

Busking and Street Entertainment Policy



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

1 Introduction

- 1.1 This policy sets out The Royal Borough of Kensington and Chelsea's (the "Council's") approach to Busking and Street Entertainment. The policy is being introduced in response to the detrimental impact some busking and street entertainment is having on pedestrians and road-users, residents, business and organisations in the certain areas of the Borough. The introduction of this policy aims to promote responsible busking and street entertainment while recognising the detrimental impact some busking and street entertainment can have on the local community. Therefore, controls will be put in place to regulate and restrict antisocial busking and street entertainment in certain locations.
- 1.2 Busking and street entertainment includes the performance of music, dance, street theatre or art in a public place often (but not always) undertaken with the intention of encouraging members of the public to make voluntary contributions.
- 1.3 The Royal Borough of 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, visitors, workers, businesses and organisations). Although busking and street entertainment is not limited to the areas listed below, busking and street entertainment currently causes most concern in the following areas:
- **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.
- 1.4 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

- 1.5 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.
- 1.6 Whilst the Council recognises that some busking and street entertainment can contribute to the vibrancy and character of the Borough there is a need to balance this with the needs of other pedestrians and road-users and the local community (residents, visitors, workers, businesses and organisations) of the Royal Borough of Kensington and Chelsea.
- 1.7 To achieve this balance the Council proposes to adopt as a general policy a voluntary Code of Conduct that applies across the whole borough which sets out a number of specific duties for all buskers and street entertainers.
- 1.8 This borough wide voluntary Code of Conduct sets out a code of good practice and aims to foster a positive and co-operative relationship between performers, the Council, the Police and the wider local community.
- 1.9 The Council will also use its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to implement two areas of Public Protection Orders (PSPOs) to address the detrimental consequences of busking and street entertainment in certain highly impacted areas.
- 1.10 In Zone Two: the Purple Zone (the regulated areas) the specific duties of the Code of Conduct are enforced by way of a Public Space Protection Order. Busking is permitted in this Zone subject to compliance with these duties.
- 1.11 In Zone One: the Red Zone (the restricted and regulated areas) the types of busking and street entertainment are limited and the specific duties of the Code of Conduct are enforced by way of a Public Space Protection Order. The only busking allowed in this Zone is set out in the Order and the permitted busking must comply with the specific of the Code of Conduct.
- 1.12 The PSPOs will initially be in place for a period of three years.
- 1.13 The PSPOs have been tailored to the areas of highest detriment. Care has been taken to develop this Policy and the PSPOs to ensure a targeted and proportionate response to the persistent and escalating concerns raised by the local community to the detrimental effect of busking and street entertainment in these areas. The extent and scope of these areas will be kept under review.
- 1.14 Both Article 10 (Freedom of Expression) and Article 11 (Freedom of Peaceful Assembly and of Association With Others) has been given careful consideration in this policy and the PSPOs. The Council recognises the delicate balance between its wish 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 and its wish to substantially reduce the detrimental impact that some busking and street entertainment is having in some parts of the Borough.

1.15 This policy, the Code of Conduct, Guidance and the PSPOs will be monitored and fully reviewed after the first year of implementation.

2. Overview

2.1 This policy 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).

2.2 Busking and street entertainment includes the performance of music, dance, street theatre or art in a public place often (but not always) undertaken with the intention of encouraging members of the public to make voluntary contributions.

2.3 Busking and street entertainment does not include:

- any performance that is performed incidental to a religious meeting, procession or service; or
- any performance that is performed as part of a community festival or community event.

Busking and Street Entertainment Policy

The Council will develop and adopt a voluntary borough wide Busking and Street Entertainment Code of Conduct to encourage responsible busking and street entertainment. It will regulate and restrict Busking and Street Entertainment in those areas where this activity is having a detrimental effect on the locality by using Public Space Protection Orders (PSPOs).

3. Busking and Street Entertainment Code of Conduct

- 3.1 The *Busking and Street Entertainment Code of Conduct* promotes the behaviour associated with responsible busking and street entertainment within the Borough. It provides clear guidance of what is expected of a performer within the Borough. The *Code of Conduct* is voluntary and is to be applied across the Borough with the aim of fostering co-operative relationships between performers, the Council, the Police, pedestrians and other road-users and the local community.
- 3.2 All buskers and street entertainers are asked to familiarise themselves and adhere to the *Busking and Street Entertainment Code of Conduct*.
- 3.3 Within the areas of the Busking and Street Entertainment PSPOs the *Code of Conduct* will be enforced by the terms of the PSPOs.
- 3.4 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 their assessment that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality.

4 Guide for buskers, street entertainers and the local community

- 4.1 All buskers and street entertainers are expected to familiarise themselves and adhere to the *Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea 2019*, which is attached in **Appendix A**.
- 4.2 The *Guide* is intended to help avoid any potential problems by setting out a range of advice for buskers and street entertainers and to explain the duties that are set out in the *Code of Conduct*.
- 4.3 The *Guide* is also intended as a resource for authorised Officers of the Council, the Police or Police Community Support Officers to assist in the administration, monitoring, regulation and enforcement of this policy and the *Code of Conduct*. The *Guide* also lets the local community know how to complain about a busker or street entertainer if required to do so.

5. Busking and Street Entertainment Forum

- 5.1 The Council will co-operate with representatives from the busking and street entertainment community to create and foster a forum for engagement with representatives of the wider community. It is hoped that this forum will inform the monitoring and review of this Policy, Code and Guide.

6 The Busking and Street Entertainment PSPOs

- 6.1 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.
- 6.2 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) – See Appendix B of this policy

- 6.3 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).
- 6.4 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.

