

Cheshire West & Chester Council

PUBLIC SPEAKING CODE OF PRACTICE



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Cheshire West
and Chester

Cheshire West and Chester and Partners are committed to respecting the European Convention on Human Rights (ECHR) Article 10 rights to freedom of expression for all. The following Code of Practice has been produced to balance people's right to freedom of expression whilst ensuring our public spaces are safe to be enjoyed by everyone.

Introduction

Cheshire West and Chester borough welcomes a wide variety of street performance, public speaking and other activities that help keep the historic towns and city vibrant and welcoming. We recognise the importance of groups being able to perform or express their views, beliefs and share their experience; however, we have recently seen an increase in reports of negative experiences associated with public speaking that members of the public have found distressing. The following Code of Practice has been produced to balance people's right to freedom of expression whilst ensuring our public spaces are safe to be enjoyed by everyone. This guide will operate alongside the Busking Code of Practice.

Our Heritage and Visual Arts Strategy describes the towns and city as a stage. We ask that our performers and public speakers are considerate of volume, repetition, and length of stay to those people who live, work

and visit the areas where these activities are taking place.

We ask that business and residents respect the right of people to speak or perform in public spaces. However, where this activity has a persistent detrimental impact, we will first work to address this collaboratively, using relevant legislation as a last resort if other avenues fail.

This guide aims to promote the positive use of public space in Cheshire West and Chester, to work together with performers, public speakers, residents, and businesses to share. By fostering good relationships, we can create exciting destinations and experiences, which help our borough to thrive.

Due to the popularity of Chester as a location and heavy demand for access to public spaces it may be worth considering visiting other towns in the borough such as Northwich, Winsford, Ellesmere Port, or Neston.



What is 'public speaking'?

Public speaking is the act of publicly raising the profile of religious or social messages. This can take many forms and is often linked to, but not limited to, religious beliefs, politics, or international affairs.



Why is this guide necessary?

Our streets are living spaces and sometimes there will be conflict between people who use them. This short guide aims to promote positive experiences for the public, residents, businesses, and others who use our public spaces so there is a shared understanding of rights, expectations, impact and legislation. We welcome any feedback and ideas on this code of practice, please email: **publicspeaking@cheshirewestandchester.gov.uk** if you have any suggestions.

Advice for public speakers

- 1. Find a pitch:** There are no fixed pitches anywhere in Cheshire West and Chester and you do not need a licence to speak on our streets (unless you are collecting money for charity). Whilst we understand that footfall is important, please ensure you do not block pavements or prevent access to open shops when choosing an appropriate location.

Some businesses use their window space to promote items or sales, so where possible avoid pitching in front of such displays. Please allow plenty of space for the flow of pedestrians, including those in wheelchairs or with pushchairs.

- 2. Take a look around:** Are there any other events occurring? Is your location clashing with another public speaker or busker? Be aware of the environment you are choosing, consider how appropriate your volume is to the area and judge how the varied acoustics of the area might carry the sound

- 3. Consider your neighbours:** Think about the neighbouring businesses and residents. Would a shorter stay have less impact on them? If you are politely asked to consider the impact of your activity, please try to be empathetic and respectful. As with busking and other street

activity across the borough, we advise building a good relationship with neighbouring businesses and venues. Please consider liaising with your neighbours to discuss volume and length of stay. Maintaining positive relationships ensures that all can operate in the best way.

- 4. Make the best use of your environment:** Engage your immediate audience and draw them in. Using excessive volume can drive away a potential audience and reduce overall engagement. Please be considerate to others who you are sharing the streets with. Businesses should be able to speak to customers without raising their voice when windows and doors are closed.

Benches, tables, A-boards and other items that obstruct free passage over pavements or the highway are not permitted without written consent from Cheshire West and Chester Council.

- 5. Move around:** Consider moving around different areas. Staying in the same position for more than two hours is not permitted and can cause issues with neighbouring businesses. There are a variety of appropriate places within Cheshire West and Chester, consider where is best placed to get your message across and areas with plenty of space for pedestrians.

6. Spread the word: Speak with others who may be operating in the area. Share good practice and discuss best locations for public speaking and performance in the borough. If you know others who are not aware of the Code of Practice, share it with them.

7. Avoiding complaints:

Public speaking can sometimes cause offence or be seen as controversial and may receive negative reaction from members of the public. When speaking, try to tailor your message for your audience and be courteous if you are approached.

Promoting offensive, racist, homophobic messages is never appropriate and will be robustly challenged by the Council and Police. There is no place for hate on our streets.

If you become subject to verbal or physical abuse, Cheshire Police can be contacted on 999 in emergencies or 101 / Cheshire Police Website for non-emergencies.

8. Respect your neighbour:

As with busking and other street activity across the borough, we advise building a good relationship with neighbouring businesses and venues. Please consider liaising with your neighbours to discuss volume and length of stay. Please be considerate to the nature of the businesses operating nearby. Maintaining positive relationships ensures that all can operate in the best way.

8. Weddings and other services:

Be mindful of weddings and other events operating, particularly around civic spaces such as Town Halls and religious buildings. If you are approached to pause your preaching or change location, consider the impact refusing to do this would have on the event and the need to foster good relationships.

