City of Westminster

# Minutes

Minutes of a meeting of the **BUSINESS PLANNING AND TRANSPORT POLICY AND SCRUTINY COMMITTEE** held at 7:00pm on Wednesday 15 November 2017 in Committee Room 3.1, 3rd Floor, 5 Strand, London WC2 5HR

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| Members of Committee: | Councillors Tony Devenish (Chairman), Julia Alexander, Thomas Crockett, Paul Dimoldenberg, Murad Gassanly, Karen Scarborough and Jason Williams. |
| Also Present: | Councillor Robert Davis MBE DL, Deputy Leader and Cabinet Member for Business, Culture and Heritage. |

## 1. MEMBERSHIP

1.1 Apologies for absence were received from Councillors Louise Hyams and Cameron Thomson. Councillor Murad Gassanly replaced Councillor Hyams.

## 2. DECLARATIONS OF INTEREST

2.1 Councillor Jason Williams declared in respect of item 7 on the agenda that he is a trustee of the Pimlico Toy Library. They had been a nominating body for assets of community value in Westminster.

## 3. MINUTES AND MATTERS ARISING

3.1 **RESOLVED:** That the minutes of the Business Planning and Transport meeting held on Wednesday 13 September 2017 be signed by the Chairman as a correct record of proceedings.

## 4. UPDATE FROM CABINET MEMBERS

4.1 The Committee received written updates from the Deputy Leader and Cabinet Member for Business, Culture and Heritage, the Cabinet Member for City Highways and the Cabinet Member for Planning and Public Realm on significant matters within their portfolios.

4.2 The Chairman welcomed Councillor Robert Davis, Deputy Leader and Cabinet Member for Business, Culture and Heritage, to the meeting. The Committee put questions to and received responses from Councillor Davis on a number of matters that were relevant to his portfolio. Greg Ward, Director of Economy, Graham King, Head of WEP Place Programme and Sara Sutton,

Director of Public Protection and Licensing were also in attendance for this item. The matters raised included the following topics:

- Market Curator – More information was sought on this role. Councillor Davis advised that it was currently a part-time role, three days a week. The role was not currently a permanent one. It would be assessed in the New Year. The Market Curator had been brought in to co-ordinate and support the improvement of Westminster Council's markets. The postholder had started the job and she had significant experience in operating markets.

- Apprenticeships - Was there scope to increase the number of Westminster Council apprentices mentioned in the Cabinet Member Update and particularly for people who are Westminster residents? Mr Ward clarified that the 12 apprentices referred to in the report were the current wave of recruitments at Westminster. It was hoped that the number in this wave would reach 14. Overall the Council had recruited more than 100 apprentices over a number of years. Two years ago only 10% of apprentices were residents of the borough but this was now 25% and growing. Mr Ward also informed the Committee that it was against the law to 'positively discriminate' in order to ensure that Westminster residents were selected as Council apprentices. What officers were able to do was to encourage as many people as possible, including residents, to apply. When candidates did not succeed, they received support and training with the aim of putting them before future interview panels.

  Councillor Davis spoke about the training and placing of out of work residents via Recruit London, a free local recruitment service for businesses. Mr Ward added that there was a campaign commencing looking at recruiting 30 additional residents into the Council who have disabilities.

- Oxford Street District Transformation – Concerns were expressed that pedicabs could enter the side streets if they were not able to go up Oxford Street. How could this be prevented? Councillor Davis responded that there was work taking place behind the scenes in order to try and avoid this scenario. Mr King explained that seeking to effectively legislate against pedicabs was a common cause of the Mayor of the London, the Greater London Authority, Transport for London and Westminster Council. The GLA had been looking to insert the relevant clauses into draft London local authority bills that either they are responsible for or combined local authorities are responsible for. Attempts to persuade Central Government of the need to legislate continued. There was currently a legislative void both in respect of pedicabs and private hire vehicles.

