

Street Entertainment Policy

November 2013



Introduction

This Policy sets out Camden's approach to street entertainment, commonly referred to as busking, and circumstances where street entertainment will need to be licensed.

The Policy also sets out when a licence isn't needed for street entertainment, along with useful information and guidelines that entertainers may find helpful.

All forms of street entertainment are viewed as an important part of the musical and cultural heritage of the borough, providing a means for new talent to be discovered, while adding to vibrancy and character of the area. This in turn is one part of Camden's offering which supports the creative and cultural industries. There are an estimated 3,700 businesses in this sector in Camden, with an estimated gross turnover of around £1bn and direct employment to about 40,000 people. In terms of numbers of businesses, the largest sub-sector is Music and Visual Performing Arts where there are almost 1000 businesses employing around 3000 people with an estimated turnover of approximately £200m per year.¹

Camden is however concerned with the numbers of entertainers who are using amplifiers and loud musical instruments on the street, some of whom have little regard to occupiers of property in the area or other people using the street. Camden believes that nuisance has been caused to local residents and businesses, and that there is potential for nuisance to be caused in any part of the borough. Camden also believes that on some occasions there is a risk to safety of people using the street, and that increased opportunities have been created for crime to occur, such as pickpocketing.

Part V of the London Local Authorities Act 2000 provides optional powers for London Councils to adopt to licence busking², and Camden has created this Policy according to the powers contained in that Act. Camden does not intend to use the Policy to prevent busking, but instead introduce a licensing regime to control street entertainment on the highway and on open spaces in the area only where this is necessary.

The Camden Plan sets out strategic objectives that Camden is expecting to deliver over a 5 year period from 2012 to 2017. The Policy responds to the Camden Plan priority of creating sustainable neighbourhoods by recognising residents needs to enjoy their environment. The Policy also takes into account the priority of harnessing economic growth by creating a light touch regulatory framework that permits most street entertainment to take place, while taking a proportionate approach on necessary restrictions.³

¹ <http://www.camden.gov.uk/ccm/navigation/leisure/arts/arts-policy-and-research/>

² <http://www.legislation.gov.uk/ukla/2000/7/contents/enacted>

³ <http://www.camden.gov.uk/ccm/navigation/council-and-democracy/camden-plan/>

Section 1 – Overview

This section is to be confirmed following a meeting of the full Council on 11th November 2013

Status of the Policy

- 1.1. On the 11th November 2013 Camden adopted powers under Part V of the London Local Authorities Act 2000, which enable Camden to licence busking. The Policy has been written to incorporate the various factors Camden can decide through Council resolutions and Regulations that can be made by Camden.

Consultation on this Policy

- 1.2. A consultation was carried out on a draft Policy between the 30th August 2013 and 4th October 2013. The results of the consultation have been considered and have helped form this Policy.

Summary of the Policy

- 1.3. This Policy applies to the whole of Camden, and applies to the provision of all entertainment in a street within Camden, such entertainment shall be referred to throughout this policy as busking.
- 1.4. Camden believes that busking makes an important and valued contribution to the borough, and does not wish to see busking prevented or unnecessarily restricted. The Policy therefore seeks to take a light touch approach, not prevent any types of busking, and only introduce regulatory requirements where considered necessary to address issues that have been raised with Camden.
- 1.5. Camden recognises that many forms of busking can be carried on with a minimum impact on local residents and businesses. However, this may not always be the case, and it is therefore appropriate for Camden to set standards through a voluntary Code of Conduct which all buskers are expected to comply with (see **Appendix D**).
- 1.6. Where the entertainment includes music or the use of amplifiers, a Busking Licence is also required within Camden, except where the entertainment falls within a class of entertainment which is excluded from this requirement (see **Section 4**, Exclusions). Two types of licence can be issued, which are summarised below.
- 1.7. A **Standard Busking Licence** is subject to Camden's Standard Conditions. These conditions include restrictions in respect of permitted times of 10am to 9pm, certain types of instruments such as drums and wind instruments, and amplification. Standard Licences can only be used by solo or duo performers.
- 1.8. A **Special Busking Licence** is required for Busking within Camden where a performer seeks amend or vary these conditions.
- 1.9. Camden will not seek to impose conditions which seek to regulate the form and content of any busking performance. It will be a matter for the busking performer to state the

class or nature of performance sought for authorisation. This is to ensure that where necessary, appropriate conditions can be attached to the licence.

