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SUPPLEMENTARY PAPERS

Committee	ECONOMY & CULTURE SCRUTINY COMMITTEE
Date and Time of Meeting	TUESDAY, 19 MARCH 2024, 4.30 PM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Wong (Chair) Councillors Berman, Brown-Reckless, Henshaw, Jenkins, Jones, Lloyd Jones, Shimmin, Thomson

The following papers were marked 'to follow' on the agenda circulated previously

- 5 **City Centre Management - Approach to Busking** (Pages 3 - 16)
Policy Review.

Appendix 2.

D Marles

Interim Monitoring Officer

Date: Wednesday, 13 March 2024

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Busking in Cardiff

Overview of current and proposed arrangements

Appendix 2

Background – Cardiff Music City

- Cardiff Council wishes to develop a vibrant city centre environment
- Cardiff Council supports busking as detailed in its music strategy
 - “Part of the strategy is to nurture a high quality thriving street performance scene, responding to research that the majority of the public think busking is an asset to a public space. It animates the environment, provides entertainment and makes the area feel safer.”
- Issues with the volume and repetition of some buskers has resulted in many complaints from businesses and residents
- Previous attempts to regulate such as the introduction of licences have proved unpopular and unworkable

Music Strategy Recommendation 3

Governance and Leadership Music-Friendly Licensing & Policies Review existing licensing arrangements to promote a 'music-friendly' city.

Actions:

3.5 Create a voluntary busking guidance for Cardiff that reflects residents, businesses and musicians needs.

Cabinet Response

Action 3.5: The Council will work with FOR Cardiff, the city's Business Improvement District to establish new voluntary busking guidance for Cardiff that reflects residents, businesses and musicians needs.

Developing the Response

- Reviewed policies of 15 other councils including Bath, Birmingham, Bristol, Camden, Canterbury, Carlisle, Liverpool, Oxford and Westminster
- Consulted Keep Streets Live Network (a buskers organisation), the Musicians Union and Equity as well as people linked to certain policies (Eg councillors and police in Carlisle)
- Review approaches:
 - Busking Licenses
 - PSPOs
 - Voluntary arrangements
- Most councils which seek a positive relationship with busking have developed voluntary guidelines to assist buskers and other city users resolve issues. These have largely, been successfully adopted.

Busking Guide For Cardiff

- The research resulted in the development of an easy to use Busking Guidelines document similar to those used in Bath, Liverpool, Carlisle and Canterbury
- This document takes the form of a voluntary code of conduct for buskers, details our aspirations for busking in the City Centre, good behaviour, advice on choosing pitches, amplification, length of pitch tenure, set busking times of 10 am-7pm and noise levels
- it also gives advice on how to approach buskers for other City Centre Users.
- It concludes with steps which could be taken towards enforcement in rare cases where the guidelines do not provide a satisfactory resolution
- It has not yet been consulted on with buskers or other City Centre Users

Voluntary Busking Guidelines

What is Busking?

Busking and street entertainment are an integral part of Cardiff's City Centre Experience. They create a pleasant and vibrant atmosphere for everyone who visits the city.

Buskers are sharing the streets and open spaces with everyone else who lives, works, trades and takes their leisure in the city centre. It is important if busking is to thrive in the city centre it does so in a way that respects residents, businesses and other performers.

Voluntary Busking Guidelines

These Voluntary Busking Guidelines looks to establish a trial arrangement to support a harmonious positive relationship between performers and their surrounding environment, guidance that reflects residents, businesses and musicians needs, supporting performance opportunities for talent in the city.

Why do we need guidelines?

We acknowledge that most complaints about busking apply to a small number of performers and usually relate to volume, location, repetitive performances or obstruction. These guidelines aim to reduce the potential for conflict and to support a culture of community, compromise, consideration for others and negotiation.

Using the Guidelines

These guidelines have been produced by Cardiff Council in consultation with South Wales Police, local businesses, the Cardiff busking community, The Keep Streets Live network and The Musician's Union and Equity. The guidelines will be used to communicate good behaviour in the city centre and will be used on a trial basis during which time engagement with buskers, residents and businesses will take place to consider the effectiveness of the guidelines.

Voluntary Busking Guidelines

1. Select your pitch carefully to respect local residents and businesses and consider the impact of your performance on those who live and work nearby.
2. Also be respectful of places of worship, performance spaces and areas where official ceremonies take place. Any performances should not take place near these areas when activity is taking place.
3. Street performance and busking should not exceed a maximum of 90 minutes at a pitch. Performers should be prepared to move after this time period.
4. Performance times for buskers will operate from 10am to 7pm.
5. Amplification levels should only be slightly above ambient street levels. As a guide, if amplified music can be heard significantly above other noises more than 20 metres away it is too loud.
6. Keep your level in keeping with the surroundings, for example at certain times when streets are quieter you should adjust your volumes to a level where you can still be heard but are not overpowering for other city centre users.
7. Backing tracks must be at a level below the lead instrument or vocal.
8. Buskers should not repeat the same material during any pitch tenure.

In practice

- Guidance is used in respect to city centre and used as a tool by City Centre Management
- City Centre Wardens use the guidance to talk with buskers
- *Generally* positive response from buskers
- However.....

In practice

- Some do not respond to requests!
- Issues of noise extend beyond busking – increasingly complaints are focussed on amplified orators
- Issues of activity outside of the operational hours of the wardens – complaints from hotels with regard to noise on Queen Street

Enforcement Options

- No change – business as usual
- Use of existing bye-laws
- Existing legislation - Loudspeakers in the street
- Public Spaces Protection Order

22/05/03



Dinas a Sir Caerdydd
City and County of Cardiff

**COUNTY COUNCIL OF THE CITY
AND COUNTY OF CARDIFF**

BYELAWS

made under Section 235 of the
Local Government Act 1972
for the Good Rule and Government of
the County of the City and County of Cardiff
and for the prevention and suppression of nuisances

by
The County Council of the City and County of Cardiff

Noise in Streets and other Public Places

4. i) No person in a street or other public place shall, after being requested to desist by a constable, or by any person annoyed or disturbed, or by any person acting on his behalf:
- a) by shouting or singing;
 - b) by playing on a musical instrument; or
 - c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument
- cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the neighbourhood.
- ii) This byelaw shall not apply to properly conducted religious services or to any person holding or taking part in any entertainment held with the consent of the Council.

Existing Legislation - Loudspeakers in the street

It's an offence to use loudspeakers at any time to advertise:

- entertainment
- trade
- business

It's an offence to use loudspeakers for any purpose in the street at night between 9pm and 8am.

<https://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints>

Response

- Note the Music City ambition is to support busking – but in a way that reflects residents, businesses and musicians needs
- Busking guidelines will remain primary means of handling busking

HOWEVER...

- For a minority of cases further powers are needed
- There is no intention to ‘police’ busking – any suggested enforcement would be subject to responding to complaints
- PSPO would be a resource intensive response and not guaranteed
- Propose to use bye-laws to manage extreme cases – details need to be considered in terms of process

Current Proposed Response

- Develop process for wardens to use bye-laws, based on a reactive process.
- Work with partners to understand how the evening economy response can be implemented.