

CONSULTATION ANALYSIS

City of London Corporation
Al Fresco Dining and Drinking Policy Review 2024

1. Consultation Background

The City of London Corporation carried out a public consultation on its draft AI Fresco Dining and Drinking Policy using the Commonplace platform. The Consultation ran from the 16th August 2024 to the 13th September 2024.

The Corporation directly invited by email the Elected Members of the City, resident groups and Responsible Authorities to make comment on the proposed policy by email.

2. Executive Summary

The consultation for the AI Fresco Dining and Drinking Policy Consultation provided clarification and confirmation of a number of policy points. Where possible, the proposed amendments to the policy have been made in line with the responses that were received; whilst being cognisant of the requisite requirements of the legislation, guidance and the unique ever developing landscapes that make up of the Square Mile.

As a result of the consultation, it is suggested that the policy document title remain the same but include a reference to Pavement Licensing as a sub-title. Due to how close the results to this question were, this suggestion would serve to placate both points of view.

Overwhelmingly, respondents indicated that they wished for the Corporation to provide pre-application advice. It is suggested that the Corporation provide this function to support businesses, but also to reduce costs to the Corporation in the mid-term and increase the efficiency of applications. At the point of an application's consultation, a substantial number of Officers will be consulted, consider and respond to the application. Where an application requires a response, the requirement in officer time is increased, and duplicated across multiple teams.

It is suggested that 2.2 meters clear pavement width remain the policy presumption. Responses to this indicated that respondents believed it to be an absolute minimum, although the policy is clear that this can be lowered where appropriate.

It is also suggested that the policy hours remain the same, as similarly, there is scope for an application to be granted outside of it where those hours would be a net positive to the locality and applicant.

It is further suggested that licence's continue to be granted for 12 months, owing to the ever changing landscape of the city. As areas develop, the licence may need to change; it is more cost efficient to both the applicant and the corporation to capture this at the point of renewal.

It is suggested that the Policy be amended to include the position on the provision of music, set out in legislation and our Statement of Licensing Policy; and to include the site-specific special consideration procedure used in the application consultation procedure.

It is also suggested that our enforcement procedure be outline within the Policy document, as the theme of enforcement was mentioned multiple times throughout the consultation responses.

3. Consultation Responses

Not every respondent answered every question. The questions asked in the consultation are listed and summarised below, with the respondent conclusion to the question listed and a rounded percentage figure to illustrate the bias for this conclusion.

The consultation portal page was visited 771 times; and received 219 contributions from 209 individual respondents.

Demographic of Respondents

As above, not every respondent answered every question. Some respondents also picked multiple categories. The full respondent demographic data is illustrated below the summary by charts.

Link to the area

Predominantly respondents to the consultation live in the area (37%) or work in the area (32%).

Gender

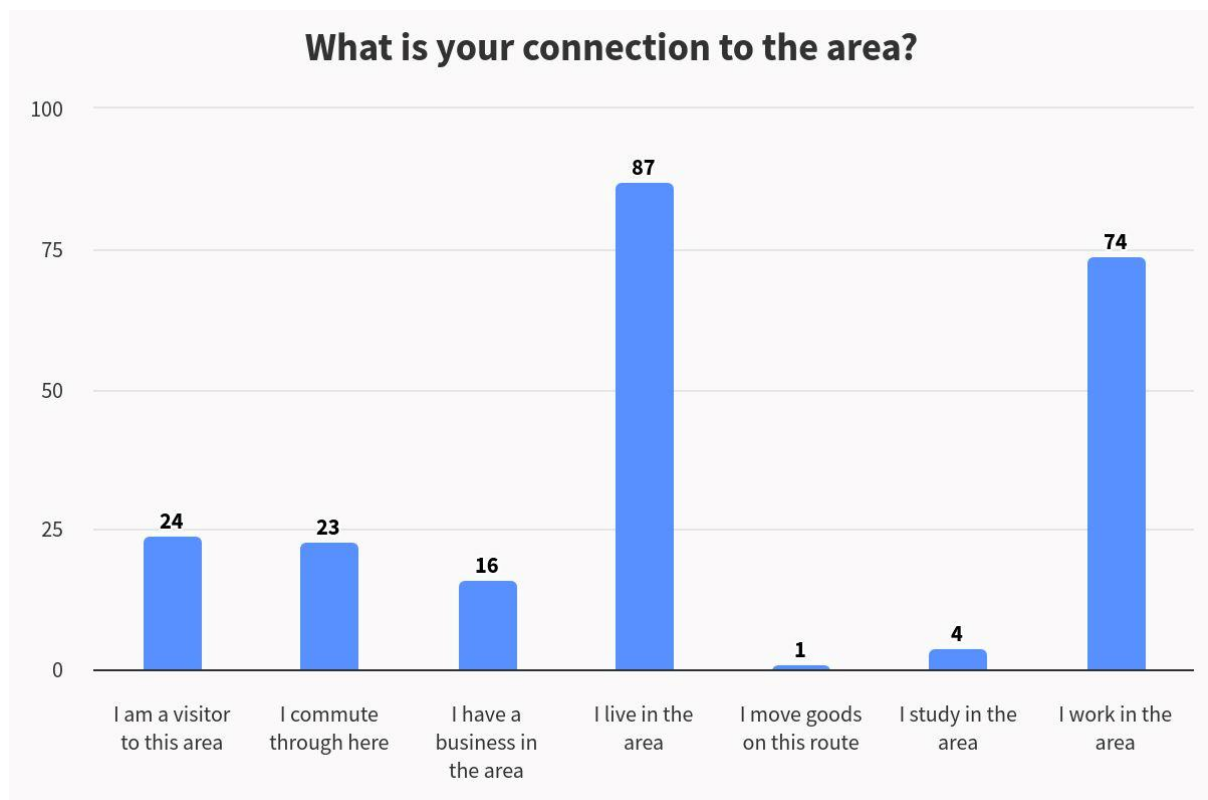
Predominantly respondents to the consultation self-identify as male (67%).

