



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 8th July, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

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

Members of the public are welcome to view this meeting and can do so by following the link below:

[Licensing Committee Live Broadcast](#)



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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the previous meeting held on Tuesday 25 February 2020.

(Pages 5 - 8)

4. REVIEW OF PROPORTIONALITY ON LICENSING SUB-COMMITTEES

Report of the Director of Law

(Pages 9 - 12)

5. TACHBROOK STREET MARKET ELECTRICAL UPGRADE AND PITCH REALIGNMENT PROPOSAL

Report of the Director of Public Protection and Licensing/ Director of Economic Development.

(Pages 13 - 28)

6. BUSKING AND STREET ENTERTAINMENT POLICY CONSULTATION RESULTS

Report of the Director of Public Protection and Licensing

(Pages 29 - 60)

7. LICENSING APPEALS

Report of the Director of Law.

(Pages 61 - 64)

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Stuart Love
Chief Executive
30 June 2020

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CITY OF WESTMINSTER

DRAFT MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Tuesday 25 February 2020**, Room 18.2, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Heather Acton (Chair), Barbara Arzymanow, Margot Bright, Maggie Carman, Peter Freeman, Murad Gassanly, Jim Glen, Louise Hyams, Aicha Less, Tim Mitchell, and Jacqui Wilkinson.

Officers present: Andrew Ralph (Head of Licensing and Regulatory Service), Kerry Simpkin, (Head of Licensing Policy, City Policy and Strategy), Heidi Titcombe (Principal Solicitor) and Kisi Smith-Charlemagne (Senior Committee and Governance Officer).

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

Officers: Sara Sutton (Executive Director of Environment, City Management and Communities), Annette Acik (Interim Director of Public Protection and Licensing),

1 MEMBERSHIP

It was noted that Councillor Acton had replaced Councillor Ian Adams as Chairman of the Licensing Committee and welcomed Councillor Barbara Arzymanow to the Licensing Committee.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3 MINUTES

3.1 It was noted that due to the urgency of this meeting, the minutes for the 10 January have not been through the sign off process yet and will be approved at the next Licensing Committee Meeting on 22nd April 2020.

3.2 **RESOLVED:** That the minutes of the Licensing Committee for the 10 January be approved at the next Licensing Committee Meeting on 22nd April 2020.

4 SEX ESTABLISHMENT (SEX SHOPS) RETROSPECTIVE FEES FOR 2010/11 TO 2012/13 FOLLOWING SUPREME COURT JUDGEMENT ON HEMMING AND OTHERS V WESTMINSTER CITY COUNCIL

- 4.1 The Licensing Committee received a report from officer's which provided a summary and background information surrounding the legal challenges of the council's sex establishment fees and to retrospectively approve the sex establishment fees, inclusive of the enforcement costs for the years 2010/11 to 2012/13. The Chairman provided the members of the committee with a summary of the council's position to date and advised members to consider the recommendations and explained why a decision needed to be made to approve the council's sex establishment fees.
- 4.2 Kerry Simpkin addressed the members providing an update on the legislation, history and background of sex establishment in Westminster, this included the fees for years 2010/11 to 2012/13. Heidi Titcombe set out the timeline of the Hemmings case, up to the current decision by the Supreme Court which confirmed that the Council can charge monitoring and enforcement costs as part of the fees for granting a sex establishment licence. The Licensing Committee was advised that the next step in this case will be for the council to seek the repayment of the fees it was ordered to repay to Hemmings and the other parties as a result of the High Court judgment in addition to the overpayment paid in June 2013. Officer's advised the Licensing Committee to consider and to adopt the retrospective fees as set out in report for 2010/11 to 2012/13.
- 4.3 The Chairman of the Committee queried the overpayment of £229,966 and sought reassurances from officers that mechanisms had been put into place to ensure that this type of error could not be repeated. Officers indicated that new processes had been put in place to hopefully prevent this type of error happening in the future. The committee members were keen to ensure that this sum is recovered. Ms Titcombe advised the committee members that she did not know, as the payments were not made by Legal Services, but by the Client department so she was unable to give assurances.
- 4.4 Ms Titcombe advised the Licensing Committee that the Administrative Court is being asked to quantify the fees owing to the Council and this report and other statements in support will be submitted to support the council's position. The other parties will need to decide whether they are prepared to accept the Council's claim or whether they want to challenge any aspects of the sums claimed. Ms Titcombe advised that the council would be seeking to recover all its legal costs. Ms Titcombe advised that all licensing regimes are supposed to be self-financing so that the administrative costs of processing and granting licenses should be recovered, together with the costs of monitoring and enforcing the entire licensing regime against unlicensed and licensed operators.
- 4.5 Mr Simpkin advised the Licensing Committee that as both parties remain in dispute over the quantification regarding the precise amount that must be repaid to the council, the Supreme Court has ordered that these disputes are

determined by a judge in the Administrative Court. Members discussed briefly producing a business case for the future plans of the Soho area. After carefully considering the report including the fees set out in section 10 of the report the members of the Licensing Committee approved the sex establishment fee levels for the licensing years 2010/11 to 2012/13 as set out in recommendation in paragraph 2.2 of the report.

4.6 **RESOLVED:** That the proposed fees as set out in table paragraph 10.10 of the report be approved as set out in paragraph 2.2 of the report.

5 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

5.1 There was no other business raised by the Committee.

6 FUTURE LICENSING COMMITTEE MEETING DATES

6.1 It was noted that the next meetings of the Licensing Committee would be held on Wednesday 22 April 2020 and Wednesday 8 July 2020. All meetings are scheduled to start at 10.00am.

The meeting ended at 14.30pm.

CHAIRMAN: _____

DATE _____

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City of Westminster

Committee Report

Date: 08 July 2020

Classification: For General Release

Title: Review of Proportionality on Sub-Committees

Report of: Director of Law

Wards Involved: Not applicable

Policy Context: Management of the Council

Financial Summary: None

Report Author: Kisi Smith-Charlemagne

Email: kscharlemagne@westminster.gov.uk

1. Summary

1.1 This report is submitted to review the proportional division of seats on the Committee's respective Sub-Committees and to note their memberships.

2. Recommendation

1. That the Committee confirm the proportional division of seats on the Sub-Committees listed below:

Sub-Committee	Members	Proportionality	
		Cons	Labour
Licensing	15	11	4

2. That the committee note the memberships on the Sub-committees as set out in Appendix A.

3. Background Information

- 3.1 Under statutory regulations, Committees are required to review at least annually the proportional division of seats on their Sub-Committees.
- 3.2 The memberships of each of the sub-committees are set out in Appendix A.

4. Legal Implications

- 4.1 The Council is required to carry out a review of seats at least annually in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. These requirements are reflected in this report.

If you have any queries about this report or wish to inspect any of the background papers please contact Reuben Segal on 07890380137; Email: rsegal@westminster.gov.uk

Background Papers

SUB-COMMITTEE MEMBERSHIPS RELATING TO THE GENERAL PURPOSES COMMITTEE

Committee	Constitution	Proportionality		Membership
		Con	Lab	
				(C) Conservative (L) Labour (Ch) Chairman (SCCh) Sub Committee Chair
Licensing Committee	15	11	4	Heather Acton (C) (Ch) (SCCh) Tim Mitchell (C) (SCCh) Karen Scarborough (C) (SCCh) Jacqui Wilkinson (C) (SCCh) Murad Gassanly (C) (SCCh) Jim Glen (C) Barbara Arzymanow (C) Peter Freeman (C) Susie Burbridge (C) Louise Hyams (C) Margot Bright (C) Aziz Toki (L) Aicha Less (L) Maggie Carman (L) Rita Begum (L)

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Licensing Committee Report



City of Westminster

Item No:	
Date:	08 th July 2020
Title of Report:	Tachbrook Street Market Electrical Upgrade and Pitch Realignment Proposal
Report of:	Director of Public Protection and Licensing/ Director of Economic Development
Wards involved:	Tachbrook, Warwick and St James's
Policy context:	City of Westminster Statement of Street Trading Policy 2013 and Strategy for Westminster City Council's markets 2019-2022
Financial summary:	None
Report Author:	Ben Carlton Senior Support Officer to the Director for Economy and Regeneration
Contact details	Telephone: 07817054993 Email: bcarlton@westminster.gov.uk

1. SUMMARY OF THIS REPORT

- 1.1 This report sets out the proposed electrical infrastructure upgrade and subsequent pitch realignment for Tachbrook Street Market. This includes the rationale to realign the current market layout, a background to the electrical upgrade and the benefits these changes will deliver, to ensure the market thrives and fulfils the Council's vision for the area, as set out in the Markets Strategy.
- 1.2 The proposals have been designed to implement the necessary improvements to trader's electricity access, in line with commitments made in the Council's Markets Strategy, whilst improving health and safety and wayfinding at the market. The aim is to create a modern destination market, where vendors can trade safely, and visitors navigate more easily. The council wants to move away from independent sources of energy which are also unsafe and environmentally impactful and provide a robust solution for safe and efficient energy supply to traders. Without implementing a new layout, the electrical upgrade will not be able to take place. This electrical implementation is vital to ensure the future of the market and encourages new traders with up to date infrastructure.
- 1.3 The plans are part of a wider holistic vision for the future of the market, which includes the introduction of pay as you go electricity charging for market traders, a reprofiling of the storage space to both benefit traders and reduce vehicle congestion in the area, consistent and visible market branding, a transformation of the existing toilet facilities into refurbished toilets and kitchen space for traders, and free WiFi on the market.
- 1.4 These changes aim to address some of the main challenges facing the market, as identified in the Council's Markets Strategy. These included the lack of branding and signage in the areas immediately surrounding the market, a poor market layout which is not conducive to customers moving around the market easily, the lack of Wi-Fi and the need for improved electricity and toilet facilities, all of which were highlighted by residents and traders in their response to the 2018 Markets Consultation.
- 1.5 Market traders and key stakeholders have been invited to take part in two formal consultations regarding these proposals, with the first taking place in December 2019 and the most recent taking place from 27 January to 14 February 2020. Following advice from the London Fire Brigade, there has been a reduction of one stall for the new market layout, to meet fire access recommendations.
- 1.6 Relevant Cabinet Members and Ward Councillors have been briefed and consulted on the proposed changes.

2. RECOMMENDATIONS

- 2.1 The Committee is requested to consider the proposals and asked to approve, if appropriate, the proposed new layout of the market including the reduction in the overall number of pitches from 33 to 23.

3. Background

- 3.1 The Council's Market Strategy identifies the need for improvements in infrastructure and re-design within the local plan for Tachbrook Market. The aim is to create a modern destination market, where vendors can trade safely, and visitors navigate more easily.
- 3.2 The current electrical assets are near the end of their lifespan and some are already unusable. Replacing the existing electric system is imperative. The current below ground power bollard solution has historically struggled with water ingress, making it prone to frequent fault.
- 3.3 In the 2018 Markets Consultation, feedback from traders stated the need for an urgent electrical upgrade, with the need for a more sophisticated power supply system that allocates one bollard per pitch.
- 3.4 The proposed new scheme will also remove ground level street cabling which currently is a hazard to both customers and traders.
- 3.5 The current layout of Tachbrook Market provides space for 33 pitches. Due to the nature of the traders most do not have a 1 meter gap between hot food stalls, which is suggested for fire safety grounds. The situation is exacerbated as there are different pitch sizes on different days of the week causing overcrowding. The lack of clear pitch demarcations and numbering also represents challenges for City Inspectors, making day to day management more difficult.
- 3.6 The proposed pitch standardisation will reduce the overall number of pitches to 23 stalls and ensure all comply with health and safety recommendations. All these stalls will have access to safe and sufficient power to run their business operations. These changes have also been approved by London Fire Brigade following close engagement throughout this process.
- 3.7 A further consideration fed back through the Markets Consultation, from both traders and the community, was the need for seating on the Market. The traders felt seating would encourage visitors to stay longer, with the possibly of encouraging a higher spend. In response, the Markets Development team acquired five sets of tables and benches from the ward members that are erected daily at the market, this has been well received by traders and the community. However, the proposed improvements to the market layout, which will be more conducive to customer flow, will enable traders to receive the full benefits of this new seating.

4. Electrical Upgrade

- 4.1 The electrical upgrade will involve installing 23 new electricity bollards in line with existing street furniture along the market frontages and will allow:

- the provision of a safer and more sophisticated power supply system which allocates one 16amp bollard per pitch and one smart cable per bollard. The height of the bollards is 1005mm from the ground and the technology has recently been trialled at Berwick Street market.
- increased safety, with a new monitoring system within the feeder pillars which cuts out if a fault is found or if power overloads.
- a reduction of the number of maintenance callouts and loss of trader business due to water ingress, burnt out sockets and tripped fuses.
- The electricity supply remains the same as the existing power supply to the market. The project changes the points at which the traders plug in and the mechanism to recover the cost of electricity directly from the traders. Over time it is expected to encourage the traders who currently use gas to convert to using the electricity supply to reduce overall emissions.
- the Council to recover the cost of trader power consumption. To date the Council has not charged traders for their electricity consumption as the technology was not available to do so. However, with the emergence of Electric Vehicle Charging technology, there is a model now to monitor and charge electricity to each individual trader. The new technology includes meters that will ensure traders are only charged for the power they use individually at a set cost per kWatt.

5. Pitch realignment

5.1 The proposed pitch realignment will ensure the market is safer by eliminating the risk of fire spreading between hot food stalls. This will involve introducing a 1 metre gap between hot food traders (several hot food and non-hot food traders operate from a double pitch, this has been taking into consideration with a mix of double and single pitches – see attached diagram below) and will:

- Standardise pitch sizes to 3m x 3m to improve the markets image
- Reorganise the market layout to improve wayfinding and market appearance
- Create clear pitch markings with pitch number locations to avoid confusion
- Ensure equal pedestrian circulation from either end of the market by aligning traders along the retail frontages.
- Traders will be able to trade outwards or inwards depending on the nature of their stall, given the natural breaks between stalls, customers can easily navigate and access all stalls.

5.2 Our current approach to ensure traders can operate safely during this pandemic is to only allow traders to have 1 pitch to ensure all traders who want to trade are

able to do so safely as of June 2020. We have amended where pitches are located to ensure there is at least 2m gap between stalls. Currently we are supported by the fact that there is a significant reduction in the number of traders operating at Tachbrook.

All traders are following public health England guidelines and have appropriate sanitisation in place with face masks and gloves. In some locations we have imposed road closures to allow more space to accommodate traders however at Tachbrook this is difficult to achieve this. Traders are encouraged where possible to have sides on their gazebo to safely contain their stall. Traders are trading from different sides of the gazebos so if there are queues these can be safely managed. It is likely that the 2m ruling will be reduced to 1m however we will be guided by government announcements on this.