  Mr King added that in the management plan that would accompany any Oxford Street scheme that might emerge from the current consultation, it would set out precisely what could and could not be done. Discussions had also taken place with the London Borough of Camden who had

achieved some success in using noise legislation to control some pedicabs who sought to provide music to their customers. Councillor Davis stated that if the Oxford Street transformation project was to be successful it needed proper enforcement to take place at all times, including in respect of pedicabs. He would continue to work with the Mayor of London's office to seek to lobby for a licensing scheme for pedicabs.

- Evening and Night Time Economy – Would the Deputy Leader/Cabinet Member be working towards Berkeley Street becoming a Cumulative Impact Area due to the number of licensed premises there? Councillor Davis replied that it was being monitored and reviewed. Ms Sutton advised that work had been undertaken with policy officers to investigate the case for this and to gather a localised evidence base for the Evening and Night Time Economy strategy. There were challenges with some licensed premises in the Berkeley Street area. The aim was to improve the management of the area, working with premises to address specific issues such as patrons' behaviour and parking. The Licensing Charter was a voluntary scheme where the Council would be working with the entertainment industry to be mindful of the impact on communities.

- Licensing Charter – For how long would the Licensing Charter be piloted in the Heart of London Business Alliance ('HOLBA') Business Improvement Area ('BID') and how long would it take to roll the Charter out across the borough? Ms Sutton replied that the pilot would start in the HOLBA area. The BIDs had all been invited to the launch of the Licensing Charter on 30 October. It was intended that a range of initiatives, including the Best Bar None scheme would be rolled out in other areas. It was planned that the assessments of businesses for the Best Bar None scheme would be completed in February / March 2018. The dialogue was continuing with the other BID areas alongside that work.

- Green Plaque Scheme – What was the criteria for determining these? Councillor Davis replied that it was open to anyone to apply. Consents were required of the property owners and there was a budget the applicants had to contribute towards. Applications were encouraged and he took the decisions in his role as Cabinet Member for Business, Culture and Heritage. Provided the application was appropriate and not offensive and the criteria was met, including the relevant property owners' consent given, the plaque was likely to be permitted.

- Did the Council wish for shisha to become a licensing activity? Ms Sutton advised that the Licensing Act 2003 did not permit this. The Government had responded recently to the House of Lords Select Committee where it had been suggested that health should be a licensing objective. They had decided not to take this idea forward. There were different powers to manage any problems arising from shisha use, such as those relating to the Health Act where smoking was taking place inside venues. The Council was actively progressing a number of enforcement cases and would continue to assess its position in terms of future lobbying. Ms

Sutton added that an event was being organised with Marble Arch BID to talk about best practice in relation to shisha. Shisha operators would be invited. Health and safety would be discussed.

It was clarified that Councillor Acton was the relevant Cabinet Member in terms of the Council's approach towards shisha and the health implications.

- Should there be a limit on restaurants, cafés or other similar commercial activities in Oxford Street? The Deputy Leader/Cabinet member replied that the consultation was currently taking place. There were proposals to have commercial activities in side streets such as pop up theatres and within Oxford Street to have public art or cafés or performances. Retail was seen to be changing and it was necessary to engage with people to come to Oxford Street for an experience and be able to enjoy themselves, including having the option to eat, drink and be entertained.

4.3 The Committee also discussed matters that related to the Cabinet Member for Planning and Public Realm's and the Cabinet Member for City Highways' Cabinet Member Updates. It was agreed that the Cabinet Member for City Highways would be asked how long the 20mph trial outside of schools would be taking place. Councillor Scarborough was keen to propose Portland Place as a location for the 20mph trial as there are a number of schools there. There was also a request that Members were made aware of the papers for the Cabinet CIL Committee when they were available. Councillor Dimoldenberg requested information as to why charges had gone up for electric vehicle owners. The Chairman stated that he believed that he and Councillor Glanz had previously received a response which provided some clarification on this issue. It was agreed that the response would be obtained and sent to the Members of the Committee.

4.4 **ACTION**: The following actions arose:

- That the Cabinet Member for City Highways be asked how long the 20mph trial outside of schools would be taking place and whether it was possible to propose an additional location for the trial (Councillor Danny Chalkley, Cabinet Member for City Highways and Olivia Chadelle, Cabinet Officer).

