

Appendix A: Condensed responses to the consultation exercise on the proposed PSPO

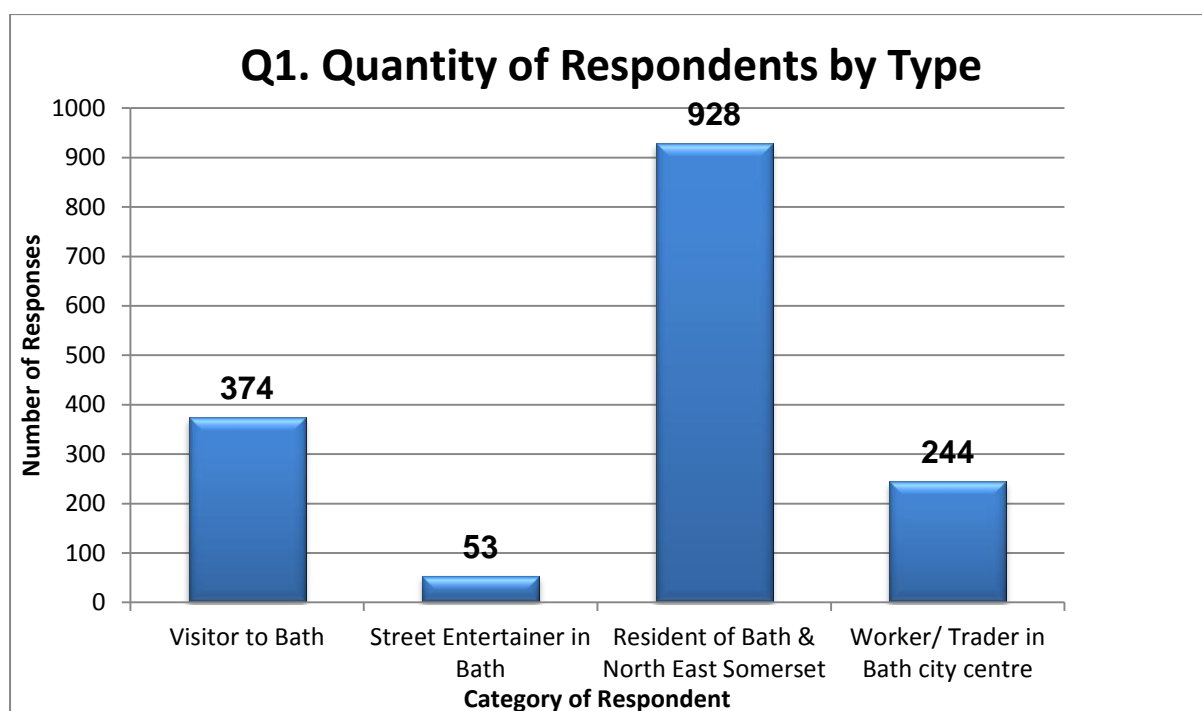
1429 responses were received to the public consultation, which included 1360 online and 69 paper responses.

“Question 1: Which of the following best describes you (tick all that apply)

- Visitor to Bath
- Street entertainer in Bath
- Resident of Bath and North East Somerset
- Worker/Trader in Bath and North East Somerset, located in the city centre
- None of the above please specify.”

There were 1412 total (99%) responses to this question.

1356 responses were received online and 56 were received from printed consultations.



The question allowed for multiple responses and the breakdown is below:

Visitors to Bath	374	23.4%
Street Entertainers in Bath	53	3.3%
Residents of Bath and North East Somerset	928	58.0%
Worker/Trader in Bath and North East Somerset	244	15.3%
Total	1599	100%
187 responders ticked more than 1 box	1599-1412=187	

“Question 2: Are you responding on behalf of an organisation? If so, what is the name of the organisation?”

77 (5%) responders indicated they were responding on behalf of an organisation.

The Organisations that responded were:

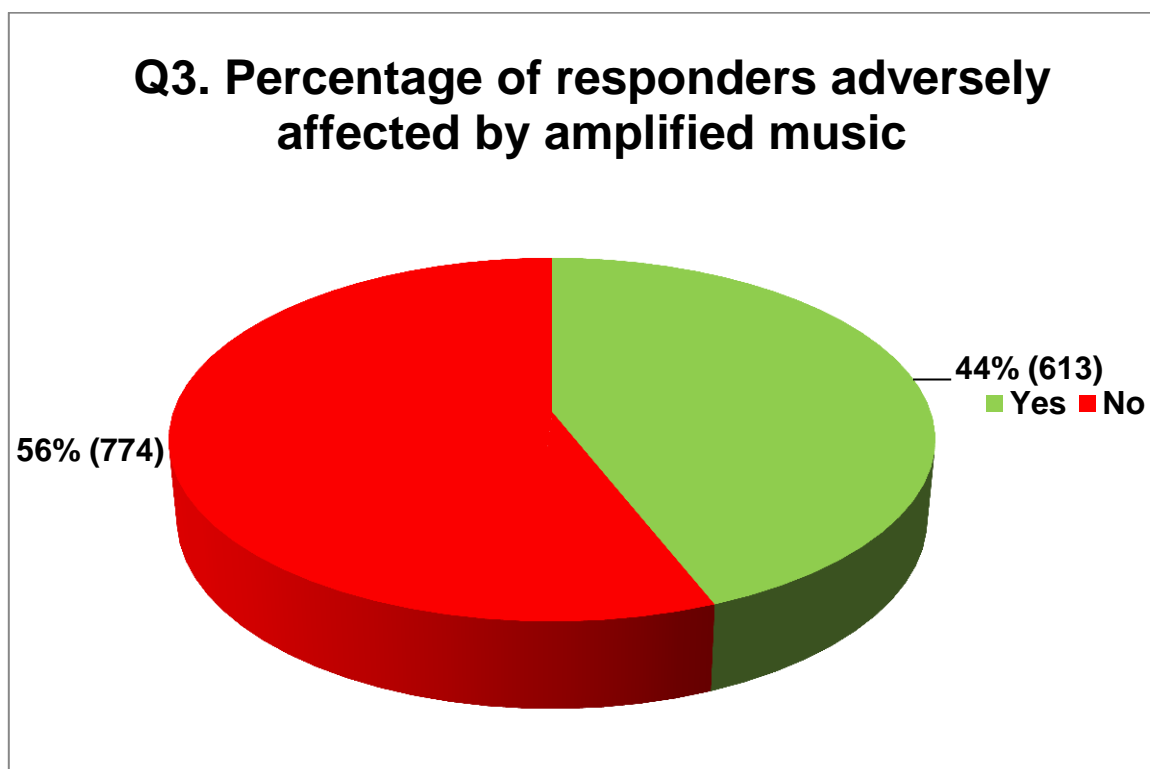
- Bath Abbey;
- Bath Film Festival;
- Bath Mind;
- Bath Philharmonia;
- Bath Parade Guides;
- DBP Architects;
- Eureka of Bath;
- Heritage Services – Bath and North East Somerset Council;
- Keep Streets Live;
- Mayor of Bath Corps Honorary Guides
- The Abbey Residents Association;
- Showhawkduo
- Sulis Guides;
- Ward Councillors;
- Zenith International Ltd;

