



# Leisure and Environment Committee

Thursday 18 June 2009 7.30pm

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors M J Brown (Chairman), Miss M N Heath and J J Wilson (Vice-Chairmen), A J Davis, Mrs M T Harnden, Mrs G M Kingerley, M T Kusneraitis, A M Moore, C J Norman and Ms G Warner.

## AGENDA

### Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Administration and Leisure Department, Committee Section, Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: [clare.pinnock@runnymede.gov.uk](mailto:clare.pinnock@runnymede.gov.uk)).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign as a correct record the Minutes of the meeting of the Committee held on 19 March 2009, which were included in the April 2009 Minute Book previously circulated.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. FINANCIAL MONITORING STATEMENT (DF)

(Ref: Minutes of Leisure and Environment Committee, March 2009, page 819, para 568)

1. Purpose of Report

1.1 **The purpose of this report is to inform the Committee of the latest financial projections for the 2009/10 financial year for Leisure and Environmental Services.**

2. Background Information

2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.

2.2 Each statement reflects an updated position based on the 2009/10 original estimates approved by this Committee in January. The Financial Forecast previously approved by Council in December 2008 has now been updated to reflect changes made during the updating of the Council's Revenue estimates.

3. Report

3.1 The statement at Appendix 'A' is split into two parts:

- Leisure services
- Environmental services

Each statement is split into three distinct parts:

- Projected budget and forecast
- Savings still to be delivered
- Current year key budget indicators

3.2 The Projected budget and forecast sections show any anticipated variations in the current year's budget. These variations are categorised as approved changes and other

potential changes. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.

- 3.3 The achievement of the revenue reductions programme is one of the Council's key performance indicators. Savings targets not yet achieved are reported in the second section of each statement. These savings are all incorporated into the projected budget and forecast figures in section one.
- 3.4 The final section sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount expected (the budget) for the period covered by each statement. On the Leisure statement, there is also a set of graphs showing the membership numbers for each Leisure Centre set against their targets for the year.

### **(FOR INFORMATION)**

#### Background Papers

None stated.

7. SERVICE PLAN OUTTURN 2008/09 (DAL/DTS)  
(Ref: Minutes of Leisure and Environment Committee, November 2008, page 449, para 311)
  1. **Purpose of Report**
    - 1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2008/09 Service Plan.**
  2. **Background Information**
    - 2.1 As Members are aware, the Best Value/Best Value Performance Indicator regime has been replaced by a new National Performance Framework and a new set of National Indicators. Obligations under the Local Government Public Engagement in Health Act 2007 have required the Council to co-operate with statutory partners and others in Surrey to create a Surrey wide Local Area Agreement (LAA) with effect from June 2008. In addition, there is a requirement for all Councils to produce a Sustainable Community Strategy (previously the Community Strategy) and this will be used to inform the work associated with the Local Development Framework.
    - 2.2 Against this changing background, a new strategy, planning and performance management framework of Sustainable Community Strategy (and Corporate Plan) and Committee-based Service Plans has been produced. This approach was endorsed at Corporate Management Committee on 30 October 2008, and approved by Council on 18 December 2008.
    - 2.3 The new Strategy is available on the Council's website and a limited number will be published shortly.
  3. **Report**
    - 3.1 Members are invited to note the outturn position on its Service Plan, attached at Appendix 'B'. The newly formatted Service Plan provides a control document for senior managers and the responsible Committees to monitor and review, as well as highlighting where slippage or other difficulties are occurring, and appropriate recovery strategies need to be put in place.
    - 3.2 Attached to the Service Plan are the departmental Equality Action Plans for Administration and Leisure and Technical Services. These cover the period January 2009 to March 2010 and are being revised and updated on an ongoing basis.
    - 3.3 With regard to the Environmental Service Plan, where the National Indicator has not yet been set, this is recorded in the comments column as appropriate.

- 3.4 With regard to Community Safety, the Service Plan draws on the Crime and Disorder Reduction Partnership (CRDP), Action Plan, where relevant. The CRDP is a stand alone statutory task group which reports to the Local Strategic Partnership. It can do work outside the remit of this Committee, so the Service Plan is different to the CRDP Action Plan in some respects.
- 3.5 A number of the targets and objectives for Community Safety are qualitative rather than quantitative.

**(FOR INFORMATION)**

Background Papers

None.

8. ENVIRONMENTAL PROTECTION PLAN 2009/10 (DTS)  
(Ref: Minutes of Leisure and Environment Committee, June 2008, page 75, para 79)

**1. Purpose of Report**

- 1.1 The purpose of this report is to seek Members' approval of the proposed Environmental Protection Plan for 2009/10.**

**2. Background Information**

- 2.1 The Food Standards Agency has produced a framework agreement on local authority food law enforcement. One part of that agreement contains service planning guidance. This ensures that key areas of enforcement covered by the Food Law Enforcement standard are included within local Food Service Plans, whilst allowing scope for flexibility and the inclusion of any locally defined objectives. The requirement to produce a local Food Service Plan came into effect on 1 April 2001.
- 2.2 Similarly, the Health and Safety Commission / Executive has issued guidance under Section 18 of the Health and Safety at Work Act 1974 to local authorities in their capacity as enforcing authorities. This guidance includes a requirement to produce a service plan, incorporating the investigation of accidents and complaints. Local authorities have a duty to act in accordance with this guidance. The requirement to produce a Health and Safety Service Plan came into effect on 1 April 2002.
- 2.3 The Food Standards Agency and the Health and Safety Commission / Executive require a local authority's proposed service plans to be submitted to the relevant Member forum (which is this Committee) for approval to ensure local transparency and accountability. These service plans, and those for Pollution and Public Health, also help to maintain best practice in Environmental Health and up until this year were required to meet certain parameters of the Environmental Health Best Value Performance Indicator 166 which has now been deleted.
- 2.4 A Recycling Service Plan was first introduced in 2003/04 to replace the Council's Recycling Plan which dated back to 1990. It forms part of the Surrey Joint Municipal Waste Management Strategy.

