



City of Westminster

# Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Wednesday 23rd September, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Heather Acton (Chairman)	Jim Glen
Barbara Arzymanow	Louise Hyams
Margot Bright	Tim Mitchell
Susie Burbridge	Karen Scarborough
Rita Begum	Jacqui Wilkinson
Maggie Carman	Aziz Toki
Aicha Less	Richard Elcho
Murad Gassanly	

**Members of the public are welcome to join the virtual live broadcast and follow the proceedings.**

**If you require any further information, please contact the Senior Committee & Governance Officer, Kisi Smith-Charlemagne.**

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**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership

**2. DECLARATION OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

**3. MINUTES**

To sign the minutes of the previous meeting held on Wednesday 8 July 2020

**(Pages 3 - 6)**

**4. BUSKING AND STREET ENTERTAINMENT POLICY**

Report of the Head of City Policy and Strategy and the Director of Public Protection and Licensing.

**(Pages 7 - 132)**

**5. LICENSING SERVICE FEE REVIEW (EXCLUDING STREET TRADING REGIMES) NOVEMBER 2020 - OCTOBER 2021.**

Report of the Director of Public Protection and Licensing.

**(Pages 133 - 138)**

**6. FAST TRACK PAVEMENT LICENSES**

Head of Licensing and Regulatory Service to provide a verbal Report.

**7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**Stuart Love  
Chief Executive  
18 September 2020**



CITY OF WESTMINSTER

## DRAFT MINUTES

### Licensing Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Committee** held on **Wednesday 8 July 2020**,  
This meeting was held virtually.

**Members Present:** Councillors Heather Acton (Chair), Barbara Arzymanow, Rita Begum, Margot Bright, Susie Burbridge, Maggie Carman, Peter Freeman, Murad Gassanly, Jim Glen, Louise Hyams, Aicha Less, Tim Mitchell, Karen Scarborough, Aziz Toki and Jacqui Wilkinson.

**Officers present:** Annette Acik (Interim Director of Public Protection and Licensing), Kerry Simpkin, (Head of Licensing Policy, City Policy and Strategy), Heidi Titcombe (Principal Solicitor) and Kisi Smith-Charlemagne (Senior Committee and Governance Officer).

**Apologies for Absence:** Councillors: Peter Freeman.  
Andrew Ralph (Head of Licensing and Regulatory Service)

#### 1 MEMBERSHIP

1.1 There were no changes to the membership of the committee.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 3 MINUTES

3.1 **RESOLVED:** That the minutes of the Licensing Committee on 25<sup>th</sup> February were approved.

#### 4. BUSKING AND STREET ENTERTAINMENT POLICY CONSULTATION RESULTS

4.1 The Licensing Committee received a report from the Director of Public Protection and Licensing. The report summarised the results of the Council's recent consultation on the draft Busking and Street Entertainment Policy and outlines the next steps to take. Members were advised that officers ran a 6-week consultation on the council's first draft of the Policy from 14th January – 24rd February 2020.

- 4.2 Members were advised 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. The committee were informed that the response rate to the proposals was high, with 712 completed surveys, and 17 written responses received. The committee were informed that 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.
- 4.3 The Committee received two representations, one representing residents and one representing busker and street entertainers. Members welcomed the report and agreed that the policy required further work as the balance was not quite right. Members strongly felt that they had a responsibility to residents and businesses, but also wanted to ensure that the borough remained vibrant and felt that they still needed to find the right balance for busking and street entertainment. Members noted the report.
- 4.4 **RESOLVED:** That the report was noted by members of the committee.

## **5. TACHBROOK STREET MARKET ELECTRICAL UPGRADE AND PITCH REALIGNMENT PROPOSAL**

- 5.1 The Licensing Committee welcomed a report from the Director of Public Protection and Licensing and the Director of Economic Development Economic Development. The Committee were advised that the report set out the proposed electrical infrastructure upgrade and subsequent pitch realignment for Tachbrook Street Market. It was noted that the report included the rationale to realign the current market layout, a background to the electrical upgrade and the benefits the changes will deliver.
- 5.2 The Committee was informed that the proposals had been designed to implement the necessary improvements to trader's electricity access, in line with commitments made in the Council's Markets Strategy, whilst improving health and safety and wayfinding at the market. The Committee were advised that the plans were part of a wider holistic vision for the future of the market.
- 5.3 Members were informed that the vision included the introduction of pay as you go electricity charging for market traders, a reprofiling of the storage space to both benefit traders and reduce vehicle congestion in the area, consistent and visible market branding, a transformation of the existing toilet facilities into refurbished toilets and kitchen space for traders, and free WiFi on the market.
- 5.4 Members welcomed the report and raised queries regarding the temporary relocation of the market and also enquired as to the [possibility of providing improves washing facilities for traders. Members of the Committee agreed the recommendations for the electrical update.

5.5 **RESOLVED:** That the report be agreed by members of the committee.

**6. REVIEW OF PROPORTIONALITY ON LICENSING SUB-COMMITTEES**

6.1 The committee received a report on the review of proportionality on the Licensing Sub-Committee from officers. It was explained that this was an annual review which was usually presented to the General Purpose Committee, however the report was unable to be presented to the Committee in May due to Covid-19. It was therefore agreed that the report should be presented at the next full Licensing Committee meeting for agreement by the committee members.

6.2 The report set out the current membership and proportionality of the Licensing Committee and Licensing Sub-Committee.

6.3 **RESOLVED:** That the report be agreed by members of the committee.

**7. LICENSING APPEALS**

7.1 The members of the committee received a report which provided a summary of recent appeal results. The committee were informed that there had been no new appeals since January 2020 and the Opium appeal had been withdrawn. Members were updated on the Hemings judicial review, it was advised that an application had been made to the Administrative Court to recover the costs payable to the Council for monitoring and enforcing the licensing regime.

7.2 **RESOLVED:** That the report was noted by members of the committee.

**8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT**

There was no other business raised by the Committee.

The meeting ended at 11.30am.

**CHAIRMAN:** \_\_\_\_\_ **DATE** \_\_\_\_\_

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## Committee Report

Date	<b>23 September 2020</b>
Classification	<b>For General Release</b>
Title of report	<b>Busking and Street Entertainment Policy</b>
Report of	<b>Ezra Wallace, Head of City Policy and Strategy Annette Acik, Director of Public Protection and Licensing</b>
Decision maker	<b>Licensing Committee</b>
Wards involved	<b>All</b>
Report author	<b>Kirsty Munro, Principal Policy Officer</b>

### 1.0 Executive Summary

1.1 On 10<sup>th</sup> January 2020 this Committee heard the Council's proposal to implement a new Busking and Street Entertainment Policy as there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be 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 (hereon referred to as adverse impacts). The proposal evidenced a targeted and area specific approach to prevent adverse impacts experienced by surrounding residents and workers. The full report for reference is attached as Appendix A. In summary the proposals included:

- promoting responsible busking and street entertainment by developing a voluntary Code of Conduct tailored to our City
- encouraging buskers and street entertainers to integrate into our community by developing a dedicated busker and street entertainment forum
- recognising the established self-regulation of buskers and street entertainers already present in our City (Covent Garden)
- supporting newly created self-regulation schemes with buskers and street entertainers in identified suitable areas (Trafalgar Square)
- balancing 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).

1.2 The Council held a 6-week public consultation between 14<sup>th</sup> January and 24<sup>rd</sup> February 2020, and on 1<sup>st</sup> July 2020 this Committee reviewed the analysis of 729 consultation responses and heard a general representative position from both a resident and a street entertainer. The full report for reference is attached as Appendix B, and in summary this Committee discussed:

- that good and responsible busking and street entertainment are an important part of the cultural heritage of the City
- the introduction of control and regulation in Oxford Street, Piccadilly, Chinatown and Leicester Square to manage adverse impacts experienced was strongly supported by most residents and workers
- whilst the proposed self-regulation schemes in Covent Garden and Trafalgar Square were generally supported as an alternative approach to introducing control and regulation, there was strong consensus from those who live and work in the immediate vicinity of these busking hotspot areas that this voluntary approach is not enough to effectively prevent or protect against the current adverse impacts experienced. Nor is it able to effectively prevent or protect against a likely increase in issues should buskers and street entertainers be displaced into these areas
- that the expansion of control and regulation across the West End must be considered to
  - protect against any displacement and/or exasperation of adverse impacts
  - provide Council officers with relevant and effective powers to manage adverse impacts
  - ensure the policy is clear and accessible to understand, implement and enforce

1.3 With busker and street entertainer self-regulation and voluntary measures being an unsupported policy approach for the areas in our City that already evidence and experience adverse impacts, Officers propose the adoption of licensing buskers and street entertainers under Part V of the London Local Authorities Act 2000 in all busking hotspots where adverse impacts are experienced, and including the likely areas of displacement across the West End. The new draft Busking and Street Entertainment Policy (Appendix C) contains:

- the voluntary City-wide Westminster Code of Conduct and Policy
- details of the Busking and Street Entertainment Forum
- detailed maps of where the council is seeking to adopt Part V of the London Local Authorities Act 2000 to either prohibit busking and street entertainment or to licence busking and street entertainment in designated areas and locations namely the areas of
  - Paddington
  - Marylebone
  - Bayswater
  - Oxford Street
  - Mayfair



- Regent Street
  - New Bond Street
  - Piccadilly
  - Chinatown
  - Leicester Square
  - Soho
  - Covent Garden
  - The Strand
  - Charing Cross
  - Embankment
  - Trafalgar Square
  - Whitehall
  - Parliament Square
  - Victoria
  - Knightsbridge
  - Belgravia
- busking and street entertainment licence conditions
  - details of the Licensing Application process
  - details of how the council will manage complaints and enforcement
  - a commitment to monitor and review the approach during and after the first full calendar year of implementation

1.4 The report sets out the rationale for the policy development and design and seeks approval from the Committee to hold a further five week consultation on the new draft Policy from 24<sup>th</sup> September to 1<sup>st</sup> November 2020.

## **2.0 Recommendations**

2.1 The Committee is recommended to approve that the council hold a five-week consultation between 24<sup>th</sup> September to 1<sup>st</sup> November 2020 on the following:

(1) The creation of a Busking and Street Entertainment Policy, Code of Conduct, and a dedicated Buskers and Street Entertainers Forum.

(2) Adoption of a Licensing Regime under Part V of the London Local Authorities Act 2000 for the control and regulation of busking and street entertainment in designated streets and areas:

(2.1) Busking and street entertainment is prohibited in all the areas to which Part V of the 2000 Act will apply apart from those designated pitches where busking and street entertainment will only be permitted under and in accordance with the terms and conditions of the pitch and the conditions of a licence to busk

(2.2) permit busking and street entertainment in identified pitches in accordance with the terms and conditions of the pitch

- (2.3) permit only licensed buskers and street entertainers on the pitches subject to the terms and conditions of the pitch and the conditions of the licence to busk
- (2.4) the designated streets and areas are across the West End and centre of the City namely:
- Paddington
  - Marylebone
  - Bayswater
  - Oxford Street
  - Mayfair
  - Regent Street
  - New Bond Street
  - Piccadilly
  - Chinatown
  - Leicester Square
  - Soho
  - Covent Garden
  - The Strand
  - Charing Cross
  - Embankment
  - Trafalgar Square
  - Whitehall
  - Parliament Square
  - Victoria
  - Knightsbridge
  - Belgravia

(3) Carrying out ongoing and quarterly monitoring, and an annual review after one full calendar year of operation.

### **3.0 Reason for Decision**

- 3.1 This draft policy seeks 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 through a voluntary City-Wide Code of Conduct and supporting buskers and street entertainers to integrate into our communities, through membership to the Westminster Busking and Street Entertainment Forum.
- 3.2 The draft policy also recognises that in certain locations within our City, there is good reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be 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. It is therefore proposed to adopt Part V of the London Local Authorities Act 2000 for the areas of:

- Paddington
- Marylebone
- Bayswater
- Oxford Street
- Mayfair
- Regent Street
- New Bond Street
- Piccadilly
- Chinatown
- Leicester Square
- Soho
- Covent Garden
- The Strand
- Charing Cross
- Embankment
- Trafalgar Square
- Whitehall
- Parliament Square
- Victoria
- Knightsbridge
- Belgravia

so as to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the twenty-five designated busking pitches.

3.3 The Committee is being asked to approve that a five-week consultation on the draft Busking and Street Entertainment Policy and invite representations. Following consultation, the Committee will review the representations and responses received at a Committee meeting to be held in November 2020 where the Committee will make their decision on the draft Policy.

23 <sup>rd</sup> September 2020	Licensing Committee review of proposed policy
24 <sup>th</sup> September – 1 <sup>st</sup> November 2020	Public Consultation
23 <sup>rd</sup> November	Licensing Committee decision
<i>If the policy and adoption of Part V London Local Authorities Act 2000 is approved, then the Council must hold a 90-day period of notification prior to any implementation. Implementation would therefore be no earlier than March 2021.</i>	

#### 4.0 Background

##### January 2020 Licensing Committee

4.1 On 10<sup>th</sup> January 2020, this Committee heard and discussed the Council's report on busking and street entertainment. The full report for reference is attached as Appendix A, and in summary this report outlined:

- The historic and cultural importance and contribution of busking and street entertainment in our City
- The Council's available enforcement powers and the challenges to effective enforcement to tackle the adverse impacts of busking and street entertainment
- The previous interventions since 2015 that the Council have taken to work with buskers and street entertainers to improve adverse impacts
- The evidence and rationale for the Council to create a new busking and street entertainment policy. This evidence included complaint data, a summary of enforcement officer observations, the current use and characteristics of areas, and the views and positions gathered from extensive stakeholder engagement
- The policy proposal which took a targeted and area specific approach including
  - supporting self-regulation of buskers and street entertainers through a voluntary city-wide Code of Conduct; a busker and street entertainment forum; recognising the established SPA in Covent Garden; and supporting a newly created SPA in Trafalgar Square
  - introducing a light touch approach to control and regulation in the areas of Oxford Street, Piccadilly, Chinatown and Leicester Square
  - licensing requirements including conditions, fee's and application process
  - How the council propose to manage complaints, compliance and enforcement
  - a commitment to carry out ongoing monitoring of the policy and an annual review after one full calendar year of operation

4.2 This Committee approved that the Council go out to consultation and a public consultation was held between 14<sup>th</sup> January and 24<sup>rd</sup> February 2020.

#### July 2020 Licensing Committee

4.3 The Council experienced a delay in this Committee hearing the results of the consultation until 1<sup>st</sup> July 2020 due to the prioritisation of the community response to the Covid-19 pandemic from March 2020. At the July meeting this Committee heard and discussed the consultation report and detailed analysis. The full report for reference is attached as Appendix B, and a summary has been provided in Figure 1 below.

4.4 This Committee approved that the Council re-consider the policy design to adopt Part V London Local Authorities Act 2000 across the West End to ensure those who live and work close to busking hotspots and experience adverse impacts are protected.

#### The impact of Covid-19

4.5 Busking and street entertainment has been significantly affected by the Covid-19 pandemic, with the necessary containment measures leading to the suspension of activities for many months. As social distancing rules are adapted based on current risk level, widespread uncertainty remains and footfall from those who work and visit our

City remains lower than typically expected for the summer season. However, positively officers are beginning to see buskers and street entertainers return to our streetscape.

- 4.6 Whilst the Council considers not only the financial impact on the buskers and street entertainers who cannot recover loss in earnings, and the wider social impact on the art and culture industry as a whole, it however cannot be ignored that adverse impacts as a result of busking and street entertainment continue to persist. 349 complaints have been received in the 6 months since lockdown and social distancing measures were introduced and continues to drive our need for control and regulation to ensure those who live and work here are protected from adverse impacts particularly as our City and economy begins to recover.
- 4.7 Irrespective of the Council's proposal to introduce a policy, buskers and street entertainers (as well as their crowds) must ensure they comply with the social distancing guidance set by government or risk police enforcement action under the Coronavirus Act 2020.

Figure 1: Summary of busking and street entertainment consultation response

Policy Proposal	Respondent	Strongly Agree/ Agree	Neither Agree/ Disagree	Strongly Disagree/ Disagree
<b>Policy strikes the right balance</b>	Residents	58%	7%	35%
	Workers	38%	4%	58%
	Buskers and Street Entertainers	21%	4%	75%
	Visitors	37%	9%	54%
<b>Voluntary Code of Conduct Principles</b>	Residents	60%	12%	28%
	Workers	43%	8%	49%
	Buskers and Street Entertainers	29%	29%	42%
	Visitors	43%	19%	38%
<b>Performer Self-Regulation</b>	Residents	58%	17%	25%
	Workers	40%	46%	14%
	Buskers and Street Entertainers	39%	26%	36%
	Visitors	52%	18%	31%
<b>Licensing Regulation (Oxford Street)</b>	Residents	69%	10%	21%
	Workers	72%	14%	14%
	Buskers and Street Entertainers	15%	17%	68%
	Visitors	36%	17%	47%
<b>Licensing Regulation (Piccadilly, Chinatown, Leicester Square)</b>	Residents	64%	18%	18%
	Workers	72%	11%	17%
	Buskers and Street Entertainers	18%	10%	72%
	Visitors	34%	14%	52%

## Licensing Requirements

- Licensing Conditions: 74% of street entertainers Disagree or Strongly Disagree whereas 65% of residents Agree or Strongly Agree
- Licensing Fees: 74% of street entertainers Disagree or Strongly Disagree, whereas 57% of residents Agree or Strongly Agree

## Frequent/Generalised Comments

### Residents and Workers

- Policy needs to be stricter to combat amplification and noise issues, therefore proposals are unfair to residents and workers
- Voluntary measures are problematic and does not protect residents and workers enough
- Self-regulation does not go far enough and voluntary measures have already demonstrated they do not work
- Amplification is the issue and busking should be prohibited everywhere
- Leicester Square should have no amplification

### Buskers and Street Entertainers & Visitors

- Rules are unfair to buskers
- SPAs might lead to elitism and create barriers that will exclude some performers
- Oxford Street is an adequate location for busking and more pitches need to be added
- Licensing should not be introduced
- Proposals are unfair and “draconian”, penalises good buskers and is effectively banning busking.

## 5.0 Proposed Changes to the draft Policy

5.1 The Council remain committed to creating a policy that balances the needs of our stakeholders by taking a targeted and area-specific approach, that both promote busker and street entertainer self-regulation, whilst introducing a light touch approach to regulation and control in and around our hotspot areas where adverse impacts are most acutely felt.

5.2 The Council therefore want to continue to promote the self-regulation of performers through the City-Wide Code of Conduct as well as the Buskers and Street Entertainment Forum. However, following the consultation it has been considered necessary to expand the area where control and regulation is introduced to ensure the policy achieves its aim of protecting those who live and work near to busking hotspots from adverse impacts.

5.3 Following the results of the consultation the following changes to the Policy are proposed:

- Strengthen the principles in the city-wide Code of Conduct by providing clarity around noise levels
- Busker and Street Entertainer self-regulation in Covent Garden and Trafalgar Square to be underpinned by licensing regulation and control
- Expansion of regulation and control where the evidence permits us to do so, to include areas where busking and street entertainment already cause adverse impacts and where there is likely to be a displacement of issues (namely the West End and surrounding areas of our City)
- Introduce new performer spaces (also referred to as pitches) across the expanded area to be regulated, taking into account where it is appropriate and safe to do so, so as not to cause adverse impacts

5.4 The draft policy is attached as Appendix C and table 1 below summarises the policy approach we are proposing. Further detail on the design and rationale is provided in paragraphs 6.0 – 9.3.

*Table 1: Summary of draft policy approach*

<b>Policy Approach</b>	<b>Action</b>	<b>Location</b>
<b>Promoting Self-Regulation</b>	<b><i>Voluntary Code of Conduct</i></b> Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking.	<b>City-Wide</b>
	<b><i>Busking &amp; Street Entertainment Forum</i></b>	<b>City-Wide</b>

	<p>Giving buskers and street entertainers a platform to raise issues and have questions answered, share ideas and work together on ways of promoting busking and street entertainment in our City.</p>	
<p><b>Introducing Regulation and Control</b></p>	<p><b>Licensing Scheme</b>  Introducing a licensing scheme for certain locations within our City, where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby premises. Busking and street entertainment to be prohibited in these areas apart from performers who are licensed to operate from a number of designated pitches This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.</p>	<p><b>The West End and surrounding areas</b></p> <ul style="list-style-type: none"> <li>- Paddington</li> <li>- Marylebone</li> <li>- Bayswater</li> <li>- Oxford Street</li> <li>- Mayfair</li> <li>- Regent Street</li> <li>- New Bond Street</li> <li>- Piccadilly</li> <li>- Chinatown</li> <li>- Leicester Square</li> <li>- Soho</li> <li>- Covent Garden</li> <li>- The Strand</li> <li>- Charing Cross</li> <li>- Embankment</li> <li>- Trafalgar Square</li> <li>- Whitehall</li> <li>- Parliament Square</li> <li>- Victoria</li> <li>- Knightsbridge</li> <li>- Belgravia</li> </ul>

5.5 The Council understands that a regulatory approach is one that is generally not supported by the busker and street entertainment community, however remain committed to balancing their interests by embedding this policy within a wider busking and street entertainment strategy that ensures we continue to encourage and support talent that contributes to our City’s lively and diverse street scene including:

- establish a dedicated busker and street entertainment website that provides information and relevant updates to buskers and street entertainers
- promote the community through events
- formalise an ongoing platform of engagement to ensure that buskers and street entertainers have a voice in the decisions we and our wider community take



- work with residents, businesses, and buskers and street entertainers to curate the performer spaces for relevant activities such as busker and street entertainment competitions or seasonal events

## 6.0 Promoting Self-regulation

### City-wide voluntary Code of Conduct

- 6.1 The Council at this time considers it unnecessary to introduce control and regulation for busking and street entertainment across the whole City as there is currently no reason to believe that any displacement of issues will move into dense residential areas, as these areas do not lend themselves to being lucrative for busker and street entertainment performances. However, in the absence of control and regulation and because there may at times be opportunities for this activity anywhere in our City, the Council still considers it necessary to provide clear guidelines that sets out how buskers and street entertainers can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.
- 6.2 Responses received from the consultation about the Code of Conduct included that the principles were too vague for enforcement and that it will not prevent nuisance from being caused. The nature of the voluntary Code of Conduct is that it is a list of seven guiding principles for buskers and street entertainers to follow to help them understand and be considerate of their surroundings. The principles are not imposed legal controls and as such they cannot be enforced with the Councils existing powers. However, it is of note that should the Council in future become aware of buskers and street entertainers are not abiding by the Code of Conduct and causing adverse impacts, the Council will consider extending the areas of control and regulation.
- 6.3 A small change has however been made to the Code of Conduct following Officers being made aware that the wording around considerate noise levels (Principle 3 below) had the potential to be contradictory and/or confusing:

***“Principle 3 Avoid causing a nuisance: Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level.”***

For many residents and workers ambient noise is already often at a level that can be heard within a premise and is intrusive to peace and comfort. Whilst this arguably is an accepted consequence of living within a City centre, it is however not reasonable that busking and street entertainment noise should be heard over and above ambient levels but rather should blend into this background noise. The Code of Conduct has therefore been amended to:

***“Principle 3 Avoid causing a nuisance: Sound from any performance shall not be heard by persons in nearby premises”.***

6.4 Our draft Code of Conduct is attached in the draft policy as Appendix C.

*The Busking and Street Entertainment Forum*

6.5 No changes have been made to the draft policy as a result of the consultation. The Council still considers this an integral part of ensuring Buskers and Street Entertainers are a recognised part of our City's community and ensure they have a voice in the decisions we and our wider community take. Our draft Busking and Street Entertainment Forum is attached in the draft policy as Appendix C.

**7.0 Introducing Control and Regulation of Busking and Street Entertainment**

*Adopting Part V of the London Local Authorities Act 2000*

7.1 This legislation has been specifically designed for London boroughs to prohibit busking and street entertainment and/or adopt a licencing scheme when there is or is likely to be 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 or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.

7.2 Officers have considered that adopting this legislation in areas of high impact will enable the council to influence, control and create clear enforcement measures around where it is appropriate to busk safely, as well as to control amplification and audible sound levels through licensing conditions.

7.3 Officers have also considered that an additional benefit of introducing licensing is that it will enable quicker and more effective penalties to be issued against irresponsible buskers without a licence, or those in breach of licensing conditions. Penalties include removing permission to perform through revoking a licence and seizing equipment or prosecuting should individuals fail to respond positively to informal requests to comply.

*Control and Regulation across the West End*

7.4 Earlier this year the Council's consulted on adopting Part V of the London Local Authorities Act 2000 in the areas of Oxford Street, Piccadilly, Chinatown and Leicester Square, as these areas are where adverse impacts related to busking and street entertainment were most acutely evidenced. The consultation response demonstrated that the proposals to introduce control and regulation here were supported by the majority (69%<sup>1</sup>) of residents and workers.

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<sup>1</sup> This figure is an average taken from residents and workers that responded to our consultation with strongly agree and agree across all areas

- 7.5 Whilst the Council had evidence to suggested that other busking hotspot areas also experience adverse impacts resulting from busking and street entertainment, it was instead proposed and consulted on an alternative approach to control regulation. Based upon how buskers and street entertainers currently interact with some spaces and their willingness to engage with the Council it was proposed that self-regulation was supported in Covent Garden and Trafalgar Square by:
- embedding the Code of Conduct
  - drafting a Memorandum of Understanding between the SPA and council
  - identifying appropriate zones for performances
  - investing in an enhanced enforcement officer presence
  - monitoring the continued viability of self-regulation through quarterly meetings with the buskers and street entertainers and the local community
- 7.6 However, whilst around half (49%) of resident and worker responses to the consultation were supportive of this approach, the response from those who live and work directly in and around the areas of Covent Garden and Trafalgar Square were less likely to be in favour. In particular, concerns were raised around the significantly increased likelihood of buskers and street entertainers being displaced from the regulated areas of Oxford Street, Piccadilly, Chinatown and Leicester Square, into the adjacent and equally popular areas of Covent Garden and Trafalgar Square. Displacement would not only exacerbate the number of buskers and street entertainers already present and competing for performance space and the adverse impacts already experienced in these areas, but there also remains an apprehension that voluntary measures and performer self-regulatory interventions have never previously demonstrated or been sustainable enough to effectively reduce nuisance. There was a strong view that control and regulation is expanded into these areas to prevent the risk of displacement, ensure proactive measures are introduced to control the number of buskers and performers using the shared public space, reduce nuisance through licensed conditions, and provide enforcement officers with improved powers to manage issues arising.
- 7.7 In light of these responses, Officers consider that the Council continue to support the good work and engagement with the SPAs, however this support should also be underpinned by control and regulation to allow the formal designation of a fixed number of performance spaces for buskers and street entertainers, and introduction of licensed conditions to control safety and audible sound levels to protect those who live and work near to these popular busking locations.
- 7.8 Officers have therefore reviewed the consultation results alongside the evidence available including complaint data (table 2), impact statements, officer and partner agency observations, and our stakeholder engagement – and have identified certain locations in our City where adverse impacts and the potential for displacement to exacerbate issues require regulation under Part V of the London Local Authorities Act 2000 and satisfy the legal test to do so.

*Table 2: Number of complaints received by area (April 2018 – August 2020)*

Areas	Complaints
Oxford Street, Regent street & Bond Street	1405
Piccadilly, Chinatown & Leicester Square	1254
Covent Garden	382
Trafalgar Square, Strand & Aldwych	566
Mayfair and Piccadilly	262
Soho	143
Whitehall, Parliament Square & Victoria	243
Knightsbridge & Belgravia	132
Embankment	174
Bayswater & Queensway	126
Marylebone	92
Paddington	25
Other	12
<b>Total</b>	<b>4,650</b>

7.9 These locations in our City, whilst distinctly named and individually recognised, are collectively known most commonly as the ‘West End’ and is host to an abundance of internationally recognised commercial and entertainment venues, historic and cultural tourist attractions, shops, businesses, theatres, parks, government buildings, multiple busy transport/commuter stations and hubs, as well as being the official residency of the Royal Family - making this area truly the centre of London. Up to one million visitors and workers arrive into the city each day meaning the flow of pedestrian, vehicle and freight traffic never stops. However, perhaps less recognised is that this area is also home to many residents.

7.10 The significant levels of footfall we see also means that many buskers and street entertainers are attracted to work here and competition for performance space is high. Officers estimate that there are approximately 50 informal busking and street entertainment ‘pitches’ that have a high number of loud or amplified performances daily, meaning locals get little or no respite for lengthy periods of time. In addition, some of these informal pitches are not appropriate for busking and street entertainment. This is because of the nature, design and use of the area, which can at times cause pedestrians to spill out onto roads to get past buskers and street entertainers and their audience or impede on pedestrian flow in already highly congested areas.

7.11 The Council therefore reasonably considers that because of the high number and close concentration and proximity of residents, businesses, roads, pedestrians and vehicles, that there is a risk for buskers and street entertainers to cause undue interference with

or inconvenience to, or risk to safety of persons using a street and/or nuisance to occupiers of nearby premises, in any part of the West End that is not regulated.

7.12 Plans of the areas proposed for regulation under the 2000 Act have been incorporated into the draft policy attached as Appendix C.

#### Identifying performance space (pitches)

7.13 The Council is committed to provide opportunities for buskers and street entertainers to perform in our City and have identified pitches across the proposed regulated area that are considered appropriate for busking and street entertainment to take place, including identifying where amplification may be appropriate.

7.14 In summary, the methodology for identifying safe and appropriate locations for street entertainment began with a process of eliminating the following locations:

- anywhere in close vicinity of train stations or tube entrances and exits, business entrances or exits,
- anywhere where the width of the pavement is reduced,
- anywhere on a bridge
- anywhere where there are long standing construction works, and
- where other queues or audiences may also gather i.e. near bus stops, taxi ranks, ATMs and next to pedestrian crossings.

7.15 Officers also took into consideration the specific locations which the majority of buskers currently gravitate towards, as these provide a good indication of what would be considered from the buskers' perspective an attractive location to both perform and attract audiences. Where possible, we have sought to retain these areas.

7.16 Once general locations were identified, officers then determined that to ensure pedestrians could also comfortably pass by a busker or street entertainer and their audience, a gap of at least 2 metres must be kept from kerbs and fixed structures at all times (enough to allow a wheelchair or double buggy to pass). This then clearly defined the size of the performance space to include both the busker and street entertainer and their expected audience size. Identified performance spaces are commonly referred to as 'pitches'.

7.17 A total of twenty-five designated pitches are proposed in the regulated area and plans of these designated pitches are also incorporated into the draft policy attached as Appendix C. It is proposed that busking and street entertainment will be prohibited in all the regulated areas apart from the designated pitches and subject to the terms and conditions of the pitch and the standard busking license conditions.

#### Licensing Requirements

- 7.18 No changes following the consultation have been made to the proposed standard conditions applying to the individual busking licences. Standard conditions have been designed to minimise the impact of nuisance and control the performance, the management of the audience, and sound.
- 7.19 It is also remains that to keep the regulation light touch, that buskers and street entertainers will be expected to continue to self-regulate their queuing systems, performance times and respite times, rather than the council at this stage introducing a managed booking system.
- 7.20 The consultation results saw comments from many stating that the proposed £20 fee for a 6 month licence was either too high or too low, however it is the councils position that this fee remains proportionate. The council is choosing to absorb all the set up and ongoing costs of implementing and enforcing a licensing scheme through existing budgets, and only charge a nominal fee for performer licence applications and consider that the cost is still accessible for all new and established buskers and street entertainers to perform in the centre of the City,
- 7.21 The Council is committed to developing and delivering authorisation procedures and formalities that ensure that applications for authorisations are processed as quickly as possible and in any event within a reasonable time frame from when all documentation has been submitted and the relevant fee paid. To assist applicants officers are intending that the application will be made entirely online.
- 7.22 Where the applicant is unable to provide the relevant documentation or makes a request for variation to the standard conditions the application will be determined by a determining officer, where the matter is deemed to be particularly complex the officer may defer the application to a senior manager. Additionally, the application will be determined by a determining officer or senior manager where the automated system is unable to automatically validate or determine the application. This may arise where the applicant indicates, for example, that there are unspent conditions or there has been a previous refusal of an application in these types of circumstances the determining officer will determine the application within ten working days.
- 7.23 Details of the licence conditions, as well as procedures for applying for a busking and street entertainment licence are contained in the draft policy attached as Appendix C.

## **8.0 Complaints, managing compliance and carrying out enforcement**

- 8.1 No changes have been made to the policy with regards to managing complaints or the enforcement approach to take.
- 8.2 The enforcement action taken will be a stepped approach in line with the Council's Corporate Enforcement Policy, and action will vary depending on whether the busker or

street entertainer is in a non-regulated or regulated area. Details are included in the draft policy attached as Appendix C.

## **9.0 Policy Monitoring and Review**

9.1 This policy represents an entirely new approach to busking in our City and has been carefully designed to balance the needs of everyone that shares the public space, by taking a targeted approach. However, the council remains committed to ongoing quarterly reviews, and an annual review after one full calendar year of operation to assess the policy impact and effectiveness.

9.2 This review will consider:

- The effectiveness of the Code of Conduct
- A review of licensing including the areas, conditions of the licence, fees and duration of licences, and whether the scheme should be reduced or expanded beyond the current designated streets.
- Resource and finance implications

9.3 To assist in our review the council will:

- Review the data available and consider the views of our enforcement officers
- Use quarterly forum groups which include buskers and street entertainers, local businesses and residents to gather qualitative evidence on how the policy is operating
- Invite interested stakeholders to feed back to us with their views on how effective the policy has been. We will facilitate this process by using an open survey which will ask for views on aspects such as whether buskers and street entertainers are more compliant as a result of the policy, how well the complaints process is working, and how the policy has affected the look and feel of the City's public spaces.

## **10.0 Equalities Implications**

10.1 The Council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

- 10.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 10.3 An Equalities Impact Assessment has been conducted and the council believes that the busking and street entertainment proposals, including the licensing regime, does not adversely impact or unlawfully discriminate against any protected characteristics.

## 11.0 Financial Implications

- 11.1 Set up costs to develop the policy and business systems is estimated to be c.£73,500. With projected ongoing annual operational costs of £43,985.
- 11.2 In our efforts to keep costs as low and improve the efficiency of the application process, officers are seeking to introduce automated processes where possible as described in 7.21 – 7.22.
- 11.3 The council can recover its costs, however having considered and balanced the needs of our community with wanting to ensure we continue to encourage busking and street entertainment talent here, we believe that the costs to performers to obtain a licence must be kept low. The council is therefore choosing to absorb all the set up and ongoing costs of implementing a licensing scheme through existing budgets, and only charge a nominal fee for performer licence applications.
- 11.4 The introduction of the fee will result in very minimal income to the council approximately £2,400 based on 120 applications per year. The proposed nominal charges for buskers and street entertainers are summarised below:

Licence application fee	£20
Renewal application fee	£20
Variation application fee	£20

- 11.5 Complaint and regulation costs will be met through the distribution of existing resources and as such there are no additional costs for resource requirements to the council arising from the recommendations in the report. We are also working closely with BIDs and the Metropolitan Police to ensure that they are also aware of and prepared for resource demands.
- 11.6 The fee's and costs required to implement the policy will be reviewed following one full calendar year of implementation and may be subject to change.

## 12.0 Resource implications

- 12.1 As described above there are no additional resource costs attributed to the implementation of this policy, rather the resources needed to review licence applications



and manage compliance will be met through the phased distribution of existing resources. It is anticipated that to embed the policy 3000 City inspector hours will be required in advance and during the implementation period.

### **13.0 Legal implications**

13.1 Part V of the London Local Authorities Act 2000 (“the 2000 Act”) is enabling legislation that can potentially be implemented in Westminster to regulate busking, either by prohibiting busking or licensing busking.

#### *What busking will be regulated?*

13.2 Busking means the provision of entertainment in a street but does not include the provision of entertainment:

- a. of a class which from time to time is by resolution excluded from the operation of the 2000 Act;
- b. under and in accordance with a premises licence or a temporary event notice having effect under the Licensing Act 2003 and which authorises the performance of music or dancing;
- c. which is authorised specifically to take place in a street under any other enactment;  
or
- d. consisting of music performed as an incident of a religious meeting, procession or service.

13.3 Subject to the above, busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase ‘busking and street entertainment’ should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

#### *What is the meaning of a street for the purposes of the busking scheme?*

13.4 A “street” includes any street or way to which the public commonly have access, whether or not as of right; any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access and any area in the open air to which the public commonly have access.

#### *Application of Part V*

13.5 A resolution to implement the legislation can only be passed if there is reason to believe that there has been, is being or is likely to be caused, as a result of the busking:

- a. 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; or
- b. Nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.

13.6 The Council shall cause to be published in a local newspaper circulating in the City notice of the passing of the resolution and the date when Part V will apply to busking in the City and also of the general effect of the provisions of Part V coming into operation as from that day. The date when Part V is to apply must not be earlier than the expiration of three months from the publication of the said notice.

*The designation of licence streets*

13.7 Section 34 of the 2000 Act states that, if the Council considers that busking should be licensed in the area it may pass any of the following resolutions:

- a. A resolution designating any street or part of a street within the City as a licence street (a designating resolution); or
- b. A resolution prescribing in relation to any licence street or any part of a licence street any hours during which busking may take place.

13.8 If the Council passes a resolution under section 34, that resolution shall take effect on the day specified in the resolution which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.

13.9 The Council must not pass a resolution under section 34 unless it has published notice of its intention to do so in a local newspaper circulating in the area and have served a copy of that notice on the highway authority, the Metropolitan Police Commissioner, and any body which appears to be representative of persons carrying on busking in the area affected by the proposed resolution. The notice must state that representations or a request to hear representations relating to it may be made in writing within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

13.10 It is advised that the Council should use the process above to seek opinions on both the implementation of Part V of the Act itself and any proposals to license busking pursuant to section 34 of the 2000 Act. This will then give all persons who might be affected by the proposals the opportunity to comment on whether the proposed restrictions are appropriate, proportionate or needed at all.

13.11 The Council must consider any written representations relating to the proposed resolution which they have received in the specified time and must hear oral representations if requested to do so. Having considered the representations, the Council may, if it thinks fit, pass the proposed resolution with any modifications considered to be appropriate.

13.12 The Council must publish notice of the passing of such a resolution in a local newspaper circulating in the area on two consecutive weeks, the first of which shall not be later than 28 days before the day specified in the resolution from the coming into force of the designation.

#### Application process

13.13 An applicant for the grant of a licence shall provide such information as the council may by regulation prescribe. Regulations may, inter alia, prescribe the procedure for determining applications. An applicant for a licence shall pay such a fee determined by the council as may be sufficient to cover in whole or in part the reasonable administrative or other costs incurred in connection with their functions under Part V of the 2000 Act.

13.14 The council may refuse to grant a licence on any of the following grounds -

- a. that the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;
- b. that there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street;
- c. that there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made.

13.15 The council shall refuse to grant a licence in respect of an application which relates to any street other than a licence street.

13.16 The council may revoke a licence on any of the following grounds -

- a. that there has been a breach of the conditions of the licence;
- b. that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
- c. that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

13.17 The council may make regulations prescribing standard conditions applicable to all licences. Where the council have made such regulations, every licence granted by the Council shall be deemed to have been so granted subject to the standard conditions except so far as they are expressly excluded or amended in any particular case.

#### Human Rights implications

- 13.18 The powers need to be exercised appropriately so as to provide a proportionate response to the problems caused by busking. In deciding whether to prohibit or licence busking in any part of the City, the Council is advised to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. It is unlawful for the Council to carry out its functions in a way which is incompatible with rights set out in the European Convention of Human Rights.
- 13.19 Article 10 states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 13.20 Article 11 states that everyone has the right to freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.
- 13.21 These rights must be balanced against the protection of the rights and freedoms of others, including the right that everyone has under Article 8 to respect for their private and family life and their home. In some circumstances, public authorities must take positive steps to prevent intrusions into a person's private life by other people, including those who engage in anti-social busking and street entertainment.
- 13.22 Article 14 of the convention (prohibition of discrimination) states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. The Council has undertaken an Equalities Impact Assessment (EIA) in accordance with its Public-Sector Equalities Duty under Section 149 of the Equality Act 2010 and found that there is not anticipated to be a negative impact on protected groups.

13.23 Concern has been expressed about the potential use of the 2000 Act to interfere with legitimate and reasonable activity such as peaceful protests and busking. The proposals in this report are intended to support responsible busking and to be a proportionate response to the irresponsible and anti-social busking that has been identified from complaints submitted by residents and businesses in the identified areas.

13.24 As indicated above, a balance must be struck between the rights of individuals who wish to engage in busking and street entertainment and the interests of the local residential and business community. Even if significant members of the public are enjoying the busking entertainment, the “right” of the public to enjoy that busking must be balanced against the detrimental effect that it might be causing if it is too loud or intense or too persistent etc. What might be acceptable in one public place might not be acceptable in a public place within a highly residential area or even an area with many commercial operators if the busking unreasonably interferes with their ability to work.

#### Appeals and Challenge

13.25 Any of the following persons, that is to say:

- a. An applicant for the grant of a licence whose application is refused;
- b. A licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- c. A licence holder whose licence has been refused

may at any time before the expiration of a period of 21 days appeal to the magistrates’ court acting for the area in which the licence street is situated. An appeal by either party against the decision of the magistrates’ court may be made to the Crown Court.

13.26 There is no means within the legislation to challenge either the implementation of Part V or the designation of licence streets. Any person who is aggrieved by the implementation of the legislation or the licensing scheme itself can potentially seek permission to appeal to the Administrative Court by way of Judicial Review proceedings. The grounds for such a review would typically have to be based on illegality and/or irrationality and/or procedural impropriety.

#### Enforcement

13.27 Any person who:

- a. busks in any street to which Part V of the 2000 Act applies without the authority of a licence; or
- b. is concerned with the organisation or management of busking which is not authorised by a licence; or
- c. contravenes any condition of his or her licence; or

d. in connection with his or her application for a licence makes a statement which he or she knows to be false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

13.28 An authorised officer or a constable who has reasonable cause to believe that busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence or in a street which is not a licence street to which Part V of the 2000 Act applies may require that busking either cease or not take place. If the busking continues or takes place despite the requirement for the busking to either cease or not take place, the authorised officer or constable may seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in evidence in respect of an offence under section 42 (Enforcement under Part V) of the 2000 Act.

