

Non-Compliant Busking Public Opinion

Submission to Scrutiny Committee from Councillor David Thomas 2/6/15

PUBLIC RESPONSE

Consultation asked “if busking should be Include in the PSPO?” What was the public response?

- Second lowest ‘YES’ response behind rough sleeping.
- 53% responded ‘NO’. This was the third highest percentage behind rough sleeping (60%) and begging (54%)
- Third least level of enthusiasm (YES -NO percentage)

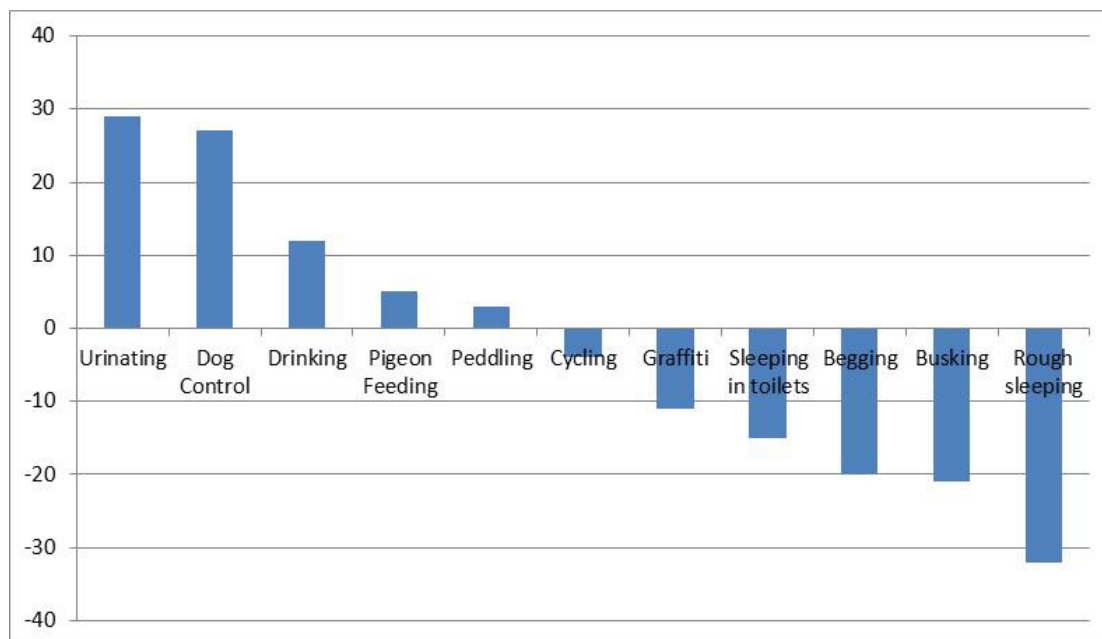


Figure 1. Public Enthusiasm for behaviours to be included in PSPO

- On-line petition with 5,000 signatures asking for non-compliant busking to be removed from the PSPO
- Musicians’ Union have advised against using a PSPO to regulate busking

CONCLUSION – NO PUBLIC or PROFESSIONAL APPETITE TO SEE THIS MEASURE INTRODUCED.

AREAS OF CONCERN

- **Poorly targeted**– anti-social behaviour referred to is not carried out by buskers, but in fact by pseudo-buskers. So PSPO targets the wrong group.

- **Unfit-for-purpose** – Code of Conduct has not been refreshed or reviewed for a decade (other than having the instruction ‘to smile’ removed last week). Officers have admitted it no longer reflects best practice. Irresponsible to make non-compliance with an out of date code a criminal offence. (theoretically “not enjoying yourself” would be non-compliant behaviour)
- **Unnecessary** – sufficient powers already exist to deal with recalcitrant pseudo-buskers or anti-social genuine buskers through **Community Projection Notices** (See Appendix A for comparison of CPN and PSPO drawn up by Jeremy Franklin). CPN has advantage that it can reflect the particulars and sensitivities of a given situation. Government PSPO guidelines stress that existing powers should be fully explored before enacting a PSPO.
- **Reputational** – travelling buskers will avoid Oxford for less confrontational and heavily regulated cities, and Oxford gains a reputation for criminalising busking.
- **Deployment of summary powers** – high risk the PSPO will be deployed with intimidation (See Appendix B for evidence of behaviour of Street Ambassadors last week), with a very low bar set for what constitutes ‘anti-social behaviour’ and need for supporting evidence.
- **Tone** – encourages a culture of confrontation whilst micro-management of busking is at odds with self-expression and spontaneity (sucks the joy out of life!)
- **Licence** – removing the need for a licence (which is welcomed) does not need a PSPO in place to implement. The two are only connect in that they are being implemented at the same time.

