

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr David Dixon, Cabinet Member for Neighbourhoods</b>	
MEETING/ DECISION DATE:	<b>On or after 18 December 2014</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2729</b>
TITLE:	Consultation on the introduction of a Public Space Protection Order prohibiting amplification of performances by street entertainers in specified areas of Bath City Centre	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Appendix 1: Location plan Drawing No. EPN001/01  Appendix 2: Proposed consultation questions  Appendix 3: Extract from Antisocial Behaviour Crime and Policing Act 2014</p>		

### 1 THE ISSUE

- 1.1 A Public Space Protection Order (PSPO) is proposed to prohibit the use of amplifiers by street entertainers: buskers, in specific areas of Bath City Centre (Abbey Churchyard, Kingston Parade and Abbey Green.)
- 1.2 When considering whether or not to introduce a PSPO the authority is required to consult with: the Police and Crime Commissioner, Chief of Police and community representatives. In this instance, these will include the street entertainers, businesses, residents and visitors to the city. A formal decision is required to commence the public consultation.

### 2 RECOMMENDATION

- 2.1 That a 12 week consultation period is commenced to inform the decision on whether or not to introduce a PSPO prohibiting the use of amplification during all street performances in Abbey Churchyard, Kingston Parade and Abbey Green (see plan in appendix 1).

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The consultation is estimated to cost approximately £2k, mainly temporary project officer costs. This will be covered from an approved drawdown from the revenue budget contingency reserve.

- 3.2 Any implementation as a result of the consultation will be subject to the formal decision making process and costs will be outlined in that report. However should there be a decision to implement, the cost of installing signage will be approximately £330, there will be legal costs to prepare the Order and project officer costs. There would also be revenue cost of maintaining the signage.
- 3.3 It is intended to use the authority's Online Consultation tool, in addition to other accessible formats, to capture consultation responses.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

### **4.1 Antisocial Behaviour Crime and Policing Act 2014**

The powers given to authorities to introduce such an order are contained within the Antisocial Behaviour Crime and Policing Act 2014 and are outlined in Appendix 3 of this report.

### **4.2 Equality Act 2010**

The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area. The equalities impacts resulting from this report are proportionate on the grounds that the issues affect residents, businesses users and visitors regardless of any of the protected characteristics.

## **5 THE REPORT**

- 5.1 A number of complaints have been received regarding disruptive street entertainment in Bath City Centre and these have been increasing year on year; in 2012 the Council received 30 noise complaints, in 2013 70 and in 2014 this has risen to 112 thus far. A significant proportion of these complaints relate to street entertainers using amplifiers during their performances either to amplify the musical instruments or enhance their performance by way of amplified vocal or backing music.
- 5.2 Whilst the EPA will still be available to Officers it has proved ineffective when dealing with this issue. Following positive discussions with a number of Cabinet Members on 12 September and 10 October 2014 it has been proposed a PSPO covering specific areas in the Bath City Centre be consulted on. Accordingly a Single Member Decision is requested to move this forward.
- 5.3 Given that the implementation of a PSPO may prove contentious, attract national media interest, challenges from pro-busking groups and if implemented have criminal consequences for breach, a 12 week consultation is suggested. This period will be in accordance with Cabinet Office guidance, consistent with other Council policy consultation and provide the Council with some degree of protection in the event of challenge as lack of consultation may be a ground of challenge.
- 5.4 The proposed consultation questionnaire is at Appendix 2. This will be available online and in a range of accessible formats, languages, large print, Braille

5.5 On completion of the consultation, officers will report back to the single member making a recommendation on whether the Authority should proceed with the implementation of a PSPO as proposed or whether any amendments to the proposal should be made. Following this the matter will be reported to Full Council for a final decision.

## 6 RATIONALE

6.1 Current enforcement options available to authorised officers of Bath and North East Somerset Council have proved ineffective at resolving continuing complaints, and PSPOs offer an alternative which should be considered.

6.2 The PSPO provides an alternative to the traditional use of the EPA legislation including the option of issuing a Fixed Penalty Notice for breach.

## 7 OTHER OPTIONS CONSIDERED

7.1 The current status quo could continue, however, in the face of rising numbers of service requests, it is likely that this would lead to increasing dissatisfaction from complainants.

7.2 This new legislation gives an alternative option to the traditional use of the EPA legislation.

## 8 CONSULTATION

8.1 The Councils Monitoring Officer, s.151 Officer and the Strategic Director of Place have been consulted.

## 9 RISK MANAGEMENT

9.1 Whilst a risk assessment related to the issue and recommendations should be undertaken, in compliance with the Council's decision making risk management guidance, as this report only seeks approval to carry out consultation a risk assessment has not been undertaken at this stage.

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<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	