

# Code of Conduct for canvassers, sellers, traders, and street performers.

Public Space Protection Order 2024 – Anti Social Behaviour, Crime and Policing Act, 2014





## What is Street Performing?

Street Performing is performing music, dance, speech, street theatre or art in a public space for the purpose of receiving contributions or engagement from members of the public.

Cumberland Council welcomes this because we believe it adds to the wealth of the area and brings an atmosphere to the streets.

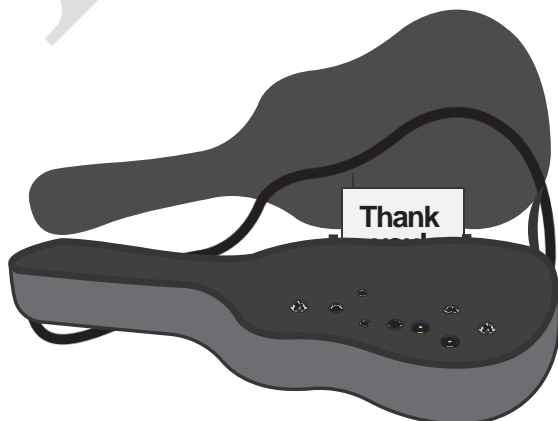
As is normal in the UK, no licence is required to perform, unless you are raising money for a charity, in which case you must hold a valid charity collection permit.

## Why do we need guidelines?

Street Performers are sharing the streets and open spaces with everyone else who lives, works, trades, and takes their leisure in the area. Inevitably there is potential for conflict amongst all the different uses that people make of our areas.

We are confident that any potential conflicts involving Street Performers can be dealt with if Street Performers, local businesses, council officers, Cumbria Police and members of the public engage in constructive dialogue to resolve them through compromise and co-operation. These guidelines aim to reduce the potential for conflict and to support a culture of community, compromise, consideration for others and negotiation.

We acknowledge that most complaints about performing apply to a small number of performers and usually relate to volume, location, terminology being voiced or displayed, repetitive performances, or obstruction. We also know that most issues can be resolved amicably if they are dealt with before they escalate. In most cases a formal complaint will not be needed, and legal enforcement powers can be used, but only as a last resort if there are persistent issues.



## Before you perform:

Whenever you set out to perform on a street, you join an existing community including street traders, shops, businesses, residents, members of the public and other Street Performers. Before setting up, anticipate the impact that your act will have on other users of the space.

Sharing public space and co-operating with others is important when performing. A willingness to compromise and to engage in constructive dialogue will go a long way to resolving any issues. Where possible, introduce yourself to nearby businesses, traders and other users of the space near to where you intend to perform. By letting them know about your performance in advance you will make complaints less likely.

Ask businesses to speak to you directly if they have a problem or need to ask you to make any adjustments to your act. This should establish a good, co-operative relationship between you and the people around you. It also makes it more likely that any future communications will be good natured.

Always be courteous to members of the public, members of the local business community and public officials if someone needs to speak to you. Being calm and polite will go a long way and help promote positive relationships on the street.

## Selecting your pitch:

Take care not to obstruct highways or shop entrances and to allow plenty of space for people to walk past you. If you gather a crowd it is your responsibility to manage the situation sensibly and ensure normal use of the street can continue.

Be aware of the time of day and the nature of the space you intend to perform in and be prepared to change location if your act is unsuitable for that space on a given day.

Always choose your pitch with consideration for other Street Performers. Don't set up so close to them that the noise you make or the crowd you gather negatively affects their act. As a rule of thumb 100 metres is a good space between performers, and if that isn't possible it would be courteous to speak with the existing performer to ensure they are happy with where you plan to set up.

In the interests of community and diversity please consider changing pitch after two hours, or less if you intend to repeat material.

A culture of sharing and swapping pitches with other Street Performers is strongly encouraged in Our areas. Co-operation is a great way of building community spirit on the streets and regular changeovers are part of creating a vibrant performing atmosphere. If there is a performer performing on a pitch you wish to play on, you should politely ask them when they are playing until and if they would be willing to share or swap pitches when they are finished. You can wait for the pitch to become available or agree to come back at a given time but should not forward "book" more than one pitch in advance.

If you are 'sitting' on a pitch (i.e. not performing) and another performer comes along, wishing to play on it, you should let them know when you intend to start performing and they should be free to perform on the pitch until you are ready to start (or they may reach an agreement with you to come back when you are finished).

You should also consider how often you perform in Our areas. Monopolising the limited space available is unfair on other Street Performers and likely to lead to more complaints from businesses and residents. Visiting some of the nearby towns as well will help reduce pressure on the existing pitches and promote diversity of performance.