**3. Report**

- 3.1 The proposed Plan for 2009/10, attached at Appendix 'C', will satisfy the requirements of the Food Standards Agency and the Health and Safety Commission/Executive, and Members are asked to approve the proposals contained within the plan.
- 3.2 By approving this Plan, and through other measures taken during the past year, the Council maintained the Best Value Performance Indicator 166 for Environmental Protection at 100% for 2008/09.

**OFFICERS' RECOMMENDATION that -**

**the Environmental Protection Plan for 2009/10, as attached at Appendix 'C' be approved.**

**(TO RESOLVE)**

Background Papers

None.

9. SAFER RUNNYMEDE ANNUAL REPORT 2008/09 (DTS)  
(Ref: Minutes of Leisure and Environment Committee, June 2006, page 60, para 84)

Attached at Appendix 'D' is the Annual report by the Community Safety Manager on the Community Safety operations and activities in the borough. In particular, details of CCTV are reported as required by the relevant Code of Practice.

The Community Safety Manager compiles a wealth of statistical management information throughout the year which can be made available to Members as and when required.

**(FOR INFORMATION)**

Background Papers

None.

10. ALLOTMENTS REVIEW – UPDATE (DAL)  
(Ref: Minutes of Leisure and Environment Committee, September 2008, page 248, para 216)

**1. Purpose of Report**

- 1.1 The purpose of this report is to update Members on progress with the review of allotment provision to satisfy demand.**

**2. Background Information**

- 2.1 At the meeting of this Committee in September 2008 Members were informed of the recent increase in demand for allotments and the duty the Council has to provide sufficient plots to meet demand. Officers were instructed to undertake a review of allotment provision and demand, and to draw up detailed and costed options for consideration. This report provides an update on progress with that review.

**3. Report**

- 3.1 In November 2008 the issue of allotment demand versus supply was discussed with allotment site representatives at their annual meeting with the Council. A number of useful suggestions were put forward and it was agreed to set up a small working group to look at various options in more detail. It is hoped that this group will meet in the very near future.
- 3.2 In addition, Officers have looked at each of the Council's existing allotment sites to establish whether they offer any potential for providing more plots. This included the possibility of creating more plots within the existing boundaries and extending each site. A summary of findings so far is presented below. (The standard allotment plot size in Runnymede is 125m<sup>2</sup>, sometimes referred to as a 5 rod plot; this measurement has been used when assessing the number of plots a site could accommodate below).

Hythe Park Allotments (Egham Hythe)

- 3.3 The Council plans to provide allotments on this site as part of the Hythe Park development, but funding has yet to be identified for this. Officers are in discussion with the Allotments Regeneration Initiative (a partnership between the Federation of City Farms and Community Gardens and the National Society of Allotment and Leisure Gardeners, whose vision is to increase allotment uptake by individuals and community

groups). They are providing advice on how the provision of allotments on this site might be realised and are working with the Council both in terms of reducing the budgeted costs of the project and in sourcing external funding for it. The layout of plots within the proposed allotments is also being revisited with a view to increasing the number provided from 18 to 25 or more.

#### Pinewood Allotments (New Haw)

- 3.4 There is scope to provide up to 8 new plots on this site by clearing a lightly wooded/scrub area. However, the ground in this part of the site is very wet and the drainage would need to be improved. The implications of this, including the cost, need to be investigated further.

#### Sayes Court Allotments (New Haw)

- 3.5 These allotments are leased to the Sayes Court Allotment Association under a self management agreement. Any changes to the layout would therefore need the agreement of the Association. However, it would be relatively straightforward to provide additional plots here by extending the allotments into the adjacent open space (a 10 to 15 metre wide strip would provide up to 10 new plots). It may also be possible to create a few additional plots within the existing site by clearing some trees and scrub.

#### Barrsbrook Farm Allotments (Chertsey)

- 3.6 There is scope to extend this site onto the adjacent open space to the rear of the existing allotments. The size of an extension here would be limited by the presence of existing ground features such as a drainage ditch and trees, but should be capable of providing up to 20 new plots.

#### Thorpe Allotments (Thorpe)

- 3.7 Officers are already looking to create two more plots here by clearing the last remaining areas of bramble on site utilising the allotments revenue budget

#### Stroude Road Allotments (Virginia Water)

- 3.8 It would be relatively straightforward to provide additional plots here by extending the allotments into the adjacent open space. The space available could provide 15 to 20 new plots, but these need to be worked around existing trees on the land, so the final number may be fewer.

#### Boshers Allotments (Egham)

- 3.9 These allotments are leased to the Boshers Allotment Association under a self management agreement. Any changes to the layout would therefore need the agreement of the Association. There is scope to extend onto the Council owned field at the rear of the allotments, providing up to 20 new plots, but this option is complicated by the presence of a public footpath which runs along the back of the site and divides the two pieces of land.

#### Vicarage Road Allotments (Egham)

- 3.10 It may be possible to create up to 5 new plots here by extending the allotments onto a small piece of land behind the tennis courts in Egham Leisure Centre. The Garden Centre which occupies land which was once used as allotments has recently closed and moved off site, so part of this land may also be available for conversion back to allotments. If it were, it could accommodate up to 4 new plots.

#### Hamm Moor (Addlestone)

- 3.11 Once used as allotments, this site has not been used for this purpose for many years. The Borough Valuer is currently looking at whether allotments could be provided in the vicinity of this site in conjunction with other developments in the area.

3.12 The following sites were also investigated but offer no scope for providing additional plots:

Bond Street Allotments (Englefield Green)  
Kings Lane Allotments (Englefield Green)  
Woodham Lane Allotments (New Haw)  
Wendover Road Allotments (Egham Hythe)  
St Ann's Allotments (Chertsey)

3.13 As this review progresses the soil conditions on any land which is to be used for allotments for the first time would need to be assessed to ensure it is suitable for allotment use and that there are no contaminants present. In some cases there may be planning issues relating to the change of use of land and where the proposal is to extend onto public open space, there will also be issues to consider about the potential loss of open space in these cases.

3.14 There may also be issues relating to the environmental impact of some proposals (for example the presence of reptiles could be an issue at Barrsbrook Farm) and environmental impact assessments will be required for some sites.

#### Allotment Holders Questionnaire Feedback

3.15 A recent questionnaire was sent out to all plot holders asking for feedback on the facilities available at the various allotment sites. A total of 144 responses were received from 9 sites (a return of 40%), which provides a good cross section sample of users. The most responses came from Stroude Road and Barrsbrook who together made up 52% of the replies.

3.16 A wide range of questions was asked but some of the key points to come out were:

- 63% had been using an allotment for 2 years or less.
- 7% had been using an allotment for more than 10 years.
- 51% visited the allotment every 4 to 6 days although this may be more frequent in the summer.
- The most important reasons for using the allotment were to grow your own vegetables, exercise/fresh air, meet people and no garden or too small.
- The additional facilities requested included more skips, toilets, water, improved security and more on site maintenance i.e. cutting back of trees.
- The satisfaction levels for the facilities provided were positive. 79% were satisfied with the fencing, 93% with the location, 71% with disability access and 81% thought the allotments were good value for money.

3.17 The general feedback was very positive; however, it is recognised that further improvements could be made to the service. This could come about through any proposals to expand the provision but this is dependent on capital and revenue funding being made available to fund these. In the current financial climate this is likely to be difficult so Officers will continue to look at external options for funding.

3.18 A copy of the feedback figures is attached at Appendix 'E'.

#### 4. Conclusion

4.1 The review is still at an early stage and a great deal of further work is required but the report highlights the options for expanding the allotment provision across the various sites and also the general positive feedback from current users. The next step will be to meet with allotment representatives to discuss these options and also price up the works required, reporting back to this committee later in the year.

**(FOR INFORMATION)**

Background Papers

None stated.

11. BUSKING AND STREET ENTERTAINMENT (DAL)

1. Purpose of Report

1.1 **The purpose of this report is to consider how the Committee wishes to deal with busking and street entertainment in the borough and to recommend a way forward.**

2. Background Information

2.1 The Council currently has no official policy regarding busking and street entertainment by persons or organisations for private gain.

2.2 Persons busking or providing street entertainment for a charitable purpose are covered by the Street Collections and House to House Collections legislation and would, if suitable, be issued with the appropriate permit or licence depending on where their activities were taking place, with the caution that they might still get moved on if they were deemed to be causing a nuisance.

2.3 One such application is being processed at the moment; a gentleman who is planning to play the accordion in Egham High Street in aid of a charitable purpose. He has also been advised to seek approval of the nearby retailer, and if refused, to perform in the tunnel between the High Street and the car park.

2.4 If the Council is served with a legally correct Temporary Event Notice, Officers have no choice but to accept it. A Temporary Event Notice covers entertainment in a particular place and on a limited number of dates.

3. Report

3.1 Each year the Council receives a number of enquiries from people wanting to busk or provide street entertainment in the borough. The requests come mainly from students at Royal Holloway University of London, in Egham, local schools and colleges and musical organisations. Occasionally, enquiries come from individuals wanting to practice their musical or other entertainment skills to an audience.

3.2 Typically, Officers have advised individuals to seek the permission of the relevant retailer before pitching up outside their premises, to not cause a nuisance by blocking the highway (footpath), and to move on if requested to do so either by the retailer, the Police or authorised Council Officer.

3.3 In Runnymede there are no guidelines and no official communication has taken place to either facilitate or prevent the activity. In addition, there is little consistency with other local authorities with whom Officers would like to share best practice.

3.4 Members are asked to consider whether they regard busking and other street entertainers as a legitimate cultural activity, which provides amusement and enjoyment to the public, or whether this activity is viewed as a nuisance which should be discouraged.

3.5 if Members are minded to support busking or street entertainment in principle, it should be clear whether an individual is begging or providing entertainment. For example, Canterbury City Council was experiencing problems with persistent begging by persons who claimed to be busking because they occasionally blew into a penny whistle whilst collecting money. In response that Council introduced a 'Buskers' Charter' which is

currently being consulted on. This seeks to promote legitimate entertainment and deal with crime and disorder issues.

- 3.6 The distinction between busking or street entertainment and street trading is that the busker provides a performance and seeks money in return, whereas the street trader offers an article for sale (e.g. hot food). Members also need to consider whether it is appropriate to make busking and other street entertainment something that should attract a fee, and if so which legislation this could be done under; whether Licensing Act 2003, or 'other licences' provided for under the Council's regulatory function. However, Officers have discovered that charging a fee would not be consistent with the practice of other local authorities.
- 3.7 There is other entertainment that takes place in the borough annually. This includes the Addlestone Town Festival, Magna Carta Day and Black Cherry Fair. These contain elements of street entertainment, street trading and charitable collections and have, hitherto been regarded as exempt entertainment for the purposes of licensing because they cover a number of different activities both commercial and charitable crossing over and between the boundaries of different sets of legislation and have therefore been difficult to define. Black Cherry Fair however does have a premises licence and Temporary Event Notices in place for the beer tent only.
- 3.8 Officers suggest that The Licensing Act 2003 and a system of Temporary Events Notices might not necessarily be appropriate for busking and other street entertainment. The application process and guidance notes suggest that such notices are intended for organised events where other licensable activities are taking place.
- 3.9 Temporary Event Notices can only be granted to individuals and cost £21 each. Up to a maximum of five temporary events are allowed per calendar year, assuming that the individual does not hold a personal licence. Notice of at least ten working days must be given to the relevant authorities before the event. This is extended if a bank holiday is involved.
- 3.10 Events such as Black Cherry Fair are covered by a temporary event notice whereas Magna Carta Day is not. However, if this and other similar events were classed as street entertainment and were asked to abide by a code of conduct there could be greater co-ordination and the Council could retain some form of control and introduce some consistency across the borough.
- 3.11 For buskers and other street entertainers, a fee of £21 per event, if they had to take out a temporary event notice, would be prohibitive and the timescales restrictive both on them and Officers.

#### Policies elsewhere

- 3.12 Officers have talked to colleagues through the Surrey Charity Collections Forum to gauge the different approaches that are taken towards busking across the county; and have looked further afield at small and large authorities, rural and urban to give Members a good picture of how busking and street entertainment are perceived and dealt with.
- 3.13 In Guildford, buskers and other forms of street entertainment are numerous. Members there took the decision to designate specific areas under the Licensing Act 2003 by making these areas have Premises Licences, applied for by the Council so that regulated entertainment could take place therein. Guildford has Premises Licence Town Centre User Conditions with which buskers and other street entertainers have to abide. These cover permitted times, places, amplification of music and conduct of entertainers. Organisers of large events must give details at least 28 days in advance so that suitable provisions can be made to facilitate the event.
- 3.14 In Woking, the Licensing Act 2003 is not used to regulate the activity. Instead buskers are permitted in the Town Square, which is very near to the Council offices. They have to pre-book dates and times and there is a general code of conduct with which entertainers must abide covering similar areas as Guildford's Town User Conditions. In

addition, they require all entertainers to take away any litter/waste arising from the event and not to leave it beside the public litter bins, which could be regarded as fly tipping.

- 3.15 One authority on the edges of Surrey asks buskers to get a licence from the Police and moves on those that do not have one or are causing a nuisance, although it is not clear what powers are used to enforce against non-compliance.
- 3.16 Informal discussion with Officers from Surrey Police suggests that they do not issue buskers' licences. However they did ask whether any analysis had been conducted to evidence any issues relating to problems caused by busking and were unaware of significant instances of busking within the borough. It was questioned whether a policy would be proportionate to the problem. Surrey Police cited legislation that could cover issues arising such as public nuisance, noise, litter and obstruction of the highway. If a policy were adopted Surrey Police felt that Woking Council's guidance seemed appropriate and less restrictive regarding human rights issues.
- 3.17 Bracknell Forest licenses its town centre for entertainment in a similar way to Guildford, and any applications from buskers are dealt with by the Town Centre Manager.
- 3.18 Further afield, Oxford City Council accommodates most street entertainers. They tend to view buskers and the like as a positive enhancement to the street scene as long as they are not causing a nuisance. Up until very recently, they had a clear code of practice with nine designated entertainment areas in the city centre and issued a free 'buskers badge' to permitted buskers which carried their photograph.
- 3.19 However, a recent report from Oxford City Council (10 February 2009) set out problems with enforcement of their code of practice and gave consideration to applying for a premises licence for specific areas of the city centre. It was agreed to contact them for further details, but to date no reply has been received.
- 3.20 In Rotherham, busking is not regarded quite so generously, possibly in response to problems with loud and repetitive individuals which have given rise to a number of complaints from local businesses and the public. Instead, Rotherham has taken the view that busking is not a licensable activity under their own Town Centre Policy and that where noise made by a busker is considered to be a possible statutory noise nuisance by virtue of the Noise and Statutory Nuisance Act 1993 section 2, an abatement notice can be issued by an authorised Officer, should non-compliance with their buskers' policy arise. They can also seize equipment if the busker fails to comply with the abatement notice. Rotherham were in the process of drawing up a Buskers' Code of Conduct to at least regulate the activity, if not actually licence it which is in line with best practice elsewhere. This was to include designating specific areas for such activity.
- 3.21 In London, busking on the London Underground, used to be unregulated and illegal. However, since 2003 it has been licensed through Transport for London, a scheme supported by the Mayor of London and used to promote various campaigns including 'Make Poverty History' in 2005.
- 3.22 Abroad, and in particular Australia and New Zealand, busking is a widespread activity, seen as a tourist attraction and a central part of culture, where professionals are performing in the same arena as amateurs. Some authorities have a comprehensive application process which includes auditioning potential buskers, who then pay for an annual licence.
- 3.23 All Councils that have a busking policy and those that don't have a formal policy to allow authorised Officers or the Police to stop the event if it is causing a nuisance.
- 3.24 It is clear that how busking and other street entertainment is treated varies according to the size and location of the local authority area. Where there is a vibrant street scene and culture of live performance and entertainment, such activities are viewed more positively. An activity that can cause a nuisance if unregulated can become an attraction in itself through working with street entertainers and other bodies to make busking and other street entertainment a cultural part of the town.

- 3.25 In order to find a way forward Officers from the different interested groups met to discuss the issues surrounding busking in an open forum before proceeding any further. It was agreed that a proper definition of busking would be helpful in deciding whether it fell under the Licensing Act and whether busking was 'incidental music' rather than a licensable activity. It was agreed there was a difference between carnivals and similar that clearly contained licensable activities and ad hoc 'busking'.
- 3.26 The DCMS had issued guidance that it was not their intention that busking be caught by the Act, but nothing specific had been issued to preclude it being so; thus different local authorities had followed different patterns and practices particularly where they owned an area of land it was easier to apply a code of practice without using the Licensing Act.
- 3.27 The County Council has stated it has no objection to busking and street entertainment providing there is 'no obstruction of the highway (by either the entertainer(s) or those watching) or danger to any highway users.'
- 3.28 The County Highways Department has also stated that busking is not something the County Council would look to enforce or manage and from the information provided it appeared to them to be a function for district councils. However, Officers were happy to discuss and agree locations for busking in due course.
- 3.29 It was agreed to undertake a consultation exercise to assist the process and inform Members in their deliberations through this report.

#### 4. Consultation

- 4.1 Officers undertook a comprehensive consultation exercise with local organisations, Ward Members, retailers and other interested parties in order to garner feedback and assess what the options might be.
- 4.2 Approximately 400 consultation letters were sent out at the beginning of March 2009 giving a deadline to respond by 22 April. As of 31 May, 107 responses were received which was quite encouraging (27%). A copy of the consultation letter is attached at Appendix 'F'.
- 4.3 Officers have analysed the responses and these are dealt with in the following paragraphs; setting out the questions asked, the responses either way, and specific comments that need to be addressed.

*"Do you have any particular concerns about busking?"*

Yes – 32                      No – 75

*"Do you have any view to buskers or busking in the vicinity of your premises?"*

Yes – 48                      No – 57                      Not Applicable – 2

- 4.3.1 47 of the 48 gave views along the lines of 'Not near my business'. Only one respondent did not actually object to buskers outside their premises.
- 4.3.2 Whilst the majority answered no to both these questions, a significant number of these (approximately 30) raised concerns under 'other issues' which, in effect contradicted their initial response of not having any particular concerns.

*"Have you any suggestions where busking would be acceptable in Runnymede?"*

- 4.3.3 53 respondents gave suggested locations where busking might be appropriate and 9 of these were generally positive and constructive. For example: "anywhere it brings life to the community", "where it is worthwhile for the buskers", "where requested" and "all public areas acceptable".
- 4.3.4 Others made some general comments which can be grouped into 'control issues'. For example: "allocated spots", "where it doesn't obstruct the public right of way", "in an

organised place", "clear pedestrianised areas, tourist spots only", "away from cash points" and the majority replied "in the town centre".

4.3.5 Specific places mentioned as possibly suitable for busking were:

Location	Number of 'votes'
outside railway stations	2
Tesco Car Park, Addlestone	2
the tunnel between the car park and Egham Precinct	3
outside the Council offices	6
Sainsbury Centre, Chertsey	7
Arndale Centre/Egham Precinct area	15

4.3.6 However, all the businesses that responded in Chertsey, Egham and Addlestone (except one), did not want them outside their premises (which includes the locations above and others) and in a further 18 cases the respondees were quite emphatic that nowhere was suitable for busking at all in the borough.

4.3.7 Officers have also given consideration to appropriate locations for busking in the borough and judging from the consultation would suggest that identifying specific pitches is difficult given that nearly all the locations suggested have been objected to by significant numbers of local retailers.

4.3.8 However, if Members wish to pursue this and are minded to 'allow' busking in the borough, Officers would, in consultation with the Highway Authority and other interested parties, give consideration to drawing up a list of specified areas within the streets which are identified as suitable for busking, which would then be subject to further consultation.

4.3.9 *"What other issues do you think are relevant?"*

4.3.10 61 people made comments in this section (46 left it blank or wrote 'none' etc) Members are asked to note that often respondees made more than one comment and two respondees made extensive comments which were very helpful.

4.3.11 The other relevant issues can be categorised quite easily into the following groups:

- Litter – 3
- regulation of buskers - being licensed – 10 (5 said no licence needed)
- Busking = Begging, drain on Council Tax Payers, should be made to pay like street traders have to, taking business away etc – 11
- Obstruction to pedestrians etc – 11
- noise (use of amplifiers, noise generally) – 13
- limits on pitches, time, frequency, number of buskers etc - 15
- Criminality and 'lowering the tone' type comments – 17
- Quality of the buskers needed to be ensured – 17

4.3.12 Inevitably, a small number of respondees (4) used the consultation to air grievances unrelated to busking. For example, Business Rates, Council Tax, traffic wardens, market traders, and or mentioned specific businesses and/or individuals which it would not be suitable to include in this report. Where possible, those who have made such comments have been contacted individually.

4.3.13 In contrast five people made positive comments about buskers bringing a 'splash of colour' and being a good forum to encourage good music making for young people, an opportunity to liven the street scene, bring a 'continental feel' to the area and busking being 'particularly lovely in the summer', especially live music of quality.

4.3.14 There were also specific questions raised as set out below:

4.3.15 How would busking fit in with planned cultural events and would busking be suspended whilst they were taking place. It is envisaged that planned cultural events would take

precedence, and where appropriate they would be covered by the provisions of the Licensing Act 2003.

4.3.16 Could Church Groups go out and sing if they were collecting money for a clear charitable purpose as defined by the Charities Act 2006. It is envisaged they would be issued with a street collections permit as with any other charitable collection. If just going out to sing or perform music to entertain people with no money being involved they would be treated in the same way as busking.

4.3.17 It was asked would there be provision for public speaking areas. However, the problem of finding a suitable venue, as has proven with busking, would be the main issue, closely followed by the nuisance factor to the public and local retailers, and issues of obstructing the highway and more sensitive issues regarding the promulgation of views in public which it would be almost impossible to regulate. However, the Committee may have a view on this which they might like to discuss.

*"May we contact you by telephone or e-mail to follow up your comments above?"*

Yes – 54 (of these 26 gave contact details)

No – 53

4.3.18 Officers have followed up some of the consultation responses where appropriate. The 26 respondees who gave a contact address or other details have been provided with a copy of this report and invited to contact Officers if they have any further queries to be clarified or comments they might like to make.

#### Options

4.4 Firstly, Members need to decide whether they want to encourage regulated, quality busking in the borough, and if so, how does one ensure or measure that quality and in which locations would it be appropriate to assess the feasibility of pursuing this, and if this should be on a trial basis only, as suggested by one Ward Member who responded to the consultation.

4.5 If Members are minded to 'allow' busking there are a number of ways of doing this. If busking and street entertainment were classed as licensable activities under the Licensing Act 2003, it would be necessary to report further on making areas of the borough designated premises for the purpose, and/or require applicants to either have a personal licence or apply for temporary events notices each time they wanted to perform in the borough.

4.5.1 The Council could apply for a premises licences to specific areas of the borough, which if granted, would be valid for life and not require additional maintenance, and then to introduce a second layer of licensing to cover busking and street entertainment under another regime. If the Council were to apply for a premises licence, those either living in the vicinity, or with a business interest would have the opportunity to make relevant representations, and speak at any hearing.

4.5.2 This option does however present potential conflicts between departments where if the Administration and Leisure department applied for a Premises Licence it could then cause problems with who to prosecute if breaches occurred – the licence holder or the busker.

4.5.3 Little evidence has been found to support licensing buskers and street entertainers by way of Temporary Event Notices. In addition, there are insufficient resources or evidence of large scale demand to designate areas of the borough with Premises Licences under the Licensing Act 2003 at this time. Some of the borough's cultural events such as the Addlestone Town Festival and Black Cherry Fair might be unnecessarily restricted were this introduced. However, Officers will continue to monitor the situation and advise Members if the position changes.

4.6 Alternatively, if Members preferred a more low-key and less resource hungry option, where street entertainment was viewed more from a cultural and leisure related perspective, a simple policy could be introduced and would state what the expectations

of buskers were together with the introduction of a voluntary code of conduct (a suggested draft document is attached at Appendix 'G'), so that, in practice, the only actual enforcement action taken would be if buskers or their audience caused a nuisance or obstruction. Buskers could be dealt with on a case by case basis, and exercising some form of control to allay some of the concerns expressed in the consultation exercise.

- 4.6.1 A suitable location would have to be identified and agreed in consultation with Surrey Police and other interested parties (retailers especially).
- 4.6.2 If a 'busking permit' were issued under an informal policy it is important to consider what weight it might have. That said, having general guidance and a code of conduct might be beneficial and could also be publicised on the Council's website.
- 4.7 The third option is not to actively 'allow' busking in the borough through issuing permits, bearing in mind however that there are insufficient enforcement resources to actively move people on. It is also considered against human rights to actually prohibit busking as pointed out by Surrey Police.
  - 4.7.1 The Committee would also need to decide whether consistency with other authorities was desirable.
  - 4.7.2 This third option would in effect be to maintain the status quo on the basis that incidents of busking are low and there is insufficient evidence to suggest there is a problem which needs to be addressed. Enquirers would be advised they are likely to be moved on and that the majority of local retailers have indicated clearly they do not approve of busking.
  - 4.7.3 Five consultees suggested this was the preferred option. They were also concerned that introducing a policy would incur costs and that the Council should not be getting involved in this area anyway unless they were going to enforce it properly through a rigorous vetting and licensing system. It was even suggested that the Council might want to audition potential buskers, but that would not be practicable or a good use of resources.

