

Street Entertainment Policy

Draft Proposal for Consultation – September 2013



Introduction

This Policy sets out Camden's approach to street entertainment, commonly referred to as busking, and circumstances where street entertainment will need to be licensed.

The Policy also sets out when a licence isn't needed for street entertainment, along with useful information and guidelines that entertainers may find helpful.

All forms of street entertainment are viewed as an important part of the musical and cultural heritage of the borough, providing a means for new talent to be discovered, while adding to vibrancy and character of the area. This in turn is one part of Camden's offering which supports the creative and cultural industries. There are an estimated 3,700 businesses in this sector in Camden, with an estimated gross turnover of around £1bn and direct employment to about 40,000 people. In terms of numbers of businesses, the largest sub-sector is Music and Visual Performing Arts where there are almost 1000 businesses employing around 3000 people with an estimated turnover of approximately £200m per year.¹

Camden is however concerned with the numbers of entertainers who are using amplifiers and loud musical instruments on the street, some of whom have little regard to occupiers of property in the area or other people using the street. Camden believes that nuisance has been caused to local residents and businesses, and that there is potential for nuisance to be caused in any part of the borough. Camden also believes that on some occasions there is a risk to safety of people using the street, and that increased opportunities have been created for crime to occur, such as pickpocketing.

Part V of the London Local Authorities Act 2000 provides optional powers for London Councils to adopt to licence busking², and Camden has created this Policy according to the powers contained in that Act. Camden does not intend to use the Policy to prevent busking, but instead introduce a licensing regime to control street entertainment on the highway and on open spaces in the area only where this is necessary.

The Camden Plan sets out strategic objectives that Camden is expecting to deliver over a 5 year period from 2012 to 2017. The Policy responds to the Camden Plan priority of creating sustainable neighbourhoods by recognising residents needs to enjoy their environment. The Policy also takes into account the priority of harnessing economic growth by creating a light touch regulatory framework that permits most street entertainment to take place, while taking a proportionate approach on necessary restrictions.³

¹ <http://www.camden.gov.uk/ccm/navigation/leisure/arts/arts-policy-and-research/>

² <http://www.legislation.gov.uk/ukla/2000/7/contents/enacted>

³ <http://www.camden.gov.uk/ccm/navigation/council-and-democracy/camden-plan/>

Section 1 – Overview

Text for draft consultation version of the Policy

Status of the Policy

- 1.1. Camden proposes to adopt powers under Part V of the London Local Authorities Act 2000, which will enable Camden to licence busking. The draft Policy is for consultation, and has been written to incorporate the various factors Camden can decide through Council resolutions and Regulations that can be made by Camden.

Consultation on this Policy

- 1.2. A consultation will be carried out for at least 28 days to explore all parts of this draft Policy. The results of the consultation will help form the final Policy, and will be reported through public meetings before a decision is made.
- 1.3. Throughout this draft Policy, each section has a box at the end containing the questions relevant for that section. A combined list of questions is available as a separate document or via the on-line questionnaire.

Summary of the Policy

- 1.4. The Policy covers Street Entertainment in general, and explains when a licence is needed, together with information for all Street Entertainers.
- 1.5. A licence is only required for Street Entertainment that involves music or the use of amplifiers to support the performance, and this is called a Busking Licence in the policy.
- 1.6. The whole borough is covered by the Policy, and a Busking Licence may be issued to permit Street Entertainment in any part of the borough.
- 1.7. The Policy is split into various sections with additional appendices, and these are:

Section 2	Guidelines and information for all street entertainers
Section 3	Streets where a licence is needed and permitted hours
Section 4	Entertainment that doesn't need a busking licence
Section 5	Application requirements and procedure
Section 6	Decision making
Section 7	Conditions
Section 8	Appeals
Section 9	Enforcement
Appendix A	Definitions used in the Policy
Appendix B	Regulations prescribing Standard Conditions
Appendix C	Regulations prescribing application requirements and procedures

