Busking and Street Entertainment 2019

Consultation on Draft Policy

Report written June 2019

Gary Wilson
Consultation Manager
Royal Borough of Kensington and Chelsea
020 7361 3616
consult@rbkc.gov.uk
Introduction

Whilst the Council recognises that busking and all forms of street entertainment can contribute to the vibrancy and character of the borough, a balance has to be found with the needs of the local community (residents, businesses and organisations). In 2018 we received 1,136 complaints of anti-social busking and complaints have been going up year on year. Therefore, we need to strike a balance between what works for both residents, businesses, organisations and street performers.

In the summer of 2018 we undertook a consultation exercise to better understand residents and other key stakeholders' views on how best to achieve this. Over 400 responses were received, with almost seven in ten supporting the introduction of a Public Spaces Protection Order (PSPO) to help control busking and street entertainment and busking.

As part of the approach to creating a balance between the needs of the local communities and buskers and street entertainers, we have produced a draft Busking and Street Entertainment Policy. The introduction of this policy aims to promote responsible busking and street entertainment but recognises the detrimental impact busking can have on the local community.

Therefore, we would like to put in place controls to regulate busking practices which have a detrimental impact on the local community but still allow responsible busking and street entertainment opportunities throughout the borough.

The draft Busking and Street Entertainment Policy includes the following in order to promote responsible busking and help control anti-social behaviour:

- Introducing a busking code of conduct - Covering the whole borough and promoting responsible busking and street entertainment behaviour.
- Implement two PSPOs - Introducing busking and street restrictions in areas with the highest levels of complaints.
- Develop a Busking and Street Entertainment Guide – a guide containing useful advice and information for performers and the local community intended to help avoid potential problems and promotes responsible busking.

Methodology

On the 7 May 2019 we placed information on the draft Busking and Street Entertainment policy on our website. The website page included a link to the full draft policy and detailed information on the proposed PSPOs and code of conduct. There was also a link to an online survey, for those that wished to provide feedback on the draft policy. The survey was largely qualitative with opportunity to comment on any aspect of the policy. The survey also gathered demographic information of respondents in order to understand more about those that responded.

The survey was promoted to residents, residents’ associations, businesses, street entertainers and other stakeholders via a variety of methods. These included use of social media, the Council’s website, direct emails, email briefings, leaflets/posters and reaching out via Councillors.

By the closing date of 7 June 2019, a total of 204 responses had been received.
Introduction

Report and appendices
This report contains an analysis of survey responses. Graphs show percentage figures, where graphs do not total 100 per cent – this will be down to computer rounding, where respondents have chosen not to respond or where respondents have been able to select more than one answer.

A separate appendix report accompanies this report. Appendix one contains survey data tables and appendix two contains all survey comments made by respondents.

Acknowledgements
The Council would like to thank all those that have taken the time to read the draft policy and respond to the consultation.

For more information
For information on the results please contact Gary Wilson, Consultation Team Manager on 020 7361 3616 or e-mail on gary.wilson@rbkc.gov.uk
Consultation findings: Comments by respondents

Comments made by respondents

A copy of the Busking and Street Entertainment Policy, which included a draft busking code of conduct and details of two proposed Public Spaces Protection Orders (PSPOs) were made available via the Council’s website for respondents to read.

Respondents were then given opportunity to comment on these documents via the survey. Comments made have been grouped together by theme (many comments relate to more than one theme and therefore have been counted under each theme they relate to). The table below details the most common themes and the following pages contain examples of comments made under these themes. Some of the comments are quite lengthy and all comments can be seen in full in appendix two (available as a separate document).

Themes of comments

Themes containing the most comments were ‘in favour of the PSPO/measures’ (52 comments), ‘in favour of amplification ban/comments on noise levels’ (44) and ‘positive comments about busking/street entertainment’ (34).

There themes are explored in more detail on the following pages.

<table>
<thead>
<tr>
<th>Theme*</th>
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<tbody>
<tr>
<td>In favour of PSPO/measures</td>
<td>52</td>
<td>Amplification - against the ban</td>
<td>12</td>
</tr>
<tr>
<td>In favour of amplification ban/comments on noise levels</td>
<td>44</td>
<td>Health and safety concerns relating to performances</td>
<td>12</td>
</tr>
<tr>
<td>Positive comments about busking/street entertainment</td>
<td>34</td>
<td>Drums/noisy instruments need to be included</td>
<td>11</td>
</tr>
<tr>
<td>Extend the PSPO area/concerns about moving the issue elsewhere</td>
<td>31</td>
<td>Quality of buskers</td>
<td>10</td>
</tr>
<tr>
<td>Against the PSPO/measures</td>
<td>25</td>
<td>General negative comments about busking/street entertainment</td>
<td>9</td>
</tr>
<tr>
<td>Policing/monitoring</td>
<td>18</td>
<td>Outright ban</td>
<td>9</td>
</tr>
<tr>
<td>Repetition - in favour of limiting this</td>
<td>18</td>
<td>In favour of limiting performance time</td>
<td>8</td>
</tr>
<tr>
<td>Impact on museums, museum staff and visitors</td>
<td>17</td>
<td>Aggressive/scam entertainment/begging</td>
<td>7</td>
</tr>
<tr>
<td>Obstruction issues</td>
<td>15</td>
<td>Definition/clarity of some aspects of document</td>
<td>7</td>
</tr>
<tr>
<td>Use existing powers instead of PSPO</td>
<td>14</td>
<td>Impact on traders on Portobello market</td>
<td>7</td>
</tr>
<tr>
<td>PSPO open to challenge/against Home Office guidelines</td>
<td>13</td>
<td></td>
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* Themes shown with seven or more comments, all themes can be seen in appendix 2
Consultation findings: Comments by respondents

