



City of Westminster

Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Monday 4th December, 2023**

Time: **7.00 pm**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

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

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at City Hall, 64 Victoria Street. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting..



If you require any further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Liaison Officer.

**Email: scraddock@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report that Councillor Taouzzale will be substituting for Councillor Southern and any other changes to the membership.

2. DECLARATION OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the previous meeting held on Wednesday 17 July 2023.

(Pages 3 - 6)

4. BUSKING AND STREET ENTERTAINMENT LICENSING POLICY REVIEW

(Pages 7 - 222)

5. CUMULATIVE IMPACT ASSESSMENT

(Pages 223 - 416)

6. UPDATE OF LICENSING APPEALS

(Pages 417 - 422)

7. ANY OTHER BUSINESS

**Stuart Love
Chief Executive
24 November 2023**



CITY OF WESTMINSTER

MINUTES

Licensing Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Monday 17th July, 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, Md Shamsed Chowdhury, Robert Eagleton, Iman Less, Tim Mitchell, Angela Piddock, Caroline Sargent and Judith Southern

1 MEMBERSHIP

- 1.1 The Chair confirmed that Councillor Karen Scarborough had replaced Councillor Laila Cunningham on the Committee.
- 1.2 Apologies were received from Councillors Karen Scarborough and Jacqui Wilkinson.

2 DECLARATION OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

3.1 RESOLVED:

That the minutes of the Licensing Committee meeting held on 22 March 2023 were a correct record of proceedings.

4 UPDATE ON LICENSING POLICY WORK PLAN

- 4.1 The Head of Licensing, Place and Investment Policy introduced a report which provided a summary of the planned work streams related to licensing policy development and delivery over a two-year period (2023/24 and 2024/25). Updates were provided on the following areas:

- Licensing Act 2003 - The Council was currently reviewing its Cumulative Impact Assessment (CIA) and was due to publish a revised version before the end of October 2023. Officers were in the process of data collection and analysis before moving to the production of the CIA document itself in late July 2023.
- Busking and Street Entertainment Policy - When the scheme was adopted, the Council committed to undertake a review of the policy's effectiveness and whether it should be revised following a full year of operating the scheme. It was confirmed this review would be considered by the Council's Policy & Scrutiny Committee in late July 2023 following which any comments and recommendations would be considered.
- Highways and Outside Space Licensing Policy - The Government was committed to making the Pavement Licence regime permanent via the Levelling Up and Regeneration Bill, once given Royal Assent. At present there were no provisions within the Bill to require a local authority to develop a pavement licence licensing policy. However, based on the level of concern from residents and the potential wider cumulative impact that the use of outside highway space for licensed purposes may have on the West End, Officers intended to start the development of a new policy for the use of outside space for licensing activities.
- Sex Establishments Policy - Officers intended to produce a new policy which would cover all three sex establishment categories, sex shops, sex cinema and sexual entertainment venues. Officers intended to start development of this new policy in the Spring of 2024 with the final adoption of the policy by the end of 2024.
- Gambling Policy - The Gambling Policy was new and had been in effect for just over 7 months. The statutory three-year period when the policy had to be reviewed would end on the 30 January 2025. Officers intended to start a review of the Local Area Profile, which provided the evidence base for a number of policies within the Gambling Policy and the revision of the policy itself, in the spring of 2024.

4.2 The Committee was interested to learn more about the work being undertaken to revise its CIA. It was explained that the data collection was now complete, and analysis of the information had commenced. Initial analysis of the data had shown that there were elements of the current policy framework that may need to be revised to keep up with the types of applications it received and the potential impact of those operations on the city. Members considered how the current policy framework relied on defining a premises based on its use and then applying that premises use policy. It had become clear that this approach was dated and that licensed premises operations did not always fit the definition of premises use as set out in those policies. Members were pleased to note that as part of the consultation, briefing sessions would be held with the members of the Licensing Committee to

obtain their views and comments which would help formulate the final version of the document.

- 4.3 Members however expressed some concern over engagement with the Committee on the licensing policy work being undertaken. The importance of the Committee inputting into the development of such policies was highlighted due to their licensing expertise and the fact they had to consider such policies when making decisions at Licensing Sub-Committee meetings. It was noted that Policy and Scrutiny would be considering a review of the Busking and Street Entertainment licensing regime in July 2023, but Members stressed that the Licensing Committee should also be heavily involved in any discussions going forward.
- 4.4 The Committee was interested to learn about the level of intended engagement due to take place when revising the policies. Members were pleased to note that briefing sessions would be held with them on the updating of the CIA which would include the preliminary results from the Cumulative Impact Assessment as well as appeals and decisions and the Council's policy approach and future direction. A paper on the CIA was due to come to the next Committee meeting in October 2023 for consideration. Over the next two years a significant amount of policy work would be undertaken, especially with regards to Street Entertainment and Busking, and the Committee was informed that it would be fully involved in the consultation process.
- 4.5 **RESOLVED:** That the report be noted.

5 UPDATE OF LICENSING APPEALS

- 5.1 The Committee received a report from the Principal Licensing Solicitor which provided a summary of the status of the appeals being dealt with. The Committee noted the summary which included details of the four appeals that Legal Services had been dealing with since March 2023, one of which had been settled and three which were pending determination. It was also noted that Legal were dealing with two pending judicial reviews.
- 5.2 Members were interested to learn that the number of appeals received had increased recently and this was probably due to the increase in applications being refused. At the upcoming briefing session on the updating of the CIA, discussions would also take place with Members on appeals, trends and any emerging issues noted coming before Licensing Sub-Committees.
- 5.3 **RESOLVED:** That the report be noted.

The Meeting ended at 7.26 pm

CHAIRMAN: _____

DATE _____



Licensing Committee Report

Date	04 December 2023
Classification	For General Release
Title or report	Busking and Street Entertainment Licensing Policy Review
Report of	Executive Director of Innovation and Change and Executive Director of Environment, Climate and Public Protection
Decision maker	Licensing Committee
Wards involved	All
Financial summary	None
Report author and email.	Mr Kerry Simpkin, Head of Licensing, Place and Infrastructure Policy – Email: ksimpkin@westminster.gov.uk

1. Executive Summary

- 1.1 The implementation of the busking and street entertainment licensing regime in Westminster was introduced with the dual purpose of supporting performers and addressing concerns related to noise, obstruction, and inappropriate locations. Recognising the diverse nature of busking and street entertainment, the policy (attached at Appendix 1) strives to enrich the city's public spaces while taking into account the perspectives of pedestrians, residents, and businesses.
- 1.2 In fulfilment of the Council's commitment to transparency and responsiveness, a comprehensive review of the Busking and Street Entertainment Licensing Policy was conducted after one year of the scheme's operation. The report setting out the reviews findings is attached to this report as Appendix 2. The review report delineates the approach adopted by Officers for the review, encompassing engagement with external stakeholders and the data collected. The findings of this review put forth potential options and recommendations for the Council's thoughtful consideration.
- 1.3 The review process unfolded through multiple stages, comprising an internal officer review, active engagement with stakeholders, consultation within the Council's policy and scrutiny process, and the subsequent publication of the Council's consultation and adoption process.
- 1.4 Throughout the review process, officers actively collaborated with key stakeholders, undertook targeted engagement initiatives, and meticulously analysed available evidence. The data gleaned from this process revealed a generally positive trend in the issuance of licenses by the Council over the two years of operation. Nevertheless, a noteworthy surge in

complaints related to busking and street entertainment was observed, predominantly concentrated in specific areas of the city, with a significant number of repeat complainants.

- 1.5 Stakeholder engagement highlighted challenges in maintaining compliance and enforcing regulations against illegal performers, particularly in Leicester Square and Covent Garden. The original scheme aimed for a light-touch approach, emphasising self-regulation based on a code of conduct. Buskers preferred self-regulation, while concerns from businesses and residents focused on noise and obstruction. The proposed scheme, balancing self-regulation and designated pitch locations with low licence fees, was generally supported. However, it did not cover the full scheme costs.
- 1.6 The licensing policy aimed to address concerns and enable effective action against non-compliance and illegal activities, but challenges arose in enforcement, with safety concerns for officers. Police support was limited due to other priorities, leading to increased illegal activity post-Covid restrictions. Collaborative enforcement actions yielded positive outcomes, but fines imposed were relatively low. The review highlighted persistent issues with non-compliance and illegal behaviour, prompting the need for evaluating resource implications. Limited resources, financial constraints, and prioritising essential functions must be considered. Despite challenges, businesses and residents expressed a consensus to maintain the scheme, citing its effectiveness in mitigating local issues.
- 1.7 The review focused on Leicester Square, identifying persistent challenges related to noise nuisance and non-compliant or illegal busking and street entertainment. The architectural design, high buildings, and layout of the square contribute to the difficulty in managing noise from performances. The Northeast pitch faces high demand, exacerbating noise issues as performers may increase volume to attract larger crowds.
- 1.8 To address these challenges, the review recommends a collaborative approach involving buskers, street entertainers, businesses, and the Council to explore strategies for mitigating noise on the Northeast pitch. Simultaneously, it suggests proceeding with the process to consider the removal of amplification from pitch 9, Leicester Square Northeast to ensure prompt action. If the collaborative approach proves successful, this process could be suspended or terminated accordingly, allowing for a comprehensive solution while maintaining a proactive stance.
- 1.9 Additionally, the review highlights issues with the Northwest corner pitch, where performers often deviate from the designated location, contributing to obstruction and noise disturbances. Addressing these challenges requires comprehensive enforcement of regulations, tackling illegal busking, and ensuring compliance with designated pitch locations. This comprehensive approach may necessitate a significant investment in resources and costs, with ongoing support from the Police. A review of the scheme fees may also be needed to cover associated costs and support additional resourcing requirements.
- 1.10 The proposed amendments to the policy aim to address concerns related to Children and Young Performers, copyright issues, and truthfulness in applications. Regarding young performers, the policy suggests restricting individuals under the age of 14 from busking or providing street entertainment. Applicants under 18 should be required to obtain parental or guardian consent. To clarify responsibilities, information on copyrighted material and royalties will be included in the policy, specifying that the busker or street entertainer is accountable for payment.
- 1.11 Additionally, the policy and application documentation will explicitly outline the consequences for providing untruthful statements. It emphasises the significance of accuracy and

truthfulness during the application process, emphasising that such information is crucial for officers to assess the applicant's suitability for holding a licence.

- 1.12 The proposal recommends a comprehensive review of existing codes of conduct and licence conditions, with necessary adjustments to ensure proportionality and reasonableness. Changes to the Codes of Conduct include incorporating provisions on providing truthful information during the application process and addressing behaviour. A new condition is suggested to address abusive or threatening actions towards Authorised Officers and the Police.
- 1.13 The council is urged to assess current pitch locations, considering factors like pedestrian safety, accessibility for disabled performers, prevention of highway obstruction, and reduction of noise nuisance. There is a suggestion to relocate or modify underused pitches or those causing localised noise issues. Additionally, exploring new pitches in areas with high demand or frequent pitch suspensions due to events is recommended, especially near Leicester Square and Trafalgar Square.
- 1.14 An assessment of worn-out pitch markings is proposed, exploring cost-effective alternatives while maintaining visibility and functionality. Through these policy changes, reviewing codes of conduct and licence conditions, and adjusting pitch locations and markings, the Council aims to enhance the overall effectiveness and fairness of the busking and street entertainment licensing scheme.
- 1.15 The Council's Communities, City Management, and Air Quality Policy and Scrutiny Committee convened on the 31st July 2023, to review the draft Busking and Street Entertainment Licensing Policy Review Report. During this session, Committee Members examined the report, engaging with the Cabinet Member and Officers, posing various inquiries. Apart from deliberating on the recommendations outlined in the draft report, the Committee also discussed several suggestions related to the busking and street entertainment scheme. The insights and feedback from the Scrutiny Committee have been thoroughly considered, and this report recommendations incorporates the Committees views and comments. For further details, the minutes of the Communities, City Management, and Air Quality Policy and Scrutiny Committee meeting held on the 31st July 2023, are provided in Appendix 3.
- 1.16 This report, which is part of stage three of the policy review process provides a concise summary of the Busking and Street Entertainment Licensing Policy Review, highlighting its key findings and recommendations. The report presents various options for the Committee's consideration and invites agreement on implementing specific recommendations as part of moving to the final stage (stage four) of this review process.

2. Recommendations

- 2.1 The Committee is asked to consider the Busking and Street Entertainment Licensing Policy Review Report (Appendix 2) recommendations and approve it.
- 2.2 Conditional on the decision regarding paragraph 2.1 above, following a comprehensive review of the Busking and Street Entertainment Licensing Policy, the Committee recognises and endorses 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 4.18 of this report and in line with option BSE/3 of the review report at Appendix 2.
- 2.3 Subject to the view expressed relating to paragraphs 2.1 and 2.2, the Committee steer is also sought on the proposals to implement stage four of this review process and recommend 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:

- 2.3.1 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.
- 2.3.2 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 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 Authorised Officers of the Council and the Police, licensed child buskers and street entertainers and royalty liability, and
 - (i) make any further minor or non-consequential amendments as required.
- 2.3.3 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 a 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.

2.3.4 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.

- 2.4 If the Committee concurs 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.
- 2.5 The Committee is invited to endorse a 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.

3. Background

- 3.1 Westminster, adorned with residential and business spaces, thrives in the vicinity of nationally and internationally renowned commercial, cultural, and tourist destinations. This dynamic environment fosters a vibrant and exciting atmosphere, attracting buskers and street entertainers, contributing to the city's unique and lively street scene.
- 3.2 Busking and street entertainment, encompassing evolving performance art in public spaces, feature performances by musicians, magicians, comedians, artists, dancers, acrobats, and mime artists. These expressions of creativity play a pivotal role in our placemaking and public space design approaches, ensuring our city centres remain appealing for all. While the Council acknowledges the cultural enrichment these activities bring to the city's vibrancy, certain locations experience adverse impacts. The excessive volume of daily loud or amplified performances disrupts residents and businesses, prompting complaints. Some areas, due to their nature, design, and use, prove unsuitable for busking, causing pedestrian congestion and safety issues.

- 3.3 On the 9th December 2020, a report and evidence were presented at a Full Council hearing, demonstrating the necessity of introducing a Busking and Street Entertainment licensing regime and associated Licensing Policy. The Policy aimed to address safety risks, undue interference, and inconvenience caused by busking and street entertainment in specific city locations. The Council proposed adopting Part V of the London Local Authorities Act 2000, designating areas like Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square as places where busking is prohibited, except for licensed buskers within twenty-seven designated busking pitches.
- 3.4 The Policy sought to support busking and street entertainment while minimising interference and inconvenience for street users, as well as mitigating disruptions for nearby residents and businesses. Following the debate, Full Council approved the adoption of the Policy and Part V of the London Local Authorities Act 2000 (the 2000 Act) to the City of Westminster, and the draft designating resolution for specific streets.
- 3.5 Subsequently, the Council conducted formal consultation on the designation order between 10th December 2020, and the 31st January 2021. A report presented to Full Council on the 3rd March 2021, sought the formal adoption of the designation order, which the Council agreed to, which became effective from 5th April 2021. The busking and street entertainment licensing regime became operational on this date.
- 3.6 Recognising the cultural contribution of busking and street entertainment, the Council acknowledges adverse impacts in certain locations. The high volume of loud or amplified performances led to disruptions, prompting complaints from residents and businesses. Inappropriate locations, characterised by design and usage issues, contributed to pedestrian congestion and safety concerns. The Council seeks to strike a balance between preserving the city's vibrancy and addressing these challenges through effective placemaking and public space design.
- 3.7 On the 9th December 2020, the Council deliberated on a report emphasising the need for a Busking and Street Entertainment licensing regime and associated Licensing Policy. Acknowledging safety risks, inconvenience, and interference in specific city areas due to busking and street entertainment, the Council proposed adopting Part V of the London Local Authorities Act 2000. This adoption aimed to prohibit busking in designated areas while allowing exceptions for licensed buskers within specified pitches.
- 3.8 Following a change in the Council's Administration in May 2022, discussions between Officers and the Cabinet Member outlined the scope of this review. The review, committed to during the adoption of the regime and policy on 9th December 2020, focused on evaluating the Policy's effectiveness only. Compliance and enforcement were not part of the initial scope of this review. However, it was quickly identified that compliance and enforcement issues were contributing factors to elements of the policy's implementation and use. While this report does not delve into the enforcement strategy, it acknowledges its consideration in parallel.
- 3.9 The review of the busking and street entertainment policy was conducted in four stages:

Stage	Stage title	Summary of stage	Completed, ongoing or to commence.
1	Internal Officer review	This stage focused on gathering input from Council teams and services which had the role of administering and/or enforcing the licensing regime and its Policy or had direct interactions	Completed October 2022

		or specific challenges associated with the regime and its Policy. This phase would also include collecting initial data sets on the scheme's operation and identifying previous individuals, groups, bodies, and partners involved in the initial development and consultation on the Policy for targeted engagement.	
2	Engagement and evidence gathering with external stakeholders	This stage focused on targeted engagement to gather information and feedback on the scheme and the Policy, including what had been achieved in its first year and the areas which required changes or further consideration.	Completed – September 2022 to May 2023.
3	Initial review findings and Councillor Scrutiny to consider next steps	This stage will set out the initial findings from stages 1 and 2 and consider what the options may be to make changes to the Policy to refine it further or make changes to address the specific issues identified in the review report. The initial review findings will be consulted with Members of the Licensing Committee and Policy and Scrutiny Committee. The outcome of those hearings will enable Officers to develop formal proposals for the Council to consider before moving on to the process of making changes to the Policy and/or process.	Ongoing – June to November 2023
4	Proposals for the revision of the licensing scheme and Policy are published for consultation prior to formal adoption	This stage will be subject to the findings of this report and whether following Councillor Scrutiny and Licensing Committee consultation the Cabinet Member for Communities and Public Protection agrees that proposals to revise the Policy should be consulted upon. The Council should undertake public consultation on the proposals for any revisions to the policy, code of conduct or standard conditions and then any subsequent responses should be considered before they are approved.	To commence – November 2023 to July 2024

- 3.10 During the initial review of the Policy, Council Officers examined data related to the licensing regime, encompassing information on complaints, compliance, and enforcement. Collaboration extended across various Council teams and services directly or indirectly impacted by the busking and street entertainment licensing regime and the associated Policy.
- 3.11 In fostering a comprehensive understanding, Officers actively engaged with key stakeholders, including street entertainers, Business Improvement Districts (BIDs), landowners, and businesses. This engagement involved email correspondence, virtual and in-person meetings, and targeted online surveys. Stakeholders shared their perspectives, raised concerns, and provided valuable evidence on their experiences with the licensing regime and Policy.
- 3.12 The Busking and Street Entertainment Licensing Policy Review report presents the insights and evidence collected during stages 1 and 2 of the review process. The identified findings

aim to empower Members of the Licensing Committee, Policy and Scrutiny Committee, and the Cabinet Member to assess available options regarding potential revisions to the Policy and the nature of those revisions.

4. Review Findings and Recommendations

4.1 The busking and street entertainment licensing regime, coupled with its associated Licensing Policy, has been operational for over two years. Throughout its establishment, extensive efforts were invested in engaging with stakeholders to formulate a scheme that strikes a delicate balance. The goal was to license responsible buskers and street entertainers while preventing obstruction of the highway and minimising inconvenience to residents and businesses. Following a comprehensive evaluation of the licensing scheme, Policy, and stakeholder input, Officers are of the view that the scheme itself is well-structured and does not necessitate significant alterations. Nevertheless, certain amendments to the policy and a thorough review of pitch locations are deemed necessary, as outlined in the proposed recommendations and options below.

4.2 Despite endeavours to establish a light-touch licensing regime aimed at fostering self-regulation, challenges related to compliance and the presence of illegal buskers in specific city areas have impeded the scheme from achieving its intended objectives. While positive changes have been observed in certain regions regarding noise, nuisance, and obstruction, considerable challenges persist in particular locations. Businesses and residents harboured high expectations for the scheme, anticipating its effectiveness in addressing these issues and empowering the Council to actively enforce and prosecute individuals violating the scheme's terms and conditions. Unfortunately, for various reasons, these expectations have not been met, necessitating significant Council resources and close collaboration with the police to fulfil them.

Options for the continuation or varying the scope of the licensing scheme.

4.3 While this review has predominantly focused on policy assessment, it is imperative to also address the challenges associated with non-compliance and illegal activity. Determining how the Council should proceed in managing the scheme is crucial, particularly assessing whether the cost and resources required to ensure compliance and prevent illegal activity would be proportionate to the needs for resourcing higher-risk priorities.

4.4 The evaluation of the Busking and Street Entertainment Licensing Policy's scope aimed to assess its implementation, effectiveness, and the need for any adjustments to enhance its alignment with future operational requirements. Throughout this review, the prevailing concerns raised by stakeholders revolved around issues related to compliance and the enforcement actions taken, or lack thereof, to address non-compliance and illegal activities in specific locations. Leicester Square and Covent Garden have been focal points in these discussions, as non-compliance, illegal performances, and the associated impacts of noise and obstruction have been evident. In contrast, the remaining areas covered by the scheme have not generated the same level of issues or complaints.

4.5 The scheme's overall success cannot be fully determined due to the challenges surrounding compliance and illegal performances. While the scheme was designed to address issues such as noise and obstruction caused by busking and street entertainment, the persistent challenges in Leicester Square and Covent Garden have prevented a comprehensive assessment of its effectiveness. Although improvements have been observed in most covered areas, these two locations remain significant sources of complaints and issues related to compliance.

- 4.6 The original intent of the licensing scheme was to adopt a light-touch approach, reflected in the very low fee levels. The expectation was that the busking and street entertainment scheme would be self-regulating, a concept referenced in the policy. Unfortunately, this ideal has not materialised.
- 4.7 Targeted engagement with stakeholders indicates a considerable appetite for the continued regulation of busking and street performers. In a targeted survey, 68% of respondents favored the scheme more than before, while 24% maintained unchanged views about the licensing scheme.
- 4.8 Compliance with the licensing requirements and policy by buskers and street entertainers results in minimal issues. However, when licensed individuals fail to adhere to their terms and conditions, especially related to amplification, significant complaints and harm are incurred at the performance location.
- 4.9 The review identifies two types of non-compliant buskers and street entertainers. The first group consists of individuals who are typically unaware of or knowingly ignore the licensing regime, creating noise issues and potential obstruction. The second group comprises individuals or groups fully aware of the licensing requirements but deliberately perform illegally, likely causing issues in high-profile areas.
- 4.10 Non-compliance from licensed performers and illegal buskers in Leicester Square, in particular, indicates that the current arrangements for the licensing regime and the Policy are not effective in that area.
- 4.11 Recent joint compliance and enforcement actions between the Council's City Inspectors and the Police have yielded positive results, utilising additional police powers to obtain information from performers for legal action.
- 4.12 Addressing non-compliance and illegal performances in Leicester Square and Covent Garden will require substantial Council and Police resources over an extended period. Deciding whether to prioritise this enforcement over other pressing priorities hinges on resource allocation and prioritisation.
- 4.13 Excluding non-compliance and illegal activity issues, the licensing scheme is deemed sound, albeit requiring some amendments. The combination of a detailed Licensing Policy and a clear licensing process is considered best practice.
- 4.14 The current fee levels are extremely low and do not cover the full costs of operating the scheme. Revisiting these fee levels may be necessary, considering the scheme's resource requirements and the broader impact on general funds.
- 4.15 A decision is needed on whether the scheme should continue in its current form. The significant resources and costs associated with addressing non-compliance and illegal busking may not be proportionate to other demands on limited Council and Police resources. While the scheme itself is sound, ensuring compliance will continue to require substantial unfunded resources. The presented options offer considerations for the scheme's future.

Option BSE/1 – Discontinue the scheme.
 A licensing regime will only be successful if the scheme has reasonable compliance and there is a robust enforcement approach in place to respond to non-compliance and illegal busking. However, if the cost and resources cannot be actively diverted to address the levels of non-compliance or illegal busking and therefore meet resident and business expectation then the scheme may never be effective. However, without the licensing

regime busking and street entertainment will continue and the issues of noise nuisance and obstruction of the highway will continue without an active mechanism to enforce it.

Option BSE/2 – Vary the scope of the scheme.

If the scheme is too large to actively ensure compliance and enforce illegal busking the scope of the scheme could be varied. The regime could focus on the key busking areas of the city and remove the restrictions and controls from other parts of the city. However, the areas of significant busking activity are the areas that have the highest levels of non-compliance and illegal busking. Resources would still be needed to maintain a sufficient level of enforcement in these areas to actively respond to non-compliance and illegal busking.

Option BSE/3 – Continue with the current scheme and prioritise resources to address non-compliance and illegal busking.

If the scheme should continue and resources can be prioritised to effectively enforce the regime, then the scheme may become more manageable and self-regulation could become more evident. An active compliance and enforcement response would be required to address non-compliance and illegal busking as and when it is reported. However, fee levels and the following recommendations may be necessary to assist in achieving this.

- 4.16 In the event of a decision to terminate the scheme, the Council would be obligated to adhere to a statutory process for revoking the existing resolutions that adopted the scheme. This formal procedure would entail conducting a comprehensive consultation, with the ultimate decision resting with the Full Council.
- 4.17 Alternatively, if adjustments to the current scheme are deemed appropriate, careful consideration must be given to the objectives of any proposed variation and how enforcement and compliance can be assured. Potential modifications might include designating noise-sensitive locations where busking is not permitted, while allowing it in other parts of the city or making substantial changes to where and when busking and amplification are allowed. Like the first option, any alterations to the current regime would require consultation, and then formal approval of any proposed changes.
- 4.18 If the decision is to continue with the existing scheme, it will be crucial to manage expectations regarding the Council's capacity to address noise and obstruction issues related to busking and street entertainment. While the licensing regime provides enforcement powers, cooperation from those regulated under the scheme is equally essential. Businesses and residents should understand that, while the Council will strive to respond to complaints about noise and obstruction, it must balance these concerns with other priorities and existing resources. In instances where a specific location is significantly impacted by persistent offenders, the Council, with support from the Police, may consider targeted operational measures on a case-by-case basis. If the consensus from the Policy and Scrutiny and Licensing Committees, as well as the Cabinet Member for Communities and Public Protection, is to retain the current scheme, the report presents several recommendations and options to enhance the scheme where possible and address specific issues identified during the review.

Recommendation 1 – Partnership with the police.

The Council and the Metropolitan Police should engage in further discussions associated with conducting further partnership compliance and enforcement action to tackle persistent non-compliance and illegal operators, focusing on key high impact areas, such as Leicester Square area and Covent Garden.

Recommendation 2 – Undertake a fee review.

The Council should consider the current licence fees for busking and street entertainment licences considering the need to prevent the fee becoming a barrier to buskers and street entertainers, the known processing and compliance costs and the financial implications of the scheme being unable to provide full cost recovery.

Licensing Policy

- 4.19 The Licensing Policy is meticulously crafted, offering a comprehensive guide to the purpose of the licensing scheme, the licensing process, codes of conduct, terms and conditions, and designated areas for busking and street entertainment. Developed through effective engagement, it adeptly delineates the Council's approach to administering and ensuring compliance with the scheme. Nonetheless, there are specific changes that could be considered to address elements overlooked during the initial development or that have surfaced since the scheme's implementation.
- 4.20 The Council has identified a gap in the Policy concerning applicants who may be under the age of 18. Insights from conversations with buskers and street entertainers have unveiled instances of individuals commencing their performances during their teenage years. While the scheme should not preclude children or young people from busking in Westminster, measures need to be in place to safeguard and protect them, ensuring parental or guardian consent. The Policy should undergo an amendment to include a provision specifically addressing children and young people, incorporating robust safeguarding measures. Any proposed changes in this regard should undergo consideration by child safeguarding experts from the Council and other pertinent agencies.

Recommendation 3 – Age restrictions and safeguarding

The Council should consider the inclusion of sections associated with buskers and performers under the age of 18 that includes factors relating to parental or guardian consent, whether adult supervision is needed whilst the child or young person is performing, safeguarding issues, including safeguarding from other buskers and reporting of concerns relating to child buskers and street entertainers.

- 4.21 The Council acknowledges a deficiency in the current Policy regarding the obligation of buskers and street performers to pay royalties for the performance or use of copyrighted works. It is crucial to apprise buskers and street entertainers that acquiring a Performing Rights Society (PRS) license may be necessary when incorporating copyrighted material into their performances. The Policy should explicitly outline this requirement, emphasising the responsibility of buskers and street entertainers to remit any associated royalties for copyrighted material or content. Furthermore, the Policy should include guidance on the process of applying for a PRS license to ensure clarity and compliance.

Recommendation 4 – Royalties liability

The Council should provide an advisory section within the Policy relating to the liability associated with royalties and that this rest solely with the licensed busker or street performer.

- 4.22 It is imperative that license applicants furnish truthful and accurate information. The provision of false information not only undermines the integrity of the licensing process but also raises concerns about the applicant's suitability to hold a license. The Council strongly condemns the submission of false information and views it as an attempt to circumvent the fit and properness test.
- 4.23 To address this issue, the Council should explicitly convey the consequences of providing false information in license applications. These consequences may encompass the rejection of an application, the revocation of an existing license, and potential prosecution under section 42(d) of the relevant legislation. The Council's approach to handling false information should be clearly articulated in the Policy, codes of practice, and throughout the licensing application process, including on the website and application form.

Recommendation 5 – Statement of truth and making a false declaration.

The Council should include its position on the requirement for applicants to sign a statement of truth associated with the information that they have provided and what the Council's actions will be if they have made a false declaration within its Policy.

Code of Conduct

- 4.24 The Code of Conduct serves a pivotal role in providing clarity to buskers and street entertainers regarding acceptable behaviour during performances. As per the targeted engagement survey, 66% of respondents from the busking and street entertainment community found the Code of Conduct to be clear and understandable.
- 4.25 The existing Code of Conduct should be fortified to explicitly state that certain behaviours towards Authorised Officers of the Council and the Police will not be tolerated. The Code, associated with the requirement to cooperate with Authorised Officers and the Police, should delineate that unacceptable behaviours or actions, such as verbal or physical abuse, or inciting the crowd against officers when carrying out their role under the 2000 Act, will not be tolerated and could result in the suspension or revocation of their license.
- 4.26 Based on the review's findings, some revisions may be necessary for the Code of Conduct. These may include adding additional codes, such as those related to licensees under the age of 18, safeguarding of children and young people, or the consequences of making false statements. The current Code related to communication with the council and the local community via the Forum should also be revised to emphasise the need to enable communication between licensees and the Council rather than the inclusion of residents and businesses.
- 4.27 During the revision of the Codes of Practice, the Council should consider engaging with licensed buskers and street entertainers to gather their input on proposed changes. This engagement is crucial before proceeding with the regulatory requirements for adopting the new Codes.

Recommendation 6 – Strengthen the Co-operate with Authorised Officers and the Police to the Codes of Conduct Provision

The Council should strengthen the current Code of Conduct relating to the requirement to co-operate with Authorised Officers and the Police to make it clearer about what behaviour will not be acceptable and what the possible ramifications are if a licensed busker or street entertainer fails to meet this Code.

Recommendation 7 – Revisions and additions to the Codes of Conduct

The Council should consider reviewing the current Codes of Practice to ensure that they reflect any necessary changes to the Council Policy or application process, including buskers and street performers under the age of 18 seeking licences, safeguarding of children, the consequences of making a false statement and communication channels between the Council and licensees via a Forum.

Standard Licence Conditions

- 4.28 The standard license conditions for busking and street entertainment were crafted to mitigate nuisance, anti-social behaviour, and highway obstruction that could compromise public safety. These conditions establish clear parameters for license holders and enforcing bodies, aiming to be reasonable and proportionate, allowing licensed performers to comply without undue impact. Violating the license may result in warnings, revocation, or prosecution under relevant legislation.
- 4.29 During the engagement process of this review, buskers and street entertainers were surveyed about their perception of the conditions. A targeted survey revealed that 57% of respondents did not consider the conditions reasonable and proportionate. In meetings with representatives of licensed performers, concerns were expressed about certain conditions being overly restrictive and unreasonable, although specific problematic conditions were not identified.
- 4.30 After reviewing the standard conditions, Officers believe they are reasonable and not unduly burdensome or disproportionate. Nevertheless, considering other findings and recommendations, the Council should consistently review the standard conditions and make necessary changes through appropriate engagement and consultation with licensees.
- 4.31 However, in line with the issues associated with unacceptable behaviour towards Authorised Officers and the Police, it is proposed to add a new condition to the standard terms and conditions for all Busking and Street Entertainment Licenses relating to the prevention of unacceptable behaviour. The new condition could take the following form:
- (1) *A busker and street entertainer shall:*
- (a) *Not use threatening, abusive, or offensive language, either verbally or in any performance material directed at or associated with the actions of an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (b) *Not engage in any physical assault or aggressive behaviour towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (c) *Not incite, encourage, or provoke crowds to act in a threatening, abusive, or physically aggressive manner towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (d) *Comply promptly with any lawful instruction or request given by Authorised Officers of the Council, Police Constable, or Police Community Support Officer in the course of performing their duties.*
 - (e) *Not obstruct, hinder, or interfere with an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer while they are carrying out their official duties.*
 - (f) *Fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour.*

(2) *In relation to (1)(f) above, reference to cooperate with any investigation includes providing relevant information, attending meetings or interviews if requested, and assisting in the identification of any involved parties.*

4.32 This licence condition aims to ensure a safe and respectful environment for Authorised Officers of the Council and the police while maintaining a positive and enjoyable atmosphere for the public during busking and street entertainment performances.

Recommendation 8 – New condition relating to behaviour towards Authorised Officers and the Police.

It is recommended that a new condition, such as the one proposed above is added to the standard licence conditions that addresses licensee behaviour or acts which create a risk to Authorised Officers of the Council and/or the Police or inhibits their actions or ability to investigate breaches of the licensing regime or offences under the 2000 Act.

Recommendation 9 – Standard conditions to be kept under review.

It is recommended that the standard conditions should remain under constant review and if necessary, proportionate, and reasonable conditions could be added, varied or removed as required.

Leicester Square (Pitches 8 and 9)

4.33 Action is imperative to address the noise nuisance stemming from amplification on adjacent properties, non-compliance among licensed buskers and street entertainers, and the prevalence of illegal busking in the Leicester Square area. Four options have been identified by Officers for the Council's consideration.

4.34 The first option involves a collaborative initiative between the Council, licensed buskers and street performers, and local businesses to tackle the issues at the grassroots level. If all parties commit to actively managing the situation, demonstrating collaboration and enhanced compliance, this approach could result in a reduction of noise nuisance and the preservation of the amplified pitch. The objective is to minimise the impact on the livelihoods of licensed buskers and street performers and prevent their displacement to other amplified pitches or engagement in illegal busking.

4.35 However, inherent risks are associated with this option. Past collaborative efforts have seen limited success, and given the unique nature of Leicester Square, challenges may persist, leading to continued noise nuisance. Enforcing against illegal buskers causing obstructions and nuisance within the Square might also pose difficulties, even if licensed buskers adhere to compliance.

4.36 This option could be pursued concurrently with one of the other options. If positive outcomes materialise through collaboration and robust enforcement, the Council may consider suspending the implementation of other options and continue monitoring the situation.

Option LS/1 – Seek an agreement between all parties to ensure compliance with current pitch requirements.

Utilise the period between the report publication and any formal decision to enable the SPA, Businesses, and the Council to consider the pitch locations, directions that amplification is directed, noise levels and monitoring to establish if other controls and agreements could be put in place to prevent the loss of amplification or the removal of that pitch all together. If no agreement is found to everyone's satisfaction, then the Council will have no option to consider moving forward with the alternative options.

Option LS/2 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch on weekdays.

The Council moves forward to revise the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments during weekdays.

- 4.37 Option 2 suggests the elimination of amplified sound from the Northeast pitch in Leicester Square on weekdays. To effect this change, the Council would need to modifying the terms and conditions of the pitch, following a consultation period.
- 4.38 This approach, proposed by local businesses, aims to mitigate the overall impact of amplification during weekdays, particularly when offices have higher staffing levels. Under this option, only licensed buskers would be permitted to use the pitch, with active compliance checks by the Council to ensure no amplification is employed. However, a risk exists that businesses with staff working on weekends may still encounter noise disturbances from amplified performances.
- 4.39 Associated risks with this approach include potential non-compliance by licensed buskers and an increased need for enforcement. Noise disturbances could remain significant on weekends, affecting businesses despite reduced office occupancy. The removal of the only amplified pitch on weekdays might negatively impact the earning potential of licensed buskers and street entertainers in the area, potentially leading to displacement to other pitches and generating new noise-related challenges. Additionally, restricting amplification to weekends could intensify demand for spots on those days, considering the pitch's existing high desirability.

Option LS/3 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch.

The Council moves forward to revise the terms and conditions of the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments altogether.

- 4.40 Option 3 proposes that the Council seeks to prohibit the use of amplification on the Leicester Square Northeast pitch. Consequently, no licensed busker or street entertainer relying on amplification would be permitted to perform in Leicester Square. This measure aims to effectively address the issue of noise nuisance for nearby properties emanating from that specific pitch. Active enforcement by the Council and the Police would be essential to control illegal busking in the area, facilitating more straightforward compliance management for City Inspectors and the Police.
- 4.41 Licensed buskers would inevitably experience a substantial impact on their income generation opportunities due to the restriction on amplification. Moreover, the demand for other amplified pitches in the area would likely surge, potentially prompting the Council to contemplate introducing additional amplified pitches in nearby streets to manage the heightened demand. Implementing this approach could lead to an increase in illegal busking and non-compliance from licensed buskers and street entertainers who can no longer use amplification at this pitch.

Option LS/4 – Prohibition of busking and street entertainment from Leicester Square

The Council moves forward to remove the Leicester Square (Northeast) and Leicester Square (Northwest) pitches and therefore make Leicester Square a prohibit street for busking or street entertainment.

- 4.42 Option 4 proposes a complete prohibition of busking and street entertainment in Leicester Square. By eliminating the designated pitches, the goal is to address the noise issues associated with these activities, provided there is robust enforcement. In the absence of designated pitches, it would be easier for Council City Inspectors and the Police to identify and take action against illegal buskers. This approach would involve the Police and our City Inspectors moving on buskers and street performers from the area or prosecuting illegal buskers and street entertainers if they persistently perform illegally in the area.
- 4.43 However, this option would have a significantly detrimental impact on licensed buskers and street entertainers who rely on these pitches. It would likely result in displacement and create a higher demand for pitches in the area. Additionally, there would be an increased risk of licensed performers resorting to performing illegally.

Recommendation 10 – Attempt a collaborative solution whilst undertaking a formal process to remove amplification.

It is recommended that the Council should start preparing to move forward with Option 3 which would make this pitch unamplified. However, whilst that option is being prepared and taken through consultation process, which can take several months Officers should work with businesses and licensed buskers and street entertainers should work together to attempt to find a solution through collaboration as set out in Option 1. If the collaborative approach between all parties shows signs of progress decision on changing this pitch to unamplified could be slowed or suspended if appropriate.

- 4.44 The noise nuisance attributed to busking and street entertainment in the area stems from two primary factors. The first factor involves licensed performers using amplification, and potential solutions are explored through the aforementioned options. The second factor is the presence of illegal buskers with amplification, necessitating active and robust enforcement collaboration between the Council and the Police.
- 4.45 Given the significant noise nuisance generated by amplification from the Leicester Square Northeast pitch, it is recommended to attempt Option 1. This option aims to assess whether the potential loss of amplification would incentivise compliance and collaboration from licensed buskers, street performers, and the local SPA (Street Performers Association). While Option 1 is being attempted, officers should proceed as described in Option 3, seeking the removal of amplification from this pitch. If progress is made with Option 1, the Council can slow down or suspend the implementation of Option 3.

Pitch Locations, Accessibility, and Markings

- 4.46 The location and availability of busking and street entertainment pitches have been identified as crucial issues by the Licensing Service, City Inspectors, and performers themselves. Currently, there are 27 designated pitches in the city, and their usage and income-generating potential vary based on footfall. Some pitches, particularly those in popular areas like Leicester Square and Trafalgar Square, often face suspensions due to events and market uses, leading to queues of performers waiting for their turn.
- 4.47 To address this, the Council needs to assess the adequacy of current pitch locations and their potential to cause disturbances or obstructions on the highway. Engagement with licensed buskers and street performers is necessary to gather input on pitch locations and identify possible additional pitches that can relieve pressure from high-demand pitches. In seeking new pitch locations, the existing methodology should be used. These new locations should provide similar opportunities for audience size and income generation when pitches are suspended for events.

- 4.48 The assessment of existing and potential new pitch locations should consider maximising opportunities for performers while ensuring they do not create obstructions or nuisances for businesses and residents. Flexibility in pitch use based on different times of the day or days of the week could be considered, allowing for variations in pitch availability to minimise impacts on nearby establishments. Similarly, the use of amplification could be regulated based on specific hours or days to balance performers' needs with the interests of businesses and residents. However, a comprehensive assessment was undertaken on pitch locations when the scheme was being developed, and changes to counter-terrorism measures in high footfall locations may result in an inability to identify suitable new pitch sites.
- 4.49 Under Section 149 of the Equality Act 2010, the Council has a duty to ensure that those with a protected characteristic are not excluded from accessing pitches and being able to obtain a busking and street entertainment licence. Anecdotal evidence suggests that the number of buskers with physical disabilities within the licensed areas is low. The available evidence of the prevalence of disability amongst buskers in the licensed areas is not considerably higher than in the general Westminster population. However, as part of any review of existing pitches or locations for new pitches, the Council should review the accessibility for disabled performers.
- 4.50 Improvements to the visibility and clarity of busking and street entertainment markings are also necessary. The current markings wear quickly and are costly to replace, so alternative, simpler, and more standardised marking templates should be considered to reduce future marking costs. Consideration may also need to be given to ensuring pitches can be located by performers who are visually impaired or blind. This may involve the use of braille markers on the floor or using pitch markings that enable visually impaired or blind performers to locate them and perform within them.

Recommendation 11 – Pitch Location and Accessibility Assessment

The Council should undertake an assessment of pitch locations that review the current pitches to determine whether they are still fit for use, are accessible to disabled performers, do not create an obstruction or nuisance. The review should also, using the existing methodology attempt to identify new pitch locations, especially in areas where there is a high demand to use existing pitches in the area. In carrying out the assessment Covent Garden's pitches and additional pitches around Leicester Square and Trafalgar Square should be prioritised.

Recommendation 12 – Pitch Markings

As part of the pitch assessment the markings for each pitch should be assessed and if they are worn should be replaced. The accessibility of the pitches, particularly for enabling visually impaired or blind performers to locate them should be considered and if necessary additional markers affixed to make the pitches more accessible to those performers. The full costs associated with a regular remarking schedule should also be considered as part of any future fee review as this will need to be funded by the income from the scheme.

Engagement with Licensed Buskers and Street Entertainers

- 4.51 Ongoing engagement and communication with licensed buskers and street entertainers are paramount. The original plan for the licensing scheme included a Forum designed to facilitate communication between licensees, businesses, residents, and the Council. However, due to various reasons, the Forum did not function as intended, resulting in concerns and issues being directly addressed to the Council.
- 4.52 To rectify this, there is a need to re-establish a Forum specifically tailored for licensed buskers and street entertainers in collaboration with the Council. The Forum should exclude resident

representatives and businesses, focusing solely on engaging with licensees or their representatives to address their challenges, provide feedback on issues, clarify license terms and conditions, and foster relationships and trust between Council Officers and licensees.

- 4.53 One concern raised by buskers and street entertainers is the lack of information about pitch suspensions due to events. The Council has implemented measures to provide advance warning on the suspension of pitches via the Council's website. However, the Council could explore additional options to enhance communication channels with buskers and street entertainers.

Recommendation 13 – New Buskers and Street Entertainers Forum

The Council should create a new Buskers and Street Entertainers Forum that meets quarterly to discuss the licensing scheme, key issues and future changes or potential improvements. This forum should enable an effective communication channel between licensed buskers and street entertainers or their representatives and Council Officers responsible for the licensing process or ensuring compliance.

Recommendation 14 – Notification of Pitch Suspensions

The Council could consider additional communication options that will provide buskers and street entertainers notification of pitch suspensions.

Engagement and Recognition of Street Performers Associations (SPA)

- 4.54 During a comprehensive review, officers engaged with two specific SPAs (Street Performers Associations) mentioned in the policy. The SPAs shared valuable information and personal experiences related to the licensing system and their interactions with Council Officers. However, despite the officers' request for written documentation concerning membership accessibility, transparency, rules for members, and the disciplinary process for rule breaches, these documents were not presented.
- 4.55 The Covent Garden SPA expressed fundamental opposition to licensing, stating that their members would not obtain a license from the Council. They believed Covent Garden should not be included in the licensing regime and suggested self-regulation or a scheme similar to one used in the past. Self-regulation had been considered previously, but issues with obstruction and noise persisted.
- 4.56 The review also explored the possibility of providing greater benefits or access to pitches for SPA members. However, due to the lack of written processes and rules within the SPAs, it was uncertain whether membership criteria were open and accessible to new buskers and street entertainers. The Covent Garden SPA opposed any involvement with the licensing regime, even if given special status within the policy.
- 4.57 The Leicester Square and Trafalgar Square SPA and their members were mostly licensed. While they expressed a willingness to collaborate with the Council, there were significant issues with nuisance, illegal activities, and non-compliance among buskers and street entertainers in Leicester Square. Officers suggested further engagement with the Leicester Square and Trafalgar Square SPA to assess their willingness to work collaboratively with the Council in the future, especially considering proposed options for the two pitches in Leicester Square.
- 4.58 The concept of SPAs is still seen as positive and worth supporting by the Council. However, it was emphasised that SPAs should represent licensed buskers and street entertainers. Direct communication channels with SPA representatives were deemed necessary to address issues or problems with specific pitches or performers. This would require the SPAs to

provide direct contact details for their SPA representatives. SPAs should also be regular attendees at the Forum for licensed Buskers and Street Entertainers and the Council. This Forum will provide an opportunity for the SPAs, along with other licensees and Council Officers, to discuss key issues, address questions, and set out any future improvements or changes to the licensing scheme.

- 4.59 However, engagement and interaction with SPAs that actively and intentionally busk illegally and who will not engage in the licensing process were not considered feasible. It is important that the views of licensed buskers and street entertainers are taken into account, and there is a conduit for communication between the Council and licensees.

Recommendation 16 – Revision the SPA section with the Policy

The Policy should continue to promote the designation of local SPAs who represent licensed buskers and street entertainers. However, direct references to the two current SPAs should be removed from the Policy itself. The Policy could be revised to add additional information on the benefits that SPAs can have in representing their members when communicating with the Council.

Recommendation 16 – Provide SPA contact information on the Council’s Busking and Street Entertainment Website Pages.

The Council should consider listing recognised SPA’s as well as their contact information on the Council’s website within the Busking and Street Entertainment licensing scheme pages. This would enable new SPA’s or updates to existing SPA contact information to be amended quickly without the need to undertake a formal revision of the Licensing Policy.

Other Minor or Non-consequential Amendments

- 4.60 In the course of implementing the changes outlined in this review, there may arise the necessity for other minor or non-consequential amendments to the Busking and Street Entertainment Licensing Policy. It is crucial that any required corrections, modifications, or additions to enhance the Policy or facilitate the full implementation of options or recommendations be undertaken by the Council. It is important to note that any alterations to this Licensing Policy or the scheme will be subject to consultation.

Recommendation 17 – Minor or non-consequential amendments to the Licensing Policy

The Council should make any corrections, additions, or amendments as necessary to improve the Busking and Street Entertainment Licensing Policy or to facilitate any revisions as considered necessary as a result of this review.

5. Proposed Action for Stage Four of this Review and Public Consultation

- 5.1 It is recognised that the busking and street entertainment licensing scheme has encountered notable challenges since its inception. Originally conceived as a light-touch regulatory framework with an inherent aspect of self-regulation, the scheme has, regrettably, grappled with issues of non-compliance and the inherent complexities in ensuring adherence to its stipulations. Consequently, the scheme has fallen short of fully realising its primary objectives, which were aimed at mitigating impact and fostering busking and street entertainment within designated areas.
- 5.2 The examination of the Licensing Policy and the licensing scheme revealed a fundamentally sound framework. While identified as robust, there exist opportunities to fortify the Policy further by incorporating adjustments or introducing supplementary code provisions and standard conditions to effectively address specific concerns. Officers maintain a positive view

of the licensing scheme, deeming it well-structured. The key belief is that, with a higher level of compliance, the scheme could fully realise its intended objectives.

- 5.3 There is minimal enthusiasm among businesses and residents for the removal of the scheme and a return to self-regulation. Before the scheme's implementation, various parts of the city grappled with prevalent issues such as noise nuisance, highway obstruction, and safety concerns. Presently, these challenges are more localised and have been pinpointed in specific areas highlighted in the review report.
- 5.4 The surge in complaints and heightened expectations regarding the scheme's effectiveness in managing busking and street entertainers in specific locations has resulted in increased strain on Council resources. The Council's Authorised Officers (City Inspectors) have faced substantial challenges, leading to growing frustration with the scheme's operations.
- 5.5 The review report explores three potential options: discontinuing the scheme, adjusting its scope (such as reducing the covered area), or maintaining the current scheme while making minor amendments to the policy, codes of conduct and standard conditions as well as prioritising resources to tackle non-compliance and illegal busking. The recommendation from Officers is to continue the scheme and strategically engage in targeted, proportionate compliance and enforcement actions in key locations where non-compliance is prevalent, notably Leicester Square and Covent Garden. The Committee is advised to endorse the Officers' recommendation to retain the scheme in its existing form, contingent on the proposed revisions to the Licensing Policy, Codes of Conduct, and Standard Conditions detailed in this report.
- 5.6 The Council has actively collaborated with the Police to establish partnerships aligned with specific Council priorities. Sustaining these collaborative efforts will be pivotal in bolstering the scheme's effectiveness in the future. Recommendation 1 from the review report reinforces this collaborative approach, and Officers will engage in focused discussions to evaluate the proportionate response to addressing non-compliance and illegal busking in key areas.
- 5.7 However, it is crucial to note that any resources allocated to the scheme must be balanced against the comprehensive scope of work, compliance initiatives, and enforcement priorities of the Council. Achieving this equilibrium is essential for ensuring the effective implementation of the scheme and parallel with other equally important priorities.
- 5.8 The initial fees established for the scheme fall short of achieving full cost recovery, leading to a reliance on central funds for subsidies. Although full cost recovery may be challenging, the existing fees are exceptionally low, and the generated income is insufficient to support the necessary administrative work and resources essential for ensuring compliance with the scheme.
- 5.9 In line with Recommendation 2 outlined in the review report, Officers propose conducting a comprehensive fee review. This review aims to ascertain an appropriate fee level that achieves a reasonable degree of cost recovery while mitigating the impact on broader Council budgets. Officers are committed to initiating this fee review for the scheme, which will be incorporated into the broader Licensing Service fee review process scheduled for 2024.
- 5.10 Although the Licensing Policy is adequate there are some revisions that have been identified that would enhance the current policy. Most of these revisions will provide greater clarity on the Council's position for certain considerations and expectations that are not present in the current version.

Licensing of children and safeguarding children and vulnerable adults.

- 5.11 The existing policy fails to address the specific considerations associated with applications for busking and street entertainment licenses concerning individuals under the age of 18. Additionally, there is an evident lack of provisions related to the safeguarding of children and vulnerable adults. In response to these gaps, Recommendation 3 recommends a revision of the Licensing Policy, introducing a dedicated section outlining the Council's stance on applicants under the age of 18.
- 5.12 The proposed policy advocates the prohibition of individuals under the age of 14 from obtaining a license for busking or providing street entertainment. For those aged between 14 and under 18, the policy outlines eligibility criteria:
- Proof of Age: Applicants must submit proof of age through appropriate identity documents.
 - Consent Form: A completed consent form signed by a parent, guardian, or responsible adult must accompany the application.
 - Identification of Adult Guardian: The parent, guardian, or responsible adult endorsing the application is also required to provide identification for verification purposes.
- 5.13 A new licensing condition will be implemented to prohibit children who are licensed buskers and street entertainers from performing during school term time, excluding weekends and public bank holidays. This condition will be added to the standard conditions and exclusively applicable to licenses issued by the Council for individuals who are children.
- 5.14 By incorporating these revisions into the Licensing Policy, the Council seeks to establish clear guidelines for individuals under the age of 18 who wish to apply for busking or street entertainment licences. This approach aims to strike a balance between promoting artistic expression among young individuals and ensuring their well-being and safety in accordance with established legal and ethical standards.
- 5.15 In conjunction with the new requirements pertaining to the licensing of children, there is a proposal to introduce an additional section within the policy specifically addressing safeguarding. This section will outline the overarching expectations placed on buskers and street entertainers in safeguarding children and vulnerable adults. Its purpose is to furnish fundamental guidance on recognising indicators of vulnerability, explain their responsibilities towards children and vulnerable adults, and outline the process for reporting concerns to the appropriate authorities.

Royalty Liability

- 5.16 The current policy lacks clarity regarding the obligation of buskers and street entertainers to pay royalties for the performance or use of copyrighted works. In response to this, Recommendation 4 suggests that the revised policy includes a new section specifying the responsibility of licensed buskers and street entertainers to seek appropriate permissions from the Performing Rights Society (PRS) for the use or performance of protected works. Furthermore, to ensure compliance with the use of protected or copyrighted material by buskers and street entertainers, it is advisable to introduce a new standard condition for licences. This addition aims to guarantee that performers have obtained the necessary permissions or paid the relevant fees for the use of copyrighted content during their acts.

Statement of Truth and making a false statement.

- 5.17 The current licence application process lacks a crucial element requiring applicants to affirm the accuracy of their submissions through a statement or declaration of truth. This oversight in the initial drafting of the policy and licensing application process is significant, as the veracity of information provided in a license application is paramount. A false statement in an application could lead to the issuance of a license to an unfit applicant.
- 5.18 Given the intended light-touch nature of the licensing application process, it is imperative that applicants explicitly confirm the accuracy of the information they submit. Equally vital is the understanding that making a false statement may have serious consequences. If the Council discovers a false statement, it reserves the right to revoke the license, refuse future applications from the individual on the grounds of being unfit to hold a license, or take legal action under section 42(d) of Part V of the London Local Authorities Act 2000, potentially resulting in a fine not exceeding £1,000.
- 5.19 To address this, it is proposed to amend the licensing policy and licensing application process by incorporating information on the requirement to make a statement or declaration of truth as part of the application form. This addition will serve to ensure that applicants explicitly affirm the accuracy of the information provided to the best of their knowledge. Additionally, accompanying this statement will be a clear outline of the potential repercussions should an applicant be found to have knowingly made a false statement.

Busking and Street Entertainment Forum

- 5.20 The initial plan included the establishment and administration of a Busking and Street Entertainment Forum by the Council, designed to facilitate dialogue among residents, businesses, buskers, street entertainers, and the Council. The Licensing Policy embraced this concept, offering a summary of the Forum's purpose and avenues for engagement. Unfortunately, this Forum did not materialise, and given the multitude of existing community and business engagement forums, creating a separate entity seems redundant. Stakeholder feedback suggests limited interest from residents and businesses in attending meetings specifically dedicated to busking and street entertainment issues.
- 5.21 In response to the recommendations outlined in the licensing policy review report, a revised approach is proposed—a forum tailored to foster improved communication between the Council and licensed buskers and street entertainers. This forum aims to facilitate closer interaction, providing a dedicated channel for expressing views, addressing concerns, and sharing information. In tandem with the proposed changes to the Code of Conduct provision, this section in the policy will be amended to reflect the modified approach, explicitly emphasising that it serves as a specialised engagement channel between licensed buskers, street entertainers, and the Council.
- 5.22 The "join our busking and street entertainment community" section in the current Licensing Policy will undergo revision to align with the updated Forum approach. Additionally, it will outline our process for notifying pitch suspensions (Recommendation 14)—an aspect highlighted as a significant concern by buskers and street entertainers, particularly in areas prone to frequent events. This adjustment aims to enhance transparency and streamline communication channels, addressing the specific concerns raised by the busking and street entertainment community.

Street Performers Association (SPA's)

- 5.23 Acknowledging the potential value of Street Performers Associations (SPAs) as a conduit for engagement and communication with licensed buskers and street entertainers, it is recognised that SPAs, typically established for specific locations, offer localised perspectives

on issues directly impacting them. The original intent behind incorporating SPAs into the regulatory framework was to leverage their role in self-regulation, contributing to the operation of a light-touch licensing regime. However, the desired outcomes have not been fully realised.

- 5.24 For instance, the SPA for Covent Garden has not actively engaged with the licensing process, and its members resist obtaining a licence to adhere to the regulatory framework. In contrast, the Leicester Square SPA has shown positive engagement with the Council, though local self-regulation has not effectively addressed non-compliance.
- 5.25 While the SPA approach has not fully achieved its intended impact on compliance through self-regulation, the concept remains valid. SPAs can still serve as crucial means of engagement with local licensed buskers and street entertainers, facilitating information sharing. It is proposed that the Council will only recognise SPAs representing licensed performers actively engaged with the licensing regime. There's potential for collaboration with the Music Union and the SPA's representing licensed buskers and street performers, to transform them into fully constituted associations equipped with a board, constitution, membership rules, and disciplinary policies.
- 5.26 In line with Recommendations 15 and 16 from the review report, it is proposed to revise the "Performer self-regulation and street performers associated" section of the policy. This revision will eliminate references to specific SPAs and instead provide additional information on the benefits and operation of an SPA for its members. The updated policy will explicitly state that the Council will only recognise and engage with SPAs representing licensed buskers and street entertainers in Westminster who are committed to actively participating in the licensing scheme. The policy will guide readers to the Council's busking and street entertainment webpage for a list of registered SPAs and their contact information.

Minor or non-consequential amendments to the Licensing Policy

- 527 As part of the ongoing review, minor or non-consequential amendments may be necessary to the Busking and Street Entertainment Licensing Policy. These changes aim to correct errors, incorporate improvements, or provide additional information or context. However, these changes will not change the policy.

Code of Conduct Revisions

- 5.28 The licensing policy review has highlighted that there is a need to review the current codes of conduct for busking and street entertainers. It is proposed in recommendation 6 to strengthen the current code provision 5 "Co-operate with Authorised Officers and the Police" code provision. This is considering the findings of the review associated with the behaviour and language used by some buskers and street entertainers towards the Council's Authorised Officers.
- 5.29 Code provision 7, titled "Talk to the Council and the Local Community, and use the Forum," requires a revision to enhance engagement between buskers, street entertainers, and the local community. Originally intended to facilitate regular forums for residents, businesses, and licensed performers to discuss concerns with the Council, this envisioned setup did not materialise. Considering the myriad of local engagement opportunities available to buskers and street entertainers, establishing a new community forum involving residents, businesses, and performers may prove unnecessary, potentially burdening the Council with setup, advertising, and operational demands.
- 5.30 In alignment with the approach outlined in Recommendation 13 of the review report, it is deemed appropriate to establish a dedicated forum for buskers and street entertainers to

interact with council officers, facilitating discussions on issues and information sharing. These meetings could be conducted quarterly, with invitations extended to all licensed buskers and street entertainers. While this introduces an additional responsibility for officers, it offers an avenue for improved communication and information exchange.

- 5.31 In light of evolving communication norms, the proposed amendment to this code provision reflects this new approach. Buskers and street entertainers are encouraged to actively participate in this forum to raise issues related to busking and street entertainment in the city. Moreover, the code will also advocate for buskers and street entertainers to engage with their local community through existing local meetings and by joining local Street Performers Associations. This adjustment aims to bring the code in line with contemporary communication channels, fostering a closer connection between performers and the local community while enhancing communication with the Council.
- 5.32 It is recommended to introduce additional code provisions to encompass the newly incorporated elements in the policy related to the licensing of children for busking and street entertainment, safeguarding of children and vulnerable adults, and the veracity of statements made during the application for a licence. These fresh code provisions will clearly articulate the expectations for buskers and street entertainers to adhere to these requirements and policy positions. By delineating these expectations, the updated code seeks to ensure a comprehensive understanding and compliance among performers, fostering responsible and ethically sound practices in alignment with the revised policy framework.

Standard Conditions Revisions

- 5.33 Following the policy review, the existing standard conditions were deemed reasonable and proportionate. However, in response to identified issues regarding the behaviour of some licensed buskers and street entertainers towards the Council's authorised officers, Recommendation 8 suggests the addition of a new standard condition addressing unacceptable conduct. This proposed condition mandates that licensed buskers and street entertainers conduct themselves in a manner that refrains from verbal or physical abuse or assault directed at Council or Police personnel. Additionally, it imposes an obligation to comply with directives from Council Officers and Police personnel, prohibiting any obstruction to officers carrying out their functions.
- 5.34 This condition is crucial for safeguarding Council Officers and Police personnel in the execution of their duties. Failure to adhere to or breach this condition may prompt the Council to assess the fitness and propriety of the licence holder. Non-compliance poses the risk of licence revocation, with potential implications for the refusal of future applications.
- 5.35 In response to the proposed inclusion of a new policy section addressing the licensing of children as buskers and street entertainers, it becomes imperative to introduce a corresponding standard condition exclusively applicable to licensees under the age of 18. These conditions explicitly prohibit any performances under the licence during England's school term dates, except for weekends and national bank holidays. Additionally, it sets boundaries by preventing performances from commencing before 8 am and after 8 pm. The primary objective of this condition is to ensure that children are not engaged in performances under their licence during school hours or in environments likely to pose a safeguarding risk. While contemplating potential flexibility to permit performances after school hours, it is recommended that such allowances could potentially compromise a child's development and negatively impact their education.

Amending the terms and conditions for the Leicester Square Northeast Pitch (Pitch 9)

- 5.36 Action is necessary to address noise issues caused by amplified performances, non-compliance from licensed buskers, and the presence of illegal buskers in the area. Four options have been put forward for consideration within the licensing policy review document. The first option proposes a collaborative approach involving the Council, licensed performers, and businesses to address local issues. While this could lead to reduced noise and the retention of amplified pitches, there are risks associated with limited success in past collaboration efforts and potential challenges in enforcing against illegal buskers. The option could be pursued alongside other alternatives, with the possibility of suspension if positive outcomes are achieved through collaboration and enforcement, allowing ongoing monitoring of the situation.
- 5.37 Option 2 suggests removing amplified sound from the Northeast pitch in Leicester Square on weekdays. This change, proposed by local businesses, aims to lessen the impact of amplification during weekdays with higher office staffing levels. Only licensed buskers would be allowed to use the pitch under this option, requiring active compliance checks by the Council. Risks include potential non-compliance, increased enforcement needs, and continued noise nuisance on weekends for businesses with staff working during that time. Removing the only weekday amplified pitch might adversely affect the earning potential of licensed buskers and street entertainers, potentially leading to displacement and creating new noise issues. The restriction of amplification to weekends could intensify competition for those slots due to the already high demand.
- 5.38 Option 3 proposes prohibiting the use of amplification on the Leicester Square Northeast pitch, aiming to address noise issues for nearby properties. This would mean no licensed busker or street entertainer relying on amplification could perform in Leicester Square. Active enforcement by the Council and the Police would be essential to control illegal busking, easing compliance management. However, licensed buskers would experience a significant impact on their income, and increased demand for other amplified pitches may necessitate introducing new locations. The implementation of this option could potentially lead to an uptick in illegal busking and non-compliance from licensed performers no longer allowed to use amplification on this pitch.
- 5.39 Option 4 suggests a complete prohibition of busking and street entertainment in Leicester Square by removing designated pitches to address associated noise issues. The absence of designated pitches would simplify enforcement against illegal buskers for Council City Inspectors and the Police. This approach involves moving on or prosecuting illegal buskers and street performers. However, the option would significantly harm licensed buskers and street entertainers who rely on these pitches, potentially leading to displacement and heightened demand for remaining pitches. Additionally, there is an increased risk of licensed performers resorting to performing illegally if this option is implemented.
- 5.40 The noise issues associated with busking and street entertainment primarily arise from two factors: some licensed performers using amplification at a level that is considered to cause a nuisance and illegal buskers with amplification. Following a thorough examination of the available options and the contributing factors, it is recommended to proceed with consultation on Option 3. This option involves amending the terms and conditions for the Northeast pitch in Leicester Square (Pitch 9) to remove amplification, transforming it into a non-amplified pitch. Given the necessity for consultation on this proposal, it is further recommended that Officers maintain ongoing engagement with representatives of the local licensed SPA, local businesses, City Inspectors, and the Council Environmental Sciences Team.
- 5.41 Initial engagement with the SPA for this area and the Music Union has been positive. Whilst there are significant concerns associate with this proposal form the members of the SPA they are willing to work with the Council and local businesses to attempt to find an alternative

solution. This continued engagement aims to collaboratively explore voluntary agreements and measures that could effectively address the impact of noise nuisance on local businesses. By working individually and collectively with these parties, Officers seek to identify practical solutions. If an approach is identified that sufficiently mitigates the noise nuisance impact from amplification on Pitch 9 in the Northeast corner of Leicester Square, the Council may consider deferring or cancelling any decision to remove amplification from this pitch in the future.

Pitch Location Review and Re-marking

- 5.42 The adequacy of current busking and street entertainment pitches in the city has been identified as a crucial concern by the Licensing Service, City Inspectors, and performers. With 27 designated pitches, disparities in usage and income potential exist, particularly in high-demand areas like Leicester Square and Trafalgar Square, where events often lead to suspensions and queues of performers waiting for their turn.
- 5.43 To address this, it is recommended in Recommendation 11 of the review report that an assessment of pitch locations is undertaken to consider whether existing pitches are still suitable and the potential sites for new pitch locations, including pitches that could be time limited. Engagement with licensed buskers and street entertainers is crucial for gathering input and identifying potential new pitches that could alleviate the existing pressure on the current 26 pitches. The assessment should consider maximising opportunities for performers while minimising impacts on businesses and residents. Flexibility in pitch use and regulation of amplification based on specific hours or days could be explored.
- 5.44 Under Section 149 of the Equality Act 2010, the Council is obligated to ensure access to pitches for individuals with protected characteristics. A review of accessibility for disabled performers is also recommended in Recommendation 11 of the review report. Additionally, improvements to the visibility and clarity of busking pitch markings are recommended in Recommendation 12 of the review report. Consideration should be given to the use of alternative, cost-effective pitch marking templates, and ensuring accessibility for the disabled and especially visually impaired or blind performers through the use of braille markers or specialised pitch markings.
- 5.45 The pitch location assessment is scheduled to be conducted from Spring of 2024, coinciding with increased pitch utilisation by licensed buskers and street performers. This evaluation will scrutinise the current use of the 26 operational pitches, assessing their continued suitability. Recognising that certain pitches are deemed problematic and may require relocation, Officers will explore alternative locations across the city.
- 5.46 In addition to appraising existing pitch locations, Officers will actively seek out alternative sites to address the challenges posed by high-demand areas. Following this comprehensive assessment, any proposed changes to existing pitches or the inclusion of new pitch locations will be presented to the Licensing Committee for consideration. This proactive approach aims to ensure that pitch allocations align with the evolving needs of performers and the community while minimising disruptions and addressing any identified issues with current locations.
- 5.47 As part of this assessment, Officers will delve into options for enhancing pitch markings to ensure accessibility for individuals with disabilities, facilitating their identification and utilisation. Furthermore, there is an exploration of potential collaborations with local Business Improvement Districts (BIDs) for the maintenance of pitch markings in specific locations.
- 5.48 A notable initiative in this regard is the proposal presented by the Heart of London Business Alliance (HOLBA), expressing interest in undertaking the marking and maintenance

responsibilities for pitches in Leicester Square and Piccadilly Circus. This collaborative opportunity not only holds the potential to enhance the upkeep of pitch markings but also envisages relieving the associated costs from the Council.

6. Legal Implications

- 6.1 This is a review of the existing policy. The review covers proposals to amend the application and determination process and the application fee. The review also covers proposals to amend the standard terms, conditions, and restrictions.
- 6.2 The Council must conscientiously consider the responses to the consultation. If amendments to the application and determination process, fees or the standard terms, conditions and restrictions are required these will be determined by the Licensing Committee in accordance with sections 36 and 40 of the London Local Authorities Act 2000.

7. Equalities Implications

- 7.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 7.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.3 The Council recognises that it will review its Busking and Street Entertainment Policy and the licensing regime having regard to its equality duty.
- 7.4 An Equalities Impact Assessment has been completed for the proposed recommendations to amend the Licensing Policy, Codes of Conduct and Standard Conditions for busking and street entertainment. A copy of this assessment has been included with this report as Appendix 7.

8. Human Rights implications

- 8.1 The powers need to be exercised appropriately so as to provide a proportionate response to the problems caused by busking. In deciding whether to prohibit or licence busking in any part of the City, the council is advised to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. It is unlawful for the council to carry out its functions in a way which is incompatible with rights set out in the European Convention of Human Rights.

- 8.2 Article 10 states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 8.3 Article 11 states that everyone has the right to freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.
- 8.4 These rights must be balanced against the protection of the rights and freedoms of others, including the right that everyone has under Article 8 to respect for their private and family life and their home. In some circumstances, public authorities must take positive steps to prevent intrusions into a person's private life by other people, including those who engage in anti-social busking and street entertainment.
- 8.5 Article 14 of the convention (prohibition of discrimination) states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9. Financial and Staffing Implications

- 9.1 There are no staffing implications as a result of this report.

Appendices

- Appendix 1 – Busking and Street Entertainment Licensing Policy - 2021
- Appendix 2 – Busking and Street Entertainment Licensing Policy Review Findings Report dated November 2023.
- Appendix 3 – Communities, City Management and Air Quality Policy and Scrutiny Committee Minutes, dated 31st July 2023.
- Appendix 4 – Proposed new sections for the revised Busking and Street Entertainment Licensing Policy
- Appendix 5 - Proposed revised Busking and Street Entertainment Code of Conduct
- Appendix 6 – Proposed revised Busking and Street Entertainment Standard Licence Conditions
- Appendix 7 – Equalities Impact Assessment

If you have any queries about this report or wish to inspect any of the background papers, please contact:

Mr Kerry Simpkin, Head of Licensing, Place & Infrastructure Policy
Innovation and Change. Telephone: 07583 108491, Email: ksimpkin@westminster.gov.uk

Background Papers

London Local Authorities Act 2000
Westminster City Council's Busking and Street Entertainment Licensing Policy 2021
Busking and Street Entertainment Licensing Policy Review – Communities, City Management & Air Quality Policy, and Scrutiny Committee Report – 31st July 2023
Busking and Street Entertainment Policy – Full Council Report and Minutes – 3rd March 2020
Busking and Street Entertainment Policy – Full Council Report and Minutes – 9th December 2020
Busking and Street Entertainment Policy - Licensing Committee Report and Minutes – 25th November 2020
Busking and Street Entertainment Policy – Licensing Committee Report and Minutes – 23rd September 2020
Busking and Street Entertainment Policy Consultation Results - Licensing Committee Report and Minutes – 8th July 2020
Busking and Street Entertainment Policy - Licensing Committee Report and Minutes – 10th January 2019
Street Entertainment Policy: Information Report - Licensing Committee Report and Minutes – 28th November 2018

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BUSKING

AND STREET ENTERTAINMENT IN WESTMINSTER



Policy 2021

#BuskWestminster

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INTRODUCTION AND POLICY OVERVIEW

Every day the streets and public spaces of Westminster are brought to life by busking and street entertainment. This includes musicians, magicians, comedians, artists, dancers and others who come from all over the world to perform on our streets.

However, along with entertainment and vibrancy, busking and street entertainment can also cause adverse impacts including noise, obstruction and public safety issues. In recent years we have received an average of 2200 complaints each year.

To ensure we deliver a City for All, this draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here by promoting a voluntary Code of Conduct to support performers to self-regulate, and promoting membership to the Westminster wide Busking and Street Entertainment Forum. The policy also recognises that in certain locations within our City, the adverse impacts experienced by pedestrians, residents and business are significant and a tailored and targeted response is needed to improve control and address these concerns.

Before you perform in the City of Westminster we ask that you make yourself familiar with our Code of Conduct and this Policy.

- We have a Westminster wide Code of Conduct within this Policy that you should follow to ensure you are being considerate of both the local community and those sharing the public space with you. We also encourage all buskers and street entertainers to go to our dedicated webpage for information and join our Busking and Street Entertainment Forum.
- The centre of our City is a busking and street entertainment regulated area. There is a light touch licensing scheme applicable here which means you will only be able to busk in designated pitches, need to apply for a licence to perform, keep to the terms and conditions of the designated pitches, and abide by the conditions of your licence. The centre of our City includes the areas in and around:

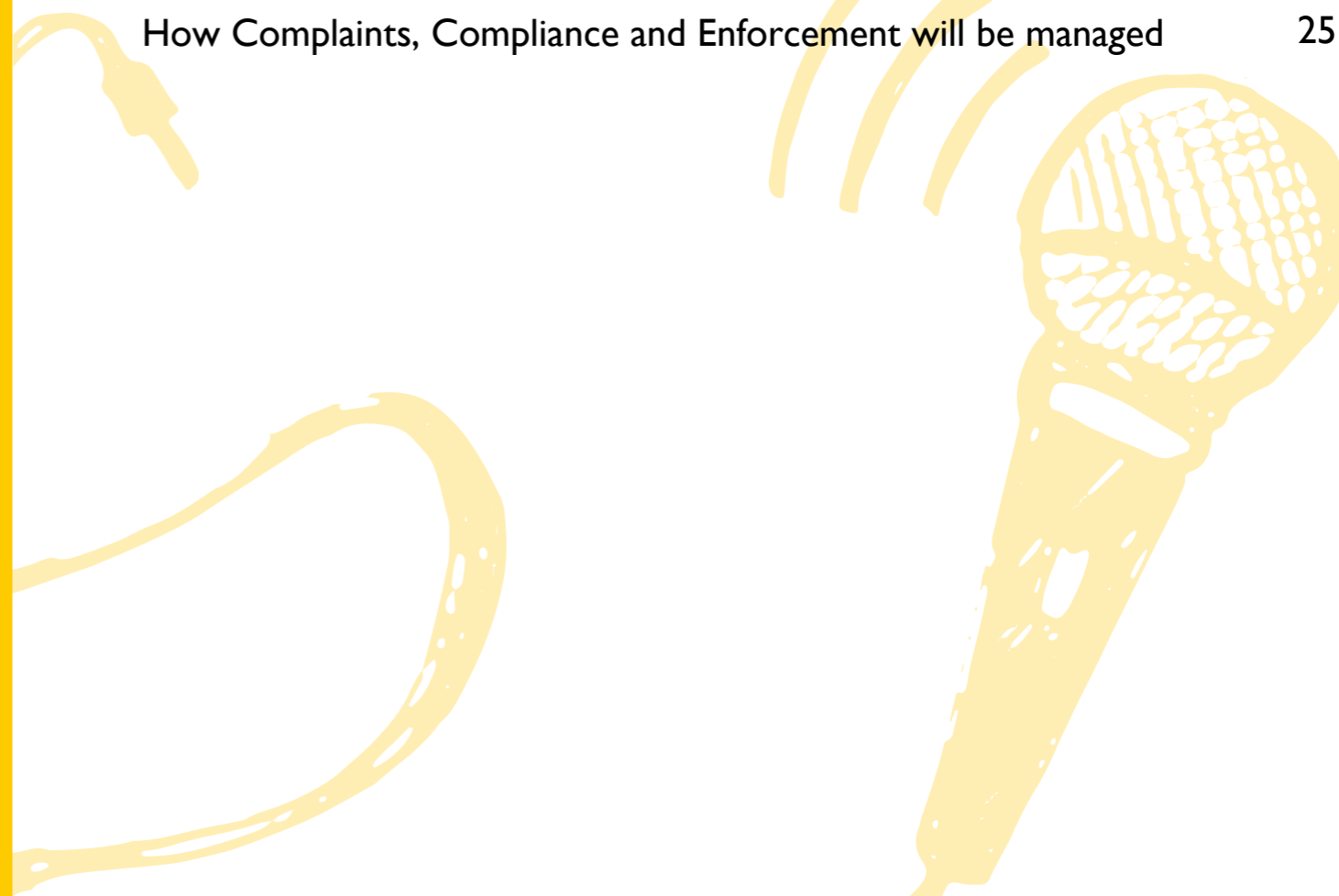
- | | |
|--------------------|---------------------|
| • Paddington | • Covent Garden |
| • Marylebone | • The Strand |
| • Bayswater | • Charing Cross |
| • Oxford Street | • Embankment |
| • Mayfair | • Trafalgar Square |
| • Regent Street | • Whitehall |
| • New Bond Street | • Parliament Square |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

- In Covent Garden there is an established Street Performers Association (SPA) that you are encouraged to join before performing here.
- In Trafalgar Square and Leicester Square there is a newly created SPA that you are encouraged to join before performing here.

This policy is based upon the careful consideration of evidence and engagement with buskers and street entertainers, businesses and residents, however we will also monitor the policy throughout its first year of implementation and conduct a full review after 12 months so that it can be adapted based on results and feedback if required.

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WHAT IS BUSKING AND STREET ENTERTAINMENT?

Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.

The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists including street artists, dancers, acrobats and mime artists.

For the purposes of this policy busking and street entertainment **is not** considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service (this includes performances of Christmas carols by members of the Salvation Army)
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.

If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact streettradinglicensing@westminster.gov.uk

HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON



1741
'The Enraged Musician'
by William Hogarth



1850
Harmony In
Leicester Square'



1955
Harpist, Photo by B J Green



1903
Buskers, Living
London Magazine
by George Sims



1955
Musicians, Soho Fair



1965
The Happy Wanderers
Sand Dance,
Leicester Square



1980
Musicians, Abbey
Road pedestrian
crossing



2019
Busking and Street
Entertainment in
present day

JOIN OUR BUSKING AND STREET ENTERTAINMENT COMMUNITY

Stay informed

The council's website has a page dedicated to all things busking and street entertainment including:

- What is busking and street entertainment
- Frequently asked questions
- Busker and Street Entertainer Forum details and meeting dates
- Details and dates of busking and street entertainment wide community and partnership meetings
- Community involvement opportunities and events
- Diary of upcoming city events that may affect where you choose to perform
- Feedback
- Mailing list
- Contacts

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Please go online to find out more

westminster.gov.uk/information-buskers

Join our Busking and Street Entertainment Forum

We have created a Busking and Street Entertainment Forum which is open to all buskers and street entertainers and is free to join online.

The Busking and Street Entertainment Forum meet with council officers twice a year to collect your feedback and concerns, answer your questions, share ideas, and work together to find ways to promote busking and street entertainment across our city.

The Forum also serves as a bridge between the busking community and our local resident and business forums in order to foster good relations and open communication and to promote partnership among all those that strive to contribute to the use and enjoyment of our shared public spaces.

The Forum will play a key role in reviewing the implementation of this policy.



THE WESTMINSTER BUSKING AND STREET ENTERTAINMENT CODE OF CONDUCT

There are seven principles that make up our Code of Conduct. If you're performing anywhere in Westminster you should abide by this Code, which sets out how you can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

1. Safety first!

All buskers and street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- You should hold public liability insurance of at least £2 million.
- You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No unlicensed animals should accompany the busker or street entertainer, or be used as part of the performance.

2. Performance hours

All busking and street entertainment outside of the regulated area should only take place between the hours of 10am and 9pm. Any amplified entertainment beyond 9pm and before 8am is an offence under the Control of Pollution Act 1974 and you may be liable to enforcement action.

Inside the regulated area you will need to refer to individual pitch conditions for performance times.

3. Avoid causing a nuisance

Buskers and street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound as a result of any performance does not cause nuisance to persons in nearby property.
- If you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.
- You should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- You should be aware that noise can be generated by the audience.
- You should be aware of other buskers and street entertainers in the area and space yourself far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next busker or street entertainer performs.
- You should respect other buskers and street entertainers and cooperate with any queuing system in the area by leaving the location after you have finished your performance.

4. Don't cause an obstruction

Buskers and street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring property. This means that:

- You should never block any entrances or exits to property, and no pedestrians should spill out onto the road to get past you or your audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- You should stop your performance or ask other buskers and street entertainers to help you take steps to control your audience if they cause an obstruction. If your attempts to relieve the audience from causing an obstruction do not work, you should cease your performance.

5. Co-operate with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that you adjust your performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Our officers have a right to do this without fear of threatening or abusive behaviour.

You should co-operate with any such reasonable requests, however if you have any concerns about the conduct of officers carrying out their duties you can contact the team at www.westminster.gov.uk/complaints

6. Only sell merchandise if you have permission

- You may only sell items if you have a temporary licence to engage in street trading under the City of Westminster Act 1999 www.westminster.gov.uk/street-trading
- In the busking and street entertainment regulated areas, there is a special permit you can apply for which allows you to sell merchandise items directly associated with your performance (for example a musician selling their CDs). Buskers and street entertainers will be granted a temporary street trading licence for a nominal fee if you are a Busking and Street Entertainment Licence Holder trading in the regulated areas and in accordance with your licence conditions.

7. Talk to the council and the local community, and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us, and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining the dedicated Busking and Street Entertainment Forum, attending wider community meetings, and providing us with feedback via our website.



PERFORMER SELF REGULATION AND STREET PERFORMERS ASSOCIATIONS

Whether you are a regular or occasional performer in Westminster, you are part of our City's busking and street entertainment community. Being a part of this community means that you should look after each other, respect each other and work together. This is commonly known as busking and street entertainment self-regulation.

Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy and/or licence conditions in the regulated area.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainer Forum and engaging with the wider community to foster good relations with all users of the shared public space.

Across our City there are some buskers and street entertainers that have formed organised groups known as Street Performers Associations (SPAs). Members of the SPA work together in local areas to ensure that busking and street entertainers treat each other fairly, and performances are not adversely impacting on the surroundings by pro-actively monitoring each other's behaviour. In Westminster there are two SPAs that operate in our busking and street entertainment regulated area that you are encouraged to join once you have obtained your licence.

The Covent Garden SPA

The Covent Garden SPA is a long-established group of regular buskers and street entertainers managing a wide-ranging repertoire of world leading performers. To become a member of the SPA and perform here, you will need to audition.

To find out more you should go online www.coventgarden.london/street-performers or visit their Facebook page www.facebook.com/coventspa

Westminster SPA (Leicester Square and Trafalgar Square)

The Westminster SPA is a new group of regular performers in Trafalgar Square and Leicester Square. Anyone can join and become a member of The Westminster SPA by going online www.westminsterspa.co.uk.

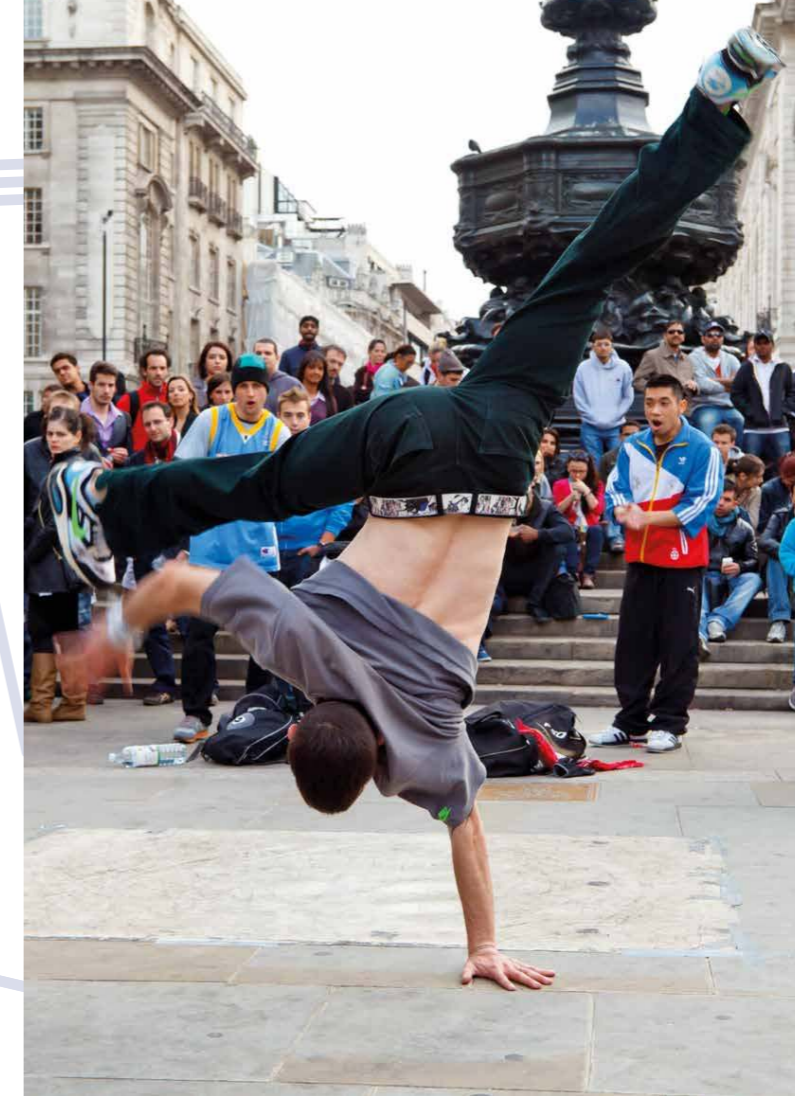
THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Our City is a popular and busy visitor area, also attracting a high number of buskers and street entertainers. Competition for performance space is high and the adverse impacts are significant in these busy and congested areas.

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The areas that make up our Regulated Area include:

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



Busking and street entertainment needs to be controlled in these areas to ensure:

- Buskers and street entertainers have dedicated spaces.
- Buskers and street entertainers perform only in dedicated locations that minimises adverse impacts to pedestrians, businesses and local residents.
- Levels of sound and volume are controlled to prevent a nuisance being caused to surrounding businesses and residents.

Busking and street entertainment is therefore prohibited in all parts of these regulated areas other than on designated and marked pitches.

Busking or street entertainment is **ONLY** permitted if:

- you are on a designated and marked busking and street entertainment pitch, and
- you have a licence to perform on these pitches, and
- are performing in accordance with the busking and street entertainment licence terms and conditions.

A summary guide to the regulated areas and designated and marked pitches is provided overleaf. For the full and detailed list of streets where busking and street entertainment is prohibited, and exact location of the marked and designated pitches, see Appendix A.

THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Our City is made up of several distinct districts and neighbourhoods that are popular and internationally recognised visitor destinations, collectively hosting up to a million people each day.

Performances are not permitted anywhere unless you hold a licence, are abiding by the standard licence conditions, and are performing on one of the 26 marked busker and street entertainment performance pitches.



Soho

A vibrant neighbourhood made up of narrow streets and alleyways, best known for its offering of restaurants, bars, theatres and nightlife.

Covent Garden

Well known and popular pedestrian market place, also host to world leading street performances.

Marylebone

This area is an important carriageway and thoroughfare for central London and is also host to a number of tourist attractions close to world famous Baker Street.

Paddington

Home to busy landmarks including Paddington station and St Mary's hospital.

Victoria, Knightsbridge & Belgravia

A significant business and commuter district for the City.

Whitehall, Parliament Square and St James

Home to the UK Government and official residency of the Royal Family.

Oxford Street, Regent Street and New Bond Street

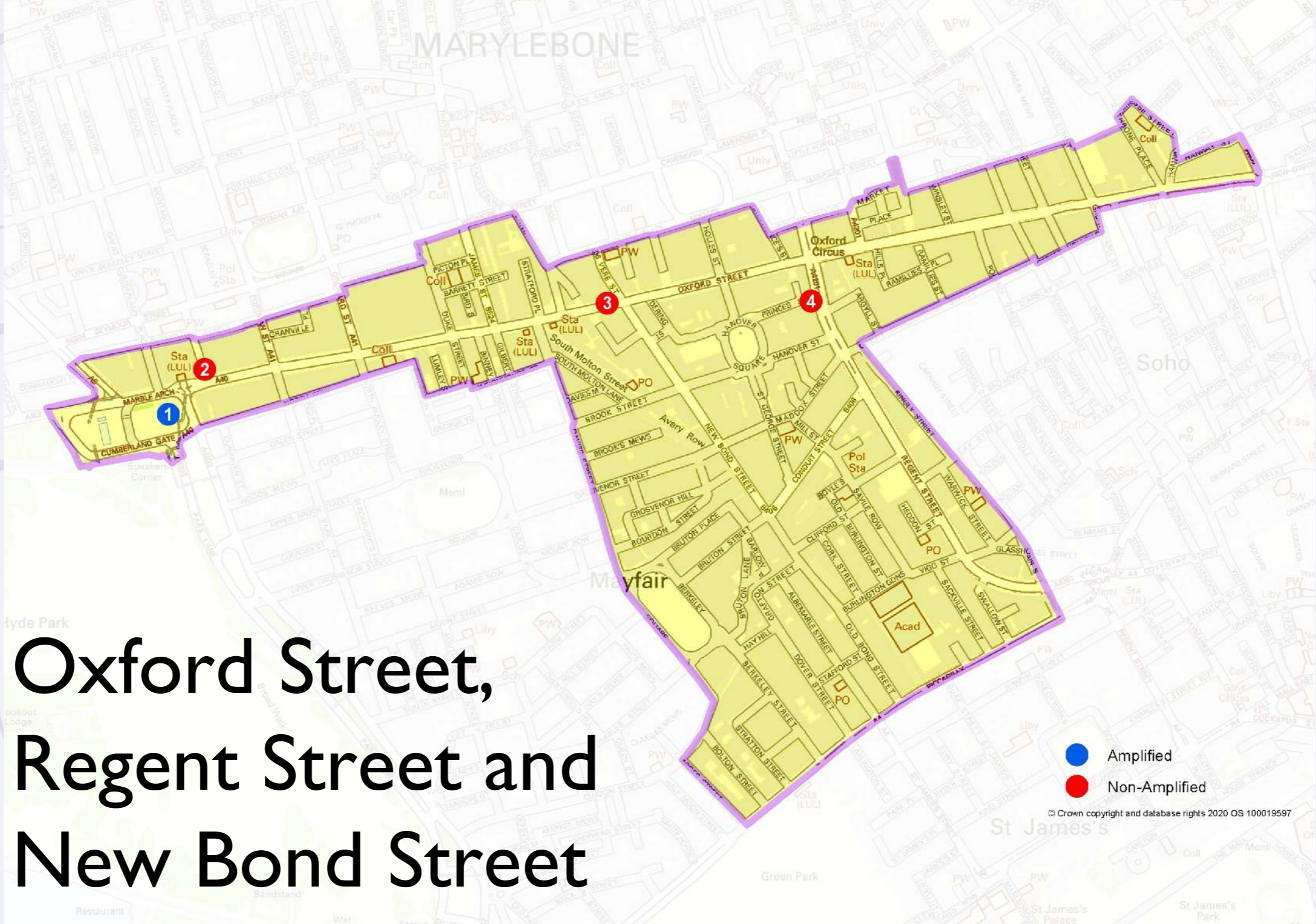
This area is best known as one of Europe's busiest shopping districts. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets.

Piccadilly, Chinatown and Leicester Square

The area is host to internationally recognised venues, cultural attractions and the UK's film premiers. It is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

Trafalgar Square, Charing Cross, Embankment & The Strand

Known for art galleries, fountains, river sidewalk and theatres, and is also home to a large mainline station connecting people from London to the south east of the UK.



Oxford Street, Regent Street and New Bond Street

● Amplified
● Non-Amplified
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Performances are not permitted anywhere in this area other than the four designated busking and street entertainment pitches in accordance with the busking and street entertainment licence conditions.

Pitch 1: Marble Arch

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and any event that may be taking place in the vicinity. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.

Pitch 2: Old Quebec Street

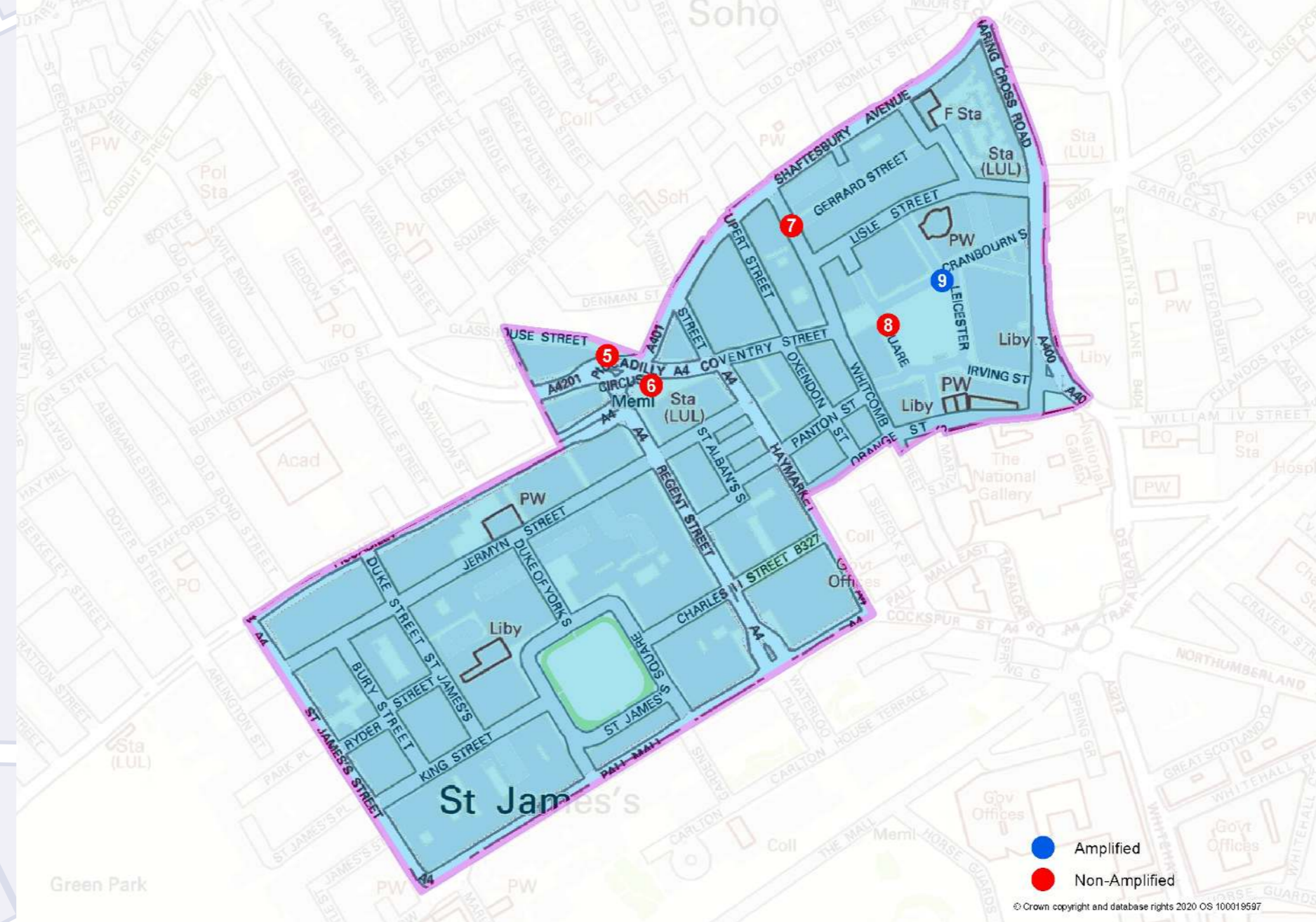
This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 3: Vere Street

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space. Due to the proximity of the road and business property, and this area being a busy pedestrian thoroughfare, this pitch is more appropriate for walk-by performances that do not attract audience. Due to the proximity of business and residential property amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 4: Princes Street

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.



Piccadilly Circus, Chinatown and Leicester Square

Performances are not permitted anywhere other than the 5 designated busking and street entertainment pitches in accordance with the licence terms and conditions. The Westminster SPA also operate in this area supporting buskers and street entertainers to understand the rules and working with businesses to reduce complaints and the need for enforcement here.

Pitch 5: Glasshouse Street

This pitch is suitable for all performances that need no more than 1.5 metres in space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted. Due to the proximity of the road this pitch is more appropriate for walk-by performances that do not attract audiences.

Pitch 6: Eros Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians, nearby property and the entrance to the tube station. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 7: Chinatown

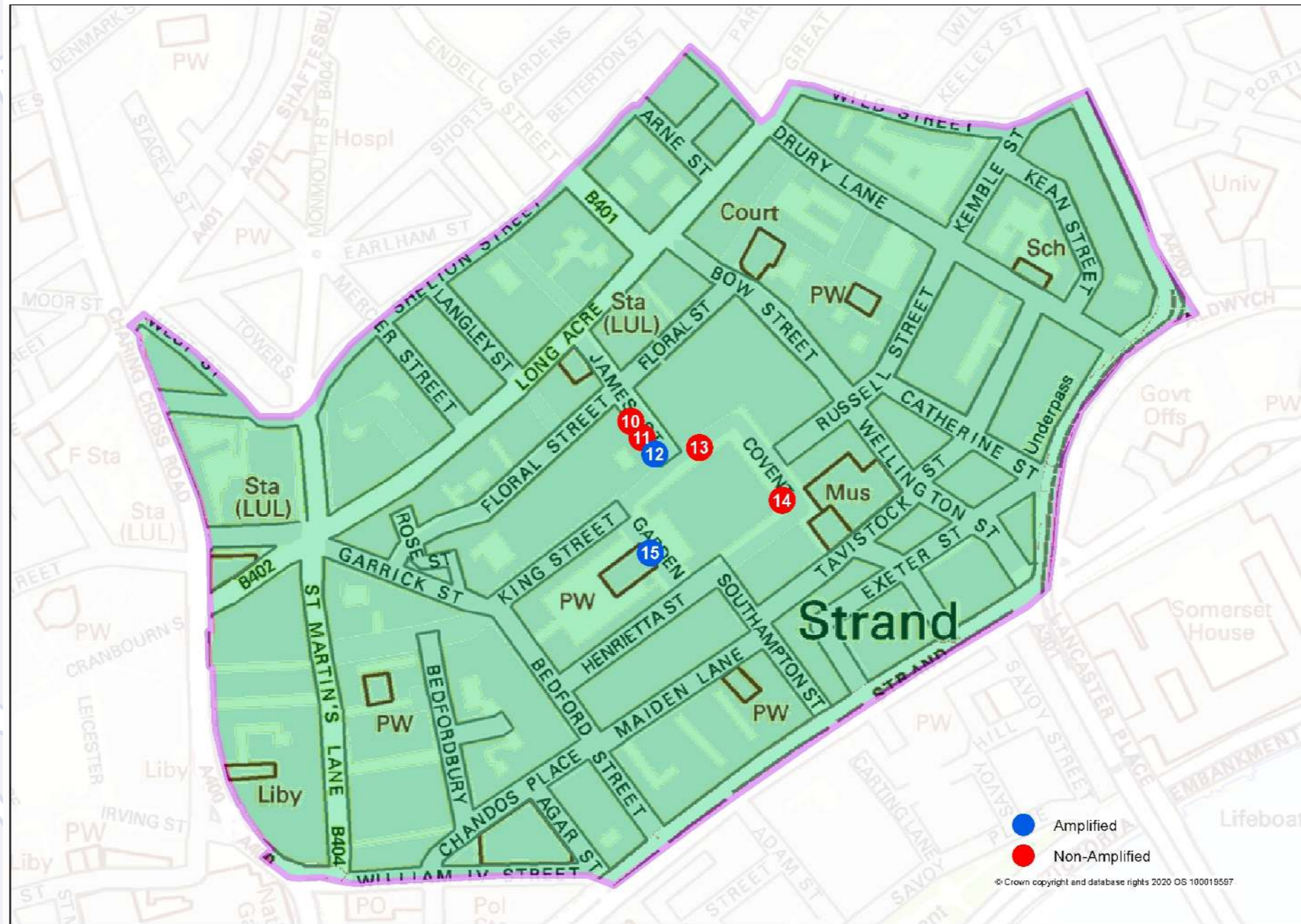
This pitch only operates Monday – Friday between the hours of 10am – 9pm. It is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business property and this area being a busy pedestrian thoroughfare this pitch is more appropriate for walk-by performances that do not attract audiences. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 8: Leicester Square North West

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 9: Leicester Square North East

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound is directed towards the gardens and does not cause a nuisance to nearby property.



Covent Garden

Performances are not permitted anywhere other than the 6 designated busking and street entertainment pitches in accordance with the licence terms and conditions. You should also note that:

- The Covent Garden Market Place is private land and performances are not permitted unless you have the express permission of the landowner.
- Covent Garden SPA operate on Pitch 15 and you are encouraged to first audition with them before performing here.
- All pitches in Covent Garden operate between 11am-9pm only.

Pitch 10, 11: Covent Garden James Street

These pitches are suitable for performances that need no more than 1.5 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 12: Market Square/James Street

This pitch is suitable for performances that need no more than 1.5 metres in diameter space. Due to the proximity of business property music amplification, brass, wind percussion and percussive instruments are not permitted, however a vocal amplifier is permitted here.

Pitch 13: Royal Opera House

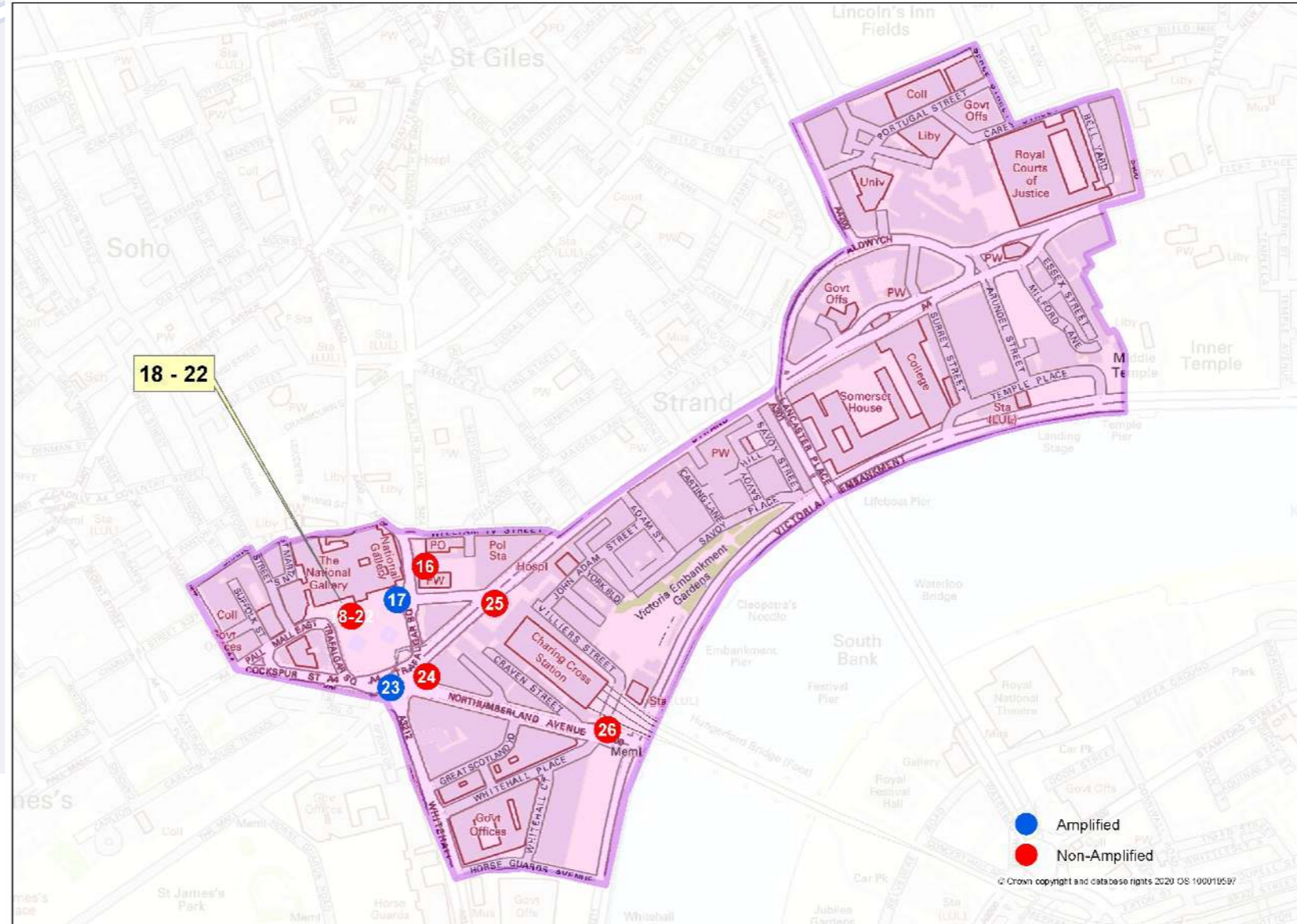
This pitch is suitable for performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 14: Transport Museum

This pitch is suitable for performances that need no more than 2 metres in diameter space. Due to the proximity of business property amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 15: St Pauls Church

This pitch is suitable for all performances and is an appropriate space for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby property. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.



Trafalgar Square, Whitehall, Charing Cross, Embankment & The Strand

Performances are not permitted anywhere other than the eleven designated busking and street entertainment pitches in accordance with the licence terms and conditions.

Pitch 16: St Martins

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 17: Trafalgar Square North Terrace Charing Cross Road

This pitch is suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace

These pitches are individually marked and are suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 23: King Charles Statue

This pitch operates on Sunday's only.

This pitch is suitable for all performances that need no more than 3 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.

Pitch 24: Northumberland Avenue

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business property, amplification, brass, wind, percussion and percussive instruments is not permitted.

Pitch 25: Charing Cross Station

This pitch is suitable for performance that need no more than 1.5 metres in space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

Pitch 26: Northumberland Avenue / Hungerford Bridge

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

STANDARD LICENCE CONDITIONS²

- 1) Each busker and street entertainer must clearly display their busking and street entertainment licence during any performance, and this must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 2) Each busker and street entertainer requires a busking and street entertainment licence, whether performing individually or as part of a busking and street entertainment group. For group performances, each member of the group needs to have a valid busking and street entertainment licence. Busking and street entertainment licences cannot be transferred or used by any person other than the named person on the licence.
- 3) Each busker and street entertainer must be familiar with and adhere to the Westminster Busking and Street Entertainment Policy, the extent of the busking and street entertainment regulated areas, the location of designated and marked busking pitches and any terms and conditions that apply in respect of each of the designated and marked pitches.
- 4) Each busker and street entertainer must obtain and hold a valid certificate of no less than £2 million public liability insurance which must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 5) Each busking and street entertainment licence holder must comply with any request given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer regarding the busking or street entertainment, which may include directions to stop performing.
- 6) Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby property and levels must be immediately reduced on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.
- 7) Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring property. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- 8) All buskers and street entertainers must have a valid Busking and Street Entertainment Licence to perform at any of the designated and marked pitches within the busking and street entertainment regulated areas.

- (9) Busking and street entertainment is permitted at any of the designated and marked pitches within the busking and street entertainment regulated areas from Monday to Sunday between the hours of 10am and 9pm, with the exception of
- Pitch 7 (Chinatown), where busking and street entertainment is only permitted from Monday to Friday between the hours of 10am and 9pm.
 - Pitch 10, 11, 12, 13, 14, 15 (Covent Garden) only permits performances between 11am – 9pm.
 - Pitch 23 (King Charles) will only permit performances in this location on Sundays only.
- (10) All busking and street entertainment must be contained within the designated and marked busking pitch. This means that all the buskers and street entertainers, the performance itself and anything used in connection with the performance must be within the designated and marked pitch. If a performance cannot be contained within the designated area it is unsuitable for that pitch.
- (11) Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.
- (12) Busking and street entertainment performances must not be longer than 40 minutes from start to finish.
- (13) No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of
- Pitch 1 (Marble Arch),
 - Pitch 9 (Leicester Square North East)
 - Pitch 15 (St Pauls Church)
 - Pitch 17 (Trafalgar Square Charing Cross Road),
 - Pitch 23 (King Charles Statue)
- These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby property.
- Pitch 12 (Market Square/James Street) permits vocal amplification only where the sound does not cause a nuisance to persons in nearby property.
- The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).
- (14) No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.
- (15) Pitches may be suspended in the event of an emergency, public disorder, planned events, or to prevent a nuisance being caused. Buskers and street entertainers must immediately comply with any requirement to cease busking that may be given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer in those circumstances.

² Regulations made by the City of Westminster pursuant to Section 40(1) of the London Local Authorities Act 2000 prescribing the standard

conditions which will be applicable to all licences to busk, except when expressly excluded or amended in any particular case





LICENSING APPLICATION PROCESS AND PROCEDURES

The full regulations for applications and the determination of applications is outlined in Appendix B³. A summary of the process and procedures has been provided below.

Applying for a Licence

An application for a busking and street entertainment licence must be made in writing to the council using the application form available online. The following information and documents will also be required:

- Name and home address in the UK (if you are a performer travelling from outside of the UK, please provide the address(es) of where you are staying whilst you are here).
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- One form of photographic ID including either a passport or driving licence. (If you do not hold photographic ID, the council will accept a birth certificate along with a recent photograph)
- Proof of valid Public Liability Insurance (of at least 2 million).
- Declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- Statement of truth

(optional)

- Self-declaration of membership of the Westminster Street Performers Association and/or union membership.
- Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.
- Proof of student status to qualify for a discounted fee.

³ These regulations are made pursuant to section 36(1) of the London Local Authorities Act 2000

How a decision is made to grant, vary or refuse an application

Applications will only be considered valid if the application is fully completed along with all required accompanying documents and payment of the application fee.

All applications will be considered on their own merits.

Applications for a six-month or one-month licence that do not involve any changes to the standard conditions will be determined within 10 days, and the licence will be granted for a period of six months or for a period of one month

There may be applicants who would like the terms of their licence application varied. For example, a juggler might choose to apply to vary the pitch conditions to allow flaming torches; or a magician might choose to apply to vary the pitch conditions to allow a performance with a licensed performing animal. An application to vary any of the standard conditions can be made when making the application for the licence by completing the appropriate section of the application form. Should an applicant request a variation, they may expect to receive a decision within 21 days.

The following process for deciding whether to grant, vary or refuse an application is set out below:

- **Online Application**
- **Automated Validation** - Where applicant is able to provide all the requested information and documentation.
- **Automated Determination** - Where the applicant satisfies the relevant requirements and is able to confirm acceptance of the pitch and licence conditions and has paid the relevant fees.
- **Officer Determination** - Where automated validation and determination cannot be made because there is a question over the relevant requirements or the applicant seeks to vary the licence conditions the application will be determined by an officer.
- **Senior Manager Determination** - Where the application is deemed to raise complex, serious or sensitive matters or the application involves unusual or novel requests for variation of the licence conditions the determining officer may defer the determination of the application to a senior manager.

When we may refuse an application

An application for a busking and street entertainment licence may be refused on the following grounds:

Refusal Reason	Considerations include (but not limited to):
Does not meet the threshold of 'fit and proper'	<ul style="list-style-type: none"> • Does not have a right to work. • Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. • Has a record of noncompliance with the Westminster Code of Conduct and/or officer instructions. • Has a record of substantiated complaints and noncompliance with licence terms and conditions. • A licence has previously been revoked in our city or other similar schemes. • Information provided as part of the application is demonstrated to be false.
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

When we may revoke a licence

The decision to revoke a licence may only be made by the Licensing Sub-Committee.

A Police Officer or Authorised Officer of the council may request that the Licensing Sub-Committee consider that a busking and street entertainment licence should be revoked. In such cases the busker or street entertainer licence holder will:

- Receive a letter setting out the grounds upon which the officer is requesting that the busking and street entertainment licence ought to be revoked.
- Be given 21 days to provide a written submission for consideration by the Licensing Sub-Committee.
- Be invited to attend a Licensing Sub-Committee where the licence holder will be given an opportunity to address the Licensing Sub-Committee.

A licence may be revoked on the following grounds:

- That there has been a breach of the conditions of the licence;
- that nuisance has been caused or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking and street entertainment taking place.

How you can cancel your licence

A performer wanting to cancel their licence can do so if the request is made in writing to the council. This can be done via the councils busking and street entertainment webpages.

How you can renew your licence

A busker and street entertainer can apply to renew their busking and street entertainment licence online.

A renewal application should only be made when being made on the same terms of the existing licence. If any changes are required, this will be treated as a new application.

If an application to renew a licence is submitted prior to the expiry of that licence, it will be deemed to continue until the application for the renewal is determined. Where a licence expires before a renewal application is submitted, the licence holder will need to apply for an entirely new licence.

Licence renewal is subject to submission of renewal application form and payment of the application fee. If the fee is not received before the current licence expires, the licence holder will need to apply for an entirely new licence.

When you can appeal a decision, we have made

There is a right of appeal if:

- an application for the grant of a licence is refused.
- a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held.
- a licence holder whose licence has been revoked.

Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins seven days after the notification was posted by first class post.

A further appeal against the Magistrates' Court decision may be made to the Crown Court where the court may make any such order as it thinks fit.

Getting your feedback and reviewing our Policy

We are committed to monitoring this policy through regular feedback with our community including buskers and street entertainers, residents and businesses. Feedback sessions will occur every three months throughout the first full calendar year of the policy, in order to assess its impact and effectiveness. Meeting dates and how to get involved in these feedback sessions will be available online. We will also complete a full review after the first 12 months (or sooner) and amend the policy if required.

COMPLAINTS, COMPLIANCE AND ENFORCEMENT

Making a complaint

Buskers and street entertainers are usually unaware of the impact they are having on their surroundings and will often happily adjust their performance if asked. If a busker or street entertainer is causing a nuisance and you feel comfortable to do so, you should approach the them, explain the problem and politely ask that they adjust their performance.

If speaking to the busker or street entertainer is not possible, or you are experiencing an on-going issue, you can report your complaint to the council.

Please provide us with as much information as possible as this helps our enforcement officers gather the right information and take targeted action. Your complaint should include information such as:

- The physical description of the busker or street entertainer.
- The exact location and time of the performance.
- What type of performance it was (for example a band, a magician etc.).
- What behaviour was problematic and/or causing you a nuisance and for how long.
- Any other information you think will be relevant for our officers to know.

To report a complaint go online at westminster.gov.uk/report-it or call us on 020 7641 2000.

Compliance and Enforcement

We keep records of engagement and complaints, and in line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the Busking and Street Entertainment Policy across our City which may include receiving a warning notice. Should the busker or street entertainer continue to act unreasonably or breach the licensing conditions, our officers will take appropriate enforcement action.

The enforcement action taken will vary depending on whether the busker or street entertainer is in a nonregulated or regulated area, as outlined below.

Enforcement in Nonregulated / Self-regulated Areas

In all non-regulated areas across our city the following enforcement options are available to an authorised officer or police officer:

- they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance which may include requesting that the performance stops.
- they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

Enforcement in Regulated Areas

In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the licence conditions, the following additional options are available to an authorised officer or a police officer:

- equipment (including instruments) connected with the busking and street entertainment may be seized.
- proceedings may be instigated to prosecute the person for offences under Part V London Local Authorities Act 2000.
- the council may consider revoking the licence and/or refusing any future application.

The Busking and Street Entertainment Regulation Areas

The Busking and Street Entertainment Regulation Areas (where Part V of the London Local Authorities Act 2000 applies). Busking and street entertainment is prohibited in these areas apart from licensed busking and street entertainment in any of the 26 designated pitches identified in the maps that follow.

- Abbey Orchard Estate
- Abbey Orchard Street
- Abingdon Street
- Adam And Eve Court
- Adam Street
- Adams Row
- Adelaide Street
- Adelphi Terrace
- Agar Street
- Air Street
- Albany
- Albany Courtyard
- Albemarle Street
- Albert Gate
- Albion Close
- Albion Mews
- Albion Mews Private Section
- Albion Street
- Aldburgh Mews
- Aldford Street
- Aldwych
- Alexander Mews
- Alexander Street
- All Souls Place
- Allington Street
- Ambassadors Court
- Ambrosden Avenue
- Andrews Crosse
- Angel Court
- Apple Tree Yard
- Apsley Way
- Archer Street
- Archer Street Chambers
- Archer Street Works
- Archery Close
- Archibald Mews
- Argyll Street
- Arlington Street
- Arne Street
- Arneway Street
- Artillery Place
- Artillery Row
- Arundel Street
- Ashburnham Mews
- Ashburton Place
- Ashland Place
- Ashley Place
- Atterbury Street
- Audley Square
- Avery Row
- Aybrook Street
- Ayrton Road
- Babmaes Street
- Baker Street
- Baker's Mews
- Balderton Street
- Balfour Mews
- Balfour Place
- Banbury Court
- Bark Place
- Barlow Place
- Barrett Street
- Barrie Estate
- Barton Street
- Bateman Street
- Bateman's Buildings
- Bathurst Mews
- Bathurst Street
- Bayswater Road
- Beak Street
- Bear Street
- Beaumont Mews
- Beaumont Street
- Bedford Court
- Bedford Street
- Bedfordbury
- Beeston Place
- Belgrave Mews North
- Belgrave Mews South
- Belgrave Place
- Belgrave Square
- Belgrave Yard
- Bell Yard
- Bennet Street
- Bennett's Yard
- Bentinck Mews
- Bentinck Street
- Berkeley Mews
- Berkeley Square
- Berkeley Street
- Berners Mews
- Berners Place
- Berners Street
- Berwick Street
- Bickenhall Street
- Bingham Place
- Binney Street
- Bird Street
- Birdcage Walk

- Bishop's Bridge Road
- Black Lion Passage
- Blackburne's Mews
- Blandford Street
- Blenheim Street
- Bloomburg Street
- Bloomfield Place
- Bloomfield Place Private Section
- Blore Court
- Blue Ball Yard
- Blue Ball Yard Private Section
- Bolney Gate
- Bolsover Street
- Bolton Street
- Booth's Place
- Botts Mews
- Botts Mews Private Section
- Botts Passage
- Bourchier Street
- Bourdon Place
- Bourdon Place Private Section
- Bourdon Street
- Bourlet Close
- Bourne Mews
- Bouverie Place
- Bow Street
- Boyle Street
- Bremner Road
- Brendon Street
- Brewer Street
- Brewer's Green
- Brick Street
- Bridford Mews
- Bridge Street
- Bridle Lane
- Bridstow Place
- Broad Court
- Broad Sanctuary
- Broad Walk Hyde Park
- Broadbent Street
- Broadstone Place
- Broadway
- Broadwick Street
- Brook Mews North
- Brook Street
- Brook's Mews
- Brown Hart Gardens
- Brown Street
- Browning Mews
- Brunswick Mews
- Bruton Lane
- Bruton Place
- Bruton Street
- Bryanston Mews East
- Bryanston Mews West
- Bryanston Place
- Bryanston Square
- Bryanston Street
- Brydges Place
- Buck Hill Walk
- Buckingham Arcade
- Buckingham Gate
- Buckingham Mews
- Buckingham Palace Road
- Buckingham Place
- Buckingham Street
- Bulinga Street
- Bull Inn Court
- Bulleid Way
- Bulstrode Place
- Bulstrode Street
- Burdett Mews
- Burleigh Street
- Burlington Arcade
- Burlington Gardens
- Burwood Place
- Bury Street
- Butler Place
- Bywell Place
- Cabbell Street
- Callendar Road
- Cambridge Circus
- Cambridge Square
- Canalside Walk
- Candover Street
- Canon Row
- Canon Row Private Section
- Carburton Street
- Cardinal Walk
- Carey Place
- Carey Street
- Carlisle Place
- Carlisle Street
- Carlos Place
- Carlton Gardens
- Carlton House Terrace
- Carlton Street
- Carnaby Street
- Caroline Close
- Caroline Place
- Caroline Place Mews
- Carpenter Street
- Carrington Street
- Carteret Street
- Carting Lane
- Castle Lane
- Castlereagh Street
- Cathedral Piazza
- Cathedral Walk
- Catherine Place
- Catherine Place Private Section
- Catherine Street
- Catherine Wheel Yard
- Cato Street

- Causton Street
- Causton Street Private Section
- Cavendish Mews North
- Cavendish Mews South
- Cavendish Place
- Cavendish Square
- Caxton House Access Road
- Caxton Street
- Cecil Court
- Celbridge Mews
- Central St Martin's College Access Road
- Cerney Mews
- Cervantes Court
- Chadwick Street
- Chandos Place
- Chandos Street
- Chapel Place
- Chapel Side
- Chapel Street
- Chapone Place
- Chapter Chambers
- Chapter Street
- Charing Cross
- Charing Cross Road
- Charles li Street
- Charles Street
- Charlotte Place
- Chepstow Place
- Chepstow Road
- Chester Close
- Chester Mews
- Chester Square Mews
- Chester Street
- Chesterfield Gardens
- Chesterfield Hill
- Chesterfield Street
- Chiltern Street
- Chilworth Mews
- Chilworth Street
- Christchurch Walk
- Church Place
- Circus Mews
- Clare Market
- Clarendon Close
- Clarendon Mews
- Clarendon Place
- Clarges Mews
- Clarges Street
- Clarke's Mews
- Clay Street
- Clement's Inn
- Clement's Inn Passage
- Clenston Mews
- Cleveland Gardens
- Cleveland Place
- Cleveland Row
- Cleveland Row Private Section
- Cleveland Square
- Cleveland Terrace

- Clifford Street
- Clifton Place
- Clipstone Mews
- Clipstone Street
- Coach And Horses Yard
- Coburg Close
- Cockpit Steps
- Cockspur Court
- Cockspur Street
- Colonnade Walk
- Colour Court
- Conduit Court
- Conduit Mews
- Conduit Passage
- Conduit Place
- Conduit Street
- Coniston Court
- Connaught Close
- Connaught Close Private Section
- Connaught Place
- Connaught Square
- Connaught Street
- Constitution Hill
- Cork Street
- Cork Street Mews
- Corner House Street
- Covent Garden
- Coventry Street
- Cowley Street
- Craig's Court
- Cramer Street
- Cranbourn Alley
- Cranbourn Street
- Craven Hill
- Craven Hill Gardens
- Craven Hill Mews
- Craven Passage
- Craven Road
- Craven Street
- Craven Terrace
- Crawford Mews
- Crawford Place
- Crawford Street
- Cross Keys Close
- Crown Court
- Crown Passage
- Cubitt's Yard
- Culross Street
- Cureton Street
- Curzon Square
- Curzon Street
- Dacre Street
- Dalkeith Court
- Danseey Place
- D'Arblay Street
- Dartmouth Street
- David Mews
- Davies Mews
- Davies Street
- Dawson Place
- De Walden Street
- Dean Bradley Street

- Dean Farrar Street
- Dean Ryle Street
- Dean Stanley Street
- Dean Street
- Dean Trench Street
- Deanery Mews
- Deanery Street
- Dean's Mews
- Dean's Yard
- Denman Place
- Denman Street
- Derby Gate
- Derby Gate Private Section
- Derby Street
- Dering Street
- Dering Yard
- Devereux Court
- Devonshire Close
- Devonshire Mews North
- Devonshire Mews South
- Devonshire Mews West
- Devonshire Place
- Devonshire Place Mews
- Devonshire Row Mews
- Devonshire Street
- Devonshire Terrace
- Diadem Court
- Dorset Mews
- Dorset Street
- Douglas Street
- Dover Street
- Dover Yard
- Dover Yard Private Section
- Down Street
- Down Street Mews
- Downing Street
- Drury Lane
- Dryden Street
- Duchess Mews
- Duchess Street
- Duck Lane
- Dudley Street
- Dufour's Place
- Duke Of York Street
- Duke Street
- Duke Street St James's
- Duke's Mews
- Duke's Yard
- Duncannon Street
- Dunraven Street
- Dunstable Mews
- Durham House Street
- Durham Terrace
- Durweston Mews
- Durweston Street
- Eagle Place
- Easleys Mews
- Eastbourne Mews
- Eastbourne Terrace
- Eastcastle Street
- Eaton Lane

- Eaton Row
- Ebury Mews East
- Ebury Street
- Eccleston Mews
- Eccleston Place
- Eccleston Place Private Section
- Eccleston Square
- Eccleston Square Mews
- Eccleston Street
- Eccleston Yard
- Edinburgh Gate
- Edward's Mews
- Elizabeth Court
- Elms Mews
- Elverton Street
- Embankment Place
- Emery Hill Street
- Endell Street
- Enford Street
- Engine Court
- Ennismore Gardens
- Ennismore Gardens Mews
- Ennismore Mews
- Erasmus Street
- Esterbrooke Street
- Evelyn Yard
- Excel Court
- Exchange Court
- Exeter Street
- Exhibition Road
- Fairholt Street
- Falconberg Court
- Falconberg Mews
- Falconberg Mews Private Section
- Fareham Street
- Farm Street
- Fitzhardinge Street
- Fitzmaurice Place
- Flaxman Court
- Floral Court
- Floral Street
- Foley Street
- Forset Street
- Fosbury Mews
- Foubert's Place
- Fountain Square
- Francis Street
- Frederick Close
- Friary Court
- Frith Street
- Fulton Mews
- Fynes Street
- Ganton Street
- Garbutt Place
- Garrick Street
- Garrick Yard
- Garway Road
- Gate Mews
- Gayfere Street

- Gees Court
- George Court
- George Street
- George Yard
- Gerrard Place
- Gerrard Street
- Gilbert Street
- Gildea Street
- Gillingham Mews
- Gillingham Row
- Gillingham Street
- Glasshouse Street
- Globe Yard
- Gloucester Gardens
- Gloucester Mews
- Gloucester Mews West
- Gloucester Place
- Gloucester Place Mews
- Gloucester Square
- Gloucester Terrace
- Golden Square
- Goodge Street
- Goodwin's Court
- Gosfield Street
- Goslett Yard
- Grafton Street
- Grange Court
- Grantham Place
- Grantham Place Private Section
- Granville Place
- Gray's Yard
- Great Castle Street
- Great Chapel Street
- Great Cloisters
- Great College Street
- Great Cumberland Mews
- Great Cumberland Place
- Great George Street
- Great Marlborough Street
- Great Newport Street
- Great Peter Street
- Great Portland Street
- Great Pulteney Street
- Great Queen Street
- Great Scotland Yard
- Great Scotland Yard Access Road Number 1
- Great Smith Street
- Great Titchfield Street
- Great Windmill Street
- Greek Court
- Greek Street
- Green Street
- Greencoat Place
- Greencoat Row
- Green's Court
- Greenwell Street
- Greycoat Lane
- Greycoat Place
- Greycoat Street
- Greyhound Court

Sussex Gardens	Unwin Road	West Garden Place	Wyndham Yard
Sussex Gardens	Upbrook Mews	Westbourne Bridge	Wythburn Place
Service Road	Upper Belgrave	Westbourne	Yarmouth Place
Sussex Mews East	Street	Crescent	Yarmouth Place
Sussex Mews East	Upper Berkeley	Westbourne	Private Section
Private Section	Street	Crescent Mews	York Buildings
Sussex Mews West	Upper Brook	Westbourne	York Place
Sussex Mews West	Street	Gardens	York Street
Private Section	Upper Grosvenor	Westbourne Grove	
Sussex Place	Street	Westbourne Grove	
Sussex Square	Upper James Street	Terrace	
Sutton Row	Upper John Street	Westbourne Park	
Swallow Passage	Upper Montagu	Passage	
Swallow Place	Street	Westbourne Park	
Swallow Street	Upper St Martin's	Road	
Swiss Court	Lane	Westbourne Park	
Tachbrook Mews	Upper Tachbrook	Villas	
Talbot Square	Street	Westbourne Street	
Tanner Lane	Upper Wimpole	Westbourne	
Tarrant Place	Street	Terrace	
Tavistock Court	Vandon Passage	Westbourne	
Tavistock Street	Vandon Street	Terrace Mews	
Temple Place	Vane Street	Westmoreland	
Tenison Court	Vere Street	Street	
Tenniel Close	Victoria Arcade	Weymouth Mews	
Tent Place	Victoria Place	Weymouth Street	
Tenterden Street	Victoria Square	Wheatley Street	
Terminus Place	Victoria Street	Whitcomb Court	
Thayer Street	Vigo Street	Whitcomb Street	
The Arches	Villiers Street	White Bear Yard	
The Broad Walk,	Vincent Square	White Horse	
Kensington Gardens	Vincent Street	Street	
The Mall	Vine Street	Whitehall	
The Mall Access	Virgil Place	Whitehall Court	
Road Old Admiralty	Walcott Street	Whitehall Gardens	
Build	Walker's Court	Whitehall Place	
The Mall Approach	Wallenberg Place	Wigmore Place	
The Market	Walmer Place	Wigmore Street	
The Piazza	Walmer Street	Wilcox Place	
The Royal Mews	Wardour Mews	Wild Street	
The Sanctuary	Wardour Street	Wilder Walk	
Thirleby Road	Warwick House	Wilfred Street	
Thorney Street	Street	William Iv Street	
Thornton Place	Warwick Place	Willow Place	
Three Kings Yard	North	Wilton Mews	
Tilney Street	Warwick Row	Wilton Mews	
Tisbury Court	Warwick Street	Private Section	
Titchborne Row	Water Street	Wilton Place	
Tothill Street	Watergate Walk	Wilton Road	
Tottenham Court	Waterloo Bridge	Wilton Row	
Road	Waterloo Place	Wilton Street	
Trafalgar Square	Watson's Mews	Wimpole Mews	
Transept Street	Waverton Street	Wimpole Street	
Transept Street	Wedgewood Mews	Windsor Place	
Private Section	Weighhouse Street	Winnett Street	
Treasury Passage	Welbeck Street	Winsland Mews	
Trebeck Street	Welbeck Way	Winsland Street	
Trevor Place	Wellington Arch	Winsley Street	
Trevor Square	Processional	Wood's Mews	
Trevor Street	Wellington Street	Wood's Mews	
Trevor Walk	Wells Mews	Private Section	
Tufton Street	Wells Street	Woodstock Mews	
Tweezer's Alley	Wells Way	Woodstock Street	
Tyler's Court	Wesley Street	Wyndham Mews	
Udall Street	West Carriage	Wyndham Place	
Union Yard	Drive	Wyndham Street	

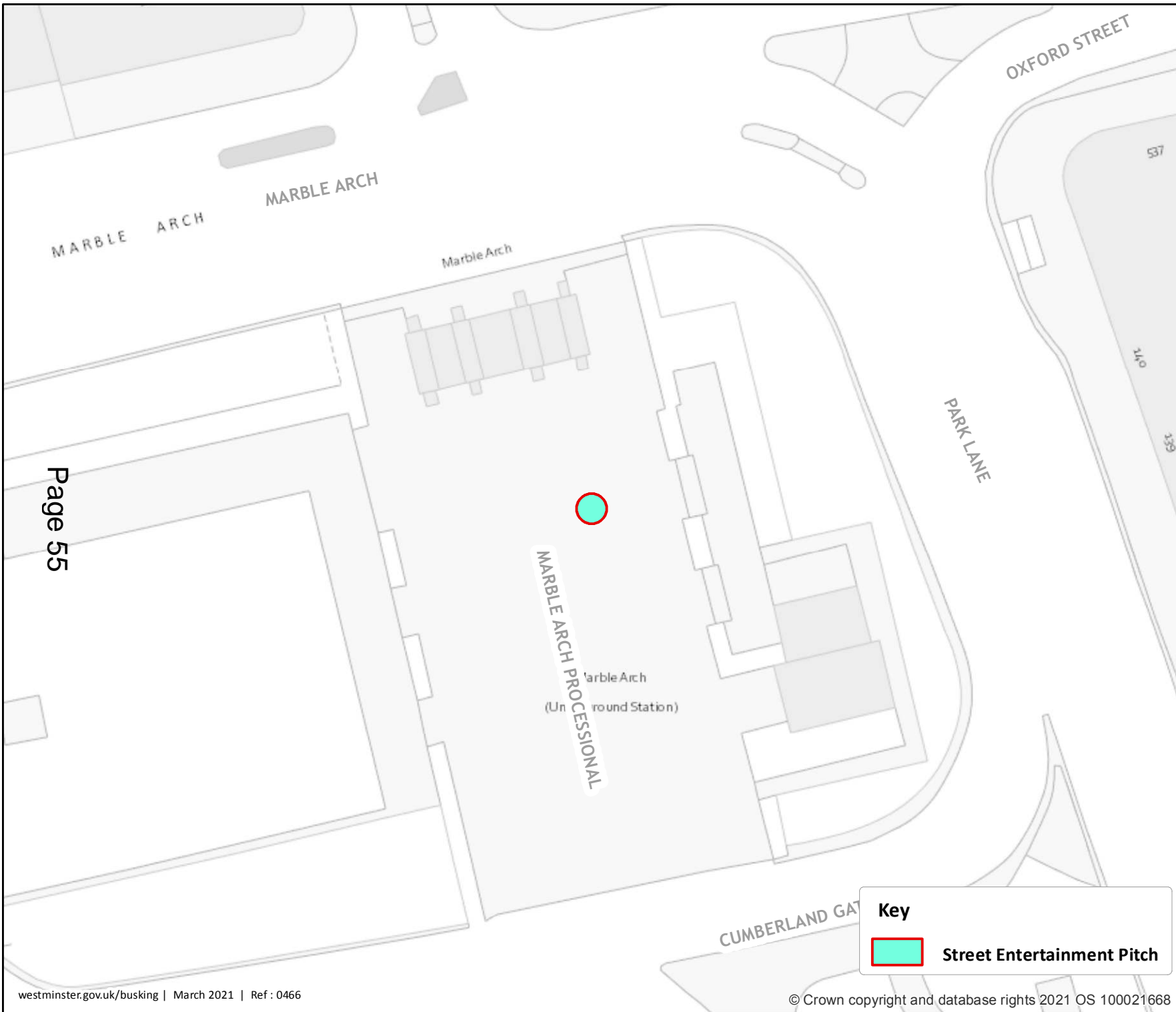
BUSKING AND STREET ENTERTAINMENT PITCH LOCATIONS



Marble Arch

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.



