

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, 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.

What is Trading, canvassing, selling of goods etc?

Trading, canvassing, or selling of goods on council land typically refers to the activity of individuals or businesses setting up stalls, booths, or temporary structures on land owned or managed by a local council or municipality for the purpose of selling goods or services to the public.

This could include activities such as setting up a market stall to sell handmade crafts, operating a food truck in a designated area, or engaging in door-to-door sales within a council-designated zone.

Why do we need guidelines?

Street Performers, traders, canvassers etc. 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 those, 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 apply to a small number of individuals.

These usually relate to volume, location, terminology being voiced or displayed, repetitive performances, selling of goods, canvassing, trading, 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 Commence your activity:

Whenever you set out to perform, trade, canvass, sell goods etc 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 set up.

Cumberland Council would encourage you to be courteous to members of the public, members of the local business community and public officials if someone needs to speak to you, It is recommended that you ask businesses to speak to you directly if they have a problem or need to ask you to make any adjustments to your plans. 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.

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/canvass/sell goods in and be prepared to change location if your presence is unsuitable for that space on a given day.

Always choose your pitch with consideration for others. Don't set up so close to them that the noise you make or the crowd/customers you gather negatively affects others.

For performing, 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.

There must be no pressure applied to a member of the public to purchase/donate.

In the event a licensed market is taking place, there will be no authorisation for those wishing to sell goods, canvas, peddle in the defined area of the trading under the market footprint.



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. This advice is generated by open research using material that is publicly accessible through The Musicians Union and Keep Streets Live.

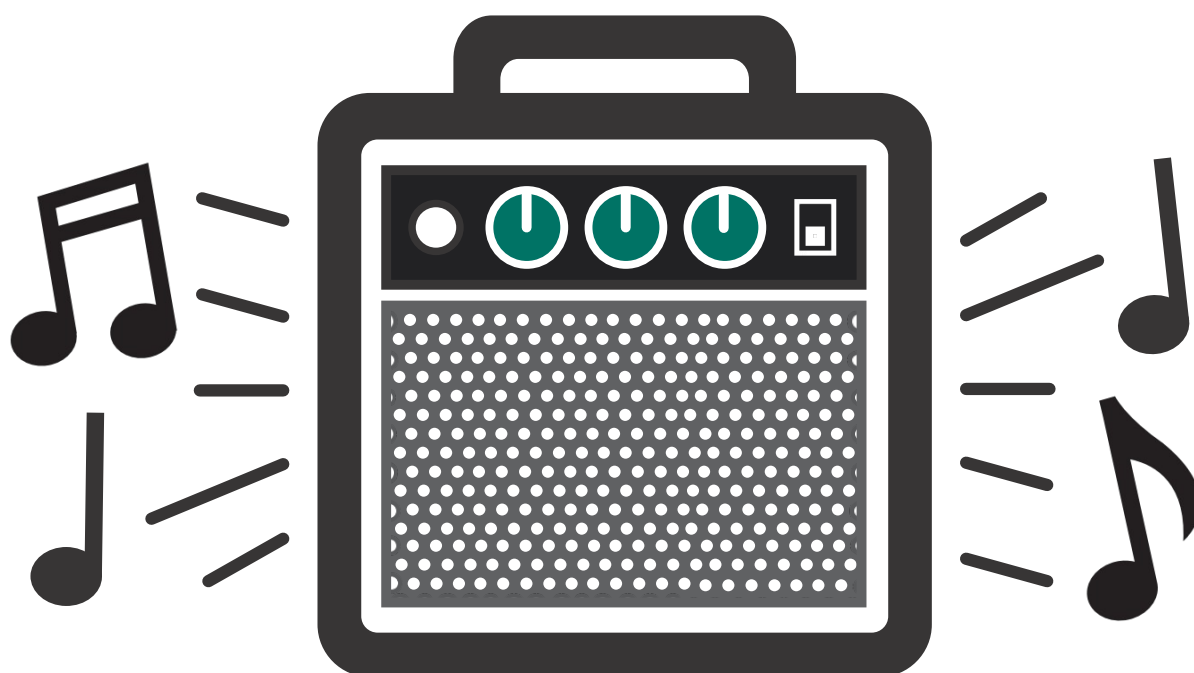
For Street Performers:

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. Cumberland Council draw your attention to keepstreetslive.com for stated guidance on noise levels, as well as the Musicians Union.

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 would like to remind you that It is an offence to use loudspeakers for any purpose in the street at night between 2100hrs and 0800hrs.

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 person 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 person 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 location if necessary. When approaching a person to discuss their work, performance etc, it is important to wait for a suitable time before introducing yourself to them.



