

Busking and street entertainment licensing policy review report.

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Executive Summary

The introduction of the busking and street entertainment licensing regime in Westminster aimed to strike a balance between supporting performers and addressing issues related to noise, obstruction, and inappropriate locations. The Policy recognises the diverse nature of busking and street entertainment and aims to enhance the city's public spaces while considering the concerns of pedestrians, residents, and businesses.

As part of the commitment made by the Council, a review of the Licensing Policy was undertaken after one year of the scheme's operation. This report outlines the approach taken by Officers for the review, including engagement with external stakeholders and data collection. The findings of the review present potential options and recommendations for the Council's consideration.

The review process involves several stages, including an internal officer review, engagement with stakeholders, consultation through the Council's policy and scrutiny process and Licensing Committee and public consultation on the proposed revisions before any formal decision is made on approving those revisions.

During the review process, officers engaged with key stakeholders, conducted targeted engagement, and analysed available evidence. The data indicated a generally positive uptake of licenses issued by the Council during the two years of operation. However, there was a notable increase in complaints related to busking and street entertainment, primarily concentrated in specific areas of the city, with a significant number of repeat complainants.

Compliance and enforcement

Stakeholder engagement revealed several issues with maintaining compliance and enforcing against illegal performers within the scheme. Non-compliance and illegal activity were particularly prevalent in Leicester Square and Covent Garden.

The original intention of the scheme was to have a light-touch approach, emphasising self-regulation based on a code of conduct. Buskers and street entertainers expressed their desire to continue self-regulation, while businesses and residents were primarily concerned with noise nuisance and obstruction. The proposed scheme, which aimed to strike a balance between self-regulation and designated pitch locations, was considered appropriate. The low licence fees were set to facilitate busking and street entertainment without being a financial barrier, although they did not cover the full costs of running the scheme for the Council.

The licensing scheme and associated policy aimed to address concerns and enable effective action against non-compliance and illegal busking and street entertainment. However, challenges have arisen, particularly regarding compliance and enforcement. Council officers have faced difficulties enforcing against illegal performers without police support, and officer safety has been a concern due to threats and abuse from illegal buskers and street entertainers, as well as hostile audience reactions. The police, although key partners have been limited in their support due to other pressing priorities. As a result, there has been a rise in illegal activity since the easing of Covid restrictions and the return of high footfall. Council officers have collaborated with the police to carry out enforcement actions, resulting in some positive outcomes. Additionally, a prosecution was pursued against an illegal busker, which led to a conviction, although the fine imposed by the court was relatively low.

While the review primarily focused on the effectiveness of the Licensing Policy, the issues stemming from non-compliance and illegal behaviour by buskers and street entertainers were consistently raised by all stakeholders. Based on the review and engagement conducted, council officers acknowledge the need to evaluate the cost and resource implications of addressing persistent non-compliant and illegal buskers and street entertainers. The limited resources available to the council, financial constraints, and the importance of prioritising higher-risk and essential functions must be taken into account. The commitment of the police, who prioritise other policing issues in the West End, would also be crucial in effectively addressing these concerns. Despite these challenges, there is a clear consensus among businesses and residents to maintain the scheme, as it has proven effective in mitigating local issues such as noise and obstruction in certain areas of the city.

Leicester Square

The review has identified Leicester Square as a specific case study due to the persistent challenges related to noise nuisance and non-compliant or illegal busking and street entertainment. Managing noise from outside performances is particularly difficult in Leicester due to its architectural design, high buildings, and the positioning of adjoining streets. The layout of the square can cause the wind to carry noise further and some buildings facades act to redirect noise toward certain buildings, particularly those along the East side. The issue of noise nuisance is further amplified by the high demand for the Northeast pitch in Leicester Square. When multiple licensed performers seek to use the pitch, they may increase the volume of their performances to attract larger crowds and generate income.

Based on the review findings and the identified challenges in Leicester Square, it is recommended to initiate a collaborative approach involving representatives of buskers and street entertainers, businesses, and the Council. The aim would be to collectively explore and implement strategies to mitigate the noise nuisance associated with the pitch in question.

However, it is also recommended that while the collaborative approach is underway, the Council should proceed with consultation on the proposal to remove amplification from the pitch. This ensures that progress is not delayed and that measures are put in place to address the noise issues promptly. If the collaborative approach yields positive results, the decision to implement the removal of amplification from the pitch could be suspended or terminated accordingly.

In addition to the challenges associated with noise in Leicester Square, the review has identified issues related to the Northwest corner pitch. This pitch is designated as unamplified and is situated away from the main north thoroughfare. However, performers are frequently found not on the designated pitch but closer to the main north thoroughfare, deviating from the intended location.

Furthermore, the presence of illegal buskers is particularly prominent in this area, both on the pitch itself and along the North thoroughfare of Leicester Square. This unauthorised presence not only causes obstruction but also contributes to significant noise disturbances.

Addressing these issues requires a comprehensive approach that considers the enforcement of regulations, addressing illegal busking activities, and ensuring compliance with designated pitch locations to minimise obstruction and noise-related problems.

This will be particularly challenging requiring a significant investment in resources and costs as well as ongoing support from the Police to achieve. As part of this approach, a review of the fees for the scheme may be required to cover some of the costs associated with this scheme generally as well as support the need for additional resourcing.

Policy Changes

Addressing Children and Young Performers it is proposed to amend the policy to clearly outline the requirements related to the age of performers and safeguarding. The policy should restrict individuals under the age of 14 from busking or providing street entertainment. Additionally, applicants under the age of 18 should be required to provide parental or guardian consent.

Information should be provided on copyrighted material and royalties within the policy to clarify that the responsibility for payment or royalties related to the performance or use of copyrighted material lies with the busker or street entertainer. This addition will inform applicants and licensees of this requirement.

The policy and application documentation will clearly state the ramifications for applicants who provide untruthful statements. Emphasise the importance of providing accurate and truthful information as part of the application process, as this information is essential for officers to assess the applicant's suitability for holding a license.

Code of Conduct and Licence Conditions

It is proposed that a review of the current codes of conduct and licence conditions should be undertaken and any necessary are made to ensure they remain proportionate and reasonable. It is proposed to amend the Codes of Conduct to include provisions on the provision of truthful information during the application process and behaviour.

There may also be a need to consider updating some of the codes of conduct and licence conditions considering the proposed changes identified in the review. A new condition is being proposed to specifically tackle abusive or threatening behaviour or actions that are directed towards Authorised Officers and the Police.

Pitch Locations and Markings

The council should assess the current pitch locations based on factors such as pedestrian safety, accessibility for disabled performers, prevention of highway obstruction, and reduction of noise nuisance to businesses and residents. Consider moving or changing pitches that are not frequently used or where there are issues with localised noise nuisance. Explore the addition of new pitches in areas with significant demand or where existing pitches are often suspended due to events, e.g. in proximity to Leicester Square and Trafalgar Square.

Undertake an assessment of the markings of pitches that have significantly worn out. Consider cost-effective alternatives to the current versions used across the city to provide a cheaper alternative while still maintaining visibility and functionality.

By implementing these policy changes, reviewing the code of conduct and licence conditions, and assessing and potentially adjusting pitch locations and markings, the Council can enhance the effectiveness and fairness of the busking and street entertainment licensing scheme.

1. Introduction and Background to this review

- 1.1 Westminster is populated with residential and business premises close to and within nationally and internationally recognised commercial, cultural, and tourist destinations, creating a vibrant and exciting atmosphere. These high footfall areas 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 is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly has 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.
- 1.3 Busking and street entertainment have 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. The Council continues to recognise the cultural contribution that busking and street entertainment add to the City's vibrancy and character. However, there continue to be adverse impacts from busking and street entertainment in certain locations around the city. The high number of loud or amplified performances daily meant that residents and nearby businesses had little or no respite for lengthy periods. In addition to the complaints received, in some areas of our city, some locations were inappropriate for busking and street entertainment. This was because of the nature, design, and use of the areas, which at times caused 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.
- 1.4 On 9th December 2020, at a hearing of Full Council a report and evidence that demonstrated the need for the Council to introduce a Busking and Street Entertainment licensing regime and associated Licensing Policy (the Policy) was debated. The Policy recognised that in certain locations within the 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 an undue interference with or inconvenience to or risk to the 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 was therefore proposed to adopt Part V of the London Local Authorities Act 2000 and for the designation of the areas of Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square to prohibit busking in those areas apart from busking that is carried on by licensed buskers within the twenty-seven designated busking pitches.
- 1.5 The Policy was intended to do more to support busking and street entertainment within the City while reducing the undue interference or inconvenience for persons using the streets or nuisance to nearby residents and businesses. Following that debate, Full Council approved the adoption of the Policy, the resolution to adopt Part V (Licensing of Buskers) of the London Local Authorities Act 2000 (the 2000 Act) to apply to the City of Westminster, and the draft designating resolution for designated streets.
- 1.6 Following the resolution to adopt the licensing of buskers licensing regime, the Policy, and the draft designating resolution (designation order) for designated streets where busking was permitted and/or prohibited the Council was required to undertake formal consultation on that resolution. This consultation took place between the 10th December 2020 and 31st January 2021. Following that consultation, a report was provided to Full Council on the 3rd

March 2021, seeking the formal adoption of the designation order following the results of the consultation exercise. The Council agreed that the designation order would come into effect on the 5th April 2021. The busking and street entertainment licensing regime came into effect on this date.

- 1.7 The Council acknowledges the cultural contribution of busking and street entertainment while recognising the adverse impacts in certain locations. The high volume of loud or amplified performances caused disruptions to residents and businesses, leading to numerous complaints. Additionally, some locations were deemed inappropriate due to their design and usage, leading to pedestrian congestion and safety concerns. The Council aims to strike a balance between preserving the vibrancy of the city and addressing these challenges through effective placemaking and public space design approaches.
- 1.8 On the 9th December 2020, the Council discussed and debated a report highlighting the need for the introduction of a Busking and Street Entertainment licensing regime and associated Licensing Policy. The Policy acknowledged that certain locations within the City experienced undue interference, inconvenience, and safety risks to individuals using the streets or living nearby due to busking and street entertainment. To address these concerns, the Council proposed adopting Part V of the London Local Authorities Act 2000. This adoption would prohibit busking in areas such as Piccadilly Circus, Chinatown, Leicester Square, Oxford Street, Regent Street, Soho, Covent Garden, The Strand, Charing Cross, and Trafalgar Square, with exceptions for licensed buskers operating within twenty-seven designated busking pitches.
- 1.9 Following the change in Administration of the Council in May 2020 discussions took place between Officers and the Cabinet Member on the scope of this review. It was agreed that the review would fulfil the Council’s commitment made during the adoption of the regime and policy on the 9th December 2020. The scope of this review would be limited to the Policy. However, the effectiveness of the regime and any issues associated with its compliance and enforcement would be considered when considering the final review report. Whilst it is outside the scope of this report the enforcement strategy and approach to ensuring compliance with this scheme will need to be considered in parallel.
- 1.10 The review is to be undertaken in four stages:

Stage	Stage title	Summary of stage	Completed, ongoing or to commence.
1	Internal Officer review	This stage focused on gathering input from Council teams and services which had the role of administering and/or enforcing the licensing regime and its Policy or had direct interactions or specific challenges associated with the regime and its Policy. This phase would also include collecting initial data sets on the scheme's operation and identifying previous individuals, groups, bodies, and partners involved in the initial development and consultation on the Policy for targeted engagement.	Completed October 2022

2	Engagement and evidence gathering with external stakeholders	This stage focused on targeted engagement to gather information and feedback on the scheme and the Policy, including what had been achieved in its first year and the areas which required changes or further consideration.	Completed – September 2022 to May 2023.
3	Initial Review findings and Councillor Scrutiny to consider next steps	This stage will set out the initial findings from stages 1 and 2 and consider what the options may be to make changes to the Policy to refine it further or make changes to address the specific issues identified in the review report. The initial review findings will be consulted with Members of the Licensing Committee and Policy and Scrutiny Committee. The outcome of those hearings will enable Officers to develop formal proposals for the Council to consider before moving on to making changes to the Policy.	Ongoing – June to November 2023
4	Proposals for the revision of the licensing scheme and Policy are published for consultation	This stage will be subject to the findings of this report and whether following Councillor Scrutiny and Licensing Committee consultation the Cabinet Member for Communities and Public Protection agrees that proposals to revise the Policy should be consulted upon. The Council should undertake public consultation on the proposals for any revisions to the policy, codes of conduct or standard conditions and then any subsequent responses should be considered before they are approved.	To commence – October 2023 to June 2024

- 1.11 In carrying out the initial review, Officers have considered data held by the Council associated with the licensing regime, complaints, compliance, and enforcement. Officers have also engaged with Officers across the Council in several Teams and Services who are directly or indirectly affected by the busking and street entertainment licensing regime and the associated Policy.
- 1.12 Officers have engaged with several key stakeholders, including street entertainers, BID's, landowners, and businesses who have already been involved, provided their views, or raised complaints to the Council since the scheme's introduction. This has taken place through email communication and virtual/in-person meetings. Officers have also collected evidence from key stakeholders about their views and any specific issues they have encountered with the licensing regime and the Policy. Targeted engagement has also taken place through online surveys.
- 1.13 This report sets out the views and evidence gathered through stages 1 and 2 of this review process. The findings identified within this review will enable Members of the Licensing Committee, Policy and Scrutiny Committee, and the Cabinet Member to consider the

options that are available to them on whether the Policy should be revised and what those revisions should or might be.

2. Westminster’s Buskers and Street Entertainers Licensing Regime

2.1 The licensing regime for buskers and street entertainers is a relatively simple licensing process set out in detail within the Policy. Applicants are required to make an application for a licence in writing to the Council using the application form available online and pay the required fee (see para 2.3 below). The following information and documents must accompany the application:

- Name and home address in the UK. If the performer is travelling from outside of the UK they will need to provide the address(es) of where they are staying whilst in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- One form of photographic ID including either a passport or driving licence. If the applicant does not hold photographic ID, the Council will accept a birth certificate along with a recent photograph.
- Proof of valid Public Liability Insurance (of at least £2 million).
- 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 that they have 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.
- Signed statement that the information provided is true.
- The following documents are optional:
 - Self-declaration of Westminster Street Performers Association membership and/or union membership.
 - Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.
 - Proof of student status to qualify for a discounted fee.

2.2 Since the introduction of the busking and street entertainment licensing regime on the 5th April 2021 the Council has received 705 applications for new licences and 62 applications to renew existing ones. The number of renewed licence applications is much lower than you would expect when comparing other licensing regimes that require the renewal of the licence to continue operating. However, due to the transient nature of buskers, the seasonal trends associated with some busking, and the fact that buskers may let their licence lapse, the low levels of renewal applications compared to new applications seem to be a standard theme within this regime. The table below shows the number of applications received by the Council for each financial year of its operation.

Year	Applications received		
	New	Renewal	Variations
2021/22	320	13	11
2022/23	439	54	21

2.3 The Council, when considering the scheme, determined to set the fee at a very low level to encourage and not dissuade buskers and street entertainers from applying for a licence. The fee level is not set at full cost recovery. The current fee levels have remained unchanged since their adoption:

Application Type	Licence duration	Fee	Student (50% discount)
New application or renewal of busking and street entertainment licence.	1 Month	£10	£5
	6 Months	£20	£10
New application or renewing a busking and street entertainment licence including a temporary licence*.	1 Month	£20	£10
	6 Months	£40	£20
Variation of an existing busking and street entertainment licence.	N/A	£20	£10

** Reference to a temporary licence means that the holder of the licence can apply, as part of their busking and street entertainment licence for a temporary street traders' licence, in pursuance with Section 21 of the City of Westminster Act 1999. This section of the 1999 Act permits a very limited sale of items associated with the performer, for example CD's.*

2.4 The fee level received for these applications is intended to contribute to the overall cost associated with the processing and determination of applications and the monitoring of compliance associated with the licence terms and conditions. However, the income received is significantly less than the costs involved. For example, it is estimated that processing and determining a Busking and Street Entertainment Licence will cost the Council £100 per application. This figure does not consider the costs associated with monitoring compliance associated with these licences. The Council received approximately £10k in licence fees for 2022/24.

2.5 The Council has set out, within the Policy the circumstances when the Council may review an application for a busking and street entertainment licence. The grounds for refusal are:

Refusal Reason	Considerations including, but not limited to:
Does not meet the threshold of 'fit and proper'.	<ul style="list-style-type: none"> - Does not have a right to work. - Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. - Has a record of noncompliance with the Westminster Code of Conduct and/or Officer instructions.

	<ul style="list-style-type: none"> - Has a record of substantiated complaints and noncompliance with licence terms and conditions. - A licence has previously been revoked in our city or other similar schemes. - Information provided as part of the application is demonstrated to be false.
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.

2.6 The Council has refused 4 applications for new Busking and Street Entertainment Licences in the past two financial years (2021/22 - 1 and 2022/23 - 3 applications) in 2022/23.

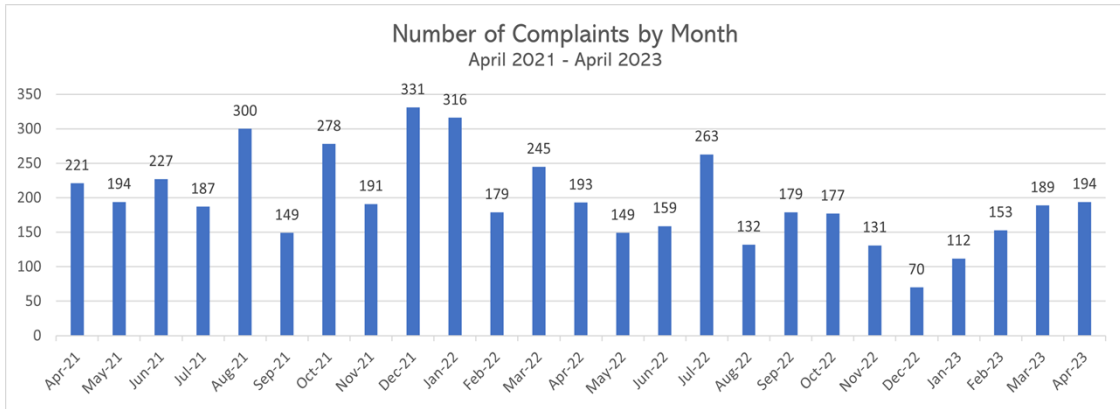
2.7 The Council has the power to revoke a licence under section 39 of the 2000 Act on the following grounds:

- (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.

2.8 The Council has not revoked any busking and street entertainment licences since the introduction of this licensing regime.

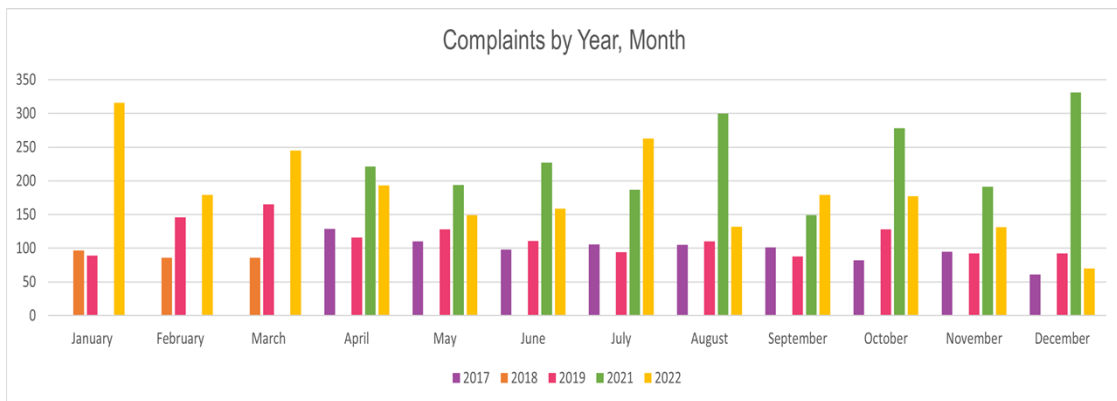
3. Complaints relating to busking and street performances

- 3.1 Since the introduction of the scheme, the Council has received 5070 complaints within the period of April 2021 to May 2023. On average, the Council receives around 2,200 complaints per year relating to buskers and street entertainers.
- 3.2 It has long been established that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the City increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).
- 3.3 Noise remains the predominant cause of complaints associated with buskers and street entertainers. Just over 50% of complaints (2576) were related to noise, with around 10% relating to unlicensed entertainers or street trading. Other complaints recorded include issues concerning obstruction, exceeding time, or other breaches of conditions. Most complaints have come from businesses and residents.
- 3.4 When complaints were received, Officers would focus their attention on the areas where complaints were being received. It should be noted that it was unusual for complaints to be received and Officers were able to attend and act relating to that complaint immediately. Often, upon arrival at the location of the complaint, the cause of the complaint may have left. In some cases, complaints related to incidents had taken place, and therefore, Officers were unable to address that specific matter leading to the complaint actively. However, those complaints provided intelligence and built-up valuable insight into when, where, and who may be either breaching their licence or busking illegally. From April 2021 to April 2023, Officers recorded that no further action was taken relating to that complaint on 20% of cases, and another 20% were noted as receiving further visits and verbal warnings being issued.
- 3.5 The largest number of complaints received during this period, nearly 25% - (1197) complaints associated to buskers and street entertainers within the Leicester Square area. Only around 5% (305) of complaints are situated within Covent Garden.
- 3.6 The graph below shows the number of complaints received by the month between April 2021 to April 2023. It shows that complaints follow a seasonal trend, peaking over the summer months as tourism and footfall across the city increase during the day and later into the night, as well as over the winter (Christmas and New Year periods). The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints).

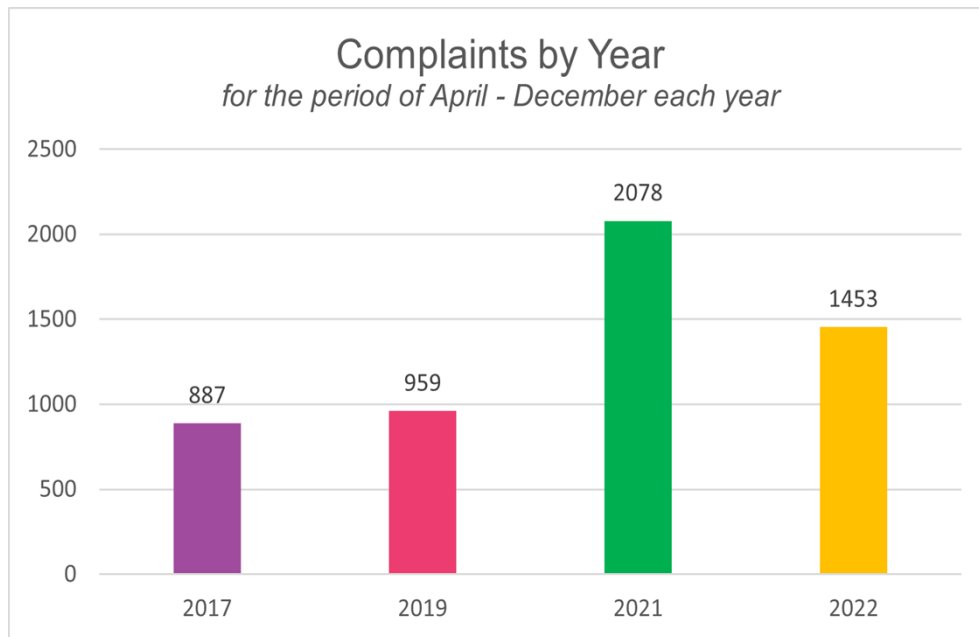


3.7 The monthly complaints relating to buskers and street entertainers remained consistent between April and July 2021, averaging 207 complaints per month. During this period, government restrictions were in place, and busking and street entertainers were returning to the city after being prevented from performing due to Covid19 pandemic restrictions and lockdowns. Footfall was significantly low at that point, with many businesses still shut or restricted in their operation.

3.8 When the Council was considering the adoption of this licensing regime and the Policy complaint data was produced as part of the evidence base to support its introduction, identify what the key issues were and where they were occurring. Using that same data and comparing it with the data collected between April 2021 and April 2022. The graph below shows the number of complaints by year and month between 2017 to 2022. Whilst some data is missing, it again portrays seasonal peaks, but also the significant increase of complaints, following the implementation of the scheme in 2021 and 2022, compared to previous years.



3.9 The final graph below shows the number of complaints by year between the periods of April and December each year for 2017, 2019, 2021, and 2022. Complaints doubled from 959 complaints in 2019 to 2078 complaints in 2021, and whilst this figure has dropped in 2022, it is still almost 500 complaints more than in 2019.



- 3.10 The increase in complaints associated with buskers and street entertainers following the introduction of the licensing regime is significant. The intention for the introduction of this licensing regime was to reduce the number of complaints as buskers and street entertainers would be operating within the terms and conditions of their licences, performances by individual buskers and street entertainers in any one location would be limited and any busker or street entertainer performing without a licence would be engaged with by a Council Officer or Police Constable, if necessary requiring enforcement action to be taken.
- 3.11 In considering the complaint information, conclusions as to why complaints have increased can be drawn based on the engagement and evidence provided to the Council as part of this review. The Covid19 pandemic restrictions were still in place when the regime was introduced. Between April and July 2021, restrictions were being lifted; buskers, street entertainers, businesses, workers, and visitors were starting to return to the City. Due to the period of lockdown and that noise and other issues were significantly reduced, the return of activity that generated any noise could have given rise to additional complaints at the time. It is also possible that an expectation was established when the scheme was consulted up and then introduced that the licensing regime would have a major impact on reducing the issues residents and businesses had raised and that the Council would have the resources to actively ensure compliance and enforce any non-compliance or illegal operators rapidly. The Council has also made it easier for residents and businesses to report complaints associated with buskers and street entertainers. There is a marked increase in the use of the Council's Report It functions on its website for this purpose.
- 3.12 Complaints have remained high, and in certain areas, some complainants have made a large number of repeated complaints. For example, complaints associated with buskers and street entertainers in the Leicester Square area is significantly higher than in any other location in the city. The issues relating to noise nuisance from both licensed and unlicensed buskers and street entertainers have meant that those affected (businesses) have been repeatedly making complaints when incidents occur so that they are adequately logged.
- 3.13 Perceived lack of action from the Council concerning non-compliance with the licence and illegal buskers and street entertainers has also generated repeated complaints. The reasons

and circumstances relating to compliance and enforcement are referred to in Section 4 below.

4. Compliance and Enforcement

- 4.1 In reviewing the Policy, Officers quickly identified that the approach and issues surrounding compliance and enforcement had a significant bearing on the effectiveness of the Policy and, ultimately, this new licensing regime. As compliance and enforcement appear to be a central and reoccurring theme that has been identified across all stakeholders, Officers have set out in this section who is responsible for monitoring and taking action associated with the compliance and enforcement of this regime; what factors have made a significant impact and/or hampered the Council's ability to ensure compliance and enforce illegal buskers and street entertainers; what action has been taken recently and what approaches are being pursued now. Although it was felt necessary to include greater detail on the issues surrounding compliance and enforcement of this licensing regime, the resourcing of this function, relationships with key partnerships, and future approaches to pro-active and re-active compliance and enforcement action will be the responsibility of the Cabinet Member of Communities and Public Protection in conjunction with the relevant Senior Management within the Public Protection and Licensing Directorate.

City Inspectors

- 4.2 The Council's City Inspectors, within the Public Protection and Licensing Directorate, are responsible for undertaking the Council's regulatory compliance and enforcement role in City management operations. These Officers work in shifts operating 24 hours a day 7 days a week. They are responsible for carrying out proactive and reactive visits associated with the Council's priorities, e.g., waste enforcement or risk-based licensed premises inspections. However, these Officers will also be sent to respond to unplanned tasks relating to emerging priority issues and emergencies, e.g., increased anti-social behaviour relating to dangerous unattended hire bikes on the highway to gas leaks and flooding.
- 4.3 Due to the significant number of complaints and issues that led to the Council adopting this licensing regime, the Council established a short-term and time-limited dedicated team of City Inspectors tasked with engaging with buskers and street entertainers relating to noise, obstruction, and addressing any complaints. This team was tasked with ensuring compliance with the terms and conditions of the licences and carrying out enforcement action against unlicensed buskers and street entertainers. Having undertaken this targeted activity to improve compliance, the ongoing monitoring and enforcement transferred back to the area-based City Inspector teams.

The impact from the Covid19 Pandemic

- 4.4 The busking and street entertainment licensing regime commenced on the 5th April 2021. At that time, the Government guidance advised that all outdoor events were prohibited¹. The Council was aware that these measures, at the time, would continue to impact the ability of buskers and street entertainers to use their licence and perform in public. It was not until mid-July 2021 that all Government restrictions on social contact and gatherings were lifted, and buskers and street entertainers could perform under their licences.

¹ The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020/1374) (as amended)

- 4.5 At this time, Council resources were committed to the Covid19 pandemic and its impact on residents, businesses, and the city. The Council's City Inspector resources were one of the many front-line services focused on Covid19 related operations, including supporting vulnerable Council residents, the NHS with test-and-trace, and the vaccine rollout. These teams also continued to ensure compliance with lockdown restrictions and social distancing requirements. When the restrictions were beginning to be lifted, the City Inspectors were also supporting businesses when they were opening or trading in new ways, e.g., the use of pavement licences for an alfresco dining scheme.
- 4.6 As restrictions were lifted and people returned to the City, so did the buskers and street entertainers. The number of complaints during this time increased significantly and coincided with the typical peak in complaints during summer.