Employment Status

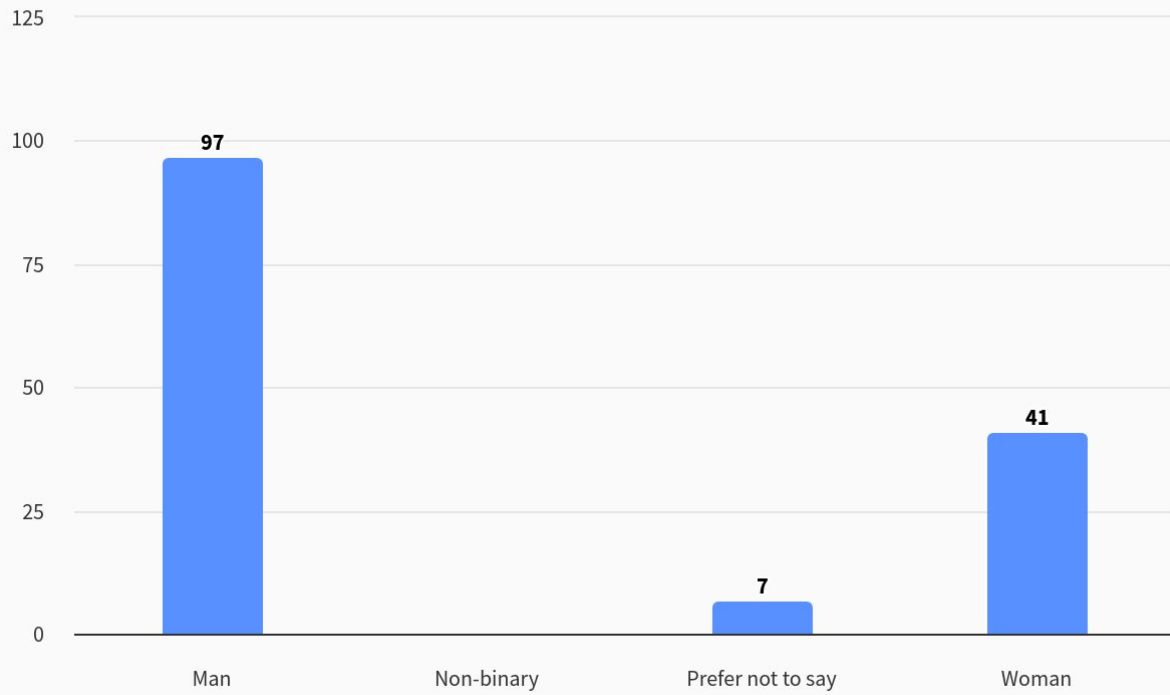
Predominantly respondents to the consultation work full time (53%).

