

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 10th September 2018

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WARD(S): All

PART I **FOR DECISION**

VOLUNTARY CODE OF PRACTICE FOR BUSKERS AND STREET ENTERTAINERS

1. **Purpose of Report**

The purpose of the report is to update the Committee on the draft 'Code of Practice for Buskers and Street Entertainers' in Slough Town Centre, following consultation.

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

The Committee is requested to;

- a. To comment on the revised draft code of practice.
- b. To make any additional amendments to the draft code of practice, and
- c. To approved the draft code of practice.

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

A report was previously put before the Licensing Committee outlining 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 actions to tackle problem buskers and street entertainers are limited dependant on the 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 revised draft code of practice. b. To make any additional amendments to the draft code of practice, and c. To approved 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	Once approved the 'Code of practice' will be reviewed annually.

(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 On 12th June 2018 a draft 'Code of Practice for Buskers and Street Entertainers' was put before the Licensing Committee and the Committee resolved that a public consultation should be conducted.
- 5.3 A public consultation was conducted between 31st July 2018 and 20th August 2018 through the SBC website and with all elected members of Slough Borough Council, the Police, pro-busking groups such as Alive Network, Keep Streets Live Campaign, the Musicians' Union, relevant SBC services, Town Centre Manager and the Town Centre Partnership Team. Responses from the consultation are attached at **Appendix B**.
- 5.4 In light of the responses from the consultation the draft 'Code of Practice' has been revised and those changes are shaded in grey. The revised draft document is attached at **Appendix A**.
- 5.5 Once the 'Code of Practice has been implemented it will be reviewed every 12 Months, or sooner, as appropriate to the changing nature of the town centre.

6. Comments of Other Committees

The Licensing Committee on 12th June 2018 resolved as follows:

- That a public consultation take place on the draft Code of Practice for Buskers and Street Entertainers.

7. Conclusion

That the Committee approve:

- a. To comment on the revised draft code of practice.

- b. To make any additional amendments to the draft code of practice, and
- c. To approve the draft code of practice.

8. Appendices Attached

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

'B' - Consultation responses.

9. Background Papers

None.

Code of Practice for Buskers and Street Entertainers

Slough Borough Council welcomes buskers and street entertainment that enhances the experience and atmosphere of the town. It is in everyone's interest to have a positive relationship with all users of public spaces and these guidelines aim to support this objective.

All buskers and street entertainers who wish to perform in Slough town centre are asked to agree to follow our best practice code of conduct. The code is intended to set out a standard which, if followed, should enable busking and street entertainment to continue and thrive whilst protecting businesses, visitors and residents from excessive noise or prolonged exposure to the same performances.

This code applies to buskers and street entertainers in Slough Town Centre every day of the year.

Do:

1. Anticipate the impact that your act will have on others in the area you choose before setting up your performance; performers should be mindful of street traders and others who use the public space under licence to perform their day to day living.
 - a. If crowds are likely to gather, you are responsible for ensuring the free passage of persons not wishing to view the performance (i.e. don't let the crowd block the street between you and the shops).
2. Store your belongings and equipment neatly during the performance to avoid causing an obstruction or trip hazard to either you or members of the public.
3. Be mindful that although the town centre is largely pedestrianised, a number of vehicles are still allowed access throughout the day.
4. Be courteous if you are approached by a member of the public.
5. Protect yourselves by taking out Personal Liability Insurance (minimum cover £1,000,000.00)
6. Due to variable acoustics at any given location it is not possible to dictate a decibel level but as a guideline the sound level at 10 metres or more from the performance area should not be dominant over the level of ambient street noise.
7. Perform between 10am and 6pm; one continuous performance per act, per day lasting for a maximum of 2 hours, with no return or moving to an alternative pitch on the same day.
Alternative option for point 7: Perform for a maximum of 2 continuous hours then take a break for 1-1.5 hours before resuming. Performers are asked to vary their material as repeating a limited number of songs/performance pieces can increase complaints from nearby home owners and/or businesses.
8. **It is illegal for any person under the age of 14 years to busk. Anyone between the age of 14 years and 18 years old wishing to perform in Slough town centre, while not encouraged, must be accompanied at all times whilst performing by their parent or legal guardian.**
9. Lower the volume, move to another location or cease performing when asked by an Authorised Officer of Slough Borough Council or Thames Valley Police if your entertainment conflicts with another event or activity.

NOTE: The Observatory and Queensmere shopping centres are private shopping areas. Performing in these areas requires permission from the **Centre** Management Team

Don't:

