

WORKSHOP 7: ENTERTAINMENT, ARTS AND CULTURE

Wednesday 30th September 2009, 7th Floor City Hall

Chairman: Councillor Lewis
 Facilitator: Margaret Handovsky
 Officer Panel: Tom Kimber, Louise Francis, Bill Hodgson

Councillor Lewis (Westminster City Council)	Introduction to the planning and licensing regimes and the issue of permanence
Margaret Handovsky (Westminster City Council)	Highlighted consultation methods by the end of October

Part 1. Entertainment Uses

1. The UDP takes a 'matrix' approach to new entertainment uses (see table) which varies dependent upon location, size and type of entertainment use (as well as a number of individual policy criteria including impact on residential amenity).

- **Should the City Council continue with this 'matrix' policy approach, differentiating between the Stress Areas, Central Activities Zone and elsewhere, and size and type of entertainment use proposed?**
- **Should the size thresholds be changed?**

Brian Woodham (St. James's Conservation Area Trust)	Concerned about the West End Stress Area's artificial border which is used for both planning and licensing -Is doesn't give enough flexibility for significant part of St. James's. Difficult to get protection on their buffer zone.
Comment from workshop attendee	This comment was echoed. Impact of new pubs outside the CAZ could be worse Use of UDP policy TACE 10 – It may be more appropriate to judge applications on their merits.
Daryl Mylroie (Rolfe Judd Planning)	Broadly support the matrix approach and its future application Problems occur where entertainment uses don't neatly fall into any one category/are sui generis, then each has to be decided on its own merits. Despite being good in amenity terms, this gives potential 'new concepts'/new entrants something of a difficulty. TACE matrix is a good starting point - depends on how flexibly it is applied
Tom Kimber (WCC)	Matrix is only the starting point - also look at each on its merits We look at the main use at present.

2. How should the City Council assess the impact of proposed entertainment uses upon residential amenity, health and safety, local environmental quality and character and function of the area?

Tom Kimber (WCC)	How should we assess applications for entertainment uses? What should we take into account?
Charlotte Fergusson	How events can bring life, generate footfall and help local business.

(Westminster Reference Library)	
Wolfram Schnelle (Mummery & Schnelle)	Art galleries in Fitzrovia. Problems to get the use because of protection of rag trade uses. Art galleries are keen to move into the area.
Paul Cutts (Natural History Museum)	Western fringes of the borough. Some of the restriction is not very flexible. Arts and culture moves quicker than the planning department does. Pop-up galleries in shops. Rather than protect the rag-trade. Should be more responsive. Quality thresholds put on our ideas.
Daryl Mylroie (Rolfe Judd Planning)	How should the city council aim to protect residential and West End entertainment. Should we be putting more residential into that/those areas? Clients looking to provide more residential.
John Richards (Knight Frank)	Planning department depends on word of the applicant/compliance with conditions. Must work with licensing colleagues to monitor this. Bad experiences should not prevent future viable/attractive uses.
<p>3. How should the City Council manage the impact of late night entertainment uses? For example should the City Council:</p> <ul style="list-style-type: none"> • continue to use planning conditions when granting permission to new entertainment uses to limit opening hours, number of people entering the premises, etc? • adopt the use of premises management plans? 	
Bill Hodgson (WCC)	'Premises Management Plan' states when the venue will close and the volume the music will be etc. They are fully fledged management plans/operating schedules. These fit in a licensing regime. They relate to when a decision has been made rather than when an application comes in to the council.
Cllr Lewis	We were in the position to stop any new entertainment development but in the case of licensing, we chose not to do that. We did recognise changes do occur. We are required to review licensing policy every 3 years and will be consulting on revisions next year.
Daryl Mylroie (Rolfe Judd Planning)	Management plans would be unworkable in a planning sense. Should be on licensing side. Landlords do not always know who the end user will be. Planning already has enforceable conditions. Management plans would be too much.
Brian Woodham (St. James's Conservation Area Trust)	Council policy to increase residential population in the area. Conflict between night-time economy and people who live in the area [with particular emphasis on the St. James's area]. Have studied the council's Noise Strategy which is superb although it does not seem to have a real understanding of the needs of residents.