Travel in the Area

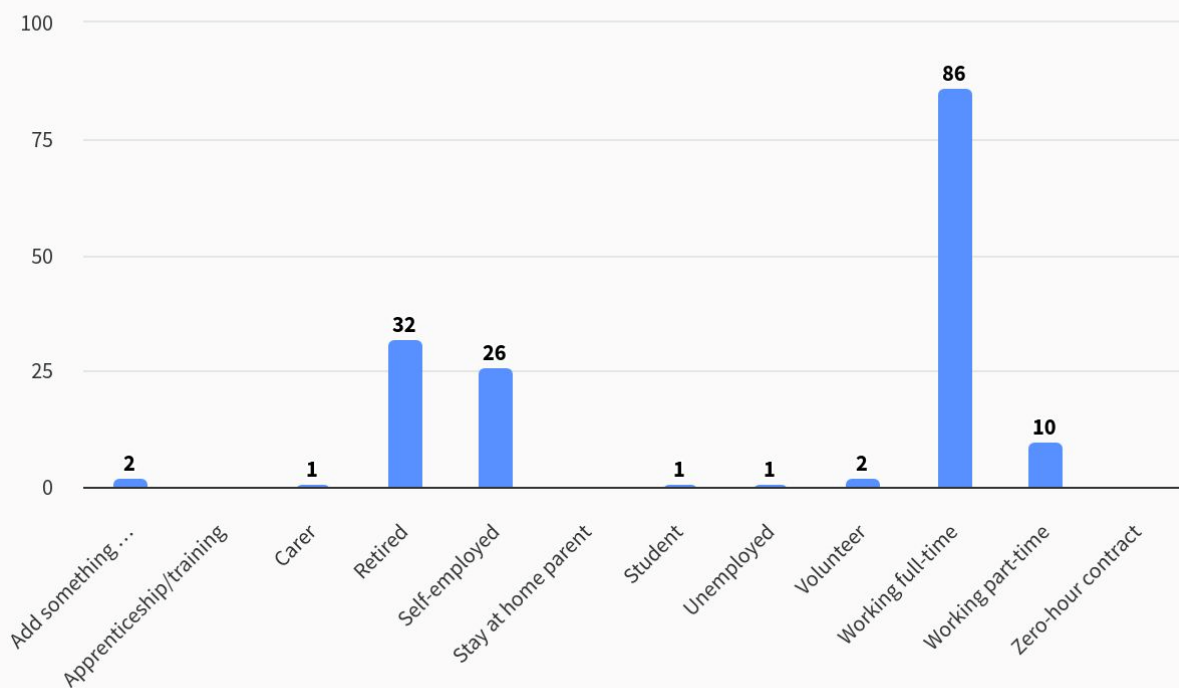
Predominantly respondents to the consultation walk through the area (38%).



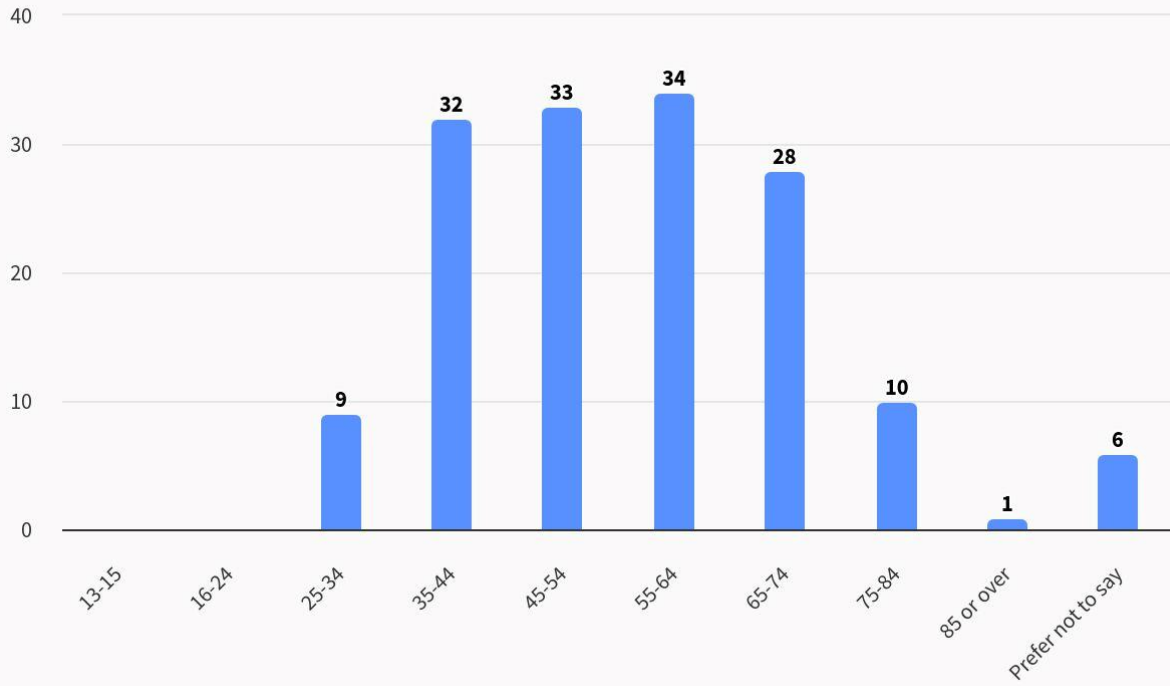
What is your gender?