Page 55

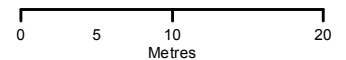
Key



Street Entertainment Pitch

Map Scale 1:500

on A4





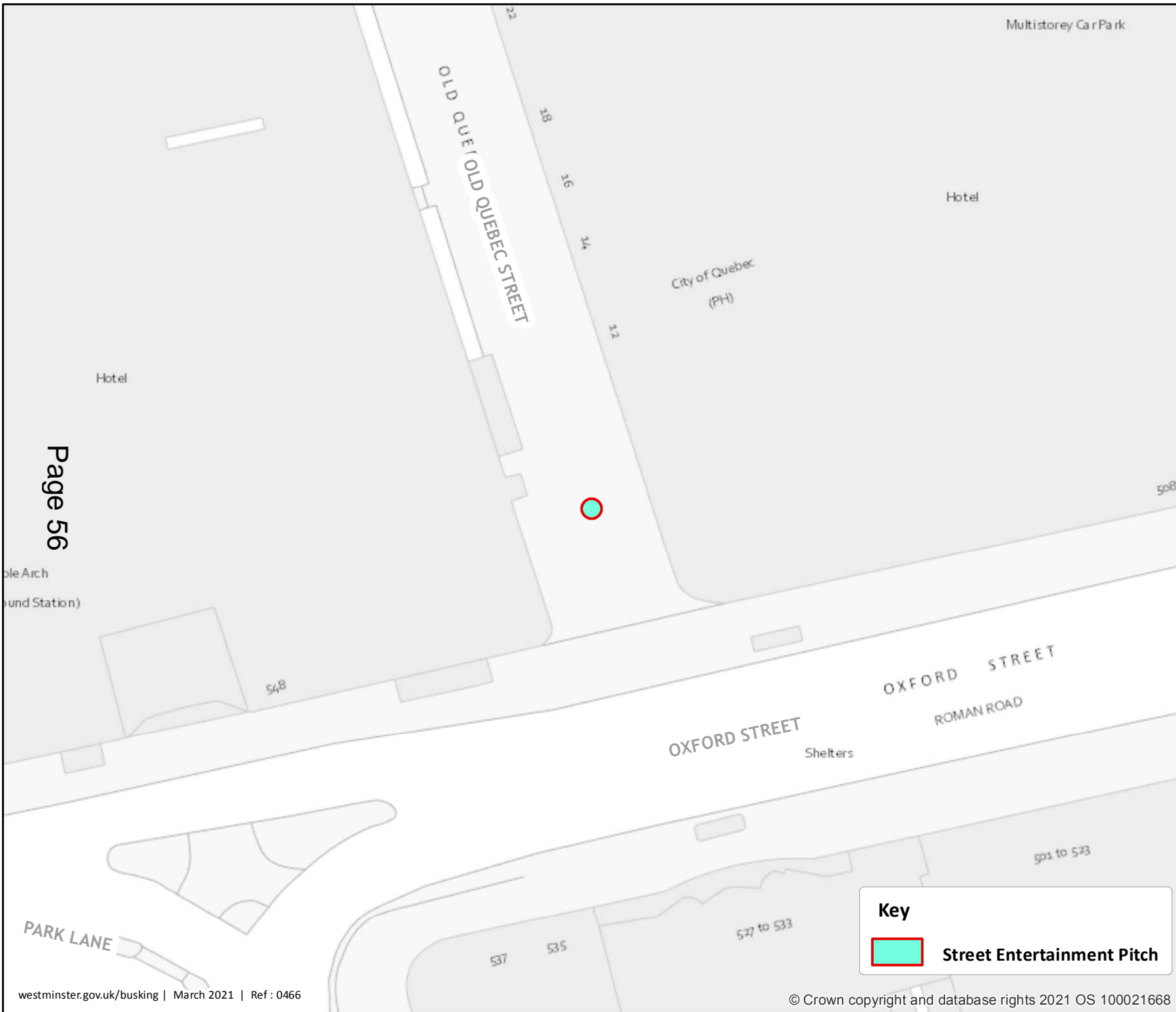
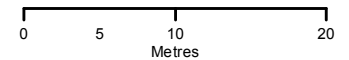
Old Quebec Street

Terms and Conditions


- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here

Map Scale 1:500

on A4



Key

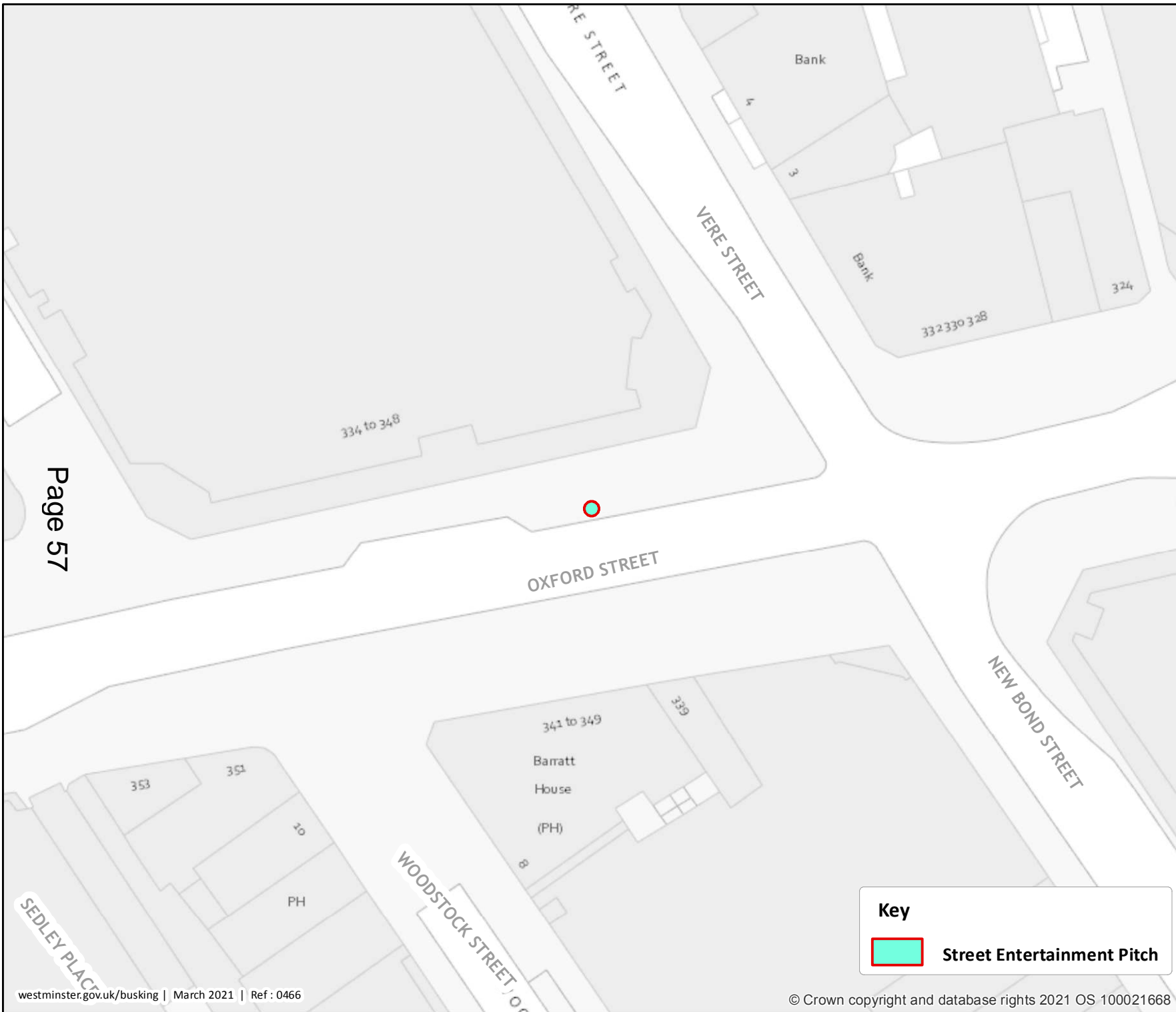
 **Street Entertainment Pitch**



Vere Street

Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Page 57

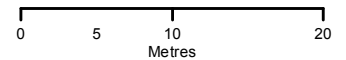
Key



Street Entertainment Pitch

Map Scale 1:500

on A4



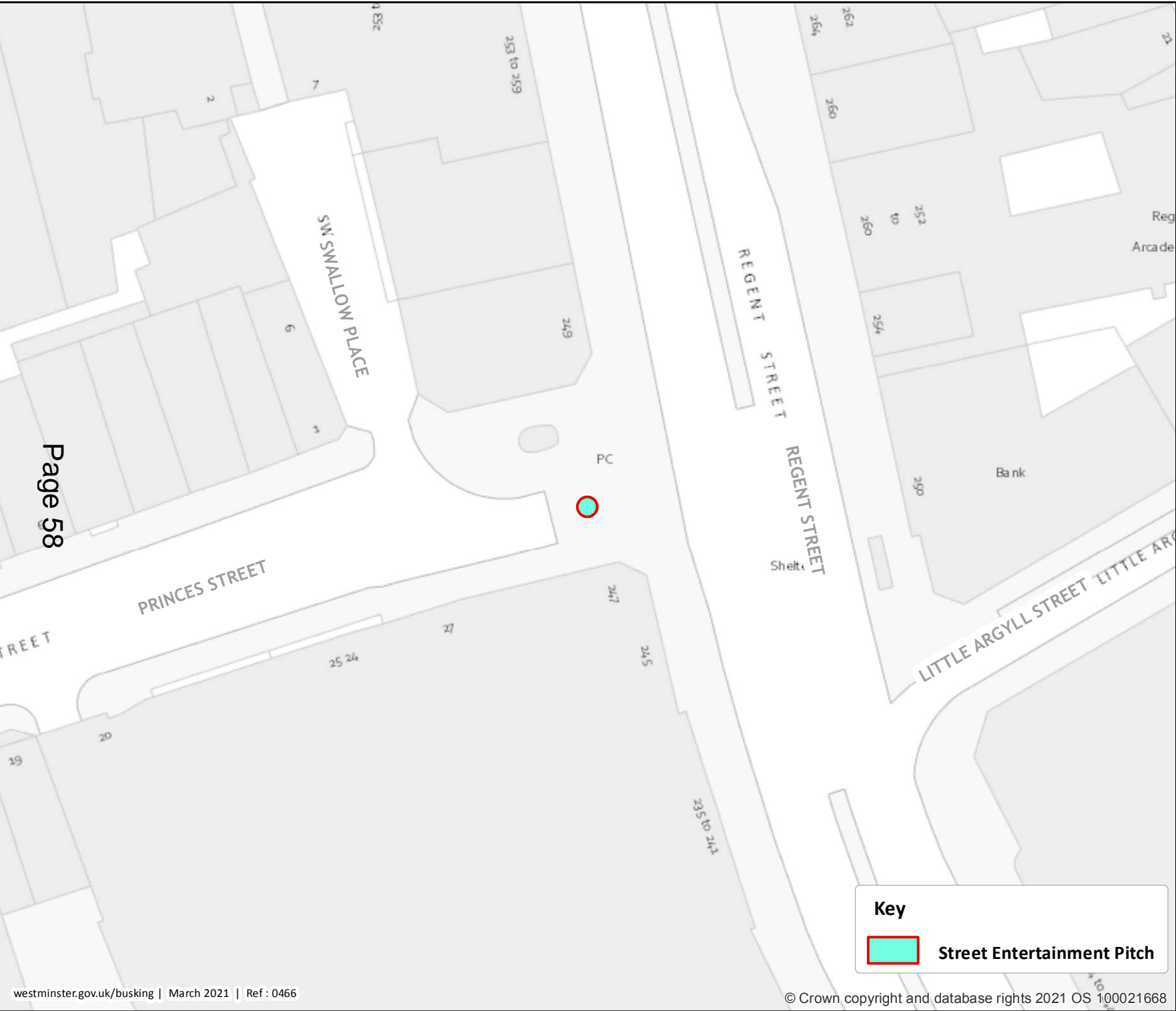
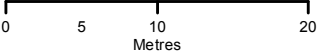


Princes Street

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500
on A4



Key

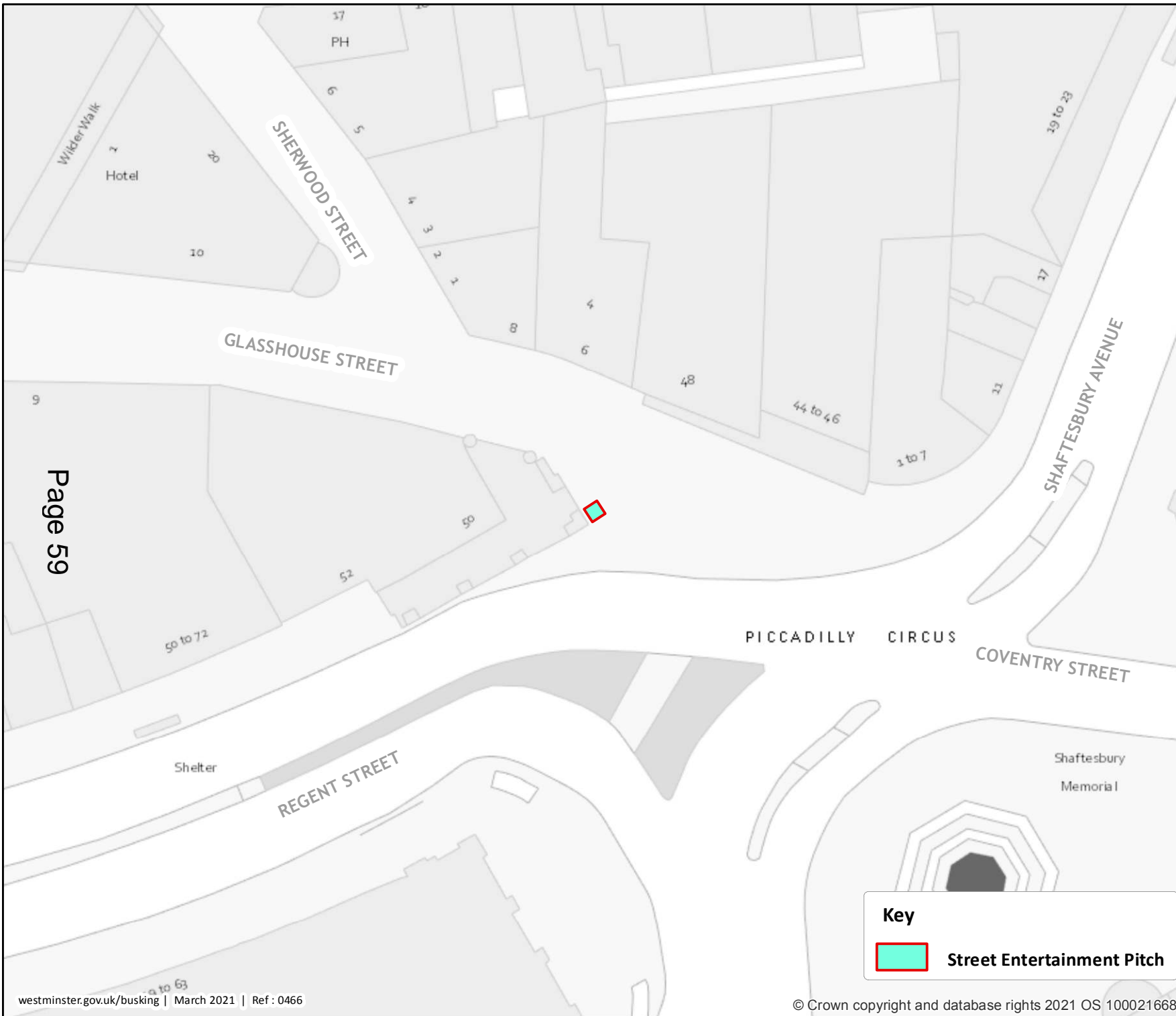
 **Street Entertainment Pitch**



Glasshouse Street

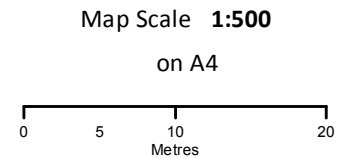
Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**

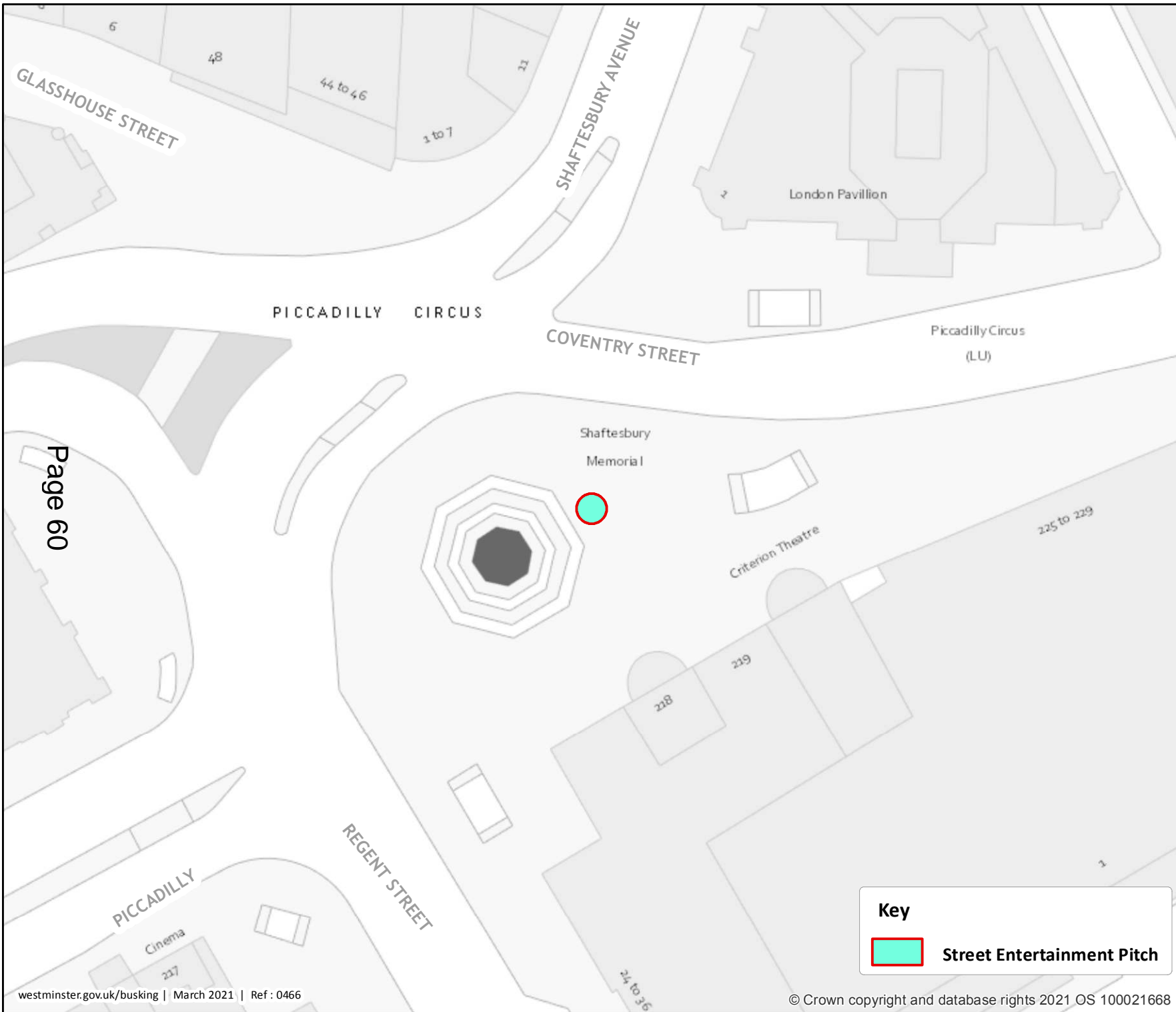




Eros Statue

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Page 60

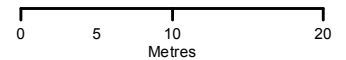
Key



Street Entertainment Pitch

Map Scale 1:500

on A4



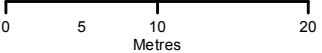


China Town

Terms and Conditions

- This pitch is only in operation Monday – Friday between the hours of 10am – 9pm
- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

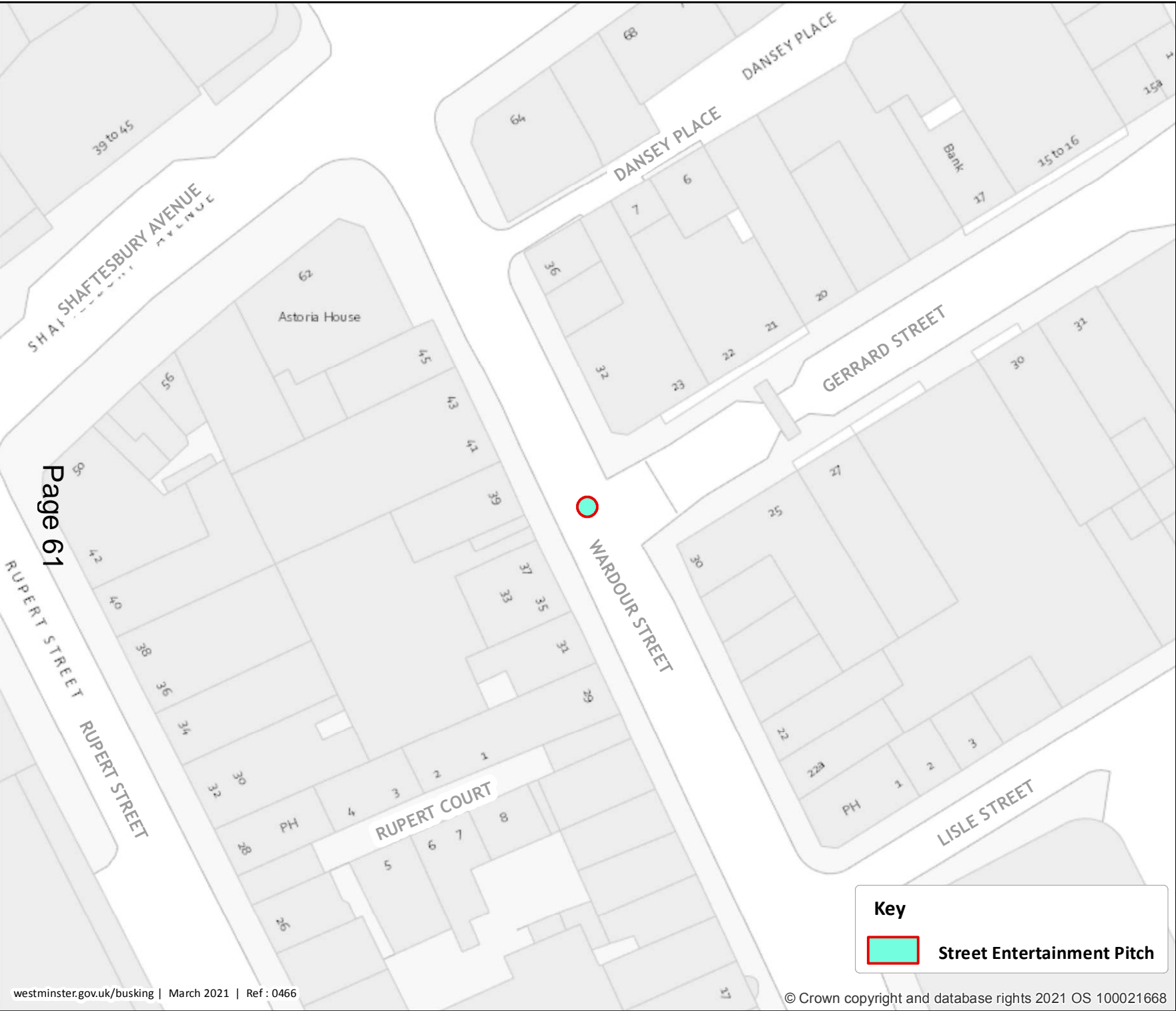
Map Scale 1:500
on A4



Key



Street Entertainment Pitch

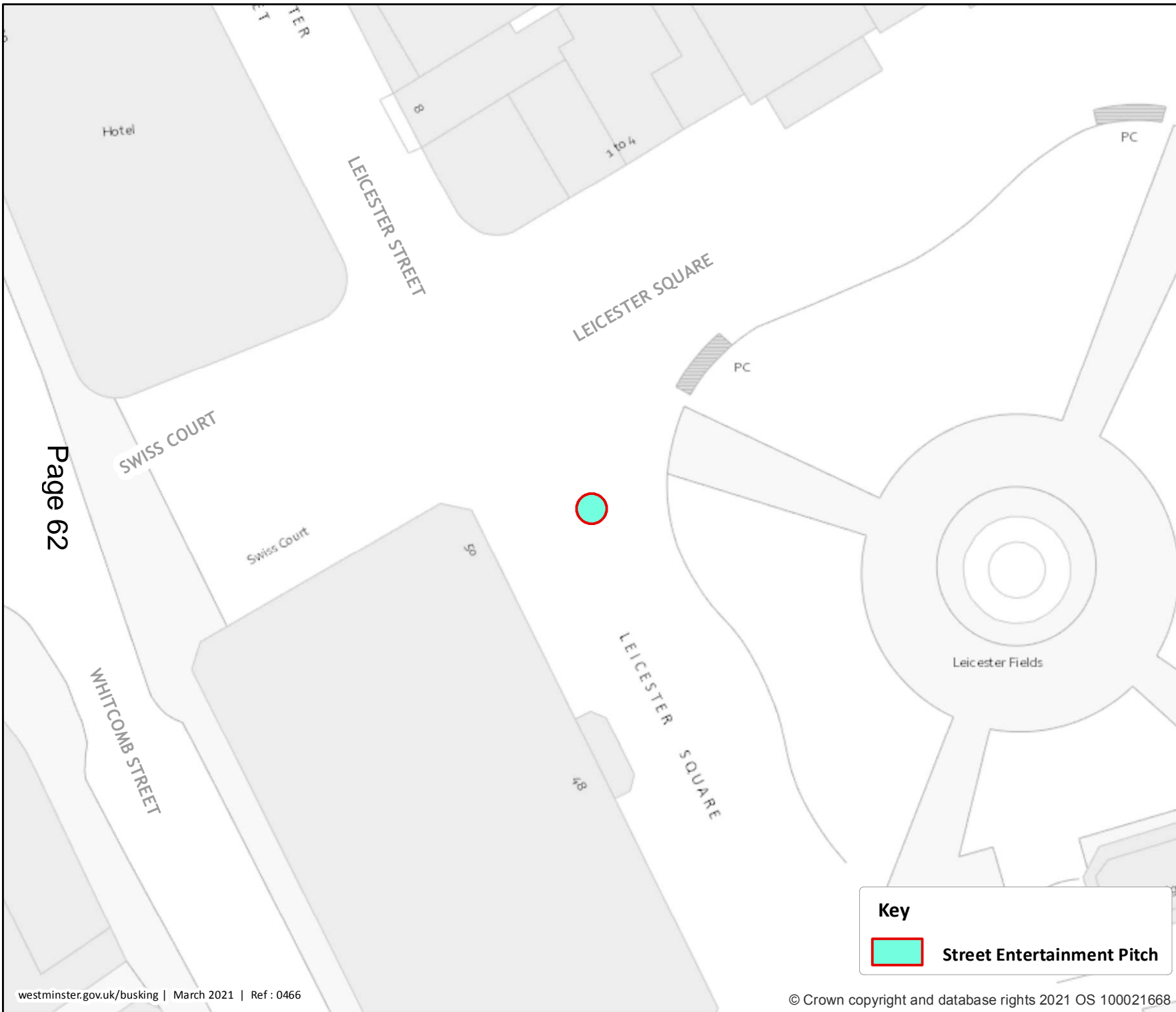





Leicester Square (North West)

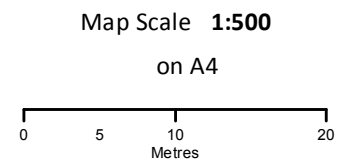
Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**

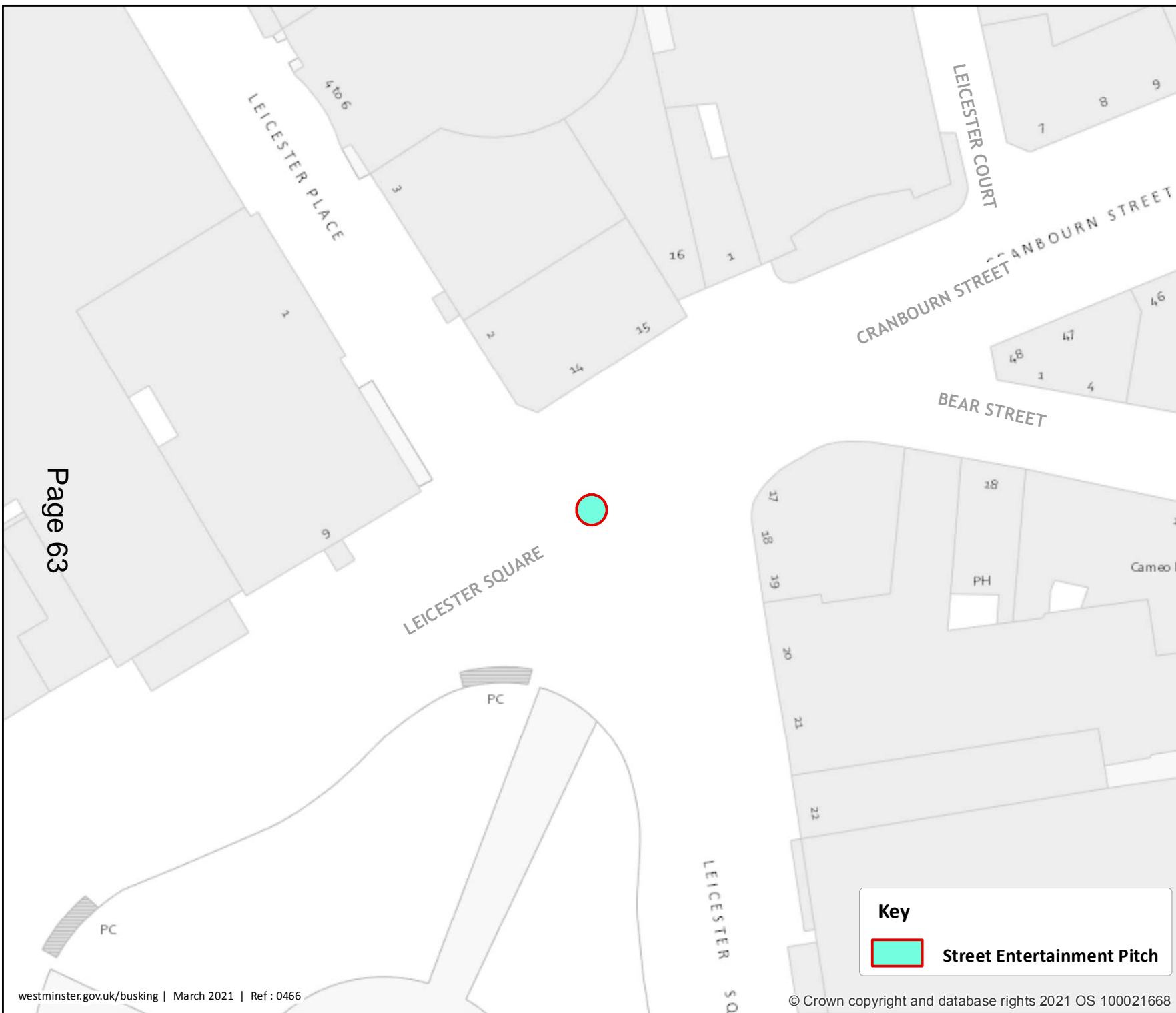





Leicester Square (North East)

Terms and Conditions

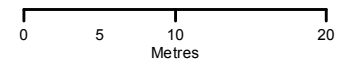
- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind, percussion and percussive instruments are permitted here providing the sound is directed towards the Square Gardens, and does not cause a nuisance to nearby property.



Key

 **Street Entertainment Pitch**

Map Scale **1:500**
on A4





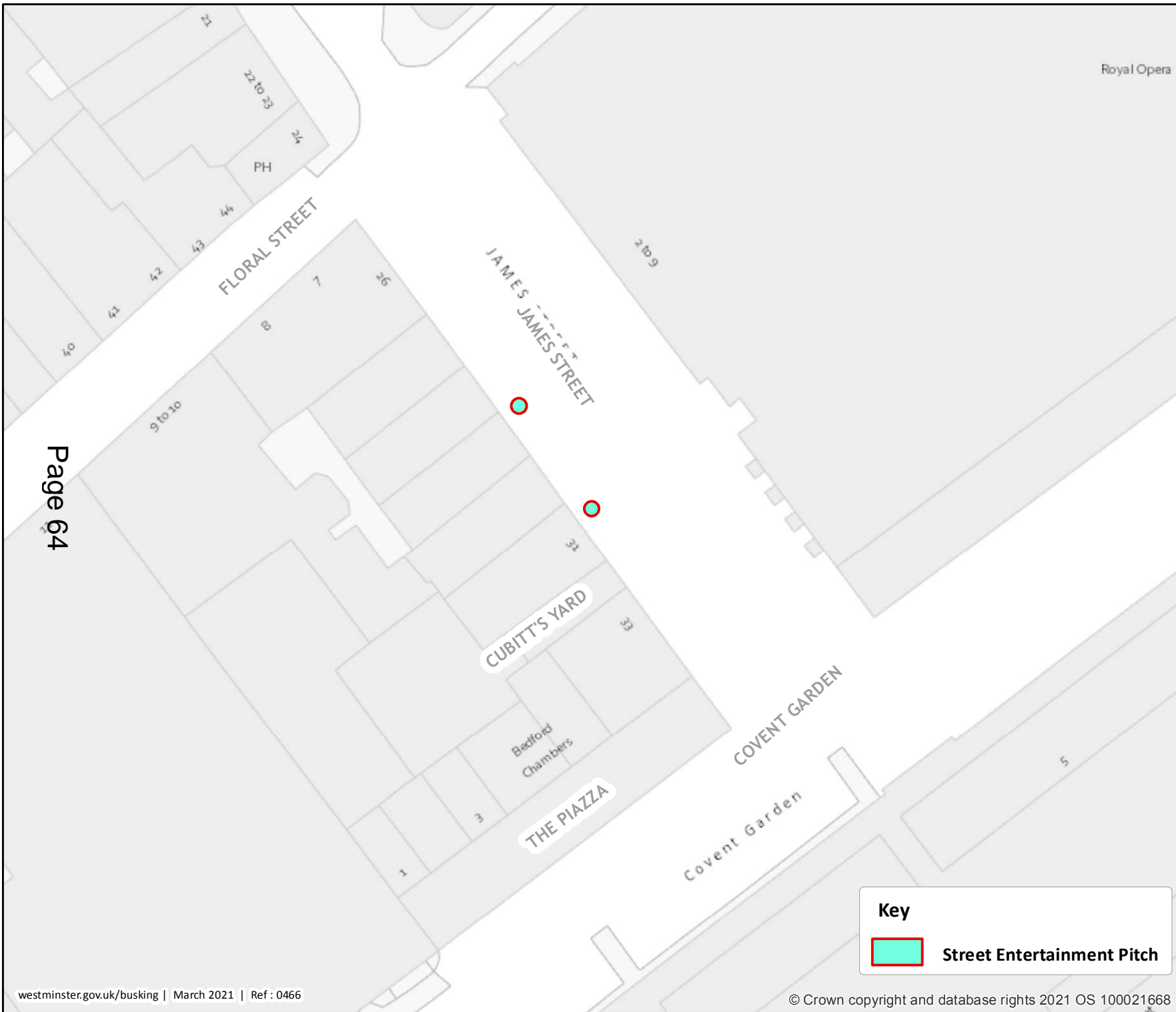
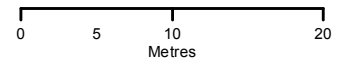
James Street

Terms and Conditions

- Each pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.
- These pitches operate between the hours of 11am-9pm.

Map Scale **1:500**

on A4



Key



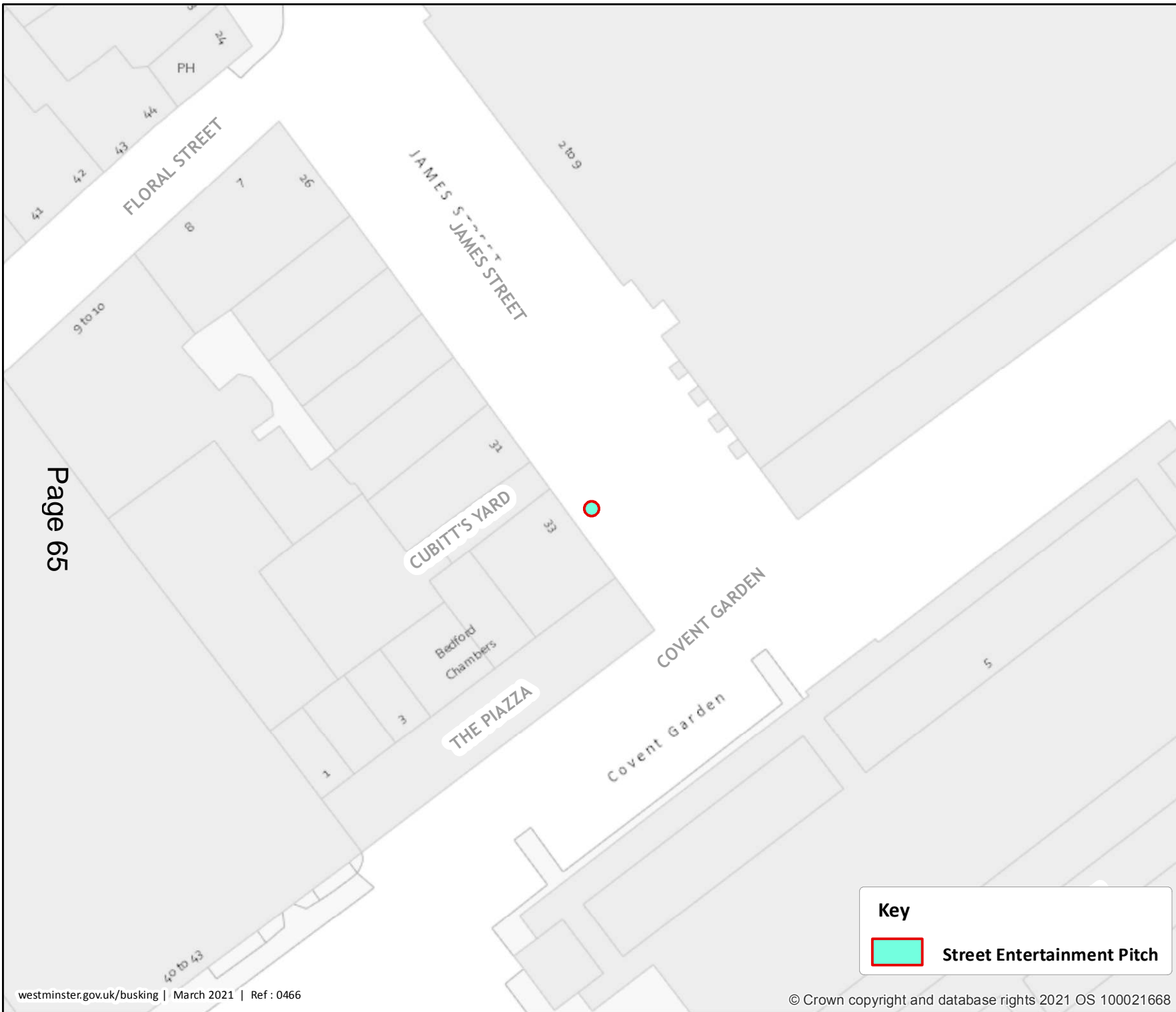
Street Entertainment Pitch



Market Square


Terms and Conditions

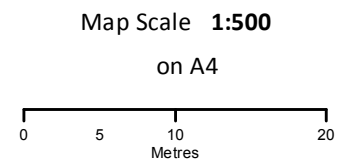
- Each pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Due to the proximity of business property, music amplification, brass, wind percussion and percussive instruments are not permitted here.
- However a vocal amplifier is permitted here.
- This pitch operates between the hours of 11am-9pm.



Page 65

Key

 **Street Entertainment Pitch**

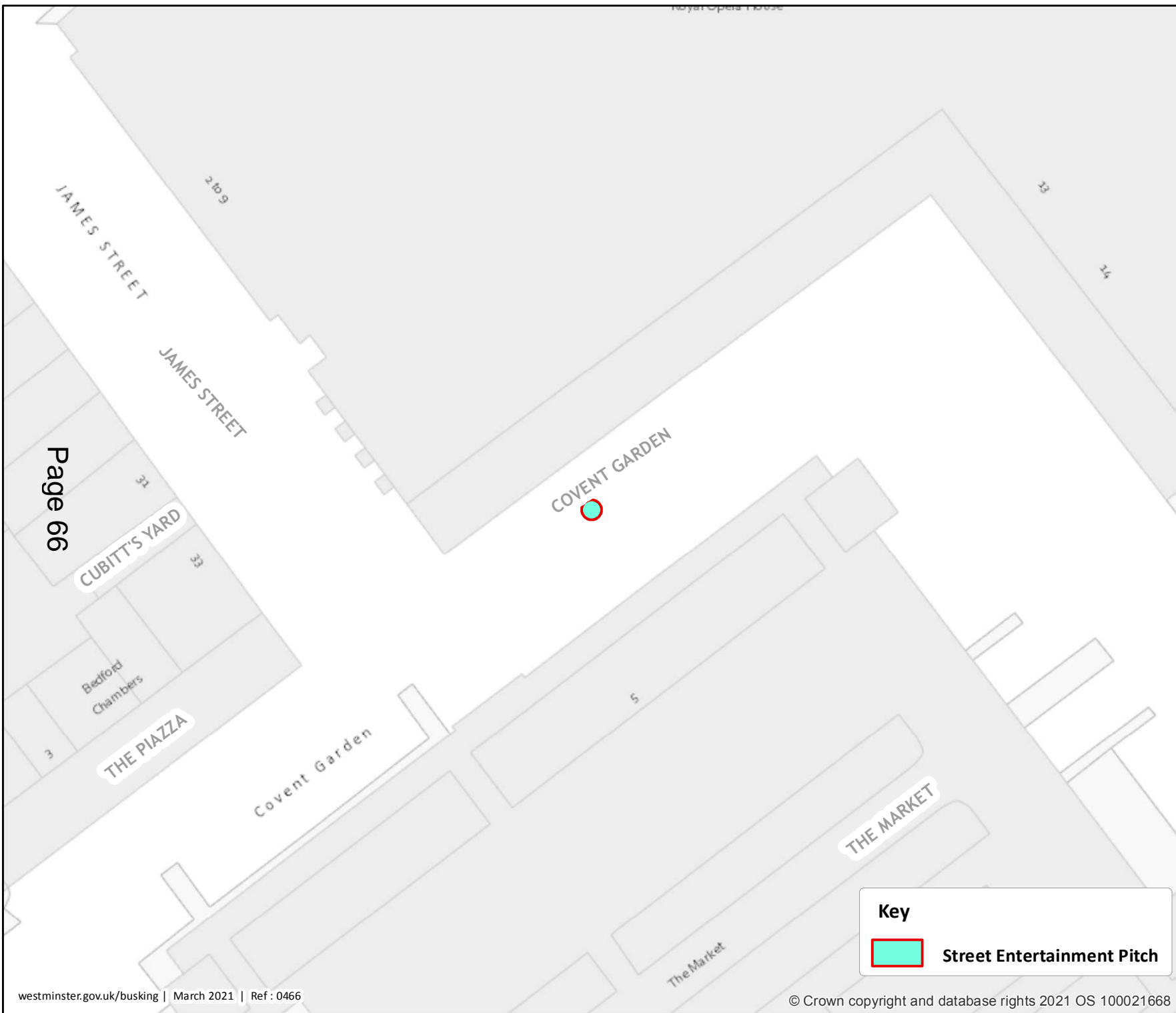





Royal Opera House

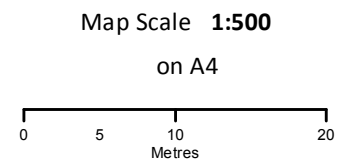
Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.
- This pitch operates between the hours of 11am-9pm.



Key

 **Street Entertainment Pitch**





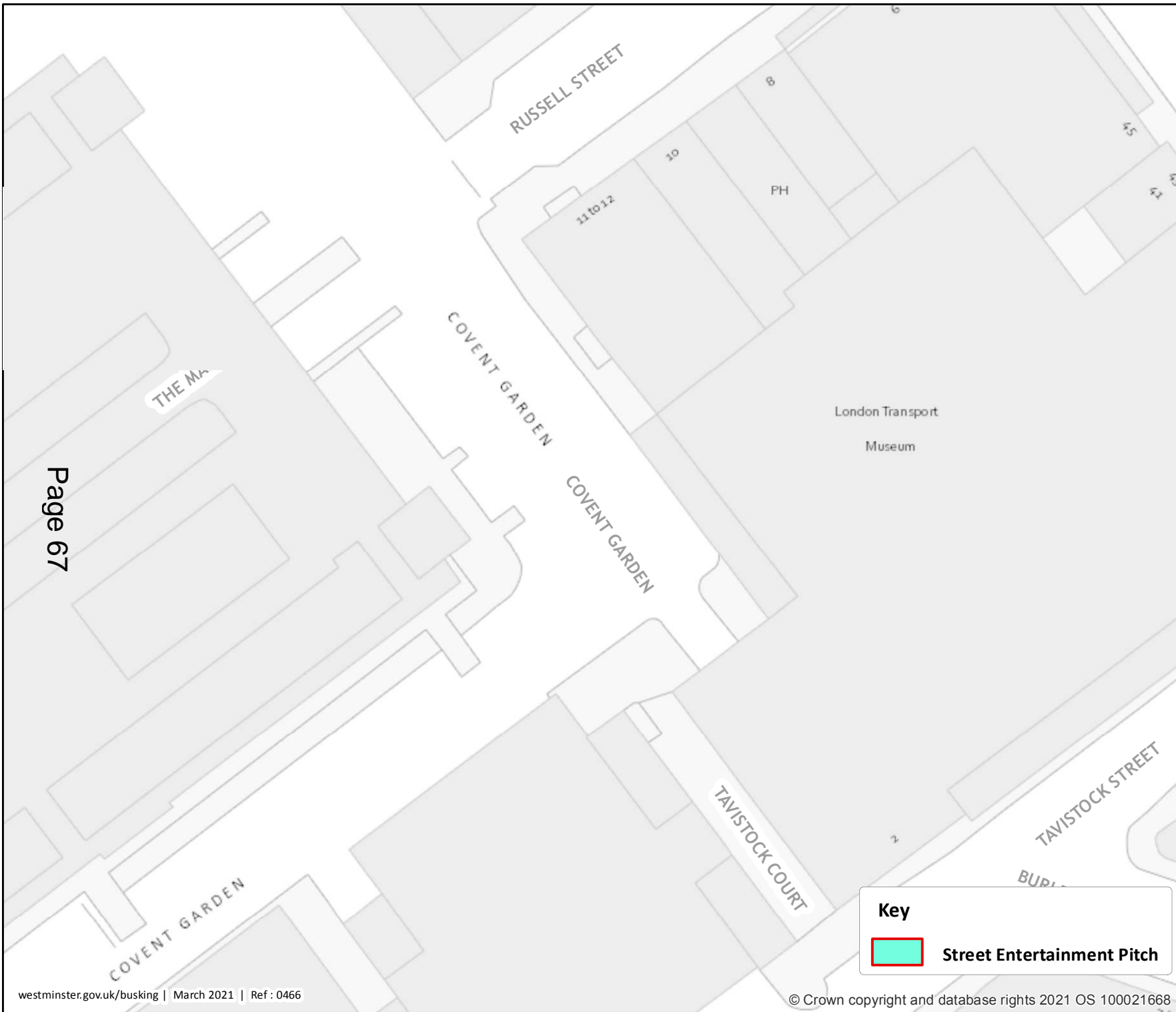
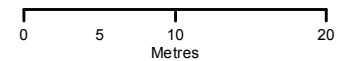
Transport Museum

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.
- This pitch operates between the hours of 11am-9pm.

Map Scale 1:500

on A4



Key



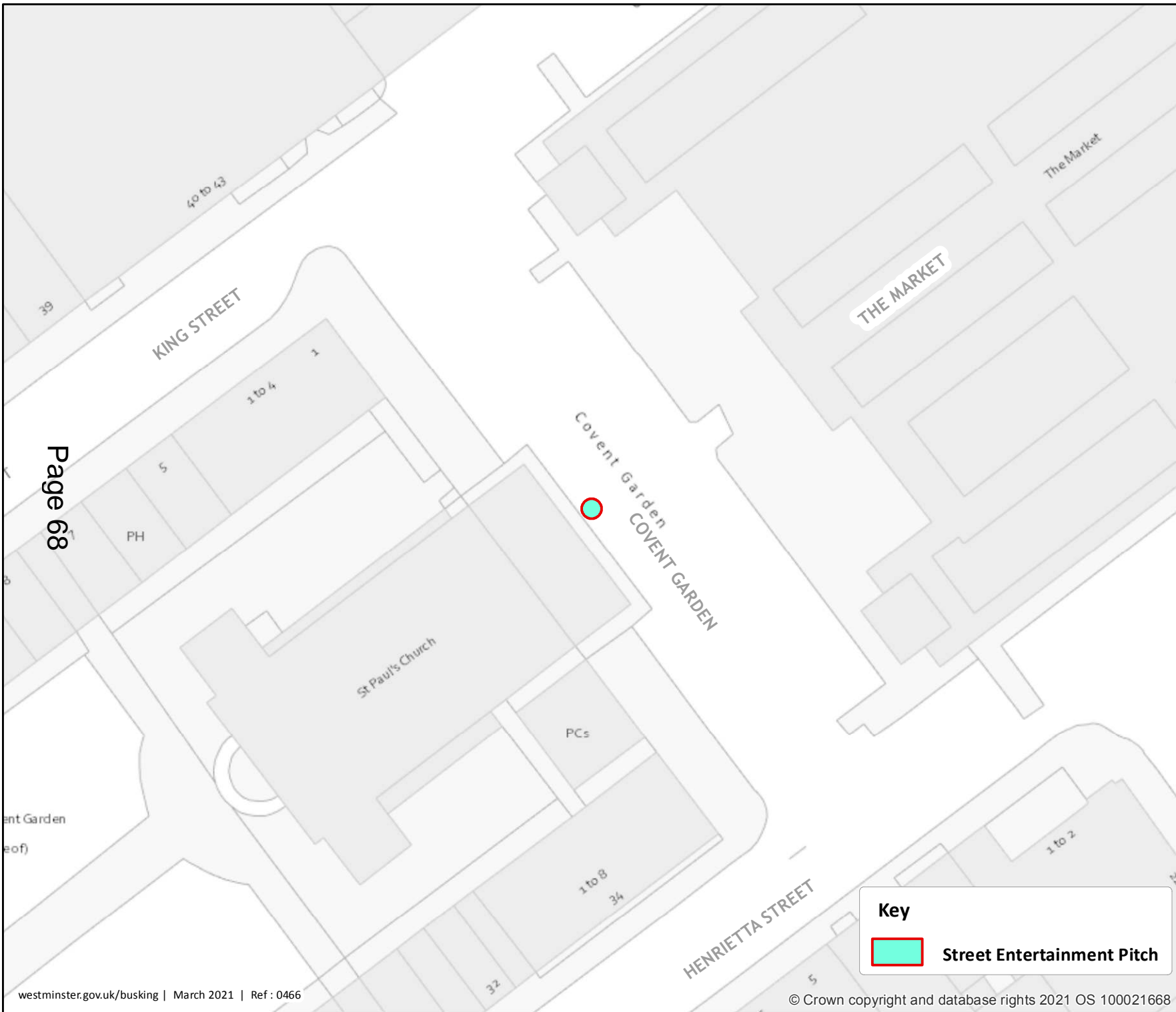
Street Entertainment Pitch



St Paul's Church

Terms and Conditions

- This pitch is not marked, however performances must not be more than 5 metres in space.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby property.
- This pitch operates between the hours of 11am-9pm.



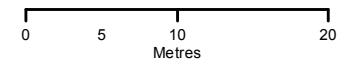
Key



Street Entertainment Pitch

Map Scale 1:500

on A4





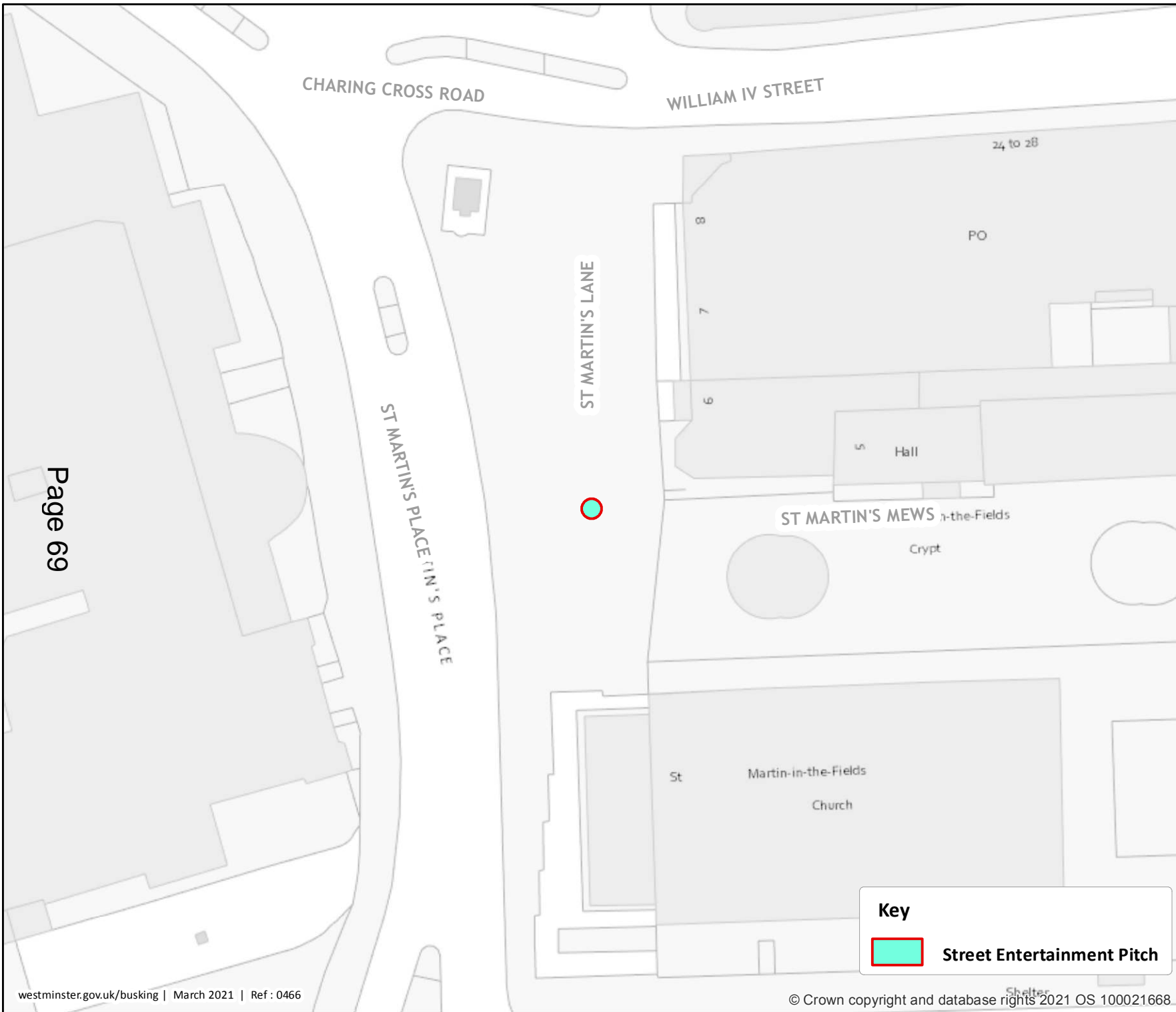
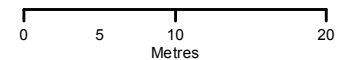
St Martins Church

Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500

on A4



Key



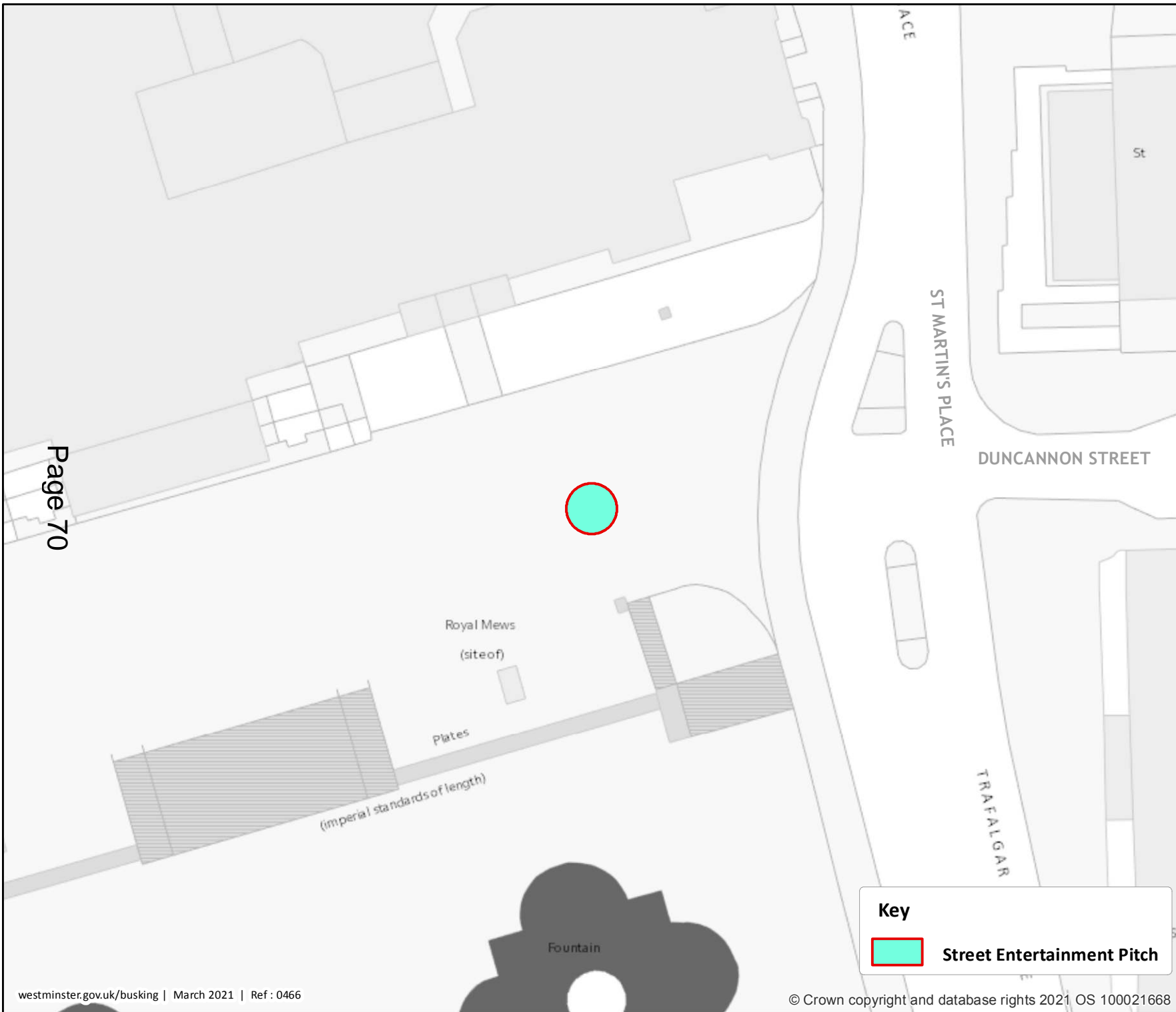
Street Entertainment Pitch



Trafalgar Square (North Terrace - Charing Cross Road)

Terms and Conditions

- This pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.



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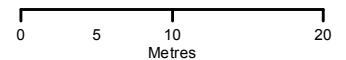
Key



Street Entertainment Pitch

Map Scale 1:500

on A4

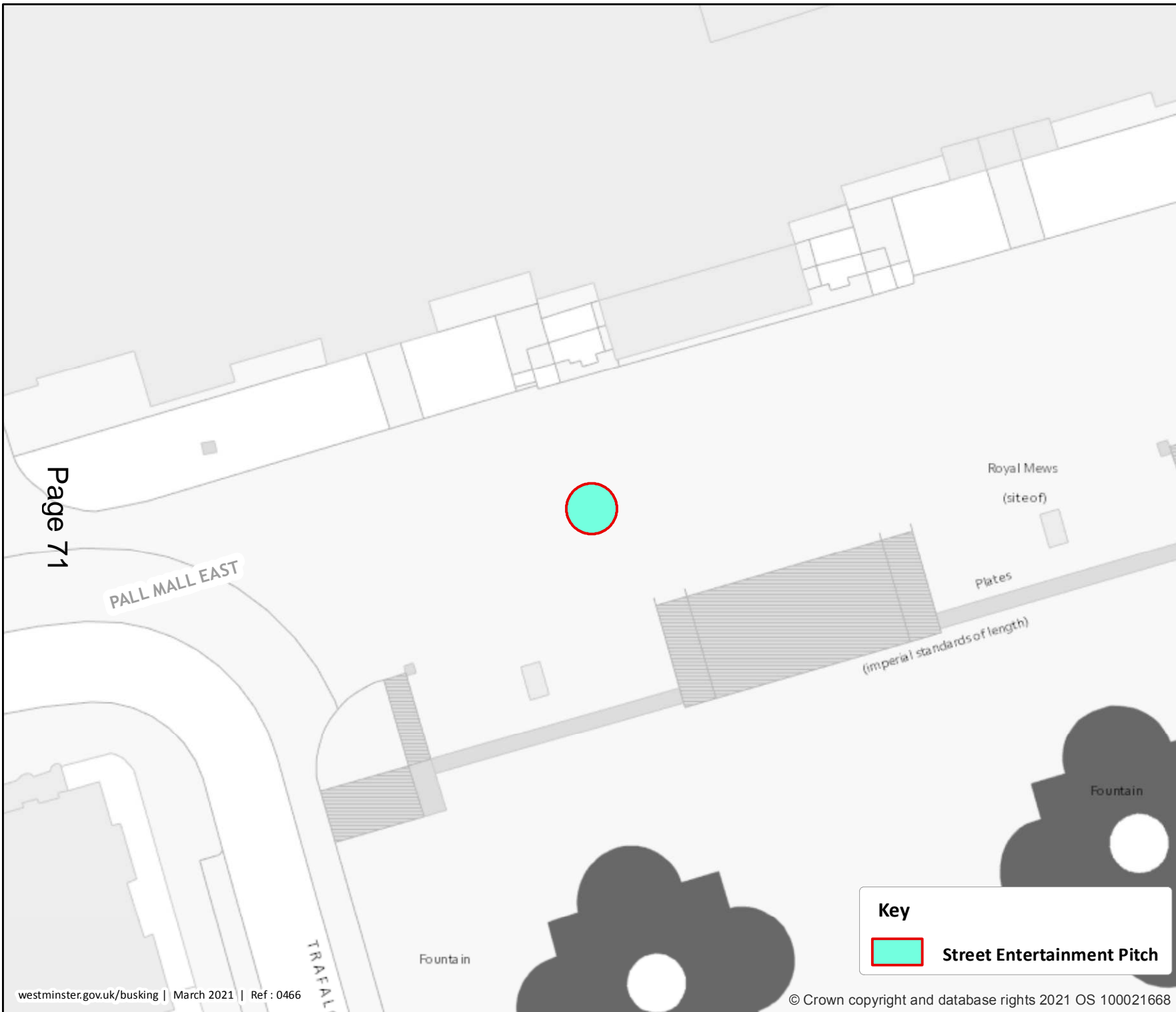




Trafalgar Square (North Terrace)

Terms and Conditions

- Each pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



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PALL MALL EAST

TRAFAL

Fountain

Royal Mews
(site of)

Plates

(imperial standards of length)

Fountain

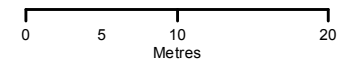
Key



Street Entertainment Pitch

Map Scale 1:500

on A4





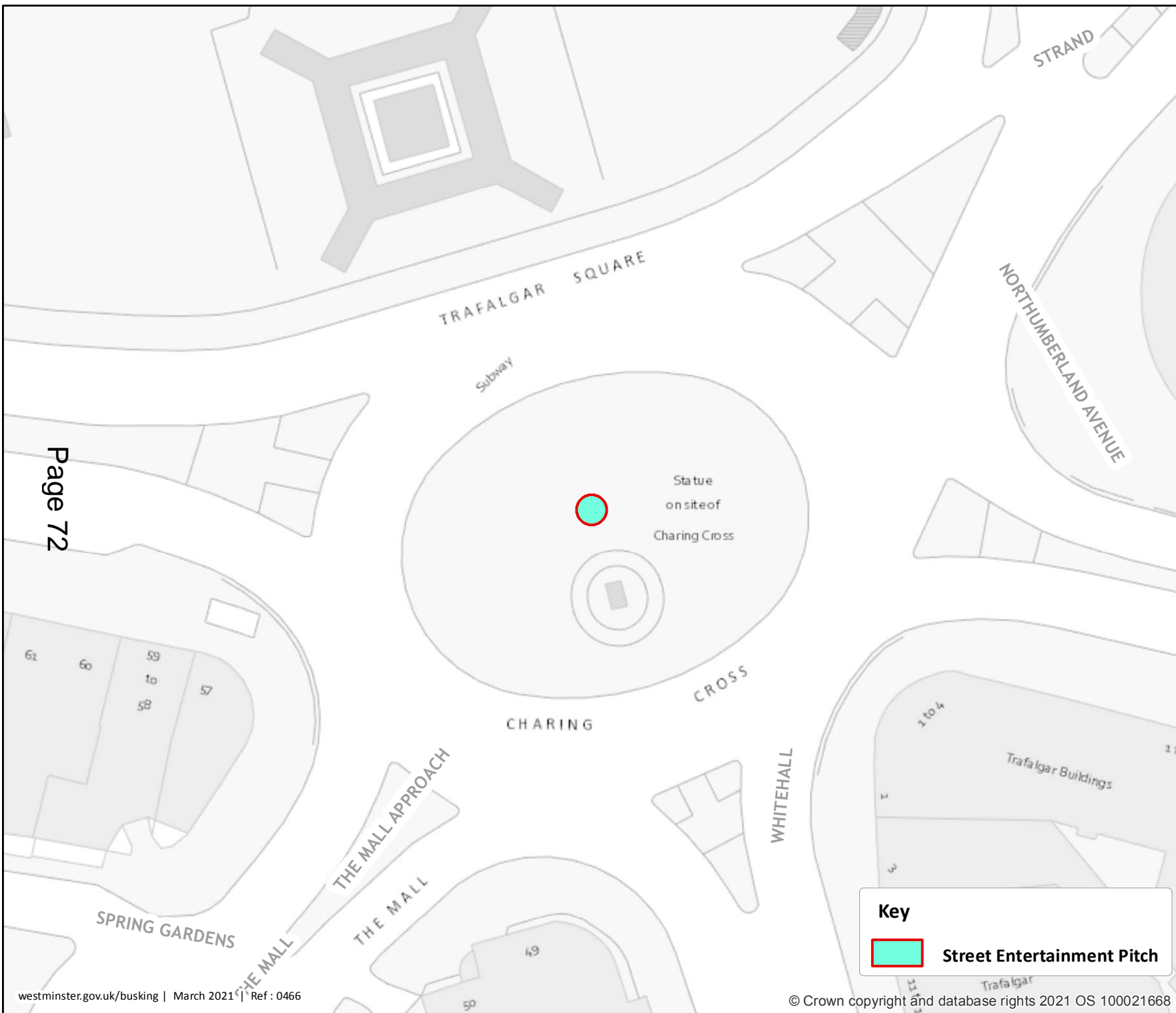
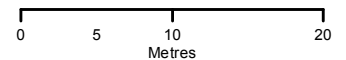
King Charles Statue

Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby property.
- This pitch operates on Sunday's only.

Map Scale 1:500

on A4



Key



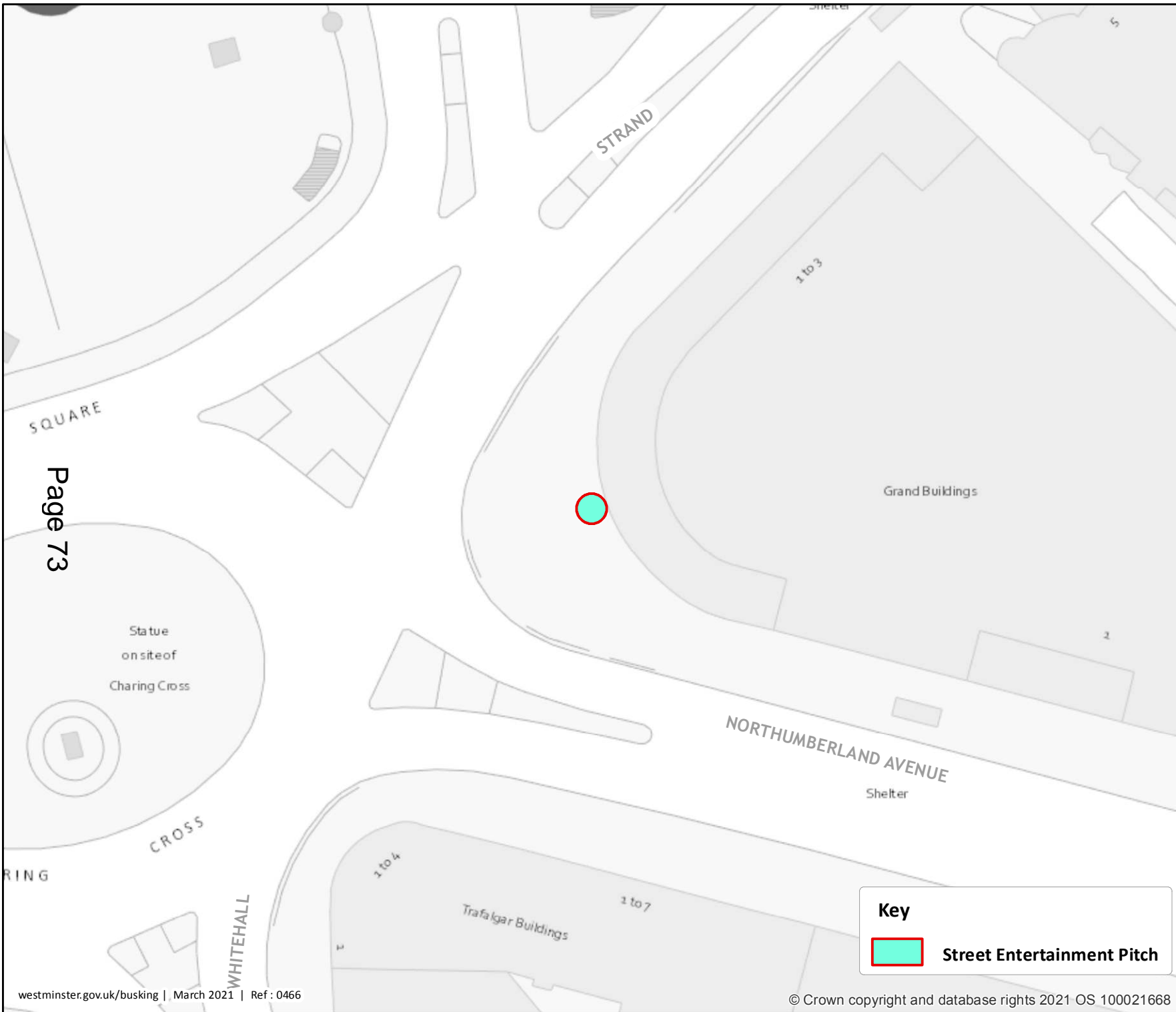
Street Entertainment Pitch



Northumberland Avenue

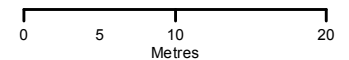
Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Map Scale 1:500

on A4

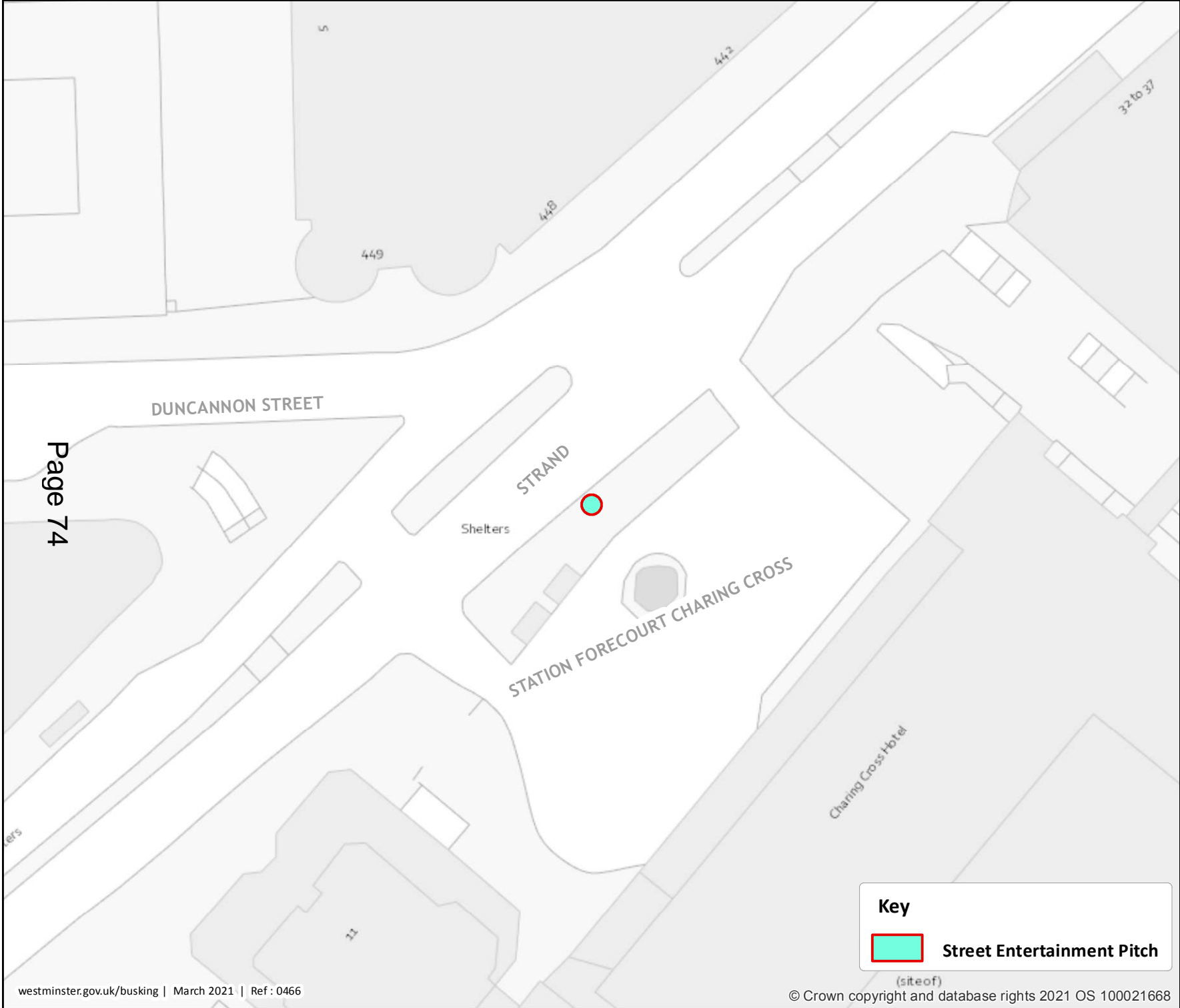




Charing Cross Station

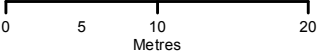
Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



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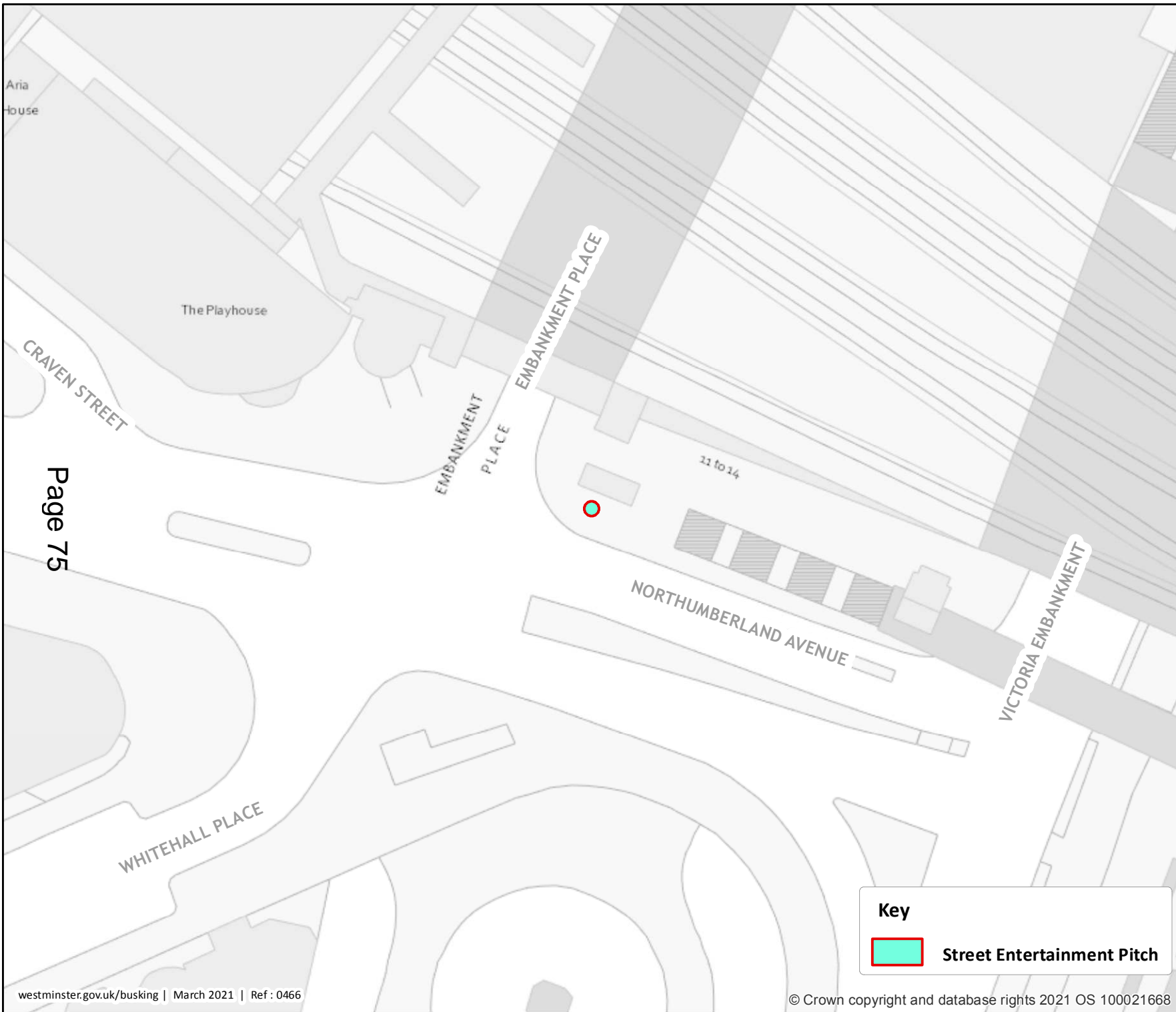




Northumberland Avenue (Hungerford Bridge)

Terms and Conditions

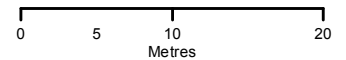
- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Key

 **Street Entertainment Pitch**

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APPENDIX B

Regulations made by the City of Westminster pursuant to Section 36(1) and 36(2) of the London Local Authorities Act 2000 prescribing the information to be provided by applicants for the grant of a busking and street entertainment licence and the procedure for determining applications.

In these Regulations, the expressions “Street” and “Busking” have the same meaning as set out in Section 32 of the London Local Authorities Act 2000.

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
 - Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
 - Entertainment related to a religious meeting, procession or service (this includes performances of Christmas carols by members of the Salvation Army).
 - Entertainment organised as part of a wider authorised event by the council’s City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.
1. All applications (including new applications, renewal applications and variation applications) must be made using the online application form provided by Westminster City Council and must be accompanied by a passport size photograph of the applicant, along with the application fee.
 - Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
 - Declaration of any unspent convictions.
 - Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
 - Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
 2. Applications must be made by individual buskers and street entertainers. If in a group, each busker or street entertainer must apply for an individual licence.
 3. The following information is required for all applications:
 - Name and home address in the UK (if you are a performer travelling from outside of the UK, please provide the address(es) of where you are staying whilst you are here).
 - Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
 - One form of photographic ID including either a passport or driving licence. (If you do not hold photographic ID, the council will accept a birth certificate along with a recent photograph)
 - Proof of valid Public Liability Insurance (of at least 2 million).
 - National Insurance number or declaration of right to work.
 4. The applicant will be given the option of declaring the following information:
 - Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
 - Self-declaration of having signed up to join the Westminster Busking and Street Entertainment Forum.
 - Proof of student status to qualify for discounted fee.

5. The applicant will also be given the opportunity to apply for a temporary licence to engage in street trading pursuant to the City of Westminster Act 1999. Such a temporary licence will only be granted if the busking and street entertainment licence is granted and the duration of the temporary licence will be identical to the duration of the busking and street entertainment licence.
6. Any temporary licence that is granted pursuant to the City of Westminster Act 1999 in accordance with these regulations will only permit trading to take place from the designated pitch at which the busker and street entertainer is performing for a period starting when the performance commences and ending 15 minutes after the performance has concluded. The trading permitted by such a licence will be restricted to merchandise that is directly related to the busking and street entertainment taking place (such as CDs being sold by a musician). A separate fee will have to be paid for the temporary licence.

Additional requirements for a variation application

7. The following additional information is required for any application to vary a busking and street entertainment licence:
 - The conditions requested to be varied.
 - Proposals for alternative conditions (if any).
8. It is not possible to apply to vary a licence to:

provide busking and street entertainment in any part of the Westminster City Council that has not been designated as a licence street.

The Procedure for Determining Applications

9. Applications will only be regarded as valid when they have been made in accordance with these regulations, including the payment of the correct fee.
10. Any application that is made to engage in busking and street entertainment in any street in the Westminster City Council that has not been designated as a licence street will be refused (in accordance with Section 37 (2) of the London Local Authorities Act 2000).
11. All applications granted by the council shall be deemed to have been so granted subject to any standard conditions that have been prescribed by the council under Section 40 of the London Local Authorities Act 2000, except so far as they are expressly excluded or amended in any particular case.
12. Applications may be granted in full or refused or granted subject to such additional conditions as may be considered appropriate in the circumstances.
13. An application to vary a busking and street entertainment licence can be made at the same time as an application for a new licence or an application to renew the licence without incurring an additional fee. An application to vary a licence that is made at any other time will incur a separate fee.
14. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does not involve any changes to the standard conditions will usually be determined within 10 working days following the receipt of the application (excluding weekends and all bank and public holidays).
15. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does involve any changes to the standard conditions will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
16. Subject to Condition 22 below, a valid application for a variation of a busking and street entertainment licence that is not made at the same time as an application for a new licence or for the renewal of that licence will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
17. A busking and street entertainment licence will be granted for a period of six months or one month.
18. An application to renew a busking and street entertainment licence must be made so as to be received by the licensing authority on or before the date of expiry of the existing licence. No late applications for renewal will be processed.
19. When an application to renew a busking and street entertainment licence has been made so as to be received by the licensing authority on or before the date of expiry of the existing licence, the existing licence will be deemed to remain in force until such time as it is either renewed or the holder of the licence is informed in writing that the application has been refused. The holder of the licence is deemed to have been informed that the application has been refused as soon as he or she has been informed of the refusal or seven days after the date when the notice of refusal was posted by first class pre-paid letter to the address held for that person by the licensing authority, whichever is the earliest.
20. All applications will be determined by a single officer ("the determining officer"). There may be a number of determining officers but all of them will be authorised in writing by the Executive Director heading up the licensing service. The Executive Director (or any person in an equivalent post) will have delegated powers to authorise the determining officers.
21. All applications will be determined on merit having regard to any Busking and Street Entertainment policy that may be in force and may be subject to consultation with the Police or appropriate officers within the council itself, such as officers from the Environmental Health Service and Highways Service. The determination does not involve an audition process and the determining officer will not make any assessment regarding the content or the quality of the busking and street entertainment that will be provided by the applicant.
22. If the determining officer is minded to refuse the application or is only minded to grant the application subject to additional conditions being imposed on the licence, the applicant will be given written notification and an opportunity to provide additional information in support of the application. Any delay in providing additional information might impact on the ability to meet the time limits set out in Conditions 14, 15 and 16 above.
23. Applications will be determined on the basis of the information provided by the applicant, any written representations that may be received in response to any consultation and any additional written submissions received from the applicant. The final decision reached by the determining officer will not be subject to any internal review but any decision that is adverse to the applicant can be challenged by way of an appeal in accordance with the provisions contained in section 41 of the London Local Authorities Act 2000.
24. If a request is received to consider the possible revocation of a busking and street entertainment licence pursuant to Section 39 of the London Local Authorities Act 2000, that will be referred for determination by a Licensing Sub-Committee.





CITY OF WESTMINSTER

MINUTES

Communities, City Management and Air Quality Policy and Scrutiny Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Communities, City Management and Air Quality Policy and Scrutiny Committee** held on **Monday 31st July, 2023**, Rooms 18.01 - 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Melvyn Caplan, Lorraine Dean, Robert Eagleton, Mark Shearer, James Small-Edwards and Hamza Taouzzale,

Also Present: Councillors: Paul Dimoldenberg (Cabinet Member for City Management and Air Quality) and Aicha Less (Cabinet Member for Communities and Public Protection). Officers: Francis Dwan (Policy and Scrutiny Advisor), Amy Jones (Director of Environment), Frances Martin (Executive Director of Environment and City), Kerry Simpkin (Head of Licensing, Place and Investment Policy), Mark Wiltshire (Director of Public Protection and Licensing) and Pedro Wrobel (Executive Director of Innovation and Change).

1 MEMBERSHIP

- 1.1 The Committee noted that Councillors Tim Mitchell, Laila Cunningham and Judith Southern sent their apologies for the meeting.
- 1.2 The Committee noted that Councillors Melvyn Caplan, Lorraine Dean and Robert Eagleton stood in as substitutes.

2 DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

- 3.1 The Committee approved the minutes of its meeting held on 15th June 2023.

3.2 RESOLVED

That the minutes of the meeting held on 15th June 2023 be agreed as a correct record of proceedings.

4 PORTFOLIO UPDATE - CABINET MEMBER FOR COMMUNITIES AND PUBLIC PROTECTION

4.1 The Committee received an update from Councillor Aicha Less, Cabinet Member for Communities and Public Protection, on priorities for the portfolio and any updates that have arisen. The Cabinet Member then responded to questions on the following topics:

- Restructure of Public Protection and Licensing (PPL): when Members were going to receive the full details of the restructure of PPL and what the likely impact would be on days works and shift patterns of City Inspectors.
- City Inspectors: whether, after the PPL restructure, dedicated ward City Inspectors would be retained.
- CCTV: Members asked for more detail on the scope and cost of the consultant set to examine the current surveillance infrastructure across Westminster. Members then asked specifically what the procurement and the consultant themselves were going to cost the Council.
- Opportunity for local CCTV schemes: what the CCTV consultant research might mean for local schemes, including Community Infrastructure Levy (CIL) funded schemes, that can utilise the best of local knowledge, but have previously been blocked. Further clarity was sought on standalone and cloud-based network cameras as to why they had not been permitted and whether they would be possible going forward.
- Safer neighbourhood panels: the cost and current funding split of the safer neighbourhood panels. Members also asked for the timescale of when they could expect more information about this.
- Pavement licences: the direction of travel and what is set to happen with regards to the future of pavement licences that will soon expire. Members questioned why the extension was announced for six months and not any longer.
- Turnaround plan: how the Cabinet Member felt about the turnaround plan and what ways the Council could better engage with the Met police with, for example, working in schools.
- British Summer Time – Hyde Park music festival (BST): the impact of the BST festival on noise complaints and the outcome of them. Members then asked what could be done to improve the community offering provided by BST in terms of tickets for local people, youth clubs and community groups and whether there might be practical or technical work experience that could be provided.
- New violence duty: Members asked what would change following the new violence duty announcements and whether this was an already existing relationship. Members asked for more information on the serious violence

definition and what the impact of the changes proposed by the Council, around the night-time economy, would mean to other partnership organisations and stakeholders.

- Noise and nuisance: what work is going to be done to improve residents' faith in the noise team and trust in the service that is provided. Members asked when positive impacts from the changes should expect to be noticed.

4.2 Actions

1. The Cabinet Member to identify what the total cost to the Council is set to be for the procurement and employment of the consultants set to examine the current surveillance infrastructure across Westminster.
2. The Cabinet Member to confirm the reasons why cloud-based network cameras are not being permitted and when this ban will come to an end.
3. BST Concert, the Cabinet Member to consider writing to BST organisers about offering local people, youth clubs and community groups opportunities in future.

5 PORTFOLIO UPDATE - CABINET MEMBER FOR CITY MANAGEMENT AND AIR QUALITY

5.1 The Committee received an update from Councillor Paul Dimoldenberg, Cabinet Member for City Management and Air Quality, on priorities for the portfolio and any updates that have arisen. The Cabinet Member gave an update that since publication of the report, the consultation on Regents Street had received over 2000 comments, mainly from the online portal, which represented a positive start. The Cabinet Member then responded to questions on the following topics:

- Nine Elms Bridge in Wandsworth: whether conversations with Wandsworth Council were happening about the reports of the creation of a bridge in Nine Elms and the latest on these reports.
- Boundary road virtual permits: querying the impact of virtual permits on those that live on boundary roads and whether parking marshals from neighbouring authorities are able to access this database.
- Electric vehicles (EVs), what more the Council can do to help residents make the switch to electric vehicles.
- Food-waste bins rollout: Members suggested the Council consider recording levels of contaminant or other milestones to add a competitive element to increase and incentivise participation in separating food waste.
- Dockless bike parking bays: acknowledging the emails that went to Councillors for local intelligence on best places to include or exclude, Members asked how the decision-making process worked when ward

Councillors had not replied to the emails. It was also asked whether City Inspectors had fed into the decisions made by officers. Members also asked whether the consultation comments are going to be reviewed by the Cabinet Member and eventually made public.

- Waste collection trucks: following announcements of the addition of electrically powered waste collection trucks, Members asked whether this now meant the entire fleet was electric. Members also asked that the Council acknowledge the cross-party nature of this initiative, that was initially started by the previous administration.
- CCTV at dumping hotspots: the number of registrations caught, and the number of fines issued as a result of the CCTV cameras installed at waste dumping and fly-tipping hotspots. Members also asked whether it was likely that offenders would park directly in front of them and whether the scheme represented value for money.
- Cycle hangars: the intentions for the cycle hangar scheme going forward after specific areas have seen applications declined in recent months and whether housing estates would see the installation of anymore. Members then asked if the number of cycle hangars in Westminster by ward and the waiting list could be shared.
- School streets: what the locations for the next set of school streets was and what exactly the criteria are for adjudging school street eligibility.
- Rapid EV chargers: whether the Council was still taking suggestions for locations for rapid EV chargers and whether these could be prioritised over slower ones.
- Cycle lanes: Members enquired specifically about the C43 and C51 cycle lane routes. Members asked about consultation responses being made public and the publication of the exact routes and how they fit into the wider network. Members also asked for a version of the overall planned grid in a form that could be shared.
- Waste dumping CCTV pilot: Members asked for theories as to why there was such a prolific range in the number of 'false triggers' at the different locations on the CCTV camera trial to tackle waste dumping and how they could be corrected.

5.2 Actions

1. The Cabinet Member and officers to consider ways to make food-waste recycling more competitive, such as lowest contamination rate, between different areas and blocks to encourage participation and engagement.
2. To make available to Members of the Committee what criteria are considered for the purpose of designating a 'school street'.

3. Cycle Hangars, to provide the list of cycle hangars in each ward and the respective waiting lists they currently have.
4. Cycle Lane Network, the Committee previously received the cycling network which was not for publication. The Committee have asked if they could now receive the planned cycle network (as a whole) in a form that can be shared.

6 STREET ENTERTAINMENT LICENSING POLICY CHANGES

6.1 The Cabinet Member for Communities and Public Protection, Councillor Aicha Less introduced the report emphasising the complicated nature of the issue, the change in challenges post Covid and the need for a collaborative approach. The Cabinet Member asked the Committee whether the report accurately and comprehensively reflects the situation, whether the proposals sufficiently tackle the issues highlighted and whether there was any additional information that Members wished to add. The Cabinet Member, supported by specialist officers, then took questions on the following topics:

- Collaborative approach in Leicester Square: the scheme had been launched, two years ago, as a collaborative approach; but this has not worked in terms of complaints and the licence conditions do not go far enough to safeguard local amenity. Members asked whether it was a fair observation to question whether some buskers and street entertainers aren't totally aligned with the Council in ensuring residential amenity.
- Amplification ban: whether the Council was serious about considering a ban on amplification, if it felt like it was the right move forward and challenges with enforcement of that. Further queries were asked about the challenges of performers bringing their own amplifiers and how this can be managed.
- Legislation: whether fines could be issued on the basis of sound and going above a particular decibel threshold, whether City Inspectors could be provided noise recording equipment and how effective this might be.
- Consultation period: Members asked why the consultation has gone on for as long as it has done, having identified some information dated back to May 2022.
- Street markings: Members highlighted that some street markings have been worn out and asked whether something more durable, such as vinyl, could be used.
- Complaints generated: given the 2,200 complaints a year, 50% of which relate to noise, with most in and around Leicester Square, how seriously the Council is treating this issue and again whether amplification would be removed.
- Police support: Members emphasised the need for police support, particularly as they are essential to confiscation if necessary and even to gather names of potential offenders, which the Council does not currently do.

- Seasonal approach: given the rise in complaints over the summer months, it was asked whether a seasonal approach might be considered, or perhaps bespoke seasonal conditions attached to the licences.
- Age restrictions: what the impact of age restriction on licenses might be and whether effectively banning under 14s was the right approach, allowing for welfare considerations. Clarity was also sought on the policy brief which implied that 17-year-old performers would need parental or guardian consent and whether it was felt like this was an appropriate age to set. One Member expressed a strong belief that 16 to 18-year-olds should be allowed to apply for a licence without the need for parental or guardian sign-off.
- Vulnerabilities considered: whilst age had been identified and the policy had welfare considerations on that basis, Members asked if any other potential vulnerabilities had been identified and catered for, for prospective applicants.
- Licence holder: clarity was sought on whether the licence of an under 18-year-old, who would need consent, would be in their name or in the name of their parent or guardian.
- Defining street entertainers: the range of applicants for street entertainers and whether individuals who forcibly sell items like roses constitute as street entertainment and if they are licensed.
- Designated pitches: what can be done to ensure better compliance of performers to the location of the pitch they have been designated. Members suggested considering a more creative approach and possible attractive methods, like street art, which might help draw in more people.
- Understanding regulation: Members asked about the religious preaching that frequently occurs outside stations and whether this kind of activity might need to be licensed under the proposals. Street and stone artists were also asked about.
- Bespoke approach: Members suggested considering amplification being allowed only at certain pitches or certain times.
- Other local authorities: Members asked how other comparable local authorities were dealing with these issues and what could be learnt from their approaches.

7 WORK PROGRAMME REPORT

- 7.1 The Work Programme was discussed, and the substantive planned for the next Committee, namely a look at the Queensway and Edgware Road Strategy Group Models.
- 7.2 Consideration was given to changing the start time of the December Committee.

7.3 The Committee was consulted on possible substantives for September's meeting, and it was agreed that options on what might be viable would be presented in the proceeding few days.

7.4 Actions

1. To consult with the full Membership to evaluate possibilities for substantives in September.
2. To push back the start time of the December Committee, to allow Members to attend other Council events.

The Meeting ended at 20.32.

CHAIR: _____

DATE _____

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Busking and street entertainment licensing policy review report.

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Executive Summary

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.

As part of the commitment made by the Council, a review of the Licensing Policy was undertaken after one year of the scheme's operation. This report outlines the approach taken by Officers for the review, including engagement with external stakeholders and data collection. The findings of the review present potential options and recommendations for the Council's consideration.

The review process involves several stages, including an internal officer review, engagement with stakeholders, consultation through the Council's policy and scrutiny process and Licensing Committee and public consultation on the proposed revisions before any formal decision is made on approving those revisions.

During the review process, officers engaged with key stakeholders, conducted targeted engagement, and analysed available evidence. The data indicated a generally positive uptake of licenses issued by the Council during the two years of operation. However, there was a notable increase in complaints related to busking and street entertainment, primarily concentrated in specific areas of the city, with a significant number of repeat complainants.

Compliance and enforcement

Stakeholder engagement revealed several issues with maintaining compliance and enforcing against illegal performers within the scheme. Non-compliance and illegal activity were particularly prevalent in Leicester Square and Covent Garden.

The original intention of the scheme was to have a light-touch approach, emphasising self-regulation based on a code of conduct. Buskers and street entertainers expressed their desire to continue self-regulation, while businesses and residents were primarily concerned with noise nuisance and obstruction. The proposed scheme, which aimed to strike a balance between self-regulation and designated pitch locations, was considered appropriate. The low licence fees were set to facilitate busking and street entertainment without being a financial barrier, although they did not cover the full costs of running the scheme for the Council.

The licensing scheme and associated policy aimed to address concerns and enable effective action against non-compliance and illegal busking and street entertainment. However, challenges have arisen, particularly regarding compliance and enforcement. Council officers have faced difficulties enforcing against illegal performers without police support, and officer safety has been a concern due to threats and abuse from illegal buskers and street entertainers, as well as hostile audience reactions. The police, although key partners have been limited in their support due to other pressing priorities. As a result, there has been a rise in illegal activity since the easing of Covid restrictions and the return of high footfall. Council officers have collaborated with the police to carry out enforcement actions, resulting in some positive outcomes. Additionally, a prosecution was pursued against an illegal busker, which led to a conviction, although the fine imposed by the court was relatively low.

While the review primarily focused on the effectiveness of the Licensing Policy, the issues stemming from non-compliance and illegal behaviour by buskers and street entertainers were consistently raised by all stakeholders. Based on the review and engagement conducted, council officers acknowledge the need to evaluate the cost and resource implications of addressing persistent non-compliant and illegal buskers and street entertainers. The limited resources available to the council, financial constraints, and the importance of prioritising higher-risk and essential functions must be taken into account. The commitment of the police, who prioritise other policing issues in the West End, would also be crucial in effectively addressing these concerns. Despite these challenges, there is a clear consensus among businesses and residents to maintain the scheme, as it has proven effective in mitigating local issues such as noise and obstruction in certain areas of the city.

Leicester Square

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 the wind to carry noise further and some buildings facades act to redirect noise toward 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.

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.

However, it is also recommended that while the collaborative approach is underway, the Council should proceed with consultation on the proposal to remove amplification from the pitch. This ensures that progress is not delayed and that measures are put in place to address the noise issues promptly. If the collaborative approach yields positive results, the decision to implement the removal of amplification from the pitch could be suspended or terminated accordingly.

In addition to the challenges associated with noise in Leicester Square, the review has identified issues related to the Northwest corner pitch. This pitch is designated as unamplified and is situated away from the main north thoroughfare. However, performers are frequently found not on the designated pitch but closer to the main north thoroughfare, deviating from the intended location.

Furthermore, the presence of illegal buskers is particularly prominent in this area, both on the pitch itself and along the North thoroughfare of Leicester Square. This unauthorised presence not only causes obstruction but also contributes to significant noise disturbances.

Addressing these issues requires a comprehensive approach that considers the enforcement of regulations, addressing illegal busking activities, and ensuring compliance with designated pitch locations to minimise obstruction and noise-related problems.

This will be particularly challenging requiring a significant investment in resources and costs as well as ongoing support from the Police to achieve. As part of this approach, a review of the fees for the scheme may be required to cover some of the costs associated with this scheme generally as well as support the need for additional resourcing.

Policy Changes

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 or 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.

The policy and application documentation will clearly state the ramifications for applicants who provide untruthful statements. Emphasise the importance of providing accurate and truthful information as part of the application process, as this information is essential for officers to assess the applicant's suitability for holding a license.

Code of Conduct and Licence Conditions

It is proposed that a review of the current codes of conduct and licence conditions should be undertaken and any necessary are made to ensure they remain proportionate and reasonable. It is proposed to amend the Codes of Conduct to include provisions on the provision of truthful information during the application process and behaviour.

There may also be a need to consider updating some of the codes of conduct and licence conditions considering the proposed changes identified in the review. A new condition is being proposed to specifically tackle abusive or threatening behaviour or actions that are directed towards Authorised Officers and the Police.

Pitch Locations and Markings

The council should assess the current pitch locations based on factors such as pedestrian safety, accessibility for disabled performers, 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.

Undertake an assessment of the markings of pitches that have significantly worn out. Consider cost-effective alternatives to the current versions used across the city to provide a cheaper alternative while still maintaining visibility and functionality.

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.

1. Introduction and Background to this review

- 1.1 Westminster is populated with residential and business premises close to and within nationally and internationally recognised commercial, cultural, and tourist destinations, creating a vibrant and exciting atmosphere. These high footfall areas are also attractive to buskers and street entertainers, helping to create a lively and diverse street scene unique to our city.
- 1.2 Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly has access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language, which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats, and mime artists.
- 1.3 Busking and street entertainment have been and will remain a consideration for our placemaking and public space design approaches, ensuring our city and town centres remain an attractive experience for all. The Council continues to recognise the cultural contribution that busking and street entertainment add to the City's vibrancy and character. However, there continue to be adverse impacts from busking and street entertainment in certain locations around the city. The high number of loud or amplified performances daily meant that residents and nearby businesses had little or no respite for lengthy periods. In addition to the complaints received, in some areas of our city, some locations were inappropriate for busking and street entertainment. This was because of the nature, design, and use of the areas, which at times caused pedestrians to spill out onto roads to get past buskers and street entertainers and their audience or impede on pedestrian flow in already highly congested areas.
- 1.4 On 9th December 2020, at a hearing of Full Council a report and evidence that demonstrated the need for the Council to introduce a Busking and Street Entertainment licensing regime and associated Licensing Policy (the Policy) was debated. The Policy recognised that in certain locations within the City, there is good reason to believe that as a result of busking and street entertainment, there has been, is being, and will continue to be an undue interference with or inconvenience to or risk to the safety of persons using a street in that part of their area or other streets within the vicinity of that street; and /or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area. It was therefore proposed to adopt Part V of the London Local Authorities Act 2000 and for the designation of the areas of Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the twenty-seven designated busking pitches.
- 1.5 The Policy was intended to do more to support busking and street entertainment within the City while reducing the undue interference or inconvenience for persons using the streets or nuisance to nearby residents and businesses. Following that debate, Full Council approved the adoption of the Policy, the resolution to adopt Part V (Licensing of Buskers) of the London Local Authorities Act 2000 (the 2000 Act) to apply to the City of Westminster, and the draft designating resolution for designated streets.
- 1.6 Following the resolution to adopt the licensing of buskers licensing regime, the Policy, and the draft designating resolution (designation order) for designated streets where busking was permitted and/or prohibited the Council was required to undertake formal consultation on that resolution. This consultation took place between the 10th December 2020 and 31st January 2021. Following that consultation, a report was provided to Full Council on the 3rd

March 2021, seeking the formal adoption of the designation order following the results of the consultation exercise. The Council agreed that the designation order would come into effect on the 5th April 2021. The busking and street entertainment licensing regime came into effect on this date.

- 1.7 The Council acknowledges the cultural contribution of busking and street entertainment while recognising the adverse impacts in certain locations. The high volume of loud or amplified performances caused disruptions to residents and businesses, leading to numerous complaints. Additionally, some locations were deemed inappropriate due to their design and usage, leading to pedestrian congestion and safety concerns. The Council aims to strike a balance between preserving the vibrancy of the city and addressing these challenges through effective placemaking and public space design approaches.
- 1.8 On the 9th December 2020, the Council discussed and debated a report highlighting the need for the introduction of a Busking and Street Entertainment licensing regime and associated Licensing Policy. The Policy acknowledged that certain locations within the City experienced undue interference, inconvenience, and safety risks to individuals using the streets or living nearby due to busking and street entertainment. To address these concerns, the Council proposed adopting Part V of the London Local Authorities Act 2000. This adoption would prohibit busking in areas such as Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square, with exceptions for licensed buskers operating within twenty-seven designated busking pitches.
- 1.9 Following the change in Administration of the Council in May 2020 discussions took place between Officers and the Cabinet Member on the scope of this review. It was agreed that the review would fulfil the Council’s commitment made during the adoption of the regime and policy on the 9th December 2020. The scope of this review would be limited to the Policy. However, the effectiveness of the regime and any issues associated with its compliance and enforcement would be considered when considering the final review report. Whilst it is outside the scope of this report the enforcement strategy and approach to ensuring compliance with this scheme will need to be considered in parallel.
- 1.10 The review is to be undertaken in four stages:

Stage	Stage title	Summary of stage	Completed, ongoing or to commence.
1	Internal Officer review	This stage focused on gathering input from Council teams and services which had the role of administering and/or enforcing the licensing regime and its Policy or had direct interactions or specific challenges associated with the regime and its Policy. This phase would also include collecting initial data sets on the scheme's operation and identifying previous individuals, groups, bodies, and partners involved in the initial development and consultation on the Policy for targeted engagement.	Completed October 2022

2	Engagement and evidence gathering with external stakeholders	This stage focused on targeted engagement to gather information and feedback on the scheme and the Policy, including what had been achieved in its first year and the areas which required changes or further consideration.	Completed – September 2022 to May 2023.
3	Initial Review findings and Councillor Scrutiny to consider next steps	This stage will set out the initial findings from stages 1 and 2 and consider what the options may be to make changes to the Policy to refine it further or make changes to address the specific issues identified in the review report. The initial review findings will be consulted with Members of the Licensing Committee and Policy and Scrutiny Committee. The outcome of those hearings will enable Officers to develop formal proposals for the Council to consider before moving on to making changes to the Policy.	Ongoing – June to November 2023
4	Proposals for the revision of the licensing scheme and Policy are published for consultation	This stage will be subject to the findings of this report and whether following Councillor Scrutiny and Licensing Committee consultation the Cabinet Member for Communities and Public Protection agrees that proposals to revise the Policy should be consulted upon. The Council should undertake public consultation on the proposals for any revisions to the policy, codes of conduct or standard conditions and then any subsequent responses should be considered before they are approved.	To commence – October 2023 to June 2024

- 1.11 In carrying out the initial review, Officers have considered data held by the Council associated with the licensing regime, complaints, compliance, and enforcement. Officers have also engaged with Officers across the Council in several Teams and Services who are directly or indirectly affected by the busking and street entertainment licensing regime and the associated Policy.
- 1.12 Officers have engaged with several key stakeholders, including street entertainers, BID's, landowners, and businesses who have already been involved, provided their views, or raised complaints to the Council since the scheme's introduction. This has taken place through email communication and virtual/in-person meetings. Officers have also collected evidence from key stakeholders about their views and any specific issues they have encountered with the licensing regime and the Policy. Targeted engagement has also taken place through online surveys.
- 1.13 This report sets out the views and evidence gathered through stages 1 and 2 of this review process. The findings identified within this review will enable Members of the Licensing Committee, Policy and Scrutiny Committee, and the Cabinet Member to consider the

options that are available to them on whether the Policy should be revised and what those revisions should or might be.

2. Westminster’s Buskers and Street Entertainers Licensing Regime

2.1 The licensing regime for buskers and street entertainers is a relatively simple licensing process set out in detail within the Policy. Applicants are required to make an application for a licence in writing to the Council using the application form available online and pay the required fee (see para 2.3 below). The following information and documents must accompany the application:

- Name and home address in the UK. If the performer is travelling from outside of the UK they will need to provide the address(es) of where they are staying whilst in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- One form of photographic ID including either a passport or driving licence. If the applicant does not hold photographic ID, the Council will accept a birth certificate along with a recent photograph.
- Proof of valid Public Liability Insurance (of at least £2 million).
- Declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation that they have read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- Signed statement that the information provided is true.
- The following documents are optional:
 - Self-declaration of Westminster Street Performers Association membership and/or union membership.
 - Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.
 - Proof of student status to qualify for a discounted fee.

2.2 Since the introduction of the busking and street entertainment licensing regime on the 5th April 2021 the Council has received 705 applications for new licences and 62 applications to renew existing ones. The number of renewed licence applications is much lower than you would expect when comparing other licensing regimes that require the renewal of the licence to continue operating. However, due to the transient nature of buskers, the seasonal trends associated with some busking, and the fact that buskers may let their licence lapse, the low levels of renewal applications compared to new applications seem to be a standard theme within this regime. The table below shows the number of applications received by the Council for each financial year of its operation.

Year	Applications received		
	New	Renewal	Variations
2021/22	320	13	11
2022/23	439	54	21

2.3 The Council, when considering the scheme, determined to set the fee at a very low level to encourage and not dissuade buskers and street entertainers from applying for a licence. The fee level is not set at full cost recovery. The current fee levels have remained unchanged since their adoption:

Application Type	Licence duration	Fee	Student (50% discount)
New application or renewal of busking and street entertainment licence.	1 Month	£10	£5
	6 Months	£20	£10
New application or renewing a busking and street entertainment licence including a temporary licence*.	1 Month	£20	£10
	6 Months	£40	£20
Variation of an existing busking and street entertainment licence.	N/A	£20	£10

** Reference to a temporary licence means that the holder of the licence can apply, as part of their busking and street entertainment licence for a temporary street traders' licence, in pursuance with Section 21 of the City of Westminster Act 1999. This section of the 1999 Act permits a very limited sale of items associated with the performer, for example CD's.*

2.4 The fee level received for these applications is intended to contribute to the overall cost associated with the processing and determination of applications and the monitoring of compliance associated with the licence terms and conditions. However, the income received is significantly less than the costs involved. For example, it is estimated that processing and determining a Busking and Street Entertainment Licence will cost the Council £100 per application. This figure does not consider the costs associated with monitoring compliance associated with these licences. The Council received approximately £10k in licence fees for 2022/24.

2.5 The Council has set out, within the Policy the circumstances when the Council may review an application for a busking and street entertainment licence. The grounds for refusal are:

Refusal Reason	Considerations including, but not limited to:
Does not meet the threshold of 'fit and proper'.	<ul style="list-style-type: none"> - Does not have a right to work. - Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. - Has a record of noncompliance with the Westminster Code of Conduct and/or Officer instructions.

	<ul style="list-style-type: none"> - Has a record of substantiated complaints and noncompliance with licence terms and conditions. - A licence has previously been revoked in our city or other similar schemes. - Information provided as part of the application is demonstrated to be false.
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space.	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

2.6 The Council has refused 4 applications for new Busking and Street Entertainment Licences in the past two financial years (2021/22 - 1 and 2022/23 - 3 applications) in 2022/23.

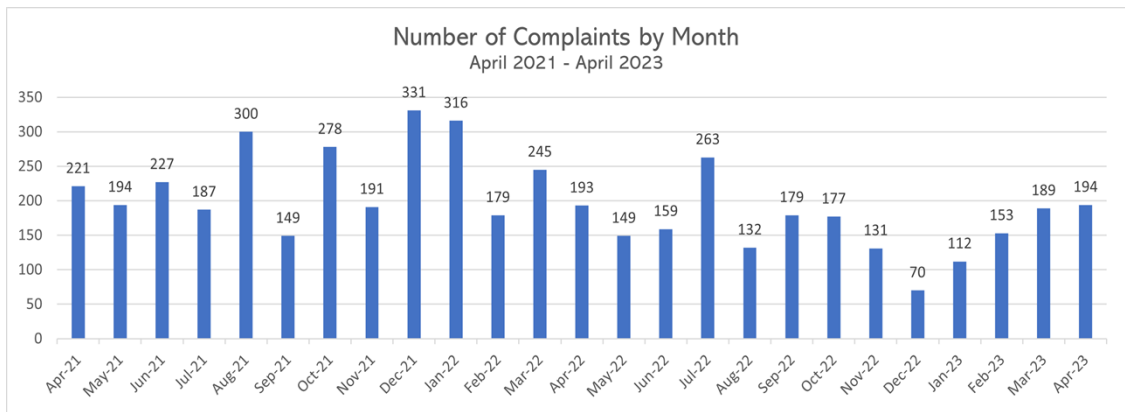
2.7 The Council has the power to revoke a licence under section 39 of the 2000 Act on the following grounds:

- (a) that there has been a breach of the conditions of the licence;
- (b) that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
- (c) that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

2.8 The Council has not revoked any busking and street entertainment licences since the introduction of this licensing regime.

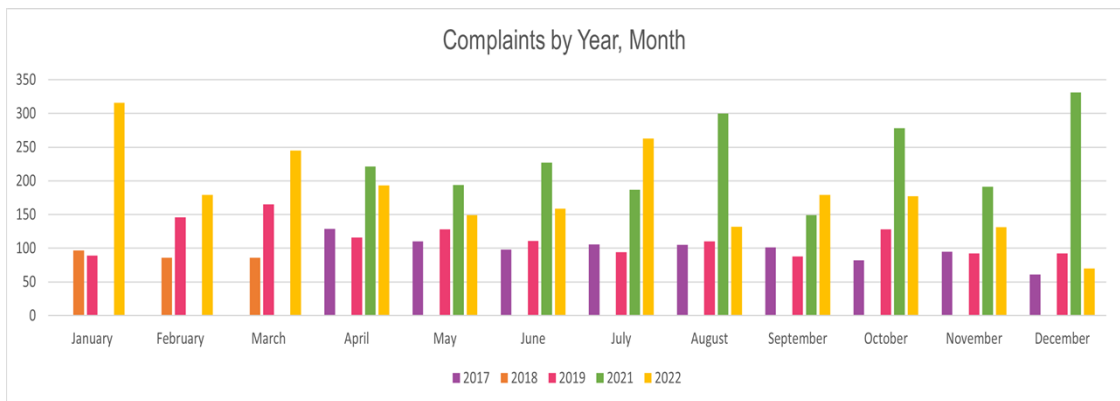
3. Complaints relating to busking and street performances

- 3.1 Since the introduction of the scheme, the Council has received 5070 complaints within the period of April 2021 to May 2023. On average, the Council receives around 2,200 complaints per year relating to buskers and street entertainers.
- 3.2 It has long been established that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the City increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).
- 3.3 Noise remains the predominant cause of complaints associated with buskers and street entertainers. Just over 50% of complaints (2576) were related to noise, with around 10% relating to unlicensed entertainers or street trading. Other complaints recorded include issues concerning obstruction, exceeding time, or other breaches of conditions. Most complaints have come from businesses and residents.
- 3.4 When complaints were received, Officers would focus their attention on the areas where complaints were being received. It should be noted that it was unusual for complaints to be received and Officers were able to attend and act relating to that complaint immediately. Often, upon arrival at the location of the complaint, the cause of the complaint may have left. In some cases, complaints related to incidents had taken place, and therefore, Officers were unable to address that specific matter leading to the complaint actively. However, those complaints provided intelligence and built-up valuable insight into when, where, and who may be either breaching their licence or busking illegally. From April 2021 to April 2023, Officers recorded that no further action was taken relating to that complaint on 20% of cases, and another 20% were noted as receiving further visits and verbal warnings being issued.
- 3.5 The largest number of complaints received during this period, nearly 25% - (1197) complaints associated to buskers and street entertainers within the Leicester Square area. Only around 5% (305) of complaints are situated within Covent Garden.
- 3.6 The graph below shows the number of complaints received by the month between April 2021 to April 2023. It shows that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the city increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).

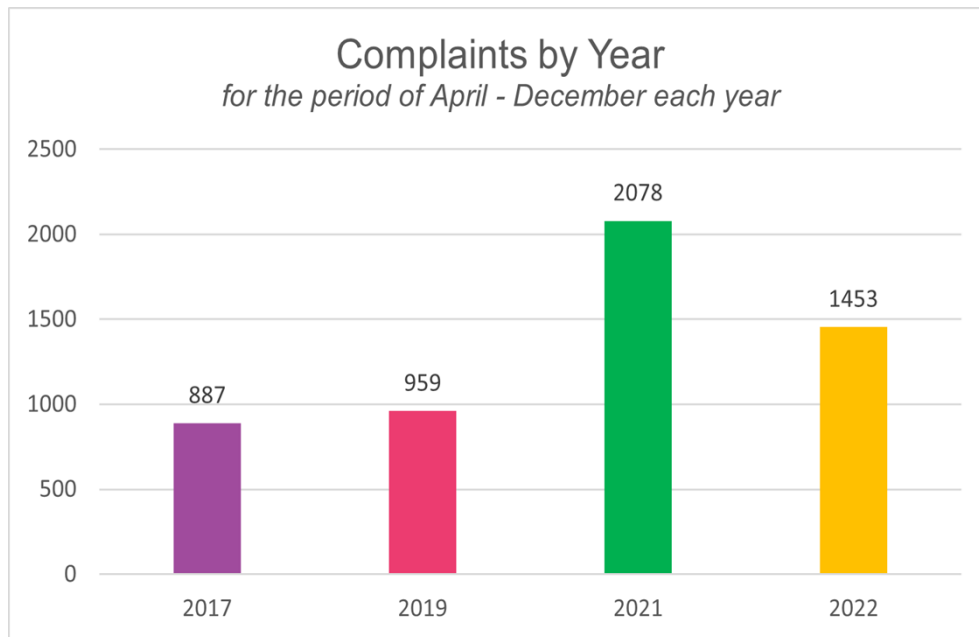


3.7 The monthly complaints relating to buskers and street entertainers remained consistent between April and July 2021, averaging 207 complaints per month. During this period, government restrictions were in place, and busking and street entertainers were returning to the city after being prevented from performing due to Covid19 pandemic restrictions and lockdowns. Footfall was significantly low at that point, with many businesses still shut or restricted in their operation.

3.8 When the Council was considering the adoption of this licensing regime and the Policy complaint data was produced as part of the evidence base to support its introduction, identify what the key issues were and where they were occurring. Using that same data and comparing it with the data collected between April 2021 and April 2022. The graph below shows the number of complaints by year and month between 2017 to 2022. Whilst some data is missing, it again portrays seasonal peaks, but also the significant increase of complaints, following the implementation of the scheme in 2021 and 2022, compared to previous years.



3.9 The final graph below shows the number of complaints by year between the periods of April and December each year for 2017, 2019, 2021, and 2022. Complaints doubled from 959 complaints in 2019 to 2078 complaints in 2021, and whilst this figure has dropped in 2022, it is still almost 500 complaints more than in 2019.



- 3.10 The increase in complaints associated with buskers and street entertainers following the introduction of the licensing regime is significant. The intention for the introduction of this licensing regime was to reduce the number of complaints as buskers and street entertainers would be operating within the terms and conditions of their licences, performances by individual buskers and street entertainers in any one location would be limited and any busker or street entertainer performing without a licence would be engaged with by a Council Officer or Police Constable, if necessary requiring enforcement action to be taken.
- 3.11 In considering the complaint information, conclusions as to why complaints have increased can be drawn based on the engagement and evidence provided to the Council as part of this review. The Covid19 pandemic restrictions were still in place when the regime was introduced. Between April and July 2021, restrictions were being lifted; buskers, street entertainers, businesses, workers, and visitors were starting to return to the City. Due to the period of lockdown and that noise and other issues were significantly reduced, the return of activity that generated any noise could have given rise to additional complaints at the time. It is also possible that an expectation was established when the scheme was consulted up and then introduced that the licensing regime would have a major impact on reducing the issues residents and businesses had raised and that the Council would have the resources to actively ensure compliance and enforce any non-compliance or illegal operators rapidly. The Council has also made it easier for residents and businesses to report complaints associated with buskers and street entertainers. There is a marked increase in the use of the Council's Report It functions on its website for this purpose.
- 3.12 Complaints have remained high, and in certain areas, some complainants have made a large number of repeated complaints. For example, complaints associated with buskers and street entertainers in the Leicester Square area is significantly higher than in any other location in the city. The issues relating to noise nuisance from both licensed and unlicensed buskers and street entertainers have meant that those affected (businesses) have been repeatedly making complaints when incidents occur so that they are adequately logged.
- 3.13 Perceived lack of action from the Council concerning non-compliance with the licence and illegal buskers and street entertainers has also generated repeated complaints. The reasons

and circumstances relating to compliance and enforcement are referred to in Section 4 below.

4. Compliance and Enforcement

- 4.1 In reviewing the Policy, Officers quickly identified that the approach and issues surrounding compliance and enforcement had a significant bearing on the effectiveness of the Policy and, ultimately, this new licensing regime. As compliance and enforcement appear to be a central and reoccurring theme that has been identified across all stakeholders, Officers have set out in this section who is responsible for monitoring and taking action associated with the compliance and enforcement of this regime; what factors have made a significant impact and/or hampered the Council's ability to ensure compliance and enforce illegal buskers and street entertainers; what action has been taken recently and what approaches are being pursued now. Although it was felt necessary to include greater detail on the issues surrounding compliance and enforcement of this licensing regime, the resourcing of this function, relationships with key partnerships, and future approaches to pro-active and re-active compliance and enforcement action will be the responsibility of the Cabinet Member of Communities and Public Protection in conjunction with the relevant Senior Management within the Public Protection and Licensing Directorate.

City Inspectors

- 4.2 The Council's City Inspectors, within the Public Protection and Licensing Directorate, are responsible for undertaking the Council's regulatory compliance and enforcement role in City management operations. These Officers work in shifts operating 24 hours a day 7 days a week. They are responsible for carrying out proactive and reactive visits associated with the Council's priorities, e.g., waste enforcement or risk-based licensed premises inspections. However, these Officers will also be sent to respond to unplanned tasks relating to emerging priority issues and emergencies, e.g., increased anti-social behaviour relating to dangerous unattended hire bikes on the highway to gas leaks and flooding.
- 4.3 Due to the significant number of complaints and issues that led to the Council adopting this licensing regime, the Council established a short-term and time-limited dedicated team of City Inspectors tasked with engaging with buskers and street entertainers relating to noise, obstruction, and addressing any complaints. This team was tasked with ensuring compliance with the terms and conditions of the licences and carrying out enforcement action against unlicensed buskers and street entertainers. Having undertaken this targeted activity to improve compliance, the ongoing monitoring and enforcement transferred back to the area-based City Inspector teams.

The impact from the Covid19 Pandemic

- 4.4 The busking and street entertainment licensing regime commenced on the 5th April 2021. At that time, the Government guidance advised that all outdoor events were prohibited¹. The Council was aware that these measures, at the time, would continue to impact the ability of buskers and street entertainers to use their licence and perform in public. It was not until mid-July 2021 that all Government restrictions on social contact and gatherings were lifted, and buskers and street entertainers could perform under their licences.

