



City of Westminster

Committee Agenda

Title:

Communities, City Management and Air Quality Policy and Scrutiny Committee

Meeting Date:

Monday 31st July, 2023

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Jason Williams (Chair)
Laila Cunningham
Mark Shearer
James Small-Edwards

Judith Southern
Hamza Taouzzale
Tim Mitchell



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

Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Francis Dwan, Policy and Scrutiny Advisor.

**Email: fdwan@westminster.gov.uk
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 Head of Governance and Councillor Liaison in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS 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 approve the minutes of the Committee's previous meeting held on 15th June 2023.

(Pages 5 - 14)

4. PORTFOLIO UPDATE - CABINET MEMBER FOR COMMUNITIES AND PUBLIC PROTECTION

To receive an update from the Cabinet Member for Communities and Public Protection, Councillor Aicha Less.

(Pages 15 - 22)

5. PORTFOLIO UPDATE - CABINET MEMBER FOR CITY MANAGEMENT AND AIR QUALITY

To receive an update from the Cabinet Member for City Management and Air Quality, Councillor Paul Dimoldenberg.

(Pages 23 - 30)

6. STREET ENTERTAINMENT LICENSING POLICY CHANGES

To receive the proposals going to the Cabinet Member on busking and street entertainment licensing policy changes.

(Pages 31 - 154)

7. WORK PROGRAMME REPORT

To discuss and shape the Committee's work programme for the municipal year 2023/24.

(Pages 155 - 168)



CITY OF WESTMINSTER

MINUTES

Communities, City Management and Air Quality Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Communities, City Management and Air Quality Policy and Scrutiny Committee** held on **Thursday 15th June, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Laila Cunningham, Mark Shearer, James Small-Edwards, Judith Southern, Hamza Taouzzale and Tim Mitchell

Also Present: Councillors: Paul Dimoldenberg (Cabinet Member for City Management and Air Quality) and Aicha Less (Cabinet Member for Communities and Public Protection) Officers: Mark Banks (Head of Waste and Cleansing), Wayne Chance-McKay (Head of City Operations), Francis Dwan (Policy and Scrutiny Advisor), Claude Hemsley (Head of I.P.D - Intelligence, Partnerships and Delivery), Amy Jones (Director of Environment), Frances Martin (Exec Director of Environment and City), Mehmet Mazhar (Director of City Highways), Jon Rowing (Head of Parking), Serena Simon (Director of Communities) and Shama Sutar-Smith (Head of Culture and Strategy). External Guest: Superintendent Beth Pirie of the City of Westminster Central West Basic Command Unit (Met Police).

1 MEMBERSHIP

1.1 There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3 MINUTES

3.1 The Committee approved the minutes of its meeting held on 25th April 2023.

3.2 RESOLVED

That the minutes of the meeting held on 25th April 2023 be agreed as a correct record of proceedings.

4 PORTFOLIO UPDATE - CABINET MEMBER FOR COMMUNITIES AND PUBLIC PROTECTION

4.1 The Committee received an update from Councillor Aicha Less, Cabinet Member for Communities and Public Protection, on priorities for the portfolio and any updates that have arisen. The Cabinet Member referenced the Council's mentoring scheme with the Police which is now on its third cohort and identified it as a topic the Committee could look into in future. The Cabinet Member then responded to questions on the following topics:

- Anti-social behaviour (ASB), when Members would receive an update on the mental health navigator proponent of the ASB strategy.
- Busking, a request for an update on the Council's work around busking and how the relevant ward councillors would be updated.
- Westminster Connects, the Committee asked to receive a breakdown of engagement targets and key performance indicators for the Westminster Connects programme and how they have compared to previous efforts and years. This might include the number of hours volunteered for example.
- Mental health support surrounding ASB, the Council's offering in terms of mental health related to ASB and how this might manage the prospective changes to the Met Police with their 'Right Care - Right Person' initiative.
- Briefing for volunteers, what briefing and contact points are provided to volunteers, such as Night Stars before they go out to avoid any future instances of confusion between volunteers and the police.
- CCTV, detail on any potential changes in policy and additional clarity on what is currently impacted by the freeze.
- Council structure, how the re-organisation of 'Public Protection and Licensing' (PPL) in Westminster had gone and what it has meant for neighbourhood coordinators.
- Ward pilot schemes for ASB, when pilot schemes for dealing with ASB were going to roll out, where they would be specifically located in Westminster and how the locations were identified and selected.
- Care home open week, additional detail was requested on the care home open week initiative, the types of activities on offer and the scale of it, in terms of number of care homes included.
- Pedicabs, Members asked what more can be done by the Council to tackle issues relating to Pedicabs. A further question was asked on whether the crackdown on potential money laundering ventures was continuing.
- 'Operation Panceta', the areas of North Westminster that are set to be included in 'Operation Panceta'

- Windrush75, detail on what was being done internally and externally to promote Windrush75 events. Members asked that all councillors receive additional information for themselves but also information that could be distributed to residents.

4.2 Actions

1. The Committee to consider receiving a report on the police mentoring scheme which is now on its third cohort. This could come as part of the Cabinet Member Update, a substantive look at the scheme or general partnership programmes.
2. Westminster Connects, the Committee asked to receive a breakdown of engagement targets and key performance indicators for the Westminster Connects programme and how they have compared to previous efforts and years. This might include the number of hours volunteered for example.
3. ASB ward pilot scheme, additional information on how victims are identified and the areas that are covered by the pilot scheme was requested.
4. Care home open week, additional detail was requested on the initiative, the types of activities on offer and the scale of it, in terms of number of care homes included.
5. Windrush 75-year anniversary, Members asked if all councillors could receive additional information on Windrush75 events and initiatives for both them and for their residents.

5 PORTFOLIO UPDATE - CABINET MEMBER FOR CITY MANAGEMENT AND AIR QUALITY

5.1 The Committee received an update from Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality, on priorities for the portfolio and any updates that have arisen. The Cabinet Member gave an update on dockless bikes and the firms leaving the industry before updating that 650 people had currently responded to the 'C43' cycle lane consultation and it was to be extended by an additional two weeks following information received that some residents within the most affected areas had not received the initial consultation. Lastly, he promoted clean air day, drawing attention to some of the events that had been put on. The Cabinet Member then responded to questions on the following topics:

- Food waste bins, the difference in demand between bins and buckets in various wards. Members also asked the degree and difficulty in engaging residents living in mansion blocks and how this was going to be overcome.
- School streets, how many school streets had been created across the City, on Luton Street, which is a play street, some vandalism was also brought to the attention of the Cabinet Member.

- Anti-idling, what work NSL (the Council's parking enforcement provider) was undertaking to combat engine idling.
- Temporary cycle lanes, what changes were proposed to temporary cycle lanes in Bayswater and Westbourne.
- Dockless bike bay provision, the report identified the number of locations identified for dockless bike bays, Members asked if this number was sufficient and whether these would be rolled out all at the same time and if not how long the roll out would take.
- Timelines, what the anticipated timelines were for progress at Warwick Way, Jermyn Street.
- Planned preventive maintenance schemes, whilst appreciating the work done with amenities societies on planned preventative maintenance schemes, Members sought assurance on ward councillors being consulted. Assurance was granted in the announcement of the extension of the consultation.
- CCTV to tackle dumping, Members asked for an update on how the CCTV pilot to discourage fly tipping and dumping was performing.
- Food waste bin collections, Members identified that residents were dissatisfied with overloaded food waste bins which were attracting vermin, particularly around the Hallfield estate. There were additional questions on how information is being received and actioned by the Council.
- Dog-fouling, what plans were to reduce the presence of dog-fouling and what, if anything, might other councils have tried that could be implemented in Westminster.

5.2 Actions

1. The Cabinet Member was asked to look into an incident of vandalism on the play-street signage on Luton Street as well as Camden signage which has reportedly gone up in Alderney street. The Committee Member who raised this concern was asked to provide photographic evidence. In addition, a street sign in Alderney Street was identified as showing a different local authority, this was brought to the attention of the Cabinet Member.
2. The Cabinet Member was asked to provide an update on the CCTV trials to tackle dumping and fly-tipping.
3. The Cabinet Member invited Members to provide specific locations and bins that are overloaded with waste and food waste and they will be resolved.

6 POLICING IN THE CITY OF WESTMINSTER

6.1 The Committee received an update from Superintendent Beth Pirie of the City of Westminster Central West Basic Command Unit (Met Police). Superintendent Pirie introduced herself and expressed great pride in holding the role. She then gave an overview of policing in Westminster, issues with resourcing, performance, Casey Report and the planned turnaround plan in response which will launch in May. Superintendent Pirie then took questions on the following topics:

- Action planned, Members asked what specifically Westminster Police plan to action and change in addressing the findings. In responding Superintendent Pirie committed to sending all Members of the Committee invitations to a briefing event on the findings of the Casey Report, plans to address the recommendations and the turnaround plan. The Committee heard how this is a community and key stakeholders event and similar events are being run by the Met in every other borough of London.
- Addressing racial disproportionality, Members asked about the decision in displaying the data as it was and the conclusions drawn out in the analysis, given the clear disproportionality in stop and search breakdowns and Westminster population demographics. Having heard about the transient population, Members challenged the implications this might have and asked how profiling was done and what is going to be done to tackle racism specifically.
- Addressing youth disproportionality, understanding the disproportionate impact stop and search has on young people, the potential effect this can have on their mental health; particularly when stopped on multiple occasions, and the process involved for stopping under-18s and even under-10s. Superintendent Pirie offered to undertake a dip sample of persons stopped under ten years of age and provide feedback as well as research into how many people were stopped multiple times.
- 'Violence Against Women and Girls' (VAWG), Members asked how the police supports and could better support the Council's campaign to tackle VAWG. Further to this, Members asked for comment on the Night Stars programme and then clarity on neighbourhood police shift times and whether they operate through the night.
- Enhanced wards, Members enquired about what a ward would have to do or demonstrate to attain 'enhanced' status which results in focused attention and additional resource. Having heard from Members anecdotally about crime in Lancaster Gate, Superintendent Pirie agreed to go on a patrol in the ward to experience first-hand the issues raised.
- Police community support officers (PCSO) allocation, Members expressed frustration with MOPAC's (Mayor's office for policing and crime) resourcing model around London. Members enquired about the level of co-ordination

between neighbourhood policing and central units, expressing that it could be improved.

- Right care - right person, Members sought clarity on what the 'right care – right person' model might mean for callouts and the impact this could have on other council and emergency services.
- Budget constraints, having expressed support for the great work local officers do in the community, Members asked whether Westminster Police felt like they were given enough money to operate in the challenging environment that they do with all the various local but complex operations they run.
- Rising crime in Westminster, Members identified that the report highlighted a 32.7% rise in the total number of recorded instances of crime compared to last year. Members asked what factors had led to this and then asked for the last 12 months figure to be compared against the last 12 months before the pandemic, to get a more comparable figure in terms of footfall and other such measures.
- Reporting fatigue, Members wanted to draw attention to residents increasingly feeling the reporting process is onerous and there are issues in their reports being recorded and/or receiving a response. Superintendent Pirie offered to look into these issues with her senior management team as well as a potential issue with failure logging calls made to the 101 non-emergency police number. Members then recommended the usefulness of 'Whatsapp' groups in building trust. Local police support officers in one ward are utilising this and the feedback, according to Members, has been positive.

6.2 Actions

1. To provide the Committee with an update on work that will be done to tackle issues of racism within policing. It was identified that a future update could include the findings of the serious youth violence board and the young person's crime panel both of which are investigating issues of race more broadly in the criminal justice system.
2. The Committee asked whether it would be possible to provide information on the number of people who, in the reporting period (or outside of it), were (are) stopped on more than one occasion. It was also asked what follow-up care is available, if any, for those stopped and searched without charge, particularly for young people.
3. Superintendent Pirie to send Members of the Committee invites, as was already planned, to the briefing event on the findings of the Casey Report and plans to address the recommendations and the turnaround plan. The Committee heard how this is a community and key stakeholders event and similar events are being run by the Met in every other borough of London.
4. Superintendent Pirie, through dip sampling, offered to provide an explanation and background into the six stop and searches conducted, in the reporting period, of children under ten years old.

5. Superintendent Pirie to go out on patrol with the Safer Neighbourhood Team (SNT) in Lancaster Gate and around Queensway to get a first-hand experience of the issues faced which will better contextualise the problems and support efforts to campaign for increased resources.
6. The paper identified a 32.7% increase in the number crime offences in Westminster compared to last year. The Committee, whilst concerned, expressed sympathy with the difficulty in analysing year on year figures given recent interruptions in terms of the pandemic and associated lockdowns. As a result, Superintendent Pirie offered to provide the Committee with a comparison of the last 12 months crime figure (62,185 offences) compared to the last full year before Covid-19, in 2019.
7. Superintendent Pirie offered to look into reported issues about a lack of communication that reportedly occurs when crime is reported through the non-emergency '101' telephone line but the Safety Neighbourhood Team do not receive the intel. Should this yield any update, the Committee would wish to hear.

7 PARKING SERVICE UPDATE

7.1 Jon Rowing, the Council's Head of Parking introduced the report which highlighted areas requested in November's Committee. The Cabinet Member for City Management and Air Quality, supported by Jon, then responded to questions on the following topics:

- Penalty charge notice (PCN) recovery rate, Members asked how the Council felt about the 71.3% recovery rate for PCNs and what could be done to improve this further.
- Cashless parking machines, the degree to which the Council was aware of (particularly elderly or vulnerable) people having difficulty with cashless parking.
- Tickets issued to internationally registered vehicles, what work was done or could be done to increase the payrate from the owners of vehicles registered internationally. It was suggested by Members that the Council could consider engaging with the relevant embassies or consulates which was noted as a consideration.
- Imported vehicles, what systems there are to register imported cars and if this can be done as soon as they enter the UK. It was also asked whether the DVLA (driver and vehicle licensing registry) held this information and if there was any way to obtain it.
- Suspension fees, Members asked whether it could work out cheaper to pay penalty fines rather than suspensions under the current charging scheme.

- Parking loopholes, Members enquired about claims that parking fines couldn't be issued to vehicles parked wholly on the pavement.
- Electric vehicle (EV) charge points, how the locations for the 40 new EV rapid charging bays across Westminster had been decided and where they were set to be.
- Community resolutions, how Members or residents can deal with problems of delivery bike drivers loitering on forecourts and on loading bays.
- Traffic marshal intimidation, how traffic marshals could be supported to avoid instances when they are aggressively intimidated and whether body-worn CCTV could aid them.
- Forecourt parking agreements, whether agreements could be made between the Council and private forecourt landowners who do not consent to having bikes parked on them and if so, what action could then be taken.
- Autonomy for escalation, Members asked what powers the Council had for repeat offenders who accrued multiple parking tickets, especially those that are not being paid particularly the internationally imported vehicles, which are harder to prosecute in the traditional way.
- Website crash, the website for renewing resident parking permits went down, Members asked how it had happened, how long it took to resolve and how it could be prevented from happening again in the future.
- Monetary value of lost spaces, Members asked for the monetary value of the approximately 2500 car parking spaces that have been got rid of or repurposed since the last survey.
- Parking payment changes, whether additional changes were planned for parking fees and how this was going to be structured and when rates would be decided.
- Acoustic cameras, Members asked how successful the acoustic camera placed in Waterloo Place had been in terms of fines issued and paid.
- Parking suspension notification, Members suggested officers consider a notification system or sign-up for residents to alert them of suspensions that may be about to happen. This would be particularly beneficial when they might be away from their property and if actioned could provide suggestions for alternative nearby locations.
- Boundary road parking, how the detail is agreed between other local authorities for resident parking situated on boundary roads.
- Parking occupancy, how the spread of parking pressures varies across Westminster. Anecdotally, Members suggested that pressure was felt in

particular areas in North Westminster so wanted to know whether the reduction in provision had been equally felt.

7.2 Actions

1. Internationally registered vehicles not paying PCNs issued, Members suggested officers consider working with consulates and embassies in identifying offenders. Officers committed to checking with Marstons (the Council's international debt collector) about ability to identify internationally registered vehicles, possibly through the DVLA, and feeding back to the Committee.
2. To find out whether agreements can be made between the Council and private forecourt landowners who do not consent to having bikes parked on them. If so, what action could be taken about this.
3. Acoustic Cameras, to provide information as to how the acoustic camera in Waterloo Place has performed. In terms of recorded breaches and PCNs ultimately issued.
4. The Cabinet Member, and Parking Team, were asked to consider a notification system for parking suspensions, which can easily be missed by residents especially when they might temporarily be away on holiday for example. Clear notification could provide piece of mind and open a dialogue for resolutions.
5. Occupancy Survey, officers to provide links to the occupancy survey results in full.

8 WORK PROGRAMME REPORT

- 8.1 The Work Programme was briefly discussed, and attention was drawn to the next planned Committee date overlapping with the school holidays.

The meeting ended at 20.48.

CHAIR:

DATE

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City of Westminster

Communities, City Management and Air Quality Policy and Scrutiny Committee

Date:	31 July 2023
Portfolio:	Communities and Public Protection
The Report of:	Councillor Aicha Less, Cabinet Member for Communities and Public Protection
Report Author and Contact Details:	Nick Porter-Ch'ng nporter-ch'ng@westminster.gov.uk

1. Key decisions made in the preceding period since the last Policy & Scrutiny report dated 15 June 2023:

No decisions have been made during this period.

2. The following report includes my priorities and delivery progress to date:

2.1 Public Protection & Licensing

Crime & Disorder and Community Safety

Safer Westminster Partnership

Councillors will know from the insight gained at the last meeting that the Safer Westminster Partnership is structured around a three-year strategy document. I was pleased to attend a workshop with a range of stakeholders as we start the process of re-defining the priorities for the new strategy.

Before we started to think about the emerging priorities, we spent some time reflecting on the various drivers and performance challenges that are faced as a community safety partnership, as well as addressing the lived experiences of our residents and businesses.

The Safer Westminster Partnership has committed to ongoing workshops with a number of stakeholders before bringing forward a draft strategy for consultation.

New Violence Duty

The Government passed the Police Crime Sentencing and Courts Act in April 2022, which introduced the Serious Violence Duty, which requires specified authorities to work together to prevent and reduce serious violence. The duty commenced on 31st January 2023 and Specified Authorities (Police, Probation, Fire, Health and Local Authorities) have until 31 January 2024 to comply with the Duty.

London's Violence Reduction Unit has produced a standard definition for the boroughs to

adopt for 'serious violence':

- Any violence and exploitation affecting young people under the age of 25
- Domestic abuse (as defined in the Domestic Abuse Act 2021)
- Sexual violence

Partnerships have flexibility in the definition they choose to adopt and Westminster has chosen to also include Night Time Economy driven violence by over 25's in the West End, as this makes up a large proportion of Westminster's serious violence.

Key outputs for the duty are to produce a serious violence strategic needs assessment and a serious violence strategy by 31st January 2024. Work is underway led by Community Safety to ensure compliance with the Duty. The Safer Westminster Partnership has chosen to include these within the wider SWP strategic assessment and strategy which is under development.

Establishing a Westminster Safer Neighbourhoods Board

I have asked Officers to liaise with the Mayor's Office for Policing and Crime (MOPAC) to ensure we deliver for our communities a new Safer Neighbourhood Board (SNB) for Westminster. SNBs are one way in which communities hold policing areas to account and can access community funding from MOPAC for community led initiatives.

I will be working with colleagues across services to ensure we develop a truly representative board.

CCTV

I am pleased to confirm that officers have completed the procurement of consultants to examine the current surveillance infrastructure across Westminster. The consultant has been tasked with analysing current CCTV systems available in the city and examining opportunities to improve coordination and coverage.

This will enable us to demonstrate leadership across the various services that are already established across our city. Work is due to start the week commencing 24th July, and the initial work commission is anticipated to take 10-12 weeks, and will help to inform our future opportunities and conversations.

Once we receive the recommendations from the consultants which we anticipate in the early Autumn, I will be able to update the Committee further.

Night Safety Programme

The Night Stars have helped 84 people in quarter 1. There are 62 Night Stars volunteers registered and following some community events a further 44 people have registered an interest in volunteering. Overall, we have seen a 6% increase against the baseline of volunteering in this space – ensuring we continue to make Westminster Safe into the night-time.

In addition to the night-time volunteering, the team have also attended 14 events, facilitate 8 training sessions, participated in one volunteer fair, and delivered 5 promotional

presentations.

As well as patrolling the West End regularly on Friday nights, the Night Stars delivered a special shift for Pride, running from 8pm-4am, helping those celebrating in the West End to keep safe.

A New Met for London

This was launched on 17 July by the Commissioner, and details the MPS mission to deliver *More Trust, Less Crime and Higher Standards*. Community Safety will be working closely with the Borough Command Unit to shape and influence the local plans for its delivery, ensuring it reflects the needs of our communities and providing appropriate challenge and support in its delivery. I will be looking to work with the MPS to ensure that their community engagement and dialogue around this is supported by our own communication and engagement channels.

I am working to continue to strengthen our relationship with local policing leaders, and as part of my work programme I have regular meetings with Westminster police leadership team to discuss both of our shared priorities, and the changes that are important to our residents.

Regulation and Enforcement

Pedicabs

Officers continue to undertake coordinated operations with the Metropolitan Police targeting anti-social and noisy pedicabs, predominantly in the West End which cause nuisance to businesses and residents. We have had notable success at court prosecuting pedicab riders under the Control of Pollution Act – the last court date saw three riders fined a total of £3290 adding to the approximately £33k achieved previously. The last joint operation in late May identified a further 8 riders playing amplified music past 9pm, and papers are being submitted for prosecution. The next joint operation is later this month, and there are court dates booked for August and September to hear existing cases.

Licensing

We continue to work towards a safer and more managed night-time economy. City inspectors have been carrying proactive visits to licensed premises across the West End and St James' ward to ensure that businesses are operating in accordance with their premises license and promoting the licensing objectives. As part of this work, several businesses have been identified who have not complied in full with licensing conditions and relevant action is being taken to rectify this. The city inspectors will continue to carry out this work in partnership with the police licensing team to ensure that businesses are aware of their responsibilities in terms of promoting and operating under the licensing objectives to create a safe space for visitors and reduce any issues that may impact our residents.

90% of total licences issued within 28 days from the publication date of the Licensing Sub-Committee decision (*yearly target of 80%*)

91% of licensed premises that are safe and well managed following a single inspection.

Notting Hill Carnival

The Council supports carnival each year by allocating temporary street trading pitches on two streets in the west of the city, Westbourne Park Road and Talbot Road. In total, there are 43 pitches available for the two days of carnival. The majority of these pitches provide hot food. We have already received applications for this year's carnival and we are currently processing these applications. The application process includes training for the traders so that they fully understand the requirements for trading at carnival. The training this year will be provided, in person, to the traders the week before carnival, by the licensing service and environmental health. This will be followed up by inspections of the pitches once they have been set up on the first day of carnival. Environmental Health officers will also be actively monitoring the noise levels from the six static sounds systems that operate within Westminster over the two days.

Ahead of Carnival, Community Safety, through the Integrated Gangs and Exploitation Unit will be leading the usual pre-carnival safeguarding and gang-activity reduction plans. These will be discussed and delivered with colleagues across Westminster Housing, Children's Services and our neighbouring boroughs.

British Summer Time (BST)

BST is an annual series of concerts in Hyde Park. It is organised by the Royal Parks under a premises licence which is heavily conditioned to manage the impact of the event. This year's concerts took place over three weekends from 24 June to 9 July. Nine events took place during that period with some of the biggest acts in the world performing in front of audiences of 65,000 people. Environmental Health had a permanent presence at each concert to ensure that all relevant requirements were adhered to including, food hygiene, health & safety, compliance with licenced conditions and most importantly noise monitoring. In granting the licence the council placed several conditions regarding noise from the events. Environmental Health officers worked closely with the event organisers for each concert to monitor the noise levels in real time and council staff are present and engage with the sound technicians to reduce the noise level when appropriate. Officers visited the location of any noise complaints and monitored noise levels from outside the park. We received 30 complaints this year over the course of the three weekends, all were offered a visit and monitoring took place in the vicinity of the complaint to ensure the conditions were being met.

Pavement Licenses

We continue to operate on trying to ensure that our pavement and licensing schemes can work for our business and our residents. The Levelling Up and Regeneration Bill makes provision for a new, permanent pavement licensing regime. The Bill is still progressing through its parliamentary stages and is unlikely to complete its passage in the current parliamentary session therefore, DLUHC has laid draft Regulations to extend the current temporary pavement licensing measures beyond September 2023. This will allow licences to be granted for up to an additional 12 months (until September 2024), pending the Levelling Up and Regeneration Bill completing its parliamentary stages.

There are currently almost 700 Pavement Licences which will expire at the end of September.

PP&L Restructure

I have been updated on the changes to the PP&L service, and the progress that is being made in the implementation of a new operating structure. I have asked that we undertake sessions to brief ward members on these changes, and the service has committed to do this as soon as key appoints have been completed.

Quarter 1 Key Performance Indicators 2023/24

- 90% of total licences issued within 28 days from the publication date of the Licensing Sub-Committee decision (*yearly target of 80%*)
- 91% of licensed premises that are safe and well managed following a single inspection.
- 113 of Category 1 hazards removed from residential dwellings which pose a serious and immediate threat to people's health or safety. (*yearly target of 375*)
- 234 vulnerable residents supported to continue living in their homes (*yearly target of 500*)
- 88 Houses of Multiple Occupancy (HMOs) improved (buildings with more than one household including shared facilities) (*yearly target 200*)
- 6% Increase in the number of volunteers involved in our Night Stars Programme
- 100% of all high-risk food premises inspected (rated category A-B) as programmed for Quarter One (*yearly target 100%*)

2.2 Communities

Pride

Events leading up to pride included

'Windrush meets Pride' an exhibition in the mezzanine, showcasing the work of Clover a UAL final year student.

A public reading of 'nature's wild' understanding the link between the carnival protest and the pride.

A float making exhibition took place at City Hall, led by an artist. Members of the community came in to assist in decorating the float for the two Lord Mayors for the parade - in the theme of the monarch butterfly, representing the impact of climate change on our environment.

The staff networks Westminster Rainbow Network and RBKC Proud network delivered a joint event with Elimu Mas Academy, a Paddington based charity and Unison. 170 people attended the parade, many in costume. The pre-meet was hosted by staff at Mayfair library. The lord Mayors of City of Westminster, Royal Borough of Kensington and Chelsea attended and sat in the float. The LGBTQ+ champions from both boroughs also attended on the float.

A photo from the event is below. Images from the event will be held by the Westminster Archives.

Communications Update

The photos from the Pride Parade have been shared on our social media channels and will be promoted in MyWestminster. A 'Pride meets Windrush' article appeared in the July additional the Voice magazine, highlighting the Council celebrating Pride month and the Pride parade, whilst also showcasing the designs of Clover from Central Saint Martin's whose work is displayed at City Hall and included at Pride in London.



North Paddington

- The North Paddington team have drafted the first year of works for the Programme. CPMO Project Leads have been assigned to each project and are actively working with a dedicated Partnership Board Lead/ Community representative to start the scoping requirements for each project.
- Work is ongoing to finalise the community and engagement approach, to ensure this is embedded into the delivery of each project. This is in partnership with members of the NPP Partnership Board.
- A Cabinet Member paper, which outlines the first year of works; the governance structure for the programme and the community engagement plan will be drafted for final approval for September 2023.

Engagement and Consultation

- The Consultation Hub is now live on the Council's website and features a number of current consultations.

- We are in the process of procuring a new Consultation Engagement platform which will be implemented from September 2023.
- A list of key stakeholder organisations across each ward has been produced and will be shared with Councillors shortly.
- Teams are engaging regularly with the Quality Improvement Board with an officer level operational meeting ahead of the Board to provide additional support.
- A Consultation How To guide is being developed with the Consultation Institute. This will be launched by the end of July 2023. This guide has key principles for staff to follow when approaching consultation. We are working also with Bloomberg Associates to deliver training sessions which will be based on their Engagement 'How To Guide'. The sessions will be delivered with Westminster staff from September 2023 – December 2023.
- The consultation on the Charter for Community Participation has been completed and a resident's working group is being established with residents to create the Charter for launch in summer 2023.

Community development

- Our Westminster, 131 residents have signed up. An increase of 26 since the last report. Participation activities:
- Residents invited to take part in selection of new consultation hub platform.
- Resident taking part in Public Participation at Full Council Meetings training. In partnership with the Governance and Councillor Liaison team, the Communities department held two online information sessions (during the day and in the evening) where we explained to residents and voluntary sector members what full council was and how they could get involved through submitting a question or petition. Over ten people attended both sessions. Following the sessions, a further eleven questions were submitted to full council, of a total of 19.
- Residents invited to New Approach to working with Communities conference at Grand Junction
- Career zone. The waiver for the contract with Abintegro Legal (enabling us to bypass the normal procurement process) has finally been approved.

CPP update -

- 46 have sent all their documents
- 21 PO's have been processed
- 34 contracts sent, 28 contracts signed
- 6 projects are individuals/students and will require payment before providing insurance certificates (proof of purchase must be shown within 7 days from receiving payments)

Equalities

- Training is underway on improving access to services, including using equality impact assessments as a tool to identify engagement priorities to widen participation.
- Scoping meetings are underway around the socioeconomic duty and how we embed that to support other work underway around housing, cost of living and food poverty.

Windrush

This year we marked the 75th anniversary of Windrush with a film festival held at Picturehouse Central in Piccadilly Circus. The event featured the documentary film 'Still We Rise', films from one thousand Londoners and Chocolate Films and 'Dolapo is Fine' directed by Ethoshea Hylton. Guests also saw performances from singer Peter Straker alongside St. Peter's Eaton

Square Church of England Primary school, British soul singer Omar, Queens of Lovers Rock Janet Kay and Carroll Thompson, Queen Laya and Heather Small. The event also brought together members of the community as well as Westminster residents who are part of the Windrush generation.

The event also showcased the designs of Clover from Central Saint Martin's whose work was showcased at City Hall and included on the road at Pride in London 2023.

Here is the Caribbean front room image.



Communications Update

Windrush 75 festival took place on Windrush Day 22 June. Event was sold out with many residents attending. Posted on social media throughout the day and had 18,000 organic impressions and a 3.4% engagement rate. Other events include party to celebrate the primary school art competition which took place in LM Parlour on 26 June, upcoming events are Library talk with artist Michael McMillan (promoting across our channels) and Windrush Compensation Scheme information event (will be promoting once details are confirmed).



City of Westminster

Communities, City Management and
Air Quality Policy and Scrutiny
Committee

Date: 20 July 2023
Portfolio: City Management & Air Quality
The Report of: Councillor Paul Dimoldenberg
Report Author and Contact Details: Nikki Costain
ncostain@westminster.gov.uk

1. Key decisions made in the preceding period since my last Policy & Scrutiny report:

- Contract award for the cleansing and maintenance of public conveniences
- Waste, Recycling and Street Cleansing Contract with Veolia ES Ltd
- Parking Fee Structure Review

The following report includes my priorities and delivery progress to date on:

2. City Management

2.1 Parking

2.11 Mobilisation Update

The mobilisation of the contracts across, 5 different lots, including a new technology provider, progressed smoothly and on time. Since going live there, has been a constant effort by all to ensure the technology is stabilised and that providers can operate the contracts as required and meet their KPIs. Officers are currently in the process of mobilising the Parking Suspension system which for the first time will be a system fully integrated into the wider suite of software. This is due to go live on 10 July and is the final piece of the mobilisation. Following this a full roadmap for the next 18 months will be produced and agreed with software supplier, FGL.

2.12 Back-Office backlog and actions taken to fix it

While the transition to the new software has been substantially successful there has been a knock-on effect on back-office processing times for Parking appeals, correspondence and Permits caused by a short-term increase in processing times for historic items. When combined with increases in calls due to questions over how the new system works this has led to increased call wait times and slower responses to appeals, correspondence and Permit applications. Officers have produced FAQ videos that are now shared on the Council website and NSL are providing short-term additional resources to bring down the spike over the coming couple of months.

2.13 Move to Electric Scooters

NSL have now completed transition of their moped fleet to one that is fully EV, taking 15 petrol mopeds out of use and replacing them with clean vehicles with zero tail-pipe emissions. The petrol mopeds are being donated by NSL to the City Council's partners to support deliveries for local food banks. Delays in the international supply chain for EV cars means they have not been able to swap their half dozen cars used for the Parking service from petrol to EV as expected but this is on track for a change by mid-summer.

2.14 Virtual Permits

The City Council has now moved to virtual Permits for our residents. This model, as already seen in all neighbouring Boroughs, will apply to any new or replaced Permits issued from 1st April 2023. It will save the Council money on administration and reduce paper waste.

2.15 EV update

Expansion and improvement of the network of EV charge points in Westminster is continuing. The fourth round of Lamp Column Charge Point (LCCP) installations for residents nears completion and we are around 50 LCCPs away from the planned 1,000 intended from the round 4 programme. Upon completion, there will be approximately 2,250 LCCPs in total throughout the City of Westminster at a ratio of 3.5 resident owned EVs to each LCCP. The programme to upgrade our legacy fast charging points continues and this will result in large scale upgrade from 7kW units to dual socket 22kW charge points. The programme will increase the number of EV bays in this network by approximately 30, resulting in a fast charger network of 228 bays in total upon upgrade completion, of which 75% will deliver a 22kW output. Rapid charge point expansion in the city continues too and we now have 28 on the public highway with 3 more planned for introduction in the summer. The Cabinet Member has approved the Action Plan for 2023/24, where the focus is upon the further expansion in the number of rapid chargers available on the highway. The aim is to procure up to 40 as these units are in high demand and are underrepresented in the city by comparison with other charge point types. Funding opportunities are being explored, including through the Local Electric Vehicle Infrastructure (LEVI) fund made available by the government, where an Expression of Interest has already been submitted by the City Council.

2.16 Concern Over Cashless Parking Trends

There has been much recent media attention focussing on the practice of local councils nationwide withdrawing their cash payment options for on-street parking. This is due to the discontinuation of 3G networks and the resultant cost to the authorities of updating their existing on-street payment machinery to accommodate this. WCC was one of the first local authorities (if not *the* first) to withdraw its on-street cash payment facilities back in 2009. Because of this we have been subjected to many of the recent press enquiries on the subject and mentioned in some of the media coverage. However, despite the media's narrative that cashless systems may discriminate against the elderly or those without a smartphone, this has not been borne out by our experience. In fact, since the initial cutover period we have seen very few complaints and objections in this regard, although it should be noted that since 2009 we have continued to support the on-street transactions with the ability for customers to pay via phone-call rather than relying solely on use of Apps. The City Council also has the option to use scratch cards as a payment method which can be purchased by cash via WCC libraries.

2.2 Food Waste Recycling Update

The city-wide roll-out of a food waste collection service has now been completed with 68,000 households having direct access to the service. The on-street food waste bins in areas where residents could not have a 'doorstep collection' have been a particular success and bin collection frequencies have been increased to 2-3 times per week to manage the large quantities of food waste being deposited. An additional 8 new food waste neighbourhood bin

sites were installed at start of July based on suggestions from residents and Members bringing the total to 39 neighbourhood sites across 16 wards.

A new 'on-demand' food waste service is also being launched during w/c 31st July. This new service is being launched in **St James's, West End and Marylebone** wards for residents who can only place their food bin directly onto the pavement due to a lack of external space. Residents will be able to book a 2-hour slot for food waste to be directly collected from the communal front door of their property to minimise the time that bins are left out. This is the first time the council has operated an 'on demand' service and officers are currently exploring further potential uses for this technology (e.g., collecting hazardous household waste, small electrical appliances etc.).

2.3 Electric Waste and Recycling Fleet

Building works at the council's new 'Electric Waste & Recycling Depot' at Landmann Way near Bermondsey have now been completed and the site officially opened on 19th July. Forty new fully electric waste and recycling trucks are currently being received in batches of 5 vehicles per week from the manufacturer in Warwick and put into service immediately. All forty vehicles will be fully operational by the end of August.

The electric vehicles will charge their batteries by drawing electric power from an adjacent energy recovery facility which uses the waste collected from homes and businesses in Westminster. Westminster's fleet completes 50 million collections every year and each electric vehicle saves up to 89% CO₂e compared to a diesel-powered vehicle. Smart charging will allow the site to support the National Grid by receiving power to charge the vehicles at non-peak times to maximise local resources and strengthen the Grid's resilience.

2.4 Dockless Bikes

To address the growing issues caused by dockless bikes on our footways, a mandatory parking bay model is being proposed across our highway network. The foundation of the scheme proposed is built upon the provision of at least one parking bay per 300m, with additional bays being implemented in higher demand areas. The proposal for the initial network is for between 200-220 bays to be established for both dockless bike and e-scooter parking. This will offer approximately 3,000 parking spaces for both rental e-scooters and dockless bikes moving forward, with the e-scooter capacity likely to increase from 850 to 1,200, and capacity for dockless bikes being approximately 1,800.

A two-tranche delivery is proposed with parking zones G, E, F and D (West End, St James's, Marylebone and Victoria area) estimated to commence in operation by late August 2023, and parking zones A, B and C delivered in tranche 2, by late October 2023.

We have just commenced an informal consultation with ward members and amenity societies which ended on 11 July and at the time of writing seven have responded with outline questions about the proposed locations. A full summary of member comments will be produced. At Informal Cabinet on Monday 10 July it was agreed that the proposed scheme should progress to implementation on the street, subject to a Cabinet Member Decision being taken and the dockless bike and rental e-scooter companies agreeing to proposed robust Memorandum Of Understanding (MOU) agreements which include a position that relates to them contributing towards our costs.

2.5 Westminster Bus Network Changes

The 29 April Central London Bus Changes programme was implemented by TfL. To date officers have not realised any network concerns and that no concerns have been raised for their attention.

There are no immediate TfL Bus Network changes proposed for the City of Westminster. Proposals to greatly develop outer London bus services are being developed by TfL including its 'Superloop' network of outer radial/ and some express routes.

2.6 Regent Street

The visioning and objective setting work steam for the permanent scheme for Regent Street is underway, launched on Thursday 6th July. The engagement phase includes opportunities for residents, workers, businesses and visitors to have their say, including a series of workshops over the next three weeks, alongside eight pop-up events across Westminster during July and August. An online survey will also capture the views of residents and businesses in Westminster, as well as those from across London, the UK and internationally.

The current engagement is the start of a conversation around the future of Regent Street, alongside what we are learning about the street today, as well as what residents, workers, businesses and visitors tell us as part of this first round of engagement, to shape the future vision and scheme for Regent Street.

This process will culminate in a final vision and set of evidence-based project objectives for consideration and approval in the autumn 2023.

