to intoxication;
- the layout and design of premises, if leading to crowding and queuing;
- unpleasant, poorly ventilated premises;
- a lack of seating;
- playing loud music.

21. The factors in the surrounding environment include competition for scarce resources such as transport. This is exacerbated in areas where there is a high density of venues, if there is a lack of public transport and if venues all close at the same time.34

Opportunities for crime

22. Crowds of people on the streets late at night can create a sense of anonymity and people can believe that they can indulge in anti-social behaviour without the risk of effective sanctions being applied. The crowds also provide opportunities for crime and cover for drug dealers, pickpockets and street robbers. Crime statistics for the Police sectors that cover the West End Stress Area recorded 20,625 offences in 2002/2003 (11,648 offences in Soho, 4,680 in Leicester Square and 4,297 in Covent Garden).35 This represents a high proportion of the total offences in the City. There is a disproportionate amount of police resource deployed in the West End due to the high number of call outs related to crime and disorder.

23. Street offences in Westminster between midnight and 4:00 a.m. more than doubled between 1998 and 2001; those in the West End Stress Area increased by 90%.

Alcohol and crime

24. Maps 1-4 show the distribution of ‘Violence Against the Person’ offences in Westminster during 4-hour periods between the hours of 5.00 p.m - 9:00 p.m. The maps show similar spatial trends occur within this category from early evening throughout the night, with high concentrations of offences recorded in and around the West End Stress Area. In fact, 27% of all Violence Against the Person offences take place in the West End (Soho, Leicester Square and Covent Garden Police Sector) (Reported crimes recorded by the Metropolitan Police for the financial year 2003/4) even though the area only accounts for 5% of Westminster geographically. Soho, in particular, has high levels of offences recorded throughout the night.

35 Metropolitan Police Performance Information Bureau total figures for classified offences for the 2002/2003 financial year
25. Maps 5 and 6 show the clear spatial correlation between the location of liquor licenses and recorded common assault offences in Westminster. These maps show that high concentrations of such offences are recorded in the West End, and along linear routes such as Oxford Street, Queensway and the Edgware Road (where a concentration of night cafes exist), closely corresponding to areas with high concentrations of liquor licenses, contained within the Council's three designated Stress Areas. The highest levels of these types of offence are recorded as occurring between the hours of 9:00 p.m.-1:00 a.m, when 26% more crimes were recorded than in the previous 4 hours, 1,359 compared to 1,076. The levels of these offences fell from 1,178 to 258 between the hours of 5:00 a.m.-9:00 a.m.

26. The four hours between midnight and 4:00 a.m. account for almost 40% of relevant Computer Aided Dispatch (CAD) call-outs (999 calls) in the West End Stress Area.

27. In terms of violent offences (Actual Bodily Harm, Grievous Bodily Harm and Common Assault), 87% of offences in Westminster are shown to occur within 100m of a liquor licence (WCC Community Protection Department 2004). Such violence in the proximity of licensed premises may be associated with large numbers of intoxicated people congregating and competing for limited food and transport facilities (WCC Community Protection Department 2004).

28. Police statistics often give an incomplete picture of the level of disturbances occurring late at night. This has been highlighted in the statement provided by Chief Inspector Andrew McKechnie of West End Central Police Station in a recent witness statement in relation to a licensing case.

“Many disturbances occurring on the street (which may or may not amount to a crime) are not reported by residents because of the number of such incidents and the acceptance that the police are unlikely to respond quickly enough to catch the people responsible… Only a small number of disturbances and nuisances experienced by people in the stress area are actually reported.”

29. Another instance of under-recording is that figures for arrests per hour in the early hours of the morning often show a decline in the number of arrests as the night wears on. This often does not reflect any lessening of offences being committed, but rather the lower number of police officers still on the street because other police officers are at the police station dealing with those arrested earlier in the night.

See following pages:
Maps 1-4 showing Violence against the person offences in Westminster 5:00 p.m-9:00 a.m
Maps 5 & 6 showing Density of Violence and liquor licences within Westminster.

