

GUIDE TO BUSKING



IN

LIVERPOOL



This updated *busking guide* in Liverpool recognises the vital role musicians play in our city and we are delighted to endorse it.

When people think of Liverpool, music is one of the first things they imagine. The contribution of the city's musicians is one of the reasons we are recognised as a Music City in every corner of the world and are a UNESCO Music City. Music is at our heart, we celebrate our musical heritage while promoting every note of the rich, diverse and life-enhancing music-making taking place every day in communities across the city.

Busking plays a significant role in this vibrant music-ecology. It is a platform for musicians and street entertainers, while making the city centre animated for residents, businesses, shoppers and visitors alike.

This guide sets out a framework, ensuring the city centre stays safe and welcoming for everyone. Our busking community is a vital ingredient in our vibrancy and we maintain this with clear guidelines on how they should operate, that does not impede both enjoyment and safety.

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Buskers share the streets and open spaces with a variety of other users. These users include the people who live and work in the City Centre, the general public, emergency services, street cleansing and the businesses/retailers who support the City Centre economy.

WHY DO WE NEED GUIDELINES?

As a City, Liverpool City Council is confident that whilst we acknowledge that most complaints about busking apply to a small number of performers and usually relate to noise levels (volume), location, repetitive performances or obstruction, any conflicts can be dealt with if buskers, local businesses, council officers, enforcement agencies and members of the public engage in constructive dialogue, compromise and co-operation.

These guidelines aim to reduce the potential for conflict and to support a culture of community, compromise, negotiation and consideration for others.

The aim of this guidance is to provide a framework to minimise disputes and resolve issues before they escalate. Liverpool City Council has a range of statutory powers relating to noise nuisance, public order and obstruction. However these will only ever be used as a last resort if there are persistent issues and this guidance is not being observed.

Liverpool City Council also has an existing Public Spaces Protection Order in place and a key aspect of this Public Spaces Protection Order includes **the safe guarding of children.**

This Public Spaces Protection Order does not impact on or prohibit busking as long as it is in accordance with the Best Practice Guidance contained in "A Guide to Busking in Liverpool" (Liverpool City Central BID) dated 23rd September 2014 and/or in any subsequent / future guidance relating to busking in Liverpool issued either by the authority or with the express written permission of the authority.

NB: At the time of publication it is not clear how long restrictions due to the global pandemic will continue or if and how any future changes would come into effect. Therefore we would expect all buskers to comply with any national and/or local guidelines that are in place regarding Covid 19 or any other major public health issues now or in the future.

We would strongly encourage all buskers to respect social distancing measures that are in place at any time and, where possible, we would urge buskers to use card readers for donations rather than accepting cash and comply with any best practice guidelines provided by the Musicians Union and Keep Street Live via their websites.

WHAT IS



BUSKING?

Busking and street entertainment involves live performances in a street or area where the public commonly have access.

In this guidance the phrase 'busking and street entertainment' includes performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists all intended to entertain or engage with the public.

Whatever the act or skill it would be expected that a performance of that act or skill will take place.

Buskers are not hired directly or paid for their performances but instead rely upon receiving unsolicited voluntary contributions from members of the public.

Busking is a lawful activity and if a busker is following this guidance they are unlikely to be in breach of any legislation.

For the purposes of this guidance busking and street entertainment would not include or involve:

→ The sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. These activities are regulated by the Street Trading regime and are subject to separate controls.

→ Entertainment performed as part of street parties, community festivals, charitable fundraising events, protests or similar activities.

→ Entertainment related to a religious meeting, procession or service, or traditional seasonal festivities including carol singing, morris dancing or similar.

→ Entertainment organised as part of a wider authorised event by the Council's Culture Team.

→ Promotional Activities arranged by the Liverpool BID Company.

CHILDREN AND BUSKING

As per Government Guidelines children under the age of 14 are not allowed to busk.

Children over 14 considering busking in Liverpool should be accompanied by a parent or guardian and should not busk during school term time.

Any act which is designed primarily to appeal to children under the age of 13 must have obtained the prior authorisation of the authority.

CHARITABLE COLLECTIONS

Requests for donations for charity will require a permit from the Licensing Authority.



BUSKERS



Pitch selection

Cities are full of sounds from many different sources. A busker needs to be heard above the level of ambient street noise, within a certain radius, for their performance to be effective. Often complaints made about busking relate to noise but are actually about how intrusive a sound is and not just its volume. For example, repetitive performances can cause disturbance and seem louder than they actually are. The location, time of day, duration of performances and crowd density are also important factors for consideration as every pitch is different. Sharing public space and cooperating with others is important when busking.