2.7 Proposed Cycle Schemes

Non cycle route projects that have advanced include the signature of our new Cycle Services contract for our cycle training, Dr Bike and other activities to promote cycling. This will last a two-year period and a 'Value for Money In-housing' of our service will commence in September. We continue to implement Cycle Stands and Residential Cycle Hangars on the street with the conclusion of public consultation on 60 new secure cycle parking locations in July 2023. Associated installation starts in August 2023. Additionally, one new Santander Cycle Docking Station was opened in Maida Vale with four more to follow over the next two years.

The Cycle Route Programme continues to progress with 18 proposed routes in development. This includes consultation on proposals to make over 12km of temporary 'covid' cycle lane permanent starting with the recent 'Paddington Area' consultation and continuing in July with Buckingham Palace Road and Lupus Street consultations. Consultation of Cycleway 43 took place between May and June 2023 (see below) and Cycleway 51 (southern section) and Abingdon Street is scheduled to start in September 2023.

2.8 C43 Cycleway Update

In early 2023, Cycleway 43 proposals were reviewed against the latest cycle infrastructure guidance (LTN1/20) to revise and then consult on updated proposals. Public consultation took between 15th May and 25th June following a period of 'pre-engagement' with key local stakeholders including Ward Cllrs and Residents Associations. The consultation received over 1400 feedback responses following promotion via local postcard drop, in-person and online Q&A sessions, lamp column wraps along the route and social media & e-newsletter engagement. Analysis of responses is underway and expected to conclude in early August 2023.

2.9 CCTV

We appointed Vodafone (and Idefigo) to provide us a 12-month pilot of overt Waste CCTV in late 2022. This followed an earlier trial with another company in 2019. The attraction of the offer from Vodafone was the use of AI to 'learn' what was flytipping/incorrect presentation of waste versus correct waste practices. The project went live from the first week of February 2023. We were clear from the outset that these cameras were likely to be most useful if vehicles were identified being used to commit the flytipping offence as it would potentially

give us the registered keeper (assuming the registration number was captured) – we were also clear that CCTV was unlikely to assist with other offences from people dumping waste when there was no vehicle involved as we would be unlikely to be able to identify them. Flytipping is a criminal offence and therefore must be the criminal standard of evidence.

When the cameras were initially installed, we were flooded with notifications which was to be expected. Since that initial 'go live' date, the Artificial Intelligence has been learning what represents a fly tipping event. This is a somewhat slow learning process because it has to identify different types of items being taken to sites i.e., bags, fridges, mattresses etc. However, the library of fly tipping items is building up and as a result, we are now receiving more accurate triggers around events. Unfortunately, we also get a lot of messages where waste has been in situ for some time and a vehicle has passed the site creating a new trigger, so officers are having to review the footage to find the original offence. We have no dedicated resource to review footage, this is done by City Inspectors in the relevant Wards.

Warlock Road is the most prolific site for fly tipping with images showing people taking items to the bins at all times of the day and night. Unfortunately, the majority of these events do not include vehicles and relate to persons carrying items to the bins, so it is not possible to identify the offenders. We have do however have one 'live case' ongoing where the alleged offender was caught on CCTV and the vehicle registration checked via DVLA. The owner of the vehicle has named the 'user' who has agreed to attend an interview under caution. We have recently (5/7/23) identified a further potential offence where a vehicle has been used and a registration number captured.

Between 09.02.23 and 26.06.23 we have had a number of 'false triggers' as below:

Denbigh Place	138 triggers
Foley Street	21 triggers
Warlock Road	123 triggers

In terms of Denbigh Place and Foley Street both locations have historically had issues, but it would appear that behaviours have changed reducing the incidences of fly tipping. As a result, these cameras are in the process being relocated to new hotspots due to lack of activity. The CCTV in Warlock Road in particular has identified a number of actionable fly tipping events, however they do not all include vehicles or where we suspect they have used vehicles the vehicle has not been parked within the camera arc, so we have not been able to pursue those cases.

We will undertake a review of the pilot towards the end of the pilot lifecycle. Consideration will also be had of inclusion of fly tipping in the scoping of wider CCTV provision in Westminster.

3. Air Quality

3.1 Air Quality Action Plan

Air pollution levels across Westminster continue to improve. We have very recently ratified the data from our real-time monitoring network for 2022, which shows that we meet the annual legal objective levels for particulate matter at all our automatic monitoring stations, while we meet annual nitrogen dioxide targets at eight of our 10 automatic monitoring stations.

Five year trends in Westminster's nitrogen dioxide emissions

Of the 10 automatic monitoring stations that measure Nitrogen Dioxide (NO₂), seven have continuous data since 2018. For these stations, the five-year trend shows an overall

reduction in annual mean NO₂ of 45%. The largest reductions were seen at our Strand and Marylebone Road sites, with a 60% and 51% reduction in NO₂ levels respectively.

For the same time period, in 2018 there were 78 exceedances of the one-hour NO₂ objective (reflecting serious short-term spikes in pollution levels). However, in 2022 there was only one such exceedance.

Five year trends in Westminster's Particulate Matter emissions

For the same 2018-2022 five-year period, annual Particulate Matter (PM) emissions also reduced across Westminster, although at a smaller rate than NO₂. There was an average 18% reduction in PM₁₀ emissions for monitors covering this five year period, and an 8% reduction in PM_{2.5} emissions (albeit from a sample size of only two monitors for PM_{2.5}).

London and national context

Directly comparing Westminster's progress on air quality to that of London as a whole is difficult due the availability and accessibility of data across the London as a whole. While not directly comparable, a study produced by the GLA in 2021 showed that overall, London's NO₂ levels decreased by 21% in the five year period 2016-20. Recent work by the GLA has focused on the impact of the Ultra Low Emission Zone (ULEZ) and of the Covid pandemic on emissions in London. It is estimated to that NO₂ concentrations are 21% lower than they would have been in inner London (and 46% in central London) without the ULEZ.

Nationally, Defra produces statistics showing overall UK trends. For the comparable five year period 2018-22, nationally NO₂ levels in urban areas reduced by an average of 25%, and national PM₁₀ levels in urban areas reduced by an average of 7.5%. This shows that emissions in pollution levels in Westminster far exceed those being seen on average across the UK.

Forthcoming Air Quality Action Plan

However, as a council we have committed in our Fairer Westminster strategy to meeting the much more stringent World Health Organisation guidelines for air quality, and so there is much more work to be done to improve the quality of the air we all breathe. As part of this, we are currently producing a new Air Quality Action Plan, which will go to public consultation in the autumn, and which will guide our actions in this important area over the next five years. While continuing to focus on important sources of pollution from transport, the built environment, and from construction and development, the new Action Plan will include brand new areas of focus, from reducing commercial cooking emissions, to tackling indoor air quality, to finding new ways to empower and engage with our communities, businesses and schools.

3.2 Clean Air Day

Cllr Dimoldenberg visited St Mary's Bryanston Square Primary school (one of our School Streets) where they had arranged a mini street festival with music, games and scooters to play with. Paul then hosted an assembly for 65 children aged 6 – 11 about pollution and what the council has done to improve air quality. This went very well as the children were highly engaged. The Communications team prepared a WCC branded colouring in sheet with our 5 new Air Quality Action Plan priorities on the reverse, for parents to read when the children take it home. They also updated the Air Quality webpage with the new 5 priorities and created an animation for social media highlighting some of our key achievements for air quality over the past year. They produced a video of Paul at the school event for social media and newsletters to show that air quality is a key priority and that we want to engage with the community. The posts got very high engagement with the video getting over 700 views. Cllr Dimoldenberg also visited an event hosted by Northbank BID on Strand Aldwych.

3.3 Anti-Idling in Westminster

Following engagement between Officers and local groups (such as Clean Air Bayswater) action will be taken over the coming months to arrange walkabouts with on-street enforcement teams and resident groups. We are also investigating the potential for informal signage schemes across the borough, which will be focused on awareness raising rather than enforcement, due to the ongoing statutory constraints and restrictions that exist around idling enforcement. Officers are also investigating the potential for formal DfT approved anti-idling signage in highly localized hotspots: a part of Tothill Street by Harris Academy Sixth Form is one option being explored.

3.4 School Streets Programme

All 11 trial School Streets have now been made permanent through the Traffic Management Order process. The Road Safety Officer is now drafting new criteria for the Design and Implementation of five new School Streets each year. These criteria will be considered by Cllr Dimoldenberg from September onwards ideally through the holding of a workshop with officer colleagues. Funding is secured through the Capital Programme for this ongoing delivery.

3.5 Air Quality delivery projects

The council is also continuing to deliver a number of air quality related projects, several of which are the result of our successful leveraging of external funding:

- Clean Air Walking Routes: a Defra funded project aimed at producing a new navigation tool / app to help residents reduce their exposure to poor air pollution while encouraging active travel throughout the city. We are currently in a user research phase for this project to create the specification to go out to procure a developer to work with us in creating the navigation tool / app.
- London-wide wood burning project: a Defra funded project we are a partner on that is conducting research on indoor emissions caused by wood burning stoves. There is major communications activity for this project planned for the autumn to coincide with increased wood burning during the colder months.
- Smarter Greener Logistics: a Defra funded project, led by Westminster but delivered by Cross River Partnership with 26 partner organisations, which is focusing on urban logistics hubs, cargo bike and walking delivery services, and other aspects of reducing emissions associated with logistics.
- Indoor Air Quality Monitoring pilot: we are in the process of procuring a number of indoor air quality monitors, which we will be providing to a wide variety of stakeholders (including residents, schools and businesses) on a loan basis. Feedback on the ease and usability of these monitors will inform the second stage of the project, which will be to produce guidance on reducing indoor air pollution in different environments.

3.6 No Mow May

Plantlife's 'No Mow May' campaign called for green spaces to not be mowed for the entirety of May to provide a space for nature to thrive in the height of Spring. The council supported the campaign this year by not mowing grass on all housing estates and a selection of parks to allow plants to grow and pollinators to flourish.

Many residents across the borough have provided positive feedback commenting on the increase in diversity of plants and flowers in their local green spaces. Working with partners, including Continental Landscapes, the council is now exploring ways to prolong the biodiversity benefits.

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City of Westminster

Communities, City Management & Air Quality Policy and Scrutiny Committee

Date:	31 st July 2023
Classification:	General Release
Title:	Busking and Street Entertainment Licensing Policy Review
Report of:	Frances Martin, Executive Director of Environment and City Management and Pedro Wrobel, Executive Director of Innovation and Change
Cabinet Member Portfolio	Councillor Aisha Less, Deputy Leader and Cabinet Member for Communities and Public Protection
Wards Involved:	All
Policy Context:	Busking and Street Entertainment Licensing Policy under the London Local Authorities Act 2000.
Report Author and Contact Details:	Kerry Simpkin, Head of Licensing, Place and Investment Policy. Email: ksimpkin@westminster.gov.uk

1. Executive Summary

- 1.1 The introduction of the busking and street entertainment licensing regime in Westminster aimed to strike a balance between supporting performers and addressing concerns related to noise, obstruction, and inappropriate locations. The council undertook a review of the Busking and Street Entertainment Licensing Policy. This review process involved engaging with stakeholders, collecting data, and analysing the effectiveness of the scheme. While there was generally positive uptake of licenses, complaints related to busking and street entertainment increased in specific areas. The draft Busking and Street Entertainment Licensing Policy Review Report is attached as Appendix A.
- 1.2 Compliance and enforcement challenges were identified, particularly in Leicester Square and Covent Garden. The scheme initially emphasised self-regulation, but issues with noise and obstruction prompted the need for designated pitch locations. The low licence fees aimed to facilitate participation without financial barriers, but full cost recovery was not achieved.

- 1.3 The Council continues to face difficulties enforcing against illegal performers without sufficient police support. Officer safety was a concern due to threats and abuse. Collaboration with the police led to some positive outcomes, but illegal activity increased after the easing of Covid restrictions.
- 1.4 The review highlighted the need to evaluate the cost and resource implications of addressing non-compliance and illegal performers. Limited resources and competing priorities must be considered. Businesses and residents support maintaining the scheme, which effectively mitigated local issues in certain areas.
- 1.5 In Leicester Square, noise nuisance and non-compliant or illegal busking were significant challenges. A collaborative approach involving stakeholders was recommended to address the noise issues associated with a particular pitch. Simultaneously, the Council should proceed with the statutory process to remove amplification from the pitch, ensuring progress is not delayed.
- 1.6 The Northwest corner pitch in Leicester Square experienced issues with performers deviating from the designated location and illegal buskers causing obstruction and noise disturbances. Enforcing regulations and ensuring compliance with designated pitch locations are essential to address these issues.
- 1.7 Policy changes include addressing children and young performers, clarifying responsibilities for copyrighted material and royalties, and outlining the ramifications for providing untruthful information in the application process. The code of conduct, licence conditions, pitch locations, and markings should be reviewed and amended as necessary.
- 1.8 Implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and adjusting pitch locations and markings will enhance the fairness and effectiveness of the busking and street entertainment licensing scheme.

2. Key Matters for the Committee's Consideration

- 2.1 The Committee plays a key role as a consultee in the policy review process and is requested to provide their views on the draft Busking and Street Entertainment Licensing Policy Review Report presented in Appendix A. The Committee's comments and views, alongside those expressed by other stakeholders, will be carefully considered by the Licensing Committee, and ultimately evaluated by the Cabinet member for Communities and Public Protection. Any necessary amendments will be made to the final licensing policy report based on this collective input. Subsequently, the Cabinet Member for Communities and Public Protection will consider the final licensing policy review report to recommend to Full Council which options and recommendations should be pursued in light of the report's findings. Full Council will determine what options should be implemented and what changes, if any, should be made to the Busking and Street Entertainment Licensing Policy and the process.
- 2.2 The Policy and Scrutiny Committee is asked to:
 - 2.2.1 Evaluate whether the findings presented in the attached report accurately reflect the views and understanding of the current situation regarding busking and street entertainment within the city. If not, identify any specific areas that may be missing or unclear in the report.

- 2.2.2 Assess the alignment between the proposed options and recommendations outlined in the report and the findings it presents. Provide their comments as to whether these proposed measures sufficiently address the issues identified or if further steps need to be taken.
- 2.2.3 Provide additional information or considerations that the Cabinet Member can take into account when reviewing the attached report and considering what options and recommendations should be made to the Council.

3. Background

- 3.1 As part of the commitment made by the Council, a review of the Licensing Policy was undertaken after one year of the scheme's operation. This draft report, attached at Appendix A, outlines the approach taken by officers for the review, including engagement with external stakeholders and data collection. The draft findings of the review present potential options and recommendations for the Council's consideration.
- 3.2 The review process involves multiple stages, including an internal officer review, engagement with stakeholders, consultation through the Council's policy and scrutiny process, and the publication of formal proposals for statutory consultation and adoption.
- 3.3 During the review process, officers engaged with key stakeholders, conducted targeted engagement, and analysed available evidence. The data indicated a generally positive uptake of licences issued by the Council during the two years of operation. However, there was a notable increase in complaints related to busking and street entertainment, primarily concentrated in specific areas of the city, with a significant number of repeat complainants.

Compliance and enforcement

- 3.4 Stakeholder engagement revealed several issues with maintaining compliance and enforcing against illegal performers within the scheme. Non-compliance and illegal activity were particularly prevalent in Leicester Square and Covent Garden.
- 3.5 The original intention of the scheme was to have a light touch approach, emphasising self-regulation based on a code of conduct. Buskers and street entertainers expressed their desire to continue self-regulation, while businesses and residents were primarily concerned with noise nuisance and obstruction. The proposed scheme, which aimed to strike a balance between self-regulation and designated pitch locations, was considered appropriate. The low licence fees were set to facilitate busking and street entertainment without being a financial barrier, although they did not cover the full costs of running the scheme for the Council.
- 3.6 The licensing scheme and associated policy aimed to address concerns and enable effective action against non-compliance and illegal busking and street entertainment. However, challenges have arisen, particularly regarding compliance and enforcement. Council officers have faced difficulties enforcing against illegal performers without police support, and officer safety has been a concern due to threats and abuse from illegal buskers and street entertainers, as well as hostile audience reactions. The police, although key partners, have been limited in their support due to other pressing priorities. As a result, there has been a rise in illegal activity since the easing of Covid restrictions and the return of high footfall. Council officers have collaborated with the police to carry out enforcement actions, resulting

in some positive outcomes. Additionally, a prosecution was pursued against an illegal busker, which led to a conviction, although the fine imposed by the court was relatively low.

- 3.7 While the review primarily focused on the effectiveness of the Licensing Policy, the issues stemming from non-compliance and illegal behaviour by buskers and street entertainers were consistently raised by all stakeholders. Based on the review and engagement conducted, council officers acknowledge the need to evaluate the cost and resource implications of addressing persistent non-compliant and illegal buskers and street performers. The limited resources available to the council, financial constraints, and the importance of prioritising higher-risk and essential functions must be taken into account. The commitment of the police, who prioritise other policing issues in the West End, would also be crucial in effectively addressing these concerns. Despite these challenges, there is a clear consensus among businesses and residents to maintain the scheme, as it has proven effective in mitigating local issues such as noise and obstruction in certain areas of the city.

Leicester Square

- 3.8 The review has identified Leicester Square as a specific case study due to the persistent challenges related to noise nuisance and non-compliant or illegal busking and street entertainment. Managing noise from outside performances is particularly difficult in Leicester due to its architectural design, high buildings, and the positioning of adjoining streets. The layout of the square can cause wind to carry noise further, and some buildings' facades act to redirect noise towards certain buildings, particularly those along the East side. The issue of noise nuisance is further amplified by the high demand for the Northeast pitch in Leicester Square. When multiple licensed performers seek to use the pitch, they may increase the volume of their performances to attract larger crowds and generate income.
- 3.9 Based on the review findings and the identified challenges in Leicester Square, it is recommended to initiate a collaborative approach involving representatives of buskers and street entertainers, businesses, and the Council. The aim would be to collectively explore and implement strategies to mitigate the noise nuisance associated with the pitch in question.
- 3.10 However, it is also recommended that while the collaborative approach is underway, the Council may wish to proceed with the statutory process to remove amplification from the pitch. This ensures that progress is not delayed and that measures are put in place to address the noise issues promptly. If the collaborative approach yields positive results, the Council may decide whether or not to remove amplification after going through the formal statutory process. Such a decision would also have to be published for 28 days before it comes into effect.
- 3.11 This approach allows for a comprehensive and multi-stakeholder effort to find a viable solution to the noise nuisance while also maintaining a proactive stance in addressing the issue through the statutory process.
- 3.12 In addition to the challenges associated with noise in Leicester Square, the review has identified issues related to the Northwest corner pitch. This pitch is designated as unamplified and is situated away from the main north thoroughfare. However, performers are frequently found not on the designated pitch but closer to the main north thoroughfare, deviating from the intended location.

- 3.13 Furthermore, the presence of illegal buskers is particularly prominent in this area, both on the pitch itself and along the North thoroughfare of Leicester Square. This unauthorised presence not only causes obstruction but also contributes to significant noise disturbances.
- 3.14 Addressing these issues requires a comprehensive approach that considers the enforcement of regulations, addressing illegal busking activities, and ensuring compliance with designated pitch locations to minimise obstruction and noise-related problems. This will be particularly challenging, requiring a significant investment in resources and costs as well as ongoing support from the Police to achieve. As part of this approach, a review of the fees for the scheme may be required to cover some of the costs associated with this scheme generally as well as support the need for additional resourcing.

Policy Changes

- 3.15 Addressing Children and Young Performers, it is proposed to amend the policy to clearly outline the requirements related to the age of performers and safeguarding. The policy should restrict individuals under the age of 14 from busking or providing street entertainment. Additionally, applicants under the age of 18 should be required to provide parental or guardian consent.
- 3.16 Information should be provided on copyrighted material and royalties within the policy to clarify that the responsibility for payment of royalties related to the performance or use of copyrighted material lies with the busker or street entertainer. This addition will inform applicants and licensees of this requirement.
- 3.17 The policy and application documentation clearly state the ramifications for applicants who provide untruthful statements. Emphasise the importance of providing accurate and truthful information as part of the application process, as this information is essential for officers to assess the applicant's suitability for holding a licence.

Code of Conduct and Licence Conditions

- 3.18 It is proposed that a review of the current codes of conduct and licence conditions should be undertaken, and any necessary changes are made to ensure they remain proportionate and reasonable. There may also be a need to consider updating some of the codes of conduct and licence conditions in light of the proposed changes identified in the review.

Pitch Locations and Markings

- 3.19 The council should assess the current pitch locations based on factors such as pedestrian safety, prevention of highway obstruction, and reduction of noise nuisance to businesses and residents. Consider moving or changing pitches that are not frequently used or where there are issues with localised noise nuisance. Explore the addition of new pitches in areas with significant demand or where existing pitches are often suspended due to events, e.g., in proximity to Leicester Square and Trafalgar Square.
- 3.20 Undertake an assessment of the markings of pitches that have significantly worn out. Consider cost-effective alternatives to the current versions used across the city to provide a cheaper alternative while still maintaining visibility and functionality.

3.21 By implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and potentially adjusting pitch locations and markings, the Council can enhance the effectiveness and fairness of the busking and street entertainment licensing scheme.

4. Governance and steps to revise the policy, terms and conditions or other elements of the scheme itself.

4.1 The governance process for making changes to the Busking and Street Entertainment Licensing Policy or making a resolution to change the terms or conditions, pitches, or the scope of the licensing scheme is a matter for Full Council. The draft Licensing Policy Review Report, along with any feedback from this Committee and the Licensing Committee, will be considered by the Cabinet Member for Communities and Public Protection. The Cabinet Member will recommend to Full Council what options and recommendations should be taken forward. The statutory process for making changes to the scheme or policy can take some time to achieve due to the need to go through a formal decision-making process via Full Council and the limited Council hearings available per year.

4.2 If it is recommended to revise the Policy and the scheme as set out in the following provisional timeline. This timeline will be subject to any decision made by the Cabinet Member to move forward with any of the options or recommendations within the report. The timeline provided is also subject to change.

Date	Step	Action
31 st July 2023	Consideration of review papers by P&S Committee	Provide feedback and comments on review and its findings.
4 th October 2023	Licensing Committee consider the draft Licensing Policy review report and the comments and views expressed by the Policy & Scrutiny Committee on consultation on proposed revisions to the Licensing Policy and provide their comments and changes to the draft proposals.	Members of the Licensing Committee to comment on the proposed draft Licensing Policy review report.
24 th October 2023	Consideration and review options and recommendations by the Cabinet Member for Communities and Public Protection	Provide recommendations on actions to be taken based on review
10 th November 2023	Begin public consultation on proposed revisions to the Licensing Policy and draft resolutions associated with amending the Northeast Leicester Square Pitch, other proposals and any changes to the process	Public consultation carried out and direct engagement with licensees and stakeholders.

	including the standard terms and conditions and restrictions under the Act	
31 st January 2023	Public consultation ends of proposed revisions to the policy and draft resolutions.	Officers to review responses to the consultation.
27 th February 2024	Cabinet Member for Communities and Public Protection to receive report on the outcome of the consultation and proposals for formal adoption of the proposed revisions of the licensing policy and recommend proposals to Full Council to make necessary resolutions and changes to the Policy and scheme.	To recommend to Full Council the revised Licensing Policy, any necessary resolutions and changes to the Policy and scheme including to the standard terms and conditions and restrictions under the Act.
TBC	Full Council consider and determine the proposed revisions to the Licensing Policy and to vary the existing resolutions and to make changes to the scheme including the standard terms and conditions and restrictions under the Act and agree to place a public notice of these changes and the decision.	Final decision by the Council to place public notice on the decision to vary the Council's resolution on this licensing scheme.
TBC	Public Notice for 28 days of the Council's intention to vary the resolutions and any changes associated with this policy and licensing regime.	Service of notice on statutory consultee and 28-day period commences for representations to the proposed intention to vary the Council's resolution.
TBC	Public notice consultation period ends.	Review of written representations received. An application for oral representations can be made.
TBC – May/June 2024	Full Licensing Committee and/or Cabinet Member for Communities and Public Protection to consider written representations and, if oral representations have been requested, hear those representations on the	Cabinet member for Communities and Public Protection to recommend to Full Council the revised Licensing Policy, any necessary resolutions and changes to the Policy and scheme.

	variation of the existing resolution.	
24 th June 2024	Full Council consider representations made and decide whether to approve the amended resolution and any changes to the Licensing Policy and to the scheme.	Full Council will need to make the formal decision to approve any changes to the Policy and amended Resolution and any changes to the scheme.
Summer 2024	Notice of passing of resolution and any other changes will be published and it will come into effect no later than 28 days after the resolution /changes are made.	Changes come into place on the date prescribed in this notice.

5. Legal Implications

- 5.1 The Council has adopted a Busking and Street Entertainment Policy under Part V of the London Local Authorities Act 2000. It has also made resolutions to designate certain streets and locations for busking which came into effect on 5 April 2021.
- 5.2 The Council is entitled to make changes to the resolutions made provided it complies with the statutory process as set out in the body of this report.

6. Equalities Implications

- 6.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 6.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.3 The Council recognises that it will review its Busking and Street Entertainment Policy and the licensing regime having regard to its equality duty.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Kerry Simpkin, Head of Licensing, Place and Investment Policy. Email: ksimpkin@westminster.gov.uk

APPENDICES:

Appendix A – Busking and Street Entertainment Licensing Policy Review Report – June 2023.

BACKGROUND PAPERS

Busking and Street Entertainment Licensing Policy
London Local Authorities Act 2000.

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Busking and street entertainment licensing policy review report.

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Executive Summary

The introduction of the busking and street entertainment licensing regime in Westminster aimed to strike a balance between supporting performers and addressing issues related to noise, obstruction, and inappropriate locations. The Policy recognises the diverse nature of busking and street entertainment and aims to enhance the city's public spaces while considering the concerns of pedestrians, residents, and businesses.

As part of the commitment made by the Council, a review of the Licensing Policy was undertaken after one year of the scheme's operation. This report outlines the approach taken by Officers for the review, including engagement with external stakeholders and data collection. The findings of the review present potential options and recommendations for the Council's consideration.

The review process involves several stages, including an internal officer review, engagement with stakeholders, consultation through the Council's policy and scrutiny process, and the publication of formal proposals for statutory consultation and adoption.

During the review process, officers engaged with key stakeholders, conducted targeted engagement, and analysed available evidence. The data indicated a generally positive uptake of licenses issued by the Council during the two years of operation. However, there was a notable increase in complaints related to busking and street entertainment, primarily concentrated in specific areas of the city, with a significant number of repeat complainants.

Compliance and enforcement

Stakeholder engagement revealed several issues with maintaining compliance and enforcing against illegal performers within the scheme. Non-compliance and illegal activity were particularly prevalent in Leicester Square and Covent Garden.

The original intention of the scheme was to have a light-touch approach, emphasising self-regulation based on a code of conduct. Buskers and street entertainers expressed their desire to continue self-regulation, while businesses and residents were primarily concerned with noise nuisance and obstruction. The proposed scheme, which aimed to strike a balance between self-regulation and designated pitch locations, was considered appropriate. The low licence fees were set to facilitate busking and street entertainment without being a financial barrier, although they did not cover the full costs of running the scheme for the Council.

The licensing scheme and associated policy aimed to address concerns and enable effective action against non-compliance and illegal busking and street entertainment. However, challenges have arisen, particularly regarding compliance and enforcement. Council officers have faced difficulties enforcing against illegal performers without police support, and officer safety has been a concern due to threats and abuse from illegal buskers and street entertainers, as well as hostile audience reactions. The police, although key partners have been limited in their support due to other pressing priorities. As a result, there has been a rise in illegal activity since the easing of Covid restrictions and the return of high footfall. Council officers have collaborated with the police to carry out enforcement actions, resulting in some positive outcomes. Additionally, a prosecution was pursued against an illegal busker, which led to a conviction, although the fine imposed by the court was relatively low.

While the review primarily focused on the effectiveness of the Licensing Policy, the issues stemming from non-compliance and illegal behaviour by buskers and street entertainers were consistently

raised by all stakeholders. Based on the review and engagement conducted, council officers acknowledge the need to evaluate the cost and resource implications of addressing persistent non-compliant and illegal buskers and street performers. The limited resources available to the council, financial constraints, and the importance of prioritising higher-risk and essential functions must be taken into account. The commitment of the police, who prioritise other policing issues in the West End, would also be crucial in effectively addressing these concerns. Despite these challenges, there is a clear consensus among businesses and residents to maintain the scheme, as it has proven effective in mitigating local issues such as noise and obstruction in certain areas of the city.

Leicester Square

The review has identified Leicester Square as a specific case study due to the persistent challenges related to noise nuisance and non-compliant or illegal busking and street entertainment. Managing noise from outside performances is particularly difficult in Leicester due to its architectural design, high buildings, and the positioning of adjoining streets. The layout of the square can cause the wind to carry noise further and some buildings facades act to redirect noise toward certain buildings, particularly those along the East side. The issue of noise nuisance is further amplified by the high demand for the Northeast pitch in Leicester Square. When multiple licensed performers seek to use the pitch, they may increase the volume of their performances to attract larger crowds and generate income.

Based on the review findings and the identified challenges in Leicester Square, it is recommended to initiate a collaborative approach involving representatives of buskers and street entertainers, businesses, and the Council. The aim would be to collectively explore and implement strategies to mitigate the noise nuisance associated with the pitch in question.

However, it is also recommended that while the collaborative approach is underway, the Council should proceed with the statutory process to remove amplification from the pitch. This ensures that progress is not delayed and that measures are put in place to address the noise issues promptly. If the collaborative approach yields positive results, the statutory process can be suspended or terminated accordingly.

This approach allows for a comprehensive and multi-stakeholder effort to find a viable solution to the noise nuisance, while also maintaining a proactive stance in addressing the issue through the statutory process.

In addition to the challenges associated with noise in Leicester Square, the review has identified issues related to the Northwest corner pitch. This pitch is designated as unamplified and is situated away from the main north thoroughfare. However, performers are frequently found not on the designated pitch but closer to the main north thoroughfare, deviating from the intended location.

Furthermore, the presence of illegal buskers is particularly prominent in this area, both on the pitch itself and along the North thoroughfare of Leicester Square. This unauthorised presence not only causes obstruction but also contributes to significant noise disturbances.

Addressing these issues requires a comprehensive approach that considers the enforcement of regulations, addressing illegal busking activities, and ensuring compliance with designated pitch locations to minimise obstruction and noise-related problems.

This will be particularly challenging requiring a significant investment in resources and costs as well as ongoing support from the Police to achieve. As part of this approach, a review of the fees for the

scheme may be required to cover some of the costs associated with this scheme generally as well as support the need for additional resourcing.

Policy Changes

Addressing Children and Young Performers it is proposed to amend the policy to clearly outline the requirements related to the age of performers and safeguarding. The policy should restrict individuals under the age of 14 from busking or providing street entertainment. Additionally, applicants under the age of 18 should be required to provide parental or guardian consent.

Information should be provided on copyrighted material and royalties within the policy to clarify that the responsibility for payment or royalties related to the performance or use of copyrighted material lies with the busker or street entertainer. This addition will inform applicants and licensees of this requirement.

The policy and application documentation will clearly state the ramifications for applicants who provide untruthful statements. Emphasize the importance of providing accurate and truthful information as part of the application process, as this information is essential for officers to assess the applicant's suitability for holding a license.

Code of Conduct and Licence Conditions

It is proposed that a review of the current codes of conduct and licence conditions should be undertaken and any necessary are made to ensure they remain proportionate and reasonable. It is proposed to amend the Codes of Conduct to include provisions on the provision of truthful information during the application process and behaviour.

There may also be a need to consider updating some of the codes of conduct and licence conditions considering the proposed changes identified in the review. A new condition is being proposed to specifically tackle abusive or threatening behaviour or actions that are directed towards Authorised Officers and the Police.

Pitch Locations and Markings

The council should assess the current pitch locations based on factors such as pedestrian safety, accessibility for disabled performers, prevention of highway obstruction, and reduction of noise nuisance to businesses and residents. Consider moving or changing pitches that are not frequently used or where there are issues with localised noise nuisance. Explore the addition of new pitches in areas with significant demand or where existing pitches are often suspended due to events, e.g. in proximity to Leicester Square and Trafalgar Square.

Undertake an assessment of the markings of pitches that have significantly worn out. Consider cost-effective alternatives to the current versions used across the city to provide a cheaper alternative while still maintaining visibility and functionality.

By implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and potentially adjusting pitch locations and markings, the Council can enhance the effectiveness and fairness of the busking and street entertainment licensing scheme.

1. Introduction and Background to this review

- 1.1 Westminster is populated with residential and business premises close to and within nationally and internationally recognised commercial, cultural, and tourist destinations, creating a vibrant and exciting atmosphere. These high footfall areas are also attractive to buskers and street entertainers, helping to create a lively and diverse street scene unique to our city.
- 1.2 Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly has access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language, which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats, and mime artists.
- 1.3 Busking and street entertainment have been and will remain a consideration for our placemaking and public space design approaches, ensuring our city and town centres remain an attractive experience for all. The Council continues to recognise the cultural contribution that busking and street entertainment add to the City's vibrancy and character. However, there continue to be adverse impacts from busking and street entertainment in certain locations around the city. The high number of loud or amplified performances daily meant that residents and nearby businesses had little or no respite for lengthy periods. In addition to the complaints received, in some areas of our city, some locations were inappropriate for busking and street entertainment. This was because of the nature, design, and use of the areas, which at times caused pedestrians to spill out onto roads to get past buskers and street entertainers and their audience or impede on pedestrian flow in already highly congested areas.
- 1.4 On 9th December 2020, at a hearing of Full Council a report and evidence that demonstrated the need for the Council to introduce a Busking and Street Entertainment licensing regime and associated Licensing Policy (the Policy) was debated. The Policy recognised that in certain locations within the City, there is good reason to believe that as a result of busking and street entertainment, there has been, is being, and will continue to be an undue interference with or inconvenience to or risk to the 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. It was therefore proposed to adopt Part V of the London Local Authorities Act 2000 and for the designation of the areas of Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the twenty-seven designated busking pitches.
- 1.5 The Policy was intended to do more to support busking and street entertainment within the City while reducing the undue interference or inconvenience for persons using the streets or nuisance to nearby residents and businesses. Following that debate, Full Council approved the adoption of the Policy, the resolution to adopt Part V (Licensing of Buskers) of the London Local Authorities Act 2000 (the 2000 Act) to apply to the City of Westminster, and the draft designating resolution for designated streets.
- 1.6 Following the resolution to adopt the licensing of buskers licensing regime, the Policy, and the draft designating resolution (designation order) for designated streets where busking was permitted and/or prohibited the Council was required to undertake formal consultation

on that resolution. This consultation took place between the 10th December 2020 and 31st January 2021. Following that consultation, a report was provided to Full Council on the 3rd March 2021, seeking the formal adoption of the designation order following the results of the consultation exercise. The Council agreed that the designation order would come into effect on the 5th April 2021. The busking and street entertainment licensing regime came into effect on this date.

- 1.7 The Council acknowledges the cultural contribution of busking and street entertainment while recognising the adverse impacts in certain locations. The high volume of loud or amplified performances caused disruptions to residents and businesses, leading to numerous complaints. Additionally, some locations were deemed inappropriate due to their design and usage, leading to pedestrian congestion and safety concerns. The Council aims to strike a balance between preserving the vibrancy of the city and addressing these challenges through effective placemaking and public space design approaches.
- 1.8 On December 9, 2020, the Council discussed and debated a report highlighting the need for the introduction of a Busking and Street Entertainment licensing regime and associated Licensing Policy. The Policy acknowledged that certain locations within the City experienced undue interference, inconvenience, and safety risks to individuals using the streets or living nearby due to busking and street entertainment. To address these concerns, the Council proposed adopting Part V of the London Local Authorities Act 2000. This adoption would prohibit busking in areas such as Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square, with exceptions for licensed buskers operating within twenty-seven designated busking pitches.
- 1.9 Following the change in Administration of the Council in May 2020 discussions took place between Officers and the Cabinet Member on the scope of this review. It was agreed that the review would fulfil the Council’s commitment made during the adoption of the regime and policy on the 9th December 2020. The scope of this review would be limited to the Policy. However, the effectiveness of the regime and any issues associated with its compliance and enforcement would be considered when considering the final review report. Whilst it is outside the scope of this report the enforcement strategy and approach to ensuring compliance with this scheme will need to be considered in parallel.
- 1.10 The review is to be undertaken in four stages:

Stage	Stage title	Summary of stage	Completed, ongoing or to commence.
1	Internal Officer review	This stage focused on gathering input from Council teams and services which had the role of administering and/or enforcing the licensing regime and its Policy or had direct interactions or specific challenges associated with the regime and its Policy. This phase would also include collecting initial data sets on the scheme's operation and identifying previous individuals, groups, bodies, and partners involved in the initial	Completed October 2022

		development and consultation on the Policy for targeted engagement.	
2	Engagement and evidence gathering with external stakeholders	This stage focused on targeted engagement to gather information and feedback on the scheme and the Policy, including what had been achieved in its first year and the areas which required changes or further consideration.	Completed – September 2022 to May 2023.
3	Initial Review findings and Councillor Scrutiny to consider next steps	This stage will set out the initial findings from stages 1 and 2 and consider what the options may be to make changes to the Policy to refine it further or make changes to address the specific issues identified in the review report. The initial review findings will be consulted with Members of the Licensing Committee and Policy and Scrutiny Committee. The outcome of those hearings will enable Officers to develop formal proposals for the Council to consider before moving on to the statutory process of making changes to the Policy.	Ongoing – June to November 2023
4	Formal proposals for the revision of the licensing scheme and Policy are published for statutory consultation	This stage will be subject to the findings of this report and whether following Councillor Scrutiny and Licensing Committee consultation the Cabinet Member for Communities and Public Protection agrees that proposals to revise the Policy should be consulted upon. Under the provisions of the 2000 Act, the Council must undertake a statutory process on the consultation, consideration, determination and finally, approval and adoption of any proposed revisions to the Policy or associated designation of streets/pitches.	To commence – October 2023 to June 2024

- 1.11 In carrying out the initial review, Officers have considered data held by the Council associated with the licensing regime, complaints, compliance, and enforcement. Officers have also engaged with Officers across the Council in several Teams and Services who are directly or indirectly affected by the busking and street entertainment licensing regime and the associated Policy.
- 1.12 Officers have engaged with several key stakeholders, including street entertainers, BID's, landowners, and businesses who have already been involved, provided their views, or raised complaints to the Council since the scheme's introduction. This has taken place through email communication and virtual/in-person meetings. Officers have also collected evidence from key stakeholders about their views and any specific issues they have encountered with the licensing regime and the Policy. Targeted engagement has also taken place through online surveys.

