



Report to: Cabinet, 14th February 2017

Report of: Councillor Geoff Williams, Cabinet Member for Economic Prosperity and Growth

Subject: BUSKING BEST PRACTICE POLICY

1. Recommendation

1.1 That Cabinet approves the implementation of an updated Code of Best Practice for Busking in Worcester City Centre.

2. Background

- 2.1 'Busking' means music, dance, street theatre, performance and art offered live in public spaces for the purposes of entertaining, interacting with members of the public, and receiving voluntary contributions. Over the past few years there has been a noticeable rise in the number and variety of street entertainers and busking acts performing in Worcester City Centre.
- 2.2 Busking is important to the vibrancy of our city centre and Worcester City Council is keen to encourage live music and performance which enhances the experience of visitors to the city centre. However, it is crucial that this does not have a negative impact on other users of the space, including local residents and businesses.
- 2.3 Complaints about buskers have been received by the Council, Worcestershire Regulatory Services and Worcester BID. A small number of businesses have asked for action to be taken to either remove busking activity from the city centre completely or limit the activities of the performers. These complaints need to be addressed.
- 2.4 There is an existing Code of Practice covering buskers but this is over 10 years old and has not been publicised or actively implemented. It is therefore largely ignored by the buskers in question.
- 2.5 Officers have considered the option of introducing legislation known as a Public Space Protection Order (PSPO) which would give police officers legal powers under which to move buskers out of the area.
- 2.6 The Local Centres Officer has written a new code of best practice which is an updated version of the existing code. Feedback on this has been provided by representatives of:

The Licensing and Environmental Health Committee (at their meeting on 19 December 2016)
Worcestershire Regulatory Services
Worcester BID

Musicians Union
 The Keep Streets Live Campaign
 Worcester Music Festival
 SLAP (Supporting Local Artists and Performers) Magazine
 Musicians in Worcestershire

2.7 Stakeholders and the public have also been invited to comment (consultation started on 10/11/16 with stakeholders and ran to 31/1/17). Stakeholders have responded. Members of the public were invited to comment (web site and press) from the 3rd January, and there were no direct responses. Feedback received directly and all comments on various online media articles was considered.

Summary of Main Concerns	Response
Noise levels – as a result of not banning amplification of instruments	<p>A. Unamplified buskers can still cause noise nuisance, particularly with naturally loud instruments (drums, bagpipes, trumpets, banjos) whereas quieter instruments and the voice can benefit from appropriate amplification. Many highly skilled buskers rely on amplification so good quality performers will be driven away with an overly restrictive approach.</p> <p>B. Enforcement action should be targeted against those specific buskers who persistently cause issues rather than an overly prescriptive pre-emptive approach.</p>
The Guide places the onus on the buskers to manage their own impact on the area around them. What will happen in the case of a dispute? For example, re amplification - if there is no measure such as a limit of X decibels, it will be difficult to challenge (e.g. one person’s view of appropriate noise levels will differ from another’s).	The Guide includes a dispute resolution process. It encourages people to be responsible. It also states what the implications are for those who do not respond responsibly and respectfully.
Comments from members of the public in response to request for feedback	None received.

2.8 The Local Centres Officer met with the Musicians Union in January and they have helpfully provided guidance and support based on the experiences of successfully introducing similar guides in other cities, including Birmingham, London and York. The Proposed Guide is set out at **Appendix 1**.

3. Essential Elements of the Proposed Guidance for Worcester

- 3.1 The Guide to Busking and Street Entertainment aims to provide a means to promote positive, respectful and considerate relationships with all those who share the public space in the city centre. It provides guidance to users of the city centre about ways to solve problems quickly and easily in situ.
- 3.2 It states that city streets and squares should be “high quality welcoming places for everyone where our citizens' talent, richness of culture and entrepreneurial spirit flourish”.
- 3.3 The Guide encourages performances to be inclusive and family friendly - anyone using the city centre should take steps to ensure their activity is as inclusive as possible and that the content is suitable for the audience - which in nearly all cases will be a family audience.
- 3.4 The Guide states that city centre users should be respectful of others and consider the impact that they have. The city centre is used by residents, businesses, local people and visitors – buskers should anticipate the needs of others and take all reasonable steps to minimise any negative effects of their activity.
- 3.5 The Guide seeks to empower people to share public space and resolve disputes quickly and informally wherever possible. Fair and effective enforcement will be available if someone is persistently acting unreasonably. The Guide details a step by step process for resolving issues which also gives useful information about enforcement options which are available to officers.

4. Preferred Option

- 4.1 Adopt the new Worcester Guide and work in partnership with city centre officers to promote and manage the implementation of this.

4.2 Comparison of Old Code to New Guide:

Old Code	Comments	Proposed Guide
Management The code is not managed or actively implemented and is largely ignored by buskers in the city	This is partly due to the fact that until the recruitment of the local centres officer in June 2016, there was no city centre manager.	Implementation will be coordinated by the local centres officer. Enforcement methods to be discussed with the civil enforcement officers and other officers regularly located in the city centre.
Terminology Some of the terminology is now in need of updating	The code was well suited to the time it was written but this was 10+ years ago so it now needs updating	The new guide has been written based on the recently implemented Birmingham Guide. This has been subject to review from various parties and the team have received feedback from stakeholders including

		Worcester BID, the Licensing Committee and the music community
<p>Amplification The code refers to an amplification bye-law about which little is known publicly</p>	<p>The code states that amplification is banned. In practice, this is not enforced or managed.</p>	<p>The new code allows amplification, but in a controlled and prescribed way with strong guidance for City, business and resident amenity and consideration. (It should be noted that non-amplified music can also cause offense.)</p>
<p>Enforcement Complaints have been received from businesses and the existing code does not give any grounds on which to address negative impacts.</p>	<p>The option of a PSPO has been considered and dismissed as being too heavy-handed.</p>	<p>The new guide provides a 5 step Dispute Resolution process, using a professional panel. This also includes enforcement. The new code retains reference to Police guidance, no animals and minimal signs/equipment. The new guide takes enforcement seriously where buskers cause persistent problems.</p>
<p>On going Consultation The code refers to a postal address and invites comments in writing</p>	<p>This is not very user-friendly, the majority of people prefer email or telephone communication</p>	<p>The new guide supports “constant review” and has been written in a way to minimise the potential for conflict, it is aimed at both buskers and other users of the city centre, including businesses.</p>
<p>Time limit on Performances The old code refers to a time limit (45 minutes) for busking performances after which the busker must move to another pitch. It also states that there should be no busking after 10pm.</p>	<p>In practice, this can lead to a busker feeling they are permitted to perform for that amount of time – regardless of the impact they are having on their surroundings.</p>	<p>The new guide refers to a recommended performance time, and requires no amplification between 9pm and 8am. The new guide emphasises Busker restraint and sensitivity to City, business and residential amenity.</p>

5. Alternative Options Considered

5.1 **Do nothing.** The risks are:

- 5.1.1 The businesses will be unhappy that their complaints are not being listened to. One business has threatened to move out of the area as a result of the problems they attribute to buskers who have a negative impact on their working environment.
- 5.1.2 Buskers who see that there is no guidance in place will not consider the impact they have on those around them.
- 5.1.3 There will be a perceived lack of clarity and authority when dealing with busking related issues.
- 5.2 **Consider PSPO legislation.** This is not the preferred option of City Council officers because it is not felt to be supportive of cultural activity in the city centre. In addition, it should be noted that this is a 'heavy-handed' approach and whenever this has been considered in other cities, this has been met with widespread protest and negative publicity in the media.

6. Implications

6.1 Financial and Budgetary Implications

There will be a cost for the production and distribution of the printed guides. Maximum cost £500.

6.2 Legal and Governance Implications

The Resolving Issues section in the Guide states:

"Step 5: If the issue is not resolved at this stage, as a last resort, legal action may be taken. Breach of legal notices served may lead to fixed penalty notices, prosecution and confiscation of equipment"

In practice, this means that if a busker is having a negative impact on their surroundings and will not comply with requests to adapt their performance or move on, they may be issued with a fixed penalty notice by one of the City Council enforcement team. This will then be subject to the normal legal procedures.

6.3 Risk Implications

The Communications team will be consulted at all stages in order to ensure that the principles of the Guide are communicated effectively to the public as well as the music community.

6.4 Corporate/Policy Implications

This Guide relates to the City Plan and its theme of 'A Prosperous City' by supporting Tourism aims. A vibrant and lively city centre with a good cultural proposition attracts tourists to visit and makes them more likely to return. It also encourages residents to visit the city centre for their leisure activity.

The Guide also relates to the theme of Healthy and Active City: "Enriching the lives of residents and visitors through a diverse cultural and arts offer over a spectrum of venues and settings" by bringing live music out on to the streets. A thriving live music scene adds value to a city in many ways. Many musicians start their careers by busking and learn how to perform in public this way.

6.5 Equality Implications

It is important that buskers and street performers are considering the impact they have on the area around them for a number of reasons, one of which is that they must not cause an obstruction which would have implications for anyone with a disability.

6.6 Human Resources Implications

There will be involvement from the Local Centres Officer and Enforcement team primarily. However, all officers located within the city centre will be made aware of the code and able to share printed copies with buskers.

6.7 Health and Safety Implications

None.

Ward(s):

Cathedral, All

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Background Papers:

Worcester City Plan 2016-2021 "Building a successful future on 2000 years of history"