

Agenda item:

Decision maker: Cabinet Member for Culture, Leisure and Sport
Licensing Committee

Subject: Development of Street Performance across the city

Date of decision: 30th July 2010

Report by: Head of Cultural Services

Wards affected: All wards

Key decision: NO

Budget & policy framework decision: NO

1. Summary

- 1.1 This report is seeking approval from the Cabinet Member for Culture, Leisure and Sport to request that the Licensing Committee amend the Council's current policy in relation to the provision of street entertainers in the City in order to:
- a) Further develop and improve the availability of site performance sites across the city;
 - b) Amend the current policy of the Council to remove the requirement for payment of an annual fee and provision of public liability insurance by an applicant;
 - c) Delegate authority to the seafront manager to authorise, administer and enforce provisions for street entertainment in the Seafront area whilst the Licensing Service will continue to authorise, administer and enforce the use of street entertainment pitches in other areas of the City in consultation with the relevant city centre manager/district centres co-ordinator.

2. Purpose of report

- 2.1 To seek approval for the proposal to encourage and develop street performances across the city by increasing the number of pitches available and offering these pitches to performers at no cost. Removing the cost of a street entertainment permit will encourage a larger number of performers to take the opportunity to perform at a wider range of pitches.

3. Background

3.1 The current system for regulating the provision of street entertainment in certain areas of the City was introduced by the Transportation Committee in June 1990 in accordance with the provisions of Section 145 and Section 111 of the Local Government Act 1972.

3.2 A summary of the current scheme is outlined below:

- Licensed pitches are currently only available in Commercial Road, Palmerston Road and Cosham High Street pedestrian precincts;
- There is currently no requirement for a permit to be obtained by persons busking outside of these pedestrianised areas;
- Each of the precinct areas are subject to a premises licence issued under the Licensing Act 2003 which permits various licensable activities including the provision of regulated entertainment;
- There are currently 19 buskers licensed by PCC to perform in the City;
- To use a pitch in the pedestrianised areas, a street entertainment permit is required which entitles a performer to provide street entertainment in an authorised area, subject to conditions. An annual fee of £20.00 is payable for the permit which covers the cost of administration and enforcement of the scheme.
- In order to use a pitch/designated area, the performer must book the area with the Licensing Service (this is in the majority of cases by way of telephone). Entertainers may, on occasions, be asked to vacate such areas if a charitable or other organisation has authority from the Council to operate in the authorised areas;
- Currently, all performers must hold public liability insurance, the cost of which varies depending on individual insurers. The provision of the insurance by the street entertainer recognises health and safety requirements and that entertainers will be setting up a pitch in busy pedestrianised areas and to negate any liability for PCC should any claims arise. This is a standard obligation in relation to licences and/or permits and for any event in a public space on PCC land.

4. Recommendations

- a) That the current scheme be amended so that street performers are permitted to utilise agreed performance pitches across the city free of charge;
- b) That the current scheme of issuing permits be rescinded and replaced with authorisations subject to compliance with PCC's written terms and conditions;
- c) That members approve the proposal to increase the number of pitches across the city and that the City Solicitor be authorised to finalise exact numbers and locations;

- d) That members approve the requirement that providing performers agree to and comply with PCC's written terms and conditions, that the requirement for them to provide Public Liability Insurance be waived.
- e) That the City Solicitor be authorised to prepare appropriate terms and conditions subject to which authorisations will be granted to street entertainers.

5. Reasons for recommendations

- 5.1 This initiative offers an important opportunity to develop and improve street performance across the city, with the aim of enhancing the city's cultural profile and engage more widely with local performers.

The opportunity to create additional street performance sites across the city will be of a cultural benefit and should be compared against the minimal risk that such performances pose.

6. Options considered and rejected

- 6.1 Charging the performer - consideration was given to continue to charge performers a fee for a street entertainment permit and that they pay for their own public liability insurance. However, this was felt to be an obstacle to encouraging new street performers, and that the process and cost involved were felt to be prohibitive.

Portsmouth City Council to cover the cost of performers' Public Liability Insurance – was considered, however it was felt that in the current financial climate that this was unworkable and that it would set a precedent in that we would be expected to cover the insurance for a broad range of community events.

No change to current situation – consideration was given to continue with the process as it stands, but it was felt that offering new pitches would be beneficial, not only for cultural development, but also offering managers greater control of activity in their respective areas.

7. Duty to involve

- 7.1 Internal consultation: Consultation with key officers in the following departments has informed this report: Seafront Services; Regeneration and Business; Licensing; Risk Management; Arts and Cultural Development; Tourism, Visitor Services and Events and Michael Lawther – City Solicitor. It has been agreed that the relevant managers will produce a workable method of delivery for the proposal.

