

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Licensing Committee      **DATE:** 12<sup>th</sup> June 2018

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**WARD(S):** All

### PART I FOR DECISION

#### PROPOSAL FOR A VOLUNTARY CODE OF PRACTICE FOR BUSKERS AND STREET ENTERTAINERS

##### 1. Purpose of Report

The purpose of the report is to inform the Committee of a draft 'Code of Practice for Buskers and Street Entertainers' for Slough Town Centre.

##### 2. Recommendation(s)/Proposed Action

The Committee is requested to;

- a) comment on the draft code of practice.
- b) make any amendments to the draft code of practice, and
- c) recommend that a full public consultation takes place on the draft code of practice.

##### 3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

The report outlines that there is no legislation outside of London to regulate or control buskers or street entertainers. Slough as a diverse community, welcomes the vibrancy and atmosphere that buskers and street entertainers bring to the Town Centre.

Enforcement action to tackle problem buskers and street entertainers is limited, depending on the type of activities taking place.

The adoption of a 'Code of Practice for Buskers and Street Entertainers' would provide best practice guidance and information for such performers to act in a manner to promote and enhance the vibrancy of the Town Centre and assist the work done by the Town Centre Team to take forward the cleaner, safer and vibrant Town Centre agenda.

##### 3a. Slough Joint Wellbeing Strategy Priorities

The proposal will contribute to the SJWS priorities of:

Priority:

1. Protecting vulnerable children.

### 3b. Five Year Plan Outcomes

The proposals will contribute to the Five Year Plan with the specific outcomes of:

1. Slough children will grow up to be happy, healthy and successful.
2. Slough will be an attractive place where people choose to live, work and stay.
3. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

### 4. Other Implications

#### (a) Financial

There are no financial implications of proposed action.

#### (b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
a. To comment on the draft code of practice.  b. To make any amendments to the draft code of practice, and  c. To recommend that a full public consultation takes place on the draft code of practice.	The proposal for a Code Practice for Buskers and Street Entertainers will enhance the vibrancy of the Town centre and work towards a cleaner, safer and vibrant Town Centre.	None	2	None at this time

#### (c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

#### (d) Equalities Impact Assessment

An Equality Impact Assessment has been completed which highlights that there are no adverse or negative impacts of opportunity for any equality group or for any other reason.

(e) Workforce

None

**5. Supporting Information**

- 5.1 Slough Borough Council welcomes buskers and street entertainers that enhance the experience, atmosphere and vibrancy of the town centre. It is in everyone's interest to have a positive relationship with all users of public spaces which includes buskers and street entertainers.
- 5.2 Busking is defined as "to play music in the street or other public place for voluntary donations".
- 5.3 Outside of London busking is not covered by any legislation whatsoever, as the Licensing Act 2003 does not regulate busking and The Live Music Act 2012 removed any suggestion that there is a requirement for permission under the 2003 Act for any backing track (recorded music) to be played.
- 5.4 Therefore a number of local authorities have developed their own 'Codes of Practice for Buskers and Street Entertainers'.
- 5.5 Noise in the street may be a statutory nuisance under the Environmental Protection Act 1990 (as amended). The Council has a duty to abate noise nuisances and prohibit their recurrence. In addition the Control of Pollution Act 1974 prevents amplification in any public space after 9pm and before 8am.
- 5.6 In reality, being able to use statutory nuisance provisions in respect of buskers and street entertainers would be extremely difficult as it would be difficult to class a one off busker or entertainer playing for a period of one or two hours as causing a statutory nuisance.
- 5.7 Statutory nuisance can be defined as an act of default by a party that causes material interference with the comfort, use or enjoyment of a neighbour. In the case of busking and street entertainment it would predominantly be businesses and shoppers complaining and not a resident who is being kept awake or has to turn the television up because of the busker or street entertainer. Assessing intrusiveness in this commercial setting would therefore be extremely difficult.
- 5.8 Over the years the Council has received some complaints from businesses in the in the town centre during the summer months when the likelihood of buskers and street entertainers is increased by the good weather. At present the Council has no authority to move the buskers or street entertainers on or prevent them from playing unless the noise they are making amounts to noise nuisance. If their behaviour is threatening amounting to a breach of the peace or they are 'begging' for money then the Police can remove the persons concerned.
- 5.9 Buskers are not permitted to sell items as this would be street trading but they can have CDs that are free. Voluntary donations can be taken. To sell items a

street trading consent would be required and to collect for charity a charitable collection permit would be required.

5.10 Beyond these statutory powers, the only way to regulate busking is to establish a Code of Practice. We have considered what other councils have done to regulate and control busking and street entertainment in their areas, and as outlined above many local authorities have adopted a Code of Practice.

5.11 A draft 'Code of Practice for Buskers and Street Entertainers' at **Appendix A** has been developed which is based on best practice from a number of other local authorities, such as St Albans, Dacorum, Gloucester, Worcester and others. The draft 'Code of Practice' aims to set proportionate and reasonable limits to balance the rights of the performers and local businesses/residents.

5.12 It will be necessary to carry out a wide ranging public consultation through the Council website, all local businesses in the town centre, the Police, pro-busking groups such as Keep Streets Live Campaign Ltd and the Musicians' Union, relevant SBC services, Town Centre Partnership Team and the Town Centre Partnership Team to work towards and promote a safer, cleaner and vibrant town centre.

## **6. Comments of Other Committees**

None.

## **7. Conclusion**

That the Committee approve:

- a. To comment on the draft code of practice
- b. To make any amendments to the draft code of practice, and
- c. To recommend that a full public consultation takes place on the draft code of practice.

## **8. Appendices Attached**

'A' - Code of Practice for Buskers and Street Entertainers.

## **9. Background Papers**

None.