EQUALITY IMPACT ASSESSMENT

SECTION 1:

Title

Draft Busking & Street Entertainment Policy 2020

What are you analysing?

- What is the policy/project/act ivity/strategy looking to achieve?
- Who is it intended to benefit? Are any specific groups targeted by this decision?
- What results are intended?

Background

The aim of this policy is to introduce regulation for busking and street entertainment within the borough of Westminster. The council currently receives about 2,200 complaints a year from local residents and businesses related to noise or obstruction connected with busking. The feedback from the council's enforcement teams is that, whilst many buskers are considerate and well-behaved, current powers are insufficient to act against those buskers who are persistently flouting noise and obstruction regulations.

Historically, the council has encouraged buskers to adhere to a voluntary Code of Conduct, supported the development of Street Performers Associations and partnered with the Mayor of London's Busk in London scheme - to encourage a self-regulated culture of consideration. However, the evidence strongly indicates that this voluntary approach has proved insufficient. Therefore, the council proposes to introduce a licensing scheme for buskers, under Part V of the London Local Authorities Act 2000. This will be introduced across the Centre of our City namely the areas of:

Paddington	Soho	Embankment
Mayfair	Leicester Square	Trafalgar Square
Marylebone	Chinatown	Whitehall
Bayswater	Piccadilly	Parliament Square
Oxford Street	Covent Garden	Victoria
Regent Street	The Strand	Knightsbridge
New Bond Street	Charing Cross	Belgravia

Busking and street entertainment is proposed to be prohibited in these areas, unless the busker and street entertainmer is be permitted under and in accordance with (a) the terms and conditions of designated pitches and (b) the terms and conditions of a busking and street entertainment licence.

What this Equality Impact Assessment (EIA) is evaluating

This EIA is evaluating the impact of the entire Street Entertainment Policy, including the proposed licensing scheme and the other accompanying proposals (see below for more details of these). The proposals within the policy have the potential to impact on all local residents and visitors to Westminster, however this report assumes that the impact will be strongest on buskers who perform regularly in the areas that are being licensed, as well as on the businesses and residents in these areas.

Key features of the Policy

Promoting Self-Regulation

- Voluntary Code of Conduct: Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking whether a busker or street entertainer is in a regulated or non-regulated area.
- Busking and Street Entertainment Forum: This will be held twice a year and will be a formal meeting designed to regularise and support our engagement with the community. Giving buskers and street entertainers a platform to raise issues and have questions answered, share and develop ideas, and work together on ways of promoting busking and street entertainment in our City. It is also intended that this Forum will play a key role in co-ordinating and driving self-regulation standards across the City whilst being underpinned by regulation in some areas, as well as monitoring and reviewing the impact of this policy during its first year of implementation (detailed in para 6.3).
- **Supporting SPAs:** The council will continue to support established and newly created SPAs across the City who play a vital and important role in supporting engagement between performers and with the wider community to foster good relations with all users of the shared public space through
 - Operating a queuing or ballot system for popular busking and street entertainment locations.
 - Pro-actively asking other buskers and street entertainers who may be too loud to adjust their volume and helping to control audiences and prevent them from causing a nuisance.

Introducing Regulation and Control

Introducing a licensing scheme for certain locations within our City (below), where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby property. Busking and street entertainment to be prohibited in these areas apart from performers who are licensed to operate under a number of conditions from 26 identified designated pitches. This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.

