

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Monmouthshire Busking Code of Conduct

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 30th January 2018

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the code of conduct (Appendix A) to be introduced for the County of Monmouthshire. The document has been agreed by a partnership group including Monmouthshire County Council Licensing Section, Heddlu Gwent Police, Retail Premises management and buskers in Monmouthshire.

2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members consider and provide comments if required before Gwent Police and the Licensing Section implement the code of conduct and distribute to buskers for compliance.

3. KEY ISSUES

- 3.1 Gwent Police received a number of complaints regarding buskers who regularly visited Abergavenny town centre for busking purposes on a weekly basis in the summer of 2017. Buskers were reportedly and observed by PC's and PCSO's playing music sometimes all day, often from one location in the street and some repeating a short playlist of songs over and over again. If other buskers appeared on occasions the busker would try to perform close to the other busker increasing the volume of amplification to try and mask the other performer. This caused numerous premises from High Street and even Nevill Street to complain because the music was at a high volume.
- 3.2 Gwent Police initially assumed it would be a licensing function. However as detailed in the code of conduct busking is often an incidental form of entertainment and is not regarded a licensable activity under the Licensing Act 2003. The Live Music Act 2012 also enabled any performance of Live Music without the need of a licence from the hours of 08:00am to 11:00pm.
- 3.3 Gwent Police PCSO Amanda Yung and Monmouthshire County Council's Licensing Officer, Leigh Beach visited business premises in town for their views. Further meetings was held the shop owners at Abergavenny Police Station to gather an understanding of their complaints, which were mainly;
- Volume
 - Poor quality music
 - Repetitive music
 - Duration of performance
 - Distance to shop entrance
 - Use of public benches

- Rude when approached

Gwent Police tried to approach some buskers who were reported for nuisance, in order to deal with the complaint. However, later the same day or the following week the busker often returned to cause the same or similar problems.

- 3.4 Licensing conducted research into other Authorities that look to control busking activities mainly large City Centres, whereby busking is a common and daily activity. It became apparent that a code of conduct seems to be the preferred approach to control and offer advice and guidelines to buskers and people who wish to complain about a busking activity. London and Manchester both have a clear and helpful code of conduct in place.
- 3.5 We approached some of the buskers to inform them of our intentions and discuss our ideas. The buskers agreed it would be helpful to have set of guidelines for all to follow and also a point of contact should other buskers not follow the code of conduct.
- 3.6 One of the charity shops on Frogmore Street informed Licensing and Police that volunteer staff refused to work on certain days because the buskers outside the premises were causing such a nuisance it was unbearable. The charity shop also has a quiet room for people of family members who are struggling with cancer or fatality due to cancer. This room became unusable on certain days if the busker performed outside all day and refused to move away from the premises. As such, the Code of Conduct has recognised this and has refused this area being used for busking purposes.
- 3.7 The code of conduct has been approved by the partnership, referred to in 1.1 above and Heddlu Gwent Police have agreed to place their logo on the document. The Code of Conduct has also been endorsed by Monmouthshire County Council's Legal Section. The Code of Conduct for Busking is attached to this report as Appendix A and will be available on the Monmouthshire website for everyone to view bilingually.

4. REASONS:

- 4.1 For the Licensing and Regulatory Committee to consider the Monmouthshire Code of Conduct on behalf of the Authority, as recommended by the partnership mentioned in 1.1 above.

5. RESOURCE IMPLICATIONS:

- 5.1 No resource implications

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B. The Monmouthshire Busking Code of Conduct will assist it's users.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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