

EQUALITY IMPACT ASSESSMENT

Completing an Equality Impact Assessment (EIA) is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision.

SECTION 1:

Title	Busking and Street Entertainment Licensing Policy Review
<p>What are you analysing?</p> <ul style="list-style-type: none"> • What is the policy/project/activity/strategy looking to achieve? • Who is it intended to benefit? Are any specific groups targeted by this decision? • What results are intended? 	<p>The introduction of the busking and street entertainment licensing regime in Westminster aimed to strike a balance between supporting performers and addressing issues related to noise, obstruction, and inappropriate locations. The Policy recognises the diverse nature of busking and street entertainment and aims to enhance the city's public spaces while considering the concerns of pedestrians, residents, and businesses.</p> <p>The council undertook a review of the Busking and Street Entertainment Licensing Policy. This review process involved engaging with stakeholders, collecting data, and analysing the effectiveness of the scheme. While there was generally positive uptake of licenses, complaints related to busking and street entertainment increased in specific areas.</p> <p>Compliance and enforcement challenges were identified, particularly in Leicester Square and Covent Garden. The scheme initially emphasised self-regulation, but issues with noise and obstruction prompted the need for designated pitch locations. The low licence fees aimed to facilitate participation without financial barriers, but full cost recovery was not achieved.</p> <p>The Council continues to face difficulties enforcing against illegal performers without sufficient police support. Officer safety was a concern due to threats and abuse. Collaboration with the police led to some positive outcomes, but illegal activity increased after the easing of Covid restrictions.</p> <p>The review highlighted the need to evaluate the cost and resource implications of addressing non-compliance and illegal performers. Limited resources and competing priorities must be considered. Businesses and residents support maintaining the scheme, which effectively mitigated local issues in certain areas.</p> <p>In Leicester Square, noise nuisance and non-compliant or illegal busking were significant challenges. A collaborative approach involving stakeholders was recommended to address the noise issues associated with a particular pitch. Simultaneously, the Council should proceed with the statutory process to remove amplification from the pitch, ensuring progress is not delayed. The Northwest corner pitch in Leicester Square experienced issues with performers deviating from the designated location and illegal buskers causing obstruction and noise disturbances. Enforcing regulations and ensuring compliance with designated pitch locations are essential to address these issues.</p> <p>Policy changes include addressing children and young performers, clarifying responsibilities for copyrighted material and royalties, and outlining the ramifications for providing untruthful information in the application process. The code of conduct, licence conditions, pitch locations, and markings should be reviewed and amended as necessary. Implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and adjusting pitch locations and markings will enhance the fairness and effectiveness of the busking and street entertainment licensing scheme.</p>

Details of the lead person completing the screening/EQIA	
Date sent to equalities@westminster.gov.uk	
Version number and date of update	Version 1.1: 21/11/2023

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 questions and its likely impact. To decide on the level of detail of the assessment required consider the potential impact on persons with protected characteristics.

<p>2.1</p>	<p>Please provide an overview of who uses/will use your service or facility and identify who are likely to be impacted by the proposal</p> <ul style="list-style-type: none"> 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 						
	<p>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.</p> <p>These are:</p> <ul style="list-style-type: none"> Any buskers who perform regularly in Westminster Any businesses which are based in Westminster Any residents of Westminster <p>Buskers who perform regularly within the licensed areas</p> <p>The council does not currently gather demographic data on buskers who perform regularly within the licensed areas. This, combined with the transient nature of busking, makes monitoring of this group very difficult.</p> <p>Businesses based within the licensed areas</p> <p>The Westminster profile from 2022 states that there are 53,370 businesses based in Westminster.</p> <p>Residents living in the licensed areas</p> <p>The Westminster profile from 2021 states that there are 205, 087 residents living in Westminster.</p> <p><u>Sex</u></p> <p>Based on licensing applications in the financial year of 2022 – 2023 41% of applicants (160 out of 383) where female (gender presumed based on title). Street entertainment and busking is traditionally very male dominated in London. This suggests that men are over-represented amongst buskers compared to the local resident population (shown below):</p> <table border="1" data-bbox="507 1648 932 1785"> <thead> <tr> <th>Sex</th> <th>Westminster population (Census 2021)</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>51%</td> </tr> <tr> <td>Male</td> <td>49%</td> </tr> </tbody> </table> <p><u>Disability</u></p> <p>Based on licensing applications in the financial year of 2022 – 2023 only 1 applicant claimed to have a known disability. In 2021, 7.8% of Westminster residents were identified as being disabled and limited a lot. Whilst the lack of quantitative demographic data on disabilities amongst buskers makes analysis difficult, the available evidence would seem to suggest that the prevalence of disability amongst buskers in the licensed areas is not considerably higher than in the general Westminster population.</p>	Sex	Westminster population (Census 2021)	Female	51%	Male	49%
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Sexual Orientation

