

Council – 14 April 2014

Street Entertainment and Busking

1. Summary

Street entertainment, or busking, can be viewed as adding to the vibrancy of a town or a nuisance. At its best it draws visitors in to a town or area. Officers in the Council variously receive requests to allow busking and complaints about buskers that are in the town. Walsall is a town undergoing regeneration and the council and its partners are working hard to make it a great place in which to live, shop or work.

The aim of this policy is to encourage quality entertainment and vibrancy in the town whilst ensuring that noise nuisance to local businesses and obstruction to users of the highway are kept to a minimum.

2. Recommendations

- 2.1 That Council adopt the attached policy for performance of street entertainment.
- 2.2 That Council resolves to agree the sites appended to the policy as preferred locations for street entertainment.
- 2.3 That Council resolve that the Head of Community Safety and Public Protection has delegated authority to identify additional preferred locations for street entertainment after consultation with the local community and businesses from 1 May 2014.

3. Background Information

- 3.1 Officers from the council variously receive requests to permit street entertainment and complaints about its impact on businesses, residents and visitors.
- 3.2 Officers and partners have been working to improve the vibrancy of the town, reduce crime, support businesses and increase footfall in the town and district centers. As part of this overall strategy, it was felt that the introduction of a modern, up to date street entertainment policy would be beneficial for the centres. This policy has been designed to achieve these objectives whilst minimizing the impact on officers' workload.

4. Council priorities

- 4.1 Within the Walsall Plan 2013-16 the introduction of this street entertainment and busking policy predominantly fits into three of the four priority themes.
- *Supporting business to thrive and supporting local people into work* – by increasing the life and vibrancy of the town and district centres.
 - *Creating Safe, Sustainable and Inclusive Communities* – by providing a lively vibrant area in which people feel safe to work and visit.
 - *Improving Health and Wellbeing* – by providing opportunities for health and wellbeing through performing and experiencing art.

5. Financial implications

- 5.1 There are no financial implications from the adoption of the policy.

6. Legal implications

- 6.1 Buskers and street entertainers could be considered to be causing and obstruction under s137 of the Highways Act 1980. This policy identifies pitches as preferred locations for street entertainment and by complying with the policy any performers in those locations would be deemed to have consent. The policy provides that any performance should be kept within limits to avoid breaching various legal provisions relating to noise nuisance offences. Legal services have been consulted on the policy.

7. Staffing implications

- 7.1 There is little capacity within the licensing administration team to deal with a process to register performers. Legal services have advised that there is no grounds for the introduction of a fee. Therefore, the policy has been designed to minimise the impact on officer workload by not having a registration process for performers and by empowering businesses to request performers to modify or cease their performance. This means the enforcement team and police should only need to intervene in exceptional circumstances.

8. Consultation

- 8.1 A draft policy was put out to public consultation in December 2013 and this policy has been amended as a result of the feedback received.

Jamie Morris
Executive Director – Neighbourhood Services
1 April 2014

Code of Conduct for Street Entertainment in Walsall

Street entertainment, or busking, can be viewed as adding to the vibrancy of a town or a nuisance. At its best it draws visitors in to a town or area. Officers in the Council variously receive requests to allow busking and complaints about buskers that are in the town. Walsall is a town undergoing regeneration and the council and its partners are working hard to make it a great place in which to live, shop or work.

To contribute to that work, the council has adopted a policy on street entertainment to encourage the best entertainers who add to the life of the town, whilst making sure that this activity does not become a nuisance to visitors and people who work in the town.

This policy does not apply to anyone taking part in regulated entertainment under the Council's Premises Licence or a Temporary Events Notice issued under the Licensing Act 2003.

Who can perform in Walsall?

Anyone over the age of 18 can perform in Walsall. If you are under 18, you must be accompanied by your parent, guardian or responsible adult. You must have adequate public liability insurance and produce a copy of the certificate to an officer of the council or police officer on request.

What type of street entertainment can be performed in Walsall?

Most forms of entertainment may be performed in Walsall as long as it does not present a hazard to other people; is not indecent or in bad taste and does not damage the highway and street furniture.

Examples of Entertainment which will normally be permitted	Examples of Entertainment which will not be permitted
Playing music	Acts involving fire
Singing	Acts involving knives, weapons or similar objects
Drama	Acts involving striptease or nudity
Living statues	Acts involving live animals (other than registered assistance dogs)
Juggling (but fire and knives etc may not be used)	
Dancing	
Drumming is particularly likely to cause a nuisance to neighbouring businesses and therefore, the performer should give consideration to the impact and local businesses may request that the length of performance is curtailed	

Where can you perform in Walsall?

In order to maximise the benefits of street entertainment and to minimise any nuisance it may cause, the Council has the areas identified on the maps shown in the appendix as preferred locations for street entertainment. Some areas are suitable only for certain types of street entertainment, for example no amplified music or loud instruments, or a restriction as to the size of a group of performers, whilst any form of street entertainment may be appropriate in other areas. *However, you should not perform in the vicinity of another busker if this will create a clash of sounds or result in the combined audiences to cause an obstruction.*

When can you perform in Walsall?

Street entertainment can be performed any day of the week and between 9.00am and 8.00 pm. During late night shopping and when special events are being held, the hours are extended to the end of shopping hours or the close of the event.

You may not perform at any location for longer than one hour and may not return to the same location within an hour. If during your performance an authorised officer of the council, police or fire officer consider that you are causing an obstruction or noise nuisance you must stop your performance or move to another location as they require. If a business in the vicinity considers that you are causing a nuisance or obstruction, then you should also stop your performance, reduce the volume or move to another pitch.

