

A Guide to Busking In York

Busking is an important part of creating a vibrant, exciting and cosmopolitan atmosphere for residents, visitors and businesses in York.

As a city we encourage busking and we want to welcome buskers from across the country and beyond.

WHAT IS BUSKING?

‘Busking’ means performing music, dance, street theatre or art in a public space for the purpose of receiving contributions from members of the public.

Buskers are not typically paid or hired directly for their performance.

WHY DO WE NEED GUIDELINES?

Buskers are sharing the streets and open spaces with everyone else who lives, works, trades and takes their leisure in the city centre. Inevitably there is potential for conflict amongst all the different uses that people make of the city centre.

We are confident that any potential conflicts involving buskers can be dealt with if buskers, local businesses, council officers and members of the public engage in constructive dialogue to resolve them through compromise and cooperation. These guidelines aim to reduce the potential for conflict and to support a culture of community, consideration for others and negotiation.

We know that most complaints about busking apply to a small number of performers and usually relate to noise levels, repetitive performances or obstruction. We also know that most issues can be resolved amicably if

they are dealt with before they escalate. In most cases a formal complaint will not be needed and legal enforcement powers will only need to be used as a last resort if there are persistent issues.

This Best Practice Guide has been agreed by City of York Council, representatives of Equity and the Musicians' Union, the Keep Streets Live Campaign, and representatives of the business and busking community.

WHERE TO BUSK

There are no fixed busking pitches in York. Every spot has its pros and cons for busking and these will change according to the time of day and the season. Care, consideration and good judgement are key in deciding where to perform.

Before you perform:

Whenever you set out to perform on a street, you join an existing community including street traders, shops, businesses, residents, members of the public and other buskers. Before setting up, anticipate the impact that your act will have on other users of the space.

Sharing public space and cooperating with others is important when busking. A willingness to compromise and to engage in constructive dialogue will go a long way to resolving any issues.

Where possible introduce yourself to nearby businesses, traders and other users of the space near to where you intend to perform. By letting them know about your performance in advance you will make complaints less likely.

Ask businesses to speak to you directly in the event that they have a problem, or need to ask you to make any adjustments to your act. This should establish a good, co-operative relationship between you and the

people around you. It also makes it more likely that any future communications will be good natured.

Always be courteous to members of the public, members of the local business community and public officials in the event that someone needs to speak to you. Being calm and polite will go a long way and help promote positive relationships on the street.

Selecting your pitch:

Take care not to obstruct highways or shop entrances and to allow plenty of space for people to walk past you. Be aware of the time of day and the nature of the space you intend to perform in and be prepared to change location if your act is unsuitable for that space on a given day.

Always choose your pitch with consideration for other buskers. Don't set up so close to them that the noise you make or the crowd you gather negatively affects their act. Be willing to make adjustments to your act out of consideration for others if necessary.

You are encouraged to take breaks at regular intervals and to take care not to repeat material on the same pitch. Repeating a limited number of songs/performance pieces is one of the main causes of complaints. Moving between pitches after finishing your repertoire will help to make complaints from nearby businesses less likely.

A culture of sharing and swapping pitches with other buskers is strongly encouraged in York. Cooperation is a great way of building community on the streets and regular changeovers are part of creating a vibrant busking atmosphere. If there is a busker performing on a pitch you wish to play on you should politely ask them when they are playing until and if they would be willing to share or swap pitches when they are finished. You can wait for the pitch to become available or agree to come back at a given time, but should not forward "book" more than one pitch in advance.

Two hours of performance time is suggested as a rough guideline if someone is waiting for your busking pitch (and moving sooner may be

sensible anyway – see above) but you should never set up ‘on top’ of another performer or put them under pressure to give up the pitch they are on. Instead, you are encouraged to negotiate and work collaboratively through a culture of dialogue and mutual respect. If you are ‘sitting’ on a pitch (i.e. not performing) and another busker comes along, wishing to play on it, you should let them know when you intend to start performing and they should be free to perform on the pitch until you are ready to start (or they may reach an agreement with you to come back when you are finished).

If you perform circle shows (a street performance where a crowd is expected to gather and stay until the finale of the show), or other acts that require a wider area of space for their performance, e.g. street dance, choose your pitch carefully with an awareness of the extra space you are likely to use. If your performance draws a crowd it is your responsibility to ensure that people are able to move past you freely and that the crowd can be quickly moved or dispersed if necessary. In the event that the police or other public officials need to relay information or safety concerns to the gathered public, you are in the best position to pass information on to your crowd and to ask them to cooperate as needed.

Move between pitches at regular intervals taking care not to repeat material on the same pitch. Moving after finishing your repertoire will help to avoid businesses growing tired of hearing you and make complaints much less likely.

