

Busking in the Central Business District (CBD) Policy

MINUTE NUMBER	22/2015
DATE APPROVED	19 February 2015
EFFECTIVE	19 February 2015
AUTHORITY	Director Tourism, Community & Cultural Development
CONTACT OFFICER	Director Tourism, Community & Cultural Development

1 PURPOSE

- 1.1 This Policy has been developed to allow street performers and artists (buskers) to provide a creative enterprise in the central business district (CBD) of Forbes whilst balancing the community's right to peaceful enjoyment of public areas.
- 1.2 This Policy is designed to assist in meeting regulatory requirements relating to busking.
- 1.3 It is to:
- i. Provide an equitable system of allocation of popular busking sites;
 - ii. Identify suitable locations for different busking types;
 - iii. Minimise negative impacts of buskers in Forbes; and
 - iv. Improve community amenity through entertainment.
- 1.4 Council acknowledges that the performing arts play an essential role in developing and reflecting the community's cultural identity. Using street performers, or buskers, can effectively provide an increase in participation in the arts and cultural activities which has a flow-on for tutoring, music industry spending and creating a better place through ad hoc low impact entertainment.
- 1.5 Council aims to encourage busking in a way that reinforces the amenity and improves the street life of Forbes. Council wishes to ensure the enjoyment of the streetscape and that public health safety and convenience are not compromised.

2 SCOPE

- 2.1 Street performers, or buskers, are found across Australia and provide low-cost entertainment and vitality to town and suburban centres. Generally street performers limit their activities to high-traffic areas for obvious reasons.
- 2.2 Council acknowledges that:
- i. Buskers contribute to personal and collective wellbeing through the performing arts and contribute to the cultural life of a town by reflecting styles, values and issues;
 - ii. Buskers provide public entertainment and thought-provoking experiences;
 - iii. Busking is a valid means for people to make a living;
 - iv. Busking should not interfere with pedestrian traffic, the conduct of business or impact on public safety;
 - v. Busking contributes to a robust and diverse economy by adding value to social and community outcomes; and
 - vi. Busking also makes for interesting places to live and visit.
- 2.3 This Policy affects the general population and is administered by the Director of Environment and Planning.

2.4 This Policy covers the Forbes Shire Council Local Government Area.

3 DEFINITIONS

3.1 For the purposes of this policy, the following definitions apply:

Term	Definition
Act	<i>Local Government Act 1993 (NSW)</i>

4 POLICY STATEMENT

- 4.1 Any busker within the Forbes CBD must hold an authorised Busking Permit issued by the Forbes Shire Council to give a street performance. There are two types of permits: Busking Permit that involves very little risk, and a Special Busking Permit used when Council identifies a potential acceptable risk.
- 4.2 Permits will be issued for either a three (3) month or twelve (12) month period.
- 4.3 A prescribed fee will be payable (refer to Council's Schedule of Fees and Charges).
- 4.4 Permits may be issued to individuals or groups and each busker must be properly identified. Approvals are not transferrable or refundable.
- 4.5 Persons of school age performing between 1 and 25 December are exempt from provision 4.3 of this Policy.
- 4.6 Council's public liability insurance is extended to approved Busking Permit Holder; Council's public liability insurance is not extended to approve Special Busking Permit holders, who are required to have their own insurance cover.
- 4.7 Pursuant to Section 113(2) of the Local Government Act 1993, Council will maintain a register of approved buskers permits. Additionally, pursuant to Sections 113(2) and 113(5) of the Act, the information recorded will include the name and address of the person or persons to whom approval is granted and this information will be available for public inspection without charge during normal office hours.
- 4.8 The Busking Permit Holders must have the permit in their possession when performing within an approved area.
- 4.9 Forbes shire Council may revoke or modify approvals if the Busking Permit Holder fails to comply with the requirements and conditions of approval. Council Rangers may confiscate permits for non-compliance. The Council may serve notice upon the person or persons holding a busking permit, giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause as to why the permit should be revoked or modified.
- 4.10 Council from time to time places certain conditions on the activities of buskers. These are contained in the document *Conditions for Busking in the Forbes CBD*.
- 4.11 Council will not issue a busking permit for any activity which involves dangerous materials and implements and animals.

5 VARIATION

- 5.1 Council reserves the right to vary the terms and conditions of this policy subject to a report Council.