How should you behave when performing in Walsall?

Street entertainers should behave with courtesy and respect at all times and in particular, you:

- must not do anything to cause a nuisance or danger to other people in the area.
- must respond to reasonable requests from businesses in the vicinity to reduce the volume of any performance or to curtail the length of a performance.
- must comply with any request from an authorised officer of the council, the police, fire authority or other enforcement agency.
- may place a receptacle near by for people to make donations. However, you must not ask for money directly or by actions, for example by passing a container round, as this would be classed as begging.
- must make sure that any crowd or audience does not obstruct the free passage along the highway or obstruct fire exits or other access to shops and buildings, cash machines or other facilities in the area.
- may not use street furniture as part of the performance and may not affix any sign or other object to street furniture. Examples of street furniture are lamps, benches, planters, bollards, litter bins etc.

- may only sell merchandise if you also have a street trading licence from Walsall Council's licensing department.
- should leave the area in which you have performed in a clean and tidy condition.
- must not perform whilst under the influence of alcohol or drugs.

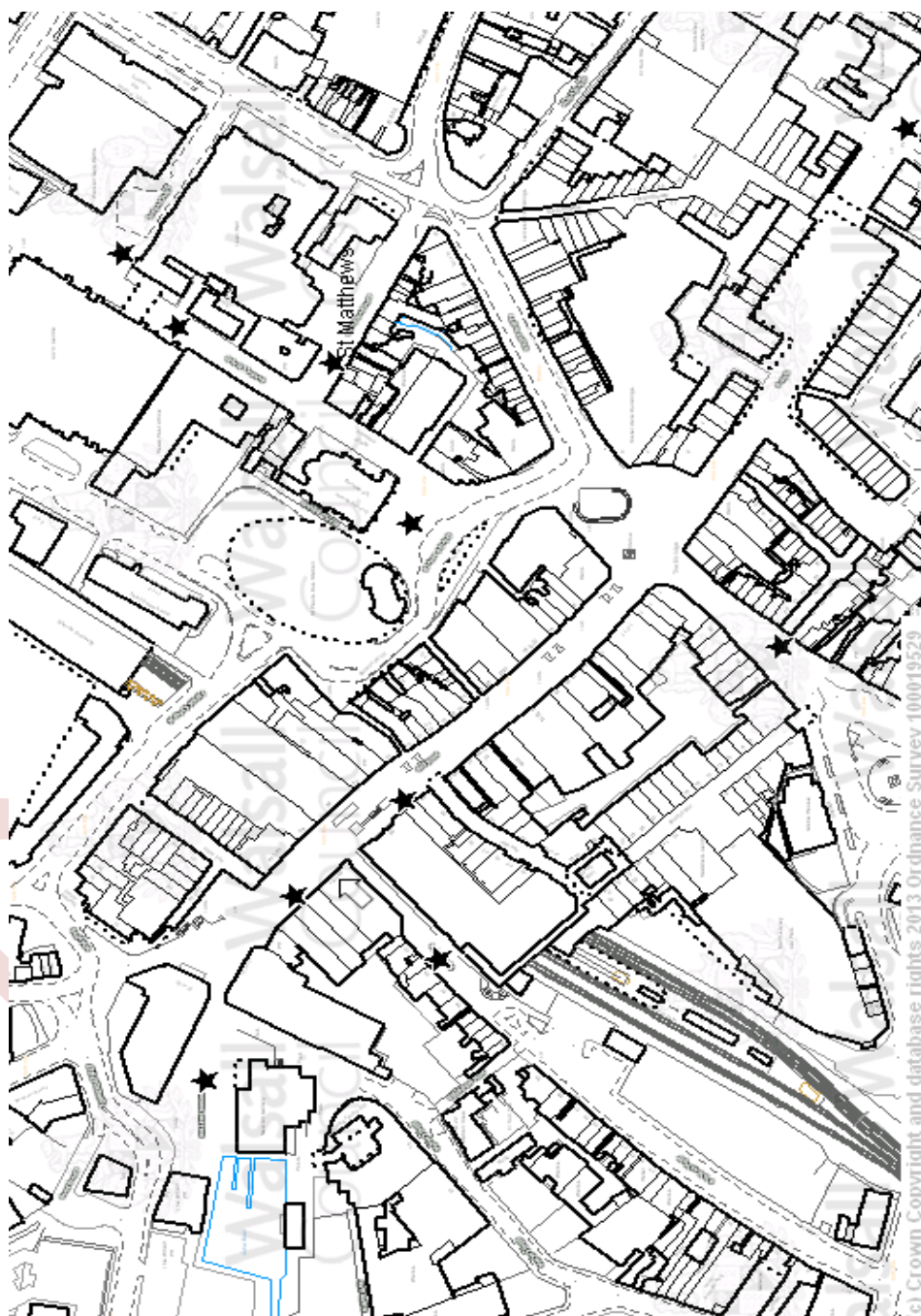
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Appendix

Preferred Locations for Street Entertainment in Walsall

Suggested sites for street entertainment are marked with a ★

A Walsall Town Centre



B Aldridge



C Bloxwich



This is a detailed street map from Walsall Council. It shows a network of residential streets including Boulton St, Garage, Superstore, and St James Home. Buildings are represented by black outlines, and green spaces are shown in light green. A yellow highlighted area is located on the right side of the map. A scale bar at the bottom indicates distances up to 100m.

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D Darlaston



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F Willenhall