The Red Zone (the restricted and regulated areas)- See Appendix C of this policy

- 6.5 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).
- 6.6 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.
- 6.7 The permitted busking and street entertainment in the Red Restricted 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).

- 6.8 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).
- 6.9 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.

7 Monitoring and Enforcement

- 7.1 The monitoring and enforcement of busking and street entertainment in the council is conducted by the Street Scene Enforcement Team and the Noise & Nuisance Team, in partnership with the Police.
- 7.2 The Council generally takes a pragmatic and staged approach to the monitoring and enforcement of its busking and street entertainment policy. As far as possible persons authorised by the Council and the police and police community support officers will principally seek to warn performers of concerns and complaints. Officers are expected to have regard to the *Guide to Busking and Street Entertainment*. It is expected that such warnings will typically concern sound levels and obstruction. Performers will typically be asked to adjust sound levels, pause or otherwise amend the performance and in some case cease the performance and move to a different location.
- 7.3 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.
- 7.4 The Council will develop and publish a revised monitoring and enforcement policy after reviewing the implementation of the measures adopted under this policy after the first twelve months.

Community Protection Notice

- 7.5 The Code of Conduct will be supported where appropriate with the use of a Community Protection Notice (CPN) under the Anti-Social Behaviour, Crime and Policing Act 2014. A CPN can be issued by a Street Enforcement Officer or the Police, following a warning being issued.
- 7.6 The CPN process requires meeting three tests, before any action can be taken. The behaviour has to (i) have a detrimental effect on the quality of life of those in the locality; (ii) be of a persistent or continuing nature; and (iii) be unreasonable. If these tests can be met, the first step is to issue a written warning. This will outline the ASB that is causing a problem and explain how the individual must desist the

activity in question. If observed a second time, committing the same ASB, a statutory notice will be served. This will give the individual a set amount of time to cease the activity in question or face being served a fixed penalty notice (FPN). If observed for a third time committing the same ASB, a FPN will be served. Failure to pay the FPN or if they are subject to being served two or more FPNs for the same issue, can result in prosecution.

- 7.7 The FPN is set at £100 this is reduced to £60 if paid within seven days of the issue of the FPN.

Fixed Penalty Notice under the PSPO

- 7.8 The introduction of the PSPOs will allow a Fixed Penalty Notice (FPN) to be issued if the restrictions of the PSPO are breached. Officers issuing the FPN will where possible talk to the performer to inform them of the potential breach before issuing an FPN.
- 7.9 It is an offence for a person, without reasonable excuse, to do anything that the person is prohibited from doing by a PSPO or to fail to comply with a requirement to which the person is subject under a PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000). However, it is anticipated that the use of fixed penalty notice would be the most appropriate sanction. This can be issued by a police officer, a police community support officer, council officer or other person designated by the council.
- 7.10 The FPN is set at £100 this is reduced to £60 if paid within seven days of the issue of the FPN.

Noise Abatement Notice.

- 7.11 If the behaviour amounts to a statutory nuisance, a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 can also be issued.

8 Complaints Process

- 8.1 Complaints about busking and street entertainment can be made to the Council by telephone to **020 7361 3002**. There is also an email address for general enquiries about busking: Busking@rbkc.gov.uk.
- 8.2 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>
- 8.3 The phone line and email are monitored by the Council's Customer Contact Centre.

Appendix A of the Policy: The Guide to Busking and Street Entertainment in RBKC

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 or 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 or 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. There is also an email address for enquiries about busking: Busking@rbkc.gov.uk.

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.

Appendix B of the Policy: PSPO for Zone 2 The Purple Zone (regulated areas)

The Anti-Social Behaviour, Crime and Policing Act 2014

Part 4; Section 59

**BUSKING AND STREET ENTERTAINMENT PUBLIC SPACES PROTECTION
ORDER**

This Order may be cited as the Royal Borough of Kensington and Chelsea [Public Spaces Protection Order] No. 1 of 2019

The Royal Borough of Kensington and Chelsea (“the Authority”) makes this Order, being satisfied on reasonable grounds that busking and street entertainment activities carried on in the public places set out in the maps cross-hatched purple and described in the Schedule attached to this Order (“the regulated areas”) have had a detrimental effect on the quality of life of those in the locality or that it is likely that that such activities will be carried on in those public places and that they will have such an effect.

The Authority is further satisfied on reasonable grounds that the effect, or likely effect, of those activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by this notice.

The Order shall come into force at Midnight on 15th of July 2019 and shall have effect for a period of three years thereafter unless further extended by the Authority in accordance with powers under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Regulated Activities

The effect of this Order is to regulate busking and street entertainment activities within the public places set out in the maps cross-hatched purple and described in the Schedule attached to this Order (“the regulated areas”):

[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 their assessment that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality.

Informatives

[1] Busking and street entertainment includes the performance of music, dance, street theatre or art in a public place often (but not always) undertaken with the intention of encouraging members of the public to make voluntary contributions.

[2] Busking and street entertainment does not include:

- any performance that is performed incidental to a religious meeting, procession or service; or
- any performance that is performed as part of a community festival or community event.

[3] Buskers and Street Entertainers should familiarise themselves with the *Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea 2019*. This *Guide* provides guidance to the restrictions and requirements imposed by this Order and the approach the Council proposes to take towards resolving problems by way of monitoring and enforcement.

Offence of Failing to Comply with this Order

It is an offence for a person without reasonable excuse to do anything that is prohibited by this Order. A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000 at the time of making this Order). A police constable, community support officer or a person authorised by the Royal Borough of Kensington and Chelsea may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence, offering that person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty of £100 within 14 days of the date of the notice (£60 if paid within 7 days of the notice).