- 1.13 This report sets out the views and evidence gathered through stages 1 and 2 of this review process. The findings identified within this review will enable Members of the Licensing Committee, Policy and Scrutiny Committee, and the Cabinet Member to consider the options that are available to them on whether the Policy should be revised and what those revisions should or might be.

2. Westminster’s Buskers and Street Entertainers Licensing Regime

2.1 The licensing regime for buskers and street entertainers is a relatively simple licensing process set out in detail within the Policy. Applicants are required to make an application for a licence in writing to the Council using the application form available online and pay the required fee (see para 2.3 below). The following information and documents must accompany the application:

- Name and home address in the UK. If the performer is travelling from outside of the UK they will need to provide the address(es) of where they are staying whilst in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- One form of photographic ID including either a passport or driving licence. If the applicant does not hold photographic ID, the Council will accept a birth certificate along with a recent photograph.
- Proof of valid Public Liability Insurance (of at least £2 million).
- Declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation that they have read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- Signed statement that the information provided is true.
- The following documents are optional:
 - Self-declaration of Westminster Street Performers Association membership and/or union membership.
 - Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.
 - Proof of student status to qualify for a discounted fee.

2.2 Since the introduction of the busking and street entertainment licensing regime on the 5th April 2021 the Council has received 705 applications for new licences and 62 applications to renew existing ones. The number of renewed licence applications is much lower than you would expect when comparing other licensing regimes that require the renewal of the licence to continue operating. However, due to the transient nature of buskers, the seasonal trends associated with some busking, and the fact that buskers may let their licence lapse, the low levels of renewal applications compared to new applications seem to be a standard theme within this regime. The table below shows the number of applications received by the Council for each financial year of its operation.

Year	Applications received		
	New	Renewal	Variations
2021/22	320	13	11
2022/23	439	54	21

2.3 The Council, when considering the scheme, determined to set the fee at a very low level to encourage and not dissuade buskers and street entertainers from applying for a licence. The fee level is not set at full cost recovery. The current fee levels have remained unchanged since their adoption:

Application Type	Licence duration	Fee	Student (50% discount)
New application or renewal of busking and street entertainment licence.	1 Month	£10	£5
	6 Months	£20	£10
New application or renewing a busking and street entertainment licence including a temporary licence*.	1 Month	£20	£10
	6 Months	£40	£20
Variation of an existing busking and street entertainment licence.	N/A	£20	£10

* Reference to a temporary licence means that the holder of the licence can apply, as part of their busking and street entertainment licence for a temporary street traders' licence, in pursuance with Section 21 of the City of Westminster Act 1999. This section of the 1999 Act permits a very limited sale of items associated with the performer, for example CD's.

2.4 The fee level received for these applications is intended to contribute to the overall cost associated with the processing and determination of applications and the monitoring of compliance associated with the licence terms and conditions. However, the income received is significantly less than the costs involved. For example, it is estimated that processing and determining a Busking and Street Entertainment Licence will cost the Council £200 per application. This figure does not consider the costs associated with monitoring compliance associated with these licences. The Council received approximately £10k in licence fees for 2022/24.

2.5 The Council has set out, within the Policy the circumstances when the Council may review an application for a busking and street entertainment licence. The grounds for refusal are:

Refusal Reason	Considerations including, but not limited to:
Does not meet the threshold of 'fit and proper'.	<ul style="list-style-type: none"> - Does not have a right to work. - Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. - Has a record of noncompliance with the Westminster Code of Conduct and/or Officer instructions.

	<ul style="list-style-type: none"> - Has a record of substantiated complaints and noncompliance with licence terms and conditions. - A licence has previously been revoked in our city or other similar schemes. - Information provided as part of the application is demonstrated to be false.
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space.	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

2.6 The Council has refused 4 applications for new Busking and Street Entertainment Licences in the past two financial years (2021/22 - 1 and 2022/23 - 3 applications) in 2022/23.

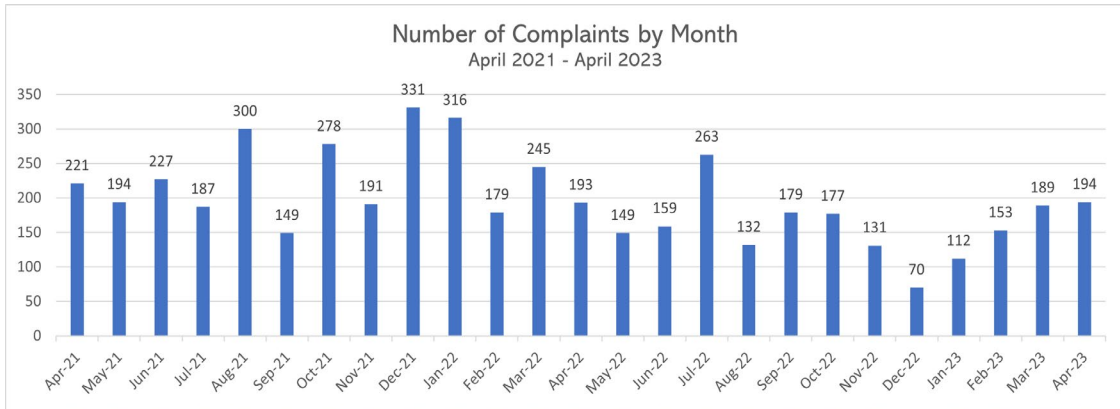
2.7 The Council has the power to revoke a licence under section 39 of the 2000 Act on the following grounds:

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

2.8 The Council has not revoked any busking and street entertainment licences since the introduction of this licensing regime.

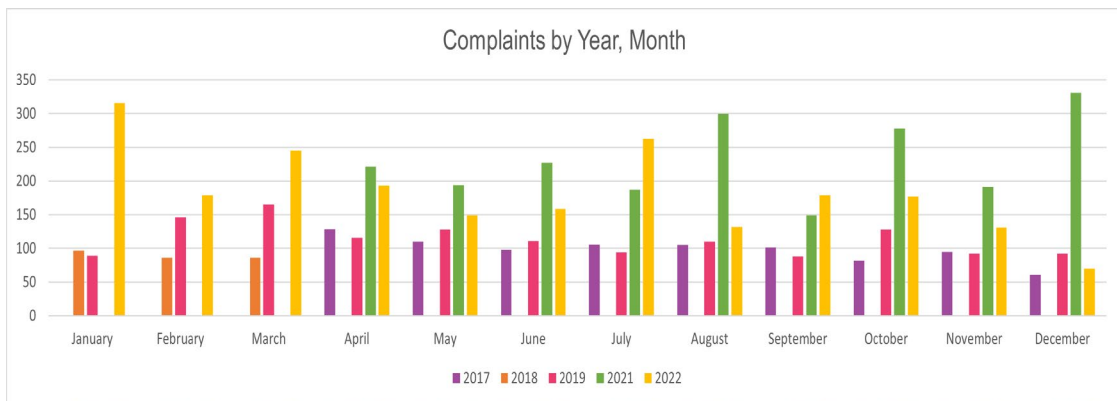
3. Complaints relating to busking and street performances

- 3.1 Since the introduction of the scheme, the Council has received 5070 complaints within the period of April 2021 to May 2023. On average, the Council receives around 2,200 complaints per year relating to buskers and street entertainers.
- 3.2 It has long been established that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the City increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).
- 3.3 Noise remains the predominant cause of complaints associated with buskers and street entertainers. Just over 50% of complaints (2576) were related to noise, with around 10% relating to unlicensed entertainers or street trading. Other complaints recorded include issues concerning obstruction, exceeding time, or other breaches of conditions. Most complaints have come from businesses and residents.
- 3.4 When complaints were received, Officers would focus their attention on the areas where complaints were being received. It should be noted that it was unusual for complaints to be received and Officers were able to attend and act relating to that complaint immediately. Often, upon arrival at the location of the complaint, the cause of the complaint may have left. In some cases, complaints related to incidents had taken place, and therefore, Officers were unable to address that specific matter leading to the complaint actively. However, those complaints provided intelligence and built-up valuable insight into when, where, and who may be either breaching their licence or busking illegally. From April 2021 to April 2023, Officers recorded that no further action was taken relating to that complaint on 20% of cases, and another 20% were noted as receiving further visits and verbal warnings being issued.
- 3.5 The largest number of complaints received during this period, nearly 25% - (1197) complaints associated to buskers and street performers within the Leicester Square area. Only around 5% (305) of complaints are situated within Covent Garden.
- 3.6 The graph below shows the number of complaints received by the month between April 2021 to April 2023. It shows that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the city increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).

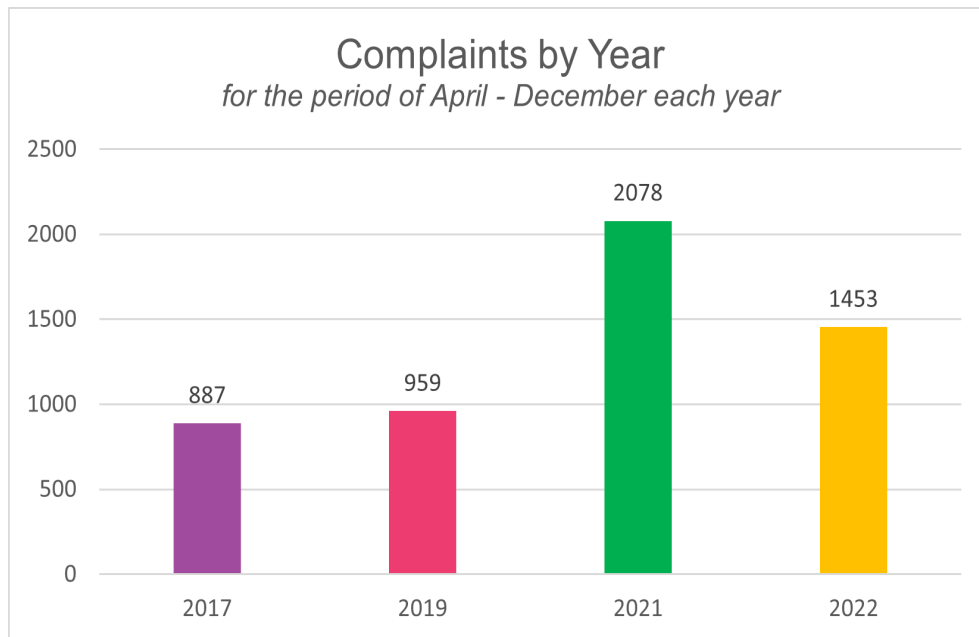


3.7 The monthly complaints relating to buskers and street entertainers remained consistent between April and July 2021, averaging 207 complaints per month. During this period, government restrictions were in place, and busking and street performers were returning to the city after being prevented from performing due to Covid19 pandemic restrictions and lockdowns. Footfall was significantly low at that point, with many businesses still shut or restricted in their operation.

3.8 When the Council was considering the adoption of this licensing regime and the Policy complaint data was produced as part of the evidence base to support its introduction, identify what the key issues were and where they were occurring. Using that same data and comparing it with the data collected between April 2021 and April 2022. The graph below shows the number of complaints by year and month between 2017 to 2022. Whilst some data is missing, it again portrays seasonal peaks, but also the significant increase of complaints, following the implementation of the scheme in 2021 and 2022, compared to previous years.



3.9 The final graph below shows the number of complaints by year between the periods of April and December each year for 2017, 2019, 2021, and 2022. Complaints doubled from 959 complaints in 2019 to 2078 complaints in 2021, and whilst this figure has dropped in 2022, it is still almost 500 complaints more than in 2019.



- 3.10 The increase in complaints associated with buskers and street entertainers following the introduction of the licensing regime is significant. The intention for the introduction of this licensing regime was to reduce the number of complaints as buskers and street performers would be operating within the terms and conditions of their licences, performances by individual buskers and street performers in any one location would be limited and any busker or street entertainer performing without a licence would be engaged with by a Council Officer or Police Constable, if necessary requiring enforcement action to be taken.
- 3.11 In considering the complaint information, conclusions as to why complaints have increased can be drawn based on the engagement and evidence provided to the Council as part of this review. The Covid19 pandemic restrictions were still in place when the regime was introduced. Between April and July 2021, restrictions were being lifted; buskers, street entertainers, businesses, workers, and visitors were starting to return to the City. Due to the period of lockdown and that noise and other issues were significantly reduced, the return of activity that generated any noise could have given rise to additional complaints at the time. It is also possible that an expectation was established when the scheme was consulted up and then introduced that the licensing regime would have a major impact on reducing the issues residents and businesses had raised and that the Council would have the resources to actively ensure compliance and enforce any non-compliance or illegal operators rapidly. The Council has also made it easier for residents and businesses to report complaints associated with buskers and street entertainers. There is a marked increase in the use of the Council's Report It functions on its website for this purpose.
- 3.12 Complaints have remained high, and in certain areas, some complainants have made a large number of repeated complaints. For example, complaints associated with buskers and street entertainers in the Leicester Square area is significantly higher than in any other location in the city. The issues relating to noise nuisance from both licensed and unlicensed buskers and street entertainers have meant that those affected (businesses) have been repeatedly making complaints when incidents occur so that they are adequately logged.
- 3.13 Perceived lack of action from the Council concerning non-compliance with the licence and illegal buskers and street entertainers has also generated repeated complaints. The reasons

and circumstances relating to compliance and enforcement are referred to in Section 4 below.

4. Compliance and Enforcement

- 4.1 In reviewing the Policy, Officers quickly identified that the approach and issues surrounding compliance and enforcement had a significant bearing on the effectiveness of the Policy and, ultimately, this new licensing regime. As compliance and enforcement appear to be a central and reoccurring theme that has been identified across all stakeholders, Officers have set out in this section who is responsible for monitoring and taking action associated with the compliance and enforcement of this regime; what factors have made a significant impact and/or hampered the Council's ability to ensure compliance and enforce illegal buskers and street entertainers; what action has been taken recently and what approaches are being pursued now. Although it was felt necessary to include greater detail on the issues surrounding compliance and enforcement of this licensing regime, the resourcing of this function, relationships with key partnerships, and future approaches to pro-active and re-active compliance and enforcement action will be the responsibility of the Cabinet Member of Communities and Public Protection in conjunction with the relevant Senior Management within the Public Protection and Licensing Directorate.

City Inspectors

- 4.2 The Council's City Inspectors, within the Public Protection and Licensing Directorate, are responsible for undertaking the Council's regulatory compliance and enforcement role in City management operations. These Officers work in shifts operating 24 hours a day 7 days a week. They are responsible for carrying out proactive and reactive visits associated with the Council's priorities, e.g., waste enforcement or risk-based licensed premises inspections. However, these Officers will also be sent to respond to unplanned tasks relating to emerging priority issues and emergencies, e.g., increased Anti-Social Behaviour relating to dangerous unattended hire bikes on the highway to gas leaks and flooding.
- 4.3 Due to the significant number of complaints and issues that led to the Council adopting this licensing regime, the Council established a short-term and time-limited dedicated team of City Inspectors tasked with engaging with buskers and street entertainers relating to noise, obstruction, and addressing any complaints. This team was tasked with ensuring compliance with the terms and conditions of the licences and carrying out enforcement action against unlicensed buskers and street entertainers. Having undertaken this targeted activity to improve compliance, the ongoing monitoring and enforcement transferred back to the area-based City Inspector teams.

The impact from the Covid19 Pandemic

- 4.4 The busking and street entertainment licensing regime commenced on the 5th April 2021. At that time, the Government guidance advised that all outdoor events were prohibited¹. The Council was aware that these measures, at the time, would continue to impact the ability of buskers and street entertainers to use their licence and perform in public. It was not until mid-July 2021 that all Government restrictions on social contact and gatherings were lifted, and buskers and street entertainers could perform under their licences.

¹ The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020/1374) (as amended)

- 4.5 At this time, Council resources were committed to the Covid19 pandemic and its impact on residents, businesses, and the city. The Council's City Inspector resources were one of the many front-line services focused on Covid19 related operations, including supporting vulnerable Council residents, the NHS with test-and-trace, and the vaccine rollout. These teams also continued to ensure compliance with lockdown restrictions and social distancing requirements. When the restrictions were beginning to be lifted, the City Inspectors were also supporting businesses when they were opening or trading in new ways, e.g., the use of pavement licences for an alfresco dining scheme.
- 4.6 As restrictions were lifted and people returned to the City, so did the buskers and street performers. The number of complaints during this time increased significantly and coincided with the typical peak in complaints during summer.

Corporate Enforcement Policy

- 4.7 The Council's approach to enforcement is set out within its Corporate Enforcement Policy². The need for enforcement action may be identified in several different ways, including but not limited to:
- programmed and intelligence-led inspections.
 - response to a complaint or referral from a third party
 - request for assistance for enforcement action or advice
 - requests for subsidised financial assistance to improve premises.
 - some enforcement services have Officers patrolling the streets.
 - sampling visits
 - test purchases
- 4.8 The Council enforcement Policy sets out how cases will be prioritised. The priority given to complaints or investigations and, therefore the resources to undertake them will depend on the following:
- severity and scale of potential or actual harm
 - the existence of any continuing risk or breach of law
 - individual or business's past performance in complying with relevant legal responsibilities.
 - current enforcement priorities of the relevant service
 - practicality of achieving results including any evidential gap
 - wider relevance of the event, including serious public concern and interest
 - the vulnerability of any group affected.
- 4.9 The Council's City Inspectors undertake their roles associated with compliance and enforcement activity within the Corporate Enforcement Policy and Governments Regulators Code. They will approach all compliance and enforcement activity to provide clear information, advice, and guidance to help those they regulate meet their responsibilities to comply with the licence terms and conditions or legislation. This may take the form of providing information and advice to a busker who is new to Westminster and is busking without a licence on how to obtain a licence from the Council, and what the legal ramifications are if he performs without a licence. For licensees who are causing a nuisance, they should be advised to actively turn down their amplification to a level that no

² Westminster City Council, Corporate Enforcement Policy – Updated 2019

longer causes a nuisance. In informing the busker of this, Officers will also explain why this is necessary and how causing a nuisance could be a breach of their licence conditions and impact their licence or could result in legal action. This approach is standard across all Local Authority Officers responsible for compliance and enforcement activities.

- 4.10 However, there will be occasions where Officers have provided information, advice, and guidance to licensees of unlicensed buskers. If they fail to take that information, guidance, and advice and after receiving a verbal warning, if they persist, City Inspectors will move to active enforcement. For non-licensed offenders, this will gather key information from the individual to enable them to report that person for the offence. Officers will take information from licensed buskers and street performers and their licence numbers. It will be an evidence-based approach and gather information that relates to the offence or breach of licence condition. This may include the seizure and removal of any apparatus or equipment used in connection with the busking, photography and filming, witness statements and CCTV images.

Risk to Council Officers and offenders' failure to provide information.

- 4.11 The Council, as an employer, has a duty under the Health and Safety at Work Act 1974 to ensure, so far as reasonably practicable the health, safety, and welfare at work of its employees. The Council's City Inspector's function is risk assessed under this duty, and their function and operations are governed by the active elimination of any risks to their health, safety, and welfare. Where that risk cannot be eliminated, the Council must do so if it can be mitigated by other means or personal protective equipment. City Inspectors are also trained to dynamically assess and respond to risk. As their role involves engaging with the public and encountering hazards, Officers will actively assess the risk when engaging with individuals or groups or carrying out certain activities. Officers are empowered to decide what actions they take based on the risk.
- 4.12 As part of this review, City Inspectors were engaged in relating to their role and the Policy. When discussing the issues relating to compliance and enforcement, the City Inspectors raised the issues they face when trying to conduct compliance checks on some licensed buskers and street entertainers and when they look to engage non-licensed illegal buskers.
- 4.13 Officers responding to complaints or during proactive visits have engaged with buskers and street performers who were either performing contrary to their licence or were there without a licence. Information, advice, and guidance were issued, and some buskers and street entertainers did comply and either addressed the non-compliance or moved on. Other buskers and street performers who were licensed and were found to breach their licence conditions on more than one occasion received verbal and written warnings. This approach is standard practice with the Council Corporate Enforcement Policy and the Governments Regulators Code.
- 4.14 However, Officers reported that there were individuals and groups of buskers and street performers who refused to engage with Officers and became extremely hostile to Officers when they tried to engage them over their non-compliance or illegal busking. The most problematic individuals and groups were unlicensed and, therefore, unknown to the Council. Officers would try and engage with them, but the busker or street performer would ignore them, direct significant verbal abuse at Officers, and in some cases threaten them or, which was more concerning, encourage the crowd watching to challenge and confront Officers. In

those circumstances, Officers were at risk of harm and, therefore, would withdraw for their safety.

- 4.15 Covent Garden was particularly challenging for Officers as the local Street Performers Association, strongly opposed to the licensing regime being introduced, refused to obtain individual licences, and continued to perform illegally. All attempts from City Inspectors to engage with the Covent Garden Street Performers Association failed. Officers carrying out their roles attempted to act against buskers and street performers in this area. However, they were either ignored, or confrontation occurred, which resulted in Officers withdrawing.
- 4.16 The City Inspectors have, however, issued several verbal and written warnings to licensed buskers and street entertainers who are non-compliant with the terms and conditions of their licence. This approach has effectively enabled Officers to inform and advise where breaches occur, and corrective measures are required. However, some licensed buskers and street entertainers may become persistent in their non-compliance, and therefore, more robust action is likely required.

Powers of the City Inspectors and Police Constables under the 2000 Act

- 4.17 The City Inspectors are authorised to carry out their functions relating to buskers and street performers under the provisions of the 2000 Act. They have the power to seize and remove equipment and bring prosecutions against those who busk illegally without a licence or licence holders who breach the terms and conditions of their licence. However, to be able to prosecute someone under the 2000 Act, the City Inspectors must obtain information relating to the individuals to enable them to serve legal papers and summons upon them. This requires the City Inspector to obtain that person's full name and residential address. Officers have no powers under the 2000 Act to make suspected illegal buskers provide their details and cannot detain them until that information is provided. Therefore, if the buskers or street performers details are provided, the Council can take seek to prosecute that individual under the 2000 Act. The challenge or identification of the individuals committing offences is common in local authority regulatory regimes.
- 4.18 However, the Council's power of seizure under section 43 of the 2000 Act is not restricted to the need to obtain the name and address of the individual busking or performing illegally. The Council can seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in connection with the busking may be required to be used in evidence in respect of an offence under section 42 (Enforcement) of the 2000 Act. Whilst this power exists there are significant risks to the City Inspector if the busker or street entertainer resists the seizure. As stated above illegal buskers and street entertainers can become aggressive towards our officers. The public turning on the Officers carrying out their duty under the 2000 Act is also a significant risk factor. Therefore, having Police presence and support is deemed essential in carryout safe seizures from illegal buskers and street entertainers.
- 4.19 The Police have the same powers as City Inspectors under the 2000 Act. However, the Police also have the power under the Police and Criminal Evidence Act 1984 to arrest a person they suspect is committing, has committed, or is about to commit an offence. If that person fails to provide the necessary information (name and home address) to the Police Officer; this arrest may be deemed necessary by the Police Officer to obtain such information and enable them to report the individual for the offence, so that legal proceedings can be taken. Once that necessary information has been provided, the

individual will be de-arrested. The Police powers are significant and mean that if any busker or street performer fails to provide such information, there is a risk that that person could be arrested and taken into custody. In most cases, if a Police Officer is involved in these situations, the buskers or street performer will eventually provide their details to the Officers.

- 4.20 Following the introduction of this licensing regime and associated Policy it became apparent with the level of non-compliance, and the lack of engagement from those breaching the licensing regime that City Inspectors were unable to obtain information from illegal buskers and street performers and, in some cases, trying to do so would pose a risk relating to their Health and Safety. The Police were approached to support our Officers in undertaking their role. Whilst these requests were made, the Police had other significant priorities that took precedence over the enforcement of illegal buskers and street performers. This meant that City Inspectors often could not obtain Police support when illegal activity occurred. Discussions occurred between the Council and Local Police supervisors relating to wider support, but the Police were unable to commit resources. This continued until the Council appointed a new Director of Public Protection and Licensing earlier this year. Engagement with the Police on this issue has taken place, and joint operations between Council City Inspectors and the Police are now taking place. Additional partnership action relating to the compliance and enforcement of this regime will continue. However, this will be subject to other Policing priorities not taking precedence and this approach is unlikely to be sustainable in the long term.

Successful prosecution against illegal buskers and street performers

- 4.21 If a person does not hold a licence and busks or provides street entertainment on the street designated within Westminster, they will commit an offence under section 42 of the 2000 Act. The Council has had one successful prosecution against an individual for two counts of unlicensed busking and street entertainment under section 42 of the 2000 Act. The defendant pleaded guilty to the two offences at the City of London Magistrates Court in March 2023. The Court, in sentencing the offender, issued him with a fine of £40 for each of the two offences and ordered him to pay the Council's costs of £500 and a victim's surcharge of £34, totalling £614. The Council, who had seized the amplification equipment used during the offence under its seizure powers, did request that the Court orders the forfeiture of the amplification equipment under section 43(5),(b)(i). However, the Court did not issue such an order, and the amplification equipment was returned to the individual.
- 4.22 The Council is considering further legal cases against other individuals busking illegally or in breach of their licence.

5. Engagement

5.1 The Council's approach to this review required engagement with key stakeholders involved in the licensing regime or those affected by it. Since the Council began developing a scheme before its implementation, two distinct groups had significantly conflicting views on the approach to busking and street entertainment within Westminster. The buskers and street entertainers wanted to have the flexibility to move around the city and not have specific rules and conditions that, if breached, could lead to the loss of their licence and, therefore, their livelihood or a criminal conviction. Residents and several businesses affected by busking and street performances wanted tighter controls placed upon them and regulations on where and when they can perform. In developing the Council's Policy relating to this regime, a large amount of work was undertaken to engage with parties and identify, where possible, a balance. However, the impact of busking and street performers was significant, and the licensing regime was seen as the right approach to implement greater controls on the issues relating to busking and street performances and provide an equal and light touch regime for those providing busking and street entertainment.

5.2 In carrying out the review, officers reviewed the engagement and consultation that took place when the licensing regime and the Policy were being considered for adoption. Following this assessment and that of the Council's complaint data, Officers began targeted engagement with individuals, businesses, and stakeholders. These initially took the form of in-person meetings and concluded with a survey of those who had responded to previous consultations on introducing the licensing regime and Policy.

Initial information gathering meetings.

5.3 Through the initial data collection relating to complaints, it was determined that the key focus of the issues related to noise nuisance and pitch locations. However, the level of complaints and the references to lack of enforcement action were emerging factors that were not directly related to the review of the Policy itself. As the issue of enforcement and compliance was being raised in relation to the effectiveness of the Policy, further information was sought on this in addition to the wider scheme implementation and Policy.

5.4 Leicester Square and Covent Garden were quickly identified as areas of significant concern from the level of complaints and via City Inspector accounts. Officers decided to engage with key groups, businesses, and stakeholders on the issues associated with these areas and the broader issues relating to general noise nuisance from buskers and street entertainers, pitch locations, and use and compliance of licence holders and enforcement. This engagement took the form of meetings in person or virtually. Some meetings were held at businesses and stakeholder offices. Initial meetings were conducted at the start of the review process to gauge views and identify specific points for further analysis. However, several meetings took place throughout the past year with stakeholders relating to this review and the approach to managing and enforcing this licensing regime.

Council's City Inspectors, Licensing Service and Legal Team

5.5 The issues that the City Inspectors faced are associated with compliance and enforcement in section 4 of this report. In summary, the City Inspectors faced significant challenges with engaging with illegal buskers and street entertainers to enable the identification and issue of legal proceedings. Officers also faced abuse and threats from buskers, street entertainers,

and crowds watching them. Police support was unavailable due to conflicting demands and policing priorities at the time.

- 5.6 Leicester Square was identified as significantly challenging due to the combination of noise nuisance complaints caused by licensed and unlicensed buskers and street entertainers and the challenges associated with the identification and ability to take legal action against illegal buskers. Similar issues relating to abuse and threats from illegal buskers, street performers, and their audiences were also significant factors. More details relating to the issues in and around Leicester Square are set out in the case study in section 6 of this report.
- 5.7 Covent Garden was a significant problem for Licensing Inspectors who faced direct challenges from the buskers and street entertainers in this location. Local Street Performers Association members would refrain from engaging and would not comply with the requirement to obtain licences. It is not uncommon for crowds of up to 200, which can add additional hostility to officers. The risk has increased significantly when officers have attempted to engage and enforce illegal buskers and street entertainers in this area. There are examples of buskers and street entertainers using their amplification equipment to rattle up the crown and make highly personal verbal attacks on Officers.
- 5.8 There have been allegations from licensed buskers who have attempted to use Covent Garden designated pitches that non-licensed buskers and street entertainers have approached them and prevented them from performing. The City Inspectors have stated legitimate licensed buskers and street entertainers now avoid Covent Garden due to the hostility from the non-licensed buskers in that area. The Leicester Square and Trafalgar Square SPA members have echoed this view. It was intended that licensed buskers would be able to move around the city and use any of the designated pitches if they were available. Unlicensed individuals and groups who attempt to prevent legitimately licensed buskers and street entertainers from accessing certain pitches were not anticipated.
- 5.9 Noise nuisance from buskers and street entertainers due to amplification was a significant issue that was the primary reason for complaints. The removal of amplification from all pitches was suggested to be a way of significantly reducing the level of complaints associated with noise.
- 5.10 Officers felt that there needed to be more pitches to accommodate everyone who has a licence and wishes to perform on a given date, primarily due to the peak seasons. It is normal for highly desirable pitches, e.g., the amplified pitch in Leicester Square usually has many Street Performers waiting in line for their turn on the pitch. The Council does not operate a booking system for pitches, so any licensed busker or street entertainer agrees to queue for a spot on that pitch.
- 5.11 The volume of events in the West End has meant several highly desirable pitches are often suspended and unavailable. Leicester Square and Trafalgar Square were the two areas most likely to have pitches suspended due to the use of that area for events, such as Christmas Markets and Film Premieres. Some of these pitches were closed for a considerable time due to the event. The demand for locations is significant, and when those pitches are suspended, it does create a greater demand for other pitches in the area, which often cannot be accommodated. This can lead to licensed buskers and street entertainers choosing to busk or perform in locations they are not permitted to use.

- 5.12 Pitch markings for the licensing scheme are wearing significantly in high footfall areas. The marking of these pitches is expensive, and the fee income isn't sufficient to cover the costs of this as well as other processing, determination, and compliance costs.
- 5.13 The Licensing Service highlighted that there aren't any age restrictions on who can apply for a licence. Applicants under the age of 18 have applied for a busking and street entertainment licence within the city. It was felt that the Policy should reflect the need for parental consent and supervision for children and young persons who wish to obtain a licence. In developing additional information on our approach to safeguarding children, the Council should seek advice and guidance from internal and external experts in relation to busking and street entertainment.
- 5.14 Licensing and the Council's Legal Team believe that an age restriction should be implemented to prohibit anyone under 14 years of age from obtaining a licence. In considering the policy approach for applicants between the ages of 14 and 16, the Council should consider the child performance licence requirements under the provisions of the Children and Young Persons Act 1963 to guide this. The Policy should also include more information on the right-to-work requirements.
- 5.15 The Council's Licensing Service and Legal Team have, since the introduction of this regime, received enquiries associated with the liability of royalties and who should this rest with. The Council believes that the busker and street entertainer who plays or uses copyrighted music or content are liable to any royalties associated with using that copyrighted material. It would be useful if the Policy reflected the Council's position and signposted the busker or street entertainer to the Performing Rights Society (PRS) to obtain the necessary licence. The Codes of Practice should also be amended to reflect the liability of buskers and street entertainers for paying royalties if they use copyright material or content within their performance.
- 5.16 The Legal Team believes there is a need to further enhance the statement of truth and provisions of false information within the application process as well as make it clearer on the expectations of licensees to provide information to authorised officers of the Council when requested. Greater emphasis should be given within the Policy about what the Council will do if false information is provided as part of the application process or if licensees fail to provide information or act in an abusive manner to authorised officers. The Code of Conduct should also be revised to ensure that truthful information must be provided as part of the application process and failure to do so may result in the refusal of an application, revocation of a licence, and prosecution under the provisions of section 42(d) of the 2000 Act. The Code of Conduct should also include the requirement for licensees to provide information to authorities Officers and the Police upon request and that abusive, insulting, or aggressive actions, words, or behaviour towards Council Officers will not be tolerated and could lead to the suspension or revocation of the licence.
- 5.17 The City Inspectors noted that the Policy referred to the Busking and Street Entertainers Forum being a key enabler for communication between the Council and buskers. However, the Forum was not implemented due to the impact of Covid19 on resources and other pressing priorities. The City Inspectors note that any engagement with buskers and street performers must be with individuals and groups representing the licensed buskers and street entertainers. It is believed that a new Forum should be established which is specifically for licensed buskers and street entertainers and/or their representatives to meet with Council Officers every quarter to discuss anything relevant, including complaint trends,

pitch availability, and usage, licensing processes, suspension of pitches due to events, potential changes or suggested improvements to the scheme, policy, codes of practice and terms and conditions and enforcement/compliance approach.

Business and Business Representatives for Leicester Square

- 5.18 Leicester Square has been highlighted as the most prominent problem associated with buskers and street entertainers. The companies and Business Improvement District we engaged were key complainants related to the noise nuisance generated by licensed and unlicensed buskers in the area. In addition to noise, all parties raised their concerns regarding the obstruction of the highway around licensed and unlicensed buskers, as well as public safety and crime. The view that enforcement and compliance need to be improved, and that the Council is not gripping the situation, was often cited by those we spoke to. However, they did appreciate that enforcement of illegal buskers was challenging.
- 5.19 The issues associated with busking and street entertainment in and around Leicester Square have warranted this area to be detailed in a specific case study in section 6 of this report. The full details of the issues these businesses identified are detailed within that case study.

Leicester Square and Trafalgar Square Street Performers Association

- 5.20 Officers met with representatives of the Leicester Square Street Performers Association (LSSPA) on several occasions during this review. The LSSPA was very engaging and helpful in discussing the issues they have had with the licensing scheme and policy, as well as considering the issues that businesses have faced in and around Leicester Square from noise nuisance.
- 5.21 Enforcement teams have been aggressive and confrontational due to protests by buskers against the licensing scheme and their unlicensed performances. Officers have threatened to confiscate equipment on the first offense, creating a tense environment. The lengthy process for obtaining a license has been a significant issue, causing delays for individuals. Overall, some believe that the policy itself has a detrimental impact on the cultural atmosphere of London.
- 5.22 The reduction of amplified pitches has been poorly implemented due to the insufficient number of available pitches, leading to overcrowding with over 50 buskers competing for limited spots. Additionally, there have been concerns about the lack of notice given when pitches are closed, causing confusion and disruption. The issue of seasonal buskers and their participation in the scheme has also been raised.
- 5.23 The LSSPA highlighted the research conducted by Suzie Tannenbaum in America about busking and how when busking pitches are limited, the prevalence of unlicensed buskers can increase, as the limited space for licensed buskers works to their advantage. If more pitches were available, it would become impossible for all performers to find suitable spots. There is a lack of operational capacity when it comes to enforcement, and it appears that the licensing system is not effectively addressing the issues at hand.
- 5.24 Some buskers argue that due to the limited opportunities, they can only get onto the Leicester Square pitch once in a day, so they must play louder to attract audiences and maximize their potential earnings. This has meant that the volume can be much louder than

they would use normally. This may be a key contributor to the noise nuisance to businesses caused in and around the Leicester Square area.

- 5.25 To alleviate the problem, it has been proposed to spread out the number of performers by creating more pitches. Examples of self-policing schemes, such as the Liverpool code of conduct and busking schemes in Oxford and Canterbury, have been mentioned as potential models to consider. A booking system for licensed buskers and street entertainers to book slots on pitches was discussed between officers and the LSSPA. However, the LSSPA was generally against this proposal as they don't believe it would make a difference with the waiting time for the best pitches. People could potentially block book pitches but then fail to use them, prohibiting others from using them, and it would add a further bureaucratic process to the scheme which has little to no benefit.
- 5.26 It is perceived that the current system penalizes those who are licensed and compliant more than illegal buskers. The penalty system in place does not seem to deter illegal buskers from performing. It is suggested that the focus should be on unlicensed performers, categorizing those with licenses as low risk.
- 5.27 The suspension of some of the most popular pitches, Leicester Square and Trafalgar Square North Terrace, causes significant congestion on other pitches in the area. Notification of these suspensions hasn't been available, so people arrive to perform to find that the pitch is no longer available. Improvements can be made by ensuring that licensed buskers and street entertainers are informed in advance about pitch closures.
- 5.28 The LSSPA is happy to be involved in regular monthly meetings to discuss issues related to pitches and other matters concerning buskers and street entertainment. They were disappointed that the Forum wasn't fully established and feel that regular dialogue with the Council would be a way to raise issues they have with the scheme directly with those managing and ensuring compliance with it.
- 5.29 Officers have asked the LSSPA to provide the procedure and process for membership for their LSSPA, along with how they manage non-compliant members. No documentation has been provided relating to their rules, membership criteria, and disciplinary code. It is therefore unclear how transparent and inclusive membership to the LSSPA is and how they effectively manage their members.

Business in Covent Garden

- 5.30 Business representatives within Covent Garden were engaged with relating to this review. The representatives had been involved in previous consultations associated with the licensing approach to buskers and street entertainers. Covent Garden is known for its wide variety of buskers and street entertainers. Whilst businesses are supportive of continuing this rich tradition in the area there are significant issues associated with the current unlicensed performers and the stance of the Street Performers Association. This has led to ongoing noise nuisance issues, and some pitch locations detrimentally affecting business operations in the area.
- 5.31 St James Street and the Royal Opera House pitches have been identified as problematic. The Royal Opera House pitch has been used with amplification, which has been impacting the retail units and noise impeding the Royal Opera House itself due to the volume. As the buskers and street entertainers are not licensed, they do not conform to the Codes of Conduct or any amplification or noise nuisance restrictions.