Corporate Enforcement Policy

- 4.7 The Council's approach to enforcement is set out within its Corporate Enforcement Policy². The need for enforcement action may be identified in several different ways, including but not limited to:
- programmed and intelligence-led inspections.
 - response to a complaint or referral from a third party
 - request for assistance for enforcement action or advice
 - requests for subsidised financial assistance to improve premises.
 - some enforcement services have Officers patrolling the streets.
 - sampling visits
 - test purchases
- 4.8 The Council enforcement Policy sets out how cases will be prioritised. The priority given to complaints or investigations and, therefore the resources to undertake them will depend on the following:
- severity and scale of potential or actual harm
 - the existence of any continuing risk or breach of law
 - individual or business's past performance in complying with relevant legal responsibilities.
 - current enforcement priorities of the relevant service
 - practicality of achieving results including any evidential gap
 - wider relevance of the event, including serious public concern and interest
 - the vulnerability of any group affected.
- 4.9 The Council's City Inspectors undertake their roles associated with compliance and enforcement activity within the Corporate Enforcement Policy and Governments Regulators Code. They will approach all compliance and enforcement activity to provide clear information, advice, and guidance to help those they regulate meet their responsibilities to comply with the licence terms and conditions or legislation. This may take the form of providing information and advice to a busker who is new to Westminster and is busking without a licence on how to obtain a licence from the Council, and what the legal ramifications are if he performs without a licence. For licensees who are causing a nuisance, they should be advised to actively turn down their amplification to a level that no

² Westminster City Council, Corporate Enforcement Policy – Updated 2019

longer causes a nuisance. In informing the busker of this, Officers will also explain why this is necessary and how causing a nuisance could be a breach of their licence conditions and impact their licence or could result in legal action. This approach is standard across all Local Authority Officers responsible for compliance and enforcement activities.

- 4.10 However, there will be occasions where Officers have provided information, advice, and guidance to licensees of unlicensed buskers. If they fail to take that information, guidance, and advice and after receiving a verbal warning, if they persist, City Inspectors will move to active enforcement. For non-licensed offenders, this will gather key information from the individual to enable them to report that person for the offence. Officers will take information from licensed buskers and street entertainers and their licence numbers. It will be an evidence-based approach and gather information that relates to the offence or breach of licence condition. This may include the seizure and removal of any apparatus or equipment used in connection with the busking, photography and filming, witness statements and CCTV images.

Risk to Council Officers and offenders' failure to provide information.

- 4.11 The Council, as an employer, has a duty under the Health and Safety at Work Act 1974 to ensure, so far as reasonably practicable the health, safety, and welfare at work of its employees. The Council's City Inspector's function is risk assessed under this duty, and their function and operations are governed by the active elimination of any risks to their health, safety, and welfare. Where that risk cannot be eliminated, the Council must do so if it can be mitigated by other means or personal protective equipment. City Inspectors are also trained to dynamically assess and respond to risk. As their role involves engaging with the public and encountering hazards, Officers will actively assess the risk when engaging with individuals or groups or carrying out certain activities. Officers are empowered to decide what actions they take based on the risk.
- 4.12 As part of this review, City Inspectors were engaged in relating to their role and the Policy. When discussing the issues relating to compliance and enforcement, the City Inspectors raised the issues they face when trying to conduct compliance checks on some licensed buskers and street entertainers and when they look to engage non-licensed illegal buskers.
- 4.13 Officers responding to complaints or during proactive visits have engaged with buskers and street entertainers who were either performing contrary to their licence or were there without a licence. Information, advice, and guidance were issued, and some buskers and street entertainers did comply and either addressed the non-compliance or moved on. Other buskers and street entertainers who were licensed and were found to breach their licence conditions on more than one occasion received verbal and written warnings. This approach is standard practice with the Council Corporate Enforcement Policy and the Governments Regulators Code.
- 4.14 However, Officers reported that there were individuals and groups of buskers and street entertainers who refused to engage with Officers and became extremely hostile to Officers when they tried to engage them over their non-compliance or illegal busking. The most problematic individuals and groups were unlicensed and, therefore, unknown to the Council. Officers would try and engage with them, but the busker or street performer would ignore them, direct significant verbal abuse at Officers, and in some cases threaten them or, which was more concerning, encourage the crowd watching to challenge and confront Officers. In

those circumstances, Officers were at risk of harm and, therefore, would withdraw for their safety.

- 4.15 Covent Garden was particularly challenging for Officers as the local Street Performers Association, strongly opposed to the licensing regime being introduced, refused to obtain individual licences, and continued to perform illegally. All attempts from City Inspectors to engage with the Covent Garden Street Performers Association failed. Officers carrying out their roles attempted to act against buskers and street entertainers in this area. However, they were either ignored, or confrontation occurred, which resulted in Officers withdrawing.
- 4.16 The City Inspectors have, however, issued several verbal and written warnings to licensed buskers and street entertainers who are non-compliant with the terms and conditions of their licence. This approach has effectively enabled Officers to inform and advise where breaches occur, and corrective measures are required. However, some licensed buskers and street entertainers may become persistent in their non-compliance, and therefore, more robust action is likely required.

Powers of the City Inspectors and Police Constables under the 2000 Act

- 4.17 The City Inspectors are authorised to carry out their functions relating to buskers and street entertainers under the provisions of the 2000 Act. They have the power to seize and remove equipment and bring prosecutions against those who busk illegally without a licence or licence holders who breach the terms and conditions of their licence. However, to be able to prosecute someone under the 2000 Act, the City Inspectors must obtain information relating to the individuals to enable them to serve legal papers and summons upon them. This requires the City Inspector to obtain that person's full name and residential address. Officers have no powers under the 2000 Act to make suspected illegal buskers provide their details and cannot detain them until that information is provided. Therefore, if the buskers or street entertainers details are provided, the Council can take seek to prosecute that individual under the 2000 Act. The challenge or identification of the individuals committing offences is common in local authority regulatory regimes.
- 4.18 However, the Council's power of seizure under section 43 of the 2000 Act is not restricted to the need to obtain the name and address of the individual busking or performing illegally. The Council can seize and remove any apparatus or equipment used in connection with the busking which may be required to be used in connection with the busking may be required to be used in evidence in respect of an offence under section 42 (Enforcement) of the 2000 Act. Whilst this power exists there are significant risks to the City Inspector if the busker or street entertainer resists the seizure. As stated above illegal buskers and street entertainers can become aggressive towards our officers. The public turning on the Officers carrying out their duty under the 2000 Act is also a significant risk factor. Therefore, having Police presence and support is deemed essential in carryout safe seizures from illegal buskers and street entertainers.
- 4.19 The Police have the same powers as City Inspectors under the 2000 Act. However, the Police also have the power under the Police and Criminal Evidence Act 1984 to arrest a person they suspect is committing, has committed, or is about to commit an offence. If that person fails to provide the necessary information (name and home address) to the Police Officer; this arrest may be deemed necessary by the Police Officer to obtain such information and enable them to report the individual for the offence, so that legal proceedings can be taken. Once that necessary information has been provided, the

individual will be de-arrested. The Police powers are significant and mean that if any busker or street performer fails to provide such information, there is a risk that that person could be arrested and taken into custody. In most cases, if a Police Officer is involved in these situations, the buskers or street performer will eventually provide their details to the Officers.

- 4.20 Following the introduction of this licensing regime and associated Policy it became apparent with the level of non-compliance, and the lack of engagement from those breaching the licensing regime that City Inspectors were unable to obtain information from illegal buskers and street entertainers and, in some cases, trying to do so would pose a risk relating to their Health and Safety. The Police were approached to support our Officers in undertaking their role. Whilst these requests were made, the Police had other significant priorities that took precedence over the enforcement of illegal buskers and street entertainers. This meant that City Inspectors often could not obtain Police support when illegal activity occurred. Discussions occurred between the Council and Local Police supervisors relating to wider support, but the Police were unable to commit resources. This continued until the Council appointed a new Director of Public Protection and Licensing earlier this year. Engagement with the Police on this issue has taken place, and joint operations between Council City Inspectors and the Police are now taking place. Additional partnership action relating to the compliance and enforcement of this regime will continue. However, this will be subject to other Policing priorities not taking precedence and this approach is unlikely to be sustainable in the long term.

Successful prosecution against illegal buskers and street entertainers

- 4.21 If a person does not hold a licence and busks or provides street entertainment on the street designated within Westminster, they will commit an offence under section 42 of the 2000 Act. The Council has had one successful prosecution against an individual for two counts of unlicensed busking and street entertainment under section 42 of the 2000 Act. The defendant pleaded guilty to the two offences at the City of London Magistrates Court in March 2023. The Court, in sentencing the offender, issued him with a fine of £40 for each of the two offences and ordered him to pay the Council's costs of £500 and a victim's surcharge of £34, totalling £614. The Council, who had seized the amplification equipment used during the offence under its seizure powers, did request that the Court orders the forfeiture of the amplification equipment under section 43(5),(b)(i). However, the Court did not issue such an order, and the amplification equipment was returned to the individual.
- 4.22 The Council is considering further legal cases against other individuals busking illegally or in breach of their licence.

5. Engagement

5.1 The Council's approach to this review required engagement with key stakeholders involved in the licensing regime or those affected by it. Since the Council began developing a scheme before its implementation, two distinct groups had significantly conflicting views on the approach to busking and street entertainment within Westminster. The buskers and street entertainers wanted to have the flexibility to move around the city and not have specific rules and conditions that, if breached, could lead to the loss of their licence and, therefore, their livelihood or a criminal conviction. Residents and several businesses affected by busking and street performances wanted tighter controls placed upon them and regulations on where and when they can perform. In developing the Council's Policy relating to this regime, a large amount of work was undertaken to engage with parties and identify, where possible, a balance. However, the impact of busking and street entertainers was significant, and the licensing regime was seen as the right approach to implement greater controls on the issues relating to busking and street performances and provide an equal and light touch regime for those providing busking and street entertainment.

5.2 In carrying out the review, officers reviewed the engagement and consultation that took place when the licensing regime and the Policy were being considered for adoption. Following this assessment and that of the Council's complaint data, Officers began targeted engagement with individuals, businesses, and stakeholders. These initially took the form of in-person meetings and concluded with a survey of those who had responded to previous consultations on introducing the licensing regime and Policy.

Initial information gathering meetings.

5.3 Through the initial data collection relating to complaints, it was determined that the key focus of the issues related to noise nuisance and pitch locations. However, the level of complaints and the references to lack of enforcement action were emerging factors that were not directly related to the review of the Policy itself. As the issue of enforcement and compliance was being raised in relation to the effectiveness of the Policy, further information was sought on this in addition to the wider scheme implementation and Policy.

5.4 Leicester Square and Covent Garden were quickly identified as areas of significant concern from the level of complaints and via City Inspector accounts. Officers decided to engage with key groups, businesses, and stakeholders on the issues associated with these areas and the broader issues relating to general noise nuisance from buskers and street entertainers, pitch locations, and use and compliance of licence holders and enforcement. This engagement took the form of meetings in person or virtually. Some meetings were held at businesses and stakeholder offices. Initial meetings were conducted at the start of the review process to gauge views and identify specific points for further analysis. However, several meetings took place throughout the past year with stakeholders relating to this review and the approach to managing and enforcing this licensing regime.

Council's City Inspectors, Licensing Service and Legal Team

5.5 The issues that the City Inspectors faced are associated with compliance and enforcement in section 4 of this report. In summary, the City Inspectors faced significant challenges with engaging with illegal buskers and street entertainers to enable the identification and issue of legal proceedings. Officers also faced abuse and threats from buskers, street entertainers,

and crowds watching them. Police support was unavailable due to conflicting demands and policing priorities at the time.

- 5.6 Leicester Square was identified as significantly challenging due to the combination of noise nuisance complaints caused by licensed and unlicensed buskers and street entertainers and the challenges associated with the identification and ability to take legal action against illegal buskers. Similar issues relating to abuse and threats from illegal buskers, street entertainers, and their audiences were also significant factors. More details relating to the issues in and around Leicester Square are set out in the case study in section 6 of this report.
- 5.7 Covent Garden was a significant problem for Licensing Inspectors who faced direct challenges from the buskers and street entertainers in this location. Local Street Performers Association members would refrain from engaging and would not comply with the requirement to obtain licences. It is not uncommon for crowds of up to 200, which can add additional hostility to officers. The risk has increased significantly when officers have attempted to engage and enforce illegal buskers and street entertainers in this area. There are examples of buskers and street entertainers using their amplification equipment to rattle up the crowd and make highly personal verbal attacks on Officers.
- 5.8 There have been allegations from licensed buskers who have attempted to use Covent Garden designated pitches that non-licensed buskers and street entertainers have approached them and prevented them from performing. The City Inspectors have stated legitimate licensed buskers and street entertainers now avoid Covent Garden due to the hostility from the non-licensed buskers in that area. The Leicester Square and Trafalgar Square SPA members have echoed this view. It was intended that licensed buskers would be able to move around the city and use any of the designated pitches if they were available. Unlicensed individuals and groups who attempt to prevent legitimately licensed buskers and street entertainers from accessing certain pitches were not anticipated.
- 5.9 Noise nuisance from buskers and street entertainers due to amplification was a significant issue that was the primary reason for complaints. The removal of amplification from all pitches was suggested to be a way of significantly reducing the level of complaints associated with noise.
- 5.10 Officers felt that there needed to be more pitches to accommodate everyone who has a licence and wishes to perform on a given date, primarily due to the peak seasons. It is normal for highly desirable pitches, e.g., the amplified pitch in Leicester Square usually has many street entertainers waiting in line for their turn on the pitch. The Council does not operate a booking system for pitches, so any licensed busker or street entertainer agrees to queue for a spot on that pitch.
- 5.11 The volume of events in the West End has meant several highly desirable pitches are often suspended and unavailable. Leicester Square and Trafalgar Square were the two areas most likely to have pitches suspended due to the use of that area for events, such as Christmas Markets and Film Premieres. Some of these pitches were closed for a considerable time due to the event. The demand for locations is significant, and when those pitches are suspended, it does create a greater demand for other pitches in the area, which often cannot be accommodated. This can lead to licensed buskers and street entertainers choosing to busk or perform in locations they are not permitted to use.

- 5.12 Pitch markings for the licensing scheme are wearing significantly in high footfall areas. The marking of these pitches is expensive, and the fee income isn't sufficient to cover the costs of this as well as other processing, determination, and compliance costs.
- 5.13 The Licensing Service highlighted that there aren't any age restrictions on who can apply for a licence. Applicants under the age of 18 have applied for a busking and street entertainment licence within the city. It was felt that the Policy should reflect the need for parental consent and supervision for children and young persons who wish to obtain a licence. In developing additional information on our approach to safeguarding children, the Council should seek advice and guidance from internal and external experts in relation to busking and street entertainment.
- 5.14 Licensing and the Council's Legal Team believe that an age restriction should be implemented to prohibit anyone under 14 years of age from obtaining a licence. In considering the policy approach for applicants between the ages of 14 and 16, the Council should consider the child performance licence requirements under the provisions of the Children and Young Persons Act 1963 to guide this. The Policy should also include more information on the right-to-work requirements.
- 5.15 The Council's Licensing Service and Legal Team have, since the introduction of this regime, received enquiries associated with the liability of royalties and who should this rest with. The Council believes that the busker and street entertainer who plays or uses copyrighted music or content are liable to any royalties associated with using that copyrighted material. It would be useful if the Policy reflected the Council's position and signposted the busker or street entertainer to the Performing Rights Society (PRS) to obtain the necessary licence. The Codes of Practice should also be amended to reflect the liability of buskers and street entertainers for paying royalties if they use copyright material or content within their performance.
- 5.16 The Legal Team believes there is a need to further enhance the statement of truth and provisions of false information within the application process as well as make it clearer on the expectations of licensees to provide information to authorised officers of the Council when requested. Greater emphasis should be given within the Policy about what the Council will do if false information is provided as part of the application process or if licensees fail to provide information or act in an abusive manner to authorised officers. The Code of Conduct should also be revised to ensure that truthful information must be provided as part of the application process and failure to do so may result in the refusal of an application, revocation of a licence, and prosecution under the provisions of section 42(d) of the 2000 Act. The Code of Conduct should also include the requirement for licensees to provide information to authorities Officers and the Police upon request and that abusive, insulting, or aggressive actions, words, or behaviour towards Council Officers will not be tolerated and could lead to the suspension or revocation of the licence.
- 5.17 The City Inspectors noted that the Policy referred to the Busking and Street Entertainers Forum being a key enabler for communication between the Council and buskers. However, the Forum was not implemented due to the impact of Covid19 on resources and other pressing priorities. The City Inspectors note that any engagement with buskers and street entertainers must be with individuals and groups representing the licensed buskers and street entertainers. It is believed that a new Forum should be established which is specifically for licensed buskers and street entertainers and/or their representatives to meet with Council Officers every quarter to discuss anything relevant, including complaint trends,

pitch availability, and usage, licensing processes, suspension of pitches due to events, potential changes or suggested improvements to the scheme, policy, codes of practice and terms and conditions and enforcement/compliance approach.

Business and Business Representatives for Leicester Square

- 5.18 Leicester Square has been highlighted as the most prominent problem associated with buskers and street entertainers. The companies and Business Improvement District we engaged were key complainants related to the noise nuisance generated by licensed and unlicensed buskers in the area. In addition to noise, all parties raised their concerns regarding the obstruction of the highway around licensed and unlicensed buskers, as well as public safety and crime. The view that enforcement and compliance need to be improved, and that the Council is not gripping the situation, was often cited by those we spoke to. However, they did appreciate that enforcement of illegal buskers was challenging.
- 5.19 The issues associated with busking and street entertainment in and around Leicester Square have warranted this area to be detailed in a specific case study in section 6 of this report. The full details of the issues these businesses identified are detailed within that case study.

Leicester Square and Trafalgar Square Street Performers Association

- 5.20 Officers met with representatives of the Leicester Square Street Performers Association (LSSPA) on several occasions during this review. The LSSPA was very engaging and helpful in discussing the issues they have had with the licensing scheme and policy, as well as considering the issues that businesses have faced in and around Leicester Square from noise nuisance.
- 5.21 Enforcement teams have been aggressive and confrontational due to protests by buskers against the licensing scheme and their unlicensed performances. Officers have threatened to confiscate equipment on the first offense, creating a tense environment. The lengthy process for obtaining a licence has been a significant issue, causing delays for individuals. Overall, some believe that the policy itself has a detrimental impact on the cultural atmosphere of London.
- 5.22 The reduction of amplified pitches has been poorly implemented due to the insufficient number of available pitches, leading to overcrowding with over 50 buskers competing for limited spots. Additionally, there have been concerns about the lack of notice given when pitches are closed, causing confusion and disruption. The issue of seasonal buskers and their participation in the scheme has also been raised.
- 5.23 The LSSPA highlighted the research conducted by Suzie Tannenbaum in America about busking and how when busking pitches are limited, the prevalence of unlicensed buskers can increase, as the limited space for licensed buskers works to their advantage. If more pitches were available, it would become impossible for all performers to find suitable spots. There is a lack of operational capacity when it comes to enforcement, and it appears that the licensing system is not effectively addressing the issues at hand.
- 5.24 Some buskers argue that due to the limited opportunities, they can only get onto the Leicester Square pitch once in a day, so they must play louder to attract audiences and maximise their potential earnings. This has meant that the volume can be much louder than

they would use normally. This may be a key contributor to the noise nuisance to businesses caused in and around the Leicester Square area.

- 5.25 To alleviate the problem, it has been proposed to spread out the number of performers by creating more pitches. Examples of self-policing schemes, such as the Liverpool code of conduct and busking schemes in Oxford and Canterbury, have been mentioned as potential models to consider. A booking system for licensed buskers and street entertainers to book slots on pitches was discussed between officers and the LSSPA. However, the LSSPA was generally against this proposal as they don't believe it would make a difference with the waiting time for the best pitches. People could potentially block book pitches but then fail to use them, prohibiting others from using them, and it would add a further bureaucratic process to the scheme which has little to no benefit.
- 5.26 It is perceived that the current system penalises those who are licensed and compliant more than illegal buskers. The penalty system in place does not seem to deter illegal buskers from performing. It is suggested that the focus should be on unlicensed performers, categorising those with licenses as low risk.
- 5.27 The suspension of some of the most popular pitches, Leicester Square and Trafalgar Square North Terrace, causes significant congestion on other pitches in the area. Notification of these suspensions hasn't been available, so people arrive to perform to find that the pitch is no longer available. Improvements can be made by ensuring that licensed buskers and street entertainers are informed in advance about pitch closures.
- 5.28 The LSSPA is happy to be involved in regular monthly meetings to discuss issues related to pitches and other matters concerning buskers and street entertainment. They were disappointed that the Forum wasn't fully established and feel that regular dialogue with the Council would be a way to raise issues they have with the scheme directly with those managing and ensuring compliance with it.
- 5.29 Officers have asked the LSSPA to provide the procedure and process for membership for their LSSPA, along with how they manage non-compliant members. No documentation has been provided relating to their rules, membership criteria, and disciplinary code. It is therefore unclear how transparent and inclusive membership to the LSSPA is and how they effectively manage their members.

Business in Covent Garden

- 5.30 Business representatives within Covent Garden were engaged with relating to this review. The representatives had been involved in previous consultations associated with the licensing approach to buskers and street entertainers. Covent Garden is known for its wide variety of buskers and street entertainers. Whilst businesses are supportive of continuing this rich tradition in the area there are significant issues associated with the current unlicensed performers and the stance of the Street Performers Association. This has led to ongoing noise nuisance issues, and some pitch locations detrimentally affecting business operations in the area.
- 5.31 St James Street and the Royal Opera House pitches have been identified as problematic. The Royal Opera House pitch has been used with amplification, which has been impacting the retail units and noise impeding the Royal Opera House itself due to the volume. As the buskers and street entertainers are not licensed, they do not conform to the Codes of Conduct or any amplification or noise nuisance restrictions.

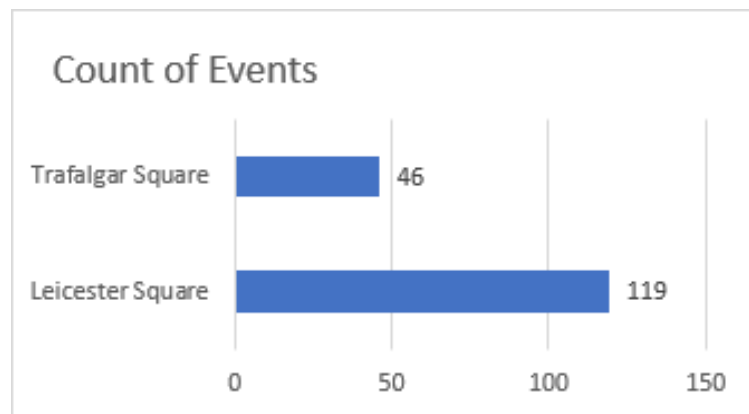
Covent Garden Street Performers Association

- 5.32 Officers met with representatives of the Covent Garden Street Performers Association (CGSPA) to discuss Covent Garden and the CGSPA's position on why they were not willing to engage with the licensing regime.
- 5.33 The Covent Garden Street Performers Association (CGSPA) states that they have been successfully managing street theatre in Covent Garden for over thirty years. The CGSPA runs a performer-run and self-regulated system, dealing with any problematic performers and ensuring insurance coverage and acceptable noise levels. They believe that the Council's current licensing regime is not suitable for their area and request to be exempted from it to continue managing street theatre in Covent Garden.
- 5.34 In Covent Garden, they believe that there are limited noise issues associated with buskers and street entertainers. Initially, Covent Garden was not included in the Busking and Street Entertainment Licensing regime but was added late in the process with no clear justification or reasoning. The CGSPA has been operating since the 1980s and has implemented its own rules, governing body, and disciplinary scheme. They utilise a yellow and red card approach for addressing misconduct, including suspensions for repeated bad behaviour.
- 5.35 The CGSPA, CAPCO (Covent Garden's managing company), and the Council had a voluntary agreement in place from 2007, which they believe was effective in regulating street entertainment. They feel that the licensing scheme is unnecessary and a disproportionate response. They argue that the scheme criminalises performers for breaching conditions or lacking a licence, which they believe should not apply to Covent Garden. They assert that their self-regulatory scheme, combined with voluntary compliance, is more effective.
- 5.36 The CGSPA prefers a voluntary agreement and self-regulation, believing it to be more relevant and appropriate for their area. They have advised their members not to comply with the licensing scheme and become licensed buskers and street entertainers. Their ideal situation would be for the licensing scheme to be removed from Covent Garden, allowing them to continue with their voluntary self-regulatory approach.
- 5.37 The CGSPA would like to have a regular forum to discuss the issues they face and provide their views on busking and street entertainment in and around Covent Garden. However, this should be part of their self-regulatory approach rather than associated with the Council's Licensing regime.
- 5.38 Officers did request copies of their rules, processes and procedures, membership criteria, and disciplinary process. This information has not been provided to the Council.

The Council's City Promotions, Events and Filming Team

- 5.39 The Council's City promotions, Events and Filming Team are responsible for supporting the safe planning and regulation of filming and events within Westminster. This team is responsible for engaging with event organisers and facilitating the correct permissions to enable the filming event. This includes implementing closures of roads and highways as well as the use of Council land.

- 5.40 The team are responsible for the closure of parts or the entire area in and around Leicester Square and Trafalgar Square. When events are planned, and road and highway closures are in effect, the team will seek the suspension of any busking and street entertainment pitches within the area where the event is taking place or where set-up vehicles and equipment will require access.
- 5.41 Leicester Square and Trafalgar Square were used 165 times for events within the period of May 2021 – April 2023 (see bar chart below). Whilst event types vary and include festivals, sporting, and religious events; film premiers account for most events. Most events have an estimated attendance of around 800 people. Events ranged from 1 day to a maximum of 61 days (2 months). The average number of days the events took place in these locations was 2.8 days.

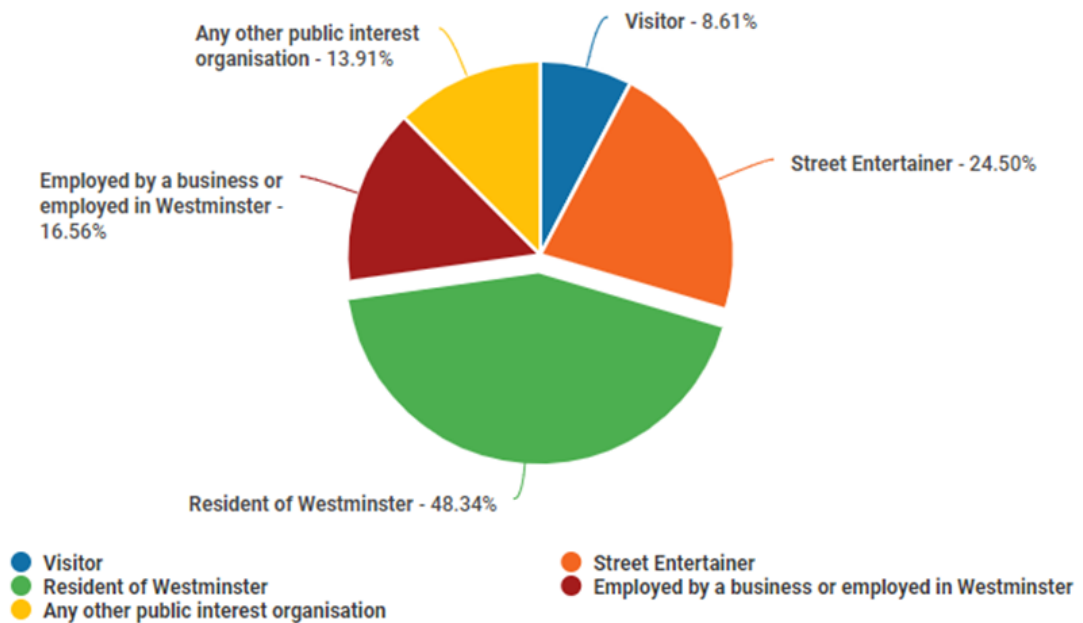


- 5.42 The feedback provided by this team was that they often need help with buskers and street entertainers where events occur in Leicester Square or Trafalgar Square. The common issue relates to noise disturbance which can impact the event. When pitches are not suspended, an event in Leicester Square Gardens can be impacted by buskers utilising designated pitches or performing illegally.
- 5.43 When pitches are suspended to accommodate events in Leicester Square, those pitches or other locations within Leicester Square are still being used. The Leicester Square (Northwest) pitch is a non-amplified pitch but is regularly occupied by buskers or street entertainers, often unlicensed, playing amplified music and causing an obstruction.