## **14.0 Appendices**

Appendix A January 2020 Licensing Committee Report

Appendix B July 2020 Licensing Committee Report and Consultation Analysis

Appendix C Draft Policy incorporating -

- Draft Code of Conduct
- Plans of the designated areas where busking will be licensed
- Draft regulations prescribing standard conditions
- Draft regulations prescribing application process



# Committee Report

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Date	<b>10 January 2019</b>
Classification	<b>For General Release</b>
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Title of report	<b>Busking and Street Entertainment Policy</b>
Report of	<b>Ezra Wallace, Head of City Policy and Strategy Annette Acik, Director of Public Protection and Licensing</b>
Decision maker	<b>Licensing Committee</b>
Wards involved	<b>All wards, with a Licensing focus on:</b> <ul style="list-style-type: none"><li>• <b>St James's</b></li><li>• <b>West End</b></li><li>• <b>Marylebone</b></li></ul>
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Report author and telephone	<b>Kirsty Munro, Principal Policy Officer Tel: 020 7641 3639 kmunro1@westminster.gov.uk</b>

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## 1.0 Executive Summary

- 1.1 Westminster is populated with residential and business premises sited close to and within nationally and internationally recognised commercial, cultural and tourist destinations and this creates a vibrant and exciting atmosphere. These areas of high footfall are also attractive to buskers and street entertainers, helping to create a lively and diverse street scene unique to our City.
- 1.2 Busking and street entertainment has been and will remain a consideration for our placemaking and public space design approaches ensuring our City and town centres remain an attractive experience for all. However, whilst we recognise the cultural contribution that busking and street entertainment adds to the City's vibrancy and character, it does cause adverse impacts as certain locations have a high number of loud or amplified performances daily, meaning locals get little or no respite for lengthy periods of time. In addition to the complaints received, in some areas in our City it is not appropriate for busking and street entertainment. This is because of the nature and design and use of the areas, which can at times cause pedestrians to spill out onto roads to get past buskers and street entertainers and their audience or impede on pedestrian flow in already highly congested areas.

- 1.3 The council considers that the City should adopt a new 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
  - supports newly created self-regulation schemes with buskers and street entertainers in identified suitable areas
  - 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 (inflicted) by introducing a light touch approach to control and regulation.
- 1.4 The council is seeking to implement a targeted and area specific policy approach to busking and street entertainment that considers:
- the number and nature of complaints received
  - the level of engagement with buskers and street entertainers and their willingness to work with the council
  - engagement with the local community including buskers and street entertainers, residents and businesses
  - what we know about the area's design, use and characteristics
- 1.5 Based upon careful consideration of evidence and collaborative engagement, the draft Busking and Street Entertainment Policy (Appendix A) contains:
- the voluntary City-wide Westminster Code of Conduct and Policy
  - details of the Busking and Street Entertainment Forum
  - details of the self-regulation and Street Performers Association (SPA) arrangements in Covent Garden and Trafalgar Square
  - detailed maps of where the council is seeking to adopt Part V of the London Local Authorities Act 2000 to either prohibit busking and street entertainment or to licence busking and street entertainment in designated areas and locations namely areas centred around Piccadilly Circus, Chinatown, Leicester Square and Oxford Street
  - busking and street entertainment licence conditions
  - details of the Licensing Application process
  - details of how the council will manage complaints and enforcement
  - a commitment to monitor and review the approach during and after the first full calendar year of implementation



1.6 The report sets out the rationale for the policy development and design and seeks approval from the Committee to hold a 6-week consultation on the council's first draft of the Policy from 14<sup>th</sup> January – 24<sup>rd</sup> February 2020.

## **2.0 Recommendations**

2.1 The Committee is recommended to approve that the council hold a 6-week consultation between 14<sup>th</sup> January – 24<sup>rd</sup> February 2020 on the following:

- (1) The creation of a Busking and Street Entertainment Policy, Code of Conduct, and a dedicated Buskers and Street Entertainers Forum.
- (2) Supporting established self-regulation of busking and street entertainment in Covent Garden with enhanced council officer presence to encourage compliance outside of the SPA operating area and times.
- (3) Piloting newly established self-regulation of busking and street entertainment in Trafalgar Square by promoting the Code of Conduct, having a Memorandum of Understanding with the buskers and street entertainers, and establishing and monitoring pitches.
- (4) Adoption of a Licensing Regime under Part V of the London Local Authorities Act 2000 for the control and regulation of busking and street entertainment in designated streets and areas:
  - (4.1) Busking and street entertainment is prohibited in all the areas to which Part V of the 2000 Act will apply apart from those designated pitches where busking and street entertainment will only be permitted under and in accordance with a licence to busk
  - (4.2) permit busking and street entertainment in identified pitches
  - (4.3) permit only licensed buskers and street entertainers on the pitches subject to the conditions of the licence
  - (4.4) the designated streets and areas are centred on Piccadilly Circus, Chinatown, Leicester Square and Oxford Street
- (5) Carrying out ongoing and quarterly monitoring, and an annual review after one full calendar year of operation.

## **3.0 Reason for Decision**

3.1 This draft policy seeks 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 through a voluntary City-Wide Code of Conduct, supporting buskers and street entertainers to self-regulate, and promoting membership to the Westminster Busking and Street Entertainment Forum.

- 3.2 The draft policy also recognises that in certain locations within our City, there is good reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be 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 (hereon referred to as adverse impacts). It is therefore proposed to adopt Part V of the London Local Authorities Act 2000 for the areas of Piccadilly Circus, Chinatown, Leicester Square and Oxford Street so as to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the eight designated busking pitches.
- 3.3 The Committee is being asked to approve that a 6-week consultation on the draft Busking and Street Entertainment Policy and invite representations. Following consultation, the Committee will review the representations and responses received at a Committee meeting to be held in Spring 2020 where the Committee will make their recommendation on the draft Policy for the consideration of Full Council.

#### **4.0 Introduction**

- 4.1 Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.
- 4.2 Every day our streets are brought to life with performances. Musicians, magicians, comedians, artists and dancers come from all over the world to perform here and play an important role in the vibrancy of our City. At the same time, buskers and street entertainers share the streets and open spaces with everyone else who lives, works, and visits our City, and we receive around 1,800 complaints each year typically relating to noise and obstruction. At busy times, we also witness risks to public safety caused by busking and street entertainment where pedestrians spill out onto roads to get past buskers and street entertainers and their audience.
- 4.3 It is considered that the Council needs to take a new approach to busking that balances the interests of buskers and street entertainers by supporting a culture of consideration for others whilst ensuring those in our busking hotspots are better protected from adverse impacts.
- 4.4 Alongside the management of busking and street entertainment, the council also wants to ensure we continue to encourage talent that contributes to our City's lively and diverse street scene. A report by The Busking Project<sup>1</sup> compares the approach taken by cities

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<sup>1</sup> The busking Project is a Community Interest Company for street performers and has a membership of c7500 buskers from around the world. The report conducted is entitled 'The Beat of the Street Report' 2014

across the globe to manage busking and street entertainment and concluded that cities with moderate regulations, which also offer support and/or promote the busking community, are more likely to be considered as cities that encourage busking. With this in mind, officers are therefore working with the buskers and street entertainers and the SPAs to:

- establish a dedicated street entertainment website that provides information and relevant updates to buskers and street entertainers
- promote the community through events
- formalise an ongoing platform of engagement to ensure that buskers and street entertainers have a voice in the decisions we and our wider community take

## 5.0 Existing Enforcement Powers

5.1 The council currently uses several existing enforcement powers to tackle any busking and street entertainment that is causing adverse impacts on the surroundings. However, these are considered imperfect tools to deal with buskers and street entertainers<sup>2</sup> and we come across various challenges in our attempts to use them. These enforcement tools and their associated challenges are detailed below:

- ***Antisocial Behaviour, Crime and Policing Act 2014***

The council can issue Community Protection Notices (CPNs) when there is evidence that the conduct of a busker or street entertainer is 'causing intimidation, alarm, harassment or distress which is having a detrimental effect on the quality of life of those in the locality, is persistent in nature, and is unreasonable'. Admissible evidence considered by the courts include witness statements from those impacted. These must demonstrate that nuisance or harm is being caused to their quality of life, beyond the level that could be considered as 'irritating'.

In order to issue a CPN the council must witness the anti-social behaviour from the same individual on a number of occasions and go through numerous stages, including issuing a warning, then a statutory notice, followed by a Fixed Penalty Notice. This process is slow, rendering the enforcement action ineffective. This is further compounded by the transient nature of buskers and street entertainers which makes it difficult to evidence a persistent issue.

- ***Environmental Protection Act 1990 (EPA) amended by the Noise and Statutory Nuisance Act 1993***

The council can issue Noise Abatement Notices if the performance is considered a statutory nuisance by a determining Environmental Health Officer. A statutory

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<sup>2</sup> Keep Street Live Campaign Ltd V London Borough of Camden 2014: "Mrs Justice Patterson said that "Taken individually or in combination the alternative means suggested do not address the issues that have been experienced by the growth of busking within the Borough of Camden. I have no hesitation in holding that the alternative measures are not less restrictive and, certainly, are not equivalent to the powers under the 2000 Act for dealing in a comprehensive way with buskers".

nuisance is an objective standard defined as having a persistent or detrimental effect on a person's quality of life.

Similarly to the process with CPNs (described above) there are a number of stages to achieving enforcement. In addition, noise from buskers and street entertainers, whilst often considered unreasonably loud, do not necessarily 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.

- ***Section 62 of the Control of Pollution Act 1974***

If a busker or street entertainer chooses to use a loudspeaker during a performance between the hours of 9 pm and 8 am the following morning, this is an offence under the Control of Pollution Act. However, this does not deal with loud performances that are non-amplified such as brass, wind and percussion instruments. Moreover, it cannot be used to deal with noise from loudspeakers during the day when such noise can be having a detrimental impact on businesses and residents who are not at work.

- ***Byelaws made under section 235 of the Local Government Act for Good Rule and Government (no.2) as amended***

This byelaw applies across the City and enables the council to seize noise equipment pending prosecution for anyone playing a musical instrument or amplifier which is so loud, continuous or repeated as to give reasonable cause for annoyance. However, demonstrating evidence of when a busker or street entertainer has contravened this byelaw without clear guidelines is problematic. This byelaw also fails to have any penalty associated with non-amplified loud performances such as singing.

5.2 Wider challenges to current enforcement also include:

- Buskers and street entertainers only temporarily act on the instructions of officers (i.e. stopping or turning down the volume when asked for a few minutes but then increasing the volume once the enforcement officer has walked away).
- Warning letters or enforcement notices can only be effectively issued to an individual if the council has access to the perpetrator's full name and address. Council officers alone cannot compel buskers and street entertainers to provide their personal details and if this information is not volunteered, then officers require the support of the Police. Current Police resources are understandably prioritised for the prevention of

high-harm criminal activity which means there are ongoing challenges for enforcement officers to secure Police support.

- Statutory notices are location specific. This means that if statutory notices are served, this does not prevent the busker or street entertainer from relocating their performance and causing nuisance in another area, and the enforcement process must begin again.
- The transient nature of buskers and street entertainers means that even if one inconsiderate busker and street entertainer is moved on, or enforcement action is taken, they are replaced by more of the same.

### Recent Interventions

5.3 Against a backdrop of the challenges with existing enforcement powers and consistently high complaints, the council has recently taken a number of different approaches in an attempt to reduce the adverse impacts caused by busking and street entertainment. These include:

- In 2015, the council worked with 'BuskinLondon', which was introduced by the Mayor of London. This scheme identified appropriate areas for busking across London, including within Westminster, developed a Code of Conduct, and had a busking taskforce to help ensure the Code was followed. This taskforce however is no longer operational and the scheme is less effective without the taskforce presence.
- In 2017, a dedicated busking enforcement team of 4 City Inspectors was introduced, which helped to encourage pro-active compliance and achieved a 30% reduction in complaints. However, a combination of resourcing pressures and the challenges of achieving effective enforcement with existing powers meant that dedicated and constant patrols could not be a sustainable long-term solution, and this taskforce is no longer operational.

5.4 The council is seeking to enhance the enforcement powers available in areas where busking and street entertainment cause adverse impacts to ensure we are able to take targeted action against the challenges faced.

## **6.0 Evidence**

6.1 To inform the development of a new busking and street entertainment policy, officers reviewed the data and evidence available to the council, considered the general use and characteristics of locations in our City and how busking and street entertainment interacts with this, and undertook extensive engagement with our community. An overview of the data and evidence collated is attached as Appendix B and a summary is provided below.

### Complaints

6.2 The council receives complaints about busking and street entertainment in numerous ways, including through scheduled and ad hoc officer meetings with residents and businesses, written complaints, anti-social behaviour logs, impact statements, environmental health requests and petitions. The most common complaints received include:

- Unreasonable levels of noise often (but not exclusively) from the use of amplifiers and loud instruments including percussion and items used as percussive instruments such as pots and pans, brass and wind 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 up to eight hours every day
- Limited and repetitive repertoire
- Obstructions caused by performance audiences that can impede on entrances or exits to businesses
- The quality of some performances

6.3 Table 1 below demonstrates that the annual volume of busking and street entertainment related noise complaints the council receives is consistently high.

*Table 1: Number of busking and street entertainment complaints from April 2017 to November 2019*

Year	Apr 2017 – Apr 2018	Apr 2018 – Apr 2019	Apr 2019 – Nov 2019 (8 months)
Number of complaints	1733	1923	1503

6.4 Table 2 demonstrates the areas across the City where these complaints are most frequently received (areas have been determined by grouping streets that fall into natural visitor circuits, thoroughfares or destinations).

Table 2: Busking and street entertainment complaints by area April 2017 – November 2019 (only streets where more than 25 complaints were received during this time have been included in the calculations below)

Area	Number of Complaints
Oxford Street	1,303
Piccadilly Circus, Chinatown & Leicester Square <sup>3</sup>	745
Embankment <sup>4</sup>	596
Theatreland <sup>5</sup>	376
James Street <sup>6</sup>	293
Piccadilly <sup>7</sup>	163
Bayswater <sup>8</sup>	149
The Strand	129
Trafalgar Square <sup>9</sup>	113
Covent Garden <sup>10</sup>	94
Regent Street <sup>11</sup>	74
Whitehall <sup>12</sup>	49
Circus Road	32
No Location Recorded	26
<b>Total</b>	<b>4,142</b>

### Observations

- 6.5 Enforcement Officers witness risks to public safety where pedestrians spill out onto roads to get past buskers or street entertainer and their audience, or witness performances and their audience impeding on pedestrian flow in already highly congested areas of footfall. Officers often need to intervene to ask buskers and street entertainers to control their audience or cease their performance and move to another location. The pictures below demonstrate the performance space and audience size used by some buskers and street entertainers and frequently seen by enforcement officers, and how this can adversely impact on pedestrian flow in already congested areas.

<sup>3</sup> Leicester Square, Wardour Street, Charing Cross Road, Piccadilly Circus, Gerrard Street, Coventry Street, Newport Place

<sup>4</sup> Villiers Street, Embankment Place, Victoria Embankment

<sup>5</sup> Great Newport Street, Cranbourn Street, St Martin's Place, St Martin's Lane

<sup>6</sup> James Street, New Oxford Street

<sup>7</sup> Piccadilly Street, Glasshouse Street

<sup>8</sup> Queensway, Bayswater Road

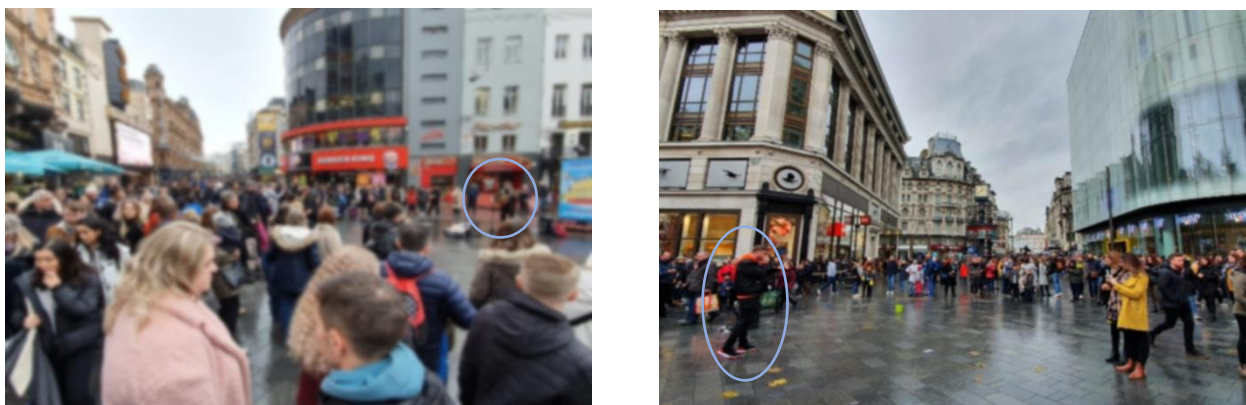
<sup>9</sup> Trafalgar Square, Northumberland Avenue

<sup>10</sup> Covent Garden, James Street, Long Acre

<sup>11</sup> Regent Street, South Molton Street

<sup>12</sup> Parliament Street

Figure 1: Pictures taken November 2019 in Leicester Square. The Pictures have been blurred to protect the identity of those in the image. The circle demonstrates the position of the busker in this image.



6.6 A summary of the general representative position of authorised officers' experience with busking and street entertainment is provided below:

- **City Inspector Council Officers (24 hour 365 days a year shift workers)**  
Officers feel that responsible busking can contribute culturally to the borough, but that due to adverse impacts, stronger controls are required. They feel they are unable to carry out effective enforcement to tackle issues with existing resources and powers, and whilst busking is permitted in all areas of our City. This is especially the case in our popular busking and street entertainment areas.
- **Busking Enforcement Team (a taskforce of four dedicated busking and street entertainment City Inspector Officers operating in 2017)**  
This team built a strong relationship with many of the established buskers and street entertainers in our City but also came across a high volume of transient and new buskers and street entertainers daily. Officers felt the majority of the buskers and street entertainers were responsible, especially those that were established, and most were generally compliant when asked to adjust their behaviours. However, deterring irresponsible practices was only effective when officers were a visible presence in the area, and due to the size and distance between the locations they needed to cover, and the daily churn of new buskers and street entertainers, this was not always possible and would ultimately require an investment of significantly more dedicated resources. They felt that pro-active controls were needed to make clear to all buskers and street entertainers wanting to perform in the City how they should carry out their performance. This would both reduce the impacts and provide clear rules for when enforcement should take place.
- **Metropolitan Police Service**  
The Metropolitan police have cited that crowding as a result of street entertainment and busking has attracted crime and created safety risks. There are concerns about exploitation of vulnerable people and the current lack of effective legislation and



responses. The Police are supportive of a scheme to improve vibrancy, quality and behaviours of buskers.

### Use and Characteristics of areas

6.7 The council has also considered that the experience of busking and street entertainment in our City can be remarkably different from one location to another, which can be attributable to how buskers and street entertainers interact with the general use, design and characteristics of an area.

- **Covent Garden**

Covent Garden is a globally recognised visitor destination that offers the opportunity for people to experience a few hours wandering through a myriad of shops, markets, restaurants and bars. The area is entirely pedestrianised with shared public spaces that comfortably host both large performances and passing pedestrians.

In Covent Garden North Hall, West Piazza and Courtyard, a Street Performers Association (SPA)<sup>13</sup> which has been established for over 30 years operates to foster a wide-ranging repertoire of world leading buskers and street entertainers. The SPA holds auditions, does not permit any performances that use instruments or equipment that are likely to cause a nuisance (including wind instruments, brass instruments, electric guitars, drums, accordions, bagpipes or didgeridoos, and battery powered amplifiers unless used to play a backing track), and provide self-regulatory support until 9pm each evening. To ensure equity and fairness for buskers and street entertainers sharing the space, the SPA holds a daily randomised ballot that selects the order of permitted busker and street entertainers each day. The SPA is also the representative voice of buskers and street entertainers.

Complaints about busking and street entertainment are still received here, however these tend to relate to the areas of Covent Garden outside of the SPA managed locations and hours of operation – in particular James Street and the East Piazza.

- **Trafalgar Square**

Trafalgar Square is a destination known for the National Galleries, fountains, Nelsons column, historical and contemporary statues and public artwork. The council only manages the north terrace and surrounding streets of Trafalgar Square, with the remainder being managed by the Greater London Authority (who do not permit busking and street entertainment on their land without their permission). The north terrace of Trafalgar Square, similar to Covent Garden, is a small localised area that is entirely pedestrianised with shared public spaces that can comfortably host both large

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<sup>13</sup> This is a self-managed group of street performers

performances and passing pedestrians. There are no residents and only a few businesses that operate close to this area.

The design of the space means that businesses and residents are less impacted by noise from buskers and street entertainers than in other hotspot areas in our City. Instead, the nature of complaints about buskers and street entertainers tends to be focused on the number and quality of buskers and street entertainers in a small concentrated space.

In response to the council's engagement with the community to design a new policy, the busking and street entertainment community here have formed a new SPA called the Westminster SPA. The Westminster SPA however only operates in the areas of Trafalgar Square and Leicester Square and has representatives in each of these areas to work with the council and local residents and businesses. They have also set up a website which residents and businesses can contact if they have a complaint or concern.

- ***Oxford Street***

Oxford Street is located in the West End and runs from Tottenham Court Road to Marble Arch via Oxford Circus. It is Europe's busiest shopping street with around half a million daily visitors. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets.

Competition for both performance space and to be heard above the ambient noise is a significant challenge, and this has meant that some buskers and street entertainers have chosen to perform in inappropriate locations. This can cause pedestrians to spill out into the roads to get past, cause obstructions on already congested streets for passing pedestrians trying to move past busker and street entertainer audiences and can result in buskers and street entertainers raising their volume to unreasonable levels, creating a nuisance for surrounding businesses and residents.

There is not a sense of familiar busking and street entertainment community in Oxford Street nor of consistent locations for performances. Instead buskers and street entertainers tend to be more transient and are typically spread out, making self-regulation along this expanse of road a challenge. There is also an increasing trend in this area where some activity would appear to be more aligned with begging than street entertainment, often using animals to attract more income.

- ***Piccadilly Circus, Chinatown & Leicester Square***

These areas, whilst distinctly named and individually recognised, are only a few minutes' walk away from each other and together they form a single popular visitor destination. This destination is host to internationally recognised venues, cultural attractions and the UK's film premiers. This area is also a busy pedestrian and traffic thoroughfare throughout the day and night, connecting people across the West End.

Similar to Oxford Street, competition for both performance space and to be heard above the ambient noise is a significant challenge, and this has meant that some buskers and street entertainers have chosen to perform in inappropriate locations. This causes pedestrians to spill out into the roads to get past, causes obstructions on already congested streets for passing pedestrians trying to move past busker and street entertainer audiences, and results in buskers and street entertainers raising their volume to unreasonable levels creating a nuisance for surrounding businesses.

Unlike Oxford Street however, because of the large pedestrianised space, there are a number of established buskers and street entertainers in this area that have joined the newly created Westminster SPA to improve self-regulation. These buskers and street entertainers typically perform in the North Terrace of Leicester Square. However, there are still a high number of transient buskers and street entertainers that use this area, and beyond the North Terrace many of these performance spaces are out of the sight and hearing of the SPA, making effective self-regulation challenging.

### Engagement

6.8 Since September 2018 we have been engaging with our community, and in particular with our stakeholders in the City's busking hotspots, to listen to their views and understand what they would like to see a new busking and street entertainment policy address. In addition, we brought all stakeholders together on a number of occasions to offer them the opportunity to listen and understand each other's perspectives. The aim was to try and arrive at collaborative solutions that successfully protect our businesses and residents from the adverse impacts of busking and street entertainment, whilst ensuring our streets remain vibrant and open to artistic talent.

6.9 Stakeholders included: Councillors, residents, businesses, BIDs, Landowners, individual buskers and street entertainers, Street Performers Association, Keep Streets Live, the Musicians' Union and the GLA. A list of the engagement undertaken can be found in Appendix C, and below is a summary of the general representative position of each stakeholder group. These demonstrate the polarised viewpoints on this issue.

- ***Buskers and Street Entertainers (including representative bodies Keep Streets Live and Musicians' Union)***

Enjoy the opportunity to perform in Westminster and recognise the City as a global platform for street entertainment. Keep Streets Live (an organisation created to support buskers and street entertainers and challenge regulation) have been the most strongly opposed to the premise of regulation as it would impact on their ability to work and risks the alienation of many buskers. Buskers and street entertainers believe that the majority of them are responsible and that those who are irresponsible and causing a problem should be managed by the council with the enforcement powers already in its gift. Most agreed that improved communication between businesses, buskers and street entertainers and the council would help to eradicate

the problem buskers and street entertainers without the need for regulation and that the council should do more to support self-regulation.

- ***Businesses and Residents***

Often recognise the importance of street entertainment in their district and the vibrancy this brings, but have expressed that current voluntary-based approaches with buskers and street entertainers, and current enforcement powers are not effective, and that regulation is needed to ban or control busking, especially in hotspot areas. Even responsible busking can cause a significant impact when loud performances are heard for up to 8 hours each day with no respite, and audiences cause obstructions to entrances and exits to business premises.

- ***Visitors and Tourists***

Whilst engagement opportunities were open to everyone, we received no specific engagement from visitors and tourists. However, the council is able to get an informal snapshot from social media that indicates that, in general, visitors and tourists welcome busking and street entertainment. For example, a general positivity is suggested by the fact that the Covent Garden experience has received 23,739 TripAdvisor reviews<sup>i</sup>, which rate this destination area 4.5 (out of 5).

## **7.0 A new Busking and Street Entertainment Policy for Westminster**

7.1 The evidence examined by the council identifies that we need to create a policy that balances the needs of our stakeholders by taking a targeted and area-specific approach.

7.2 We therefore want our policy target area specific approaches that both promote busker and street entertainer self-regulation across the City, whilst introducing regulation and control in our hotspot areas where adverse impacts are most acutely felt. The table below summarises the policy approach we are proposing and further detail on the design and rationale is provided in paragraphs 8.0 – 9.15.

*Table 3: Summary of draft policy approach*

<b>Policy Approach</b>	<b>Action</b>	<b>Location</b>
<b>Promoting Self-Regulation</b>	<b><i>Voluntary Code of Conduct and Guidance</i></b> Fostering a positive and co-operative relationship between all users of the shared space by setting clear guidelines on responsible busking.	<b>City-Wide</b>
	<b><i>Busking &amp; Street Entertainment Forum</i></b> Giving buskers and street entertainers a platform to raise issues and have questions answered, share ideas and work together on ways of promoting busking and street entertainment in our City.	<b>City-Wide</b>
	<b><i>Supporting Established SPAs</i></b> Providing a dedicated enforcement presence that promotes the Code of Conduct and supports the already established self-regulation scheme of the Street Performers Association.	<b>Covent Garden</b>
	<b><i>Supporting New SPAs</i></b> Supporting the development of a newly established Street Performers Association by promoting the Code of Conduct, and having a busker and street entertainer Memorandum of Understanding (MoU) that works to regulate and monitor marked performance zones.	<b>Trafalgar Square (&amp; Leicester Square)</b>
<b>Introducing Regulation and Control</b>	<b><i>Licensing Scheme</i></b> Introducing a licensing scheme for certain locations within our City, where there is reason to believe that as a result of busking and street entertainment there has been, is being, and will continue to be undue interference with or inconvenience to or risk to safety of persons using a street and/or nuisance to occupiers of nearby premises. Busking and street entertainment in these areas to be prohibited in these areas apart from performers who are licensed to operate from a number of designated pitches This will also give the council dedicated powers to tackle nuisance associated with busking and street entertainment.	<b>Oxford Street, Piccadilly Circus, Chinatown &amp; Leicester Square</b>

## 8.0 Promoting Self-Regulation of Busking and Street Entertainment

### *Voluntary Code of Conduct*

- 8.1 In 2015 the council, alongside other London boroughs, worked with the Mayor of London to support the voluntary 'BuskinLondon' scheme, which aimed to promote a consistent self-regulatory approach to responsible busking across London through a single Code

of Conduct. Whilst 'BuskinLondon' provided a foundation for understanding what constitutes responsible busking, it does not address the particular challenges and circumstances of our City, including the length of time a performance should last, and at what time during the day performances should take place to reduce the risk of nuisance to surrounding businesses and residents.

- 8.2 Officers have therefore reflected the recognised BuskinLondon standards in our Code, whilst adapting them to focus on the specific local challenges we experience as the City at the heart of the Capital. Our draft Code of Conduct and Guidance is attached in the draft policy as Appendix A.

#### *The Busking and Street Entertainment Forum*

- 8.3 Buskers and Street Entertainers are also a recognised part of our City's community which is why we are creating a dedicated forum so we can listen to their views and ensure they have a voice in the decisions we and our wider community take. It is intended that the forum will meet with council officers twice a year to:

- Collect feedback, raise issues and have questions answered
- Share ideas and work together on ways of promoting the busking and street entertainment industry
- Ensure the information we provide is clear and being delivered in the most relevant way for both established and new buskers and street entertainers wanting to perform in the City

- 8.4 Representatives from this forum will also be invited to attend meetings with local residents and businesses. This will help ensure good relations between all of the people who want to make our City's public spaces a pleasure to be in, and will allow them to discuss and work together on joint issues of concern including keeping the implementation of this policy under review.

#### *Supporting the established SPA: Covent Garden*

- 8.5 In recognition that Covent Garden has a well-established SPA, the council will focus on the challenges experienced in this area outside of the SPA location and hours of operation - namely the East Piazza and James Street. The council will therefore promote our Code of Conduct here and invest in enforcement to monitor the continued viability of self-regulation.

#### *Supporting a newly created SPA: Trafalgar Square and Leicester Square*

- 8.6 The Westminster SPA operates in the areas of Trafalgar Square and Leicester Square and is keen to establish similar organisation and self-regulation of buskers and street entertainers as is seen in Covent Garden. The council however considers that the adverse impacts seen in Leicester Square are significant and therefore needs a targeted

and regulatory approach. However, as Trafalgar Square is a large, self-contained pedestrianised destination similar to Covent Garden, with businesses less affected by adverse impacts, the council is proposing that we should trial supporting the newly created SPA to become established and to self-regulate effectively. We will support the SPA to embed the Code of Conduct, support their self-regulation through drafting a Memorandum of Understanding between the SPA and council, identify appropriate zones for performances here, and monitor the approach through quarterly meetings with the buskers and street entertainers and the local community.

## **9.0 Introducing Regulation and Control of Busking and Street Entertainment**

### *Adopting Part V of the London Local Authorities Act 2000*

- 9.1 As described in para 5.0, the powers currently afforded to the council are not effective to adequately enable officers to enforce against adverse impacts. The council has identified certain locations where adverse impacts require regulation under Part V of the London Local Authorities Act 2000 and satisfy the legal test to do so. These locations are centred around Piccadilly, Chinatown, Leicester Square and Oxford Street. Plans of the areas proposed for regulation under the 2000 Act have been incorporated into the draft policy attached as Appendix A.
- 9.2 This legislation has been specifically designed for London boroughs to prohibit busking and street entertainment and/or adopt a licencing scheme when there is or is likely to be 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 or nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.
- 9.3 Officers have considered that adopting this legislation in areas of high impact will enable the council to influence, control and create clear enforcement measures around where it is appropriate to busk safely, as well as to control amplification and audible sound levels through licensing conditions.
- 9.4 Officers have also considered that an additional benefit of introducing licensing is that it will enable quicker and more effective penalties to be issued against irresponsible buskers without a licence, or those in breach of licensing conditions. Penalties include removing permission to perform through revoking a licence and seizing equipment or prosecuting should individuals fail to respond positively to informal requests to comply.

### *Identifying Designated Streets*

- 9.5 Officers have considered where busking and street entertainment should be prohibited and the appropriate size and locality of selected performance spaces, as well as the type of controls we may want to introduce through standard licence conditions (attached in the draft policy in Appendix A).

- 9.6 In summary, the methodology for identifying safe and appropriate locations for street entertainment began with a process of eliminating the following locations:
- anywhere in close vicinity of tube entrances and exits, business entrances or exits,
  - anywhere where the width of the pavement is reduced,
  - anywhere where there are long standing construction works, and
  - where other queues or audiences may also gather i.e. near bus stops, taxi ranks, ATMs and next to pedestrian crossings.
- 9.7 Officers also took into consideration the specific locations which the majority of buskers currently gravitate towards, as these provide a good indication of what would be considered from the buskers' perspective an attractive location to both perform and attract audiences. Where possible, we have sought to retain these areas.
- 9.8 Once general locations were identified, officers then determined that to ensure pedestrians could also comfortably pass by a busker or street entertainer and their audience, a gap of at least 2 metres must be kept from kerbs and fixed structures at all times (enough to allow a wheelchair or double buggy to pass). This then clearly defined the size of the performance space to include both the busker and street entertainer and their expected audience size. Identified performance spaces are commonly referred to as 'pitches'. A total of eight designated pitches are proposed in the regulated areas and plans of these designated pitches are also incorporated into the draft policy attached as Appendix A. It is proposed that busking and street entertainment will be prohibited in all the regulated areas apart from the designated pitches but subject to exceptions that are set out in the policy statement.
- 9.9 Officers then considered the types of performances and controls that we would want to put in place in these locations to minimise the impact of nuisance. Officers have designed tailored conditions to include responsibilities for:
- their performance
  - the management of their audience
  - the control of sound
- 9.10 The proposed standard conditions applying to the individual busking licences and the pitches have been incorporated into the draft policy attached as Appendix A.
- 9.11 Buskers and street entertainers will however be expected to continue to self-regulate their queuing systems, performance times and respite times, rather than the council having to introduce a managed booking system.

Overview of Licensing Requirements



- 9.12 Details of the licence conditions, as well as procedures for applying for a busking and street entertainment licence are contained in the draft policy attached as Appendix A.
- 9.13 In summary, buskers and street entertainers wanting to apply for a licence will do so online and must provide evidence that they are 'fit and proper' to hold a licence and pay a nominal £20 application fee (detailed in para 13.0)
- 9.14 Delegated officers in the council will consider applications made and will usually grant a licence for six months unless there are grounds to consider refusal. Buskers and street entertainers will also be able to submit a request to vary the conditions of their licence which will be considered on a case by case basis.
- 9.15 Applications of a more complex nature may be escalated to senior manager for consideration.
- 9.16 In cases where the council considers that a licence should be revoked this will be decided by a Licensing Sub Committee hearing.

## **10.0 Complaints, managing compliance and carrying out enforcement**

### *How Businesses & Residents can complain*

- 10.1 To encourage positive community relationships and trust, in the first instance those with a complaint will be encouraged to resolve any concerns directly with the busker or street entertainer, or Street Performers Association. Where a problem persists however complainants will be encouraged to contact the council via the online 'report-it' tool or over the phone.

### *Taking a proportionate and graduated approach to enforcement*

- 10.2 In line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the rules across our City, which may include issuing a warning notice. Should the busker or street entertainer continue to act unreasonably or breach their licensing conditions, the council will take appropriate enforcement action.
- 10.3 The enforcement action taken will vary depending on whether the busker or street entertainer is in a non-regulated or regulated area, as outlined below:

### *Enforcement in Non-regulated / Self-regulated Areas*

- 10.4 In all non-regulated areas across our City the following enforcement options are available to an authorised officer or police officer:

- a) they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance, which may include requesting that the performance stops.
- b) they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

### Enforcement in Regulated Areas

10.5 In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the conditions of the licence, the following additional options are available to an authorised officer or a police officer:

- c) equipment (including instruments) connected with the busking and street entertainment may be seized
- d) proceedings may be instigated to prosecute the person for offences under the London Local Authorities Act
- e) the council may consider revoking the licence and/or refusing any future application.

## **11.0 Policy Monitoring and Review**

11.1 This policy represents an entirely new approach to busking in our City and has been carefully designed to balance the needs of everyone that shares the public space, by taking a targeted and tailored area-based approach. However, the council will also commit to ongoing quarterly reviews, and an annual review after one full calendar year of operation to assess the policy impact and effectiveness.

11.2 This review will consider:

- The effectiveness of the Code of Conduct
- Whether the areas of SPA self-regulation are effective, any lessons learnt, and where this approach could be expanded
- A review of licensing including the areas, conditions of the licence, fees and duration of licences, and whether the scheme should be reduced or expanded beyond the current designated streets.
- Resource and finance implications

11.3 To assist in our review the council will:

- Review the data available and consider the views of our enforcement officers

- Use quarterly forum groups which include buskers and street entertainers, local businesses and residents to gather qualitative evidence on how the policy is operating
- Invite interested stakeholders to feed back to us with their views on how effective the policy has been. We will facilitate this process by using an open survey which will ask for views on aspects such as whether buskers and street entertainers are more compliant as a result of the policy, how well the complaints process is working, and how the policy has affected the look and feel of the City's public spaces.

*Displacement of adverse impacts*

11.4 The council is aware that by creating a licensing scheme in designated areas this may have the unintended consequence of displacing issues to other non-regulated areas of the City. This will be closely monitored and kept under review, and the council will consider expanding any regulation to areas of displacement if required to prevent any nuisance or risk to safety.

**12.0 Equalities Implications**

12.1 The Council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

12.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

12.3 An Equalities Impact Assessment has been conducted and the council believes that the busking and street entertainment proposals, including the licensing regime, does not adversely impact or unlawfully discriminate against any protected characteristics.

**13.0 Financial Implications**

13.1 There will be set up and implementation costs of approximately £38,400 to introduce the policy, which will be met from existing resources within the Public Protection & Licensing Budget.

13.2 The council can recover its costs, however having considered and balanced the needs of our community with wanting to ensure we continue to encourage busking and street entertainment talent here, we believe that the costs to performers to obtain a licence must be kept low. The council is therefore choosing to absorb all the set up and ongoing costs of implementing a licensing scheme through existing budgets, and only charge a nominal fee for performer licence applications.

13.3 The introduction of the fee will result in very minimal income to the council approximately £800 based on 40 applications per year. The proposed nominal charges for buskers and street entertainers are summarised below:

Licence application fee	£20
Renewal application fee	£20
Variation application fee	£20

13.4 Complaint and regulation costs will be met through the distribution of existing resources and as such there are no additional costs for resource requirements to the council arising from the recommendations in the report. We are also working closely with BIDs and the Metropolitan Police to ensure that they are also aware of and prepared for resource demands.

13.5 The fee's and costs required to implement the policy will be reviewed following one full calendar year of implementation and may be subject to change.

#### **14.0 Resource implications**

14.1 As described above there are no additional resource costs attributed to the implementation of this policy, rather the resources needed to review licence applications and manage compliance will be met through the phased distribution of existing resources as set out below.

<p><b>Phase 1</b></p> <p><i>Preparing Buskers and Street Entertainers for the Changes</i></p>	<p>For a two-week period ahead of the policy implementation (if approved) 2 City Inspectors will be dedicated across the borough, to educate and support buskers understand and prepare for the changes, with a particular focus on the SPA and Licensing areas (Trafalgar Square, Oxford Street, Piccadilly Circus, Chinatown, Leicester Square)</p>
<p><b>Phase 2</b></p> <p><i>Embedding the changes</i></p>	<p>Following policy implementation, for up to two months<sup>14</sup> there will be 6 City Inspectors dedicated to the SPA and Licensing areas from 9am to 12pm to pro-actively help support buskers and street entertainers understand the new rules in the areas, as well as carrying out pro-active compliance and enforcement where necessary</p>
<p><b>Phase 3</b></p> <p><i>Business as Usual</i></p>	<p>Officers anticipate the requirement for dedicated resources will reduce, and instead City Inspectors will carry out compliance and enforcement pro-actively as part of their daily routine operations, as well as responding to any complaints made.</p>
<p><b>Phase 4</b></p> <p><i>Supporting the peak summer season</i></p>	<p>Acknowledging that many buskers and street entertainers are transient and may only come to Westminster to perform during the peak summer season, from May and up to two months there will be 6 City Inspectors dedicated to the SPA and Licensing areas from 9am – 12pm to pro-actively help support buskers and street entertainers understand the new rules in the areas, as well as carrying out pro-active compliance and enforcement where necessary</p>

## 15.0 Legal implications

15.1 Part V of the London Local Authorities Act 2000 (“the 2000 Act”) is enabling legislation that can potentially be implemented in Westminster to regulate busking, either by prohibiting busking or licensing busking.

### What busking will be regulated?

- 15.2 Busking means the provision of entertainment in a street but does not include the provision of entertainment:
- a. of a class which from time to time is by resolution excluded from the operation of the 2000 Act;
  - b. under and in accordance with a premises licence or a temporary event notice having effect under the Licensing Act 2003 and which authorises the performance of music or dancing;

<sup>14</sup> This period will be kept under review and extended if necessary

- c. which is authorised specifically to take place in a street under any other enactment;  
or
- d. consisting of music performed as an incident of a religious meeting, procession or service.

15.3 Subject to the above, busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access. The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

*What is the meaning of a street for the purposes of the busking scheme?*

15.4 A "street" includes any street or way to which the public commonly have access, whether or not as of right; any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access and any area in the open air to which the public commonly have access.

*Application of Part V*

15.5 A resolution to implement the legislation can only be passed if there is reason to believe that there has been, is being or is likely to be caused, as a result of the busking:

- a. 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; or
- b. Nuisance to the occupiers of property in or in the vicinity of a street in that part of their area.

15.6 The Council shall cause to be published in a local newspaper circulating in the City notice of the passing of the resolution and the date when Part V will apply to busking in the City and also of the general effect of the provisions of Part V coming into operation as from that day. The date when Part V is to apply must not be earlier than the expiration of three months from the publication of the said notice.

*The designation of licence streets*

15.7 Section 34 of the 2000 Act states that, if the Council considers that busking should be licensed in the area it may pass any of the following resolutions:

- a. A resolution designating any street or part of a street within the City as a licence street (a designating resolution); or
- b. A resolution prescribing in relation to any licence street or any part of a licence street any hours during which busking may take place.

- 15.8 If the Council passes a resolution under section 34, that resolution shall take effect on the day specified in the resolution which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.
- 15.9 The Council must not pass a resolution under section 34 unless it has published notice of its intention to do so in a local newspaper circulating in the area and have served a copy of that notice on the highway authority, the Metropolitan Police Commissioner, and any body which appears to be representative of persons carrying on busking in the area affected by the proposed resolution. The notice must state that representations or a request to hear representations relating to it may be made in writing within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.
- 15.10 It is advised that the Council should use the process above to seek opinions on both the implementation of Part V of the Act itself and any proposals to license busking pursuant to section 34 of the 2000 Act. This will then give all persons who might be affected by the proposals the opportunity to comment on whether the proposed restrictions are appropriate, proportionate or needed at all.
- 15.11 The Council must consider any written representations relating to the proposed resolution which they have received in the specified time and must hear oral representations if requested to do so. Having considered the representations, the Council may, if it thinks fit, pass the proposed resolution with any modifications considered to be appropriate.
- 15.12 The Council must publish notice of the passing of such a resolution in a local newspaper circulating in the area on two consecutive weeks, the first of which shall not be later than 28 days before the day specified in the resolution from the coming into force of the designation.

#### Application process

- 15.13 An applicant for the grant of a licence shall provide such information as the council may by regulation prescribe. Regulations may, inter alia, prescribe the procedure for determining applications. An applicant for a licence shall pay such a fee determined by the council as may be sufficient to cover in whole or in part the reasonable administrative or other costs incurred in connection with their functions under Part V of the 2000 Act.
- 15.14 The council may refuse to grant a licence on any of the following grounds -
- a. that the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;
  - b. that there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or

inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street;

- c. that there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made.