- 1.10. Both a **Standard Busking Licence** and a **Special Busking Licence** will state the specific class of busking permitted to be performed.
- 1.11. This policy will be reviewed from time to time as the need arises.
- 1.12. The Policy is split into various sections with additional appendices, and these are:

Section 2	Guidelines and information for all street entertainers
Section 3	Streets where a licence is needed and permitted hours
Section 4	Entertainment that doesn't need a busking licence
Section 5	Application requirements and procedure
Section 6	Decision making
Section 7	Conditions
Section 8	Appeals
Section 9	Enforcement
Appendix A	Definitions used in the Policy
Appendix B	Regulations prescribing Standard Conditions
Appendix C	Regulations prescribing application requirements and procedures
Appendix D	Code of Conduct for all Street Entertainers

Section 2 – Guidelines and information for all street entertainers

- 2.1 All street entertainers, whether or not they need a busking licence, are asked to consider Camden's Code of Conduct to help maintain a safe and vibrant borough for everyone to enjoy, which is attached to the Policy at **Appendix D**.
- 2.2 The Code of Conduct is introduced in recognition that any entertainment provided on the street has potential to cause problems for the local community,
- 2.3 As a general guide, all street entertainers are asked to consider the following:
 - a) Make sure that you don't cause an obstruction in the street, and leave space for wheelchairs and pushchairs to pass.
 - b) Don't stay in one place for too long. Camden recommends no more than an hour at a time.
 - c) Don't act in a way that is likely to cause offence to a member of the public
 - d) Be considerate to other street entertainers by not performing too close to someone else

Section 3 – Streets where a licence is needed

Legal Status – London Local Authorities Act 2000:

1. For the area included - Council Resolution made under Section 33

- 3.1 The Act, and the Policy, applies to the whole of the area of Camden. This means that busking is not permitted anywhere in Camden without a busking licence, unless the type of entertainment is excluded from needing a licence by virtue of **Section 4**
- 3.2 Where a Busking Licence is issued, it will always be subject to licence conditions. In all other cases, performers are asked to consider Camden's Code of Conduct at **Appendix D**
- 3.3 Where Camden issues a licence or has exempted entertainment from needing a licence, this does not give or imply permission to use private land for those performances. When performances are carried out on private land, then the land owners permission should always be sought first.

Section 4 – Entertainment that doesn't need a busking licence

Legal Status – London Local Authorities Act 2000:

2. For excluded entertainment - Council Resolution made under Section 32(a)

- 4.1. Noise created by street music and amplification equipment is one of the principle reasons for Camden adopting the powers to licence busking. It is not considered necessary to regulate other forms of entertainment at present, although all performers are asked to consider Camden's Code of Conduct set out in **Appendix D**
- 4.2. Camden has determined that the following classes of street entertainment do not require a busking licence under the Act:
- a) Performances of mime and similar performance, including living statues except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - b) Performances of juggling (with balls, clubs or rings, but not knives, sharp objects or live flame) except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - c) Performances of clowning except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - d) Performances of theatrical and poetic recital and similar performances except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - e) Performances of puppet shows including Punch & Judy and similar performance except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - f) Pavement artists, except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - g) Performances of magic tricks or magicians shows, except where the performance incorporates musical instruments and/or amplification (amplifiers, loud speakers, megaphones or any similar equipment);
 - h) Performances of Morris Dancing
 - i) Performances of Carol singing and other traditional seasonal festivities.
 - j) Any entertainment that is performed on a bandstand or similar site within a park or open space. For this exemption to apply, the site must be provided on a permanent basis by the landowner or person responsible for managing the park or open space.
 - k) Any entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest march or similar event.
 - l) Any entertainment that is part of an event organised by Camden or has been organised in conjunction with Camden.
- 4.3. The Act also exempts some other forms of entertainment from needing a Busking Licence, where are:
- a) Entertainment provided under a Licensing Act 2003 licence or Temporary Event Notice, or authorised specifically to take place in a street by any other enactment
 - b) Music performed as part of a religious meeting, procession or service.