- That a link be sent to Members of the Council when the papers for the Cabinet CIL Committee are available (Jonathan Deacon, Senior Committee and Governance Officer).

- That a response which had been sent to Council Members in respect of charges for electric vehicle owners be forwarded to the Committee (Stuart Love, Executive Director for City Management and Communities and Linda Wadkin, Executive Assistant to Chief Executive).

4.5 **RESOLVED**:

That the contents of the Cabinet Member Updates be noted.

## 5. UPDATE ON PROGRESS OF THE SAFER WESTMINSTER PARTNERSHIP

5.1 The Committee received a report on progress of the Safer Westminster Partnership ('SWP') strategy and the key findings of the SWP Strategic Assessment. The item was presented by Sara Sutton, Director of Public Protection and Licensing. She referred to how the governance arrangements had been developed and how the SWP brought a range of organisations together. A strategy had been set as part of the new governance arrangements. An organisation chart within the report depicted the new arrangements and how they linked to the Westminster Health and Wellbeing Board as well as the safeguarding children's and adults' boards. The strategy focussed on delivering the right outcomes for communities.

5.2 Ms Sutton emphasised the multi-agency nature of the SWP. Metropolitan Police Borough Commander Peter Ayling is the current chair of the SWP. An executive layer existed within the sub-groups which was the driver for delivery and action planning. Representation there included Paul Kavanagh, a Borough Commander for the London Fire Brigade. There had been initial meetings of the four main delivery groups, Victim, Offender, Location and CONTEST. There was a focus on how the work feeds into the Police's control strategy for next year. Ms Sutton informed the Committee that there had been positive feedback from the Police on this point.

5.3 The Committee asked a number of questions on this topic, including the following:

- Could more be done to communicate externally the work of the SWP? Ms Sutton replied that there were potentially areas of the website which could be developed. A key aspect which had been focussed on to date was progressing the governance structures prior to the SWP being publicised. Also a number of initiatives were being joined up with the SWP, including the Licensing Charter with the connections between Health, the Police and Public Protection.

- Would there be publicity with regard to the recent Street Population Summit (this had been chaired by the Leader on 6 November)? Ms Sutton advised that the delivery of the integrated street units was being scoped in terms of a multi-agency approach, including with the Police. Once this was developed there would be a communications plan produced.

- Would there be publicity on the recent success of the Halloween / Bonfire Night celebrations, particularly in relation to Bryanston and Dorset Square ward? Ms Sutton replied that she would be happy to provide a press release on the reduction in firework/anti-social behaviour complaints during Halloween and Bonfire Night following joint work between the Council and Police.

- Paragraphs 4.2.2 and 4.2.3 of the report had set out that the proportion of juvenile offenders who reoffend has increased and a small number of offenders are responsible for a considerable volume of crime. It was unclear if this was due to cross border offenders or foreign national offenders coming into the borough to commit crime. The volume of resident offenders being dealt with by the criminal justice system had declined dramatically. Ms Sutton was asked what was being done to address the crime caused by juveniles who reoffend and whether there were the resources to address this problem. She responded that there was an increase in crime being committed across 'county lines' and the work being undertaken in this area was a key strand of what was being taken forward by the Integrated Gangs Unit. Primarily there was a policing focus to this but where it affected Westminster young children, there was the Integrated Gangs Unit and also Children and Family Services. It was an evolving piece of work with various studies including the impact of drugs. Ms Sutton stated that with respect to crime committed by foreign nationals, the Council was working alongside the Police and Home Office immigration enforcement. There was a range of cross borough issues, including moped enabled crime with criminals coming in from Islington and Camden. The Council was working with the boroughs, particularly Camden, and keeping an eye on any potential trends of moped enabled crime by Westminster residents. Ms Sutton also made the point that in terms of resources, the Police took the lead in combating criminal activity. The Council's focus was on vulnerability.