Targeted Engagement Survey Results

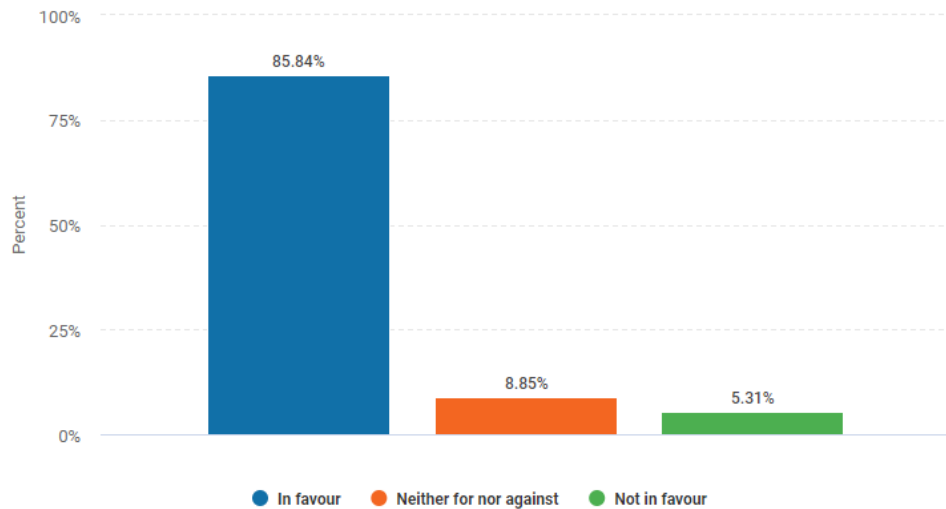
- 5.44 Officers developed a survey that would seek the views of those who had previously provided comments to earlier consultation and engagement associated with adopting the Policy and related licensing regime. The survey was compiled to enable officers to get a view on the current situation associated with the scheme and views on how it is operated, as well as more directed questions that were seeking to gain greater views and clarity relating to issues that had been identified in the meetings with stakeholders. A copy of the questions that were asked within the survey are provided in Appendix 1.
- 5.45 The targeted engagement commenced on 18 November and ran until 30 December 2022. The survey was sent out to in excess of 2000 individuals or organisations via email. The response rate to this survey was above average for similar engagement exercises. The Council received 279 responses to the survey, of which 125 were partially completed. The

partially completed survey results were relevant, but due to the number of questions, these respondents only completed a response to questions that were specifically relevant to them. The response to the questions from the survey is set out in Appendix 2 and 3 of this report. The pie chart below shows the breakdown of the responses based on the respondent's self-declared status.

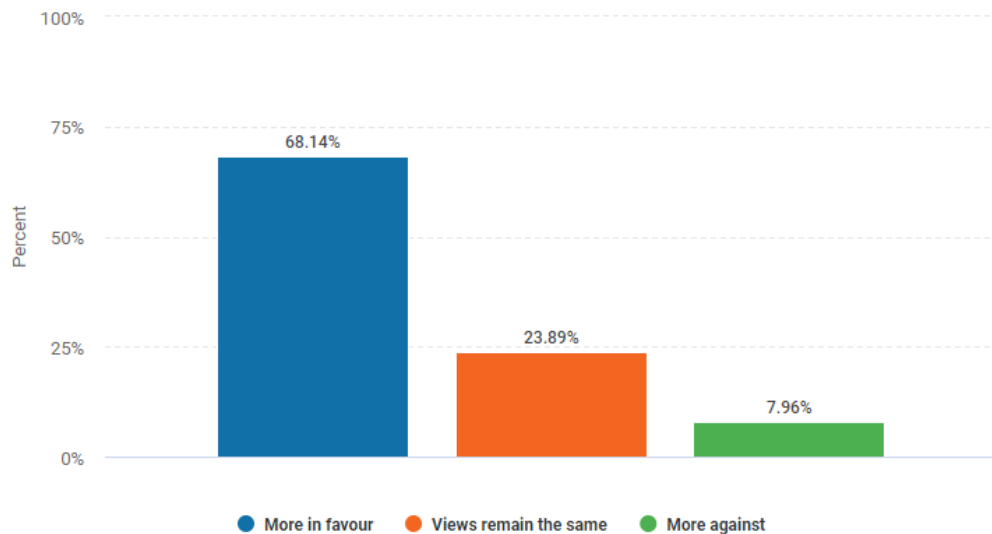


5.46 Comparing the responses from the consultation and engagement before the scheme was introduced with the responses to this survey, there was no significant difference in views associated with the need for this scheme. Like the original consultation analysis back in 2020, the vast majority of respondents (86%) stated that they were still in favour of regulating busking and street entertainment. Since the rollout of the Policy, there has only been a very slight increase in those who are against and not in favour of the scheme. The bar graphs below show these responses and the breakdown of views before and following the implementation of this licensing scheme and Policy.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?



Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?



5.47 The Council intended to run a Buskers and Street Entertainment Forum that would enable active engagement from representatives from buskers and street entertainers, residents, businesses, and the Council. Unfortunately, for several reasons, this forum was not run. However, during our discussions, there was a view that better communication channels were needed between all parties with a vested interest in this scheme. Within the survey, we asked whether the respondents understood the forum's purpose and whether they would actively engage and attend the forum if it operated. There was a clear view from non-buskers that they understood the forum's purpose (64%), but the majority would wish to refrain from engaging and attending (71%) actively. However, the buskers and street entertainers were evenly split (50%) on understanding the forum's purpose and whether they would actively engage and participate in it (48% in favour versus 52% who were not.

5.49 During the engagement meetings with key stakeholders, it was identified that there was still a distinct conflict in the views of buskers and street entertainers and those of residents and businesses. The survey was designed to enable buskers and street entertainers to highlight their concerns and views on the scheme. When the respondent completed the form and self-identified as either buskers or street entertainers or not, the survey would direct them to the relevant questions. A summary of these results is set out in the following paragraphs.

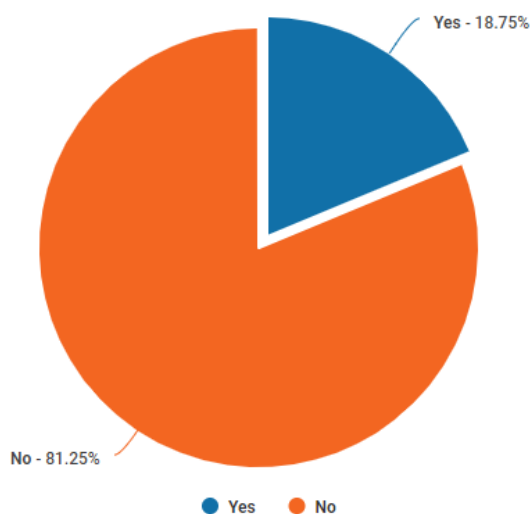
Non-Busker and Street Entertainers Survey Responses (Residents, Businesses, etc)

5.50 Even though there is strong support for a regulatory scheme, respondents identified some ongoing issues:

- Music being played outside of designated pitches.
- Pitch locations are contentious with amplification being permitted at some pitches where it should not be.
- Respondents felt that the current restrictions are insufficient in reducing noise nuisance.
- Crowds often obstruct the pavement and cause further nuisance.
- Difficulty in reporting noise issues to the Council with no clear method for feedback to complainants.
- The Policy is not being actively or sufficiently enforced making parts of it under used.
- Often felt street entertainment is not a priority and residents would like to see a dedicated busking patrol team.

5.51 The noise nuisance issue is the primary concern for residents and businesses. Noise nuisance is the primary source of complaints associated with busking and street entertainers. When asked whether the restrictions are currently sufficient in reducing noise nuisance from street entertainment, 81% of respondents answered no. The top reasons for this response were that the enforcement approach wasn't sufficient, the use of amplification equipment was a driver for the nuisance, and the pitch location contributed to the impact.

Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



5.52 To identify the key issues associated with the scheme and Policy since its introduction, respondents were asked about specific issues raised through regular complaints and in the initial meetings with stakeholders. The responses are set out in the table below.

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

5.53 Respondents were asked whether they knew how to contact the Council about concerns/nuisance generated by busking and street entertainment and whether they had actively made a complaint and raised concerns with the Council. A large proportion of respondents were aware of how to report complaints and issues and that they had done so

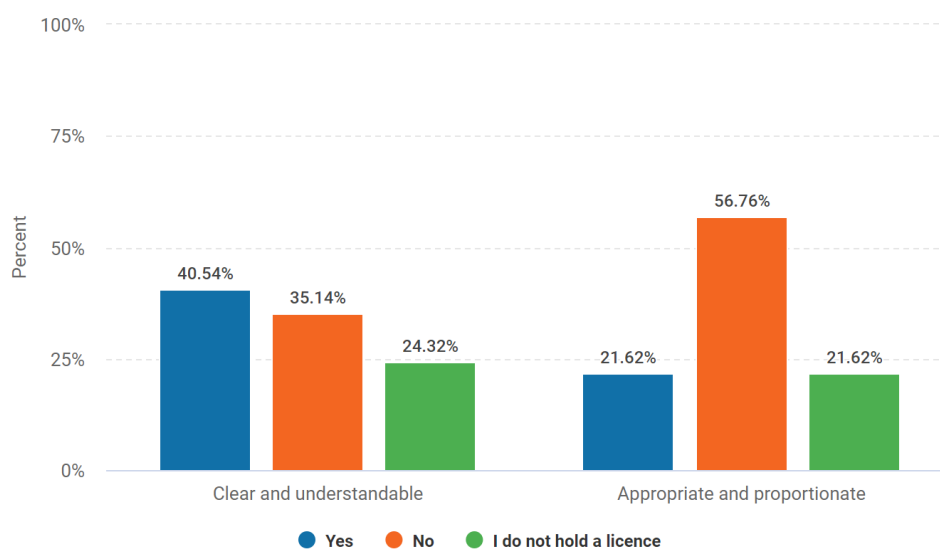
since the Policy and the scheme was introduced. The majority (78%) of those who did report a complaint or issue to the Council relating to busking and street entertainment did not believe that their query or complaint had been resolved, and 84% felt that it was not dealt with effectively and timely.

- 5.54 Respondents mentioned that fixed pitches make sense and provide consistency but that it often means certain areas of the city feel greater burdens caused by street entertainment than others and that a zone-by-zone basis may be more appropriate.

Busker and Street Entertainers Survey Responses

- 5.55 Busking and street entertainment is an important and valued activities and can add value to an area. However, poor practices, non-compliance, noise nuisances and obstruction associated with performances can significantly impact residents and businesses. The licensing regime and Policy were adopted to promote responsible busking and street entertainment and protect residents and businesses. The questions in the survey related to buskers and street entertainers sought to identify if the respondent was licensed or not, what their views are on the Policy requirements (pitch locations and terms and conditions of the licences, codes of conduct, etc.) and the general management, including compliance and enforcement of the licensing scheme.
- 5.56 The overwhelming majority of buskers and street entertainment who responded to the survey had been performing in Westminster for over 1 year (95%), of which over half had performed for more than 5 years. The main attraction for buskers and street entertainers to perform in Westminster is the quality of street entertainment in the City; Westminster is where they wish to perform, the pitch locations are good, and the amount of income performers can generate higher than other London Boroughs.
- 5.57 Respondents were asked whether they intend or have already applied for a licence to busk in Westminster. 65% of respondents stated that they already hold a licence or have held a licence, and 8% intend to apply for a licence. However, 27% of respondents said they would not apply for a licence. The top reasons for not applying for a licence were that they disagreed with the requirements to get a licence, and the pitches' location was inadequate.
- 5.58 The respondents who had applied for a licence would typically apply for a 6-month one. Respondents were asked whether they would likely apply for a 12-month licence if offered, and 64% stated they would.
- 5.59 Respondents with a licence were asked whether the Code of Conduct for Street Entertainers is clear and understandable. The majority (66%) agreed that the Code of Conduct is clear and understandable. Those respondents were also asked whether the conditions attached to their licences were clear, understandable, appropriate, and proportionate. The responses are set out in the chart below.

If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



5.60 Officers knew some pitches were suspended from use due to events or other highway activities. In our pre-meetings with stakeholders, the communication between the Council, licensed buskers, and street entertainers relating to those suspensions could have been better communicated. Respondents were asked whether they knew how to check if any scheduled changes to pitch are available due to events, organised markets, or other highway works. Most respondents (70%) were unaware of how to obtain this information.

5.61 Pitch locations were often mentioned in the responses to this survey. The survey wished to gain a picture of the pitch used across the city from the respondents. In answer to the questions associated with pitching use, the top 10 pitches used by respondents are shown in the table below:

Top 10	Pitch Location
1	Leicester Square (Northeast)
2	Trafalgar Square (North Terrace Charring Cross Road)
3	Leicester Square (Northwest)
4	Covent Garden (James Street)
5	Chinatown
6	Marble Arch
7	Trafalgar Square (North Terrace Pitches 18,19, 20, 21 & 22)
8	Eros Statue Piccadilly
9	Royal Opera House, Covent Garden
10	Market Square/James Street

5.62 For those with a licence, the most frequently used are in Leicester Square and Trafalgar Square/Charring Cross Road. Buskers and street entertainers still use all other pitches, but some are used less frequently. The reasons for not using these pitches relate to lack of footfall and restrictions on amplification.

5.63 Some of the key issues raised by respondents relating to pitches were:

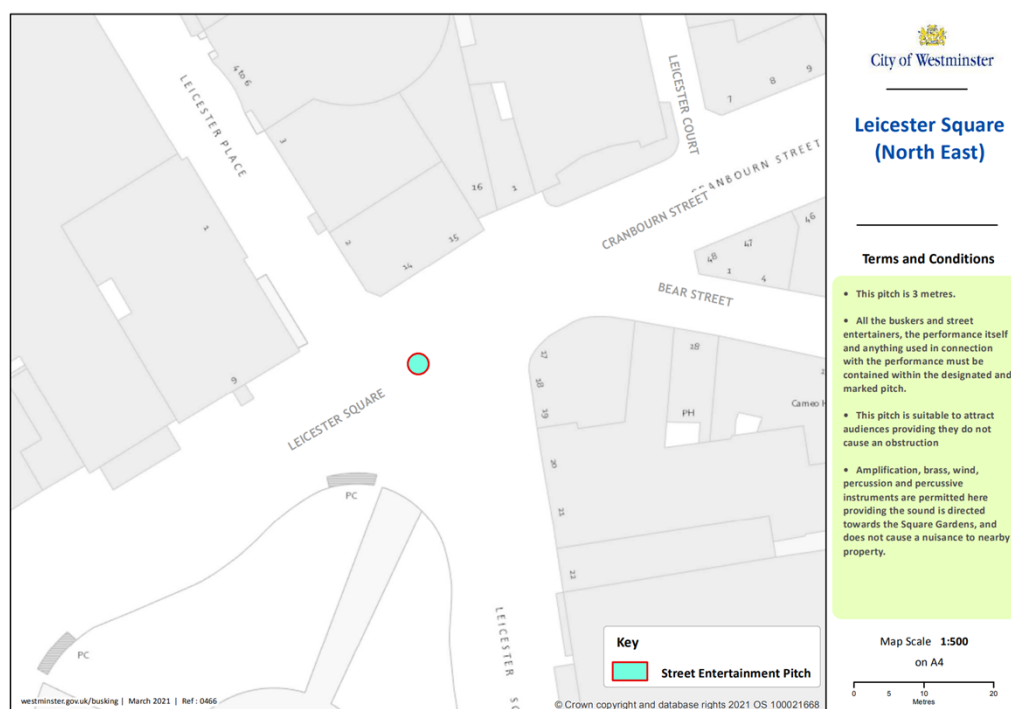
- Performance duration at pitches should be extended from 40 minutes to at least 1 hour.
- The number of pitches and the number that permit amplification are not sufficient.
- Better performers but are less favourable and see much less frequent use.
- Those that do not hold a licence for busking and street entertainment have not applied due to the location of pitches and general disagreement with the scheme.
- communication with performers on need to suspend pitch locations would be appreciated.

6. Leicester Square Case Study

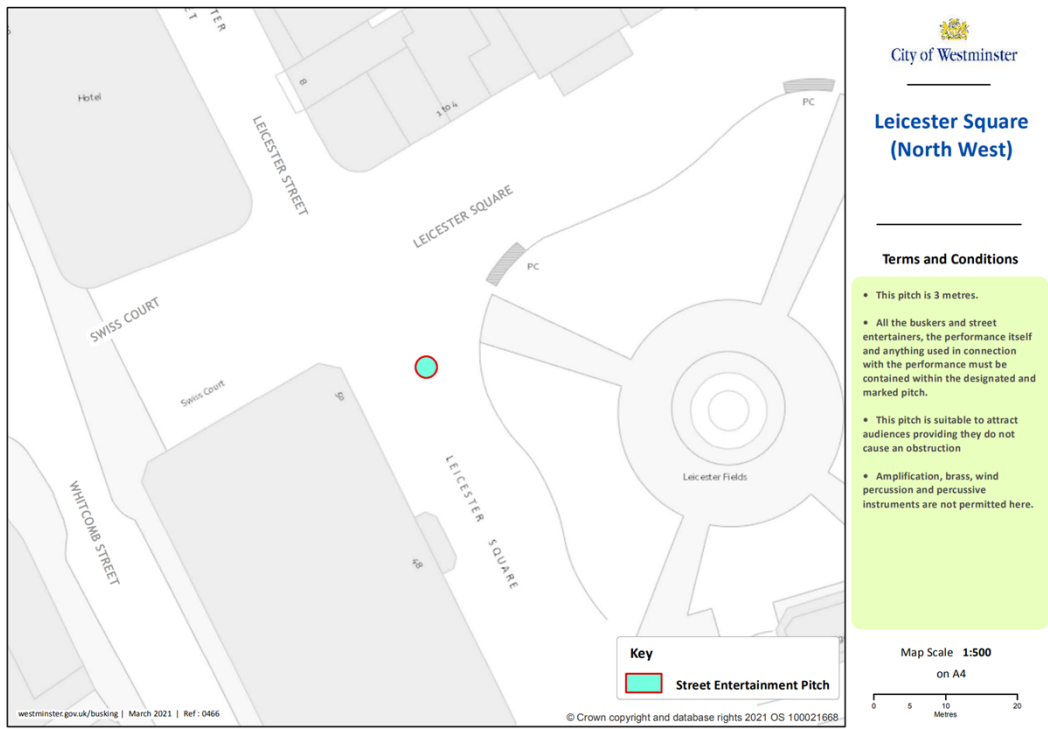
- 6.1 During the initial data collection exercise and in-person meetings, it became very clear that Leicester Square was generating a significant number of complaints associated with buskers and street entertainers. To fully understand the issues and impact relating to the busking and street entertainment in these areas, Officers have produced the following case study for each location, which sets out the views, issues, and challenges in addressing them.

Pitch Locations

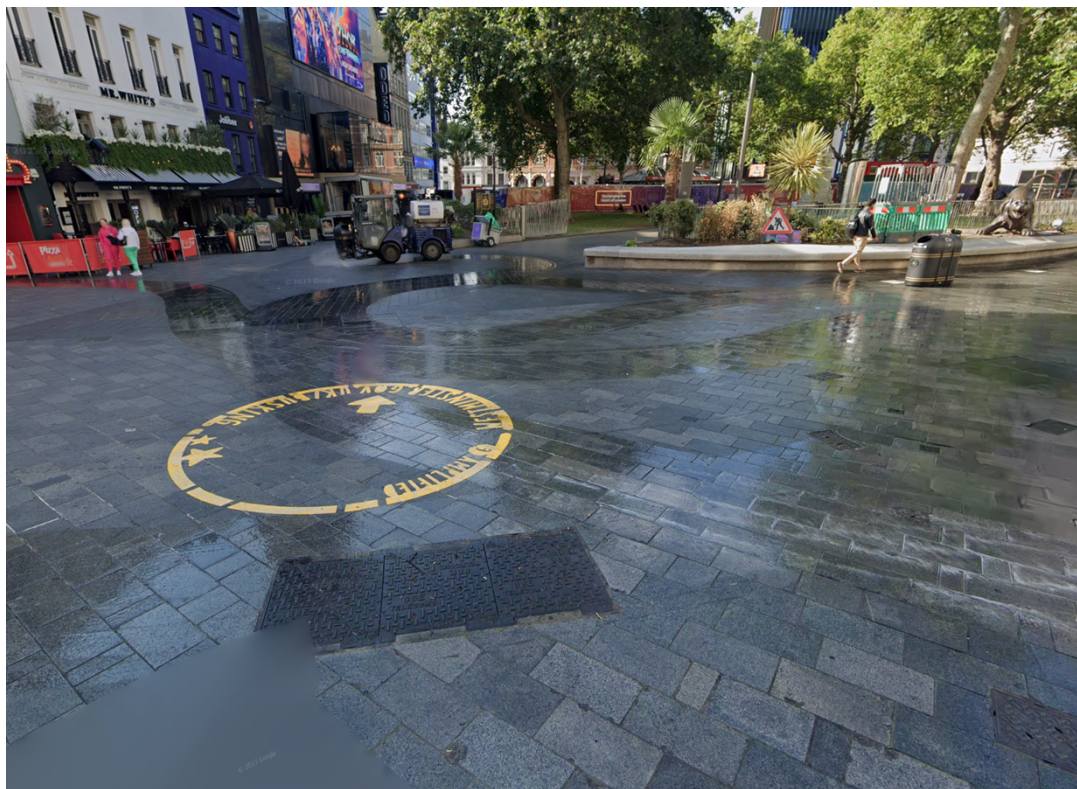
- 6.2 Leicester Square has two busking and street entertainment pitches on the Northeast and Northwest corners. The pitch to the Northeast on the junction of Leicester Square, Leicester Place and Cranbourn Street permits a licensed busker or street entertainer to perform using amplification or play brass, wind, percussion, and percussive instruments provided that the sound is directed towards the Square Gardens and does not cause a nuisance to nearby property. A map from the current Policy shows where the pitch is located.



- 6.3 The other pitch in Leicester Square is located to the Northwest of the square at the junction of Leicester Square, Swiss Court, and Leicester Street. This non-amplified pitch means that licensed buskers and street entertainers are not permitted to use amplification or play brass, wind, percussion, or percussive instruments. A map from the current Policy shows where the pitch is located.



6.4 Each pitch is marked on the highway in yellow paint. For the pitch located to the Northeast of the square, an arrow directs the licensed busker or street entertainer to direct their performance. The pictures below (courtesy of Google Maps) show the Leicester Square Northeast pitch location and markings facing towards the South of the square (picture 1) and the pitch location facing down Cranbourn Street to the East (Picture 2).



Picture 1 – Leicester Square Northeast pitch facing South. Picture courtesy of Google Maps.



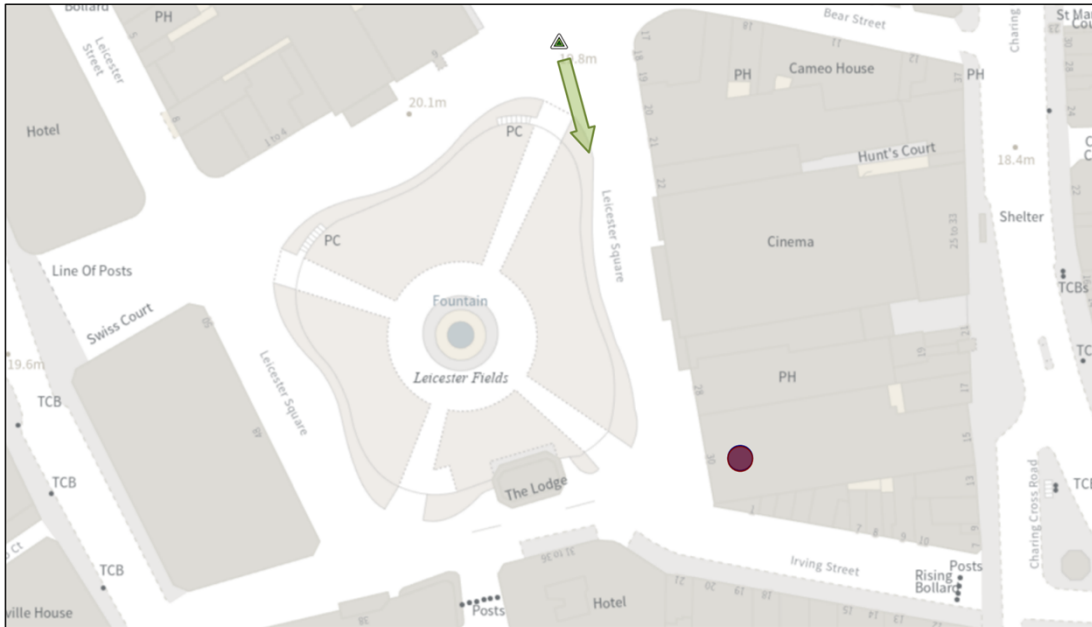
Picture 2 – Leicester Square Northeast pitch facing towards Cranbourn Street to the East. Picture courtesy of Google Maps.

- 6.5 The Council, in establishing the designated pitches, chose locations that provided sufficient room and access to limit obstruction of the highway. The direction of the performances was also stipulated as this would move audiences to watch in front of the performer, ensuring that they were away from the main pedestrian thoroughfare across the north of Leicester Square. The pitches were also considered for their potential to cause noise nuisance. When designated these locations, whether the pitches were amplified or not and the direction in which the busker and street entertainers should perform were considered to reduce any noise nuisance.

Northeast Pitch and Noise

- 6.6 The Policy terms and conditions associated with the use of the Northeast pitch in Leicester Square requires the performer to in the direction of the Gardens. As the pitch is amplified the intention was that the sound from the busker and street entertainers would dissipate across the gardens away from businesses.
- 6.7 Due to the pitch markings provide an arrow to guide buskers and street entertainers as to the correct direction in which they should perform. However, the arrow on the Northeast pitch does not direct the performance towards the centre of Leicester Fields garden but along the east side of the square. Due to the unique nature of the buildings in the area, the height of the buildings, the way the wind is funnelled through the square and the use of amplification, sound can travel in unpredictable ways. The angled nature of the Hampshire Hotel at the South means that sound from the performances on the Northeast pitch is

redirected off the building at an angle towards the properties at the square's Southeast corner. Sound can also be directed upwards by the wind, which can cause then affect the upper floors of buildings along the square's East side. The map below shows the Northeast pitch (triangle), the direction of the performance (the arrow), and the hotel and noise-affected buildings (purple dot).



6.8 The picture below is looking down the east thoroughfare of Leicester Square, in the direction the performances sound would travel towards the Hampshire Hotel at the South of the Square. The angle of the hotel is clearly visible.



Leicester Square East thoroughfare facing towards the Southeast corner with Irving Street. Picture courtesy of Google Maps.

6.9 The businesses that are most affected by noise are those on the east and southeast side of Leicester Square. Businesses located to the lower east of the square are particularly impacted. Noise is redirected from the hotel building at the south as the angle of the building directs sound back towards these buildings. The unique nature of the square means that at ground level the noise from amplified buskers can be considered as not at a level that would cause nuisance due to the surrounding ambient noise factors. However, noise from amplification at higher floor levels, some buildings are up to 7 or 8 storeys can be at a level to cause a nuisance as the ambient noise is far less and the amplified noise is directed. This has caused difficulties when officers have visited Leicester Square following a complaint but the noise at ground level is deemed to be acceptable.

Northwest Pitch and Noise

6.10 The designated pitch on the Northwest corner of Leicester Square is a non-amplified pitch. This means that no amplification or noising instruments can be used on this pitch. The picture below, courtesy of Google Maps shows the marked pitch location.



Leicester Square West thoroughfare facing South. Courtesy of Google Maps.

6.11 This pitch is located off of the North thoroughfare and beyond the Northwest entrance to the Leicester Square Gardens. The use of this pitch by licensed buskers and street entertainers is less than that of the Northeast pitch due to the restrictions on amplification. Therefore, non-licensed buskers and street entertainers are often located around this pitch, although not on it and the North thoroughfare.

Use of amplification, etc

6.12 It is understood that amplification is an important tool for buskers and street entertainers, especially when the ambient noise is loud due to people and traffic movements. When engaging with licensed buskers and street entertainers who regularly use Leicester Square,

they were keen to emphasise how important both pitches in Leicester Square were to them. However, they did state that due to the ability to use the Northeast pitch for amplified performances, it was by far the most sought-after pitch in the area.

- 6.13 On busy days, this pitch can have a queue of buskers and street entertainers waiting to perform. On those busy days, the popularity of this pitch with numerous buskers and street entertainers can mean that they may only have the opportunity for one slot to perform for the entire day. In these circumstances, they have told Officers that they must maximise that slot and attract as many people as possible to watch them and provide a tip/payment. In doing so, buskers and street entertainers have increased the volume of their amplification to enable the sound to reach across the square and to attract people to them. They also need to increase their amplification volume when non-licensed buskers and entertainers, such as dance groups, are performing so that they can be heard above the illegal buskers and street entertainers.
- 6.14 Amplification is not restricted to licensed buskers and street entertainers. Non-licensed performers will also carry out performances within Leicester Square. They will not necessarily locate themselves on designated pitches but will perform anywhere. These non-licensed buskers and street entertainers often create significant noise disturbances, especially during a busy day with numerous licensed and unlicensed buskers and street entertainers performing. The combination of licensed and unlicensed performers and amplification created an unacceptably high level of noise in Leicester Square, affecting several businesses.