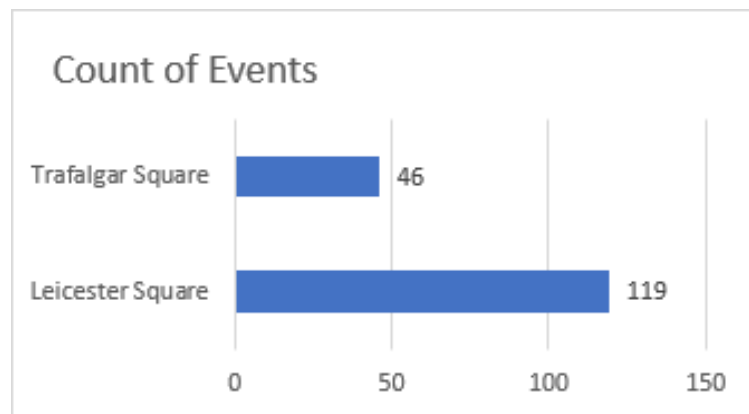
Covent Garden Street Performers Association

- 5.32 Officers met with representatives of the Covent Garden Street Performers Association (CGSPA) to discuss Covent Garden and the CGSPA's position on why they were not willing to engage with the licensing regime.
- 5.33 The Covent Garden Street Performers Association (CGSPA) states that they have been successfully managing street theatre in Covent Garden for over thirty years. The CGSPA runs a performer-run and self-regulated system, dealing with any problematic performers and ensuring insurance coverage and acceptable noise levels. They believe that the Council's current licensing regime is not suitable for their area and request to be exempted from it to continue managing street theatre in Covent Garden.
- 5.34 In Covent Garden, they believe that there are limited noise issues associated with buskers and street performers. Initially, Covent Garden was not included in the Busking and Street Entertainment Licensing regime but was added late in the process with no clear justification or reasoning. The CGSPA has been operating since the 1980s and has implemented its own rules, governing body, and disciplinary scheme. They utilize a yellow and red card approach for addressing misconduct, including suspensions for repeated bad behaviour.
- 5.35 The CGSPA, CAPCO (Covent Garden's managing company), and the Council had a voluntary agreement in place from 2007, which they believe was effective in regulating street entertainment. They feel that the licensing scheme is unnecessary and a disproportionate response. They argue that the scheme criminalizes performers for breaching conditions or lacking a license, which they believe should not apply to Covent Garden. They assert that their self-regulatory scheme, combined with voluntary compliance, is more effective.
- 5.36 The CGSPA prefers a voluntary agreement and self-regulation, believing it to be more relevant and appropriate for their area. They have advised their members not to comply with the licensing scheme and become licensed buskers and street entertainers. Their ideal situation would be for the licensing scheme to be removed from Covent Garden, allowing them to continue with their voluntary self-regulatory approach.
- 5.37 The CGSPA would like to have a regular forum to discuss the issues they face and provide their views on busking and street entertainment in and around Covent Garden. However, this should be part of their self-regulatory approach rather than associated with the Council's Licensing regime.
- 5.38 Officers did request copies of their rules, processes and procedures, membership criteria, and disciplinary process. This information has not been provided to the Council.

The Council's City Promotions, Events and Filming Team

- 5.39 The Council's City promotions, Events and Filming Team are responsible for supporting the safe planning and regulation of filming and events within Westminster. This team is responsible for engaging with event organisers and facilitating the correct permissions to enable the filming event. This includes implementing closures of roads and highways as well as the use of Council land.

- 5.40 The team are responsible for the closure of parts or the entire area in and around Leicester Square and Trafalgar Square. When events are planned, and road and highway closures are in effect, the team will seek the suspension of any busking and street entertainment pitches within the area where the event is taking place or where set-up vehicles and equipment will require access.
- 5.41 Leicester Square and Trafalgar Square were used 165 times for events within the period of May 2021 – April 2023 (see bar chart below). Whilst event types vary and include festivals, sporting, and religious events; film premiers account for most events. Most events have an estimated attendance of around 800 people. Events ranged from 1 day to a maximum of 61 days (2 months). The average number of days the events took place in these locations was 2.8 days.

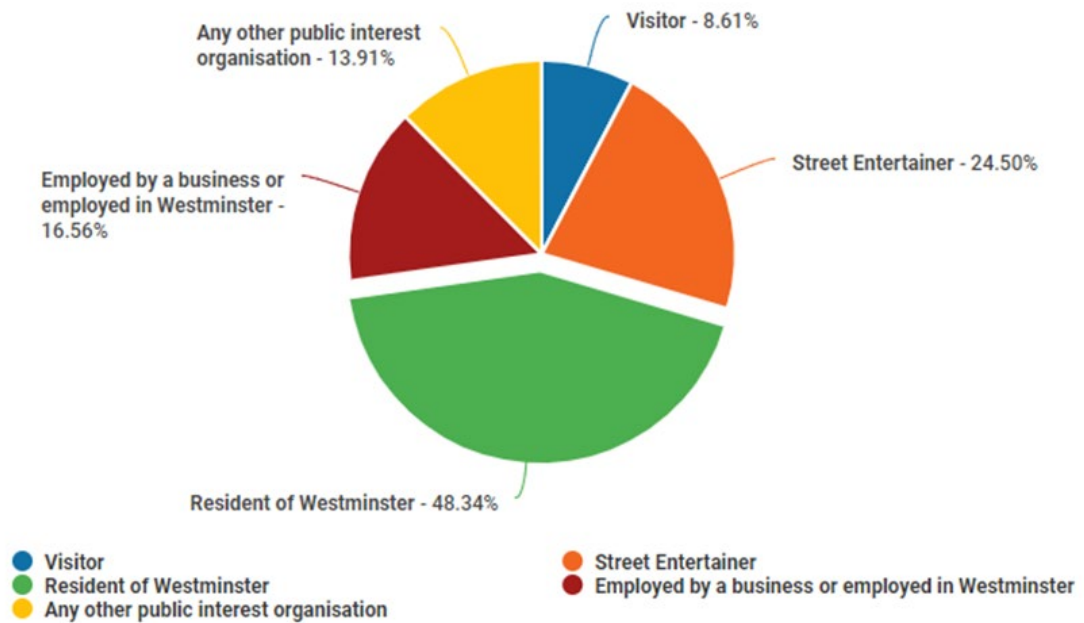


- 5.42 The feedback provided by this team was that they often need help with buskers and street entertainers where events occur in Leicester Square or Trafalgar Square. The common issue relates to noise disturbance which can impact the event. When pitches are not suspended, an event in Leicester Square Gardens can be impacted by buskers utilising designated pitches or performing illegally.
- 5.43 When pitches are suspended to accommodate events in Leicester Square, those pitches or other locations within Leicester Square are still being used. The Leicester Square (Northwest) pitch is a non-amplified pitch but is regularly occupied by buskers or street entertainers, often unlicensed, playing amplified music and causing an obstruction.

Targeted Engagement Survey Results

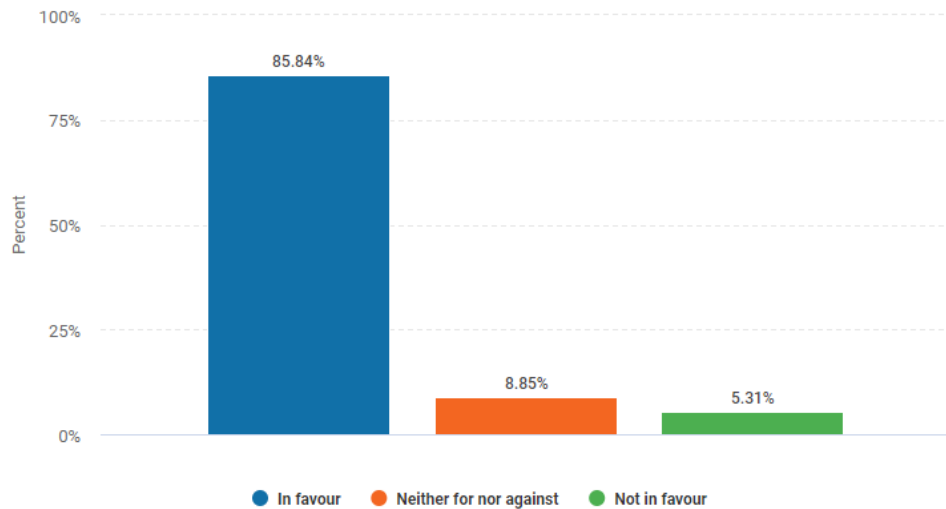
- 5.44 Officers developed a survey that would seek the views of those who had previously provided comments to earlier consultation and engagement associated with adopting the Policy and related licensing regime. The survey was compiled to enable officers to get a view on the current situation associated with the scheme and views on how it is operated, as well as more directed questions that were seeking to gain greater views and clarity relating to issues that had been identified in the meetings with stakeholders. A copy of the questions that were asked within the survey are provided in Appendix 1.
- 5.45 The targeted engagement commenced on 18 November and ran until 30 December 2022. The survey was sent out to in excess of 2000 individuals or organisations via email. The response rate to this survey was above average for similar engagement exercises. The Council received 279 responses to the survey, of which 125 were partially completed. The

partially completed survey results were relevant, but due to the number of questions, these respondents only completed a response to questions that were specifically relevant to them. The response to the questions from the survey is set out in Appendix 2 and 3 of this report. The pie chart below shows the breakdown of the responses based on the respondent's self-declared status.

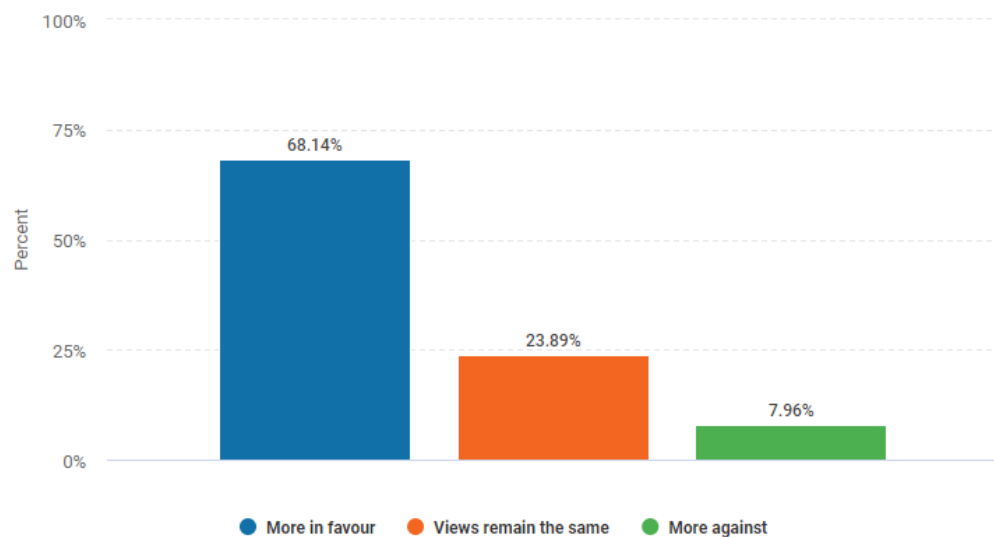


5.46 Comparing the responses from the consultation and engagement before the scheme was introduced with the responses to this survey, there was no significant difference in views associated with the need for this scheme. Like the original consultation analysis back in 2020, the vast majority of respondents (86%) stated that they were still in favour of regulating busking and street entertainment. Since the rollout of the Policy, there has only been a very slight increase in those who are against and not in favour of the scheme. The bar graphs below show these responses and the breakdown of views before and following the implementation of this licensing scheme and Policy.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?



Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?



5.47 The Council intended to run a Buskers and Street Entertainment Forum that would enable active engagement from representatives from buskers and street entertainers, residents, businesses, and the Council. Unfortunately, for several reasons, this forum was not run. However, during our discussions, there was a view that better communication channels were needed between all parties with a vested interest in this scheme. Within the survey, we asked whether the respondents understood the forum's purpose and whether they would actively engage and attend the forum if it operated. There was a clear view from non-buskers that they understood the forum's purpose (64%), but the majority would wish to refrain from engaging and attending (71%) actively. However, the buskers and street entertainers were evenly split (50%) on understanding the forum's purpose and whether they would actively engage and participate in it (48% in favour versus 52% who were not).

5.49 During the engagement meetings with key stakeholders, it was identified that there was still a distinct conflict in the views of buskers and street entertainers and those of residents and businesses. The survey was designed to enable buskers and street performers to highlight their concerns and views on the scheme. When the respondent completed the form and self-identified as either buskers or street entertainers or not, the survey would direct them to the relevant questions. A summary of these results is set out in the following paragraphs.

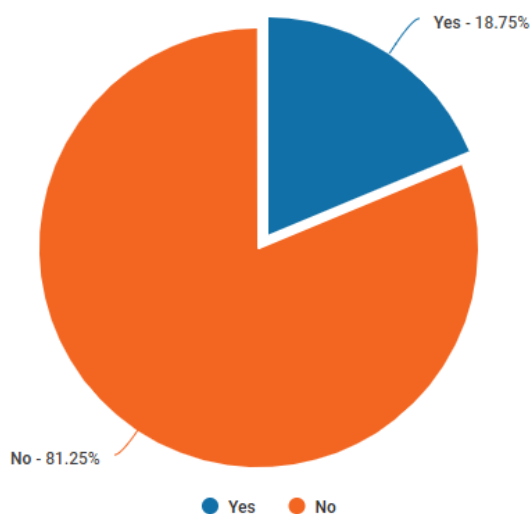
Non-Busker and Street Entertainers Survey Responses (Residents, Businesses, etc)

5.50 Even though there is strong support for a regulatory scheme, respondents identified some ongoing issues:

- Music being played outside of designated pitches.
- Pitch locations are contentious with amplification being permitted at some pitches where it should not be.
- Respondents felt that the current restrictions are insufficient in reducing noise nuisance.
- Crowds often obstruct the pavement and cause further nuisance.
- Difficulty in reporting noise issues to the Council with no clear method for feedback to complainants.
- The Policy is not being actively or sufficiently enforced making parts of it under used.
- Often felt street entertainment is not a priority and residents would like to see a dedicated busking patrol team.

5.51 The noise nuisance issue is the primary concern for residents and businesses. Noise nuisance is the primary source of complaints associated with busking and street entertainers. When asked whether the restrictions are currently sufficient in reducing noise nuisance from street entertainment, 81% of respondents answered no. The top reasons for this response were that the enforcement approach wasn't sufficient, the use of amplification equipment was a driver for the nuisance, and the pitch location contributed to the impact.

Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



5.52 To identify the key issues associated with the scheme and Policy since its introduction, respondents were asked about specific issues raised through regular complaints and in the initial meetings with stakeholders. The responses are set out in the table below.

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

5.53 Respondents were asked whether they knew how to contact the Council about concerns/nuisance generated by busking and street entertainment and whether they had actively made a complaint and raised concerns with the Council. A large proportion of respondents were aware of how to report complaints and issues and that they had done so

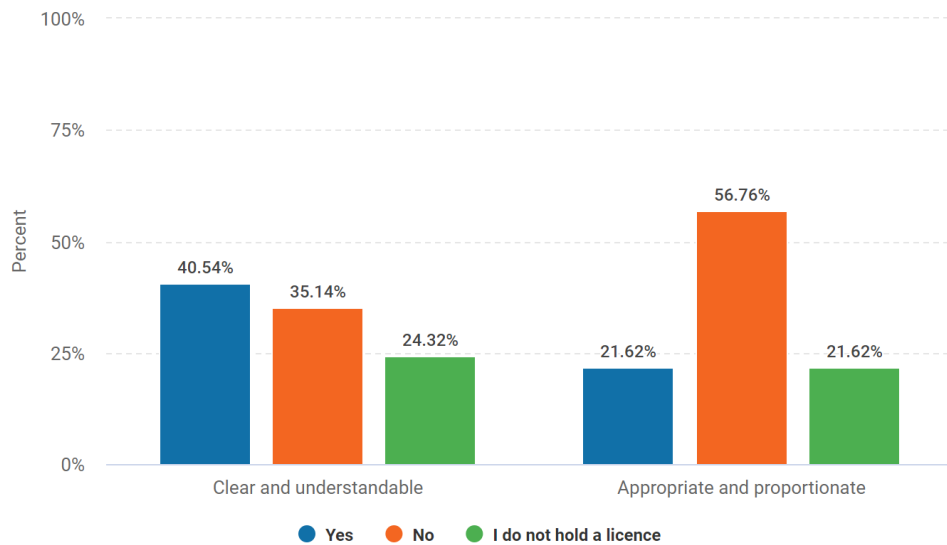
since the Policy and the scheme was introduced. The majority (78%) of those who did report a complaint or issue to the Council relating to busking and street entertainment did not believe that their query or complaint had been resolved, and 84% felt that it was not dealt with effectively and timely.

- 5.54 Respondents mentioned that fixed pitches make sense and provide consistency but that it often means certain areas of the city feel greater burdens caused by street entertainment than others and that a zone-by-zone basis may be more appropriate.

Busker and Street Entertainers Survey Responses

- 5.55 Busking and street entertainment is an important and valued activities and can add value to an area. However, poor practices, non-compliance, noise nuisances and obstruction associated with performances can significantly impact residents and businesses. The licensing regime and Policy were adopted to promote responsible busking and street entertainment and protect residents and businesses. The questions in the survey related to buskers and street performers sought to identify if the respondent was licensed or not, what their views are on the Policy requirements (pitch locations and terms and conditions of the licences, codes of conduct, etc.) and the general management, including compliance and enforcement of the licensing scheme.
- 5.56 The overwhelming majority of buskers and street entertainment who responded to the survey had been performing in Westminster for over 1 year (95%), of which over half had performed for more than 5 years. The main attraction for buskers and street entertainers to perform in Westminster is the quality of street entertainment in the City; Westminster is where they wish to perform, the pitch locations are good, and the amount of income performers can generate higher than other London Boroughs.
- 5.57 Respondents were asked whether they intend or have already applied for a licence to busk in Westminster. 65% of respondents stated that they already hold a licence or have held a licence, and 8% intend to apply for a licence. However, 27% of respondents said they would not apply for a licence. The top reasons for not applying for a licence were that they disagreed with the requirements to get a licence, and the pitches' location was inadequate.
- 5.58 The respondents who had applied for a licence would typically apply for a 6-month one. Respondents were asked whether they would likely apply for a 12-month licence if offered, and 64% stated they would.
- 5.59 Respondents with a licence were asked whether the Code of Conduct for Street Entertainers is clear and understandable. The majority (66%) agreed that the Code of Conduct is clear and understandable. Those respondents were also asked whether the conditions attached to their licences were clear, understandable, appropriate, and proportionate. The responses are set out in the chart below.

If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



5.60 Officers knew some pitches were suspended from use due to events or other highway activities. In our pre-meetings with stakeholders, the communication between the Council, licensed buskers, and street entertainers relating to those suspensions could have been better communicated. Respondents were asked whether they knew how to check if any scheduled changes to pitch are available due to events, organised markets, or other highway works. Most respondents (70%) were unaware of how to obtain this information.

5.61 Pitch locations were often mentioned in the responses to this survey. The survey wished to gain a picture of the pitch used across the city from the respondents. In answer to the questions associated with pitching use, the top 10 pitches used by respondents are shown in the table below:

Top 10	Pitch Location
1	Leicester Square (Northeast)
2	Trafalgar Square (North Terrace Charring Cross Road)
3	Leicester Square (Northwest)
4	Covent Garden (James Street)
5	Chinatown
6	Marble Arch
7	Trafalgar Square (North Terrace Pitches 18,19, 20, 21 & 22)
8	Eros Statue Piccadilly
9	Royal Opera House, Covent Garden
10	Market Square/James Street

5.62 For those with a licence, the most frequently used are in Leicester Square and Trafalgar Square/Charing Cross Road. Buskers and street entertainers still use all other pitches, but some are used less frequently. The reasons for not using these pitches relate to lack of footfall and restrictions on amplification.

5.63 Some of the key issues raised by respondents relating to pitches were:

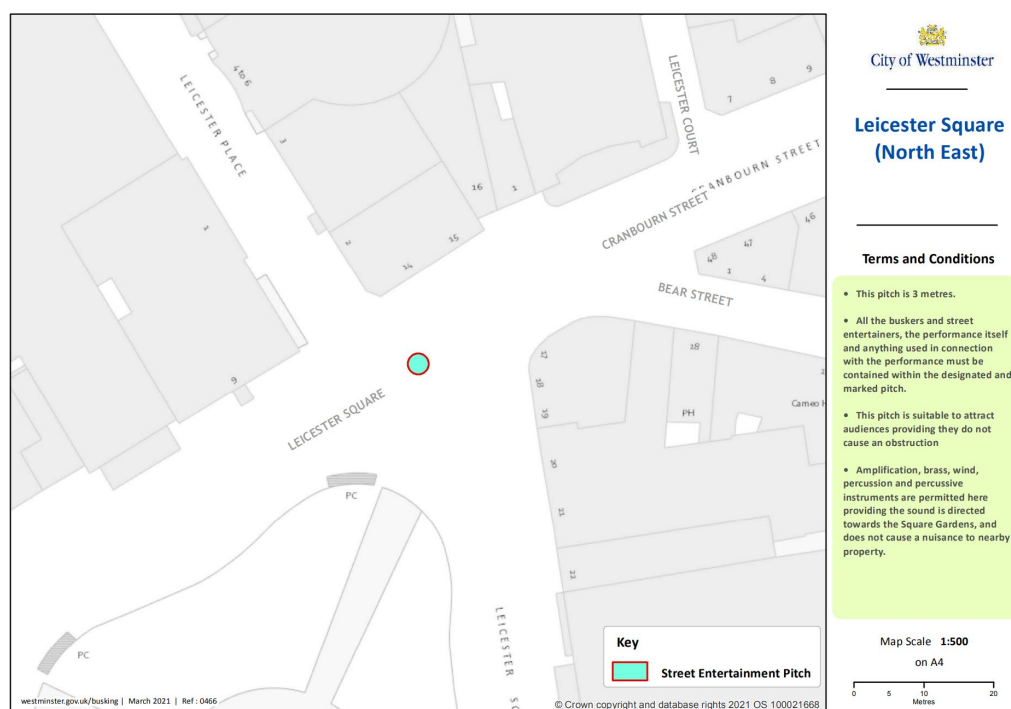
- Performance duration at pitches should be extended from 40 minutes to at least 1 hour.
- The number of pitches and the number that permit amplification are not sufficient.
- Better performers but are less favourable and see much less frequent use.
- Those that do not hold a licence for busking and street entertainment have not applied due to the location of pitches and general disagreement with the scheme.
- communication with performers on need to suspend pitch locations would be appreciated.

6. Leicester Square Case Study

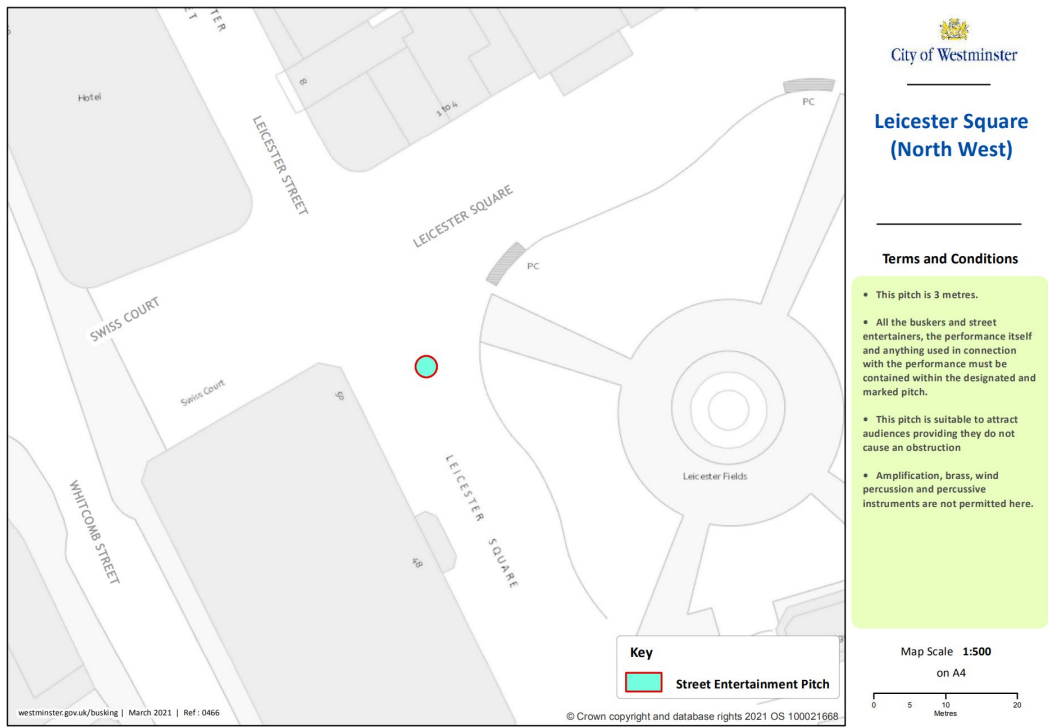
- 6.1 During the initial data collection exercise and in-person meetings, it became very clear that Leicester Square was generating a significant number of complaints associated with buskers and street entertainers. To fully understand the issues and impact relating to the busking and street entertainment in these areas, Officers have produced the following case study for each location, which sets out the views, issues, and challenges in addressing them.

Pitch Locations

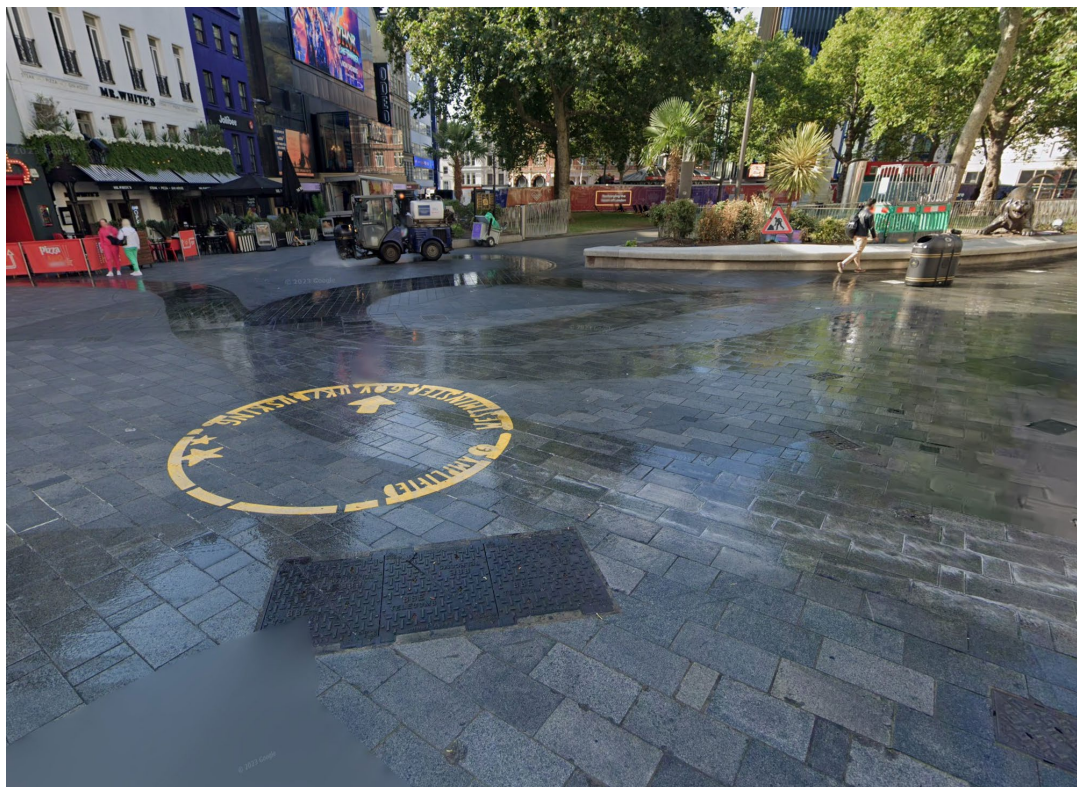
- 6.2 Leicester Square has two busking and street entertainment pitches on the Northeast and Northwest corners. The pitch to the Northeast on the junction of Leicester Square, Leicester Place and Cranbourn Street permits a licensed busker or street entertainer to perform using amplification or play brass, wind, percussion, and percussive instruments provided that the sound is directed towards the Square Gardens and does not cause a nuisance to nearby property. A map from the current Policy shows where the pitch is located.



- 6.3 The other pitch in Leicester Square is located to the Northwest of the square at the junction of Leicester Square, Swiss Court, and Leicester Street. This non-amplified pitch means that licensed buskers and street entertainers are not permitted to use amplification or play brass, wind, percussion, or percussive instruments. A map from the current Policy shows where the pitch is located.



6.4 Each pitch is marked on the highway in yellow paint. For the pitch located to the Northeast of the square, an arrow directs the licensed busker or street entertainer to direct their performance. The pictures below (courtesy of Google Maps) show the Leicester Square Northeast pitch location and markings facing towards the South of the square (picture 1) and the pitch location facing down Cranbourn Street to the East (Picture 2).



Picture 1 – Leicester Square Northeast pitch facing South. Picture courtesy of Google Maps.



Picture 2 – Leicester Square Northeast pitch facing towards Cranbourn Street to the East. Picture courtesy of Google Maps.

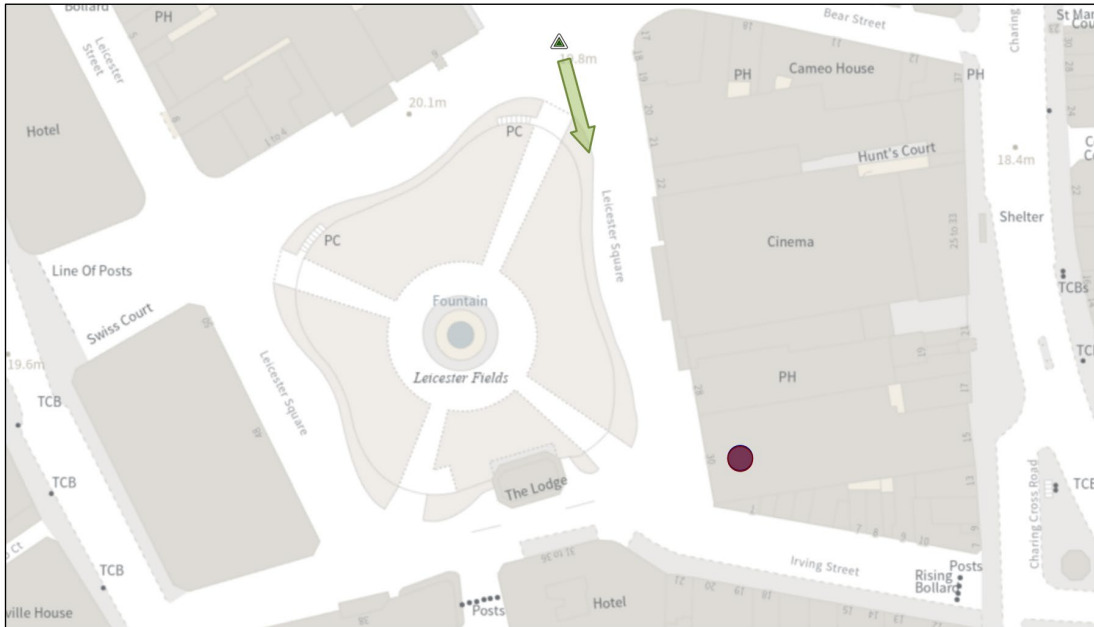
6.5 The Council, in establishing the designated pitches, chose locations that provided sufficient room and access to limit obstruction of the highway. The direction of the performances was also stipulated as this would move audiences to watch in front of the performer, ensuring that they were away from the main pedestrian thoroughfare across the north of Leicester Square. The pitches were also considered for their potential to cause noise nuisance. When designated these locations, whether the pitches were amplified or not and the direction in which the busker and street entertainers should perform were considered to reduce any noise nuisance.

Northeast Pitch and Noise

6.6 The Policy terms and conditions associated with the use of the Northeast pitch in Leicester Square requires the performer to in the direction of the Gardens. As the pitch is amplified the intention was that the sound from the busker and street entertainers would dissipate across the gardens away from businesses.

6.7 Due to the pitch markings provide an arrow to guide buskers and street entertainers as to the correct direction in which they should perform. However, the arrow on the Northeast pitch does not direct the performance towards the centre of Leicester Fields garden but along the east side of the square. Due to the unique nature of the buildings in the area, the height of the buildings, the way the wind is funnelled through the square and the use of amplification, sound can travel in unpredictable ways. The angled nature of the Hampshire Hotel at the South means that sound from the performances on the Northeast pitch is

redirected off the building at an angle towards the properties at the square's Southeast corner. Sound can also be directed upwards by the wind, which can cause then affect the upper floors of buildings along the square's East side. The map below shows the Northeast pitch (triangle), the direction of the performance (the arrow), and the hotel and noise-affected buildings (purple dot).



6.8 The picture below is looking down the east thoroughfare of Leicester Square, in the direction the performances sound would travel towards the Hampshire Hotel at the South of the Square. The angle of the hotel is clearly visible.

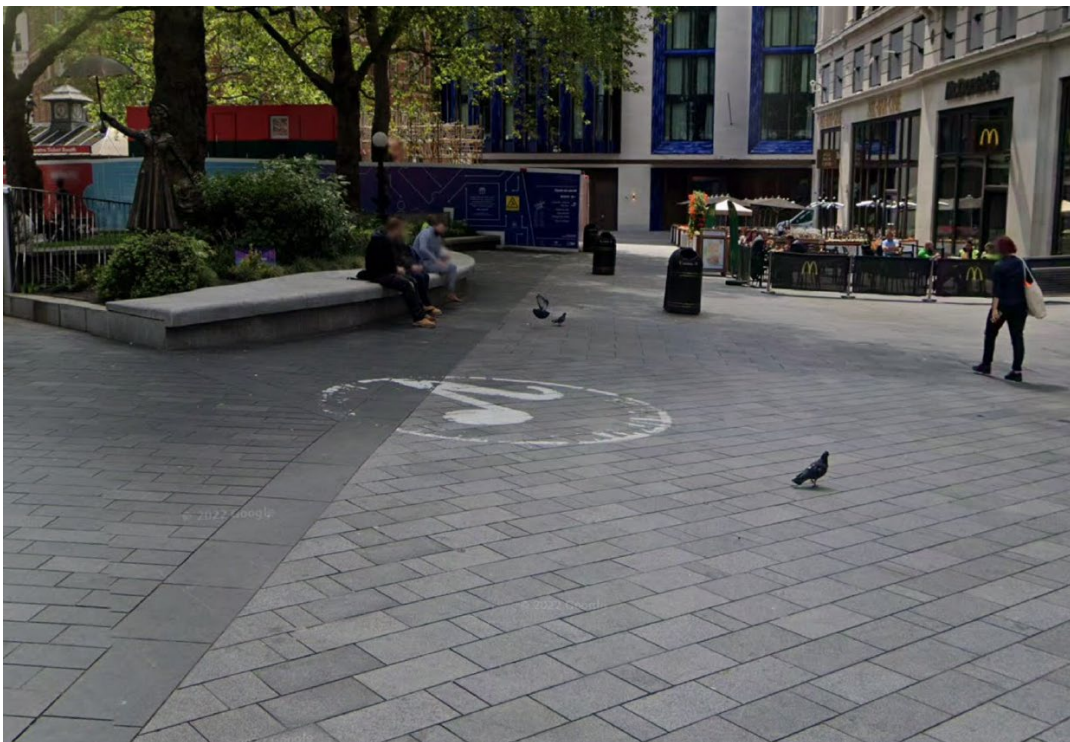


Leicester Square East thoroughfare facing towards the Southeast corner with Irving Street. Picture courtesy of Google Maps.

6.9 The businesses that are most affected by noise are those on the east and southeast side of Leicester Square. Businesses located to the lower east of the square are particularly impacted. Noise is redirected from the hotel building at the south as the angle of the building directs sound back towards these buildings. The unique nature of the square means that at ground level the noise from amplified buskers can be considered as not at a level that would cause nuisance due to the surrounding ambient noise factors. However, noise from amplification at higher floor levels, some buildings are up to 7 or 8 storeys can be at a level to cause a nuisance as the ambient noise is far less and the amplified noise is directed. This has caused difficulties when officers have visited Leicester Square following a complaint but the noise at ground level is deemed to be acceptable.

Northwest Pitch and Noise

6.10 The designated pitch on the Northwest corner of Leicester Square is a non-amplified pitch. This means that no amplification or noising instruments can be used on this pitch. The picture below, courtesy of Google Maps shows the marked pitch location.



Leicester Square West thoroughfare facing South. Courtesy of Google Maps.

6.11 This pitch is located off of the North thoroughfare and beyond the Northwest entrance to the Leicester Square Gardens. The use of this pitch by licensed buskers and street entertainers is less than that of the Northeast pitch due to the restrictions on amplification. Therefore, non-licensed buskers and street entertainers are often located around this pitch, although not on it and the North thoroughfare.

Use of amplification, etc

6.12 It is understood that amplification is an important tool for buskers and street entertainers, especially when the ambient noise is loud due to people and traffic movements. When engaging with licensed buskers and street performers who regularly use Leicester Square,

they were keen to emphasise how important both pitches in Leicester Square were to them. However, they did state that due to the ability to use the Northeast pitch for amplified performances, it was by far the most sought-after pitch in the area.

- 6.13 On busy days, this pitch can have a queue of buskers and street entertainers waiting to perform. On those busy days, the popularity of this pitch with numerous buskers and street performers can mean that they may only have the opportunity for one slot to perform for the entire day. In these circumstances, they have told Officers that they must maximise that slot and attract as many people as possible to watch them and provide a tip/payment. In doing so, buskers and street performers have increased the volume of their amplification to enable the sound to reach across the square and to attract people to them. They also need to increase their amplification volume when non-licensed buskers and entertainers, such as dance groups, are performing so that they can be heard above the illegal performers.
- 6.14 Amplification is not restricted to licensed buskers and street entertainers. Non-licensed performers will also carry out performances within Leicester Square. They will not necessarily locate themselves on designated pitches but will perform anywhere. These non-licensed buskers and street entertainers often create significant noise disturbances, especially during a busy day with numerous licensed and unlicensed buskers and street entertainers performing. The combination of licensed and unlicensed performers and amplification created an unacceptably high level of noise in Leicester Square, affecting several businesses.