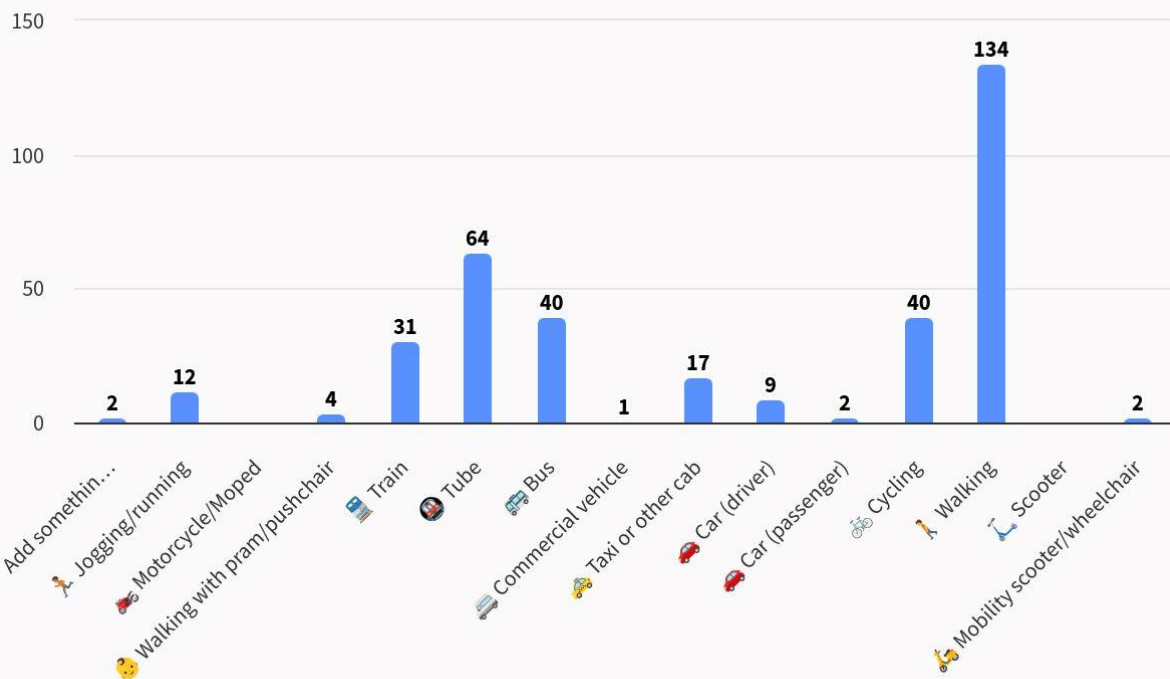
What is your employment status?