¹ The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020/1374) (as amended)

- 4.5 At this time, Council resources were committed to the Covid19 pandemic and its impact on residents, businesses, and the city. The Council's City Inspector resources were one of the many front-line services focused on Covid19 related operations, including supporting vulnerable Council residents, the NHS with test-and-trace, and the vaccine rollout. These teams also continued to ensure compliance with lockdown restrictions and social distancing requirements. When the restrictions were beginning to be lifted, the City Inspectors were also supporting businesses when they were opening or trading in new ways, e.g., the use of pavement licences for an alfresco dining scheme.
- 4.6 As restrictions were lifted and people returned to the City, so did the buskers and street entertainers. The number of complaints during this time increased significantly and coincided with the typical peak in complaints during summer.

Corporate Enforcement Policy

- 4.7 The Council's approach to enforcement is set out within its Corporate Enforcement Policy². The need for enforcement action may be identified in several different ways, including but not limited to:
- programmed and intelligence-led inspections.
 - response to a complaint or referral from a third party
 - request for assistance for enforcement action or advice
 - requests for subsidised financial assistance to improve premises.
 - some enforcement services have Officers patrolling the streets.
 - sampling visits
 - test purchases
- 4.8 The Council enforcement Policy sets out how cases will be prioritised. The priority given to complaints or investigations and, therefore the resources to undertake them will depend on the following:
- severity and scale of potential or actual harm
 - the existence of any continuing risk or breach of law
 - individual or business's past performance in complying with relevant legal responsibilities.
 - current enforcement priorities of the relevant service
 - practicality of achieving results including any evidential gap
 - wider relevance of the event, including serious public concern and interest
 - the vulnerability of any group affected.
- 4.9 The Council's City Inspectors undertake their roles associated with compliance and enforcement activity within the Corporate Enforcement Policy and Governments Regulators Code. They will approach all compliance and enforcement activity to provide clear information, advice, and guidance to help those they regulate meet their responsibilities to comply with the licence terms and conditions or legislation. This may take the form of providing information and advice to a busker who is new to Westminster and is busking without a licence on how to obtain a licence from the Council, and what the legal ramifications are if he performs without a licence. For licensees who are causing a nuisance, they should be advised to actively turn down their amplification to a level that no

² Westminster City Council, Corporate Enforcement Policy – Updated 2019

longer causes a nuisance. In informing the busker of this, Officers will also explain why this is necessary and how causing a nuisance could be a breach of their licence conditions and impact their licence or could result in legal action. This approach is standard across all Local Authority Officers responsible for compliance and enforcement activities.

- 4.10 However, there will be occasions where Officers have provided information, advice, and guidance to licensees of unlicensed buskers. If they fail to take that information, guidance, and advice and after receiving a verbal warning, if they persist, City Inspectors will move to active enforcement. For non-licensed offenders, this will gather key information from the individual to enable them to report that person for the offence. Officers will take information from licensed buskers and street entertainers and their licence numbers. It will be an evidence-based approach and gather information that relates to the offence or breach of licence condition. This may include the seizure and removal of any apparatus or equipment used in connection with the busking, photography and filming, witness statements and CCTV images.

Risk to Council Officers and offenders' failure to provide information.

- 4.11 The Council, as an employer, has a duty under the Health and Safety at Work Act 1974 to ensure, so far as reasonably practicable the health, safety, and welfare at work of its employees. The Council's City Inspector's function is risk assessed under this duty, and their function and operations are governed by the active elimination of any risks to their health, safety, and welfare. Where that risk cannot be eliminated, the Council must do so if it can be mitigated by other means or personal protective equipment. City Inspectors are also trained to dynamically assess and respond to risk. As their role involves engaging with the public and encountering hazards, Officers will actively assess the risk when engaging with individuals or groups or carrying out certain activities. Officers are empowered to decide what actions they take based on the risk.
- 4.12 As part of this review, City Inspectors were engaged in relating to their role and the Policy. When discussing the issues relating to compliance and enforcement, the City Inspectors raised the issues they face when trying to conduct compliance checks on some licensed buskers and street entertainers and when they look to engage non-licensed illegal buskers.
- 4.13 Officers responding to complaints or during proactive visits have engaged with buskers and street entertainers who were either performing contrary to their licence or were there without a licence. Information, advice, and guidance were issued, and some buskers and street entertainers did comply and either addressed the non-compliance or moved on. Other buskers and street entertainers who were licensed and were found to breach their licence conditions on more than one occasion received verbal and written warnings. This approach is standard practice with the Council Corporate Enforcement Policy and the Governments Regulators Code.
- 4.14 However, Officers reported that there were individuals and groups of buskers and street entertainers who refused to engage with Officers and became extremely hostile to Officers when they tried to engage them over their non-compliance or illegal busking. The most problematic individuals and groups were unlicensed and, therefore, unknown to the Council. Officers would try and engage with them, but the busker or street performer would ignore them, direct significant verbal abuse at Officers, and in some cases threaten them or, which was more concerning, encourage the crowd watching to challenge and confront Officers. In

those circumstances, Officers were at risk of harm and, therefore, would withdraw for their safety.

- 4.15 Covent Garden was particularly challenging for Officers as the local Street Performers Association, strongly opposed to the licensing regime being introduced, refused to obtain individual licences, and continued to perform illegally. All attempts from City Inspectors to engage with the Covent Garden Street Performers Association failed. Officers carrying out their roles attempted to act against buskers and street entertainers in this area. However, they were either ignored, or confrontation occurred, which resulted in Officers withdrawing.
- 4.16 The City Inspectors have, however, issued several verbal and written warnings to licensed buskers and street entertainers who are non-compliant with the terms and conditions of their licence. This approach has effectively enabled Officers to inform and advise where breaches occur, and corrective measures are required. However, some licensed buskers and street entertainers may become persistent in their non-compliance, and therefore, more robust action is likely required.

Powers of the City Inspectors and Police Constables under the 2000 Act

- 4.17 The City Inspectors are authorised to carry out their functions relating to buskers and street entertainers under the provisions of the 2000 Act. They have the power to seize and remove equipment and bring prosecutions against those who busk illegally without a licence or licence holders who breach the terms and conditions of their licence. However, to be able to prosecute someone under the 2000 Act, the City Inspectors must obtain information relating to the individuals to enable them to serve legal papers and summons upon them. This requires the City Inspector to obtain that person's full name and residential address. Officers have no powers under the 2000 Act to make suspected illegal buskers provide their details and cannot detain them until that information is provided. Therefore, if the buskers or street entertainers details are provided, the Council can take seek to prosecute that individual under the 2000 Act. The challenge or identification of the individuals committing offences is common in local authority regulatory regimes.
- 4.18 However, the Council's power of seizure under section 43 of the 2000 Act is not restricted to the need to obtain the name and address of the individual busking or performing illegally. The Council can seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in connection with the busking may be required to be used in evidence in respect of an offence under section 42 (Enforcement) of the 2000 Act. Whilst this power exists there are significant risks to the City Inspector if the busker or street entertainer resists the seizure. As stated above illegal buskers and street entertainers can become aggressive towards our officers. The public turning on the Officers carrying out their duty under the 2000 Act is also a significant risk factor. Therefore, having Police presence and support is deemed essential in carryout safe seizures from illegal buskers and street entertainers.
- 4.19 The Police have the same powers as City Inspectors under the 2000 Act. However, the Police also have the power under the Police and Criminal Evidence Act 1984 to arrest a person they suspect is committing, has committed, or is about to commit an offence. If that person fails to provide the necessary information (name and home address) to the Police Officer; this arrest may be deemed necessary by the Police Officer to obtain such information and enable them to report the individual for the offence, so that legal proceedings can be taken. Once that necessary information has been provided, the

individual will be de-arrested. The Police powers are significant and mean that if any busker or street performer fails to provide such information, there is a risk that that person could be arrested and taken into custody. In most cases, if a Police Officer is involved in these situations, the buskers or street performer will eventually provide their details to the Officers.

- 4.20 Following the introduction of this licensing regime and associated Policy it became apparent with the level of non-compliance, and the lack of engagement from those breaching the licensing regime that City Inspectors were unable to obtain information from illegal buskers and street entertainers and, in some cases, trying to do so would pose a risk relating to their Health and Safety. The Police were approached to support our Officers in undertaking their role. Whilst these requests were made, the Police had other significant priorities that took precedence over the enforcement of illegal buskers and street entertainers. This meant that City Inspectors often could not obtain Police support when illegal activity occurred. Discussions occurred between the Council and Local Police supervisors relating to wider support, but the Police were unable to commit resources. This continued until the Council appointed a new Director of Public Protection and Licensing earlier this year. Engagement with the Police on this issue has taken place, and joint operations between Council City Inspectors and the Police are now taking place. Additional partnership action relating to the compliance and enforcement of this regime will continue. However, this will be subject to other Policing priorities not taking precedence and this approach is unlikely to be sustainable in the long term.

Successful prosecution against illegal buskers and street entertainers

- 4.21 If a person does not hold a licence and busks or provides street entertainment on the street designated within Westminster, they will commit an offence under section 42 of the 2000 Act. The Council has had one successful prosecution against an individual for two counts of unlicensed busking and street entertainment under section 42 of the 2000 Act. The defendant pleaded guilty to the two offences at the City of London Magistrates Court in March 2023. The Court, in sentencing the offender, issued him with a fine of £40 for each of the two offences and ordered him to pay the Council's costs of £500 and a victim's surcharge of £34, totalling £614. The Council, who had seized the amplification equipment used during the offence under its seizure powers, did request that the Court orders the forfeiture of the amplification equipment under section 43(5),(b)(i). However, the Court did not issue such an order, and the amplification equipment was returned to the individual.
- 4.22 The Council is considering further legal cases against other individuals busking illegally or in breach of their licence.

5. Engagement

5.1 The Council's approach to this review required engagement with key stakeholders involved in the licensing regime or those affected by it. Since the Council began developing a scheme before its implementation, two distinct groups had significantly conflicting views on the approach to busking and street entertainment within Westminster. The buskers and street entertainers wanted to have the flexibility to move around the city and not have specific rules and conditions that, if breached, could lead to the loss of their licence and, therefore, their livelihood or a criminal conviction. Residents and several businesses affected by busking and street performances wanted tighter controls placed upon them and regulations on where and when they can perform. In developing the Council's Policy relating to this regime, a large amount of work was undertaken to engage with parties and identify, where possible, a balance. However, the impact of busking and street entertainers was significant, and the licensing regime was seen as the right approach to implement greater controls on the issues relating to busking and street performances and provide an equal and light touch regime for those providing busking and street entertainment.

5.2 In carrying out the review, officers reviewed the engagement and consultation that took place when the licensing regime and the Policy were being considered for adoption. Following this assessment and that of the Council's complaint data, Officers began targeted engagement with individuals, businesses, and stakeholders. These initially took the form of in-person meetings and concluded with a survey of those who had responded to previous consultations on introducing the licensing regime and Policy.

Initial information gathering meetings.

5.3 Through the initial data collection relating to complaints, it was determined that the key focus of the issues related to noise nuisance and pitch locations. However, the level of complaints and the references to lack of enforcement action were emerging factors that were not directly related to the review of the Policy itself. As the issue of enforcement and compliance was being raised in relation to the effectiveness of the Policy, further information was sought on this in addition to the wider scheme implementation and Policy.

5.4 Leicester Square and Covent Garden were quickly identified as areas of significant concern from the level of complaints and via City Inspector accounts. Officers decided to engage with key groups, businesses, and stakeholders on the issues associated with these areas and the broader issues relating to general noise nuisance from buskers and street entertainers, pitch locations, and use and compliance of licence holders and enforcement. This engagement took the form of meetings in person or virtually. Some meetings were held at businesses and stakeholder offices. Initial meetings were conducted at the start of the review process to gauge views and identify specific points for further analysis. However, several meetings took place throughout the past year with stakeholders relating to this review and the approach to managing and enforcing this licensing regime.

Council's City Inspectors, Licensing Service and Legal Team

5.5 The issues that the City Inspectors faced are associated with compliance and enforcement in section 4 of this report. In summary, the City Inspectors faced significant challenges with engaging with illegal buskers and street entertainers to enable the identification and issue of legal proceedings. Officers also faced abuse and threats from buskers, street entertainers,

and crowds watching them. Police support was unavailable due to conflicting demands and policing priorities at the time.

- 5.6 Leicester Square was identified as significantly challenging due to the combination of noise nuisance complaints caused by licensed and unlicensed buskers and street entertainers and the challenges associated with the identification and ability to take legal action against illegal buskers. Similar issues relating to abuse and threats from illegal buskers, street entertainers, and their audiences were also significant factors. More details relating to the issues in and around Leicester Square are set out in the case study in section 6 of this report.
- 5.7 Covent Garden was a significant problem for Licensing Inspectors who faced direct challenges from the buskers and street entertainers in this location. Local Street Performers Association members would refrain from engaging and would not comply with the requirement to obtain licences. It is not uncommon for crowds of up to 200, which can add additional hostility to officers. The risk has increased significantly when officers have attempted to engage and enforce illegal buskers and street entertainers in this area. There are examples of buskers and street entertainers using their amplification equipment to rattle up the crowd and make highly personal verbal attacks on Officers.
- 5.8 There have been allegations from licensed buskers who have attempted to use Covent Garden designated pitches that non-licensed buskers and street entertainers have approached them and prevented them from performing. The City Inspectors have stated legitimate licensed buskers and street entertainers now avoid Covent Garden due to the hostility from the non-licensed buskers in that area. The Leicester Square and Trafalgar Square SPA members have echoed this view. It was intended that licensed buskers would be able to move around the city and use any of the designated pitches if they were available. Unlicensed individuals and groups who attempt to prevent legitimately licensed buskers and street entertainers from accessing certain pitches were not anticipated.
- 5.9 Noise nuisance from buskers and street entertainers due to amplification was a significant issue that was the primary reason for complaints. The removal of amplification from all pitches was suggested to be a way of significantly reducing the level of complaints associated with noise.
- 5.10 Officers felt that there needed to be more pitches to accommodate everyone who has a licence and wishes to perform on a given date, primarily due to the peak seasons. It is normal for highly desirable pitches, e.g., the amplified pitch in Leicester Square usually has many street entertainers waiting in line for their turn on the pitch. The Council does not operate a booking system for pitches, so any licensed busker or street entertainer agrees to queue for a spot on that pitch.
- 5.11 The volume of events in the West End has meant several highly desirable pitches are often suspended and unavailable. Leicester Square and Trafalgar Square were the two areas most likely to have pitches suspended due to the use of that area for events, such as Christmas Markets and Film Premieres. Some of these pitches were closed for a considerable time due to the event. The demand for locations is significant, and when those pitches are suspended, it does create a greater demand for other pitches in the area, which often cannot be accommodated. This can lead to licensed buskers and street entertainers choosing to busk or perform in locations they are not permitted to use.

- 5.12 Pitch markings for the licensing scheme are wearing significantly in high footfall areas. The marking of these pitches is expensive, and the fee income isn't sufficient to cover the costs of this as well as other processing, determination, and compliance costs.
- 5.13 The Licensing Service highlighted that there aren't any age restrictions on who can apply for a licence. Applicants under the age of 18 have applied for a busking and street entertainment licence within the city. It was felt that the Policy should reflect the need for parental consent and supervision for children and young persons who wish to obtain a licence. In developing additional information on our approach to safeguarding children, the Council should seek advice and guidance from internal and external experts in relation to busking and street entertainment.
- 5.14 Licensing and the Council's Legal Team believe that an age restriction should be implemented to prohibit anyone under 14 years of age from obtaining a licence. In considering the policy approach for applicants between the ages of 14 and 16, the Council should consider the child performance licence requirements under the provisions of the Children and Young Persons Act 1963 to guide this. The Policy should also include more information on the right-to-work requirements.
- 5.15 The Council's Licensing Service and Legal Team have, since the introduction of this regime, received enquiries associated with the liability of royalties and who should this rest with. The Council believes that the busker and street entertainer who plays or uses copyrighted music or content are liable to any royalties associated with using that copyrighted material. It would be useful if the Policy reflected the Council's position and signposted the busker or street entertainer to the Performing Rights Society (PRS) to obtain the necessary licence. The Codes of Practice should also be amended to reflect the liability of buskers and street entertainers for paying royalties if they use copyright material or content within their performance.
- 5.16 The Legal Team believes there is a need to further enhance the statement of truth and provisions of false information within the application process as well as make it clearer on the expectations of licensees to provide information to authorised officers of the Council when requested. Greater emphasis should be given within the Policy about what the Council will do if false information is provided as part of the application process or if licensees fail to provide information or act in an abusive manner to authorised officers. The Code of Conduct should also be revised to ensure that truthful information must be provided as part of the application process and failure to do so may result in the refusal of an application, revocation of a licence, and prosecution under the provisions of section 42(d) of the 2000 Act. The Code of Conduct should also include the requirement for licensees to provide information to authorities Officers and the Police upon request and that abusive, insulting, or aggressive actions, words, or behaviour towards Council Officers will not be tolerated and could lead to the suspension or revocation of the licence.
- 5.17 The City Inspectors noted that the Policy referred to the Busking and Street Entertainers Forum being a key enabler for communication between the Council and buskers. However, the Forum was not implemented due to the impact of Covid19 on resources and other pressing priorities. The City Inspectors note that any engagement with buskers and street entertainers must be with individuals and groups representing the licensed buskers and street entertainers. It is believed that a new Forum should be established which is specifically for licensed buskers and street entertainers and/or their representatives to meet with Council Officers every quarter to discuss anything relevant, including complaint trends,

pitch availability, and usage, licensing processes, suspension of pitches due to events, potential changes or suggested improvements to the scheme, policy, codes of practice and terms and conditions and enforcement/compliance approach.

Business and Business Representatives for Leicester Square

- 5.18 Leicester Square has been highlighted as the most prominent problem associated with buskers and street entertainers. The companies and Business Improvement District we engaged were key complainants related to the noise nuisance generated by licensed and unlicensed buskers in the area. In addition to noise, all parties raised their concerns regarding the obstruction of the highway around licensed and unlicensed buskers, as well as public safety and crime. The view that enforcement and compliance need to be improved, and that the Council is not gripping the situation, was often cited by those we spoke to. However, they did appreciate that enforcement of illegal buskers was challenging.
- 5.19 The issues associated with busking and street entertainment in and around Leicester Square have warranted this area to be detailed in a specific case study in section 6 of this report. The full details of the issues these businesses identified are detailed within that case study.

Leicester Square and Trafalgar Square Street Performers Association

- 5.20 Officers met with representatives of the Leicester Square Street Performers Association (LSSPA) on several occasions during this review. The LSSPA was very engaging and helpful in discussing the issues they have had with the licensing scheme and policy, as well as considering the issues that businesses have faced in and around Leicester Square from noise nuisance.
- 5.21 Enforcement teams have been aggressive and confrontational due to protests by buskers against the licensing scheme and their unlicensed performances. Officers have threatened to confiscate equipment on the first offense, creating a tense environment. The lengthy process for obtaining a licence has been a significant issue, causing delays for individuals. Overall, some believe that the policy itself has a detrimental impact on the cultural atmosphere of London.
- 5.22 The reduction of amplified pitches has been poorly implemented due to the insufficient number of available pitches, leading to overcrowding with over 50 buskers competing for limited spots. Additionally, there have been concerns about the lack of notice given when pitches are closed, causing confusion and disruption. The issue of seasonal buskers and their participation in the scheme has also been raised.
- 5.23 The LSSPA highlighted the research conducted by Suzie Tannenbaum in America about busking and how when busking pitches are limited, the prevalence of unlicensed buskers can increase, as the limited space for licensed buskers works to their advantage. If more pitches were available, it would become impossible for all performers to find suitable spots. There is a lack of operational capacity when it comes to enforcement, and it appears that the licensing system is not effectively addressing the issues at hand.
- 5.24 Some buskers argue that due to the limited opportunities, they can only get onto the Leicester Square pitch once in a day, so they must play louder to attract audiences and maximise their potential earnings. This has meant that the volume can be much louder than

they would use normally. This may be a key contributor to the noise nuisance to businesses caused in and around the Leicester Square area.

- 5.25 To alleviate the problem, it has been proposed to spread out the number of performers by creating more pitches. Examples of self-policing schemes, such as the Liverpool code of conduct and busking schemes in Oxford and Canterbury, have been mentioned as potential models to consider. A booking system for licensed buskers and street entertainers to book slots on pitches was discussed between officers and the LSSPA. However, the LSSPA was generally against this proposal as they don't believe it would make a difference with the waiting time for the best pitches. People could potentially block book pitches but then fail to use them, prohibiting others from using them, and it would add a further bureaucratic process to the scheme which has little to no benefit.
- 5.26 It is perceived that the current system penalises those who are licensed and compliant more than illegal buskers. The penalty system in place does not seem to deter illegal buskers from performing. It is suggested that the focus should be on unlicensed performers, categorising those with licenses as low risk.
- 5.27 The suspension of some of the most popular pitches, Leicester Square and Trafalgar Square North Terrace, causes significant congestion on other pitches in the area. Notification of these suspensions hasn't been available, so people arrive to perform to find that the pitch is no longer available. Improvements can be made by ensuring that licensed buskers and street entertainers are informed in advance about pitch closures.
- 5.28 The LSSPA is happy to be involved in regular monthly meetings to discuss issues related to pitches and other matters concerning buskers and street entertainment. They were disappointed that the Forum wasn't fully established and feel that regular dialogue with the Council would be a way to raise issues they have with the scheme directly with those managing and ensuring compliance with it.
- 5.29 Officers have asked the LSSPA to provide the procedure and process for membership for their LSSPA, along with how they manage non-compliant members. No documentation has been provided relating to their rules, membership criteria, and disciplinary code. It is therefore unclear how transparent and inclusive membership to the LSSPA is and how they effectively manage their members.
- Business in Covent Garden
- 5.30 Business representatives within Covent Garden were engaged with relating to this review. The representatives had been involved in previous consultations associated with the licensing approach to buskers and street entertainers. Covent Garden is known for its wide variety of buskers and street entertainers. Whilst businesses are supportive of continuing this rich tradition in the area there are significant issues associated with the current unlicensed performers and the stance of the Street Performers Association. This has led to ongoing noise nuisance issues, and some pitch locations detrimentally affecting business operations in the area.
- 5.31 St James Street and the Royal Opera House pitches have been identified as problematic. The Royal Opera House pitch has been used with amplification, which has been impacting the retail units and noise impeding the Royal Opera House itself due to the volume. As the buskers and street entertainers are not licensed, they do not conform to the Codes of Conduct or any amplification or noise nuisance restrictions.

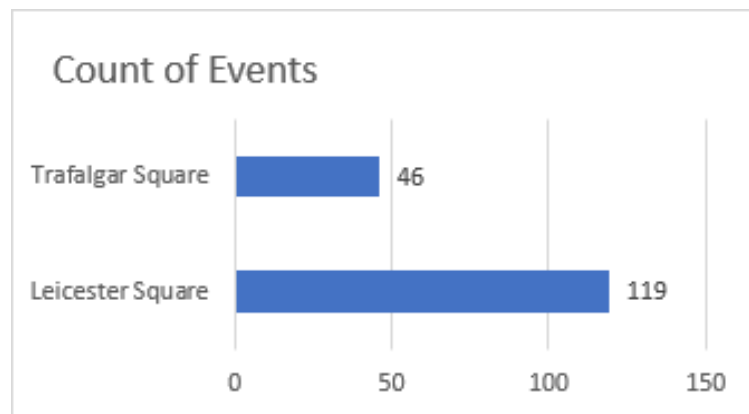
Covent Garden Street Performers Association

- 5.32 Officers met with representatives of the Covent Garden Street Performers Association (CGSPA) to discuss Covent Garden and the CGSPA's position on why they were not willing to engage with the licensing regime.
- 5.33 The Covent Garden Street Performers Association (CGSPA) states that they have been successfully managing street theatre in Covent Garden for over thirty years. The CGSPA runs a performer-run and self-regulated system, dealing with any problematic performers and ensuring insurance coverage and acceptable noise levels. They believe that the Council's current licensing regime is not suitable for their area and request to be exempted from it to continue managing street theatre in Covent Garden.
- 5.34 In Covent Garden, they believe that there are limited noise issues associated with buskers and street entertainers. Initially, Covent Garden was not included in the Busking and Street Entertainment Licensing regime but was added late in the process with no clear justification or reasoning. The CGSPA has been operating since the 1980s and has implemented its own rules, governing body, and disciplinary scheme. They utilise a yellow and red card approach for addressing misconduct, including suspensions for repeated bad behaviour.
- 5.35 The CGSPA, CAPCO (Covent Garden's managing company), and the Council had a voluntary agreement in place from 2007, which they believe was effective in regulating street entertainment. They feel that the licensing scheme is unnecessary and a disproportionate response. They argue that the scheme criminalises performers for breaching conditions or lacking a licence, which they believe should not apply to Covent Garden. They assert that their self-regulatory scheme, combined with voluntary compliance, is more effective.
- 5.36 The CGSPA prefers a voluntary agreement and self-regulation, believing it to be more relevant and appropriate for their area. They have advised their members not to comply with the licensing scheme and become licensed buskers and street entertainers. Their ideal situation would be for the licensing scheme to be removed from Covent Garden, allowing them to continue with their voluntary self-regulatory approach.
- 5.37 The CGSPA would like to have a regular forum to discuss the issues they face and provide their views on busking and street entertainment in and around Covent Garden. However, this should be part of their self-regulatory approach rather than associated with the Council's Licensing regime.
- 5.38 Officers did request copies of their rules, processes and procedures, membership criteria, and disciplinary process. This information has not been provided to the Council.

The Council's City Promotions, Events and Filming Team

- 5.39 The Council's City Promotions, Events and Filming Team are responsible for supporting the safe planning and regulation of filming and events within Westminster. This team is responsible for engaging with event organisers and facilitating the correct permissions to enable the filming event. This includes implementing closures of roads and highways as well as the use of Council land.

- 5.40 The team are responsible for the closure of parts or the entire area in and around Leicester Square and Trafalgar Square. When events are planned, and road and highway closures are in effect, the team will seek the suspension of any busking and street entertainment pitches within the area where the event is taking place or where set-up vehicles and equipment will require access.
- 5.41 Leicester Square and Trafalgar Square were used 165 times for events within the period of May 2021 – April 2023 (see bar chart below). Whilst event types vary and include festivals, sporting, and religious events; film premiers account for most events. Most events have an estimated attendance of around 800 people. Events ranged from 1 day to a maximum of 61 days (2 months). The average number of days the events took place in these locations was 2.8 days.

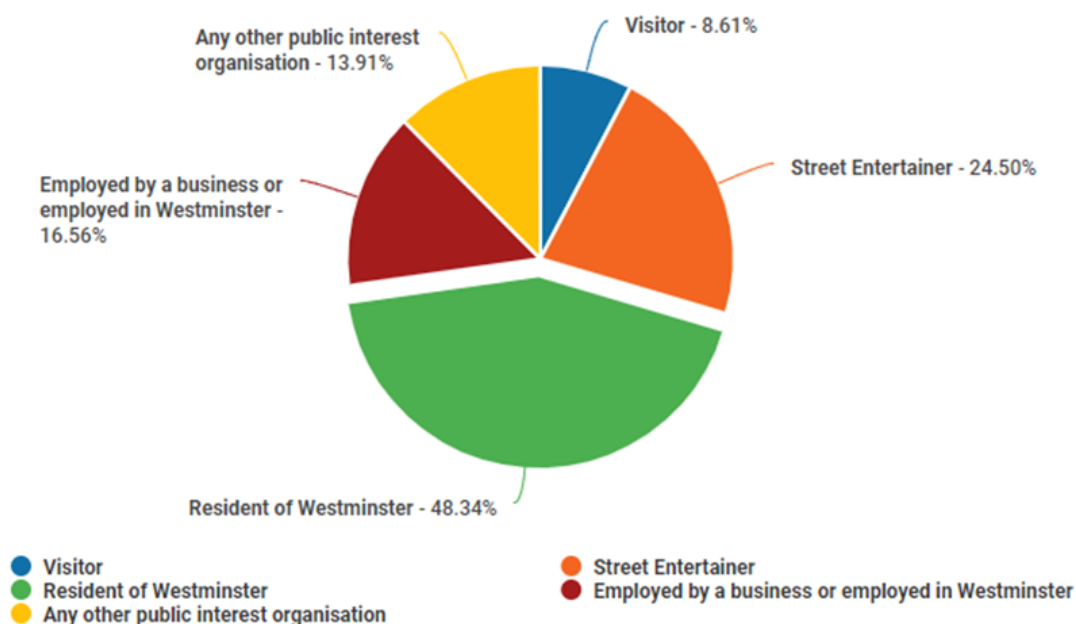


- 5.42 The feedback provided by this team was that they often need help with buskers and street entertainers where events occur in Leicester Square or Trafalgar Square. The common issue relates to noise disturbance which can impact the event. When pitches are not suspended, an event in Leicester Square Gardens can be impacted by buskers utilising designated pitches or performing illegally.
- 5.43 When pitches are suspended to accommodate events in Leicester Square, those pitches or other locations within Leicester Square are still being used. The Leicester Square (Northwest) pitch is a non-amplified pitch but is regularly occupied by buskers or street entertainers, often unlicensed, playing amplified music and causing an obstruction.

Targeted Engagement Survey Results

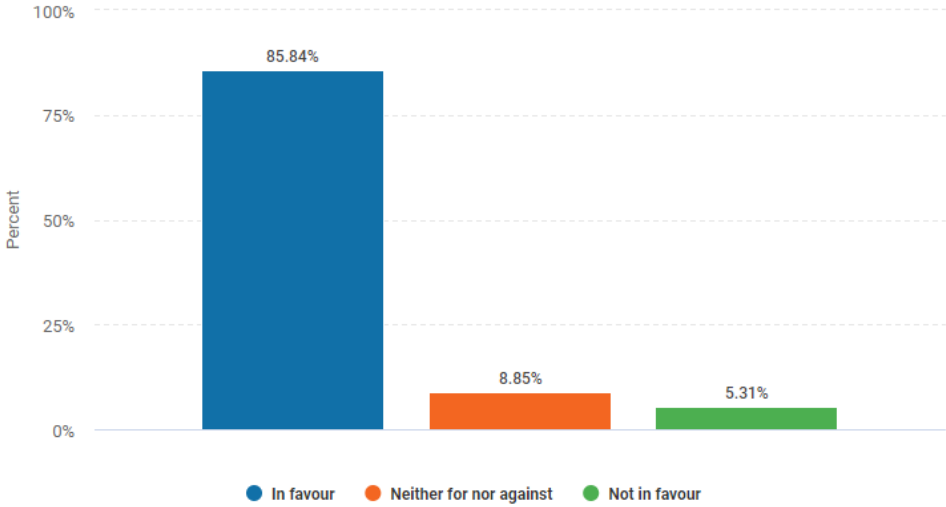
- 5.44 Officers developed a survey that would seek the views of those who had previously provided comments to earlier consultation and engagement associated with adopting the Policy and related licensing regime. The survey was compiled to enable officers to get a view on the current situation associated with the scheme and views on how it is operated, as well as more directed questions that were seeking to gain greater views and clarity relating to issues that had been identified in the meetings with stakeholders. A copy of the questions that were asked within the survey are provided in Appendix 1.
- 5.45 The targeted engagement commenced on 18 November and ran until 30 December 2022. The survey was sent out to in excess of 2000 individuals or organisations via email. The response rate to this survey was above average for similar engagement exercises. The Council received 279 responses to the survey, of which 125 were partially completed. The

partially completed survey results were relevant, but due to the number of questions, these respondents only completed a response to questions that were specifically relevant to them. The response to the questions from the survey is set out in Appendix 2 and 3 of this report. The pie chart below shows the breakdown of the responses based on the respondent's self-declared status.

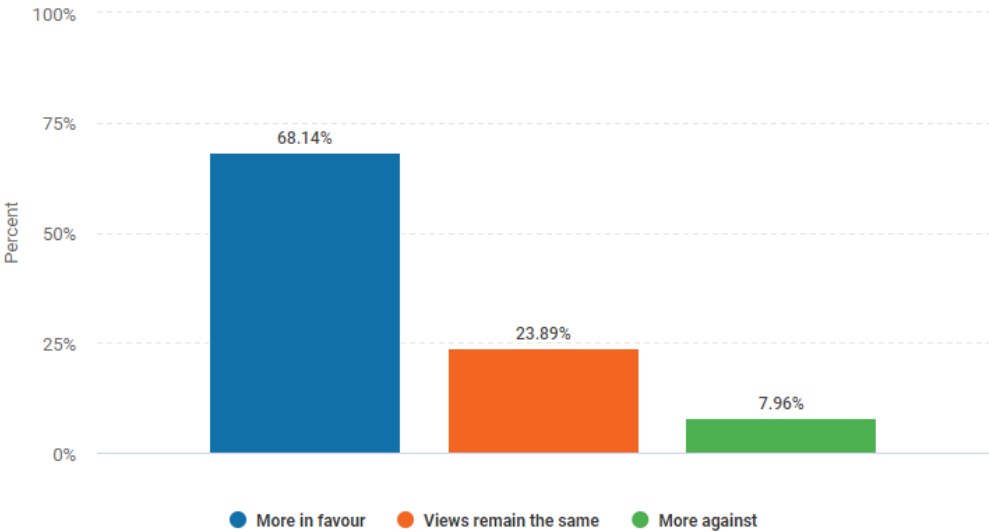


5.46 Comparing the responses from the consultation and engagement before the scheme was introduced with the responses to this survey, there was no significant difference in views associated with the need for this scheme. Like the original consultation analysis back in 2020, the vast majority of respondents (86%) stated that they were still in favour of regulating busking and street entertainment. Since the rollout of the Policy, there has only been a very slight increase in those who are against and not in favour of the scheme. The bar graphs below show these responses and the breakdown of views before and following the implementation of this licensing scheme and Policy.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?



Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?



5.47 The Council intended to run a Buskers and Street Entertainment Forum that would enable active engagement from representatives from buskers and street entertainers, residents, businesses, and the Council. Unfortunately, for several reasons, this forum was not run. However, during our discussions, there was a view that better communication channels were needed between all parties with a vested interest in this scheme. Within the survey, we asked whether the respondents understood the forum's purpose and whether they would actively engage and attend the forum if it operated. There was a clear view from non-buskers that they understood the forum's purpose (64%), but the majority would wish to refrain from engaging and attending (71%) actively. However, the buskers and street entertainers were evenly split (50%) on understanding the forum's purpose and whether they would actively engage and participate in it (48% in favour versus 52% who were not.

5.49 During the engagement meetings with key stakeholders, it was identified that there was still a distinct conflict in the views of buskers and street entertainers and those of residents and businesses. The survey was designed to enable buskers and street entertainers to highlight their concerns and views on the scheme. When the respondent completed the form and self-identified as either buskers or street entertainers or not, the survey would direct them to the relevant questions. A summary of these results is set out in the following paragraphs.

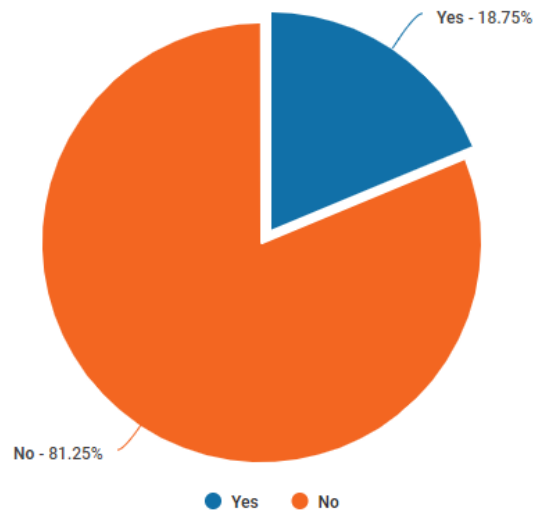
Non-Busker and Street Entertainers Survey Responses (Residents, Businesses, etc)

5.50 Even though there is strong support for a regulatory scheme, respondents identified some ongoing issues:

- Music being played outside of designated pitches.
- Pitch locations are contentious with amplification being permitted at some pitches where it should not be.
- Respondents felt that the current restrictions are insufficient in reducing noise nuisance.
- Crowds often obstruct the pavement and cause further nuisance.
- Difficulty in reporting noise issues to the Council with no clear method for feedback to complainants.
- The Policy is not being actively or sufficiently enforced making parts of it under used.
- Often felt street entertainment is not a priority and residents would like to see a dedicated busking patrol team.

5.51 The noise nuisance issue is the primary concern for residents and businesses. Noise nuisance is the primary source of complaints associated with busking and street entertainers. When asked whether the restrictions are currently sufficient in reducing noise nuisance from street entertainment, 81% of respondents answered no. The top reasons for this response were that the enforcement approach wasn't sufficient, the use of amplification equipment was a driver for the nuisance, and the pitch location contributed to the impact.

Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



5.52 To identify the key issues associated with the scheme and Policy since its introduction, respondents were asked about specific issues raised through regular complaints and in the initial meetings with stakeholders. The responses are set out in the table below.

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

5.53 Respondents were asked whether they knew how to contact the Council about concerns/nuisance generated by busking and street entertainment and whether they had actively made a complaint and raised concerns with the Council. A large proportion of respondents were aware of how to report complaints and issues and that they had done so

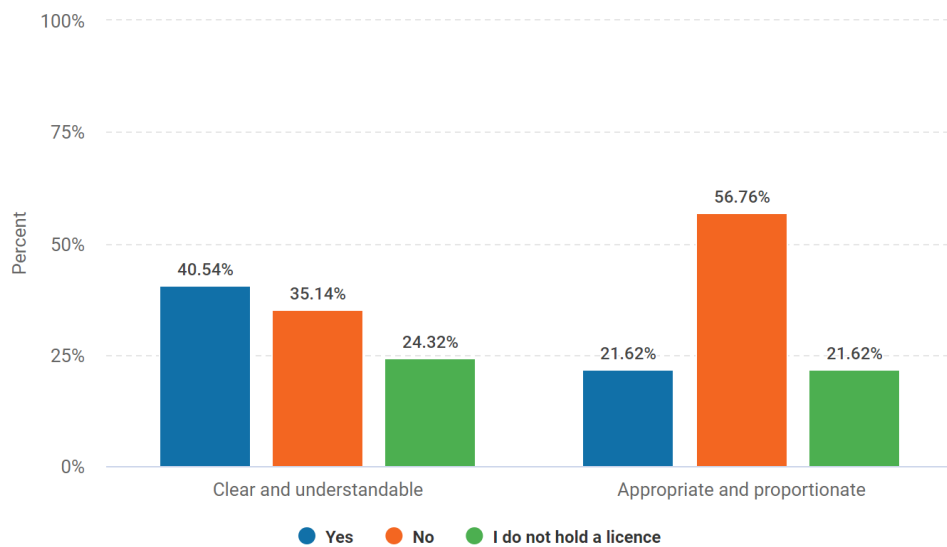
since the Policy and the scheme was introduced. The majority (78%) of those who did report a complaint or issue to the Council relating to busking and street entertainment did not believe that their query or complaint had been resolved, and 84% felt that it was not dealt with effectively and timely.

- 5.54 Respondents mentioned that fixed pitches make sense and provide consistency but that it often means certain areas of the city feel greater burdens caused by street entertainment than others and that a zone-by-zone basis may be more appropriate.

Busker and Street Entertainers Survey Responses

- 5.55 Busking and street entertainment is an important and valued activities and can add value to an area. However, poor practices, non-compliance, noise nuisances and obstruction associated with performances can significantly impact residents and businesses. The licensing regime and Policy were adopted to promote responsible busking and street entertainment and protect residents and businesses. The questions in the survey related to buskers and street entertainers sought to identify if the respondent was licensed or not, what their views are on the Policy requirements (pitch locations and terms and conditions of the licences, codes of conduct, etc.) and the general management, including compliance and enforcement of the licensing scheme.
- 5.56 The overwhelming majority of buskers and street entertainment who responded to the survey had been performing in Westminster for over 1 year (95%), of which over half had performed for more than 5 years. The main attraction for buskers and street entertainers to perform in Westminster is the quality of street entertainment in the City; Westminster is where they wish to perform, the pitch locations are good, and the amount of income performers can generate higher than other London Boroughs.
- 5.57 Respondents were asked whether they intend or have already applied for a licence to busk in Westminster. 65% of respondents stated that they already hold a licence or have held a licence, and 8% intend to apply for a licence. However, 27% of respondents said they would not apply for a licence. The top reasons for not applying for a licence were that they disagreed with the requirements to get a licence, and the pitches' location was inadequate.
- 5.58 The respondents who had applied for a licence would typically apply for a 6-month one. Respondents were asked whether they would likely apply for a 12-month licence if offered, and 64% stated they would.
- 5.59 Respondents with a licence were asked whether the Code of Conduct for Street Entertainers is clear and understandable. The majority (66%) agreed that the Code of Conduct is clear and understandable. Those respondents were also asked whether the conditions attached to their licences were clear, understandable, appropriate, and proportionate. The responses are set out in the chart below.

If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



5.60 Officers knew some pitches were suspended from use due to events or other highway activities. In our pre-meetings with stakeholders, the communication between the Council, licensed buskers, and street entertainers relating to those suspensions could have been better communicated. Respondents were asked whether they knew how to check if any scheduled changes to pitch are available due to events, organised markets, or other highway works. Most respondents (70%) were unaware of how to obtain this information.

5.61 Pitch locations were often mentioned in the responses to this survey. The survey wished to gain a picture of the pitch used across the city from the respondents. In answer to the questions associated with pitching use, the top 10 pitches used by respondents are shown in the table below:

Top 10	Pitch Location
1	Leicester Square (Northeast)
2	Trafalgar Square (North Terrace Charring Cross Road)
3	Leicester Square (Northwest)
4	Covent Garden (James Street)
5	Chinatown
6	Marble Arch
7	Trafalgar Square (North Terrace Pitches 18,19, 20, 21 & 22)
8	Eros Statue Piccadilly
9	Royal Opera House, Covent Garden
10	Market Square/James Street

5.62 For those with a licence, the most frequently used are in Leicester Square and Trafalgar Square/Charring Cross Road. Buskers and street entertainers still use all other pitches, but some are used less frequently. The reasons for not using these pitches relate to lack of footfall and restrictions on amplification.

5.63 Some of the key issues raised by respondents relating to pitches were:

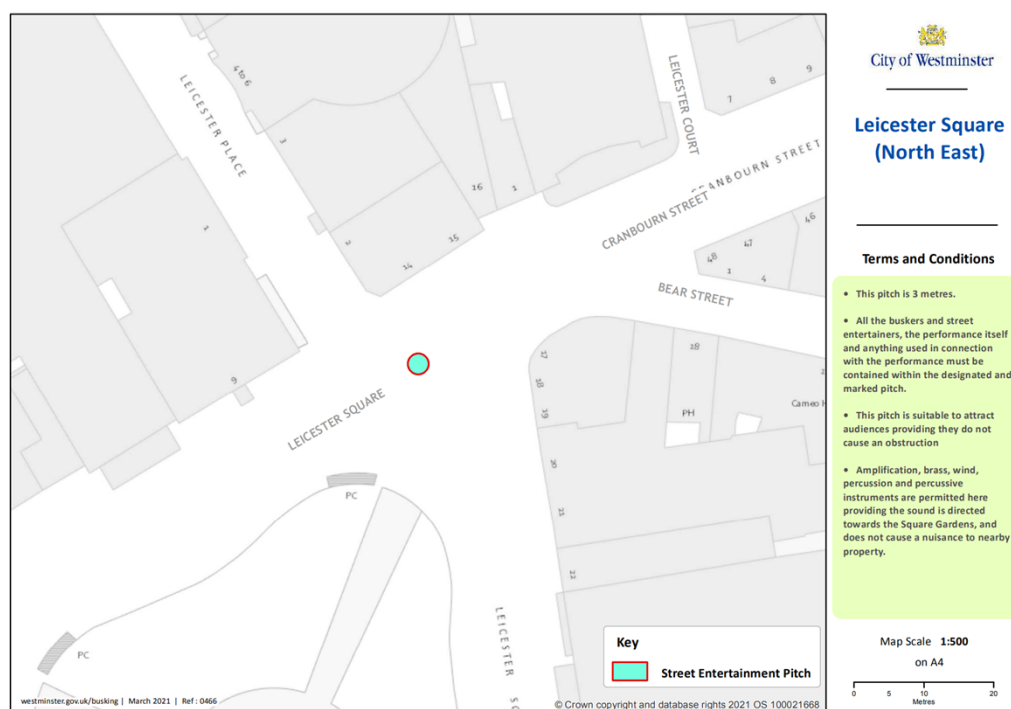
- Performance duration at pitches should be extended from 40 minutes to at least 1 hour.
- The number of pitches and the number that permit amplification are not sufficient.
- Better performers but are less favourable and see much less frequent use.
- Those that do not hold a licence for busking and street entertainment have not applied due to the location of pitches and general disagreement with the scheme.
- communication with performers on need to suspend pitch locations would be appreciated.

6. Leicester Square Case Study

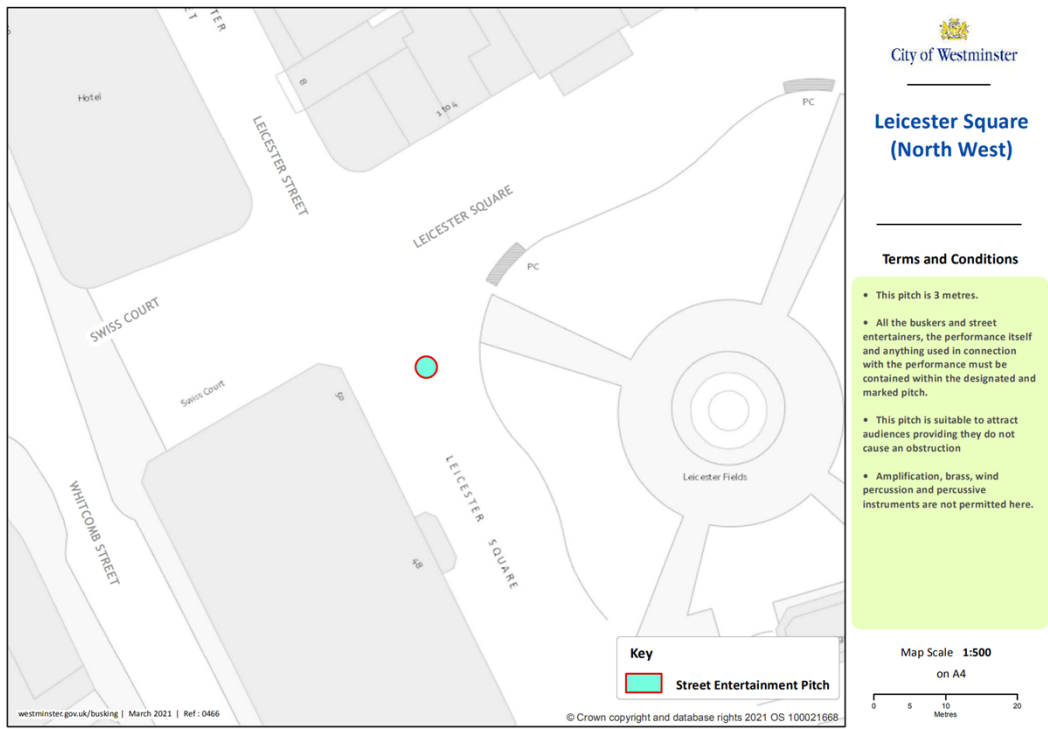
- 6.1 During the initial data collection exercise and in-person meetings, it became very clear that Leicester Square was generating a significant number of complaints associated with buskers and street entertainers. To fully understand the issues and impact relating to the busking and street entertainment in these areas, Officers have produced the following case study for each location, which sets out the views, issues, and challenges in addressing them.

Pitch Locations

- 6.2 Leicester Square has two busking and street entertainment pitches on the Northeast and Northwest corners. The pitch to the Northeast on the junction of Leicester Square, Leicester Place and Cranbourn Street permits a licensed busker or street entertainer to perform using amplification or play brass, wind, percussion, and percussive instruments provided that the sound is directed towards the Square Gardens and does not cause a nuisance to nearby property. A map from the current Policy shows where the pitch is located.



- 6.3 The other pitch in Leicester Square is located to the Northwest of the square at the junction of Leicester Square, Swiss Court, and Leicester Street. This non-amplified pitch means that licensed buskers and street entertainers are not permitted to use amplification or play brass, wind, percussion, or percussive instruments. A map from the current Policy shows where the pitch is located.



6.4 Each pitch is marked on the highway in yellow paint. For the pitch located to the Northeast of the square, an arrow directs the licensed busker or street entertainer to direct their performance. The pictures below (courtesy of Google Maps) show the Leicester Square Northeast pitch location and markings facing towards the South of the square (picture 1) and the pitch location facing down Cranbourn Street to the East (Picture 2).



Picture 1 – Leicester Square Northeast pitch facing South. Picture courtesy of Google Maps.



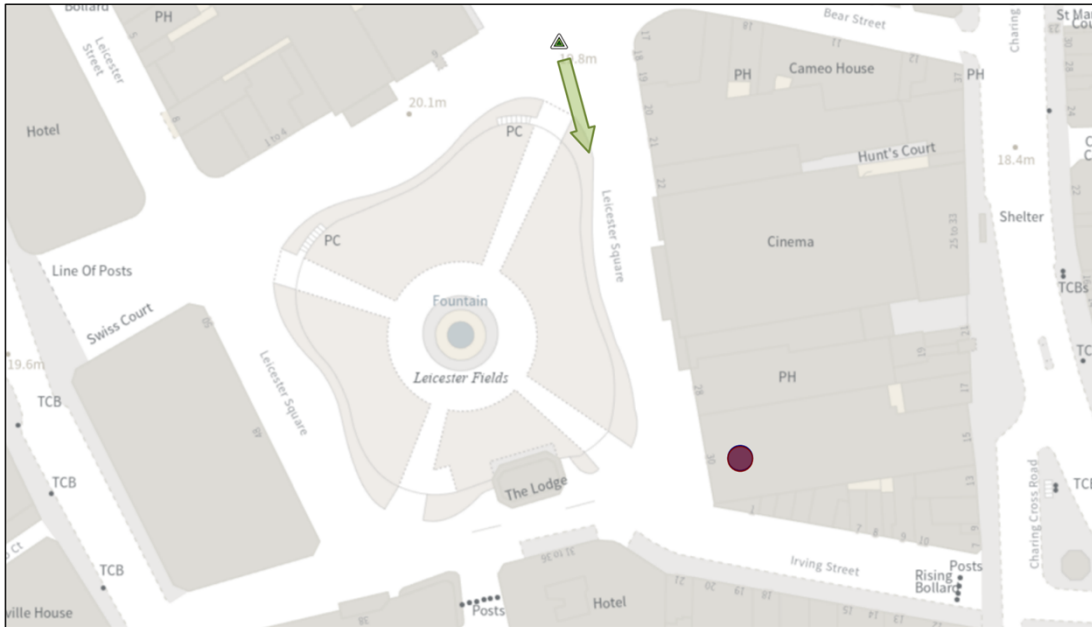
Picture 2 – Leicester Square Northeast pitch facing towards Cranbourn Street to the East. Picture courtesy of Google Maps.

- 6.5 The Council, in establishing the designated pitches, chose locations that provided sufficient room and access to limit obstruction of the highway. The direction of the performances was also stipulated as this would move audiences to watch in front of the performer, ensuring that they were away from the main pedestrian thoroughfare across the north of Leicester Square. The pitches were also considered for their potential to cause noise nuisance. When designated these locations, whether the pitches were amplified or not and the direction in which the busker and street entertainers should perform were considered to reduce any noise nuisance.

Northeast Pitch and Noise

- 6.6 The Policy terms and conditions associated with the use of the Northeast pitch in Leicester Square requires the performer to in the direction of the Gardens. As the pitch is amplified the intention was that the sound from the busker and street entertainers would dissipate across the gardens away from businesses.
- 6.7 Due to the pitch markings provide an arrow to guide buskers and street entertainers as to the correct direction in which they should perform. However, the arrow on the Northeast pitch does not direct the performance towards the centre of Leicester Fields garden but along the east side of the square. Due to the unique nature of the buildings in the area, the height of the buildings, the way the wind is funnelled through the square and the use of amplification, sound can travel in unpredictable ways. The angled nature of the Hampshire Hotel at the South means that sound from the performances on the Northeast pitch is

redirected off the building at an angle towards the properties at the square's Southeast corner. Sound can also be directed upwards by the wind, which can cause then affect the upper floors of buildings along the square's East side. The map below shows the Northeast pitch (triangle), the direction of the performance (the arrow), and the hotel and noise-affected buildings (purple dot).



6.8 The picture below is looking down the east thoroughfare of Leicester Square, in the direction the performances sound would travel towards the Hampshire Hotel at the South of the Square. The angle of the hotel is clearly visible.



Leicester Square East thoroughfare facing towards the Southeast corner with Irving Street. Picture courtesy of Google Maps.

6.9 The businesses that are most affected by noise are those on the east and southeast side of Leicester Square. Businesses located to the lower east of the square are particularly impacted. Noise is redirected from the hotel building at the south as the angle of the building directs sound back towards these buildings. The unique nature of the square means that at ground level the noise from amplified buskers can be considered as not at a level that would cause nuisance due to the surrounding ambient noise factors. However, noise from amplification at higher floor levels, some buildings are up to 7 or 8 storeys can be at a level to cause a nuisance as the ambient noise is far less and the amplified noise is directed. This has caused difficulties when officers have visited Leicester Square following a complaint but the noise at ground level is deemed to be acceptable.

Northwest Pitch and Noise

6.10 The designated pitch on the Northwest corner of Leicester Square is a non-amplified pitch. This means that no amplification or noising instruments can be used on this pitch. The picture below, courtesy of Google Maps shows the marked pitch location.



Leicester Square West thoroughfare facing South. Courtesy of Google Maps.

6.11 This pitch is located off of the North thoroughfare and beyond the Northwest entrance to the Leicester Square Gardens. The use of this pitch by licensed buskers and street entertainers is less than that of the Northeast pitch due to the restrictions on amplification. Therefore, non-licensed buskers and street entertainers are often located around this pitch, although not on it and the North thoroughfare.

Use of amplification, etc

6.12 It is understood that amplification is an important tool for buskers and street entertainers, especially when the ambient noise is loud due to people and traffic movements. When engaging with licensed buskers and street entertainers who regularly use Leicester Square,

they were keen to emphasise how important both pitches in Leicester Square were to them. However, they did state that due to the ability to use the Northeast pitch for amplified performances, it was by far the most sought-after pitch in the area.

- 6.13 On busy days, this pitch can have a queue of buskers and street entertainers waiting to perform. On those busy days, the popularity of this pitch with numerous buskers and street entertainers can mean that they may only have the opportunity for one slot to perform for the entire day. In these circumstances, they have told Officers that they must maximise that slot and attract as many people as possible to watch them and provide a tip/payment. In doing so, buskers and street entertainers have increased the volume of their amplification to enable the sound to reach across the square and to attract people to them. They also need to increase their amplification volume when non-licensed buskers and entertainers, such as dance groups, are performing so that they can be heard above the illegal buskers and street entertainers.
- 6.14 Amplification is not restricted to licensed buskers and street entertainers. Non-licensed performers will also carry out performances within Leicester Square. They will not necessarily locate themselves on designated pitches but will perform anywhere. These non-licensed buskers and street entertainers often create significant noise disturbances, especially during a busy day with numerous licensed and unlicensed buskers and street entertainers performing. The combination of licensed and unlicensed performers and amplification created an unacceptably high level of noise in Leicester Square, affecting several businesses.

Busking and Street Entertainment Licence Standard Conditions

- 6.15 The 2000 Act, which provides the legal framework for this licensing regime and its Policy required the Council to make regulations prescribing the standard conditions applicable to all licences. The purpose of the licensing scheme is to prevent:
- (a) undue interference with or inconvenience to or risk to safety of persons using a street in that part of their [the Council's] area or other streets within the vicinity of that street; or
 - (b) nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.
- 6.16 The Council established its standard conditions for licensed buskers and street entertainers, published within the Policy and attached to or accompanying the licences upon issue to the individual. Licensees are required to comply with these conditions or face enforcement action, which could result in the revocation of the licence or prosecution.
- 6.17 A licensed busker must ensure that their performance does not cause a nuisance to persons in the nearby property (condition 6) and that their performance and audiences do not cause an unreasonable obstruction of the highway (condition 7).
- (6) *Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby property and levels must be immediately reduced on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.*

- (7) *Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring property. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.*
- 6.18 When the Council designated the pitches in Leicester Square, they were designated in locations with limited noise impact and obstruction risk. The Council included a standard condition (condition 11) that busking, and street entertainment can only be performed from designated pitches.
- (11) *Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.*
- 6.19 The use of amplifiers and instruments are known to be the most likely to cause noise nuisance to nearby properties. The Council included a standard condition (condition 13) that prohibited their use except for on pitches that were listed, such as pitch 9 Leicester Square (Northeast) where amplification, etc was permitted. The condition also clarified that licensees were prohibited from using external power sources with amplifiers.
- (13) *No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of - ..., - Pitch 9 (Leicester Square North East) These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby property.*
- ...The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).*
- 6.20 From the accounts of the Licensing Inspectors, local businesses, licensed buskers, and street entertainers, these conditions are regularly breached by licensed buskers and street entertainers in Leicester Square.
- 6.21 The number of complaints received from businesses relating to the nuisance caused by noise from both licensed and unlicensed buskers and street entertainers is significantly higher than in any other area within the city. The number of complaints received has increased since before the scheme was introduced. Complaints are often made by the same businesses directly affected by the noise nuisance. Staff from local businesses have directly engaged with buskers and street entertainers to request their amplification is turned down to an acceptable level. When the buskers and street entertainers ignore those requests, those businesses will make a complaint to the Council.
- 6.22 The Council's City Inspectors have attempted to address issues associated with noise nuisance and obstruction caused by both licensed and unlicensed buskers and street entertainers. Officers have met representatives from businesses and the Business Improvement District to take information associated with their complaints and where possible engage with the relevant busker or street entertainer.
- 6.23 As referred to in section 4 of this report, the Council Licensing Inspectors have had several issues actively ensuring compliance and enforcing this licensing regime. Recent joint operations with the Police have resulted in positive action and future partnership working with the Police to tackle these problems are being planned.

Non-licensed and illegal buskers and street entertainers

- 6.24 Leicester Square is a prohibited street for busking and street entertainment, excluding the two designated pitches referred to in this section. Section 42 (Enforcement under Part V) of the 2000 Act states:

Any person who—

- (a) busks in any street to which this Part of this Act applies without the authority of a licence; or*
- (b) is concerned with the organisation or management of busking which is not authorised by a licence; or*
- (c) ...*
- (d) ...*

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale [£1,000].

- 6.25 It is important to note that a significant level of impact is caused by unlicensed (illegal) buskers and street entertainers who have no regard to the noise they generate or to the obstruction they may cause when performing. Illegal buskers either are unaware of the requirement that they must be licensed to perform or are unwilling to obtain a licence. For illegal buskers they may choose to not apply for a licence because they may have criminal records or are prohibited from obtaining a licence, their performance routine is not permitted or cannot be permitted in locations that they wish to perform, they may not have the right to work in the UK, wish to avoid scrutiny from state agencies, such as HMRC or they just do not agree with the licensing regime and that it should apply to them.
- 6.26 Noise and obstruction from illegal buskers can be significant and added to noise and audiences for licensed buskers and street entertainers this can cause significant impacts to pedestrian movement and noise nuisance to businesses. The pictures below were taken recently and show buskers and street entertainers performing along the North thoroughfare of Leicester Square or in the entrances from the North thoroughfare into Leicester Square gardens. The performers in these pictures are a mixture of licensed and unlicensed buskers and street entertainers. These images were all taken on the same day (Sunday 21st May).



Leicester Square North thoroughfare



Leicester Square North thoroughfare.



Northwest entrance to Leicester Square Gardens.



Northwest corner of Leicester Square

Impact on businesses (nearby property)

- 6.27 Businesses in and adjoining Leicester Square have been significantly affected by the noise from both licensed and illegal buskers and street entertainers. It is clear that non-compliance from licensed buskers and street entertainers and illegal buskers are causing these issues as well as the unique architecture and how sound travels around the square. Some businesses are more affected than others and this is primarily as a result of their office locations being either in close proximity to buskers and street entertainers or that their buildings are susceptible to noise impacts due to the unique architecture in the square.

6.28 One of the businesses that is the most affected by noise from amplified buskers and street entertainers has provided Officers with a detailed log of incidents of noise nuisance that was collected from late 2021 to the end on 2022. This log details the time and date of when the noise nuisance was occurring, what impact was caused and their actions to try and address it or report it to the Council. A summary of this log is provided below to illustrate the specific issue of noise faced by this company. It should be noted that this business wished to remain anonymous.

Period recorded	Number of log entries of disturbances	No of logs associated with busking that was amplified	Reported to the Council
21 st Oct – 24 Nov 2021	4	4	4
01 Jan – 28 Nov 2021	45	45	43

6.29 This business has also provided an Impact Statement to the Council associated with the impact on their business from the noise nuisance caused from buskers and street entertainers in Leicester Square. The Impact Statement has been redacted as per the businesses request. This impact statement is attached to this report at Appendix 4. This business has listed the extent of the impact from busking and street entertainers as:

1. Time – there are usually excessively loud buskers every afternoon from 12pm to 5pm which is within core business hours.
2. Duration – performances times of each busker are between 15 and 45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments.
5. Volume – the volume is loud and can be heard clearly in their offices – as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourist come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the level store and M&M world).

6.30 The Council’s City Inspectors have engaged on regular occasions with staff from businesses in the area and particularly the business that has provided the evidence and Impact Statement. Sound monitoring has also been conducted in their premises. In some cases, due to the unique makeup of the buildings and way sound travels the noise at ground level from performers was not deemed to be load enough, considering the ambient noise of the square to be a nuisance. However, when officers were on the 6th Floor the noise from the performer’s amplification was significant enough to cause a nuisance. This has caused challenges in addressing this with performers and business to understand the level of noise that a performer would generate and when it would get to a level to be considered a nuisance to nearby properties. Weather conditions, include wind and atmospheric pressure as well as ambient noise may play a factor in how noise may travel around the square. The angled nature of the Hotel is also considered to be part of the issue as sound bounces off the

hotel and due to the angle of the building the noise will be directed at businesses at the lower Southeast corner of Leicester Square.

- 6.31 When carrying out observations in Leicester Square and attending meetings with affected businesses at their building Officers could hear amplified performances from buskers and street entertainers within those offices.
- 6.32 Business are supportive of responsible and talented buskers and street entertainers. However, the impact associated with the amplification of performances, in this unique location is detrimental to their business. They wish to see amplification, etc prohibited from use on the Northeast designated pitch and active compliance and enforcement action undertaken to prevent non-compliant licensed and illegal buskers and street entertainers from generating noise nuisance. It was suggested by one business that if amplification was prohibited during the week and only used on weekends then this would have far less an impact on their staff due to their working pattern.
- 6.33 Buildings that have offices overlooking the Northeast corner and along the North thoroughfare of Leicester Square are also susceptible to noise nuisance from amplified performances from buskers and street entertainers. The issues of noise are generated from buskers and street entertainers using the designated pitch at the Northeast corner of Leicester Square and illegal buskers who perform along the North thoroughfare of Leicester Square and Cranbourne Street. The noise generated from these buskers and street entertainers are always amplified and often the sound level is extremely loud. Amplification is also often powered by external power sources which, under the Council's terms and conditions of the licence is prohibited. However, some licensed buskers and street entertainers are not complying with this requirement. Illegal buskers also utilise externally powered sound systems which are significant generators of noise nuisance.
- 6.34 The issue of noise in offices around Leicester Square from the 1st floor level and above are disproportionately affected by noise nuisance compared to businesses operating at ground level. This is often due to the nature of the offices being much quieter than typical retail and restaurant use on the ground floor and staff working in these offices are there for significant periods of time.
- 6.35 The local business and the Heart of London Business Alliance (HOLBA), the Business Improvement District for the area have highlighted the impact from obstruction from illegal buskers of licensed buskers performing in contravention of their licence along the North thoroughfare of Leicester Square. They have indicated that there is also an issue with pick pockets and theft when large crowds gather around buskers and street entertainers. It should be noted that the Council has not been able to identify any specific evidence to link busking with wider crime issues.

Conclusion

- 6.36 The issue of noise from amplified performances is significantly affecting nearby businesses in Leicester Square. Illegal busking and street entertainment outside designated pitch locations in the square are also contributing to noise and obstruction problems. As a result, the current busking and street entertainment licensing regime is not effectively functioning in Leicester Square. Urgent action is required to address the noise nuisance, non-compliance from licensed performers, and the issue of illegal busking in the area.

- 6.37 Attempts by City Inspectors to address non-compliance and illegal busking have been challenging without the support of the Police or the wider busking and street entertainment community. While amplification is a key factor causing problems for local businesses, it is also an integral part of performances for most licensed buskers and street entertainers. Restricting amplification to non-amplified performances or removing all pitches in Leicester Square would likely improve the situation associated with non-compliant busking and street entertainers. However, this approach would have a significant impact on licensed performers who rely on amplification and this location for regular income. If amplification were limited during weekdays but permitted on weekends, it could still adversely affect licensed performers and create additional challenges due to increased demand for the pitch on weekends.
- 6.38 The ideal situation would be to retain amplification at the Northeast pitch location through a collaborative effort from buskers and street entertainers, businesses, and the Council. This would enable all parties to work together to identify the relevant sound levels, enable feedback on noise and where amplification should be placed or directed. Unfortunately, the likelihood of this being successful is low. However, it should be attempted even if other options are being considered or implemented.

7. Review Findings

- 7.1 The busking and street entertainment licensing regime, along with its associated Licensing Policy, has been in operation for more than two years. During its establishment, extensive efforts were made to engage with stakeholders and develop a scheme that strikes a balance between licensing responsible buskers and street entertainers while preventing obstruction of the highway and nuisance to residents and businesses. After considering all aspects of the licensing scheme, Policy, and stakeholder input, Officers believe that the scheme itself is well-structured and doesn't need substantial changes. However, certain amendments to the policy and further review of pitch locations are necessary, as outlined in the proposed recommendations and options below.
- 7.2 Despite efforts to establish a light-touch licensing regime with the aim of self-regulation, the challenges of compliance and illegal buskers in certain parts of the city have prevented the scheme from meeting its intended goals. While positive changes have been observed in some areas regarding noise, nuisance, and obstruction, there are still significant challenges in specific locations. Businesses and residents had high expectations for the scheme, hoping it would effectively address these issues and enable the Council to actively enforce and prosecute individuals who violate the scheme's terms and conditions. Unfortunately, for several reasons, these expectations have not been met, and meeting them will require significant Council resources and close cooperation with the police.
- 7.3 While this review has primarily focused on policy review, it is crucial to also consider the issues surrounding non-compliance and illegal activity and determine how the Council should proceed in managing the scheme and, in particular, whether the cost and resources required to ensure compliance and prevent illegal activity would be proportionate to the needs for resourcing higher risk or priorities.

Options for the continuation or varying the scope of the licensing scheme.

- 7.4 The review of the Busking and Street Entertainment Licensing Policy scope was to look at how the Policy was implemented, its effectiveness, and whether any changes are needed to improve or adjust it to meet the future operation of the scheme. When undertaking this review and considering the success of the scheme, the fundamental issues that continued to be raised by all stakeholders were the issues surrounding compliance and what enforcement action has or hasn't been undertaken to address both non-compliance and illegal activities occurring in certain locations. Leicester Square and Covent Garden areas have dominated the review discussions as non-compliance, illegal performers, and associated impacts of noise and obstruction have been reflected in the findings. The remaining areas where the scheme has been operating haven't generated the same level of issues or complaints.
- 7.5 Due to the issues surrounding compliance and illegal performances, the scheme itself cannot be fully assessed as being successful. The scheme, when being developed and implemented, created an expectation for residents and businesses that the scheme would address the issues relating to noise and obstruction caused by busking and street entertainment. For most of the areas the scheme covers, there have been improvements in reducing the impacts originally identified. However, Leicester Square and Covent Garden are still significant drivers of complaints and issues relating to compliance with the scheme.

- 7.6 The licensing scheme was intended to be a light-touch licensing approach, hence the very low fee levels. It was intended, and the policy refers to this, that the busking and street entertainment scheme would be self-regulating. Unfortunately, this has not been the case.
- 7.7 It is clear from the targeted engagement with stakeholders that there is still a significant appetite for the continued regulation of busking and street entertainers. In the targeted survey, 68% of respondents favoured the scheme more than before, and 24% of views remained unchanged about the licensing scheme.
- 7.8 There are little to no issues with buskers and street entertainers that comply with the licensing requirements and the Policy. However, when licensed buskers and street entertainers fail to comply with their terms and conditions, especially associated with amplification, significant complaints and harm are caused at the location where they are performing.
- 7.9 The review has also identified two types of buskers and street entertainers operating in contravention of the licensing regime. The first group of buskers and street entertainers are typically individuals who have not engaged with the Council before and arrive at a location and perform unknowingly or knowingly in contravention of the licensing regime. They are likely to perform and obstruct the highway, create significant noise issues, and potentially be unfit to obtain a license. The second group of buskers and street entertainers are individuals or groups who have engaged with the Council during the development of the licensing scheme and are fully aware of the requirements for licensing and the Policy. These individuals or groups, representing them, will perform illegally, knowingly in contravention of the licensing scheme. This group of buskers and street entertainers would likely have no issues in meeting the requirements of the licensing regime, obtaining a license, and operating within the terms and conditions of any license.
- 7.10 The non-compliance from licensed buskers and street entertainers relating to their terms and conditions in some areas and illegal buskers operating in Leicester Square, in particular, have led to the conclusion that in that area, the current arrangements for the licensing regime and the Policy are not working as anticipated.
- 7.11 Joint compliance and enforcement action between the Council's City Inspectors and the Police have recently provided positive results. The additional powers available to the Police to obtain information from buskers and street entertainers are fundamental in enabling the Council to take legal action against them.
- 7.12 However, to actively address the issues of non-compliance and illegal performers in Leicester Square and Covent Garden, there will be a need for significant Council and Police resources over a prolonged time to get to a point where non-compliance is limited, and illegal buskers are actively discouraged from performing in the city. Unfortunately, other priorities on both the Council and Police's limited resources will be a key factor in whether the scheme can be enforced effectively. A decision on resources and prioritisation will be needed to determine whether the enforcement of this scheme should be prioritised over other pressing priorities.
- 7.13 This review has identified that the licensing scheme, excluding the issues of non-compliance and illegal activity, is sound subject to some amendments. The combination of a detailed Licensing Policy and a clear licensing process is best practice. It enables anyone who wishes

to apply the opportunity to review the Policy and understand the licensing process, including what is expected of the applicant and licensee once a license is granted.

- 7.14 The current fee levels associated with the licensing scheme are extremely low and therefore do not cover the full costs of the Council in operating this scheme. The fee levels were initially very low to prevent the fee from being a barrier to buskers and street entertainers from applying. The Council may consider revisiting the fee levels considering the number of resources associated with the scheme and the wider impact on general funds in covering the costs not met by the fee income.
- 7.15 A decision is needed on whether the scheme should continue as currently devised. The resources and costs associated with addressing the current issues of non-compliance and illegal buskers will be significant and may not be proportionate considering the other demands on the Council and Police's limited resources. While the scheme itself is sound, ensuring compliance with it will continue to require significant resources which are not funded by the income level received. The following options are therefore presented for consideration on the future of the scheme.

Option BSE/1 – Discontinue the scheme

A licensing regime will only be successful if the scheme has reasonable compliance and there is a robust enforcement approach in place to respond to non-compliance and illegal busking. However, if the cost and resources cannot be actively diverted to address the levels of non-compliance or illegal busking and therefore meet resident and business expectation then the scheme may never be effective. However, without the licensing regime busking and street entertainment will continue and the issues of noise nuisance and obstruction of the highway will continue without an active mechanism to enforce it.

Option BSE/2 – Vary the scope of the scheme.

If the scheme is too large to actively ensure compliance and enforce illegal busking the scope of the scheme could be varied. The regime could focus on the key busking areas of the city and remove the restrictions and controls from other parts of the city. However, the areas of significant busking activity are the areas that have the highest levels of non-compliance and illegal busking. Resources would still be needed to maintain a sufficient level of enforcement in these areas to actively respond to non-compliance and illegal busking.

Option BSE/3 – Continue with the current scheme and prioritise resources to address non-compliance and illegal busking.

If the scheme should continue and resources can be prioritised to effectively enforce the regime, then the scheme may become more manageable and self-regulation could become more evident. An active compliance and enforcement response would be required to address non-compliance and illegal busking as and when it is reported. However, fee levels and the following recommendations may be necessary to assist in achieving this.

- 7.16 In the event of a decision to discontinue the scheme, the Council would be required to follow a statutory process to revoke the existing resolutions that adopted the scheme. This process would necessitate a formal consultation, and the ultimate decision would rest with the Full Council.

- 7.17 Alternatively, if it is deemed appropriate to make adjustments to the current scheme, there will need to be careful consideration of the objectives of any variation to the scheme and how enforcement and compliance can be ensured. Potential adjustments could involve designating noise-sensitive locations with no busking permitted, while allowing busking in other parts of the city or making significant changes to where and when busking and amplification are allowed. Like the first option, any alterations to the current regime would require consultation and would need to be formally approved.
- 7.18 Should the decision be made to continue with the existing scheme, it will be crucial to manage the expectations surrounding the Council's ability to address noise and obstruction issues related to busking and street entertainment. While the licensing regime provides enforcement powers, engagement, and cooperation from those regulated under the scheme are equally essential. Businesses and residents should understand that while the Council will strive to respond to complaints about noise and obstruction from buskers and street entertainers, it must also balance these concerns with other priorities and existing resources. In cases where a specific location experiences significant impact from persistent offenders, the Council, with support from the Police, may consider targeted operational measures on a case-by-case basis. If the consensus from the Policy and Scrutiny and Licensing Committees, as well as the Cabinet Member for Communities and Public Protection, is to retain the current scheme, the report puts forth several recommendations and options to improve the scheme where possible and address specific issues identified during the review.

Recommendation 1 – Partnership with the police.
 The Council and the Metropolitan Police should engage in further discussions associated with conducting further partnership compliance and enforcement action to tackle persistent non-compliance and illegal operators, focusing on key high impact areas, such as Leicester Square area and Covent Garden.

Recommendation 2– Undertake a fee review.
 The Council should consider the current licence fees for busking and street entertainment licences considering the need to prevent the fee becoming a barrier to buskers and street entertainers, the known processing and compliance costs and the financial implications of the scheme being unable to provide full cost recovery.

Licensing Policy

- 7.19 The Licensing Policy is well-constructed and provides comprehensive information about the purpose of the licensing scheme, the licensing process, codes of conduct, terms and conditions, and designated areas for busking and street entertainment. The policy was developed through effective engagement and has effectively outlined the Council's approach to administering and ensuring compliance with the scheme. However, there are specific changes that could be considered to address elements that were overlooked during the initial development or have emerged since the scheme's implementation.
- 7.20 The Council has identified a gap in the Policy regarding applicants who may be under the age of 18. Conversations with buskers and street entertainers revealed that some began performing when they were teenagers. The scheme should not prohibit children or young people from busking in Westminster, but measures must be in place to safeguard and protect them and ensure parental or guardian consent. The Policy should be amended to

include a provision specifically addressing children and young people and safeguarding. Any proposed changes to include safeguarding children and young persons within the Policy should be considered by child safeguarding experts from the Council and other agencies.

Recommendation 3 – Age restrictions and safeguarding

The Council should consider the inclusion of sections associated with buskers and performers under the age of 18 that includes factors relating to parental or guardian consent, whether adult supervision is needed whilst the child or young person is performing, safeguarding issues, including safeguarding from other buskers and reporting of concerns relating to child buskers and street entertainers.

- 7.21 The Council has recognised that the current Policy lacks a reference to the liability of buskers and street entertainers to pay royalties for the performance or use of copyrighted works. It is important to inform buskers and street entertainers that they may need to obtain a Performing Rights Society (PRS) license if they plan to use copyrighted material. The Policy should include information about this requirement, clarifying that buskers and street entertainers are responsible for paying any royalties associated with copyrighted material or content. Additionally, guidance on how to apply for a PRS license should be provided.

Recommendation 4 – Royalties liability

The Council should provide an advisory section within the Policy relating to the liability associated with royalties and that this rest solely with the licensed busker or street performer.

- 7.22 It is crucial that applicants for a license provide truthful and accurate information. Providing false information undermines the integrity of the licensing process and raises questions about the applicant's suitability to hold a license. The Council strongly disapproves of false information and considers it an attempt to bypass the fit and properness test.
- 7.23 To address this issue, the Council should clearly communicate the consequences of providing false information in license applications. This may include the refusal of an application, revocation of an existing license, and potential prosecution under section 42(d) of the relevant legislation. The Council's approach to dealing with false information should be clearly stated in the Policy, codes of practice, and within the licensing application process, such as on the website and application form.

Recommendation 5 – Statement of truth and making a false declaration.

The Council should include its position on the requirement for applicants to sign a statement of truth associated with the information that they have provided and what the Council's actions will be if they have made a false declaration within its Policy.

Code of Conduct

- 7.24 The Code of Conduct plays a crucial role in providing clarity to buskers and street entertainers regarding acceptable behaviour while performing. According to the targeted engagement survey, 66% of respondents from the busking and street entertainment community found the Code of Conduct clear and understandable.
- 7.25 The current Code of Conduct should be strengthened to stipulate that certain behaviours towards Authorised Officers of the Council and the Police will not be accepted. The Code

associated with the requirement to cooperate with Authorised Officers and the Police should set out that unacceptable behaviour or actions, such as verbal or physical abuse or inciting the crowd against officers when they are carrying out their role under the 2000 Act, will not be tolerated and could lead to suspension or revocation of their license.

- 7.26 Based on the findings of the review, some other revisions may be necessary for the Code of Conduct. These revisions could involve adding additional codes, such as ones related to licensees under the age of 18, safeguarding of children and young people, or the consequences of making false statements. The current Code relating to talking to the council and the local community via the Forum should also be revised to focus on the need to enable communication between licensees and the Council rather than the inclusion of residents and businesses.
- 7.27 When revising the Codes of Practice, the Council should consider engaging with licensed buskers and street entertainers to gather their input on proposed changes. This engagement is important before proceeding with the regulatory requirements for adopting the new Codes.

Recommendation 6 – Strengthen the Co-operate with Authorised Officers and the Police to the Codes of Conduct Provision

The Council should strengthen the current Code of Conduct relating to the requirement to co-operate with Authorised Officers and the Police to make it clearer about what behaviour will not be acceptable and what the possible ramifications are if a licensed busker or street entertainer fails to meet this Code.

Recommendation 7 – Revisions and additions to the Codes of Conduct

The Council should consider reviewing the current Codes of Practice to ensure that they reflect any necessary changes to the Council Policy or application process, including buskers and street entertainers under the age of 18 seeking licences, safeguarding of children, the consequences of making a false statement and communication channels between the Council and licensees via a Forum.

Standard Licence Conditions

- 7.28 The standard license conditions for busking and street entertainment were developed to prevent nuisance, anti-social behaviour, and obstruction of the highway that could jeopardise public safety. These conditions provide clear parameters for license holders and enforcing bodies. They must be reasonable and proportionate, allowing licensed performers to comply without undue impact. Breaching the license can result in warnings, revocation, or prosecution under the relevant legislation.
- 7.29 During the engagement process of this review, buskers and street entertainers were asked about their perception of the conditions. 57% of respondents in a targeted survey did not consider the conditions reasonable and proportionate. In meetings with representatives of licensed performers, concerns were raised about certain conditions being overly restrictive and unreasonable. However, specific conditions causing problems were not specified.
- 7.30 After reviewing the standard conditions, the Officers believe that they are reasonable and not unduly burdensome or disproportionate. Nonetheless, considering other findings and recommendations, the Council should continually review the standard conditions and make necessary changes through appropriate engagement and consultation with licensees.

7.31 However, in line with the issues associated with unacceptable behaviour towards Authorised Officers and the Police, it is proposed that a new condition is added to the standard terms and conditions for all Busking and Street Entertainment Licenses relating to the prevention of unacceptable behaviour. The new condition could take the following form:

- (1) *A busker and street entertainer shall:*
- (a) *not use threatening, abusive, or offensive language, either verbally or in any performance material which is directed at or associated with the actions of an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (b) *not engage in any physical assault or aggressive behaviour towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (c) *not incite, encourage, or provoke crowds to act in a threatening, abusive, or physically aggressive manner towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (d) *comply promptly with any lawful instruction or request given by Authorised Officers of the Council, Police Constable, or Police Community Support Officer in the course of performing their duties.*
 - (e) *not obstruct, hinder, or interfere with an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer while they are carrying out their official duties.*
 - (f) *fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour.*
- (2) *In relation to (1), (f) above reference to cooperate with any investigation includes providing relevant information, attending meetings or interviews if requested, and assisting in the identification of any involved parties.*

7.32 This license condition is aimed at ensuring a safe and respectful environment for Authorised Officers of the Council and the police while maintaining a positive and enjoyable atmosphere for the public during busking and street entertainment performances.

Recommendation 8 – New condition relating to behaviour towards Authorised Officers and the Police.

It is recommended that a new condition, such as the one proposed above is added to the standard licence conditions that addresses licensee behaviour or acts which create a risk to Authorised Officers of the Council and/or the Police or inhibits their actions or ability to investigate breaches of the licensing regime or offences under the 2000 Act.

Recommendation 9 – Standard conditions to be kept under review.

It is recommended that the standard conditions should remain under constant review and if necessary, proportionate, and reasonable conditions could be added, varied or removed as required.

Leicester Square

7.33 Urgent action is required to address the noise nuisance caused by amplification on nearby properties, non-compliance from licensed buskers and street entertainers, and the presence

of illegal buskers in the area. Officers have identified four options for the Council to consider.

- 7.34 The first option involves a collaborative approach between the Council, licensed buskers, and street entertainers, and businesses to address the issues locally. If all parties commit to managing the situation and demonstrate collaboration and improved compliance, it could lead to a reduction in noise nuisance and the retention of the amplified pitch. This option aims to minimise the impact on the livelihoods of licensed buskers and street entertainers and prevent displacement to other amplified pitches or illegal busking.
- 7.35 However, there are risks associated with this option. Previous attempts at collaboration have yielded limited success, and the unique nature of Leicester Square may still result in noise nuisance. It may also be challenging to enforce against illegal buskers causing obstructions and nuisance within the Square even if licensed buskers are compliant.
- 7.36 This option could be pursued alongside one of the other options. If positive outcomes are achieved through collaboration and robust enforcement, the Council could suspend the implementation of other options and continue monitoring the situation.

Option LS/1 – Seek a agreement between all parties to ensure compliance with current pitch requirements.

Utilise the period between the report publication and any formal decision to enable the SPA, Businesses, and the Council to consider the pitch locations, directions that amplification is directed, noise levels and monitoring to establish if other controls and agreements could be put in place to prevent the loss of amplification or the removal of that pitch all together. If no agreement is found to everyone’s satisfaction, then the Council will have no option to consider moving forward with the alternative options.

Option LS/2 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch on weekdays.

The Council moves forward to make to revise the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments during weekdays.

- 7.37 Option 2 proposes the removal of amplified sound from the Northeast pitch in Leicester Square on weekdays. To implement this change, the Council would need to modifying the terms and conditions of the pitch, following a consultation period.
- 7.38 The purpose of this approach, suggested by local businesses, is to reduce the overall impact of amplification during weekdays when their offices have higher staffing levels. Under this option, only licensed buskers would be allowed to use the pitch, and active compliance checks by the Council would be necessary to ensure no amplification is used. However, there is a risk that businesses with staff working on weekends may still experience noise nuisance from amplified performances.
- 7.39 The risks associated with this approach include potential non-compliance by licensed buskers and an increased need for enforcement. Noise nuisance would still be significant on weekends, and businesses could be affected by the noise despite reduced office occupancy. The removal of the only amplified pitch on weekdays could negatively impact the earning potential of licensed buskers and street entertainers in the area, potentially leading to displacement to other pitches and creating new noise issues. Additionally, restricting

amplification to weekends would likely increase the demand for spots on those days, as the pitch is already highly sought after.

Option LS/3 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch.

The Council moves forward to revise the terms and conditions of the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments altogether.

7.40 Option 3 proposes the Council revising the terms and conditions of this pitch to prohibit the use of amplification at this location. As a result, no licensed busker or street entertainer relying on amplification would be allowed to perform in Leicester Square. This would effectively address the issue of noise nuisance for nearby properties from that pitch. Active enforcement by the Council and the Police would be necessary to control illegal busking in the area, and it would facilitate easier compliance management for City Inspectors and the Police.

7.41 Licensed buskers would face a significant impact on their income generation opportunities due to the restriction on amplification. Additionally, the demand for other amplified pitches in the area would increase, potentially requiring the Council to consider introducing additional amplified pitches in nearby streets to manage the demand. Implementing this approach could lead to an increase in illegal busking and non-compliance from licensed buskers and street entertainers who can no longer use amplification at this pitch.

Option LS/4 – Prohibition of busking and street entertainment from Leicester Square

The Council moves forward to remove the Leicester Square (Northeast) and Leicester Square (Northwest) pitches and therefore make Leicester Square a prohibit street for busking or street entertainment.

7.42 Option 4 proposes a complete prohibition of busking and street entertainment in Leicester Square. By removing the designated pitches, it aims to address the noise issues associated with these activities, provided there is robust enforcement. Without the presence of designated pitches, it would be easier for Council City Inspectors and the Police to identify and act against illegal buskers. This approach would involve the Police and our City Inspectors moving on buskers and street entertainers from the area or prosecuting illegal buskers and street entertainers if they persistently perform illegally in the area.

7.43 However, this option would have a significantly detrimental impact on licensed buskers and street entertainers who rely on these pitches. It would likely result in displacement and create a higher demand for pitches in the area. There would also be an increased risk of licensed performers resorting to performing illegally.

Recommendation 10 – Attempt a collaborative solution whilst undertaking a formal process to remove amplification.

It is recommended that the Council should start preparing to move forward with Option 3 which would make this pitch unamplified. However, whilst that option is being prepared, which can take several months Officers should work with businesses and licensed buskers and street entertainers should work together to attempt to find a solution through collaboration as set out in Option 1. If the collaborative approach between all parties shows signs of progress the decision on changing this pitch to unamplified could be slowed or suspended.

- 7.44 The noise nuisance caused by busking and street entertainment in the area is attributed to two main factors. The first is licensed performers using amplification, which may be addressed through the aforementioned options. The second factor is illegal buskers with amplification, requiring active and strong enforcement collaboration between the Council and the Police.
- 7.45 Given the significant noise nuisance generated by amplification from the Leicester Square Northeast pitch, it is recommended to attempt Option 1. This option aims to assess whether the potential loss of amplification would incentivise compliance and collaboration from licensed buskers, street entertainers, and the local SPA (Street Performers Association). While Option 1 is being attempted, officers should proceed with preparing an urgent the approached described in Option 3, seeking the removal of amplification from this pitch. If progress is made with Option 1, the Council can slow down or suspend the implementation of Option 3.

Pitch Locations, Accessibility and Markings

- 7.46 The location and availability of busking and street entertainment pitches have been highlighted as important issues by the Licensing Service, City Inspectors, and performers themselves. Currently, there are 27 designated pitches in the city, and their usage and income-generating potential vary based on footfall. Some pitches, particularly those in popular areas like Leicester Square and Trafalgar Square, often face suspensions due to events and market uses, leading to queues of performers waiting for their turn.
- 7.47 To address this, the Council needs to assess the adequacy of current pitch locations and their potential to cause disturbances or obstructions on the highway. Engagement with licensed buskers and street entertainers is necessary to gather input on pitch locations and identify possible additional pitches that can relieve pressure from high-demand pitches. In seeking new pitch locations, the existing methodology should be used. These new locations should provide similar opportunities for audience size and income generation when pitches are suspended for events.
- 7.48 The assessment of existing and potential new pitch locations should consider maximising opportunities for performers while ensuring they do not create obstructions or nuisances for businesses and residents. Flexibility in pitch use based on different times of the day or days of the week could be considered, allowing for variations in pitch availability to minimise impacts on nearby establishments. Similarly, the use of amplification could be regulated based on specific hours or days to balance performers' needs with the interests of businesses and residents. However, a comprehensive assessment was undertaken on pitch locations when the scheme was being developed, and changes to counter-terrorism measures in high footfall locations may result in an inability to identify suitable new pitch sites.
- 7.49 Under Section 149 of the Equality Act 2010, the Council has a duty to ensure that those with a protected characteristic are not excluded from accessing pitches and being able to obtain a busking and street entertainment licence. Anecdotal evidence suggests that the number of buskers with physical disabilities within the licensed areas is low. The available evidence of the prevalence of disability amongst buskers in the licensed areas is not considerably higher than in the general Westminster population. However, as part of any review of existing

pitches or locations for new pitches, the Council should review the accessibility for disabled performers.

- 7.50 Improvements to the visibility and clarity of busking and street entertainment markings are also necessary. The current markings wear quickly and are costly to replace, so alternative, simpler, and more standardised marking templates should be considered to reduce future marking costs. Consideration may also need to be given to ensuring pitches can be located by performers who are visually impaired or blind. This may involve the use of braille markers on the floor or using pitch markings that enable visually impaired or blind performers to locate them and perform within them.

Recommendation 11 – Pitch Location and Accessibility Assessment

The Council should undertake an assessment of pitch locations that review the current pitches to determine whether they are still fit for use, are accessible to disabled performers, do not create an obstruction or nuisance. The review should also, using the existing methodology attempt to identify new pitch locations, especially in areas where there is a high demand to use existing pitches in the area. In carrying out the assessment Covent Garden’s pitches and additional pitches around Leicester Square and Trafalgar Square should be prioritised.

Recommendation 12 – Pitch Markings

As part of the pitch assessment the markings for each pitch should be assessed and if they are worn should be replaced. The accessibility of the pitches, particularly for enabling visually impaired or blind performers to locate them should be considered and if necessary additional markers affixed to make the pitches more accessible to those performers. The full costs associated with a regular remarking schedule should also be considered as part of any future fee review as this will need to be funded by the income from the scheme.

Engagement with licensed buskers and street entertainers

- 7.51 Ongoing engagement and communication with licensed buskers and street entertainers is crucial. The original plan for the licensing scheme included a Forum to facilitate communication between licensees, businesses, residents, and the Council. However, for various reasons, the Forum did not function as intended, resulting in concerns and issues being directly addressed to the Council.
- 7.52 To address this, there is a need to re-establish a Forum specifically for licensed buskers and street entertainers and the Council. The Forum should exclude resident representatives and businesses, focusing solely on engaging with licensees or their representatives to address their challenges, provide feedback on issues, clarify license terms and conditions, and foster relationships and trust between Council Officers and licensees.
- 7.53 One concern raised by buskers and street entertainers is the lack of information about pitch suspensions due to events. The Council has put in place measures to provide advance warning on the suspension of pitches via the Council's website. The Council could consider other options associated with improving communication channels with buskers and street entertainers.

Recommendation 13 – New Buskers and Street Entertainers Forum

The Council should create a new Buskers and Street Entertainers Forum that meets quarterly to discuss the licensing scheme, key issues and future changes or potential

improvements. This forum should enable an effective communication channel between licensed buskers and street entertainers or their representatives and Council Officers responsible for the licensing process or ensuring compliance.

Recommendation 14 – Notification of Pitch Suspensions

The Council could consider additional communication options that will provide buskers and street entertainers notification of pitch suspensions.

Engagement and recognition of Street Performers Associations (SPA)

- 7.54 During a review, officers engaged with two specific SPAs (Street Performers Associations) mentioned in the policy. The SPAs provided information and personal experiences related to the licensing system and interactions with Council Officers. However, the officers requested written documentation regarding membership accessibility, transparency, rules for members, and the disciplinary process for rule breaches, but these documents were not presented.
- 7.55 The Covent Garden SPA expressed their fundamental opposition to licensing and stated that their members would not obtain a license from the Council. They believed Covent Garden should not be included in the licensing regime and suggested self-regulation or a scheme similar to one used in the past. Self-regulation had been considered previously, but issues with obstruction and noise persisted.
- 7.56 The review also considered the possibility of providing greater benefits or access to pitches for SPA members. However, due to the lack of written processes and rules within the SPAs, it was uncertain whether membership criteria were open and accessible to new buskers and street entertainers. The Covent Garden SPA opposed any involvement with the licensing regime, even if given special status within the policy.
- 7.57 The Leicester Square and Trafalgar Square SPA and their members were mostly licensed. While they expressed willingness to collaborate with the Council, there were significant issues with nuisance, illegal activities, and non-compliance among buskers and street entertainers in Leicester Square. Officers suggested further engagement with the Leicester Square and Trafalgar Square SPA to assess their willingness to work collaboratively with the Council in the future, especially considering proposed options for the two pitches in Leicester Square.
- 7.58 The concept of SPAs is still seen as positive and worth supporting by the Council. However, it was emphasised that SPAs should represent licensed buskers and street entertainers. Direct communication channels with SPA representatives were deemed necessary to address issues or problems with specific pitches or performers. This would require the SPAs providing the direct contact details for their SPA representatives. SPAs should also be regular attendees at the Forum for licensed Buskers and Street Entertainers and the Council. This Forum will provide an opportunity for the SPAs, along with other licensees and Council Officers, to discuss key issues, address questions, and set out any future improvements or changes to the licensing scheme.
- 7.59 However, engagement and interaction with SPAs that actively and intentionally busk illegally and who will not engage in the licensing process were not considered feasible. It is important that the views of licensed buskers and street entertainers are taken into account, and there is a conduit for communication between the Council and licensees.

Recommendation 15 – Revision the SPA section with the Policy

The Policy should continue to promote the designation of local SPAs who represent licensed buskers and street entertainers. However, direct references to the two current SPAs should be removed from the Policy itself. The Policy could be revised to add additional information on the benefits that SPAs can have in representing their members when communicating with the Council.

Recommendation 16 – Provide SPA contact information on the Council’s Busking and Street Entertainment Website Pages.

The Council should consider listing recognised SPA’s as well as their contact information on the Council’s website within the Busking and Street Entertainment licensing scheme pages. This would enable new SPA’s or updates to existing SPA contact information to be amended quickly without the need to undertake a formal revision of the Licensing Policy.

Other minor or non-consequential amendments.

- 7.60 There may be a need to make other minor or non-consequential amendments to the Busking and Street Entertainment Licensing Policy as a result of the changes taken forward as part of this review. It is therefore important that if there is a need to correct an error, make changes, or add additional information or context to improve the Busking and Street Entertainment Licensing Policy or to enable the options or recommendations to be fully implemented, then the Council should undertake such changes as necessary. It should be noted that any changes to this Licensing Policy or the scheme will be subject to public consultation and subsequent consideration by the Council’s Licensing Committee before being approved by the Cabinet Member for Communities and Public Protection.

Recommendation 17 – Minor or non-consequential amendments to the Licensing Policy

The Council should make any corrections, additions, or amendments as necessary to improve the Busking and Street Entertainment Licensing Policy or to facilitate any revisions as considered necessary as a result of this review.

8. Equalities Implications

- 8.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary, Section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.3 The Council recognises that issues have been raised about (1) the accessibility of pitches by disabled performers, and (2) 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.
- 8.4 The Council has undertaken an Equalities Impact Assessment (EIA) associated with this review. The EIA will be considered alongside any proposals and when making any formal decisions associated with making changes to the Busking and Street Entertainment Licensing Policy or the scheme itself.

Appendices

Appendix 1 – Targeted Engagement Survey Questions

Survey – Busking & Street Entertainment Policy review

Specific Questions to Public

About You:

1. Please tick all that apply. Are you a...
 1. Resident of Westminster
 2. Street Entertainer
 3. Employed by a business or employed in Westminster
 4. Visitor
 5. Any other public interest organisation

Postcode

Street entertainers skip to page 4

2. Please indicate how long you have been living, working and or performing in the borough? (If multiple apply to you, please respond with the longest standing relationship in mind).
 - a. Less than 12 months
 - b. 1 - 5 Years
 - c. More than 5 Years

General

1. Following the implementation and roll out of the Policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

Scale: More in favour, neither for nor against, more against

2. Please tell us your reasons for this.

_____ (250-500 words)

3. What impact, if any, would you say the Policy has had on the following and why?

- a. Quality of street entertainment
- b. Variety of street entertainment
- c. Accessibility to street entertainment
- d. Quantity of street entertainment

Scale: It's improved it / It's worsened it / It has had no impact

_____ (250-500 words)

4. How would you rate WCC's promotion of street entertainment and busking?

Scale: Excellent / Good / Neutral / Poor / Very poor / N/A

5. What do you like most about the Policy?
_____ (250-500 words)
6. What do you like least about the Policy?
_____ (250-500 words)
7. What changes or alternatives to the Policy would you most like to see?
_____ (250-500 words)

Pitches

1. Do you have any comments, positive or negative, about one or more specific pitches? Please tell us your reasons for this
_____ (250-500 words)
2. Are there any locations in the borough that are currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
3. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
- 4.

Noise

1. Since the Policy came into effect, how frequently or infrequently do you feel that the following are an issue:
 - a. Performances being too loud? (Could we expand on what is classed as a nuisance?)
 - b. Amplification is being used in non-amplified pitches?
 - c. Performances are taking place outside of the hours established in the Policy?
 - d. Performances are taking place for longer than 40 minutes? And the 20 minute break is not being complied with?
 - e. Performances are repetitive?
 - f. Performances are causing a nuisance:
 - i. Due to noise
 - ii. Or causing an obstruction to road uses and/or safety issues

Scale: *Never/Rarely/Occasionally/Frequently/Always/Don't know/No opinion*

2. Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment? Yes/No

Is this a result of:

- a) Location of pitches
- b) Amplification restrictions
- c) Conditions of license
- d) Code of conduct

- e) Enforcement approach
- f) Other

Communication

1. Since the Policy came into effect, have you reported any issues or concerns related to busking and street entertainment to Westminster City Council?
 - a. Did you know how to report concerns/nuisance and how to contact the Council for any queries relating to busking and street entertainment?
Yes / No
 - b. Do you agree or disagree that the cause of your query/complaint has been resolved?
Yes / No
 - c. Do you agree that it was dealt with effectively? And in a timely manner by Council staff?
Yes / No

If No, why?

2. The Busker Forum was introduced as part of the original Policy implementation. At the time of implementation, did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
 - c. Believe meeting quarterly was too frequent/infrequent
Yes / No

3. If the forum was to take place in the future:
 - a. Would you actively engage and attend the forum?
 - b. Are there any specific stakeholders you think should attend?
 - c. What would you like to achieve as part of the forum?
 - d. Who should chair the forum?
 - e. How frequently do you think the forum should take place?

4. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:

(250-500 words)

Specific questions to buskers/street entertainers:

About You:

2. Please indicate how long you have been living, working and or performing in the borough? (If multiple apply to you, please respond with the longest standing relationship in mind).

- b. Less than 12 months
- c. 1 - 5 Years
- d. More than 5 Years

3. Which street entertainment association are you a part of, if any?

_____ (250-500 words)

4. Do you intend to apply for a licence to perform in Westminster?

- a. Yes, I have already applied for a licence
- b. Yes, I intend to apply for a licence
- c. No

5. **Yes:** What has attracted you to want to perform in Westminster?

- The location of the pitches
- The quality of existing street entertainment
- The amount of money I hope to make is higher than in other boroughs
- The licence Policy
- Westminster has always been where I perform
- Proximity to my home
- Other (please write in)

No: Please can you state your reasons for choosing not to apply for a licence?

- I do not intend to perform in Westminster
- My previous application was unsuccessful
- I cannot afford the licence fee
- My act does not comply with the licensing conditions
- I cannot provide the documents required
- I can't get/afford personal liability insurance
- Unresolved issue with the application process
- I disagree with the requirement to get a licence
- Other

6. Since the implementation of the Policy, would you say that you are still attracted to performing in Westminster? If no, please explain. If yes, is this a result of:

- a. The location of pitches
- b. The quality of existing street entertainment
- c. The amount of money you hope to make is higher than in other boroughs
- d. The busking and street entertainment Policy
- e. Westminster has also been the place you perform
- f. Proximity to home
- g. Other – please explain

_____ (250-500 words)

Licensing process

1. If you have applied for a licence for busking or street entertainment, are you more or less likely to apply to renew your licence for a period of 1 or 6 months?
2. Would you be likely to apply for a 12 month licence if it was offered?
3. If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are clear and understandable? Are they appropriate and proportionate?

Yes / If No:

- a. Are there any specific conditions that you do not think are appropriate/relevant?
4. Do you believe the Code of Conduct for Street Entertainers is clear and understandable?

Yes / If No:

- a. Are there any specific aspects that should be added to or amended?
5. Having applied for a licence, how would you rate the process for the following:
 - a. Find out how to apply for a licence?
 - b. Clarity of the application form? And how to apply for a street trading licence (if appropriate to you?)
 - c. Communication with you after the application has been completed?
 - d. Speed of the application process?
 - e. Fee associated with application?

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A

4. *If you have any additional comments or feedback regarding the application process, please provide them in the text box below:*

_____ (250-500 characters)

Pitches

1. What pitches have you performed on and why? What pitches have you not performed on and why?
_____ (250-500 words)
2. How would you describe the ease of locating a pitch? And the ease of being able to use that pitch? Please explain
_____ (250-500 words)
3. In your opinion, is there anything that could be done to make existing pitches more attractive to perform at?
_____ (250-500 words)
4. From the pitches you have used, please rate them based on:
 - a. Ease of finding a suitable pitch
 - b. Availability of pitch in terms of:
 - i. From other buskers?
 - ii. Pitch suspensions?
 - c. Conditions of pitch

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
5. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think could be appropriate? Why?
_____ (250-500 words)

Communication

1. If you hold a licence for busking or street entertainment, have you been informed when there are any changes to pitch availability? For example, when pitches are suspended for events or organised markets etc?

Yes / No
2. The Busker Forum was introduced as part of the original Policy implementation. Did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
3. If the forum was to take place in the future:
 - a. Are there any specific stakeholders you think should attend?
 - b. What would you like to achieve as part of the forum?
 - c. Who should chair the forum?
 - d. How frequently do you think the forum should take place?

4. Thinking about any engagement that you have had with enforcement Officers and /or the police, how would you rate your interaction with the enforcement Officer(s) based on the following principles: Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
 - o Carried out activities in a way that supports street entertainers to comply with regulations
 - o Shared helpful information about compliance and risk
 - o Ensured information, guidance and advice was coherent and readily available
 - o Demonstrated transparency in their approach
 - o Provided clear information
 - o Was generally helpful
 - o No engagement with WCC Officers or the police

5. Have you have been contacted by an Officer of the Council in regard to a performance? If yes, was this a result of:
 - a. Being an unlicensed street entertainer
 - b. Performances being too loud or causing a nuisance
 - c. Unlicensed street trading
 - d. Performing in an unlicensed pitch
 - e. Any other reason

6. If yes, was the purpose of the interaction clearly explained and understandable? Yes/No

7. How could the communication from Council Officers have been improved?

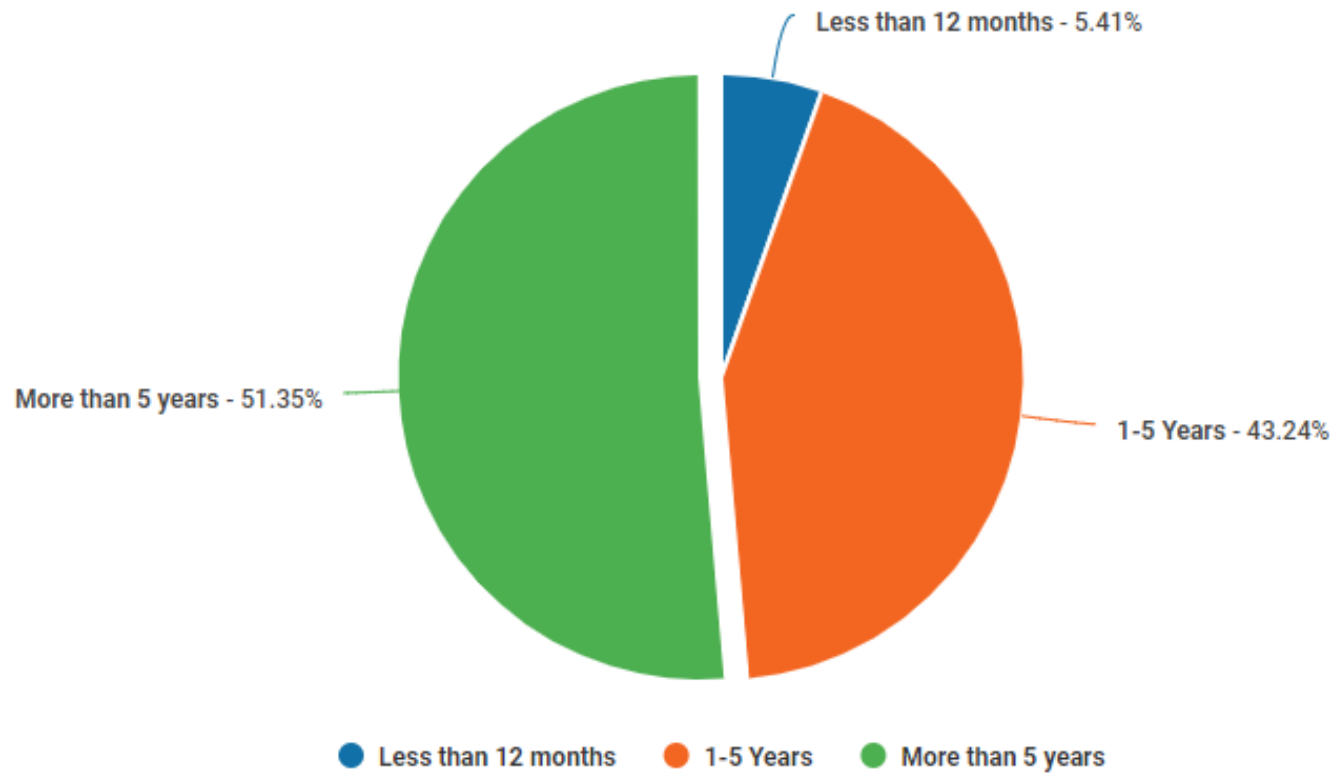
8. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:
 _____ (250-500 words)

Final Thoughts / Comments:

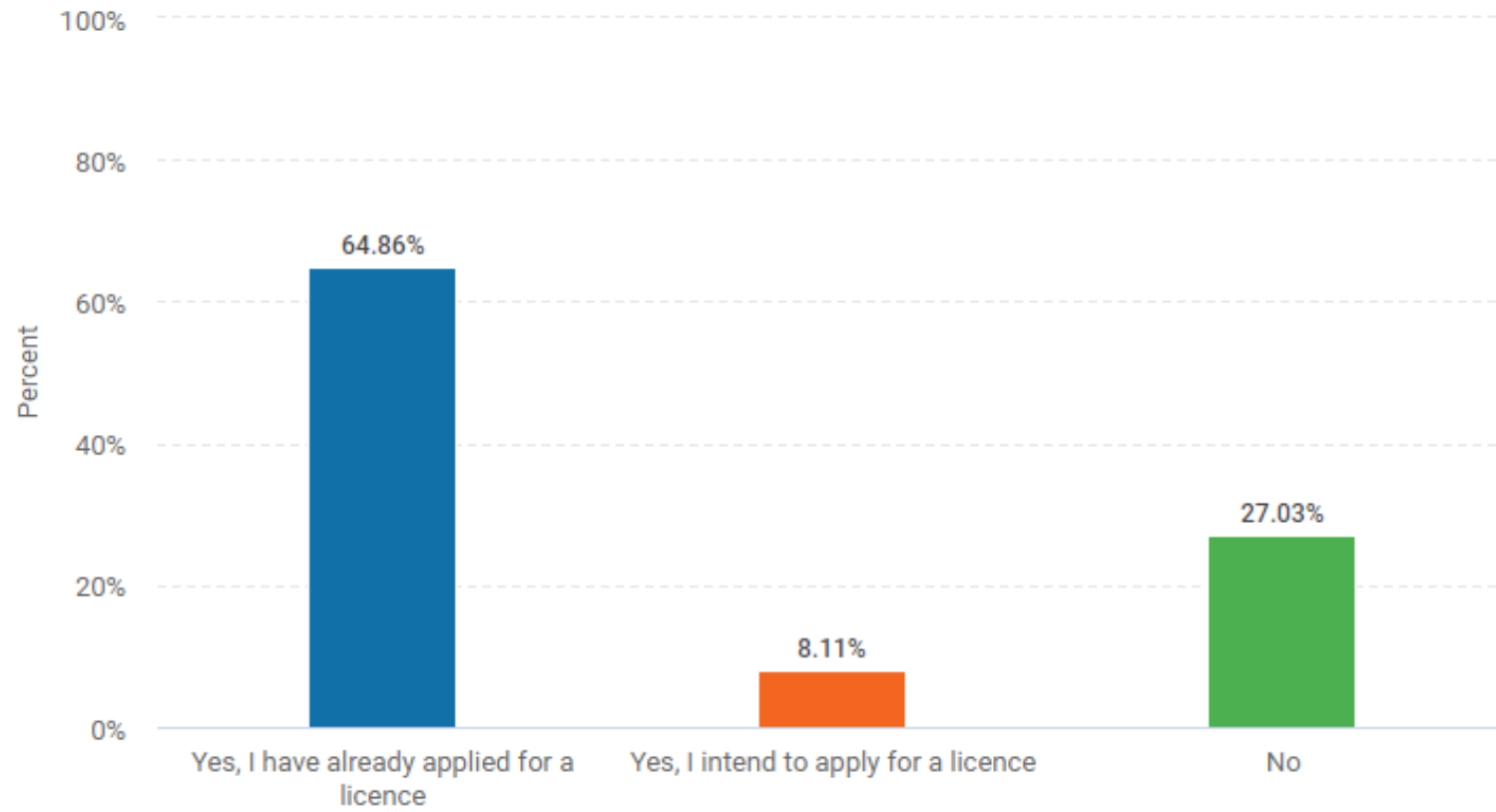
1. Do you have any final comments that have not already been expressed elsewhere in this survey?
 _____ (1000 characters max)

Appendix 2 - Targeted Engagement Survey Results – Street Performers


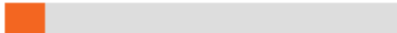








Please indicate how long you have been working in the borough:



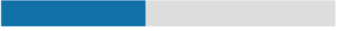




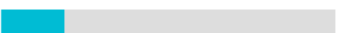

Do you intend to apply for a licence to perform in Westminster?





Please can you state your reasons for choosing not to apply for a licence?

Answer Choices	Responses		
I do not intend to perform in Westminster		0.00%	0
My previous application was unsuccessful		10.00%	1
I cannot afford the licence fee		10.00%	1
My act does not comply with the licensing conditions		30.00%	3
I cannot provide the documents required		20.00%	2
I can't get/afford personal liability insurance		10.00%	1
Unresolved issue with the application process		10.00%	1
I disagree with the requirement to get a licence		100.00%	10
The location of pitches		50.00%	5
Other (please specify): Show		60.00%	6
Answered: 10 Skipped: 141	Response Total:		10






What has attracted you to want to perform in Westminster?

Answer Choices	Responses		
The location of the pitches		43.24%	16
The quality of existing street entertainment		56.76%	21
The amount of money I hope to make is higher than in other boroughs		40.54%	15
The busking and street entertainment policy		8.11%	3
Westminster has always been where I perform		45.95%	17
Proximity to my home		18.92%	7
Other (please specify): Show		29.73%	11
Answered: 37 Skipped: 114	Response Total:		37

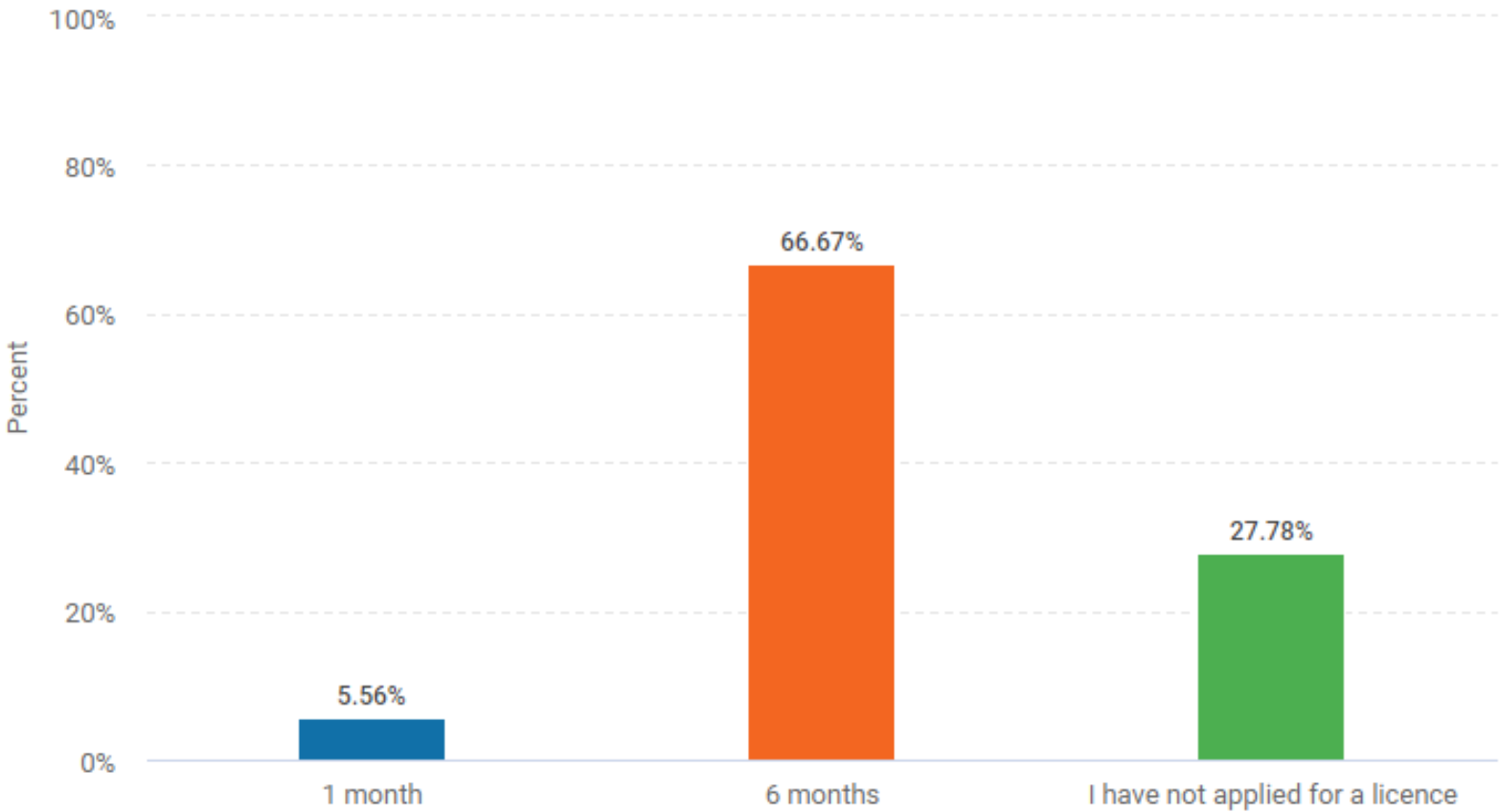
Since the implementation of the policy, would you say that you are still attracted to performing in Westminster?

Answer Choices	Responses		
Yes		50.00%	18
No		50.00%	18
Answered: 36 Skipped: 115	Response Total:		36

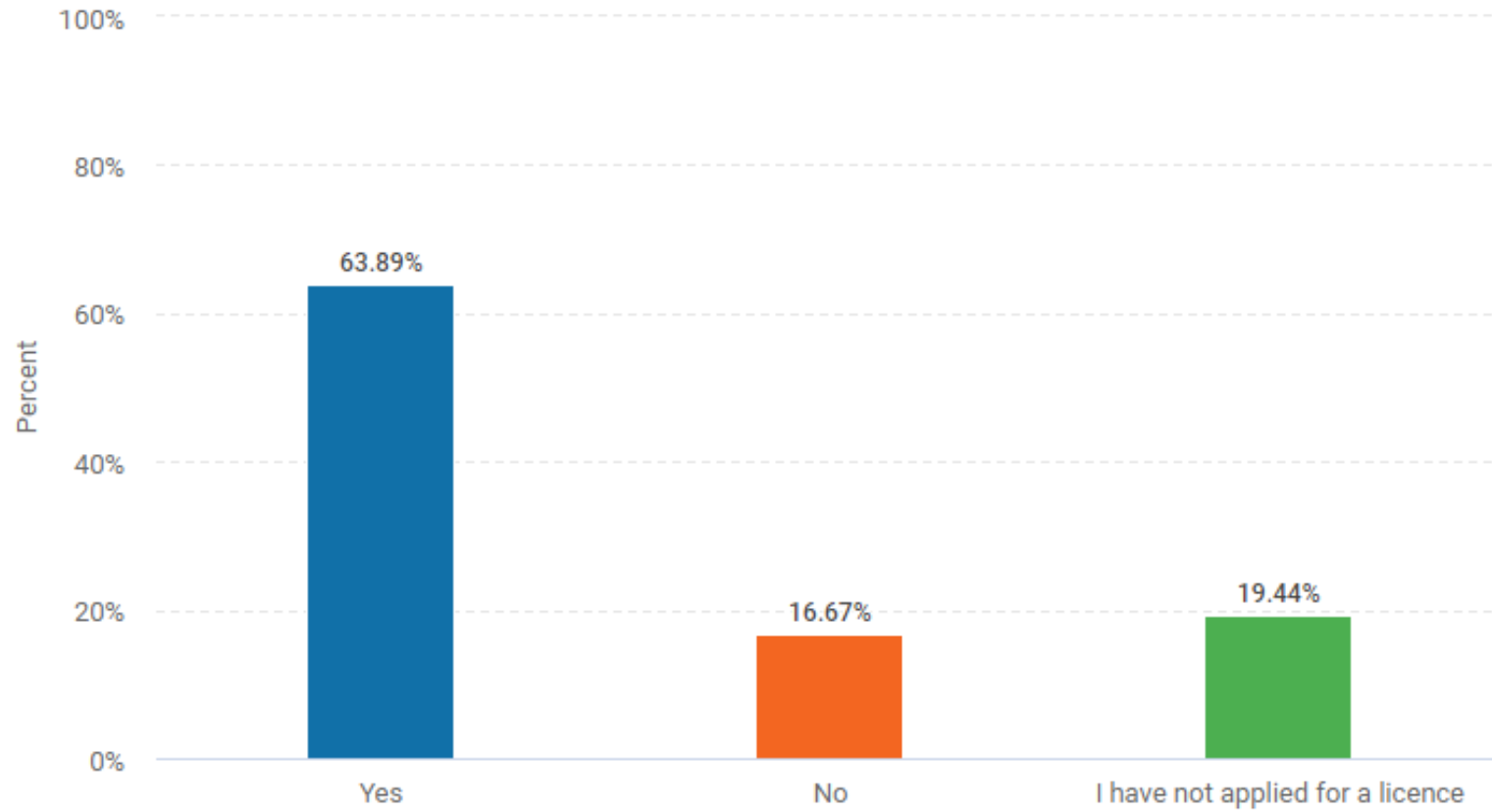
Is this a result of:

Answer Choices	Responses		
The location of pitches		37.84%	14
The quality of existing street entertainment		29.73%	11
The amount of money you hope to make is higher than in other boroughs		21.62%	8
The busking and street entertainment policy		35.14%	13
Westminster has also been the place you perform		27.03%	10
Proximity to home		13.51%	5
Other (please specify): Show		37.84%	14
Answered: 37 Skipped: 114	Response Total:		37

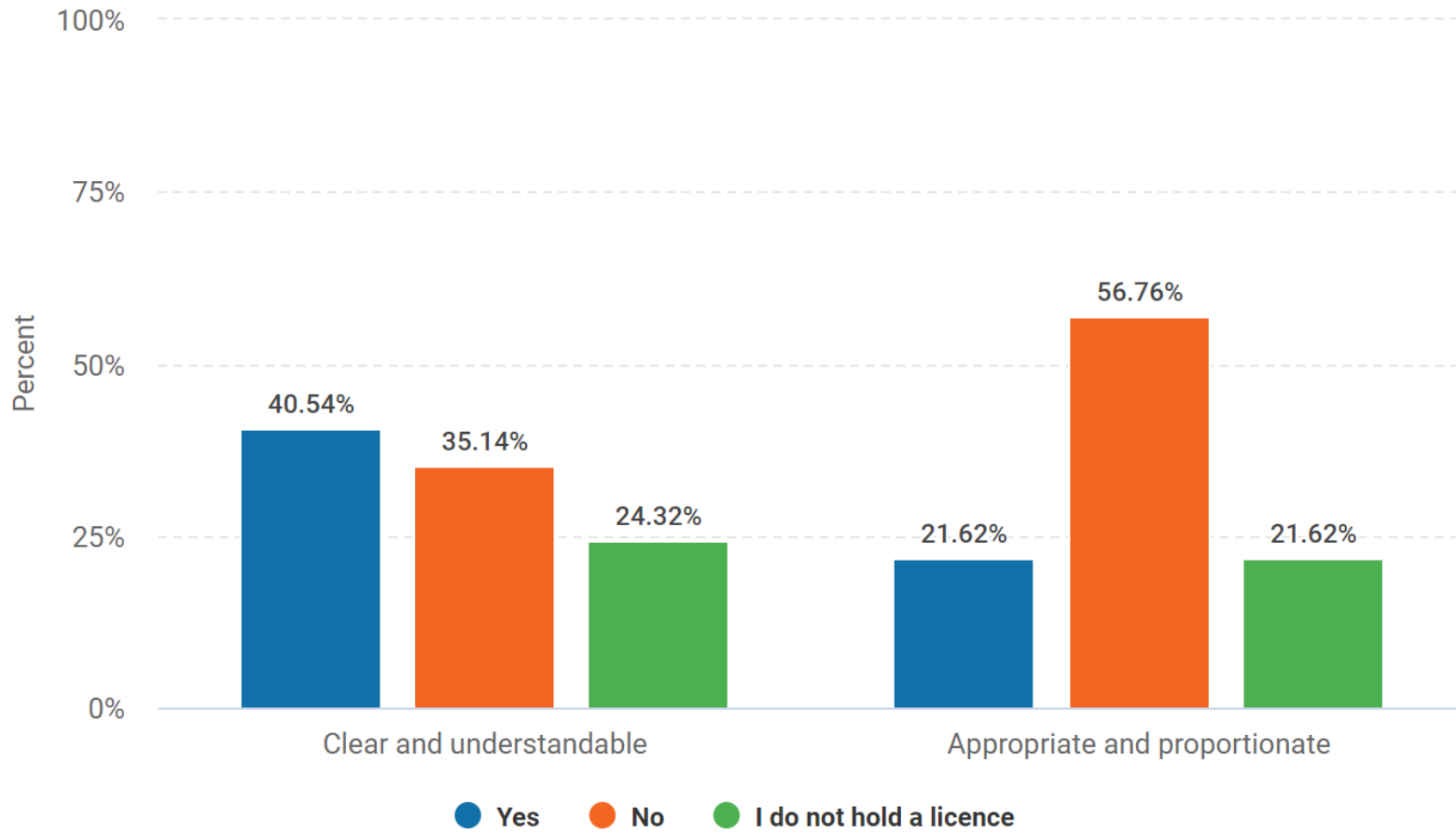
If you have applied for a licence for busking or street entertainment, would you be more likely to apply to renew your licence for a period of 1 or 6 months?



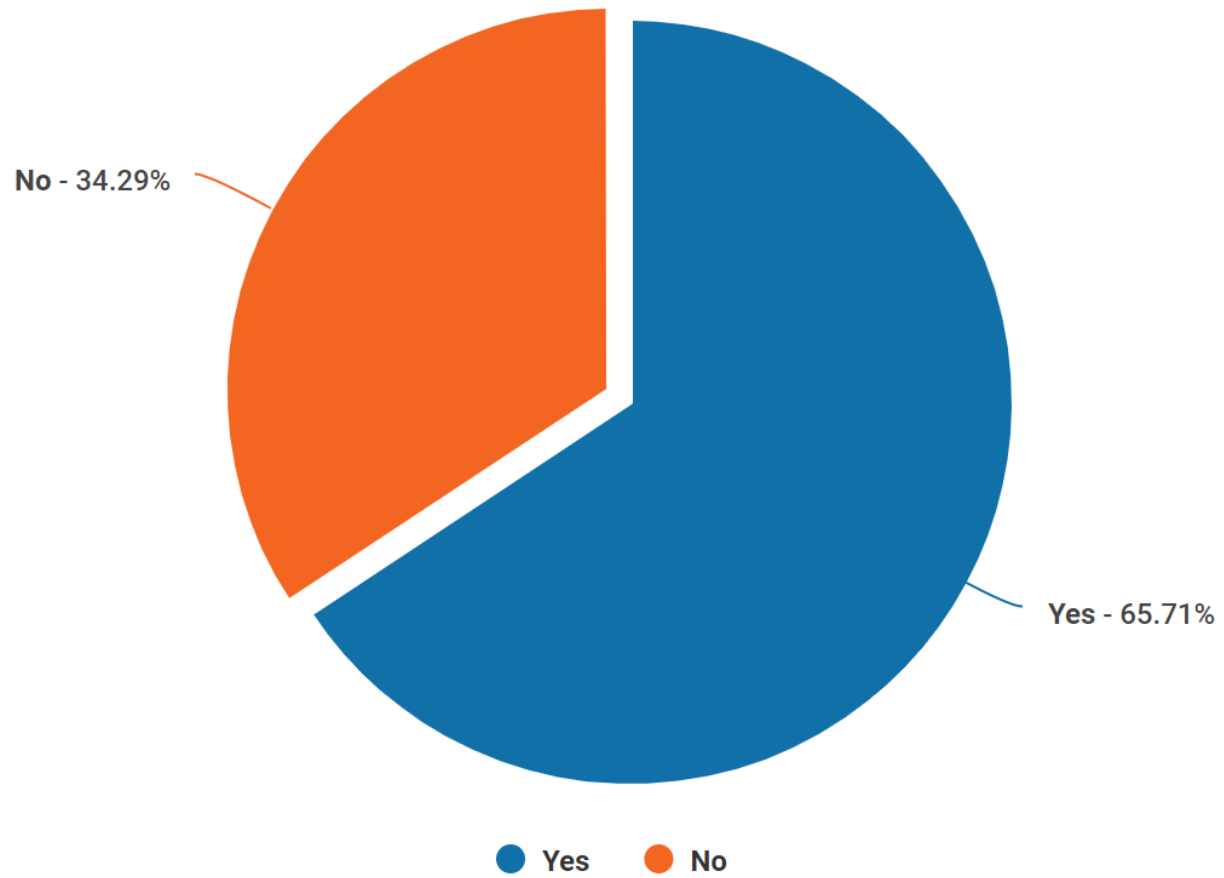
Would you be likely to apply for a 12 month licence if it was offered?



If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



Do you believe the Code of Conduct for Street Entertainers is clear and understandable?



