



# City Management and Public Protection Policy and Scrutiny Committee

<b>Date:</b>	Wednesday 29 <sup>th</sup> January 2020
<b>Classification:</b>	General Release
<b>Title:</b>	Busking and Street Entertainment Draft Policy 2020
<b>Report of:</b>	Sara Sutton, Executive Director of City Management and Communities Julia Corkey, Executive Director of Policy, Performance and Communications
<b>Cabinet Member Portfolio</b>	Councillor Ian Adams, Cabinet Member for Public Protection and Licensing
<b>Wards Involved:</b>	All wards, with a licensing focus on: <ul style="list-style-type: none"><li>• St James's</li><li>• West End</li><li>• Marylebone</li></ul>
<b>Policy Context:</b>	City for All
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## 1.0 Executive Summary

- 1.1 Westminster is populated with residential and business premises sited close to and within nationally and internationally recognised commercial, cultural and tourist destinations and this creates a vibrant and exciting atmosphere. These areas of high footfall 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 has 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. However, whilst we recognise the cultural contribution that busking and street entertainment adds to the City's vibrancy and character, it does cause adverse impacts as certain locations have a high number of loud or amplified performances daily, meaning locals get little or no respite for lengthy periods of time. In addition to the complaints received, in some areas in our City it is not

appropriate for busking and street entertainment. This is because of the nature and design and use of the areas, which can at times cause 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.

- 1.3 A report on busking and street entertainment was presented to this Committee in September 2018, which set out the context of busking and street entertainment in our City, proposed the council's early thoughts for a new policy, and set out the stakeholder groups which the council would carry out further engagement with. Members were asked to provide their early feedback for consideration and recommended that further engagement was necessary to reach a balanced policy proposal.
- 1.4 Since this report, officers have engaged with a wide range of stakeholders, have analysed the evidence and data available, and have refined the policy proposals. The evidence, policy design rationale, and draft policy were taken to the Licensing Committee for their review and approval to hold a public consultation earlier this month.
- 1.5 The draft policy recognises that the experience of busking and street entertainment can be different from one location to another across our City, therefore the council considers adopting a policy that balances the interests of buskers and street entertainers with those who live, work and visit here by taking a targeted location based approach that:
- promotes the best of responsible busking and street entertainment by developing a voluntary Code of Conduct tailored to our City
  - encourages buskers and street entertainers to integrate into our community by developing a dedicated busker and street entertainment forum
  - recognises the established self-regulation of buskers and street entertainers already present in our City
  - supports newly created self-regulation schemes with buskers and street entertainers in identified suitable areas
  - balances the needs and rights of residents and businesses that are near to popular busking and street entertainment locations so they are not adversely impacted (inflicted) by introducing a light touch approach to control and regulation.
- 1.5 A six-week public consultation on the draft policy is taking place between 14<sup>th</sup> January to 24<sup>th</sup> February 2020, and the Committee is asked to provide their feedback and recommendations on the draft policy attached as Appendix A.

## **2.0 Key Matters for the Committee's Consideration**

2.1 The Committee is asked to consider the following questions:

- i. Do the range of proposals to better manage busking and street entertainment in selected areas of the West End strike a fair balance between protecting the cultural contributions of buskers and street entertainers and the needs of businesses and residents?

- ii. Do you have any comments for the council to consider as part of its consultation on the draft Policy?
- iii. If the policy is adopted, what can the council do to ensure that the policy achieves its intended aims?
- iv. The council want to recognise the art of busking and street entertainment in our City by hosting dedicated busking and street entertainment events. Do you have any further ideas on how the council could promote and encourage considerate busking?

2.2 The responses will form the basis of recommendations to be submitted to the Cabinet Member for Public Protection and Licensing, and comments will be considered as part of the council’s consultation on the draft policy.

### 3.0 Why we need a new Busking and Street Entertainment Policy

3.1 Full details of the evidence and rationale for the council wanting to adopt a new policy is detailed in the Licensing Committee Report that was heard on 10<sup>th</sup> January 2020 and can be found here.

<https://committees.westminster.gov.uk/documents/s35683/6.%20Busking%20Street%20Entertainment%20Licensing%20Committee%20Report%20January%202020.pdf>

3.2 A brief summary and overview of the considerations is provided below.

3.3 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, dancers, acrobats and mime artists.