6. Implications for trader licences

- 6.1 Street trading in Westminster is governed by the City of Westminster Act 1999. In the case of Tachbrook Market, the street is designated and there is an approved layout. A change in layout must be approved by the Licensing Committee.
- 6.2 The proposed layout changes have been designed to minimise impact on the traders whilst, at the same time, allowing each pitch access to electricity. Only traders that use electricity will be charged and only according to their individual usage. The contract for the supply of electricity has yet to be awarded, however the rate will be competitive with other electricity rates provided on the highway. There was a clear consensus amongst traders at a recent meeting to discuss these changes that the proposed charges were fair and proportionate (See Appendix 5).
- 6.3 The new proposed layout has enough pitches to accommodate all the previously licensed traders, as of June 2020.
- 6.4 Market traders have been invited to take part in two formal consultations regarding the electrical upgrade proposal and market improvements more widely, with the first taking place in December 2019 and the most recent taking place from 27 January to 14 February 2020.
- 6.5 Currently there is only one permanent trader on Tachbrook Market. All the other traders are trading on temporary licences. Following the public realm work for the electrical upgrade and approval by The Committee of the proposed new layout traders will be invited to apply for permanent licences. It is anticipated that this application window would be between January and March 2021 and the applications would be shortlisted in April and May 2021, with a start date of 1 July 2021.
- 6.6 Only one objection was submitted in response to the first consultation in December 2019 and three trader comments, of which two were objections, were received in response to the second consultation in January/February 2020. Below is an

overview of the objection points received from the traders for both consultations. See Appendix 3 and Appendix 4.

7.0 Next steps and timeline

- 7.1 Subject to the Committees approval of this proposal, officers would recommend and plan for an implementation of the electrical upgrade in January 2021.
- 7.2 Detailed analysis has taken place to ensure that work interventions are minimal and managed properly. It is likely the works will be undertaken over an estimated two-month period. As a result, the market will be relocated during this time in the local area.

8.0 Staffing Implications

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

9. Appendices

Appendix 1	Current layout of Tachbrook Street Market
Appendix 2	Proposed layout of Tachbrook Street Market
Appendix 3	Comments received by the council following its first consultation in December 2019
Appendix 4	Comments received by the council following its second consultation in January/February 2020
Appendix 5	Minutes from Tachbrook Street Traders meeting – 27.1.2020

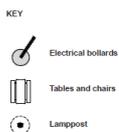
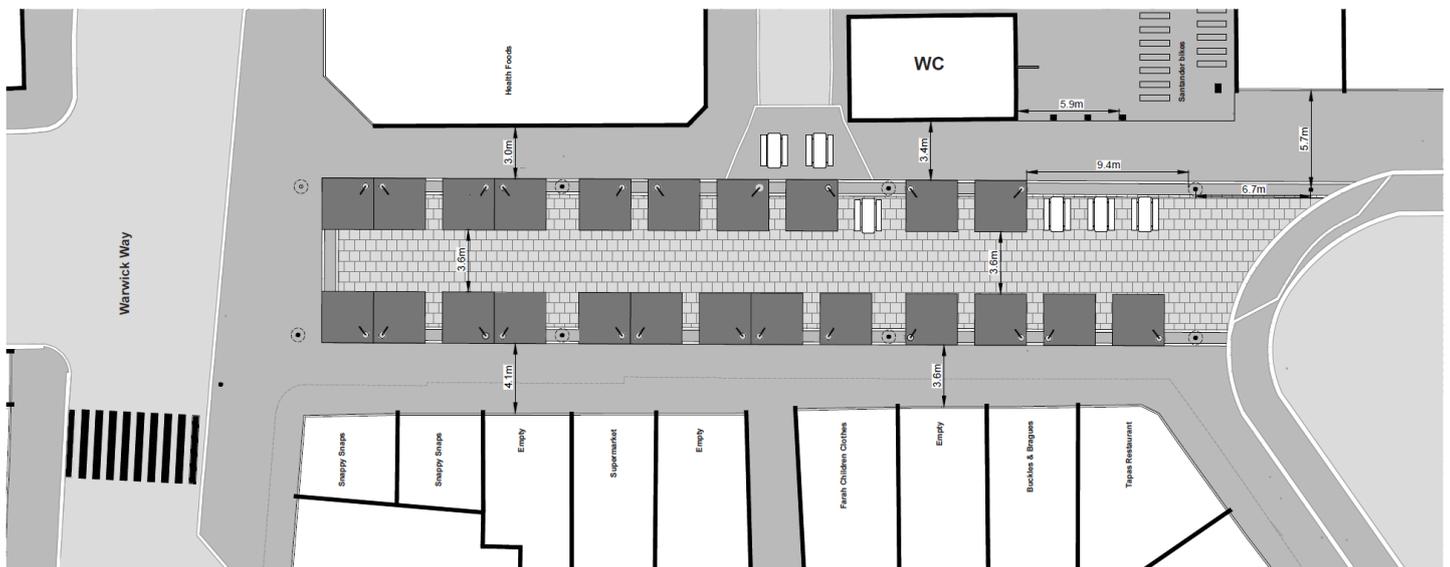
Report author:	Ben Carlton Senior Support Officer to the Director for Economy and Regeneration
Contact:	Telephone: 07817054993 Email: bcarlton@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	City of Westminster Act 1999	N/A
2	City of Westminster Statement of Street Trading Policy 2013	N/A

3	Strategy for Westminster City Council's Market 2019-2022	N/A
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Tachbrook market electrical upgrade
Version 06 / 30 December 2019 draft to be approved by City Highways

Responses from first consultation (December 2019)

Appendix 3

The below comments were received from one trader following the consultation with the traders on the proposed electrical upgrade.

1. Implementing one metre gaps between stalls would cause a risk to stall security as currently traders on neighbouring pitches watch over each other's stalls.
2. By isolating stalls, gazebos and trader infrastructure is likely to be damaged by high winds.
3. The centre of the market square is currently not used as much by pedestrians when compared with the pavement. It is important to note as there is no clear thoroughfare in the market, pedestrians walk in many different directions through the market square.
4. As stalls are currently next to each other, customers can browse other stalls whilst shopping.

5. By turning the pitches to face inwards, stalls will miss passing trade from pedestrians on the streets running parallel to the market square. on the streets nearby.

The Council's response to the points raised by the trader

1. **Implementing one metre gaps between stalls would cause a risk to stall security as currently traders on neighbouring pitches watch over each other's stalls.**

Fire safety officers have recommended a 1metre gap between stalls in order to ensure the safety of those in the market in case of a fire on a stall. The 1metre gap significantly reduces the likelihood of fire spreading. Officers have also assessed this risk for non-hot food traders and recommend that a 1 metre is not substantial enough to cause serious risk to the security of the stall. This also future proofs the market so each stall could either be a hot food or non-hot food stall in the future – giving the market additional opportunity for new products.

2. **By isolating stalls, gazebos and trader infrastructure is likely to be damaged by high winds.**

All traders need to have their own weights to secure their infrastructure in all types of weather conditions. Additional weights should be used in cases of high winds as opposed to relying on neighbouring stalls to tie them down. The trader from which this objection was raised from does not currently have any neighbouring stalls from Monday – Wednesday.

3. **The centre of the market square is currently not used as much by pedestrians when compared with the pavement. It is important to note as there is no clear thoroughfare in the market, pedestrians walk in many different directions through the market square.**

The new layout will introduce a clear pathway through the market, directing customers down the centre enabling each stall to be seen. The seating is also placed in the middle of the square to encourage those to remain in the market square with the middle providing a clear and direct walkway.

4. **As stalls are currently next to each other, customers can browse other stalls whilst shopping.**

One metre does not seem a substantial enough distance to cause a significant change to this. In addition, the proposed layout will allow customers to view the market in its entirety, rather than only a few stalls at one time, hopefully actually enhancing the shopping experience as opposed to disrupting it. Once again, this future proofs the market so each stall can be a hot food or non-hot food stall in the future.

5. **By turning the pitches to face inwards, stalls will miss passing trade from pedestrians on the streets running parallel to the market square.**

Regardless of which direction the pitches face, the market will still be visible to those walking on the streets nearby. Additional market signage is currently going through planning to really raise visibility of this market and we are also introducing a much greater level of PR and marketing than currently exists.

Response from second consultation (January/February 2020) Appendix 4

The below comments were received from three traders following the second consultation with the traders on the proposed electrical upgrade.

- 1) Is it possible for traders to attend the Licensing Committee meeting on 31 March?
- 2) I am concerned about the proposal for one socket for each pitch, as I need at least two with 16amp each.
- 3) There is a need to ensure that there will be enough space for vans to go in and out from the market.
- 4) Traders should be allowed to pick up their equipment from the market earlier, at least 3pm, as I finish earlier but I am currently waiting around until 4pm every day to collect my equipment.
- 5) Please can you confirm the measurements for the new electricity bollard. I am concerned that this will force me to trade inwards rather than outwards. These bollards should be located in the gaps between the stalls instead.

The Council's response to the points raised by the traders

- 1) Is it possible for traders to attend the Licensing Committee meeting on 31 March?**

It will be possible for traders to attend the Licensing Committee meeting on 31st March and we will circulate further details to all traders nearer the time.

- 2) I am concerned about the proposal for one socket for each pitch, as I need at least two with 16amp each.**

We will ensure your comments are put forward in the Licensing Committee report. The Highways team, who are leading on the electrical project, were in Tachbrook Street market last week, conducting further electrical tests to ascertain the amount of power and these results will be shared with traders.

- 3) There is a need to ensure that there will be enough space for vans to go in and out from the market.**

Comment noted and fed back into the Licensing Committee report.

- 4) Traders should be allowed to pick up their equipment from the market earlier, at least 3pm, as I finish earlier but I am currently waiting around until 4pm every day to collect my equipment.**

Comment noted and fed back into the Licensing Committee report.

- 5) Please can you confirm the measurements for the new electricity bollard. I am concerned that this will force me to trade inwards rather than outwards. These bollards should be located in the gaps between the stalls instead.**

The height of the bollard is 1005mm from the ground and we will try to get a bollard to bring down to the market. This information was also circulated to all traders.



City of Westminster

Minutes

Tachbrook Street Traders Meeting

Date: 27 January 2020

Time: 3.30-5pm

Location: CITY HALL

WCC Attendees:

Catherine Brice – Programme Director – Westminster Markets

Sarah Hoare – Business Improvement and Development Manager - City Highways

Hiren Patel – WSP

Steph Murphy – Markets Development Officer

Ben Carlton – Senior Support Officer to the Economy Team

Background

The Council's Market Strategy identifies the need for improvements in infrastructure and re-design within the local plan for Tachbrook Market. The aim is to create a modern destination market, where vendors can trade safely, and visitors navigate more easily.

The current electrical assets are near the end of their lifespan and some are already unusable. Replacing the existing electric system is imperative. The current below ground power bollard solution has historically struggled with water ingress, making it prone to frequent fault. In the 2018 Markets Consultation, feedback from traders emphatically stated the need for an urgent electrical upgrade, with the need for a more sophisticated power supply system that allocates one bollard per pitch.

The proposed new scheme will also reduce ground level street cabling which currently is a hazard to both customers and traders. The proposed pitch standardisation will reduce the overall number of pitches to 23 stalls, to reduce overcrowding, create gaps between hot food stalls as recommended for fire safety reasons, and ensure all comply with health and safety recommendations. All these stalls will have access to safe and sufficient power to run their business operations.

Item	Topic	Lead
1	WELCOMES, INTRODUCTIONS & APOLOGIES	ALL
2	<p>LAYOUT</p> <ul style="list-style-type: none"> • The question of the seating was raised and how this will be managed. As this is Westminster seating, once the new storage unit is reprofiled Westminster will be responsible for ensuring this seating is put out on a daily basis, elevating any current concerns. • The question was asked whether rising bollards could be implemented and dropped kerbs to improve pedestrian safety. This would be similar to Strutton Ground. Cat stated that we would speak to Highways colleagues regarding the Warwick Way junction and explore this further. • Anchor points were raised, due to the high winds traders would like to have anchor points in the ground. Cat explained that there aren't anchor points planned to be in scheme and traders would be required to use portable weights instead, as we want to future proof the layout. Anchor points would be very prescriptive and would only fit certain gazebos. A trader pointed out that Lambeth have sand sacks with ropes to weigh down the middle of the gazebo. Cat stated that we will look again in this as a potential option and report back. • The question was raised as to whether we can split the market into an area for hot food and other traders. Cat explained that this wouldn't be possible as we want to future proof the market and this would be too restrictive. • One trader asked if the gaps were designed for vans to fit in between pitches. Cat explained that wasn't the case. Vans can also park in the sections with the removal seating. The gaps have been implemented for fire breaks. • A trader asked if there would be pitch markings and numbers drawn on the road. Sarah explained that we are looking to use studs to mark the pitches, along with number plaques. • A number of traders asked whether they will be guaranteed the same spot on the market. Cat explained that no decision has been taken and each trader will need to apply for a permanent licence once a final layout has gone to committee and received approval. • The drains were raised as a potential concern. Cat confirmed that the drains were flushed last week. 	CB/S H

3	<p>ELECTRICS</p> <ul style="list-style-type: none"> • A trader asked whether you would be able to log onto the electricity app if there are problems with the WiFi. Sarah explained that you only need WiFi in order to turn on the bollard and then after that you don't require an internet connection. Cat also explained that the Council will be rolling out free WiFi across the market. • A number of traders raised concerns that they would be forced to turn their stalls around due to the height of the bollard. Traders asked whether the bollards could be placed in the gaps between stalls instead. Cat promised to send the specific dimensions to the traders (the height from ground is 1005mm) and will aim to bring a sample bollard to Tachbrook Street, so the traders can measure against their stalls. Traders can also visit Berwick Street to see a pilot programme with a number of the bollards in action. • A number of traders raised concerns about the proposed restrictions of one 16amp socket per pitch and two sockets for double pitches. Sarah and Hiren explained that WSP undertook comprehensive electricity testing at Tachbrook Street at three peak points across the day but the majority of traders were using the maximum 16amps or 32amps for double pitches, which is enough to power a whole house. They also stressed that the power supply at present is unreliable so it is difficult to compare the current situation with the proposed system. But Hiren will visit the traders again to discuss any concerns regarding power supply and share his electricity testing analysis. • There was a consensus amongst the traders that the proposed pay as you go system for electricity charging is fair. • A number of traders asked how long the proposed improvement works will take. However, Sarah was unable to provide a definitive date as she is awaiting an update from the contractors and confirmation of the layout. • The traders provided a number of different viewpoints with regards to the best time to undertake these works, with three stating that January to March would be the best time, with two opting for October to December and one stating that there would never be a good time that wouldn't damage his business. • There was a consensus that however long the planned closure was, the market should relocate to Upper Tachbrook Street to avoid minimise disruption to the traders and a loss of business. A majority of traders stated that they would be happy to use generators or gas as an interim solution during this period. Cat and Sarah 	CB/S H/HP
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	stressed the need to ascertain the length of the proposed works before making a decision about relocation. Further discussions will take place on this.	
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KEY ACTIONS

- **Send an email to all traders with an electronic copy of the proposed layout. Steph sent on 27/1/2020**
- **Share minutes from the meeting – Sent on 30/1/2020**
- **Hiren to visit the market and discuss traders' concerns about electricity supply**
- **Someone from team will speak to Sven about drainage concerns**



Licensing Committee Report

Date	08 July 2020
Classification	For General Release
<hr/>	
Title of report	Busking and Street Entertainment Policy Consultation Results
Report of	Annette Acik, Director of Public Protection and Licensing
Decision maker	Licensing Committee – For Information Report
Wards involved	All
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Report author and telephone	Kirsty Munro, Principal Policy Officer Tel: 020 7641 3639 kmunro1@westminster.gov.uk

1.0 Purpose of the Report

1.1 This report summarises the results of the Council’s recent consultation on the draft Busking and Street Entertainment Policy, and outlines the next steps to take. The full consultation report is attached as Appendix A.

2.0 Background

2.1 The Council recognises the contribution that busking and street entertainment brings to the vibrancy and character of our City, but there must be a balance with the needs and rights of local residents and workers so they are not adversely impacted by it¹, especially for those near to popular busking locations.

