

REQUEST FOR MAYORAL DECISION – MD1501

Title: BUSK IN LONDON

Executive Summary:

Approval is sought to continue developing Busk In London – London’s new street performance scheme. Busk In London has been successfully launched by the Mayor, the agreed external income has been secured and a new website, Busking Code of Conduct and network of busking pitches have been created. Plans for the next phase of the website, a National Busking Day and a new Busking Festival are well advanced and several important partners including TfL, Network Rail, and Ticketmaster have been secured.

Decision:

The Mayor approves:

- Expenditure of up to £120,000 on the Busk in London Programme
- The receipt of and expenditure of external income for Busk In London

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:

Date:

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Busk In London is a GLA led, digital initiative to support and promote street performance, ensuring London retains its position as the world's leading creative city.
- 1.2 This pan-London scheme was launched by the Mayor on 23 March 2015 and has started to turn around London's failing busking scene and bring great street performance back to London.
- 1.3 The following features of Busk In London are now operational:
- A management team to develop street performance across London
 - A new website, including an interactive map to help street performers access busking locations across London, plus information to help them perform responsibly
 - London's first Busking Code of Conduct to replace the current patchwork of approaches. 11 boroughs have agreed to adopt the Code to date
 - A team of Busker Liaison Representatives who are working with performers and land owners to resolve problems and implement the Code of Conduct
 - A network of locations where street performance is actively promoted; and
 - Gigs (the Mayor's young buskers competition) opened for entries on 23 March
- 1.4 The following features will be launched on 18 July:
- A new Busking Festival to showcase top talent from around the world
 - A high profile marketing and PR campaign to engage performers and audiences, including a new National Busking Day; and
 - Mobile-optimised busker profiles that engage audiences and generate new income for performers

Update on income

1.5 Sponsorship

- 1.5.1 To date, three organisations have agreed to sponsor Busk In London and Gigs in 2015/16. This totals £80,000. The contracts are currently being finalised and are expected to be signed by mid-May. We are in negotiation with other brands to become the headline sponsor – updates will be provided via monthly dashboards.

1.6 Services

- 1.6.1 Several land and property owners have confirmed that they want Busk In London to provide them with services. Contracts are currently being negotiated and are expected to be signed by mid-June. This is expected to total £161,500.
- 1.6.2 Services include: advice on pitch locations and operation; adding pitches and pitch guidance to the Busk In London digital map; promoting their busking locations to performers; auditions for busking schemes on private property; busker liaison, hosting forums and community building; training wardens and other frontline staff; producing guidance and issuing the Code of Conduct to performers on site; dispute resolution; Busk In London Festival and Gigs activity including fully programmed performance schedules and managed performance sites.

1.7 Other income streams

1.7.1 In addition to the income set out above, a further £76,000 is expected from land and property owners or a headline sponsor in Autumn 2015 / Spring 2016, on the back of this summer's publicity and marketing. Sponsorship and service agreements have proven to be the most fruitful income streams to date. Securing and renewing this business will remain a priority. Other income streams that will be developed further during the off-season (winter 2015) include:

- Sales of the Busk In London model (website and management approach) to other cities. At least two other UK cities are currently interested; and
- Merchandising

1.7.2 There is no plan to charge buskers to use the service.

1.8 Update on expenditure

1.8.1 Busk In London has proven popular and successful. Expenditure and income has increased from the original projections. These increased costs have leveraged greater in-kind support as well as cash income.

1.8.2 The cost increase has been in:

- Securing partnerships and sponsors. These have proven more complex and time consuming than anticipated due to the culture shift we are asking boroughs and landowners to undertake;
- Busker community relations has also required greater resourcing in order to ensure that a voluntary approach will be successful and reduce the need for costly enforcement; and
- Finally, marketing and media costs are slightly higher than originally planned due to sponsor and partner requirements and the need to engage large numbers of performers in the programme.

1.8.3 It is expected that these up-front costs will reduce as the programme beds in.

1.9 Management

1.9.1 Busk In London and Gigs are being delivered by Found In Music, a consultancy that was competitively procured. They are working closely with the GLA Senior Cultural Strategy Officer – Music. The contract ends in September 2015.

1.9.2 An OJEU tendering process is about to commence to procure a consultant to continue delivering the programme from October for up to 3 years. Additional seasonal freelance staff are being procured to support delivery of the Busk In London Festival and Gigs.

1.9.3 A sponsorship consultant has been procured on a commission only basis to secure brand partners for Busk In London.

1.9.4 In addition to the core management team, a number of buskers will be employed on a freelance basis to act as Busker Liaison Representatives.

