

A guide to busking in the Canterbury district

Welcome to the Canterbury District



Introduction

Welcome to the Canterbury District where busking is an important part of our district's cultural life. It adds colour and vibrancy to our public places and provides enjoyment for residents, visitors and businesses.

The council is keen to foster a vibrant street culture, provide a platform for dancers, artists, performers and buskers and align this to the needs of the local community.

This best practice guide for busking has been produced collaboratively through engagement and support from a wide range of organisations such as the Musicians' Union, Keep Streets Live Campaign, the Business Improvement District (BID), District Watch, Kent County Constabulary, local businesses, residents and councillors.

This guidance has been based on the exemplary scheme introduced in Liverpool which has been used as a template, with Liverpool's kind permission, to develop Canterbury's current guidance. The aim is for Canterbury to adopt a nationally recognised best practice approach to busking.

It is intended for use by buskers, residents, businesses, the police, the council and other interested parties. It sets out some key recommendations to promote positive and neighbourly relations between users of shared public spaces in the city and will enable the busking community to flourish and exist alongside residents and businesses. Working together, with this Guidance and your support, busking can bring our streets alive to the benefit of everyone.

What is busking

For the purposes of this guidance 'busking' will be used to describe performances of music, dance, street theatre or art in a public place undertaken with the intention of engaging with members of the public.

Busking performances are normally spontaneous, impromptu and informal in nature. Buskers are not typically paid or hired directly for their performance but instead receive contributions from members of the public.

A new approach

Canterbury City Council wants to encourage buskers, local business, public officials and members of the public to engage in constructive dialogue to resolve any issues that arise through compromise and cooperation. This guidance aims to support a culture of community, consideration for others and negotiation.

Most complaints about busking apply to a small number of performers and usually relate to noise levels, repetitive performances or obstruction. Most issues can be solved amicably without the need for a formal complaint.

The aim of this guidance is to provide a framework for buskers and others to resolve issues before they escalate through constructive dialogue. There are a range of existing statutory powers relating to noise nuisance, public order and obstruction. These formal powers will only be used as a last resort if there are persistent issues and this guidance is not being observed (please see also page 7 'Resolving Issues' for further details on enforcement action).

Pitch selection

There are no fixed busking pitches in the Canterbury district so locations must be carefully selected, taking into account the time of day, the season and the likely impact on those in the area around the pitch.

Whenever a busker sets out to perform on a street, they join an existing community which can include street traders, shops, businesses, residents, community events, other members of the public as well as other buskers.

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 before they escalate.

For buskers

Before setting up, it is always helpful to anticipate the impact that your act will have on other users or shared spaces. Wherever possible, it is a matter of courtesy to make yourself known to those within your vicinity before beginning your performance.

Please choose your pitch with consideration for others. 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 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 your volume or your gathered crowd negatively affects their act. It is always helpful to be willing to share and swap your pitch with other buskers where appropriate. Co-operation is encouraged and is a great way of building community on the streets.

It is beneficial to introduce yourself to nearby businesses, traders and other users of shared public spaces near to where you intend to perform. By letting them know about your performance in advance can help make complaints less likely.

Ask businesses and residents 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.

Buskers, who 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, eg street dance, must choose a pitch carefully with an awareness of the extra space that is likely to be used. 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 on 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 co-operate as needed.

For local authorities, businesses and residents

It is in everybody's best interest to have positive relationships with 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 a disturbance, you are advised to make yourself known to them and calmly and politely explain the issue. In the majority of cases they 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, location 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!

Sounds of the city

Cities and towns are full of sounds from many different sources whether it be traffic, road works, 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 relate to noise but are actually about how intrusive a sound is and not just its volume. For example, performances that are repetitive in nature can be more likely to cause disturbance and seem louder than they actually are. 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, especially in Canterbury city centre due to the layout and structure of its buildings. 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 the ambient street noise, but not intrusively so.

If amplification is used, a small battery powered, portable amp should be sufficient for most buskers needs. The use of generators and large PA systems is completely discouraged. Buskers are reminded that sound from amplifiers and louder instruments can carry further and has the potential to cause issues. This can be avoided by a willingness to move between locations and deal respectfully with requests to adjust performances.

