Carl Powell

is an American who has lived and worked in the UK for over 30 years. Initially qualifying as a surveyor, he has worked in both the private and public sectors, spending time in the NHS and 15 years with London boroughs. He has had wide experience in a range of technical and corporate services. Carl Powell has been director of planning and transportation at Westminster City Council since September 1999

Keywords:

Westminster, entertainment, evening, licensing, planning, public, leisure

Emerging approaches to entertainment: Planning and licensing policies in Westminster

Carl Powell

Received (in revised form) 17 April 2002

Abstract

This paper provides an overview of the current planning and licensing approach being taken by Westminster City Council to entertainment, night activity and the public realm. It briefly explains the background to the emerging planning policies contained in the draft revised unitary development plan where second deposit stage of consultation has recently been completed. It provides a view on the conflict emerging in the public realm, particularly in the evening and within designated 'stress areas'. Past growth trends in housing and the entertainment industry are outlined, identifying some of the drivers for the change which has occurred. The problems associated with this growth, particularly in the entertainment industry, and the way in which the city council is moving forward to address these issues are the main focus of the paper.

UNDERSTANDING THE CONFLICT

The author is delighted that Westminster City Council (WCC) has been given the chance to set out the challenges it faces stemming from the growth and proliferation of entertainment uses and how it is attempting to meet these through a coordinated policy response and partnership working. But before talking in more detail about the drivers, problems and WCC's policies and partnership approach, some background and scene setting is in order.

Unlike other cities, Westminster has not had to encourage a mix of late night entertainment uses in a dead city centre — it has the 'West End', the pre-eminent retail and entertainment area for Londoners and visitors from across the whole country and, increasingly, for international visitors. Westminster's entertainment and cultural venues stage displays and performances ranging from the established to the innovative and from high culture to popular arts and entertainment. The range of eating and drinking places is unrivalled and is something Westminster should be proud of.

However, a change has occurred over the past ten years that has seen the entertainment offer in central London become less attractive to a wide range of people. The rise of the 'mega-pub' (a large public house/bar where alcohol is served) with its emphasis on

Carl Powell
Director of Planning and
Transportation
Westminster City Council
11th Floor
City Hall
64 Victoria Street
London SW1E 6QP, UK
Tel: +44 (0)20 7641 2683
Fax: +44 (0)20 7641 3224
E-mail:
cpowell@westminster.gov.uk

vertical drinking (consumption of alcohol while standing inside or outside a premises) and the 'mega-club' (a large night club holding up to 2,500 people and remaining open until the early hours) have brought a range of problems that the local authority, police and other statutory bodies are having to deal with. Because of Westminster's location, unique history and experience, WCC has faced these problems earlier and felt them more keenly than many other local authorities and has had to respond accordingly.

BACKGROUND

Before setting out WCC's experiences, approach and response, it would be useful to deal with some common misconceptions about central London and the West End in particular:

Policy misconceptions

- 'Nobody lives in the West End.' Wrong. The resident population of the West End (Soho and Covent Garden) is 6,000; for the three designated 'stress areas' (the West End, Edgware Road and Bayswater/Queensway) it is 55,250.
- 'If you live in central London you should expect late-night noise and disturbance.' Why? All Westminster's residents deserve a quality of life.
- 'If you don't like it you can move out.' Not necessarily. Many people who live in Soho and Covent Garden live in council or housing association accommodation — they are not as mobile as people think.

The paper will now give some headline facts and figures about Westminster to illustrate why WCC is unique among local authorities and why it has had to take the policy approach to entertainment uses that it has.

WESTMINSTER — FACTS AND FIGURES

Population

The residential population currently stands at 244,600. However, over 1 million people a day come into the City of Westminster.

Employment

More than 47,000 firms are located within Westminster, providing work for 565,000 people. What is more, 12.4 per cent of London GDP and 2.2 per cent of UK GDP are attributable to Westminster.

Conservation and heritage

There are approximately 11,000 listed buildings and structures within Westminster.

Visitors

In 2000 28.3 million people visited London. Over 95 per cent of these people visited Westminster.

