

# WELLS CITY COUNCIL



## City of Wells: guidance for buskers / street entertainers

Busking and other forms of street entertainment are part of the Wells 'experience', creating an enhanced atmosphere and providing pleasure to many people, both local residents and visitors.

### **Avoiding complaints:**

#### **NOISE / NUISANCE**

1. Busking should not be intrusive or a nuisance to nearby premises.  
As a guide, noise (for example music and voice) should not be so loud that it can plainly be heard at a distance of 50 metres. Amplification equipment is discouraged.
2. Entertainers are advised not to perform for longer than 1 hour in any location and not perform to again in that location (or within 50 metres of it) for 2 hours.  
Note: to avoid complaints from premises, particularly noisy entertainers (e.g. bagpipers or drummers) should not perform for longer than 30 minutes before re-locating.
3. Entertainers are advised not to locate within 50 metres of another performing entertainer.
4. Entertainment should be limited to the hours of 10:00hrs and 20:00hrs.

#### **OBSTRUCTION**

5. Entertainers should not obstruct the highway, block walkways, fire exits or impede traffic, either whilst performing or through people gathering to listen or to watch the performance. Note:- The highway includes any pedestrianised areas.
6. Entertainers should not use street furniture such as benches, telephone boxes, post boxes, cycle stands as part of the act, and should avoid areas where members of the public need access.

# WELLS CITY COUNCIL

## LIABILITY

7. Entertainers are responsible for arranging their own public liability insurance.

## STREET TRADING

8. Street Trading is defined as: **the selling or offering for sale of any article in the street**. For Wells, this is regulated by Somerset Council, see: <https://www.somerset.gov.uk/business-economy-and-licences/licensing/street-trading/> for guidance, and licence application form.

### Guidance for businesses / residents

On occasion, particularly for people living or working in the city centre, busking may be intrusive, annoying, and offensive. As a result, both the Local Authority and the Police may receive complaints about the volume and sometimes the nature of busking and street entertainment. These notes have been compiled to assist all parties in understanding the situation and to enable a positive outcome for all concerned.

### Statutes and Controls

Wells City Council is not authorised to intervene with busking issues. Please read on for information on who to contact if there is a problem with buskers.

Under the Environmental Protection Act 1990 noise in the street from musical instruments may be a statutory nuisance and the Somerset Council is able to take legal action to abate the nuisance and prohibit or restrict its recurrence; this may include the seizure of musical instruments and amplification equipment. The Control of Pollution Act 1974 prohibits the use of a loudspeaker in the street (which includes squares, courts etc) between the hours of 9pm and 8am.

Under the Police Reform Act and Criminal Justice and Police act 2001 the Police can regulate disorder. There is a Designated Public Place Order across Wells making it an offence to drink alcohol after being requested not to do so by a Police Officer.

Public Nuisance is controlled under common law.

The Highway authority (Somerset Council) can use powers under the Highways Act 1980 to enforce the removal of buskers who are obstructing the highway.

# WELLS CITY COUNCIL

For obstruction of the public highway and offensive behaviour contact the Police on 101.

**For threatening behaviour where there is fear of harm dial 999.**

For noise control and licensing, or to report unlicensed street trading taking place, contact Somerset Council 0300 123 2224.

## Charity collections

Anyone who says they are collecting for charity should have authorisation from the charity and permission from Somerset Council to hold a street collection.

## Penniless Porch

The Wells Cathedral authorities have provided clarification that begging is not permitted in Penniless Porch; it is not part of the highway but is part of the Cathedral land. The Police have authority to apply their jurisdiction to both the Cathedral Green and Penniless Porch.

Town Clerk

May 2023