Challenging the Validity of this Order

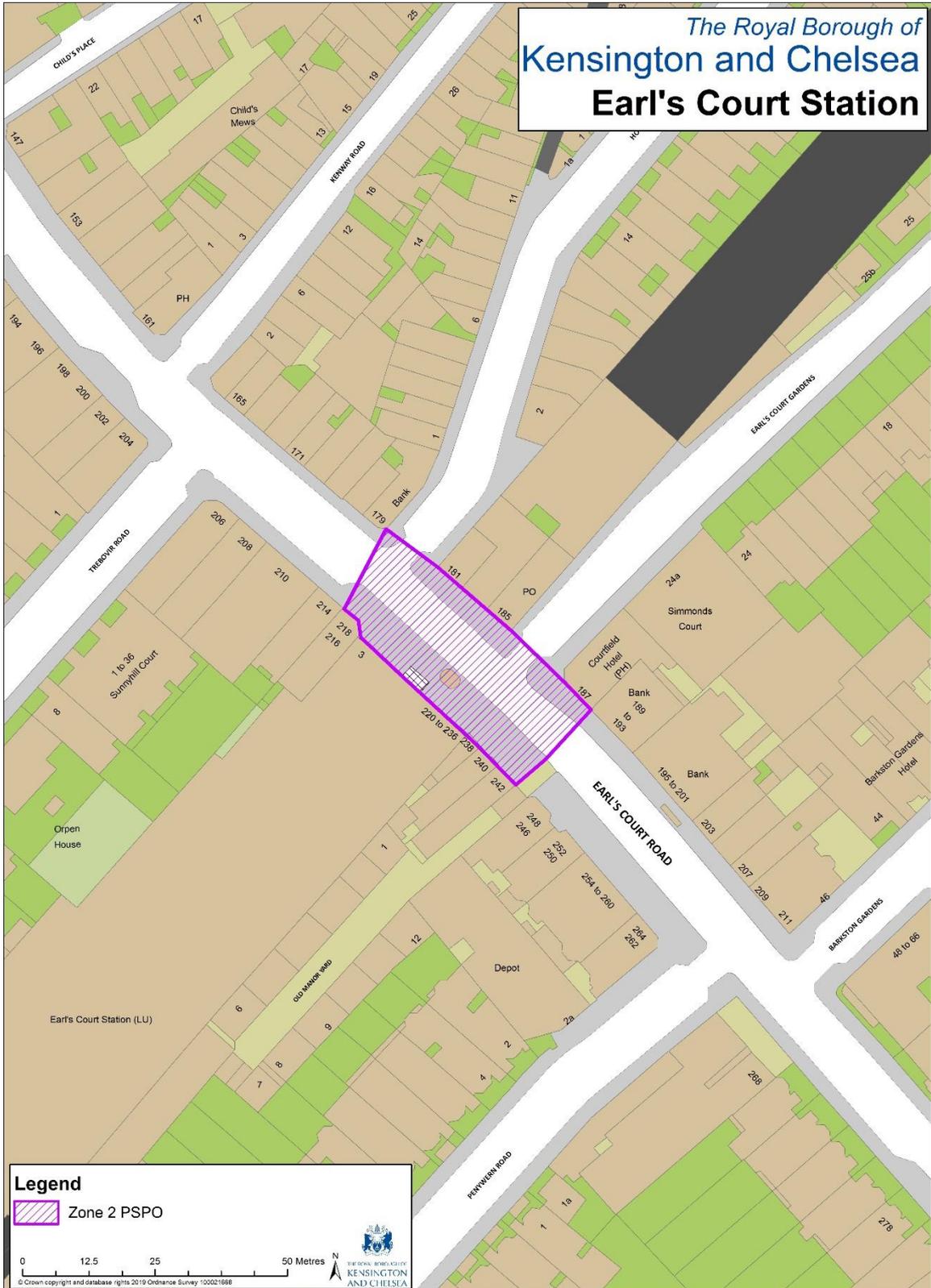
Any individual who lives in the regulated areas (identified in the maps attached to this Order) or who regularly works in or visits these areas, may apply to the High Court to question the validity of this Order. The application has to be made within a period of 6 weeks beginning with the date on which this Order is made on the grounds that (a) the Authority did not have the power to make this Order or to include particular prohibitions or requirements imposed by the Order or (b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to this Order.