**Westminster is
unique**

A substantial offer

Leisure and tourism

There are 38 theatres with a seating capacity for almost 41,000 people, 68 cinema screens with seating capacity for almost 18,000 people and 16 casinos. There are 2,600 restaurants, cafes, pubs, bars and hot food take-aways and 175 clubs, nightclubs and live music venues.

Sustaining mixed communities

Given these facts and figures one can appreciate why WCC is taking the impact that these uses have on the urban environment very seriously and see that planning in Westminster is unlike any other local planning authority. To sustain a mixed community in the heart of London a balance must be struck between the needs of London as a world class city and the needs of the community and business.

This requires the licensing guidelines and planning policies in WCC's unitary development plan (UDP) to be up to date, robust yet flexible and take a firm stand on protecting those things that are of lasting value. This is the approach WCC has pursued for over 30 years and the author is confident it has worked well.

Rapid growth and lifestyle changes

PAST TRENDS

The growth in 'night-time activity' in central London, fuelled by a buoyant economy, deregulation and changes in lifestyles, has had a dramatic effect on Westminster's residents and has placed increased pressure on WCC's ability to deliver and manage services.

The decade 1990–2000 saw:

- rapid proliferation of A3 uses and, a 35 per cent increase in A3 operators in the West End
- a significant growth in the aggregate capacity of late-night music and dance venues, from 33,000 to 128,000 people in the West End stress area
- major changes in the pub and restaurant sector; for example, increasing diversity in the types of establishment categorised by the single A3 use class
- an increase in alleged breaches of planning control relating to entertainment uses, typically around issues such as nuisance, loss of amenity and non-compliance with conditions, of 300 per cent in the West End, 100 per cent in Edgware Road and 100 per cent in Bayswater.

Forecasting continued growth

THE DRIVERS

Despite recent world events and the US recession, the forecast is continued growth. WCC's recent consultancy study, the 'West End Entertainment Impact Study' (October 2001) found that there would be:

- continued growth in average income and consumer spending over the next ten years
- increased fear of safety, particularly for women, who are

expected to make up a larger proportion of the customer base for the entertainment industry

- an increased desire by developers to realise mixed-use schemes.

It also predicts:

Increased business demand

- continued growth in the pub food sector and high-volume venues
- increased demand for venues of 920 m² (10,000 square feet) and larger, particularly from 'chameleon bars'
- continued demand from nightclubs for late night opening to 6am and beyond and
- a strengthening of the entertainment product in adjoining and local centres, resulting in increased pressure to improve the product in the West End.

PROBLEMS

A well-managed entertainment business that controls noise, requires a minimum high standard of behaviour and consideration from its patrons and controls misuse inside and outside its premises is capable of being — and very often is — a good neighbour. The protection of the local amenity surrounding these uses is critical to ensure that residents can have a good night's sleep, visitors will return, workers will enjoy their surrounding work environment and people generally feel safe.

Concentration and conflict

Problems arise, however, when insufficient regard is had to the legitimate needs of nearby residents and other businesses and when too many similar uses are concentrated in one area. For example, this generates:

Saturation

- crime, disorder and antisocial behaviour, including an increase in unlicensed mini-cabs, drug trafficking and touting
- increase in noise complaints
- saturation in some areas, including late-night crowding on the streets
- major impact on residential amenity and the ability of residents to get any sleep
- an overwhelmed policing, transport and service infrastructure
- a poor advertisement for visitors — 'yob' culture across much of the West End.

Protecting local character

WCC does not wish to see central London become like Ibiza. Readers may be interested to know that every year approximately 700,000 party revellers visit Ibiza — this is fewer than the number of people partying late into the night in the West End every fortnight.

MOVING FORWARD — PARTNERSHIP WORKING

One of the criticisms made of WCC has been that it does not listen to the industry. The author refutes this. In November 2000 WCC

Entertainment Forum

hosted a seminar called 'Establishing Common Ground'. It was a joint initiative and acted as a forum for all key stakeholders to air their views and concerns. Out of the seminar WCC has established the Westminster Entertainment Forum. This is a means by which communication between the key groups can be improved, current problems and issues can be discussed, WCC can seek the views of stakeholders on proposed changes in planning and licensing policies and procedures, good practice can be promoted and joint initiatives developed. WCC's aim is to work with, or to listen to, the views of the private sector, operators or agents.