Whenever a busker sets out to perform on a street, they are joining an existing community which includes street traders, shops, businesses, residents, other buskers and members of the public. Buskers should remember:

01. Choose your pitch with consideration for others. Take care not to obstruct highways or shop entrances and to allow plenty of space for people to pass by, particularly Disabled people using mobility or access aids such as wheelchairs mobility scooters canes or assistance dogs.
02. All buskers and street entertainers should be confident that both they and their performance are safe for those enjoying the performance.
03. You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
04. You cannot use any existing street furniture as part of, or to facilitate your performance.
05. Seating areas should not be used to position your amps or other equipment used as part of your performance as this can cause an obstruction. The seating areas are for the use of the general public.
06. Before setting up, it is helpful to anticipate the impact that your act will have on other users of shared spaces and it is often beneficial to introduce yourself to nearby businesses, traders and other users of shared public spaces near to where you intend to perform.
07. By letting nearby businesses and traders know about your performance in advance including the type of act, how long you will be performing and when you are taking breaks, you can help make complaints less likely.
08. Ask businesses to speak to you directly in the event that they have a problem, or want to ask you to make any adjustments to your act. This should establish a good, co-operative relationship between you and the people around you. It also makes it more likely that any future communications will be good natured.
09. Always be courteous to members of the public, members of the local business community, and public officials in the event that someone needs to speak to you. Being calm and polite will go a long way and help promote positive relationships on the street.
10. Be aware of the time of day and nature of the space you intend to perform in and be prepared to change location if it becomes clear your act is unsuitable for that space on a given day. Always choose your pitch with consideration for other buskers.
11. Do not set up so close to other buskers/performers that your volume or gathered crowd negatively affects their act.
12. You will keep a distance of 50 meters between yourselves and your fellow buskers/performers.
13. This distance applies to all types of performers and not solely restricted to music performances.
14. So as to allow all street performers to benefit from more favourable locations it is the buskers responsibility to negotiate between themselves the arranging of pitch times on "a first come first served basis" and arrange a time with the busker already occupying the site as to the next available time of the pitch. It is expected this will create an orderly queuing system in relation to the sharing of pitches.
15. Circle shows are welcome to perform at the following locations only: William-son Square, Clayton Square and the event space on Parker Street.
16. It is always helpful to be willing to be flexible and considerate with your fellow buskers in relation to rain delayed performances.



Noise issues

As noise from amplification and louder instruments can carry further, you should consider the way in which they are played and comply with the following guidance:

01.

Drums/percussion, in this instance drumsticks are not permitted and you should use brushes and damping with your drum kit.

02.

Do not amplify brass or woodwind instruments and use dampers/mutes if required (harmonicas excluded).

03.

If amplification is used a small, battery powered, portable amp should be sufficient for most buskers needs. The use of petrol & diesel generators is prohibited.

04.

Take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive.

05.

If you have a limited repertoire of material do not continually repeat songs as a guideline, aim to give at least 30 minutes before repeating a song.

06.

If backing accompaniment is part of your act it should be secondary and unobtrusive.

07.

If you are not actually performing, please do not leave a backing track running.

08.

Busking amps should always be at ground level and not raised. The amps should be placed facing forward as opposed to down the street. This way buskers won't create a junction of sound and the noise won't travel as far, impacting on other performers.

Noise sensitive locations

LORD STREET is a noise-sensitive location within the city centre where musical street performers or buskers are advised to ensure that their act is geared to have a low impact.

Amplified musical performances in this location are highly likely to cause complaints due to the nature of the businesses present (hearing tests sites, call centre operators etc.)



PUBLIC SAFETY

01. The prolonged parking of vehicles on preferred busking locations so as to reserve a site is not allowed as the vehicle parked (particularly overnight) is in breach of existing road traffic regulation orders for Liverpool City Centre and may be deemed as a security risk. Any enforcement action taken in this instance will be in line with Liverpool City Council & Merseyside Police.

02. If your performance draws a crowd it is your responsibility to ensure that people are able to freely move past without obstruction and that the crowd can if necessary be quickly moved or dispersed as this has the potential to impact on public safety and impact on the emergency access to the RED ROUTE in Liverpool City Centre. This area known as the RED ROUTE incorporates primarily but not only the preferred busking sites in Church Street and Lord Street.