CONCLUSION – PSPO IS AN INAPPROPRIATE TOOL TO REGULATE BUSKING IN THE CITY CENTRE

ALTERNATIVE PROPOSAL RECOMMENDATION

Follow the approach taken by Labour portfolio holder in York City Council

- **Review and update code of conduct to reflect best-practice through consultative process (residents, buskers, business owners, campaign groups, officers) with problem resolution flow chart using CPNs as a back-stop for enforcement**
- **Produce a ‘guide for businesses’ to facilitate interaction between business owners and buskers**
- **Remove crime of non-compliant busking from PSPO.**

Appendix A

Appendix B

Statement of busker's experience of busking in Oxford 27th May 2015

I arrived in Oxford last Wednesday 27th May for a spot of busking on Cornmarket street. I was approached by two council officers halfway through my show. They asked me if I had a license to sell my CDs. I told them my CDs were an extension of my busking act, available for free, and people could make a donation if they wanted to. Their response was that I needed a license to distribute my CDs. I said I wasn't distributing them per se, they were in a box and available as an extension of my busking act, along with fliers. **They told me that if I didn't remove my CDs from display immediately, they would go back to their office round the corner and return with an £80 'on the spot' fine.** I refused to remove my CDs from display and said I believed my activities were entirely lawful and that I intended to continue with my show. They said that they would return with the fine. I replied that I wouldn't pay the fine and they threatened to prosecute me if I didn't pay. I asked them why they were doing this, they said that they were only doing their job, but my strong impression was that they seemed to be enjoying the confrontation and their imagined power over me as a street performer. At this point some Malaysian tourists wondered over and asked if they could take a CD, I replied that they were welcome to. They wanted to make a £5 donation, which I was happy to accept. The council officers interrupted the tourists in a rather aggressive manner and said, 'You don't have to pay for that you know', the tourists looked rather embarrassed. They ignored the officers and made the donation. I asked them where they were from and we had a brief and friendly chat. The officers left and I resumed my show.

They returned around 20 minutes later with another lady from the council who introduced herself as a chief licensing officer (as far as I remember). She asked me for some minutes of my time. I replied that I'd already spoken with her colleagues who threatened court action, and I wasn't interested in wasting more of my time discussing all of this, I just wanted to continue my music performance. She repeated that she would only take up a few minutes of my time and that it was important. I agreed to speak with her. She asked me if my CDs were for sale. I replied as I'd done earlier, my CDs were an extension of my busking act, available for free, and people could make a donation if they wanted to. She asked me to confirm that if someone wanted to take a CD and make no payment, that I would have no objection. I replied that as long as they didn't take the whole box of CDs, I'd have no objection. She thanked me for my time and said I could continue busking, before she left she went over some of the key points from the Oxford buskers code of conduct. She seemed like a reasonable person.

My feeling at the time was that most buskers, especially younger buskers, would have felt so intimidated by the first two council officers that approached me, that they would perhaps have been afraid to busk in Oxford again. I was pretty shaken up, but felt vindicated when a smart businessman approached me some minutes later and said 'f*ck the council, love the music'. I later wondered why these public servants were wasting tax payers' money on such a futile operation. I left Oxford that day and over the next couple of days busked in other towns in Oxfordshire, where I felt far more welcome and even made friends with a couple of council officers. One has a son at 6th form college who occasionally busks.

This is my recollection of events that day, hope it helps.