- Paragraph 3.4.5 of the report referred to a pilot commencing in November using Anti-Social Behaviour warning notices to help identify young people on the periphery of serious youth violence or gang activity as victims or offenders. The pilot would take place in Little Venice, Church Street and Tachbrook wards. Ms Sutton was asked how success would be measured with regard to the pilot. She replied that there were a range of anti-social behaviour measures being considered. Success was measured by reductions in volumes in crime but a key aim was to avoid repeats of incidents both in terms of offenders and victims.

- Paragraph 4.2.5 set out that nearly one third of incidents occurred in Westminster between midnight and 06:00 compared with 19% across London. Had this point been fed through to the Mayor of London's office, including concerns about the ambition for a 24 hour city of culture and entertainment? Ms Sutton referred to the need expressed at the Council for a balance between night time activities and the needs of the communities. The work of the Licensing Charter and the Evening and Night Time Economy Strategy would offer some benefits. Premises were recognising the part they need to play in managing safety and security both inside and outside the venue. This included preventing intoxication of patrons. There would continue to be a close working relationship with the Police

5.4 **ACTION**: The following action arose:

- That a press release be provided on the reduction in firework/anti-social behaviour complaints during Halloween and Bonfire Night, particularly in relation to Bryanston and Dorset Square Ward (Sara Sutton, Director of Public Protection and Licensing).

5.5 **RESOLVED**: That the contents of the report be noted.

## 6. OVERVIEW OF PREVENT DELIVERY

6.1 The item was introduced by Mark Chalmers, Prevent Programme Manager. He explained that Prevent was one strand of the Government's national counter-terrorism strategy. It encouraged individuals and communities to challenge extremism. Prevent work was prioritised according to the risks in a specific area. This meant that the work delivered in Westminster may be different to the rest of London or the UK. Mr Chalmers said that in respect of the resident population the focus was on Islamic extremism and the far right. However, there were a wide range of extremists who might use Westminster as a platform for protests or to promote their message.

6.2 Mr Chalmers advised that one of the core principles of the Programme was that it had to be responsive to local need. It did focus on stopping people from becoming terrorists or supporting terrorism. However, there was wider work involved as the vulnerabilities that lead people to extremism were similar to those that lead people to commit crime, gangs or financial or sexual exploitation. Mr Chalmers referred to the Prevent parenting programme which is a thirteen week session and took into account the wider work. Nine of the parenting programmes had been commissioned in 2016 and had been provided to 122 parents. This year it was intended to provide eleven. They were open to mothers and fathers but typically it was the mothers who had attended. A strategy was being developed to encourage more fathers to attend, with possible options being a shorter programme, potentially delivered in a different way or held at a different time of day or day of the week.

6.3 Mr Chalmers stated that Prevent training also took place in educational institutions from Early Years to universities. This included training to staff and policy advice. Mr Chalmers provided information on safeguarding vulnerable individuals which is a multi-agency approach. Training had been given to Council department staff, contractors and external partners.

6.4 The Committee asked a number of questions on this topic, including the following:

- Was there adequate resourcing to deliver the Prevent Programme? Mr Chalmers replied that for most of the last three and a half years he had been involved with the Programme there had only been two staff in place. However, additional money had now been secured and there were now five people on the team. He added that at the moment it was felt that there were adequate resources to deliver the Programme.

- Concerns had been expressed about the Prevent Programme in other parts of the country. Had concerns been expressed locally about the Programme? Mr Chalmers replied that a few unions were opposed to the Programme nationally as were some community lobby groups. There had not been significant opposition locally. He advised that the Westminster team had taken the approach that it was necessary to be open and transparent about what they were trying to achieve. The strategy was to support and safeguard some of the borough's most vulnerable communities and individuals. It was necessary for communities to have trust in the Westminster team.

- In the event of a terrorist incident in the borough, was there a way of letting schools know? Ms Sutton responded that there had been some learning from terrorist incidents such as Westminster Bridge. Communication approaches were being made more robust. This was from the Council's Communications team and also the humanitarian assistance response. A lot of work had been undertaken with the schools themselves, including in relation to future and forward planning.