03. Due to greater impact on public safety and emergency access of the RED ROUTE, circle shows, street theatre, street dance, magicians, jugglers, stunt shows, circus skills, etc. (This does not include live music performances) where a larger crowd is expected to gather, and stay until the finale of the show are not permitted to perform on the RED ROUTE but utilise Williamson Square, Clayton Square and the event space on Parker Street. (see PITCH SELECTION point 15)

04. No naked flame, pyrotechnics, fireworks, knives, sharp objects, sharpened / adapted items of any material or anything similar deemed to be a risk to the public will be allowed as part of the performance of your show.

05. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.

In the event that the police or other public officials need to relay information or safety concerns to the gathered public, you are in the best position to pass information on to your crowd and to ask them to cooperate as needed.

Due to public safety and the potential for accidents Liverpool City Council strongly recommends you should hold public liability insurance.

The Musicians Union offers a range of services tailored for the self-employed, including Public Liability cover and equipment insurance providing assistance for professional and student musicians of all ages.

This guidance is not to be seen as permission for any street entertainer / busker to occupy any part of the public highway / realm and Liverpool City Council will not be responsible for any accidents caused as a result of street entertaining / busking.

This guidance is not a contract between Liverpool City Council and a Busker to perform. Buskers are personally responsible re copyright laws.



BUSKING

OR

STREET TRADING?

Many busking acts have a secondary element to their performance which might involve receiving donations from members of the public. Some examples might include street art, photographs taken with a performer by members of the public, the provision of balloon sculptures and CDs containing recordings of a performer's music.

Busking does not involve a formal sales transaction because donations are given to buskers by members of the public on a voluntary basis.

The formal sale of goods and services on the streets of Liverpool is licensed and is covered by legislation including the City of Liverpool Act 2006.

The offer of goods or a service must be a secondary element of your busking. They must be offered freely 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 make a donation.

For example if a musician is offering CDs a member of the public should be able to request a CD without making a donation. Under this guidance they could take/receive a CD without making a donation.

If you display any item for which you might expect to receive a voluntary contribution from a member of the public, a sign clearly stating the contribution is voluntary must be displayed.

This voluntary contribution should be made clear with an appropriate sign as prescribed by Liverpool City Council:

The size of the sign should be a minimum of A4 and the size of lettering should be ARIAL BLACK size 48 and the wording as follows,

CD's (etc.) AVAILABLE ON REQUEST.
ANY CONTRIBUTION IS VOLUNTARY
AND AT YOUR DISCRETION

No other wording will be accepted and the sign must comply with that as prescribed above by Liverpool City Council.

Where the above guidance is observed, the sign is prominently displayed, clearly visible to the public and the provision of goods/services is obviously a secondary aspect of the busking performance, enforcement action will not be necessary.

However, random audits will be carried out by the Licensing Authority to ensure compliance.

FOR LOCAL AUTHORITIES,



BUSINESSES AND RESIDENTS

It is in everybody's best interest to have positive relationships with the other users of shared public spaces.

If you find you are disturbed by noise or any other issue from a busking performance make yourself known to the busker with the intention of discussing politely the issue having an impact on you or your business.

When approaching a busker to discuss an issue, it is important to wait for a suitable interval in the performance before introducing yourself to them. Interrupting performances is unlikely to lead to productive dialogue.

Calmly and politely explain the issue to the busker. In the majority of cases they may not be aware that they have caused you an issue and will want to resolve it quickly and amicably. This could include the busker adjusting their volume, re positioning equipment, relocating to another pitch if necessary or mutually agreeing a time period for the duration of their performance. Try to reach an amicable compromise if possible.

Buskers will often adjust their performance following a polite request. It should not be necessary to make a formal complaint.

Feel free to draw a Busker's attention to this best practice guidance if necessary.



It is considered that in the vast majority of reported cases enforcement action will not be needed and any perceived issues can be resolved amicably to all parties' satisfaction providing that the following steps are taken:

RESOLVING ISSUES

01. The person(s) being affected by the busker are to initially approach them directly to discuss and resolve the issue wherever possible. Person(s) affected by performances can include other buskers.
02. If a compromise position cannot be reached and the perceived issue persists, then the person(s) affected are to approach Liverpool City Council (LCC) to ask for further assistance via the telephone number at the end of this document on page 26.
03. LCC Officers will initially assess the situation and, if appropriate, ask the busker to amend their performance. Equally, if they do not consider there to be an issue, the person(s) will be informed of this fact.
04. If the LCC Officer does not consider that this alleged issue can be resolved amicably, then the issue will be referred to the appropriate LCC department who will initially assess the situation and if necessary speak to both parties i.e. the busker and the affected person(s).
05. If there are reasonable grounds to suspect that the busker is in breach of this guidance or any of the relevant legislation, the relevant LCC Officer will seek their assistance to take appropriate action (i.e. reduce volume, change location or cease their performance). Where possible, the LCC officer will ask busker's representatives to get involved and try to resolve the issue before enforcement action is commenced.
06. Only if points 1 to 5 do not resolve the issue will enforcement action be taken in line with Liverpool City Council's enforcement policy / Guidance.