8. Implications

Benefits to increasing number of performance sites

- Make it easier and more attractive for buskers and street performers to perform in the city.

- Extending busking opportunities in the city has the potential to enliven the city streets creating atmosphere and attracting custom to an area.
- Create more opportunities for local musicians to perform.
- Reduce the incidents of 'illegal' busking in the city.
- Develop a sense of enhanced cultural activity

Challenges to increasing number of performance sites

- The small loss of income (£200) resulting from this proposal has been considered but this can be absorbed within existing cash limits. In addition the benefits this will bring to the city significantly outweigh the minimal income loss.
- The risk management of new sites have been considered and will be managed by the relevant managers in order to determine the appropriate terms and conditions for the performers and this is detailed in section 8.3.

Management of Street Performance Sites

It is proposed that with the exception of the Seafront area, all applications and bookings for busking will continue to be managed by the Licensing Service. The implications of this proposal is that Licensing, in consultation with the City Centre Manager and District Centres Co-ordinator and the Seafront Manager will initially need to decide and agree a number of new pitches across the city. Licensing and Seafront Services will then be required to take bookings, enforce, manage and monitor the pitches. The Seafront Manager has indicated that his staff will be able to incorporate the necessary support into their existing workloads. There will be no change to current resource requirements for the Licensing Service.

Proposals for consideration and use of sites will take into account the following factors:

- When each new site is decided consideration will be given to the environment where pitches are permitted and the effect on the businesses and residents in that area, and the type of performance appropriate to each pitch.
- Each performance pitch would be clearly marked and painted on the pavement, such as with the Big Issue pitches.
- Any potential conflict with existing events that bring additional entertainment and income to an area will be avoided through a performer booking a time slot with the officer responsible for the area that any pitch is situated in.
- All performers will be required to provide certain details to PCC prior to authorisation being provided such as name and contact details; description of type of street performance and in addition agree to terms and conditions set out by PCC to ensure that each performer take responsibility for the pitch whilst

occupied by them, such as health & safety and licensing requirements with the Performing Rights Society.

- A Premises licence will not be required for the pitches as the activity is considered to be incidental to the area and not the sole reason for public attendance.
- It be agreed in advance, and included in the terms and conditions, the nature of the street performers that will be accepted at any pitch.
- A review of the system will be held in 6 months to evaluate whether this has been successful.

8.3 Risk Assessment:

A specific risk assessment for each proposed pitch, and the type of performances that are appropriate, will be undertaken by the relevant managers in order to determine the appropriate terms and conditions for the performers.

The risks associated with the provision of street performance is considered to be low, so provided that each performer agrees to the terms and conditions of the authorisation and takes responsibility for the health & safety of the area whilst they occupy it, then the requirement for individual public liability insurance can be waived. Although it would be envisaged that the use of any pitch will exclude any performances that involve high risk activities, such as fire juggling or fire breathing.

9. **Corporate priorities**

9.1 This report and the project it refers to contribute to the following Priorities:

Corporate Priorities:

- Regenerate the city
- Improve efficiency and encourage involvement

Local Strategic Partnership: Vision for Portsmouth

- Enhance Portsmouth's reputation as a city of culture, energy and passion offering access for all to arts, sports and leisure

10. **Equality impact assessment (EIA)**

10.1 As there is a change to current policy and service delivery, a preliminary Equality Impact Assessment is proposed to be undertaken by the Licensing Service in consultation with, the City Centre Manager, District Centres Co-ordinator and Seafront Services Manager.

11. **Legal implications**

11.1 There are no legal implications arising from this report.

12. Head of Finance's comments

12.1 Under the current system, around £200 per year is collected from the charge for the permit which covers the cost of the administering & enforcing the licences.

Under the new system the licensing department will lose the fee income, which can be absorbed within its existing cash limit.

The Licensing & Seafront Manager's team will administer & enforce the licences free of charge, absorbing the workloads within their existing staffing structures.

13. Reasons for Special Urgency of Report

13.1 It is necessary for this matter to be considered as a matter of urgency to allow the proposed new arrangements to be put into place during the summer months which is potentially a peak period for busking in the proposed areas and the next ordinary meeting of the Cabinet is not scheduled until September 2010.

Signed:

Stephen Baily
Head of Cultural Services

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
None	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet Member for Culture, Leisure & Sport on 30th July 2010.

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Signed by: Cabinet Member for Culture, Leisure & Sport