Resolving issues

For Businesses and Residents:

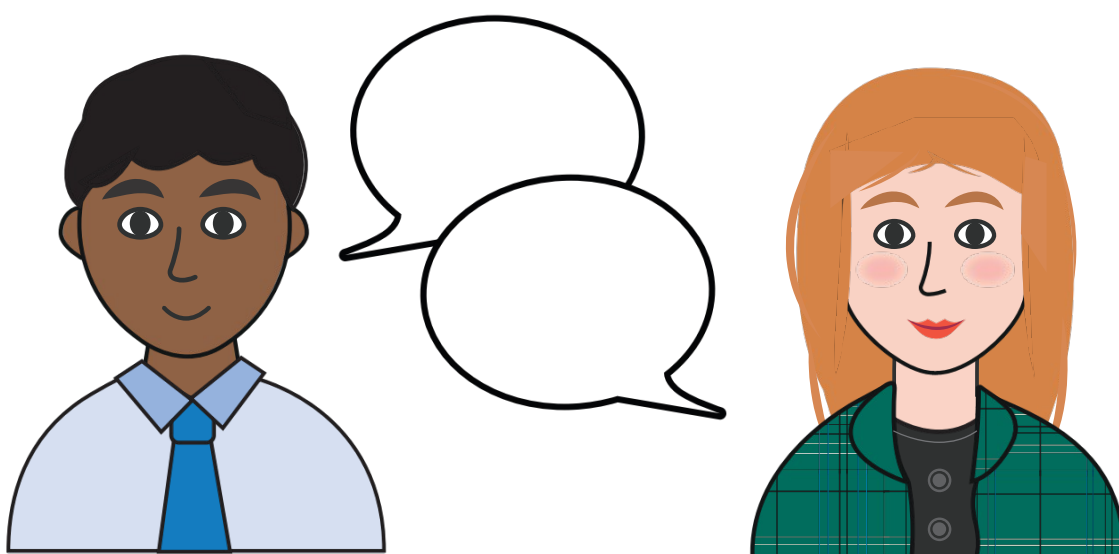
If you find you are disturbed by noise from a performance/trader etc. Make yourself known to the person and politely inform them at a suitable time. Try to reach a compromise if possible. Could the person adjust their location and, if applicable, their volume.

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

If a compromise cannot be reached and an issue remains, contact

PSPO@cumberland.gov.uk 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 intervene and provide advice using this document. 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 PSPO@cumberland.gov.uk 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.

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 the parties, a Cumberland Enforcement Officer, or an officer of Cumbria Constabulary may attend to assess the situation. If, after assessment, they judge that the issue is not in line with these guidelines they will ask the person to adapt and comply with the code of conduct. If the person refuses to amend 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 person 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.**

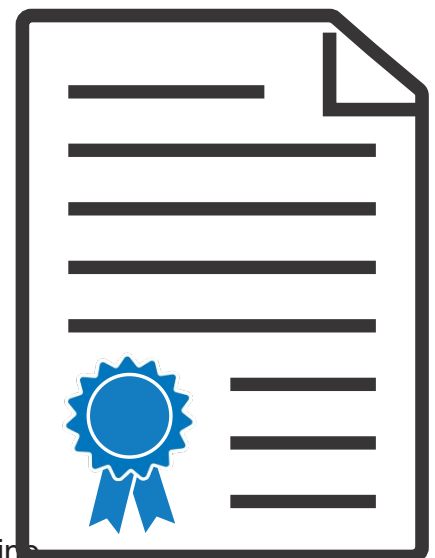
The Legal Background:

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 14 are not allowed to perform in Our areas.



Cumberland Council Public Space Protection Order 2024 (PSPO) ensure the use of open spaces can be enjoyed free from anti-social behaviour, and whilst the aim is to make these spaces enjoyable for all, the Council would like to draw your attention to the PSPO, particularly section 1 (a) Challenging anti-social behaviour by groups or individuals in open and Public Spaces and Car Parks in the district, section 1 (d) d) A code of conduct for Buskers is currently in place, therefore, no person shall breach this by causing a nuisance to nearby premises or members of the public. This will also apply to street performers and includes obstructing the highway, pavement, or shop entrances, or using street furniture including public seats, lamp posts and railings. (Breach of the code of conduct, or, operating without one, will result in a breach of the PSPO.) and finally section 1 (e) e) No selling of goods, no canvassing of services or charities (without prior written consent from the Council, this must be presented to the authorised officer upon request, failure to do so will result in a breach of the PSPO).



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.”

Any individual passing items in return for donation, selling goods on council land, canvassing on council land are included in this Code of Conduct.

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: _____

