

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Communities Housing and Public Protection
<b>DATE</b>	5 September 2024
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Busking Code of Conduct
<b>REPORT NUMBER</b>	CORS/24/239
<b>EXECUTIVE DIRECTOR</b>	Andy MacDonald
<b>CHIEF OFFICER</b>	Vikki Cuthbert
<b>REPORT AUTHOR</b>	Mark Wilson
<b>TERMS OF REFERENCE</b>	1.1.5

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### 1. PURPOSE OF REPORT

- 1.1 This report provides an update on the work undertaken by the Community Safety Partnership to establish a Busking Code of Conduct for Aberdeen City centre.

### 2. RECOMMENDATION

That the Committee :-

- 2.1 notes the Community Safety Partnership's update in this report on developing a Busking Code of Conduct for Aberdeen City Centre;
- 2.2 approves the draft Busking Code of Conduct for Aberdeen City centre contained in Appendix 1; and
- 2.3 instructs the Interim Chief Officer - Governance to implement the Code of Conduct.

### 3. CURRENT SITUATION

- 3.1 The Communities, Housing and Public Protection Committee on 14 November 2023 approved a Notice of Motion by Cllr Macdonald, thereby instructing the Chief Officer – Early Intervention and Community Empowerment to ensure that city centre buskers, businesses, Police Scotland, elected members, community councils, residents and other city centre partner organisations are consulted in developing a Busking Code of Conduct for Aberdeen City centre and report back to the January 2024 Communities, Housing and Public Protection Committee with an update on the progress of the proposed Busking Code of Conduct.

- 3.2 The Communities, Housing and Public Protection Committee on 23 January 2024 instructed the Chief Officer – Early Intervention and Community Empowerment to:
- *continue the development of a Busking Code of Conduct that promotes a harmonious and respectful busking environment considering those that live and work in the City Centre.*
  - *report back to Communities, Housing and Public Protection Committee seeking approval of the Busking Code of Conduct.*
- 3.3 Community Safety has been realigned to the Governance Cluster and the Interim Chief Officer - Governance is now responsible for fulfilling the instructions issued on 23 January 2024.
- 3.4 The Busking Code of Conduct – Proposal Outline which was developed with Police Scotland and shared as part of the consultation process is available in **Appendix 1**. This document also sets out some of the changes that have been made in response to consultation feedback as set out in section 3.11 of this report. These changes have been marked in red.

### **Consultation**

- 3.5 An online public consultation took place from 18 March 2024 to 30 June 2024. The consultation was promoted on the Council's website, social media and the City Wardens engaged with buskers on the street.
- 3.6 There were 222 responses to the consultation. A summary report of the responses is available in **Appendix 2**. Respondents were broken into groups specifically, busker or street performer, resident in the city centre, business owner or employee in the city centre, community council representative, visitor or shopper in the city centre and Other.
- 3.7 It was not mandatory to answer all questions on the consultation. Of the respondents that did answer specific questions, it was noted that approximately:
- 65% of respondents felt busking had a positive impact on the City Centre
  - 50% of respondents were positive that the proposed Code of Conduct would help to create a harmonious and respectful busking environment 14% had neither agreed or disagreed and a further 23% disagreed
  - 50% of respondents were positive the Code of Conduct would protect the rights and interests of buskers, residents, businesses and visitors 11% neither agreed or disagreed and a further 27% disagreed
  - 39% of respondents were positive the Code of Conduct would enhance the cultural vibrancy and attractiveness of the city centre 16% neither agreed or disagreed and 31% disagreed.
- 3.8 Respondents were offered the opportunity to make comments and suggestions as part of the consultation. Through the comments section, respondents expressed some mixed sentiments towards busking, with many supporting the

cultural vibrancy it brings while advocating for clear guidelines and enforcement to ensure harmony. Reoccurring comments suggested that resident, business and visitor groups found that busking volume to be excessive which included performances during the day and night time periods. Other suggestions included increasing the amount of busking areas in the Code of Conduct with reoccurring suggestions to include the Green, Union Terrace Gardens and Guild Street. There were also requests to extend the operational time, although there were comments from residents regarding the impact of late night noise from busking.

