



# **BUSKING GUIDELINES**

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## **Busking**

We categorise 'busking' as any performance of music, dance, street theatre or art in a public space for the purpose of receiving voluntary contributions from members of the public. Busking is an important part of creating a vibrant, exciting, and cosmopolitan atmosphere for residents, visitors, and businesses in Maidstone. As a town we encourage busking and we want to welcome buskers from across the country and beyond. However the council are receiving an increasing number of complaints, often regarding amplified busking, repetitive busking and/or obstructions to highways/access points. This guidance 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 between users of shared public spaces in the Town, and will enable the busking community to flourish and exist harmoniously alongside local businesses

These busking guidelines are to be used as a reminder of what the council considers reasonable and neighbourly behaviour. Any behaviour which is deemed to be unreasonable will be investigated and may result in enforcement action.

This best practice guide has been produced collaboratively through engagement and support from a wide range of organisations such as the Musicians' Union, Keep Streets Live Campaign, the Business Improvement District (BID), Kent County Council, Kent County Constabulary, local businesses, residents and Councillors.

### **For Buskers**

No busking pitches are fixed in Maidstone Town Centre and we expect all buskers to take care in their judgement when selecting a pitch from which to perform taking factors such as time of day, the season and the impact of others in the area. Buskers must also work closely with the busking community regarding the swapping/sharing of any pitches as key. The aim is to support a culture of community, consideration and negotiation and encourage constructive dialogue to resolve issues.

There are a range of existing statutory powers relating to noise nuisance, public order and obstruction which is hoped will only be used as a last resort where there are persistent issues. Most issues we hope can be resolved amicably without the need for a formal complaint

There are no fixed times or durations for busking performances. However, please note if amplification is used which requires generators or PA systems then a Temporary Event Notice (TEN) must be applied for and in place at the time of the performance. In the majority of cases it is expected that a small battery powered portable amp will be used as amplification. Material should not be

repeated in the same pitch, and any more than 2 hours in one pitch would be considered unreasonable.

There are no fixed levels for volume, and we would ask all buskers to assess the pitch location and adjust volume accordingly so that it is just

above the level of ambient street noise. If your volume is loud enough to be heard inside buildings in the surrounding area or from the opposite side of a street, it is likely this is too loud and would be considered unreasonable. Wind and percussion instruments will likely need dampers and brushes. Using amplified, (with a TEN in place) piercing or repetitive noise will require buskers to move pitches more regularly to prevent disturbance.

Making a reasonable judgement is key to busking in Maidstone town centre. If your act disturbs the regular day to day lives of any neighbouring resident/visitor or business, it is likely a complaint will be received. If you receive a warning due to complaints being received about your act and fail to respond appropriately (e.g. reduce volume), it is likely enforcement action will be taken.

Most complaints about busking apply to a small number of performers and usually relates to noise levels. Buskers are encouraged to make themselves known to those in the vicinity of their performance as a matter of courtesy before they start their performance.

All buskers must be courteous to those around them and must be prepared to adjust out of consideration to others when necessary. Making the appropriate adjustments following a complaint means enforcement would not be necessary.

Acts that include prerecorded backing tracks as a secondary aspect to a performance should be set at an unobtrusive level to avoid causing issues and should not be left running when the performer is not performing.

Regular breaks between performances are encouraged as continuous noise however pleasant can be regarded as intrusive.

As a guide a maximum 45 minutes of performance is appropriate before having a significant break and should not include repeat performances. If you have a limited repertoire of material, then consider moving location instead of repeating your material in the same places.

Buskers should never set up on top of each other and we foster cooperation with each other through negotiation and collaboration encouraging the sharing and swapping of pitches as this build's community, avoids repetition and adds variety to street performances

Enquiries for busking are predominantly for the Town Centre and specifically the following areas: -

### **Week Street**

The area is a key thoroughfare and the most popular area with buskers. It has retail outlets and food establishments along its entire length. Performances must be positioned to one side to allow free access to the public along its length.

### **Jubilee Square**

Jubilee Square is a popular location for street entertainers and circle shows. This area is managed by Maidstone Borough Council and permission is required by any performer that wishes to locate themselves here. It is key to work in conjunction with other buskers to ensure there are regular breaks between performances to allow for access to nearby buildings/businesses.

### **Fremlin Walk & The Mall (previously Chequers)**

These areas are private, and permission would be required from the landowner to busk here. Any performance terms would be imposed by the relevant management companies.

### **Brenchley Gardens**

This area is surrounded by businesses, residences and places of worship and therefore has greater potential for busking disturbances.

### **Gabriels Hill**

This is an area of mainly retail outlets. Performances must be positioned to one side to allow free access to the public along its length.