Regulated Area	Pitches
Paddington	-

Marylebone	Mayfair	-
Pitch 1: Marble Arch Pitch 2: Old Quebec Street Pitch 3: Vere Street Regent Street Pitch 4: Princes Street New Bond Street Pitch 5: Glasshouse Street Pitch 6: Eros Statue Chinatown Pitch 7: Chinatown Leicester Square Pitch 8: Leicester Square North West Pitch 9: Leicester Square North East Pitch 10: Covent Garden James Street Pitch 12: Market Square James Street Pitch 13: Royal Opera House Pitch 14: London Transport Museum Pitch 15: St Pauls Church Pitch 16: St Martins Pitch 17: Trafalgar Square North Terrace Pitch 19: Trafalgar Square North Terrace Pitch 19: Trafalgar Square North Terrace Pitch 20: Trafalgar Square North Terrace Pitch 21: Trafalgar Square North Terrace Pitch 22: Trafalgar Square North Terrace Pitch 23: King Charles Statue Pitch 24: Northumberland Avenue Charing Cross Pitch 25: Charing Cross Station Embankment Pitch 26: Northumberland Avenue/Hungerfor The Strand - Whitehall - Parliament Square - Victoria Knightsbridge -	Marylebone	-
Oxford Street Pitch 2: Old Quebec Street Pitch 3: Vere Street Regent Street Pitch 4: Princes Street New Bond Street	Bayswater	-
Pitch 3: Vere Street Regent Street Pitch 4: Princes Street New Bond Street		Pitch 1: Marble Arch
Regent Street New Bond Street	Oxford Street	Pitch 2: Old Quebec Street
New Bond Street Soho Piccadilly Pitch 5: Glasshouse Street Pitch 6: Eros Statue Chinatown Pitch 7: Chinatown Leicester Square Pitch 8: Leicester Square North West Pitch 9: Leicester Square North East Pitch 10: Covent Garden James Street Pitch 11: Covent Garden James Street Pitch 12: Market Square James Street Pitch 13: Royal Opera House Pitch 14: London Transport Museum Pitch 15: St Pauls Church Pitch 16: St Martins Pitch 17: Trafalgar Square Charing Cross Road Pitch 18: Trafalgar Square North Terrace Pitch 19: Trafalgar Square North Terrace Pitch 20: Trafalgar Square North Terrace Pitch 21: Trafalgar Square North Terrace Pitch 22: Trafalgar Square North Terrace Pitch 23: King Charles Statue Pitch 24: Northumberland Avenue Charing Cross Pitch 25: Charing Cross Station Embankment Pitch 26: Northumberland Avenue/Hungerfor The Strand Whitehall - Parliament Square Victoria Knightsbridge -		Pitch 3: Vere Street
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	Belgravia	-

Policy Monitoring and Review

This policy represents an entirely new approach to busking in our City and has been carefully designed to balance the needs of everyone that shares the public space, by taking a targeted approach. However, the council remains committed to ongoing quarterly monitoring to account for the seasonality changes, and an annual report of will be

	 published after one full calendar year of operation that considers the policy impact and effectiveness. This review will consider: The effectiveness of the Code of Conduct A review of licensing including the areas, conditions of the licence, fees and duration of licences, and whether the scheme should be reduced or expanded beyond the current designated streets. Resource and finance implications To assist in our review the council will: Review the data available and consider the views of our enforcement officers Use quarterly forum groups which include buskers and street entertainers, local businesses and residents to gather qualitative evidence on how the policy is operating Invite interested stakeholders to feed back to us with their views on how effective the policy has been. We will facilitate this process by using an open survey which will ask for views on aspects such as whether buskers and street entertainers are more compliant as a result of the policy, how well the complaints process is working, and how the policy has affected the look and feel of the City's public spaces.
	(i) Full Name: Kirsty Munro
	(ii) Position: Principal Policy Officer
	(iii) Unit: Policy, Performance and Communications (iii) Contact Details: kmunro@westminster.gov.uk
Date sent to Equalities@westminster.g ov.uk	17.11.20
Version number and date of update	2

SECTION 2: Do you need to complete a full Equality Impact Assessment (EIA)?

Not all proposals will require a full EIA, the assessment of impacts should be proportionate to the nature of the project/policy in question and its likely impact. To decide on the level of detail of the assessment required consider the potential impact on persons with protected characteristics.

2.1

Please provide an overview of who uses/will use your service or facility and identify who are likely to be impacted by the proposal

- If you do not formally collect data about a particular group then use the results of local surveys or consultations, census data, national trends or anecdotal evidence (indicate where this is the case). Please attempt to complete all boxes.
- Consider whether there is a need to consult stakeholders and the public, including members of protected groups, in order to gather information on potential impacts of the proposal

How many people use the service currently? What is this as a % of Westminster's population?

Busking in Westminster has the potential to impact in a general sense on every resident, local employee, performer or visitor/tourist to the borough. However, visitors and tourists who come to Westminster should only be staying in the local area for a short amount of time, and any impact (positive or negative) from busking should therefore also be very limited. For this reason, this EIA does not consider tourists and short-term visitors to the borough as a group that is impacted by busking.

This leaves three different groups of people who may be impacted by busking in Westminster. These are:

- Any buskers who perform regularly in Westminster
- Any businesses which are based in Westminster
- Any residents of Westminster

Buskers who perform regularly within the licensed areas

The council does not currently gather demographic data on buskers who perform regularly within the licensed areas. Verbal evidence from council enforcement officers who work regularly with buskers in busking 'hotspots' strongly indicates that very few (less than 1%) of buskers who perform in these areas are Westminster residents, and approximately 50% are not British citizens. This, combined with the transient nature of busking, makes monitoring of this group very difficult.