9. Supporting our Town Crier, celebrating our history and giving tourists a good time:

Specifically when in Chester, consider Chester Town Crier and the number of tourists around the city. The Town Criers operate every Tuesday to Saturday, June to August, at noon, at the Chester Cross (11am on Race Days). Please consider the impact (both positive and negative) your public speaking or performance may have on historic locations and how it may be received by tourists and visitors.

10. Take care of yourself: Keep yourself hydrated and ensure that you consider weather conditions for the day and prepare accordingly.



11. Amplification: Different areas have different acoustics. It is necessary to consider this when choosing a pitch. We recommend that amplification is not necessary for public speaking as the public interaction and the engagement is enhanced without amplification.

12. Public speakers should also be aware of the Busking 'Code of Practice', this guide outlines the mutual agreement that buskers follow and some agreed principles around volume, length of stay and behaviour while performing in public spaces.

The Busking Code of Practice can be found by following the this link:

<https://www.cheshirewestandchester.gov.uk/your-council/policies-and-performance/busking>

Advice for businesses and residents

1. Sharing prosperity: Exciting and lively places are attractive for visitors. Public Speaking can drive footfall to our high streets.

2. Adverse impact: The council is not able to stop people public speaking, there is no legislation to support this and when the council consulted about public speaking restrictions there was overwhelming support against this idea.

If you feel that a public speaker is having an adverse impact on you, your place of work, business or residential property then we advise you to speak directly to the speaker about your concerns and calmly explain the impact they are having on you. Waiting for a suitable break in the speaking will improve chances of a positive dialogue and helps build mutual respect. Talk to them about this code and, if possible, give them a copy.

3. Escalating any issues:

If talking to the public speaker does not resolve the issue, you can contact the police or Council, dependent on the issue.

- If the issue is regarding hate speech, or language that is causing harassment, alarm or distress, contact Cheshire Police. For emergencies telephone 999 or for non-emergencies, telephone 101 or use the Cheshire Police Website.

- For issues with volume or length of stay, contact Cheshire West and Chester Council via e-mail: RegulatoryServices@CheshireWestandChester.gov.uk

Please note, this is only resourced Monday to Friday 9-4 If you have access to a Co-Sign Radio, this can also be used to inform the Council CCTV team.

4. Our response:

If an official is available to attend, they will fairly assess the impact the public speaker is having, using this guide as a framework. If the official feels the speaking is within the spirit of this guidance, no further action will be taken. If they feel the speaking is not in the spirit of this guidance, they will communicate directly with the speaker. If we do not have an official available to attend at the time, we will endeavour to discuss this with the public speaker concerned if they return to the city. A detailed description of the speaker as well as the date and time of the incident and a copy of any literature they are circulating will assist officers to identify the individual or group concerned.

5. Enforcement options: If an individual (or group) is not responsive to advice or direction from enforcement officers, then officers will consider more formal action as detailed in the Legislation and Enforcement section.

Legislation and enforcement

Religious belief and expression are protected under Articles 9 and 10 of the European Convention of Human Rights, however, within each of these articles, there is recognition that these articles may be subject to restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, public safety or for the prevention of disorder or crime.

The council will take an incremental approach to non-compliance of this Code of Practice, which will ultimately include the collection of evidence for contraventions of legislation, except for where any hate crime offences are committed.

Where applicable the incremental escalation process will begin with awareness-raising of this guidance before an informal warning is issued. This will be followed by more formal enforcement action. Before formal enforcement action is taken, the council will provide an opportunity to the individual to discuss the circumstances of the case. The following legislation will be used for the assessment of formal enforcement action:

Public Order Act 1986: There are other criminal offences, under the Public Order Act 1986, which may be identified on a case by case basis and appropriate action taken.

Environmental Protection Act 1990: Where a statutory nuisance is being caused, a noise abatement notice can be served. Breaching a noise abatement notice may lead to prosecution and potentially a fine and seizure of musical instruments and other equipment.

Anti-Social Behaviour Crime and Policing Act 2014: Allows the Council to act against behaviour that is detrimental to the community by issuing a Community Protection Notice (CPN). Breach of a CPN may result in a Fixed Penalty Notice (FPN) being issued, or prosecution and potentially a fine and/or other sanction.

Byelaw for prevention and suppression of nuisance 1984 (Chester Only): Makes it a criminal offence to use amplification or similar equipment in a public place which is so loud that it gives reasonable cause for annoyance. Commission of the offence may lead to prosecution and potentially a fine.

Control of Pollution Act 1974: It is an offence to use a loudspeaker for any purpose on a street at night between the hours of 9pm and 8am. Formal action including prosecution can be taken by council officers at any time without prior notice for this offence.

Accessing Cheshire West and Chester Council information and services

Council information is also available in audio, Braille, large print or other formats. If you would like information in another format or language, including British Sign Language, please email us at:

equalities@cheshirewestandchester.gov.uk

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن نطلب ذلك منا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

Jezeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਵੋ।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو براے مہربانی ہم سے پوچھئے۔

Tel: 0300 123 8 123 **Textphone:** 18001 01606 275757

email: equalities@cheshirewestandchester.gov.uk

web: www.cheshirewestandchester.gov.uk