Section 2 – Guidelines and information for all street entertainers

- 2.1 All street entertainers, whether or not they need a busking licence, are asked to consider these guidelines to help maintain a safe and vibrant borough for everyone to enjoy. These guidelines also give general information on other licences or permits that may be needed in some circumstances.
- 2.2 As a general guide, all street entertainers are asked to consider the following:
- a) Make sure that you don't cause an obstruction in the street, and leave space for wheelchairs and pushchairs to pass.
 - b) Don't stay in one place for too long. Camden recommends no more than an hour at a time.
 - c) Don't act in a way that is likely to cause offence to a member of the public
 - d) Be considerate to other street entertainers by not performing too close to someone else

Street Trading

- 2.3 A busking licence does not permit the sale of any goods or services, including CD's made by the performer. Street Trading is only permitted with a Street Trading Licence in a market or other designated site. Any person selling goods on the street without a street trading licence may have the goods seized and may be prosecuted by the Council.
- 2.4 Further information is available on Camden's website: www.camden.gov.uk/streettrading

Street/Charity Collections

- 2.5 A permit from the Police is required by anyone collecting money for charity on the street. Further information on what is permitted and how to apply can be found on the link below:

www.met.police.uk/charities

Licensing Act 2003

- 2.6 Some entertainment may need to be licensed under the Licensing Act 2003, and where this is the case, a Busking Licence won't be required. The types of entertainment covered by the Licensing Act and relevant to this Policy are; performances of plays; performances of dancing; exhibitions of films; live music and recorded music.
- 2.7 There are various exemptions to entertainment needing a licence, and in many cases a licence is only needed for entertainment where the audience size is over 500 people or if it is provided after 11pm.
- 2.8 In the case of amplified live and recorded music on the street, a licence is normally needed if a pitch or location is being provided for that entertainment, if the event is to be promoted with music as one of the main attractions, and if the volume is likely to disrupt other activities.
- 2.9 Further information is available on Camden's website: www.camden.gov.uk/licensing

Section 3 – Streets where a licence is needed and permitted hours for busking

Legal Status – London Local Authorities Act 2000:

1. For the area included - Council Resolution made under Section 33
2. For the Licence Streets – Council Resolution made under Section 34(a)
3. For the permitted hours – Council Resolution made under Section 34(b)

- 3.1 The Act, and the Policy, applies to the whole of the area of Camden. This means that busking is not permitted anywhere in Camden without a busking licence, unless the type of entertainment is excluded from needing a licence by virtue of **Section 4**
- 3.2 The whole borough where the Act applies has been designated as a Licensed Street. This means that busking may be licensed anywhere within Camden. Where a Busking Licence is issued, it will always be subject to licence conditions.
- 3.3 The maximum permitted hours for busking are: **10:00 to 21:00 Monday to Sunday.**

Consultation Question 1A: Do you agree that Camden should adopt the Act to regulate busking for the reasons given, and that it should apply to the whole borough? Y/N

Consultation Question 1B: If you don't agree please state why not, and if appropriate, specify what areas should or shouldn't be subject to the controls over busking

Consultation Question 2A: Do you agree that the whole borough should be designated as a licensed street? Y/N

Consultation Question 2B: If you don't agree, please specify where busking shouldn't be permitted with a licence.

Consultation Question 3A: Do you agree with the proposed maximum hours set out here? Y/N (These are intended to be maximum hours, and shorter hours can be specified in licence conditions)

Consultation Question 3B: If you don't agree, please state if you think it's necessary to set maximum hours, and what you think those hours should be.