36Witness statement of Chief Inspector Andrew McKechnie 7 October 2003
Violence Against the Person Offences in Westminster 5pm-9am

Map 1
Early Evening 17:00-20:59
Created using 1078 mapped offences
- High density of Offences

Map 2
Late Evening 21:00-00:59
Created using 1359 mapped offences
- High density of Offences

Source: Reported Crime provided by the Metropolitan Police for financial year 2003/4
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Appendix 12 | Supporting Data and Evidence

Map 3
Night 01:00-04:59

Created using 1178 mapped offences

Map 4
Early Morning 05:00-08:59

Created using 258 mapped offences

Source: Reported Crime provided by the Metropolitan Police for financial year 2003/4
© Crown Copyright. All rights reserved City of Westminster LA 100019597 2004
Density of Violence and Liquor Licences within Westminster

Map 5
Density of GBH, ABH Common Assault offences in the City of Westminster

Created using approx. 5384 offences

- High density of Offences

Map 6
Density of Liquor Licences in the City of Westminster

Created using approx. 3000 premises

- High density of Liquor Licences

Source: Reported Crime provided by the Metropolitan Police for financial year 2003/4
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Public Safety

30. Alcohol related call outs to the London Ambulance Service also show the extent that Stress Areas are areas where there is a high concentration of incidents related to the consumption of alcohol. There were 724 incidents in the West End Stress Area in 2000, 70 in Queensway/Bayswater and 58 in Edgware Road.37

Public Nuisance

31. Nationally, 33% of inner city residents view drunk and rowdy behaviour as a problem.38 The operation of late night entertainment premises contributes to the increase in the number of call outs to Environmental Health officers which have more than doubled in ten years from 7,721 call outs in 1992/3 to 15,291 in 2002/03.39 Over the period, 1998-2001 residents in central Westminster including the West End Stress Area made twice as many noise complaints (nine per ten residents) as residents in any other part of the City.40 The predominant late night noise complaint in the central part of the City is commercial noise. Elsewhere in the City, it is domestic noise. People can be disturbed by noise coming directly from commercial premises at late hours by noise breakout, the handling of refuse and recyclable materials and the direct effects of customers arriving at and especially leaving premises, often aggravated by the behaviour of minicab drivers who often block the streets giving rise to the sounding of car horns.

32. The overall noise levels in the West End Stress Area are high with night time noise at an average (background) level of 45 decibels, which is a level liable to induce some disturbance of sleep without any additional noise incidents. The cumulative impact of background night time noise generated by people enjoying the facilities of the West End is such that it can amount to a public nuisance even without the addition noise that arises from bad behaviour or disorder.

33. Noise disturbance is added to by the noise of the public services attempting to deal with crime and disorder on the streets. Traffic and people clog the roads in the West End Stress Area and emergency vehicles making their way through congested streets adds to the noise. The need to collect the litter and to clean and wash down the streets adds to the degree of disturbance as these operations have to be carried out after 3:00 a.m as this is the time when the streets are starting to clear and refuse and sweeping vehicles can get through.

34. Street urination is a nuisance associated with licensed premises. The concentration of numbers of late night premises in the West End has been a major reason for the City Council introducing temporary night time street urinals. This is at a cost to the City Council of £140,000 a year. However, it represents the prevention of nearly 3,000 street urination incidents a week.

37Town Centres Ltd. 2001 West End Entertainment Impact Study (pg 23)
38Alcohol Harm Reduction Project Interim Analytical report British Crime survey 2003/03)
39Appendix 2.1 2nd Quarterly Monitoring report 24 Hour Operations Team Community Protection
40City of Westminster, 2002, UDP Local Plan Inquiry, Tourism, Arts, Culture and Entertainment Proof of Evidence Appendix 45
Observed levels of nuisance and crime and disorder

35. A night time activity study of observed behaviour was conducted by Pedestrian Market Research Services for one night in July 2002 between 11:00 p.m. and 4:00 a.m.\(^{41}\) Observations were undertaken for seven minutes in the hour on a single night. Some incidents would take place at times when there were no observations being made. The total number of incidents was therefore likely to be substantially greater than those recorded. Observations were made at several points in each of the areas:

- Soho had the highest observed levels of anti-social behaviour due to the presence of large numbers of drunken people with high levels of audible music and queues outside premises. Noise from mini-cab and ped-cab touts was noted throughout most of the night;
- In Chinatown audible noise in the area was high throughout the night, mainly from buskers and people shouting/screaming in the streets;
- In Leicester Square levels of anti-social behaviour increased between 2.00 a.m. and 4.00 a.m. with evidence of mini cab touts, drunkenness and rowdy and aggressive behaviour with significant disturbances throughout the night with high noise levels, drug dealing and pick pocketing. There was a menacing, aggressive atmosphere;
- In the Covent Garden Piazza, before midnight, noise levels were generally high and there were incidences of anti-social behaviour including people screaming and urinating in the side streets;
- Other areas in the West End Stress Area, nearly all the areas had some evidence of begging, urination, vomiting, mini-cab touting, busking, and shouting and screaming. There were some small pockets of increased levels of anti-social behaviour noted in these areas, mainly due to people leaving bars and clubs late at night;
- Queensway/Westbourne Grove had a relatively threatening atmosphere throughout the night, with a heavy police presence between 10.00–11.00 p.m. Incidents of anti-social behaviour throughout the night included shouting, singing, and fighting. Police were called to incidents. Noise levels were generally high, with traffic as the dominant source of noise, but music from several venues, alarms, and sirens also caused significant disturbance;
- Along Edgware Road, there were several incidences of anti-social behaviour early on in the night, with the area considered to have a threatening atmosphere. The area close to Church Street provided evidence of underage drinking and groups of youths acting in a hostile manner.

\(^{38}\) Alcohol Harm Reduction Project Interim Analytical report British Crime survey 2003/03
\(^{39}\) Appendix 2.1 2nd Quarterly Monitoring report 24 Hour Operations Team Community Protection
\(^{40}\) City of Westminster, 2002, UDP Local Plan Inquiry, Tourism, Arts, Culture and Entertainment Proof of Evidence Appendix 45
\(^{41}\) City of Westminster, 2002 Daytime and Night Time Pedestrian Flowcount Surveys (PMRS)
Appendix 13. **Hours of Operation**

1. Guidance\(^2\) strongly recommends that statements of licensing policy should recognise that longer hours with regard to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided. It cites this as necessary to reduce friction at fast food outlets and taxi ranks and other sources of transport.

**Closing hours and capacities**

2. Westminster has a very large number of premises that close later than 11:00 p.m., which is past the general closing hour for pubs and bars under the Licensing Act 1964. In 2003, there were 337 premises open after midnight with a maximum capacity to hold some 157,595 people.

By 1:00 a.m. long after the trains stopped running, there were 304 premises open able to hold 141,613 people. It is only by 4:00 a.m. that these numbers are significantly reduced with 56 premises still open. The details are shown in the tables below.

**Public Entertainment Licences in Westminster**

**Closing hours and capacities**

<table>
<thead>
<tr>
<th>TIME</th>
<th>NO. OF PREMISES STILL OPEN</th>
<th>CAPACITY</th>
<th>NO. OF PREMISES CLOSING IN NEXT HOUR</th>
<th>MAX NO. OF PEOPLE LEAVING IN NEXT HOUR (assuming full capacity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:00 a.m.</td>
<td>337</td>
<td>157595</td>
<td>32</td>
<td>15982</td>
</tr>
<tr>
<td>1:00 a.m.</td>
<td>304</td>
<td>141613</td>
<td>60</td>
<td>25585</td>
</tr>
<tr>
<td>2:00 a.m.</td>
<td>244</td>
<td>116028</td>
<td>51</td>
<td>27516</td>
</tr>
<tr>
<td>3:00 a.m.</td>
<td>193</td>
<td>88512</td>
<td>137</td>
<td>55707</td>
</tr>
<tr>
<td>4:00 a.m.</td>
<td>56</td>
<td>32805</td>
<td>21</td>
<td>15326</td>
</tr>
<tr>
<td>5:00 a.m.</td>
<td>33</td>
<td>17479</td>
<td>3</td>
<td>625</td>
</tr>
<tr>
<td>6:00 a.m.</td>
<td>30</td>
<td>16854</td>
<td>27</td>
<td>14754</td>
</tr>
</tbody>
</table>

