

City Management and Public Protection Policy and Scrutiny Committee

Date: Wednesday, 29 January 2020

Report Of: Councillor Ian Adams

Portfolio: Cabinet Member for Public Protection and Licensing

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1 Improving Neighbourhood Co-Ordination

- 1.1** In my last report to the Committee, I set out how our approach to neighbourhood management has been reviewed to provide Councillors with a consistent approach to member engagement at a neighbourhood level. This will better support Councillors in their role as leaders in their local communities.
- 1.2** As of May 2019, a new neighbourhood meeting structure was implemented across Westminster. The new structure promotes a more collaborative approach to problem solving with our partners, including helping the police tackle the more serious cases at ward level. The new structure gives ward Councillors the opportunity to take part in local problem solving through monthly Neighbourhood Coordination meetings with Council officers and key stakeholders.
- 1.3** A new tasking and co-ordination process is now operating across the neighbourhood teams, ensuring that local priorities are being addressed in a timely and co-ordinated manner. The process also ensures that the Council is more efficient in deploying its available resources to the issues that have been highlighted as being a priority for each area.
- 1.4** Each Neighbourhood will hold a Head of Service Area Management Meeting, which will be attended by partners including local police leadership. The purpose of these meetings will be to review and determine area priorities, assess progress against problem solving plans and community triggers and to ensure that all matters affecting the area are being addressed.

2 Rough Sleeping

- 2.1** As we move through the final quarter of the financial year, we are very proud of the work we have achieved across our services in supporting some of the country's most vulnerable people, but there is still a lot of work to do. The full count details will be released by the Office of National Statistics on January 31st

but our data shows that we saw 333 people on one night in November. However, only 12 people had been seen before in the last three street counts. This demonstrates not only the success of our interventions, but also the transient nature of rough sleeping in Westminster.

- 2.2** We have secured additional funding of £1.6m to support people who are sleeping rough in Westminster into sustainable housing. The money has allowed us to develop different ways of supporting people, including psychological support in hostels and assessment centres, and employing people with lived experience of homelessness in the development and delivery of our services.
- 2.3** We have successfully launched the Hidden Network Campaign- more detail can be found at www.westminster.gov.uk/rough-sleeping. The new campaign seeks to shine a much-needed spotlight on the network of hidden heroes that work day in, day out to support the rough sleeping community. We are now reaching out to businesses across the City to host a donation unit and provide the general public with the opportunity to donate to services instead of giving directly to people on the street. Councillor Adams made a keynote speech at a joint Victoria and Northbank Bid Breakfast event on the Hidden Network on 13 January 2020, referencing the Campaign as well as the recent work the council has done on rough sleeping.
- 2.4** The Council has put its full support behind the Westminster Homelessness Partnership. This is a core group of CEO's from charities in Westminster, West London Mission, CSTM, the Passage and St Mungo's who now meet monthly with officers at the Council to respond to this complex issue in a collaborative and supportive way. This year the Council will be working to ensure that our key policy asks of Central Government have the full support of some of the most influential organisations in the sector.

Visit to Helsinki

- 2.5** We have also delivered 22 housing first tenancies for people with complex needs. This is an important development taken from learning during a recent trip to Helsinki, Finland where we met with local and central government and charity partners to better understand why they are the only European country to show a reduction in homelessness. Unconditional offers of housing to some of the country's most vulnerable people followed by a holistic package of intensive support is proving to have the most sustainable outcome for people – taking this learning from Helsinki we will make sure that housing led initiatives become a key part of our strategy going forward.

Integrated Street Engagement Unit (ISEU)

- 2.6** The unit continues to identify and target problematic areas and has undertaken intensive frequent patrolling through coordinated solo and collaborative intel led operations with the aim of making better living for all in the city. The organisations that make up the unit continue to work hand in glove to provide social care, health and addiction support with the goal of helping some of the most vulnerable to turn their lives around. The team continue to provide the following services:

- Listening to and helping those on the street - Our unit are working with and providing support to our daytime street population every day to find out what help they need to turn their lives around.
- Substance abuse support – Our resident support workers with specialist skills are providing practical support for those with mental illness and/or those addicted to alcohol or drugs. These specialists are speaking directly to people on the street, supported by the back-up provided by more traditional building-based services. Turning Point attend joint deployments with WCC and conduct an initial on-site assessment.
- Social care and housing support – With both charity outreach workers and council officials working together in the unit, those on the street are directly helped through advice about accommodation options and what council services or public funds they can access.