Under Section 62 of the Control of Pollution Act 1974, no amplification is allowed in any public place between 21:00 and 08:00.

If you intend to use louder instruments they should be played with particular sensitivity and, where appropriate, adapted, eg dampers for brass instruments. Drum kits are not encouraged but if they are used, they should be played with brushes and damping.

If your act includes pre-recorded backing tracks these should be a secondary aspect of your performance and set at an unobtrusive level to avoid causing issues. Please do not leave a backing track playing when you are not performing.

Wherever possible, noise levels in smaller and quieter places should be lower than on busy thoroughfares with more ambient noise.

Take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive.

As a guide, a maximum 45 minutes of continuous performance is appropriate before having a significant break; this period should not include repeated performances.

If you have a limited repertoire of material, be prepared to move locations instead of repeating your performances in the same place.

Buskers are encouraged to share and swap pitches as this is a great way of building community, helps avoid repetition and adds variety to the street performance. Buskers should never set up 'on top' of other buskers or put pressure on another performer to move from their current pitch. Instead, buskers are encouraged to negotiate and work in collaboration through discussion and mutual respect.

These guidelines are designed to promote good relationships between buskers and the users of shared public spaces and nearby buildings where people live and work in the city/town and who might not be able to move around in the same way busker can.

Where this guidance is being observed, enforcement action will not be necessary. However, noise generated in the street is covered a number of pieces of legislation where a nuisance is being caused. Breach of the law can lead ultimately to fines and the seizure of musical instruments and other equipment. Enforcement action will only be taken as a last resort where performers have repeatedly failed to follow this guidance.

For local authorities, businesses and residents

If you find you are disturbed by noise from a busking performance we suggest that you make yourself known to the busker and politely inform them at a suitable interval in their act. In most cases, the busker may not be aware that they have caused you an issue and they will want to resolve it quickly and amicably. Try to reach a compromise if at all possible. Could the busker change their location and/or adjust their volume, or could you both agree a time period for the duration of their performance?

Buskers may often be able to adjust their performance following a polite request. It should not be necessary to make a formal complaint.

Feel free to draw a busker's attention to this best practice guide as necessary. Always pick a suitable time, such as a natural break in their performance to speak with the busker.

Making a formal complaint should not normally be your first step. If a compromise position cannot be reached and an issue remains, contact the Canterbury City Council offices on 01227 862 000 to discuss the matter.

An officer will assess the situation at the earliest opportunity. In this assessment, the officer will enquire as to what attempts have been made to resolve the issue. If appropriate, the council 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.

Key things to remember

For buskers

Please:

Select your pitch with consideration for other users of the city/town's shared spaces. Always ensure that there is room for people to get past you comfortably. Be flexible and be prepared to move if necessary.

It is good practice to introduce yourself to nearby shops, business and other users of shared space near to where you intend to perform before you start. It is helpful to explain the nature of your act in advance, and to point out that you would be willing to move somewhere else if necessary.

Be polite and considerate when talking to others.

Be aware of your surroundings. Ask yourself what is this space normally used for?

Be considerate with your volume. Where possible, agree an appropriate sound level with businesses around you. Be willing to negotiate over volume levels and pitch location.

Avoid repetition. Performances with more variety tend to attract far fewer complaints.

Make an effort to get to know, and interact positively with other buskers. Confrontation can almost always be avoided by a willingness to compromise.

For local authorities, business and residents

It is worth noting:

Busking adds vibrancy and colour to shared public spaces. This guidance is designed to promote a responsible and vibrant busking culture in the city.

Busking is a lawful activity. If a busker is following this guidance it is unlikely that they are in breach of any national or local legislation.

If you are disturbed by a busker's performance, please wait for a suitable interval in their act and politely explain your issue to them. Remaining calm and polite will make it easier to communicate and cooperate.

Formal complaints should only be made as a last resort and only if attempts at communication have been unsuccessful.