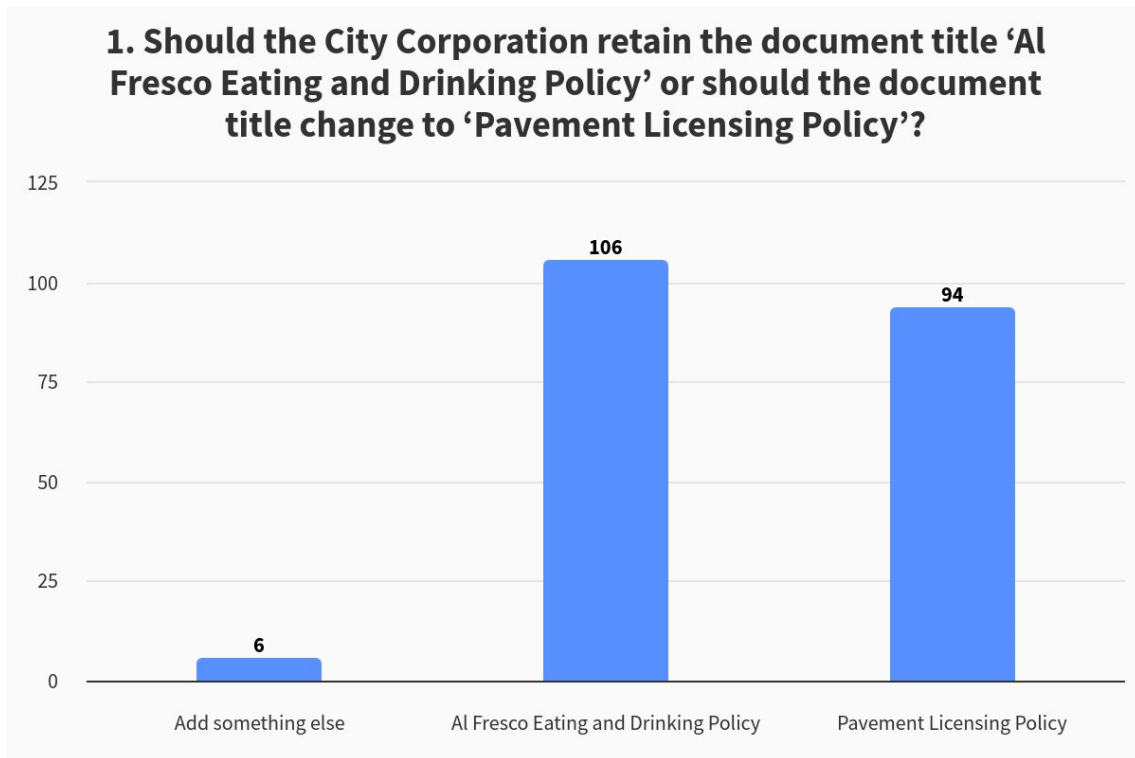
What is your age group?



How do you usually travel in or around the area?



Question 1. Policy Document Title



52% of respondents want to keep the policy name the same, whilst 46% of respondents want to change the policy name to Pavement Licensing Policy. 3% of respondents want to change the policy name to something else.

It is suggested that the document title should remain as the “Al Fresco Eating and Drinking Policy”; but that the front page of the document should also contain a subtitled reference to “Pavement Licensing”, as there were a significant number of responses that wanted the title to change.

Proposal

It is suggested that the document title remain “Al Fresco Eating and Drinking Policy” with a subtitled reference “Pavement Licensing”.

In general, those that wanted a free pre-application advice service indicated that they thought that:

- a. It would be positive for businesses from a cost and administrative perspective.
- b. It would be positive for businesses from a footfall and trade perspective.
- c. It would be positive for businesses by helping them understand and attain compliance prior to issuance.
- d. It would be positive for businesses by streamlining the application process, by ensuring issues are resolved before application.
- e. It would be positive for the City to ensure applications support policy objectives.

In general, those that did not want a free pre-application advice service indicated that they thought that:

- a. The advice service should not be run at the cost of the Corporation.
- b. Businesses are using the licence to earn revenue, and as such a fee would be appropriate.
- c. Some indicated that the advice service should only be free for small businesses.
- d. The cost should be net-neutral and cost applicants the equivalent FTE cost of the staff assisting.
- e. The advice service was unnecessary.
- f. The rules were simple, and no advice service was necessary.

Proposal

It is suggested that the Corporation should offer free pre-application advice to any prospective applicants.

In general, those that wanted the 2.2m minimum pavement width to remain thought that:

- a. The 2.2m width is sufficient and adequate in most cases.
- b. The 2.2m width is a good compromise between passage and making use of space.
- c. This 2.2m width is sufficient, providing that it is being enforced.
- d. The 2.2m should be measured whilst the chairs are in use.

In general, those that wanted to increase the minimum pavement width thought that:

- a. The 2.2m width is unsuitable for safe access by disabled persons when accounting for other pavement users (including wheelchairs, scooters, bikes, buggies and pedestrians).
- b. The 2.2m width is unsuitable as in practice vulnerable pedestrians are forced to use the roadway when the pavement is busy.
- c. The width should be 2.5m or 3m unless the 2.2m is rigidly enforced.
- d. The width should be 3m to allow for obstructions, such as e-scooters or e-bikes that are left on the pavement.
- e. The width should be 3m.

In general, those that wanted to decrease the minimum pavement width thought that:

- a. The minimum width should be 1.5m.
- b. The minimum width should be 2m.
- c. The minimum width should be 1.8m like other local authorities.
- d. The minimum width should be 2m like other local authorities.