Busking and Street Entertainment Licence Standard Conditions

- 6.15 The 2000 Act, which provides the legal framework for this licensing regime and its Policy required the Council to make regulations prescribing the standard conditions applicable to all licences. The purpose of the licensing scheme is to prevent:
- (a) undue interference with or inconvenience to or risk to safety of persons using a street in that part of their [the Council's] 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.
- 6.16 The Council established its standard conditions for licensed buskers and street entertainers, published within the Policy and attached to or accompanying the licences upon issue to the individual. Licensees are required to comply with these conditions or face enforcement action, which could result in the revocation of the licence or prosecution.
- 6.17 A licensed busker must ensure that their performance does not cause a nuisance to persons in the nearby property (condition 6) and that their performance and audiences do not cause an unreasonable obstruction of the highway (condition 7).
- (6) *Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby property 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 property. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.*
- 6.18 When the Council designated the pitches in Leicester Square, they were designated in locations with limited noise impact and obstruction risk. The Council included a standard condition (condition 11) that busking, and street entertainment can only be performed from designated pitches.
- (11) *Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.*
- 6.19 The use of amplifiers and instruments are known to be the most likely to cause noise nuisance to nearby properties. The Council included a standard condition (condition 13) that prohibited their use except for on pitches that were listed, such as pitch 9 Leicester Square (Northeast) where amplification, etc was permitted. The condition also clarified that licensees were prohibited from using external power sources with amplifiers.
- (13) *No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of - ..., - Pitch 9 (Leicester Square North East) These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby property.*
- ...The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).*
- 6.20 From the accounts of the Licensing Inspectors, local businesses, licensed buskers, and street entertainers, these conditions are regularly breached by licensed buskers and street entertainers in Leicester Square.
- 6.21 The number of complaints received from businesses relating to the nuisance caused by noise from both licensed and unlicensed buskers and street entertainers is significantly higher than in any other area within the city. The number of complaints received has increased since before the scheme was introduced. Complaints are often made by the same businesses directly affected by the noise nuisance. Staff from local businesses have directly engaged with buskers and street entertainers to request their amplification is turned down to an acceptable level. When the buskers and street entertainers ignore those requests, those businesses will make a complaint to the Council.
- 6.22 The Council's City Inspectors have attempted to address issues associated with noise nuisance and obstruction caused by both licensed and unlicensed buskers and street entertainers. Officers have met representatives from businesses and the Business Improvement District to take information associated with their complaints and where possible engage with the relevant busker or street entertainer.
- 6.23 As referred to in section 4 of this report, the Council Licensing Inspectors have had several issues actively ensuring compliance and enforcing this licensing regime. Recent joint operations with the Police have resulted in positive action and future partnership working with the Police to tackle these problems are being planned.

Non-licensed and illegal buskers and street entertainers

- 6.24 Leicester Square is a prohibited street for busking and street entertainment, excluding the two designated pitches referred to in this section. Section 42 (Enforcement under Part V) of the 2000 Act states:

Any person who—

- (a) busks in any street to which this Part of this 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) ...*
- (d) ...*

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale [£1,000].

- 6.25 It is important to note that a significant level of impact is caused by unlicensed (illegal) buskers and street entertainers who have no regard to the noise they generate or to the obstruction they may cause when performing. Illegal buskers either are unaware of the requirement that they must be licensed to perform or are unwilling to obtain a licence. For illegal buskers they may choose to not apply for a licence because they may have criminal records or are prohibited from obtaining a licence, their performance routine is not permitted or cannot be permitted in locations that they wish to perform, they may not have the right to work in the UK, wish to avoid scrutiny from state agencies, such as HMRC or they just do not agree with the licensing regime and that it should apply to them.
- 6.26 Noise and obstruction from illegal buskers can be significant and added to noise and audiences for licensed buskers and street entertainers this can cause significant impacts to pedestrian movement and noise nuisance to businesses. The pictures below were taken recently and show buskers and street entertainers performing along the North thoroughfare of Leicester Square or in the entrances from the North thoroughfare into Leicester Square gardens. The performers in these pictures are a mixture of licensed and unlicensed buskers and street entertainers. These images were all taken on the same day (Sunday 21st May).



Leicester Square North throughfare



Leicester Square North throughfare.



Northwest entrance to Leicester Square Gardens.



Northwest corner of Leicester Square

Impact on businesses (nearby property)

- 6.27 Businesses in and adjoining Leicester Square have been significantly affected by the noise from both licensed and illegal buskers and street entertainers. It is clear that non-compliance from licensed buskers and street entertainers and illegal buskers are causing these issues as well as the unique architecture and how sound travels around the square. Some businesses are more affected than others and this is primarily as a result of their office locations being either in close proximity to buskers and street entertainers or that their buildings are susceptible to noise impacts due to the unique architecture in the square.

6.28 One of the businesses that is the most affected by noise from amplified buskers and street entertainers has provided Officers with a detailed log of incidents of noise nuisance that was collected from late 2021 to the end on 2022. This log details the time and date of when the noise nuisance was occurring, what impact was caused and their actions to try and address it or report it to the Council. A summary of this log is provided below to illustrate the specific issue of noise faced by this company. It should be noted that this business wished to remain anonymous.

Period recorded	Number of log entries of disturbances	No of logs associated with busking that was amplified	Reported to the Council
21 st Oct – 24 Nov 2021	4	4	4
01 Jan – 28 Nov 2021	45	45	43

6.29 This business has also provided an Impact Statement to the Council associated with the impact on their business from the noise nuisance caused from buskers and street entertainers in Leicester Square. The Impact Statement has been redacted as per the businesses request. This impact statement is attached to this report at Appendix 4. This business has listed the extent of the impact from busking and street entertainers as:

1. Time – there are usually excessively loud buskers every afternoon from 12pm to 5pm which is within core business hours.
2. Duration – performances times of each busker are between 15 and 45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments.
5. Volume – the volume is loud and can be heard clearly in their offices – as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourist come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the level store and M&M world).

6.30 The Council’s City Inspectors have engaged on regular occasions with staff from businesses in the area and particularly the business that has provided the evidence and Impact Statement. Sound monitoring has also been conducted in their premises. In some cases, due to the unique makeup of the buildings and way sound travels the noise at ground level from performers was not deemed to be load enough, considering the ambient noise of the square to be a nuisance. However, when officers were on the 6th Floor the noise from the performer’s amplification was significant enough to cause a nuisance. This has caused challenges in addressing this with performers and business to understand the level of noise that a performer would generate and when it would get to a level to be considered a nuisance to nearby properties. Weather conditions, include wind and atmospheric pressure as well as ambient noise may play a factor in how noise may travel around the square. The angled nature of the Hotel is also considered to be part of the issue as sound bounces off the

hotel and due to the angle of the building the noise will be directed at businesses at the lower Southeast corner of Leicester Square.

- 6.31 When carrying out observations in Leicester Square and attending meetings with affected businesses at their building Officers could hear amplified performances from buskers and street entertainers within those offices.
- 6.32 Business are supportive of responsible and talented buskers and street entertainers. However, the impact associated with the amplification of performances, in this unique location is detrimental to their business. They wish to see amplification, etc prohibited from use on the Northeast designated pitch and active compliance and enforcement action undertaken to prevent non-compliant licensed and illegal buskers and street entertainers from generating noise nuisance. It was suggested by one business that if amplification was prohibited during the week and only used on weekends then this would have far less an impact on their staff due to their working pattern.
- 6.33 Buildings that have offices overlooking the Northeast corner and along the North thoroughfare of Leicester Square are also susceptible to noise nuisance from amplified performances from buskers and street entertainers. The issues of noise are generated from buskers and street entertainers using the designated pitch at the Northeast corner of Leicester Square and illegal buskers who perform along the North thoroughfare of Leicester Square and Cranbourne Street. The noise generated from these buskers and street entertainers are always amplified and often the sound level is extremely loud. Amplification is also often powered by external power sources which, under the Council's terms and conditions of the licence is prohibited. However, some licensed buskers and street entertainers are not complying with this requirement. Illegal buskers also utilise externally powered sound systems which are significant generators of noise nuisance.
- 6.34 The issue of noise in offices around Leicester Square from the 1st floor level and above are disproportionately affected by noise nuisance compared to businesses operating at ground level. This is often due to the nature of the offices being much quieter than typical retail and restaurant use on the ground floor and staff working in these offices are there for significant periods of time.
- 6.35 The local business and the Heart of London Business Alliance (HOLBA), the Business Improvement District for the area have highlighted the impact from obstruction from illegal buskers of licensed buskers performing in contravention of their licence along the North thoroughfare of Leicester Square. They have indicated that there is also an issue with pick pockets and theft when large crowds gather around buskers and street entertainers. It should be noted that the Council has not been able to identify any specific evidence to link busking with wider crime issues.

Conclusion

- 6.36 The issue of noise from amplified performances is significantly affecting nearby businesses in Leicester Square. Illegal busking and street entertainment outside designated pitch locations in the square are also contributing to noise and obstruction problems. As a result, the current busking and street entertainment licensing regime is not effectively functioning in Leicester Square. Urgent action is required to address the noise nuisance, non-compliance from licensed performers, and the issue of illegal busking in the area.

- 6.37 Attempts by City Inspectors to address non-compliance and illegal busking have been challenging without the support of the Police or the wider busking and street entertainment community. While amplification is a key factor causing problems for local businesses, it is also an integral part of performances for most licensed buskers and street entertainers. Restricting amplification to non-amplified performances or removing all pitches in Leicester Square would likely improve the situation associated with non-compliant busking and street entertainers. However, this approach would have a significant impact on licensed performers who rely on amplification and this location for regular income. If amplification were limited during weekdays but permitted on weekends, it could still adversely affect licensed performers and create additional challenges due to increased demand for the pitch on weekends.
- 6.38 The ideal situation would be to retain amplification at the Northeast pitch location through a collaborative effort from buskers and street entertainers, businesses, and the Council. This would enable all parties to work together to identify the relevant sound levels, enable feedback on noise and where amplification should be placed or directed. Unfortunately, the likelihood of this being successful is low. However, it should be attempted even if other options are being considered or implemented.

7. Review Findings

- 7.1 The busking and street entertainment licensing regime, along with its associated Licensing Policy, has been in operation for more than two years. During its establishment, extensive efforts were made to engage with stakeholders and develop a scheme that strikes a balance between licensing responsible buskers and street entertainers while preventing obstruction of the highway and nuisance to residents and businesses. After considering all aspects of the licensing scheme, Policy, and stakeholder input, Officers believe that the scheme itself is well-structured and doesn't need substantial changes. However, certain amendments to the policy and further review of pitch locations are necessary, as outlined in the proposed recommendations and options below.
- 7.2 Despite efforts to establish a light-touch licensing regime with the aim of self-regulation, the challenges of compliance and illegal buskers in certain parts of the city have prevented the scheme from meeting its intended goals. While positive changes have been observed in some areas regarding noise, nuisance, and obstruction, there are still significant challenges in specific locations. Businesses and residents had high expectations for the scheme, hoping it would effectively address these issues and enable the Council to actively enforce and prosecute individuals who violate the scheme's terms and conditions. Unfortunately, for several reasons, these expectations have not been met, and meeting them will require significant Council resources and close cooperation with the police.
- 7.3 While this review has primarily focused on policy review, it is crucial to also consider the issues surrounding non-compliance and illegal activity and determine how the Council should proceed in managing the scheme and, in particular, whether the cost and resources required to ensure compliance and prevent illegal activity would be proportionate to the needs for resourcing higher risk or priorities.

Options for the continuation or varying the scope of the licensing scheme.

- 7.4 The review of the Busking and Street Entertainment Licensing Policy scope was to look at how the Policy was implemented, its effectiveness, and whether any changes are needed to improve or adjust it to meet the future operation of the scheme. When undertaking this review and considering the success of the scheme, the fundamental issues that continued to be raised by all stakeholders were the issues surrounding compliance and what enforcement action has or hasn't been undertaken to address both non-compliance and illegal activities occurring in certain locations. Leicester Square and Covent Garden areas have dominated the review discussions as non-compliance, illegal performers, and associated impacts of noise and obstruction have been reflected in the findings. The remaining areas where the scheme has been operating haven't generated the same level of issues or complaints.
- 7.5 Due to the issues surrounding compliance and illegal performances, the scheme itself cannot be fully assessed as being successful. The scheme, when being developed and implemented, created an expectation for residents and businesses that the scheme would address the issues relating to noise and obstruction caused by busking and street entertainment. For most of the areas the scheme covers, there have been improvements in reducing the impacts originally identified. However, Leicester Square and Covent Garden are still significant drivers of complaints and issues relating to compliance with the scheme.

- 7.6 The licensing scheme was intended to be a light-touch licensing approach, hence the very low fee levels. It was intended, and the policy refers to this, that the busking and street entertainment scheme would be self-regulating. Unfortunately, this has not been the case.
- 7.7 It is clear from the targeted engagement with stakeholders that there is still a significant appetite for the continued regulation of busking and street entertainers. In the targeted survey, 68% of respondents favoured the scheme more than before, and 24% of views remained unchanged about the licensing scheme.
- 7.8 There are little to no issues with buskers and street entertainers that comply with the licensing requirements and the Policy. However, when licensed buskers and street entertainers fail to comply with their terms and conditions, especially associated with amplification, significant complaints and harm are caused at the location where they are performing.
- 7.9 The review has also identified two types of buskers and street entertainers operating in contravention of the licensing regime. The first group of buskers and street entertainers are typically individuals who have not engaged with the Council before and arrive at a location and perform unknowingly or knowingly in contravention of the licensing regime. They are likely to perform and obstruct the highway, create significant noise issues, and potentially be unfit to obtain a license. The second group of buskers and street entertainers are individuals or groups who have engaged with the Council during the development of the licensing scheme and are fully aware of the requirements for licensing and the Policy. These individuals or groups, representing them, will perform illegally, knowingly in contravention of the licensing scheme. This group of buskers and street entertainers would likely have no issues in meeting the requirements of the licensing regime, obtaining a license, and operating within the terms and conditions of any license.
- 7.10 The non-compliance from licensed buskers and street entertainers relating to their terms and conditions in some areas and illegal buskers operating in Leicester Square, in particular, have led to the conclusion that in that area, the current arrangements for the licensing regime and the Policy are not working as anticipated.
- 7.11 Joint compliance and enforcement action between the Council's City Inspectors and the Police have recently provided positive results. The additional powers available to the Police to obtain information from buskers and street entertainers are fundamental in enabling the Council to take legal action against them.
- 7.12 However, to actively address the issues of non-compliance and illegal performers in Leicester Square and Covent Garden, there will be a need for significant Council and Police resources over a prolonged time to get to a point where non-compliance is limited, and illegal buskers are actively discouraged from performing in the city. Unfortunately, other priorities on both the Council and Police's limited resources will be a key factor in whether the scheme can be enforced effectively. A decision on resources and prioritisation will be needed to determine whether the enforcement of this scheme should be prioritised over other pressing priorities.
- 7.13 This review has identified that the licensing scheme, excluding the issues of non-compliance and illegal activity, is sound subject to some amendments. The combination of a detailed Licensing Policy and a clear licensing process is best practice. It enables anyone who wishes

to apply the opportunity to review the Policy and understand the licensing process, including what is expected of the applicant and licensee once a license is granted.

- 7.14 The current fee levels associated with the licensing scheme are extremely low and therefore do not cover the full costs of the Council in operating this scheme. The fee levels were initially very low to prevent the fee from being a barrier to buskers and street entertainers from applying. The Council may consider revisiting the fee levels considering the number of resources associated with the scheme and the wider impact on general funds in covering the costs not met by the fee income.
- 7.15 A decision is needed on whether the scheme should continue as currently devised. The resources and costs associated with addressing the current issues of non-compliance and illegal buskers will be significant and may not be proportionate considering the other demands on the Council and Police's limited resources. While the scheme itself is sound, ensuring compliance with it will continue to require significant resources which are not funded by the income level received. The following options are therefore presented for consideration on the future of the scheme.

Option BSE/1 – Discontinue the scheme

A licensing regime will only be successful if the scheme has reasonable compliance and there is a robust enforcement approach in place to respond to non-compliance and illegal busking. However, if the cost and resources cannot be actively diverted to address the levels of non-compliance or illegal busking and therefore meet resident and business expectation then the scheme may never be effective. However, without the licensing regime busking and street entertainment will continue and the issues of noise nuisance and obstruction of the highway will continue without an active mechanism to enforce it.

Option BSE/2 – Vary the scope of the scheme.

If the scheme is too large to actively ensure compliance and enforce illegal busking the scope of the scheme could be varied. The regime could focus on the key busking areas of the city and remove the restrictions and controls from other parts of the city. However, the areas of significant busking activity are the areas that have the highest levels of non-compliance and illegal busking. Resources would still be needed to maintain a sufficient level of enforcement in these areas to actively respond to non-compliance and illegal busking.

Option BSE/3 – Continue with the current scheme and prioritise resources to address non-compliance and illegal busking.

If the scheme should continue and resources can be prioritised to effectively enforce the regime, then the scheme may become more manageable and self-regulation could become more evident. An active compliance and enforcement response would be required to address non-compliance and illegal busking as and when it is reported. However, fee levels and the following recommendations may be necessary to assist in achieving this.

- 7.16 In the event of a decision to discontinue the scheme, the Council would be required to follow a statutory process to revoke the existing resolutions that adopted the scheme. This process would necessitate a formal consultation, and the ultimate decision would rest with the Full Council.

- 7.17 Alternatively, if it is deemed appropriate to make adjustments to the current scheme, there will need to be careful consideration of the objectives of any variation to the scheme and how enforcement and compliance can be ensured. Potential adjustments could involve designating noise-sensitive locations with no busking permitted, while allowing busking in other parts of the city or making significant changes to where and when busking and amplification are allowed. Like the first option, any alterations to the current regime would require consultation and would need to be formally approved.
- 7.18 Should the decision be made to continue with the existing scheme, it will be crucial to manage the expectations surrounding the Council's ability to address noise and obstruction issues related to busking and street entertainment. While the licensing regime provides enforcement powers, engagement, and cooperation from those regulated under the scheme are equally essential. Businesses and residents should understand that while the Council will strive to respond to complaints about noise and obstruction from buskers and street entertainers, it must also balance these concerns with other priorities and existing resources. In cases where a specific location experiences significant impact from persistent offenders, the Council, with support from the Police, may consider targeted operational measures on a case-by-case basis. If the consensus from the Policy and Scrutiny and Licensing Committees, as well as the Cabinet Member for Communities and Public Protection, is to retain the current scheme, the report puts forth several recommendations and options to improve the scheme where possible and address specific issues identified during the review.

Recommendation 1 – Partnership with the police.

The Council and the Metropolitan Police should engage in further discussions associated with conducting further partnership compliance and enforcement action to tackle persistent non-compliance and illegal operators, focusing on key high impact areas, such as Leicester Square area and Covent Garden.

Recommendation 2– Undertake a fee review.

The Council should consider the current licence fees for busking and street entertainment licences considering the need to prevent the fee becoming a barrier to buskers and street entertainers, the known processing and compliance costs and the financial implications of the scheme being unable to provide full cost recovery.

Licensing Policy

- 7.19 The Licensing Policy is well-constructed and provides comprehensive information about the purpose of the licensing scheme, the licensing process, codes of conduct, terms and conditions, and designated areas for busking and street entertainment. The policy was developed through effective engagement and has effectively outlined the Council's approach to administering and ensuring compliance with the scheme. However, there are specific changes that could be considered to address elements that were overlooked during the initial development or have emerged since the scheme's implementation.
- 7.20 The Council has identified a gap in the Policy regarding applicants who may be under the age of 18. Conversations with buskers and street entertainers revealed that some began performing when they were teenagers. The scheme should not prohibit children or young people from busking in Westminster, but measures must be in place to safeguard and protect them and ensure parental or guardian consent. The Policy should be amended to

include a provision specifically addressing children and young people and safeguarding. Any proposed changes to include safeguarding children and young persons within the Policy should be considered by child safeguarding experts from the Council and other agencies.

Recommendation 3 – Age restrictions and safeguarding

The Council should consider the inclusion of sections associated with buskers and performers under the age of 18 that includes factors relating to parental or guardian consent, whether adult supervision is needed whilst the child or young person is performing, safeguarding issues, including safeguarding from other buskers and reporting of concerns relating to child buskers and street entertainers.

- 7.21 The Council has recognised that the current Policy lacks a reference to the liability of buskers and street entertainers to pay royalties for the performance or use of copyrighted works. It is important to inform buskers and street entertainers that they may need to obtain a Performing Rights Society (PRS) license if they plan to use copyrighted material. The Policy should include information about this requirement, clarifying that buskers and street entertainers are responsible for paying any royalties associated with copyrighted material or content. Additionally, guidance on how to apply for a PRS license should be provided.

Recommendation 4 – Royalties liability

The Council should provide an advisory section within the Policy relating to the liability associated with royalties and that this rest solely with the licensed busker or street performer.

- 7.22 It is crucial that applicants for a license provide truthful and accurate information. Providing false information undermines the integrity of the licensing process and raises questions about the applicant's suitability to hold a license. The Council strongly disapproves of false information and considers it an attempt to bypass the fit and properness test.
- 7.23 To address this issue, the Council should clearly communicate the consequences of providing false information in license applications. This may include the refusal of an application, revocation of an existing license, and potential prosecution under section 42(d) of the relevant legislation. The Council's approach to dealing with false information should be clearly stated in the Policy, codes of practice, and within the licensing application process, such as on the website and application form.

Recommendation 5 – Statement of truth and making a false declaration.

The Council should include its position on the requirement for applicants to sign a statement of truth associated with the information that they have provided and what the Council's actions will be if they have made a false declaration within its Policy.

Code of Conduct

- 7.24 The Code of Conduct plays a crucial role in providing clarity to buskers and street entertainers regarding acceptable behaviour while performing. According to the targeted engagement survey, 66% of respondents from the busking and street entertainment community found the Code of Conduct clear and understandable.
- 7.25 The current Code of Conduct should be strengthened to stipulate that certain behaviours towards Authorised Officers of the Council and the Police will not be accepted. The Code

associated with the requirement to cooperate with Authorised Officers and the Police should set out that unacceptable behaviour or actions, such as verbal or physical abuse or inciting the crowd against officers when they are carrying out their role under the 2000 Act, will not be tolerated and could lead to suspension or revocation of their license.

- 7.26 Based on the findings of the review, some other revisions may be necessary for the Code of Conduct. These revisions could involve adding additional codes, such as ones related to licensees under the age of 18, safeguarding of children and young people, or the consequences of making false statements. The current Code relating to talking to the council and the local community via the Forum should also be revised to focus on the need to enable communication between licensees and the Council rather than the inclusion of residents and businesses.
- 7.27 When revising the Codes of Practice, the Council should consider engaging with licensed buskers and street entertainers to gather their input on proposed changes. This engagement is important before proceeding with the regulatory requirements for adopting the new Codes.

Recommendation 6 – Strengthen the Co-operate with Authorised Officers and the Police to the Codes of Conduct Provision

The Council should strengthen the current Code of Conduct relating to the requirement to co-operate with Authorised Officers and the Police to make it clearer about what behaviour will not be acceptable and what the possible ramifications are if a licensed busker or street entertainer fails to meet this Code.

Recommendation 7 – Revisions and additions to the Codes of Conduct

The Council should consider reviewing the current Codes of Practice to ensure that they reflect any necessary changes to the Council Policy or application process, including buskers and street entertainers under the age of 18 seeking licences, safeguarding of children, the consequences of making a false statement and communication channels between the Council and licensees via a Forum.

Standard Licence Conditions

- 7.28 The standard license conditions for busking and street entertainment were developed to prevent nuisance, anti-social behaviour, and obstruction of the highway that could jeopardise public safety. These conditions provide clear parameters for license holders and enforcing bodies. They must be reasonable and proportionate, allowing licensed performers to comply without undue impact. Breaching the license can result in warnings, revocation, or prosecution under the relevant legislation.
- 7.29 During the engagement process of this review, buskers and street entertainers were asked about their perception of the conditions. 57% of respondents in a targeted survey did not consider the conditions reasonable and proportionate. In meetings with representatives of licensed performers, concerns were raised about certain conditions being overly restrictive and unreasonable. However, specific conditions causing problems were not specified.
- 7.30 After reviewing the standard conditions, the Officers believe that they are reasonable and not unduly burdensome or disproportionate. Nonetheless, considering other findings and recommendations, the Council should continually review the standard conditions and make necessary changes through appropriate engagement and consultation with licensees.

7.31 However, in line with the issues associated with unacceptable behaviour towards Authorised Officers and the Police, it is proposed that a new condition is added to the standard terms and conditions for all Busking and Street Entertainment Licenses relating to the prevention of unacceptable behaviour. The new condition could take the following form:

- (1) *A busker and street entertainer shall:*
- (a) *not use threatening, abusive, or offensive language, either verbally or in any performance material which is directed at or associated with the actions of an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (b) *not engage in any physical assault or aggressive behaviour towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (c) *not incite, encourage, or provoke crowds to act in a threatening, abusive, or physically aggressive manner towards an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer.*
 - (d) *comply promptly with any lawful instruction or request given by Authorised Officers of the Council, Police Constable, or Police Community Support Officer in the course of performing their duties.*
 - (e) *not obstruct, hinder, or interfere with an Authorised Officer of the Council, a Police Constable, or Police Community Support Officer while they are carrying out their official duties.*
 - (f) *fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour.*
- (2) *In relation to (1), (f) above reference to cooperate with any investigation includes providing relevant information, attending meetings or interviews if requested, and assisting in the identification of any involved parties.*

7.32 This license condition is aimed at ensuring a safe and respectful environment for Authorised Officers of the Council and the police while maintaining a positive and enjoyable atmosphere for the public during busking and street entertainment performances.

Recommendation 8 – New condition relating to behaviour towards Authorised Officers and the Police.

It is recommended that a new condition, such as the one proposed above is added to the standard licence conditions that addresses licensee behaviour or acts which create a risk to Authorised Officers of the Council and/or the Police or inhibits their actions or ability to investigate breaches of the licensing regime or offences under the 2000 Act.

Recommendation 9 – Standard conditions to be kept under review.

It is recommended that the standard conditions should remain under constant review and if necessary, proportionate, and reasonable conditions could be added, varied or removed as required.

Leicester Square

7.33 Urgent action is required to address the noise nuisance caused by amplification on nearby properties, non-compliance from licensed buskers and street entertainers, and the presence

of illegal buskers in the area. Officers have identified four options for the Council to consider.

- 7.34 The first option involves a collaborative approach between the Council, licensed buskers, and street entertainers, and businesses to address the issues locally. If all parties commit to managing the situation and demonstrate collaboration and improved compliance, it could lead to a reduction in noise nuisance and the retention of the amplified pitch. This option aims to minimise the impact on the livelihoods of licensed buskers and street entertainers and prevent displacement to other amplified pitches or illegal busking.
- 7.35 However, there are risks associated with this option. Previous attempts at collaboration have yielded limited success, and the unique nature of Leicester Square may still result in noise nuisance. It may also be challenging to enforce against illegal buskers causing obstructions and nuisance within the Square even if licensed buskers are compliant.
- 7.36 This option could be pursued alongside one of the other options. If positive outcomes are achieved through collaboration and robust enforcement, the Council could suspend the implementation of other options and continue monitoring the situation.

Option LS/1 – Seek a agreement between all parties to ensure compliance with current pitch requirements.

Utilise the period between the report publication and any formal decision to enable the SPA, Businesses, and the Council to consider the pitch locations, directions that amplification is directed, noise levels and monitoring to establish if other controls and agreements could be put in place to prevent the loss of amplification or the removal of that pitch all together. If no agreement is found to everyone’s satisfaction, then the Council will have no option to consider moving forward with the alternative options.

Option LS/2 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch on weekdays.

The Council moves forward to make to revise the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments during weekdays.

- 7.37 Option 2 proposes the removal of amplified sound from the Northeast pitch in Leicester Square on weekdays. To implement this change, the Council would need to modifying the terms and conditions of the pitch, following a consultation period.
- 7.38 The purpose of this approach, suggested by local businesses, is to reduce the overall impact of amplification during weekdays when their offices have higher staffing levels. Under this option, only licensed buskers would be allowed to use the pitch, and active compliance checks by the Council would be necessary to ensure no amplification is used. However, there is a risk that businesses with staff working on weekends may still experience noise nuisance from amplified performances.
- 7.39 The risks associated with this approach include potential non-compliance by licensed buskers and an increased need for enforcement. Noise nuisance would still be significant on weekends, and businesses could be affected by the noise despite reduced office occupancy. The removal of the only amplified pitch on weekdays could negatively impact the earning potential of licensed buskers and street entertainers in the area, potentially leading to displacement to other pitches and creating new noise issues. Additionally, restricting

amplification to weekends would likely increase the demand for spots on those days, as the pitch is already highly sought after.

Option LS/3 – Remove permission to use amplification, etc from Leicester Square (Northeast) pitch.

The Council moves forward to revise the terms and conditions of the Leicester Square (Northeast) pitch to remove the use of any amplification, brass, wind, percussion, and percussive instruments altogether.

7.40 Option 3 proposes the Council revising the terms and conditions of this pitch to prohibit the use of amplification at this location. As a result, no licensed busker or street entertainer relying on amplification would be allowed to perform in Leicester Square. This would effectively address the issue of noise nuisance for nearby properties from that pitch. Active enforcement by the Council and the Police would be necessary to control illegal busking in the area, and it would facilitate easier compliance management for City Inspectors and the Police.

7.41 Licensed buskers would face a significant impact on their income generation opportunities due to the restriction on amplification. Additionally, the demand for other amplified pitches in the area would increase, potentially requiring the Council to consider introducing additional amplified pitches in nearby streets to manage the demand. Implementing this approach could lead to an increase in illegal busking and non-compliance from licensed buskers and street entertainers who can no longer use amplification at this pitch.

