

Do the regulations for street music in Spain lead urban musicians to break the law?

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Abstract

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This study focuses on street musicians who sing or play musical instruments in a public space for donations/tips. Currently most of their needs are not covered in the laws relating to of street musicians in Spain, several cities do not have this profession regulated and in the localities that do, they prohibit amplification, the sale of their own music (CDs etc.), limit free movement and the instruments that they can use. These are rules that musicians must break in order to work, leaving the buskers who perform in a legal gap or limbo, without defense against the authorities.

This study addresses 3 parts: the first is an observational exercise from the perspective of the street musician which seeks to find out the basic needs of workers in their busking experience; the second area analyzes how the Spanish regulations behave based on the needs that these performers have; and the third element contrasts the personal view of the researcher with the opinions of other street musicians and groups found in the media.

Keywords

Street music 1, illegal 2, job insecurity 3, tips 4, laws 5, amplification 6.

1. Introduction

This article tries to address the following issues. In Spain, street music is regulated by city halls and every city and town has its laws regarding this topic. Nevertheless, in the opinion of the authors, municipalities are writing unjust laws for street musicians. The organization that ensures that the regulations are respected is the police, therefore the musicians have to disobey the laws in order to work efficiently, the communication between the artists and police is poor, and the wellbeing of the musicians depends on their good will.

As there is not sufficient information about music artists, the city halls have focused on regulating street music as a noise to be silenced. However this activity has existed since time immemorial making very important contributions to the community like the following: "Street music generates an urban revitalization that brings economic and environmental benefits" (IDB, 2020,18-19); "It has been proven that it can increase well-being, create community cohesion and social capital while having a positive economic impact" (Hartley & Roger 2013); "Street music converts the experience of everyday life into moments of sociality and co-existence" (Simpson, 2011,1); "Live music interpreted outdoors contributes to an urban landscape, capable of transforming the perception of urban environments

generating benefits for the local economy; “It generates urban marketing that can attract more people to specific sites” (Oakes & Warnaby, 2011), (Neve, 2012, 98); “A wide range of performance work options are generated” (Rosas, 2018, 38).

The musician makes the investment, records the product, is ‘in essence’ the product, but also manages, promotes and sells it. It can be very hard work and an extremely lonely occupation, where the musician does not feel like an entrepreneur or have the knowledge to run a business, but there is no other choice, according to Pyykkönen & Stavrum (2014,8) “It is a survival strategy”. Rowman found (2010,123) in his interviews artist entrepreneurs that one of the most visible conflicts in the sector is the identity issue. “When someone is a musician, the activity they perform seems to serve as a model of identity. With the introduction of the concept of entrepreneurship, it is no longer clear to the workers whether they identify themselves as entrepreneurs or not”.

In order for musicians to gain an income some have an account connected to a QR code to be able to receive payments by card, a service offered free of charge by the busk.co website, but those that do; are in the minority. In the majority of cases the street musicians receive mostly coins during their work. Unfortunately, these days due to COVID 19 restrictions, to pay bills and other expenses with coins is both time consuming and often not permitted.

But how to make this income legal? To be a self-employed person in Spain it is necessary to pay an autonomous/self-employment tax that covers social security expenses and gives the worker the right to an unemployment payment in case of need. The amount payable is variable depending on many factors: Ranging from 80 euros the first year to 275 euros for the minimum interprofessional income, and the taxes increase with the income. Besides which, it is necessary to pay quarterly VAT of 10% and Income Tax of 19% and to make a yearly tax return. The procedure to complete the documentation is not easy, the information is confusing, and it comes with a lot of personal responsibility, because in case of a mistake or presenting the documentation late; there are fines imposed by the Inland Revenue. (Ministerio de Hacienda 2022). The average legal expense per month is

around 500 euros. According to Moraga (2022, 3) “88% of professional musicians had a gross annual income equal to or less than 14,000 Euros, of which 69% of females earned equal to or less than 7,000 Euros”. This makes it unfeasible to pay the amount of required taxes to be legal.