Busking or street trading

Many busking acts have an element, which incorporates a tangible item or experience in exchange for donations from members of the public. These include, but are not limited to, street art/portraiture, photographs taken with the performer by members of the public, the provision of balloon sculptures and CDs containing recordings of a performer's music.

The formal sale of goods and services on the street is covered by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Busking does not involve a formal sales transaction but donations are given to buskers by members of the public on a voluntary basis.

If the provision of goods or a 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 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. Under this guidance they could take a CD without being under any obligation to contribute.

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.

Charitable collections

Requests for donations for charity will require a permit from the licensing authority.

If your charitable collection incorporates music, dance, theatre, art, you will be expected to follow the guidelines set out in ‘A Guide to Busking in the Canterbury District’ alongside all other members of the busking community.

Resolving issues

This best practice guide has been produced by Canterbury City Council in partnership with the Musicians’ Union, the Keep Streets Live Campaign and representatives of the business and busking community. If buskers are following this guidance then enforcement action will not be necessary.

Where perceived issues arise such as unacceptable noise levels, repetitive performances or obstruction, and they cannot be resolved amicably, Canterbury City Council can take enforcement action using a framework of existing statutory powers including the Environmental Protection Act 1990, the Highways Act 1980, the Public Order Act 1986 and the Anti-Social Behaviour, Crime and Policing Act 2014.

It is important to emphasise that enforcement action will always be a last resort in dealing with such issues. Any enforcement action taken will be considered on the individual circumstances of each case. It is considered that in the majority of reported cases enforcement action will not be needed and any perceived issues can be resolved amicably to all parties’ satisfaction in consideration of the following steps being taken:

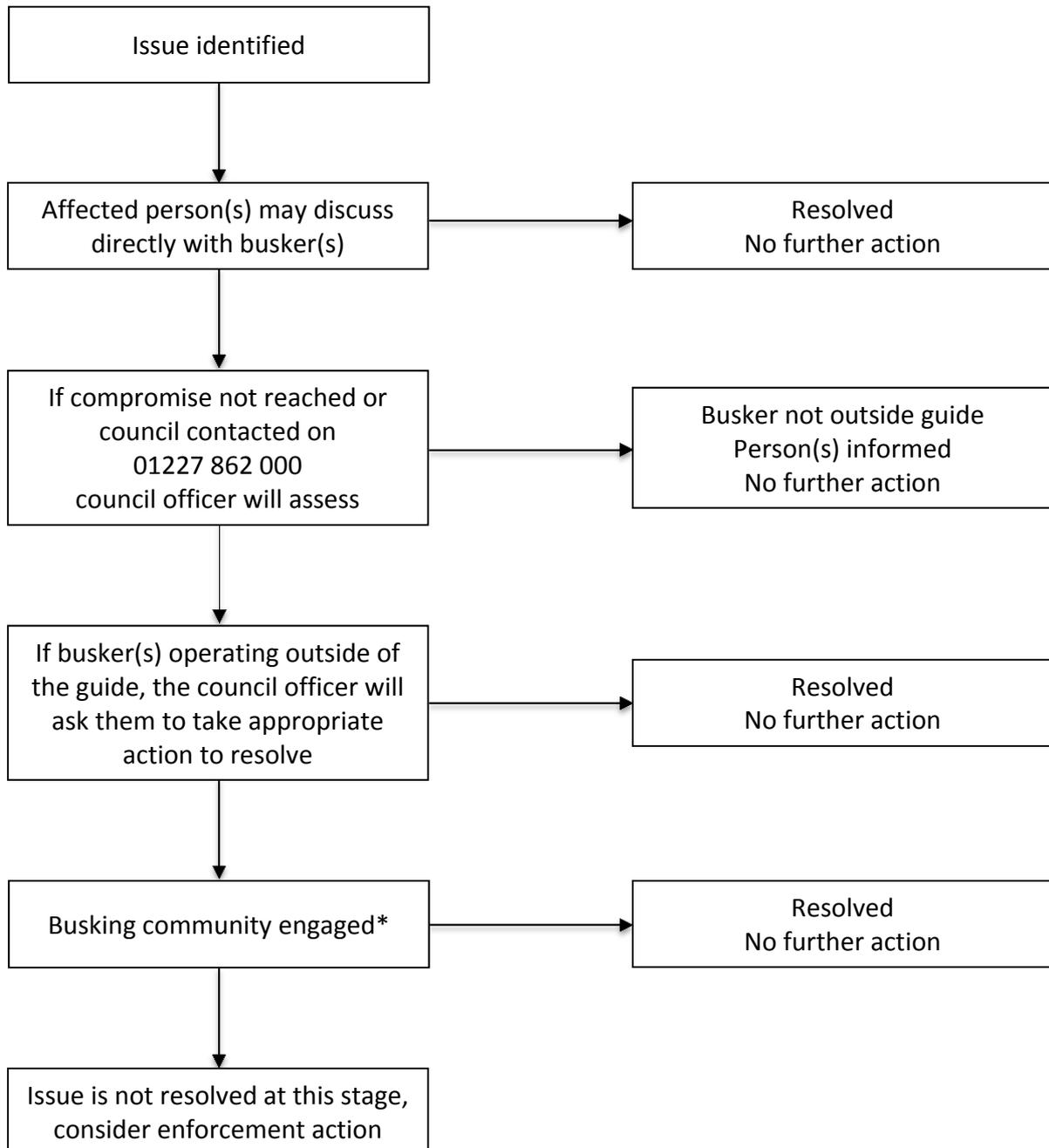
- The person(s) being affected by the busker(s) may approach them directly to discuss and resolve the issue wherever possible. Person(s) affected by performances can include other buskers.

