



# Licensing Committee Report

City of Westminster

Date	<b>08 July 2020</b>
Classification	<b>For General Release</b>
Title of report	<b>Busking and Street Entertainment Policy Consultation Results</b>
Report of	<b>Annette Acik, Director of Public Protection and Licensing</b>
Decision maker	<b>Licensing Committee – For Information Report</b>
Wards involved	<b>All</b>
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## **1.0 Purpose of the Report**

- 1.1 This report summarises the results of the Council's recent consultation on the draft Busking and Street Entertainment Policy, and outlines the next steps to take. The full consultation report is attached as Appendix A.

## **2.0 Background**

- 2.1 The Council recognises the contribution that busking and street entertainment brings to the vibrancy and character of our City, but there must be a balance with the needs and rights of local residents and workers so they are not adversely impacted by it<sup>1</sup>, especially for those near to popular busking locations.
- 2.2 On 10<sup>th</sup> January 2020, this Committee heard the Council's proposal to adopt a new Busking and Street Entertainment Policy that:
- promotes responsible busking and street entertainment by developing a voluntary Code of Conduct tailored to our City
  - encourages buskers and street entertainers to integrate into our community by developing a dedicated busker and street entertainment forum
  - recognises the established self-regulation of buskers and street entertainers already present in our City (Covent Garden)

<sup>1</sup> undue interference with or inconvenience to or risk to safety of persons using a street in that part of their area or other streets within the vicinity of that street; and /or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.

- supports newly created self-regulation schemes with buskers and street entertainers in identified suitable areas (Trafalgar Square)
- balances the needs and rights of residents and businesses that are near to popular busking and street entertainment locations so they are not adversely impacted by introducing a light touch approach to control and regulation. (Oxford Street, Piccadilly, Chinatown and Leicester Square)

2.3 This Committee approved the publication of the proposals for a six-week public consultation between 14<sup>th</sup> January and 24<sup>rd</sup> February 2020.

### **3.0 Busking and Street Entertainment Policy Consultation**

3.1 The consultation was launched on the Council website, notifications placed in the local newspaper, and promoted through social media. Copies of the policy were placed in libraries for those unable to access online services, and leaflets were distributed to promote and capture the views of transient buskers and visitors. An additional open session for all stakeholders to attend and have their questions answered on the proposals and consultation was also held.

3.2 The consultation sought feedback on each of the area-based approaches including the borough wide code of conduct, busker and street entertainer self-regulation in Trafalgar Square and Covent Garden, and licensing proposals in Oxford Street, Piccadilly, Chinatown and Leicester Square.

3.3 The consultation asked respondents to indicate on a 5-point scale (from strongly agree to strongly disagree) their views on the proposals, as well as providing an opportunity at each question for open comments.

3.4 The detailed consultation report can be found at [Appendix A](#), and a summary has been provided below.

#### Response Rate

3.5 The response rate to the proposals was high, with 712 completed surveys, and 17 written responses received (most written responses were the collective views of representative groups).

#### Demographics

3.6 Respondents to the survey were asked a series of questions about themselves in order to better understand who had participated.

3.7 The majority of responses were received from those that live or work in Westminster from the West End area, however responses were also received from performers and

visitors to Westminster (including some transient performers), with responses being as wide reaching as New Zealand - demonstrating the global interest in the proposals.

- 38% Residents
- 29% Affiliated with a business or employed in Westminster
- 9% Street Entertainer or part of a Street Performer Association (SPA)
- 28% Visitors

#### Response summary by stakeholder group

3.8 Overall 62% of respondents agreed with the proposals laid out in the policy, however strong disagreement was evident between stakeholders that the policy struck the right balance.

- *Many **Residents and Workers*** are not supportive of the voluntary measures (including the Code of Conduct or busker and street entertainer self-regulation) and do not believe they go far enough to adequately prevent adverse impacts - in particular noise levels and amplification. Most are in favour of licensing regulation to restrict, control and enforce against adverse impacts. Those near to busking and street entertainment hotspots felt that licensing should be extended beyond the areas proposed to avoid displacement and the risk of exacerbating the issues they already experience.
- *Many **Buskers and Street entertainers, and Visitors*** are not supportive of the limitations proposed on reducing areas for performances, and restrictions on amplification as this would lead to a significant decline of busking and performers livelihoods.

#### 3.9 Response summary by proposal

- **City-wide Code of Conduct:** Half of respondents supported the voluntary Code of Conduct. For others there was concern that the principles outlined in the Code were too vague and could not be enforced against. For workers and residents, particularly from those closest to busking hotspots in Covent Garden and Trafalgar Square (which currently fall outside of proposed licensing regulation), there is concern that previous voluntary opportunities for buskers and street entertainers to perform responsibly have failed to adequately protect against adverse impacts. Related to this there is concern that buskers and street performers will be displaced from regulated areas and as a result nuisance would increase as the Code of Conduct cannot be enforced.
- **Busker and Street Entertainer self-regulation (Covent Garden & Trafalgar Square):** was supported by around half of respondents. Similar concerns to those outlined above from many residents and workers that this approach would not

resolve the current problems. Some buskers and street entertainers commented that having to be a part of a Street Performers Association (SPA) in these areas may create a barrier or lead to elitism amongst performers.

- ***Licensing regulation (Oxford Street, Piccadilly, Chinatown and Leicester Square):*** Overall, there is strong agreement from residents and workers to prohibit and introduce regulation for busking and street entertainment in all proposed areas. There is however strong opposition of workers in Leicester square around the location of the single amplified pitch. Most buskers and street performers and visitors disagreed with regulation, including the proposed prohibited areas and licensing conditions.

#### **4.0 Next Steps**

- 4.1 The division of opinion highlights the challenge of protecting residents and workers from adverse impacts, whilst safeguarding the cultural contribution of busking and street entertainment in our City.
- 4.2 However, the consultation results demonstrate a clear trend of our residents and workers feeling the current policy proposals are not enough to effectively prevent and protect against the adverse impacts experienced as a result of busking and street entertainment. The Council does not take the introduction of regulation of busking and street entertainment lightly, but considers it necessary due to the increasing number of complaints, the detrimental impact it has on the daily lives of our residents and workers, and our current lack of enforcement powers to respond to adverse impacts effectively.
- 4.3 In light of this the Council is therefore considering changes to the policy that will include strengthened measures to regulate busking and street entertainment by broadening the areas where we seek to adopt licensing under Part V of the London Local Authorities Act 2000. The Council will also seek, where possible, to increase the number of pitches for buskers and street entertainers to ensure we continue to provide opportunities for a variety of performances.
- 4.4 A new draft policy will be brought to Committee later this year for approval to consult.

#### **Covid-19 Note**

- 4.5 The impact of Covid-19 has been considered in relation to the development of this policy. Currently adverse impacts arising from Busking and Street Entertainment has significantly reduced (with no complaints received in April and May) as buskers and street entertainers have been unable to work. As the UK lockdown measures lift, buskers and street entertainers (as well as their crowds) must comply with the social distancing guidance set by government or face police enforcement action under the Coronavirus Act 2020, which supersedes and is irrespective of the Councils Busking and Street Entertainment Policy.