



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Friday 10th January, 2020**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Ian Adams (Chairman)	Louise Hyams
Heather Acton	Aicha Less
Rita Begum	Tim Mitchell
Margot Bright	Karen Scarborough
Susie Burbridge	Aziz Toki
Peter Freeman	Jacqui Wilkinson
Murad Gassanly	Maggie Carman
Jim Glen	

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk

Tel: 07817054613

Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership

2. DECLARATION OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interest in matters on this agenda.

3. MINUTES

To sign the minutes of the previous meeting held on Friday 6th September 2019

(Pages 5 - 10)

4. AMENDMENT TO MODEL CONDITIONS 29 AND 32 OF THE COUNCILS POOL OF MODEL CONDITIONS FOR LICENSING ACT 2003 LICENCES

Report of the Director of Policy, Performance & Communications.

(Pages 11 - 14)

5. LICENSING APPEALS

Report of the Director of Law.

(Pages 15 - 20)

6. STREET ENTERTAINMENT POLICY

Report of the Director of Public Protection and Licensing.

(Pages 21 - 76)

- Appendix A – Draft Busking and Street Entertainment Policy
- Appendix B – Complaints and Impact Summary
- Appendix C – Engagement Summary

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

8. FUTURE LICENSING COMMITTEE MEETING DATES

Stuart Love
Chief Executive
31 December 2019

This page is intentionally left blank



CITY OF WESTMINSTER

DRAFT MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Friday 6 September 2019**, Room 18.2 and 18.3, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ian Adams (Chair), Heather Acton, Margot Bright, Susie Burbridge, Peter Freeman, Murad Gassanly, Jim Glen, Louise Hyams, Aicha Less, Tim Mitchell, Shamim Talukder, and Jacqui Wilkinson.

Officers present: Sara Sutton (Executive Director of Environment, City Management and Communities), Annette Acik (Interim Director of Public Protection and Licensing), Andrew Ralph (Head of Licensing and Regulatory Service), Kerry Simpkin, (Head of Licensing Policy, City Policy and Strategy, Barry Panto (Senior Assistant Solicitor), Steve Rowe (Licensing Team Manager) and Georgina Wills (Committee and Governance Officer).

Apologies for Absence: Councillors, Rita Begum, Karen Scarborough and Aziz Toki.

Officers: Heidi Titcombe (Principal Solicitor).

1 MEMBERSHIP

It was noted that Councillor Ian Adams had replaced Councillor Angela Harvey as Chairman of the Licensing Committee and paid tribute to all her hard work on the Committee and in respect of the Night Time Economy initiative. Councillor Melvyn Caplan had also stepped down, and Councillor Margot Bright had replaced him on the Licensing Committee.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3 MINUTES

3.1 Councillor Jacqui Wilkinson noted an error with the dates for the Council plans, corrected to 2014-2019. It was also noted that on page 4 there had been an incorrect spelling of licensing.

- 3.2 **RESOLVED:** That the minutes of the Licensing Committee meeting held on Wednesday 20 March 2019 be signed by the Chairman as a correct record of proceedings.

4 LICENSING OVERVIEW SEPTEMBER 2019

- 4.1 The Licensing Committee received a report from Steve Rowe (Licensing Team Manager) which provided an overview of the Licensing Service over a period of two financial years. The report outlined the types of regimes and applications handled by the Licensing Service, team performance, significant trends and high-profile premises. Members were advised that over 8,000 applications per year had been received in the past two years and that there had been an 8% increase in the number of applications during the periods between 2017/2018 and 2018/2019. Members welcomed the Licensing Services' excellent performance on processing applications within 2 working days of receipt. Mr Rowe advised that currently key performance indicators (KPIs) are set at 90% and the performance attainment for these indicators during 2017 – 2018 was 92%.
- 4.2 Mr Rowe advised that there had been an 80% increase in the use of digital platforms following the E-Consultation and changes to the Licence Service Webpage. Members were advised that applicants were being encouraged to complete forms online and that support and guidance was provided during the application process. The Committee noted that there was a decline in the number of Sex Establishments Venues (SEVs) operating within the Borough and raised concerns over the rise of unlicensed SEVs. Members requested continual monitoring in this area and noted that information was being gathered by the Service. It was also noted that the Short-Let Teams and Neighbourhood Teams were involved in the exercise.
- 4.3 The Committee was advised that there was now a better deployment of portable toilet facilities alongside the Notting Hill Carnival route and that a free garden cleaning service was offered to residents. Officers advised that carnival generated large amounts of waste but that additional Veolia resources would be available to clean up following both days. The Committee was advised that applications for pitches at Strutton Ground Market had been received and these were to be considered at the Licensing Sub-Committee (LSC) on 19 September. Member's noted that the Market's 'mixed character' would be retained and the Committee would be provided with information about vendors. Members were pleased to note that Westminster City Council had been awarded a Gold Pawprint Award by the RSPCA for our Animal License regime.
- 4.4 Councillor Adams thanked officers for a clearly set out report and welcomed the KPI figures. He made further queries regarding the fully digital environment and what support license holders and new applicants would receive on the digital platform. Responding to the query, Steve Rowe informed the committee that the website had been adapted to make it more user friendly and his team was using the LSC meetings to speak with applicants and objectors where the service was highlighted. He explained that the Council was trying to promote more digital applications and help and

step by step guidance was offered. Councillor Adams suggested regular updates on the digital transition be provided to the committee. It was noted that licensing solicitors submitted the majority of applications and it was difficult to convince them to move to the digital platform.

- 4.5 Councillor Tim Mitchell thanked the officers for the report and made further queries regarding the application process. Andrew Ralph (Head of Licensing and Regulatory Service) addressed the Licensing Committee and explained that the Licensing Service used the Victoria forms, however they were looking at a more streamline, integrated system and he added that he was unaware of a national system. Councillor Mitchell commented on the national standardised online application processes for planning applications and felt that there should be something similar in place for licensing applications. Councillor Mitchell raised a further query regarding SEVs, advising that it would be useful to have officers' input on the effectiveness of the annual application process. Councillor Mitchell also noted the number of SEV venues and felt that there should be a review of SEV licensing. Annette Acik (Interim Director of Public Protection and Licensing) advised the Committee that officers were vigorously monitoring SEVs, however there was some sensitivity around the issue and a balanced approach was required.
- 4.6 Councillor Bright queried officers' thoughts on the pop up and short-term lettings of unlicensed SEVs. Ms Sara Sutton (Executive Director of Environment, City Management and Communities), addressed the Committee and advised that a number of complaints had been received and this was one of the reasons why they moved the Short-term Lettings Team across to the Public Protection and Licensing Team for a more multi-agency approach to managing such issues. Councillor Heather Acton noted the minutes from the last meeting advising that the Council was not yet a dementia city. Councillor Acton raised a concern regarding objectors attending LSC meetings and not having knowledge of the pre licensing service, and she also queried what action officers were doing to promote the service. Andrew Ralph responded to the query and explained that when objectors approached the service, they were always signposted to the service offered by the Westminster Citizens Advice Bureau led by Richard Brown.
- 4.7 Councillor Acton queried whether the advice could be added to the notice. Members noted that the text on the notice was set and would be difficult to change. Councillor Adams requested that officers review any supplementary information linked to signposting from the application form. Councillor Susie Burbridge raised a concern regarding the clarity of licensing reports and she felt that she often needed to flip back and forth through reports in order to understand the context and requested that officers proof read the reports. Councillor Burbridge queried the Windmill case and sought further information on what happened with the SEV application. Andrew Ralph advised the Committee that the new owner had withdrawn their Appeal and had not approached the council for a new SEV license.
- 4.8 Councillor Burbridge questioned the cost of street cleansing after concerts and events in Hyde Park and queried if this would continue to be a cost that the Council would pick up. In reply, Andrew Ralph advised the Committee

that this was an ongoing discussion with the Royal Parks. Annette Acik informed the Committee that the Council would always review how much this activity was costing and every opportunity would be taken to recover the costs. Sara Sutton added that this activity was demand led and balanced with the benefits to the local communities. She agreed to provide an update on cost of cleansing after concerts and events to the Committee.

- 4.9 Councillor Jacqui Wilkinson queried the figures in paragraphs 2.1 and 3.1, noting that under the Zoo Licensing Act there were a number of regimes under boarding sanctions, and she added that there was only one licensed boarding establishment in the borough and masses of unlicensed establishments. Councillor Jacqui Wilkinson raised a second query relating to performing animals, advising that from the number of complaints and emails she had received the issue was increasing and she felt these figures should be reflected in the report. Steve Rowe agreed that they would include these figures the next time the report is presented to the Committee. Members were pleased to note that Westminster City Council had been awarded a Gold Pawprint Award by the RSPCA for our Animal License regime.
- 4.10 Councillor Murad Gassanly queried the correct procedure for reporting on performing animals. Andrew Ralph advised the Committee that if an animal was in distress, then the RSPCA had powers to remove animals, and he added that animals were licensed a performing animal in their home borough. With regard to the cost of cleansing after events, Councillor Gassanly suggested that as a green city, the Council should work with organisers regarding waste reduction measures. Sara Sutton advised that this was something that the Council was already doing, however there needed to be more dialogue with organisers of demonstration events. Councillor Gassanly requested that further information be circulated to the Committee on new premises uses.
- 4.11 Councillor Jim Glen congratulated the Licensing Service on dealing with large numbers of applications and noted that there had been an overall increase in applications, but a decrease in applications for restaurants and cafés. Councillor Glen also noted a decrease in the number of applications going to the LSC meetings and queried why this might be. In reply, Andrew Ralph explained that it was a combination of officers working efficiently, working with applicants on model conditions and the Council's success rate in appeals, which meant applicants and their solicitors made sensible proposals. Councillor Peter Freeman agreed that the welfare of animals should be upheld and he had noticed an increase of animals around Selfridges. Councillor Freeman noted that late information circulated before LSC did not always provide enough detail. In reply, be Annette Acik advised the Committee that this was an issue that continued to be worked upon and regular discussions were held with the Senior Licensing Officers. It was noted the Licensing Service had lost around 50 % of its experienced officers and had spent the last year training new officers.
- 4.12 **RESOLVED:** That the report be noted.

5 Licensing Service Fee Review (Excluding Street Trading Regimes) August 2019 – July 2020

- 5.1 The Licensing Committee received a report from Steve Rowe which set out the fee strategy for the licensing regimes, which enabled the Council to set fees to attempt to recover costs. The proposed fees would enable the Council to recover its own costs in administering and ensuring compliance within those licensing regimes. Members noted that the Licensing Service fee review was in line with the corporate timeframe for setting the Council's fees and charges and this enabled a standardised approach across the Council in this area. The proposed fees had been calculated on a full cost basis which considered both the direct and indirect costs associated with processing, monitoring and enforcing the licences, factoring in a 2% inflation increase.
- 5.2 Councillor Acton queried part B costs were not always added to part A costs. In reply, Andrew Ralph explained that part B was the enforcement cost and not all licensing regimes would have a degree of enforcement. Councillor Adams requested that future reports with spreadsheets were presented in a way that was user friendly for Members.
- 5.3 **RESOLVED:** That the proposed fees as attached to the report be approved and that they commence on 1 October 2019.

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

- 6.1 Andrew Ralph provided the committee with a brief update on Notting Hill Carnival. He advised that there were no complaints regarding street urination, but the Council received a number of complaints regarding the location of the toilets. Councillor Adams queried the garden cleaning service and noted that a pressure washer service was made available this year for a fee. Andrew Ralph advised that there had been similar number of arrests as previous years, although due to the good weather the attendance was significantly higher, and the police viewed this as a huge success. It was noted that this was the second year for the new organisers, Notting Hill Carnival Ltd, who had made it very easy to engage with them as opposed to previous years. Members had a few queries regarding garden clean ups, but overall thought that this year was a success and thanks all officers involved for all their hard work.
- 6.2 Annette Acik provided the committee with a brief update on markets and advised that at the moment the Licensing Service was going through the permanent licensing process for Strutton Ground and once this was completed, the exercise would continue to another market. She advised that the Committee would be kept updated on this work.

7. FUTURE LICENSING COMMITTEE MEETING DATES

- 7.1 It was noted that the next meetings of the Licensing Committee would be held on Friday 6 December 2019 and Friday 27 March 2020. All meetings were scheduled to start at 10.00am.

The Meeting ended at 12.07pm.

CHAIRMAN: _____

DATE _____



Westminster City Council
westminster.gov.uk

Committee Report

Date	10 January 2020
Classification	For General Release
Title or report	Amendment to Model Conditions 29 and 32.
Report of	Director of Policy, Performance and Communication
Decision maker	Licensing Committee
Wards involved	All
Financial summary	There are no financial implications as a result of this decision.
Report author and telephone	Mr Kerry Simpkin, Head of Licensing, Place and Investment Policy. Tel: 020 7641 1840

1. Executive Summary

- 1.1 Following feedback on model conditions 29 and 32 from members of Licensing Sub-Committees it is proposed to make a permanent amendment to these conditions to reflect the changes that are made to these conditions during a hearing. The amendments proposed are minor and would reflect the change in product packaging and business operations.

2. Recommendations

- 2.1 To amend model conditions 29 and 32 as proposed in paragraphs 3.3 and 3.5 below.

3. Background, including Policy Context

- 3.1 The council has adopted a pool of model conditions for Licensing Act 2003 applications which are used to encourage a consistent approach to the imposition of conditions on licences or club premises certificates. The pool of model conditions are made available for applicants, residents, responsible authorities and the Licensing Sub-Committee to use to address common concerns and ensure agreed measures remain in place. These model conditions were last amended in August 2015.
- 3.2 At several recent Licensing Sub-Committee hearings relating to off licence premises applications members of the Licensing Sub-Committee were being requested to amend model conditions 29 and 32 on a frequent basis. The amendments that were being requested related to the change in the packaging that premium beers, lagers

and spirits were being sold in and that in some premises self service checkouts were being provided for customers to use.

3.3 The current wording of model conditions 29 and 32 are as follows:

MC29 No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

MC32 There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

3.3 It is now common that premium beers, lagers and some spirits mixtures can be provided in cans. Historically these products were provided in bottles, but the market has now changed. Applicants argued that model condition 29, as it is currently worded would prevent the sale of such products due to the type of container it was provided in, which was not its original intention. The Licensing Sub-Committees considering these applications agreed with this view and amended the condition by adding “and cans” following the word “bottles”. It is recommended that this condition is permanently amended within the pool of model conditions to read:

MC29 No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles **and cans**.

3.4 A number of major supermarket and local retail chains that sell alcohol for consumption off the premises have now moved to providing self-service check out facilities within their stores. This has meant that customers should be able to scan the spirits that they wish to purchase and pay for it themselves at these tills. However, applicants have raised concerns at Licensing Sub-Committee hearings that the current wording of model condition 32 would restrict them from being able to sell spirits via a self-service checkout. Spirits continue to be restricted and customers would have to request a spirit from a member of staff as self selection from a shelf or cabinet is not permitted. Once they have obtained the spirit from the member of staff and the staff member has conducted their age verification checks the alcohol would then be provided to the customer who could use a self-service till to purchase it.

3.5 The Licensing Sub-Committees considering these applications could see how the current wording of this condition could be misconstrued, although the Sub-Committee members felt that officers wouldn't be so rigid in the interpretation of the condition. However, the Licensing Sub-Committees would amend the condition to remove the word “service” and replace it with the word “selection”. This enabled the intention of the condition to remain but reassure operators that the condition would not restrict the use of self-service tills. It is recommended that this condition is permanently amended within the pool of model conditions to read:

MC32 There shall be no self **selection** of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

- 3.6 Officers have consulted Westminster's Police Licensing Team regarding the proposals to amended conditions 29 and 32 permanently. The Police have agreed to the wording of these conditions at Licensing Sub-Committee hearings and have no concerns with the proposed amendments.
- 3.7 The model conditions are not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.
- 3.8 If these amendments are agreed officers will update the model conditions document which is available to download from the council's website. An information item on this change will also appear in the Licensing News. The Licensing Service, Environmental Health Consultation Team and Westminster's Police Licensing Team will also be made aware of the change and will inform applicants and their agents when discussing their applications.
- 3.9 The amended conditions would only be applicable to new or variations to existing licence applications. The amended conditions cannot be imposed retrospectively on licences that have had model conditions 29 and 32 imposed on them in the past.

4. Legal Implications

- 4.1 There are no legal implications as a result of this report.

5. Staffing Implications

- 5.1 There are no staffing implications as a result of this report.

6. Equalities Impact Assessment

- 6.1 There are no equalities impact in the Committee determining to approve the recommendation contained within this report.

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Kerry Simpkin, Head of Licensing, Place & Investment Policy
Policy, Performance and Communications
Tel: 020 7641 1840, Email: ksimpkin@westminster.gov.uk

Background Papers

Westminster City Council Licensing Act 2003 Pool of Model Conditions - August 2015

This page is intentionally left blank



City of Westminster

Licensing Committee

Item No:	
Date:	10 January 2020
Classification:	For General Release
Title of Report:	Licensing Appeals
Report of:	Bi-Borough Director of Law
Wards involved:	Not applicable
Policy context:	A business like approach
Financial summary:	None
Report Author:	Heidi Titcombe Principal Solicitor for the Bi-Borough Director of Law
Contact details	Tel: 020 7361 2617 Email: heidi.titcombe@rbkc.gov.uk

1. Summary

1.1 This report provides a summary of recent appeal results.

2. Recommendations

2.1 That the report be noted.

3. Background

3.1 Since March 2019 Legal Services has been dealing with two Licensing appeals, as specified in section 4 of this report. All previous licensing appeals have been completed. Legal Services are also dealing with the Hemmings case as specified in section 5 of this report.

4. Licensing Appeals

4.1 The Windmill 17-19 Great Windmill Street, London W1D 7LQ – dismissed and withdrawn

4.1.1 Members will recall that the Licensing Sub-Committee refused an application from Big Country Ltd to renew the sexual entertainment venue ("SEV") premises licence on 11 January 2018 on the ground that the Applicant was not a suitable person to hold the SEV licence.

4.1.2 Big Country Ltd appealed this decision to Westminster Magistrates' Court and after a three day hearing Chief Magistrate Arbuthnot dismissed the appeal on 22 October 2018.

4.1.3 The Appellant then appealed the decision to Blackfriars Crown Court and the hearing was scheduled to be heard over three days, commencing on 9 July 2019. However, the Appellant withdrew this appeal in April 2019.

4.1.4 The Council sought recovery of its legal costs in relation to both the dismissed appeal in the Magistrates' Court and the withdrawn appeal in the Crown Court. The Council successfully negotiated the settlement of the costs and the Appellant agreed to pay a total of £125,000 to the Council, comprising £90,000 for the Magistrates' appeal and £35,000 for the Crown Court appeal. The sum of £125,000 was paid in full on 4 July 2019.

4.2.1 Opium, 21 Rupert Street, London, W1D 7PJ -Pending

4.2.2 An application was made by the Metropolitan Police Service on 28 August 2019 to seek an expedited review of the above premises licence because they considered it was associated with serious crime or serious disorder. The Review application was based on a serious incident that took place during the early hours on Sunday, 25 August 2019, when one person was stabbed within the Premises, another was shot outside the Premises and fighting occurred within the

Premises.

4.2.3 The Council was required to review the licence within 48 hours of the application being made and the Police asked for the licence to be suspended as an interim step. This was not opposed by the Premises Licence Holder and the Committee decided on 30 August 2019 to suspend the licence until the hearing of the full review.

