

# STATES OF JERSEY



## GUIDELINES FOR BUSKING IN JERSEY: PROPOSED CHANGES

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Lodged au Greffe on 21st October 2019  
by Deputy M. Tadier of St. Brelade

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to request the Bailiff to amend the Guidelines for Busking in Jersey to –

- (a) allow amplification;
- (b) waive the permit fee (currently £30) for 2020; and
- (c) remove the requirement, from 2020, that all monies raised from busking during the month of December be given to charity.

DEPUTY M. TADIER OF ST. BRELADE

## REPORT

Under current arrangements, busking remains within the scope of the Bailiff's common law power to regulate public entertainment. In turn, the Bailiff has for some years now delegated to the Jersey Arts Centre responsibility for operating a permit system. The Guidelines for busking in Jersey are attached in **Appendix 1** to this Report.

Following a Written Question from Deputy R.J. Ward of St. Helier in October 2018, I stated that I was "currently reviewing previous relevant policy development work carried out by officials, together with the position in Guernsey – where a more liberal approach to busking and street entertainment is understood to work well – with a view to considering possible options for reform." And that:

In the intervening period, my provisional view has been –

- (a) that the prohibition on using electrical amplification is a blunt tool for controlling noise and one that discriminates against certain types of instruments and musicians. For example, it possible for a brass band, with full percussion to be able to play without amplification, whereas a musician with an electric guitar or keyboard would be unable to play at all;
- (b) that the £30 busking fee might deter or be excessive for occasional buskers, as well as those who busk solely for charity. Given that there [were] only 20 official buskers registered this year, a trial reduction or waiving of the fee might generate more interest; and
- (c) that the fairness and equity of the current obligation on buskers to give all earnings to charity during 'the Christmas period' may be open to challenge.

### **Amplification**

It is quite common for buskers to (need to) use amplification, especially for instruments such as harps, guitars, harmonicas, and for singing. As suggested above, it is a question of musical necessity for some instruments, not least for plug-in keyboards, electric guitars, etc. Whilst an accordion, trumpet and drums are all capable of being heard without additional amplification, many instruments will struggle to be heard without.

Concerns about *general volume* are of course valid, but these do not depend on amplification *per se*.

A sensible approach to take is to mirror the wording in the Guernsey guidelines: **"Music or voice at all of the above sites may be amplified but not to an unacceptable level."**

### **Permit Fee**

2020 is a very special year for Jersey, a jubilee year, when we celebrate the 75th Anniversary of our Liberation. Whilst the key commemorations will be focused in and around May 2020, there are general plans to spread events and entertainment throughout the year. As an Assistant Minister with responsibility for Culture, I would like us to do our utmost to encourage new musicians and artists to take to the street and perform, without having to worry about a fee for next year.

This would be coupled with a *recruitment drive* to publicise the free permit for 2020 and to highlight that Jersey is a busking-friendly Island.

The requirement to pass an audition would still remain in place for new entrants to the scheme, as a quality control.

### **Removal of the December charitable donation requirements**

Jersey is a generous place in terms of its charitable giving, and many performers busk entirely for (charitable) fundraising purposes, whilst others do so from time to time.

As things currently stand, the guidelines require that **all** monies earned in December be given to charity **and** that 15% be given to the joint Christmas appeal. This compulsion is draconian, in my view. It is one thing to encourage charitable giving, and another to compel it.

This said, the changes would only come into force in December 2020, meaning all monies earned in December 2019 would still be given to charity.

**Appendix 1** contains a copy of the guidelines as they currently stand.

**Appendix 2** contains WQ.178/2018 and **Appendix 3** contains WQ.131/2019, both questions asked of the Minister for Economic Development, Tourism, Sport and Culture by Deputy R.J. Ward of St. Helier.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this proposition.



Jersey Arts Centre, Phillips Street, St. Helier JE2 4SW  
 Tel: 01534 700400  
[www.artscentre.je](http://www.artscentre.je)

## GUIDELINES FOR BUSKING IN JERSEY

Issued by the Jersey Arts Centre – January 2019

It is a legal requirement that those busking in the island obtain a permit, which is to be issued by the Bailiff. The Jersey Arts Centre is responsible for administering the application process for busking permits. This document explains how to apply for a permit and gives guidelines to assist in the continued smooth running of the scheme.

### PERMIT APPLICATION PROCEDURE

All applicants should read the following guidelines

#### New Applicants

Complete this form and send to Hettie Duncan, Education & Outreach Coordinator, Jersey Arts Centre, Phillips Street, St. Helier JE2 4SW or [hettie@artscentre.je](mailto:hettie@artscentre.je). You will then be contacted to arrange a time to attend an informal audition to ensure the content and quality are suitable for public performance.

