

Cabinet Meeting Resolution

Executive
Forward Plan
Reference

E2777

Consideration of the introduction of a Public Space Protection Order to ban the amplification of busking in Abbey Green, Abbey Churchyard and Kingston Parade

Date of Meeting	9-Sep-15
The Issue	In 2015 a consultation was carried out to seek views from stakeholders on whether a PSPO should be introduced to ban amplified busking in areas around Bath Abbey. This item reports the findings of the consultation and confirms the Council's approach.
The decision	<p>RESOLVED (unanimously) to:</p> <ol style="list-style-type: none"> 1) In the light of the very close response numbers for and against, not to introduce a Public Space Protection Order to ban amplification of busking at this stage. 2) Endorse the continued use of Community Protection Notices (CPNs) and engagement with the Busker Stakeholder Group. 3) Review this decision in December 2015.
Rationale for decision	The rationale for this report stems from provisions under the Anti-social Behaviour, Crime and Policing Act 2014.
Other options considered	<p>This report brings to the Cabinet alternative provisions under the Anti-social Behaviour, Crime and Policing Act 2014 that can prove effective in resolving noise nuisance complaints from busking.</p> <p>Community Protection Notices (CPNs) provide an alternative enforcement option from provisions under the Environmental Protection Act 1990 or a PSPO. Initially a CPN warning letter is served upon an individual, specifying what the individual must do to achieve compliance. If the behaviour continues, then a CPN can be served which again specifies what the individual must do to achieve compliance. If there is a breach of the CPN then a fixed penalty notice can be served or criminal proceedings can be commenced. If convicted, the individual can be fined up to £2,500. CPNs have been used in the interim period between the consultation and the determination of this report by both Council officers and Avon and Somerset Police. Three CPN warning letters and one CPN have been served since 9th March 2015. This course of action has been successful in achieving compliance from the individuals concerned.</p> <p>The graph and table in Appendix C shows a comparison between the number of complaints received by the Council about busking in 2014 and 2015. The graph demonstrates the reduced number of complaints which have been received so far in 2015. It is considered that the approach to date of using CPN's and engaging with the Busker Stakeholder Group has been effective in reducing the negative impacts of busking in the city centre.</p> <p>4</p>

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	<p>At this time a PSPO is not considered justifiable in light of the consultation responses which demonstrate that the statutory test of 'detrimental effect on the quality of life of those in the locality is persistent and unreasonable' has not been met. It is however, considered that the practice of issuing CPN warning letters and CPN's to individuals should continue, as it has proved successful, and that the situation should be kept under review and reported back to Cabinet in December 2015.</p>
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The Decision is subject to Call-In within 5 working days of publication of the decision