Busking and Street Entertainment Licence Standard Conditions

- 6.15 The 2000 Act, which provides the legal framework for this licensing regime and its Policy required the Council to make regulations prescribing the standard conditions applicable to all licences. The purpose of the licensing scheme is to prevent:
- (a) undue interference with or inconvenience to or risk to safety of persons using a street in that part of their [the Council's] area or other streets within the vicinity of that street; or
 - (b) nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.
- 6.16 The Council established its standard conditions for licensed buskers and street entertainers, published within the Policy and attached to or accompanying the licences upon issue to the individual. Licensees are required to comply with these conditions or face enforcement action, which could result in the revocation of the licence or prosecution.
- 6.17 A licensed busker must ensure that their performance does not cause a nuisance to persons in the nearby property (condition 6) and that their performance and audiences do not cause an unreasonable obstruction of the highway (condition 7).
- (6) *Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby property and levels must be immediately reduced on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.*

- (7) *Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring property. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.*
- 6.18 When the Council designated the pitches in Leicester Square, they were designated in locations with limited noise impact and obstruction risk. The Council included a standard condition (condition 11) that busking, and street entertainment can only be performed from designated pitches.
- (11) *Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.*
- 6.19 The use of amplifiers and instruments are known to be the most likely to cause noise nuisance to nearby properties. The Council included a standard condition (condition 13) that prohibited their use except for on pitches that were listed, such as pitch 9 Leicester Square (Northeast) where amplification, etc was permitted. The condition also clarified that licensees were prohibited from using external power sources with amplifiers.
- (13) *No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of - ..., - Pitch 9 (Leicester Square North East) These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby property.*
- ...The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).*
- 6.20 From the accounts of the Licensing Inspectors, local businesses, licensed buskers, and street entertainers, these conditions are regularly breached by licensed buskers and street performers in Leicester Square.
- 6.21 The number of complaints received from businesses relating to the nuisance caused by noise from both licensed and unlicensed buskers and street performers is significantly higher than in any other area within the city. The number of complaints received has increased since before the scheme was introduced. Complaints are often made by the same businesses directly affected by the noise nuisance. Staff from local businesses have directly engaged with buskers and street entertainers to request their amplification is turned down to an acceptable level. When the buskers and street entertainers ignore those requests, those businesses will make a complaint to the Council.
- 6.22 The Council's City Inspectors have attempted to address issues associated with noise nuisance and obstruction caused by both licensed and unlicensed buskers and street entertainers. Officers have met representatives from businesses and the Business Improvement District to take information associated with their complaints and where possible engage with the relevant busker or street entertainer.
- 6.23 As referred to in section 4 of this report, the Council Licensing Inspectors have had several issues actively ensuring compliance and enforcing this licensing regime. Recent joint operations with the Police have resulted in positive action and future partnership working with the Police to tackle these problems are being planned.

Non-licensed and illegal buskers and street entertainers

- 6.24 Leicester Square is a prohibited street for busking and street entertainment, excluding the two designated pitches referred to in this section. Section 42 (Enforcement under Part V) of the 2000 Act states:

Any person who—

- (a) busks in any street to which this Part of this Act applies without the authority of a licence; or*
- (b) is concerned with the organisation or management of busking which is not authorised by a licence; or*
- (c) ...*
- (d) ...*

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale [£1,000].

- 6.25 It is important to note that a significant level of impact is caused by unlicensed (illegal) buskers and street entertainers who have no regard to the noise they generate or to the obstruction they may cause when performing. Illegal buskers either are unaware of the requirement that they must be licensed to perform or are unwilling to obtain a licence. For illegal buskers they may choose to not apply for a licence because they may have criminal records or are prohibited from obtaining a licence, their performance routine is not permitted or cannot be permitted in locations that they wish to perform, they may not have the right to work in the UK, wish to avoid scrutiny from state agencies, such as HMRC or they just do not agree with the licensing regime and that it should apply to them.
- 6.26 Noise and obstruction from illegal buskers can be significant and added to noise and audiences for licensed buskers and street entertainers this can cause significant impacts to pedestrian movement and noise nuisance to businesses. The pictures below were taken recently and show buskers and street entertainers performing along the North thoroughfare of Leicester Square or in the entrances from the North thoroughfare into Leicester Square gardens. The performers in these pictures are a mixture of licensed and unlicensed buskers and street entertainers. These images were all taken on the same day (Sunday 21st May).



Leicester Square North thoroughfare



Leicester Square North thoroughfare.



Northwest entrance to Leicester Square Gardens.



Northwest corner of Leicester Square

Impact on businesses (nearby property)

- 6.27 Businesses in and adjoining Leicester Square have been significantly affected by the noise from both licensed and illegal buskers and street entertainers. It is clear that non-compliance from licensed buskers and street entertainers and illegal buskers are causing these issues as well as the unique architecture and how sound travels around the square. Some businesses are more affected than others and this is primarily as a result of their office locations being either in close proximity to buskers and street entertainers or that their buildings are susceptible to noise impacts due to the unique architecture in the square.

6.28 One of the businesses that is the most affected by noise from amplified buskers and street entertainers has provided Officers with a detailed log of incidents of noise nuisance that was collected from late 2021 to the end on 2022. This log details the time and date of when the noise nuisance was occurring, what impact was caused and their actions to try and address it or report it to the Council. A summary of this log is provided below to illustrate the specific issue of noise faced by this company. It should be noted that this business wished to remain anonymous.

Period recorded	Number of log entries of disturbances	No of logs associated with busking that was amplified	Reported to the Council
21 st Oct – 24 Nov 2021	4	4	4
01 Jan – 28 Nov 2021	45	45	43

6.29 This business has also provided an Impact Statement to the Council associated with the impact on their business from the noise nuisance caused from buskers and street entertainers in Leicester Square. The Impact Statement has been redacted as per the businesses request. This impact statement is attached to this report at Appendix 4. This business has listed the extent of the impact from busking and street entertainers as:

1. Time – there are usually excessively loud buskers every afternoon from 12pm to 5pm which is within core business hours.
2. Duration – performances times of each busker are between 15 and 45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments.
5. Volume – the volume is loud and can be heard clearly in their offices – as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourist come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the level store and M&M world).

6.30 The Council’s City Inspectors have engaged on regular occasions with staff from businesses in the area and particularly the business that has provided the evidence and Impact Statement. Sound monitoring has also been conducted in their premises. In some cases, due to the unique makeup of the buildings and way sound travels the noise at ground level from performers was not deemed to be load enough, considering the ambient noise of the square to be a nuisance. However, when officers were on the 6th Floor the noise from the performer’s amplification was significant enough to cause a nuisance. This has caused challenges in addressing this with performers and business to understand the level of noise that a performer would generate and when it would get to a level to be considered a nuisance to nearby properties. Weather conditions, include wind and atmospheric pressure as well as ambient noise may play a factor in how noise may travel around the square. The angled nature of the Hotel is also considered to be part of the issue as sound bounces off the

hotel and due to the angle of the building the noise will be directed at businesses at the lower Southeast corner of Leicester Square.

- 6.31 When carrying out observations in Leicester Square and attending meetings with affected businesses at their building Officers could hear amplified performances from buskers and street entertainers within those offices.
- 6.32 Business are supportive of responsible and talented buskers and street performers. However, the impact associated with the amplification of performances, in this unique location is detrimental to their business. They wish to see amplification, etc prohibited from use on the Northeast designated pitch and active compliance and enforcement action undertaken to prevent non-compliant licensed and illegal buskers and street entertainers from generating noise nuisance. It was suggested by one business that if amplification was prohibited during the week and only used on weekends then this would have far less an impact on their staff due to their working pattern.
- 6.33 Buildings that have offices overlooking the Northeast corner and along the North thoroughfare of Leicester Square are also susceptible to noise nuisance from amplified performances from buskers and street entertainers. The issues of noise are generated from buskers and street entertainers using the designated pitch at the Northeast corner of Leicester Square and illegal buskers who perform along the North thoroughfare of Leicester Square and Cranbourne Street. The noise generated from these buskers and street entertainers are always amplified and often the sound level is extremely loud. Amplification is also often powered by external power sources which, under the Council's terms and conditions of the licence is prohibited. However, some licensed buskers and street entertainers are not complying with this requirement. Illegal buskers also utilise externally powered sound systems which are significant generators of noise nuisance.
- 6.34 The issue of noise in offices around Leicester Square from the 1st floor level and above are disproportionately affected by noise nuisance compared to businesses operating at ground level. This is often due to the nature of the offices being much quieter than typical retail and restaurant use on the ground floor and staff working in these offices are there for significant periods of time.
- 6.35 The local business and the Heart of London Business Alliance (HOLBA), the Business Improvement District for the area have highlighted the impact from obstruction from illegal buskers of licensed buskers performing in contravention of their licence along the North thoroughfare of Leicester Square. They have indicated that there is also an issue with pick pockets and theft when large crowds gather around buskers and street entertainers. It should be noted that the Council has not been able to identify any specific evidence to link busking with wider crime issues.

Conclusion

- 6.36 The issue of noise from amplified performances is significantly affecting nearby businesses in Leicester Square. Illegal busking and street entertainment outside designated pitch locations in the square are also contributing to noise and obstruction problems. As a result, the current busking and street entertainment licensing regime is not effectively functioning in Leicester Square. Urgent action is required to address the noise nuisance, non-compliance from licensed performers, and the issue of illegal busking in the area.

- 6.37 Attempts by City Inspectors to address non-compliance and illegal busking have been challenging without the support of the Police or the wider busking and street entertainment community. While amplification is a key factor causing problems for local businesses, it is also an integral part of performances for most licensed buskers and street entertainers. Restricting amplification to non-amplified performances or removing all pitches in Leicester Square would likely improve the situation associated with non-compliant busking and street entertainers. However, this approach would have a significant impact on licensed performers who rely on amplification and this location for regular income. If amplification were limited during weekdays but permitted on weekends, it could still adversely affect licensed performers and create additional challenges due to increased demand for the pitch on weekends.
- 6.38 The ideal situation would be to retain amplification at the Northeast pitch location through a collaborative effort from buskers and street entertainers, businesses, and the Council. This would enable all parties to work together to identify the relevant sound levels, enable feedback on noise and where amplification should be placed or directed. Unfortunately, the likelihood of this being successful is low. However, it should be attempted even if other options are being considered or implemented.

7. Review Findings

- 7.1 The busking and street entertainment licensing regime, along with its associated Licensing Policy, has been in operation for more than two years. During its establishment, extensive efforts were made to engage with stakeholders and develop a scheme that strikes a balance between licensing responsible buskers and street entertainers while preventing obstruction of the highway and nuisance to residents and businesses. After considering all aspects of the licensing scheme, Policy, and stakeholder input, Officers believe that the scheme itself is well-structured and doesn't need substantial changes. However, certain amendments to the policy and further review of pitch locations are necessary, as outlined in the proposed recommendations and options below.
- 7.2 Despite efforts to establish a light-touch licensing regime with the aim of self-regulation, the challenges of compliance and illegal buskers in certain parts of the city have prevented the scheme from meeting its intended goals. While positive changes have been observed in some areas regarding noise, nuisance, and obstruction, there are still significant challenges in specific locations. Businesses and residents had high expectations for the scheme, hoping it would effectively address these issues and enable the Council to actively enforce and prosecute individuals who violate the scheme's terms and conditions. Unfortunately, for several reasons, these expectations have not been met, and meeting them will require significant Council resources and close cooperation with the police.
- 7.3 While this review has primarily focused on policy review, it is crucial to also consider the issues surrounding non-compliance and illegal activity and determine how the Council should proceed in managing the scheme and, in particular, whether the cost and resources required to ensure compliance and prevent illegal activity would be proportionate to the needs for resourcing higher risk or priorities.

Options for the continuation or varying the scope of the licensing scheme.

- 7.4 The review of the Busking and Street Entertainment Licensing Policy scope was to look at how the Policy was implemented, its effectiveness, and whether any changes are needed to improve or adjust it to meet the future operation of the scheme. When undertaking this review and considering the success of the scheme, the fundamental issues that continued to be raised by all stakeholders were the issues surrounding compliance and what enforcement action has or hasn't been undertaken to address both non-compliance and illegal activities occurring in certain locations. Leicester Square and Covent Garden areas have dominated the review discussions as non-compliance, illegal performers, and associated impacts of noise and obstruction have been reflected in the findings. The remaining areas where the scheme has been operating haven't generated the same level of issues or complaints.
- 7.5 Due to the issues surrounding compliance and illegal performances, the scheme itself cannot be fully assessed as being successful. The scheme, when being developed and implemented, created an expectation for residents and businesses that the scheme would address the issues relating to noise and obstruction caused by busking and street entertainment. For most of the areas the scheme covers, there have been improvements in reducing the impacts originally identified. However, Leicester Square and Covent Garden are still significant drivers of complaints and issues relating to compliance with the scheme.

- 7.6 The licensing scheme was intended to be a light-touch licensing approach, hence the very low fee levels. It was intended, and the policy refers to this, that the busking and street entertainment scheme would be self-regulating. Unfortunately, this has not been the case.
- 7.7 It is clear from the targeted engagement with stakeholders that there is still a significant appetite for the continued regulation of busking and street performers. In the targeted survey, 68% of respondents favoured the scheme more than before, and 24% of views remained unchanged about the licensing scheme.
- 7.8 There are little to no issues with buskers and street entertainers that comply with the licensing requirements and the Policy. However, when licensed buskers and street entertainers fail to comply with their terms and conditions, especially associated with amplification, significant complaints and harm are caused at the location where they are performing.
- 7.9 The review has also identified two types of buskers and street entertainers operating in contravention of the licensing regime. The first group of buskers and street entertainers are typically individuals who have not engaged with the Council before and arrive at a location and perform unknowingly or knowingly in contravention of the licensing regime. They are likely to perform and obstruct the highway, create significant noise issues, and potentially be unfit to obtain a license. The second group of buskers and street entertainers are individuals or groups who have engaged with the Council during the development of the licensing scheme and are fully aware of the requirements for licensing and the Policy. These individuals or groups, representing them, will perform illegally, knowingly in contravention of the licensing scheme. This group of buskers and street entertainers would likely have no issues in meeting the requirements of the licensing regime, obtaining a license, and operating within the terms and conditions of any license.
- 7.10 The non-compliance from licensed buskers and street entertainers relating to their terms and conditions in some areas and illegal buskers operating in Leicester Square, in particular, have led to the conclusion that in that area, the current arrangements for the licensing regime and the Policy are not working as anticipated.
- 7.11 Joint compliance and enforcement action between the Council's City Inspectors and the Police have recently provided positive results. The additional powers available to the Police to obtain information from buskers and street entertainers are fundamental in enabling the Council to take legal action against them.
- 7.12 However, to actively address the issues of non-compliance and illegal performers in Leicester Square and Covent Garden, there will be a need for significant Council and Police resources over a prolonged time to get to a point where non-compliance is limited, and illegal buskers are actively discouraged from performing in the city. Unfortunately, other priorities on both the Council and Police's limited resources will be a key factor in whether the scheme can be enforced effectively. A decision on resources and prioritization will be needed to determine whether the enforcement of this scheme should be prioritized over other pressing priorities.
- 7.13 This review has identified that the licensing scheme, excluding the issues of non-compliance and illegal activity, is sound subject to some amendments. The combination of a detailed Licensing Policy and a clear licensing process is best practice. It enables anyone who wishes

to apply the opportunity to review the Policy and understand the licensing process, including what is expected of the applicant and licensee once a license is granted.

- 7.14 The current fee levels associated with the licensing scheme are extremely low and therefore do not cover the full costs of the Council in operating this scheme. The fee levels were initially very low to prevent the fee from being a barrier to buskers and street entertainers from applying. The Council may consider revisiting the fee levels considering the number of resources associated with the scheme and the wider impact on general funds in covering the costs not met by the fee income.
- 7.15 A decision is needed on whether the scheme should continue as currently devised. The resources and costs associated with addressing the current issues of non-compliance and illegal buskers will be significant and may not be proportionate considering the other demands on the Council and Police's limited resources. While the scheme itself is sound, ensuring compliance with it will continue to require significant resources which are not funded by the income level received. The following options are therefore presented for consideration on the future of the scheme.

Option BSE/1 – Discontinue the scheme

A licensing regime will only be successful if the scheme has reasonable compliance and there is a robust enforcement approach in place to respond to non-compliance and illegal busking. However, if the cost and resources cannot be actively diverted to address the levels of non-compliance or illegal busking and therefore meet resident and business expectation then the scheme may never be effective. However, without the licensing regime busking and street entertainment will continue and the issues of noise nuisance and obstruction of the highway will continue without an active mechanism to enforce it.

Option BSE/2 – Vary the scope of the scheme.

If the scheme is too large to actively ensure compliance and enforce illegal busking the scope of the scheme could be varied. The regime could focus on the key busking areas of the city and remove the restrictions and controls from other parts of the city. However, the areas of significant busking activity are the areas that have the highest levels of non-compliance and illegal busking. Resources would still be needed to maintain a sufficient level of enforcement in these areas to actively respond to non-compliance and illegal busking.

Option BSE/3 – Continue with the current scheme and prioritise resources to address non-compliance and illegal busking.

If the scheme should continue and resources can be prioritised to effectively enforce the regime, then the scheme may become more manageable and self-regulation could become more evident. An active compliance and enforcement response would be required to address non-compliance and illegal busking as and when it is reported. However, fee levels and the following recommendations may be necessary to assist in achieving this.

- 7.16 In the event of a decision to discontinue the scheme, the Council would be required to follow a statutory process to revoke the existing resolutions that adopted the scheme. This process would necessitate a formal consultation, and the ultimate decision would rest with the Full Council.

- 7.17 Alternatively, if it is deemed appropriate to make adjustments to the current scheme, there will need to be careful consideration of the objectives of any variation to the scheme and how enforcement and compliance can be ensured. Potential adjustments could involve designating noise-sensitive locations with no busking permitted, while allowing busking in other parts of the city or making significant changes to where and when busking and amplification are allowed. Like the first option, any alterations to the current regime would require formal consultation, and the Full Council would need to formally approve any resolutions relating to the proposed changes.
- 7.18 Should the decision be made to continue with the existing scheme, it will be crucial to manage the expectations surrounding the Council's ability to address noise and obstruction issues related to busking and street entertainment. While the licensing regime provides enforcement powers, engagement, and cooperation from those regulated under the scheme are equally essential. Businesses and residents should understand that while the Council will strive to respond to complaints about noise and obstruction from buskers and street entertainers, it must also balance these concerns with other priorities and existing resources. In cases where a specific location experiences significant impact from persistent offenders, the Council, with support from the Police, may consider targeted operational measures on a case-by-case basis. If the consensus from the Policy and Scrutiny and Licensing Committees, as well as the Cabinet Member for Communities and Public Protection, is to retain the current scheme, the report puts forth several recommendations and options to improve the scheme where possible and address specific issues identified during the review.

Recommendation 1 – Partnership with the police.

The Council and the Metropolitan Police should engage in further discussions associated with conducting further partnership compliance and enforcement action to tackle persistent non-compliance and illegal operators, focusing on key high impact areas, such as Leicester Square area and Covent Garden.

Recommendation 2– Undertake a fee review.

The Council should consider the current licence fees for busking and street entertainment licences considering the need to prevent the fee becoming a barrier to buskers and street entertainers, the known processing and compliance costs and the financial implications of the scheme being unable to provide full cost recovery.

Licensing Policy

- 7.19 The Licensing Policy is well-constructed and provides comprehensive information about the purpose of the licensing scheme, the licensing process, codes of conduct, terms and conditions, and designated areas for busking and street entertainment. The policy was developed through effective engagement and has effectively outlined the Council's approach to administering and ensuring compliance with the scheme. However, there are specific changes that could be considered to address elements that were overlooked during the initial development or have emerged since the scheme's implementation.
- 7.20 The Council has identified a gap in the Policy regarding applicants who may be under the age of 18. Conversations with buskers and street entertainers revealed that some began performing when they were teenagers. The scheme should not prohibit children or young people from busking in Westminster, but measures must be in place to safeguard and

protect them and ensure parental or guardian consent. The Policy should be amended to include a provision specifically addressing children and young people and safeguarding. Any proposed changes to include safeguarding children and young persons within the Policy should be considered by child safeguarding experts from the Council and other agencies.

Recommendation 3 – Age restrictions and safeguarding

The Council should consider the inclusion of sections associated with buskers and performers under the age of 18 that includes factors relating to parental or guardian consent, whether adult supervision is needed whilst the child or young person is performing, safeguarding issues, including safeguarding from other buskers and reporting of concerns relating to child buskers and street entertainers.

- 7.21 The Council has recognized that the current Policy lacks a reference to the liability of buskers and street performers to pay royalties for the performance or use of copyrighted works. It is important to inform buskers and street entertainers that they may need to obtain a Performing Rights Society (PRS) license if they plan to use copyrighted material. The Policy should include information about this requirement, clarifying that buskers and street entertainers are responsible for paying any royalties associated with copyrighted material or content. Additionally, guidance on how to apply for a PRS license should be provided.

Recommendation 4 – Royalties liability

The Council should provide an advisory section within the Policy relating to the liability associated with royalties and that this rest solely with the licensed busker or street performer.

- 7.22 It is crucial that applicants for a license provide truthful and accurate information. Providing false information undermines the integrity of the licensing process and raises questions about the applicant's suitability to hold a license. The Council strongly disapproves of false information and considers it an attempt to bypass the fit and properness test.
- 7.23 To address this issue, the Council should clearly communicate the consequences of providing false information in license applications. This may include the refusal of an application, revocation of an existing license, and potential prosecution under section 42(d) of the relevant legislation. The Council's approach to dealing with false information should be clearly stated in the Policy, codes of practice, and within the licensing application process, such as on the website and application form.

Recommendation 5 – Statement of truth and making a false declaration.

The Council should include its position on the requirement for applicants to sign a statement of truth associated with the information that they have provided and what the Council's actions will be if they have made a false declaration within its Policy.

Code of Conduct

- 7.24 The Code of Conduct plays a crucial role in providing clarity to buskers and street entertainers regarding acceptable behaviour while performing. According to the targeted engagement survey, 66% of respondents from the busking and street entertainment community found the Code of Conduct clear and understandable.

- 7.25 The current Code of Conduct should be strengthened to stipulate that certain behaviours towards Authorised Officers of the Council and the Police will not be accepted. The Code associated with the requirement to cooperate with Authorised Officers and the Police should set out that unacceptable behaviour or actions, such as verbal or physical abuse or inciting the crowd against officers when they are carrying out their role under the 2000 Act, will not be tolerated and could lead to suspension or revocation of their license.
- 7.26 Based on the findings of the review, some other revisions may be necessary for the Code of Conduct. These revisions could involve adding additional codes, such as ones related to licensees under the age of 18, safeguarding of children and young people, or the consequences of making false statements. The current Code relating to talking to the council and the local community via the Forum should also be revised to focus on the need to enable communication between licensees and the Council rather than the inclusion of residents and businesses.
- 7.27 When revising the Codes of Practice, the Council should consider engaging with licensed buskers and street entertainers to gather their input on proposed changes. This engagement is important before proceeding with the regulatory requirements for adopting the new Codes.

Recommendation 6 – Strengthen the Co-operate with Authorised Officers and the Police to the Codes of Conduct Provision

The Council should strengthen the current Code of Conduct relating to the requirement to co-operate with Authorised Officers and the Police to make it clearer about what behaviour will not be acceptable and what the possible ramifications are if a licensed busker or street entertainer fails to meet this Code.

Recommendation 7 – Revisions and additions to the Codes of Conduct

The Council should consider reviewing the current Codes of Practice to ensure that they reflect any necessary changes to the Council Policy or application process, including buskers and street performers under the age of 18 seeking licences, safeguarding of children, the consequences of making a false statement and communication channels between the Council and licensees via a Forum.

Standard Licence Conditions

- 7.28 The standard license conditions for busking and street entertainment were developed to prevent nuisance, anti-social behaviour, and obstruction of the highway that could jeopardize public safety. These conditions provide clear parameters for license holders and enforcing bodies. They must be reasonable and proportionate, allowing licensed performers to comply without undue impact. Breaching the license can result in warnings, revocation, or prosecution under the relevant legislation.
- 7.29 During the engagement process of this review, buskers and street entertainers were asked about their perception of the conditions. 57% of respondents in a targeted survey did not consider the conditions reasonable and proportionate. In meetings with representatives of licensed performers, concerns were raised about certain conditions being overly restrictive and unreasonable. However, specific conditions causing problems were not specified.
- 7.30 After reviewing the standard conditions, the Officers believe that they are reasonable and not unduly burdensome or disproportionate. Nonetheless, considering other findings and

recommendations, the Council should continually review the standard conditions and make necessary changes through appropriate engagement and consultation with licensees.

7.31 However, in line with the issues associated with unacceptable behaviour towards Authorised Officers and the Police, it is proposed that a new condition is added to the standard terms and conditions for all Busking and Street Entertainment Licenses relating to the prevention of unacceptable behaviour. The new condition could take the following form:

- (1) *A busker and street entertainer shall:*
 - (a) *not use threatening, abusive, or offensive language, either verbally or in any performance material which is directed at or associated with the actions of an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (b) *not engage in any physical assault or aggressive behaviour towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (c) *not incite, encourage, or provoke crowds to act in a threatening, abusive, or physically aggressive manner towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (d) *comply promptly with any lawful instruction or request given by Authorised Officers of the Council, Police Constable, or Police Community Support Officer in the course of performing their duties.*
 - (e) *not obstruct, hinder, or interfere with an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer while they are carrying out their official duties.*
 - (f) *fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour.*
- (2) *In relation to (1), (f) above reference to cooperate with any investigation includes providing relevant information, attending meetings or interviews if requested, and assisting in the identification of any involved parties.*

7.32 This license condition is aimed at ensuring a safe and respectful environment for Authorised Officers of the Council and the police while maintaining a positive and enjoyable atmosphere for the public during busking and street entertainment performances.

Recommendation 8 – New condition relating to behaviour towards Authorised Officers and the Police.

It is recommended that a new condition, such as the one proposed above is added to the standard licence conditions that addresses licensee behaviour or acts which create a risk to Authorised Officers of the Council and/or the Police or inhibits their actions or ability to investigate breaches of the licensing regime or offences under the 2000 Act.

Recommendation 9 – Standard conditions to be kept under review.

It is recommended that no changes are made to the standard conditions at the present time. However, the standard conditions should be kept under review and if necessary and following consultation with licensees these conditions could be amended.

Leicester Square

- 7.33 Urgent action is required to address the noise nuisance caused by amplification on nearby properties, non-compliance from licensed buskers and street entertainers, and the presence of illegal buskers in the area. Officers have identified four options for the Council to consider.
- 7.34 The first option involves a collaborative approach between the Council, licensed buskers, and street performers, and businesses to address the issues locally. If all parties commit to managing the situation and demonstrate collaboration and improved compliance, it could lead to a reduction in noise nuisance and the retention of the amplified pitch. This option aims to minimize the impact on the livelihoods of licensed buskers and street performers and prevent displacement to other amplified pitches or illegal busking.
- 7.35 However, there are risks associated with this option. Previous attempts at collaboration have yielded limited success, and the unique nature of Leicester Square may still result in noise nuisance. It may also be challenging to enforce against illegal buskers causing obstructions and nuisance within the Square even if licensed buskers are compliant.
- 7.36 This option could be pursued alongside one of the other options. If positive outcomes are achieved through collaboration and robust enforcement, the Council could suspend the implementation of other options and continue monitoring the situation.

Option LS/1 – Seek a resolution between all parties to ensure compliance with current pitch requirements.

Utilise the period between the report publication and any formal decision to enable the SPA, Businesses, and the Council to consider the pitch locations, directions that amplification is directed, noise levels and monitoring to establish if other controls and agreements could be put in place to prevent the loss of amplification or the removal of that pitch all together. If no agreement or resolution is found to everyone's satisfaction, then the Council will have no option to consider moving forward with the alternative options.

Option LS/2 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch on weekdays.

The Council moves forward to make a resolution to revise the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments during weekdays.

- 7.37 Option 2 proposes the removal of amplified sound from the Northeast pitch in Leicester Square on weekdays. To implement this change, the Council would need to pass a resolution modifying the terms and conditions of the pitch, following a consultation period.
- 7.38 The purpose of this approach, suggested by local businesses, is to reduce the overall impact of amplification during weekdays when their offices have higher staffing levels. Under this option, only licensed buskers would be allowed to use the pitch, and active compliance checks by the Council would be necessary to ensure no amplification is used. However, there is a risk that businesses with staff working on weekends may still experience noise nuisance from amplified performances.

- 7.39 The risks associated with this approach include potential non-compliance by licensed buskers and an increased need for enforcement. Noise nuisance would still be significant on weekends, and businesses could be affected by the noise despite reduced office occupancy. The removal of the only amplified pitch on weekdays could negatively impact the earning potential of licensed buskers and street entertainers in the area, potentially leading to displacement to other pitches and creating new noise issues. Additionally, restricting amplification to weekends would likely increase the demand for spots on those days, as the pitch is already highly sought after.

Option LS/3 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch.

The Council moves forward to make a resolution to revise the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments altogether.

- 7.40 Option 3 proposes the Council seeking a resolution to prohibit the use of amplification on the Leicester Square Northeast pitch. As a result, no licensed busker or street entertainer relying on amplification would be allowed to perform in Leicester Square. This would effectively address the issue of noise nuisance for nearby properties from that pitch. Active enforcement by the Council and the Police would be necessary to control illegal busking in the area, and it would facilitate easier compliance management for City Inspectors and the Police.
- 7.41 Licensed buskers would face a significant impact on their income generation opportunities due to the restriction on amplification. Additionally, the demand for other amplified pitches in the area would increase, potentially requiring the Council to consider introducing additional amplified pitches in nearby streets to manage the demand. Implementing this approach could lead to an increase in illegal busking and non-compliance from licensed buskers and street entertainers who can no longer use amplification at this pitch.

Option LS/4 – Prohibition of busking and street entertainment from Leicester Square

The Council moves forward through the statutory process to make a resolution to remove the Leicester Square (Northeast) and Leicester Square (Northwest) pitches and therefore make Leicester Square a prohibit street for busking or street entertainment.

- 7.42 Option 4 proposes a complete prohibition of busking and street entertainment in Leicester Square. By removing the designated pitches, it aims to address the noise issues associated with these activities, provided there is robust enforcement. Without the presence of designated pitches, it would be easier for Council City Inspectors and the Police to identify and act against illegal buskers. This approach would involve the Police and our City Inspectors moving on buskers and street performers from the area or prosecuting illegal buskers and street entertainers if they persistently perform illegally in the area.
- 7.43 However, this option would have a significantly detrimental impact on licensed buskers and street entertainers who rely on these pitches. It would likely result in displacement and create a higher demand for pitches in the area. There would also be an increased risk of licensed performers resorting to performing illegally.

Recommendation 10 – Attempt a collaborative solution whilst undertaking a formal process to remove amplification.

It is recommended that the Council should start preparing to move forward with Option 3 which would make this pitch unamplified. However, whilst that option is being

prepared and taken through the statutory process, which can take several months. Officers should work with businesses and licensed buskers and street entertainers should work together to attempt to find a solution through collaboration as set out in Option 1. If the collaborative approach between all parties shows signs of progress the statutory process or decision on changing this pitch to unamplified could be slowed or suspended.

- 7.44 The noise nuisance caused by busking and street entertainment in the area is attributed to two main factors. The first is licensed performers using amplification, which may be addressed through the aforementioned options. The second factor is illegal buskers with amplification, requiring active and strong enforcement collaboration between the Council and the Police.
- 7.45 Given the significant noise nuisance generated by amplification from the Leicester Square Northeast pitch, it is recommended to attempt Option 1. This option aims to assess whether the potential loss of amplification would incentivize compliance and collaboration from licensed buskers, street performers, and the local SPA (Street Performers Association). While Option 1 is being attempted, officers should proceed with preparing an urgent resolution described in Option 3, seeking the removal of amplification from this pitch. If progress is made with Option 1, the Council can slow down or suspend the implementation of Option 3.

Pitch Locations, Accessibility and Markings

- 7.46 The location and availability of busking and street entertainment pitches have been highlighted as important issues by the Licensing Service, City Inspectors, and performers themselves. Currently, there are 27 designated pitches in the city, and their usage and income-generating potential vary based on footfall. Some pitches, particularly those in popular areas like Leicester Square and Trafalgar Square, often face suspensions due to events and market uses, leading to queues of performers waiting for their turn.
- 7.47 To address this, the Council needs to assess the adequacy of current pitch locations and their potential to cause disturbances or obstructions on the highway. Engagement with licensed buskers and street performers is necessary to gather input on pitch locations and identify possible additional pitches that can relieve pressure from high-demand pitches. In seeking new pitch locations, the existing methodology should be used. These new locations should provide similar opportunities for audience size and income generation when pitches are suspended for events.
- 7.48 The assessment of existing and potential new pitch locations should consider maximizing opportunities for performers while ensuring they do not create obstructions or nuisances for businesses and residents. Flexibility in pitch use based on different times of the day or days of the week could be considered, allowing for variations in pitch availability to minimize impacts on nearby establishments. Similarly, the use of amplification could be regulated based on specific hours or days to balance performers' needs with the interests of businesses and residents. However, a comprehensive assessment was undertaken on pitch locations when the scheme was being developed, and changes to counter-terrorism measures in high footfall locations may result in an inability to identify suitable new pitch sites.
- 7.49 Under Section 149 of the Equality Act 2010, the Council has a duty to ensure that those with a protected characteristic are not excluded from accessing pitches and being able to obtain a busking and street entertainment licence. Anecdotal evidence suggests that the number of

buskers with physical disabilities within the licensed areas is low. The available evidence of the prevalence of disability amongst buskers in the licensed areas is not considerably higher than in the general Westminster population. However, as part of any review of existing pitches or locations for new pitches, the Council should review the accessibility for disabled performers.

- 7.50 Improvements to the visibility and clarity of busking and street entertainment markings are also necessary. The current markings wear quickly and are costly to replace, so alternative, simpler, and more standardized marking templates should be considered to reduce future marking costs. Consideration may also need to be given to ensuring pitches can be located by performers who are visually impaired or blind. This may involve the use of braille markers on the floor or using pitch markings that enable visually impaired or blind performers to locate them and perform within them.

Recommendation 11 – Pitch Location and Accessibility Assessment

The Council should undertake an assessment of pitch locations that review the current pitches to determine whether they are still fit for use, are accessible to disabled performers, do not create an obstruction or nuisance. The review should also, using the existing methodology attempt to identify new pitch locations, especially in areas where there is a high demand to use existing pitches in the area. In carrying out the assessment Covent Garden’s pitches and additional pitches around Leicester Square and Trafalgar Square should be prioritised.

Recommendation 12 – Pitch Markings

As part of the pitch assessment the markings for each pitch should be assessed and if they are worn should be replaced. The accessibility of the pitches, particularly for enabling visually impaired or blind performers to locate them should be considered and if necessary additional markers affixed to make the pitches more accessible to those performers. The full costs associated with a regular remarking schedule should also be considered as part of any future fee review as this will need to be funded by the income from the scheme.

Engagement with licensed buskers and street entertainers

- 7.51 Ongoing engagement and communication with licensed buskers and street entertainers is crucial. The original plan for the licensing scheme included a Forum to facilitate communication between licensees, businesses, residents, and the Council. However, for various reasons, the Forum did not function as intended, resulting in concerns and issues being directly addressed to the Council.
- 7.52 To address this, there is a need to re-establish a Forum specifically for licensed buskers and street entertainers and the Council. The Forum should exclude resident representatives and businesses, focusing solely on engaging with licensees or their representatives to address their challenges, provide feedback on issues, clarify license terms and conditions, and foster relationships and trust between Council Officers and licensees.
- 7.53 One concern raised by buskers and street entertainers is the lack of information about pitch suspensions due to events. The Council has put in place measures to provide advance warning on the suspension of pitches via the Council's website. The Council could consider other options associated with improving communication channels with buskers and street entertainers.

Recommendation 13 – New Buskers and Street Entertainers Forum

The Council should create a new Buskers and Street Entertainers Forum that meets quarterly to discuss the licensing scheme, key issues and future changes or potential improvements. This forum should enable an effective communication channel between licensed buskers and street entertainers or their representatives and Council Officers responsible for the licensing process or ensuring compliance.

Recommendation 14 – Notification of Pitch Suspensions

The Council could consider additional communication options that will provide buskers and street entertainers notification of pitch suspensions.

Engagement and recognition of Street Performers Associations (SPA)

- 7.54 During a review, officers engaged with two specific SPAs (Street Performers Associations) mentioned in the policy. The SPAs provided information and personal experiences related to the licensing system and interactions with Council Officers. However, the officers requested written documentation regarding membership accessibility, transparency, rules for members, and the disciplinary process for rule breaches, but these documents were not presented.
- 7.55 The Covent Garden SPA expressed their fundamental opposition to licensing and stated that their members would not obtain a license from the Council. They believed Covent Garden should not be included in the licensing regime and suggested self-regulation or a scheme similar to one used in the past. Self-regulation had been considered previously, but issues with obstruction and noise persisted.
- 7.56 The review also considered the possibility of providing greater benefits or access to pitches for SPA members. However, due to the lack of written processes and rules within the SPAs, it was uncertain whether membership criteria were open and accessible to new buskers and street entertainers. The Covent Garden SPA opposed any involvement with the licensing regime, even if given special status within the policy.
- 7.57 The Leicester Square and Trafalgar Square SPA and their members were mostly licensed. While they expressed willingness to collaborate with the Council, there were significant issues with nuisance, illegal activities, and non-compliance among buskers and street entertainers in Leicester Square. Officers suggested further engagement with the Leicester Square and Trafalgar Square SPA to assess their willingness to work collaboratively with the Council in the future, especially considering proposed options for the two pitches in Leicester Square.
- 7.58 The concept of SPAs is still seen as positive and worth supporting by the Council. However, it was emphasized that SPAs should represent licensed buskers and street entertainers. Direct communication channels with SPA representatives were deemed necessary to address issues or problems with specific pitches or performers. This would require the SPAs providing the direct contact details for their SPA representatives. SPAs should also be regular attendees at the Forum for licensed Buskers and Street Entertainers and the Council. This Forum will provide an opportunity for the SPAs, along with other licensees and Council Officers, to discuss key issues, address questions, and set out any future improvements or changes to the licensing scheme.
- 7.59 However, engagement and interaction with SPAs that actively and intentionally busk illegally and who will not engage in the licensing process were not considered feasible. It is

important that the views of licensed buskers and street entertainers are taken into account, and there is a conduit for communication between the Council and licensees.

Recommendation 16 – Revision the SPA section with the Policy

The Policy should continue to promote the designation of local SPAs who represent licensed buskers and street entertainers. However, direct references to the two current SPAs should be removed from the Policy itself. The Policy could be revised to add additional information on the benefits that SPAs can have in representing their members when communicating with the Council.

Recommendation 16 – Provide SPA contact information on the Council’s Busking and Street Entertainment Website Pages.

The Council should consider listing recognised SPA’s as well as their contact information on the Council’s website within the Busking and Street Entertainment licensing scheme pages. This would enable new SPA’s or updates to existing SPA contact information to be amended quickly without the need to undertake a formal revision of the Licensing Policy.

Other minor or non-consequential amendments.

