

# Culture and Communities Committee

10.00am, Thursday, 5 October 2023

## Amplification of Sound in Public Spaces

Executive/Routine  
Wards

Routine  
All, particularly Ward 11 – City Centre

### 1. Recommendations

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- 1.1 Culture and Communities Committee is asked to:
  - 1.1.1 Note the findings of the recent survey on busking and amplification, including that the response is broadly positive about the benefits of busking in the city;
  - 1.1.2 Note that excessive amplification has a more significant impact on those living or working nearby and therefore monitoring in specific locations where local amenity is impacted is required;
  - 1.1.3 Note that the survey does not provide an evidence base for the creation of a byelaw to tackle the nuisance of noise in public spaces at this time;
  - 1.1.4 Agree that the Council should continue to monitor busking, particularly at 'hotspot' locations, engage with buskers to try to address identified issues, and, where appropriate, seek support from Police Scotland to address excessive noise;
  - 1.1.5 Request that the Convener writes to the appropriate Scottish Government Minister to seek an early discussion on this issue and on the potential to extend the powers to local authorities for section 54 of the Civic Government (Scotland) Act 1982.

**Paul Lawrence**

Executive Director of Place

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## Amplification of Sound in Public Spaces

### 2. Executive Summary

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- 2.1 A survey with residents and businesses to seek evidence of the issues associated with the amplification of sound in public spaces was carried out between 9 May and 31 August 2023. Records held by Police Scotland for incidents reported under Section 54 of the Civic Government (Scotland) Act 1982 have also been obtained. This report summarises the information received and sets out proposed next steps.

### 3. Background

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- 3.1 A [report](#) to Committee on 13 December 2022 referred to the ‘overamplification of sound by some buskers and street entertainers in public spaces’. The report set out the existing legislative framework governing noise in public spaces and a summary was provided of the legislative powers which could be considered to incorporate the amplification of sound in public spaces.
- 3.2 The Council does not have enforcement powers to deal with buskers where it may be considered that the noise they are creating is excessive. Those powers lie with Police Scotland.
- 3.3 Where an issue is covered by existing legislation, it is not permitted to introduce a byelaw to also deal with that issue. The submission of a proposed byelaw to tackle the nuisance of noise in public spaces must be objectively justified, with a clear evidence base.
- 3.4 Committee noted the information provided on the creation of a byelaw and that any decision for this would need to be on the basis of evidence presented.
- 3.5 Committee requested the Festivals and Events All Party Oversight Group (APOG) discuss, design and carry out a survey with residents and businesses to seek evidence of the issues associated with the amplification of sound in public spaces, in order to consider whether there would be sufficient justification to proceed with preparing a byelaw. The Festivals and Events APOG considered the proposed design of a survey for residents and businesses on 24 March 2023.

## 4. Main report

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### **Amplification of Sound in Public Spaces – Busking Survey**

- 4.1 The survey was launched on the Consultation Hub on 9 May 2023 and closed on 31 August 2023. The survey Summary Report is attached in Appendix 1.
- 4.2 The survey sought the views of Edinburgh residents and businesses who are directly affected by busking. There have been 1,095 responses received with over 2,425 map ‘pin drops’ identifying where people had heard buskers (Appendix 2).
- 4.3 2,480 comments have been received and analysed, with both comments and survey answers showing strong support for busking.
- 4.4 However, excessive noise from busking was highlighted as having a significant impact on residents and businesses nearby, especially where the busker has a limited repertoire.
- 4.5 There was also concern about crowds gathering around popular buskers and the volume of the crowd, particularly when encouraged by buskers. In addition, while there was support for increasing the hours where busking is acceptable (particularly later in the evenings, when some respondents felt it makes an area feel safer), there was also support for reducing the hours and for banning amplification.
- 4.6 Some respondents felt that there was not enough control of irresponsible busking and that response times when issues are reported discourages people from contacting the Council or the Police.

### **Engagement with Stakeholders**

- 4.7 In addition to the consultation, discussions have been ongoing with the Fringe Busking Group, Equity, Musicians Union and Keep Streets Live, to explore ways in which busking could be managed in the city. The opportunity to set up a Street Performers Association (SPA) to help co-ordinate and inform buskers has been discussed, with the proposal that an SPA could engage with and work with residents’ groups, Police Scotland and the Council to support the management of busking in the city.

### **Police Scotland Records of Busking Incidents**

- 4.8 The Council does not hold records of complaints about busking, as enforcement powers lie with Police Scotland. Police Scotland have provided the information attached in Appendix 3 which shows 148 incidents related to busking in 2019 and 23 in 2020. Information for 2021 and 2022 has not yet been received. Incidents occur throughout the year and peak in August (35% to 50%). Incidents for ‘loud or amplified’ busking account for about 50% of recorded incidents.

### **Conclusion**

- 4.9 The survey highlights strong support for busking, but also that amplification can sometimes be excessive. Based on survey responses and the data from Police Scotland, it is considered that the existing legislation covers the issues which have

been identified and therefore, at this point, it is unlikely that the creation of a byelaw would be supported.

- 4.10 However, it is clear that amplification in specific locations can adversely impact nearby residents and businesses and can impact on the amenity of the area.
- 4.11 Within the current legislation, the power to enforce rests with Police Scotland but it is recognised that their resources are stretched.
- 4.12 Officers will therefore continue to promote the city's guidelines for busking and to engage with buskers to ask that they voluntarily cease or move on where it is clear that the noise is excessive. Where a request is refused, Council officers will, whenever necessary, call the Police for support.

## **5. Next Steps**

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### **Management of On-Street Activities**

- 5.1 The Council could consider more active management of on-street activities, particularly in locations which are compromised due to lack of space.
- 5.2 While there is currently no funding available, if the Council decides to proceed with the introduction of an Edinburgh Visitor Levy, it may be possible to enhance capacity through this route. Improved city centre management could be responsible for managing on-street activities, working closely with the Council's Licensing team and also with Police Scotland (particularly where issues arise). It may also be possible to consider using Visitor Levy funding to meet the cost of a local Town Centre manager (or managers).

### **Other Actions**

- 5.3 Continue to engage with Police Scotland and evaluate resources required to prioritise the enforcement of section 54 of the Civic Government (Scotland) Act 1982.
- 5.4 It is recommended that the Convener writes to the appropriate Scottish Government Minister to request a meeting to discuss this issue and to engage with them on the possibility of providing additional powers under the Civic Government (Scotland) Act 1982 to Councils.
- 5.5 Continue engagement with the Fringe Busking Group, Equity, Musicians Union and Keep Streets Live.

## **6. Financial impact**

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- 6.1 Costs to date have been met by existing Place department budgets.

## **7. Equality and Poverty Impact**

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- 7.1 Consideration of a full Integrated Impact Assessment (IIA) was made using the Council's IIA guidance checklist. The proposal to ensure buskers busk responsibly has little relevance to equality or socio-economic disadvantage, negligible impact on the economy and the delivery of economic outcomes, and no/minimal impact on the environment as defined in an IIA.

## **8. Climate and Nature Emergency Implications**

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- 8.1 The proposals in this report are neutral regarding the Council's Climate Emergency declaration and climate objectives. However, the proposals will help achieve a sustainable Edinburgh by reducing anti-social busking and primarily the impact that has on residents and workers.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 A survey was launched on the Consultation Hub on 9 May; it closed on 31 August 2023. The survey Summary Report is at Appendix 1.
- 9.2 Discussions have been held with the Fringe Busking Group, Equity, Musicians Union and Keep Streets Live, to understand the 'buskers' perspective, seek views and advice to ensure responsible busking, and to explore the opportunity to set up a Street Performers Association (SPA).
- 9.3 Any new powers allowing the Council to respond to irresponsible busking will require resources, and the Council and Police Scotland will need to clearly communicate what those resources will enable it to enforce.

## **10. Background reading/external references**

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- 10.1 [Minute](#) of 13 December 2022 Culture and Communities Committee.

## **11. Appendices**

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- 11.1 Appendix 1 – Survey summary report.
- 11.2 Appendix 2 – Survey Question 3 - map locations where busking is heard.
- 11.3 Appendix 3 - Busking 2019/20 - Police Scotland data.

