

Licensing Applications Committee

14 November 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 amended “Guide for Busking and Street Performance in Reading” be adopted following the public consultation.2. That a further report be submitted to a future meeting to review the success of the “Guide for Busking and Street Performance in Reading”.3. To delegate authority to the Assistant Director of Planning Transport and Public Protection to make future changes to the “Guide for Busking and Street Performance in Reading” in consultation with Reading BID and the Lead Councillor for Environmental Services and Community Safety.

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 that lives, works, and visits the town, and certain areas of the town centre 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 “Guide” has been produced as a joint initiative between Reading Borough Council and Reading Business Improvement District using best practice examples which have adopted by towns and cities across the country. The draft “Guide” was approved for consultation at Licensing Committee on 7 July 2024. The consultation exercise was conducted between 25 July 2024 and 15 September 2024 and the responses have helped to inform the final guidance document.

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 the Council.
- 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 concentrated in the centre and eastern end of Broad Street but increasingly the west side of Broad Street is also being used. These areas are attractive due to the high footfall and proximity to major shops in the town.
- 3.2. 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 "Guide" to foster good community relations, especially with regards to noise levels and the use of amplification. This was reflected in the responses received during the consultation.
- 3.3. Most complaints received in relation to busking and street performance 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 entrance or exit of 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. 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.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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 established only to tackle adverse impacts generated from busking 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. These activities and those of street preaching could be incorporated in a broader PSPO but that would be dependent on a separate needs assessment process. Two examples of where PSPOs cover these activities are: Coventry City Council who have as part of their City Centre PSPO, a prohibition from performing which is contrary to the “Coventry City Centre Code of Conduct for Performers” and Leeds City Council whose City Centre PSPO prohibits “Person(s) within the restricted area will not create loud and persistent amplified sound which could reasonably cause annoyance”. Leeds have also developed a code of conduct for preachers to follow to remain compliant with the PSPO.

Consultation

3.8 The consultation was promoted through the Council’s website and by Reading BID who engaged with businesses and buskers in the Town Centre to encourage them to respond. 102 responses were received, 75%, were from residents, 9% from business and 3% from buskers and performers. There was overwhelming support for the “Guide” with 80% of responses either agreeing or strongly agreeing that a guide is helpful. All buskers who responded strongly agreed. Only 3% disagreed or strongly disagreed that a guide would be helpful. The full consultation responses are shown in **appendix 1**.

3.9 A number of themes were identified in the consultation which are listed below, with the Council’s and Reading BIDs responses and proposed changes to the draft “Guide” highlighted:

3.9.1 **Location/Pitches:** a number of respondents asked for clearer guidelines on where busking can take place by indicating designated spots on a map and through marking of pitches. This would aim to reduce clustering and prevent sound clashes between buskers. One respondent said this would be respected by buskers by legitimising their presence in the town centre. There were also calls for a registration/booking process to improve quality of performances and to enable interaction with buskers should a problem arise.

Response: the Council and Reading BID are not proposing to introduce pitches at this time. The location of buskers and street performers are relatively consistent, and the “Guide” sets out the distance which performers should be from each other which should be understandable to performers. Although Reading BID have operated a registration scheme in the past this did not prevent unregistered buskers from operating, which undermined the effectiveness of the scheme. It is intended these issues will form part of the review to the effectiveness of the “Guide” and if pitches were then recommended a further consultation would be undertaken on proposed locations.

3.9.2 **Noise Levels/Amplification:** several respondents expressed concerns about the volume of performances suggesting the “Guide” should include specific decibel limits and enforceable measures for when buskers exceed these limits. The use of amplification in general was also raised with some advocating purely acoustic performances. Many found amplified music too loud and intrusive leading to a negative impact on their experience in the Town Centre.

Response: consideration was given to setting a decibel level in the “Guide” however there are difficulties with how this level would be measured and by whom. Environmental Protection Officers who are trained in acoustics were consulted and advised that recording accurate measurements would be problematic without setting up specialist devices. Every pitch will have a different acoustic dynamic related to the location, type of sounds and weather conditions which will all have an effect on the sound quality, travel and volume of the performance. Therefore, as a variety of factors can affect sound levels, it is difficult to provide a ‘set decibel’ for buskers to follow. This approach is consistent with guides and codes of practice in place in other towns and cities. The intention is to ask buskers to exercise common sense to avoid a disturbance however, it

is recognised that a further noise comparison could be added to the “Guide” to aid performers in setting their levels.

Proposed change: add, “your noise levels should not be audible in nearby shops and buildings and there should be no spill-over of noise to other buskers”.

- 3.9.3 **Length of performance:** A recurring theme is the disagreement with the one-hour time limit for occupying pitches, with suggestions for a longer duration, such as two to three hours, especially for performers with elaborate setups or those who need more time to build rapport with the audience. Other responses referenced the highly repetitive nature of some performances.

Response: the one-hour performance time was intended to both provide variety and opportunity for all buskers and to prevent repetitive or poor performances having an adverse impact. However, it is recognised this may penalise some performers who take time to set up or have a longer set.

