

Cheshire West & Chester Council

BUSKING IN CHESHIRE WEST AND CHESTER

Cheshire West and Chester Council recognises that **Busking makes a valuable contribution towards the cultural life of the city**, making the streets more vibrant and exciting for visitors, businesses and residents.



Cheshire West
and Chester

Busking in Cheshire West and Chester

Our council welcomes busking and other types of street performance. We recognise that these art forms contribute to the cultural offer in our borough through the animation and enrichment of public spaces.

We welcome local people, touring performers and international artists to perform on our streets. In Chester, our Heritage and Visual Arts Strategy describes the city as a stage. We ask that our buskers are considerate to those who live and work near to where they perform in respect of volume, repetition and length of stay.

We ask that business and residents respect the right of people to perform in public spaces. However, where an act 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 and businesses to attract visitors to our villages, towns and city and share in the prosperity that this will bring. By fostering good relationships between buskers, businesses and residents, we can create exciting destinations and experiences, which help our borough to thrive.

Due to the popularity of Chester as a busking location and heavy demand for pitches it may be worth considering visiting other towns in the borough such as Northwich, Winsford, Ellesmere Port, or even Neston on market days.





What is Busking?

'Busking' means music, dance, street theatre, performance and art offered live in public spaces. It is about entertaining and interacting with members of the public - usually to receive a voluntary contribution. Buskers are not typically paid or hired directly for their performance, but for many this is their main source of income and a means for providing for themselves.

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 busking experiences for the public, residents, businesses and buskers so there

is a shared understanding of rights, expectations, impact and legislation.

Cheshire West and Chester Council has worked collaboratively with various groups to produce this code, including representatives from the Musicians Union, Equity and the Keep Streets Live Campaign. Locally Chester BID and residents groups have also contributed, and through the regular interactions of community safety wardens and high street information officers, feedback from street performers and businesses has been used to inform the production of this code.

We are continuing to we welcome any feedback and ideas, so please email: busking@cheshirewestandchester.gov.uk

Advice for Buskers

- 1. Find a pitch:** There are no fixed busking pitches anywhere in Cheshire West and Chester and you do not need a licence to busk on our streets, unless you are doing so for charity. Whilst we understand that footfall is important for your performance, 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:** Before you begin your performance please anticipate the impact your act may have on the businesses, residential properties and other street activity around you. Please ensure you are a reasonable distance from any other buskers so that you will not interfere with each other's performance.
- 3. Consider your neighbours:** We would much prefer that businesses, residents and buskers work together to understand each other's requirements and if there are issues, then be open to compromise in order to maintain a thriving, friendly and engaging

atmosphere on our streets. We encourage performers, businesses and residents to introduce themselves to each other and where possible to foster positive relationships and promote mutual understanding and respect.

- 4. Make the best use of your pitch:** Play to your immediate audience and engage people by drawing them in. Using excessive volume can drive away your potential audience and reduce overall income. Please be considerate to other buskers with whom you are sharing the streets and to businesses who should be able to speak to customers without raising their voice when windows and doors are closed. When performing, please ensure you vary your repertoire in terms of tempo and style and avoid repeating songs within the same pitch. If you have a limited repertoire, aim to move more regularly.



5. Check your levels: As a guide, your volume level should be just above the level of ambient street noise. Some areas are more sensitive than others and if you are busking in Chester, you should check out the specific guidance in the next section. Remember certain sounds carry more than others, and some sounds have the potential to be more intrusive than others. For example: brass instruments, amplified performances, bagpipes and percussion instruments. Consider using brushes, mutes, pads and volume controls and other accessories to keep noise levels reasonable and appropriate. Amplification is not allowed after 9pm.

Our key determinant for appropriate sound levels for street performance in the city is that nearby businesses or residents should be able to have a conversation with someone at a reasonable distance from them, without raising their voice. In determining this, we would expect windows and doors to be closed rather than open.

6. Move around: You are welcome to busk at multiple pitches, but we ask that you respect the two-hour maximum time in one location. Please do not return to the same pitch for at least two hours.

We would expect high impact acts / performers to factor the impact of their act into their performance times and consider moving around more frequently.

Where complaints are received, authorised officers will work with performers to agree a time for the remainder of the performance and update the complainant with this information.”.