1.10 Website

1.10.1 Phase 1 of the website launched on 23 March. However, due to the number of new and untested features being developed for the website, we agreed with the developer to revise the timeline of the website build. Consequently, a GLA budget carry forward request has been submitted for consideration in order to complete the website by summer 2015 (the full suite of Phase 2 features is expected to launch on 18 July).

1.11 Festival and Gigs

- 1.11.1 The Busk In London Festival and Gigs will be delivered from 18 July to 9 August, with the Gigs Grand Final taking place on Sunday 6 September. They will be run by the same management team and via www.buskinlondon.com. Gigs will showcase 11-25 year old musicians for three weeks, whilst the Festival will take place at weekends and showcase the full range of street performance, covering circus, magic, living statutes, dance, music, art and street theatre acts of all ages. They will take place at iconic locations around London. Gigs will continue to carry Mayor of London branding and will be officially billed as a 'Mayor of London Presents' programme. Both events will be launched on National Busking Day which will see cities around the UK creating special pitches to give the public chance to busk. At the heart of National Busking Day will be a big busking party on Trafalgar Square, opening up the Square to managed, quality street performance for the first time. Auditions for the London Underground Busking Scheme will also take place as part of the Festival.

1.12 Monitoring

- 1.12.1 The Senior Cultural Strategy Officer (Music) takes day-to-day responsibility for the delivery of Busk In London and manages all staff and consultants. Monitoring takes place through monthly dashboards, the Mayor's Busking Taskforce, monthly steering group meetings (Mayoral Advisor, Head of Culture, Assistant Director and the project team) and weekly Project Team meetings.
- 1.12.2 Performer, audience and location partner feedback will be gathered from summer 2015.

1.13 Budget

| Projected expenditure, 2015-16 | Amount |
|--|-----------------|
| Programme management | £220,500 |
| Website, marketing, design, filming | £185,000 |
| Busk In London Festival and Gigs production costs | £186,500 |
| Research, development and contingency | £20,000 |
| TOTAL | £612,000 |
| | |
| Projected funding, 2015-16 | Amount |
| GLA funding – approved budget for Busk In London | £120,000 |
| GLA funding – approved budget for Gigs 2015 (MD1316) | £131,000 |
| GLA carry-forwards (website build and songwriting masterclass) | £40,000 |
| Other income (sponsorship and services) | £321,000 |
| TOTAL | £612,000 |

- 1.13.1 Busk In London will continue to operate within the GLA on a cost recovery basis in accordance with the powers in Section 93 of the Local Government Act 2003 (see Legal Comments for further detail). The GLA will cover its costs by generating income by providing Busk In London products and services and so reduce its reliance on public funding. As and when it becomes clear that Busk In London has become self-financing and has the potential to operate on a commercial basis, it is proposed to set up as a company and operate in accordance with the provisions of section 95 Local Government Act 2003.

2. Objectives and expected outcomes

2.1 Objectives:

- 2.1.1 The objectives of the Busk In London Programme are to:

- simplify busking in London by: creating a partnership of major land and property owners, including LAs, TfL and private companies; providing a comprehensive online resource at the Busk In London website; implementing of a single 'best practice' approach to busking across London.
- increase the amount of high quality public entertainment across London
- support performers through a simplified approach to busking, increased profile of street performance and new ways to generate audiences and income
- achieve a self-financing scheme within three years of initial start-up

2.2 Outcomes

- 2.2.1 Busk In London will turn London into the world's biggest stage, nurturing talent and providing quality, free entertainment that is accessible to the 15 million people who live in London's metropolitan region and London's 17 million annual visitors.
- 2.2.2 Busk In London aims to transform street performance in London, tackling the current patchwork of confusing rules and regulations and supporting:
- **Businesses and local authorities** - provision of live performance in public spaces
 - **Transport providers** – provision of live performance in transport hubs
 - **Tourism sector** – ensuring London continues to surprise and delight with live performance; and
 - **Performers / creative industries** – nurturing talent, creating a world-leading platform to profile talent, and providing digital infrastructure to create new income streams for performers
- 2.2.3 The outcome of the programme are:
- 500 performers have signed-up at www.buskinlondon.com
 - 500 performers have been given access to new performance locations
 - A cost-effective service to promote busking, attract performers and tackle anti-social busking has been provided to 5 location partners
 - 10 boroughs and private landowners have adopted the Code of Conduct
 - 500 performers have been supported through advice, workshops and resources
 - 250 buskers have benefited from new income streams
 - 15 new locations have been agreed where street performance is actively promoted
 - 10,000 people have visited the Busk In London website
 - £321,000 of external income has been raised

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, as a public authority, the Mayor must have "due regard" to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only). The current proposals have no equalities impacts.
- 3.2 Busk In London will comply with GLA recruitment, HR and procurement processes to ensure equality and fairness. Busk In London will adhere to accessibility best practice for print, website and other means of communication.