## How loud should performances be?

It is not possible to be precise about this; there isn't a fixed decibel level. Our areas are full of sounds from many different sources whether it be traffic, music from shops or the noise of crowds.

Often complaints made about performing are about how intrusive a sound is. This is not just about its volume. For example, performances that are repetitive in nature can seem louder than they are and are more likely to cause disturbance. The location, time of day, duration of performances and crowd density are also important factors for consideration.

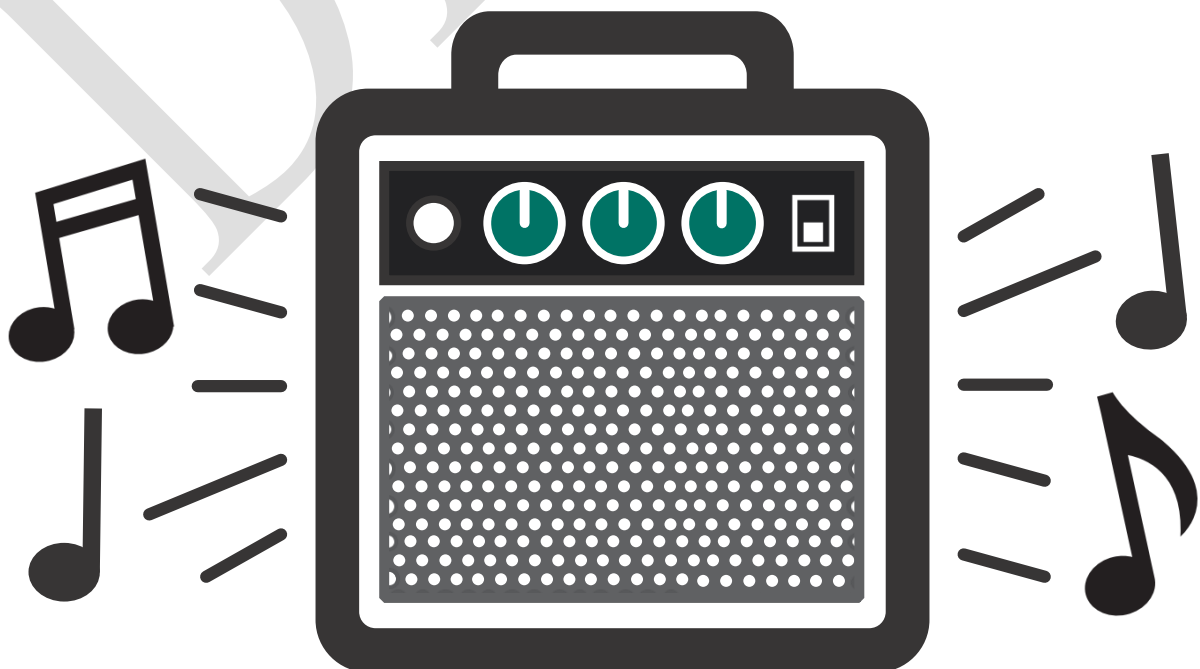
### For Street Performers:

Every pitch has a different acoustic dynamic. Be aware of the acoustic context of the pitch you choose. Turning up the volume can sometimes cause the sound you make to be distorted and unpleasant and may cause annoyance.

As a guide, your level should be just above the level of ambient street noise, but not intrusively so. Noise levels in smaller and quieter places should therefore be lower than on busy thoroughfares with more ambient noise.

Think carefully about the equipment you use. Instruments and amplifiers that are suited to the stage are not necessarily suited to performing. For example, the use of generators and large PA systems is more likely to lead to problems. Remember that the sound from amplifiers and louder instruments can carry further and potentially generate complaints.

As noise from louder instruments can carry further, you should consider the way in which they are played! For example, we recommend using brushes and damping with your drum kit and dampers/mutes with brass instruments.



Make sure that you are aware of your volume. Get someone to help you fix your levels when you set up. Where possible, agree an appropriate level with the businesses around you.

Take regular breaks between performances. Continuous noise, however pleasant, can be experienced as intrusive. Problems can be avoided by a willingness to move between locations and deal respectfully with requests to adjust performances.

We recommend not beginning to perform before 9am, or after 6pm.

If you have a limited repertoire of material, be prepared to move location regularly instead of repeating your performances in the same place.

If backing accompaniment is part of your act it should be secondary and unobtrusive. If you're not actually performing, please do not leave a backing track running.

### **For Businesses, Residents and Public Officials:**

It is in everybody's best interest to have positive relationships with the other users of shared public spaces.