15.15 The council shall refuse to grant a licence in respect of an application which relates to any street other than a licence street.

15.16 The council may revoke a licence on any of the following grounds -

- a. that there has been a breach of the conditions of the licence;
- b. that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
- c. that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

15.17 The council may make regulations prescribing standard conditions applicable to all licences. Where the council have made such regulations, every licence granted by the Council shall be deemed to have been so granted subject to the standard conditions except so far as they are expressly excluded or amended in any particular case.

#### Human Rights implications

15.18 The powers need to be exercised appropriately so as to provide a proportionate response to the problems caused by busking. In deciding whether to prohibit or licence busking in any part of the City, the Council is advised to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. It is unlawful for the Council to carry out its functions in a way which is incompatible with rights set out in the European Convention of Human Rights.

15.19 Article 10 states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



- 15.20 Article 11 states that everyone has the right to freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.
- 15.21 These rights must be balanced against the protection of the rights and freedoms of others, including the right that everyone has under Article 8 to respect for their private and family life and their home. In some circumstances, public authorities must take positive steps to prevent intrusions into a person's private life by other people, including those who engage in anti-social busking and street entertainment.
- 15.22 Article 14 of the convention (prohibition of discrimination) states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. The Council has undertaken an Equalities Impact Assessment (EIA) in accordance with its Public-Sector Equalities Duty under Section 149 of the Equality Act 2010 and found that there is not anticipated to be a negative impact on protected groups.
- 15.23 Concern has been expressed about the potential use of the 2000 Act to interfere with legitimate and reasonable activity such as peaceful protests and busking. The proposals in this report are intended to support responsible busking and to be a proportionate response to the irresponsible and anti-social busking that has been identified from complaints submitted by residents and businesses in the identified areas.
- 15.24 As indicated above, a balance must be struck between the rights of individuals who wish to engage in busking and street entertainment and the interests of the local residential and business community. Even if significant members of the public are enjoying the busking entertainment, the "right" of the public to enjoy that busking must be balanced against the detrimental effect that it might be causing if it is too loud or intense or too persistent etc. What might be acceptable in one public place might not be acceptable in a public place within a highly residential area or even an area with many commercial operators if the busking unreasonably interferes with their ability to work.

### Appeals and Challenge

- 15.25 Any of the following persons, that is to say:
- a. An applicant for the grant of a licence whose application is refused;

- b. A licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- c. A licence holder whose licence has been refused

may at any time before the expiration of a period of 21 days appeal to the magistrates' court acting for the area in which the licence street is situated. An appeal by either party against the decision of the magistrates' court may be made to the Crown Court.

15.26 There is no means within the legislation to challenge either the implementation of Part V or the designation of licence streets. Any person who is aggrieved by the implementation of the legislation or the licensing scheme itself can potentially seek permission to appeal to the Administrative Court by way of Judicial Review proceedings. The grounds for such a review would typically have to be based on illegality and/or irrationality and/or procedural impropriety.

### Enforcement

15.27 Any person who:

- a. busks in any street to which Part V of the 2000 Act applies without the authority of a licence; or
- b. is concerned with the organisation or management of busking which is not authorised by a licence; or
- c. contravenes any condition of his or her licence; or
- d. in connection with his or her application for a licence makes a statement which he or she knows to be false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

15.28 An authorised officer or a constable who has reasonable cause to believe that busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence or in a street which is not a licence street to which Part V of the 2000 Act applies may require that busking either cease or not take place. If the busking continues or takes place despite the requirement for the busking to either cease or not take place, the authorised officer or constable may seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in evidence in respect of an offence under section 42 (Enforcement under Part V) of the 2000 Act.

## **16.0 Appendices**

Appendix A Draft Policy incorporating -

- Draft Code of Conduct
- Plans of the designated areas where busking will be licensed

- Draft regulations prescribing standard conditions
- Draft regulations prescribing application process

Appendix B Complaints and Impact Summary

Appendix C Engagement Summary

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# Committee Report

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Date	<b>01 July 2020</b>
Classification	<b>For General Release</b>
<hr/>	
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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Report author and telephone	<b>Kirsty Munro, Principal Policy Officer Tel: 020 7641 3639 kmunro1@westminster.gov.uk</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)

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<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 residents 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.



# Busking and Street Entertainment Policy Consultation: analysis of digital and physical surveys

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This report presents the quantitative and qualitative data analysis of the Busking and Street Entertainment consultation results, conducted by Westminster City Council from the 14th of January until the 24th of February 2020. This consultation and the proposed licensed areas follow the increase of complaints across the West End and St James’s wards from 2017 and 2019, as reflected on the hotspot map below.

The completion rate was high, with 712 completed surveys: 274 residents, 190 people who work in Westminster, 161 visitors, 63 street entertainers and 25 people who identified as others.

**The locations covered by the policy the consultation refers to are:**

**1. Trafalgar Square** (no specific question about these pitches, but respondents left comments about them)

- Pitch 1: Trafalgar Square North Terrace Zone
- Pitch 2: King Charles Statue, Pitch 3: Northumberland Avenue

**2. Oxford Street**

- Pitch 4: Marble Arch
- Pitch 5: Old Quebec Street
- Pitch 6: Vere Street

**3. Piccadilly Circus**

- Pitch 7: Glasshouse Street
- Pitch 8: Eros Statue

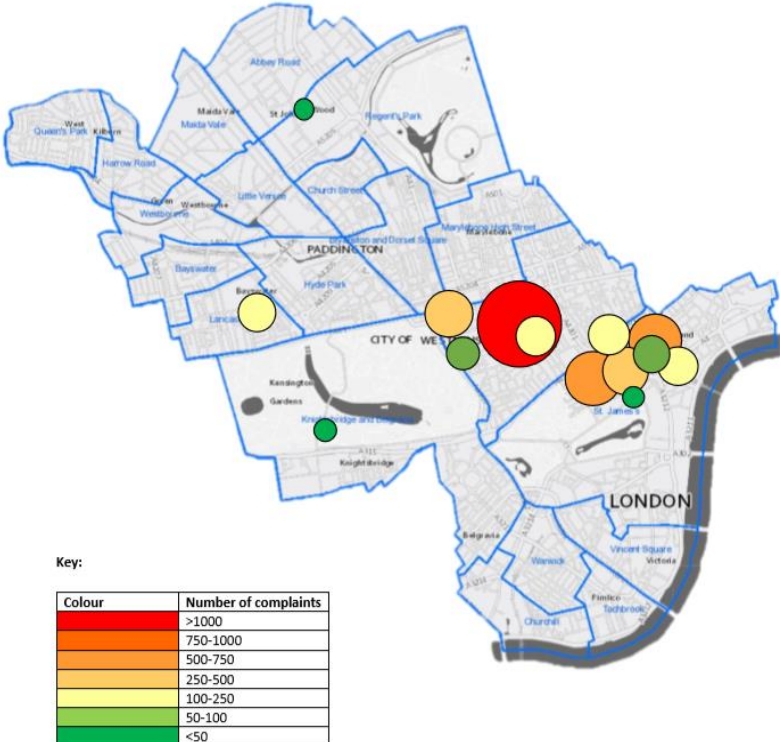
**4. Chinatown**

- Pitch 9: Gerrard Street

**5. Leicester Square**

- Pitch 10: Leicester Square North West Terrace
- Pitch 11: Leicester Square North East Terrace

**Hotspot map of Busking and Street Entertainment complaints received across the City of Westminster, April 2017 to November 2019**



Only streets which have received at least 25 busking complaints during this period are included in the calculations for this map

## Executive summary

Half of respondents to the consultation feel that the policy does not strike the right balance, with residents and businesses generally believing that measures do not go far enough to protect them from amplification and displacement and address the challenge of enforcement. Conversely, entertainers and visitors feel that current legislation could solve most issues and this policy hinders busking's cultural contributions.

Overall, there is strong agreement about a licensing policy applied to all areas: 68% Agree or Strongly Agree for Oxford Circus, 67% for Piccadilly Circus, 65% for Chinatown and 67% for Leicester Square.

Support for the prohibited areas achieved a majority in Oxford Street (56%), Piccadilly Circus, Chinatown, Leicester Square (54.5%), particularly among residents and workers, who tend to highlight across the consultation, written feedback and evidence statements the disruption and anxiety caused by loud noise and concerns about displacement, reflected in the support for locations without entertainment and licensing.

Qualitative analysis of the open-ended questions underlines that residents/workers tended to agree with most measures. Overall, they were in favour of more rigorous enforcement, particularly regarding noise levels and amplification. As the code of conduct attempts to preserve the status quo, they felt that the policy should be extended to avoid displacement issues. On the other hand, street entertainers and visitors tended to fear that the limitations on amplified pitches, joining the SPA and being restricted to certain areas will lead to a significant decline of busking and performers' livelihoods.

This division of opinions highlights the challenges of responding to the complaints and strong statements received, while safeguarding buskers' activities and the cultural legacy of street entertainment in London.

### Policy conditions:

- 44% agree that the policy strikes the right balance and 50% disagree
- 49.5% support the proposed joint working with the SPA in Trafalgar Square
- 48% support the principles proposed Code of Conduct

### Locations:

Oxford Street support for prohibited areas 56%

- Licensing Pitch 4: Marble Arch 53%
- Licensing Pitch 5: Old Quebec Street 50%
- Licensing Pitch 6: Vere Street 49%

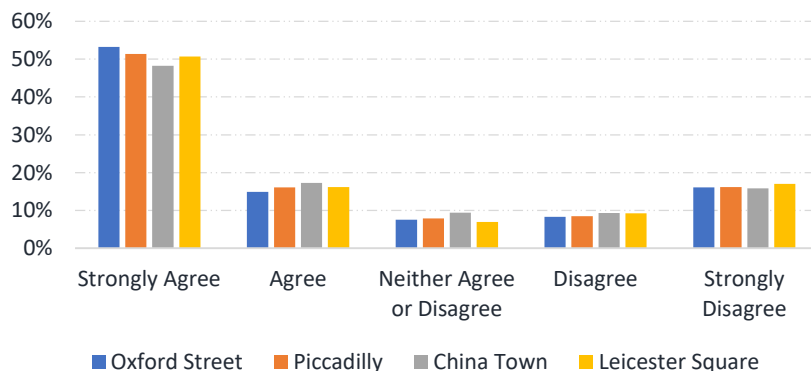
Piccadilly Circus, Chinatown, Leicester Sq. support for prohibited areas 54.5%

- Piccadilly Circus support for pitches 67.5%
  - Pitch 7: Glasshouse Street 50%
  - Pitch 8: Eros Statue 51%
- Chinatown support for regulation 65.5%
  - Pitch 9: Chinatown (Gerrard Street) 48%
- Leicester Square support for pitches 67%
  - Pitch 10: Leicester Square North West Terrace 51%
  - Pitch 11: Leicester Square North East Terrace 44%

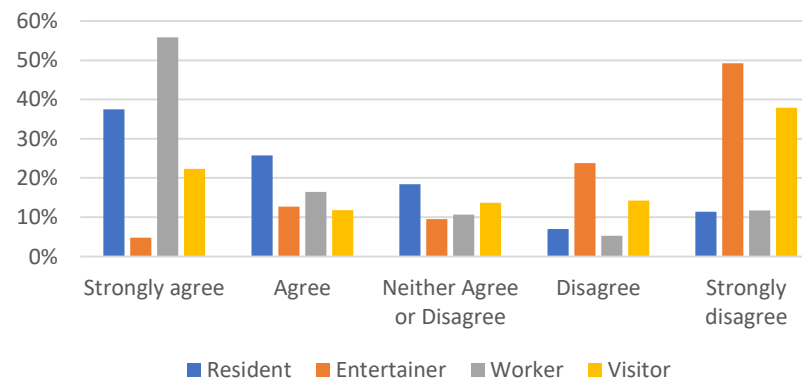
### Licensing:

- Support for license Conditions 50% and license fee 42%

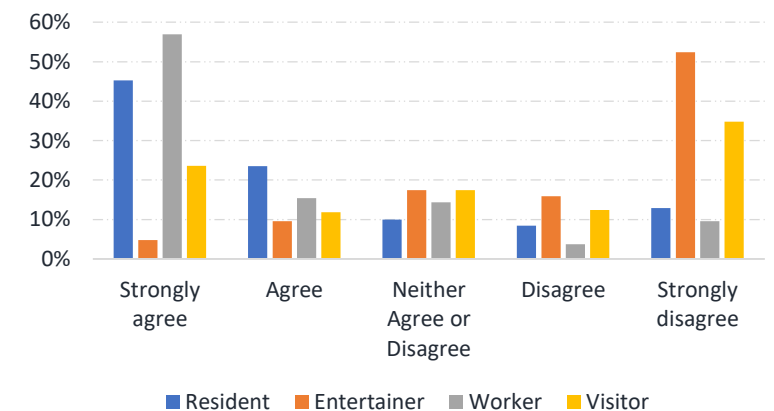
**Introducing Licensing in Oxford Street, Piccadilly Circus, Chinatown and Leicester Square**



**Prohibited areas in Piccadilly Circus, Chinatown and Leicester Square**



**Prohibited areas in Oxford Street**

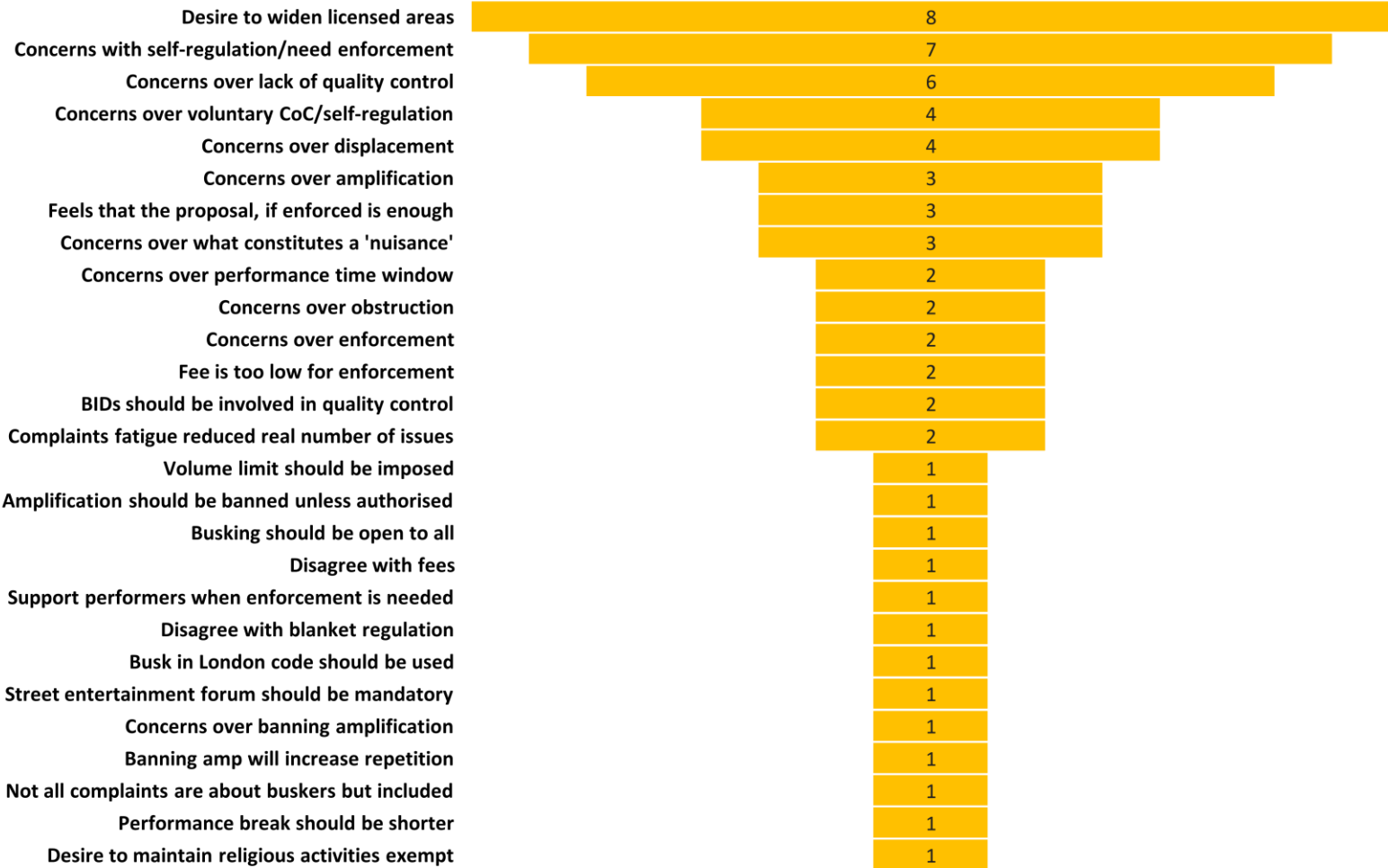


# Executive summary cont.: themes that arose from written consultation feedback

During the consultation process, Westminster City Council received 14 written communications from diverse stakeholders across the borough. These included BIDs, community associations, a street entertainer, a pan-London organisation, a councillor, a religious charitable organisation, cultural institutions and investment bodies.

The most mentioned themes are listed below, including the number of stakeholders who mentioned them, while a written summary of their responses split by geographical area where the stakeholder operates or is most preoccupied by, can be found in the next slide.

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## Executive summary cont.: themes that arose from written consultation feedback

### Covent Garden – 2 stakeholders:

- Overall desire that licensing be extended to Covent Garden, Seven Dials and one to Long Acre
- Two state that self-regulation does not work and that the voluntary nature of the Code of Conduct will not be enough, particularly to control ASB (mentioned by one body)
- One stakeholder mentioned that the time window should match what is currently practiced in Covent Garden and voiced concerns that the SPA only covers one pitch and there is no admissions or complaints procedure
- Feeling that amplification guidelines are not enough - one wishes to see a defined limit on volume of amplification, while another wishes it is banned unless specifically authorised
- One stakeholder included an attachment demonstrating the obstruction to footfall – including to a disabled access ramp - when all pitches on James St are used at once. They desire to move the magician's pitch to a spot with less impact (ex. West Piazza) and feel that complaints data doesn't accurately represent the amount of complaints as people 'gave up'

### Chinatown and Leicester Square – 1 stakeholder:

- One body is concerned over displacement from Leicester Square to Chinatown particularly if there isn't enough enforcement, and adds that they wish enforcement should extend to illegal trading and begging
- North East pitch in Leicester Square should not be amplified as it impacts the businesses, residences and Chinese community centre

### General West End (4) and Councillor (1) stakeholders:

- One stakeholder believes that buskers must join the Street Entertainment forum, which should have BID, council and busker representation and attendance should be tracked
- A councillor supports auditions, while one stakeholder feels that BIDs should be involved in a quality control process in the application phase and in training officers
- One religious organisation hopes that they will remain exempt from licensing and that they will abide by the Code of Conduct
- One company supports the proposals but proposes that the definition of 'premises' must be changed to 'property' to include street trading stall, mirroring the London Local Authorities Act
- A Councillor and another stakeholder feels that the proposal is balanced but only if strongly enforced and the areas widened

### Trafalgar Square area (2) and stakeholders who mentioned it:

- Several concerns over self-regulation and displacement – two feel that licensing should be used to limit overcrowding, excessive noise and ASB, and one for quality control
- Amplification on the North Terrace will prove to be a nuisance
- One stakeholder questions the management of activity clash between Christmas Markets and buskers and also notes that the King Charles Statue and Northumberland Avenue pitches can cause issues of motorist and pedestrian visibility and obstruct thoroughfares

### Oxford Street/Bloomsbury area – 2 stakeholders:

- Concerns over lack of criteria for what constitutes a 'nuisance' and obstruction
- Two stakeholders feel that proposal isn't balanced outside of licensed areas given the lack of enforcement powers, the voluntary nature of the Code of Conduct and that self-regulation will be ineffective
- Concerns over displacement from Marble Arch and Old Quebec St to Baker St, Duke St or Marylebone High St – some support a borough wide licensing scheme
- Concerns over lack of quality control and one stakeholder wishes that BIDs are involved in the decision process
- Desire for BIDs to be more involved in discussions, and may need a contribution around resource implications
- Feel that performance times window is too long without enforcement

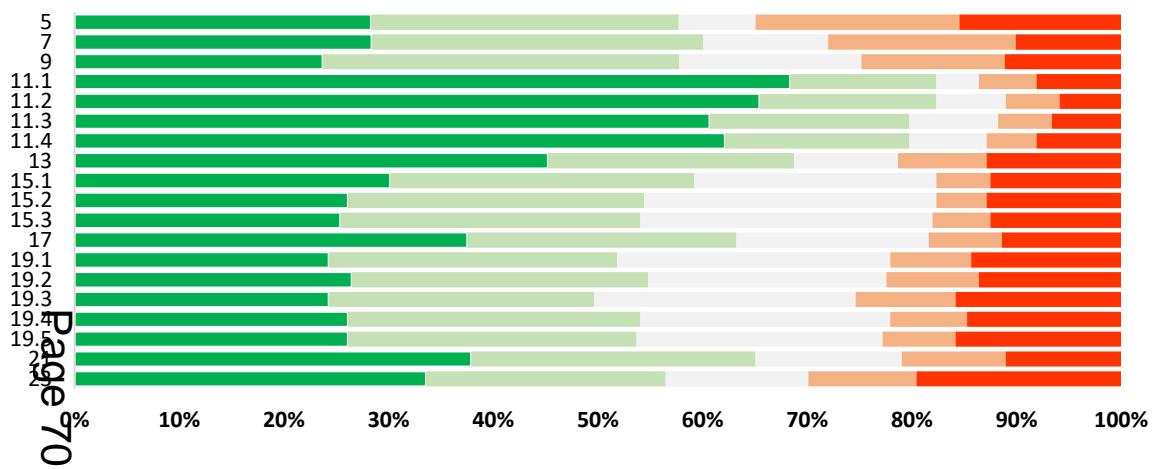
### Pan-London (1) and street entertainment (1) stakeholders:

- One stakeholder defends that busking should be open to all and treated as a cultural asset, while supporting responsible street entertainment and stakeholder engagement
- One encourages Busk in London code to be used instead of the Code of Conduct
- The same stakeholder does not support blanket regulation nor fees but feels that street entertainers and the council must work together to nurture a successful culture
- A performer notes that amplification should not be banned as it effectively stops many from being able to perform and increases repetition due to limited possible acoustic repertoire – suggests using 'sound meter' app to understand what volume is reasonable and regulate it accordingly. They also say that 15min break for a 45min performance would be more appropriate

Executive summary cont.: charts showing the overall split between residents and workers on one side and street entertainers and visitors on the other

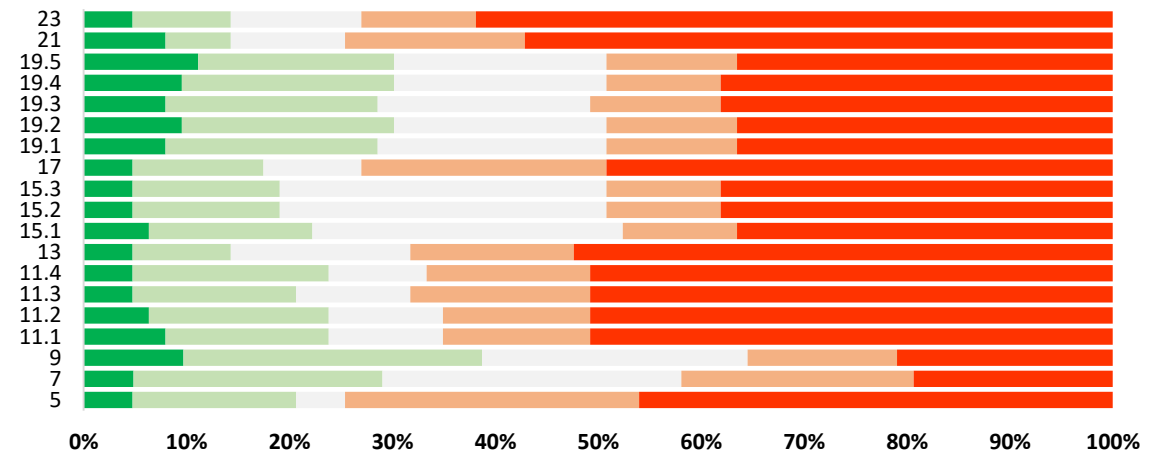
On average, the majority (62%) of residents agree/strongly agree with the overall proposals.

**Residents**



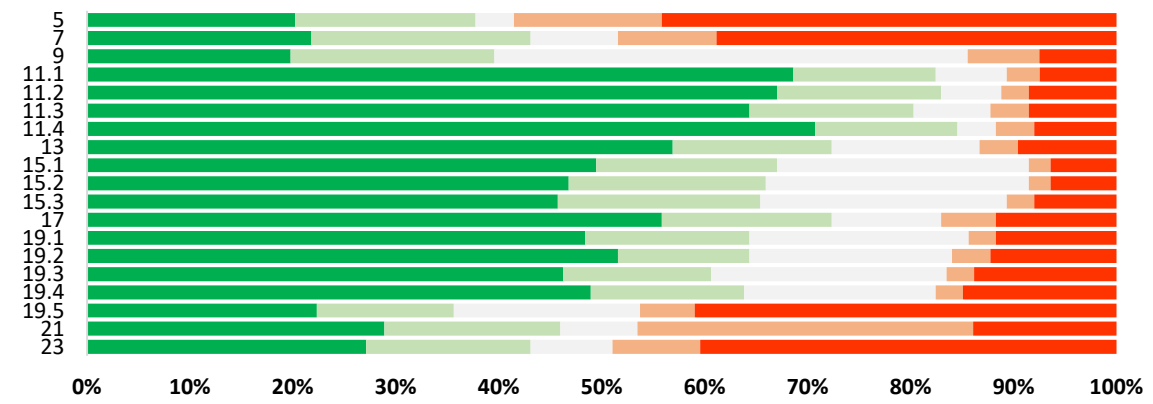
On average, the majority (58%) of entertainers disagree/strongly disagree with the proposals.

**Entertainers**



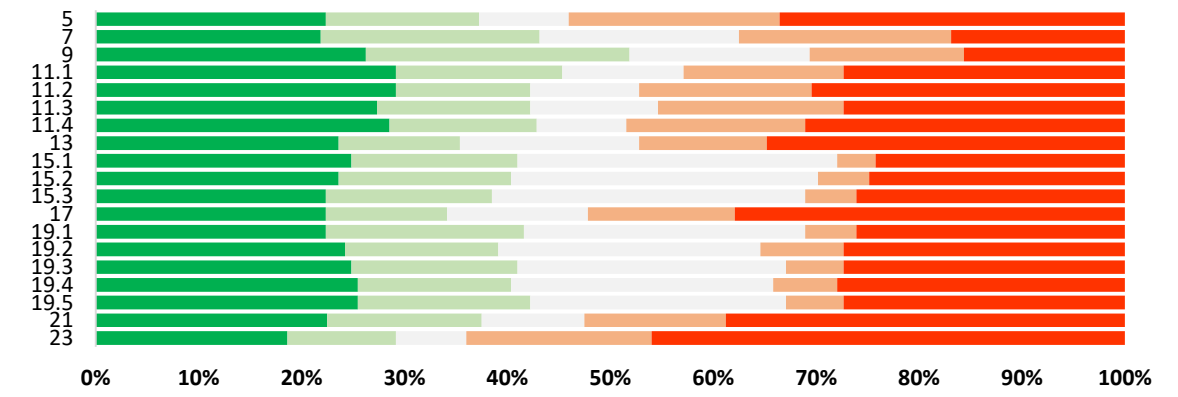
On average, the majority (62%) of workers agree/strongly agree with the proposals.

**Workers**



There is mixed agreement (40%) and disagreement (41%) amongst visitors.

**Visitors**



■ Strongly Agree  
 ■ Agree  
 ■ Neither Agree or Disagree  
 ■ Disagree  
 ■ Strongly Disagree

## Top cohesive responses within each of the demographic groups

### Most cohesive answers among residents - denoted by majority of Strongly Agree and Agree:

- Introducing regulation in all the areas mentioned, Oxford St and Piccadilly Circus (82%), Chinatown and Leicester Square (80%)
- Then the prohibited areas within Oxford St (69%) and Piccadilly Circus, etc. (63%)
- Licensing Conditions (65%)
- The policy strikes the right balance and with the proposed joint working with the SPA in Trafalgar Square (58%)
- There is a majority of Strongly Agree and Agree for all questions, except for Pitch 9: Chinatown (Gerrard Street) (question 19.3) at 49%

### Most cohesive answers among street entertainers - denoted by majority of Strongly Disagree or Disagree:

- Policy strikes the right balance and with the licensing conditions (75%), introducing regulation in all of the policy areas and the £20 license fee (73%)
- Prohibited areas in Oxford Street and introducing licensing in Chinatown (68%)
- Introducing licensing in Leicester Square (67%), Oxford Street and Piccadilly Circus (65)
- No single question achieved a majority of Strongly Agree or Agree
- The highest agreed question was the proposal of joint working with the SPA in Trafalgar Square (39%), followed by agreeing with Pitch 8: Eros Statue, Pitch 10: Leicester Square North West Terrace and Pitch 11: Leicester Square North East Terrace (30%)

### Most cohesive answers among people who work in Westminster - denoted by majority of Strongly Agree and Agree:

- Strong support for introducing licensing in Leicester Square (85%), Oxford Street and Piccadilly Circus (83%) and in Chinatown (80%)
- Prohibited locations in Oxford Street and in Piccadilly Circus, Chinatown and Leicester Square (72%)
- The only questions that do not achieve a majority of Strongly Agree and Agree are with the Pitch 11: Leicester Square North East Terrace (36%), whether the policy strikes the right balance (38%), the proposed joint working with the SPA (40%), the voluntary code of conduct and the £20 license fee (43%), and agreeing with the licensing conditions (46%)
- The discrepancy between workers overwhelmingly agreeing with regulation in Leicester Square (85%) and with prohibiting performances outside the pitches in the square (72%) while the North East pitch question gathers the lowest level of cohesive agreement within the group (36%) denotes the high levels of engagement with, and strong negative sentiments of, workers whose workplaces are located on the square itself, and who object to the location of the pitch and the fact that it is now the only amplified pitch

### Most cohesive answers among visitors: denoted by majority of Strongly Disagree and Disagree:

- Visitors most disagree with the £20 license fee (64%), with the policy striking the right balance (54%) and with the prohibited busking areas in Piccadilly Circus, Chinatown and Leicester Square as well as with the licensing conditions (52%)
- Only the proposal of joint working with the SPA achieved a majority of agreement (52%), however only four questions achieved a majority of disagreement, demonstrating that this group is the most split but also has the highest proportion of Neither Agree or Disagree. As most qualitative answers demonstrate, this stems from the desire to voice that street entertainment is an integral part of London's culture that must be protected, but without having a specific opinion on other questions,

The consultation survey began on the 14<sup>th</sup> of January and ran for 6 weeks, ending on the 24<sup>th</sup> of February 2020. The council chose a consultation period of 6 weeks to enable a broad range of views to be gathered, and Westminster City Council handled the return of responses. Most were provided through the Smart Survey online questionnaire, but paper forms were also available and collected from selected libraries, and available at Q&A sessions. This led to 710 online surveys and 2 physical ones.

Some of the questions in the consultation questionnaire allowed the respondent to tick multiple answers. Therefore, in some of the analysis the sum of the response to a question may be higher than 100%. In other cases, the total response to a single answer question may add up to slightly over 100% due to rounding of decimal points. Questions are based on the total number of respondents per question, as not all respondents answered every question. Charts have been made for all questions, both compulsory and non-compulsory.

Page 12  
There were twelve open-ended questions, ranging from demographic information, to comments on close-ended questions and a call for any additional comments. A thematic analysis was done individually for each question, because of the different nature of the questions. The open-ended questions in the consultation were coded into themes and their frequency was quantitatively used for analysis; this encompassed reading every response to these questions and creation of a code frame. The selected quotes illustrate the most relevant themes.

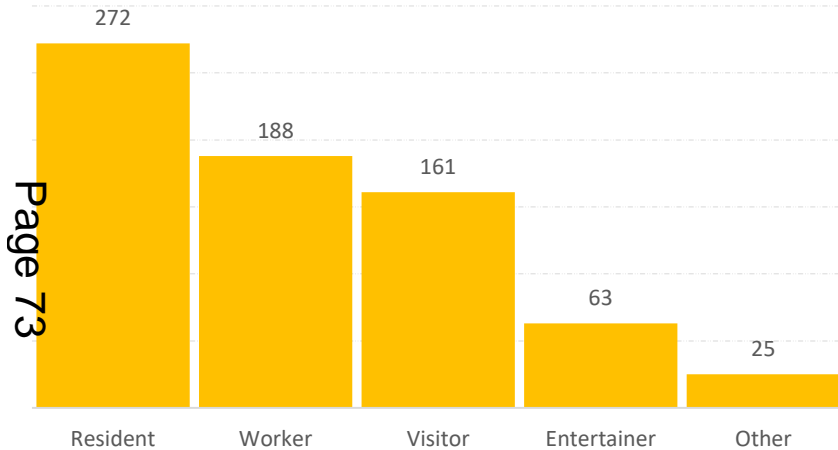
It should be noted that there was a large number (11/26) of open-ended questions relating to aspects of the policy, so people often left unrelated comments on different questions, or expressed their opinion altogether in the initial or final questions, but skipped others.



## Demographic information: who responded?

### Number of people who responded within each demographic category:

- 38% are Residents
- 29% are Affiliated with a business or employed in Westminster
- 9% are Street Entertainer or part of a Street Entertainment Association
- 28% are Visitors



### During the consultation, Westminster City Council received written responses from the following stakeholders:

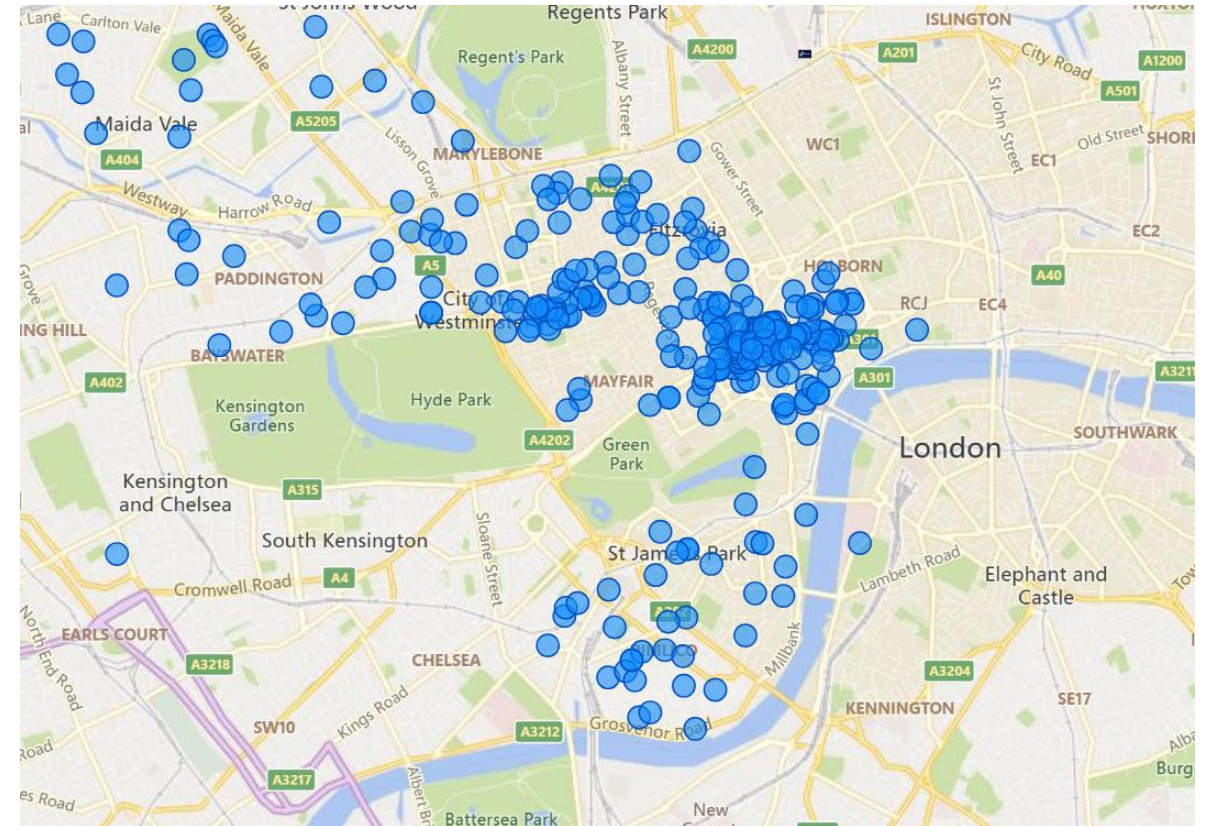
Covent Garden (CAPCO)  
Greater London Authority (GLA)  
Baker Street Quarter Partnership  
Bloomsbury Association  
New West End Company (NWECC)  
Covent Garden Community Association (CGCA)  
Jennifer Calvier (Busker)

The Long Acre Business Alliance  
Salvation Army  
West End Street Traders Branch (WESTA)  
Cllr Lewis Pancho  
St Martin in the Fields  
The National Gallery  
Shaftesbury

### How long have you been living, working and or performing in the borough?

7% have lived in Westminster for less than 12 months  
23% for 1-5 years  
70% for more than 5 years

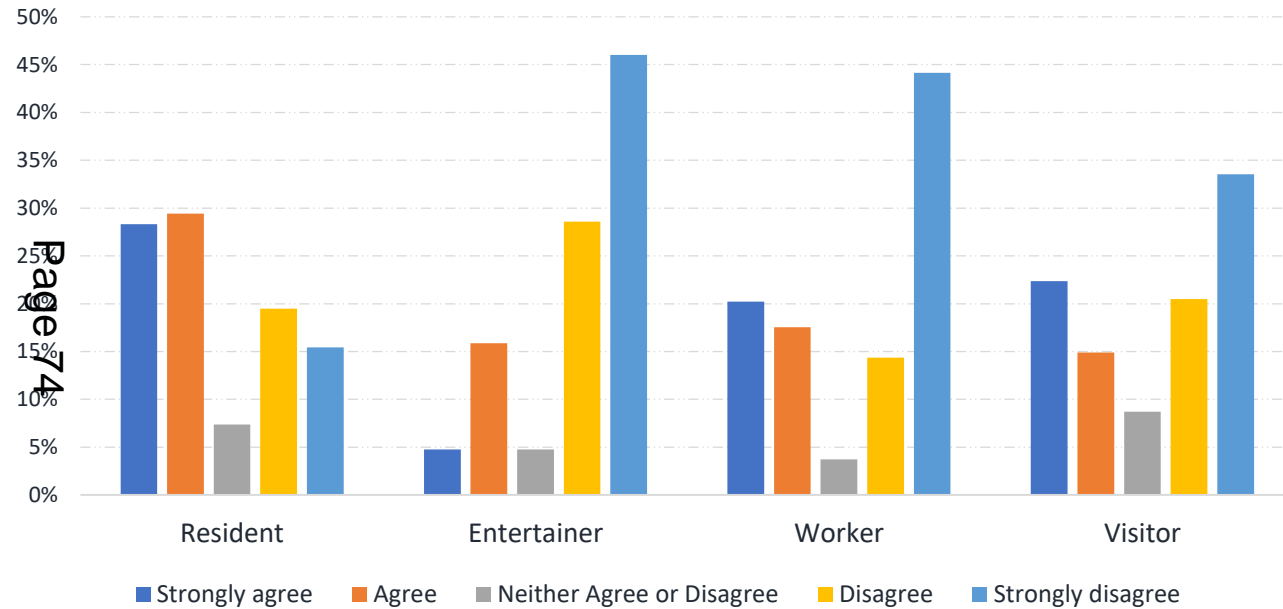
### The map shows the postcode of respondents (optional question answered by 414 people)



## Questions 5 and 6

To what extent do you agree or disagree that our policy approach strikes the right balance between supporting busking and street entertainment, whilst protecting those who are affected by it?

Overall, 50% of people Disagree or Strongly Disagree that the policy strikes the right balance. Residents are the only group who believe that it does, with 58% Agreeing or Strongly Agreeing – this is explained by the fact that a policy is seen to begin to address complaints. The reasons for disagreeing vary between the groups, illustrating the overall trend that residents, and especially workers, who left a comment believe that the policy could be stricter and/or worry about how it will be effectively enforced to combat current noise issues, therefore making current proposals unfair to them, while street entertainers and visitors tend to see it as unfair and “draconian”, effectively attempting to ban busking.



This was the open-ended question that gathered the highest number of responses, and the qualitative analysis highlights some of the most mentioned themes throughout the survey, namely the division between those supporting and opposing amplification, the high number of workers who see the Leicester Square pitches as problematic, concerns about the livelihoods of street entertainers that arise from the reduced number of available pitches, and linked to that, the concern from residents that busking will be displaced onto their area and objections to the complaints themselves.

Theme	Frequency	%
Amplification is the issue	119	33%
Not fair to residents/workers	98	27%
Not fair to street entertainers	90	23%
Issues with Leicester Square policy	69	19%
Busking has had a negative impact in one's life/work	57	16%
Busking is a cultural part of London and this policy threatens it	51	14%
"It doesn't [sic] do enough to protect residents from noise."	48	13%
Licensing limits buskers' livelihood	33	9%
Concern for unregulated areas/displacement	31	9%
Policy is "draconian"	28	8%
Objection to the complaint itself	25	7%
Current powers are enough	25	7%
Busking is an unregulated activity and "should remain so"	21	6%
Defeats the point of busking - spontaneity, freedom of expression	20	6%
Association or self-regulation doesn't work	20	6%
Penalises the majority for a minority's fault	18	5%
Policy is not robust/clear enough for enforcement	17	5%
Quality of busking matters/"real" vs "fake" buskers	13	4%

### Breakdown of qualitative responses:

- 72% of the people who think that the policy doesn't do enough to protect them are residents and/or 17% are workers and/or visitors and people in general
- Of the 16% who mentioned the negative impact of street entertainment in their life and/or work, the volume levels of amplified sound, the same songs being played for hours, the crowds generating issues, and the quality of the singing/instrument being bad are the biggest issues
- 8% of respondents, mostly street entertainers and visitors saying that the ban on amplification in certain pitches prevents many artists from being heard, therefore preventing them from performing

## Questions 7 and 8

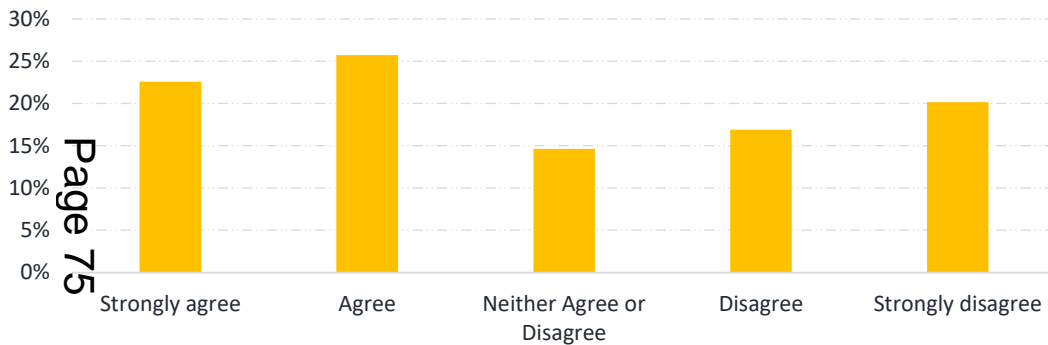
To what extent do you agree or disagree with the seven principles set out in our voluntary Code of Conduct.