Section 4 – Entertainment that doesn't need a busking licence

Legal Status – London Local Authorities Act 2000:

4. For excluded entertainment - Council Resolution made under Section 32(a)

- 4.1. The following forms of entertainment are excluded by Camden from needing a busking licence under the Act:
- a) Entertainment that does not include music as part of the performance and does not involve the use of amplifiers. Examples of such entertainment are, without limitation, clowns, juggling, mime artists, living statues, puppet shows, poetry readings, or anything similar. (Any entertainment of this nature that does include music or use amplifiers for the performance will still need a busking licence, unless it benefits from another exemption)
 - b) Carol Singing, Maypole Dancing, Morris Dancing, or similar entertainment that is a traditional part of seasonal festivities.
 - c) Any entertainment that is performed on a bandstand or similar site within a park or open space. For this exemption to apply, the site must be provided on a permanent basis by the landowner or person responsible for managing the park or open space.
 - d) Any entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest march or similar event.
 - e) Any entertainment that is part of an event organised by Camden or has been organised in conjunction with Camden.
- 4.2. The Act also exempts some other forms of entertainment from needing a Busking Licence, where are:
- a) Entertainment provided under a Licensing Act 2003 licence or Temporary Event Notice, or authorised specifically to take place in a street by any other enactment
 - b) Music performed as part of a religious meeting, procession or service.
- 4.3. Noise created by street music and amplification equipment is one of the principle reasons for Camden adopting the powers to licence busking. It is not considered necessary to regulate other forms of entertainment at present, although it is recommended that performers consider the general guidelines set out in **Section 2**
- 4.4. Entertainment that is provided as part of a wider event has also been excluded. Such events generally require some form of approval, which can include a road closure, or permission to use an open space, and therefore additional restrictions are not considered necessary at present.
- 4.5. When performances are carried out on private land, then the land owners permission should always be sought first.

Consultation Question 4A: Do you agree that Camden should exclude the types of entertainment listed here from needing a busking licence? Y / N

Consultation Question 4B: Are there other types of entertainment that should or should not be excluded from needing a busking licence? Please specify

Section 5 – Application requirements

Legal Status – London Local Authorities Act 2000:

5. For the application requirements – Council Regulations made under Section 36 (1)

6. For the licence fee – Council determination made under Section 36 (3)

- 5.1. An application for a Busking Licence must be made in writing to the London Borough of Camden using the form provided, which can include applications made by email or online.
- 5.2. Applicants are advised to allow the following time for their application to be determined:
 - a) **5 working days** where the application does not request any changes to Standard Conditions.
 - b) **20 working days** for applications to vary the Standard Conditions, where applications have previously been refused, or where licences have been revoked
- 5.3. The following documents need to be submitted with the application:
 - a) A completed Busking Licence application form, with the details required in Camden's regulations (**Appendix C**)
 - b) A passport sized photograph of the applicant
 - c) The licence fee in full
- 5.4. Additional information will be required on the application form for any applications to remove or amend the Standard Conditions, and this is also listed in the Camden's regulations (**Appendix C**).

Consultation Question 5A: Do you agree that the application requirements are appropriate? (Including those set out in the regulations at Appendix C) Y/N

Consultation Question 5B: If you don't agree, please specify what areas should be changed.

Section 6 – Decision Making

Legal Status – London Local Authorities Act 2000:

7. For the determination procedure – Council Regulations made under Section 36 (1) and (2)
8. For the power to licence and add conditions – Section 35
9. For refusal reasons – Section 37
10. For revocation of licences – Section 39

6.1 The procedure for determining applications is set out in the regulations made by Camden and attached as **Appendix C**.

Summary of the decision making process

6.2 Busking licences will normally be granted on the following basis:

- a) for a 12 month period, but may be for a shorter time depending on the circumstances
- b) subject to the Standard Conditions, unless expressly removed or varied by the Council
- c) to permit busking in any location between the hours of 10am to 9pm, unless otherwise specified on the licence

6.3 Busking licences will be decided according to the procedure prescribed through Camden’s regulations, which is summarised as:

- Grant:** All applications that do not request to remove or vary the standard conditions, unless there have been previous enforcement/compliance issues
- Refuse:** All applications that go beyond the hours of 10am to 9pm, or are for a street that is not a Licensed Street
- Grant or Refuse:** All other applications, which may include requests to vary Standard Conditions, where a licence has previously been revoked, or where there have been other compliance issues

6.4 Applications that are not granted by default will be determined by a panel of Camden’s officers

Refusal of Applications

6.5 Camden may refuse an application on any of the grounds listed in Table 1 below. The table also provides a brief, and non-exhaustive explanation, of what Camden’s considers can be relevant for each of those grounds for refusal.