## 5. Council Policy

- 5.1 'Runnymede – Making a Difference, Runnymede Borough Council's Sustainable Community Strategy 2009-2020' has a principal aim to play an effective role in enhancing the quality of life for residents and visitors and to provide an attractive environment for those who conduct their business in the borough.
- 5.2 Under the section 'Healthier and Safer Communities' of the strategy, the Council aims to maintain clean and safe streets and encourage community activities and events by supporting locally focussed events and encouraging and reinforcing community identity and engagement.
- 5.3 Officers consider that adopting a policy, however informal, that seeks to promote legitimate entertainment and regulate it through a proportionate system of licensing and a voluntary code of conduct is complementary to Council Policy as long as it does not become an industry that diverts Officers from other work.

## 6. Resource Implications

- 6.1 Treating busking under the Licensing Act 2003 could be an additional burden on the Licensing Section and might be financially prohibitive for potential buskers and street entertainers. Members also need to be aware of the negative feedback from the consultation that has already been received and the likelihood of objections being received if this option is chosen.
- 6.2 Should the more low key approach be adopted (paragraph 4.6) it is considered appropriate that Officers within the Department of Administration and Leisure, would administer the system. As individuals sometimes also busk for charity this would sit nicely with the function for the administration of charitable collections with less potential for applicants to fall between departments.

6.3 Maintaining the status quo (paragraph 4.7) has no resource implications apart from officially designating a particular section to deal with enquiries and to refer any complaints onto the appropriate enforcement agency. At the moment enquiries are dealt with largely by Officers in the Committee Section, although the Licensing Section also receives a small number of enquiries.

## 7. Legal Implications

7.1 Members need to bear in mind Article 10 of the Human Rights Act which enshrines the freedom of individuals to express themselves balanced against the rights of peaceful enjoyment of home etc set out in Article 8 of the European Convention of Human Rights.

7.2 At the moment busking could be an obstruction for the purposes of the Highways Act 1980 if performed on the highway without the approval of the highway authority. They would also have to be consulted about the introduction of a busking policy with a view to coming to agreement with regard to licensing activity on the Highway.

7.3 The Council would need to be clear under what powers busking and street entertainment were being dealt and whether any by-laws were relevant and what form of licensing regime were appropriate.

7.4 In some areas of the country a number of buskers now sell their CDs on the street whilst performing. This entails making articles available for sale and is therefore street trading. Runnymede only allows street traders to make applications to undertake street trading in certain areas of the borough under the Local Government (Miscellaneous Provisions) Act 1982. Feedback from Officers and others during the consultation would suggest that buskers should not be exempted from the normal street trading regime, and it is recommended that should busking be permitted they should not be allowed to sell their wares on the street.

## 8. Planning and Technical Considerations

8.1 If a formal busking policy and licensing regime were introduced some thought would have to be given to how it might be enforced and by which department or agency. Feedback suggests that no resources could be easily deployed from any of these departments and the County Highways department and Police have also indicated they would not be involved unless an associated issue of obstruction or crime and disorder arose.

8.2 Other Enforcement and administrative issues might include:

- moving buskers not in authorised pitches
- street trading, on the basis that the sale of CDs etc was not allowed
- noise issues and/or seizure of equipment
- complaints from local retailers and residents
- managing a buskers diary and administration of badges
- potential conflicts between departments where if DAL applied for a Premises Licence it could then cause problems of who to prosecute if breaches occurred – the licence holder or the busker.

9. Environmental Implications

- 9.1 Under the Environmental Protection Act 1990 (as amended), noise in the street may be a statutory nuisance. The code of conduct for buskers and street entertainers makes it clear that if a potential nuisance occurs it could result in the serving of a noise abatement notice.
- 9.2 As far as Officers are aware only one noise complaint about busking has been received in the last three years. This related to a busker in the Precinct, Egham in 2005.

10. Crime and Disorder Implications

- 10.1 Regulated busking and other street entertainment contributes to the development of a safe and enjoyable street scene, thus reducing the potential for crime and disorder.
- 10.2 Unregulated activity would not be welcomed from a crime and disorder perspective.
- 10.3 CCTV could be used for evidence gathering as operated now in relation to unauthorised street collections.

11. Conclusion

- 11.1 The consultation exercise has demonstrated that a small number would welcome busking and are quite passionate about it, there is a relatively small group in the middle who feel nothing either way but there is a significant body that would not welcome busking and also feel very strongly about it. The majority of responses indicated some level of concern with busking in a number of areas if not properly regulated and enforced. However, it is doubtful whether the Council has sufficient resources to enforce a high profile policy and enforcement regime.
- 11.2 It is recommended that an informal policy and Code of Practice be adopted, and that in practice enforcement action would only be taken if a breach, as described in paragraph 7, occurred.

12. Equalities

- 12.1 The impact on staff as service provider and the public, including buskers, will vary and an Equality Impact Assessment (EIA) will be undertaken.
- 12.2 The draft EIA will then be submitted to the Equalities Workshop for approval in due course.