In Annex 1 there are some tips with regard to particularly “sensitive areas”. These tips are there to help you but it must be stressed that these guidelines apply to all areas and **every** pitch requires care and sensitivity.

HOW LOUD SHOULD PERFORMANCES BE?

It is not possible to be precise about this; there isn’t a fixed decibel level.

Our city centre is full of sounds from many different sources whether it be traffic, music from shops or the noise of crowds. A busker needs to be heard above the level of ambient street noise, within a certain radius, for their performance to be effective.

Often complaints made about busking are about how intrusive a sound is. This is not just about its volume. For example, performances that are repetitive in nature can seem louder than they actually and are more likely to cause disturbance. The location, time of day, duration of performances and crowd density are also important factors for consideration.

For Buskers:

Every pitch has a different acoustic dynamic. Be aware of the acoustic context of the pitch you choose. Turning up the volume can sometimes cause the sound you make to be distorted and unpleasant and may cause annoyance.

Always show consideration with the sound level of your performances and its impact upon other users of shared space (including other buskers). Be prepared to adjust your volume if asked. Be aware of the time of day and pitch location and be willing to move pitches if the space is not suitable on a given day.

As a guide, your level should be just above the level of ambient street noise, but not intrusively so.

Noise levels in smaller and quieter places should therefore be lower than on busy thoroughfares with more ambient noise.

Think carefully about the equipment you use. Instruments and amplifiers that are suited to the stage are not necessarily suited to busking. For example, the use of generators and large PA systems is more likely to lead to problems. Remember that the sound from amplifiers and louder instruments can carry further and potentially generate complaints.

Noise from louder instruments can carry further, though we recognise that this has a lot to do with the way in which they are played! Consider adapting your equipment where appropriate. For example, we recommend using brushes and damping with your drum kit and dampers with brass instruments.

Make sure that you are aware of your volume. Get someone to help you fix your levels when you set up. Where possible, agree an appropriate level with the businesses around you.

Take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive. Problems can be avoided by a willingness to move between locations and deal respectfully with requests to adjust performances.

If you have a limited repertoire of material, be prepared to move location regularly instead of repeating your performances in the same place. Remember that the streets and nearby buildings are often homes and working environments for others who might not be able to move around in the same way that a busker can.

If backing accompaniment is part of your act it should be secondary and unobtrusive. If you're not actually performing, please do not leave a backing track running.

For Businesses, Residents and Public Officials:

It is in everybody's best interest to have positive relationships with the other users of shared public spaces.

If there is a busker in the vicinity of your place of work or residence and they are causing you a disturbance, make yourself known to them and explain the issue calmly and politely. In most cases the busker may not be aware that they have caused you an issue and will want to resolve it

quickly and amicably. This could include adjusting their volume or relocating to another pitch if necessary.

When approaching a busker to discuss their work, it is important to wait for a suitable interval in the performance before introducing yourself to them. Interrupting performances is unlikely to lead to a productive dialogue!

RESOLVING ISSUES

For Businesses and Residents:

If you find you are disturbed by noise from a busking performance make yourself known to the busker and politely inform them **at a suitable interval in their act**. Try to reach a compromise if possible. Could the busker adjust their location and/or volume, or could you both agree a duration for their performance?

Feel free to draw a busker's attention to this guidance.

Making a formal complaint should not normally be your first step.

If a compromise position cannot be reached and an issue remains, contact the City Centre office on 01904 551355 and an appropriate council officer will aim to help resolve the issue. The officer will assess the situation as soon as they are able. If appropriate, they will ask the busker to amend their performance. Equally, if they do not consider there to be an issue they will let you know this.

For Buskers:

If you are approached by a resident or representative of a business who are disturbed by your performance first consider whether your performance conforms to these guidelines. Try to reach a compromise if possible. Could you adjust your location and/or volume, or could you both agree a duration for their performance? If a compromise is not possible and if you are confident that you are abiding by these

guidelines, politely inform the complainant of this and that you are not able to make any further adjustment to your performance. Make a written note for yourself of the exchange and what you said in case you are asked about it later. Consider contacting the City Centre office on 01904 551355 if you require assistance.

Enforcement:

Where this guidance is being observed, enforcement action will not be necessary; however, in the event of a complaint that cannot be resolved between a complainant and a busker, a City Centre Officer, another Council enforcement officer, or an officer of North Yorkshire Police may attend to assess the situation. If, after assessment, they judge 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 warning letter. This will warn of potential future enforcement action. It will also advise the busker of sources of advice that they might go to discuss their performance, for example the Musicians Union, Equity and the city's busker forum.