Half of people Agree or Strongly Agree with the principles. Critical comments revolve around the perceived vagueness of certain aspects, particularly control of noise levels (22%) and obstruction of pavement (11%), and how these voluntary principles will be policed to ensure that the current sound levels are reduced in licensed and non-licensed areas, demonstrating the general trend that residents and workers want more enforcement and that licensing would enable to best identify the sources of nuisance. This is particularly notable in the open-ended answers, as 73% of those who believe that the voluntary nature of the code is problematic are residents.

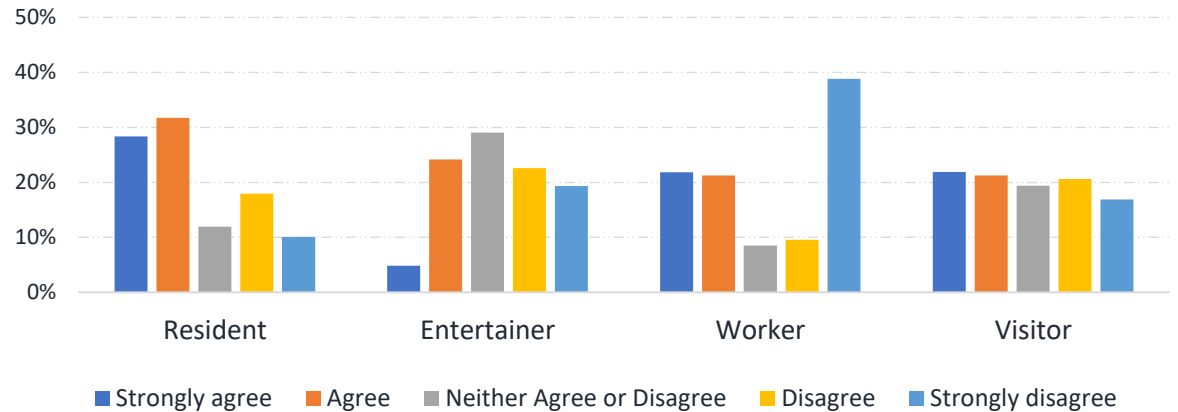
The high numbers of workers strongly disagreeing might be explained by the overwhelming presence of comments regarding Principles 3 and 4 not being robust enough for enforcement, and because 97% of these respondents work in Leicester Square, there are visible concerns regarding this location which remain visible throughout the consultation.

There is widespread agreement across all groups, particularly among visitors (32%) then residents (18%), that performers should be allowed to sell CDs.

Total answers



Page 75



### Breakdown of qualitative responses:

- 82% of people concerned about Principle 3 are workers and 97% of those work in Leicester Square
- 13% of people who think it's unfair to buskers are residents
- 94% of people who think that principle 4 is too vague/subjective are workers
- 32% of people who believe that merchandise selling should be allowed are visitors from elsewhere in London, 18% are residents, 14% are workers and 14% are street entertainers
- 73% of the people who believe that the voluntary nature of the code is problematic are residents
- 100% of those who believe in the need for policing and enforcement from outside of the street entertainers' community/beyond the voluntary code of conduct are residents, including two who are residents and workers

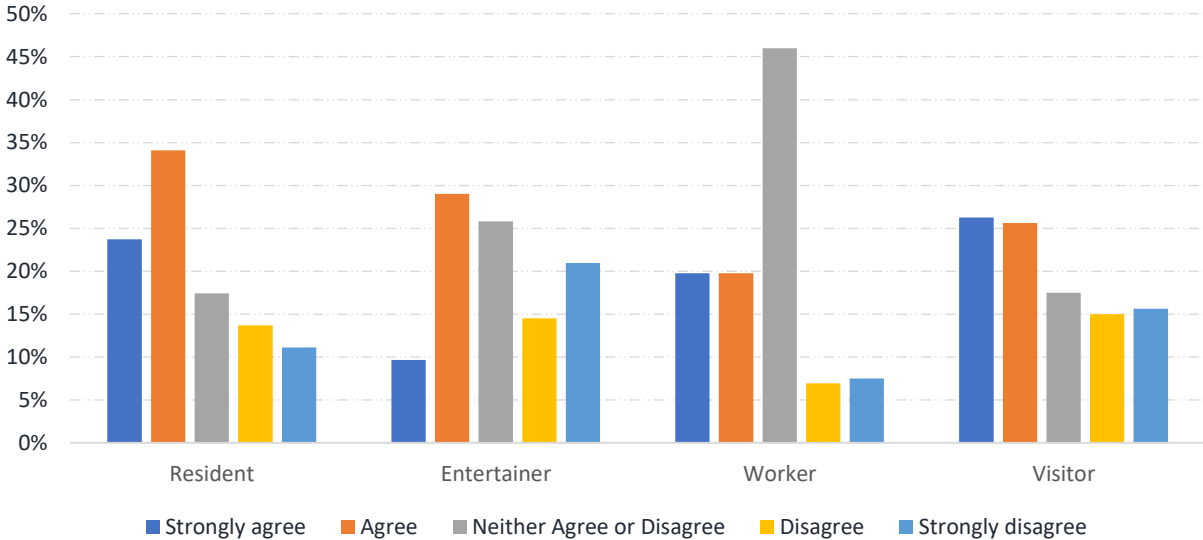
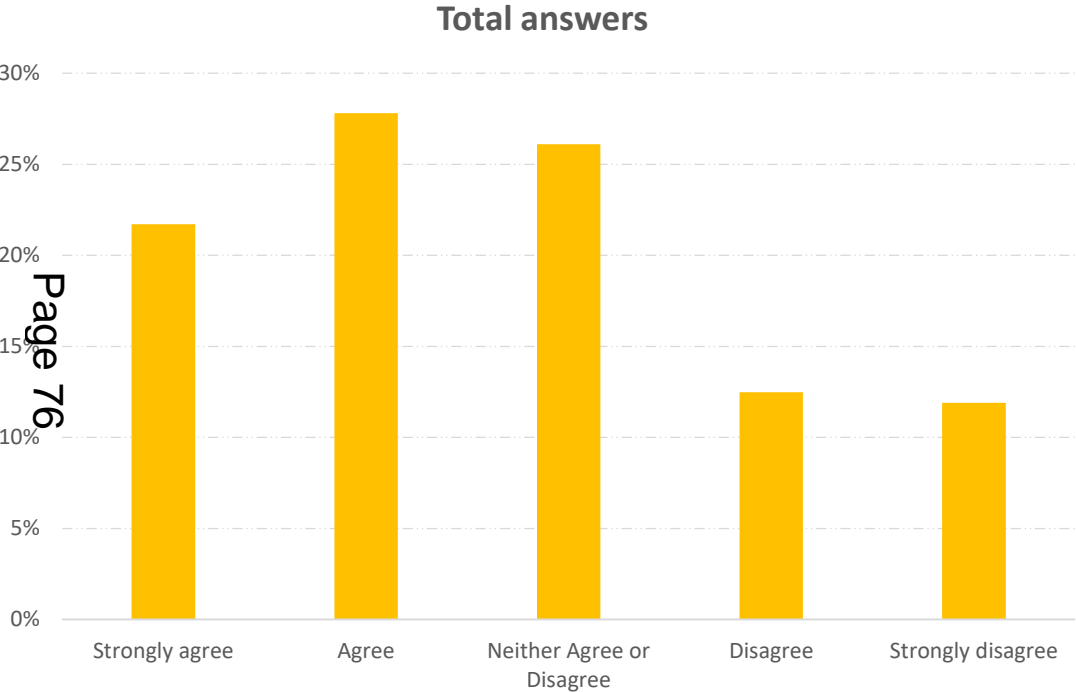
### Theme

Theme	Frequency	%
Principle 3: noise level element is too vague/subjective for enforcement	66	22%
Code of conduct generally unfair to buskers	37	13%
Principle 4: Obstruction of pavement element too vague/subjective	32	11%
Principle 6: Performers should be allowed to sell CDs (and other merchandise)	22	7%
Voluntary nature of code of conduct is problematic	22	7%
Not fair to residents/workers or doesn't protect them enough	18	6%
"The policy will only work if it is constantly and rigorously enforced"	18	6%
Ban amplification	13	4%
Association/self-regulation doesn't work	8	3%
Proposed hours are too long/Stop after rush hour/9pm too late	7	2%
Issues with PLI: too excessive, not necessary for all acts, unfair or unrealistic	7	2%
Who will police a specific aspect? Mainly sound levels and duration of performances	6	2%
Principle 2: 40min slots are too limited/20min break too restrictive	6	2%

# Questions 9 and 10: Supporting Busker and Street Entertainer Self-Regulation

Please indicate to what extent you agree or disagree with the proposed joint working with the SPA in Trafalgar Square.

While most people (49.5%) Strongly Agree or Agree with the proposal, there are concerns about self-regulation not being enough to solve the current issues (10% of comments), particularly among residents, or it not working (6%), generally, and that having to audition to be part of the SPA might lead to elitism and create extra barriers that will exclude street performers from the trade (7%).



**Breakdown of qualitative responses:**

- Half of those who think that self-regulation does not go far enough are residents
- 43% of those concerned about the extra barriers and elitism within the SPA are street performers
- There is a concern that the discrepancy between the PSA rules and the Code of Conduct will lead to issues, for example by being able to start at 9am (SPA) instead of 10am (Code of Conduct)

Theme	Frequency	%
"Self-regulation doesn't go far enough"/need regulation	18	10%
SPA might prevent diversity/lead to elitism/creates extra barrier that excludes people	14	7%
Voluntary/SPA won't work	12	6%
Busking should remain unregulated	9	5%
Having to join SPA is unnecessary/unfair	6	3%
Extend SPA/self-reg to other policy-affected places	5	3%
Concern over areas not covered by SPA and over displacement	4	2%
Covent Garden is a particular (private) area, that's why self-reg works there	3	2%
Busk in London as example that this might not work	3	2%
"Performers are more than capable of regulating this themselves"/Agree with SPA	3	2%
Ban busking	3	2%
Marking pitches is good	3	2%
Need for regulation because of 'gangs'/crime/ASB	3	2%

## Quotes that reflect the most recurrent themes from questions 5 - 10

Most mentioned themes across these questions reflect that most residents and businesses who feel that the current policy is too vague and self-regulation is not enough to solve noise issues and displacement. On the other hand, most street entertainers and visitors believe the policy to be unnecessary given existing powers, that complaints might not always be valid and that busking should not be restricted to those joining the SPA.

Music making and opportunity to perform **should be available to all**, not just to those that are part of a group. The idea of marking the **entertainment pitches is good** though. (Visitor)

As an example, the "seven principles" clearly state performances should only be between 10am and 9pm, yet the Westminster SPA are already stating their code is **9am while 9pm**. (Resident)

**Principles 3 - 5 could worryingly [sic] shift the balance in favour of the one complaint made.** Hundreds of people can be enjoying the music, the volume is reasonable and the busker a talented and experienced musician, however one complainer can be upheld, without filling in paperwork for a valid reason etc which seems unfair. (Street Entertainer)

The Council require all noisy works (e.g. from construction) to cease after normal working hours. Yet it's now proposing to allow even louder noises to be created on a continuous and regular basis **until 9pm**. This is a massive issue for residents that want to enjoy their home after work. My **household has been struggling for months** with buskers in the proposed pitch area of Debenhams, when loud (amplified) tunes are played repeatedly non stop for hours. Repetition is unnerving. (Resident)

Point 4 says 'An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past'. In recent planning applications the test has been that two double pushchairs must be able to pass comfortably in opposite directions. Again, we need **clarity and consistency**, and the same standards must be applied going forward. Please confirm what the correct standard is and apply it to the busking and planning standards. (Affiliated with a business or working in Westminster)

Trafalgar Square is a beautiful and historic landmark, and the **National Gallery** is a peaceful place. The presence of multiple mascots, vendors, musicians, individuals drawing on the pavement, etc, all take away from this. Tourists are unable to take photos without obstruction, and are hassled at length for money for photographs. **Residents and workers are disturbed** and prevented from sitting to enjoy a coffee or their lunch. It seems a shame. (Resident)

This code of conduct is basically a list of common sense rules. If buskers weren't considerate enough to use common sense before, why would they now? In effect, **Westminster has already tried self-regulation, but loud and prolonged busking persists** today. (Resident)

Banning amp usage [...] literally **means no busking at all**. Furthermore, 90% of the amps currently used in the street need an external battery to power them and the guitar pedals some musicians use need batteries too. Closing so many spots will cause an unworkable situation in Trafalgar Square and the **only pitch left** in Leicester. (Street Entertainer)

Use **current legislation** already in place to deal with the minority of buskers causing problems - rather than using **draconian** new powers that will punish the majority of buskers in Westminster who cause no problem at all. (Visitor from elsewhere in London)

It does not offer sufficient protection for those affected by noise and nuisance. **No amplification should be permitted anywhere**. (Resident and worker)

I agree with the principles, but the issue is how these are policed. If there is not **enough resource** to enforce this behaviour we will remain in the same situation as we are now. (Affiliated with a business or working in Westminster)

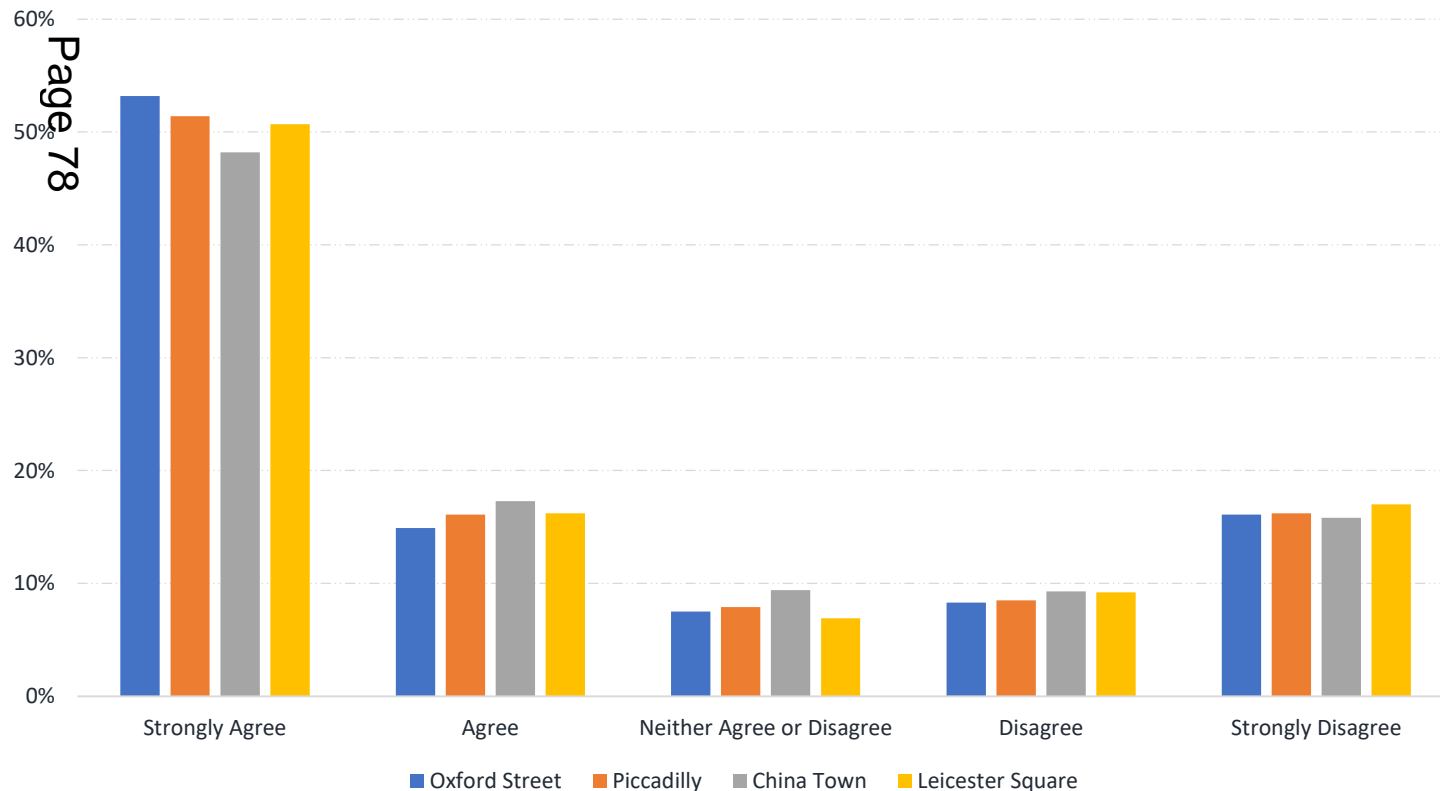
## Question 11 and 12: Introducing Licensing: Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

To what extent do you agree or disagree that the council should introduce regulation in these areas?

Overall, there is very strong support for introducing licensing in all areas: 68% Strongly Agree or Agree for Oxford Circus, 67% for Piccadilly Circus, 65% for Chinatown and 67% for Leicester Square. This support is particularly strong among workers and residents, whose proportions of Strongly Agree are always above 60%, in line with the demonstrable desire to regulate street entertainment in key areas of the borough, while residents and visitors overwhelmingly disagree.

The comments demonstrate that most people who disagree do so because they believe that this will stifle diversity and unfairly prevent some street entertainers from playing (16%), because there is no need for regulation (15%), the requirements for buskers seem too restrictive and current powers are enough to deal with the issues (9%) while some mention that this will have a negative impact on tourism and London's cultural life (7%). This more general question about several locations gathers some of the most frequent comments throughout the survey.

Total answers



### Differences between demographic groups:

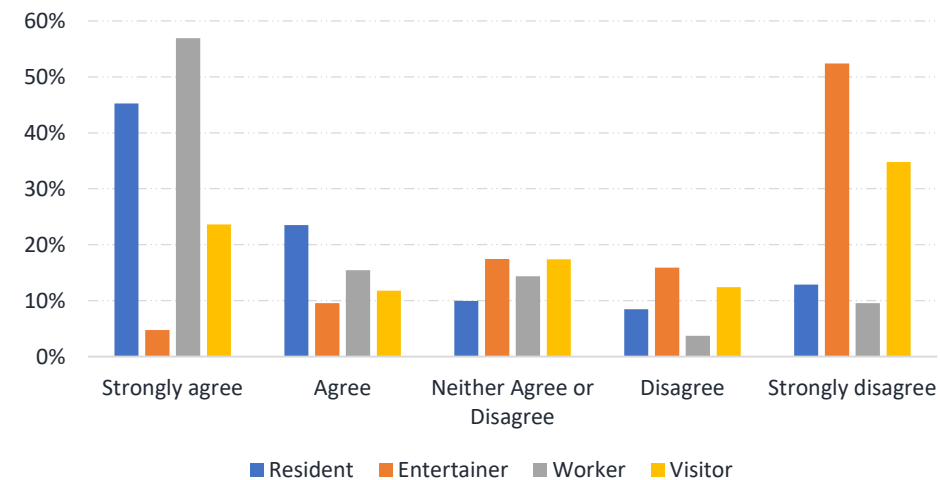
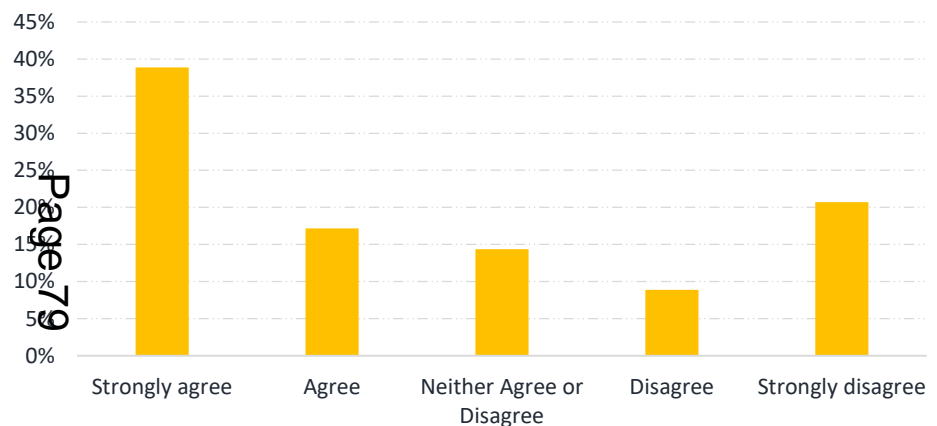
- Oxford St: between 68% and 69% of residents and workers Strongly Agree while only 8% of street entertainers do
- Piccadilly Circus: 67% of workers and 65% of residents Strongly Agree, but only 6% of street entertainers
- Chinatown: 64% of workers and 61% of resident Strongly Agree while only 5% of street entertainers do
- Leicester Square: 71% of workers and 62% of residents Strongly Agree, as opposed to only 10% of street entertainers
- Visitors remain fairly even across all proposed pitches, with between 27% and 29% always Strongly Agreeing.

## Question 13, 14, 15 and 16: Introducing Licensing: Oxford Street

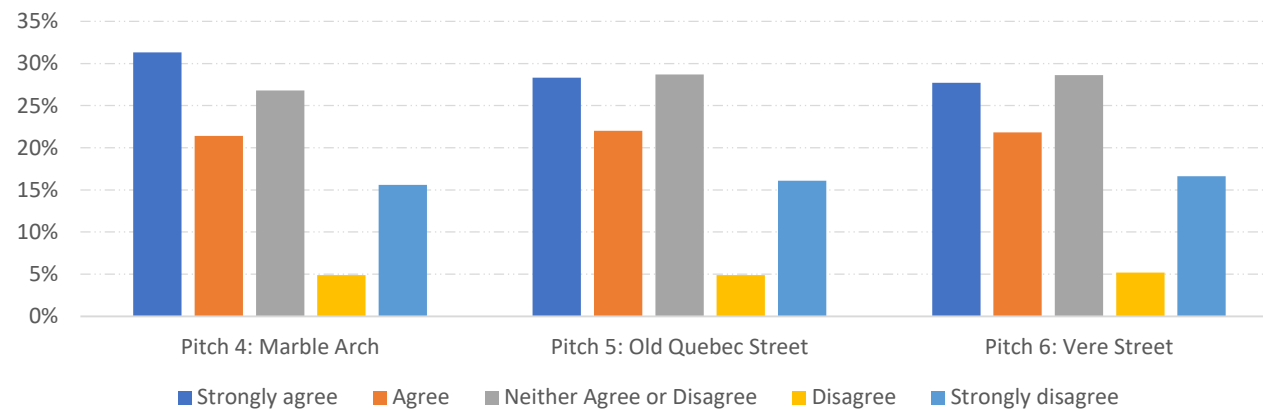
Of all respondents, 56% support the prohibited areas, despite clear differences between workers (73%), residents (69%) and street entertainers (15%) (of whom 68% Strongly Disagree or Disagree). All pitches receive a similar degree of support, except from street entertainers. The strong backing reflects that Oxford St is the area where most complaints originate, while entertainers feel that it is an adequate location for busking.

The substantial number of Neither Agree or Disagree and lower-than-average proportion of open-ended answers (31%) shows that only those with strong opinions decided to comment, helping to explain the prevalence of critical themes in the comments, despite the high levels of agreement in the quantitative question. Comments show the split between the desire to not license or add more pitches, and criticism that the area (or specific pitches) is not suitable for street entertainment.

### Total answers about prohibited areas



### Total answers about introducing licensing in different pitches

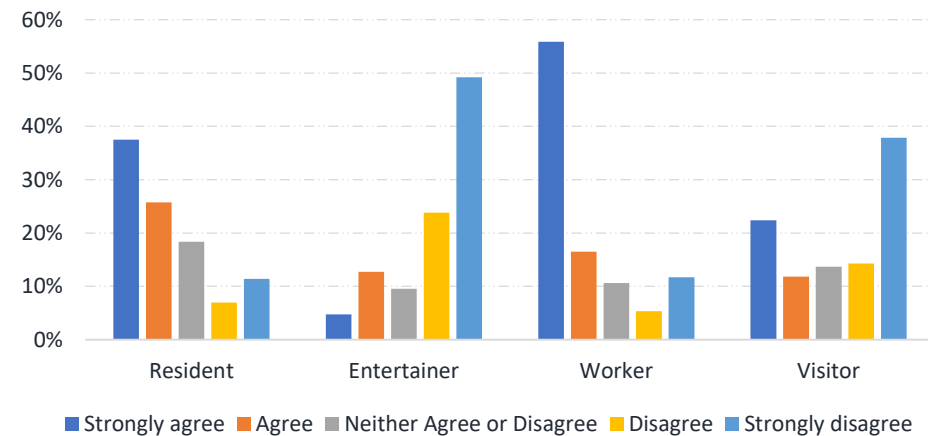
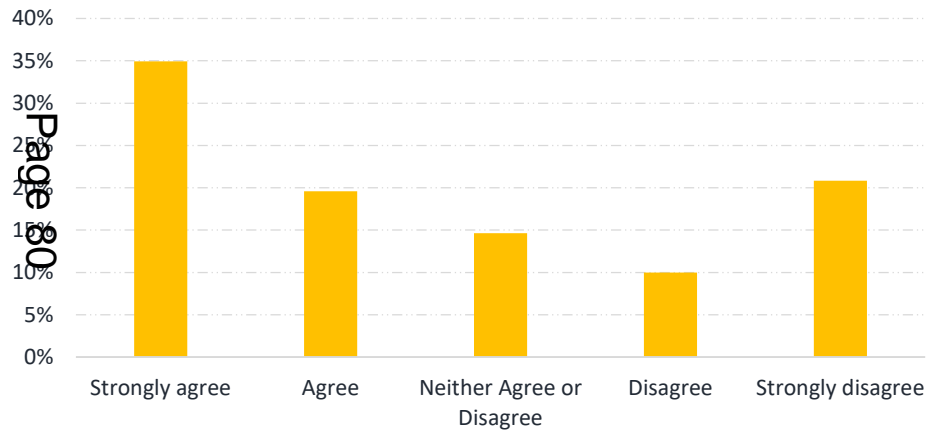


Theme	Frequency	%
Disagree with regulation/limiting pitches beyond current powers	51	12%
Too few pitches for all street entertainers	29	7%
More pitches should be added	24	6%
Oxford St pitches (non-specified) unsuitable: too close to residences, crowds, encourage busking	30	5%
Extend restrictions to other areas around/WCC	17	4%
Pitch 6 (Vere St) unsuitable: too close to residences/hotel, too often congested	16	4%
Amplification is the problem	15	4%
Pitch 6 unsuitable: too close to residences, might become "sound trap", blocks tube entry	13	3%
Include Tottenham Court Road: add/move pitches towards this way	13	3%
Busking should be regulated/prohibited everywhere	13	3%
Pitch 4 unsuitable: too noisy already, asking for no more busking there	12	3%

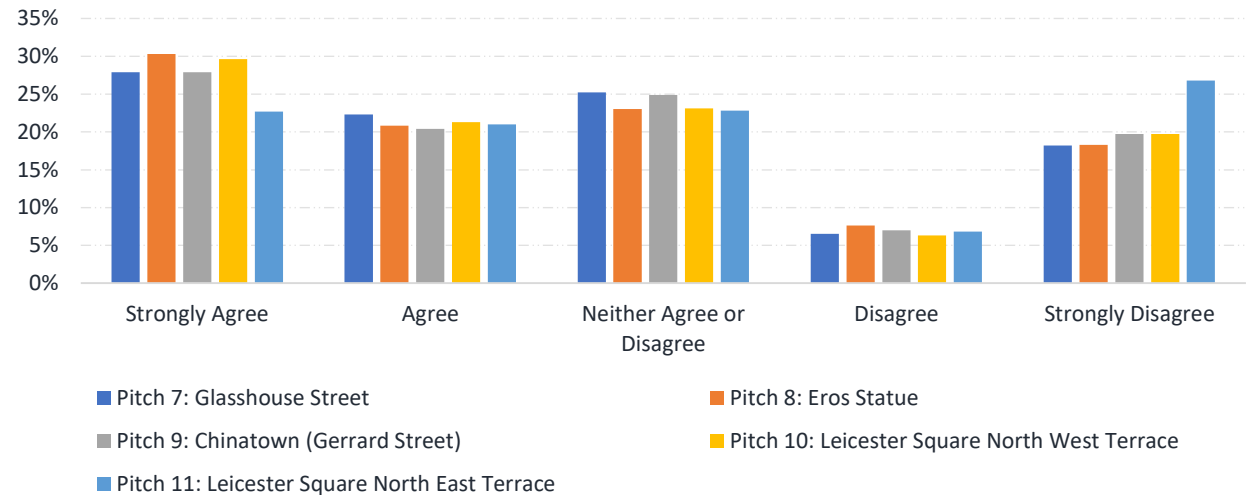
## Question 17, 18, 19 and 20: Introducing Licensing: Piccadilly Circus, Chinatown and Leicester Square

Overall, 55% Strongly Agree or Agree with the prohibited areas, despite clear differences between workers (72%), residents (64%) and street entertainers (18%) (of whom 73% Strongly Disagree/Disagree). Pitch 11, Leicester Square North East is the only one to display more Strongly Disagree answers, due to the high volume of workers from the area that voiced their concerns about it being the only amplified pitch in the square. Amplification concerns, particularly in Leicester Square, and crowds are crucial to the current issues that residents and workers have with street entertainment in the area, while other residents fear displacement to their area from those unable to perform in the square. While open-ended answers are dominated by critiques of the pitches, performers and visitors argue, conversely, that it should have more pitches as it has traditionally been a busking hotspot that gathers tourists and is well-managed by entertainers.

### Total answers about prohibited areas



### Total answers about different pitches



#### Theme

Theme	Frequency	%
Amplification is the main concern when it comes to the location of the pitch	73	15%
LS should have no amplification at all (remove amplified pitch 11)	63	13%
Disagree with regulation/limiting pitches beyond current powers	46	9%
Non-specific pitches unsuitable: too close to residences, crowds, legitimises busking	22	4%
Pitch 7 (glasshouse) unsuitable: obstructs pedestrians	15	3%
Pitch 8 (Eros statue) unsuitable because: bank, echo	14	3%
Too few pitches	14	3%
Busking should be regulated/prohibited everywhere	14	3%
Chinatown unsuitable for busking: crowds, residents	13	3%



## Respondents' quotes and recommendations on the locations of the pitches (that reflect the majority of comments)

The Embankment Area (essentially Villiers Street) was the area with the **third most complaints** (596) and essentially consists of one small street. Piccadilly Circus, Chinatown & Leicester Square covers an area several times larger but only had 33% more complaints. Regulating busking in Leicester Square will **displace** non-compliant buskers (those who cause the greatest nuisance) to nearby areas, including Villiers Street. Leicester Square should only be regulated if and when the **non-busking zone of Trafalgar Square is extended to include the Embankment area** with no busking pitches except on Trafalgar Square and outside Waterstones. (Resident)

There should be **more pitches** built and maintained throughout **Soho** and **Tottenham Ct Rd**, towards **Seven Dials** and the opposite way down to **Green Park**. (Visitor from London)

More need to be allocated. The corner of **Charring Cross road** and **Oxford Street** and **behind Oxford Street station** has always been very good pitches in the past for street entertainment. They cause very little disruption and are good area for visitors to watch. (Visitor from the UK)

I definitely feel if you are going to add restrictions there could be at least 7 or 8 spots. Especially some **between Oxford Circus and Tottenham court road** and some between bond street and marble arch. Outside Selfridges for example, there seems no reason not to have a spot.

The proposal for **Leicester Square** doesn't ban amplified and percussion performances in areas where they will **cause nuisance and harm to neighbouring businesses**, as it does in every other area. The proposal goes further and recommends an amplified pitch in the NE corner despite it being nearer than many other pitches to businesses including hotels, a charity community centre and al fresco dining. (Worker)

We would prefer it not to be directly outside Debenhams as we work above the O2 store opposite. The buskers don't play at Vere street. They are under the awning outside Debenhams. Further down **opposite [sic] Bond Street station** main entrance outside the new station (the other side of Disney) would make more sense in terms of space (Worker)

The pitch in front of **John Lewis, Selfridges and Band Street** are the ones that usually work best for the performers. (Street entertainer)

Pitch 9 in Chinatown is still a **problem** for residents of that area, **there are a lot of people who live in Chinatown** (myself), the Newport Pl square on the east side is the most densely populated, but there are flats at the west end too. It'd be better to move pitch 9 more south, closer to Leicester Sq. / Coventry St. (Resident)

The Leicester Sq pitches should be **South East and South West to reduce impact on residents**. We live on Gerrard Street, facing Leicester Square, and we can hear every word of every horribly repeated song from every busker on the north side of the square. Alternately, prohibit **\*all\* amplifiers** on the pitches. (Res)

Again this is pretty much a **blanket ban** on busking in the entire area. Busking is all about creating your opportunities, so if you can find a pitch which doesn't get complaints then why not? For instance there is a nice pitch near the **TGI Fridays** in Leicester Square which is suitable for street entertainment. (Street entertainer)

**Other streets** that more than one respondent felt should be included in the licensed regulation: Brown Hart Gardens, Weighhouse Street, St Anselm's Street, Duke's Yard, and George Yard, Providence Court, Green Street, North Row, Old Quebec St and Grosvenor Square, Agatha Christie statue.

Whilst I realise that a large proportion of noise complaints in Westminster occur on Oxford Street, the majority of these can be resolved by sensible application of the **law as is**. At some point in the future Oxford Street will likely be pedestrianised and these rules would stifle the possibility of performers to use that space. (Visitor from elsewhere in London)

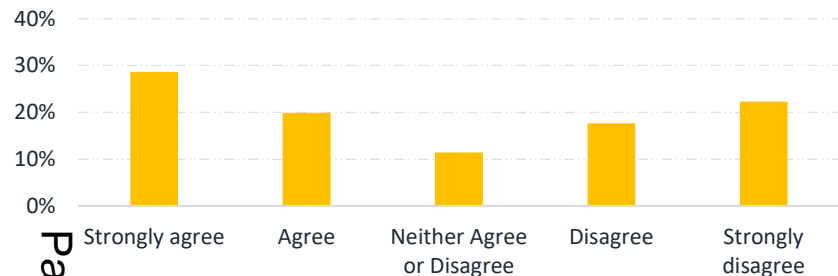
We would welcome focussed patrolling and enforcement within the Chinatown area, which is not part of the neighbouring BID and does not benefit from additional eyes and ears. This is to avoid the likely intensity of **displacement into Chinatown from Leicester Square**. There will be a need also for more intensive enforcement of illegal street trading and begging which occurs in Chinatown as a result of walking characters, balloon and flower sellers which are not covered by your prohibition. (Business)

## Questions 21, 22, 23 and 24: The Licence Conditions and Fees

**License conditions:** of all the respondents, 49% Agree or Strongly Agree, while 40% Disagree or Strongly Disagree.

**License fees:** overall, 47% of respondents Disagree or Strongly Disagree, while 43% Agree or Strongly Agree.

Licensing conditions total answers



**Breakdown of qualitative responses:** the main divides remain, particularly between residents and street entertainers regarding whether the fee is too low to cover enforcement costs, to deter problematic or bad buskers or whether it is necessary at all. There was a trend towards believing that the fee should be waived or only payable upon being granted a license, rather than pushing for a lower price.

- 57% of people who commented that they believe the fee is too low are workers, 39% are residents, while no street entertainer commented to say that.
- 26% of those who commented that the fee is too high are residents, 21% are buskers and 16% are workers

### Theme

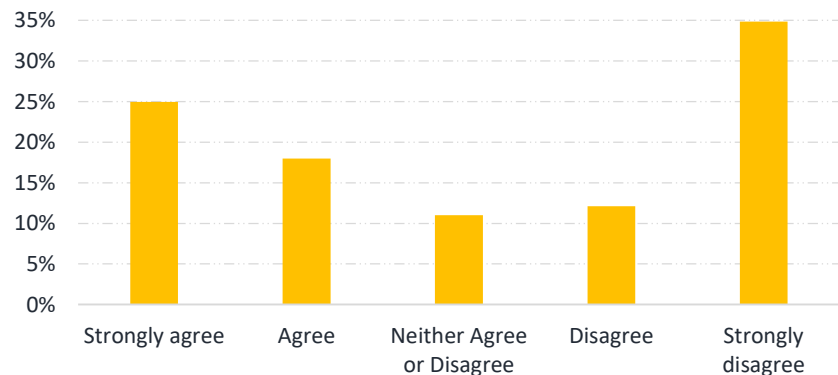
Theme	Frequency	%
Fee is too low (needs to cover the cost of enforcement, business rates are higher, SEs don't pay taxes...)	123	19%
Fee is too high/unjustified (will drive performers away, limits cultural value/livelihoods, too big a barrier for particular groups...)	96	15%
Fee decision "needs to be [more] objective"	44	7%
Disagree with regulation/licensing beyond current powers	41	6%
License should be free	40	6%
Too restrictive/draconian	28	4%
Amplification is a crucial problem	25	4%
Fee should be higher/is too low to act as a deterrent for the bad performers	20	3%
"Code of conduct is more than enough" therefore licensing not needed	18	3%
Quality matters/licensing should be tied to quality of performance	13	2%
Management and enforcement will be the key to this working	12	2%
Ban busking	11	2%
Need to crack down on the [minority of] problematic performers	11	2%
Didn't see the policy document before commenting/confusion	10	2%
Complaints/issues aren't going to be solved/will be worsen through licensing	10	2%

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74% of street entertainers Disagree or Strongly Disagree

65% of residents Agree or Strongly Agree

License fees total answers



- 74% of street entertainers Disagree or Strongly Disagree
- 57% of residents Agree or Strongly Agree

## Response rates

**Question 1 and 2:** 100% of people responded and 93 people commented from around 70 organisations

**Question 3 and 4:** 73% of people responded, and of those 519 people, 414 left a postcode

**Questions 5 and 6:** 100% of people responded to the question and 52% left a comment

**Questions 7 and 8:** 99% of people responded to the question and 42% left a comment

**Questions 9 and 10:** 99% of people answered the question and 27% left a comment

**Questions 11 and 12:** 100% of people responded, while 33% left a comment

**Questions 13, 14:** 100% of people responded, while 31% left a comment

**Questions 15 and 16:** 100% of people responded, and 26% left a comment

**Questions 17 and 18:** 100% of people responded, while 27% left a comment

**Questions 19 and 20:** 100% of people responded, while 27% and 41% left a comment

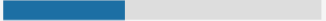
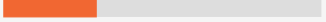
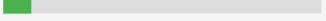
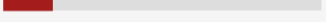
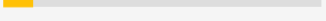
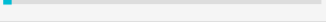
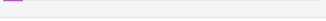
**Questions 21 and 22:** 99.7% of people responded, while 41% left a comment

**Questions 23 and 24:** 99.7% of people responded, while 48% left a comment

Q1. Are you a...(please tick all that apply):

+ Create Chart

Answered: 710 Skipped: 0

Answer Choices	Responses		
Resident of Westminster		38.31%	272
Affiliated with a business or employed in Westminster		29.44%	209
Street Entertainer or part of a Street Entertainment Association		8.73%	62
Visitor to Westminster, from elsewhere in London		15.63%	111
Visitor to Westminster, from elsewhere in the UK		9.44%	67
Visitor to Westminster, from outside the UK		2.54%	18
Other (please specify): <a href="#">Show</a>		6.06%	43
Response Total:			710

Q2. If you are responding on behalf of an organisation please state its name:

Answered: 113 Skipped: 597

Responses: [Show +](#)

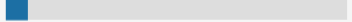
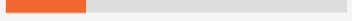

[Text Analysis](#)

Response Total: 113

Q3. Please indicate how long you have been living, working and or performing in the borough? (If multiple apply to you, please respond with the longest standing relationship in mind).

+ Create Chart

Answered: 519 Skipped: 191

Answer Choices	Responses		
Less than 12 months		6.55%	34
1 - 5 Years		23.51%	122
More than 5 Years		69.94%	363
Response Total:			519

Q4. If you live or work in Westminster, please give us your home or business postcode in the borough (6 characters, no spaces):

Answered: 414 Skipped: 296






Responses: [Show +](#)

[Text Analysis](#)

Response Total: 414

4. Our Policy Approach

5. To what extent do you agree or disagree that our policy approach strikes the right balance between supporting busking and street entertainment, whilst protecting those who are affected by it?

			Response Percent	Response Total
1	1) Strongly Agree		21.97%	156
2	2) Agree		21.69%	154
3	3) Neither Agree or Disagree		6.34%	45
4	4) Disagree		19.30%	137
5	5) Strongly Disagree		30.70%	218
			answered	710
			skipped	0






5. Our Policy Approach Continued

6. "Our policy approach strikes the right balance between supporting busking and street entertainment whilst protecting those who are affected by it." If you disagree with the above statement, please let us know why.

			Response Percent	Response Total
1	Open-Ended Question		100.00%	372
			answered	372
			skipped	338

6. Our Code of Conduct

7. To what extent do you agree or disagree with the seven principles set out in our voluntary Code of Conduct. (Policy Document: Page 8-9)

			Response Percent	Response Total
1	1) Strongly Agree		22.59%	159
2	2) Agree		25.71%	181
3	3) Neither Agree or Disagree		14.63%	103
4	4) Disagree		16.90%	119
5	5) Strongly Disagree		20.17%	142
			answered	704
			skipped	6

8. If you disagree with the seven principles set out in our voluntary Code of Conduct (Policy Document: Page 8-9), please let us know why.