TELL US WHAT YOU THINK:

The Council continues to review its guidance for high impact acts, and we would welcome feedback and ideas from performers, businesses and residents. To provide feedback on the busking code of practice in Cheshire West & Chester, please email: busking@cheshirewestandchester.gov.uk. We plan to hold quarterly meetings that businesses, performers and residents can attend to discuss street performance in Chester, so your ideas will be discussed in this forum.

7. Taking breaks:

We recommend you take some short breaks during your performance. If you take a break, please do not leave pre-recorded music playing.



8. Busking or trading?

If the provision of goods or service is part of your busking act it must be offered on a voluntary basis and this must be made clear to members of the public. People should be able to engage with your act/performance without any obligation to donate.

It must be emphasised that any donations made are on a voluntary basis so that the product or service is an extension of the busking act itself and people are not obliged to make any contribution. For example, in some circumstances a member of the public may request a CD without donating.

This should be made clear with an appropriate sign. We suggest a wording as follows:

“In order to comply with street trading legislation these CDs (balloons, portraits etc) are not being offered for

sale, any contribution you make is voluntary and at your discretion. Suggested contribution £x.”

If you do wish to sell any products for a fixed price you will need a street trading permit. These permits can be obtained directly from Cheshire West and Chester Council or are available from the café/bar at Storyhouse 7 days a week. Terms and conditions apply, for further details please call 0300 123 7737 (option 4) or visit: [URL]. Please note that permits will only allow you to sell products linked to your performance during the period you are busking/entertaining.

Where the above guidance is observed, enforcement action under street trading legislation will not be taken; however, random audits will be carried out by the Licensing Authority to ensure compliance.

<https://www.cheshirewestandchester.gov.uk/business/licensing-and-permits/business-and-street-trading-li/street-traders-licence.aspx#:~:text=Street%20traders%20licence%20If%20you%20trade%20in%20the,the%20days%20and%20times%20you%20wish%20to%20trade.>

9. Take care of yourself: We work hard to keep our streets safe, but sometimes there can be people who might cause a disturbance or make you feel uncomfortable. Please take care and be mindful of your equipment and any earnings. Enforcement teams are there to protect everybody including buskers, so feel welcome to discuss any concerns with our team. In the summer make sure you drink plenty of water and remember to wear sun cream.

If you are new to busking we encourage you to bring someone with you who can support you with your performance and help with set up. Having a familiar face in the crowd will provide you with reassurance, and enable support for any other issues which may arise.

If you are under the age of 18 years old, Cheshire West & Chester Council ask that you are supported, in person, by a parent/guardian or other appropriate adult throughout your performance, set up and move on.

This will mitigate against the risks associated with lone working in a public space. The presence of a parent/guardian might also be helpful with moving equipment, but more importantly it will safeguard young buskers from anyone who may wish to take advantage of or exploit them before, during or after a performance.

10. Spread the word: This guidance is designed to support buskers, businesses and residents. If we all understand the guidance and play our part to make it work, we can help to nurture Safe and culturally rich streets where businesses thrive, and residents are proud to live. Please share it with others, use it to resolve conflict and collaborate on ideas that make our borough an even better place to live, work and visit.

Please email busking@cheshirewestandchester.gov.uk for details of business engagement events and opportunities for buskers and businesses to meet and discuss concerns.



Busking in Chester's historic core

People have been entertaining crowds on Chester's streets for hundreds of years. The bustling section of high street between the Eastgate Clock and The Cross, along with the southern parts of Northgate Street to Town Hall Square, are popular places for people to busk – just as they were in the past.

Unfortunately, they also continue to be the places where we receive the highest number of complaints about busking, so please be especially mindful of this guidance when you are performing in these areas.



Avoiding complaints

The majority of complaints relate to volume. It is important to remember the impact that sound can have when it echoes around these tight tall streets. The high buildings and the type of building materials can create a canyon effect which carries the sound further than performers might think. At busy times there can be many buskers in Chester's historic core and the crossover of competing acts can have an impact on the wellbeing of shop workers. We ask that buskers consider the cumulative impact of the echo effect and the audio from multiple performances when considering the volume of their act.