According to AMPE (2021) “Professional musicians registered as self-employed were in a minority at the time of the declaration of the state of alarm of COVID 19 (14.38%). It seems that only those who have a very high level of income could afford to be registered as self-employed throughout the year, the AMPE survey also reveals that “not even two out of ten musicians have been able to take advantage of the extraordinary unemployment benefit for artists. Four out of ten musicians are not entitled to any kind of help. Three out of four musicians have suffered a decrease in activity of more than 90% compared to the same period in 2019, one out of three had no concerts booked or contracted for the final quarter of 2020 and three out of four, had none booked or contracted for the first half of 2021”. This situation caused a massive migration of artists to other sectors of the economy, taking jobs away from less qualified people in other economic areas, which was also an international concern for organizations like UNESCO (2020, 8).

According to Moraga (2022, 3) “Musicians have a higher level of education than the general population in both sexes and in all age groups”. Local authorities know this, and to obtain street licenses in Spain in six cities, it is necessary to have certified studies in the field that they perform in. Therefore, professional musicians suffer day by day from the lack of performance space and their artistic development.

2. Objectives

2.1 Finding out what are the main needs and limitations of street musicians to optimise their profession in Spain.

2.2 Assessing whether the regulations in Spain related to street musicians takes into account the needs of performers.

2.3 Perceiving what the groups of street musicians and other urban performers think about the current laws on

the topic in their cities and if they share the problems and concerns with the researcher.

3. Methodology

Crismary Ospina, who is Colombian harpist, singer and researcher, went to Valencia to study abroad. She built this project after experiencing for herself the problems performing as a street musician and her intention is to critically analyse the legal procedures she faced to perform, as well as the income she received over the period of the study.

The study that takes place in Valencia, Spain is split into three parts. In the first part the leader of the project makes 75 street music performances, analyzing the labour conditions she faced and the income she received. In the second part there are comments by street musicians and urban music associations about related regulations found in the press. The articles analysed match with the study date, but for lack of up-to-date information and for the need of historical answers, comments from the press from some years ago have been incorporated. Finally, in the third part the current regulations on urban music in twenty two cities of Spain are studied.

3.1 Previous actions before starting the study

Crismary Ospina, applied for the license over an eight month period and despite including in her résumé being a professional musician and studying for a Doctorate in Art, she never obtained a reply. This study should have been completed with the correct authorization as a street musician in Valencia, Spain. It should be clarified that the artist, in the years prior to this study, obtained permission and subsequently over a period of time, sought to follow the rules established by the Valencia city hall, however, due to the restrictions, this resulted in low profitability. From this experience came the idea of undertaking a study to understand the problems.

To be a street musician it is necessary to break at least five laws of the city of Valencia. These are: The use of

amplification; playing in non-designated areas; selling their own music in cd or other formats; playing with percussion instruments; as well as playing in the siesta time when is prohibited. However, for greater security Crismary decided not to sell her own music or play accompanied by percussion, therefore, limiting her breaking of the law to three and in so doing attempting to avoid increased problems for herself.

3.2 During the study: The perspective of the artist

The methodology of Colas (1992) was applied. An exercise of intentional observation was proposed, in which it was clear that people would be observed in terraces of restaurants located in a variety of towns in Valencia. These were interrupted by a street musician who spontaneously came to play for them. The artist had previously decided on specific data to record and quantitative data of tips received. These were analyzed, so that verifiable and objective information could be obtained.

The study, which lasted nine months: had three thousand three hundred and seventy two spectators; collected data on seventy five performances; between October 2020 and July 2021 during COVID 19 lockdown and took advantage of the de-escalation that allowed the use of the terraces of the restaurants. The people who listened to the performance didn't know they were being analyzed. Direct observation was used (Anguera, 1988), whilst spectators listened to the performance the artist during lunch and dinner times. This study took place in the middle of the COVID 19 pandemic when additional restrictions were placed on street musicians: limiting the number of people playing; using masks whenever possible; disinfecting materials; avoiding crowds; stating on a sign both the importance of wearing a mask whilst maintaining a safe distance and that passing round a hat for tips was prohibited.

For systematic observation (Delgado, 1994), the criteria to be observed were previously established, which were defined after the impartial observation of at least ten performances by the artist and the previous experience of three years performing street music. The variables were:

date, time, restaurant, tips received, number of spectators and if the performance was amplified or not. The study contemplated more variables, but in this document only these were used.