2.7 ISEU's objective is to manage people into support services, providing a sustainable way to deal with the issue rather than simply shifting problems around. Our actions will therefore be primarily geared towards supporting people into appropriate services.

2.8 The unit has a Senior City Inspector and 8 City Inspectors in its set up, covering between 0700 and 2200 seven days a week on a two-shift rotational shift pattern. The ISEU has also successfully expanded with Westminster Senior Management and the Metropolitan Police to secure a dedicated Police team for the ISEU consisting of a Sergeant and 5 constables.

2.9 In the 3rd quarter (October-December 2019), the Integrated Street Engagement Unit have issued 48 Fixed Penalty Notices (FPN)s whilst taking part in premeditated operations focussing on rough sleeping and related ASB. In this period, the ISEU team with social care partners and Police had registered 36 referrals to various support services out of 374 on street engagements. The remaining individuals were largely already known or cooperating with services.

2.10 The ISEU have served 33 Community Protection Warning Notices for various ASB and criminal activities including begging. In addition to serving CPNs, ISEU have issued 17 section149 notices to tents/structures unlawfully erected on the public highway and removed or disrupted 43 tents in total.

Emergency Planning and Business Continuity

3.1 A pan-London project called EP2020 that seeks to standardise the approach taken by all councils in how they respond to emergency and major incidents is in the implementation phase. The project is wide ranging and has involved major changes to the way Westminster's Borough Emergency Control Room (BECC) is both resourced and operated.

- 3.2** The Council is on-track to fully deliver all aspects of the project as per the programme timelines and has engaged in a process of seeking new volunteers from across the Council to support our emergency operations. A significant amount of training has been undertaken and new cohorts of both Gold and Silver Command Officers are now operating, meaning that the Council has increased resilience in its ability to lead during times of emergencies.
- 3.3** The Council has ensured that even though we have complied fully with the requirements of pan-London standardisation, we have not lost the best of what we already do. For example, the Council has a unique approach to training all of our City Inspectors as Local Authority Liaison Officers (LALOs) who can respond quickly to potential incidents. Our unique approach means that not only can we operate in the same way as every other London Borough and support mutual aid requests across councils, but we also have an improved response with our own local initiatives.
- 3.4** Planning has begun for the annual Exercise Safer London which is being held in March 2020. This is a pan-London exercise designed to test the Council's emergency response to major incidents or disasters. All aspects of the new approach implemented during 2019 in line with the Standardisation Programme will be further tested during the exercise to ensure that our emergency planning procedures remain fit for purpose.

4 Serious Violence and Knife Crime

Serious Youth Violence Task Force

- 4.1** The Home Office has signalled its intention to enact a statutory duty for Local Authorities to cooperate with its partners in tackling issues of youth violence. The Council has a number of governance structures in place that would fulfil the requirements of the statutory duty although some work will take place to ensure we have the most appropriate representation at each board, with the Safer Westminster Partnership taking overall leadership. The meeting also considered an invitation to Physical Activity, Leisure and Sports (PALS) from Steel Warriors to provide a new outdoor calisthenics gym in Westminster, made out of seized and surrendered knives from London Streets. The Integrated Gangs and Exploitation Unit (IGXU) and Westminster Housing Services will provide data to help determine the site.
- 4.2** In September the Violence Reduction Unit announced additional funding to support efforts against knife crime and violence. Supported projects were required to address the following three criteria;
- Addressing the drug related drivers of violence;
 - Supporting young offenders and reducing violent recidivism;
 - Minimising school exclusions and supporting young people back into education, employment and training.
- 4.3** As a result of a successful bid by the Council, Westminster has been allocated, as a Tier 1 borough, an additional £200,000 in 2019/20 and £200,000 in 2020/21.

This funding will be used to support projects in the following areas;

- Additional resources within the Integrated Gangs and Exploitation Unit (IGXU);
- Support for the Church Street pilot supporting a violence reduction programme for Year 5 and 6 school children;
- Expanding the current exclusions project in Westminster Schools.