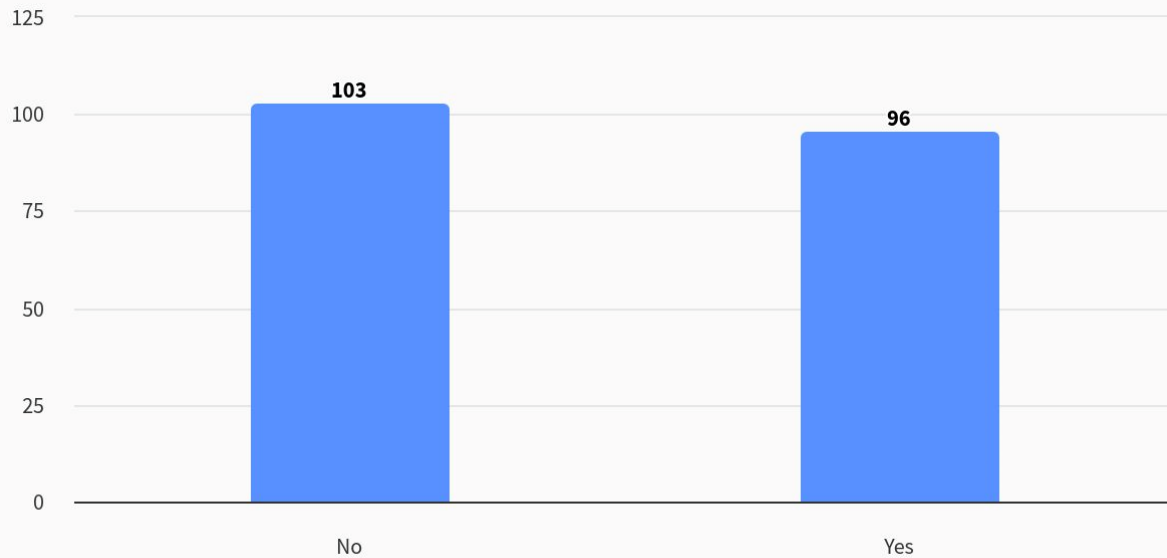
It was evident that a large number of respondents, who agreed and disagreed, thought that compliance with the 2.2m minimum was an issue.

Proposal

It is suggested that the minimum pavement width should remain 2.2m.

Question 4. Policy Hours

4a. The City Corporation will generally only consider applications for pavement licences between the hours of 07:00 and 23:00. Should the City Corporation set different hours during which applications may be considered?



4b Please share your thoughts on the permitted hours for pavement licences



52% of respondents want the policy hours to remain the same, whilst 48% of respondents want the policy hours to change.

In general, those that was the policy hours to remain the same thought that:

- a. The current hours are extensive.
- b. The current hours are sufficient.
- c. The current hours are reasonable.
- d. The current hours prevent unreasonable disturbance.

In general, those that wanted the policy hours to change and be increased thought that:

- a. Hours should be commensurate with a businesses opening hours.
- b. The City of London should be a 24 hour city.
- c. Hours should be extended to 6am to support breakfast offerings.

In general, those that wanted the policy hours to change and be decreased thought that:

- a. The current policy hour start time of 7am is too early.
- b. The current hours mean that there is noise disturbance before and after due to the moving of furniture.
- c. The policy terminal hour should be 9pm or 10pm.
- d. The policy hours should be 8am to 10pm.
- e. There should be shorter hours for residential areas.
- f. Policy hours should be in line with construction timings.

Proposal

It is suggested that policy hours should remain the same.

In general, those that wanted the licence duration to remain 12 months, thought that:

- a. The duration seems sensible and should allow for the addressing of any issues.
- b. Businesses will always have to consider the renewal of their licence, reducing the need for enforcement action.
- c. A 12 month duration is suitable as areas are likely to change.
- d. A 12 month duration reduces the risk of disturbance happening in the long term.

In general, those that wanted the licence duration to increase to 24 months, thought that:

- a. A 24 month period would allow businesses to plan, invest in furniture and heating.
- b. A 24 month period would reduce administrative costs and increase resources for compliance and enforcement.
- c. A 24 month period.

There were relatively few respondents that wanted to reduce the duration to 6 months. Those few that did consistently wanted 6 month licence durations subject to review.

Proposal

It is suggested that the 12 month licence duration is to remain the same.

51% of respondents think that the City Corporation can do more through this policy to provide accessible and inclusive public spaces. 49% of respondents think the City Corporation's policy has sufficient measures to provide accessible and inclusive public spaces.

