

Royal Borough of Greenwich Draft Street Entertainment Code of Conduct and Policy

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1.Introduction

1.1 This draft Street Entertainment Code of Conduct and Policy will apply across the whole Borough. It provides clear guidance for street entertainers to support them to perform in the Royal Borough of Greenwich (RBG), ensuring consideration of both the local community and those sharing public spaces.

1.2 Part V of the London Local Authorities Act 2000 provides optional powers for London Councils to adopt a licensing scheme for street entertainment and RBG has created this code of conduct and policy according to the powers contained in that Act. The Council is therefore also introducing a licensing regime to control street entertainment on the highway and open spaces in regulated areas where this is applicable.

1.3 Greenwich Town centre will be a street entertainment regulated area. There is a light touch licensing scheme applicable here which means that street entertainers will only be able to provide street entertainment in designated pitches, need to apply for a licence to perform, keep to the terms and conditions of the designated pitches, and abide by the conditions of the licence. There will also be a smaller regulated area in Woolwich town centre, consisting of Powis Street and Greens End; here, two licensed pitches for street entertainment in Woolwich town centre will be located on Greens End (outside Iceland) and by the Water Fountain.

2. What is street entertainment?

2.1 Street entertainment involves live performances in a street or area where the public commonly have access. In this Code of Conduct and Policy, the phrase 'street entertainment' includes performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists, all intended to entertain or engage with the public

2.2 Whatever the act or skill, it would be expected that a performance of that act or skill will take place. Street entertainers are not hired directly or paid for their performances but instead rely upon receiving unsolicited voluntary contributions from members of the public. Street entertainment is a lawful activity and if a street entertainer is following this Code of Conduct and Policy, they are unlikely to be in breach of any legislation. For the purposes of this Code of Conduct and Policy, 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 rules 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 as part of the Council's Events and Cultural Activities Programme.

2.3 Whether you are a regular or occasional performer in the Royal Borough of Greenwich (RBG), you are part of the borough's street entertainment community. Being a part of this community means that everyone should respect each other and work together. This is commonly known as street entertainment self-regulation. Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Royal Borough of Greenwich's Street Entertainment Code of Conduct and Policy and/or licence conditions in the regulated areas.
- Operating a queuing system for popular street entertainment locations.
- Asking other street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.

3. Principles of Code of Conduct and Policy

3.1 There are several principles that make up the Code of Conduct and Policy, as set out below. If performing anywhere in the Royal Borough of Greenwich (RBG), all street entertainers should abide by this Code, which sets out how they can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

3.2 Safety: All street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- All street entertainers are strongly advised to hold public liability insurance of at least £2 million. In the regulated areas on licensed pitches, this is a condition of the licence.
- All street entertainers must ensure that no one could trip over equipment, and equipment must not be left unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No animals should accompany the street entertainer or be used as part of the performance.

3.3 Performance hours

All street entertainment should only take place between the hours of 11:00 and 21:00. Any amplified entertainment beyond 21:00 and before 08:00 is an offence under the Control of Pollution Act 1974, and you may be liable to enforcement action. Inside the regulated areas on licensed pitches, amplification is not permitted.

3.4 Avoiding causing a nuisance

Street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound as a result of any performance does not cause nuisance to persons in nearby property.
- Street entertainers should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- If street entertainers have a limited repertoire of material, they are asked not to continually repeat songs; as a guideline, they should aim to give at least 30 minutes before repeating a song.
- Street entertainers should be aware that noise can be generated by the audience.
- Street entertainers should be aware of other street entertainers in the area and space themselves far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next street entertainer performs (except in the regulated areas).
- Street entertainers should respect other street entertainers and cooperate with any queuing system in the area by leaving the location after they have finished their performance.
- Drums/percussion: drumsticks are not permitted, and street entertainers should use brushes and damping with a drum kit and should not cause a nuisance through the level of sound, such as to cause complaints to be raised.
- Street entertainers should not amplify brass or woodwind instruments and use dampers/mutes if required (harmonicas excluded).
- If amplification is used, a small, battery powered, portable amp should be sufficient for most needs. The use of petrol and diesel generators is prohibited. Inside the regulated areas on licensed pitches, amplification is not permitted
- Street entertainers should take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive.
- If backing accompaniment is part of an act, it should be secondary and unobtrusive; backing tracks should not be left running when there is no actual performance taking place.
- Street entertainment amps (where permitted) should always be at ground level and not raised. The amps should be placed facing forward as opposed to down the street. This will avoid creating a junction of sound and the noise will not travel as far, impacting on other performers.

