

BUSKING



Traditionally, buskers have been popular. People have liked hearing a bit of music on the streets and giving spare cash to the music they particularly enjoyed (though never removing money from the ones they didn't like!). Busking has also given budding performers a chance to try out their skills in front of a public audience. This may be even more important today with the demise of many of the small pub-like venues where musicians could start.

But something has happened to busking. We are getting more and more complaints about it. People tell us they feel it is over-loud, over-long and sometimes over the road. It is the excessive amplification which seems to be the problem.

We went out and about in London, Edinburgh and Glasgow to get a snapshot.

Westminster, Central London

Outside Tottenham Court Rd Underground (designated site)

29/06/23: 3.30pm

88 – 98 decibels

Background level: variable, about 75 to 80 decibels

Video:

<https://www.youtube.com/shorts/RQ8cNAT3aro>



Leicester Square (designated site)



29/06/23: 4.20pm

90 – 106 decibels

Background level: variable, about 75 – 77 decibels

Video:

<https://www.youtube.com/shorts/uNJKZJEoSsM>

Outside Tottenham Court Rd Underground (designated site)

5/07/23: 7.30pm

Up to 110 decibels

Background level: variable, about 75 to 80 decibels

Video:

<https://www.youtube.com/shorts/e7Xrg9kF-cM>



Tower Hamlets (Inner London): No sound measurements taken but, after noise complaints by the residents, the local council asked him to leave.



Edinburgh



East end Princes Street

16/08/23: 3.50pm

87db(A) at 12 metres

Background noise level 65dB(A)

Waverley Bridge

16/08/23: 3.55pm

89 db(A) at 12 metres

Background noise level 64dB(A)

Waverley Bridge

30/09/23: 2.55pm

90dB(A) at 12 metres

Background noise level 67dB(A)

Royal Mile (Lawnmarket)

25/08/23: 4.55pm

89db(A) at 12 metres

Background noise level 68dB(A)

Princes Street RSA/Mound

30/09/23: 5.05pm

90 db(A) at 8 metres

Background noise level 64dB(A)

Glasgow



Argyll St

6/09/23: 12pm

91dB(A) at 10 metres

Background noise level 65-67dBA

Buchanan St

6/09/23: 1.10pm

92 dBA at 12metres

Background noise level 65dBA.

UK Noise Association Comment: The buskers in our snapshot in all three cities are universally loud; in some cases louder than an aircraft landing at Heathrow Airport. Some of the levels recorded were considerably above the background noise levels. At all locations the music was the dominant noise in the vicinity. It is the base and amplification that is causing these very high levels. Our recommendation is that updated and tighter regulation is required preceded by a public discussion and consultation.

Rules and Regulations

There are already quite and few rules and regulations in place. We highlight the key ones.

Do you need a license to busk in the UK?

Busking is not usually considered a licensable activity under the Licensing Act 2003. However, if you want to sell any goods, such as CDs and merchandise, you will need a street trading licence. Children under 14 aren't allowed to busk.

London

Busking is not illegal in London but your council will tell you about byelaws or rules you must observe, such as: not making too much noise, not blocking public highways (footpaths, pavements, open pedestrian areas) not displaying notices asking for payment.

Busking is legal on public land. The only exceptions in London are the London Borough of Camden and Uxbridge Town Centre. Both of these areas require a performer to apply and pay for a licence. 16 Jul 2018

Westminster

Westminster has dedicated pitches. You need a licence.

Westminster aside, many of the London boroughs have similar rules. Here are some examples. There is a similar clause in many of them. A lot of the onus is put on other people asking the busker to pipe down. How realistic is that?

Lewisham

Excessive noise 41 (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by: (a) shouting or singing; (b) playing on a musical instrument; or (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device. (2) Byelaw 42(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Tower Hamlets

Excessive noise 38. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
(a) shouting or singing;
(b) playing on a musical instrument; or
(c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device. (2) Byelaw 38(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Southwark

Excessive noise 32. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by: (a) shouting or singing; (b) playing on a musical instrument; or (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device. (2) Byelaw 32(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Outside London, there is more variation. Here are some examples:

Bristol

Our busking guidelines were written in consultation with the:

- busking community
- Broadmead Business Improvement District
- Police

If you're a busker or a street performer then you're expected to follow these guidelines.

1: Only be for a maximum of 90 minutes in any one place

You must move after 90 minutes. We have a culture of swapping pitches and moving around the city. One pitch must not be dominated by one performance artist.