- 3.9 Approximately 40% of those that answered that they disagreed, made comment/suggestions relating to the permitted busking operating times and/or the locations.

## **Conclusion**

- 3.10 The consultation has been mostly supportive of the implementation of the proposed Code of Conduct.

- 3.11 Reflecting on the feedback received as part of the consultation some changes have been made to the Busking Code of Conduct:

- Locations – across the respondent groups there is support for an increase in the number of busking areas. Union Terrace Gardens, Guild Street and Belmont Street were frequent suggestions and have now been added to the Code of Conduct.
- Times – residents hold mixed views regarding the busking hours. Conversely, visitors and buskers have expressed a favourable stance towards later performance times. In an effort to address the increased demand during weekends and maintain a balance within the community, the hours have been extended on Fridays and Saturdays until 9pm. This adjustment aims to support the vibrant nighttime economy, while still respecting the earlier weekday times for residents. Therefore, the revised busking schedule will be as follows: Sunday to Thursday from 10am to 8pm, and Friday to Saturday from 10am to 9pm, reflecting a balanced approach that considers the varied interests of all stakeholders.

As outlined in section 3.9 of this report around 40% of respondents that noted they disagreed later went on to make a comment/suggestion about changes to the permitted busking times and/or the availability of locations.

- 3.12 It is recognised that positive street engagement will be key to the success of the Code of Conduct. Aberdeen City Council City Wardens will take a leading role in engagement with buskers in the city centre, providing suitable advice on complying with the Code of Conduct. City Wardens will have the option to escalate any concerns to Police Scotland where the situation potentially requires enforcement.

- 3.13 The need to enforce restriction featured regularly in comments and suggestions during the consultation. Police Scotland have suitable enforcement powers - under Section 54 of the Civic Government (Scotland) Act 1982. Under this Act,

Police Scotland may require a busker to stop performing if such performing gives another person “reasonable cause for annoyance”. Failing to comply with such a requirement is a criminal offence and the Police may report the matter to the procurator fiscal and/or seize the equipment being used. Enforcement is considered to be a last resort with the primary route to address concerns through positive and constructive engagement.

- 3.14 The finalised Code of Conduct will be made available on the Council’s website, promoted via social media with leaflets also produced to support City Wardens’ efforts with their engagement activities.

#### 4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report

#### 5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendation of this report.

#### 6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

#### 7. RISK

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council’s Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified		L	Y
<b>Compliance</b>	Non-compliance with busking code of conduct	City Wardens will be encouraged to engage with busking acts providing suitable advice both verbally and via leaflets.	L	Y

		Where compliance is not achieved through engagement the matter will be escalated to Police Scotland who will assess the proportionality of utilising enforcement powers.		
<b>Operational</b>	No significant risks identified		L	Y
<b>Financial</b>	No significant risks identified		L	Y
<b>Reputational</b>	Potential for negative perception with busking acts	The proposed busking code of conduct has been consulted on publicly  Online content and leaflet content will be worded in favour of encouraging appropriate busking.	L	Y
<b>Environment / Climate</b>	No significant risks identified.		L	Y

## 8. OUTCOMES

<b>Council Delivery Plan 2024</b>	
<b>Impact of Report</b>	
<p><b>Aberdeen City Council Policy Statement</b></p> <p><u><a href="#">Working in Partnership for Aberdeen</a></u></p>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> <li>• Refresh tourism and cultural strategies for the city.</li> <li>• Aim to make Aberdeen a premier destination for festivals, productions, conferences, bands and events.</li> </ul>

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	New integrated impact assessment has been completed.
Data Protection Impact Assessment	Not Required
Other	N/A

## 10. BACKGROUND PAPERS

- 10.1 CUS/24/018 - Update on progress with Busking Code of Conduct – Communities Housing and Public Protection Committee – 23 January 2024.  
[Link to report from 23 January 2024](#)

## 11. APPENDICES

- 11.1 Appendix 1 - Busking Code of Conduct – Proposal Outline
- 11.2 Appendix 2 – Summary of Consultation Responses

## 12. REPORT AUTHOR CONTACT DETAILS

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