“Question 3: Have you ever been adversely affected by amplified music/ sound from street entertainers in Abbey Church Yard, Kingston Parade or Abbey Green? (Please tick one)”

Yes

No

There were 1387 (97%) responses to this question. 1351 were received online and 36 were received from printed consultations.



“Question 3, part 2: If you answered ‘yes’ to this question, on average how frequently were you affected by amplified music/sound in these locations?” (Please tick one)

Of those who answered the previous question, there were 509 (37%) who answered this question.

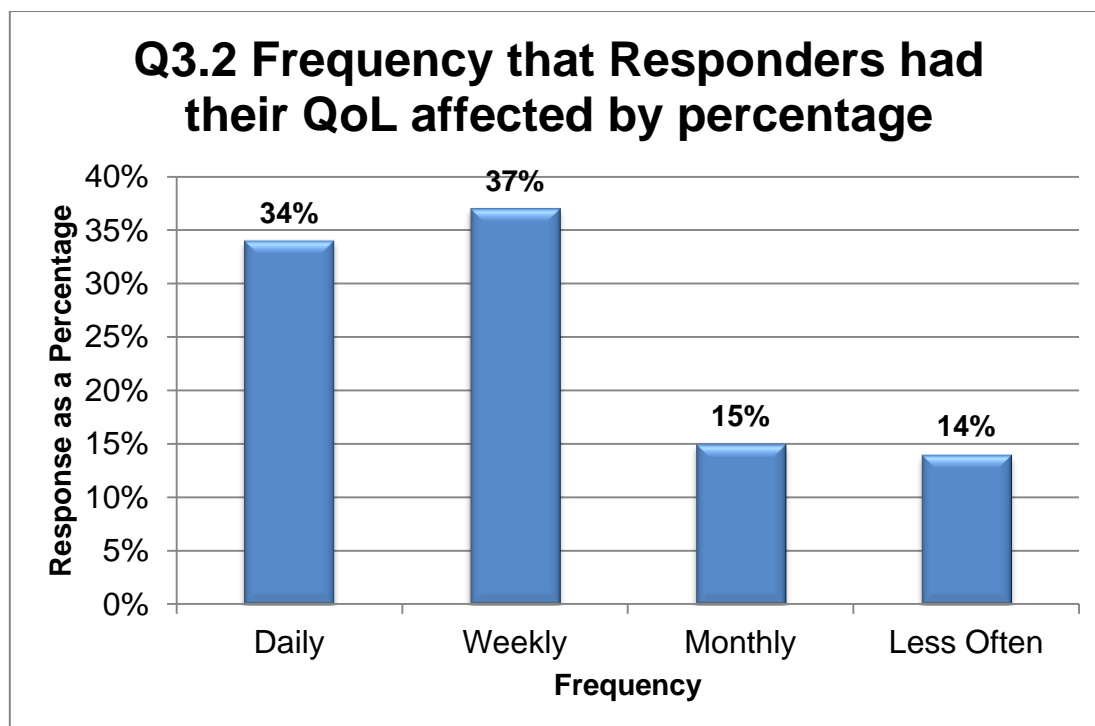
Daily

Once a week

Once a month

Less often; please write in.

“If you were affected, please explain in the space provided, telling us how this affected your quality of life.”



Responses given in free-text box contained both positive and negative comments. In summary, these were:

- Significant disruption to concentrate at work, increased stress and inability to relax
 - 209 responders commented on how their quality of life was affected their daily ability to perform routine tasks in their working environment.
- Minor disruption to work or disagreeable working environment
 - 239 responders put forward that they were unable to open windows in their working environment in warmer weather due to amplification outside.
 - Responders said that because the buildings are listed and do not have air-conditioning; it is uncomfortable.
 - Many responders said their quality of life was adversely affected in Kingsmead Square area, even though this is not within the PSPO area.
- Difficult to hold a normal conversation
 - 146 responders commented on the difficulty to hold a conversation, both in the street and within their working environment.
 - Many responders said that they found it difficult to make business calls and hold meetings, in buildings located within or close to the designated PSPO area, as well as other areas around the city centre.

