



**Name of meeting:** Licensing and Safety Committee  
**Date:** 13<sup>th</sup> December 2016  
**Title of report:** Code of Conduct for Buskers and Street Entertainers

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not applicable</b>
<b>Date signed off by <u>Director</u> &amp; name</b>	<b>Jacqui Gedman – 23/11/16</b>
<b>Is it signed off by the Assistant Director - Financial Management, Risk, IT &amp; Performance?</b>	<b>Debbie Hogg – 10/11/16</b>
<b>Is it signed off by the Assistant Director – Legal, Governance &amp; Monitoring?</b>	<b>Julie Muscroft – 30/11/16</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Mather – Portfolio Holder for Housing &amp; Enforcement Management</b>

**Electoral wards affected:** ALL  
**Ward councillors consulted:** ALL  
**Public or private:** PUBLIC

## 1. Purpose of report

To inform the Committee of a proposed Code of Conduct for Buskers and Street Entertainers

## 2. Summary

Busking is a performance (usually musical or dancing) in a public place that takes place for the intention of passers-by to donate money for private gain. Buskers and other forms of street entertainment often form part of the street scene in many towns and cities providing entertainment to residents and visitors to the area.

Kirklees Council welcomes busking and other forms of street entertainment as performers can create an enhanced atmosphere across our town centres, providing pleasure to

residents, businesses and visitors. However, they can on occasion become intrusive to people living and working nearby.

### **3. Background**

There is currently, outside of London, no specific legislation which governs buskers or the licensing of them. Historically the Council has operated a voluntary registration scheme for buskers who wish to perform in Kirklees. Buskers have been actively encouraged to apply for an identity card which lasts for one year and was only granted after audition. The process is time consuming and an erroneous bureaucratic burden on both buskers and council staff alike. As there is no enabling legislation this has meant that no fee could be levied for this service.

In order to ease the bureaucracy it is proposed that we stop imposing a “licensing regime” on buskers and street entertainers and instead ask them to abide by a new Code of Conduct.

The Code of Conduct (see Appendix A) is guidance for street entertainers to promote good neighbourliness and mutual respect between performers and other people balancing the need and the benefits of busking and performance and the rights of people to reasonable and quiet enjoyment of their locality.

The few complaints associated with buskers in Kirklees can generally be addressed within existing legislation or by-laws (e.g. Environmental Protection Act)

We will continue to investigate any complaints that are received about the activities of buskers and street performers. Where it is deemed that there is non-compliance with the code and an individual or group are causing a noise nuisance or obstruction to the highway enforcement action will be taken.

Advice will be offered in all cases and reasonable opportunity will be given to rectify issues identified; however, if problems persist, the authorities will use the statutory powers available to them to resolve such problems.

### **4. Implications for the Council**

#### Legal Implications

Article 10 of the Human Rights Act 1998 allows for the freedom of expression and must be considered in relation to busking. Under the Licensing Act 2003 busking is not licensable as it does not fall into the criteria of regulated entertainment.

#### Resource Implications

Adoption of the Code will free up officer time to concentrate on statutory licensing applications

### **5. Consultees and their opinions**

A six week consultation was carried out with the following people/groups

- Currently licensed buskers
- Elected Members

- W Y Police
- Published on the Councils Website

Consultees were asked to make comment on ceasing the current practice of “licensing” buskers and the proposed code of conduct.

Five responses were received in response to the consultation which were mainly positive. Copies of the responses are attached at Appendix 2

## **6. Next steps**

To implement its use by officers with immediate effect

## **7. Officer recommendations and reasons**

To note and endorse the Busking and Street Entertainment Code of Conduct as based on the consultation conducted in developing the Code, busking is seen to be a positive activity. The Code gives clarity to those wishing to busk and also meets the needs of businesses and visitors to our town centres.

## **8. Cabinet portfolio holder’s recommendations**

Cllr Naheed Mather is pleased to support the new streamlined procedure.

## **9. Contact officer**

Catherine Walter

Licensing, Local Land Charges & Highways Registry Manager

Tel: 01484 221000

Email: [catherine.walter@kirklees.gov.uk](mailto:catherine.walter@kirklees.gov.uk)

## **10. Assistant Director responsible**

Joanne Bartholomew, Assistant Director – Place

Tel: 01484 221000

Email: [joanne.bartholomew@kirklees.gov.uk](mailto:joanne.bartholomew@kirklees.gov.uk)



## Code of Conduct for Buskers and Street Performers



### Code of Conduct for Buskers and Street Performers

Whilst Kirklees Council welcomes activity which enhances the experience and atmosphere of its town centres, it is important that the needs and requirements of other town centre users such as businesses, shoppers, and residents are taken into consideration. Kirklees request that all performers act as a 'good neighbour' and comply with our code of conduct.

