

**A Guide to Busking and Street Entertainment**  
**In the Royal Borough Kensington and Chelsea 2019**

## **Introduction**

The Council recognises the contribution that busking and street entertainment can make to the character of the Borough and the vibrancy that busking and street entertainment can bring to a locality. It is equally necessary to recognise that pedestrians and other road users, local residents and local businesses do not suffer a detrimental impact from busking and street entertainment especially in those areas of the Borough that are popular busking and street entertainment location.

Kensington and Chelsea is densely populated with residential areas sited close to and within nationally and internationally recognised commercial, cultural and tourist destinations. Areas of high footfall are attractive to buskers and street entertainers but can cause significant intrusion and annoyance to the other pedestrians and road users and the local community (residents, local workers, businesses and organisations).

This guidance aims:

- to promote good practice and considerate busking and street entertainment in the public realm that makes a positive contribution to the local street scene;
- to promote positive and considerate relationships between all those who share the public realm;
- to substantially reduce the detrimental impact that some busking and street entertainment is having in some parts of the Borough; and
- to strike a balance between buskers and street entertainers, other pedestrians and road-users and the local community (residents, visitors, workers, businesses and organisations).

## **What's the problem?**

Busking and street entertainment seems to be increasing within the Borough with consequent year on year increases in complaints. The key complaints concern:

- Excessive sound and amplification;
- Performance fatigue (performance in one location with little or no breaks);
- Sound clash (multiple performances in close proximity);
- Limited and repetitive repertoire;
- Performance timing (morning and evening performances are more likely to generate complaints from local residents whereas businesses mostly complain during working hours);
- Obstruction of the pavement and road; and
- Public safety.

Excessive sound and disruptive sound, followed by obstruction are the most common concerns. The detrimental impacts commonly complained of include adverse impacts on home and family life, adverse interference with commercial interests, undermining the work

and operation of cultural institutions and having an adverse impact on the flow of pedestrians and other road users at particular locations.

### **Where's the problem?**

Particular locations are more likely to generate complaints and concerns; these include:

- **Hans Crescent** around the Harrods department store;
- **South Kensington Underground** and **Thurloe Street**;
- **Exhibition Road** near the museums, particularly the Natural History Museum;
- **Notting Hill Gate** around the underground station entrances;
- **Portobello Road** in and amongst the market traders;
- **Kensington High Street** near the underground station and in the parade of shops closest to the underground;
- **Earl's Court Road Underground Station** outside the underground on Earl's Court Road; and
- **Other London Underground Stations** around the station entrances.

### **What's the solution?**

The Council wishes to promote responsible busking and street entertainment that makes a positive contribution to the character of the Borough and the vibrancy that busking and street entertainment can bring to the public realm of a locality. Equally, the Council wishes to substantially reduce the detrimental impact that some busking and street entertainment is having in some parts of the Borough. To achieve a balance between these interests the Council proposes by policy to adopt a Code of Conduct containing good practice for busking and street entertainment and in certain locations using Public Space Protection Orders (PSPOs) to regulate and restrict busking and street entertainment:

- The **voluntary** Code of Conduct that applies across the whole borough which sets of a number of duties for all buskers and street entertainers.
- A Purple Zone (the regulated areas) where the duties of the Code of Conduct are enforced by way of a Public Space Protection Order.
- A Red Zone (the restricted and regulated areas) where the types of busking and street entertainment are limited and where the duties of the Code of Conduct are enforced by way of a Public Space Protection Order.

### **Code of Conduct**

## The Busking and Street Entertainment Code of Conduct

[1] A performance of busking or street entertainment in any one location must be for no more than 45 minutes in duration.

[2] Once a performance of busking or street entertainment has taken place in a particular location, the individual performers providing that entertainment shall not perform in the same location on the same calendar day. A performance is deemed to have taken place as soon as any entertainment has begun, whether or not the performers make full use of the 45 minutes allowed for the performance.

[3] Buskers and street entertainers shall ensure that each new location is at least 100 meters away from any previous location (that is at least the length of a football pitch).

[4] Busking or street entertainment is only permitted between the hours of 10:00 and 19:00.

[5] Buskers and street entertainers shall not use any amplifiers, loud speakers, megaphones or any similar equipment in their performance.

[6] Buskers and street entertainers shall ensure that sound levels are not intrusive. Sound that prevents or hinders normal conversation taking place 10 meters or more from a performance will generally be considered intrusive.

