
BUSKING

Best Practice Guide in Warwick District

Introduction

“Warwick District, a great place to live, work and visit, where we aspire to build sustainable, safe, stronger and healthier communities”

Warwick District Council (WDC) is dedicated to promoting thriving and vibrant town centres and public spaces where those that live, work and visit can experience a rich, diverse and enjoyable environment. The council recognises the valuable contribution that busking can add to the local culture and town centre ambience and has produced this guide to help buskers and businesses work alongside each other successfully.

This best practice guide has been produced collaboratively with organisations such as WDC, the Musicians Union, the Business Improvement District (BID), the police, and other representatives of the business and busking community.

This guide is intended for use by buskers, residents, businesses, the police and the local authority alike. It sets out some key recommendations to promote positive and neighbourly relations for all that share a public space.

What is busking?

Busking is the performing of music, dance, street theatre or art in a public space for the purpose of entertaining and receiving contributions from members of the public on a voluntary basis.

There are no licensing requirements for busking – however, if you are busking for a charity or offering for sale any goods you will need either a permit or a street trading consent. More information on this can be found towards the back of this guide.

Why do we need guidelines?

Buskers share the streets and open spaces with everyone else who live, work, trade and take their leisure activities in the district. The majority of complaints received by the council are about intrusive noise. The process of determining what level of noise is intrusive is subjective but complaints are generally related to **excessive volume, long duration** or **repetition**, which result in making the lives of nearby businesses or residents more difficult.

Inevitably there is potential for conflict amongst all the different uses that people make of the public spaces. We are confident that any potential conflicts involving buskers can be dealt with if buskers, local businesses, council officers, the police and members of the public engage in constructive dialogue to resolve them through compromise and cooperation.

This guide aims to reduce the potential for conflict and to support a culture of community, respect and consideration for others.

For Buskers

Where to busk

Care, consideration and good judgement are key when deciding where and when to perform.

There are no fixed busking pitches within Warwick District. Every spot has its pros and cons for busking and these will change according to the time of day and the season.

Due to the relatively narrow streets and high buildings sound can travel a surprisingly long way. Towards the end of this document there are some tips with regard to particularly "sensitive areas". These tips are there to help you but it must be stressed that these guidelines apply to all areas and every pitch requires care and sensitivity.

You are also advised to be aware of any special events going on in the district as busking might not always be appropriate at particular times. Please see www.warwickdc.gov.uk/events for a full listing of what is on. If you are planning to busk at the same time as an event please contact the organiser. You will find details of "who to contact" in the events calendar section on the councils website. Alternately please contact the Business and Events team at Warwick District Council.

Before you pitch

Always anticipate the impact your act will have on others. Engage with the surrounding community by introducing yourself to nearby businesses, traders and other users of the space. Let them know what you do and how long you intend to perform. Ask businesses to speak to you directly in the event that they have a problem, or need to ask you to make any adjustments to your act. This will help establish a good, cooperative relationship between you and the people around you. It also makes it more likely that any future communications will be good natured. By letting others know about your performance in advance you will make complaints less likely.

Choose your pitch with consideration for other buskers. Don't set up so close to them that the noise you make or the crowd you gather negatively affects their act. If there is a busker performing in a place you wish to play on, you should wait for a suitable gap in their performance and politely ask them when they are playing until and if they would be willing to share or swap pitches when they are finished. You can wait for the pitch to become available or agree to come back at a given time.

Take care not to obstruct highways or shop entrances and allow plenty of space for people to walk past you. If your performance draws a crowd it is your responsibility to ensure that people are able to move past you freely and that the crowd can be quickly moved or dispersed if necessary. In the event that the police or other public officials need to relay information or safety concerns to the gathered public, you are in the best position to pass information on to your crowd and to ask them to cooperate as needed.

Your performance

A musical busker needs to be heard above the level of background noise, but the volume of a performance should be no higher than it needs to be and the sound produced should not be intrusive to those living or working nearby.

Whilst there are no specific rules on performance durations you should always consider your impact on those around you. Take breaks at regular intervals and keep it varied. Very similar pieces have the potential to become quite intrusive. We recommend **15 minutes break per 45 minutes of performance.**

Think carefully about the equipment you use. Instruments and amplifiers that are used on a stage are not necessarily suited to busking. Remember that the sound from amplifiers and louder instruments can carry further and potentially generate complaints.

Be aware of the acoustic context of the pitch you choose. Turning up the volume can sometimes cause the sound you make to be distorted and unpleasant and may cause annoyance.

Noise from louder instruments can carry further, though we recognise that this has a lot to do with the way in which they are played! Consider adapting your equipment where appropriate. For example, we recommend using brushes and damping with a drum kit and dampers with brass instruments.

If you are using an amplifier you should direct it away from sensitive locations (i.e. shop entrances or residential dwellings). It is recommended that you place them on a stand to help dissipate the sound. If this is not possible stand in front of the amplifier so that you can fully appreciate the noise levels from it.

Make sure that you are aware of your volume. Get someone to help you fix your levels when you set up. Where possible, agree an appropriate level with the businesses around you.

If backing accompaniment is part of your act it should be secondary and unobtrusive. If you're not actually performing, please do not leave a backing track running.

Very similar pieces can become quite irritating so keep it varied and interesting for your audience and others nearby.

If you do receive a complaint

It is in everybody's interest to have positive relationships with other users of a shared public space.

In the event that someone needs to speak to you always be courteous. Being calm and polite will go a long way towards promoting

positive relationships on the street and be willing to make adjustments to your act if asked.