(Source: WCC Licensing Service Oct 03. People leaving are counted from e.g. 12:00 - 12.59)

**Public entertainment Licences in the West End Stress Area**

**Closing hours and capacities**

<table>
<thead>
<tr>
<th>TIME</th>
<th>NO. OF PREMISES STILL OPEN</th>
<th>CAPACITY</th>
<th>NO. OF PREMISES CLOSING IN NEXT HOUR</th>
<th>MAX NO. OF PEOPLE LEAVING IN NEXT HOUR (assuming full capacity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:00 a.m.</td>
<td>184</td>
<td>72205</td>
<td>16</td>
<td>8526</td>
</tr>
<tr>
<td>1:00 a.m.</td>
<td>167</td>
<td>63679</td>
<td>29</td>
<td>8635</td>
</tr>
<tr>
<td>2:00 a.m.</td>
<td>138</td>
<td>55044</td>
<td>16</td>
<td>5588</td>
</tr>
<tr>
<td>3:00 a.m.</td>
<td>121</td>
<td>49456</td>
<td>85</td>
<td>29071</td>
</tr>
<tr>
<td>4:00 a.m.</td>
<td>35</td>
<td>20385</td>
<td>11</td>
<td>7531</td>
</tr>
<tr>
<td>5:00 a.m.</td>
<td>23</td>
<td>12854</td>
<td>2</td>
<td>325</td>
</tr>
<tr>
<td>6:00 a.m.</td>
<td>20</td>
<td>12529</td>
<td>18</td>
<td>12189</td>
</tr>
</tbody>
</table>

(Source: WCC Licensing Service Oct 03. People leaving are counted from e.g. 12:00 - 12.59)

\(^2\)Guidance issued under Section 182 of the Licensing Act 2003 (paragraph 3.29)
3. Most public entertainment licences for music and dancing in Westminster are for premises that close later than 11:00pm. Most of these have, in addition, a Special Hours Certificates and can sell alcohol up to the terminal hour of the licence of 3:00 a.m. or 2:00 a.m. under limitations under the Licensing Act 1964.

Appendix 14. Stress Areas and Cumulative Impact

1. The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration by the City Council (Guidance, paragraph 3.13).

2. In parts of Westminster the growth, type and density of licensed premises is such that it causes problems of nuisance and disorder not only in the immediate vicinity of these premises but also some distance away. In Guidance, ‘cumulative impact’ is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre that a large concentration of licensed premises has on that part of the local Licensing Authority area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement (Guidance, paragraph 3.13). It is possible that the impact on surrounding areas of the behaviour of customers of all premises taken together is greater than the usual impact from customers of an individual premises (Guidance, paragraph 3.15).

4. Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Licensing policy these include:

   • identification of concern about crime and disorder (including fear of crime) or public nuisance;
   • consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
   • consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
   • subject to that consultation, inclusion of a special policy for future premises licence or club premises certificate applications from that area within the terms of this Guidance in the statement of licensing policy;
   • publication of the special policy of the statement of licensing policy required by the 2003 Act.

5. Having had regard to Guidance and the existing situation in Westminster and to representations made by the Police and residents, as outlined in this Appendix, paragraphs 12-22, the City Council has considered it necessary to propose special policies on cumulative impact which aim to limit growth of licensed premises in certain areas. These are three defined areas of the City referred to as the ‘West End Stress Area’, the ‘Edgware Road Stress Area’ and the ‘Queensway/Bayswater Stress Area’.
Size of the Stress Areas

6. The Stress Areas cover the following areas:

<table>
<thead>
<tr>
<th>STRESS AREAS</th>
<th>AREA (HECTARES)</th>
<th>PERCENTAGE OF CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>West End Stress Area</td>
<td>98.2</td>
<td>4.5%</td>
</tr>
<tr>
<td>Edgware Road Stress Area</td>
<td>9.9</td>
<td>0.4%</td>
</tr>
<tr>
<td>Queensway/Bayswater Stress Area</td>
<td>13.0</td>
<td>0.6%</td>
</tr>
<tr>
<td><strong>Total Stress Areas</strong></td>
<td><strong>121.1</strong></td>
<td><strong>5.5%</strong></td>
</tr>
<tr>
<td><strong>Total area City of Westminster</strong></td>
<td><strong>2,202</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