# Appendix 1

## Survey summary report

### Amplification of Sound in Public Spaces – Busking

#### Amplification of Sound in Public Spaces – Busking

<https://consultationhub.edinburgh.gov.uk/sfc/amplification-of-sound-in-public-spaces>

This report was created on Monday 04 September 2023 at 09:26

The activity ran from 09/05/2023 to 31/08/2023

Responses to this survey: **1,095**

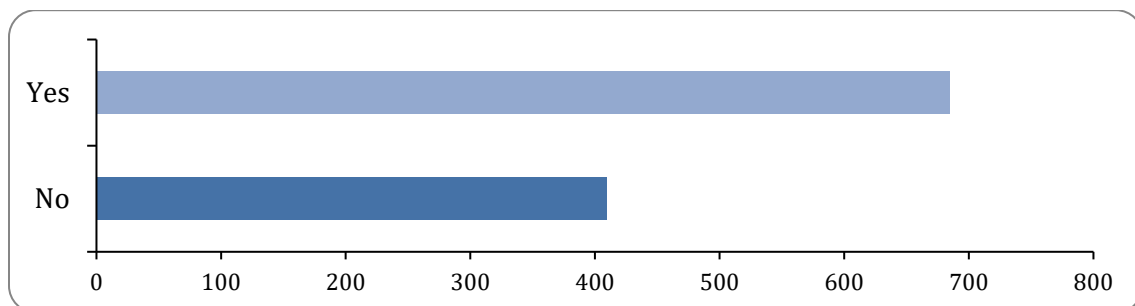
#### 1: Your details

##### First name/Surname

There were 1,095 responses to this part of the question.

##### Yes, I consent to being contacted about this survey

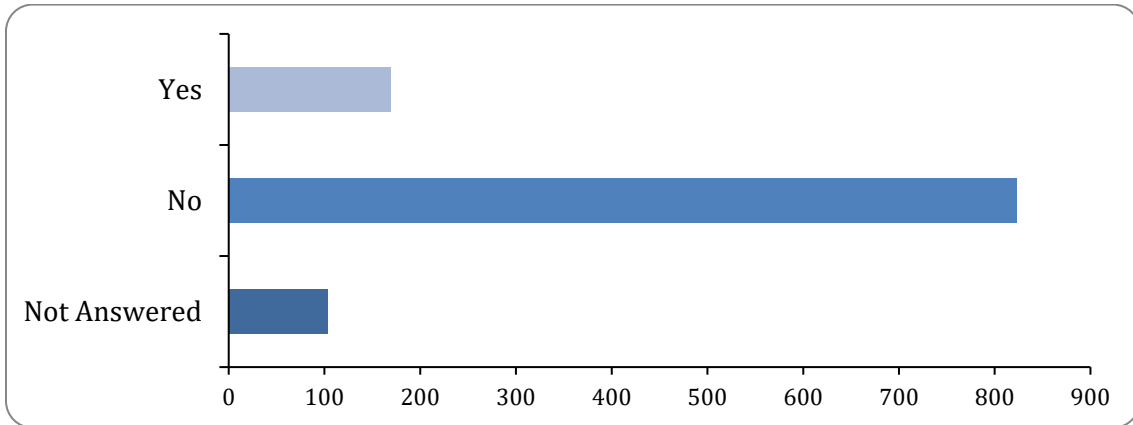
There were 685 positive responses to this part of the question.



Option	Total	Percent
Yes	685	62.56%
No	410	37.44%

**2: In the last year, have you heard buskers at any of the following locations:  
locations - Home**

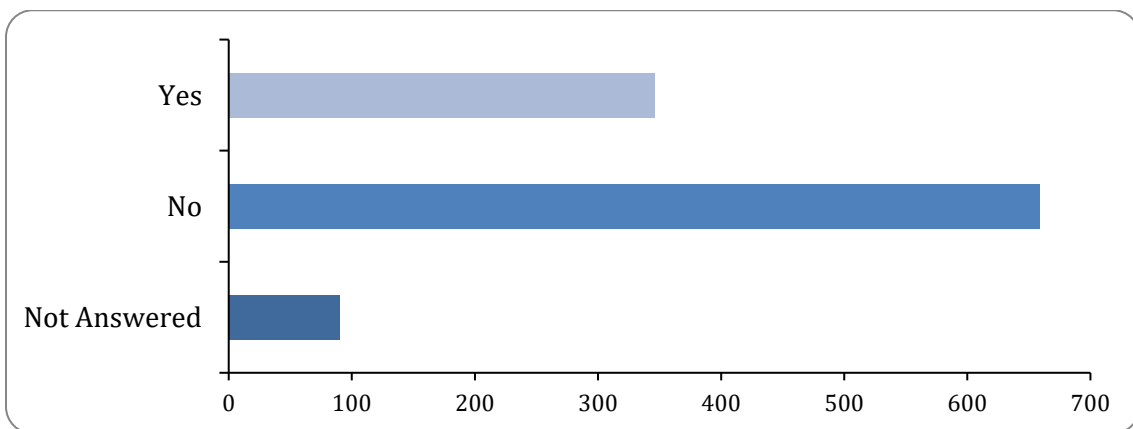
There were 992 responses to this part of the question.



Option	Total	Percent
Yes	169	15.43%
No	823	75.16%
Not Answered	103	9.41%

**locations - Place of work**

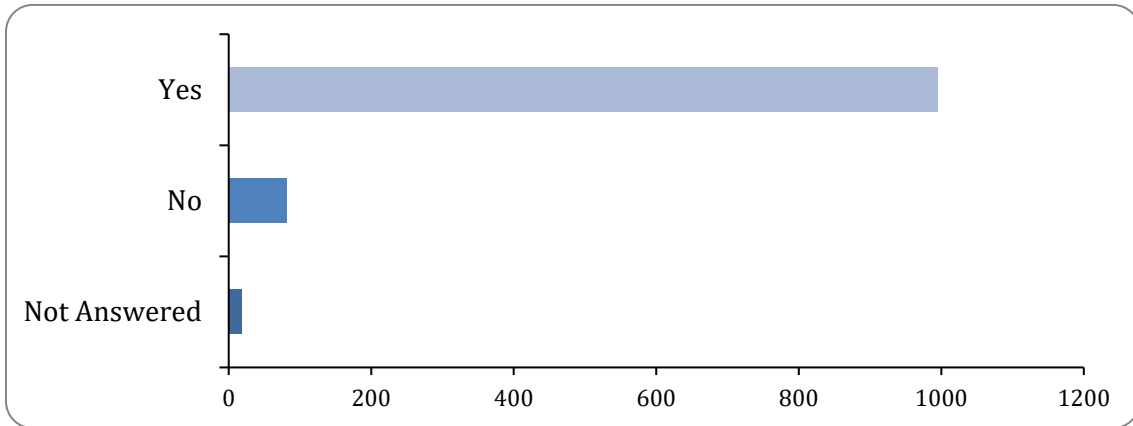
There were 1,005 responses to this part of the question.



Option	Total	Percent
Yes	346	31.60%
No	659	60.18%
Not Answered	90	8.22%

### locations - Going about my normal business

There were 1,076 responses to this part of the question.



Option	Total	Percent
Yes	995	90.87%
No	81	7.40%
Not Answered	19	1.74%

### Please write any further comments in the box below.

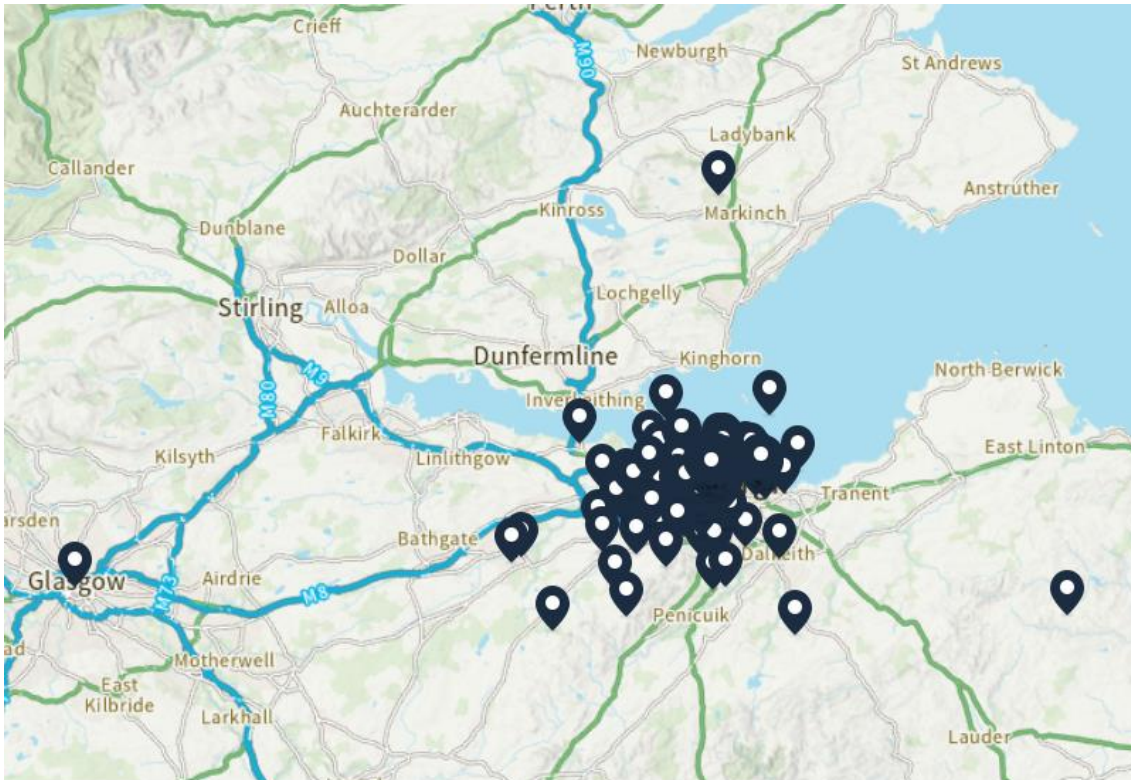
There were 495 responses to this part of the question.

Comment review - over 60% of comments liked hearing buskers. Over 30% (including some who liked busking) disliked excessive amplification or wanted amplification banned. A small % of participants are residents or workers adjacent to buskers, and the impact on them is far greater than participants who pass through areas.



3: Please indicate the location/s where you have experienced busking by dropping the pin on the map. This could be a street name or postcode. You can mark a maximum of three locations on the map.

Please indicate the location/s (see appendix 2)



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There were 991 responses to this part of the question.

**If you wish to pinpoint a location without using the map, please use the boxes below.**

There were 55 responses to this part of the question.

**Second location text box**

There were 39 responses to this part of the question.

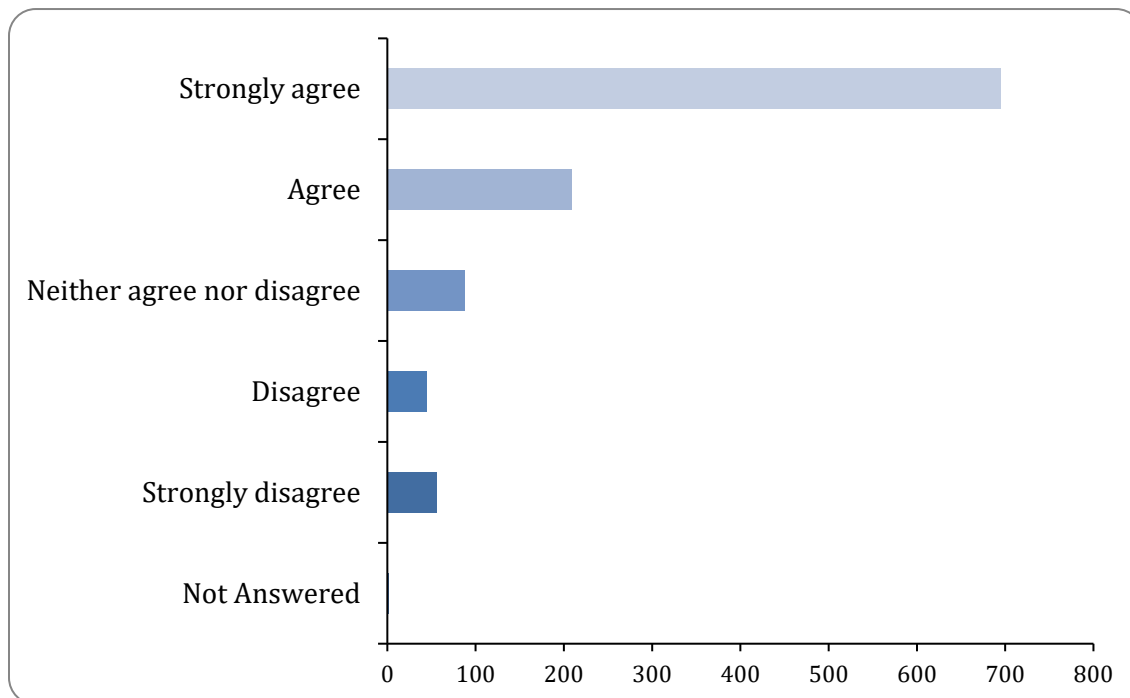
**Second location text box**

There were 29 responses to this part of the question.

#### 4: To what extent do you agree or disagree that buskers liven up our City?

##### Buskers liven up our city?

There were 1,093 responses to this part of the question.

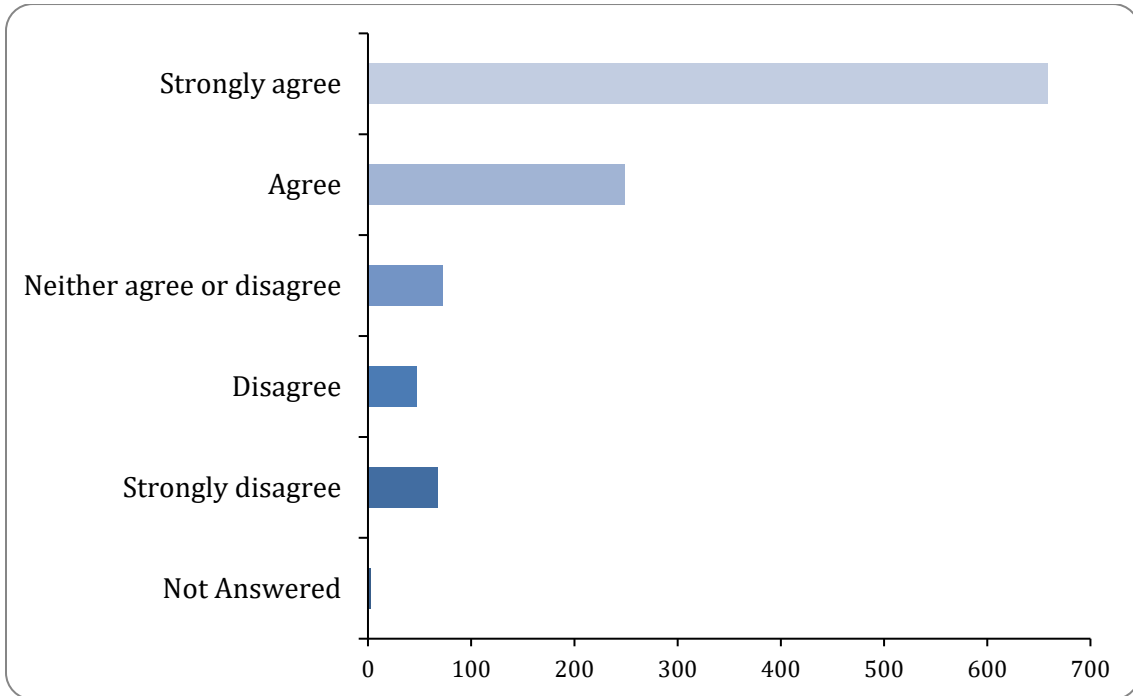


Option	Total	Percent
Strongly agree	695	63.47%
Agree	209	19.09%
Neither agree nor disagree	88	8.04%
Disagree	45	4.11%
Strongly disagree	56	5.11%
Not Answered	2	0.18%

**5: Busking is an important part of many performers' lives. To what extent do you agree or disagree with the following statements:**

**Busking is an important part of many performers' lives - Buskers should be able to use Edinburgh's streets for fun**

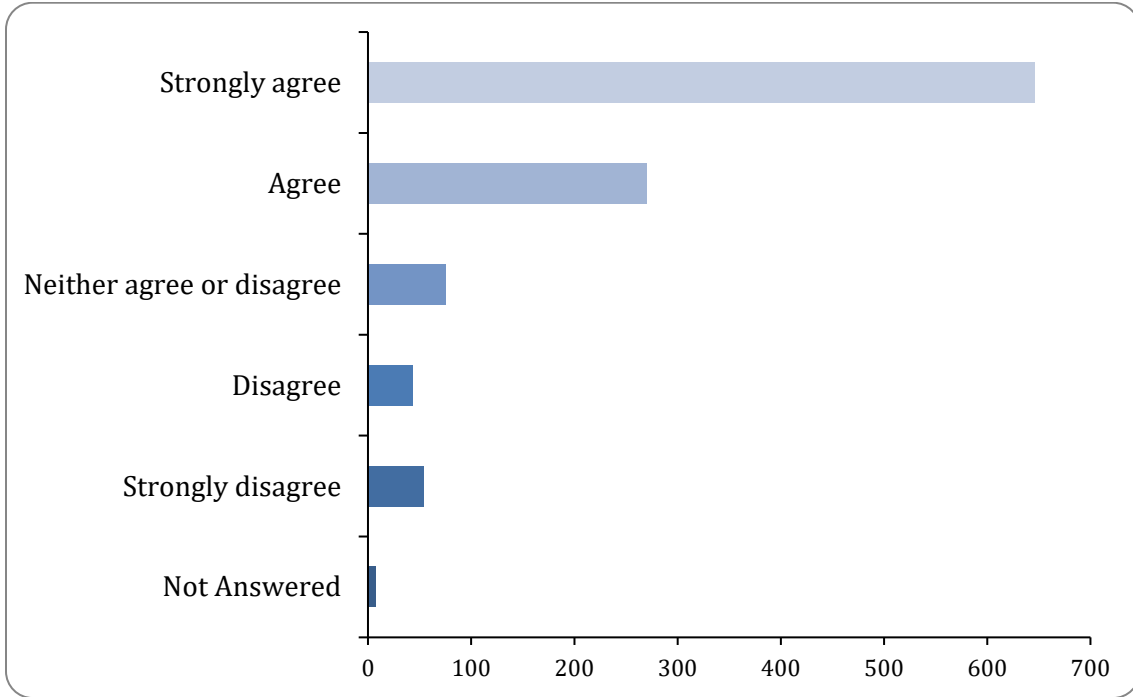
There were 1093 responses to this part of the question.



Option	Total	Percent
<b>Strongly agree</b>	658	60.09%
<b>Agree</b>	249	22.74%
<b>Neither agree or disagree</b>	72	6.58%
<b>Disagree</b>	47	4.29%
<b>Strongly disagree</b>	67	6.12%
<b>Not Answered</b>	2	0.18%

**Busking is an important part of many performers' lives - Buskers should be able to use Edinburgh's streets to make money**

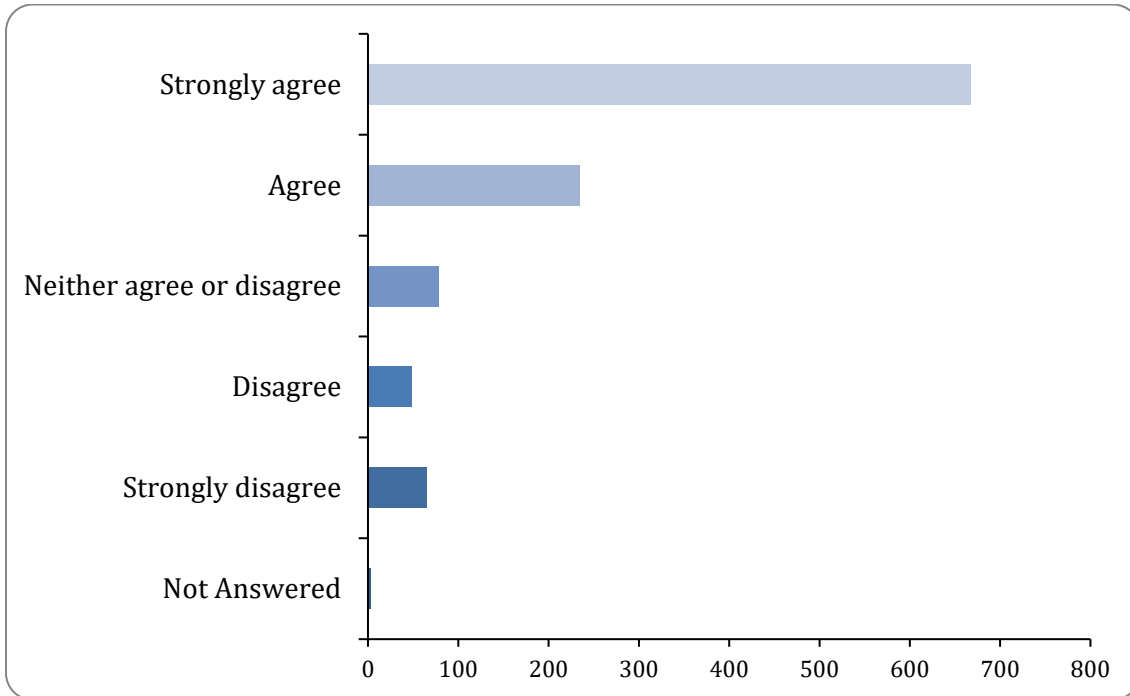
There were 1,088 responses to this part of the question.



Option	Total	Percent
<b>Strongly agree</b>	646	59.00%
<b>Agree</b>	270	24.66%
<b>Neither agree or disagree</b>	75	6.85%
<b>Disagree</b>	43	3.93%
<b>Strongly disagree</b>	54	4.93%
<b>Not Answered</b>	7	0.64%

**Busking is an important part of many performers' lives - Buskers should be able to use Edinburgh's streets to develop audiences, hone skills and try out new material**

There were 1,092 responses to this part of the question.



Option	Total	Percent
Strongly agree	667	60.91%
Agree	234	21.37%
Neither agree or disagree	78	7.12%
Disagree	48	4.38%
Strongly disagree	65	5.94%
Not Answered	3	0.27%

**6: Please write any further comments regarding busking in the box below.**

**Please write any further comments regarding busking in the box below.**

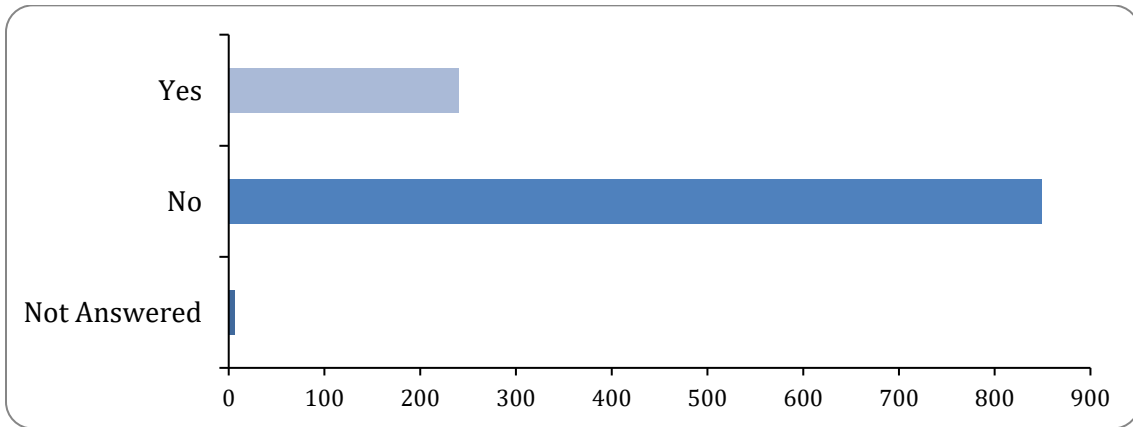
There were 581 responses to this part of the question.

Comment review - generally comments were supportive of buskers or OK with them but not with excessive amplification.

**7: In the last year, have you heard buskers before 9am and/or after 9pm?**

**In the last year, have you heard buskers before 9am and/or after 9pm?**

There were 1,089 responses to this part of the question.

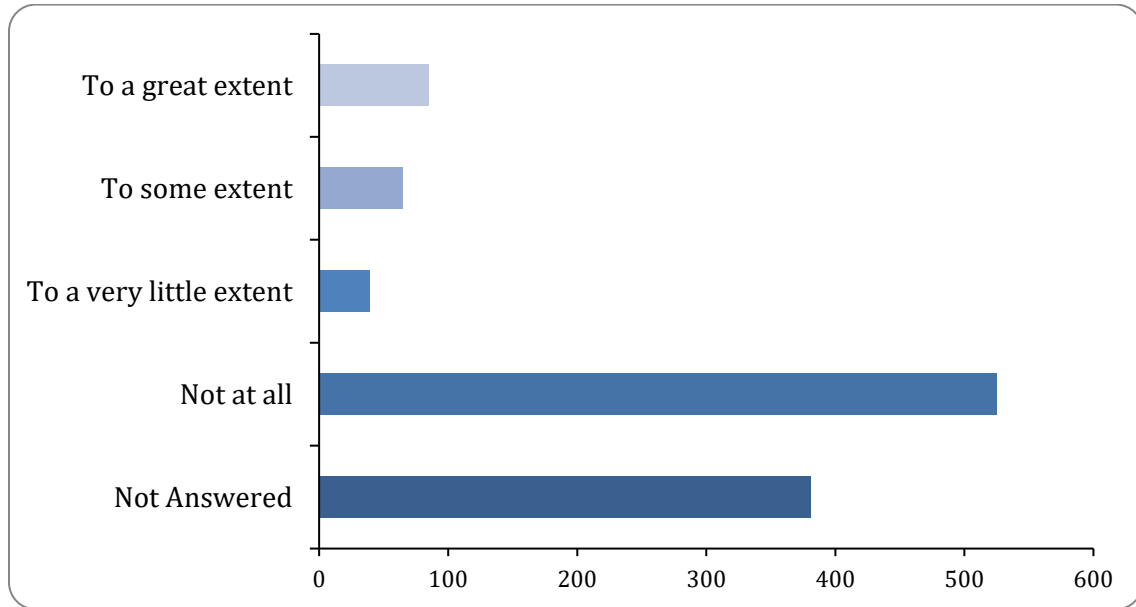


Option	Total	Percent
Yes	240	21.92%
No	849	77.53%
Not Answered	6	0.55%

### 8: If so, to what extent did it disturb you?

#### If so, to what extent did it disturb you?

There were 714 responses to this part of the question.



Option	Total	Percent
To a great extent	85	7.76%
To some extent	65	5.94%
To a very little extent	39	3.56%
Not at all	525	47.95%
Not Answered	381	34.79%

### 9: Please write any further comments regarding busking in the box below.

#### Please write any further comments regarding busking in the box below.

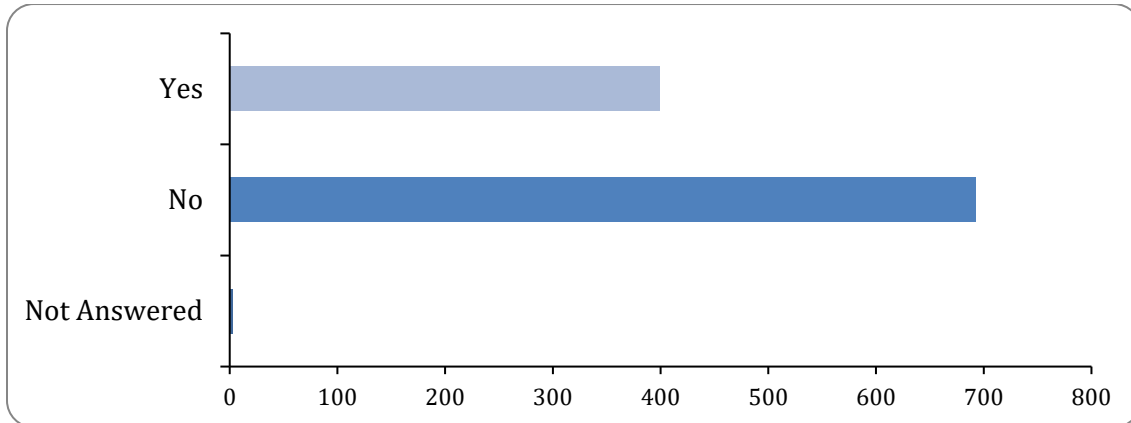
There were 311 responses to this part of the question.

Comment review - just under 30% of comments felt the 9am to 9pm time period was reasonable, and the same number felt the time could be extended beyond 9pm, especially around bars, venues etc with later night activity. 13% of comments wanted busking times to be reduced and 20% for amplification to be banned. It was mentioned that late night busking in some areas can be calming, increase people's sense of security, and reduce aggressive behaviour. Recognition that there is a difference between what is acceptable for commercial and for residential areas (note - commercial and residential areas co-exist in the City Centre).

**10: In the last year, have you heard buskers playing at a volume that you felt was excessive?**

**In the last year, have you heard buskers playing at a volume that you felt was excessive?**

There were 1,092 responses to this part of the question.



Option	Total	Percent
Yes	399	36.44%
No	693	63.29%
Not Answered	3	0.27%

**11: If so, what do you feel the reason/s were for the busker/s playing at an excessive volume? Please write your answer in the box below.**

**If so, what do you feel the reason/s were for the busker/s playing at an excessive volume? Please write your answer in the box below.**

There were 455 responses to this part of the question.

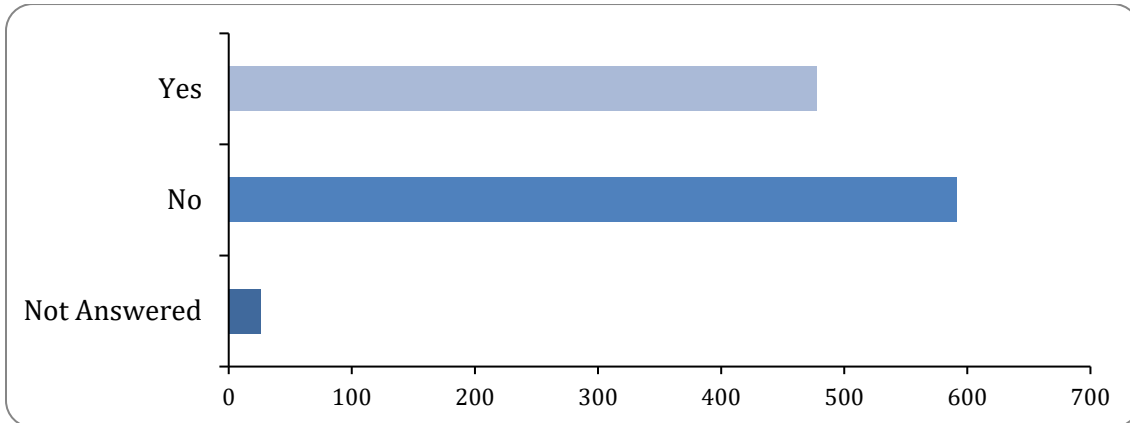
Comment review - when respondents felt buskers were playing at an excessive volume, over 46% commented that this was due to excessive amplification, with a few commenting that it was due to the type of instrument. Around 30% felt buskers were doing this to attract a crowd, sometimes competing with others or the ambient sound levels. 15% commented that some buskers playing at what they felt was excessive volume was because they were unaware of the impact they had, or just didn't care. There were comments about the crowds a busker gathers and when they shout out to them to 'MAKE SOME NOISE' and encourage them to make more noise or use the crowd to challenge someone asking them to move on or reduce amplification.



**12: In the last year, have you experienced buskers staying at a pitch for more than one hour?**

**1. In the last year, have you experienced buskers staying at a pitch for more than one hour?**

There were 1,069 responses to this part of the question.

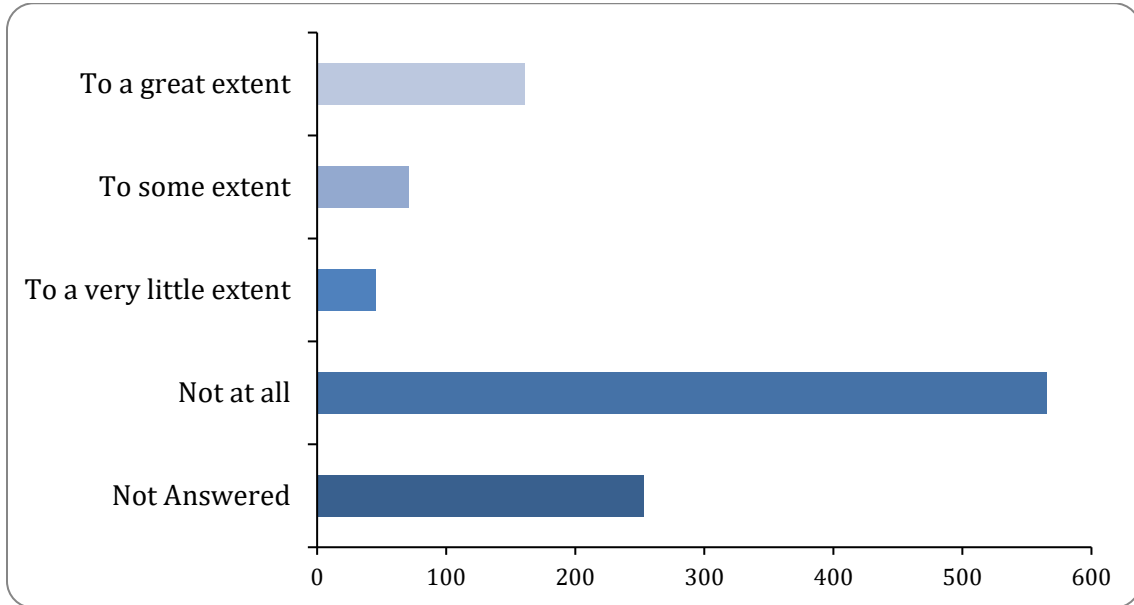


Option	Total	Percent
Yes	478	43.65%
No	591	53.97%
Not Answered	26	2.37%

### 13: If so, to what extent did this disturb you?

#### If so, to what extent did this disturb you?

There were 842 responses to this part of the question.



Option	Total	Percent
To a great extent	161	14.70%
To some extent	71	6.48%
To a very little extent	45	4.11%
Not at all	565	51.60%
Not Answered	253	23.11%

### 14: Please write any further comments in the box below

#### Please write any further comments in the box below

There were 311 responses to this part of the question.

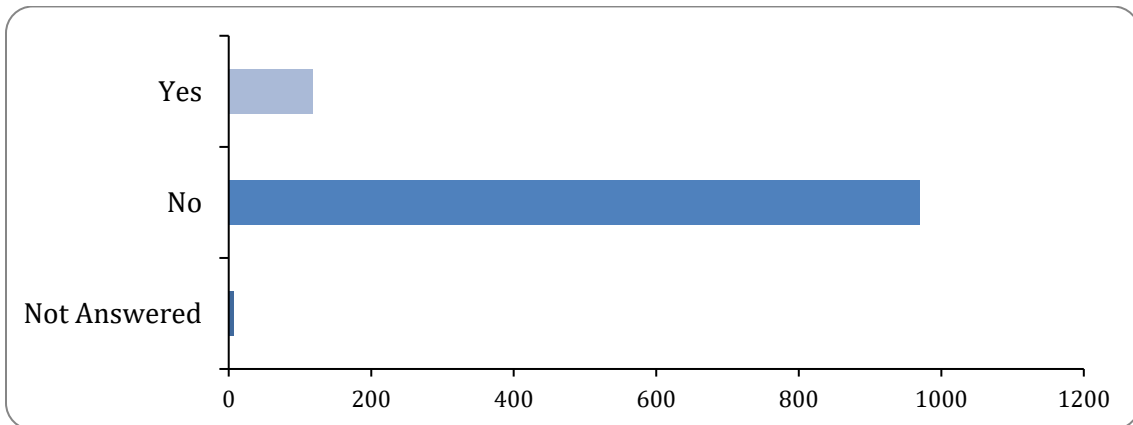
Comment review - Over 30% commented that long sessions had a negative impact, and this was greatest for residents and businesses adjacent to a pitch. A busker having a small repertoire also has a far greater impact on residents and businesses adjacent. Some comments, 23%, felt that staying at a pitch for more than 1 hour was reasonable, especially where a busker or group had a lot of equipment to move. One comment said "Staying more than 1 hour not a problem for people walking about. It is an issue for residents and people working nearby. Several buskers seem to miss this point, only focussing on the passing traffic that are potential 'punters'." and another "Once they

have found a (profitable) pitch, buskers are reluctant to move on, despite pleas from residents and Council guidelines."

**15: Have you ever complained to a busker about their busking, or to a police or council officer?**

**Have you ever complained to a busker about their busking, or to a police or council officer? - Complained to the busker**

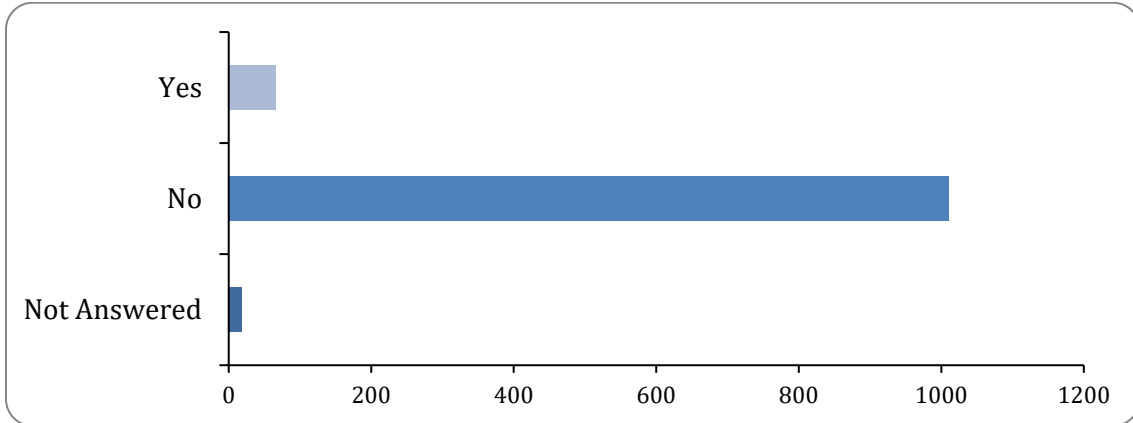
There were 1,088 responses to this part of the question.



Option	Total	Percent
Yes	118	10.78%
No	970	88.58%
Not Answered	7	0.64%

**Have you ever complained to a busker about their busking, or to a police or council officer? - Complained to the Police**

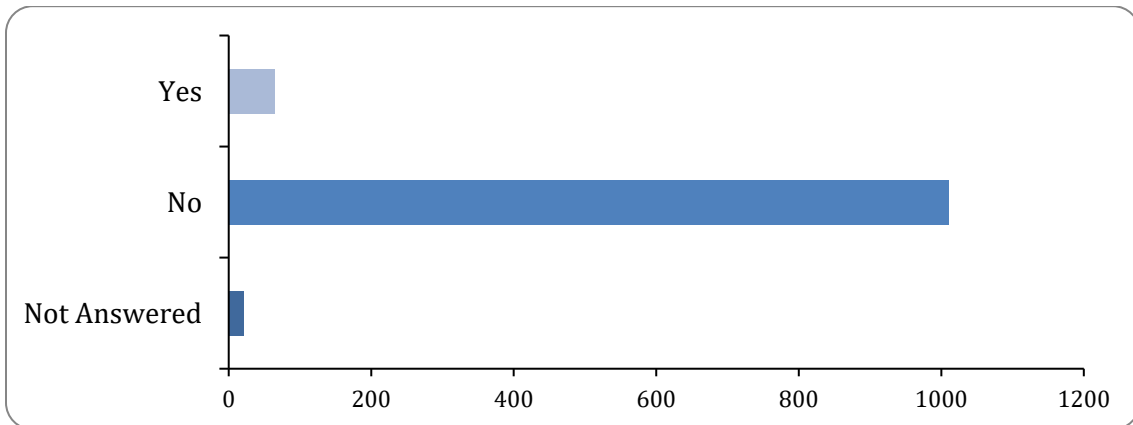
There were 1,077 responses to this part of the question.