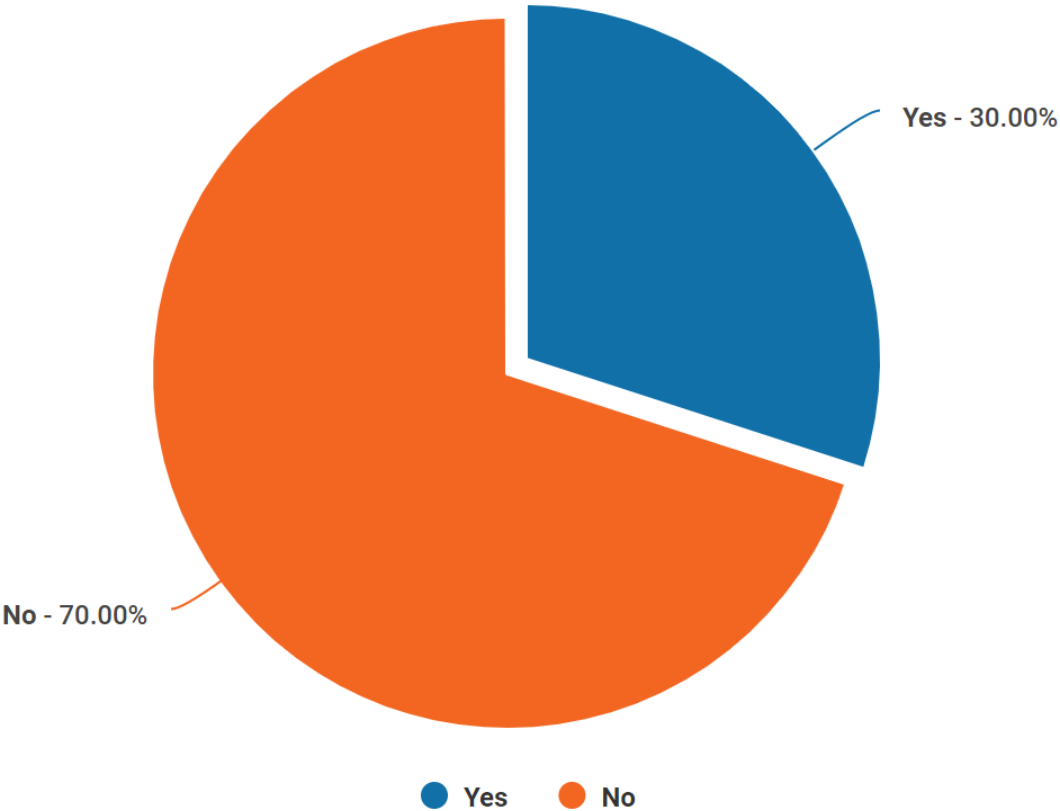
How would you rate the process for the following:

Answer Choices	Excellent	Good	Neutral	Poor	Very poor	N/A	I do not hold a licence	Response Total
Finding out how to apply for a licence	8.11% 3	29.73% 11	21.62% 8	10.81% 4	8.11% 3	2.70% 1	18.92% 7	37
Clarity of the application form and how to apply for a street trading licence (if appropriate to you)	5.56% 2	33.33% 12	22.22% 8	5.56% 2	8.33% 3	5.56% 2	19.44% 7	36
Communication with you after the application has been submitted	8.11% 3	16.22% 6	29.73% 11	5.41% 2	16.22% 6	2.70% 1	21.62% 8	37
Speed of the application process	8.11% 3	16.22% 6	21.62% 8	18.92% 7	10.81% 4	2.70% 1	21.62% 8	37
Fee associated with the application	2.78% 1	19.44% 7	27.78% 10	11.11% 4	13.89% 5	2.78% 1	22.22% 8	36

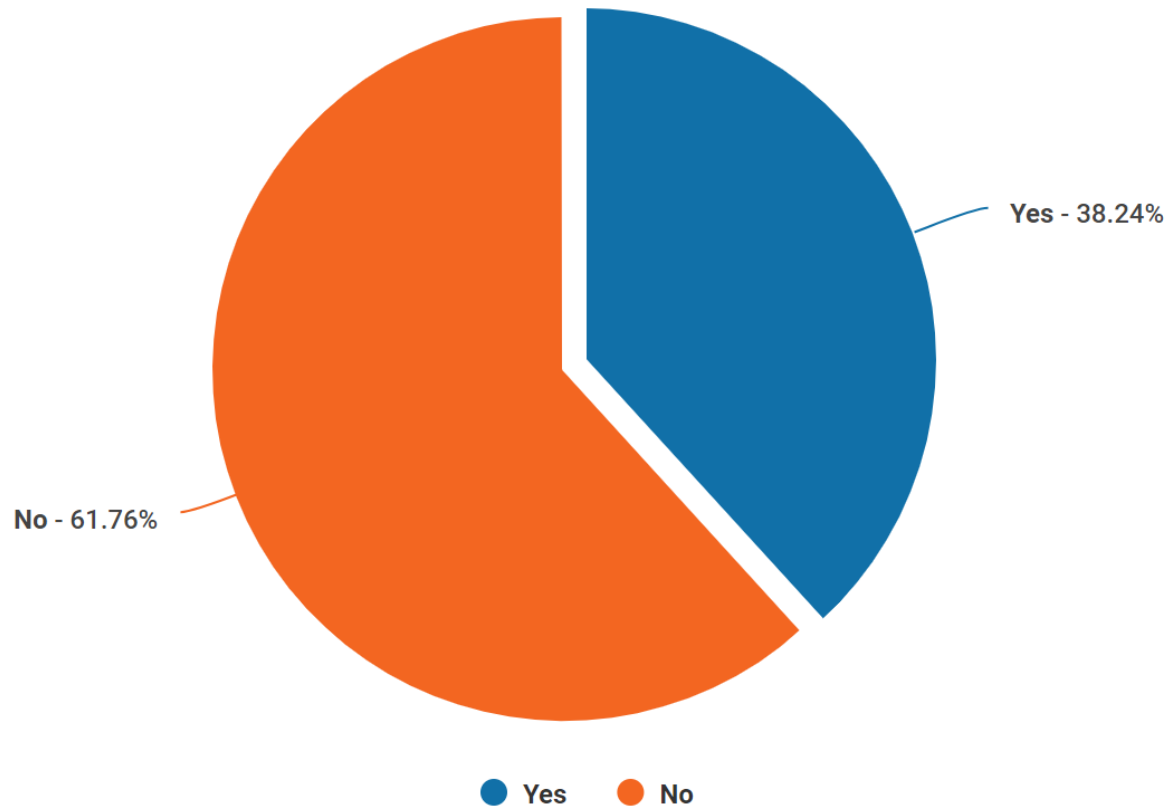
From the pitches you have used, please rate them based on:

Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Ease of finding a suitable pitch	11.76% 4	29.41% 10	20.59% 7	14.71% 5	14.71% 5	8.82% 3	34
Availability of the pitch from other buskers	5.88% 2	8.82% 3	17.65% 6	29.41% 10	29.41% 10	8.82% 3	34
Availability of the pitch from pitch suspensions	0.00% 0	11.76% 4	26.47% 9	14.71% 5	29.41% 10	17.65% 6	34
Conditions of the pitch	6.06% 2	18.18% 6	39.39% 13	9.09% 3	12.12% 4	15.15% 5	33

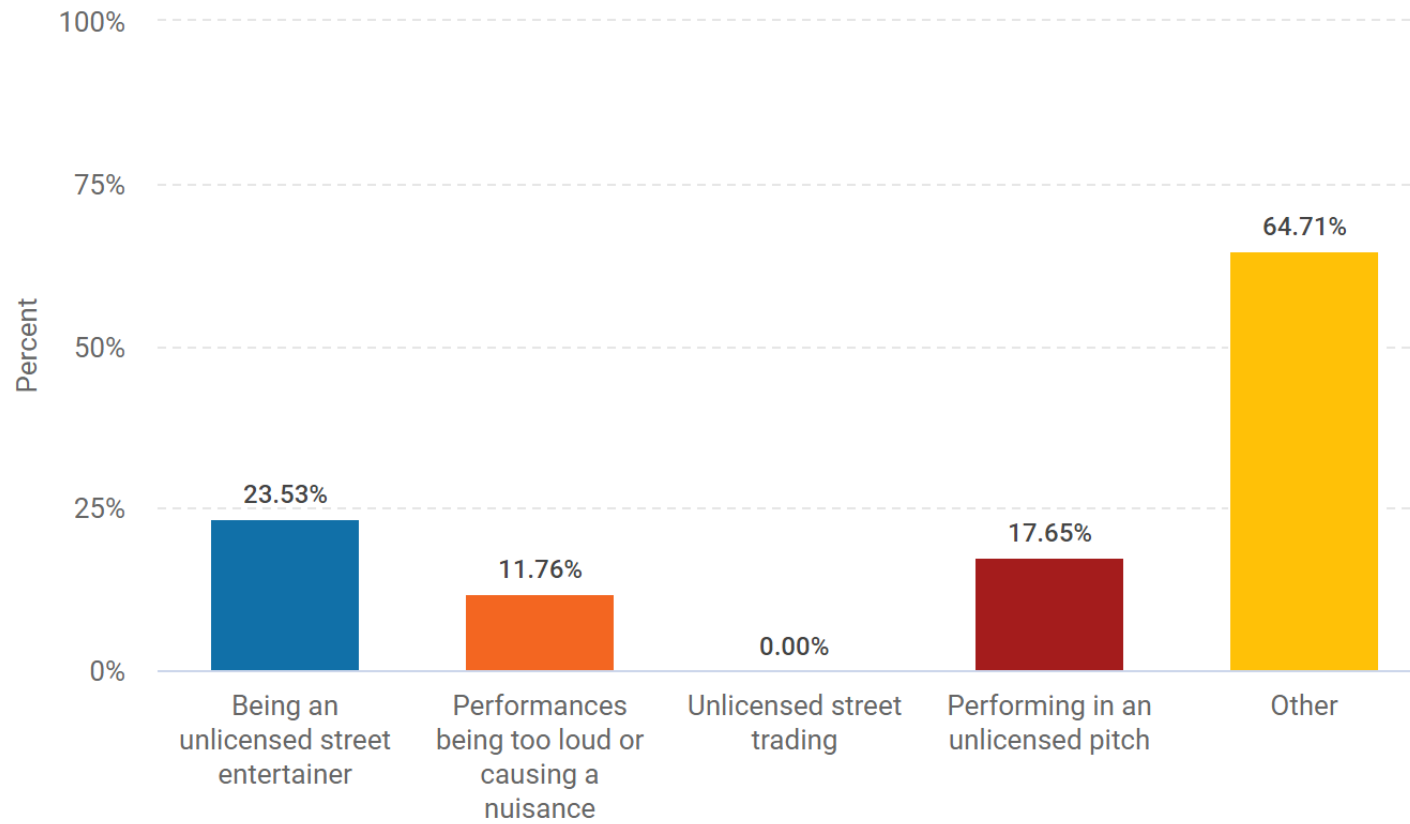
If you hold a licence for busking or street entertainment, do you know how to check if there are any scheduled changes to pitch availability? For example, when pitches are suspended for events or organised markets.



Has an authorised officer (either a council enforcement officer or police officer) been in contact with you in regard to a performance of yours?



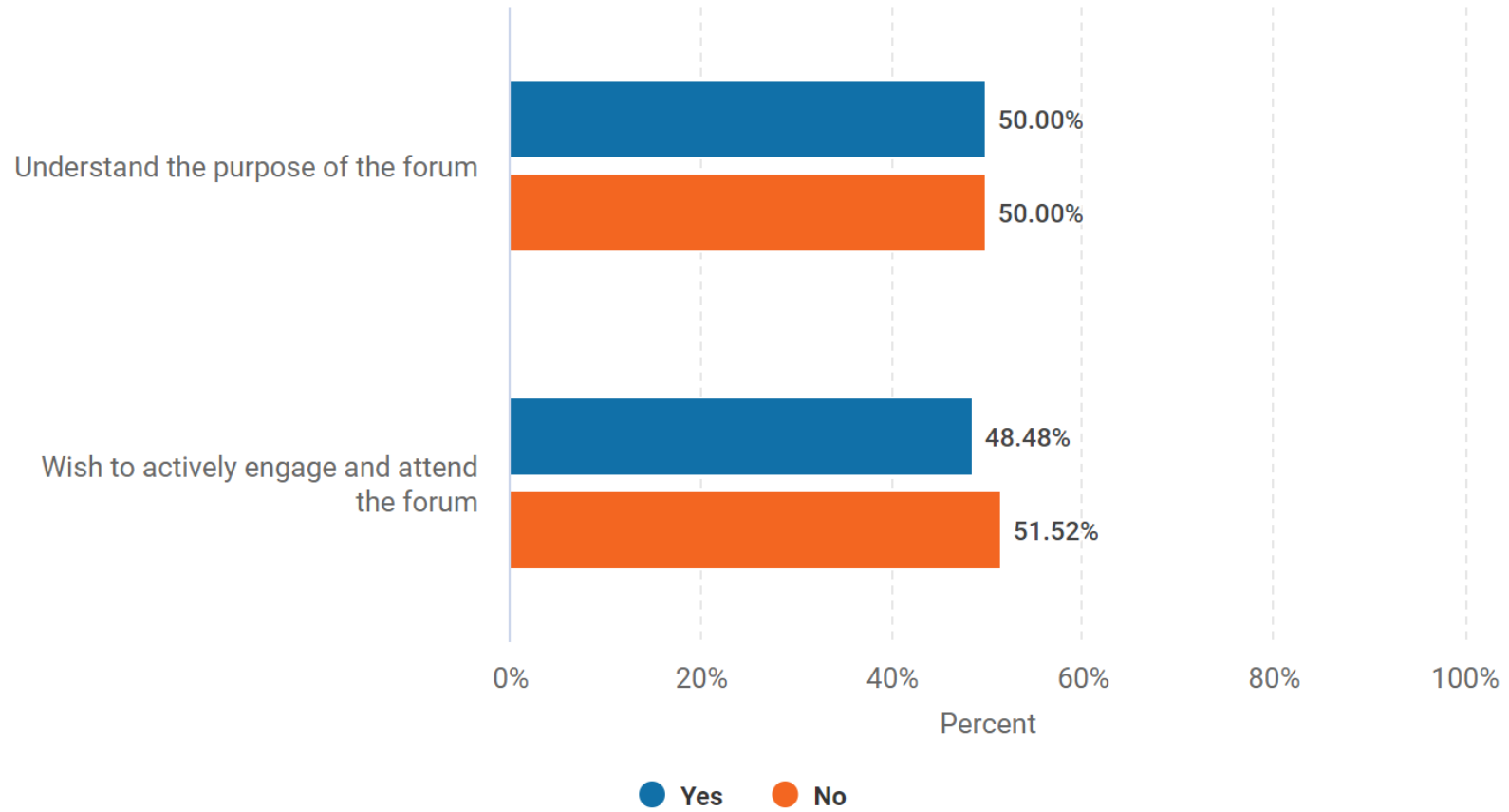
Was this a result of:



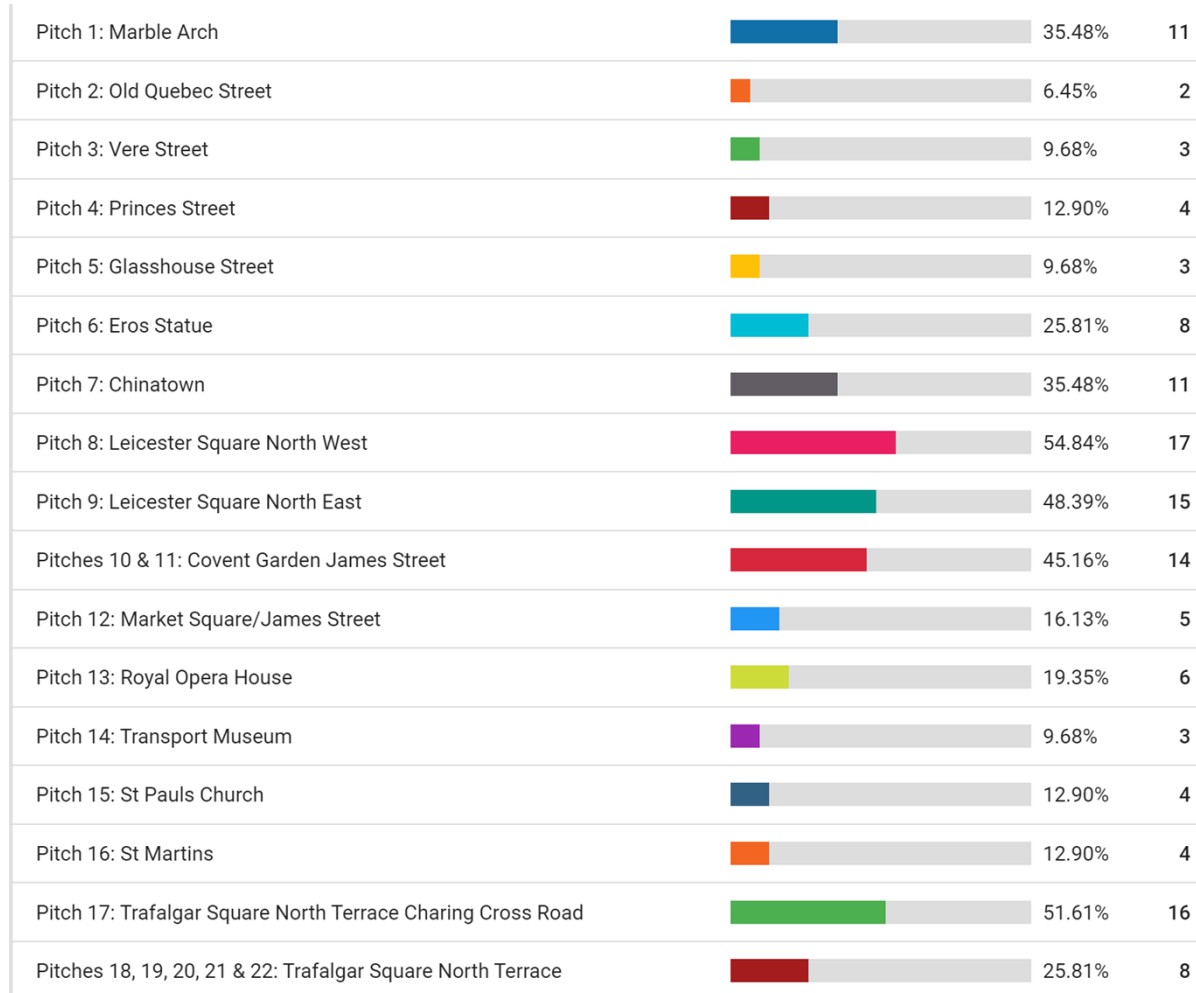
Thinking about any engagement that you have had with enforcement officers and/or the police, how would you rate that interaction based on the following:



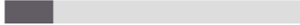
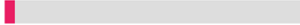
Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Carried out activities in a way that supports street entertainers to comply with regulations	0.00% 0	9.68% 3	22.58% 7	12.90% 4	32.26% 10	22.58% 7	31
Shared helpful information about compliance and risk	0.00% 0	10.71% 3	25.00% 7	14.29% 4	25.00% 7	25.00% 7	28
Ensured information, guidance and advice was coherent and readily available	0.00% 0	13.33% 4	16.67% 5	16.67% 5	30.00% 9	23.33% 7	30
Demonstrated transparency in their approach	0.00% 0	13.79% 4	27.59% 8	10.34% 3	31.03% 9	17.24% 5	29
Provided clear information	0.00% 0	20.00% 6	20.00% 6	10.00% 3	30.00% 9	20.00% 6	30
Was generally helpful	3.23% 1	16.13% 5	19.35% 6	6.45% 2	35.48% 11	19.35% 6	31

The Busker Forum was introduced as part of the original policy implementation. Did you:

















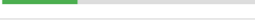






Which pitches have you performed at?



Pitch 23: King Charles Statue		6.45%	2
Pitch 24: Northumberland Avenue		3.23%	1
Pitch 25: Charing Cross Station		16.13%	5
Pitch 26: Northumberland Avenue/Hungerford Bridge		3.23%	1

Which pitches have you not performed at?

Pitch 1: Marble Arch		76.47%	13
Pitch 2: Old Quebec Street		88.24%	15
Pitch 3: Vere Street		82.35%	14
Pitch 4: Princes Street		82.35%	14
Pitch 5: Glasshouse Street		82.35%	14
Pitch 6: Eros Statue		64.71%	11
Pitch 7: Chinatown		52.94%	9
Pitch 8: Leicester Square North West		35.29%	6
Pitch 9: Leicester Square North East		23.53%	4
Pitches 10 & 11: Covent Garden James Street		41.18%	7
Pitch 12: Market Square/James Street		52.94%	9
Pitch 13: Royal Opera House		70.59%	12
Pitch 14: Transport Museum		76.47%	13
Pitch 15: St Pauls Church		70.59%	12
Pitch 16: St Martins		82.35%	14
Pitch 17: Trafalgar Square North Terrace Charing Cross Road		29.41%	5
Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace		41.18%	7
Pitch 23: King Charles Statue		82.35%	14
Pitch 24: Northumberland Avenue		70.59%	12
Pitch 25: Charing Cross Station		64.71%	11
Pitch 26: Northumberland Avenue/Hungerford Bridge		76.47%	13

Responses relating to questions with free text fields.

1	Conditions
	Pitche should last for 2 hours - anything additional to help buskers with special needs, impairments/disabilities
	Too few amplified pitches which leads to long queues at pitches. Unamplified only work for very few acts
	More amplified pitches
	Regular emails to licences holders when pitches are suspended
	New buskers should go through an audition to put more emphasis on skill and quality
	Minimum of 5 amplified pitches to stop overcrowding.
	Amend the reduction of amplified pitches
	Let us know if there are works/premieres going on
	Simple regulation on volume for the performers
	Bring back musician pitches in Covent Garden piazza
	Shouldn't be necessary to hold a licence
	The licence scheme is failing a whole community of creative artists - reduce negative impacts through communication and cooperation instead
	Buskers are treated poorly by Council team members and need for greater security
	More amplified pitches and less licences given
	Buskers have been assaulted and robbed and so need for greater security
	Amplified pitches are too limited and in poor locations
	3 hour queues for amplified pitches
	Lack of provision made for when events are on
	40 minutes is not long enough for professional buskers (2 hour set needed)
	Working hours are too restricted
	Program needs to be scrapped
	Volume levels of no more than 75db
	Licence is a disgrace
2	Code of conduct
	Smart appearance
	Cohesion and mutual respect between the buskers and enforcement Officers
	Abandon it
	Enforcement that is proportionate
	Need clarification on Covent Garden
	Rules concerning proximity of busking to other spots, merchants (newspaper sellers, stallers) and their noise levels which could disrupt busking entertainment
	Accordions should be banned as well as bagpipes
	Dance groups should be banned as they are bullies in a group and intimidate other buskers
3	Application process
	Renewing licences and no Officer to contact
	Open more pitches as threatening with lawsuits but not providing sufficient space
	People to send a video of them performing to ensure they have the right set up prior to obtaining the licence
	Performers should not have to pay for a licence to provide a service
	Unable to play for a month and was never refunded
	Westminster not policing acoustic only pitches
	Apply for a licence for longer periods of time and enable automatic renewal of licences

Better system to weed out the people who are not serious about performing

4	Ease of location a pitch
	For visually impaired it is difficult and need to ask members of the public to help locate it
	Easy, provided there is no queue
	Terrible - amplified busker and only 2 pitches that work
	Most of the pitches are unusable for amplified performers and remain unused
	Easy to find but limited
	Most pitches are placed in sub-optimal places
	More spots at tourist locations
	Move amplified pitches to better locations such as the Eros Statue and Chinatown
	Use of Marble Arch is in a poor location
	Invite local artists to draw/paint a floor mural on which to stand on - look at the art and what London has to offer
	Remove the satanic star in the circle
5	Locations not currently designated
	Near to Bond Street station and West One shopping centre. Possibility of dividing Oxford St into areas rather than pitches
	Piccadilly Circus (Eros Statue), China Town and the M'n M side of Leicester Square (I believe it is the western side). Those pitches are invaluable and have traditionally always been busking pitches. Under the new licensing scheme these pitches only allow unamplified busking, which makes them unworkable for most performers. Almost all street artists use some form of amplification
	Piccadilly, China Town, Leicester Square West as all amplified pitches
	Piccadilly Circus, Victoria Station, Tottenham Court Road - pitches under roofs for the Winter or when raining
	Trafalgar Square in front of Waterstones
	The whole of the borough
	Where the lions are in Trafalgar Square
	Near Edgware Road tube, Marylebone flyover - also near Regents Park tube, Marylebone Road. Bayswater Road area
	Shepherd's Mews Mayfair, Berkeley Square, New Bond Street, South Molton Street
	Oxford Circus (amplified), Edith Cavell Memorial (Charing Cross Road)
	Outside the Royal Opera House in the corner of Covent Garden
	Triumphal arch, embankment and Victoria
6	Engagement with the Council
	Hostility when pitches are closed down and there were no other pitches available - problems stem from too few available pitches
	Have never received help from the Council when needed
	Enforcement team don't know the rules they are enforcing
	Advocating for disability rights but met with obstruction or indifference
7	Busker forum
	Council spokesperson to chair the forum with common issues discussed, grievances aired and resolved
	Remove conflict of interests by those who own residential or commercial properties
	Monthly meetings
8	Final comments
	Bullying of certain performers within the busking community

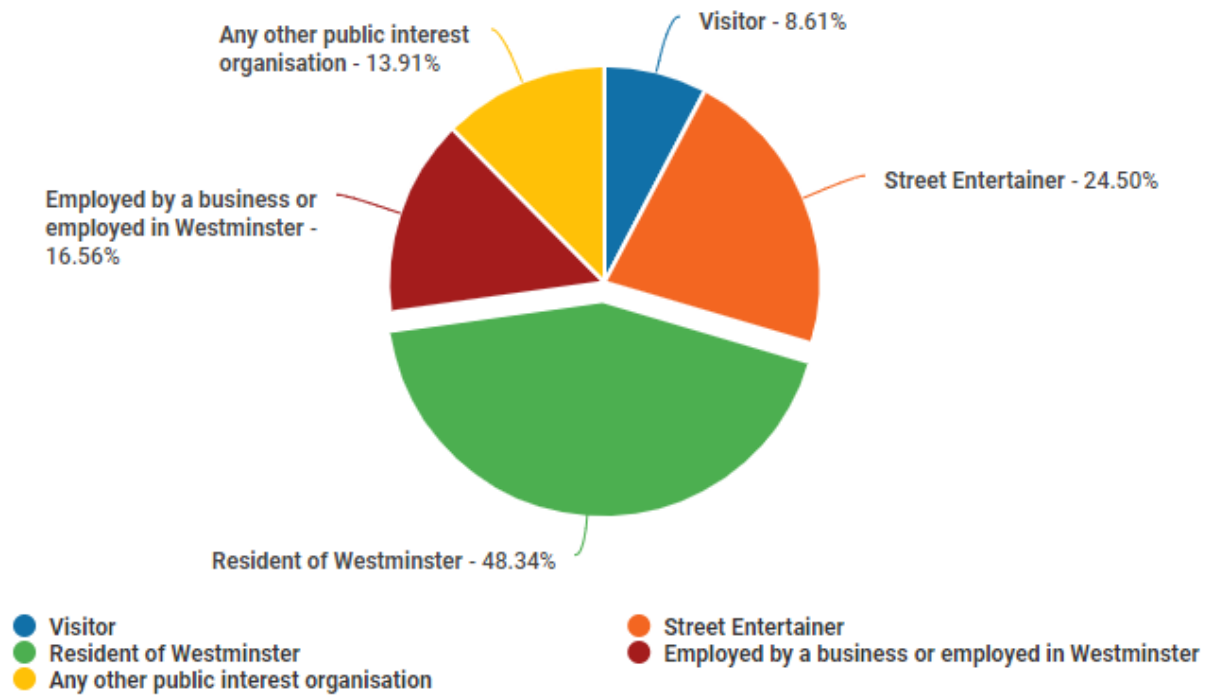
The licence has been poorly managed and very strict/unfair from the beginning
Fundamentally against any form of licensing
Enforcement should monitor buskers but also surrounding area for unlicensed buskers/nuisance

9	Pitches performed at
	All other spots do not allow amplified music
	Most suitable for the type of music played
	Work on private land spots, not WCC
	There is only 1 key pitch
	Heavy footfall
	Instrument permitted on these but not others

10	Pitches not performed at
	Getting around the pitches takes time so tend to stick to a couple of pitches instead
	The pitches that can be performed at do not seem as lucrative
	Most pitches are unamplified and therefore unusable
	Too many buskers queuing
	Pitches should be decided by street performers who understand the subtleties and nuances of street performing
	It is impossible to be heard

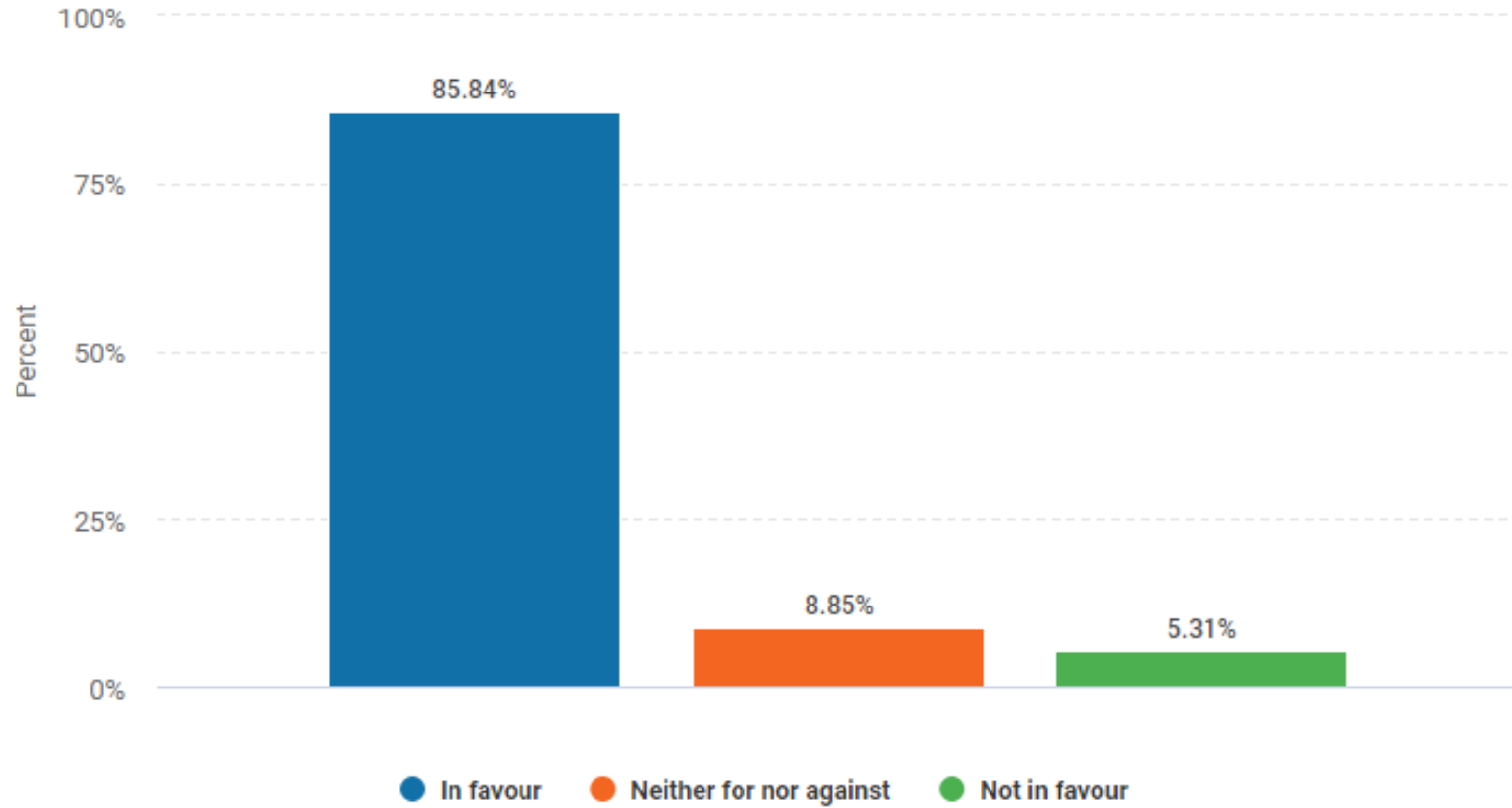
Appendix 3 – Targeted Engagement Survey Results – Non-Street Performers

Please tick all that apply. Are you a...

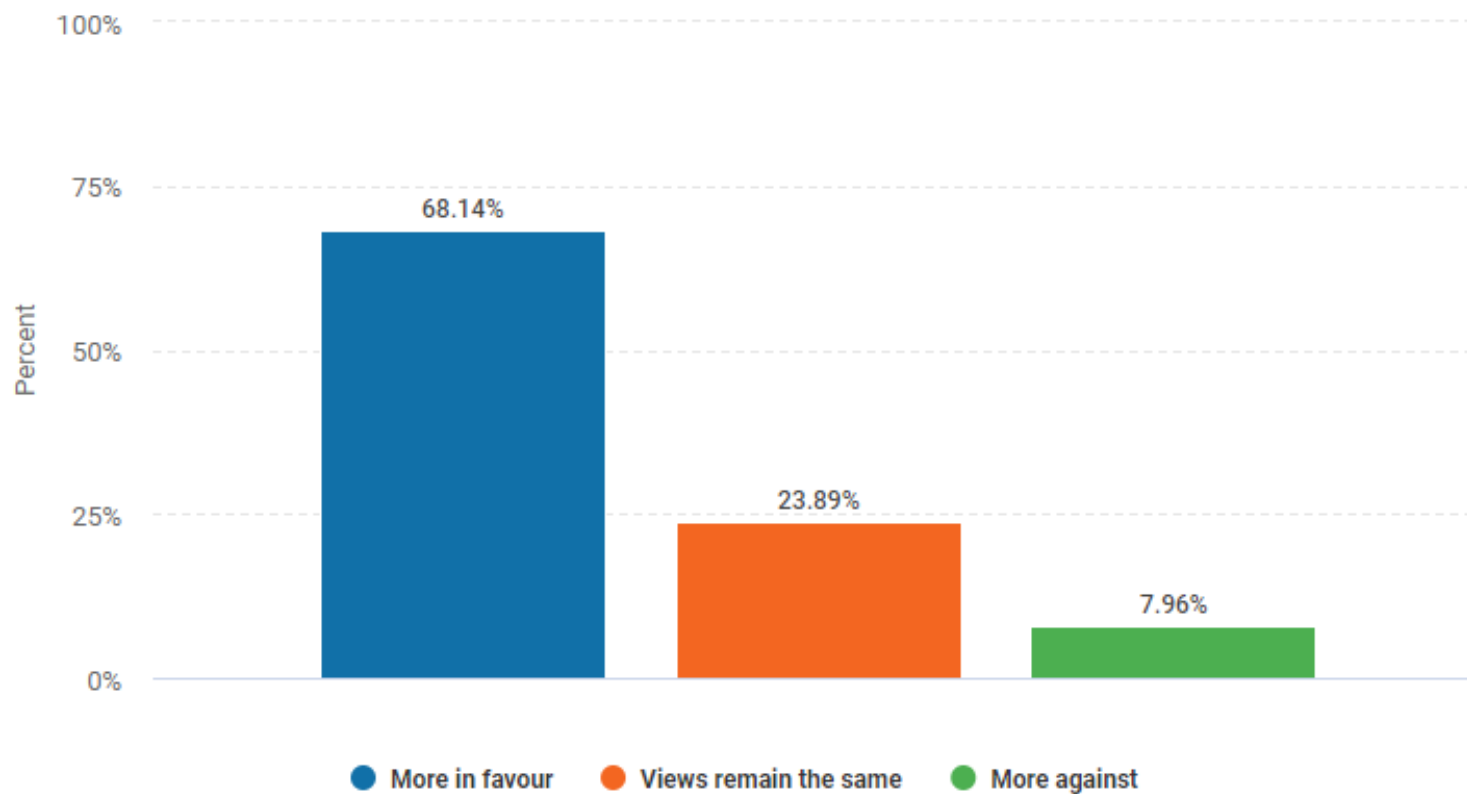


With nearly 92% of respondents living or working in the borough for more than 5 years.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?

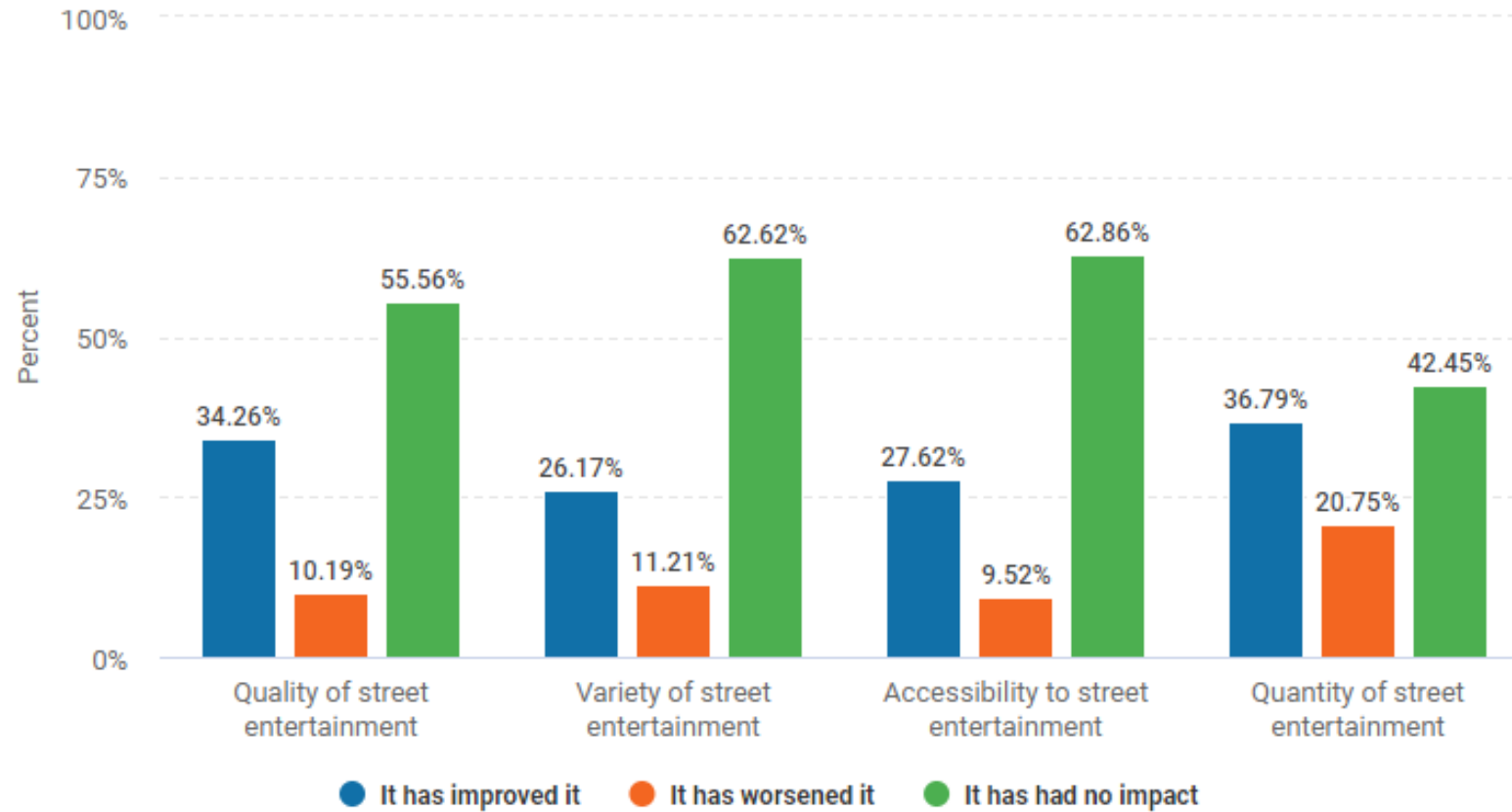


Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

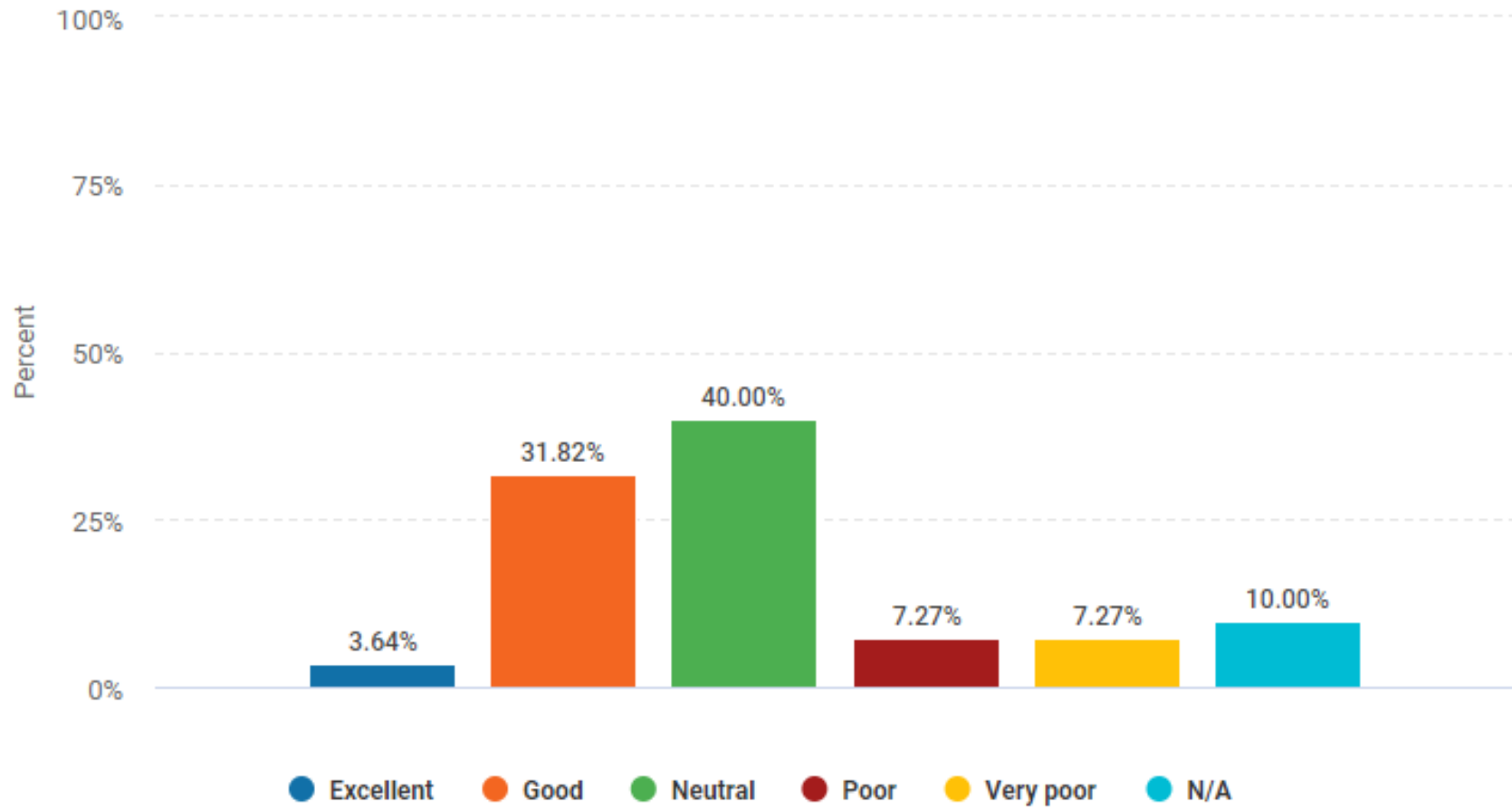


Prior to the implementation of the scheme, a large majority (86%) of respondents were in favour of the need to regulate busking and street entertainment. Since the roll out of the Policy, we see only a slight increase in those who are against/not in favour of the scheme.

What impact, if any, would you say the policy has had on the following and why?



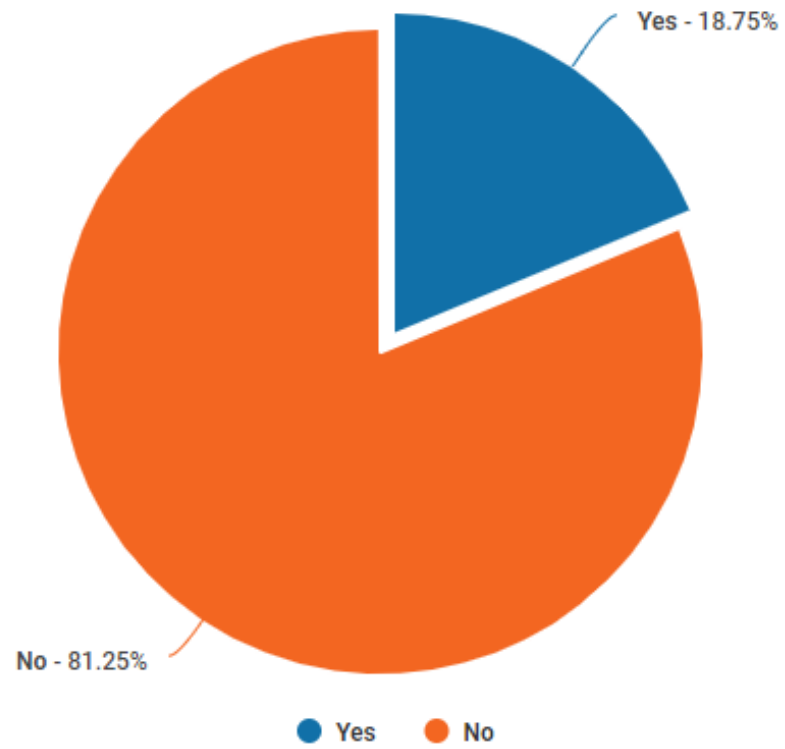
How would you rate Westminster City Council's promotion of busking and street entertainment?



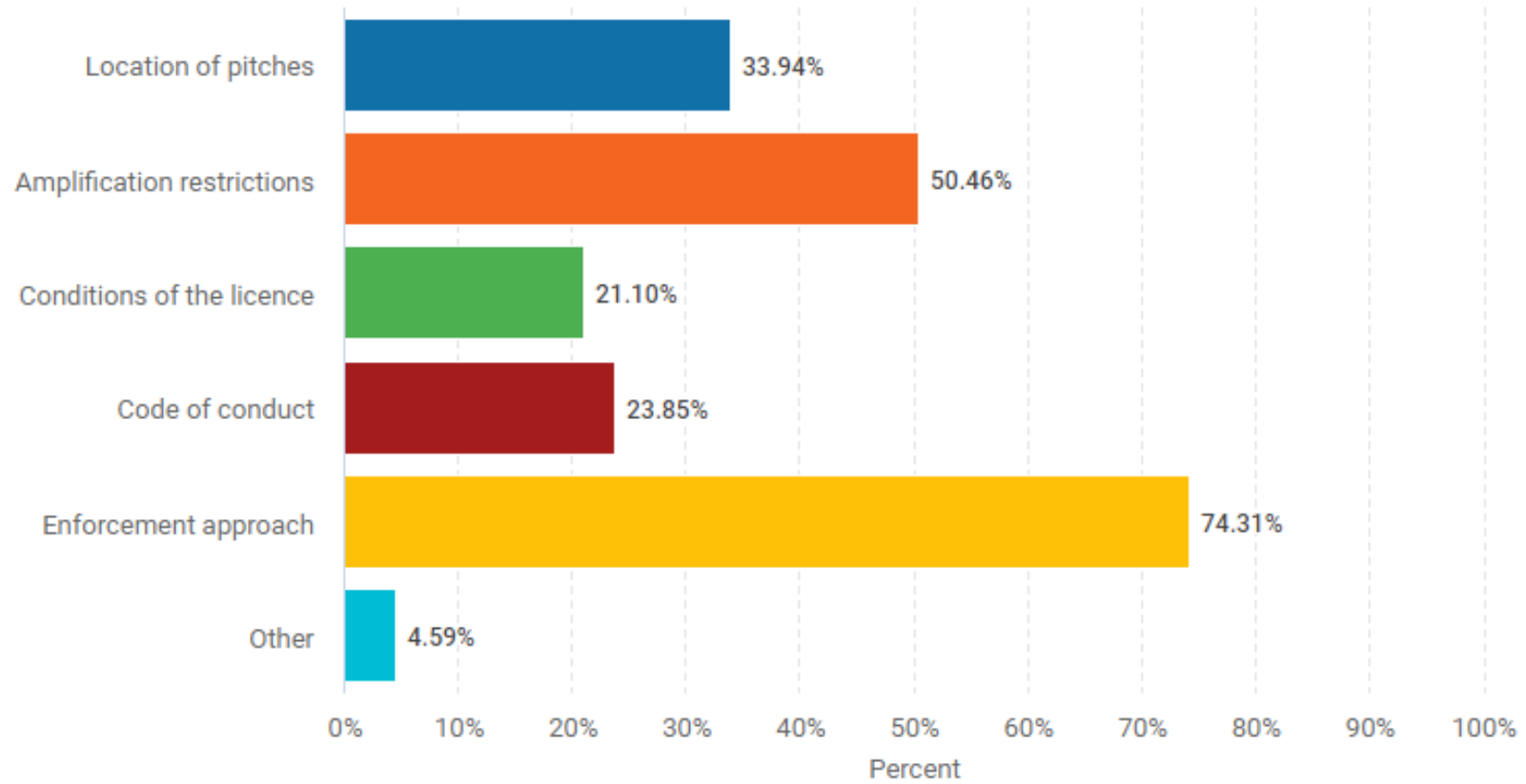
Since the policy came into effect, how often do you feel that the following have been an issue:

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

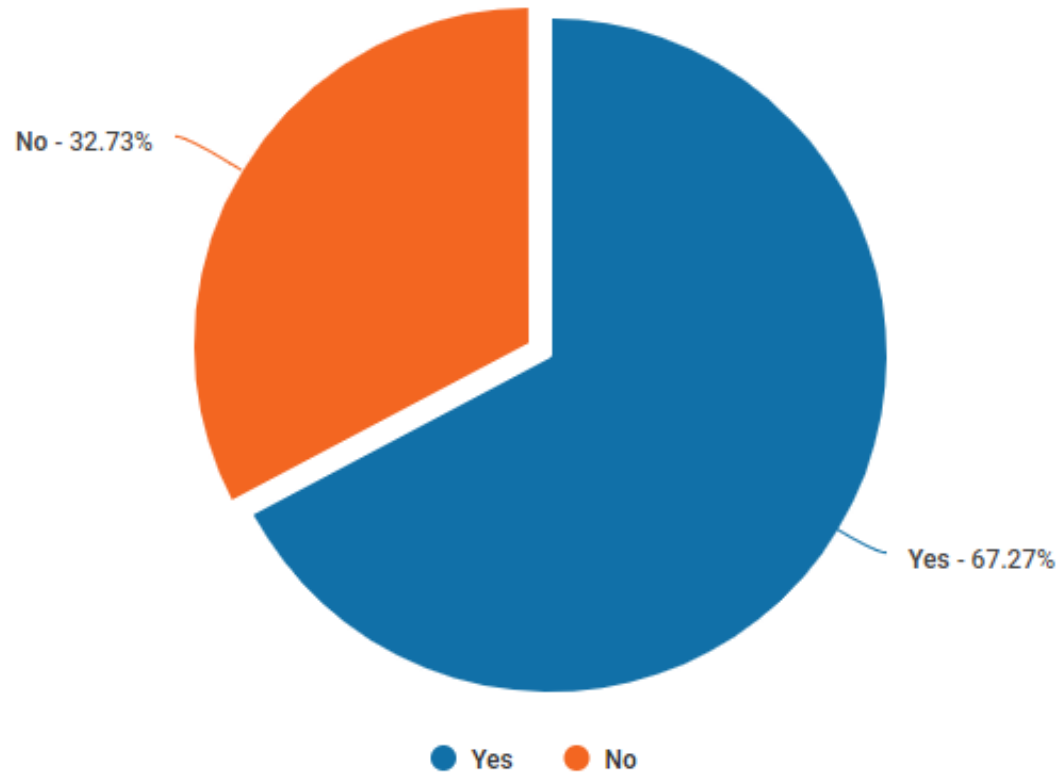
Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



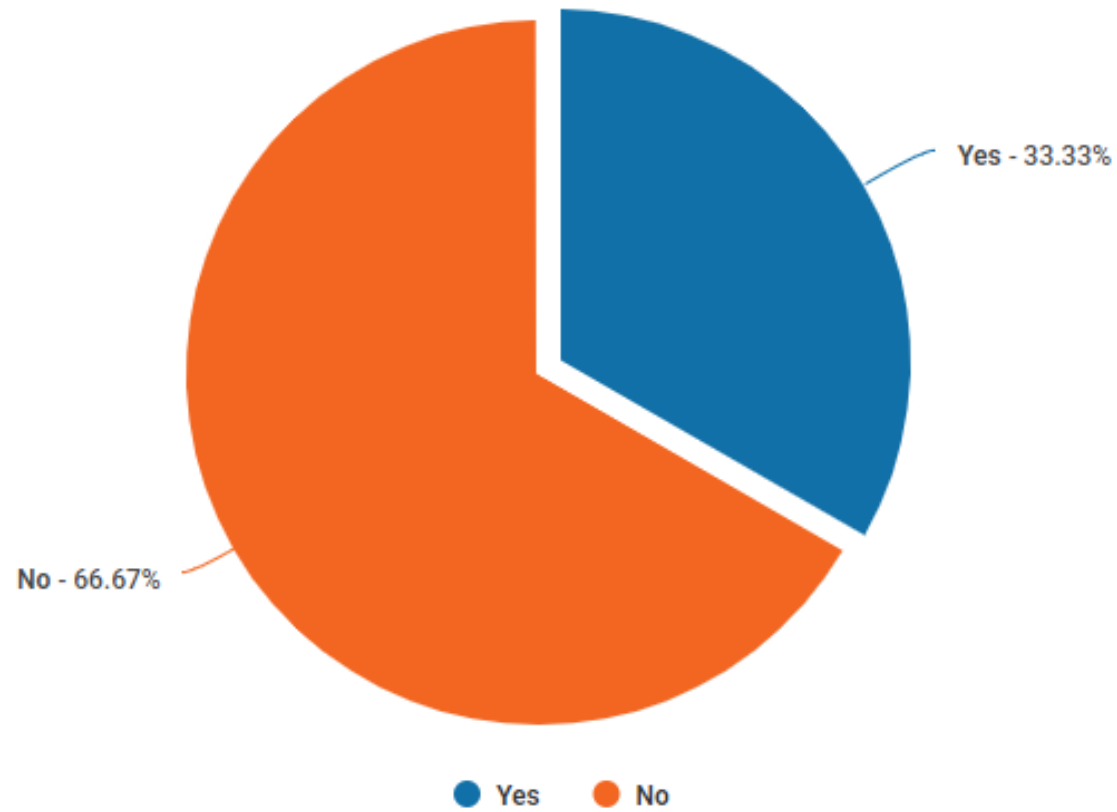
Is this a result of:



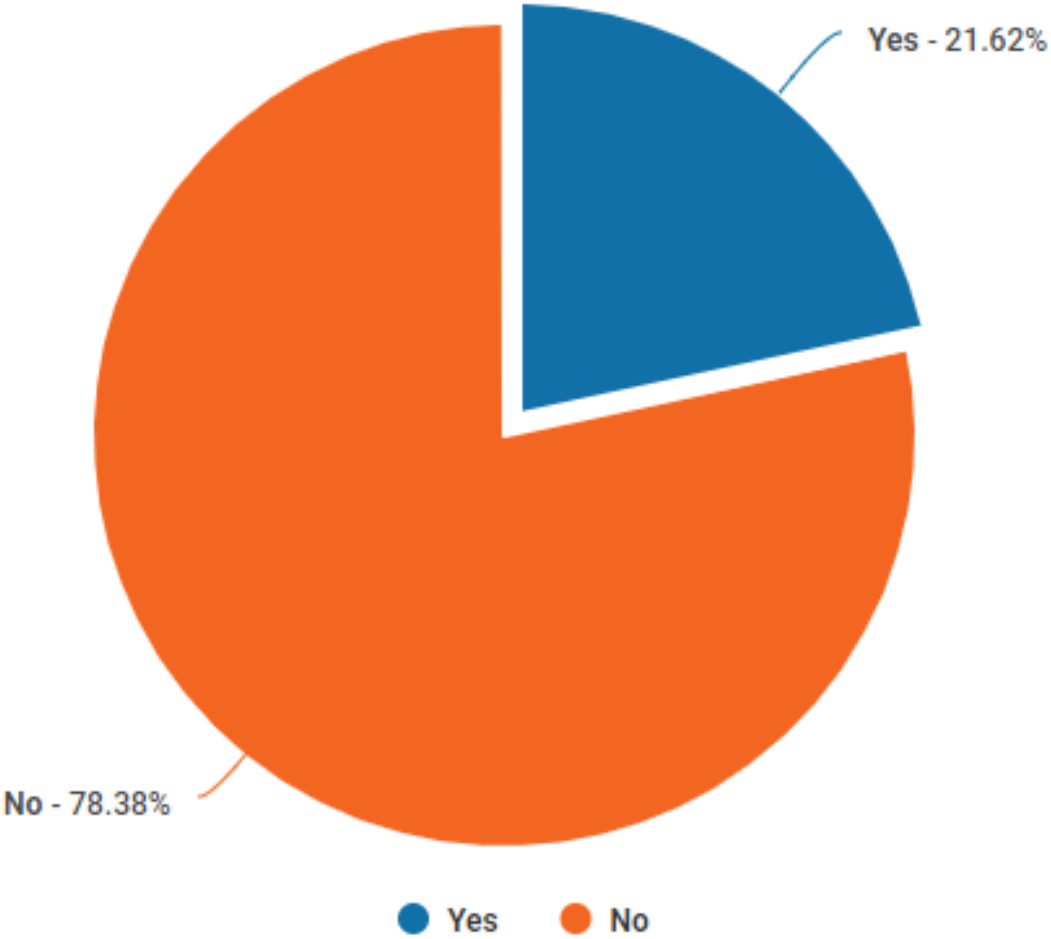
Do you know how to report concerns/nuisance and how to contact the council for any queries relating to busking and street entertainment?



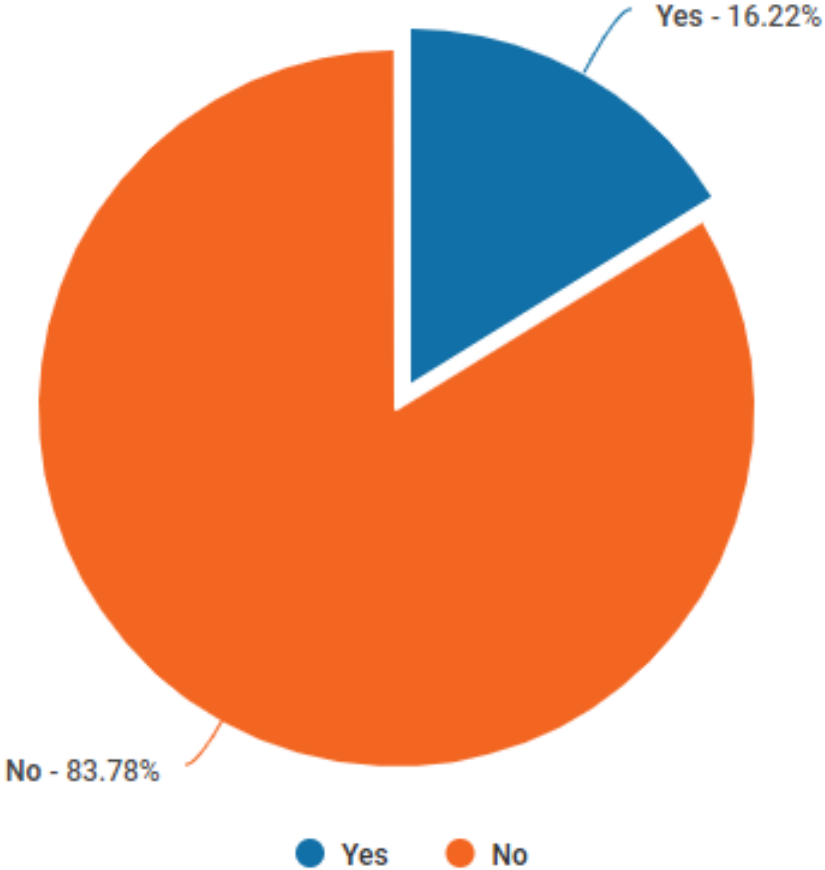
Since the policy came into effect, have you reported any issues or concerns related to busking and street entertainment to the council?



Do you believe that the cause of your query/complaint has been resolved?



Do you believe that it was dealt with effectively and in a timely manner by council officers?



Responses relating to questions with free text fields.

1	Reason for a change in views
	Playing music in areas that are not designated pitches
	Policy not as effective as it could be through lack of enforcement comined with a lack of co-operation from some of the street entertainer groups
	Need to actively enforce it
	Not sufficiently enforced
	Sound regulation
	Little point in having regulations without enforcement
	increased use of amplification
	Tendency to increase amplification and extend the timeframe - need for more rigorous regulation, control and monitoring
	Actively enforce it
	The Policy has not been managed/policed and is ineffective
	Buskers using amplifiers in non designated areas causing more noise pollution
	Blocked passage for pedestrians in busy areas - problem areas of Tottenham Court Road Station, centre point area development zone, Trafalgar Square - pedestrian zone Leicester Square
	Volume of amplification
	Only acoustic or controls on decibels
	Some street entintiners try to bend the rules or just outright ignore them
	Obstruction on pavements
	Portman Estate wants to remove the Old Quebec Street pitch
	Poor quality entertainment
	Unlicensed buskers
Criterion Theatre having issues with repetitive loud music in Piccadilly Circus	
Refugee charity at 16 Leicester Square facing unbeliebavly loud performers	
No enforcement of CG pitch 13	

2	Like most about the Policy
	No busking outside of designated busking spots
	Fixed pitches make sense
	Reduces noise nuisance and crowd obstructions
	Restrictions on the number and locations of pitches where amplification can be used
	Filters out talentless buskers
	Defined areas and hours
	Quality of the performers is good
	Resident engagement
	Reduction in busking areas where it is appropriate
	Well structured and unambiguous
	Geographic limits on the location of buskers and the number of buskers in a particular area at a particular time
	Recognises the benefits of busking to the community
	Reduces the opportunity for casual performers
	The requirement for a licence

3	Like least about the Policy
	Doesn't do what it is supposed to to stop it causing unnecessary noise pollution
	It is not enforced
	No attempt to encourage musical acts of quality

Badly thought out pitch locations
Not enough to deter poor management of crowds
Lack of effective enforcement
No enforcement of those playing too loudly
Disregard of the Policy from a sizeable minority of street entertainers has defanged the key aims of the Policy
Not looking at the problem on a zone by zone basis - distributing different types of performers across a range of sites with different noise/audience restrictions
Major increase in pedestrian traffic after the pandemic
Better way for residents to report issues rather than calling the noise team
The lack of accountability
Leicester Square pitch 9 - permits amplification but should not be allowed due to the acoustics of the area
Potential criminalisation of street performance
Does not take into account existing noise levels
SPAs bullying new buskers and are frustrating the process
Magician's corner who block access at the bottom of James Street to the Piazza
Severe lack of enforcement
Buskers still busking outside Bond Street tube

4	Amendments to the Policy
	More enforcement and fining of buskers who do not follow the rules
	Review of arrangements involving residents, businesses and street entertainers together with landowners and amenity groups
	More explicit information about where, when and what level noise from amplifiers is acceptable
	Buskers being banned if not compliant
	SPAs providing contradicting advice to the Policy to other street performers
	Blanket ban on amplification of any kind
	Better visibility of times and where performers can be
	Clear information about what is and is not street performance - e.g. religious speakers
	Red card and yellow card system of punishments for offenders
	Enforcement Policy needs to be addressed
	Greater scrutiny of the quality of entertainment
	Dedicated busking patrol team
	Amend conditions of certain pitches to remove amplification (pitch 9)
	Pitches clearly marked regularly as they fade
	No amplifications in Leicester Square
	Regular breaches of the Piccadilly pitches
	Reversed but with a best practice document instead
	Magician's Corner pitch must not block the pedestrian route
	Repositioning of the sites to take into account tables and chairs licensing and maximum crowd lines
	More supervision in unlicensed hotspots - e.g. Oxford St
	1 hour slots

5	Location in the borough currently designated as available pitches that should not be
	Trafalgar Square - should be about heritage and history
	Too many pitches by the piazza on Trafalgar Square
	Pitch 13 - Royal Opera House (challenging for people with reduced mobility)

2 of the 5 pitches (18, 19, 20, 21 & 22) at Trafalgar Square North Terrace as pitches are too densely packed for some activities
West corner of the North Terrace of Leicester Square (outside lego & M&M) as it blocks access to and across the square
Piazza
Leicester Sq Trafalgar Sq Covent Garden Piazza Kingsway Piazza (New pedestrian area) Leicester Sq Station / Hippodrome Corner Tottenham Ct Rd Station / Centre Point are development zone Piccadilly Circus x 7 main busking venue hubs require unique attention for each site
Piazza outside St Pauls Actors Church and east side of Apple Store at back of Royal Opera
Earlham Street - they are allowed to play amplified music on a street with little outside seating that is mostly residential creating noise nuisance
Too many in Leicester Square which makes it very hard to pass through
St Martin's Place which is primarily a thoroughfare
Old Quebec Street - no activity on this pitch since implementation
Pitch 9 Leicester Square should remove amplification
Wardour Street as completely blocks an already jammed through way
All of chinatown as it hinders the flow of foot traffic
Should be a non-amplified spot by Eros
Pitch 15 should be unamplified
James Street - Covent Garden market Sunday nights
CG East Piazza - huge increase in areas now used for tables and chairs - needs to be reviewed

6	Restrictions being sufficient in reducing noise nuisance
	Enforcement needs to be stricter
	Amplification used in Oxford Circus is intolerable
	Noise limits don't appear to be enforced
	No large groups
	Relies on residents to report performances as no monitoring

7	Engagement with the Council
	Noise team - takes too long for someone to arrive, need for more Officers in the West End and Soho
	Report It has a number of problems - no feedback and insufficient resources
	Priority towards members is low
	Response times - takes about an hour for any action by the team
	Employees telling individuals different things on every call - took 7 days for someone to respond
	Lack of any proper response
	Most complaints go unacknowledged

8	Complaints and queries being resolved
	There is no feedback
	Noise nuisance is still being experienced
	Insufficient authority and or capaCity and or determination
	Do not know how it is dealt with, and the net effect is sadly unchanged
	Unaware of City Inspector priority
	Often complaints are not attended - businesses are reluctant to complain because nothing will happen, despite being told that without complaints, there is perceived to be no problem

Submitted 40+ complaints to the Council about the noise level causing a nuisance and there has been no change or improvement
Same buskers then turn up the following day creating the same problem

9 Final comments
Convene local forums for residents, businesses, street entertainers and Officers to meet and discuss issues
Residents on the edges of Westminster and Camden
Partnership working with BIDs, in reporting or managing the streets or effects of busking
HOLBA could provide special entertainment zones with enhanced management (around Leicester Square and Piccadilly)
Busker forum should be regular to provide feedback and comments

Comments specifically from Ward Councillors on the Street Entertainment Policy and the operation of the Licensing Regime.

Ward cllr 1 - it has improved the quality, variety, accessibility, and quantity of street ent. Believe that occasionally performances are too loud and cause a nuisance.

Ward cllr 2 - the Policy has had no impact in the quality, variety, accessibility, or quantity of street ent. Rarely see performances being too loud, amplification in non-amplified pitches, performances outside of hours or causing an obstruction. Not entirely sure on the purpose of the forum.

Ward cllr 3 - feels the Policy is not being enforced and seems to be a low priority. Would like amplifiers over a certain noise limit to be banned completely. CG and LS to be non-amplified. Designated pitches should be well maintained

Appendix 4 – Leicester Square Business Impact Statement

Impact Assessment by business with offices overlooking Leicester Square

Annex 1

Impact Assessment

14 October 2022

Background

█ has its head offices in an 8 storey property that faces onto Leicester Square at █ Leicester Square, █ ("█ LSQ Office").

This statement sets out the serious impact that the noise nuisance is having on █

Who is Impacted at █

More than 1000 of █ workers ("█ use █ LSQ Office. █ who sit at the front of the building facing onto Leicester Square are impacted by the noise nuisance of the buskers, including █ Executives and █ █ Team (who have their offices facing onto Leicester Square on the 6th and 4th Floor). █ Security team and Reception Team are also impacted, due to the time they need to spend taking action to prevent, log and report nuisance buskers – further detail below.

Extent of Impact

1. Time – there are usually excessively loud buskers every afternoon from 12pm – 5pm (key █ business hours)
2. Duration – performance times of each busker are between 15-45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments
5. Volume – the volume is loud and can be heard clearly in █ offices - as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourists come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the Lego store and M&M's World).

Specific Impact

█ Executive Team (on 6th floor facing onto Leicester Square) – the noise of the buskers interferes with important meetings being held in the Executive offices, therefore disrupting and delaying business critical decision making.

█ █ Team (on 4th floor facing onto Leicester Square) - if they have the windows open (a health and safety recommendation due to Covid), the noise of the buskers is highly disruptive. It is where █ Director of █ sits with his team and negatively impacts their ability to work effectively and without disruption.

█ Security Team and Reception Team – when the Security Team are alerted about a busker that is causing excessive noise:

- Team leader will ensure all security positions are covered then identify any spare resources available.
- A member of the team is sent to gather the evidence of the nuisance busker that your Policy states should be provided when reporting an issue (including a photo, description and video (where possible) of the busker)

- Security control room call the City Inspector, contact My Local Bobby (MLB) and log a report on the WCC Report it line/WCC's complaints website.
- If the City Inspector or MLB are not available, the Security Team ask the busker to turn the volume down (with varied success).
- The Security team leader, the security control room or reception team then spend time collating evidence and completing a log of the incident and evidence.
- On any weekday, ██████ typically has 6 security officers on site covering 5 fixed positions (Leicester Square x 2, Charing Cross Road, security control room and team leader). The team leader is covering lunch breaks for all of the team. If ██████ has one individual on sick or leave when there is a busker incident, there is no spare resource and a security control room person must attend the incident, which means that ██████ control room is unmanned for a period of time.
- The entire process takes approximately 60 mins and therefore has significant impact on the Security Team and distracts them from their duty of keeping ██████ buildings and people safe. This inevitably means that during the time they're dealing with buskers, our CCTV is not being monitored effectively for our 20 regional sites and therefore exposing ██████ to unnecessary risk.

Reception Team - The Reception Team are also involved in the logging and reporting of buskers. This also impacts their ability to deal with guests, which will have an impact to guest's welcome experience and therefore be reputationally damaging to ██████

As at 18 October 2022, ██████ had logged 41 complaints regarding street entertainers on WCC's complaints website in 2022 (and more complaints were logged prior to this date). This does not in any way reflect the true extent of the issue. As each 'nuisance' busker takes approximately 60 mins to deal with and report (as set out above), ██████ can't log all 'nuisance' buskers, which occur almost daily.

Cost to ██████

- Salaries of all of the above ██████ dealing with the nuisance buskers instead of carrying out their work for ██████ particularly Executives, the ██████ Team, the Security team, the Reception team and the Legal team
- Business interruption and delays in decision making due to the excessive noise of some of the buskers
- Increased safety and security risk to ██████ as the Security team are distracted from their duty of keeping ██████ and the building safe
- Guest experience, as the Reception team are distracted logging and reporting on buskers



Innovation & Change
Westminster City Hall
64 Victoria Street
London
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www.westminster.gov.uk/licensing

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Revised New Sections in the Council's Busking and Street Entertainment Licensing Policy

Safeguarding Children and Vulnerable Adults in Busking and Street Entertainment

The Council is committed to safeguarding the well-being and ensuring the safety of children and vulnerable adults involved in busking and street entertainment activities within our jurisdiction. Recognising the unique nature of these artistic expressions, our aim is to create an environment that fosters creativity while prioritising the protection of the most vulnerable members of our community.

When referring to children we mean any individual under the age of 18. A vulnerable adult can be any person aged 18 years or older who may be at risk of harm or exploitation due to a range of factors, including physical or mental health conditions, disability, or social isolation. Our principles for safeguarding children and young people who wish to busk or provide street entertainment under the terms of a licence are:

- **Safety First:** The safety and well-being of children and vulnerable adults are paramount. All measures will be taken to ensure their protection during busking and street entertainment activities.
- **Informed Consent:** Any child aged 14 to 17 years must obtain written consent from a parent, guardian, or responsible adult before applying for a licence. If there are concerns relating to a licensed busker or street entertainer who may be considered to be a vulnerable adult the Council will make every effort to assess their capacity to hold a licence to busk or provide street entertainment independently or with appropriate support. Children under the age of 14 years of age are not permitted to obtain a licence and therefore are not able to busk or provide street entertainment in the City of Westminster.
- **Supervision:** Children who are licensed to busk or provide street entertainment will be required to be accompanied by a responsible adult who will ensure their safety and well-being throughout the performance. Vulnerable adults may also benefit from the presence of a support person.
- **Awareness:** Buskers and street should be aware of the signs of vulnerability, understand their responsibilities towards children and vulnerable adults, and how they can report any concerns to the relevant authorities.

Recognising the signs of vulnerability.

Recognising signs of vulnerability and understanding responsibilities towards children and vulnerable adults is crucial for buskers to contribute to the safety and well-being of all individuals involved in or affected by street performances. Here are some guidelines for buskers:

1. Age and Physical Appearance:
 - Pay attention to apparent age and physical condition.
 - Note if an individual appears significantly younger or frail.
2. Behavioural Cues:

- Observe behaviour that may indicate distress, confusion, or an inability to communicate effectively.
 - Be aware of signs of anxiety, fear, or withdrawal.
3. Communication Difficulties:
 - Recognise difficulties in communication, especially if the person seems unable to understand or respond appropriately.
 4. Presence of a Support Person:
 - Identify if a vulnerable person has a designated support person accompanying them.
 5. Environmental Factors:
 - Consider the impact of the environment on vulnerability, such as adverse weather conditions or crowded spaces.

Responsibilities Towards Children and Vulnerable Adults.

1. Inclusive Environment:
 - Foster an inclusive and supportive atmosphere where individuals of all abilities feel welcome and safe to participate.
2. Appropriate Content:
 - Ensure that performance material is suitable for all audiences, avoiding content that may be distressing or offensive to children or vulnerable individuals.

Reporting Concerns to Relevant Authorities.

If a busker or street entertainer observes immediate danger or harm to a child or vulnerable adult, that must take immediate action to intervene and ensure their safety if it is safe for them to do so. They should also call the Police immediately via 999.

If a child or vulnerable adult is not in immediate harm but there are concerns about their wellbeing these concerns must be reported to the Council promptly via the contact details listed below.

If necessary to assist with reporting document any observations or concerns, including details of the date, time, location, and a description of the situation.

Licensed buskers and street entertainers play a role in maintaining a safe and inclusive environment for all, and their vigilance in recognising signs of vulnerability and taking responsible actions contributes to the overall well-being of the community.

Reporting concerns

Any concerns about the safety or well-being of a child or vulnerable adult observed during busking or street entertainment activities should be promptly reported to the Council's via the relevant contacts listed below:

Child Protection Team:
 Telephone: 020 7641 4000
 Email: acesstochildrenservices@westminster.gov.uk

Vulnerable Adults:

Telephone the safeguarding helpline: 020 7641 2176

Email: adultsocialcare@westminster.gov.uk

In an emergency call the police on 999

Reports will be treated confidentially, and appropriate actions will be taken in line with relevant legislation and safeguarding procedures.

By adhering to this safeguarding policy, we aim to create a vibrant and inclusive environment for busking and street entertainment while upholding our commitment to the safety and well-being of children and vulnerable adults.

Royalty Liability

Licensed buskers and street entertainers when using or performing protected works must obtain the necessary permissions and licenses for copyrighted material. Buskers and street entertainers are generally required to seek permission from the rights holders or relevant licensing organisations to use copyrighted music or other protected works in their performances.

The Performing Rights Society (PRS) in the UK is a key organisation that manages the rights of musical works on behalf of songwriters, composers, and publishers. Buskers and street entertainers often need to obtain a license from PRS for Music to perform copyrighted music in public spaces.

It's important to note that copyright law is complex and subject to change. Therefore, for the most accurate and up-to-date information on the liability requirements for buskers and street entertainers in the UK, especially regarding the use of protected works, it is recommended to consult legal professionals or contact relevant copyright and licensing organisations, such as PRS directly.

Statement of truth and making a false statement

Applicants seeking a busking and street entertainment licence are required to complete their application truthfully. Upon finalising their application, applicants must explicitly confirm the accuracy of the information provided. Any individual knowingly or recklessly making a false declaration or omitting material particulars in the information required by the licence application commits an offence.

In the event of a false statement or declaration on an application for the grant or renewal of a licence, the application is typically subject to refusal, and subsequent applications by the individual may be rejected on the grounds of being unfit to hold a licence. The Council reserves the right to pursue legal action against individuals identified for making knowingly false statements. If found guilty under section 42(d) of the London Local Authorities Act 2000, the offender may be liable to a fine of up to £1,000. This stringent approach underscores the importance of honesty and accuracy in the application process and reflects the Council's commitment to upholding the integrity of the licensing system.

Child buskers and performers

The Council will not entertain applications for a busking or street entertainment licence for children under the age of 14.

The Council places great emphasis on ensuring that parents, guardians, or responsible adults are fully informed and in agreement with their child's participation as a licensed busker or street entertainer. It is crucial that these individuals comprehend and endorse the expectations outlined in the Council's policy, Code of Conduct, and terms and conditions associated with the licence or designated performance areas.

Therefore, applications for individuals aged between 14 and 17 will only be evaluated upon the submission of a duly signed parental or responsible adult consent form. Non-submission of this consent will lead to the rejection of the licence application. This measure ensures that those responsible for the child are fully aware of and supportive of their involvement in public performances under this licensing regime.

For individuals between the ages of 14 and 17 granted a license, specific conditions will be imposed. These conditions will restrict busking or street entertainment activities permitted under the license to weekends and England's national bank holidays during school term time. Additionally, performances by licensed individuals in this age group will be limited to the hours between 8 am and 8 pm.

Busker and Street Entertainers Code of Conduct

Revised Code 5:

5. Co-operate with Authorised Officers and the Police

Authorised officers of the council, police officers, or police community support officers reserve the authority to request adjustments to your performance or relocation in situations involving emergencies, public disorder, planned events, or to prevent the occurrence of a nuisance. It is imperative to recognise that our officers and the Police possess this right without tolerance for threatening or abusive behaviour.

Your cooperation with any reasonable requests is expected. Any form of abuse, violence, or intimidation towards our authorised officers and/or police personnel will be met with zero tolerance and may result in the revocation of your licence or legal action against you. This stringent stance underscores our commitment to safeguarding the well-being and safety of our officers and the Police whilst undertaking their duties to ensuring the smooth functioning of public spaces and compliance with this licensing regime.

However, should you harbour concerns regarding the conduct of our officers while executing their duties you should raise your complaint with the council by visiting www.westminster.gov.uk/complaints. For complaints associated with Police personnel please visit www.met.police.uk/fo/feedback/complaints/complaints/

Revised code 7:

7. Talk to the council and the local community and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining a local Street Performers Association, attending wider community meetings, and providing us with feedback via our website.

The Council has also established a Buskers and Street Entertainment Forum that will meet three times a year and provides an opportunity for all licensed buskers and street entertainers to raise issues, provide feedback and share information with Council officers and key stakeholders, such as the Police or Council Events Team.

New code 8:

8. Child buskers and street entertainers

The Council will not grant a licence to busk or provide street entertainment to any person under the age of 18 as it is illegal for anyone under the age of 18 to busk.

Licensed buskers and street entertainers who are aged between Anyone between 14 years and 18 years old should be accompanied at all times whilst performing by their parent, legal guardian or appropriate adult.

Child buskers and street entertainers are not permitted to busk or perform during England's school term time, except on weekends and national bank holidays. Performances by licensed children between the hours of 7pm and 8am are also prohibited. Due to the localised nature of school inset days licensed child buskers and street entertainers will still be prohibited from busking or performing on days when their school is closed for days inset days.

New Code 9:

9. Safeguarding of children and vulnerable adults

All licensed buskers and street entertainers bear a responsibility to recognise signs of vulnerability and acknowledge their role in safeguarding children and vulnerable adults from harm.

Buskers and street performers are obligated to ensure that their performances are appropriate for the potential audience. The content of the performance should be crafted to avoid any material that could cause distress or offense to children or vulnerable adults.

In the event that a busker or street entertainer identifies signs of vulnerability or harbours safeguarding concerns, it is imperative to report such observations to the relevant authority. In cases where there is an immediate risk or harm to a child or vulnerable adult, the busker or street entertainer must promptly contact the police through 999. For non-emergency concerns, they should report the matter to the appropriate council service as outlined below:

Westminster Child Protection Team:

Telephone: 020 7641 4000

Email: accesstochildrenservices@westminster.gov.uk

Vulnerable Adults:

Telephone the safeguarding helpline: 020 7641 2176

Email: adultsocialcare@westminster.gov.uk

New code 10:

10. Making a false statement

Buskers and street entertainers must make a true statement when applying for their licence and ensure that any information provided is correct to the best of their knowledge. If a licensed busker or street performer makes or has made a false statement the Council may revoke your licence, refuse to renew, and take legal action against you. If a person is found guilty of committing an offence of make a false statement under section 42(d), Part V of the London Local Authorities Act 2000 they could receive a fine of up to £1000.

Proposed New Standard Conditions for Busking and Street Entertainment Licences.

New Condition 16:

- (16) (1) *A busker and street entertainer shall:*
- (a) *not use threatening, abusive, or offensive language, either verbally or in any performance material which is directed at or associated with the actions of an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (b) *not engage in any physical assault or aggressive behaviour towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (c) *not incite, encourage, or provoke crowds to act in a threatening, abusive, or physically aggressive manner towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (d) *comply promptly with any lawful instruction or request given by Authorised Officers of the Council, Police Constable, or Police Community Support Officer in the course of performing their duties.*
 - (e) *not obstruct, hinder, or interfere with an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer while they are carrying out their official duties.*
 - (f) *fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour.*
- (2) *In relation to (1), (f) above reference to cooperate with any investigation includes providing relevant information, attending meetings or interviews if requested, and assisting in the identification of any involved parties.*

New Condition 17 (only applicable to licences issued to anyone under the age of 18):

- (17) Busking and Street Entertainment performances by anyone under the age of 18 are prohibited during England's school terms, excluding weekends and national bank holidays.

New condition 18 (only applicable to licences issued to anyone under the age of 18):

- (18) Busking and Street Entertainment performances by anyone under the age of 18, when permitted are restricted to the hours of 8am to 8pm.

New condition 19:

- (19) The licensee shall ensure that they have obtain the correct permissions and paid the required royalties for the use of any copyrighted or protected material which is used within any busking and street entertainment performances.

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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%
Sex	Westminster population (Census 2021)						
Female	51%						
Male	49%						

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. <table border="1" data-bbox="228 1621 1394 1915"> <thead> <tr> <th></th> <th>None</th> <th>Positive</th> <th>Negative</th> <th>Not sure</th> </tr> </thead> <tbody> <tr> <td>Men or women</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Disabled¹ people (consider different types of physical, learning or mental disabilities)</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>			None	Positive	Negative	Not sure	Men or women	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	People of a particular race or ethnicity (including refugees, asylum seekers, migrants and gypsies and travellers)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disabled ¹ people (consider different types of physical, learning or mental disabilities)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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"/>
People of particular sexual orientation/s	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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				
						<p>and codes of conduct will be reviewed and changed if necessary.</p> <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. 	
	Women	X		X	As above		As above
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

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City of Westminster

Committee Report

Meeting or Decision Maker:	Licensing Committee
Date:	4 th December 2023
Classification:	General Release
Title:	Cumulative Impact Assessment
Wards Affected:	All
Fairer Westminster/Policy Context:	Fairer Communities
Cabinet Member:	Cabinet Member for Communities and Public Protection
Report of:	Frances Martin, Executive Director for Executive Director of Environment, Climate and Public Protection Pedrow Wrobel, Executive Director for Innovation and Change

1. Executive Summary

- 1.1 This report presents the responses to the consultation on the draft Cumulative Impact Assessment (CIA) and the final CIA following amendment for approval.

2. Recommendations

- 2.1 The Committee is asked to approve the Cumulative Impact Assessment

3. Reasons for Decision

- 3.1 Under the Licensing Act 2003 (the Act) the Licensing Authority (the Council) may publish a CIA if the Council considers that the impact of the number of licensed premises in certain area(s), is so high that additional licences would have a negative impact on licensing objectives. In producing a CIA, the Council must then have regard to it when determining or revising its Statement of Licensing Policy.

- 3.2. The Licensing Authority has produced and consulted on a revised CIA.

4. Background

2020 CIA

- 4.1 The Council developed its first CIA in 2020. The CIA identified that there was Cumulative Impact in West End Zone 1 (the current Cumulative Impact Zone) and West End Zone 2 (the current West End Buffer Zone and Covent Garden Special Consideration Zone). These areas covered the previous West End Cumulative Impact Zone.
- 4.2 The CIA also identified areas where there was less conclusive evidence of Cumulative Impact.

2023 CIA Development

- 4.3 The revised CIA was developed over the first half of 2023. As part of the development of the CIA the council consulted different local authorities on how they carried out their CIA and benchmarked the different methodologies used, utilising the most appropriate for our own work. Research was undertaken by analysts within Strategy & Intelligence Unit, working in collaboration with internal and external data and service experts to provide robust analysis.
- 4.4 The project team engaged a number of different stakeholders ranging from the Metropolitan Police Service, Business Improvement District Managers, resident panels as well as internal operational teams within Public Protection and Licensing that cover noise complaints, ASB as well as those who play an important role in licensing decisions.
- 4.5 Service and data experts within the London Ambulance Service, as well as the Metropolitan Police Service provided guidance, as well as data for the

CIA. Advice was also offered from the Council's Safer Westminster Partnership lead, as well as public health policy leads and researchers from within the council. These discussions afforded analysts access to the SafeStats data platform, managed by the GLA Intelligence Unit.

- 4.6 Considered in this assessment was local crime and disorder statistics, prevalence of ambulance attendances, environmental health complaints, as well as resident perceptions.

CIA Findings

- 4.7 The CIA is attached at Appendix A and is a thorough analysis of cumulative impact across Westminster. The headline findings of the CIA are:
- Crime has returned to pre-pandemic levels.
 - Theft is the main driver of crime statistics and drowns out most other crime types.
 - Night-time related crime is concentrated in the West End.
 - Nightclubs, restaurants and cafes are more likely to lead to noise complaints.
 - Pubs, bars and nightclubs are most common venues for crime, followed by restaurants.
 - Anti-social behaviour and crime is lower outside the West End, but there are still areas of interest.
 - The key times for crimes occurring at locations of interest to licensing are predominantly overnight Friday/Saturday and Saturday/Sunday.
 - 6-8pm is the peaks for crime across the week.

Consultation

- 4.8 When producing a CIA the Licensing Authority must consult:
- the Metropolitan Police Service
 - the Fire and Rescue Authority
 - the Local Health Board
 - Public Health
 - representatives of licence holders
 - representatives of businesses and residents in its area.
- 4.9 The consultation on the CIA ran from 9th October to 12th November 2023. Following feedback the consultation deadline was extended by a week from its original date.
- 4.10 The Council sent the consultation directly to the statutory organisations and promoted the consultation via social media channels as well as in Mywestminster, Licensing News and the Business e-newsletter.
- 4.11 Dedicated briefing sessions were also held with:

- The Licensing Committee and Ward Councillors.
- Resident Associations.
- Business Improvement Districts and Landowners.
- Licensing Lawyers and Agents.

- 4.12 Officers also attended a number of pub watch meetings to promote the consultation. The consultation was hosted and promoted through the Westminster After Dark commonplace site which has had nearly 5,000 views and 272 news subscribers.
- 4.13 In total the Council received 68 submissions to the consultation. A summary of the submissions and responses is at Appendix B. The full responses are included at Appendix C.
- 4.12 The consultation submissions identified a number of changes that the Licensing Authority could make to the CIA and the changes that have been made are detailed in Appendix B. A large number of the consultation responses suggested changes to policy or considered wider evening and night-time issues not relevant to the CIA. These will be factored into the Westminster After Dark programme to develop an evening and night-time plan for Westminster. Some suggestions were made about additional data sets that could be included. Where it was not possible within the statutory timeframe to do this, we will ensure that these are considered for future revisions of the CIA.

Next steps

- 4.13 Subject to the Committee approving the CIA it will replace the Council's existing CIA. This will not result in a change of policy, this will be subject to a separate process following the completion of Westminster After Dark. Once published, the CIA will provide evidence and guidance for applicants, responsible authorities and interested parties and will be able to be considered by Licensing Sub-Committees.

5. Financial Implications

- 5.1 There are no financial implications as a result of this report.

6. Legal Implications

- 6.1 The Council may undertake a CIA to determine whether any area within its boundary is under cumulative stress. If the Council wishes to have cumulative impact zones, it must publish a CIA, which must be reviewed every three years. The Assessment remains relevant until replaced by a subsequent CIA.

- 6.2 A CIA is conducted to evaluate the potential impact of licensed premises on a given area and is a data driven document. This assessment considers the Act's four licensing objectives: prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. It scrutinises whether clusters of licensed premises in an area lead to a cumulative impact on these objectives due to their proximity.
- 6.3 The purpose of reviewing a CIA is to determine whether the opinion that the licensing objectives are being undermined remains the same, which in these circumstances it does. The CIA does not impact on existing policies in the Statement of Licensing Policy.
- 6.4 Procedurally, the Council is required to carry out a statutory consultation on the draft proposed CIA before it can be published. Officers are obliged to review the responses and any amendments are taken into account in light of the feedback given.
- 6.5 The Committee will consider and review the consultation responses and the final draft of the CIA and decide whether to approve the document on the 4 December 2023.
- 6.6 The new CIA becomes the body of evidence that continues to support the policies (such as CIA and SCZ but also Core Hours etc) in the SLP.
- 6.7 In terms of the CIA evidence this can be relied upon to include the following:-
- i. residents could use the CIA to say that an area suffers from Cumulative Impact and that this should be taken into account. But there is no presumption of rebuttal. It's just a factor. It supplements submissions and councillors' local knowledge.
 - ii. operators could argue that an area is reducing in impact. However, the CIZ policy is not undermined as cumulative impact goes to the whole of an area and not to a specific premises. It may be a factor and the Licensing Sub-Committee can and should listen to arguments when determining such applications.

7. Carbon Impact

- 7.1 There is no carbon impact as a result of this report.

8. Equalities

- 8.1 The Committee's attention is drawn to the Council's Public Sector Equality Duty contained under section 149 of the Equality Act 2010. This places a general duty on the Council when exercising its functions and the making of decisions (in this case as Licensing Authority when considering any revisions to the CIA) to have regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance of equality of

opportunity and foster good relations between person who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also applies to marriage and civil partnership but only in relation to the elimination of discrimination.

8.2 An Equalities Impact Assessment has been completed for the CIA and is attached at Appendix D

9. Consultation

Details of the consultation undertaken are set out in the body of the report.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Kerry Simpkin, Head of Head of Licensing, Place & Investment Policy, ksimpkin@westminster.gov.uk

Aaron Hardy, Principal Policy Officer, ahardy1@westminster.gov.uk

APPENDICES

Appendix A – 2023 Cumulative Impact Assessment

Appendix B – Summary of consultation feedback and Licensing Authority responses

Appendix C – Full consultation feedback

Appendix D – Equalities Impact Assessment



City of Westminster



Cumulative Impact Assessment

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Executive Summary

The Cumulative Impact Assessment (CIA) is produced as a requirement of the Licensing Act 2003. Local authorities are to publish a statement on licensing policy every 5 years. A policy must consider any CIA that is published under section 5A of the Act. If adopted, a licensing authority must review its CIA every 3 years. In the Act, cumulative impact is described as “the potential impact on the promotion of licensing objectives of a significant number of licensed premises concentrated in one area”. In preparation for this reiteration of the CIA we have researched best practice of other local authorities and sought advice where possible to ensure we are utilising a vigorous analytical methodology.

Introduction

The City of Westminster is a unique borough, in that it is an epicentre for, tourism, socialising and nightlife with a diverse residential community. The City Council recognises the importance of good management of its licenced venues industry, so that those who wish to enjoy our licensed venues can do so safely. The council also takes seriously its responsibility to protect residential amenity and promote the four licensing objectives under the Licensing Act 2003, which are:

- Prevention of Crime & Disorder
- Promotion of Public Safety
- Prevention of Nuisance
- Protection of Children from Harm

Cumulative Impact

Cumulative impact is the term used to describe the stress that having a number of licensed premises in a concentrated area can have on the four licensing objectives.

It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the cumulation of the premises and the activities that surround them that creates the increased problems and undermines the licensing objectives.

A CIA examines the available data to establish if the presence of licensed premises in certain areas had led to cumulative impact.

How the draft CIA was developed

The CIA has been developed using data analytical methods as well as engagement with stakeholders to get a more well-rounded understanding of cumulative impact.

The types of evidence that was used for the data analysis include:

- Licensing data
- Police data
- Environmental health complaints
- Ambulance callouts

The project team also used previous consultation responses such as the City Survey and ASB Strategy Consultation to get an understanding of how cumulative impact affects our communities.

The data used is largely from 2022. This period was chosen to give as up to date as possible picture whilst avoiding including periods affected by lockdown and other restrictions imposed as a result of the Covid-19 pandemic, although 2022 was still affected by the Covid-19 pandemic, especially the early months. Where comparisons between previous periods have been drawn, 2022 has been compared to the previous CIA which utilised an average for the 2017-19 period prior to the pandemic.

The CIA will influence the Council's next review of its Statement of Licensing Policy (which must take place by October 2026), it may influence Licensing Sub-Committee decisions and will feed into the Council's work on its evening and night-time plan, Westminster After Dark. Westminster's CIA must be reviewed every three years.

Findings

Crime

In 2022 the borough now accounted for 9.2% (83,633) of all total notifiable offences recorded across the Metropolitan Police Service (MPS) compared with 6.9% (54,988) in 2021. Much of the crime that does occur in Westminster takes place in the West End. Just under 66% (50,462) of all crime in Westminster and 74% (43,715) of 'public realm' crime¹ occurs in just two wards: West End and St James's. West End having the highest concentration of licensed premises, alongside the high levels of crime suggests certain considerations will need to be made for this area.

By September 2022 crime in Westminster had already reached pre-pandemic levels and exceeded crime levels in 2020, which experienced unprecedented reductions due to the pandemic. Westminster accounts for a third of the increases in crime across London². The increase in crime has been primarily driven by theft. Theft accounts for the largest proportion of the crimes that have a recorded venue of interest to licensing and the night-time economy (67% 5,608), followed by violence (14% 1,197). Theft offences feature prominently in areas with a high concentration of licensed premises. Approximately a third (30% 8,329) of all crime (with an identifiable location) during the night-time economy³ (NTE) was identified as involving a location related to licensing and the night-time economy.⁴

Violence is also concentrated in the West End areas, with 47% (4,879) of all violence in West End and St James's wards. Approximately 59% (6,028) took place during the night-time, most concentrated in the period just prior to and after midnight. This places Westminster in contrast with other boroughs, as our violence is not in highly deprived areas but locations with an active night-time economy.

Our incident pattern analysis of crime in Westminster illustrates that there is a concentration of offending in the West End where there are approximately 1,236 unique licensed premises. The key times for crimes occurring at locations of interest to licensing and the night-time economy are predominantly overnight Friday/Saturday and Saturday/Sunday. Offences in pubs, bars, and clubs were the most common, followed by Restaurants. Pubs, bars, and clubs had a wide variety of offence types, including high number of thefts.

¹ Crime that takes place in a publicly owned places and spaces that area accessible to the public.

² Safer Westminster Partnership (2023), Strategic Assessment, <https://www.westminster.gov.uk/leisure-libraries-and-community/crime-and-community-safety/community-safety-partnership/safer-westminster-partnership>

³ Time-space where multiple formal and informal economies run from 6 p.m. to 6 a.m. corresponding to different ways of experiencing the urban night.

⁴ Venues and locations identified from crime data of interest to the Licensing assessment includes all licensed premises, including shops, food locations, transport infrastructure, as well as unlicensed premises such as sex establishments and unlicensed clubs.

Sexual offences and Violence Against Women and Girls

Over 65% (808) of all sexual offences in Westminster occur in the West End wards. This is a similar case for Violence against Women and Girls (VAWG), where 46% (5,006) of these offences occur in the West End, with 28% (1,347) being associated locations of interest to licensing and the night-time economy. Child exploitation is another category of the CIA we must consider, but unfortunately the data on this was incomplete, so we could not provide robust analysis on this.

Anti-Social Behaviour

Approximately 6.5% (757) of all anti-social behaviour (ASB)⁵ calls in 2022 are recorded as having been linked to alcohol. Approximately 40% (186) of all night-time alcohol related ASB occurs with the police Safer Neighbourhood Areas broadly similar to the areas of West End & St James's and a further 12% in the areas including Oxford Street and the areas just north of it.

27% of respondents to the City Survey from the West End, feel that there are problems related to licensed premises with customers causing issues with ASB, undesirable behaviour and causing them disruption. This was also reflected in our ASB Consultation 2022, with residents from West End linking ASB related issues with the concentration of licensed premises.

Ambulance callouts

Westminster experiences the highest volumes of ambulance call outs in London related to alcohol and night-time economy, much of this concentrated in the West End. Three quarters (74% 2,904) of Westminster's alcohol related ambulance incidents occurred between 6pm and 6am, and nearly two thirds (63% 2,465) within the two West End wards of West End and St James's Park.

Licensed venues in Westminster

There are 4,045 licenses issued in Westminster, these are largely concentrated in the West End (30%). The makeup of licensed premises type is similar from the previous CIA, with restaurants, shops and pubs maintaining their share from 2020. The highest densities of licensed premises are in Soho on Dean Street, Frith Street, Greek Street and Romilly Street, and in the China Town area around Gerrard Street.

The area with the most premises licensed to sell Late Night Refreshment beyond 3am is in the vicinity of Leicester Square, on Whitcombe Street, with twenty-six licences. This street is prevalent in offences of overnight theft, robbery, violence against person and drugs, with approximately 959 offences of these types taking place here in 2022.

Restaurants make up the majority of licensed premises and new applications. This followed by 'Shop, store or kiosks' and 'Pub and Bars'. Due to the proliferation of restaurants, they feature heavily in noise complaints followed by cafes. 'Noise from commercial premises' complaints increase on Fridays and Saturdays, from 20:00, peaking at 23:00, and continuing at an elevated rate until 01:00.

Our regression analysis established that prevalence of licences is associated with incidents of cumulative impact. Our model showed increase for all cumulative impact areas in particular theft, which has higher odds of occurring with additional licences in an area.

⁵ Anti-social behaviour (ASB) is conduct that has caused – or is likely to cause – harassment, alarm or distress to any person.

Focus Areas

Areas of interest for the CIA have not differed from the previous CIA, due to the concentration of licences, offending and noise complaints in the West End. What this reiteration of CIA has sought to do is provide some granularity to the spatial analysis. We have identified within these areas of concern, locations that experience lower levels of incidents of cumulative impact. Areas like Haymarket and the Northern part of Soho (Great Marlborough Street, Broadwick Street, Beak Street, Lexington Street and some parts of Wardour and Dean Street), have less prevalent crime levels⁶.

The perimeter of West End (WEZ2) accounts heavily for overnight theft and robbery, where 19% of overnight theft offences and 15% of overnight robberies occurred. WEZ 2 accounted for 13% of all violence against the person (VAP) offences committed within Westminster. Areas like Saville Row, large portions of Hanover Street and the Strand as well as the majority of the West side of the zone have relatively lower levels of crime by comparison⁷.

We have found other areas of interest; Paddington, Mayfair, Victoria, Bayswater & Queensway, Marylebone/Oxford Street and Edgware Road. However, these other areas of interest pale in comparison to the West End, as this area overshadows much of the data. Analysis was conducted excluding crimes in the West End to identify other areas of concern. Though these areas should be taken into consideration, cumulative impact is substantially stronger in the West End.

Licensing Authority Statement

It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing Authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.

⁶ Lower crime rates in comparison to areas within West End, not to the rest of the borough.

⁷ Same as previous point.

Introduction

Background

The City of Westminster is a unique borough, in that it is an epicentre for, tourism, socialising and nightlife with a diverse residential community. The world leading entertainment and hospitality sector attracts visitors from across the globe who use the city alongside our residents and those who work and study in Westminster. The City Council recognises the importance of good management of its licenced venues industry, so that those who wish to enjoy our licensed venues can do so safely. The council also takes seriously its responsibility to protect residential amenity and promote the four licensing objectives under the Licensing Act 2003, which are:

- Prevention of Crime & Disorder
- Promotion of Public Safety
- Prevention of Nuisance
- Protection of Children from Harm

Cumulative Impact Assessment

Cumulative impact is the term used to describe the stress that having a number of licensed premises in a concentrated area can have on the four licensing objectives. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the cumulation of the premises and the activities that surround them that impacts on the licensing objectives.

Under the Licensing Act 2003 the Licensing Authority (the council) is required to publish a statement on licensing policy every 5 years. A policy must take into account any Cumulative Impact Assessment (CIA) published under section 5A of the Act. If adopted, a licensing authority must review its CIA every 3 years.

A licensing authority can publish a CIA to help it limit the number or types of licence applications granted in areas where there is evidence demonstrating the number or concentration of licensed premises is having cumulative impact, circumstances which undermine the licensing objectives.

The publication of a CIA does not change how licensing decisions are made; the Licensing Authority will always consider each application on its merits. However, a CIA is a strong statement of intent about an authority's approach to licence applications.

The publication of a CIA also does not change the Statement of Licensing Policy. A Statement of Licensing Policy must be reviewed separately, and any changes consulted upon.

CIAs relate to applications for new premises licences, club premises certificates and provisional statements, as well as applications to vary existing premises licences and club premises certificates in a specified area.

Objectives and approach of the Cumulative Impact Assessment

Westminster City Council's Cumulative Impact Assessment (CIA) was undertaken in the Spring and Summer of 2023 (January – September) and led by the council's Policy and Strategy and Intelligence teams within its Innovation and Change Directorate.

The objectives of the CIA were to

- To describe patterns indicative of cumulative impact across the borough, and how these varied in both space and time.
- To describe the distribution and composition of licences in the borough.
- To examine the relationship between incidents indicative of cumulative impact and licences
- To identify areas which experienced persistent patterns of incidents indicative of cumulative impact in time and space, and over time.
- To identify any link between type of operation and cumulative impact
- To identify evidence that the Licensing Authority could consider when reviewing the statement of licensing policy in relation to cumulative impact policies.

The aim of this assessment is to identify whether, where and when patterns of cumulative impact across the whole borough have emerged and are likely to negatively impact the promotion of the licensing objectives. A data-led approach was elected to offer a transparent, consistent and replicable approach to evaluating the prevalence and degree of cumulative impact.

A breadth of high quality and detailed data has been obtained and interrogated using statistical methods to offer comprehensive insights into cumulative impact in the borough. However, the project team recognise that there are limitations to some data sets, to ensure openness and transparency these limitations and the methodologies employed are outlined in the appendices to this document.

The authors have also engaged with a range of internal and external stakeholders to ensure the objectives of the CIA could be met with appropriate intelligence and a considered approach.

In this document reference is made to specific areas. This CIA conducts fresh analysis across the entire City of Westminster, however where specific areas are referenced the boundaries used are these identified in the 2020 CIA, these areas are:

- West End Zone 1
- West End Zone 2
- Marylebone/Oxford Street Bridge
- Edgware Road
- Paddington
- Queensway and Bayswater
- Victoria
- Mayfair

These areas were not wholly adopted in the Licensing Authority's Statement of Licensing Policy (for reasons outlined in the statement).

Service and data experts with the London Ambulance Service, as well as Metropolitan Police provided guidance, as well as data for the CIA.

The project team have also drawn upon quantitative data from sources such as the City Survey and Anti-Social Behaviour Strategy consultation to add more insight to the data led approach of the CIA.

Incident Pattern Analysis

Summary

- Analysis of crime and other indicators of alcohol disorder highlight clear concentrations in the West End area. These concentrations are even more pronounced at night.
- A quarter of crime (with a location) mentioned a location type of interest to the CIA, 22% (11,711) specifically mention licensed premises. 64% (8,329) of this crime occurred at night (6pm-6am).
- Theft has driven increases in offending in Westminster and has increased faster than any other offence and increased past levels identified in the 2020 CIA. Theft offences are highly concentrated within the West End areas, with just over half of offences occurring between 6pm and 6am.
- Robbery offences are highly concentrated by time and day, with 70% occurring between 6pm and 6am. Robberies are also highly concentrated in the West End areas. Key areas are north of Shaftesbury Avenue such as Old Compton Street and the roads adjacent such as Greek, Frith and Dean Street.
- Violence is concentrated in the West End areas with 47% of all violence in the wards West End and St James's, half of all Assault related ambulance call outs were in these two wards.
- The main clusters of drug offences are the areas around Leicester Square running from Piccadilly Circus to the south and north of the square itself through to Charing Cross Road area.
- Leicester Square, Tottenham Court Road and Piccadilly Circus Stations have higher levels of offending between 6pm and 6am than during the day.

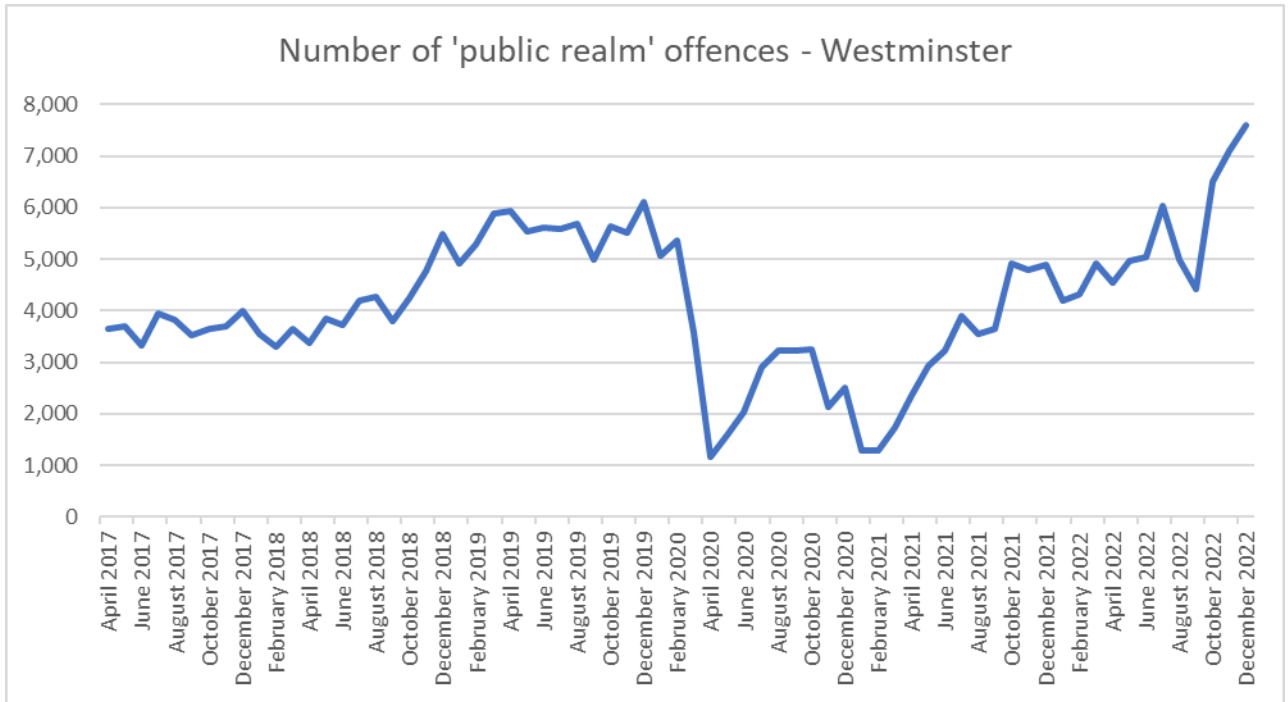
Patterns of crime

Westminster is the 4th highest crime volume Community Safety Partnership area in England and Wales after the large unitary authorities of Birmingham, Leeds, and Manchester. It has the highest crime volumes in London and the highest crime rate per 1,000 population.

Westminster also saw the largest swing in offending in London over the covid period linked to reductions in footfall and changing business/consumer patterns.

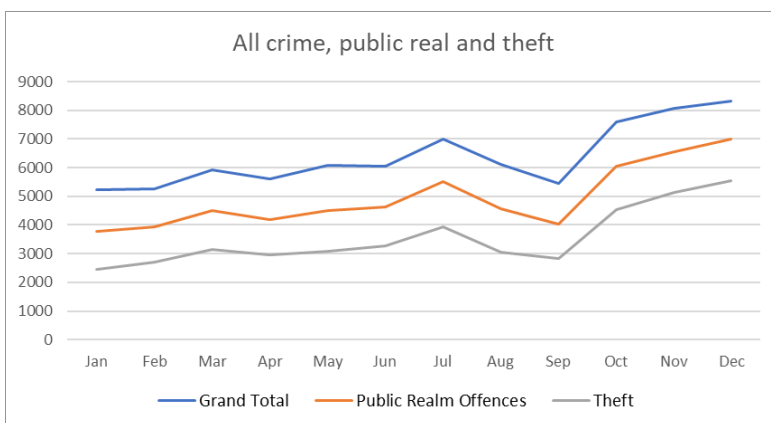
Crime has mostly returned to its pre-pandemic levels. This report utilises data from 2022, a year in which crime was continuing to increase from the unprecedented troughs that began to increase at the start of 2021. Westminster saw the largest swing in offending in London over the covid period linked to reductions in footfall and changing business/consumer patterns.

Crime in 2022 as a whole was still lower than pre-pandemic 2019 (although higher than the 2017-2019 average considered in the 2020 CIA), yet as of the end of 2022 total notifiable offences in the borough were at their highest levels, this is mostly driven by theft. In reverse, police sanctioned detection rate has fallen to just 5%, again adversely affected by thefts.



During 2022 there were 76,639 crimes recorded in Westminster by the police and provided for analysis, 77% of them were 'public realm' crimes of theft (56%), Violence (13.4%), Drugs (4.3%) and Robbery (4%). **Theft offences increased dramatically during 2022 and has driven increases in overall offending in Westminster and an increasing proportion of all offences in London.** In comparison, violence offences have remained relatively stable, and while robbery has seen increases, they are not to the same extent as theft offences.

Just under 66% (50,463) of all crime in Westminster and 74% (43,715) of 'public realm' crime occurs in just two wards: West End and St James's and 38% of all crime occurs within just three LSOAs⁸ at the centre of those areas, and 45% of 'public realm' crime.



Of all crime that had an available venue detail (40,739 crimes), 24% (13,056) had venue locations of interest to the wider impact assessment, inclusive of 22% (11,711) identifying licensed premises. Of those offences with a venue of interest to the CIA, approximately 64% (8,329) of those offences occurred overnight between 6pm and 6am. Despite the caveats around venue details, nearly **30%**

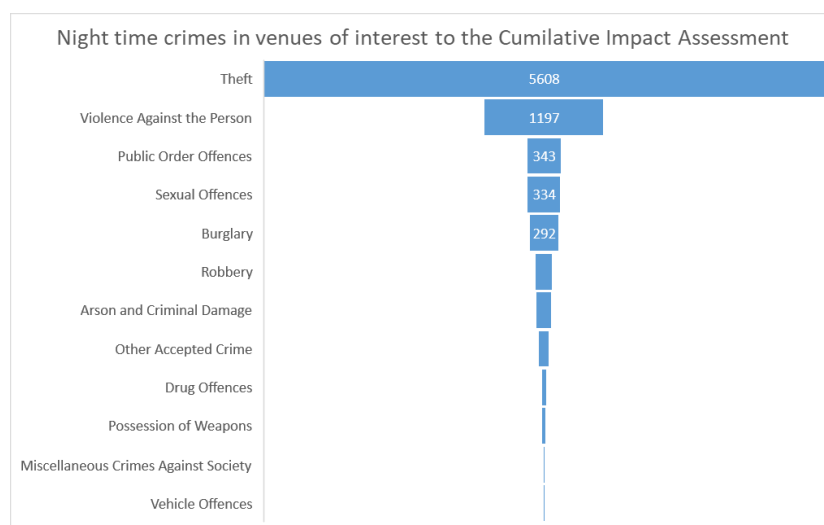
⁸ Lower Super Output Area (LSOA): geographic hierarchy designed to improve the reporting of small area statistics in England and Wales.

(8,329) of all crime (with a location) during the night-time were identified as involving a venue of interest to the CIA.

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	48	48	63	63	116	180	149	667
1	33	35	46	72	80	167	164	597
2	33	43	34	49	83	157	157	556
3	24	29	28	30	35	93	89	328
4	18	22	16	14	30	40	55	195
5	9	15	8	10	15	17	28	102
6	11	12	15	8	22	18	13	99
7	10	26	13	19	15	21	18	122
8	24	43	26	29	29	28	18	197
9	22	26	22	26	27	37	16	176
10	23	23	32	30	36	36	21	201
11	39	34	41	27	35	42	30	248
12	60	48	54	62	52	54	56	386
13	52	54	76	80	64	70	69	465
14	56	50	76	81	92	98	75	528
15	87	83	98	91	90	120	107	676
16	84	103	101	127	114	115	128	772
17	104	103	121	122	119	158	130	857
18	116	161	182	182	175	170	144	1130
19	123	142	198	250	184	157	117	1171
20	86	138	162	184	177	153	77	977
21	89	122	139	169	179	138	77	913
22	68	97	135	131	188	182	59	860
23	64	84	87	135	209	209	45	833
Grand Total	1283	1541	1773	1991	2166	2460	1842	13056

Temporal Analysis of Crime at venues of interest

The key times for crimes occurring at CIA related venues are predominantly overnight Friday/Saturday and Saturday/Sunday, yet the actual peak hours are between 6 – 8 pm reflecting the volumes of thefts that occur earlier in the evening. A similar pattern of times and days occurs in those crimes linked to licensed premises.



Night-time crime by type

Offences in pubs, bars, and clubs were the most common, followed by Restaurants. Pubs, bars, and clubs had a wide variety of offence types, including lots of thefts. Restaurant offence type breakdown was mainly theft.

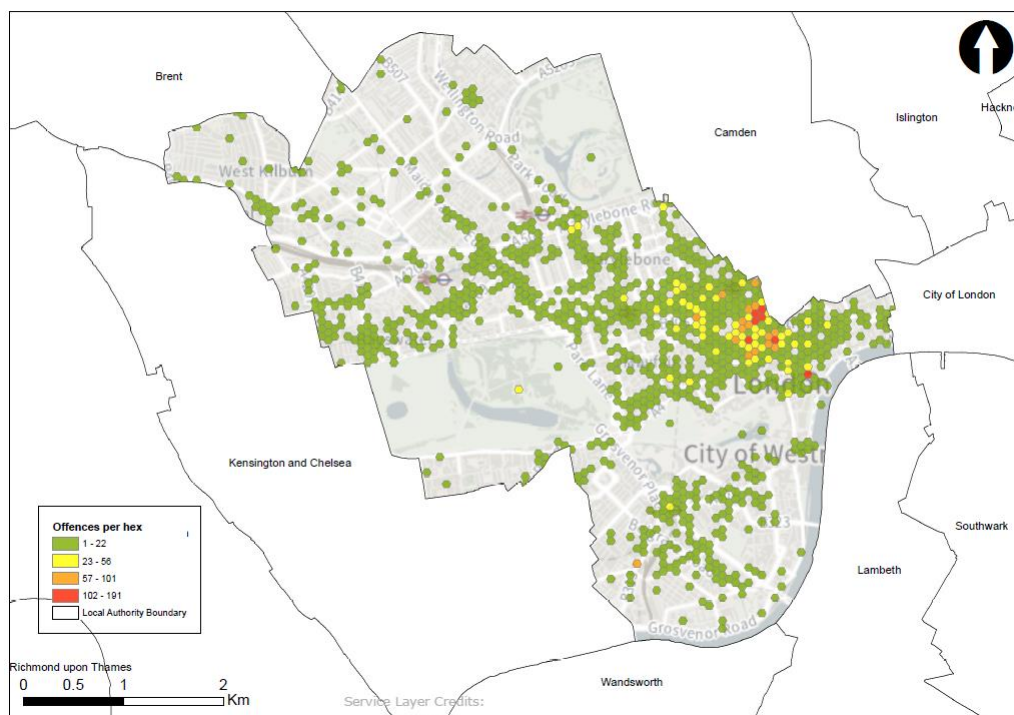
Of these crimes linked to CIA locations, 75% (9,720) of them occur in just two wards, West End and St James's and this rises to 80% (6,716) of crime between 6pm and 6am. 58% (4,857) of CIA related crimes fall into just 4 LSOAs in these West End areas.

More detailed examination of thefts linked to these associated locations show that theft offences really begin to ramp up from 6pm in the central west end area and carry on all through the evening, with nearly as many at 11pm as 6pm. While in other areas such as St James's and Oxford Street/Regents Street/Bond Street, as well the Marylebone area, thefts peak at 6-7pm before receding throughout the later evening. Despite the early evening peak in thefts, there are more thefts linked to CIA locations at 1am than there are 12am. This illustrates the importance of those premises in the west end to the overall volumes of theft.

The reason why the 1800-1900 period for theft represented the peak is that it appears to be the overlap between the peak in Oxford Street centred offending, with the beginning of higher offending in the central West End.

Conversely, violence does not hit its peak until 11pm and continues into the early hours of the morning.

Night time crime at a venue linked to the CIA by hexagon



The red cluster is the area to the **west of Charing Cross Road and north of Shaftesbury Avenue at Cambridge Circus includes the Old Compton St area and Greek St, and Frith St.** Other areas are **between Piccadilly and Leicester Square stations** and the surrounding areas, as well as the areas around Charing Cross station and Embankment.

These offences between 6am and 6pm account for 8,621 victims of crime at locations of interest to the CIA, including 7,697 at licensed premises. Where known, just over **half of victims are women**

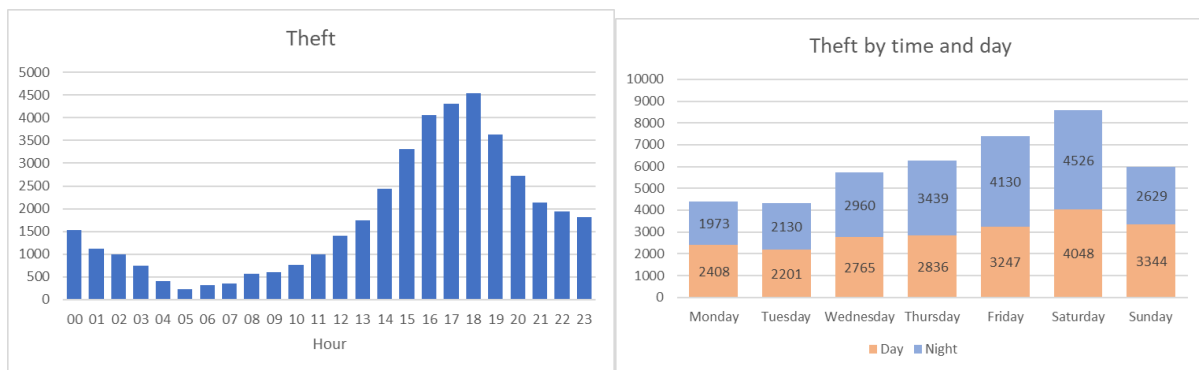
(52%). In particular **55% of all thefts and 86% of sexual offences had a female victim. Male victims at these venues were more likely to be public order (65%), robbery (67%) and violence (64%).**

Victims were most likely to be 20-24, followed by 25-29. Male victims tended to be a little younger than females, with 58% of men victims aged 18-30 compared to 42% with women.

Theft

Theft has driven increases in offending in Westminster and has increased faster than any other offence and increased past levels identified in the 2020 CIA (42,636 in 2022). The majority of the thefts are 'theft from person'.

Thefts occur primarily within the period of late afternoon and early evening, but also within the night-time period. The time splits of theft offences show only a small difference between night-time and daytime, with **51% (21,787) of theft offences occurring between 6pm and 6am.** The key times are 4pm to 8pm and Saturday being the peak day.



Theft offences are highly concentrated within the west end areas, with just under 82% (34,603) of all offences in 2022 in just two wards, West End and St James's, and 50% within just three LSOAs. This concentration rises further at night to 85% and 56% respectively.

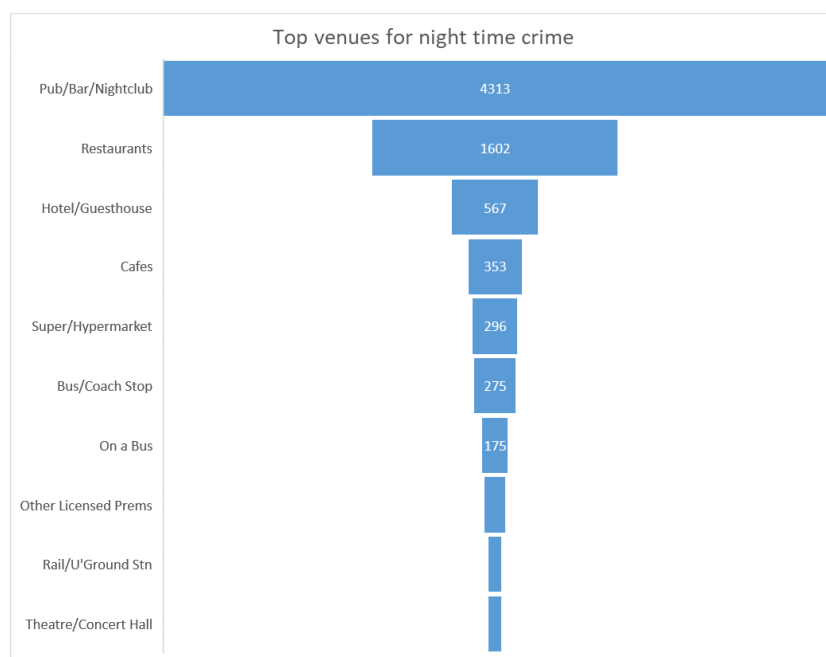


Overnight theft by hexagon

While thefts during the day are more associated with high traffic retail areas, the same locations continue to appear into the evening, with some retail areas around Oxford Street having later closing times. **Key locations include the Oxford Street area from key concentrations around large retail units in the east, running along to the busy Oxford Circus area and station across to the Tottenham Court Road/Charing Cross/Oxford Street junction and the retail and food sites at the east end of Oxford Street.** In the evening there is a concentration around the area north of Shaftesbury Avenue in Soho and along to Charing Cross Road such as Old Compton St, Greek Street and Frith Street. There are also key locations between Piccadilly circus and areas around Leicester Square stations including Coventry Street and the areas just south of Leicester Square. **For a busy tourist area, Covent Garden has much lower theft offences than the areas further west into the West End and Soho.** The few locations to fall outside the wider Oxford Street, Soho, West End appear to be close to rail transport hubs such as Victoria, Charing Cross and Marylebone/Baker Street.

Approximately 56% of thefts between the hours of 6pm and 6am had women victims and 49% of all thefts from women are between the ages 20-29. From the approximate 18 thousand theft suspects, where know 65% were men and 35% women and 20-30 were the most identified ages.

From analysis of locations (above) thefts account by far the largest proportion of the crimes that occur in the venues of interest to the CIA (67% of crimes with a location of interest to the CIA).



Night-time crime by venue

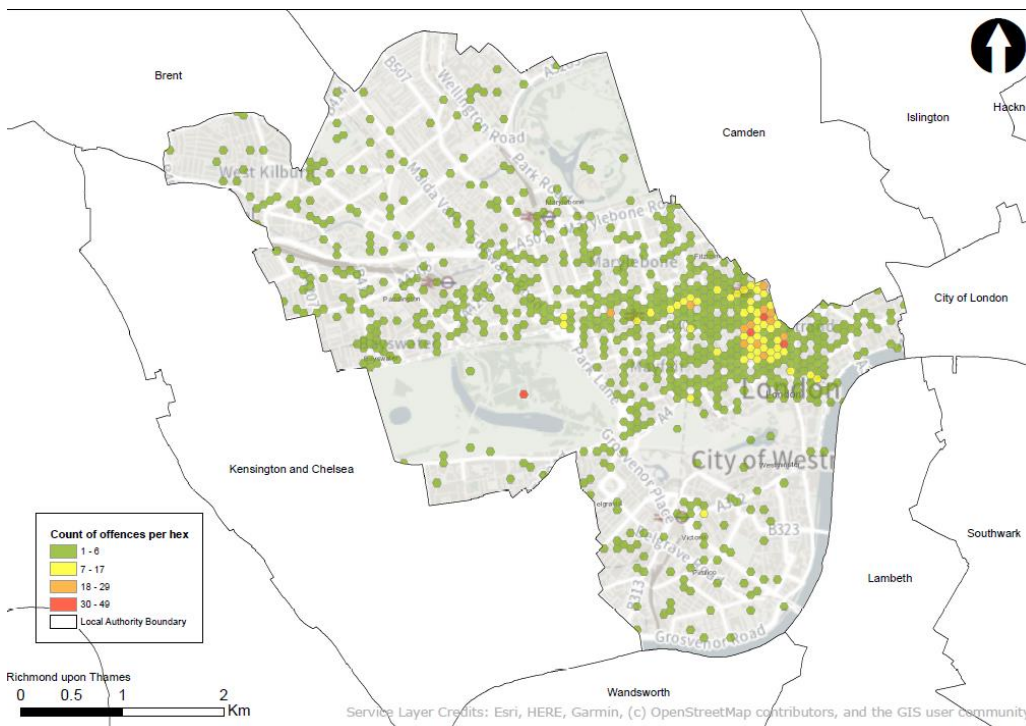
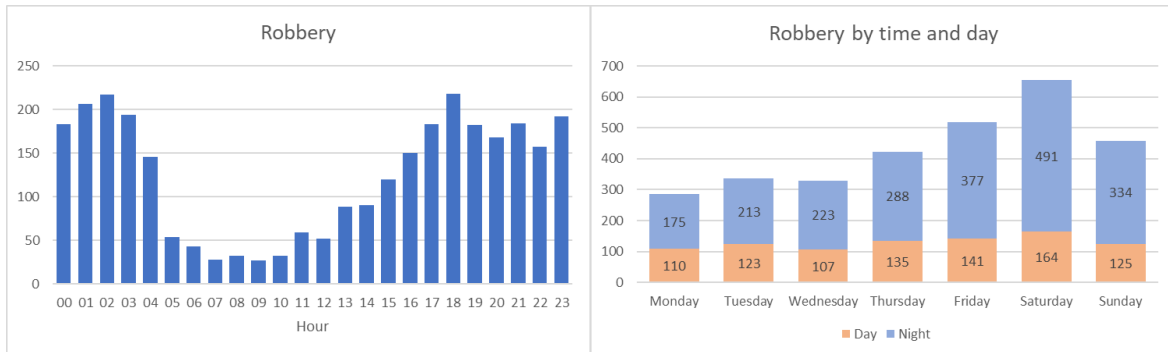
Robbery

The category of robbery is predominantly 'robbery of personal property', but there are additional smaller volumes of 'robbery of business property'.

There were 3,006 robberies in Westminster in 2022 and offences have been steadily returning since covid. This increase in offences is reflected in the growing proportion of robbery offences in Westminster compared to the whole of London, with 13% of the annual rolling total, higher than previous years. Like theft and violence, **robberies are also highly concentrated in the west end**

areas, with 70% (2,099) of all offences in 2022 within two wards, West End and St James's, 43% in just three LSOAs. At night this concentration increases to 76% (1,608) and 47% respectively.

Robbery offences are highly concentrated by time and day, with 70% (2,101) occurring between 6pm and 6am. Key times are after midnight on Saturday and Sunday mornings.



Overnight robbery by hexagon

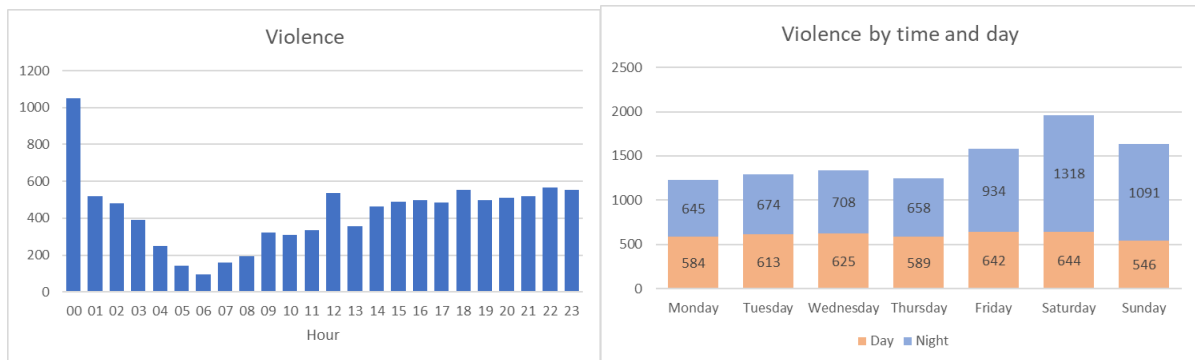
Key areas are north of Shaftesbury Avenue such as Old Compton Street and the roads adjacent such as Greek, Frith and Dean Street. There are further clusters further east and north of Shaftesbury Avenue down towards the Piccadilly area. There are offences between the Piccadilly area past Leicester Square over to Leicester Square/Charing Cross road area. There are also offence locations on Oxford Street around both the Oxford Circus area and Tottenham Court Road junction.