Option LS/4 – Prohibition of busking and street entertainment from Leicester Square

The Council moves forward to remove the Leicester Square (Northeast) and Leicester Square (Northwest) pitches and therefore make Leicester Square a prohibit street for busking or street entertainment.

7.42 Option 4 proposes a complete prohibition of busking and street entertainment in Leicester Square. By removing the designated pitches, it aims to address the noise issues associated with these activities, provided there is robust enforcement. Without the presence of designated pitches, it would be easier for Council City Inspectors and the Police to identify and act against illegal buskers. This approach would involve the Police and our City Inspectors moving on buskers and street entertainers from the area or prosecuting illegal buskers and street entertainers if they persistently perform illegally in the area.

7.43 However, this option would have a significantly detrimental impact on licensed buskers and street entertainers who rely on these pitches. It would likely result in displacement and create a higher demand for pitches in the area. There would also be an increased risk of licensed performers resorting to performing illegally.

Recommendation 10 – Attempt a collaborative solution whilst undertaking a formal process to remove amplification.

It is recommended that the Council should start preparing to move forward with Option 3 which would make this pitch unamplified. However, whilst that option is being prepared, which can take several months Officers should work with businesses and licensed buskers and street entertainers should work together to attempt to find a solution through collaboration as set out in Option 1. If the collaborative approach between all parties shows signs of progress the decision on changing this pitch to unamplified could be slowed or suspended.

- 7.44 The noise nuisance caused by busking and street entertainment in the area is attributed to two main factors. The first is licensed performers using amplification, which may be addressed through the aforementioned options. The second factor is illegal buskers with amplification, requiring active and strong enforcement collaboration between the Council and the Police.
- 7.45 Given the significant noise nuisance generated by amplification from the Leicester Square Northeast pitch, it is recommended to attempt Option 1. This option aims to assess whether the potential loss of amplification would incentivise compliance and collaboration from licensed buskers, street entertainers, and the local SPA (Street Performers Association). While Option 1 is being attempted, officers should proceed with preparing an urgent the approached described in Option 3, seeking the removal of amplification from this pitch. If progress is made with Option 1, the Council can slow down or suspend the implementation of Option 3.

Pitch Locations, Accessibility and Markings

- 7.46 The location and availability of busking and street entertainment pitches have been highlighted as important issues by the Licensing Service, City Inspectors, and performers themselves. Currently, there are 27 designated pitches in the city, and their usage and income-generating potential vary based on footfall. Some pitches, particularly those in popular areas like Leicester Square and Trafalgar Square, often face suspensions due to events and market uses, leading to queues of performers waiting for their turn.
- 7.47 To address this, the Council needs to assess the adequacy of current pitch locations and their potential to cause disturbances or obstructions on the highway. Engagement with licensed buskers and street entertainers is necessary to gather input on pitch locations and identify possible additional pitches that can relieve pressure from high-demand pitches. In seeking new pitch locations, the existing methodology should be used. These new locations should provide similar opportunities for audience size and income generation when pitches are suspended for events.
- 7.48 The assessment of existing and potential new pitch locations should consider maximising opportunities for performers while ensuring they do not create obstructions or nuisances for businesses and residents. Flexibility in pitch use based on different times of the day or days of the week could be considered, allowing for variations in pitch availability to minimise impacts on nearby establishments. Similarly, the use of amplification could be regulated based on specific hours or days to balance performers' needs with the interests of businesses and residents. However, a comprehensive assessment was undertaken on pitch locations when the scheme was being developed, and changes to counter-terrorism measures in high footfall locations may result in an inability to identify suitable new pitch sites.
- 7.49 Under Section 149 of the Equality Act 2010, the Council has a duty to ensure that those with a protected characteristic are not excluded from accessing pitches and being able to obtain a busking and street entertainment licence. Anecdotal evidence suggests that the number of buskers with physical disabilities within the licensed areas is low. The available evidence of the prevalence of disability amongst buskers in the licensed areas is not considerably higher than in the general Westminster population. However, as part of any review of existing

pitches or locations for new pitches, the Council should review the accessibility for disabled performers.

- 7.50 Improvements to the visibility and clarity of busking and street entertainment markings are also necessary. The current markings wear quickly and are costly to replace, so alternative, simpler, and more standardised marking templates should be considered to reduce future marking costs. Consideration may also need to be given to ensuring pitches can be located by performers who are visually impaired or blind. This may involve the use of braille markers on the floor or using pitch markings that enable visually impaired or blind performers to locate them and perform within them.

Recommendation 11 – Pitch Location and Accessibility Assessment

The Council should undertake an assessment of pitch locations that review the current pitches to determine whether they are still fit for use, are accessible to disabled performers, do not create an obstruction or nuisance. The review should also, using the existing methodology attempt to identify new pitch locations, especially in areas where there is a high demand to use existing pitches in the area. In carrying out the assessment Covent Garden’s pitches and additional pitches around Leicester Square and Trafalgar Square should be prioritised.

Recommendation 12 – Pitch Markings

As part of the pitch assessment the markings for each pitch should be assessed and if they are worn should be replaced. The accessibility of the pitches, particularly for enabling visually impaired or blind performers to locate them should be considered and if necessary additional markers affixed to make the pitches more accessible to those performers. The full costs associated with a regular remarking schedule should also be considered as part of any future fee review as this will need to be funded by the income from the scheme.

Engagement with licensed buskers and street entertainers

- 7.51 Ongoing engagement and communication with licensed buskers and street entertainers is crucial. The original plan for the licensing scheme included a Forum to facilitate communication between licensees, businesses, residents, and the Council. However, for various reasons, the Forum did not function as intended, resulting in concerns and issues being directly addressed to the Council.
- 7.52 To address this, there is a need to re-establish a Forum specifically for licensed buskers and street entertainers and the Council. The Forum should exclude resident representatives and businesses, focusing solely on engaging with licensees or their representatives to address their challenges, provide feedback on issues, clarify license terms and conditions, and foster relationships and trust between Council Officers and licensees.
- 7.53 One concern raised by buskers and street entertainers is the lack of information about pitch suspensions due to events. The Council has put in place measures to provide advance warning on the suspension of pitches via the Council's website. The Council could consider other options associated with improving communication channels with buskers and street entertainers.

Recommendation 13 – New Buskers and Street Entertainers Forum

The Council should create a new Buskers and Street Entertainers Forum that meets quarterly to discuss the licensing scheme, key issues and future changes or potential

improvements. This forum should enable an effective communication channel between licensed buskers and street entertainers or their representatives and Council Officers responsible for the licensing process or ensuring compliance.

Recommendation 14 – Notification of Pitch Suspensions

The Council could consider additional communication options that will provide buskers and street entertainers notification of pitch suspensions.

Engagement and recognition of Street Performers Associations (SPA)

- 7.54 During a review, officers engaged with two specific SPAs (Street Performers Associations) mentioned in the policy. The SPAs provided information and personal experiences related to the licensing system and interactions with Council Officers. However, the officers requested written documentation regarding membership accessibility, transparency, rules for members, and the disciplinary process for rule breaches, but these documents were not presented.
- 7.55 The Covent Garden SPA expressed their fundamental opposition to licensing and stated that their members would not obtain a license from the Council. They believed Covent Garden should not be included in the licensing regime and suggested self-regulation or a scheme similar to one used in the past. Self-regulation had been considered previously, but issues with obstruction and noise persisted.
- 7.56 The review also considered the possibility of providing greater benefits or access to pitches for SPA members. However, due to the lack of written processes and rules within the SPAs, it was uncertain whether membership criteria were open and accessible to new buskers and street entertainers. The Covent Garden SPA opposed any involvement with the licensing regime, even if given special status within the policy.
- 7.57 The Leicester Square and Trafalgar Square SPA and their members were mostly licensed. While they expressed willingness to collaborate with the Council, there were significant issues with nuisance, illegal activities, and non-compliance among buskers and street entertainers in Leicester Square. Officers suggested further engagement with the Leicester Square and Trafalgar Square SPA to assess their willingness to work collaboratively with the Council in the future, especially considering proposed options for the two pitches in Leicester Square.
- 7.58 The concept of SPAs is still seen as positive and worth supporting by the Council. However, it was emphasised that SPAs should represent licensed buskers and street entertainers. Direct communication channels with SPA representatives were deemed necessary to address issues or problems with specific pitches or performers. This would require the SPAs providing the direct contact details for their SPA representatives. SPAs should also be regular attendees at the Forum for licensed Buskers and Street Entertainers and the Council. This Forum will provide an opportunity for the SPAs, along with other licensees and Council Officers, to discuss key issues, address questions, and set out any future improvements or changes to the licensing scheme.
- 7.59 However, engagement and interaction with SPAs that actively and intentionally busk illegally and who will not engage in the licensing process were not considered feasible. It is important that the views of licensed buskers and street entertainers are taken into account, and there is a conduit for communication between the Council and licensees.

Recommendation 15 – Revision the SPA section with the Policy

The Policy should continue to promote the designation of local SPAs who represent licensed buskers and street entertainers. However, direct references to the two current SPAs should be removed from the Policy itself. The Policy could be revised to add additional information on the benefits that SPAs can have in representing their members when communicating with the Council.

Recommendation 16 – Provide SPA contact information on the Council’s Busking and Street Entertainment Website Pages.

The Council should consider listing recognised SPA’s as well as their contact information on the Council’s website within the Busking and Street Entertainment licensing scheme pages. This would enable new SPA’s or updates to existing SPA contact information to be amended quickly without the need to undertake a formal revision of the Licensing Policy.

Other minor or non-consequential amendments.

- 7.60 There may be a need to make other minor or non-consequential amendments to the Busking and Street Entertainment Licensing Policy as a result of the changes taken forward as part of this review. It is therefore important that if there is a need to correct an error, make changes, or add additional information or context to improve the Busking and Street Entertainment Licensing Policy or to enable the options or recommendations to be fully implemented, then the Council should undertake such changes as necessary. It should be noted that any changes to this Licensing Policy or the scheme will be subject to public consultation and subsequent consideration by the Council’s Licensing Committee before being approved by the Cabinet Member for Communities and Public Protection.

Recommendation 17 – Minor or non-consequential amendments to the Licensing Policy

The Council should make any corrections, additions, or amendments as necessary to improve the Busking and Street Entertainment Licensing Policy or to facilitate any revisions as considered necessary as a result of this review.

8. Equalities Implications

- 8.1 The Council must have due 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 characteristic and persons who do not share it.
- 8.2 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.
- 8.3 The Council recognises that issues have been raised about (1) the accessibility of pitches by disabled performers, and (2) the appropriate age for licenses to be granted to young persons and whether parental consent should be required. These are issues that will be considered as part of the proposals going forward.
- 8.4 The Council has undertaken an Equalities Impact Assessment (EIA) associated with this review. The EIA will be considered alongside any proposals and when making any formal decisions associated with making changes to the Busking and Street Entertainment Licensing Policy or the scheme itself.

Appendices

Appendix 1 – Targeted Engagement Survey Questions

Survey – Busking & Street Entertainment Policy review

Specific Questions to Public

About You:

1. Please tick all that apply. Are you a...
 1. Resident of Westminster
 2. Street Entertainer
 3. Employed by a business or employed in Westminster
 4. Visitor
 5. Any other public interest organisation

Postcode

Street entertainers skip to page 4

2. 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).
 - a. Less than 12 months
 - b. 1 - 5 Years
 - c. More than 5 Years

General

1. Following the implementation and roll out of the Policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

Scale: More in favour, neither for nor against, more against

2. Please tell us your reasons for this.

_____ (250-500 words)

3. What impact, if any, would you say the Policy has had on the following and why?

- a. Quality of street entertainment
- b. Variety of street entertainment
- c. Accessibility to street entertainment
- d. Quantity of street entertainment

Scale: It's improved it / It's worsened it / It has had no impact

_____ (250-500 words)

4. How would you rate WCC's promotion of street entertainment and busking?

Scale: Excellent / Good / Neutral / Poor / Very poor / N/A

5. What do you like most about the Policy?
_____ (250-500 words)
6. What do you like least about the Policy?
_____ (250-500 words)
7. What changes or alternatives to the Policy would you most like to see?
_____ (250-500 words)

Pitches

1. Do you have any comments, positive or negative, about one or more specific pitches? Please tell us your reasons for this
_____ (250-500 words)
2. Are there any locations in the borough that are currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
3. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think should not be? Why?
_____ (250-500 words)
- 4.

Noise

1. Since the Policy came into effect, how frequently or infrequently do you feel that the following are an issue:
 - a. Performances being too loud? (Could we expand on what is classed as a nuisance?)
 - b. Amplification is being used in non-amplified pitches?
 - c. Performances are taking place outside of the hours established in the Policy?
 - d. Performances are taking place for longer than 40 minutes? And the 20 minute break is not being complied with?
 - e. Performances are repetitive?
 - f. Performances are causing a nuisance:
 - i. Due to noise
 - ii. Or causing an obstruction to road uses and/or safety issues

Scale: *Never/Rarely/Occasionally/Frequently/Always/Don't know/No opinion*

2. Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment? Yes/No

Is this a result of:

- a) Location of pitches
- b) Amplification restrictions
- c) Conditions of license
- d) Code of conduct

- e) Enforcement approach
- f) Other

Communication

1. Since the Policy came into effect, have you reported any issues or concerns related to busking and street entertainment to Westminster City Council?
 - a. Did you know how to report concerns/nuisance and how to contact the Council for any queries relating to busking and street entertainment?
Yes / No
 - b. Do you agree or disagree that the cause of your query/complaint has been resolved?
Yes / No
 - c. Do you agree that it was dealt with effectively? And in a timely manner by Council staff?
Yes / No

If No, why?

2. The Busker Forum was introduced as part of the original Policy implementation. At the time of implementation, did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
 - c. Believe meeting quarterly was too frequent/infrequent
Yes / No

3. If the forum was to take place in the future:
 - a. Would you actively engage and attend the forum?
 - b. Are there any specific stakeholders you think should attend?
 - c. What would you like to achieve as part of the forum?
 - d. Who should chair the forum?
 - e. How frequently do you think the forum should take place?

4. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:

(250-500 words)

Specific questions to buskers/street entertainers:

About You:

2. 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).

- b. Less than 12 months
- c. 1 - 5 Years
- d. More than 5 Years

3. Which street entertainment association are you a part of, if any?

_____ (250-500 words)

4. Do you intend to apply for a licence to perform in Westminster?

- a. Yes, I have already applied for a licence
- b. Yes, I intend to apply for a licence
- c. No

5. **Yes:** What has attracted you to want to perform in Westminster?

- The location of the pitches
- The quality of existing street entertainment
- The amount of money I hope to make is higher than in other boroughs
- The licence Policy
- Westminster has always been where I perform
- Proximity to my home
- Other (please write in)

No: Please can you state your reasons for choosing not to apply for a licence?

- I do not intend to perform in Westminster
- My previous application was unsuccessful
- I cannot afford the licence fee
- My act does not comply with the licensing conditions
- I cannot provide the documents required
- I can't get/afford personal liability insurance
- Unresolved issue with the application process
- I disagree with the requirement to get a licence
- Other

6. Since the implementation of the Policy, would you say that you are still attracted to performing in Westminster? If no, please explain. If yes, is this a result of:

- a. The location of pitches
- b. The quality of existing street entertainment
- c. The amount of money you hope to make is higher than in other boroughs
- d. The busking and street entertainment Policy
- e. Westminster has also been the place you perform
- f. Proximity to home
- g. Other – please explain

_____ (250-500 words)

Licensing process

1. If you have applied for a licence for busking or street entertainment, are you more or less likely to apply to renew your licence for a period of 1 or 6 months?
2. Would you be likely to apply for a 12 month licence if it was offered?
3. If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are clear and understandable? Are they appropriate and proportionate?

Yes / If No:

- a. Are there any specific conditions that you do not think are appropriate/relevant?
4. Do you believe the Code of Conduct for Street Entertainers is clear and understandable?

Yes / If No:

- a. Are there any specific aspects that should be added to or amended?
5. Having applied for a licence, how would you rate the process for the following:
 - a. Find out how to apply for a licence?
 - b. Clarity of the application form? And how to apply for a street trading licence (if appropriate to you?)
 - c. Communication with you after the application has been completed?
 - d. Speed of the application process?
 - e. Fee associated with application?

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A

4. *If you have any additional comments or feedback regarding the application process, please provide them in the text box below:*

_____ (250-500 characters)

Pitches

1. What pitches have you performed on and why? What pitches have you not performed on and why?
_____ (250-500 words)
2. How would you describe the ease of locating a pitch? And the ease of being able to use that pitch? Please explain
_____ (250-500 words)
3. In your opinion, is there anything that could be done to make existing pitches more attractive to perform at?
_____ (250-500 words)
4. From the pitches you have used, please rate them based on:
 - a. Ease of finding a suitable pitch
 - b. Availability of pitch in terms of:
 - i. From other buskers?
 - ii. Pitch suspensions?
 - c. Conditions of pitch

Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
5. Are there any locations in the borough that are not currently designated as available pitches for busking or street entertainment that you think could be appropriate? Why?
_____ (250-500 words)

Communication

1. If you hold a licence for busking or street entertainment, have you been informed when there are any changes to pitch availability? For example, when pitches are suspended for events or organised markets etc?

Yes / No
2. The Busker Forum was introduced as part of the original Policy implementation. Did you:
 - a. Understand the purpose of the forum?
Yes / No
 - b. Wish to actively engage and attend the forum?
Yes / No
3. If the forum was to take place in the future:
 - a. Are there any specific stakeholders you think should attend?
 - b. What would you like to achieve as part of the forum?
 - c. Who should chair the forum?
 - d. How frequently do you think the forum should take place?

4. Thinking about any engagement that you have had with enforcement Officers and /or the police, how would you rate your interaction with the enforcement Officer(s) based on the following principles: Scale: Excellent/Good/Neutral/Poor/Very poor/N/A
 - o Carried out activities in a way that supports street entertainers to comply with regulations
 - o Shared helpful information about compliance and risk
 - o Ensured information, guidance and advice was coherent and readily available
 - o Demonstrated transparency in their approach
 - o Provided clear information
 - o Was generally helpful
 - o No engagement with WCC Officers or the police

5. Have you have been contacted by an Officer of the Council in regard to a performance? If yes, was this a result of:
 - a. Being an unlicensed street entertainer
 - b. Performances being too loud or causing a nuisance
 - c. Unlicensed street trading
 - d. Performing in an unlicensed pitch
 - e. Any other reason

6. If yes, was the purpose of the interaction clearly explained and understandable? Yes/No

7. How could the communication from Council Officers have been improved?

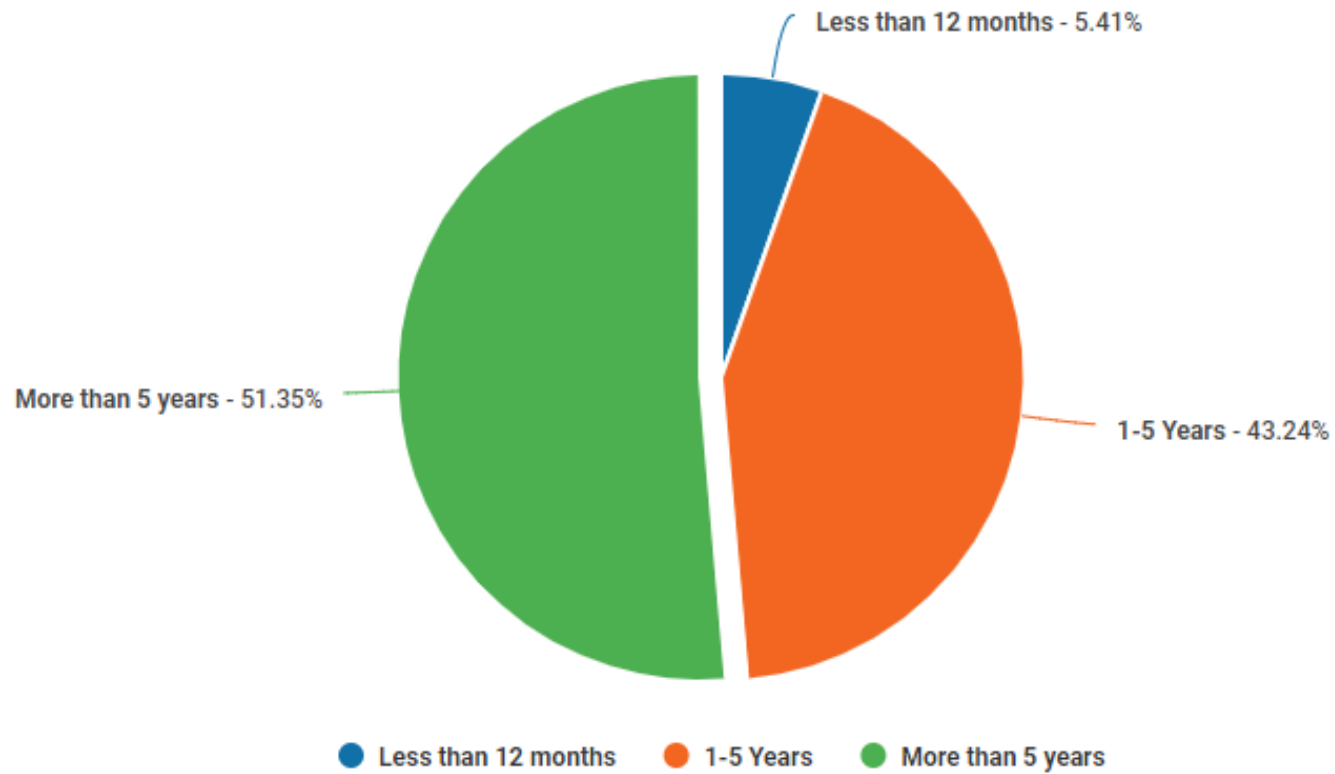
8. If there is anything specific you would like us to know about your engagement with the Council, please provide further details:
 _____ (250-500 words)

Final Thoughts / Comments:

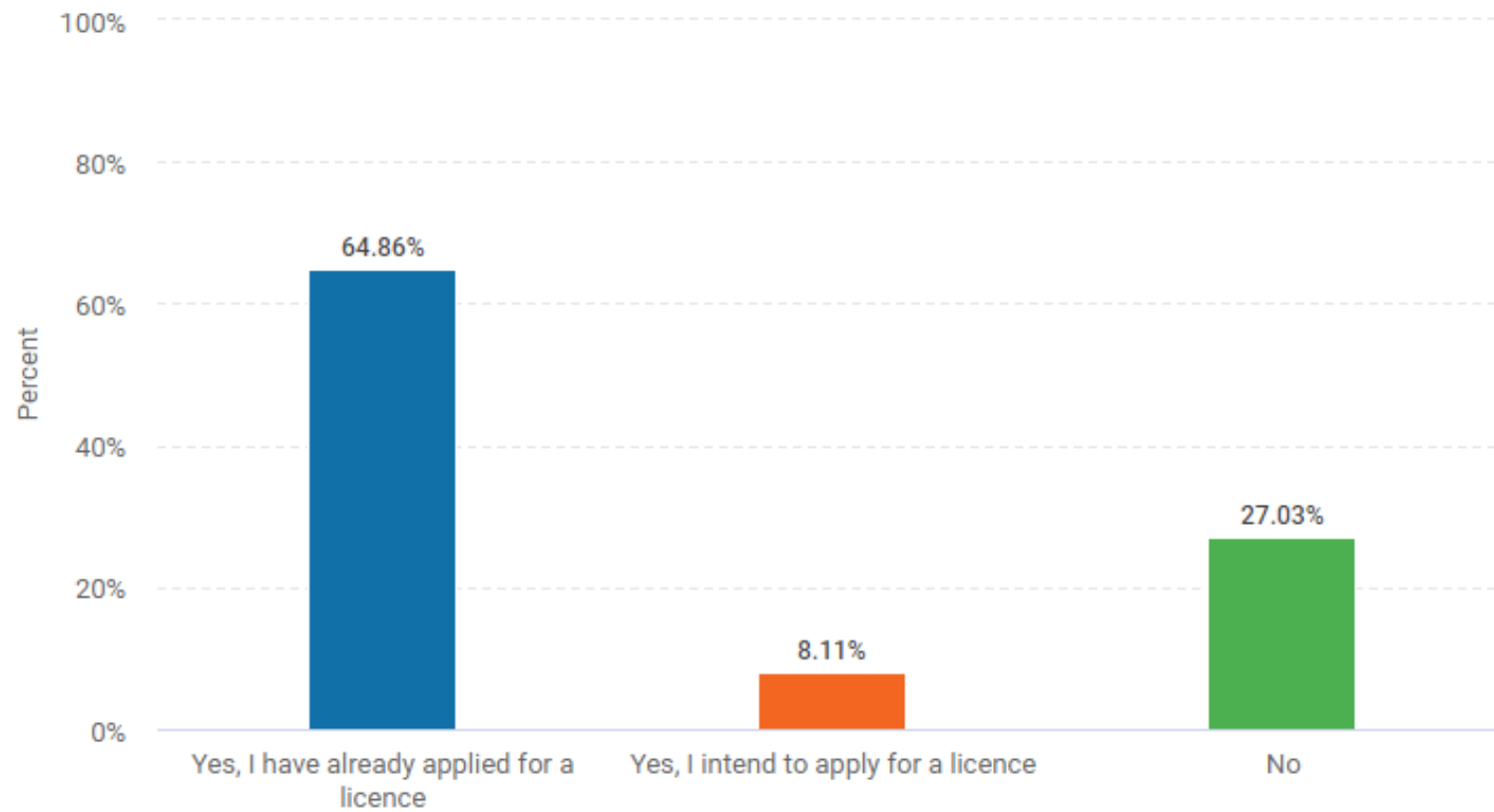
1. Do you have any final comments that have not already been expressed elsewhere in this survey?
 _____ (1000 characters max)

Appendix 2 - Targeted Engagement Survey Results – Street Performers


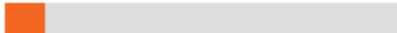








Please indicate how long you have been working in the borough:










Do you intend to apply for a licence to perform in Westminster?





Please can you state your reasons for choosing not to apply for a licence?

Answer Choices	Responses		
I do not intend to perform in Westminster		0.00%	0
My previous application was unsuccessful		10.00%	1
I cannot afford the licence fee		10.00%	1
My act does not comply with the licensing conditions		30.00%	3
I cannot provide the documents required		20.00%	2
I can't get/afford personal liability insurance		10.00%	1
Unresolved issue with the application process		10.00%	1
I disagree with the requirement to get a licence		100.00%	10
The location of pitches		50.00%	5
Other (please specify): Show		60.00%	6
Answered: 10 Skipped: 141	Response Total:		10






What has attracted you to want to perform in Westminster?

Answer Choices	Responses		
The location of the pitches		43.24%	16
The quality of existing street entertainment		56.76%	21
The amount of money I hope to make is higher than in other boroughs		40.54%	15
The busking and street entertainment policy		8.11%	3
Westminster has always been where I perform		45.95%	17
Proximity to my home		18.92%	7
Other (please specify): Show		29.73%	11
Answered: 37 Skipped: 114	Response Total:		37

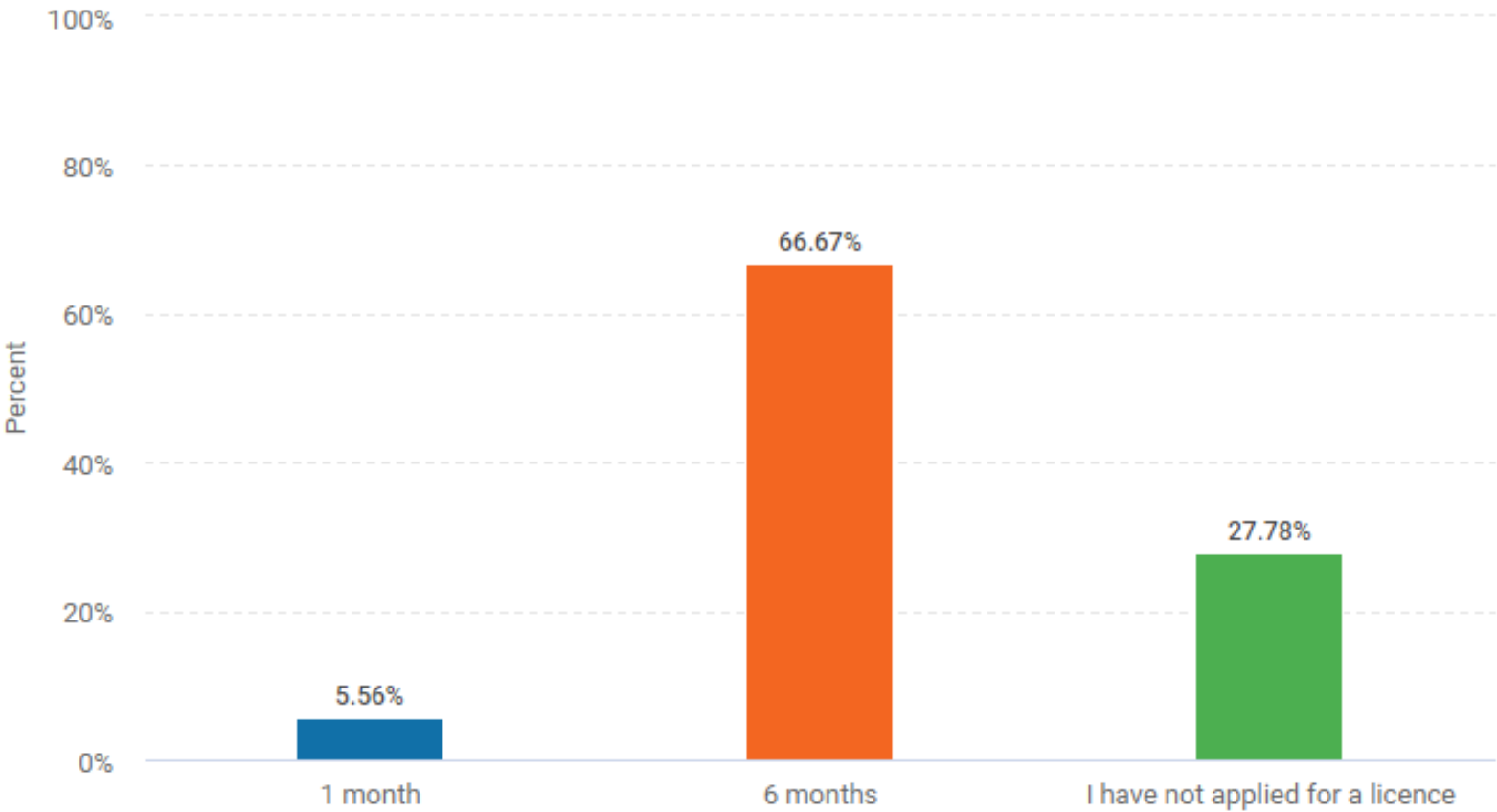
Since the implementation of the policy, would you say that you are still attracted to performing in Westminster?

