



City of Westminster

## Environment, Highways and Public Protection Policy and Scrutiny Committee

**Date:** Monday 16 March 2020

**Report Of:** Councillor Heather Acton

**Portfolio:** Cabinet Member for Public Protection and Licensing

**Report Author and  
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### **1 Rough Sleeping**

- 1.1 We are proud of the work we have achieved across our services in supporting some of the country's most vulnerable people this year, but there is more to do.
- 1.2 We conducted a full street count on January the 30<sup>th</sup> 2020 and are pleased to confirm a 37% reduction in numbers, down from 333 in November 2019 to 244 in January.
- 1.3 This drop in number demonstrates the success of our winter programme in which the Council has opened an additional 42 bed spaces. Nonetheless, We are also aware that January regularly sees a drop in people bedding down during the cold months, and also before migratory groups return to the UK.
- 1.4 Our winter programme of night shelters began in December 2019 and continues to support 42 individuals every night. The Council has won a bid for £380,000 funding from both the Ministry of Housing, Communities & Local Government and the Greater London Authority and is working with charity and faith based partners in Westminster. The aim is to provide support to rough sleepers to find more sustainable accommodation, including making sure those who are either in work or work ready to have a safe place to stay and to save for a private rent deposit.
- 1.5 The Ministry of Housing, Communities & Local Government announced £112 million of funding for the Rough Sleeping Initiative at the end of January; Westminster was also successful in bidding for £2.3m of this fund. This will help fund across thirteen services in Westminster, including an emergency night shelter for women experiencing domestic abuse, our successful assessment centres, additional outreach workers and two Housing First projects, one of which is for women.

- 1.6 The Hidden Network Campaign has been initiated- more detail can be found at [www.westminster.gov.uk/rough-sleeping](http://www.westminster.gov.uk/rough-sleeping). The new campaign seeks to shine a much-needed spotlight on the network of hidden heroes working day in, day out to support the rough sleeping community. We are now asking businesses across Westminster 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 council's recent work to address on rough sleeping.
- 1.7 Given the particularly stormy weather experienced during February, the Council activated the Severe Weather Emergency Protocol (SWEP) based on the risk to life for rough sleepers posed by significant wind and rain for rough sleepers. Outreach workers targeted our most vulnerable rough sleepers, and we had spaces for an additional 120 individuals. We have since agreed that Amber alerts from the Met office (risk to life) will trigger SWEP and this has been built into our operational procedures.
- 1.8 Passage House Assessment Centre is continuing to deliver amazing results for shorter term and returning rough sleepers to Westminster, achieving a total of 59 moves to more sustainable accommodation for those people accessing their service over the last two quarters. Their model has been sustaining similar levels of success since its inception in 2017; as a result, the Council has been working with St Mungo's to adapt Harrow Road Hostel into a second 40 bed assessment centre, also with a focus on supporting complex rough sleepers. This can be to areas outside Westminster, where they are entitled to more suitable support. St Mungo's has recruited expert staff from similar services in London and the service has started well.

### **Integrated Street Engagement Unit (ISEU)**

- 1.9 The ISEU operates across Westminster and continues to deploy across the City utilising multi-agency led approach in dealing with the challenges associated with Westminster's 'street population'. This group is not solely rough sleepers, but also include people who live elsewhere and travel to Westminster daily to spend significant amount of time on our streets. The associated issues includes drug-taking, begging, street-fouling and other anti-social behaviour.
- 1.10 The unit continues to identify and target problematic areas and has undertaken numerous coordinated operations to improve living conditions for all in the city. The organisations that make up the unit work together 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 provide the following services:

- Listening to and helping those on the street - Our unit is 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 on-site assessment.
- Social care and housing support – With charity outreach workers and council officials working together in the unit, those on the street are given advice about accommodation options and what council services or public funds they can access.