- 4.4. Entertainment that is provided as part of a wider event has also been excluded. Such events generally require some form of approval, which can include a road closure, or permission to use an open space, and therefore additional restrictions are not considered necessary at present.
- 4.5. Where Camden issues a licence or has exempted entertainment from needing a licence, this does not give or imply permission to use private land for those performances. When performances are carried out on private land, then the land owners permission should always be sought first.

Section 5 – Application requirements

Legal Status – London Local Authorities Act 2000:

3. For the application requirements – Council Regulations made under Section 36 (1)

4. For the licence fee – Council determination made under Section 36 (3)

- 5.1. An application for a Busking Licence must be made in writing to the London Borough of Camden using the form provided, which can include applications made by email or online.
- 5.2. An application may be made by an individual or by a group. Where the application is made by a group, the application should be made by the person responsible for the organisation and management of that group (e.g. the lead member of the group).
- 5.3. When an application is made by a group, and subject to any other Standard Conditions, a Standard Licence will be issued for up to two performers and a Special licence will be needed for three or more performers
- 5.4. Applicants are advised to allow the following time for their application to be determined:
 - a) **5 working days** for a Standard Licence.
 - b) **20 working days** for a Special Licence (e.g. where requests are made to vary or remove the Standard Conditions)
- 5.5. The following documents need to be submitted with the application:
 - a) A completed Busking Licence application form, with the details required in Camden's regulations (**Appendix C**)
 - b) A passport sized photograph of the applicant
 - c) The licence fee in full
- 5.6. Additional information will be required on the application form for applications for Special Licences to remove or amend the Standard Conditions, and this is also listed in the Camden's regulations (**Appendix C**).

Section 6 – Decision Making

Legal Status – London Local Authorities Act 2000:

5. For the determination procedure – Council Regulations made under Section 36 (1) and (2)
6. For the power to licence and add conditions – Section 35
7. For refusal reasons – Section 37
8. For revocation of licences – Section 39

- 6.1 The procedure for determining applications is set out in the regulations made by Camden and attached as **Appendix C**.

Summary of the decision making process

- 6.2 Standard Busking licences will normally be granted on the following basis:
- a) for a 12 month period, but may be for a shorter time depending on the circumstances
 - b) subject to the Standard Conditions, unless expressly removed or varied by the Council
 - c) to permit busking in any location between the hours of 10am to 9pm, unless otherwise specified on the licence
- 6.3 Busking licences will be decided on a case by case basis according to the procedure prescribed through Camden's regulations, which is summarised as:

Grant:	Applications for Standard Licences that can comply with the Standard Conditions and do not receive objections
Grant or Refuse:	All other applications, which may include requests to vary Standard Conditions, where a licence has previously been revoked, or where there have been other compliance issues

Refusal of Applications

- 6.4 Camden may refuse an application on any of the grounds listed in Table 1 below. The table also provides a brief, and non-exhaustive explanation, of what Camden's considers can be relevant for each of those grounds for refusal.

Table 1 – Refusal of applications

Refusal reason	Relevant considerations include
That the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;	<ul style="list-style-type: none"> • A licence has previously been revoked • Previous history of non-compliance with licence conditions • Previous complaints about conduct that have been substantiated • Advice from the Police
That there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street	<ul style="list-style-type: none"> • The type of performance and equipment being used • Numbers of people attracted by the performance • Footfall in the area • Crime problems in the area • Proximity to road junctions, pedestrian crossings, stations, bus stops etc. • Previous complaints about busking at that location • Site visits or desktop assessments of the suitability of the location • Advice from the Police or relevant Council officers
That there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made	<ul style="list-style-type: none"> • The type of performance and equipment being used • Proximity to relevant premises • Previous complaints about busking at that location • Site visits or desktop assessments of the suitability of the location • Advice from the Police or relevant Council officers

Revocation Hearings

- 6.5 Where a Police Officer or authorised officer requests that a Licence be considered for revocation, the general procedure set out for determining applications shall be followed. In addition to that procedure, the Licence Holder will be notified of any such requests for revocation, and given an opportunity to respond before any decision is made.
- 6.6 The person making the revocation request shall not be the officer making the decision, but may provide evidence to that officer.
- 6.7 The officer may revoke a licence on any of the following grounds:
- a) that there has been a breach of the conditions of the licence;
 - b) that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
 - c) that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

