



City of Westminster

Environment, Highways and Public Protection Policy and Scrutiny Committee

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Report Of: Councillor Heather Acton

Portfolio: Cabinet Member for Public Protection and Licensing

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1 COVID-19 Response

Maximising on-street presence

- 1.1 Resources are being used flexibly to cope with changes to any legislation and guidance which we are responsible for enforcing and addressing any new issues through changing shift rotas and bringing in extra officers where necessary.
- 1.2 City Inspectors have worked continuously with the Metropolitan Police to ensure compliance with COVID-19 regulations throughout this time. Wide ranging work has included:
 - Monitoring markets daily with the Police to ensure compliance of regulations
 - Supporting the Rough Sleeping teams with daily monitoring of rough sleeping sites, totalling 394 checks to date
 - Monitoring changes to the public realm implemented by the Movement Strategy
 - Joint work with the Police and Parks Team to ensure social distancing
 - Regular presence in key areas, such as Soho, where issues have arisen in relation to social distancing by groups on the street

Compliance with Covid-19 regulations and working with businesses

- 1.3 The Public Protection and Licensing directorate has emphasised working together with local businesses to help them comply with the different COVID-19 regulations introduced over the last 6 months.
- 1.4 The directorate has engaged with over 395 premises (totalling 658 visits) around breaches in COVID-19 regulations. To date, 24 prohibition notices under Health Protection (Coronavirus) Regulations 2020 have been served. For 59% of businesses the issue was resolved immediately on the first visit.

Rough Sleeping

- 1.5** The Rough Sleeping Team housed over 700 people during COVID-19, 249 of which were WCC's own cohort and hundreds of others coming from outside the borough.
- 389 are housed in WCC hostels
 - 246 were housed in WCC emergency hotels
 - 269 were placed in GLA hotel accommodation
- 1.6** Only 17 persons with complex issues to resolve remain in hostels, with everyone else moved into more sustainable accommodation, with some already in fulltime and part time employment. There has been improved partnership with faith groups and soup runs, with 20 groups attending a weekly Faith and Voluntary Network (FVN) call. These groups helped set up a donation hub, showers, food provision and laundry service. The FVN continues to meet in order to help develop a better model of engagement.

Mortuaries

- 1.7** The Council has been instrumental in supporting a regional and national mortuary response. The mortuary team has ensured temporary increased capacity at the local mortuary and also support for the regional and pan-London response.
- 1.8** Westminster's Mortuary Team saw a significant rise in the number of cases since the major outbreak in March 2020. As part of the Council's emergency response, a temporary body storage structure was erected adjacent to the mortuary to double the capacity from 106 to 213. This contingency is still available and can be activated at short notice.
- 1.9** This increased capacity allowed for the Council to continue to deliver its statutory requirement to manage the deceased on behalf of HM Coroner (Prof. Fiona Willcox) for Inner West London in a safe and dignified manner.
- 1.10** In line with coronial statute, Westminster mortuary provided mutual aid to neighbouring local authorities (Wandsworth and Merton) with storage of their excess deaths and post-mortems to avoid their mortuaries being over capacity, along with providing storage to several hospital mortuaries which were over-capacity at the peak of the COVID-19 pandemic. The work was part of a larger pan-London response coordinated through the Strategic Coordination Group in line with the London Excess Deaths Framework.
- 1.11** The Council also contributed to the COVID-19 research effort by facilitating nine coronavirus-related research post-mortems with the pathologist from St Mary's Hospital to increase our understanding of the virus.

Partnership work with Police and Anti-Social Behaviour (ASB)

- 1.12** The Council has worked closer than ever with our local police partners. Lockdown led to a significant reduction in recorded crime, but there was an increase in anti-social behaviour (ASB) although these were predominantly regarding individuals failing to socially distance or not following other rules or guidance associated with lockdown.
- 1.13** We developed a joint plan with the police for re-opening the city, especially around the West End. Joint patrols for key areas continue to ensure hospitality areas remain COVID safe. Significant support has also been provided to the licensing trade and businesses as amendments to COVID regulations are implemented.

- 1.14** Post lockdown, the police and the Council have responded to at least 25 incidents of Unlicensed Music Events (UMEs) hosted at residential addresses, public spaces and within pre-booked short term let properties. The rise in this phenomenon has occurred due to the non-availability of nightclubs and other music events. The Council worked with other London Boroughs and the police to create a London-wide protocol for UMEs.
- 1.15** We are pursuing longer term action against the most problematic addresses. In addition, the Short Term Lets team and Planning have issued 4 planning contravention notices against STL properties that have hosted UMEs.