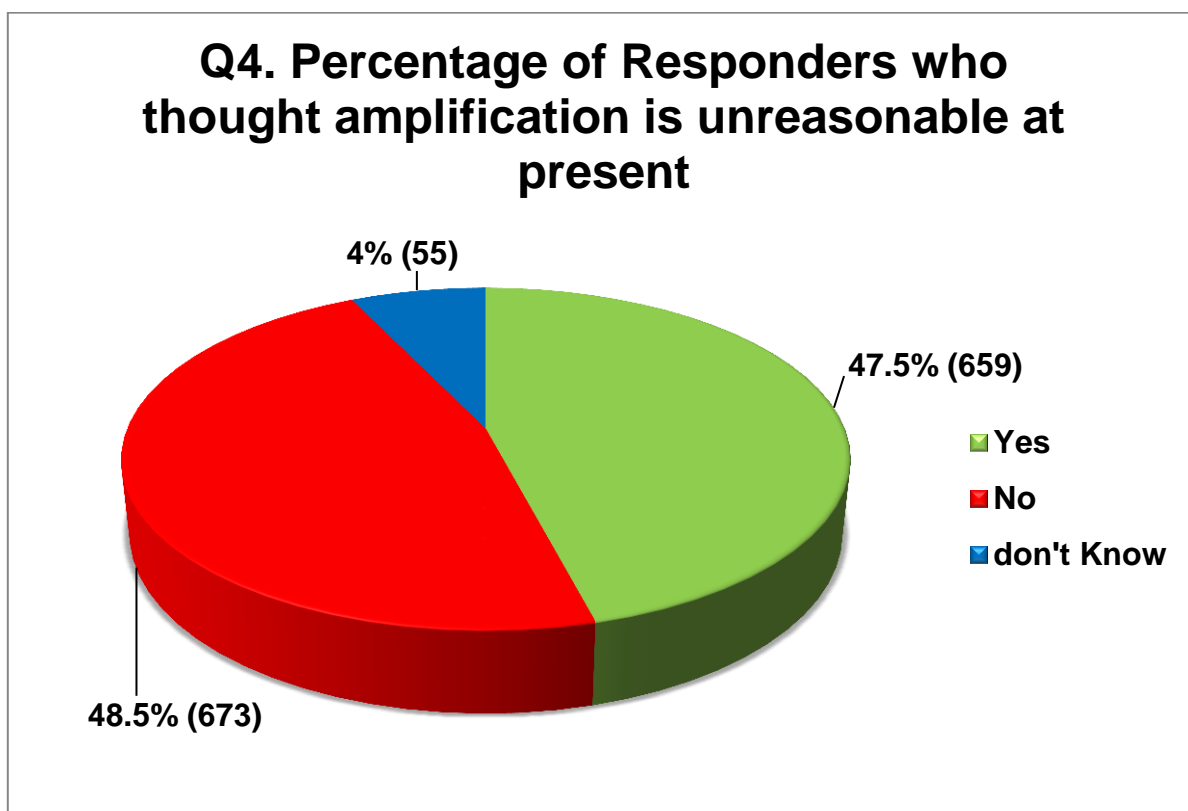
- Health and Safety Risk
 - 28 responders expressed concerns of trailing amplification leads being a public health and safety risk particularly during high season, with areas creating bottle-necks of crowds watching and listening to buskers.
- Positively affected
 - 74 responders said that their quality of life had been positively affected and that they enjoy the 'free' performances.
 - Several responders commented that those with learning disabilities felt more inclusive in society; enjoying the same experience alongside able-bodied individuals.

“Question 4: Do you think the noise level from amplification in the areas specified above is unreasonable at present? (Please tick one)”

- Yes
- No
- Don't know.

“You can use this space to expand on your answer, if required.”

There were 1387 (97%) responses to this question. 1353 were received online and 34 were received from printed consultations.



Of the 1387 responders to Question 4, there were 584 who submitted free-text comments. Some responses contained multiple positive and negative views and opinions. In summary, these were:

- Distance of music
 - 219 online responders said that music should not be heard once they had moved away from the immediate busking locations.
 - Several responders suggested that music should not be heard more than 50m away.

- Music with amplification
 - 164 responders said that good music should not need amplification. Although several responders recognised that some (acoustic) musicians would need amplification to be heard due to the quietness of their instruments.

- Problem individuals
 - 85 responders said that only some individuals cause noise nuisance problems and it is those individuals that should be dealt with.

- Adds Character to Bath
 - 101 responders put forward that buskers add character and vibrancy to the area and are not seen as a problem.

- Other activities are Public Health risk
 - 15 responders put forward that other activities are a public health risk, such as feeding pigeons in close proximity to food outlets and street entertainers using fire which lead to large crowds watching the performances. This should be noted, however they would not be affected by the potential PSPO unless they amplified their music or voice.

“Question 5: Would you support a ban on the use of amplifiers by street entertainers in Abbey Church Yard, Kingston Parade, and Abbey Green?”(Please tick one)