THE COMMON SEAL OF THE ROYAL BOROUGH
OF KENSINGTON AND CHELSEA

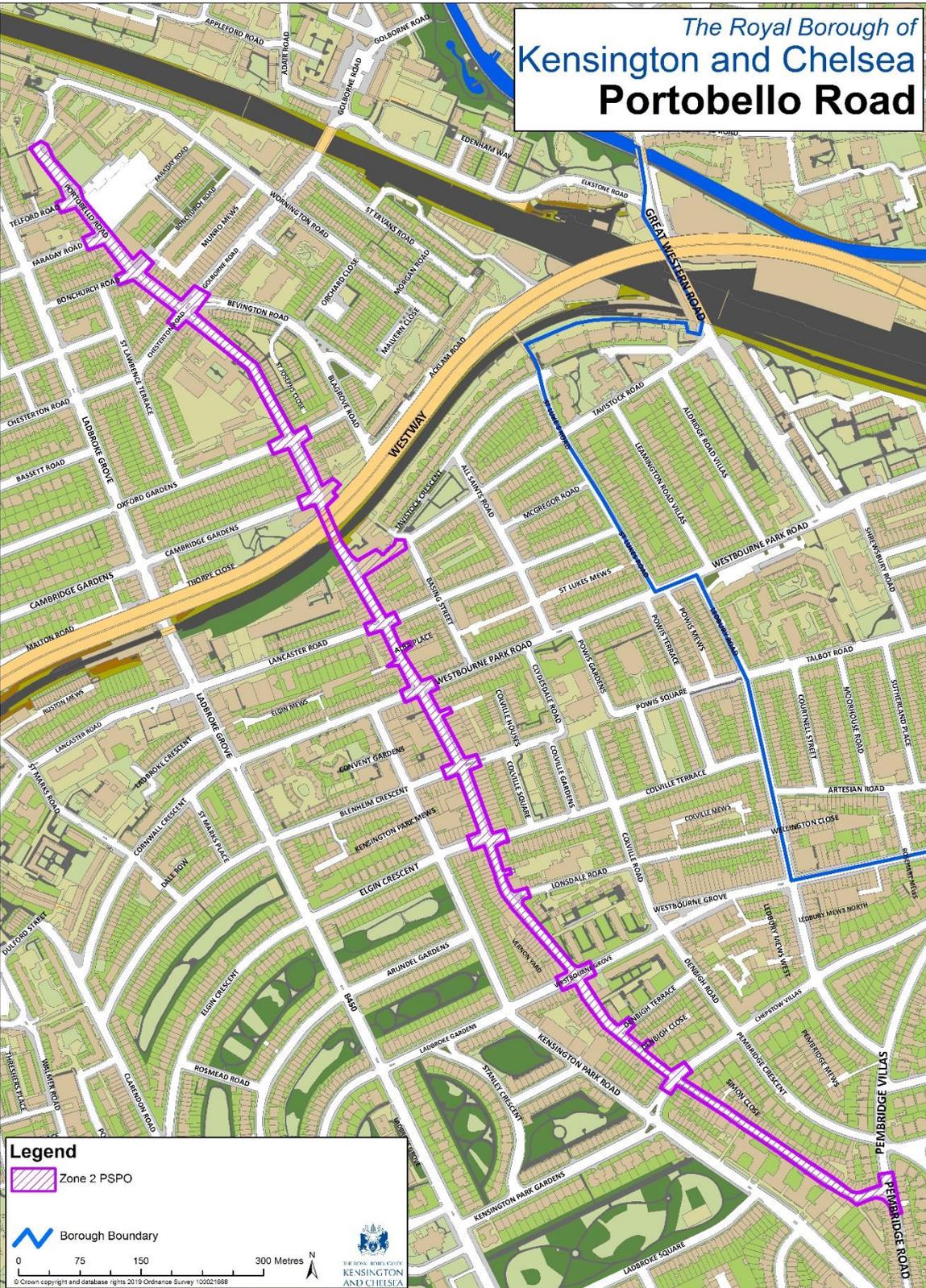
was hereunto affixed this day of 2019

In the presence of

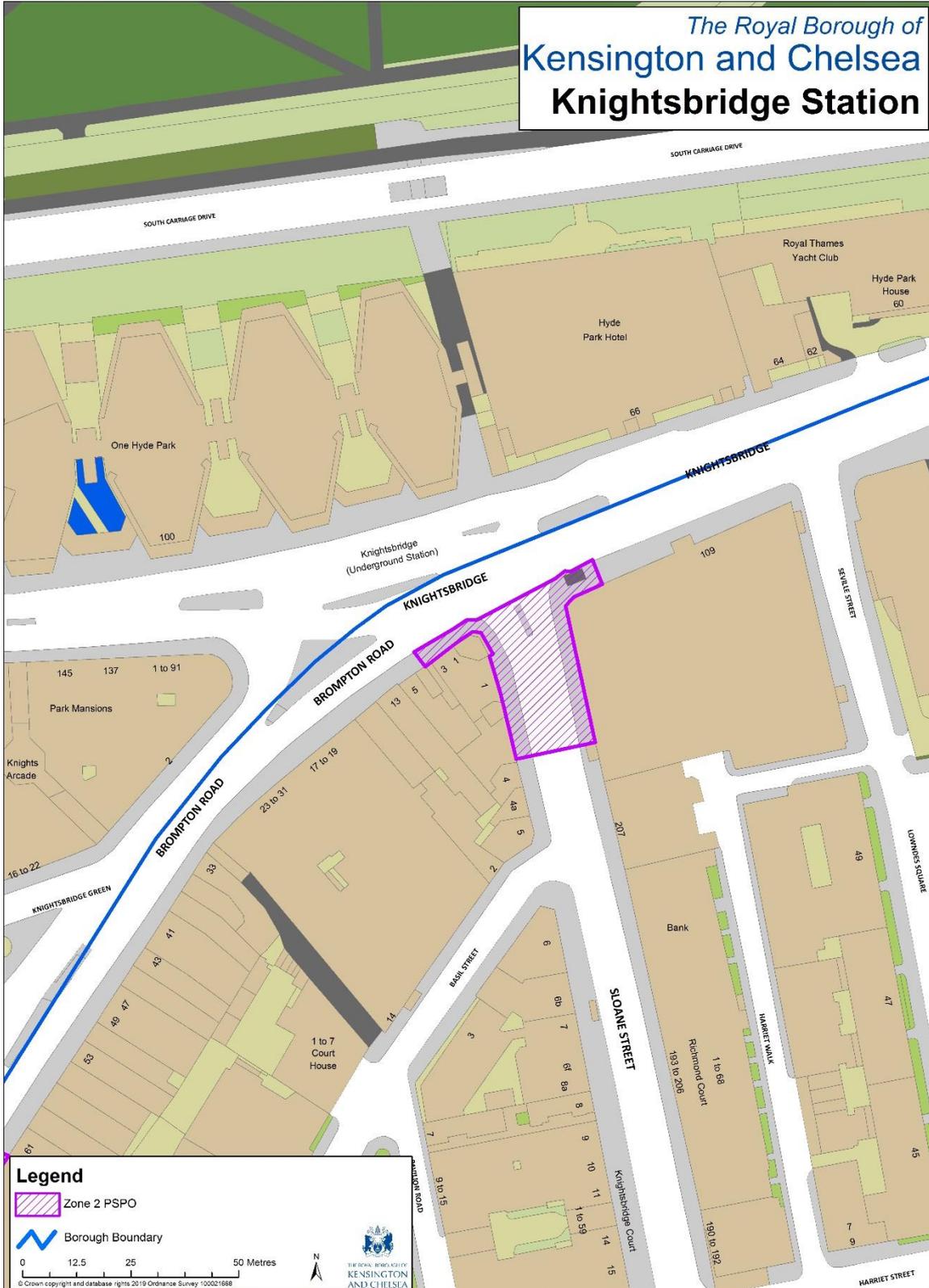