## **OTHER MATTERS**

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

The formal sale of goods and services on the street is covered by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and if you intend to sell items such as CD's at a fixed price then you will need to apply for Street trading consent

Where the provision of goods or services are clearly a secondary aspect of any busking act i.e. art/portraiture, photographs taken with performers, balloon sculptures CD's containing a performers music then it must be made clear to the

public that they are offered on a voluntary basis. This means the public can engage with any act/performance without any obligation to donate and under this guidance can take an item or request a service without contribution. It is suggested that this be made clear with an appropriate sign and the following wording used

“In order to comply with street trading legislation these CD's (balloons, Pictures etc.) are not being offered for sale, any contribution you make is voluntary and at your discretion. Suggested contribution £???”

Charitable Collections -Requests for donations will require a permit from Maidstone Borough Council

It is recommended that all entertainers carry suitable Public Liability insurance

## **FOR BUSINESSES AND RESIDENTS**

When issues arise the first step should always be to speak directly with the busker regarding your concerns – explain the impact their busking is having on you,

You may draw their attention to this guidance at any point. If this does not resolve the matter please contact ???? on 01622 ???? and an Officer will assist.

It is worth noting that Busking is a lawful activity and if they are following this guidance, they are unlikely to be in breach of any national or local legislation.

Try to find a suitable interval/natural break in their act to make yourself known and have a discussion, they may not be aware they have caused you an issue and may want to resolve it quickly and amicably. Always try to reach a compromise if possible. Suggest a location change, volume adjustment or agree a time period for the duration of their performance that suits you both. Try to remain calm and polite as this will help promote communication and cooperation.

Making a formal complaint should not normally be your first step but a last resort Where attempts at communication have been unsuccessful and a compromise not reached then please contact the Council Offices on the number above.

An Officer will assess the situation at the earliest opportunity and will enquire. as to what attempts have been made to resolve the issue. If it is considered appropriate the Council will ask the busker to amend their performance. Equally if they do not consider there to be an issue, they will let you know this.

## Enforcement

Enforcement action will always be a last resort after all other avenues have failed and will be considered on the individual circumstances of each case

If it is assessed that a Buskers is operating outside of the guide the relevant Maidstone Borough Council Officer will ask them to take appropriate action (i.e. reduce volume, move ~~location~~location, or cease performance) If the busker refuses to comply a verbal warning will be given

If a further incident is reported where it is possible the Maidstone Borough Council Officer will ask the buskers representatives e.g. other buskers to get involved and try to resolve the issue before issuing a written warning notice/letter

Once a warning notice/letter has been issued to a busker, any further reports will be investigated by a Maidstone Council Enforcement Officer? and a decision will be made as to whether enforcement action will be necessary under the following legislation:

- Environmental Protection Act 1990 states that noise in the street from musical instruments may be a statutory nuisance and the local authority can take action to abate the problem – including issuing a notice and the seizing any equipment being used to create the noise
- Highways Act 1980 forbids buskers to obstruct roads and pavements. ... Children under 14 are not permitted to busk. A street collection licence will be required if busking for charity and street trading laws regulate buskers who sell CDs and other merchandise.
- Public Order Act 1986 allows the Police to act if anyone is seen to be breaching the peace or intimidating others
- The Noise and Statutory Nuisance Act 1993 empowers local authorities to take statutory nuisance action in relation to equipment, including amplified musical instruments used in the streets. We are able to take legal action to abate the nuisance and prohibit its recurrence; this may include the seizure of musical instruments.
- The Anti-Social Behaviour Crime and Policing Act 2014 states that unreasonable and persistent/continuing behaviour which has a detrimental impact can be dealt with by way of a warning, notice, fixed penalty, and a prosecution in the magistrate's court.

- The Control of Pollution Act 1974 states that under no circumstances should amplifiers be operated in the street for any purpose between the hours of 9pm and 8am. Failure to comply can result in prosecution in the magistrate's court.

Formal action will only be taken as a last resort where buskers have repeatedly failed to follow this guidance.

If you require assistance in relation to a complaint, please contact [redacted] on 01622 [redacted] and an Officer will assist.

The Licensing Authority can carry out random spot checks to ensure buskers are complying with all guidelines, and enforcement action will follow when necessary.

Further information and contacts for buskers are all available to view online at

[www.Maidstone.gov.uk/busking](http://www.Maidstone.gov.uk/busking).

Any enquiries following this guidance can be made to the licensing department at [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk) or 01622 602028.

Enquiries regarding enforcement can be made to [redacted] Enforcement team at [redacted]

Do you have a brilliant act or are you a musician keen to busk in Maidstone?

If you feel you can add something special to Maidstone's street scene and would like advice on where to perform, please do not hesitate to get in touch with Maidstone Borough Council and we will be delighted to help advise you.