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Soho Neighbourhood Plan

Introduction

1. Thomas and Thomas Partners practice exclusively in licensing, planning and related law. The firm was founded by its eponymous partners Alun Thomas and Thomas O'Maoileoin in 2011. Its partners and indeed the rest of the firm, have many years' experience of licensing and planning. The firm acts for tenants, theatres, clubs and landlords, and sat on one of the Plan's working groups.
2. In Soho, it is more or less impossible to obtain a new permission for a pub, club or bar, or sometimes even a restaurant. This therefore results in new entrants to the market either forum shopping or not investing in London at all.
3. Food trends have meant that applications may now have a mixed retail, bar and restaurant element. Such hybrid uses can then cause their own problems with planning legislation. Until 2002, the planning use classes order split leisure use classes into either A3 or D2. Whilst food trends have evolved, planning policies have not kept up and some operators have been prejudiced as a result.
4. In some cases, there is no formal credit for a well-run business or a proven operator. This is a counter-productive approach based upon a reluctance to carry out appropriate and sufficient enforcement activity which would identify the good from the less-so.
5. Fixed and unduly restrictive opening hours can unnecessary impact on a business. Instead of restricting later opening, there should be more flexibility, subject to appropriate controls particularly, since the introduction of the night tube.
6. There can be an over-emphasis on the protection of residential amenity in some cases where there is no evidence of likely detrimental impact. That balance needs to be re-addressed.

The Consultation

7. Appropriate weight should be given to the statement that *“food, beverage, entertainment and hospitality are world renowned parts of Soho which ... create an attractive offer to residents, workers and visitors and provide high levels of employment”*.
8. In relation to Policy 13, many A3, A4 and A5 uses may be in direct proximity to residential uses in Soho, due to the density of the area. However, it must be recognised that Soho is not just an area where people live but also, more substantially, an area where there is historical reference and reliance upon the evening and night-time economy.
9. Whilst it is recognised that entertainment uses can sometimes detract adversely on residential and other amenity, particularly during Covid-19 and its fallout, the hospitality sector in Soho must be supported, possibly, in the short-term, even to the detriment of other concerns.
10. It is important not to unduly restrict access to the night-time economy, which has always been and hopefully will always be a part of Soho. Such uses after midnight, often include restaurant use (for post-theatre for example) entertainment and music venues. The Plan should promote the heritage and culture of Soho to keep that underlying and important spirit.
11. Specifically, in relation to the use of premises as D2 entertainment and live music venues, we do not believe that this should be restricted to an evening activity. Soho has always been known for a late evening and night-time economy and part of its attractiveness, ethos and charm is that its economy is as much late-night as evening. In fact, such uses have been reduced or lost.
12. Good management of hospitality venues should be acknowledged which minimize adverse effect on residents. Similarly, new private members clubs should be supported as they encourage networking and also employment within the West End, even those that sell drink!
13. There must be due recognition and weight given to well-run late-night entertainment venues and such premises and operators should be given appropriate flexibility as to how they operate, subject only to appropriate, necessary and proportionate controls.
14. Finally, we do not believe it either possible or appropriate for Licence holders to either voluntarily amend their servicing arrangements or even less review their own licences ! This surely must be an initiative led by the City Council.

Conclusion

15. In summary:
 - a) In parts, the consultation is inconsistent with the London Plan and the need to support the Hospitality Industry;
 - b) The fiscal and employment benefits of the evening and night-time economy must be

given appropriate recognition and weight;

- c) Due recognition should be given to well-managed premises and new uses who can design and implement an appropriate Operational Management Plan; and
- d) There has been a loss and relative reduction of night-time uses, such as clubs and late-night bars, which have always been a big part of what Soho is.

16. In difficult economic times, the hospitality industry (being the one of the biggest employers in the UK) should be encouraged and supported. In the vibrant West End of London, it's virtually impossible to get a meal, drink or dance after midnight. That can't be right.

Yours faithfully

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