STUDIES AND ACTION PLANS

The paper now turns to the conclusions WCC has drawn from two major studies commissioned on Westminster city centre:

- the West End Entertainment Impact Study
- the West End Public Spaces Study.

The West End Entertainment Impact Study came to a number of conclusions.

Unique situation requires unique approach

- Nowhere in the world is directly comparable with the West End, in terms of the saturation of entertainment uses, capacity and range of offer and international profile. Policy and legislative frameworks have a significant impact on cultural and behavioural trends over a long time period. It is not, therefore, appropriate to propose any single framework or system from elsewhere as a solution to the problems of the Westminster stress areas.
- In almost all of the international case study cities (New York, Paris and Amsterdam), the private sector is much more involved in the management of the public realm than in Westminster. This is particularly the case in Amsterdam.
- In New York, the process of public consultation and involvement in planning and licensing decisions is much more formalised, through local community boards, to which all public matters are required to be referred.
- The requirement for larger premises to have a designated individual, similar to a licensee, responsible for receiving and responding to complaints during opening hours is highly effective in New York.

This demonstrates that other cities are far from being 'free for all' and have their own systems of regulation. WCC has to find solutions to its problems — there are no easy 'off-the-peg' answers out there. This brings the paper to the West End Public Spaces Study and WCC's Leicester Square action plan. The general and specific conclusions of the study are now detailed.

**Managing the
conflicts**

General

- There is a need to ensure a shared vision for the role of Westminster's public realm.
- Each of Westminster's major public spaces differs to the extent of requiring individual responses in terms of public space management.
- The UDP alone cannot deliver the underlying objectives of stress areas, further management measures in addition to policy frameworks are needed — hence business improvement districts (BIDs).

**Using Leicester
Square as a pilot
study**

Leicester Square

- A radical approach for Leicester Square is needed, as it is no longer possible to consider restricting uses or activities.
- The vision for Leicester Square is as the focus of film and entertainment in Westminster and London, with the square becoming a safer, more attractive, cleaner and above all enjoyable place to be.
- A rethink of the square's layout and design (last undertaken in 1992) is necessary, with physical improvements that enhance its attractiveness and replace existing materials with durable and sustainable ones.
- This new vision is underpinned by a new management strategy that aims to manage the existing mix of planning uses and activities in the square; improve access for all; reduce crime; protect and enhance the public realm; and manage the environment better.
- The primary project is to improve communication with the customers and confirm the vision for the square.

An action plan and timetable have been formulated and agreed by WCC's cabinet to implement these recommendations.

EMERGING POLICY APPROACH

The UDP

WCC adopted its UDP on 16 July 1997. The adopted UDP policy (SS13) aims to control the distribution and impact of A3 uses. It is a 'typical' A3 policy — it is concerned with the impact of the use on the shopping centre (if appropriate) and on residential amenity in terms of the numbers of people and traffic attracted, opening hours, smells and refuse. The provision of tables and chairs is also considered, as is ventilation and ducting. These are dealt with by conditions.

**Increased demand for
a 24-hour city**

Since 1997 however, much has happened. Deregulation has resulted in an increase of 24-hour city activity. The trend for 'mega-restaurants and bars' and the proliferation of bars, pubs and clubs has become an issue as never before, due to the sheer growth and the impact of that growth on residential amenity and character. The office and financial services market has gone through recession,

Reviewing the planning policies

leaving many banks, building societies and ground-floor office premises ripe for conversion to other uses.

For these reasons, WCC has comprehensively revised its UDP and is producing a replacement plan.

Revised (second) deposit UDP

WCC's cabinet agreed a revised UDP for second deposit on 29 October 2001. The six-week consultation period ran from 21 January to 1 March 2002. The plan is fully accessible on WCC's website (www.westminster.gov.uk/udp).

WCC has substantially revised the plan at the second deposit stage and has introduced a new set of entertainment policies in an expanded 'Tourism, Arts, Culture and Entertainment' chapter. The first deposit A3 policies have been amended having regard to representations received and now incorporate the following provisions.

