

Westminster City Council Busking Consultation - Response from The Northbank BID

Consultation information: www.westminster.gov.uk/busking

Consultation closes: **24 February 2020.**

The Northbank BID represents the local business community, we welcome and support Westminster City Council's actions to create a robust policy for busking throughout the city. We have filled in the on-line survey and this response provides more context and detail and is to accompany it as our full response to the consultation.

We support having allocated zoning of entertainers, to ensure certain distances are maintained and that detrimental impacts are effectively managed. We are also broadly in support of licensing and permits arrangements.

We are concerned that the proposed Trafalgar Square area pitches, that will be self-regulated by the Street Performers Association, will be at a disadvantage to other licenced area and it will not have adequate management in this hot spot location. We would like Westminster City Council take a tougher stance on street performing in our area, with the same level of licensing and regulation proposed for Leicester Square and Oxford Street. We would like a robust and holistic operational mechanism to ensure the area is well managed, while too bringing new and innovative opportunities for this high profile location which enhance the area and reflect the local culture, heritage and history.

Background information

The Northbank BID is comprised of over 400 businesses, ranging from offices, retail, theatres, universities and other leisure industries. This mix of industries provides a unique dynamic within central London and serves as a destination in its own right. The footprint is the location for truly iconic architecture, culture and heritage, which visitors from around the world come to enjoy: Trafalgar Square, National Gallery, Somerset House. The area also has some of central London's highest footfall from Charing Cross and Embankment stations. It is our priority to enhance the area so business and community can thrive. We wish to nurture the best London offer for visitors to enjoy and we are passionate about ensuring that "offering" is of the highest quality; including busking and entertainment in any location within our footprint.



Trafalgar Square Self-Regulation by Westminster Street Performer Association (SPA) Pilot

We are concerned that the policy does not go far enough, particularly for the proposed Trafalgar Square SPA Pilot which has been identified as a ‘hot spot’ area and challenging zone. Our view is that a self-regulated Street Performers Association will not have suitable method or authority to ensure the area is well managed and will not be effective in reducing the current disturbances to residents and businesses. We are also concerned about the likely increase of acts/performers which may be displaced from other more rigorously managed locations such as Leicester Square. Also that they will be those that do not adhere to the licensing system so will be less likely to comply with the code of conduct in an area with even less management. This unintentionally disadvantages the Trafalgar Square area designated pitches and surrounding non designated areas. This is like to exacerbate issues in this hot spot area.

Sufficient resources while the scheme beds in and to set a good level of management. We are of course aware of the pressures that local government faces, that finance and resources are stretched, which is maybe the cause of this approach; yet there are many issues that present themselves, which will be highlighted below:

The policy states that performers will be ‘encouraged’ to:

- Join the SPA
- Abide by the Westminster Code of Conduct.
- Perform only in the marked locations. Adhere to the terms indicated on the map.
- Pro-actively tell other buskers and street entertainers to adjust their performance if necessary.
- Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level, and if you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.

One of the main concerns of businesses in the area is being disturbed by loud noises, especially if songs are repeated many times during the day. Without mandatory conditions and enforcement, performers are likely to continue to act as they believe fit, without complying to guidelines and unfortunately be generally disruptive to business. Noise levels exist for air con and construction sites so suitable approach is needed for performance on the streets. Adequate rest / quiet times are needed so that residents and businesses are not impacted

We have a large number of offices and staff in close proximity to the proposed pitches and we are concerned they will continue to be affected by this issue without proper enforcement. The draft policy states that sounds shouldn’t be heard by nearby premises, but it is not clear how this will be known without a system, such as a decibel meter. At the very least a complaints procedure is required, so that volume levels can be set and repeat “offenders” are held accountable.

We feel that not all buskers will be aware of the SPA and the Westminster Code of Conduct or the marked locations that have been set. We would like more detail on how this will be achieved.

Furthermore, we have seen through the Busk in London initiative that self-regulation simply does not work. From the policies set out self-regulation appears to be the anchor for all interventions, which we feel is a mistake and a missed opportunity to make a significant difference with tight enforcement.

The policy sets out a twelve-month pilot and the BID would like interim reviews during this period.

The self-regulation policy (below) is a point of concern for many of our businesses:

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainment Forum and engaging with the wider community to foster good relations with all users of the shared public space.

We would like Westminster City Council to take a tougher stance on street performing in our area, benefiting from the same proposed licensing and regulation mechanism as Leicester Square and Oxford Street. The Trafalgar Square area needs an effective a mechanism to inform the regulator of noise impacts and a robust complaint procedure which can action a remedy quickly. Any nuisance to be objectively assessed and acted on swiftly. Similar to noise monitoring of construction sites with decibel meter. Without this consistent management local businesses are unlikely to have their issues addressed, due to noise or entertainment in incorrect sites or any other cause of disruption.

