

REGULATION OF BUSKING IN UXBRIDGE TOWN CENTRE

Cabinet Member	Councillor Sandra Jenkins
Cabinet Portfolio	Environment
Officer Contact	Bill Hickson, Environment and Consumer Protection, and Andy Stubbs, Deputy Chief Executive's Office
Papers with report	Appendix A: Area covered by recommendation (Borough map)

HEADLINE INFORMATION

Purpose of report	To designate Hillingdon Borough as an area for Licence busking.
Contribution to our plans and strategies	The recommendation contributes to the Prosperous Borough theme by allowing better management of busking throughout the borough.
Financial Cost	A minimum outlay to post a public notice in order to implement the recommendation to make a resolution apply Part V of the London Local Authorities Act 2000.
Relevant Policy Overview Committee	Residents' & Environmental Services
Ward(s) affected	All

RECOMMENDATION

That Cabinet:

1. make a resolution to apply Part V of the London Local Authorities Act 2000 to the whole of the London Borough of Hillingdon as highlighted in Appendix A.
2. agree that if the Council agrees to make a resolution to apply Part V of LLAA 2000 officers will prepare a further report setting out the pitches to be used for busking and details of the procedures that will be used to manage busking on a day-to-day basis.

REASONS FOR RECOMMENDATION

3. In recent years LBH has achieved great improvements in the quality of the local environment for stakeholders in the borough. LBH have achieved these improvements by using a combination of delivering quality services, comprehensive education campaigns and appropriate and effective enforcement where nuisances occur.

4. The Council has received increasing numbers of complaints from residents, Councillors and other stakeholders about buskers (which includes street performers) creating a noise nuisance and an obstruction nuisance in the High Street Uxbridge area.
5. Officers may use Section 38 of the London Local Authorities Act 1990 (as amended) to deal with buskers as illegal street traders where appropriate (defined as anyone selling goods or offering a service for gain), Sections 79 and 80 of the Environmental Protection Act 1990 to deal with noise nuisance from buskers (this has to be assessed from a premises) and the Highways Act to deal with obstructions. However using different pieces of legislation in different cases will result in a disjointed approach to the problem.
6. In September 2000 the London Local Authorities Act 2000 was enacted. This Act acknowledged the gaps in legislation when dealing with buskers that are a nuisance, and introduced legislation to enable councils to regulate busking.
7. Adopting Part V of the London Local Authorities Act 2000 will enable officers to deal with all buskers and street performers using the same piece of legislation and therefore enables the council to take a consistent approach. The powers enable officers to move buskers (including street performers) on, and to seize any equipment if they do not comply.
8. In order to use the legislation the Cabinet must make a resolution to apply Part V of the London Local Authorities Act 2000 to land where buskers are shown to be a nuisance. It should be noted that this part of the Act can only be applied to areas where there is a genuine complaint or concern about nuisance, otherwise the Cabinet could be taken to court to challenge the decision.
9. The council has received complaints about buskers operating within the borough boundaries.

The Legislation

10. "Busking" is defined as the provision of entertainment in a street.
11. "Busking" does not include the provision of entertainment under a premises license or a temporary event notice (Licensing Act 2003), or entertainment consisting of music performed for religious purposes.
12. Part V of the London Local Authorities Act 2000 contains measures to enable the Council to control busking in areas where busking has caused complaints and/or nuisance. Applying this part of the Act enables the council to move buskers on, and if they fail to comply with the request authorized council officers can seize their equipment and prosecute them.
13. If the Council were to grant licenses for busking, a further resolution would need to be passed, designating the streets as "licence busking streets".
14. Section 33 of the London Local Authorities Act 2000 allows councils to apply Part V of the said Act to all or any part of their area providing that they can show that busking has caused interference, inconvenience or risk of safety to persons using the street in the area, or nuisance to occupiers of property in the area.

15. Section 33 of the London Local Authorities Act 2000 sets out the procedure for making a resolution to apply Part V of the London Local Authorities Act 2000 to an area.