During every performance a voice recording of the data for the study was made. Subsequently the information was organized for digital processing in the Access database, a program that is part of the Microsoft suite. To generate graphics the data was introduced on an Excel dynamic table, which generated a variety of graphs which were changed to improve the visibility, this continued until the appropriate image was found with enough clarity to obtain results.

3.2 Press search: The second part of the study consisted of searching in Google for complaints registered in the press from groups of street musicians to the city halls, as well as interviews with these artists in this regard. These articles were organized by cities and the links were ordered in an Excel table. The search used the keywords: street music, abuse, prohibited, fines to musicians, artist collectives, artist associations complain and regulations.

3.3 Street music laws in cities: Subsequently, an internet search was carried out in the seventeen official pages of the cities mayors' offices which allowed us to find out the regulations related to street musicians in various cities and to study their differences. The table below shows what the differences are in the licensing of music buskers in each city. In the autonomous communities of Ceuta, Melilla, Navarra, Malaga, La Rioja and Andalucía, no law governing street music was found.

4. Results

In this part, the laws that the artist had to break to perform at the seventy-five-street music shows in the city of Valencia were analyzed, as well as the reasons why contrasting it with the regulations in other cities and with Spanish press opinions.

4.1 Ensuring safety in the profession

It is necessary for the street musicians to have legal support, in order that they don't receive a fine, or have their instruments confiscated and are protected from violent actions. The information for street licenses are not easy to find or eventually attain, have long waiting times, prohibit the basic needs of the musician and subsequently artists must break the law to play, leaving artists vulnerable, even if they get a permit. In his survey related to street musicians Montaser (2020,44) found that all buskers have a problem with the attitude of police and how they treat them. The Valencian Borja Catanesi, voted as the global best street musician, comments: "The rules to develop street music have become very rigorous and the result has been that in this profession there are few artists in Spain. Other countries, such as Holland, Italy or Germany are more flexible and considerate towards this activity that, in my opinion, makes a significant contribution to the cultural and social life of the cities". (Europa press 2020)

It is currently not safe to play music in Spain on the street, according to the artistic freedom report Freemuse (2020). In 2019, seventy one artists were put in prison around the world, 46% were imprisoned for playing music, fourteen of these occurred in Spain. The 54% were imprison for other forms of art. In some cities there has been a large reduction in approving licenses for musicians causing illegal performances and repeat offenders. Madrid used to have nine hundred licenses for performing street artist and in 2020 this was reduced to four hundred and fifty (Mos, 2020). According to Gonzales (2021) "Palma City Hall has granted official licenses to seventy one people, the figure is low compared to the more than 300 artists that it is calculated used to perform on the Palmesan public place". De Quiroga (2022) commented that the police gave out two hundred and eighty fines in six months and have arrested two hundred and thirty four street musicians who were without authorization.

Of twenty four cities analysed, it was found that in fourteen of them it was necessary to have an official permit to play in the street. In three cities they have relaxed the regulations and no license is needed, in five cities it is necessary to pay

✓ Yes

✗ No

⋮ Not found

State	City	License renewal		Location free	Music sale	Travelers license	Percussion
Aragón	Zaragoza	Annual	✓	✗	✓	✗	✗
Asturias	Gijón	3 months	✗	✗	✗	✓	✓
Balearic Island	Mallorca	6 months	✓	✗	✓	✗	✗
Basque Country	Bilbao	No need license	✓	✓	⋮	✓	⋮
	Donostia	No need license	✓	✓	⋮	✓	✗
Canary Island	La Laguna	6 months	✓	✓	⋮	⋮	✓
Cantabria	Santander	⋮	✗	⋮	⋮	✓	⋮
Castile and Leon	Salamanca	21 days	✓	✗	✓	✓	⋮
Castilla de la Mancha	Toledo	3 months	⋮	✗	⋮	✗	⋮
Catalonia	Barcelona city	Annual	✓	✗	✗	✓	✗
Community of Madrid	Madrid	6 months	✗	✓	⋮	✗	✓
Extremadura	Badajoz	No need license	✓	✓	✓	✓	⋮
Galicia	Santiago	3 months	✗	✗	✗	✗	⋮
Region of Murcia	Málaga	Annual	⋮	✗	⋮	⋮	⋮
Valencian Community	Valencia	3 months	✗	✓	✗	✗	✗
	Alicante	1 month	✗	✗	✗	✗	✓
	Benidorm	6 months	⋮	✗	⋮	✗	⋮

Table 1: Laws of street music in Spain.