Table 1 – Refusal of applications	
Refusal reason	Relevant considerations include
That the applicant could be reasonably regarded as not being a fit and proper person to hold a licence;	<ul style="list-style-type: none"> • A licence has previously been revoked • Previous history of non-compliance with licence conditions • Previous complaints about conduct that have been substantiated • Advice from the Police

<p>That there is not enough space in the street in respect of which the application is made for busking to take place without causing undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street</p>	<ul style="list-style-type: none"> • The type of performance and equipment being used • Numbers of people attracted by the performance • Footfall in the area • Crime problems in the area • Proximity to road junctions, pedestrian crossings, stations, bus stops etc. • Previous complaints about busking at that location • Site visits or desktop assessments of the suitability of the location • Advice from the Police or relevant Council officers
<p>That there is a likelihood of nuisance being caused to the occupiers of premises in or in the vicinity of the street in respect of which the application is made</p>	<ul style="list-style-type: none"> • The type of performance and equipment being used • Proximity to relevant premises • Previous complaints about busking at that location • Site visits or desktop assessments of the suitability of the location • Advice from the Police or relevant Council officers

Revocation Hearings

- 6.6 Where a Police Officer or authorised officer requests that a Licence be considered for revocation, the general procedure set out for determining variation applications shall be followed.
- 6.7 The person making the revocation request shall not be a member of the Panel making the decision, but may provide evidence to the Panel either in person or in writing.
- 6.8 The Panel may revoke a licence on any of the following grounds:
- a) that there has been a breach of the conditions of the licence;
 - b) that undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking;
 - c) that nuisance has been caused as a result of the busking to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

Consultation Question 6A: Do you agree that the procedure is appropriate? (Including that set out in the regulations at Appendix C) Y/N

Consultation Question 6B: If you don't agree, please specify what areas should be changed.

Section 7 – Conditions

Legal Status – London Local Authorities Act 2000:

11. For the standard conditions – Council Regulations made under Section 40

12. For other conditions – Section 35 (2)

- 7.1 Camden has made regulations prescribing standard conditions, which are attached to this Policy as **Appendix B**
- 7.2 The Standard Conditions are attached to all licences, unless they have been expressly excluded or amended in any particular case. For details on the procedure for removing or varying the Standard Conditions see **Sections 5 and 6**. Applicants should note that Camden will only remove or vary the standard conditions if a good reason is provided by the applicant and that the request can be justified against this Policy.
- 7.3 Additional conditions may also be attached to a licence and they may relate to the following criteria, amongst others:
- a) the area in which busking may take place
 - b) the hours during which busking may take place
 - c) the prevention of obstruction to persons using the street
 - d) the prevention of public nuisance to the occupiers of nearby property

Permitted Times

- 7.4 Under the Street Designation, (see **Section 3**), the maximum permitted time for Busking is 10am to 9pm on any day of the week and these times have been included as a Standard Condition. The Standard Condition may be varied to set a shorter time, but may not allow earlier or later times.

Use of amplifiers

- 7.5 Camden is concerned about the use of amplifiers to support performances and the impact that the resulting noise has on local residents and business occupiers. The Standard Condition preventing amplifiers is therefore considered necessary in most cases.
- 7.6 Where requests are made to vary this condition, advice will normally be sought from an Environmental Health Officer or other person with specialist knowledge in noise prevention, who may also be a member of the Panel deciding the application. (see **Section 6**)
- 7.7 Consideration will be given to the location for the performance, the times of day requested, the duration of the performance and the likely volume to be audible at the nearest residential or business property.
- 7.8 Camden will not grant permission to use amplifiers on the street beyond 9pm under any circumstances. This is due to a restriction on using loudspeakers on the street between 9pm to 8am in Section 62 of the Control of Pollution Act 1974.
- 7.9 If permission to use amplifiers is granted, it is likely that additional conditions will be imposed to limit the times of day, duration of performances and permitted locations.