[7] Buskers and street entertainers shall ensure a full and varied repertoire (avoiding excessive repetition of any song or piece of music).

[8] Buskers and street entertainers shall ensure that performances shall *generally* consist of no more than six performers. Except that in the Purple Regulated Areas the maximum number of performers is limited to three; and in the Red Restricted and Regulated Areas the maximum number of performers is limited to two.

[9] Buskers and street entertainers must have public liability indemnity insurance in place for up to £2 million and must be able to immediately produce evidence of the policy to any person authorised by the Council or the Police or any Police Community Support Officers

[10] Buskers and street entertainers shall ensure that their performance does not cause an unreasonable obstruction to other pedestrians and road users.

[11] Buskers and street entertainers must not sell any goods (such as CD recordings) without the requisite authority from the Council.

[12] Buskers and street entertainers must act on the reasonable instructions given to them by any person authorised by the Council or the Police or Police Community Support Officers in particular where those instructions are based on an their assessment that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality.

## **The Busking and Street Entertainment PSPOs**

Following consultation and approval the Council has identified the areas highlighted in purple and red on the accompanying maps and described in the attached schedules as areas where busking and street entertainment is having a detrimental impact in the locality.

In these areas the Council will adopt the PSPO's to address the detrimental impacts by regulating (purple and red areas) and restricting (red areas only) busking and street entertainment.

### **The Purple Zone (the regulated areas) – Zone 2**

The areas highlighted purple on the accompanying maps and described in the attached schedule are areas where busking and street entertainment is regulated by a Public Space Protection Order (PSPO).

The effect of the PSPO in these purple areas is to allow busking and street entertainment in accordance with the duties set out in the Code of Conduct. This means that the duties set out in the Code of Conduct **must** be complied with.

### **See Appendix B**

### **The Red Zone (the restricted and regulated areas) – Zone 1**

The areas highlighted red on the accompanying maps and described in the attached schedule are areas where busking and street entertainment is restricted and regulated by a Public Space Protection Order (PSPO).

The effect of the PSPO in these red areas is to allow limited types of busking and street entertainment in accordance with the duties set out in the Code of Conduct. This means that the types of permitted busking and street entertainment is limited and the duties set out in the Code of Conduct **must** be complied with.

The permitted busking and street entertainment in the Red Restricted and Regulated zone is:

- Performances of mime, living statues and similar performances, excluding the use of any form of musical or percussive device or instrument.
- Performances of clowning, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of theatrical presentations or other spoken word, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of magic tricks, magician shows and similar performances, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of juggling with balls, clubs or rings or similar objects but not knives, other sharp objects of live flame (excluding singing or the use of any form of musical or percussive device or instrument).

The red areas have been identified as the areas of highest detrimental impact. The Council did not wish to see an outright ban on all busking in these areas. The Council will allow such busking

and street entertainment which is mostly static taking up little performance space (e.g. a mime, living statue, juggler, clown or magician and no more than two performers); and is either silent (e.g. a mime or living statue) or of very low sound impact (spoken unamplified voice).

The Council will keep the nature and extent of permitted busking and street entertainment under review and welcomes contributions from the busking and street entertainment community about other types of performances that occupy a limited amount of space and have low sound impacts.

**See Appendix C**

### **Guidance to Buskers and Street Entertainers**

Buskers and Street Entertainers should familiarize themselves with the voluntary Code of Conduct and the areas covered by the Public Space Protection Orders. In the areas covered by the PSPO the Code of Conduct must be complied with; in red areas most types of busking and street entertainment are not allowed.

**Type of Busking.** In general (save for the areas of the Public Space Protection Orders) the Council does not seek to define or limit busking and street entertainment.

Performers are asked to have regard to sound and amplification. The Code of Conduct suggests that performers shall not use any amplifiers, loud speakers, megaphones or any similar equipment in their performance and to ensure that sound levels are not intrusive. Sound that prevents or hinders normal conversation taking place 10 meters or more from a performance will generally be considered intrusive.

Performers are reminded that sound levels and sound content are the highest source of complaints within the Borough. You are asked to think about the style and content of your performance, type of musical or percussive instrument or device, the nature of any accompanying supporting or background sound and music, the location (including neighbouring uses of the locality) and the time of day.

**Risk Assessment.** Buskers and street entertainers are asked to ensure that their performances are properly risk assessed and where appropriate ensure that they obtain the necessary public liability indemnity insurance.