In favour of the PSPO measures (52 comments)
A total of 52 respondents commented in favour of the PSPO or the measures proposed. Many of the comments welcomed the PSPO or measures due to the impact busking/street entertainment has on them personally. Examples of comments can be seen below:

“The Brompton Association fully supports the Council’s initiative on this. Busking is a real problem around Knightsbridge and South Kensington and blights residents' lives. The proposed Code of Conduct and ancillary proposals are enormously welcomed.”
Comment made by resident

“Both initiatives are to be welcomed. Clarity over acceptable responsible behaviour, as well as restricting the amount of busking in key areas, such as around South Kensington Tube Station is necessary, as well as increased enforcement where problems persist.”
Comment made by resident

“Anything that attempts to shut up the relentless drummer on Exhibition Road. Good work.”
Comment made by business/worker

“Glad to see restrictions, buskers are the bane of our lives, working in the South Kensington area! Would be quite happy with an outright ban.”
Comment made by business/worker

In favour of amplification ban/comments on noise levels (44)
A total of 44 comments related to being in favour of an amplification ban or more generally commenting on the impact of loud noise. A number of residents commented on how noise impacted on them in their homes, whilst some businesses/workers commented on the impact noise had on their ability to work. Comments included:

“I have a business and the level of noise should be controlled. Some buskers have powerful loud speakers and make it difficult to conduct my business.”
Comment made by resident and business/worker

“I don’t mind the busking if the music isn’t amplified, but nowadays all buskers seem to amplify their music.”
Comment made by resident

“Buskers are ruining the work and job enjoyment for many staff at the Natural History Museum. The volume levels (awful saxophone man in particular) are high, and go into offices. Imagine listening to the same two or three songs all day, every day. As someone who suffers from tinnitus I find walking past some of the performers painful. I feel they also give the museum a bad reputation. Some of the buskers by the station are quieter, but the ones on Exhibition Road are very often far too loud.”
Comment made by business/worker

“The buskers have been a source of annoyance for years. They distract me at work day in and day out, year after year. They have certainly impacted on my productivity (it’s hard to concentrate and write when they are playing). Their excessive volume (amplification should be banned) and repetition (I support your moves to make them vary their repetitious sets) are unnecessary.”
Comment made by business/worker
Consultation findings: Comments by respondents

Positive comments about busking/street entertainment (34)
A total of 34 comments related to positive comments about busking and street entertainment. This included comments on the positive impact of good quality buskers and the vibrancy this brings to the area. Comments included:

“Busking is a valuable contribution to communities that engages and delights all ages, any attempt to block this would be a giant step in the wrong direction and the Council should be doing all they can to protect street entertainment.”
Comment made by street entertainer/busker

“Busking has long been an enjoyable and colourful part of Portobello Road.”
Comment made by resident

“I love to hear buskers on the street and don’t want any restrictions put on them. There could be an individual ban on any aggressive or antisocial buskers.”
Comment made by visitor

Calls to extend the PSPO areas or concerns it will move the issue elsewhere (31)
A total of 31 respondents commented in relation to extending the PSPO areas or raised concerns that the issue would be moved elsewhere. Examples of comments can be seen below:

“Overall I am very happy with the draft code and proposed PSPOs. I am disappointed however that Tavistock Piazza has not been made a red area as this is such a hot spot for antisocial busking and antisocial activity.”
Comment made by resident and business/worker

“There is a significant busking problem around Gloucester Road station, Courtfield Ward, a location which attracts the homeless and begging, Ward Councillors’ views, representing residents and businesses, have been submitted. This area should surely be subject to PSPO.”
Comment made by resident and business/worker

“Regarding the Exhibition Road division between purple and red at Museum Lane, I believe that the red zone should extend beyond the Science Museum, possibly as far as Imperial College business school. This is because the Museum Lane area regularly gets blocked by performers making bubbles on a large scale and loud music is played in front of our offices.”
Comment made by business/worker