From these offences there were 196 recorded victims, 67% were men. Age ranges of victims tended to be under 40 and the keys range is 19-26 for both men and women. There were 4,033 identified suspects of robbery with multiple suspects for each robbery. Where known, 91% were men and young, with an estimated age of 20 or under being more prevalent than 25 and 30.

Violence (MPS and Health data)

Recorded levels of violence have returned broadly to levels experienced identified in the 2020 CIA but have remained relatively stable over 2022 where there were 10,283 recorded offences.

Approximately 59% (6,028) of violent offences occur between 6pm to 6am and most concentrated in the period just prior and to and after midnight. The peak times are 11pm to 3pm, especially overnight Friday/Saturday and Saturday/Sunday.



Violence is concentrated in the West End areas with 47% (4,879) of all violence in the wards West End and St James's, 25% in just 3 LSOAs. At night this concentration increases to 57% (3,440) and 33% respectively



Overnight violence against person by hexagon

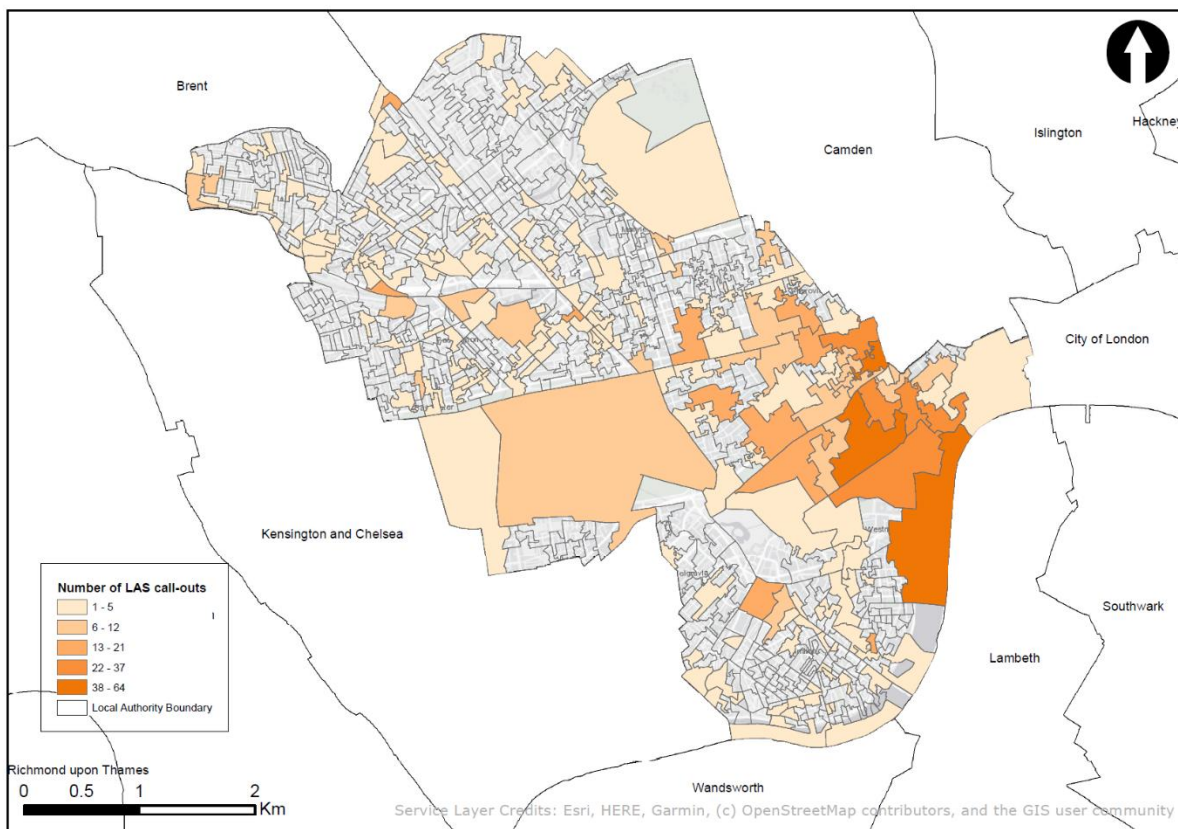
Key locations include the corridor from Piccadilly Circus, through Coventry Street, Leicester Square, Charing Cross Road and the surrounding areas to Leicester Square station. There are concentrations in Soho as well as to the south towards Trafalgar Square, Charing Cross Station and the Strand/Embankment area.

Police data shows 60% of victims of serious violence in West End and St James’s wards were males and 67% aged between 18 and 39. Only 7% were aged 17 or less. One quarter of victims were aged 40 or over. Where known 64% of victims were of white ethnicity and 16% Asian. For the victims 5% were flagged as domestic abuse and 4% as hate crime. A third of victims’ ethnicity was not known.

In addition to recorded police offences there were 133 identified incidences of violence in Westminster that attended an Emergency Department. These incidents followed similar time patterns of early Saturday/Sunday morning and 36% were identified as having occurred in the 3 LSOAs.

Similarly, there were 1,455 ambulance call outs identified as having been assaults which too follow similar temporal and geographic patterns. **Half of all Assault related ambulance call outs were in the two west end wards and 30% within just three LSOAs. Key times are overnight Friday/Saturday and Saturday/Sunday.**

LAS call-outs by OA - Assaults

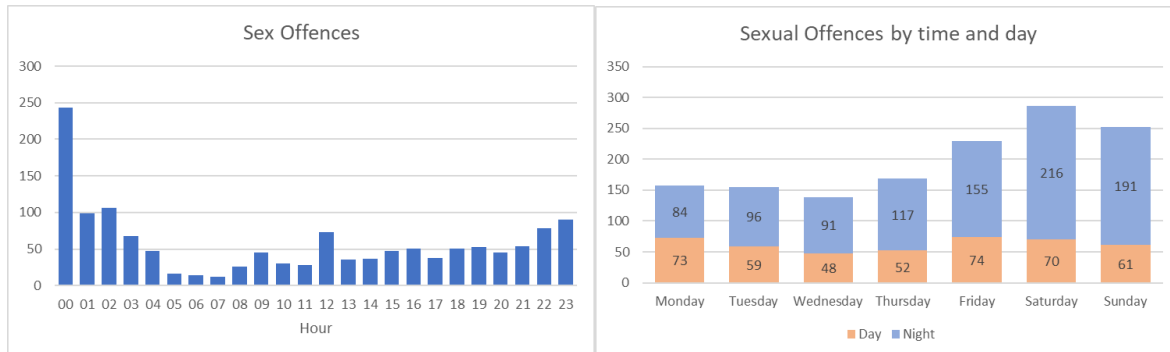


Assault requiring an ambulance incidents illustrate a similar pattern to the crime data, highlighting the key West End areas, especially the area north of Shaftesbury Avenue and east of Charing Cross Road around Old Compton Street/Frith Street/Greek Street. Like the crime data it picks up the Piccadilly – Leicester Square corridor and the Trafalgar Square- Charing Cross Station area.

Sexual Offences

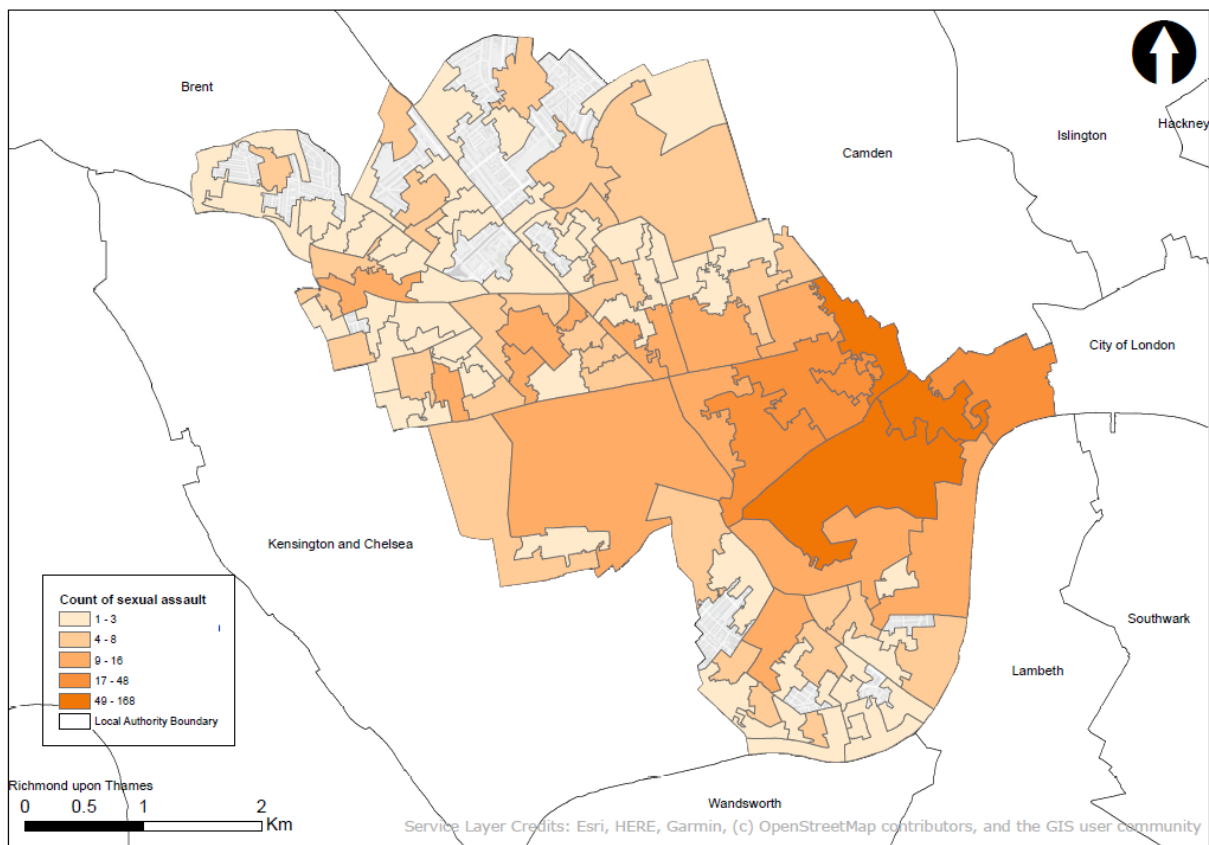
Over 2022 there were 1,387 sexual offences in Westminster and offences have been increasing both in Westminster and London wide since 2020 Westminster has more offences than any other borough and accounts for approximately 7% of sexual offences across London.

The majority (69% 950) of sexual offences occur between 6pm and 6am, with the peak hour being midnight until 1AM. The key times being overnight Friday/Saturday and Saturday/Sunday where 76% of all offences occur overnight.



Over 65% of all sexual offences occur in the west end wards and 44% within just three LSOAs.

Sexual Assault by LSOA



The profile of sexual offence victims is predominately females (83%) and 42% were aged 18-25, 9% were aged less than 17. Only 12% were aged 40 or over. Ethnicity was unknown in nearly a third of cases. Where known 69% of victims were of white ethnic appearance.

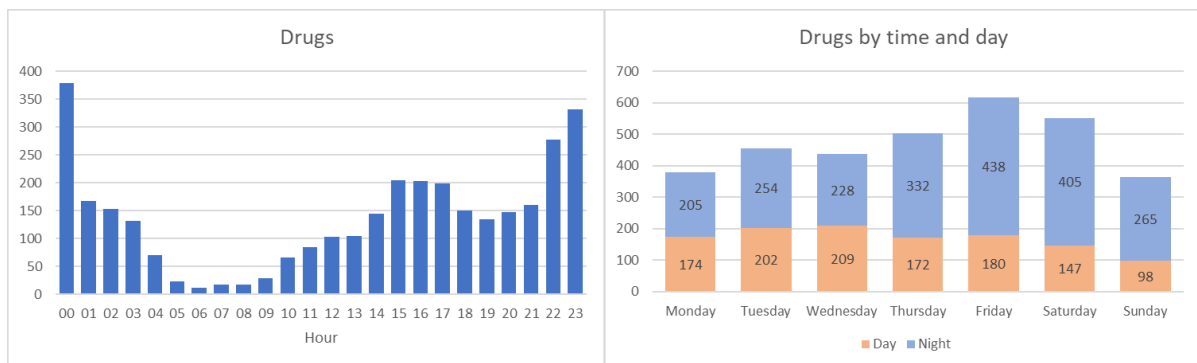
In addition to sexual offences, the MPS have identified 11,878 crimes categorised as 'Violence against women and girls'. The majority of these offences are sexual offences already discussed above, but also includes wider public order and violence and a few acquisitive crimes. Of this basket

of crime, 57% occur between 6pm and 6am and 46% of these crimes occur in the two west end wards, rising to 55% at night. At night 28% of these offences occur at locations associated with the CIA such as pubs/bars/nightclubs as well as restaurants.

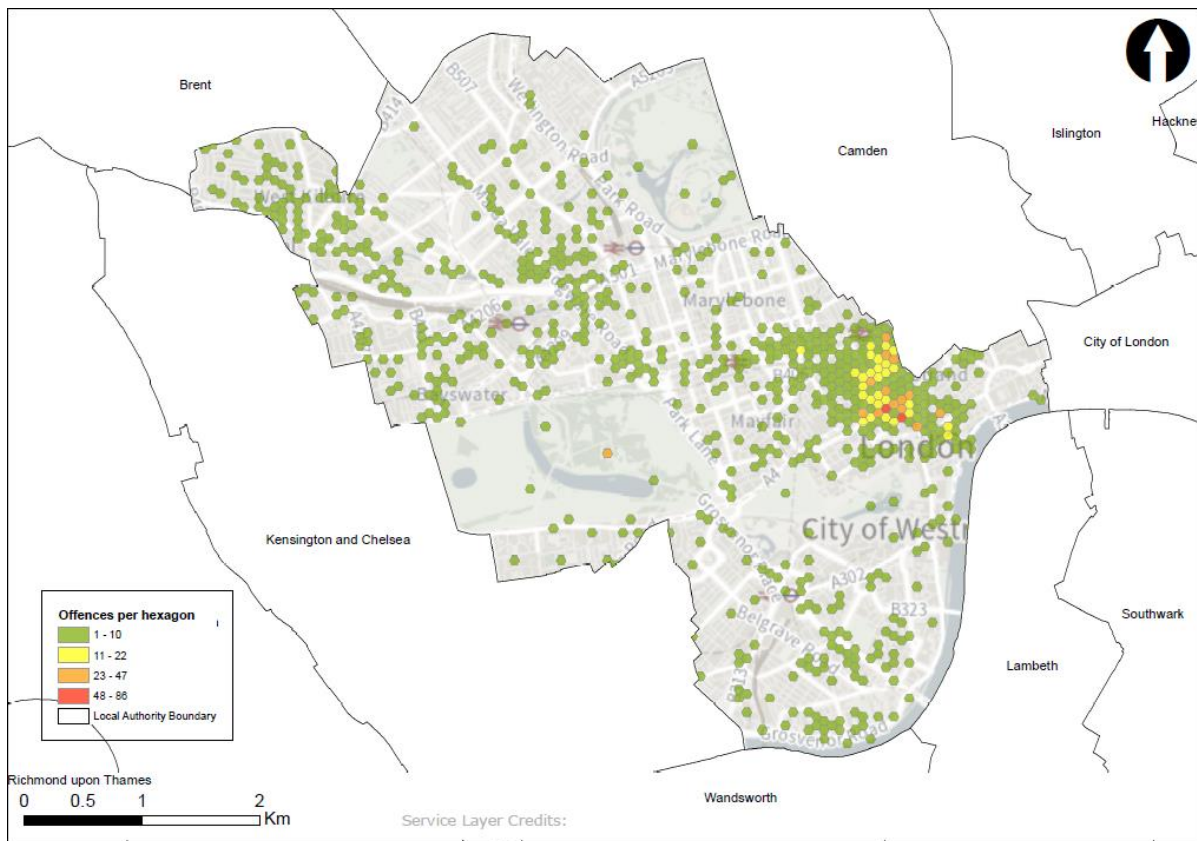
Drug Offences

Over 2022 there were 3,309 drug offences in Westminster, mostly as a result of stop and search.

Over 64% (2,127) of drug offences occur overnight, rising to 73% over the weekend. The key times for drug offences is overnight Friday/Saturday and Saturday/Sunday



The large majority of Westminster drug offences (74% 2,134) occur in the West End wards, 55% within just 3 LSOA.



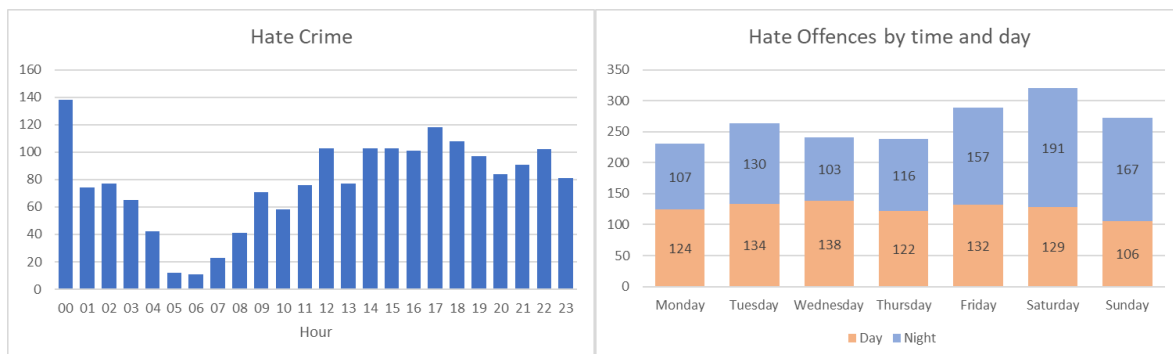
Overnight drug offences by hexagon

Drug offence locations will be broadly representative of police deployment and locations of stop and searches. The main clusters of drug offences are the areas around Leicester Square running from Piccadilly Circus to the south and north of the square itself through to Charing Cross Road area. Other smaller clusters include the area just to the east of Charing Cross Road in soho such as Old Compton Street. Additionally routes out to the south via Trafalgar Square and the Strand can be identified.

Hate Crime

A hate crime is defined as “any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race, religion, sexual orientation, transgender identity or disability, or the perception of the person of having any of these characteristics”. Hate crime offences are therefore derived from other offences such as violence, public order, criminal damage being classified as hate related and given a ‘flag’ to identify them as ‘hate crimes’. Within 2022 there were 1,859 offences given a ‘hate flag’ with 2,261 different flags

Hate crime is more evenly split over the day than some other offences with 52% (971) occurring during 6pm and 6am and with a less noticeable trend of time and day with offences happening throughout the day. However, **Friday – Sundays are the peak days and the concentrations after midnight on those days being some of the largest.**





Overnight hate crime by hexagon

The majority of hate offences occur within the west end wards (55%). At night this concentration increases to 78% of hate crime within West End and St James's and 31% in just 2 LSOAs. As well as a general concentration across the central West End area and area north of Shaftesbury Avenue, the transport routes out around Charing Cross Station and around the Embankment are also key.

The most prevalent type of hate crime was 'Racial' (66%), followed by Homophobic incidents (18%) and Faith based (8%)

Victim data of hate crime victims showed 63% were males. The most common age was 30-39 years accounting for 28% of all victims. Two thirds of victims were aged less than 39 and only 3% were aged 17 or less. Where known 41% were White, 25% Black and 24% Asian. Ethnicity was unknown in 28% of victims.

Accused data was available for 111 people. 91% of those accused of hate crimes were male. Nearly half were aged over 40 years of age. Only 2% were aged under 17. Most accused (57%) were of White ethnic appearance, followed by 27% Black. The majority 91% of those accused of hate crimes were charged or further charged and 9% received an adult caution.

Child Exploitation

Similarly, to hate crime the MPS utilise a crime flagging system to identify crimes that involve exploitation of children. The use of this flag is up to the discretion of the officer and is not always used. Demographic information such as 'age' was not captured or accessible in most data sets here observed, meaning insights into harms against children, the prevention of which is among the four licensing objectives, could not be considered to the fullest extent in this assessment.

In 2022 there were 102 crimes flagged as either 'child criminal exploitation' (53) or 'child sexual exploitation' (49). Of these offences 30% occurred in the two west end wards. Very few location details give an indication of an undue presence of licensed premises or wider locations of interest to the CIA. The majority of locations are not known, and where they are the most prevalent is a domestic setting or in the street.

Anti-Social Behaviour (ASB)

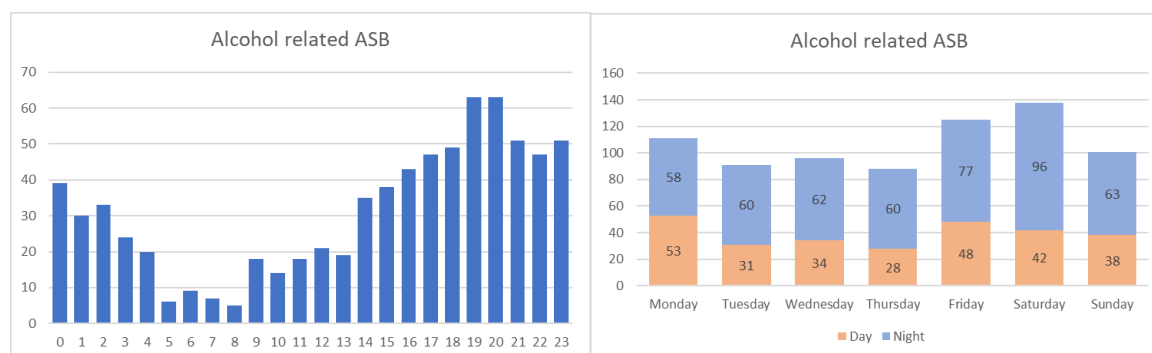
Summary

- Alcohol related ASB incidents and London Ambulance Calls outs for alcohol/overdose are heavily concentrated in the West End and St. James Ward, at weekends and late night.
- This includes 57% (117) of alcohol related police ASB in the West End referencing a venue of interest to the CIA, and 74% (2,904) of all ambulance attendances for alcohol occurring overnight and 63% (2,465) within the West End
- Transport related data illustrates the concentration of crime and disorder issues at stations within the West End, night busses and travel routes away from the West End
- Consultations reveal the scale of concerns of residents and workers around disorder issues associated with the use and sale of alcohol and the wider night time economy. 27% of West End respondents to the City Survey feel there are problems specifically related to licensed premises.

Police ASB flagged as related to alcohol.

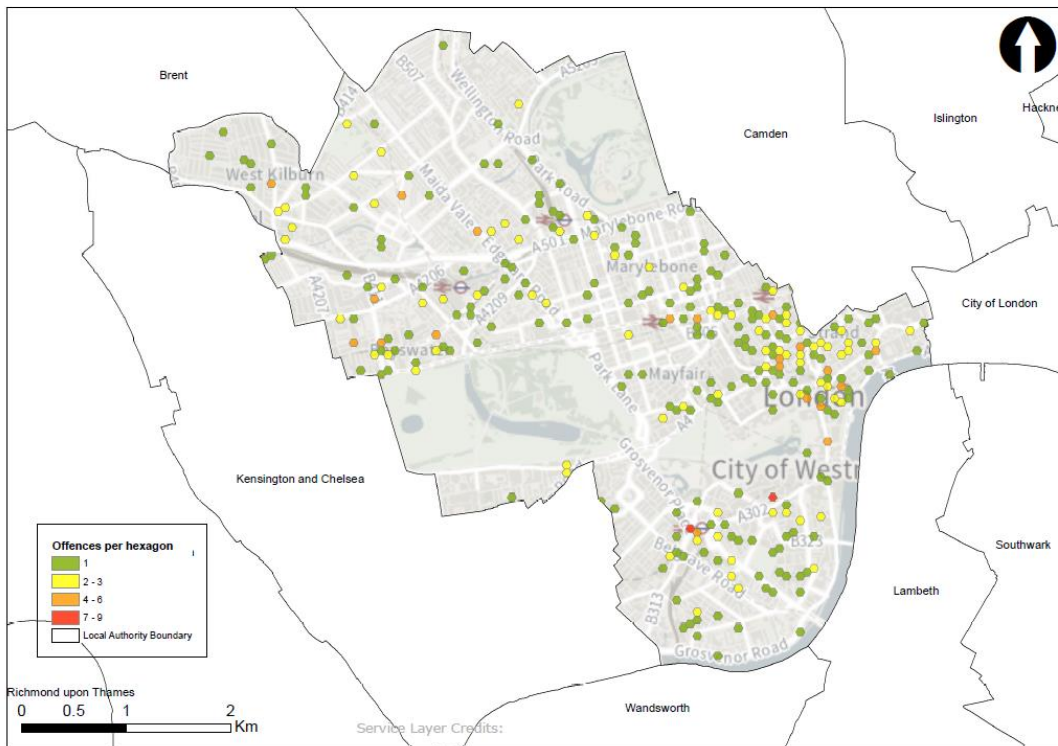
Approximately only 6.5% (757) of all ASB calls in 2022 are recorded as having been linked to alcohol. Of these incidents 64% (476) occurred over night between 6pm – 6am, a greater proportion than for all ASB.

Fridays and Saturdays are the peak days, yet Alcohol related ASB is less obviously dominated by the weekend compared to other alcohol related data sets.



Approximately 40% (186) of all night-time alcohol related ASB occurs with the police Safer Neighbourhood Areas broadly similar to the areas of West End & St James's and a further 12% in the areas including Oxford Street and the areas just north of it. However, some of the small areas with high levels of alcohol related ASB are in the south, around Victoria. There are additional small areas of concentrations in the residential areas of the north.

Anti-social behaviour incidents related to alcohol (night time)



From these selected areas in the wider West End, 57% (117) of call details included reference to a public house/nightclub, a night-time transport route, station, hotel or restaurant/food establishment.

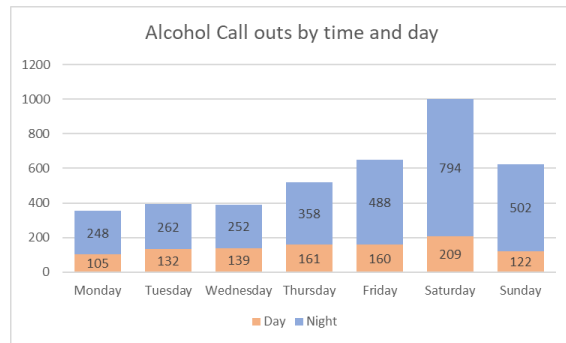
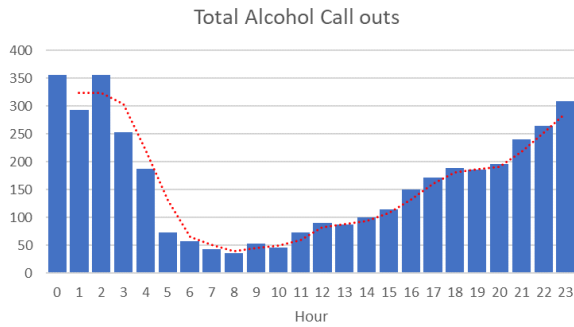
Patterns of alcohol/overdose incidents within health data

Westminster experiences the highest volumes of ambulance call outs in London related to alcohol and night-time economy. Existing analysis through products such as the Safer Westminster Partnership strategic assessment further illustrates connection to patterns in the night-time economy, especially during the reduction of incidents during Covid restrictions and the subsequent increase during the easing of those restrictions.

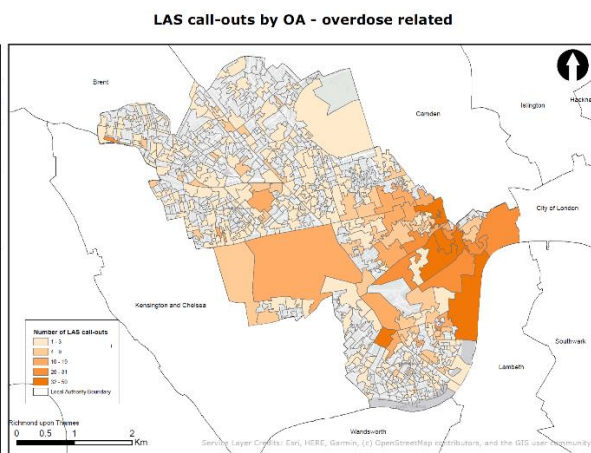
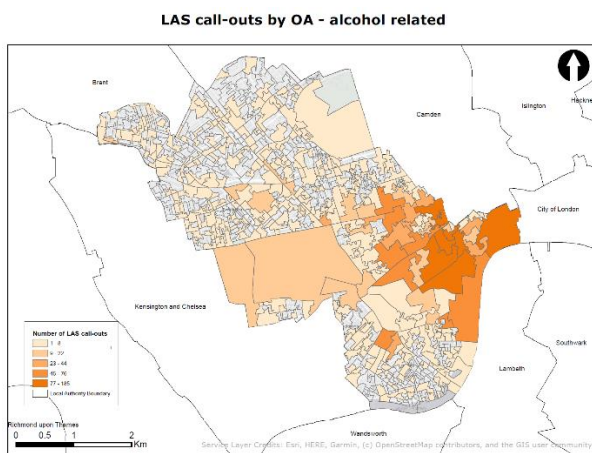
Over 2022 there were over 60,000 incidents requiring an ambulance, **3,932 of these (6.5%) were classified by the paramedic as 'alcohol related', and 2,251 (3.7%) as an 'overdose'.**

Across Westminster, **three quarters (74% 2,904) of alcohol related ambulance incidents occurred between 6pm and 6am, and nearly two thirds (63% 2,465) within the two West End wards of West End and St James's Park.** Just over half (51%) of all alcohol related ambulance incidents occurred in these two wards between 6pm and 6am.

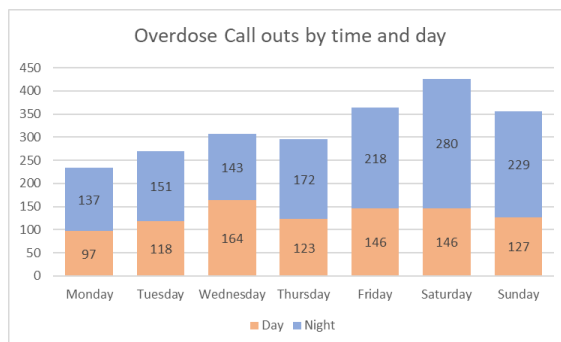
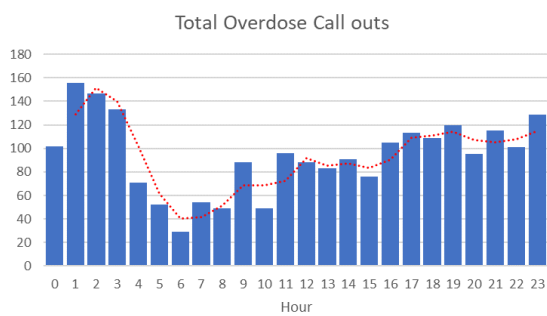
The key times for alcohol related ambulance incidents is later overnight Friday/Saturday and again Saturday/Sunday, with the post-midnight hours the busiest. A third of all incidents occur within a four-hour window 11pm to 3am. On the weekend the period between 3am to 5am is busier than the hours leading up to midnight. This pattern is even more pronounced within the West End wards. Compared to the 2020 CIA period, the overall time pattern of alcohol related ambulance incidents is concentrated in the later hours of the night.



The locational data for ambulance call outs clearly shows a concentration of incidents in the West End area for both alcohol and overdose related calls. Both data sets highlight the area just north of Shaftesbury Avenue east of Charing Cross Road such as Old Compton Street, as well as the areas around Leicester Square and Piccadilly, as well as the area around Victoria station.



There have been 2,251 ambulance call outs relating to an 'overdose'. Just under 60% (1,330) of these incidents occur between 6pm and 6am, increasing to approximately 65% over the weekend. Over 45% of these have occurred in the two west end wards. Approximately one quarter of all incidents occur between 11pm to 3am period, again more pronounced within the west end wards.



Peak times, similar to alcohol incidents, are overnight Friday/Saturday and Saturday/Sunday, with an additional peak early Saturday evening.

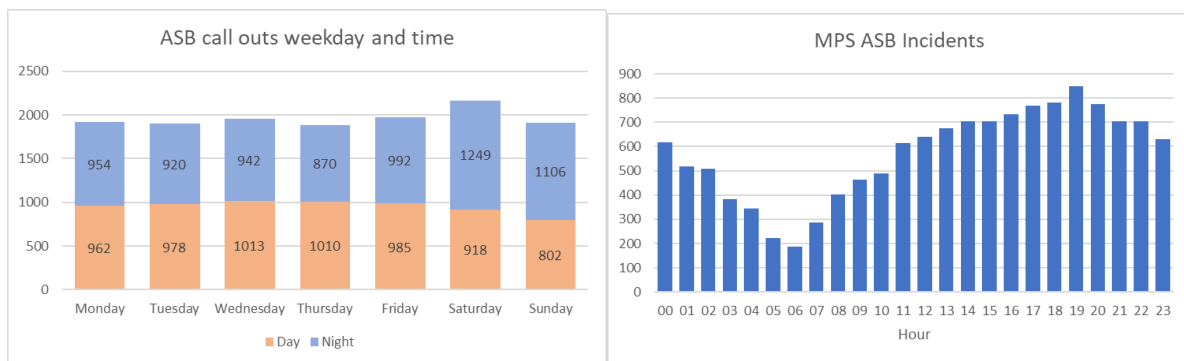
There are wider data sets available to understand the cumulative impact of licensed premises and the night-time economy on Westminster, other than where alcohol or licensed premises is explicitly mentioned. This can predominantly be done via categorisation, time and location. These data sets

will include wider records of ASB, selected ‘public realm’ crimes and data from travel and health partners.

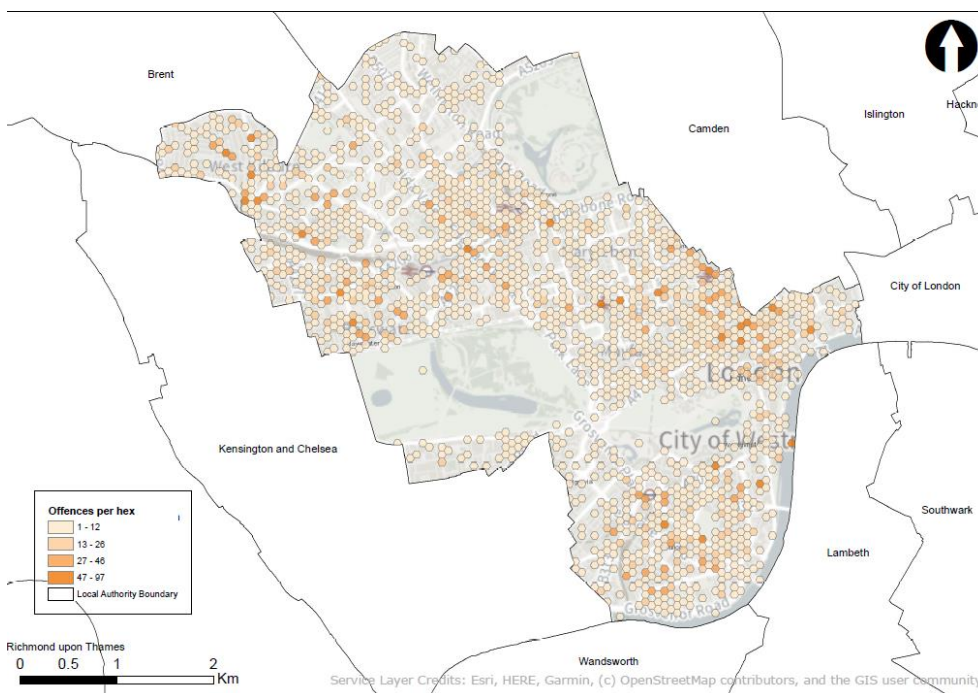
Patterns of all police recorded ASB

During 2022 there were 13,701 calls to the Metropolitan Police categorised as anti-social behaviour. Of these calls, nearly two thirds are primarily categorised as ‘Rowdy or Inconsiderate Behaviour’, and just 0.72% primarily recorded as ‘Alcohol Related’. However, across all available categorisation description, 757 ((6.5%) were categorised as ‘Alcohol related’ (discussed above). There were 2,018 (14.7%) incidents categorised somewhere as ‘Drug related’.

ASB incidents are spread throughout the day and week more evenly than other crime and disorder data, yet still see concentrations in the evening and overnight during the weekend. **Peak times are early evening on Saturdays running through Saturday night until Sunday morning.**



Location wise **ASB incidents are also more geographically spread with just 28% (3,849) of incidents occurring in the west end areas** with the residential areas in the north and the south of the borough experiencing ASB.



ASB incidents

ASB locations are difficult to map due to data limitations and the map presented here is for all ASB, not just 6pm-6am. **There is a much greater spread of ASB incidents compared to other incident**

types and far less focused in the West End areas. There are however particular concentrations around Leicester Square, Piccadilly and Oxford Street, but also incidents in the residential areas of the South and north up Edgware Road into the northern residential areas.

ASB Consultation 2022

Consultation with residents and BIDs (Business Improvement Districts) and other stakeholders conducted in 2022 for the **Westminster Anti-Social Behaviour Strategy found many comments linking ASB to alcohol, licensed premises and wider areas of night-time economy.**

Responses highlighted the impact of visitors to the borough on levels of ASB and crime, suggesting that improvements need to be made in encouraging visitors to theatres and entertainment centres to be respectful of staff and others. Some responses were specifically critical of the impact of licensed premises and the prevalence of alcohol and its impact on businesses and the community.

"Actively and meaningfully reduce the concentration of licensed premises in Soho. Soho has the single greatest concentration of licensed premises in the whole of the UK, and this puts enormous pressure on our community, and we bear the brunt of anti-social behaviour." (Soho)

"Reduce the sale of alcohol. Alcohol is the single leading cause of anti-social behaviour in Soho."

Alcohol is sold in vast quantities everywhere in Soho and yet, Westminster City Council keeps approving new Premises Licences - even when their own guidance says they have a presumption to refuse new Premises Licence applications. They don't. More and more businesses now serve alcohol. You can consume alcohol in clothes shops and hairdressers in Soho." + "There are too many drinking establishments in the area. As we know the more alcohol people drink, the less inhibited they are and the louder they are." (Soho Amenity Society)

"1. Stop attracting unruly groups and individuals to Soho in the first place; Soho has recently become "party central" as a result of the al fresco scheme, the replacement of family and local restaurants by fast-food joints, extended licensing hours and off-licensing, and wholesale street drinking day and night; these are the root causes - reverse them and the ASB will diminish."

On a similar theme feedback contained criticisms of lack of enforcement against premises that break the rules.

"Similarly for breaches of licensing and planning conditions; these conditions are useless unless operators know that they will be strictly enforced; it is ludicrous to insist that residents must have reported multiple breaches before the council takes action." (Meard and Dean St Residential Assoc)

Additionally, **feedback highlights the importance of begging and rough sleeping in connection with commercial areas associated with high footfall and night-time economy.** The consultation suggested that respondents felt that these issues were getting worse and highlight the connection between ASB, begging, rough sleeping with the need for alcohol and drug services.

The impact on the businesses involved was also fed back. The impact of activities drawn into central London by visitors, licensed premises and the wider night-time economy such as begging, pedicabs, buskers, street sellers, suggesting that the ASB was: *"not just bad for our business, it is bad for the whole central London economy"* (West End employee).

Patterns of enforcement and work undertaken by partner agencies illustrate that the commercial areas of the west end experience ASB relating to begging, pedicabs, drugs, alcohol and other

substance misuse. The areas of the west end also had the highest number of ASB cases being actively managed on the council's case management system.

City Survey: Resident concern on licensed premises and related issues.

The City Survey provides important insight into residential concerns and emerging trends for local issues. The survey included specific questions around safety, local issues and licensed premises. Overall, West End respondents are most prominent in reporting problems related to licensed premises directly. However, Queen's Park and St James's are also areas of interest, particularly around people being drunk or rowdy, using or buying drugs and around rubbish and litter.

Insights

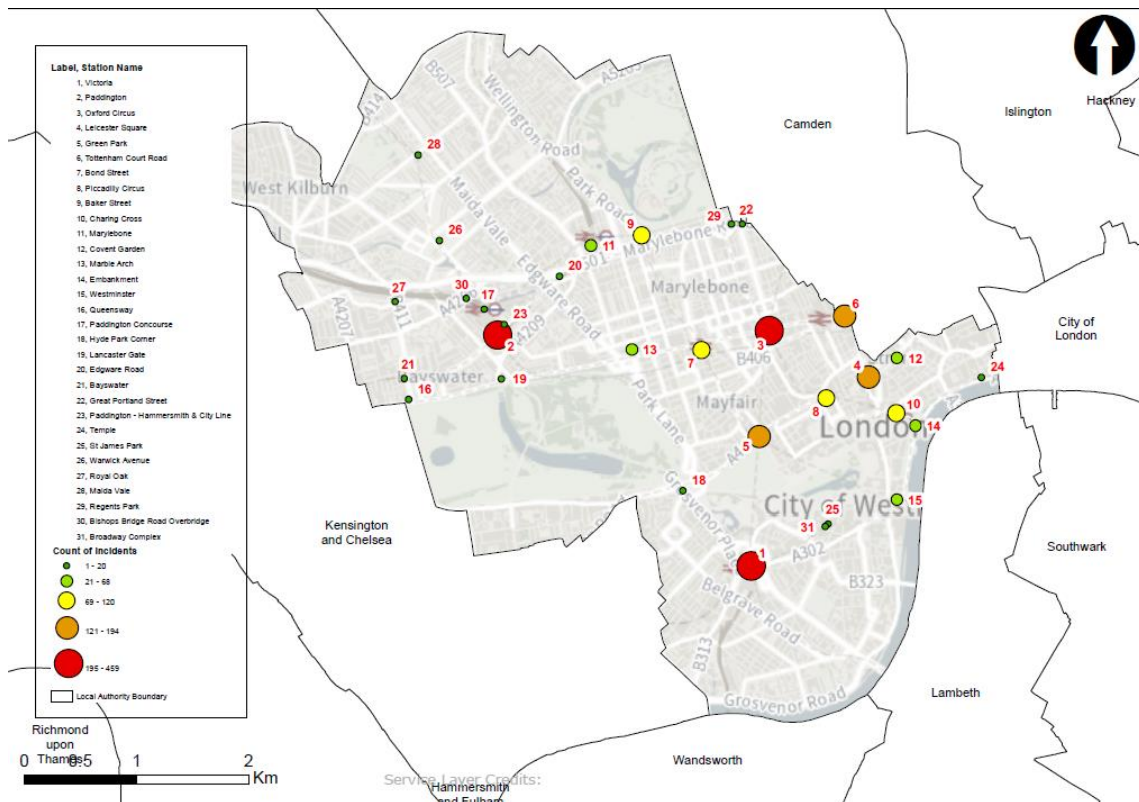
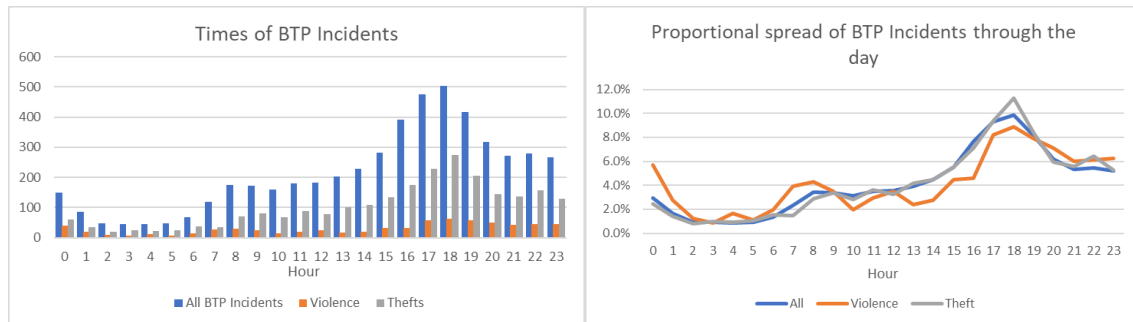
1. **27% of West End respondents** feel there are problems related to **licensed premises** (e.g., people drinking/smoking outside, blocked pavements, deliveries, etc.). Any other ward is below 6% and too small a sample size.
 - a. Overall, 4% of WCC residents think this is a problem, and 11% of Central East residents.
2. **32% of respondents in Westbourne** report feeling **unsafe after dark**, followed by 25% in Church St, and 24% in Queen's Park.
 - a. Overall, 17% of Westminster residents feel unsafe after dark, 20% of North-East, and 18% of Central West and North-West.
3. **Hyde Park respondents report feeling most unsafe in their area**, with 11% followed by Lancaster Gate at 8%. However, neither ward presents issues with licensed premises.
 - a. Overall, 3% of residents in Westminster feel unsafe, and 6% in Central West
4. **28% of West End respondents** feel there are problems related to **commercial properties** (e.g. noise, blocked pavements, deliveries). Any other ward is below 7% and too small a sample size.
 - a. Overall, 5% of WCC residents feel this is an issue, and 12% of Central East
5. A more prevalent issue overall is **people being drunk or rowdy**, with **22% of St James's and Queen's Park and 21% in Lancaster Gate and the West End** feeling this is an issue in their areas.
 - a. Overall, 13% of residents in Westminster think this is a problem, and 19% of Central East residents.
6. **Queen's Park tops the rates of respondents feeling that people using or buying drugs is an issue**, with 34%, followed by:
 - a. 31% in St James's,
 - b. 30% in Vincent Square and Pimlico North,
 - c. 27% in Bayswater,
 - d. 25% in Pimlico South
 - e. and 24% in Lancaster Gate
7. Overall, 20% of Westminster residents feel this way, followed by 29% of the South and 21% of Central East
8. **30% of residents from the West End, St James's and Queen's Park think rubbish and litter lying around is an issue**, followed by 29% Bayswater, 28% in Hyde Park and 27% in Marylebone

- a. Overall, 21% of Westminster residents think this is an issue, with 28% of Central East and 24% in Central West

City Survey respondents reflected the areas of concern that is represented through the licensing and crime related data and previously recognised stress areas. The proportion of residents that feel unsafe and expressed concern over licensed premises were reported in low numbers in comparison to the overall number of respondents, however it does provide key insight into areas that we may need to focus on. The City Survey is not representative of resident views below the ward level.

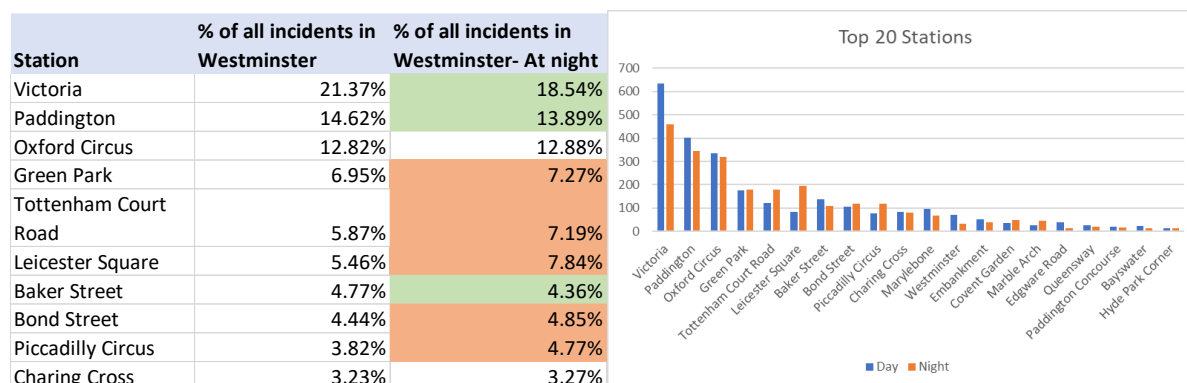
Transport related crime and disorder - BTP

Over 2022 there were 5,111 crimes recorded by British Transport Police in Westminster. Theft accounted for nearly 48% (2,440) of all of incidents, followed by violence (14% 719), public order (14% 730) and drugs (5% 253). BTP offences do not show a clear majority occurring overnight due to the volumes of thefts during the late afternoon alongside higher passenger journeys and footfall, peak times being between 4pm and 7pm, however 56% (400) of violence occurs overnight, 61% (49) of robbery. Yet there are significant concentrations late night and early evening Friday/Saturday and Saturday/Sunday. This concentration over the weekend is especially clear for incidents of violence and robbery.



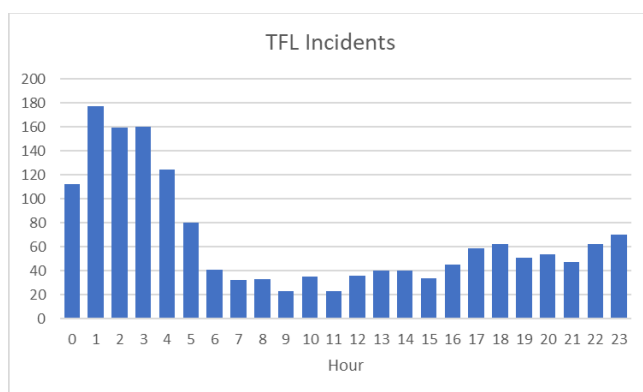
British Transport Police incidents by train station

Victoria Station accounts for 21.4% (1,092) of all recorded incidents, followed by Paddington Station (14.6% 747) and Oxford Circus (12.8% 655). These stations are the busiest stations for footfall and customer journeys. Beneath these three busiest station the rankings for incidents does alter across the time of day. Stations in the West end area such as Green Park, Piccadilly Circus, Leicester Square and Tottenham Court Road show an increasing proportion of offences over the night-time period, while Victoria and Paddington had a reduced proportion of offences during the night. **Leicester Square, Tottenham Court Road and Piccadilly circus have higher levels of offending between 6pm and 6am than during the day.**



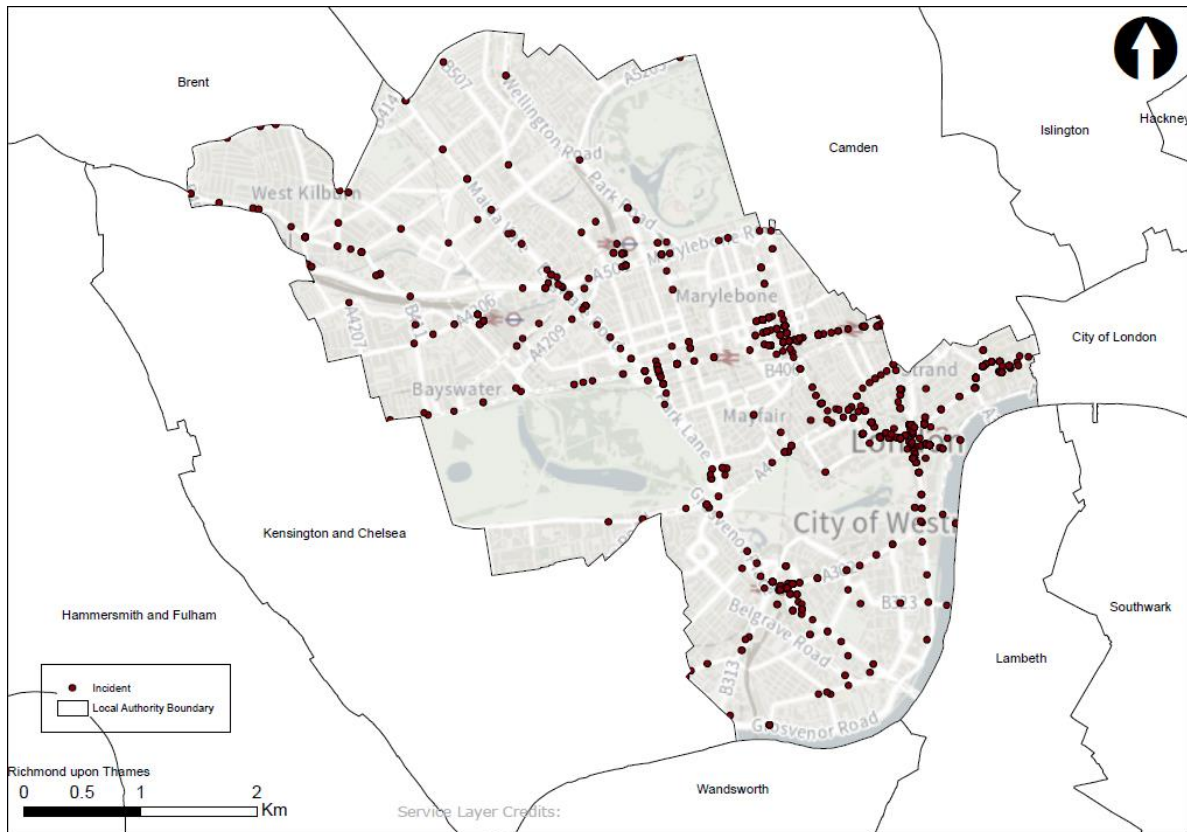
Transport related crime and disorder – TFL

In addition to crimes recorded by BTP, primarily at train stations, Transport for London record incidents that occur on their busses. There were 1,599 ASB/crime incidents recorded over 2022 in Westminster, over three quarters (78%) were incidents recorded as a ‘disturbance’. **Nearly three quarters (82% 786) of all these incidents occur between 6pm and 6am, with the key periods being late night past midnight.** This pattern is more pronounced early morning Saturday and Sunday, especially within the two west end wards where the key time is between 1am to 4am.



Locational data highlights the key areas are within the central west end area as well as routes out of the area. **Key streets include Oxford Street, Trafalgar Square, Strand, St Martins Lane.** Most prevalent routes are the prefixed (N) night busses as well as routes via Victoria. Other key streets include Whitehall, Aldwych, Northumberland Avenue, Vauxhall Bridge Road and The Strand.

Route	Via Locations
N15	Charing Cross, Trafalgar Square, Regent Street, Piccadilly Circus, Oxford Circus
N29	Cambridge Circus, Leicester Square, St Martins Place, Trafalgar Square



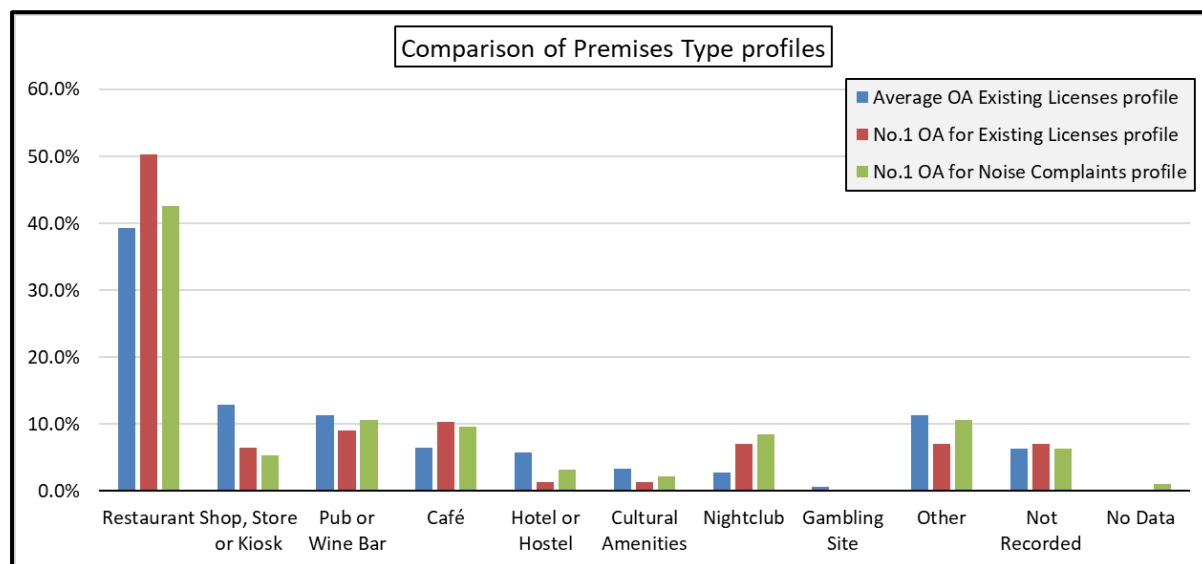
All TFL Incidents by location

TFL incidents obviously coincide with the bus routes and night incidents by the night routes. **The importance of Oxford Street and Oxford Circus area is quite apparent as are the routes around Piccadilly Circus and down to Trafalgar Square, Charing Cross and the Strand. Additionally, the Victoria area has a high concentration of incidents.** Many of these areas and routes are all associated with the movement of people out of the West End.

Noise Complaints:

Profile:

The Noise Complaints reports analysis has had a 30 reports per location per year cap applied to prevent anomalous locations dominating the density mapping and distorting the analysis. The analysed period of the Uniform sourced Noise Complaints data is January 2022 to December 2022.



Comparison of Premises Type profiles

■ No.1 Output Area with the most Licensed Premises covers the south end of Dean Street, Frith Street and Greek Street. Along Old Compton Street.

■ No.1 Output Area with the most Noise Complaints covers the north end of Wardour Street, Berwick Street and Dean Street.

The output area with the most Noise Complaints has a noticeably different proportion of premises licence types than the borough average output area:

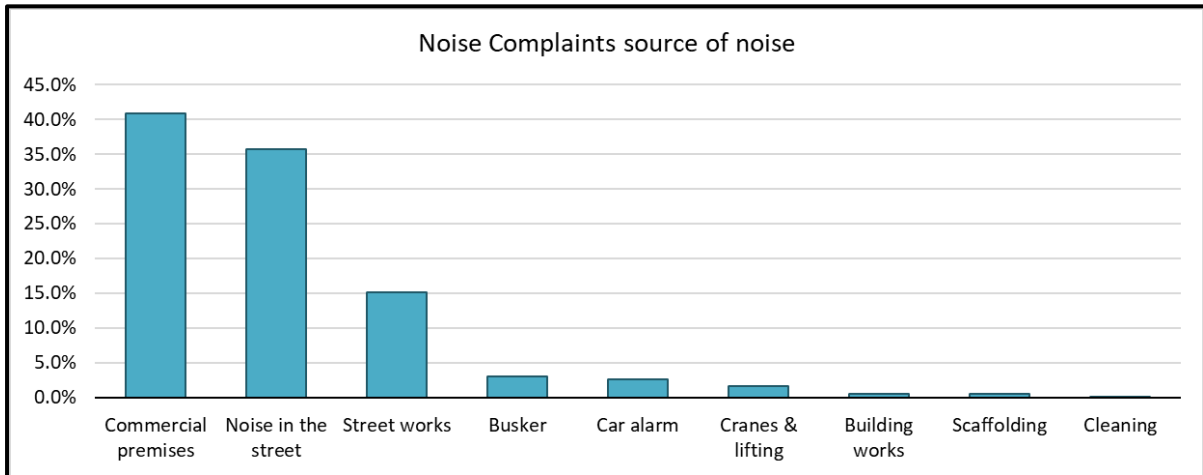
- **More** Nightclubs – **three times as many** (8 or 8.5% vs. 2.7%)
- **More** Restaurants (40 or 42.6% vs. 39.3%)
- **More** Cafés (9 or 9.6% vs. 6.4%)
- **Fewer** Shops, stores or kiosks (5 or 5.3% vs. 12.9%)

A Soho resident panel surveyed 88 residents regarding noise and sleep with the following comments included in the return:

- “Issues have considerably increased in the last 3 years.”
- “... it is often the constancy of noise rather than any pronounced noise that is most troubling.”
- “Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee, and they always seem to rule in favour of the commercial premises...”
- “I realise that if you live in the Centre of London there will be a certain amount of noise but there is no reason for this to carry on through the night and deprive residents from a decent nights’ rest.”
- “Soho is a busy, vibrant, amazing place and the noise that comes with it is part of the beauty of the area.”

- “I don't find noise to be an issue considering we live in the epicentre of one of the world's greatest cities...”
- “The noise I experience is minimal considering I live in the centre of London, in Soho. Occasionally, people drink too much and shout or fight, but this makes sense considering I am living in the most exciting part of London...”
- “I moved to Soho because I like the loud, frantic and energetic atmosphere. If I wanted a quiet relaxing environment I would live literally anywhere in London. Soho should not be made like every other soulless, featureless, safe, and quiet suburb.

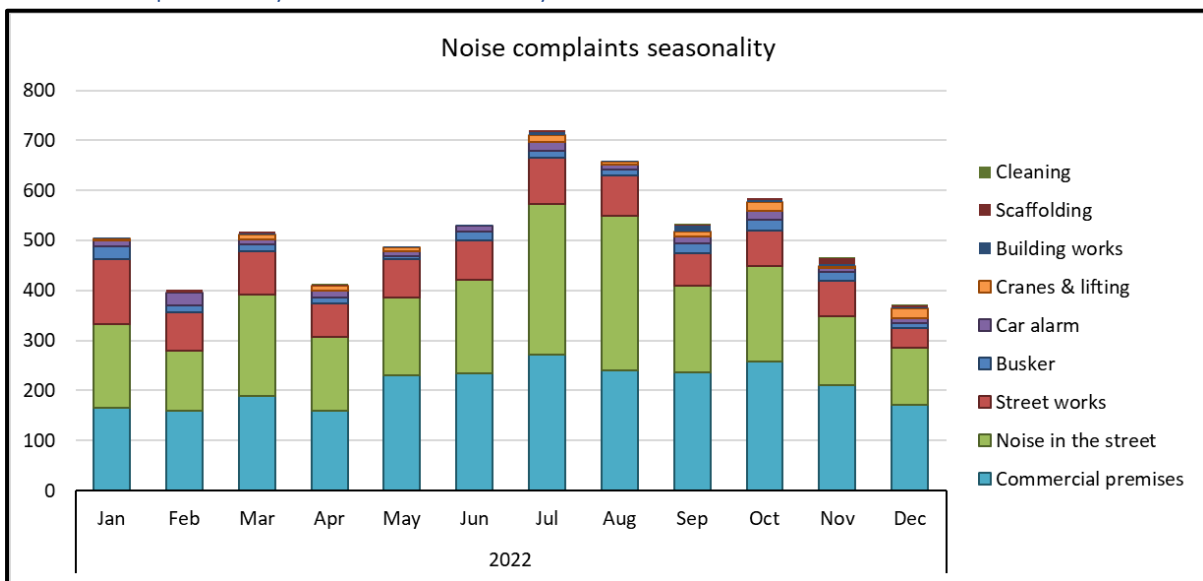
Source of noise:



Source of Noise

Commercial premises are attributed as the source of 2,526 or 40.8% of all noise complaints, with noise in the street (i.e. loud pedestrian behaviour) 2,206 or 35.7%.

Noise Complaints by source seasonality:



Noise Complaint sources by month

July and August are the months with the most complaints. The extended day light hours in the evening, coupled with the seasonal weather patterns lead to an increase in ‘Noise in the Street’ complaints.

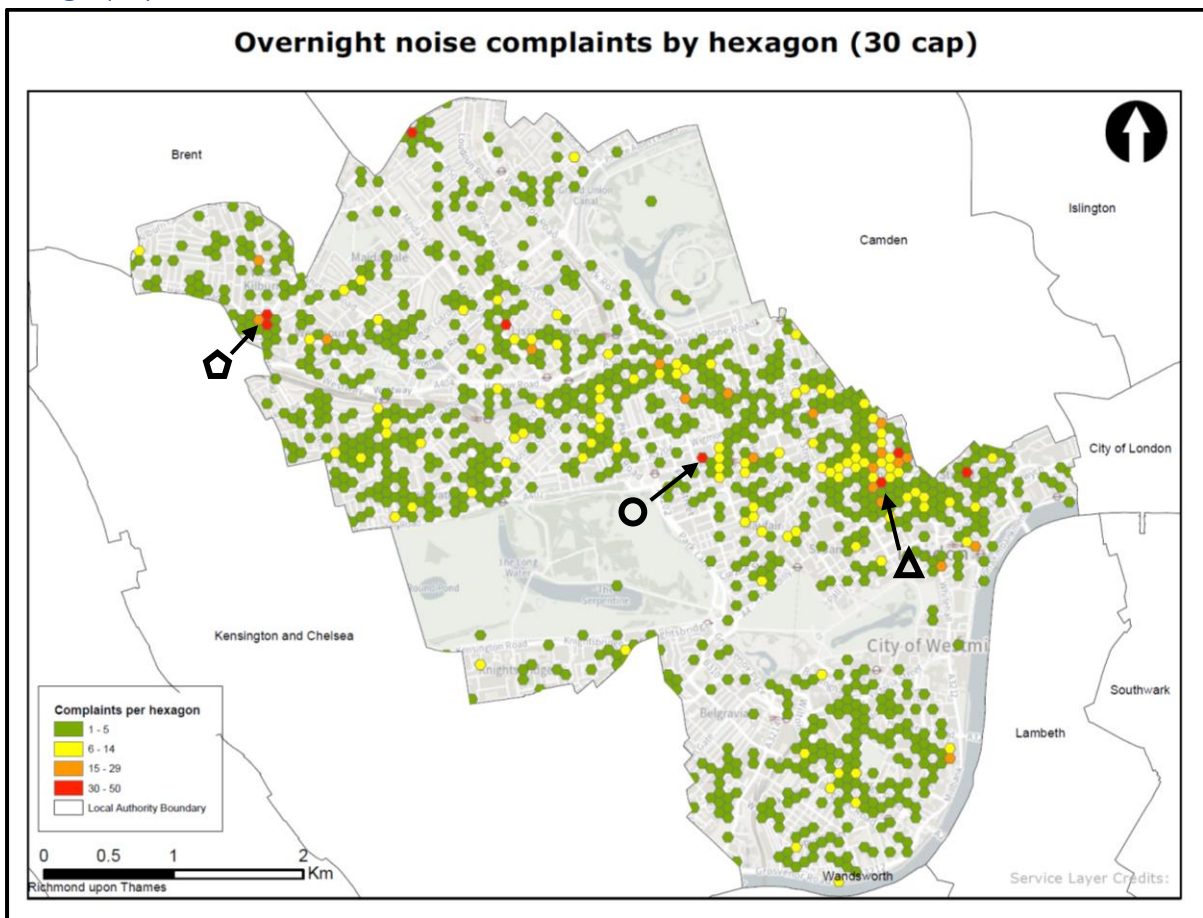
Noise Complaints by Hour of Day and Day of Week:

	Mon	Tue	Wed	Thur	Fri	Sat	Sun
00:00	45	44	42	56	57	98	80
01:00	28	18	28	25	30	58	57
02:00	14	23	12	18	18	23	31
03:00	15	12	14	15	20	25	18
04:00	5	9	10	17	11	9	10
05:00	10	8	13	9	9	12	9
06:00	13	20	25	9	19	8	8
07:00	20	34	34	25	21	9	11
08:00	18	34	23	21	34	17	17
09:00	29	51	38	35	69	23	35
10:00	31	50	40	46	64	15	36
11:00	29	38	44	46	50	25	28
12:00	34	36	34	47	46	20	21
13:00	38	52	57	46	34	39	24
14:00	36	40	46	38	26	46	28
15:00	38	50	49	39	39	47	20
16:00	39	46	51	58	50	34	32
17:00	36	35	38	48	26	41	33
18:00	43	37	41	40	61	37	52
19:00	54	48	50	61	46	56	38
20:00	66	86	59	83	67	81	42
21:00	74	69	75	83	83	74	75
22:00	69	88	70	100	79	112	69
23:00	81	78	56	83	108	113	65

Noise Complaints weekday by hour matrix

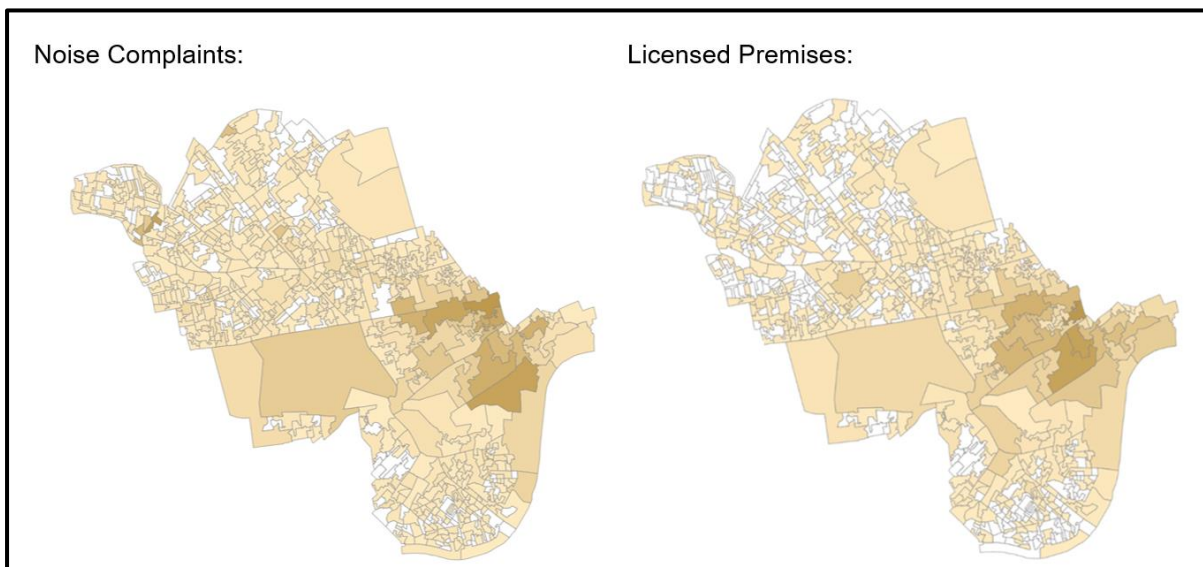
‘Noise in the Street’ and ‘Noise from commercial premises’ complaints increase on Fridays and Saturdays, from 20:00, peaking at 23:00, and continuing at an elevated rate until 01:00

Geography:



The highest levels of noise complaints are in the vicinity of:

- ▲ South end of Wardour Street.
- ⬠ Intersection of WALTERTON ROAD and ELGIN AVENUE.
- Intersection of OXFORD STREET and DUKE STREET.



There are elevated levels of 'Noise in the Street' and 'Noise from commercial premises' complaints in areas with higher densities of licensed premises, the area with the highest level of noise complaints is in the area with the 4th most licensed premises. The area with the most licensed

premises has reported the 6th most noise complaints. Therefore, it can be concluded that the number of licensed premises is a significant factor in the generation of Noise Complaints.

Profile of Licencing Data

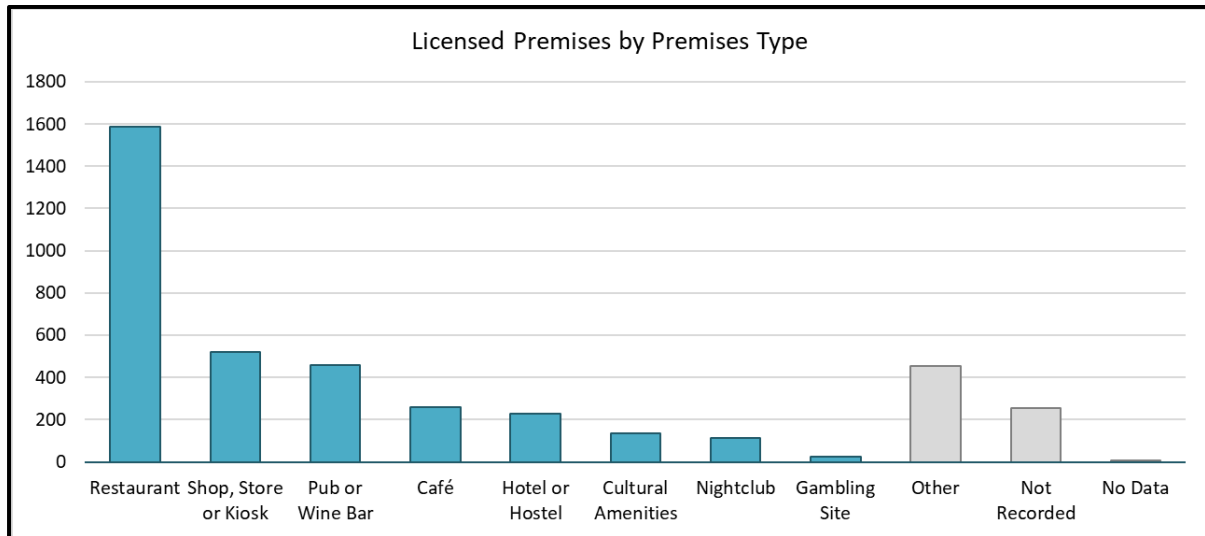
Summary:

- Analysis of licensed premises and new licence applications, in WCC based on their volume, density, location and type.
- In May 2023, Westminster had 4,045 licenses issued under the Licensing Act 2003. Restaurants comprised the largest category (1,588 or 39%), followed by Shop, Store, or Kiosk (521 or 13%) and Pubs & Wine Bars (458 or 11.3%). This distribution has remained consistent since February 2020, with a slight decline in Pubs & Wine Bars.
- There is a marked increase in the proportion of New Applications for Café's premises type vs. the existing proportion of Licensed Premises (from 6.4% to 9.2%).
- There is a marked decrease in the proportion of New Applications for Pub or Wine bars premises type vs. the existing proportion of Licensed Premises (from 11.3% to 3.9%).
- High concentrations of licensed premises were found in areas like Soho (Dean, Frith, Greek, and Romilly Streets) and Chinatown (Gerrard Street).
- Leicester Square had the most licensed premises open beyond 3am.
- Higher noise complaints were recorded in areas with denser licensed premises, emphasising the role of licensed premises in generating noise complaints.

Observations:

Licensed Premises in Westminster:

Profile:



Licence Premises by Premises Type

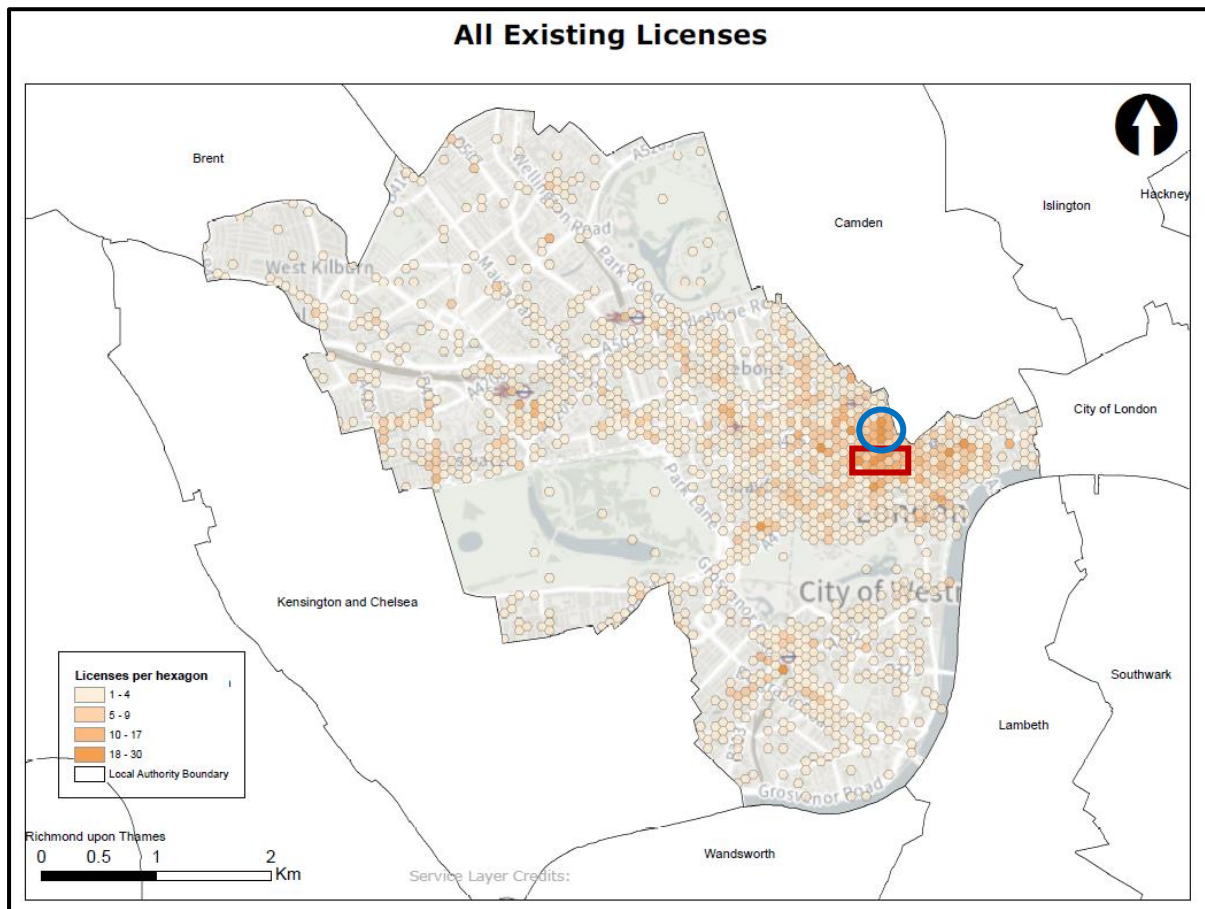
As of May 2023, there were 4,045 licenses issued under the Licensing Act 2003 in the City of Westminster. This compares to 3,769 identified in the February 2020 cumulative impact assessment. Of the 4,045, the top three premises the groups are: Restaurants (1,588 or 39% of all licenses), Shop, store or kiosk (521 or 13%) and Pubs & wine bars (458 or 11.3%). There are 35 Shadow Licenses, licenses which mirror a licensed premises operator’s license, but are in the name of the freehold owner rather than tenant/leaseholder operator. There are 29 Takeaway Food Outlet Licenses, which have been included in the Shops, Store or Kiosks category, as the number of licenses doesn’t warrant a separate category. Fast food establishments are included in the Restaurants category.



These are the same largest three groups as were observed in the previous cumulative impact assessment in February 2020.

Whilst Restaurants and Shops, Store or Kiosks maintained their share, Pubs & wine bars have declined from 13% to 11.4% of all premises since Feb 2020.

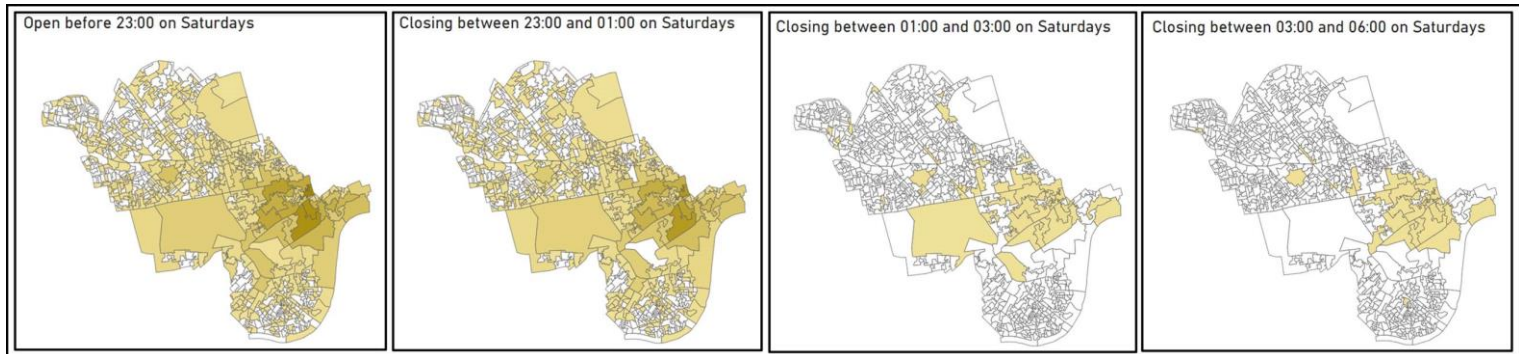
Geography:

The highest densities of licensed premises are in Soho on Dean Street, Frith Street, Greek Street and Romilly Street, and in the China Town area around Gerrard Street.



-  Dean Street, Frith Street, Greek Street and Romilly Street.
-  China Town Area around Gerrard Street.

Licensed premises open after 11pm mapping series:



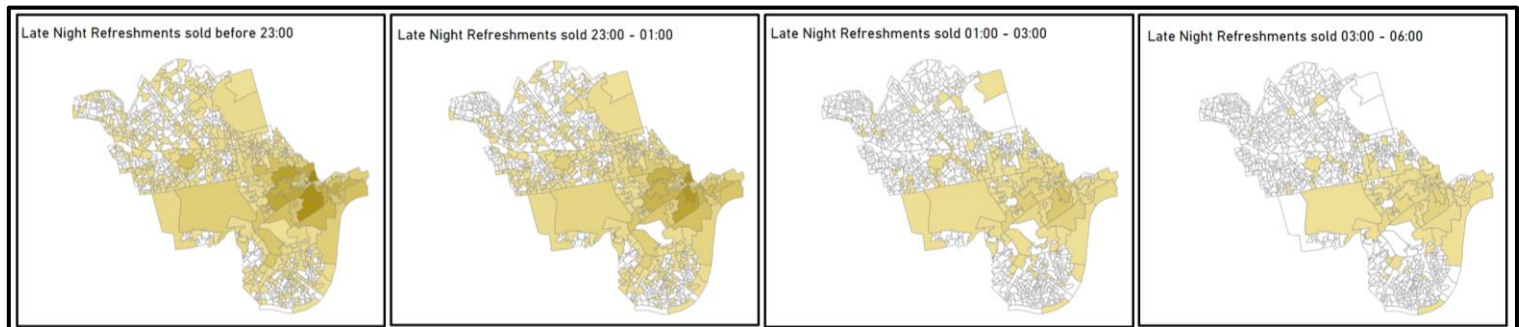
The area with the most licensed premises open beyond 3am is in vicinity of Leicester Square.

Alcohol sales after 11pm mapping series:



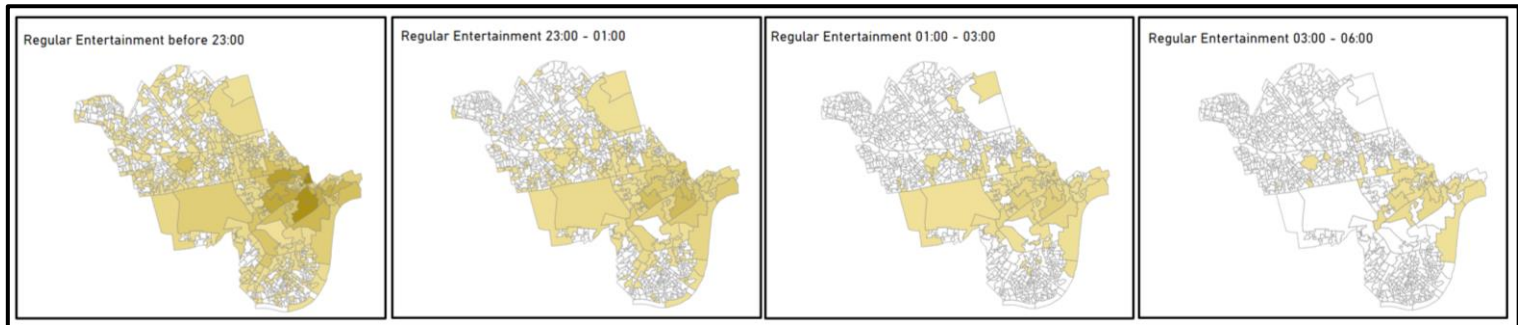
The area with the most premises licensed to sell alcohol beyond 3am is the vicinity of Greek Street, with six licenses.

Late Night Refreshment sales after 11pm mapping series:



The area with the most premises licensed to sell Late Night Refreshments beyond 3am is in the vicinity of Leicester Square, on Whitcombe Street, with twenty-six licenses.

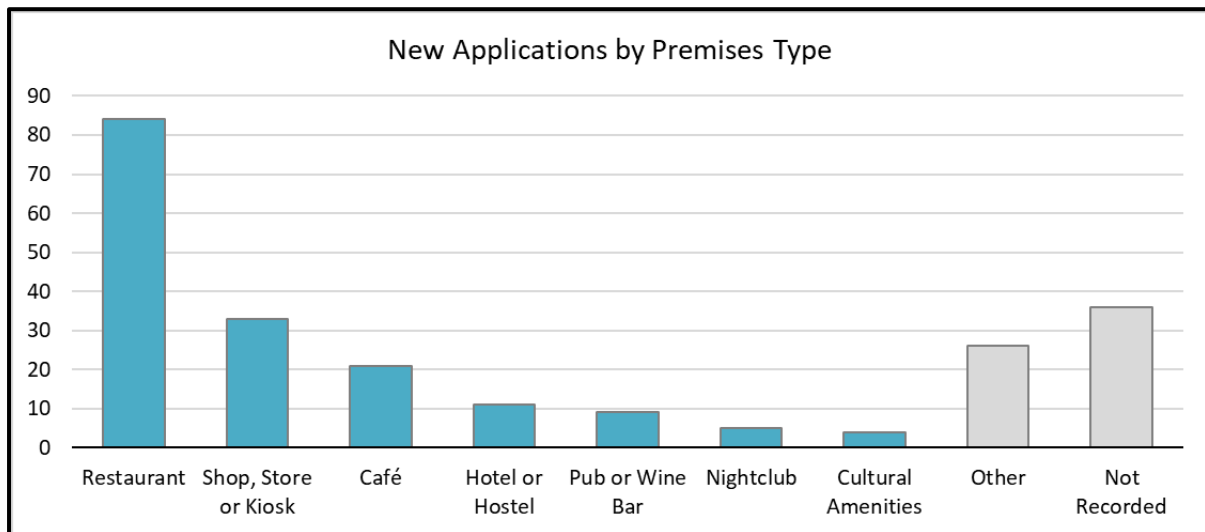
Regular Entertainment licensing after 11pm mapping series:



The area with the most Regular Entertainment licensed premises beyond 3am is in the vicinity of Piccadilly Circus tube, on Haymarket, with thirteen licenses.

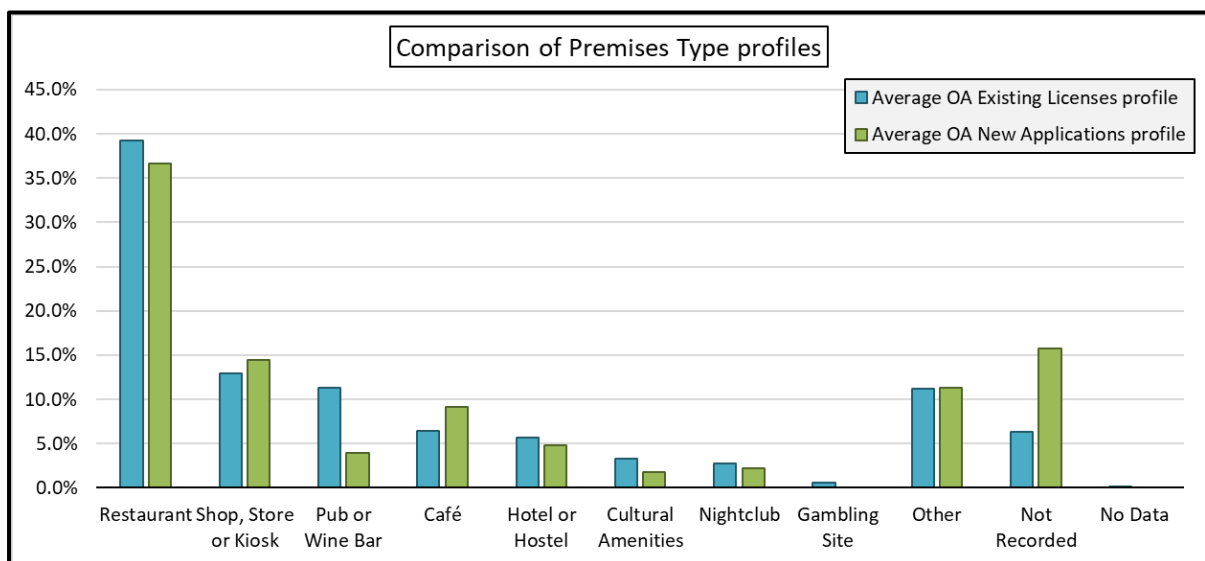
Applications for New Licenses:

Profile:



New Applications by Premises Type

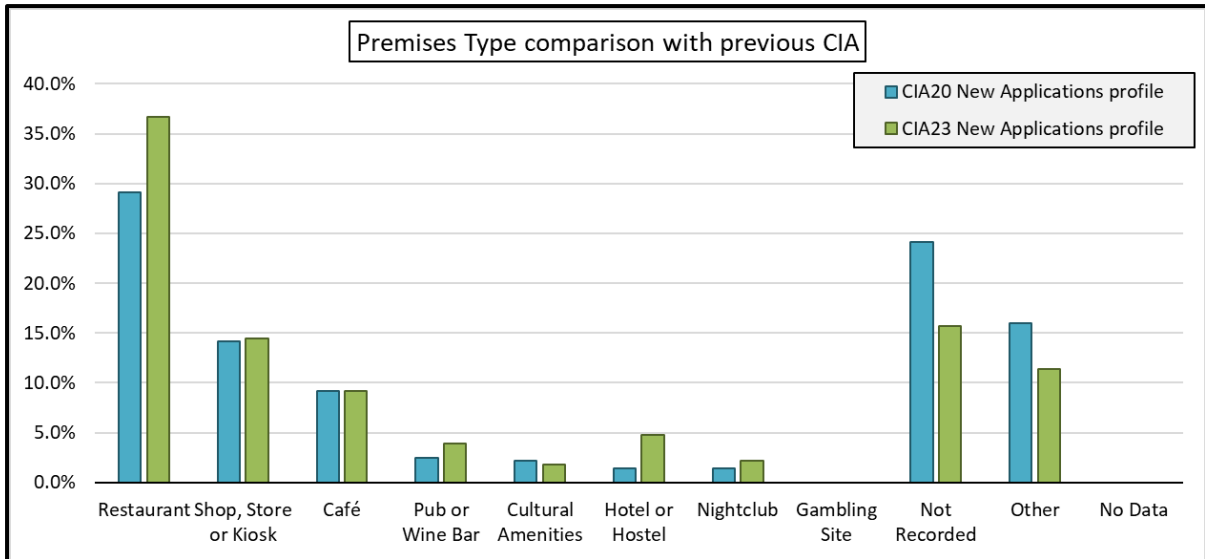
Between January 2022 and December 2022 there were 229 new premises licence applications, of which the top three new licence groups were: Restaurants (84 or 36.7%), Shops, store or kiosk (36 or 14.4%) and Cafés (21 or 9.2%).



Comparison of Premises Type profiles

There is a marked increase in the proportion of New Applications for Café's premises type vs. the existing proportion of Licensed Premises (from 6.4% to 9.2%).

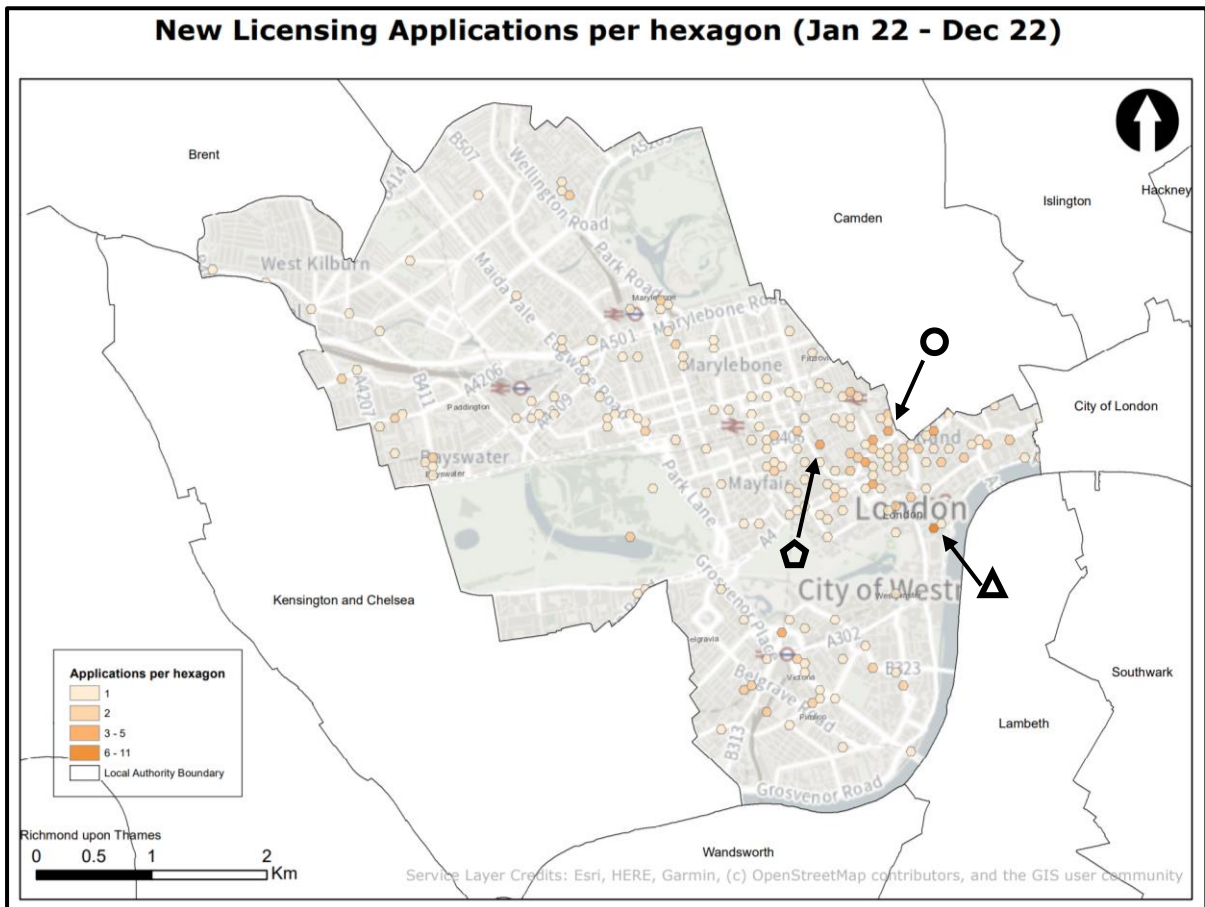
There is a marked decrease in the proportion of New Applications for Pub or Wine bars premises type vs. the existing proportion of Licensed Premises (from 11.3% to 3.9%).



New Applications profile comparison with previous CIA

Compared to the 2020 CIA review there are a greater percentage of New Applications for Restaurant licenses (36.7% vs. 29.1%) and Hotel or Hostel licenses (4.8% vs. 1.4%)

Geography:



The highest densities of new licence applications are:

- ▲ Whitehall Place/Whitehall Court
- ⬠ Kingly Street
- Intersection of Old Compton Street and Greek Street/Moor Street.

Regression Analysis

Summary:

- Statistical modelling showing the strength of relationships between licensed premises types and undesirable behaviours.
- Results highlight that Theft is the undesirable behaviour most responsive to increases in licensed premises (odds of 390% and a factor of 1.26), while Drug-related crimes show the smallest increase (odds of 25% and a factor of 1.11).
- Nightclubs are the premises type which tends to have the highest impact on various undesirable behaviours, such as Drug-related crimes, Robbery, Theft, and Violent crimes.
- Restaurants impact all types of undesirable behaviour, but without extreme values.
- Premises types without factoring values (e.g., Gambling premises) should not be dismissed as non-influential due to limitations in methodology and data.

Rationale

Regression analysis statistical modelling has been used to establish the likelihood, and strength of impact, additional licensed premises have in relation to undesirable behaviours.

Approach

To determine the likelihood of impact, the Odds-Model (Binary Logistic Regression) was used. To determine the strength of impact, the Relationship-Model (Zero-truncated Negative Binomial Regression) was used. The undesirable behaviours analysed were {Drug related crime, Robbery, Theft, Violent crimes, Noise Complaints and Antisocial Behaviour complaints}.

The analysis period was the calendar year 1st January 2022 – 31st December 2022.

The analysis looked at both the full 24hr period, as well as the Night period (6pm-6am).

The analysis was calculated for each licence type grouping {Pubs & Wine bars, Restaurants, Shop/stores, Cultural amenities, Hotels, Cafes, Nightclubs and Gambling}. A full list of which licence types are attributed to the type group is in the appendix.

The geographic scale of the analysis was hexagons of 20,000m² as these captured a few average sized city blocks and could account for a degree of dispersal.

Interpretation

The Odds-Model calculates the average likelihood of there being at least one additional undesirable behaviour reported if an additional licence is granted. For example, an Odd-Model percentage of 50% would mean if an additional licence were grant, there is a 50% likelihood that there would be an additional report of undesirable behaviour each year.

The Relationship-Model calculates by how much the number of reported undesirable behaviours increase, if an additional licence is granted, on average. For example, a Relationship-Model factor of

1.5 would mean for each additional licence granted, the number of undesirable behaviours expected in the area in a year would increase by a multiple of 1.5.

Results Summary:

Both models show increases for all the undesirable behaviours analysed, with the most extreme being Theft - 390% odds of an additional licence resulting in additional reports of Theft, and the number of Thefts being reported in the year increasing by a factor of 1.26 for each additional licence issued – and the least impactful being Drug related crime reports (25% odds and a factoring of 1.11).

All Premises Types:	Drugs		Robbery		Theft		Violent crime		Noise		ASB	
	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night
Odds model	25%	16%	59%	42%	390%	193%	241%	113%	91%	35%	69%	48%
Relationship model	1.11	1.14	1.12	1.12	1.26	1.27	1.07	1.09	1.11	1.14	1.04	1.04

Relationship Model												
Pub or Wine Bar		1.31			1.51	1.64		1.1	1.22	1.32		
Restaurant	1.12	1.07	1.14	1.14	1.31	1.32	1.06	1.06	1.16	1.22	1.05	
Shop, Store or Kiosk			1.13		1.29	1.19	1.17	1.13	1.17	1.22	1.15	1.13
Cultural Amenity	1.56	2.07			1.36		1.18	1.26				
Hotel or Hostel								1.13	1.05			
Café									0.83	0.77		
Nightclub		2.87	1.78	2.15	1.86	2.42	1.28	1.44				
Gambling site												

Regression modelling output

The strength of these impacts varied considerably when looking at specific premises and undesirable behaviour type.

- **Drugs:** The analysis identified nighttime Nightclubs as the premises type with the highest factoring impact of additional licenses on Drug related crimes reported. Nightclubs returned the most extreme factoring in the dataset (2.87 per additional license).
- **Robbery:** The analysis identified Nightclubs as the premises type with the highest factoring impact (2.15 per additional license).
- **Theft:** Theft is the undesirable behaviour most likely to increase with additional licenses. The analysis identified Nightclubs as the premises type with the highest factoring impact (2.42 per additional license).
- **Violent Crime:** Violent Crime is the undesirable behaviour with the second greatest odds of increasing with additional licenses. The analysis identified Nightclubs as the premises type with the highest factoring impact (1.44 per additional license).
- **Noise:** The analysis identified Pub or Wine Bar as the premises type with the highest factoring impact (1.32 per additional license).
- **Antisocial Behaviour:** The analysis identified Shop, Store or Kiosk as the premises type with the highest factoring impact (1.15 per additional license).

Premise Type observations:

- **Restaurants** impact the factoring of all types of undesirable behaviour, however with no extreme values.

- **Nightclubs** are the primary concern for factoring across most undesirable behaviour types, with the most extreme factoring values in the dataset.

A full table of results, including the range of results at the 95% confidence interval, is presented in the appendix.

Conclusion

The results relating to nightclubs in particular illustrate some of the limitations of this model as previous behavioural audits, as well as practitioner and academic research have discerned that such late-night venues are frequently associated with cumulative impact⁹. Analysis of trading hours found that night clubs are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. Due to the structure of the undesirable behaviour reporting data, late-night premises could not be tested in the regression model, however sensitivity to trading hours as well as incidents times, would offer valuable insights into risk.

The relationship between Nightclubs to undesirable behaviour reports should be considered in the context of the overspill limitation, as in West End Zone 1 there are approximately 57 Nightclubs situated in close proximity to 494 restaurants, and where the 57 nightclubs represent only 6% of all types of licensed premises. It should also be noted that the premises type classifications in the licensing data do not always ideally capture the nature of the business. For example, a fine dining establishment, a venue which also hosts a late-night bar and club, as well as a late-night fast-food restaurant all fall under the umbrella of “restaurant”.

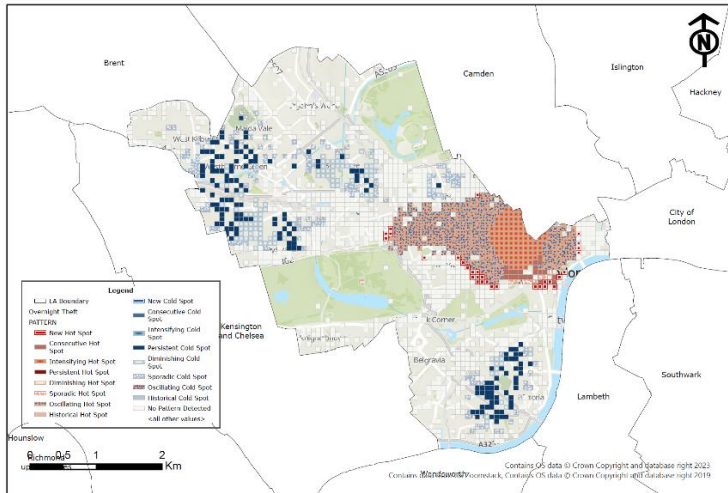
⁹ Hadfield, P. (2017) Mayfair Evening and Night-time Economy Public Behaviour / Area Profiling Study: Project to Inform the City of Westminster Interim Licensing Policy Review 2017: Final Report. Hadfield, P., Sharples, S., Bevan, T. and Measham, F. (2015) Westminster Evening and Night-time Behaviour Audit 2013-14. Final Report to the West End Partnership Group and the City of Westminster. Bevan, T., License, A., Rowell, A., Hadfield, P. and Davies, P. (2015) Westminster Evening and Night-time Economy: A Cost v Benefit Study for the City of Westminster. London: TBR.

Emerging hot spot analysis

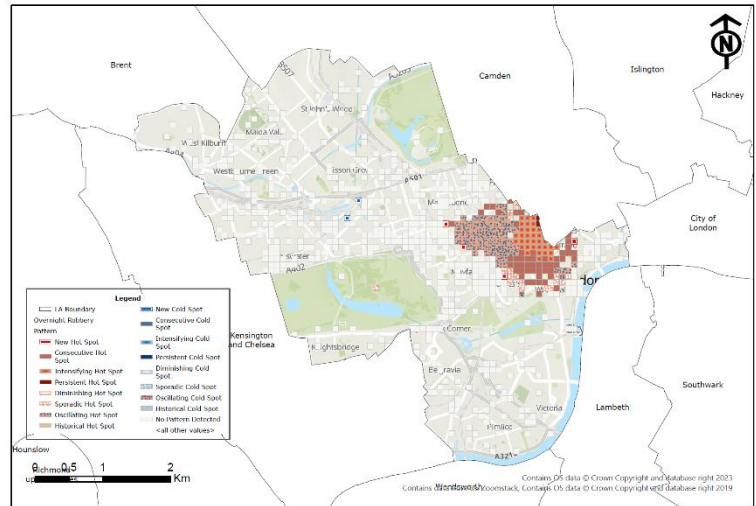
Summary

- Emerging hot spot analysis is an analytical process that was used to determine whether certain areas saw consistent level of crime throughout the year.
- The large majority of hotspots found through analysis of the four major crime types (theft, robbery, VAP, drugs) were in the West End area confirming that crime within Westminster was concentrated in the West End and was also prevalent throughout the year.
- The hotspots that were found to be statistically significant for at least 90% of the time-step intervals were found more specifically within the West End Zones defined in the previous CIA, these are locations with particularly high and consistent crime levels, which confirmed criminal activity was still particularly concentrated within these boundaries.
- The same analysis conducted using overnight noise complaints and ASB found hotspots in a similar area, however, there were a lack of statistically significant hotspots found using these datasets and were not considered as strongly when determining the areas of cumulative impact.

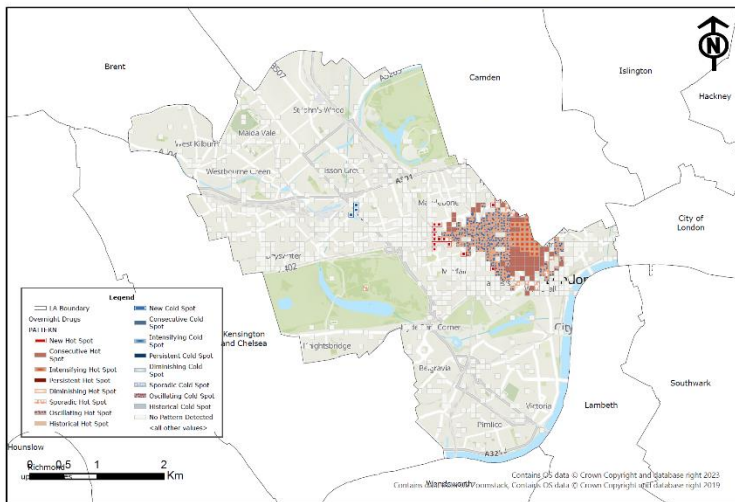
Overnight theft - Emerging hotspot analysis



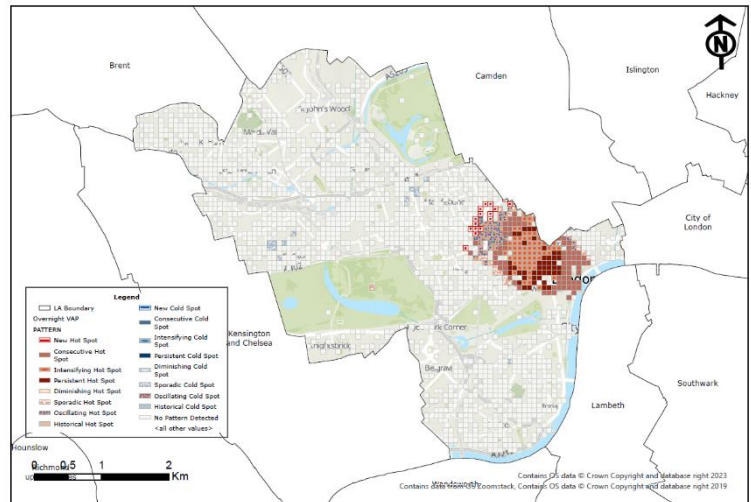
Overnight Robbery - Emerging hotspot analysis



Overnight drug offences - Emerging hotspot analysis



Overnight violence against person - Emerging hotspot analysis

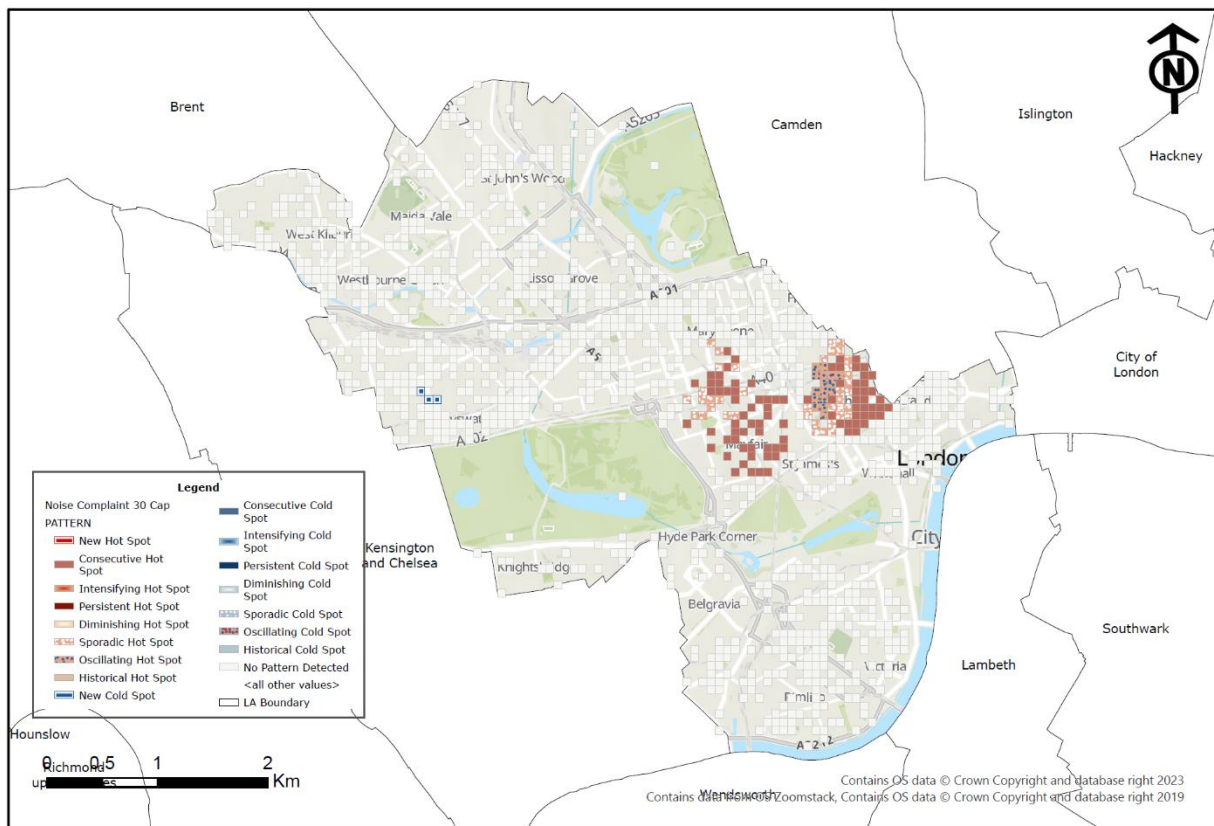


The majority of the hotspots for the four major crime types were closely concentrated in the West End. The hotspots that were statistically significant at least 90% of the time (persistent, intensifying, historic and diminishing), were also particularly prevalent in the West End Zones defined in the previous CIA.

This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within these areas is getting worse.

Overnight noise complaints

Overnight noise complaints (30 Cap) - Emerging hotspot analysis



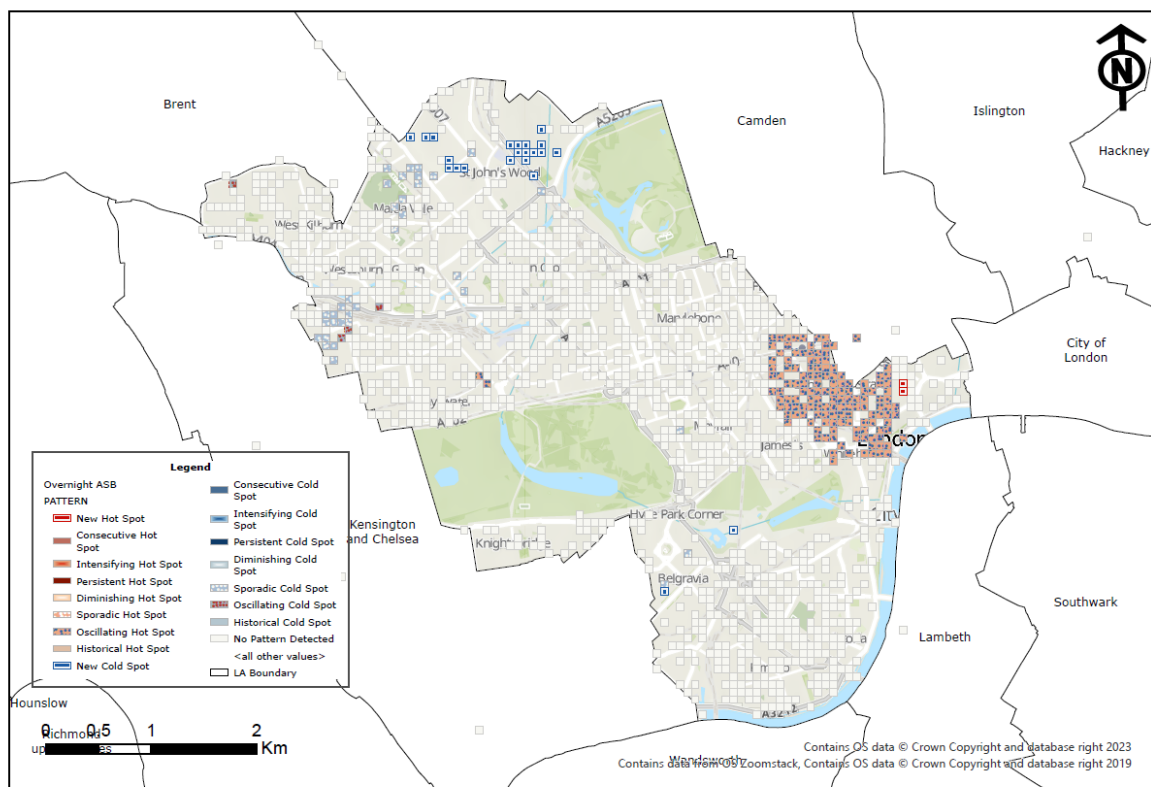
¹⁰

There was a cluster of consecutive, sporadic, and oscillating hotspots in the West End Zone previously mentioned, however, there were also a few consecutive hotspots outside of this zone, an aspect not present in the other results of this analysis. These hotspots were scattered around the Mayfair and Marylebone areas, with a few concentrated on Oxford Street. These areas were included in the previous CIA's areas of concern.

¹⁰ For the noise complaints analysis, a slightly different data set was used to eliminate notable outliers. Premises were limited to 30 noise complaints over the year to remove certain addresses that had received an unusual number of complaints. As such, the different methodology should be considered when interpreting results on this particular piece of analysis, as none of the hotspots in the analysis were statistically significant for at least 90% of the time-step intervals.

Overnight ASB

Overnight ASB - Emerging hotspot analysis



The output above indicates, again, higher levels of anti-social behaviour over the year in the West End area. However, almost all of these hot spots are oscillating, and there are no types of hotspots that have been statistically significant for at least 90% of the time-step intervals.

Anti-social behaviour is more complicated to directly link to licensed premises and is usually the result of a combination of factors. As such, the emerging hot spot analysis for overnight ASB is more difficult to draw conclusions from and was weighted less heavily in the decision surrounding cumulative impact boundaries.

Conclusion

Largely, the results of the analysis confirmed that the areas to focus on as cumulative impact zones were the same West End Zones defined in the previous CIA. There was a lack of statistically significant hotspots outside of these zones, and a notable concentration of statistically significant hotspots within them, which match the overarching findings of the incident pattern analysis.

West End Area Profile

Summary

- West End Zone 1 (WEZ 1) is the epicentre for issues associated with cumulative impact within the borough. It takes up a relatively small amount of the borough but holds a quarter of the unique licensed premises, the majority of which are restaurants, and was the location for a large proportion of overnight crimes in 2022.
- Approximately half of the borough's theft, robbery and drug offences occurred in WEZ 1, as well as a significant proportion of the borough's VAP offences, reports of ASB and noise complaints. Compared to the last report, overnight theft and robbery offences appear to have become more concentrated in the zone.
- Licensed premises in the area stay open later when compared to the borough average, influencing potentially problematic dispersal periods. There are some relatively quieter areas within the zone, such as Haymarket and the Northern part of Soho, which seem to contribute less to cumulative impact in the area.
- West End Zone 2 (WEZ 2) has less influence on cumulative impact than WEZ 1, but it is still significant when compared to the rest of the borough. It holds 13% of all unique licensed premises in Westminster, the majority of which are restaurants. WEZ 2 accounts for a fifth of Westminster's overnight theft offences in 2022, around 15% of overnight robbery and violence against person offences and approximately a tenth of overnight drug offences, reports of ASB and noise complaints.
- Compared to the last report, it appears that WEZ 2 accounted for less overnight thefts and robberies in 2022, which could explain the greater concentration of offences in WEZ 1. The majority of the West side of WEZ 2 (Saville Row, parts of Hanover Street) appear to be quieter in comparison to the rest of the borough.

Overnight crime (theft, robbery, drugs, VAP, sexual offences) by hexagon



From the outcomes of the incident pattern, licensed premises and emerging hot spot analysis, it is clear that the West End Zones defined in the previous CIA still remain the focal point of cumulative impact within the borough. The boundaries previously used overlaid strongly with the hotspots defined as statistically significant for at least 90% of the time step intervals in the emerging hotspot analysis. Criminal offenses within Westminster are hugely concentrated within these two zones, and they also still contain most of Westminster’s unique licensed premises as well as applications for new licenses in 2022.

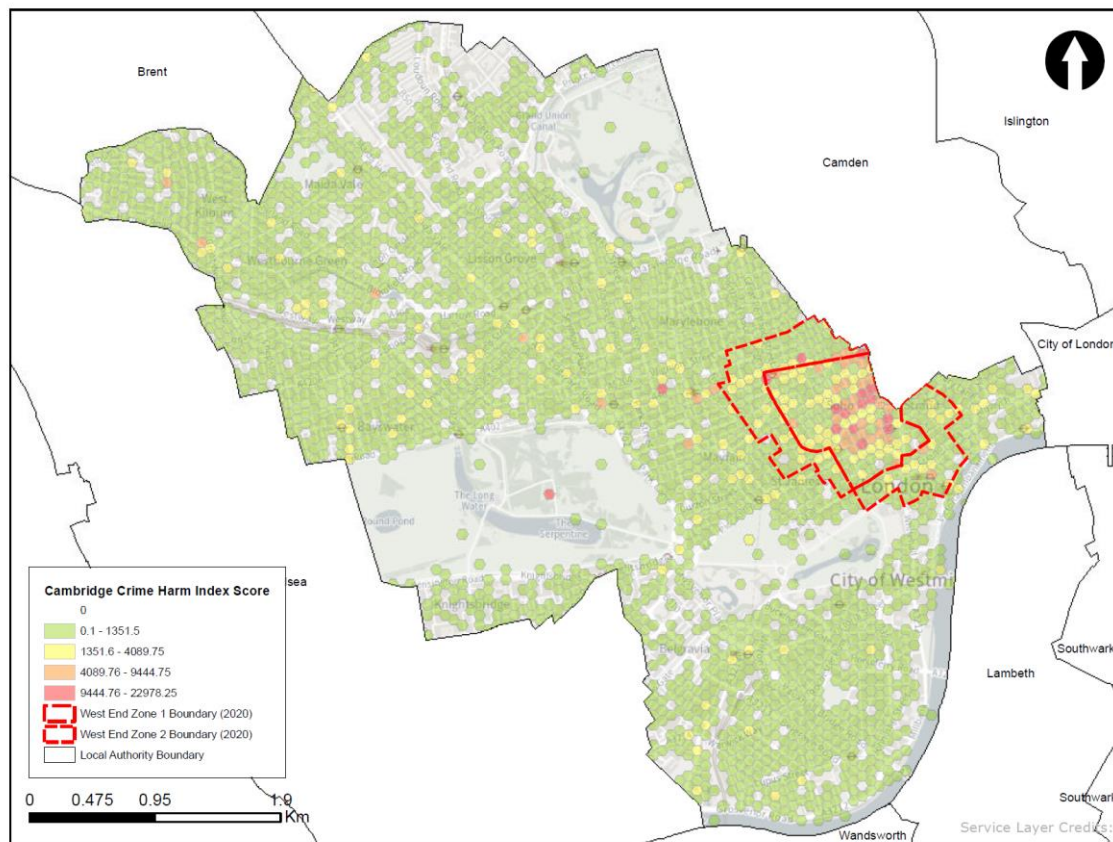
To illustrate the concentration of crimes within this area, the wards of St. James’s and the West End are 5.46 km² in size (approximately the size of 765 football pitches), whilst Westminster in comparison is 21.5 km² (3011 football pitches). These wards take up about 25% of the borough’s footprint, however, they accounted for 60% (20,254) of overnight crime (theft, robbery, VAP, drugs and sexual offences) within Westminster in 2022.

This next section covers West End Zones 1 and 2 in further detail, highlighting the volumes of crime, ASB and noise complaints within these areas, as well as the licensing profile of each¹¹. The boundaries previously used in 2020 have been used here again as a reference point, however, these boundaries are not the final cumulative impact zones and are subject to change. Comparisons have also been drawn between the proportions of crime that occurred in these areas in 2022 and in the

¹¹ Refer to appendix 8 to see combined overnight crime hexagon and unique licensed premises maps for both West End Zone 1 and 2

period analysed in the previous CIA (2017-19), which indicates that crime within Westminster has concentrated even further within West End Zone 1.

Cambridge Crime Harm Index by hexagon



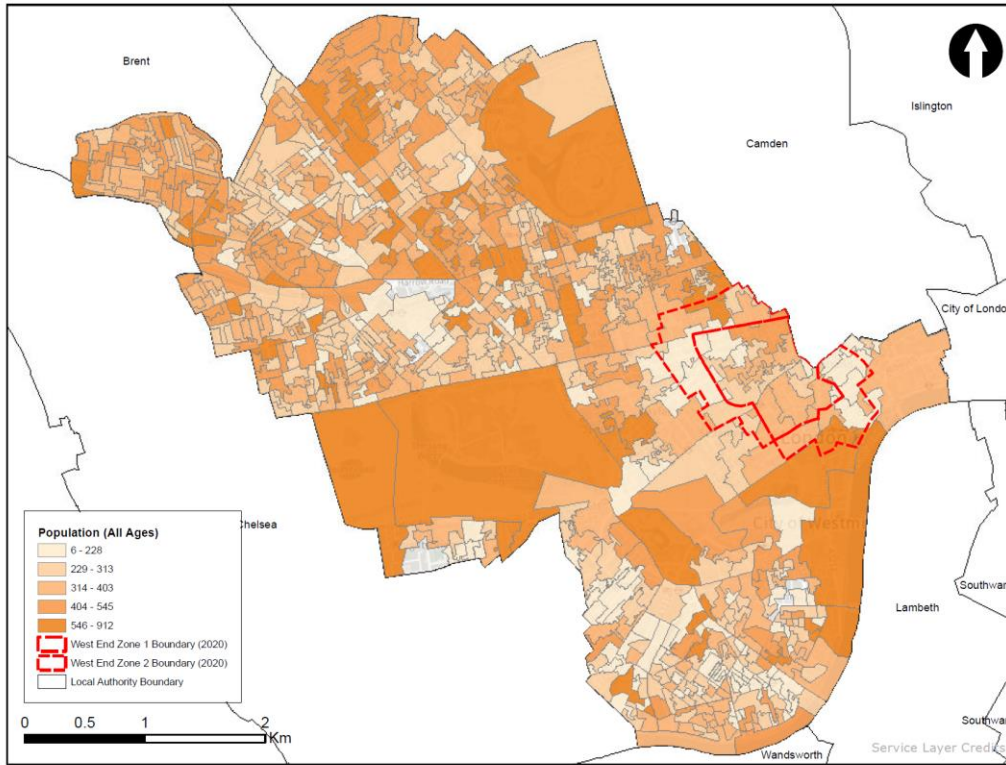
The Cambridge Harm Index (CCHI) was used to weight each of the different offence categories, ASB and noise complaints to produce an overlay map that covers the various cumulative impact experienced within the borough¹². The CCHI weights each of the offences and concentrates on the seriousness of the offences rather than the volume, with this adjustment the West End area is still considered a hotspot. These maps have been replicated for each of the area profiles.

It should be noted that population totals are not quite as high in areas within the West End Zones. However, these areas are the heart of Westminster’s nighttime economy and also the location of a number of tourist hotspots. Footfall is incredibly concentrated within the MSOAs that makes up the West End area. West End being a retail and night life centre for the borough contribute to the high footfall this area experiences. Areas with greater footfall can provide greater opportunities for crime against people like theft, robbery and violent offences. Footfall alone does not cause crime but is one element that contributes to it¹³.

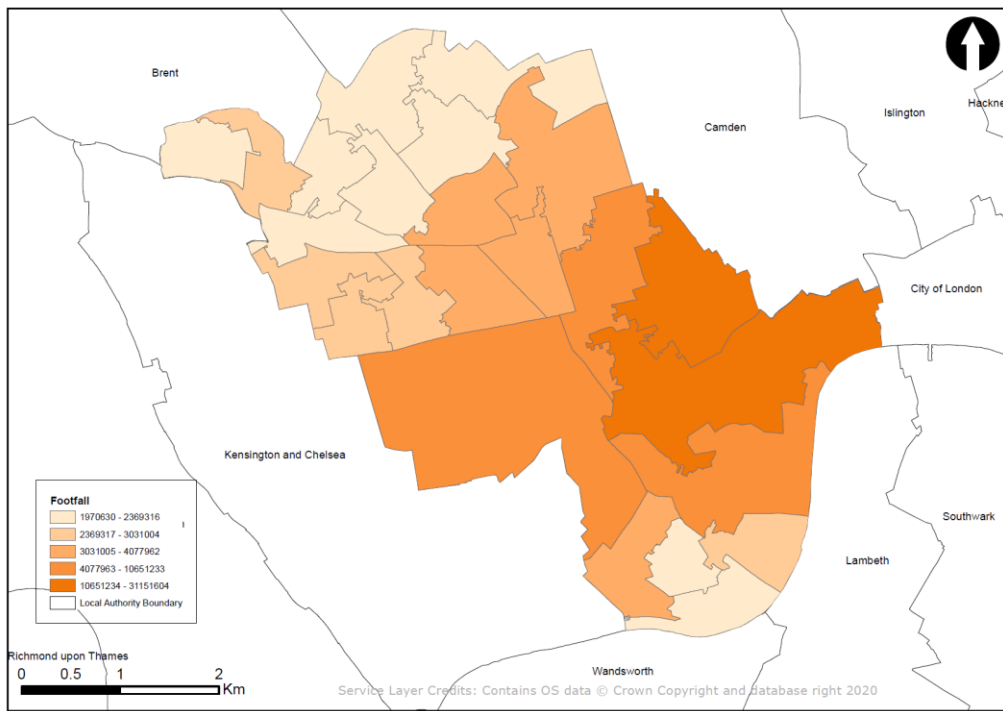
¹² The Cambridge Crime Harm Index (CCHI) is the first system that measures the seriousness of crime harm to victims, and not just the number of officially recorded crimes. Violent related crime e.g., homicide, rape and grievous bodily harm with intent distinguishing them from less harmful types of crime (e.g. minor thefts, criminal damage and common assault).

¹³ Footfall data is only available at Medium Super Output Area (MSOA) level and not at the granularity required to be included in this analysis.

