



Busking Code of Practice for St Peter's Street, St Albans

Adopted by L&R	
Date 17 th July 2018	Business Compliance Manager, Regulatory Solicitor
Review	
Date July 2021	Business Compliance Manager, Regulatory Solicitor

Definitions

Within the policy the following definitions apply:

authorised officer:	an Officer of the Council authorised by it to act in accordance with the Constitution and/or noise nuisance legislation
Council:	St Albans City and District Council
pitch	any location in the street where a busker sets up their equipment and performs
street trading:	the selling or exposing or offering for sale of any article (including a living thing) in any street.
street:	includes: a) any road, footway, or other area to which the public have access without a payment b) a service area as defined in Section 329 of the Highways Act 1980 and also include any part of the street.

What is Busking?

Busking or street entertainment is the performance of music, dance or street theatre in a public space for the main purpose of receiving donations of money from members of the public. Buskers or street entertainers are not paid or hired directly for their performance. Busking is a long established tradition which can add to the attractiveness and vibrancy of the city centre. For those living or working in the city centre busking can become the source of annoyance and could become a nuisance.

Why do we need a code of practice?

Buskers and street entertainers share the streets with everyone else who uses the district to live, work or visit. Inevitably there is potential for conflict amongst all the different uses that people make of the city centre.

The Code is aimed at supporting a culture of cooperation between buskers, local businesses, council officers and members of the public.

Complaints about busking tend to apply to a small number of performers and usually relate to noise levels, repetitive performances or obstruction. As a busker you should consider your intended performance and location carefully to avoid complaints. You should avoid repeating the same tune/song for the entire performance and be considerate with the volume you use.

The Law

The law requires the Council to take action to abate a noise which is deemed to be a nuisance and this could involve the service of a legal notice, even the seizure of instruments or amplifiers, in some cases.

Before you perform

Whenever you perform on a street, you share that area with street traders, shops, businesses, residents, members of the public and other buskers. Before performing please consider the impact that your act will have on other users of the space.

Pitch

There are no formal pitches for buskers identified by the Council. Buskers can choose their own location. The location you choose will be your pitch for the purposes of the Code.

When you are setting up your pitch you should consider the impact that your act will have on other users including shops, businesses, residents, street traders and other members of the public.

When considering where you will set up your pitch, take care not to obstruct highways or shop entrances and allow space for people to get past you with prams or wheelchairs. Do not set up too close to another busker. If in any doubt, please have a discussion with the busker.

We recommend that you introduce yourself to businesses and shops near to where you intend to perform. Ask businesses to let you know if your music is too loud or if they have a problem so that you can work with them to resolve their concerns.

Street entertainment as a busker or street trading as a trader?

Street entertainment does not involve a formal sales transaction because donations are given to performers on a voluntary basis.

If you sell an item as part of your street entertainment it must be offered on a voluntary basis and this must be made clear to members of the public. It is important that people are able to engage with your performance without any obligation to make a donation. You cannot display a notice offering goods for sale. For example, in some circumstances a member of the public may request a CD without making a donation. You are permitted to suggest a donation providing it is clear that a CD can be taken without a donation.

If you wish to sell items, such as CDs, you will require a street trading consent. Selling items without a street trading consent is an offence. Please see our [Street Trading Policy](#).

How loud can performances be?

We have not suggested a specific decibel level, nor have we asked buskers not to use amplification at all.

Complaints about busking are usually about an intrusive noise. This can be the volume of the music or it can be the repetition of songs. You must consider the location of your pitch; the duration of your performance and other activities going on in the area

Please be aware of the acoustics of your pitch and adjust your volume if requested to do so.

Amplification

The code asks you to ensure that your level is just above the level of ambient street noise, but not intrusive. Please consider carefully before using amplification. Try to take regular breaks and avoid repetition as continuous noise can be intrusive.

If your repertoire is limited please consider moving pitches to reduce your impact.

How long should my performance be?

You should consider the circumstances when deciding how long to perform. Please do not repeat songs as this does cause complaint. We have not specified the length of a performance in the code, but usually a rough guide is no longer than two hours in one location.

Enforcement

If you are following this code we do not expect any enforcement action to be necessary.

Businesses, residents and others

If there is a busker operating in your vicinity and their performance is causing concern, please try to speak to them directly to explain your concerns. Please discuss your concerns with them at the earliest opportunity – don't wait until you are irate. In most cases the busker may not be aware that they have caused concerns and will work with you to resolve the issues. Please try to approach the busker during an interval. Think about what they can do to alleviate your concerns – could they adjust their location and/or volume or could you both agree duration for their performance?

We will continue to investigate complaints that are received about the activities of buskers and street performers. We will carry out spot checks on performers in order to ensure that they are complying with the code.

Where it is deemed that there is non-compliance with the code and therefore an individual or group are causing a noise nuisance, then report this to the Council at environmental@stalbans.gov.uk or by telephoning 01727 819406

We will provide advice in all cases. We will also provide a reasonable opportunity for the busker to rectify any issues identified. However, if problems persist, the authorities will write to the busker to warn them about their behaviour. We will consider if we can take action where the noise is a statutory nuisance within Environmental Health legislation.

Buskers

If you consider a business, shop or someone is being threatening to you, you must decide if it is appropriate to call the Police.

Appendix 1

The Busking Code of Practice

This code is intended to set out a standard which should enable busking to thrive whilst protecting businesses and residents from excessive noise or prolonged exposure to the same performances.

Buskers are asked to follow the guidance set out in this code of practice when performing in the St Albans District.

- Make sure that music or voice is played at a level just above the ambient street noise
- Do not set up a pitch within 50 metres of another busker
- Do not set up a pitch close to fire exits, cashpoints or doorways
- Do not sell merchandise (e.g. CDs, posters, etc.) without a street trading consent
Do not use street furniture such as public seating, lampposts, planters, railings etc.
- Reduce the volume of your performance if asked to do so by a resident, business or shop, or an authorised officer
- Take regular breaks in order to allow crowds to disperse or others to have a break from your act

Contact details

St Albans District Council

By post to: Council Offices, St Peter's Street, St Albans, AL1 3JE

By email or telephone: environmental@stalbans.gov.uk or 01727 819406

The Musicians' Union

MU East & South East England, 1A Fentiman Road, London, SW8 1LD

Telephone - 020 7840 5537

Keep Streets Live Campaign

The Keep Streets Live Campaign is a non for profit organisation which advocates for public spaces that are open to informal offerings of art and music. It aims to promote positive relationships between local authorities and street performers and to develop policies that support and sustain street culture.

Visit www.keepstreetslive.com or email: contact@keepstreetslive.com for more information.