

# Adults, Health & Public Protection Policy & Scrutiny Committee

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**Briefing of:** Councillor Antonia Cox, Cabinet Member for  
Public Protection & Licensing

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## 1 House of Lords Select Committee Response

1.1 The Select Committee on the Licensing Act 2003 published its final report on the 4<sup>th</sup> May 2017 and within the report, the Committee made a number of far reaching recommendations for the Government to consider. For the Council, the most notable recommendations made were:

- The abolition of Licensing Sub-Committees, instead passing the power to determine licensing applications to Planning Committees;
- Sending licensing appeals to the Planning Inspectorate, rather than magistrates;
- Wider coordination between the licensing and planning systems, including taking into account planning decisions in licensing and vice versa;
- Minimum training requirements for Councillors who sit on licensing sub-committees;
- The introduction of Minimum Unit Pricing (MUP) in England (if it proves to be successful in Scotland).
- The abolition of the late night levy, if current government amendments do not succeed. If not, amend the levy to award 50% of the revenue generated to the local authority, increased from the current 30%.
- Allow licensing fees to be set at a local level, in order to ensure full cost recovery.

- 1.2 On review, the proposal to introduce health and wellbeing as a new licensing objective was notably absent from the committee's recommendations.
- 1.3 Officers are currently working up detailed positions, on each of the above recommendations, in order to consider the wide-range of implications for the Council.
- 1.4 To date, the Council has rejected the recommendation to abolish licensing sub-committees and overhaul the appeals process. We do not agree that the decision making process is flawed and characterised by 'abuses of power' or 'arbitrary decision making.' Instead, I am confident that the Council can easily produce evidence of our exceptional record and practice in licensing decision making. Therefore, we believe that the recommendation by the Committee is disproportionate to the problems apparently observed. Any concerns around decision making would be better addressed through education and training and hence, we support the proposal for minimum training requirements. We are also strongly in favour of localisation of licensing fees and will be promoting this policy position, as a priority, in our interactions with Government.
- 1.5 A Government response to the Select Committee report is expected within the next two months, however, due to the General election on 8 June, it is expected that the Government's response will be delayed beyond the two month period.
- 1.6 Select committee recommendations carry considerable weight, but that does not mean that the Government has to accept them, or act on them in any way. There will be a debate in the House of Lords on this, which is expected to take place around October.

## **2 Licensing Charter**

- 2.1 Work is continuing on the Licensing Charter and it is expected that it will be launched shortly after the General Election, in partnership with Best Bar None and the Heart of London Business Alliance. The Charter will set out clear actions that premises in the pilot area (Leicester Square and Piccadilly) should take to be part of the Charter and reciprocal commitments that the Council, BID and Police intend to make as part of the partnership.

## **3 Street based ASB and Crime Partnership Plan**

- 3.1 A partnership plan has been set up to tackle the on-going issues of anti-social and criminal behaviour perpetrated by a small minority of people who spend significant amounts of time on Westminster's streets. This will focus on hotspot areas across the City such as: Charing Cross underpass, the Strand area, the Cathedral Piazza and Victoria Street.

- 3.2 A joint task and finish group has been established between Westminster City Council and the Metropolitan Police, in order to monitor the effectiveness of the initial actions to tackle this problem. This group has coordinated some high profile joint operations between us and the police, improving the way we are responding to these concerns.
- 3.3 Operation Lumen has also been set up for the Victoria area, in order to target anti-social behaviour between 8am and 10am. In the first two weeks of this operation, over 40 individuals have been subject to a Community Protection Notice and nine banning letters have been served. This work has been carried out alongside public realm improvements in the Victoria Piazza area.
- 3.4 The use of tents by rough sleepers has been a developing trend in recent months and this has caused particular concern, as often, this can limit the effectiveness of our outreach engagements. Since February, the Council has gained 22 court orders to remove tents on Westminster highways.

