

Busking and Street Entertainment in Birmingham City Centre

Guide 1 of the Birmingham Public Space Plan



[www.birmingham.gov.uk/
streetentertainment](http://www.birmingham.gov.uk/streetentertainment)

The Birmingham Public Space Plan

Welcome to Birmingham's public spaces. The Birmingham Public Space Plan unites all users of public space under a single simple set of principles:

1. **Thriving and Vibrant** - our streets and squares should be high quality welcoming places for everyone where our citizens' talent, richness of culture and entrepreneurial spirit flourish.
2. **Respectful of others** - Our streets are home to tens of thousands of residents, businesses, local people and visitors - anyone using our streets should anticipate the needs of others and take all reasonable steps to minimise any negative effects of their activity.
3. **Safe and Lawful** - anyone wishing to use these spaces must do so in a way that is safe, within the law and in compliance with any required permits and licences where required*.
4. **Fair** - we will foster a culture of community on our streets. We will empower our citizens to share our public space and resolve disputes quickly and informally wherever possible. Fair and effective enforcement will be available if someone is persistently acting unreasonably.
5. **Inclusive and Family Friendly** - anyone using our streets and squares should take steps to ensure their activity is as inclusive as possible and that the content is suitable for the audience - which in nearly all cases will be a family audience.

From these principles a suite of seven guides has been created covering: busking, street speaking, street trading, leafleting, working as a pedlar, charity collection, and events.

What is busking?

***Busking does not require a licence and is welcome on public land** (if you are busking for charity, see the last page of this guidance) however as with all use of public space, there is the expectation that everyone will act reasonably in sharing the space with everyone - shoppers, business and other buskers.

'Busking' means **music, dance, street theatre, performance and art** offered live in public spaces for the purposes of entertaining, interacting with members of the public, and receiving voluntary contributions. Birmingham City Council believes busking brings vibrancy to our streets and public spaces.

This guide has been drawn up in consultation with the Musicians' Union, Equity, the Keep Streets Live Campaign, local buskers and representatives from local business. The guide

gives performers, the public, residents and businesses the knowledge to work together, to reduce complaints and uphold the principles of the Public Space Plan.

Aim of this guidance

This guidance aims to provide a means to promote positive and considerate relationships with all those who share the public space and avoid confrontational situations.

Action can only be taken against a busker following a complaint that their behaviour or performance has caused a negative impact.

What causes the majority of complaints?

The majority of complaints are caused by **intrusive noise**, that is noise that whether through excessive volume, long duration or repetition or all three, makes the lives of those around it more difficult.



Engage with the surrounding community

A culture of community can be built effectively and simply if everyone is open to dialogue. By speaking with one another politely and directly we can prevent problems before they start - being open to reasonable compromise and sharing space fairly goes a long way.

Introduce yourself - wherever practical introduce yourself to those around you, let them know what you do and how long you intend to perform for. Encourage people to approach you if they have any issues. This simple step is extremely effective at reducing complaints.

- **Polite interactions** are much more likely to produce positive outcomes.
- If you wish to speak with a busker, **please wait for a suitable interval in their act.**

Before you start - please consider:

This guide covers public land - i.e. our streets and public squares. Shopping centres, churchyards and the areas in and around stations are generally private land and the landowner's permission is required to perform there.

-
- **Potential economic impacts** - The City Centre is a vital part of the wider city economy contributing over £13bn annually in turnover. Please bear in mind that inconsiderate busking can lead to meetings being disrupted, rooms having to be taken out of use, and customers choosing to take their business elsewhere.
 - **Please be aware of who and what is around you** - don't set up too near other performers, your last pitch or other users of public space. Be mindful of nearby businesses and residents and choose your pitch accordingly.
 - **Maintain safety and access** - make sure that people can move past your performance easily, it is your responsibility to make sure that your crowd is well managed. If at any point there are any access or safety concerns you must stop your performance until the issue is resolved, dispersing your spectators if necessary. Be particularly mindful of bus stops, doorways and pedestrian crossings.
 - **Take regular breaks and move between pitches** - we recommend 15 minutes break per 45 minutes of performance and you may need to consider moving your position.
 - **Be aware of special events** in the city, and note that there are places and times when busking might not be appropriate. A list of events can be found at <http://events.birmingham.gov.uk/>
 - **Be mindful of the time of day** - The City Centre is home to many hotels and thousands of residents, please take extra care with evening performances. **Note:** it is an offence to use a loudspeaker/amplification in the street between 9pm and 8am without consent from the Council - see www.birmingham.gov.uk/loudspeakerconsent for details.