Consider whether your performance follows these guidelines and try to reach a compromise if possible. Could you adjust your location and/or volume, or could you both agree a duration for the performance?

If a compromise is not possible and you are confident that you are following these guidelines, make a written note for yourself of the exchange and what you said in case you are asked about it later.

Consider contacting Health and Community Protection on **01926 456725** or email **ehpollution@warwickdc.gov.uk** for advice. If you are a member of the Musicians' Union you could also consider contacting them for advice.

Resolving Issues

This section is for everyone - for buskers, businesses, residents and public officials.

Step 1

If you are disturbed by busking activities

Wherever possible you should approach the busker and wait for a suitable interval in their act, politely state what your issue is and attempt to come to a fair and amicable compromise.

Feel free to draw their attention to this guide.

If you are a busker and you are approached, you should listen patiently and you must consider if your performance follows this guide.

Step 2

If a compromise cannot be reached

Please contact:

A Warwick District Council (see last page) if the issue is noise related.

or

B The Police if the problem is obstruction or a public order issue.

As soon as possible an officer will make contact with you to gather more information and attempt to find a fair resolution.

Please note the council and BID office is not manned at weekends. However you can still email, and you will be contacted within two working days.

Step 3

If the issue continues

An authorised council officer will assess the situation to determine any impacts and whether the busker is at fault, they will notify the busker of this guidance and officer advice on how to busk more considerately.

If the busker is found not to be at fault no further action will be taken.

Step 4

If further issues are still being raised and the busker is believed by the Council to be acting unreasonably

The officer will collect and assess evidence from effected people and issue a formal

Warning letter.

A complainant will also need to also provide a formal statement

Step 5

If there is no resolution

As a last resort, **legal action will be considered.**

Breach of legal notices served may lead to **fixed penalty notices, prosecution and confiscation of equipment.**

Please see last page of this guide for contact details.

Further Information

The Legal Background

We aim to empower everyone to solve problems quickly and easily on the street.

Effective enforcement powers are available but only when people do not follow the recommendations in this guide and as a last resort to deal with any individual persistently causing a negative impact by acting unreasonably.

Each complaint received will be assessed on its own merits so it is difficult to confirm the enforcement procedure that would be followed.

Should you require further information regarding the enforcement approach please contact the relevant enforcement agency (the Council (noise) or the Police (obstruction or public order)).

Busking or Street Trading

Busking does not involve a formal sales transaction because donations are given to buskers by members of the public on a voluntary basis.

If the provision of goods or service is part of your busking act it must be made clear to members of the public that this is offered on a voluntary basis and there is no obligation to make a donation.

For example, in some circumstances a member of the public may request a CD without making a donation. You could make this clear with an appropriate sign.

We suggest the following wording:

“In order to comply with street trading legislation these CDs (balloons, portraits etc) are not being offered for sale, any contribution you make is voluntary and at your discretion. Suggested contribution £x. Thank you”

Where the above guidance is observed, and the provision of good/services is clearly a secondary aspect of the busking performance, enforcement action under the street trading legislation will not be taken; however, random audits will be carried out by the Licensing Authority to ensure compliance.

Buskers wishing to trade on the street, for example in t-shirts, CDs or tickets will have to purchase a street trading consent from Warwick District Council. Further information is available on the council website.

http://www.warwickdc.gov.uk/info/20009/licensing/18/street_trading_licences

Charitable Collections

Requests for donations for charity will require a permit from Warwick District Council. Further information is available on the council website.

www.warwickdc.gov.uk/info/20600/charities_and_voluntary_groups

Where not to Busk

Sensitive Areas and Private Land

There are certain areas in Royal Leamington Spa which are mixed use space where people live and work. In these locations there is greater potential for busking performances to cause disturbance because of the enclosed nature of the streets and buildings and the way in which sound can carry a surprisingly long way, it is therefore advisable not to busk in these locations if your act involves elevated noise levels.

These areas include:

- Regent Court, Livery Street.
- Royal Priors Shopping Centre,
- Satchwell Walk
- Satchwell Court

These areas are also private land and require permission from the landowner to busk in these locations: The landowner for these locations can be contacted on **01926 450150**, email: **security@regentcourtsc.co.uk**

Council owned parks are host to a number of organised events throughout the year. If you wish to be considered as part of the musical event please contact Development Services: Tel. **01926 456012**.

Contact Details



Health & Community Protection

Tel. 01926 456725

Email. ehpollution@warwickdc.gov.uk

Visit www.warwickdc.gov.uk/busking

Business Support and Events Team

Tel. 01926 456012

Email. events@warwickdc.gov.uk

Visit www.warwickdc.gov.uk/info/20598/town_centre_management



BID Leamington is the company responsible for running the Business Improvement District (BID) in Royal Leamington Spa.

Tel. 01926 470634

Email. info@bidleamington.com

Visit www.bidleamington.com

Public Liability Insurance

We recommend that all performers have suitable Public Liability Insurance.



Warwickshire Police

Tel: 101

Email: contactus@warwickshire.police.uk

Visit www.warwickshire.police.uk

Musicians'
Union



The MU was established in 1893 and represents over 30,000 musicians working in all genres of music including buskers. As well as negotiating on behalf of its members with all the major employers in the industry MU membership includes a range of services tailored for the self-employed including public liability cover and equipment insurance, providing assistance for professional and student musicians of all ages.

Tel. 0121 2364028

Email: midlands@themu.org

Visit www.musiciansunion.org.uk