## Code of Conduct

- When selecting your pitch please avoid blocking access to shops, offices, residences and fire escapes as well as other amenities such as cash machines
- Please be respectful to street traders, we recommend at least a 20m gap
- Please avoid locating close to other street activity and fellow performers
- You are responsible for ensuring that your presence does not cause obstruction of the highway, including gathering crowds to watch
- With respect to residents and workers in our town centre's shops and businesses we ask that you do not perform for longer than 1.5 hours from the same location
- Your performance should not be so loud that it can be plainly heard at a distance of 50m
- Amplification is NOT encouraged as it often generates a number of complaints, at which point you would be requested to either lower the volume, move on or even cease performing altogether
- You should have a varied repertoire so as not to cause undue nuisance to residents, retailers and other town centre users
- Performers actions, appearance, dress, lyrics, script or props must not be of a nature that could cause offence or alarm to other users of the town centre
- Young people under the age of 16 must obtain any relevant permits from the Council's Children and Young Peoples Service on 01484 221000 and be accompanied by an adult
- Performances must not be delivered in a manner that is dangerous to you or to members of the public
- Whilst we appreciate that members of the public may wish to contribute for enjoyable performances, you must not actively solicit monetary contributions, this includes signs or the passing round of a hat
- Care must be taken in protecting your own equipment and/or any contributions gained
- Selling of CD's (or any other items) is not permitted
- You must immediately comply with a request by an officer of Kirklees Council or West Yorkshire Police to lower your volume, move location or cease busking

### **As a street performer in Kirklees I agree to:**

1. Be a good neighbour and consider other town centre users
2. Change location after 1.5 hours
3. Vary my repertoire
4. Keep volume to an acceptable level
5. Accept the instruction/advice of Kirklees Council officer/West Yorkshire Police
6. Not block doorways, fire exits or the highways

**Victoria Thomson**

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**To:** Licensing  
**Subject:** RE: Buskers Code of Conduct

**From:** Maurice Healy  
**Sent:** 20 March 2016 16:06  
**To:** Licensing  
**Subject:** Buskers Code of Conduct

Hello Ms. Thomson

I'm Busker No. BU0122 & have read the "draft Code of Conduct" which seem to cover the Council / residents / visitors requirements.

The only observations I would make are:-

- 1) How will the "Quality Control" be managed when registering / auditioning is removed? Leeds has a lot of "Wail & Strum with loud noise" category.
- 2) Could the Code define the minimum distance required to move from an existing pitch to another pitch after the allowed 1.5 hours has elapsed?

Regards  
Maurice Healy



KPPENDIX  
2.

## Victoria Thomson

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**To:** Victoria Thomson  
**Subject:** RE: Buskers Code of Conduct

**From:** Jayne Pearson  
**Sent:** 03 December 2015 16:25  
**To:** Victoria Thomson; Andrew Jackson; Adele Poppleton; Neal Fearn; Laura Whiteley  
**Subject:** RE: Buskers Code of Conduct

Vicky

I agree with Andrew's comments earlier and I do wonder if we can put an actual level on which is acceptable and if we do then who has the capacity to go out and monitor? For info I often put a level on some events if I think that the applicant may be doing something that we may find unacceptable to the adjacent businesses and that limit is 75db but I do not have the capacity to check that level.

Most of the businesses I speak to really don't complain about buskers and the level they are performing at apart from a couple of businesses on New Street.

See what you think

Jayne

Jayne Pearson  
Senior Business Initiatives Officer (Town Centre Management)  
Investment and Regeneration Service  
Civic Centre III  
Huddersfield HD1 2TG

Tel : 01484 221000 or 07976 497758  
Email : [jayne.pearson@kirklees.gov.uk](mailto:jayne.pearson@kirklees.gov.uk)

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**From:** Victoria Thomson  
**Sent:** 02 December 2015 15:33  
**To:** Andrew Jackson; Jayne Pearson; Adele Poppleton; Neal Fearn; Laura Whiteley  
**Subject:** Buskers Code of Conduct



Good Afternoon All

Following on from Cath's email about reviewing busking requirements I have put together a Code of Conduct for buskers in any of Kirklees' town centres.

If you have anything you would like me to add or change then please let me know.

