

Culture and Communities Committee

10.00am, Thursday, 16 May 2024

Busking Management

Executive/Routine
Wards

Routine
All, particularly Ward 11 – City Centre

1. Recommendations

- 1.1 Culture and Communities Committee is asked to note:
 - 1.1.1 The actions taken to install on street busking advisory signage and to increase street enforcement officers' engagement with buskers, residents and businesses during peak busking periods in the city in 2024; and
 - 1.1.2 Note the legislative requirements to establish management rules and the update provided on the next steps for introducing management rules for Streets in Edinburgh.

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Busking Management

2. Executive Summary

- 2.1 Police Scotland have powers under section 54 of the Civic Government (Scotland) Act 1982 to manage busking, but do not have necessary resources for effective enforcement. The Council wrote to the Minister for Local Government Empowerment and Planning to seek further powers to manage busking and the Minister highlighted that sections 112-118 of the Civic Government (Scotland) Act 1982 provide local authorities with the power to make management rules to regulate the use of, and conduct of persons while on or in, any land or premises which are owned, occupied or managed by the local authority. While creating a resource pressure for the Council, this will put the Council in a lead position for initial enforcement, and will clearly define what is, and is not, acceptable busking.

3. Background

- 3.1 On 7 December 2023. Committee [agreed](#):
- 3.1.1 To note officers would continue to engage with the busking community, Fringe Society, Keep Streets Live and others, exploring opportunities to work with them; and
- 3.1.2 To request officers work to see how soft power of street enforcement officers can be utilised in helping buskers resident or visiting the city to understand and comply with the Transport and Environment Committee rules whilst work was ongoing to enable the devolution enforcement powers via section 54 of the Civic Government (Scotland) Act 1982.
- 3.2 On 29 February 2024, Committee received an [update](#) on legislation that could be used to manage busking and an update on advisory signage.
- 3.3 The Convener wrote to the Minister for Local Government Empowerment and Planning in November 2023 and the Minister responded, referencing Sections 112-118 of the Civic Government (Scotland) Act 1982. Those Sections provide local authorities with the power to make management rules to regulate the use of, and conduct of persons while on or in, any land or premises which are owned, occupied or managed by the local authority.

- 3.4 On 21 March 2024, the Council approved a [motion](#) by Councillor Ross on the Control of Amplified Busking. The Council requested a report to the May meeting of the Culture and Communities Committee with proposals for appropriate management rules for Council owned, occupied or managed land, including effective enforcement measures, to control the amplification of sound in public spaces. The motion highlighted that management rules should be in place for the 2024 summer festival period on a trial basis.

4. Main report

The Civic Government (Scotland) Act 1982

- 4.1 In order to introduce management rules for Council owned, occupied or managed land, the Council first needs to develop draft rules and then carry out a period of consultation with the public on the proposed rules. The Consultation and Engagement Policy requires consultation with residents takes place over a period of 12 weeks.
- 4.2 The [Civic Government \(Scotland\) Act 1982](#) requires the Council provides at least one month notice before making management rules. In that period, the Council must:
- 4.2.1 Give notice of:
- 4.2.1.1 Their intention to do so;
 - 4.2.1.2 The general purpose of the proposed rules;
 - 4.2.1.3 The place where a copy of the proposed rules may be inspected;
 - 4.2.1.4 The fact that and time within which objections may be made; and
 - 4.2.1.5 The address to which objections may be sent; and
- 4.2.2 Make copies of the proposed rules available for public inspection without payment at their offices and so far as the authority consider practicable at the land or premises to which the rules are to apply.
- 4.3 The Council must also take into consideration any objections received and give the objector the opportunity to be heard.
- 4.4 Once in force, management rules will be in force for a period of 10 years, unless revoked.

Management Rules

- 4.5 The Council currently has management rules in place for Parks and Cemeteries. In addition to the proposals set out below for management rules for Streets, officers are also considering development of management rules for beaches.
- 4.6 The requirements of the legislation mean that it will not be possible to have management rules for Streets in place for summer 2024 and it will not be possible to trial rules during this period.

- 4.7 However, officers will begin to work on draft management rules for Streets and will set up a workshop for Elected Members to discuss the development of the rules prior to the summer recess.
- 4.8 Officers will also engage with colleagues and with representatives for residents, businesses, Street Performers and the Edinburgh Festival Fringe to develop proposed rules.
- 4.9 It is anticipated that the draft rules will be completed by the end of September 2024, and reported to the next available Committee for approval to progress with consultation.
- 4.10 Following consultation and notice of the intention to introduce management rules for Streets, a report will be prepared for Committee on any feedback received and proposed next steps.
- 4.11 It is currently anticipated that management rules for Streets could be implemented from April 2025.
- 4.12 However, it is important to note that while the introduction of management rules could be subject to legal challenge, the aim of the development and consultation will be to encourage community 'buy-in'.

Busking Management

- 4.13 While it is not possible to have management rules in place for summer 2024, the Council allocated £50,000 for busking advisory signage and for street enforcement officers' engagement with buskers, residents and businesses during peak busking periods in the city in 2024.
- 4.14 Locations for signage have been identified and signs (in the form of 'lamp post wraps') are being revised/designed and produced.
- 4.15 The guide for buskers will be updated, providing information similar to [Hit the Right Note](#), and this will be shared with as many street performers as possible.

5. Next Steps

- 5.1 For summer 2024, the Council will:
- 5.1.1 Continue to monitor busking, engage with buskers to try to address identified issues, and, where appropriate, seek support from Police Scotland to address excessive noise;
 - 5.1.2 Complete installation of advisory street signage in advance of summer 2024;
 - 5.1.3 Update the Guide for Buskers and ensure street performers have access to it; and
 - 5.1.4 Recruit seasonal employees to assist in management of busking during peak periods. These resources are planned to be deployed in 2024.
- 5.2 On the development of management rules for Streets, officers will:

- 5.2.1 Adhere to the Council's Consultation and Engagement Policy and the legislative requirements of the Civic Government (Scotland) Act 1982;
- 5.2.2 Arrange a workshop for Elected Members prior to the summer recess to discuss the development of the management rules and next steps;
- 5.2.3 Engage with representatives of residents, businesses, Street Performers and the Edinburgh Festival Fringe on the development of draft management rules; and
- 5.2.4 Report to Committee in the autumn on the outcome of this engagement and proposed draft management rules.

6. Financial impact

- 6.1 The Council allocated additional funding for the management of busking in the city during peak periods. This will be used to implement street signage and to recruit seasonal employees.
- 6.2 The cost of developing Management Rules will be met from the Place revenue budget in 2024/25.

7. Equality and Poverty Impact

- 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

- 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

- 9.1 A survey on busking in the city was launched on the Consultation Hub on 9 May 2023; it closed on 31 August 2023. The outcome of this was reported to Committee in October 2023.
- 9.2 Discussions have been held with busking representatives, the Edinburgh Festival Fringe, Equity, Musicians Union and Keep Streets Live, to understand the 'buskers' perspective, seek views and advice to ensure responsible busking.

- 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

- 10.1 Amplification of Sound in Public Spaces, [report](#) to Culture and Communities Committee, 13 December 2022;
- 10.2 Amplification of Sound in Public Spaces, [report](#) to Culture and Communities Committee 5 October 2023; and
- 10.3 Amplification of Sound in Public Spaces, [report](#) to Culture and Communities Committee 7 December 2023.

11. Appendices

None.