3.4 Every day our streets are brought to life with performances. Musicians, magicians, comedians, artists and dancers come from all over the world to perform here and play an important role in the vibrancy of our City. At the same time, buskers and street entertainers share the streets and open spaces with everyone else who lives, works, and visits our City, and we receive around 1,800 reported complaints each year (table 1) as well as complaints heard through scheduled and ad hoc officer meetings with residents and businesses, impact statements, environmental health requests and petitions. Complaints typically relate to excessive noise and obstruction and are predominantly concentrated in the West End. At busy times, we also witness risks to public safety caused by busking and street entertainment where pedestrians spill out onto roads to get past buskers and street entertainers and their audience.

*Table 1: Number of busking and street entertainment complaints from April 2017 to November 2019*

Year	Apr 2017 – Apr 2018	Apr 2018 – Apr 2019	Apr 2019 – Nov 2019 (8 months)
Number of complaints	1733	1923	1503

3.5 The council currently uses several existing enforcement powers to tackle any busking and street entertainment that is causing adverse impacts on the surroundings. However, these powers are considered imperfect tools to deal with buskers and street entertainers and we come across various challenges in our attempts to use them. These challenges include lengthy and complicated processes for enforcement, coupled with difficulties proving that busking nuisance meets the necessary criteria for enforcement, especially where the legislative tool being used is not designed to address busking.

3.6 As well as reviewing the complaints, in order to reach a balanced and targeted policy proposal since September 2018 officers have been engaging closely with our performers, local community, and other interested stakeholders through meetings, presentations, collaborative workshops, and correspondence. Stakeholders included: Councillors, residents, businesses, BIDs, Landowners, Police, individual buskers and street entertainers, Street Performers Associations, Keep Streets Live, the Musicians' Union and the GLA. We heard some mixed views, summarised as:

- **Buskers & Street Entertainers views:** Most performers are responsible and instead of regulation we should focus our efforts on supporting the community to self-regulate and take enforcement against the minority that are causing problems with the current powers available. Any regulation of busking would risk buskers no longer wanting to perform here
- **Businesses and Residents views:** Current voluntary-based approaches with the performers, and enforcement powers, are not effective and regulation is needed to ban or control busking especially in hotspot areas. Even responsible busking can cause a significant impact when loud performances are heard up to 8 hours each day with no respite, and crowds causing obstructions to entrances and exits to their premises.

3.7 Officers also considered that the experience of busking and street entertainment can be different from one location to another, which can be attributable to how buskers and street entertainers interact with the general use, design and characteristics of an area. A summary of the key defining features of the different busking hotspots in the City is provided below:

Busking hotspot	Key public realm features	Busking Community
Covent Garden	Entirely pedestrianised area with shared public spaces. Large variety of shops and restaurants and a number of residents in immediate vicinity	<ul style="list-style-type: none"> <li>• The North Hall, West Piazza and Courtyard has an established Street Performers Association (SPA) which operates from 10am – 9pm everyday</li> <li>• The SPA holds auditions and prohibits the use of instruments which are</li> </ul>

		<p>likely to cause a nuisance.</p> <ul style="list-style-type: none"> <li>• Problems of nuisance can arise outside of the SPA operating hours and locality.</li> </ul>
North Terrace of Trafalgar Square	Entirely pedestrianised area with shared public spaces. Few residents in immediate vicinity.	<ul style="list-style-type: none"> <li>• A new SPA (called the Westminster SPA) has been formed which has representatives based here and aims to self regulate issues arising.</li> </ul>
Oxford Street	Europe's busiest shopping street with half a million daily visitors. Very busy thoroughfare with buses, cars and taxis, and a large number of businesses and retail outlets, with some residents based in the surrounding streets	<ul style="list-style-type: none"> <li>• Large number of buskers perform here but there is no organised community</li> <li>• Buskers tend to be spread out and transient along the street</li> </ul>
Piccadilly Circus, Chinatown & Leicester Square	These destinations form a single tourist circuit, with some pedestrianised areas (e.g. Leicester Square) and some busy thoroughfares with both traffic and pedestrians. There are a large number of business premises and a few residents in immediate vicinity.	<ul style="list-style-type: none"> <li>• The Westminster SPA has representatives based here and aims to self regulate issues arising</li> <li>• The SPA is based in the North Terrace of Leicester Square and cannot always supervise the entire area</li> </ul>

3.8 The council considered that we need a new policy approach that balances the desire to retain a vibrant busking and street entertainment culture with the safety of the general public in our shared public spaces, the needs of local residents and businesses, and enhances the council's powers to respond to complaints.