Knife Crime

- 4.4** The Mayor's Office for Policing and Crime (MOPAC) published its Anti-Knife Crime Strategy in 2017. The strategy has six key themes:
- Governance
 - Targeting lawbreakers
 - Keeping weapons off our streets
 - Protecting and educating young people
 - Standing with communities, neighbourhoods and families against knife crime
 - Supporting victims of knife crime and offering ways out of crime
- 4.5** The Westminster Knife Crime Action Plan was refreshed in May 2019 in consultation with the MPS and the Mayor's new Violence Reduction Unit. The plan is overseen by Community Safety and has been updated and agreed within the Youth Crime Prevention Partnership, which sits within the broader Safer Westminster Partnership. Work is now underway to widen this action plan and for it to become the Westminster Violence Reduction Action Plan.
- 4.6** The latest refresh reflects the shift within the IGXU to include exploitation, such as the new Gangs Multi-Agency Child Exploitation (GMACE) meeting which takes place every six weeks. The purpose of GMACE is to identify, monitor and disrupt high risk gang members and identify young people at risk of exploitation in order to identify the links and to develop common themes in order to provide an adequate partnership response. The plan also reflects the changes in responsibilities following the BCU merger.
- 4.6** In October 2019, the Council joined with the MPS and BTP to run a second Operation Poniard. The operation focused on a day of action to tackle knife crime and to specifically promote social responsibility amongst retail premises selling knives; reducing opportunities to steal knives and reduce the availability of knives and fireworks to young people. During the operation, Westminster Housing received 22 reports of youths ASB related to fireworks, mainly in the South area – Churchill Estate, Lupus Street and Church Street (the analysts are currently compiling a final report in relation to calls made to the emergency services, LFB and the MPS). The increased police presence as well as implementation of dispersal and stop and search powers contained the disorder within short period. This resulted in a minimal impact on the local communities and positive feedback from the usual hot spot locations.

5 Basic Command Unit (BCU) Update

- 5.1** Following the tri-borough merger of the MPS BCU in February, the Council has kept regular touch with the MPS to ensure that Westminster remains safe.
- 5.2** The BCU has launched a Priority Crime Team (PCT) that consists of forty-six Detectives and Uniformed Officers working to a Detective Inspector in response to significant increases in robbery offences. The team has now launched a three-month operation against robbery under Operation Fahrenheit which is being fully supported by the Council.
- 5.3** Overall, the response time for 999 calls requiring an immediate response has remained stable, showing only a slight decrease since the implementation of the BCU.
- 5.4** The Council continues to lobby for more Police Officers in Westminster, particularly to cover community roles and the evening and night time economy in the West End. The Council has raised these issues with the new Policing Minister upon his appointment in July 2019. It is expected that approximately 3,400 additional Police Officers will be deployed in London following the Prime Minister's commitment to provide an additional 20,000 Officers nationwide. The Council is lobbying hard that Westminster must be treated as priority and receive early deployments of any additional officers.

6 Private Sector Housing

Building Safety Programme

- 6.1** Following Grenfell and in response to Central Government's Building Safety Programme, work has been undertaken to inspect and assess privately-owned residential high-rise buildings with unsafe ACM (Aluminum Composite Material) cladding across the City. Since identification of affected buildings, officers have been closely engaged with relevant parties, including building owners and leaseholders, to bring about any necessary remediation. This work has included inspections and obtaining certain information regarding building construction and fire risk assessment.
- 6.2** This work has identified 13 high-rise, privately-owned buildings providing residential accommodation in Westminster which have hazardous cladding. It is important to note that interim fire safety measures which meet LFB approval are in place in these buildings pending full remediation. Officers have been fully engaged with the building owners and relevant partners to secure remediation. This has resulted in one building being fully remediated, and substantial remediation of three further buildings with completion expected shortly.
- 6.3** Following consultation with LFB and our Building Control department, enforcement action has now commenced under the Housing Act 2004 through the service of Hazard Awareness Notices on building owners. These notices

have provided building owners with a 3-month window in which to provide details of how any hazardous cladding is to be removed and replaced.

