

Licensed Busking Scheme Resolution and Appeals process

1. Resolution Process

- 1.1 The busker will be informed of the allegations in writing as soon as possible and usually within seven days of the busking team being made aware of the alleged incident, and identifying which busker/s were involved. In cases where the nature of the alleged incident is a serious breach of conduct, TfL reserves the right to extend this period if required.
- 1.2 The Busking Scheme Manager or their appointed representative investigating the complaint or incident will decide whether or not the busker in question shall be suspended from the scheme or be able to book restricted pitches during the investigation on the basis of the risk the busker's presence poses to staff, other buskers, the reputation of the scheme and the public. Any conditions imposed during the investigation shall be notified to the busker at the same time he/she is informed of the allegations.
 - 1.2.1 The period of suspension should be as brief as reasonably possible.
 - 1.2.2 Depending on the nature of the incident and where possible, restricting the busker from busking at the pitch/es where the incident occurred will be used as an alternative to suspension during the investigation period.
- 1.3 Letter or email informing the busker of the allegations should contain enough information for the individual to be able to understand both what it is they are alleged to have done and the reasons why this is not acceptable.
- 1.4 Letter or note should invite the individual to a meeting at which the problem can be discussed and the individual can put their side of the incident; if it is practicable to make such an invitation at that time. Otherwise, the invitation should be made as soon as reasonably practicable and the busker made aware that an invitation will be forthcoming and clearly setting out next steps in the process.
 - 1.4.1 Busker may be accompanied to the meeting by a TfL busking representative or Musicians Union official.
 - 1.4.2 TfL to provide written evidence pack to busker no less than 5 days in advance of meeting as noted in 1.4
 - 1.4.3 Witnesses to be interviewed by TfL and statements taken as soon as possible after the alleged incident. These will be distributed along with written evidence pack as in 1.4.2.
- 1.5 The busker being investigated may give an initial response to the allegations in writing in advance of the meeting, but is not required to do so. The busker may also submit statements of support or corroboration to the Busking Scheme manager or their named representative investigation the incident in advance of the meeting by email.

2. Holding a meeting to discuss the problem

- 2.1. The date and time of the meeting should be agreed with the busker and held as soon as possible. If the busker is not able to make an appointment TfL will offer one alternative time.
- 2.2. At the meeting, the TfL representative(s) should explain the complaint against the busker and go through the evidence that is being considered. The busker will have the opportunity to address these issues and answer in their own words to any allegations that have been made. The busker should also be allowed to ask questions, present evidence and be given an opportunity to raise points about any information provided.
- 2.3. The busker shall be shown copies of any documents detailing what allegedly happened; where it is possible to do so. Exceptions to this will be made where such evidence will reveal the identities of any complainants, witnesses, cause a breach of TfL's safety and security policies or disclose commercially sensitive information. In these circumstances, every effort will be made to provide the information redacted; where this is not possible, the information may be referred to but not provided to the busker. The identity of the complainant or witnesses will only be withheld where relevant, for example where intimidation is a feature of the complaint and to ensure TfL's compliance with data protection responsibilities.

3. Deciding outcome and action

- 3.1. Following the meeting TfL must decide whether or not further action is justified. Where it is decided that no action is justified the busker should be informed in writing no longer than 7 days after the meeting.
 - 3.1.1. The TfL representative will firstly decide whether the complaint is upheld, based on the balance of probabilities after considering all the evidence presented in the case.
 - 3.1.2. If the complaint is upheld, they will then decide whether further action is appropriate. If the complaint is not upheld, all restrictions will be revoked.
 - 3.1.3. The busker will be informed of the decision (and further action if appropriate) at the meeting or in writing no longer than 7 days after the meeting.
- 3.2. Where it is decided that further action is justified, TfL will consider what form this should take (a warning, a suspension of the licence or revocation of the licence – see Section 5 of this document). Before making any decision TfL will take account of the busker's general record, actions taken in any previous similar cases, any mitigating circumstances, the severity of the case and whether the intended action is proportionate and reasonable under the circumstances.
- 3.3. A full suspension from the Scheme or revocation of the licence should only occur in circumstances as described in Sections 5.3 and 5.4.

4. Serious breaches of conduct

- 4.1. The following are considered examples of serious breaches of conduct, (the list is not exhaustive):
- 4.2. Multiple failures to sign in or sign out under the Visitor Permit Scheme;
- 4.3. Failure to report to the Staff Assembly Point during an evacuation of a station at which the busker is signed in;
- 4.4. Intentional or repeated intentional failure to comply with the instructions of TfL staff or their agents in the conduct of their business;
- 4.5. Smoking, consuming alcohol/ drugs, causing breaches of the peace, affray or offence to staff, customers or other buskers whilst on TfL premises (or the premises of any participating partner);
- 4.6. Vandalism, graffiti, excessive littering on TfL premises (or the premises of any participating partner);
- 4.7. Consuming alcohol/ drugs or being under the influence of alcohol/ drugs;
- 4.8. Assaulting, threatening or verbally abusing staff, customers or other buskers;
- 4.9. Repeated failure to comply with the general Terms and Conditions of the licence.