#### Audition

Please bring payment of £30 and a passport sized photograph. Following a successful audition and payment of the permit fee, your application will then be forwarded to the Bailiff's Chambers. If everything is in order, the Bailiff's Chambers will send you the permit.

#### Performers in possession of a permit that expires 31 December in the year of issue

Complete this form and return with payment and a recent passport sized photograph and send to Hettie Duncan, Education & Outreach Coordinator, Jersey Arts Centre, Phillips Street, St. Helier JE2 4SW or [hettie@artscentre.je](mailto:hettie@artscentre.je). There is no need to re-audition if you have completed one previously.

**It usually takes a minimum of 10 working days to obtain a Permit. No busking / entertaining is permitted until you are in receipt of your Permit.**

### PERMIT ENTITLEMENT

The Busking Permit entitles you to busk from 1 January – 31 December in the year of issue, island wide (with a few exceptions). However, for the Christmas Period all money raised must go to Charity, of which you must donate a minimum of 15% to the Joint Christmas Appeal, the remaining 85% can be to a charity of your choice. During this period the Jersey Arts Centre will control locations and times for Busking and will write to you later in the year.

The permit entitles you to busk around the island. Popular sites include:

#### St. Helier

- Don Street Junction near USC
- The Apple Crush in front of M&S (NOT in the doorway to the right)

- Corner of Bath Street and Queen Street
- Outside the Exeter Pub
- Pedestrian area in Colomberie
- West Centre
- Liberation Square
- Parade Gardens
- Paved area outside Maritime Museum
- Paved area surrounding the Steam Clock
- Les Jardins de la Mer
- Millennium Town Park

Grouville

- Gorey Harbour / around bus stop (not the pier)

St. Brelade

- Area around St. Aubin's Parish Hall
- Winston Churchill Gardens

Other

- Busking may be performed at other locations provided that any residents or shopkeepers do not object and that all guidelines are observed.

**Please note:** The Royal Square should be avoided due to the Royal Courts, States Sittings and the Registry Office. However, it can be used 6pm – 9.30pm.

**Busking is NOT permitted:**

- Near Pearce Jewellers
- Outside Voisins
- Liberty Wharf
- On private land without permission of the owner
- At organised events without permission of the event organiser
- Please DO NOT busk outside Hammons or Rivoli Jewellers during office hours (Mon - Fri 9am - 5pm)

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**PERFORMANCE GUIDELINES**

- No performance may contain anything that could be considered offensive by the public.
- Due consideration must be given to those living or working near popular busking sites. For this reason it is a requirement that you do not perform for more than 30 minutes at any one site before moving on, particularly in the centre of town. Buskers should not return to a site within 1 hour and should ideally never busk within 30 minutes of another busker vacating a site. In other areas, especially those well away from residential and commercial property, these times are a little more flexible. However, when busking at any location you are asked to show consideration for others.
- The use of amplified musical instruments or sound systems is not permitted.
- Please ensure that you do not obstruct doorways, thoroughfares or shop window displays and be sensitive to alfresco dining areas in town.
- Occasionally there will be groups scheduled by Jersey arts centre and other organising bodies to appear at a particular location at a specific time; please recognise this by vacating any such sites if requested.
- Applicants under 17 must be accompanied by an adult when performing, for their own safety.
- When busking you should not use, rearrange or block from use any street furniture.
- The most current version of Buskers' Guidelines are always available on request from the Jersey Arts centre, Phillips Street, St. Helier JE2 4SW

## **BAILIFF'S PERMIT**

All Permits for Busking are issued by the Bailiff.

- If a permit is issued, you will be able to entertain for remuneration from the public as well as sell recordings of **your own** (and only your own) performances.
- The permit allows busking from 9.00am until 9.30pm, daily.
- A permit may be refused or may be withdrawn on the request of the Bailiff or the Jersey Arts Centre – no refund will be issued.
- **Only those whose names (or Group) are specified on a permit are allowed to entertain.**
- **The Permit is not transferable.**
- The laminated Permit **must** be displayed in a visible place at all times when performing.

A copy of your Bailiff's Permit will be circulated to the States Police, the Town Hall and other relevant official bodies. Your Bailiff's Permit (in addition to your laminated permit) should be available upon request from any official.

Management of the Permits is facilitated by the Jersey Arts Centre to ensure the co-ordination and circulation of performers' details are given to the relevant authorities in the Island to ensure the smooth running of the busking scheme.

Where performers have given their approval, the Jersey Arts Centre may also circulate details of performers to local event organisers who may be seeking artists for private function. However, participants need to have given their permission on the application form for their details to be included on this database.

## **PERMIT FEE**

There is a fee of £30 to cover the costs of the scheme.