2 COVID-19 Recovery

Outbreak Management

- 2.1** Outbreaks and exposures of COVID19 in workplaces and private sector residential settings are currently being referred by the London Coronavirus Response Cell (LCRC) – an arm of Public Health England (PHE) – to PP&L via the Workplace Settings and Residential Outbreak Management Teams, for investigation and follow up.
- 2.2** At the moment these groups work with a small group of EHOs, but the plan is to expand the work to all EHOs across the PPL once they have received the appropriate training. A standard operating procedure has also been devised.
- 2.3** An out of hours duty rota has been put in place to deal with any urgent notifications of COVID19 that come in over the weekend. 10 new notifications of exposures (1 case) and outbreaks (2 or more cases) were reported in workplace settings last week and were triaged and followed up by EHOs who looked at social distancing measures, COVID19 risk assessments and gave advice on cleaning and decontamination. One notification in residential settings was reported and followed up accordingly.

Business Recovery

- 2.4** The directorate has been working closely with the business economy team to ensure businesses are provided with guidance and advice to help them operate safely during COVID-19
- 2.5** The Environmental Health Consultation Team has been working with performing arts industry across Westminster to try and assist our venues reopening in line with the COVID secure guidelines. This has covered seat spacing requirements, queuing arrangements, ticketing arrangements, bar design and layout, staggered crowd arrivals, cancellation policies and a range of other technical and management issues.
- 2.6** One result has been the reopening of the London Palladium with several socially distanced Van Morrison concerts. Liaison has also taken place with Nimax theatres, the Royal Albert Hall, the Royal Opera House, Theatre Royal Haymarket and several other venues to assist with developing a consistent approach to the implementation of Covid secure guidelines across our performing arts venues.
- 2.7** The team has also been working with our internal Public Health team to ensure any wider issues across the City are considered as performing arts venues begin to reopen and have been attending the Society of London Theatre safety committee meetings to ensure Westminster is listening to the industry's concerns and working hand in hand with them to get performing arts venues back up and running safely and securely.

Rough Sleeping Exit Strategy

- 2.8** The Rough Sleeping Exit Strategy focused on moving all those accommodated in hotels throughout lockdown into sustainable housing solutions to meet their needs and reviewing those accommodated in existing hostel provision to build capacity for their move on. We achieved 239 moves by 3 July 2020 into a range of solutions, including existing hostels and pathways, private rented sector, and direct access registered provided accommodation. Hostel move on consisted of a review of those occupying the hostel pathway and identifying those ready to move to social housing or secure, private rented sector accommodation that suited their needs.
- 2.9** The Council is continuing to accommodate and work with a small cohort of long-term entrenched rough sleepers who came into accommodation for the first time during the pandemic. Solutions are tailored to sensitive engagement with a move into longer term change and accommodation options. For those who have no status or recourse to public funds, referrals to hosting and refugee network accommodation schemes are being made.
- 2.10** For individuals ready and able to access employment but with no recourse to public funds or accommodation options, the Council continues to provide short term accommodation options, intensive employment support with referral to secure, private rented accommodation for those successful in finding and sustaining employment.
- 2.11** For those who have moved into the private rented sector, we have reviewed and expanded our current floating support provision, undertaken assessment of need to ensure the right level of support is provided to individuals, and we are monitoring where no progress is sustained over the first 12 months of settlement to ensure we are meeting current needs and providing appropriate support in the future.

Licensing

- 2.12** Operationally supporting the Movement Strategy, the Licensing Authority introduced a temporary Fast Track Table & Chairs (T&Cs) Licence based on the existing Tables & Chairs scheme. The new scheme allowed the City Council to issue T&Cs licences to premises that were being supported by the movement strategy in a little as five days. The scheme was intended to be an interim measure to support businesses until the Government's pavement licence scheme was introduced at the end of August. In total we received 405 Fast Track Licence Applications and we issued 319.
- 2.13** The Fast Track scheme was replaced by the National Pavement Licence Scheme in August. Since then we have received 338 applications for pavement licences with 190 granted to date. Pavement licences have now been extended to 31st October.
- 2.14** City Inspectors continue to undertake additional patrols in the movement strategy areas, particularly during the busy weekend periods. The aim is to help support businesses make the best and safest use of the additional outside space, as well as to ensure broad compliance with the conditions of their licence. City Inspectors have been working closely with the police and have been visiting premises, providing advice and working closely with colleagues from Place Shaping to implement minor changes on the ground to ensure the overall success of the Council's plan. A new operational plan has been agreed to manage the most recent changes for licensed premises and restaurants.
- 2.15** Virtual Licensing Sub-committees continue, as the council adopts agile ways of working, and 28 have been held since April. I would like to record my thanks to all members of the Licensing Committee and to all officers who have worked so hard to ensure these run smoothly.