In general, those that thought we could do more through this policy thought that:

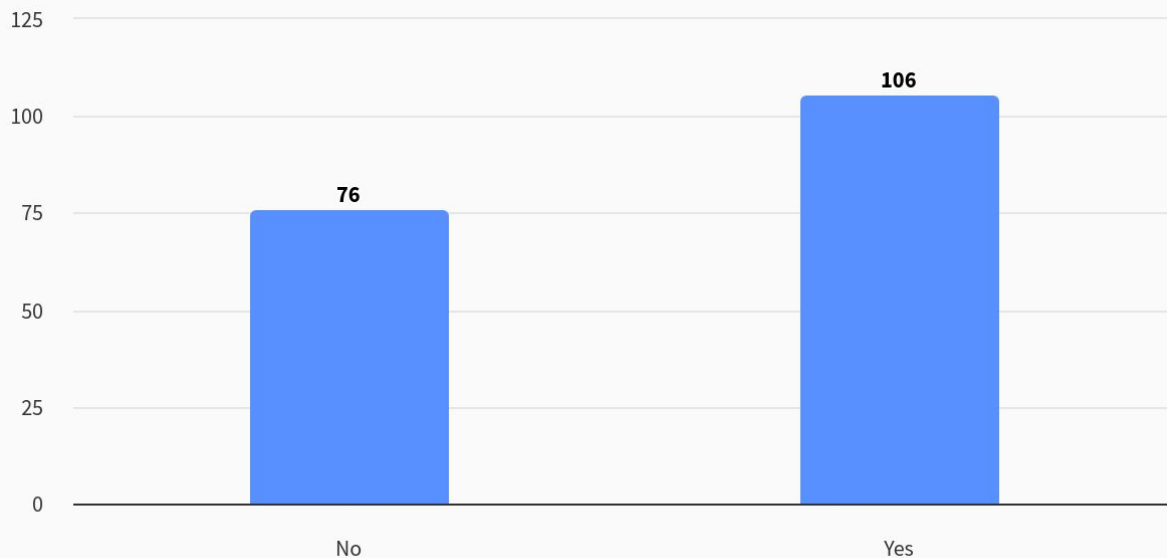
- a. For Hire e-Bikes / Bicycles should be cleared to specified zones and off of pavements.
- b. Increased provision of waste receptacles.
- c. Requirement for wheelchair accessible tables.
- d. Provision of level paving and curbs.
- e. Allow group licences for non-alcohol premises that are grouped together.
- f. Increased consideration of resident's privacy.
- g. Exclude all narrow thoroughfares and busy pedestrian areas from being licensed, such as pedestrian routes to main bus stops and underground stations.
- h. Monitor and review the use of pavements outside drinking establishments in the summer.
- i. Exclude pavement licences in residential areas.
- j. Restriction on the use of A-boards, and enforcement to ensure compliance with this restriction.

Proposal

It is suggested that a presumption on applicants to make consideration for inclusive access be placed in Policy. This would ensure the onus for these considerations is reiterated and clear to applicants.

Question 7. Noise Nuisance

7a. Is there anything more the City Corporation can do through its Pavement Licence Policy to ensure that noise from pavement licensed areas does not cause a nuisance to persons living or working in the area?



7b. Please share your thoughts on what we can do to prevent noise nuisance to persons living or working in the area



58% of respondents think that the City Corporation can do more to prevent noise nuisance from pavement licensed areas; whilst 42% think the City Corporation is doing enough.

In general, those that thought the City Corporation could do more thought that:

- a. Noise Mitigation measures should be conditioned to the licence.
- b. Decisions should consider the number of other nearby licensed areas.
- c. Exclude pavement licences from residential areas.
- d. There should be a limited capacity for licensed areas to reduce overcrowding and subsequent noise pollution.
- e. There should be no provision of music in pavement licensed areas.
- f. Separate daytime licences should be issued.
- g. Premises should designate a responsible person with a public contact number and email for complaints.
- h. The policy should adopt a presumption against outside drinking near residential addresses.