A culture of sharing and swapping pitches with other buskers is strongly encouraged.

- We recommend you work on a rough guideline of **two hours performance time**, but it can be less.
- **Cooperation** is a great way of building community on the streets, and **regular changeovers** are part of creating a vibrant busking atmosphere.
- If there is a busker performing on a pitch you wish to play on, **wait for a suitable break in their performance** then politely ask them what time they are playing until, and if they would be willing to **share or swap pitches when they finish**. You might wait for the pitch to become available or agree to come back at a given time.
- **You should not forward "book" more than one pitch in advance or pressurise other buskers to give up a pitch.** If you are 'sitting' on a pitch (i.e. not performing) and another busker comes along, wishing to play on it, work together as suggested in this guidance to reach mutual agreement, let them know when you intend to start, or let them perform on the pitch until you are ready.

Your Performance

There are no specific rules on decibel levels or on use of amplification (except after 9PM, see above), however it is expected that your performance is reasonable and has a positive effect on your surroundings rather than a negative one.

- A musical busker needs to be heard above the level of background noise, but the volume of a performance should be no higher than it needs to be and the **sound produced should not be intrusive** into the lives of others living or working nearby.
- **Perform simple sound checks** to assist you to gauge responses as you go - you should ask your audience, other buskers or nearby businesses to assist where necessary.
- **Know your equipment** - certain sounds carry more than others, and some sounds have the potential to be more intrusive than others, for example brass instruments, amplifiers, bagpipes and percussion instruments. It may be reasonable to take more breaks and move pitches more often in these circumstances.
- **Keep it varied** - very similar pieces one after another have the potential to become quite intrusive. Build your repertoire, vary songs, styles and tempos to keep things interesting for your audience!
- **If you use backing tracks**, please make sure these are not left running when you are not performing. Please think about the positioning of any amplifiers/loudspeakers.
- **Consider using brushes**, mutes, pads and other accessories to keep volumes reasonable.

Did you know? Due to the relatively narrow streets and high buildings, sounds can travel a surprisingly long way in Birmingham City Centre; please be aware of this. Please don't be offended if someone asks you to make a reasonable change to your performance.

Be willing to compromise - if someone is negatively affected by your performance, be open to making reasonable changes such as turning an amplifier down, moving a short distance, or changing the direction you're facing.

Excessive volume can cause distortion which many find uncomfortable, turning down the volume can enhance your performance for more people to enjoy.

Resolving Issues

This section is for everyone - buskers, residents, businesses and anyone else using public land.

We aim to empower everyone to solve problems quickly and easily on the street. On those rare occasions where a reasonable compromise cannot be reached we have a simple set of steps to ensure a fair resolution to the problem. Effective enforcement powers are available as a last resort to deal with any individual persistently causing a **negative impact by acting unreasonably**.

Step 1 - Wherever possible you should approach the person involved directly. Please wait for a suitable interval in their activity, politely state what your issue is and attempt to come to a **fair and amicable compromise**.

Feel free to draw their attention to the relevant **Public Space Project Guide** guide, each guide shows the specific process for each activity type. The steps below are for resolving issues with **buskers**.

Step 2 - If a compromise cannot be reached between parties then please call 0121 675 3616 (Mon-Fri 8:45AM - 5:15 PM) or email publicspaces@birmingham.gov.uk which will be picked up the next working day. Where possible on a weekday, an officer will attend that day to **assess impact** and ensure the people involved are aware of this guidance.

Step 3 - If the issue continues, Council officers will assess the situation to **determine any impacts** and whether the busker is at fault, to notify the busker about this guidance and to attempt a fair resolution. **If the busker is found not to be at fault there will be no further action.**

Buskers will be given an opportunity to apply to the dispute resolution panel for advice, arbitration or mediation.

Step 4 - If further issues are raised and the Council believes a busker is continuing to act unreasonably after they are made aware of the issue and have had an **opportunity to seek advice**, then we will collect and assess evidence from the affected people and issue a formal warning letter to the busker when appropriate.

