

Revised New Sections in the Council's Busking and Street Entertainment Licensing Policy

Safeguarding Children and Vulnerable Adults in Busking and Street Entertainment

The Council is committed to safeguarding the well-being and ensuring the safety of children and vulnerable adults involved in busking and street entertainment activities within our jurisdiction. Recognising the unique nature of these artistic expressions, our aim is to create an environment that fosters creativity while prioritising the protection of the most vulnerable members of our community.

When referring to children we mean any individual under the age of 18. A vulnerable adult can be any person aged 18 years or older who may be at risk of harm or exploitation due to a range of factors, including physical or mental health conditions, disability, or social isolation. Our principles for safeguarding children and young people who wish to busk or provide street entertainment under the terms of a licence are:

- **Safety First:** The safety and well-being of children and vulnerable adults are paramount. All measures will be taken to ensure their protection during busking and street entertainment activities.
- **Informed Consent:** Any child aged 14 to 17 years must obtain written consent from a parent, guardian, or responsible adult before applying for a licence. If there are concerns relating to a licensed busker or street entertainer who may be considered to be a vulnerable adult the Council will make every effort to assess their capacity to hold a licence to busk or provide street entertainment independently or with appropriate support. Children under the age of 14 years of age are not permitted to obtain a licence and therefore are not able to busk or provide street entertainment in the City of Westminster.
- **Supervision:** Children who are licensed to busk or provide street entertainment will be required to be accompanied by a responsible adult who will ensure their safety and well-being throughout the performance. Vulnerable adults may also benefit from the presence of a support person.
- **Awareness:** Buskers and street should be aware of the signs of vulnerability, understand their responsibilities towards children and vulnerable adults, and how they can report any concerns to the relevant authorities.

Recognising the signs of vulnerability.

Recognising signs of vulnerability and understanding responsibilities towards children and vulnerable adults is crucial for buskers to contribute to the safety and well-being of all individuals involved in or affected by street performances. Here are some guidelines for buskers:

1. Age and Physical Appearance:
 - Pay attention to apparent age and physical condition.
 - Note if an individual appears significantly younger or frail.
2. Behavioural Cues:

- Observe behaviour that may indicate distress, confusion, or an inability to communicate effectively.
 - Be aware of signs of anxiety, fear, or withdrawal.
3. Communication Difficulties:
 - Recognise difficulties in communication, especially if the person seems unable to understand or respond appropriately.
 4. Presence of a Support Person:
 - Identify if a vulnerable person has a designated support person accompanying them.
 5. Environmental Factors:
 - Consider the impact of the environment on vulnerability, such as adverse weather conditions or crowded spaces.

Responsibilities Towards Children and Vulnerable Adults.

1. Inclusive Environment:
 - Foster an inclusive and supportive atmosphere where individuals of all abilities feel welcome and safe to participate.
2. Appropriate Content:
 - Ensure that performance material is suitable for all audiences, avoiding content that may be distressing or offensive to children or vulnerable individuals.

Reporting Concerns to Relevant Authorities.

If a busker or street entertainer observes immediate danger or harm to a child or vulnerable adult, that must take immediate action to intervene and ensure their safety if it is safe for them to do so. They should also call the Police immediately via 999.

If a child or vulnerable adult is not in immediate harm but there are concerns about their wellbeing these concerns must be reported to the Council promptly via the contact details listed below.

If necessary to assist with reporting document any observations or concerns, including details of the date, time, location, and a description of the situation.

Licensed buskers and street entertainers play a role in maintaining a safe and inclusive environment for all, and their vigilance in recognising signs of vulnerability and taking responsible actions contributes to the overall well-being of the community.

Reporting concerns

Any concerns about the safety or well-being of a child or vulnerable adult observed during busking or street entertainment activities should be promptly reported to the Council's via the relevant contacts listed below:

Child Protection Team:

Telephone: 020 7641 4000

Email: acesstochildrenservices@westminster.gov.uk

Vulnerable Adults:

Telephone the safeguarding helpline: 020 7641 2176

Email: adultsocialcare@westminster.gov.uk

In an emergency call the police on 999

Reports will be treated confidentially, and appropriate actions will be taken in line with relevant legislation and safeguarding procedures.

By adhering to this safeguarding policy, we aim to create a vibrant and inclusive environment for busking and street entertainment while upholding our commitment to the safety and well-being of children and vulnerable adults.

Royalty Liability

Licensed buskers and street entertainers when using or performing protected works must obtain the necessary permissions and licenses for copyrighted material. Buskers and street entertainers are generally required to seek permission from the rights holders or relevant licensing organisations to use copyrighted music or other protected works in their performances.

The Performing Rights Society (PRS) in the UK is a key organisation that manages the rights of musical works on behalf of songwriters, composers, and publishers. Buskers and street entertainers often need to obtain a license from PRS for Music to perform copyrighted music in public spaces.

It's important to note that copyright law is complex and subject to change. Therefore, for the most accurate and up-to-date information on the liability requirements for buskers and street entertainers in the UK, especially regarding the use of protected works, it is recommended to consult legal professionals or contact relevant copyright and licensing organisations, such as PRS directly.

Statement of truth and making a false statement

Applicants seeking a busking and street entertainment licence are required to complete their application truthfully. Upon finalising their application, applicants must explicitly confirm the accuracy of the information provided. Any individual knowingly or recklessly making a false declaration or omitting material particulars in the information required by the licence application commits an offence.

In the event of a false statement or declaration on an application for the grant or renewal of a licence, the application is typically subject to refusal, and subsequent applications by the individual may be rejected on the grounds of being unfit to hold a licence. The Council reserves the right to pursue legal action against individuals identified for making knowingly false statements. If found guilty under section 42(d) of the London Local Authorities Act 2000, the offender may be liable to a fine of up to £1,000. This stringent approach underscores the importance of honesty and accuracy in the application process and reflects the Council's commitment to upholding the integrity of the licensing system.

Child buskers and performers

The Council will not entertain applications for a busking or street entertainment licence for children under the age of 14.

The Council places great emphasis on ensuring that parents, guardians, or responsible adults are fully informed and in agreement with their child's participation as a licensed busker or street entertainer. It is crucial that these individuals comprehend and endorse the expectations outlined in the Council's policy, Code of Conduct, and terms and conditions associated with the licence or designated performance areas.

Therefore, applications for individuals aged between 14 and 17 will only be evaluated upon the submission of a duly signed parental or responsible adult consent form. Non-submission of this consent will lead to the rejection of the licence application. This measure ensures that those responsible for the child are fully aware of and supportive of their involvement in public performances under this licensing regime.

For individuals between the ages of 14 and 17 granted a license, specific conditions will be imposed. These conditions will restrict busking or street entertainment activities permitted under the license to weekends and England's national bank holidays during school term time. Additionally, performances by licensed individuals in this age group will be limited to the hours between 8 am and 8 pm.