

Controlling busking in the Borough - Public Space Protection Orders (PSPOs)

Controlling busking and street entertainment in the Borough - Public Space Protection Orders (PSPOs)

Complaints reported to the council

The Council recognises that busking and all forms of street entertainment can contribute to the vibrancy and character of the borough. However, in 2018 we received 1,136 complaints about anti-social busking and complaints have been increasing year on year. Typically complaints are about one (or a combination of) the following issues:

- the level of noise of the performance, or use of amplifiers (for example: the amp is too loud)
- sound clash when more than one busker is performing in the area at the same time
- performance fatigue because there is one act after another performing in the same place
- limited, repetitive repertoire (listening to the same song over and over again)
- the times when people perform (performing in the morning or in the evenings seem to generate the most complaints from residents, but for businesses performances during the working day cause the most disturbance)
- dangerous congestion when crowds gather to watch, often barring the way for others such as those using wheelchairs and pushchairs and causing pedestrians to spill into the road

Consultations

In the summer of 2018, we undertook a consultation exercise to better understand residents' and other key stakeholders' views on busking and possible options on regulating it. We received over 400 responses, with almost 70% supporting the introduction of a Public Spaces Protection Order (PSPO) to help control busking and street entertainment, and restore the balance between busking and the living and working conditions of the local community.

[1][Street Entertainment Consultation Report July 2018](#) [1] [PDF] (file size 755.06 KB)

[2][Street Entertainment Consultation Report July 2018 Appendices](#) [2] [PDF] (file size 1.33 MB)

Another public consultation was held from 6 May 2019 to 7 June 2019 to get the views on the draft Busking and Street Entertainment Policy and proposed use of Public Space Protection Orders (or PSPOs). We promoted the survey to residents' associations, local businesses and organisations representing street entertainers and buskers in the Royal Borough. 204 surveys were returned: 42% of respondents were from business or workers within the borough; 41% from residents; 13% from visitors; and 10% from street entertainers/buskers. The most comments received (52) supported the Busking and Street Entertainment Policy and introduction of the PSPOs, followed by 44 comments in favour of controlling amplification. 25 comments were received against the proposed PSPOs.

Tackling problem busking – The Busking and Street Entertainment Policy

[3][Busking and Street Entertainment Policy](#) [3] [PDF] (file size 3.87 MB)

To address the consultation responses, and to tackle the problem of anti-social busking, we have decided to implement the Busking and Street Entertainment Policy. 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
- promote positive and considerate relationships between all those who share the public realm
- substantially reduce the detrimental impact that some busking and street entertainment is having in some parts of the Borough, and
- strike a balance between buskers and street entertainers, other pedestrians and road-users and the local

community (residents, visitors, workers, businesses and organisations)

The policy also details the borough's requirements within the Guide to Busking and Street Entertainment and associated Code of Conduct.

The Council's requirements for busking in the borough

The Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea

[4][A Guide to Busking and Street Entertainment](#) [4] [PDF] (file size 246.59 KB)

Buskers and street entertainers should familiarise themselves and adhere to the Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea 2019.

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.

Busking and Street Entertainment Code of Conduct

The Guide includes a Busking and Street Entertainment Code of Conduct. This borough-wide voluntary code sets out twelve specific duties, that we believe constitute good practice which all buskers and street entertainers should comply with when performing in the borough:

- A performance of busking or street entertainment in any one location must be for no more than 45 minutes in duration.
- 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.
- 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).
- Busking or street entertainment is only permitted between the hours of 10:00 and 19:00.
- Buskers and street entertainers shall not use any amplifiers, loud speakers, megaphones or any similar equipment in their performance.
- 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.
- Buskers and street entertainers shall ensure a full and varied repertoire (avoiding excessive repetition of any song or piece of music).
- 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.
- 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.
- Buskers and street entertainers shall ensure that their performance does not cause an unreasonable obstruction to other pedestrians and road users.
- Buskers and street entertainers must not sell any goods (such as CD recordings) without the requisite authority from the Council.
- 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.

Tackling problem areas in the borough: Public Space Protection Orders (PSPOs) for Busking and Street Entertainment

In specific areas of the borough, the evidence is clear that the effects of busking on residents and businesses are particularly severe. We have therefore used our powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to implement two Public Protection Orders (PSPOs) areas. In these areas, we will enforce the specific duties of the borough's Busking and Street Entertainment Code of Conduct through the PSPOs.

The Royal Borough of Kensington and Chelsea [Public Spaces Protection Order] No. 2 of 2019 - Zone One: the Red Zone

[5][PSPO for Zone 1 The Red Zone](#) [5] [PDF] (file size 364.69 KB)

This PSPO applies to the following areas:

[6][Hans Crescent Zone 1](#) [6] [PDF] (file size 378.32 KB)

[7][South Kensington Zone 1](#) [7] [PDF] (file size 561.35 KB)

These are known as Zone One: Red zone.