- 6.4** Pre-enforcement notification letters were sent to affected leaseholders two weeks prior to this, which provided them with a range of advice and support on this issue. This included a new section on the Council's website to provide further information and a dedicated mailbox to answer any specific queries. This exercise has proved very successful in minimizing queries from affected parties.
- 6.5** Responses by building owners to the Hazard Awareness Notices will be reviewed and consideration will be given to the need for any escalation of enforcement action with the expiry of the Hazard Awareness Notices this month.
- 6.6** Officers have encouraged building owners to apply to the Government's Private Sector Remediation Fund to assist with funding necessary works. This has resulted in all bar one of the owners of buildings with hazardous cladding submitting applications for funding. The remaining building has received confirmation that remedial works will be funded through insurance arrangements.
- 6.7** In addition, MHCLG issued a request to local authorities across the country to undertake a data collection exercise regarding high rise residential buildings in their area towards the end of 2019. Westminster contains one of the highest number of such buildings nationally, and work has commenced to undertake this exercise. This work has attracted funding from the MHCLG in accordance with New Burdens rules

Housing Standards Task Force

- 6.8** The Housing Standards Taskforce continues to enforce against rogue landlords and agents. In the current financial year, we have issued 15 Civil Penalty notices and have collected £61,500 in penalty charges. There is an appeal pending at the First Tier Tribunal in respect of a £20,000 penalty for the operation of an unlicensed House in Multiple Occupation (HMO) property in Shirland Road.
- 6.9** Not all cases are prosecuted and where the landlord is cooperative the Council, at its discretion, may decide to take less formal action. In one case in Third Avenue, a student house was found to be unlicensed and following intervention by the HST, the owner (who was not a portfolio landlord) quickly licensed the property, installed a new fire alarm and had the electrics overhauled. Taskforce action has resulted in the discovery of 20 unknown and unlicensed HMOs in the current year.
- 6.10** The Metastreet report into Houses in Multiple Occupation (compiled with data from the HST analysts) has now been finalised and shows clear correlation between Houses in Multiple Occupation and housing hazards, particularly those relating to fire safety and excess cold hazards. The results of this analysis will form part of the background documentation for the proposed Additional HMO licensing scheme, which will come before members shortly.

- 6.11** External funding for the Housing Standards Taskforce finishes in March 2020. The team are looking to secure further funding from the Community Infrastructure Levy/Section 106 planning contributions as a means of continuing the project beyond March.

Short Term Lets (STL)

- 6.12** A meeting was had with the CEO of AirBnB and the STAA (Short Term Accommodation Association) on how the sector could be better regulated, the proposal from the company being a voluntary registration system that could be implemented locally. The City Council would rather a statutory registration scheme but welcome any further steps by the sector.
- 6.13** AirBnB would like us to consider a joint communications campaign to provide information for hosts, and to work together to develop case studies to inform a proposed AirBnB white paper to Government. That work is ongoing.
- 6.14** Since 2015, there have been 1987 STL cases, and there are currently 1406 active cases. To date, 482 of those cases have related to Planning Contravention Notices and 24 related to enforcement notices. There have been 166 cases to do with noise, 18 related to anti-social behaviour and 208 cases on waste related STL.

7 Street Entertainment

- 7.1** Approval to go out for consultation on the new Busking and Street Entertainment Policy has been granted by the Licensing Committee following over 18 months of engagement with residents, businesses and buskers. Westminster's policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here. It takes a targeted approach to address the unique situation in each of our key busking hotspots.

Key Policy Proposals

- 7.2** There will be no change to busking rules across most of Westminster. However, our policy will promote a voluntary Code of Conduct and encourage performers to join our Busking and Street Entertainment Forum.
- Supporting self-regulation by performers. Covent Garden has an established Street Performers Association (SPA) which all performers should join before they work there. In Trafalgar Square, we are piloting self-regulation with the newly created SPA in this area.
 - Implementation and evaluation of a light touch licensing scheme in Oxford Street, Piccadilly Circus, Chinatown and Leicester Square. Performers will need to apply for a licence to perform here, keep to designated pitches, and abide by specific conditions.

7.3 The consultation period will last for six weeks, from the 14th January 2020 – 25th February 2020. During this time all stakeholders will be encouraged to feedback on proposals and designated/licensed streets. The Council has taken steps to ensure all relevant stakeholders have an opportunity to give their views, including; flyers, face to face engagement, postcards sent out to residents and businesses in our policy areas and emails to our key stakeholder list.

7.4 Once collated, this feedback along with feedback from Policy and Scrutiny will be analysed and written into a set of recommendations for the following Licensing Committee where representations may be heard and a decision will be made to recommend to Full Council if appropriate.

8 Whiteleys Development Queensway

8.1 The latest Community Liaison Group meeting for the Whiteleys development took place on Monday 16th December. Attendees included a number of Resident Associations, two local residents, representatives from the developer, a Ward Councillor and officers from Highways and PP&L.