2.2 On 10th January 2020, this Committee heard the Council’s proposal to adopt a new Busking and Street Entertainment 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 (Covent Garden)

¹ 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.

- supports newly created self-regulation schemes with buskers and street entertainers in identified suitable areas (Trafalgar Square)
- 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 by introducing a light touch approach to control and regulation. (Oxford Street, Piccadilly, Chinatown and Leicester Square)

2.3 This Committee approved the publication of the proposals for a six-week public consultation between 14th January and 24rd February 2020.

3.0 Busking and Street Entertainment Policy Consultation

3.1 The consultation was launched on the Council website, notifications placed in the local newspaper, and promoted through social media. Copies of the policy were placed in libraries for those unable to access online services, and leaflets were distributed to promote and capture the views of transient buskers and visitors. An additional open session for all stakeholders to attend and have their questions answered on the proposals and consultation was also held.

3.2 The consultation sought feedback on each of the area-based approaches including the borough wide code of conduct, busker and street entertainer self-regulation in Trafalgar Square and Covent Garden, and licensing proposals in Oxford Street, Piccadilly, Chinatown and Leicester Square.

3.3 The consultation asked respondents to indicate on a 5-point scale (from strongly agree to strongly disagree) their views on the proposals, as well as providing an opportunity at each question for open comments.

3.4 The detailed consultation report can be found at [Appendix A](#), and a summary has been provided below.

Response Rate

3.5 The response rate to the proposals was high, with 712 completed surveys, and 17 written responses received (most written responses were the collective views of representative groups).

Demographics

3.6 Respondents to the survey were asked a series of questions about themselves in order to better understand who had participated.

3.7 The majority of responses were received from those that live or work in Westminster from the West End area, however responses were also received from performers and

visitors to Westminster (including some transient performers), with responses being as wide reaching as New Zealand - demonstrating the global interest in the proposals.

- 38% Residents
- 29% Affiliated with a business or employed in Westminster
- 9% Street Entertainer or part of a Street Performer Association (SPA)
- 28% Visitors

Response summary by stakeholder group

3.8 Overall 62% of respondents agreed with the proposals laid out in the policy, however strong disagreement was evident between stakeholders that the policy struck the right balance.

- **Many Residents and Workers** are not supportive of the voluntary measures (including the Code of Conduct or busker and street entertainer self-regulation) and do not believe they go far enough to adequately prevent adverse impacts - in particular noise levels and amplification. Most are in favour of licensing regulation to restrict, control and enforce against adverse impacts. Those near to busking and street entertainment hotspots felt that licensing should be extended beyond the areas proposed to avoid displacement and the risk of exacerbating the issues they already experience.
- **Many Buskers and Street entertainers, and Visitors** are not supportive of the limitations proposed on reducing areas for performances, and restrictions on amplification as this would lead to a significant decline of busking and performers livelihoods.

3.9 Response summary by proposal

- **City-wide Code of Conduct:** Half of respondents supported the voluntary Code of Conduct. For others there was concern that the principles outlined in the Code were too vague and could not be enforced against. For workers and residents, particularly from those closest to busking hotspots in Covent Garden and Trafalgar Square (which currently fall outside of proposed licensing regulation), there is concern that previous voluntary opportunities for buskers and street entertainers to perform responsibly have failed to adequately protect against adverse impacts. Related to this there is concern that buskers and street performers will be displaced from regulated areas and as a result nuisance would increase as the Code of Conduct cannot be enforced.
- **Busker and Street Entertainer self-regulation (Covent Garden & Trafalgar Square):** was supported by around half of respondents. Similar concerns to those outlined above from many residents and workers that this approach would not

resolve the current problems. Some buskers and street entertainers commented that having to be a part of a Street Performers Association (SPA) in these areas may create a barrier or lead to elitism amongst performers.

- **Licensing regulation (Oxford Street, Piccadilly, Chinatown and Leicester Square):** Overall, there is strong agreement from residents and workers to prohibit and introduce regulation for busking and street entertainment in all proposed areas. There is however strong opposition of workers in Leicester square around the location of the single amplified pitch. Most buskers and street performers and visitors disagreed with regulation, including the proposed prohibited areas and licensing conditions.

4.0 Next Steps

- 4.1 The division of opinion highlights the challenge of protecting residents and workers from adverse impacts, whilst safeguarding the cultural contribution of busking and street entertainment in our City.
- 4.2 However, the consultation results demonstrate a clear trend of our residents and workers feeling the current policy proposals are not enough to effectively prevent and protect against the adverse impacts experienced as a result of busking and street entertainment. The Council does not take the introduction of regulation of busking and street entertainment lightly, but considers it necessary due to the increasing number of complaints, the detrimental impact it has on the daily lives of our residents and workers, and our current lack of enforcement powers to respond to adverse impacts effectively.
- 4.3 In light of this the Council is therefore considering changes to the policy that will include strengthened measures to regulate busking and street entertainment by broadening the areas where we seek to adopt licensing under Part V of the London Local Authorities Act 2000. The Council will also seek, where possible, to increase the number of pitches for buskers and street entertainers to ensure we continue to provide opportunities for a variety of performances.
- 4.4 A new draft policy will be brought to Committee later this year for approval to consult.

Covid-19 Note

- 4.5 The impact of Covid-19 has been considered in relation to the development of this policy. Currently adverse impacts arising from Busking and Street Entertainment has significantly reduced (with no complaints received in April and May) as buskers and street entertainers have been unable to work. As the UK lockdown measures lift, buskers and street entertainers (as well as their crowds) must comply with the social distancing guidance set by government or face police enforcement action under the Coronavirus Act 2020, which supersedes and is irrespective of the Councils Busking and Street Entertainment Policy.

Busking and Street Entertainment Policy Consultation: analysis of digital and physical surveys

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This report presents the quantitative and qualitative data analysis of the Busking and Street Entertainment consultation results, conducted by Westminster City Council from the 14th of January until the 24th of February 2020. This consultation and the proposed licensed areas follow the increase of complaints across the West End and St James’s wards from 2017 and 2019, as reflected on the hotspot map below.

The completion rate was high, with 712 completed surveys: 274 residents, 190 people who work in Westminster, 161 visitors, 63 street entertainers and 25 people who identified as others.

The locations covered by the policy the consultation refers to are:

1. Trafalgar Square (no specific question about these pitches, but respondents left comments about them)

- Pitch 1: Trafalgar Square North Terrace Zone
- Pitch 2: King Charles Statue, Pitch 3: Northumberland Avenue

2. Oxford Street

- Pitch 4: Marble Arch
- Pitch 5: Old Quebec Street
- Pitch 6: Vere Street

3. Piccadilly Circus

- Pitch 7: Glasshouse Street
- Pitch 8: Eros Statue

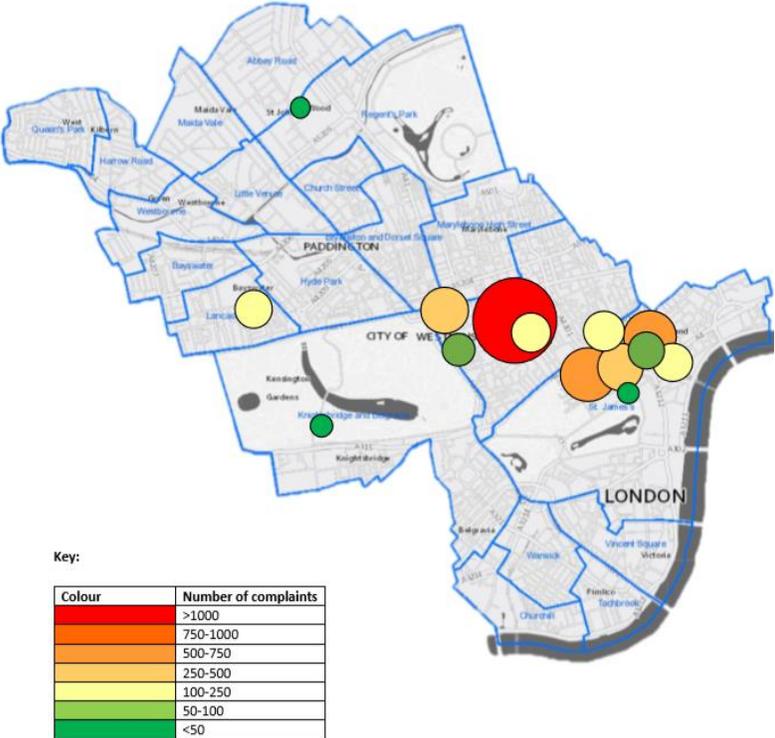
4. Chinatown

- Pitch 9: Gerrard Street

5. Leicester Square

- Pitch 10: Leicester Square North West Terrace
- Pitch 11: Leicester Square North East Terrace

Hotspot 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

Executive summary

Half of respondents to the consultation feel that the policy does not strike the right balance, with residents and businesses generally believing that measures do not go far enough to protect them from amplification and displacement and address the challenge of enforcement. Conversely, entertainers and visitors feel that current legislation could solve most issues and this policy hinders busking's cultural contributions.

Overall, there is strong agreement about a licensing policy applied to all areas: 68% Agree or Strongly Agree for Oxford Circus, 67% for Piccadilly Circus, 65% for Chinatown and 67% for Leicester Square.

Support for the prohibited areas achieved a majority in Oxford Street (56%), Piccadilly Circus, Chinatown, Leicester Square (54.5%), particularly among residents and workers, who tend to highlight across the consultation, written feedback and evidence statements the disruption and anxiety caused by loud noise and concerns about displacement, reflected in the support for locations without entertainment and licensing.

Qualitative analysis of the open-ended questions underlines that residents/workers tended to agree with most measures. Overall, they were in favour of more rigorous enforcement, particularly regarding noise levels and amplification. As the code of conduct attempts to preserve the status quo, they felt that the policy should be extended to avoid displacement issues. On the other hand, street entertainers and visitors tended to fear that the limitations on amplified pitches, joining the SPA and being restricted to certain areas will lead to a significant decline of busking and performers' livelihoods.

This division of opinions highlights the challenges of responding to the complaints and strong statements received, while safeguarding buskers' activities and the cultural legacy of street entertainment in London.

Policy conditions:

- 44% agree that the policy strikes the right balance and 50% disagree
- 49.5% support the proposed joint working with the SPA in Trafalgar Square
- 48% support the principles proposed Code of Conduct

Locations:

Oxford Street support for prohibited areas 56%

- Licensing Pitch 4: Marble Arch 53%
- Licensing Pitch 5: Old Quebec Street 50%
- Licensing Pitch 6: Vere Street 49%

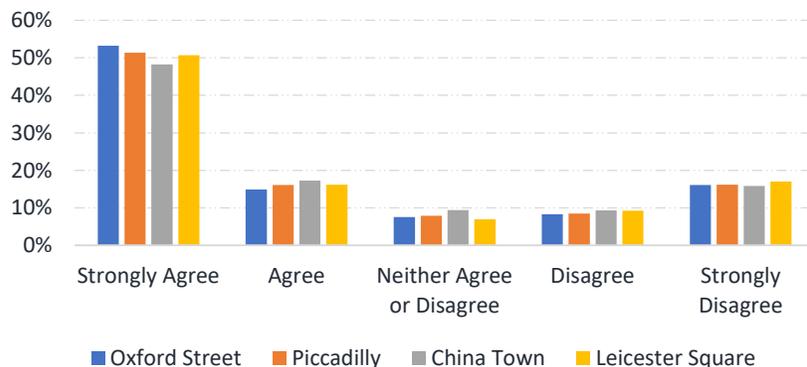
Piccadilly Circus, Chinatown, Leicester Sq. support for prohibited areas 54.5%

- Piccadilly Circus support for pitches 67.5%
 - Pitch 7: Glasshouse Street 50%
 - Pitch 8: Eros Statue 51%
- Chinatown support for regulation 65.5%
 - Pitch 9: Chinatown (Gerrard Street) 48%
- Leicester Square support for pitches 67%
 - Pitch 10: Leicester Square North West Terrace 51%
 - Pitch 11: Leicester Square North East Terrace 44%

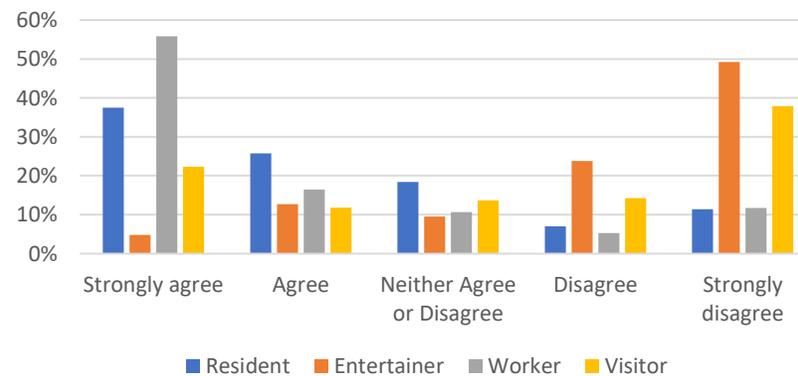
Licensing:

- Support for license Conditions 50% and license fee 42%

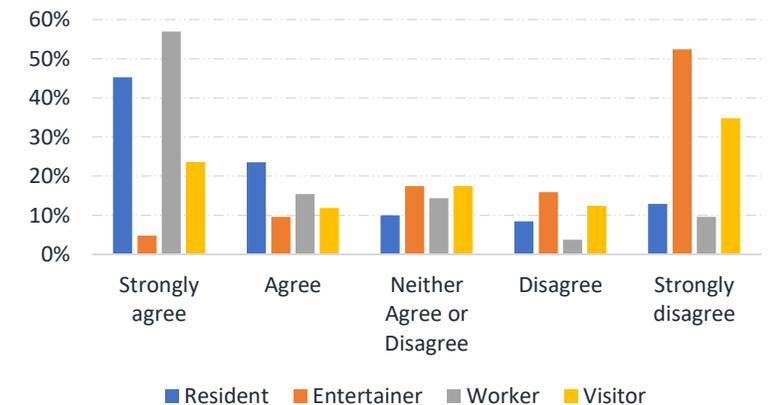
Introducing Licensing in Oxford Street, Piccadilly Circus, Chinatown and Leicester Square