**MAPS SHOWING THE REGULATED AREAS HATCHED AND
EDGED IN PURPLE**



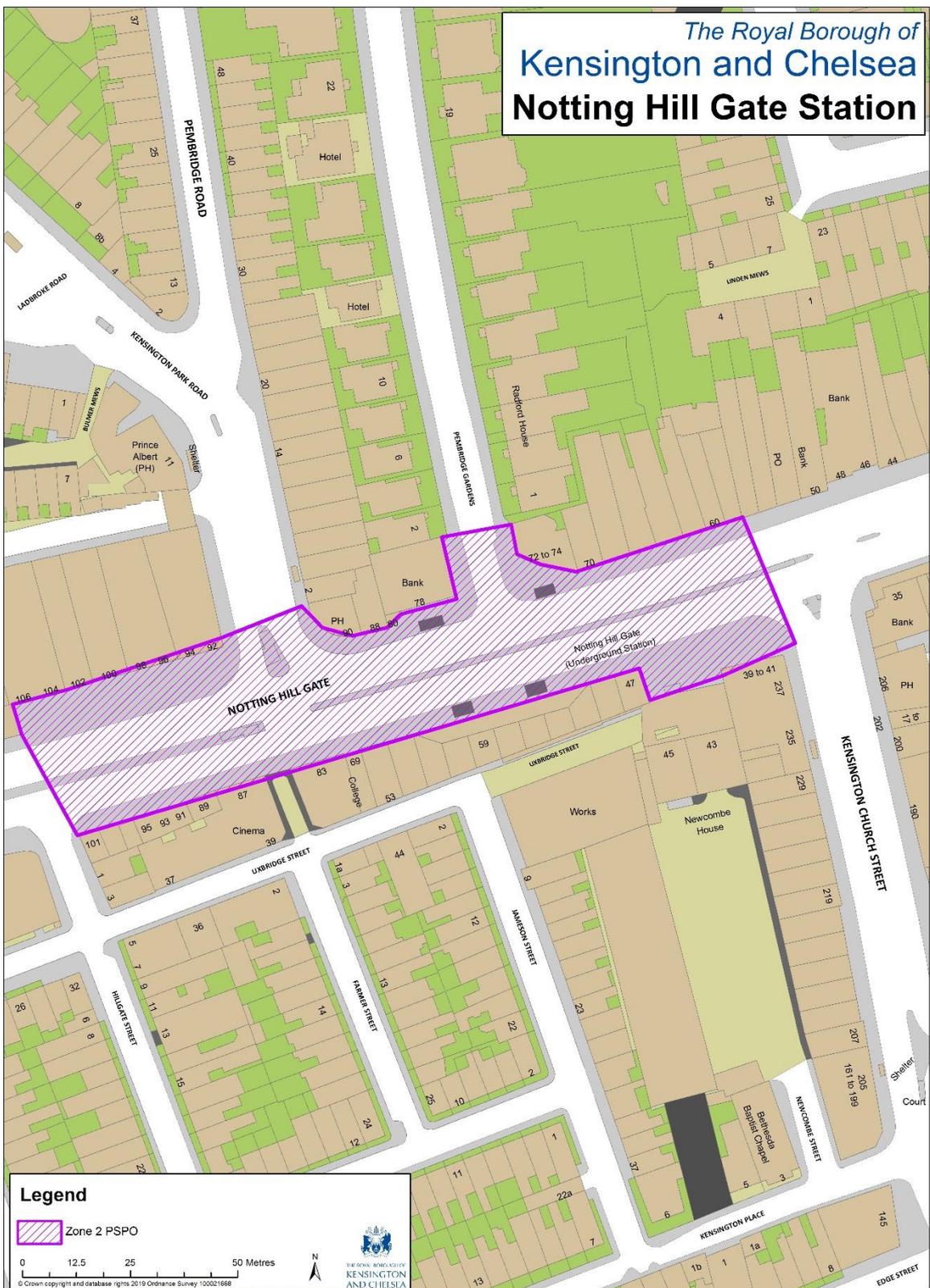
The Royal Borough of Kensington and Chelsea Portobello Road



