

Licensing Applications Committee

11 July 2024



Reading
Borough Council
Working better with you

Title	Town Centre Busking and Street Performance Guide
Purpose of the report	To make a decision
Report status	Public report
Report author	Matthew Golledge (Public Protection Manager)
Lead Councillor	Councillor Karen Rowland (Lead Councillor for Environmental Services and Community Safety)
Corporate priority	Inclusive Economy
Recommendations	<ol style="list-style-type: none">1. That the draft “Guide for Busking and Street Performance in Reading” be approved for consultation.2. That a further report be submitted to a future meeting to adopt the final “Guide for Busking and Street Performance in Reading” having taken the results of the public consultation into account.

1. Executive Summary

- 1.1. Busking and other forms of street entertainment are important to the vibrancy of the Town Centre. However, at the same time, buskers and street entertainers share the streets with everyone else who live, work, and visit the town and certain areas experience a high number of loud amplified performances daily. This can have a detrimental affect primarily on the businesses and staff located near to where the performances are taking place.
- 1.2. Reading Business Improvement District (BID) and the Council receive regular complaints from businesses in Broad Street and visitors to the Town Centre about these activities, but enforcement action to tackle problem performers is limited depending on the type of activities taking place.
- 1.3. The adoption of a “Guide for Busking and Street Performance in Reading” (The Guide) is designed to balance the needs of performers with those of residents, workers, shoppers, visitors and other people using the town centre through adopting guidelines which are intended to encourage good community practice. It is anticipated the guidance will help both reduce complaints and help resolve others amicably.
- 1.4. The draft “Guide” has been produced as a joint initiative between Reading Borough Council and Reading Business Improvement District using best practice examples. It is proposed a consultation exercise will be conducted to seek views of businesses, residents and performers to help form the final policy.

2. Policy Context

- 2.1. Section 1.9 of the council’s Street Trading Policy October 2023 – October 2028 states street trading consents on a daily rate will be required by buskers who wish to sell items associated with their performance, e.g., media containing recordings of music. Other than this the council currently has no specific policy regarding busking or street entertainment. It can be noted that due to the limited ability to enforce and the changing nature of performances, these activities have not been consistently enforced.

- 2.2. Reading's Cultural and Heritage Strategy 2015-2030 vision states, "By 2030, Reading will be recognised as a centre of creativity with a reputation for cultural and heritage excellence at a regional, national and international level with increased engagement across the town. Realising the vision will require everyone involved in the cultural life of Reading to work together".
- 2.3. The BID (Business Improvement District) is a defined area where businesses have voted to invest collectively in local improvements to enhance their trading environment. The BID delivers year-round added value projects and services to maintain the vibrancy of the town centre, funded by a levy, which helps to keep Reading town centre safe, relevant and attractive for both residents and visitors. BID services and activities to improve the environment in the town central district are additional to the services provided by public services and the local authority.
- 2.4. Under the Environmental Protection Act 1990 the council have a duty to investigate any complaint of statutory nuisance from a person living in its area.

3. The Proposal

Current Position

- 3.1. Busking and street performance is a form of entertainment in a street or areas where the public commonly have access. The location of busking and street entertainment in Reading is primarily located and concentrated to the centre and eastern end of Broad Street. These areas are attractive due to the high footfall and proximity to major shops in the town.
- 3.2. On occasion, religious preachers and faith groups also operate in the town centre along areas of Broad Street. The council recognises the right to freedom of religious belief and freedom of expression but considers that this activity should also follow the principles of the code to foster good community relations, especially with regards to noise levels and the use of amplification.
- 3.3. Most complaints received around this activity are from businesses located close to where the performances are taking place and the concerns primarily fall within the following categories:
 - Unreasonable levels of noise often from the use of amplifiers and loud instruments.
 - Sound clash from multiple loud buskers and street entertainers in the same area.
 - Performance fatigue due to buskers and street entertainers performing one after another in the same place for several hours every day.
 - Limited and repetitive repertoire or frequently repeating the same song.
 - Obstructions caused by performers and audiences that can impede on entrances or exits to businesses and impact street traders.
 - Acknowledging the wide variety of views, the quality of some performances can be objectionable to some and not others.
- 3.4. In June 2023 Reading BID undertook a short consultation exercise with local businesses seeking general views on busking in the town (**appendix 1**). This demonstrated the polarisation of views on the issue and highlighted the balance between allowing the performances to enhance the town centre and the adverse impact from loud, repetitive and poor performances. Overall, 33% of responses said busking was terrible/bad and 44% said it was very good/good.
- 3.5. The council recognises many street entertainers have built their livelihoods performing in public spaces and wants to continue to support opportunities for buskers and street

entertainers in the town. At the same time, the council also wants to protect the needs and rights of residents, visitors and businesses.