8.2 The last phase of breaking was underway before Christmas and the developer was expecting it to be completed by 6th January.

8.3 Some pile extracting work was also undertaken before Christmas and this was subject to Best Practical Means methods to minimise any impact.

8.4 The incoming contractor for the build phase has submitted a S61 for next phase piling. This is expected to be approved by officers this week.

8.5 Carbon monoxide alarms are still going off in several flats. All the occupants of the affected block in Kensington Garden Square are owner occupiers and therefore the Council would not normally be involved. However, an officer has visited residents. They did not identify any deficiencies that might cause the hazard and suggested that the owner occupiers carry out their own investigations.

8.6 An engineer from Cadent Gas suggested that the Carbon Monoxide monitor could be triggered by a sewage blockage at the property, but they were unable to confirm this. There is still no indication that it is being caused by the building site machinery.

8.7 This site was closed for Christmas from 20 December until 2 January.

9 Independent Westminster Hate Crime Commission

9.1 The Independent Westminster Hate Crime Commission has been established with Nick Ross being appointed as Chairman. The Commission has met several times and the evidence-gathering process is now well underway.

9.2 A report with recommendations that will both support and challenge the Council will come for consideration later this year.

9.3 The Hate Crime Commission is made up of the following members:

- Nick Ross (Chair): a renowned broadcaster and founder and visiting professor at the Jill Dando Institute of Crime Science. He has served on several national policing and crime prevention committees.
- Sir Peter Bazalgette: chair of ITV and previous chair of Arts Council England, 2013-17. Sir Bazalgette has also written a number of books and sits on the board of UK Research and Innovation. He wrote a review of the Creative Industries for the government in 2017.
- Jonathan Kent: Detective Inspector (Safeguarding) in the Metropolitan Police Service
- Professor Gloria Laycock OBE: headed the Home Office Police research Group and was founding Director of the UCL Jill Dando Institute. Professor Laycock is currently professor of Crime Science at UCL. She was awarded an OBE in 2008 for her services to crime policy.
- Professor Les Moran: professor in the School of Law at Birkbeck College. During that time, hate Crime has been the focus of his research, teaching and public engagement, including setting up and teaching a post-graduate course on hate crime. He was chair of GALOP, a member of the MPS LGBT advisory group and the Law Society's Equality and Diversity Committee.
- Fiyaz Mughal OBE: founder of 2 UK-based social enterprises- *Tell MAMA* and *Faith Matters*, which work to tackle extremism in the UK, Europe and Middle East. Fiyaz is also the found of the annual No2H8 Crime Awards and has severed on various Parliamentary Committees in an advisory capacity.
- Isaac Saliu: Deputy Member for Westminster in the Youth Parliament
- Sara Sutton: Executive Director for City Management and Communities at Westminster City Council

10 Response to recommendations for the Inclusion in the Evening and Night Time Economy Task Group Report

10.1 The Inclusion and Night Time Economy Task Groups report was published late last year. I am very pleased with the report and the work undertaken by the Task Group to produce it. I have considered the recommendations contained with the report and have provided a full response on what I intend to do to deliver on those recommendations. This report is attached to this report at Appendix 1.

11 Licensing Policy Review

- 11.1** The council is due for its Licensing Policy Review which must be consulted upon and published before January 2021. There is a statutory requirement to undertake this review at the end of every 5-year period of the policy under the Licensing Act 2003.
- 11.2** We have identified an opportunity to amalgamate existing licensing regimes under one licensing policy held together by a strategic framework guided by four principles:
- A Licensing Policy for the next 20 years
 - Neighbourhood approach to policies
 - Balanced policies to protect residents and encourage responsible and inclusive growth
 - Proactive policies that sets out what “we want” rather than “what we don’t”.
- 11.3** These principles will help establish an approach for Westminster providing a clear vision for the future of licensing over the next 20 years that puts safeguarding, equalities and responsible growth its core.
- 11.4** We intend to develop enhanced policies applicable to the operational use of any licensed business that the new policy will cover. This will provide an opportunity to identify the types of operations that are encouraged over those that are not.
- 11.5** The new policy will empower local communities by enabling them to shape their communities through the development of neighbourhood licensing policies.
- 11.6** As of April 2018, the council is required to undertake a Cumulative Impact Assessment (CIA) if it believes that cumulative impact exists. The CIA’s purpose is to limit the growth of licensed premises where the promotion of the four licensing objectives is being compromised. We will develop a CIA that will provide a robust evidence base to restrict the licensed operations that are not going to promote the Licensing objectives and add to cumulative impact.
- 11.7** The Committee will have the opportunity to challenge the way we approach and develop aspects of the Licensing Policy.