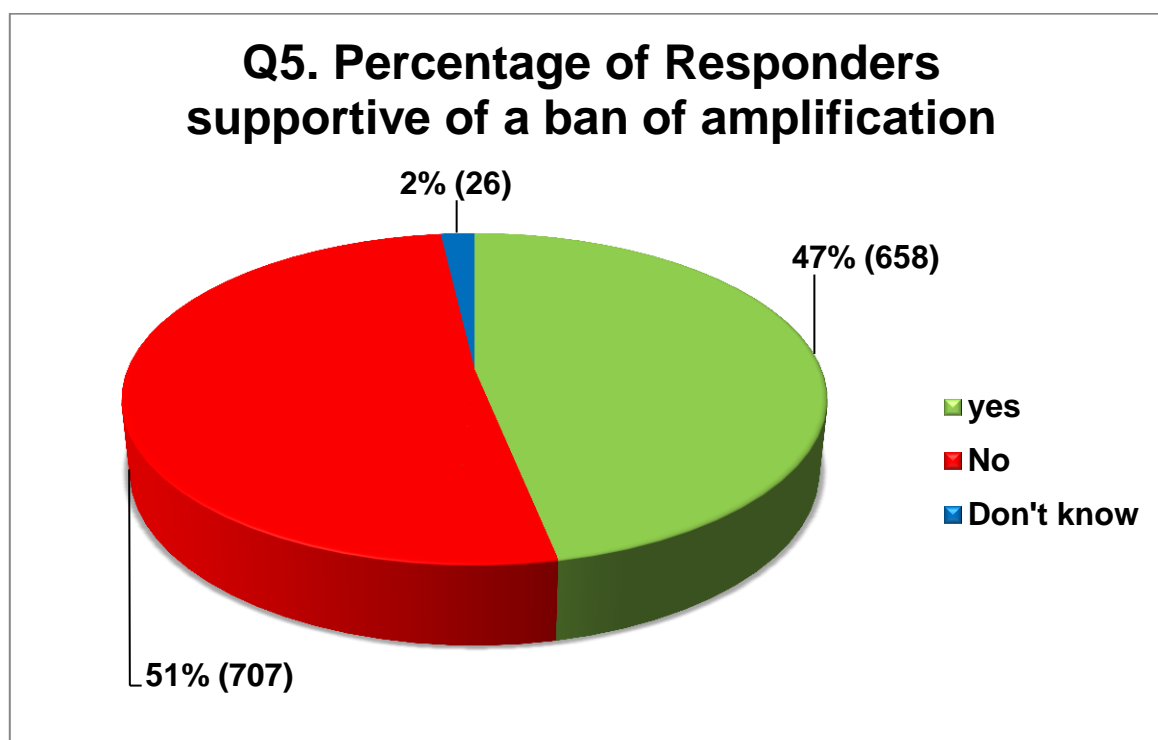
Yes

No

Don't know.

“You can use this space to expand on your answer, if required.”

There were 1391 (97%) responses to this question. 1356 were received online and 35 were received from printed consultations.



Of the 1391 responders to Question 5, there were 487 (35%) who submitted free-text comments. 467 (96%) of which were online submissions and 20 (4%) were paper submissions. Some responses contained multiple positive and negative views and opinions. In summary these were:

Yes, other areas are also affected by amplified disturbance

- 201 responders reported that other areas were affected by the amplification, not just the proposed PSPO area. These areas included:
 - Abbey Chambers;
 - Areas around the Roman Baths;
 - Areas of Southgate;
 - Burton Street;
 - Cheap Street;
 - High Street;
 - Kingsmead Square;

- Kingston Buildings;
- Milsom Street;
- New Bond Street;
- North, East and West sides of Bath Abbey;
- Old Bond Street;
- Orange Grove;
- Stall Street;
- Throughout the city centre;
- Union Street;
- York Street.

No, there would be loss of culture to the city

- 65 responders suggested that there may be a loss of culture coming into the city if amplification was banned.

No, it is the volume of the music

- 162 responders indicated that they thought it was the level/ volume of the amplification that was too loud. Several responders said that buskers without amplification could be just as intrusive as those with amplifiers, such as saxophonists, drummers, steel bands, bagpipes and cheer-leaders.

No, I enjoy listening to their music

- 59 responders said that they enjoy listening to the music played by buskers whilst they are seated in Kingston Parade or Abbey Church Yard eating their lunches.

“Question 6: Please list any benefits or drawbacks you see from proposals to ban amplification in the three areas of Bath city centre.”

Of the total 1429 responses to the public consultation, there were 1261 responses (88%) to Question 6. Some of these responses contained multiple benefits and or drawbacks. Due to the complexity and the extent of the comments, views and opinions submitted, these are summarised under the following headings:

- Benefits - Reduce noise nuisance and or noise disturbance:
 - There were 473 responders (38%) who thought that if the PSPO was adopted in the designated area then noise nuisance and or noise disturbance would be mitigated.
- Benefits - If the PSPO addresses noise nuisance in the designated area, and other areas are also affected, then the PSPO could be extended to other parts of the city centre:
 - There were 137 responders (11%) that indicated that other areas were also affected and are not included in the PSPO. Responders expressed concerns that if the PSPO was implemented in the designated area street entertainers with amplifiers would move to other areas.

- Drawbacks: If the PSPO is implemented, street entertainers may not come to Bath and vibrant culture is lost
 - 444 responders (35%) thought that if the PSPO was implemented, the vibrant culture of street entertainers would be lost and upcoming musicians may not come to Bath to perform.

- Drawbacks: Only some street entertainers are a problem, some musicians need amplification to be heard: acoustic guitars
 - 94 respondents (7%) put forward their fears that some musicians need amplification to be heard, over the crowds and background environmental noise, if they play acoustic instruments.

- Consider alternative (enforcement) options:
 - 213 respondents (17%) put forward suggestions towards alternative options, either enforceable or informal agreements. These are displayed in the Table 1 on page 13.

Results from Equalities Monitoring

“The Following questions are optional but will help us check if our consultation has reached people from different backgrounds, and if opinions and experiences differ between groups.”

About you

What is your age (please tick one)

