



# Walsall Council

## **REPORT OF THE INTERIM REGULATORY SERVICES MANAGER**

### **LICENSING AND SAFETY COMMITTEE**

**16 OCTOBER 2013**

### **STREET ENTERTAINMENT**

#### **1.0 Summary of report**

- 1.1 To advise members of proposals to adopt a policy on street entertainment and to designate the certain locations in streets for the purposes of street entertainment across the borough.

#### **2.0 Recommendations**

- 2.1 That members consider the draft code of conduct for street entertainment attached to the report.
- 2.2 Members approve the consultation process on the proposals.

#### **3.0 Background information**

- 3.1 Officers in regulatory services, regeneration and other departments variously receive complaints about busking and requests to allow it. The absence of a policy leads to a lack of clarity on the position for officers, street entertainers, businesses, the police and other partners. To redress that position, it is proposed that the council adopt a policy permitting such entertainment in designated sites across the borough.

#### **4.0 Resource considerations**

- 4.1 **Financial:** The policy has been drafted to be self regulating as far as possible to minimise the workload on officers whilst enhancing the street scene in the borough. It is proposed to introduce a fee for a street entertainer's permit. Giving consideration to the financial climate for the council and the wider economic position for business, it is proposed that this fee will be sufficient to cover costs but not be at a level that would prohibit the intended entertainers from being able to apply.

4.2 **Legal:** A district council may by resolution designate any street in their district as a site for permitted obstruction under s125E of the Highways Act 1980.

4.3 **Staffing:** The process of issuing a street entertainer's permit can be covered within existing resources.

## **5.0 Citizen impact**

5.1 Nothing arising from this report.

## **6.0 Community safety**

6.1 Nothing arising from this report.

## **7.0 Environmental impact**

7.1 Nothing arising from this report.

## **8.0 Performance and risk management issues**

8.1 Nothing arising from this report.

## **9.0 Equality implications**

9.1 None arising from this report.

## **10.0 Consultation**

10.1 A four week period of consultation with elected members, police, other partners, business, residents and street entertainers will be carried out. The proposals will then be brought back to Licensing and Safety Committee

## **11.0 Appendices**

11.1 Appendix 1 – Draft street entertainment code of conduct.  
Appendix 2 – Draft consultation questions.

## **12.0 Contact Officer:**

12.1 Lorraine Boothman, Interim Trading Standards Manager. 01922 653065

## 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?

If you want to perform as a street entertainer in Walsall, you must be over 18 and obtain a permit from the council. You will need to complete the application form and provide proof of ID, a passport sized photo, a "disclosure Scotland basic check", proof of public liability and the fee. The application form can be obtained from the Licensing Office or you can apply on line

At least one person from a group must have a permit.

You may be required to attend an audition to demonstrate that your act is of suitable quality. The panel will normally be made up of a representative from businesses in the town centre, the community and an elected member, although this may be varied from time to time.

If you do not comply with this code, the council may remove your permit to perform street entertainment in Walsall. The council may also remove your permit if it receives complaints from the public or representations from the police, fire authority or other partner.

### 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	Striptease or nudity
Living statues	Drumming unless it is a minor element of a performance
Juggling (but fire and knives etc may not be used)	
Dancing	
Drumming may be permitted but 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 restricted busking to the areas identified on the maps shown in the appendix. 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.*

### **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 may be extended to the end of shopping hours or the close of the event.

You may not perform at any pitch for longer than one hour and may not return to the same pitch within an hour. Within this time limit, you must stop your performance or move to another pitch if requested to do so by any business in the vicinity, authorised officer of the council, police or fire officer.