16. The steps required are set out in the table below:

		Proposed date
a	Licensing Committee/Cabinet to make a resolution to apply Part V of the LLAA 2000.	Date of Cabinet: 25 June 2009
b	<p>Publish a notice about the passing of the resolution in a local newspaper circulating in the Borough to include:</p> <p>* The date that the resolution will come into effect (not less than 3 months from the date of publication)</p> <p>* The general effect of the provisions of the act</p>	2 weeks after Cabinet
c	Resolution comes into effect and Part V of the act can be used.	3 weeks after end of consultation

Alternative options considered / risk management

There are no alternative legal powers available to the authority for designating a street for License busking.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

Uxbridge Town Centre Management is aware that various Town Centre Management operations and Local Authorities successfully use legislation to licence busking.

Financial Implications

There are no financial implications at this stage. Any arising implication will be covered in a subsequent report.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The legislation available to licence busking is an opportunity for the borough to demonstrate good management of streets where unregulated busking has been causing a nuisance and therefore impacting negatively on visitors and users of our town centres. Unregulated busking brings with it problems of noise nuisance, obstruction, pestering for money and sometimes illegal street trading. The cumulative impact of busking may lessen the prospect of residents

and visitors deciding to use our town centres and can therefore also affect the businesses that trade there, both on a short and long-term basis.

Adoption of the recommendation will start the clock running on the countdown to implementing licenced busking and allow officers to complete a further report that will detail the procedures to be used to manage busking day-to-day. Once it is up and running, the licence busking scheme will enable the Council to ensure that buskers operating on its licence streets are legitimate, operate within agreed rules and have any necessary insurances.

Consultation Carried Out or Required

Informal consultation has been carried out with the Uxbridge Initiative (including the shopping centre managers and their marketing managers, and the members of the Transport & Environment group), the Ruislip Manor Chamber of Commerce, and the Hillingdon Chamber of Commerce. Research into other town centre management has shown such a licensing scheme to be successful in dealing with complaints related to busking.

CORPORATE IMPLICATIONS

Corporate Finance

The only implications at this stage relate to the cost of the public notice and this will be met from existing budgets within the Street Enforcement service. . Any implications arising from applying Part V of the act in order to implement licensed busking will be covered in a subsequent report.

Legal

Members are being asked to consider passing a resolution to apply Part V of the London Local Authorities Act 2000 to the areas specified in Appendix A. Before such a resolution can be passed, members must be satisfied that the requirements contained in section 33 of the Act and specifically outlined in paragraphs 14 of this report are met.

The passing of a resolution to apply Part V of the Act would make it a criminal offence to busk in the areas specified in appendix A without authorisation. Section 33 of Part V of the London Local Authorities Act 2000 requires in addition to advertising the consultation, consultation documents need to be sent to the Highways Authority, the Commissioner of the Metropolitan Police Services for Hillingdon and any body which appears to be representative of persons carrying out busking in the affected area.

In the event of the consultation response supporting the implementation of busking licensing, Cabinet must be advised in a separate report of details relevant to operating a busking licensing scheme as well as details of a date upon which the designation will take effect.

BACKGROUND PAPERS

Details of complaints that have given rise to this report.

Example complaint letter:

Name excluded:

20th February 2009

Dear Mr Stubbs,

On several occasions recently I have had cause for concern due to the presence of unlicensed street entertainers (buskers) in Uxbridge town centre.

In particular, a violin player has proved a particular nuisance. He sets up and stands near my licensed Street Trading pitch, and proceeds to play very loudly for lengthy periods up to 2 hours, while dancing around.

The effect is that I cannot hear my customers (nor they me). The same songs over and over at high volume are very wearing.

Whilst not opposed to music entertainment, I would like the council to consider managing buskers properly, and this would include specific pitches where it is allowed, restrictions on volume, and rotating pitches to allow respite.

It would also helpful to have quality entertainers that play instruments as opposed to pretending to play with a backing tape.

Yours sincerely

Name excluded

Control busking area covered by recommendation for application of Part V of the London Local Authorities Act 2000.