Under 16

16 to 18

19 to 24

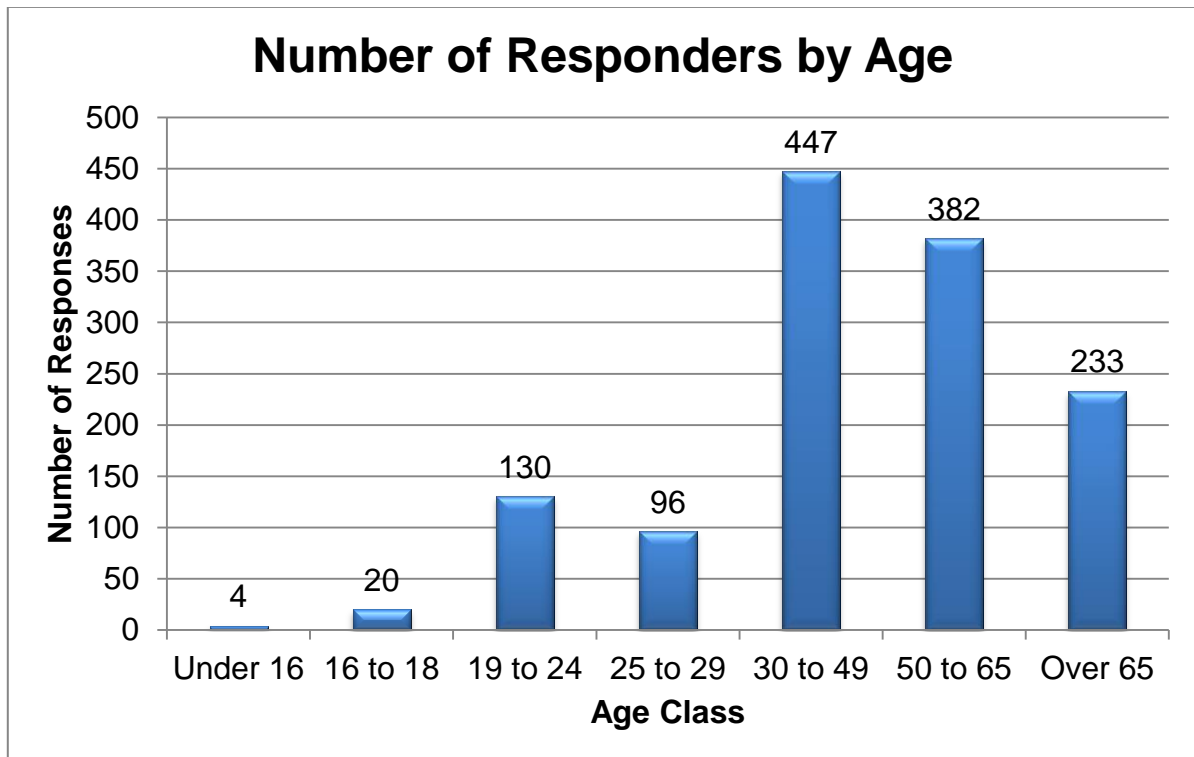
25 to 29

30 to 49

50 to 65

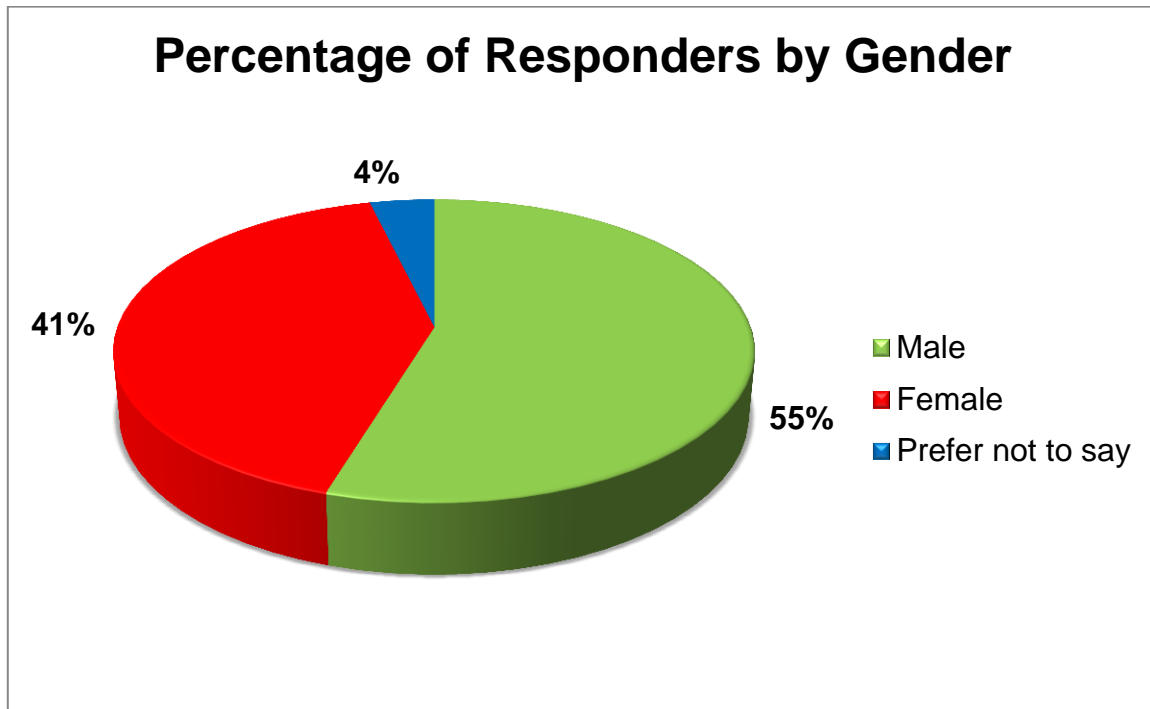
Over 65

Prefer not to say



“What is your gender (please tick one)”