Use of Drums and Wind Instruments

- 7.10 Drums and Wind instruments are prevented through the Standard Conditions. If applications are made to remove or amend this condition, the Council expects applicants to demonstrate that they have considered the impact that this may have, and provide any additional conditions to manage that impact. The considerations could include:
- a) The locations and times where performances will take place
 - b) The proximity to residents or businesses, and the likelihood of public nuisance being caused
 - c) The amount of space in the street at those locations
- 7.11 When the Council considers any request to remove or amend this condition, it will have high regard to the factors listed above, along with the rest of the Policy.

Consultation Question 7A: Do you agree that all the Standard Conditions in Appendix B are suitable? Y/N

Consultation Question 7B: If you think that further types of instrument or equipment should be prevented through the Standard Conditions please give examples.

Consultation Question 7C: If you think that some equipment or instruments should not be prevented through the Standard Conditions please give examples.

Consultation Question 7D: If you don't agree with the times set in the Standard Conditions, please state what hours you think should be included.

Consultation Question 7E: If you don't agree with any of the other conditions, please specify what areas should be changed.

Consultation Question 8A: Do you agree with the guidance set out here for considering changes to the standard conditions? Y/N

Consultation Question 8B: If you don't agree, please specify what areas should be changed.

Section 8 – Appeals

Legal Status – London Local Authorities Act 2000: 13. For the appeal provisions – Section 41

- 8.1 There is a right of appeal in the following situations:
- a) an applicant for the grant of a licence whose application is refused
 - b) a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - c) a licence holder whose licence has been revoked;
- 8.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins 7 days after the notification was posted by first class post.
- 8.3 Any appeal must be made to:
- Highbury Corner Magistrates Court
51 Holloway Road
London
N7 8JA
- 8.4 A further appeal against the Magistrates' Court decision may be made to the Crown Court
- 8.5 On an appeal to the Magistrates' Court or to the Crown Court, the court may make any such order as it thinks fit

Section 9 – Enforcement

Legal Status – London Local Authorities Act 2000: 14. For the enforcement provisions – Section 42 and 43

- 9.1 Camden will seek to ensure that any person who is granted a busking licence complies with the Conditions attached to the licence, and that appropriate action is taken for non-compliance or where unlicensed busking occurs.
- 9.2 Any person who—
- a) busks in any street to which the Policy applies (as set out in **Section 3** of the Policy) without the authority of a licence; or
 - b) is concerned with the organisation or management of busking which is not authorised by a licence; or
 - c) contravenes any condition of his licence; or
 - d) in connection with his application for a licence makes a statement which he knows to be false in a material particular;
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. (£1000 at the time of approving the Policy)
- 9.3 Where a busking licence is required, and busking is taking place or is about to take place without a licence or in breach of the terms and conditions of a licence, then the following options are available to an authorised officer or a police officer:
- a) They may require that busking either cease or not take place
 - b) Where unlicensed busking is taking place, equipment (including instruments) connected with the busking may be seized
 - c) Proceedings may be instigated to prosecute the person for offences under the Act
- 9.4 Where the busking is considered to be breach of the conditions on the licence, then the authorised officer or Police officer may request that the Council considers revoking the licence. Where this happens, the procedure set out in **Section 6** of the Policy shall be followed.