Mid-2020 Population Estimates by OA (2011)

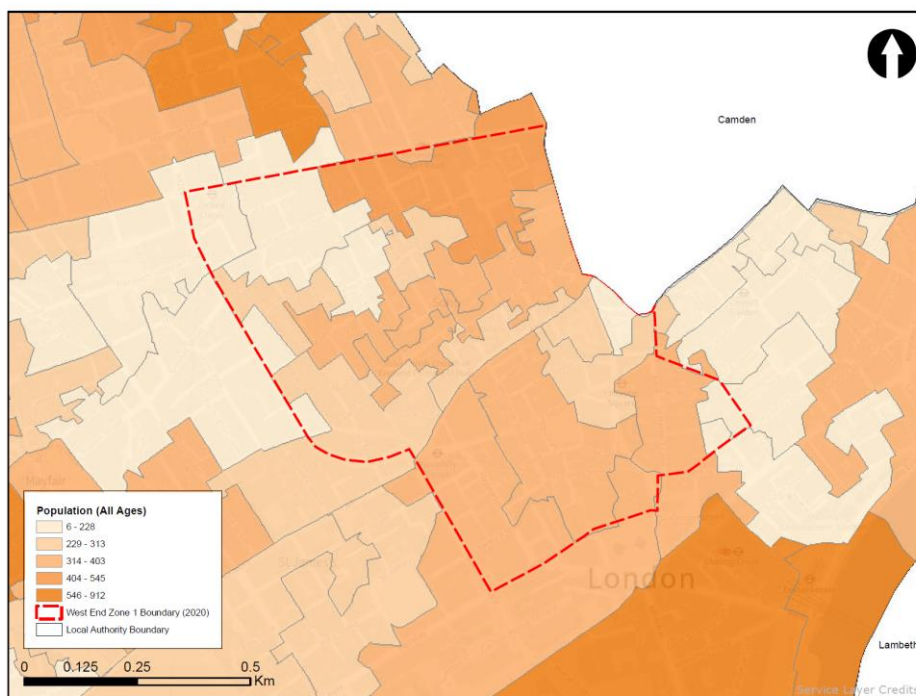


Footfall by MSOA (Night time economy)

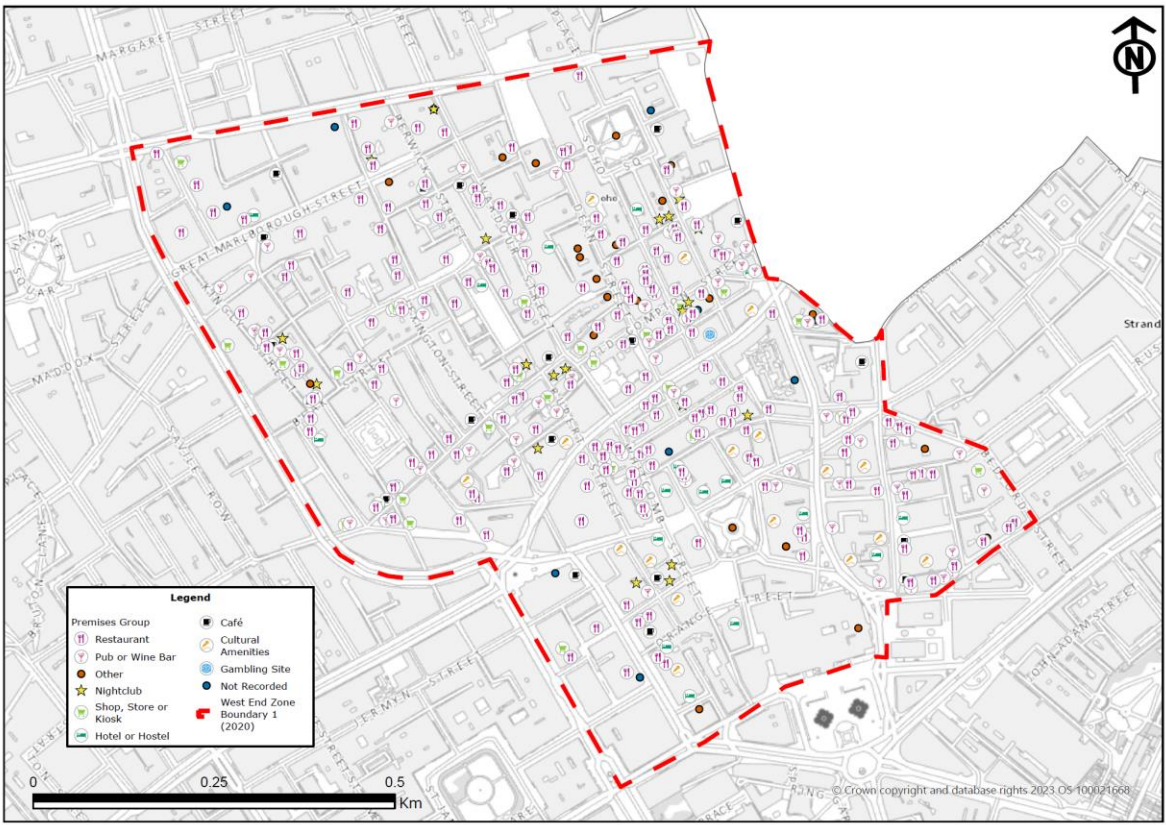


West End Zone 1

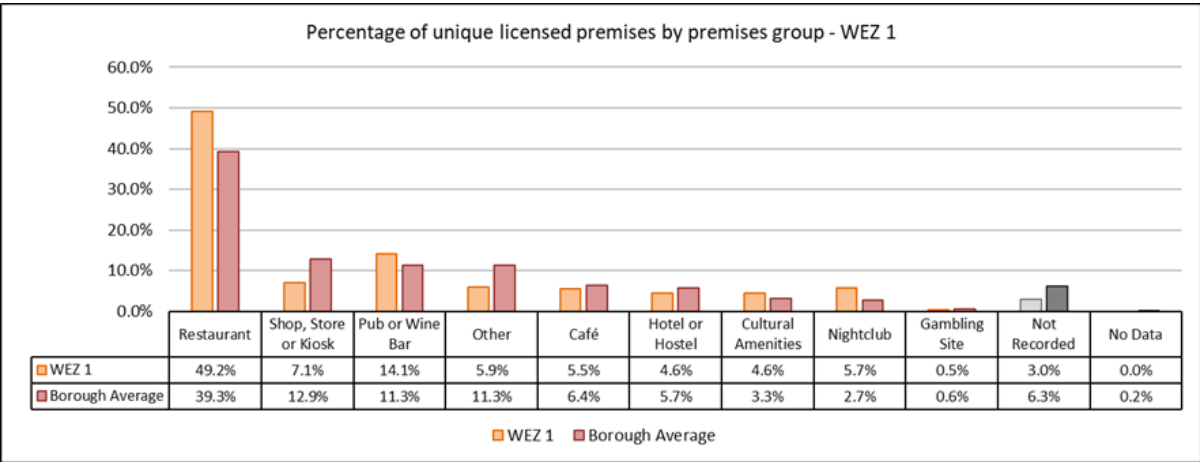
Mid-2020 Population Estimates by OA (2011) (West End Zone 1)



West End Zone 1 (WEZ 1) is 0.68 kilometres squared in size, the equivalent of 95 football pitches. WEZ 1 accounts for 3% of the borough's footprint. In February 2023, there were 786 unique postcodes registered to council tax in the area, which is approximately 2% of the unique postcodes registered to council tax across the whole of Westminster. The area is home to approximately 2% of the borough's total population.

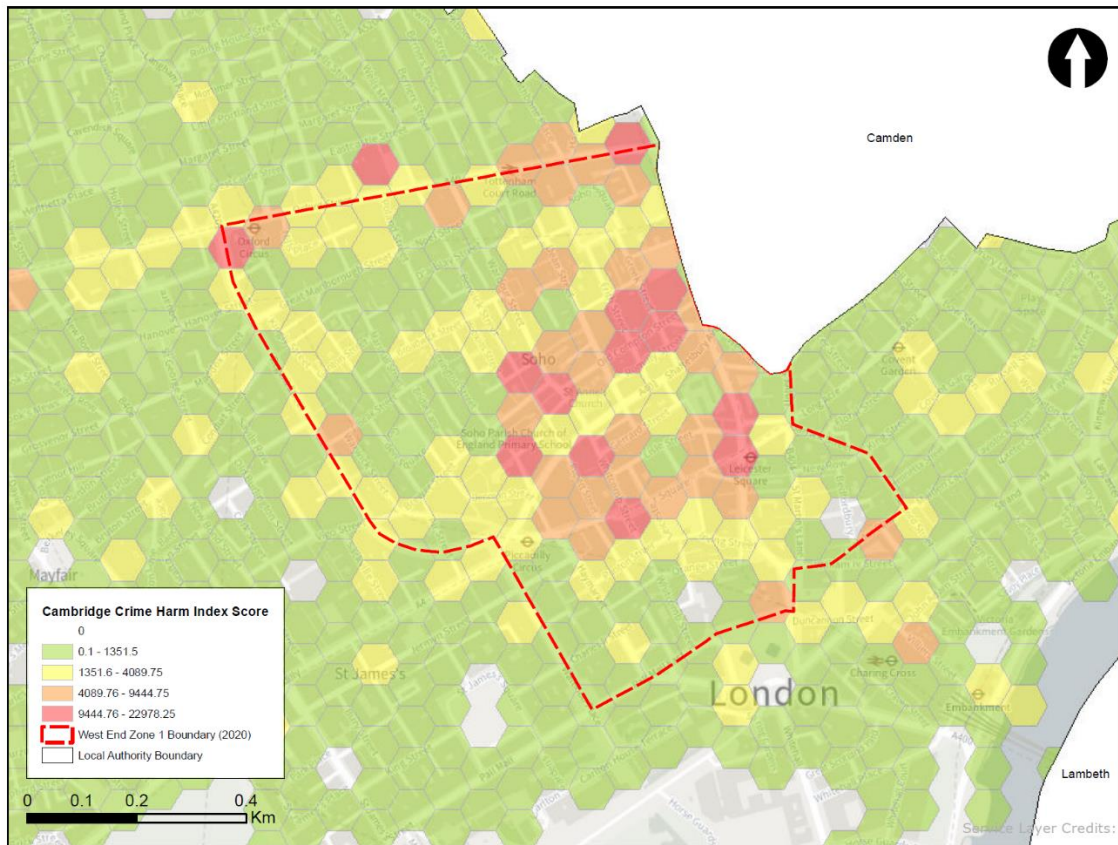


Unique operational licensed premises by premises group within West End Zone 1. Operational premises were defined by the presence of operational data founding using Google APIs. All licence location maps were created using only operational premises.



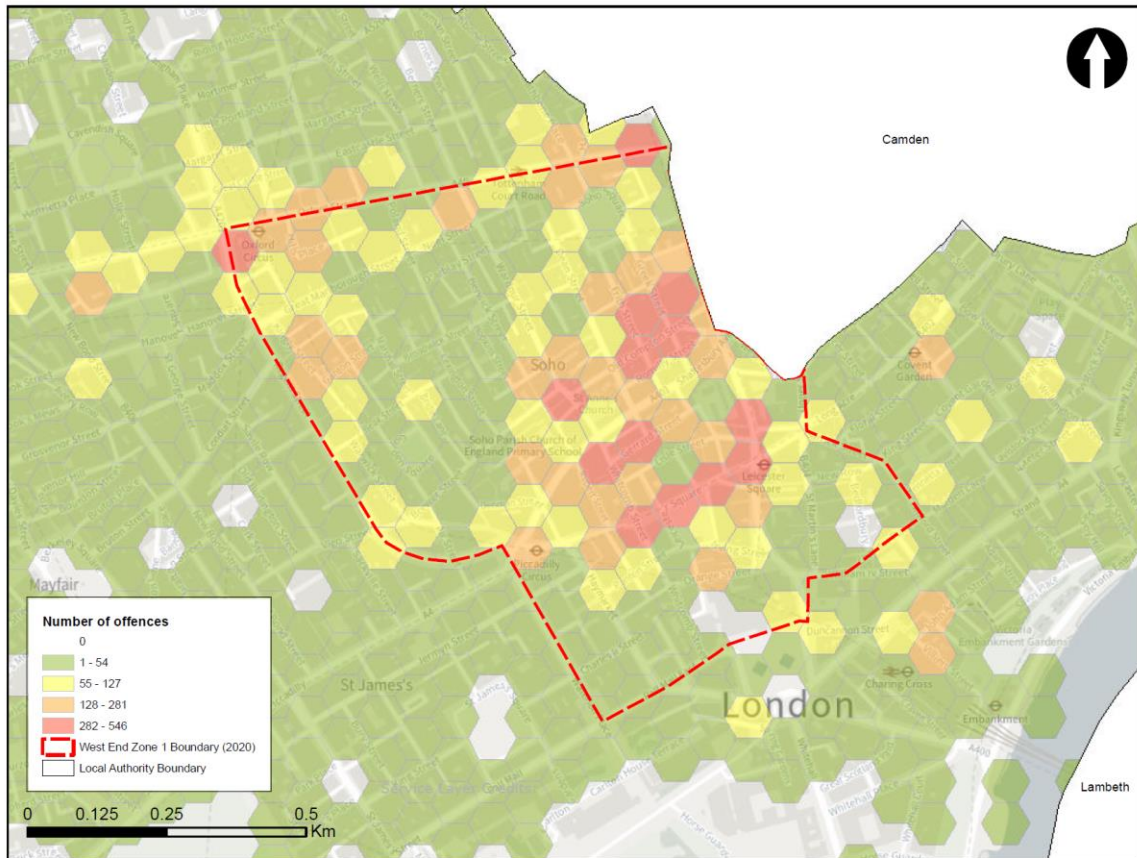
As of June 2023, there were 439 unique operational licensed premises in WEZ 1, **just under a quarter of all unique licensed premises within Westminster (23%)**. Just under half of these premises were classed as ‘Restaurants’ (49% - 216), which is by far the most prevalent premises group within WEZ 1. The next most common premises groups were ‘Pub or Wine Bar’ (14% - 62) and ‘Shop, Store or Kiosk’ (7% - 31).

Cambridge Crime Harm Index by hexagon (West End Zone 1)



This map combines each of the cumulative impact variables that are present within the West End Zone 1, weighting each based on the seriousness of harm.

Overnight crime (theft, robbery, drugs, VAP, sexual offences) (West End Zone 1) by hexagon

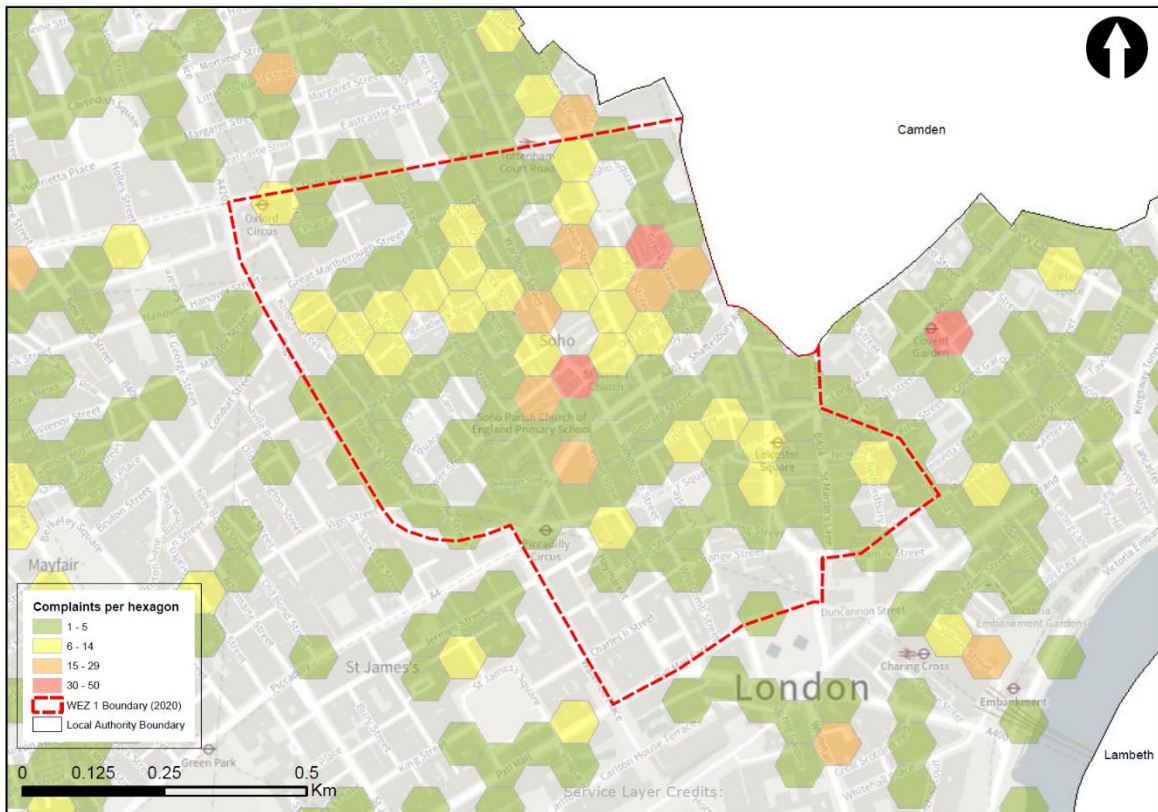


In 2022, WEZ 1 accounted for just **under half of all overnight theft offences in the borough (49% - 10,723)** and **44% (968) of all overnight robberies**. 57% (1,247) of the borough’s drug offences were also recorded in WEZ 1 as well as 29% (1,872) of violence against person offences and 12% of reports of overnight anti-social behaviour (704).

At a more granular level, overnight crime seems to be particularly prevalent in Leicester Square, Old Compton Street, Greek Street, Frith Street and Chinatown (Gerrard Street), and in areas surrounding train stations (Oxford Circus, Tottenham Court Road, Leicester Square, Piccadilly Circus). By comparison, areas like Haymarket and the Northern part of Soho (Broadwick Street, Beak Street, Lexington Street and some parts of Wardour Street), have lower crime levels. It should be noted that crime in these areas are higher compared to the rest of the borough, but within the West End Zones, these are considered locations with less cumulative impact compared to other areas of the West End¹⁴.

¹⁴ Refer to appendix 5 for hexagon map of overnight criminal offences within the West End Zones to see these quieter areas.

Overnight noise complaints by hexagon - West End Zone 1 (30 cap)



The proportions of overnight noise complaints (17% - 560) to occur in this area were slightly less substantive than the major crime types, but still a significant of the borough’s overall noise complaints.

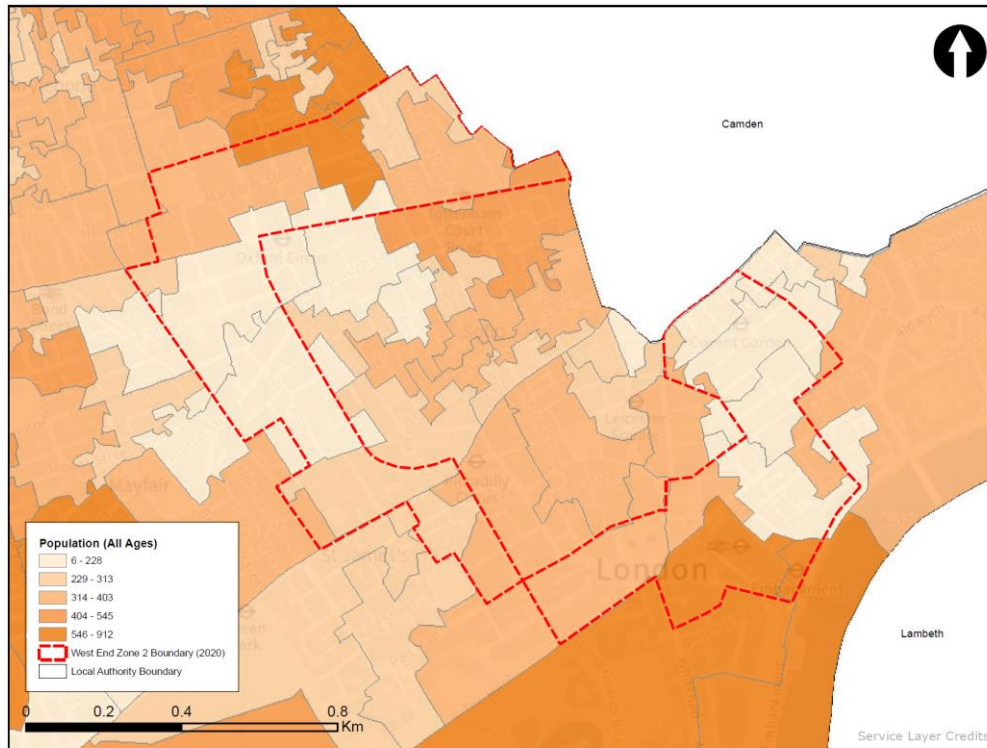
ASB by hexagon (West End Zone 1)



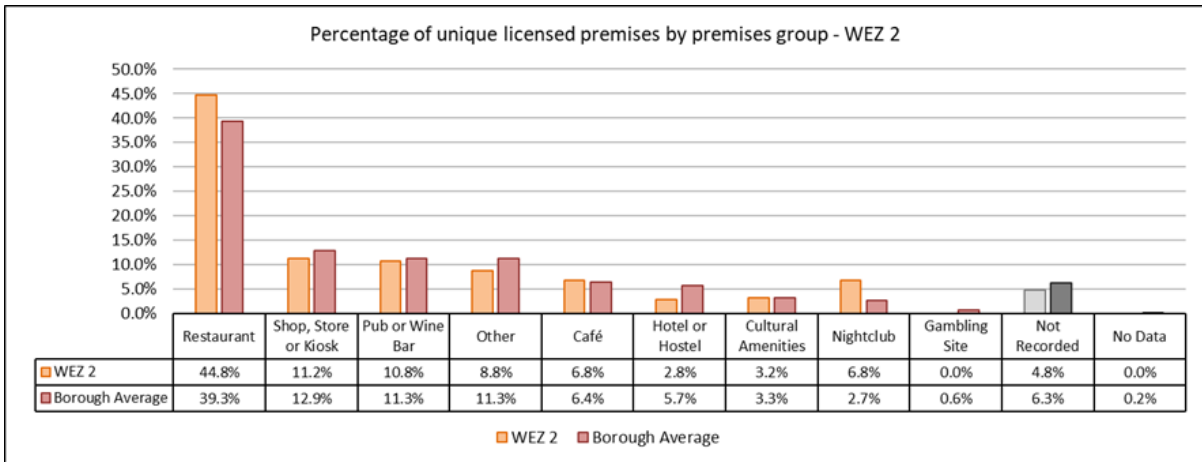
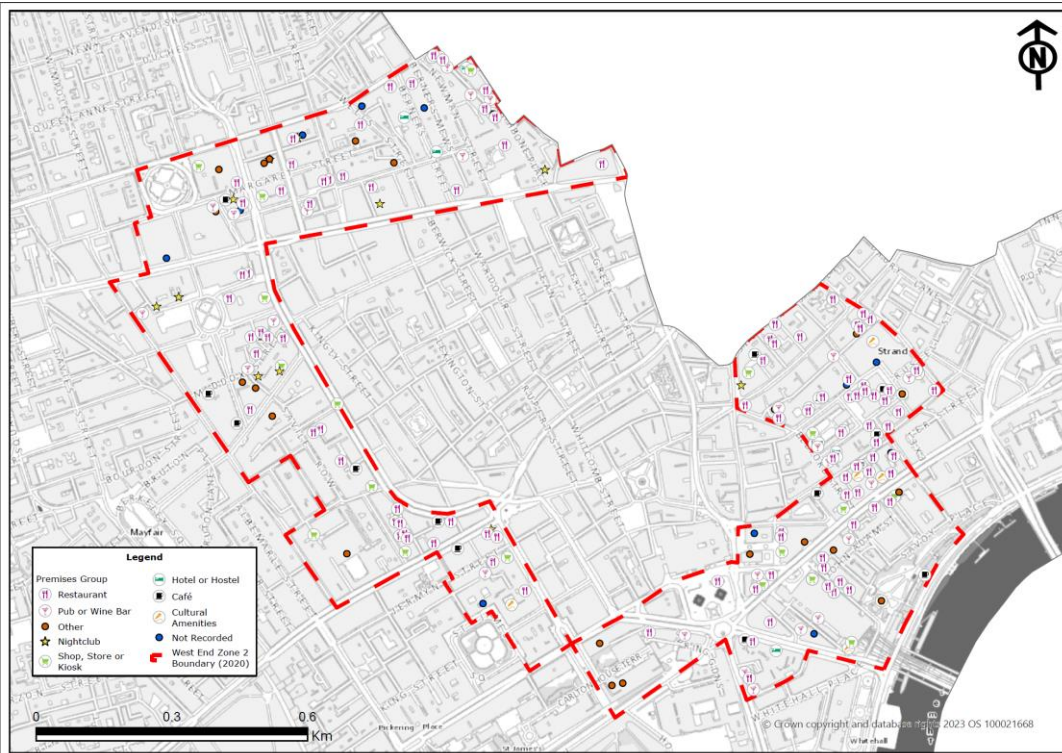
The same can be said of overnight reports of anti-social behaviour in this area. Approximately 12% (704) of overnight ASB occurred with WEZ 1. Hotspots for ASB appear more concentrated in the areas surrounding train stations than overnight criminal offences.

West End Zone 2

Mid-2020 Population Estimates by OA (2011) (West End Zone 2)



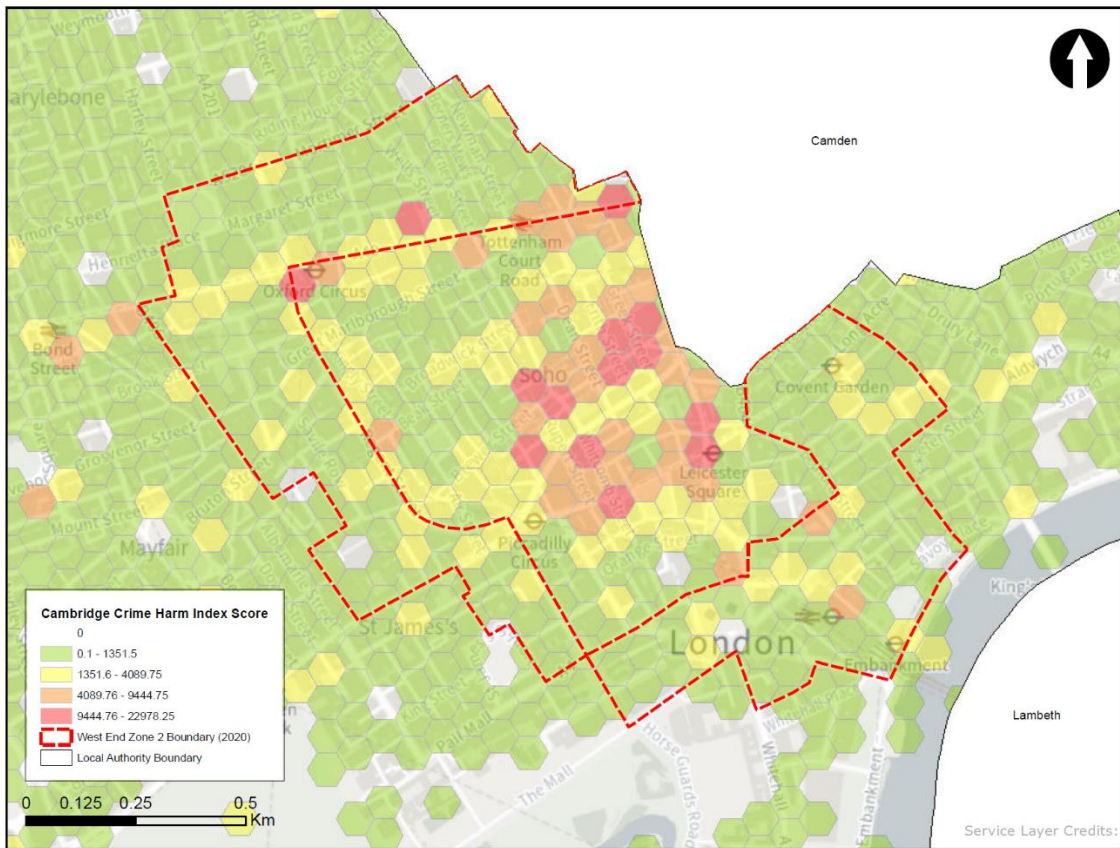
West End Zone 2 (WEZ 2) is a slightly larger area at 0.86 square kilometres, which is approximately the size of 120 football pitches. The zone occupies 4% of the borough's footprint. Historically a lower volume of crime has occurred in the area. This area is slightly more residential, with 1,127 unique postcodes registered to council tax in this area in February 2023. This accounts for 3% of all unique postcodes in Westminster. This area is also home to approximately 2% of the borough's population.



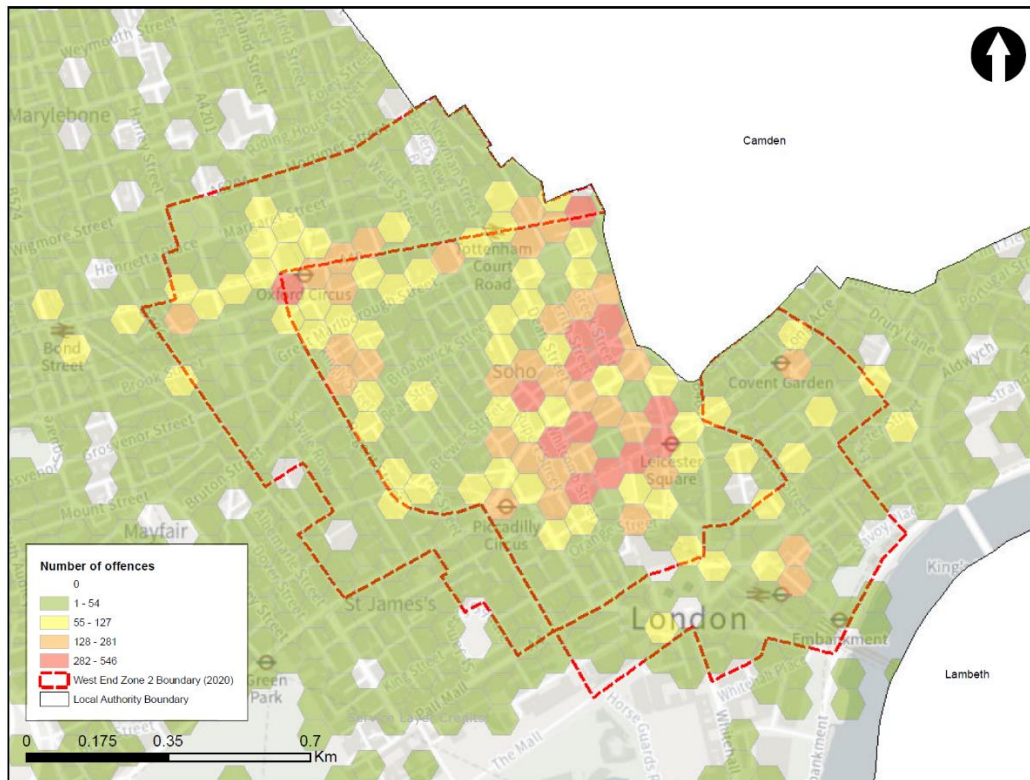
As of June 2023, WEZ 2 had 250 unique operational licensed premises, **holding 13% of unique licenses premises within Westminster**. Broken down by premises group, the majority of the licensed premises within WEZ 2 were classed as ‘Restaurants’ (45% - 113), followed by 11% (28) classed as ‘Shop, Store or Kiosk’ and 11% (28) classed as a ‘Pub or Wine Bar’.

This map combines each of the cumulative impact variables that are present within the West End Zone 2, weighting each based on the seriousness of harm.

Cambridge Crime Harm Index by hexagon (West End Zone 2)



Overnight crime (theft, robbery, drugs, VAP, sexual offences) (West End Zone 2) by hexagon



As with WEZ 1, the crime types WEZ 2 accounted heavily for in 2022 was overnight theft and robbery. **19% (4079) of overnight theft offences and 15% (341) of overnight robberies occurred in WEZ 2.** The next most prevalent crime type within the area was overnight violence against person, where WEZ 2 accounted for 13% (806) of all offences committed within Westminster. Overnight drug offences were significantly less prevalent in WEZ 2 than in WEZ 1, with the area accounting for only 10% (212) of offences in the entire borough. The same can be said of overnight anti-social behaviour, with 8% of reports occurring within WEZ 2.

Overnight crime levels in WEZ 2 appear to be particularly concentrated down Oxford Street and areas surrounding train stations, particularly in the surrounding area to Charing Cross station. Streets and areas like Saville Row, large portions of Hanover Street and the Strand as well as the majority of the West side of the zone have relatively lower levels of crime by comparison.

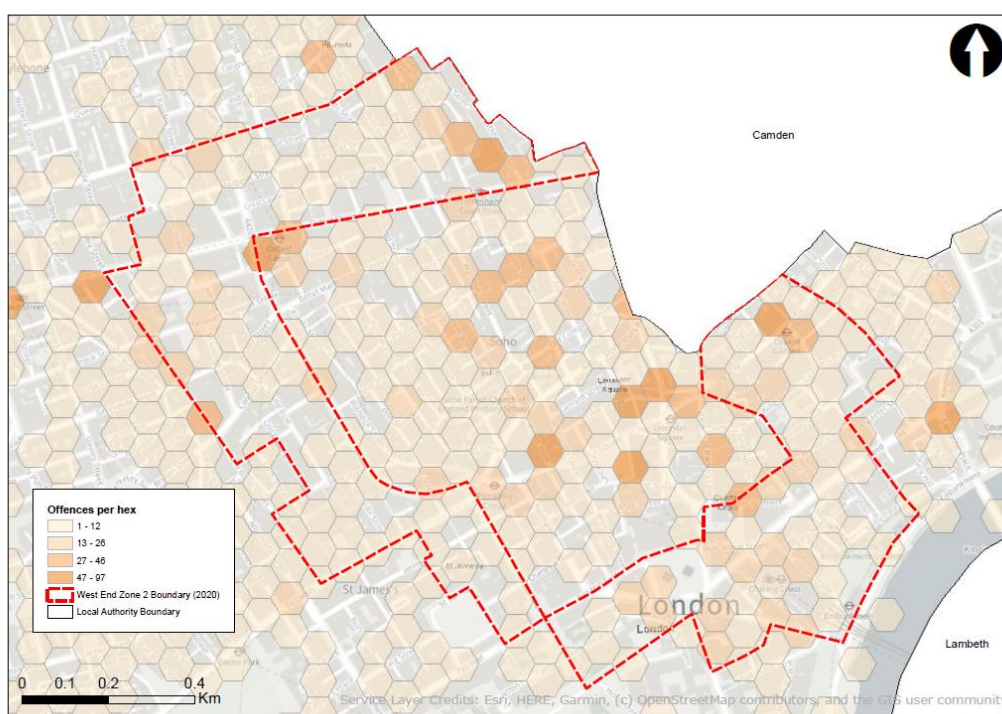
9% of overnight noise complaints in the borough came from within WEZ 2, which again illustrates the greater geographical distribution of noise complaints across the borough.

Overnight noise complaints by hexagon - West End Zone 2 (30 cap)



8% (461) of overnight ASB offences within Westminster occurred within WEZ 2. This again lends evidence to the idea that occurrences of noise complaints and ASB are more dispersed throughout the entire borough in comparison to overnight crime. ASB within WEZ 2 was concentrated in the areas surrounding Covent Garden and Tottenham Court Road stations.

ASB by hexagon (West End Zone 2)



Opening and closing times WEZ 1 & 2

	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00
Borough Average	12%	19%	27%	37%	50%	89%	92%	92%	93%	93%	92%	88%	85%	82%	78%	68%	33%	17%	13%	11%	9%	8%	7%	7%
WEZ 1	3%	8%	12%	22%	35%	89%	92%	93%	94%	94%	95%	95%	92%	90%	87%	79%	44%	19%	14%	12%	5%	4%	4%	3%
WEZ 2	8%	14%	23%	35%	52%	91%	94%	95%	95%	95%	95%	88%	86%	80%	77%	65%	29%	15%	13%	11%	8%	5%	4%	4%

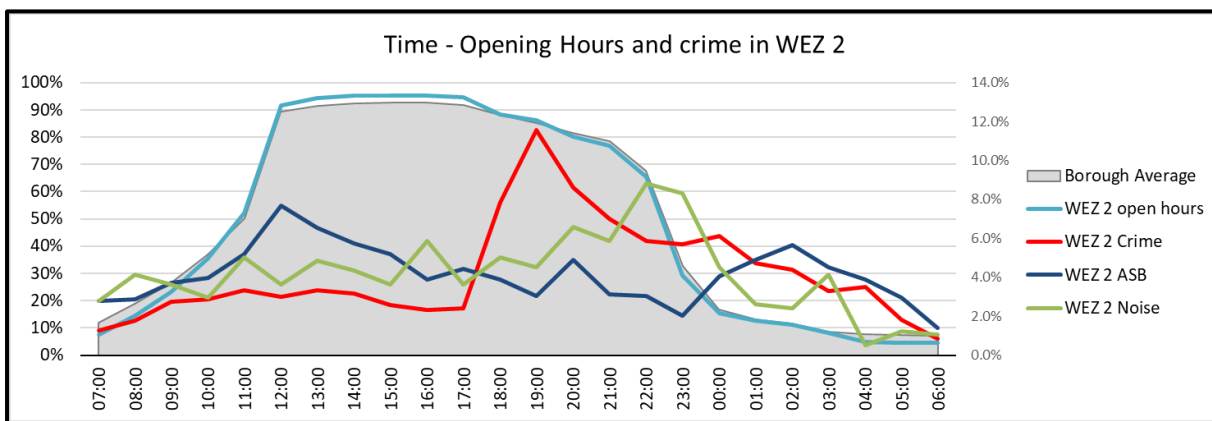
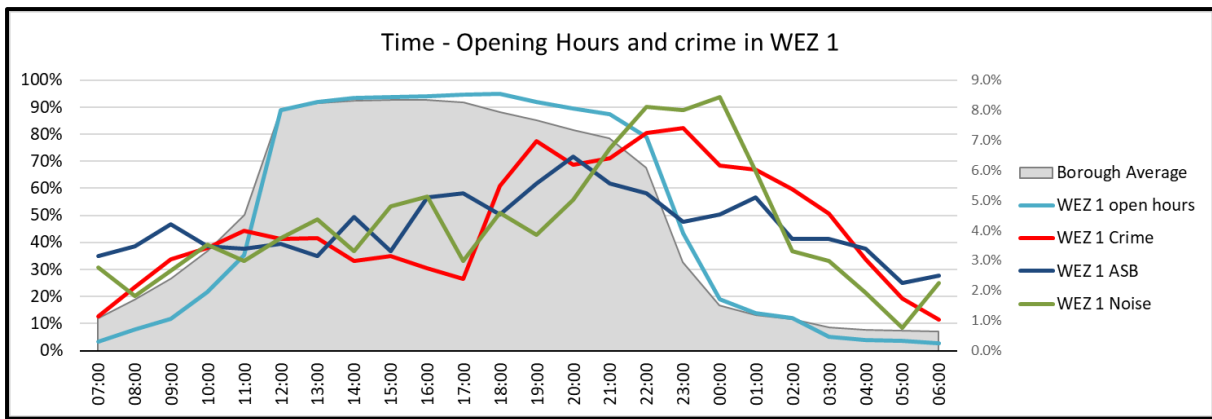
Percentage of licensed premises open in WEZ 1 & 2 by hour.

The table above shows the percentage of licensed premises open every hour on a Saturday from 7am to 6am the next day for premises with opening and closing hours information available. **From 5pm until 2am WEZ 1 has a higher proportion of licensed properties open than both the borough average and West End Zone 2.** There is a significantly higher proportion of open properties in WEZ 1 between the hours of 8pm until 11pm than both WEZ 2 and the borough average. Just under half (44%) of properties are still open in WEZ 1 at 11pm, compared to just 29% in WEZ 2.

WEZ 2 has a similar proportion of open properties to the borough average across the whole day. It has slightly more licensed properties open than the borough average from the hours of 11am-7pm. It has a lower proportion of licensed properties open from 8pm to 10am.

In terms of potential dispersal times, for **WEZ 1 there is a steep drop in the proportion of open premises from 9pm to 10pm (87% to 79%, 349 to 316)**, an even steeper drop from 10pm to 11pm (44% to 19%, 316 to 174) and a final significant drop from 11pm to 12am (44% to 19%, 174 to 76).

Despite having a lower proportion of open properties than WEZ 1, WEZ 2 does follow a similar pattern. The percentage of open licensed premises falls from 77% to 65% (171 to 146) from 9pm to 10pm, 65% to 29% (146 to 65) from 10pm to 11pm and 29% to 15% (65 to 34) from 11pm to 12am.



In comparison, crime levels do not follow a similar temporal pattern, where crime in WEZ 1 continues to increase until 11pm to 12pm, well after the majority of properties have begun to close, while crime in WEZ 2 peaks during the very early evening at 7pm before tailing off. Noise complaints run even later into the night while ASB incidents show a slow decline from early evening.

Comparison to previously reported figures

Crime type	Westminster total (estimate)	WEZ 1 Total	WEZ 1 %	WEZ 2 Total	WEZ 2 %
Overnight theft	73,961	24,407	33%	12,964	21%
Overnight robbery	6,779	2,237	33%	1,384	21%

2017-19 - Proportion of Westminster's crimes that occurred in West End Zones by crime type.

Crime type	Westminster total	WEZ 1 Total	WEZ 1 %	WEZ 2 Total	WEZ 2 %
Overnight theft	21,898	10,723	49%	4,079	19%
Overnight robbery	2,215	968	44%	341	15%

2022 Data - Proportion of Westminster's crimes that occurred in West End Zones by crime type.

Using the 2022 crime data we have acquired and the figures from the previously published report, we can draw some insights on how the volume of crime has changed in the previously designated West End Zones. Comparisons between totals should be carefully made, due to the differing length of the data involved. Comparisons between overnight violence against person, drug offences, anti-social behaviour and noise complaints - have been excluded due to differences in measuring and recording methodologies.

The proportion of Westminster's overnight theft and robbery offences that occur in West End Zone 1 have increased significantly. West End Zone 1 accounted for 49% of overnight theft offences in Westminster in 2022 and 44% of overnight robberies. This has increased substantially from 33% for both crime types in 2017-19.

Overall, the proportion of Westminster's crimes that occurred in West End Zone 2 fell slightly in 2022. Overnight theft in the area decreased from 21% in 2017-19 to 19% in 2022, overnight robbery decreased from 21% to 15% and overnight noise complaints fell from 10% to 9%.

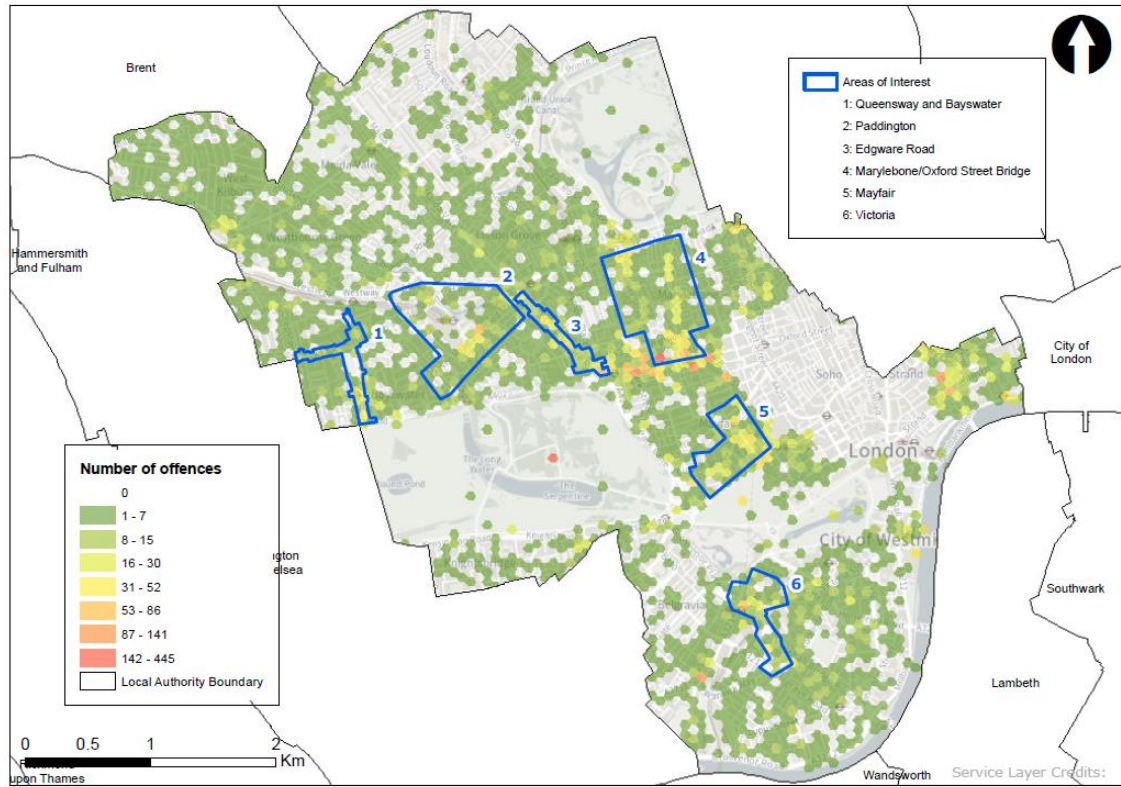
Areas of Interest

Summary

- Other areas of interest were difficult to identify as such a large proportion of the borough's overnight crime, ASB and noise complaints were concentrated within the West End Zones.
- The **Marylebone/Oxford Street Bridge** zone was the most notable area outside of the West End Zones. It was the location for the largest proportion of Westminster's overnight theft, robbery, VAP, drugs, ASB, noise complaints and unique licensed premises out of all Areas of Interest. It also contained the hex with the highest number of overnight criminal offences outside of the WEZs.
- **Edgware Road** has a notable number of unique licensed premises and overnight criminal offences for a relatively small area. It was the location for a similar proportion of overnight criminal offences to the other, much larger, Areas of Interest.
- **The Paddington** area accounted for 2% of overnight criminal offences within Westminster in 2022, however, it contains 5% of unique licensed premises and also contributed to 5% of reports of ASB.
- Similar to Edgware Road, the area of **Queensway & Bayswater** contributed a similar proportion of overnight criminal offences as larger Areas of Interest whilst occupying a relatively small area by comparison.
- Despite being a relatively busy area, **Victoria** only contributed to 1% of Westminster's overnight criminal offences in 2022. It was a more significant area in terms of overnight ASB (3%).
- The **Mayfair** area was the location for 2% of overnight criminal offences in Westminster in 2022, 2% of overnight noise complaints and 3% of overnight ASB.
- For all of these zones, the most prominent crime type was theft, usually followed by violence against person or robbery.
- The most prominent premises type within all zones was restaurants, a higher percentage of licensed premises within Mayfair, Edgware Road and Paddington stayed open later than the borough average.

Though issues associated with cumulative impact appears particularly prevalent within the West End, it is important to identify other areas that should also be taken into consideration. This next section highlights how other Areas of Interest were identified through the datasets we used, and similarly to the West End Zones section, each of these areas are profiled based on their levels of crime, noise complaints ASB and licensing.

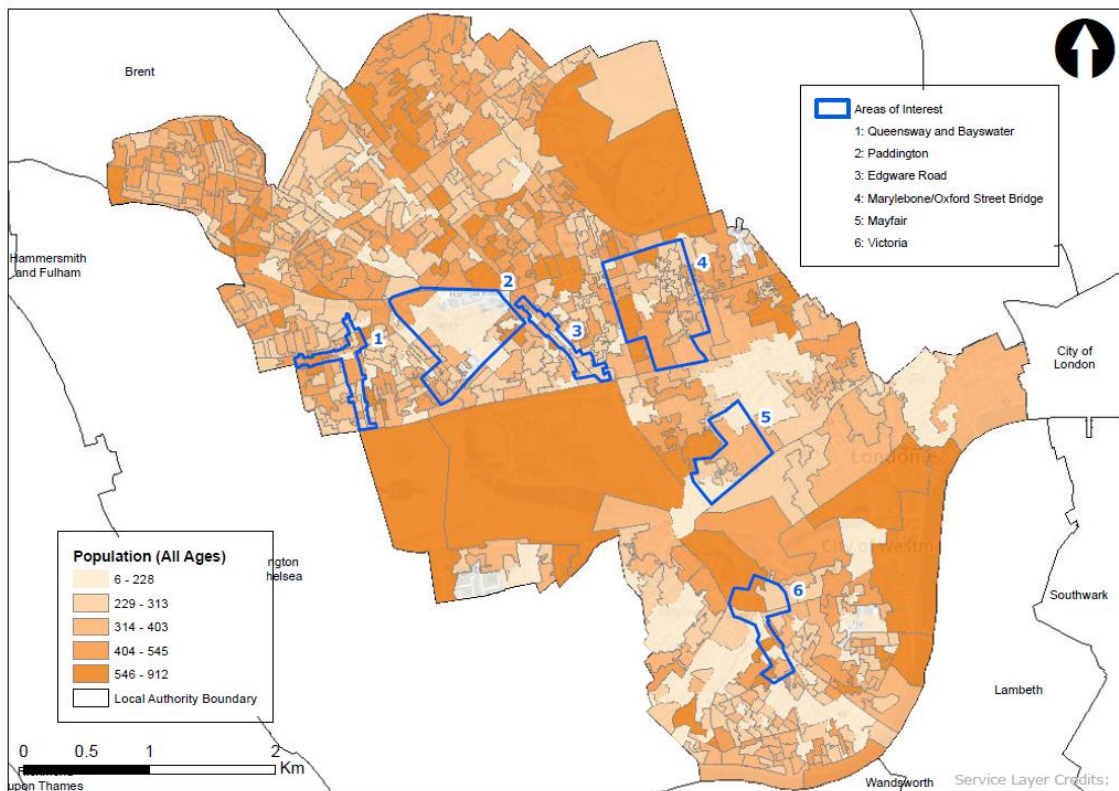
Overnight crime by hexagon (Excluding West End Zone)



Criminal offences in Westminster are hugely concentrated within the West End Zones, which in turn can obscure the visibility of other potential areas at risk of issues associated with cumulative impact. As such, the map above showing overnight crime (theft, robbery, violence against person, drug offences and sexual offences) across the borough was made excluding crimes that occurred within the West End Zones to potentially identify any other areas of interest. The number of breaks between categories in this map was also increased from 5 to 8.

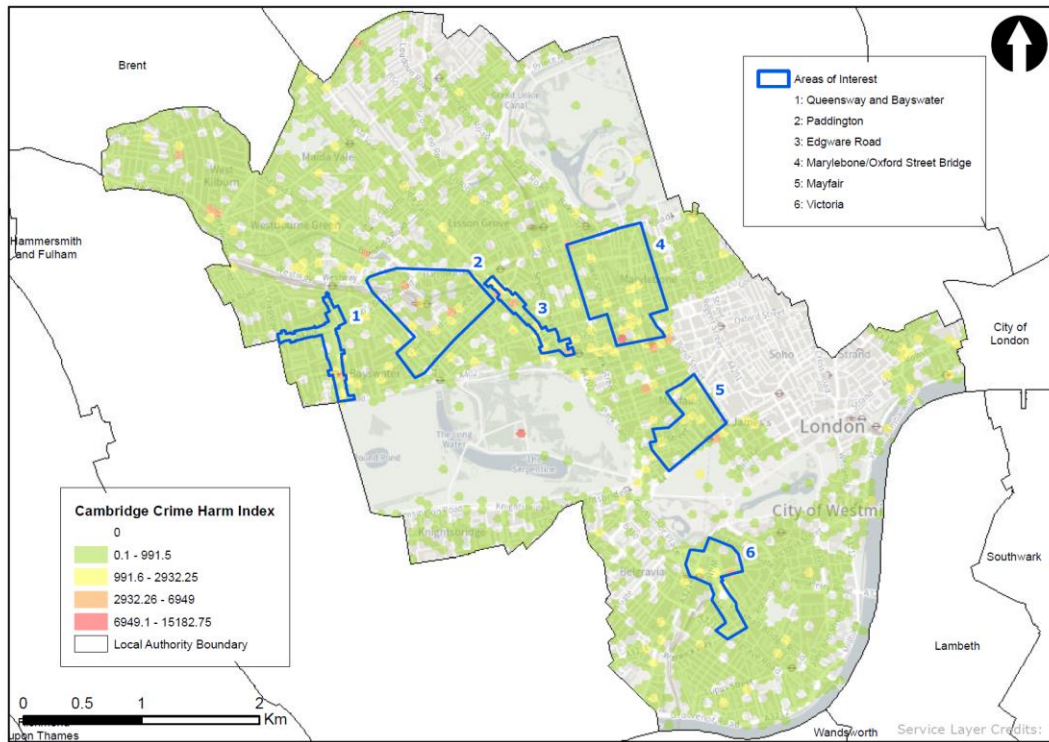
The clusters of hexagons with higher criminal offences aligned with the areas defined as stress areas and areas of exploration in the previous report. The exception to this was North Fitzrovia, who's relatively low levels of criminal offences and unique licensed premises did not warrant further investigation and was therefore not selected as an area of interest.

Mid-2020 Population Estimates by OA (2011)



It should be noted that the proportion of Westminster’s crimes that occurred in the following areas are significantly lower than they are in the West End Zones (see below) but are still areas that are worth exploring regarding cumulative impact, based on the slightly higher levels of overnight crime we have identified and the number of unique licensed premises in these areas. The majority of these areas also either contain or are surrounded by OAs with higher population levels than those in the West End Zones.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone)



Area Name	Unique licensed premises	Overnight crime (theft, robbery, VAP, drug, sexual offences)	Overnight noise complaints	Overnight ASB
WEZ 1 + 2	36% (689)	60% (20,254)	26% (858)	20% (1,165)
WEZ 1	23% (439)	44% (14,810)	17% (560)	12% (704)
WEZ 2	13% (250)	16% (5,444)	9% (298)	8% (461)
Mayfair	4% (68)	2% (546)	2% (60)	3% (168)
Marylebone/Oxford St. Bridge	7% (125)	4% (1,342)	7% (245)	5% (305)
Paddington	5% (99)	2% (563)	3% (114)	5% (295)
Victoria	3% (61)	1% (373)	1% (42)	4% (220)
Edgware Road	1% (24)	1% (373)	1% (44)	1% (91)
Bayswater & Queensway	3% (56)	1% (267)	2% (88)	4% (211)

Proportion of Westminster's licensed premises, overnight crime, overnight noise complaints and overnight ASB by area

Though criminal offences appear to be concentrated in the West End Zones (particularly West End Zone 1), reports of overnight anti-social behaviour and overnight noise complaints appear to be distributed a little more evenly across the borough.

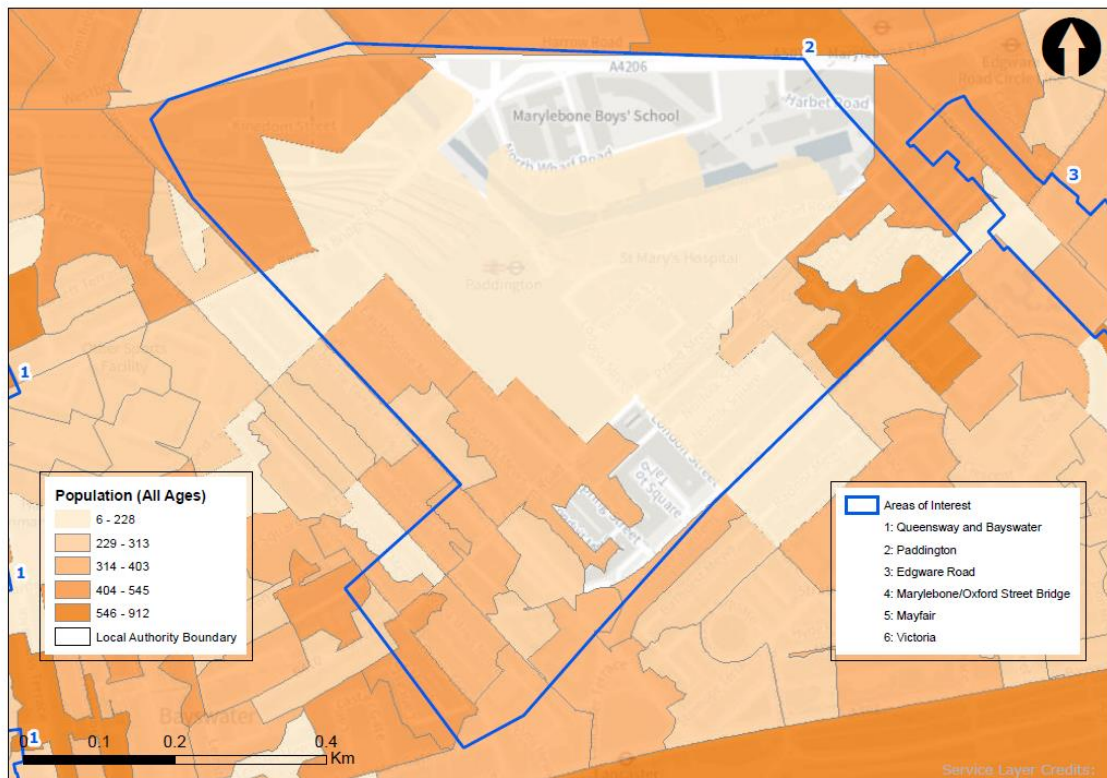
This section will profile these areas of interest similarly to the West End Zones. Breaking down the type of criminal offences and anti-social behaviour in these areas, how they contribute to the overall proportion of crimes within Westminster, as well as their licensing profile. The proportion of licensed properties open by hour in each area can also be seen below.

Percentage of licensed premises open in each Area of Interest by hour

	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00
Borough Average	12%	19%	27%	37%	50%	89%	92%	92%	93%	93%	92%	88%	85%	82%	78%	68%	33%	17%	13%	11%	9%	8%	7%	7%
Bayswater & Queensway	12%	22%	26%	36%	52%	94%	96%	96%	96%	96%	98%	98%	96%	92%	92%	70%	22%	4%	2%	0%	0%	0%	0%	0%
Edgware Road	8%	21%	33%	38%	42%	79%	83%	83%	83%	88%	88%	83%	79%	79%	79%	75%	42%	38%	21%	17%	17%	13%	13%	8%
Marylebone/Oxford Street Bridge	9%	16%	31%	37%	50%	95%	96%	96%	95%	95%	92%	88%	84%	82%	80%	63%	20%	8%	5%	5%	4%	4%	4%	4%
Mayfair	11%	18%	20%	29%	39%	84%	89%	91%	91%	93%	91%	88%	89%	88%	86%	79%	45%	30%	27%	16%	13%	11%	9%	9%
Paddington	23%	38%	40%	48%	63%	92%	92%	92%	90%	92%	94%	88%	83%	81%	79%	69%	42%	23%	21%	17%	13%	13%	13%	13%
Victoria	13%	20%	27%	30%	53%	97%	97%	97%	97%	97%	93%	93%	87%	80%	73%	50%	23%	10%	10%	10%	10%	10%	10%	7%
Not in Zoning	18%	26%	35%	46%	58%	88%	90%	90%	91%	90%	89%	83%	80%	76%	72%	62%	29%	16%	13%	12%	11%	11%	11%	11%

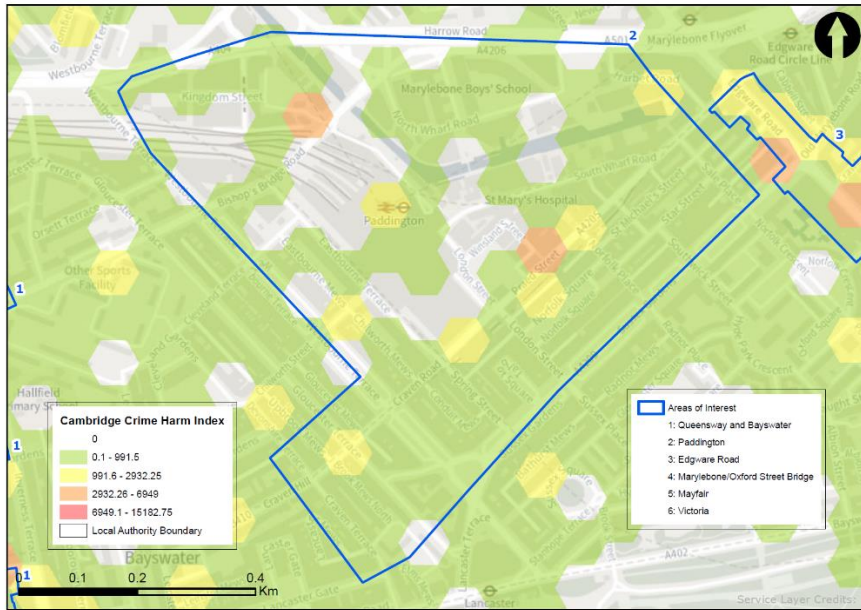
Paddington

Mid-2020 Population Estimates by OA (2011) (Paddington)

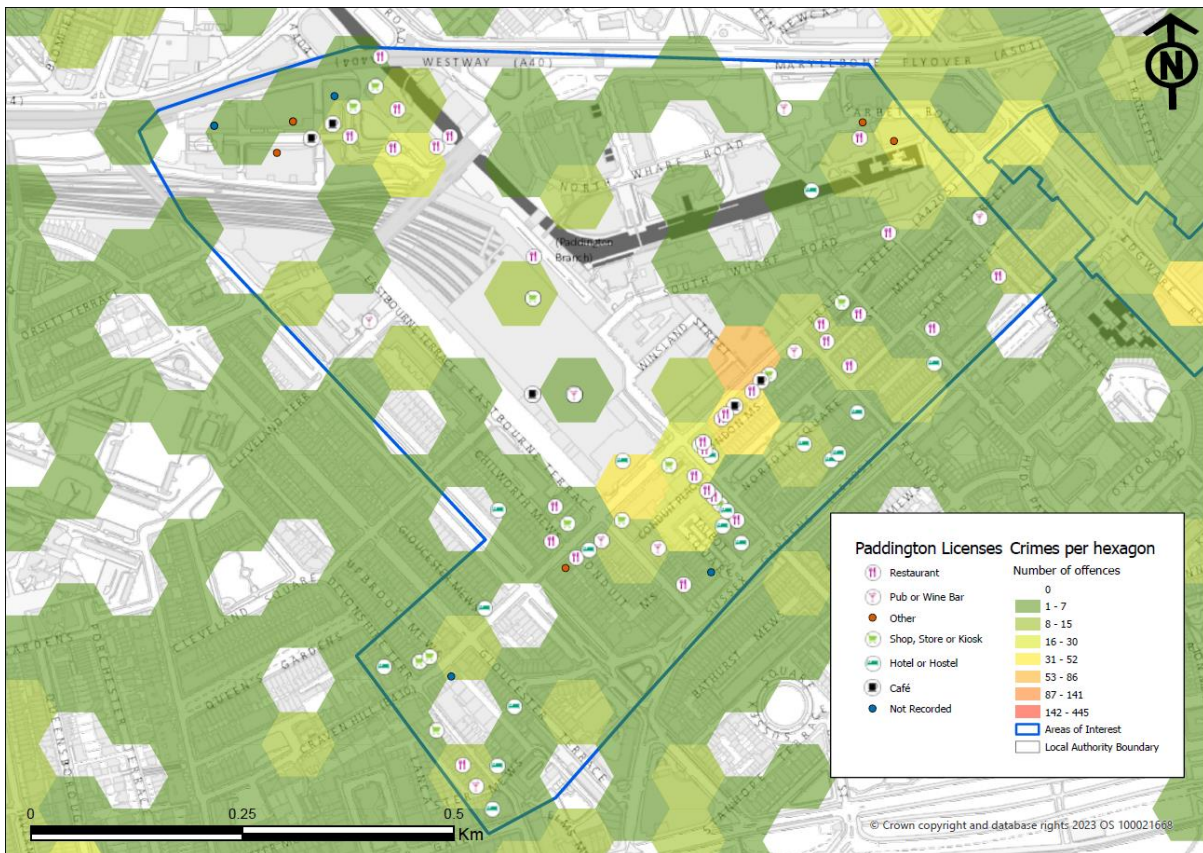


The Paddington area is 0.54 kilometres squared in size, the equivalent of 76 football pitches. This area accounts for 2.5% of the borough’s footprint. Paddington has several OAs with higher levels of population. Approximately 3% of Westminster’s population live within this area, making it comparable to the levels of residents living within the West End Zones.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Paddington

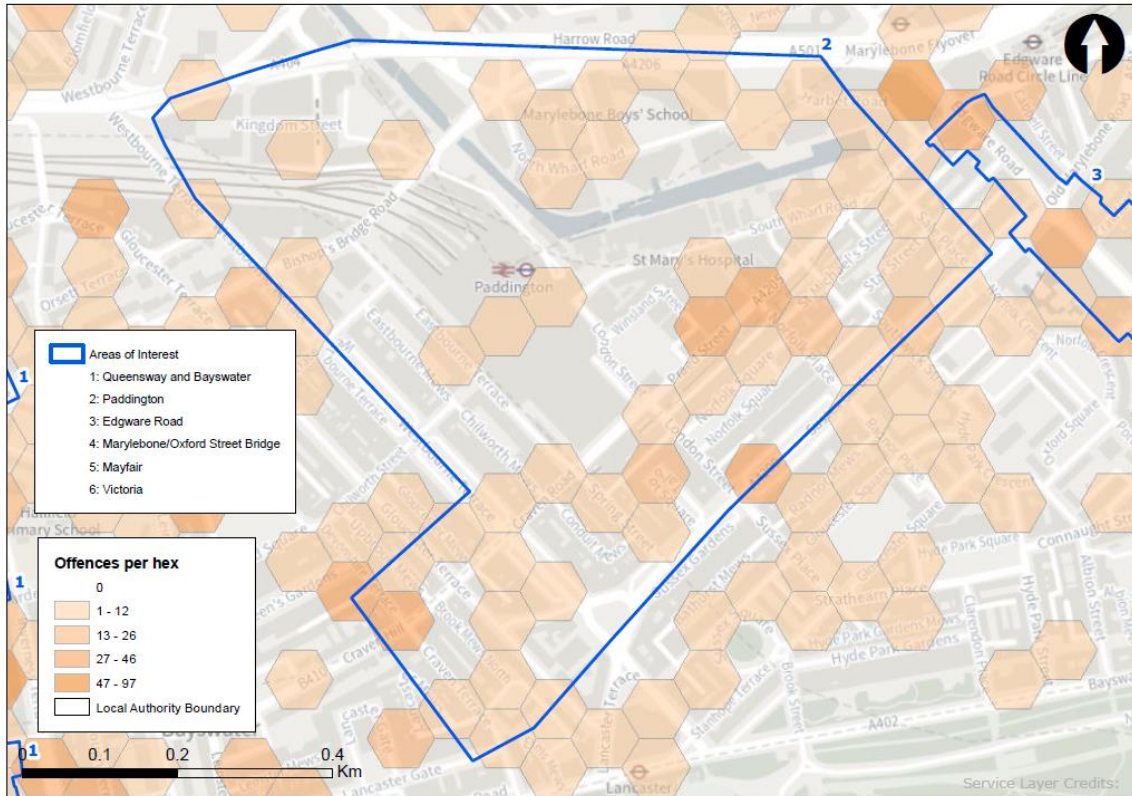


The Paddington area accounted for 2% (563) of overnight criminal offences (theft, robbery, drug, VAP and sexual offences) in Westminster in 2022. The majority of overnight criminal offences that occurred in the Paddington area were categorised as theft (58% - 325) followed by violence against person (31% - 172). The higher crime levels in the area appear concentrated on Praed Street, the street leading up to Paddington Station.



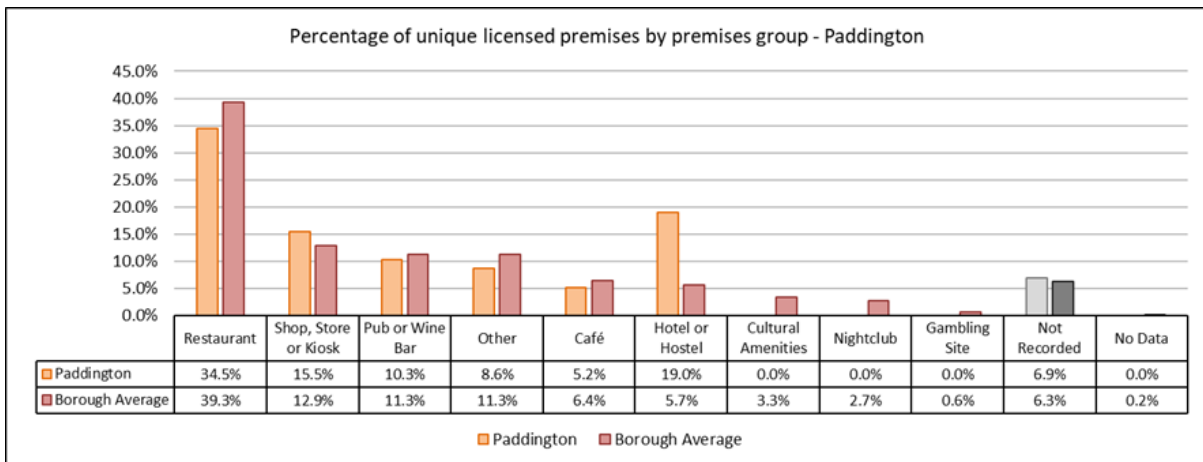
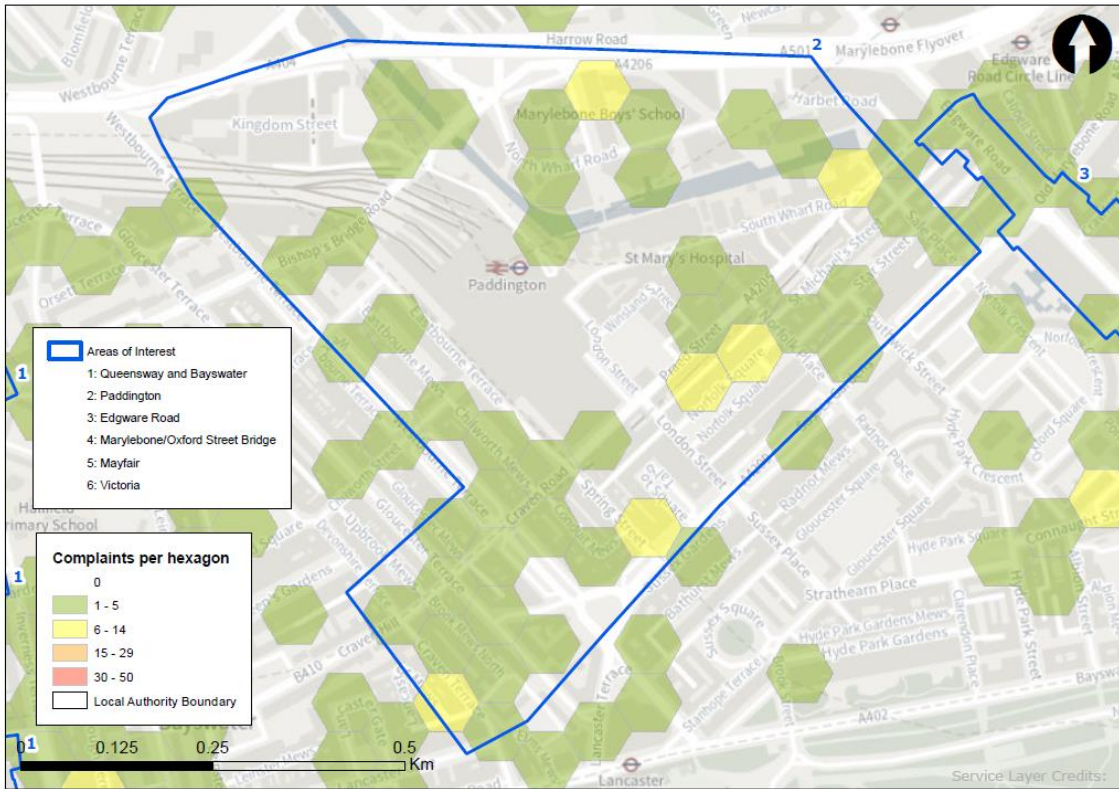
The area was slightly more prominent in overnight anti-social behaviour reports accounting for 5% (295) of all reports in Westminster.

Overnight ASB by hexagon (Paddington)

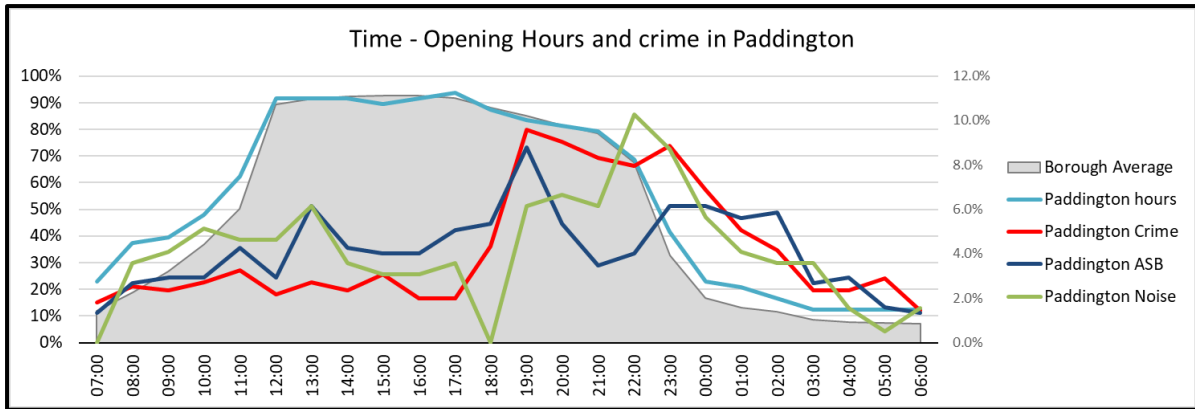


The same can also be said of overnight noise complaints, with 3% (114) of all complaints in Westminster occurring from within Paddington.

Overnight noise complaints by hexagon (Paddington) (30 cap)



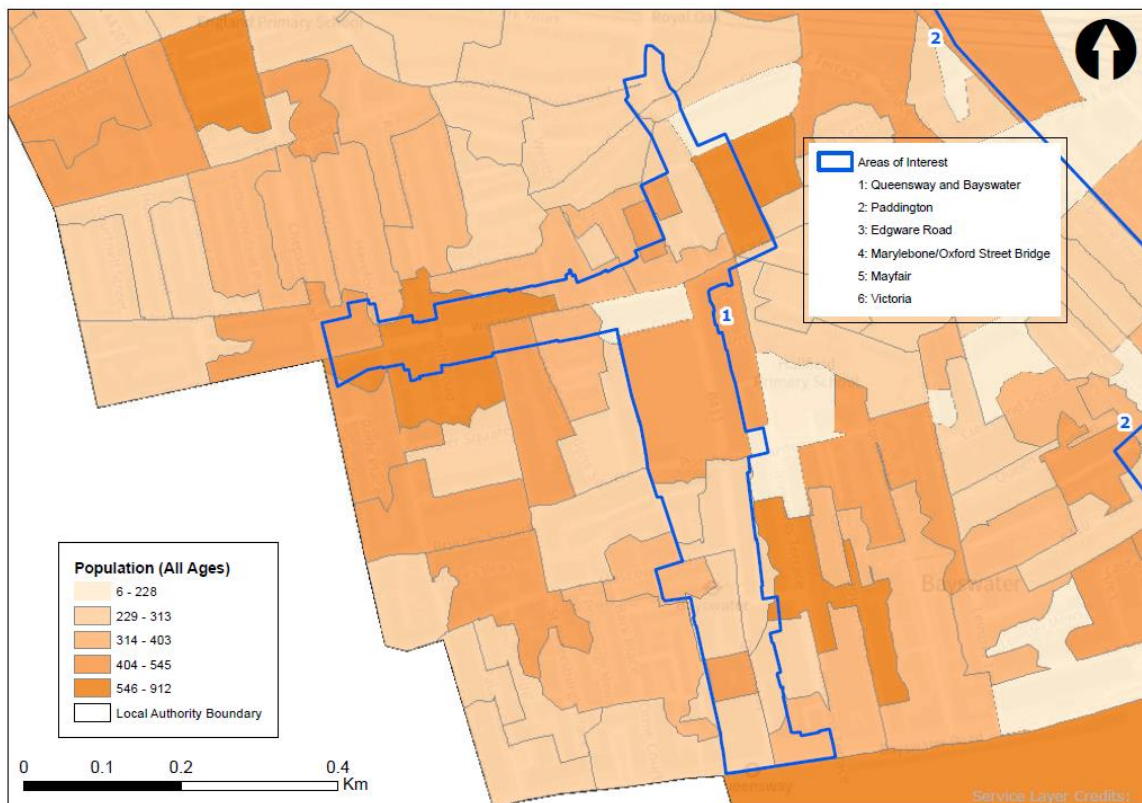
As of February 2023, there were 99 operational unique licensed premises within Westminster, which is **approximately 5% of all unique licensed premises in the borough**. The majority of licensed premises in the area fall within the 'Restaurants' premises group (33% - 33), followed by 'Shop, Store or Kiosk' (20% - 20) and 'Hotel or Hostel' (18% - 18). The proportion of hotels or hostels in the area is significantly higher than the Westminster average (7%).



Paddington has a higher proportion of open premises than the borough average between 7am to 12pm and 9pm and 6am. The most significant drop in the proportion of open premises in the area occur between 10pm and 11pm (69% to 42%, 33 to 20) and 11pm and 12am (42% to 23%, 20 to 11), indicating that this is the general dispersal period in the area. Crime and noise continue at higher levels until falling after midnight.

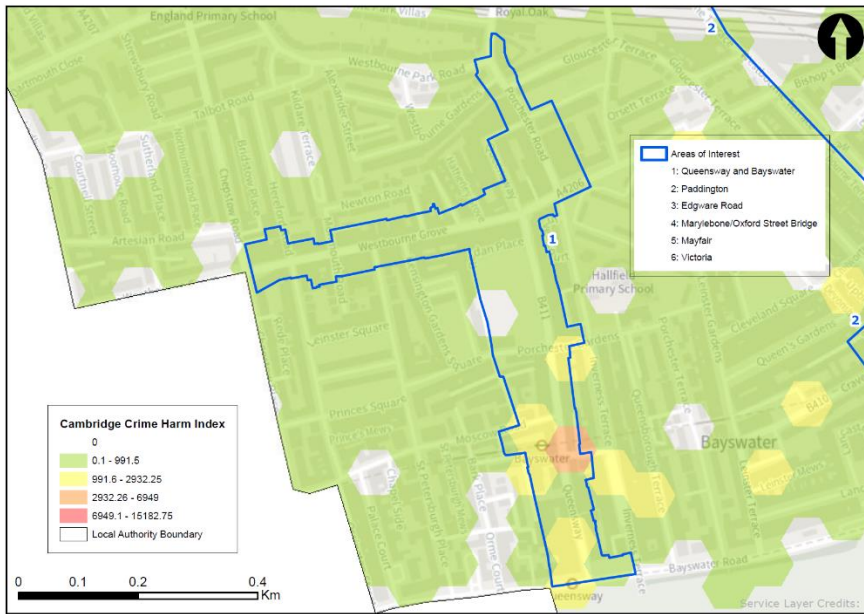
Bayswater & Queensway

Mid-2020 Population Estimates by OA (2011) (Queensway & Bayswater)

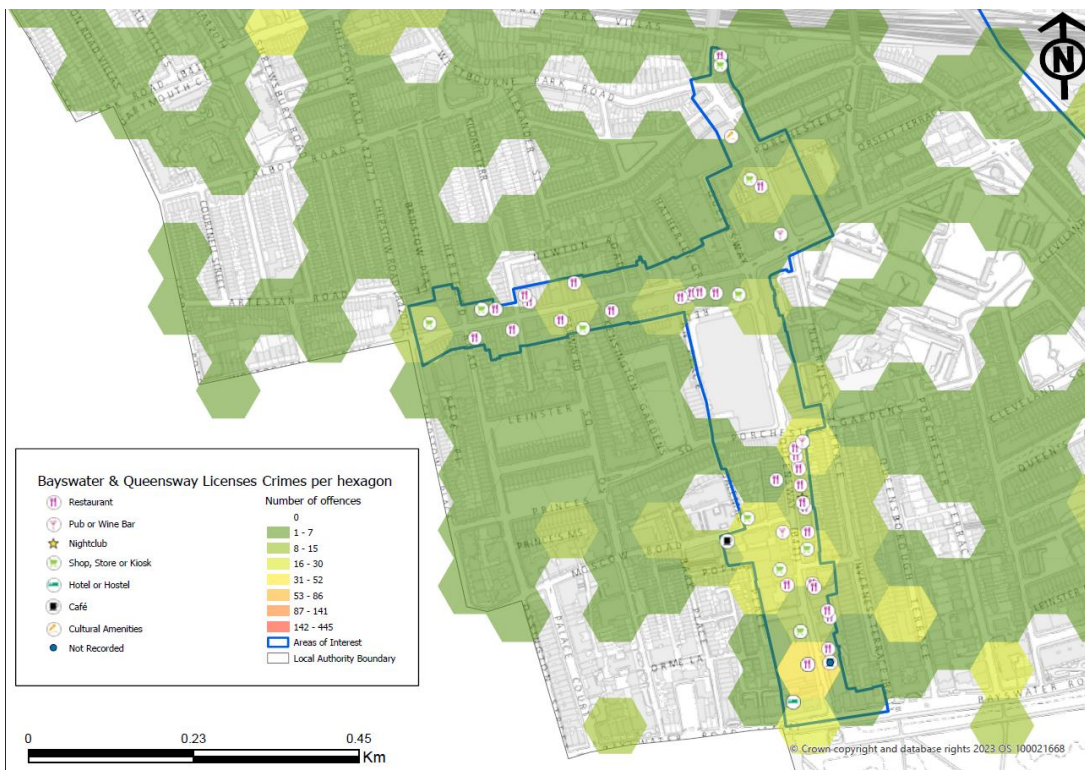


The Bayswater & Queensway area is approximately 0.13 square kilometres in size, the same as 18 football pitches. This makes up 0.6% of the entire borough's footprint. Approximately 2% of the population live in OAs within the Queensway and Bayswater area. This is particularly notable as this area is small in comparison to the majority of other areas of interest and the West End Zones.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Queensway & Bayswater



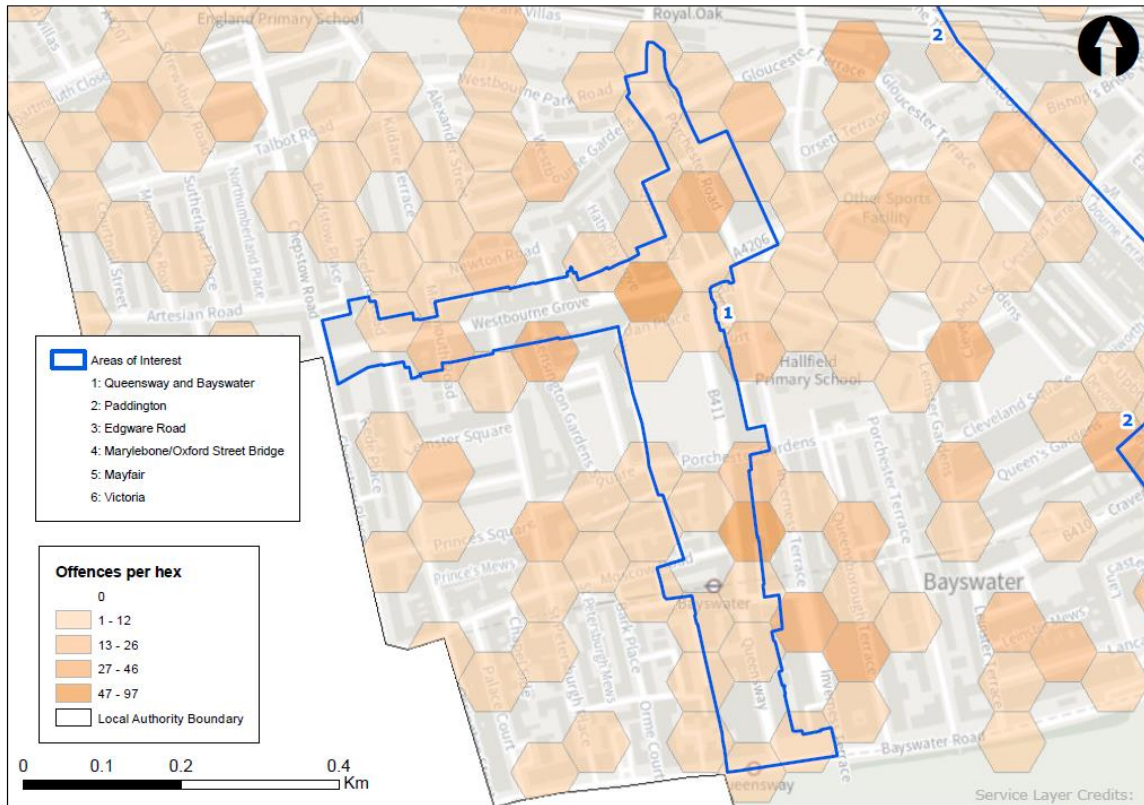
Bayswater & Queensway accounted for 1% (267) of overnight criminal offences in the borough in 2022. Again, the majority of overnight crimes that occurred within this area were classed as theft, with 61% (162) of all crimes in Bayswater & Queensway recorded as a theft. The 'hotspots' for crime in this area appear to be in the Southern side, surrounding the Bayswater and Queensway train stations.



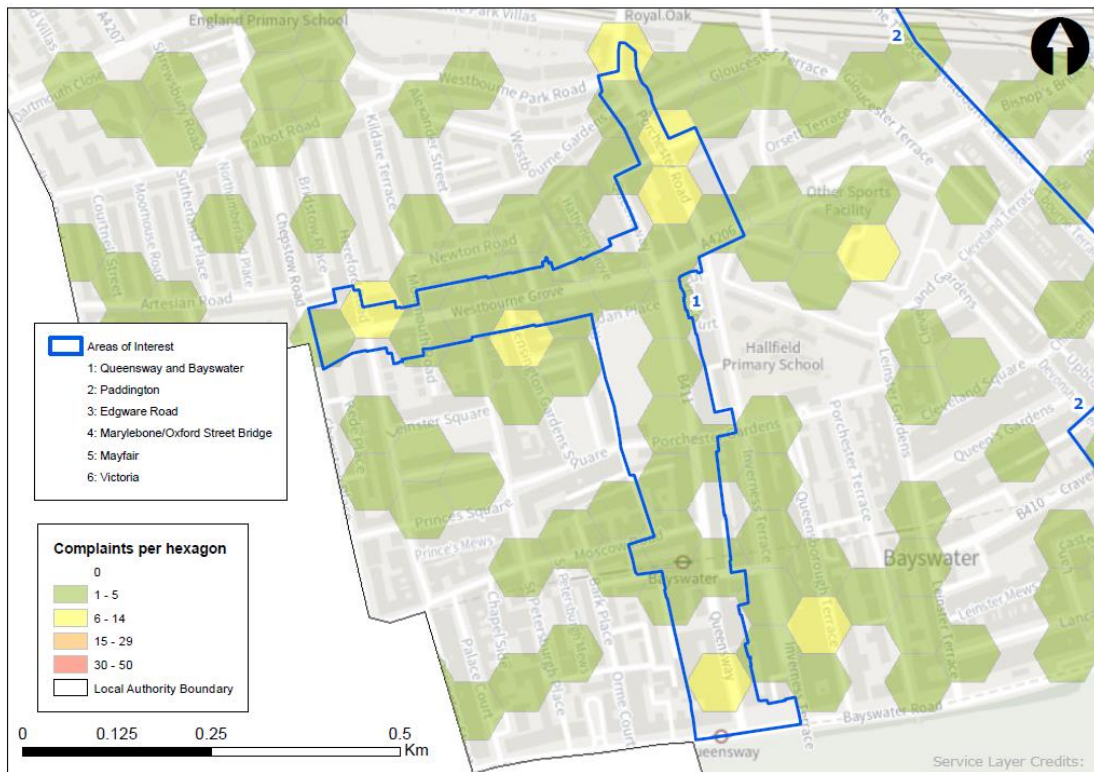
Licensed Premises and overnight crime in Bayswater & Queensway

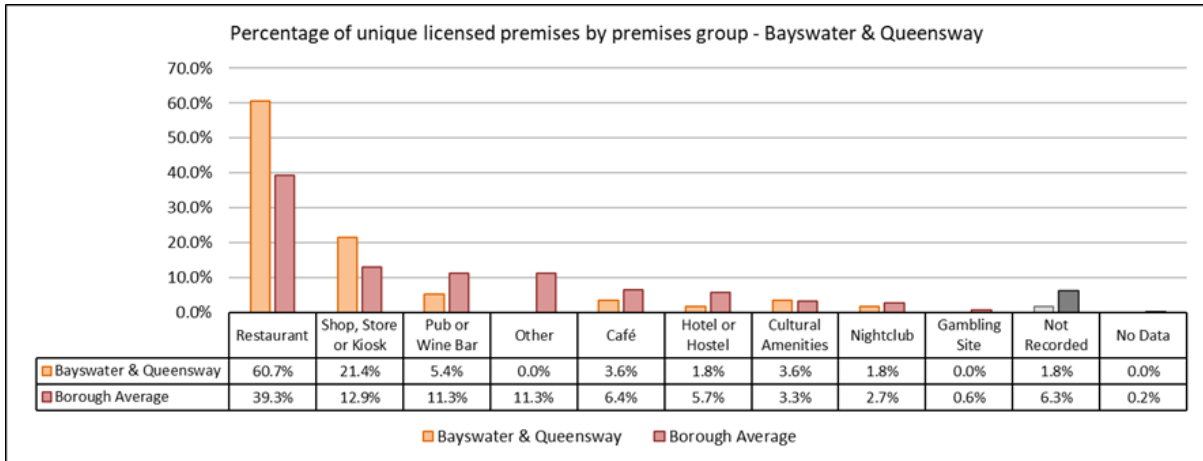
The area contributes more significantly to both reports of overnight anti-social behaviour (4% or 211 of all reports in Westminster) and noise complaints (2% or 88 of complaints in Westminster).

Overnight ASB by hexagon (Queensway & Bayswater)

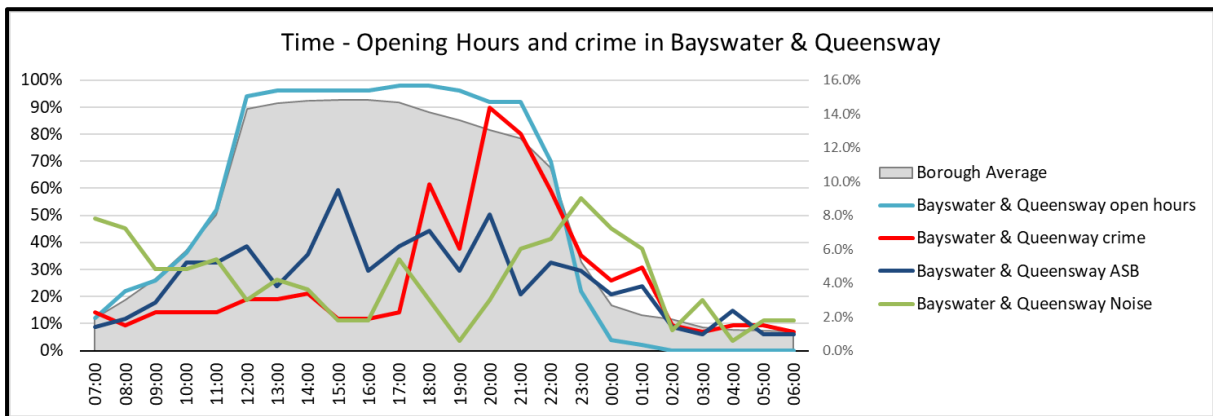


Overnight noise complaints by hexagon (Queensway & Bayswater) (30 cap)





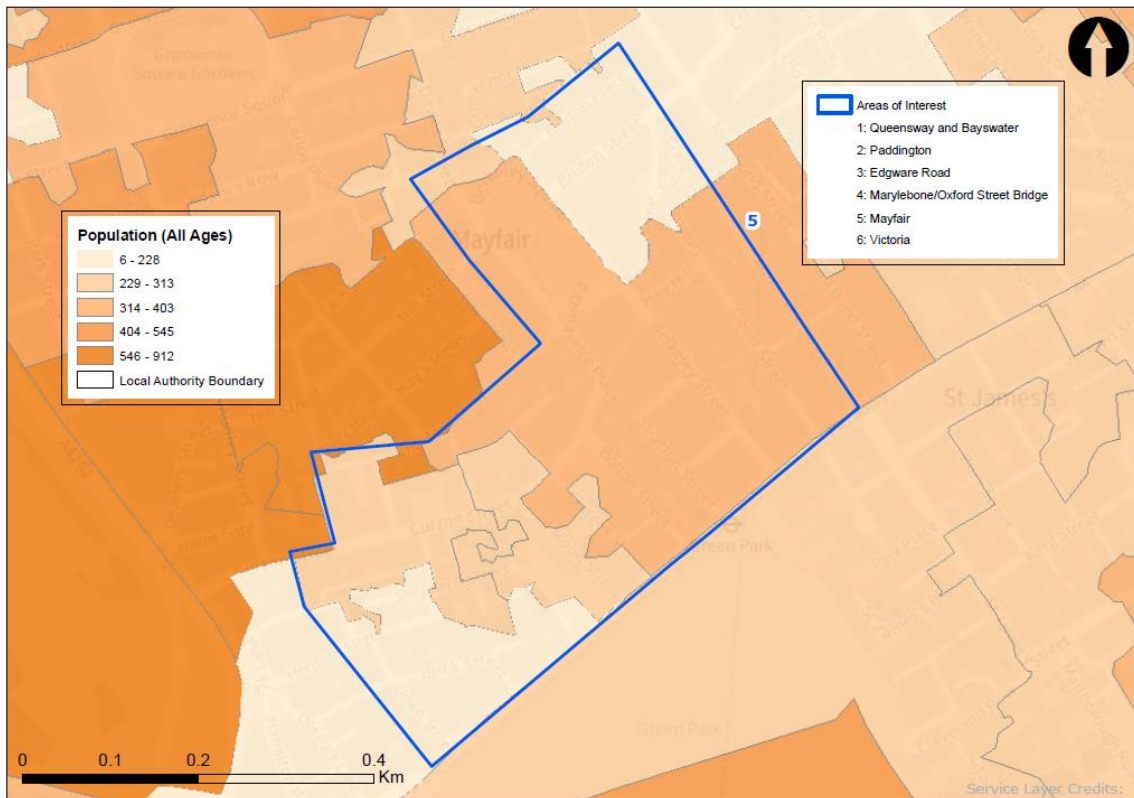
There were 56 unique licensed premises in Bayswater & Queensway as of February 2023, which accounts for 3% of premises within Westminster. The overriding majority of these are ‘Restaurants’ (61% - 34), significantly higher than the overall Westminster proportion of restaurants (39%). The next most common type of premises are ‘Shop, Stores or Kiosks’ (21% - 12).



There are a higher proportion of licensed properties open in Bayswater & Queensway between 11am and 10pm than the borough average. There is a steep drop in the proportion of open premises from 9pm to 10pm, falling from 92% to 70% (46 to 35). There is an even more significant decrease from 10pm to 11pm, going from 70% of premises open to 22% (35 to 11). From 11pm to 6am there is a lower percentage of open properties in the area compared to the borough average. Crime peaks at 8pm although noise complaints peak later at 11pm.

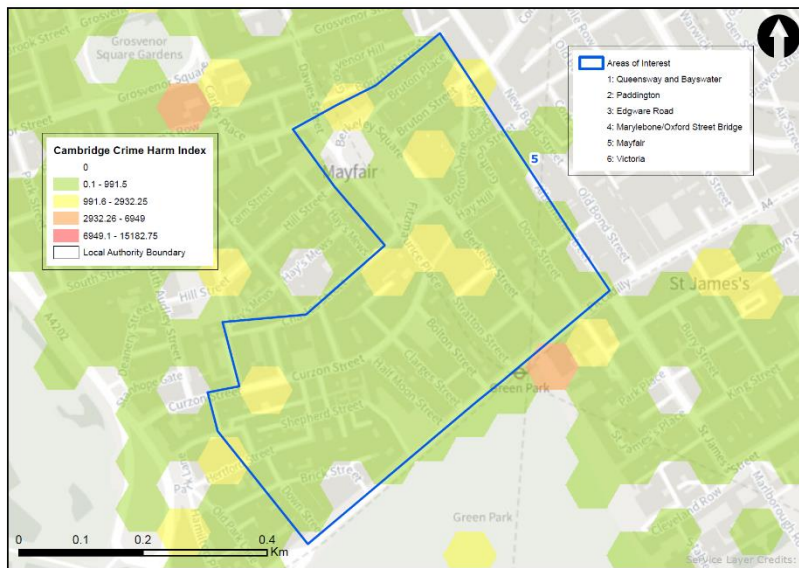
Mayfair

Mid-2020 Population Estimates by OA (2011) (Mayfair)

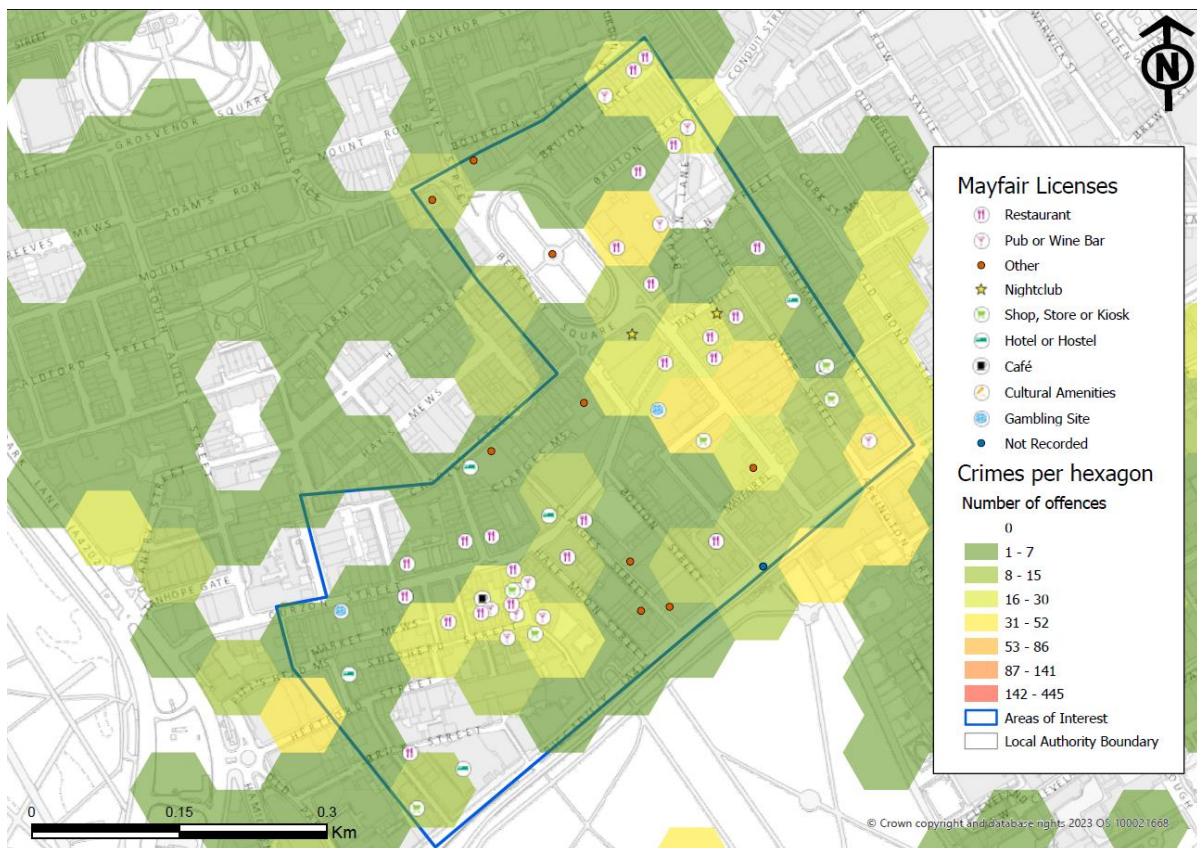


The Mayfair area is approximately 0.25 kilometres squared in size, the equivalent of 35 football pitches and 1% of the Westminster's footprint. Mayfair has a low population in comparison to the rest of the areas profiled in this report. Approximately 0.3% of Westminster's population live in OAs within this boundary, by far the lowest of any area of interest.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Mayfair



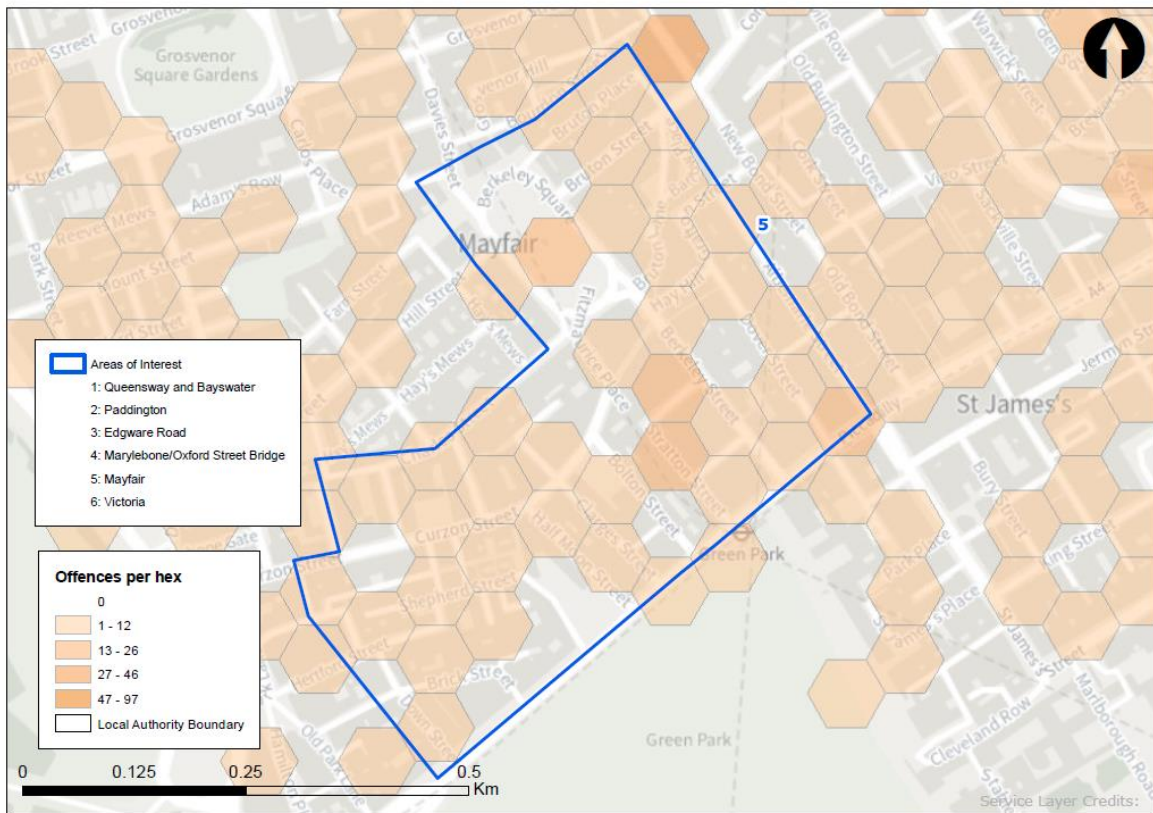
In 2022, 2% (546) of Westminster’s overnight crime came from within the Mayfair area. 61% (333) of overnight criminal offences in the Mayfair area were thefts, the next most common criminal offence was violence against person, which accounted for 29% (157) of crimes in the area. The Mayfair area was the location for 2% of robberies (41) and violence against person (149) offences across the whole of Westminster, as well as 1% (227) of thefts. Hotter spots in this area appear down Berkeley Street, Sheperd Street and the surrounding area around Green Park station.



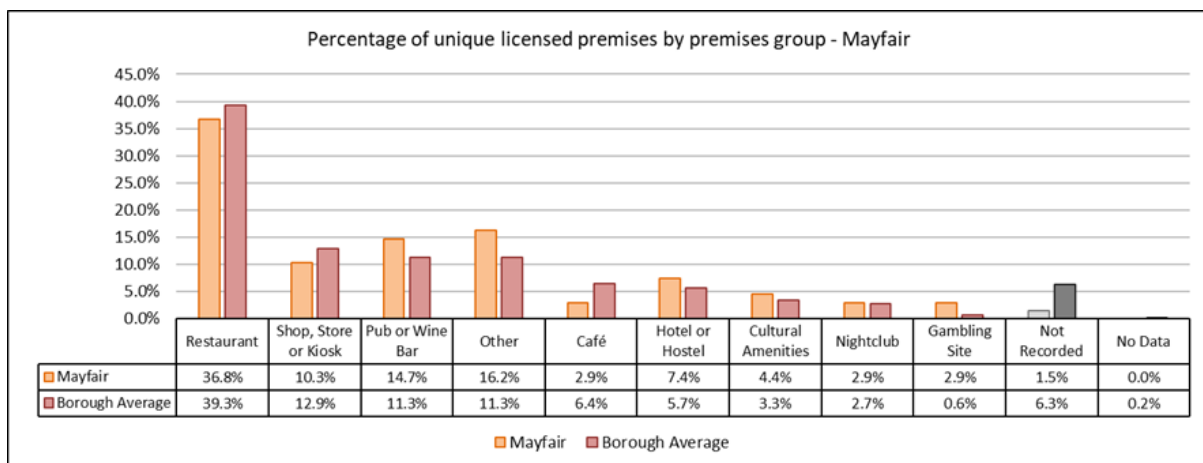
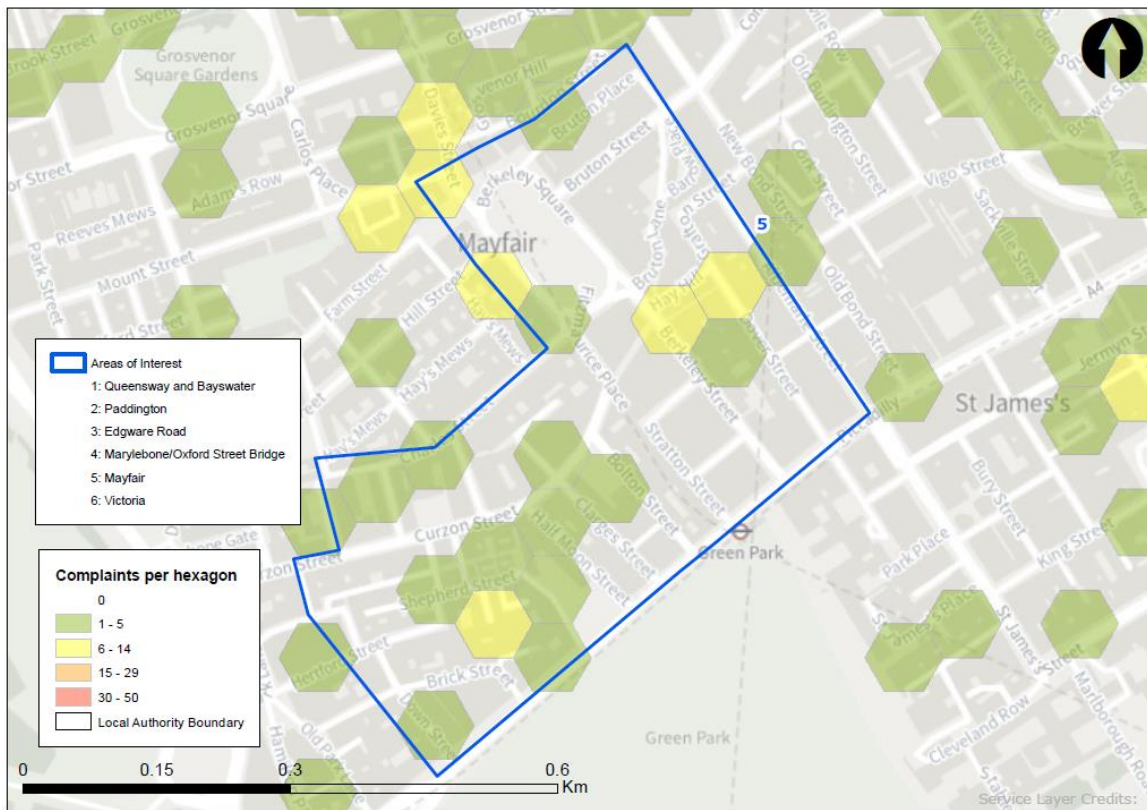
Licensed Premises and overnight crime in Mayfair

Mayfair contributed to 2% (92) of overnight noise complaints and 3% (168) of anti-social behaviour reports, similar proportions to that of Bayswater & Queensway.

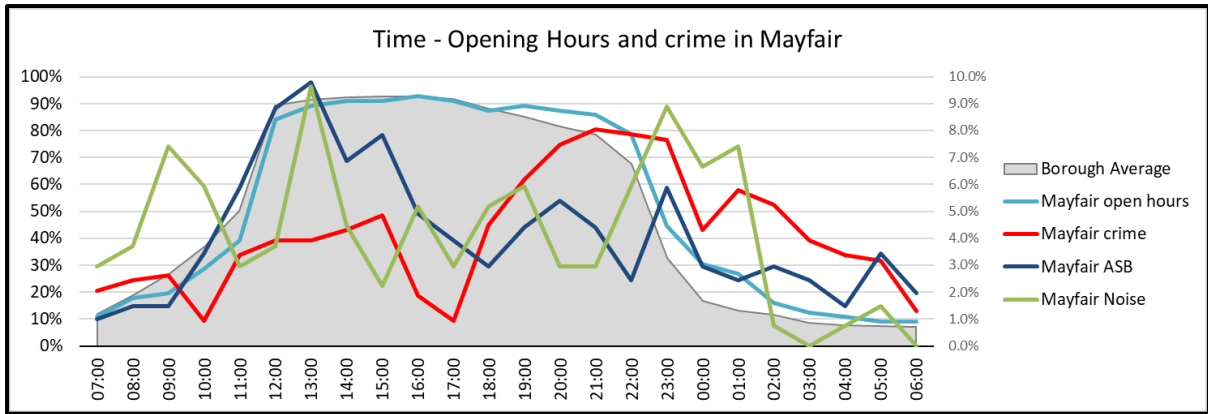
Overnight ASB by hexagon (Mayfair)



Overnight noise complaints by hexagon (Mayfair) (30 cap)



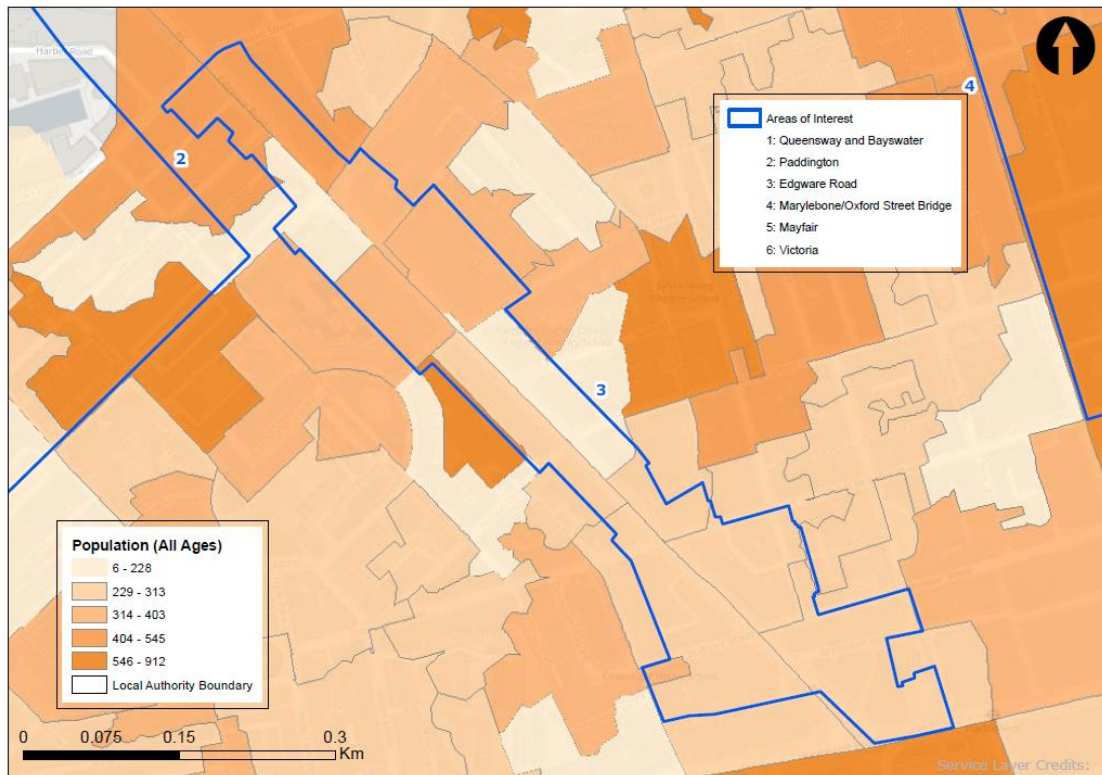
As of February 2023, there were 68 operational unique licensed premises in the Mayfair area, **4% of Westminster's total**. As with all these areas, 'Restaurants' accounted for the majority of these (37% - 25), however this is slightly less than the borough average (39%). A notable percentage of premises was classed as an 'Other' type of premises group (15% - 10) compared to the borough average (10%). Breaking down this group by premises type, the majority of these were offices (40% - 4), followed by clubs or institutions (30% - 3).



Mayfair has lower proportions of open premises than the borough average from 7am to 3pm. From 4pm to 6pm these proportions remain at a similar level to one another and begin to diverge from 7pm, where Mayfair had a higher proportion of open premises than the Westminster average through to 6am. The most significant drops in percentages come at 10pm to 11pm (79% to 45%, 44 to 25) and 11pm to 12am (45% to 30%, 25 to 17).

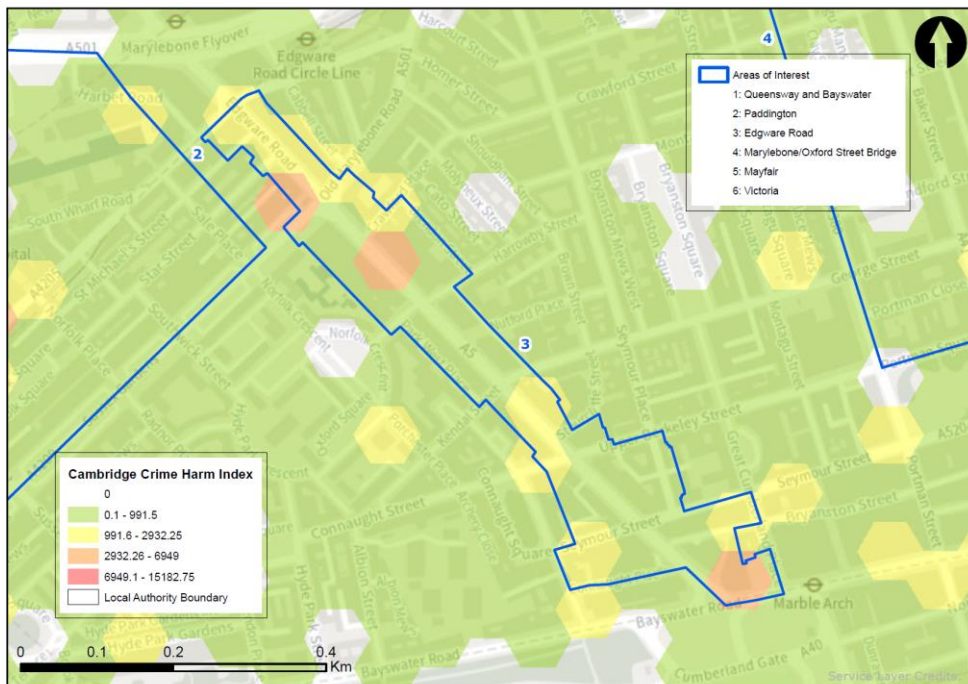
Edgware Road

Mid-2020 Population Estimates by OA (2011) (Edgware Road)

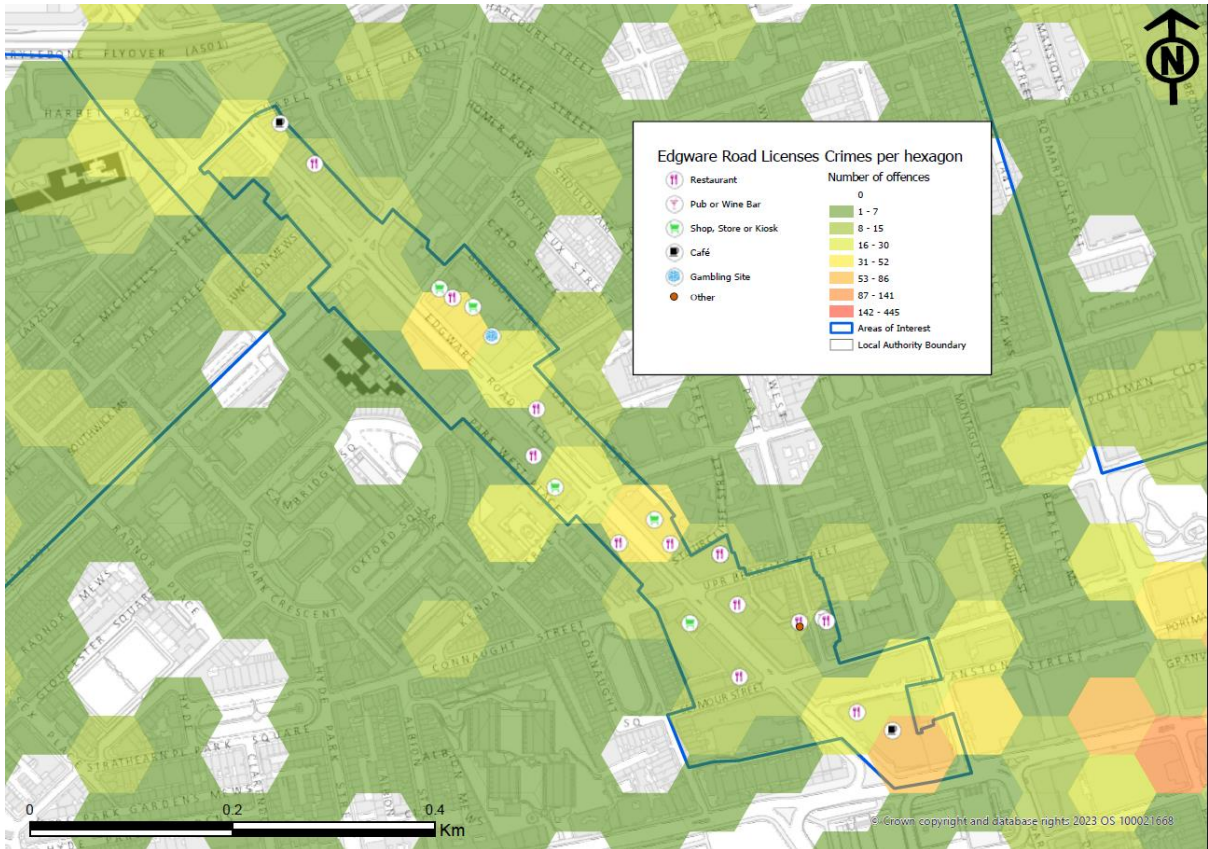


The Edgware Road area is the smallest zone specified on this report, taking up 0.09 kilometres squared, the equivalent of 13 football pitches. This area takes up about 0.4% of the borough's footprint. Similar to Queensway and Bayswater, however, Edgware Road is a particularly dense area in terms of population for its size. Approximately 2% of Westminster's population live in OAs within this area.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Edgware Road



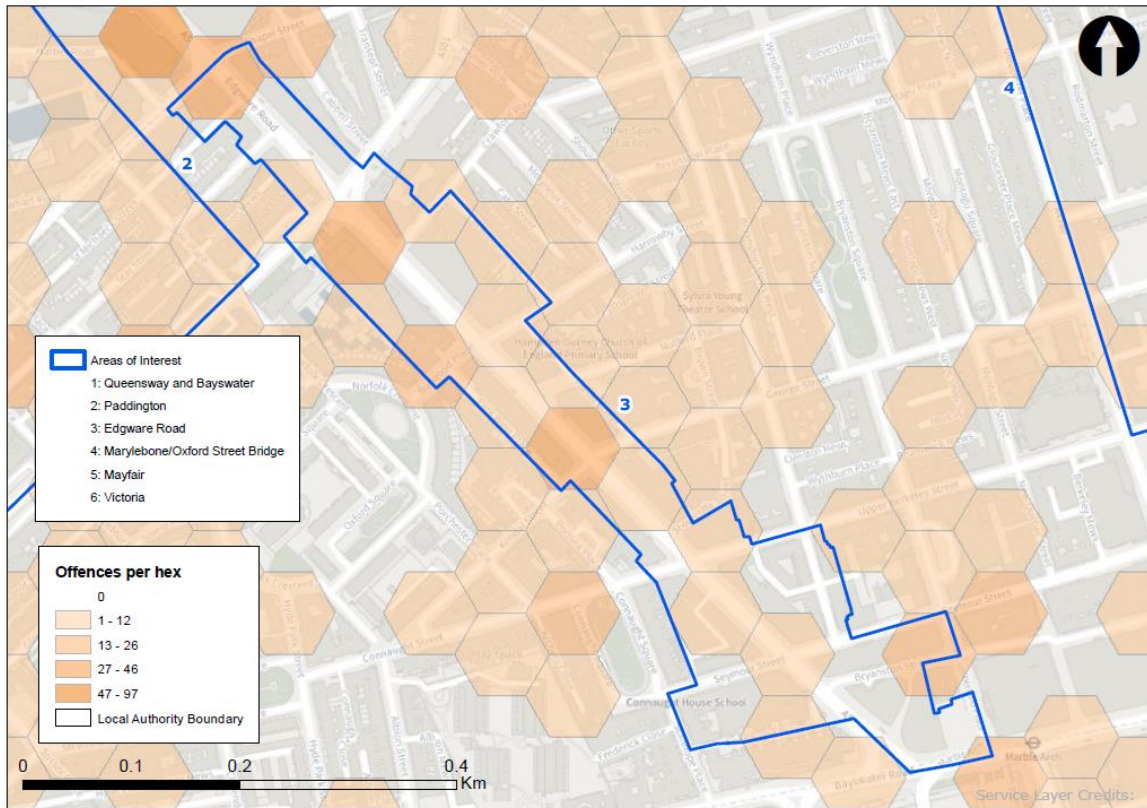
The Edgware Road area accounted for 1% (373) of all overnight theft, drug offences, robberies, violence against person and sexual offences for the whole of Westminster last year. Theft, again, was the most prevalent crime type of the five in this area, accounting for 53% (197) of these crimes. This was followed by violence against person with 33% (122). Edgware Road maintained similar crime levels throughout the area, however, offences appear particularly concentrated on the south side, near to Marble Arch.



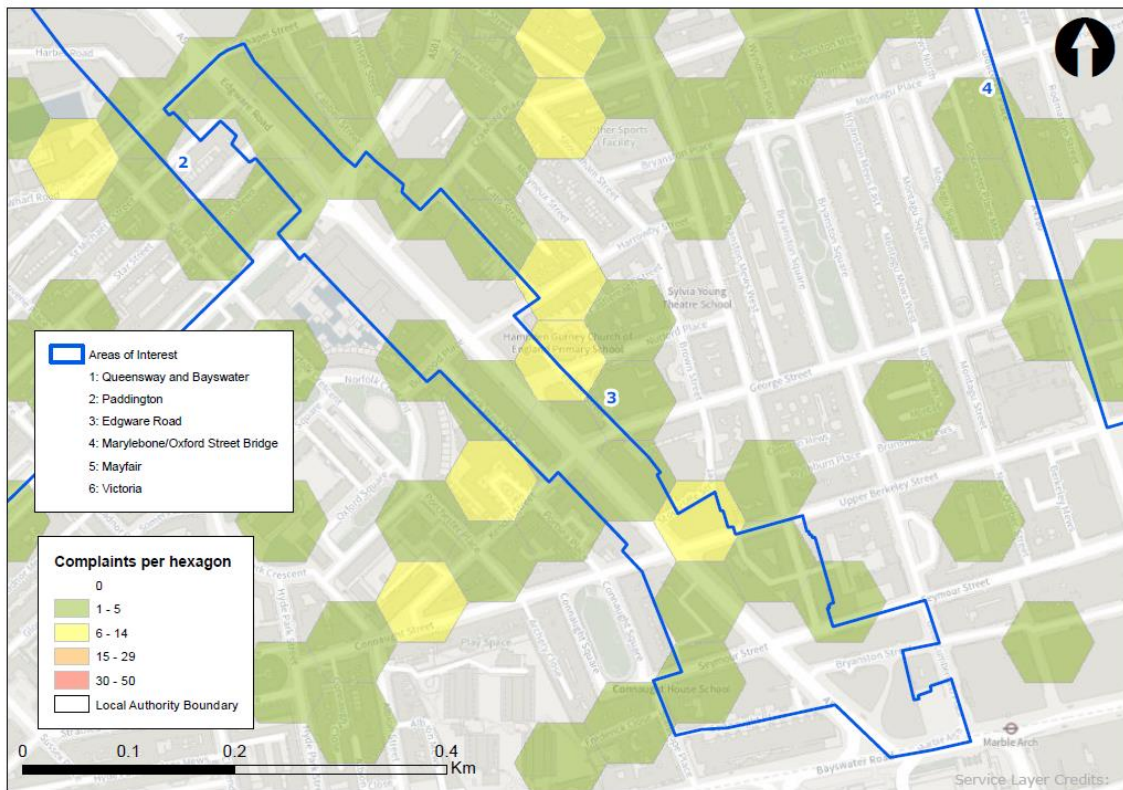
Licensed Premises and overnight crime in Edgware Road

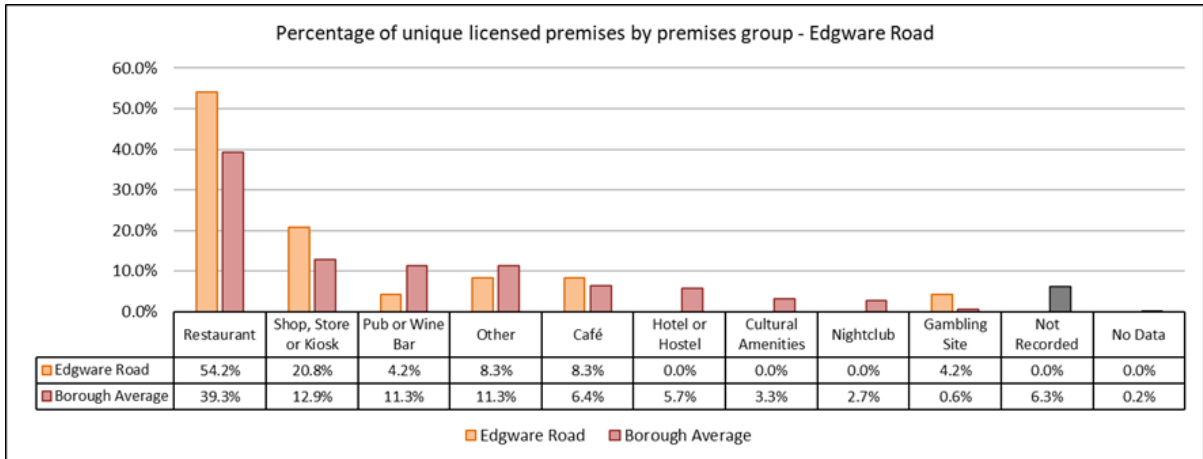
Overnight anti-social behaviour and noise complaints were slightly less prevalent in this area compared to the other areas of interest, accounting for 1% (91 and 45 respectively) of Westminster’s overall offences for both.