Against the PSPO/measures (25)
A total of 25 comments related to respondents being against the introduction of the PSPOs or measures. This included comments on the impact of the PSPO on buskers and residents who commented that they enjoyed listening to buskers. Examples of comments included:

“I love to hear buskers on the street and don’t want any restrictions put on them. There could be an individual ban on any aggressive or antisocial buskers.”
Comment made by resident

“As a busker, I have a limited confidence in a fair policy being implemented. I oppose a PSPO in the areas you have identified.”
Comment made by street entertainer/busker
Consultation findings: Comments by respondents

“Buskers make a hostile environment (the street) easier to cope with for the public as a busker I am often thanked by members of the public. Some have commented that I have made it worth them getting out of bed. We have to struggle on the streets and most of us will take the time to talk to the lonely. One of the things I most value is the children's response to busking, a child that stops its parents to dance in front of a busker brings so much joy to passers-by. Banning busking will greatly reduce the vibrancy of your borough leaving it sterile and monotone with probably more beggars.”

Comment made by street entertainer/busker

Policing/monitoring of the PSPO/measures (18)
A total of 18 respondents raised comments in relation to policing the PSPO/measures. Comments mainly related to calls for the PSPO/measures to be properly monitored and policed or concerns that they would not be. Comments included:

“Both initiatives are to be welcomed. Clarity over acceptable responsible behaviour, as well as restricting the amount of busking in key areas, such as around South Kensington Tube Station is necessary, as well as increased enforcement where problems persist.”

Comment made by resident

“I hope the PSPOs and zones are properly and promptly enforced.”

Comment made by business/worker

“It’s a good start and hope it works though not convinced all buskers will abide. Trust there will be sufficient funds for continual monitoring.”

Comment made by resident

Repetition – in favour of limiting this (18)
A total of 18 respondents commented in relation to the repetition of songs/music. They were either in favour of limiting this or pointing out the annoyance this caused. Examples of comments made included:

“The noise from busking is frequently disruptive to educational activities at Imperial College London. Re code of conduct, repetition of songs or tunes within a week should not be allowed Volume should be limited to non-amplified output.”

Comment made by business/worker

“The limited repertoire and very poor skills of the buskers is particularly annoying. Also, the use of amplifiers should be strictly forbidden!”

Comment made by resident

Impact on museums, museum staff and visitors (17)
A total of 17 respondents commented about the impact busking and street entertainment has on the museums in Exhibition Road. The majority of these comments related to the impact busking had on staff working in the museums. Comments included:

“I would be pleased for restrictions to be implemented due to the disturbance caused by music from buskers Monday-Friday whilst I work in my office at the Natural History Museum.”

Comment made by business/worker
Consultation findings: Comments by respondents

“I am a research scientist at the Natural History Museum and my office abuts Exhibition Road. The noise from the buskers in this area is often exceptionally loud and has a direct impact on my ability to work. My job requires detailed analysis of data and also includes meetings both internal and external. Noise from the buskers frequently becomes so distracting that I have to work from home to avoid it or take breaks to get away from it. It's very stressful, in part because it ruins concentration, but also many buskers have highly repetitive sets that are equivalent to torture (four tunes played on repeat for two hours). Also, it disrupts meetings and makes a very bad impression on external visitors who are also trying to work. Some of my colleagues have been so frustrated I would find them in tears at their desks and it has also had an adverse impact on my own mental health, making me much angrier and short tempered than I was previously.”

Comment made by business/worker

Obstruction issues (15)
A total of 15 comments related to obstruction issues either caused by buskers/street entertainers themselves or by the crowds that gather to watch. Comments included:

“As a trader on Portobello Market I am concerned with where buskers stand - often obstructing the public from making their way down the road and also the noise levels which sometimes are extremely loud and impede conversation with the public when they are trying to purchase items.”

Comment made by resident and business/worker

“There are some street entertainers that create a large crowd on Exhibition Road; with the indistinct differentiation of road and pavement, this causes some obvious safety concerns when pedestrians are wandering in front of vehicles.”

Comment made by business/worker

Use existing powers instead of PSPO (14)
Fourteen respondents would like to see existing powers used, where problems occur, rather than introduction of PSPOs. Comments included:

“I am against the proposed PSPOs. There is enough legislation already in place to deal with genuine anti-social behaviour. In general most people are indifferent to buskers. Many folk also like buskers but then again they tend to not contact Kensington and Chelsea Council to declare - “I've got a busker playing outside my house/office/shop. I've just rang you up to say he's really good!” No, instead it's the shrill minority whose views are listened to and taken as the norm rather than the extreme. Most of these serial complainants’ grievances are not based on genuine ASB occurring but plain discrimination against buskers - disliked simply because they are there. The proposed PSPO will be to the detriment of the vast majority of law abiding buskers making reasonable use of the public highway. Existing legislation should instead be used to deal with any genuine - not malicious - complaints against the minority of buskers who behave in an anti-social manner.”