	<p>The Noise Strategy does not take an overall view of what happens to residents in the area, parties etc, comings and goings, cumulative impact.</p> <p>[Impact of people leaving entertainment venues etc] away from their door.</p> <p>The Strategy has no overall idea of how to control it.</p> <p>Doesn't seem to be a Strategy to control it.</p> <p>The Trust tried lobbying for a Noise Abatement Zone.</p> <p>European Commission Environmental Noise Directive 2002 "Quiet Areas" would be a means to quieten down night-time noise in the area.</p> <p>Not sure how far the Mayor has got with this.</p>
Gareth Fairweather (Jones Lang LaSalle)	<p>Going against conditions = going against planning permission.</p> <p>Support licensing laws/mechanisms to limit opening hours rather than use planning permissions which may restrict good operators, especially as landlords may not know who operators are going to be.</p>
Cllr Lewis	<p>Welcome increased joint working.</p>
John Richards (Knight Frank)	<p>Planning has to be realistic about what can be done.</p> <p>Central London is an appropriate place for entertainment use.</p> <p>Capital City/vibrant.</p> <p>Residents in Soho should expect the noise.</p>
Cllr Lewis	<p>Much of it is social housing - they have been put there.</p>
Matthew Bennett (Soho Society)	<p>Need housing for sustainability reasons.</p> <p>People want to live closer to work.</p> <p>Government policy backs this up.</p> <p>Need to distinguish between evening and night-time economy [e.g. 2, 3, 4, 5 in the morning] to allow sleep time.</p> <p>Use of opening hour conditions is important from the start as it lets the operator know what is on offer.</p> <p>If you want a balanced community you need to hold that balance - vibrant evening economy + time to sleep.</p> <p>Late-night only appeals to the minority.</p>
Cllr Lewis	<p>Prime Minister announced measures yesterday to control night-time entertainment.</p>
Paul Cutts (Natural History Museum)	<p>There is a broader spectrum of people wanting to make use of post-midnight facilities.</p> <p>Appropriate we are a 24hour city in certain places.</p> <p>How fits into TfL (Transport for London) and broader Arts & Culture Strategy.</p> <p>Legible London encourages walking = more people on the streets.</p> <p>How do you facilitate people movements at crunch times.</p> <p>TfL amenable to use of space and public realm.</p>
Cllr Lewis	<p>We have lobbied Mayors to extend tube hours to deal with people who can't get home.</p> <p>It's a myth that you can't eat in Westminster after midnight, there's 100s of places where you can.</p>
Stanley Hales (Really Useful Theatres)	<p>Provision of toilet facilities should be considered within the Stress Areas within the realm of s106 for 1000s of people who are wandering 11pm-4am.</p>

	This should be in the planning remit.
Part 2 Arts and Cultural Uses	
4. We want to continue to protect and support arts and cultural uses.	
<ul style="list-style-type: none"> • Should we have a stronger policy to protect music venues? • Should this protection be subject to any specific criteria (e.g. the length of time it has been a music venue, the size of the venue, location)? 	
Stanley Hales (Really Useful Theatres)	Live music venues are generally quite reflective of theatres because of the growth of musicals. The same protection should apply where they are historic and specific.
Cllr Lewis	Such as Roni Scotts.
Charlotte Fergusson (Westminster Reference Library)	Seconds the previous comment, 100 Club. Absolutely agrees.
Graham Dixon (The Classic Fairytale Company)	Does "live" = amplified, or "live"? What is the distinction?
Bill Hodgson (WCC)	Live = performed, either way amplified or not. This includes DJ-ing and mixing in consent terms.
Graham Dixon (The Classic Fairytale Company)	As apposed to Wigmore Hall/venues that don't need amplification.
Bill Hodgson (WCC)	Question was not designed to set a distinction.
Tom Kimber (WCC)	We don't have a live music protection policy at the moment We're asking if there are particular uses that need protection? I.e. not allowing a change from that use or requiring an alternative.
Daryl Mylroie (Rolfe Judd Planning)	Is there a perceived threat? [I.e. is there a need for a policy?] Protection can be a double-edged sword without encouraging the existing offer to improve.
Cllr Lewis	Astoria theatre has closed but a replacement is envisaged You are in danger of maintaining something not wanted (?)
Daryl Mylroie (Rolfe Judd Planning)	Like showrooms.
Tom Kimber (WCC)	Danger of losing internationally renowned ones.
Paul Cutts (Natural History Museum)	Live Music Forum has interesting information online re: the implications of changes to licensing laws. Support protection e.g. Pizza in the Park cabaret. Should build in enough flexibility to allow new venues.
Cllr Lewis	Perceived threat was only a perception.
Bill Hodgson (WCC)	Under the old law 2 performers did not need permission. More complicated now.
Daryl Mylroie (Rolfe Judd Planning)	Dangerous territory - steer clear of setting criteria. Spatial promotion. Look for replacement uses. Focus should be on where do you want to encourage new uses. Look to the future - large restaurants with live music.
5. In addition to the protection of theatres, how else should the City Council support theatres through planning policy?	
Stanley Hales (Really Useful Theatres)	Support TACE 6 policy.