Businesses based within the licensed areas

The Westminster profile from 2018 states that there are 55,398 businesses based in Westminster.

Residents living in the licensed areas

The Westminster profile from 2018 states that there are 247,614 residents living in Westminster.

Gender

Anecdotal evidence from council enforcement officers who regularly have contact with buskers in the licensed areas suggests that the vast majority (approximately 90%) of these buskers are male.

			-represented amongst buskers compared to the local				
	resident po	pulation (shown bel	ow).				
	Table 4 Co						
	Table 1: Ge	nder breakdown fo	r Westminster population				
		Westminster					
		Population					
		(2018 ONS Mid-ye	ar				
		estimates)					
	Women	48%					
	Men	52%					
Disability	Anecdotal e	evidence suggests th	at the number of buskers with physical disabilities within the				
,			a larger minority of buskers are impacted by low-level				
			pression, sometimes associated with substance misuse.				
			, ,				
	City wide da	ata identifies that 9%	6 of the working age Westminster population is estimated to				
	have a serio	ous or moderate phy	sical disability ¹ . In addition, an estimated 16% of the local				
	working ag	ve a common mental health issue ² .					
	Whilst the lack of quantitative demographic data on disabilities amongst buskers makes						
	-		vidence would seem to suggest that the prevalence of				
		~	e licensed areas is not considerably higher than in the				
	general We	stminster populatio	1.				
Sexual orientation	Thoro is no	data or aposdotal o	vidence available for buskers for this characteristic.				
Sexual orientation	There is no	uata or anecuotare	nuerice available for buskers for this characteristic.				
	Local data f	or Westminster is n	ot gathered on this characteristic. The Office of National				
			Gay and Bisexual population of London to be 2.2-3%.				
		•	,				
Race	Anecdotal	evidence suggests th	nat the majority of buskers in the licensed areas are white				
			ninority of buskers are from a BME background. Another				
	mir	ority of buskers are	from a Roma/Traveller background.				
	This broadly	corresponds with t	he ethnic breakdown for the local population (see below),				
		with the exception of there being more Roma amongst buskers, however this					
	can	not be fully clarified	without more detailed demographic data on buskers.				
		nicity data for Wes					
	Ethnici	-	nster population (GLA Ethnic Projections for 2018 –				
	\\/hi+a	persons					
	White	60%					
	Black Arab	7% 8%					
	Alab						
	Acian	1 7 10/					
	Asian	12%					
	Mixed	5%					
	Mixed	5% includes 6%					

 $^{^{1}}$ PANSI information 2015 2 Ibid

A	Amacilia	da		and have been assistant to the state of					
Age	Anecdotal evidence suggests that the majority of buskers within the licensed areas are in their mid to late 20's.								
	their find to late 20 3.								
	Table 3: Age data for Westminster population								
	Age	Westmir							
	Population (2017 ONS Mid-year estimates, for adult population)								
	16-24	13%	John Jean Commun	to, for duality population,					
	25-44	45%							
	45-64	27%							
	65-74	8%							
	75+	7%							
	When compar	ed to the ago	e data for the Westr	minster population, this would suggest th	hat				
	· ·	_	esented amongst bu						
Pregnancy and maternity/children	There is no da	ta or anecdo	tal evidence availab	ble for buskers for this characteristic.					
in household	The household	d compositio	n of the Westminste	er population is shown below:					
		•							
	Table 4: Hous	ehold comp	osition data for Wes	stminster					
			Westminster						
			Population (2011 Census)						
	Pregnant wo	men	Information not						
		Tragname mannen							
	Households \	with	19%						
	children		6%						
	Of which are	lone	070						
	parents								
	Single people	?	81%						
			(54% men						
Religion or belief	There is no da	ta or anecdo	46% women)	ble for buskers for this characteristic.					
Kenglori or belief	There is no du	ta or arrecao	tareviderice availab	se for businers for this characteristic.					
					eliant				
Economic activity				of buskers within the licensed areas are re					
Economic activity	upon income f	rom their bu	sking to sustain the	emselves. A minority, who could be consi	idere				
Economic activity	upon income f 'professionals	rom their bu	sking to sustain the		idere				
Economic activity	upon income f	rom their bu	sking to sustain the	emselves. A minority, who could be consi	idere				
Economic activity	upon income f 'professionals busking. By comparisor	rom their bu ', have a regu n, household	sking to sustain the ular income from mu	emselves. A minority, who could be consi jusic production and supplement this with the 2018 ONS demonstrate that approxima	idere h ately				
Economic activity	upon income f 'professionals busking. By comparisor 17% of workin	rom their bu ', have a regu n, household g-age Westr	sking to sustain the ular income from mu projections from the ninster residents we	emselves. A minority, who could be consinusic production and supplement this with the constant of the constant	idere h ately				
Economic activity	upon income f 'professionals busking. By comparisor 17% of workin year. Whilst th	rom their bu ', have a regu n, household g-age Westr nis is not dire	sking to sustain the ular income from mu projections from the ninster residents we ctly comparable to a	emselves. A minority, who could be consi jusic production and supplement this with the 2018 ONS demonstrate that approxima	idere h ately				
Economic activity	upon income f 'professionals busking. By comparisor 17% of workin year. Whilst th	rom their bu ', have a regu n, household g-age Westr nis is not dire	sking to sustain the ular income from mu projections from the ninster residents we ctly comparable to a	emselves. A minority, who could be consinusic production and supplement this with the construction and supplement this with the construction and supplement this with the construction and could be considered and could be considered.	idere h ately				