Answer Choices	Responses		
Yes		50.00%	18
No		50.00%	18
Answered: 36 Skipped: 115	Response Total:		36

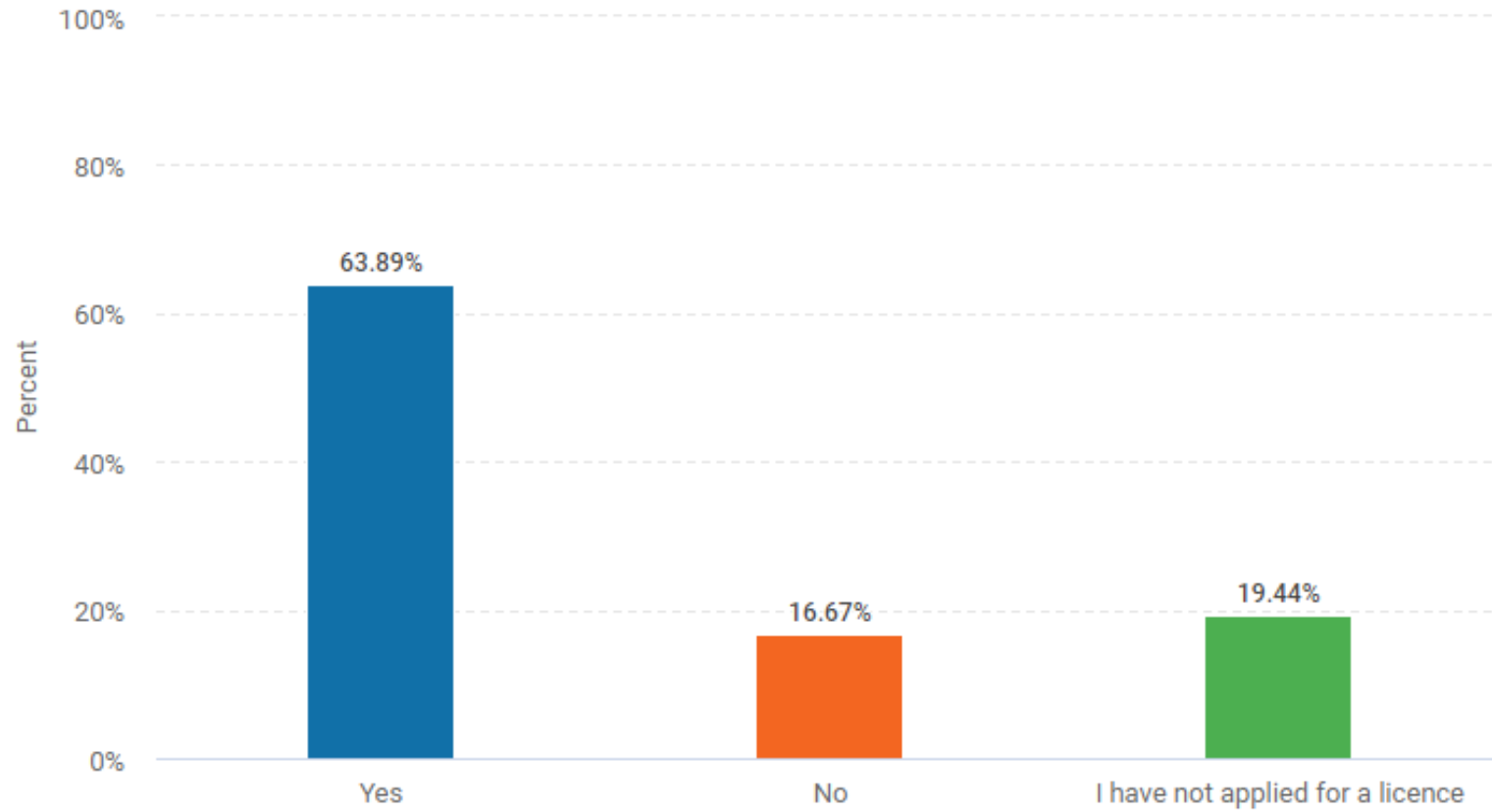
Is this a result of:

Answer Choices	Responses		
The location of pitches		37.84%	14
The quality of existing street entertainment		29.73%	11
The amount of money you hope to make is higher than in other boroughs		21.62%	8
The busking and street entertainment policy		35.14%	13
Westminster has also been the place you perform		27.03%	10
Proximity to home		13.51%	5
Other (please specify): Show		37.84%	14
Answered: 37 Skipped: 114	Response Total:		37

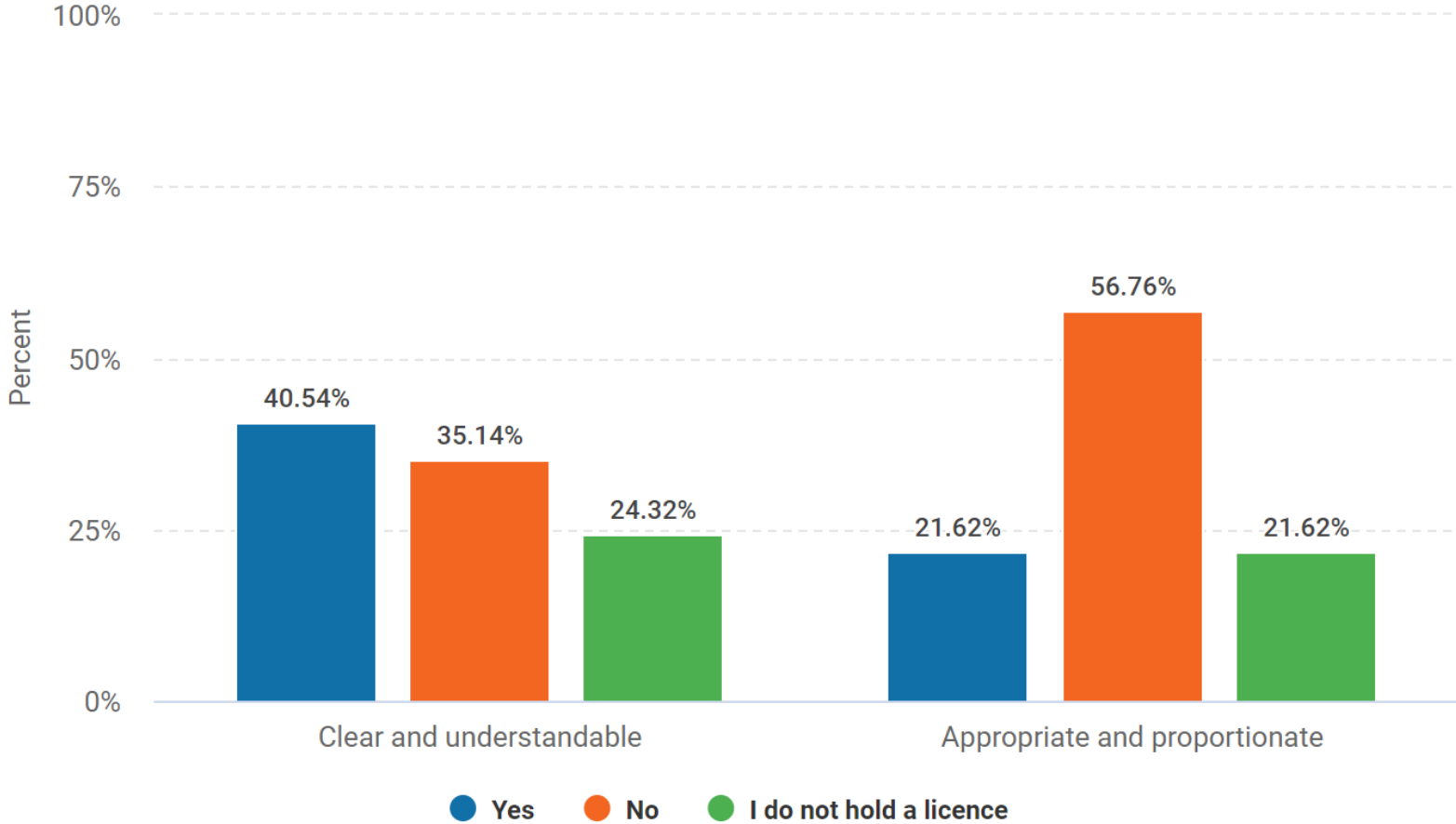
If you have applied for a licence for busking or street entertainment, would you be more likely to apply to renew your licence for a period of 1 or 6 months?



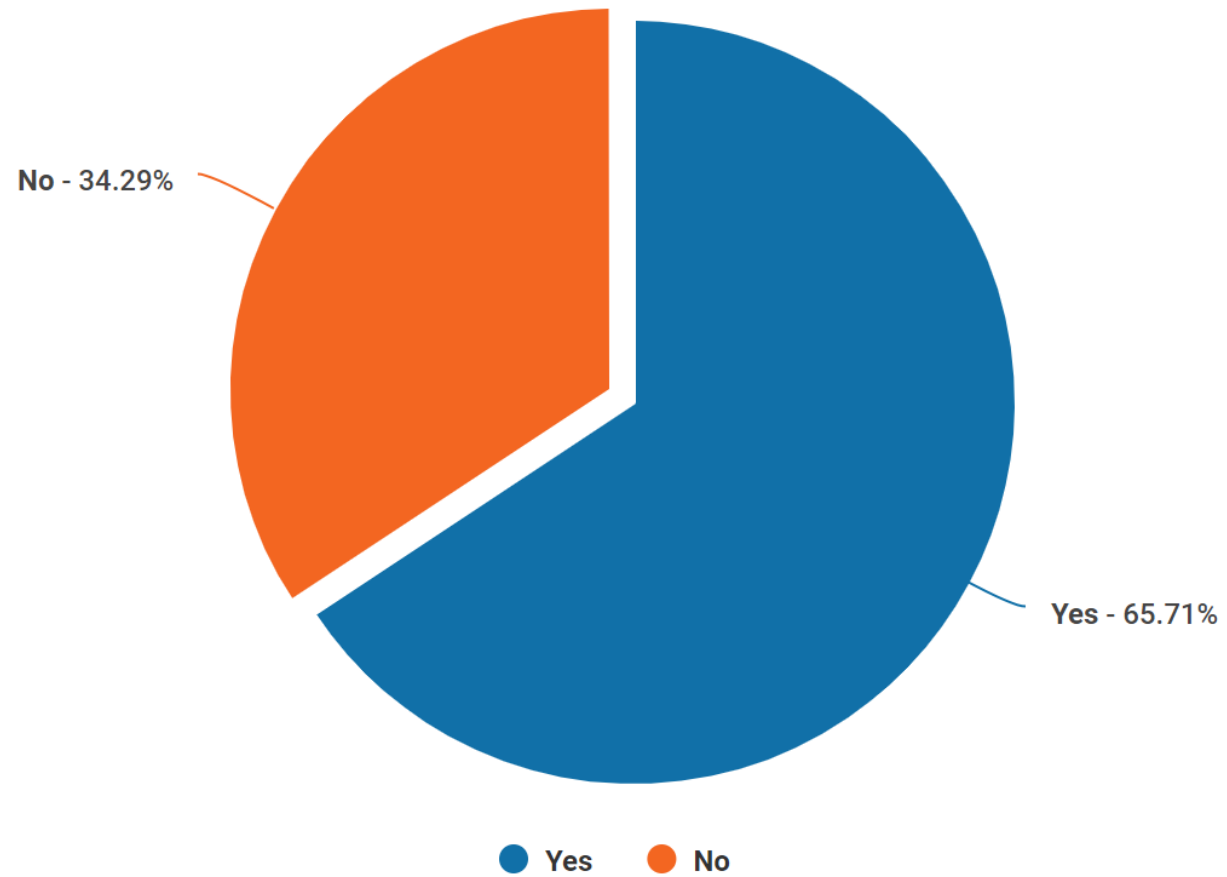
Would you be likely to apply for a 12 month licence if it was offered?



If you hold a licence for busking or street entertainment, do you believe that the conditions attached to the licence are:



Do you believe the Code of Conduct for Street Entertainers is clear and understandable?



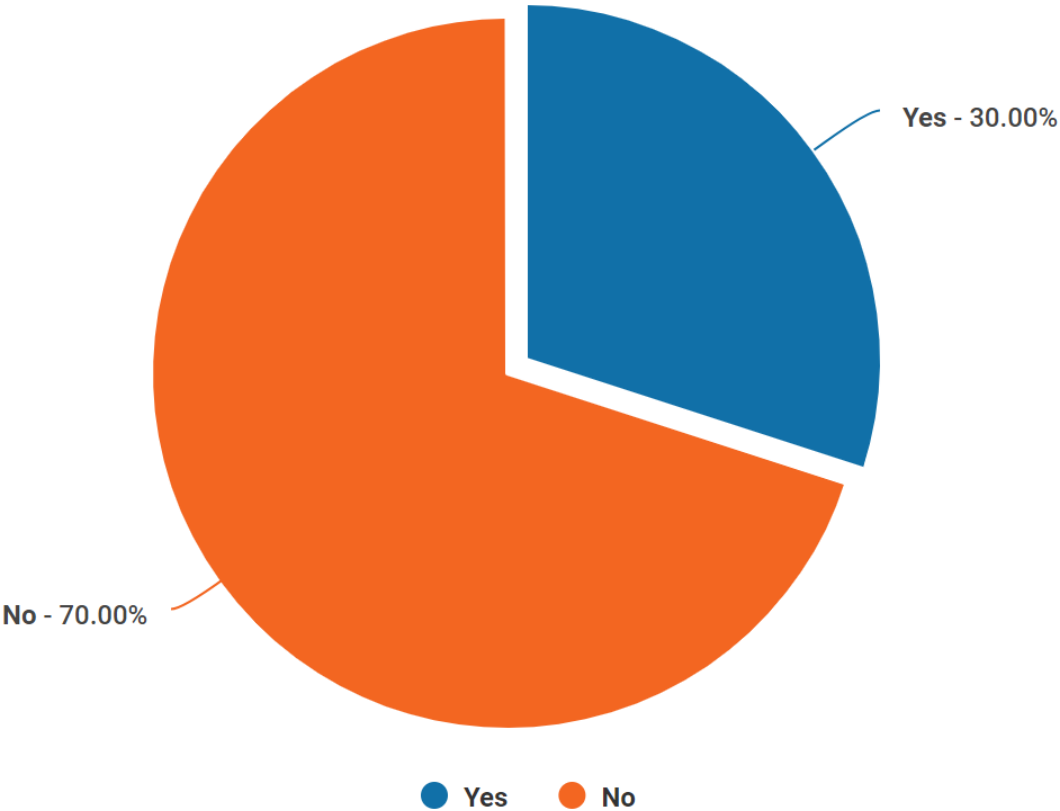
How would you rate the process for the following:

Answer Choices	Excellent	Good	Neutral	Poor	Very poor	N/A	I do not hold a licence	Response Total
Finding out how to apply for a licence	8.11% 3	29.73% 11	21.62% 8	10.81% 4	8.11% 3	2.70% 1	18.92% 7	37
Clarity of the application form and how to apply for a street trading licence (if appropriate to you)	5.56% 2	33.33% 12	22.22% 8	5.56% 2	8.33% 3	5.56% 2	19.44% 7	36
Communication with you after the application has been submitted	8.11% 3	16.22% 6	29.73% 11	5.41% 2	16.22% 6	2.70% 1	21.62% 8	37
Speed of the application process	8.11% 3	16.22% 6	21.62% 8	18.92% 7	10.81% 4	2.70% 1	21.62% 8	37
Fee associated with the application	2.78% 1	19.44% 7	27.78% 10	11.11% 4	13.89% 5	2.78% 1	22.22% 8	36

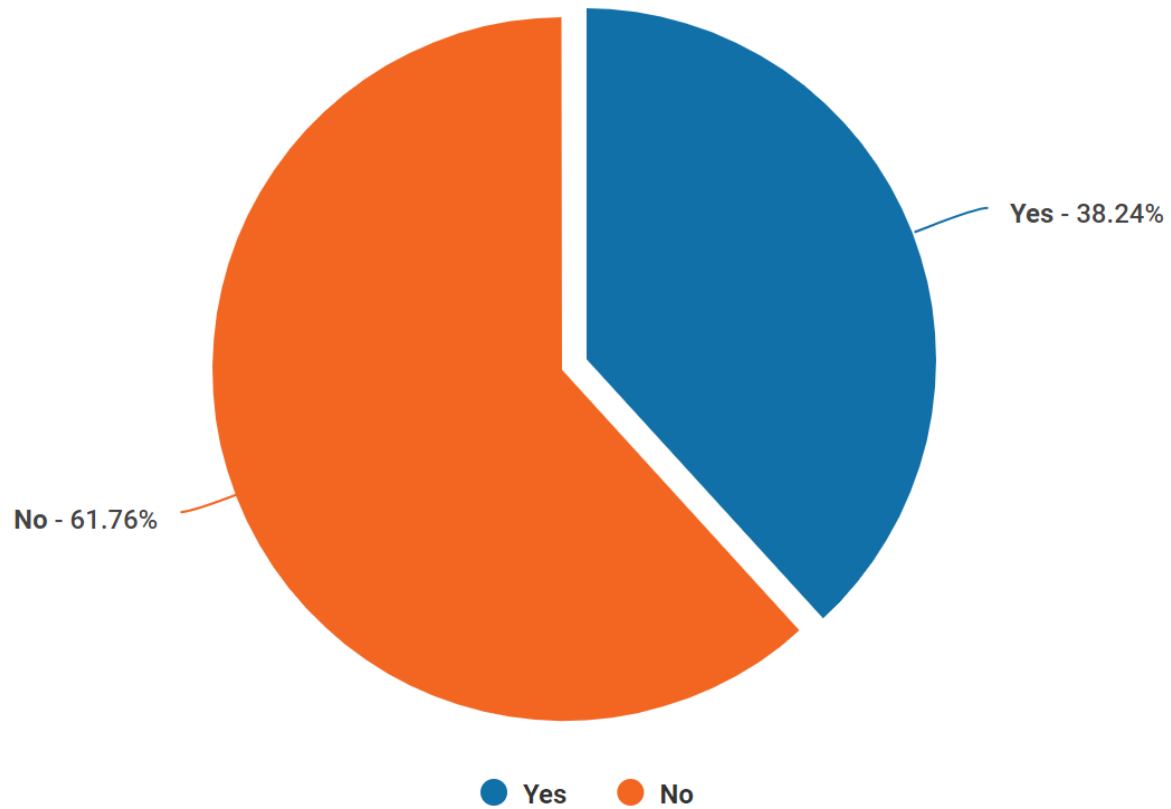
From the pitches you have used, please rate them based on:

Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Ease of finding a suitable pitch	11.76% 4	29.41% 10	20.59% 7	14.71% 5	14.71% 5	8.82% 3	34
Availability of the pitch from other buskers	5.88% 2	8.82% 3	17.65% 6	29.41% 10	29.41% 10	8.82% 3	34
Availability of the pitch from pitch suspensions	0.00% 0	11.76% 4	26.47% 9	14.71% 5	29.41% 10	17.65% 6	34
Conditions of the pitch	6.06% 2	18.18% 6	39.39% 13	9.09% 3	12.12% 4	15.15% 5	33

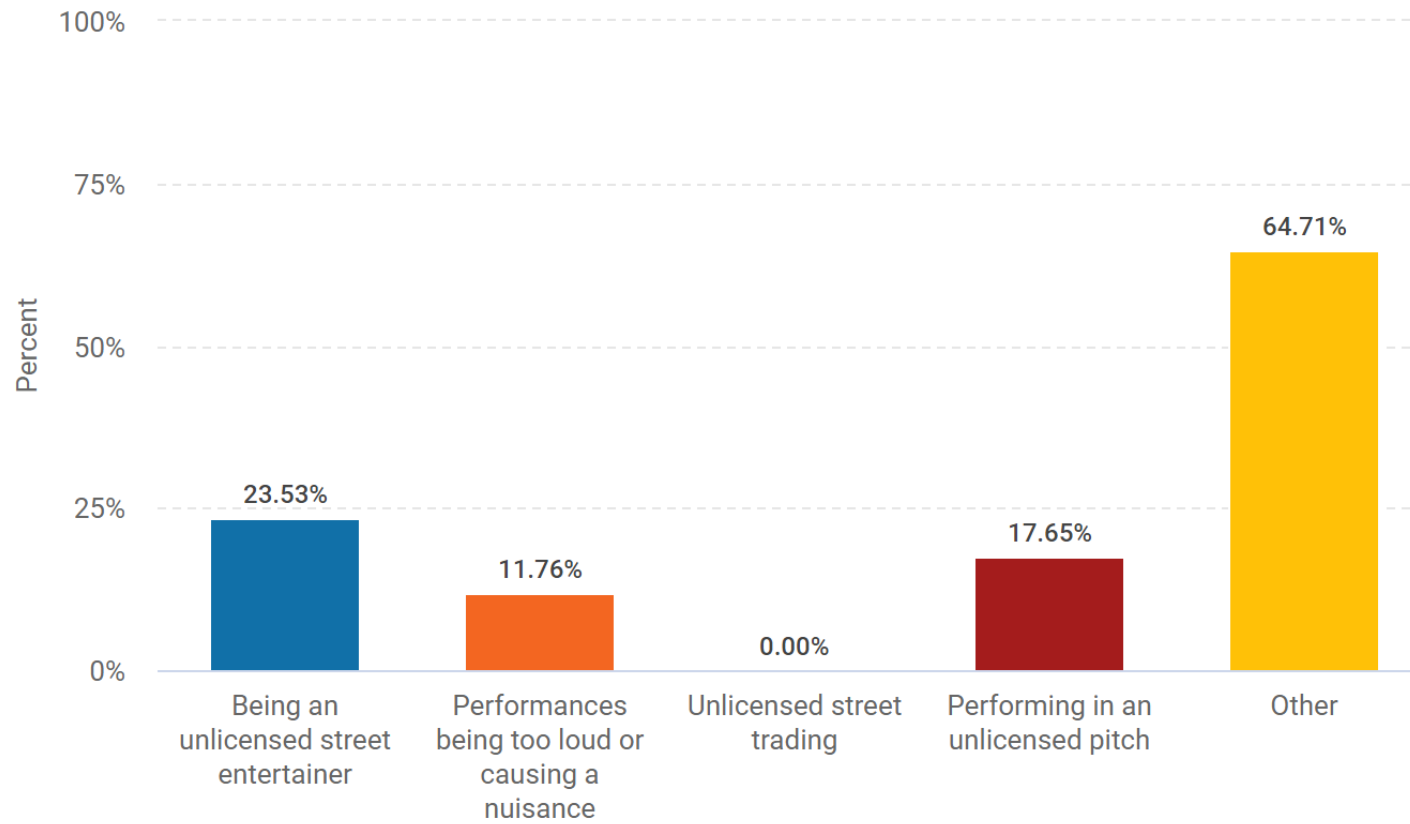
If you hold a licence for busking or street entertainment, do you know how to check if there are any scheduled changes to pitch availability? For example, when pitches are suspended for events or organised markets.



Has an authorised officer (either a council enforcement officer or police officer) been in contact with you in regard to a performance of yours?



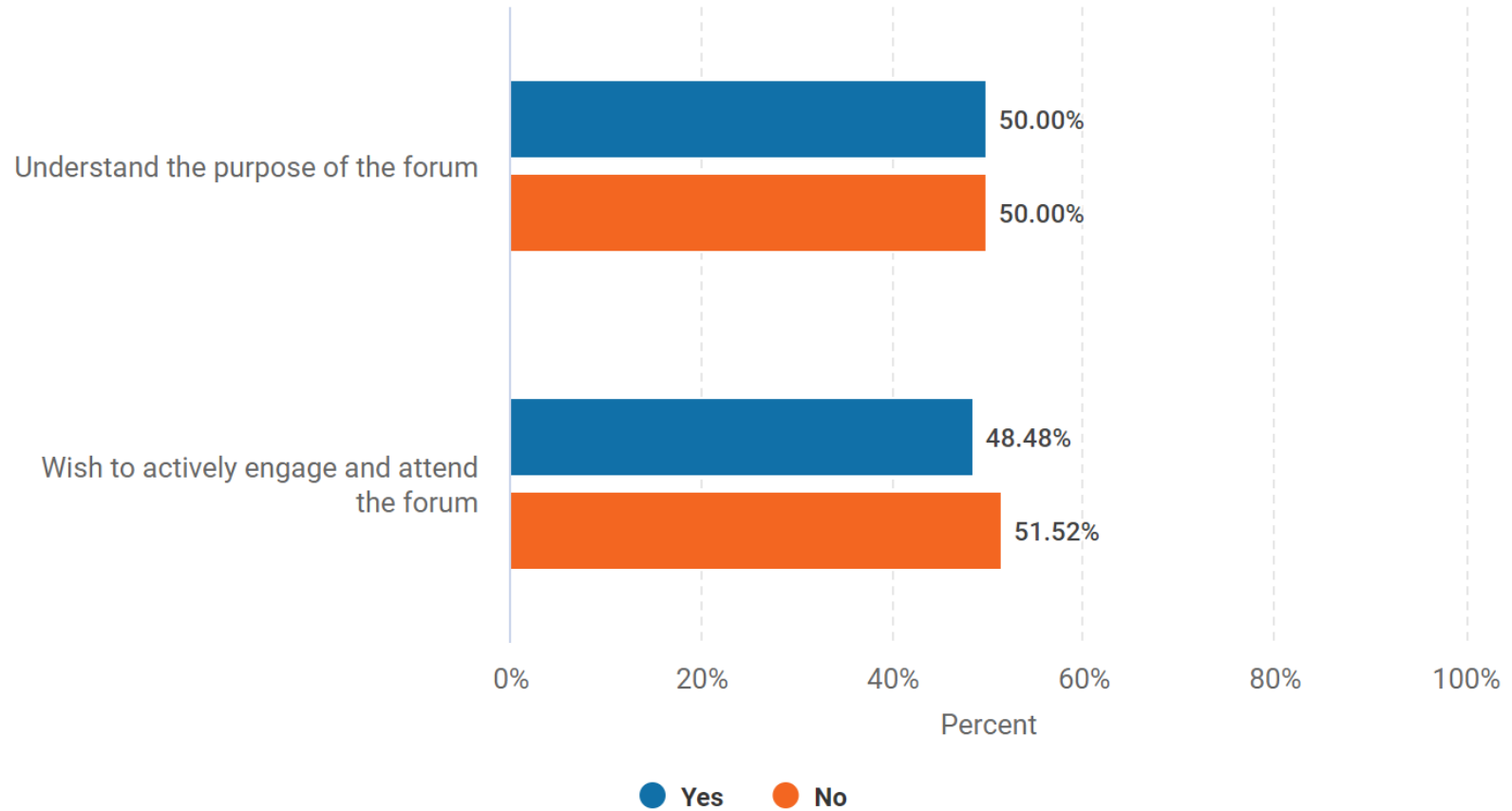
Was this a result of:



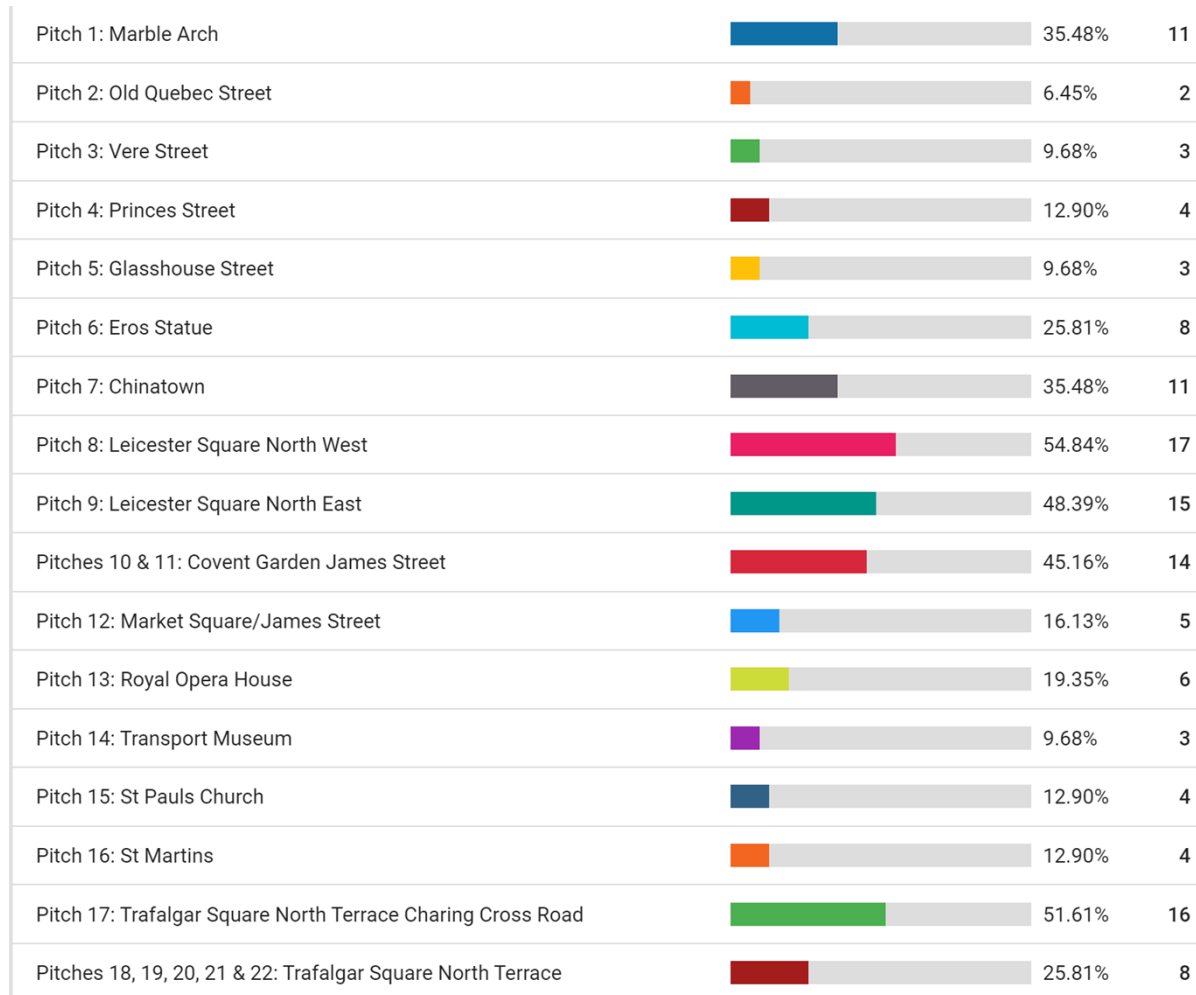
Thinking about any engagement that you have had with enforcement officers and/or the police, how would you rate that interaction based on the following:



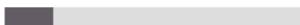

Answer Choices	Excellent	Good	Neutral	Poor	Very Poor	N/A	Response Total
Carried out activities in a way that supports street entertainers to comply with regulations	0.00% 0	9.68% 3	22.58% 7	12.90% 4	32.26% 10	22.58% 7	31
Shared helpful information about compliance and risk	0.00% 0	10.71% 3	25.00% 7	14.29% 4	25.00% 7	25.00% 7	28
Ensured information, guidance and advice was coherent and readily available	0.00% 0	13.33% 4	16.67% 5	16.67% 5	30.00% 9	23.33% 7	30
Demonstrated transparency in their approach	0.00% 0	13.79% 4	27.59% 8	10.34% 3	31.03% 9	17.24% 5	29
Provided clear information	0.00% 0	20.00% 6	20.00% 6	10.00% 3	30.00% 9	20.00% 6	30
Was generally helpful	3.23% 1	16.13% 5	19.35% 6	6.45% 2	35.48% 11	19.35% 6	31

The Busker Forum was introduced as part of the original policy implementation. Did you:



Which pitches have you performed at?



