

 Licensing and Regulatory Committee - 16 December 2014		Agenda Item No. 8
Title	Review of the Busking and Street Entertainment Code of Practice	
For further information about this report please contact	Marianne Rolfe, Regulatory Manager marianne.rolfe@warwickdc.gov.uk Tel: 01926 456320	
Wards of the District directly affected		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	Yes/No If yes state why	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No
Equality Impact Assessment Undertaken	Yes/No (If No state why below)
Review of current policy. Revisions are updates of matters which are already requested.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Final Decision?	Yes/No	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The Busking and Street Entertainment code of Practice has been reviewed and refreshed to be more appropriate for the situations that are faced by officers of the Town Centre Management and Environmental Sustainability Teams.

2. **Recommendation**

- 2.1 That the reviewed Busking and Street Entertainment Code of Practice is adopted.

3. **Reasons for the Recommendation**

- 3.1 The Busking and Street Entertainment Code of Practice has not been reviewed since before 2012. The current Code is included as Appendix 1.
- 3.2 The Regulatory Team has reviewed the current policy to ensure that it reflects current practises and requests made upon Buskers and Street Entertainers. The revised Code is included as Appendix 2.
- 3.3 Town Centre Managers, Warwickshire Police, Health & Community Protection Officers Team have been consulted during the review of this Code to ensure that the document provides constructive advice prospective Buskers and Street Entertainers.

4. **Policy Framework**

- 4.1 The Code aims to ensure that the Busking and Street Entertainment provided within Warwick District is of a nature that does not impact upon the enjoyment of the district by residents, businesses and visitors. Whilst accepting the positive affect that Busking and Street Entertainments can have on the Town centers of the District.
- 4.2 The reviewed policy is in line with the Fit for the Future ethos in making Warwick District a great place to live work and visit.

5. **Budgetary Framework**

- 5.1 No impact.

6. **Risks**

- 6.1 The document outlines how Warwick District Council expects Buskers and Street Entertainers to behave. However it is recognised that this is a voluntary code of practise and therefore enforcement or compliance activities can only really be taken in the event of breaches of the legislation and not the code itself.

7. **Alternative Option(s) considered**

- 7.1 Reject the reviewed Code and continue using the current Code of Practice.

Appendix 1.

Busking and Street Entertainment

Busking and other forms of street entertainment are part of the Warwick District's 'experience', creating an enhanced atmosphere and providing pleasure to many people, both local residents and visitors. Buskers and Street Entertainers in the District must follow the Code of Practice, which is detailed below.

On occasion, however, particularly for people living or working in the area, busking may be intrusive, annoying, indecent and offensive. As a result, both the Local Authority and the Police receive complaints about the volume and sometimes the nature of busking and street entertainment.

Under the Environmental Protection Act 1990 noise in the street from musical instruments may be a statutory nuisance and the Local Authority is able to take legal action to abate the nuisance and prohibit or restrict its recurrence; this may include the seizure of musical instruments and amplification equipment.

Warwick District Council also has the following bye law within the District which states:

No person shall sound or play upon any musical or noisy instrument or sing in any street or public place within 100 metres of any dwelling house or office, after being requested to desist by any resident or occupant thereof, either personally or through any person acting on his behalf, or through a police officer, on account of the interruption of the ordinary occupations or pursuits of any such resident or occupant or for other reasonable and sufficient cause: Provided that this byelaw shall not apply to properly conducted religious services, except where the request to desist is made on the ground of the serious illness of any resident of the house.

PLEASE NOTE: THE COUNCIL DOES NOT LICENCE BUSKERS

If you encounter problems with Street Entertainers please contact the following people:

For matters relating to obstruction of the 'public highway' and offensive behaviour – **The Police on 01926 415000**

For matters relating to noise control – **Warwick District Council on 01926 410410**

Code Of Practice

1. Noise (for example music and voice) should not be so loud that it can plainly be heard at a distance of 50 metres. Busking must not be intrusive or a nuisance to nearby premises.
2. Busking is subject to a maximum of two performers
3. Amplification equipment is not permitted.
4. An entertainer should not perform for longer than 1 hour in any location and should not perform again in that location (or within 100 metres of it) on the same day. Note: particularly noisy entertainers (e.g. bagpipers or drummers) should not perform for longer than 30 minutes.
5. Entertainers shall not obstruct the highway. Entertainers are also responsible for ensuring that the highway is not obstructed by people gathering to listen or to watch the performance. The highway includes any pedestrianised areas.
6. An entertainer should not locate within 150 metres of another entertainer who is also performing.
7. Entertainment is only permitted between the hours of 10:00hrs and 17:00hrs.



Appendix 2
Warwick District Council
Busking and Street Entertainment
Code of Practice

Busking and other forms of street entertainment are part of the Warwick District's 'experience', creating an enhanced atmosphere and providing pleasure to many people, both local residents and visitors. Buskers and Street Entertainers in the District must follow the Code of Practice, which is detailed below.

On occasion, however, particularly for people living or working in the area, busking may be intrusive, annoying, indecent and offensive. As a result, both the Local Authority and the Police receive complaints about the volume and sometimes the nature of busking and street entertainment.

Under the Environmental Protection Act 1990 noise in the street from musical instruments may be a statutory nuisance and the Local Authority is able to take legal action to abate the nuisance and prohibit or restrict its recurrence; this may include the seizure of musical instruments and amplification equipment.

Warwick District Council also has the following bye law within the District which states:

"No person shall sound or play upon any musical or noisy instrument or sing in any street or public place within 100 metres of any dwelling house or office, after being requested to desist by any resident or occupant thereof, either personally or through any person acting on his behalf, or through a police officer, on account of the interruption of the ordinary occupations or pursuits of any such resident or occupant or for other reasonable and sufficient cause: Provided that this byelaw shall not apply to properly conducted religious services, except where the request to desist is made on the ground of the serious illness of any resident of the house."

PLEASE NOTE: THE COUNCIL DOES NOT LICENCE BUSKERS

If you encounter problems with Street Entertainers please contact the following people:

For matters relating to obstruction of the 'public highway' and offensive behaviour
The Police
101

For matters relating to noise control
Warwick District Council
01926 410410

CODE OF PRACTICE

1. Busking must not be intrusive or a nuisance to nearby premises. The sound level at 30 metres or more should not be dominant or above background level.
2. The performer must immediately comply with any instruction given by an authorised officer of the Council or Police. If the Council receives a justified noise complaint about the performance, that person may be served with a noise abatement notice under section 80 of the Environmental Protection Act 1990. Failure to comply could result in the confiscation of musical instruments, etc, and also prosecution.
3. Busking is subject to a maximum of two people.
4. Amplification equipment is not permitted.
5. Performers must not remain in any one location for more than 30 minutes and should not perform again in that location (or within 100 metres of it) on the same day.
6. A performer must not locate within 150 metres of another performer.
7. Performers must not obstruct the highway (including pavements), shop frontages, or other private property and must immediately stop the performance if any audience creates such obstruction.
8. Performers must not cause offence or distress to members of the public. They must not ask for money but may accept donations.
9. Performers must leave the location in a clean and tidy condition.
10. Entertainment is only permitted between the hours of 10.00 and 17.00., with certain exceptions. i.e. carol singers
11. If you wish to sell items you must obtain the correct licence/permit to allow you to do so. Further information on the different licences/permits can be found on the council website.