Code of conduct

We generally support the code of conduct below, which needs to be accompanied with a robust enforcement mechanism.:

1. Safety first!
2. Performance hours
3. Avoid causing a nuisance
4. Don't cause an obstruction
5. Co-operate with Authorised Officers and the Police
6. Only sell merchandise if you have permission
7. Talk to the council and the local community, and use the Forum

Performer Self-Regulation and Street Performers Associations

We feel that the self-regulation and the creation of a street performers association is not appropriate for our area and the Trafalgar Square hot spot, and it is not clear from the policy what the rationale is for this decision.

Including previous concerns raised, the proposed pitch locations pose a number of questions:

- How will buskers be notified on where “pitches” are?
- How will buskers show they are signed up to the SPA.
- How will nuisance be monitored?
- How will performance and breaks timings be tracked?

WCC DRAFT POLICY: Proposed pitch locations and requirements



Pitch 1: Trafalgar Square North Terrace Zone Buskers and street entertainers should perform only within the marked zone. This zone is suitable for multiple buskers and street entertainers of all types performing at the same time, however you should always leave enough space between you and any adjacent performer and their audience. The SPA operates a queuing system here for the rotation of performers. Amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not clash with any other performer in the vicinity, nor cause a nuisance to nearby premises.

Response for Pitch 1 policy, Trafalgar Square’s north terrace area are a particular concern which currently attracts many types of street activity which in combination are detrimental to the area, the local organisations and the visitors. Local organisations are frequently disturbed by loud music and noise and we are concerned they will continue to be affected by this issue without proper enforcement. The draft policy states, ‘sounds shouldn’t be heard by nearby premises’, but it is not clear how this will be known. It is our experience that sound travels around the square and can

often be heard loudly in the side streets such as Duncannon Street as far as its junction with the Strand affecting multiple businesses and their staff.

The area has high crime rates and groups gathering to enjoy buskers are also victim to other ASB and illegal activity such as illegal traders in bracelets and flowers.

The proposed multiple busking zone of Pitch 1, needs more clarity on acceptable pitch sizes and numbers of acts at any given time. In 2019 a new festive market was located in the same area as Pitch 1, which was a good trial to bring positive activity to the north Terrace area. The stalls reduced space but buskers, acts and artists were still attracted to the area in high numbers. Which again will impact on Pitch 1 space to accommodate multiple acts.

Pitch 2: King Charles Statue This pitch is suitable for all performances that need no more than 3 meters in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not cause a nuisance to nearby premises.

Response for Pitch 2 policy, at King Charles Statue, is not currently a busking location and we do not consider this a suitable location for pedestrians to gather as is in the center of a busy traffic island and which already has safety concerns, particularly at the junction of Northumberland Avenue and Whitehall.

Pitch 3: Northumberland Avenue This pitch is suitable for all performances that need no more than 1.5 meters in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business premises, amplification, brass, wind, percussion and percussive instruments are unsuitable for this location.

Response for Pitch 3, Feedback from local businesses is that busking frequently disturbs local staff in local offices and noise should be kept to a low level.

Non – Pitch areas

Enhanced resource and management is needed for any unforeseen negative impact on areas which are not currently highlighted as pitches. This is needed to tackle any problems quickly and that do not create new 'Hot Spot' areas. The areas should include Villiers Street, St Martins Place at the Edith Cavell Statues and Strand at Charing Cross stations.

NEXT STEPS: Shaping a holistic area management model

Trafalgar Square area is one of London's most important prominent public, civic and event spaces with cultural and heritage assets, our key aspiration is the area has a thriving future. The current day to day management detracts from the culture in the area and impacts on the safety of the area. The BID is very aware that local stakeholders have a unique history and many are planning enhancement projects to their history and building a future which engages, inspires visitors.

We would like to work with Westminster City Council to develop a holistic area management strategy and we see the future management of busking as part of this wider strategic vision. The BID has excellent engagement with local businesses, organisations and stakeholders to enable the process to develop exciting and innovative collaborative opportunities. The current Strand Aldwych transformation is a good example of this, where Northbank BID is working with Westminster Place Shaping team to develop 7 pillars of area management, which will be an effective and robust tool to ensure high quality, safe and welcoming public realm.

We would like a similar processes, engagement and collaboration for the Trafalgar Square area would bring the benefits of this holistic approach. The Westminster team Busking should not be tackled in silo but reviewed within the broader street context.

WCC Area Management Model: 7 Pillars

- Operations & Maintenance
- Digital Strategy
- Curation and activation program
- Air quality
- Coordinated Security, Emergency Planning & Threat Prevention
- Local Economy
- Place and Identity

Contact for future communication: The Northbank BID
www.thenorthbank.org, 0203 697 9270
 West Wing, Somerset House, Strand, London, WC2R 1LA