4.2.4 On 23 September 2019, the Licensing Sub-Committee heard the review application when the Police asked for the licence to be revoked. This proposal was supported by Licensing Authority but opposed by the Landlord of the Premises and the Premises Licence Holder. Whilst, Counsel representing the Premises acknowledged that his Clients had no excuse for what had happened, he submitted that a more proportionate response would be for the licence to be suspended for up to 3 months to allow the Premises to implement remedial action, as opposed to the licence being revoked. However, having carefully considering the facts of the case, the Sub-Committee concluded that the licence should be revoked in view of the seriousness of the criminal activity which had taken place and the fact that the Premises Licence Holder had failed to comply with so many conditions on their licence.

4.2.5 On 24 October 2019, the Appellant appealed to the Westminster Magistrates' Court. The Case Management hearing took place on Wednesday 20 November 2019, when the hearing was arranged for three days commencing on 15 June 2020 at Hendon Magistrates' Court.

5. JUDICIAL REVIEWS

5.1 Hemming and others v Westminster City Council

5.2 Members will be aware that Hemming and a number of other proprietors of sex establishments in Soho have challenged the fees charged by Westminster for sex shop licences. They have alleged that the Council was only entitled to recover the administrative costs of processing the application when assessing the licence fee, and not the costs of monitoring and enforcing the whole licensing regime against unlicensed and licensed operators. The Operators claimed that charging monitoring and enforcement costs would be unlawful as this would be contrary to the Service Provision Regulations which came into force in 2009 and the European Union Services Directive.

5.3 The High Court and the Court of Appeal both held that the European Directive prevented Westminster from recovering the fees for monitoring and enforcing the licensing regime, against licensed and unlicensed operators. Westminster were therefore ordered to repay the element of the fees which related to monitoring and enforcement costs.

- 5.4 Westminster appealed to the Supreme Court who decided in 2015 that local authorities were entitled to charge a fee towards the monitoring and enforcement of the licensing regime. However, the question arose as to whether that licence fee could be payable in one go, when the application was made or whether it could only be recovered if the fees were charged in two tranches. The first fee, payable at the time when the application was made, to cover the costs of processing the application and if the application was successful, a second fee charged to cover the costs of monitoring and enforcing the whole licensing regime against licensed and unlicensed operators. This scheme is commonly called a Type A scheme. At the time of the claim, Westminster was charging just over £29,000 for the annual licence fee, which was payable in full, at the time the application was made (commonly called a Type B scheme). This was on the basis that the licensing regime should be self-financing.
- 5.5 The Supreme Court sought clarification from the Court of Justice of the European Union ("CJEU"), as to whether it was lawful under European law to charge Operators under a Type B scheme (one off fee) at time the application was made. On 16 November 2016 the CJEU held that Type B scheme was unlawful as a matter of European Union law.
- 5.6 However, on 19 July 2017 the Supreme Court decided decisively in favour of Westminster that the Council could recover a reasonable fee for the monitoring and enforcement of the sex licensing regime in Westminster (including the costs of enforcement against unlicensed operators).
- 5.7 The case returned to the Supreme Court for final decisions to be made following the earlier decisions in the Supreme Court and the CJEU.
- 5.8 There were two issues outstanding, namely (1) obtaining an assessment as to what costs should be paid to Westminster by Hemmings and the other Operators to cover the costs of monitoring and enforcement and (2) seeking an order for costs against the Claimants in relation to the hearing before the Supreme Court and the CJEU.
- 5.9 In relation to the first issue, the Supreme Court has now remitted the question of the quantum of the enforcement fees to the Administrative Court for determination.
- 5.10 In terms of Costs, the Supreme Court has ordered that Hemming and others shall pay the Council's costs in relation to the Supreme Court and Court of Appeal hearings. The Council is required to pay Hemming's costs in relation to the High Court case. These costs will be assessed if not agreed. No order for costs was made in relation to the hearing before the European Court of Justice.

6 RECORD OF APPEALS

6.1 To date, 476 appeals have been received since the Council took over the licensing functions from the Magistrates' Court in February 2005. 475 of these appeals have been heard / settled / withdrawn etc. as shown below:

- 1 pending
- 59 dismissed
- 16 allowed
- 13 allowed only in part
- 166 settled
- 221 withdrawn.

7. Legal implications

7.1 There are no legal implications for the City Council arising directly from this report.

8. Staffing implications

8.1 There are no staffing implications for the City Council arising directly from this report.

9. Equalities Implications

9.1 There are no direct equalities implications arising from this report.

10. Business plan implications

10.1 There are no business plan implications arising from this report.

11. Ward member comments

11.1. As this report covers all wards, comments were not sought.

10. Reason for decision

10.1 The report is for noting.

If you have any queries about this report or wish to inspect any of the background papers please contact Heidi Titcombe,
Principal Solicitor and Licensing and Highways Team Manager on 020 7361 2617:
email: heidi.titcombe@rbkc.gov.uk

This page is intentionally left blank



Committee Report

Date	10 January 2019
Classification	For General Release
Title of report	Busking and Street Entertainment Policy
Report of	Ezra Wallace, Head of City Policy and Strategy Annette Acik, Director of Public Protection and Licensing
Decision maker	Licensing Committee
Wards involved	All wards, with a Licensing focus on: <ul style="list-style-type: none"> • St James's • West End • Marylebone
Report author and telephone	Kirsty Munro, Principal Policy Officer Tel: 020 7641 3639 kmunro1@westminster.gov.uk

1.0 Executive Summary

- 1.1 Westminster is populated with residential and business premises sited close to and within nationally and internationally recognised commercial, cultural and tourist destinations and this creates a vibrant and exciting atmosphere. These areas of high footfall are also attractive to buskers and street entertainers, helping to create a lively and diverse street scene unique to our City.
- 1.2 Busking and street entertainment has been and will remain a consideration for our placemaking and public space design approaches ensuring our City and town centres remain an attractive experience for all. However, whilst we recognise the cultural contribution that busking and street entertainment adds to the City's vibrancy and character, it does cause adverse impacts as certain locations have a high number of loud or amplified performances daily, meaning locals get little or no respite for lengthy periods of time. In addition to the complaints received, in some areas in our City it is not appropriate for busking and street entertainment. This is because of the nature and design and use of the areas, which can at times cause pedestrians to spill out onto roads to get past buskers and street entertainers and their audience or impede on pedestrian flow in already highly congested areas.

- 1.3 The council considers that the City should adopt a new policy that:
- promotes responsible busking and street entertainment by developing a voluntary Code of Conduct tailored to our City
 - encourages buskers and street entertainers to integrate into our community by developing a dedicated busker and street entertainment forum
 - recognises the established self-regulation of buskers and street entertainers already present in our City
 - supports newly created self-regulation schemes with buskers and street entertainers in identified suitable areas
 - balances the needs and rights of residents and businesses that are near to popular busking and street entertainment locations so they are not adversely impacted (inflicted) by introducing a light touch approach to control and regulation.
- 1.4 The council is seeking to implement a targeted and area specific policy approach to busking and street entertainment that considers:
- the number and nature of complaints received
 - the level of engagement with buskers and street entertainers and their willingness to work with the council
 - engagement with the local community including buskers and street entertainers, residents and businesses
 - what we know about the area's design, use and characteristics
- 1.5 Based upon careful consideration of evidence and collaborative engagement, the draft Busking and Street Entertainment Policy (Appendix A) contains:
- the voluntary City-wide Westminster Code of Conduct and Policy
 - details of the Busking and Street Entertainment Forum
 - details of the self-regulation and Street Performers Association (SPA) arrangements in Covent Garden and Trafalgar Square
 - detailed maps of where the council is seeking to adopt Part V of the London Local Authorities Act 2000 to either prohibit busking and street entertainment or to licence busking and street entertainment in designated areas and locations namely areas centred around Piccadilly Circus, Chinatown, Leicester Square and Oxford Street
 - busking and street entertainment licence conditions
 - details of the Licensing Application process
 - details of how the council will manage complaints and enforcement
 - a commitment to monitor and review the approach during and after the first full calendar year of implementation

1.6 The report sets out the rationale for the policy development and design and seeks approval from the Committee to hold a 6-week consultation on the council's first draft of the Policy from 14th January – 24rd February 2020.

2.0 Recommendations

2.1 The Committee is recommended to approve that the council hold a 6-week consultation between 14th January – 24rd February 2020 on the following:

- (1) The creation of a Busking and Street Entertainment Policy, Code of Conduct, and a dedicated Buskers and Street Entertainers Forum.
- (2) Supporting established self-regulation of busking and street entertainment in Covent Garden with enhanced council officer presence to encourage compliance outside of the SPA operating area and times.
- (3) Piloting newly established self-regulation of busking and street entertainment in Trafalgar Square by promoting the Code of Conduct, having a Memorandum of Understanding with the buskers and street entertainers, and establishing and monitoring pitches.
- (4) Adoption of a Licensing Regime under Part V of the London Local Authorities Act 2000 for the control and regulation of busking and street entertainment in designated streets and areas:
 - (4.1) Busking and street entertainment is prohibited in all the areas to which Part V of the 2000 Act will apply apart from those designated pitches where busking and street entertainment will only be permitted under and in accordance with a licence to busk
 - (4.2) permit busking and street entertainment in identified pitches
 - (4.3) permit only licensed buskers and street entertainers on the pitches subject to the conditions of the licence
 - (4.4) the designated streets and areas are centred on Piccadilly Circus, Chinatown, Leicester Square and Oxford Street
- (5) Carrying out ongoing and quarterly monitoring, and an annual review after one full calendar year of operation.

3.0 Reason for Decision

3.1 This draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit our streets and shared public spaces by promoting the best of busking and street entertainment through a voluntary City-Wide Code of Conduct, supporting buskers and street entertainers to self-regulate, and promoting membership to the Westminster Busking and Street Entertainment Forum.

- 3.2 The draft policy also recognises that in certain locations within our City, there is good reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street; and /or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area (hereon referred to as adverse impacts). It is therefore proposed to adopt Part V of the London Local Authorities Act 2000 for the areas of Piccadilly Circus, Chinatown, Leicester Square and Oxford Street so as to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the eight designated busking pitches.
- 3.3 The Committee is being asked to approve that a 6-week consultation on the draft Busking and Street Entertainment Policy and invite representations. Following consultation, the Committee will review the representations and responses received at a Committee meeting to be held in Spring 2020 where the Committee will make their recommendation on the draft Policy for the consideration of Full Council.

4.0 Introduction

- 4.1 Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.
- 4.2 Every day our streets are brought to life with performances. Musicians, magicians, comedians, artists and dancers come from all over the world to perform here and play an important role in the vibrancy of our City. At the same time, buskers and street entertainers share the streets and open spaces with everyone else who lives, works, and visits our City, and we receive around 1,800 complaints each year typically relating to noise and obstruction. At busy times, we also witness risks to public safety caused by busking and street entertainment where pedestrians spill out onto roads to get past buskers and street entertainers and their audience.
- 4.3 It is considered that the Council needs to take a new approach to busking that balances the interests of buskers and street entertainers by supporting a culture of consideration for others whilst ensuring those in our busking hotspots are better protected from adverse impacts.
- 4.4 Alongside the management of busking and street entertainment, the council also wants to ensure we continue to encourage talent that contributes to our City's lively and diverse street scene. A report by The Busking Project¹ compares the approach taken by cities

¹ The busking Project is a Community Interest Company for street performers and has a membership of c7500 buskers from around the world. The report conducted is entitled 'The Beat of the Street Report' 2014

across the globe to manage busking and street entertainment and concluded that cities with moderate regulations, which also offer support and/or promote the busking community, are more likely to be considered as cities that encourage busking. With this in mind, officers are therefore working with the buskers and street entertainers and the SPAs to:

- establish a dedicated street entertainment website that provides information and relevant updates to buskers and street entertainers
- promote the community through events
- formalise an ongoing platform of engagement to ensure that buskers and street entertainers have a voice in the decisions we and our wider community take

5.0 Existing Enforcement Powers

5.1 The council currently uses several existing enforcement powers to tackle any busking and street entertainment that is causing adverse impacts on the surroundings. However, these are considered imperfect tools to deal with buskers and street entertainers² and we come across various challenges in our attempts to use them. These enforcement tools and their associated challenges are detailed below:

- ***Antisocial Behaviour, Crime and Policing Act 2014***

The council can issue Community Protection Notices (CPNs) when there is evidence that the conduct of a busker or street entertainer is 'causing intimidation, alarm, harassment or distress which is having a detrimental effect on the quality of life of those in the locality, is persistent in nature, and is unreasonable'. Admissible evidence considered by the courts include witness statements from those impacted. These must demonstrate that nuisance or harm is being caused to their quality of life, beyond the level that could be considered as 'irritating'.

In order to issue a CPN the council must witness the anti-social behaviour from the same individual on a number of occasions and go through numerous stages, including issuing a warning, then a statutory notice, followed by a Fixed Penalty Notice. This process is slow, rendering the enforcement action ineffective. This is further compounded by the transient nature of buskers and street entertainers which makes it difficult to evidence a persistent issue.

- ***Environmental Protection Act 1990 (EPA) amended by the Noise and Statutory Nuisance Act 1993***

The council can issue Noise Abatement Notices if the performance is considered a statutory nuisance by a determining Environmental Health Officer. A statutory

² Keep Street Live Campaign Ltd V London Borough of Camden 2014: "Mrs Justice Patterson said that "Taken individually or in combination the alternative means suggested do not address the issues that have been experienced by the growth of busking within the Borough of Camden. I have no hesitation in holding that the alternative measures are not less restrictive and, certainly, are not equivalent to the powers under the 2000 Act for dealing in a comprehensive way with buskers".

nuisance is an objective standard defined as having a persistent or detrimental effect on a person's quality of life.

Similarly to the process with CPNs (described above) there are a number of stages to achieving enforcement. In addition, noise from buskers and street entertainers, whilst often considered unreasonably loud, do not necessarily meet the threshold to be considered a statutory nuisance.

- ***Section 137 of the Highways Act 1980***

Enforcement officers can use this power to move people along if they are causing an unlawful obstruction to the Highway, however, it is difficult for officers to demonstrate that a busker or street entertainer has wilfully caused an obstruction and often it is not the busker or street entertainer themselves but the audience that is causing an obstruction. In addition, it does not apply to any busking that takes place in open spaces that do not constitute the highway.

- ***Section 62 of the Control of Pollution Act 1974***

If a busker or street entertainer chooses to use a loudspeaker during a performance between the hours of 9 pm and 8 am the following morning, this is an offence under the Control of Pollution Act. However, this does not deal with loud performances that are non-amplified such as brass, wind and percussion instruments. Moreover, it cannot be used to deal with noise from loudspeakers during the day when such noise can be having a detrimental impact on businesses and residents who are not at work.

- ***Byelaws made under section 235 of the Local Government Act for Good Rule and Government (no.2) as amended***

This byelaw applies across the City and enables the council to seize noise equipment pending prosecution for anyone playing a musical instrument or amplifier which is so loud, continuous or repeated as to give reasonable cause for annoyance. However, demonstrating evidence of when a busker or street entertainer has contravened this byelaw without clear guidelines is problematic. This byelaw also fails to have any penalty associated with non-amplified loud performances such as singing.

5.2 Wider challenges to current enforcement also include:

- Buskers and street entertainers only temporarily act on the instructions of officers (i.e. stopping or turning down the volume when asked for a few minutes but then increasing the volume once the enforcement officer has walked away).
- Warning letters or enforcement notices can only be effectively issued to an individual if the council has access to the perpetrator's full name and address. Council officers alone cannot compel buskers and street entertainers to provide their personal details and if this information is not volunteered, then officers require the support of the Police. Current Police resources are understandably prioritised for the prevention of

high-harm criminal activity which means there are ongoing challenges for enforcement officers to secure Police support.

- Statutory notices are location specific. This means that if statutory notices are served, this does not prevent the busker or street entertainer from relocating their performance and causing nuisance in another area, and the enforcement process must begin again.
- The transient nature of buskers and street entertainers means that even if one inconsiderate busker and street entertainer is moved on, or enforcement action is taken, they are replaced by more of the same.

Recent Interventions

5.3 Against a backdrop of the challenges with existing enforcement powers and consistently high complaints, the council has recently taken a number of different approaches in an attempt to reduce the adverse impacts caused by busking and street entertainment. These include:

- In 2015, the council worked with 'BuskinLondon', which was introduced by the Mayor of London. This scheme identified appropriate areas for busking across London, including within Westminster, developed a Code of Conduct, and had a busking taskforce to help ensure the Code was followed. This taskforce however is no longer operational and the scheme is less effective without the taskforce presence.
- In 2017, a dedicated busking enforcement team of 4 City Inspectors was introduced, which helped to encourage pro-active compliance and achieved a 30% reduction in complaints. However, a combination of resourcing pressures and the challenges of achieving effective enforcement with existing powers meant that dedicated and constant patrols could not be a sustainable long-term solution, and this taskforce is no longer operational.

5.4 The council is seeking to enhance the enforcement powers available in areas where busking and street entertainment cause adverse impacts to ensure we are able to take targeted action against the challenges faced.

6.0 Evidence

6.1 To inform the development of a new busking and street entertainment policy, officers reviewed the data and evidence available to the council, considered the general use and characteristics of locations in our City and how busking and street entertainment interacts with this, and undertook extensive engagement with our community. An overview of the data and evidence collated is attached as Appendix B and a summary is provided below.

Complaints

6.2 The council receives complaints about busking and street entertainment in numerous ways, including through scheduled and ad hoc officer meetings with residents and businesses, written complaints, anti-social behaviour logs, impact statements, environmental health requests and petitions. The most common complaints received include:

- Unreasonable levels of noise often (but not exclusively) from the use of amplifiers and loud instruments including percussion and items used as percussive instruments such as pots and pans, brass and wind instruments
- Sound clash from multiple loud buskers and street entertainers in the same area
- Performance fatigue due to buskers and street entertainers performing one after another in the same place for up to eight hours every day
- Limited and repetitive repertoire
- Obstructions caused by performance audiences that can impede on entrances or exits to businesses
- The quality of some performances

6.3 Table 1 below demonstrates that the annual volume of busking and street entertainment related noise complaints the council receives is consistently high.

Table 1: Number of busking and street entertainment complaints from April 2017 to November 2019

Year	Apr 2017 – Apr 2018	Apr 2018 – Apr 2019	Apr 2019 – Nov 2019 (8 months)
Number of complaints	1733	1923	1503

6.4 Table 2 demonstrates the areas across the City where these complaints are most frequently received (areas have been determined by grouping streets that fall into natural visitor circuits, thoroughfares or destinations).

Table 2: Busking and street entertainment complaints by area April 2017 – November 2019 (only streets where more than 25 complaints were received during this time have been included in the calculations below)

Area	Number of Complaints
Oxford Street	1,303
Piccadilly Circus, Chinatown & Leicester Square ³	745
Embankment ⁴	596
Theatreland ⁵	376
James Street ⁶	293
Piccadilly ⁷	163
Bayswater ⁸	149
The Strand	129
Trafalgar Square ⁹	113
Covent Garden ¹⁰	94
Regent Street ¹¹	74
Whitehall ¹²	49
Circus Road	32
No Location Recorded	26
Total	4,142

Observations

- 6.5 Enforcement Officers witness risks to public safety where pedestrians spill out onto roads to get past buskers or street entertainer and their audience, or witness performances and their audience impeding on pedestrian flow in already highly congested areas of footfall. Officers often need to intervene to ask buskers and street entertainers to control their audience or cease their performance and move to another location. The pictures below demonstrate the performance space and audience size used by some buskers and street entertainers and frequently seen by enforcement officers, and how this can adversely impact on pedestrian flow in already congested areas.

