

# Culture and Communities Committee

10.00am, Thursday, 7 December 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 note:
  - 1.1.1 This update on the evidence threshold for lodging a byelaw application;
  - 1.1.2 Officers continue to engage with the busking community, Fringe Society, Keep Streets Live and others, exploring opportunities to work with them; and
  - 1.1.3 The Convener wrote to the Minister for Local Government, Joe Fitzpatrick MSP on 9 November 2023 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 This report responds to the request from Committee on 5 October 2023 for further information on the evidence required to lodge a byelaw application, and provides an update on the on-going work with the artist community and on the Convener's letter to the Scottish Government.

### 3. Background

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- 3.1 On 13 December 2022, Committee requested 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.
- 3.2 On the 5 October 2023, officers reported to Committee that based on survey responses and data from Police Scotland, it was 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.
- 3.3 Committee asked for a report to the December 2023 meeting to:
- 3.3.1 Provide the evidence threshold for lodging a bylaw application;
  - 3.3.2 Explain how it was determined that the evidence threshold had not been met, as reported on 5 October 2023;
  - 3.3.3 Consider the feasibility of working with the artist community to identify public spaces in the city centre, which could be promoted as good places to busk, with good practices agreed by all stakeholders; and
  - 3.3.4 Provide the outcome of the discussions with the Scottish Government, following the Convener writing to the appropriate 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.

## 4. Main report

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### **Evidence threshold for lodging a byelaw application**

- 4.1 The powers in section 54 of the Civic Government (Scotland) Act 1982 deal with noise issue in an expansive manner. As highlighted to Committee in October, the responsibility for enforcement of this rests with Police Scotland.
- 4.2 The evidence threshold for a byelaw is that it must provide the basis for a reasonable and proportionate response to prevent or suppress a nuisance. The evidence gathered so far demonstrates that the reported nuisances could be dealt with under existing legislation s.54 of the 1982 Act.
- 4.3 The crafting of a byelaw which may stand up would have to deal with a very specific issue in a particular area. The survey and Police Scotland data has not highlighted any such specific circumstances.
- 4.4 The consultation was wide-ranging, providing mixed responses and did not pinpoint specific circumstances which might justify a byelaw.
- 4.5 Therefore, it is considered unlikely that an application for a byelaw would be successful at this time.

### **Feasibility of working with the artist community**

- 4.6 Officers continue to engage with the Busking Community, Fringe Society, Keep Streets Live and others, exploring the opportunity to establish a Street Performers Association (SPA), run by performers, with community engagement facilitated by the Council. An SPA would provide a 'round table' opportunity to understand each other's points of view and develop equitable solutions.
- 4.7 As requested by Committee, officers will also explore with the artist community the possibility of identifying more formalised locations which could be promoted as good places to busk. The outcome of these discussions will be reported to Committee in advance of engagement with residents and the busking community on any proposals to proceed.
- 4.8 An international creative company with experience of curated busking, and with connections to Edinburgh, offered their assistance and met with officers and independently with representatives of the busking community. It was agreed by all parties that the offer would not directly address the identified issues in public spaces and would therefore not be progressed at this time.

### **Discussions with the Scottish Government**

- 4.9 The Convener wrote to the Minister for Local Government, Joe Fitzpatrick MSP on 9 November 2023 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.

## **5. Next Steps**

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- 5.1 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.
- 5.2 Report in February 2024 to this Committee, outlining a formalised approach to busking signage with set locations, time of year for deployment and identifying resource to support a standardised annual approach to their implementation. This report will also include options for how the Council can consider the more active management of on-street activities.
- 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 Continue engagement with busking representatives, the Fringe, Equity, Musicians Union and Keep Streets Live as outlined above.

## **6. Financial impact**

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- 6.1 Costs to date have been met by the Place directorate's revenue budget.

## **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.
- 9.2 Discussions have been held with busking representatives, the Fringe, 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 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 Culture and Communities Committee 13 December 2022, report item 7.5
- 10.2 Culture and Communities Committee 7 March 2023, item 4.1 [minute of 13 December 2023](#)
- 10.3 Culture and Communities Committee 5 October 2023, [report item 7.1](#)

## **11. Appendices**

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