Pitch 23: King Charles Statue		6.45%	2
Pitch 24: Northumberland Avenue		3.23%	1
Pitch 25: Charing Cross Station		16.13%	5
Pitch 26: Northumberland Avenue/Hungerford Bridge		3.23%	1

Which pitches have you not performed at?

Pitch 1: Marble Arch		76.47%	13
Pitch 2: Old Quebec Street		88.24%	15
Pitch 3: Vere Street		82.35%	14
Pitch 4: Princes Street		82.35%	14
Pitch 5: Glasshouse Street		82.35%	14
Pitch 6: Eros Statue		64.71%	11
Pitch 7: Chinatown		52.94%	9
Pitch 8: Leicester Square North West		35.29%	6
Pitch 9: Leicester Square North East		23.53%	4
Pitches 10 & 11: Covent Garden James Street		41.18%	7
Pitch 12: Market Square/James Street		52.94%	9
Pitch 13: Royal Opera House		70.59%	12
Pitch 14: Transport Museum		76.47%	13
Pitch 15: St Pauls Church		70.59%	12
Pitch 16: St Martins		82.35%	14
Pitch 17: Trafalgar Square North Terrace Charing Cross Road		29.41%	5
Pitches 18, 19, 20, 21 & 22: Trafalgar Square North Terrace		41.18%	7
Pitch 23: King Charles Statue		82.35%	14
Pitch 24: Northumberland Avenue		70.59%	12
Pitch 25: Charing Cross Station		64.71%	11
Pitch 26: Northumberland Avenue/Hungerford Bridge		76.47%	13

Responses relating to questions with free text fields.

1	Conditions
	Pitche should last for 2 hours - anything additional to help buskers with special needs, impairments/disabilities
	Too few amplified pitches which leads to long queues at pitches. Unamplified only work for very few acts
	More amplified pitches
	Regular emails to licences holders when pitches are suspended
	New buskers should go through an audition to put more emphasis on skill and quality
	Minimum of 5 amplified pitches to stop overcrowding.
	Amend the reduction of amplified pitches
	Let us know if there are works/premieres going on
	Simple regulation on volume for the performers
	Bring back musician pitches in Covent Garden piazza
	Shouldn't be necessary to hold a licence
	The licence scheme is failing a whole community of creative artists - reduce negative impacts through communication and cooperation instead
	Buskers are treated poorly by Council team members and need for greater security
	More amplified pitches and less licences given
	Buskers have been assaulted and robbed and so need for greater security
	Amplified pitches are too limited and in poor locations
	3 hour queues for amplified pitches
	Lack of provision made for when events are on
	40 minutes is not long enough for professional buskers (2 hour set needed)
	Working hours are too restricted
	Program needs to be scrapped
	Volume levels of no more than 75db
	Licence is a disgrace
2	Code of conduct
	Smart appearance
	Cohesion and mutual respect between the buskers and enforcement Officers
	Abandon it
	Enforcement that is proportionate
	Need clarification on Covent Garden
	Rules concerning proximity of busking to other spots, merchants (newspaper sellers, stallers) and their noise levels which could disrupt busking entertainment
	Accordions should be banned as well as bagpipes
	Dance groups should be banned as they are bullies in a group and intimidate other buskers
3	Application process
	Renewing licences and no Officer to contact
	Open more pitches as threatening with lawsuits but not providing sufficient space
	People to send a video of them performing to ensure they have the right set up prior to obtaining the licence
	Performers should not have to pay for a licence to provide a service
	Unable to play for a month and was never refunded
	Westminster not policing acoustic only pitches
	Apply for a licence for longer periods of time and enable automatic renewal of licences

Better system to weed out the people who are not serious about performing

4 Ease of location a pitch

For visually impaired it is difficult and need to ask members of the public to help locate it

Easy, provided there is no queue

Terrible - amplified busker and only 2 pitches that work

Most of the pitches are unusable for amplified performers and remain unused

Easy to find but limited

Most pitches are placed in sub-optimal places

More spots at tourist locations

Move amplified pitches to better locations such as the Eros Statue and Chinatown

Use of Marble Arch is in a poor location

Invite local artists to draw/paint a floor mural on which to stand on - look at the art and what London has to offer

Remove the satanic star in the circle

5 Locations not currently designated

Near to Bond Street station and West One shopping centre. Possibility of dividing Oxford St into areas rather than pitches

Piccadilly Circus (Eros Statue), China Town and the M'n M side of Leicester Square (I believe it is the western side). Those pitches are invaluable and have traditionally always been busking pitches. Under the new licensing scheme these pitches only allow unamplified busking, which makes them unworkable for most performers. Almost all street artists use some form of amplification

Piccadilly, China Town, Leicester Square West as all amplified pitches

Piccadilly Circus, Victoria Station, Tottenham Court Road - pitches under roofs for the Winter or when raining

Trafalgar Square in front of Waterstones

The whole of the borough

Where the lions are in Trafalgar Square

Near Edgware Road tube, Marylebone flyover - also near Regents Park tube, Marylebone Road. Bayswater Road area

Shepherd's Mews Mayfair, Berkeley Square, New Bond Street, South Molton Street

Oxford Circus (amplified), Edith Cavell Memorial (Charing Cross Road)

Outside the Royal Opera House in the corner of Covent Garden

Triumphal arch, embankment and Victoria

6 Engagement with the Council

Hostility when pitches are closed down and there were no other pitches available - problems stem from too few available pitches

Have never received help from the Council when needed

Enforcement team don't know the rules they are enforcing

Advocating for disability rights but met with obstruction or indifference

7 Busker forum

Council spokesperson to chair the forum with common issues discussed, grievances aired and resolved

Remove conflict of interests by those who own residential or commercial properties

Monthly meetings

8 Final comments

Bullying of certain performers within the busking community

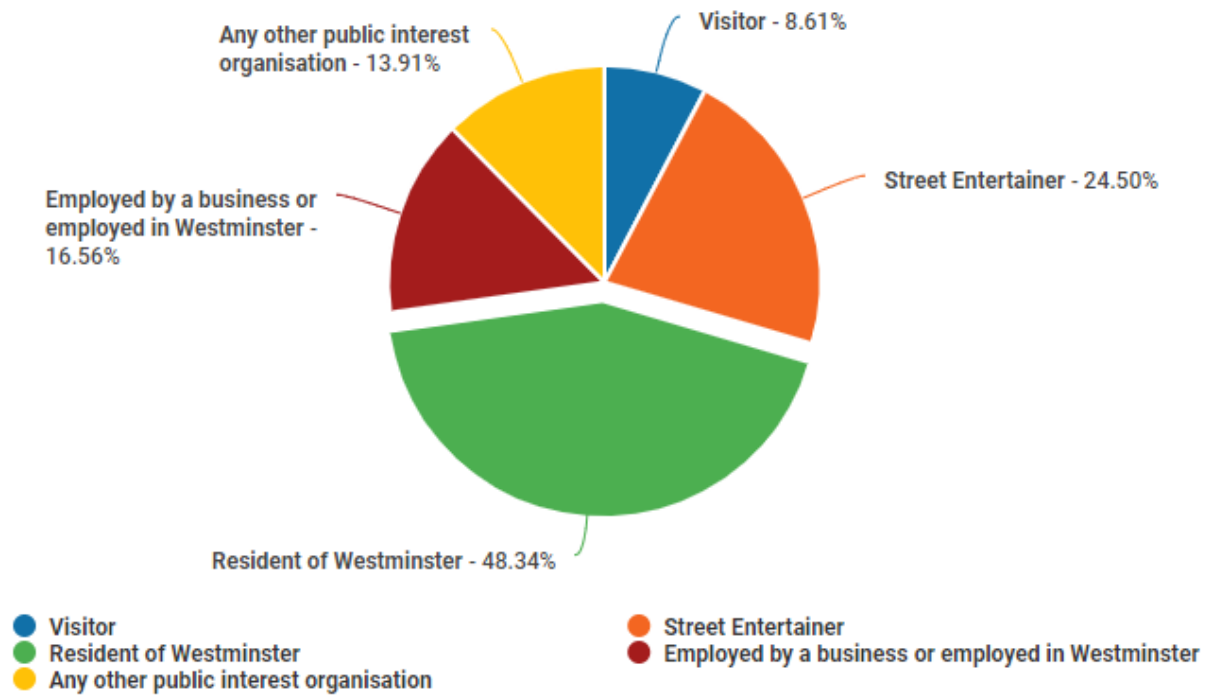
The licence has been poorly managed and very strict/unfair from the beginning
Fundamentally against any form of licensing
Enforcement should monitor buskers but also surrounding area for unlicensed buskers/nuisance

9	Pitches performed at
	All other spots do not allow amplified music
	Most suitable for the type of music played
	Work on private land spots, not WCC
	There is only 1 key pitch
	Heavy footfall
	Instrument permitted on these but not others

10	Pitches not performed at
	Getting around the pitches takes time so tend to stick to a couple of pitches instead
	The pitches that can be performed at do not seem as lucrative
	Most pitches are unamplified and therefore unusable
	Too many buskers queuing
	Pitches should be decided by street performers who understand the subtleties and nuances of street performing
	It is impossible to be heard

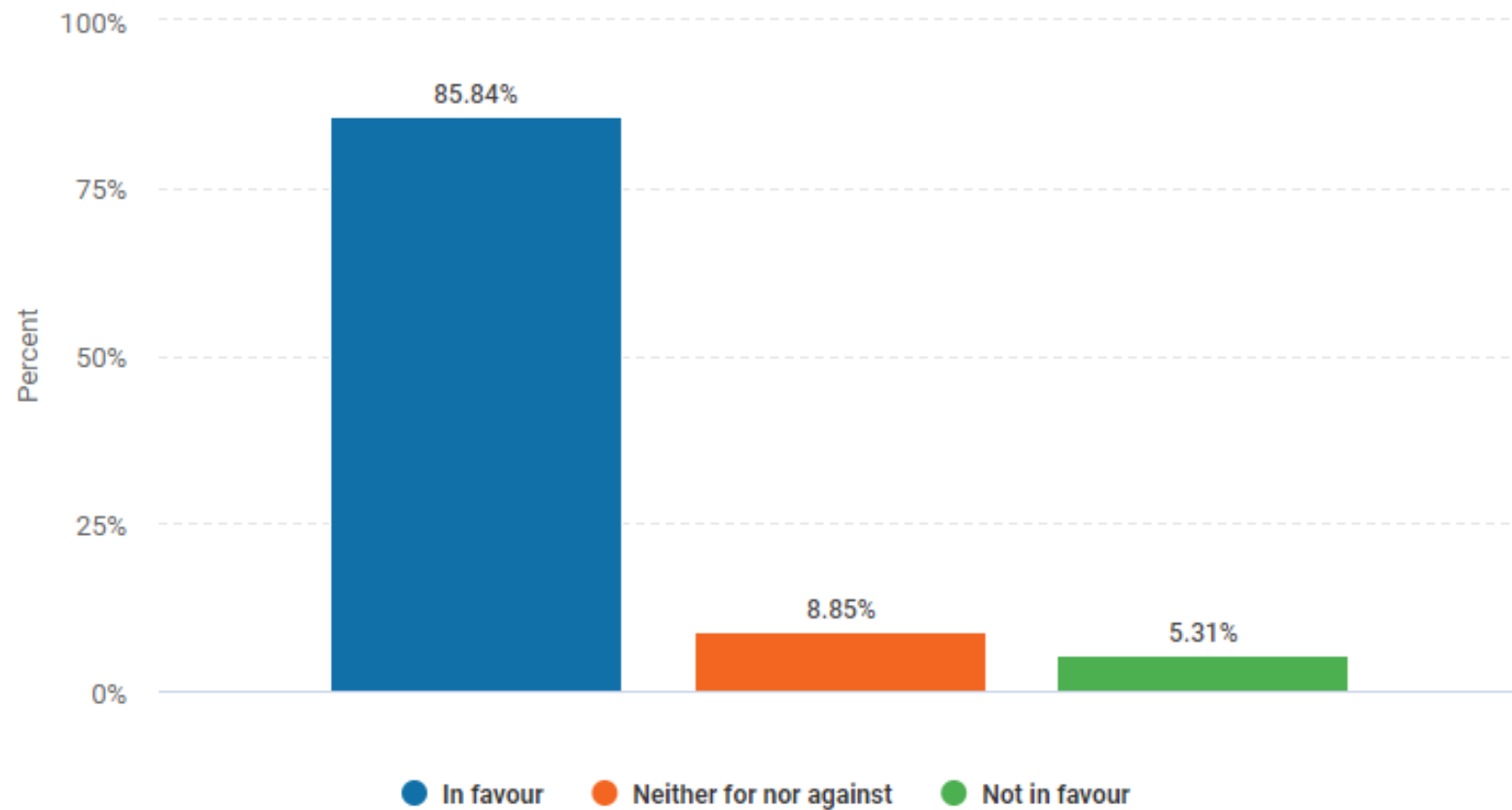
Appendix 3 – Targeted Engagement Survey Results – Non-Street Performers

Please tick all that apply. Are you a...

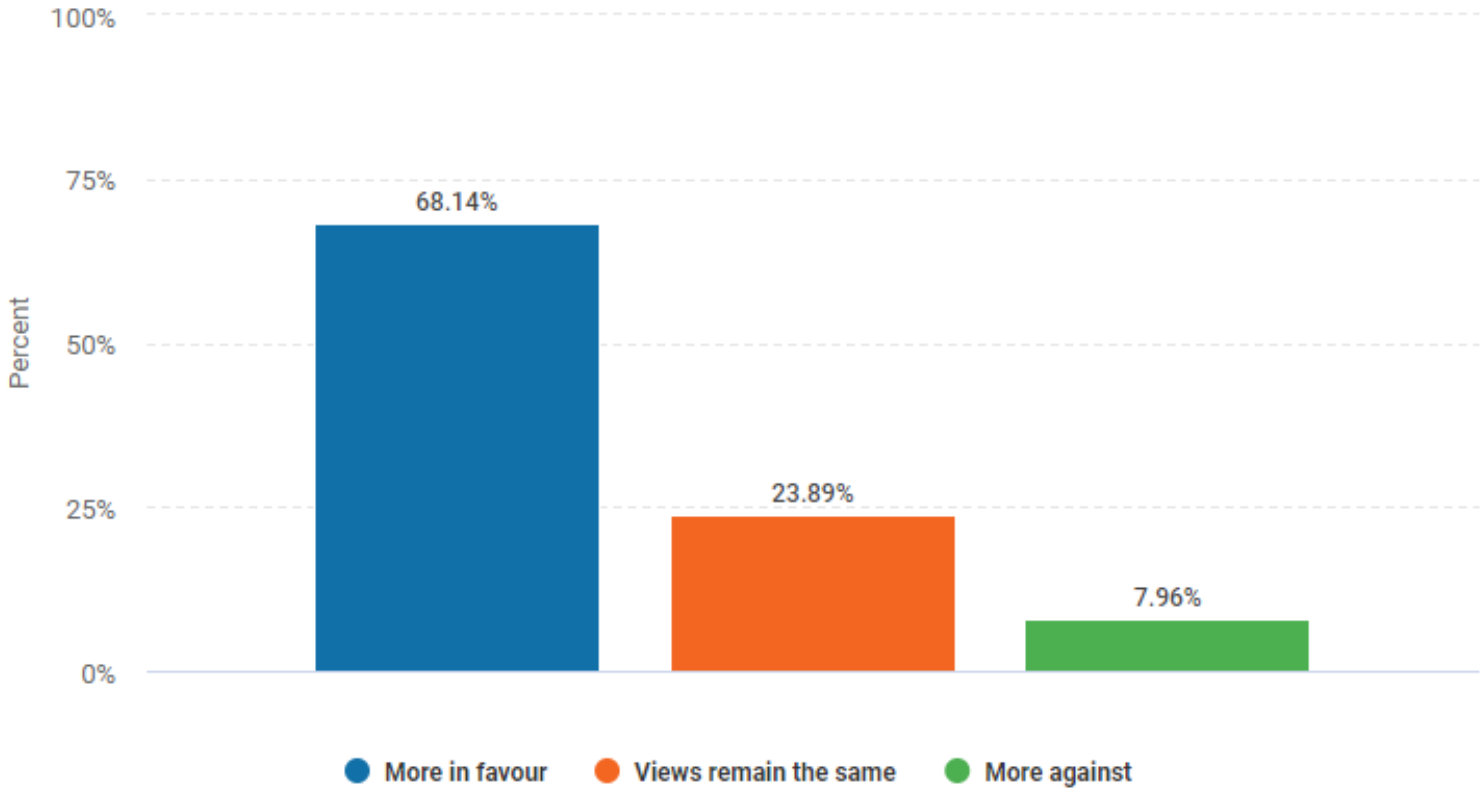


With nearly 92% of respondents living or working in the borough for more than 5 years.

Prior to the implementation of the policy, and throughout the initial consultation, what were your views on the need to regulate busking and street entertainment?

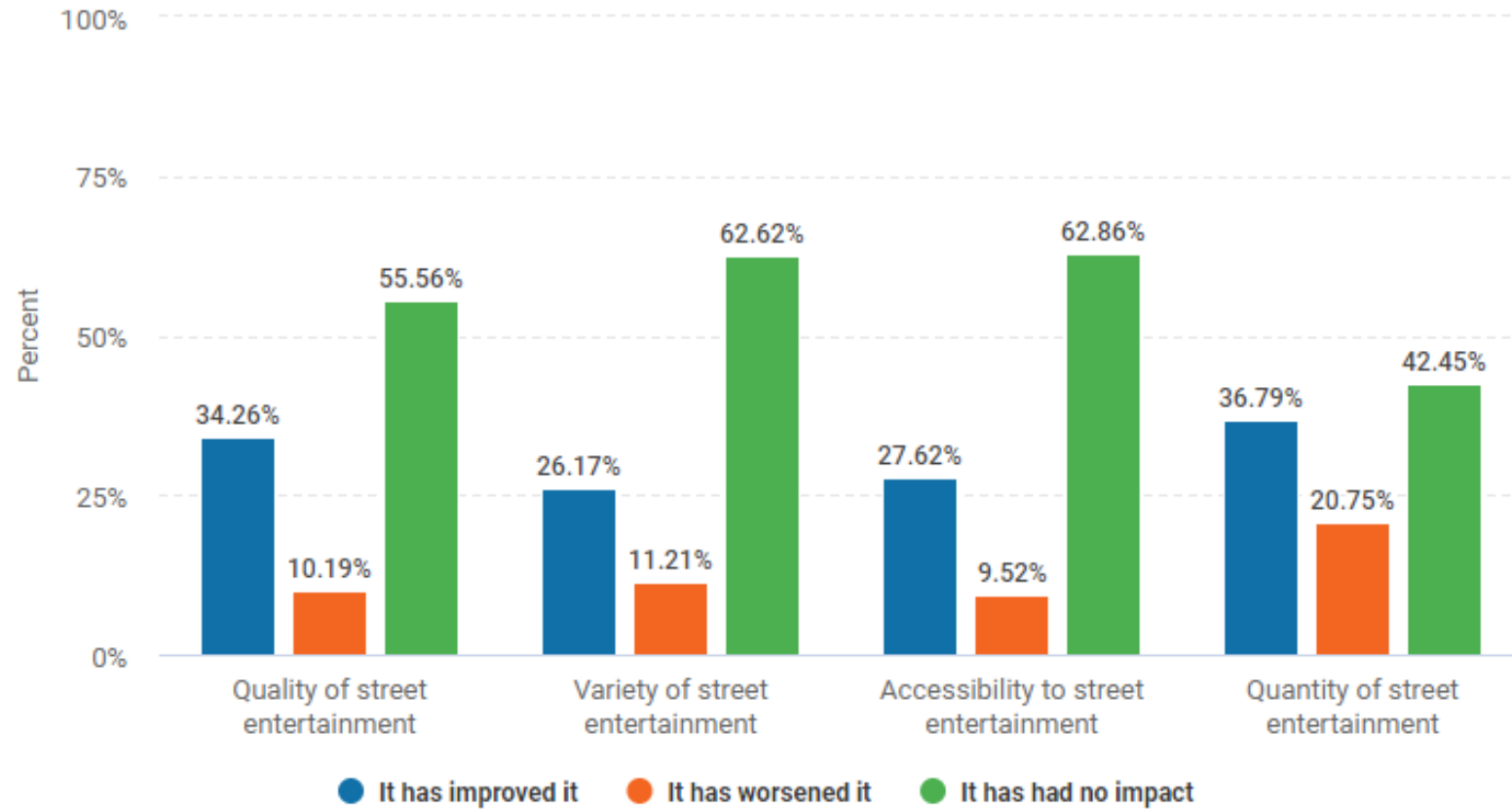


Following the implementation and roll out of the policy, have your views changed since the initial consultation on the need to regulate busking and street entertainment?

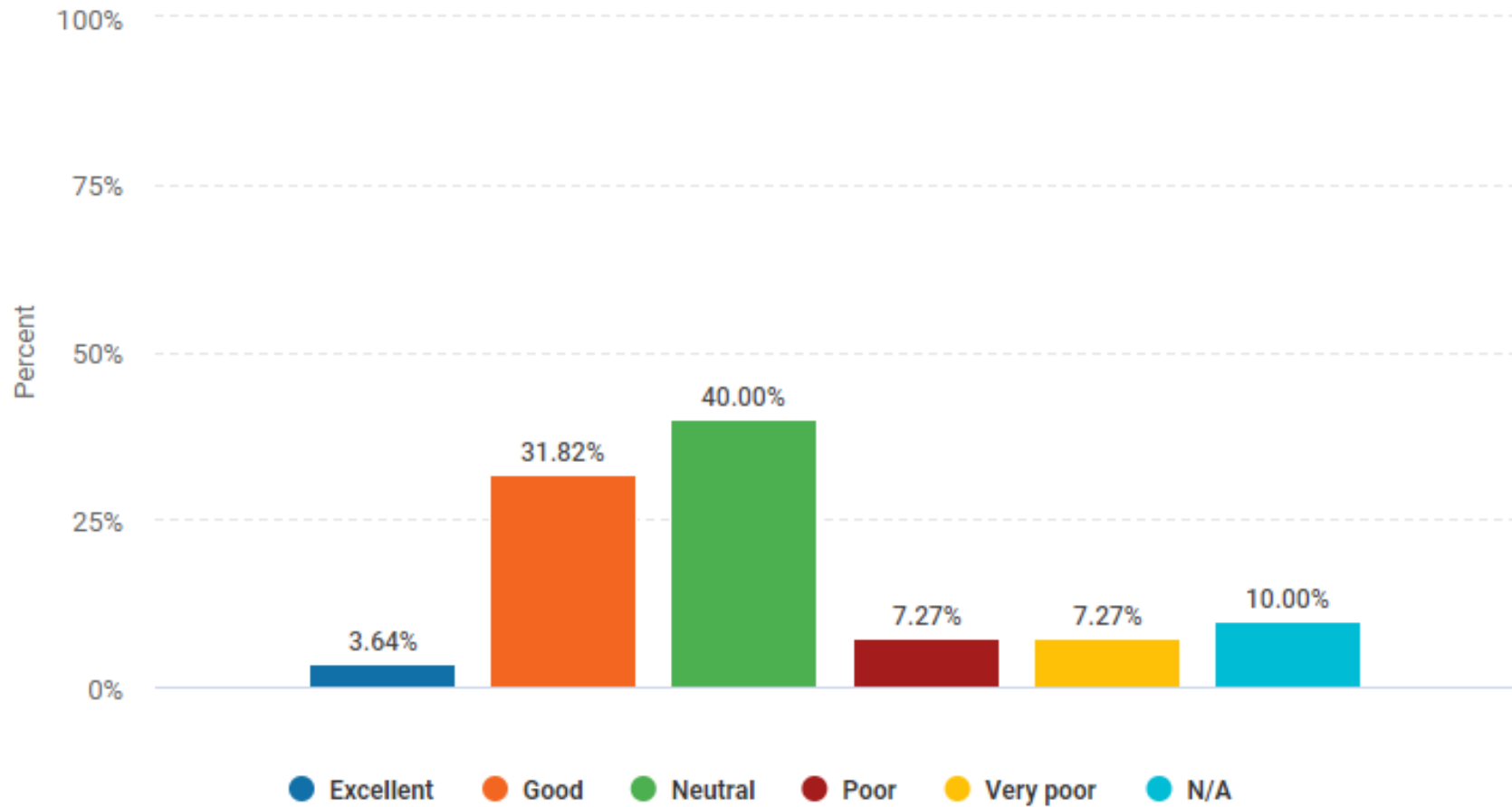


Prior to the implementation of the scheme, a large majority (86%) of respondents were in favour of the need to regulate busking and street entertainment. Since the roll out of the Policy, we see only a slight increase in those who are against/not in favour of the scheme.

What impact, if any, would you say the policy has had on the following and why?