³ Leicester Square, Wardour Street, Charing Cross Road, Piccadilly Circus, Gerrard Street, Coventry Street, Newport Place

⁴ Villiers Street, Embankment Place, Victoria Embankment

⁵ Great Newport Street, Cranbourn Street, St Martin's Place, St Martin's Lane

⁶ James Street, New Oxford Street

⁷ Piccadilly Street, Glasshouse Street

⁸ Queensway, Bayswater Road

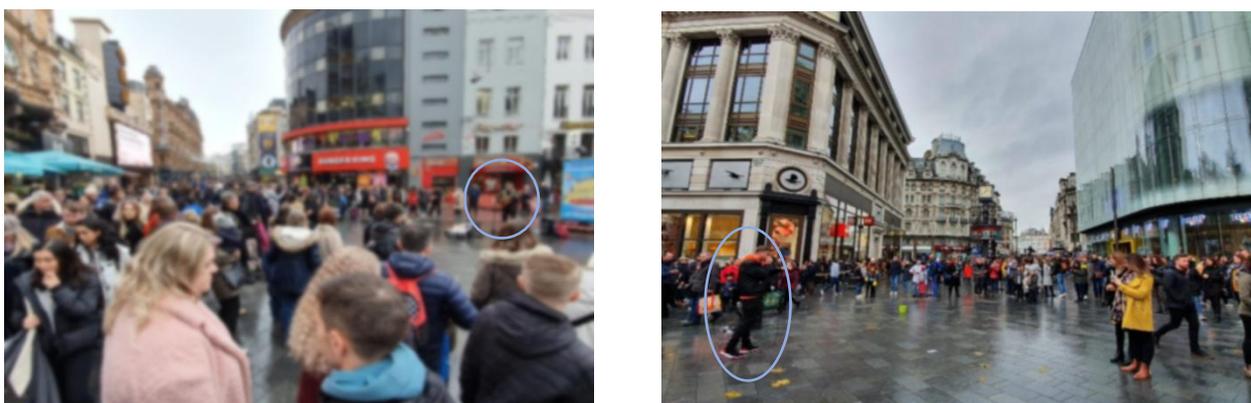
⁹ Trafalgar Square, Northumberland Avenue

¹⁰ Covent Garden, James Street, Long Acre

¹¹ Regent Street, South Molton Street

¹² Parliament Street

Figure 1: Pictures taken November 2019 in Leicester Square. The Pictures have been blurred to protect the identity of those in the image. The circle demonstrates the position of the busker in this image.



6.6 A summary of the general representative position of authorised officers' experience with busking and street entertainment is provided below:

- **City Inspector Council Officers (24 hour 365 days a year shift workers)**
Officers feel that responsible busking can contribute culturally to the borough, but that due to adverse impacts, stronger controls are required. They feel they are unable to carry out effective enforcement to tackle issues with existing resources and powers, and whilst busking is permitted in all areas of our City. This is especially the case in our popular busking and street entertainment areas.
- **Busking Enforcement Team (a taskforce of four dedicated busking and street entertainment City Inspector Officers operating in 2017)**
This team built a strong relationship with many of the established buskers and street entertainers in our City but also came across a high volume of transient and new buskers and street entertainers daily. Officers felt the majority of the buskers and street entertainers were responsible, especially those that were established, and most were generally compliant when asked to adjust their behaviours. However, deterring irresponsible practices was only effective when officers were a visible presence in the area, and due to the size and distance between the locations they needed to cover, and the daily churn of new buskers and street entertainers, this was not always possible and would ultimately require an investment of significantly more dedicated resources. They felt that pro-active controls were needed to make clear to all buskers and street entertainers wanting to perform in the City how they should carry out their performance. This would both reduce the impacts and provide clear rules for when enforcement should take place.
- **Metropolitan Police Service**
The Metropolitan police have cited that crowding as a result of street entertainment and busking has attracted crime and created safety risks. There are concerns about exploitation of vulnerable people and the current lack of effective legislation and

responses. The Police are supportive of a scheme to improve vibrancy, quality and behaviours of buskers.

Use and Characteristics of areas

6.7 The council has also considered that the experience of busking and street entertainment in our City can be remarkably different from one location to another, which can be attributable to how buskers and street entertainers interact with the general use, design and characteristics of an area.

- **Covent Garden**

Covent Garden is a globally recognised visitor destination that offers the opportunity for people to experience a few hours wandering through a myriad of shops, markets, restaurants and bars. The area is entirely pedestrianised with shared public spaces that comfortably host both large performances and passing pedestrians.

In Covent Garden North Hall, West Piazza and Courtyard, a Street Performers Association (SPA)¹³ which has been established for over 30 years operates to foster a wide-ranging repertoire of world leading buskers and street entertainers. The SPA holds auditions, does not permit any performances that use instruments or equipment that are likely to cause a nuisance (including wind instruments, brass instruments, electric guitars, drums, accordions, bagpipes or didgeridoos, and battery powered amplifiers unless used to play a backing track), and provide self-regulatory support until 9pm each evening. To ensure equity and fairness for buskers and street entertainers sharing the space, the SPA holds a daily randomised ballot that selects the order of permitted busker and street entertainers each day. The SPA is also the representative voice of buskers and street entertainers.

Complaints about busking and street entertainment are still received here, however these tend to relate to the areas of Covent Garden outside of the SPA managed locations and hours of operation – in particular James Street and the East Piazza.

- **Trafalgar Square**

Trafalgar Square is a destination known for the National Galleries, fountains, Nelsons column, historical and contemporary statues and public artwork. The council only manages the north terrace and surrounding streets of Trafalgar Square, with the remainder being managed by the Greater London Authority (who do not permit busking and street entertainment on their land without their permission). The north terrace of Trafalgar Square, similar to Covent Garden, is a small localised area that is entirely pedestrianised with shared public spaces that can comfortably host both large

¹³ This is a self-managed group of street performers

performances and passing pedestrians. There are no residents and only a few businesses that operate close to this area.

The design of the space means that businesses and residents are less impacted by noise from buskers and street entertainers than in other hotspot areas in our City. Instead, the nature of complaints about buskers and street entertainers tends to be focused on the number and quality of buskers and street entertainers in a small concentrated space.

In response to the council's engagement with the community to design a new policy, the busking and street entertainment community here have formed a new SPA called the Westminster SPA. The Westminster SPA however only operates in the areas of Trafalgar Square and Leicester Square and has representatives in each of these areas to work with the council and local residents and businesses. They have also set up a website which residents and businesses can contact if they have a complaint or concern.

- ***Oxford Street***

Oxford Street is located in the West End and runs from Tottenham Court Road to Marble Arch via Oxford Circus. It is Europe's busiest shopping street with around half a million daily visitors. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets.

Competition for both performance space and to be heard above the ambient noise is a significant challenge, and this has meant that some buskers and street entertainers have chosen to perform in inappropriate locations. This can cause pedestrians to spill out into the roads to get past, cause obstructions on already congested streets for passing pedestrians trying to move past busker and street entertainer audiences and can result in buskers and street entertainers raising their volume to unreasonable levels, creating a nuisance for surrounding businesses and residents.

There is not a sense of familiar busking and street entertainment community in Oxford Street nor of consistent locations for performances. Instead buskers and street entertainers tend to be more transient and are typically spread out, making self-regulation along this expanse of road a challenge. There is also an increasing trend in this area where some activity would appear to be more aligned with begging than street entertainment, often using animals to attract more income.

- ***Piccadilly Circus, Chinatown & Leicester Square***

These areas, whilst distinctly named and individually recognised, are only a few minutes' walk away from each other and together they form a single popular visitor destination. This destination is host to internationally recognised venues, cultural attractions and the UK's film premiers. This area is also a busy pedestrian and traffic thoroughfare throughout the day and night, connecting people across the West End.

Similar to Oxford Street, competition for both performance space and to be heard above the ambient noise is a significant challenge, and this has meant that some buskers and street entertainers have chosen to perform in inappropriate locations. This causes pedestrians to spill out into the roads to get past, causes obstructions on already congested streets for passing pedestrians trying to move past busker and street entertainer audiences, and results in buskers and street entertainers raising their volume to unreasonable levels creating a nuisance for surrounding businesses.

Unlike Oxford Street however, because of the large pedestrianised space, there are a number of established buskers and street entertainers in this area that have joined the newly created Westminster SPA to improve self-regulation. These buskers and street entertainers typically perform in the North Terrace of Leicester Square. However, there are still a high number of transient buskers and street entertainers that use this area, and beyond the North Terrace many of these performance spaces are out of the sight and hearing of the SPA, making effective self-regulation challenging.

Engagement

6.8 Since September 2018 we have been engaging with our community, and in particular with our stakeholders in the City's busking hotspots, to listen to their views and understand what they would like to see a new busking and street entertainment policy address. In addition, we brought all stakeholders together on a number of occasions to offer them the opportunity to listen and understand each other's perspectives. The aim was to try and arrive at collaborative solutions that successfully protect our businesses and residents from the adverse impacts of busking and street entertainment, whilst ensuring our streets remain vibrant and open to artistic talent.

6.9 Stakeholders included: Councillors, residents, businesses, BIDs, Landowners, individual buskers and street entertainers, Street Performers Association, Keep Streets Live, the Musicians' Union and the GLA. A list of the engagement undertaken can be found in Appendix C, and below is a summary of the general representative position of each stakeholder group. These demonstrate the polarised viewpoints on this issue.

- ***Buskers and Street Entertainers (including representative bodies Keep Streets Live and Musicians' Union)***

Enjoy the opportunity to perform in Westminster and recognise the City as a global platform for street entertainment. Keep Streets Live (an organisation created to support buskers and street entertainers and challenge regulation) have been the most strongly opposed to the premise of regulation as it would impact on their ability to work and risks the alienation of many buskers. Buskers and street entertainers believe that the majority of them are responsible and that those who are irresponsible and causing a problem should be managed by the council with the enforcement powers already in its gift. Most agreed that improved communication between businesses, buskers and street entertainers and the council would help to eradicate

the problem buskers and street entertainers without the need for regulation and that the council should do more to support self-regulation.

- ***Businesses and Residents***

Often recognise the importance of street entertainment in their district and the vibrancy this brings, but have expressed that current voluntary-based approaches with buskers and street entertainers, and current enforcement powers are not effective, and that regulation is needed to ban or control busking, especially in hotspot areas. Even responsible busking can cause a significant impact when loud performances are heard for up to 8 hours each day with no respite, and audiences cause obstructions to entrances and exits to business premises.

- ***Visitors and Tourists***

Whilst engagement opportunities were open to everyone, we received no specific engagement from visitors and tourists. However, the council is able to get an informal snapshot from social media that indicates that, in general, visitors and tourists welcome busking and street entertainment. For example, a general positivity is suggested by the fact that the Covent Garden experience has received 23,739 TripAdvisor reviewsⁱ, which rate this destination area 4.5 (out of 5).

7.0 A new Busking and Street Entertainment Policy for Westminster

7.1 The evidence examined by the council identifies that we need to create a policy that balances the needs of our stakeholders by taking a targeted and area-specific approach.

7.2 We therefore want our policy target area specific approaches that both promote busker and street entertainer self-regulation across the City, whilst introducing regulation and control in our hotspot areas where adverse impacts are most acutely felt. The table below summarises the policy approach we are proposing and further detail on the design and rationale is provided in paragraphs 8.0 – 9.15.

Table 3: Summary of draft policy approach

Policy Approach	Action	Location
Promoting Self-Regulation	<i>Voluntary Code of Conduct and Guidance</i> Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking.	City-Wide
	<i>Busking & Street Entertainment Forum</i> Giving buskers and street entertainers a platform to raise issues and have questions answered, share ideas and work together on ways of promoting busking and street entertainment in our City.	City-Wide
	<i>Supporting Established SPAs</i> Providing a dedicated enforcement presence that promotes the Code of Conduct and supports the already established self-regulation scheme of the Street Performers Association.	Covent Garden
	<i>Supporting New SPAs</i> Supporting the development of a newly established Street Performers Association by promoting the Code of Conduct, and having a busker and street entertainer Memorandum of Understanding (MoU) that works to regulate and monitor marked performance zones.	Trafalgar Square (& Leicester Square)
Introducing Regulation and Control	<i>Licensing Scheme</i> Introducing a licensing scheme for certain locations within our City, where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby premises. Busking and street entertainment in these areas to be prohibited in these areas apart from performers who are licensed to operate from a number of designated pitches This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.	Oxford Street, Piccadilly Circus, Chinatown & Leicester Square

8.0 Promoting Self-Regulation of Busking and Street Entertainment

Voluntary Code of Conduct

- 8.1 In 2015 the council, alongside other London boroughs, worked with the Mayor of London to support the voluntary 'BuskinLondon' scheme, which aimed to promote a consistent self-regulatory approach to responsible busking across London through a single Code

of Conduct. Whilst 'BuskinLondon' provided a foundation for understanding what constitutes responsible busking, it does not address the particular challenges and circumstances of our City, including the length of time a performance should last, and at what time during the day performances should take place to reduce the risk of nuisance to surrounding businesses and residents.

- 8.2 Officers have therefore reflected the recognised BuskinLondon standards in our Code, whilst adapting them to focus on the specific local challenges we experience as the City at the heart of the Capital. Our draft Code of Conduct and Guidance is attached in the draft policy as Appendix A.

The Busking and Street Entertainment Forum

- 8.3 Buskers and Street Entertainers are also a recognised part of our City's community which is why we are creating a dedicated forum so we can listen to their views and ensure they have a voice in the decisions we and our wider community take. It is intended that the forum will meet with council officers twice a year to:

- Collect feedback, raise issues and have questions answered
- Share ideas and work together on ways of promoting the busking and street entertainment industry
- Ensure the information we provide is clear and being delivered in the most relevant way for both established and new buskers and street entertainers wanting to perform in the City

- 8.4 Representatives from this forum will also be invited to attend meetings with local residents and businesses. This will help ensure good relations between all of the people who want to make our City's public spaces a pleasure to be in, and will allow them to discuss and work together on joint issues of concern including keeping the implementation of this policy under review.

Supporting the established SPA: Covent Garden

- 8.5 In recognition that Covent Garden has a well-established SPA, the council will focus on the challenges experienced in this area outside of the SPA location and hours of operation - namely the East Piazza and James Street. The council will therefore promote our Code of Conduct here and invest in enforcement to monitor the continued viability of self-regulation.

Supporting a newly created SPA: Trafalgar Square and Leicester Square

- 8.6 The Westminster SPA operates in the areas of Trafalgar Square and Leicester Square and is keen to establish similar organisation and self-regulation of buskers and street entertainers as is seen in Covent Garden. The council however considers that the adverse impacts seen in Leicester Square are significant and therefore needs a targeted

and regulatory approach. However, as Trafalgar Square is a large, self-contained pedestrianised destination similar to Covent Garden, with businesses less affected by adverse impacts, the council is proposing that we should trial supporting the newly created SPA to become established and to self-regulate effectively. We will support the SPA to embed the Code of Conduct, support their self-regulation through drafting a Memorandum of Understanding between the SPA and council, identify appropriate zones for performances here, and monitor the approach through quarterly meetings with the buskers and street entertainers and the local community.

9.0 Introducing Regulation and Control of Busking and Street Entertainment

Adopting Part V of the London Local Authorities Act 2000

- 9.1 As described in para 5.0, the powers currently afforded to the council are not effective to adequately enable officers to enforce against adverse impacts. The council has identified certain locations where adverse impacts require regulation under Part V of the London Local Authorities Act 2000 and satisfy the legal test to do so. These locations are centred around Piccadilly, Chinatown, Leicester Square and Oxford Street. Plans of the areas proposed for regulation under the 2000 Act have been incorporated into the draft policy attached as Appendix A.
- 9.2 This legislation has been specifically designed for London boroughs to prohibit busking and street entertainment and/or adopt a licencing scheme when there is or is likely to be undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.
- 9.3 Officers have considered that adopting this legislation in areas of high impact will enable the council to influence, control and create clear enforcement measures around where it is appropriate to busk safely, as well as to control amplification and audible sound levels through licensing conditions.
- 9.4 Officers have also considered that an additional benefit of introducing licensing is that it will enable quicker and more effective penalties to be issued against irresponsible buskers without a licence, or those in breach of licensing conditions. Penalties include removing permission to perform through revoking a licence and seizing equipment or prosecuting should individuals fail to respond positively to informal requests to comply.

Identifying Designated Streets

- 9.5 Officers have considered where busking and street entertainment should be prohibited and the appropriate size and locality of selected performance spaces, as well as the type of controls we may want to introduce through standard licence conditions (attached in the draft policy in Appendix A).

- 9.6 In summary, the methodology for identifying safe and appropriate locations for street entertainment began with a process of eliminating the following locations:
- anywhere in close vicinity of tube entrances and exits, business entrances or exits,
 - anywhere where the width of the pavement is reduced,
 - anywhere where there are long standing construction works, and
 - where other queues or audiences may also gather i.e. near bus stops, taxi ranks, ATMs and next to pedestrian crossings.
- 9.7 Officers also took into consideration the specific locations which the majority of buskers currently gravitate towards, as these provide a good indication of what would be considered from the buskers' perspective an attractive location to both perform and attract audiences. Where possible, we have sought to retain these areas.
- 9.8 Once general locations were identified, officers then determined that to ensure pedestrians could also comfortably pass by a busker or street entertainer and their audience, a gap of at least 2 metres must be kept from kerbs and fixed structures at all times (enough to allow a wheelchair or double buggy to pass). This then clearly defined the size of the performance space to include both the busker and street entertainer and their expected audience size. Identified performance spaces are commonly referred to as 'pitches'. A total of eight designated pitches are proposed in the regulated areas and plans of these designated pitches are also incorporated into the draft policy attached as Appendix A. It is proposed that busking and street entertainment will be prohibited in all the regulated areas apart from the designated pitches but subject to exceptions that are set out in the policy statement.
- 9.9 Officers then considered the types of performances and controls that we would want to put in place in these locations to minimise the impact of nuisance. Officers have designed tailored conditions to include responsibilities for:
- their performance
 - the management of their audience
 - the control of sound
- 9.10 The proposed standard conditions applying to the individual busking licences and the pitches have been incorporated into the draft policy attached as Appendix A.
- 9.11 Buskers and street entertainers will however be expected to continue to self-regulate their queuing systems, performance times and respite times, rather than the council having to introduce a managed booking system.

Overview of Licensing Requirements

- 9.12 Details of the licence conditions, as well as procedures for applying for a busking and street entertainment licence are contained in the draft policy attached as Appendix A.
- 9.13 In summary, buskers and street entertainers wanting to apply for a licence will do so online and must provide evidence that they are 'fit and proper' to hold a licence and pay a nominal £20 application fee (detailed in para 13.0)
- 9.14 Delegated officers in the council will consider applications made and will usually grant a licence for six months unless there are grounds to consider refusal. Buskers and street entertainers will also be able to submit a request to vary the conditions of their licence which will be considered on a case by case basis.
- 9.15 Applications of a more complex nature may be escalated to senior manager for consideration.
- 9.16 In cases where the council considers that a licence should be revoked this will be decided by a Licensing Sub Committee hearing.

10.0 Complaints, managing compliance and carrying out enforcement

How Businesses & Residents can complain

- 10.1 To encourage positive community relationships and trust, in the first instance those with a complaint will be encouraged to resolve any concerns directly with the busker or street entertainer, or Street Performers Association. Where a problem persists however complainants will be encouraged to contact the council via the online 'report-it' tool or over the phone.