Source: Self-made by the authors

to occupy a site, in seven cities there is no clear information about obtaining licenses. Only eight cities have clear information on the procedure to obtain the license, whilst in nine locations the information is mixed with other legal procedures related to commercial activities in the street, in documentation of over fifty pages. These conditions make it difficult for artists to obtain the permission they require.

The time for obtaining the license is variable. In five cities you can obtain a music license once per year on a specific date, in four cities it is every six months, in another four cities it is every three months, whilst the waiting time for the response is more than one additional month. Only in four cities the authorization for street music is achieved in less than a month. In seven cities there is no information, another five locations ask for an audition to approve the performance. In Badajoz, the musicians warned that there was no way to achieve that authorization and the city admitted that they were studying how to grant it (Romero, 2021).

4.2 Allowing amplification with specifications

Amplification is a very important tool for the urban musician, it is essential in the performances. "It can be said that the music that emanates from a violin in the street is comparable to the noise emitted by the exhaust pipes of municipal buses, thus drowning out the sound of the violin in acoustic format", according to Silva E Sousa (2017, 82). This also results in a cancelling of the profits that the artist could receive if they were heard. The economic income generated by the activity is fundamental for the subsistence of urban

performers. The municipal laws establish that street musicians cannot play or sing with amplifiers, but in some press interviews Bas (2020) commented that "musician buskers accept none compliance, because it is essential for their activity".

The associations of music buskers are constantly protesting, asking city halls to update the laws in most of the cities. The majority of artists do not feel listened to. One of the busking music leaders behind the protests in Madrid said, "If they take away our amplifiers, they take away everything. Because with the noise in the street, in Sol, in Gran Vía, in Callao... you simply can't hear the music, because it all sounds much louder. Even a motorcycle makes more noise". (Magariños 2022)

In Table 1. we can see that of twenty four cities analysed in the study, amplification is not allowed in six locations, in eight cities it is allowed with specifications of place, decibels and power of the amplifier and in the rest of cities no clear information is given.

Only eight performances were made without amplification in this study, since the artist soon noticed that it was not worthwhile to play without it. This impacted on the amount of tips received, which were not even enough to cover basic transport costs and the inability of the public to hear the performance at its best.

Eight samples with amplification have been chosen to generate the following graph in order to show the difference.

Amplification	Income	Performances
Without amplification	12,98	8
With amplification	98,2	8

Table 2: Difference in Earnings with and Without Amplification in Street Music.

Source: Self -made by the authors

The world changes constantly and with it the music, according to Lloret et al, (2021,4) music needs to adapt to technology in order to exist. From the work of Robles et al, (2022,32) "Since the 1980s with collaborative and remote artistic practices, developments have facilitated the evolution of musical instruments to electric instruments". Those first steps in technology allowed amplification which and can be easily connected to consoles for recording: sound amplification for bigger audiences and transposing sheet music through midi instruments; allowing remote working and therefore saving time, money and effort for the musicians and producers. Nowadays, exist instruments that only emit sound through an amplification system like: electric guitars, electric bass, electric drums, keyboards. They are a great tool that allows a variety of sounds and possibilities and takes away this option for those artists that play instruments that require amplification. This seems very unfair.

According to the levels of sound intensity, investigated in the publication Health & Safety (2008, 84), instruments such as the saxophone, trumpet, trombone and others do not need amplification when played alone, however, it is often necessary that they have an accompanying musical background or track and this has to be amplified.

4.3 Allowing freedom of movement within the city, to seek the best tipping opportunities

According to Templeton, et al (2015), "People in the city are constantly on the move". Musicians must move around the city looking for crowds to capture better tipping options, and also to ensure a comfortable site to play in.