- 7.60 There may be a need to make other minor or non-consequential amendments to the Busking and Street Entertainment Licensing Policy as a result of the changes taken forward as part of this review. It is therefore important that if there is a need to correct an error, make changes, or add additional information or context to improve the Busking and Street Entertainment Licensing Policy or to enable the options or recommendations to be fully implemented, then the Council should undertake such changes as necessary. It should be noted that any changes to this Licensing Policy or the scheme will be subject to formal consultation as part of the statutory process for making resolutions under the 2000 Act and adoption.

Recommendation 17 – Minor or non-consequential amendments to the Licensing Policy

The Council should make any corrections, additions, or amendments as necessary to improve the Busking and Street Entertainment Licensing Policy or to facilitate any revisions as considered necessary as a result of this review.

8. Equalities Implications

- 8.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary, Section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 The Council recognizes that issues have been raised about (1) the accessibility of pitches by disabled performers, and (2) the appropriate age for licenses to be granted to young persons and whether parental consent should be required. These are issues that will be considered as part of the proposals going forward.
- 8.4 The Council has undertaken an Equalities Impact Assessment (EIA) associated with this review. The EIA will be considered alongside any proposals and when making any formal decisions associated with making changes to the Busking and Street Entertainment Licensing Policy or the scheme itself.

Appendices

Appendix 1 – Targeted Engagement Survey Questions

Survey – Busking & Street Entertainment Policy review

Specific Questions to Public

About You:

1. Please tick all that apply. Are you a...
 1. Resident of Westminster
 2. Street Entertainer
 3. Employed by a business or employed in Westminster
 4. Visitor
 5. Any other public interest organisation

Postcode

Street entertainers skip to page 4

2. 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).
 - a. Less than 12 months
 - b. 1 - 5 Years
 - c. More than 5 Years

General

1. Following the implementation and roll out of the Policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

Scale: More in favour, neither for nor against, more against

2. Please tell us your reasons for this.

_____ (250-500 words)

3. What impact, if any, would you say the Policy has had on the following and why?

- a. Quality of street entertainment
- b. Variety of street entertainment
- c. Accessibility to street entertainment
- d. Quantity of street entertainment

Scale: It's improved it / It's worsened it / It has had no impact

_____ (250-500 words)

4. How would you rate WCC's promotion of street entertainment and busking?

Scale: Excellent / Good / Neutral / Poor / Very poor / N/A

5. What do you like most about the Policy?
_____ (250-500 words)
6. What do you like least about the Policy?
_____ (250-500 words)
7. What changes or alternatives to the Policy would you most like to see?
_____ (250-500 words)

Pitches

1. Do you have any comments, positive or negative, about one or more specific pitches? Please tell us your reasons for this
_____ (250-500 words)
2. Are there any locations in the borough that are currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
3. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
- 4.

Noise

1. Since the Policy came into effect, how frequently or infrequently do you feel that the following are an issue:
 - a. Performances being too loud? (Could we expand on what is classed as a nuisance?)
 - b. Amplification is being used in non-amplified pitches?
 - c. Performances are taking place outside of the hours established in the Policy?
 - d. Performances are taking place for longer than 40 minutes? And the 20 minute break is not being complied with?
 - e. Performances are repetitive?
 - f. Performances are causing a nuisance:
 - i. Due to noise
 - ii. Or causing an obstruction to road uses and/or safety issues

Scale: *Never/Rarely/Occasionally/Frequently/Always/Don't know/No opinion*

2. Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment? Yes/No

Is this a result of:

- a) Location of pitches
- b) Amplification restrictions
- c) Conditions of license
- d) Code of conduct

- e) Enforcement approach
- f) Other

Communication

1. Since the Policy came into effect, have you reported any issues or concerns related to busking and street entertainment to Westminster City Council?
 - a. Did you know how to report concerns/nuisance and how to contact the Council for any queries relating to busking and street entertainment?
Yes / No
 - b. Do you agree or disagree that the cause of your query/complaint has been resolved?
Yes / No
 - c. Do you agree that it was dealt with effectively? And in a timely manner by Council staff?
Yes / No

If No, why?

2. The Busker Forum was introduced as part of the original Policy implementation. At the time of implementation, did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
 - c. Believe meeting quarterly was too frequent/infrequent
Yes / No

3. If the forum was to take place in the future:
 - a. Would you actively engage and attend the forum?
 - b. Are there any specific stakeholders you think should attend?
 - c. What would you like to achieve as part of the forum?
 - d. Who should chair the forum?
 - e. How frequently do you think the forum should take place?

4. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:

(250-500 words)

Specific questions to buskers/street entertainers:

About You:

2. 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).

- b. Less than 12 months
- c. 1 - 5 Years
- d. More than 5 Years

3. Which street entertainment association are you a part of, if any?

_____ (250-500 words)

4. Do you intend to apply for a licence to perform in Westminster?

- a. Yes, I have already applied for a licence
- b. Yes, I intend to apply for a licence
- c. No

5. **Yes:** What has attracted you to want to perform in Westminster?

- The location of the pitches
- The quality of existing street entertainment
- The amount of money I hope to make is higher than in other boroughs
- The licence Policy
- Westminster has always been where I perform
- Proximity to my home
- Other (please write in)

No: Please can you state your reasons for choosing not to apply for a licence?

- I do not intend to perform in Westminster
- My previous application was unsuccessful
- I cannot afford the licence fee
- My act does not comply with the licensing conditions
- I cannot provide the documents required
- I can't get/afford personal liability insurance
- Unresolved issue with the application process
- I disagree with the requirement to get a licence
- Other

6. Since the implementation of the Policy, would you say that you are still attracted to performing in Westminster? If no, please explain. If yes, is this a result of:

- a. The location of pitches
- b. The quality of existing street entertainment
- c. The amount of money you hope to make is higher than in other boroughs
- d. The busking and street entertainment Policy
- e. Westminster has also been the place you perform
- f. Proximity to home
- g. Other – please explain

_____ (250-500 words)

Licensing process

1. If you have applied for a licence for busking or street entertainment, are you more or less likely to apply to renew your licence for a period of 1 or 6 months?
2. Would you be likely to apply for a 12 month licence if it was offered?
3. If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are clear and understandable? Are they appropriate and proportionate?

Yes / If No:

- a. Are there any specific conditions that you do not think are appropriate/relevant?
4. Do you believe the Code of Conduct for Street Entertainers is clear and understandable?

Yes / If No:

- a. Are there any specific aspects that should be added to or amended?
5. Having applied for a licence, how would you rate the process for the following:
 - a. Find out how to apply for a licence?
 - b. Clarity of the application form? And how to apply for a street trading licence (if appropriate to you?)
 - c. Communication with you after the application has been completed?
 - d. Speed of the application process?
 - e. Fee associated with application?

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A

4. *If you have any additional comments or feedback regarding the application process, please provide them in the text box below:*

_____ (250-500 characters)

Pitches

1. What pitches have you performed on and why? What pitches have you not performed on and why?
_____ (250-500 words)
2. How would you describe the ease of locating a pitch? And the ease of being able to use that pitch? Please explain
_____ (250-500 words)
3. In your opinion, is there anything that could be done to make existing pitches more attractive to perform at?
_____ (250-500 words)
4. From the pitches you have used, please rate them based on:
 - a. Ease of finding a suitable pitch
 - b. Availability of pitch in terms of:
 - i. From other buskers?
 - ii. Pitch suspensions?
 - c. Conditions of pitch

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
5. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think could be appropriate? Why?
_____ (250-500 words)

Communication

1. If you hold a licence for busking or street entertainment, have you been informed when there are any changes to pitch availability? For example, when pitches are suspended for events or organised markets etc?

Yes / No
2. The Busker Forum was introduced as part of the original Policy implementation. Did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
3. If the forum was to take place in the future:
 - a. Are there any specific stakeholders you think should attend?
 - b. What would you like to achieve as part of the forum?
 - c. Who should chair the forum?
 - d. How frequently do you think the forum should take place?

4. Thinking about any engagement that you have had with enforcement Officers and /or the police, how would you rate your interaction with the enforcement Officer(s) based on the following principles: Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
 - o Carried out activities in a way that supports street entertainers to comply with regulations
 - o Shared helpful information about compliance and risk
 - o Ensured information, guidance and advice was coherent and readily available
 - o Demonstrated transparency in their approach
 - o Provided clear information
 - o Was generally helpful
 - o No engagement with WCC Officers or the police

5. Have you have been contacted by an Officer of the Council in regard to a performance? If yes, was this a result of:
 - a. Being an unlicensed street entertainer
 - b. Performances being too loud or causing a nuisance
 - c. Unlicensed street trading
 - d. Performing in an unlicensed pitch
 - e. Any other reason

6. If yes, was the purpose of the interaction clearly explained and understandable? Yes/No

7. How could the communication from Council Officers have been improved?

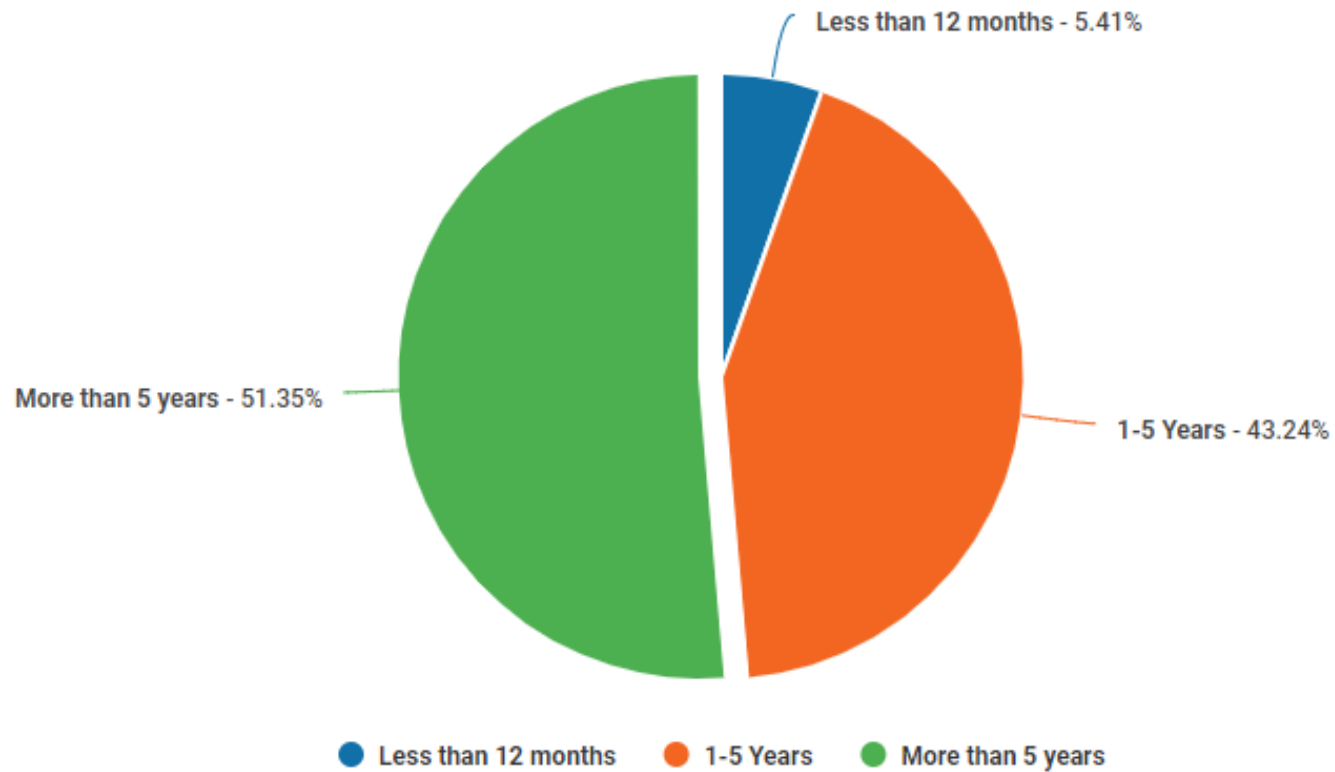
8. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:
 _____(250-500 words)

Final Thoughts / Comments:

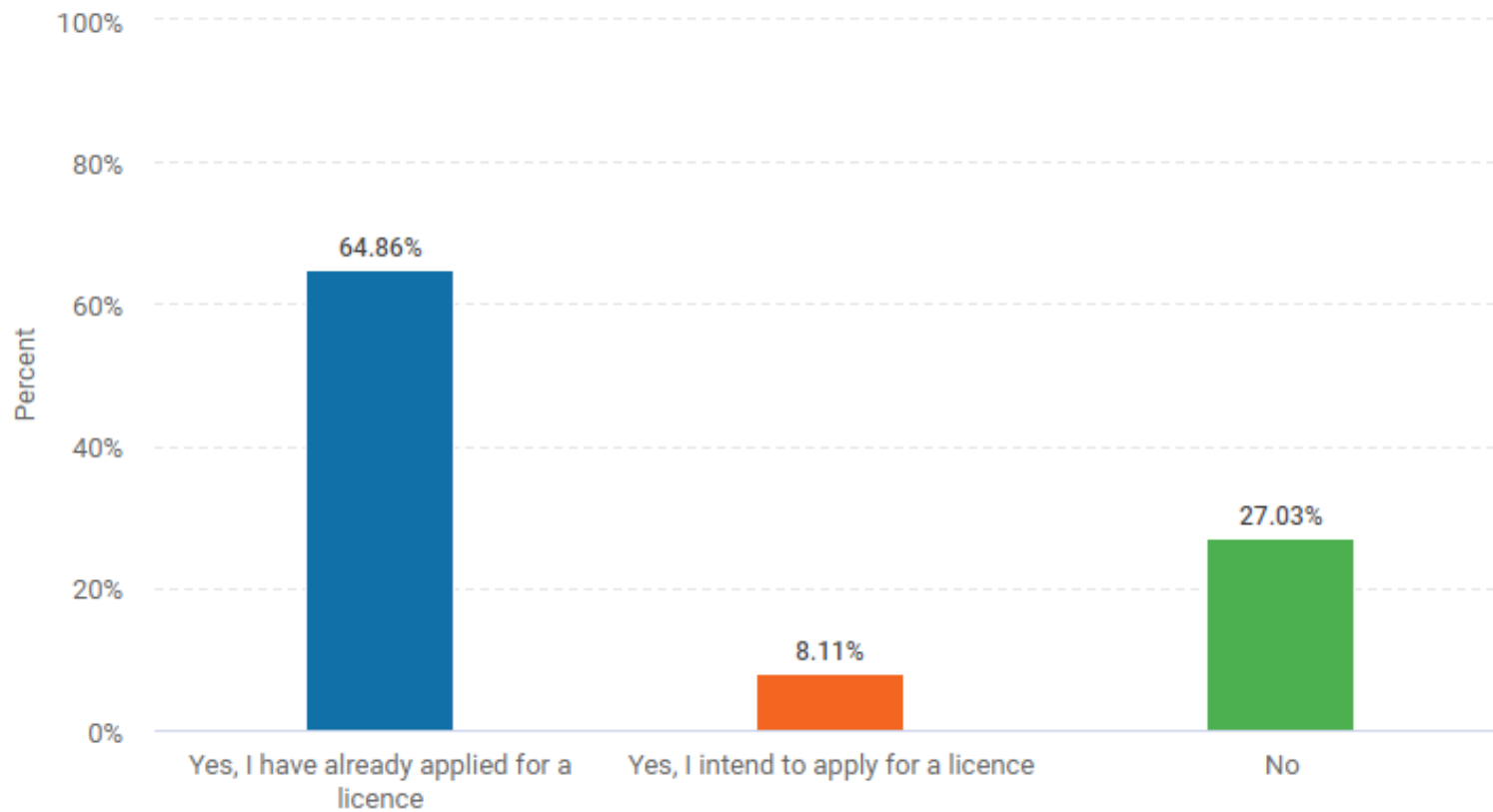
1. Do you have any final comments that have not already been expressed elsewhere in this survey?
 _____ (1000 characters max)

Appendix 2 - Targeted Engagement Survey Results – Street Performers


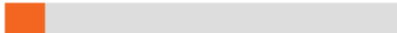








Please indicate how long you have been working in the borough:



Do you intend to apply for a licence to perform in Westminster?



Please can you state your reasons for choosing not to apply for a licence?

Answer Choices	Responses		
I do not intend to perform in Westminster		0.00%	0
My previous application was unsuccessful		10.00%	1
I cannot afford the licence fee		10.00%	1
My act does not comply with the licensing conditions		30.00%	3
I cannot provide the documents required		20.00%	2
I can't get/afford personal liability insurance		10.00%	1
Unresolved issue with the application process		10.00%	1
I disagree with the requirement to get a licence		100.00%	10
The location of pitches		50.00%	5
Other (please specify): Show		60.00%	6
Answered: 10 Skipped: 141	Response Total:		10







What has attracted you to want to perform in Westminster?

Answer Choices	Responses	
The location of the pitches		43.24% 16
The quality of existing street entertainment		56.76% 21
The amount of money I hope to make is higher than in other boroughs		40.54% 15
The busking and street entertainment policy		8.11% 3
Westminster has always been where I perform		45.95% 17
Proximity to my home		18.92% 7
Other (please specify): Show		29.73% 11
Answered: 37 Skipped: 114	Response Total:	37

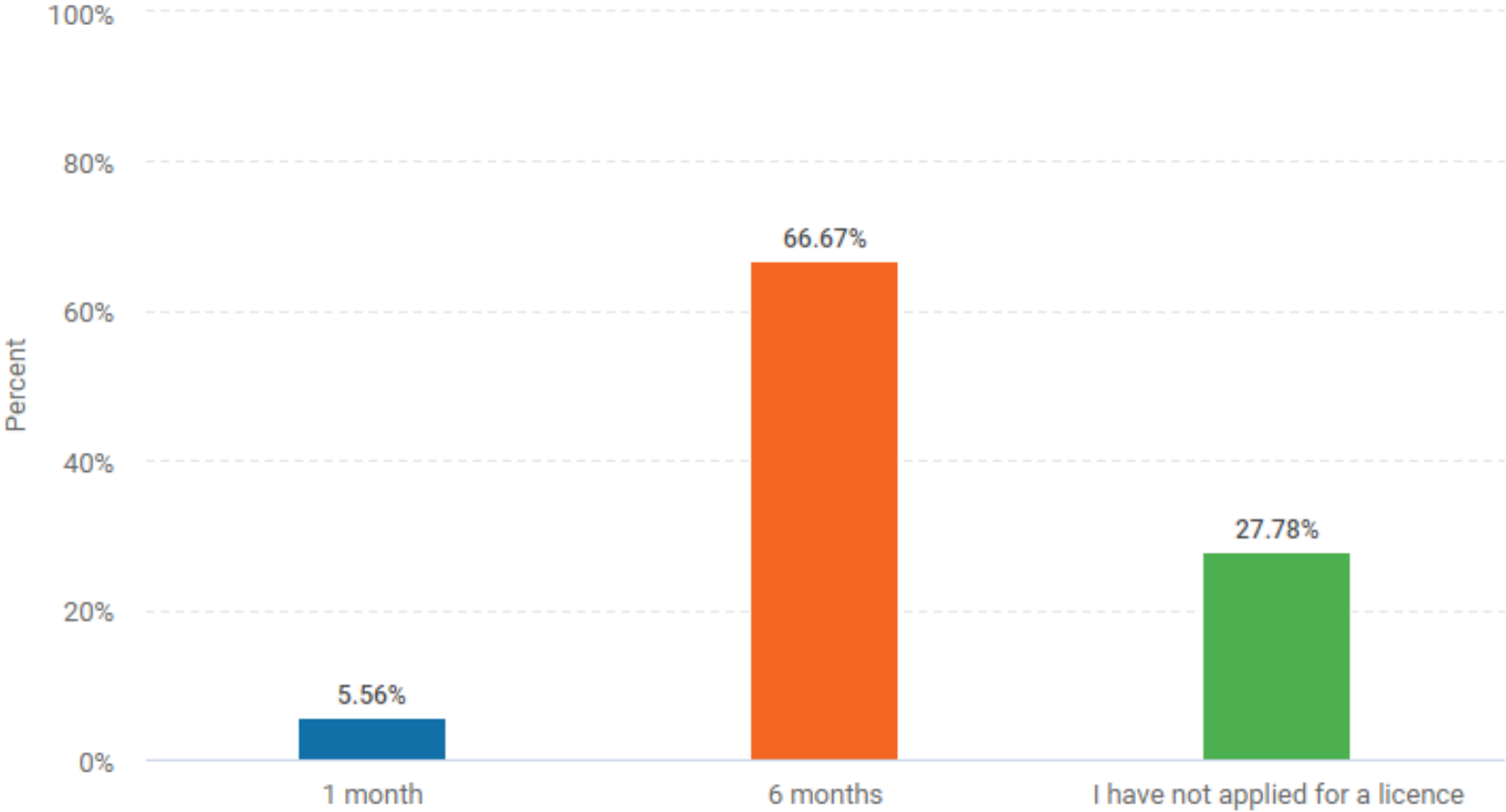
Since the implementation of the policy, would you say that you are still attracted to performing in Westminster?

Answer Choices	Responses	
Yes		50.00% 18
No		50.00% 18
Answered: 36 Skipped: 115	Response Total:	36

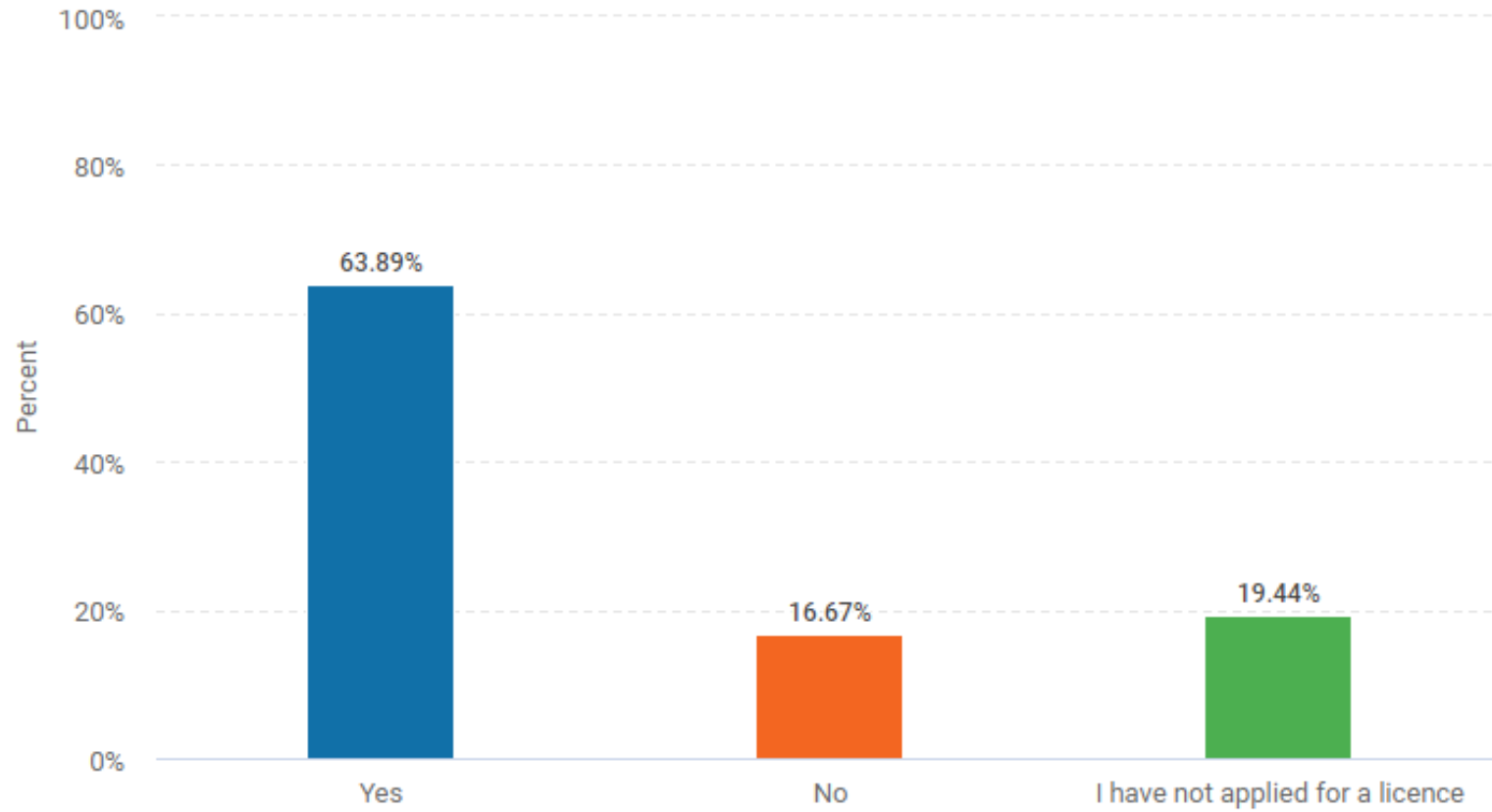
Is this a result of:

Answer Choices	Responses		
The location of pitches		37.84%	14
The quality of existing street entertainment		29.73%	11
The amount of money you hope to make is higher than in other boroughs		21.62%	8
The busking and street entertainment policy		35.14%	13
Westminster has also been the place you perform		27.03%	10
Proximity to home		13.51%	5
Other (please specify): Show		37.84%	14
Answered: 37 Skipped: 114	Response Total:		37

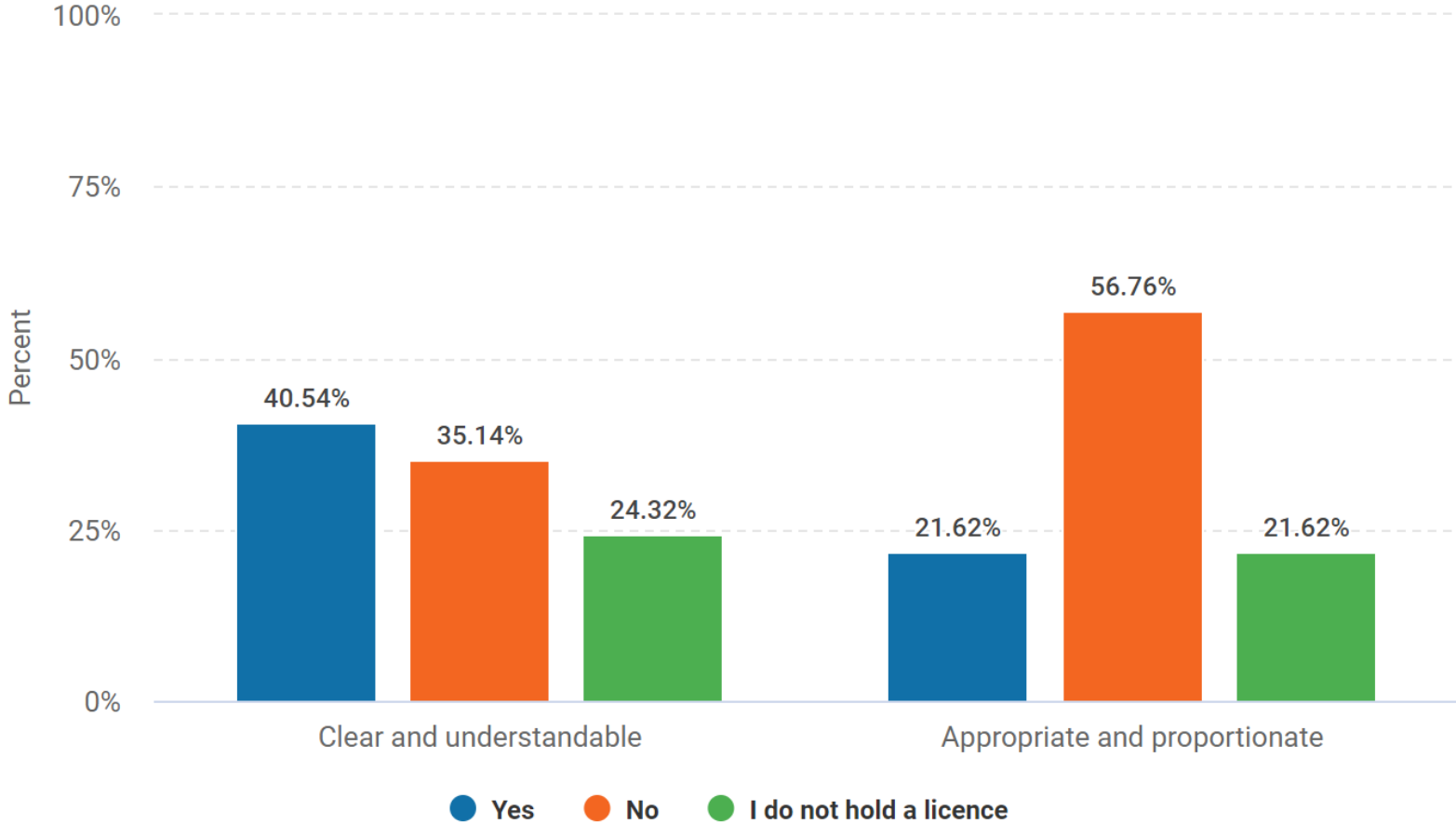
If you have applied for a licence for busking or street entertainment, would you be more likely to apply to renew your licence for a period of 1 or 6 months?



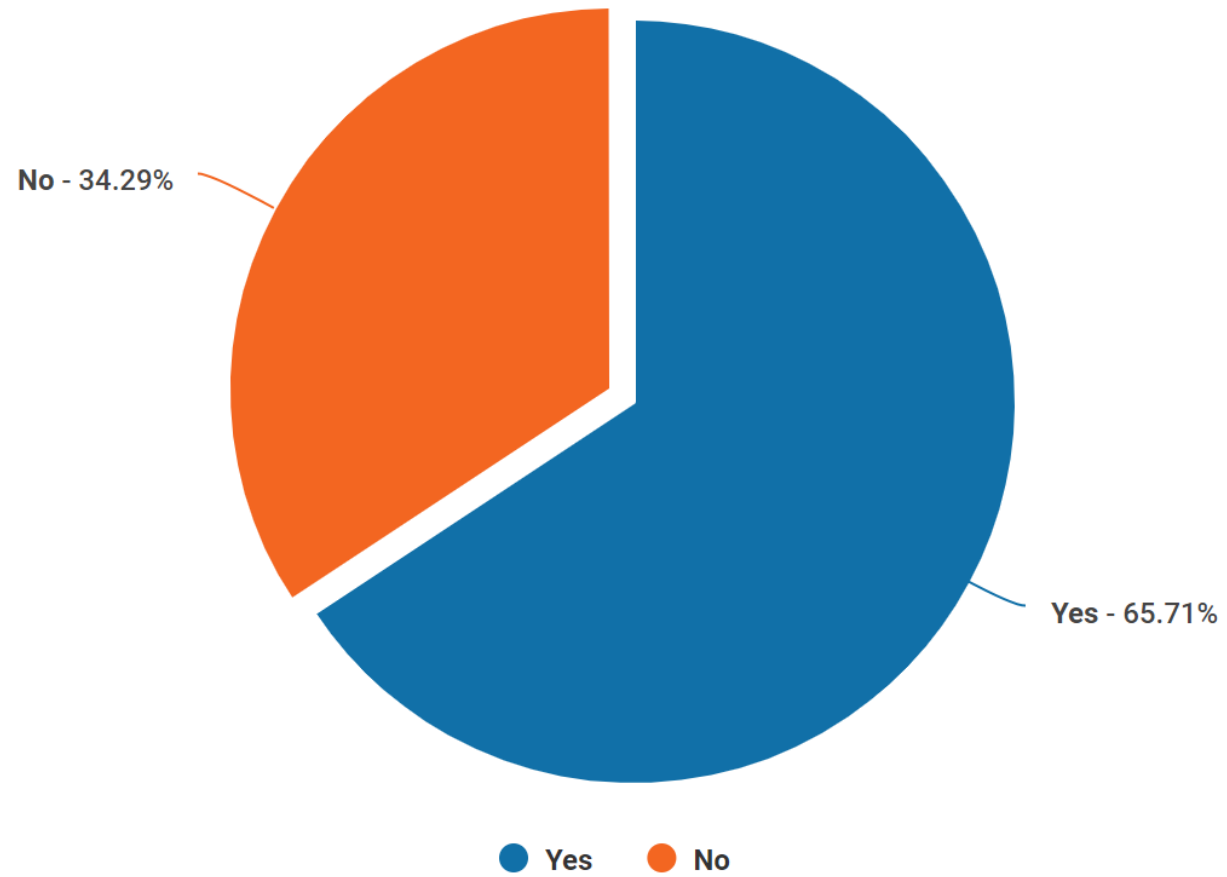
Would you be likely to apply for a 12 month licence if it was offered?



If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



Do you believe the Code of Conduct for Street Entertainers is clear and understandable?



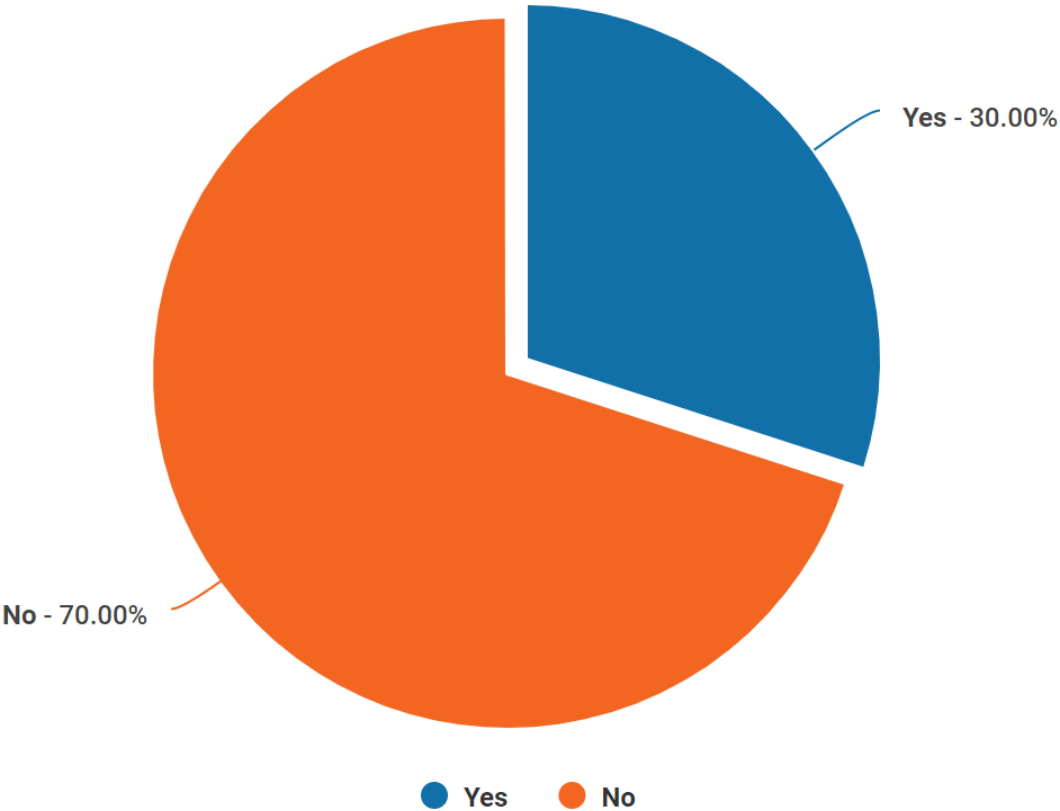
How would you rate the process for the following:

Answer Choices	Excellent	Good	Neutral	Poor	Very poor	N/A	I do not hold a licence	Response Total
Finding out how to apply for a licence	8.11% 3	29.73% 11	21.62% 8	10.81% 4	8.11% 3	2.70% 1	18.92% 7	37
Clarity of the application form and how to apply for a street trading licence (if appropriate to you)	5.56% 2	33.33% 12	22.22% 8	5.56% 2	8.33% 3	5.56% 2	19.44% 7	36
Communication with you after the application has been submitted	8.11% 3	16.22% 6	29.73% 11	5.41% 2	16.22% 6	2.70% 1	21.62% 8	37
Speed of the application process	8.11% 3	16.22% 6	21.62% 8	18.92% 7	10.81% 4	2.70% 1	21.62% 8	37
Fee associated with the application	2.78% 1	19.44% 7	27.78% 10	11.11% 4	13.89% 5	2.78% 1	22.22% 8	36

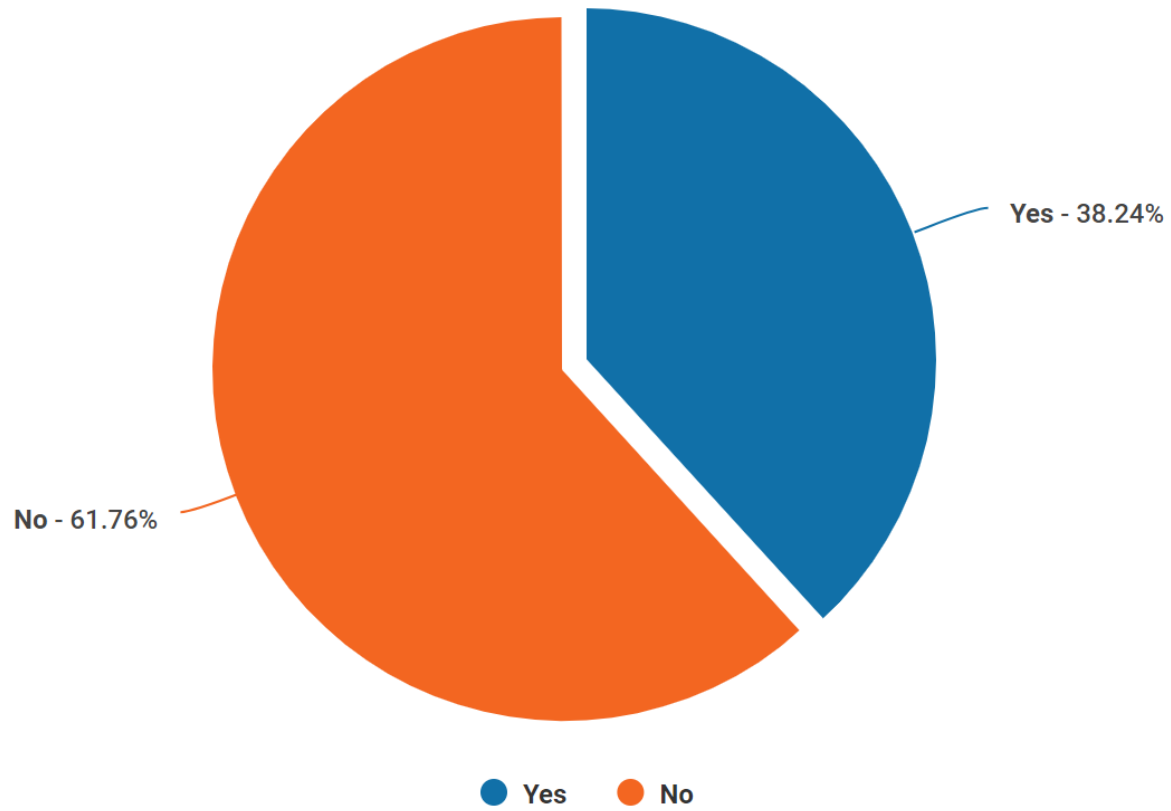
From the pitches you have used, please rate them based on:

Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Ease of finding a suitable pitch	11.76% 4	29.41% 10	20.59% 7	14.71% 5	14.71% 5	8.82% 3	34
Availability of the pitch from other buskers	5.88% 2	8.82% 3	17.65% 6	29.41% 10	29.41% 10	8.82% 3	34
Availability of the pitch from pitch suspensions	0.00% 0	11.76% 4	26.47% 9	14.71% 5	29.41% 10	17.65% 6	34
Conditions of the pitch	6.06% 2	18.18% 6	39.39% 13	9.09% 3	12.12% 4	15.15% 5	33

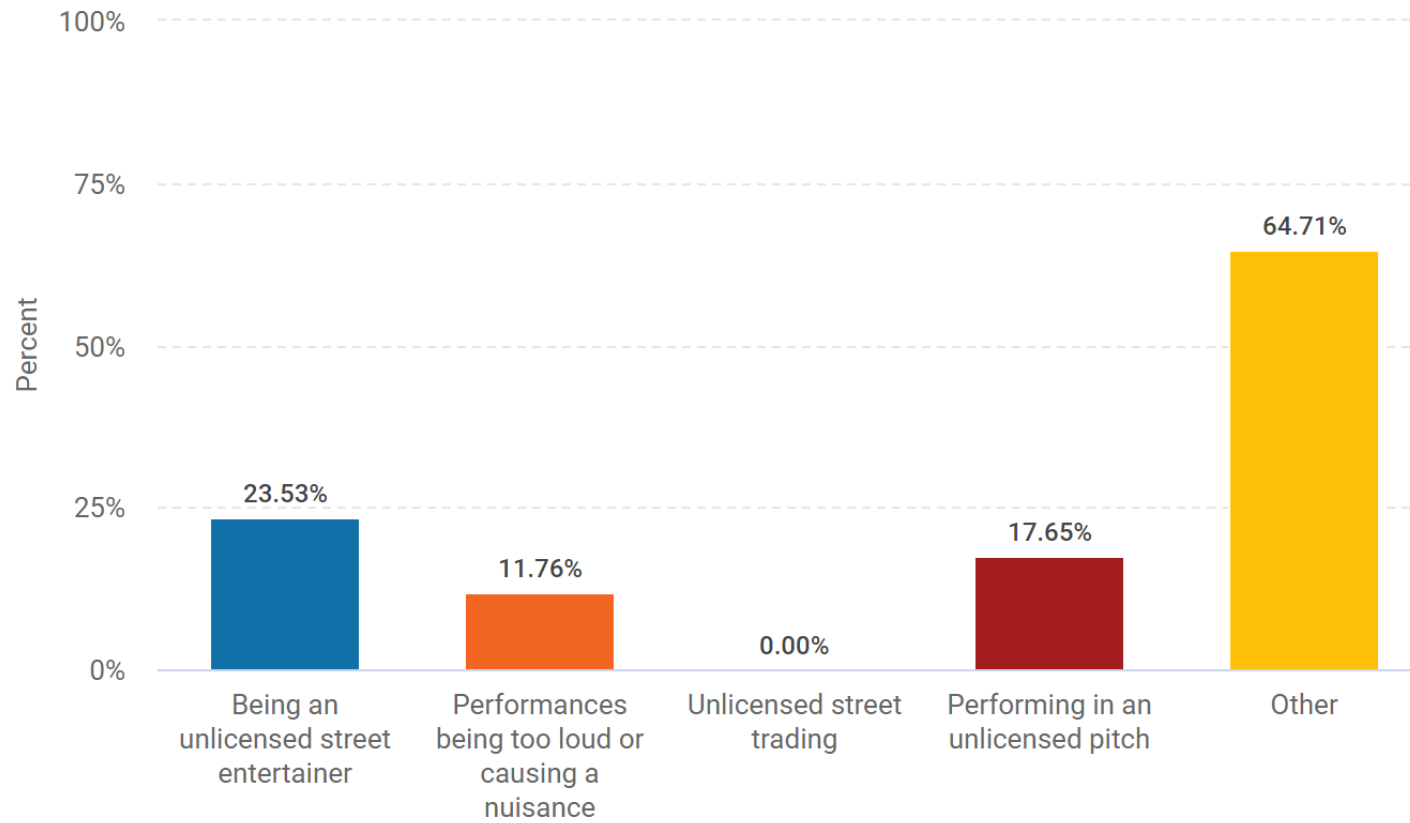
If you hold a licence for busking or street entertainment, do you know how to check if there are any scheduled changes to pitch availability? For example, when pitches are suspended for events or organised markets.