Appendix A – Definitions used in this Policy

“**the Act**” means Part V of the London Local Authorities Act 2000

“**authorised officer**” means an officer authorised to carry out functions under the Act on behalf of the Council

“**busking**” means the provision of entertainment in a street but does not include the provision of entertainment—

- a) of a class which excluded by Camden from the licensing requirements (see **Section 4** of the Policy)
- b) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing));
- c) which is authorised specifically to take place in a street under any other enactment; or
- d) consisting of music performed as an incident of a religious meeting, procession or service;

and “busk” and “busks” shall be construed accordingly;

“**the Council**” and “**Camden**” means the London Borough of Camden

“**licence**” and “**busking licence**” means a licence under section 35 (Power to license) of the Act and “licensed” shall be construed accordingly;

“**Licensed Street**” means a street designated under Section 34 of the Act (Designation of Streets) where busking may be permitted with a licence

“**nuisance**” and “**public nuisance**” is taken to have the same meaning as in the Licensing Act 2003. Nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity and environment of other persons living and working in the area.

“**the Policy**” means this Policy document

“**Regulations**” means regulations prescribed by Camden under the Act.

“**street**” includes—

- a) any street or way to which the public commonly have access, whether or not as of right;
- b) any place, not being within permanently enclosed premises, within 7 metres of any such street or way, to which the public commonly have access;
- c) any area in the open air to which the public commonly have access;
- d) any street, way or open area within any housing development provided or maintained by a local authority under Part II of the Housing Act 1985;

but does not include any land in respect of which there are byelaws in force which regulate the provision of entertainment and which are made by London Transport Executive or London Regional Transport.

“**street entertainment**” means all forms entertainment on a street, including those that do not require a busking licence under this Policy

Appendix B – Standard Conditions

Part V of the London Local Authorities Act 2000

Regulations Prescribing Standard Conditions for Busking Licences

In these regulations, the expressions "Street" and "Busking", have the meaning as set out in Part V of the London Local Authorities Act 2000. The "Policy" means Camden's Street Entertainment Policy.

The Standard Conditions are attached by default to every Busking Licence issued. The conditions may only be removed or varied on a licence according to Camden's Policy and following an application.

- B.1. The licence must be displayed when performing and shown to either an Authorised Officer or Police Officer on request.
- B.2. The licence permits Busking on any street in Camden between the hours of 10am to 9pm, unless restricted by an additional condition on the licence.
- B.3. The licence only permits Busking by the performer(s) named on the licence, and may not be used by, or transferred to, another person.
- B.4. Music and singing shall not be performed at a level that causes public nuisance or annoyance to any business or resident.
- B.5. The following types of equipment and instruments are not permitted for use on a street:
 - Amplifiers, loud speakers, megaphones, or anything similar
 - Drums or Drum kits (including objects being used as a drum)
 - Wind instruments, including brass instruments and woodwind instruments.
- B.6. Performances may only be carried on in a location with sufficient space for the performance (and taking into account the number of performers) and the expected audience size. The location must not be on or adjacent to pedestrian crossings, bus stops or station entrances/exits, or other doorways to residential or business properties.
- B.7. The performance must not be carried on in a way that causes an obstruction to pedestrians or traffic. This includes preventing any audience blocking the pavement so that pedestrians have to walk in the road to get past, with the space left for pedestrians being at least 1.8m measured from the edge of the kerb to the area being used for the performance and any associated audience.
- B.8. A suitable distance from other Buskers must be maintained, and a performance must not be carried on or started within 50m of another busker already performing.
- B.9. No pyrotechnics, fireworks or similar shall be used as part of the performance.
- B.10. The licence holder must comply with any direction given by an Authorised Officer or Police officer, which may include directions to stop performing or to move location to prevent a public nuisance or obstruction being caused.

Appendix C – Application Requirements and Decision Making

Part V of the London Local Authorities Act 2000

Regulations Prescribing Application Requirements and Procedure to Determine Applications

In these regulations, the expressions "Street" and "Busking", have the meaning as set out in Part V of the London Local Authorities Act 2000. The "Policy" means Camden's Street Entertainment Policy.

