

## **APPENDIX 4**

### **Equality Analysis**

#### **Birmingham City Council Analysis Report**

EA Name: Equality Analysis Busker and street entertainment Voluntary Guide  
Directorate: PLACES  
Service Area: Regulation & Enforcement  
Type: New/Proposed Strategy  
Task Group Manager: Janet Bradley  
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#### **Introduction**

##### **Overall Purpose:**

The main purpose of the voluntary guide is to reduce the potential negative impact to users (including residents and businesses) of the City Centre shared space from the activities of buskers and street entertainers. The guide is intended for the use of all users of the shared space including businesses, residents, enforcement authorities and the wider community.

The aim of the guide is to provide behaviours, communication tools and considerations to reduce any impacts from activities, for all to undertake who share the same space within the public realm. The guide will detail intervention pathways to deal with any negative impacts that may arise. This will be in the form of a hierarchy of interventions starting from verbal communication and education through to enforcement.

The ideal outcomes of the guide are to reduce the potential negative impacts of busking and street entertainment on all those that work and live within the public realm of the city centre and town centres by:

- Stating and setting reasonable behaviours that all buskers and street entertainers can abide by which do not prevent their activity.
- Provide a communication aid between residents, businesses and officers to discuss how any negative impacts of the activities undertaken can be reduced.
- Providing a hierarchy of interventions from informal education to prosecution and remedial action when informal interventions do not achieve the desired results.

The guide promotes a sense of shared space, communication and is aimed at reduce the need for people to complain and for enforcement authorities to intervene. A further outcome is also to encourage vibrancy and improve the quality of street entertainment by attracting quality entertainers.

For each of the strategy, decide whether it will be significantly aided by the function:

Public Service Excellence (Yes)

Environmental Health (EH) is the lead section for this project. EH delivers high quality services through Quality Procedures which are adhered to ensure consistency and reviewed on a regular basis. For many years we have held the Investors in People award. Officers are highly skilled and qualified to undertake investigations and are versed with PACE. Officers undergo regular training and refresher training and have to comply with continuous professional development.

The section acts in accordance with the City Council's enforcement policy at all times.

This Voluntary Guide has been produced with the help and input of a number of key agencies and stakeholders such as BID's and the Police who all have Public Service Excellence at the heart of their beliefs. The entertainment sector has also been consulted on i.e. a group of regular Birmingham buskers; the Musicians union; Keeps streets live and Equity. The Guide has been produced by carrying out extensive public consultation through BeHeard to capture the public's opinion on this matter.

Fairness (Yes)

The voluntary guide and the associated procedures have a hierarchy of interventions from informal communications through to enforcement procedures which is in accordance with the City Council's enforcement policy following a graduated approach.

The BeHeard public consultation process has ensured the strategy has been fairly planned and all that are impacted have had an input into its production, design and direction. The engagement with stakeholders has enabled us to tap into knowledge and expertise to ensure we are acting within the confines of legislation taking into account legal interpretation and national guidance. The help of the City Council's legal team has also helped with ensuring the strategy is legal, proportionate, transparent and fair.

This strategy has been brought about due to the PSPO consultation in 2015 regarding the removal of amplification for buskers found most people opposed this motion and many responses stated that the City Council must look at all voluntary options first before targeted enforcement. This voluntary guide is that voluntary option

Prosperity (Yes)

The strategy is designed to reduce any potential negative impacts from busker and street entertainment activities. In promoting responsible busking it is hoped that the guide will promote busking and street entertainment to the City which is for some, an income stream.

The guide aims to reduce negative impacts on business which can include loss of trade. By reducing the immediate issues and promoting good buskers can attract customers to the City and to shops, customers will be more likely to enter their premises and/or use facilities if there is a positive vibrant atmosphere. The guides aim to positively influence the Day Time Economy (DTE) through responsible entertainment. The guides will reduce the potential for ASB within the City and promotes gentrification.

## Democracy (Yes)

This strategy has been a democratic process. We have carried out a 'You said, We did' process by both analysing the PSPO responses in 2015 and taking this guide through the public consultation BeHeard process. The extensive consultation process, engaging with stakeholders and liaising with the LPPC committee has enabled us to carry out this work democratically.

### 2.2 Individuals affected by the Policy

#### Will the Policy have an impact on service users/stakeholders? (Yes)

This policy provides collaborative working and a set of principles that encourage all within the public space to work together in resolving issues through the use of a self-governance approach. An intervention pathway is provided and in place to deal with issues that arise and the informal approach has not worked.

It is envisaged that the outcomes from the plan will have a positive impact on all service users and stakeholders.

Entertainers who disregard the guides and choose to behave in a way that negatively affects others will be affected by the plan depending on the degree that they chose not to adhere i.e. after informal interventions, formal interventions may include enforcement.

A characteristic that may be adversely affected are those buskers and entertainers who have a mental health condition (disability). Should this be apparent through interventions of officers with any such persons then appropriate agencies will be contacted.

Buskers and street entertainers come from diverse backgrounds including those from the protected characteristics; however, there is no protected characteristic that is associated with busking and street entertaining.

#### Will the policy have an impact on employees? (No)

It is envisaged that the voluntary guide and the associated procedures will increase the workload for staff members. If the strategy achieves a culture change the workload should decrease over time as the strategy and the principles are established.

Staff members will need to be trained with this policy/strategy. The enforcement tool is not widely used across the UK let alone within the City Council. This would mean training of all staff will need to be carried out.

#### Will the policy have an impact on the wider community? (Yes)

The policy, strategy, guide and procedures are all aimed at improving the life of those that use and live within the shared space within Birmingham (the wider community). The guides aim is to improve the quality of life of those in the wider community through reduction of the negative impacts of busking and street entertainment and associated ASB.

## 2.3 Analysis

The policy will not affect employees nor negatively impact service users.

Consultation of the policy will hopefully highlight any negative impacts, particularly on protected characteristics. Approximately 50% of buskers and street entertainers are from a minority ethnic background in Birmingham; the impact on uncooperative people would not be a consequence of their ethnicity, but as a consequence of them not adhering to the voluntary guide and potentially committing ASB. Interpretation services will be used for those whose first language is not English to ensure the entertainer understands firstly the behaviours to adhere to and secondly the action to be taken should their behaviour cause negative impacts.

Those that chose to entertain within the public realm and produce a negative impact within the community will be subjected to the hierarchy of interventions to reduce the impact. To minimise any potential bias of enforcement against entertainers a sector dispute resolution panel is in place which is independent of the enforcement procedures and will help to regulate the regulator.

## 3. Conclusion

Consequently, I do/do not consider that a full equality assessment report is needed for this function.