Lunchtime in the terraces is the second most lucrative time, after breakfast, it is necessary to play in at least five restaurants a day to gain sufficient tips. Sadly, lunchtime is a time that is prohibited in fifteen cities in Spain, because it coincides with the siesta, however in the following graph we can see that the public is economically grateful for these performances, which shows that they enjoy them . According to Martínez (2020,16), " 76% interviewed think that they like the street with musicians playing".

It is very important for street musicians to move freely in small towns and different streets in the city, in fact looking for crowds, local festivals or even for better weather. Sadly, in interviews with Esquinas, (2018) "musicians lament that music buskers need to conform to the limits marked by the law". In eleven cities the artists must respect the site they are allocated, and change it when and where administration dictates. The sites may sometimes produce negative feedback, as explained by a local:

"Damn Argentine again! It is unbearable! I can't take it anymore! This week she hasn't spared the torture session any afternoon. Can't you forget the corner of my street for one day? Always playing the same thing, and in the same order, with the guitar amplifier at maximum volume". (Bas, 2020)

It is in the administration's interest to place artists where they will be less disruptive, to avoid complaints from the neighbourhood. In this area few people pass by and the performers obtain less benefits. However, according to Picun (2013) "the music busking allows for development of

Mealtime	Income in Euros	Number of performances
Breakfast 9-12 am	367,63	22
Lunch 14:00-17:00 pm	308,23	35
Dinner 20:00-23:00	78,1	18

Table 3.: Difference in Earnings in Street Music Shows, According to Schedule, Breakfast, Lunch and Dinner.

Source: Self-made by the authors

culture in the neighbourhood". Also, music can be used to attract tourists to specific places, so that passers-by spend more time in front of the shop windows, can live up meals or dinners on the terraces and may have other benefits to the businesses in the area.

In press interviews the musicians have shown discomfort with the allocation of the site, calling the places given as "unworthy places to play, that had no positive aspect because no one passes or are inhospitable", (Alonso, 2021). When looking for better earnings and a comfortable site to play in, musicians put themselves in other places, not in the given spots. In fact, 89% of street musicians interviewed in Martínez Gil work (2019,144) said that they choose their own site to play in.

The city hall of Consello de Santiago (2021) "recommend occupying the space assigned for the activity without modifying the location". It seems that many musicians ignore totally the allocation of sites. Some of the concerns in the interviews of Luaña's work was that (2017) "The musicians don't even bother to check the spot given". A musician says in his interview: "I always come to this same place, what I do is check that no one else is playing, but another place does not interest me, almost none of us respect the place, what we never do is bother each other".

Depending on the seasons, one has to play with shade or bright sunlight, trying to avoid damp or very sunny places, in order to ensure their personal health. An example: "The places assigned to him are damp and uncomfortable and he who is seventy-two years old and with his increased health demands, does not find these sites viable. "I was assigned the Plaza March 8, and no one passes through there". (Luaña, 2017).

4.4 Allowing artists to sell their own products (CDs etc.)

"Street music is considered by the administration as a form of expression and therefore the musicians do not have access to decent working conditions". (Porrás 2017,110). Tipping is unpredictable, when a street musician goes to work, they do not know how much they will earn or if they will be able to work that day. In the study, 12% of the performances were abandoned due to rain, due to the presence of police or

because the nearby premises denied the artist permission. "Playing a whole day without incidents can be a lottery", (Villas 2019). That is why the sale of their products, CDs, USBs, etc. Is important to compensate for this disadvantage and improve their profits, many performers have no other work option.

According to Montaser (2020,45) "57% of buskers earn their living expenses from street performance, 29% of buskers do not always earning enough money, 14% of street performers do not gain enough money to live on". According to Martínez Gil (2019,170) "Only 10% of street musicians are self-employed, and 92% of artists engage in parallel activities like concerts in pubs, auditoriums, classes and workshops". The work of Jiménez & Ruiz del Olmo (2019,10) evidence that "professional musicians earn only 10% of their salary in performing activities and for this reason 32 % acknowledge having obtained a different degree subsequently or parallel to the music degree". A street performer commented, "You can eat and pay for something like rent, however, since December I had to combine this job with a position in a factory" in Illera's interviews (2021).