Section 7 – Conditions

Legal Status – London Local Authorities Act 2000:

9. For the standard conditions – Council Regulations made under Section 40

10. For other conditions – Section 35 (2)

- 7.1 Camden has made regulations prescribing standard conditions, which are attached to this Policy as **Appendix B**
- 7.2 The Standard Conditions are attached to all licences, unless they have been expressly excluded or amended in any particular case. For details on the procedure for removing or varying the Standard Conditions see **Sections 5 and 6**. Applicants should note that Camden will only remove or vary the standard conditions if a good reason is provided by the applicant and that the request can be justified against this Policy.
- 7.3 Additional conditions may also be attached to a licence and they may relate to the following criteria, amongst others:
- a) the area in which busking may take place
 - b) the hours during which busking may take place
 - c) the prevention of obstruction to persons using the street
 - d) the prevention of public nuisance to the occupiers of nearby property

Permitted Times

- 7.4 Under the Standard Conditions, the maximum permitted time for Busking is 10am to 9pm on any day of the week. The Standard Condition may be varied where a Special Licence is applied for.

Use of amplifiers

- 7.5 Camden is concerned about the use of amplifiers to support performances and the impact that the resulting noise has on local residents and business occupiers. The Standard Condition preventing amplifiers is therefore considered necessary in most cases.
- 7.6 Where requests are made to vary this condition, advice will normally be sought from an Environmental Health Officer or other person with specialist knowledge in noise prevention, who may also be a member of the Panel deciding the application. (see **Section 6**)
- 7.7 Consideration will be given to the location for the performance, the times of day requested, the duration of the performance and the likely volume to be audible at the nearest residential or business property.
- 7.8 Camden will not grant permission to use amplifiers on the street beyond 9pm under any circumstances. This is due to a restriction on using loudspeakers on the street between 9pm to 8am in Section 62 of the Control of Pollution Act 1974.
- 7.9 If permission to use amplifiers is granted, it is likely that additional conditions will be imposed to limit the times of day, duration of performances and permitted locations.

Use of Drums and Wind Instruments

- 7.10 Drums and wind instruments (apart from flutes and recorders) are prevented through the Standard Conditions. If applications for a Special Licence are made to remove or amend this condition, the Council expects applicants to demonstrate that they have considered the impact that this may have, and provide any additional conditions to manage that impact. The considerations could include:
- a) The locations and times where performances will take place
 - b) The proximity to residents or businesses, and the likelihood of public nuisance being caused
 - c) The amount of space in the street at those locations
- 7.11 When the Council considers any request to remove or amend this condition, it will have high regard to the factors listed above, along with the rest of the Policy.

Section 8 – Appeals

Legal Status – London Local Authorities Act 2000: 11. For the appeal provisions – Section 41

- 8.1 There is a right of appeal in the following situations:
- a) an applicant for the grant of a licence whose application is refused
 - b) a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - c) a licence holder whose licence has been revoked;
- 8.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins 7 days after the notification was posted by first class post.
- 8.3 Any appeal must be made to:
- Highbury Corner Magistrates Court
51 Holloway Road
London
N7 8JA
- 8.4 A further appeal against the Magistrates' Court decision may be made to the Crown Court
- 8.5 On an appeal to the Magistrates' Court or to the Crown Court, the court may make any such order as it thinks fit

Section 9 – Enforcement

Legal Status – London Local Authorities Act 2000: 12. For the enforcement provisions – Section 42 and 43