3.5 Avoiding causing an obstruction

- Street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring property.
- Street entertainers should never block any entrances or exits to property, and no pedestrians should spill out onto the road to get past street entertainers or their audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- Street entertainers should stop their performance or ask other street entertainers to help to take steps to control their audience if they cause an obstruction. If attempts to relieve the audience from causing an obstruction do not work, street entertainers should cease their performance.

3.6 Co-operation with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that street entertainers adjust their performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Officers have a right to do this without fear of threatening or abusive behaviour. Street entertainers should co-operate with any such reasonable requests. However, if street entertainers have any concerns about the conduct of officers carrying out their duties, they can contact the team at www.royalgreenwich.gov.uk/complaints

3.7 Street entertainers may only sell merchandise if they have permission. Street entertainers may only sell items if they have a temporary licence to engage in street trading under the London Local Authorities Act 1990 (as amended).

3.8 Talk to the council and the local community

The best way to promote street entertainment and build partnerships with residents and businesses is to keep in frequent contact with the Council and engage with the local community. There are many ways to do this including talking to local businesses and residents directly, attending wider community meetings, and providing the Council with feedback via the Council's website.

4. How Complaints, Compliance and Enforcement will be managed

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

- The person(s) being affected by the street entertainer are to initially approach them directly to discuss and resolve the issue wherever possible. Person(s) affected by performances can include other street entertainers.

4.2 If a compromise position cannot be reached and the perceived issue persists, then the person(s) affected are to approach the Royal Borough of Greenwich to ask for further assistance.

4.3 RBG 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 Code of Conduct and Policy is not being observed.

4.4 Particular enforcement actions in relation to licensing provision and conditions are set out at Section F below


5. The Regulated areas of street entertainment

5.1 It is proposed that Greenwich Town centre is a street entertainment regulated area. There is a light touch licensing scheme applicable here which means street entertainers will only be able to provide street entertainment in designated pitches, need to apply for a licence to perform, keep to the terms and conditions of the designated pitches, and abide by the conditions of the licence. There will also be a smaller regulated area in Woolwich town centre, consisting of Powis Street and Greens End; here, two licensed pitches for street entertainment in Woolwich town centre will be located on Powis Street (outside Iceland) and on Greens End by the Water Fountain.

5.2 Appendix 3 contains the maps of the regulated areas in Greenwich town centre and Woolwich town centre and appendix 1 lists those streets within the regulated areas. Within the Greenwich town centre regulated area, there will be 2 licensed street entertainment pitches:

- Cutty Sark North East (near the gates of the Old Royal Naval College)
- Cutty Sark North West (near the foot tunnel entrance)

5.3 Within Woolwich Town centre, there will be two licensed pitches at:

- Greens End (by the water fountain)
-  Powis Street (outside Iceland)

6 The Licensing Application Process and Procedures

6.1 Street entertainers will be required to be licensed on street entertainment pitches in regulated areas, as illustrated in the maps in Appendix 3.

6.2 Street entertainment under licence will be permitted on the designated pitches in the designated areas from 11:00 to 21:00 from Monday to Sunday and at no other times. A licence will be issued for a street entertainer to provide street entertainment during these permitted hours. A street entertainer needs to set up and pack up within this time allocation.

6.3 Between the hours of 11:00 and 21:00 there are 4-5 hours available, and this will allow for 4-5 time slots of 60 minutes to be allocated to street entertainers per day per pitch. There will be a one-hour time gap between each street entertainment session at each pitch. Appendix 2 sets out the rota of timeslots per pitch.

6.4 In addition, the slots will be allocated for certain types of performance. This will allow for a greater circulation of the street entertainers. Street entertainers will only be allowed to take one slot per pitch out of the number of slots that will be available per day, and book a maximum of two slots (at two different pitches). Of those available slots, a number will be unfilled as already stated. This will be reviewed based on demand, and changes will be approved by the Council's Street Entertainment Licensing Panel. If the slots on a particular day have not been filled via the booking system, then that slot will be left vacant.

6.5 Street entertainment licence exemption

6.6 The LLAA exempts some other forms of entertainment from requiring a street entertainment Licence, such as:

- Entertainment of a class, which from time to time is by resolution of the participating council excluded from the operation of Part V of the LLAA,
- Entertainment provided and in accordance with the terms of a licence granted under paragraph 1 of Schedule 12 of the London Government Act 1963.
- Entertainment which is authorised specifically to take place in a Street under any other enactment or consisting of music performed as an incident of a religious meeting, procession or service.
- Entertainment authorised under the Licensing Act 2003, or a Temporary Event Notice.
- All street entertainment which takes places outside the regulated areas of RBG.
- Street entertainment that is provided as part of a wider event has also been excluded. Such events generally require some form of approval, which can include a road closure, or permission to use an open space, and therefore additional restrictions are not considered necessary at present.

6.7 When street entertainment is carried out on private land, then the landowner's permission should always be sought in the first instance.

Street entertainment which does not require a street entertainment licence does not give the performer the right to trade in the street. Any street entertainer undertaking street trading without a licence will be prosecuted as an illegal street trader.

6.8 Application requirements and process

6.9 All applications for a street entertainment Licence must be made via the Council's online system.

6.10 The fee for a street entertainment license is set at £35.00 for a sixth month period and/or £10 for a one-month period. There will be no other fee, and the fee is solely to support the cost of administering the system.

6.11 The following documents need to be submitted with the application:

- A completed Street entertainment Licence application form, duly completed with the details required in Council's regulations
- A passport sized photograph of the applicant;
- Copy of a valid passport, with Work Permit if non-European citizen.

- The licence fee in full;
- Two forms of identification;
- Proof of national insurance number;
- Satisfactory evidence of Public Liability insurance minimum sum of £2,000,000 that must be checked by the Council each year.

6.12 Fees must be paid 7 days in advance from the first day of street entertainment. Only fees payable online are accepted. Any issues with payments online will deem the licence to trade for the chosen day/s as refused.

6.13 The fees will be reviewed on an annual basis. The licence is only valid for trading on the designated street entertainment pitch booked in the designated area at the designated time when the licensee is performing street entertainment.

6.14 All street entertainers are required to complete the same process and to produce the original licence immediately upon request by the Council's Authorised Officer.

6.15 Decision Making Process

6.16 The procedure for determining applications is set out in the regulations made by the Council as below:

6.17 Street entertainment licences will normally be granted on the following basis:

- Usually for a six-month period, though a one-month period is also permitted;
- Subject to compliance with the Standard Conditions issued with the licence, unless expressly removed or varied by the Council;
- To permit street entertainment in designated pitches within the designated areas between the hours of 11:00 to 21:00, Monday- Sunday unless otherwise specified on the licence.

6.18 Street entertainment licences will be determined according to the procedure prescribed through the Council's regulations, which are summarised as:

6.19 Grant: All applications will be decided on their own merits and those which provide all the relevant documentation, unless there have been previous enforcement/compliance issues and provided the street entertainment is sought within the times, on the days and in the designated pitches and in accordance with the conditions specified in this policy will normally be granted;

6.20 Grant or Refuse: All other applications, which seek to exclude any of the standard conditions, extend the hours sought or where a licence has previously been revoked, or where there have been other compliance issues.

6.21 Applications that are not granted will be determined by the Council's Street Entertainment Licensing Panel

6.22 Refusal of Applications

6.23 The Royal Borough may refuse an application if deemed the applicant could be reasonably regarded as not being a fit and proper person to hold a licence due to on the following grounds:

- A licence having previously been revoked
- Previous history of non-compliance with licence conditions
- Previous complaints about conduct that have been substantiated
- Advice from the Police or relevant Council officers
- The type of performance and equipment being used
- Numbers of people attracted by the performance
- Footfall in the area
- That there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made

6.24 Conditions

6.25 Any person or persons wishing to undertake the activity of Street Entertainment must apply to register with the Council prior to applying for a licence.

6.26 Registration is usually for a period of 6 months after which time registration must be renewed, and all registered street entertainers must reapply to become reregistered 2 months prior to registration expiry date. Once registration acceptance has been received, a Registered Street Entertainer may apply to the Council for a Street Entertainment Licence.

6.27 Either the Council or a registered Street Entertainer may at any time terminate registration on giving ten days written notice to either party.

6.28 Street Entertainment is only allowed on a licensed basis, subject to the licence conditions, on a designated Street Entertainment pitch at the designated time as booked between the hours of 11:00 hours – 21:00 only.

6.29 Applications for Street Entertainment Licences covering Christmas Day, Boxing Day and New Year's Day will not be considered.

6.30 The Council retains the right to reject applications for block bookings of any single or multiple designated Street Entertainment Pitches, and will consult on views on what advance booking periods are equitable in order to allow a range of street entertainers to use the licence system.

6.31 The Street Entertainment Licence must be displayed when performing and shown to either an Authorised Officer or Police Officer on request.

6.32 Street Entertainment is only allowed on the Designated Street Entertainment Pitch in the regulated areas and as stipulated on the issued Street Entertainment Licence. Street Entertainment is only allowed on the date/s and times as stipulated on the issued Street Entertainment Licence.

6.33 Should for any reason the Street Entertainer/s not be able to attend at the Designated Street Entertainment Pitch on the licensed date and time or for the full duration, the Street

Entertainer/s shall notify the Council no later than 3 hours prior to the licence start date and time.

6.34 Street Entertainer/s may not assign or transfer a Street Entertainment Licence. Only one Street Entertainer will be licensed to perform in any of the designated street entertainment pitches at any one time.

6.35 Street Entertainer/s shall not be licensed to perform for longer than one hour (subject to the Code of Conduct) in any designated street entertainment pitch and will not be licensed to perform again in the same pitch on the same day. Street Entertainers shall only perform in a Designated Street Entertainment Pitch under the licence terms and conditions.

6.36 The occupation and temporary installation of equipment must be completed within the time period as stated by the licence. The full vacation and removal of all equipment from the Designated Street Pitch must be completed prior to the licence end time stated upon the licence.

6.37 Street Entertainer/s have the responsibility of ensuring that all litter or waste materials arising from the Street Entertainment performance are removed from the Designated Pitch and correctly disposed of at the licence end time.

6.38 Street Entertainer/s are responsible for the safe carrying of all equipment and instruments; the Council will not provide staff to assist. The Council will not accept any liability for damage or loss of any equipment or personal effects used by Street Entertainer/s.

6.39 Street Entertainer/s shall immediately stop their performance in the Designated Street Entertainment Pitch when requested to do so by either an Authorised Officer or Police Officer.

6.40 All Registered Street Entertainer/s must inform the Council of any change in circumstances such as change of address so that records can be correct and accurate.

6.41 The Council reserves the right to refuse permission for any performance or activity which may be considered as controversial or likely to cause offence to residents due to religious, political, moral or other significant reasons.

6.42 The standard conditions are attached to all licences, unless they have been expressly excluded or amended in any particular case. Additional conditions may also be attached to a licence and they may relate to the following criteria, amongst others:

- the area in which street entertainment may take place
- the hours during which street entertainment may take place
- the prevention of obstruction to persons using the street
- the prevention of public nuisance to the occupiers of nearby property

6.43 Permitted Times: within the regulated areas and on the designated pitches the maximum permitted times for street entertainment are selected hours between 11:00 to 21:00 Monday to Sunday, subject to the conditions of the licence, as each pitch will have a

designated rota of available hours up to a maximum of 4-5 hours per pitch. The standard conditions may be varied to set a shorter time but may not allow earlier or later times.

6.44 Use of amplifiers

6.45 RBG is concerned about the use of amplifiers to support performances and the impact that the resulting noise has on local residents and business occupiers. The standard condition preventing amplifiers is therefore considered necessary for all licensed street entertainment pitches in the regulated areas.

6.46 Where requests are made to vary this condition, advice will normally be sought from an Environmental Health Officer or other person with specialist knowledge in noise prevention, who may also be a member of the Panel deciding the application.

6.47 Consideration will be given to the location for the performance, the times of day requested, the duration of the performance and the likely volume to be audible at the nearest residential or business property.

6.48 RBG will not grant permission to use amplifiers on the street beyond 9pm under any circumstances. This is due to a restriction on using loudspeakers on the street between 9pm to 8am in Section 62 of the Control of Pollution Act 1974.

6.49 If permission to use amplifiers is granted, it is likely that additional conditions will be imposed to limit the times of day, duration of performances and permitted locations.

6.50 Use of Drums: the use of drums is prohibited through the standard conditions applicable in the licensed areas.

6.51 Appeals

6.52 There is a right of appeal under section 41 of the Act, in the following situations:

- An applicant for the grant of a licence whose application is refused;
- A licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
- A licence holder whose licence has been revoked.

6.53 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins 7 days after the notification was posted by first class post. A further appeal against the Magistrates' Court decision may be made to the Crown Court.

6.54 Enforcement

6.55 The Council will seek to ensure that any person who is granted a street entertainment licence complies with the Standard Conditions attached to the licence, and that appropriate action is taken for non-compliance or where unlicensed street entertainment occurs in the designated Area. This is as set out in section 42 and 43 of the Act.

6.56 Any person who:

- Performs street entertainment in any street in the regulated areas to which the licensing conditions apply without the authority of a licence; or is concerned with the organisation or management of street entertainment which is not authorised by a licence; or
- Contravenes any condition of the licence; or
- In connection with the application for a licence makes a statement which s/he knows to be false in a material particular;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000 at the time of approving the Policy). The current legislation does not provide the ability for offenders to be offered a Fixed Penalty Notice (FPN) to discharge their liability to prosecution.

6.57 Where a street entertainment licence is required, and street entertainment is taking place or is about to take place without a licence or in breach of the standard conditions of a licence, the following options are available to an authorised officer or a police officer:

- They may require that street entertainment either cease or not take place;
- Where unlicensed street entertainment is taking place, equipment (including instruments) connected with the street entertainment may be seized;
- Proceedings may be instigated to prosecute the person for offences under the Act.
- Where the street entertainment is considered to be in breach of the conditions on the licence, then the authorised officer or Police officer may request that the Council considers revoking the licence.

End

Appendix 1: regulated area and street entertainment pitches- maps are attached separately in Appendix 3

1 List of streets in the regulated area in Greenwich Town Centre

BARDSLEY LANE
BURNEY STREET
CHURCHFIELDS
CLAREMOUNT STREET
COLLEGE APPROACH
CROOMS HILL
CREEK ROAD
CUTTY SARK GARDENS
GREENWICH HIGH ROAD
GREENWICH HIGH RD STRAIGHMOUNTS F/PATH
GREENWICH SOUTH STREET
HADDO STREET
GREENWICH CHURCH STREET
HORSEFERRY PLACE
KING WILLIAM WALK
NORMAN ROAD
PEYTON PLACE
RANDALL PLACE
NEVADA STREET
NORWAY STREET
NELSON ROAD
ROAN STREET
ROYAL HILL

PARK ROW
ST ALFEGE PASSAGE
STRAIGHTSMOUTH
TARVES WAY
THORNHAM STREET
RIVERSIDE WALK
ROMNEY ROAD
STOCKWELL STREET
THAMES STREET
WELLAND STREET
WALLER WAY

2 List of streets in the regulated area in Woolwich Town Centre

POWIS STREET
GREENS END

Appendix 2: rota of available licensed hours at street entertainment pitches

Greenwich Town Centre - Cutty Sark Gardens North West					
Monday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Tuesday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Wednesday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Thursday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Friday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Saturday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Sunday	1100-1200	1300-1400	1500-1600	1700-1800	

Greenwich Town Centre - Cutty Sark Gardens North East					
Monday	1200-1300	1400-1500	1600-1700	1800-1900	
Tuesday	1200-1300	1400-1500	1600-1700	1800-1900	
Wednesday	1200-1300	1400-1500	1600-1700	1800-1900	
Thursday	1200-1300	1400-1500	1600-1700	1800-1900	
Friday	1200-1300	1400-1500	1600-1700	1800-1900	
Saturday	1200-1300	1400-1500	1600-1700	1800-1900	
Sunday	1200-1300	1400-1500	1600-1700	1800-1900	

Woolwich Town Centre - Greens End (by the Water Fountain)					
Monday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Tuesday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Wednesday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Thursday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Friday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Saturday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000
Sunday	1100-1200	1300-1400	1500-1600	1700-1800	1900-2000

Woolwich Town Centre – Powis Street (outside Iceland)					
Monday	1200-1300	1400-1500	1600-1700	1800-1900	
Tuesday	1200-1300	1400-1500	1600-1700	1800-1900	
Wednesday	1200-1300	1400-1500	1600-1700	1800-1900	
Thursday	1200-1300	1400-1500	1600-1700	1800-1900	
Friday	1200-1300	1400-1500	1600-1700	1800-1900	
Saturday	1200-1300	1400-1500	1600-1700	1800-1900	
Sunday	1200-1300	1400-1500	1600-1700	1800-1900	