Appendix 1

To: Chairman of City Management and Public Protection Policy and Scrutiny Committee
Chairman of the Inclusion in the Evening and Night Time Economy Task Group

From: Cabinet Member for Public Protection and Licensing

Date: 10th January 2020

Subject: Response to recommendations of the Inclusion in the Evening and Night Time Economy Task Group

Recommendation 1

The council's Evening and Night-Time Economy strategy should have an explicit aim of increasing inclusion and the council should encourage partners with similar strategies to do the same. This should also relate to the City for All objectives of creating a caring and fairer City as well as celebrating Westminster's communities.

Cabinet Member comments:

It is important that we continue to promote and strive for better inclusion across our City. The Evening and Night Time Economy is a huge benefit to Westminster and encourages visitors from all over the UK and beyond every day. I intend to ensure that if the Evening and Night Time Economy strategy is developed over the coming year that a key element within that strategy is the promotion of inclusivity throughout venues operating in the evening and at night.

Recommendation is **AGREED**

Recommendation 2

The council should encourage the development of a voluntary local scheme developed with strategic partners and businesses that introduces a code of conduct for late night establishments to foster and encourage inclusivity. This code of conduct, with the active support of the council, would:

- a. encourage venues to prominently advertise their dress code and any other criteria that might be a reason for refusing someone entry.
- b. encourage venues to have a complaints procedure and to prominently advertise it, along with other relevant avenues of complaint (e.g. EHRC and the SIA)

This could be done by extending the Best Bar None accreditation scheme (including an inclusivity component) to other BIDs/parts of Westminster.

Cabinet Member comments:

I have instructed officers to begin discussions with relevant trade bodies, licensed club venues and other key stakeholders to develop guidance and an accompanying code of practice for licensed operators on inclusivity. The overall aim will be to work with industry to develop a meaningful and widely adopted guidance and accompanying code of practice.

An alternative approach would be that the council will develop this guidance and code of practice independently if there is insufficient support from trade bodies. I am keen that the council should proceed in any event, as I feel strongly that venues must do more to promote inclusivity within Westminster. If we were to take this alternative approach then I would also instruct officers to seek out ways of incentivising the adoption of this code through policy, the Licensing Charter or any other means.

Recommendation is **AGREED**

Recommendation 3

The Council will encourage and support venues and industry representatives (e.g. the UK Hospitality Industry and NTIA) to develop a best practice guide for increasing inclusion in the evening and night time economy.

Cabinet Member comments:

See response to recommendation 2.

Recommendation is **AGREED**

Recommendation 4

The council should encourage HOLBA to incorporate inclusivity as part of the Best Bar None accreditation scheme currently being implemented.

Cabinet Member comments:

Officers are in discussions with HOLBA and Best Bar None to identify whether inclusivity could form a specific element of the Best Bar None (BBN) accreditation. It is not possible to include inclusivity within this year's Best Bar None accreditation. HOLBA have already agreed the accreditation for this financial year and these have already been distributed to licensed premises. We will continue to work with HOLBA and BBN to include inclusivity within their accreditation next year.

One of the points officers will emphasise with HOLBA will be my desire to see the relevant inclusion element within the BBN assessment requiring each business to demonstrate compliance and promote our codes of practice. This will enable greater buy in and emphasis on the councils inclusivity guidance and codes of practice.

Recommendation is **AGREED**

Recommendation 5

The SIA should ensure that its training for door supervisors also contains a module on inclusion in the Evening and Night-Time Economy. There should also be compulsory regular refresher training on this subject.

No cabinet member response required.

Recommendation 6

The licensing authority should encourage applicants to provide information/details about how they will ensure and support inclusivity as part of the operating schedule attached to a premise's licence.