Overnight ASB by hexagon (Edgware Road)

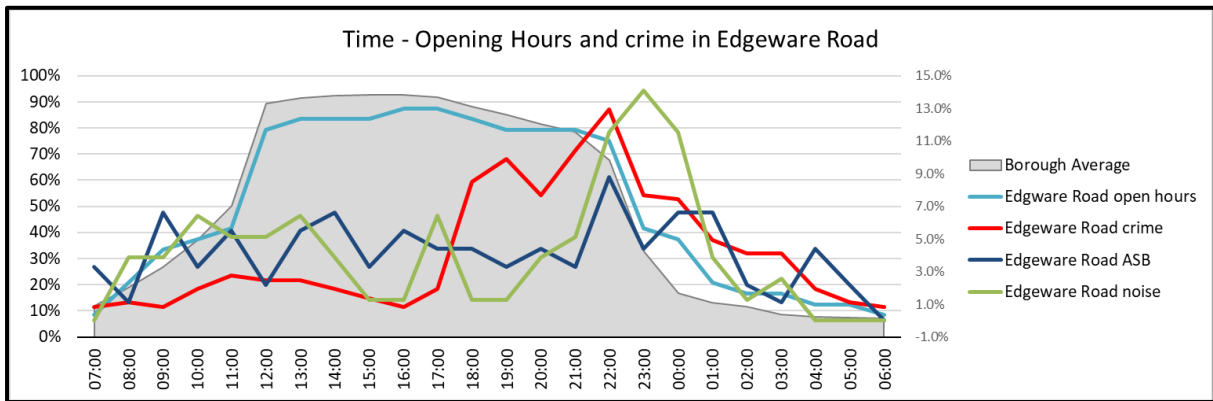


Overnight noise complaints by hexagon (Edgware Road) (30 cap)





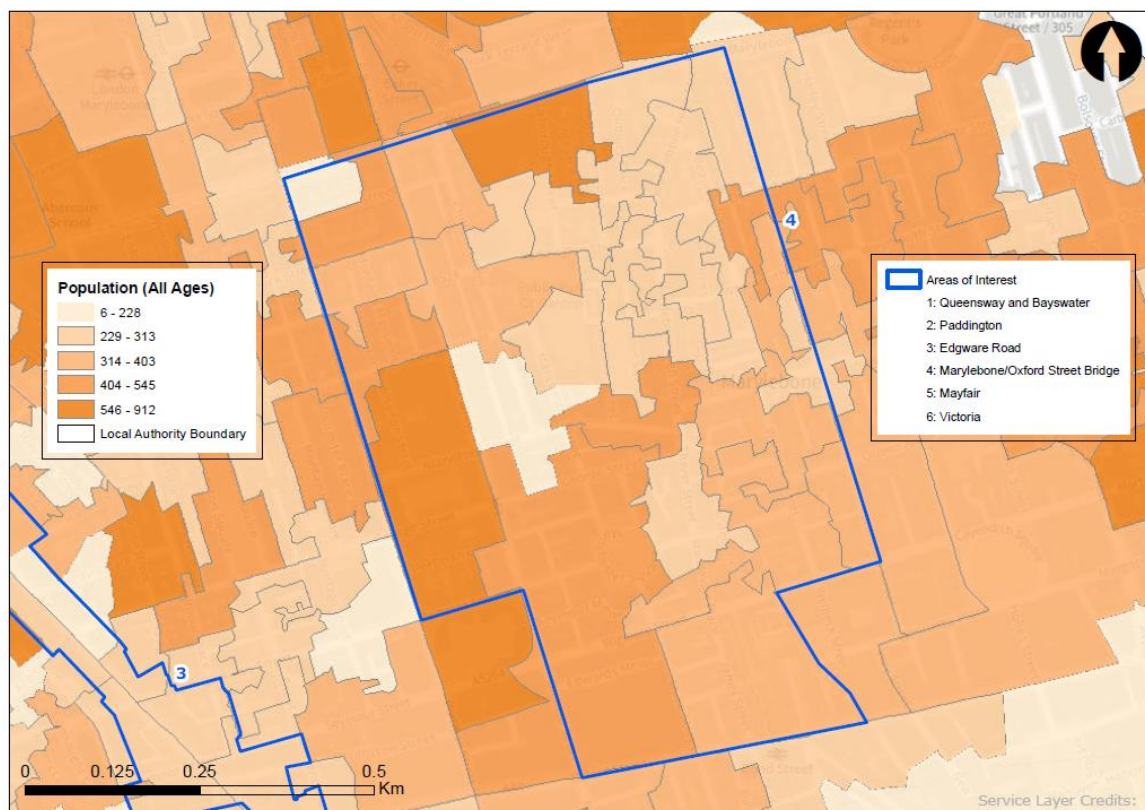
There were only 24 unique licensed premises in the area but given this a relatively small area this figure is still notable. 54% (13) of these premises were restaurants and 21% (5) were shops, stores or kiosks. These figures were higher than the Westminster for both premises group.



From 11am to 8pm, the Edgware Road area had a lower proportion of licensed premises open than the borough average. However, from 9pm onwards to 6am, there was a higher percentage of premises open in comparison to the Westminster average. The area had a slightly less drastic drop in the percentage of open premises between 9pm to 10pm (79% to 75%, 19 to 18) in comparison to the other areas. The most significant drop comes between 10pm and 11pm (75% to 42%, 18 to 10), followed by the drop from 12am to 1am (38% to 21%, 9 to 5), which suggests these hours as primary dispersal periods.

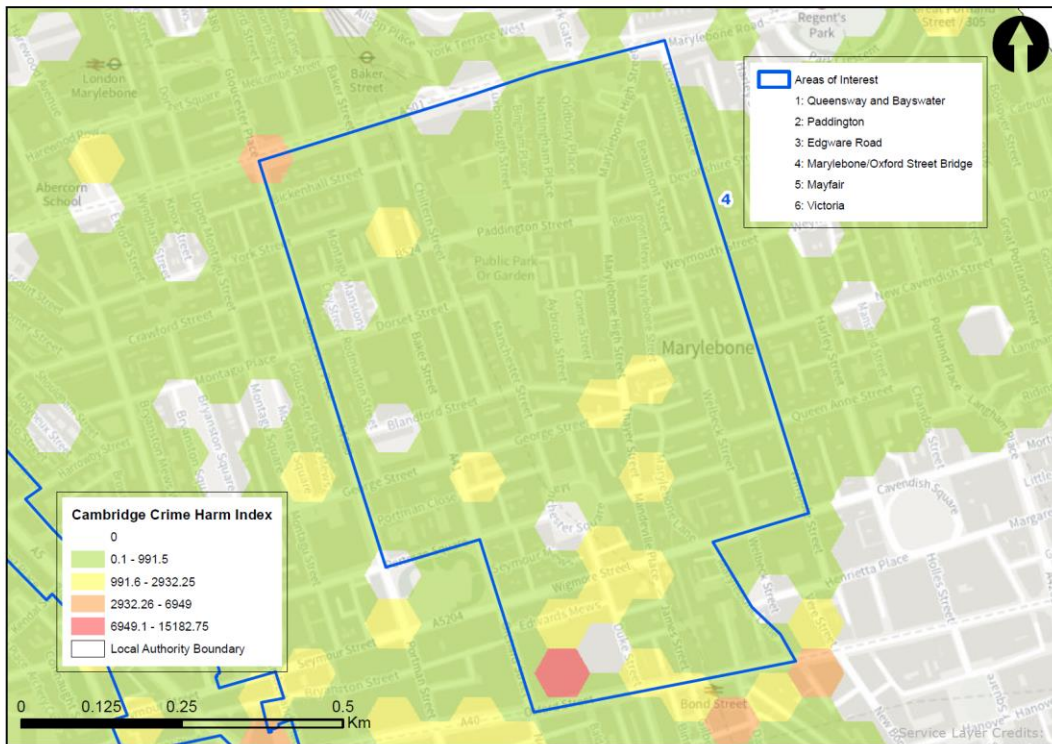
Marylebone/Oxford Street Bridge

Mid-2020 Population Estimates by OA (2011) (Marylebone/Oxford St. Bridge)

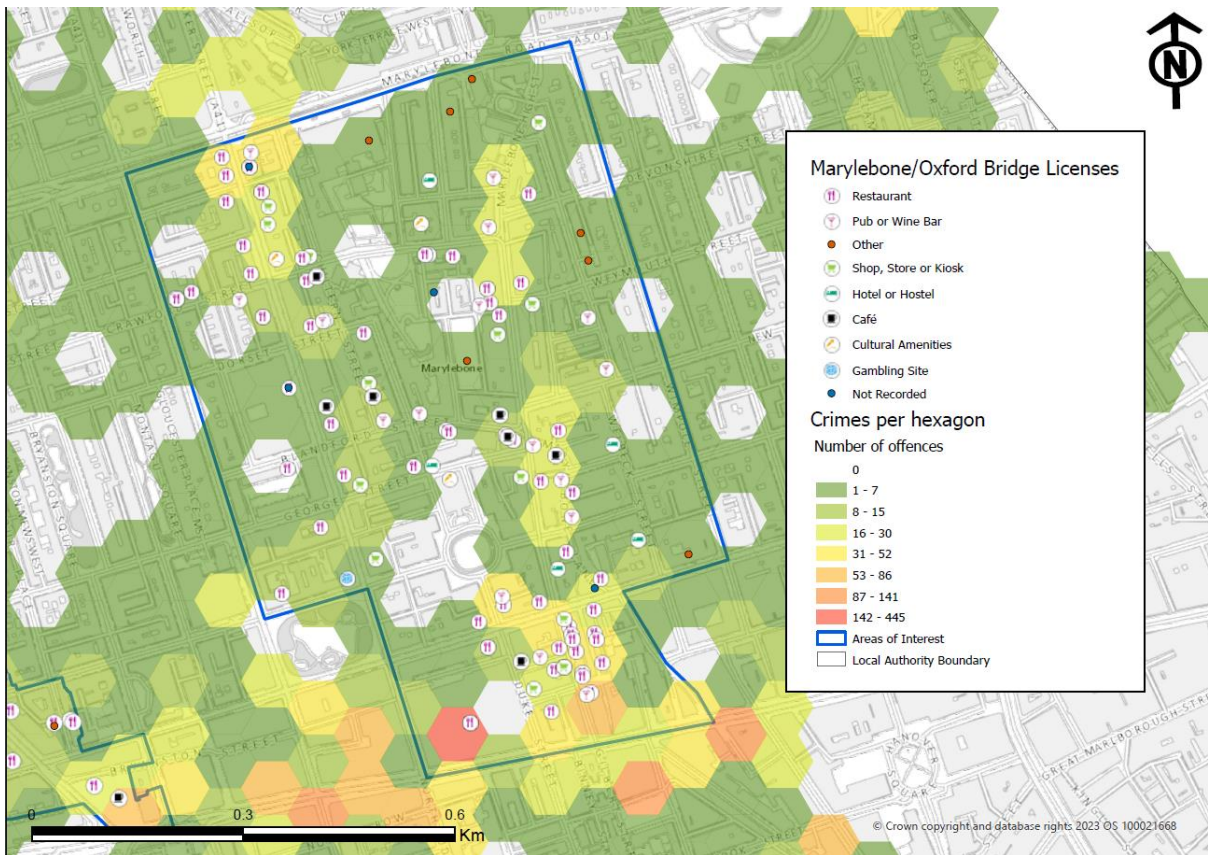


This area, at 0.56 kilometres squared in size, is the largest of the Areas of Interest. This is approximately the same size as 78 football pitches and takes up 2.6% of the borough's footprint. The Marylebone/Oxford Street Bridge area holds a population of approximately 2%, which is relatively low given the size of the area. There appears to be a mix of dense and less densely populated OAs which may influence this.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Marylebone/Oxford St. Bridge



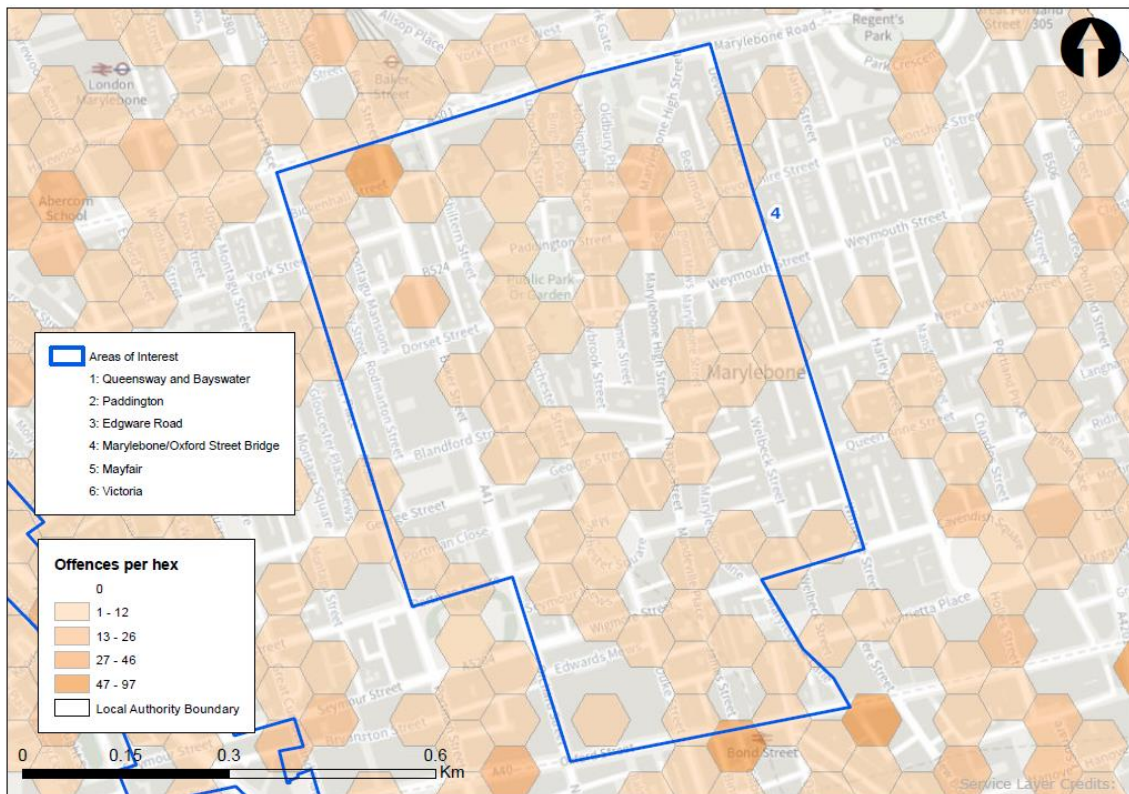
4% (1,342) of Westminster’s overnight crime occurred in the Marylebone/Oxford Street Bridge area in 2022. Theft accounted for 81% (1089) of these crimes in the area, which is significantly higher than the borough average (65%). By contrast, violence against person (11% - 147) and drug offences (2% - 25) were lower than the borough average (19% and 6% respectively). Criminal offences appear particularly concentrated in the southern part of the zone along Oxford Street. The hexagon located on the intersection of Duke Street and Oxford Street had the highest number of overnight criminal offences (445) of any hexagon outside the West End Zones.



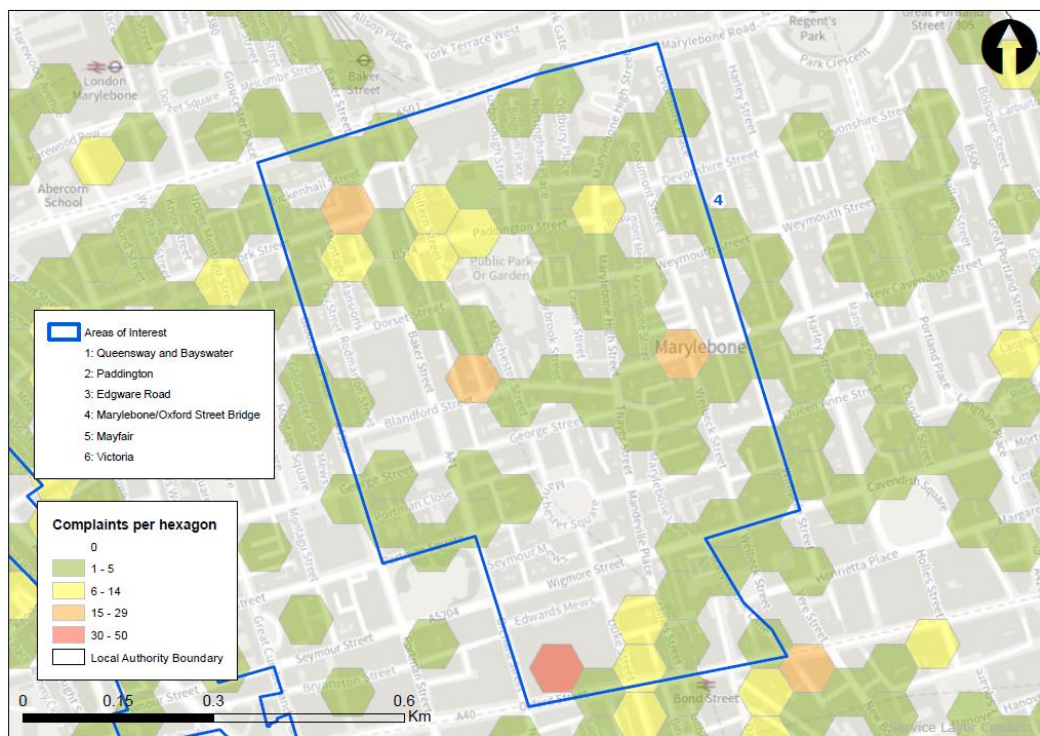
Licensed Premises and overnight crime in Marylebone/Oxford St. Bridge

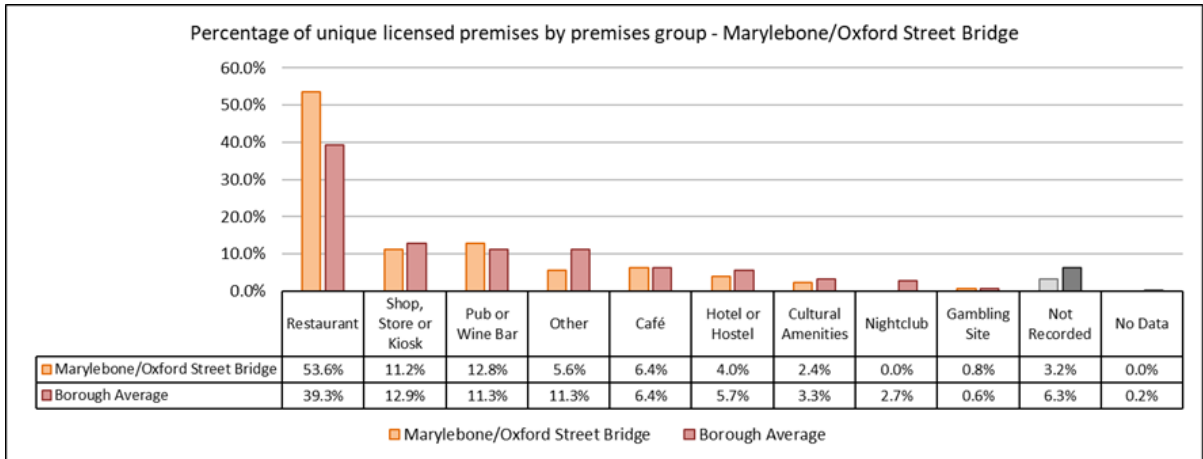
The area also contributes more significantly than the other areas of interest to reports of both overnight anti-social behaviour (5% - 305) and overnight noise complaints (7% - 245).

Overnight ASB by hexagon (Marylebone/Oxford St. Bridge)

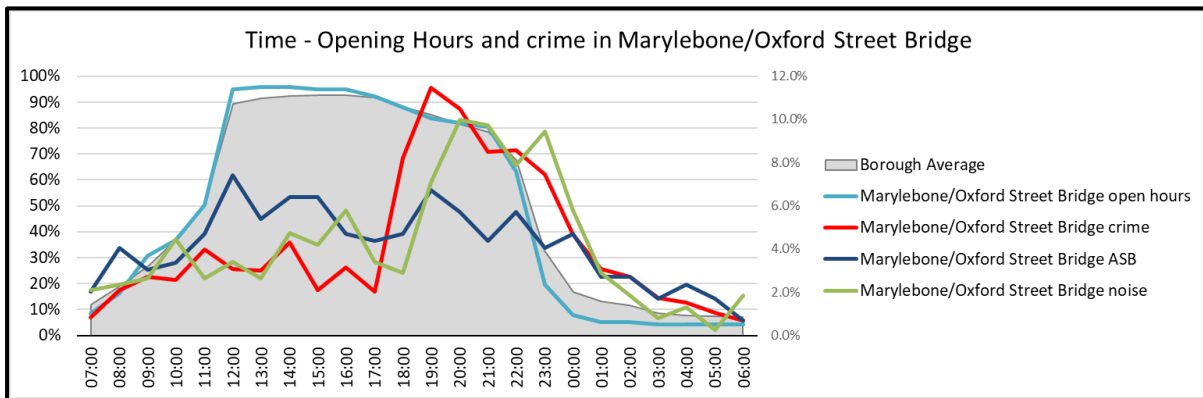


Overnight noise complaints by hexagon (Marylebone/Oxford St. Bridge) (30 cap)





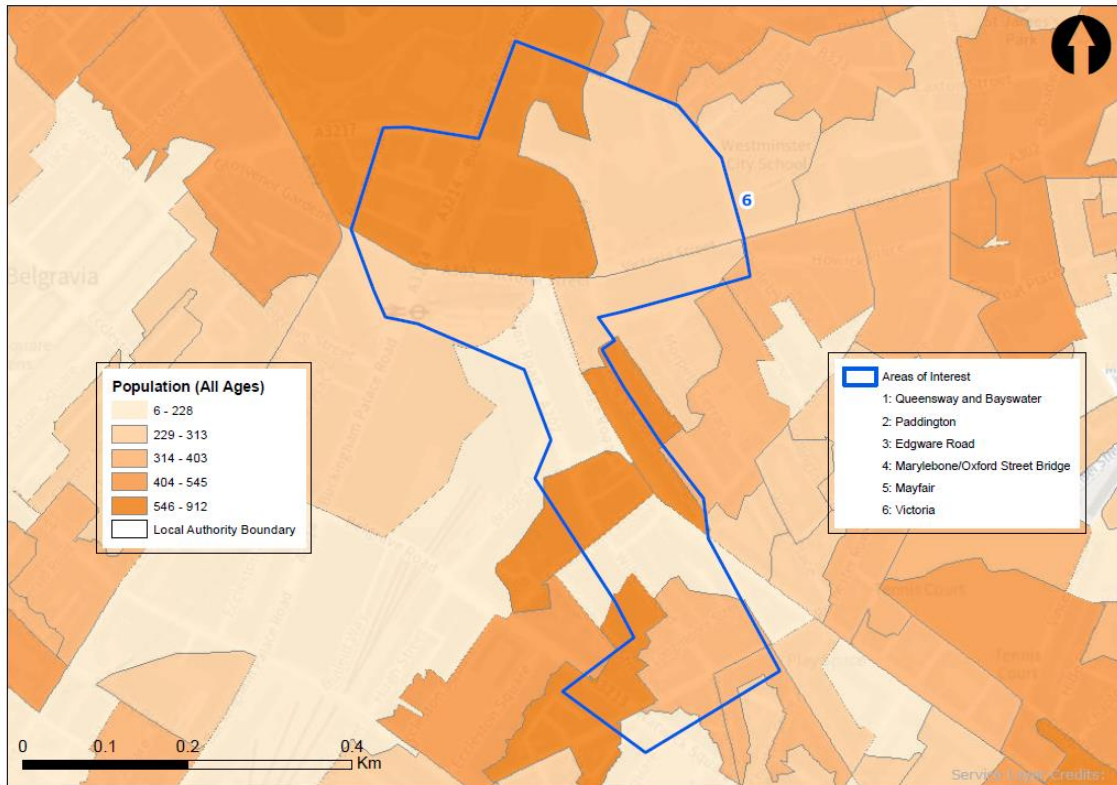
As of February 2023, there were 125 unique licensed premises in this area (7% of all premises in Westminster). The vast majority of these premises were restaurants (54% - 67), which is 15% higher than the borough average. The next most common premises group in the area was pub or wine bars (13% - 16).



For the majority of the day, the Marylebone/Oxford Street Bridge area has similar proportions of open licensed premises to the borough average. From 12pm to 4pm, the area has a slightly higher proportion of open premises than the borough average, they then remain at a similar level until 10pm, where the proportion of open premises in the Marylebone area dips below the borough average until 6am. There are significant decreases in the percentage of open premises between 9pm and 10pm (80% to 63%, 94 to 74), 10pm and 11pm (63% to 20%, 74 to 23) and 11pm and 12am (20% to 8%, 23 to 9), which gives us a good idea that this time range is the dispersal period for this area. Crimes early evening, well before the majority of licenses begin to close, although noise does continue later into the night.

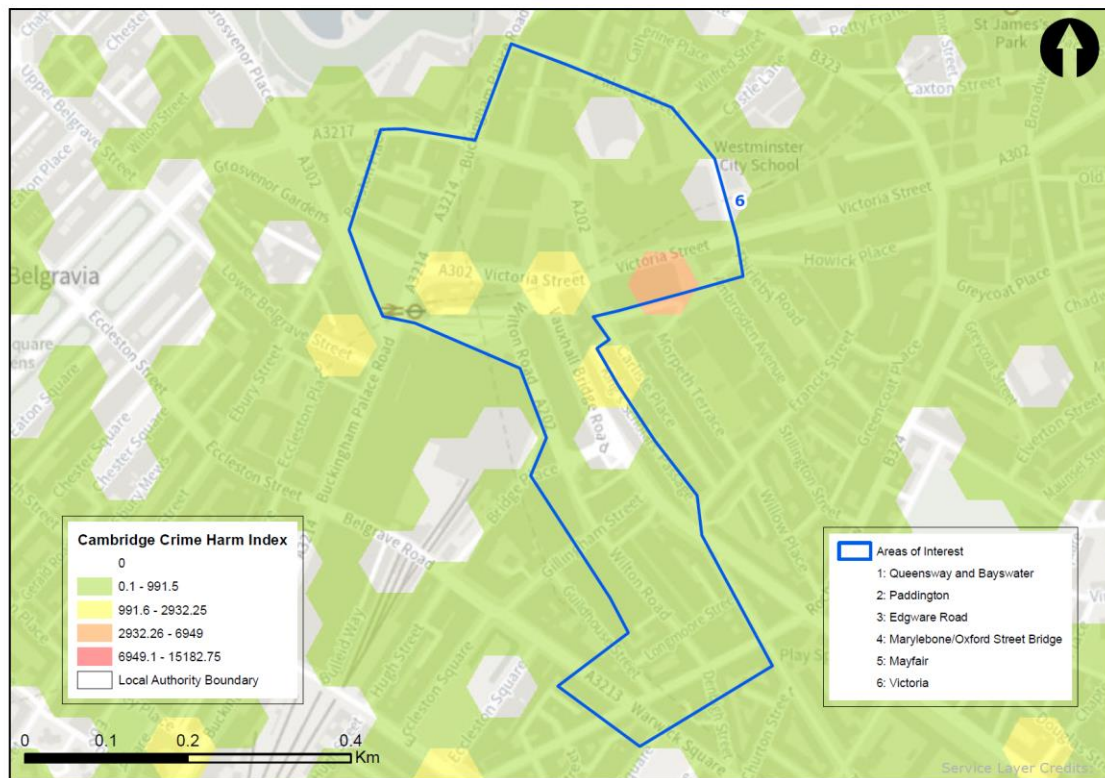
Victoria

Mid-2020 Population Estimates by OA (2011) (Victoria)



The Victoria Area of Interest covers approximately 0.19 kilometres squared in size, the same as 27 football pitches. This accounts for just under 1% of the borough’s footprint. Victoria also holds about 2% of the borough’s population with some more densely populated OAs found on the southern end of the area.

Cambridge Crime Harm Index by hexagon (Excluding West End Zone) - Victoria



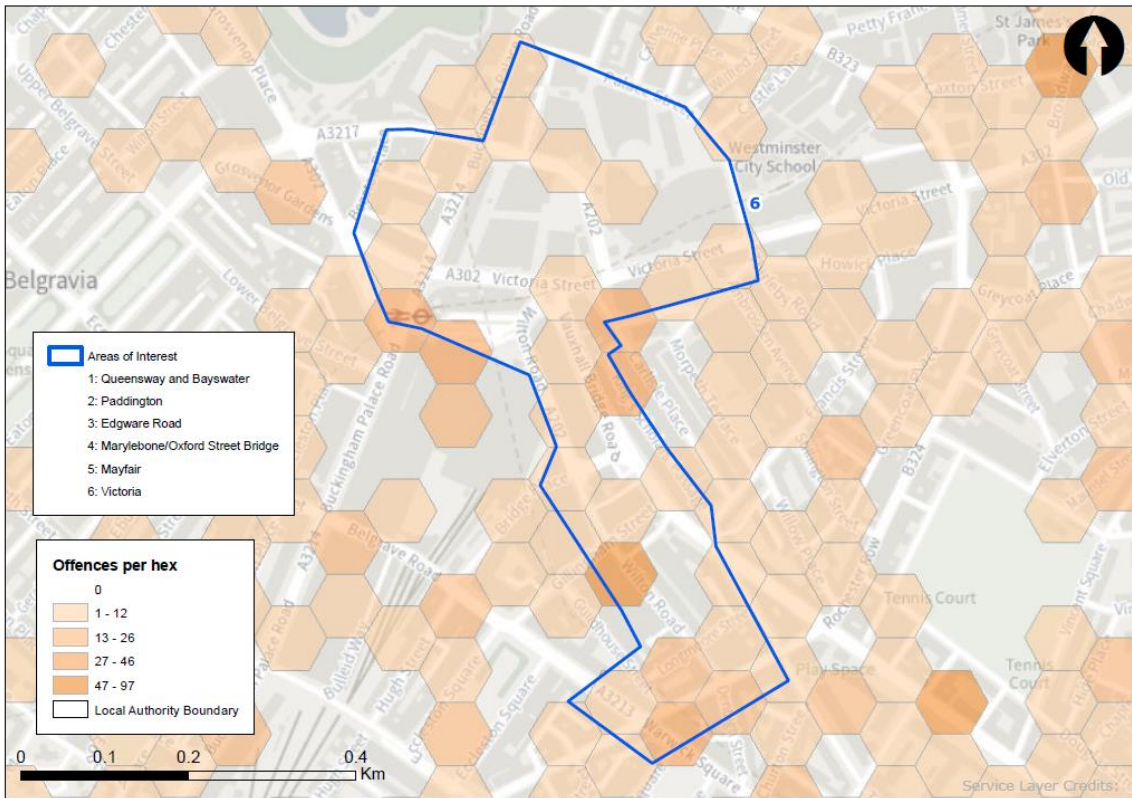
1% (61) of Westminster's overnight crime occurred in the Victoria zone in 2022. This is mostly made up of theft (63% - 235 of Victoria's overnight crime) and violence against person (27% - 102), which are both significantly higher proportions than the Westminster averages. However, the area was the scene for only 1% of Westminster's offences for both crime types. The clusters of high crime appeared to be concentrated around Victoria station, an area quite well known for street begging and rough sleeping.



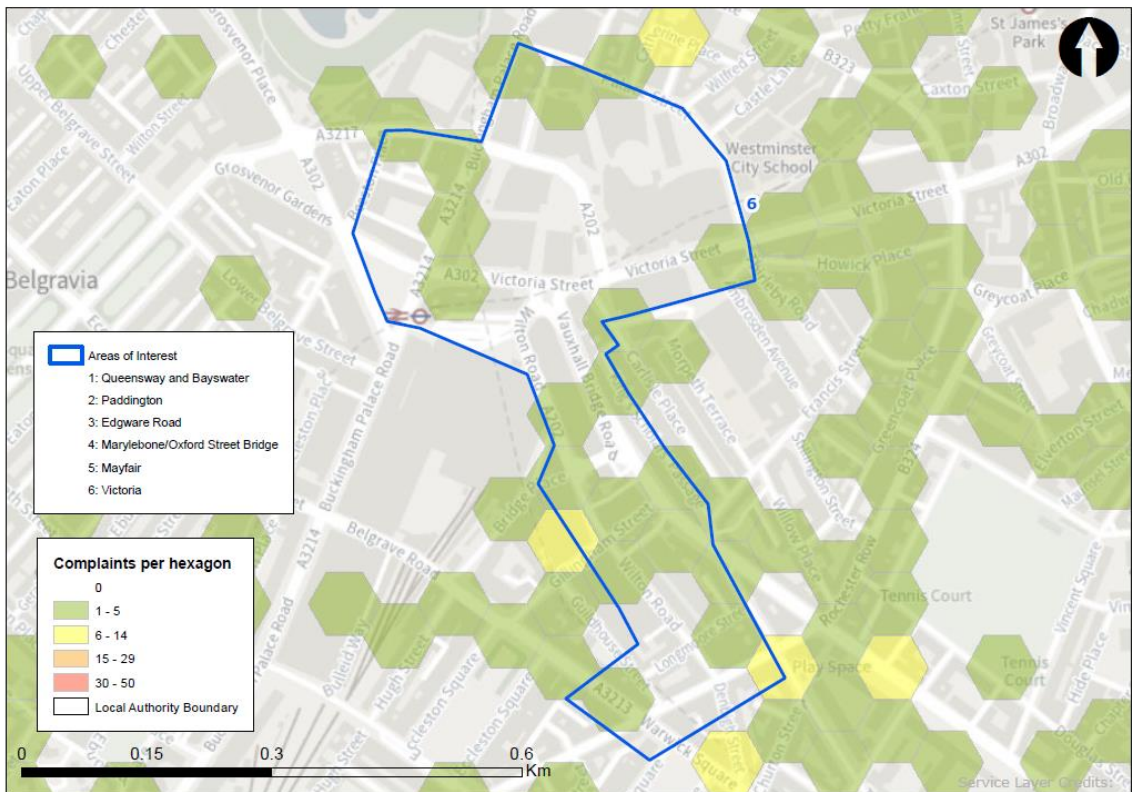
Licensed Premises and overnight crime in Victoria

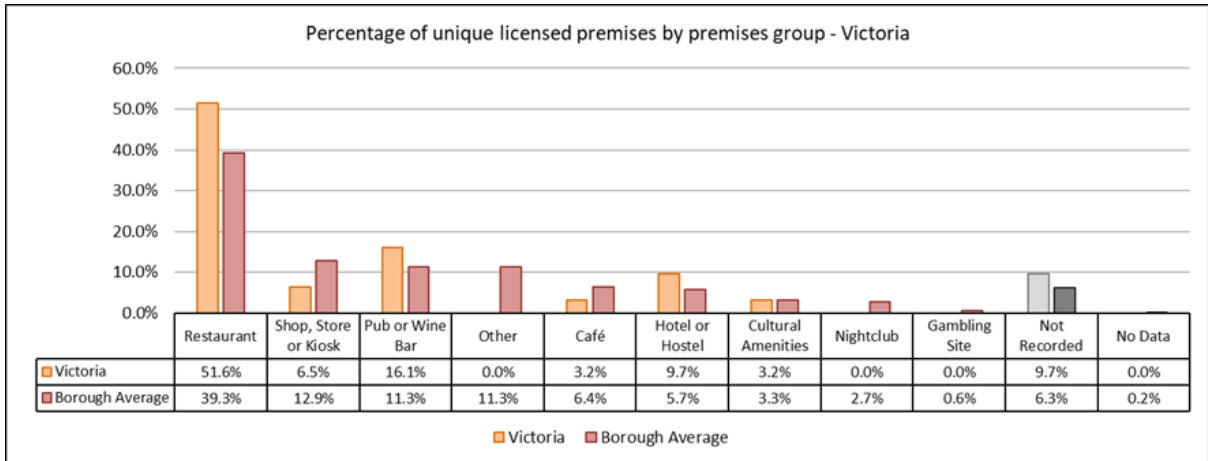
The Victoria area was notable in its contribution to Westminster’s overall reports of overnight anti-social behaviour (4% - 220). The area was, however, less prominent in terms of overnight noise complaints (1% - 34 of Westminster’s total).

Overnight ASB by hexagon (Victoria)

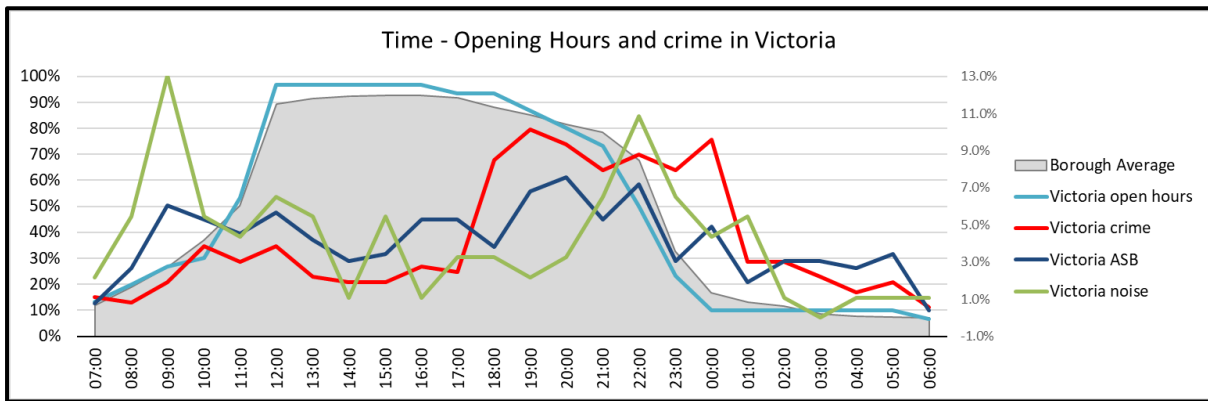


Overnight noise complaints by hexagon (Victoria) (30 cap)





As of February 2023, Victoria accounted for 3% (61) of Westminster’s total unique licensed premises. The area is dominated by restaurants, which account for 51% (31) of unique licensed premises in Victoria. The next highest are pub and wine bars with 13% (8), a significant gap in proportion.



The majority of Victoria’s licence premises are open between the hours of 12pm and 4pm (97% for all hours). From 11am to 7pm, there is a higher proportion of open premises in the area than the borough average. Comparatively, there is a lower percentage of open properties in Victoria between 5pm and 2am than the Westminster average. In trying to pinpoint dispersal periods, there are significant drops in open premises levels from 9pm to 10pm (73% to 50%, 22 to 15), 10pm to 11pm (50% to 23%, 15 to 7) and 11pm to 12am (23% to 10%, 15 to 7). Crime continues relatively evenly through the evening until midnight before falling dramatically.

Conclusion

This cumulative impact assessment has been carried out in accordance with Section 5A of the Licensing Act 2003. The objective of this assessment is to understand how the concentration and presence of licensed premises can impact the community, through potential increases in crime and ASB as well as noise complaints. Throughout this assessment the CIA has utilised a wide range of data from internal and external sources to provide a holistic view of the impact of licensed premises within the borough. We have also endeavoured to accompany this quantitative analysis alongside several qualitative sources to include the view of our residents.

The results stemming from the examination of crime statistics, licensing records, ambulance data, incidents tied to alcohol-related calls, instances of anti-social behaviour, noise-related grievances, along with interactions with both internal and external service specialists whenever feasible, have culminated in the subsequent conclusions:

- Regression analysis established an association between presence of licensed premises and incidents of cumulative impact in the borough. This analysis also suggested this varies for different premise type as well as time and day. Theft is the issue most impacted by additional licensed premises in an area.
- Hotspot analysis was utilised to understand the concentration of crime, ASB as well noise complaints. The hotspots that were statistically significant at least 90% of the time were particularly prevalent in the West End Zones defined previously by the CIA. West End areas feature significantly throughout the analysis as having concern across different dimensions. West End areas showed they were a hotspot for crime, noise complaints and ASB occurring between 6pm-6am in locations where there is a concentration of licensed premises.
- Through the analysis we have suggested two areas of cumulative impact:
 - i) **West End Zone 1**, 0.68km², this area experiences significant footfall as well as cumulative impact across different dimensions. Quarter of Westminster licensed premises are in this area.
 - ii) **West End Zone 2**, 0.86km², this area experiences a lower level of cumulative impact compared to WEZ1 however has significant cumulative impact when compared to the rest of the borough. This area holds 13% of all licensed premises in the borough.
- It should be noted that within these West End area there are locations which experience less cumulative impact; Haymarket and North Soho in particular which has less prevalent crime compared to other parts of the West End area.
- Cumulative impact in other areas outside of West End area is not so clear. We explored different areas that showed some concentration of crime outside of the West End area. It should be noted that the proportion of Westminster's crimes that occurred in the following areas are significantly lower than they are in the West End Zones. We identified:
 - 1) Bayswater & Queensway
 - 2) Edgware Road
 - 3) Marylebone/Oxford Street

- 4) Mayfair
- 5) Paddington
- 6) Victoria

- Paddington is prominent for ASB and noise complaints, accounting for 5% of all reports for both.
- Marylebone/Oxford St accounts for 4% of Westminster overnight crime, in particular theft and 5% of the borough's overnight ASB.

Licensing Authority Statement

It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in the West End. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing Authority will consult on its intention to publish this cumulative impact assessment and comments received during the consultation process were considered and amendments made to this document to provide further clarity or make any corrections that were required.

There will be no immediate change to policy as a result of the publication of the draft CIA, the Licensing Authority will review the Statement of Licensing Policy and take the approved and published CIA into consideration when doing so. There will then be extensive consultation on the Statement of Licensing Policy. The Statement of Licensing Policy must be reviewed by October 2026.

The Licensing Authority must have regard to the assessment and place the appropriate weight it should ascribe to any particular evidence when revising its Statement of Licensing Policy. The Licensing Authority must have regard to its Statement of Licensing Policy and the Home Office Guidance issued under section 182 of the Licensing Act 2003 when determining applications under the Act.

The cumulative impact assessment does not change the fundamental way in which licensing decisions are made. The Licensing Authority will consider and determine applications based on their merits.

If an applicant can demonstrate through the operating schedule that they would not add to the cumulative impact, then an exception to the Licensing Authority's policy to refuse applications within this area may be made. Applicants for new licences or for variations of existing premises licences within the West End that has been designated within the Licensing Authority's Statement of Licensing Policy must therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. The Licensing Authority is required to undertake a review of the Cumulative Impact Assessment every three years.

For the purposes of determining licensing applications, the Licensing Authority will define the West End by reference to the current West End Cumulative Impact Zone until the Statement of Licensing Policy is reviewed.

Appendix 1

Incident Pattern Analysis Methodology and Approach

For the purposes of assessing the cumulative impact of licensing and alcohol, as well as the wider commercial and night-time economy, the following incident data sets were analysed covering January to December 2022.

- Crime data recorded and provided by Metropolitan Police Service (MPS).
- ASB calls to police recorded and provided by the MPS.
- Crime data recorded by British Transport Police (BTP) and provided by Safestats.
- Ambulance attendances recorded by London Ambulance Service (LAS) and provided by Safestats.
- Incidents recorded by Transport for London (TFL) and provided by Safestats.

The various categories and flags used to best illustrate the impact of licensing/alcohol and night-time economy are given in each section.

This analysis has been broadly split into two sections.

- i) the first section will analyse patterns of crime in Westminster.
- ii) the second section uses data that can be closely attributed to alcohol or licensed premises through the data itself,
- iii) the third section examines wider data through geography and time.

A general approach for each section is to provide a scale of incident volumes, the proportion that occurs overnight, and proportion occurring in the central commercial areas of the West End, before discussing times and locations in as much detail as available.

Crimes with an 'Alcohol' flag

From 76,639 recorded crimes in our data set from 2022, only 99 of them had a 'Alcohol' flag added to the crime record in an extractable way. This is approximately 0.13% of recorded crime. This proportion should obviously raise questions regarding the accuracy of the data, yet it can still be useful in examining where some alcohol incidents take place.

Just under 87% of these offences took place overnight between 6am – 6pm and 70% in the wards of West End and St James's.

Approximately 45% of these offences are violence, followed by 15% thefts and 13% public order.

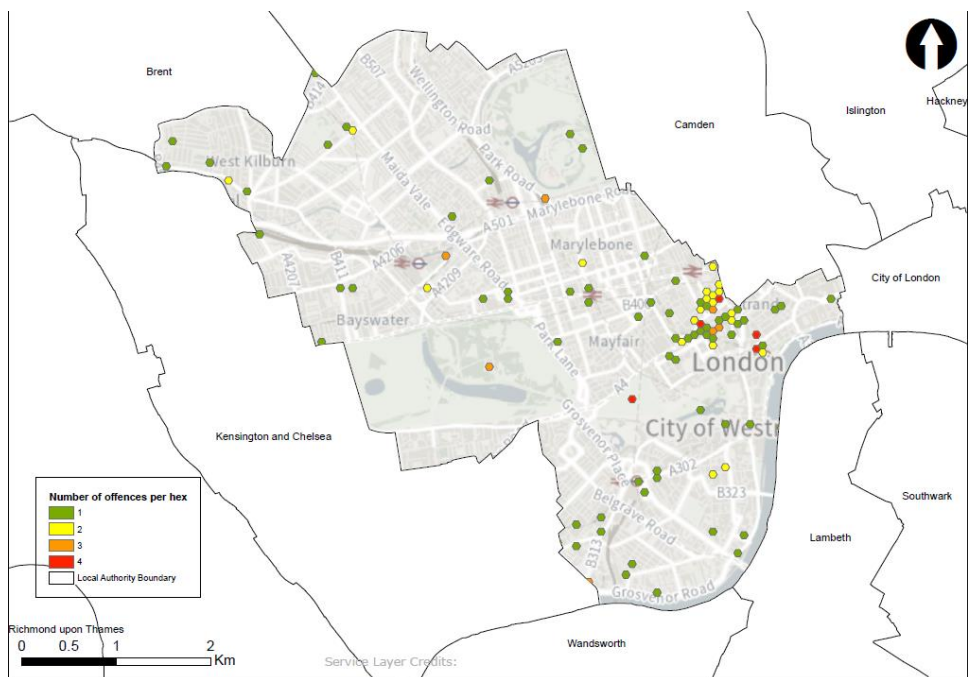


Figure 1 Alcohol related offences by hexagon

The location of these alcohol enabled crimes, although small in number, match the pattern for larger data sets. Incidents are concentrated in the areas just north and west of Cambridge Circus, north of Shaftesbury Avenue in the Soho, Old Compton Street, Frith Street and Greek Street areas. There are additional areas south and north of Leicester Square between Piccadilly Circus and Leicester Square tube station. There are further smaller concentrations around Charing Cross train station and the Embankment area at the west end of the strand and close to Trafalgar Square.

From these 99 offences there were 150 victims, 59% were male and 41% female, 38% of victims were 20-29 and 27% 30-39. The majority of victims of violence and robbery were men and sexual offence victims were women.

Additional time/day analysis

Theft Offences – Early Evening

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	127	118	131	159	265	402	325	1527
01	44	57	98	126	184	285	321	1115
02	48	37	62	91	157	305	288	988
03	30	37	46	73	111	215	227	739
04	24	26	31	37	68	105	109	400
05	21	20	27	23	32	55	46	224
06	41	49	46	48	52	46	31	313
07	43	53	54	62	63	50	31	356
08	76	93	84	96	91	65	53	558
09	91	87	101	94	104	70	50	597
10	103	103	110	105	137	128	73	759
11	116	144	150	138	176	162	110	996
12	195	171	195	208	204	255	183	1411
13	219	199	245	251	251	325	252	1742
14	245	222	321	307	368	530	437	2430
15	357	314	398	396	509	680	654	3308
16	451	357	511	531	611	825	774	4060
17	471	409	550	600	681	912	696	4319
18	514	514	743	713	765	825	473	4547
19	411	375	632	700	629	619	267	3633
20	261	340	418	494	552	477	185	2727
21	185	256	305	397	444	381	168	2136
22	172	203	267	305	456	410	117	1930
23	136	147	200	321	467	447	103	1821
Grand Total	4381	4331	5725	6275	7377	8574	5973	42636

Robbery – Late nights and early morning

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	9	18	23	24	34	37	38	183
01	11	12	15	24	34	65	45	206
02	8	18	23	22	39	58	49	217
03	16	11	10	25	29	55	48	194
04	7	10	1	8	30	51	39	146
05	2	8	2	3	9	16	14	54
06	2	1	4	5	12	10	9	43
07	6	6	4	3	2	3	4	28
08	8	7	4	4	3	3	3	32
09	1	7	1	7	7	3	1	27
10	5	2	4	6	4	5	6	32
11	6	10	7	7	7	14	8	59
12	9	6	4	7	6	12	8	52
13	14	12	12	14	15	13	9	89
14	11	11	12	11	11	16	18	90
15	12	16	11	13	26	25	17	120
16	20	16	20	26	23	27	18	150
17	16	29	24	32	25	33	24	183
18	28	28	29	29	38	35	31	218
19	25	27	29	29	33	23	16	182
20	17	12	28	33	30	35	13	168
21	14	23	20	28	30	47	22	184
22	22	24	20	22	25	37	7	157
23	16	22	23	41	46	32	12	192
Grand Total	285	336	330	423	518	655	459	3006

Violence against the person

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	121	140	118	109	145	209	207	1049
01	48	42	48	42	64	146	130	520
02	26	31	49	38	70	143	122	479
03	32	24	38	41	53	89	113	390
04	21	17	20	19	38	68	67	250
05	12	11	15	12	30	28	36	144
06	12	10	15	8	15	15	19	94
07	16	26	22	18	18	28	30	158
08	29	37	19	33	39	21	18	196
09	51	47	50	53	53	43	27	324
10	49	59	37	39	50	39	35	308
11	49	46	57	43	52	56	33	336
12	76	88	83	80	72	69	69	537
13	52	51	56	50	35	60	51	355
14	62	58	70	64	72	76	62	464
15	74	59	82	62	69	78	64	488
16	57	70	65	67	92	78	68	497
17	57	62	69	72	75	81	70	486
18	66	79	83	61	93	86	84	552
19	64	71	73	67	71	87	64	497
20	71	67	63	57	83	106	64	511
21	73	57	62	67	77	109	73	518
22	54	63	71	74	98	125	81	566
23	57	72	68	71	112	122	50	552
Grand Total	1229	1287	1333	1247	1576	1962	1637	10271

Emergency Departments - Violence

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	1	2	2	4	2	11	10	32
1	1				3	2	2	8
2				1	2	8	8	19
3	1		2		1	5	2	11
4	2	1	3			2	2	10
5	1							1
6							1	1
7			1				1	2
8								0
9							1	1
10			1				1	2
11	1		1				1	3
12								0
13		1		1	1		1	4
14		1					2	3
15		1						1
16		1			1	2		4
17			1		1		1	3
18		1			1	1	2	5
19					1	3	1	5
20			1		2	1		4
21		1		1				2
22	1	2		3	2			8
23			1		1		2	4
Grand Total	8	11	13	10	18	35	38	133

Ambulance call outs -Assaults

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	17	14	5	11	7	15	21	90
1	4	7	4	13	10	52	26	116
2		6	20	1	12	23	25	87
3	11	3	17	2	13	16	46	108
4	6	6	22	7	8	46	14	109
5			1	1	6	9	7	24
6	2	1	1	1	30	5	4	44
7	3	1	2		5	5	7	23
8	4		5	1	2	2	3	17
9	10	1	3	10		7	2	33
10		1	3	2	5		8	19
11	11	1	8	3	4	1	1	29
12	4	3	12	4	3	2		28
13	1		3	10		9	3	26
14	14	1	3	10	4	4	8	44
15	25	6	1	4	5	13	2	56
16	14	6	4		3	7	10	44
17		11	8	9	7	2	2	39
18	4	2	7	8	35	17	8	81
19	14	8	3	6	15	20	22	88
20	4	4	9	6	6	24	4	57
21	4	14	4	20	17	26	10	95
22	5	22	3	6	29	12	17	94
23	9	17	9	12	18	25	14	104
Grand Total	166	135	157	147	244	342	264	1455

Sexual Offences

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	22	27	31	23	39	59	42	243
01	6	6	6	14	9	27	31	99
02	4	7	5	17	11	33	29	106
03	8	10	5	7	11	13	14	68
04	3	6	3	3	6	10	16	47
05	2	2	1		5	2	4	16
06	1	1	2		6	2	2	14
07	4		1	1	2	2	2	12
08	2	5	3	5	9	2		26
09	5	9	2	5	11	8	5	45
10	6	7	4	4	4	2	3	30
11	4	4	1	3	3	8	5	28
12	13	12	8	5	10	9	16	73
13	9	3	5	3	4	9	3	36
14	8	3	5	5	4	6	6	37
15	7	4	7	7	4	8	10	47
16	8	9	3	9	8	10	4	51
17	6	2	7	5	9	4	5	38
18	7	5	4	9	10	5	11	51
19	2	8	4	7	13	8	11	53
20	7	7	5	5	7	8	6	45
21	5	10	2	14	8	9	6	54
22	6	1	12	10	12	24	13	78
23	12	7	13	8	24	18	8	90
Grand Total	157	155	139	169	229	286	252	1387

Drug Offences

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	28	46	52	43	81	63	65	378
01	21	11	20	19	30	39	27	167
02	9	19	11	21	25	39	29	153
03	10	16	6	17	23	33	27	132
04	3	8	5	5	18	19	13	71
05	1	6	2	1	2	7	4	23
06	1	1		2	3	2	3	12
07	3	3	1	2	6	1	1	17
08	4	2	2	3	2	2	2	17
09	1	4	9	3	4	6	2	29
10	7	14	17	6	12	4	6	66
11	12	17	13	15	15	6	6	84
12	12	24	22	12	15	13	5	103
13	15	22	16	13	12	19	7	104
14	22	25	29	19	17	16	16	144
15	39	38	38	29	28	20	12	204
16	32	27	25	34	36	32	17	203
17	26	25	37	34	30	26	21	199
18	19	30	21	23	31	15	12	151
19	21	28	22	16	17	18	12	134
20	22	22	18	27	23	24	12	148
21	12	13	19	38	39	20	20	161
22	22	22	30	57	61	63	23	278
23	37	33	22	65	88	65	21	331
Grand Total	379	456	437	504	618	552	363	3309

Hate crime

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	13	25	13	14	20	23	30	138
01	7	7	9	12	10	20	9	74
02	3	7	2	13	9	19	24	77
03	10	4	5	6	12	13	15	65
04	4	4	5	2	8	10	9	42
05		2	2		4	3	1	12
06		2	5		1	2	1	11
07	6	5	3	1		6	2	23
08	8	4	8	4	9	3	5	41
09	7	9	14	17	9	9	6	71
10	10	10	10	12	5	7	4	58
11	9	13	13	9	10	10	12	76
12	16	16	15	21	12	12	11	103
13	9	12	12	9	14	14	7	77
14	7	20	10	13	22	16	15	103
15	20	16	18	13	11	10	15	103
16	13	16	13	6	16	25	12	101
17	19	11	17	17	23	15	16	118
18	16	8	13	14	16	15	26	108
19	11	19	10	13	16	21	7	97
20	8	15	15	8	14	14	10	84
21	12	13	10	13	10	17	16	91
22	14	16	14	9	13	24	12	102
23	9	10	5	12	25	12	8	81
Grand Total	231	264	241	238	289	320	273	1856

MPS ASB with an Alcohol flag

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	2	5	4	5	6	7	10	39
1	3	1	4	3	4	9	6	30
2	6	3	2	4	5	10	3	33
3	2	1	4	1	5	6	5	24
4	4	4		3	2	2	5	20
5		1		1		2	2	6
6		3	1	1	1	2	1	9
7	2		1	1		1	2	7
8	1				2	1	1	5
9	3	3	3	1	4	3	1	18
10	3		3		3	2	3	14
11	5	1	5	3	1	1	2	18
12	1	3	3	1	4	4	5	21
13	5	1	3	1	7	2		19
14	8	3	3	5	6	4	6	35
15	9	9	4	2	6	3	5	38
16	7	1	5	4	7	13	6	43
17	9	7	3	9	7	6	6	47
18	3	6	12	7	10	6	5	49
19	15	10	8	8	7	10	5	63
20	7	6	7	11	10	16	6	63
21	5	7	11	4	11	9	4	51
22	3	7	9	5	8	10	5	47
23	8	9	1	8	9	9	7	51
Grand Total	111	91	96	88	125	138	101	750

Ambulance call outs for Alcohol

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	35	18	21	45	54	105	78	356
1	34	34	23	31	37	81	53	293
2	18	21	19	37	54	114	93	356
3	14	21	13	26	57	61	61	253
4	10	19	12	8	21	71	47	188
5	4	8	2	3	17	25	14	73
6	4	6	7	5	9	17	10	58
7	1	3	2	11	7	11	9	44
8	5	10	2	5	8	3	3	36
9	7	3	9	8	9	11	7	54
10	3	3	7	14	7	9	3	46
11	5	18	13	11	13	8	6	74
12	14	11	10	22	14	8	11	90
13	6	14	13	15	9	17	14	88
14	15	10	13	15	18	23	7	101
15	10	8	8	22	25	30	12	115
16	19	16	28	16	22	33	16	150
17	16	30	27	17	19	39	24	172
18	13	13	17	31	25	62	28	189
19	17	26	28	19	33	48	15	186
20	16	20	22	24	31	57	26	196
21	27	33	26	40	35	52	28	241
22	28	24	32	41	55	58	26	264
23	32	25	37	53	69	60	33	309
Grand Total	353	394	391	519	648	1003	624	3932

Ambulance call outs for overdose

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	11	13	13	9	18	22	16	102
1	17	19	22	14	18	32	34	156
2	7	10	5	22	35	35	33	147
3	10	12	5	15	22	34	35	133
4	4	7	5	4	7	20	24	71
5	2	6	7	6	12	12	7	52
6	2	3	4	2	4	6	8	29
7	2	3	6	12	11	11	9	54
8	4	5	10	5	2	5	18	49
9	9	13	22	6	15	9	14	88
10	2	13	8	8	12	3	3	49
11	11	9	14	13	12	30	7	96
12	18	10	9	14	10	16	11	88
13	9	13	10	18	15	11	7	83
14	11	14	15	15	17	9	10	91
15	8	8	13	7	15	15	10	76
16	7	7	23	16	18	19	15	105
17	14	20	30	7	15	12	15	113
18	10	19	13	19	18	9	21	109
19	20	11	8	14	12	46	9	120
20	15	10	13	10	19	17	11	95
21	16	24	15	16	14	12	18	115
22	6	11	11	17	18	28	10	101
23	19	9	26	26	25	13	11	129
Grand Total	234	269	307	295	364	426	356	2251

MPS ASB calls

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
00	76	84	69	70	84	104	132	619
01	56	74	56	68	73	83	107	517
02	61	67	64	49	65	109	92	507
03	48	38	52	43	60	58	84	383
04	32	38	52	44	50	58	70	344
05	30	25	19	34	23	43	48	222
06	23	27	19	15	22	32	49	187
07	41	30	42	45	40	48	42	288
08	64	70	50	67	59	44	47	401
09	73	74	63	78	69	62	43	462
10	64	77	80	84	66	50	69	490
11	92	97	104	99	78	74	70	614
12	84	88	114	101	117	77	60	641
13	83	94	110	116	100	107	66	676
14	132	93	91	99	121	98	70	704
15	97	110	103	96	94	102	101	703
16	98	107	124	96	104	109	94	732
17	111	111	113	114	115	115	91	770
18	128	102	99	99	93	152	108	781
19	141	108	126	120	115	153	86	849
20	100	97	117	101	128	136	95	774
21	91	95	104	90	105	124	96	705
22	95	107	117	74	98	109	103	703
23	96	85	67	78	98	120	85	629
Grand Total	1916	1898	1955	1880	1977	2167	1908	13701

All BTP crime

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	14	15	11	15	14	41	40	150
1	2	8	2	6	10	33	24	85
2	4	3	3	2	1	18	16	47
3	1	5	5	3	4	17	11	46
4	5	2	1	1	3	22	11	45
5	2	6	4	5	1	13	16	47
6	7	3	12	8	9	13	16	68
7	10	11	16	28	21	16	18	120
8	27	36	27	41	24	11	8	174
9	31	31	28	25	21	20	16	172
10	18	21	23	25	26	28	18	159
11	24	18	27	31	31	24	24	179
12	21	22	30	20	27	33	29	182
13	17	23	32	24	27	41	38	202
14	33	26	36	30	39	32	33	229
15	32	44	50	35	36	44	41	282
16	33	43	66	74	64	64	48	392
17	56	67	71	67	73	83	59	476
18	56	67	71	74	98	76	62	504
19	40	48	70	56	85	74	44	417
20	39	35	46	46	52	57	42	317
21	29	41	29	36	43	53	40	271
22	36	32	42	30	37	66	37	280
23	21	27	39	39	46	68	27	267
Grand Total	558	634	741	721	792	947	718	5111

BTP Violence

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	2	4	7	5	5	10	8	41
1				1	1	9	9	20
2						3	6	9
3		1				3	2	6
4	2				1	6	3	12
5		1				3	4	8
6	2		5		2	3	2	14
7	2	4	4	4	6	4	4	28
8	3	8	3	7	7	2	1	31
9		7	6	3	1	3	5	25
10		2	3	2	5	1	1	14
11	3	1	3	4	4	3	3	21
12	4	4	2	3	3	4	5	25
13	2	2	2	4	1	4	2	17
14	3	3	5	1	2	2	4	20
15	6	7	5	1	4	6	3	32
16	2	3	4	7	5	7	5	33
17	7	7	12	8	3	13	9	59
18	7	5	9	5	17	12	9	64
19	8	10	9	5	7	14	4	57
20	8	5	4	6	9	10	9	51
21	5	7	4	5	6	11	5	43
22	5	5	11	3	5	9	6	44
23	3	7	6	7	6	13	3	45
Grand Total	74	93	104	81	100	155	112	719

TFL incidents

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Grand Total
0	23	9	12	14	17	15	22	112
1	19	22	21	21	30	31	33	177
2	20	21	17	13	23	35	30	159
3	22	16	25	24	20	26	27	160
4	20	13	13	13	17	27	21	124
5	8	12	6	14	6	16	18	80
6	5	1	4	4	7	4	16	41
7	5		5	6	6	3	7	32
8	7	3	4	3	7	7	2	33
9	4	5	4	3	1	3	3	23
10	2	3	6	7	4	7	6	35
11	3	2	1	4	6	6	1	23
12	4	5	2	4	8	6	7	36
13	5	5	7	5	1	10	7	40
14	4	1	8	8	5	5	9	40
15	6	3	5	2	6	8	4	34
16	6	7	6	3	4	13	6	45
17	4	6	8	9	8	17	7	59
18	3	7	8	6	12	15	11	62
19	6	9	9	7	5	10	5	51
20	6	8	10	8	8	7	7	54
21	7	5	5	7	6	11	6	47
22	7	10	4	9	12	13	7	62
23	11	12	9	8	6	11	13	70
Grand Total	207	185	199	202	225	306	275	1599

Appendix 2:

Licensing & Noise Complaints methodology limitations

Methodology Limitations:

There are several limitations to the Uniform data extraction which should be noted:

- **Multiple Licenses at a single location:** Depending on the nature of a premises, multiple licences may be issued to the same business to reflect different types of licensed activity or shadow licences (and thus be double counted).
- **Status accuracy:** A licence issued and inside its expiry date does not necessarily mean it is in use. Instances of this have been identified in the data, supported by the Google Places business state data set.
- **Classification of premises types can be misleading:** (e.g., a 'restaurant' can refer to a fine dining establishment, a venue which also hosts a late-night bar and club or a fast-food premises)
- **Data completeness:** Approximately 6% of licences have a 'not recorded' premises type. For new licenses this rises to 23%. This is because it's not a statutory requirement for licence applicants to provide the premises type in their submission, however the council has a statutory obligation to grant licenses if the fields which are statutory are completed and criteria met.
- **Geographical accuracy:** In some instances, latitude/longitude coordinates for the same premises differed marginally, leading to separate unique licence locations (used as a proxy for premises).
- **Sampling:** The Google Places API extraction was able to make 2,250 matches of the 4,045 licensed premises extracted from Uniform. This must be treated as a large sample, rather than comprehensive dataset.
- **Data Flooding:** The Noise Complaints reports analysis has had a 30 reports per location per year cap applied to prevent anomalous locations dominating the density mapping and distorting the analysis. A single commercial premises had 459 reports, and a single residential location had 80 reports in a year. For context it only took 95 reports to rank an Output Area in the top five when the cap was applied.

Appendix 3

Licensing methodology and approach

Profile Scope:

The geographic distribution and borough wide profiling comparisons of All Licensed Premises, New Applications, Expired Applications and Noise Complaints have been reviewed.

Approach:

The Council's licensing data and Noise Complaint data are both primarily collected for operational purposes in a system called Uniform.

The Uniform data extractions were based around the Valid Date of the licence or application and the Received Date of the Noise Complaint.

The Uniform data extracted for the analysis was filtered differently depending on the type being reviewed:

- All Licensed Premises
- New licence applications
- Expired licenses

- Noise complaints

Among the fields queried for analysis were the Premises type, the terminal hour (separately licensing Alcohol, Late Night Refreshments and Regular Entertainment), business' trading name, address, and the geography of the premises {latitude/longitude, Output Area^{61a}, Lower Layer Super Output Area [LSOA]^{15b} and Ward}.

There were numerous types of premises to which licences were issued. To facilitate data analysis and visualisation, these were categorised into a larger premises type group¹⁶.

Data from Google Places API was extracted to source opening hours and business state (operational, temporarily closed, permanently closed).

Uniform data extraction definitions:

The Uniform data extracted for the analysis was filtered depending on the type being reviewed:

- All Licensed Premises were filtered to include only licenses with an 'application group' status of 'Premises Licensing' and an 'application group type' of 'Licensing Act'.
- New licence applications were filtered to include only licenses with a licence definition of 'New Premise', 'New Club', 'Shadow License' or 'Provisional Statement'.
- Expired licence applications were filtered to include only licenses with a status of 'Licence Expired', 'Licence Lapsed', 'Licence Revoked', 'Licence Surrendered' and 'Licence Suspended'.
- Noise complaints were filtered to include Noise Complaints with a 'Service Request Group sub-type' of either 'Commercial Premises' or 'Street'.

Mapping table of Premises Type licensing category to Premises Group. Highlighted in Red are additional Premises Types since CIA 20.

Premises Type	Premises Group
	No Data
Hostel with on site management	Hotel or Hostel
Large Casino	Gambling Site
Music Venue	Cultural Amenities
Not Recorded	Not Recorded
Premises Licence - Shadow Licence	Other
Revised Type - Night clubs and discos	Nightclub
Revised Type - Public house or pub rest	Pub or Wine Bar
Revised Type - Restaurant	Restaurant
Revised Type - Wine bar	Pub or Wine Bar
Revised Type - Club or institution	Other
Sexual Entertainment Venue	Other
Special Treatment - Low risk premises	Other
Type - Amusement Arcade	Cultural Amenities
Type - Auction Rooms	Other
Type - Banks and Building Societies	Other
Type - Brewery	Other
Type - Cafe	Café

Type - Cafe within another property	Café
Type - Casino or gambling club	Gambling Site
Type - Cinema	Cultural Amenities
Type - Civic/public building	Other
Type - Club or institution	Other
Type - Clubhouse	Other
Type - College of Further Education	Other
Type - Concert Hall	Cultural Amenities
Type - Conference or exhibition centre	Cultural Amenities
Type - Country cricket grounds	Cultural Amenities
Type - Department store	Other
Type - Educational	Other
Type - Film and TV studio	Other
Type - Food court	Other
Type - Food store	Shop, Store or Kiosk
Type - Food store (large)	Shop, Store or Kiosk
Type - Guest or boarding house	Hotel or Hostel
Type - Hairdresser or beauty salon	Other
Type - Hotel, 3 star or under	Hotel or Hostel
Type - Hotel, 4+ star or major chain	Hotel or Hostel
Type - HQs and Institutional Offices	Other
Type - Hypermarket or superstore	Shop, Store or Kiosk
Type - Ice rink	Cultural Amenities
Type - Indoor bowling centre	Cultural Amenities
Type - Kiosk within another property	Shop, Store or Kiosk
Type - Leisure (other)	Cultural Amenities
Type - Markets (other than livestock)	Other
Type - Miscellaneous	Other
Type - Mooring	Other
Type - Museums & Art Galleries	Cultural Amenities
Type - Night clubs and discos	Nightclub
Type - Office	Other
Type - Park / Open Space	Other
Type - Petrol filling station	Other
Type - Private Hospitals and Clinics	Other
Type - Private sports centre (no pool)	Other
Type - Private sports centre (pool)	Other
Type - Pub or pub restaurant with lodge	Pub or Wine Bar
Type - Public hall	Cultural Amenities
Type - Public house or pub restaurant	Pub or Wine Bar
Type - Recording Studio	Other
Type - Restaurant	Restaurant
Type - Sales kiosk	Shop, Store or Kiosk
Type - Salon in another property	Other
Type - Self-catering holiday accom.	Hotel or Hostel
Type - Shop	Shop, Store or Kiosk
Type - Shop (large)	Shop, Store or Kiosk
Type - Shop (very large)	Shop, Store or Kiosk

Type - Shop within another property	Shop, Store or Kiosk
Type - Snooker hall or club	Cultural Amenities
Type - Studio	Other
Type - Surgeries or Health Centres	Other
Type - Takeaway food outlet	Shop, Store or Kiosk
Type - Theatre	Cultural Amenities
Type - Tourist attraction or dark ride	Cultural Amenities
Type - University	Other
Type - University land or building	Other
Type - Village hall, scout hut or similar	Cultural Amenities
Type - Wine bar	Pub or Wine Bar
Vessel	Other

Appendix 4:

Regression Analysis methodology limitations

Methodology Limitations:

There are a number of limitations to the analysis which should be noted:

- **Odds Model by Premises Type.** When the Odds Model was calculated by each Premises Type the 95% confidence interval range was too broad to allow for confidence the results were meaningful. As such only the All Premises Type figures have been used for the Odds Model for each undesirable behaviour issue.
- **Street population density.** It is among the most significant drivers of undesirable behaviour; however this could not be accounted for in this analysis.
- **Proximity of different land use types.** It is possible certain combinations of land use result in increased levels of undesirable behaviour, rather than the licensed premises numbers/type on their own. For example, the impact of transport hubs.
- **Accuracy of data.** The location at which undesirable behaviour occurs may not be the same as the location recorded in the reporting. This potentially leads to missed or erroneous correlations.
- **Timing.** Although this analysis takes broad times of day into account (24hrs & 6pm-6am), it does not regard the impact of weekdays or seasons on undesirable behaviour volumes.
- **Overspill.** If a less prevalent premises type is situated amongst a more populous group of premises type, then their impact could be obscured.

For the above stated reasons, the models' estimates should be interpreted as approximations of correlations between the prevalence of licensed premises (types) and crimes in their vicinity, not as a relationship of cause and effect.

Regression Analysis Model values:

All Premises Types:	Drugs		Robbery		Theft		Violent crime		Noise		ASB	
	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night
Odds model	25%	16%	59%	42%	390%	193%	241%	113%	91%	35%	69%	48%
Relationship model	1.11	1.14	1.12	1.12	1.26	1.27	1.07	1.09	1.11	1.14	1.04	1.04

Relationship Model												
Pub or Wine Bar		1.31			1.51	1.64		1.1	1.22	1.32		
Restaurant	1.12	1.07	1.14	1.14	1.31	1.32	1.06	1.06	1.16	1.22	1.05	
Shop, Store or Kiosk			1.13		1.29	1.19	1.17	1.13	1.17	1.22	1.15	1.13
Cultural Amenity	1.56	2.07			1.36		1.18	1.26				
Hotel or Hostel								1.13	1.05			
Café									0.83	0.77		
Nightclub		2.87	1.78	2.15	1.86	2.42	1.28	1.44				
Gambling site												

Odds Model												
Excluded as 95% confidence interval range too broad to suggest useful												
Pub or Wine Bar												
Restaurant												
Shop, Store or Kiosk												
Cultural Amenity												
Hotel or Hostel												
Café												
Nightclub												
Gambling site												

Regression Model output with 95% confidence interval ranges: [20000sqm hex analysed]

All Premises Types:	Drugs		Robbery		Theft		Violent crime		Noise		ASB	
	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night	All day	Night
Odds model	20%-31%	13%-20%	48%-72%	35%-50%	344%-598%	142%-254%	165%-338%	86%-145%	70%-115%	28%-43%	52%-87%	38%-60%
Relationship model	1.08-1.13	1.11-1.17	1.09-1.14	1.09-1.15	1.23-1.29	1.23-1.32	1.06-1.08	1.07-1.10	1.09-1.13	1.10-1.18	1.03-1.06	1.02-1.05










Relationship Model												
Pub or Wine Bar		1.02-1.67			1.27-1.80	1.33-2.03		1.00-1.21	1.07-1.40	1.08-1.61		
Restaurant	1.06-1.18	1.00-1.15	1.08-1.21	1.06-1.23	1.23-1.39	1.22-1.42	1.03-1.09	1.03-1.09	1.11-1.21	1.15-1.30	1.01-1.08	
Shop, Store or Kiosk			1.00-1.28		1.14-1.46	1.04-1.37	1.10-1.25	1.06-1.09	1.07-1.28	1.06-1.40	1.05-1.26	1.04-1.24
Cultural Amenity	1.04-2.35	1.22-3.52			1.02-1.81		1.03-1.36	1.07-1.48				
Hotel or Hostel								1.01-1.27	0.92-1.21			
Café									0.72-0.96	0.62-0.95		
Nightclub		1.63-5.06	1.30-2.45	1.40-3.31	1.42-2.45	1.61-3.64	1.12-1.46	1.24-1.68				
Gambling site												

Odds Model												
Excluded as 95% confidence interval range too broad to suggest useful												
Pub or Wine Bar												
Restaurant												
Shop, Store or Kiosk												
Cultural Amenity												
Hotel or Hostel												
Café												
Nightclub												
Gambling site												

Appendix 5

Emerging hot spot analysis methodology

To further dig into the statistically significant trends of cumulative impact over the course of the year, ArcGIS Pro's Space time pattern mining toolbox was used, specifically the emerging hot spot analysis tool. This section summarises the results of this analysis for four major crime types (theft, robbery, VAP, drugs) as well as ASB and noise complaints. The results of this analysis, in addition to the incident pattern and licensing analyses outlined in previous sections, determined the boundaries used as cumulative impact zones in this report.

	Pattern name	Definition
	No Pattern Detected	Does not fall into any of the hot or cold spot patterns defined below.
	New Hot Spot	A location that is a statistically significant hot spot for the final time step and has never been a statistically significant hot spot before.
	Consecutive Hot Spot	A location with a single uninterrupted run of at least two statistically significant hot spot bins in the final time-step intervals. The location has never been a statistically significant hot spot prior to the final hot spot run and less than 90 percent of all bins are statistically significant hot spots.
	Intensifying Hot Spot	A location that has been a statistically significant hot spot for 90 percent of the time-step intervals, including the final time step. In addition, the intensity of clustering of high counts in each time step is increasing overall and that increase is statistically significant.
	Persistent Hot Spot	A location that has been a statistically significant hot spot for 90 percent of the time-step intervals with no discernible trend in the intensity of clustering over time.
	Diminishing Hot Spot	A location that has been a statistically significant hot spot for 90 percent of the time-step intervals, including the final time step. In addition, the intensity of clustering in each time step is decreasing overall and that decrease is statistically significant.
	Sporadic Hot Spot	A statistically significant hot spot for the final time-step interval with a history of also being an on-again and off-again hot spot. Less than 90 percent of the time-step intervals have been statistically significant hot spots and none of the time-step intervals have been statistically significant cold spots.
	Oscillating Hot Spot	A statistically significant hot spot for the final time-step interval that has a history of also being a statistically significant cold spot during a prior time step. Less than 90 percent of the time-step intervals have been statistically significant hot spots.
	Historical Hot Spot	The most recent time period is not hot, but at least 90 percent of the time-step intervals have been statistically significant hot spots.

The tool identifies trends in the data and arranges them into different hotspots based on the temporal pattern. It does this by arranging the data into time-step intervals that you specify, and assessing the levels of crime over time. The hotspots particularly worth focusing on are persistent, intensifying, diminishing and historical hotspots, as all of these have been statistically significant hotspots in one form or another for the 90% of the time intervals. A full breakdown of the different hotspot patterns can be seen below.

	New Cold Spot	A location that is a statistically significant cold spot for the final time step and has never been a statistically significant cold spot before.
	Consecutive Cold Spot	A location with a single uninterrupted run of at least two statistically significant cold spot bins in the final time-step intervals. The location has never been a statistically significant cold spot prior to the final cold spot run and less than 90 percent of all bins are statistically significant cold spots.
	Intensifying Cold Spot	A location that has been a statistically significant cold spot for 90 percent of the time-step intervals, including the final time step. In addition, the intensity of clustering of low counts in each time step is increasing overall and that increase is statistically significant.
	Persistent Cold Spot	A location that has been a statistically significant cold spot for 90 percent of the time-step intervals with no discernible trend in the intensity of clustering of counts over time.
	Diminishing Cold Spot	A location that has been a statistically significant cold spot for 90 percent of the time-step intervals, including the final time step. In addition, the intensity of clustering of low counts in each time step is decreasing overall and that decrease is statistically significant.
	Sporadic Cold Spot	A statistically significant cold spot for the final time-step interval with a history of also being an on-again and off-again cold spot. Less than 90 percent of the time-step intervals have been statistically significant cold spots and none of the time-step intervals have been statistically significant hot spots.
	Oscillating Cold Spot	A statistically significant cold spot for the final time-step interval that has a history of also being a statistically significant hot spot during a prior time step. Less than 90 percent of the time-step intervals have been statistically significant cold spots.
	Historical Cold Spot	The most recent time period is not cold, but at least 90 percent of the time-step intervals have been statistically significant cold spots.

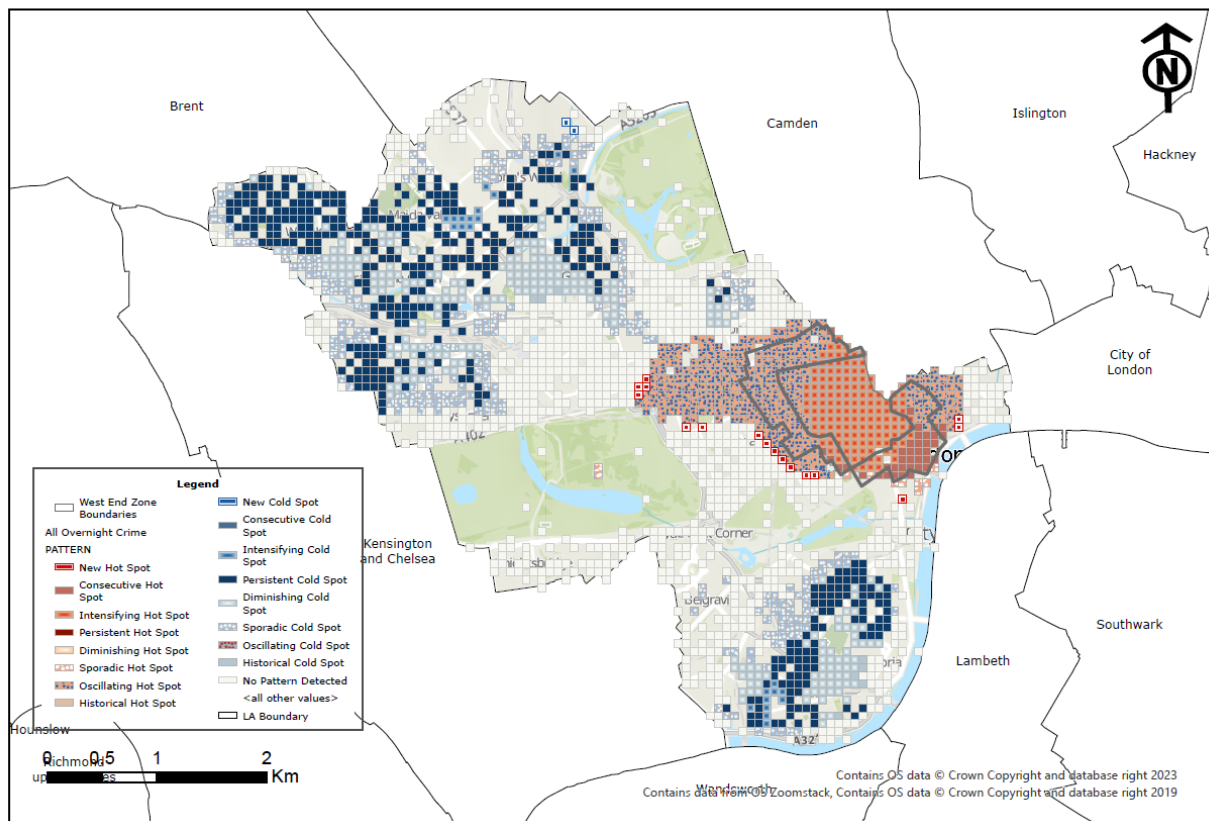
The tool also identifies statistically cold spots. These are areas where lower levels of crime have been identified in comparison to the hot spots. However, it should be noted that these areas experienced higher trends of cumulative impact in comparison to the areas where no patterns were detected. Below are the definitions of the cold spot patterns.

The data sets used in the analysis were concentrated on overnight offences in 2022 of theft, drugs, robbery and violence against person, as well as overnight reports of noise complaints. Four-week time-step intervals were used, within areas of an approximate size of a city block (73x73m).

Appendix 6

Emerging hotspot map of overnight crime (theft, robbery, drugs, VAP, sexual offences) with West End Zone Boundaries included for reference

Overnight Crime (theft, robbery, drugs, VAP, sexual offences) - Emerging hotspot analysis

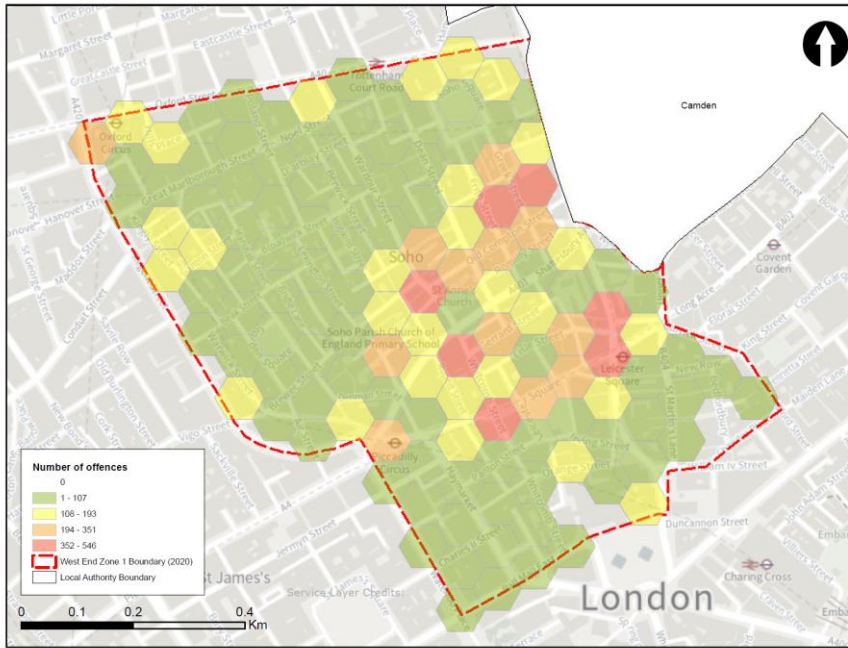


Appendix 7

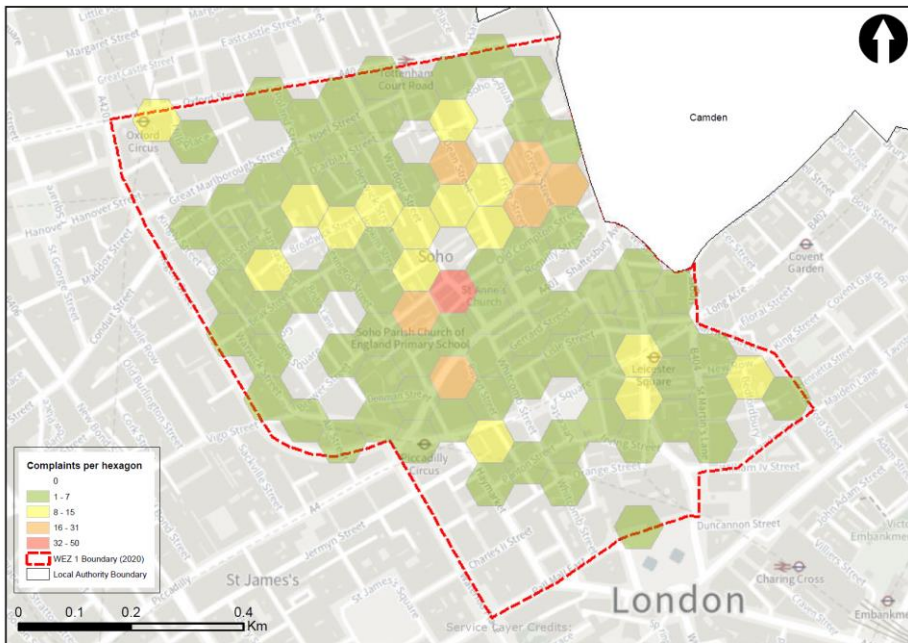
Overnight crime, noise complaints and CCHI within the West End Zones

The following maps are hexagon maps made solely from hexagons with their centroids within West End Zones 1 and 2. When compared to the rest of the borough, the majority of hexagons within the West End Zones have higher crime levels. However, when this analysis is conducted using only hexagons within the West End Zones, it allows us to see the quieter locations within the West End. The maps for both WEZ 1 and WEZ 2 for overnight crime, noise complaints and CCHI score can both be seen below.

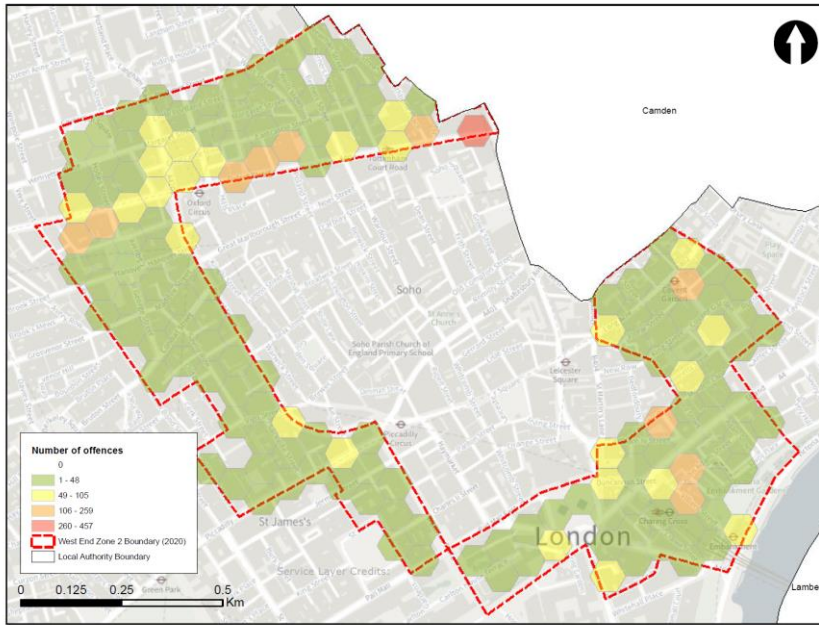
Overnight crime (theft, robbery, drugs, VAP, sexual offences) by hexagon within WEZ - West End Zone 1



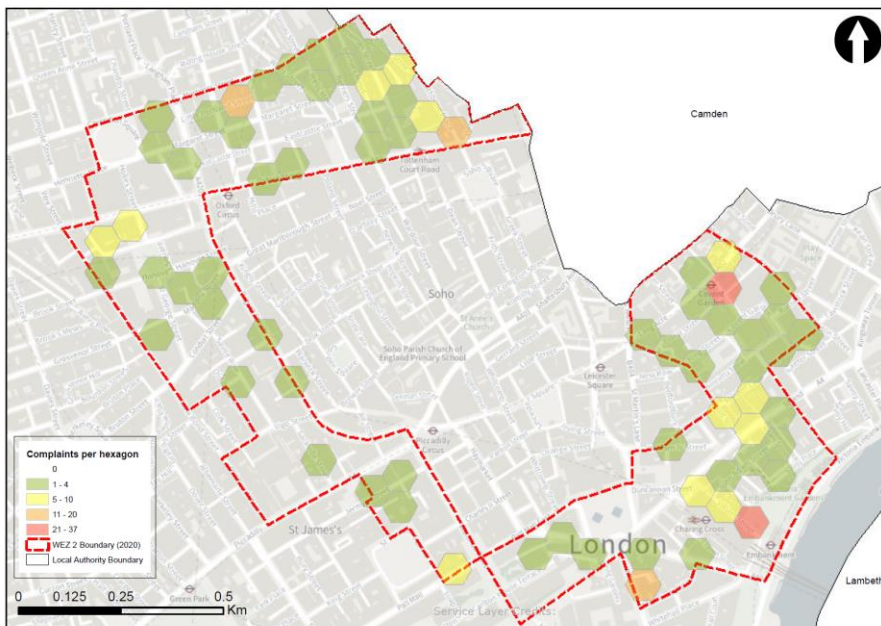
Overnight noise complaints by hexagon within WEZ - West End Zone 1 (30 cap)



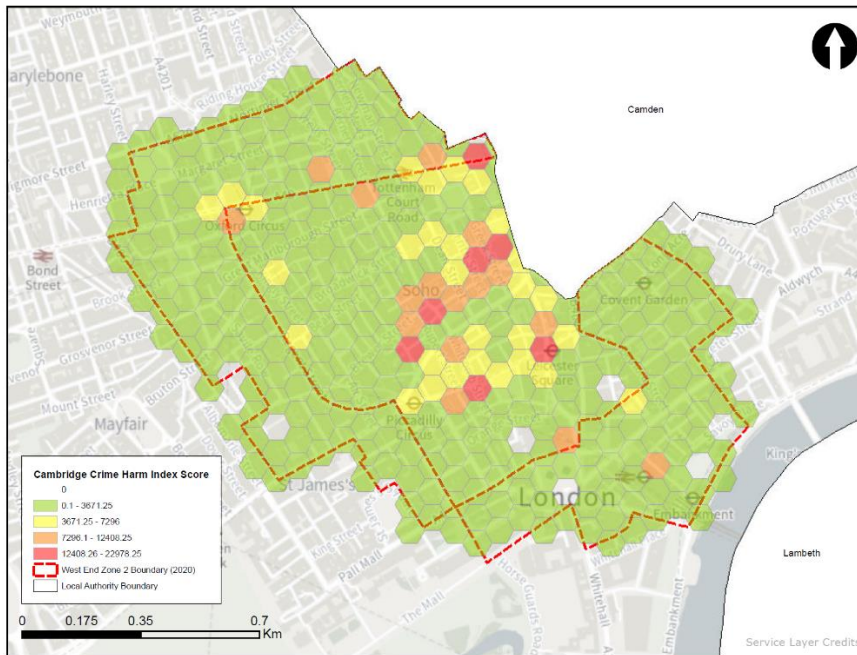
Overnight crime (theft, robbery, drugs, VAP, sexual offences) by hexagon within WEZ - West End Zone 2



Overnight noise complaints by hexagon within WEZ - West End Zone 2 (30 cap)



Cambridge Crime Harm Index by hexagon - Within West End Zones



Appendix 8

Hexagon mapping method

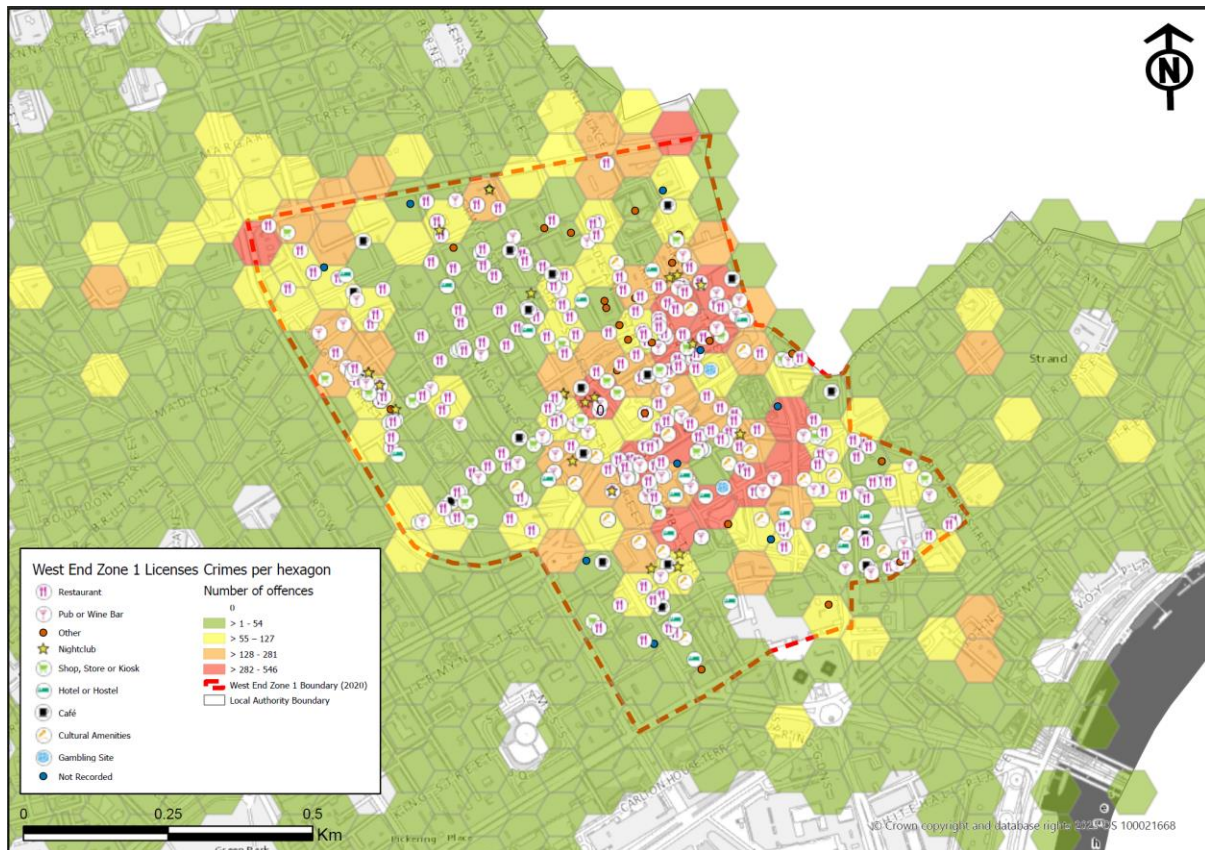
The hexagon maps used throughout the report were created by spatial joining point data with the same hexagon grid used in the previous CIA. These hexagons are approximately 5,000 meters squared.

The hexagon maps are classified using the Natural Breaks (Jenks) method with 5 classes, excluding the map used to identify other areas of interest, which had 8 classes. One of these classes is reserved for hexagons with 0 occurrences (which are coloured blank). Natural Breaks classes are based on natural groupings inherent in the data. Class breaks are identified that best group similar values and that maximize the differences between classes. This is done by seeking to minimize each class's average deviation from the class mean, while maximizing each class's deviation from the means of the other classes. In other words, the method seeks to reduce the variance within classes and maximize the variance between classes.

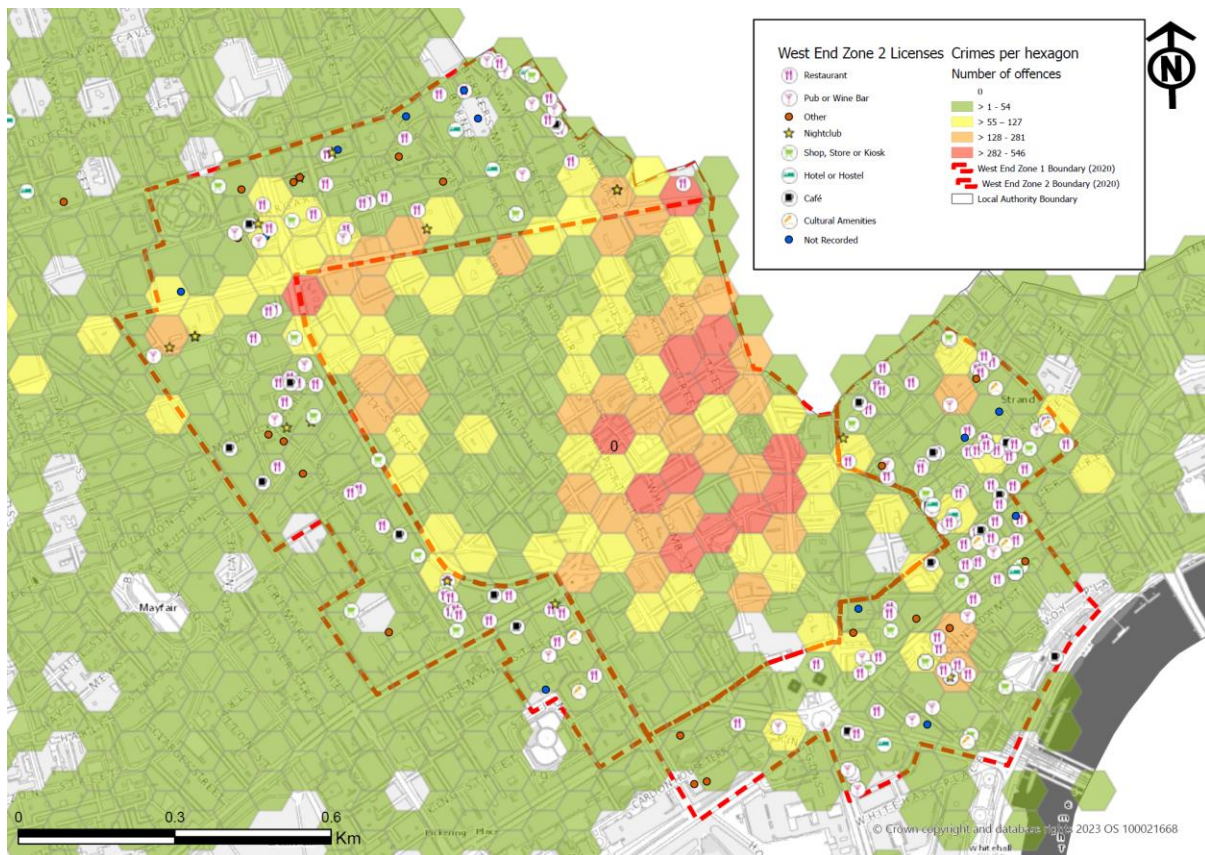
Appendix 9

Combined overnight crime hexagon and unique licensed premises maps for West End Zones

West End Zone 1



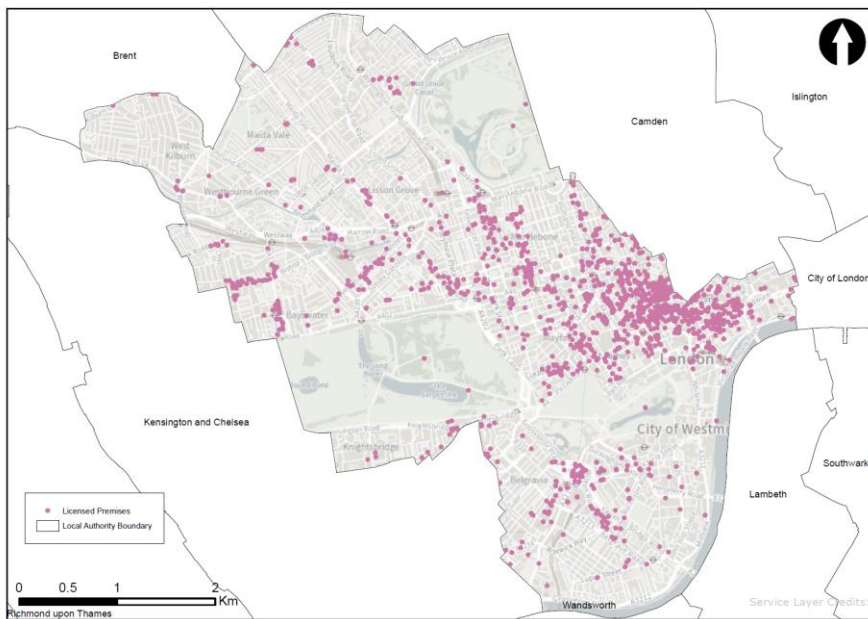
West End Zone 2



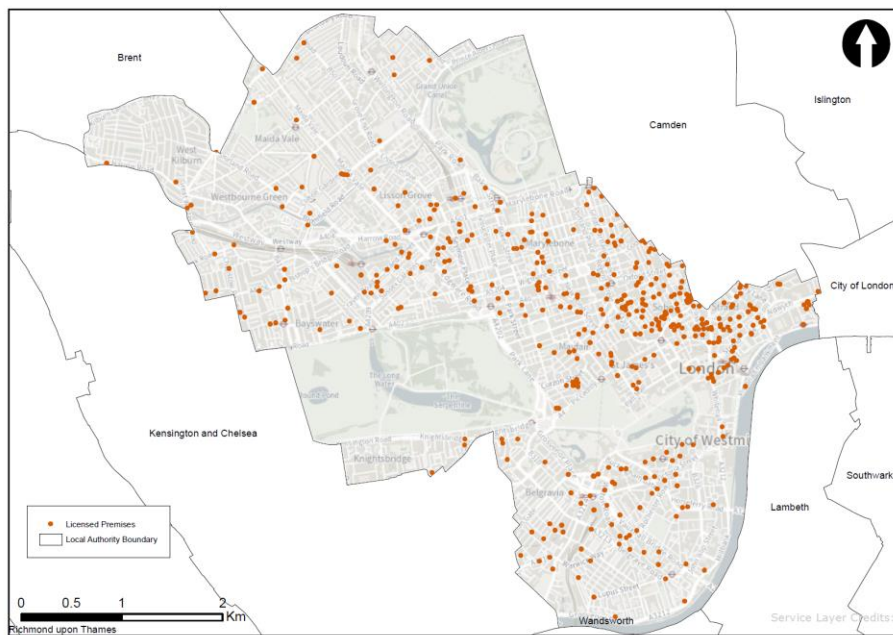
Appendix 10

All existing licenses maps for premises group/types

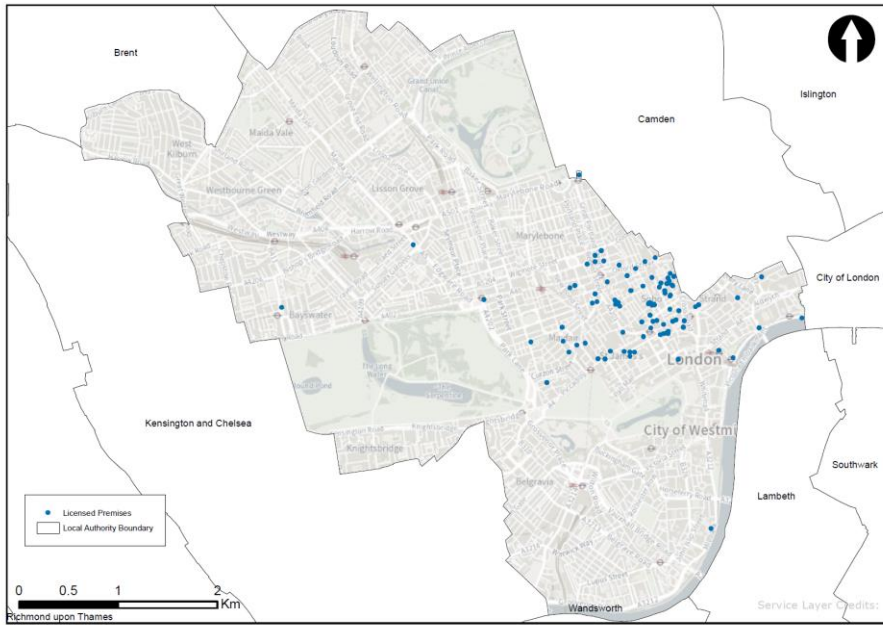
All Existing Licenses - Restaurants



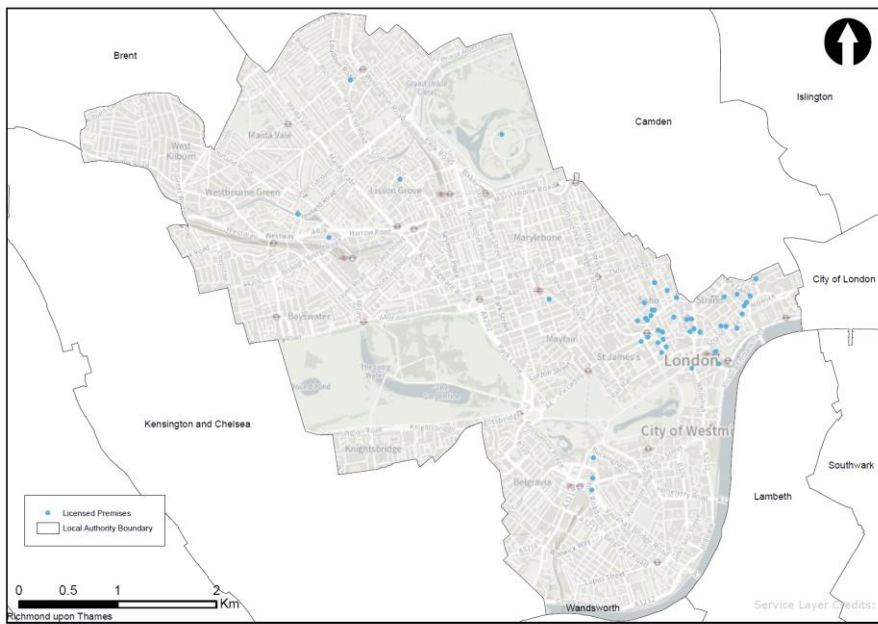
All Existing Licenses - Pub & Wine Bars



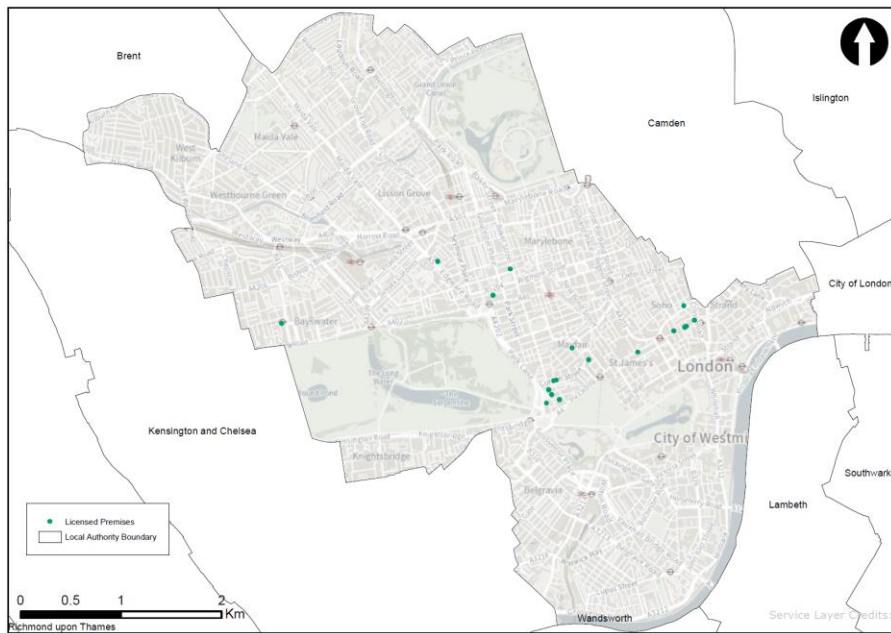
All Existing Licenses - Nightclubs



All Existing Licenses - Theatres



All Existing Licenses - Gambling Sites



Appendix 11

Proportion of Westminster's licensed premises, overnight crime, overnight noise complaints and overnight ASB by area excluding West End Zones

Area Name	Unique licensed premises	Overnight crime (theft, robbery, VAP, drug, sexual offences)	Overnight noise complaints	Overnight ASB
Mayfair	6% (68)	4% (546)	3% (60)	3% (168)
Marylebone/Oxford St. Bridge	10% (125)	10% (1342)	10% (245)	6% (305)
Paddington	8% (99)	4% (563)	5% (114)	6% (295)
Victoria	5% (61)	3% (373)	2% (42)	5% (220)
Edgware Road	2% (24)	3% (373)	2% (44)	2% (91)
Bayswater & Queensway	5% (56)	2% (267)	4% (88)	5% (211)

Glossary

1. **Anti-Social Behaviour (ASB):** Actions or behaviours that disrupt public order or peace, often linked to issues like alcohol, licensed premises, and the night-time economy.
2. **ASB Consultation 2022:** A consultation conducted in 2022 to gather input from residents, Business Improvement Districts (BIDs), and stakeholders regarding anti-social behaviour in Westminster, with a focus on its connections to alcohol, licensed premises, and the night-time economy.
3. **Business Improvement Districts (BIDS):** Geographical areas in which local businesses collaborate to improve their commercial environment, often through initiatives like marketing, security, and infrastructure improvements.
4. **BTP (British Transport Police):** A law enforcement agency responsible for policing the railways and other transport systems in the UK, including Westminster.
5. **Cambridge Crime Harm Index (CCHI):** The Cambridge Harm Index (CHI) is a theoretical framework proposed by researchers at the University of Cambridge to weight different crimes. A Harm Index is used to measure how harmful different crimes are in proportion to the others. This approach adds a larger weight to more harmful crimes (e.g. homicide, rape and grievous bodily harm with intent), distinguishing them from less harmful types of crime (e.g. minor thefts, criminal damage and common assault).
6. **Child Sex Exploitation (CSE):** Crimes involving the sexual exploitation of children.
7. **City Survey:** A survey conducted to gather insights into resident concerns and emerging trends for local issues, including problems related to licensed premises, safety after dark, and other aspects of public life.
8. **Cumulative Impact Assessment (CIA):** An evaluation of the combined effect of licensing, alcohol, and the night-time economy on a specific area, often used to inform policy decisions.
9. **Crime Records:** Official records of criminal incidents, including categories such as theft, violence, robbery, and drugs, often maintained by law enforcement agencies like the Metropolitan Police Service (MPS).
10. **Crime Recording Information System (CRIS):** A system used by police to record and manage crime-related information.
11. **Health Data:** Data related to health incidents, including ambulance callouts and paramedic classifications such as 'alcohol-related' and 'overdose.'
12. **Hate Crime:** Criminal offenses motivated by hostility or prejudice based on factors such as race, religion, sexual orientation, transgender identity, or disability.

13. **Licensed Premises:** Establishments that have obtained licenses to sell alcohol, such as pubs, bars, and clubs.
14. **Lower Super Output Area (LSOA):** Geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. They are designed to have similar population sizes, with an average of approximately 1,500 residents and 650 households.
15. **Metropolitan Police Service (MPS):** The police service responsible for the Greater London area, including Westminster.
16. **Medium Super Output Area (MSOA):** A geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. Middle Layer Super Output Areas are built from groups of contiguous Lower Layer Super Output Areas. They have a minimum size of 5,000 residents and 2,000 households with an average population size of 7,800. They fit within local authority boundaries.
17. **Night-Time Economy (NTE):** Economic activities that take place during the evening and night, often associated with entertainment and nightlife.
18. **Output Area (OA):** A geographic area built specifically for census outputs and used as spatial output for reporting statistics and are the building block for calculating values for larger geographies.
19. **Public Realm Offenses:** Crimes that occur in public spaces, including theft, violence, robbery, and drugs.
20. **Relevant Authorisation:** A premises licence or club premises certificate issued under Licensing Act 2003.
21. **Safety After Dark:** Concerns related to personal safety during nighttime hours.
22. **Serious Violence Duty:** Legal obligations to address and prevent serious violence in communities.
23. **Shadow License:** A type of licence which mirror a licensed premises operator's license, but are in the name of the freehold owner rather than tenant/leaseholder operator.
24. **Transport for London (TFL):** The transportation agency responsible for public transport in London, including buses.
25. **Transport-Related Crime:** Crimes that occur in or around transportation hubs, such as train stations and buses.
26. **Theft:** A category of crime involving the unlawful taking of someone's property. Defined by section 1 TA 1968 as dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it.
27. **Violence Against Women and Girls:** A category of crime encompassing various offenses, including sexual offenses, domestic abuse, and violence targeted at women and girls.
28. **West End:** A central commercial and entertainment district in London, often associated with nightlife and tourism.

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Appendix B - Summary of consultation feedback and Licensing Authority responses

Consultation Comment	Licensing Authority Response
Why is 2022 data being used, 2023 data might be different?	We used 2022 data instead of a three year period to avoid including lockdown years. We used data from the most recent period available when the CIA was being developed.
The ASB and noise data provided will be only a very small proportion of the issues which actually exist because of underreporting.	We are aware of the issue of underreporting. We encourage residents, businesses and partners to report any issues they experience so that policy and decisions can be based on the most robust evidence.
Recorded crime is not a direct measure of actual crime or associated harm, being capable of influence by unreasonable reports which the police nevertheless have to record or by variations in recording practice.	Recorded crime from the London Metropolitan Police, the British Transport Police and the London Ambulance Service were the best sources available. The inclusion of the Cambridge Crime Harm Index sought to consider the associated harm of the various undesirable behaviours which were analysed.
Observational data would be a helpful addition.	Unfortunately this was not possible with this revision on the CIA but is an ambition for future versions. This version of the CIA includes more qualitative input from sources such as the City Survey to provide a richer view of how cumulative impact affects people's lives.
We are concerned that the way the data is presented on maps with hexagons may lead to a temptation to assume that licences can be granted in a particular hexagon or street because there is a low level of reported issues in that small area, even if it is within a CIZ. The data needs to be clearly regarded as indicative and impacts as 'global and cumulative' i.e. the policies need to apply equally wherever in the CIZ the premises is located.	This will be considered when the Statement of Licensing Policy is reviewed following the completion of the Westminster After Dark programme.
Whilst the CIA gives volumes of recorded crimes or antisocial behaviour, there is no overlay of the number of people in areas (particularly the identified CIAs) at any given time.	Unfortunately at the time of developing the CIA footfall data was not available at a low enough geography to provide detailed analysis. A footfall data map has been included based on the data that is currently available to the council. Future versions of the CIA will have more granular data.

<p>The findings of the CIA could be improved by reflecting on street-based populations. Westminster is the borough with the most people recorded sleeping rough, with 2,050 people known to outreach workers in 2022/23.</p>	<p>The CIA focuses on Licensing venue based activities, and we examine the different types of ASB. The data available does not differentiate between who is causing ASB or crime.</p>
<p>Important context should also be provided in an updated CIA on levels of resourcing. We are acutely aware of reduced police numbers in the West End, and this not serving as a deterrent to crime and anti-social behaviour. The lack of a visible policing presence in the night-time economy in the West End is having a significant impact.</p>	<p>This is an important point that will be considered when developing future Licensing Policy and through Westminster After Dark, but will be dependent upon the availability of data from our Policing partners.</p>
<p>Perhaps the most significant issue with the draft CIA is that the connection between some recorded crimes or anti-social behaviour and the quantum of licensed premises is entirely unproven.</p>	<p>Regression Analysis has sought to provide probabilistic connections between licensed premises and various types of undesirable behaviours.</p>
<p>The graphs on page 62 of the CIA, which show the majority of premises in WEZ 1 closing by midnight, but the level of crime at that point still remains high for another three hours. In fact, it is often because there are a limited number of licensed premises to visit that these large gatherings occur. A wider variety of venues, which are open later, at peak times, and across the borough, would see people more spread out, rather than congregating in a concentrated area.</p>	<p>This approach to reducing cumulative impact will be considered as part of future policy developments.</p>
<p>Why is night-time defined as 6pm-6am? We would suggest that the focus of an updated CIA is on revised hours, potentially starting from 8pm or 9pm as times when people are more likely to be in Westminster using some of the licensed premises.</p>	<p>The CIA looks at the evening as well as night-time. 6pm – 6am is a commonly used definition of the evening and night-time, including the Mayor of London’s Night-time Strategy. Using a different time-period would remove the ability for comparisons with previous CIAs, but is something which will be considered at the outset of the next CIA review.</p>
<p>We are concerned with the CIA and its focus on recording crime and anti-social behaviour taking place near licensed premises. We understand that the MPS records crime based upon the nearest premises, and as a result the data potentially penalises responsible premises which are well-run, many of whom have been encouraged to actively report crimes or anti-social behaviour which have been taking place on the street or in the immediate vicinity of their premises.</p>	<p>The CIA examines data in venues as well as associated geography or relevant locations. The CIA doesn’t seek to suggest to penalise specific premises, rather the associated geography of the reported incident. The 20,000m² hexagon analysis approach seeks to balance this reporting reality with the need for geographical analysis.</p>

<p>The presence of gangs in some areas or on some streets, who again may be operating in the public realm, has also not been taken into account in developing the CIA.</p>	<p>For the council to determine any gang involvement it would require highly sensitive information that we do not have access to. In addition to the above, data on 'gangs' is softer and less easy to incorporate into volume data, let alone clear geography details.</p>
<p>We are concerned about the data and datasets that have been used to inform the draft CIA. Some of the data which has been used is only available to WCC and / or relevant agencies, meaning it is not possible to scrutinise the data being used to draw the conclusions set out in the CIA.</p>	<p>The data within the CIA has been sourced from multiple agencies and is properly referenced throughout. Where those agencies have been able to provide the council with more detailed data we have used that to produce a better assessment, however we may not be able to share that data with others.</p>
<p>Some of the data, including from the City Survey, draw conclusions have low sample sizes.</p>	<p>The City Survey quotes are used to provide an example of how people who live in Westminster are affected by Cumulative Impact, data from the City Survey has not been used to draw any conclusions in the CIA.</p>
<p>The CIA focuses almost exclusively on the negative impact of the evening and night-time economy. It fails to provide a counterbalance in terms of the upsides.</p>	<p>The wider policy considerations around the Evening and Night-time, including the economic, cultural and social benefits, will be considered as part of the wider Westminster After Dark programme.</p>
<p>We are concerned that the CIA and associated licensing policy is a restricting factor in relation to inward investment and investor confidence.</p>	<p>Attracting investments in the Evening and Night-time Economy will be considered as part of the wider Westminster After Dark programme.</p>
<p>What causal connection exists to justify the removal of restaurants as an exception?</p>	<p>The regression analysis within the CIA shows that restaurants add to cumulative impact, as was the case in the 2020 CIA. No decision on changing the current policy approach to restaurants will be made until the Licensing Policy is reviewed following the Westminster After Dark Programme.</p>
<p>It is not enough to prove a correlation between crime/ASB and high numbers of licensed premises. A correlation might occur for lots of reasons, for example the simple volume of people who gather in a particular locality.</p>	<p>The CIA is a detailed examination of cumulative impact, the different factors that have been considered and the analysis that has been undertaken means that the Licensing Authority is confident that the conclusions drawn are well-founded.</p>
<p>Data limitations are mentioned but it is not obvious to what extent these skew the data, for example, sampling numbers (only 2,250 matches geographically of the 4,045 licensed premises in Westminster); accuracy of data (the location at which undesirable behaviour occurs may not be the same as the location recorded in the reporting. This</p>	<p>A full list of acknowledged limitations are listed in Appendix 2 (Licensing & Noise Complaints methodology limitations) and Appendix 4 (Regression Analysis methodology limitations). The range of data used and analytic methods employed and the council's holistic approach to</p>

<p>potentially leads to missed or erroneous correlations); and the 'Odds Model by premises type' was considered too broad to allow for confidence and therefore only the "all premises type" figures have been used for the Odds Model for each undesirable behaviour issue.</p> <p>What effect have these limitations had on the data?</p>	<p>the CIA means that means is confident in the conclusions that the CIA has drawn.</p> <p>The 2,250 matches refers to only to the number of licensed premises which were matched to a Google Places ID, the unique ID used to return a premises' opening hours from the Google Places API. In all other aspects the full 4,045 licensed premises have been used in analysis.</p>
<p>If the evidential and causative basis for the inclusion or exclusion of certain types of premises is not clearly set out in a CIA then how can any future applicant for a material variation or a new licence hope to understand how to either be treated as an exception or indeed to overcome the Policy?</p>	<p>The CIA details the types of negative behaviour that are linked with certain premises types and areas of interest to the CIA. Applications for these types of premises should use the CIA to identify the issues in their local areas that they should address in applications. Whether or not certain types of venue need to prove to be an exception to policy will depend on the future policy direction.</p>
<p>Include women's night safety audit</p>	<p>Unfortunately the Women's Night Safety Audit was not available during the development of the CIA, however it will be considered as part of Westminster After Dark.</p>
<p>The CIA does not seem to highlight the number of crimes or incidents relative to the number of licensed premises in a 'hexagon'.</p>	<p>This is an approach we will look to include in future versions of the CIA.</p>
<p>An assessment of cumulative and other problems needs to consider crimes or incidents reported in neighbouring boroughs.</p>	<p>Considering the size of this data exercise it would be very challenging to get hold of neighbouring borough data to complete this but we do endeavour to work closely with neighbouring boroughs on enforcement and intelligence sharing.</p>
<p>We are concerned that a tighter approach in the West End (which may be much-needed) could lead to rapidly increasing pressure on Knightsbridge and resultant problems.</p>	<p>This is a consideration for future policy development.</p>
<p>Define relevant authorisations</p>	<p>Relevant authorisations is defined in s5A(3) Licensing Act 2003 as: (a)premises licences; (b)club premises certificates.</p>
<p>Concerned CIA does not include capacity of premises</p>	<p>It has not been possible to source this dataset for analysis/inclusion in the CIA review.</p>

There are a number of references to Romilly Street being a street with a high concentration of licensed premises. We would suggest Romilly Street is incorrect and should be replaced by Old Compton Street.	Both Romilly Street and Old Compton Street are included in the Output Area with the most licensed premises in the borough.
It does not appear that there has been any investigation into the qualitative difference between premises within crude umbrella categories (such as a “pub/wine bar” or “restaurant”) in terms of their potential for any incremental contribution to cumulative impact.	This has been acknowledged in the Licensing and Noise Complaints methodology limitations in Appendix 2. The approach to different types of premises within the same umbrella will be considered in future policy development.
We note that theft accounts for the largest proportion of crimes that have a recorded venue of interest to the licensing and night-time economy. It would be useful to have additional information about the location of the crime and if it was in the venue or on the street of that venue.	The CIA analyses theft in a geographical location as well as linked to a specific location/venue.
The conclusion seems to be at odds with the overwhelming evidence that the West End (Zones 1 & 2) experiences unsustainable cumulative impact.	The Licensing Authority statement is clear that it is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in the West End.
Report should differentiate between crime caused by the ENTE and organised crime	This would not be possible to discern with the limitations of the crime data available.
I do not believe the report has a grasp on how dangerous and problematic Edgware Road and its surrounding areas have become.	The inclusion of the Cambridge Crime Harm Index seeks to factor in severity and impact of different crimes into the geographical analysis.
It is clear that, compared to parts of Soho, other areas of Westminster do not have the same level of problem. It would be interesting however to compare areas like Mayfair with other parts of the country, if that is possible.	The CIA analyses areas outside of the west end, by excluding west end data in order to make sure that issues in these areas are not drowned out by west end data.
It's noted that you don't identify stats on tourist as victims of crime in the West End data.	This isn't a categorisation field within the datasets we receive from our partner organisations (Metropolitan Police Service, British Transport Police, London Ambulance Service, London Fire Bridge), as such we're not able to segment tourists in our analysis.
Policy presumptions to refuse aren't the best way to reduce impact.	This will be considered as part of Westminster after Dark and any future licensing policy revision.

Do CIAs relate to Temporary Event Notices (TENs?)	CIAs do not relate to TENs as they only look at the impact of relevant authorisations (premises licences and club premises certificates).
While we welcome the detailed analysis of crime and disorder, anti-social behaviour, and noise we would recommend that the CIA considers the cumulative impact has on more vulnerable residents, workers and visitors.	This will be considered as part of Westminster After Dark and future CIAs.
For people with a learning disability it would be helpful to consider the proximity of sheltered housing accommodation in the borough in relation to licensed premises.	This might be considered as part of Westminster after Dark. A future CIA will consider if there are issues that can be considered from a licensing perspective.
We welcome the inclusion of data analysis by age in the CIA, however would recommend that as this cohort is specifically identified in one of the licensing objectives that special consideration is given to this age group.	Demographic information such as 'age' was not captured or accessible in most data sets observed, meaning insights into harms against children could not be considered to the fullest extent in this assessment
We believe it would be helpful to include reference to particular drugs which are likely to have a particular link with licensed premises such as Club Drugs and nitrous oxide.	We may investigate the links between these substances and licensed venues in future CIAs.
We would strongly advise reviewing the language/profiling of victims in these sections with the VAWG Strategic Lead and Community Safety colleagues. Language on the profiling of the victims should be reviewed and profiling of perpetrators should also be included.	We have sought the feedback of the VAWG Strategic Lead and incorporated their comments.
Night-time economy/shift workers. The needs of night-time economy or shift workers, such as the impact of crime and disorder/anti-social behaviour, the impact of noise at work on physical and mental health, and access to healthy food could also be considered in the CIA.	These will be considered as part of Westminster After Dark and may be considered in future CIA revisions.
Shisha venues also should be considered as part of the licensing policy.	Shisha is not a licensable activity.
In addition to the ambulance call out data included in the CIA we would recommend that that hospital and emergency admissions data be considered for inclusion.	This data is unfortunately unavailable below the borough level. If this is released at a more granular level, specifically with geography attached (ward or LSOA) we would be happy to include this in the next CIA.
The CIA should consider a broader range of holistic data sets	The CIA takes into account a broad range of holistic data sets to ensure a well rounded picture of impact is presented. Some data sets were not available to the team at the time the CIA was produced and the suggestions made in the consultation submissions will be considered when the CIA is revised in the future.

	<p>The data sets will also be considered as part of the Westminster After Dark programme. This will include data sets that are not relevant to the specific product that is the CIA.</p>
<p>Reported overall crime levels in Westminster in key incident categories has fallen compared to 2019, but this is not acknowledged or taken into account – including in the context of the analysis of West End Zones 1 and 2.</p>	<p>The CIA references the average rate for the years that the 2020 CIA examined (2019-19) and compares them to 2022. Where the 2022 rate is higher than the average but lower than the 2019 comparator we will make that clear as well as explaining this in the introduction to the crime section. The 2020 CIA took a three year average which would have been our preference with the 2023 CIA, however the impact of Covid-19 and the associated restrictions means that this was not possible.</p> <p>The licensing authority does not believe these affects the conclusions drawn in the CIA given the upward trajectory of crime rates and the impact of the Covid-19 that was still being felt in 2022.</p>
<p>Crime at licensed premises (including theft) is a very small proportion of overall crime. This is not acknowledged or factored into the analysis.</p>	<p>The CIA is clear about the limitations and scope of the data used. The Licensing Authority does not believe that 15% is a very small proportion of overall crime. Nevertheless, producing the CIA is a statutory duty and must focus on crime associated with licensed premises. The council is not seeking to link all or the majority of crime across Westminster to licensed venues and we recognise that cumulative impact does not mean that individual premises are poorly run, but that the concentration of venues in a specific are can negatively affect the licensing objectives.</p>
<p>The inclusion of certain areas in the scope of the cumulative impact statement is not supported by the data.</p>	<p>The whole of the City of Westminster has been considered when developing the CIA. The scope of any Cumulative Impact Zone will be determined as part of the development of a revised Statement of Licensing Policy. Where possible the CIA has utilised more granular data which means a more localised approach to licensing policy is a possibility in the future.</p>
<p>The data on noise complaints does not support the conclusions on cumulative impact.</p>	<p>Regression Analysis demonstrates the relationship with cumulative licensing. Noise complaints are more distributed throughout the borough, but the clusters of high hexagons do still appear to be</p>

	concentrated within the West End Zones. The limitations of this data are acknowledged in the CIA.
The regression analysis is given undue weight, and does not take proper account of its stated limitations, including that it does not control for footfall. The results do not demonstrate a relationship of cause and effect between licensed premises and crime / noise complaints - but are seemingly interpreted as if they do.	We unfortunately do not have footfall at a granular level that would be consistent with our other datasets for it to be included in the regression analysis. For the regression, the number of licensed premises and crime numbers were grouped in a 20,000 sqm hexes across the whole of Westminster. The granularity of footfall data did not allow for the same process as it is only available at MSOA for 2022. The footfall data would have to be broken down into 20,000 sqm hexes for the whole of Westminster to be consistent with the other variables in the analysis

Appendix C – Full consultation feedback

Reponses to 2023 CIA consultation received by email

Covent Garden Community Association

The CGCA's area of interest is partly within the West End CIZ, includes the East Covent Garden SCZ and also includes Camden's Seven Dials CIZ. We engage frequently in discussions with applicants and their representatives in applications in our area and make numerous Representations on applications.

The CIA, as expected, shows that there continues to be a high level of impact from the number of licensed premises in close proximity to one another. The impact is more pronounced in Soho, where many premises are alcohol led, compared to our part of the CIZ which tends to be more food led.

It is clear from the data given that the licensing objectives related to crime and nuisance are being harmed because of the large numbers of licensed premises within certain parts of the city. It is therefore important that in these areas licensees should have to show that applications will not add to the cumulative impact in order for them to be granted. This is already a requirement within the SoLP for nearly all premises types however it seems to be frequently overlooked. We hope that the publication of this data based CIA will ensure that Licensing Sub-Committees actually require this of applicants for all the premises types for which this is mentioned in the SoLP.

Comments on the CIA

The data used on the assessment is from 2022. The overall level of activity in the area is higher now than in 2022 and so we would expect that if the assessment was being done using 2023 data the level on many of the indicators would be correspondingly higher.