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 the 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 twelve specific requirements set out in the Code of Conduct.

The type of busking allowed in the area shown on the maps, is the:

- 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 Royal Borough of Kensington and Chelsea [Public Spaces Protection Order] No. 1 of 2019 - Zone Two: the Purple Zone

[8][PSPO for Zone 2 The Purple Zone](#) [8] [PDF] (file size 708.69 KB)

This PSPO applies to seven areas of the borough:

[9][Earl's Court Tube Station Zone 2](#) [9] [PDF] (file size 232.54 KB)

[10][Knightsbridge Zone 2](#) [10] [PDF] (file size 232.69 KB)

[11][Notting Hill Gate tube station Zone 2](#) [11] [PDF] (file size 273.6 KB)

[12][High Street Kensington Zone 2](#) [12] [PDF] (file size 198.81 KB)

[13][South Kensington Zone 2](#) [13] [PDF] (file size 561.35 KB)

[14][Hans Crescent Zone 2](#) [14] [PDF] (file size 378.32 KB)

[15][Portobello Road Zone 2](#) [15] [PDF] (file size 2.48 MB)

These are known as Zone Two: the Purple Zone.

In the zone showed on the maps, the twelve specific requirements of the Code of Conduct are enforced by way of the Public Space Protection Order. Busking is permitted in this Zone subject to compliance with these requirements.

How do I report breaches of the PSPO?

You can report breaches of the PSPOs online on the [Contact the Noise and Nuisance Team page](#) [16], or by telephoning 020 7361 3002. You can email general enquiries about busking to Busking@rbkc.gov.uk [17].

What are the penalties for breaching the PSPO?

On summary conviction in a Magistrates' Court, breaching the PSPO can result in a maximum fine of £1,000 can be imposed. In most cases, however, a person who breaches a PSPO will be given the opportunity of discharging their criminal liability by paying a fixed penalty of £100 (provided payment is made within 14-days) which will be further reduced to £60 if payment is made within 7-days.

Review of the PSPOs

The PSPOs will initially be in place for a period of three years. They will be kept under constant review during that period to assess whether that are achieving their purpose and whether there is a need to either reduce or extend their ambit. There will also continue to be an on-going dialogue with the busking community. Our goal is not to limit artistic creativity, but to enhance the quality of life for residents and provide opportunity for entertainers. We hope the PSPOs will achieve this by discouraging irresponsible anti-social busking and street entertainment.

What are the penalties for anti-social busking outside of the PSPO areas?

Outside of the areas defined in the PSPOs, anti-social busking that is clearly breaching the Busking and Street Entertainment Code of Conduct can be dealt with by issuing 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 and the meeting of the tests set out in S43(1) of the Act. Breaches of the CPN can result in the issuing of a £100 Fixed Penalty Notice.

As with breaches of the PSPO, you can report anti-social busking that is breaching the Code of Conduct to the Council by telephoning 020 7361 3002.

An online reporting form is also available on the [Contact the Noise and Nuisance Team page](#) [16].

You can email general enquiries about busking to Busking@rbkc.gov.uk [17]

Print page: /

[Contact the Environmental Health team](#) [18]

Source URL: <https://www.rbkc.gov.uk/environment/environmental-health/noise-and-nuisance/controlling-busking-borough-public-space>

Links

[1] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Street%20Entertainment%20Consultation%20Report%20July%202018.pdf>

[2] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Street%20Entertainment%20Consultation%20Report%20July%202018%20Appendices.pdf>

[3] https://www.rbkc.gov.uk/sites/default/files/atoms/files/Busking%20and%20Street%20Entertainment%20Policy_0

.pdf

[4] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/A%20Guide%20to%20Busking%20and%20Street%20Entertainment.pdf>

[5]

<https://www.rbkc.gov.uk/sites/default/files/atoms/files/PSPO%20for%20Zone%201%20The%20Red%20Zone.pdf>

[6] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Hans%20Crescent.pdf>

[7] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/South%20Kensington.pdf>

[8]

<https://www.rbkc.gov.uk/sites/default/files/atoms/files/PSPO%20for%20Zone%202%20The%20Purple%20Zone.pdf>

[9] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Earl%27s%20Court%20Tube%20Station.pdf>

[10] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Knightsbridge.pdf>

[11] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Notting%20Hill%20Gate%20tube%20station.pdf>

[12] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/High%20Street%20Kensington.pdf>

[13] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/South%20Kensington%20Zone%202.pdf>

[14] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Hans%20Crescent%20Zone%202.pdf>

[15] <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Portobello%20Road%20Zone%202.pdf>

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

[17] <mailto:Busking@rbkc.gov.uk>

[18] <http://www.rbkc.gov.uk/az/az.aspx?orgid=2064>