- 9.1 Camden will seek to ensure that any person who is granted a busking licence complies with the Conditions attached to the licence, and that appropriate action is taken for non-compliance or where unlicensed busking occurs.
- 9.2 Any person who—
- a) busks in any street to which the Policy applies (as set out in **Section 3** of the Policy) without the authority of a licence; or
 - b) is concerned with the organisation or management of busking which is not authorised by a licence; or
 - c) contravenes any condition of his licence; or
 - d) in connection with his application for a licence makes a statement which he knows to be false in a material particular;
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. (£1000 at the time of approving the Policy)
- 9.3 Where a busking licence is required, and busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence, then the following options are available to an authorised officer or a police officer:
- a) They may require that busking either cease or not take place
 - b) Where unlicensed busking is taking place, equipment (including instruments) connected with the busking may be seized
 - c) Proceedings may be instigated to prosecute the person for offences under the Act
- 9.4 Where the busking is considered to be breach of the conditions on the licence, then the authorised officer or Police officer may request that the Council considers revoking the licence. Where this happens, the procedure set out in **Section 6** of the Policy shall be followed.
- 9.5 The aim of taking any enforcement action is to ensure compliance with the relevant requirements, and this can often be achieved through advice or warnings in the first instance, and before the options described above are considered.
- 9.6 When considering which course of action is appropriate, the factors that can be taken into account include:
- a) The gravity/seriousness of the infringement
 - b) The nature of the alleged infringement
 - c) The status, circumstances and previous history of the alleged offender
 - d) The reliability and scope of the evidence collected
 - e) The likelihood of the alleged offender being able to establish a statutory defence to the alleged infringement
 - f) The desirability of a particular course of action in terms of the benefit to the community at large
 - g) Regard to authoritative advice, guidelines and recommendations
 - h) Explanation offered by the alleged offender, and the willingness to prevent a recurrence of any alleged infringement

- i) The general record and approach of the offender
- j) Whether it is desirable to produce some public effect (remedial or deterrent).
- k) Any other factors that may be relevant

- 9.7 Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors, which sets out an evidential test and considerations to be taken in the public interest when bringing proceedings.
- 9.8 In certain cases a prosecution or revocation request may take place without prior warning where there is potential for considerable harm arising from the breach.
- 9.9 In the public interest, information and data concerning non-compliance will be shared, where appropriate, with other enforcement agencies. Where this takes place, due regard will be paid to the provisions of the Data Protection Act 1998.

Appendix A – Definitions used in this Policy

“the Act” means Part V of the London Local Authorities Act 2000

“authorised officer” means an officer authorised to carry out functions under the Act on behalf of the Council

“busking” means the provision of entertainment in a street but does not include the provision of entertainment—

- a) of a class which excluded by Camden from the licensing requirements (see **Section 4** of the Policy)
- b) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing));
- c) which is authorised specifically to take place in a street under any other enactment; or
- d) consisting of music performed as an incident of a religious meeting, procession or service;

and “busk” and “busks” shall be construed accordingly;

“the Council” and **“Camden”** means the London Borough of Camden

“licence” and **“busking licence”** means a licence under section 35 (Power to license) of the Act and “licensed” shall be construed accordingly;

“nuisance” may include a private nuisance, public nuisance, statutory nuisance (including harm to human health), along with undue interference and inconvenience

“the Policy” means this Policy document

“Regulations” means regulations prescribed by Camden under the Act.

“street” includes—

- a) any street or way to which the public commonly have access, whether or not as of right;
- b) any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access;
- c) any area in the open air to which the public commonly have access;
- d) any street, way or open area within any housing development provided or maintained by a local authority under Part II of the Housing Act 1985;

but does not include any land in respect of which there are byelaws in force which regulate the provision of entertainment and which are made by London Transport Executive or London Regional Transport.

“street entertainment” means all forms entertainment on a street, including those that do not require a busking licence under this Policy

Appendix B – Standard Conditions

Part V of the London Local Authorities Act 2000

Regulations Prescribing Standard Conditions for Busking Licences

In these regulations, the expressions "Street" and "Busking", have the meaning as set out in Part V of the London Local Authorities Act 2000. The "Policy" means Camden's Street Entertainment Policy.

The Standard Conditions are attached by default to every Busking Licence issued. The conditions may only be removed or varied on a licence according to Camden's Policy and following an application.

