



Regulatory Committee

17th December 2012

Agenda Item No.

Title	Busking
For further information about this report please contact	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk
Service Area	Community Protection
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval

With regard to officer approval all reports must be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

Officer Approval	Date	Name
Relevant Director	28/11/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	28/11/2012	Councillor Coker

Consultation Undertaken

None

Final Decision?

Yes

Suggested next steps (if not final decision please set out below)

1. **SUMMARY**

1.1 Busking is currently not licensed by Warwick District Council.

2. **RECOMMENDATION**

2.1 That members note the content of this report and:

- Adopt the proposed Busking Licence and Conditions; and
- Require any buskers that wish to operate within Warwick District to obtain a Busking Licence and conform to all of the conditions attached to it.

3. **REASONS FOR THE RECOMMENDATION**

3.1 Currently, Warwick District Council does not licence buskers, but has a voluntary code of practice that should be followed by anyone busking within the District. This code appears on the council's website and is attached to this report as **Appendix 1**.

3.2 As the code of practice is voluntary only, it is fairly toothless. Police and WDC officers are being called out on a regular basis to try to move on 'buskers' who are clearly not complying with the voluntary code.

3.3 In order to mitigate the problems that are arising, both police and WDC officers feel that a better approach would be to issue a licence to suitable applicants and ensure that, by setting sensible licensing conditions, the rights of residents and local businesses are preserved, whilst still permitting some higher quality, controlled entertainment within the district.

ALTERNATIVE OPTION CONSIDERED

4.1 To leave the voluntary code of conduct for buskers as the only control of entertainment within the District.

5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.

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.

**BUSKING APPLICATION FORM AND CONDITIONS**

Note: Warwick District Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Full name:

Date of birth:NI number.....

Address for Correspondence:

.....

.....Post Code:.....

Contact Number:

Mobile Number:

E-mail Address:

Details of equipment & Performance:

.....

Please return this completed form, together with a signed copy of your agreement to the terms and conditions below to:

**The Licensing Team, Community Protection, Riverside hose, Milverton Hill,
Leamington Spa, CV32 5HZ**

Please ensure you include the documents listed below with the application:

- 2 passport size photographs for licence document
- A Public Liability Insurance cover certificate
- A signed agreement of terms and conditions (See below)
- A cheque for £30.00 payable to Warwick District Council

NOTE: Before granting a licence, the council will consult with the Town Centre Managers and Warwickshire Police. Should either object, the licence will not be granted.

Please note Warwick District council does not permit unlicensed busking/performing. If you unable to produce a current licence, or you are not complying with the conditions on your licence, you will be moved on.



Busking & Street Performers Conditions

Health & Safety

This policy and conditions covers all areas within Warwick District

All performers must have Public Liability Insurance, a copy of which should be provided to the Council on application for the licence

All performers must provide a risk assessment for their activity.

It is the responsibility of the performer to advise the Council of any changes in the performance that would affect the Risk Assessment or Public Liability Insurance.

Performances should not contain anything that might place a person or property at risk of harm or damage. Performers must consider, and take responsibility for public safety at all times in the delivery of their performance.

Noise

Noise (for example music and voice) must not be so loud that it can plainly be heard at a distance of 30 metres (horizontal or vertical). Busking must not be intrusive or a nuisance to nearby premises.

Busking is subject to a maximum of two performers

Amplification equipment is not permitted.

An entertainer must 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.

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.

An entertainer should not locate within 150 metres of another entertainer who is also performing.

Entertainment is only permitted between the hours of 10:00hrs and 17:00hrs.

Noise from any street performance should not be greater than reasonable background noise when heard from more than 30 metres (horizontal or vertical) from where the performance is taking place.

The volume must be turned down immediately if requested by a Police or Council Officer.

Collection of money

The principal of street entertainment and busking is for the public to voluntarily donate money as part of the performance; therefore under no circumstances must an approach be made to the general public to encourage them to donate money.

If collecting money for charity, a Street Collection permit must be obtained in advance from the Licensing Team at Warwick District Council at licensing@warwickdc.gov.uk. In no other circumstances should a street entertainer or busker advertise that they are entertaining on behalf of a charity, cause, organisation or group.

General

The Licence must be retained by the performer at all times whilst on site, and presented to a police or council officer on request.

During major events in the Town Centre, i.e. markets and promotional events, busking will not be permitted. The Busker/Street Entertainer shall not be entitled to any refunds or claims against the Council for these days.

A break in the music of 15 minutes must be provided every 45 minutes in any playing session.

Licence holders must ensure that the area is kept tidy at all times and that if any litter is generated; it is removed at the end of the performance.

Performers must not cause any congestion outside shop frontages or public walkways. If congestion occurs, the performer must stop the show and politely ask the general public to move away from the congested area.

Under no circumstances will generators be allowed on site.

Performers may not sell CD's or goods as part of their Busking Act.

No performances may be given by a performer whilst under the influence of any intoxicating substance.

Performers must ensure that the content of their performance does not cause offence to members of the public.

The Council has the right to terminate the licence at any time without liability or penalty. Failure to comply with these conditions will result in the licence being revoked.

No daily, weekly or monthly busking licence can be issued; the busking licence is an annual licence renewed on the 1st March each year.

No vehicles will be permitted on site at any time.

The use of fire in a performance is not permitted e.g. juggling, fire eating/
breathing.

No fly posting is permitted in the District

**I HAVE READ, UNDERSTOOD AND AGREE TO THE ABOVE TERMS AND
CONDITIONS AND WISH TO APPLY FOR A LICENCE:**

FULL NAME:

GROUP/ ARTIST NAME:.....

DATED:

SIGNED: