

The Anti-Social Behaviour, Crime and Policing Act 2014

Part 4; Section 59

BUSKING AND STREET ENTERTAINMENT PUBLIC SPACES PROTECTION ORDER

PSPO for Zone 1 The Red Zone (restricted and regulated areas)

This Order may be cited as the Royal Borough of Kensington and Chelsea [Public Spaces Protection Order] No. 2 of 2019

The Royal Borough of Kensington and Chelsea (“the Authority”) makes this Order, being satisfied on reasonable grounds that busking and street entertainment activities carried on in the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order (“the restricted and regulated areas”) have had a detrimental effect on the quality of life of those in the locality or that it is likely that that such activities will be carried on in those public places and that they will have such an effect.

The Authority is further satisfied on reasonable grounds that the effect, or likely effect, of those activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by this notice.

The Order shall come into force at Midnight on 15th day of July 2019 and shall have effect for a period of three years thereafter unless further extended by the Authority in accordance with powers under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Restricted Activities

The effect of this Order is to restrict and regulate busking and street entertainment activities within the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order (“the restricted and regulated areas”). In these areas all busking and street entertainment is prohibited with some limited exemptions set out below. The limited exceptions are subject to regulation as further set out below:

Exempt busking and street entertainment in the Red zone:

- Performances of mime, living statue and similar performances, excluding the use of any form of musical or percussive device or instrument.
- Performances of clowning, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of theatrical presentations or other spoken word, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of magic tricks, magician shows and similar performances, excluding singing or the use of any form of musical or percussive device or instrument.
- Performances of juggling with balls, clubs or rings or similar objects but not knives, other sharp objects or live flame (excluding singing or the use of any form of musical or percussive device or instrument).

Regulation of exempt busking and street entertainment in the Red zone:

The effect of this Order is to regulate the exempt busking and street entertainment activities within the public places set out in the maps cross-hatched red and described in the Schedule attached to this Order ("the restricted and regulated areas"):

[1] A performance of busking or street entertainment in any one location must be for no more than 45 minutes in duration.

[2] Once a performance of busking or street entertainment has taken place in a particular location, the individual performers providing that entertainment shall not perform in the same location on the same calendar day. A performance is deemed to have taken place as soon as any entertainment has begun, whether or not the performers make full use of the 45 minutes allowed for the performance.

[3] Buskers and street entertainers shall ensure that each new location is at least 100 meters away from any previous location (that is at least the length of a football pitch).

[4] Busking or street entertainment is only permitted between the hours of 10:00 and 19:00.

[5] Buskers and street entertainers shall not use any amplifiers, loud speakers, megaphones or any similar equipment in their performance.

[6] Buskers and street entertainers shall ensure that sound levels are not intrusive. Sound that prevents or hinders normal conversation taking place 10 meters or more from a performance will generally be considered intrusive.

[7] Buskers and street entertainers shall ensure a full and varied repertoire (avoiding excessive repetition of any song or piece of music).

[8] Buskers and street entertainers shall ensure that performances shall *generally* consist of no more than six performers. Except that in the Purple Regulated Areas the maximum number of performers is limited to three; and in the Red Restricted and Regulated Areas the maximum number of performers is limited to two.

[9] Buskers and street entertainers must have public liability indemnity insurance in place for up to £2 million and must be able to immediately produce evidence of the policy to any person authorised by the Council or the Police or any Police Community Support Officers

[10] Buskers and street entertainers shall ensure that their performance does not cause an unreasonable obstruction to other pedestrians and road users.

[11] Buskers and street entertainers must not sell any goods (such as CD recordings) without the requisite authority from the Council.

[12] Buskers and street entertainers must act on the reasonable instructions given to them by any person authorised by the Council or the Police or Police Community Support Officers in particular where those instructions are based on their assessment that the busking or street entertainment is having a detrimental effect on the quality of life of those in the locality.

Informatives

[1] Busking and street entertainment includes the performance of music, dance, street theatre or art in a public place often (but not always) undertaken with the intention of encouraging members of the public to make voluntary contributions.

[2] Busking and street entertainment does not include:

- any performance that is performed incidental to a religious meeting, procession or service; or
- any performance that is performed as part of a community festival or community event.

[3] Buskers and Street Entertainers should familiarise themselves with the *Guide to Busking and Street Entertainment in the Royal Borough of Kensington and Chelsea 2019*. This *Guide* provides guidance to the restrictions and requirements imposed by this Order and the approach the Council proposes to take towards resolving problems by way of monitoring and enforcement.

Offence of Failing to Comply with this Order

It is an offence for a person without reasonable excuse to do anything that is prohibited by this Order. A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000 at the time of making this Order). A police constable, community support officer or a person authorised by the Royal Borough of Kensington and Chelsea may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence, offering that person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty of £100 within 14 days of the date of the notice (£60 if paid within 7 days of the notice).