Taking a proportionate and graduated approach to enforcement

- 10.2 In line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the rules across our City, which may include issuing a warning notice. Should the busker or street entertainer continue to act unreasonably or breach their licensing conditions, the council will take appropriate enforcement action.
- 10.3 The enforcement action taken will vary depending on whether the busker or street entertainer is in a non-regulated or regulated area, as outlined below:

Enforcement in Non-regulated / Self-regulated Areas

- 10.4 In all non-regulated areas across our City the following enforcement options are available to an authorised officer or police officer:

- a) they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance, which may include requesting that the performance stops.
- b) they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

Enforcement in Regulated Areas

10.5 In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the conditions of the licence, the following additional options are available to an authorised officer or a police officer:

- c) equipment (including instruments) connected with the busking and street entertainment may be seized
- d) proceedings may be instigated to prosecute the person for offences under the London Local Authorities Act
- e) the council may consider revoking the licence and/or refusing any future application.

11.0 Policy Monitoring and Review

11.1 This policy represents an entirely new approach to busking in our City and has been carefully designed to balance the needs of everyone that shares the public space, by taking a targeted and tailored area-based approach. However, the council will also commit to ongoing quarterly reviews, and an annual review after one full calendar year of operation to assess the policy impact and effectiveness.

11.2 This review will consider:

- The effectiveness of the Code of Conduct
- Whether the areas of SPA self-regulation are effective, any lessons learnt, and where this approach could be expanded
- A review of licensing including the areas, conditions of the licence, fees and duration of licences, and whether the scheme should be reduced or expanded beyond the current designated streets.
- Resource and finance implications

11.3 To assist in our review the council will:

- Review the data available and consider the views of our enforcement officers

- Use quarterly forum groups which include buskers and street entertainers, local businesses and residents to gather qualitative evidence on how the policy is operating
- Invite interested stakeholders to feed back to us with their views on how effective the policy has been. We will facilitate this process by using an open survey which will ask for views on aspects such as whether buskers and street entertainers are more compliant as a result of the policy, how well the complaints process is working, and how the policy has affected the look and feel of the City's public spaces.

Displacement of adverse impacts

11.4 The council is aware that by creating a licensing scheme in designated areas this may have the unintended consequence of displacing issues to other non-regulated areas of the City. This will be closely monitored and kept under review, and the council will consider expanding any regulation to areas of displacement if required to prevent any nuisance or risk to safety.

12.0 Equalities Implications

12.1 The Council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

12.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

12.3 An Equalities Impact Assessment has been conducted and the council believes that the busking and street entertainment proposals, including the licensing regime, does not adversely impact or unlawfully discriminate against any protected characteristics.

13.0 Financial Implications

13.1 There will be set up and implementation costs of approximately £38,400 to introduce the policy, which will be met from existing resources within the Public Protection & Licensing Budget.

13.2 The council can recover its costs, however having considered and balanced the needs of our community with wanting to ensure we continue to encourage busking and street entertainment talent here, we believe that the costs to performers to obtain a licence must be kept low. The council is therefore choosing to absorb all the set up and ongoing costs of implementing a licensing scheme through existing budgets, and only charge a nominal fee for performer licence applications.

13.3 The introduction of the fee will result in very minimal income to the council approximately £800 based on 40 applications per year. The proposed nominal charges for buskers and street entertainers are summarised below:

Licence application fee	£20
Renewal application fee	£20
Variation application fee	£20

13.4 Complaint and regulation costs will be met through the distribution of existing resources and as such there are no additional costs for resource requirements to the council arising from the recommendations in the report. We are also working closely with BIDs and the Metropolitan Police to ensure that they are also aware of and prepared for resource demands.

13.5 The fee's and costs required to implement the policy will be reviewed following one full calendar year of implementation and may be subject to change.

14.0 Resource implications

14.1 As described above there are no additional resource costs attributed to the implementation of this policy, rather the resources needed to review licence applications and manage compliance will be met through the phased distribution of existing resources as set out below.

<p>Phase 1</p> <p><i>Preparing Buskers and Street Entertainers for the Changes</i></p>	<p>For a two-week period ahead of the policy implementation (if approved) 2 City Inspectors will be dedicated across the borough, to educate and support buskers understand and prepare for the changes, with a particular focus on the SPA and Licensing areas (Trafalgar Square, Oxford Street, Piccadilly Circus, Chinatown, Leicester Square)</p>
<p>Phase 2</p> <p><i>Embedding the changes</i></p>	<p>Following policy implementation, for up to two months¹⁴ there will be 6 City Inspectors dedicated to the SPA and Licensing areas from 9am to 12pm to pro-actively help support buskers and street entertainers understand the new rules in the areas, as well as carrying out pro-active compliance and enforcement where necessary</p>
<p>Phase 3</p> <p><i>Business as Usual</i></p>	<p>Officers anticipate the requirement for dedicated resources will reduce, and instead City Inspectors will carry out compliance and enforcement pro-actively as part of their daily routine operations, as well as responding to any complaints made.</p>
<p>Phase 4</p> <p><i>Supporting the peak summer season</i></p>	<p>Acknowledging that many buskers and street entertainers are transient and may only come to Westminster to perform during the peak summer season, from May and up to two months there will be 6 City Inspectors dedicated to the SPA and Licensing areas from 9am – 12pm to pro-actively help support buskers and street entertainers understand the new rules in the areas, as well as carrying out pro-active compliance and enforcement where necessary</p>

15.0 Legal implications

15.1 Part V of the London Local Authorities Act 2000 (“the 2000 Act”) is enabling legislation that can potentially be implemented in Westminster to regulate busking, either by prohibiting busking or licensing busking.

What busking will be regulated?

- 15.2 Busking means the provision of entertainment in a street but does not include the provision of entertainment:
- a. of a class which from time to time is by resolution excluded from the operation of the 2000 Act;
 - b. under and in accordance with a premises licence or a temporary event notice having effect under the Licensing Act 2003 and which authorises the performance of music or dancing;

¹⁴ This period will be kept under review and extended if necessary

- c. which is authorised specifically to take place in a street under any other enactment;
or
- d. consisting of music performed as an incident of a religious meeting, procession or service.

15.3 Subject to the above, busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

What is the meaning of a street for the purposes of the busking scheme?

15.4 A "street" includes any street or way to which the public commonly have access, whether or not as of right; any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access and any area in the open air to which the public commonly have access.

Application of Part V

15.5 A resolution to implement the legislation can only be passed if there is reason to believe that there has been, is being or is likely to be caused, as a result of the busking:

- a. Undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street; or
- b. Nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.

15.6 The Council shall cause to be published in a local newspaper circulating in the City notice of the passing of the resolution and the date when Part V will apply to busking in the City and also of the general effect of the provisions of Part V coming into operation as from that day. The date when Part V is to apply must not be earlier than the expiration of three months from the publication of the said notice.

The designation of licence streets

15.7 Section 34 of the 2000 Act states that, if the Council considers that busking should be licensed in the area it may pass any of the following resolutions:

- a. A resolution designating any street or part of a street within the City as a licence street (a designating resolution); or
- b. A resolution prescribing in relation to any licence street or any part of a licence street any hours during which busking may take place.

- 15.8 If the Council passes a resolution under section 34, that resolution shall take effect on the day specified in the resolution which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.
- 15.9 The Council must not pass a resolution under section 34 unless it has published notice of its intention to do so in a local newspaper circulating in the area and have served a copy of that notice on the highway authority, the Metropolitan Police Commissioner, and any body which appears to be representative of persons carrying on busking in the area affected by the proposed resolution. The notice must state that representations or a request to hear representations relating to it may be made in writing within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.
- 15.10 It is advised that the Council should use the process above to seek opinions on both the implementation of Part V of the Act itself and any proposals to license busking pursuant to section 34 of the 2000 Act. This will then give all persons who might be affected by the proposals the opportunity to comment on whether the proposed restrictions are appropriate, proportionate or needed at all.
- 15.11 The Council must consider any written representations relating to the proposed resolution which they have received in the specified time and must hear oral representations if requested to do so. Having considered the representations, the Council may, if it thinks fit, pass the proposed resolution with any modifications considered to be appropriate.
- 15.12 The Council must publish notice of the passing of such a resolution in a local newspaper circulating in the area on two consecutive weeks, the first of which shall not be later than 28 days before the day specified in the resolution from the coming into force of the designation.

Application process

- 15.13 An applicant for the grant of a licence shall provide such information as the council may by regulation prescribe. Regulations may, inter alia, prescribe the procedure for determining applications. An applicant for a licence shall pay such a fee determined by the council as may be sufficient to cover in whole or in part the reasonable administrative or other costs incurred in connection with their functions under Part V of the 2000 Act.
- 15.14 The council may refuse to grant a licence on any of the following grounds -
- a. that the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;
 - b. that there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or

inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street;

- c. that there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made.

15.15 The council shall refuse to grant a licence in respect of an application which relates to any street other than a licence street.

15.16 The council may revoke a licence on any of the following grounds -

- a. that there has been a breach of the conditions of the licence;
- b. that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
- c. that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

15.17 The council may make regulations prescribing standard conditions applicable to all licences. Where the council have made such regulations, every licence granted by the Council shall be deemed to have been so granted subject to the standard conditions except so far as they are expressly excluded or amended in any particular case.

Human Rights implications

15.18 The powers need to be exercised appropriately so as to provide a proportionate response to the problems caused by busking. In deciding whether to prohibit or licence busking in any part of the City, the Council is advised to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. It is unlawful for the Council to carry out its functions in a way which is incompatible with rights set out in the European Convention of Human Rights.

15.19 Article 10 states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

- 15.20 Article 11 states that everyone has the right to freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.
- 15.21 These rights must be balanced against the protection of the rights and freedoms of others, including the right that everyone has under Article 8 to respect for their private and family life and their home. In some circumstances, public authorities must take positive steps to prevent intrusions into a person's private life by other people, including those who engage in anti-social busking and street entertainment.
- 15.22 Article 14 of the convention (prohibition of discrimination) states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. The Council has undertaken an Equalities Impact Assessment (EIA) in accordance with its Public-Sector Equalities Duty under Section 149 of the Equality Act 2010 and found that there is not anticipated to be a negative impact on protected groups.
- 15.23 Concern has been expressed about the potential use of the 2000 Act to interfere with legitimate and reasonable activity such as peaceful protests and busking. The proposals in this report are intended to support responsible busking and to be a proportionate response to the irresponsible and anti-social busking that has been identified from complaints submitted by residents and businesses in the identified areas.
- 15.24 As indicated above, a balance must be struck between the rights of individuals who wish to engage in busking and street entertainment and the interests of the local residential and business community. Even if significant members of the public are enjoying the busking entertainment, the "right" of the public to enjoy that busking must be balanced against the detrimental effect that it might be causing if it is too loud or intense or too persistent etc. What might be acceptable in one public place might not be acceptable in a public place within a highly residential area or even an area with many commercial operators if the busking unreasonably interferes with their ability to work.

Appeals and Challenge

- 15.25 Any of the following persons, that is to say:
- a. An applicant for the grant of a licence whose application is refused;

- b. A licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- c. A licence holder whose licence has been refused

may at any time before the expiration of a period of 21 days appeal to the magistrates' court acting for the area in which the licence street is situated. An appeal by either party against the decision of the magistrates' court may be made to the Crown Court.

15.26 There is no means within the legislation to challenge either the implementation of Part V or the designation of licence streets. Any person who is aggrieved by the implementation of the legislation or the licensing scheme itself can potentially seek permission to appeal to the Administrative Court by way of Judicial Review proceedings. The grounds for such a review would typically have to be based on illegality and/or irrationality and/or procedural impropriety.

Enforcement

15.27 Any person who:

- a. busks in any street to which Part V of the 2000 Act applies without the authority of a licence; or
- b. is concerned with the organisation or management of busking which is not authorised by a licence; or
- c. contravenes any condition of his or her licence; or
- d. in connection with his or her application for a licence makes a statement which he or she knows to be false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

15.28 An authorised officer or a constable who has reasonable cause to believe that busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence or in a street which is not a licence street to which Part V of the 2000 Act applies may require that busking either cease or not take place. If the busking continues or takes place despite the requirement for the busking to either cease or not take place, the authorised officer or constable may seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in evidence in respect of an offence under section 42 (Enforcement under Part V) of the 2000 Act.

16.0 Appendices

Appendix A Draft Policy incorporating -

- Draft Code of Conduct
- Plans of the designated areas where busking will be licensed

- Draft regulations prescribing standard conditions
- Draft regulations prescribing application process

Appendix B Complaints and Impact Summary

Appendix C Engagement Summary

This page is intentionally left blank

BUSKING

AND STREET ENTERTAINMENT IN WESTMINSTER




City of Westminster

City
for
All

Draft policy 2020

#BuskWestminster

Page 51

INTRODUCTION AND POLICY OVERVIEW

Every day the streets and public spaces of Westminster are brought to life by busking and street entertainment. This includes musicians, magicians, comedians, artists, dancers and others who come from all over the world to perform on our streets.

However, along with entertainment and vibrancy, busking and street entertainment can also cause adverse impacts including noise, obstruction and public safety issues. In recent years we have received an average of 1800 complaints each year.

To ensure we deliver a City for All, this draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here by promoting a voluntary Code of Conduct, supporting performers to self-regulate, and promoting membership to the Westminster wide Busking and Street Entertainment Forum. The policy also recognises that in certain locations within our city, the adverse impacts experienced by pedestrians, residents and business are significant and a tailored and targeted response is needed to improve control and address these concerns.

Before you perform here you must make yourself familiar with our Code of Conduct and Policy.

- We have a **Westminster wide** Code of Conduct within this Policy that you should follow to ensure you are being considerate of both the local community and those sharing the public space with you. We also encourage all buskers and street entertainers to go to our dedicated webpage for information and join our Busking and Street Entertainment Forum.
- In **Covent Garden** there is an established self-regulating Street Performers Association (SPA) that you are encouraged to join before performing.
- In **Trafalgar Square** and **Leicester Square** there is a newly created SPA that you are encouraged to join before performing here. In Trafalgar Square we are piloting busker and street entertainer self-regulation with the SPA, however in Leicester Square you will need to apply for a licence to perform (see below).
- **Oxford Street, Piccadilly Circus, Chinatown** and **Leicester Square** are busking and street entertainment regulated areas. There is a light touch licensing scheme applicable in these areas which means you will need to apply for a licence to perform here, keep to designated pitches, and abide by the conditions of your licence.

This draft policy is based upon the careful consideration of evidence and engagement with buskers and street entertainers, businesses and residents, however we will also monitor the policy throughout its first year of implementation and conduct a full review after 12 months so that it can be adapted based on results and feedback if required.

CONTENTS

The definition of Busking and Street Entertainment	4
How you can join and be a part of our Busking and Street Entertainment Community	6
The Westminster Busking and Street Entertainment Code of Conduct	8
Self-Regulation and Street Performers Associations in our city including the Trafalgar Square Pilot	10
The Regulated Areas of Busking and Street Entertainment including Oxford Street, Piccadilly Circus, Chinatown and Leicester Square	14
The Licensing Application Process and Procedures	22
How Complaints, Compliance and Enforcement will be managed	25





WHAT IS BUSKING AND STREET ENTERTAINMENT?

Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.

The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

For the purposes of this policy busking and street entertainment is not considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service, or traditional seasonal festivities including carol singing, morris dancing or similar.
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Parades and Film Premieres.

If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact streetentertainment@westminster.gov.uk

HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON



1741
'The Enraged Musician'
by William Hogarth



1850
Harmony In
Leicester Square'



1955
Harpist, Photo by B J Green



1903
Buskers, Living
London Magazine
by George Sims



1955
Musicians, Soho Fair



1965
The Happy Wanderers
Sand Dance,
Leicester Square



1980
Musicians, Abbey
Road pedestrian
crossing



2019
Busking and Street
Entertainment in
present day

JOIN OUR BUSKING AND STREET ENTERTAINMENT COMMUNITY

Stay informed

The council's website has a page dedicated to all things busking and street entertainment including:

- What is busking and street entertainment
- Frequently asked questions
- Busker and Street Entertainer Forum details and meeting dates
- Details and dates of busking and street entertainment wide community and partnership meetings
- Community involvement opportunities and events
- Diary of upcoming city events that may affect where you choose to perform
- Feedback
- Mailing list
- Contacts

Page 54

Please go online to find out more
westminster.gov.uk/busking-westminster

Join our Busking and Street Entertainment Forum

We have created a Busking and Street Entertainment Forum which is open to all buskers and street entertainers and is free to join online.

The Busking and Street Entertainment Forum meet with council officers twice a year to collect your feedback and concerns, answer your questions, share ideas, and work together to find ways to promote busking and street entertainment across our city.

The Forum also serves as a bridge between the busking community and our local resident and business forums in order to foster good relations and open communication and to promote partnership among all those that strive to contribute to the use and enjoyment of our shared public spaces.

The Forum will play a key role in reviewing the implementation of this policy.



THE WESTMINSTER BUSKING AND STREET ENTERTAINMENT CODE OF CONDUCT

There are seven principles that make up our Code of Conduct. If you're performing anywhere in Westminster you should abide by this code, which sets out how you can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

1. Safety first!

All buskers and street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- You should hold public liability insurance of at least £2 million.
- You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No unlicensed animals should accompany the busker or street entertainer, or be used as part of the performance.

2. Performance hours

All busking and street entertainment should only take place between the hours of 10am and 9pm. Any amplified entertainment beyond 9pm and before 8am is an offence under the Control of Pollution Act 1974 and you may be liable to enforcement action.

3. Avoid causing a nuisance

Buskers and street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level.
- If you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.
- You should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- You should be aware of other buskers and street entertainers in the area and space yourself far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next busker or street entertainer performs.
- You should respect other buskers and street entertainers and cooperate with any queuing system in the area by leaving the location after you have finished your performance.

4. Don't cause an obstruction

Buskers and street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring premises. This means that:

- You should never block any entrances or exits to premises, and no pedestrians should spill out onto the road to get past you or your audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- You should stop your performance or ask other buskers and street entertainers to help you take steps to control your audience if they cause an obstruction. If your attempts to relieve the audience from causing an obstruction do not work, you should cease your performance.

5. Co-operate with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that you adjust your performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Our officers have a right to do this without fear of threatening or abusive behaviour.

You should co-operate with any such reasonable requests, however if you have any concerns about the conduct of officers carrying out their duties you can contact the team at [westminster.gov.uk/complaints](https://www.westminster.gov.uk/complaints)

6. Only sell merchandise if you have permission

You can give away CDs or other merchandise items **directly associated** with your performance (for example a musician giving away their CDs), but you cannot charge a fee for them or accept donations. You may only sell items if you have a temporary licence to engage in street trading under the City of Westminster Act 1999. Buskers and street entertainers will be granted a 6 month temporary street trading licence for a £20 nominal fee if:

- You are a Busking and Street Entertainment Licence Holder trading in the regulated areas.
- You are a member of the Covent Garden and/or Westminster Street Performers Associations (SPA) operating in the SPA areas.

7. Talk to the council and the local community, and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us, and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining the dedicated Busking and Street Entertainment Forum, attending wider community meetings, and providing us with feedback via our website.



PERFORMER SELF REGULATION AND STREET PERFORMERS ASSOCIATIONS

Whether you are a regular or occasional performer in Westminster, you are part of our city's busking and street entertainment community. Being a part of this community means that you should look after each other, respect each other and work together. This is commonly known as busking and street entertainment self-regulation.

Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainment Forum and engaging with the wider community to foster good relations with all users of the shared public space.

Across our city there are some buskers and street entertainers that have formed organised groups known as Street Performers Associations (SPAs). Members of the SPA work together in local areas to ensure that busking and street entertainers treat each other fairly, and performances are not adversely impacting on the surroundings by pro-actively monitoring each other's behaviour. In Westminster there are two SPAs that you are encouraged to join before you perform in their areas of operation.

