



CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** Committee held on **Monday 4th December, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Maggie Carman (Vice-Chair), Concia Albert, Melvyn Caplan, Jim Glen, Louise Hyams, Jacqui Wilkinson, Md Shamsed Chowdhury, Robert Eagleton, Iman Less, Tim Mitchell, Angela Piddock, Caroline Sargent, Karen Scarborough and Hamza Taouzzale.

Also Present: Councillor Aicha Less, Cabinet Member for Communities, Children and Public Protection.

1 MEMBERSHIP

- 1.1 The Chair confirmed that Councillor Hazza Taouzzale had substituted for Councillor Judith Southern on the Committee.
- 1.2 Apologies for absence were received from Councillor Judith Southern and Councillor Hyams.

2 DECLARATION OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

- 3.1 Members noted that the review of the Busking and Street Entertainment Licensing Policy Review had been considered at the relevant Policy and Scrutiny Committee and any comments as well as the ones that were made tonight would be forwarded to the Cabinet Member for Communities and Public Protection.
- 3.2 **RESOLVED:** That the minutes of the Licensing Committee on 17 July 2023 were approved as a correct record of proceedings.

4 BUSKING AND STREET ENTERTAINMENT LICENSING POLICY REVIEW

- 4.1 Before the report was introduced, the Chair stated that when the Busking regime came into effect in April 2021, the Council agreed to carry out a review of how it was working after 12 months. The review has been carried out by Officers and the Committee is being asked to consult on the findings. The report shows how the licensing regime has been working and it presents a wide range of options to consult on. These include removing the scheme to amending some parts of the policy and amending the conditions as suggested in the report. No substantive decisions are being made today apart from approving the report itself and confirming that it should go out to consultation. All Parties will have an opportunity to comment as part of the consultation exercise. Responses will be considered and at that point Officers will put forward proposals in a report which will be determined sometime in 2024. The petition which has been received will be passed to the relevant department for consideration and response. It is not the appropriate time tonight to consider that Petition or any other comments received.
- 4.2 The Committee then received a report that provided a concise summary of the Busking and Street Entertainment Licensing Policy Review and highlighted the key findings. Then Committee noted that the report outlined various options for the Committee's consideration and invited agreement consulting on specific proposals .
- 4.3 The Committee heard how the Council had actively collaborated with key stakeholders and meticulously analysed the available data which had revealed a generally positive trend in the issuance of licences by the Council over the two years of operation. The Committee noted that there had been an increase in complaints relating to busking and street entertainment in specific areas of the city.
- 4.4 The key themes that emerged from the Committee discussion were:
- Overall the review concluded the scheme was sound and well thought out.
 - the justification and implications of the scheme had been well received throughout Westminster by residents and businesses.
 - the importance of engaging in positive dialogue with the Convent Garden Street Performance Association.
 - the difficulties and challenges associated with the enforcement and compliance of the scheme, especially regarding illegal busking, noise nuisance and buskers that exhibited bad behaviour towards City Inspectors.
 - The Committee noted that prosecutions had led to little remuneration.
 - There were repeated complaints regarding Pitch 9 in Leicester Square, mainly in relation to noise nuisance, caused by amplification of music and speech as well as questions on the location of this pitch.
 - It was suggested there needed to be tweaks and changes to some of the terms and conditions to apply for a busking licence including age restrictions so that no one under 14 could apply for a busking licence and those between 14 and 18 should be accompanied by parental consent.

- the worry that the increase in fees may become a barrier for up-and-coming artists. Members noted that many a famous performer had started their careers on the streets of Westminster.
- the importance of collaborating with all Street Performance Associations and how street performers were different from musicians.
- That any future changes to policy would need to be approved by Full Council.