Has an authorised officer (either a council enforcement officer or police officer) been in contact with you in regard to a performance of yours?



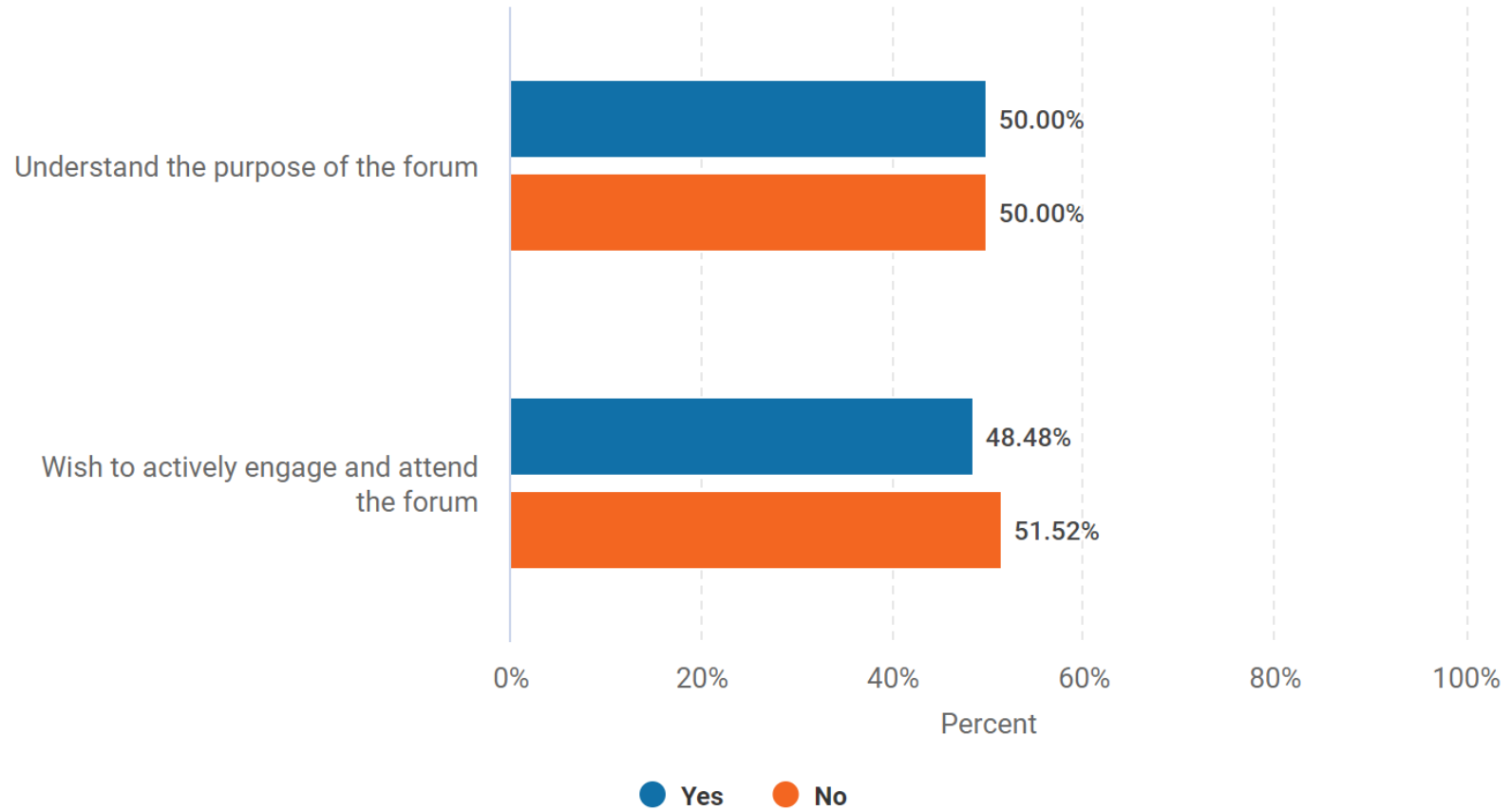
Was this a result of:



Thinking about any engagement that you have had with enforcement officers and/or the police, how would you rate that interaction based on the following:



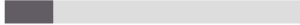
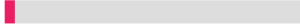
Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Carried out activities in a way that supports street entertainers to comply with regulations	0.00% 0	9.68% 3	22.58% 7	12.90% 4	32.26% 10	22.58% 7	31
Shared helpful information about compliance and risk	0.00% 0	10.71% 3	25.00% 7	14.29% 4	25.00% 7	25.00% 7	28
Ensured information, guidance and advice was coherent and readily available	0.00% 0	13.33% 4	16.67% 5	16.67% 5	30.00% 9	23.33% 7	30
Demonstrated transparency in their approach	0.00% 0	13.79% 4	27.59% 8	10.34% 3	31.03% 9	17.24% 5	29
Provided clear information	0.00% 0	20.00% 6	20.00% 6	10.00% 3	30.00% 9	20.00% 6	30
Was generally helpful	3.23% 1	16.13% 5	19.35% 6	6.45% 2	35.48% 11	19.35% 6	31

The Busker Forum was introduced as part of the original policy implementation. Did you:



Which pitches have you performed at?

Pitch 1: Marble Arch		35.48%	11
Pitch 2: Old Quebec Street		6.45%	2
Pitch 3: Vere Street		9.68%	3
Pitch 4: Princes Street		12.90%	4
Pitch 5: Glasshouse Street		9.68%	3
Pitch 6: Eros Statue		25.81%	8
Pitch 7: Chinatown		35.48%	11
Pitch 8: Leicester Square North West		54.84%	17
Pitch 9: Leicester Square North East		48.39%	15
Pitches 10 & 11: Covent Garden James Street		45.16%	14
Pitch 12: Market Square/James Street		16.13%	5
Pitch 13: Royal Opera House		19.35%	6
Pitch 14: Transport Museum		9.68%	3
Pitch 15: St Pauls Church		12.90%	4
Pitch 16: St Martins		12.90%	4
Pitch 17: Trafalgar Square North Terrace Charing Cross Road		51.61%	16
Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace		25.81%	8

Pitch 23: King Charles Statue		6.45%	2
Pitch 24: Northumberland Avenue		3.23%	1
Pitch 25: Charing Cross Station		16.13%	5
Pitch 26: Northumberland Avenue/Hungerford Bridge		3.23%	1

Which pitches have you not performed at?

Pitch 1: Marble Arch		76.47%	13
Pitch 2: Old Quebec Street		88.24%	15
Pitch 3: Vere Street		82.35%	14
Pitch 4: Princes Street		82.35%	14
Pitch 5: Glasshouse Street		82.35%	14
Pitch 6: Eros Statue		64.71%	11
Pitch 7: Chinatown		52.94%	9
Pitch 8: Leicester Square North West		35.29%	6
Pitch 9: Leicester Square North East		23.53%	4
Pitches 10 & 11: Covent Garden James Street		41.18%	7
Pitch 12: Market Square/James Street		52.94%	9
Pitch 13: Royal Opera House		70.59%	12
Pitch 14: Transport Museum		76.47%	13
Pitch 15: St Pauls Church		70.59%	12
Pitch 16: St Martins		82.35%	14
Pitch 17: Trafalgar Square North Terrace Charing Cross Road		29.41%	5
Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace		41.18%	7
Pitch 23: King Charles Statue		82.35%	14
Pitch 24: Northumberland Avenue		70.59%	12
Pitch 25: Charing Cross Station		64.71%	11
Pitch 26: Northumberland Avenue/Hungerford Bridge		76.47%	13

Responses relating to questions with free text fields.

1	Conditions
	Pitche should last for 2 hours - anything additional to help buskers with special needs, impairments/disabilities
	Too few amplified pitches which leads to long queues at pitches. Unamplified only work for very few acts
	More amplified pitches
	Regular emails to licences holders when pitches are suspended
	New buskers should go through an audition to put more emphasis on skill and quality
	Minimum of 5 amplified pitches to stop overcrowding.
	Amend the reduction of amplified pitches
	Let us know if there are works/premieres going on
	Simple regulation on volume for the performers
	Bring back musician pitches in Covent Garden piazza
	Shouldn't be necessary to hold a licence
	The licence scheme is failing a whole community of creative artists - reduce negative impacts through communication and cooperation instead
	Buskers are treated poorly by Council team members and need for greater security
	More amplified pitches and less licences given
	Buskers have been assaulted and robbed and so need for greater security
	Amplified pitches are too limited and in poor locations
	3 hour queues for amplified pitches
	Lack of provision made for when events are on
	40 minutes is not long enough for professional buskers (2 hour set needed)
	Working hours are too restricted
Program needs to be scrapped	
Volume levels of no more than 75db	
Licence is a disgrace	
2	Code of conduct
	Smart appearance
	Cohesion and mutual respect between the buskers and enforcement Officers
	Abandon it
	Enforcement that is proportionate
	Need clarification on Covent Garden
	Rules concerning proximity of busking to other spots, merchants (newspaper sellers, stallers) and their noise levels which could disrupt busking entertainment
	Accordions should be banned as well as bagpipes
	Dance groups should be banned as they are bullies in a group and intimidate other buskers
	3
Renewing licences and no Officer to contact	
Open more pitches as threatening with lawsuits but not providing sufficient space	
People to send a video of them performing to ensure they have the right set up prior to obtaining the licence	
Performers should not have to pay for a licence to provide a service	
Unable to play for a month and was never refunded	
Westminster not policing acoustic only pitches	
Apply for a licence for longer periods of time and enable automatic renewal of licences	

Better system to weed out the people who are not serious about performing

4 Ease of location a pitch

For visually impaired it is difficult and need to ask members of the public to help locate it

Easy, provided there is no queue

Terrible - amplified busker and only 2 pitches that work

Most of the pitches are unusable for amplified performers and remain unused

Easy to find but limited

Most pitches are placed in sub-optimal places

More spots at tourist locations

Move amplified pitches to better locations such as the Eros Statue and Chinatown

Use of Marble Arch is in a poor location

Invite local artists to draw/paint a floor mural on which to stand on - look at the art and what London has to offer

Remove the satanic star in the circle

5 Locations not currently designated

Near to Bond Street station and West One shopping centre. Possibility of dividing Oxford St into areas rather than pitches

Piccadilly Circus (Eros Statue), China Town and the M'n M side of Leicester Square (I believe it is the western side). Those pitches are invaluable and have traditionally always been busking pitches. Under the new licensing scheme these pitches only allow unamplified busking, which makes them unworkable for most performers. Almost all street artists use some form of amplification

Piccadilly, China Town, Leicester Square West as all amplified pitches

Piccadilly Circus, Victoria Station, Tottenham Court Road - pitches under roofs for the Winter or when raining

Trafalgar Square in front of Waterstones

The whole of the borough

Where the lions are in Trafalgar Square

Near Edgware Road tube, Marylebone flyover - also near Regents Park tube, Marylebone Road. Bayswater Road area

Shepherd's Mews Mayfair, Berkeley Square, New Bond Street, South Molton Street

Oxford Circus (amplified), Edith Cavell Memorial (Charing Cross Road)

Outside the Royal Opera House in the corner of Covent Garden

Triumphal arch, embankment and Victoria

6 Engagement with the Council

Hostility when pitches are closed down and there were no other pitches available - problems stem from too few available pitches

Have never received help from the Council when needed

Enforcement team don't know the rules they are enforcing

Advocating for disability rights but met with obstruction or indifference

7 Busker forum

Council spokesperson to chair the forum with common issues discussed, grievances aired and resolved

Remove conflict of interests by those who own residential or commercial properties

Monthly meetings

8 Final comments

Bullying of certain performers within the busking community

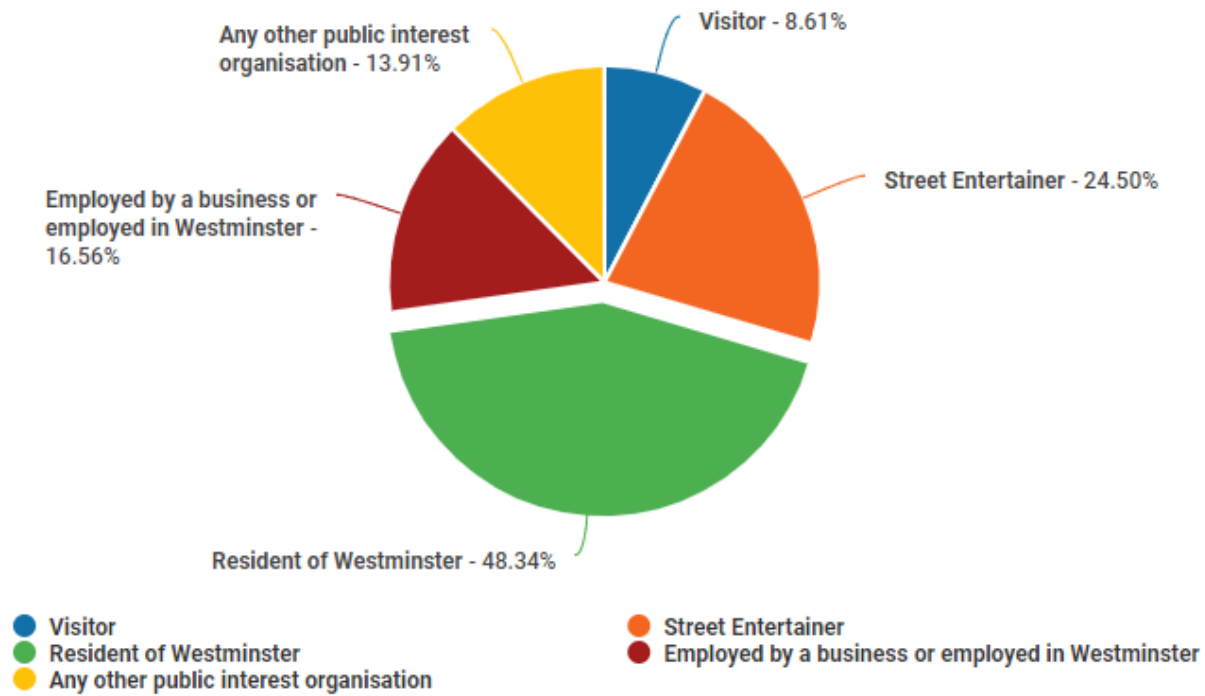
The licence has been poorly managed and very strict/unfair from the beginning
Fundamentally against any form of licensing
Enforcement should monitor buskers but also surrounding area for unlicensed buskers/nuisance

9	Pitches performed at
	All other spots do not allow amplified music
	Most suitable for the type of music played
	Work on private land spots, not WCC
	There is only 1 key pitch
	Heavy footfall
	Instrument permitted on these but not others

10	Pitches not performed at
	Getting around the pitches takes time so tend to stick to a couple of pitches instead
	The pitches that can be performed at do not seem as lucrative
	Most pitches are unamplified and therefore unusable
	Too many buskers queuing
	Pitches should be decided by street performers who understand the subtleties and nuances of street performing
	It is impossible to be heard

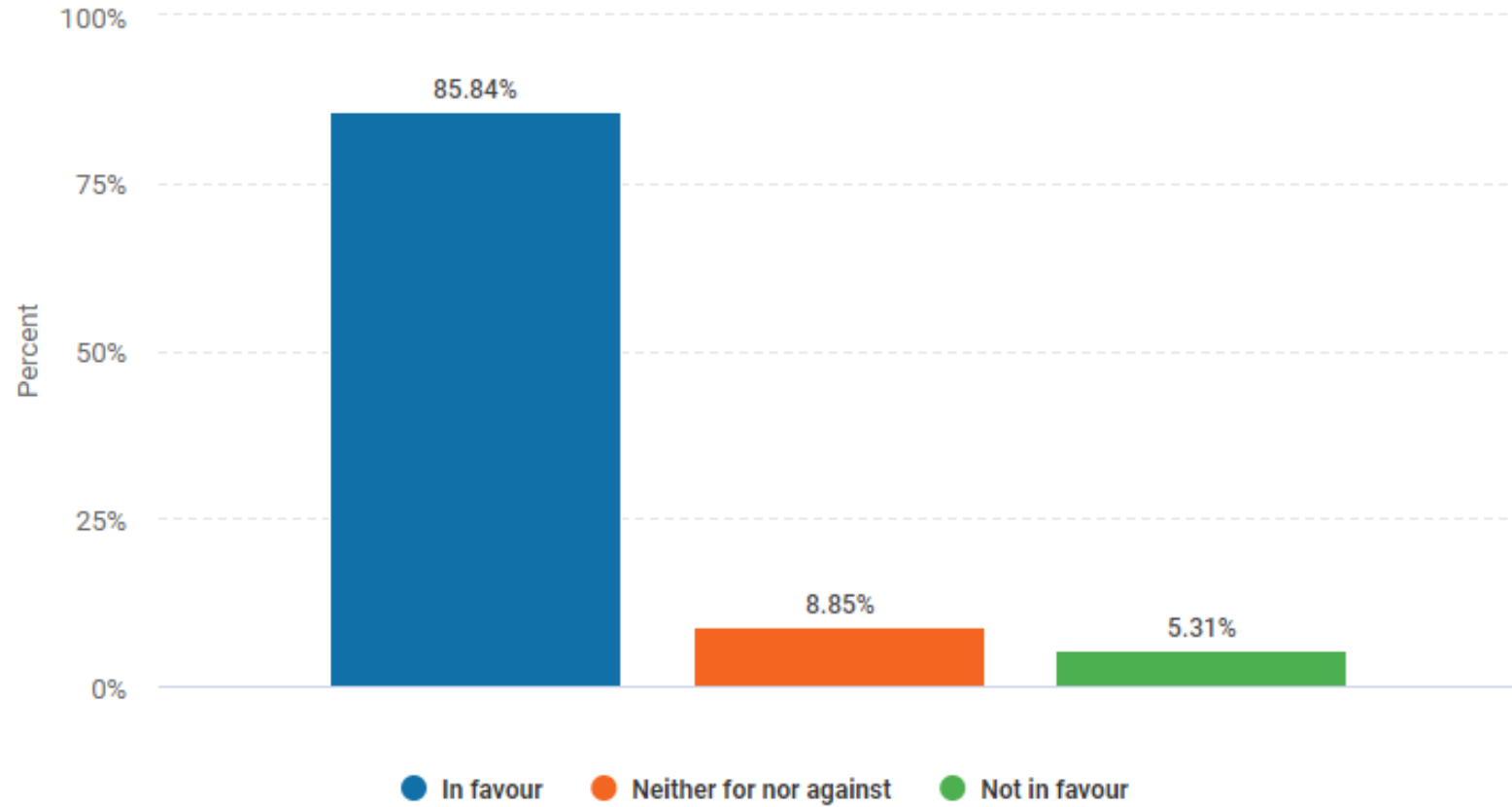
Appendix 3 – Targeted Engagement Survey Results – Non-Street Performers

Please tick all that apply. Are you a...

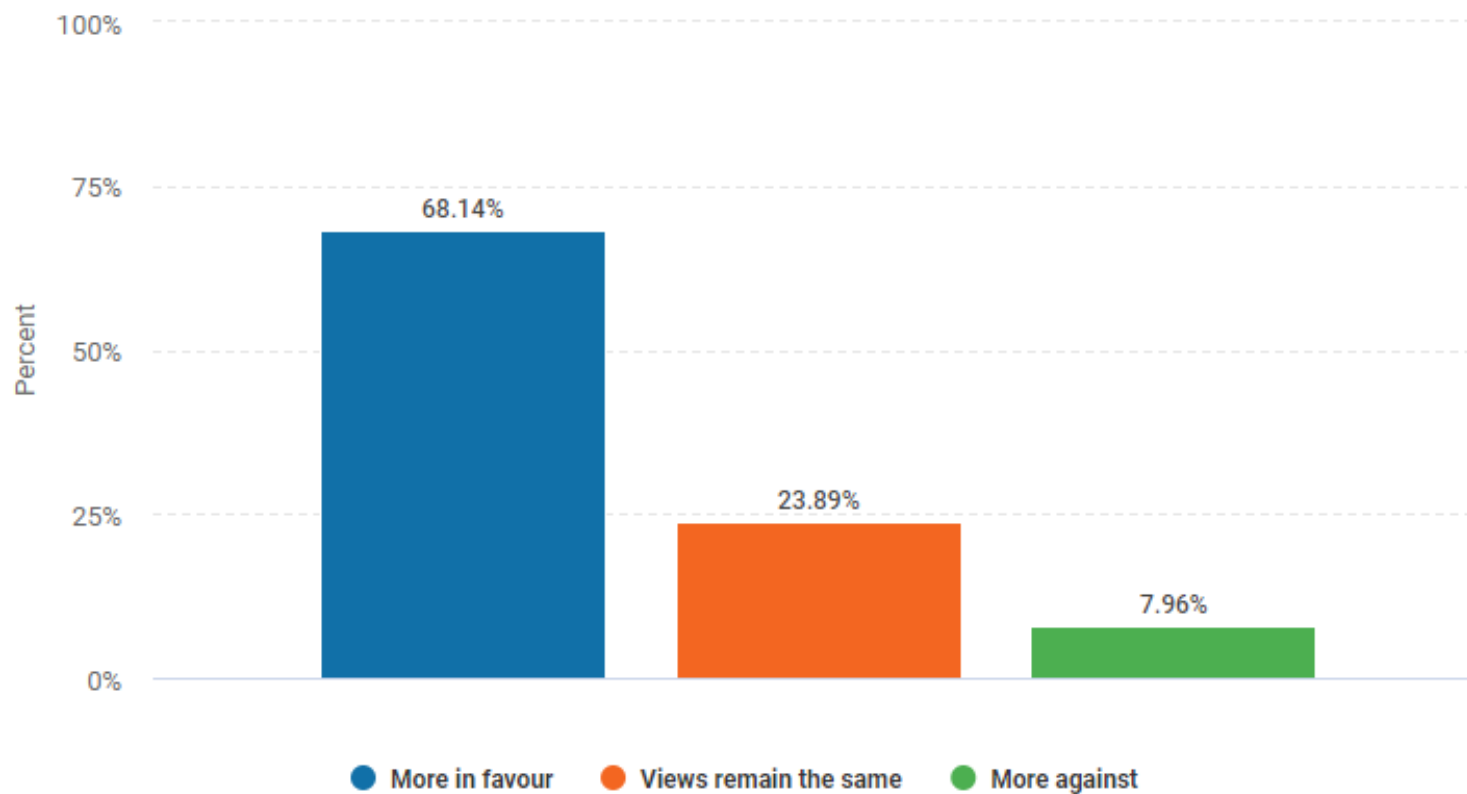


With nearly 92% of respondents living or working in the borough for more than 5 years.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?

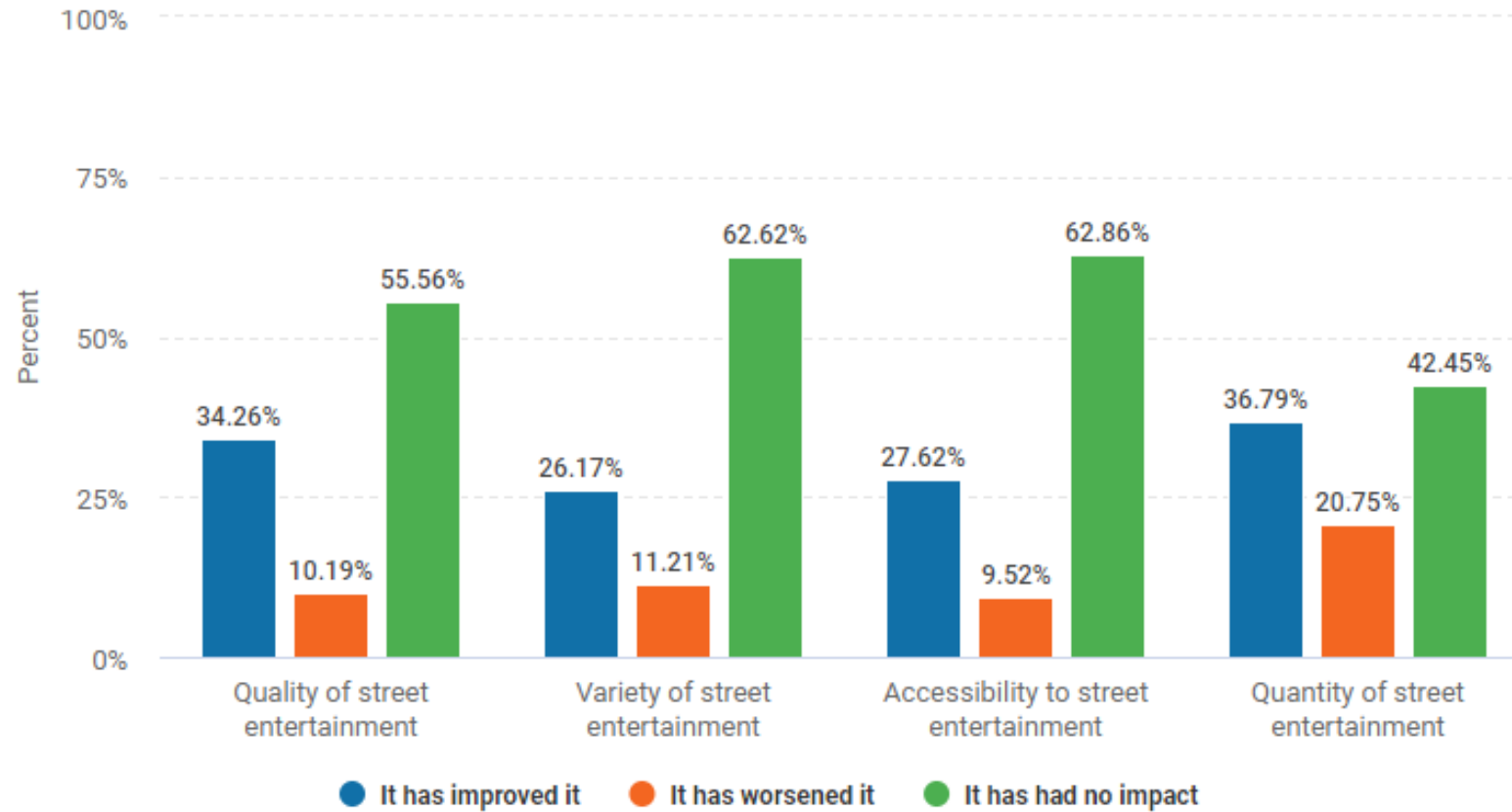


Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

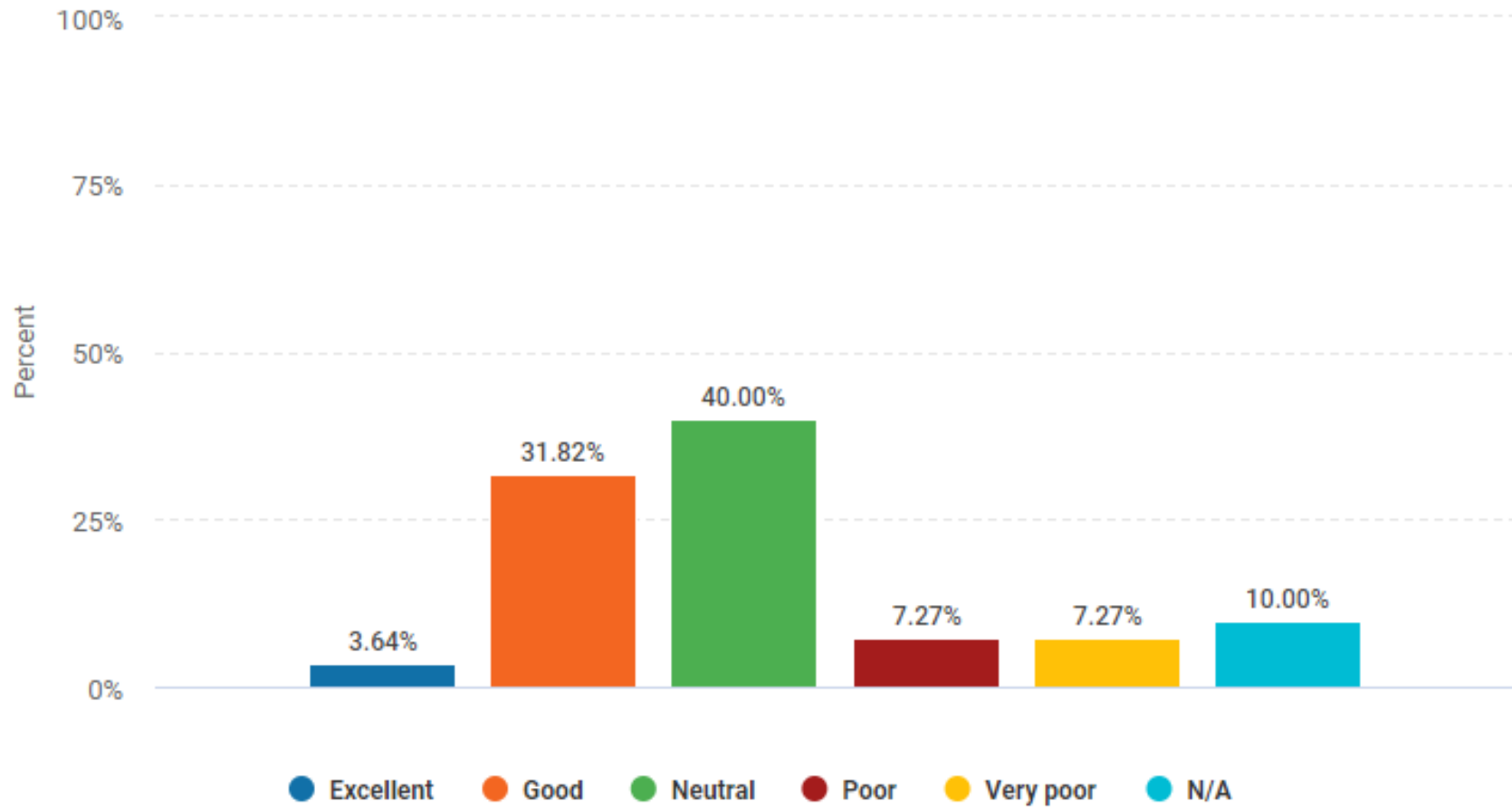


Prior to the implementation of the scheme, a large majority (86%) of respondents were in favour of the need to regulate busking and street entertainment. Since the roll out of the Policy, we see only a slight increase in those who are against/not in favour of the scheme.

What impact, if any, would you say the policy has had on the following and why?



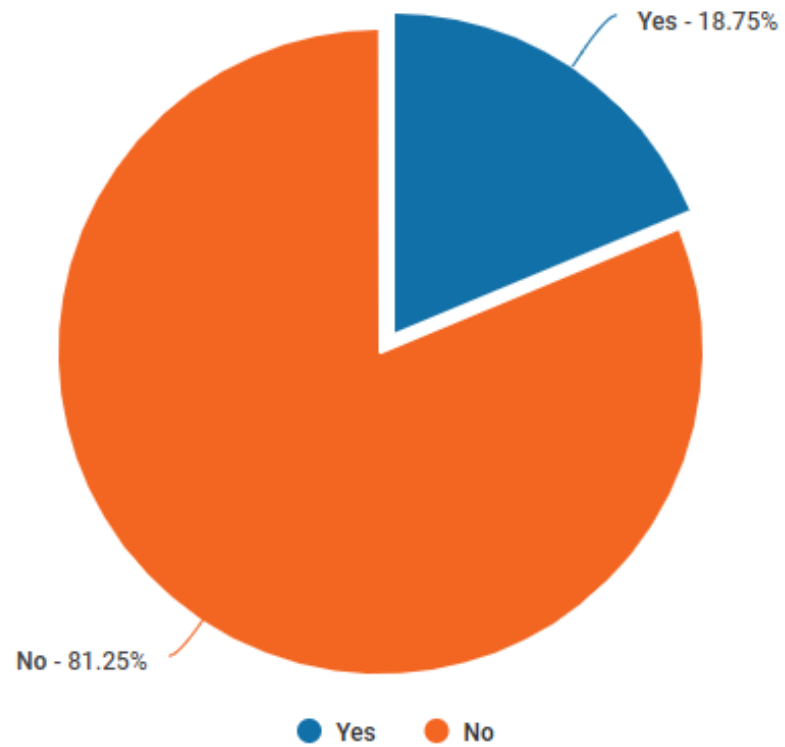
How would you rate Westminster City Council's promotion of busking and street entertainment?