Application Requirements

- C.1. All applications should be made on the application form provided by Camden, and should be accompanied by a passport size photograph of the performer, along with the application fee.
- C.2. The following information is required for all applications:
- a) Name and Address (where the application is made by a group, the Name and Address of all members of that group)
 - b) Contact details
 - c) Type of entertainment to be performed and description of equipment to be used
 - d) Whether the applicant has previously been refused a busking licence (in Camden or elsewhere) or has had a busking licence revoked
- C.3. The following information is required to vary or remove the standard conditions:
- e) The conditions requested to be varied, with any proposals for alternative conditions
 - f) The locations where the entertainment is intended to be performed with sufficient information to identify those locations (e.g. street addresses, local landmarks etc.)
 - g) The times the entertainment is to be performed
 - h) The expected duration of performances
 - i) The number of performances expected per week/month/year (as appropriate) in each location
 - j) If amplifiers are to be used, further details for that equipment including the make and model, maximum power output and expected battery life. If known, the Sound Pressure Level (or dB) output of the speaker should also be provided.

Procedure to Determine Applications

All Applications

- C.4. Applications for any street (or area) that is not a Licensed Street will in all cases be refused (see **Section 3** of the Policy)
- C.5. A Licence will not be granted for times beyond the maximum hours set out in **Section 3** of the Policy

New Applications

- C.6. Applications that do not request any changes to the standard conditions will in most cases be granted by default.
- C.7. Applications granted by default will be granted subject to the Standard Conditions for a period of 12 months, and will permit busking in any area designated as a Licensed Street.
- C.8. Applications that involve the use of equipment not permitted by the Standard Conditions (e.g. amplifiers) will be refused unless a variation to the Standard Conditions is requested (see procedure below)
- C.9. Applications from performers that have previously had an application refused, a licence revoked, or have been the subject of complaints or enforcement action will be decided according to the procedure for variations (see procedure below)

Variation Applications and Panel Procedures

- C.10. Applications that request changes to the Standard Conditions or that aren't granted by default will be determined by an officer panel ("the Panel) and according to this Policy.
- C.11. The Panel will be formed of at least three Council officers who have knowledge and experience of street entertainment or other relevant issues, which can include (but not limited to) cultural events & festivals, entertainment licensing, highways enforcement, noise/nuisance prevention and street trading.
- C.12. The Panel will always strive to ensure that when it is considering an application all persons get a proper and fair hearing through:
 - a) Considering each case on its merits.
 - b) Using the Policy to assess applications and make a determination
 - c) Dealing with the application in a balanced and impartial manner.
 - d) Ensuring that the rules of natural justice are applied in any hearings held.
 - e) Giving a person making an application sufficient opportunity to present information for consideration in support of their application.
- C.13. The starting point for the Panel will be that the Standard Conditions are imposed by default on all Busking Licences, which have been consulted on and are Regulations made by Camden under the Act. The Panel will only remove or vary the Standard Conditions if a good reason to do so is provided by the applicant, and where the applicant has provided proposals to prevent or limit potential public nuisance to nearby occupiers, or address other relevant concerns. The Panel must give its reasons for removing or varying each Standard Condition.
- C.14. To ensure application costs are kept to a minimum and that applications can be determined as promptly as possible, the panel will normally determine applications according to written documents provided by the applicant and will not normally invite oral representations to be made in person by the applicant.

- C.15. The applicant will be informed in advance that the application is to be considered by the Panel, and will have the opportunity to provide any additional information that they wish to provide in support of the their application.
- C.16. If the applicant requests to make oral representations to the Panel (i.e. attend the panel in person to explain the application), the Panel has discretion to allow this but is not required to allow oral representations. If the Panel exercises its discretion, this will not involve an audition process and no facilities will be provided for performances to be carried on. The Panels role is to determine the application in line with this Policy, and not to make an assessment on the type or quality of the performance.
- C.17. The decision of the Panel will be confirmed in writing to the applicant as soon as is reasonably practicable after the panel meeting.
- C.18. The Panel may grant a licence for a duration up to 12 months, but also has discretion to grant a licence for a shorter period depending on the circumstances.
- C.19. The Panel will always grant a licence subject to the Standard Conditions that haven't been varied or removed, and may also apply additional conditions to the licence according to **Section 7** of the Policy.