Prohibited areas in Piccadilly Circus, Chinatown and Leicester Square



Prohibited areas in Oxford Street

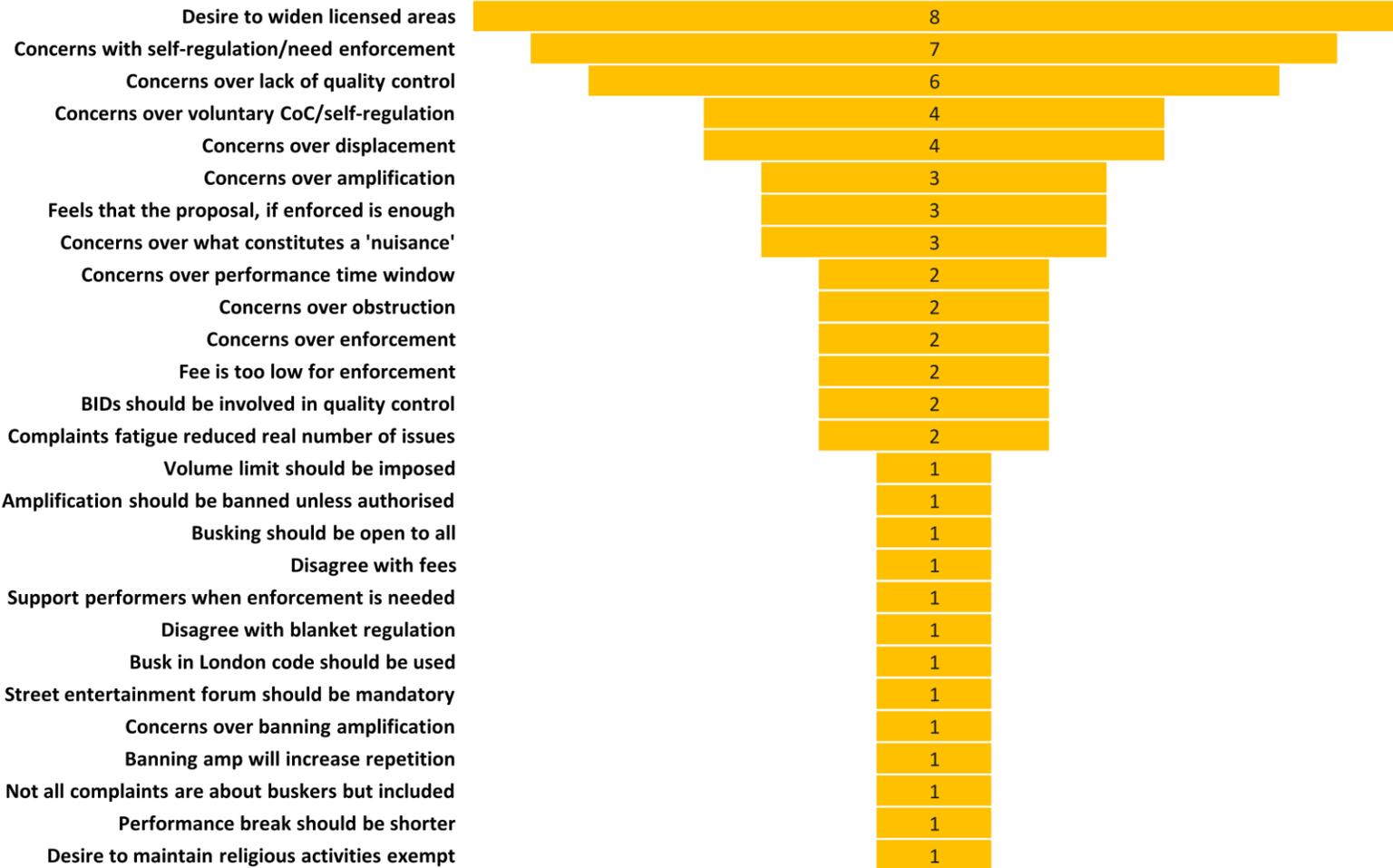


Executive summary cont.: themes that arose from written consultation feedback

During the consultation process, Westminster City Council received 14 written communications from diverse stakeholders across the borough. These included BIDs, community associations, a street entertainer, a pan-London organisation, a councillor, a religious charitable organisation, cultural institutions and investment bodies.

The most mentioned themes are listed below, including the number of stakeholders who mentioned them, while a written summary of their responses split by geographical area where the stakeholder operates or is most preoccupied by, can be found in the next slide.

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Executive summary cont.: themes that arose from written consultation feedback

Covent Garden – 2 stakeholders:

- Overall desire that licensing be extended to Covent Garden, Seven Dials and one to Long Acre
- Two state that self-regulation does not work and that the voluntary nature of the Code of Conduct will not be enough, particularly to control ASB (mentioned by one body)
- One stakeholder mentioned that the time window should match what is currently practiced in Covent Garden and voiced concerns that the SPA only covers one pitch and there is no admissions or complaints procedure
- Feeling that amplification guidelines are not enough - one wishes to see a defined limit on volume of amplification, while another wishes it is banned unless specifically authorised
- One stakeholder included an attachment demonstrating the obstruction to footfall – including to a disabled access ramp - when all pitches on James St are used at once. They desire to move the magician's pitch to a spot with less impact (ex. West Piazza) and feel that complaints data doesn't accurately represent the amount of complaints as people 'gave up'

Chinatown and Leicester Square – 1 stakeholder:

- One body is concerned over displacement from Leicester Square to Chinatown particularly if there isn't enough enforcement, and adds that they wish enforcement should extend to illegal trading and begging
- North East pitch in Leicester Square should not be amplified as it impacts the businesses, residences and Chinese community centre

General West End (4) and Councillor (1) stakeholders:

- One stakeholder believes that buskers must join the Street Entertainment forum, which should have BID, council and busker representation and attendance should be tracked
- A councillor supports auditions, while one stakeholder feels that BIDs should be involved in a quality control process in the application phase and in training officers
- One religious organisation hopes that they will remain exempt from licensing and that they will abide by the Code of Conduct
- One company supports the proposals but proposes that the definition of 'premises' must be changed to 'property' to include street trading stall, mirroring the London Local Authorities Act
- A Councillor and another stakeholder feels that the proposal is balanced but only if strongly enforced and the areas widened

Trafalgar Square area (2) and stakeholders who mentioned it:

- Several concerns over self-regulation and displacement – two feel that licensing should be used to limit overcrowding, excessive noise and ASB, and one for quality control
- Amplification on the North Terrace will prove to be a nuisance
- One stakeholder questions the management of activity clash between Christmas Markets and buskers and also notes that the King Charles Statue and Northumberland Avenue pitches can cause issues of motorist and pedestrian visibility and obstruct thoroughfares

Oxford Street/Bloomsbury area – 2 stakeholders:

- Concerns over lack of criteria for what constitutes a 'nuisance' and obstruction
- Two stakeholders feel that proposal isn't balanced outside of licensed areas given the lack of enforcement powers, the voluntary nature of the Code of Conduct and that self-regulation will be ineffective
- Concerns over displacement from Marble Arch and Old Quebec St to Baker St, Duke St or Marylebone High St – some support a borough wide licensing scheme
- Concerns over lack of quality control and one stakeholder wishes that BIDs are involved in the decision process
- Desire for BIDs to be more involved in discussions, and may need a contribution around resource implications
- Feel that performance times window is too long without enforcement

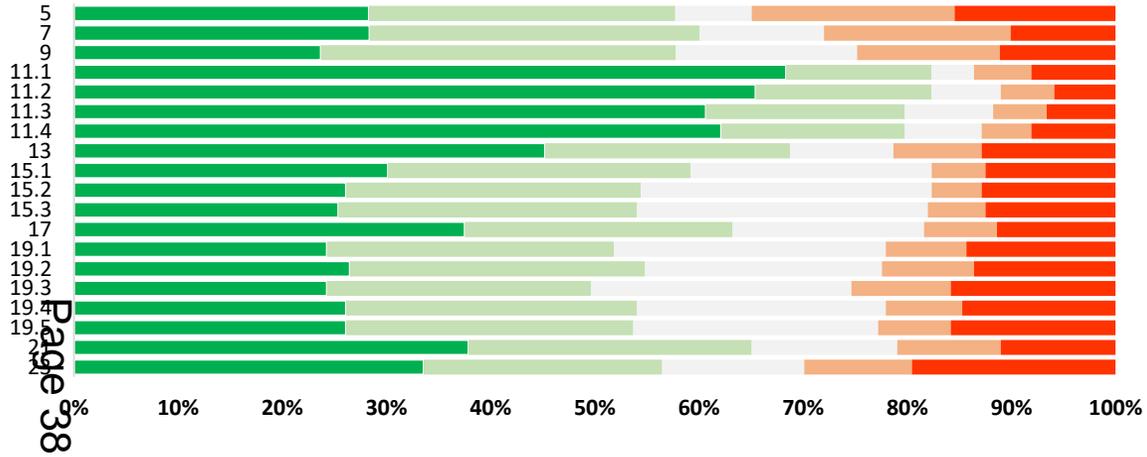
Pan-London (1) and street entertainment (1) stakeholders:

- One stakeholder defends that busking should be open to all and treated as a cultural asset, while supporting responsible street entertainment and stakeholder engagement
- One encourages Busk in London code to be used instead of the Code of Conduct
- The same stakeholder does not support blanket regulation nor fees but feels that street entertainers and the council must work together to nurture a successful culture
- A performer notes that amplification should not be banned as it effectively stops many from being able to perform and increases repetition due to limited possible acoustic repertoire – suggests using 'sound meter' app to understand what volume is reasonable and regulate it accordingly. They also say that 15min break for a 45min performance would be more appropriate

Executive summary cont.: charts showing the overall split between residents and workers on one side and street entertainers and visitors on the other

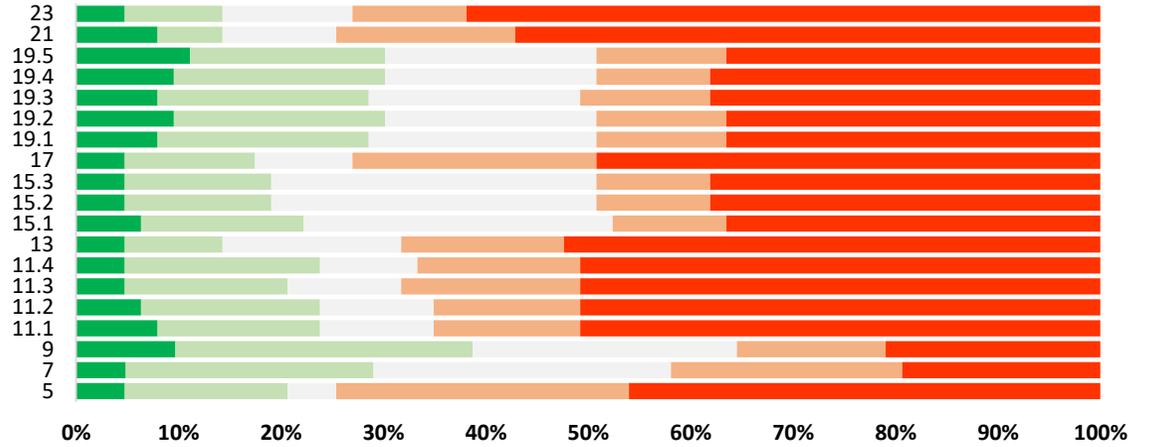
On average, the majority (62%) of residents agree/strongly agree with the overall proposals.

Residents



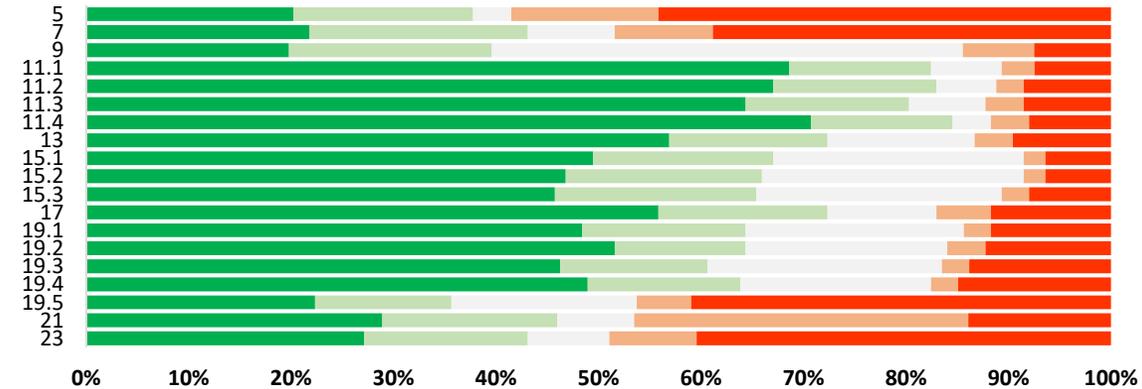
On average, the majority (58%) of entertainers disagree/strongly disagree with the proposals.

Entertainers



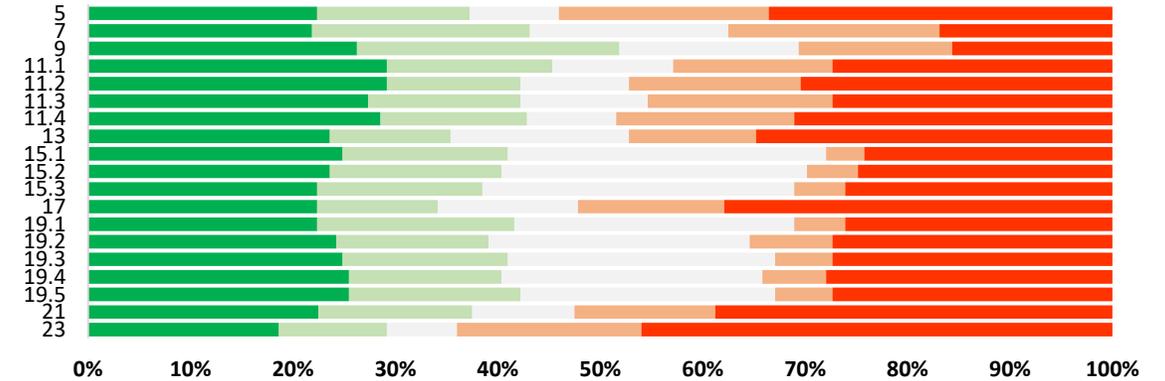
On average, the majority (62%) of workers agree/strongly agree with the proposals.

Workers



There is mixed agreement (40%) and disagreement (41%) amongst visitors.

Visitors



■ Strongly Agree
 ■ Agree
 ■ Neither Agree or Disagree
 ■ Disagree
 ■ Strongly Disagree

Top cohesive responses within each of the demographic groups

Most cohesive answers among residents - denoted by majority of Strongly Agree and Agree:

- Introducing regulation in all the areas mentioned, Oxford St and Piccadilly Circus (82%), Chinatown and Leicester Square (80%)
- Then the prohibited areas within Oxford St (69%) and Piccadilly Circus, etc. (63%)
- Licensing Conditions (65%)
- The policy strikes the right balance and with the proposed joint working with the SPA in Trafalgar Square (58%)
- There is a majority of Strongly Agree and Agree for all questions, except for Pitch 9: Chinatown (Gerrard Street) (question 19.3) at 49%

Most cohesive answers among street entertainers - denoted by majority of Strongly Disagree or Disagree:

- Policy strikes the right balance and with the licensing conditions (75%), introducing regulation in all of the policy areas and the £20 license fee (73%)
- Prohibited areas in Oxford Street and introducing licensing in Chinatown (68%)
- Introducing licensing in Leicester Square (67%), Oxford Street and Piccadilly Circus (65%)
- No single question achieved a majority of Strongly Agree or Agree
- The highest agreed question was the proposal of joint working with the SPA in Trafalgar Square (39%), followed by agreeing with Pitch 8: Eros Statue, Pitch 10: Leicester Square North West Terrace and Pitch 11: Leicester Square North East Terrace (30%)

Most cohesive answers among people who work in Westminster - denoted by majority of Strongly Agree and Agree:

- Strong support for introducing licensing in Leicester Square (85%), Oxford Street and Piccadilly Circus (83%) and in Chinatown (80%)
- Prohibited locations in Oxford Street and in Piccadilly Circus, Chinatown and Leicester Square (72%)
- The only questions that do not achieve a majority of Strongly Agree and Agree are with the Pitch 11: Leicester Square North East Terrace (36%), whether the policy strikes the right balance (38%), the proposed joint working with the SPA (40%), the voluntary code of conduct and the £20 license fee (43%), and agreeing with the licensing conditions (46%)
- The discrepancy between workers overwhelmingly agreeing with regulation in Leicester Square (85%) and with prohibiting performances outside the pitches in the square (72%) while the North East pitch question gathers the lowest level of cohesive agreement within the group (36%) denotes the high levels of engagement with, and strong negative sentiments of, workers whose workplaces are located on the square itself, and who object to the location of the pitch and the fact that it is now the only amplified pitch

Most cohesive answers among visitors: denoted by majority of Strongly Disagree and Disagree:

- Visitors most disagree with the £20 license fee (64%), with the policy striking the right balance (54%) and with the prohibited busking areas in Piccadilly Circus, Chinatown and Leicester Square as well as with the licensing conditions (52%)
- Only the proposal of joint working with the SPA achieved a majority of agreement (52%), however only four questions achieved a majority of disagreement, demonstrating that this group is the most split but also has the highest proportion of Neither Agree or Disagree. As most qualitative answers demonstrate, this stems from the desire to voice that street entertainment is an integral part of London's culture that must be protected, but without having a specific opinion on other questions,

The consultation survey began on the 14th of January and ran for 6 weeks, ending on the 24th of February 2020. The council chose a consultation period of 6 weeks to enable a broad range of views to be gathered, and Westminster City Council handled the return of responses. Most were provided through the Smart Survey online questionnaire, but paper forms were also available and collected from selected libraries, and available at Q&A sessions. This led to 710 online surveys and 2 physical ones.