Useful Theatres)	TACE 5 is fairly clear that additional uses are not permitted unless they would be of benefit to the theatre. Unclear what the "benefit" is - could be more specific on what the benefit is required to be. Commercial element can be of use but needs to be controlled (rather than subsidised) e.g. profit ploughed back into the building not going off elsewhere "for benefit of the building."
Charlotte Fergusson (Westminster Reference Library)	Planning benefit/s106 could support youth theatre to build. Need for affordable community performance and related rehearsal space.
Cllr Lewis	Is there a need for more performance space?
Graham Dixon (The Classic Fairytale Company)	Subsidised/commercial theatre. Support could be in providing the infrastructure for rehearsal space rather than funding.
Cllr Grahame	Lack funding not spaces. Activity needs the funding. Funding for public art should go to putting on performances.
Corrine Bougaard (Union Dance)	Second the recommendations. For youth, professional dance and theatre buildings lost in terms of cost once the lottery came in. Improved infrastructure is consolidated.
Daryl Mylroie (Rolfe Judd Planning)	Space - could it form part of the mixed-use requirement? Elevate its importance e.g. quantum of residential with a quantum of new arts and culture space as a planning benefit.
Paul Cutts (Natural History Museum)	Mixed feelings re: developing new spaces. Fixed spaces very inflexible - haemorrhage maintenance money. We have fantastic places - need to think how we use them more efficiently/quickly e.g. performance space in a store.
Charlotte Fergusson (Westminster Reference Library)	At least one call a week of people wanting to use the space. Use Classes Order inhibits this and planning permission slows the process.
Louise Francis	Appreciates that is an issue.
Cllr Grahame	School halls are empty in the evenings etc. Residents are used to them being empty their use may cause problems. But wasn't so long ago they were used.
6. Are any other policies required that will maintain and enhance Westminster's diverse arts and cultural facilities/ offer?	
Daryl Mylroie (Rolfe Judd Planning)	Could include a policy that positively encourages temporary uses to temporarily fill vacant shops e.g. art exhibitions etc.
Cllr Lewis	Enforcement problem?
Daryl Mylroie (Rolfe Judd Planning)	They are not there long enough to cause an enforceable problem.
Paul Cutts (Natural History Museum)	Shaftesbury is creative in the way it thinks about its spaces. The Council could incentivise, reduce rates to the arts/cultural sector? Support without costing a great deal of money. For private landlords to benefit.
Cllr Lewis	We practically have nothing do with the rates. May not be able to provide any flexibility on this.

Bill Hodgson (WCC)	Think there was some provision for “charitable non-profit making organisations” this year in recognition of the recession. Catering for “performance” is more difficult than for “display.”
Charlotte Fergusson (Westminster Reference Library)	Corporate Property are very supportive of work on displays in council owned properties.
7. Are there any other issues that have not been covered above?	
Brian Woodham (St. James’s Conservation Area Trust)	There is a need for street cleansing in the way that it is done in Paris. This should be established without the need to ask.
Other questions	
END	