Proposed Change: increase performance times from 1 to 2 hours.

- 3.9.4 **Rights of Buskers:** there were some calls for the “Guide” to further address the rights of buskers and provide advice on dealing with harassment or unreasonable complaints. Other respondents appreciated the positive atmosphere and sense of community that buskers can bring to the town. There is a suggestion that buskers should be seen as skilled professionals who contribute to public safety and vibrancy and a call for more support to get performers into venues. One respondent stated that buskers were not being treated as stakeholders and the “Guide” implied all performers were the cause of dispute.

Response: the intention of the “Guide” is to create a fair balance between encouraging buskers and performers but also recognising that they can be a cause of complaint. The “Guide” must set out certain principles to follow but this does not take away the fact buskers have the right to perform and the Guide is intended to help ensure this is done in a way which is not intrusive to others. The Council and Reading BID believe the balance is right but have suggested a change to reflect that buskers can also liaise with the BID regarding any disputes.

Proposed change: add, that buskers are also encouraged to contact Reading BID to help resolve disputes and the wording “if a busker or performer feels threatened or subject to harassment, they must decide if it is appropriate to call the Police”.

- 3.9.5 **Enforcement:** a number of respondents raised concerns about how the “Guide” will be enforced and that regular enforcement will be essential. Some respondents wanted to ban busking all together.

Response: the “Guide” is intended to form part of a collaborative approach to help engage with performers and to set clear guidelines to follow. Enforcement can be considered for serious persistent issues, but each case will be required to be individually assessed before the appropriate enforcement approach is followed. As a result, the “Guide” is not prescriptive in setting out an enforcement approach, however a further statement to demonstrate monitoring will take place is considered beneficial.

Proposed change: “the Council and Reading BID will investigate complaints that are received about the activities of buskers and street performers and carry out spot checks on performers in order to ensure that they are complying with the code”.

- 3.9.6 **Scope:** Several respondents expressed the view that street preaching was a more serious issue and feel that the “Guide” does not adequately address the impact of religious groups and street preachers and other sources of loud music from shops and nuisance from charity collectors.

Response: Although the “Guide” is primarily focussed on busking and street performance it does reference street preaching as an activity which could also have an impact in the town and therefore the same principles should apply especially around noise levels. It is proposed this is made clearer in the wording to be more easily referenced. Persistent noise nuisance arising from shops can be dealt with using existing powers. Charity collections fall outside the scope of the “Guide” as there is a separate licensing regime, or the activities are covered by the Fundraising Regulator.

Proposed Change: To highlight under a new heading that the principles apply to other activities which may have a similar impact in the town, including Street Preaching.

3.9.7 **Auditions/Liaison rep:** A number of respondents suggested that auditions could take place to improve the quality of performances and a designated representative assigned to liaise with buskers and street performers.

Response: the Council and Reading BID are taking a proportionate approach through the introduction of the “Guide”. Whilst there would be some benefit in assessment of performers and more regular engagement there are no additional resources available for this to take place.

3.9.8 **Street Trading:** Some respondents felt the restriction on selling merchandise without occasional street trading consent was overly bureaucratic.

Response: This requirement is made under the Council’s Street Trading Policy 2023-2028 which was approved by Licensing Committee on 7 November 2023 following a public consultation.

Options Proposed

3.9.9 It is proposed to adopt the “Guide” as amended (**appendix 2**). The Guide will set expectations for performers and encourage good practice, together with outlining that non-compliance could result in enforcement action being taken. The “Guide” will 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.
- supports a culture and community of considerate performers and to enables 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 It is intended the “Guide” 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 “Guide” does refer to possible enforcement action for non-compliance it would be seen as 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. However, spot checks will be conducted where resources allow.

- 3.12 Reading BID will take the lead role on the “Guide” as they have established links with the businesses in the town centre where most complaints arise. A registration scheme is not proposed but could be developed as engagement with performers grows.
- 3.13 Once implemented it is intended to monitor and review the approach after a full year and then bring an assessment report to Committee. It is proposed that future changes to the “Guide” should be delegated to the Assistant Director of Planning Transport and Public Protection in consultation with Reading BID and the Lead Councillor for Environmental Services and Community Safety.

Other Options Considered

- 3.14 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.
- 3.15 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 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 “Guide” was developed in partnership with Reading BID, Reading Economic Delivery Agency (REDA) and Thames Valley Police. A public consultation of the draft “Guide” was 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. The EqIA was reviewed following the consultation and no changes are proposed.

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 “Guide” will be adopted following approval at this Committee and made available through the Council and Reading BID websites. Reading BID will promote the “Guide” to businesses and engage with buskers to provide paper copies and signposts to the web links. Residents will be informed through a press release. The Guide will also be promoted through spot checks conducted by Reading BID and Council Officers.

12. Background Papers

- 12.1 There are none.

Appendices

- 1. Consultation Responses**
- 2. “Guide for Busking and Street Performance in Reading”**