- 1.11** ISEU's objective is to manage people into appropriate support services, providing a sustainable way to deal with the issue rather than simply shifting problems around.
- 1.12** The unit has a Senior City Inspector and 6 City Inspectors in its set up covering between 0700 and 2200 on a two-shift rotational shift pattern. ISEU has now also acquired a dedicated Police team consisting of a Sergeant and 5 constables.
- 1.13** In the 3rd quarter (October-December 2019), the ISEU issued 48 Fixed Penalty Notices (FPN)s whilst taking part in premeditated operations focussing on rough sleeping and related ASB and criminal activities including begging. In this period, the ISEU team with social care partners and Police spoke 374 times to people on the street and registered 36 referrals to various support services out of 374 on street engagements. The remaining individuals were already known or cooperating with services.
- 1.14** Also, in this period, the ISEU served 33 Community Protection Warning Notices (CPNs) for various ASB and criminal activities including begging. In addition to serving CPNs, ISEU issued 17 section149 notices to tents/structures unlawfully erected on the public highway and removed or disrupted 43 tents.
- 1.15** Last month, the unit engaged with 99 rough sleepers and referred 6 people to outreach support services. The unit encountered and disrupted 28 counts of begging and issued 13 CPN warning notices. The police team made 55 arrests for various breaches from 571 stop and searches. The ISEU City Inspectors served 11 fixed penalty notices to businesses for leaving waste outside of collection time and 4 waste transfer notices to ascertain if a business has a registered waste carrier.
- 1.16** The unit has enhanced its network portfolio by including Business Improvement Districts (BIDs) and British Transport Police to join deployments. This has been effective especially in Victoria. The team conducts a daily sweep of Victoria Street and environs including station entrances, disrupting any street population from loitering. The response from local stakeholders and residents has been positive.

## **2 Improving Neighbourhood Coordination**

- 2.1** As of May 2019, a new neighbourhood coordination structure was implemented across Westminster. The intention is to promote 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.
- 2.2** A new tasking and co-ordination process is now operating across the neighbourhood teams, to address local priorities 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.
- 2.3** Each Neighbourhood holds a Head of Service Area Management Meeting, attended by partners including local police leadership. These meetings review and determine area priorities, assess progress against problem solving plans and community triggers and address matters affecting the area.

## **3 Emergency Planning and Business Continuity**

- 3.1** The implementation of the first phase of 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 has been completed. The Council continues to seek new volunteers from across the Council to support our emergency operations. Staff are then given training to fulfil a range of different roles. The next stage of EP2020 considers Humanitarian Assistance arrangements.
- 3.2** 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 emergencies. All aspects of the new approach implemented during 2019 in line with the standardisation programme, will be tested during the exercise to ensure that our emergency planning procedures remain fit for purpose.
- 3.3** The council's emergency response was tested in February 2020 following the discovery of two unexploded WW2 bombs in a construction site in Soho. The response was swift, coordinated and concluded within a relatively short timescale, ensuring that disruption to the immediate areas was kept to a minimum.
- 3.4** The council is taking steps to ensure preparedness in light of the growing threat of a pandemic as a result of the Covid-19 outbreak. Emergency plans, including the Pandemic Local Response Plan, have been reviewed and refreshed, a

command structure is in place and all council departments are reviewing their business continuity plans. The operational responsibility is led by Public Health who are responsible for requesting the activation of the council's Pandemic Local Response Plan, on advice from Public Health England.

## **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 by the task force to ensure we have the most appropriate representation at each board, with the Safer Westminster Partnership taking overall leadership. The task force 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 Mayor's 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** The Council made a successful bid and 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 IGXU;
  - Support for the Church Street pilot supporting a violence reduction programme for Year 5 and 6 school children;
  - Expanding the current preventing 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 Metropolitan Police Service (MPS) and the Mayor's 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 underway to widen this action plan and 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 British Transport Police (BTP) to run a second Operation Poniard. This was a day of action to tackle knife crime and to 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, London Fire Brigade (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 2019, the Council has maintained 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 to press 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 Westminster. Since identification of affected buildings, officers have liaised with relevant parties, including building owners and leaseholders, to correct this. The work has included building 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. So far one building has been fully remediated, and there has been 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 other 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 successful in answering 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

numbers of such buildings nationally, and work has commenced to collect the data. This work has attracted funding from the MHCLG in accordance with New Burdens rules