Chester Rows, on Northgate Street is an area in which many businesses are located and as such particular consideration to noise levels should be given at this location.

TELL US WHAT YOU THINK:

Over recent years there has been ongoing debate between buskers and businesses about sound levels for street performances in the city, particularly in the historic core around The Cross and Eastgate Street. The council continues to develop practical guidance that supports businesses and buskers to create a thriving and vibrant high street and reduces any conflict. Over the years we have sought support from Chester BID, local businesses, buskers in Chester, Keep Streets Live, the Musicians Union and resident groups, and we continue to work with these groups to develop our guidance.

Let us know what you think about street performance in Chester by emailing: busking@cheshirewestandchester.gov.uk.

We plan to hold quarterly meetings that businesses, performers and residents can attend to discuss street performance in Chester, so your ideas will be discussed in this forum.

Weddings and other services

There are certain pitches in this area of Chester that are particularly sensitive to noise. This is because of their proximity to places of worship like the Church at The Cross (St Peters) and the Cathedral, and also to wedding venues like Chester Town Hall. Please be respectful of places of worship by not performing a high impact act near places of worship on Sunday mornings, and please look out for information highlighting wedding services in progress at the Town Hall.

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

Chester has a Town Crier who performs at The Cross at midday most days. This is an important part of the civic life of our city, so please make space in your act to allow the Town Crier to make their proclamation on time and without delay. The Cross, Cathedral, Town Hall and the Eastgate clock are sites of significant historical importance so please be aware of tour guides who are also trying to earn a living in the street scene. The historic core of the city is also home to residents and hotels, please anticipate the impact your busking act is likely to have on those around you and remember amplification is not allowed by law after 9pm.

Advice for businesses and residents

1. Sharing prosperity: Exciting and lively places are attractive for visitors. Busking and street performance can drive increased footfall to our high streets. Buskers and businesses can collaborate to reduce the impact on a business and promote their products to crowds. This should be agreed in advance to be effective and to avoid interrupting an important part of a performance.

2. Adverse impact: The council is not able to stop people busking, there is no legislation to support this and when the council consulted residents about busking restrictions there was overwhelming support against this idea. If you feel that a busker is having an adverse impact on you, your place of work, business or residential property then we advise you to speak directly to the busker about your concerns and calmly explain the impact their busking is having on you. Waiting for a suitable break in the performance 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 busker does not resolve the issue, you can contact the Council CCTV control room via your

Co-Sign radio (in Chester) or email: **regulatoryservices@cheshirewestandchester.gov.uk**

4. Our response: If an officer is available to attend, they will fairly assess the impact the busker is having, using this guide as a framework. If the officer feels the performance is within the spirit of this guidance, no further action will be taken. If they feel the performance is not in the spirit of this guidance, they will communicate directly with the busker. If we do not have an officer available to attend at the time, we will endeavour to speak to the busker concerned if they return to the city. A detailed description of the busker as well as the date and time of the incident will assist officers to identify the individual or group concerned. Please email **busking@cheshirewestandchester.gov.uk** for details of business engagement events and opportunities for buskers and businesses to meet and discuss concerns

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

The Council does not wish to take formal enforcement action against buskers – we want our streets to be vibrant and animated places where people want to live, visit and spend money in local shops. If, however, we receive regular complaints about individuals and these complaints are reasonable, we will advise the busker of these guidelines.

The council will take an incremental approach to non-compliance, which will ultimately include the collection of evidence for contraventions of legislation. This process will always 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:

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 take action 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

Contact information

Cheshire West and Chester Council: www.cheshirewestandchester.gov.uk - busking@cheshirewestandchester.gov.uk

The Musicians Union: www.musiciansunion.org.uk - manchester@themu.org

Keep Streets Live: www.keepstreetslive.com - contact@keepstreetslive.com

Equity incorporating the variety Artists' Federation: www.equity.org.uk - info@equity.org.uk

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 a copy in a different format, in another language or require a BSL interpreter, please email us at

equalities@cheshirewestandchester.gov.uk

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب 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 ਭੁਗਾਨੂੰ ਵਿਸ਼ੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਵਿਸ਼ੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੇ 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 برائے مہربانی ہم سے پوچھئے۔

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