

# Busking & Street Entertainers Policy

<b>Policy Type: Operational Policy</b> <b>Policy Owner: Director Community Services</b>	<b>Policy No.: OP- 040</b> <b>Last Review Date: 22 June 2020</b>
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## 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

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## Origin/Authority

Executive Management Team Meeting

5 August 2020

## Reviews

Manager Cultural Services

Enter date of review here