4.5 Councillor Mitchell (St James's Ward Councillor) addressed the Committee and confirmed that all the St James's Ward Councillors were fully in support of the scheme because the majority of street entertainment was performed within their Ward. He highlighted the problematic busking pitches such as the one on the junction of Wardour Street and the one next to the bus stop outside Charring Cross Station. He emphasised the differences and unique characteristics between Leicester Square and Convent Garden and concluded that Leicester Square was not a suitable or historical location for street entertainment. He considered that the North-Eastern Pitch in Leicester Square should be changed from amplified to a non-amplified pitch.

4.6 The Committee welcomed the Review on the pitch locations which would include the number, size and location of each pitch and the fees needed for the administration and enforcement of the scheme. The Committee discussed how the scheme needed to be open and transparent to encourage every Street Performance Association to be invested in the scheme and work with the Council. The Committee noted that the recommendations would be included in the wider Policy Review

4.7 The Committee requested that careful drafting of future reports takes place to ensure that everyone (including stakeholders and the Public) were clear on what was being discussed/debated as there had been some confusion from stakeholders on what was being discussed/decided on at tonight's meeting.

4.8. **ACTIONS**

1. That the diversity of the performers be collected during the next consultation period.

2. That Highways commit to regularly repainting the pitch markings as they get easily worn away.

3. That the words 'to endorse' should be removed from recommendation 2.2 of the report.

4.8 **RESOLVED:**

1. That the Busking and Street Entertainment Licensing Policy Review Report attached at Appendix 2 of the report be approved.

2. That conditional on the decision regarding paragraph 2.1 of the report following a comprehensive review of the Busking and Street Entertainment Licensing Policy, the Committee recognises the continuation of the busking

and street entertainment licensing regime under Part V of the London Local Authorities Act 2000, as set out in paragraph 2.2 of the report..

3. That the Committee recommends to the Cabinet Member for Communities and Public Protection that she approves the commencement of public consultation from the 8th January to the 18th March 2024 (10 weeks) on the following proposals:
 - A) To revise the terms and conditions of pitch 9, Leicester Square Northeast terms and conditions to change the conditions of use from an amplified to non-amplified pitch.
 - B) To revise the Licensing Policy so as to:
 - (a) Revise the “Join our busking and street entertainment community” section so that it sets out the new focus of the dedicated Forum for licensed buskers and street entertainers to use to engage with the Council in issues that they face, to share information and to promote improved engagement between licensees and the Council.
 - (b) include a new section on the Council’s approach to age restrictions and safeguarding of children and other vulnerable adults (see Appendix 4),
 - (c) include a new section associated with royalty liability on buskers and street entertainers (see Appendix 4),
 - (d) The "Performer self-regulation and street performers associations" section will be revised to incorporate supplementary details highlighting the advantages of Street Performer Associations (SPAs) in representing licensed buskers and street entertainers. It will emphasise that the Council will exclusively engage with SPAs representing licensed individuals actively participating in the licensing process. To ensure up-to-date information, any references to current or previous SPAs will be removed. Instead, readers will be directed to the Council's dedicated busking and street entertainment webpage for a comprehensive list of registered SPAs.
 - (e) subject to the approving the recommendation in paragraph 2.3.1 above, amend the map on page 19 of the current policy to amend pitch 9 to non-amplified and amend the description of that pitch to recognise the change from amplification to non-amplification,
 - (f) include within the Licensing Application Process and Procedures section the proposed age restrictions and requirement to make a statement of truth and repercussions if a false declaration is made as part of the application process (see Appendix 4),
 - (g) subject to approving the recommendation in paragraph 2.3.3 below, amend the Codes of Conduct to reflect the amendments and additions as described,
 - (h) subject to approving the recommendation in paragraph 2.3.4 below, amend the Standard Conditions to reflect the proposed additional condition associated with behaviour towards