- Was the team able to get the message across to the vulnerable individuals who may be harder to reach? Mr Chalmers replied that it was the case that these individuals were often the hardest to reach. There was no one solution to solve this. Contacts were established in a number of different ways. These included that some of the primary schools had parents' groups. There was also word of mouth which would lead to more parents attending the parenting programme as the weeks progressed. There was engagement with a variety of community groups.

- Paragraph 3.6.4 referred to there being a series of pages on the Council website regarding the Prevent Programme. More information was requested on this, including the level of interest and number of hits the website had received. It was agreed that the Council's IT and Communications departments would be contacted to find out if they were aware of the number of hits on the website. The link to the Prevent Programme pages on the website would be included with the minutes of the meeting. The link is https://www.westminster.gov.uk/prevent

- Could anything be done to encourage a longer term funding strategy to fund the Prevent strategies? Mr Chalmers referred to Home Office funding being year on year. The point when the team might be notified of funding, including salaries, could be late in the financial year. In Westminster there was a willingness to underwrite some of the funding. Longer term funding would assist the Council to work with communities over the required time period. The Committee considered that there should be longer term funding for the Prevent Programme.

- Was the Prevent team liaising with faith groups? Mr Chalmers replied that the team did liaise with the faith groups, including Regents Park Mosque

and some of the larger faith institutions. They were very supportive of the Programme and regularly hosted events. There were potentially a number of smaller faith institutions the team needed to build stronger relationships with. Mr Chalmers also made the point that there needed to be a focus on where vulnerable people were targeted by extremists outside of faith institutions, such as gyms or other unsupervised settings.

6.5 **ACTION**: The following action arose:

- That information be supplied to the Committee on the relevant link to the Prevent pages on the Council website and the number of hits received.

6.6 **RESOLVED**: That (i) the Committee recommends that the Council lobbies the Home Office for a four year funding cycle for the Prevent Programme; and

That (ii) the contents of the report be noted.

## 7. UPDATE – ASSETS OF COMMUNITY VALUE

7.1 The Environment and Customer Services Policy and Scrutiny Committee had previously received a report on Assets of Community Value ('ACV)' in September 2016. This report provided an update of the position since that time.

7.2 Ezra Wallace, Head of Corporate Policy and Strategy, was in attendance to respond to points and questions raised by the Committee. The matters raised included the following:

- Who determined the ACV nominations and how does that compare to other local authorities? Mr Wallace replied that there were national guidelines about the determination of ACV nominations. They were very broad in nature. The Council had taken the view that it would be an officer led process. Officers determined ACVs in consultation with the relevant Cabinet Member (currently the Cabinet Member for Planning and Public Realm) within the guidelines set out. Reasons for decisions were publically available. Mr Wallace added that a written response would be provided to the Committee on the approach of other local authorities.

- Mr Wallace was asked about the legal fees incurred in respect of ACVs. He advised that all legal advice had been in house apart from in response to a compensation claim for Prince of Wales Public House in Harrow Road where leave to appeal had been granted to the appellants.

- What happens in the event that land or a building is listed as an ACV for approaching five years and the owner does not wish to sell? Mr Wallace clarified that listing a property as an ACV means that should the owner wish to change the use or demolish the property, there is a moratorium whereby the community has a right to bid to purchase the asset. It remained a commercial deal so it was up to the owner to decide whether he or she wished to accept the bid. Mr Wallace also referred to the

legislative change with regard to pubs since the last report to the Environment & Customer Services Policy and Scrutiny Committee had been published in September 2016. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2017 had come into force. This removed permitted development rights for the demolition or change of use of pubs (although allowing pubs to change to pubs with additional restaurant use) without a full planning application.

- It was acknowledged by all present that due to the legislative change there was less emphasis on the ACV process being required in order to protect pubs. It had been valuable in protecting the likes of The Clifton Hotel and The Star Public House and The Carlton Tavern was being rebuilt. It was perceived that there was a misunderstanding in terms of the public perception of what ACVs could achieve and what they could not. There was the potential to better inform the public, including with the Council's Communications department providing an article on this topic, potentially in the Westminster Reporter. Mr Wallace advised that further information on ACVs was also available on the Council's website.