- 3.6. Reading BID have operated a registration scheme for buskers in the past but this has not deterred non-registered acts performing which undermined the scheme and it became ineffective. Therefore, options have been explored which would help regulate all performances and best tackle the problem performers.
- 3.7. The council has existing enforcement powers to tackle busking and street entertainment that is causing adverse impacts on the surroundings. However, in practice only in very serious incidences would these powers be used. Officers would be required to strongly evidence over a period that an individual is persistently causing a statutory nuisance or negative impact by acting unreasonably or refusing to co-operate. This perceived lack of enforcement results in frustration from both the responsible busking and street entertainers as well as residents and businesses, that action cannot be taken quickly or effectively.
- 3.8. The enforcement tools available and their associated challenges are detailed below:
 - Environmental Protection Act 1990 (EPA). The council can issue Noise Abatement Notices if the performance is considered a statutory nuisance by a determining Environmental Health Officer. A statutory nuisance is an objective standard defined as having a persistent or detrimental effect on a person's quality of life. Whilst often considered unreasonably loud, these activities do not usually meet the threshold to be considered a statutory nuisance.
 - Section 137 of the Highways Act 1980. Enforcement officers can use this power to move people along if they are causing an unlawful obstruction to the Highway, however, it is difficult for officers to demonstrate that a busker or street entertainer has wilfully caused an obstruction and often it is not the busker or street entertainer themselves but the audience that is causing an obstruction. In addition, it does not apply to any busking that takes place in open spaces that do not constitute the highway.
 - Under Section 62 of the Control of Pollution Act 1974 no amplification is allowed in any public street after 9pm and before 8am. In general busking activity takes place during the day when footfall is at its highest.
 - Reading Byelaws made under section 235 of the Local Government Act. This byelaw applies across the town however, demonstrating evidence of when a busker or street entertainer has contravened this byelaw without clear guidelines is problematic. The wording of the byelaws contain subjective assessments which would all need to be backed up with appropriate evidence and are resource intensive. The byelaw was enacted in 1997 but has not been enforced.
 - Community Protection Notices (CPNs) made under s43 of the Anti-social Behaviour, Crime and Policing Act 2014. This would require both investigatory resources to issue the notices and legal resources to defend any challenges to the notices. CPNs can only be issued to over 16s. The Officer issuing the notice has to be "satisfied on reasonable grounds that (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and (b) the conduct is unreasonable".
 - Public Space Protection Orders (PSPO) are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour and help deal with persistent issues that harm communities, by designating an area to prohibit or control activities that are detrimental. Officers consider a PSPO would be disproportionate to address the scale of the problem experienced in Reading and would be against the spirit in which the council are seeking to strike a balance between protecting communities from adverse impacts whilst continuing to find opportunities for busking and street entertainment to take place.