There is no data or anecdotal evidence available for buskers for this characteristic. Local data for Westminster is not gathered on this characteristic. According to the Office of National Statistics (Census 2021) the English region with the highest proportion of people who identified with a LGB+ orientation (“gay or lesbian”, “bisexual”, or “other sexual orientation”) was London (4.3%). In London, 2.2% described their sexual orientation as gay or lesbian, 1.5% described their sexual orientation as bisexual, and 0.5% wrote in a different orientation.

Ethnicity

Based on licensing applications in the financial year of 2022 – 2023 59% of applicants (225 out of 383) were British nationals based on their passport. There is limited data or anecdotal evidence available for buskers for ethnicity. Some evidence suggests that the majority of buskers in the licensed areas are white British or European. A minority of buskers are from a Global Majority backgrounds. This broadly corresponds with the ethnic breakdown for the local population (see below), however this cannot be fully clarified without more detailed demographic data on buskers.

Ethnic Group	Westminster population (Census 2021)
Asian, Asian British or Asian Welsh	16.8%
Black, Black British, Black Welsh, Caribbean or African	8.1%
Mixed or Multiple ethnic groups	6.5%
White	55.2%
Other ethnic groups	13.5%

Age

Based on licensing applications in the financial year of 2022 – 2023 37% of applicants (142 out of 383) were between 16-24. Further evidence suggests that the majority of buskers within the licensed areas are traditionally below the age of 34. When compared to the age data for the Westminster population, this would suggest that young people are overrepresented amongst buskers.

Age	Westminster population (Census 2021)
16-24	13.9%
25-34	21.6%
35-49	21.5%
50-64	17.8%
65+	12.1%

Religion or belief

There is no data or anecdotal evidence available for buskers for this characteristic.

Economic activity

Some evidence suggests that a majority of buskers within the licensed areas are reliant upon income from their busking to sustain themselves. A minority, who could be considered ‘professionals’, have a regular income from music production and supplement this with busking. By comparison, the percentage of people aged 16 years and over who were unemployed (excluding full-time students) in Westminster is 4.0%. Household projections from the 2021 further demonstrate that approximately 13.1% of working-age Westminster residents of working age were in receipt of out-of-work benefits in that year. Whilst this is not directly comparable to any evidence about buskers, it implies that people on low incomes may be overrepresented amongst buskers.