Some of the questions in the consultation questionnaire allowed the respondent to tick multiple answers. Therefore, in some of the analysis the sum of the response to a question may be higher than 100%. In other cases, the total response to a single answer question may add up to slightly over 100% due to rounding of decimal points. Questions are based on the total number of respondents per question, as not all respondents answered every question. Charts have been made for all questions, both compulsory and non-compulsory.

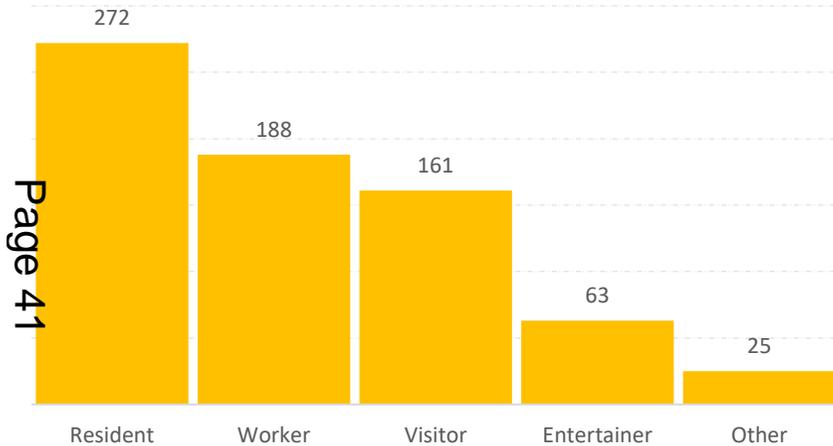
Page 40
There were twelve open-ended questions, ranging from demographic information, to comments on close-ended questions and a call for any additional comments. A thematic analysis was done individually for each question, because of the different nature of the questions. The open-ended questions in the consultation were coded into themes and their frequency was quantitatively used for analysis; this encompassed reading every response to these questions and creation of a code frame. The selected quotes illustrate the most relevant themes.

It should be noted that there was a large number (11/26) of open-ended questions relating to aspects of the policy, so people often left unrelated comments on different questions, or expressed their opinion altogether in the initial or final questions, but skipped others.

Demographic information: who responded?

Number of people who responded within each demographic category:

- 38% are Residents
- 29% are Affiliated with a business or employed in Westminster
- 9% are Street Entertainer or part of a Street Entertainment Association
- 28% are Visitors



During the consultation, Westminster City Council received written responses from the following stakeholders:

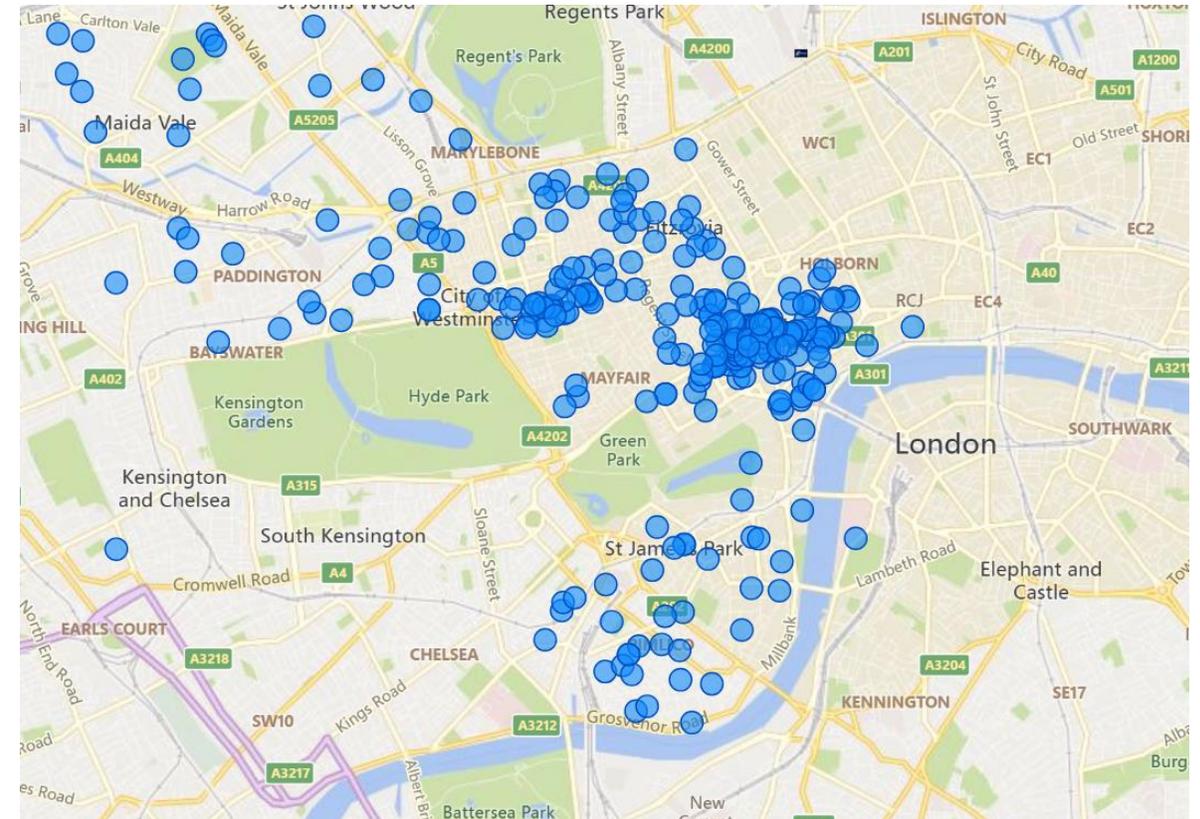
Covent Garden (CAPCO)
Greater London Authority (GLA)
Baker Street Quarter Partnership
Bloomsbury Association
New West End Company (NWECC)
Covent Garden Community Association (CGCA)
Jennifer Calvier (Busker)

The Long Acre Business Alliance
Salvation Army
West End Street Traders Branch (WESTA)
Cllr Lewis Pancho
St Martin in the Fields
The National Gallery
Shaftesbury

How long have you been living, working and or performing in the borough?

- 7% have lived in Westminster for less than 12 months
- 23% for 1-5 years
- 70% for more than 5 years

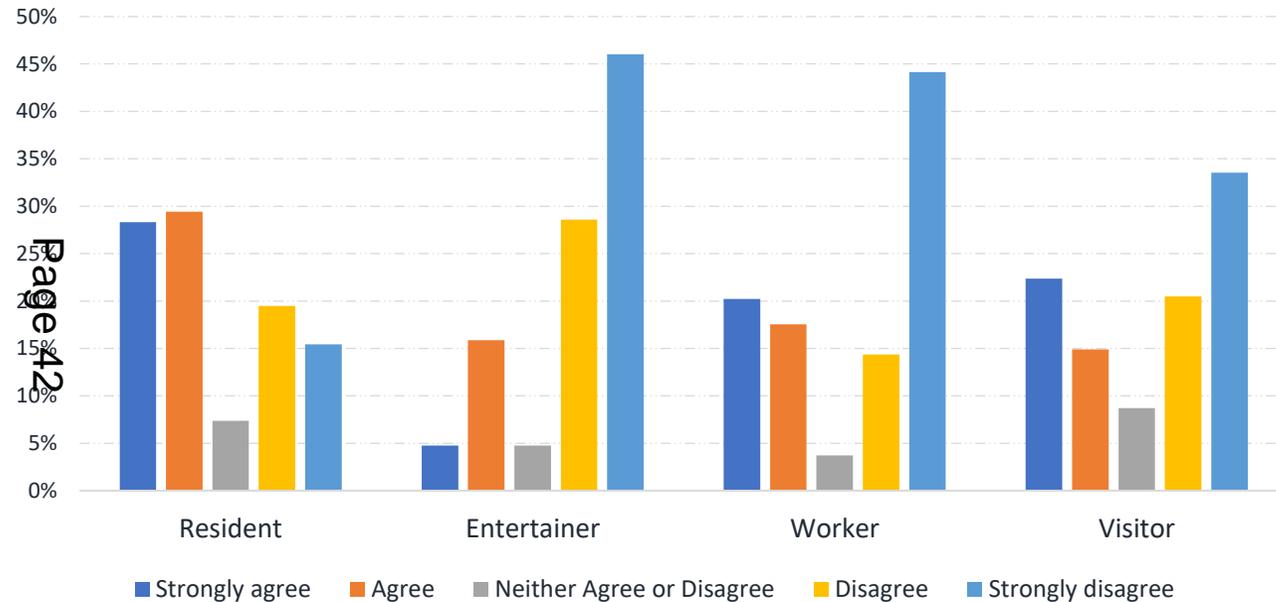
The map shows the postcode of respondents (optional question answered by 414 people)



Questions 5 and 6

To what extent do you agree or disagree that our policy approach strikes the right balance between supporting busking and street entertainment, whilst protecting those who are affected by it?

Overall, 50% of people Disagree or Strongly Disagree that the policy strikes the right balance. Residents are the only group who believe that it does, with 58% Agreeing or Strongly Agreeing – this is explained by the fact that a policy is seen to begin to address complaints. The reasons for disagreeing vary between the groups, illustrating the overall trend that residents, and especially workers, who left a comment believe that the policy could be stricter and/or worry about how it will be effectively enforced to combat current noise issues, therefore making current proposals unfair to them, while street entertainers and visitors tend to see it as unfair and “draconian”, effectively attempting to ban busking.



Breakdown of qualitative responses:

- 72% of the people who think that the policy doesn't do enough to protect them are residents and/or 17% are workers and/or visitors and people in general
- Of the 16% who mentioned the negative impact of street entertainment in their life and/or work, the volume levels of amplified sound, the same songs being played for hours, the crowds generating issues, and the quality of the singing/instrument being bad are the biggest issues
- 8% of respondents, mostly street entertainers and visitors saying that the ban on amplification in certain pitches prevents many artists from being heard, therefore preventing them from performing

This was the open-ended question that gathered the highest number of responses, and the qualitative analysis highlights some of the most mentioned themes throughout the survey, namely the division between those supporting and opposing amplification, the high number of workers who see the Leicester Square pitches as problematic, concerns about the livelihoods of street entertainers that arise from the reduced number of available pitches, and linked to that, the concern from residents that busking will be displaced onto their area and objections to the complaints themselves.

Theme	Frequency	%
Amplification is the issue	119	33%
Not fair to residents/workers	98	27%
Not fair to street entertainers	90	23%
Issues with Leicester Square policy	69	19%
Busking has had a negative impact in one's life/work	57	16%
Busking is a cultural part of London and this policy threatens it	51	14%
"It doesn't [sic] do enough to protect residents from noise."	48	13%
Licensing limits buskers' livelihood	33	9%
Concern for unregulated areas/displacement	31	9%
Policy is "draconian"	28	8%
Objection to the complaint itself	25	7%
Current powers are enough	25	7%
Busking is an unregulated activity and "should remain so"	21	6%
Defeats the point of busking - spontaneity, freedom of expression	20	6%
Association or self-regulation doesn't work	20	6%
Penalises the majority for a minority's fault	18	5%
Policy is not robust/clear enough for enforcement	17	5%
Quality of busking matters/"real" vs "fake" buskers	13	4%

Questions 7 and 8

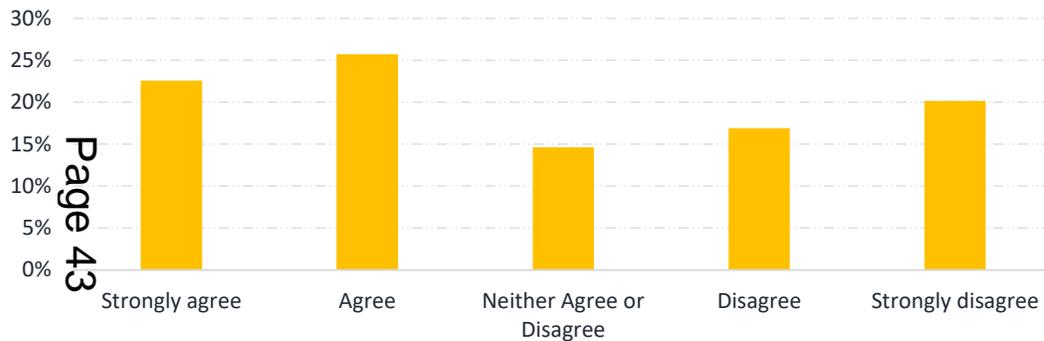
To what extent do you agree or disagree with the seven principles set out in our voluntary Code of Conduct.

Half of people Agree or Strongly Agree with the principles. Critical comments revolve around the perceived vagueness of certain aspects, particularly control of noise levels (22%) and obstruction of pavement (11%), and how these voluntary principles will be policed to ensure that the current sound levels are reduced in licensed and non-licensed areas, demonstrating the general trend that residents and workers want more enforcement and that licensing would enable to best identify the sources of nuisance. This is particularly notable in the open-ended answers, as 73% of those who believe that the voluntary nature of the code is problematic are residents.

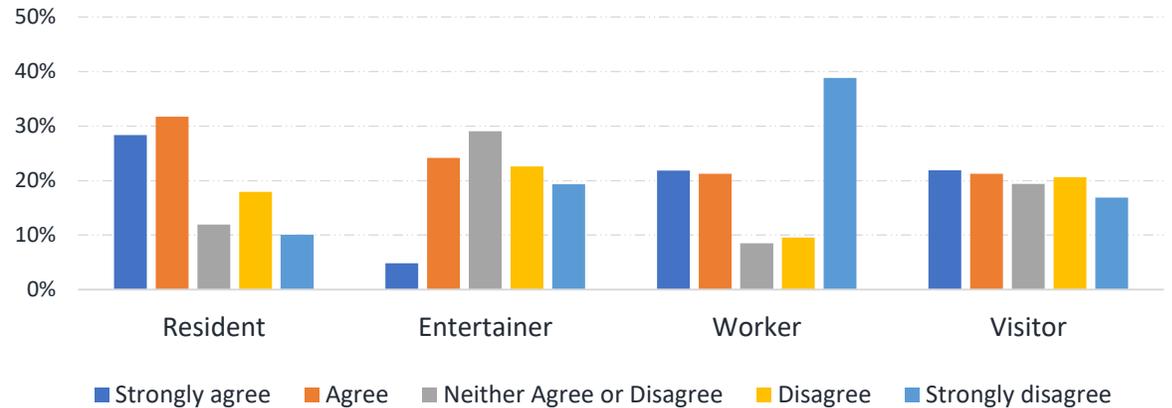
The high numbers of workers strongly disagreeing might be explained by the overwhelming presence of comments regarding Principles 3 and 4 not being robust enough for enforcement, and because 97% of these respondents work in Leicester Square, there are visible concerns regarding this location which remain visible throughout the consultation.

