

<b>Policy Number</b>	POL-BUSKV2
<b>File Number</b>	3/POL/BP/2
<b>Responsible Officer</b>	Director Development & Community Services
<b>Adopted</b>	
<b>Last reviewed at Council Meeting</b>	8 September 2015
<b>Minute Number</b>	18269/1
<b>Due date of next Review</b>	June 2017

## 1. Purpose

To encourage activities that contribute to the colour and life of the Mid Murray Council region by creating a sense of vibrancy in a manner that does not cause a risk to property, compromise the safety of members of the public or adversely impact on local traders, residents or pedestrians.

## 2. Policy

### 2.1 Scope

For the purpose of the policy a Busker refers to anyone who performs musically and/or visually in a public place for the entertainment and enjoyment of the community, by playing a musical instrument, dancing, singing, clowning, juggling, or acts of a similar nature with the intention of receiving gratuity.

### 2.2 Principles

- 2.2.1 Buskers make an important contribution to the cultural life of a community by reflecting styles, values and issues of society at large.
- 2.2.2 Busking is a valid means for artists and performers to express their creative talents, make a living, provide cultural experiences and entertain members of the public.
- 2.2.3 Busking should not interfere with pedestrian traffic, the conduct of business, contribute to a lack of safety or disturb public amenity.

### 2.3 Busking Permits

- 2.3.1 Anyone wishing to busk within the town of Mannum must obtain a valid Busking Permit from Council.
- 2.3.2 All applicants must apply for a Busking Permit in person and acknowledge and agree to comply with the terms and conditions of this Policy, unless otherwise varied by the Busking Permit.
- 2.3.3 All applicants must provide the following basic information to Council:
  - Full Name

- Residential Address
  - Postal Address
  - Contact Phone Number
  - Photo Identification (drivers licence, passport, student ID card)
  - Description of Performance
  - Any other information required by Council.
- 2.3.4 The details of all buskers holding a Busking Permit will be entered into a register of approvals granted by the Mid Murray Council.
- 2.3.5 Buskers must hold and have available a Busking Permit when busking at all times.
- 2.3.6 A Busking Permit will be valid for a period of 12 months except where varied by a condition of approval and listed in the Busking Permit or where revoked or modified at the discretion of the Chief Executive Officer.
- 2.3.7 The cost associated with applying for a Busking Permit is nominated in Council's fees and charges. The busking fee for 2015/16 will be set at \$5.00 per day.

## **2.4 Eligible Criteria**

- 2.4.1 Public liability insurance policy is not required to be provided by buskers for low risk Busking Acts.
- 2.4.2 Applicants with a record of criminal offences including, but limited to, sex offences, drug dealing and violent crimes (against person or property) will not be issued a Busking Permit.
- 2.4.3 Buskers must not obstruct pedestrian flow, fire exits, busk in doorways or incorporate street furniture as part of their performance.

## **2.5 Under Age Performers**

- 2.5.1 Children under 16 years of age require written permission from a parent or guardian and that parent or guardian must accompany the applicant with photo identification when applying for a Busking Permit.
- 2.5.2 Children under 16 years of age will only be permitted to busk outside of school hours (8.30am to 4.00pm) and during daylight hours and must be constantly supervised by a parent or guardian.

## **2.6 Group Acts**

- 2.6.1 Each member of the group must be identified on the Busking Permit and this must be clearly displayed during their performance.
- 2.6.2 Groups are limited to a maximum of five (5) members. This is to ensure that pedestrians are able to move freely and to prevent crowd crush.
- 2.6.3 In special circumstances, groups with more than five (5) members may make a written request to the Chief Executive Officer to busk in certain locations.

## **2.7 Designated Busking Areas**

- 2.7.1 All busking must be undertaken within a designated area.
- 2.7.2 A designated area is defined as an area of public land approved by the Authorising Officer.

## **2.8 Hours of Operation**

Holders of Busking Permits may busk within the Mid Murray Council area and in a designated area between the following times:

- 10 am – 10 pm Monday – Thursday
- 11 am – 12 midnight Friday and Saturday
- 10 am – 10 pm Sunday.

## **2.9 Non Acceptable Acts**

- 2.9.1 The use of sharp objects or other dangerous instruments including knives, swords or chainsaws, stock whips, fire, flammable liquids and any other equipment that may create a hazard to public safety.
- 2.9.2 Causing damage to public property including painting or drawing on footpaths.
- 2.9.3 Use a child or any other person not covered by the permit or incorporating any animal in or as part of the performance.
- 2.9.4 Advertising any non-approved product, service or sponsorship.
- 2.9.5 Haranguing, arguing with, abusing or causing discomfort to the public.
- 2.9.6 The use of amplification must not exceed ambient noise levels, with the exception of percussion or wind instruments in which case no amplification is permissible.
- 2.9.7 Offering for sale or the provision of goods or services or one-on-one consultation is not considered to be busking under the terms of this policy, for example:
  - Balloon Sculpting
  - Modelling
  - Fortune, Tract Card and Palm Reading
  - Massage or any type of healing therapy
  - Selling of any kind (with the exception of the Clause entitled “CDs and DVDs”).

## **2.10 CDs & DVDs**

- 2.10.1 The CDs or DVDs must contain original material of the busker. Only one item for sale is allowed on display.
- 2.10.2 The sale of CDs and DVDs may only occur as a complement to the busker's performance and should not dominate the time a busker occupies a site.
- 2.10.3 Buskers must not approach a member of the public for the purpose of selling their goods, nor seek assistance of someone else to sell their goods.

## **2.11 Legal obligations and cancellation**

- 2.11.1 Buskers shall comply with all relevant laws, regulations and policies and lawful directions of Authorised Persons. The holding of a Busking Permit will not constitute a defence where a busker has committed an offence.
- 2.11.2 Busking Permits may be revoked or modified at the discretion of the Chief Executive Officer or if a Busker breaches any law, any requirement of this Busking Policy or a condition of a Busking Permit.
- 2.11.3 Buskers must cease if directed to by an Authorised Officer or Police Officer.

## **2.12 Review and evaluation**

This Policy will be subject to annual evaluation and review to ensure its commitment to the principles of good conduct and standards of behaviour is being achieved.

# **3. Policy Responsibility**

The Director Development & Community Services is responsible for ensuring the proper operation of this Policy.

# **4. Availability/Accessibility**

- 4.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).
- 4.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

## 5. Legislative Framework / Other References

5.1 [Local Government Act 1999](#)

5.2 [Busking Permit Application Form](#)

## 6. Document History

Version	Adopted	Minute	Description of Change
2	8 September 2015	18269/1	
2	January 2017		Updated with new format and layout, policy unchanged.
2	12 April 2023		Updated with new format and layout, policy unchanged.