Comment made by visitor
Consultation findings: Comments by respondents

“The plans will turn RBKC into a virtual no-go area for buskers and street entertainment. There are ample powers available to deal with any problems associated with these activities including CPN's which target any activity which is deemed genuinely antisocial. These proposals are convoluted, target those performers who are not causing disturbances, and will prove difficult to enforce, as Home Office guidance to PSPOs states clearly that the legislation should not be used to prevent reasonable busking or street entertainment. The entire policy is open to legal challenge, as would be any Fixed Penalty Notice issued without accompanying ASB.”

Comment made by business/worker, visitor and street entertainer/busker

PSPO open to challenge/against Home Office guidelines (13)
Thirteen respondents commented that they felt that the PSPO would be open to legal challenge or that the PSPO was not following Home Office guidelines. Examples of comments made can be seen below.

“PSPOs cannot be used for Busking! Please read the Home Office guidance on this, or be prepared to lose every single court hearing!”

Comment made by street entertainer/busker

“This is the most draconian and authoritarian PSPO so far introduced in the country. The blanket ban on amplification ignores the need, for example, a classical guitar player to use such equipment in order to be heard. The 45-minute limit is too restrictive for those who make their living from busking. There are already noise nuisance laws and laws regarding the obstruction of the highway, so I can see no justification for anything in the PSPO relating to this. I am aware that you have consulted buskers in compiling this - yet you have ignored our valid concerns. Given that Home Office Guidelines specify that PSPOs should not be used against buskers, if you push through the PSPO as it is, then you must prepare for a legal battle. We are prepared to be reasonable if you amend the PSPO, but there has been no compromise on your part and as such the option of breaking the PSPO with the intention of fighting it in the courts on the basis that you have ignored Home Office guidance is the only tool available to us if you do not agree to further talks. Please do not destroy busking culture in your borough by forcing through this ill-judged legislation.”

Comment made by street entertainer/busker

Against the ban of amplification (12)
Twelve respondents commented that they were not in favour of the amplification ban. Comments related to the impact on quieter instruments, that it could stop some street entertainers from being able to work altogether and that there should be a defined volume, rather than a ban on amplification. Comments included:

“I believe busking and street performance should be encouraged, not discouraged as per the new rules you are looking to implement. A ban on amplification will put many performers out of work.

Comment made by business/worker, visitor and street entertainer/busker

Health and safety concerns (12)
Twelve respondents made comments in relation to health and safety concerns of performances, in particular residue from soap/bubbles was mentioned by respondents.
Consultation findings: Demographics

Demographics
Respondents to the survey were asked a series of questions about themselves in order to better understand who had participated in the consultation exercise.

About the respondent
A total of 42 per cent of respondents came from either businesses or were workers within the borough. Slightly less, 41 per cent of respondents, were residents of Kensington and Chelsea. Just over one in ten responses (13 per cent) came from visitors to the borough and a similar percentage (11 per cent) came from street entertainers/buskers.

Base: All respondents (204)

Postcode analysis
Respondents to the survey were asked to detail their postcode (some used their home address, whilst others used a business address). The majority (197 of 204) supplied a valid postcode.

A total of 137 postcodes were from within the borough, with 60 postcodes being from addresses outside the borough. A total of 29 postcodes related to the Natural History Museum and 11 from the Science Museum, indicating responses from staff that work at these museums.

The table below details the number of responses per Ward within Kensington and Chelsea. The largest numbers of responses came from Brompton and Hans Town (61), Colville (36) and Courtfield (16) wards.
Consultation findings: Demographics

Sex of respondent
Just over half (51 per cent) of respondents were male, with 44 per cent female.

- **Male**: 51%
- **Female**: 44%
- **Prefer to self describe**: 4%

Age of respondent
A third (33 per cent) of responses came from those aged 31 to 50 years old, with 32 per cent of responses coming from those aged 50 to 64 years old. In addition, 18 per cent of responses came from those aged 65 years or older.
Consultation findings: Demographics

Ethnicity of respondent
Over three-quarters (78 per cent) of respondents came from a White or White British background. A total of 10 per cent came from all other ethnicities.

How would you best describe your race or ethnic group?

- White or White British: 78%
- Black or Black British: 1%
- Asian or Asian British: 2%
- Mixed: 4%
- Other: 3%
- Prefer not to say: 9%

Base: All respondents (204)

Disability or long term illness
The majority (89 per cent) indicated that they did not have a long term illness, health problem or disability that limits their daily activities. Seven per cent indicated that they did.

Do you have any long term illness, health problems or disability which limits your daily activities?

- Yes: 7%
- No: 89%