There is widespread agreement across all groups, particularly among visitors (32%) then residents (18%), that performers should be allowed to sell CDs.

Total answers



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Breakdown of qualitative responses:

- 82% of people concerned about Principle 3 are workers and 97% of those work in Leicester Square
- 13% of people who think it's unfair to buskers are residents
- 94% of people who think that principle 4 is too vague/subjective are workers
- 32% of people who believe that merchandise selling should be allowed are visitors from elsewhere in London, 18% are residents, 14% are workers and 14% are street entertainers
- 73% of the people who believe that the voluntary nature of the code is problematic are residents
- 100% of those who believe in the need for policing and enforcement from outside of the street entertainers' community/beyond the voluntary code of conduct are residents, including two who are residents and workers

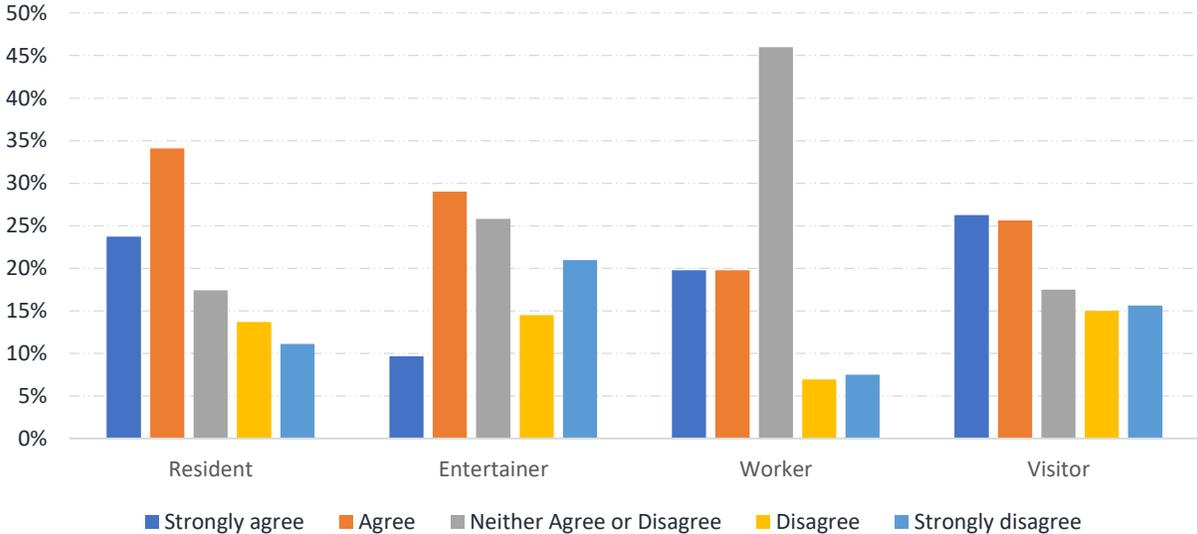
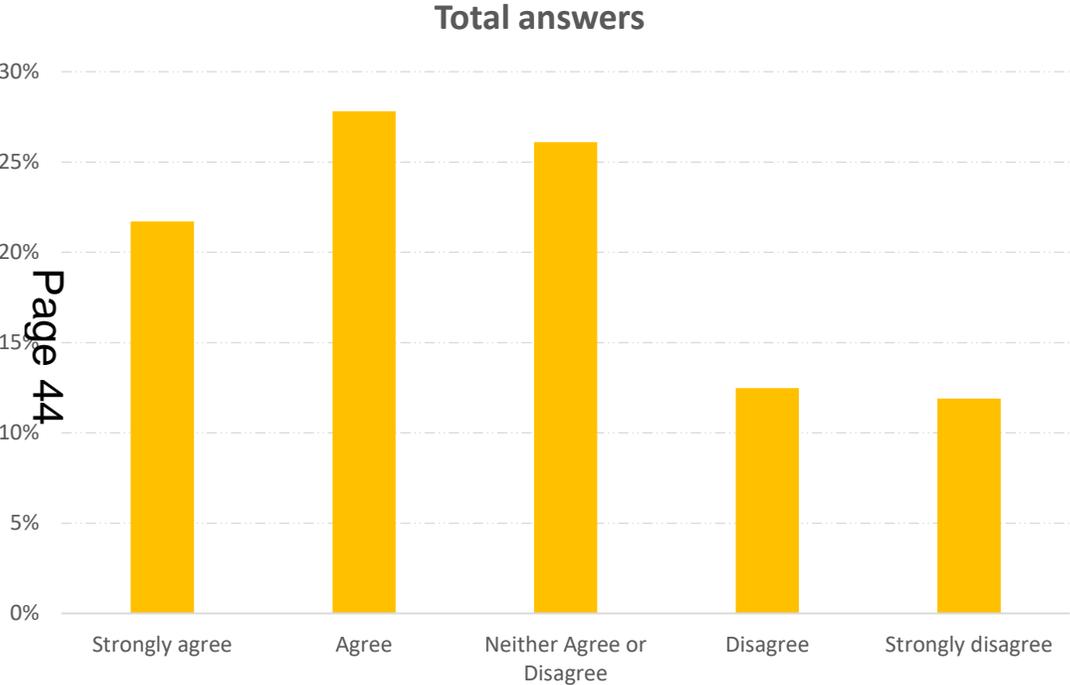
Theme

Theme	Frequency	%
Principle 3: noise level element is too vague/subjective for enforcement	66	22%
Code of conduct generally unfair to buskers	37	13%
Principle 4: Obstruction of pavement element too vague/subjective	32	11%
Principle 6: Performers should be allowed to sell CDs (and other merchandise)	22	7%
Voluntary nature of code of conduct is problematic	22	7%
Not fair to residents/workers or doesn't protect them enough	18	6%
"The policy will only work if it is constantly and rigorously enforced"	18	6%
Ban amplification	13	4%
Association/self-regulation doesn't work	8	3%
Proposed hours are too long/Stop after rush hour/9pm too late	7	2%
Issues with PLI: too excessive, not necessary for all acts, unfair or unrealistic	7	2%
Who will police a specific aspect? Mainly sound levels and duration of performances	6	2%
Principle 2: 40min slots are too limited/20min break too restrictive	6	2%

Questions 9 and 10: Supporting Busker and Street Entertainer Self-Regulation

Please indicate to what extent you agree or disagree with the proposed joint working with the SPA in Trafalgar Square.

While most people (49.5%) Strongly Agree or Agree with the proposal, there are concerns about self-regulation not being enough to solve the current issues (10% of comments), particularly among residents, or it not working (6%), generally, and that having to audition to be part of the SPA might lead to elitism and create extra barriers that will exclude street performers from the trade (7%).



Breakdown of qualitative responses:

- Half of those who think that self-regulation does not go far enough are residents
- 43% of those concerned about the extra barriers and elitism within the SPA are street performers
- There is a concern that the discrepancy between the PSA rules and the Code of Conduct will lead to issues, for example by being able to start at 9am (SPA) instead of 10am (Code of Conduct)

Theme	Frequency	%
"Self-regulation doesn't go far enough"/need regulation	18	10%
SPA might prevent diversity/lead to elitism/creates extra barrier that excludes people	14	7%
Voluntary/SPA won't work	12	6%
Busking should remain unregulated	9	5%
Having to join SPA is unnecessary/unfair	6	3%
Extend SPA/self-reg to other policy-affected places	5	3%
Concern over areas not covered by SPA and over displacement	4	2%
Covent Garden is a particular (private) area, that's why self-reg works there	3	2%
Busk in London as example that this might not work	3	2%
"Performers are more than capable of regulating this themselves"/Agree with SPA	3	2%
Ban busking	3	2%
Marking pitches is good	3	2%
Need for regulation because of 'gangs'/crime/ASB	3	2%

Quotes that reflect the most recurrent themes from questions 5 - 10

Most mentioned themes across these questions reflect that most residents and businesses who feel that the current policy is too vague and self-regulation is not enough to solve noise issues and displacement. On the other hand, most street entertainers and visitors believe the policy to be unnecessary given existing powers, that complaints might not always be valid and that busking should not be restricted to those joining the SPA.

Music making and opportunity to perform **should be available to all**, not just to those that are part of a group. The idea of marking the **entertainment pitches is good** though. (Visitor)

As an example, the "seven principles" clearly state performances should only be between 10am and 9pm, yet the Westminster SPA are already stating their code is **9am while 9pm**. (Resident)

Principles 3 - 5 could worryingly [sic] shift the balance in favour of the one complaint made. Hundreds of people can be enjoying the music, the volume is reasonable and the busker a talented and experienced musician, however one complainer can be upheld, without filling in paperwork for a valid reason etc which seems unfair. (Street Entertainer)

The Council require all noisy works (e.g. from construction) to cease after normal working hours. Yet it's now proposing to allow even louder noises to be created on a continuous and regular basis **until 9pm**. This is a massive issue for residents that want to enjoy their home after work. My **household has been struggling for months** with buskers in the proposed pitch area of Debenhams, when loud (amplified) tunes are played repeatedly non stop for hours. Repetition is unnerving. (Resident)

Point 4 says 'An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past'. In recent planning applications the test has been that two double pushchairs must be able to pass comfortably in opposite directions. Again, we need **clarity and consistency**, and the same standards must be applied going forward. Please confirm what the correct standard is and apply it to the busking and planning standards. (Affiliated with a business or working in Westminster)

Trafalgar Square is a beautiful and historic landmark, and the **National Gallery** is a peaceful place. The presence of multiple mascots, vendors, musicians, individuals drawing on the pavement, etc, all take away from this. Tourists are unable to take photos without obstruction, and are hassled at length for money for photographs. **Residents and workers are disturbed** and prevented from sitting to enjoy a coffee or their lunch. It seems a shame. (Resident)

This code of conduct is basically a list of common sense rules. If buskers weren't considerate enough to use common sense before, why would they now? In effect, **Westminster has already tried self-regulation, but loud and prolonged busking persists** today. (Resident)

Banning amp usage [...] literally **means no busking at all**. Furthermore, 90% of the amps currently used in the street need an external battery to power them and the guitar pedals some musicians use need batteries too. Closing so many spots will cause an unworkable situation in Trafalgar Square and the **only pitch left** in Leicester. (Street Entertainer)

Use **current legislation** already in place to deal with the minority of buskers causing problems - rather than using **draconian** new powers that will punish the majority of buskers in Westminster who cause no problem at all. (Visitor from elsewhere in London)

It does not offer sufficient protection for those affected by noise and nuisance. **No amplification should be permitted anywhere**. (Resident and worker)

I agree with the principles, but the issue is how these are policed. If there is not **enough resource** to enforce this behaviour we will remain in the same situation as we are now. (Affiliated with a business or working in Westminster)

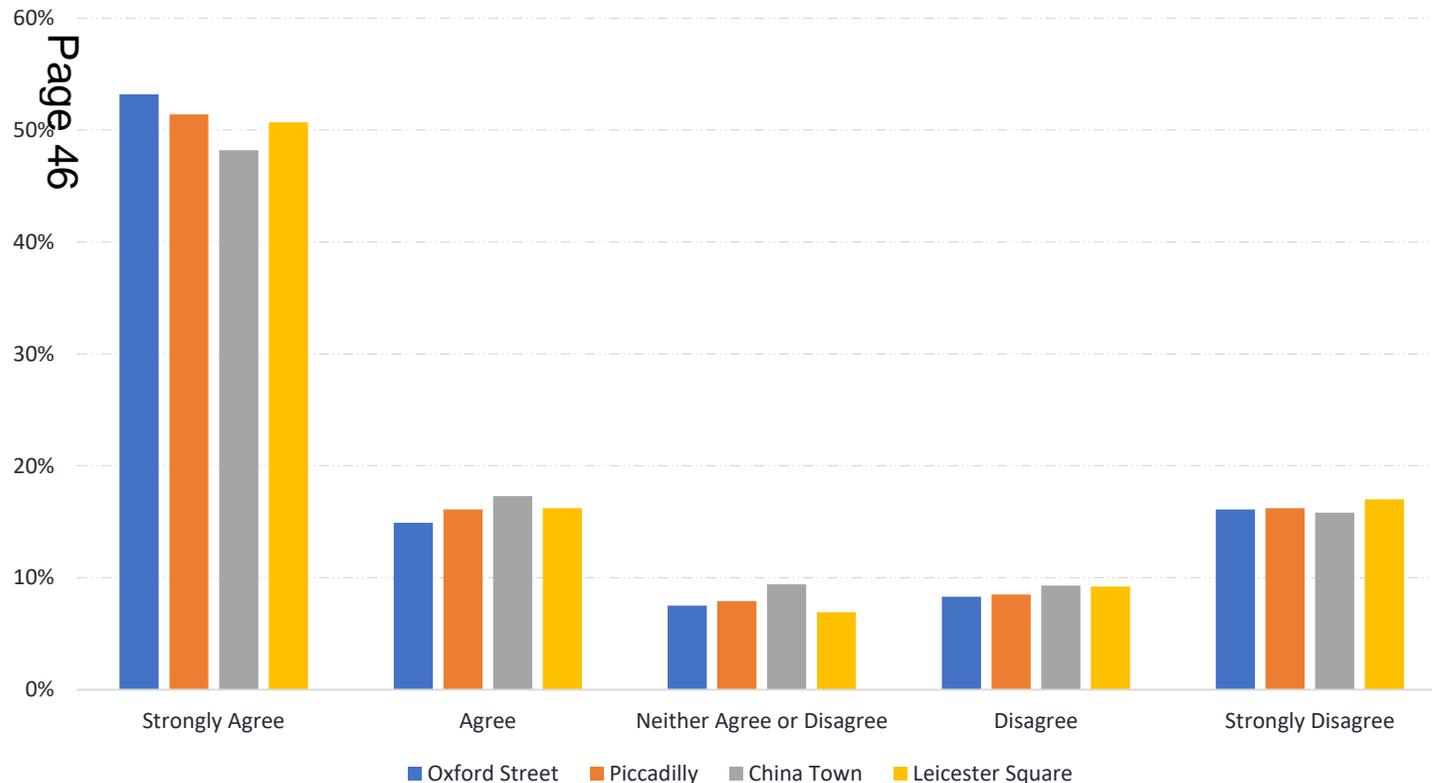
Question 11 and 12: Introducing Licensing: Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

To what extent do you agree or disagree that the council should introduce regulation in these areas?

Overall, there is very strong support for introducing licensing in all areas: 68% Strongly Agree or Agree for Oxford Circus, 67% for Piccadilly Circus, 65% for Chinatown and 67% for Leicester Square. This support is particularly strong among workers and residents, whose proportions of Strongly Agree are always above 60%, in line with the demonstrable desire to regulate street entertainment in key areas of the borough, while residents and visitors overwhelmingly disagree.