This study found that the average profit is 10.18 euros per session, which ranges from thirty to sixty minutes, however, more than 50% of the samples did not reach the average profit as we see in the Table 4. Given the unpredictability of the performances and the scarcity of income, artists need to sell their products to compensate economically for the financial instability, otherwise the activity remains unprofitable.

Number of	Income	Income Average
1	0	10,18
2	9,04	10,18
3	15	10,18
4	7,8	10,18
5	2,33	10,18
6	21,9	10,18
7	5	10,18
8	1,5	10,18
9	7,5	10,18
10	0	10,18
11	0	10,18
12	6,45	10,18
13	6,5	10,18
14	0	10,18
15	0	10,18
16	0	10,18
17	9	10,18
18	7	10,18
19	13	10,18
20	16	10,18
21	19,66	10,18
22	23,4	10,18
23	8,41	10,18
24	16,9	10,18
25	9,76	10,18
26	22,6	10,18
27	23,6	10,18
28	7,4	10,18
29	22,29	10,18
30	12,12	10,18
31	24,54	10,18
32	7,2	10,18
33	4	10,18
34	11,85	10,18
35	0	10,18
36	3,85	10,18
37	0	10,18
38	9	10,18
39	12,77	10,18

40	6,78	10,18
41	12,57	10,18
42	4	10,18
43	8	10,18
44	7	10,18
45	9,8	10,18
46	4,1	10,18
47	10	10,18
48	5	10,18
49	6,8	10,18
50	11,4	10,18
51	11,19	10,18
52	31,1	10,18
53	30,63	10,18
54	10,15	10,18
55	26,23	10,18
56	25,26	10,18
57	8,3	10,18
58	19,4	10,18
59	21,2	10,18
60	6,5	10,18
61	7	10,18
62	6,9	10,18
63	12,3	10,18
64	19	10,18
65	25,5	10,18
66	25,5	10,18
67	2	10,18
68	1,68	10,18
69	3	10,18
70	2,1	10,18
71	1,9	10,18
72	2	10,18
73	1,5	10,18
74	0,8	10,18
75	0	10,18

Table 4: Average Earnings in Street Music per Show.

Source: Self-made by the authors

Stabler & Mierish (2022, 3) found in his work that “Passers-by identify who plays with quality and who does not, and reward accordingly”. However, the musicians’ time on stage is limited by the administration, who limit playing time. Musicians have to rehearse for many concentrated hours and with repetitive movements before going out to play, according to Ospina et al. (2022, 244) “Overdoing it can have important physical and emotional implications”. This influences the amount of time they can work, unlike other jobs where the worker can work eight hours straight.

4.5 Creating opportunities so that itinerant artists can carry out their work.

“The law currently requires establishments to be acoustically prepared to have live music, this has reduced the places where musicians can work, causing an over saturation of artists wanting to play in the few regulated establishments, increasing the level of competition and therefore, difficulty of access to a small capacity concert” (Ospina 2019, 96). For this reason, artists go from one city to another looking for opportunities to play depending on events, festivals, patron saint’s festivities, tourist movement and better working conditions. The only way to pay for performing at these events is to play for many hours in the street, prior to the trip and during the time away. For this reason, it is necessary that there is a special format of permission for travelling artists, so that they are also protected in exercising this work.

Morales & Moreno (2019,21) completed a survey in Madrid Plaza Mayor, where they found that 60% of street performers were foreigners and many of the potential respondents were unable to complete the survey because they did not know how to speak Spanish.

Other testimonies in the media, show the histories of street musicians who have migrated from their cities both in Spain and other countries looking for better opportunities, in places with greater benefits for them. Here some examples:

Borja Catanesi, awarded as the best street musician in the world. has a collection of fines for playing in the street. He says, “If a musician who does what I do, I travel and stay in a place for a week, and come back to my home in Valencia,

meaning that they are absent during the dates when they can apply for permission, they lose the opportunity to play. It is sad to have to leave your city. It means having to play elsewhere” (Garzán, 2019)

According to Pages interviews (2018) “Many actors, dancers or musicians are nomads and move from one city to another depending on the season”. This is the case of John, who arrived ten years ago in Spain and has since travelled around the country in search of new job opportunities. He survives on the money he makes, playing classical pieces on the street. (NCYL 2017)

