

## **Officer Decision**

14 April 2015

Report of the Assistant Director (Communities, Culture & Public Realm)

### **Busking Guidelines**

#### **Summary**

1. This report seeks approval to issue new guidelines for buskers and street entertainers in the city.

#### **Background**

2. Busking is an important part of making our city centre a vibrant and exciting place to visit with street artists, performers and buskers providing enjoyment for residents, visitors and businesses. We want to encourage the best of buskers to come to York from across the country and beyond.
3. We need busking to work well for everyone who uses the city centre. For those living and working in the city centre busking can become intrusive or annoying. Recently there have been some tensions involving a small minority of buskers and it is recognised by all parties that we need to resolve these through a collaborative approach involving all parties in discussion. These new guidelines have emerged from discussions that have taken place over the last four months.
4. York previously operated a permit scheme for buskers. This scheme was withdrawn because it lacked a clear legal basis. Whilst it might be possible to have a permit scheme in the future under new powers it is not considered that this would be a desirable way forward because:
  - Such a scheme would be bureaucratic and expensive to operate
  - The burdensome process of obtaining a permit would discourage new buskers from visiting York

- It would not foster the culture of co-operation and mutual respect that it is hoped the new guidelines will create

### **Consultation**

5. The guidelines were drawn up by a working group consisting of Council officers and representatives of the busking community, the Musicians' Union, Equity, and city centre businesses. The draft guidelines were then put out for consultation with the wider busking community and city centre business networks.
6. The guidelines were generally endorsed by buskers. A small amount of feedback was received from the business community which welcomed busking and stressed the importance of buskers not obstructing business premises. The guidelines were amended to reflect this. Feedback was also received from a resident with regard to a problem of very late night busking in a particular street. This will be dealt with through appropriate enforcement action.

### **The Guidelines**

7. The guidelines are intended for the use of buskers, businesses, residents, the city centre team within Make it York and all agencies who may be engaged in enforcement. The guidelines stress co-operation, compromise and mutual respect. Where problems arise they encourage these to be resolved in the first instance through dialogue. A formal complaint should not normally be the first step.
8. Where problems arise that cannot be solved through dialogue, all parties are agreed that immediate action is required. During trading hours the first point of contact will be the city centre team who will attend promptly to mediate. If, after assessment, the city centre officer judges that the busker's performance is not in line with these guidelines they will ask the busker to amend their performance. If the busker refuses to amend their performance or has repeatedly been in breach of the guidelines the officer may issue a letter warning of potential enforcement action.
9. Where these guidelines are being observed, enforcement action will not be necessary; however, as a last resort, where performers have repeatedly failed to follow the guidelines, enforcement action will be taken using the appropriate legal powers, for example the Council's byelaws.

### **Next Steps**

10. Once approved the guidelines will be produced in various formats suitable for use on the streets and will be distributed to buskers and to businesses.
11. It is proposed that the guidelines are reviewed at six monthly intervals to monitor whether they are helping to maintain a successful busking environment.
12. A forum will be maintained with the busking community with quarterly meetings to monitor implementation of the guidelines and to discuss other issues of concern.

### **Council Plan**

13. The actions set out in the report contribute to the *create jobs and grow the economy* priority in the Council Plan 2011-15.

### **Implications**

14. There are no additional Financial, Equalities, Legal, Property, Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

### **Risk Management**

15. The level of risk associated with this proposal is “Acceptable”.

### **Recommendation**

16. The Director of Communities and Neighbourhoods is asked to approve the new guidelines.

Reason: To assist in maintaining a vibrant and successful city centre.

### **Annex: The Busking Guidelines**

#### **Contact Details**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>
Charlie Croft Assistant Director, Communities, Culture & Public Realm	Sally Burns Director of Communities & Neighbourhoods

	<b>Report Approved</b>	✓	<b>Date</b>	14 April, 2015
<b>Specialist Implications Officer(s):</b> N/A				
<b>Wards Affected:</b>			<b>All</b>	✓
<b>For further information please contact the author of the report</b>				

**Background Papers:**