6 APPENDICES

- 6.1 This policy is supported by the following appendices:

Appendix No.	Description
1	Procedures for the issuing of Busking Permits
2	Conditions for Busking in the Forbes CBD
3	Application to conduct Busking
4	Busking Permit – Parental Consent

APPENDIX 1

PROCEDURES FOR THE ISSUING OF BUSKING PERMITS

Definitions

Busker	An entertainer who provides performances in a public place by playing a musical instrument, dancing singing, clowning or juggling or doing other acts or a similar nature in public places.
Performance	<p>Musical, dramatic or other entertainment substantially involving musical, theatrical or circus performance skills.</p> <p>The following are not considered performance for the purposes of this Policy:</p> <ul style="list-style-type: none"> i. Tarot card and palm readers, fortune readers; ii. Artists selling their works (e.g. portrait artists) iii. Masseurs or masseuses; iv. Vendors of any kind (including vendors or reindeer ears, fluffy toys, jewellery etc.) v. Solicitors of money for any purpose; or vi. Any like act or activity.
Special Event	An event(s) of a public nature utilising wholly or in part public land, public roads and/or footpath areas.
Soliciting for Funds	The act of asking, begging or requesting money or goods from members of the public.
Offering for Sale	The display or demonstration of items, particularly multiples of items with an implication that they are available for sale or otherwise in exchange for money (e.g. CD's, trinkets, toys).
Pavement Art	A form of public entertainment rendered directly on to the pavement or renderings done on removable surfaces laid out on the pavement.
Dangerous Materials and Implements	Materials and implements that pose a risk, hazard or uncertain outcomes for people. Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.
Circle Acts	Structured performances requiring the audience to stop and watch or participate in the performance.
Walk-by Acts	Spontaneous performances where the audience is not required to stop and watch.

Procedures

Applications:

- i. Applications for Busking permits may be made during business hours at the Forbes Shire Council, 2 Court St Forbes.
- ii. Council will not issue a busking permit for any activity which involves dangerous materials and implements and animals.
- iii. The minimum expectations for a proposed busking activity includes:
 - a. Presentation and appearance of the performer(s);
 - b. Entertainment value of the performer(s);
 - c. Professionalism of the performer(s);
 - d. Perceived risk to public safety by the performer(s) and/or performance.
- iv. Applicants must agree to adhere to the Conditions for Busking in the Forbes CBD, provide all information requested on the Application for Busking in the Forbes CBD Form and pay the prescribed fee. Information required includes:
 - a. A passport photo of each busker;
 - b. One form of proof of identity for each busker including:
 - A current drivers licence
 - A student identity or proof of age card
 - A current passport
 - A bank credit card with signature
 - c. If the applicant is under 18 years old the child's parent/guardian is required to complete a parental consent form.

APPENDIX 2

CONDITIONS FOR BUSKING IN THE FORBES CBD

The Busking Permit holder must adhere to the following General Conditions at all times when performing (including setting-up and packing-up):

1. The Permit must be available to be shown to Council's Ranger or member of the NSW Police on request.
2. There must be no interference with the pedestrian flow or public amenities, or cause obstruction to traders or delivery or emergency vehicles, including by way of encouraging audience formation in such a manner as to cause interference. A pedestrian corridor of two (2) metres must be maintained considering other obstructions on the footpath (e.g. outdoor dining areas, public seats etc.) so that a continuous corridor is maintained parallel to the roadway.
3. Buskers must keep the site in use in a clean condition.
4. Buskers must not consumer alcohol or perform under the influence of alcohol or drugs.
5. Buskers should be aware of their responsibilities under the Workplace Health and Safety Act 2011 and Regulations.
6. The minimum distance between two busking acts will be thirty (30) metres.
7. On any one day buskers may perform for a total of up to three (3) hours at one location however the performance must be for a maximum of one (1) hour duration with a minimum (1) hour break between performances.
8. Buskers may receive voluntary donations from the audience but must not solicit funds. An exemption to this applies to permit holders for circle acts who may invite donations at the conclusion of the performance.
9. The only articles that may be sold by the busker are recordings consisting of the busker's own work. No other goods or service for sale may be offered, displayed or demonstrated.
10. Buskers may not perform within five (5) metres of the entry to retail/business outlet without the approval of the affected shop or property owner.
11. Buskers may not perform within ten (10) metres of any public telephone or an Automatic Teller Machine.
12. Buskers may not perform within ten (10) metres of any street intersection or pedestrian crossing.
13. Buskers using amplification are restricted to battery-operated amplifiers. Amplified acts may only be performed between the hours of 9am and 5pm unless associated with organised events that have the approval of Council.
14. Council reserves the right to modify or revoke any busking permit if the performance results in offensive noise within the terms of the Protection of the Environment Operations Act 1997. Furthermore, Council Rangers and Police Officers are empowered under the provisions of the Local Government Act 1993 and the Protection of the Environment Operations Act 1997 to require the immediate cessation of any performance that results in excessive or offensive noise.