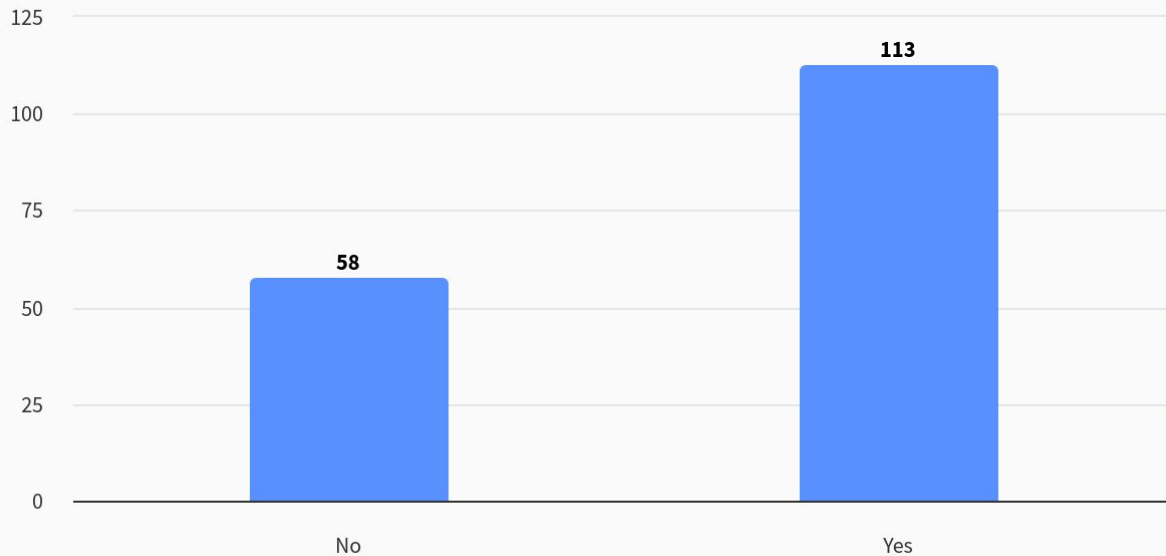
It should be noted that the predominant theme was the prohibition of the provision of music.

Proposal

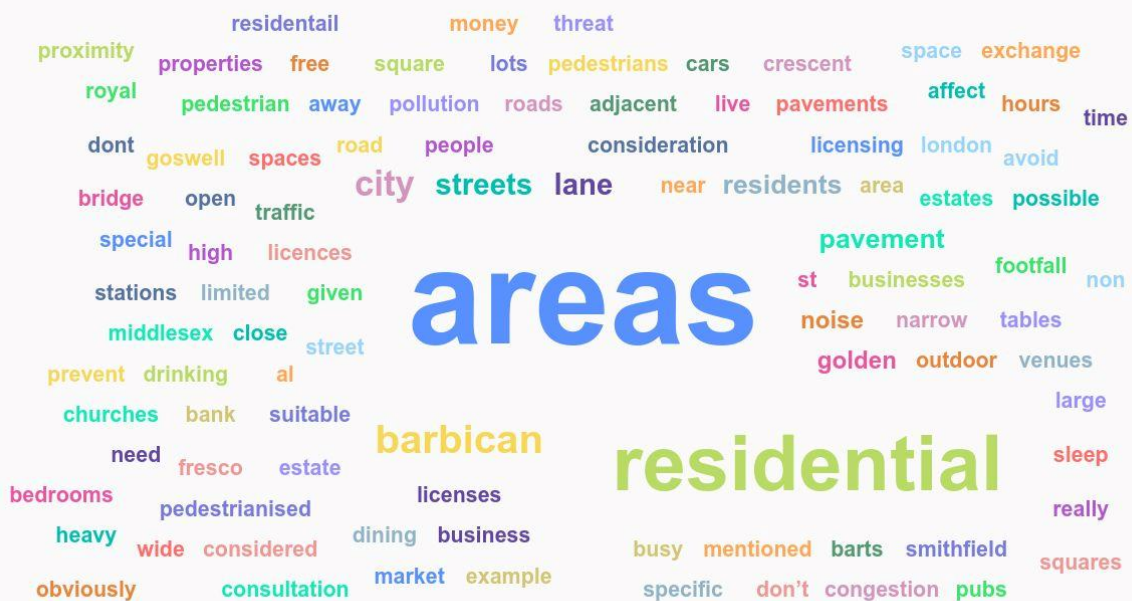
It is suggested that the Corporation clarifies the legislative position on the provision of music, as set out in the Live Music Act 2012 and Deregulation Act 2015 and the Statement of Licensing Policy.

Question 8. Areas for Special Consideration

8a. Are there any areas in the square mile that should be given special consideration for pavement licensing (e.g. any areas where pavement licensing may be more suitable or less suitable) ?



8b. Please advise the areas that should be given special consideration



66% of respondents think that there are areas in the square mile that should be given special consideration; whilst 44% think there are not.

In general, those that thought that there are areas in the square mile that should be given special consideration thought that:

- a. Golden Lane.
- b. Barbican.
- c. Carter Lane.
- d. Narrow streets.
- e. Residential Areas.
- f. Near to St. Bartholomew's Hospital.
- g. Near to Schools.
- h. Near to Religious Premises.

Proposal

It is suggested that the Corporation include reference to the site-specific special consideration procedure. This will be incorporated into the application consultation procedure.