Employment and Support Allowance	3.0%
Income Support	0.5%
Jobseeker's Allowance	1.0%
Tax Credits (UC working only?)	0.7%
Universal Credit	2.0%
Carer's Allowance	2.3%
Other - inc bereavement	0.7%
Total in receipt of benefits (where known)	17.3%

2.2 Are there any groups with protected characteristic that are overrepresented in the monitoring information relative to their size of the population? If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service.

If yes, provide details.

The anecdotal evidence suggests that buskers who regularly perform in Westminster within the licensed areas which will be impacted by this policy are more likely to be (compared to the local population):

- Male
- White
- Within the 16-24 and 25-44 age categories
- On lower incomes

2.3 Are there any groups with protected characteristics that are underrepresented in the monitoring information relative to their size of the population? If so, this could indicate that the service may not be accessible to all groups or there may be some form of direct or indirect

If yes, provide details.

The anecdotal evidence suggests that buskers who regularly perform in Westminster within the licensed areas which will be impacted by this policy are less likely to be (compared to the local population):

- Female
- From a BME background
- Within the 45+ age categories
- On higher incomes

2.4

discrimination occurring.

Does the project, policy or proposal have the potential to disproportionately impact on people with a protected characteristic? If so, is the impact positive or negative?

One of the main impacts of the policy should be to reduce the number of buskers performing at any one time within the licensed areas. The noise levels from busking in these areas should also be reduced due to many of the pitches in the licensed areas being reserved for non-amplified performances only.

Residents and local businesses

This change is anticipated to have a neutral or positive impact on any residents or businesses situated in the licensed areas. Key positive impacts should include:

- A reduction in ambient noise from busking
- Less likelihood of obstruction from buskers and their crowds on pavements and pedestrianised areas

	None	Positive	Negative	Not sure
Men or women	\boxtimes	\boxtimes		

People of a particular race or ethnicity (including	\boxtimes			
refugees, asylum seekers, migrants and gypsies and travellers)				
Disabled ³ people (consider different types of physical, learning or mental disabilities)	\boxtimes			
People of particular sexual orientation/s	M	\boxtimes		
People in particular age groups (consider in particular children, under 21s and over 65s)				
People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment				
Impact due to pregnancy/ maternity	\boxtimes	\bowtie		
People of particular faiths and beliefs		\bowtie		
People on low incomes	\boxtimes	\boxtimes		
 Buskers The impact on buskers who penegative for all groups. Positive Having clearer guidant buskers, which should problematic individuation through the SPA. Having clearly designated different performance performers to attract 	e impacts show the impacts show the considering the considering the considering the constant of the constant o	ould include: he licensing con rate buskers mo s in the first inst hould help avoid	ditions) on good ore agency to ad ance, either indiv d noise clash bet which could help	behaviour for dress vidually or ween