According to Floren Barbosu in Zaragoza, “I do not have a permanent residence in Zaragoza, I periodically return to my land, I understand the sanctions, but I do not have many options to avoid them”. (Mantecon 2018)

“Manuel arrived in Portugal from Venezuela, but after a while he decided to go to a smaller town where he could play, and so he landed in Salamanca”. (Illera, 2021)

4.6 Allow percussion instruments in the urban environment

Percussion is a highly sought-after instrument in the exercise of street music in Spain, but in relation to the amount of decibels, it is forbidden to use percussion instruments in five cities in Spain, only four cities allow it, in other cities there is no clear information.

The study Health & Safety (2008, 84) analysed the noise levels of symphony instruments in their solo version with their respective decibels (dB), the unit that measures the intensity of sound. Percussion instruments range between 64 and 94dB. But there are even louder instruments than the percussion, such as: the saxophone, with 75-110 dB, the transverse flute 98-114dB, the piccolo 102-118dB, trombone 90-106dB, trumpet 88-108dB and even sopranos reach 105-110dB. These instruments are louder than percussion, but are permitted.

It is true that a complete drum set reaches a greater number of decibels, but there is a low probability of making street music with it, because it is so bulky. However, we must take

into account that there are many percussion instruments, including the piano and the harp which are sometimes considered in the symphonic orchestra as part of the percussion. Castanets, the flamenco cajon, the hang, the still pan or membrane percussion instruments such as small drums whose acoustic properties have not been widely studied, are all considered percussion instruments. However, they do not have as much sound intensity as a large drum and their presence in the urban environment would be as comfortable as any other instrument. These are very popular instruments for street, because they are easy to play and carry, but also emit a good level of volume.

Music is composed of melody, harmony and rhythm whilst, percussion instruments dictate the rhythm. To exclude these instruments is to prohibit the rhythm of the music in the urban performance, to cut out a fundamental piece of the artistic exercise.

5. Conclusions

5.1 This study concluded that the main needs of the street musician for the optimal exercise of his/her profession in Spain are as follows:

- Occupational safety
- Ability to use amplification
- Freedom of movement within the city
- Possibility to sell their own products
- Having a permit for itinerant artists
- Allowing percussion instruments

5.1.2 The main limitations of the musician for the optimal exercise of his/her profession in Spain are the following:

- Little flexibility on the part of the administration to update regulations and meet the needs of the groups /musicians.
- Lack of information or confusing lengthy

documentation. Only eight cities have an information booklet in which they clarify the rules which must be followed.

- Prohibition of the basic needs of the musician such as: amplification, freedom of movement through the city and percussion instruments (See Section 5.1).
- Excessive permit acquisition times of several months or even up to a year. Only in four cities authorization is obtained in less than a month. (See Table 1 in section 3.3)
- Lack of access for the special permit for itinerant street musicians.

5.3 Most of the Spanish regulations that control street musicians do not take into account the needs of the performers. Out of twenty four cities studied: six cities prohibit the use of the amplifier; in twelve cities the squares where artists must be located are raffled; five localities prohibit the sale of music; seven cities have regulations for itinerant artists and in five of the cities, they prohibit percussion instruments.

5.4 Collectives of street musicians and music buskers, share the difficulties encountered in this article and endure, as shown in their interviews and protests, the needs found by researchers in this work.

5.5 Street musicians who mostly are professionals, are struggling in a very precarious labour market, which is further aggravated by multiactivity and poor regulations which are not adequate and make it more difficult for them to perform their work effectively.