Cabinet Member comments:

Officers are currently undertaking a review of the councils licensing policies and a revised version of these policies will be published by the end of 2020 following formal consultation. I have highlighted to officers that inclusivity and equalities must be a key component in the revised policy. It is intended that the council's policy will have a part dedicated to inclusion and equalities with a focus on staff training, operational procedures and design. Applicants will be encouraged to provide far more information to officers on how they will ensure that they are compliant with the Equalities Act and how they will ensure that their premises will provide the inclusivity that the council expects. Officers will identify applicants that do not provide sufficient information on this point and could make a representation to that application that would require the applicant to address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

Recommendation is **AGREED**

Recommendation 7

The council should, when appropriate, lobby the Government to include promotion of the Equality Act as a licensing objective in the Licensing Act 2003.

Cabinet Member comments:

I completely support the Task Groups work and agree with the findings within this report. However, I believe that there may be more effective ways of improving inclusivity within licensed premises within Westminster, such as the guidance document, policy development and providing more information on how to report inequalities rather than lobbying government on this point. There is already a means of recourse for any alleged offences under the Equality Act via the Equalities and Human Rights Commission.

I believe that lobbying government on this point, in my view is unlikely to be successful at the moment for the following reasons.

Firstly, local authorities have been lobbying successive governments since the introduction of the Licensing Act 2003 to make specific changes that they would see as being positive steps in developing the Act and their powers. One of these was the inclusion of the promotion of Public Health as a licensing objective. This was supported by a host of other stakeholders and significant evidence was presented to the government on this matter. It was also an issue that was nationwide and would have related to premises that sell alcohol and provide late night refreshment (hot food and/or drink between the hours of 11pm and 5am). The government has not accepted the arguments for including public health as a licensing objective even with strong supporting evidence and a large number of organisations lobbying on this point.

There is limited evidence on the issues surround inclusivity in licensed premises, which has been highlighted within the Task Groups report. These issues don't appear to be affecting other local authorities around the country and it is unlikely therefore that the council could gain wider support on this issue from other local authorities and organisations.

Secondly, the Licensing Act 2003 does provide the legal framework for licensing the types of operations that have been the subject of the Task Groups focus. However, the council is responsible for other licensing regimes that may also need to improve their inclusivity e.g. sex establishments, speacial treatment and gambling premises. Although there's no specific evidence highlighted to the council that these types of premises aren't inclusive the council should not limit the promotion of the Equality Act to one licensing regime.

I want to see all licensed premises, not just late-night entertainment venues being more inclusive within Westminster. Therefore, as part of the Licenisng Policy review mentioned above we will be making it very clear within our new policy that the council will expect all licensed premises to meet the requirements of the Equality Act and ensure that they offer an inclusive venue or service to their customers and staff.

I am also instructing my officers to start to engage with the Equalities and Human Rights Commission to identify whether they would be willing to work with us to develop a more transparent and accessible route for members of the public to raise concerns. I want to better inform the public on how they can inform the Equalities and Human Rights Commission of venues that are actively discriminating against people who are protected under the Equalities Act.

As part of the engagement with the Commission officers will explore whether the Commission would be willing to collaborate on the development and/or promotion of the councils guidance and code of practice, referred to in my response to recommendations 2 and 3. This would also enable the opportunity to develop better information sharing on best practice (Recommendation 8).

The council will seek to develop a specific information page on the councils website that sets out the expectations and legal requirements associated with venues who operate as part of Westminster's Evening and Night Time Economy. This webpage will also provide information on how staff from licensed premises, residents or visitors can raise concerns or make a complaint to the Equalities and Human Rights Commission who are the enforcing body for the Equality Act.

Recommendation is NOT AGREED

Recommendation 8
<p>The council should encourage the systematic sharing of best practice for fostering inclusivity among venues and industry organisations with the council facilitating, as required.</p>
<p>Cabinet Member comments:</p> <p>My officers are already involved with a number of initiatives, such as Club Watch and Pub Watch that foster engagement and communication with licensed premises. More needs to be done to raise the awareness of the requirements of the Equality Act and how venues should promote inclusivity through operational management, staff training and design.</p> <p>To achieve this, officers will be working with trade bodies, the existing engagements networks, the Equalities and Human Rights Commission and other stakeholders to develop a guidance document specifically for licensed operators on this issue. A code of practice will accompany that guidance that, if followed would promote inclusivity within these premises. The councils new Licensing Policy will make inclusivity a key part of that policy specifically setting out the council's expectation on applicants and licensees to adhere to the Equality Act and promote inclusivity. My officers will work with the Equalities and Human Rights Commission and exemplar operators to widely publish and share best practice in this area.</p>
Recommendation is AGREED