5. Levels of action

5.1. Informal action:

- 5.1.1. Where it is considered by TfL that the breach or incident is minor, a result of factors or misunderstandings that have since been resolved and/ or where common sense suggests that 'formal' action would not normally be appropriate, informal action may be taken. This may include making the busker aware of the impact their actions have had and agreeing how they should act in the future under such circumstances. Informal action will be noted on the busker's record for up to six months and may be taken into account if there are any further incidents of a similar nature.

5.2. Warning

- 5.2.1. Warnings shall normally follow breaches of the Terms and Conditions, failure to comply with action imposed following a previous attempt to resolve a problem or when a breach of Terms and Conditions is considered to be serious misconduct. Warnings may remain on the busker's record in accordance with 5.2.2, 5.2.3 and 5.2.4. The busker shall be informed of the period for which the warning is effective. The warning may impose other restrictions, conditions and requirements on the busker during the period of the warning. Continued breaches of these restrictions, conditions, requirements or further breaches of

the Terms and Conditions would usually result in either a suspension of the licence or a withdrawal of the licence. The warning and its conditions will be confirmed to the busker in writing and noted on the busker's record. Levels of warning are as follows

5.2.2. Verbal warning

May remain on a busker's record for a period of up to six months

5.2.3. First written warning

May remain on a busker's record for a period of up to one year

5.2.4. Final written warning

May remain on a busker's record for a period of up to one year

5.3. Suspension of licence

5.3.1. A licence suspension is usually used following further breaches after the issue of a warning/s, except in circumstances of a serious nature when suspension may be immediately applied by TfL. Such circumstances usually involve threatening behaviour to staff, other buskers or the public; police involvement; failure to comply with emergency procedures; endangering themselves or others; or failing to comply with the instructions of staff, particularly in regards to health and safety or operational procedures.

5.3.2. A suspension can be for a period of one, three, six or twelve months; depending on the seriousness of the matter under consideration.

5.4. Withdrawal of licence

5.4.1. A licence is a grant given by London Underground for a specific purpose and, as such may be withdrawn at any time. In terms of action to resolve a problem, a licence may be withdrawn by TfL for continuous breaches of the Terms and Conditions, serious breaches which, for example, could bring a busker, staff, customers or others into danger, threatening or abusive behaviour, or intentionally damaging TfL property. In these circumstances, TfL will write to the busker and inform them of the decision. The busker will be required to return their licence within seven days and will not be allowed to participate on the scheme with immediate effect. The busker will not be entitled to reapply to join the scheme at a later date.

6. **Appealing a decision**

6.1. If the busker disputes a decision made by TfL to uphold a complaint or issue a warning or revoke or suspend their licence, they should contact buskers@tfl.gov.uk or write to:

London Underground Busking Scheme, Customer Experience (London Underground), Palestra, 197 Blackfriars Road, London, SE1 8NJ.

6.2. The busker will need to supply the following information:

6.2.1. Name

6.2.2. Busking Licence Number

6.2.3. Contact details (telephone number, address, email address etc.)

- 6.2.4. Name of the station or the location at which the alleged incident occurred
 - 6.2.5. Date and time of the alleged incident
 - 6.2.6. Summary of the alleged incident
 - 6.2.7. Names of any members of station staff involved in the alleged incident (if known)
 - 6.2.8. Reason why the busker disputes the decision
- 6.3. The existing decision of a resolution process shall remain in effect while the appeal is considered and until an appeal decision is made.
- 6.4. TfL will contact busker to confirm receipt within 7 days of receipt. The case will be escalated to a manager who will contact the busker to clarify any points made within the statement and arrange a suitable date for a hearing of the appeal within 21 days of receipt.
- 6.5. The appeal will be heard by an appropriate TfL representative who has no previous involvement in the dispute.
- 6.6. As soon as possible, TfL will inform the busker about the appeal decision in writing, and their reasons for it. The appeal will be the final stage of the procedure and no further consideration of the case will be offered.

7. Keeping records

- 7.1. Records are treated as confidential in accordance with the General Data Protection Regulation (GDPR)
- 7.2. Copies of meeting records should be given to the busker including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness or to maintain security or commercial information of the company) TfL might withhold some information.