- All Cheques should be made payable to the **Jersey Arts Centre Association** and accompanied by the attached Permit Application with new photograph. Payment can also be made at the Box Office. Payment is required only after a successful 'audition'.

Please note that no refunds will be given in the event that a permit is no longer required or if it is subsequently withdrawn.

The fee does not include any Performing Rights Society (PRS) payments or Public Liability Cover; both of which are the responsibility of the Busker.

For further information contact Hettie Duncan, Education & Outreach Coordinator at the Jersey Arts Centre on 700419 or by e-mail at [hettie@artscentre.je](mailto:hettie@artscentre.je)



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**APPLICATION FOR BAILIFF'S BUSKING PERMIT – 2019**

Name of Performer making application: .....

Name of Group / Band (if applicable): .....

Full Name(s) of each participant in the Act, who must also be available for the audition:  
 .....

Brief Description of Act – for musical acts, please state the style of music and instrument(s):  
 .....

An idea of the days and times you intend to perform:  
 .....

Main Contact Address:  
 .....

Telephone No.  
 Daytime:.....Evening:.....  
 Mobile:..... E mail address.....

Have you obtained a Buskers' Permit in previous years YES – Number \_\_\_\_\_ / NO

Are you happy for the Jersey Arts Centre to pass your name, phone number and address on to other people / organisations who may be looking for entertainment for events etc? YES / NO

I have read the "Guidelines for Busking in Jersey (2019)" and I am happy to comply with these terms if I am issued with a permit. I understand that my failure to comply with these guidelines may result in the withdrawal of the permit.

Signature:..... Date:.....

Please return, with fee attached, to: Payment by Cheque "Jersey Arts Centre Association"	Hettie Duncan, Box Office, Jersey Arts Centre, Phillips Street, St Helier. JE2 4SW  Tel: 01534 700419 E mail: hettie@artscentre.je
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Office Use:  
 Application Received \_\_\_\_\_ Auditioned \_\_\_\_\_ Permit Issued \_\_\_\_\_



**WRITTEN QUESTION TO THE  
MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND  
CULTURE  
BY DEPUTY R.J. WARD OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 9th OCTOBER 2018**

**Question**

What consideration, if any, is being given to amending the current provisions for busking (particularly in relation to amplified instruments) with regard to reducing or abolishing the license fee and to allowing buskers to keep their earnings during December?

**Answer**

Busking remains within the scope of the Bailiff’s common law power to regulate public entertainment. In turn, the Bailiff has for some years now delegated to the Jersey Arts Centre responsibility for operating a permit system. Guidelines for busking in Jersey are available from the Jersey Arts Centre.

In his capacity as Assistant Minister for Economic Development, Tourism, Sport and Culture, Deputy M. Tadier is currently reviewing previous relevant policy development work carried out by officials, together with the position in Guernsey – where a more liberal approach to busking and street entertainment is understood to work well – with a view to considering possible options for reform.

In the intervening period, the provisional view of the Assistant Minister is –

- (a) that the prohibition on using electrical amplification is a blunt tool for controlling noise and one that discriminates against certain types of instruments and musicians. For example, it possible for a brass band, with full percussion to be able to play without amplification, whereas a musician with an electric guitar or keyboard would be unable to play at all;
- (b) that the £30 busking fee might deter or be excessive for occasional buskers, as well as those who busk solely for charity. Given that there are only 20 official buskers registered this year, the Assistant Minister considers that a trial reduction or waiving of the fee might help establish whether a lower fee would generate more interest; and
- (c) that the fairness and equity of the current obligation on buskers to give all earnings to charity during ‘the Christmas period’ may be open to challenge.”

**WRITTEN QUESTION TO THE  
MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND  
CULTURE  
BY DEPUTY R.J. WARD OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 12th MARCH 2019**

**Question**

With reference to the answer to Written Question 78/2018, can the Minister state what progress has been made with updating current busking permissions?

**Answer**

Busking remains a matter for the Bailiff exercising common law powers.

However, as outlined in previous answers given on the matter, it is an area of interest for the Assistant Minister, Deputy Tadier, who has outlined the potential for some changes to the busking guidelines, particularly in relation to Christmas busking and amplified music.

The Assistant Minister has held discussions with the Bailiff’s office who currently manage the administration of busking with the support of the Jersey Arts Centre, under the remit of public entertainment.

He has also met separately with the Arts Centre director to discuss possible changes to the guidelines.

Discussions are continuing with the Bailiff’s Office to determine what changes might be made as well as what steps could be taken to facilitate and promote busking and street entertainment. This will also involve discussions between the Assistant Minister and other stakeholders, including the Parish of St. Helier.”