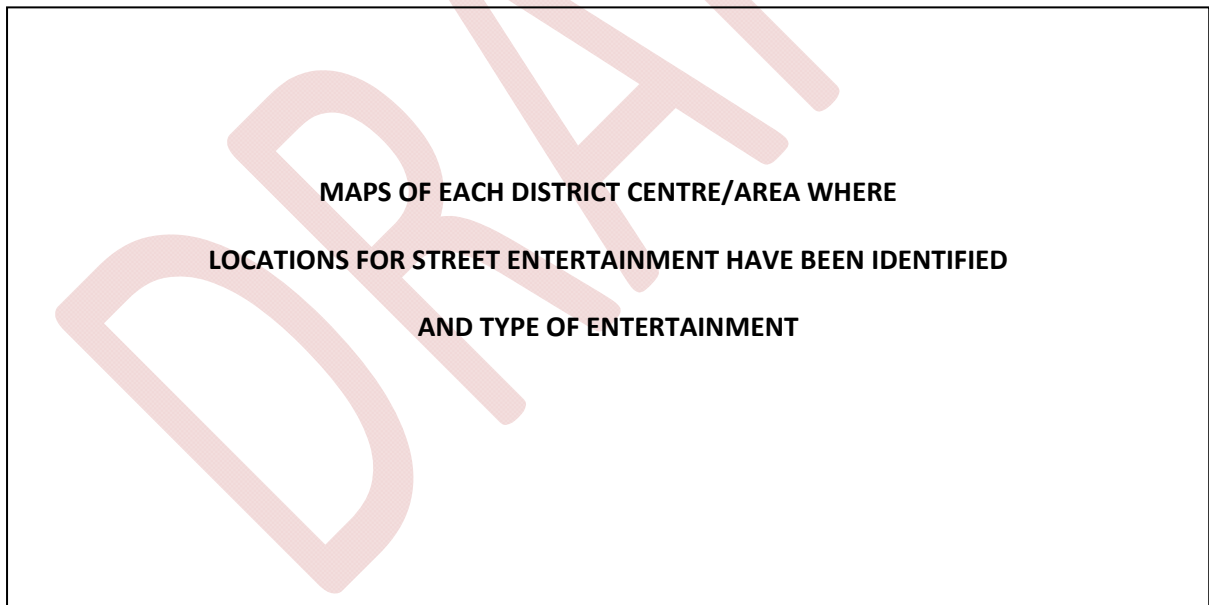
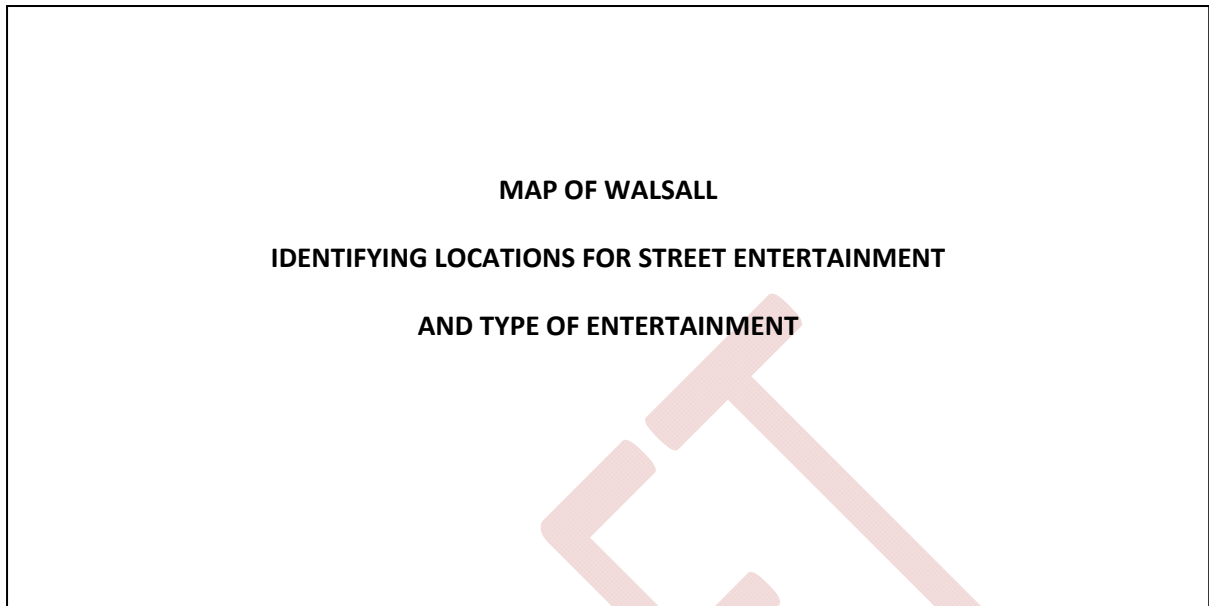
### **How should you behave when performing in Walsall?**

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 by them 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 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 wear the permit issued by Walsall Council at all times.
- must not perform whilst under the influence of alcohol or drugs.

**Appendix**

**Locations for Street Entertainment in Walsall**



## Street Entertainment Policy

### Consultation Questionnaire

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 street entertainment but also 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 is looking at adopting 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.

We welcome your comments on the proposal.

**About you** Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

#### Are you responding to this consultation as

An individual

A business  please say where your business is located

Aldridge  Brownhills  Walsall  Darlaston

Willenhall  Pelsal  Bloxwich  Other

A partner or other organisation (eg police, trade association)

Please give the details of the organisation you are representing \_\_\_\_\_

A street performer

#### Q1 Do you think the council should permit street entertainment?

Yes

No

#### Q2 Should there be a process for checking the quality of performers?

Yes

No

**Q3 Should there be restrictions on when street entertainers can perform?**

Yes

NO

**If yes, which of these please tick all that apply**

Restricted to certain days of the week

Restricted to certain times of day

Restrict length of time an act can perform

**Q5 Should the council licence performers who are permitted to perform in Walsall?**

Yes

No

**Q6 If you are a performer, would you want a licence for single use or for an extended period (eg a year)**

Single use    3 months    6 months    1 year

**Q7 If you are a performer, how much would you be prepared to pay for a single use licence?**

£25

£50

**Q8 How much would you be prepared to pay for an annual licence?**

£50

£75

£100

**Q9 Do you have any other comments on the policy?**

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## Equalities monitoring

Your responses to the following questions will be used to analyse responses to the survey only

Are you male  female  Prefer not to say  Please tick ✓ one box only.

To which of the following age groups do you belong? Please tick ✓ one box only.

16-18 years	<input type="checkbox"/>	46-55 years	<input type="checkbox"/>
19-25 years	<input type="checkbox"/>	56-65 years	<input type="checkbox"/>
26-35 years	<input type="checkbox"/>	Over 65	<input type="checkbox"/>
36-45 years	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

Do you have any long-standing health problem or disability (including problems which are due to old age) which means you have substantial difficulties doing day to day activities or the work you can do? Please tick ✓ one box only.

Yes .....  No .....  Prefer not to say

To which of the following groups do you consider you belong? Please tick ✓ one box only.

### White

British .....   
Irish .....   
Other White background .....

### Asian or Asian British

Indian.....   
Pakistani .....   
Bangladeshi .....   
Other Asian background .....

### Black or Black British

Caribbean .....   
African... .....   
Other black background.....

### Mixed

White and Black Caribbean.....   
White and Black African.....   
White and Asian .....   
Other Mixed background .....

### Chinese / other ethnic background

Chinese.....   
Any other ethnic background (*Please tick and write in below*)

Prefer not to say.....

Thank you for completing this questionnaire.