

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Communities Housing and Public Protection Committee
<b>DATE</b>	23 January 2024
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Update on progress with Busking Code of Conduct
<b>REPORT NUMBER</b>	CUS/24/018
<b>DIRECTOR</b>	Andy MacDonald
<b>CHIEF OFFICER</b>	Jacqui McKenzie
<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 being undertaken by the Community Safety Partnership to establish a Busking Code of Conduct for Aberdeen City Centre.

### 2. RECOMMENDATION(S)

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 instructs 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 who live and work in the City Centre; and
- 2.3 instructs the Chief Officer – Early Intervention and Community Empowerment to report back to the Communities, Housing and Public Protection Committee on 30 May 2024 to seek approval of a Busking 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 Practice 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 Practice for Aberdeen City". It is proposed that the document be called a "Code of Conduct" and so this terminology is used throughout this report.

- 3.2 Aberdeen City Council and Police Scotland have agreed an outline for the code of conduct and are preparing this for wider consultation. The code of conduct recognises that Aberdeen City Centre is a place where people live and work and that busking can enhance the cultural vibrance of our city and provides a platform for artists to share their talents with the public. The code of conduct is intended to promote a harmonious and respectful busking environment for all in Aberdeen City Centre.
- 3.3 Consideration has been given to measures such as designating suitable areas for busking, the number of acts operating in designated areas, the rotation of performances, time restrictions on the length of performances and times of day performances are permitted.
- 3.4 A review of legislative powers was undertaken to identify the most appropriate enforcement mechanism(s). It was concluded that only 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.
- 3.5 It is recognised that positive street engagement will be key to the success of a 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.
- 3.6 The finalised code of conduct will be made available on the Council's website, with leaflets also produced to support City Wardens' efforts with their engagement activities.
- 3.7 Public consultation on the proposed busking code of conduct will be launched in February 2024, ensuring that city centre buskers, businesses, community councils and residents have the opportunity to feedback on the proposed code of conduct.
- 3.8 Following public consultation, a further report will be submitted to this Committee with the final proposed code of conduct for its approval.

#### **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 recommendations of this report.

## 6. ENVIRONMENTAL IMPLICATIONS

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

## 7. RISK

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.  Where compliance is not achieved through engagement the matter will be escalated to Police Scotland who will assess the proportionality of utilising enforcement powers.	L	Y
<b>Operational</b>	No significant risks identified		L	Y
<b>Financial</b>	No significant		L	Y

	risks identified			
<b>Reputational</b>	Potential for negative perception with busking acts	The proposed busking code of conduct will be circulated for consultation.  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

<u><a href="#">COUNCIL DELIVERY PLAN 2023-2024</a></u>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	<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

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	An Integrated Impact Assessment will be developed as the proposed Code of Conduct is developed and will be completed ahead of the Committee meeting on 30 May 2024.
<b>Data Protection Impact Assessment</b>	Not Required
<b>Other</b>	N/A

## 10. BACKGROUND PAPERS

10.1 None

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Mark Wilson
<b>Title</b>	Community Safety and City Warden Manager
<b>Email Address</b>	MarkWilson@aberdeencity.gov.uk
<b>Tel</b>	01224 067418