#### **4 Spice Update**

- 4.1 Spice continues to be a priority for the Council and our partners. We have been working closely with the police to tackle this issue and support those affected. Work is currently underway with Turning Point to develop treatment pathways for those affected, and furthermore, a community detox programme is also being considered as part of this.
- 4.2 Operation Kaskara, which specifically targets spice related ASB in the Strand & Whitehall locality, has been highly successful in tackling some of the ASB issues caused by localised Spice use. Since the start of the operation in January, 40 spice-related arrests have been made.

#### **5 Response to the Westminster terrorist attack**

- 5.1 During last month's terror incident, the council continued to respond intensively for three days after the incident and over the weekend, with Gold and Silver officers maintaining regular contact with partners. The contingency planning office was used as the local control room to coordinate all activity. Council officers from a number of departments were involved in the response, recovery and efforts to return the City to normality.
- 5.2 Council officers worked closely with victim support, Metropolitan Police Family Liaison officers and the NHS to coordinate and deliver humanitarian assistance, with the provision of a referral process for those seeking support for

psychological effects from the incident. In conjunction with GLA, a coordinated plan for floral tributes was also put in place.

## **6 Berwick Street Market**

6.1 After careful consideration, the council has taken the decision not to go proceed with the intention of bringing in an external market operator to take over the management of Berwick Street Market. We remain fully committed to our ambition to ensure that Berwick Street Market reaches its full potential and becomes the first-rate market Soho deserves.

6.2 Criteria on which to determine applications, where discretion is required, has been developed and is available on our website. Weight is given to those who have been trading in the market for a number of years, alongside other relevant criteria. We are inviting applications for permanent licences from 1st to the 28th April, with applications received thus far having been processed.

## **7 Soho drug dealing and associated anti-social behaviour**

7.1 The Council and Metropolitan Police Service are aware of concerning drug issues in Soho, including the taking of, and sale, of Class-A drugs across the ward. The local neighbourhood problem solving coordinator is working closely with police and partners to respond to concerns raised by the community. Information between the council and police is continuously being shared to build a picture of individuals involved. In addition to the enforcement activity, regular case conferences are being undertaken to coordinate drug and homelessness services in providing targeted support.

7.2 In addition, we are collating the intelligence required to issue criminal behaviour orders against prolific offenders. The police, with our support, have been successful in gaining 4 CBO's in the last four months. These court orders prohibit these individuals from Soho and have positive conditions compelling them to seek support for their addictions.

## **8 Street Entertainment**

8.1 The behaviour of a small minority of street performers continues to cause concern for stakeholders and residents across the City.

8.2 The council is currently supporting a new approach to managing street entertainment, based on the development of CLASP, a Street Performers Association (SPA). This approach is reliant on street entertainers themselves taking the lead in managing negative impacts and promoting good behaviour amongst their community.

- 8.3 I have been in regular contact with a number of Business Improvement Districts (BIDs) over recent months to ensure the most affected BID's are informed of the Council's approach and the issues we are facing on the ground.
- 8.4 We will continue to monitor the impact of the new approach closely and I will review its effectiveness in the summer.

## **9 Notting Hill Carnival**

- 9.1 Following concerns raised about levels of crowding and associated risks at the 2016 Notting Hill Carnival, the Notting Hill Carnival Strategic Partners Group, chaired by the Mayor's Office for Policing and Crime (MOPAC), commissioned consultants Movement Strategies to undertake a review of crowd dynamics and make recommendations for improvements in 2017 and beyond.
- 9.2 All members of the Group agreed that changes needed to be made for this year, and future years, so that Carnival is as safe as possible. This includes looking at the full range of issues facing the Carnival. The crowd dynamics work is one element of the changes being made, along with, and for example, activity by the police and others to address risks from crime and terrorism.
- 9.3 This work is looking at a range improvements which can be considered for 2017, as well as changes for future years. Areas of exploration include issues raised as concerns in 2016, such as the number of sound-systems and the traffic on the carnival route.
- 9.4 The draft reports, including recommendations for changes, have now been received and are undergoing a final review. Once completed, they will be published on the MOPAC website, subject to redactions to address any security concerns.
- 9.5 Once finalised, the reports will be taken forward by operational leads in the Trust, and other organisations, to ensure changes are made for 2017. Key areas being explored include:
- Re-evaluation of the location and number of sound systems
  - Smaller and fewer vehicles on the Carnival route
  - Improved communications and signage
  - Further road closures