The Covent Garden SPA

The Covent Garden SPA is a long-established group of regular buskers and street entertainers managing a wide-ranging repertoire of world leading performers. To become a member of the SPA and perform here, you will need to audition.

To find out more you should go online coventgarden.london/street-performers or visit their Facebook page at facebook.com/coventspa

Westminster SPA (Leicester Square and Trafalgar Square)

The Westminster SPA is a new group of regular performers that are trying to improve self-regulation in both Trafalgar Square and Leicester Square. Anyone can join and become a member of The Westminster SPA by going online westminsterspa.co.uk. Buskers and street entertainers wanting to perform in Leicester Square and Trafalgar Square should join the SPA but must also be aware of the additional management schemes in operation:

- **Leicester Square** is part of the busking and street entertainment regulation areas and you will need a licence to perform here
- **Trafalgar Square** is being piloted as a self-regulating area in accordance with the principles and objectives on the attached plan.



TRAFALGAR SQUARE: INTRODUCING AND SUPPORTING THE WESTMINSTER SPA PILOT

Trafalgar Square is a destination known for the National Galleries, fountains, historic and contemporary statues, and public artwork. The area that hosts the iconic fountains and Nelsons Column is managed by the Greater London Authority (GLA) and busking and street entertainment is not permitted here unless express permission is given by the GLA.

In Trafalgar Square the council are supporting the newly created SPA to embed self-regulation on the North Terrace of Trafalgar Square and surrounding streets, to promote responsible busking and street entertainment, and to eliminate adverse impacts.

To perform here you should:

- Join the SPA.
- Abide by the Westminster Code of Conduct.
- Perform only in the marked locations. Adhere to the terms indicated on the map.
- Pro-actively tell other buskers and street entertainers to adjust their performance if necessary.

- Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level, and if you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.

Pitch 1: Trafalgar Square North Terrace Zone

Buskers and street entertainers should perform only within the marked zone. This zone is suitable for multiple buskers and street entertainers of all types performing at the same time, however you should always leave enough space between you and any adjacent performer and their audience. The SPA operates a queuing system here for the rotation of performers. Amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not clash with any other performer in the vicinity, nor cause a nuisance to nearby premises.

Pitch 2: King Charles Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not cause a nuisance to nearby premises.

Pitch 3: Northumberland Avenue

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business premises, amplification, brass, wind, percussion and percussive instruments are unsuitable for this location.

THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

Oxford Street, Piccadilly Circus, Chinatown and Leicester Square are popular and busy visitor areas in the West End of our city, attracting a high number of buskers and street entertainers. Competition for performance space is high and the adverse impacts are significant in these busy and congested areas.

Busking and street entertainment needs to be controlled in these areas to ensure:

- Buskers and street entertainers have dedicated spaces.
- Buskers and street entertainers perform only in dedicated locations that minimises adverse impacts to pedestrians, businesses and local residents.
- Levels of sound and volume are controlled to prevent a nuisance being caused to surrounding businesses and residents.

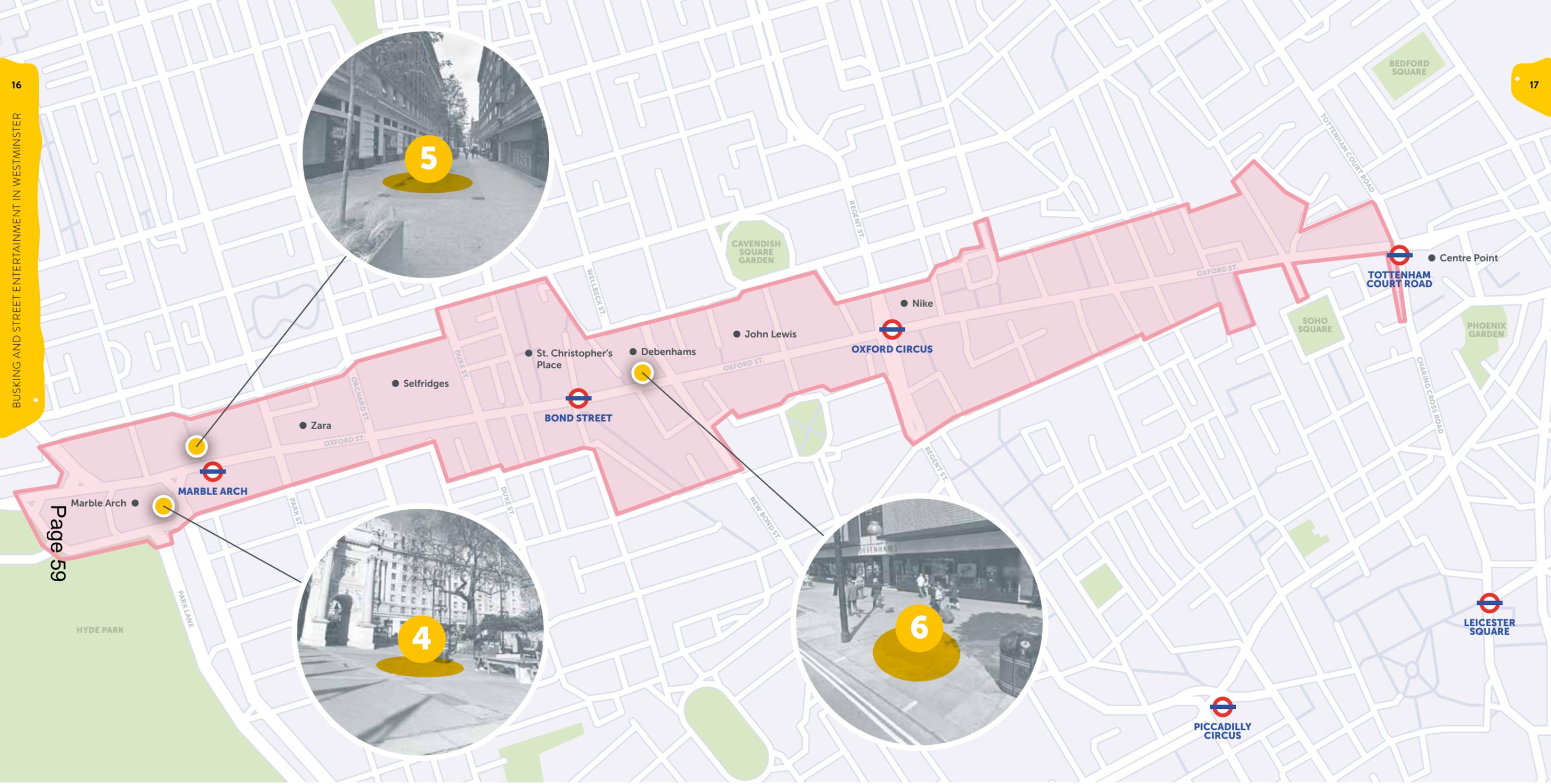
Busking and street entertainment is therefore prohibited in all parts of these regulated areas other than on designated and marked pitches. Busking or street entertainment is **ONLY** permitted if:

- You are on a designated and marked busking and street entertainment pitch, and
- you have a licence to perform on these pitches, and
- are acting in accordance with the busking and street entertainment licence terms and conditions.

Maps of the regulated areas and details of the designated and marked pitches are provided overleaf. For the full and detailed list of streets where busking and street entertainment is prohibited, and exact location of the marked and designated pitches see Appendix A.



¹ Part V London Local Authorities Act 2000



Page 59

OXFORD STREET

Oxford Street is located in the West End and runs from Tottenham Court Road to Marble Arch via Oxford Circus. It is Europe's busiest shopping street with around half a million daily visitors. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets. Performances are not permitted anywhere along this street or surrounding side streets other than the three designated busking and street entertainment pitches in accordance with the busking and street entertainment licence conditions.

Pitch 4: Marble Arch

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and any event that may be taking place in the vicinity.

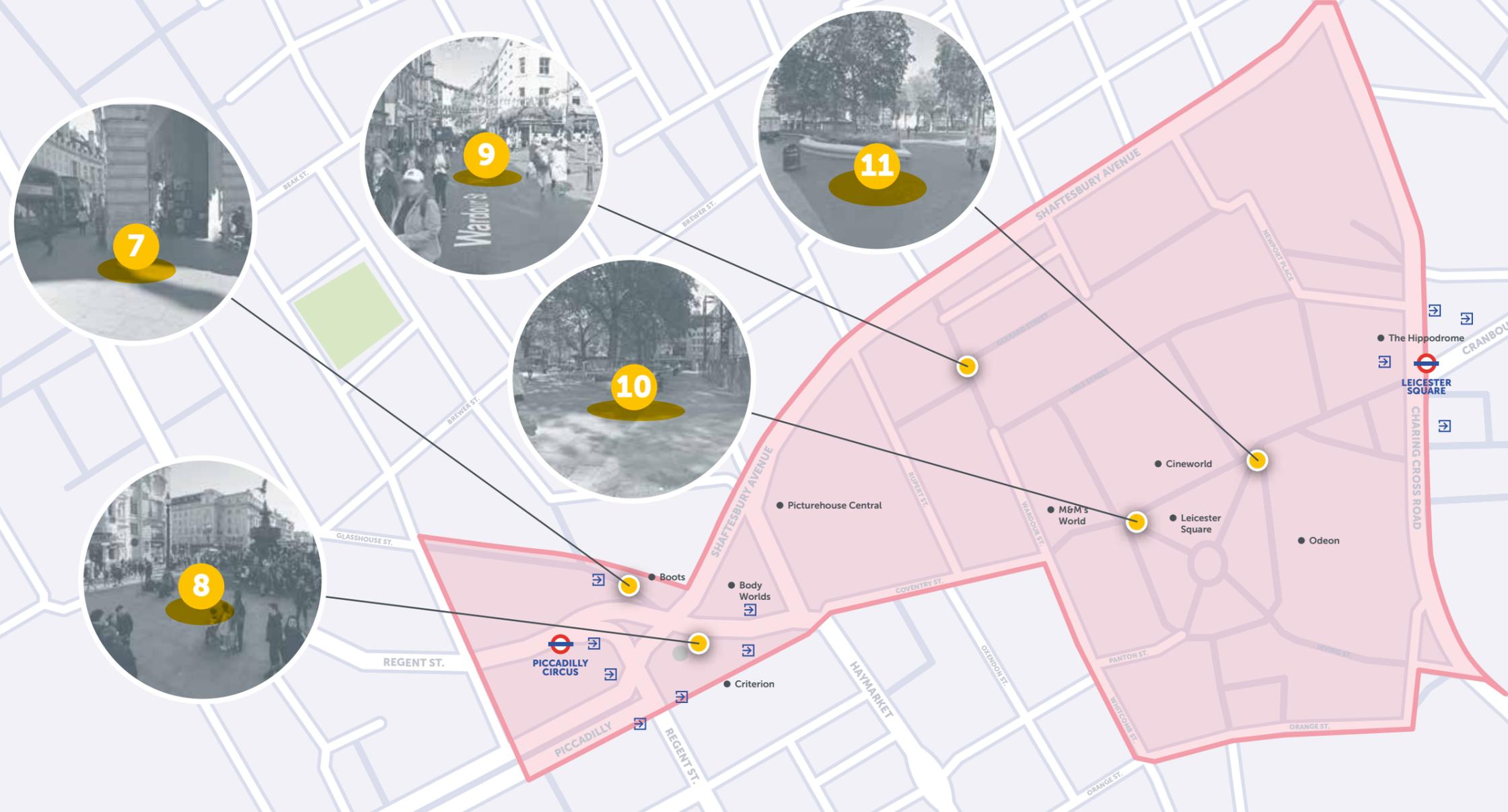
Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

Pitch 5: Old Quebec Street

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 6: Vere Street

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space. Due to the proximity of the road and business premises, and this area being a busy pedestrian thoroughfare, this pitch is more appropriate for walk-by performances that do not attract audience. Due to the proximity of business and residential premises amplification, brass, wind, percussion and percussive instruments are not permitted.



PICCADILLY CIRCUS, CHINATOWN AND LEICESTER SQUARE

Piccadilly Circus, Chinatown and Leicester Square are only a few minutes' walk away from each other and together they form a single popular visitor destination that is host to internationally recognised venues, cultural attractions and the UK's film premiers. This area is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

Performances are not permitted anywhere other than the five designated busking and street entertainment pitches in accordance with the licence terms and conditions. The Westminster SPA also operate in this area supporting buskers and street entertainers to understand the rules and working with businesses to reduce complaints and the need for enforcement here.

Pitch 7: Glasshouse Street
 This pitch is suitable for all performances that need no more than 1.5 metres in space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted. Due to the proximity of the road this pitch is more appropriate for walk-by performances that do not attract audiences.

Pitch 8: Eros Statue
 This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians, nearby premises and the entrance to the tube station. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 9: Chinatown
 This pitch only operates Monday to Friday between the hours of 10am to 9pm. It is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises and this area being a busy pedestrian thoroughfare this pitch is more appropriate for walk-by performances that do not attract audiences. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 10: Leicester Square North West
 This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 11: Leicester Square North East
 This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

STANDARD LICENCE CONDITIONS²

1. Each busker and street entertainer must be familiar with and adhere to the Westminster Busking and Street Entertainment Policy, the extent of the busking and street entertainment regulated areas, the location of designated and marked busking pitches and any terms and conditions that apply in respect of each of the designated and marked pitches.
2. All buskers and street entertainers must have a valid busking and street entertainment licence to perform at any of the designated and marked pitches within the busking and street entertainment regulated areas.
3. Each busker and street entertainer requires a busking and street entertainment licence, whether performing individually or as part of a busking and street entertainment group. For group performances, each member of the group needs to have a valid busking and street entertainment licence. Busking and street entertainment licences cannot be transferred or used by any person other than the named person on the licence.
4. Each busker and street entertainer must clearly display their busking and street entertainment licence during any performance, and this must be made available for immediate inspection on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
5. Busking and street entertainment is permitted at any of the designated and marked pitches within the busking and street entertainment regulated areas from Monday to Sunday between the hours of 10am and 9pm, with the exception of Pitch 6 (Chinatown), where busking and street entertainment is only permitted from Monday to Friday between the hours of 10am and 9pm.
6. Pitches may be suspended in the event of an emergency, public disorder, planned events, or to prevent a nuisance being caused. Buskers and street entertainers must immediately comply with any requirement to cease busking that may be given by any person authorised by the council or by any Police Officer or any Police Community Support Officer in those circumstances.
7. All busking and street entertainment must be contained within the designated and marked busking pitch. This means that all the buskers and street entertainers, the performance itself and anything used in connection with the performance must be within the designated and marked pitch.
8. Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.
9. Each busker and street entertainer must obtain and hold a valid certificate of no less than £2 million public liability insurance which must be made available for immediate inspection on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
10. Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby premises and levels must be immediately reduced on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
11. No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of Pitch 1 (Marble Arch), and Pitch 8 (Leicester Square North East). These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby premises. The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).
12. Busking and street entertainment performances must not be longer than 40 minutes from start to finish and there must be a 20 minute break before the next busker or street entertainer performs.
13. Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring premises. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
14. No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.
15. Each busking and street entertainment licence holder must comply with any request given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer regarding the busking or street entertainment, which may include directions to stop performing.

² Regulations made by the City of Westminster pursuant to Section 40(1) of the London Local Authorities Act 2000 prescribing the standard conditions which will be applicable to all licences to busk, except when expressly excluded or amended in any particular case





LICENSING APPLICATION PROCESS AND PROCEDURES

The full regulations for applications and the determination of applications is outlined in Appendix B³. A summary of the process and procedures has been provided below.

Applying for a Licence

An application for a busking and street entertainment licence must be made in writing to the council using the application form available online. The following information and documents will also be required:

- Name and home address in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- Two forms of identification, including a passport or driving licence.
- Proof of valid Public Liability Insurance (of at least 2 million).
- National Insurance number or declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.

(optional)

- Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
- Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.

How a decision is made to grant, vary or refuse an application

Applications will only be considered valid if the application is fully completed along with all required accompanying documents and payment of the application fee.

All applications will be considered on their own merits.

Applications that do not involve any changes to the standard conditions will be determined within 10 days, and the licence will be granted for a period of six months.

There may be applicants who would like the terms of their licence application varied. For example, a juggler might choose to apply to vary the pitch conditions to allow flaming torches; or a magician might choose to apply to vary the pitch conditions to allow a performance with a licensed performing animal. An application to vary any of the standard conditions can be made when making the application for the licence by completing the appropriate section of the application form. Should an applicant request a variation, they may expect to receive a decision within 21 days.

The following process for deciding whether to grant, vary or refuse an application is set out below:

- **Determining Officer** – The decision whether to grant, vary or refuse an application for a busking and street entertainment licence will in most cases be made by a determining officer.
- **Senior Manager** – The delegated officer may refer applications that are considered more serious, complex, sensitive or concerning more unusual or innovative varying terms and conditions to a senior manager for consideration.

When we may refuse an application

An application for a busking and street entertainment licence may be refused on the following grounds:

Refusal Reason	Considerations include (but not limited to):
Does not meet the threshold of 'fit and proper'	<ul style="list-style-type: none"> ● Does not have a right to work. ● Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. ● Has a record of noncompliance with the Westminster Code of Conduct and/or officer instructions. ● Has a record of substantiated complaints and noncompliance with licence terms and conditions. ● A licence has previously been revoked in our city or other similar schemes. ● Information provided as part of the application is demonstrated to be false.
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

³ These regulations are made pursuant to section 36(1) of the London Local Authorities Act 2000

When we may revoke a licence

The decision to revoke a licence may only be made by the Licensing Sub-Committee.

A Police Officer or Authorised Officer of the council may request that the Licensing Sub-Committee consider that a busking and street entertainment licence should be revoked. In such cases the busker or street entertainer licence holder will:

- Receive a letter setting out the grounds upon which the officer is requesting that the busking and street entertainment licence ought to be revoked.
- Be given 21 days to provide a written submission for consideration by the Licensing Sub-Committee.
- Be invited to attend a Licensing Sub-Committee where the licence holder will be given an opportunity to address the Licensing Sub-Committee.

A licence may be revoked on the following grounds:

- That there has been a breach of the conditions of the licence;
- that nuisance has been caused or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking and street entertainment taking place.

How you can cancel your licence

A performer wanting to cancel their licence can do so if the request is made in writing to the council. This can be done via the councils busking and street entertainment webpages.

How you can renew your licence

A busker and street entertainer can apply to renew their busking and street entertainment licence online. A renewal application should only be made when being made on the same terms of the existing licence. If any changes are required, this will be treated as a new application.

If an application to renew a licence is submitted prior to the expiry of that licence, it will be deemed to continue until the application for the renewal is determined. Where a licence expires before a renewal application is submitted, the licence holder will need to apply for an entirely new licence.

When you can appeal a decision, we have made

There is a right of appeal if:

- an application for the grant of a licence is refused.
- a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held.
- a licence holder whose licence has been revoked.

Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins seven days after the notification was posted by first class post.

A further appeal against the Magistrates' Court decision may be made to the Crown Court where the court may make any such order as it thinks fit.

Getting your feedback and reviewing our Policy

We are committed to monitoring this policy through regular feedback with our community including buskers and street entertainers, residents and businesses. Feedback sessions will occur every three months throughout the first full calendar year of the policy, in order to assess its impact and effectiveness. Meeting dates and how to get involved in these feedback sessions will be available online.

We will also complete a full review after the first 12 months (or sooner) and amend the policy if required.