- If a compromise position cannot be reached and the perceived issue persists, and the person(s) affected approaches Canterbury City Council, officers will initially assess the situation and if appropriate, ask the busker(s) to amend their performance. Equally, if they do not consider there to be an issue, the person(s) will be informed of this fact.
- If it is assessed that the busker(s) is (are) operating outside of the guide, the relevant Canterbury City Council officer will ask them to take appropriate action (ie reduce volume, change location or cease their performance). If the busker(s) refuses to do this, further action will be considered.
- Where it is possible, the Canterbury City Council officer will ask the busker's representatives, eg other buskers, to get involved and try to resolve the issue before formal enforcement is commenced. It is recognised that in certain circumstances it may not be possible to discuss and resolve potential enforcement issues.

Only if the above steps do not resolve the issue will enforcement action then be considered and possibly taken against the busker(s). If any enforcement action is considered appropriate, a supervisor must sanction it.

A regular open busker's meeting will be held in Canterbury to discuss any issues that arise and to maintain positive relationships. This is an opportunity for the busking community to get to know one another and to raise any concerns. Buskers will also meet regularly with the council to maintain an on-going dialogue. Please see contact details for Keep Streets Live Campaign on page 10 for further information.

Resolving issues



*The busking community will normally be engaged prior to any enforcement action. It is recognised that in certain circumstances this may not be possible

Additional information

This best practice guide has been developed in conjunction with Canterbury City Council, Musicians' Union, Keep Streets Live Campaign, Canterbury BID, Kent Police and District Watch.

Canterbury City Council contact:

Telephone number: 01227 862 000

E-mail: [**business.support@canterbury.gov.uk**](mailto:business.support@canterbury.gov.uk)

More information:

The Musicians' Union was established in 1883 and represents over 30,000 musicians working in all genres of music, including buskers. As well as negotiating on behalf of its members with all major employers in the industry, the MU offers a range of services tailored for the self-employed, including Public Liability cover and equipment insurance providing assistance for professional and student musicians of all ages.

Telephone number: 0207 840 5512

E-mail: [**live@themu.org**](mailto:live@themu.org)

Website: [**www.theMU.org**](http://www.theMU.org)

The Keep Streets Live Campaign is a not-for-profit organisation which advocates for public spaces that are open to informal offerings of art and music. It aims to promote positive relationships between local authorities and street performers and to develop policies that support and sustain street culture.

Visit: [**www.keepstreetslive.com**](http://www.keepstreetslive.com) or

E-mail: [**contact@keepstreetslive.com**](mailto:contact@keepstreetslive.com) for more information