### **Housing Standards Task Force (HST)**

- 6.8** The Housing Standards Taskforce continues to enforce against rogue landlords and agents. In the current financial year, we have issued 20 Civil Penalty notices and have collected £79,500 in penalty charges. In a recent First Tier Tribunal hearing concerning an unlicensed House in Multiple Occupation (HMO) the appellant accepted culpability and agreed to pay a fine of £10,000. Furthermore, the Company will be placed on the London Rogue Land and Agent checker.
- 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 HMOs (compiled with data from the HST analysts) has now been finalised and shows clear correlation between HMOs 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 consideration of an Additional HMO licensing scheme, which will come before members shortly.
- 6.11** Officers from the Taskforce have recently been tackling their most difficult case. This involved an HMO where persons acting for the Landlord deliberately sabotaged the electrical supply in a 6 storey house. This resulted in the tenants being left without light, heat, power, a working fire alarm or emergency lighting. The situation was compounded by the UK power networks disconnecting the power supply to the property. Faced with the difficult decision as to if it was safe for the tenants to remain the Council concluded that an Emergency Prohibition Order was necessary to protect those tenants by preventing them from living in the property. Further prosecution of the landlord is being considered. The tenants were advised on their Housing rights and signposted to the Passage and Homelessness services. At least two of the tenants have been found temporary accommodation.

### **Short Term Lets (STL)**

- 6.12** A meeting held with the CEO of AirBnB and the STAA (Short Term Accommodation Association) to discuss how the sector could be better regulated, the proposal from the company being a voluntary registration system that could be implemented locally. This was followed up with STAA on the 27<sup>th</sup> February 2020 to discuss a trial in Westminster in an identified residential block.

The City Council continues to push for a statutory registration scheme and this was made clear at the APPG meeting convened by Karen Buck MP.

**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 2037 STL cases, and there are currently 1455 active cases. To date, 503 of those cases have resulted in service of Planning Contravention Notices and 24 enforcement notices. There have been 171 cases relating to noise, 18 related to anti-social behaviour, and 213 cases for waste-related STL.

## **7 Street Entertainment**

**7.1** Approval to go out for consultation on the new Busking and Street Entertainment Policy was 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. Other measures include:

- Supporting self-regulation by performers. Covent Garden has a Performers Association (SPA) which all performers should join before they work there. In Trafalgar Square, self-regulation with the newly created SPA in this area will be used.
- 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 lasted for six weeks, from the 14<sup>th</sup> January 2020 – 25<sup>th</sup> February 2020. During this time all stakeholders were encouraged to respond to the proposals and designated/licensed streets. The Council encouraged all relevant stakeholders to take up the opportunity to give their views with 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, the analysis along with feedback through Policy and Scrutiny will result in a set of recommendations for Licensing Committee. Representations may be heard.

## **8 Whiteleys Development Queensway**

- 8.1** The latest Community Liaison Group meeting for the Whiteleys development took place on Thursday 30<sup>th</sup> January. Attendees included, Resident Associations, residents, representatives from the developer, Ward Councillor and officers from WCC. It was decided to reduce the frequency of meetings to every other month, although this will be reviewed should there be issues to discuss.
- 8.2** Some pile extraction work commenced before Christmas and is ongoing, this was subject to Best Practical Means methods to minimise any impact.
- 8.3** A Section 61 has been issued for the ground works phase at Whiteleys. Some existing walls and slab have been discovered in the South Western part of the site that require removing and breaking will be taking place over approximately 3 weeks.
- 8.4** Carbon monoxide alarms had been 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 visited resident but found no deficiencies that might cause the hazard. The owner occupiers were advised to carry out their own investigations.
- 8.5** A Cadent engineer visited a block in Kensington Gardens Square and discovered a boiler flue emitting carbon monoxide into a building's light well. This was then rising into flats above, going into their windows and activating their alarms. The boiler was shut down, a boiler engineer re visited tested the boiler and could not find a problem with the boiler. The plan in mid-January was to move the flue. Environmental Science have not received any further complaints

## **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 underway.
- 9.2** A report with recommendations to challenge and support 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 also sits on the board of UK Research and Innovation.