The Royal Borough of Kensington and Chelsea Knightsbridge Station



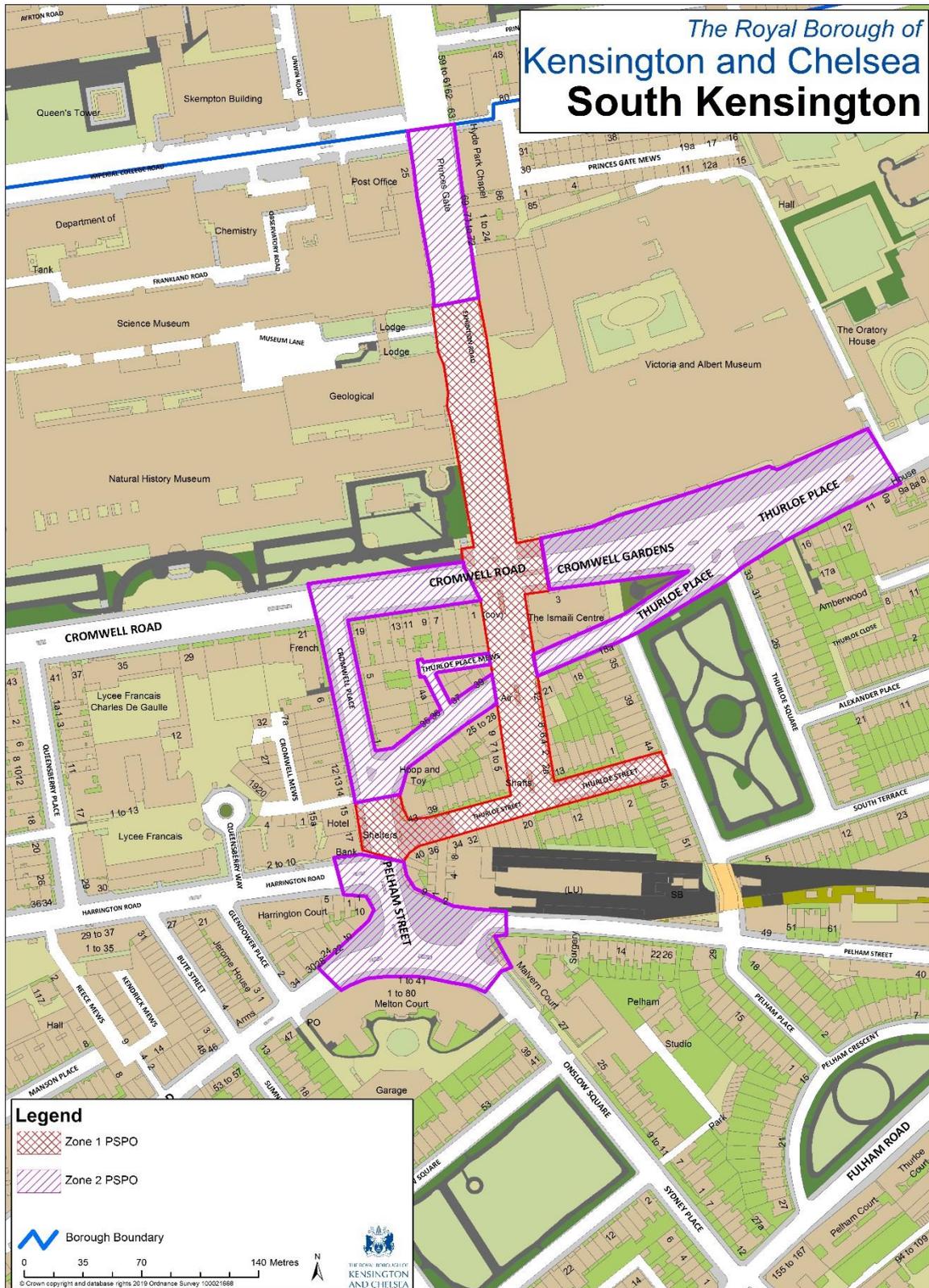
The Royal Borough of
Kensington and Chelsea
Notting Hill Gate Station



The Royal Borough of
Kensington and Chelsea
High Street Kensington



The Royal Borough of Kensington and Chelsea South Kensington



The Royal Borough of Kensington and Chelsea Hans Crescent



SCHEDULE OF PUBLIC PLACES HATCHED AND EDGED IN PURPLE

<u>Busking Areas</u>	<u>Zone</u>	<u>Location Description</u>
Earl's Court Tube Station	Zone 2	Pavement from 216 to 242 west side, to 179 to 187 east side
Knightsbridge Station	Zone 2	Pavement from 3 Brompton Road, to 4 Sloane Street and outside Harvey Nichols
Notting Hill Gate Station	Zone 2	North side from 106 to 58 Notting Hill Gate, South side 101 to 41 Notting Hill Gate
Kensington High Street	Zone 2	121 Kensington High Street to opposite Iverna Court
South Kensington	Zone 2	Imperial College Road to north side of Museum Lane
	Zone 2	From 1 to 21 Cromwell Road both sides
	Zone 2	From Cromwell Place junction with Cromwell Road to 15 Cromwell Place both sides
	Zone 2	All of Thurloe Place Mews
	Zone 2	All of Thurloe Place west of junction with Exhibition Road
	Zone 2	All of Thurloe Place east of junction with Exhibition Road
	Zone 2	All of Cromwell Gardens
	Zone 2	Forecourt outside station entrance Pelham Street, to 1 Harrington Court both sides, to 28 Old Brompton Road both sides to junction with Onslow Square
Hans Crescent	Zone 2	Pavement outside front of 87 to 135 Brompton Road, pavement outside 63 to 77 Brompton Road
	Zone 2	Entire section from 28 Hans Road to 42 Hans Road. Basil Street from junction with Walton Place to junction with Hans Crescent
Portobello Road	Zone 2	Entire length of Portobello Road including junctions with Telford Road, Faraday Road, Bonchurch Road, Chesterton Road, Golborne Road, Oxford Gardens, Cambridge Gardens, all of Tavistock Piazza, Lancaster Road, Alba Place, Haydens Place, Westbourne Park Road, Dunworth Mews, Blenheim Crescent, Talbot Road, Elgin Crescent, Colville Terrace, Lonsdale Road, Westbourne Grove, Denbigh Terrace, Denbigh Close, Chepstow Villas, Pembridge Road