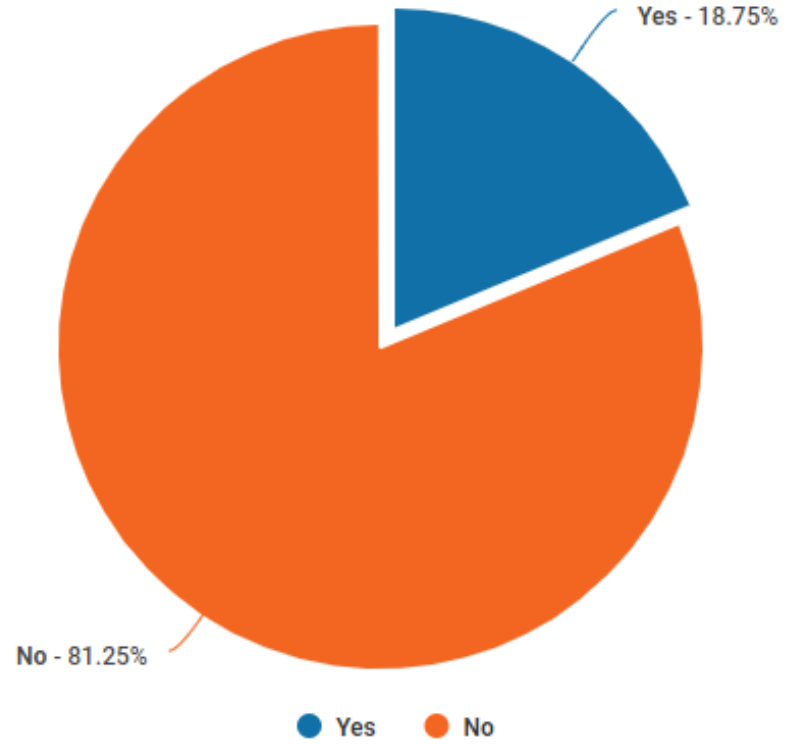
How would you rate Westminster City Council's promotion of busking and street entertainment?



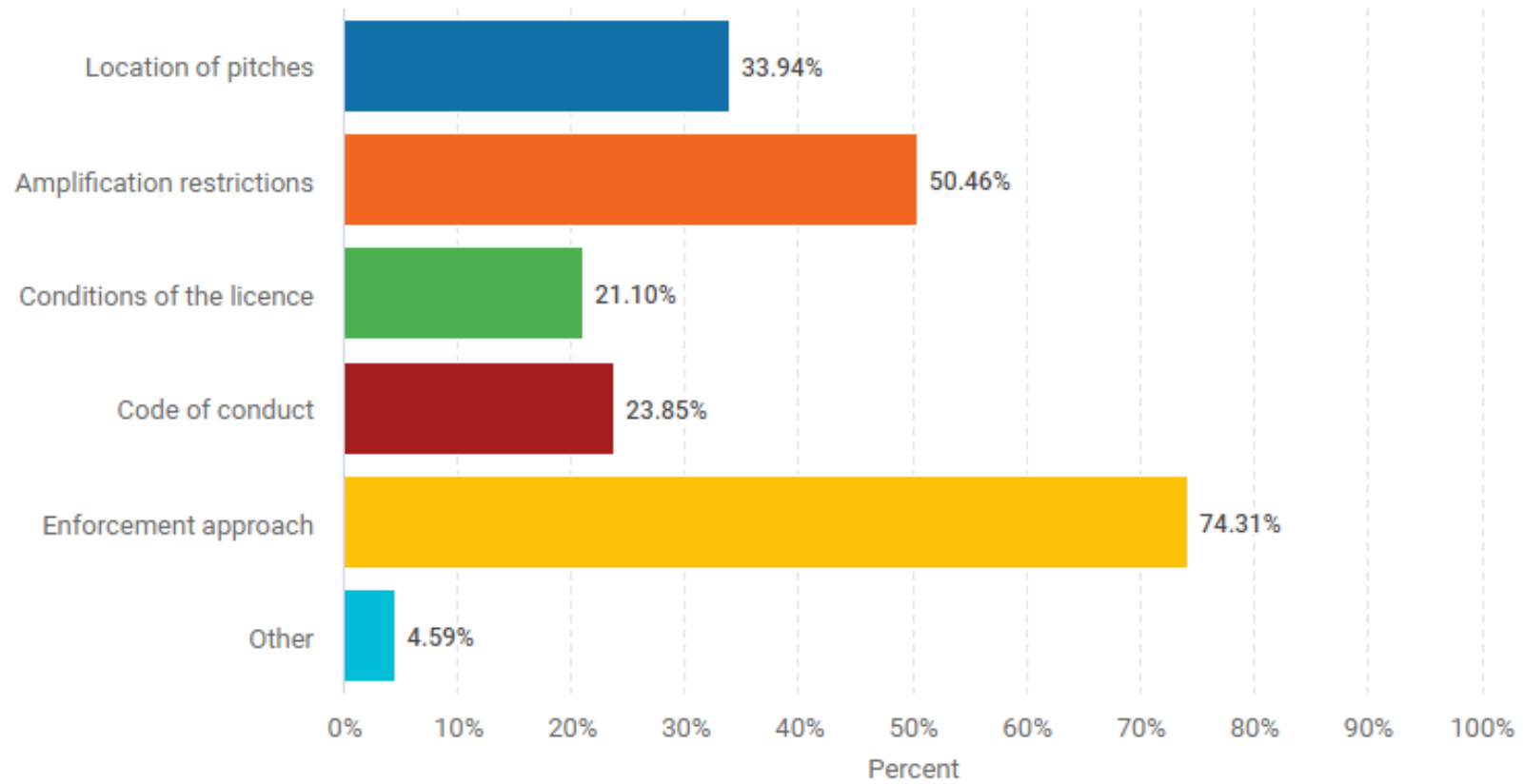
Since the policy came into effect, how often do you feel that the following have been an issue:

Answer Choices	Never	Rarely	Occasionally	Frequently	Always	Don't know	No opinion	Response Total
Performances being too loud and causing a nuisance	2.68% 3	2.68% 3	25.00% 28	48.21% 54	16.07% 18	0.89% 1	4.46% 5	112
Amplification is being used in non-amplified pitches	0.92% 1	0.92% 1	22.02% 24	43.12% 47	12.84% 14	12.84% 14	7.34% 8	109
Performances are taking place outside of the hours established in the policy	1.85% 2	1.85% 2	25.93% 28	37.04% 40	6.48% 7	20.37% 22	6.48% 7	108
Performances are taking place for longer than 40 minutes and/or the 20 minute break is not being complied with	1.85% 2	1.85% 2	16.67% 18	25.93% 28	12.96% 14	30.56% 33	10.19% 11	108
Performances are repetitive	0.93% 1	6.48% 7	12.04% 13	35.19% 38	16.67% 18	16.67% 18	12.04% 13	108
Performances are causing an obstruction to road users and/or safety issues	4.59% 5	9.17% 10	21.10% 23	32.11% 35	13.76% 15	11.01% 12	8.26% 9	109

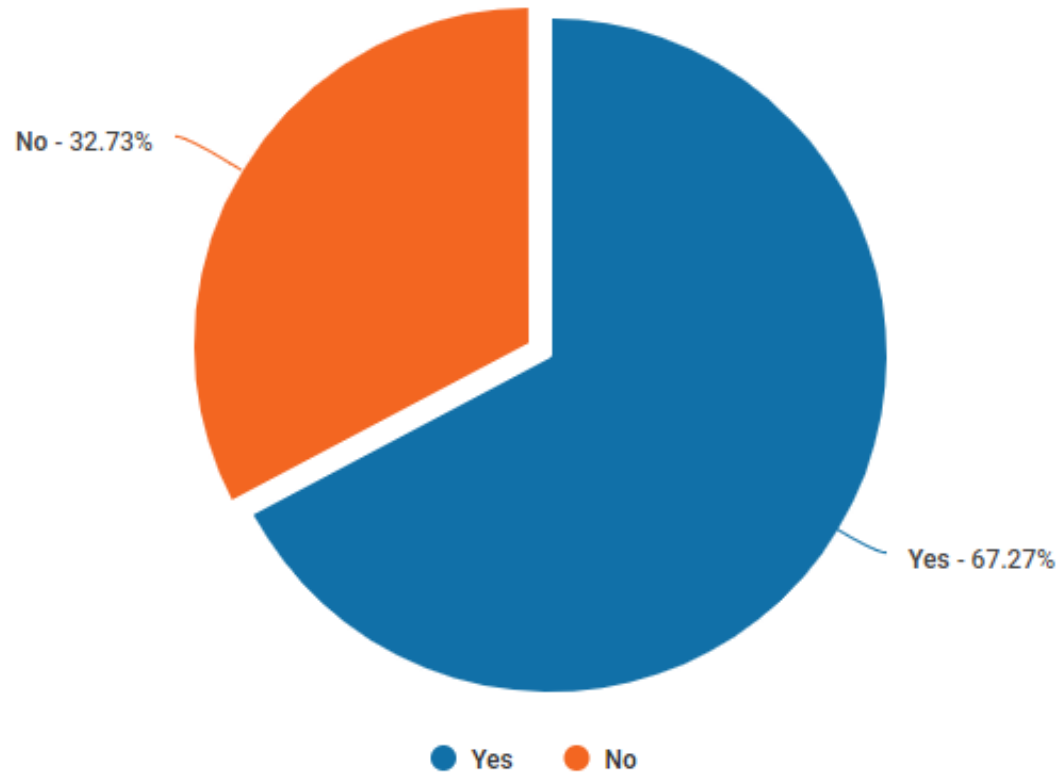
Do you think the restrictions currently in place are sufficient in reducing noise nuisance caused by street entertainment?



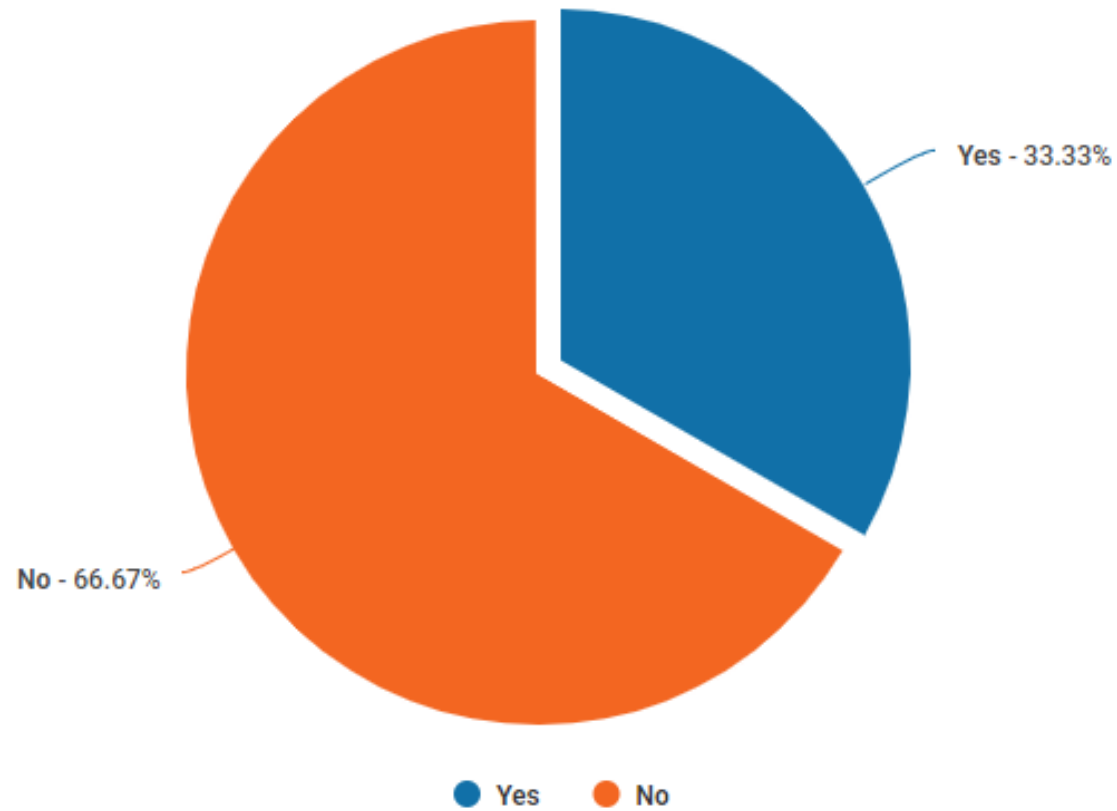
Is this a result of:



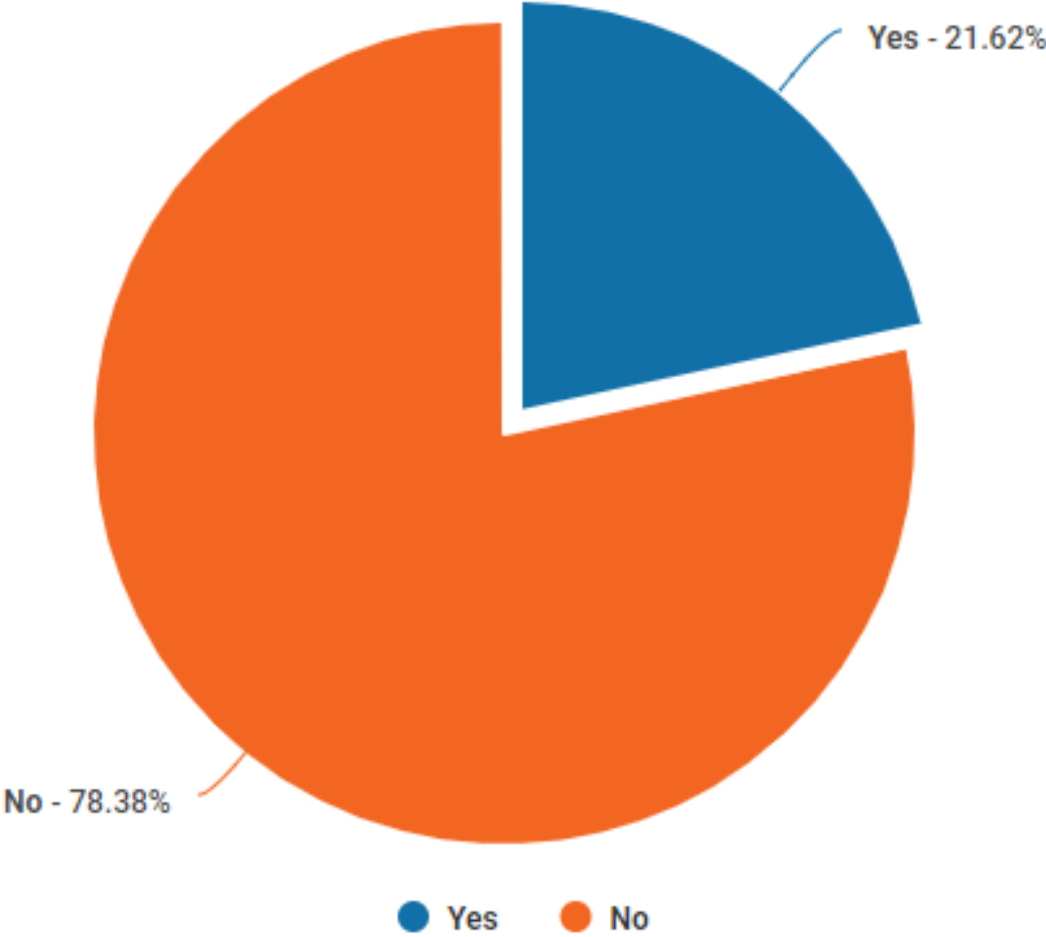
Do you know how to report concerns/nuisance and how to contact the council for any queries relating to busking and street entertainment?



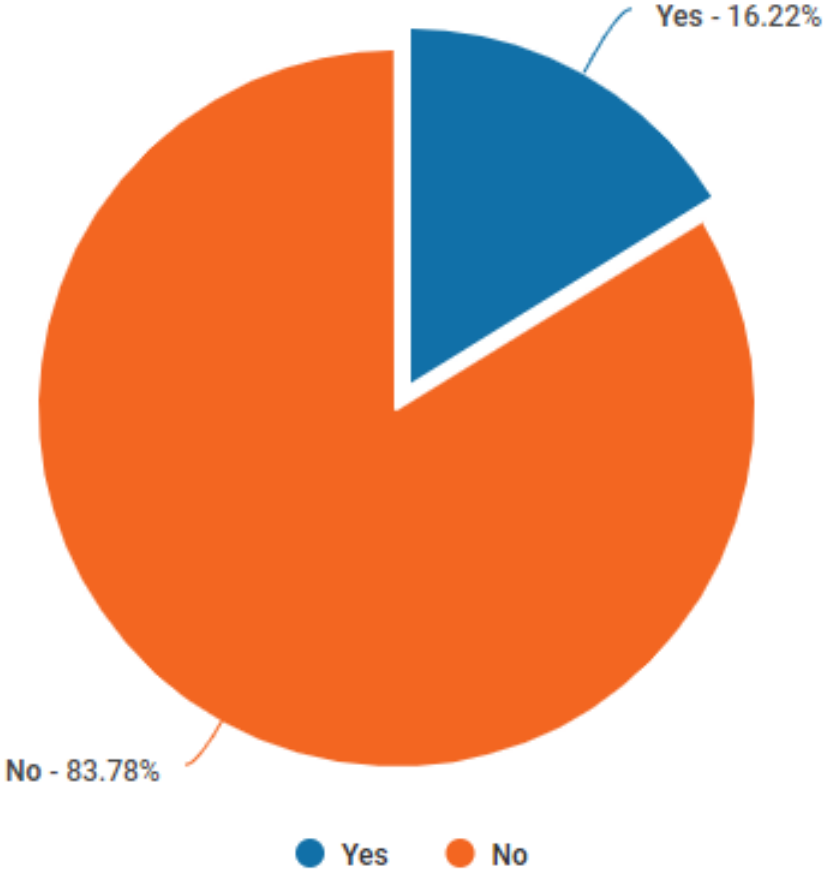
Since the policy came into effect, have you reported any issues or concerns related to busking and street entertainment to the council?



Do you believe that the cause of your query/complaint has been resolved?



Do you believe that it was dealt with effectively and in a timely manner by council officers?



Responses relating to questions with free text fields.

1	Reason for a change in views
	Playing music in areas that are not designated pitches
	Policy not as effective as it could be through lack of enforcement comined with a lack of co-operation from some of the street entertainer groups
	Need to actively enforce it
	Not sufficiently enforced
	Sound regulation
	Little point in having regulations without enforcement
	increased use of amplification
	Tendency to increase amplification and extend the timeframe - need for more rigorous regulation, control and monitoring
	Actively enforce it
	The Policy has not been managed/policed and is ineffective
	Buskers using amplifiers in non designated areas causing more noise pollution
	Blocked passage for pedestrians in busy areas - problem areas of Tottenham Court Road Station, centre point area development zone, Trafalgar Square - pedestrian zone Leicester Square
	Volume of amplification
	Only acoustic or controls on decibels
	Some street entintiners try to bend the rules or just outright ignore them
	Obstruction on pavements
	Portman Estate wants to remove the Old Quebec Street pitch
	Poor quality entertainment
	Unlicensed buskers
	Criterion Theatre having issues with repetitive loud music in Piccadilly Circus
	Refugee charity at 16 Leicester Square facing unbeliebavly loud performers
	No enforcement of CG pitch 13

2	Like most about the Policy
	No busking outside of designated busking spots
	Fixed pitches make sense
	Reduces noise nuisance and crowd obstructions
	Restrictions on the number and locations of pitches where amplification can be used
	Filters out talentless buskers
	Defined areas and hours
	Quality of the performers is good
	Resident engagement
	Reduction in busking areas where it is appropriate
	Well structured and unambiguous
	Geographic limits on the location of buskers and the number of buskers in a particular area at a particular time
	Recognises the benefits of busking to the community
	Reduces the opportunity for casual performers
	The requirement for a licence

3	Like least about the Policy
	Doesn't do what it is supposed to to stop it causing unnecessary noise pollution
	It is not enforced
	No attempt to encourage musical acts of quality

Badly thought out pitch locations
Not enough to deter poor management of crowds
Lack of effective enforcement
No enforcement of those playing too loudly
Disregard of the Policy from a sizeable minority of street entertainers has defanged the key aims of the Policy
Not looking at the problem on a zone by zone basis - distributing different types of performers across a range of sites with different noise/audience restrictions
Major increase in pedestrian traffic after the pandemic
Better way for residents to report issues rather than calling the noise team
The lack of accountability
Leicester Square pitch 9 - permits amplification but should not be allowed due to the acoustics of the area
Potential criminalisation of street performance
Does not take into account existing noise levels
SPAs bullying new buskers and are frustrating the process
Magician's corner who block access at the bottom of James Street to the Piazza
Severe lack of enforcement
Buskers still busking outside Bond Street tube

4	Amendments to the Policy
	More enforcement and fining of buskers who do not follow the rules
	Review of arrangements involving residents, businesses and street entertainers together with landowners and amenity groups
	More explicit information about where, when and what level noise from amplifiers is acceptable
	Buskers being banned if not compliant
	SPAs providing contradicting advice to the Policy to other street performers
	Blanket ban on amplification of any kind
	Better visibility of times and where performers can be
	Clear information about what is and is not street performance - e.g. religious speakers
	Red card and yellow card system of punishments for offenders
	Enforcement Policy needs to be addressed
	Greater scrutiny of the quality of entertainment
	Dedicated busking patrol team
	Amend conditions of certain pitches to remove amplification (pitch 9)
	Pitches clearly marked regularly as they fade
	No amplifications in Leicester Square
	Regular breaches of the Piccadilly pitches
	Reversed but with a best practice document instead
	Magician's Corner pitch must not block the pedestrian route
	Repositioning of the sites to take into account tables and chairs licensing and maximum crowd lines
	More supervision in unlicensed hotspots - e.g. Oxford St
	1 hour slots

5	Location in the borough currently designated as available pitches that should not be
	Trafalgar Square - should be about heritage and history
	Too many pitches by the piazza on Trafalgar Square
	Pitch 13 - Royal Opera House (challenging for people with reduced mobility)

2 of the 5 pitches (18, 19, 20, 21 & 22) at Trafalgar Square North Terrace as pitches are too densely packed for some activities
West corner of the North Terrace of Leicester Square (outside lego & M&M) as it blocks access to and across the square
Piazza
Leicester Sq Trafalgar Sq Covent Garden Piazza Kingsway Piazza (New pedestrian area) Leicester Sq Station / Hippodrome Corner Tottenham Ct Rd Station / Centre Point are development zone Piccadilly Circus x 7 main busking venue hubs require unique attention for each site
Piazza outside St Pauls Actors Church and east side of Apple Store at back of Royal Opera
Earlham Street - they are allowed to play amplified music on a street with little outside seating that is mostly residential creating noise nuisance
Too many in Leicester Square which makes it very hard to pass through
St Martin's Place which is primarily a thoroughfare
Old Quebec Street - no activity on this pitch since implementation
Pitch 9 Leicester Square should remove amplification
Wardour Street as completely blocks an already jammed through way
All of chinatown as it hinders the flow of foot traffic
Should be a non-amplified spot by Eros
Pitch 15 should be unamplified
James Street - Covent Garden market Sunday nights
CG East Piazza - huge increase in areas now used for tables and chairs - needs to be reviewed

6	Restrictions being sufficient in reducing noise nuisance
	Enforcement needs to be stricter
	Amplification used in Oxford Circus is intolerable
	Noise limits don't appear to be enforced
	No large groups
	Relies on residents to report performances as no monitoring

7	Engagement with the Council
	Noise team - takes too long for someone to arrive, need for more Officers in the West End and Soho
	Report It has a number of problems - no feedback and insufficient resources
	Priority towards members is low
	Response times - takes about an hour for any action by the team
	Employees telling individuals different things on every call - took 7 days for someone to respond
	Lack of any proper response
	Most complaints go unacknowledged

8	Complaints and queries being resolved
	There is no feedback
	Noise nuisance is still being experienced
	Insufficient authority and or capaCity and or determination
	Do not know how it is dealt with, and the net effect is sadly unchanged
	Unaware of City Inspector priority
	Often complaints are not attended - businesses are reluctant to complain because nothing will happen, despite being told that without complaints, there is perceived to be no problem

Submitted 40+ complaints to the Council about the noise level causing a nuisance and there has been no change or improvement
Same buskers then turn up the following day creating the same problem

9	Final comments
	Convene local forums for residents, businesses, street entertainers and Officers to meet and discuss issues
	Residents on the edges of Westminster and Camden
	Partnership working with BIDs, in reporting or managing the streets or effects of busking
	HOLBA could provide special entertainment zones with enhanced management (around Leicester Square and Piccadilly)
	Busker forum should be regular to provide feedback and comments

Comments specifically from Ward Councillors on the Street Entertainment Policy and the operation of the Licensing Regime.

Ward cllr 1 - it has improved the quality, variety, accessibility, and quantity of street ent. Believe that occasionally performances are too loud and cause a nuisance.

Ward cllr 2 - the Policy has had no impact in the quality, variety, accessibility, or quantity of street ent. Rarely see performances being too loud, amplification in non-amplified pitches, performances outside of hours or causing an obstruction. Not entirely sure on the purpose of the forum.

Ward cllr 3 - feels the Policy is not being enforced and seems to be a low priority. Would like amplifiers over a certain noise limit to be banned completely. CG and LS to be non-amplified. Designated pitches should be well maintained

Appendix 4 – Leicester Square Business Impact Statement

Impact Assessment by business with offices overlooking Leicester Square

Annex 1

Impact Assessment

14 October 2022

Background

█ has its head offices in an 8 storey property that faces onto Leicester Square at █ Leicester Square, █ ("█ LSQ Office").

This statement sets out the serious impact that the noise nuisance is having on █

Who is Impacted at █

More than 1000 of █ workers ("█ use █ LSQ Office. █ who sit at the front of the building facing onto Leicester Square are impacted by the noise nuisance of the buskers, including █ Executives and █ █ Team (who have their offices facing onto Leicester Square on the 6th and 4th Floor). █ Security team and Reception Team are also impacted, due to the time they need to spend taking action to prevent, log and report nuisance buskers – further detail below.

Extent of Impact

1. Time – there are usually excessively loud buskers every afternoon from 12pm – 5pm (key █ business hours)
2. Duration – performance times of each busker are between 15-45 minutes.
3. Frequency – every day.
4. Type of noise – singing and musical instruments
5. Volume – the volume is loud and can be heard clearly in █ offices - as if stood right next to the performing busker. The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square. Our Executive offices are on the 6th floor, where the noise level is very loud.
6. Surrounding area – whilst Leicester Square is a tourist destination, it is a small area surrounded by cinemas, businesses, hotels, residences, shops and al fresco dining. Unlike nearby Covent Garden, Leicester Square is not a destination that tourists come to in order to see street entertainers – rather it is famous for its cinemas, red carpet film premieres, hotels, restaurants and shops (such as the Lego store and M&M's World).

Specific Impact

█ Executive Team (on 6th floor facing onto Leicester Square) – the noise of the buskers interferes with important meetings being held in the Executive offices, therefore disrupting and delaying business critical decision making.

█ █ Team (on 4th floor facing onto Leicester Square) - if they have the windows open (a health and safety recommendation due to Covid), the noise of the buskers is highly disruptive. It is where █ Director of █ sits with his team and negatively impacts their ability to work effectively and without disruption.

█ Security Team and Reception Team – when the Security Team are alerted about a busker that is causing excessive noise:

- Team leader will ensure all security positions are covered then identify any spare resources available.
- A member of the team is sent to gather the evidence of the nuisance busker that your Policy states should be provided when reporting an issue (including a photo, description and video (where possible) of the busker)

- Security control room call the City Inspector, contact My Local Bobby (MLB) and log a report on the WCC Report it line/WCC's complaints website.
- If the City Inspector or MLB are not available, the Security Team ask the busker to turn the volume down (with varied success).
- The Security team leader, the security control room or reception team then spend time collating evidence and completing a log of the incident and evidence.
- On any weekday, ██████ typically has 6 security officers on site covering 5 fixed positions (Leicester Square x 2, Charing Cross Road, security control room and team leader). The team leader is covering lunch breaks for all of the team. If ██████ has one individual on sick or leave when there is a busker incident, there is no spare resource and a security control room person must attend the incident, which means that ██████ control room is unmanned for a period of time.
- The entire process takes approximately 60 mins and therefore has significant impact on the Security Team and distracts them from their duty of keeping ██████ buildings and people safe. This inevitably means that during the time they're dealing with buskers, our CCTV is not being monitored effectively for our 20 regional sites and therefore exposing ██████ to unnecessary risk.

Reception Team - The Reception Team are also involved in the logging and reporting of buskers. This also impacts their ability to deal with guests, which will have an impact to guest's welcome experience and therefore be reputationally damaging to ██████

As at 18 October 2022, ██████ had logged 41 complaints regarding street entertainers on WCC's complaints website in 2022 (and more complaints were logged prior to this date). This does not in any way reflect the true extent of the issue. As each 'nuisance' busker takes approximately 60 mins to deal with and report (as set out above), ██████ can't log all 'nuisance' buskers, which occur almost daily.

Cost to ██████

- Salaries of all of the above ██████ dealing with the nuisance buskers instead of carrying out their work for ██████ particularly Executives, the ██████ Team, the Security team, the Reception team and the Legal team
- Business interruption and delays in decision making due to the excessive noise of some of the buskers
- Increased safety and security risk to ██████ as the Security team are distracted from their duty of keeping ██████ and the building safe
- Guest experience, as the Reception team are distracted logging and reporting on buskers



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