<p>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.</p>	<p>Based on licensing applications in the financial year of 2022 – 2023 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):</p> <ul style="list-style-type: none"> • Male • British • Between the age of 16-24 <p>However, data is currently limited evidence on the characterises of buskers who regularly perform in Westminster within the licensed areas.</p>																							
<p>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 discrimination occurring.</p>	<p>Based on licensing applications in the financial year of 2022 – 2023 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):</p> <ul style="list-style-type: none"> • Female • Global Majority • Over the age of 45 <p>However, data is currently limited evidence on the characterises of buskers who regularly perform in Westminster within the licensed areas.</p>																							
<p>2.4 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?</p>																								
<p>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. <i>Enforcing regulations and ensuring compliance with designated pitch locations</i> and a collaborative approach with residents and stakeholders as highlighted in the review will be <i>essential to address issues</i> with regards to <i>performers deviating from the designated location and illegal buskers causing obstruction and noise disturbances</i>.</p> <p>Residents and local businesses</p> <p>It is anticipated to have a neutral or positive impact on businesses situated in the licensed areas. Key positive impacts should include:</p> <ul style="list-style-type: none"> • A reduction in ambient noise from busking – Based on the review findings and the identified challenges in Leicester Square, it is recommended to initiate a collaborative approach involving representatives of buskers and street entertainers, businesses, and the Council. The aim would be to collectively explore and implement strategies to mitigate the noise nuisance associated with the pitch in question. • Less likelihood of obstruction from buskers and their crowds on pavements and pedestrianised areas – The Review suggests that the council should assess the current pitch locations based on factors such as pedestrian safety, prevention of highway obstruction, and reduction of noise nuisance to businesses and residents. Consider moving or changing pitches that are not frequently used or where there are issues with localised noise nuisance. Explore the addition of new pitches in areas with significant demand or where existing pitches are often suspended due to events, e.g., in proximity to Leicester Square and Trafalgar Square. 																								
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¹ Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People in particular age groups (consider in particular children, under 21s and over 65s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impact due to pregnancy/ maternity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People of particular faiths and beliefs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Buskers

The impact on buskers who perform within the licensed areas could be both positive and negative for all groups. Positive impacts should include:

- Having clearer guidance (through the licensing conditions) on good behaviour for buskers, which should give considerate buskers more agency to address problematic individuals themselves in the first instance, either individually or through the SPA.
- Having clearly designated pitches should help avoid noise clash between different performances within the licensed areas, which could help licensed performers to attract more footfall and donations.
- *Addressing children and young performers*
- *Clarifying responsibilities for copyrighted material and royalties*
- *Enhancing the fairness and effectiveness of the busking and street entertainment licensing scheme.*

There are however some potential negative impacts for buskers, who are more likely to have the protected characteristics outlines above. These impacts could include:

- Some of the non-amplified pitches are located in areas with high levels of ambient noise (e.g., traffic), which could mean that licensed buskers performing in these areas are not able to be heard and cannot bring in the same level of donations as they could previously.
- The limited number of pitches within the licensed areas could mean that there is insufficient space for the number of buskers who wish to perform, leading to some performers not being able to busk in their regular position and therefore losing revenue either in the short or the long-term. This could particularly impact on buskers who are on low incomes and reliant on their performances to earn a living.

	None	Positive	Negative	Not sure
Men or women	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled ² people (consider different types of physical, learning or mental disabilities)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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People in particular age groups (consider in particular children, under 21s and over 65s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

² Disability discrimination is different from other types of discrimination since it includes the duty to make reasonable adjustments.

People who are intending to undergo, are undergoing or have undergone a process or part of a process of gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Impact due to pregnancy/ maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People of particular faiths and beliefs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People on low incomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If any of the answers to the questions above is, “negative” or “unclear” you will need to undertake a detailed impact assessment.

2.5	Based on your responses, should a full, detailed EIA be carried out on the project, policy or proposal
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2.6	Provide brief reasons on how have you come to this decision?
	<p>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.</p> <p>The Council also recognises that issues have been raised about the accessibility of pitches by disabled performers, and the appropriate age for licenses to be granted to young persons and whether parental consent should be required. These are issues that will be considered as part of the proposals going forward.</p>

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:

- The review has identified Leicester Square as a specific case study due to the persistent challenges related to noise nuisance and non-compliant or illegal busking and street entertainment. Managing noise from outside performances is particularly difficult in Leicester due to its architectural design, high buildings, and the positioning of adjoining streets. The layout of the square can cause wind to carry noise further, and some buildings' facades act to redirect noise towards certain buildings, particularly those along the East side. The issue of noise nuisance is further amplified by the high demand for the Northeast pitch in Leicester Square. When multiple licensed performers seek to use the pitch, they may increase the volume of their performances to attract larger crowds and generate income.
- The Street Entertainment proposals previously included setting up a dedicated website for busking in Westminster. This now provides a one-stop-shop for all information, including on the licensed areas and pitches, the licensing conditions, and the borough-wide Code of Conduct. It also provides additional valuable information for buskers, including information on when events and road closures are affecting the provision of busking pitches, as well as signposting buskers to the Street Performers Association and providing other means for them to communicate with each other. This should have a positive impact on all buskers as it will enable new performers to more easily link up with other performers and to understand the best places to perform in advance. This has the potential to increase the income of some performers.
- Addressing Children and Young Performers, it is proposed to amend the policy to clearly outline the requirements related to the age of performers and safeguarding. The policy should restrict individuals under the age of 14 from busking or providing street entertainment. Additionally, applicants under the age of 18 should be required to provide parental or guardian consent.
- Information should be provided on copyrighted material and royalties within the policy to clarify that the responsibility for payment of royalties related to the performance or use of copyrighted material lies with the busker or street entertainer. This addition will inform applicants and licensees of this requirement.
- By implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and potentially adjusting pitch locations and markings, the Council can enhance the effectiveness and fairness of the busking and street entertainment licensing scheme.

Protected Group		Positive impact?			Negative impact? If so, please specify the nature and extent of that impact*	No specific impact	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	What, if any, are the cumulative effects of this decision when viewed in the context of other Council decisions and their equality impacts
		Eliminate discrimination	Advance equality	Good relations				
Gender	Men	X		X	<ul style="list-style-type: none"> Removal of the amplified pitch in Leicester Square would reduce the number of available pitches for licensed professional buskers and street entertainers in the area. Reduced donations to buskers due to non-amplified pitches. More competition between buskers for pitches, leading to a reduction in donations for some buskers 		<ul style="list-style-type: none"> The licensing scheme is limited in scope and is intended to be a light touch scheme. The restriction on busking and street entertainers is city wide but the key pitches available for buskers and street entertainers are located in the centre of the City where they are needed. The Council will work with the Street Performers Association for Leicester Square who represent licensed buskers to identify whether alternative arrangements and options could be implemented to provide an alternative to the formal removal of amplification from the Leicester Square pitch. The Council will look to support licensed professional buskers by exploring opportunities, via dedicated Street Performers Associations to look at opportunities to further promote and celebrate the vibrancy and diversity of the cultural benefit that they provide. All the Street Entertainment policy, pitches, conditions and codes of conduct will be kept under review, and if there are clear negative impacts then the policy, pitches, conditions 	

Protected Group		Positive impact?			Negative impact? If so, please specify the nature and extent of that impact*	No specific impact	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	What, if any, are the cumulative effects of this decision when viewed in the context of other Council decisions and their equality impacts
		Eliminate discrimination	Advance equality	Good relations				
							and codes of conduct will be reviewed and changed if necessary.	
	Women	X		X	As above		<ul style="list-style-type: none"> We will be undertaking a pitch review which will consider potential new pitch locations and consider the current terms and conditions of existing pitches to assess that there are adequate pitches subject to the location be adequate to accommodate them. This review will also consider whether time limited, seasonal, or tiered licence permission for pitch uses could be implemented. 	
Race	White	X		X	As above		As above	
	Mixed/Multiple ethnic groups	X		X	As above		As above	
	Asian/Asian British	X		X	As above		As above	
	Arab	X		X	As above		As above	
	Black/African/Caribbean/Black British	X		X	As above		As above	
	Gypsies / travellers	X		X	As above		As above	
	Other ethnic group	X		X	As above		As above	
Disability	Physical	X		X	<ul style="list-style-type: none"> Issues have been raised about the accessibility of pitches by disabled performers. 		<ul style="list-style-type: none"> We are committed to undertaking a review of all pitches to assess their suitability and accessibility for disabled performers. 	
	Sensory	X		X	As above for Physical Disability		As above for Physical Disability	
	Learning Disabilities	X		X	As above for Physical Disability		As above for Physical Disability	
	Mental Health	X		X	As above for Physical Disability		As above for Physical Disability	
Sexual Orientation	Lesbian, gay men, bisexual	X		X	As above		As above	
Age	Older people (50+)	X		X	As above		As above	
	Younger people (16 - 25)	X	X		<ul style="list-style-type: none"> Safeguarding and addressing Children and Young Performers. 		<ul style="list-style-type: none"> Addressing Children and Young Performers, it is proposed to amend 	