COMPLAINTS, COMPLIANCE AND ENFORCEMENT

Making a complaint

Buskers and street entertainers are usually unaware of the impact they are having on their surroundings and will often happily adjust their performance if asked. If a busker or street entertainer is causing a nuisance and you feel comfortable to do so, you should approach them, explain the problem and politely ask that they adjust their performance.

If speaking to the busker or street entertainer is not possible, or you are experiencing an on-going issue, you can report your complaint to the council.

Please provide us with as much information as possible as this helps our enforcement officers gather the right information and take targeted action. Your complaint should include information such as:

- The physical description of the busker or street entertainer.
- The exact location and time of the performance.
- What type of performance it was (for example a band, a magician etc.)
- What behaviour was problematic and/or causing you a nuisance and for how long.
- Any other information you think will be relevant for our officers to know.

To report a complaint go online at westminster.gov.uk/report-it or call us on 020 7641 2000.

Compliance and Enforcement

In line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the Busking and Street Entertainment Policy across our city which may include receiving a warning notice. Should the busker or street entertainer continue to act unreasonably or breach the licensing conditions, our officers will take appropriate enforcement action.

The enforcement action taken will vary depending on whether the busker or street entertainer is in a nonregulated or regulated area, as outlined below.

Enforcement in Nonregulated / Self-regulated Areas

In all non-regulated areas across our city the following enforcement options are available to an authorised officer or police officer:

- they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance which may include requesting that the performance stops.
- they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

Enforcement in Regulated Areas

In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the licence conditions, the following additional options are available to an authorised officer or a police officer:

- equipment (including instruments) connected with the busking and street entertainment may be seized.
- proceedings may be instigated to prosecute the person for offences under Part V London Local Authorities Act 2000.
- the council may consider revoking the licence and/or refusing any future application.

The Busking and Street Entertainment Regulation Areas

Full details of designated streets under Part V London Local Authorities Act 2000

Oxford Street

- Oxford Street in its entirety

Marble Arch

- Traffic island immediately west of Oxford Street (site of Marble Arch), all carriageways and footways around it including Bayswater Road and Cumberland Gate. Extending to Edgware Road, both sides (including carriageway, pavements and walkways) up to the junction of Connaught Place
- Great Cumberland Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street

North of Oxford Street

- Old Quebec Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street
- Portman Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street
- Orchard Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Portland Mews South
- Duke Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Wigmore Street
- Bird Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Barrett Street
- James Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Wigmore Street
- Picton Place in its entirety (including carriageway, pavements and walkways)
- Barrett Street in its entirety (including carriageway, pavements and walkways)
- Gees Court in its entirety (including carriageway, pavements and walkways)
- St Christopher's Place in its entirety (including carriageway, pavements and walkways)
- Stratford Place in its entirety (including carriageway, pavements and walkways)

- Marylebone Lane (including carriageway, pavements and walkways) from both junction off Oxford Street to junction of Henrietta Place
- Vere Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Chapel Place, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Old Cavendish Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Holles Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Cavendish Square
- John Prince's Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Regent Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Great Portland Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Great Castle Street, (including carriageway, pavements and walkways) from junction to Great Portland Street to junction of Market Place
- Market Place in its entirety (including carriageway, pavements and walkways)
- Market Court in its entirety (including carriageway, pavements and walkways)
- Great Titchfield Street in its entirety (including carriageway, pavements and walkways)
- Winsley Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Eastcastle Street
- Adam and Eve Court, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street
- Wells Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street
- Berners Street, both sides (including carriageway, pavements and walkways) junction to Oxford Street to junction to Eastcastle Street

- Newman Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street
- Rathbone Square in its entirety (including carriageway, pavements and walkways)
- Perry's Place in its entirety (including carriageway, pavements and walkways)
- Rathbone Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Gresse Street
- Gresse Street from junction of Stephen Mews to junction of Hanway street
- Hanway Street Westminster side only (including pavements and walkways)
- Tottenham Court Road, West Side (including carriageway, pavements and walkways) from junction adjacent to Great Russell Street, to the Charing Cross road and Oxford Street junction

South of Oxford Street

- Charing Cross Road, West Side (including carriageway, pavements and walkways) from junction to Tottenham Court Road and Oxford Street to junction to junction to Goslett Yard
- Soho Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Soho Square
- Dean Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Fareham Street
- Fareham Street in its entirety, both sides (including carriageway, pavements and walkways)
- Great Chapel Street both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Fareham Street
- Wardour Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Hollen Street and Noel Street
- Berwick Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Noel Street
- Poland Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Noel Street and Great Marlborough Street
- Ramillies Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Ramillies Place

- Hills Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street inclusive of Ramillies place to junction to Ramillies Street
- Argyll Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Great Marlborough Street
- Little Argyll Street in its entirety (including carriageway, pavements and walkways)
- Regent Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Great Marlborough Street and Maddox Street
- Swallow Passage, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Princes Street
- Harewood Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Hanover Square
- Dering Street in its entirety, both sides (including carriageway, pavements and walkways)
- New Bond Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- Blenheim Street in its entirety (including carriageway, pavements and walkways)
- Woodstock Street in its entirety (including carriageway, pavements and walkways)
- Sedley Place in its entirety (including carriageway, pavements and walkways)
- Davies Mews in its entirety (including carriageway, pavements and walkways)
- South Molton Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- South Molton Lane, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- Gilbert Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Weighouse Street
- Binney Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Weighouse Street
- Duke Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brown Hart Gardens

- Lumley Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brown Hart Gardens
- Balderton Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row
- North Audley Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row
- Park Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row

Piccadilly Circus

- Regent Street, both sides (including carriageway, pavements and walkways) from junction to Air Street to junction of Shaftesbury Avenue
- Glasshouse Street, both sides (including carriageway, pavements and walkways) from junction of Regent Street to junction of Air Street
- Piccadilly (A4), both sides (including carriageway, pavements and walkways) from junction to Air Street and Eagle Place to junction of Shaftesbury Avenue
- Piccadilly lights intersection in its entirety (including carriageway, pavements and walkways)
- Pedestrianised Area at Piccadilly including the Eros Statue, carriageway, pavements and walkways
- Coventry Street, both sides (including carriageway, pavements and walkways) from junction to Piccadilly to junction of Whitcomb Street
- Shaftesbury Avenue, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Charing Cross Road
- Great Windmill Street (including carriageway, pavements and walkways) from junction of Coventry Street to junction of Shaftesbury Avenue
- Rupert Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Shaftesbury Avenue

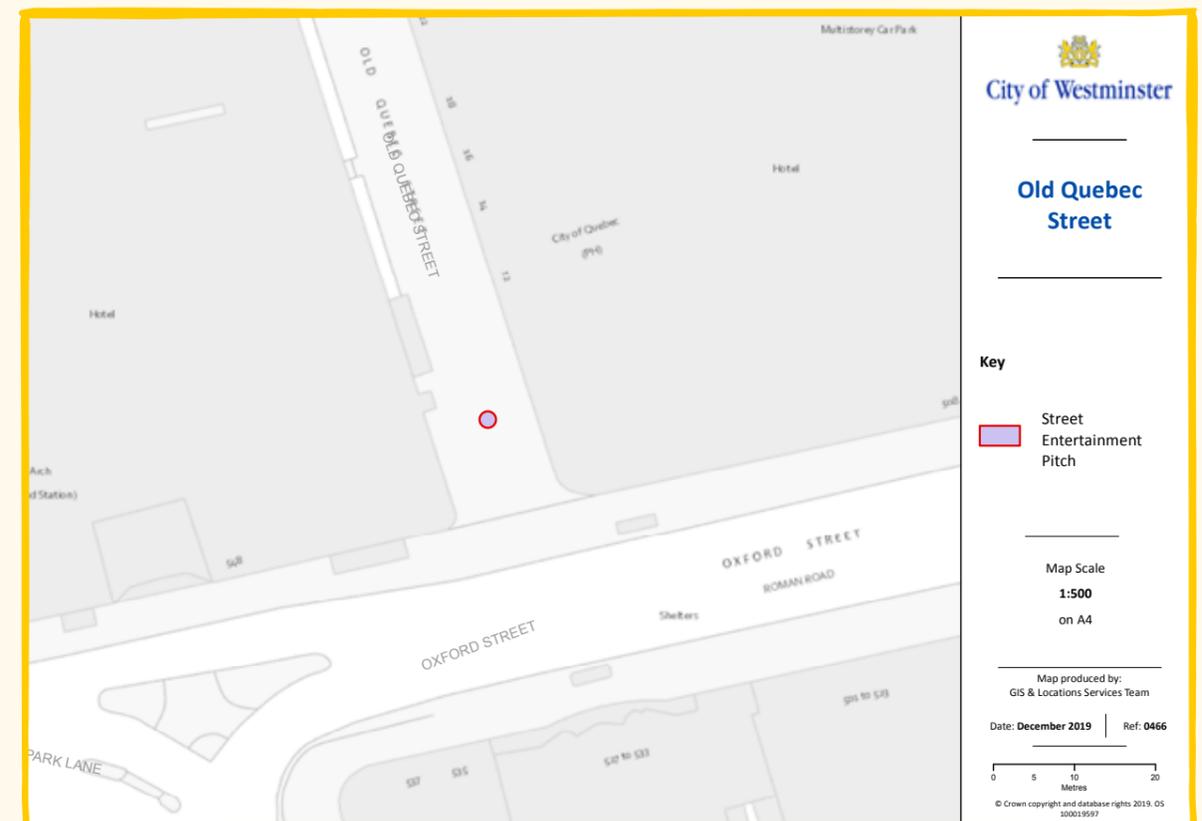
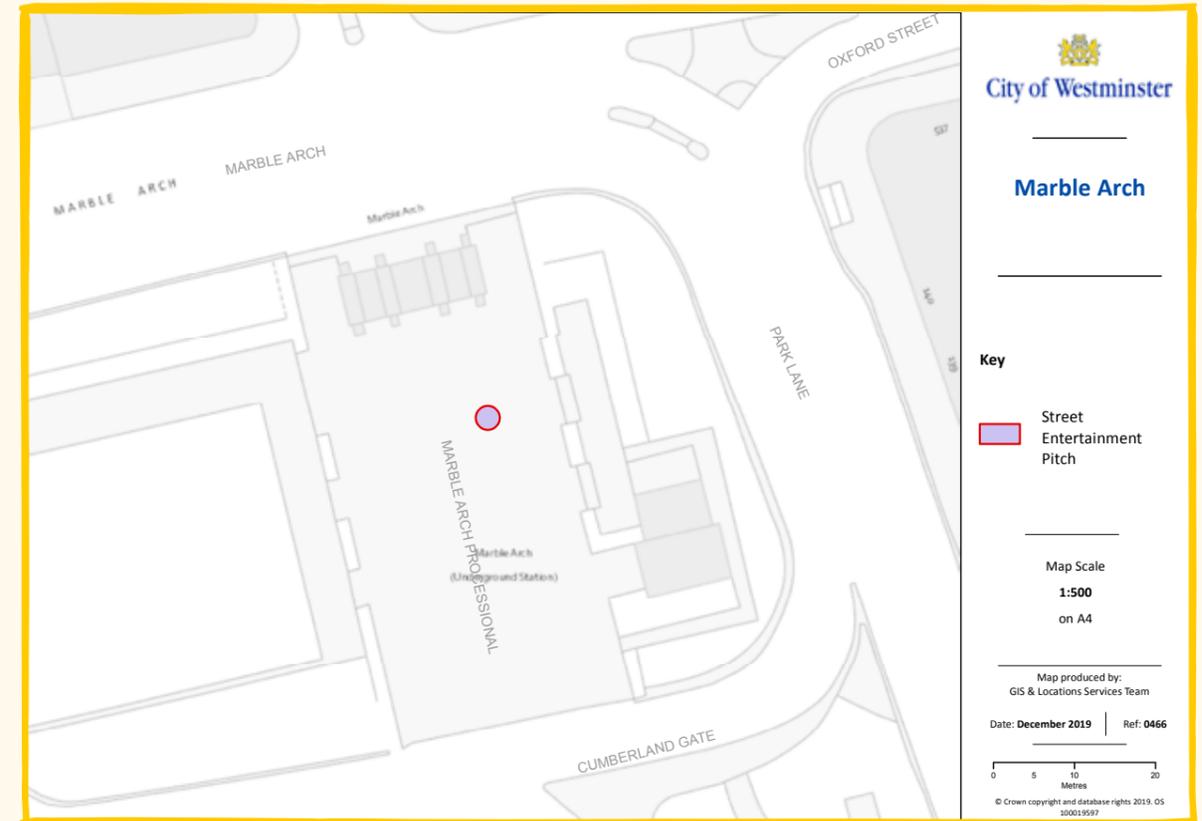
Chinatown

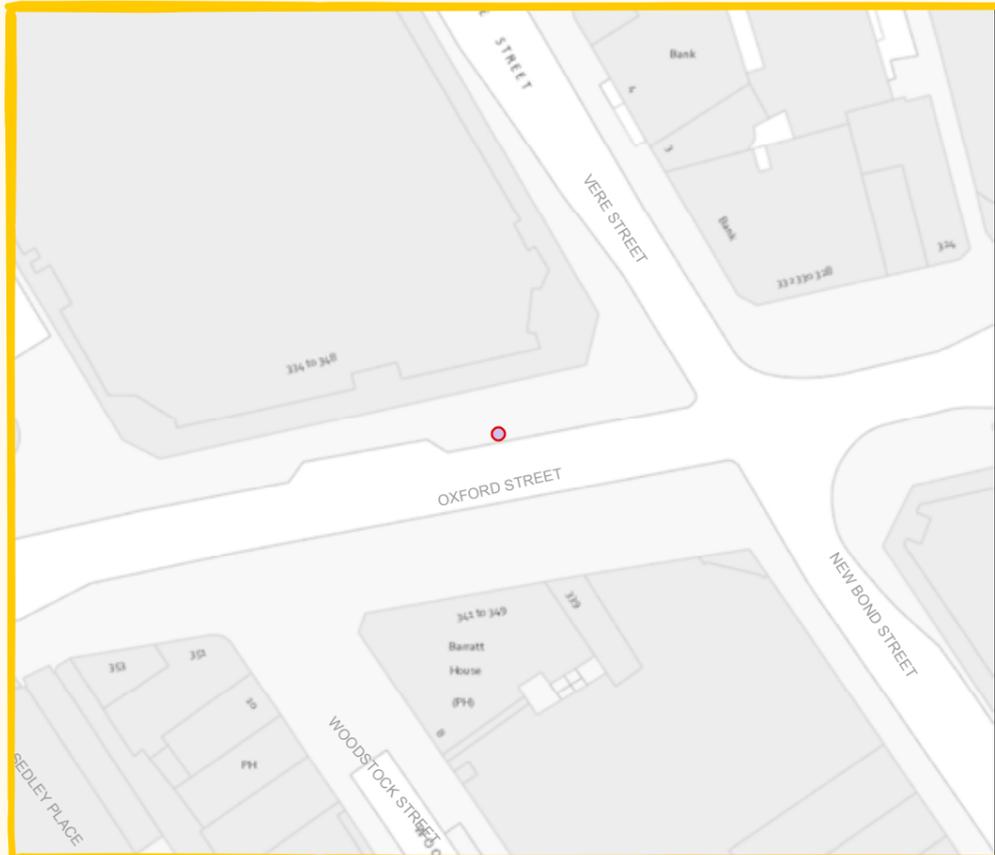
- Wardour Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Shaftesbury Avenue
- Lisle Street, in its entirety (including carriageway, pavements and walkways)
- Little Newport Street, in its entirety (including carriageway, pavements and walkways)
- Newport Place, in its entirety (including carriageway, pavements and walkways)
- Gerrard Place, in its entirety (including carriageway, pavements and walkways)
- Gerrard Street, in its entirety (including carriageway, pavements and walkways)
- Dansey Place, both sides (including carriageway, pavements and walkways) from junction to Wardour Street to junction of Macclesfield Street
- Whitcomb Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Panton Street
- Panton Street (east side), both sides (including carriageway, pavements and walkways) from junction to Whitcomb Street to junction of Leicester Square
- Macclesfield Street, in its entirety (including carriageway, pavements and walkways)

Leicester Square

- Charing Cross Road, both sides (including carriageway, pavements and walkways) from junction to Shaftesbury Avenue to junction of Irving Street
- Irving Street, both sides (including carriageway, pavements and walkways) from junction to Charing Cross Road to junction of Orange Street
- Orange Street, both sides (including carriageway, pavements and walkways) from junction to Whitcomb Street to Charing Cross Road
- Leicester Square and Leicester Square gardens in its entirety and all pedestrianised roads and areas including:
 - Leicester Street
 - Bear Street
 - Swiss Court
 - Cranbourn Alley
 - Leicester Square
 - Irving Street
 - Leicester Place
 - Panton Street
 - Cranbourn Street
 - St Martin's Street
 - Leicester Court
 - Long Court

