

A GUIDE TO BUSKING IN FOLKESTONE

Folkestone & Hythe District Council
2020



BUSKERS' CODE

We welcome you to perform in Folkestone, the world's first Music Town! If you're busking in Folkestone please use this code and you shouldn't experience any problems. It has been created by street performers, the District Council and businesses to promote good relations and a vibrant street culture.

On this page you'll find details about performing in Folkestone, guidance on resolving problems and a section on the law and enforcement.

If you have any questions about street performance in Folkestone, more information can be found on our website:

folkestone-hythe.gov.uk/community/busking

What is busking?

Busking is an art form that is practised by professional artists, amateur performers and those who are just starting out. Buskers put a lot of thought and effort into their act, they give a performance, entertain the public and receive tips in return. Busking includes circus, dance, magic and street theatre shows as well as music, living statues and others.

The three main types are:

Shows

Large shows attract a large audience. Small shows attract a smaller audience. People stop and watch for around 10 to 60 minutes.

Music acts

Music acts can be soloists or groups. Audiences tend to stop and watch for a few minutes.

Walk-by acts

Walk-by acts can be living statues, writers, close contact jugglers and other types of street theatre that are enjoyed whilst walking-by.

Where to busk

- Busking is legal on public land and there are lots of great places to busk in Folkestone.
- All pitches operate differently. Chat to local buskers to get the lowdown.
- If you trying out a new area, talk to local buskers, businesses and traders. You are less likely to get a complaint if you find out what is acceptable locally.



- Let people get past. There should be space to push a piano past you and your audience - even at busy times.
- If your audience blocks a doorway, market stall, pavement, cash machine or loo, please stop and clear the blockage! You may want to try a bigger pitch or adapt your act for a smaller audience.
- If there isn't a suitable space, wait for one to become free. Ask other buskers if there's a queue you can join.
- If a performer is waiting for your pitch please share it. On really popular pitches this could mean sharing after one hour or less.
- Be mindful of noise-sensitive residential locations in and around the town centre. Musical performances in these areas are more likely to cause complaints from residents therefore this needs to be considered.
- Avoid sound clash! Acts involving sound should have lots of space between them.

Your performance

- Your performance will have an impact on people nearby. Please be aware of this and be willing to move or adjust your performance if necessary.

Sharing public space and co-operating with others is important when busking. A willingness to compromise and to engage in constructive dialogue will go a long way to resolving issues.

- Please don't cause offence or humiliation. Being calm and polite go a long way and help promote positive relationships on the street.

Sound

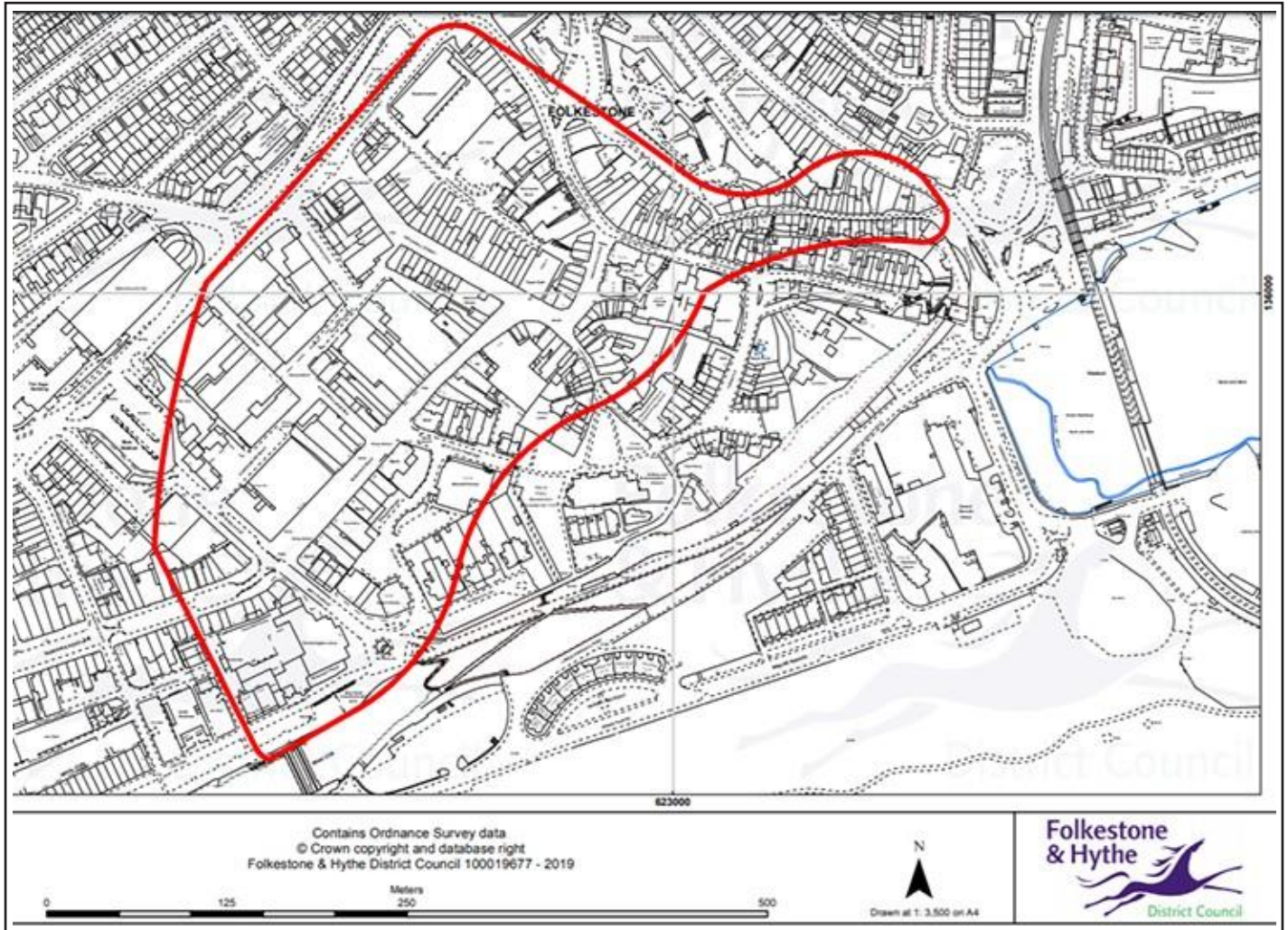
- The biggest cause of complaints is sound. Sound can travel a long way and go high into the air. Many busking locations are surrounded by flats, shops, offices or hotels. Because the people inside can't walk away, please make sure your volume doesn't bother them.
- As a rule - keep your volume just above the level of background street noise and check that it is not distorted. The impact of using amplified music must be considered to the surrounding environment (businesses, residents and visitors).
- Please don't repeat music in the same location. Acts with varied content are much more popular.
- Some sounds have a big impact on people. If your act has loud, bass heavy or percussive sounds, please monitor your volume regularly, vary your music and limit your time at each location.
- Keep backing tracks unobtrusive and turn them off when you're not performing.