Licensing Policy

- 2.16** Licensing Policy has had to adapt quickly to meet legislation and guidance during COVID 19. As a result, all Pavement Licences will be extended automatically to 31st October to allow premises to continue to operate. However further changes mean that we are writing to all licensees and licensing solicitors to remind them of the most recent COVID-19 regulations around table service, tack and trace requirements and closing times.
- 2.17** The Council is reviewing its Licensing Policy, as it has a statutory duty to do, and this must be published by the first week of January 2021. It was planned prior to COVID-19 that a substantially different policy would be produced. However, with the effect of long-term closure, social distancing requirements and unknown impact on business survival post-lockdown, the future of the licensed hospitality sector is not certain.
- 2.18** Therefore, in light of COVID-19 and its impact on businesses and on the Council's ability to engage with stakeholders, it has been agreed that current Licensing Policy would be amended with only minor updates relating to legislative changes.
- 2.19** The Cumulative Impact Assessment was undertaken earlier this year. This reviews the cumulative stress that licenced premises cause on licensing objectives, looking at data from the past three years (pre-COVID).

Notting Hill Carnival

- 2.20** Though Carnival was officially called off as a physical event on 7 May, WCC and partners have continued to work with the event organisers up to and including the August bank holiday to ensure no spontaneous events or UMEs took place within the Carnival footprint.
- 2.21** The organisers, Notting Hill Carnival Ltd (NHCL) instead put on a virtual event over the August bank holiday but also provided considerable resources to manage the traditional event footprint in case people decided to come to the area
- 2.22** WCC and partners were able to scale back the usual resources required for Carnival though resources were kept on standby and the area monitored.
- 2.23** As a result, there were no incidents or issues of note in the Westminster portion of the Carnival footprint.

3 City for All

Introduction

- 3.1** The City for All vision and strategy was launched on 5 March 2020, prior to the COVID-19 lockdown. COVID-19 has presented an opportunity to develop new objectives as part of renewal and recovery programmes, as well as continuing with pre-existing objectives set out in the document launched on 5 March.

Street Entertainment

- 3.2** Under the 'Vibrant Communities' stream of City for All, Westminster City Council is introducing a new 'Street Entertainment' policy, including a licensing scheme, for buskers and street entertainers. This policy will require buskers to perform on designated pitches only and abide by a set of licensing conditions aimed to regulate the use of sound and crowd control. The aim

of the policy is to promote responsible busking that does not come at the cost of residential and business amenity.

- 3.3 The policy went to consultation between 14 January and 24 February 2020, attracting 729 responses. There was a delay in consultation results being heard by Licensing Committee due to COVID-19. In July, Licensing Committee approved a review of the policy to take a licensing approach across the wider West End.
- 3.4 The new policy was brought for review and discussion at Licensing Committee on 23 September, where the Committee approved for this policy to go to consultation. This commenced on 24 September and will be available to the public until 1 November. The results of the consultation will then be brought back to Licensing Committee on 25 November, where a decision will be made on whether the Council should adopt and implement the policy.
- 3.5 If the policy is approved at Licensing Committee and Full Council, implementation is then estimated to be Spring 2021.

Private Rented Sector (PRS) strategy

- 3.6 Under the 'Vibrant Communities' stream of City for all, the Council is developing a new private rented sector strategy that aims to ensure that Westminster has a well-run and managed private rented sector. It will ensure that Landlords, letting agents and tenants are all aware of their rights and responsibilities, are supported appropriately and that necessary action is taken when the law is broken.
- 3.7 Throughout lockdown, work has continued towards the publication of a new Private Rented Sector Strategy. Following approval from the Cabinet Members for Public Protection and Licensing and Housing, the draft strategy went to consultation on 21 September 2020.
- 3.8 The four main proposals set out in the strategy are:
 - To improve conditions in the private rented sector and ensure lawful practice
 - Support and engage with tenants, landlords and letting agents
 - Improve knowledge and intelligence about the sector and work with organisations that provide support and advice to tenants
 - Help to shape the sector
- 3.9 The first proposal includes the introduction of a borough-wide Additional Licensing scheme for Houses in Multiple Occupation (HMOs), as this sector has been identified as providing greatest risks to occupants and having the poorest conditions.