- Female
- Male
- Prefer not to say

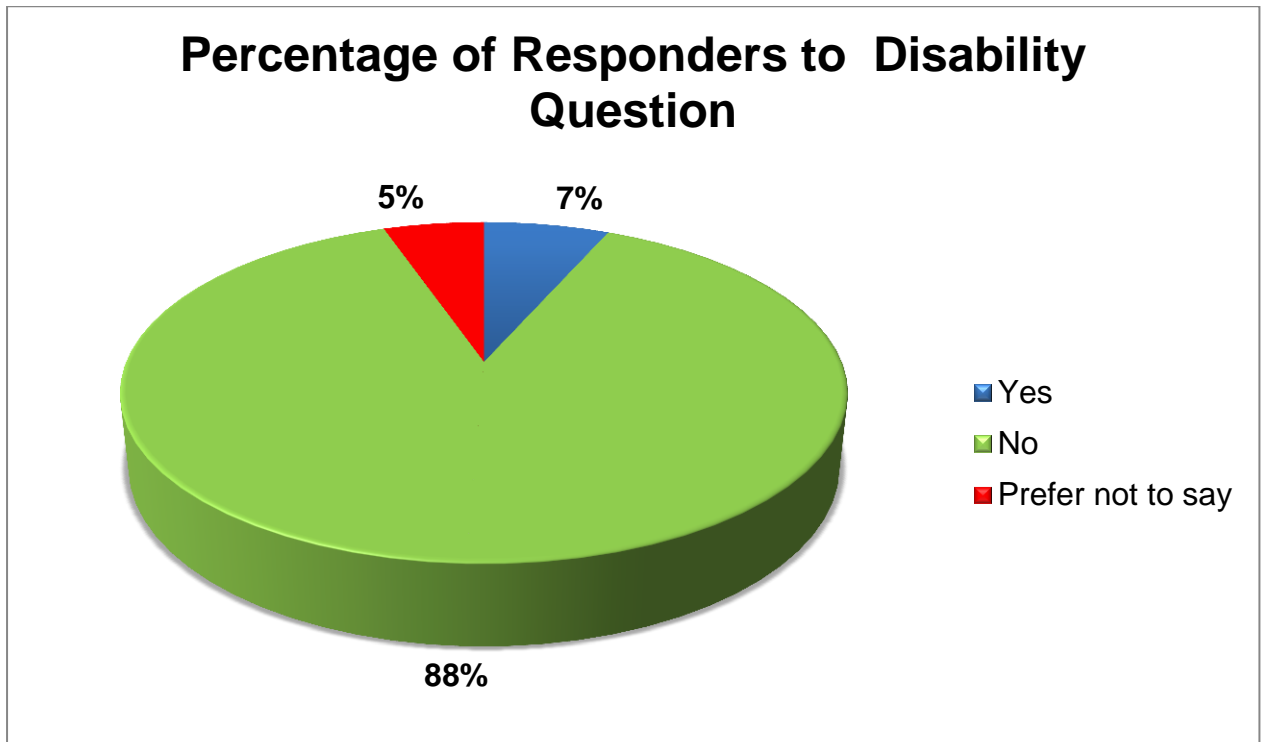


Disability

“Do you consider yourself to be a Disabled Person?”

- Yes
- No
- Prefer not to say

(i.e. do you have physical or mental impairment which has a substantial long-term adverse effect on your ability to carry out day to day activities?)



Ethnicity

- WHITE – English/ Welsh/ Scottish/ Northern Irish/ British
- WHITE - Irish
- WHITE - Eastern European
- WHITE – Gypsy or Irish Traveller
- WHITE – Mixed European
- WHITE - Any other White Background
- BLACH/ AFRICAN/ CARIBBEAN/ BLACK BRITISH - Caribbean
- BLACK / AFRICAN/ CARIBBEAN/ BLACK BRITISH - African
- BLACK/ AFRICAN/ CARIBBEAN/ BLACK BRITISH – Any other Black background
- ASIAN OR ASIAN BRITISH - Indian
- ASIAN OR ASIAN BRITISH - Pakistani
- ASIAN OR ASIAN BRITISH - Bangladeshi
- ASIAN OR ASIAN BRITISH - Chinese
- ASIAN OR ASIAN BRITISH – Any other Asian background
- OTHER ETHNIC GROUP - Arab
- OTHER ETHNIC GROUP – Any other ethnic group
- MIXED/ MULTIPLE THNIC GROUPS – White and Black Caribbean
- MIXED/ MULTIPLE THNIC GROUPS – White and Black African
- MIXED/ MULTIPLE THNIC GROUPS – White and Asian
- MIXED/ MULTIPLE THNIC GROUPS – Any other mixed background
- Prefer not to say

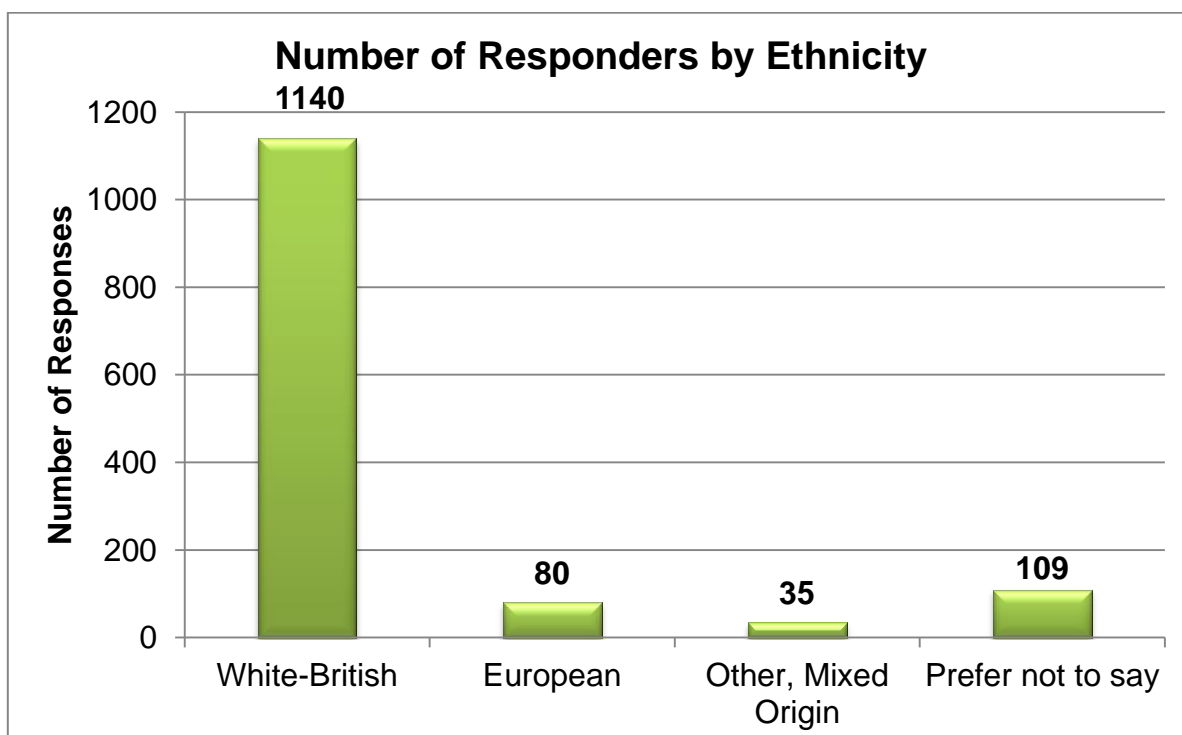


Table 1 Alternative options and informal collaborative agreements extrapolated from Q6