1. Act in a way that is likely to cause alarm, distress, harm or offense to any other persons; including but not limited to:
 - a. Begging
 - b. Preaching of an extreme nature (i.e. promoting political, religious, racist, homophobic or ideological messages)
 - c. Inappropriate / immodest dress
 - d. Inappropriate / offensive language of an extreme nature (i.e. promoting political, religious, racist, homophobic or ideological messages)
 - e. Inappropriate / offensive imagery of an extreme nature (i.e. promoting political, religious, racist, homophobic or ideological messages)
2. Perform in a manner which may be considered dangerous to themselves or the general public i.e.:
 - a. Make use of street furniture, e.g. public seats, lampposts, railings whilst performing.
 - b. Perform acts involving fire, knives, weapons, striptease or nudity, live animals (other than registered assistance animals).
3. Bring any non-performing animals (other than registered assistance animals) with you whilst you are performing.
4. Stand, sit, or spread out your equipment so as to cause an obstruction of the highway (footpath), ATM machines, entrances or exits to shops and other premises.
5. Actively collect money.
 - a. You may have a receptacle (box, hat or musical instrument case) into which you can accept donations.
 - b. You are not allowed to purport to collect for charitable or other purposes. This would be a 'street collection' requiring a permit from the Council.
 - i. Details of these regulations can be found on the council's website at <https://www.slough.gov.uk/business/licences-and-permits/charitable-collections.aspx>
6. Sell CD's, DVD's, Tapes or any other goods. This is classed as street trading and you will require a permit for this. To obtain consent please visit the Council Office in Landmark Place and obtain a permit from the Licensing Department, which will cost £10 per trading day.
 - a. Anyone who is found to be selling goods without permission will be instructed to stop performing and vacate the site; this is an offence for which you could be prosecuted and liable to a fine of up to £1,000.
 - b. Information about an application form for a street trading consent can be found on the council's website at <https://www.slough.gov.uk/business/licences-and-permits/business-and-street-trading-licences.aspx>
7. Perform within 50 metres of another busker/entertainer who is already performing.
8. Perform whilst under the influence of alcohol, solvents or drugs.
9. Leave any litter behind.

If performers are following this code, it is very unlikely that enforcement will be necessary. It should be noted that a range of statutory powers can impact on performers however these will only be used as a last resort.

This code is managed on behalf of Slough Borough Council by the Licensing Team and is available at:

<http://www.slough.gov.uk/business/licences-and-permits/>.

For more information please contact the Licensing Team at Landmark Place, High Street, Slough, SL1 1JL or telephone 01753 875664 or email licensing@slough.gov.uk This code will be reviewed every 12 months or sooner as appropriate to the changing nature of the town centre.

APPENDIX B - CONSULTATION RESPONSES

<p>(Local Business) Thanks for passing this on. Had a read through, I can note a fair few buskers/performers that would breach some of these codes, not so concerned about that but how would this be actively policed/monitored and enforced?</p>	<p>Response – Thank you for the speedy response. In relation to you comment on policing this, the Codes of practice will be placed on the Council website and a copy provided to all buskers and street entertainers in the High Street. We will be conducting regular visit to the High Street and where there is any identified non-compliance with the Codes of practice the performers will asked to cease performing and leave the area. We will be reviewing the Code of practice 12 months after its implementation.</p>
<p>(Elected member of SBC) Thank you for the information, and I am happy to see that we are adapting to make the changes that may help the Town Centre. I am happy with the draft as long as it's compliant with the licensing act which I am sure it would be.</p>	<p>Response of thanks</p>
<p>(Elected member of SBC) The only thing i degree with is the banning of religious preaching. I think this should read extreme regions preaching</p>	<p>Response of thanks</p>
<p>(Elected member of SBC) I agree with [REDACTED] on this. There is an honourable tradition of religious preaching on Slough High Street, and I think a there is an element of civic acts of worship and remembrance there that this might unintentionally impact upon. If there needs to be any prohibition to the exercise of free speech on our High Street, I think it should be in line with legislation banning the preaching of messages of hate, in sighting bigotry, intolerance and violence.</p>	<p>Response of thanks</p>
<p>(Elected Member of SBC) I have no problem with the principle of religious organisations using our high streets providing there is no condemnation, hate preaching towards any of the accepted religions or promotion of martyrdom in the name of re of any religion.</p>	<p>Response of thanks</p>
<p>(Elected member of SBC) I support Cllr [REDACTED] view below. I believe the High Street should be available for civil acts of worship, commemorative events and potentially some processions. However, I found the presence of the street preachers a deterrent to shoppers going about their business, myself included (as they did 'harangue' people going about their business), and would support a tightening of our previous</p>	<p>Response of thanks</p>

<p>frameworks/code to stop that activity on the High Street</p>	
<p>(Elected member of SBC) I rarely use the High Street now, however I recall that years ago, not long after the High Street was closed to traffic, some Christian fundamentalists used to harangue shoppers by telling them that they were all doomed to burn in hell, were heathens, were evil, condemned to eternal damnation etc.</p> <p>I would not expect that type of 'preaching' to be acceptable. I was always surprised no one hit them, though perhaps someone did.</p> <p>Otherwise certainly accept that we need to allow acts of civil worship and similar commemorative religious events</p>	<p>Response of thanks</p>
<p>(Town centre Manager) Under DO:</p> <p>Item 6 – have you reviewed SBC’s noise policy if we have such thing in Place? http://www.slough.gov.uk/council/joint-strategic-needs-assessment/environment.aspx</p> <p>Item 8 – Can this clause be reviewed based on the central government advice. It states “Children under 14 aren’t allowed to busk” and I noticed in Slough high street a few buskers are our young buskers, volunteers etc. are under the age of 18. They are usually unaccompanied or in the company of another young person. [REDACTED] can advise.</p> <p>Under NOTE: change “Town Centre Management Team to “Centre Management Team” if you are referring to the shopping centres</p> <p>Under DON’T:</p> <p>Item 2 – who are you referring to “them”?</p> <p>Item 6, a. – are we able to add any level of fines if applicable?</p> <p>Item 6, b. – delete ‘and’ before ‘an application form’</p> <p>The paragraph before last, can you add your team’s email licensing@slough.gov.uk unless enquirers are only required to contact your team via phone?</p> <p>Can you please add ‘For further information, please contact: Licensing, Landmark Place, xx Windsor Road, Tel, Email, Website etc.’</p>	<p>Response of thanks</p>