15. Buskers may not perform during special events unless busking forms part of that event.
16. Buskers must be mindful of, and respect the rights of, patrons using public parks and reserves for recreation.
17. Buskers may not sit on or use public seating/benches while performing.
18. Council will not issue a busking permit for any activity which involves dangerous materials and implements and animals.
19. Buskers must comply with directions issued by officer of the NSW Police, Ambulance, Fire and Rescue and any other emergency services.
20. Forbes Shire Council Rangers reserve the right to prohibit the use of any area while public works are in progress.
21. Forbes Shire Council Rangers may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public inconvenience, or is likely to cause harm to the public or property. The Busking Permit Holder must immediately comply with such a request.
22. Busking may include pavement art where it can be seen as a form of public entertainment under the guidelines of the Forbes Council Busking in the CBD Policy with all the existing conditions applying and the following specific conditions:
 - i. Pavement art, for the purposes of the Busking in the CBD Policy, is defined as chalk drawings rendered directly on to the pavement or renderings done in other materials on removable surfaces such as canvas or plastic laid out on the pavement;
 - ii. Drawing directly on the pavement may only occur where the material used is removable by water and does not leave a residue and the surface is non-porous;
 - iii. Renditions of artists work may not be offered for sale;
 - iv. Any materials used must not be slippery (wet or dry) and must not cause a public hazard; and
 - v. There must be no complaints received from any shops owner regarding walking of chalk or other materials into retail or business premises.
23. Circle acts and acts which involve the use of percussion instruments may only be performed on sites approved and nominated on the permit.

I, *[insert performer(s) name(s)]*

Agree to the conditions of busking in the Forbes Shire as set out above.

Signed:

Date:

/ /

[This page is included in the Application for Permit to Conduct Busking]

APPENDIX 3

APPLICATION TO CONDUCT BUSKING

Busker Details

Name:

Performance Name:

Full Postal Address:

Mobile Telephone No:

Email:

Permit Period Commencing: / /

Permit Period Ending: / /

If Applicable:

Group name and number in group:

Description of Performance:

The applicant agrees to the following conditions at all times when performing (including setting-up and packing-up):

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14. Council reserves the right to modify or revoke any busking permit if the performance results in offensive noise within the terms of the Protection of the Environment Operations Act 1997. Furthermore, Council Rangers and Police Officers are empowered under the provisions of the Local Government Act 1993 and the Protection of the Environment Operations Act 1997 to require the immediate cessation of any performance that results in excessive or offensive noise.
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 - iv. Any materials used must not be slippery (wet or dry) and must not cause a public hazard; and
 - v. There must be no complaints received from any shops owner regarding walking of chalk or other materials into retail or business premises.

23. Circle acts and acts which involve the use of percussion instruments may only be performed on sites approved and nominated on the permit.

Signed:

Date:

/ /

Privacy Statement

The personal information provided in this document is protected under the Privacy and Personal Information Protection Act 1998 (PIPPA). PIPPA provides for the protection of personal information, and for the privacy of individuals. Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected. If you require any further information about the collection and use of personal information, please contact Forbes Shire Council's Privacy Officer on 02 6850 2300.



Busking in the Central Business District (CBD) Policy

APPENDIX 4

BUSKING PERMIT – PARENTAL CONSENT

A parental consent form is required for each busker under the age of 18 years including each individual in a busking group.

Busker Details

Name:

Performance Name:

Consent:

I HEREBY consent to my child named above to perform as a busker in the Forbes CBD.

I understand that:

1. Forbes Shire Council provides no supervision of buskers under the age of 18 years.
2. While my child is busking he/she must comply with the conditions of the Forbes Shire Council Busking in the CBD Policy.
3. Council has insured this Busking permit Holder under a special liability policy however I will be responsible for the first \$1,000 of each and every loss.

Signed:

Date: / /

Name of Parent/Guardian:

Contact Number:

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
V1	19/02/2015	Director Tourism, Community and Cultural Development	Council	19/02/2017

Change History

Version	Change Details
V1	Initial Policy

Related Documents

Title

Local Government Act 1993

Dangerous Goods Act

Protection of the Environment Operations Act 1997

Roads Act 1993

Australian Dangerous Goods Code

Procedures for the Issuing of Busking Permits

Conditions for Busking in the Forbes Shire

Application for Permit to Conduct Busking

Busking Permit – Parental Consent