- 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 Les Moran: professor in the School of Law at Birkbeck College where Hate Crime has been the focus of his research, teaching and public engagement, including a post-graduate course on hate crime.
- 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.
- 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. Councillor Ian Adams was pleased with the report and the work undertaken by the Task Group to produce it. He provided a full response to the recommendations. This report is attached to this report at Appendix 1.

## **11 Licensing Policy Review**

- 11.1** There is a statutory requirement to review Licensing Policy at the end of every 5-year period of the policy under the Licensing Act 2003. Westminster's must be published before January 2021.

- 11.2** There is an opportunity to amalgamate the existing licensing regimes under one licensing policy with a strategic framework guided by four principles:

- A Licensing Policy appropriate for the next 20 years
- A neighbourhood approach to policies
- Balanced policies to protect residents and encourage responsible and inclusive growth
- Proactive polices helping to shape Westminster and guide applicants

- 11.3** The new policy will empower local communities, enabling them to shape their aea through the development of neighbourhood licensing policies.

- 11.4** 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. The plan is to 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.

- 11.5** There will be opportunities for this committee to contribute to developments of the Licensing Policy.

## **12 Air Quality**

- 12.1** The council is proposing to extend its current air quality monitoring network, with an additional 52 passive monitoring locations are being considered. The network will consist of diffusion tubes that measure concentrations of Nitrogen Dioxide (NO<sub>2</sub>). NO<sub>2</sub> is one of the key air pollutants in Westminster and although existing monitoring has indicated gradual improved in recent years, NO<sub>2</sub> concentration still exceeds the EU limit values. The main sources of air pollution in Westminster is road transport, although emissions from commercial and domestic buildings also play a significant role.

- 12.2** The extension will supplement the existing monitoring network and will be distributed borough wide. This will help to target any policy and/or air quality improvement interventions in areas of greatest need.

- 12.3** Additional monitoring will help the council monitor trends in pollution concentrations across the borough and to assess the success of policy changes or local interventions Results will be published annually and will be available for public view.

- 12.4** Air pollution from burning wood and other unauthorised fuels in non-exempt appliances, such as a grate fireplace are a significant contributor to poor air quality. Complaints are received by Public Protection and Licensing officers about dark smoke emitted from chimneys, caused by the burning of wood and other unauthorised fuels. The council succeeded in a bid for a grant from Defra to train officers in PPL who have day to day contact with commercial businesses. This will help officers to improve their technical knowledge of enforcement, advise them on the provisions of the current legislation, identify any non-compliance, and investigate any complaints received about alleged breaches of the legislation, to help improve local air quality. The training will be carried out this month

## **13 Waste Policy and Waste Enforcement**

- 13.1** The waste policy has been reviewed as part of the Councils' vision for a Clean and Green City The new policy is aimed at changing behaviours by adopting a robust approach to fly-tipping and repeat offenders. The changes in enforcement procedures support the work being undertaken on the new digital platform, which will include a new mobile device to accommodate more agile working.

- 13.2** With respect to enforcement, City Inspectors have been supporting our Waste and Recycling Department, in a project to address the issue of premises

presenting overweight receptacles, in the form of waste bags, for collection by our Waste Contract Team. Where premises have been identified as consistently failing to comply with written advice, follow up visits have been made to the premises by the City Inspectors. Eight venues have been reminded of their Duty of Care and where applicable their attention drawn to waste conditions attached to their Premises Licences. This has resulted in only one premise out of twenty original offenders still offending.

**13.3** The below table provides figures in respect to waste enforcement in 2019

	Residential Warnings	FPNs
October	147	506
November	165	544
December	87	379
January	93	313
Totals	492	1,742

## 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:** 10<sup>th</sup> 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, special 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 Licensing 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 <b>NOT AGREED</b>

<b>Recommendation 8</b>
<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><b>Cabinet Member comments:</b></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 <b>AGREED</b>