- (i) Authorised Officers of the Council and the Police, licensed child buskers and street entertainers and royalty liability, and make any further minor or non-consequential amendments as required.
 - C) To revise the Westminster Busking and Street Entertainment Code of Conduct as set out in Appendix 5 so as to include the following:
 - (a) strengthen code provision 5 – “Co-operate with Authorised Officers and the Police” to set out behaviours that are not acceptable and what the possible ramifications may be if licensed buskers and street entertainers fail to meet this code,
 - (b) include a new code provision on age restrictions associated with obtaining an busking and street entertainment licence,
 - (c) include a new code provision associated with the requirement to safeguard children and other vulnerable adults,
 - (d) include a new code provision for the requirement to make a true statement during that application process, and
 - (e) amend code 7 – “Talk to the council and the local community and use the Forum” to clarify the communication channels and approaches to community engagement between the Council and set out the new Forum dedicated to facilitating communication between licensed buskers and street entertainers and the Council.
 - D) To revise the Westminster Busking and Street Entertainment Standard Conditions as set out in Appendix 6 so as to include new conditions associated with the behaviour towards Authorised Officers of the Council and the Police, restricting children who are licensed from performing during school term dates, excluding weekends and national bank holidays and restricting children who hold a licence from performing, when permitted beyond 8pm and before 8am and the requirement for licensees to ensure that they have obtained the correct permissions or paid the required royalties for the use of copyrighted or protected material.
- 4. That during the proposed public consultation process regarding the proposal to transition the Northeast Pitch in Leicester Square from an amplified to a non-amplified pitch, Officers should collaborate with representatives of licensed buskers, street entertainers, businesses in Leicester Square, and the Council City Inspectors and Environmental Sciences Team. This collaborative effort aims to explore alternative solutions or agreements that effectively address the issues of noise nuisance resulting from the use of amplification at this pitch. The engagement process will be diligently conducted, and any outcomes will be presented to the Licensing Committee when it reconvenes to consider the consultation responses specific to this proposal. This discussion will precede any formal decision-making regarding the potential removal of amplification from this pitch, ensuring a comprehensive and inclusive evaluation of all available options.

5. That the Committee endorses the proposal for officer collaboration with the Music Union and Licensed Street Performers Associations (SPAs) to establish a professional and formalised association. This initiative aims to elevate the existing SPA by establishing transparent membership criteria, a clear constitution, and robust rules to ensure adherence to both their membership guidelines and the Council's licensing conditions and Code of Conduct for buskers and street performers.

5 CUMULATIVE IMPACT ASSESSMENT

- 5.1 The Committee received a report which outlined the responses to the consultation on the draft Cumulative Impact Assessment (CIA) and the final CIA following amendment for approval. The Committee noted that the CIA was not a change in Policy and that it was a statement of findings based on the data collected and analysed and that there would not be any changes to the Statement of Licensing Policy until next year.
- 5.2 The Committee heard how a wide range of stakeholders had been consulted and discussed how local crime and disorder statistics, prevalence of ambulance attendances, environmental health complaints and resident perceptions had been collected, analysed and included in the assessment. The Committee noted that careful consideration would be given to any boundary change to the Cumulative Impact Areas and Special Consideration Zones.
- 5.3 The Committee heard that there would be a further proof read to make any minor changes to the assessment before it was published. Members noted that once the CIA was published it would provide evidence and guidance for Applicants, Responsible Authorities and Interested Parties and would be able to be considered by the Licensing Sub Committee.
- 5.4 **RESOLVED:** That the Cumulative Impact Assessment be approved.

6 UPDATE OF LICENSING APPEALS

- 6.1 The Committee received a report which provided a summary of the status of the appeals being dealt with by the Legal Team. The Committee noted that the summary which included details of the four appeals that Legal Services had been dealing with since July 2023, one of which had had been withdrawn, a new appeal had been received, resulting in three pending determination. It was also noted that Legal Services were dealing with two judicial reviews.
- 6.2 Members were pleased to hear that three of the Claimants in the Hemming and others v Westminster City Council judicial review had agreed to settle the action. The Principal Solicitor informed the Committee that she wished to commend Anghel Pufulete, the Senior Litigation Solicitor for all his hard work on the case which was endorsed by the Committee. The Committee also noted that the other judicial review had also been resolved.

6.3 **RESOLVED:** That the report be noted.

The Meeting ended at 8.54 pm