2: Don't set up in front of doorways and fire exits

You should also avoid blocking shop window displays. If you're unsure, ask the business or building owner's permission first.

3: Don't play too loud

Your volume should be just above the street noise without being intrusive. If you make too much noise you could get a verbal or written warning which could result in a fine.

Make sure there are no other buskers nearby who may be drowned out by your equipment.

4: Take breaks and don't repeat material on the same pitch

Repeating a limited number of songs or performances is one of the main causes of complaints. Moving to another pitch after finishing your set of songs will make complaints less likely.

If you're taking a long break, move your equipment away so someone else can busk on that pitch. Do not hog the pitch by leaving your busking gear.

If you're on a short break, turn off your equipment and don't attempt to collect money. This will make it clear you're on a break.

5: Avoid obstructing the pavement or road

Make sure your performance or your crowd doesn't obstruct the road or pavement. This can upset people and you may be committing an offence under the Highway's Act, 1980.

6: Be considerate of street traders

Think of others who use the public space to make their living such as Big Issue sellers and food vendors.

7: Clean up any chemicals

If you've used fire or chemicals in your performance then clean the space when you've finished.

8: Have a street trading licence if selling anything

You must have a street trading licence to sell items on the street such as CDs.

If you don't have a licence then you may be committing an offence under the Local Government (Miscellaneous Provisions) Act 1982.

You can't do any street trading in Broadmead and some other streets in Bristol.

9: Donations received are made on a voluntary basis

You can display CDs or other items for people to take but you must emphasise that any money received is on a voluntary basis. This is so that the product or service is part of the busking act and people don't have to make any contribution.

You can use a sign and the possible message could be:

'In order to comply with street trading legislation these CDs are not being offered for sale, any contribution you make is voluntary and at your discretion. Suggested contribution £x'

10: Don't ask for money

You should not ask for money but you can accept donations.

11. You must be performing

Sitting holding an instrument is not busking, this will be treated as begging. You may be committing an offence under the Vagrancy Act.

If you're taking a break, get up, move away, and don't attempt to collect money. Make it clear you're on a break.

12. Don't play close to a cashpoint

Busking close to a cashpoint is not allowed as this is likely to cause a nuisance.

13. Only busk from 10am to 11pm

Performance times in Bristol are strictly 10am to 11pm

14. Be polite

If you're approached by anyone to discuss any issues then be polite.

Members of the public should wait for a gap in your performance before approaching you.

15. Check if you need insurance

Check if you need public liability insurance, particularly if you involve members of the public in your act or use potentially dangerous materials.

Breaking the guidelines

If you don't follow these guidelines you could get a verbal or written warning from our officers.

If you continue to break the guidelines after a written warning you could be served with a Community Protection Notice, under the provisions of the Antisocial Behaviour, Crime and Policing Act 2014, or even legal action.

The full guidelines: You can download the full [pdfbusking guidelines \(pdf, 86 KB\)](#).

Canterbury

Sounds of the city Cities and towns are full of sounds from many different sources whether it be traffic, road works, music from shops or the noise of crowds. 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, performances that are repetitive in nature can be more likely to 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. For buskers Every pitch has a different acoustic dynamic, especially in Canterbury city centre due to the layout and structure of its buildings. Always show consideration with the sound level of your performances and its impact upon other users of shared space (including other buskers). Be prepared to adjust your volume if asked. Be aware of the time of day and pitch location and be willing to move pitches if the space is not suitable on a given day. As a guide, your level should be just above the level of the ambient street noise, but not intrusively so. If amplification is used, a small battery powered, portable amp should be sufficient for most buskers needs. The use of generators and large PA systems is completely discouraged. Buskers are reminded that sound from amplifiers and louder instruments can carry further and has the potential to cause issues. This can be avoided by a willingness to move between locations and deal respectfully with requests to adjust performances. Under Section 62 of the Control of Pollution Act 1974, no amplification is allowed in any public place between 21:00 and 08:00. If you intend to use louder instruments they should be played with particular sensitivity and, where appropriate, adapted, eg dampers for brass instruments. Drum kits are not encouraged but if they are used, they should be played with brushes and damping. If your act includes pre-recorded backing tracks these should be a secondary aspect of your performance and set at an unobtrusive level to avoid causing issues. Please do not leave a backing track playing when you are not performing. Wherever possible, noise levels in smaller and quieter places should be lower than on busy thoroughfares with more ambient noise. Take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive. As a guide, a maximum 45 minutes of continuous performance is appropriate before having a significant break; this period should not include repeated performances. If you have a limited repertoire of material, be prepared to move locations instead of repeating your performances in the same place. Buskers are encouraged to share and swap pitches as this is a great way of building community, helps avoid repetition and adds variety to the street performance. Buskers should never set up 'on top' of other buskers or put pressure on another performer to move from their current pitch. Instead, buskers are encouraged to negotiate and work in collaboration through discussion and mutual respect. These guidelines are designed to promote good relationships between buskers and the users of shared public spaces and nearby buildings where people live and work in the city/ town and who might not be able to move around in the same way busker can.