**OFFICERS' RECOMMENDATION that –**

**whilst there does not appear to be a need for a formal 'busking and street entertainment policy', the option at paragraph 4.6 to adopt an informal policy and associated voluntary code of conduct as attached at Appendix 'G', be approved, subject to consultation with Surrey Police and other relevant parties, to be reviewed in 12 months time.**

**(TO RESOLVE)**

Background Papers

Various policies obtained from the websites of other local authorities and e-mailed correspondence with members of the Surrey Charity Collections Forum held on DAL files. Consultation responses held in the Committee Section (part Exempt).

12. PETITION FOR BETTER PUBLIC TOILET FACILITIES IN CHERTSEY (DTS)  
(Ref: Minutes of the Leisure and Environment Committee, June 2006, page 55, para 79)

1. Purpose of Report

- 1.1 **The purpose of this report is to advise the Committee that a petition has been received containing approximately 900 signatures asking for better public toilet facilities in Chertsey.**

2. Background information

- 2.1 On 26 May 2009 a package containing a petition was delivered to the Civic Centre. The signatures on the petition were collected by Mr L Condon of Cowper Close, Chertsey. The petition was delivered with a covering letter from former County Councillor Ray Lowther.
- 2.2 The petition called for "toilets in the shopping centre" in Chertsey and Mr Lowther's letter stated that he agreed with the petition. He said that there used to be two toilets in central Chertsey, one at the old Town Hall and another at the old library site that has since been re-developed. Mr Lowther commented that vandalism contributed to the decision to close the library toilets. Mr Lowther acknowledged that vandalism is generally an ongoing problem and that this results in the frequent closure of the toilets at Sainsbury in the town centre.
- 2.3 Mr Lowther stated that towns in other boroughs provide public toilets despite vandalism and asked for the petition to be reported to the relevant committee.
- 2.4 As mentioned above there are public toilets connected to the Sainsbury store in Guildford Street. The Borough Council owns the site but Sainsburys cleans and maintains the toilets as part of their lease. Unlike more recent supermarket developments the toilets are outside the store and difficult to manage. As a result they are frequently vandalised and they are not often open. The lease does not specifically require Sainsburys to open them.

3. Report

- 3.1 Due to the timing of the receipt of the petition it is not possible to report fully at this Committee meeting. Therefore, a full report will be submitted to the next meeting of this Committee on 24 September 2009.

**(FOR INFORMATION)**

Background Papers

Petition received 26 May 2009, held on DTS file CPM 39.

13. APPOINTMENTS TO LEISURE SUB GROUPS AND LEISURE RELATED EXTERNAL BODIES  
(DAL)

**THE COMMITTEE IS ASKED to consider the following appointments to the Leisure Sub-Groups for the Municipal Year 2009/10:-**

1. **Two Officers** to serve on the **Cabrera Trust Management Committee**. The Management Committee comprises the three Virginia Water Councillors ex officio, and two Officers acting as the Honorary Secretary and Honorary Treasurer for the Trust. The term of these appointments runs from the end of the Cabrera Trust's Annual General Meeting on 17 June 2009 to the end of the said same meeting in 2010. The retiring Officer appointees are the **Director of Administration and Leisure** and the **Director of Finance**.
2. **Two Members** to serve on the **Chertsey Meads Management Liaison Group**, one of whom is usually the Chairman of the Leisure and Environment Committee who chairs the

meetings of this Group. The Group meets twice a year and the next meeting is scheduled to take place on Thursday 10 September 2009. The retiring Members are **Councillors C J Norman and L C Pouyanne.**

3. **Two Members** of the Leisure and Environment Committee to serve on the **Runnymede Arts Development Steering Group.** The Group meets four times a year in July, October, February and April. The next meeting of the Group is scheduled for 30 June 2009. The retiring Members on this Group are **Councillors A J Davis and Miss M N Heath.**
4. **One Member** of the Leisure and Environment Committee to serve on the **River Thames Alliance** which was set up in June 2003 and is a partnership of public and private sector organisations which help manage the future of the non-tidal Thames. There are 81 member organisations in the Alliance which is chaired by David Suchet. The main aim of the Alliance is to implement the Thames Waterway Plan and encourage co-ordinated planning to rejuvenate the River Thames. The next meeting of the Alliance is its AGM in early July. The retiring Member is **Councillor A M Moore.**
5. **Two Members** of the Leisure and Environment Committee to serve on the Joint Waste Strategy Consultative Board. At its meeting in February 2005 the Corporate Management Committee resolved that the Chairman of the Leisure and Environment Committee should be the Member Rep with the Vice-Chairman as Deputy. The retiring Member is **Councillor C J Norman.**

**(TO RESOLVE)**

Background Papers

None.

14. CHERTSEY MEADS MANAGEMENT LIAISON GROUP – MINUTES – 3 MARCH 2009 (DAL)

The Minutes of the meeting of the Liaison Group held on 3 March 2009 are attached at Appendix 'H'.

**(FOR INFORMATION)**

Background Papers

None.

15. RUNNYMEDE ARTS DEVELOPMENT STEERING GROUP – MINUTES – 7 APRIL 2009 (DAL)

The Minutes of the meeting of the Steering Group held on 7 April 2009 are attached at Appendix 'I'.

**(FOR INFORMATION)**

Background Papers

None.

16. EXCLUSION OF PRESS AND PUBLIC

**OFFICERS' RECOMMENDATION that –**

**where appropriate the press and public be excluded from the meeting during discussion of report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.**

**(TO RESOLVE)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)