

CITY CENTRE MANAGEMENT - APPROACH TO BUSKING: POLICY REVIEW

Purpose of the Report

1. To provide background information to Members to aid their policy review scrutiny of arrangements in place to manage busking in Cardiff City Centre.

Scope of Scrutiny

2. During this scrutiny, Members can explore the current arrangements for managing busking in Cardiff city centre, and possible future approaches to busking. Members can also consider how busking assists Cardiff's approach to being a Music City as well as supporting the day and night time economies, ensuring Cardiff is an attractive and viable destination and an attractive and welcoming City Centre.

Background

3. Since 2019, the Administration has been working to develop Cardiff as a Music City, utilising a report by Sound Diplomacy that mapped the music ecosystem of Cardiff and recommended ways to boost this. At their meeting 16 December 2021, Cabinet noted an update on the development of the music ecosystem for Cardiff and the proposed trial for voluntary guidelines for buskers in the city centre¹. The report included the following:

Busking Guidelines

24. Sound Diplomacy's Music Ecosystem Study and Strategic Recommendations report that underpins the city's approach to music recommended that Cardiff seeks to 'create a voluntary busking guidance for Cardiff that reflects residents, businesses and musicians needs. The intention is that the Council supports busking within the city centre by

¹ Report to Cabinet available [here](#)

encouraging behaviour that respects the needs of all stakeholders, including both the performers and the users and residents in the city centre.

25. Subsequently research was undertaken of best practice with regard to developing a busking policy. This included reviewing the policies of other councils considered best practice, including Bath, Birmingham, Bristol, Camden, Liverpool, Oxford and Westminster.

26. An initial set of voluntary guidelines was developed in consultation with the Musicians Union, FOR Cardiff, Keep Streets Live and the city's City Centre Management team. Once this set of guidelines was established further engagement took place with members of the city's busking community.

27. Following this, a set of guidelines has been established that seeks to support busking by establishing a set of principles to ensure that the needs of all stakeholders, including both the performers and the users and residents in the city centre, are considered in supporting on-street performance...

28. These guidelines will be used as a means of communication with performers and city centre stakeholders and is not a means of enforcement. The guidance acknowledges that there can be some issues relating to busking that apply to a small number of performers and typically 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.

29. These guidelines are intended to be used as part of a trial, and further engagement will take place over forthcoming months with city centre stakeholders, including buskers, businesses and residents, to test and consider their effectiveness.

30. Any enforcement issues would remain subject to current powers and legislation. Should the further engagement with city centre users raise the need for changes in the powers and policies these will need to be considered in due course.²

4. A copy of the Voluntary Busking Guidelines is attached at **Appendix 1**.
5. During this Committee's 'Shaping Cardiff's Post Pandemic Economic Recovery' Inquiry (January 2023), Members heard from several witnesses that there was a need to improve the experience of those using the city centre by improving the street scene, including introducing a busking strategy and byelaws to promote good busking that adds to the ambience and tackle poor busking that is detrimental to nearby businesses³. This led to the following Recommendation:

²Report to Cabinet available [here](#)

³ KF32 – Shaping Cardiff's Post Pandemic Economic Recovery Inquiry available [here](#)

*'Within 3 months, the Cabinet considers the suggestions for improving the experience of those using the city centre and local and district centres, as set out in Key Finding 32a-c, clarify whether resources allow for any of these to be implemented, and report back to the Economy and Culture Scrutiny Committee on the proposed way forward on these suggestions.'*⁴

6. At their meeting 13 July 2023, Cabinet agreed their response to the Inquiry recommendations, accepting Recommendation 14 and including the following wording regarding busking:

*'The Council is already in the process of establishing enhanced city centre management arrangements that will consider a number of the issues raised in Key Finding 32a-c. ... A busking approach based around voluntary guidelines has also been adopted by the Council which is under review to consider its efficacy and effectiveness from the perspective of visitors, businesses and residents.'*⁵

7. At their 19 September 2023 committee meeting, Members considered the Cabinet Response and the resultant Chair's letter noted that work is ongoing with partners in relation to improving the visitor experience, particularly the approach to busking and the lack of adherence to the voluntary guidelines; the letter requested further information and timescales on this.⁶

8. The response from the Leader to this letter states:

*'With regards to the issue raised on improving the visitor experience, particularly in relation to busking, officers are currently exploring ways in which we can undertake more active enforcement of noise complaints within the city centre using our City Centre Warden team in partnership with the Police. This will be done in a way that supports the city's Music Strategy, whilst also at the same time providing the means to deal with persistent noise nuisance. We are aiming to trial the approach in the first instance and would be happy to brief the Economy and Culture Scrutiny Committee on the proposed approach in the New Year.'*⁷

⁴ R14 – Shaping Cardiff's Post Pandemic Economic Recovery Inquiry available [here](#)

⁵ Cabinet Response – Recommendation 14 – available [here](#)

⁶ Cllr Wong, Chair, letter to Cllr Thomas, Leader, dated 20/9/23 available [here](#)

⁷ Cllr Thomas, Leader, letter to Cllr Wong, dated 8/11/23 available [here](#)

9. As part of this Committee's policy review scrutiny of city centre management, at their 21 November 2023 committee meeting, Members explored the role of the City Centre Warden team and clarified that their role includes supporting delivery of policy and other Council activity, e.g. voluntary busking guidelines. In the resultant Chair's letter, Members noted:

- i) *that the Voluntary Busking Strategy allows amplification in certain situations but also contains volume controls, for amenity reasons.*
- ii) *that work was underway exploring whether existing byelaws could assist in controlling busking in the evening, with officers citing they are exploring use of a byelaw with a 9pm cut-off point.*
- iii) *that good busking can assist the Council in its work towards being a Music City and that this can be achieved without unacceptable harm to residents and businesses in the city centre.*⁸

10. In the Chair's letter, Members requested clarification of whether the current Voluntary Busking Strategy contains a cut-off time for busking⁹. A response to this letter is awaited.

Progress Update

11. Following the Leader's offer, as cited at point 8 above, to provide an update in the New Year on the proposed approach to busking, officers have been requested to provide a presentation that:

- i) Provides background information on current approach to busking, including the proposed trial mentioned in the Leader's response letter dated 8/11/23 – *see footnote 7*
- ii) Sets out how any issues relating to busking are currently dealt with
- iii) Explains plans for future approaches to busking.

12. This presentation is attached as **Appendix 2**.

⁸ Cllr Wong, Chair, letter to Cllr Thomas, dated 27/11/23 available [here](#)

⁹ As above

Way Forward

13. Councillor Huw Thomas (Leader) and Councillor Dan De'Ath (Cabinet Member – Strategic Planning and Transport) will be invited to make a statement. Jon Day (Operational Manager – Tourism & Investment) will give a presentation and Will Lane (Operational Manager – Neighbourhood Services, Shared Regulatory Services) and a representative from City Centre Management will also attend. The whole panel will be available to answer Members' questions.

Legal Implications

14. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

15. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations

for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i) Consider the information in this report, its appendix and the information presented at the meeting
- ii) Determine whether they would like to make any comments, observations, or recommendations to the Cabinet on this matter, and
- iii) Decide the way forward for any future scrutiny of the issues discussed.

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13 March 2024