Liverpool City Council is accessible to the busking community in order to maintain dialogue to foster a good working relationships and to identify and address any issues early.

ENFORCEMENT

Where perceived issues arise such as unacceptable noise levels, repetitive performances or obstruction, and they cannot be resolved amicably, Liverpool City Council can take enforcement action using a framework of existing statutory powers including the:

STEP 01

ISSUE IDENTIFIED ↓

The person(s)/Business being affected by the busker to approach and directly discuss the issues with the performer.

Person(s) affected by performances can include other buskers.

NOT RESOLVED ↓

STEP 02

If a compromise position cannot be reached and the perceived issue persists, then the person(s) affected are to approach Liverpool City Council (LCC) to ask for further assistance on



0151 233 3000/1

RESOLVED
no further action

NOT RESOLVED ↓

STEP 03

If the LCC Officer does not consider that this issue can be resolved amicably, then the issue will be referred to the appropriate LCC department.



If there are reasonable grounds to suspect that the busker is in breach of this guidance or any of the relevant legislation, the relevant LCC Officer will seek their assistance to take appropriate action.

RESOLVED
no further action

NOT RESOLVED ↓

STEP 04

If the issue is not resolved enforcement action to be taken in line with Liverpool City Council's enforcement policy / Guidance.

RESOLVED
no further action

→ The Public Order Act 1986.

→ The Environmental Protection Act 1990, (where a statutory nuisance is being caused noise abatement notices can be served. Breaching a noise abatement notice can lead to fines and the seizure of musical instruments and other equipment).

→ The Anti-Social Behaviour Crime and Policing Act 2014 allows Liverpool City Council to act against behaviour that is detrimental to the community, if buskers are causing 'genuine and serious' antisocial behaviour by issuing a Community Protection Notice or take action under an existing Public Spaces Protection Order 2019 for non-compliance with Liverpool City Council's busking guidance.

→ The Highways Act 1980 relates to Obstruction of the Public Highway.

This Best Practice Guide has been developed in conjunction with Liverpool City Council, Musicians' Union, Keep Streets Live Campaign representatives of the busking community, Liverpool BID Company and Merseyside Police.

Liverpool City Council

Contact number
0151 233 3000/1

Or online at
liverpool.gov.uk/contact-us/general-enquiries

The Keep Streets Live Campaign

A not-for-profit organisation, The Keep Streets Live campaign exists to protect public spaces for informal offerings of music and the arts. It aims to promote positive relationships between local authorities and street performers and to develop policies that support and sustain street culture. They believe that dialogue, common sense and Common Law are more desirable and effective tools than arbitrary blanket regulation.

Contact *Keep Streets Live*
at contact@keepstreetslive.com
or Visit www.keepstreetslive.com

Liverpool BID Company

A private, not-for-profit organisation, working on behalf of over 1,000 BID levy paying businesses in Liverpool city centre across two BIDs (Business Improvement Districts): Retail & Leisure BID and Culture & Commerce BID.

Visit www.liverpoolbidcompany.com

The Musicians' Union

Established in 1893 the Musicians' Union is the UK trade union for musicians representing around 32,000 members working right across the music industry in all genres of music, including buskers. They stand up for employed and self-employed musicians working in every area of the UK music industry, including music education.

As well as negotiating on behalf of its members with all the major employers in the industry, the MU offers a range of services tailored for the self-employed, including Public Liability cover and equipment insurance providing assistance for professional and student musicians of all ages.

Contact the North Regional Office
on 0161 236 1764 or manchester@theMU.org
main website www.musiciansunion.org.uk

Merseyside Police

Non-emergency enquiries

Telephone: 101

Textphone (for deaf or hard of hearing): 18001 101

Twitter: @MerseyPolice

Facebook: @merseypolice

Emergencies

*serious offence in progress/just occurred,
immediate danger or serious disruption*

Telephone: 999

Textphone (for deaf or hard of hearing): 18000



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