- 3.3 Busk In London will provide the public with access to free, high quality live performance in accessible locations. The GLA will take into account the potential for noise and nuisance, including the potential distress for members of the public with certain hearing conditions, when devising the scheme. Busk In London aims to be accessible to disabled performers and audiences and will seek support and advice from Attitude is Everything.

4. Other considerations

Key Risks and Issues:

- 4.1 Busk In London is a scalable initiative. To mitigate risk, delivery will be carried out in phases with additional products and services being introduced once income has been secured. All contracts will contain suitable break clauses with payments attached to milestones (e.g. securing external income).

| | Risk description | Mitigation / Risk response | Current probability (1-4) | Current impact (1-4) | RAG | GLA risk owner |
|----------|---|---|----------------------------------|-----------------------------|------------|-----------------------|
| 1 | Performers don't subscribe | Promotional activity to be carried out via existing busker networks, universities, schools and colleges. Press and media campaign in planning. | 1 | 3 | G | Culture Team |
| 2 | Location partners don't subscribe | Regular review of feedback from partners on services and pricing structure. Work to build branding rights for sponsors into location partner contracts in order to minimise costs to location partners. | 1 | 3 | G | Culture Team |
| 3 | Sponsors cannot be secured | Busk in London is not reliant on any one income stream. If sponsorship cannot be secured immediately other income streams will be prioritised. | 1 | 3 | G | Culture Team |
| 4 | The website technology is more costly than expected | Phase the delivery of web features, testing and refining before commissioning new features. This allows time to secure income. | 2 | 2 | G | Culture Team |
| 5 | Insufficient Marketing Resource | Subsequent functions being added when income has been secured | 2 | 2 | G | Culture Team |
| 6 | Insufficient Marketing spend for 'high profile campaign'. | Subsequent budget being added when income has been secured | 2 | 2 | G | Culture Team |

4.2 Continuing investment and exit strategy

- 4.2.1 It is anticipated that Busk In London will be self-sustaining during Year 3. Decreasing GLA funding will be sought in 2015-16, 2016-17.
- 4.2.2 Should income not be leveraged, Busk In London can be scaled back in various ways with non-income generating activities being suspended and the management function being scaled-back or brought in-house by the GLA. In this circumstance, the branding and marketing would need

to revert to being in line with Mayor of London brand and web guidelines. The following options will ensure minimal reputational damage and financial risk to the GLA:

- Busk In London website is merged with GLA website and continues to provide basic information about busking in London including the new Busking Code of Conduct. It will continue to ensure a more consistent approach across London and provided easy access to information in one place.
- Another provider takes over Busk In London and operates independently of the GLA.
- The annual Busk In London festival could be operated as a standalone event and if required it could be scaled back or stopped.

4.3 LINKS TO MAYORAL STRATEGIES

4.3.1 In addition to the Mayor's Statutory Cultural Strategy, Busk In London promotes economic development, wealth creation, social development and tourism throughout London.

4.3.2 Section 376 of the GLA Act (1999) legislates that the Mayor will publish and deliver a Cultural Strategy for London. The proposed activity will support key priorities of the updated culture strategy, particularly:

- Maintaining London's position as a world capital of culture
- Widening the reach to excellence
- Education, skills and careers
- Infrastructure, environment and the public realm
- Legacy of culture in London 2012

4.3.3 In particular, Busk In London has delivered on Policy 2.4, Action 1 of the Updated Cultural Strategy (GLA, March 2014) – a busking feasibility study.

4.3.4 Busk in London also supports:

- The recommendations of the Culture on The High Street Guide (GLA, Jun 2013)
- The Mayor's Smart London Plan by using digital technology to support London's businesses and street performers. Busk In London will use existing technologies, and develop new ones, to monetize street performance in a completely new way, building a world-class culture of street-performance in London. London will be the first world city to implement a digital system to manage and promote street performance.
- Proposal 21 of the Mayor's Transport Strategy, to 'use music... to delight customers and improve the travelling environment.'

5. Financial comments

5.1 The estimated gross cost of the Busk in London Programme is £612,000 and the net cost to the GLA is £291,000. It is expected that the balance of £321,000 will be funded by external income.