References

- AEMET, Agencia Estatal de Meteorología., 2010. Summary guide to the climate in Spain 1981-2010. [online]: https://www.aemet.es/es/conocermas/recursos_en_linea/publicaciones_y_estudios/publicaciones_detalle/guia_resumida_2010
- Alonso, C., 2021. Donostia City Council vetoes street artists in the Old Part, Noticias Gipuzkoa,

- Gipuzkoa Section, May 21. [online]: <https://www.noticiasdegipuzkoa.eus/gipuzkoa/2021>
- AMPE., 2021. Encuesta Ampe músicos profesionales y Crisis Covid-19, AMPEmúsicos.com.
- Anguera, T., 1986. Qualitative research, *Educate*, 10. 23-50.
- Bas, J., 2020. The Street music, *El correo*, Sección Culturas, 4 de Julio, consultado en marzo 2022. [online]: <https://www.elcorreo.com/culturas/territorios/musicos-callejeros-20200725164400-nt.html>.
- Barcelona City Council., 2006. General regulations of Barcelona, out of district ciutatvella. [online]: http://www.bcn.cat/centrecivicsantagusti/pdf/normativa_bcn.pdf
- IDB, Inter-American Development Bank., 2020. The cultural and creative industries in urban revitalization, page 13. The information was encountered in the following official internet page [online]: <http://dx.doi.org/10.18235/0001994>
- City Council of Alicante., 2022. Informative Circular for applications regarding the occupation of public space for the realization of musical activities. The document was encountered online on the following link: https://www.alicante.es/sites/default/files/documentos/201911/circular-actmusicales_0.pdf
- City Council of Bilbao., 2010. Ordinance of public space, BOB nº186 of 27-9, Article Title II, chapter III. <https://www.bilbao.eus/Normativaespaciopublico>
- City Council of Cordoba., 2021. Bases regulating artistic expression 2021-2024. Decree No.: 2021/9937. [online]: <https://www.cordoba.es/destacados-via-publica/decreto-n-2021-10483-convocatoria-y-criterios-de-adjudicacion-mercado-de-arterania-2021-2024>
- City Council of Gijón., 2021. Festivities, Permits protocol, street art. The information was encountered <https://www.gijon.es/sites/default/files/inline-files/Protocolo%20permisos%20Arte%20en%20la%20calle%202021.pdf>
- City Council of Meruelo., 2020. Government of Cantabria, Final approval of the Ordinance regulating Coexistence. BOC núm 28, CVE-2020-1060, subsection two, article 119. The information was encountered [online]: <https://boc.cantabria.es/boces/verAnuncioAction.do?idAnuBlob=347548>
- City Council of Toledo., 2018. Draft ordinance of street art. Online: https://www.toledo.es/wp-content/uploads/2017/07/borrador_ordenanza-para-arte-en-la-calle.pdf
- Colas, M., & Buendia, I., 1992. *Educational research*. Cádiz: Alfar.
- Consello de Santiago., 2021. Application for temporary artistic activities in public spaces promoted by private individuals. [online]: http://www.santiagodecompostela.gal/e_santiago/tramites
- Delgado., 1994. Analysis of the coach's teaching behaviors. Notes of the Master in High Sports Performance. Olympic Center for Higher Studies: Spanish Olympic Committee.
- De Quiroga, C., 2022. Illegal Street musicians and repeat offenders in the center of Madrid: 280 fines in six months, *ABC Spain*, Madrid, 08/28/08. Online: <https://www.abc.es/espana/madrid/musicos-callejeros-ilegales-reincidentes-centro-madrid-multas-20220823201546-nt.html>
- Esquinas, J., 2018. The invisible music of the street, *Information*, Section Elche January 25, [online]: <https://www.informacion.es/elche/2018/01/25/musica-invisible-calle-5819064.html>
- Europa Press., 2020. Un artista valenciano, nombrado mejor músico callejero en el Roma International Buskers Festival. *Comunidad Valenciana* 25/09. The information was encountered [online]: <https://www.europapress.es/comunitat-valenciana/noticia-artista-valenciano-nombrado-mejor-musico-callejero-roma-international-buskers-festival-20200925132146.html>
- EXCMO, Town Council of San Cristobal de la Laguna., 2020. Authorization for musical performances in the public thoroughfare, Decree number 9026/2020, Identification P3802300H, found [online]: <https://www.aytolalaguna.es/CDN/files/ayuntamiento/galleries/DOCUMENTOS-Anuncios-Municipales/PUBLICACION-MUSICOS-EN-LA-VIA-PUBLICA.pdf>
- Donostia San Sebastián City Council., 2022. La información fue encontrada el día 16 de febrero [online]: <https://www.donostia.eus/info/udalinfo/Tramites.nsf/vTramites/>