7.3 **ACTION**: The following actions arose:

- That a written response be provided to the Committee on the approach of other local authorities to determining ACVs (Artemis Kassi, Policy and Scrutiny Officer).

- That the Council's Communications department be asked to provide an article which is publically available on what ACVs are able to achieve and what they are unable to achieve (Artemis Kassi, Policy and Scrutiny Officer).

7.4 **RESOLVED**: That the Committee noted the contents of the report.

## 8. PRESS RELEASES

8.1 The Committee decided not to produce a press release at this time in relation to the items on the agenda.

## 9. UPDATE ON THE WORK PROGRAMME

9.1 The Committee considered the Work Programme for the next Business, Planning and Transport Policy and Scrutiny meeting on 8 February 2018. Artemis Kassi, Policy and Scrutiny Officer, referred to the amendments to the Work Programme which were due to factors such as the recent changes to the Cabinet Member portfolios and the re-scheduling until later in the year of the Building Heights and Street Markets reports on officer advice. Currently listed in the Work Programme for February were a review of the first year of operation of the Community Infrastructure Levy, a review of the services provided to customers by the utility companies (including Thames Water and

UK Power Networks) and the Place Shaping/Transformation of Oxford Street. Ms Kassi added that there was the option of providing a written briefing on the Community Infrastructure Levy given the number of items proposed for February. Another possible option for February which had been suggested by Mr Ward, Director of Economy, for scrutiny by the Committee was the Apprenticeship Levy.

9.2 The Chairman recommended that the Committee should only proceed with scrutinising the services provided to customers by the utility companies in the event that there were appropriate senior executives able to attend the meeting as witnesses in February. It was agreed that clarification would be sought with officers about the timescale of when the Building Heights item could be scrutinised by the Committee. In the event this item could be considered in February, it was suggested that the relevant officers from the Greater London Authority also be invited to provide advice on the London Plan. It was agreed that the Apprenticeship Levy item would be included on the February agenda if the other requested items were not ready for consideration.

9.3 The Committee also asked when the Evening and Night Time Economy Task Group was likely to be scheduled. Ms Kassi advised that this had previously been envisaged as a joint task group with the Adults, Health and Public Protection Policy and Scrutiny Committee. However, following the changes to the Cabinet Member portfolios, this would now be solely a task group of this Committee. There were still discussions taking place as to how the task group should be taken forward. The Committee would be updated.

9.4 It was agreed that in addition to the questions relating to the Cabinet Member for City Highways' portfolio set out in paragraph 4.3 above, Councillor Chalkley would be asked how many electric vehicle charging points there are currently in each ward.

9.5 **ACTION**: The following actions arose:

- That officers consult with the utility companies in order to assess whether the appropriate senior executives are available to attend the meeting in February 2018 (Artemis Kassi, Policy and Scrutiny Officer).

- That clarification be sought with officers about the timescale of when the Building Heights item is likely to be scrutinised by the Committee (Artemis Kassi, Policy and Scrutiny Officer).

- That the Committee be updated on when the Evening and Night Time Economy Task Group is likely to be scheduled (Artemis Kassi, Policy and Scrutiny Officer).

- That the Committee be informed of how many electric vehicle charging points there are currently in each ward in Westminster (Councillor Danny Chalkley, Cabinet Member for City Highways and Olivia Chadelle, Cabinet Officer).

9.6 **RESOLVED**: That (i) the Work Programme be updated following the first three actions set out in 9.5 above being taken forward; and

That (ii) the action tracker be noted;

## 10. ANY OTHER BUSINESS

10.1 There was no additional business for the Committee to consider.

## 11. DATES OF FUTURE MEETINGS

11.1 The dates of future meetings are 8 February 2018 and 12 April 2018.

## 12. CLOSE OF MEETING

12.1 The meeting ended at 8.19p.m.

Chairman: _____ Date: _____