BUSKING AND STREET ENTERTAINMENT PITCH LOCATIONS





City of Westminster

Vere Street

Key

- Street Entertainment Pitch

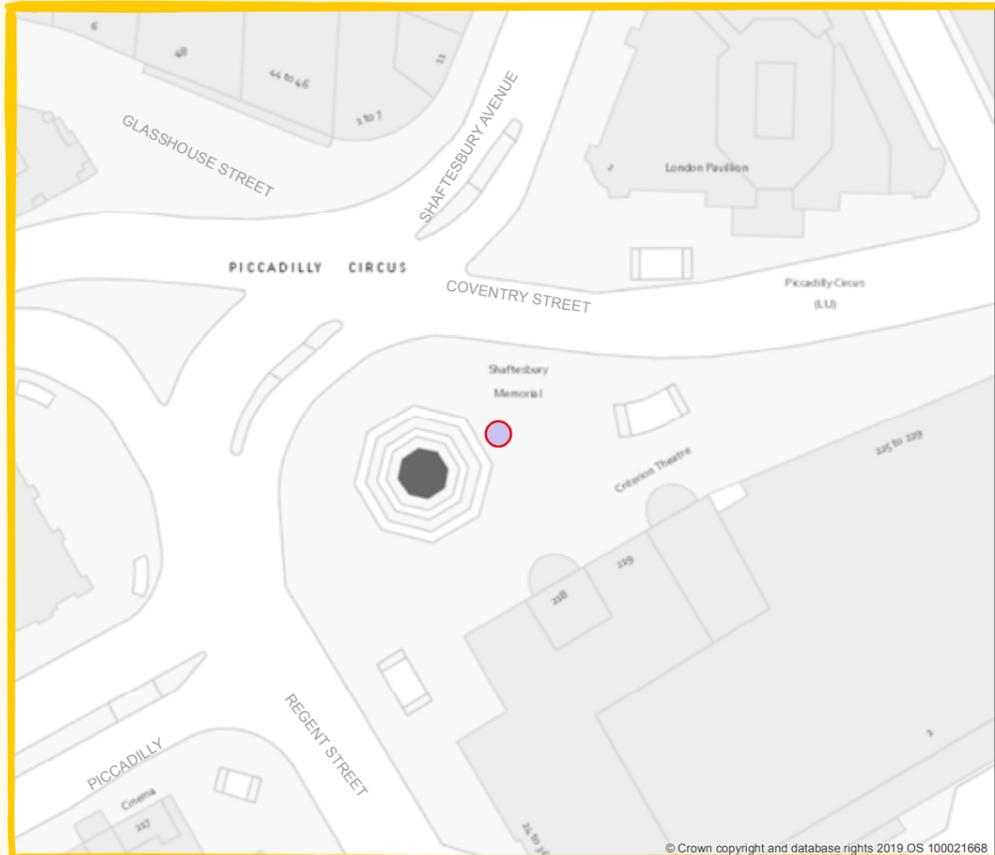
Map Scale
1:500
on A4

Map produced by:
GIS & Locations Services Team

Date: **December 2019** | Ref: **0466**

0 5 10 20
Metres

© Crown copyright and database rights 2019. OS 100019597



City of Westminster

Eros Statue

Key

- Street Entertainment Pitch

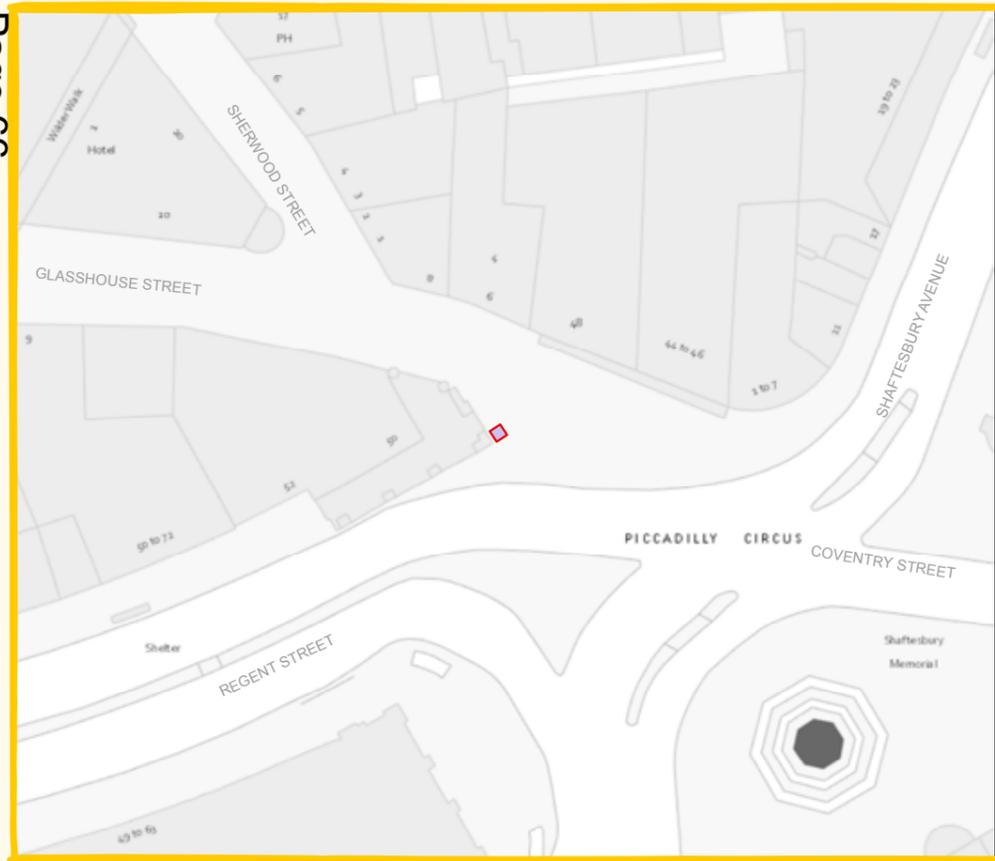
Map Scale
1:500
on A4

Map produced by:
GIS & Locations Services Team

Date: **December 2019** | Ref: **0466**

0 5 10 20
Metres

© Crown copyright and database rights 2019 OS 100021668



City of Westminster

Glasshouse Street

Key

- Street Entertainment Pitch

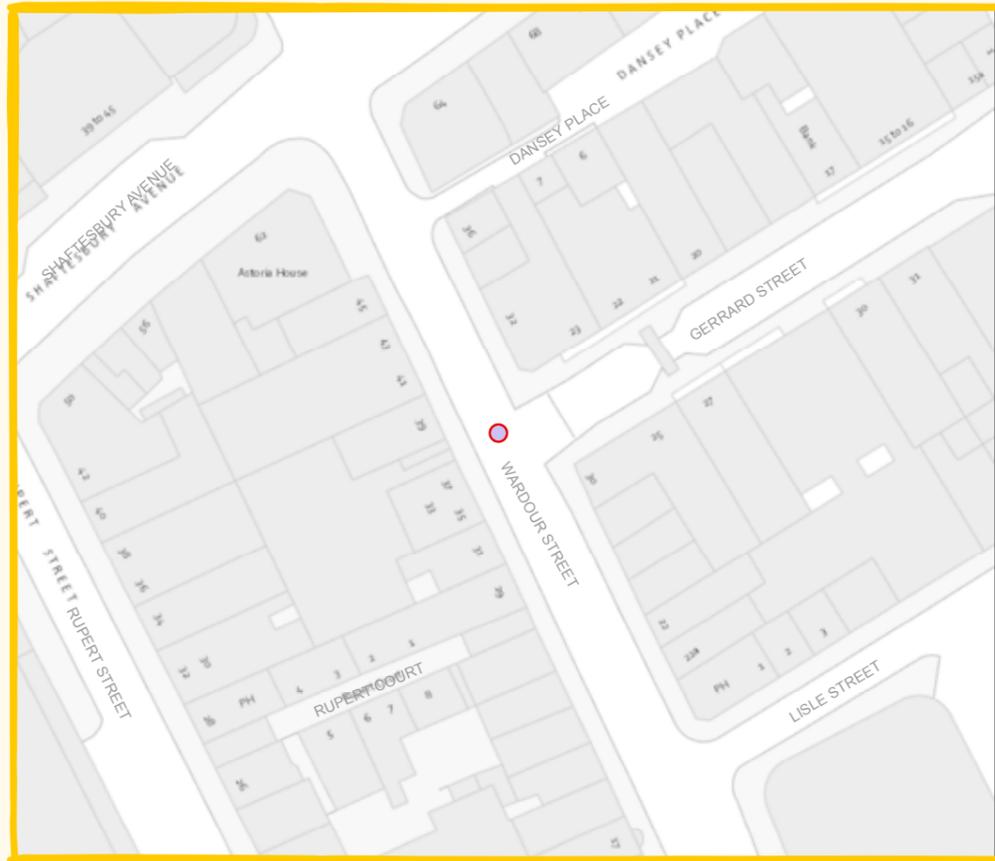
Map Scale
1:500
on A4

Map produced by:
GIS & Locations Services Team

Date: **December 2019** | Ref: **0466**

0 5 10 20
Metres

© Crown copyright and database rights 2019. OS 100019597



City of Westminster

China Town

Key

- Street Entertainment Pitch

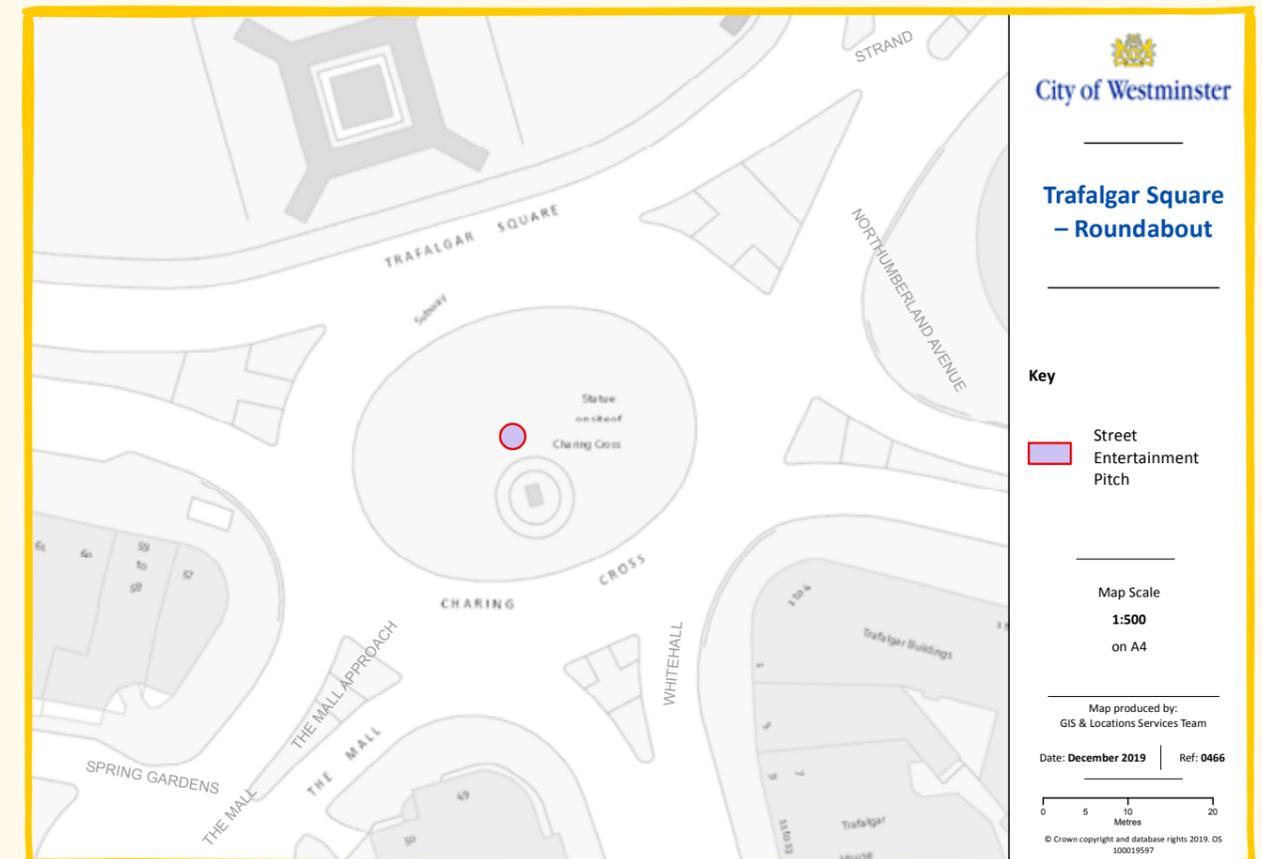
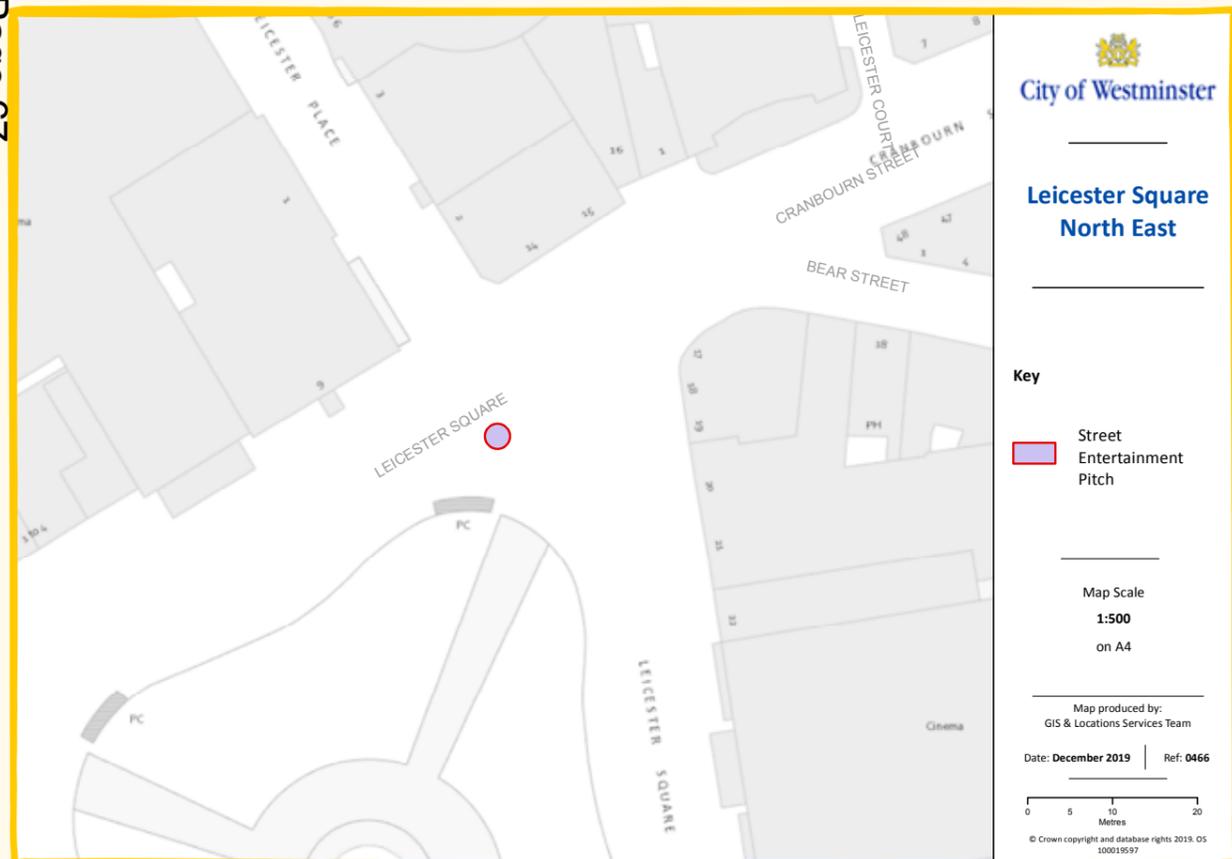
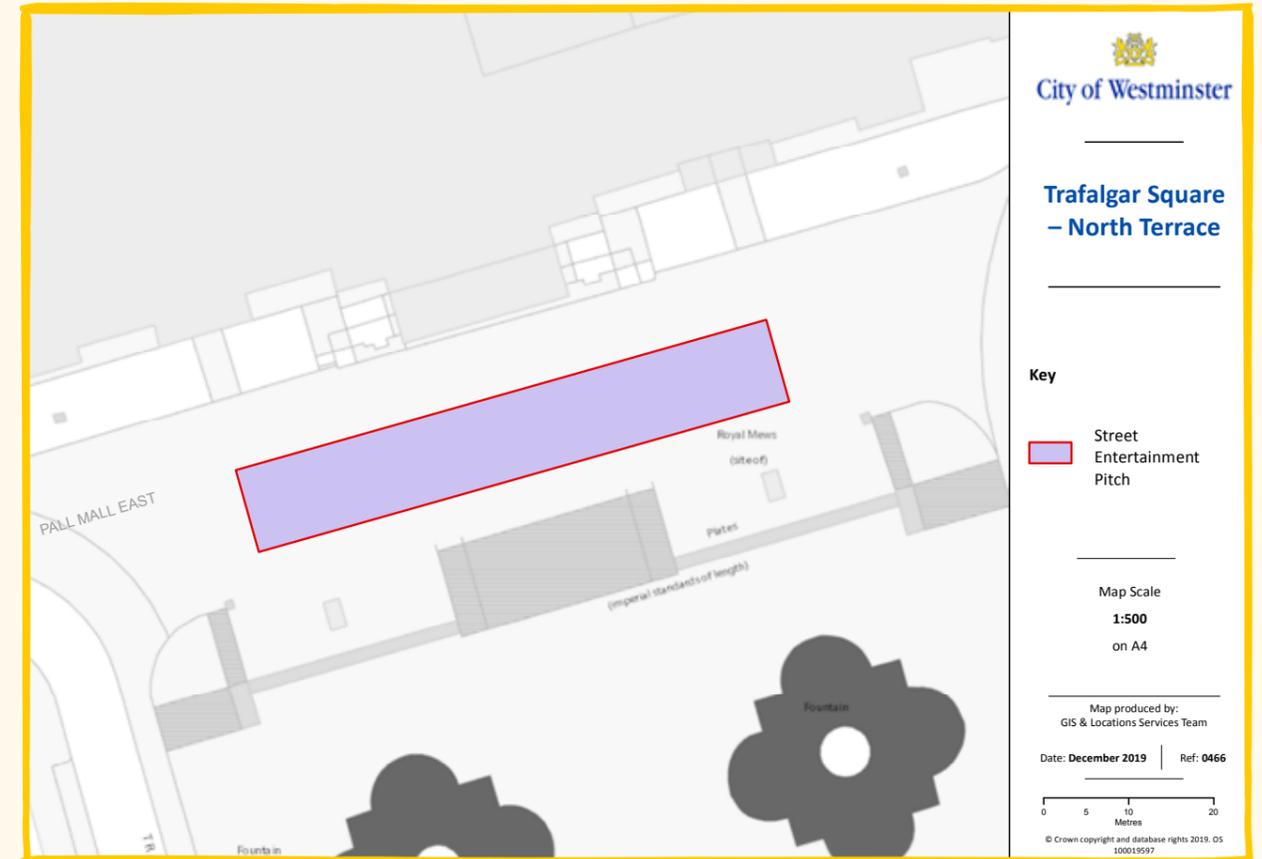
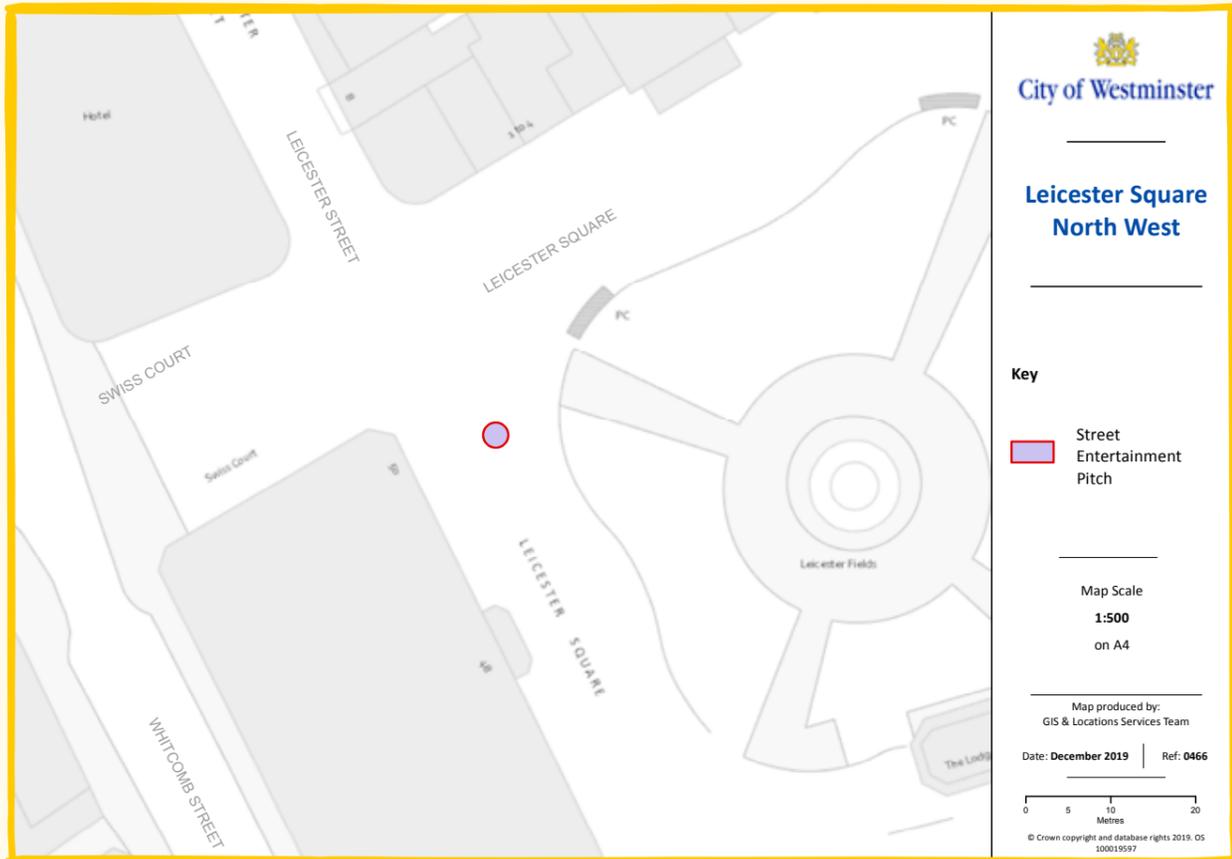
Map Scale
1:500
on A4