The comments demonstrate that most people who disagree do so because they believe that this will stifle diversity and unfairly prevent some street entertainers from playing (16%), because there is no need for regulation (15%), the requirements for buskers seem too restrictive and current powers are enough to deal with the issues (9%) while some mention that this will have a negative impact on tourism and London's cultural life (7%). This more general question about several locations gathers some of the most frequent comments throughout the survey.

Total answers



Differences between demographic groups:

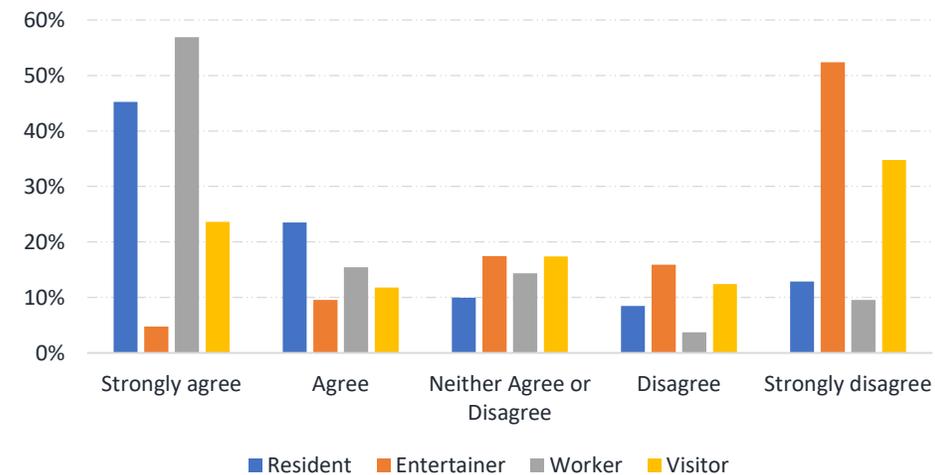
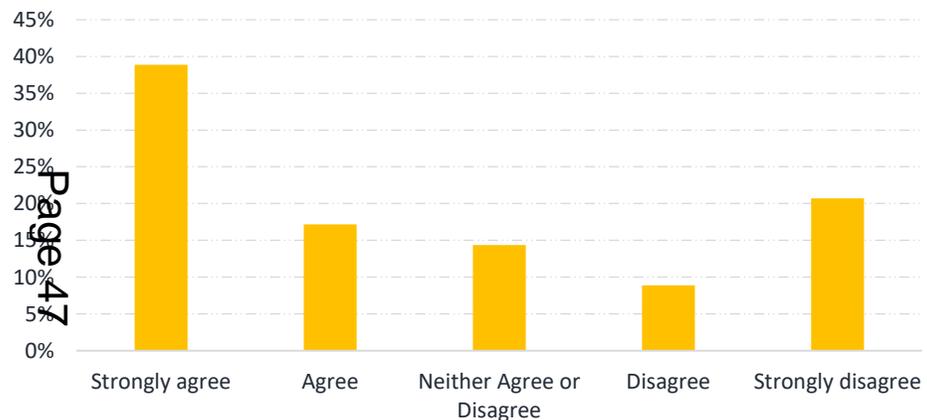
- Oxford St: between 68% and 69% of residents and workers Strongly Agree while only 8% of street entertainers do
- Piccadilly Circus: 67% of workers and 65% of residents Strongly Agree, but only 6% of street entertainers
- Chinatown: 64% of workers and 61% of resident Strongly Agree while only 5% of street entertainers do
- Leicester Square: 71% of workers and 62% of residents Strongly Agree, as opposed to only 10% of street entertainers
- Visitors remain fairly even across all proposed pitches, with between 27% and 29% always Strongly Agreeing.

Question 13, 14, 15 and 16: Introducing Licensing: Oxford Street

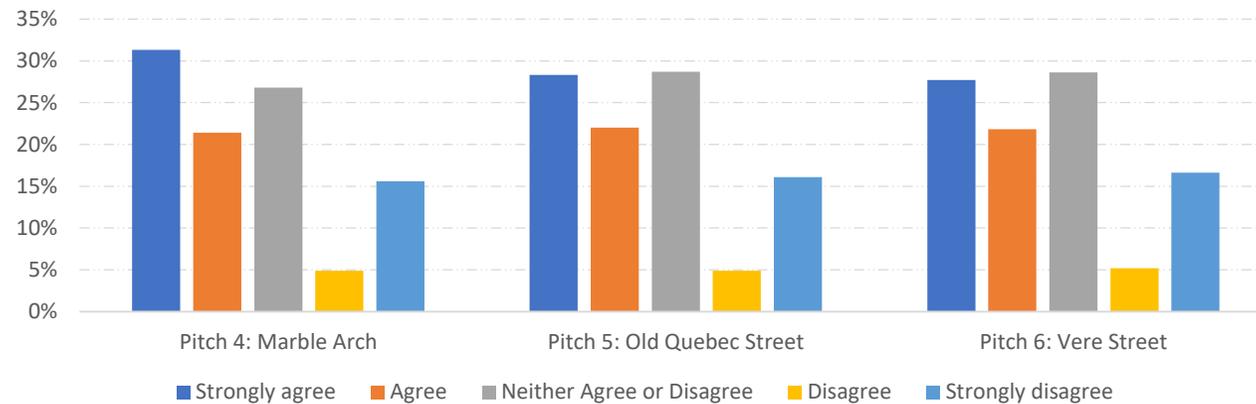
Of all respondents, 56% support the prohibited areas, despite clear differences between workers (73%), residents (69%) and street entertainers (15%) (of whom 68% Strongly Disagree or Disagree). All pitches receive a similar degree of support, except from street entertainers. The strong backing reflects that Oxford St is the area where most complaints originate, while entertainers feel that it is an adequate location for busking.

The substantial number of Neither Agree or Disagree and lower-than-average proportion of open-ended answers (31%) shows that only those with strong opinions decided to comment, helping to explain the prevalence of critical themes in the comments, despite the high levels of agreement in the quantitative question. Comments show the split between the desire to not license or add more pitches, and criticism that the area (or specific pitches) is not suitable for street entertainment.

Total answers about prohibited areas



Total answers about introducing licensing in different pitches

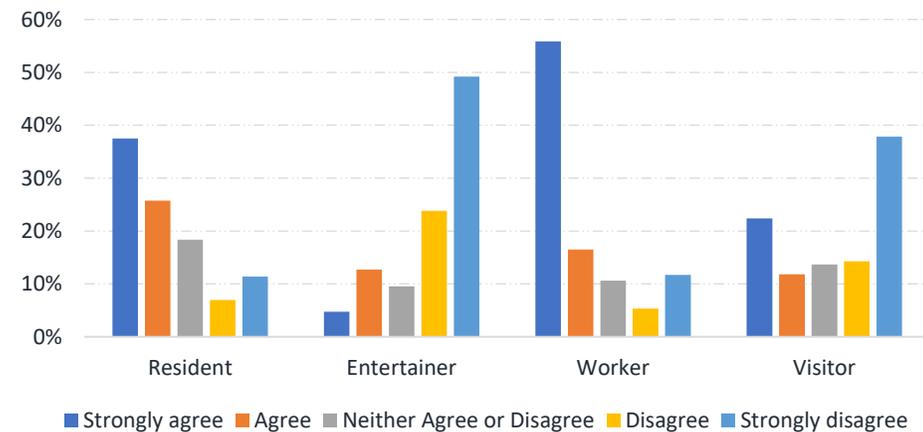
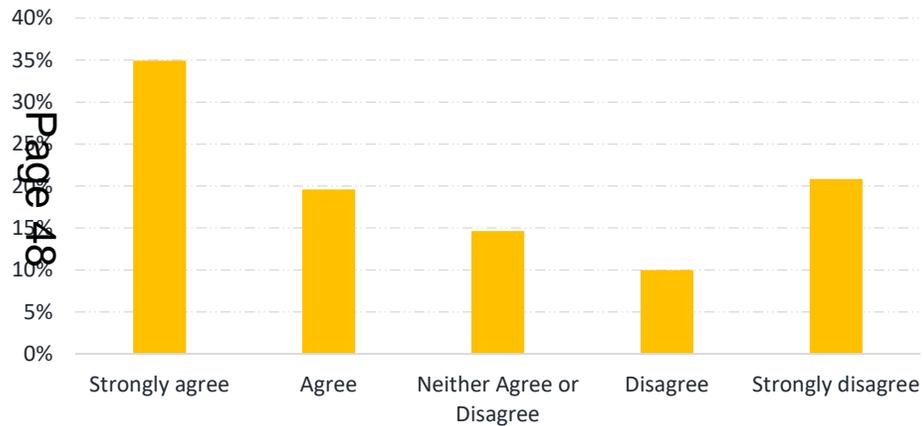


Theme	Frequency	%
Disagree with regulation/limiting pitches beyond current powers	51	12%
Too few pitches for all street entertainers	29	7%
More pitches should be added	24	6%
Oxford St pitches (non-specified) unsuitable: too close to residences, crowds, encourage busking	30	5%
Extend restrictions to other areas around/WCC	17	4%
Pitch 6 (Vere St) unsuitable: too close to residences/hotel, too often congested	16	4%
Amplification is the problem	15	4%
Pitch 6 unsuitable: too close to residences, might become "sound trap", blocks tube entry	13	3%
Include Tottenham Court Road: add/move pitches towards this way	13	3%
Busking should be regulated/prohibited everywhere	13	3%
Pitch 4 unsuitable: too noisy already, asking for no more busking there	12	3%

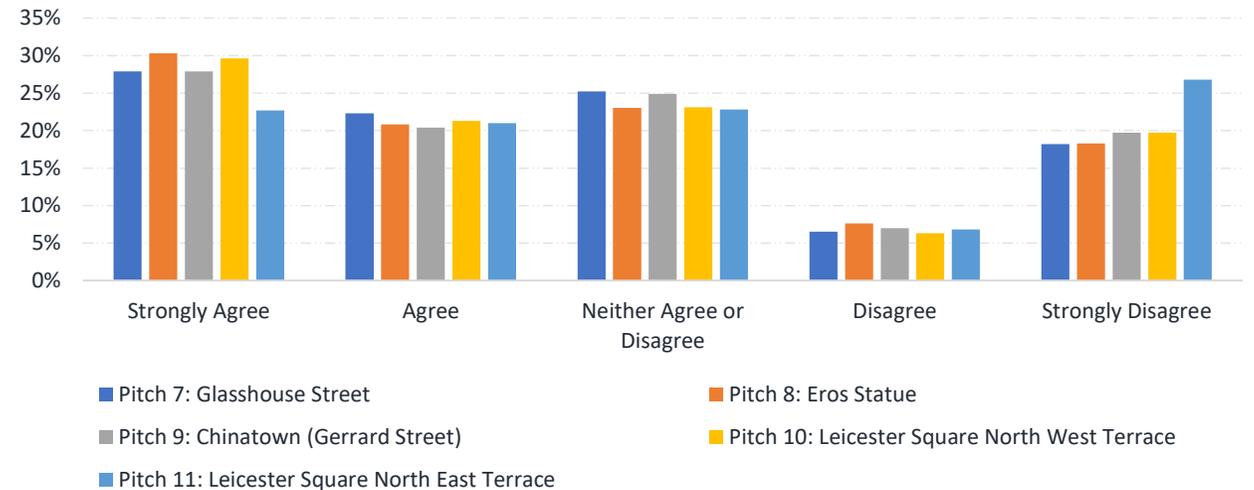
Question 17, 18, 19 and 20: Introducing Licensing: Piccadilly Circus, Chinatown and Leicester Square

Overall, 55% Strongly Agree or Agree with the prohibited areas, despite clear differences between workers (72%), residents (64%) and street entertainers (18%) (of whom 73% Strongly Disagree/Disagree). Pitch 11, Leicester Square North East is the only one to display more Strongly Disagree answers, due to the high volume of workers from the area that voiced their concerns about it being the only amplified pitch in the square. Amplification concerns, particularly in Leicester Square, and crowds are crucial to the current issues that residents and workers have with street entertainment in the area, while other residents fear displacement to their area from those unable to perform in the square. While open-ended answers are dominated by critiques of the pitches, performers and visitors argue, conversely, that it should have more pitches as it has traditionally been a busking hotspot that gathers tourists and is well-managed by entertainers.

Total answers about prohibited areas



Total answers about different pitches



Theme

Theme	Frequency	%
Amplification is the main concern when it comes to the location of the pitch	73	15%
LS should have no amplification at all (remove amplified pitch 11)	63	13%
Disagree with regulation/limiting pitches beyond current powers	46	9%
Non-specific pitches unsuitable: too close to residences, crowds, legitimises busking	22	4%
Pitch 7 (glasshouse) unsuitable: obstructs pedestrians	15	3%
Pitch 8 (Eros statue) unsuitable because: bank, echo	14	3%
Too few pitches	14	3%
Busking should be regulated/prohibited everywhere	14	3%
Chinatown unsuitable for busking: crowds, residents	13	3%

Respondents' quotes and recommendations on the locations of the pitches (that reflect the majority of comments)

The Embankment Area (essentially Villiers Street) was the area with the **third most complaints** (596) and essentially consists of one small street. Piccadilly Circus, Chinatown & Leicester Square covers an area several times larger but only had 33% more complaints. Regulating busking in Leicester Square will **displace** non-compliant buskers (those who cause the greatest nuisance) to nearby areas, including Villiers Street. Leicester Square should only be regulated if and when the **non-busking zone of Trafalgar Square is extended to include the Embankment area** with no busking pitches except on Trafalgar Square and outside Waterstones. (Resident)

There should be **more pitches** built and maintained throughout **Soho** and **Tottenham Ct Rd**, towards **Seven Dials** and the opposite way down to **Green Park**. (Visitor from London)

More need to be allocated. The corner of **Charring Cross road** and **Oxford Street** and **behind Oxford Street station** has always been very good pitches in the past for street entertainment. They cause very little disruption and are good area for visitors to watch. (Visitor from the UK)

I definitely feel if you are going to add restrictions there could be at least 7 or 8 spots. Especially some **between Oxford Circus and Tottenham court road** and some between bond street and marble arch. Outside Selfridges for example, there seems no reason not to have a spot.

The proposal for **Leicester Square** doesn't ban amplified and percussion performances in areas where they will **cause nuisance and harm to neighbouring businesses**, as it does in every other area. The proposal goes further and recommends an amplified pitch in the NE corner despite it being nearer than many other pitches to businesses including hotels, a charity community centre and al fresco dining. (Worker)

We would prefer it not to be directly outside Debenhams as we work above the O2 store opposite. The buskers don't play at Vere street. They are under the awning outside Debenhams. Further down **opposite [sic] Bond Street station** main entrance outside the new station (the other side of Disney) would make more sense in terms of space (Worker)

The pitch in front of **John Lewis, Selfridges and Band Street** are the ones that usually work best for the performers. (Street entertainer)

Pitch 9 in Chinatown is still a **problem** for residents of that area, **there are a lot of people who live in Chinatown** (myself), the Newport Pl square on the east side is the most densely populated, but there are flats at the west end too. It'd be better to move pitch 9 more south, closer to Leicester Sq. / Coventry St. (Resident)

The Leicester Sq pitches should be **South East and South West to reduce impact on residents**. We live on Gerrard Street, facing Leicester Square, and we can hear every word of every horribly repeated song from every busker on the north side of the square. Alternately, prohibit ***all* amplifiers** on the pitches. (Res)

Again this is pretty much a **blanket ban** on busking in the entire area. Busking is all about creating your opportunities, so if you can find a pitch which doesn't get complaints then why not? For instance there is a nice pitch near the **TGI Fridays** in Leicester Square which is suitable for street entertainment. (Street entertainer)

Other streets that more than one respondent felt should be included in the licensed regulation: Brown Hart Gardens, Weighhouse Street, St Anselm's Street, Duke's Yard, and George Yard, Providence Court, Green Street, North Row, Old Quebec St and Grosvenor Square, Agatha Christie statue.