Appendix C of the Policy: PSPO for Zone 1 The Red Zone (restricted and regulated areas)

The Anti-Social Behaviour, Crime and Policing Act 2014

Part 4; Section 59

BUSKING AND STREET ENTERTAINMENT PUBLIC SPACES PROTECTION ORDER

This Order may be cited as the Royal Borough of Kensington and Chelsea [Public Spaces Protection Order] No. 2 of 2019

The Royal Borough of Kensington and Chelsea (“the Authority”) makes this Order, being satisfied on reasonable grounds that busking and street entertainment activities carried on in the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order (“the restricted and regulated areas”) have had a detrimental effect on the quality of life of those in the locality or that it is likely that that such activities will be carried on in those public places and that they will have such an effect.

The Authority is further satisfied on reasonable grounds that the effect, or likely effect, of those activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by this notice.

The Order shall come into force at Midnight on 15th July 2019 and shall have effect for a period of three years thereafter unless further extended by the Authority in accordance with powers under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Restricted Activities

The effect of this Order is to restrict and regulate busking and street entertainment activities within the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order (“the restricted and regulated areas”). In these areas all busking and street entertainment is prohibited with some limited exemptions set out below. The limited exceptions are subject to regulation as further set out below:

Exempt busking and street entertainment in the Red zone:

- Performances of mime, living statue 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).

Regulation of exempt busking and street entertainment in the Red zone:

The effect of this Order is to regulate the exempt busking and street entertainment activities within the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order (“the restricted and regulated areas”):

[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.

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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

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Informatives

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[3] Buskers and Street Entertainers should familiarise themselves with the *Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea 2019*. This *Guide* provides guidance to the restrictions and requirements imposed by this Order and the approach the Council proposes to take towards resolving problems by way of monitoring and enforcement.

Offence of Failing to Comply with this Order

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Challenging the Validity of this Order

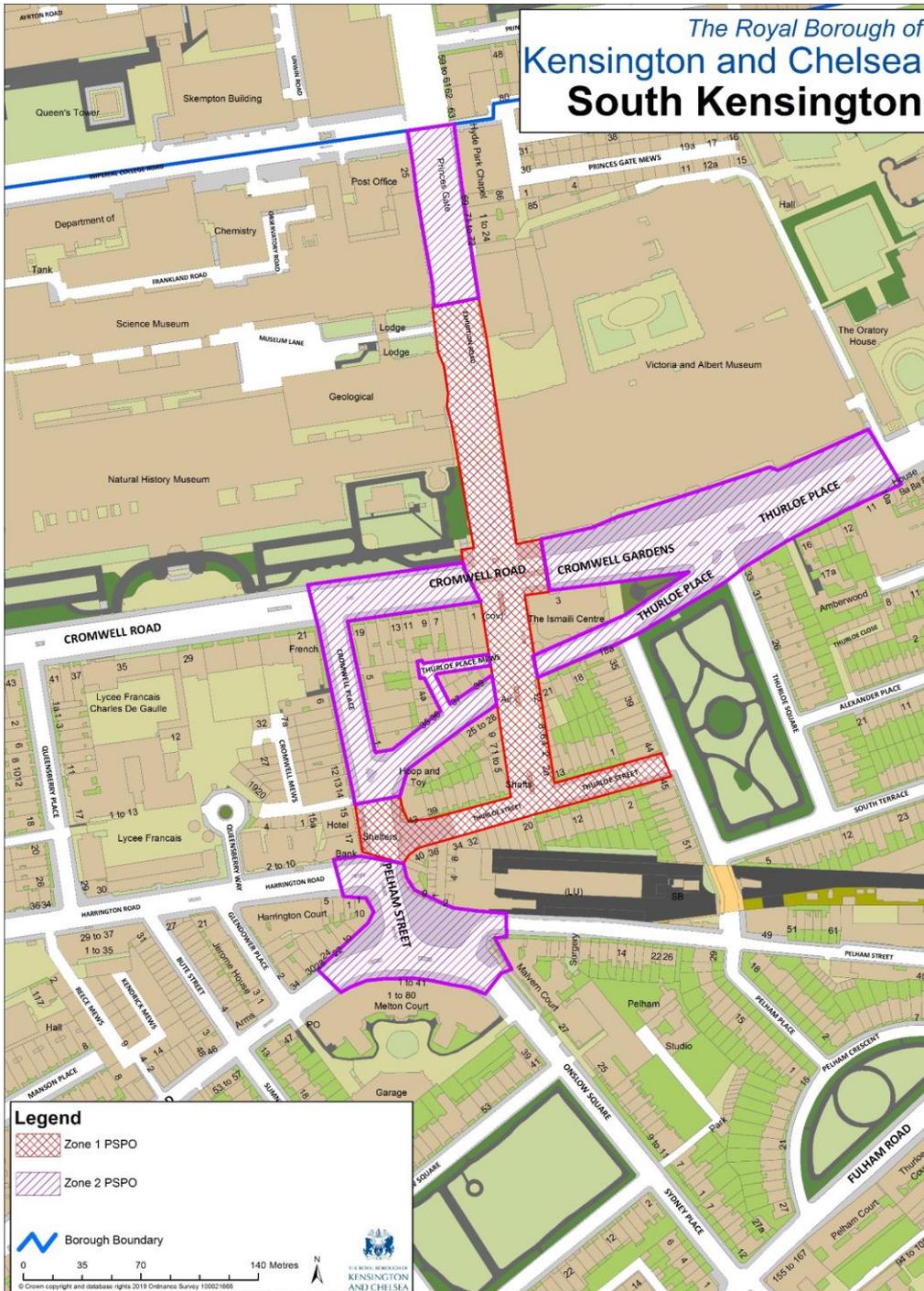
Any individual who lives in the restricted and regulated areas (identified in the maps attached to this Order) or who regularly works in or visits these areas, may apply to the High Court to question the validity of this Order. The application has to be made within a period of 6 weeks beginning with the date on which this Order is made on the grounds that (a) the Authority did not have the power to make this Order or to include particular prohibitions or requirements imposed by the Order or (b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to this Order.