Protected Group		Positive impact?			Negative impact? If so, please specify the nature and extent of that impact*	No specific impact	If the impact is negative how can it be mitigated? Please specify any mitigation measures and how and when they will be implemented	What, if any, are the cumulative effects of this decision when viewed in the context of other Council decisions and their equality impacts
		Eliminate discrimination	Advance equality	Good relations				
					<ul style="list-style-type: none"> Prohibition to anyone under the age of 14 from being permitted to obtain a licence to busk or provide street entertainment in Westminster. Restriction on a children aged between 14 and 17 will not be able to apply for a licence to busk without parental, guardian, or responsible adult consent. Children (14 to 17 year olds) who are licensed to busk or perform street entertainment will not be able to perform under their licence during school term time, excluding weekends and national (England) bank holidays. 		<p>the policy to clearly outline the requirements related to the age of performers and safeguarding.</p> <ul style="list-style-type: none"> The policy should restrict individuals under the age of 14 from busking or providing street entertainment. Additionally, applicants under the age of 18 should be required to provide parental or guardian consent. This is to safeguard children who are at risk or if permitted to busk under a licence is able to do so in a way that does not impact their education. 	
	Children	X	X		As above for Young People		As above for Young People	
	Gender Reassignment	X		X	As above		As above	
	Impact due to pregnancy/maternity	X		X	As above		As above	
	Groups with particular faiths and beliefs	X		X	As above		As above	
	People on low incomes	X		X	<ul style="list-style-type: none"> Buskers will need to pay a license fee under the new policy, which could impact on buskers who have precarious incomes. 		<ul style="list-style-type: none"> The cost of a license will be kept low (it will be between £20 and £30). Students also get a 50% discount. 	

SECTION 4: Action Plan

<p>4.1</p> <p>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.</p> <p><i>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.</i></p> <p>NB. Add any additional rows, if required.</p>							
	Action Required	Equality Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date	RAG
	The council should still need to gather demographic data through the licensing schemes or other mechanism to create a more accurate picture of the demographics of buskers who perform in these areas. This needs to be an effective and efficient process.	All	The council will have some quantitative demographic data on buskers who perform locally				
	A pitch review will be conducted to assess the current pitch locations and accessibility for disabled performers. The Council will seek to engage with disabled performers and disabled groups to ensure that the assessment identifies any accessibility issues and what action, if possible, could be implemented to ensure that these pitches are fully accessible.	Disability	Issues have been raised about the accessibility of pitches by disabled performers	Policy Officer, City Inspectors and accessibility advisor.	Kerry Simpkin, Policy, Innovation & Change. ksimpkin@westminster.gov.uk		

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER**SIGNATURE:****FULL NAME:****UNIT:****EMAIL & TELEPHONE EXT:****DATE (DD/MM/YYYY):****WHAT NEXT?**

It is the responsibility of the service to complete an EQIA to the required standard and the quality and completeness of EQIAs will be monitored by EMT.

All EQIAs for proposed changes to levels of service arising from budget proposals must be completed by (insert date).

All completed EQIAs should be sent to equalities@westminster.gov.uk