Challenging the Validity of this Order

Any individual who lives in the restricted and regulated areas (identified in the maps attached to this Order) or who regularly works in or visits these areas, may apply to the High Court to question the validity of this Order. The application has to be made within a period of 6 weeks beginning with the date on which this Order is made on the grounds that (a) the Authority did not have the power to make this Order or to include particular prohibitions or requirements imposed by the Order or (b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to this Order.

THE COMMON SEAL OF THE ROYAL BOROUGH
OF KENSINGTON AND CHELSEA

was hereunto affixed 12 JULY 2019

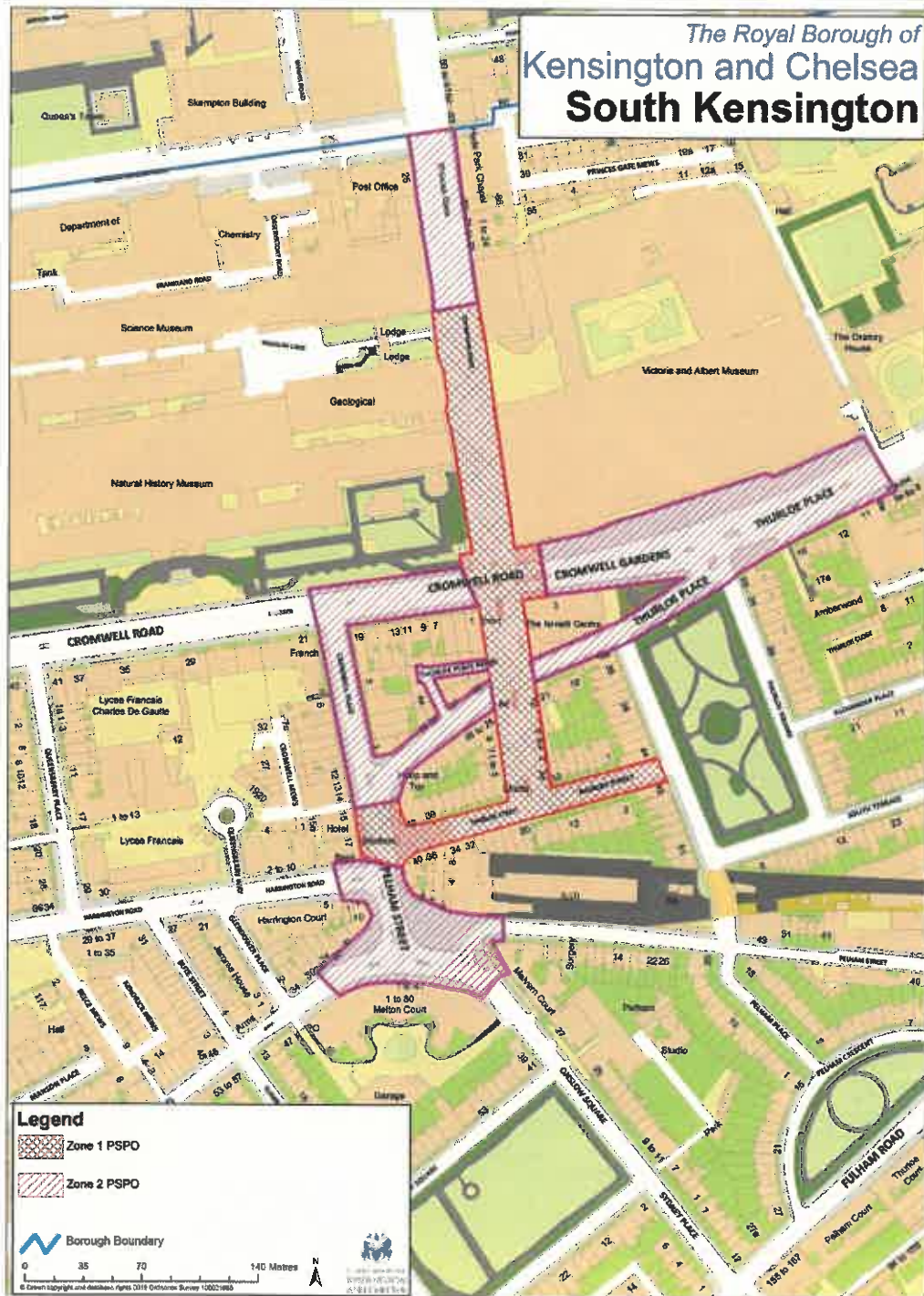
In the presence of



PRINCIPAL SOLICITOR



**MAPS SHOWING THE RESTRICTED AND REGULATED AREAS
HATCHED AND EDGED IN RED**



Handwritten mark resembling the letters 'KE' in blue ink.

The Royal Borough of
Kensington and Chelsea
Hans Crescent



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SCHEDULE OF PUBLIC PLACES HATCHED AND EDGED IN RED

<u>Busking Areas</u>	<u>Zone</u>	<u>Location Description</u>
South Kensington	Zone 1	15 to 17 Cromwell Place entire section, Thurloe Street entire section, Exhibition road from southern most section to junction with Museum Lane north side
Hans Crescent	Zone 1	Hans Crescent junction with Basil Street to junction with Brompton Road and including the whole frontage of 79 to 83 Brompton Road