			Response Percent	Response Total
1	Open-Ended Question		100.00%	296
			answered	296
			skipped	414

7. Supporting Busker and Street Entertainer Self Regulation

9. Please indicate to what extent you agree or disagree with the proposed joint working with the SPA in Trafalgar Square.				
			Response Percent	Response Total
1	1) Strongly Agree		21.70%	153
2	2) Agree		27.80%	196
3	3) Neither Agree or Disagree		26.10%	184
4	4) Disagree		12.48%	88
5	5) Strongly Disagree		11.91%	84
			answered	705
			skipped	5

10. If you disagree with the proposed joint working with the SPA in Trafalgar Square, please let us know why.			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	188
		answered	188
		skipped	522

8. Introducing Licensing: Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

11. To what extent do you agree or disagree that the council should introduce regulation in these areas?						
	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
Oxford Street	53.2% (378)	14.9% (106)	7.5% (53)	8.3% (59)	16.1% (114)	710
Piccadilly	51.4% (365)	16.1% (114)	7.9% (56)	8.5% (60)	16.2% (115)	710
China Town	48.2% (342)	17.3% (123)	9.4% (67)	9.3% (66)	15.8% (112)	710
Leicester Square	50.7% (360)	16.2% (115)	6.9% (49)	9.2% (65)	17.0% (121)	710
					answered	710
					skipped	0

12. If you disagree with any of the proposed regulation areas, please let us know why.			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	238
		answered	238
		skipped	472

9. Introducing Licensing: Oxford Street

13. The map above shows the specific streets we propose to prohibit busking (areas marked in red). To what extent do you agree or disagree with these? You also can see a detailed list of streets here (Policy Document : Appendix A : Page 26-28).

			Response Percent	Response Total
1	1) Strongly Agree		38.87%	276
2	2) Agree		17.18%	122
3	3) Neither Agree or Disagree		14.37%	102
4	4) Disagree		8.87%	63
5	5) Strongly Disagree		20.70%	147
			answered	710
			skipped	0

14. If you have any further comments on the streets where we propose to prohibit busking and street entertainment in Oxford Street, please provide them here.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	219
		answered	219
		skipped	491

15. To what extent do you agree or disagree with the location of busking and street entertainment pitches on Oxford Street? See detailed map above (pitches marked in yellow). If you wish to see more detailed maps of the pitch locations, please see Policy Document: Appendix A: Page 29-30

	1) Strongly Agree	2) Agree	3) Neither Agree or Disagree	4) Disagree	5) Strongly Disagree	Response Total
Pitch 4: Marble Arch	31.3% (222)	21.4% (152)	26.8% (190)	4.9% (35)	15.6% (111)	710
Pitch 5: Old Quebec Street	28.3% (201)	22.0% (156)	28.7% (204)	4.9% (35)	16.1% (114)	710
Pitch 6: Vere Street	27.7% (197)	21.8% (155)	28.6% (203)	5.2% (37)	16.6% (118)	710
					answered	710
					skipped	0

16. If you disagree with any of the proposed pitches on Oxford Street, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	187
		answered	187
		skipped	523

10. Introducing Licensing: Piccadilly Circus, Chinatown and Leicester Square

17. The map above shows the specific streets we propose to prohibit busking (areas marked in red). To what extent do you agree or disagree with these? You also can see a detailed list of streets here (Policy Document : Appendix A : Page 28).

			Response Percent	Response Total
1	Strongly Agree		34.93%	248
2	Agree		19.58%	139
3	Neither Agree or Disagree		14.65%	104
4	Disagree		10.00%	71
5	Strongly Disagree		20.85%	148
			answered	710
			skipped	0

18. If you have any further comments on the streets where we propose to prohibit busking and street entertainment in Piccadilly Circus, China Town and Leicester Square, please provide them here.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	194
		answered	194
		skipped	516

19. To what extent do you agree or disagree with the location of busking and street entertainment pitches on Piccadilly Circus, China Town, Leicester Square? See detailed map above (pitches marked in yellow). If you wish to see more detailed maps of the pitch locations, please see Policy Document: Appendix A: Page 30-32

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree	Response Total
Pitch 7: Glasshouse Street	27.9% (198)	22.3% (158)	25.2% (179)	6.5% (46)	18.2% (129)	710
Pitch 8: Eros Statue	30.3% (215)	20.8% (148)	23.0% (163)	7.6% (54)	18.3% (130)	710
Pitch 9: Chinatown (Gerrard Street)	27.9% (198)	20.4% (145)	24.9% (177)	7.0% (50)	19.7% (140)	710
Pitch 10: Leicester Square North West Terrace	29.6% (210)	21.3% (151)	23.1% (164)	6.3% (45)	19.7% (140)	710
Pitch 11: Leicester Square North East Terrace	22.7% (161)	21.0% (149)	22.8% (162)	6.8% (48)	26.8% (190)	710
					answered	710
					skipped	0






20. If you disagree with any of the proposed pitches on Piccadilly Circus, China Town, Leicester Square, please let us know why.

	Response Percent	Response Total	
1 Open-Ended Question	100.00%	295	
		answered	295
		skipped	415



11. The Licence Conditions

21. To what extent do you agree or disagree with the proposed licensing conditions? Please find proposed standard licence conditions on page 20 of the policy document.

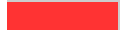




			Response Percent	Response Total
1	Strongly Agree		28.67%	203
2	Agree		19.92%	141
3	Neither Agree or Disagree		11.44%	81
4	Disagree		17.66%	125
5	Strongly Disagree		22.32%	158
			answered	708
			skipped	2

22. If you disagree or have any further comments on our proposed Busking and Street Entertainment Licensing Conditions, please provide them here

		Response Percent	Response Total
1	Open-Ended Question	100.00%	300
		answered	300
		skipped	410

12. Licence Fees

23. To what extent do you agree or disagree with a £20 fee being charged to apply for a busking and street entertainment licence?

			Response Percent	Response Total
1	Strongly Agree		24.96%	177
2	Agree		17.07%	121
3	Neither Agree or Disagree		11.00%	78
4	Disagree		12.13%	86
5	Strongly Disagree		34.84%	247
			answered	709
			skipped	1

24. If you disagree with a £20 fee being charged to apply for a busking and street entertainment licence, please let us know why.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	338
		answered	338
		skipped	372

13. Additional Information

25. If you have any further comments or suggestions on any part of our draft policy, please provide them here:			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	333
		answered	333
		skipped	377

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14. Contact Information

26. Email address:			
		Response Percent	Response Total
1	Open-Ended Question	100.00%	421
		answered	421
		skipped	289



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# BUSKING

## AND STREET ENTERTAINMENT IN WESTMINSTER



  
City of Westminster

City  
for  
All

Draft policy 2020

#BuskWestminster

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# INTRODUCTION AND POLICY OVERVIEW

Every day the streets and public spaces of Westminster are brought to life by busking and street entertainment. This includes musicians, magicians, comedians, artists, dancers and others who come from all over the world to perform on our streets.

However, along with entertainment and vibrancy, busking and street entertainment can also cause adverse impacts including noise, obstruction and public safety issues. In recent years we have received an average of 1800 complaints each year.

To ensure we deliver a City for All, this draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here by promoting a voluntary Code of Conduct, supporting performers to self-regulate, and promoting membership to the Westminster wide Busking and Street Entertainment Forum. The policy also recognises that in certain locations within our city, the adverse impacts experienced by pedestrians, residents and business are significant and a tailored and targeted response is needed to improve control and address these concerns.

Before you perform here you must make yourself familiar with our Code of Conduct and Policy.

- We have a **Westminster wide** Code of Conduct within this Policy that you should follow to ensure you are being considerate of both the local community and those sharing the public space with you. We also encourage all buskers and street entertainers to go to our dedicated webpage for information and join our Busking and Street Entertainment Forum.

- The West End of our City is a busking and street entertainment regulated area. There is a light touch licensing scheme applicable here which means you will need to apply for a licence to perform, keep to designated pitches, and abide by the terms and conditions of each pitch and abide by conditions of your busking licence. The West End includes the areas in and around:

- |                    |                     |
|--------------------|---------------------|
| • Paddington       | • Covent Garden     |
| • Marylebone       | • The Strand        |
| • Bayswater        | • Charing Cross     |
| • Oxford Street    | • Embankment        |
| • Mayfair          | • Trafalgar Square  |
| • Regent Street    | • Whitehall         |
| • New Bond Street  | • Parliament Square |
| • Piccadilly       | • Victoria          |
| • Chinatown        | • Knightsbridge     |
| • Leicester Square | • Belgravia         |
| • Soho             |                     |

- In Covent Garden there is an established Street Performers Association (SPA) that you are encouraged to join before performing here.
- In Trafalgar Square and Leicester Square there is a newly created SPA that you are encouraged to join before performing here.

This draft policy is based upon the careful consideration of evidence and engagement with buskers and street entertainers, businesses and residents, however we will also monitor the policy throughout its first year of implementation and conduct a full review after 12 months so that it can be adapted based on results and feedback if required.

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The definition of Busking and Street Entertainment	4
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How Complaints, Compliance and Enforcement will be managed	25





# WHAT IS BUSKING AND STREET ENTERTAINMENT?

Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.

The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists including street artists, dancers, acrobats and mime artists.

For the purposes of this policy busking and street entertainment is not considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service, or traditional seasonal festivities including carol singing, morris dancing or similar.
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Parades and Film Premieres.

If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact [streetentertainment@westminster.gov.uk](mailto:streetentertainment@westminster.gov.uk)

# HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON



**1741**  
'The Enraged Musician'  
by William Hogarth



**1850**  
Harmony In  
Leicester Square'



**1955**  
Harpist, Photo by B J Green



**1903**  
Buskers, Living  
London Magazine  
by George Sims



**1955**  
Musicians, Soho Fair



**1965**  
The Happy Wanderers  
Sand Dance,  
Leicester Square



**1980**  
Musicians, Abbey  
Road pedestrian  
crossing



**2019**  
Busking and Street  
Entertainment in  
present day

# JOIN OUR BUSKING AND STREET ENTERTAINMENT COMMUNITY

## Stay informed

The council's website has a page dedicated to all things busking and street entertainment including:

- What is busking and street entertainment
- Frequently asked questions
- Busker and Street Entertainer Forum details and meeting dates
- Details and dates of busking and street entertainment wide community and partnership meetings
- Community involvement opportunities and events
- Diary of upcoming city events that may affect where you choose to perform
- Feedback
- Mailing list
- Contacts

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Please go online to find out more  
[westminster.gov.uk/busking-westminster](http://westminster.gov.uk/busking-westminster)

## Join our Busking and Street Entertainment Forum

We have created a Busking and Street Entertainment Forum which is open to all buskers and street entertainers and is free to join online.

The Busking and Street Entertainment Forum meet with council officers twice a year to collect your feedback and concerns, answer your questions, share ideas, and work together to find ways to promote busking and street entertainment across our city.

The Forum also serves as a bridge between the busking community and our local resident and business forums in order to foster good relations and open communication and to promote partnership among all those that strive to contribute to the use and enjoyment of our shared public spaces.

The Forum will play a key role in reviewing the implementation of this policy.





# THE WESTMINSTER BUSKING AND STREET ENTERTAINMENT CODE OF CONDUCT

There are seven principles that make up our Code of Conduct. If you're performing anywhere in Westminster you should abide by this code, which sets out how you can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

## 1. Safety first!

All buskers and street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- You should hold public liability insurance of at least £2 million.
- You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No unlicensed animals should accompany the busker or street entertainer, or be used as part of the performance.

## 2. Performance hours

All busking and street entertainment should only take place between the hours of 10am and 9pm. Any amplified entertainment beyond 9pm and before 8am is an offence under the Control of Pollution Act 1974 and you may be liable to enforcement action.

## 3. Avoid causing a nuisance

Buskers and street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound from any performance shall not be heard by persons in nearby premises
- If you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.
- You should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- You should be aware that noise can be generated by the audience
- You should be aware of other buskers and street entertainers in the area and space yourself far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next busker or street entertainer performs.
- You should respect other buskers and street entertainers and cooperate with any queuing system in the area by leaving the location after you have finished your performance.

## 4. Don't cause an obstruction

Buskers and street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring premises. This means that:

- You should never block any entrances or exits to premises, and no pedestrians should spill out onto the road to get past you or your audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- You should stop your performance or ask other buskers and street entertainers to help you take steps to control your audience if they cause an obstruction. If your attempts to relieve the audience from causing an obstruction do not work, you should cease your performance.

## 5. Co-operate with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that you adjust your performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Our officers have a right to do this without fear of threatening or abusive behaviour.

You should co-operate with any such reasonable requests, however if you have any concerns about the conduct of officers carrying out their duties you can contact the team at [westminster.gov.uk/complaints](http://westminster.gov.uk/complaints)

## Only sell merchandise if you have permission

- You may only sell items if you have a temporary licence to engage in street trading under the City of Westminster Act 1999 [www.westminster.gov.uk/street-trading](http://www.westminster.gov.uk/street-trading)
- In the busking and street entertainment regulated areas, there is a special permit you can apply for which allows you to sell merchandise items directly associated with your performance (for example a musician selling their CDs). Buskers and street entertainers will be granted a 6-month temporary street trading licence for a £20 nominal fee if you are a Busking and Street Entertainment Licence Holder trading in the regulated areas and in accordance with your licence conditions.

## 7. Talk to the council and the local community, and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us, and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining the dedicated Busking and Street Entertainment Forum, attending wider community meetings, and providing us with feedback via our website.



# PERFORMER SELF REGULATION AND STREET PERFORMERS ASSOCIATIONS

Whether you are a regular or occasional performer in Westminster, you are part of our city's busking and street entertainment community. Being a part of this community means that you should look after each other, respect each other and work together. This is commonly known as busking and street entertainment self-regulation.

Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainment Forum and engaging with the wider community to foster good relations with all users of the shared public space.

Across our city there are some buskers and street entertainers that have formed organised groups known as Street Performers Associations (SPAs). Members of the SPA work together in local areas to ensure that busking and street entertainers treat each other fairly, and performances are not adversely impacting on the surroundings by pro-actively monitoring each other's behaviour. In Westminster there are two SPAs that you are encouraged to join before you perform in their areas of operation.

## The Covent Garden SPA

The Covent Garden SPA is a long-established group of regular buskers and street entertainers managing a wide-ranging repertoire of world leading performers. To become a member of the SPA and perform here, you will need to audition.

To find out more you should go online [coventgarden.london/street-performers](http://coventgarden.london/street-performers) or visit their Facebook page at [facebook.com/coventspa](https://facebook.com/coventspa)

## Westminster SPA (Leicester Square and Trafalgar Square)

The Westminster SPA is a new group of regular performers in both Trafalgar Square and Leicester Square. Anyone can join and become a member of The Westminster SPA by going online [westminsterspa.co.uk](http://westminsterspa.co.uk).

# THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS<sup>1</sup>

- The West End of our City is a popular and busy visitor area, also attracting a high number of buskers and street entertainers. Competition for performance space is high and the adverse impacts are significant in these busy and congested areas.



Busking and street entertainment needs to be controlled in these areas to ensure:

- Buskers and street entertainers have dedicated spaces
- Buskers and street entertainers perform only in dedicated locations that minimises adverse impacts to pedestrians, businesses and local residents.
- Levels of sound and volume are controlled to prevent a nuisance being caused to surrounding businesses and residents.

Busking and street entertainment is therefore prohibited in all parts of these regulated areas other than on designated and marked pitches. Busking or street entertainment is ONLY permitted if:

- you are on a designated and marked busking and street entertainment pitch, and
- you have a licence to perform on these pitches, and
- you abide by the terms and conditions of these pitches, and
- are acting in accordance with the busking and street entertainment licence terms and conditions.

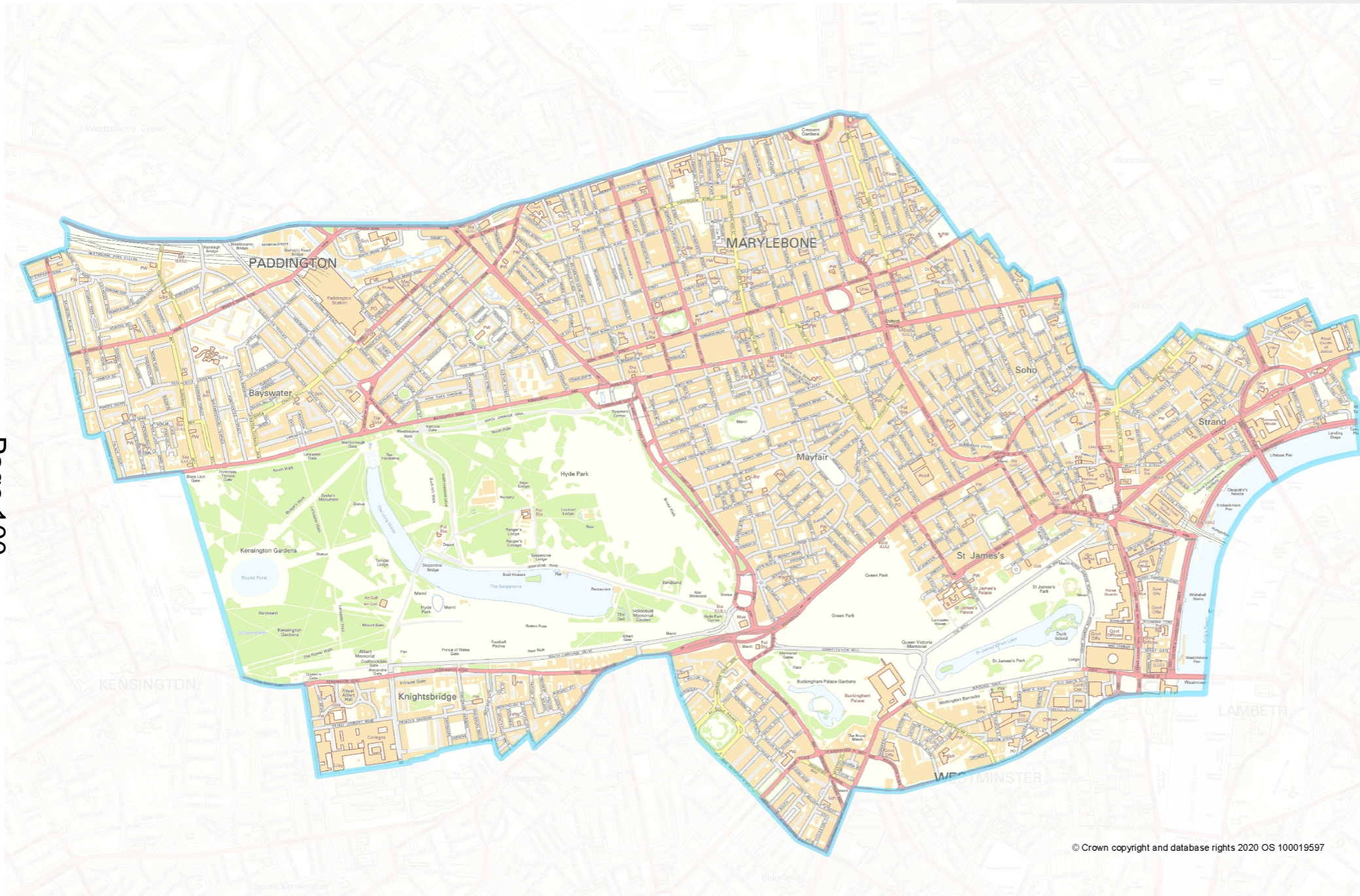
A summary guide to the regulated areas and designated and marked pitches is provided overleaf. For the full and detailed list of streets where busking and street entertainment is prohibited, the terms and conditions of each pitch and exact location of the marked and designated pitches, see Appendix A.

[1] Part V London Local Authorities Act 2000

# THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS<sup>1</sup>

The West End is made up of several distinct districts and neighbourhoods that are popular and internationally recognised visitor destinations, collectively hosting up to a million people each day.

Across the West End performances are not permitted anywhere unless you hold a licence, are abiding by the standard licence conditions, and are performing on one of the 25 marked busker and street entertainment performance pitches.



## Oxford Street, Regent Street and New Bond Street

This area is best known as one of Europe's busiest shopping districts. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets.

## Piccadilly, Chinatown and Leicester Square

The area is host to internationally recognised venues, cultural attractions and the UK's film premiers. It is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

## Trafalgar Square, Charing Cross, Embankment & The Strand

Known for art galleries, fountains, river sidewalk and theatres, and is also home to a large mainline station connecting people from London to the south east of the UK

## Soho

A vibrant neighbourhood made up of narrow streets and alleyways, best known for its offering of restaurants, bars, theatres and nightlife.

## Covent Garden

Well known and popular pedestrian market place, also host to world leading street performances.

## Marylebone

This area is an important carriageway and thoroughfare for central London and is also host to a number of tourist attractions close to world famous Baker Street

## Paddington

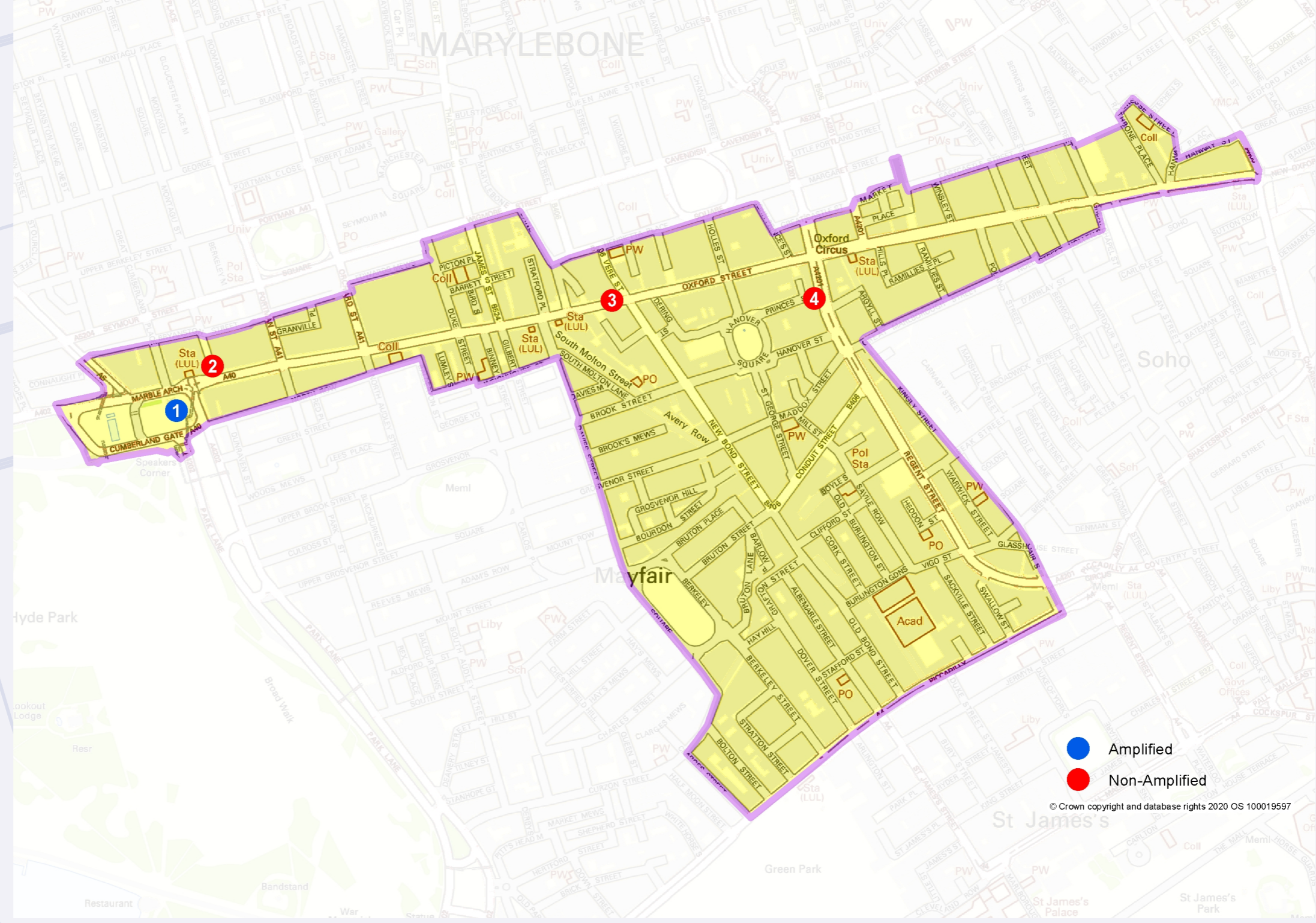
Home to busy landmarks including Paddington station and St Mary's hospital

## Victoria, Knightsbridge & Belgravia

A significant business and commuter district for the City

## Whitehall, Parliament Square and St James

Home to the UK Government and official residency of the Royal Family



# OXFORD STREET

Performances are not permitted anywhere in this area other than the four designated busking and street entertainment pitches in accordance with the busking and street entertainment licence conditions.

## Pitch 1: Marble Arch

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and any event that may be taking place in the vicinity. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

## Pitch 2: Old Quebec Street

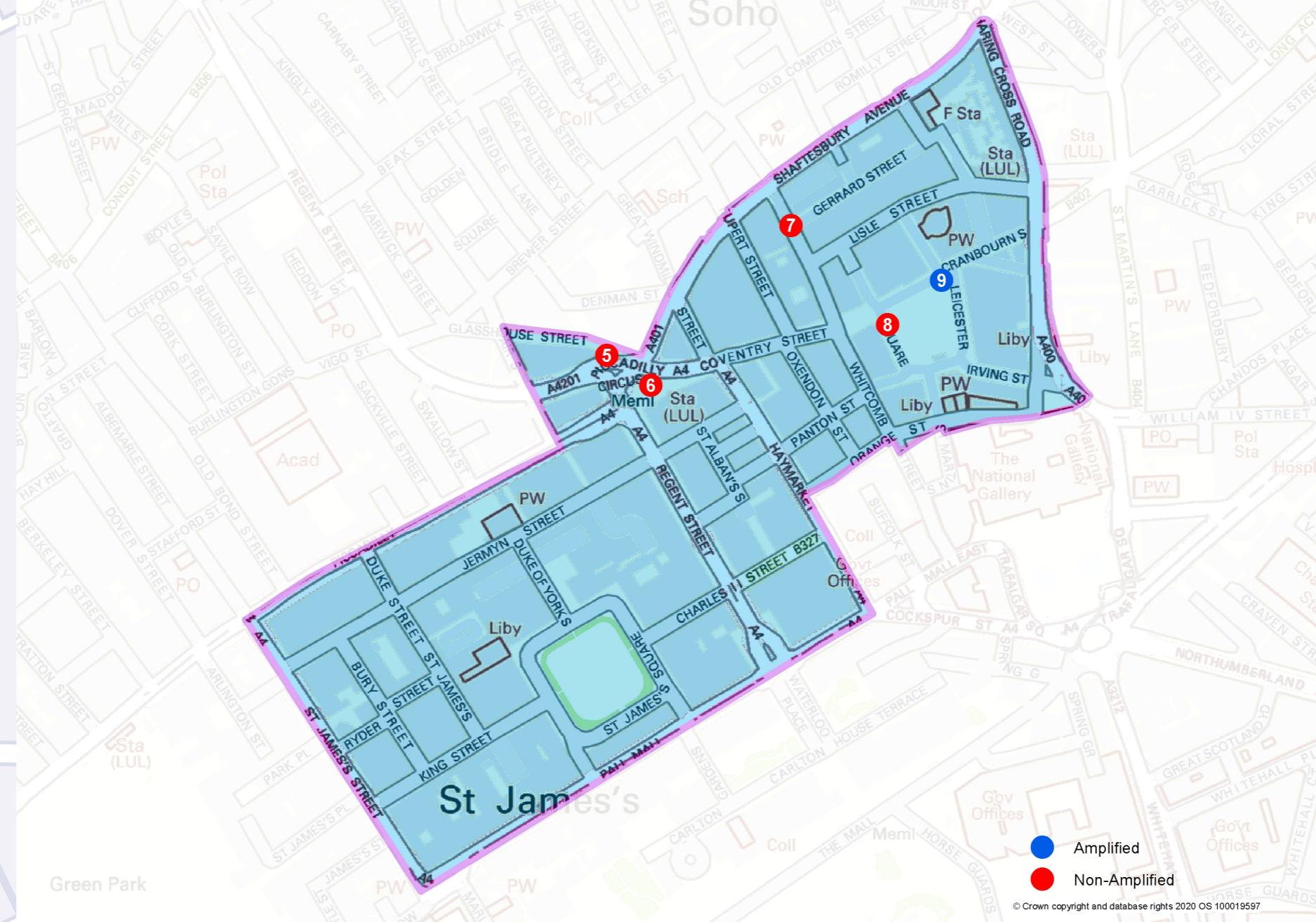
This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

## Pitch 3: Vere Street

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space. Due to the proximity of the road and business premises, and this area being a busy pedestrian thoroughfare, this pitch is more appropriate for walk-by performances that do not attract audience. Due to the proximity of business and residential premises amplification, brass, wind, percussion and percussive instruments are not permitted.

## Pitch 4: Princes Street

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.



# Piccadilly Circus, Chinatown and Leicester Square

Piccadilly Circus, Chinatown and Leicester Square are only a few minutes' walk away from each other and together they form a single popular visitor destination that is host to internationally recognised venues, cultural attractions and the UK's film premiers. This area is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

Performances are not permitted anywhere other than the 5 designated busking and street entertainment pitches in accordance with the licence terms and conditions. The Westminster SPA also operate in this area supporting buskers and street entertainers to understand the rules and working with businesses to reduce complaints and the need for enforcement here.

## Pitch 5: Glasshouse Street

This pitch is suitable for all performances that need no more than 1.5 metres in space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted. Due to the proximity of the road this pitch is more appropriate for walk-by performances that do not attract audiences..

## Pitch 6: Eros Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians, nearby premises and the entrance to the tube station. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

## Pitch 7: Chinatown

This pitch only operates Monday to Friday between the hours of 10am to 9pm. It is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises and this area being a busy pedestrian thoroughfare this pitch is more appropriate for walk-by performances that do not attract audiences. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

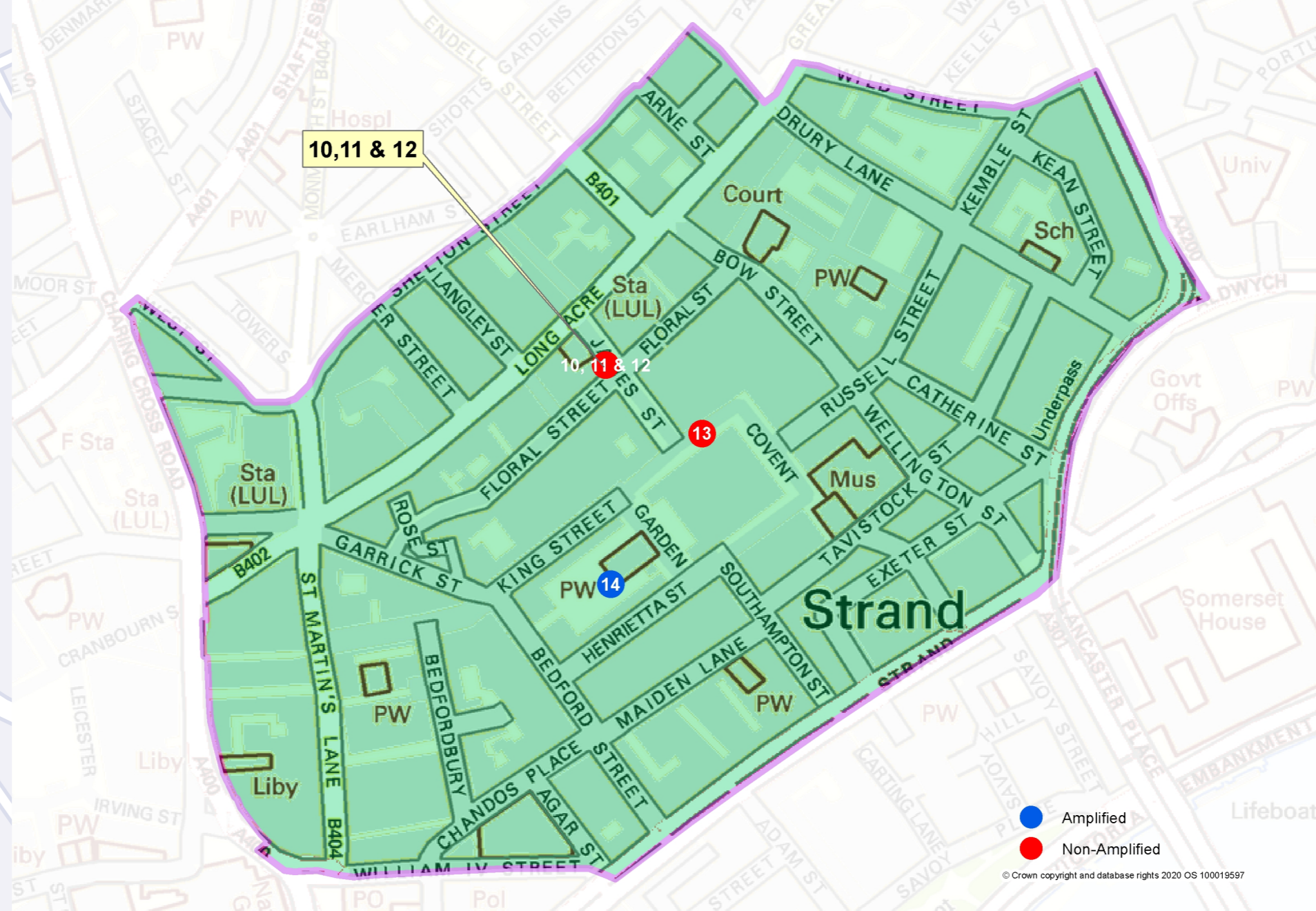
## Pitch 8: Leicester Square North West

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind percussion and percussive instruments are not permitted.

## Pitch 9: Leicester Square North East

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

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# Covent Garden

Performances are not permitted anywhere other than the 5 designated busking and street entertainment pitches in accordance with the licence terms and conditions. You should also note that

- The Covent Garden Market Place is private land and performances are not permitted unless you have the express permission of the landowner
- Covent Garden SPA operate on Pitch 14 and you are encouraged to first audition with them before performing here.

## Pitch 10, 11 & 12: Covent Garden James Street

These pitches are suitable for performances that need no more than 1.5 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

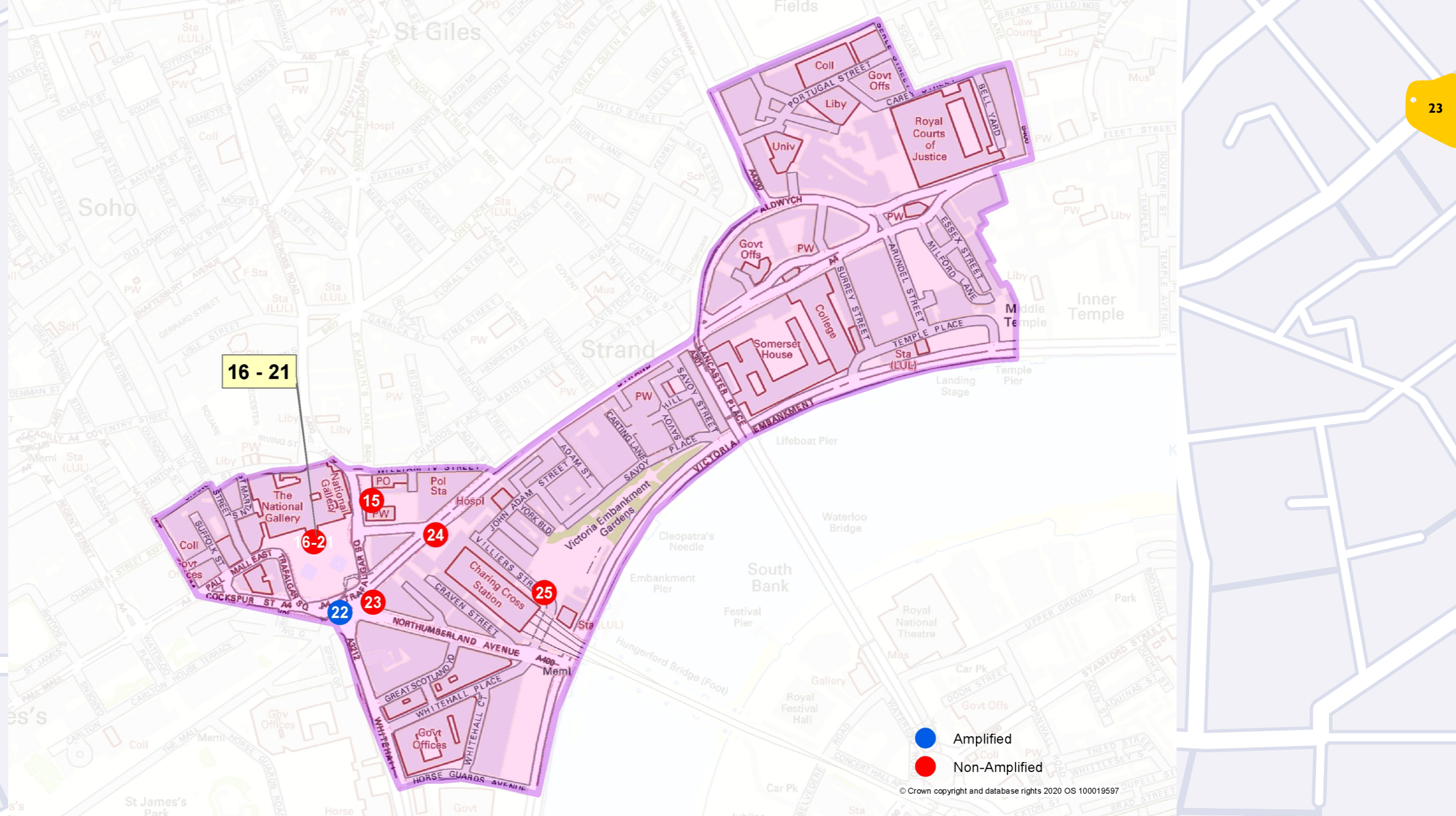
## Pitch 13: Royal Opera House

This pitch is suitable for performances that need no more than 2 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

## Pitch 14: St Pauls Church

This pitch is suitable for all performances and is an appropriate space for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises

● Amplified  
● Non-Amplified  
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# Trafalgar Square, Whitehall, Charing Cross, Embankment & The Strand

Performances are not permitted anywhere other than the eleven designated busking and street entertainment pitches in accordance with the licence terms and conditions.

## Pitch 15: St Martins

This pitch is suitable for all performances that need no more than 2metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

## Pitch 16: Trafalgar Square North Terrace Charing Cross Road

This pitch is suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby premises.

## Pitches 17, 18, 19, 20 & 21: Trafalgar Square North Terrace

These pitches are individually marked and are suitable for performances that need no more than 5 metres in diameter space. The use of amplification, brass, wind percussion and percussive instruments is not permitted

## Pitch 22: King Charles Statue

This pitch is suitable for all performances that need no more than 3metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is permitted providing the sound does not cause a nuisance to nearby premises.

## Pitch 23: Northumberland Avenue

This pitch is suitable for all performances that need no more than 1.5metres in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business premises, amplification, brass, wind, percussion and percussive instruments is not permitted.

## Pitch 24: Charing Cross Station

This pitch is suitable for performance that need no more than 1.5metres in space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

## Pitch 25: Villiers Street

This pitch is suitable for all performances that need no more than 2metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments is not permitted.

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# STANDARD LICENCE CONDITIONS<sup>2</sup>

1) Each busker and street entertainer must clearly display their busking and street entertainment licence during any performance, and this must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.

2) Each busker and street entertainer requires a busking and street entertainment licence, whether performing individually or as part of a busking and street entertainment group. For group performances, each member of the group needs to have a valid busking and street entertainment licence. Busking and street entertainment licences cannot be transferred or used by any person other than the named person on the licence.

3) Each busker and street entertainer must be familiar with and adhere to the Westminster Busking and Street Entertainment Policy, the extent of the busking and street entertainment regulated areas, the location of designated and marked busking pitches and any terms and conditions that apply in respect of each of the designated and marked pitches.

4) Each busker and street entertainer must obtain and hold a valid certificate of no less than £2 million public liability insurance which must be made available for immediate inspection on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.

5) Each busking and street entertainment licence holder must comply with any request given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer regarding the busking or street entertainment, which may include directions to stop performing.

6) Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby premises and levels must be immediately reduced on the request of any person authorised by the Council or by any Police Officer or any Police Community Support Officer.

7) Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring premises. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.

8) All buskers and street entertainers must have a valid Busking and Street Entertainment Licence to perform at any of the designated and marked pitches within the busking and street entertainment regulated areas.

(9) Busking and street entertainment is permitted at any of the designated and marked pitches within the busking and street entertainment regulated areas from Monday to Sunday between the hours of 10am and 9pm, with the exception of Pitch 6 (Chinatown), where busking and street entertainment is only permitted from Monday to Friday between the hours of 10am and 9pm.

(10) All busking and street entertainment must be contained within the designated and marked busking pitch. This means that all the buskers and street entertainers, the performance itself and anything used in connection with the performance must be within the designated and marked pitch. If a performance cannot be contained within the designated area it is unsuitable for that pitch.

(11) Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.

(12) Busking and street entertainment performances must not be longer than 40 minutes from start to finish and there must be a 20 minute break before the next busker or street entertainer performs.

(13) No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of Pitch 1 (Marble Arch), Pitch 9 (Leicester Square North East) Pitch 14 (St Pauls Church), Pitch 16 (Trafalgar Square Charing Cross Road), and Pitch 22 (King Charles Statue). These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby premises. The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).

(14) No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.

(15) Pitches may be suspended in the event of an emergency, public disorder, planned events, or to prevent a nuisance being caused. Buskers and street entertainers must immediately comply with any requirement to cease busking that may be given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer in those circumstances.

<sup>2</sup> Regulations made by the City of Westminster pursuant to Section 40(1) of the London Local Authorities Act 2000 prescribing the standard conditions which will be applicable to all licences to busk, except when expressly excluded or amended in any particular case





# LICENSING APPLICATION PROCESS AND PROCEDURES

The full regulations for applications and the determination of applications is outlined in Appendix B<sup>3</sup>. A summary of the process and procedures has been provided below.

## Applying for a Licence

An application for a busking and street entertainment licence must be made in writing to the council using the application form available online. The following information and documents will also be required:

- Name and home address in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- Two forms of identification, including a passport or driving licence.
- Proof of valid Public Liability Insurance (of at least 2 million).
- National Insurance number or declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
- Statement of truth

### (optional)

- Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
- Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.

## How a decision is made to grant, vary or refuse an application

Applications will only be considered valid if the application is fully completed along with all required accompanying documents and payment of the application fee.

All applications will be considered on their own merits.

Applications that do not involve any changes to the standard conditions will be determined within 10 days, and the licence will be granted for a period of six months.

There may be applicants who would like the terms of their licence application varied. For example, a juggler might choose to apply to vary the pitch conditions to allow flaming torches; or a magician might choose to apply to vary the pitch conditions to allow a performance with a licensed performing animal. An application to vary any of the standard conditions can be made when making the application for the licence by completing the appropriate section of the application form. Should an applicant request a variation, they may expect to receive a decision within 21 days.