The letter will outline the **negative impacts** and the steps that must be taken to secure an improvement. **Without formal statements from the complainant, we cannot take this enforcement action.**

Step 5 - If the issue is not resolved at this stage, as a last resort, legal action will be considered. Breach of legal notices served may lead to fixed penalty notices, prosecution and confiscation of equipment.

Agree resolution

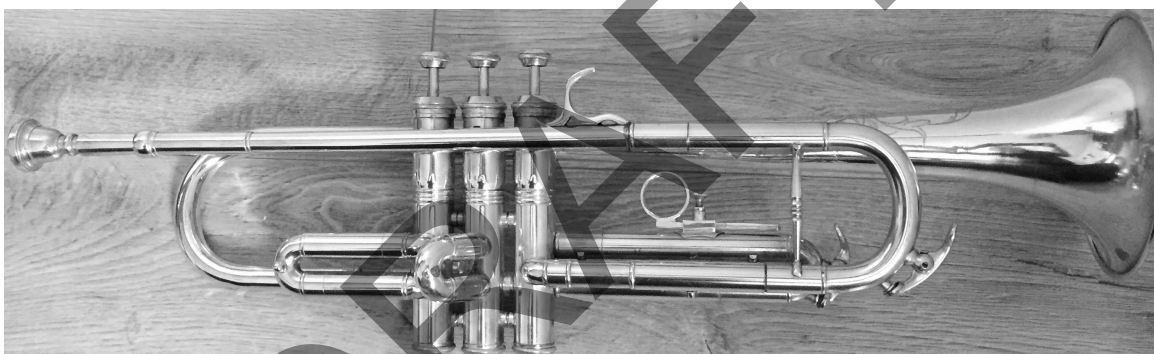
Enforcement

Dispute Resolution Panel

At Step 3 in the Resolving Issues process, a busker will be given the opportunity to ask The Birmingham City Centre Busking Dispute Resolution Panel for **advice, arbitration and mediation** in an attempt to resolve the dispute. Musicians' Union and Equity members are also able to ask for formal **representation** in this process.

The Panel, will strive to uphold the principles of the City Centre Plan and work to deliver proportionate, fair, and effective resolutions to disputes brought before them by:

- Taking a holistic and fair-minded view to any dispute brought before them.
- Balancing the rights of a busker to make a living with the rights of residents, businesses, visitors and other users of public space to continue their day-to-day activities free from unreasonable impact.
- Meet (either online or in person) as soon as is reasonably practicable and endeavour to communicate its resolutions no later than 1 working day following the panel meeting.



Further information

Selling Merchandise or Services

If you wish to sell in the normal way on the public highway you will need street trading consent. Costs can vary depending on the location and size of the pitch. Call 0121 303 0254 or email MarketStalls@birmingham.gov.uk for details.

Alternatively you may have merchandise or services available as a part of your busking act, (e.g. CD's, balloon animals, caricatures) however these must be offered on a voluntary basis. You may have a suggested donation amount, but it should be clear that any donation is voluntary - test purchases may be made. Suitable wording for a sign might be *"These CD's are not being offered for sale, any contribution you make for them is voluntary. Suggested contribution £xx.xx"*

Busking For Charity

Any activity on the public highway involving a collection for (or donation of proceeds to) charity requires a charity street collection permit. These are free and available from the www.birmingham.gov.uk/streetcollectionlicence

Once you have your permit, you are free to busk for charity on any public land within the times and areas specified on your permit. **Buskers for charity are still expected to operate within this guidance.**

Public Liability Insurance

We recommend that all performers have suitable Public Liability Insurance. This is offered as part of membership of the MU and Equity, information is available on their websites.

Contact Details

- ❖ The other guides can be found at <website to be confirmed>
- ❖ For all enquiries about this guidance please contact the **City Centre Operations Team** on 0121 675 3616, citycentre@birmingham.gov.uk or www.birmingham.gov.uk/citycentre
- ❖ **Musicians Union** - The MU was established in 1893 and represents over 30,000 musicians in all genres including buskers. www.musiciansunion.org.uk
- ❖ **Keep Streets Live Campaign** - a non-profit organisation which advocates for public spaces that are open to informal offerings of art and music. www.keepstreetslive.com
contact@keepstreetslive.com
- ❖ **Equity** - Equity was founded in 1930 and is the Trade Union for performing artists including actors, entertainers, variety artists and musicians.



This is version 0.96 of the guide, produced in May 2016.