## **10 Revised Waste Enforcement policy**

- 10.1 Since the introduction of the revised Waste Enforcement Policy in November 2016, there has been an increase in the number of Fixed Penalty Notices issued for fly tipping of Residential waste around Big Black Bins (BBB) and

Micro Recycling Centre (MRC) locations. This has led to an increase in the number of representations received. The representations have shown us that the residents are not using their normal street collection in the way they should

- 10.2 The issuing of immediate Fixed Penalty Notices, as we are currently doing under the Waste Enforcement Policy, for the offence of small scale fly tipping at MRC's and BBB sites does not allow the enforcement team the opportunity to educate residents. As a result, we have changed our policy to introduce a Warning Notice to residents on their first offence. This will give us the opportunity to educate residents on the need to use their normal street collection in the first instance and if they need to use the supplementary facilities, they must place all waste inside the bins.
- 10.3 The introduction of a Warning Notice will provide evidence of the Council's willingness to educate residents, prior to taking enforcement action. The introduction of the Warning Notice is only for small scale fly tipping of household residential waste and would not change our approach to large scale fly tipping.
- 10.4 The introduction of the Warning Notice does not affect how we enforce against the fly tipping of commercial waste, as commercial businesses have a greater responsibility placed on them.

## **11 Moped Enabled Robberies**

- 11.1 The police have made us aware that Westminster is seeing an increase in moped enabled offending. The increase, when compared to last year, is in the region of 20 -25%.
- 11.2 A number of offenders are from the Islington area and have been displaced following successes under Operation Attrition in Camden and Islington. Westminster does not currently have resources from Operation Attrition on a full time basis. However, there is a significant amount of intelligence and information sharing between Westminster and the Attrition Boroughs to assist them with targeting those offenders. This has resulted in a slight decrease in activity in the last week or so.
- 11.3 Westminster police are currently in consultation with the Roads and Transport Policing Command over obtaining assistance from tactical pursuit trained officers, who would be in a position to assist with fast-time responses to offenders. Westminster is also in the process of delivering an expansive crime prevention initiative across the borough to bring the general public's attention to the threat posed by mopeds.

## **12 MOPAC Co-Commissioning**

- 12.1 MOPAC and London Councils have held the first officer working group meeting to help inform the co-commissioning fund prospectus, which will guide the use of the 30% top slice that has been taken from the borough London Crime Prevention Fund. Membership of this group will be ratified at the next London Heads of Community Safety Meeting, at the end of April, but Westminster has been provisionally invited to represent the central London Boroughs. As it stands, the timetable would see the funding prospectus launched in June, with proposals submitted in September in time to confirm successful projects before the end of 2017, with implementation in April 2018.
- 12.2 A second round of funding may be opened in the New Year, for projects starting in summer 2018. MOPAC expect to fund 5-8 regional / sub regional initiatives through this fund in partnership with Local Authorities, and other key agencies, such as the London Community Rehabilitation Company, National Probation Service, and the regional arms of NHS and Public Health England. Final decisions on which projects to fund will be made by the Leader's Committee of London Councils.

## **13 CCTV Update**

- 13.1 We are currently working with the Metropolitan Police and MOPAC on the development of a CCTV solution, with a specific focus on the City of Westminster. This includes the upgrade of cameras from its existing analogue circuits to digital technology. This provides the Council an opportunity to transfer and integrate any operationally important CCTV cameras owned by the Council, into the MPS infrastructure. Positive discussions are currently taking place and any agreed outcomes will be submitted to me, further down the line, for final decision.