**Location.** There are no designated busking locations in the borough; but some areas are not suitable for some types of performances due to proximity to residential or work areas of lack of space. Busking and street entertainment is regulated and/or restricted in the areas of the PSPOs. Performers are asked to think about the nature of their performance and the locality, some areas are better suited to some types of performance than others.

Buskers and street entertainers are asked to move locations and not to perform in the same location within the same day. When moving on within the Borough try and locate yourself at least 100 meters (about a football pitch) away from your previous location. This conduct encourages variety of performers and performances.

**Time and Duration.** Busking or street entertainment is only permitted between the hours of 10:00 and 19:00. A performance of busking or street entertainment in any one location must be for no more than 45 minutes in duration. At all times buskers and street entertainers are asked

to be mindful of the nature of their performance, the location of the performance and their neighbours in that location.

**Number of Performers.** Buskers and street entertainers shall ensure that performances shall *generally* consist of no more than six performers. Except that in the Purple Regulated Areas the maximum number of performers is limited to three; and in the Red Restricted Areas the maximum number of performers is limited to two.

Within the Borough generally six performers is considered the upper limit. It is suggested that when considering the number of performers buskers and street entertainers have regard to the nature of the performance, the location and the time of day. The upper limit would generally be expected of a dance or acrobatic troupe but less so with a static acapella group or seasonal choir.

**Sound and Amplification.** Performers are asked to have regard to sound and amplification. The Code of Conduct suggests that performers shall not use any amplifiers, loud speakers, megaphones or any similar equipment in their performance and to ensure that sound levels are not intrusive. Sound that prevents or hinders normal conversation taking place 10 meters or more from a performance will generally be considered intrusive. Performers are asked to think about ensuring a full and varied repertoire and to avoid repetition of songs and pieces of music.

The Council has not sought to restrict or regulate any type of musical or percussive instrument or device. However, performers are asked to think about performance, location and impacts.

Regard should be given to the use of pre-recorded amplified background music or sound with any performance. Sound impact is also influenced by the audience; think about audience participation and the impact that this might have on the impact of a given performance.

Performers are reminded that sound levels and sound content are the highest source of complaints within the Borough. You are asked to think about the style and content of your performance, the location and the time of day.

**Obstruction.** If you are busking in the borough, please take into account that you are close to homes and business premises. Try not to busk or perform where you or the crowd you attract causes, or is likely to cause, an obstruction of the highway, leave space for wheelchairs and pushchairs to pass or endanger passers-by in any way. In those cases a performer should pause the performance to allow the obstruction to clear. In some circumstances it will be necessary to stop the performance altogether especially if requested to do so by any person authorised by the Council or the Police or a Police Community Support Officer.

An unreasonable obstruction is likely to be caused where a wheel-chair user or person pushing a pram is unable to pass along the pavement or is forced into the road way. In those cases, a performer should pause the performance to allow the obstruction to clear.

**Co-operation.** Buskers and street entertainers must act on the reasonable instructions given to them by any person authorised by the Council or the Police or a Police Community Support Officer when those instructions are based on an assertion that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality. The Council will co-operate with representatives from the busking and street entertainment community to create and foster a forum for self-regulation and engagement with representatives of the wider community.

## **Resolving Problems**

The Council generally takes a pragmatic and stages approach to the monitoring and enforcement of its busking and street entertainment policy. As far as possible authorised officers and the police will principally seek to warn performers of concerns and complaints. It is expected that such warnings will typically be about concerns about sound levels and obstruction. Performers will typically be asked to adjust sound levels, pause or otherwise amend the performance and in some cases (in particular where obstruction is the main concern) cease the performance and move to a different location.

Council Officers and the Police will be expected to have regard to this Guide.

There should be no expectation that a warning will always be the first option. Each case will be considered on a case-by-case basis, there may be circumstances which require an immediate Community Protection Notice or a Fixed Penalty Notice under the PSPO. Financial penalties and prosecution will typically be considered only after warnings have been ignored

### **How to complain about busking and street entertainment**

Complaints about busking and street entertainment can be made to the Council by telephone to 020 7361 3002. An online reporting form is also available:

<https://www.rbkc.gov.uk/environment/environmental-health/noise-and-nuisance/resolve-problem/contact-noise-and-nuisance-team>

The phone line and email are monitored by the Council's Customer Contact Centre.

You can email general enquiries about busking to [Busking@rbkc.gov.uk](mailto:Busking@rbkc.gov.uk).