

BUSKING



WHAT IS BUSKING?

For the purposes of this guidance, 'busking' will be used to describe performances of music, dance, street theatre or art in a public space undertaken with the intention of entertaining or engaging with members of the public.

Busking performances are normally spontaneous, impromptu and informal in nature.

A NEW APPROACH:

Tamworth wants to encourage buskers to perform to enhance the vitality of the town centre and provide pleasure to residents and visitors. This guidance aims to support a culture of community, consideration for others and negotiation.

Most complaints about busking apply to a small number of performers and usually relate to noise levels, repetitive performances or obstruction.

Most issues can be resolved amicably without the need for a formal complaint.

The aim of this guidance is to provide a framework for buskers and others to resolve issues before they escalate. There are a range of existing statutory powers relating to noise nuisance, public order and obstruction. These formal powers will only be used as a last resort if there are persistent issues and this guidance is not being observed*.





Background

The town centre and Castle Grounds are licenced for the purpose of regulated entertainment for planned times and dates applied for in advance, with certain parameters for informing the police and other bodies for events and to ensure the protection of children and to prevent noise nuisance or complaint.

Code of Practice

You do not need permission to busk or provide street entertainment (excluding events – please visit to confirm event dates www.tamworthartsandevents.co.uk) in Tamworth, however we have adopted a Code of Practice for buskers who wish to perform in the town centre in order to enhance the shopping experience and atmosphere. This Code of Practice will be used by officers to take appropriate action if complaints are received.

Nuisance

On occasions, busking may become a nuisance, particularly for people living or working in the town centre. As a result, both the local authority and the police receive complaints about the volume and sometimes the nature of busking and street entertainment and about obstruction of the public highway caused by gatherings.

Restrictions

Ankerside Shopping Centre is privately owned and prior permission should be sought from the centre managers.

Middle Entry is a public thoroughfare, however due to the covered walkway this may result in a higher level of complaints and buskers may be asked to move along more frequently.

Legal

Under the Environmental Protection Act 1990, noise in the street from musical instruments may be a statutory nuisance and the local authority is able to take legal action to abate the nuisance and prohibit or restrict its recurrence. This may include the seizure of musical instruments.

The police and the council will not normally institute legal action where the Code is observed. However, breaches make an offender liable to prosecution. It should also be noted that persons other than the police or the council may institute action under the same laws, whether or not the Code is observed.

Fees

There are currently no fees for busking in the town, providing all buskers comply with code of practice.

Busking Code of Practice

- Music or voice shall not be amplified to a level or to be so loud that either can be plainly heard at a distance of 50 metres. Mains or generator-powered amplification is not permitted.
- Buskers may require a valid Performing Rights Society (PRS) license. While the authority is not the governing body, we may request to see the license. Advice can be obtained by calling PRS on 0800 068 4828.
- Busking must not be intrusive, a nuisance in nearby premises or affect the public or the use of public telephones.
- Entertainers shall not obstruct the highway. Entertainers are also responsible for ensuring that the highway is not obstructed by people gathering to listen to or watch the performance (note: Highway includes any footpath, pavement or open pedestrian area or place.)
- Entertainers shall not make use of the street furniture, such as public seats, lampposts and railings.
- Pitches chosen shall satisfy the above criteria and must not be within 50 metres of another busker. (Please see preferred busking areas*)



- Entertainment is only permitted between the hours of 10am and 4pm (unless as part of an organized event)
- The appearance and quality of an act should demonstrate a positive intention to entertain passers-by, not to solicit money through sympathy ie begging.
- No sign shall be displayed inviting payment (except where a collection for charity has been authorised by the council or the Charity Commissioners). Any monies received must be at the sole discretion of the public.
- Entertainers shall not perform in a manner which is dangerous to themselves or to the public.
- Jugglers and circus skill entertainers must have proof of public liability insurance which must be available on request. All necessary precautions must be taken to protect the audience from harm.
- No animals are to be used in any performance of street entertainment.
- Only one entertainer or a group of entertainers (maximum 6) will be allowed to busk in any one place at once, without prior permission from Tamworth Borough Council.
- Entertainers from a wide range of backgrounds will be welcome and will be expected to work in consideration of the Council's Equality and Diversity Policy.
- Entertainers deemed to be breaching diversity guidelines or causing offence, distress and alarm to the public will be immediately asked to terminate their performance.
- Entertainers should remain standing unless the performance or health issue requires you to be seated. If your performance requires this, you MUST NOT sit directly on the ground – a suitable folding chair must be used.
- Entertainers must stop performing immediately when requested to do so by a Police officer or council officer.
- Entertainers will not be permitted to sell any type of merchandise, including CDs and tapes, unless a Tamworth Borough Council Street Trading license has been issued. Please contact Environmental Management on 01827 709445 for guidance.

- Entertainers will not be permitted to perform if, when questioned by a council or police officer, they are under the influence of drugs or alcohol.
- Entertainers will not be permitted to busk during major events in the town centre without prior approval from the Outdoor Events Officer.
- Time slots limited to 20 minutes without a significant break. Performances should not be of a repetitive nature.

*Preferred Busking Areas

■ Barclays Bank



■ Town Hall



■ Home Bargains



■ Under Canopy



On Market Days (Tuesday/Friday/Saturday) please contact Market Management to make arrangements: lsdpromotions.co.uk

Please note that while there are no preferred busking spots in other Tamworth Borough Council owned locations, the framework will still apply.