

APPLICANT DETAILSMr ☐ Ms ☐ Miss ☐ Mrs ☐ Other _____

Surname: _____ Given Name/s: _____

Residential Address: _____

Suburb: _____ Postcode: _____

Phone: (Home) _____ (Work) _____ (Mobile) _____

DETAILS OF PROPOSED STREET ENTERTAINMENT ACTIVITY

Nature and details of performance, including number of performers and amplification details:

Specify the name and date of birth of anyone proposed to be involved in the performance who is under 14 years of age (Parent or Legal Guardian supervision required):

DECLARATION

Please complete this form in full. Failure to do so may delay the assessment of your application. Please read the attached Policy and Guidelines. I declare the information I have provided is true and correct and that I will comply by the City of Melville's Busking Guidelines and Policy.

Signature of applicant: _____ Date: _____

If under 18 years of age:

Name of parent/guardian: _____ Signature: _____ Date: _____



City of Melville Busking Guidelines

June 2020

Introduction

City of Melville encourages activation of our public spaces and busking is a key part of this activity. There are some points to consider regarding performances in public spaces. This document outlines key responsibilities when busking in the City of Melville.

What is Busking?

The City of Melville recognises that:

- Busking is a valid means for people to make a living.
- Busking should not contribute to a lack of public safety or personal safety of performers.
- Busking should not unduly disrupt or interfere with pedestrian and vehicular traffic.

In the context of City of Melville Council's Busking Guidelines a busker is considered to be a person performing in a public place who is:

- Playing an instrument or multiple instruments both conventional or self-constructed performing music or other creative performance.
- Engaged in a dance routine.
- Engaged in other forms of public performance such as circus, street theatre, pavement or visual arts, mime, statue or spoken word.
- May receive voluntary donations from the audience.
- Not performing as part of another event or festival.

These guidelines apply whether the busker is accepting money or not.

Respect to the general public and shop owners should be adhered to at all times. A performance must not involve:

Anything that is offensive or obscene.

- b) The commission of a nuisance, or
- c) any activity or act, which endangers the safety of the public or an animal or damage to public property.

Busking at Designated Pitches

City of Melville has 4 designated Busking Pitches:

- Busking Spot 1: Willagee Central, Archibald Street in front of Willagee IGA
- Busking Spot 2: Riseley Street Shopping Precinct, Cnr Riseley Street Ardross and Kearns Cres in front of Flight Centre (south side) and Bad Apples Cafe and Bar (north side)
- Busking Spot 3: Applecross Shopping Precinct, Ardross Street in front of Applecross Village Newsagency
- Busking Spot 4: Marmion Street Shopping Precinct, Melville in front of Melville Heights Meat Supplies

Busking is also permitted within the vicinity of food trucks that are operating within City approved food truck sites.

It is the responsibility of the busker to ensure that the pitch is left in the condition that it was found in and that measures are put in place to ensure that all litter is removed, footpaths and paved areas are not left stained with any material, chemical or other stainable residue.

Busking pitches are allocated on a first come first serve basis with no pre booking required however performers are only permitted to be located at a busking pitch for a maximum of two hours. A busker can perform at the same pitch on multiple occasions but must have at least a two hour break between each performance in order to allow other buskers access to the pitch.

Busking may be permitted within the following times:

- Monday to Friday, 7am to 10pm.
- Saturday and Sunday, 9am to 10pm.

A busker who is performing pavement or visual art:

- Must use chalk unless working on paper or card.
- Cannot use spray paint unless it has been approved for a specific event by the City.

Busking Elsewhere

Busking on privately owned or managed land should be negotiated directly with the owner or management. If you fail to notify the surrounding businesses and you are deemed to be a nuisance or inappropriate, you may be instructed by an authorised officer to cease your activities.

There are some areas that are not appropriate for busking. They include, but are not limited to:

- Within 5 metres of a road intersection.
- Close to entrances or on steps of train stations.
- A designated area where public works are occurring.
- Directly outside the Civic Centre.
- Any residential area.
- Bus stops.

Performers, individuals and private landowners wanting to **nominate additional regular Busking Pitches** can contact Pete Stone, Creative Producer – Arts and Culture pete.stone@melville.wa.gov.au to suggest a location.

Pedestrian Access and use of Footpaths

Buskers must always allow free access along pathways and must not position themselves opposite the entry or exit to businesses or against the building line. Buskers must accept responsibility for the impact their performance may have on other city services. In the event of wet weather, buskers may not position themselves against the building line or under awnings.

Persons under 14 years of age

If a busker is under 14 then an adult parent or adult guardian must accompany the busker when busking on site at all times.

Noise Levels

Amplification of sound is not encouraged. If, however, some amplification is necessary because of the nature of the event or instrument/s then the busker should be aware of noise sensitive areas/people/times and adjust amplification to suit. Speakers must not be placed directly facing shops or at shop entrances.

If in the opinion of a Ranger, Environment Health Officer, other City of Melville staff or Police Officer, the noise level is too high then the busker is expected to comply with the directions of that officer. Acceptable noise level measures are 75 dBA L10, when measured for one minute at a distance of three metres from the source of sound and 69 dBA L10, when measured for one minute at a distance of 6 metres from the source of sound.

Litter

It is the responsibility of the busker to ensure that the site is left in the condition that it was found in and that measures are put in place to ensure that all litter is removed, footpaths and paved areas are not left stained with any material, chemical or other stainable residue.

Cooperation with City of Melville Council Staff

Buskers must follow all instructions given by a City of Melville Council Authorised Officer or WA Police.

Risk Management

Public liability insurance is suggested for the following types of performers.

- Solo Musicians & Musical Groups
- Solo Dancers & Dance Groups
- Statue & Mime Artists
- Balloon Artists and Face Painters
- Chalk Artist/s

In all instances it is your responsibility as a busker to obtain the appropriate insurance coverage if required as the City assumes no responsibility for any acts of negligence arising from your activity.

Busking Permit

You need a busking permit to perform in public space but these permits do not need to be displayed when busking. There is no charge for a permit and it can be obtained by making an online application at <https://www.melvillecity.com.au/things-to-do/events>. The application process is simple and asks you to nominate:

- A description of your act
- Proof of identity

Public liability insurance may be required depending on the nature of the proposed street entertainment activity as outlined in Appendix A of these guidelines. In all instances it is the responsibility of the permit holder to obtain the appropriate insurance coverage if required.

The Application Process

Once your complete application is received and approved a permit will be emailed to you within 10 business days. There is no cost or expiry date for a permit however a permit can be cancelled by the City.

Cancellation of a Permit

Activities in Thoroughfares, Public Places and Trading Local Law 2014 outlines the responsibilities of buskers performing in the City of Melville. These responsibilities are reflected in these guidelines. Failure to comply with any of the conditions could result in the busking permit being revoked and/or a fine.

City of Melville may also cancel, suspend or amend any permit at any time if:

- It is requested to do so by the permit-holder.
- There have been repeated violations of the Busking Guidelines.
- There have been consistent complaints from nearby businesses or members of the public.



Further Information





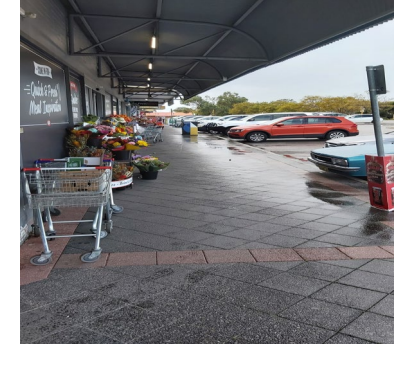
All general busking enquiries should be forwarded to Pete Stone, Creative Producer – Arts and Culture pete.stone@melville.wa.gov.au

Appendix A: Minimum Requirements

Type of Performer	Approved Pitches	Fire Blanket & Extinguisher	Noise Control	Insurance
Solo Musicians & Musical Groups	All pitches for solo, Pitch 3 for groups	N/A	Yes	Recommended
Solo Dancers & Dance Groups	All pitches for solo, Pitch 3 and 5 for groups	N/A	Yes	Recommended
Statue & Mime Artists	All	N/A	N/A	Recommended
Balloon Artists and Face Painters	All	N/A	N/A	Recommended
Chalk Artist/s	Pitch 3 and 5	N/A	N/A	Recommended

Appendix B: Recommended Pitches

Pitches	
1. Willagee Central, Archibald Street in front of Willagee IGA	
2. Riseley Street Shopping Precinct, Cnr Riseley Street Ardross and Kearns Cres in front of Flight Centre (south side) and Bad Apples Cafe and Bar (north side)	

<p>3. Applecross Shopping Precinct, Ardross Street in front of Applecross Village Newsagency</p>	
<p>4. Marmion Street Shopping Precinct, Melville in front of Melville Heights Meat Supplies</p>	
<p>5. Point Walter adjacent to plant rotunda, in between café and toilets.</p>	
<p>6. Attadale Shops, Hislop Rd, between café and bike shop.</p>	
<p>7. Brentwood Shops, outside IGA.</p>	

Busking & Street Entertainers Policy

Policy Type: Operational Policy Policy Owner: Director Community Services	Policy No.: OP- 040 Last Review Date: 22 June 2020
--------------------------------------------------------------------------------------------	---------------------------------------------------------------------

Policy Objectives

1. Encourage busking, street entertainment and place activation throughout the City of Melville.
2. Provide clear guidelines for busking and street entertainment to ensure a harmonious relationship between the City, performers, the public and local businesses.
3. To identify locations suitable for busking and performance sites for regular performers and for specific events.
4. To provide a framework to ensure busking and street entertainment is fostered in a well managed manner, while maintaining the well being, comfort and safety of the public and performers; and
5. Ensure busking is in accordance with the Thoroughfares, Public Places and Trading Local Laws 2014.

Policy Scope

This Policy applies to busking and street entertainment in public spaces within the City of Melville whether the performer is accepting money or not.

Definitions Used in Policy

Busk means a performance by a busker in a public place who in turn may receive voluntary donations from the audience.

Busker or Street Entertainer is a person or group performing in a public place that is playing an instrument(s) or undertaking other creative performances.

Perform means to play a musical instrument, sing, dance, give an acrobatic or aerobic display or entertain, pavement or visual arts, mime, statue or spoken word but does not include public speaking;

Permit means a permit issued for the purpose of busking or performing;

Permitted area or permitted pitch means the area or areas, specified in a permit, in which the permit holder may perform; and

Permitted time means the time or times, specified in a permit, during which the permit holder may perform.

Policy Statement

The City of Melville encourages activation of public spaces and busking is a key part of this activity.

The City recognises that there are points to consider regarding performing in public spaces in order to ensure that:

- Performances are managed in a manner that maintains the wellbeing, comfort and safety of the public and performers,
- A harmonious relationship is maintained between the City, performers, the public and local businesses.

1. Responsibilities of Buskers and Street Entertainers

Buskers and Street Entertainers should respect the general public and shop owners at all times.

A performance must not involve:

- i. Anything that is offensive, obscene.
- ii. The creation of a public nuisance.
- iii. Any activity or act, which endangers the safety of the public or an animal or damage to public property.

The City's *Busking and Street Entertainers – Guidelines* detail the terms and conditions that apply to a permit.

2. Issuing a Busking & Street Entertainers permit

Buskers and Street Entertainers are required to obtain a permit to perform in public spaces.

a) The application process

- i. Permits are obtained by making an online application.
- ii. There is no charge for a permit.
- iii. Permits are assessed and issued by Cultural Development Services.
- iv. Once a complete application is received and approved a permit will be emailed to the applicant within 10 business days.
- v. There is no expiry date for a permit however a permit can be canceled by the City.

b) Cancellation of the permit

The City's *Activities in Thoroughfares, Public Places and Trading Local Law 2014 (local law)* outlines the responsibilities and expectations of buskers performing in the City of Melville.

The City's *Busking and Street Entertainers – Guidelines (the Guidelines)* detail the terms and conditions that apply to a permit.

Failure to comply with any of the conditions listed in the Local Law or Guidelines may result in the busking permit being revoked.

City of Melville may also cancel, suspend or amend any permit at any time if:

- i. It is requested to do so by the permit-holder
- ii. There have been repeated violations of the Guidelines
- iii. There have been consistent complaints from nearby businesses or members of the public

3. a) Visual Artist

A busker who is performing pavement or visual art:

- i. Must use chalk unless working on paper or card.
- ii. Cannot use spray paint unless it has been approved for a specific event by the City.
- iii. Must return the location, including the pavement surface, to its former condition at the request of the City.

b) Busking on privately owned or managed land

- i. Busking on privately owned or managed land should be negotiated directly with the land owner or business management. Failure to notify the surrounding businesses could result in the busker being deemed a nuisance or inappropriate resulting in an authorised officer instructing a busker to cease activities.

c) Busking by food trucks

- i. Busking at food truck sites operating as part of the City's approved food truck strategy is permitted and should be conducted in line with the Busking Guidelines.

d) No busking areas

There are some areas that are not appropriate for busking. They include, but are not limited to:

- i. Within 5 metres from a street intersection.
- ii. Close to entrances or on steps of train stations or bus ports.
- iii. A designated area where public works are occurring
- iv. Directly outside the Civic Centre.
- v. Any residential area.
- vi. Bus stops.

e) Pitch allocation and times

- i. Busking Pitches are allocated on a first come first serve basis with no pre booking required however performers are only permitted to be located at a busking pitch for a maximum of two hours at a time.
- ii. A busker can perform at the same pitch on multiple occasions but must have at least a two hour break between each performance in order to allow other buskers access to the pitch.
- iii. Busking may be permitted within the following times:
 - Monday to Friday, 7am to 10pm
 - Saturday and Sunday, 9am to 10pm

4. Pedestrian access and use of footpaths

Buskers must always allow free access along pathways and must not position themselves opposite the entry or exit to businesses or against the building line. Buskers must accept responsibility for the impact their performance may have on other City services. In the event of wet weather, buskers may not position themselves against the building line or under awnings.

5. Persons under 14 years of age

If a busker is under 14 then an adult parent or adult guardian must accompany the busker when busking on site at all times.

6. Noise levels

Amplification of sound is not encouraged. If, however, some amplification is necessary because of the nature of the event or instrument/s then the busker should be aware of noise sensitive areas/people/times and adjust amplification to suit. Speakers must not be placed directly facing shops or at shop entrances.

If in the opinion of a Ranger, Environment Health Officer or Police Officer, the noise level is too high then the busker is expected to comply with the directions of that officer.

Acceptable noise level measures are 75 dBA L10, when measured for one minute at a distance of three metres from the source of sound and 69 dBA L10, when measured for 1 minute at a distance of 6 metres from the source of sound.

7. Public risk management

Public liability insurance is suggested for all performers however is not required for low risk performances including:

- Solo Musicians & Musical Groups.
- Solo Dancers & Dance Groups.
- Statue & Mime Artists.
- Balloon Artists and Face Painters.
- Chalk and Visual Artists.

Public liability insurance is required for high risk performances including:

- Circus Acts, i.e. acrobats, cyclists and jugglers
- i. In all instances it is the responsibility of the busker to obtain the appropriate insurance coverage if required.
- ii. The busker assumes responsibility for any acts of negligence arising from their activity.
- iii. The busker assumes responsibility for any liability issues which may arise as a result of the operation of busking at the pitch.

Other References that may be applicable to this Policy

Legislative Requirements:	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Delegated Authority:	DA-016 Approvals Under Local Laws
Plan / Policy / Framework:	<i>Creative Melville – Realising the City's Cultural Potential</i>
Work Instructions / Process Maps:	Process Map Management of Buskers
Forms / Supporting Documents (internal):	City of Melville – Busking and Street Entertainers Guidelines

Origin/Authority

Executive Management Team Meeting

5 August 2020

Reviews

Manager Cultural Services

Enter date of review here