

Busking Guidelines 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

This report provides details regarding a draft Voluntary Busking Guidance document for street entertaining in the Borough of Maidstone and specifically the Town Centre Appendix 1.

Purpose of Report

To agree a Draft Voluntary Busking Guide and agree a consultation with residents, business organisations that may have an interest before seeking approval to adopt the draft Busking Guidance. It is proposed that a review is undertaken within two years following an initial period.

This report makes the following recommendations to this Committee:

1. To Provide feedback and input on the draft voluntary Busking Guidelines for the Borough of Maidstone and agree a document for consultation.
2. Following any consultation period the Busking Guidelines together with a summary of key consultation comments is brought back to licensing committee for consideration.

Timetable

Meeting	Date
Licensing Committee	18 th June 2020
Communities	
Full Council	

Busking Guidelines 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Risk Management	<ul style="list-style-type: none"> <i>Street entertainers and buskers must take full responsibility for their performance taking reasonable steps to ensure that the performance does not put the public at risk of injury, that the law is observed at all times. It is recommended that all entertainers carry suitable Public Liability insurance.</i> 	[Head of Service or Manager]
Financial	<ul style="list-style-type: none"> <i>Staff resource may be required for enforcement purposes in exceptional circumstances. There may be financial costs involved where legal action may be required.</i> 	[Section 151 Officer & Finance Team]
Staffing	<ul style="list-style-type: none"> <i>There are no licensing implications but this could be subject to review following a trial period</i> 	[Head of Service]
Legal	<ul style="list-style-type: none"> <i>Busking does not generally require a licence under the Licensing Act 2003. Use of legislation under: The Environmental Protection Act 1990, The Highways Act, 1980, The Public Order Act 1986, The Noise and Statutory Nuisance Act 1993, The Anti-Social Behaviour, Crime and Policing Act 2014, Control of pollution Act 1974, Children under the age of 14 are not allowed to busk by law.</i> 	[Legal Team]
Privacy and Data Protection	<ul style="list-style-type: none"> <i>Data collected as part of the consultation will be held securely in line with the Councils data protection and retention policies</i> 	Anna Collier Policy and Information Manager

Equalities	<ul style="list-style-type: none"> <i>Common-sense, care and judgement will be critical in deciding on performance space. Performance should not cause any distress, offence or similar. The Voluntary Guidelines seeks to promote positive community engagement.</i> 	Anna Collier Policy & Information Manager
Public Health	<ul style="list-style-type: none"> <i>Should social distancing measures still be in place due to COVID-19 at the date this busking guidance is adopted those additional implications will be considered and additional separate guidance will be provided to be used in conjunction with the busking guidance around gathering crowds and performers handling cash received from the public</i> 	Senior Public Health Officer
Crime and Disorder	<ul style="list-style-type: none"> <i>There are public spaces where people live and work and as such there is a greater potential for performances to cause unintentional disturbance. The Police also have powers where they consider a public nuisance, obstruction or anti-social behaviour is being caused and may also take action, on receiving a complaint. To minimise the potential impact entertainers and buskers are advised to follow the Voluntary Guidelines</i> 	[Head of Service or Manager]
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	[Head of Service & Section 151 Officer]

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is keen to encourage a vibrant street scene providing a platform for performances of music, dance, street theatre or song in public places with the intention of attracting and engaging an audience.
- 2.2 Maidstone Borough Council does not licence street entertainers or buskers but does have an obligation in law relating to noise, obstruction and anti-social behaviour.
- 2.3 The Busking Guidance is intended to encourage good community practice in shared spaces allowing performers and buskers to co-exist with business and residents.

- 2.4 Performances are normally impromptu and informal but will be set within the parameters of the Busking Guidelines. Performers are not paid or hired for performances but may receive contributions from members of the public.
- 2.5 This report invites the Committee to consider the draft Busking Guidelines and asks for feedback on the contents.
- 2.6 If Committee agree the document or a document with minor amendments then an 8 week consultation will be undertaken with Local businesses, residents, Musicians' Union, Keep Streets Live Campaign, the Business Improvement District (BID), Kent County Council, Kent County Constabulary, local businesses, residents and Councillors and other stakeholders including internal departments.
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3. AVAILABLE OPTIONS

- 3.1 To agree to the proposed draft voluntary Busking Guidelines and consultation process.
- 3.2 Not to agree to consult and adopt the Voluntary Busking Guidelines.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To agree to the proposed draft voluntary Busking Guidelines and consultation process. The Council is keen to encourage a vibrant street scene and to take a view from local business and residents to measure the level of support for developing a culture within our town centres which supports performances of music, dances, street theatre or song in public places. The Council suggests the performances meet the standards set out in a Voluntary Busking Guidelines for street entertaining and busking in Maidstone.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. [That consideration is shown in this report at [paragraph 4]. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Guidelines.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Officers will update the Council Licensing Webpages to include the public consultation

8. REPORT APPENDICES

1.Draft Busking Guidelines

9. BACKGROUND PAPERS

N/A