Whilst I realise that a large proportion of noise complaints in Westminster occur on Oxford Street, the majority of these can be resolved by sensible application of the **law as is**. At some point in the future Oxford Street will likely be pedestrianised and these rules would stifle the possibility of performers to use that space. (Visitor from elsewhere in London)

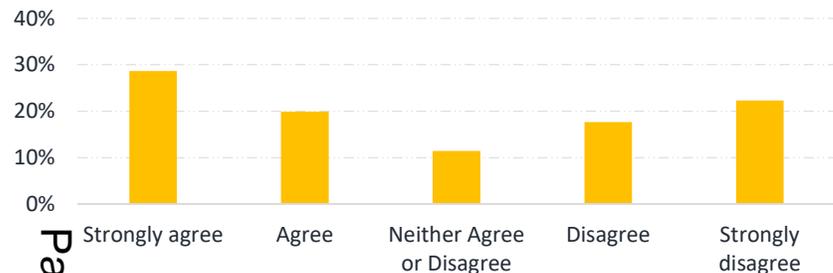
We would welcome focussed patrolling and enforcement within the Chinatown area, which is not part of the neighbouring BID and does not benefit from additional eyes and ears. This is to avoid the likely intensity of **displacement into Chinatown from Leicester Square**. There will be a need also for more intensive enforcement of illegal street trading and begging which occurs in Chinatown as a result of walking characters, balloon and flower sellers which are not covered by your prohibition. (Business)

Questions 21, 22, 23 and 24: The Licence Conditions and Fees

License conditions: of all the respondents, 49% Agree or Strongly Agree, while 40% Disagree or Strongly Disagree.

License fees: overall, 47% of respondents Disagree or Strongly Disagree, while 43% Agree or Strongly Agree.

Licensing conditions total answers



Breakdown of qualitative responses: the main divides remain, particularly between residents and street entertainers regarding whether the fee is too low to cover enforcement costs, to deter problematic or bad buskers or whether it is necessary at all. There was a trend towards believing that the fee should be waived or only payable upon being granted a license, rather than pushing for a lower price.

- 57% of people who commented that they believe the fee is too low are workers, 39% are residents, while no street entertainer commented to say that.
- 26% of those who commented that the fee is too high are residents, 21% are buskers and 16% are workers

Theme

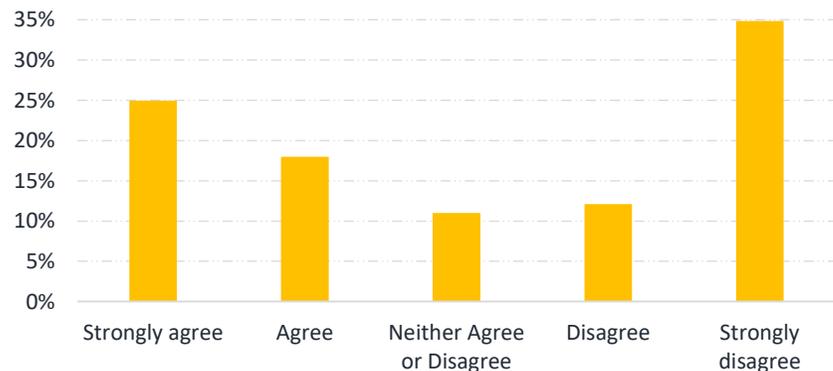
Theme	Frequency	%
Fee is too low (needs to cover the cost of enforcement, business rates are higher, SEs don't pay taxes...)	123	19%
Fee is too high/unjustified (will drive performers away, limits cultural value/livelihoods, too big a barrier for particular groups...)	96	15%
Fee decision "needs to be [more] objective"	44	7%
Disagree with regulation/licensing beyond current powers	41	6%
License should be free	40	6%
Too restrictive/draconian	28	4%
Amplification is a crucial problem	25	4%
Fee should be higher/is too low to act as a deterrent for the bad performers	20	3%
"Code of conduct is more than enough" therefore licensing not needed	18	3%
Quality matters/licensing should be tied to quality of performance	13	2%
Management and enforcement will be the key to this working	12	2%
Ban busking	11	2%
Need to crack down on the [minority of] problematic performers	11	2%
Didn't see the policy document before commenting/confusion	10	2%
Complaints/issues aren't going to be solved/will be worsen through licensing	10	2%

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74% of street entertainers Disagree or Strongly Disagree

65% of residents Agree or Strongly Agree

License fees total answers



- 74% of street entertainers Disagree or Strongly Disagree
- 57% of residents Agree or Strongly Agree

Response rates

Question 1 and 2: 100% of people responded and 93 people commented from around 70 organisations

Question 3 and 4: 73% of people responded, and of those 519 people, 414 left a postcode

Questions 5 and 6: 100% of people responded to the question and 52% left a comment

Questions 7 and 8: 99% of people responded to the question and 42% left a comment

Questions 9 and 10: 99% of people answered the question and 27% left a comment

Questions 11 and 12: 100% of people responded, while 33% left a comment

Questions 13, 14: 100% of people responded, while 31% left a comment

Questions 15 and 16: 100% of people responded, and 26% left a comment

Questions 17 and 18: 100% of people responded, while 27% left a comment

Questions 19 and 20: 100% of people responded, while 27% and 41% left a comment

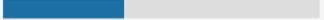
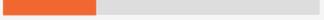
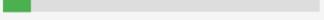
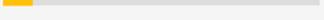
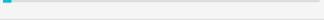
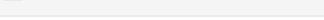
Questions 21 and 22: 99.7% of people responded, while 41% left a comment

Questions 23 and 24: 99.7% of people responded, while 48% left a comment

Q1. Are you a...(please tick all that apply):

+ Create Chart

Answered: 710 Skipped: 0

Answer Choices	Responses		
Resident of Westminster		38.31%	272
Affiliated with a business or employed in Westminster		29.44%	209
Street Entertainer or part of a Street Entertainment Association		8.73%	62
Visitor to Westminster, from elsewhere in London		15.63%	111
Visitor to Westminster, from elsewhere in the UK		9.44%	67
Visitor to Westminster, from outside the UK		2.54%	18
Other (please specify): Show		6.06%	43
Response Total:			710

Q2. If you are responding on behalf of an organisation please state its name:

Answered: 113 Skipped: 597

Responses: [Show +](#)

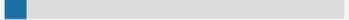
[Text Analysis](#)

Response Total: 113

Q3. Please indicate how long you have been living, working and or performing in the borough? (If multiple apply to you, please respond with the longest standing relationship in mind).

+ Create Chart

Answered: 519 Skipped: 191

Answer Choices	Responses		
Less than 12 months		6.55%	34
1 - 5 Years		23.51%	122
More than 5 Years		69.94%	363
Response Total:			519

Q4. If you live or work in Westminster, please give us your home or business postcode in the borough (6 characters, no spaces):

Answered: 414 Skipped: 296

Responses: [Show +](#)

[Text Analysis](#)

Response Total: 414

4. Our Policy Approach

5. To what extent do you agree or disagree that our policy approach strikes the right balance between supporting busking and street entertainment, whilst protecting those who are affected by it?

			Response Percent	Response Total
1	1) Strongly Agree		21.97%	156
2	2) Agree		21.69%	154
3	3) Neither Agree or Disagree		6.34%	45
4	4) Disagree		19.30%	137
5	5) Strongly Disagree		30.70%	218
			answered	710
			skipped	0

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5. Our Policy Approach Continued

6. "Our policy approach strikes the right balance between supporting busking and street entertainment whilst protecting those who are affected by it." If you disagree with the above statement, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	372
		answered	372
		skipped	338

6. Our Code of Conduct

7. To what extent do you agree or disagree with the seven principles set out in our voluntary Code of Conduct. (Policy Document: Page 8-9)

			Response Percent	Response Total
1	1) Strongly Agree		22.59%	159
2	2) Agree		25.71%	181
3	3) Neither Agree or Disagree		14.63%	103
4	4) Disagree		16.90%	119
5	5) Strongly Disagree		20.17%	142
			answered	704
			skipped	6

8. If you disagree with the seven principles set out in our voluntary Code of Conduct (Policy Document: Page 8-9), please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	296
		answered	296
		skipped	414

7. Supporting Busker and Street Entertainer Self Regulation

9. Please indicate to what extent you agree or disagree with the proposed joint working with the SPA in Trafalgar Square.

		Response Percent	Response Total
1	1) Strongly Agree		21.70% 153
2	2) Agree		27.80% 196
3	3) Neither Agree or Disagree		26.10% 184
4	4) Disagree		12.48% 88
5	5) Strongly Disagree		11.91% 84
			answered 705
			skipped 5

10. If you disagree with the proposed joint working with the SPA in Trafalgar Square, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	188
		answered	188
		skipped	522

8. Introducing Licensing: Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

11. To what extent do you agree or disagree that the council should introduce regulation in these areas?

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
Oxford Street	53.2% (378)	14.9% (106)	7.5% (53)	8.3% (59)	16.1% (114)	710
Piccadilly	51.4% (365)	16.1% (114)	7.9% (56)	8.5% (60)	16.2% (115)	710
China Town	48.2% (342)	17.3% (123)	9.4% (67)	9.3% (66)	15.8% (112)	710
Leicester Square	50.7% (360)	16.2% (115)	6.9% (49)	9.2% (65)	17.0% (121)	710
					answered	710
					skipped	0

12. If you disagree with any of the proposed regulation areas, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	238
		answered	238
		skipped	472

9. Introducing Licensing: Oxford Street

13. The map above shows the specific streets we propose to prohibit busking (areas marked in red). To what extent do you agree or disagree with these? You also can see a detailed list of streets here (Policy Document : Appendix A : Page 26-28).

			Response Percent	Response Total
1	1) Strongly Agree		38.87%	276
2	2) Agree		17.18%	122
3	3) Neither Agree or Disagree		14.37%	102
4	4) Disagree		8.87%	63
5	5) Strongly Disagree		20.70%	147
			answered	710
			skipped	0

14. If you have any further comments on the streets where we propose to prohibit busking and street entertainment in Oxford Street, please provide them here.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	219
		answered	219
		skipped	491

15. To what extent do you agree or disagree with the location of busking and street entertainment pitches on Oxford Street? See detailed map above (pitches marked in yellow). If you wish to see more detailed maps of the pitch locations, please see Policy Document: Appendix A: Page 29-30

	1) Strongly Agree	2) Agree	3) Neither Agree or Disagree	4) Disagree	5) Strongly Disagree	Response Total
Pitch 4: Marble Arch	31.3% (222)	21.4% (152)	26.8% (190)	4.9% (35)	15.6% (111)	710
Pitch 5: Old Quebec Street	28.3% (201)	22.0% (156)	28.7% (204)	4.9% (35)	16.1% (114)	710
Pitch 6: Vere Street	27.7% (197)	21.8% (155)	28.6% (203)	5.2% (37)	16.6% (118)	710
					answered	710
					skipped	0

16. If you disagree with any of the proposed pitches on Oxford Street, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	187
		answered	187
		skipped	523

10. Introducing Licensing: Piccadilly Circus, Chinatown and Leicester Square

17. The map above shows the specific streets we propose to prohibit busking (areas marked in red). To what extent do you agree or disagree with these? You also can see a detailed list of streets here (Policy Document : Appendix A : Page 28).

			Response Percent	Response Total
1	Strongly Agree		34.93%	248
2	Agree		19.58%	139
3	Neither Agree or Disagree		14.65%	104
4	Disagree		10.00%	71
5	Strongly Disagree		20.85%	148
			answered	710
			skipped	0

18. If you have any further comments on the streets where we propose to prohibit busking and street entertainment in Piccadilly Circus, China Town and Leicester Square, please provide them here.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	194
		answered	194
		skipped	516

19. To what extent do you agree or disagree with the location of busking and street entertainment pitches on Piccadilly Circus, China Town, Leicester Square? See detailed map above (pitches marked in yellow). If you wish to see more detailed maps of the pitch locations, please see Policy Document: Appendix A: Page 30-32

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
Pitch 7: Glasshouse Street	27.9% (198)	22.3% (158)	25.2% (179)	6.5% (46)	18.2% (129)	710
Pitch 8: Eros Statue	30.3% (215)	20.8% (148)	23.0% (163)	7.6% (54)	18.3% (130)	710
Pitch 9: Chinatown (Gerrard Street)	27.9% (198)	20.4% (145)	24.9% (177)	7.0% (50)	19.7% (140)	710
Pitch 10: Leicester Square North West Terrace	29.6% (210)	21.3% (151)	23.1% (164)	6.3% (45)	19.7% (140)	710
Pitch 11: Leicester Square North East Terrace	22.7% (161)	21.0% (149)	22.8% (162)	6.8% (48)	26.8% (190)	710
					answered	710
					skipped	0

20. If you disagree with any of the proposed pitches on Piccadilly Circus, China Town, Leicester Square, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	295
		answered	295
		skipped	415

11. The Licence Conditions

21. To what extent do you agree or disagree with the proposed licensing conditions? Please find proposed standard licence conditions on page 20 of the policy document.

			Response Percent	Response Total
1	Strongly Agree		28.67%	203
2	Agree		19.92%	141
3	Neither Agree or Disagree		11.44%	81
4	Disagree		17.66%	125
5	Strongly Disagree		22.32%	158
			answered	708
			skipped	2

22. If you disagree or have any further comments on our proposed Busking and Street Entertainment Licensing Conditions, please provide them here

		Response Percent	Response Total
1	Open-Ended Question	100.00%	300
		answered	300
		skipped	410

12. Licence Fees

23. To what extent do you agree or disagree with a £20 fee being charged to apply for a busking and street entertainment licence?

			Response Percent	Response Total
1	Strongly Agree		24.96%	177
2	Agree		17.07%	121
3	Neither Agree or Disagree		11.00%	78
4	Disagree		12.13%	86
5	Strongly Disagree		34.84%	247
			answered	709
			skipped	1

24. If you disagree with a £20 fee being charged to apply for a busking and street entertainment licence, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	338
		answered	338
		skipped	372

13. Additional Information

25. If you have any further comments or suggestions on any part of our draft policy, please provide them here:			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	333
		answered	333
		skipped	377

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14. Contact Information

26. Email address:			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	421
		answered	421
		skipped	289

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City of Westminster

Licensing Committee

Item No:	
Date:	8 July 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 There have been no new appeals since January 2020 and the Opium appeal was withdrawn as specified below.

4. Licensing Appeals

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

4.1.2 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.

4.1.3 On 23 September 2019, the Licensing Sub-Committee heard the review application and the licence was 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.

4.1.5 On 24 October 2019, the Appellant appealed to the Westminster Magistrates' Court. The hearing was scheduled to take place on 15 June 2020 at Hendon Magistrates' Court, but the appeal was withdrawn.

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.

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 after various hearings on 19 July 2017 that Westminster 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).

5.5 An application is being made to the Administrative Court to recover the costs payable to the Council for monitoring and enforcing the licensing regime.

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. 476 of these appeals have been heard / settled / withdrawn etc. as shown below:

- 0 pending
- 59 dismissed
- 16 allowed
- 13 allowed only in part
- 166 settled
- 222 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