The following process for deciding whether to grant, vary or refuse an application is set out below:

- **Online Application**
- **Automated Validation** - Where applicant is able to provide all the requested information and documentation.
- **Automated Determination** - Where the applicant satisfies the relevant requirements and is able to confirm acceptance of the pitch and licence conditions and has paid the relevant fees.
- **Officer Determination** - Where automated validation and determination cannot be made because there is a question over the relevant requirements or the applicant seeks to vary the licence conditions the application will be determined by an officer.
- **Senior Manager Determination** - Where the application is deemed to raise complex, serious or sensitive matters or the application involves unusual or novel requests for variation of the licence conditions the determining officer may defer the determination of the application to a senior manager.

## When we may refuse an application

An application for a busking and street entertainment licence may be refused on the following grounds:

Refusal Reason	Considerations include (but not limited to):
Does not meet the threshold of 'fit and proper'	<ul style="list-style-type: none"> <li>● Does not have a right to work.</li> <li>● Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment.</li> <li>● Has a record of noncompliance with the Westminster Code of Conduct and/or officer instructions.</li> <li>● Has a record of substantiated complaints and noncompliance with licence terms and conditions.</li> <li>● A licence has previously been revoked in our city or other similar schemes.</li> <li>● Information provided as part of the application is demonstrated to be false.</li> </ul>
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

<sup>3</sup> These regulations are made pursuant to section 36(1) of the London Local Authorities Act 2000

### When we may revoke a licence

The decision to revoke a licence may only be made by the Licensing Sub-Committee.

A Police Officer or Authorised Officer of the council may request that the Licensing Sub-Committee consider that a busking and street entertainment licence should be revoked. In such cases the busker or street entertainer licence holder will:

- Receive a letter setting out the grounds upon which the officer is requesting that the busking and street entertainment licence ought to be revoked.
- Be given 21 days to provide a written submission for consideration by the Licensing Sub-Committee.
- Be invited to attend a Licensing Sub-Committee where the licence holder will be given an opportunity to address the Licensing Sub-Committee.

A licence may be revoked on the following grounds:

- That there has been a breach of the conditions of the licence;
- that nuisance has been caused or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking and street entertainment taking place.

### How you can cancel your licence

A performer wanting to cancel their licence can do so if the request is made in writing to the council. This can be done via the councils busking and street entertainment webpages.

### How you can renew your licence

A busker and street entertainer can apply to renew their busking and street entertainment licence online. A renewal application should only be made when being made on the same terms of the existing licence. If any changes are required, this will be treated as a new application.

If an application to renew a licence is submitted prior to the expiry of that licence, it will be deemed to continue until the application for the renewal is determined. Where a licence expires before a renewal application is submitted, the licence holder will need to apply for an entirely new licence.

### When you can appeal a decision, we have made

There is a right of appeal if:

- an application for the grant of a licence is refused.
- a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held.
- a licence holder whose licence has been revoked.

Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins seven days after the notification was posted by first class post.

A further appeal against the Magistrates' Court decision may be made to the Crown Court where the court may make any such order as it thinks fit.

### Getting your feedback and reviewing our Policy

We are committed to monitoring this policy through regular feedback with our community including buskers and street entertainers, residents and businesses. Feedback sessions will occur every three months throughout the first full calendar year of the policy, in order to assess its impact and effectiveness. Meeting dates and how to get involved in these feedback sessions will be available online.

We will also complete a full review after the first 12 months (or sooner) and amend the policy if required.

# COMPLAINTS, COMPLIANCE AND ENFORCEMENT

## Making a complaint

Buskers and street entertainers are usually unaware of the impact they are having on their surroundings and will often happily adjust their performance if asked. If a busker or street entertainer is causing a nuisance and you feel comfortable to do so, you should approach them, explain the problem and politely ask that they adjust their performance.

If speaking to the busker or street entertainer is not possible, or you are experiencing an on-going issue, you can report your complaint to the council.

Please provide us with as much information as possible as this helps our enforcement officers gather the right information and take targeted action. Your complaint should include information such as:

- The physical description of the busker or street entertainer.
- The exact location and time of the performance.
- What type of performance it was (for example a band, a magician etc.)
- What behaviour was problematic and/or causing you a nuisance and for how long.
- Any other information you think will be relevant for our officers to know.

To report a complaint go online at [westminster.gov.uk/report-it](http://westminster.gov.uk/report-it) or call us on 020 7641 2000.

## Compliance and Enforcement

We keep records of engagement and complaints. In line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the Busking and Street Entertainment Policy across our city which may include receiving a warning notice. Should the busker or street entertainer continue to act unreasonably or breach the licensing conditions, our officers will take appropriate enforcement action.

The enforcement action taken will vary depending on whether the busker or street entertainer is in a nonregulated or regulated area, as outlined below.

## Enforcement in Nonregulated / Self-regulated Areas

In all non-regulated areas across our city the following enforcement options are available to an authorised officer or police officer:

- they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance which may include requesting that the performance stops.
- they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

## Enforcement in Regulated Areas

In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the licence conditions, the following additional options are available to an authorised officer or a police officer:

- equipment (including instruments) connected with the busking and street entertainment may be seized.
- proceedings may be instigated to prosecute the person for offences under Part V London Local Authorities Act 2000.
- the council may consider revoking the licence and/or refusing any future application.

## The Busking and Street Entertainment Regulation Areas

The Busking and Street Entertainment Regulation Areas (where Part V of the London Local Authorities Act 2000 applies). Busking and street entertainment is prohibited in these areas apart from licensed busking and street entertainment in any of the 25 designated pitches identified in the maps that follow.

- Adam And Eve Court
- Adam Street
- Adams Row
- Adelaide Street
- Adelphi Terrace
- Agar Street
- Air Street
- Albany
- Albany Courtyard
- Albemarle Street
- Albert Gate
- Albion Close
- Albion Mews
- Albion Mews Private Section
- Albion Street
- Aldburgh Mews
- Aldford Street
- Aldwych
- Alexander Mews
- Alexander Street
- All Souls Place
- Allington Street
- Ambassadors Court
- Andrews Crosse
- Angel Court
- Apple Tree Yard
- Apsley Way
- Archer Street
- Archer Street Chambers
- Archer Street Works
- Archery Close
- Archibald Mews
- Argyll Street
- Arlington Street
- Arne Street
- Arundel Street
- Ashburton Place
- Ashland Place
- Audley Square
- Avery Row
- Aybrook Street
- Ayrton Road
- Babmaes Street
- Baker Street
- Baker's Mews
- Balderton Street
- Balfour Mews
- Balfour Place
- Banbury Court
- Bark Place
- Barlow Place
- Barrett Street
- Barrie Estate
- Bateman Street
- Bateman's Buildings
- Bathurst Mews
- Bathurst Street
- Bayswater Road
- Beak Street
- Bear Street
- Beaumont Mews
- Beaumont Street
- Bedford Court
- Bedford Street
- Bedfordbury
- Beeston Place
- Belgrave Mews North
- Belgrave Mews South
- Belgrave Place
- Belgrave Square
- Belgrave Yard
- Bell Yard
- Bennet Street
- Bentinck Mews
- Bentinck Street
- Berkeley Mews
- Berkeley Square
- Berkeley Street
- Berners Mews
- Berners Place
- Berners Street
- Berwick Street
- Beverston Mews
- Bickenhall Street
- Bingham Place
- Binney Street
- Bird Street
- Birdcage Walk
- Bishop's Bridge Road
- Black Lion Passage
- Blackburne's Mews
- Blandford Street
- Blenheim Street
- Bloomfield Place
- Bloomfield Place Private Section
- Blore Court

- Blue Ball Yard
- Blue Ball Yard Private Section
- Bolney Gate
- Bolsover Street
- Bolton Street
- Booth's Place
- Botts Mews
- Botts Mews Private Section
- Botts Passage
- Bourchier Street
- Bourdon Place
- Bourdon Place Private Section
- Bourdon Street
- Bourlet Close
- Bourne Mews
- Bouverie Place
- Bow Street
- Boyle Street
- Bremner Road
- Brendon Street
- Brewer Street
- Brewer's Green
- Brick Street
- Bridford Mews
- Bridge Street
- Bridle Lane
- Bridstow Place
- Broad Court
- Broad Sanctuary
- Broad Walk Hyde Park
- Broadbent Street
- Broadstone Place
- Broadway
- Broadwick Street
- Brook Mews North
- Brook Street
- Brook Street
- Brook's Mews
- Brown Hart Gardens
- Brown Street
- Browning Mews
- Brunswick Mews
- Bruton Lane
- Bruton Place
- Bruton Street
- Bryanston Mews East
- Bryanston Mews West
- Bryanston Place
- Bryanston Square
- Bryanston Street
- Brydges Place
- Buck Hill Walk
- Buckingham Arcade
- Buckingham Gate
- Buckingham Mews
- Buckingham Palace Road
- Buckingham Place
- Buckingham Street
- Bull Inn Court

- Bulstrode Place
- Bulstrode Street
- Burdett Mews
- Burleigh Street
- Burlington Arcade
- Burlington Gardens
- Burwood Place
- Bury Street
- Butler Place
- Bywell Place
- Cabbell Street
- Callendar Road
- Cambridge Circus
- Cambridge Square
- Canalside Walk
- Candover Street
- Canon Row
- Canon Row Private Section
- Carburton Street
- Cardinal Walk
- Carey Street
- Carlisle Street
- Carlos Place
- Carlton Gardens
- Carlton House Terrace
- Carlton Street
- Carnaby Street
- Caroline Close
- Caroline Place
- Caroline Place Mews
- Carpenter Street
- Carrington Street
- Carteret Street
- Carting Lane
- Castle Lane
- Castlereagh Street
- Cathedral Walk
- Catherine Place
- Catherine Place Private Section
- Catherine Street
- Catherine Wheel Yard
- Cato Street
- Cavendish Mews North
- Cavendish Mews South
- Cavendish Place
- Cavendish Square
- Caxton House Access Road
- Caxton Street
- Cecil Court
- Celbridge Mews
- Central St Martin's College Access Road
- Cerney Mews
- Cervantes Court
- Chandos Place
- Chandos Street
- Chapel Place
- Chapel Side

- Chapel Street
- Chapel Street
- Chapone Place
- Charing Cross
- Charing Cross Road
- Charles li Street
- Charles Street
- Chepstow Place
- Chepstow Road
- Chester Close
- Chester Mews
- Chester Square Mews
- Chester Street
- Chesterfield Gardens
- Chesterfield Hill
- Chesterfield Street
- Chiltern Street
- Chilworth Mews
- Chilworth Street
- Christchurch Walk
- Church Place
- Circus Mews
- Clare Market
- Clarendon Close
- Clarendon Mews
- Clarendon Place
- Clarges Mews
- Clarges Street
- Clarke's Mews
- Clay Street
- Clement's Inn
- Clement's Inn Passage
- Clenston Mews
- Cleveland Gardens
- Cleveland Place
- Cleveland Row
- Cleveland Row Private Section
- Cleveland Square
- Cleveland Terrace
- Clifford Street
- Clifton Place
- Clipstone Mews
- Clipstone Street
- Coach And Horses Yard
- Cockpit Steps
- Cockspur Court
- Cockspur Street
- Colour Court
- Conduit Court
- Conduit Mews
- Conduit Passage
- Conduit Place
- Conduit Street
- Coniston Court
- Connaught Close
- Connaught Close Private Section
- Connaught Place

- Connaught Square
- Connaught Street
- Constitution Hill
- Cork Street
- Cork Street Mews
- Corner House Street
- Covent Garden
- Coventry Street
- Craig's Court
- Cramer Street
- Cranbourn Alley
- Cranbourn Street
- Craven Hill
- Craven Hill Gardens
- Craven Hill Mews
- Craven Passage
- Craven Road
- Craven Street
- Craven Terrace
- Crawford Mews
- Crawford Place
- Crawford Street
- Cross Keys Close
- Crown Court
- Crown Passage
- Cubitt's Yard
- Culross Street
- Curzon Square
- Curzon Street
- Dacre Street
- Dansey Place
- D'Arblay Street
- Dartmouth Street
- David Mews
- Davies Mews
- Davies Street
- Dawson Place
- De Walden Street
- Dean Farrar Street
- Dean Street
- Deanery Mews
- Deanery Street
- Dean's Mews
- Denman Place
- Denman Street
- Derby Gate
- Derby Gate Private Section
- Derby Street
- Dering Street
- Dering Yard
- Devereux Court
- Devonshire Close
- Devonshire Mews North
- Devonshire Mews South
- Devonshire Mews West
- Devonshire Place
- Devonshire Place Mews
- Devonshire Row Mews

- Devonshire Street
- Devonshire Terrace
- Diadem Court
- Dorset Mews
- Dorset Street
- Dover Street
- Dover Yard
- Dover Yard Private Section
- Down Street
- Down Street Mews
- Downing Street
- Drury Lane
- Dryden Street
- Duchess Mews
- Duchess Street
- Duck Lane
- Dudley Street
- Dufour's Place
- Duke Of York Street
- Duke Street
- Duke Street St James's
- Duke's Mews
- Duke's Yard
- Duncannon Street
- Dunraven Street
- Dunstable Mews
- Durham House Street
- Durham Terrace
- Durweston Mews
- Durweston Street
- Eagle Place
- Easleys Mews
- Eastbourne Mews
- Eastbourne Terrace
- Eastcastle Street
- Eaton Lane
- Eaton Row
- Ebury Mews East
- Eccleston Mews
- Eccleston Place Private Section
- Eccleston Street
- Edinburgh Gate
- Edward's Mews
- Elms Mews
- Embankment Place
- Endell Street
- Enford Street
- Engine Court
- Ennismore Gardens
- Ennismore Gardens Mews
- Ennismore Mews
- Essex Street
- Evelyn Yard
- Excel Court
- Exchange Court
- Exeter Street

- Exhibition Road
- Fairholt Street
- Falconberg Court
- Falconberg Mews
- Falconberg Mews Private Section
- Fareham Street
- Farm Street
- Fitzhardinge Street
- Fitzmaurice Place
- Flaxman Court
- Floral Court
- Floral Street
- Foley Street
- Forsset Street
- Fosbury Mews
- Foubert's Place
- Frederick Close
- Friary Court
- Frith Street
- Fulton Mews
- Ganton Street
- Garbutt Place
- Garrick Street
- Garrick Yard
- Garway Road
- Gate Mews
- Gees Court
- George Court
- George Street
- George Yard
- Gerrard Place
- Gerrard Street
- Gilbert Street
- Gildea Street
- Glasshouse Street
- Globe Yard
- Gloucester Gardens
- Gloucester Mews
- Gloucester Mews West
- Gloucester Place
- Gloucester Place Mews
- Gloucester Square
- Gloucester Terrace
- Golden Square
- Goodge Street
- Goodwin's Court
- Gosfield Street
- Goslett Yard
- Grafton Street
- Grange Court
- Grantham Place
- Grantham Place Private Section
- Granville Place
- Gray's Yard
- Great Castle Street
- Great Chapel Street

- Great Cumberland Mews
- Great Cumberland Place
- Great George Street
- Great Marlborough Street
- Great Newport Street
- Great Portland Street
- Great Pulteney Street
- Great Queen Street
- Great Scotland Yard
- Great Scotland Yard Access Road Number 1
- Great Titchfield Street
- Great Windmill Street
- Greek Court
- Greek Street
- Green Street
- Green's Court
- Greenwell Street
- Greyhound Court
- Groom Place
- Groom Place Private Section
- Grosvenor Crescent
- Grosvenor Crescent Mews
- Grosvenor Gardens
- Grosvenor Gardens Mews East
- Grosvenor Gardens Mews North
- Grosvenor Gardens Mews South
- Grosvenor Hill
- Grosvenor Square
- Grosvenor Street
- Grotto Passage
- Half Moon Street
- Halkin Street
- Hallam Mews
- Hallam Street
- Hallfield Estate
- Ham Yard
- Hamilton Mews
- Hamilton Place
- Hampden Gurney Street
- Hanover Place
- Hanover Square
- Hanover Street
- Hanover Yard
- Hanson Street
- Hanway Place
- Hanway Street
- Harbet Road
- Harbet Road Private Section

Harcourt Street
Harewood Place
Harley Place
Harley Street
Harrowby Street
Harvey's Buildings
Service Road
Hatherley Grove
Haunch Of Venison
Yard
Hay Hill
Haymarket
Hay's Mews
Headfort Place
Heathcock Court
Heddon Street
Henrietta Place
Henrietta Street
Herbert's Passage
Hereford Mews
Hereford Road
Hermitage Street
Heron Place
Hertford Street
Hill Street
Hill's Place
Hinde Mews
Hinde Street
Hobart Place
Hobhouse Court
Hollen Street
Holles Street
Homer Row
Homer Street
Hop Gardens
Hopkins Street
Horse And Dolphin
Yard
Horse Guards Avenue
Horse Guards Parade
Horse Guards Road
Horseshoe Yard
Houghton Street
Hungerford Bridge
Hungerford Lane
Hunts Court
Hyde Park Crescent
Hyde Park Gardens
Hyde Park Gardens
Mews
Hyde Park Gardens
Private Section
Hyde Park Place
Hyde Park Square
Hyde Park Square
Mews
Hyde Park Street
Ilchester Gardens
India Place
Ingestre Place
Inigo Place
Inver Court
Inverness Mews
Inverness Place
Inverness Terrace
Irving Street

Ivybridge Lane
Jacob's Well Mews
James Street
James Street
Jason Court
Jay Mews
Jay Mews Private
Section
Jermyn Street
Jervis Court
John Adam Street
John Prince's Street
Jones Street
Junction Mews
Junction Place
Kean Street
Kemble Street
Kemps Court
Kendal Street
Kendall Place
Kenrick Place
Kensington Gardens
Square
Kensington Gore
Kensington Road
Kent Yard
Kildare Gardens
Kildare Terrace
King Charles Street
King Street
Kingdom Street
Kingly Court
Kingly Court Private
Section
Kingly Street
Kings Gate Walk
Kingsgate Parade
Service Road
Kingsway
Knights Arcade
Knightsbridge
Knightsbridge Green
Knox Street
Lancashire Court
Lancashire Court
Private Section
Lancaster Gate
Lancaster Gate
Service Road
Lancaster Mews
Lancaster Place
Lancaster Terrace
Lancaster Walk
Lancelot Place
Lanesborough Place
Langham Place
Langham Street
Langley Court
Langley Street
Lansdowne Row
Lazenby Court
Lees Place
Leicester Court
Leicester Place
Leicester Square

Leicester Street
Leinster Gardens
Leinster Mews
Leinster Place
Leinster Square
Leinster Terrace
Lewisham Street
Lexington Street
Lincoln's Inn Fields
Lisle Street
Litchfield Street
Little Argyll Street
Little Chester Street
Little Essex Street
Little George Street
Little Marlborough
Street
Little Newport
Street
Little Portland Street
Little Sanctuary
Little St James's
Street
Little Titchfield
Street
Livonia Street
Lombardy Place
London Mews
London Street
Long Acre
Long's Court
Lord Hill's Bridge
Lover's Walk
Lower Belgrave
Street
Lower James Street
Lower John Street
Lower Robert Street
Lowndes Court
Lumley Court
Lumley Street
Luxborough Street
Lygon Place
Macclesfield Street
Maddox Street
Maiden Lane
Maltravers Street
Man In Moon
Passage
Manchester Mews
Manchester Square
Manchester Street
Mandeville Place
Manette Street
Mansfield Mews
Mansfield Street
Marble Arch
Processional
Margaret Court
Margaret Street
Market Court
Market Mews
Market Place
Marks Yard
Marlborough Court
Marlborough Road

Marshall Street
Martlett Court
Marylebone High
Street
Marylebone Lane
Marylebone Mews
Marylebone Passage
Marylebone Street
Mason's Arms Mews
Mason's Yard
Matthew Parker
Street
Mayfair Place
Mayfair Row
May's Court
Meard Street
Medici Courtyard
Melbourne Place
Newport Court
Newport Place
Newton Road
Noel Street
Norfolk Crescent
Norfolk Place
Norfolk Square
Norfolk Square
Mews
Norris Street
North Audley
Street
North Carriage
Drive
North Flower Walk
North Row
North Wharf Road
Northumberland
Avenue
Northumberland
Street
Nottingham Place
Nottingham Street
Nutford Place
Odhams Walk
Ogle Street
Old Barrack Yard
Old Bond Street
Old Brewer's Yard
Old Burlington
Street
Old Cavendish
Street
Old Compton
Street
Old Park Lane
Old Quebec Street
Old Queen Street
Oldbury Place
Olympia Yard
Orange Street
Orange Yard
Orchard Street
Orme Court
Orme Court Mews
Orme Lane
Orme Square
Ormond Yard
Orsett Mews
Orsett Terrace

New Burlington
Mews Private
Section
New Burlington
Place
New Burlington
Street
New Cavendish
Street
New Inn Passage
New Palace Yard
New Quebec Street
New Row
Newburgh Street
Newman Passage
Newman Street
Newport Court
Newport Place
Newton Road
Noel Street
Norfolk Crescent
Norfolk Place
Norfolk Square
Norfolk Square
Mews
Norris Street
North Audley
Street
North Carriage
Drive
North Flower Walk
North Row
North Wharf Road
Northumberland
Avenue
Northumberland
Street
Nottingham Place
Nottingham Street
Nutford Place
Odhams Walk
Ogle Street
Old Barrack Yard
Old Bond Street
Old Brewer's Yard
Old Burlington
Street
Old Cavendish
Street
Old Compton
Street
Old Park Lane
Old Quebec Street
Old Queen Street
Oldbury Place
Olympia Yard
Orange Street
Orange Yard
Orchard Street
Orme Court
Orme Court Mews
Orme Lane
Orme Square
Ormond Yard
Orsett Mews
Orsett Terrace

Osnaburgh Street
Ossington Buildings
Ossington Street
Oxendon Street
Oxford Circus
Avenue
Oxford Square
Oxford Street
Paddington Goods
South
Paddington Station
Passage
Paddington Station
Service Road
Paddington Street
Palace Court
Palace Court
Private Section
Palace Place
Palace Street
Pall Mall
Pall Mall East
Palmer Street
Panton Street
Park Close
Park Crescent
Park Crescent
Mews East
Park Crescent
Mews West
Park Lane Service
Road
Park Place
Park Place Private
Section
Park Square Mews
West
Park Street
Park West Place
Parliament Square
Parliament Street
Pearson Square
Pembroke Square
Pembroke Close
Percy Passage
Perry's Place
Peter Street
Petty France
Phipps Mews
Piccadilly
Piccadilly Arcade
Piccadilly Circus
Piccadilly Place
Piccadilly Underpass
Piccadilly Yard
Pickering Mews
Pickering Place
Picton Place
Pine Apple Court
Pitt's Head Mews
Poland Street
Pollen Street
Poplar Place
Poplar Place Spur
Porchester Gardens
Porchester Gardens
Mews

Porchester Mews
Porchester Place
Porchester Road
Porchester Square
Porchester Terrace
Porchester Terrace
North
Porchester Walk
Porter Street
Portland Mews
Portland Place
Portman Close
Portman Mews
South
Portman Square
Portman Street
Portobello Passage
Portsea Mews
Portsea Place
Portsmouth Street
Portugal Street
Praed Mews
Praed Street
Prince Consort
Road
Prince Of Wales
Gate
Princes Arcade
Princes Court
Princes Gardens
Princes Gardens
Private Section
Princes Gate
Princes Gate Court
Princes Mews
Princes Mews St
James's
Princes Place
Prince's Square
Princes Street
Princess Court
Providence Court
Quadrant Arcade
Quebec Mews
Queen Anne Mews
Queen Anne Street
Queen Street
Queen's Gardens
Queen's Gardens
Queen's Mews
Queen's Mews
Private Section
Queen's Square
Mews
Queen's Walk
Queensborough
Mews
Queensborough
Passage
Queensborough
Studios
Queensborough
Terrace
Queensway

Radnor Mews
Radnor Place
Rainsford Street
Ramillies Place
Ramillies Street
Ranelagh Bridge
Raphael Street
Rathbone Place
Rathbone Square
Rathbone Street
Red Lion Yard
Red Place
Redan Place
Rede Place
Reeves Mews
Regent Place
Regent Street
Regent Street St
James's
Relton Mews
Rex Place
Richmond Buildings
Richmond Mews
Richmond Terrace
Riding House Street
Robert Adam Street
Robert Street
Rodmarton Street
Romilly Street
Romney Mews
Rose And Crown
Yard
Rose Street
Rosewood Walk
Rotten Row
Royal Academy Of
Arts Service Road
Royal Albert Hall
Steps
Royal Arcade
Royal Opera
Arcade
Royalty Mews
Rupert Court
Rupert Street
Russell Court
Russell Street
Rutland Gardens
Rutland Gardens
Mews
Rutland Gate
Rutland Gate Mews
Rutland Mews East
Rutland Mews East
Private Section
Rutland Mews West
Rutland Street
Ryder Court
Ryder Street
Ryder Yard
Sackville Street
Saddle Yard
Sainsbury's Wing
Sale Place
Salisbury Place

Sardinia Street
Savile Row
Savoy Buildings
Savoy Court
Savoy Hill
Savoy Place
Savoy Row
Savoy Steps
Savoy Street
Savoy Way
Scotland Place
Seaforth Place
Sedley Place
Serpentine Road
Serpentine Walk
Seymour Mews
Seymour Place
Seymour Street
Shaftesbury Avenue
Shaver's Place
Sheffield Street
Sheldon Square
Shelton Street
Shepherd Close
Shepherd Market
Shepherd Market
Private Section
Shepherd Street
Shepherds Place
Sheraton Street
Sherlock Mews
Sherwood Court
Sherwood Street
Shillibeer Place
Shouldham Street
Shrewsbury Mews
Shrewsbury Road
Silver Place
Sir Simon Milton
Square
Slingsby Place
Smallbrook Mews
Smith's Court
Smith's Court
Private Section
Soho Place
Soho Square
Soho Street
Somers Crescent
South Audley Street
South Bruton Mews
South Carriage
Drive
South Molton Lane
South Molton
Passage
South Molton Street
South Street
South Wharf Road
Southampton Street
Southwick Mews
Southwick Place
Southwick Street
Southwick Yard
Spanish Place
Speakers Corner

Speaker's Court
Spenser Street
Sporburg Place
Spring Gardens
Spring Gardens
Private Section
Spring Mews
Spring Street
Spur Road
St Alban's Street
St Anne's Court
St Anselm's Place
St Christopher's
Place
St Clement's Lane
St Ermin's Hill
St George Street
St George's Fields
St James's Court
St James's Market
St James's Place
St James's
Residencies
St James's Square
St James's Street
St Margaret Street
St Martin's Court
St Martin's Lane
St Martin's Mews
St Martin's Place
St Martin's Street
St Marylebone
Church Gardens
St Michael's Mews
Hyde Park
St Michael's Street
St Petersburg
Mews
St Petersburg Place
St Stephen's
Crescent
St Stephen's
Gardens
St Stephen's Mews
St Vincent Street
Stable Yard
Stable Yard Road
Stafford Passage
Stafford Place
Stafford Street
Standbrook Court
Stanhope Gate
Stanhope Place
Stanhope Row
Stanhope Terrace
Star Street
Station Forecourt
Charing Cross
Sterling Street
Storey's Gate
Stornaway House
Access Road
Stourcliffe Street
Strand
Strand Lane
Strand Tunnel

Stratford Place
Strathearn Place
Stratton Street
Subway Bressenden
Place/Buckingham
Palac
Subway Bressenden
Place/Victoria Street
Subway Bridge
Street/Victoria
Embankment
Subway Edgware
Road/Marylebone
Road
Subway Hyde Park
Corner/Duke Of
Wellingt
Subway Marble
Arch/Park Lane
Subway Marylebone
Road/Baker Street
Subway Marylebone
Road/Cabbell Street
Subway Marylebone
Road/Marylebone
Road
St James's Street
St Margaret Street
St Martin's Court
St Martin's Lane
St Martin's Mews
St Martin's Place
St Martin's Street
Church Gardens
St Michael's Mews
Hyde Park
St Michael's Street
St Petersburg
Mews
St Petersburg Place
St Stephen's
Crescent
St Stephen's
Gardens
St Stephen's Mews
St Vincent Street
Stable Yard
Stable Yard Road
Stafford Passage
Stafford Place
Stafford Street
Standbrook Court
Stanhope Gate
Stanhope Place
Stanhope Row
Stanhope Terrace
Star Street
Station Forecourt
Charing Cross
Sterling Street
Storey's Gate
Stornaway House
Access Road
Stourcliffe Street
Strand
Strand Lane
Strand Tunnel

Tenison Court
Tenniel Close
Tent Place
Tenterden Street
Thayer Street
The Arches
The Broad Walk,
Kensington Gardens
The Mall
The Mall Access
Road Old Admiralty
Build
The Mall Approach
The Market
The Piazza
The Royal Mews
Thornton Place
Three Kings Yard
Tilney Street
Tisbury Court
Titchborne Row
Tothill Street
Tottenham Court
Road
Trafalgar Square
Transept Street
Transept Street
Private Section
Treasury Passage
Trebeck Street
Trevor Place
Trevor Square
Trevor Street
Trevor Walk
Tweezer's Alley
Tyler's Court
Union Yard
Unwin Road
Upbrook Mews
Upper Belgrave
Street
Upper Berkeley
Street
Upper Brook Street
Upper Grosvenor
Street
Upper James Street
Upper John Street
Upper Montagu
Street
Upper St Martin's
Lane
Upper Wimpole
Street
Vandon Passage
Vandon Street
Vere Street
Victoria Square
Vigo Street
Villiers Street
Vine Street
Virgil Place
Walker's Court
Wallenberg Place
Walmer Place
Walmer Street

Warwick House  
 Street  
 Warwick Row  
 Warwick Street  
 Water Street  
 Watergate Walk  
 Waterloo Bridge  
 Waterloo Place  
 Watson's Mews  
 Waverton Street  
 Wedgewood Mews  
 Weighhouse Street  
 Welbeck Street  
 Welbeck Way  
 Wellington Arch  
 Processional  
 Wellington Street  
 Wells Mews  
 Wells Street  
 Wells Way  
 Wesley Street  
 West Carriage  
 Drive  
 West Garden Place  
 Westbourne Bridge  
 Westbourne  
 Crescent  
 Westbourne  
 Crescent Mews  
 Westbourne  
 Gardens  
 Westbourne Grove  
 Westbourne Grove  
 Terrace  
 Westbourne Park  
 Passage  
 Westbourne Park  
 Road  
 Westbourne Park  
 Villas  
 Westbourne Street  
 Westbourne  
 Terrace  
 Westbourne  
 Terrace Mews  
 Westmoreland  
 Street  
 Weymouth Mews  
 Weymouth Street  
 Wheatley Street  
 Whitcomb Court  
 Whitcomb Street  
 White Bear Yard  
 White Horse Street  
 Whitehall  
 Whitehall Court  
 Whitehall Gardens  
 Whitehall Place  
 Wigmore Place  
 Wigmore Street  
 Wild Street  
 Wilder Walk  
 Wilfred Street  
 William Iv Street  
 Wilton Mews  
 Wilton Mews

Wilton Mews  
 Private Section  
 Wilton Place  
 Wilton Row  
 Wilton Street  
 Wimpole Mews  
 Wimpole Street  
 Winnett Street  
 Winsland Mews  
 Winsland Street  
 Winsley Street  
 Wood's Mews  
 Wood's Mews  
 Private Section  
 Woodstock Mews  
 Woodstock Street  
 Wyndham Mews  
 Wyndham Place  
 Wyndham Street  
 Wyndham Yard  
 Wythburn Place  
 Yarmouth Place  
 Yarmouth Place  
 Private Section  
 York Buildings  
 York Place  
 York Street

# BUSKING AND STREET ENTERTAINMENT PITCH LOCATIONS

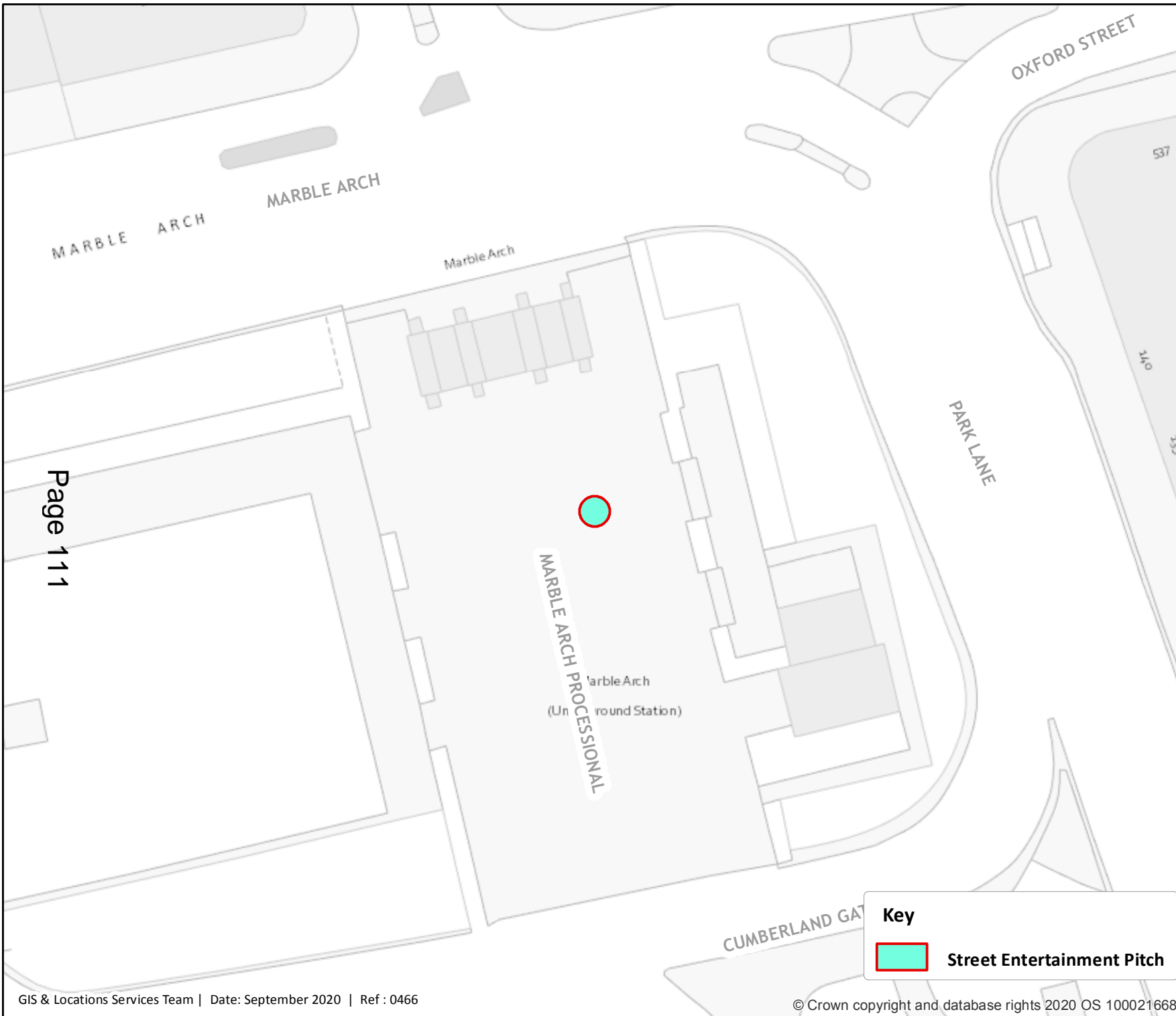
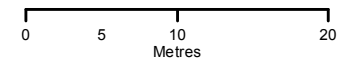


# Marble Arch

## Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to persons in nearby premises.

Map Scale **1:500** on A4



### Key



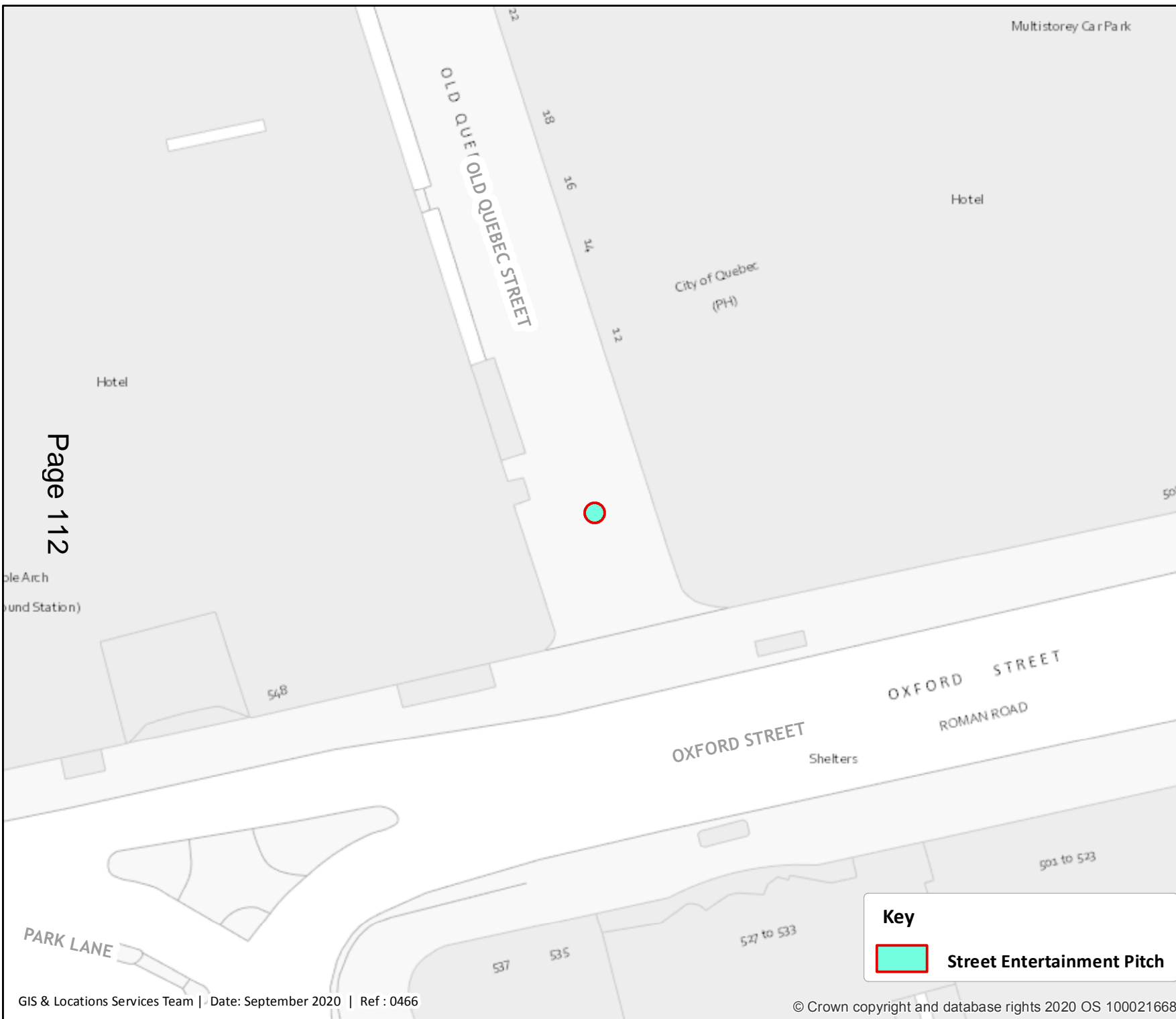
**Street Entertainment Pitch**



# Old Quebec Street

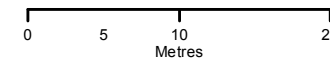
## Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here



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Map Scale **1:500** on A4





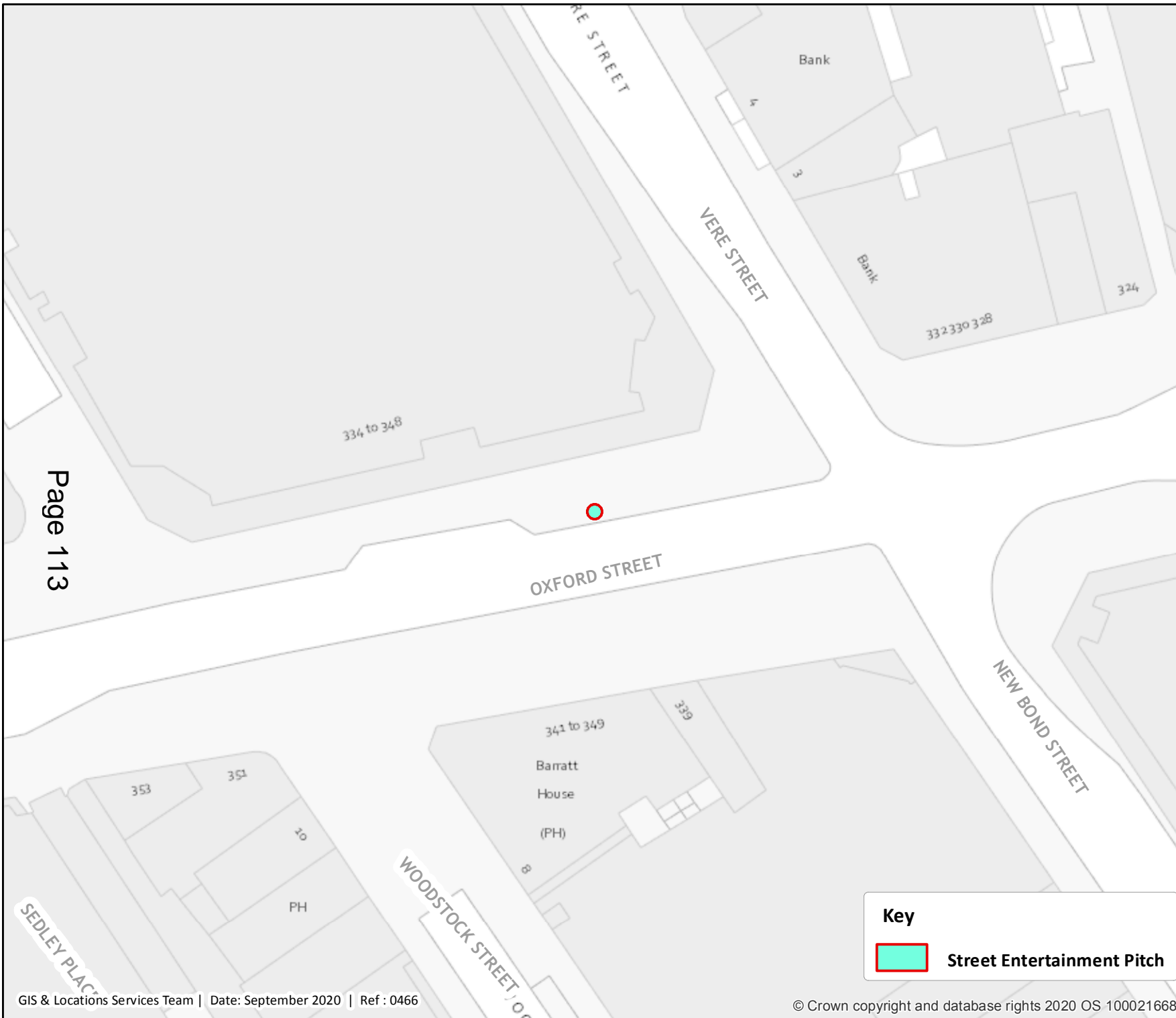
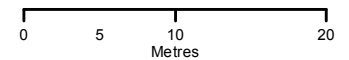