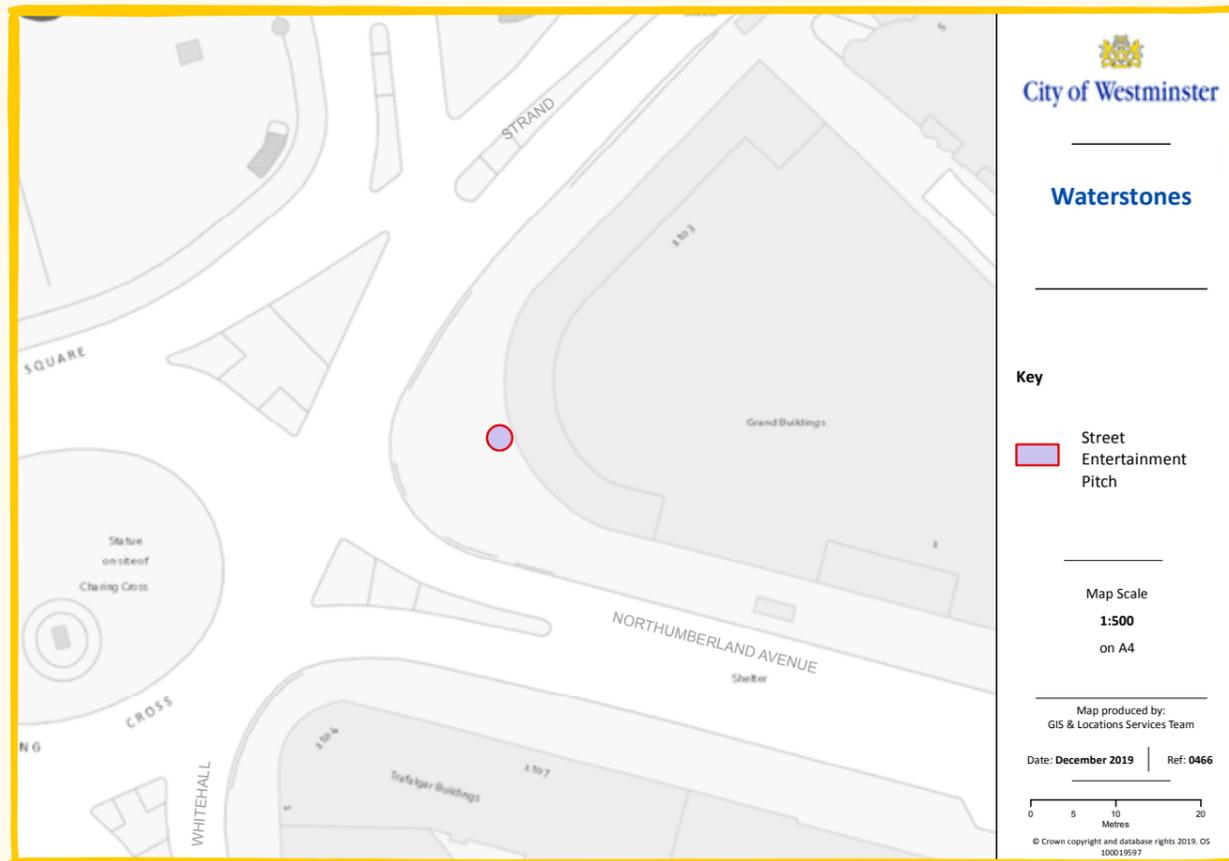
Map produced by:
GIS & Locations Services Team

Date: **December 2019** | Ref: **0466**

0 5 10 20
Metres

© Crown copyright and database rights 2019. OS 100019597





APPENDIX B

Regulations made by the City of Westminster pursuant to Section 36(1) and 36(2) of the London Local Authorities Act 2000 prescribing the information to be provided by applicants for the grant of a busking and street entertainment licence and the procedure for determining applications.

In these Regulations, the expressions “Street” and “Busking” have the same meaning as set out in Section 32 of the London Local Authorities Act 2000.

- All applications (including new applications, renewal applications and variation applications) must be made using the online application form provided by Westminster City Council and must be accompanied by a passport size photograph of the applicant, along with the application fee.
- Applications must be made by individual buskers and street entertainers. If in a group, each busker or street entertainer must apply for an individual licence.
- The following information is required for all applications:
 - Name and home address in the UK.
 - Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
 - Two forms of identification, including a passport or driving licence.
 - Proof of valid Public Liability Insurance (of at least 2 million).
 - National Insurance number or declaration of right to work.
 - Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
 - Declaration of any unspent convictions.
 - Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
 - Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- The applicant will be given the option of declaring the following information:
 - Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
 - Self-declaration of having signed up to join the Westminster Busking and Street Entertainment Forum.
- The applicant will also be given the opportunity to apply for a temporary licence to engage in street trading pursuant to the City of Westminster Act 1999. Such a temporary licence will only be granted if the busking and street entertainment licence is granted and the duration of the temporary licence will be identical to the duration of the busking and street entertainment licence.
- Any temporary licence that is granted pursuant to the City of Westminster Act 1990 in accordance with these regulations will only permit trading to take place from the designated pitch at which the busker and street entertainer is performing for a period starting when the performance commences and ending 15 minutes after the performance has concluded. The trading permitted by such a licence will be restricted to merchandise that is directly related to the busking and street entertainment taking place (such as CDs being sold by a musician). A separate fee will have to be paid for the temporary licence.

Additional requirements for a variation application

7. The following additional information is required for any application to vary a busking and street entertainment licence:
 - The conditions requested to be varied.
 - Proposals for alternative conditions (if any).
8. It is not possible to apply to vary a licence to provide busking and street entertainment in any part of the Westminster City Council that has not been designated as a licence street.

The Procedure for Determining Applications

9. Applications will only be regarded as valid when they have been made in accordance with these regulations, including the payment of the correct fee.
10. Any application that is made to engage in busking and street entertainment in any street in the Westminster City Council that has not been designated as a licence street will be refused (in accordance with Section 37 (2) of the London Local Authorities Act 2000).
11. All applications granted by the council shall be deemed to have been so granted subject to any standard conditions that have been prescribed by the council under Section 40 of the London Local Authorities Act 2000, except so far as they are expressly excluded or amended in any particular case.
12. Applications may be granted in full or refused or granted subject to such additional conditions as may be considered appropriate in the circumstances.
13. An application to vary a busking and street entertainment licence can be made at the same time as an application for a new licence or an application to renew the licence without incurring an additional fee. An application to vary a licence that is made at any other time will incur a separate fee.
14. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does not involve any changes to the standard conditions will usually be determined within 10 working days following the receipt of the application (excluding weekends and all bank and public holidays).

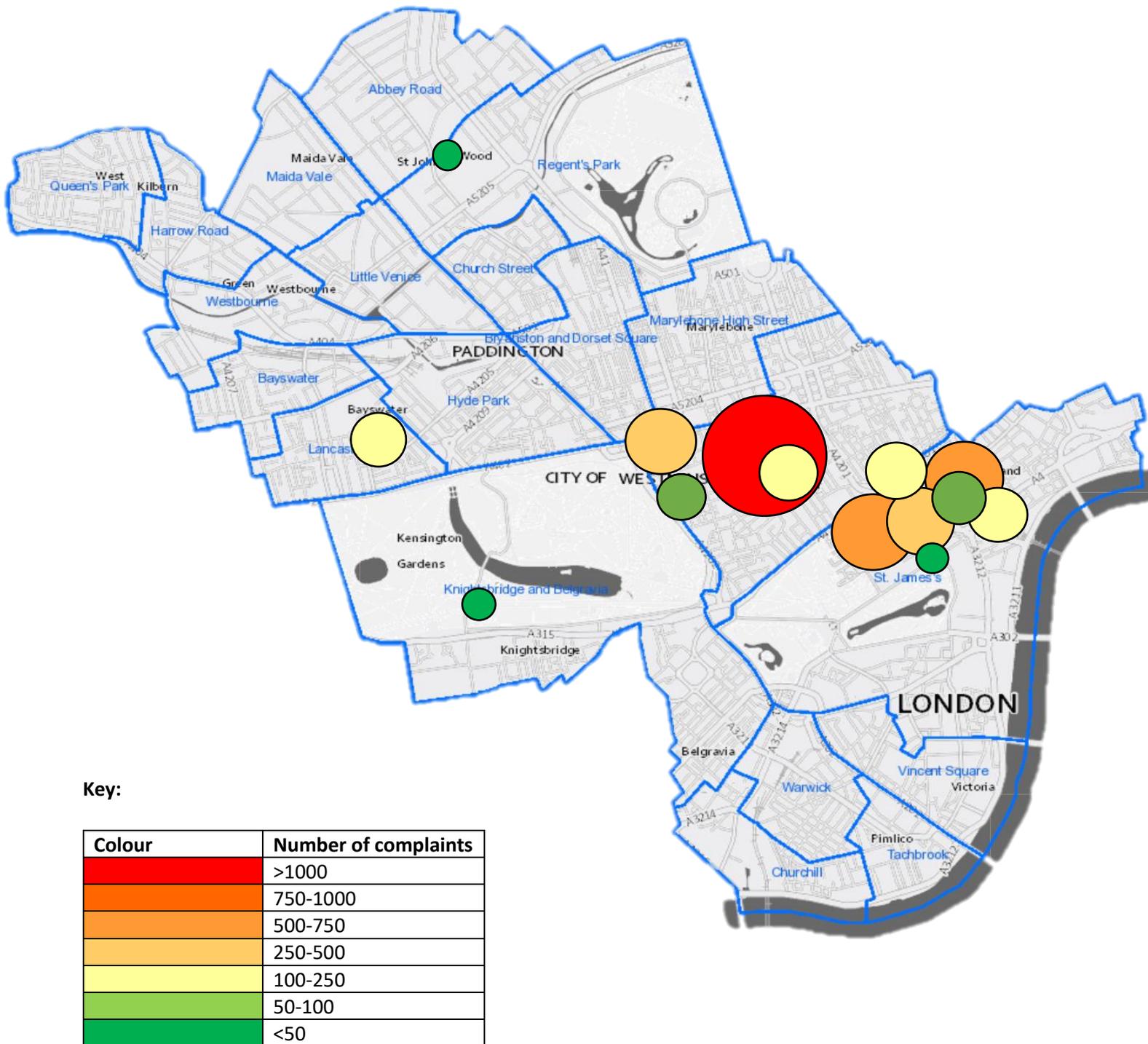
15. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does involve any changes to the standard conditions will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
16. Subject to Condition 22 below, a valid application for a variation of a busking and street entertainment licence that is not made at the same time as an application for a new licence or for the renewal of that licence will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
17. A busking and street entertainment licence will be granted for a period of six months.
18. An application to renew a busking and street entertainment licence must be made so as to be received by the licensing authority on or before the date of expiry of the existing licence. No late applications for renewal will be processed.
19. When an application to renew a busking and street entertainment licence has been made so as to be received by the licensing authority on or before the date of expiry of the existing licence, the existing licence will be deemed to remain in force until such time as it is either renewed or the holder of the licence is informed in writing that the application has been refused. The holder of the licence is deemed to have been informed that the application has been refused as soon as he or she has been informed of the refusal or seven days after the date when the notice of refusal was posted by first class pre-paid letter to the address held for that person by the licensing authority, whichever is the earliest.
20. All applications will be determined by a single officer ("the determining officer"). There may be a number of determining officers but all of them will be authorised in writing by the Executive Director heading up the licensing service. The Executive Director (or any person in an equivalent post) will have delegated powers to authorise the determining officers.

21. All applications will be determined on merit having regard to any Busking and Street Entertainment policy that may be in force and may be subject to consultation with the Police or appropriate officers within the council itself, such as officers from the Environmental Health Service and Highways Service. The determination does not involve an audition process and the determining officer will not make any assessment regarding the content or the quality of the busking and street entertainment that will be provided by the applicant.
22. If the determining officer is minded to refuse the application or is only minded to grant the application subject to additional conditions being imposed on the licence, the applicant will be given written notification and an opportunity to provide additional information in support of the application. Any delay in providing additional information might impact on the ability to meet the time limits set out in Conditions 14, 15 and 16 above.
23. Applications will be determined on the basis of the information provided by the applicant, any written representations that may be received in response to any consultation and any additional written submissions received from the applicant. The final decision reached by the determining officer will not be subject to any internal review but any decision that is adverse to the applicant can be challenged by way of an appeal in accordance with the provisions contained in section 41 of the London Local Authorities Act 2000.
24. If a request is received to consider the possible revocation of a busking and street entertainment licence pursuant to Section 39 of the London Local Authorities Act 2000, that will be referred for determination by a Licensing Sub-Committee.



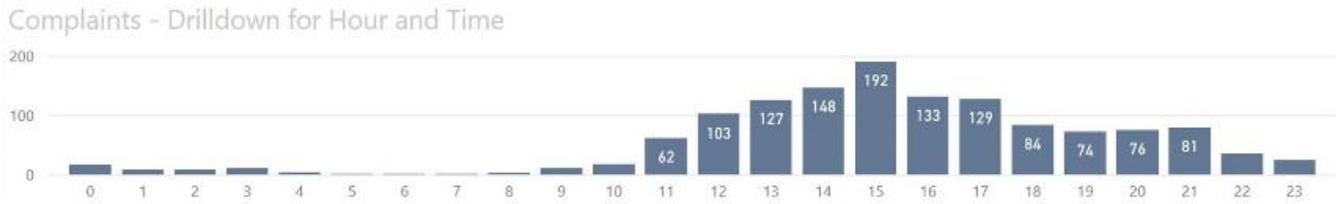
Complaints and Impact Summary

Figure 1: Heat Map of Busking and Street Entertainment Complaints received across the City of Westminster, April 2017 to November 2019



Only streets which have received at least 25 busking complaints during this period are included in the calculations for this map

Table 1: Complaints Drill Down for Hour and Time - 2017/19



Most complaints we receive are mid-afternoon which is believed to reflect the likely cumulative impact felt by businesses and their employees at this time.

Figure 2: 1156 complaints in 2017/18 broken down by month

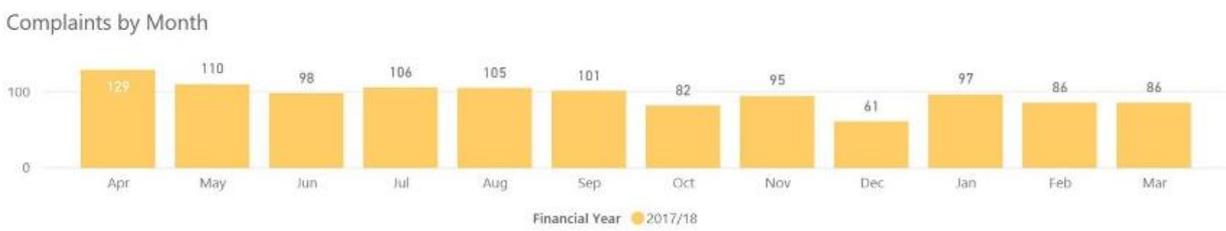


Figure 3: 1359 complaints from April – November 2019 broken down by month



Witness and Expert Witness Statements

Total Council Officer Statements 3

Summary:

- Overall all officers feel that responsible busking can contribute culturally to the borough, but that due to adverse impacts, stronger controls are required
- Acknowledgment that complaints levels regarding busking and street entertainment are high, and that current approach is not effective enough for our popular Busking and Street Entertainment areas
- Concerns regarding current approach and resource intensive inefficiency
- MET Police statement raising concerns regarding busking and street entertainment crowds attracting crime

- Endorsement of a balanced, proportionate approach that encourages responsible busking within the City

Total Oxford Street Resident Statements

6

Summary:

- Long-suffering residents are against any busking at all in this location
- Lack of repertoire is cited frequently as an issue
- Main concerns are noise, obstruction and unfriendly responses when asked to desist

Total Oxford Street Business Statements

7

Summary:

- Main Concerns:
 - Obstruction of Highway
 - Complaints from customers due to noise and quality of acts
 - Noise Issues
 - Safety issues due to obstruction, particularly around tube stations
 - Detrimental effect to working environment
- Businesses are overall concerned that many unsuitable pitches are used on Oxford Street that have adverse impacts for Residents, Businesses and Visitors to the area

Total Leicester Square, Piccadilly Circus and China Town Business Statements

18

Summary:

- Main concern of Businesses is the adverse impacts of amplification in these areas
- Statements report loss of business, impacts on staff working in these areas and entire meeting rooms being unusable due to the level of noise in the square
- Obstruction is listed as an issue in the square, and that crowds can sometimes obstruct entrance to businesses
- Overall businesses in this area acknowledge that busking and street entertainment has a place in the area, however most are *strongly* against **any** amplification at all in this area

Note

When assessing this data, a margin of 7% has been considered to take into account any reporting or recording error.

This page is intentionally left blank

Engagement Summary

A summary of the engagement meetings held with our stakeholders and community has been provided below. It is of note that this list is not inclusive of the correspondence exchanged with stakeholders and officers.

	Engagement	Date
1	BIDs roundtable	06/09/18
2	Policy & Scrutiny Committee	20/09/18
3	Meeting with Street Performers (walkabout)	26/09/18
4	Correspondence with West End Community Network	27/09/18
5	Meeting with Keep Streets Live	02/10/18
6	Meeting with HOLBA	04/10/18
7	Meeting with Residents and Amenity Societies	09/10/18
8	Street Entertainment Collaborative Workshop	23/10/18
9	Street Entertainment Collaborative Workshop	25/10/18
10	Meeting with Busk in London/GLA	30/10/18
11	Street Entertainment Collaborative Workshop	01/11/18
12	Meeting with CAPCO	02/11/18
13	Meeting with National Gallery	12/11/18
14	Meeting with HOLBA Membership	20/11/18
15	Licensing Committee	28/11/18
16	Meeting with NVEC	29/11/18
17	Oxford Street Collaborative Focus Group	12/12/18
18	Leicester Square Collaborative Focus Group	17/12/18
19	Trafalgar Square Collaborative Focus Group	18/12/18
20	Meeting with Keep Streets Live and Street Performers (walkabout)	19/12/18
22	Meeting with NVEC	04/01/19
23	Meeting with SPA	03/04/19
24	Meeting with Shaftesbury Estate	30/04/19
25	Meeting with NVEC	30/07/19
26	Meeting with Marble Arch	30/07/19
27	Meeting with HOLBA	01/08/19
28	Meeting with Northbank and Portrait/National Galleries	22/08/19
29	Meeting with the SPA	22/08/19
30	Councillor Workshop Meeting	10/10/19
31	Councillor Workshop Meeting	16/10/19
32	Leicester Square Collaborative Focus Group	18/10/19
33	Trafalgar Square Collaborative Focus Group	18/10/19
34	Oxford Street Collaborative Focus Group	22/10/19
35	Meeting with Hippodrome	28/10/19
36	Meeting with GLA	29/10/19
37	Meeting with Keep Streets Live, Street Performers and the Music Union	04/11/19

38	Walk About with HOLBA, NWECC and Westminster SPA (SPA did not attend)	12/11/19
39	Update with Covent Garden SPA	19/11/19
40	Walk About with Marble Arch BID	20/11/19
41	Meeting with Camden Council	20/11/19
42	Meeting with Leicester Square Businesses	20/11/19
43	Meeting with Criterion Theatre	20/11/19
44	Meeting with Buskers and Street Entertainers	12/12/19
45	Meeting with Buskers and Street Entertainers	18/12/19