

## **Monmouthshire Busking – Code of Conduct**

Monmouthshire welcomes buskers. If you are a talented performer and would like to perform in one of our popular town centres please ensure you follow this code.

This document has been produced by a partnership working with local businesses, buskers, Monmouthshire County Council and Gwent Police. The town centre areas of Abergavenny, Monmouth, Chepstow, Caldicot and Usk are most likely to be used for busking.

The aim of this document is to set clear rules for buskers to follow to ensure busking can be conducted lawfully to enhance our town's culture without generating complaints.

### **Busking**

A performance to the passing public who sometime very generously provide tips for enjoying the performance.

The busking activity is usually a live music performance however some people also perform magic, living statues, jugglers and sand sculptures.

### **Where to Busk**

Busking can be done lawfully without the need of a licence on public land. If you intend to busk on private land please contact the land owner for permission.

Monmouthshire has many town centre areas that are suitable for busking with a number of market/ retail shoppers and a healthy amount of tourists visiting our towns each day.

Make sure you set up in a sensible location whereby you and your audience (if you are good enough to attract a crowd) doesn't block any of the following;

- Doorways
- Shop entrance
- ATM's
- Toilets
- Benches

When you arrive at a suitable location please make sure another busker isn't audible at your location, we do not want a sound clash competition in the street. Please wait for the other busker to finish or move to another suitable location further up the street.

Please do not busk in one location for more than one hour. If you intend to busk for longer please stop and find another location further up the street or around the corner. Another busker may be waiting for your location, please share.

We do not permit busking in the area labelled Frogmore Street on the plan below. Slope area of Frogmore Street, Abergavenny.



We recognise town dynamics may change in the future, subject to consultation with the partnership members mentioned above this and other areas may be added, removed or amended when necessary.

### **Performance**

We hope you enjoy performing within Monmouthshire but we also need to ensure our public and community enjoy the performance, if you are creating a disturbance to anyone please be willing to adjust the performance or relocate if necessary.

Please do not use offensive language if you are singing and please do not perform under the influence of alcohol.

If you are approached by a local resident or shop worker please be polite approachable. If they give you a reason why you are causing them a disturbance please be willing to make changes or move to another area.

### **Sound**

The biggest cause of complaints against buskers is often the volume. Sound will travel along the street and into nearby residential and retail properties. People inside aren't able to walk away if they do not like the performance so please be mindful of others in the area other than the passing crowd you see.

The volume of a musical performance should be just above the background noise in the street.

Check your equipment and instruments before you commence, make sure it is not distorted.

If you are using amplified music as backing tracks make sure it is also a low volume.

Variety is the spice of life, if performing music please do not repeat songs this will inevitably cause annoyance and complaints.

### **Equipment**

Try not to cause any trip hazards in the street.

Do not park a vehicle beside you.

Never leave your belongings unattended, we do not want to receive a call regarding a suspicious package whilst you are having a lunch break.

You may have an open case or hat to collect any donations from the public, please do not use charity collection tins without a street collection permit.

Do not use signage asking for money, this may be seen as begging and not busking.

Do not cover your face and always carry a recognised form of identification with you.

Try to avoid any equipment with sharp corners.

You may not sell CD's without street trading consent issued by the Licensing Section.  
Do not use a generator for any purpose.

### **Complaints Against Buskers**

If a busker is causing you a nuisance please follow the following steps:

#### **Step 1**

Make note of the time the busker starts to cause a disturbance/nuisance to you or your staff. Approach the busker politely and explain why they are causing you a discomfort, for example ask them if they could turn the volume down or move to another location.  
and  
Ask him/her/them if they know about the Monmouthshire Busking Code of Conduct.

#### **Step 2**

If the Busking continues to cause a nuisance please contact 101 for Gwent Police or the Licensing/Environmental Health Sections of Monmouthshire County Council for assistance.

### **Law & Enforcement**

Busking is not illegal and you are not required to hold a licence, however if you are causing a disturbance or are breaching the law in other ways Licensing Officers or Police Officers will take action if required.

#### **Anti-social behaviour**

- If your behaviour is unreasonable and you are having a persistent, detrimental effect on the quality of life of people in the area, you will receive a verbal warning.
- If you carry on, you could be issued with a formal warning letter, followed by a Community Protection Notice under the Anti-social Behaviour, Crime and Policing Act 2014.
- If you breach the notice you could be issued with a fixed penalty notice (£100) or prosecuted in court.

#### **Noise nuisance**

If you use amplification between 9pm in the evening and 8am in the following morning you could be charged under the Control of Pollution Act 1974.

If a sound is causing a persistent, detrimental effect on a person's quality of life, it could constitute a noise nuisance. If you are the cause of this sound and Council officers consider there to be a noise nuisance you could be issued with a Noise Abatement Notice under the Environmental Protection Act 1990. Breach of such a notice is an offence and potentially your equipment could be seized. The most common causes of noise complaints are;

1. volume at an unreasonable level
2. playing the same music repeatedly
3. not moving regularly

### **Licensing Act 2003**

Busking is regularly regarded as incidental music i.e. the performance of music is incidental to people who visit the town for shopping purposes. However the activity may require a licence if public are visiting town to view a performance, for example with a busking festival therefore each activity will be treated on its own merit when considering what is a licensable activity or not under the Licensing Act 2003.

### **Obstruction of the highway**

If you or your audience block people's path you may be causing an obstruction and told to stop. If you carry on you could be charged under the Highways Acts (1980).

### **Intimidation or conflict**

If anyone is breaching the peace or intimidating others the police will take action. The person could be charged under the Public Order Act (1986).

### **Street Trading**

No one is permitted to sell items in the street without a street trading consent or exemption.

### **Begging**

No one is permitted to beg for money, the audience should be able to donate willingly or not, Begging is an offence under the Vagrancy Act (1824)

### **Street Collections**

The use of charity collection tins should only be used for registered charities that conduct authorised street collections with a street collection permit.

### **Insurance**

Depending on the nature of the performance and equipment used you may require public liability insurance, please seek insurance or legal advice on this matter.

### **Who to Contact**

If you would like to discuss this document or find out more information please contact;

Contact	Email	Telephone
Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL	<a href="mailto:Licensing@monmouthshire.gov.uk">Licensing@monmouthshire.gov.uk</a>	01873 735420
Licensing Section, Monmouthshire County Council, Chepstow Library, Chepstow, NP16 5EN	<a href="mailto:Licensing@monmouthshire.gov.uk">Licensing@monmouthshire.gov.uk</a>	01873 735420
Environmental Health, Abergavenny Monmouthshire County Council, Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL	<a href="mailto:environmentalhealth@monmouthshire.gov.uk">environmentalhealth@monmouthshire.gov.uk</a>	01873 735420
Gwent Police Headquarters, Croesyceiliog Cwmbran Torfaen NP44 2XJ	<a href="mailto:Abergavenny@gwent.pnn.police.uk">Abergavenny@gwent.pnn.police.uk</a>	101