Option	Total	Percent
Yes	66	6.03%
No	1011	92.33%
Not Answered	18	1.64%

**Have you ever complained to a busker about their busking, or to a police or council officer? - Complained to the Council**

There were 1,074 responses to this part of the question.

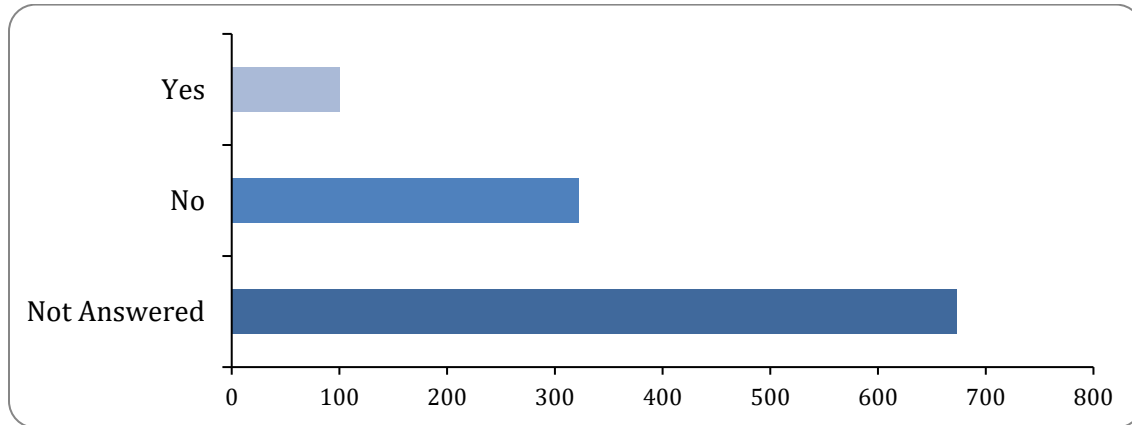


Option	Total	Percent
Yes	64	5.84%
No	1010	92.24%
Not Answered	21	1.92%

### 16: If you answered yes to any, have you had to do this in the last year?

If you answered yes to any, have you had to do this in the last year?

There were 422 responses to this part of the question.

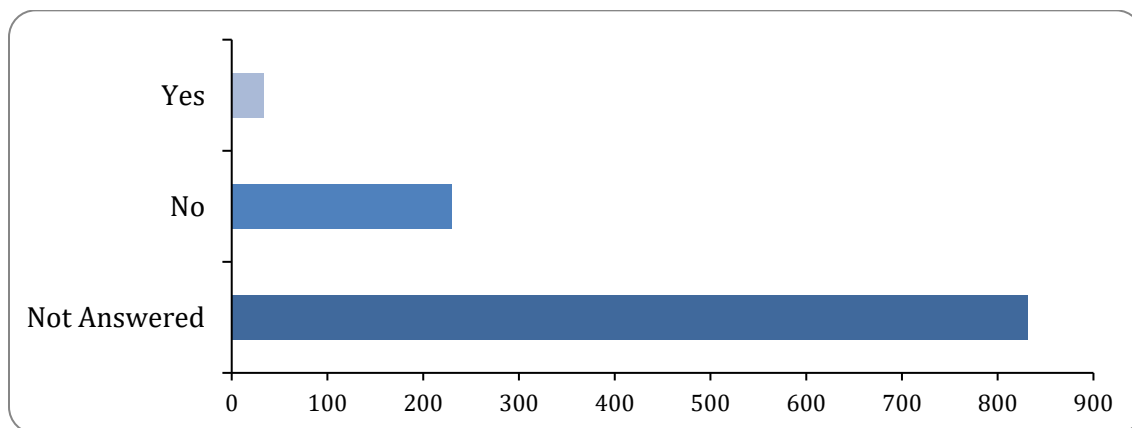


Option	Total	Percent
Yes	100	9.13%
No	322	29.41%
Not Answered	673	61.46%

### 17: If yes, was your complaint resolved?

3. If yes, was your complaint resolved?

There were 264 responses to this part of the question.



Option	Total	Percent
Yes	34	3.11%
No	230	21.00%
Not Answered	831	75.89%

**18: Please write any further comments regarding busking in the box below.**

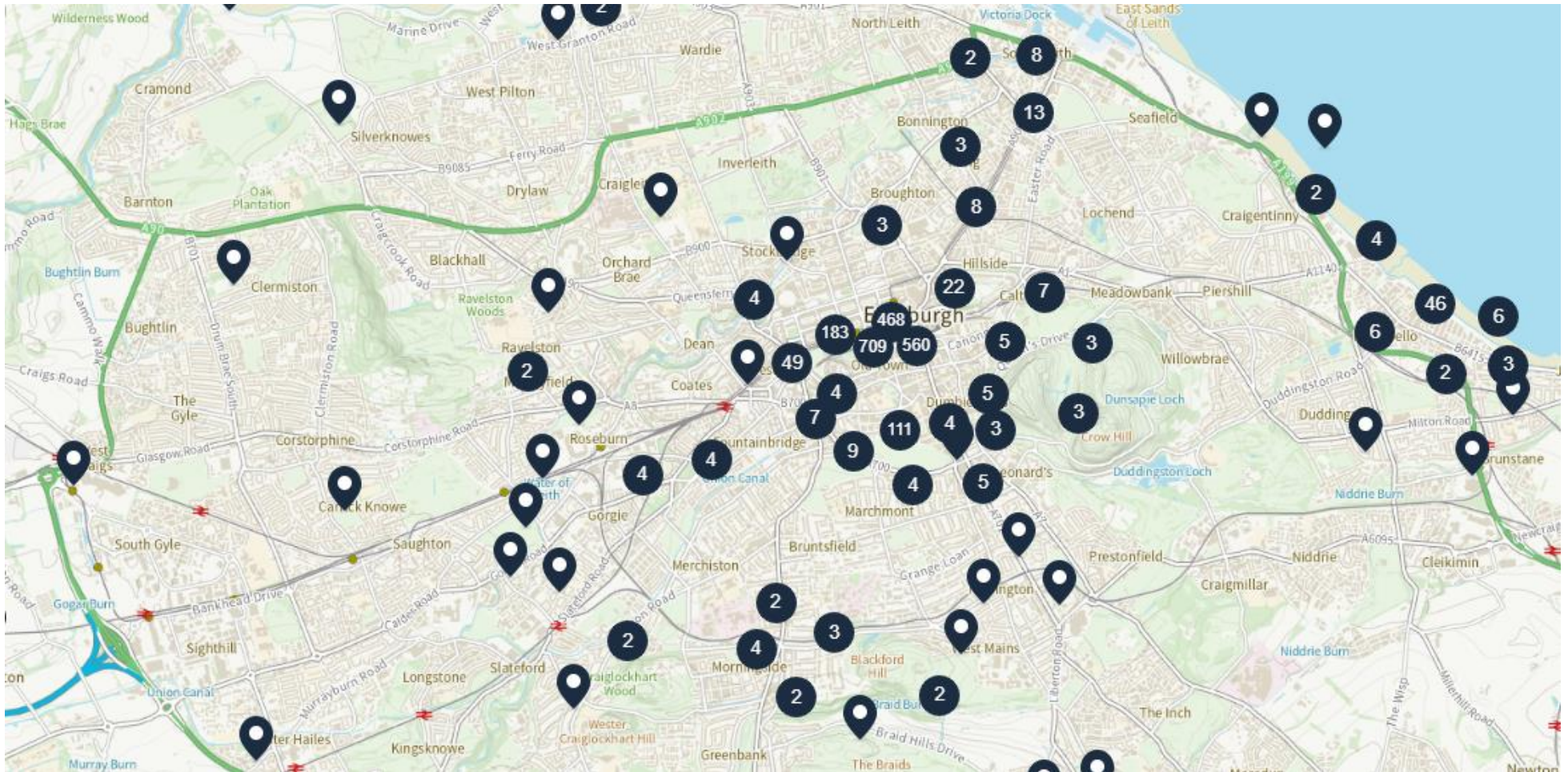
**Please write any further comments regarding busking in the box below.**

There were 245 responses to this part of the question.