4 Operational Issues

Rough Sleeping

- 4.1 The last street count in August was 266. There were 50 unknown individuals who refused to provide their details. The remainder consisted of 77 UK/I nationals, 124 EEA nationals and the remaining 15 from other parts of the world. Public Protection and Licensing have been supporting the Rough Sleeping Outreach Team undertaking street counts. A total of 394 checks on rough sleeping hotspots have been made by City Inspectors.
- 4.2 We have a significant flow of Romanian and Hungarian travellers who are coming into London at present. We strongly suspect that many of these individuals are involved in organised criminality or human trafficking. The Cabinet Member and officers from PPL and Rough Sleeping together with the police met with delegates from the Romanian Embassy on 15 September 2020

to discuss joint support and new methods of engagement around organised criminality, modern day slavery and the Roma cohort of rough sleepers.

- 4.3** The ISEU team was reinstated after the initial wave of Covid 19 and has been joint deployed with the Metropolitan Police on Op Etui. Op Etui is focussed on joint days of action between the ISEU and Police team to target problematic locations suffering from ASB and crime. The team have been deployed in areas such as Park Lane, Edgware Road, Bayswater, Strand and Victoria Street to remove tents and encampments, carry out enforcement against those committing ASB and have had some positive arrests to tackle key offenders. Op Etui is continuing over the next few months and the partnership learning will be used to influence the wider strategy to target problematic areas and deal with foreign national offending.

Waste Enforcement

- 4.4** Waste enforcement since March has been directly affected by the COVID-19 pandemic. With the closure of commercial premises there was a reduction in waste being left on the public highway. City Inspectors were also redeployed during this period to assist in the Council's response to COVID wide issues.
- 4.5** A new Waste Enforcement Policy was approved in July 2020 which included a review of the Council's enforcement approach and plans for implementation of an on-street digital platform later in the Autumn.

Air Quality

- 4.6** The Council is adopting the post-consultation version of its Air Quality Action Plan 2019-24 but is committed to reviewing of the document within the first 12 months to consider the emerging work related to post-lockdown, COVID-19 recovery. Air Quality impacts are being included in wider discussions around the reopening and renewal of the city, from urban realm to highways improvements.
- 4.7** The Action Plan will ensure the Council maintains momentum around the reductions in emissions seen during lockdown. Levels of emissions are 50% below those for the same time periods in 2019. The majority of this is attributed to reductions in road transport emissions, though commercial buildings also play a role.
- 4.8** The City Council's annual air quality status report was submitted to the GLA for review in May 2020. This report forms part of the Council's statutory air quality reporting as part of our status as an air quality management area.
- 4.9** The second tranche of training on the Clean Air Act 1993 and smoke control areas for area team officers funded by a Defra grant is due to take place as an online session in October 2020. The first session held in March was a success with very positive feedback. We will have trained circa 50 Officers during both sessions.
- 4.10** Public Protection and Licensing officers are working on a variety of projects to monitor and improve air quality including:
- Implementation of a city-wide diffusion tube programme for Nitrogen Dioxide
 - A communication campaign aimed at raising awareness of Westminster as a smoke control area and the restrictions this brings
 - A project to investigate the feasibility of installing electric charging points for canal boats at Paddington Basin

BCU Update

- 4.11** Analysis and planning around gang activity have been undertaken due to shifting drugs markets and concern over increases in violence. Whilst there was a small spike in serious assaults post the easing of lockdown, these appear to have stabilised. The risk of further escalation remains a key priority for the police and the Council.
- 4.12** Police have been involved in managing a number of protest marches and we have worked in support where necessary, such as street cleaning and graffiti removal.
- 4.13** The Cabinet Member for Communities has hosted three online events for members of our youth community, including support organisations, to hold discussions with the BCU Commander Helen Harper and her colleagues. These have initiated some interesting discussions, which the police are following up with further conversations and visits to youth settings.
- 4.14** I would like to thank the police for all the effective partnership working there has been over these difficult last few months.