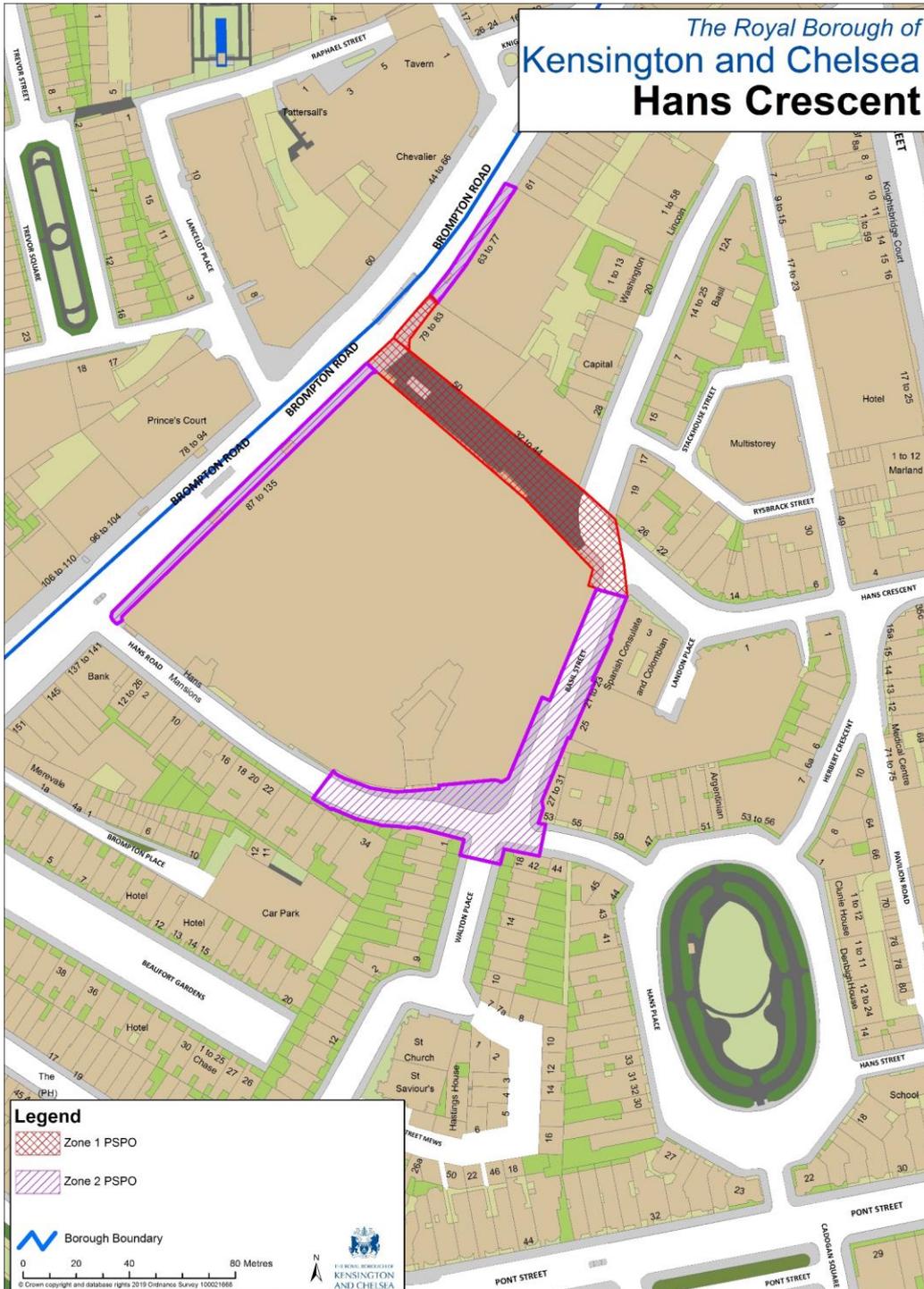
THE COMMON SEAL OF THE ROYAL BOROUGH
OF KENSINGTON AND CHELSEA

was hereunto affixed this day of 2019

In the presence of

**MAPS SHOWING THE RESTRICTED AND REGULATED AREAS
HATCHED AND EDGED IN RED**





SCHEDULE OF PUBLIC PLACES HATCHED AND EDGED IN RED

<u>Busking Areas</u>	<u>Zone</u>	<u>Location Description</u>
South Kensington	Zone 1	15 to 17 Cromwell Place entire section, Thurloe Street entire section, Exhibition road from southern most section to junction with Museum Lane north side
Hans Crescent	Zone 1	Hans Crescent junction with Basil Street to junction with Brompton Road and including the whole frontage of 79 to 83 Brompton Road