Comment review - there were a wide range of comments and although 35% support buskers, 56% felt there is not enough control of irresponsible busking. People commented that they underreport or don't report nuisance busking as they don't feel much if anything will be done about it. Several commented that they are not comfortable approaching a busker directly. Some frustration with the time it can take the Police to respond, as the offending busker may have moved on.

Appendix 2

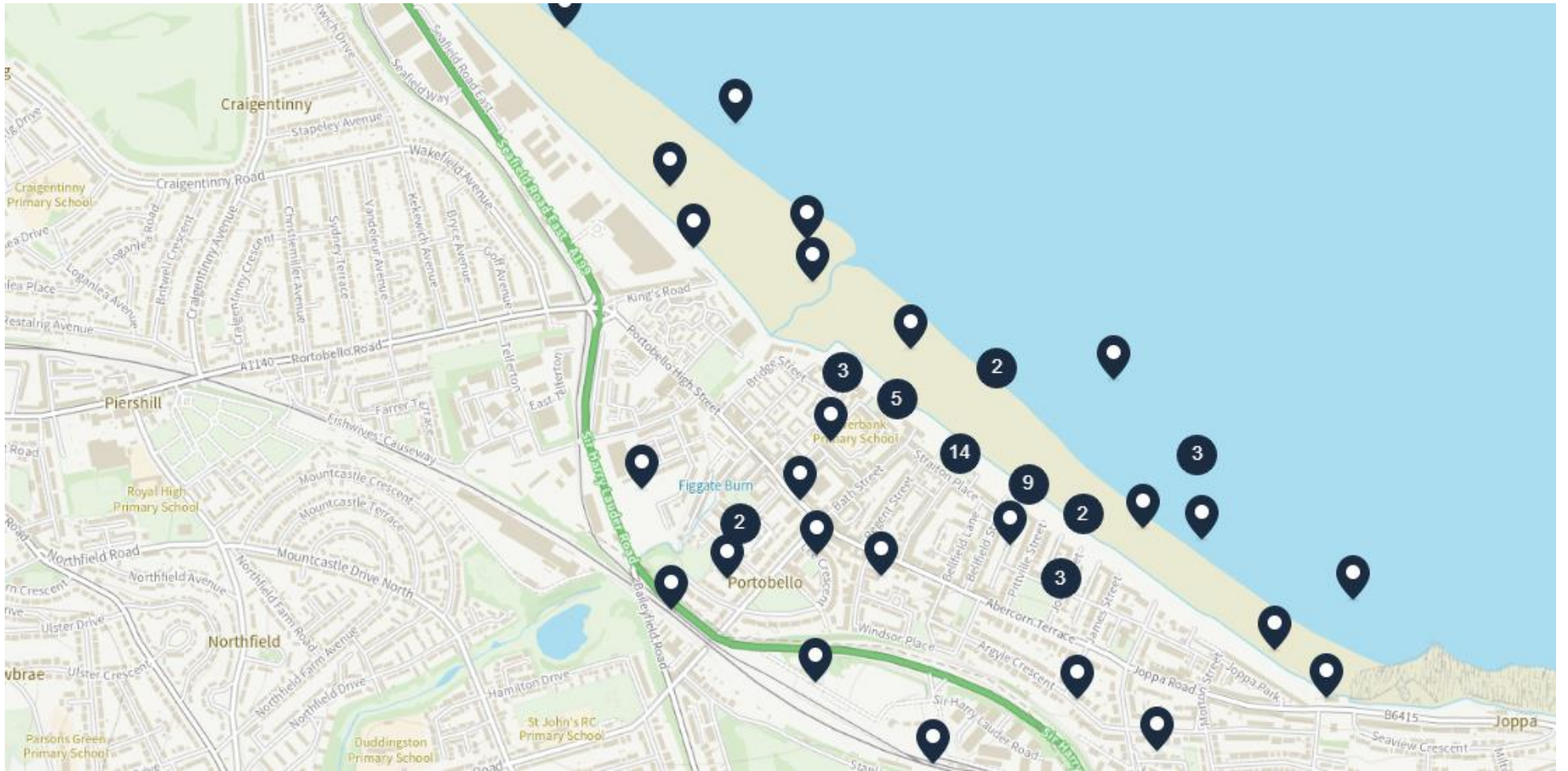
Survey Question 3 – locations where buskers are heard.











Appendix 3

Busking 2019/2020 - Police Scotland (PS) data

Incidents recorded by PS	
2019	2020
148 recorded incidents	23 recorded incidents
71 (48%) recorded incidents mentioned use of an amplifier, speakers or loud	13 (57%) recorded incidents mentioned use of an amplifier, speakers or loud
28 (19%) recorded incidents were for before 9am or after 9pm	5 (22%) recorded incidents were for before 9am or after 9pm
15 (10%) of the recorded incidents that mentioned use of an amplifier, speakers or loud were also for before 9am or after 9pm	2 (9%) of the recorded incidents that mentioned use of an amplifier, speakers or loud were also for before 9am or after 9pm

Incidents recorded by PS per Month					
2019	Busking incidents	%	2020	Busking incidents	%
Jan	6	4%	Jan	4	17%
Feb	7	5%			
Mar	2	1%	Mar	3	13%
Apr	6	4%			
May	8	5%			
Jun	13	9%			
Jul	20	14%	Jul	2	9%
Aug	77	52%	Aug	8	35%
Sep	7	5%	Sep	4	17%
Oct	2	1%	Oct	2	9%
<b>Grand Total</b>	<b>148</b>			<b>23</b>	

<b>2019</b>			
<b>Location</b> (CEC author insert)	<b>Busking with Amp or Loud</b>	<b>Busking before 9am after 9pm</b>	<b>All Incidents</b>
BLAIR (street)	1	1	1
BRISTO (square/place)	2	2	2
CALTON (terrace)	1		1
CASTLE (hill)	1		2
COCKBURN (street)	1		1
COWGATE	1	2	2
FLESHMARKET (close)	6	3	8
GEORGE (street)			1
GRASSMARKET	1	1	2
GROSVENOR (street/cres)			1
HANOVER (street)			2
HIGH (street)	18	11	37
HUNTER (square)	9	1	20
HYNDFORDS (close)	1		4
JAMES (court)	2		2
KINGS STABLES (road)	1		1
LAWNMARKET	7		11
LOTHIAN (road/street)			1
MIDDLE MEADOW (walk)	3	1	4
MORNINGSIDE	1		3
NORTH (bridge)	4	1	9
PRINCES (street)	1		5
PROMENADE (terrace)	2		3
ROBERTSONS (close/court)			1
ROSE (street)	5	2	15
ROSE STREET NORTH	1		3
SOUTH ST ANDREW (street)	1		2
ST GILES (street/cathedral)		2	2
VICTORIA (street/terrace)	1		1
WARRISTONS (close)		1	1
<b>Grand Total</b>	<b>71</b>	<b>28</b>	<b>148</b>

<b>2020</b>			
<b>Location</b> (CEC author insert)	<b>Busking with Amp or Loud</b>	<b>Busking Before 9am after 9pm</b>	<b>All Incidents</b>
Not stated			2
GRASSMARKET	2		2
HIGH (street)	2		2
NICOLSON (square/street)		1	1
NORTH (bridge)	1		2
PRINCES (street)	1		1
PROMENADE (terrace)	1		1
ROSE (street)	3		7
TRON	1		1
VICTORIA (street/terrace)	2	3	3
WEST BOW		1	1
<b>Grand Total</b>	<b>13</b>	<b>5</b>	<b>23</b>