# Vere Street

## Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500** on A4



**Key**

 **Street Entertainment Pitch**

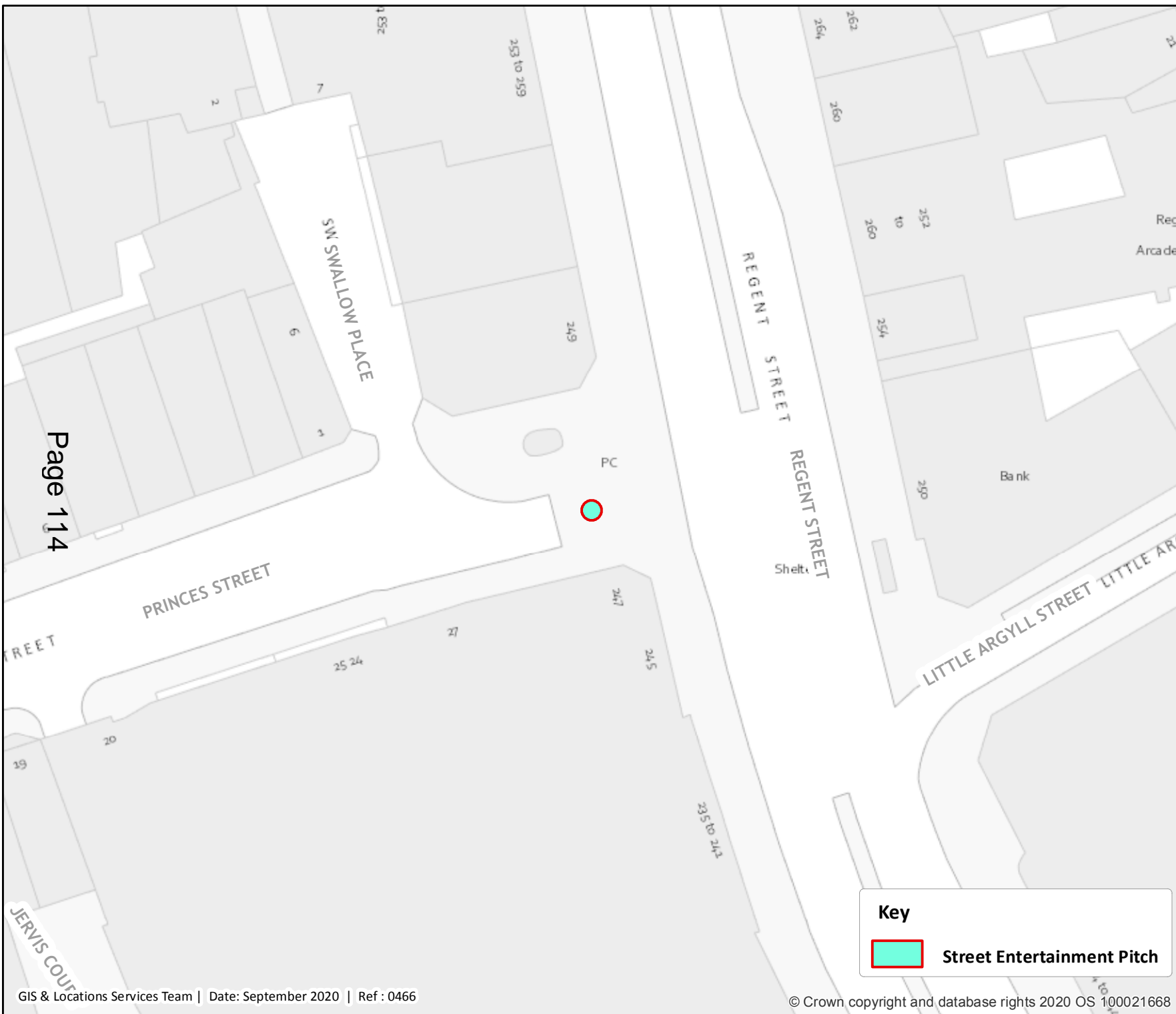
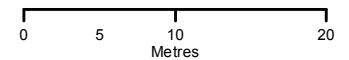


# Princes Street


## Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500** on A4



**Key**

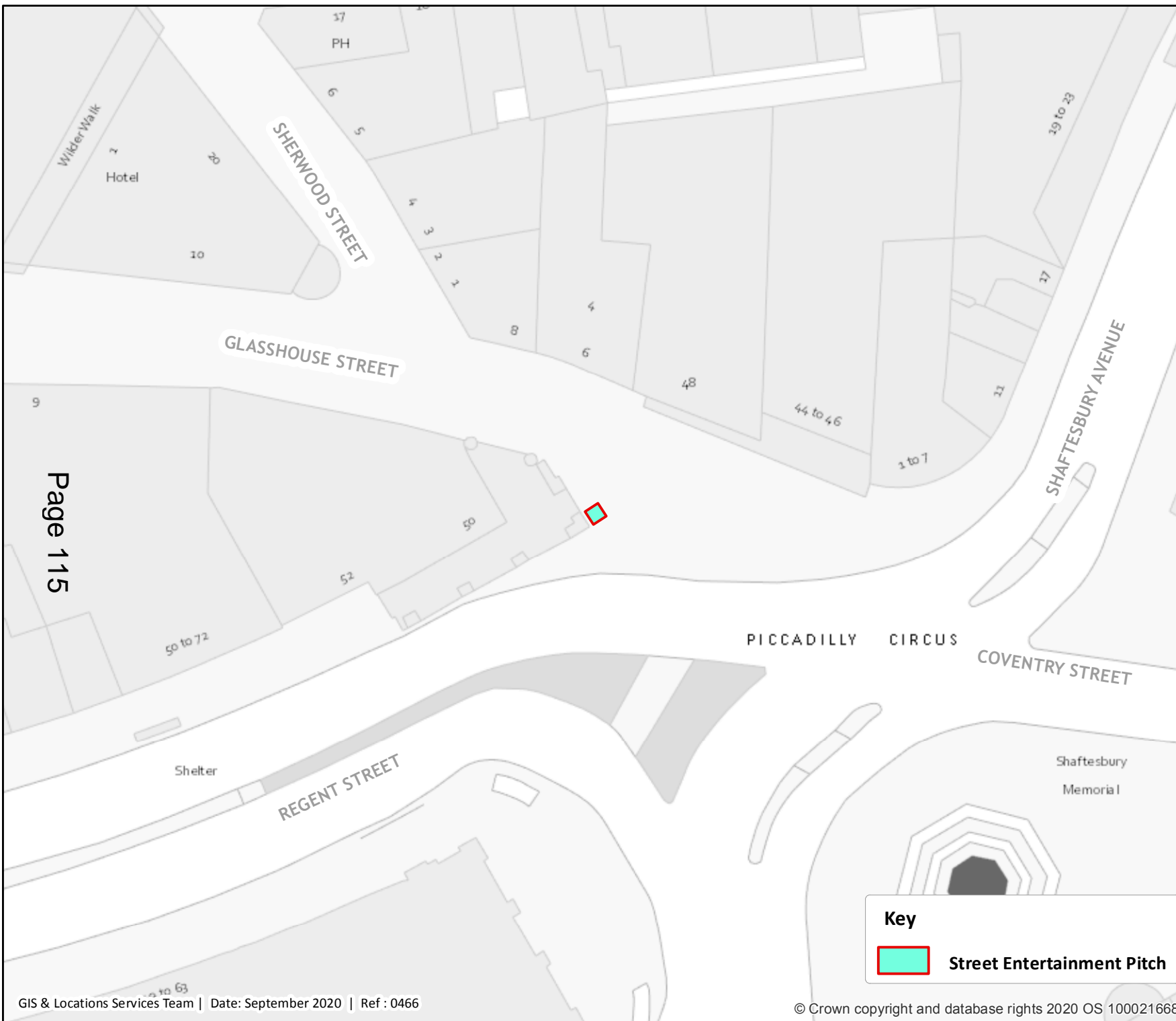
 **Street Entertainment Pitch**




# Glasshouse Street

## Terms and Conditions

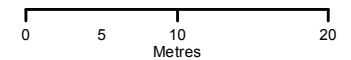
- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



**Key**

 **Street Entertainment Pitch**

Map Scale **1:500** on A4



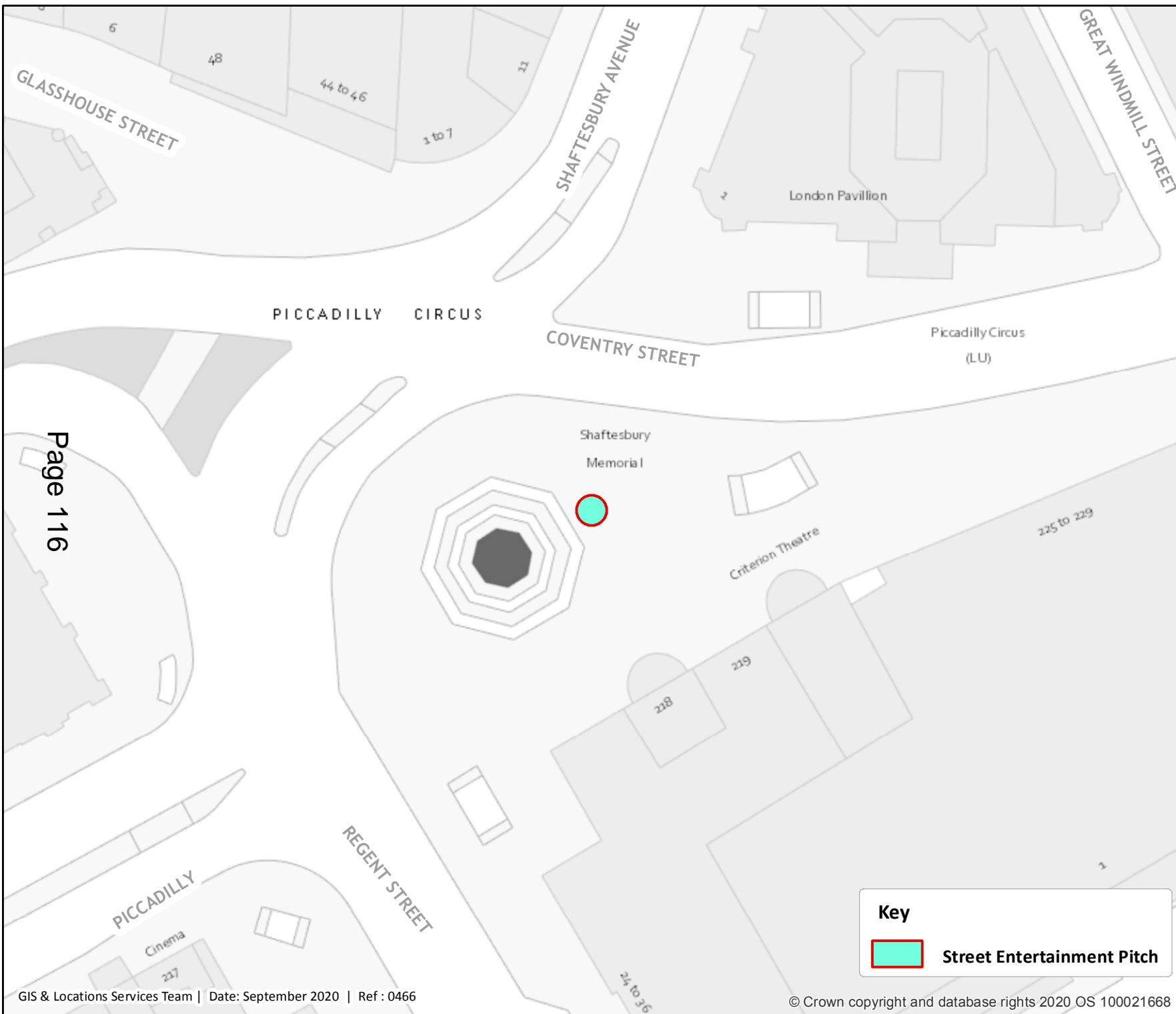
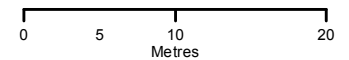


# Eros Statue

## Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- • This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500** on A4



**Key**

 **Street Entertainment Pitch**

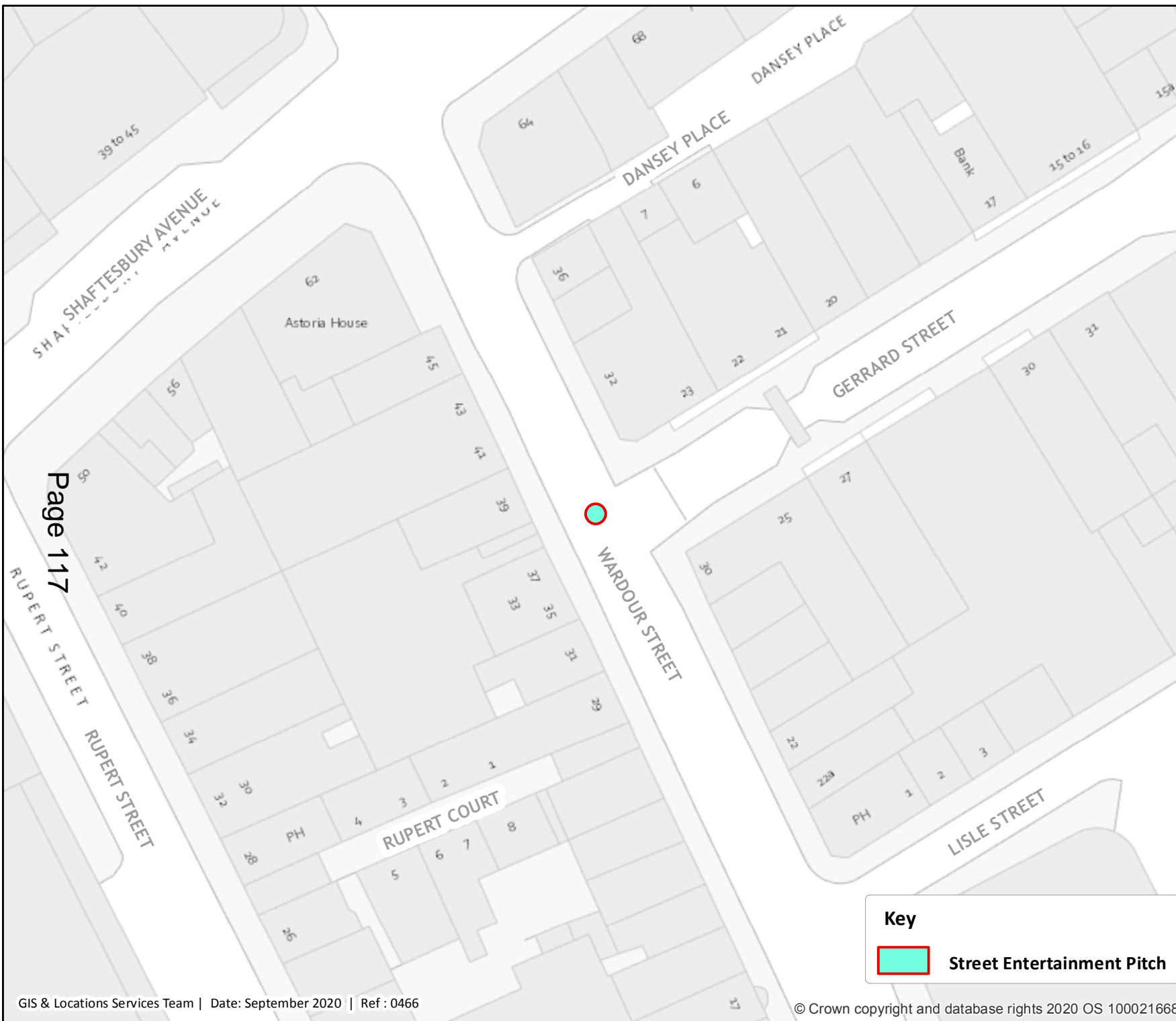
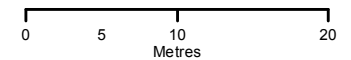


# China Town


## Terms and Conditions

- This pitch is only in operation Monday – Friday between the hours of 10am – 9pm
- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale **1:500** on A4



**Key**

 **Street Entertainment Pitch**

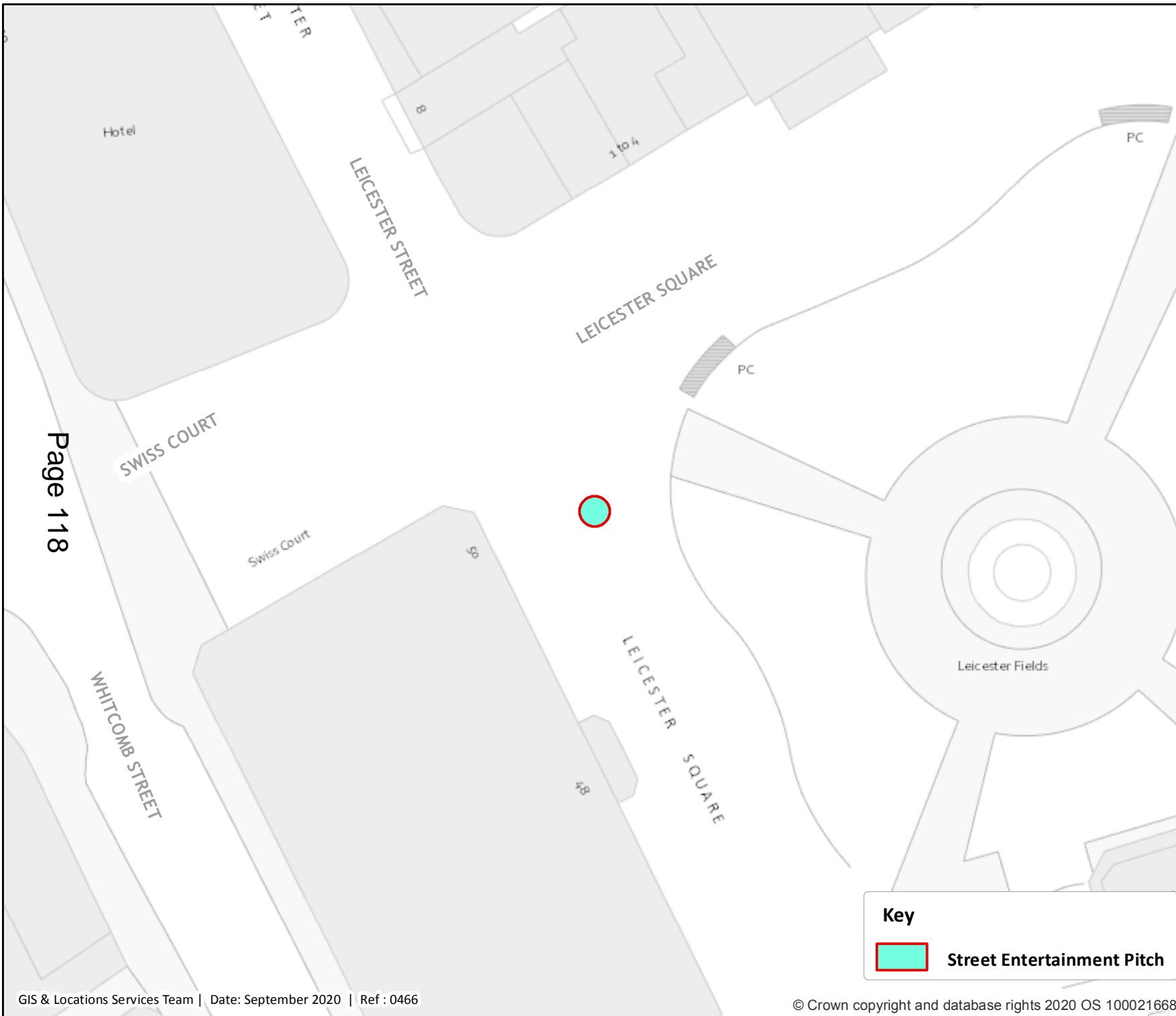
Page 117



# Leicester Square North West

## Terms and Conditions

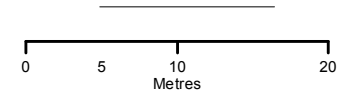
- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



**Key**

 **Street Entertainment Pitch**

Map Scale **1:500** on A4



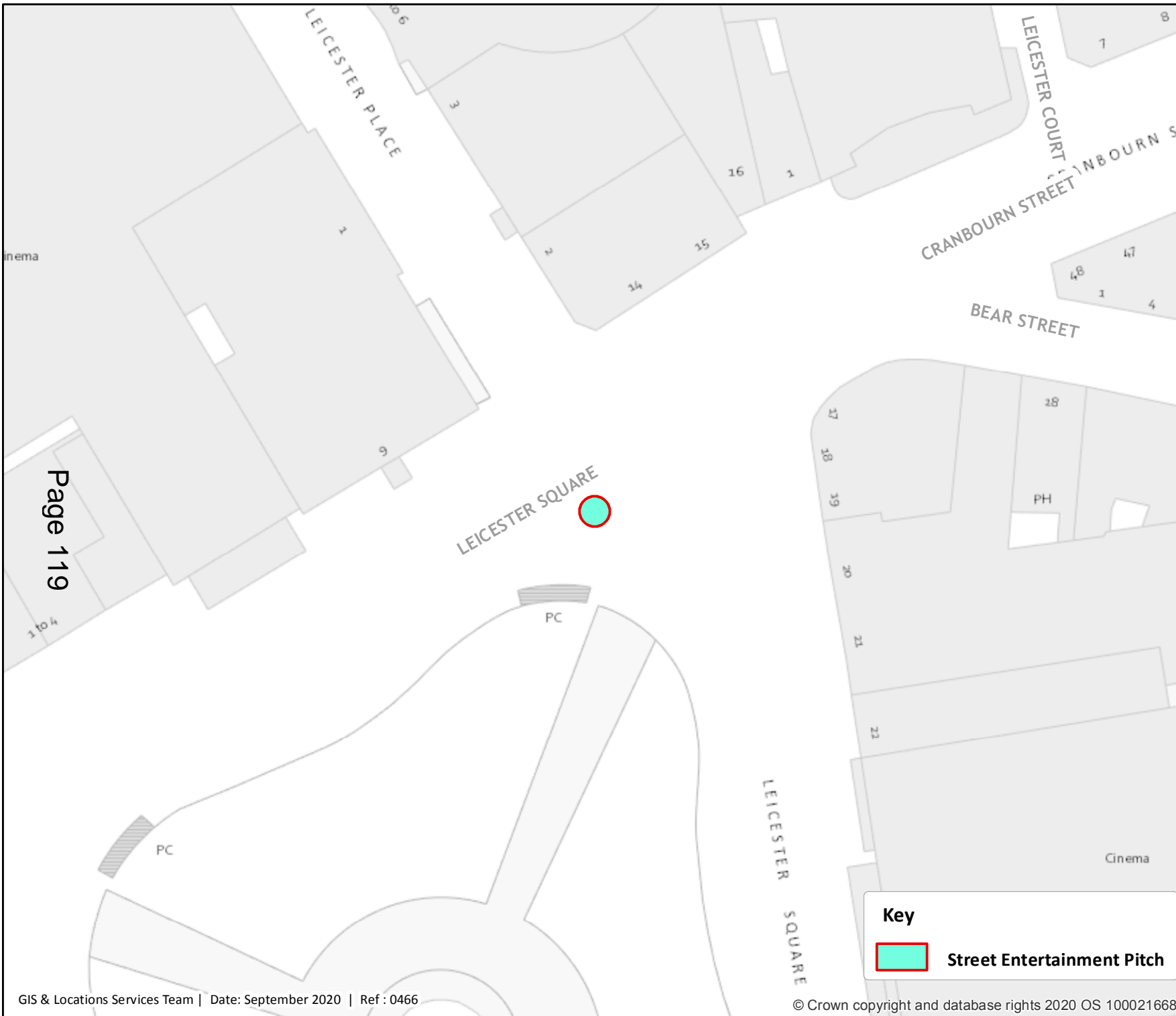
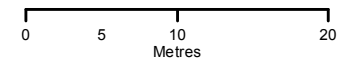


# Leicester Square North East

## Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to persons in nearby premises.

Map Scale **1:500** on A4



**Key**

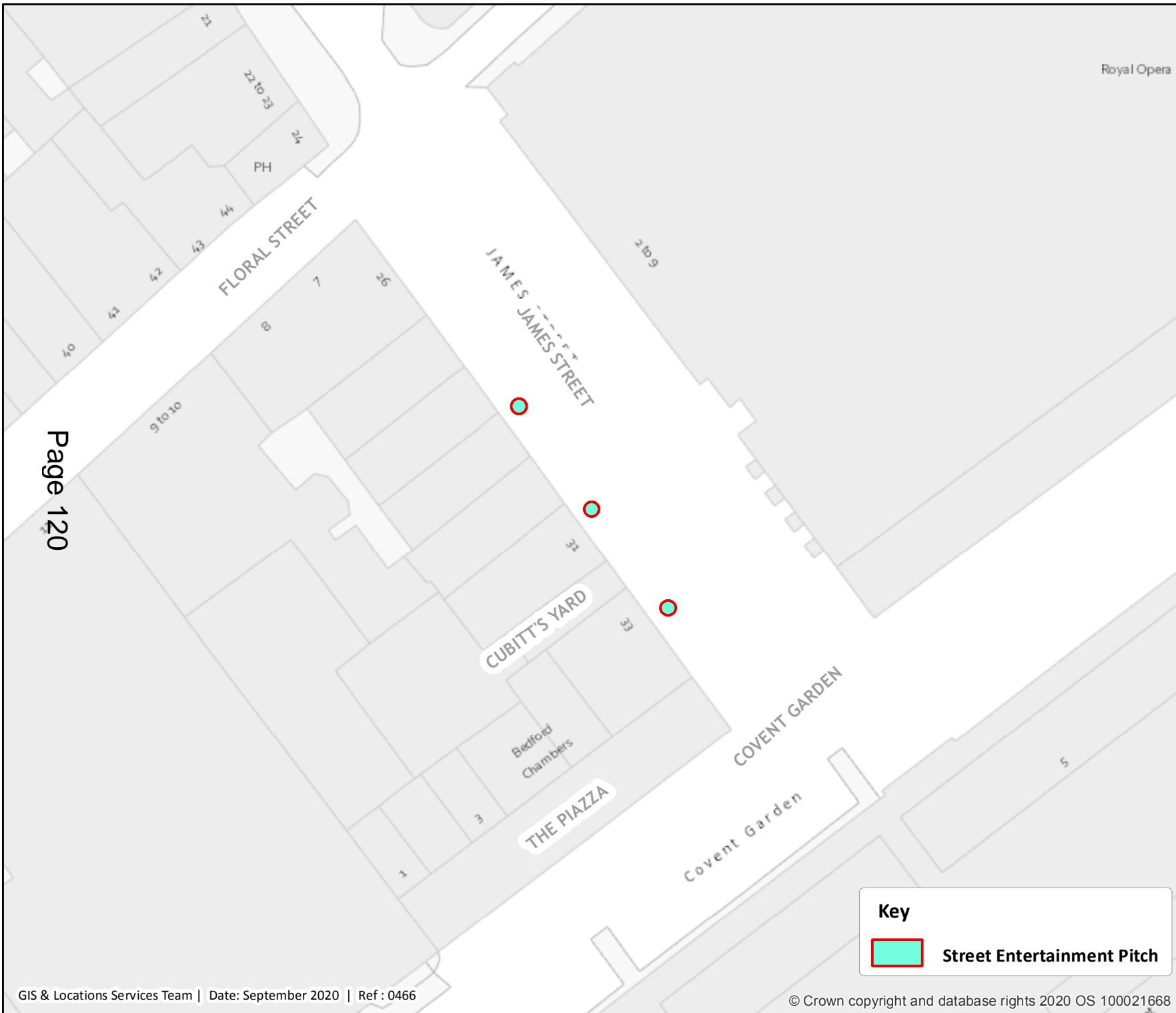
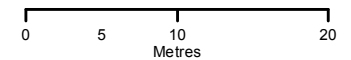
 **Street Entertainment Pitch**



Terms and Conditions

- Each pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500 on A4



**Key**

 **Street Entertainment Pitch**

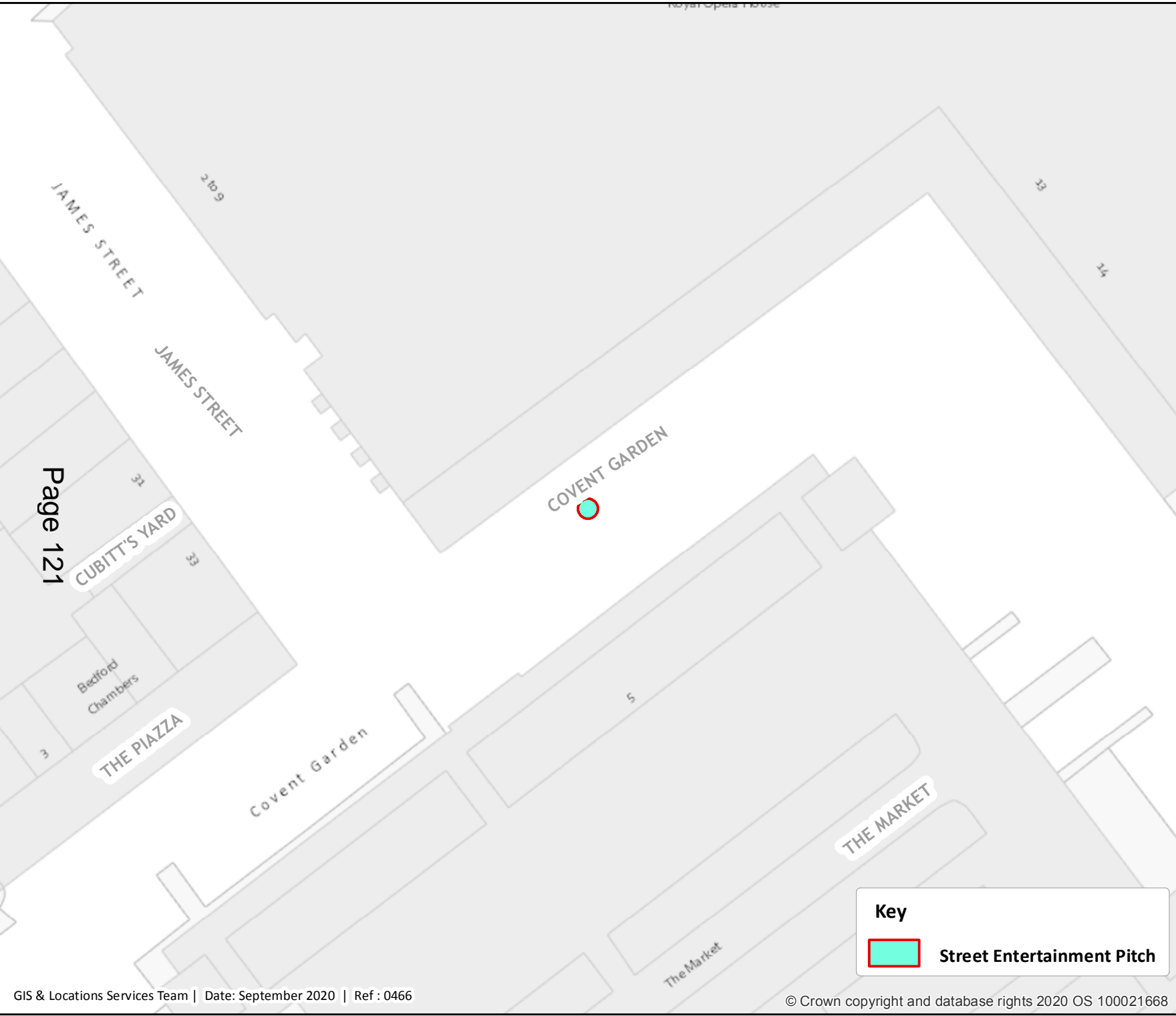




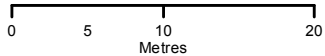
# Royal Opera House

## Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Map Scale 1:500 on A4



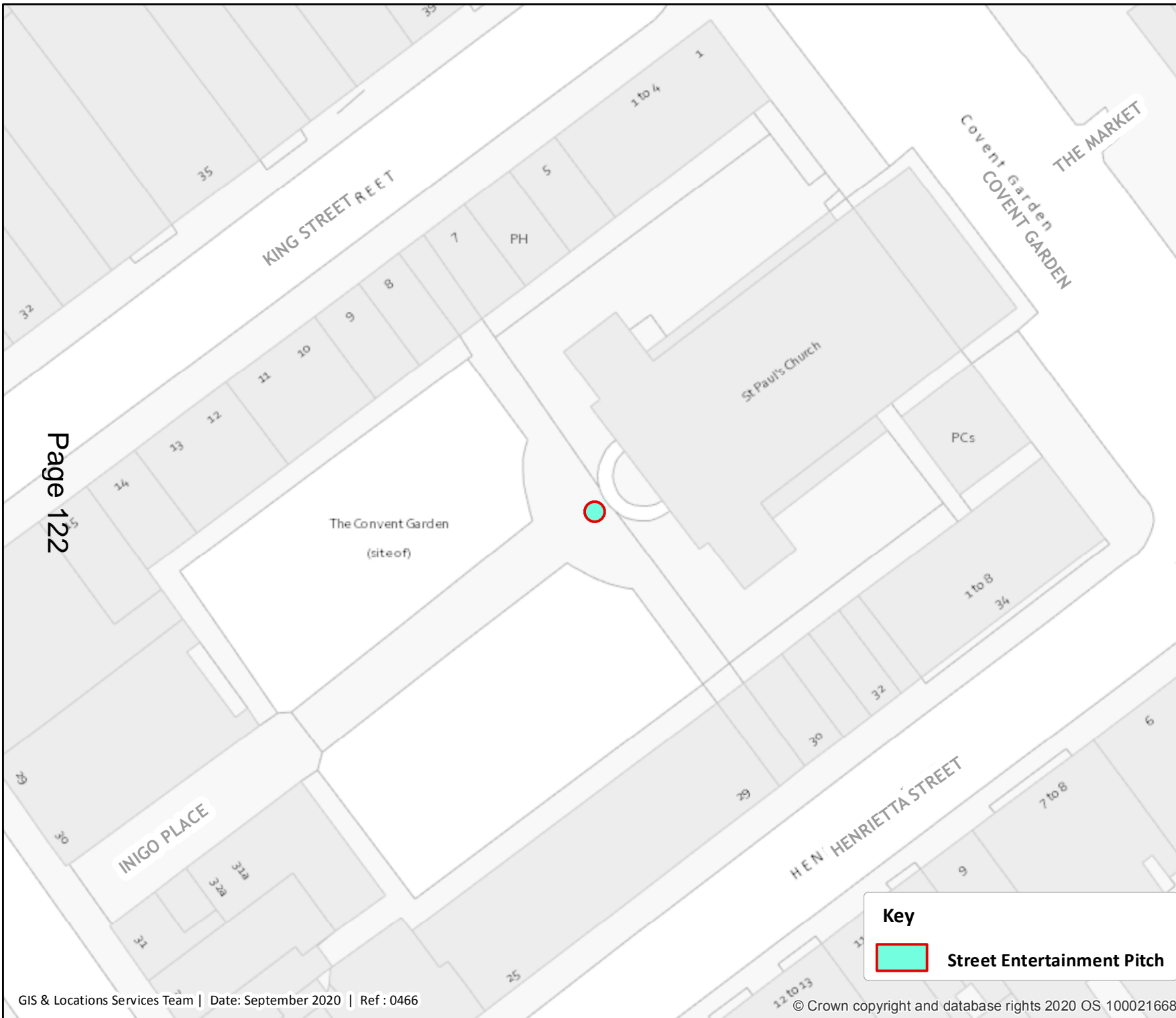
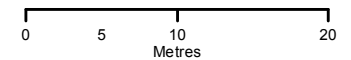


# St Paul's Church

## Terms and Conditions

- This pitch is not marked, however performances must not be more than 5 metres in space.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to persons in nearby premises.

Map Scale **1:500** on A4



**Key**

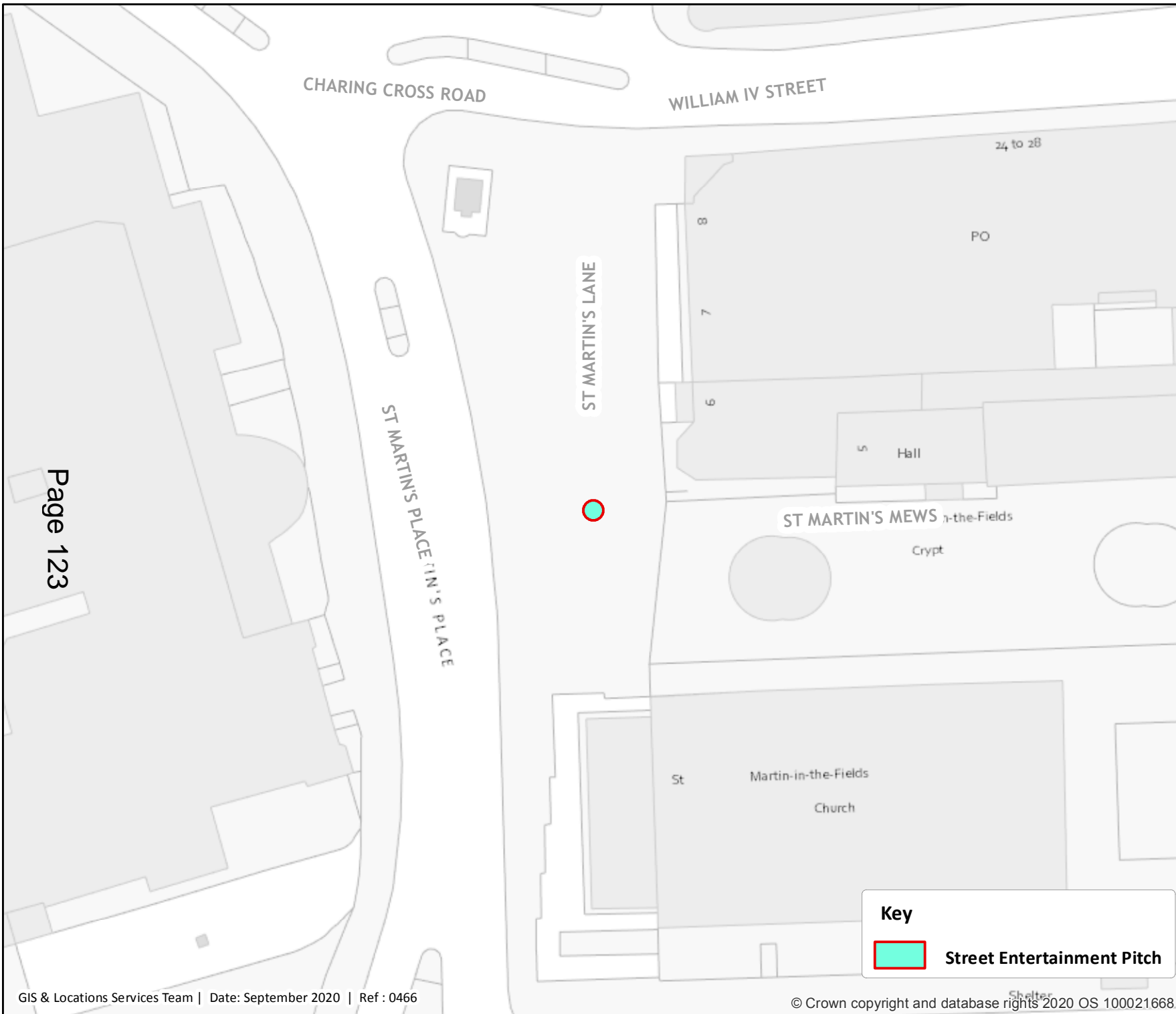
 **Street Entertainment Pitch**



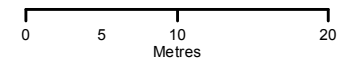
# St Martins Church

## Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not permitted here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Map Scale **1:500** on A4

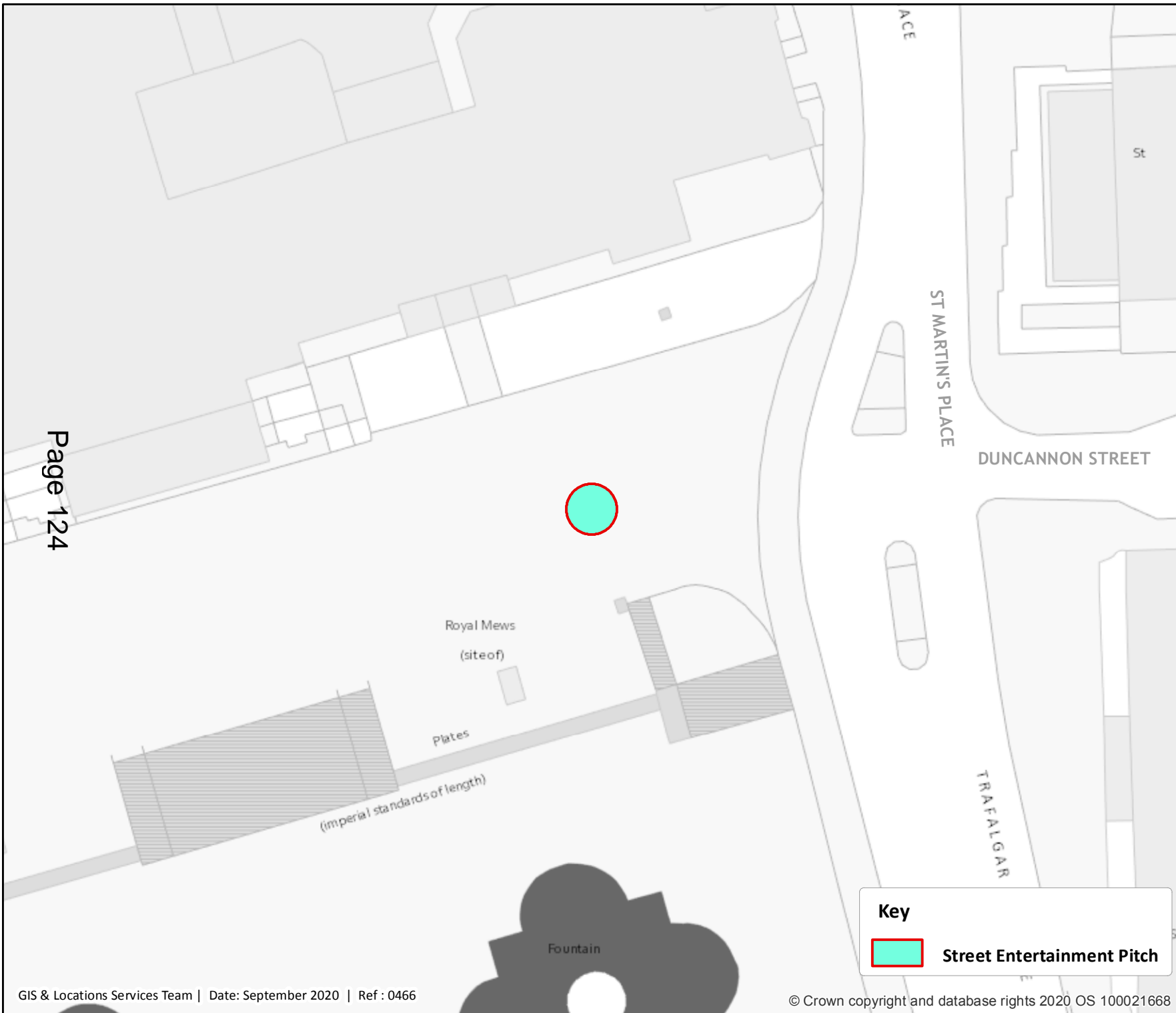




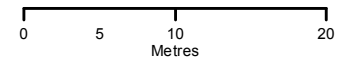
# Trafalgar Square – North Terrace - Charing Cross Road

## Terms and Conditions

- This pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to persons in nearby premises.