 $^{^3}$ Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

			None	Positive	Negative	Notsure
		Men or women		\bowtie	\boxtimes	
		People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)				
		Disabled ⁴ people (consider different types of physical, learning or mental disabilities)				
		People of particular sexual orientation/s		\boxtimes	\boxtimes	
		People in particular age groups (consider in particular children, under 21s and over 65s)		\boxtimes		
		People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment				
		Impact due to pregnancy/ maternity				
		People of particular faiths and beliefs			⊠ 	
		People on low incomes		\boxtimes	\boxtimes	
		If any of the answers to the q to undertake a detailed impa			e" or "unclear" y	ou will need
.5		your responses, should a full,	detailed EIA	be carried out	on the project, p	policy or
	proposal					
	Yes 🏻	No 🗌				
	163 🖂					

 $^{^4}$ Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

Most of the impacts from the Street Entertainment Policy should be positive for residents, businesses and buskers within the licensed areas. However, there is the potential for some buskers (who are more likely to have the protected characteristics outlined in Section 2) to be negatively impacted by the policy. Since negative impacts should be limited to buskers, only this group will be considered in section 3 of this EIA, and this section will also set out the measures that are being taken to mitigate any negative impacts.

SECTION 3: ASSESSING THE IMPACT

This section of the EIA assesses the impacts (both positive and negative) of the Street Entertainment proposals on buskers who perform in Westminster.

Positive impacts:

- As part of the proposals, the council remain committed to balancing the interests of buskers and street entertainer interests by embedding this policy within a wider busking and street entertainment strategy that ensures we continue to encourage and support talent that contributes to our City's lively and diverse street scene including:
 - establish a dedicated busker and street entertainment website that provides information and relevant updates to buskers and street entertainers
 - promote the community through events
 - formalise an ongoing platform of engagement through the Forum to ensure that buskers and street entertainers have a voice in the decisions we and our wider community take, as well as considering changes to the policy as it embeds including the variation of pitch terms and conditions as well as the addition of any new pitches
 - work with residents, businesses, buskers and street entertainers, as well as other music and theatre institutions to curate the performer spaces for relevant activities such as busker and street entertainment competitions, seasonal events or student showcases.

		Positi	ve impa	ect?		No specific impact		What, if any, are the cumulative
Protected Group		Eliminate discrimination	Advance equality	Good relations	Negative impact? If so, please specify the nature and extent of that impact*	how can it k Please s mitigation n how and who	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	effects of this decision when viewed in the context of other Council decisions and their equality impacts
Gender	Men			X	Reduced donations to buskers due to non-amplified pitches More competition between buskers for pitches, leading to a reduction in donations for some buskers		As set out under the positive impacts In addition, the proposals in the Street Entertainment policy will be kept under review quarterly, and expect through the Forum buskers to engage with us to provide their feedback on the impact of the policy. The council is able to make amendments locally to the policy if necessary	
	Women			Х	As above		As above	
Race	White			Х	As above		As above	

	Mixed/Multiple ethnic groups	Х	As above	As above	
	Asian/Asian British	Х	As above	As above	
	Arab	Х	As above	As above	
	Black/African/Caribbean/ Black British	Х	As above	As above	
	Gypsies / travellers	Х	As above	As above	
	Other ethnic group	Х	As above	As above	
	Physical	Х	As above	As above	
	Sensory	Х	As above	As above	
	Learning Difficulties	Х			
Disability			As above	As above	
	Learning Disabilities	Х	As above	As above	
	Mental Health	Х	As above	As above	
Sexual Orientation	Lesbian, gay men, bisexual	х	As above	As above	
	Older people (50+)	Х	As above	As above	
Age	Younger people (16 - 25)	Х	As above	As above	
	Children	Х	As above	As above	
Gender Reassig	nment	Х	As above	 As above	

Impact due to pregnancy/maternity	Х	As above	As above	
Groups with particular faiths and beliefs	Х	As above	As above	
People on low incomes	x	As above Buskers will need to pay a license fee under the new policy, which could impact on buskers income Buskers will need to renew this license every one or six months	The cost of a license will be nominal, at £20 for a 6 month licence, and £10 for a one month licence. A discount for students will be made available. The council are heavily subsiding the cost of the licence application and enforcement to keep costs as low as possible for buskers. This fee will be kept under review	

SECTION 4: ACTION PLAN

4.1 Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.

Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) — action not initiated, A(mber) — action initiated and in progress, G(reen) — action complete.

NB. Add any additional rows, if required.

Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG
The council will use the data gathered through the licensing schemes to create a more accurate picture of the demographics of buskers who perform in these areas	All	The council will have some quantitative demographic data on buskers who perform locally		Francisco Franco-Mendes, Project Manager for Street Entertainment project		