If there is a performer near your place of work or residence and they are causing you a disturbance, make yourself known to them and explain the issue calmly and politely. In most cases the performer may not be aware that they have caused you an issue and will want to resolve it quickly and amicably. This could include adjusting their volume or relocating to another pitch if necessary. When approaching a performer to discuss their work, it is important to wait for a suitable interval in the performance before introducing yourself to them. Interrupting performances is unlikely to lead to a productive dialogue!



## Resolving issues

### For Businesses and Residents:

If you find you are disturbed by noise from a performing performance make yourself known to the performer and politely inform them at a suitable interval in their act. Try to reach a compromise if possible. Could the performer adjust their location and/or volume, or could you both agree a duration for their performance? Feel free to draw a performer's attention to this guidance.

### **Making a complaint about performing should not be your first step.**

If a compromise cannot be reached and an issue remains, contact **INSERT CONTACT DETAILS** and an officer will aim to help resolve the issue as soon as possible. The officer will assess the situation as soon as they are able.

If appropriate, they will ask the performer to amend their performance. Equally, if they do not consider there to be an issue they will let you know this.



### For Street Performers:

If you are approached by a resident or representative of a business who is disturbed by your performance first, consider whether your performance conforms to these guidelines. Try to reach a compromise if possible. Could you adjust your location and/or volume, or could you both agree a duration for their performance? If a compromise is not possible and if you are confident that you are abiding by these guidelines, politely inform the complainant of this and that you are not able to make any further adjustment to your performance (there are several suggested pitches shown on the attached map). Make a written note for yourself of the exchange and what you said in case you are asked about it later. Consider contacting **INSERT CONTACT DETAILS** if you require assistance. This way, the call will be logged and passed to the appropriate officer. It also records how many complaints have been received etc.

Cumberland Council and Cumbria Police are also on hand to assist if you encounter any genuine and serious problems with other performers whilst attempting to follow this guidance.

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## Enforcement:

Where this Code of Conduct is being observed, enforcement action will not be necessary; however, in the event of a complaint that cannot be resolved between a complainant and a performer, a Cumberland Enforcement Officer, or an officer of Cumbria Constabulary may attend to assess the situation. If, after assessment, they judge that the performer's performance is not in line with these guidelines they will ask the performer to amend their performance. If the performer refuses to amend their performance or

has repeatedly been in breach of the guidelines the officer may issue a warning under the terms of the PSPO. This will warn of potential future enforcement action.

Where a performer has already received a warning, officers from the council's Enforcement Team or other appropriate officers may collect evidence for the purposes of enforcement. **Enforcement action will only be taken as a last resort where performers have repeatedly failed to follow this guidance.**

## The Legal Background:

There is a range of legislation covering noise generated in the street. For example, under the Environmental Protection Act 1990, where a statutory nuisance is being caused noise abatement notices can be served. Breaching a noise abatement notice can lead to fines and the seizure of musical instruments and other equipment.

Under the Control of Pollution Act 1974 section 62 no amplification is allowed in any public street after 9pm and before 8am.

The Anti-Social Behaviour Crime and Policing Act 2014 also allows Cumberland Council to act against behaviour that is detrimental to the community, if Street Performers are causing 'genuine and serious' antisocial behaviour, by issuing a Fixed Penalty Notice.

Obstruction of the Public Highway is an offence under the 1980 Highways Act.

By law children under the age of 16 are not allowed to perform in Our areas.





## Performing or street trading?

Performing does not involve a formal sales transaction because donations are given to Street Performers by members of the public on a voluntary basis.

If the provision of goods or service is part of your performing act it must be offered on a voluntary basis and this must be made clear to members of the public. It must also be a secondary aspect of your performing act which means that people should be able to engage with your act/performance without any obligation to donate.

It must be emphasised that any donations made are on a voluntary basis so that the product or service is an extension of the performing act itself and people are not obliged to make any contribution. For example, in some circumstances a member of the public may request a CD without donating. This should be made clear with an appropriate sign. We suggest a wording as follows:

“In order to comply with street trading legislation these CDs (balloons, portraits etc) are not being offered for sale, any contribution you make is voluntary and at your discretion.  
Suggested contribution £x.”

Where the above guidance is observed, and the provision of goods/services is clearly a secondary aspect of the performing performance, enforcement action under street trading legislation will not be taken; however, random audits will be carried out by the Licensing Authority to ensure compliance.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Postcode: \_\_\_\_\_

The above named person has agreed to the terms and conditions of the code of conduct and is of the knowledge that any conditions breached or not adhered to renders the signatory liable to further action including prosecution.

Signature: \_\_\_\_\_

Authorising Officer: \_\_\_\_\_

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