7. The Stress Areas in total therefore only account for 5.5% of the City's total area of 2,202 ha.*

<table>
<thead>
<tr>
<th></th>
<th>STRESS AREAS</th>
<th>CITY OF WESTMINSTER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full on licenses</td>
<td>455</td>
<td>1238</td>
<td>36.7%</td>
</tr>
<tr>
<td>Restaurant licences</td>
<td>384</td>
<td>935</td>
<td>41.0%</td>
</tr>
<tr>
<td>Entertainment premises</td>
<td>149</td>
<td>239</td>
<td>62.3%</td>
</tr>
<tr>
<td>Registered clubs</td>
<td>22</td>
<td>125</td>
<td>17.6%</td>
</tr>
<tr>
<td>Off licences</td>
<td>90</td>
<td>423</td>
<td>21.3%</td>
</tr>
<tr>
<td>Other</td>
<td>55</td>
<td>134</td>
<td>41.0%</td>
</tr>
</tbody>
</table>

Residential properties

<table>
<thead>
<tr>
<th></th>
<th>RESIDENTIAL PROPERTIES 2002</th>
<th>PERCENTAGE OF CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>West End Stress Area</td>
<td>4027</td>
<td>3.7%</td>
</tr>
<tr>
<td>Edgware Road Stress Area</td>
<td>1300</td>
<td>1.2%</td>
</tr>
<tr>
<td>Queensway/Bayswater Stress Area</td>
<td>2003</td>
<td>1.8%</td>
</tr>
<tr>
<td><strong>Total Stress Areas</strong></td>
<td><strong>7330</strong></td>
<td><strong>6.7%</strong></td>
</tr>
<tr>
<td><strong>Total City of Westminster</strong></td>
<td><strong>108000</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*This total figure includes 405 hectares of parks including Regents Park, Hyde Park, Green Park and St James’s Park.

History/Background to Stress Areas

8. The Stress Areas and the policies developed for both licensing and planning purposes have been evolved over a long period, as is detailed below. The policies using the Stress Areas for licensing and planning purposes are now well established. The main steps in evolution are explained below.

Consideration of Guidance

9. The City Council has decided to adopt special policies which identify areas of cumulative impact, which have been established through previous and current licensing and planning policies. Regardless of the fact that the City Council had established these areas of cumulative impact in its licensing policy before the Licensing Act 2003, it has considered the criteria identified in the Guidance, (paragraph 3.18).
Defining the Stress Area Boundaries

10. The City Council has drawn boundaries to define the designated Stress Areas. These boundaries have been defined based on the extent of the concentration of licensed premises. Drawing boundaries can be problematic, as often there are areas which are required to be included ‘within the line’ even if the extent of the issues may vary from an immediately adjacent area. Within the Stress Areas there are ‘hot spots’. In areas surrounding these ‘hot spots’ problems may not be as acute. However residents there may be suffering the knock-on effects of these ‘hot spots’. The boundaries were amended and refined in 2002 by the City Council to exclude some areas and include others. (See Appendix 15)

Characteristics of Stress Areas

11. In defining the Stress Areas the principal causes of ‘stress’ were considered by the City Council to include the following aspects which are described below together with the licensing objective with which they are most closely associated:

(a) High levels of noise and vibration from premises and noise and disturbance from the very large numbers of people on the street on most nights during the week even when relatively well behaved. (Public Nuisance);

(b) High levels of bad behaviour in public places, particularly at night though not exclusively so, can be characterised as anti-social, dangerous or criminal, much of it is associated with excessive drinking of alcohol, or drug-taking; (Public Nuisance and Crime and Disorder);

(c) Numbers of pedestrians on footways which in places are insufficient to accommodate them safely and the spilling of crowds onto the roadway (Public Safety and Public Nuisance);