Kind Regards

Victoria Thomson  
Kirklees Licensing Officer  
01484 456862

Please note that I currently do not work Thursdays

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**Victoria Thomson**

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**To:** Victoria Thomson  
**Subject:** RE: Changes to Busking in Kirklees

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**From:** Cllr Nigel Patrick  
**Sent:** 15 March 2016 13:11  
**To:** Victoria Thomson  
**Subject:** RE: Changes to Busking in Kirklees

Accepting there should be some form of control, but also accepting busking is part of the streetscene and plenty of good musicians started out as buskers. Seasick Steve for example.

Is the code of conduct in addition to the license or instead of?

Holding an audition seems a bit odd to give a license. It would be subjective and comes down to the musical taste of the assessor. Not sure Seasick Steve would always pass that test.

Code of conduct looks ok. One thing that did pop out was 'a varied repertoire'. Again subjective. Needs clarifying. Do you mean more than one song or songs that sound different? I can think of a few successful bands whose music all sounds the same to me.

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**From:** Victoria Thomson  
**Sent:** 15 March 2016 10:34  
**To:** Cllr MasoodG Ahmed; Cllr Mahmood Akhtar; Cllr Karen Allison; Cllr Simon Alvy; Cllr Bill Armer; Cllr RobertW Barraclough; Cllr Donna Bellamy; Cllr Martyn Bolt; Cllr Cahal Burke; Cllr Jean Calvert; Cllr Andrew Cooper; Cllr Nosheen Dad; Cllr Jim Dodds; Cllr Donald Firth; Cllr Eric Firth; Cllr Charles Greaves; Cllr David Hall; Cllr Steve Hall; Cllr Mark Hemingway; Cllr Erin Hill; Cllr Lisa Holmes; Cllr Edgar Holroyd-Doveton; Cllr Judith Hughes; Cllr Mumtaz Hussain; 'Cllr Christine Iredale'; Cllr Paul Kane; Cllr Viv Kendrick; Cllr Musarrat Khan; Cllr John Lawson; Cllr Vivien Lees-Hamilton; Cllr Robert Light; Cllr Gwen Lowe; Cllr Terry Lyons; Cllr Andrew Marchington; Cllr Naheed Mather; Cllr Hanif Mayet; Cllr Peter McBride; Cllr Darren ODonovan; Cllr Marielle O'Neill; Cllr Andrew Palfreeman; Cllr Shabir Pandor; Cllr Abdul Patel; Cllr Nigel Patrick; Cllr Carole Pattison; Cllr Andrew Pinnock; Cllr Amanda Pinnock; Cllr Kath Pinnock; Cllr Hilary Richards; Cllr David Ridgway; Cllr Karen Rowling; Cllr Mohammad Sarwar; Cllr Cathy Scott; Cllr Phil Scott; Cllr David Sheard; Cllr Kenneth Sims; Cllr Elizabeth Smaje; Cllr Ken Smith; Cllr Mohan Sokhal; Cllr Julie Stewart-Turner; Cllr Amanda Stuble; Cllr JohnJ Taylor; Cllr Kath Taylor; Cllr Graham Turner; Cllr Nicola Turner; Cllr Sheikh Ullah; Cllr Molly Walton; Cllr Michael Watson; Cllr Linda Wilkinson; Cllr Gemma Wilson  
**Subject:** Changes to Busking in Kirklees

Good Morning Councillors

We currently run a system whereby if anyone wants to busk in Kirklees they must first apply for a licence and do an audition before a licence is granted.

These licences are free however we supply a photo card and paper licence to the busker which, when you factor in officer time for processing it, it becomes quite costly. We also used to rely heavily on the community rangers in the town centre to assist us in moving anyone on who was either causing a nuisance or unlicensed, however there are no community rangers anymore and as we are based in Flint Street and our main enforcement concerns are taxi's and licensed premises we are unable to enforce the licences we have granted. We also don't have any right to make people get licences to busk therefore we don't have any real enforcement power.

I have had a look at what other authorities do in relation to buskers and Leeds have a code of conduct for anyone wishing to busk in their city centre. I have therefore put together a code of conduct suitable for Kirklees and have consulted all of the relevant Council service for their input and it is now out for consultation with current licensed

buskers. Please find attached a copy of this for your information and if you wish to make any representation about it then please do so before 30<sup>th</sup> April 2016.

Kind Regards

Victoria Thomson  
Senior Licensing Officer  
01484 221000 – ext 70520

Please note that I currently do not work Thursdays

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