#### 4.0 Summary of the draft Busking and Street Entertainment Policy 2020

4.1 Based on the evidence and considerations summarised, we have taken a targeted location approach that both promote busker and street entertainer self-regulation across the City, whilst introducing regulation and control in our hotspot areas where adverse impacts are most acutely felt. The table below summarises the draft policy approach and full details can be found in the attached draft policy (appendix A)

Table 2: Summary of draft policy approach

Policy Approach	Action	Location
<p><b>Promoting Busker and Street Entertainer Self-Regulation</b></p>	<p><b><i>Voluntary Code of Conduct</i></b> Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking.</p>	<p><b>City-Wide</b></p>
	<p><b><i>Busking &amp; Street Entertainment Forum</i></b> Giving buskers and street entertainers a platform to raise issues and have questions answered, share ideas and work together on ways of promoting busking and street entertainment in our City.</p>	<p><b>City-Wide</b></p>
	<p><b><i>Supporting Established SPAs</i></b> Providing a dedicated enforcement presence that promotes the Code of Conduct and supports the already established self-regulation scheme of the Street Performers Association.</p>	<p><b>Covent Garden</b></p>
	<p><b><i>Supporting New SPAs</i></b> Supporting the development of a newly established Street Performers Association by promoting the Code of Conduct, and having a busker and street entertainer Memorandum of Understanding (MoU) that works to regulate and monitor marked performance areas.</p>	<p><b>Trafalgar Square (&amp; Leicester Square)</b></p>
<p><b>Introducing Regulation and Control</b></p>	<p><b><i>Licensing Scheme</i></b> Introducing a licensing scheme for certain locations within our City, where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby premises. Busking and street entertainment in these areas to be prohibited apart from performers who are licensed to operate from a number of designated pitches. This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.</p>	<p><b>Oxford Street, Piccadilly Circus, Chinatown &amp; Leicester Square</b></p>

## 5.0 Compliance and Enforcement

- 5.1 In line with our Corporate Enforcement Policy, we will usually take a stepped approach to enforcement by first helping buskers and street entertainers to understand the rules, and only undertake enforcement should they continue to act unreasonably or breach the licensing conditions.

5.2 We will have proactive and visible enforcement officers monitoring performers daily, with a focus on the hotspot areas, and any enforcement action taken will vary depending on whether the busker or street entertainer is in a non-regulated or regulated area detailed in the attached draft policy (Appendix A).

## 6.0 Policy Monitoring and Review

6.1 This policy represents an entirely new approach to busking in our City, therefore the council will commit to reviewing this policy through evidence and the feedback we receive from, buskers and street entertainers, our officers, and the local community. This will take place every three months throughout the first full calendar year, in order to assess its impact and effectiveness. We will also complete a full review after the first 12 months to consider amendments where required, and whether any approach needs to be expanded across other areas of our City.

6.2 The council is aware that by creating a licensing scheme in designated areas this may have the unintended consequence of displacing issues to other non-regulated areas of the City. This will be closely monitored and kept under review, and the council will consider expanding any regulation to areas of displacement if required to prevent any nuisance or risk to safety.

## 7.0 Next Steps and Timescales

Activity	Timescale
Consultation on Draft Street Entertainment Policy takes place	14 <sup>th</sup> January to 24 <sup>th</sup> February 2020
Second Licensing Committee held to review the consultation responses and final Policy	27 <sup>th</sup> March 2020
If licensing committee approve the Policy a recommendation is made to Full Council to adopt the final Policy	Summer 2020
If Full Council adopt the policy a three-month legal notification period for implementation of licensing proposals must be held	Summer – Autumn 2020
Policy implementation begins	Autumn 2020

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact Report Author Kirsty Munro x3639**  
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### APPENDICES:

**Appendix A:** Draft Busking and Street Entertainment Policy

**BACKGROUND PAPERS:** None