- Greater flexibility for entertainment uses, but still having regard to residential properties located adjoining, above, below and opposite the site.
- The stress area boundaries have been modified, with some expansion but also some contraction of the West End stress area boundary. Overall there has been greater expansion than contraction.
- Through the use of conditions distinctions will be made between uses within the A3 use class — this mirrors the practice of inspectors on appeal and the likely shape of the government's forthcoming revisions to the Use Classes Order.
- The terminal hours (guideline closing times) remain unchanged but are clarified as 'guideline' terminal hours.
- More positive wording recognises the importance of the entertainment industry to Westminster's role as a world-class city.

Reviewing the licensing policy guidelines

WCC's licensing policy guidelines

Westminster's licensing approach is generally consistent with the emerging planning policy approach to entertainment. Revision and consultation of the 'Licensing Policy Guidelines for Entertainment and Night Cafes' will take place later this year. The aim is to bring the guidelines in line with UDP policy so that service delivery is coordinated.

It should be made clear that the WCC policy presumption against the grant of new licences, or the extension of existing licences, in the stress areas does not apply to the renewal of existing licences. The policy approach is that WCC has a list of considerations that it takes into account on all applications, including renewals, which expect licence conditions to be complied with. It would be remiss of WCC not to take instances of non-compliance seriously — whether the licence is 'new' or a 'renewal'.

Readers may be interested to know that not one of the 50 night-club licences and only two of the 107 music and dance licences renewed between 1 June 2001 and 18 January 2002 were refused.

Recognising that we need more than just policy to deal with the issues

OTHER INITIATIVES

As well as these policy initiatives WCC has put in place as part of its Civic Renewal Programme a number of initiatives to help tackle these challenges.

- A coordinated street enforcement team which tackles/enforces problem street and premises licensing issues.
- Mobile 'pissiors'. Not for women at this stage but this is being investigated.
- A street fouling by-law.
- CCTV.
- BIDs (one in Piccadilly Circus, between Piccadilly Circus and Leicester Square, and one in Praed Street, Paddington, with a third BID in Covent Garden being progressed with the Cross-River Partnership).

WHERE TO NOW?

Trends in A3

In the author's view the following are likely in the A3 entertainment sector:

Anticipated growth and diversification

- there will be more interest from large financial investors in the leisure industry
- continued and steady profit projections for entertainment sector will help fuel growth in restaurants, bars and cafes
- this will lead to growing pressure for 24-hour opening to maximise profits from expensive leases and land
- strengthening of the under £20 per head food offer
- diversification of major chain restaurants
- continued expansion of branded cafe chains
- limited supply of new sites will result in reuse of existing sites and expansion into B1 offices and A1 shopping/retail locations.

These points are discussed in further detail in the West End Entertainment Impact Study (available at <http://www.westminster.gov.uk/planningandlicensing/weis/index.cfm>).

UDPs/planning policy

Planning policy currently provides the land-use framework for deciding where uses are most appropriate. This will continue to be the case regardless of the government's proposed changes set out in the planning green paper. It may mean the end of UDPs on the face of it, but what role will there be for local development frameworks? How different will the 'Statement of Core Policies' be from the current UDP? The author's guess is not very! Will 'action

Striking a balance

plans' for areas like Soho, Covent Garden and Mayfair be more restrictive than the current UDP? Some stakeholders will want this.

In the end a balance needs to be struck between protecting and encouraging non entertainment business and residential uses in the city centre and recognising the importance of late night entertainment — whether the planning policy framework is a UDP or a local development framework.

**Safeguarding
residential amenity
and environmental
quality**

There is a responsibility on all players to ensure that residential amenity, environmental quality, established character and function is safeguarded. Stakeholders all need to recognise the cultural changes — planners, residents and operators.

World-class city

WCC has to get its act together, but WCC, businesses and the community need truly to work in partnership. This is the key to ensuring that Westminster remains a world-class city and the diversity of London's entertainment industry is nurtured and supported — a city centre made up of rows of take-away food premises and 'mega-bars' will not solely attract tourists and visitors.