Map Scale 1:500 on A4

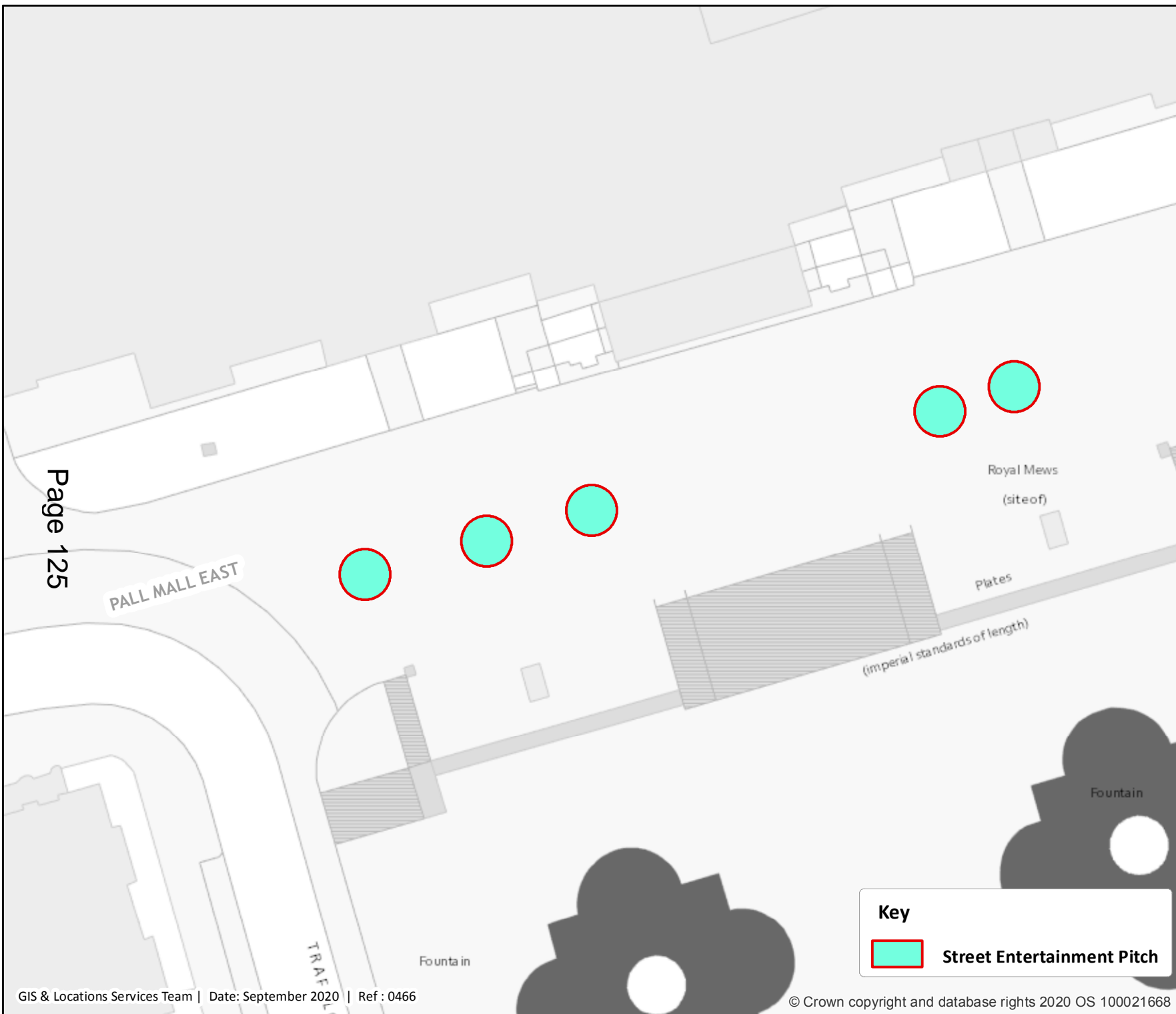




# Trafalgar Square – North Terrace

## Terms and Conditions

- Each pitch is 5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- These pitches are suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

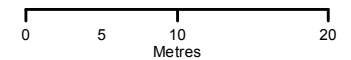


**Key**



**Street Entertainment Pitch**

Map Scale **1:500** on A4



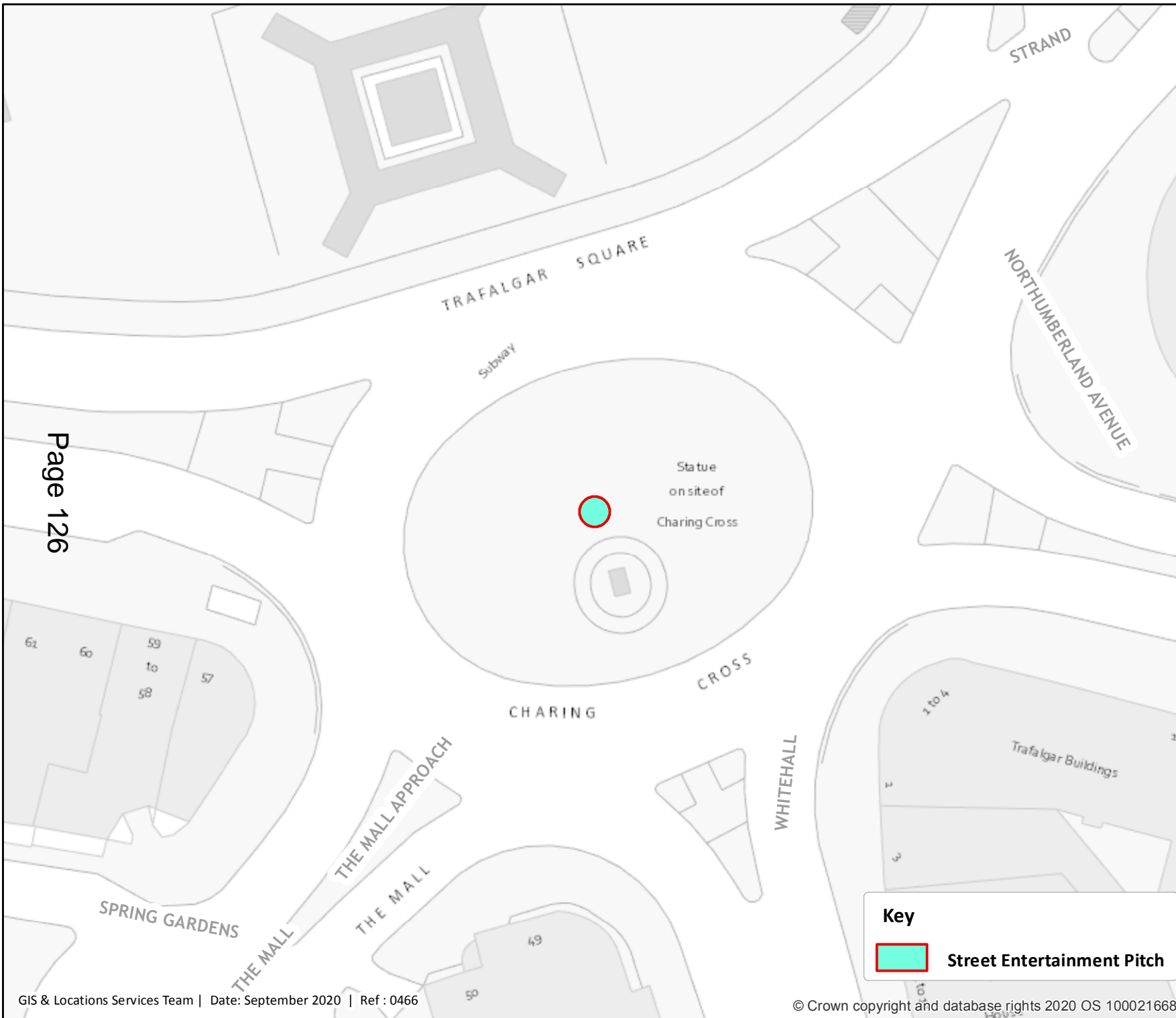
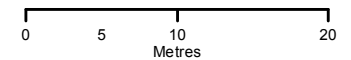


# King Charles Statue

## Terms and Conditions

- This pitch is 3 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to persons in nearby premises.

Map Scale **1:500** on A4



**Key**

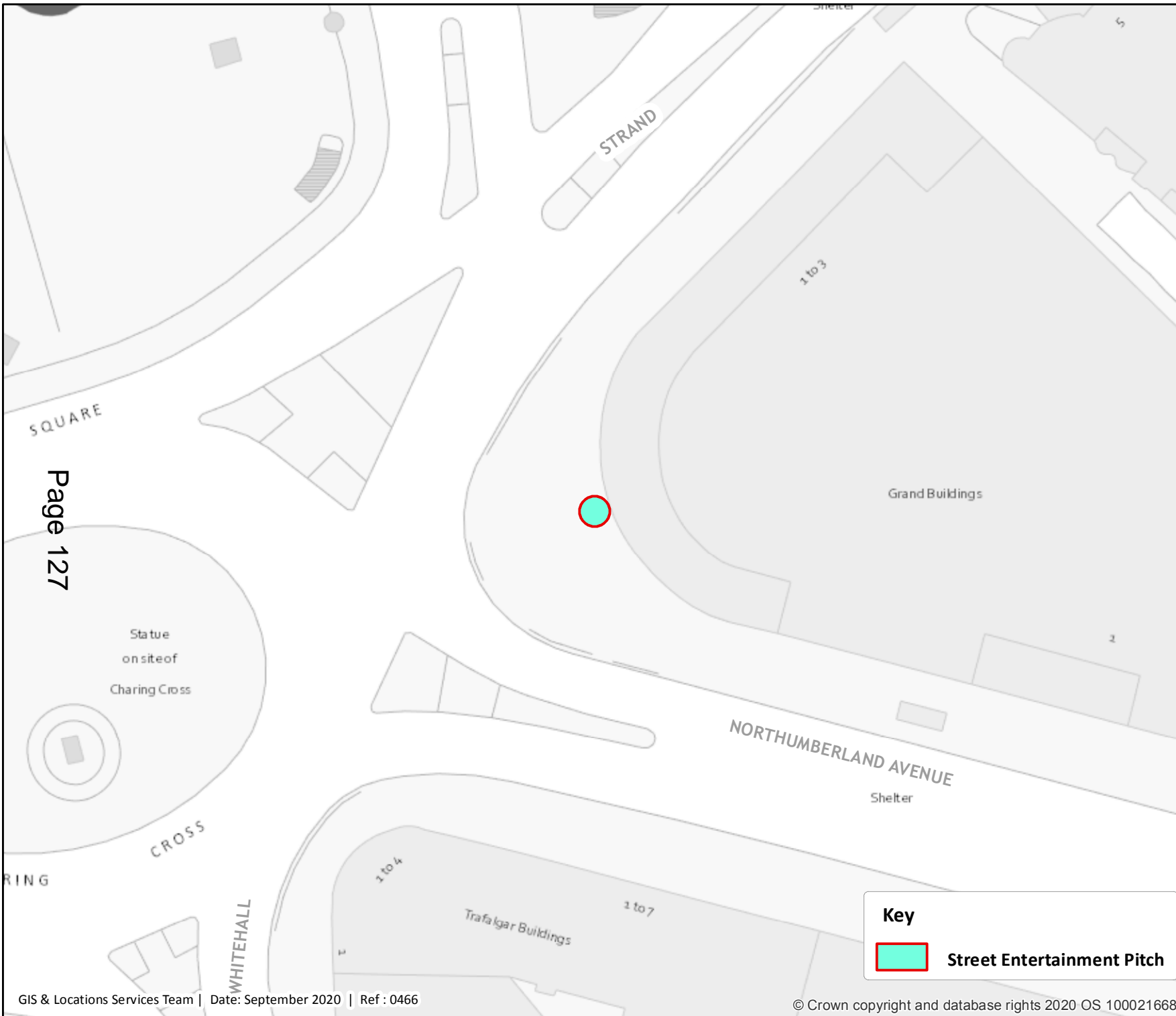
 **Street Entertainment Pitch**



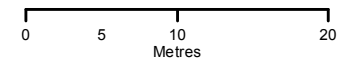
# Northumberland Avenue

## Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable to attract audiences providing they do not cause an obstruction
- Amplification, brass, wind percussion and percussive instruments are not permitted here.



Map Scale **1:500** on A4



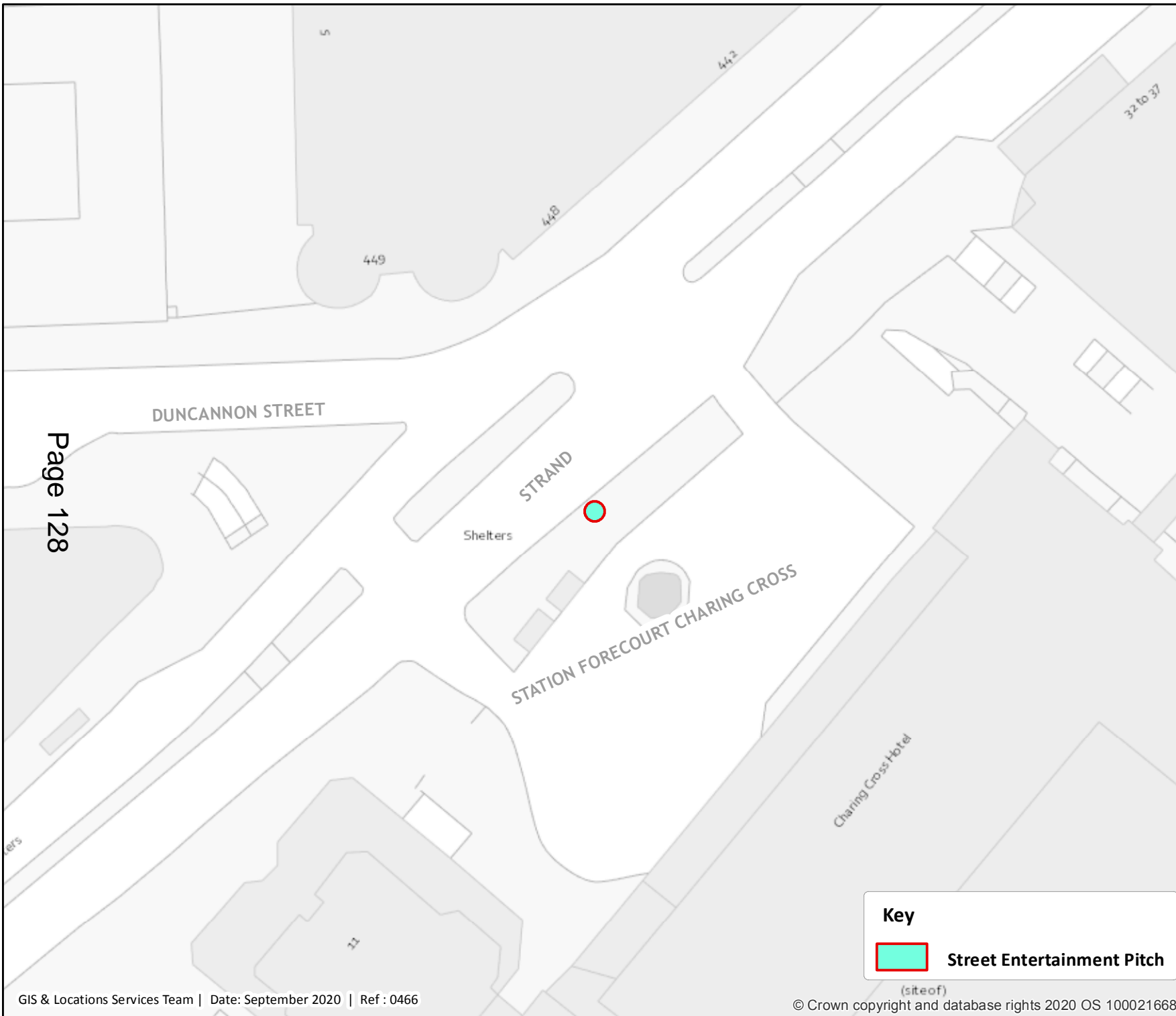


City of Westminster


# Charing Cross Station

## Terms and Conditions

- This pitch is 1.5 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

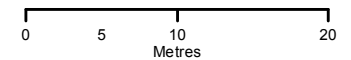


**Key**

 **Street Entertainment Pitch**

(site of)

Map Scale **1:500** on A4



Page 128

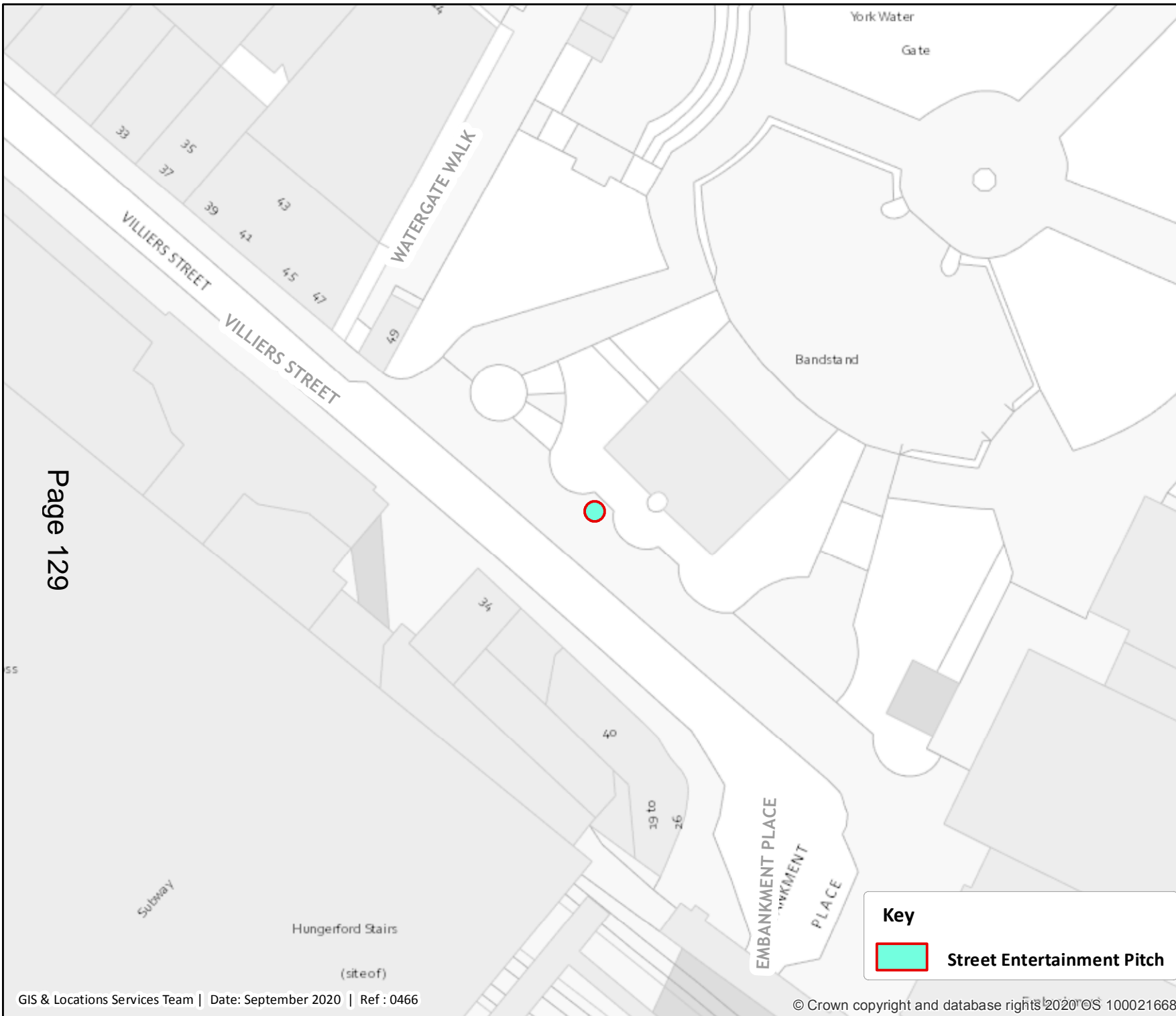
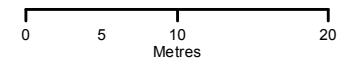




Terms and Conditions

- This pitch is 2 metres.
- All the buskers and street entertainers, the performance itself and anything used in connection with the performance must be contained within the designated and marked pitch.
- This pitch is suitable for walk-by acts. Audiences or crowds are not here
- Amplification, brass, wind percussion and percussive instruments are not permitted here.

Map Scale 1:500 on A4



# APPENDIX B

Regulations made by the City of Westminster pursuant to Section 36(1) and 36(2) of the London Local Authorities Act 2000 prescribing the information to be provided by applicants for the grant of a busking and street entertainment licence and the procedure for determining applications.

**In these Regulations, the expressions “Street” and “Busking” have the same meaning as set out in Section 32 of the London Local Authorities Act 2000.**

1. All applications (including new applications, renewal applications and variation applications) must be made using the online application form provided by Westminster City Council and must be accompanied by a passport size photograph of the applicant, along with the application fee.
2. Applications must be made by individual buskers and street entertainers. If in a group, each busker or street entertainer must apply for an individual licence.
3. The following information is required for all applications:
  - Name and home address in the UK.
  - Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
  - Two forms of identification, including a passport or driving licence.
  - Proof of valid Public Liability Insurance (of at least 2 million).
  - National Insurance number or declaration of right to work.
  - Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
  - Declaration of any unspent convictions.
  - Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
  - Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
4. The applicant will be given the option of declaring the following information:
  - Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
  - Self-declaration of having signed up to join the Westminster Busking and Street Entertainment Forum.
5. The applicant will also be given the opportunity to apply for a temporary licence to engage in street trading pursuant to the City of Westminster Act 1999. Such a temporary licence will only be granted if the busking and street entertainment licence is granted and the duration of the temporary licence will be identical to the duration of the busking and street entertainment licence.
6. Any temporary licence that is granted pursuant to the City of Westminster Act 1990 in accordance with these regulations will only permit trading to take place from the designated pitch at which the busker and street entertainer is performing for a period starting when the performance commences and ending 15 minutes after the performance has concluded. The trading permitted by such a licence will be restricted to merchandise that is directly related to the busking and street entertainment taking place (such as CDs being sold by a musician). A separate fee will have to be paid for the temporary licence.

### Additional requirements for a variation application

7. The following additional information is required for any application to vary a busking and street entertainment licence:
  - The conditions requested to be varied.
  - Proposals for alternative conditions (if any).
8. It is not possible to apply to vary a licence to provide busking and street entertainment in any part of the Westminster City Council that has not been designated as a licence street.

### The Procedure for Determining Applications

9. Applications will only be regarded as valid when they have been made in accordance with these regulations, including the payment of the correct fee.
10. Any application that is made to engage in busking and street entertainment in any street in the Westminster City Council that has not been designated as a licence street will be refused (in accordance with Section 37 (2) of the London Local Authorities Act 2000).
11. All applications granted by the council shall be deemed to have been so granted subject to any standard conditions that have been prescribed by the council under Section 40 of the London Local Authorities Act 2000, except so far as they are expressly excluded or amended in any particular case.
12. Applications may be granted in full or refused or granted subject to such additional conditions as may be considered appropriate in the circumstances.
13. An application to vary a busking and street entertainment licence can be made at the same time as an application for a new licence or an application to renew the licence without incurring an additional fee. An application to vary a licence that is made at any other time will incur a separate fee.
14. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does not involve any changes to the standard conditions will usually be determined within 10 working days following the receipt of the application (excluding weekends and all bank and public holidays).

15. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does involve any changes to the standard conditions will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
16. Subject to Condition 22 below, a valid application for a variation of a busking and street entertainment licence that is not made at the same time as an application for a new licence or for the renewal of that licence will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
17. A busking and street entertainment licence will be granted for a period of six months.
18. An application to renew a busking and street entertainment licence must be made so as to be received by the licensing authority on or before the date of expiry of the existing licence. No late applications for renewal will be processed.
19. When an application to renew a busking and street entertainment licence has been made so as to be received by the licensing authority on or before the date of expiry of the existing licence, the existing licence will be deemed to remain in force until such time as it is either renewed or the holder of the licence is informed in writing that the application has been refused. The holder of the licence is deemed to have been informed that the application has been refused as soon as he or she has been informed of the refusal or seven days after the date when the notice of refusal was posted by first class pre-paid letter to the address held for that person by the licensing authority, whichever is the earliest.
20. All applications will be determined by a single officer ("the determining officer"). There may be a number of determining officers but all of them will be authorised in writing by the Executive Director heading up the licensing service. The Executive Director (or any person in an equivalent post) will have delegated powers to authorise the determining officers.

21. All applications will be determined on merit having regard to any Busking and Street Entertainment policy that may be in force and may be subject to consultation with the Police or appropriate officers within the council itself, such as officers from the Environmental Health Service and Highways Service. The determination does not involve an audition process and the determining officer will not make any assessment regarding the content or the quality of the busking and street entertainment that will be provided by the applicant.
22. If the determining officer is minded to refuse the application or is only minded to grant the application subject to additional conditions being imposed on the licence, the applicant will be given written notification and an opportunity to provide additional information in support of the application. Any delay in providing additional information might impact on the ability to meet the time limits set out in Conditions 14, 15 and 16 above.
23. Applications will be determined on the basis of the information provided by the applicant, any written representations that may be received in response to any consultation and any additional written submissions received from the applicant. The final decision reached by the determining officer will not be subject to any internal review but any decision that is adverse to the applicant can be challenged by way of an appeal in accordance with the provisions contained in section 41 of the London Local Authorities Act 2000.
24. If a request is received to consider the possible revocation of a busking and street entertainment licence pursuant to Section 39 of the London Local Authorities Act 2000, that will be referred for determination by a Licensing Sub-Committee.





### Committee Report 2020

<b>Date:</b>	23 <sup>rd</sup> September 2020
<b>Classification:</b>	<i>For general release</i>
<b>Title or report:</b>	Licensing Service Fee Review ( <i>excluding Street Trading regimes</i> ) November 2020 – October 2021.
<b>From:</b>	Director of Public Protection and Licensing
<b>Decision maker:</b>	Licensing Committee
<b>Wards involved:</b>	All
<b>Financial Summary:</b>	This report sets out the fee strategy for the licensing regimes where the Council can set a fee to attempt to recover its own costs. The proposed fees will enable the authority to recover its own costs in administering and ensuring compliance within those licensing regimes.
<b>Report author:</b>	Rebecca Gordon, Project Manager, Public Protection and Licensing

#### 1.0 Executive Summary

- 1.1 Each year the Council undertakes an annual review of licence fees. This report sets out:
- the review that has been undertaken by the Licensing Service for all licensing regimes where the council can set a fee<sup>1</sup>
  - the proposed fees to take effect from 1<sup>st</sup> November 2020 (Appendix 1)
- 1.2 This report is written in line with the corporate guidelines for setting the Council's fees and charges. This is typically carried out in July each year, however this has been postponed to September due to the Council's priority to provide a community response to the Covid-19 pandemic since March 2020.

#### 2.0 Recommendations

- (i) That the Committee approves the Fees (Appendix 1)
- (ii) That the Fees, if approved, will be implemented from **1st November 2020**

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<sup>1</sup> market fees have been excluded as they have been agreed by Committee on (28<sup>th</sup> November 2018)

### **3.0 Reasons for Decision**

- 3.1 The proposed fees, attached at Appendix 1, enable the Council to recover its reasonable costs for administering and enforcing the Council's licensing regimes.

### **4.0 How Licence Fees are calculated**

- 4.1 The Licensing Service undertakes an annual review on the fees charged for licences which it has the power to set.
- 4.2 When setting fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to recover the actual costs incurred by the Council in running the regime, but not to make a profit.
- 4.3 In compliance with the Supreme Court ruling for the Hemming case<sup>2</sup>, Licensing fees are set in two parts
- Part A: This fee is payable with the application and is a non-refundable administration fee for processing the application and carrying out any consultation and determining whether the licence should or should not be granted.
  - Part B: If the application is successful, a second fee is payable which covers the costs of monitoring and enforcing the licensing regime, over the duration of the licence and would be refunded on a monthly pro rata basis if the licence is surrendered.
- 4.4 The fees for processing the application are estimated by assessing the proportion of Full Time Equivalent (FTE) resources used to assess each licence type in a financial year and then apportioned across the licences. This includes the time taken by internal consultees, such as the Environmental Health Consultation Team and Registrars.
- 4.5 Although the Council does not receive any applications or issue any licences for some regimes it still must set a fee to recover the costs of carrying out that function. Where no licences are issued, the Council are unable to review the time spent on the licence in line with current practices. In this case, the licence fee is increased by 2% to account for inflation and increased cost of officer time.
- 4.6 A proportionate cost is also attributed to these fees for management time, which includes the costs associated with running the department and services involved with delivering a function associated with one or more licensing regimes.

### **5.0 Fee Review & Financial Implications**

- 5.1 Fees set by the Licensing Service were last approved in July 2019, and came into effect from the 1<sup>st</sup> August 2019.
- 5.2 The proposed fees for 2020 have been calculated on a full cost basis considering both direct and indirect costs associated with processing, monitoring and enforcing the licences. It is proposed that the amended fees set out in Appendix 1 of this report will take effect from the 1st November 2020.

When setting fees there is a statutory requirement to consider the income received for a licensing scheme compared to the overall cost of delivering the scheme. The fee level must be set to not generate income in excess of the cost associated with delivery

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<sup>2</sup> Provisions of Services Regulations 2009

- 5.3 For riding establishments, it is proposed that re-charges for veterinary inspections by the City of London (after the initial inspection included in Part A of the fee) will be charged directly to the applicant, and are not included in the fee calculation for Part B. This is due to the fact that the rate of inspection varies between premises, and also mirrors the fee structure of other local authorities.
- 5.4 The current fees charged, and proposed fees for 2020, are attached as Appendix 1 to this report.

## **6.0 Legal implications**

- 6.1 The Council can set its own fees for the regimes listed in Appendix 1 of this report.
- 6.2 All of the regimes, (excluding Gambling), are covered by the European Union Services Directive. Regulation 18 of the Provision of Services Regulations 2009, which implements the EU Services Directive into UK law, requires that any licensing fees charged in relation to “authorisations” must be reasonable and proportionate to the costs of processing applications. As stated above, the Hemmings case confirmed that when setting licence fees, authorities can recover the costs of processing the application, and where applications are successful, the costs of monitoring and enforcing the licensing regime as a whole, provided such costs are charged in two parts (part A and part B). The proposed fees must not be used to make a profit.
- 6.3 If the proposed fee structure results in a surplus or loss for the financial year there will be an appropriate reduction or increase in fees for the following financial year.

## **Appendices**

Appendix 1 – Proposed Fees November 2020 – September 2021

*An EIA has been completed and is available on request.*

**If you have any queries about this report or wish to inspect any of the background papers, please contact:**

Rebecca Gordon, Project Manager, Public Protection and Licensing



Licence Type	Licence Type	Coding	Current Fee			Proposed Fee			Proposed Fee
			2019 Fee A	2019 Fee B	2019 Total	2020 Fee A	2020 Fee B	2020 Total	
Auctions									
Auctions	Auctions	Auc-New	£690.00	£100.00	£790.00	£690.00	£100.00	£790.00	£790.00
	Auctions	Auc-Dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Animals									
Animal Boarding Establishments	Animal Boarding Establishments	Ani-new	£1,090.00	£100.00	£1,190.00	£1,180.00	£115.00	£1,295.00	£1,295.00
	Animal Boarding Establishments	Ani-ren	£470.00	£100.00	£570.00	£482.50	£115.00	£597.50	£598.00
	Animal Boarding Establishments	Ani-Dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Dangerous Wild Animals	Dangerous Wild Animals	Dan-new	£915.00	£100.00	£1,015.00	£933.30	£102.00	£1,035.30	£1,035.00
	Dangerous Wild Animals	Dan-ren	£240.00	£100.00	£340.00	£244.80	£102.00	£346.80	£347.00
	Dangerous Wild Animals	Dan-dup	£25.00	£25.00	£50.00	£25.50	£25.50	£51.00	£51.00
Breeding Dogs	Dog Breeding Establishments	dog-new	£1,090.00	£100.00	£1,190.00	£1,111.80	£102.00	£1,213.80	£1,214.00
	Dog Breeding Establishments	dog-ren	£470.00	£100.00	£570.00	£479.40	£102.00	£581.40	£581.00
	Dog Breeding Establishments	dog-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Doggy Day Care Establishments	Doggy Day Care Establishments	dogd-new	£1,090.00	£100.00	£1,190.00	£1,055.00	£218.00	£1,273.00	£1,273.00
	Doggy Day Care Establishments	dogd-ren	£470.00	£100.00	£570.00	£479.40	£102.00	£581.40	£581.00
	Doggy Day Care Establishments	dogd-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Kennels and Catteries	Kennels and Catteries	ken-new	£1,090.00	£100.00	£1,190.00	£1,111.80	£102.00	£1,213.80	£1,214.00
	Kennels and Catteries	ken-ren	£470.00	£100.00	£570.00	£479.40	£102.00	£581.40	£581.00
	Kennels and Catteries	ken-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Animal Exhibitions	Animal Exhibitions	Per-new	£665.00	£100.00	£765.00	£678.30	£102.00	£780.30	£780.00
	Performing Animals	Per-Var	£375.00	£0.00	£375.00	£382.50	£0.00	£382.50	£383.00
	Performing Animals	Per-Ins	£300.00	£0.00	£300.00	£306.00	£0.00	£306.00	£306.00
	Performing Animals	Per-Copy	£7.00	£0.00	£7.00	£7.14	£0.00	£7.14	£7.00
	Performing Animals	Per-Dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Selling Animals as Pets	Selling Animals as Pets	Pet-New	£1,185.00	£100.00	£1,285.00	£1,208.70	£102.00	£1,310.70	£1,311.00
	Pet Shops	Pet-Ren	£540.00	£100.00	£640.00	£550.80	£102.00	£652.80	£653.00
	Pet Shops	Pet-Dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Hiring out horses	Hiring out horses	RID-new	£1,345.00	£100.00	£1,445.00	£1,404.00	£0.00	£1,404.00	£1,404.00
	Riding Establishments	rid-ren	£885.00	£100.00	£985.00	£902.70	£102.00	£1,004.70	£1,005.00
	Riding Establishments	rid-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Zoo	Zoo	zoo-new	£28,025.00	£0.00	£28,025.00	£28,585.50	£0.00	£28,585.50	£28,586.00
	Zoo	zoo-ren	£36,740.00	£0.00	£36,740.00	£37,474.80	£0.00	£37,474.80	£37,475.00
	Zoo	zoo-exe	£2,185.00	£0.00	£2,185.00	£2,228.70	£0.00	£2,228.70	£2,229.00
	Zoo	zoo-var	£2,260.00	£0.00	£2,260.00	£2,305.20	£0.00	£2,305.20	£2,305.00
	Zoo	zoo-tra	£195.00	£0.00	£195.00	£198.90	£0.00	£198.90	£199.00
	Zoo	zoo-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Sexual Entertainment Venues									
Licensed Sex Shops/ Cinema/ Hostess Bar	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-new	£2,148.00	£2,262.00	£4,410.00	£1,395.00	£3,162.00	£4,557.00	£4,557.00
	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-ren	£1,168.00	£2,262.00	£3,430.00	£1,168.00	£2,262.00	£3,430.00	£3,430.00
	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-var	£1,020.00	£0.00	£1,020.00	£1,040.40	£0.00	£1,040.40	£1,040.00
	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-tra	£340.00	£0.00	£340.00	£348.75	£0.00	£348.75	£349.00
	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-par	£740.00	£0.00	£740.00	£754.80	£0.00	£754.80	£755.00
	Licensed Sex Shops/ Cinema/ Hostess Bar	Sex-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Sexual Entertainment Venues	Sexual Entertainment Venues	See-new	£1,803.00	£2,262.00	£4,065.00	£1,860.00	£2,307.24	£4,167.24	£4,167.00
	Sexual Entertainment Venues	See-ren	£1,083.00	£2,262.00	£3,345.00	£1,062.86	£2,307.24	£3,370.10	£3,370.00
	Sexual Entertainment Venues	See-var	£1,100.00	£0.00	£1,100.00	£1,122.00	£0.00	£1,122.00	£1,122.00
	Sexual Entertainment Venues	See-tra	£310.00	£0.00	£310.00	£316.20	£0.00	£316.20	£316.00
	Sexual Entertainment Venues	See-par	£725.00	£0.00	£725.00	£739.50	£0.00	£739.50	£740.00
	Sexual Entertainment Venues	See-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Marriage									
Marriage	Marriage	Mar-new	£1,100.00	£100.00	£1,200.00	£670.00	£676.04	£1,346.04	£1,346.00
	Marriage	Mar-ren	£735.00	£100.00	£835.00	£761.51	£0.00	£761.51	£762.00
	Marriage	Mar-CRP	£85.00	£0.00	£85.00	£86.70	£0.00	£86.70	£87.00
	Marriage	Mar-ame	£205.00	£0.00	£205.00	£209.10	£0.00	£209.10	£209.00
	Marriage	Mar-cha	£130.00	£0.00	£130.00	£139.50	£0.00	£139.50	£140.00
	Marriage	Mar-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Entertainment (Other)									
Hypnotism	Hypnotism	Hyp-new	£440.00	£100.00	£540.00	£448.80	£102.00	£550.80	£551.00
	Hypnotism	hyp-ren	£110.00	£100.00	£210.00	£112.20	£102.00	£214.20	£214.00
	Hypnotism	hyp-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Sports Ground	Sports Ground	Spo-new	£8,970.00	£0.00	£8,970.00	£9,149.40	£0.00	£9,149.40	£9,149.00
	Sports Ground	Spo-ren	£8,736.00	£0.00	£8,736.00	£8,910.72	£0.00	£8,910.72	£8,911.00
	Sports Ground	Spo-tra	£230.00	£0.00	£230.00	£234.60	£0.00	£234.60	£235.00
	Sports Ground	Spo-dup	£22.00	£0.00	£22.00	£22.44	£0.00	£22.44	£22.00
Special Treatment Premises	Special Treatment Premises	MST-neh	£1,418.00	£1,092.00	£2,510.00	£1,209.00	£1,302.00	£2,511.00	£2,511.00
	Special Treatment Premises	MST-Nel	£1,293.00	£1,092.00	£2,385.00	£1,318.86	£1,113.84	£2,432.70	£2,433.00
	Special Treatment Premises	MST-Reh	£723.00	£1,092.00	£1,815.00	£558.00	£1,302.00	£1,860.00	£1,860.00
	Special Treatment Premises	MST-rel	£723.00	£1,092.00	£1,815.00	£737.46	£1,113.84	£1,851.30	£1,851.00
	Special Treatment Premises	MST-tra	£200.00	£0.00	£200.00	£232.50	£0.00	£232.50	£233.00
	Special Treatment Premises	MST-var	£630.00	£0.00	£630.00	£651.00	£0.00	£651.00	£651.00
	Special Treatment Premises	MST-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
	Special Treatment Premises	MST-rem	£190.00	£0.00	£190.00	£193.80	£0.00	£193.80	£194.00
	Special Treatment Premises	MST-ren	£190.00	£0.00	£190.00	£193.80	£0.00	£193.80	£194.00
	Special Treatment Premises	MST-con	£203.00	£1,092.00	£1,295.00	£207.06	£1,113.84	£1,320.90	£1,321.00
	Special Treatment Premises	MST-cha	£120.00	£0.00	£120.00	£139.50	£0.00	£139.50	£140.00
Scrap Metal Dealers - Site Licence	Scrap Metal Dealers - Site Licence	SCR-new	£430.00	£100.00	£530.00	£438.60	£102.00	£540.60	£541.00
	Scrap Metal Dealers - Site Licence	SCR-ren	£180.00	£100.00	£280.00	£183.60	£102.00	£285.60	£286.00
	Scrap Metal Dealers - Site Licence	SCR-var	£330.00	£0.00	£330.00	£336.60	£0.00	£336.60	£337.00
	Scrap Metal Dealers - Site Licence	SCR-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Scrap Metal Dealers - Collector's Licence	Scrap Metal Dealers - Collector's Licence	Col-new	£515.00	£100.00	£615.00	£525.30	£102.00	£627.30	£627.00
	Scrap Metal Dealers - Collector's Licence	Col-ren	£180.00	£100.00	£280.00	£183.60	£102.00	£285.60	£286.00
	Scrap Metal Dealers - Collector's Licence	Col-var	£245.00	£0.00	£245.00	£249.90	£0.00	£249.90	£250.00
	Scrap Metal Dealers - Collector's Licence	Col-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Exhibitions	Exhibitions	Exh-New	£775.00	£100.00	£875.00	£790.50	£102.00	£892.50	£893.00
	Exhibitions	Exh-Ren	£270.00	£100.00	£370.00	£186.00	£232.50	£418.50	£419.00
	Exhibitions	Exh-dup	£25.00	£0.00	£25.00	£25.50	£0.00	£25.50	£26.00
Street Trading									
Table and Chairs	Table and Chairs	T&C-SuppNew	£175.00		£175.00	£178.50		£178.50	£179.00
	Table and Chairs	T&C-AppFee	£1,362.50		£1,362.50	£1,390.00		£1,390.00	£1,390.00
	Table and Chairs	T&C-Dayrate	£22.50		£22.50	£23.00		£23.00	£23.00
	Table and Chairs	T&C-Dup	£40.00		£40.00	£41.00		£41.00	£41.00
	Table and Chairs	T&C-Var	£150.00		£150.00	£153.00		£153.00	£153.00

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