- 5.2 With regards to the GLA contribution to the programme, £251,000 has been included in the approved 2015-16 GLA budget, specifically £120,000 for Busk in London and £131,000 for the related GIGS project for which expenditure has already been approved by MD1316. The balance of £40,000 will be carried forward from the 2014-15 Busk in London budget to fund slippage upon the programmes website launch.
- 5.3 With regards to the external income for the programme, the target is £321,000. If this is exceeded the programme may be scaled up to meet the requirements of sponsors and service purchasers. Although unlikely at this stage, given that the GLA will be looking for this programme to be self-sufficient in future years, if income exceeds expenditure, the surplus income will reduce the GLA's contribution on the programme in 2015-16. Officers will only be able to commit expenditure upon secured income and in the event the target is not achieved then the programme will have to be reduced to the level of external income secured.
- 5.4 Any changes to this proposal, including budgetary implications will be subject to further approval via the Authority's decision-making process. All appropriate budget adjustments will be made.
- 5.5 The Culture Team within the Communities & Intelligence Directorate will be responsible for managing this programme of work and ensuring that all activities and associated expenditure adheres to the Authority's Financial Regulations, Contracts & Funding Code and Expenses & Benefits Framework.

6. Legal comments

- 6.1 The foregoing sections of this report indicated that:
- 6.1.1 the decisions requested of the Mayor fall within the GLA's statutory powers to do such things considered to further or which are facilitative of, conducive or incidental to the promotion of economic development and wealth creation, social development in Greater London and the implementation of the cultural strategy which is prepared and published pursuant to section 376 of the Greater London Authority Act 1999 (the "Act") and the GLA's duty to promote tourism in Greater London under section 378 of the Act; and
- 6.1.2 in formulating the proposals in respect of which a decision is sought officers have complied with the GLA's related statutory duties to:
- pay due regard to the principle that there should be equality of opportunity for all people (further details on equalities are set out in section 3 above) and to the duty under section 149 of the 2010 Act to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not¹;
 - consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - consult with appropriate bodies.
- 6.2 As the Busk In London programme is further developed, officers must take advice from TfL legal to ensure that the proposed activities fall within the GLA's statutory powers, including, in particular

¹ The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status.

that any proposed charging structures, delivery of services to third parties by Busk In London and the sale of merchandise fall within the GLA's powers.

6.3 Where the GLA is intending to charge for the provision of discretionary services (for example the sale of merchandise or the provision of services under contract to third parties) under section 93 of the Local Government Act 2003, the charges levied must not exceed the cost of provision. Where the GLA is seeking to charge more than on a cost recovery basis then officers must take advice from TfL legal.

6.4 The GLA may seek sponsorship when exercising its section 30 general powers under its powers to charge third parties for discretionary services under section 93 of the Local Government Act 2003 provided that any sponsorship received does not exceed the costs of provision. The GLA may also charge for its services and receive contributions towards its expense in carrying out any of its functions under section 378(9) of the Act.

Officers must ensure that sponsorship is sought in accordance with the sponsorship policy and appropriate agreements are put in place between and executed by the GLA and sponsor before any reliance is placed on the sponsorship income and/benefits in kind.

6.5 Officers must ensure that in relation to the provision of services from the GLA to a third party that an appropriate agreement is put in place between the GLA and the third party and that the charges levied do not exceed the cost of provision for the services.

6.6 Where any services, works or supplies are required these must be procured by Transport for London Procurement who will determine the detail of the procurement strategy to be adopted in accordance with the GLA's Contracts and Funding Code.

Officers must ensure that appropriate contract documentation is put in place and executed by the GLA and contractors before the commencement of any such supplies, works or services.

6.7 The Mayor may, under section 38 and 380 of the Act, delegate the exercise of the GLA's functions to the Head of Culture as proposed.

7. Investment & Performance Board

7.1 Approval given by IPB on 14 May 2015.

8. Planned delivery approach and next steps

| Activity | Timeline |
|---|---------------------|
| Commence OJEU procurement process for Busk In London management consultant | May 2015 |
| National Busking Day / Busk In London Festival / Gigs launch / Website phase 2 features go live | 18 July 2015 |
| Data collection and review process | Winter 2015-16 |
| Budget / Mayoral approval as part of Culture Major Programmes for 2016-17 | Sep 2015 – Feb 2016 |
| Project set up as company, external to GLA | 2017-18 |

Appendices and supporting papers: None

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

PAUL BROADHURST has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Justine Simons has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Jeff Jacobs has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Munira Mirza has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date