Where a busker has already received a warning letter, officers from the Council's Environmental Protection team or other appropriate officers may collect evidence for the purposes of enforcement.

Enforcement action will only be taken as a last resort where performers have repeatedly failed to follow this guidance.

See Annex 2 for a flow-chart outlining the steps that should be taken to resolve issues.

The Legal Background:

There is a range of legislation covering noise generated in the street. For example, under the Environmental Protection Act 1990, where a statutory nuisance is being caused noise abatement notices can be

served. Breaching a noise abatement notice can lead to fines and the seizure of musical instruments and other equipment.

York also has a bye-law that covers busking. (This can be viewed on the Council's website). Where necessary, the Council may take a prosecution in the magistrates court under this bye-law.

Under the Control of Pollution Act 1974 section 62 no amplification is allowed in any public place after 9:00 pm and before 8:00 am.

Children under the age of 14 are not allowed to busk by law.

BUSKING OR STREET TRADING?

Busking does not involve a formal sales transaction because donations are given to buskers by members of the public on a voluntary basis.

If the provision of goods or service is part of your busking act it must be offered on a voluntary basis and this must be made clear to members of the public. It must also be a secondary aspect of your busking act which means that people should be able to engage with your act/performance without any obligation to make a donation.

It must be emphasised that any donations made are on a voluntary basis so that the product or service is an extension of the busking act itself and people are not obliged to make any contribution. For example, in some circumstances a member of the public may request a CD without making a donation. This should be made clear with an appropriate sign. We suggest a wording as follows:

“In order to comply with street trading legislation these CDs (balloons, portraits etc) are not being offered for sale, any contribution you make is voluntary and at your discretion. Suggested contribution £x.”

Where the above guidance is observed, and the provision of goods/services is clearly a secondary aspect of the busking performance, enforcement action under street trading legislation will not be taken; however, random audits will be carried out by the Licensing Authority to ensure compliance.

Buskers wishing to trade on the street, for example in t-shirts, CDs or tickets can buy a street trading consent from the Council offices: West Offices, Station Rise, York, YO1 6GA. If bought in multiples of ten these cost £10 per day.

Charitable Collections: Requests for donations for charity will require a permit from the Council offices: West Offices, Station Rise, York, YO1 6GA.

COMMUNICATION

All the parties responsible for these guidelines will remain in dialogue and will review the guidelines from time to time.

The Council will also take responsibility for convening regular meetings with the busking community to share information about events, initiatives and other developments in the city centre and to consult them about all matters concerning the city centre. The Council will use this forum to try to resolve any issues that arise.

CONTACT DETAILS

All enquiries about these guidelines can be made to the City Centre Manager at york-markets@york.gov.uk or 01904 551355.

ANNEX 1

Sensitive Areas

There are certain areas in York which are particularly sensitive to noise levels because of the enclosed nature of the historic streets and buildings, proximity to historic places of worship, and the way in which sound can carry a surprisingly long way. These areas include:

- St Helen's Square (see below)
- Stonegate
- Petergate
- The pavement in front of the Davygate Churchyard (see below re the Churchyard itself)
- the Minster Precinct
- King's Square (see below)

These are mixed-use spaces where people live and work and where there is greater potential for busking performances to cause unintentional disturbance.

To minimise the potential impact of your performance please take extra care to follow the guidelines, especially to introduce yourself to nearby businesses before you play, to explain that you will be performing in the vicinity and that you would be happy to adjust your performance or move elsewhere if necessary.

You are especially encouraged to move between pitches and not to repeat material on the same pitch. There is a preference for acoustic-only performances in these locations. If amplification or instruments that can be played more loudly are used (such as percussion, wind or brass instruments) then remember that the level should be no higher than just above the ambient street noise.

King's Square

King's Square is often used for circle show performances because of the layout of the space. At busy times performers typically meet earlier in the day and agree times for street shows on this pitch in advance.

Circle show performers operate a 'fifteen minute rule' allowing for a gap between performances in King's Square. This allows for the audience to disperse and for the local businesses to have a flow of customers – something which can be restricted during shows.

Whether you are a circle show or a musical act you are encouraged to cooperate with other performers in the square and share the space in a collaborative way. It is not uncommon for buskers to queue and wait for a slot to become available or find another pitch.

St Helen's Square

Please do not busk on the Mansion House steps or in front of the iron fence as, due to the nature of the acoustics there, annoyance is likely to be caused to surrounding properties.

Coppergate

Coppergate is privately owned and permission to busk would need to be sought from the centre manager.

Davygate Churchyard

Please note that the Davygate Churchyard belongs to St Helen's Church. The PCC does not allow busking in the churchyard.

ANNEX 2

Resolving Issues