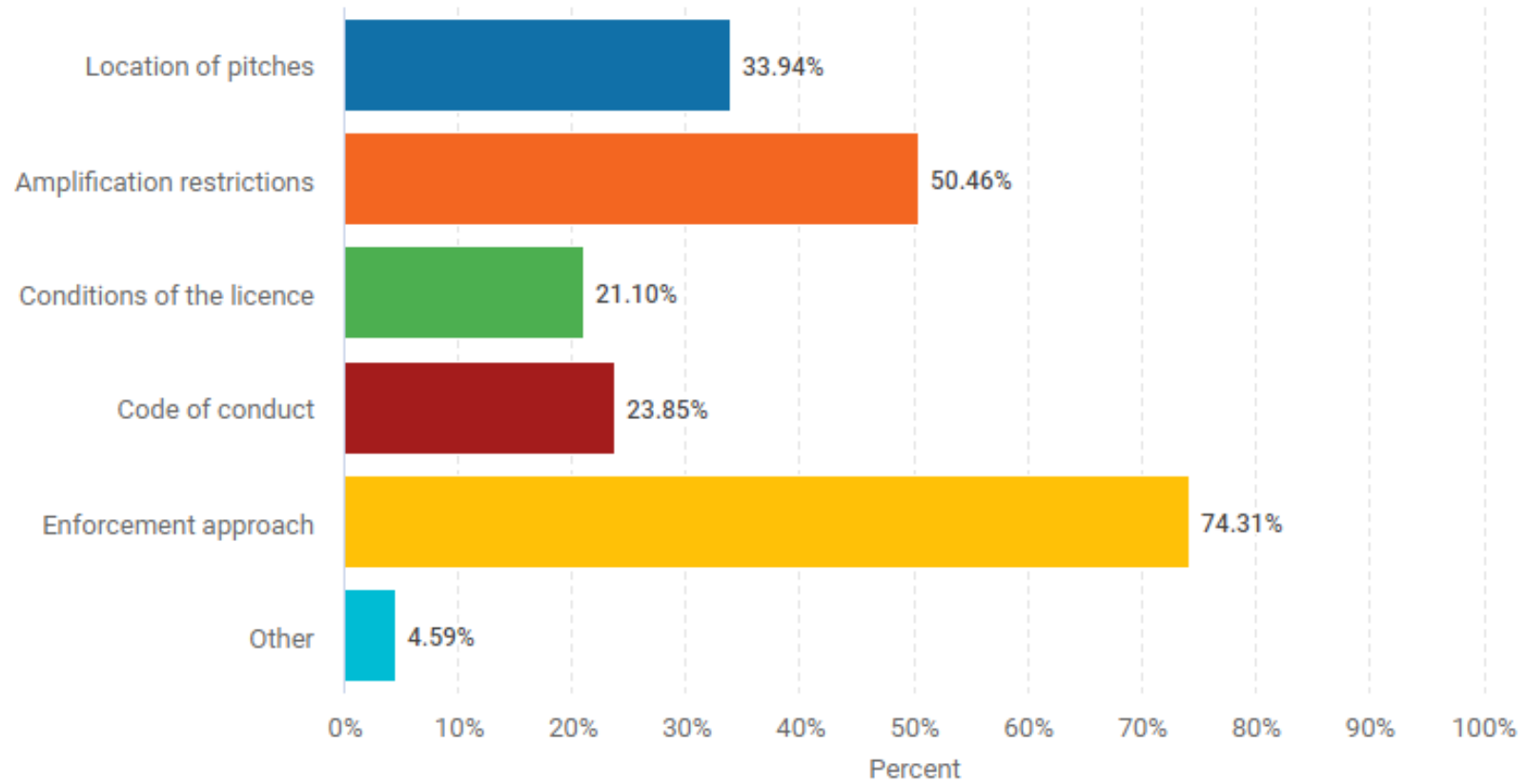
Since the policy came into effect, how often do you feel that the following have been an issue:

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

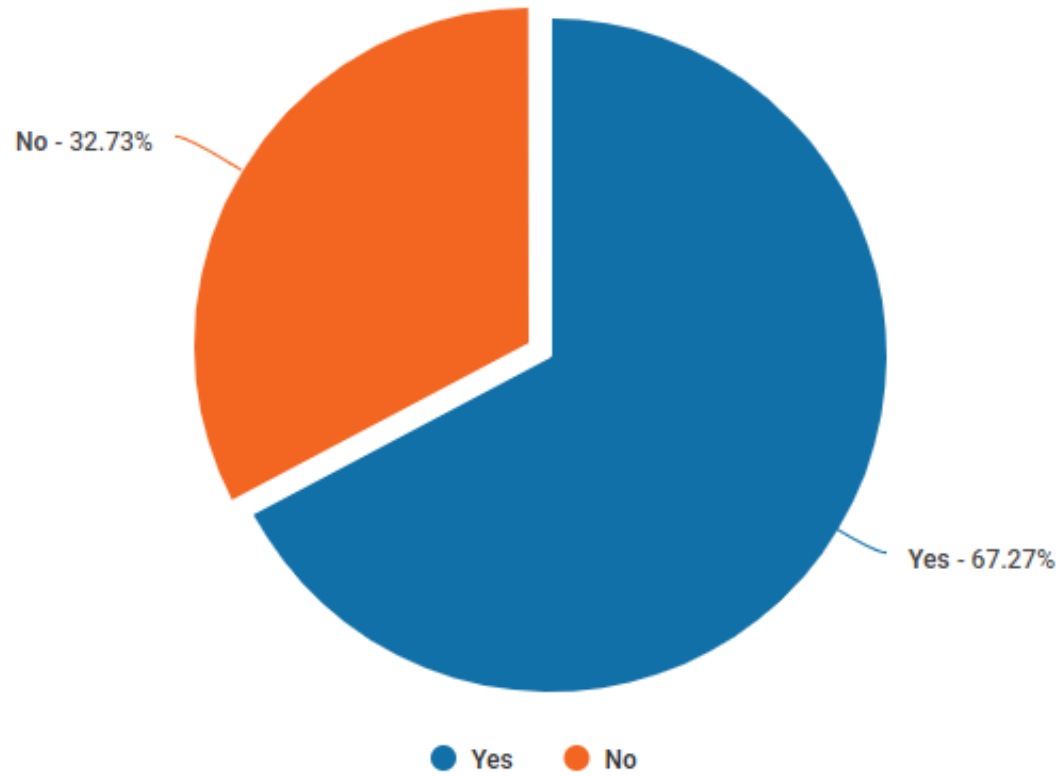
Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



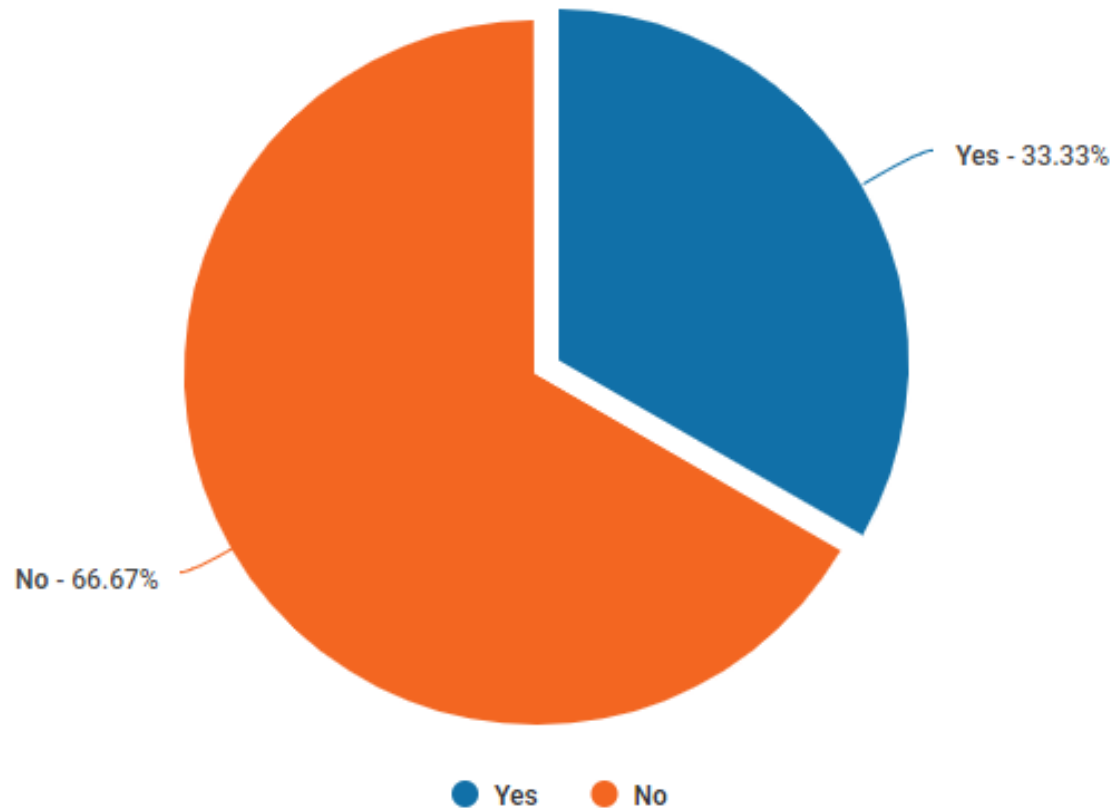
Is this a result of:



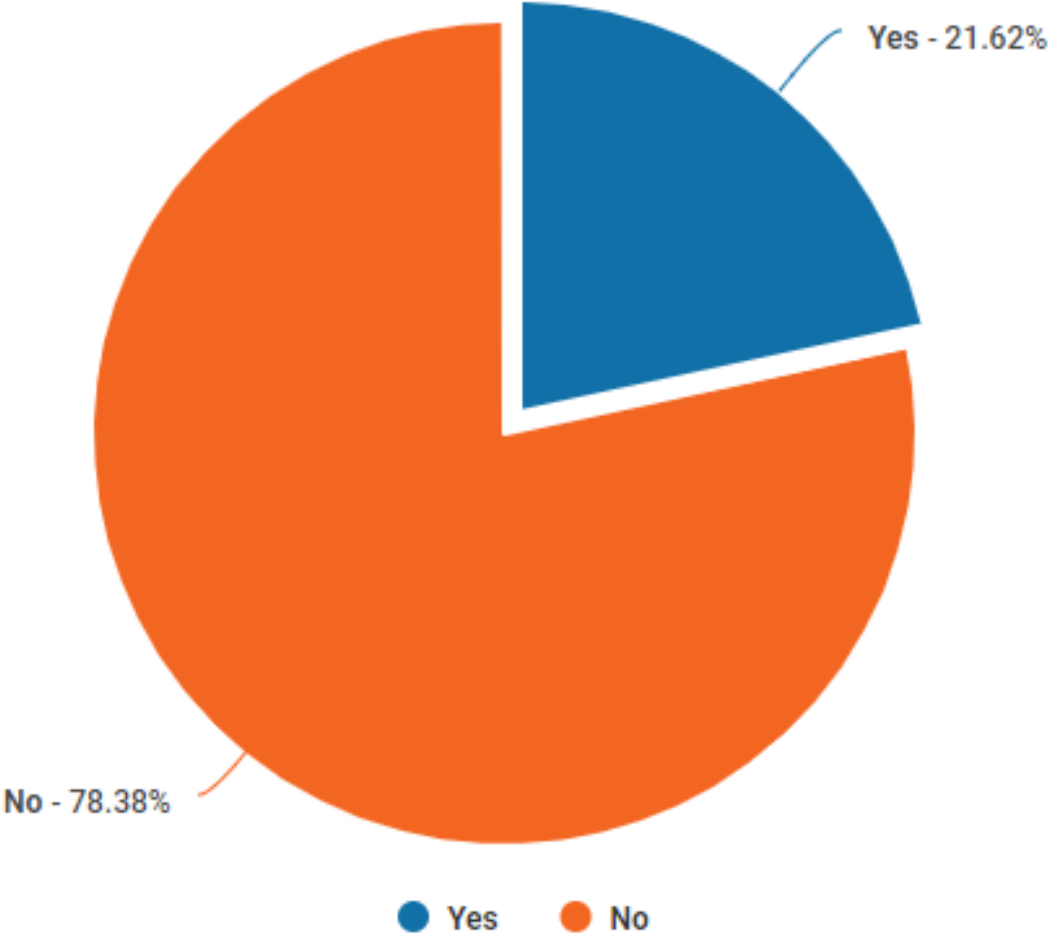
Do you know how to report concerns/nuisance and how to contact the council for any queries relating to busking and street entertainment?



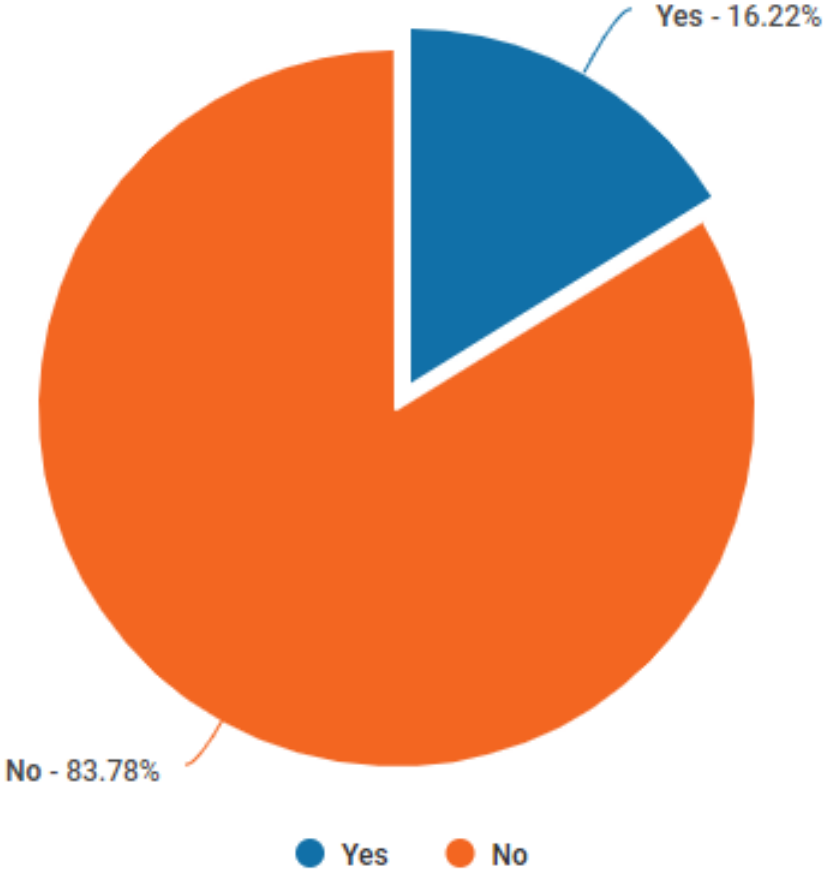
Since the policy came into effect, have you reported any issues or concerns related to busking and street entertainment to the council?



Do you believe that the cause of your query/complaint has been resolved?



Do you believe that it was dealt with effectively and in a timely manner by council officers?



Responses relating to questions with free text fields.

1	Reason for a change in views
	Playing music in areas that are not designated pitches
	Policy not as effective as it could be through lack of enforcement comined with a lack of co-operation from some of the street entertainer groups
	Need to actively enforce it
	Not sufficiently enforced
	Sound regulation
	Little point in having regulations without enforcement
	increased use of amplification
	Tendency to increase amplification and extend the timeframe - need for more rigorous regulation, control and monitoring
	Actively enforce it
	The Policy has not been managed/policed and is ineffective
	Buskers using amplifiers in non designated areas causing more noise pollution
	Blocked passage for pedestrians in busy areas - problem areas of Tottenham Court Road Station, centre point area development zone, Trafalgar Square - pedestrian zone Leicester Square
	Volume of amplification
	Only acoustic or controls on decibels
	Some street entintiners try to bend the rules or just outright ignore them
	Obstruction on pavements
	Portman Estate wants to remove the Old Quebec Street pitch
	Poor quality entertainment
	Unlicensed buskers
	Criterion Theatre having issues with repetitive loud music in Piccadilly Circus
	Refugee charity at 16 Leicester Square facing unbeliebavly loud performers
	No enforcement of CG pitch 13

2	Like most about the Policy
	No busking outside of designated busking spots
	Fixed pitches make sense
	Reduces noise nuisance and crowd obstructions
	Restrictions on the number and locations of pitches where amplification can be used
	Filters out talentless buskers
	Defined areas and hours
	Quality of the performers is good
	Resident engagement
	Reduction in busking areas where it is appropriate
	Well structured and unambiguous
	Geographic limits on the location of buskers and the number of buskers in a particular area at a particular time
	Recognises the benefits of busking to the community
	Reduces the opportunity for casual performers
	The requirement for a licence

3	Like least about the Policy
	Doesn't do what it is supposed to to stop it causing unnecessary noise pollution
	It is not enforced
	No attempt to encourage musical acts of quality

Badly thought out pitch locations
Not enough to deter poor management of crowds
Lack of effective enforcement
No enforcement of those playing too loudly
Disregard of the Policy from a sizeable minority of street entertainers has defanged the key aims of the Policy
Not looking at the problem on a zone by zone basis - distributing different types of performers across a range of sites with different noise/audience restrictions
Major increase in pedestrian traffic after the pandemic
Better way for residents to report issues rather than calling the noise team
The lack of accountability
Leicester Square pitch 9 - permits amplification but should not be allowed due to the acoustics of the area
Potential criminalisation of street performance
Does not take into account existing noise levels
SPAs bullying new buskers and are frustrating the process
Magician's corner who block access at the bottom of James Street to the Piazza
Severe lack of enforcement
Buskers still busking outside Bond Street tube

4	Amendments to the Policy
	More enforcement and fining of buskers who do not follow the rules
	Review of arrangements involving residents, businesses and street entertainers together with landowners and amenity groups
	More explicit information about where, when and what level noise from amplifiers is acceptable
	Buskers being banned if not compliant
	SPAs providing contradicting advice to the Policy to other street performers
	Blanket ban on amplification of any kind
	Better visibility of times and where performers can be
	Clear information about what is and is not street performance - e.g. religious speakers
	Red card and yellow card system of punishments for offenders
	Enforcement Policy needs to be addressed
	Greater scrutiny of the quality of entertainment
	Dedicated busking patrol team
	Amend conditions of certain pitches to remove amplification (pitch 9)
	Pitches clearly marked regularly as they fade
	No amplifications in Leicester Square
	Regular breaches of the Piccadilly pitches
	Reversed but with a best practice document instead
	Magician's Corner pitch must not block the pedestrian route
	Repositioning of the sites to take into account tables and chairs licensing and maximum crowd lines
	More supervision in unlicensed hotspots - e.g. Oxford St
	1 hour slots

5	Location in the borough currently designated as available pitches that should not be
	Trafalgar Square - should be about heritage and history
	Too many pitches by the piazza on Trafalgar Square
	Pitch 13 - Royal Opera House (challenging for people with reduced mobility)

2 of the 5 pitches (18, 19, 20, 21 & 22) at Trafalgar Square North Terrace as pitches are too densely packed for some activities
West corner of the North Terrace of Leicester Square (outside lego & M&M) as it blocks access to and across the square
Piazza
Leicester Sq Trafalgar Sq Covent Garden Piazza Kingsway Piazza (New pedestrian area) Leicester Sq Station / Hippodrome Corner Tottenham Ct Rd Station / Centre Point are development zone Piccadilly Circus x 7 main busking venue hubs require unique attention for each site
Piazza outside St Pauls Actors Church and east side of Apple Store at back of Royal Opera
Earlham Street - they are allowed to play amplified music on a street with little outside seating that is mostly residential creating noise nuisance
Too many in Leicester Square which makes it very hard to pass through
St Martin's Place which is primarily a thoroughfare
Old Quebec Street - no activity on this pitch since implementation
Pitch 9 Leicester Square should remove amplification
Wardour Street as completely blocks an already jammed through way
All of chinatown as it hinders the flow of foot traffic
Should be a non-amplified spot by Eros
Pitch 15 should be unamplified
James Street - Covent Garden market Sunday nights
CG East Piazza - huge increase in areas now used for tables and chairs - needs to be reviewed

6	Restrictions being sufficient in reducing noise nuisance
	Enforcement needs to be stricter
	Amplification used in Oxford Circus is intolerable
	Noise limits don't appear to be enforced
	No large groups
	Relies on residents to report performances as no monitoring

7	Engagement with the Council
	Noise team - takes too long for someone to arrive, need for more Officers in the West End and Soho
	Report It has a number of problems - no feedback and insufficient resources
	Priority towards members is low
	Response times - takes about an hour for any action by the team
	Employees telling individuals different things on every call - took 7 days for someone to respond
	Lack of any proper response
	Most complaints go unacknowledged

8	Complaints and queries being resolved
	There is no feedback
	Noise nuisance is still being experienced
	Insufficient authority and or capaCity and or determination
	Do not know how it is dealt with, and the net effect is sadly unchanged
	Unaware of City Inspector priority
	Often complaints are not attended - businesses are reluctant to complain because nothing will happen, despite being told that without complaints, there is perceived to be no problem

Submitted 40+ complaints to the Council about the noise level causing a nuisance and there has been no change or improvement
Same buskers then turn up the following day creating the same problem

9 Final comments
Convene local forums for residents, businesses, street entertainers and Officers to meet and discuss issues
Residents on the edges of Westminster and Camden
Partnership working with BIDs, in reporting or managing the streets or effects of busking
HOLBA could provide special entertainment zones with enhanced management (around Leicester Square and Piccadilly)
Busker forum should be regular to provide feedback and comments

Comments specifically from Ward Councillors on the Street Entertainment Policy and the operation of the Licensing Regime.

Ward cllr 1 - it has improved the quality, variety, accessibility, and quantity of street ent. Believe that occasionally performances are too loud and cause a nuisance.

Ward cllr 2 - the Policy has had no impact in the quality, variety, accessibility, or quantity of street ent. Rarely see performances being too loud, amplification in non-amplified pitches, performances outside of hours or causing an obstruction. Not entirely sure on the purpose of the forum.

Ward cllr 3 - feels the Policy is not being enforced and seems to be a low priority. Would like amplifiers over a certain noise limit to be banned completely. CG and LS to be non-amplified. Designated pitches should be well maintained

Appendix 4 – Leicester Square Business Impact Statement

Impact Assessment by business with offices overlooking Leicester Square

Annex 1

Impact Assessment

14 October 2022

Background

█ has its head offices in an 8 storey property that faces onto Leicester Square at █ Leicester Square, █ ("█ LSQ Office").

This statement sets out the serious impact that the noise nuisance is having on █

Who is Impacted at █

More than 1000 of █ workers ("█ use █ LSQ Office. █ who sit at the front of the building facing onto Leicester Square are impacted by the noise nuisance of the buskers, including █ Executives and █ █ Team (who have their offices facing onto Leicester Square on the 6th and 4th Floor). █ Security team and Reception Team are also impacted, due to the time they need to spend taking action to prevent, log and report nuisance buskers – further detail below.

Extent of Impact

1. Time – there are usually excessively loud buskers every afternoon from 12pm – 5pm (key █ business hours)
2. Duration – performance times of each busker are between 15-45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments
5. Volume – the volume is loud and can be heard clearly in █ offices - as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourists come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the Lego store and M&M's World).

Specific Impact

█ Executive Team (on 6th floor facing onto Leicester Square) – the noise of the buskers interferes with important meetings being held in the Executive offices, therefore disrupting and delaying business critical decision making.

█ █ Team (on 4th floor facing onto Leicester Square) - if they have the windows open (a health and safety recommendation due to Covid), the noise of the buskers is highly disruptive. It is where █ Director of █ sits with his team and negatively impacts their ability to work effectively and without disruption.

█ Security Team and Reception Team – when the Security Team are alerted about a busker that is causing excessive noise:

- Team leader will ensure all security positions are covered then identify any spare resources available.
- A member of the team is sent to gather the evidence of the nuisance busker that your Policy states should be provided when reporting an issue (including a photo, description and video (where possible) of the busker)

- Security control room call the City Inspector, contact My Local Bobby (MLB) and log a report on the WCC Report it line/WCC's complaints website.
- If the City Inspector or MLB are not available, the Security Team ask the busker to turn the volume down (with varied success).
- The Security team leader, the security control room or reception team then spend time collating evidence and completing a log of the incident and evidence.
- On any weekday, ██████ typically has 6 security officers on site covering 5 fixed positions (Leicester Square x 2, Charing Cross Road, security control room and team leader). The team leader is covering lunch breaks for all of the team. If ██████ has one individual on sick or leave when there is a busker incident, there is no spare resource and a security control room person must attend the incident, which means that ██████ control room is unmanned for a period of time.
- The entire process takes approximately 60 mins and therefore has significant impact on the Security Team and distracts them from their duty of keeping ██████ buildings and people safe. This inevitably means that during the time they're dealing with buskers, our CCTV is not being monitored effectively for our 20 regional sites and therefore exposing ██████ to unnecessary risk.

Reception Team - The Reception Team are also involved in the logging and reporting of buskers. This also impacts their ability to deal with guests, which will have an impact to guest's welcome experience and therefore be reputationally damaging to ██████

As at 18 October 2022, ██████ had logged 41 complaints regarding street entertainers on WCC's complaints website in 2022 (and more complaints were logged prior to this date). This does not in any way reflect the true extent of the issue. As each 'nuisance' busker takes approximately 60 mins to deal with and report (as set out above), ██████ can't log all 'nuisance' buskers, which occur almost daily.

Cost to ██████

- Salaries of all of the above ██████ dealing with the nuisance buskers instead of carrying out their work for ██████ particularly Executives, the ██████ Team, the Security team, the Reception team and the Legal team
- Business interruption and delays in decision making due to the excessive noise of some of the buskers
- Increased safety and security risk to ██████ as the Security team are distracted from their duty of keeping ██████ and the building safe
- Guest experience, as the Reception team are distracted logging and reporting on buskers

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Appendix 3 - ACTION TRACKER

Communities, City Management and Air Quality Policy and Scrutiny Committee

ROUND 6 25 th April 2023		
Agenda Item	Action	Status/Follow Up
<p>Cabinet Member Update –</p> <p>Communities and Public Protection</p>	<p>CCTV, further information was asked on:</p> <p>1) the audit undertaken of CCTV cameras on Westminster’s housing estates (unless any issues in doing this).</p> <p>2) How many CCTV cameras are owned by the council (outside of housing estates), details of remote CCTV and where these are placed by ward/location.</p> <p>3) Confirmation as to whether there is a freeze on installing additional CCTV cameras until the review discussion has concluded. If so, whether this would prevent moving existing cameras that may not be in useful positions.</p> <p>4) Information for Cllrs on how they would normally apply for CCTV in their ward.</p>	<p>Whilst CCTV is picked up in the Cabinet member report, the response to these questions remain in progress.</p>

ROUND 1 15 th June 2023		
Agenda Item	Action	Status/Follow Up
<p>Cabinet Member Update –</p> <p>Communities and Public Protection</p>	<p>The Committee to consider receiving a report on the Police Mentoring Scheme which is now on it’s third cohort. This could come as part of the Cabinet Member Update or a substantive look on the scheme or more generally partnership programmes.</p> <p>To receive a breakdown of engagement targets and key performance indicators for the Westminster Connects programme and how they have compared to previous efforts/years.</p> <p>ASB Pilot Wards, additional information on how victims are identified and the areas that are covered by the pilot scheme was requested.</p> <p>Care Home Open Week, additional detail was requested on the initiative, the types of activities on offer and the scale of it, in terms of number of care homes included.</p>	<p>Considered by the Chair</p> <p>In Progress</p> <p>In Progress</p> <p>In Progress</p>

Communities and Public Protection	Windrush 75 year anniversary, Members asked if all councillors could receive additional information on 'Windrush75' events and initiatives for both them and for their residents.	Sent out as requested
Cabinet Member Update –	The Cabinet Member was asked to look into an incident of vandalism on the play-street signage on Luton Street as well as Camden signage which has reportedly gone up in Alderney street. The Committee Member who raised this concern was asked to provide photographic evidence. In addition, a street sign in Alderney Street was identified as showing a different local authority.	Conversation started between the Cabinet Member and the Member who identified the issues.
City Management and Air Quality	The Cabinet Member was asked to provide an update on the CCTV trials to tackle dumping/fly-tipping.	In the Cabinet Member Report
	The Cabinet Member invited Members to provide specific locations/bins that are overloaded with waste/food waste and they will be resolved.	Opportunity Presented
Policing in Westminster	<p>To provide the Committee with update on work that will be done to tackle issues of racism within policing. It was identified that a future update could include the findings of the serious youth violence board and the young person's crime panel both of which are investigating issues of race more broadly in the criminal justice system.</p> <p>The Committee asked whether it would be possible to provide information on the number of people who, in the reporting period (or outside of it), were (are) stopped on more than one occasion. It was also asked what follow-up care is available, if any, for those stopped and searched without charge, particularly for young people.</p>	All provided by Superintendent Pirie and distributed via email
Policing in Westminster	Superintendent Pirie to send Members of the Committee invites, as was already planned, to the briefing event on the findings of the Casey report and plans to address the recommendations and the turnaround plan. The Committee heard how this is a community and key stakeholders event and similar events are being run by the Met in every other Borough of London.	All provided by Superintendent Pirie and distributed via email
	<p>Superintendent Pirie, through dip sampling, offered to provide an explanation/background into the six stop and searches conducted, in the reporting period, of children under ten years old.</p> <p>To go out on patrol with the Safer Neighbourhood Team (SNT) in Lancaster Gate and around</p>	

Policing in Westminster	Queensway to get a first-hand experience of the issues faced which will better contextualise the problems and support efforts to campaign for increased resources.	All provided by Superintendent Pirie and distributed via email
	The paper identified a 32.7% increase in the number crime offences in Westminster compared to last year. The Committee, whilst concerned, expressed sympathy with the difficulty in analysing year on year figures given recent interruptions in terms of the pandemic and associated lockdowns. As a result, Superintendent Pirie offered to provide the Committee with a comparison of the last 12 months crime figure (62,185 offences) compared to the last full year before Covid-19, in 2019.	
	Superintendent Pirie offered to look into reported issues about a lack of communication that reportedly occurs when crime is reported through the non-emergency '101' telephone line but the Safety Neighbourhood Team do not hear.	
Parking Service Update	Internationally registered vehicles not paying FPNs issued, Members suggested officers consider working with consulates/embassies in identifying offenders. Officers committed to checking the Council's international debt collector about ability to identify internationally registered vehicles, possibly through the DVLA.	Response Provided
Parking Service Update	To find out whether agreements can be made between the Council and private forecourt landowners who don't consent to having bikes parked on them. If so, what action can be taken?	Response Provided
	Acoustic Cameras, to provide information as to how the acoustic camera in Waterloo Place has performed. In terms of recorded breaches and FPNs ultimately issued.	Response Provided
Parking Service Update	To consider a notification system for parking suspensions, which can easily be missed by residents especially when they might temporarily be away on holiday for example. Clear notification could provide piece of mind and open a dialogue for resolutions.	Response Provided
	Occupancy Survey, officers to provide links to the occupancy survey results in full.	Response Provided

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COMMUNITIES, CITY MANAGEMENT & AIR QUALITY POLICY AND SCRUTINY COMMITTEE

COMPOSITION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Chapter 4 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Cabinet Member for Communities and Public Protection and the Cabinet Member for City Management and Air Quality.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraphs 18.2 and 18.3 as well as section 19 of Chapter 4 of the Constitution.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Bi-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.
- (k) To discharge the Council's statutory responsibilities under Section 19 of the Police and Justice Act 2006, thus acting as the Council's crime and disorder committee and fulfilling all the duties that entails.

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Communities, City Management & Air Quality Policy and Scrutiny Committee

Date:	31 st July 2023
Classification:	General Release
Title:	2023/2024 Work Programme
Report of:	Head of Governance and Councillor Liaison
Cabinet Member Portfolios:	Cabinet Member for Communities and Public Protection and Cabinet Member for City Management and Air Quality.
Report Author and Contact Details:	Francis Dwan fdwan@westminster.gov.uk

1. Executive Summary

1. This report asks the Committee to discuss topics for the 2023/2024 work programme. The proposals set out in Appendix 2 have been developed in consultation with Members, senior officers and members of the Executive (Cabinet) on their plans for the year ahead to ensure scrutiny is focused on those areas where it may have most impact.

2. Meeting Dates for the 2023/2024 Municipal Year

- 2.1 The Committee is advised that the next scheduled meeting dates for the 2023/2024 year are:
 - 19 September 2023;
 - 07 December 2023;
 - 29 February 2024; and
 - 17 April 2024.

3. Background

- 3.1 The Policy and Scrutiny team has been supporting the Chair and Committee Members to consider the work programme for the next municipal year. The process for this included; consultation with the Cabinet Members, consultation

with Executive Directors and relevant Heads of Service, following up on previous items and commitments from previous meetings, consideration of forward plans in the Cabinet Portfolios and challenges identified across the Directorates.

3.2 The aim of this process has been to culminate in a work programme which:

- Focuses on what is important;
- Focuses on areas where performance might be improved;
- Focuses on services which are important to residents;
- Focuses on where scrutiny can make a difference and add value;
- Proactively feeds into policy development by contributing to pre-tender considerations or strategy development for example; and
- Uses the insight of backbench Members to act as critical friend to services of the City Council and our partners thereby enabling good governance and excellent services.

4. Work Programme for 2023/24

4.1 The Committee is asked to consider the work programme for the municipal year, 2023/2024, set out in Appendix 2. The Committee is requested to discuss the proposed topics listed as well as provide comments and suggestions.

4.2 When considering the work programme, and agreeing an overall programme of scrutiny activity, the Committee should have regard to whether the work programme is achievable in terms of both Officer and Member time, taking into account that the Committee is scheduled to meet six times per year. Members are also reminded that it is advisable to hold some capacity in reserve for any urgent issues that might arise.

4.3 Each Committee has discretion to establish Task Groups to examine key issues in more detail and also to commission Single Member Studies. The Committee is asked to consider whether they would like to establish a Task Group or commission a Single Member Study. The Committee should be advised that both Members and Officers will only be able to successfully take part in and support a finite number of Task Groups at any one time.

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

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Appendix 1: Terms of Reference

Appendix 2: Work Programme

Appendix 3: Action Tracker

**APPENDIX 2 – Communities, City Management and Air Quality Policy and Scrutiny Committee
Work Programme 2023/24**

ROUND 3 19th September 2023		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management Pedro Wrobel, Executive Director for Innovation and Change
Edgware Road and Queensway Strategy group models	To review the Edgware Road and Queensway Strategy groups with a particular focus on outputs and whether the models can be used for other parts of the City. This will also serve as an opportunity to discuss work in the community, anti-social behaviour and city management aspects.	Councillor Paul Dimoldenberg, Cabinet Member for City Management & Air Quality Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management Pedro Wrobel, Executive Director for Innovation and Change
TBA	Owing to scheduling issues, the Dockless Bike Parking Bay item has been relocated to December's Committee. The Work Programme is to be discussed at Committee. It is likely that Septembers will be added to and December's may need to be trimmed. Members will be updated of any developments.	N/A Francis Dwan, Policy and Scrutiny Advisor
Work programme	To review the work programme in light of events and recent discussions	Francis Dwan, Policy and Scrutiny Advisor

ROUND 4 7th December 2023		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Raj Mistry, Executive Director for Environment and City Management
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management Pedro Wrobel, Executive Director for Innovation and Change
Air Quality Action Plan	To review proposals for the updated Air Quality Action Plan, and consider how it will improve air quality in Westminster.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Communities Engagement Strategy	To review, in depth, how the Communities team operates and how it can improve meaningful engagement with residents who may not have previously engaged with the Council. The community hubs and design consultation may also be inputted on.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Pedro Wrobel, Executive Director for Innovation and Change
CCTV Policy	To review the Council's approach to surveillance powers and CCTV across the City.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management
Dockless Bike Parking Bays	To review the rollout and implementation of dockless bike parking bay initiative (i.e. designated dockless bikes/e-scooter parking areas). During the trial, experimental phase of the scheme to gather Member feedback on potential implementation before expiry of the trial.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Work programme	To review the work programme in light of recent events.	Francis Dwan, Policy and Scrutiny Advisor

ROUND 5 29th February 2024		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management Pedro Wrobel, Executive Director for Innovation and Change
Transport Strategy	To review the Council's transport strategy. The Committee will be able to feed into proposals for the strategy prior to the decision being made.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Community Investment Strategy	To review the Community Investment Strategy, almost one year after its launch, with a view to provide recommendations for its second year.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Pedro Wrobel, Executive Director for Innovation and Change
Work programme	To review the work programme in light of events and recent discussions	Francis Dwan, Policy and Scrutiny Advisor

ROUND 6 17th April 2024		
Agenda item	Purpose	Responsible Cabinet Member and Executive Director
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Cabinet Member Q&A	To update the Committee on key areas of work within its remit and the Cabinet Member's priorities.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management Pedro Wrobel, Executive Director for Innovation and Change

Food Waste Bins	To review the rollout of the food waste bins one year on from when the rollout was completed.	Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality Frances Martin, Executive Director for Environment and City Management
Markets	To review ongoing market reform and take a focused look at Church Street Markets.	Councillor Aicha Less, Cabinet Member for Communities and Public Protection Frances Martin, Executive Director for Environment and City Management
Work programme	To review the work programme in light of events and recent discussions	Francis Dwan, Policy and Scrutiny Advisor

Unallocated Items - these may either be substituted in for a substantive item elsewhere in the year or may be rolled over for future municipal years.

School Streets	The Committee could consider school streets and their impact on safety. The Committee could review the 11 streets already part of the programme, consider the implication of a further rollout and provide recommendations for this. When the future rollout programme is being developed, Members will be alerted and may wish to look at this in detail.
Flooding in Westminster	To review the Council's preparedness to protect residents from (flash-) flooding. This could also be used to scrutinise the Council's relationship with Thames Water and other stakeholders.
City Inspectors	To consider the role of City Inspectors in the Council, their cost, effectiveness and role in supporting residents.
EV charging bays and impact on parking service	The Committee could scrutinise Parking's efforts to provide EV charging bays and how they decide where and when they are placed.
Waste Contract Review/ Waste Management	The Committee could consider waste management contracts as they come up for renewal (April/May 2024)
Anti-Social Behaviour Strategy	The Committee could consider the outcomes of the consultation for the ASB strategy which has now been implemented.
Food Safety & Ratings Modernisation Programme	To consider the modernisation programme planned for food safety & ratings and the impact this will potentially have on savings and on service.
Cumulative Impact Assessments (Licensing)	To consider the implementation of cumulative impact assessments and their impact on licensing conditions.
Night-Time Economy (Safety, ASB and VAWG aspects)	To review the safety, ASB and VAWG aspects of night-time economy proposals.
Utilities	To consider action to improve supply, security and maintenance in the City, included within this could be the Council's work with relevant public bodies such as TfL and Thames Water.

Public Conveniences	The Committee could consider existing stock, modernisation efforts and/or the management of public conveniences in Westminster.
Biodiversity Strategy	To review the Council's Biodiversity Strategy which is set to be updated in the next year. This could also present an opportunity for a Single Member Study or Task Group.

Opportunities for Site Visits

- Local police station – opportunity to gain understanding of vulnerable members of the public and/or the process of dealing with missing people.
- Prison/Rehabilitation Centre - Wormwood Scrubs Prison.
- Markets stalls – engage directly with Market Traders.
- Veolia HQ – in Lewisham.
- A School Street during the morning/afternoon school run.
- Designated parking spaces for E-bikes – if/when this comes in the Committee could visit to better understand usage and problems associated.
- Super sewer – which is in construction and should have an impact of Westminster's resilience to flash flooding.
- Night Stars – opportunity to volunteer and/or shadow their work on a typical night.

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