(d) High volumes of litter generated by fast food outlets and nightclub flyers which is a public nuisance and creates an atmosphere of disorder which is unwelcoming; (Public Nuisance)

(e) The fouling of doorways, alleyways and streets, which in addition to being anti-social, has consequences for public safety and health; (Public Safety and Public Nuisance);

(f) Considerable difficulty in providing, to an appropriate standard, street cleaning, refuse collection and servicing of commercial and residential premises (Public Nuisance);

(g) Traffic congestion late at night caused by the dropping-off and picking up of people visiting entertainment uses (Public Nuisance);

(h) The perceptions of residents, workers and visitors that conditions in parts of the areas concerned threaten their personal safety (Public Safety).
The Development of Stress Areas as Special Policies as referred to in Guidance Paragraph 3.13-3.21

12. The City’s 1982 District Plan included Policies intended to balance the particular case for entertainment and similar uses against residential amenity, the character of an area, and its functioning.

13. In 1993 and 1994 parts of Soho and Paddington were designated as Stress Areas where priority was to be given to enforcement action in relation to breaches of planning and licensing controls.

14. The planning policy framework of the adopted Unitary Development Plan was intended to prevent entertainment uses which would involve loss of local shops and services; increased traffic congestion; loss of residential amenity, or injury to the character of an area. It also intended to limit the development of entertainment uses in Covent Garden that were not on a designated ‘entertainment route’. By the early 1990s, there were already concerns from residents’ groups that the policies were insufficient to protect residential amenity.

15. The Report “A Good Night Out” was published in 1998 by the Central Westminster Police Community Consultative Group, dealing with the consequences of the large increase in the numbers of licensed premises in Soho and Covent Garden. This drew attention to a wide range of matters including anti-social behaviour, noise and vibration, street refuse, street fouling, and air quality. The report made recommendations to the City Council about actions it should take to deal with these problems. Businesses in Edgware Road petitioned the Council in 1999 expressing similar concerns about declining conditions in that area. The City Council received a petition, also in 1999, signed by over 600 local residents expressing concern about the decline in the amenity of the centre of the city arising from the increasing numbers of entertainment uses.

16. In response to these various concerns the City Council published a report in 1999 sent to some 800 individuals and organisations and held a seminar to which some 150 were invited seeking views on the policy options open to the authority in regulating entertainment uses in the City. The options included designating ‘quiet enclaves’ in parts of the West End; identifying ‘entertainment routes where such uses should be concentrated; identifying ‘saturation’ areas where additional entertainment capacity would be strictly controlled; greater use of conditions limiting usage of entertainment premises.

17. In the early part of 1999, the City Council carried out informal consultation on the Unitary Development Plan. This covered many of the issues referred to in (15) above.

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43 City of Westminster, 1982 District Plan, Policies 7.37 and 7.45
44 City of Westminster Reports to Committee
45 City of Westminster 1997 Unitary Development Plan. Policy THE8
46 Central Westminster Community Consultative Committee 1998 ‘A Good Night Out’
18. Two Soho residents’ groups published a report in 2000 about licensing reform, drawing further attention to the extent of noise nuisance; street fouling; threats to public safety; anti-social, dangerous and criminal behaviour in the street; and changes to the character of the parts of Central London, which had led to a major deterioration in amenity conditions in the area.

19. Relevant City Council committees considered the outcomes of the ‘Good Night Out’ consultation and the replacement UDP consultation on several occasions in the first half of 2000. Arising from these meetings the City Council agreed new interim development control policies for Planning and a new Licensing Policy. The policies agreed included Stress Areas covering areas where ‘saturation’ with entertainment uses/licences had been reached.

20. The publication in October 2001 of a consultant’s report commissioned by the City Council, and advising on recent structural changes which had taken place in the entertainment industry locally, reviewing policy and practice in other large cities, and advising on likely future trends in Westminster.

21. At its meeting in October 2001, the City Council’s Cabinet reconsidered the Stress Areas for planning purposes. The Stress Area boundaries were modified in the form of extensions and reductions in size better reflecting up to date local circumstances. These boundaries were then modified for Licensing purposes on 21 January 2002.