Proposed actions	Enforceable actions	Collaborative working	Rationale
Agree and restrict amplification times of day/ days of the week	The Council would not be able to enforce this proposal, under any current legislation.	Informal agreements would need to be set up between the Buskers and Bath Abbey.	The Council would not be able to take responsibility for informal agreements. It would be up to the Buskers, as a collective, to agree, monitor and evaluate sound levels with Bath Abbey.
Amplification-free in the three areas on specific days of the week: Sunday	The Council would not be able to enforce this proposal, under any current legislation.	Informal agreement would need to be instigated between the Buskers and Bath Abbey.	The onus of this proposal would be between the Buskers (collectively) and Bath Abbey to agree and monitor amplification-free days.
Appoint a Busker representative to liaise between complainants and problematic buskers	The Council would not be able to enforce this proposal, under any current legislation.	Regular local and transient buskers would need to nominate a spokesperson.	The nominated representative would work proactively between buskers and businesses to resolve issues.
Provide buskers with similar guidance to: 'The Liverpool Best Practice Guide'	The Council would not be able to enforce this proposal, under any current legislation.	Informal meetings would need to occur between local and national buskers, Bath Abbey, Bath BID and Environmental Protection Officers of the Council to review current documents and implement new informal guidance.	Collaboration is needed with buskers of Bath, the author of 'Liverpool Best Practice Guide' and Environmental Protection Officers to review and update current guidance to reflect the current climate. NOTE: The buskers have nominated a 'busker' rep. A working group has been convened with representatives from Bath Abbey, the BID, Buskers and the Council.
Consider Licensing busking/street entertainment	The Licensing Act 2003 and The Legislative Reform (Entertainment Licensing) Order 2014, does not relate to busking on the street. There are no by-laws in Bath and North East Somerset to require a busker to obtain a license to perform. Therefore, the Council would not be able to enforce this proposal under current legislation.		This proposal is not an option in Bath and North East Somerset, due to the absence of local by-laws. The Legislative Reform (Entertainment Licensing) Order 2014, came into force 06 April 2015, only applies to amplified live or recorded music to an audience of more than 500 people.

Proposed actions	Enforceable actions	Collaborative working	Rationale
Designate pitches around the city centre: amplified and non-amplified	The Council would not be able to enforce this proposal under any current legislation.		The allocation and designation of pitches: amplified & non-amplified, would need to be agreed between buskers themselves.
Encourage a more diverse range of buskers performing in the three designated areas	The Council would not be able to enforce this proposal under any current legislation.	Informal agreements between the busking community and local businesses.	Voluntary agreements between buskers and local businesses would facilitate positive relationships and may reduce complaints of noise nuisance/ disturbance.
Environmental Protection Officers to undertake spot-checks and fine persons causing noise nuisance	Enforcement Officers shall take enforcement action when individual buskers/ street performers are identified as creating noise nuisance/ noise disturbance. Person(s) may be issued with a Community Protection Notice (CPN), under the Anti-social Behaviour, Crime and Policing Act 2014.	Enforcement Officers may collaborate with buskers and local businesses, to resolve issues informally in the first instance. Enforcement action will be considered where issues cannot be resolved.	Enforcement Officers have a duty to investigate noise nuisance complaints, and if substantiated shall take enforcement action, using the most appropriate legislation. See Appendix B.
Limit the number of buskers performing with amplification in any one area at any one time	The Council would not be able to enforce this proposal under any current legislation.	Informal agreements between buskers in the city centre, and with local businesses to limit amplified performance and evaluate volumes of instruments.	The buskers would need to work collectively to implement themselves. It has been suggested that this could be achieved using a voluntary permit/ ID badge system where pitches are allocated by previous arrangement before the busker pitches up. Buskers would need to reach agreements with local businesses.
Consider/implement an 'acoustic-only' zone	The Council would not be able to enforce this proposal under any current legislation.	Collaborative working would be required between established and transient buskers	The buskers would need to work and collectively agree amongst themselves to designate zones/ areas for specific instruments.
Consider/implement street performance/ busker band-stand in Royal Victoria Park	The Council would not be able to enforce this proposal under any current legislation.		Buskers would need to approach Parks & Green Spaces Team of the Council to arrange the use of RVP where they could perform. Conditions may be attached to any agreement.

Proposed actions	Enforceable actions	Collaborative working	Rationale
Continue using the 'Traffic-light' system outside Bath Abbey for respect of special services	The Council would not be able to enforce this proposal under any current legislation.	Continual communication is required between Bath Abbey and the buskers.	The traffic-light system is the responsibility of Bath Abbey to keep up-to-date and reviewed, and there needs to be dialogue with buskers when problems are identified.
Instigate voluntary meetings between buskers, Bath Abbey and Council members to informally resolve issues: proactively and reactively	The Council would not be able to enforce this proposal under any current legislation.		Proactive steps have been taken and voluntary meetings are in the process of taking place between buskers, Bath Abbey and the Bath BID. Rev. E. Mason has offered sponsorship of a room to facilitate these meetings.
Consider using limiting the maximum volume level/ decibel level of amplification equipment	Complaints of noise nuisance/ disturbance needs to be substantiated under Section 80, Environmental Protection Act 1990. Enforcement Officers will use the most appropriate legislation to resolve noise nuisance.	The onus would be on the buskers to monitor their own level of amplification, and work with local businesses to adjust the volume level. Enforcement Officers will respond to complaints of noise nuisance and react appropriately.	There are many amplifiers available. The Council is not in a position to stipulate which amplifier a busker may purchase or use, nor is the Council able to limit the maximum decibel/volume of amplification equipment due to the array of instrument specification. The Council would not be able to use noise-monitoring equipment to assess noise or reduce amplification volume; due to interference of background environmental sounds.
Re-position/ rearrange street furniture so not to provide an 'arena' for buskers in Kingston Parade	The Council would not be able to enforce this proposal under any current legislation.	Formal meetings need to occur between Council members and the Health and Safety Committee to discuss the feasibility of this proposal.	This proposal was investigated however it does not now appear necessary following the introduction of Community Protection Notices (See Appendix B).
Utilise Bath Business Improvement District (BID) Street Marshalls to monitor sound levels of amplified instruments	The Council would not be able to enforce this proposal under any current legislation.	Bath BID Street Marshalls could liaise between businesses and buskers who are reported to be causing noise nuisance. Informal resolution would be the preferred option.	Additional resources (Marshall time & equipment) would need to be sought along with securing funding for this proposal. General background noise levels would likely be higher than sound from amplified instruments.