Newcastle

'Busking' is performing music, dance, street theatre or art in a public space for the purpose of receiving contributions from members of the public.

No licence is required to busk unless you are raising money for a charity, in which case you must hold a valid [charity collection permit](#) from the Council.

Newcastle has always been a popular place for busking. There are plenty of pitches and many people are happy to listen to street performers. The Council is happy to have buskers because they liven up the streets. However complaints can arise if the volume, duration and frequency of the noise is excessive for residents or local businesses.

Anyone disturbed by loud, continued or repeated singing or playing of musical instruments may ask a busker to stop - refusal to do so is an offence against local [byelaws](#) (under the Local Government Act 1972). When you make a complaint to the Council, officers will respond as soon as possible in order to assess the level of disturbance within your premises and talk to the buskers on your behalf.

In some cases, noise from buskers can be dealt with as a [statutory nuisance](#) under the Environmental Protection Act 1990 and an abatement notice served. Breaching an abatement notice is an offence. A nuisance however has to impact on the use or enjoyment of the complainant's own property. Therefore noise from busking cannot be a nuisance to you if you are walking past or shopping.

Loudspeakers are regulated under section 62 the Control of Pollution Act 1974 - this is national law. Under the Control of Pollution Act 1974 no use of loudspeakers is allowed in any street after 9.00 p.m. and before 8.00 a.m.

Manchester

Although a Busker's licence is not required all Buskers **must adhere** to the following Code of Conduct:

The location/pitch for any street performance or busking and method of activity, including the placing of equipment on the highway, must not cause undue obstruction to other users of the highway, such as pedestrians and street cleaners. Any performance or busking activity must also not cause a noise nuisance to those living or working nearby due to either the volume and/or duration of the performance.

Buskers/Performers must not:

- perform within 50 metres of any tram tracks;
- make use of street furniture such as public seating, lampposts, planters, railings etc; this includes the attachment of posters and adverts;
- set-up within 50 metres of another busker/performer;
- be present for more than 90 minutes in any one location (including breaks) and not return to the same location within the same 24 hours;

- use amplification or drums, trumpets or other loud instruments or otherwise cause noise nuisance to residents or businesses;
- perform in a manner that could be considered dangerous and/or inappropriate and must not be dressed or conduct themselves in a manner that is likely to cause alarm, distress or offence to members of the public;
- actively collect money, using signage or any other means; however, it will be permissible to have a receptacle, such as a hat, music case or box for the acceptance of donations from the public;
- sell any merchandise; or
- obstruct access to shops, cash machines, phones and post boxes.

In addition Buskers/Performers are requested to take regular breaks in order to allow crowds to disperse, and are expected to comply with any reasonable request made by a council or police officer.

A responsible adult should accompany minors busking or performing.

There are a number of noise-sensitive locations within the city centre where street performers or buskers are advised not to perform:

- junction of Market Street/Brown Street; and
- covered area of Market Street.

Performances in these locations are highly likely to cause noise nuisance.

We will:

- continue to investigate complaints that are received about the activities of buskers and street performers; and
- carry out spot checks on performers in order to ensure that they are complying with the code.

If you think that an individual or group are causing a [noise nuisance, then report this to us](#). We will offer advice and try to deal with each case reasonably. If any issues that have been raised continue to be a problem afterwards, we can use statutory powers to resolve them if needs be.

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Conclusions

- **Buskers remain well-liked, as general rule**
- **But more and more people are complaining about the excessive amplification**
- **Many local authorities have rules, some tighter than others**
- **There must be a question mark how well the rules are enforced**

Recommendations

- **The rules and regulations are updated and tighten to deal with the problems caused by amplification.**
- **This is preceded by a public discussion and consultation.**
- **Resources are put into effective enforcement.**

Researched and published by the UK Noise Association

<https://www.uknoiseassociation.com/>

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