22. The inspector at the Unitary Development Plan public inquiry agreed that there was a clear and present problem of disorder in the Stress Areas and that unrestricted growth of entertainment uses in them is a threat to the tourist, artistic and cultural standing of London because of fear caused by disorder. He recommended the development of criteria based policies to take into account the characteristics of premises. He did not recommend any changes to the Stress Area boundaries.

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47 Soho Society and Meard and Dean Street Residents Association 2000 ‘Nessun Dorma’
48 City of Westminster 2000 Entertainment and Night Café Licensing Policy Guidelines
49 Town Centres Ltd, 2001 ‘West End Entertainment Impact Study’
Appendix 15. Stress Area Maps
West End Stress Area

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Edgware Road Stress Area

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Queensway/Bayswater Stress Area

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List of Contacts:

Information on the various aspects of the licensing process and policy can be obtained from the following bodies:

Information on licensing policy:
Licensing Policy and Advice Group
Westminster City Council
Strategic Policy Manager
Address: 64 Victoria Street, London, SW1E 6QP
Telephone: 020 7641 5984

Information on processing of licence applications:
Licensing Process Team
Westminster City Council
Address: 64 Victoria Street, London, SW1E 6QP
Licensing Helpline:
Telephone: 020 7641 6514

Information on environmental health, safety and noise:
Community Protection
Westminster City Council
Environmental Health Consultation Team
Address: Room18, Council House, Marylebone Road, NW1 5PT
Telephone: 020 7641 1188
Fax: 020 7641 1171

Information on licensing enforcement and crime prevention:
Westminster Police
Westminster Police Licensing Team
Address: Room 18, Council House, Marylebone Road, London, NW1 5PT
Telephone: 020 7641 6838
Fax: 020 7641 1171

Information on crime and disorder reduction:
Crime and Disorder Reduction Partnership
Westminster City Council
Crime & Disorder Reduction Team
Address: Room 57, Council House, Marylebone Road, London, NW1 5PT
Telephone: 020 7641 1038
Fax: 020 7641 1221
Email: communitysafety@westminster.gov.uk

Information on licensing regarding children and families:
Social and Community Services- Children and Families
Westminster City Council
Head of Commissioning - Child Protection & Quality
Address: 4 Frampton Street, NW8 8LF
Telephone: 020 7641 7665
Fax: 020 7641 7672

Information on planning applications:
Development Planning Services
Westminster City Council
Address: 64 Victoria Street, London, SW1E 6QP

Central Area Team (W1 addresses):
Telephone: 0207 641 2514/2927
Fax: 0207 641 3158

South Area Team (SW1, SW7, WC2, EC4 addresses):
Telephone: 020 7641 2977/2681
Fax: 020 7641 2339

North Area Team (W2, W9, W10, W11, NW1, NW8 addresses):
Telephone: 020 7641 2924/2017
Fax: 020 7641 2338

Planning Enforcement Team (all post-codes):
Telephone: 020 7641 8956

Information on Special Events:
Special Events Team
Westminster City Council
64 Victoria Street, London SW1E 6QP
Telephone: 020 7641 2390
Email: speciale@westminster.gov.uk

Information on fire safety and licensing requirements:
London Fire & Emergency Planning Authority
Address: 156 Harrow Road, London, W2 6NL
Telephone: 020 7587 2000
Email: info@london-fire.gov.uk

Further information about the Licensing Act 2003 and the Secretary of State’s Guidance under section 182 of the Act can be obtained from the Department of Culture, Media, and Sports (DCMS) at:
The Department of Culture, Media, and Sport
Address: 2-4 Cockspur Street, London, SW1Y 5DH

General Enquiries:
Telephone 020 7211 6200
Email: enquiries@culture.gov.uk
Web: www.culture.gov.uk

Alcohol & Entertainment Licensing Enquiries:
Email: alcohol.entertainment@culture.gov.uk

Note: This contacts list was correct at the time of printing and may change over a period of time. At the time of printing this Policy the Regulations under the Licensing Act 2003 had not been published by DCMS.