Equipment

- Make sure no-one could trip over your equipment.
- Never leave equipment unattended.
- Keep it safe! This is particularly important if your act involves anything risky (e.g. fire, knives, high wire, unicycle, diabolo, juggling).

- Please don't cover your face (e.g. by wearing a mask) as this puts people off talking to you if there is a problem.
- Please keep the pitch clean and tidy-up afterwards.

The map below highlights Folkestone Town Centre and the primary shopping area:



Collecting money

- Performers can accept suggested donations but the public must never feel obliged to pay.
- You can give away CDs or other items, but you cannot charge a fee for them. To sell items for a fee you need a street trading licence.

If you are collecting for charity you'll need to apply for a permit.

Anyone wishing to collect money for charity obtain a Street Collection Permit. Please email the council's licensing team at licensing@folkestone-hythe.gov.uk

Resolving issues

For businesses and residents

If you are disturbed by noise from a busking performance make yourself known to the busker and politely inform the person at a suitable interval in their act. Try to reach a compromise if possible. Could the busker adjust the location and/or volume, or could you agree a duration of their performance? Feel free to draw the busker's attention to this guidance.

Talking with the performer is the starting point for solving all busking related problems. Unless there is an imminent risk to the performer or others, they should be given the chance to change their performance so that it follows the Buskers' Code. Enforcement action should only be taken once the following steps have been completed:

Please note, making a complaint about busking should not be your first step.

- STEP 1 - Don't wait until you're irate! If a performer or group is causing a problem it can usually be resolved quickly and amicably by talking. Where possible, wait for a suitable break before talking to the performer(s). Introduce yourself and explain the impact that their performance is having on you. Ask the performer if they know about the Buskers' Code and refer them to the guide or our website: folkestone-hythe.gov.uk/community/busking
- STEP 2 - If you have spoken to the performer(s) and the problem continues, please contact your local authority. This might be via a Folkestone & Hythe District Council Environmental Officer, Area Officer or a member of the Community Safety Team. You can also report via the environmental services email address:

Environmental.Services@folkestone-hythe.gov.uk



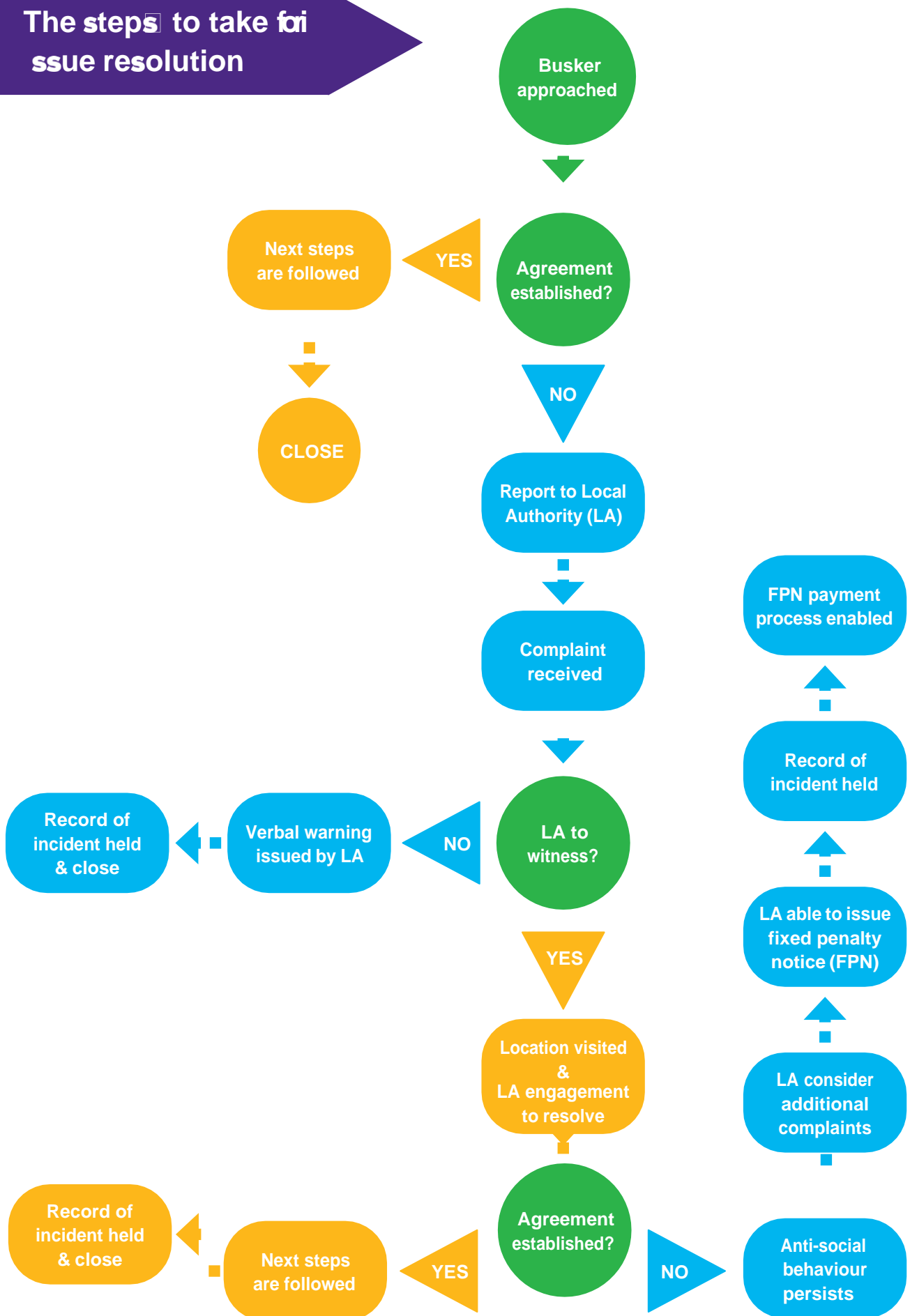
For buskers

If you are approached by a resident or business who is disturbed by your performance, first consider whether your performance conforms to this guide. Try to reach a compromise if possible.

Could you adjust your location and/or volume, or could you both agree a duration for your performance?

If a compromise isn't possible and if you are confident that you are abiding by these guidelines, politely inform the complainant of this and that you are not able to make further adjustment to your performance. Make a written note about the exchange and what you said in case you are asked about it later.

The steps to take for issue resolution



The law and enforcement

Is busking legal?

Yes - busking on public land is legal provided this code is followed. However, local authorities may have different expectations. For Folkestone these are captured within the flowchart under the anti-social behaviour section:

Private land owners may have their own policy on busking and you may require permission from the landowner. It is often hard to tell private from public land, so please check with a local warden or business if you are unsure. In Folkestone please note the Harbour Arm and parts of the seafront directly adjacent to the Harbour Arm are in private ownership.



Anti- social behaviour

We acknowledge that most complaints about busking apply to a small number of performers and usually relate to volume, location, repetitive performances or obstruction. We also know that most issues can be resolved amicably if they are dealt with before they escalate. In most cases a formal complaint will not be needed, and legal enforcement powers can be used, but only as a last resort if there are persistent issues. Areas within Folkestone town centre are covered by a Public Spaces Protection Order (PSPO).

There are a number of enforcement Acts which are also in place that buskers should be aware of, these include:

Noise nuisance

If a sound is causing a persistent and detrimental effect on a person's quality of life, it could constitute a noise nuisance. If you are the cause of this sound and receive complaints you may receive a Noise Abatement Notice under the Environmental Protection Act (1990) or be issued a Fixed Penalty Notice (FPN) as highlighted in the flowchart under the anti-social section.

Obstruction of the highway

If you or your audience block people's path or shop entrances, you may be causing an obstruction and told to stop. If you carry on you could be charged under the Highways Acts (1980).

Intimidation or conflict

If anyone is breaching the peace or intimidating others the police will take action. The person could be charged under the Public Order Act (1986).

Begging

Busking shouldn't be confused with begging. Buskers put a lot of effort into their act, give a performance and entertain the public.