- B.1. The licence must be displayed when performing and shown to either an Authorised Officer or Police Officer on request.
- B.2. The licence holder must adhere to the current Code of Conduct as annexed to Camden's Street Entertainment Policy.
- B.3. The licence permits Busking on any street in Camden between the hours of 10am to 9pm, unless otherwise stated on the licence.
- B.4. The licence only permits Busking by the performer or group named on the licence, and may not be used by, or transferred to, another person or group.
- B.5. In the case of a group, no more than two performers are allowed unless otherwise stated on the licence.
- B.6. The use of amplification equipment is not permitted unless otherwise stated on the licence, such as amplifiers, loud speakers, megaphones and similar, including amplification equipment incorporated into an instrument.
- B.7. The following types of instruments are not permitted for use on a street unless otherwise stated on the licence:
 - a) Drums and Drum Kits
 - b) Wind instruments, including brass instruments and woodwind instruments, but not including flutes or recorders.
- B.8. Performances may only be carried on in a location with sufficient space for the performance, taking into account the number of performers and the expected audience size.
- B.9. The location for performances must not be on or adjacent to pedestrian crossings, bus stops or station entrances/exits, or other doorways to residential or business properties.
- B.10. The performance must not be carried on in a way that causes an obstruction to pedestrians or traffic. This includes preventing any audience blocking the pavement so that pedestrians have to walk in the road to get past, with the space left for pedestrians being at least 1.8m measured from the edge of the kerb to the area being used for the performance and any associated audience.

- B.11. No naked flame, pyrotechnics, fireworks or similar shall be used as part of the performance.
- B.12. No knives, sharp objects or similar shall be used as part of the performance.
- B.13. The licence holder must comply with any direction given by an Authorised Officer or Police officer, which may include directions to stop performing or to move location to prevent a public nuisance or obstruction being caused.

Appendix C – Application Requirements and Decision Making

Part V of the London Local Authorities Act 2000

Regulations Prescribing Application Requirements and Procedure to Determine Applications

In these regulations, the expressions "Street" and "Busking", have the meaning as set out in Part V of the London Local Authorities Act 2000. The "Policy" means Camden's Street Entertainment Policy.

Application Requirements

- C.1. All applications should be made on the application form provided by Camden, and should be accompanied by a passport size photograph of the applicant, along with the application fee.
- C.2. Applications can be made by an individual busker or a group. Where an application
- C.3. The following information is required for all applications:
 - a) Name and Address of the applicant
 - b) Contact details
 - c) Type of entertainment to be performed and description of equipment to be used
 - d) Whether the applicant has previously been refused a busking licence (in Camden or elsewhere) or has had a busking licence revoked
 - e) Where the application is made by a group, the number of performers in the group must be specified.
- C.4. The following additional information is required for Special Licence applications:
 - f) The conditions requested to be varied, with any proposals for alternative conditions
 - g) The locations where the entertainment is intended to be performed with sufficient information to identify those locations (e.g. street addresses, local landmarks etc.)
 - h) The times the entertainment is to be performed
 - i) The expected duration of performances
 - j) The number of performances expected per week/month/year (as appropriate) in each location
 - k) If amplifiers are to be used, further details for that equipment including the make and model, maximum power output and expected battery life. If known, the Sound Pressure Level (or dB) output of the speaker should also be provided.

Procedure to Determine Applications

All Applications

- C.5. Applications for any street (or area) that is not a Licensed Street will in all cases be refused (see **Section 3** of the Policy)
- C.6. All applications will be consulted on, with the extent of the consultation determined according to the type of application. Any objections must be relevant to the grounds for refusal as set out in **Section 6** of the Policy.

- C.7. Applicants are advised that the grant of any licence does not give permission to use private land, and in such cases the land owners permission should also be sought first.
- C.8. All applications will be determined by a single officer decision (“the determining officer”).

Standard Licences

- C.9. Applications that do not request any changes to the standard conditions will in most cases be granted if no objections are received, subject to the paragraphs below and the determination procedure.
- C.10. A consultation will be carried out with the Police and the Councils Environmental Health Team prior to the grant on the licence, and any objections are expected to be made within 5 working days of the application being received by the Council.
- C.11. Applications for Standard Licences will be granted subject to the Standard Conditions for a period of 12 months, and will permit busking in any area of the borough.
- C.12. Applications that involve the use of equipment not permitted by the Standard Conditions (e.g. amplifiers), are for times beyond the standard hours, or the application is otherwise contrary to the Standard Conditions, will be refused unless it is an application for a Special Licence (see procedure below)

Special Licences

- C.13. A Special Licence is needed where the applicant wishes to vary or remove any of the Standard Conditions.
- C.14. A public consultation will be carried out on all new Special Licences by publication of the application details on the Councils website, and inclusion of the application on the Councils weekly list of licensing applications. Applications will normally be published on the website the day after it is received. The Police and the Councils Environmental Health Team will also be notified according to the procedure for Standard Licences
- C.15. Any objections are expected to be made within 10 working days of the application being received by the Council. Objections received after this time will not normally be considered. In exceptional circumstances the determining officer has discretion to consider late objections if the application has not yet been determined. Such circumstances may be where the publication of the application details has been delayed by the Council or not included on the weekly list either through a technical fault or administrative error.

Renewal of Licences

- C.16. Both Standard and Special Licences can be renewed, and renewal applications should be made one month before the expiry of the licence.
- C.17. Renewal applications can only be made on the same terms of the existing licence. If any changes to the existing licence are requested, this will be treated as a new application.

Determination of all applications

- C.18. The determining officer will always strive to ensure that when considering an application all persons get a proper and fair hearing through:
- a) Considering each case on its merits.
 - b) Using the Policy to assess applications and make a determination
 - c) Dealing with the application in a balanced and impartial manner.
 - d) Ensuring that the rules of natural justice are applied.
 - e) Giving a person making an application sufficient opportunity to present information for consideration in support of their application.
- C.19. The starting point for the determining officer will be that the Standard Conditions are imposed by default on all Busking Licences, which have been consulted on and are Regulations made by Camden under the Act. Standard Conditions will only be removed if a good reason to do so is provided by the applicant, and where the applicant has provided proposals to prevent or limit potential public nuisance to nearby occupiers, or address other relevant concerns. The officer must give his/her reasons for removing or varying each Standard Condition.
- C.20. To ensure application costs are kept to a minimum and that applications can be determined as promptly as possible, the officer will determine applications according to written documents provided by the applicant.
- C.21. The determining officer will consider the application and objections (if any), and whether the application should be granted or refused according the reasons set out in **Section 6**.
- C.22. The applicant will be informed of any objections and notified where the determining officer is minded to refuse the application in full or in part (including where additional conditions are proposed).
- C.23. Where this happens, the applicant will have the opportunity to respond to those objections and provide any additional information that they wish to provide in support of their application.
- C.24. Any determination of an application will not involve an audition process and no facilities will be provided for performances to be carried on in support of the application. The officer's role is to determine the application in line with this Policy, and not to make an assessment on the type or quality of the performance.
- C.25. The final decision of the officer will be confirmed in writing to the applicant as soon as is reasonably practicable after the decision is made.
- C.26. The officer may grant a licence for a duration up to 12 months, but also has discretion to grant a licence for a shorter period depending on the circumstances.
- C.27. The officer will always grant a licence subject to the Standard Conditions that haven't been varied or removed, and may also apply additional conditions to the licence according to **Section 7** of the Policy.

Appendix D – Code of Conduct for all Street Entertainments

- D.1. All street entertainers, whether or not they need a busking licence, are asked to consider this Code of Conduct to help maintain a safe and vibrant borough for everyone to enjoy. The Code also gives general information on other licences or permits that may be needed in some circumstances.
- D.2. As a general guide, all street entertainers are asked to consider the following:
- a) Make sure that you don't cause an obstruction in the street, and leave space for wheelchairs and pushchairs to pass.
 - b) Music and singing should not be performed at a level that causes public nuisance or annoyance to any business or resident.
 - c) Don't stay in one place for too long. Camden recommends no more than an hour at a time.
 - d) Don't act in a way that is likely to cause offence to a member of the public
 - e) Be considerate to other street entertainers by not performing too close to someone else, and that a performance must not be carried on or started within 50m of another busker already performing.
- D.3. Where Camden issues a licence or has exempted entertainment from needing a licence, this does not give or imply permission to use private land for those performances. When performances are carried out on private land, then the land owners permission should always be sought first.

Street Trading

- D.4. A busking licence does not permit the sale of any goods or services, including CD's made by the performer. Street Trading is only permitted with a Street Trading Licence in a market or other designated site. Any person selling goods on the street without a street trading licence may have the goods seized and may be prosecuted by the Council.
- D.5. Further information is available on Camden's website: www.camden.gov.uk/streettrading

Street/Charity Collections

- D.6. A permit from the Police is required by anyone collecting money for charity on the street. Further information on what is permitted and how to apply can be found on the link below:

www.met.police.uk/charities