Unlike the other SCZs there has been no attempt to assess the East Covent Garden SCZ. Looking at the maps this area would seem to have similar levels of issues to other areas where a detailed analysis has been provided. We suggest that it would be helpful to provide an analysis also for this area.

The ASB and noise data provided will be only a very small proportion of the issues which actually exist.

These are under reported because of the time required to report to the Police and because it is difficult to pinpoint the source of noise. Most residents who are disturbed by noise at night will try to get back to sleep rather than make a report. It can therefore be misleading to draw conclusions on areas which have higher or lower levels of complaints in the way the hexagon-based maps tempt us to do.

Despite this reservation the data appears robust and thorough. However we think that observational data would be a helpful addition.

We are concerned that the way the data is presented on maps with hexagons may lead to a temptation to assume that licences can be granted in a particular hexagon or street because there is a low level of reported issues in that small area, even if it is within a CIZ. The data needs to be clearly regarded as indicative and impacts as 'global and cumulative' i.e. the policies need to apply equally wherever in the CIZ the premises is located. This is the point of the CIZ. If you have any questions please contact us.

Heart of London Business Alliance

Heart of London Business Alliance (HOLBA) welcomes the opportunity to respond to Westminster City Council's (WCC) draft Cumulative Impact Assessment (CIA), which we recognise forms the first step in the development of a new Westminster After Dark plan. We commend WCC for going beyond the Cumulative Impact Assessment (CIA) and using its findings to develop a Westminster After Dark plan. We look forward to participating in the process, alongside our members, in the development of an effective plan around night-time safety and licencing. As providers of street-based teams to support the work of WCC, we share the ambition to create an inclusive evening and night-time plan to improve the night-life in Westminster. However, we do have a number of concerns about the draft CIA, which we strongly believe WCC should take into account as it develops the Westminster After Dark plan. These are set out below.

HOLBA is the Business Improvement District for Leicester Square, Piccadilly, Piccadilly Circus, and St Martin's Lane, representing 500 occupier businesses and 100 property owners. As such, our response should be weighted accordingly to reflect the scale of our membership.

The West End has over eight million visitors per week. Annex 1 shows the average hourly visitors in the HOLBA area in 2023, with a significant number of people in the evening and night-time. Many of these will visit licensed premises, of which in the borough there were 3,976 in 2021/22, 478 of which with 24-hour alcohol licences.

The CIA fails to take into account this important context, and instead focuses on the raw number of crimes and other issues. This is extremely significant, as whilst the CIA gives volumes of recorded crimes or antisocial behaviour, there is no overlay of the number of people in areas (particularly the identified CIAs) at any given time. We are of course concerned about levels of crime, and particularly the rise in crimes such as recorded theft and assaults.

Annex 2 shows the types of crime across the HOLBA area in the year 2023, over 5,500 (almost 60% of all crime) of which are types of theft. However, the numbers need to be assessed in the context of the number of people in an area at a given time, given Westminster's position in the heart of a global city and whether they are increasing proportionate to footfall figures. Furthermore, the findings of the CIA could be improved by reflecting on street-based populations. Westminster is the borough with the most people recorded sleeping rough, with 2,050 people known to outreach workers in 2022/23. This is an important factor in recorded crimes and anti-social behaviour.

Important context should also be provided in an updated CIA on levels of resourcing. As an organisation that provide resources to deliver on-street teams, including 24/7 private security, we are acutely aware of reduced police numbers in the West End, and this not serving as a deterrent to crime and anti-social behaviour.

We have been consistently told by the Metropolitan Police Service (MPS) to tell our members to report crime as this will demonstrate the need for resources in terms of a greater police presence in the area. It appears that responsible businesses may now be punished for reporting crime through licensing restrictions, which may, counterintuitively, discourage further reporting.

The lack of a visible policing presence in the night-time economy in the West End is having a significant impact. As a recent example, on Halloween 2023, there were no police in Leicester Square between midnight and 05:00, during which there were eight incidents of mobile phone thefts. This is not a licensed premises issue but rather a lack of policing.

To therefore seek to connect rising levels of crime and anti-social behaviour to licensed premises, without also considering the overarching picture of resourcing or context, is therefore concerning. It would be interesting to see a metric whereby incidents of crime are compared with the level of resourcing.

In our view, perhaps the most significant issue with the draft CIA is that the connection between some recorded crimes or anti-social behaviour and the quantum of licensed premises is entirely unproven. For example, theft peaks in the early evening, when footfall numbers are highest and people are moving around the city, including shopping, and going home.

The graphs on page 62 of the CIA, which show the majority of premises in WEZ 1 closing by midnight, but the level of crime at that point still remains high for another three hours. In fact, it is often because there are a limited number of licensed premises to visit that these large gatherings occur. A wider variety of venues, which are open later, at peak times, and across the borough, would see people more spread out, rather than congregating in a concentrated area. With hotel occupancy and footfall expected to grow, restricting licensed venues could initiate a domino effect whereby a smaller number of venues attract bigger crowds and thus more crime.

As a result, connecting this crime data at that time to licensed premises, many of which would not be at capacity or fully trading at that time, is potentially misleading. We would therefore suggest that the focus of an updated CIA is on revised hours, potentially starting from 8pm or 9pm as times when people are more likely to be in Westminster using some of the licensed premises.

In addition, we are concerned with the CIA and its focus on recording crime and anti-social behaviour taking place near licensed premises. We understand that the MPS records crime based upon the nearest premises, and as a result the data potentially penalises responsible premises which are well-run, many of whom have been encouraged to actively report crimes or anti-social behaviour which have been taking place on the street or in the immediate vicinity of their premises. The presence of gangs in some areas or on some streets, who again may be operating in the public realm, has also not been taken into account in developing the CIA.

As we have highlighted already, we are concerned about the data and datasets that have been used to inform the draft CIA. Some of the data which has been used is only available to WCC and / or relevant agencies, meaning it is not possible to scrutinise the data being used to draw the conclusions set out in the CIA.

Furthermore, of the data which is used, including from the City Survey, some of the numbers used to draw conclusions are extremely low. For example, drawing conclusions around fear of crime amongst the residential population in West End ward on the basis of 1 out of 135 residents (0.7%) from the area, and 3 out of 136 residents (2.2%) in St James's, who took part in the City Survey, risks not standing up to appropriate scrutiny.

The CIA focuses almost exclusively on the negative impact of the evening and night-time economy. It fails to provide a counterbalance in terms of the upsides, including economic benefits, employment and business rates contributions, as well as the benefit to the wider community from a safety perspective.

Our recent Economic and Real Estate Insights Report shows that our area, which represents 20% of the West End, generates £8.8bn in economic output and is home to over 100,000 jobs. With hotel occupancy at 75% of pre-pandemic levels and footfall at 54%, there is clearly room to grow. We

should be encouraging people back to the area rather than restricting licences for venues, which are often major pull factors.

Between 2019 and 2022, floorspace associated with evening and night-time economy activities experienced modest growth in the Heart of London area, largely due to the opening of a single hotel, whereas floorspace dedicated to restaurants declined by 5.2% and theatre and music venues by 3.7% across the area.

We are concerned that the CIA and associated licensing policy is a restricting factor in relation to inward investment and investor confidence, which will damage the ability for the businesses in the area to innovate and capitalise on new trends to further evolve the West End's evening and night-time economy, ensuring that it continues to be world-leading.

Supporting licensed premises will also be key in achieving the Mayor of London's vision to make the capital a leading 24-hour global city.

As an example of the economic and community benefit that a licensed premises can bring, McDonald's in Leicester Square has told us that if they were able to open for longer, they would be able to add value in terms of both job creation, especially for younger people, and by acting as a safe haven in the early hours when other venues are not open.

All McDonalds staff at shift manager level and above are trained in assisting vulnerable people. They work with the local community to help those who may find themselves in vulnerable situations late at night. This is core to the ambition of McDonald's to act as a responsible business and neighbour in the West End community. This demonstrates the positive impact that a licensed premises can have in providing a safe haven for people in the evening and night-time economy.

Heart of London is very active in the area in promoting the importance of a safe and inclusive evening and night-time economy. Our work includes:

- Published an evening and night-time economy action plan, which sets out how the area can meet its full potential and become more inclusive, safe, accessible, attractive, and dynamic. We have established an expert panel to assist with implementing the strategy.
- Building upon the work delivered by the West End Curation Programme developed alongside WCC, London & Partners and New West End Company, HOLBA is currently developing an district wide tenancy mix programme capitalising on future trends to ensure that the West End remains competitive as a global destination.
- Developed in partnership with WCC a cultural evening activations programme Art After Dark, highlighting the area as a cultural destination with many cultural evening experiences
- Provide 24/7 public realm security patrol officers, who often undertake joint patrols alongside the MPS
- Fully fund two City Inspectors dedicated to our patch
- Provide a 24/7 cleansing team dedicated to our patch, in addition to the WCC cleansing regime
- Offer an induction to the area to all new police recruited to the West End
- Our Chief Executive is a night-time champion for the Mayor of London
- Part of an information sharing agreement with WCC and MPS to share relevant intelligence

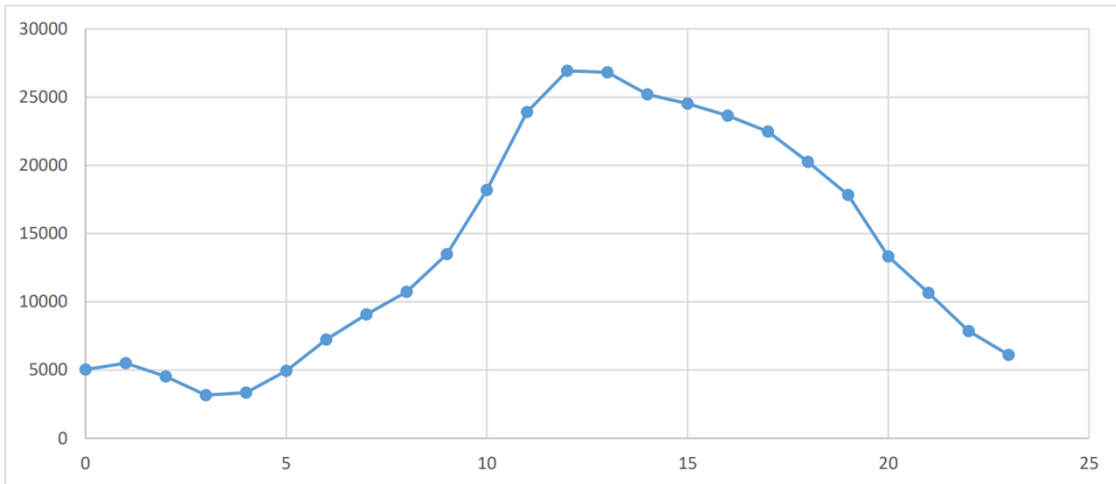
- Host a monthly Pub Watch meeting for licensed operators, which is attended by WCC and MPS
- Host a monthly 'Coffee with a Cop', informal meetings for businesses to engage with the MPS
- Promote and provide training on the 'Ask for Angela' and WAVE (Welfare and Vulnerability Engagement) schemes, whereby people who feel unsafe can request help from venue staff.
- Attend neighbourhood coordination problem solving meetings with WCC
- Attend neighbourhood police ward panel meetings
- Run the Best Bar None business accreditation scheme with 24 businesses from the evening and night-time economy
- Fund an outreach engagement homeless charity to attend those who sleep rough on our streets
- We are one of 100 areas globally to acquire Purple Flag status
- Financially support WCC's Night Stars programme
- We are a signatory to the GLA's Women's Safety Charter
- We support and are actively involved with WCC's Night Safety in Westminster campaign

Since WCC's last CIA in 2020, we have seen numerous incidents across the HOLBA area that demonstrate a cause for concern, particularly around Leicester Square, which is often seen as an unofficial 'fan zone'. For example, there were barbaric scenes involving football supporters in July 2021 during the delayed Euro 2020 tournament, whereby glasses and windows were smashed, trees were uprooted, flares were lit, and rubbish piled high. It was down to our street cleansing team that had the area up and running within 24 hours.

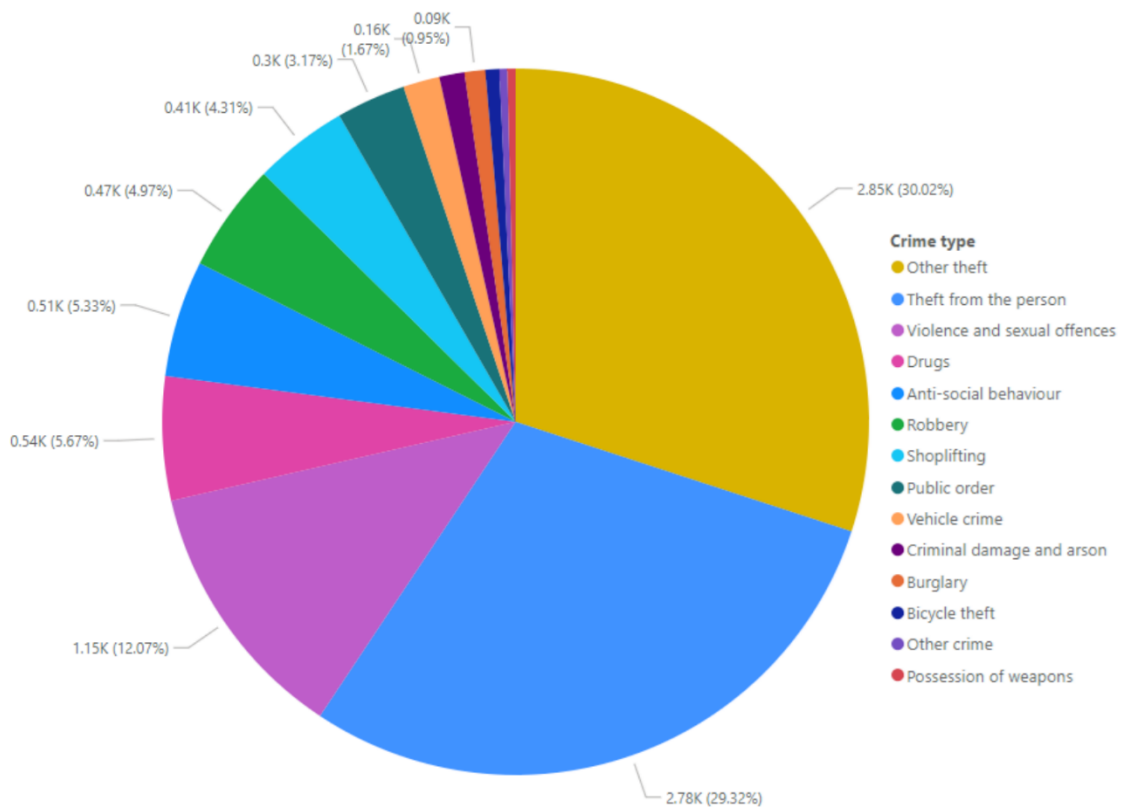
Therefore, we welcome the opportunity to respond to a new draft CIA consultation. Whilst we welcome the publication of information and data in the interests of openness and transparency, we are extremely concerned that the data and conclusions published fail to either provide an appropriate context, or connect many of the recorded crimes or anti-social behaviours to licensed premises.

We would therefore strongly recommend that WCC seeks to provide a more-overarching document, taking into account wider factors and context, should it choose to use this as part of the steps to developing its new Westminster After Dark plan. As has previously been discussed with WCC, we would also like to see Leicester Square and Piccadilly Circus designated as international visitor zones. Given the distinct nature of the area, whereby the two million people a year who visit require safeguarding, the relevant authorities and HOLBA should be given greater control of what happens in the area, specifically around security, street entertainment and cleansing.

Annex 1: Average total hourly visitors to the HOLBA area, 2023



Annex 2: Types of crime across the HOLBA area, August 2022 to August 2023



Poppleston Allen Licensing Solicitors

Poppleston Allen Licensing Solicitors is the largest specialist licensing law firm in the UK. We act for a wide range of clients, from large multiple operators to independents. Many of our clients have premises in Westminster. How the City of Westminster approaches the implementation of the

Licensing Act 2003 and specifically the issue of cumulative impact matters greatly to many of our clients, some of whom may not have premises in Westminster yet but wish to do so.

This submission is not made on behalf of any particular client, but rather is submitted by Poppleston Allen in our own right. In doing so, however, we bear in mind the significant involvement of our clients in the City of Westminster and particularly in respect of restaurants who, for the first time, find themselves at risk of not being treated as an exception to policy.

The purpose of our submission is to put the City of Westminster to proof on some of the conclusions in your draft CIA, and, where found wanting, to ask you to re-think. Cumulative Impact Zones are generally a bar to business, they restrict competition, allowing existing operators the luxury of trading without fear of new competition or improved practices. The licensed sector, particularly for pubs and bars is shrinking and any policy, in quite possibly the country's most vibrant nighttime economy, should do its utmost to prevent this decline.

This is particularly the case with regard to restaurants which, for the first time, look likely not to be treated as an exception to policy. As you state in your draft CIA, each application should be treated on its merits. We ask to what degree is this fundamental principle reflected in the CIA and what causal connection exists to justify the removal of restaurants as an exception?

It is an accepted truth that a cumulative impact policy may be justified because, due to a number of licensed premises in a concentrated area it is simply not possible to directly associate any one individual premises with undermining the licensing objectives. A broader approach is sometimes needed.

However, that is not the same as saying that simply because crime or ASB occurs in an area of concentrated licensed premises that a cumulative impact policy is justified.

There must be a causal link between the concentration of licensed premises and the increased levels of crime or ASB.

It is not enough to prove a correlation between crime/ASB and high numbers of licensed premises. A correlation might occur for lots of reasons, for example the simple volume of people who gather in a particular locality.

In many places the draft CIA uses words that suggest a direct causal link between crime/ASB and licensed premises, for example (our emphasis in italics):

- it is the cumulation of the premises and the activities that surround them that *creates* the increased problems and undermines the licensing objectives (page 4)
- A CIA examines the available data to establish if the presence of licensed premises in certain areas had *led* to cumulative impact (page 4)

We simply ask, specifically in respect of restaurants, where is the evidence of a causal effect between restaurants and levels of crime, ASB and noise in WEZ1 or WEZ2?

Your own CIA states the following, in light of numerous accepted limitations in the analysis methodology:

For the above stated reasons, the models' estimates should be interpreted as approximations of correlations between the prevalence of licensed premises (types) and crimes in their vicinity, not as a relationship of cause and effect. (page 95)

Not only does this acknowledge the conclusions are only correlations, but that they are *approximations of correlations* – a far remove from proving cause and effect between a number or type of licensed premises and increased levels of undesirable behaviour.

Moreover, where is the evidence to suggest that restaurants specifically are causing or contributing to these levels of undesirable behaviour? At page 12 it is stated that, "Restaurant Offence type breakdown was mainly Theft". However, it is not clear what constitutes theft in this case. From long experience in dealing with Reviews against licensed premises nationwide, the crime of theft is often recorded whereas upon further analysis of the individual crime reports it is evident that the "theft" is in fact the report of a mobile phone having been lost and recorded as theft in order to claim on the insurance. Moreover, a person who has their bag or mobile phone stolen from a restaurant is not necessarily drinking alcohol, and even if they are that is unlikely to be the cause of the theft – particularly during what are stated to be the 'key times' for thefts from 4pm-8pm. To what degree has account been taken of this?

At page 28 it is stated that 27% of West End respondents feel there are problems related to licensed premises (people drinking/smoking outside, blocked pavements, deliveries, etc) but by definition that means 73% of West End respondents did not consider there were such issues, or, not sufficiently strongly enough to respond to the survey.

To what extent has this silent majority's reticence been taken into account?

Moreover, in a Soho Resident Panel referred to at Page 32, 88 residents were surveyed regarding noise and sleep. Several state that noise has "increased....in the last three years", and that it is "very difficult to get the local authority to understand and take complaints seriously".

However, there are a significant number of respondents who take a very different view. For example:

"I realise that if you live in the centre of London there will be a certain amount of noise..."

"Soho is a busy, vibrant, amazing place and the noise that comes with it is part of the beauty of the area".

"I don't find noise to be an issue considering we live in the epicentre of the one of the world's greatest cities..."

"The noise I experience is minimal considering I live in the centre of London, in Soho. Occasionally, people drink too much and shout or fight, but this makes sense considering I am living in the most exciting part of London..."

"I moved to Soho because I like the loud, frantic and energetic atmosphere. If I wanted a quiet relaxing environment I would live literally anywhere in London. Soho should not be made like every other soulless, featureless, safe, and quiet suburb".

Where have the views of these and no doubt other residents been taken into account in formulating the CIA?

Is there any analysis of the actual number of people/footfall in the West End zones? It is self-evident that more people will equate to more crime. Westminster saw the largest swing in offending in London over the Covid period linked to reductions in footfall and changing business/ consumer patterns (page 10). Page 95 of the draft consultation, in the list of the limitations to the analysis includes the following: "Street population density. This is among the most significant drivers of undesirable behaviour: however this could not be accounted for in this analysis".

Is that not a remarkable statement? Undesirable behaviour happens where people gather (as indeed does desirable behaviour). In terms of footfall surely the West End is one of the most populated areas in the country? Is it not critical therefore, in order to obtain a sense of proportionality and perspective to any figures relating to crime, noise or anti-social behaviour that the actual number of people in the location is assessed? Most of us would feel safer in a city of a million people where there had been seven stabbings compared to a village of a hundred people where there had been seven stabbings.

The issue of street population density goes to the very heart of proportionality.

At page 30, it is stated that Victoria station accounts for 21.4% of all “transport related crime and disorder”, followed by Paddington station (14.6%) and Oxford Circus (12.8%). These stations are the busiest stations for footfall and customer journeys but nobody is talking about closing them down. Account is clearly taken (at least implicitly) that where there is significant footfall there will be more recorded incidents. Where does a similar approach apply with regard to licensed premises, and restaurants in particular?

In several places in the draft CIA limitations are outlined in respect of the data upon which the CIA is based. The below are just some examples:

- Crimes with an ‘Alcohol’ flag. From 76,639 recorded crimes in our data set from 2022, only 99 of them had a ‘Alcohol’ flag added to the crime record in an extractable way. This is approximately 0.13% of recorded crime. *This proportion should obviously raise questions regarding the accuracy of the data, yet it can still be useful in examining where some alcohol incidents take place.* (Page 82)
- A breadth of high quality and detailed data has been obtained and interrogated using statistical methods to offer comprehensive insights into cumulative impact in the borough. However, *the project team recognise that there are limitations to some data sets, to ensure openness and transparency these limitations and the methodologies employed are outlined in the appendices to this document.* (page 9)

Examples of acknowledged limitations with the data and analysis methodology include:

- Multiple recorded licences at the same location (presumably leading to duplication, and possibly one of the thirty-five shadow licences in Westminster).
- Status accuracy – a licence may be issued but not actually being used.
- Classification of premises types can be misleading (a restaurant can refer to a fine dining establishment, a venue which also hosts a late-night bar and club or a fast-food premises).
- Data completeness. Approximately 6% of licences are not recorded as a premises type and this rises to 23% for new licences.

Other limitations are mentioned but to the uninitiated it is not obvious to what extent these skew the data, for example, sampling numbers (only 2,250 matches geographically of the 4,045 licensed premises in Westminster); accuracy of data (the location at which undesirable behaviour occurs may not be the same as the location recorded in the reporting. This potentially leads to missed or erroneous correlations); and the ‘Odds Model by premises type’ was considered too broad to allow for confidence and therefore only the “all premises type” figures have been used for the Odds Model for each undesirable behaviour issue.

What effect have these limitations had on the data?

We are concerned that restaurants may no longer be treated as an exception to policy and that the draft CIA provides insufficient evidence to justify this important change.

The following is from the national Guidance:

In some areas where the number, type, or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and

street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

These are not, by and large, the activities that one would expect to see from the cohort of restaurants, and it is unreasonable and illogical to lump them together with other premises, for example pubs, bars, nightclubs and late-night takeaways.

Any fears about particular premises can still draw representations from Responsible Authorities and residents, and indeed the concept of cumulative impact is not limited solely to areas for which there exists a Cumulative Impact Policy.

At page 4 of the draft CIA, cumulative impact is described as “the term used to describe the stress that having a number of licensed premises in a concentrated area can have on the four licensing objectives”.

On page 79, in the conclusion, it is stated that crime statistics, licensing records, ambulance data, incidents tied to alcohol-related calls, incidences of anti-social behaviour, noise related grievances and interactions with internal and external service specialists have culminated in the following conclusions:

1. That there is an established association between the presence of licensed premises and incidents of cumulative impact in the borough.
2. Hot spot analysis was utilised to understand the concentration of crime, ASB as well as noise complaints. The hot spots that were statistically significant at least 90% of the time were particularly prevalent in the West End zones defined previously by the CIA.

However, the regression analysis methodology itself acknowledged significant limitations as stated earlier. Also, no account appears to have been taken in these conclusions of the population density/footfall, nor Westminster’s unique status, particularly in and around WEZ1 and WEZ2 of being as one resident said, “the epicentre of one of the world’s greatest cities”.

Neither has account been taken of the 73% of residents who apparently did not consider there were noise or ASB issues in the West End.

It is ironic that, given one of the issues raised throughout the consultation is that of noise, the voices of those who complain most loudly appear to be heeded more than the silent majority.

The data and statistics throughout the consultation are generic and fail to establish either cause or effect or indeed a correlation between the matters complained of and licensed premises. Where has account been given to licensed premises simply being used as a convenient geographical marker for an incident (of noise, crime or anti-social behaviour) that would have happened anyway, or indeed whose effect was minimised or reported by virtue of the very presence of a licensed premises in the first place?

What evidence does the City of Westminster have that specifically restaurants will have a direct impact on undermining the licensing objectives? What analysis has been carried out regarding how typical restaurant premises trade, the demographic of their customers and the behaviour of those customers? For example, if a policy was looking at including off licences within its scope then detailed analysis of street drinking, perhaps homelessness, begging and alcoholism on the streets, together

with the strength and nature of alcohol being sold from off licences would be taken into account. What similar analysis has been undertaken for restaurants?

There is a fundamental danger here- if the evidential and causative basis for the inclusion or exclusion of certain types of premises is not clearly set out in a CIA then how can any future applicant for a material variation or a new licence hope to understand how to either be treated as an exception or indeed to overcome the Policy? Simply listing all the premises presumed to be unwelcome is completely different to providing clear criteria for those who are welcome, and undermines the fundamental principle that each application will be treated on its own merits - as stated in the consultation document. If the City of Westminster is unable to set out clearly the criteria, principles or guidance upon which applicants can overcome a cumulative impact policy, then does that not reveal a deeper fuzziness of thinking into why the cumulative impact policy has been imposed in the first place?

Citizens Advice Westminster

I write on behalf of the Licensing Advice Project, Citizens Advice Westminster. Thank you for the opportunity to respond to the draft revised Cumulative Impact Assessment (CIA).

The Project provides free independent, impartial advice, assistance, information and representation to residents and businesses in City of Westminster on matters relating to their potential role as interested parties under Licensing Act 2003 and related legislation, including assistance and representation at licence hearings.

A significant proportion of our advice and casework involves premises within the current West End Cumulative Impact Zone (West End CIZ) and current Special Consideration Zones (SCZ), including SCZs which themselves were previously CIZs (Queensway/Bayswater and Edgware Road. We therefore have considerable experience of the current cumulative impact policies and how they apply to different types of application.

We responded to the publication of the inaugural draft CIA in 2020. We also responded to the consultation on the revision of the Council's draft Statement of Licensing Policy (SoLP) which followed and was published in January 2021.

Based on concerns raised to us by clients living in the West End CIZ, we support the conclusions of the CIA in relation to that area. Indeed, the data and conclusions strongly support arguments which clients such as the Soho Society have been making in representations and at Licensing Sub-Committee hearings for some time regarding the situation 'on the ground' in Soho. It also reflects crime data presented by the Met Police as a responsible authority at recent hearings.

That said, although they note that the data supports their position, they regret that the data may be as it is in part due to the continued growth in the number of licensed premises in Soho over recent years, which they ascribe partly to the current policy not being applied with the rigour with which it could have been.

They therefore welcome the Licensing Authority Statement at p80.

It is noted that the conclusions of the previous CIA were not implemented fully in the subsequently revised SoLP i.e. although the CIA concluded that stricter policy criteria were appropriate, they would not be included within the SoLP at that time due to the impact of the Covid-19 pandemic.

It is however important that problems which have manifested in the West End are not simply displaced to other areas, including other parts of the West End itself which may currently be less

affected by cumulative impact issues. For instance, we have clients in areas like Mayfair and Knightsbridge who have concerns that operators may target their areas. Parts of Mayfair, for example, are currently designated as an SCZ, although it is as yet unclear what effect this designation has had on limiting any issues experienced.

1. The data appears robust and thorough, although we note with some disappointment the absence of observational data. We are aware that observations took place for a study recently on women's safety in the West and wonder if this could be utilised to underpin the statistical data.
2. It is clear that applications for premises which say they intend to operate as restaurants dominate the total numbers of applications made, particularly in the West End. Such applications are subject to a lesser policy 'hurdle' than applications for bars. However, as ever-increasing numbers of licences are granted whether to core hours or beyond, the data to support further policy restrictions in the draft revised CIA seems stronger than in the previous CIA. It is unclear to some of our clients how a new application can be said to have demonstrated that they 'will not' add to cumulative impact in the light of evidence that cumulative impact has nevertheless continued to increase further, and police statistics showing peak period for types of crime.
3. The granularity of the data in being able to identify individual streets in, say, Soho which can be said to be the 'epicentre' of the CIZ – e.g. Greek Street, Frith Street, Dean Street, Old Compton Street – is noted, but a fundamental principle of all the previous iterations of the cumulative impact policies has been that the impact is 'global and cumulative' i.e. the policies apply equally wherever in the CIZ the premises is located. We believe that it would be a retrograde step to depart from this fundamental underpinning.
4. Care should be taken not to use the terms 'West End' and 'West End Ward' interchangeably. Presumably 'West End', of which Soho is only part, refers to the area covered by part of the West End ward and part of St James's ward.
5. The acronym 'LSOA' needs to be explained.
6. There are a number of typos where the noun 'licence' is incorrectly rendered as the verb 'license'.

Knightsbridge Neighbourhood Forum

1. Commercial activity in the Westminster part of Knightsbridge is focused mainly on the Knightsbridge International Centre ("KIC") and the Strategic Cultural Area ("SCA").
2. Commercial activity outside the KIC and SCA is limited to a few sensitive locations that are usually adjacent to or surrounded by residential properties. Even those within the KIC often take place in predominantly residential buildings.
3. Knightsbridge has experienced late night problems for many years – often due to loitering, shisha smoking, cafes and restaurants, fast and noisy vehicles, pedicabs, litter, waste, drugs etc. Many of these problems do not relate to 'alcohol' per se and so can be quite difficult to control. In addition, there is lower level nuisance which is often not reported e.g. urinating in public, cigarette butts littering the road or pavement, minicabs using resident parking bays as a 'staging area', groups hanging around and chatting loudly very late at night or early in the morning in residential streets etc.

4. The CIA does not seem to highlight the number of crimes or incidents relative to the number of licensed premises in a 'hexagon'. This understates the intensity of problems in the Knightsbridge area where the number of licensed premises are been lower in absolute terms. Nor does it look forward e.g. take account of the strategic shift underway and the new permissions mentioned below. Please also take account of the number of businesses 'closed down' in Knightsbridge because of illegal activity.
5. An assessment of cumulative and other problems in Knightsbridge needs to consider crimes or incidents reported in RBKC (and to TfL) as the KIC, SCA and Knightsbridge straddle the council border. This is very important. Consideration needs to extend along the whole length of Brompton Road, Beauchamp Place, Knightsbridge and have a understanding of displaced problems e.g. into side streets. There are also serious problems at the southern end of Montpelier Street and on the raised pavement area of Brompton Road between Montpelier Street and Brompton Square (i.e. within RBKC). For example, it is difficult to move along the pavement due to late night crowds in the spring, summer and early Autumn. These problems have resulted in police raids early in the morning, including armed with automatic weapons.
6. A major transition seems to be underway in Knightsbridge from large retail units to cafes, restaurants, bars and other 'hospitality' activities. The KNF has submitted five examples on the Commonplace map and does not seem to be 'allowed' to record more. These examples related to new alcohol licences or planning permissions granted in 2022/2023 (including in the last few months) for large hospitality or entertainment activities. These and others could add a total of 1,000 to 2,000 covers (or more) to a single sitting within the next few months. Others, including one for a restaurant with 715 covers, have previously been submitted and withdrawn. Almost all of them are immediately adjacent to largely or predominantly residential properties. Since none of these units have commenced operation yet, their impact, including cumulative impact, on the local community is unknown (but predictable to an extent i.e. likely significant worsening of existing problems):

<https://westminsterafterdark.commonplace.is/map/westminsters-evening-and-night-time-ideas-map>

7. The KNF has also responded to your short survey. However, please consider this email response as our primary response.
8. As we understand it, Westminster considers that the new Class E rules may permit some shisha smoking. This is concerning as the KNF had expected it to be controlled by 'Policy 16: Food, drink and entertainment' in the Westminster City Plan (April 2021). Shisha smoking can lead to the sort of problems that occur around licenced premises such as pubs e.g. loitering, litter etc.
9. The KNF is supportive of the Brompton Road BID and the Exhibition Road Cultural Group and works hard to achieve win-wins with them. Please see as evidence, the KNF's letter of support for the BID:

https://www.knightsbridgeforum.org/media//documents/knf_066_letter_to_hs_re_brompton_road_bid_230621_final_2.pdf

10. Please also consider the Knightsbridge Management Plan which highlighted some 85 local issues and concerns:

https://www.knightsbridgeforum.org/media//documents/kmp_december_2018_141218_wBSITE.pdf

The Knightsbridge Neighbourhood Plan established planning policy in a number of relevant areas including the mitigation of commercial and late night activity (e.g. KBR14, KBR15, KBR16 and KBR40):

https://www.knightsbridgeforum.org/media//documents/knp_made_version_december_2018_131218_website.pdf

Please also see Appendix D on the priorities for Community Infrastructure Levy projects.

11. The KNF is very concerned about the increasing problems across Westminster generally associated with late night (and early morning) activity. We are also concerned that a tighter approach in the West End (which may be much-needed) could lead to rapidly increasing pressure on Knightsbridge and resultant problems.
12. Please require that any new alcohol licences in the Knightsbridge area should be on the basis of Westminster's standard licensing conditions (e.g. hours of operation) with further conditions added, as necessary, to address local concerns e.g. no vertical drinking and service only with table-service meals.

The KNF wishes to emphasise its vision to make Knightsbridge the best residential and cultural place in London in which to work, study and visit. We also support the Brompton Road BID, which is managed by the Knightsbridge Partnership BID, as set out in the letter above, and are keen to see well managed high end commercial and other (e.g. cultural) activities in Knightsbridge that will enhance Knightsbridge's status as one of only two International Centres in Greater London.

The KNF is keen, in principle, to avoid the need for a Cumulative Impact Zone or a Special Consideration Zone in Knightsbridge. However, we would not wish to be surrounded by them either – which may depend on activity and policy within WCC and RBKC. Please Westminster therefore liaise across the border with RBKC.

Knightsbridge Association

The Knightsbridge Association wishes to make the following representation in connection with Westminster City Council's Draft Cumulative Impact Assessment ('CIA') and associated Evening and Night-time Plan ('Westminster After Dark').

1. The report is based on and driven by historic data, principally that relating to licensing activity, crime, environmental health complaints and ambulance call outs. As a starting point that is fine, as the evidence comes from many different sources and the methodology cannot be challenged, however.
2. Noise does not seem to feature in the report other than a section, some way in, relating to noise complaints, in particular overnight noise. This should carry more weight as noise arguably has more impact on residential amenity than the other indicators; and is a key factor in the Prevention of Public Nuisance
3. More emphasis could be placed on developing trends rather than historic data. There is a section called 'Emerging Hot Spots' which refers extensively to the West End but not many other parts of Westminster. Knightsbridge residents will resist attempts to turn Knightsbridge into an "overflow zone" from Mayfair, St James's and Soho for Late Night Entertainment ('LNE'). Such an outcome could occur by default because the introduction of Class E planning control coincides with the availability of un-let retail space in Knightsbridge following the downturn in street-located retail

following (i) Covid pandemic and (ii) growth of on-line shopping. Lapsed retail space is already being taken up for restaurant and LNE uses as landlords seek to fill vacant space. Historically, Knightsbridge has been 'commercial and residential' and an influx of late-night entertainment activities could lead to material conflicts with the Licensing Objectives, in particular all of the below. • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm

4. For the purpose of this consultation, the Borough has been divided into 3 sections - current CIA, areas of interest (including Marylebone, Paddington, Edgware, Queensgate, Victoria and Mayfair) and the rest, which includes Knightsbridge. As per point 3 above, we would like to see data about the developing trends over the next 5 years, that should be a key factor in determining the Borough's resource allocation for the enforcement of the Licensing Objectives.

The Soho Society

We welcome the findings of the Cumulative Impact Assessment (CIA) and strongly agree with the proposed retention of the West End Zone 1 as a cumulative impact area. The document presents evidence of crime returning to pre- COVID levels in the West End Zones and that these areas are hotspots for crime, noise complaints and anti-social behaviour occurring between 6pm to 6am in locations where there is a concentration of licensed premises. It confirms what the Soho Society and residents already know: that the 'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.' We strongly support the revised Licensing Authority statement (compared to the 2020 CIA) which acknowledges the West End as having the highest concentration of licensed premises and crime levels requiring 'certain considerations' needing to be made for the area, it states, 'It is the view of the Licensing authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) of the Licensing Act 2023 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing Authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.' We would ask for the term 'relevant authorisations' to be defined.

We note that the new document now refers to all premises types (not just drinks-led ones) i.e. including restaurants, which make up by far the highest proportion of existing licences and new variation applications. We therefore propose that there should be a presumption to refuse applications for all new premises licences and club certificates, all applications for any increase in hours or capacity to vary existing premises licences and club premises certificates, and all applications for provisional statements and TENS applications.

We welcome the use of quantitative data in the form of the City Survey and Anti-Social Behaviour consultations which the report acknowledges adds more insights to the data led approach. However, a key weakness is the lack of observational data. This is especially disappointing when the 2020 Cumulative Impact Assessment recognised the importance of observational research but due to COVID-19 this was not carried out. It was considered to be a constraint on the assessment and proposed, 'any future iterations of the CIA should aim to situate and critically interpret patterns observed in quantitative information with qualitative evidence.' We are aware observational research was conducted as part the Westminster Night Safety Programme in February 2023 which aimed to improve safety for all women in the evening and night-time economy. With the CIA being undertaken between January and September 2023 this research sits within this timeframe. We ask for this audit to be published to provide additional qualitative evidence.

We know cumulative impact is not solely determined by the number of licensed premises: it is the number of licensed premises AND the numbers of drinkers (capacity) AND the number of hours people can consume alcohol which increases 'stress' in the area and contributes to cumulative impact, only using one measure - the number of licensed premises is a weakness, although where the other measures are not available for some reason, the number of licensed premises is not a bad proxy.

The current Cumulative Impact Policy CIP1 2021 highlights the importance of the number of people in the area: 'The extent of crime and disorder and public nuisance in the West End CIZ arises from the number of people there later at night; a considerable number of them being intoxicated.' (D4). (Our emphasis)

We are concerned the CIA does not include capacities for the premises, we also raised this omission within the 2020 CIA consultation. We acknowledge not all licences contain capacity information. However from our own review we have found the vast majority of late licences from 1am onwards do contain this information.

In our response to the 2020 consultation we presented the number of licences and capacity figures, we identified 114 licences between 1am to 6am, capacity 20,483 (for 98 premises, 86%). In the intervening years from 2020 until October 2023 the number of licences having been granted outside of the core hours policy has increased to 121 licences, capacity 22,827 (for 104 premises, 86%). Overall, since 2020 the council has granted 49 'new' licensed premises (previously unlicensed) with a capacity of 4,177 (Soho Society data October 2023) and this is despite of the current CIA having made it clear that any extra capacity would increase the cumulative impact: a clear indication that much of the evidence in the current CIA has been ignored and making the situation worse.

From our own observations the numbers of people on the streets at night is also increased by people queuing to enter premises, and those in the area looking for premises to visit all fuelled by the number of hours available for people to consume alcohol. We believe the inclusion of observational data and capacity and the number of drinking hours would show the level of cumulative impact to be far higher than that reported in the draft document.

There are a number of references to Romilly Street being a street with a high concentration of licensed premises (on our count its 7) alongside Dean Street, Frith Street and Greek Street, this appears under the headings: Licensed venues in Westminster (p.6), Profile of Licensing Data (p.36) and Geography (p.38). We think that the inclusion of Romilly Street is an error and that it is in fact Old Compton Street with 31, which has the highest number of licensed premises with terminal hours of midnight and beyond, followed by Dean Street with 29, Greek Street 27 and Frith Street 23. We would suggest Romilly Street is incorrect and should be replaced by Old Compton Street.

The report contains important findings relating to the West End Zone 1 examples being:

- Comparisons have been drawn between the proportions of crime that occurred in these areas in 2022 and in the previous CIA 2017 -2019 which indicates that crime within Westminster has concentrated even further within West End Zone 1.
- Overnight crime seems to be particularly prevalent in Leicester Square, Old Compton Street, Greek Street, Frith Street and China Town Gerrard Street.
- The new regression analysis confirms the previous 2020 CIA report that the prevalence of licences is directly related to the numbers of incidents of cumulative impact of all types, particularly for theft.

- The modelling shows an overall factor of up to 1.5, which means that for each additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5

This means a 50% increase in undesirable behaviours from any one or new extended licence.

Similarly, the figures suggest a 26% increase in reported thefts for each additional licence issued for whatever type of venue - including restaurants and cafés. Importantly it highlights: 'the number of licensed premises is a significant factor in the generation of noise complaints.

The report also identifies areas in the Northern part of Soho which experience less cumulative impact than other parts of the West End, we are concerned by this statement and make the important point that the cumulative impact policy in relation to the West End Cumulative Impact Zone clearly states it, '...is directed at the global and cumulative effects of licences on the the area as a whole.' (D.16) Any attempt to amend or remove it would be strongly opposed.

We had high hopes of the current Cumulative Impact Policy CIP1, but whilst apparently strong on paper sadly these results show it has failed to work in practice as a policy to prevent further cumulative impact in the West End. It has failed to reduce the number of licensed premises which is an indictment of the failure of not only the policy per se, but also a failure of the application of the policy in the licensing processes and through committee decisions. To be effective requires not only strong policies to be developed but also for them to be robustly applied.

We note there will be no immediate change of policy as a result of the publication of the draft Cumulative Impact Assessment. We are also aware of the link between the CIA and the proposed Westminster After Dark consultations which aims to provide guidance on noise management, street lighting, planning and licensing policies and antisocial behaviour, and know that any revision of the Statement of Licensing Policy will follow the publication of this plan which is due to be completed in June 2024. We strongly support the revision of the Statement of Licensing Policy and for it to take place as soon as possible after the publication of the Westminster After Dark Plan, we are pleased to note that the new CIA will be effective immediately and taken in to account in ALL new licensing applications.

We welcome this Cumulative Impact Assessment and the revised Licensing Authority Statement. The evidence presented in the CIA clearly shows the time has come for there to be a presumption to refuse all applications (as listed above) if the council is truly committed to reduce cumulative impact in this area and credibly meet the licensing objectives in Soho.

We have presented evidence of the increase in the number of 'new' licensed premises since 2020, 49 and with a capacity of 4,177, a number of which were granted beyond the councils own core hours policy. The demand for licensed premises in the West End and Soho shows no tendency to reduce. We frequently raise concerns at Licensing Sub-Committee hearings and at meetings with the council about the decline of retail and other uses in Soho in favour of drink and food led premises. Your own evidence is clear every additional licence or extended licence granted within the West End Zone 1 results in a 50% increase in undesirable behaviours and thus in an increase in cumulative impact. You also clearly conclude the number of licensed premises is a significant factor in the generation of noise complaints.

The challenge for the Council is how to ensure Soho and the West End returns to be a safe and healthy place to live, work and visit. Past policy failures mean that it is no longer safe to visit Soho late at night. Residents suffer sleep deprivation caused by excessive noise, a basic human right to

live peacefully at home is denied many residents. Further failures have led to the ever dwindling offer of a diverse and broad range of shops which serves the community and visitors. Most importantly of all, we sincerely hope that the CIA be fully taken in to account in decisions and the resulting robust Statement of Licensing of Policy will be IMPLEMENTED in ways that genuinely do NOT INCREASE cumulative impact and, if possible reduce it.

Soho Business Alliance

We write on behalf of the Soho Business Alliance, who provide a unified voice for businesses in Soho, with the aim of protecting and growing the economic diversity of the area in which we do business, through engaging with each other, our residents, other amenity groups and Westminster City Council. We welcome the City Council's new work in the draft Cumulative Impact Assessment – and indeed the broader "Westminster After Dark" consultation, where we look forward to engaging further in the coming months.

At this stage, we had a few points of response on the draft assessment:

As an opening point, we found it striking that the City Survey data showed that the vast majority of residents in the West End do not think there are problems with licensed premises, and generally feel safe, both in the day and at night.

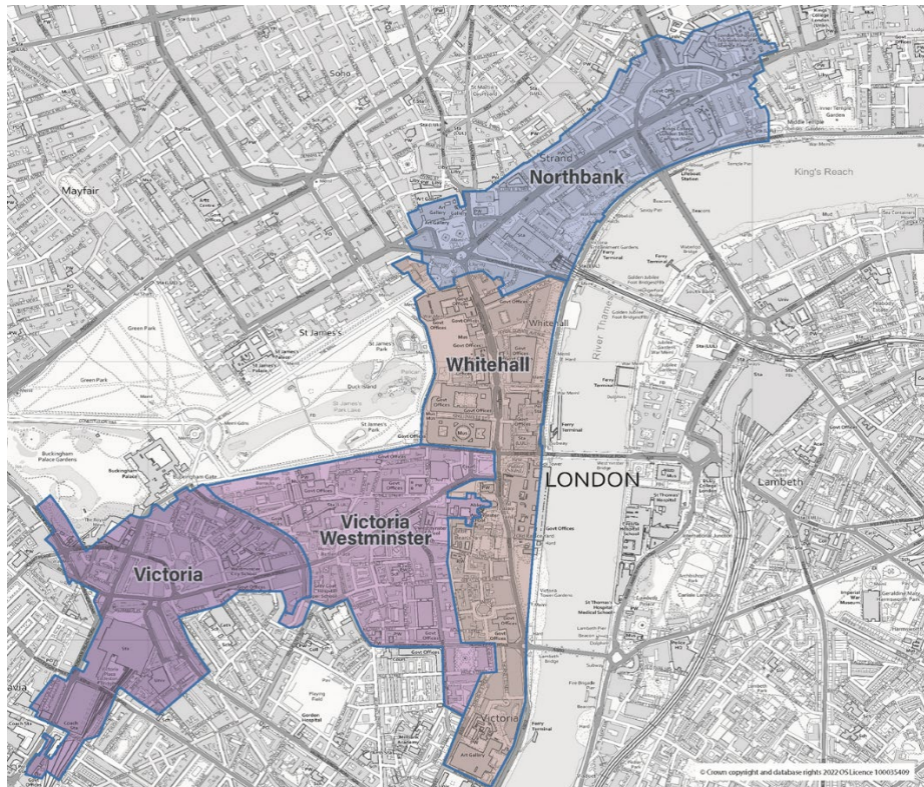
As to the crime / incident analysis: the data presented does not seem to support attribution of all the issues identified to the licensed trade. The new data in fact shows that the amount of crime linked to a specific licensed premises is a very small proportion of overall crime. We would note that the West End attracts a huge number of visitors throughout the year, day and night – and a lot of the issues discussed in the report (especially theft) are clearly related to this simple concentration of footfall, including at times of the day when retail and other uses dominate, rather than the licensed trade. When you have that in mind, the observations in the report that the presence of crime statistically correlates with the presence of licensed premises become somewhat moot – everything is really just correlating with the presence of a huge number of people, who are attracted to the West End for a variety of reasons, only one of which is the licensed trade. And it is also important to note that incident levels (of any crime) are actually an extremely small proportion of overall visitor numbers.

it does not appear that there has been any investigation into the qualitative difference between premises within crude umbrella categories (such as a "pub/wine bar" or "restaurant") in terms of their potential for any incremental contribution to cumulative impact. In reality of course, there is a huge difference between a well-run venue that attracts a crowd that comes out for the right reasons (whatever the premises type), and somewhere that is badly run and which attracts a disruptive crowd. It is the Soho Business Alliance's strongly held view that those in the former category are not only "lower risk", but in fact actively help to reduce or nullify cumulative impact – because the presence of responsible businesses and customers at night helps to make the West End a better and safer environment for everyone. Further assessment could also help inform how things like lighting and other public realm improvements can be pivotal in reducing negative behaviours, particularly at night – alongside further data analysis in that vein.

In short, we believe a holistic assessment should and would inevitably recognise the positive influence of well-run hospitality businesses in the West End, and the importance for "cumulative impact" of factors not connected to the licensed trade.

London HQ (Representing BIDs: Victoria, Westminster, Whitehall and Northbank)

London HQ (plan below) is a partnership of four business improvement districts which represents 1126 of which 120 are late night BID levy-paying businesses. The four BIDs span southern Westminster from the Royal Courts of Justice, Strand, Victoria and the riverfront from Temple to Tate Britain. The London HQ footprint includes busy train terminus (Victoria and Charing Cross), bus stations and multiple transport interchanges which are used by many who visit the West End at night.



- Northbank BID area includes the streets in WEZ2 to the south of WEZ 1
- Victoria is high priority area for the BID which has an increasing number of restaurants, venues and is mentioned in the CIA as an area of interest.
- Whitehall and Aldwych areas are evolving and should be monitored to ensure appropriate measures.

The BIDs have worked in partnership with Westminster officers, the police, businesses and property owners for over 12 years to make a safe and welcoming destination. The BID provides a range of street based services and initiatives to support area safety which is guided by our Safe & Secure Steering Group which meets quarterly and attended by both businesses and statutory services. We also work with local stakeholder groups, Villiers Street Forum and Victoria Neighbourhood Forum, both of which groups raise concerns about night safety and the appropriate levels of service to manage the busy city streets.

We are committed to creating a safe and inclusive Westminster throughout the day and night for our BID members, staff and their customers. We have commissioned Six Til Six, the leisure, hospitality and night time economy consultancy to develop Night Time Economy Strategy which is

anticipated to be completed in early 2024. The BID world welcome partnership working to secure the suitable resources to reduce crime and support our licenced businesses.

We would like to raise the following points on the Cumulative Impact Assessment which is informed by our detailed area knowledge as well as feedback and the priorities of our members. We hope these will help guide future work to develop the After Dark Plan and we would welcome continued engagement to develop the plan which is appropriate for London HQ area challenges.

- The CIA is based on reported crime numbers, but we understand from our engagement with businesses and local stakeholders there is a reluctance to report crime. We encourage reporting to ensure appropriate area management, licencing and resources and would like more to be done to raise the importance of reporting and how it can help secure appropriate area resources.
- We note that theft accounts for the largest proportion of crimes that have a recorded venue of interest to the licensing and night-time economy. It would be useful to have additional information about the location of the crime and if it was in the venue or on the street of that venue. (p5, 10)
- The times of highest crime are early evening on Thursday, Friday and Saturday which impacts on people enjoying a drink after work or before an evening meal or theatre show. (p11) The BID would welcome more resources to improve safety during these busy hours.
- The 4 BIDs track footfall through Colliers and would be willing to share this information to allow for better context the area. We understand that most BID's and Estates monitor footfall which could provide a good cover of information. We are concerned about the levels of crime particularly theft and assaults and this needs to be understood in relation to the number of people in the area, footfall information will help do this.
- We would welcome an open approach to the data being used to allow for transparent process and an opportunity to share the BIDs own insights and data.
- We would like to see further evidence of the connection between some recorded crimes or anti-social behaviour and licensed premises. We are concerned that the Cumulative Impact Assessment and its focus on recording crime and anti-social behaviour taking place at licensed premises. We understand the MPS records crime based upon the nearest premises, and as a result the data potentially penalises those premises which are well-run, many of whom have been encouraged to actively report crimes or anti-social behaviour which have been taking place on the street or in the immediate vicinity of their premises. The presence of gangs in some areas or on some streets, who again may be operating in the public realm, has also not been taken into account in developing the Cumulative Impact Assessment.
- Violence is also concentrated in the West End areas, with 47% (4,879) of all violence in West End and St James's wards. We are aware that Gangs operate in the St James area which will impact on crime in London HQ. More information to establish the extent, impact and targeted actions would be welcome. (p5)
- More data and analysis of the offenders would be welcome to provide a better picture of the origins of crime and potential ways to address the sources.
- The CIA notes that crime varies between areas and notes the clusters around evening and night transport hubs including Victoria and Charing Cross Station and in addition Trafalgar Square and Strand / Embankment (Northbank) area. We note that these areas have lower policing level. We

would welcome this be reviewed by both the council and police. We also note that businesses operating in the Whitehall area is changing with an increase in evening and hospitality. (P14, 17)

- Important context should also be provided in an updated Cumulative Impact Assessment on levels of resourcing. As organisations which provide resources to deliver on-street teams, we are acutely aware of reduced Police numbers in parts of the borough, and this not serving as a deterrent to crime and anti- social behaviour. To therefore seek to connect rising levels of crime and anti-social behaviour to licensed premises, without also considering the overarching picture of resourcing or context, is therefore disappointing.
- The BID would welcome more work and resources be allocated to address both hate crime and child exploitation which are impacting our area. (p22)
- The CIA notes high levels of alcohol related ASB are in Victoria and near Victoria Station. More information about nature of this would help guide appropriate resources, especially if related to a licenced venue or if related to the street population. (p23) The findings of the Cumulative Impact Assessment could be improved by also reflecting street-based populations, particularly in areas such as Victoria, which are also a factor in recorded crimes or anti-social behaviour in that area.
- The BID welcomes the fullest engagement and consultation with both businesses and residents including the Villiers Street Forum and Victoria Neighbourhood Forum. (32) Information from the City Survey may not be balanced as the numbers of respondents are low and from the residential population of Hyde Park ward. With St James seeing high numbers of incidents, this would be a key area to do both resident and business engagement.

We welcome the opportunity to respond to the Cumulative Impact Assessment consultation and work closely with Westminster City Council, the police, local stakeholders and businesses to make our districts safe and welcoming. The BID works with local stakeholders to create a safe and thriving districts. We support the work to establish an After Dark plan to create an inclusive and dynamic city where business and community can thrive. Our BID area spans south Westminster, and the licencing needs a balanced approach suitable for the evolving needs of West End, St James, Victoria, Northbank, Whitehall and Aldwych. We look forward to working with the council to ensure local licencing is suitable and future planning adjusts accordingly. We look forward to continuing our close partnership working with Westminster City Council and Strategic authorities to secure suitable resources, effective licensing and resolutions to the specific local area problems.

Public health

Many thanks for sending us the Westminster Cumulative Impact Assessment. We would like to take this opportunity to congratulate you on a detailed CIA describing the impact that a large number of licensed premises in a concentrated area such as Westminster can have on the four licensing objectives:

- Prevention of Crime & Disorder
- Promotion of Public Safety
- Prevention of Nuisance
- Protection of Children from Harm.

As you know these objectives are aligned very closely with Public Health priorities, and in future we would welcome the opportunity to be involved in the development of CIAs to ensure the impact on the health and wellbeing of residents, workers and visitors is considered.

We have reviewed the CIA and have identified a number of areas of feedback we feel should be considered in the CIA.

1. Vulnerable residents, workers and visitors. While we welcome the detailed analysis of crime and disorder, anti-social behaviour, and noise we would recommend that the CIA considers the cumulative impact has on more vulnerable residents, workers and visitors. For example:
 - a. People with a mental health condition, particularly those with a severe mental illness
 - b. People with a learning disability.
 - c. Homeless and rough sleepers
 - d. Asylum seekers and refugees

For people with a learning disability it would be helpful to consider the proximity of sheltered housing accommodation in the borough in relation to licensed premises.

In 2022 the Local Area Profile for Gambling Risk set out indicators and heat maps for vulnerable adults in Westminster which can also be applied to the CIA. We would strongly recommend that these are brought across and incorporated into the CIA to identify and highlight vulnerable residents in our borough.

Further information can be found in our Borough Stories PowerPoint Presentation (jsna.info)

2. Children and young people. We welcome the inclusion of data analysis by age in the CIA, however would recommend that as this cohort is specifically identified in one of the licensing objectives that special consideration is given to this age group.

For example, the Children and Young Persons Drugs Strategy identifies the night-time economy and hospitality sectors as specific local challenges in terms of recreational drug users and the impact that has on local communities. We would recommend that Childrens Services have an opportunity to feed into the CIA, if they have not already done so.

3. Drug use. We believe it would be helpful to include reference to particular drugs which are likely to have a particular link with licensed premises such as Club Drugs and nitrous oxide.
4. Sexual Offences/Violence against Women and Girls. We would strongly advise reviewing the language/profiling of victims in these sections with the VAWG Strategic Lead and Community Safety colleagues. Language on the profiling of the victims should be reviewed and profiling of perpetrators should also be included.
5. Night-time economy/shift workers. The needs of night-time economy or shift workers, such as the impact of crime and disorder/anti-social behaviour, the impact of noise at work on physical and mental health, and access to healthy food could also be considered in the CIA.

The CIA should particularly consider the needs of vulnerable workers, such as sex workers and others who are exploited (modern slavery) so that the licensing policy can support the safeguarding of those most vulnerable.

6. Health improvement/smoking prevention. Given the national priority to creating a smokefree generation we would recommend that this is factored into the CIA as it aligns with the licensing objectives. Smoking is the most preventable cause of ill health, disability and death in the UK and the current consultation on action includes enforcement around the sale of tobacco products and vaping.

Shisha venues also should be considered as part of the licensing policy. Data on smoking, including vaping and shisha is being developed by Public Health Smoking - Westminster - October 2023 Extended version.pptx (sharepoint.com)

7. Health protection/sexual health. The prevalence of STIs are on the increase in Westminster, which has the 5th highest rates in England. There are opportunities to promote advice on safe sex and distribution of contraception/condoms. A JSNA on sexual health is currently underway with findings expected early 2024.

8. Mental health and wellbeing. As indicated above the impact of cumulative licensed premises on the most vulnerable residents, workers and visitors should be included. The West End ward had the highest concentration of 'possible' suicides (i.e. not confirmed) in August and September 2023, with evidence suggesting that people travel into central London to attempt suicide. We would welcome the opportunity to amplify the Stay With Us suicide prevention campaign due to be launched in November 2023 in order to protect and safeguard our vulnerable residents, and visitors.

10. Additional data sources. In addition to the ambulance call out data included in the CIA we would recommend that that hospital and emergency admissions data be considered for inclusion. Borough level data is available from via the OHID Fingertips tool e.g. Public Health Outcomes Framework - Data - OHID (phe.org.uk). More local data could be obtained via the NHS.

Metropolitan Police Service

Firstly, on behalf of the Commissioner of Police of the Metropolis thank you for including the MPS in the consultation process for the Cumulative Impact Assessment 2023 and we hope the data provided was beneficial. As ever, I see ours as being the key partnership in providing a safe Night Time Economy and hope our relationship continues to support one another.

I would also like to congratulate your policy team in a report that clearly demonstrates such a meticulous and detailed study into the relationship of how licensed premises impact their environments. It is testament to the time, work and dedication of you and your team.

Regarding the consultation itself. The MPS is fully supportive of this assessment and the findings made. This report was sent out internally and the opinion fed back was that it clearly demonstrates and supports the need for a cumulative impact policy.

The various sections where crime has been analysed, indicating hotspots, replicates our officers local knowledge of where risk of crime lies within the West End, further supporting the statement that these areas are at saturation and that the cumulative impact of high numbers of licensed premises are having a detrimental effect on the locality.

Going forward our officers will be looking forward to implementing this assessment in partnership with both the Licensing Authority and other responsible authorities. If further comment is required, please do not hesitate to contact my team or me.

New West End Company

New West End Company welcomes the opportunity to respond to the City Council's draft Cumulative Impact Assessment, which will inform the development of a new After Dark Plan. The development of this new plan, and its intended aim of creating an inclusive and safe evening and night-time economy, is something that we are supportive of.

New West End Company is a partnership of 600 retail, restaurant, hotel and property owners across the world's top shopping and leisure destination, anchored by Bond Street, Oxford Street, Regent Street and Mayfair.

As such, we have a wealth of proprietary data and direct working relationships with key businesses in the district, as well as external stakeholders including the Metropolitan Police Service. We also have an established track record of working in partnership with the City Council.

However, following a review of the Cumulative Impact Assessment provided by the City Council, we have a number of concerns which we feel should be taken into account by the before finalisation of the Assessment and subsequent development of the After Dark Plan.

In summary, our concerns are:

- The absence of holistic data sets, including those which could be made available by New West End Company and other Business Improvement Districts (BIDs);
- The lack of context provided around the varying drivers of crime, particularly in relation to geographical area and concentration (or lack thereof) of licensed premises;
- The misleading categorisation of areas across Westminster, including the conflation of Soho with the West End's key shopping streets of Oxford Street, Regent Street and Bond Street. This categorisation obscures the commercial importance of Oxford Street, in particular, to both the local and national economy.

These concerns are broken down in greater detail below.

Absence of holistic data sets:

As a Business Improvement District, New West End Company provides an additional layer of 24/7 security to members through our supplier FGH Security. We also provide members with footfall tracking across the entire district, including a breakdown of footfall across key streets e.g. Oxford Street.

Taking into account that retailers in particular under report crime to police, we believe this to be a valuable data set; our Security team keeps detailed logs of every incident they are called out to and, as such, can provide a much more accurate picture of crime in the area, which can then be layered over other data sets provided by the Metropolitan Police Service.

Contextual understanding of the drivers of crime and anti-social behaviour:

The Assessment leverages raw crime numbers to draw a link between instances of high crime and the proximity of licensed premises. In particular, the Assessment identifies that the increase in crime

is being primarily driven by theft, and that this is also the largest proportion of crime in proximity to venues of interest to the night-time economy, e.g. licensed premises.

However, the Assessment fails to take into account both footfall within the area, or other drivers of crime. The West End – referenced here to mean the 82 streets covered by the New West End Company’s BID district, anchored by Oxford Street, Bond Street and Regent, but excluding Soho – has experienced rapid increase in crime, which is now reaching pre-pandemic levels despite a significant reduction in footfall.

The number of recorded incidents of robbery and theft are up 115% year-on-year as of September 2023. For comparison, Metropolitan Police Service’s own recorded crime statistics only show a 20% rise year-on-year in 2023 – underlining that New West End Company data could provide a valuable overlay to the data already being leveraged by the Assessment.

Within the West End itself, most criminal acts involving theft or robbery occur in the central shopping areas around Oxford Street, Regent Street and Bond Street. However, this area has a low proportion of licensed premises in comparison with Soho, which indicates that the conclusion drawn about the impact of licensed premises on crime cannot be applied indiscriminately to the entire area covered by the Assessment.

In addition, the Assessment itself identifies that crime concentrated in the shopping district of the West End peaks between the hours of 6pm – 7pm, when visitors to the district are shopping, or workers are returning home. However, thefts related to Cumulative Impact Assessment venues do not peak until much later in the evening; there are more thefts linked to these locations at 1am than there are at 12am. This indicates that there are different drivers of crime and violence in different locations across the district.

Furthermore, our own survey of visitors to Oxford Street indicate that concerns around safety focus on rough sleeping, begging and personal safety from organised crime groups and pickpockets. The volume of the street population is consistently high, with the number of people begging and sleeping rough accounting for two-thirds of the issues recorded by the New West End Security Team in 2023.

That there are a number of varied drivers of crime and anti-social behaviour is reflected in the Assessment’s own data. The Assessment references the fact that approximately 6.5% of all anti-social behaviour calls in 2022 were recorded as having being linked to alcohol, suggesting that there are myriad other factors driving a rise in crime and anti-social behaviour.

We therefore feel that the Assessment could be improved by reflecting on these drivers of crime, which have not been factored in when considering a return in crime numbers to pre-pandemic levels. To connect rising levels of crime and anti-social behaviour to licensed premises without considering this holistic picture is, in our view, potentially misleading.

Commercial importance of West End shopping district:

The West End (as defined above by New West End Company) is renowned internationally as a retail and leisure destination. It attracts investment from a variety of sectors, including retail, hospitality, entertainment and leisure, and helps generate an annual GVA of £29.4billion. Oxford Street alone is on track to deliver £3.9 billion annually by 2025.

Against this backdrop, it is critical that the West End’s shopping district is considered in light of its unique identifying factors; low resident numbers, the presence of global retail and leisure brands,

presenting a desirable investment opportunity for national and international developers and, crucially, its low number of licensed premises.

This is not to deny that the shopping district faces its own crime challenges, as outlined above. However, a failure to consider the specific factors at play in the shopping district runs the risk of developing and implementing an After Dark plan which tackles crime and anti-social behaviour in a way which is only applicable to a small geographic area.

Conclusion:

We appreciate the opportunity to share our feedback to the Assessment, and hope that the City Council will consider our concerns, outlined above. We firmly believe that, in order to develop an After Dark plan which is effective, the City Council must take a holistic view of the data and geographic area in question, thereby providing a more nuanced solution to the issue of rising crime and anti-social behaviour

Shaftesbury

City of Westminster Cumulative Impact Assessment 2023 consultation

Shaftesbury Capital PLC is a Real Estate Investment Trust which invests in London's West End including Covent Garden, Carnaby, Soho and Chinatown.

We welcome the opportunity to comment on the draft Cumulative Impact Assessment (the "2023 CIA"), and we provide a full response in the pages that follow.

We welcome this report and appreciate the huge amount of work which has gone into producing it.

What follows are our initial observations that we have been able to prepare as best we can in the limited time provided, and on the basis of the data and information as presented. We hope that this initial window for responses is just the first stage in an ongoing conversation between the City Council and stakeholders before the CIA is made final.

Executive Summary

We very much welcome some of the additional granularity in the data presented. However, we think that in a number of ways the conclusions reached: (i) omit key information or context; (ii) do not follow from the data presented; and/or (ii) fail to give sufficient weight to those aspects of the findings that support an alternative perspective.

In particular:

1. Reported overall crime levels in Westminster in key incident categories has fallen compared to 2019, but this is not acknowledged or taken into account – including in the context of the analysis of West End Zones 1 and 2.
2. Crime at licensed premises is shown to be a very small proportion of overall crime, with just 11,711 incidents identifying a licensed premises anywhere in Westminster. This corresponds to just 15.28% of overall crime, despite there being in the region of 174 million visits to the West End in 2022. This is not acknowledged or factored into the analysis. Moreover:

- a. it seems likely that the vast majority of crime which takes place between 6am – 8pm does not relate to licensed premises at all due to multiple other activities taking place, for example commuting, retail visitors, tourists/sightseers, street performances, street population activities, cultural activities and general non licenced food and beverage uses. It can be argued therefore that the vast majority of crime related to these timeframes should be disregarded from the assessment entirely, as it does not relate to licenced premises; and
- b. The “Alcohol Flag” data shows a tiny number of crimes linked to alcohol. But rather than investigate this further, the report appears just to dismiss the figure as inaccurate.
3. Footfall levels do not seem to have been taken into account at all. Reported crime incident levels in Westminster are actually extraordinarily low when compared against footfall.
4. (Non violent) theft dominates the crime figures and largely occurs during the day peaking at 5:30pm. Despite this, the assessment places undue blame on licensed premises by arbitrarily defining the “night” as the window 6pm-6am, when in fact crime is comparatively low after 8pm.
5. The focus on restaurants as a driver of issues of cumulative impact is not supported by the data.
6. The inclusion of “northern” Soho (including Carnaby) in the scope of the cumulative impact statement is not supported by the data.
7. The inclusion of Covent Garden in the scope of the cumulative impact statement is not supported by the data.
8. The resident survey data referred to directly contradicts the conclusions reached on cumulative impact – but is cited in support of those conclusions. It shows that the vast majority of residents living in the West End do not think there are any problems related to licensed premises (73%), do not think drinking or rowdiness is an issue (78 / 79%), feel safe generally (94%) and feel safe at night (82%).
9. The data on anti-social behaviour (ASB) does not demonstrate any significant connection with alcohol, let alone licensed premises (either generally or in the West End) – but is cited in support of the conclusions on cumulative impact in the West End.
10. The data on noise complaints does not support the conclusions on cumulative impact.
11. The regression analysis is given undue weight, and does not take proper account of its stated limitations, including that it does not control for footfall. The results do not demonstrate a relationship of cause and effect between licensed premises and crime / noise complaints - but are seemingly interpreted as if they do.

We elaborate on each of these eleven points in detail in the Appendix below.

In relation to points 5 to 7 in particular, the data presented in the document appears to substantiate our long-held view that:

- our managed estates in Carnaby and Covent Garden do not meet the threshold for the City Council to assert that the granting of any further licences in those areas is likely to be contrary to the City Council’s duty to promote the licensing objectives (per section 5A(1) of the Act); and

- carefully curated and well-managed restaurants (with or without ancillary bar use) do not contribute to issues of cumulative impact in the West End, or indeed anywhere.

As far as we can tell, no observational studies were undertaken by your researchers. We have commissioned MAKE Associates to undertake observational on-the-ground research. MAKE Associates concluded that there was no Cumulative Impact in the Covent Garden Piazza and surrounds, nor was there any Cumulative Impact in the Carnaby Street area. This supports our views above, as does the data in the Cumulative Impact Assessment, in particular the Cambridge Harm mapping.

We should also note that the points of critique we put forward here are not intended to suggest that there are no issues at all in the West End. We acknowledge that crime is a problem worthy of all our focus, however your data shows that it is concentrated only in small geographical areas and specific streets, located outside of our managed estates not (solely) linked to licensed activity; predominantly does not occur at licensed premises (especially not restaurants); and is a tiny proportion of overall footfall. And we think the analysis and conclusions in the assessment should reflect these important nuances.

As a closing point, we think that investment in public realm improvements and targeted police resourcing are a key part of the picture here, which themselves merit further analysis as we all work towards an even safer and more dynamic West End. For example, it strikes us that it would be of great value to understand better how different types of crime correlate with say more poorly lit areas in Soho at night.

Shaftesbury Capital PLC

Shaftesbury Capital PLC invest in and curate vibrant and thriving destinations where people work, live and visit, delivering long-term social and economic value and job creation. Through investment, curation and responsible stewardship, we contribute to the success of the West End for the benefit of all stakeholders. With over 600 buildings in the heart of the busiest areas in the West End, Shaftesbury Capital's holdings represent a significant proportion of the areas licensed premises, most of which are restaurants.

In Covent Garden, Carnaby, Soho and Chinatown, Shaftesbury Capital own a significant majority of properties in the area allowing us to take an area wide approach to management which considers the needs of all occupiers and visitors. Shaftesbury Capital owns very few properties in "eastern" Soho, and so does not extend stewardship duties east of Berwick St. In each of these areas we have a mix of tenant types including substantial residential lettings in the upper floors. Whilst ensuring the vibrancy of an area through ground floor uses is vitally important, this is not at the expense of residential amenity. We pride ourselves on creating excellent places to live, work and visit. This is achieved through careful tenant curation and estate management practices.

When selecting occupiers for our properties, we give detailed consideration to how they will fit into the area and interact with our existing tenants and neighbours. From the start of the landlord/tenant relationship, we have a robust system of management practices in place across our entire portfolio. At a minimum this involves rules around how we expect our operators to behave to ensure that the wider neighbourhood is considered and that they share our values around responsibility to neighbours. For most of our properties the management of our estate goes far beyond this and encompasses measures such as a very large number of CCTV cameras monitored

24/7, 24 hour, 365 days a year security cover, enhanced cleaning regimes, gardeners, servicing and waste management arrangements, and on-site facilities management teams.

We also have estate regulations, and Operational Management Plans which are a commercial lease requirement across all estates and are monitored and reinforced by our managing agents, so occupiers not adhering to these 'housekeeping' rules are effectively in breach of their lease. In addition to this we are in the process of developing community charters which outline how we operate within the context of the wider community for each of our estates.

The mixed use, curated nature of our estates when combined with our stewardship role and strong values around responsibility to neighbours, has a clear and positive impact in preventing cumulative impact.

Thank you for your consideration and we would very much welcome a follow up meeting to discuss our observations.

We would also appreciate both the appendix and the two MAKE reports being treated as confidential and commercially sensitive – and therefore not subject to disclosure under any freedom of information or similar request by any third party.

Yours sincerely

Reponses to 2023 CIA consultation received through the consultation survey

Absolutely no need for cumulative impact area. Detrimental to the normal functioning of the nighttime economy.
I have been a resident of West End Zone 1 for approaching 30 years.
It is unsurprising that there is more crime in an iconic world-leading night spot venue and that there is some relationship between levels of recorded crime and number of licensed premises. The promotion of licensing objectives is not an absolute requirement over-riding every other consideration and guidance confirms that legislation is intended to support other vitally important principal aims including the role licensed premises play in local communities, encouragig responsible premises. It is disturbing that the Licensing Authority considers that the balance of objectives would be likely to prevent additional authorisations when it is essential to the character of the West End and a factor that attracts people to live there that it is a world-leading zone for night-time entertainment and a major contributor to Westminster and the UK culturally and economically.
Recorded crime is not a direct measure of actual crime or associated harm, being capable of influence by unreasonable reports which the police nevertheless have to record or by variations in recording practice.
Why have you been selective in the protected characteristics about which you ask?
The conclusion seems to be at odds with the overwhelming evidence that the West End (Zones 1 & 2) experiences unsustainable cumulative impact.
It doesn't feel great to be on the street in Soho often. Sunday morning is the only peace and clean environment anyone gets. So much more could be done. Every area seems to be used as a toilet. Our doorways. Anywhere. This alone would make it so much better for everyone. Living in a lavatory where drunken men encourage eachother to piss everywhere is so depressing. Squawking hens and stags have changed the area, but they don't need to be defacating in plain sight. Add toilets. Indicate where they are.
I'm really interested in this, I agree with many of your Soho residents - we live in the centre of London and should appreciate that there comes with this some compromise. Noisy nights, rubbish, many visitors and transience is balanced with culture, excitement and fun. What the

report does not do (and must) is differentiate between these types of ASB and the ASB caused by organised crime. I do not mind people having a great time, overdoing it and being sick on the pavement. I do not mind football fans staying in local hotels and leaving cans of beer or fighting loudly. I accept that, I truly do, this will be annoying but I live here and accept it. I do mind people being trafficked from Romania, sleeping on mattresses along Edgware Road, and defecating on the pavement. I do mind young girls being trafficked into prostitution and walking around Paddington screaming wearing stilettos and fishnets at 7am. I do mind being curbed crawled by dirty old men when I come home at night. I do mind transgender prostitutes pissing on my doorstep etc. Do you see the difference?

I am broadly supportive of the findings, as they align with my experience as Licensing Representative for a Residents' Association.

As a family living in the area, it is critical where there are so many schools in an area that we maintain the safety and integrity of the surrounds. We can not be so commercially motivated to not appreciate the impact on these thousands of young lives. We should hold their environment exposure to the highest level. All of the set acceptable rates measure should be adjusted for the benefit of these growing young citizens.

I find that the lack of crime in my area should be limited and stop violence in the area.

It's clear that your cumulative impact policy hasn't achieved its goal of reducing crime and disorder. Remove all cumulative impact zones and see if keeping businesses open actually REDUCES crime and disorder.

Seems like a positive step forward.

I do not believe the report has a grasp on how dangerous and problematic Edgware Road and its surrounding areas have become.

EDGWARE ROAD IS DEFINITELY IN A CUMULATIVE AREA DUE TO VERY LATE LICENCING OF FOOD OUTLET ATTRACTING AFTER CLUBS PARTY GOERS TO VISIT THE AREA AT 3/ 4/ 5 AM, BUYING FOOD AND CONSUMING IT IN THEIR CARS/ WAKING UP RESIDENTS .

The report does not offer an accurate reflection on Edgware Road. The ASB and noise issues have increased by an exponential amount however complaints are not raised because residents believe there is no point as the council nor the police will do anything. Unfortunately, this is the general perception of residents in the neighbourhood which is depressing to say the least. If you log on to 'Next Door' you'll see the frustration of the residents in the area.

On 4th October between 3.30-4pm there was a knife attack in broad daylight outside of [REDACTED] restaurant on Edgware Road which was captured on video. Children go home from school at this time and there were children from Hampden Gurney inside [REDACTED], next to the restaurant, when this attack happened. The video is on the social media site X/Twitter and has garnered almost 80 thousand impressions thus far.

In the same 24 hour period there were two more incidents at the other end of the block. At [REDACTED] on the corner of Edgware Road and Burwood Place and Edgware Road, a well-known hot spot for crime, a woman and man were targeted and had their card swiped and a large amount of funds withdrawn from their account. This is not the first time. The next morning, a man had his laptop stolen from the same area.

St. Michael Street off of Edgware Road is a den for drug usage, distribution, and rough sleepers. This has been the case for several years and the dealing goes on in broad daylight. Drug use and distribution is rampant in the area and speaking to people in the area, there is a suspicion that the shop next to [REDACTED] with its shutters down is involved in some sort of distribution of drugs and continues to operate from the back ([REDACTED] Edgware Road I think). I am not sure but it may be accessible via safe storage or water gardens or through the dubious neighbouring clothes shop that has no name. There are other dubious shops on the same stretch and operate with ease.

For over a year, customers of the [REDACTED] on Norfolk Crescent were dealing drugs outside of Quadrangle Tower where kids play and doing so in broad daylight. The ASB on Norfolk Crescent is constant but there is no point registering this with the council or the police because it continues. For over a decade, recognisable Roma beggars have camped out on Edgware Road, slept on large double mattresses outside Barclays under the canopy, and begged aggressively during the day. Their bedding is picked up every morning by two men and dropped off every night. Their food is delivered in a Mercedes or equivalent car. Again, this has transpired for several years now and the police and council have been made aware but to no avail. The responsibility is passed on to another department rather than tackling the issue together.

By visiting X and Next door, residents have stated;

'It's a rich dump ,full of homeless in the morning,smackheads everywhere'

'Where's the police ?'

'Seen that yesterday when I was taking the kids swimming. They don't care about kids being around anymore. Vile'

'This is a well known place for atm theft. I NEVER use it only if really necessary. I go to Mand S instore machine whichh is much safer.

'Hope they are ok. This whole area has a knife epidemic. Saddens me to see this'

'Every time I walk on edgware road it's just so weird... I'm constantly on edge and can't avoid it. Loads of men (young and middle aged) in trackies doing nothing (and i'm not talking about the Roma people here) also some fake 'deliveroo' riders with ebikes just driving havoc I wonder what's going on in there every single day'

'Yes it doesn't feel safe at all'

'London is finished'

' agreed, crime and stabbings have escalated very rapidly, if they don't take vigorous action soon it's going to be catastrophic.'

'I completely agree Edgware Road has seen big changes with lots of people hanging around up to no good '

With all this identified by one person who lives in the area, can you fathom what other residents have witnessed or felt about the area? Edgware Road has clearly been neglected and the vice has erupted. It needs a radical change to deal with these growing problems that the report has not identified!

Edgware Road is in an appalling and forsaken state. I don't feel safe going out at night because of the crime, drugs, anti-social and suspicious people around Barclays Planters. I know a resident of the Water Gardens was held at knife point in the area and I know there was a knife attack in the day time on the corner of Sussex Gardens and Edgware Road last week. This is not a safe place to live anymore.

None - most have been addressed well

"registered" Premises Licence premises data collected - Shisha premises do not fall under this hence ASB /Crime etc has not been correctly addressed

a lot of Shisha premises are carried out in basements in Edgware Road and flats.

Shisha premises need to be licenced

It is clear that, compared to parts of Soho, other areas of Westminster do not have the same level of problem. It would be interesting however to compare areas like Mayfair with other parts of the country, if that is possible. It could be that if that comparison is made other parts of Westminster would merit being treated as Cumulative Impact areas if they were located elsewhere in the country.

It is vital that Edgware Road is also considered as a Cumulative Impact Area - living on Connaught square around it, the area has become dangerous often at night and family after family are moving out of the area. To not consider Edgware Road is almost tantamount to ignorance.

I think the Edgware Road crime statistics significantly unrepresent the true crime rates because most victims do not report. They do not report because they do not see any impact or remedial actions. Overall, residents have given up on reporting as they see it as making no difference. If every crime was reported then figures would look very different to what is presented.

Seems sensible. Problems, when they occur, seem concentrated on the West End, so a good idea not to grant more licences there. (It's not as if there's currently a shortage.)

Need quick action and not paperwork to tackle street crimes

I notice on the maps that there is a relation in some but not all areas of pub=noise. My experience of neighbourhood sound and light pollution (the latter eg the BBC is a major light polluter - Wogan House empty office lights are on for 24 hours) would also take into account cooking extractor sounds, air conditioning units, the TEN licence system and the unlawful, have a go parties/ squatters' nightclubs that go on for between 6-24 hours. All of these combined 'activities' can severely disrupt sleep with serious and long lasting health consequences both for children and adults. I would suggest that there needs to be more responsibility placed upon landlords to oversee how their properties are used including security of a building. The combined affects of inflation, too high rents and poor company directorship (especially for food outlets) continues to affect Great Portland Street for example. Alcohol needs to be subjected to the same philosophy as smoking so that non or low alcohol becomes the accepted drink in a pub or cafe or restaurant.

The assessment is highly comprehensive as self evident to that extent.

HOWEVER the concluding Licensing Authority Statement which indicates that a freeze on granting 'any further relevant authorisations or variations in respect of premises in that area' IS THE WRONG solution to containment and reduction.

THIS IS BECAUSE:

It is far better to plan a campaign of enabling local community amenities to liaise and negotiate with local licence premises to enter into a voluntary licence agreement where the proposer, who ever they be and supported by local amenities, councillors and mps and where that voluntary agreement applies solutions to all the manner problems and those agreed and voluntary licence behaviours ARE MIGRATED INTO MANDATORY STATUS WHEN THE LICENSE IS NEXT SUBJECT TO ANY REVIEW.

By imposing a blanket freeze on any license review you in effect remove the one effective method by which local people can work with local license premises to voluntarily put in place and test agreed restrictions and then migrate them to a mandatory status license status.

It's noted that no details of the history of policing strategy, policy and presence is detailed in the report and this absence is a serious omission considering it carries a significant part of the responsibility for the data outcomes.

It's noted that the drug dealing issue detailed in the CIA report has failed to document how historically the rise and fall of a drug dealing presence is related to policing policy in the Kings Cross and Victoria Station area and the bouncing between these three vicinities of the problem. Further, the Centre Point / Tottenham Ct Rd Station, above street redevelopment now introduces a 4th vicinity likely to work in unison with the previous three.

It's noted that the significantly deserted area of St James Pk, Whitehall and embankment green spaces, is identified with OD and ambulance call out which suggest that the quiet desertion attracts serious drug users. This is on contrast to the high activity and very populated area of West End.

It's noted that you don't identify stats on tourist as victims of crime in the West End data.

There has been a strong rise in crime and anti-social behavior (drugs and drinking) on our street and square over the past year. Many nights we are awoken by arguing (physical and vocal) and loud partying with drink and drug bottles, canisters etc left behind to find the morning after. Reporting is tough as offenders have become aggressive. It has become quite disruptive and not safe for our teens.

Good and comprehensive document. Highlights issues residents are facing in their daily life and should be dealt with as soon as possible

Good and comprehensive document. I have a flat in Park West and ASB has developed into a major problem around the building in the night. It would be very good to close Park West Place to everyone who is not a resident in the building save fore deliveries, waste collection etc. Benches on Burwood Place should also be removed as they gather people in the night-time

I think its healthy to find perspective on this - there is a lot of unverified hype.

I feel London, to lead the Northern World needs a centre for night life, a night economy and a place at the world table.

This nonsense of rolling up the streets at 9pm to please a small handful of residents and not consulting the majority of residents of Soho, youre closing down the stage that makes London part of the world and not a dead village that used to be. Most residents pay crazy rents to be able to lice in a vibrant part of the world - changing it to please a few people is insane! Blaming businesses who have decent policy and are so regulated is another way to empower a few people who have aged out of Soho but want the are to age with them instead of accepting a new generation of people who CHOOSE to live in Soho.

Very detailed but omits the vast majority of nuisance and crime around Edgware Road.

Edgware road is too narrowly defined - the late night shops open there have spillover effects on Paddington and Marylebone, which are on either side

It's soho

It's always been packed with liscensed premises and previously Sex establishments
Nothing really has changed

Looks pretty thorough.

I think everyone wants more results and less bureaucracy/paperwork

I'm tired of people seeking views on these issues and want to see some action. The "people of the streets" own Cabbell Street and the surrounding area. They deal in and take drugs openly and generally intimidate the neighborhood with impunity especially late at night. My

children see and hear this and it is high time someone took action rather than keeping asking for views.

Pleased to see the significant number of recorded crimes and ASB in and around Charing Cross has been recognised and that WEZ 2 has been identified including those areas south of the Strand

It's always been like this since London was born !

I live in SoHo and whilst I appreciate the importance of late night business , the antisocial behaviour and lack of police is frightening

Overall the findings make a lot of sense based on my own experience living in Westminster. I think that the 'Areas of Interest' should have resources allocated to stop them getting worse.

It's very informative which has been helpful to make an opinion. In my opinion, I think if licences weren't as strict and more pubs/restaurants were able to have longer opening hours. It is also quite dampening when pubs close early and having to leave and see how quiet it becomes when we should be helping the economy - similar to when the streets were shut off to cars in 2021 and everyone was out eating/drinking in the street. It also shocks tourists (friends who come to visit from abroad) on how early everywhere closes or how after a certain time no one is allowed to go outside, it takes the fun out of going out and meeting friends for food and drinks when the licensing rules are so strict.

The document looks at issues pertaining to licensed premises through a single lens. Whilst I support the continual review of a CIA the reduction of crime and disorder is the legal responsibility of the police and local authority as set out in statute. Taking the CIA into consideration, as both an occasional resident, and worker in Westminster I do not see the effective management of the public realm at key times (identified in the CIA) by either the police or local authority, particularly between 9pm-6am. The key areas referred to in the CIA are an international attraction and hold global iconic status. What I see is ad hoc presence of police who often patrol in groups larger than two adding to a perception of fear and danger. This is compounded by no effective public space surveillance camera system - a key tool to deploying police and local authority assets able to prevent crime and ASB or at least restrict its impact. It appears that the responsibility is being placed on businesses with a premises licence, and mainly those that operate in the NTE, to police the streets. Much of the problems described also link to the rapid growth of American styled candy stores. Given the businesses with licensed premises pay corporation tax, employ 000's of people who pay tax and NI, support a logistical eco-system that raises taxes, pay rates, invest in security, incur significant legal costs to secure and protect their licences and many pay a levy to a Business Improvement District it seems very unfair to lay the blame for crime and ASB at their door and consider restricting their operations. There should be a targeting of individual operators that are poorly run and those that evidentially are catalysts for crime and ASB.

The assessment provides evidence that having a high density of licensed premises in a small area correlates with a significant increase in crime in that area. However, what's not clear from the data is what the effect is on overall crime levels, compared to if there were a similar number of licensed premises more evenly distributed across the borough. Arguably it's sensible to keep the majority of your night-time crime concentrated in a particular area. That way emergency responders can focus their resources around a predictable geographic pattern.

The CIA is inevitably distorted by the unique nature of the West End. For areas like the Hyde Park Estate and Edgware Road (which the report writer does not know how to spell, suggesting a lack of actual knowledge of the area!) the main problem from licensed premises is not the very serious one of violent crime, but takeaway litter and noise. Litter, which has a big amenity impact and creates extra costs for WCC, does not appear to have been measured, but it should not be ignored. On noise, the problems are likely to be greater than shown because reporting fatigue means that people do not think it is worth complaining. The overall result is that crime features very large in the CIA, and noise and litter feature less than they should.

I find the assessment very negative in outlook

It is not surprising that as an internationally known area for theatres, restaurants and night life that the West End attracts large numbers of visitors during the evening and night and especially at weekends, which obviously attracts people who would prey off them. The more successful the west end the more income for council in rates and more employment , more tourism

A positive approach to all this would be to employ a greater police presence at the these times to deter the criminals. This has been happening just recently and appears to be having an effect

The provision of more and more licensed premises and extending opening hours for existing licensed premises is driven by the companies who operate these premises but is also strongly supported by the property industry which benefits from the higher rents and therefore more valuable property yields and valuations which these rents supply. They are materially high than retail and other ground floor uses.

The introduction of the planning business use class E is facilitating a change of use to restaurant and bar. The planning department of Westminster is still facilitating and approving the provision of more and class E space in development and through changes of use. planners do do advise committees to condition such space to prevent restaurant and bar use. So the planning department of WCC and its existing City Plan 2019-2040 is actively undermining the work of the Licensing Department. There should be an immediate further amendment put forward to the City Plan to restrict class Eb use in the area covered by WEZ 1 and 2.

I have just completed this survey. I have NEVER seen such a badly designed survey. There is a single generalised question with box as question 1 leads a participant to believe that there will be other questions relating to the draft CIA to find out more about respondents views on the various aspects of the document. But no, only to find that this single question is the only one. The rest are mindless standard questions about age, ethnicity etc. This survey gets 'consulting the public' a bad name. What conclusions can you draw from the responses you receive. In addition why include the words 'if any'? Why would anyone complete this survey if they have no views. It is a joke!

The key to avoid these stress areas is to have more visible Police presence as if you reduce the number of Establishments, you will lose the charm of the Council.

It's time to pause on extending and granting more alcohol licenses. Crime and alcohol are directly linked and we are all very lucky that there has not been a major incident in Soho.

A very thorough report.

On one hand the CIA findings confirm what I observe as a resident in Westminster and what we, residents in our building, constantly complain about, especially in regards to Anti-social behaviour, public nuisance, dirt/litter on our street from nightlife patrons frequenting our street. We live on Newman Street, we are subjected to nuisance from the patrons of bars and restaurants on Goodge St heading down to Oxford St seeking transport. We are also massively disrupted by the patrons frequenting the increasing number of bars, clubs and pubs on Newman Street which are attracting and generating a lot of noise, public nuisance, anti-social behaviour and disruption to our lives as residents. On another hand, reading the stats about theft and violence so close to home, makes me feel concerned for my safety

It's incredibly thorough and transparent and the findings are grounded in detailed data. However, it is not clear that numerical data tells the whole story, perhaps because despite the abundance of data it is still covering a small geographical area and so relatively small absolute numbers can affect recorded outcomes. Understandably it relies on reported incidents and relative numbers between zones, hexagons etc. But so much of the lived experience is unreported and so hard to capture. The main overall lived experience is that in the 25 years I have lived in WEZ2, between the smoking ban, al fresco and general loosening of controls and the intensification of premises numbers, the overall environment has got much worse for all involved — just because there are more visitors doesn't mean they are having a better time any more than residents.

I also feel more at risk than I felt before reading the CIA ironically. I have rarely felt the environment to be dangerous and yet it turns out I am in the most dangerous zone by numbers. Perhaps I have just been lucky to now and need to be more concerned 🧐🧱♂️👤

The Westminster BIDs welcome the opportunity to respond to the City Council's draft Cumulative Impact Assessment, which we recognise forms the first step in the development of a new After Dark Plan.

The Westminster BIDs are non-political organisations that represent over 3,000 businesses and property owners in Westminster, including many licensed premises, and we have an established track record of working in partnership with the City Council.

Summary

We welcome the principle of establishing a new After Dark plan, particularly the commitment to create an inclusive Evening and Night-time Plan to improve the night-life in Westminster. This is an ambition and objective which is shared by all of us, particularly with members who are part of the City's vibrant Evening and Night Time Economy, and BIDs as providers of street-based teams to support the work of the City Council and Statutory Services. However, we do have a number of concerns about the draft Cumulative Impact Assessment, which we strongly believe the City Council should take into account as it develops the Assessment and subsequent After Dark Plan. These are set out below.

Footfall, Street Numbers and Police Resourcing

The CIA focuses on raw numbers of crimes and other issues and fails to provide important context in a number of areas, particularly footfall numbers. This is extremely significant, as whilst the Cumulative Impact Assessment gives volumes of recorded crimes or anti-social

behaviour, there is no overlay of the number of people in areas (particularly the identified CIAs) at any given time.

We are aware that the West End has eight million visitors per week, day and night and we are all concerned about levels of crime, and particularly the rise in crimes such as recorded theft and assaults. However, the numbers need to be assessed in the context of the number of people in an area at a given time given Westminster's position in the heart of a global city and whether these levels of recorded crime are increasing proportionate to footfall figures. The BIDs all hold footfall data, much of which is already shared with the City Council, and we would be happy to understand what further data may be of assistance to develop the evidence base of the Cumulative Impact Assessment by area.

Furthermore, we consider that the findings of the Cumulative Impact Assessment could be improved by also reflecting street-based populations, particularly in areas such as Victoria, which are also a factor in recorded crimes or anti-social behaviour in that particular area.

Important context should also be provided in an updated Cumulative Impact Assessment on levels of resourcing. As organisations which provide resources to deliver on-street teams, we are acutely aware of reduced Police numbers in parts of the borough, and this not serving as a deterrent to crime and anti-social behaviour.

To therefore seek to connect rising levels of crime and anti-social behaviour to licensed premises, without also considering the overarching picture of resourcing or context, is therefore disappointing.

Connecting Crime or Anti-Social Behaviour to Licensed Premises

In our view, perhaps the most significant issue with the draft Cumulative Impact Assessment is that the connection between some recorded crimes or anti-social behaviour and the quantum of licensed premises is entirely unproven.

For example, theft peaks in the early evening, when footfall numbers are highest and people are moving around the City, including shopping and going home. As a result, connecting this crime data at that time to licensed premises, many of which would not be at capacity or fully trading at that time, is potentially misleading.

We would therefore suggest that the focus of an updated Cumulative Impact Assessment is on revised hours, potentially starting from 8pm or 9pm as times when people are more likely to be in Westminster using some of the licensed premises.

In addition, we are concerned that the Cumulative Impact Assessment and its focus on recording crime and anti-social behaviour taking place at licensed premises. We understand the MPS records crime based upon the nearest street address / premises, and as a result the data potentially penalises those premises which are well-run, many of whom have been encouraged to actively report crimes or anti-social behaviour which have been taking place on the street or in the immediate vicinity of their premises. These premises often act as a place of refuge for the victim and are then incorrectly conflated. The presence of gangs in some areas or on some streets, who again may be operating in the public realm, has also not been taken into account in developing the Cumulative Impact Assessment.

Similarly, the Cumulative Impact Assessment fails to take into account potential other uses in an area which may account for higher levels of crime. An example of this is identifying the number of licensed premises in Praed Street and cross-referencing this with a higher number of assaults or injuries against the person. Again, connecting this to licensed premises is wholly misleading given the immediate proximity of St Mary's Hospital, where many of the assaults are first reported and recorded.

Unlicensed Premises

Another key omission in the draft Cumulative Impact Assessment is that it fails to take into account the potential impact of unlicensed premises, particularly where they may cluster in parts of the City.

An example of this is the Edgware Road where there are a significant number of cafes and bars offering services that do not fall within the licensing regime, such as shisha. These are often open late but are not covered by the CIA and this needs to be made clear in the document. The impact of these unlicensed premises is not taken into account by the Cumulative Impact Assessment, and again results in the impacts being inaccurately attributed solely to licensed premises.

Anti-Social Behaviour

The CIA references that approximately 6.5% (757) of all Anti-Social Behaviour (ASB) calls in 2022 are recorded as having been linked to alcohol. It would be useful to see the wider context and percentages for the other drivers / subjects of ASB in the City, perhaps a pie chart would help understand the breakdown of the other 93.5% of ASB reports.

Use of Data

As we have highlighted already, we are concerned about the data and datasets which have been used to inform the draft Cumulative Impact Assessment. Some of the data which has been used is only available to the City Council and / or relevant agencies, meaning it is not possible to scrutinise the data being used to draw the conclusions set out in the Cumulative Impact Assessment.

Furthermore, of the data which is used, including from the City Survey, some of the numbers used to draw conclusions are extremely low. For example, drawing conclusions around fear of crime amongst the residential population in the Hyde Park ward on the basis of 14 out of 135 residents from the area who took part in the City Survey, risks not standing up to appropriate scrutiny.

Conclusion

We welcome the opportunity to respond to the Cumulative Impact Assessment consultation. Whilst we welcome the publication of information and data in the interests of openness and transparency, we are extremely concerned that the data and conclusions published fail to either provide an appropriate context, or connect many of the recorded crimes or anti-social behaviours to licensed premises.

We would therefore strongly recommend that the City Council seeks to provide a more-overarching document, taking into account wider factors and context, should it choose to use this as part of the steps to developing its new After Dark Plan.

I'm not surprised but do not have any faith in the council to do anything about it.

Submission to the City of Westminster consultation on its draft Cumulative Impact Assessment

Dear Sir/Madam

Thank you for giving us the opportunity to comment upon your draft Cumulative Impact Assessment ('CIA'). Poppleston Allen Licensing Solicitors is the largest specialist licensing law firm in the UK. We act for a wide range of clients, from large multiple operators to independents. Many of our clients have premises in Westminster. How the City of Westminster approaches the implementation of the Licensing Act 2003 and specifically the issue of cumulative impact matters greatly to many of our clients, some of whom may not have premises in Westminster yet but wish to do so.

This submission is not made on behalf of any particular client, but rather is submitted by Poppleston Allen in our own right. In doing so, however, we bear in mind the significant involvement of our clients in the City of Westminster and particularly in respect of restaurants who, for the first time, find themselves at risk of not being treated as an exception to policy. The purpose of our submission is to put the City of Westminster to proof on some of the conclusions in your draft CIA, and, where found wanting, to ask you to re-think. Cumulative Impact Zones are generally a bar to business, they restrict competition, allowing existing operators the luxury of trading without fear of new competition or improved practices. The licensed sector, particularly for pubs and bars is shrinking and any policy, in quite possibly the country's most vibrant nighttime economy, should do its utmost to prevent this decline. This is particularly the case with regard to restaurants which, for the first time, look likely not to be treated as an exception to policy. As you state in your draft CIA, each application should be treated on its merits. We ask to what degree is this fundamental principle reflected in the CIA and what causal connection exists to justify the removal of restaurants as an exception?

Causation not correlation

It is an accepted truth that a cumulative impact policy may be justified because, due to a number of licensed premises in a concentrated area it is simply not possible to directly associate any one individual premises with undermining the licensing objectives. A broader approach is sometimes needed.

However, that is not the same as saying that simply because crime or ASB occurs in an area of concentrated licensed premises that a cumulative impact policy is justified.

There must be a causal link between the concentration of licensed premises and the increased levels of crime or ASB.

It is not enough to prove a correlation between crime/ASB and high numbers of licensed premises. A correlation might occur for lots of reasons, for example the simple volume of people who gather in a particular locality.

In many places the draft CIA uses words that suggest a direct causal link between crime/ASB and licensed premises, for example (our emphasis in italics):

- it is the cumulation of the premises and the activities that surround them that creates the increased problems and undermines the licensing objectives (page 4)
- A CIA examines the available data to establish if the presence of licensed premises in certain areas had led to cumulative impact (page 4)

We simply ask, specifically in respect of restaurants, where is the evidence of a causal effect between restaurants and levels of crime, ASB and noise in WEZ1 or WEZ2?

Your own CIA states the following, in light of numerous accepted limitations in the analysis methodology:

For the above stated reasons, the models' estimates should be interpreted as approximations of correlations between the prevalence of licensed premises (types) and crimes in their vicinity, not as a relationship of cause and effect. (page 95)

Not only does this acknowledge the conclusions are only correlations, but that they are approximations of correlations – a far remove from proving cause and effect between a number or type of licensed premises and increased levels of undesirable behaviour.

Moreover, where is the evidence to suggest that restaurants specifically are causing or

contributing to these levels of undesirable behaviour? At page 12 it is stated that, "Restaurant Offence type breakdown was mainly Theft". However, it is not clear what constitutes theft in this case. From long experience in dealing with Reviews against licensed premises nationwide, the crime of theft is often recorded whereas upon further analysis of the individual crime reports it is evident that the "theft" is in fact the report of a mobile phone having been lost and recorded as theft in order to claim on the insurance. Moreover, a person who has their bag or mobile phone stolen from a restaurant is not necessarily drinking alcohol, and even if they are that is unlikely to be the cause of the theft – particularly during what are stated to be the 'key times' for thefts from 4pm-8pm. To what degree has account been taken of this?

The Silent Majority.

At page 28 it is stated that 27% of West End respondents feel there are problems related to licensed premises (people drinking/smoking outside, blocked pavements, deliveries, etc) but by definition that means 73% of West End respondents did not consider there were such issues, or, not sufficiently strongly enough to respond to the survey.

To what extent has this silent majority's reticence been taken into account?

Moreover, in a Soho Resident Panel referred to at Page 32, 88 residents were surveyed regarding noise and sleep. Several state that noise has "increased....in the last three years", and that it is "very difficult to get the local authority to understand and take complaints seriously".

However, there are a significant number of respondents who take a very different view. For example:

"I realise that if you live in the centre of London there will be a certain amount of noise..."

"Soho is a busy, vibrant, amazing place and the noise that comes with it is part of the beauty of the area".

"I don't find noise to be an issue considering we live in the epicentre of the one of the world's greatest cities..."

"The noise I experience is minimal considering I live in the centre of London, in Soho.

Occasionally, people drink too much and shout or fight, but this makes sense considering I am living in the most exciting part of London..."

"I moved to Soho because I like the loud, frantic and energetic atmosphere. If I wanted a quiet relaxing environment I would live literally anywhere in London. Soho should not be made like every other soulless, featureless, safe, and quiet suburb".

Where have the views of these and no doubt other residents been taken into account in formulating the CIA?

Street Population Density

Is there any analysis of the actual number of people/footfall in the West End zones? It is self-evident that more people will equate to more crime. Westminster saw the largest swing in offending in London over the Covid period linked to reductions in footfall and changing business/ consumer patterns (page 10). Page 95 of the draft consultation, in the list of the limitations to the analysis includes the following: "Street population density. This is among the most significant drivers of undesirable behaviour: however this could not be accounted for in this analysis".

Is that not a remarkable statement? Undesirable behaviour happens where people gather (as indeed does desirable behaviour). In terms of footfall surely the West End is one of the most populated areas in the country? Is it not critical therefore, in order to obtain a sense of proportionality and perspective to any figures relating to crime, noise or anti-social behaviour that the actual number of people in the location is assessed? Most of us would feel safer in a city of a million people where there had been seven stabbings compared to a village of a hundred people where there had been seven stabbings.

The issue of street population density goes to the very heart of proportionality.

At page 30, it is stated that Victoria station accounts for 21.4% of all "transport related crime and disorder", followed by Paddington station (14.6%) and Oxford Circus (12.8%). These

stations are the busiest stations for footfall and customer journeys but nobody is talking about closing them down. Account is clearly taken (at least implicitly) that where there is significant footfall there will be more recorded incidents. Where does a similar approach apply with regard to licensed premises, and restaurants in particular?

Problems with the data.

In several places in the draft CIA limitations are outlined in respect of the data upon which the CIA is based. The below are just some examples:

- Crimes with an 'Alcohol' flag. From 76,639 recorded crimes in our data set from 2022, only 99 of them had a 'Alcohol' flag added to the crime record in an extractable way. This is approximately 0.13% of recorded crime. This proportion should obviously raise questions regarding the accuracy of the data, yet it can still be useful in examining where some alcohol incidents take place. (Page 82)

- A breadth of high quality and detailed data has been obtained and interrogated using statistical methods to offer comprehensive insights into cumulative impact in the borough. However, the project team recognise that there are limitations to some data sets, to ensure openness and transparency these limitations and the methodologies employed are outlined in the appendices to this document. (page 9)

Examples of acknowledged limitations with the data and analysis methodology include:

- Multiple recorded licences at the same location (presumably leading to duplication, and possibly one of the thirty-five shadow licences in Westminster).
- Status accuracy – a licence may be issued but not actually being used.
- Classification of premises types can be misleading (a restaurant can refer to a fine dining establishment, a venue which also hosts a late-night bar and club or a fast-food premises).
- Data completeness. Approximately 6% of licences are not recorded as a premises type and this rises to 23% for new licences.

Other limitations are mentioned but to the uninitiated it is not obvious to what extent these skew the data, for example, sampling numbers (only 2,250 matches geographically of the 4,045 licensed premises in Westminster); accuracy of data (the location at which undesirable behaviour occurs may not be the same as the location recorded in the reporting. This potentially leads to missed or erroneous correlations); and the 'Odds Model by premises type' was considered too broad to allow for confidence and therefore only the "all premises type" figures have been used for the Odds Model for each undesirable behaviour issue.

What effect have these limitations had on the data?

Conclusion

We are concerned that restaurants may no longer be treated as an exception to policy and that the draft CIA provides insufficient evidence to justify this important change.

The following is from the national Guidance:

In some areas where the number, type, or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

These are not, by and large, the activities that one would expect to see from the cohort of restaurants, and it is unreasonable and illogical to lump them together with other premises, for example pubs, bars, nightclubs and late-night takeaways.

Any fears about particular premises can still draw representations from Responsible Authorities and residents, and indeed the concept of cumulative impact is not limited solely to areas for which there exists a Cumulative Impact Policy.

At page 4 of the draft CIA, cumulative impact is described as “the term used to describe the stress that having a number of licensed premises in a concentrated area can have on the four licensing objectives”.

On page 79, in the conclusion, it is stated that crime statistics, licensing records, ambulance data, incidents tied to alcohol- related calls, incidences of anti-social behaviour, noise related grievances and interactions with internal and external service specialists have culminated in the following conclusions:

1. That there is an established association between the presence of licensed premises and incidents of cumulative impact in the borough.

2. Hot spot analysis was utilised to understand the concentration of crime, ASB as well as noise complaints. The hot spots that were statistically significant at least 90% of the time were particularly prevalent in the West End zones defined previously by the CIA.

However, the regression analysis methodology itself acknowledged significant limitations as stated earlier. Also, no account appears to have been taken in these conclusions of the population density/footfall, nor Westminster’s unique status, particularly in and around WEZ1 and WEZ2 of being as one resident said, “the epicentre of one of the world’s greatest cities”. Neither has account been taken of the 73% of residents who apparently did not consider there were noise or ASB issues in the West End.

It is ironic that, given one of the issues raised throughout the consultation is that of noise, the voices of those who complain most loudly appear to be heeded more than the silent majority. The data and statistics throughout the consultation are generic and fail to establish either cause or effect or indeed a correlation between the matters complained of and licensed premises. Where has account been given to licensed premises simply being used as a convenient geographical marker for an incident (of noise, crime or anti-social behaviour) that would have happened anyway, or indeed whose effect was minimised or reported by virtue of the very presence of a licensed premises in the first place?

What evidence does the City of Westminster have that specifically restaurants will have a direct impact on undermining the licensing objectives? What analysis has been carried out regarding how typical restaurant premises trade, the demographic of their customers and the behaviour of those customers? For example, if a policy was looking at including off licences within its scope then detailed analysis of street drinking, perhaps homelessness, begging and alcoholism on the streets, together with the strength and nature of alcohol being sold from off licences would be taken into account. What similar analysis has been undertaken for restaurants?

There is a fundamental danger here- if the evidential and causative basis for the inclusion or exclusion of certain types of premises is not clearly set out in a CIA then how can any future applicant for a material variation or a new licence hope to understand how to either be treated as an exception or indeed to overcome the Policy? Simply listing all the premises presumed to be unwelcome is completely different to providing clear criteria for those who are welcome, and undermines the fundamental principle that each application will be treated on its own merits - as stated in the consultation document. If the City of Westminster is unable to set out clearly the criteria, principles or guidance upon which applicants can overcome a cumulative impact policy, then does that not reveal a deeper fuzziness of thinking into why the cumulative impact policy has been imposed in the first place?

The evidence presented points to theft caused by gatherings – the lack of places open in the evening during these peak hours is causing gatherings, not the premises themselves.

A vibrant night-time economy is vital for attracting visitors to London and Westminster. These visitors contribute significantly to the local economy by spending money in cultural institutions, restaurants, entertainment venues, and more.

Like many areas in London, post-pandemic recovery has been slow, and the area has not yet returned to pre-pandemic levels of foot traffic. To stimulate investment, spending, and support job retention and local businesses, the British Beer and Pub Association places particular importance on supporting licensed premises such as pubs that draw millions of visitors to the area, generating economic benefits and substantial business rates for the council.

Licensed premises such as pubs are integral to realising the Mayor of London's vision of transforming the city into a thriving 24-hour global hub. We support a balanced approach to licensing policies that address issues related to crime and safety while ensuring a prosperous, vibrant night-time economy.

We would like to note our disappointment with the quick turnaround time for the consultation and the unavailability of the datasets used to form conclusions. Without access to this data, it is challenging to respond accurately. That said, we feel that there is no concrete link between licensed premises and crime.

Large gatherings of people, rather than licensed premises, are the primary issue when it comes to crime. We would contend that the West End, including St James's, is inherently busy due to its nature and that discouraging large gatherings would harm the local economy. Instead, we would suggest that if there were a greater variety of late-night venues open during peak hours across different wards, it could reduce crowd sizes.

We would propose that the focus should shift towards mitigating crime linked to the area using an evidence-based approach. We do not believe in restricting future licenses for licensed premises, as crime is not a result of these establishments.

We at the music venue trust represent the grassroots music sector and are disappointed that despite suffering massive losses to number of live music venues in borough this sector still isn't recognised in its own right. It is clear from data around cultural venue though that these premises are not crime generators and therefore we believe these should be completely exempted from any CIP in the borough. Westminster have operated a similar policy since the Licensing Act was implemented and if crime and public nuisance are still an issue then the council need to consider if this policy has simply failed. That a completely new approach should be considered. Since 2006 the arts sector has really suffered and no more so that in Westminster which is centre of the what we believe is the number one cultural capital in the world. The Council therefore need to completely review how the arts sector is supported and exempting these venues from it impact policies would be a good place to start. Cultural venues are really struggling and if Westminster want to reach out to the MVT and the GLA we can supply the data and evidence to help with any further analysis. Venues need to be allowed to operate longer hours and new venues need to be permitted to open in Westminster. By putting all licence premises in the same category all that will happen is the West End will become a cultural waste lane and the only licence premises that will survive will be the large chains.

I think some licenses should be taken away if they cannot do what they can to prevent public nuisance (like body guards or staff) in the early morning hours. I live in Soho and often have people urinate on my doorstep. I don't mind if somewhere is open during early morning hours provided they employ people to prevent anti-social behaviour.

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EQUALITY IMPACT ASSESSMENT TOOL

The council has a statutory duty to consider the impact of its decisions on age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex (gender) and sexual orientation.

The Council also has a duty to foster good relations between different groups of people and to promote equality of opportunity.

Completing an 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. Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

When you should undertake an EIA:

- You are making changes that will affect front-line services
- You are reducing the budget of a service, which will affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles (particularly if it impacts on frontline services).
- EIAs also need to be undertaken on how a policy is implemented even if it has been developed by central government (for example cuts to grant funding).

Who should undertake the EIA:

- The person who is making the decision or advising the decision-maker

Guidance and tools for completing EIAs are available on the WIRE:

<http://rewire/supportunits/policyplaningandperformance/Pages/Equalities.aspx>

An EIA e-learning module is available for all Westminster staff:

www.learningpool.com/westminster/course/view.php?id=159

When you have completed an EIA, please send the final copy to David O'Leary (Strategy Unit): <mailto:mdoleary@westminster.gov.uk>

SEB will monitor compliance with the requirement to complete EIAs.

SECTION 1: DETAILS OF EQUALITY ANALYSIS

1.1	Title of EIA
	Westminster City Council 2023 Cumulative Impact Assessment
1.2	What are you analysing?
	<ul style="list-style-type: none"> • What is the purpose of the policy/project/activity/strategy? • In what context will it operate? • Who is it intended to benefit? • What results are intended? • Why is it needed?
	<p>The Council may undertake a Cumulative Impact Assessment (CIA) to determine whether any area within its boundary is under cumulative stress. If the Council wishes to have cumulative impact zones, it must publish a CIA, which must be reviewed every three years. The Assessment remains relevant until replaced by a subsequent CIA.</p> <p>A CIA is conducted to evaluate the potential impact of licensed premises on a given area and is a data driven document. This assessment considers the Act's four licensing objectives: prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. It scrutinises whether clusters of licensed premises in an area lead to a cumulative impact on these objectives due to their proximity.</p> <p>The purpose of reviewing a CIA is to determine whether the opinion that the licensing objectives are being undermined remains the same, which in these circumstances it does. The CIA does not impact on existing policies in the Statement of Licensing Policy.</p> <p>Procedurally, the Council is required to carry out a statutory consultation on the draft proposed CIA before it can be published. Officers are obliged to review the responses and any amendments are taken into account in light of the feedback given.</p> <p>The consultation was undertaken from 9th October to 12th November 2023 and feedback from those responding to the consultation has been incorporated into the CIA. No equalities issues were raised as part of the consultation.</p>
1.3	Details of the lead person completing the EIA
	<p>(i) Full Name: Aaron Hardy</p> <p>(ii) Position: Principal Policy Officer</p> <p>(iii) Unit: Innovation and Change</p> <p>(iii) Contact Details: ahardy1@westminster.gov.uk</p>
1.5	Version number and date of update
	V1 21/11/2023

SECTION 2: EQUALITY ANALYSIS

2.1	<p>If you are planning changes to a current service, which customers from the protected groups are using the service currently?</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
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	evidence. Do not leave any box blank.
	There are no planned changes to a service.
2.2	<p>Are there any equality groups that are overrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service. Information about Westminster’s population is on the Equalities page on the WIRE.</i></p>
	<p>Westminster’s revised Cumulative Impact Assessment is not anticipated to have a significant impact on any specific group as it is a collection and analysis of data.</p> <p>It is also important to highlight that this policy statement sits within the wider context of the Local Authority’s duties under the Equality Act 2010. These require us to have due regard to:</p> <ul style="list-style-type: none"> • Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act • Advancing equality of opportunity between people who share a protected characteristic and people who do not share it • Fostering good relations between people who share a protected characteristic and people who do not share it <p>Having due regard involves the Council:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. <p>We recognise that equality and diversity is not a parallel process or something to think about once a year. It is an absolutely fundamental part of improving services for everyone. It is nothing to do with ticking boxes or bureaucracy, and everything to do with making Westminster a place where anyone can be happy to live or work. It is central to delivering high quality customer services in the heart of London. We identify and actively address inequality, where evidence shows that it exists.</p> <p>This diversity and the changing nature of Westminster’s population makes Westminster a culturally and socially rich city, which benefits from the different experiences, perspectives and respect for others this diversity brings.</p>
2.3	<p>Are there any equality groups that are underrepresented in the monitoring information relative to their size of the population? <i>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.</i></p>
	It is not believed that any groups are underrepresented in the monitoring information, relative to the size of their population.

<p>2.4</p>	<p>What other evidence can you use to assess impact? For example:</p> <ul style="list-style-type: none"> • Results of consultation or engagement activity • Analysis of enquiries or complaints • Benchmarking monitoring information with other local authorities • National research <p><i>If you do not have enough evidence you may need to take steps to fill in your information gaps – for example meeting with stakeholders, conducting surveys etc (the amount of evidence you need should be proportionate to what it is you are assessing. For example, changes to the eligibility for social care required a substantial consultation, as well as assessment of the numbers of people affected. However, a change to the frequency of bin collections will require less evidence to effectively assess impact).</i></p>
	<p>To assess the impact of the Cumulative Impact Assessment and ensure all voices are heard in its development, we have carried out a public consultation on the draft. No equalities issues were raised.</p>
<p>2.5</p>	<p>Will people from all equality groups be able to access the council service in question? Think about the customer journey and whether any barriers may exist for different groups along the way (from finding out about the service, at the access points, when receiving the service etc). <i>Separate guidance on identifying barriers is available on the WIRE.</i></p>
	<p>The CIA is not a service and will not result in any changes to a service.</p>
<p>2.6</p>	<p>What negative impacts or disadvantage could stem from the changes you are proposing on people from the different groups? Could any part of the policy discriminate unlawfully (this includes direct & indirect discrimination, victimisation and harassment)? <i>If there is any discrimination the action must stop immediately and advice sought.</i></p>
	<p>The CIA does not propose any changes to policy. Changes to policy will be subject to a separate consultation and EqlA.</p>
<p>2.7</p>	<p>Is there anything you can do to promote equality of opportunity? This means the need to:</p> <ul style="list-style-type: none"> • Remove or minimise disadvantages suffered by equality groups • Take steps to meet the needs of equality groups • Encourage equality groups to participate in public life or any other activity where participation is disproportionately low • Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary <p>Is there anything you can do to foster good relations between people who share a protected characteristic and those who do not? This means:</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding
	<p>The CIA aims to promote equality of opportunity and inclusion in line with Local Authorities' responsibilities under the Equalities Act and the Licensing Authority's Equalities Duties.</p>
<p>2.8</p>	<p>Are there changes proposed in related policy areas or services? How are you taking into account the combined impact of these changes? <i>Small changes in a</i></p>

	<i>policy area may cause some disadvantage, but the cumulative effect of changes in related areas could have a significant impact. A separate EIA will need to be undertaken where a number of changes are planned in a service area or where multiple changes are planned in different service areas that could impact on an equality group (for example changes in adult services, children's service, and transport/public realm changes could lead to a significant impact on disabled people, which may not be identified by looking at the changes individually)</i>									
	There are no proposed changes to policy areas or services.									
2.9	Considering your answers above, what are the issues, barriers, impacts you have identified and what can you do to reduce any negative impacts? Also include any issues you will need to take into account as your policy develops.									
	<table border="1"> <thead> <tr> <th>Column A – Issues or barriers, things to take into account</th> <th>Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).</th> </tr> </thead> <tbody> <tr> <td>The gathering of evidence on equalities and licensing</td> <td>The Council participates in national and regional networks to share information and best practice. The Council will also monitor compliance and complaints, collect data locally and analyse and interpret this as necessary to improve understanding of the links between equalities and licensing.</td> </tr> <tr> <td>Dissemination of information</td> <td>A public consultation has been undertaken and there will be an associated comms plan alongside the launch of the revision.</td> </tr> </tbody> </table>	Column A – Issues or barriers, things to take into account	Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).	The gathering of evidence on equalities and licensing	The Council participates in national and regional networks to share information and best practice. The Council will also monitor compliance and complaints, collect data locally and analyse and interpret this as necessary to improve understanding of the links between equalities and licensing.	Dissemination of information	A public consultation has been undertaken and there will be an associated comms plan alongside the launch of the revision.			
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2.10	Now you have considered the potential or actual effect on equality, what action are you taking now? Document the reasons for your decision.									
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	1. No major change (no impacts identified) – given that the CIA is a data gathering and analysis exercise.									

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER

SIGNATURE:



.....
FULL NAME:Kerry Simpkin

UNIT:Policy and Projects.....

EMAIL & TELEPHONE EXT:ksimpkin@westminster.gov.uk.....

DATE (DD/MM/YYYY):21/11/23.....

THIS

WHAT NEXT?



City of Westminster

Licensing Committee Report

Date of Committee:	4 December 2023
Classification:	General Release
Title of Report:	Update of Licensing Appeals
Wards Affected:	All
Decision Maker:	For information
Financial Summary:	None
Report's author:	Ms Heidi Titcombe Principal Solicitor (Licensing and Highways Legal Team) Heidi.Titcombe@rbkc.gov.uk For the Director of Law and Governance

Introduction

1.1 This report provides a summary of recent appeal results.

2. Recommendations

2.1 That the report be noted.

3. Reasons for Noting

3.1 To be aware of the current appeals being received and their outcome.

4. Background

4.1 Legal Services has been dealing with four licensing appeals since July 2023, one of which has been withdrawn, a new appeal has been received, resulting in three pending determination, as specified in section 5 below. Legal Services has also been dealing with two judicial reviews as set out in section 6 below.

4.2 To date, 490 licensing appeals have been received since the Council took over the licensing functions from the Magistrates' Court in February 2005. 487 of these appeals have been heard / settled / withdrawn, leaving three to be determined as shown below:

- 3 pending
- 59 dismissed
- 16 allowed
- 13 allowed only in part
- 168 settled
- 230 withdrawn
- 1 out of time.

5. Appeals

5.1 MacDonalds, 178 - 180 Edgware Road, London, W2 2DS – compromise agreed subject to Court's approval

5.2 MacDonalds applied for the extension of hours of their late-night refreshment licence which would enable them to effectively operate 24 hours a day. The Premises is situated in a Special Consideration Zone. The application attracted representations from residents, the Police, and Environmental Health.

5.3 The Licensing Committee refused MacDonalds' application to vary their Premises Licence on 9th March 2023 and MacDonalds appealed to the Westminster Magistrates' Court. The Case Management Hearing took place on 6 July and the hearing was due to take place at the **City of London Magistrates' Court** over three days on **21, 23 and 24 November 2023**.

5.4 The Appellants sought to compromise the appeal by offering to close at 3.am every day of the week. This was changed in November to 2.30.am every day of the week which the Council did not consider was appropriate. However, after further negotiations, the Council agreed to settle the appeal whereby MacDonalds can provide late night refreshment until 2.30 am, but only on Fridays and Saturdays. This compromise is on the basis that the licence shall be subject to various conditions including requiring SIA door staff and an area for delivery drivers to wait on the premises. The Appellants have also agreed to pay the costs incurred by the Council in instructing Counsel. Such costs are payable within 28 days. The Council is currently awaiting the sealed Consent Order from the Court.

5.5 Park Street Hotel, 14 Park Street W1K 2HY – pending

5.6 This is an appeal brought by Park Street Management Co Ltd who are residents of Fountain House who opposed the grant of a new Premises Licence basically on the grounds that the application undermines the licensing

objectives.

5.7 The Premises propose to operate as a 6-star hotel and restaurant with residential apartments and associated facilities. The Premises are in the West End Ward but not within the Cumulative Impact Zone or the Special Consideration Zone so there was no policy presumption to refuse the application, which had to be determined on its merits. Representations were received from Environmental Health, Park Street Management, Fountain House and five individual local residents.

5.8 The Case Management Hearing took place on 11 August 2023 at Westminster Magistrates' Court when directions were given for the determination of the appeal. The case was listed for hearing over four days **on 20, 21, 22, 23 May 2024 at Westminster Magistrates' Court**. Members will be updated on the outcome of the appeal in due course.

5.9 Piano Works, Clareville House 47 Whitcomb Street London WC2H 7DH – withdrawn

5.10 TDC ENTS LTD appealed the Licensing Committee's decision of 27 April 2023 to refuse to grant a new Premises Licence for a live music venue with a capacity of 700 persons. The Premises is located in the West End Cumulative Impact Zone.

5.11 The Case Management Hearing was due to be heard on 9 November 2023. However, on the 12 October 2023, the Appellant withdrew the appeal. As minimal costs were incurred, the Parties agreed to bear their own costs.

5.12 Vanity Bar and Night Club at 4 Carlisle Street, London, W1D 3BJ – pending

5.13 This is an appeal against the refusal of the Licensing Sub-Committee on 25 May 2023 to renew the sexual entertainment venue licence. The main grounds of refusing to renew the licence was because of the constant breaches of the licence, so the Committee did not have confidence that the operator would comply with the conditions of the licence.

5.14 The renewal was opposed by the Police and five interested Parties. The Case Management Hearing took place on 9 August 2023 at Westminster Magistrates' Court when the court gave directions for the determination of the appeal. The appeal was set down for hearing over three days **on 5, 6 and 7 March 2024 at Westminster Magistrates' Court**. Members will be updated as to the outcome of the appeal in due course.

6. JUDICIAL REVIEWS

6.1 Hemming and others v Westminster City Council – pending

6.2 Members will be aware that Hemming and a number of other proprietors of sex establishments in Soho have challenged the fees charged by Westminster for sex shop licences. They have alleged that the Council was only entitled to recover the administrative costs of processing the application when assessing the licence fee, and not the costs of monitoring and enforcing the whole licensing regime against unlicensed and licensed operators.

6.3 The High Court and the Court of Appeal both held that the European Directive prevented Westminster from recovering the fees for monitoring and enforcing the licensing regime, against licensed and unlicensed operators. Westminster was therefore ordered to repay this element of the fees which related to monitoring and enforcement costs.

6.4 Westminster appealed to the Supreme Court who decided after various hearings on 19 July 2017 that Westminster could recover a reasonable fee for the monitoring and enforcement of the sex licensing regime in Westminster (including the costs of enforcement against unlicensed operators) and this element needs to be determined by the Court.

6.5 On 25 July 2023, three of the Claimants agreed to settle the action by consent as follows:

(1) The First Claimant (Timothy Martin Hemming) has agreed to pay the Council the sum of £179,978

(2) The Second Claimant (James Alan Poulton) has agreed to pay to the Council the sum of £355,956.

(3) The Third Claimant (Harmony Limited) has agreed to pay to the Council the sum of £179,978.

6.6 The First, Second, and Third Claimants have also agreed to pay the Council's costs of £40,900, for which they shall be jointly and severally liable. The position in relation to the other claimants is as follows:

(4) Gatsile Limited and Swish Publications Limited are dissolved companies therefore the matter cannot be pursued against them any further.

(5) Darker Enterprises Limited is in liquidation and the liquidator has confirmed that there are no funds therefore the matter cannot be pursued further.

(6) Winart Publications limited is in liquidation but funds are available, although the Liquidator is disputing that the money can be used to pay the sum owed to

the Council, and the matter is still being pursued by the Council. At present without prejudice discussions are taking place between the parties.

6.7 Montpeliano, 3-17 Montpelier Street, London, SW7 1HQ - consent order signed

6.8 Montpeliano is a restaurant which has held a converted premises licence since 2005. The Premises was taken over by another operator Monte London Limited, who issued a judicial review against the Council on 7 June 2023 for the following reasons:

(a) They contend the Council's decision to amend the licence on its website to reinstate "restaurant conditions" which were omitted in October 2019 from the licence due to an administrative error was unlawful, and

(b) Against the Licensing Authority's decision on 17 March 2023 to refuse to grant a minor variation of the Licence, and

(c) Against the Licensing Authority's decision on 24 April 2023 to refuse to grant a second minor variation.

6.9 The Council filed its Grounds for resisting the claim on 28 June in the High Court and the Parties were awaiting the Court's decision as to whether or not they were going to grant leave to judicially review the Council. However, the Claimant also submitted a more detailed fresh application for a minor variation. The Claimant indicated they would be prepared to withdraw the judicial review if the Licensing Authority approved the revised minor variation application.

6.10 The minor variation application was deemed granted on 22 September 2023 after taking into account the additional submissions provided in respect of the sky light in the application form; the operator agreeing to a condition that the number of persons accommodated in the lower ground floor shall be limited to 30 persons (excluding staff) at any one time and a confirmation that the sale of alcohol would be restricted to persons taking a table meal. The amended plan was approved, and variation will have no effect until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

6.14 As the minor variation approval can be appealed, the judicial review has been stayed pending the expiry of the appeal period. Once the appeal period has expired, providing no appeal has been made, the Claimant will withdraw the judicial review.

7. Financial Implications

7.1 Legal costs are incurred in dealing with appeals, but the Licensing Authority seeks to recover its costs where it is appropriate to do so.

8. Legal Implications

- 8.1 Any applicant making an application under the Licensing Act 2003 and any other party who has made a representation, is entitled to appeal a decision of the Licensing Sub-Committee provided they apply to the Magistrates' Court within 21 days of the full licensing decision being issued. Such an appeal takes the form of a complete rehearing of the case, where new witnesses can be called and often such an appeal lasts many days. A Magistrate's Court has the power to grant or dismiss the appeal or to remit the case back to the Licensing Sub-Committee for reconsideration.
- 8.2 A Magistrates' Court has the power to make any order it considers appropriate in terms of legal costs. If the Committee provides a fully reasoned decision of the application, the onus is on the Appellant to prove that the Sub-Committee's decision was wrong.

9. Equalities Implications

- 9.1 The Council must have due regard to its public sector equality duty under Section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 9.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.3 The Council believes there are no direct equalities implications arising from this report.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Ms Heidi Titcombe, Principal Solicitor at 07739 314073 or by email at
email: heidi.titcombe@rbkc.gov.uk