Proposals of alternative options, either enforceable or informal agreements, which were offered at the consultation workshop are given in Table 2, below.

Region	Proposal	Potential Shortcoming	Potential Solution
Enforcement	<ul style="list-style-type: none"> Out-of-Hours enforcement provision 	<ul style="list-style-type: none"> Resource constraints: officer limitations: funding: number of and availability of officers; Complaint-led vs. proactive work. 	<ul style="list-style-type: none"> Proactive enforcement / customer liaison = better working relationship.
	<ul style="list-style-type: none"> Use CPNs to target individual offenders 	<ul style="list-style-type: none"> Need Police support out of normal office hours –information sharing to be consistent; Need police support for (non) authorised officers and compromising situations; Timely availability of Police officers. 	<ul style="list-style-type: none"> Information Sharing Protocols and agreements between LA & Police now in place. Police have authority to serve Notices (out-of normal office hours); Authorised officers can respond during office hours and have been doing so. This has led to a reduction in the number of complaints received. See Appendix C for more details.
Collaborative working	<ul style="list-style-type: none"> Monthly meetings between Buskers, EHOs, BID, Police & Abbey 	<ul style="list-style-type: none"> Officer availability; Availability of resources; Availability, organisation and reliability of buskers to attend; Possibility that it won't resolve the overarching issue of amplification. 	<ul style="list-style-type: none"> E. Mason has offered sponsorship & use of Bath Abbey to hold meetings; Conscientious (local) buskers will attend; Proactive approach to potential seasonal affected complainants; Implement strategies to address seasonal demand at key locations. A busker forum meeting has been arranged for early September which will keep the dialogue open between the buskers, commercial premises, residents and agencies.
	<ul style="list-style-type: none"> Buskers need to unite before they can look to resolve immediate amplification problem 	<ul style="list-style-type: none"> Not all 'local' / offending buskers meet regularly; Lack of community and dialogue between buskers. 	<ul style="list-style-type: none"> Buskers to have a collective input to one Social media site to promote busking activities in Bath; Catchy & proactive site = transient buskers maybe more likely to take notice.

	<ul style="list-style-type: none"> Update Bath Buskers Guide to reflect current users & local climate 	<ul style="list-style-type: none"> All of those who busk in Bath to nominate one 'spokesperson' to work with LA/BID to produce Bespoke Bath Busker guide; Time & property resources 	<ul style="list-style-type: none"> Buskers to organise themselves to collective & unified group, then nominate spokesperson. Buskers to meet with stakeholders to produce guide. BID offered to produce/print free of charge.
Permit system	<ul style="list-style-type: none"> Buskers to apply for ID card/badge and get allocated pitches/times 	<ul style="list-style-type: none"> Financial implication: who is to fund the production of the badges? How to ensure transient buskers comply; Non-enforceable. 	<ul style="list-style-type: none"> Buskers to organise themselves as collective; Publicise this widely on social media sites; Buskers pay nominal fee for badge; this pays for the administration = cost neutral.

**Appendix B: Anti-social Behaviour, Crime and Policing Act 2014, Section 43
Community Protection Notices (CPNs)**

An authorised person may issue a Community Protection Notice (CPN) to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that the conduct of the individual or body is:

- having a detrimental effect;
- is persistent or continuing in nature;
- affecting the quality of life of those in the locality;
- unreasonable.

The authorised person shall investigate complaints of unreasonable behaviour. Where the authorised person is able to gather sufficient evidence a written warning shall be issued. The Warning Letter details:

- the behaviour(s) that are causing the problem;
- the timescale by which the behaviour is expected to have been amended;
- describes the steps that should be taken to cease or amend the problem behaviour;
- the potential consequences of failing to comply.

Following service of the warning letter compliance will be closely monitored. If the behaviour has not been amended satisfactorily within a reasonable given timeframe, then a CPN shall be served on the individual or body to cease the anti-social behaviour.

A Community Protection Notice is a notice that imposes any of the following requirements on the individual or body issued with it:

- (a) a requirement to stop doing specified things;
- (b) a requirement to do specified things;
- (c) a requirement to take reasonable steps to achieve specified results.

The recipient of a CPN may appeal to the Magistrate's Court within 21 days from the date of service of the notice.

A person issued with a community protection notice may appeal to a magistrates' court against the notice on any of the following grounds:

That the conduct specified in the community protection notice—

- (a) Did not take place,
- (b) Has not had a detrimental effect on the quality of life of those in the locality,
- (c) Has not been of a persistent or continuing nature
- (d) is not unreasonable, or
- (e) Is conduct that the person cannot reasonably be expected to control or affect.

ii) That any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.

iii) That there is a material defect or error in, or in connection with, the notice.

iv) That the notice was issued to the wrong person.

It is an offence (Section 48) for person(s) or body to fail to comply with a CPN (Section 48). An individual or body shall be served a Fixed Penalty Notice (FPN).

Failure to comply with a FPN an individual or body can be prosecuted in the Magistrate's Court; a fine of up to scale 4 for an individual or up to £20,000 for a body.