Options Proposed

- 3.9 Given the difficulties in using an enforcement approach, a number of towns and cities across the country have adopted “Guides” or “Codes of Conduct” which set expectations for performers and encourage good practice, together with outlining that non-compliance could result in enforcement action being taken. “Guides” are supported by bodies representing buskers including the Musicians Union and the Keep Streets Live Campaign. The “Guide” will seek to balance the interests of buskers and street entertainers with those who live, work and visit our streets and shared public spaces by promoting the best of busking and street entertainment and supporting those performers to integrate into our communities.
- 3.10 Benefits:
- improved safety for both buskers and street entertainers as well as the public.
 - reduced noise nuisance for residents, visitors and businesses.
 - a reduction in complaints.
 - support a culture and community of considerate performers and to enable the council to keep regulation light-touch.
 - improved complaint mechanisms to enable officers to take a proportionate and targeted approach.
 - improved communication, updates and engagement with performers through the BID and council websites.
- 3.11 In conjunction with Reading BID and following best practice examples around the country, a draft “Guide” has been drawn up to establish what is considered reasonable conduct for buskers and other street performers in the town. (**appendix 2**).
- 3.12 The wording of the “Guide” is based on a “light touch” approach to encourage performers to be mindful of how their performance could impact on others. The “Guide” discourages the use of amplification, however by banning amplification completely this could discourage some high-quality performers, so the “Guide” does not go that far.
- 3.13 It is intended the code will be a tool for local businesses to use so they can engage with performers near their premises and for BID wardens, police and council officers to promote. Whilst the code does refer to possible enforcement action for non-compliance it would be seen a last resort for the most problematic cases. In addition, the council cannot guarantee an immediate response where issues are raised as no additional resources are available to prioritise this issue.
- 3.14 It is proposed that Reading BID take a lead role on the “Guide” as they have established links with the businesses in the town centre where most complaints arise. The code does not specify designated pitch locations but advice on where to locate is provided in the “Guide”. A registration scheme is also not proposed but could be developed as engagement with performers grows.
- 3.15 It will be necessary to carry out a wide-ranging consultation of the draft code through the council website, all local businesses in the town centre, Thames Valley Police, pro-busking groups such as Keep Streets Live Campaign, the Musicians’ Union and members of the public. Buskers are at the heart of this process and efforts will be made to engage with performers to seek their views.
- 3.16 Once implemented it is intended to monitor and review the approach after a full year.

Other Options Considered

- 3.17 Take no action – there is no requirement to introduce guidance however this would mean continuation of the status quo where there is no effective engagement with buskers to improve the position. Guides have been adopted by towns and cities across the country and are supported by bodies representing buskers and street performers.
- 3.18 Adopt an enforcement approach – there are no resources available to introduce an enforcement regime which would be effective and proportionate to the problem. There are difficulties with all enforcement options which would be resource intensive and only used for the most serious cases.

4 Contribution to Strategic Aims

- 4.1 The Council's new Corporate Plan has established three themes for the years 2022/25. These themes are:
- Healthy Environment
 - Thriving Communities
 - Inclusive Economy
- 4.2 These themes are underpinned by "Our Foundations" explaining the ways we work at the Council:
- People first
 - Digital transformation
 - Building self-reliance
 - Getting the best value
 - Collaborating with others
- 4.3 The introduction of the "Guide" will contribute to the themes of Inclusive Economy and Healthy Environment by making Reading a nicer and more attractive place to live, by improving the town centre experience, through helping develop a vibrant, attractive, and economically successful town for residents to live in and for businesses to thrive. The policy will also improve the quality of lives of residents by reducing the impact from excessive noise.

5 Environmental and Climate Implications

- 5.1 There are no environmental or climate implications arising from this decision.

6 Community Engagement

- 6.1 The code was developed in partnership with Reading BID, Reading Economic Delivery Agency (REDA) and Thames Valley Police. A public consultation of the draft code will be conducted through the Council website and promoted by Reading BID, to engage: all local businesses in the town centre, buskers and street entertainers, pro-busking groups such as Keep Streets Live Campaign, the Musicians' Union and members of the public.

7 Equality Implications

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to -
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment (EqIA) is relevant to the decision.

- 7.2 An Equality Impact Assessment (EqIA) has been completed. It is not expected there will be any significant adverse impacts on specific groups due to race gender, disability sexual orientation, age or religious beliefs. However, it is recognised that the code of conduct will incorporate activities of faith groups and faith groups which could be from a specific racial or ethnic group. At this stage the EqIA concludes that this will not have a significant impact as the code is intended to be collaborative and aims to adapt rather than restrict activities. However, the EqIA will be updated following a full consultation that will also be conducted prior to adoption.

8 Other Relevant Considerations

- 8.1 There are no other relevant considerations.

9 Legal Implications

- 9.1 The council has delegated powers to enforce the provisions of the Environmental Protection Act 1990, Antisocial Behaviour, Crime and Policing Act 2014, Highways Act 1980 and Control of Pollution Act 1974.

10 Financial Implications

- 10.1 There are no financial implications or financial risk arising from the recommendations.

11 Timetable for Implementation

- 11.1 It is intended the consultation will be conducted during the period between 15 July 2024 and 9 September 2024. A further report will then be taken to Licensing Application Committee in November 2024 with results of the consultation, for a decision to formally adopt the proposal.

12 Background Papers

- 12.1 There are none.

Appendices

- 1. Reading BID Consultation Exercise Results**
- 2. Draft "Guide for Busking and Street Performance in Reading"**