	GOVERNANCE POLICY BUSKING POLICY	Policy Number Version Number Issued Last Review Next Review GDS	G1.56 1 February 2023 February 2028 9.63.1.1
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BUSKING

POLICY

1. PURPOSE

- 1.1. To encourage activities that contribute to the colour and life of the Flinders Ranges 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.
- 1.2. Council is committed to creating vibrant streets that offer town users the opportunity to experience high quality street performances and activity.
- 1.3. Why this policy is important:
 - 1.3.1. Street activation is a key element of creating a more vibrant streetscape.
 - 1.3.2. People feel safer in places that attract people to engage in positive social interaction.
- 1.4. The Flinders Ranges Council will enact this policy making it easier for the community to activate streets through an easy to navigate permit process.

2. DEFINITIONS

- 2.1. **Advertising** - The activity of carrying advertising generally, but not limited to, slung over the shoulders in the form of a sandwich board or similar.
- 2.2. **Busker/s**- An independent musician, actor or street performer or group of the same (up to 6 people) performing in a Public Place and may include the collection of money for the performance.
- 2.3. **Fit and Proper Person** - A person who has no relevant criminal history.
- 2.4. **Pamphlet** - A handbill, book, notice, advertisement, leaflet or other printed matter.
- 2.5. **Pamphlet Distribution** - To give out, hand out or distribute to any bystander or passer-by any Pamphlet (other than Pamphlet distribution promoting a business, which is covered by Council's S222 permit).
- 2.6. **Permit** - Written permission given by Council or an authorised Council Officer to conduct an activity in accordance with the specified conditions.
- 2.7. **Preaching** - To proclaim, advocate or inculcate asserted religious beliefs or moral truth and right conduct in speech or in writing.
- 2.8. **Public Place** - Any street corner, road, footpath or Park Land under the care, control or management of The Flinders Ranges Council, but does not include private streets or private property.
- 2.9. **Relevant Criminal History** - Includes but is not limited to a record of offences against children, breaches of the *Local Government Act 1999*, *Local Government Act 1934*, Council's By-laws or the conditions of permits issued by Council or other Councils.
- 2.10. **School Hours** - 8:30 am to 4:00 pm school days during school terms as dictated by the State Government.
- 2.11. **Street Occupation** - For the purpose of this guideline includes Park Land or Reserve occupation.



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3. SCOPE

- 3.1. For the purpose of this 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, signing, clowning, juggling, or acts of a similar nature with the intention of receiving gratuity.

4. PRINCIPLES


- 4.1. Buskers make an important contribution to the cultural life of a community by reflecting styles, values and issues of society at large.
- 4.2. 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.
- 4.3. Busking should not interfere with pedestrian traffic, the conduct of business, contribute to a lack of safety or disturb public amenity.

5. BUSKING PERMITS

- 5.1. Anyone wishing to busk within The Flinders Ranges Council must obtain a valid Busking Permit (an authorised copy of a Busking Permit Form (Appendix 1)) from Council by completing a Busking Permit Form.
- 5.2. 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 a Busking Permit.
- 5.3. All applicants must provide the following basic information to Council:
- 5.3.1. Full Name
 - 5.3.2. Email Address
 - 5.3.3. Residential Address
 - 5.3.4. Postal Address
 - 5.3.5. Contact Phone Number
 - 5.3.6. Photo Identification (drivers' licence, passport, student ID Card)
 - 5.3.7. Description of performance
 - 5.3.8. Any other information required by Council
- 5.4. The details of all buskers holding a Busking Permit will be entered into a register of approvals granted by The Flinders Ranges Council.
- 5.5. Buskers must display a Busking Permit when busking at all times.
- 5.6. A Busking Permit will be valid for a period of up to 12 months except where varied by a condition of approval and listed in the Busking Permit register or where revoked or modified at the discretion of the Chief Executive Officer.
- 5.7. No fees apply for the Busking Permit.

6. ELIGIBILITY CRITERIA


- 6.1. Buskers must hold a public liability insurance policy to the value of \$20 million and be underwritten by an insurer which is acceptable to The Flinders Ranges Council and this must cover the entire licence period. A certificate of currency must be provided in the name of the busker for a Busking Permit to be authorised.
- 6.2. Subject to approval by the CEO, Council may in special circumstances provide the public liability cover required for small acts where the cost of public liability is prohibitive to the applicant e.g. for acts in the Quorn Public Square.

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- 6.3. Buskers must provide Council with a valid police check - no older than 12 months, or a statutory declaration following discussion with Council. In cases where there are allegations that the person is not a Fit and Proper Person to undertake street activity, a police clearance may be requested from the applicant.
- 6.4. Applicants with a record of criminal offences including, but not limited to, sex offences, drug dealing and violent crimes (against person or property) will not be issued a Busking Permit.
- 6.5. Buskers must not obstruct pedestrian flow, fire exits, busk in doorways or incorporate street furniture as part of their performance.
- 6.6. Additionally
- 6.6.1. No person shall sing or play upon any musical instrument in any street or road without the written permission of the Council.
- 6.6.2. No person shall sing or play any musical instrument in any street or road after being requested to stop busking by an Authorised Officer of Council or any member of the Police force or any occupier of the building
- 6.6.3. No person shall sing or play any musical instrument in any street or road so as to obstruct or annoy any person or any occupier of any building abutting on the street or road.
- 6.6.4. Noise from amplification or percussion must be kept limited to where it can only be heard within 50 metres and does not cause a nuisance to traders or residents
- 6.6.5. No person shall congregate with other persons in or upon any street or public place or upon or over any footway so as to obstruct the free passage of traffic
- 6.6.6. No person shall make or cause to be made any loud or violent outcry, noise (including generators) or disturbance in or upon any street or public place or on or over any footway
- 6.6.7. Busking Permits may be issued subject to the following conditions:
- (i) There is no form of amplification (unless approved by Council).
 - (ii) There is no advertising or association with advertising in conjunction with any performance.
 - (iii) The performance involves fewer than five performers.
 - (iv) No animal is used in conjunction with any performance.
 - (v) In the opinion of the relevant Authorised Officer, the sound level created is not excessive.
 - (vi) By-standers and passers-by are not accosted or solicited for money.
 - (vii) No article or commodity is sold, offered or exposed for sale.
 - (viii) The performance does not cause any undue obstruction, directly or indirectly, to the movement of pedestrians.
 - (ix) The performance is not conducted from a lane entrance or doorway.
 - (x) One of the performers is the Permit holder.
 - (xi) The Permit is produced on demand.

7. UNDERAGE PERFORMERS

- 7.1. 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.
- 7.2. 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.

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8. GROUP ACTS

- 8.1. Each member of the group must be identified on the Busking Permit and this must be clearly displayed during their performance.
- 8.2. 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.
- 8.3. 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.

9. DESIGNATED BUSKING AREAS

- 9.1. All busking must be undertaken within a designated area.
- 9.2. A designated area is defined as an area of public land approved by the Authorising Officer and contained within one of following Zones:
 - Township Main CBD
 - Community Facility

10. HOURS OF OPERATIONS

- 10.1. Holders of Busking Permits may busk within The Flinders Ranges Council Local Government Area and in a designated area between the following times:
 - 9am – 10pm Monday – Thursday
 - 9am – 12am midnight Friday and Saturday
 - 9am – 10pm Sunday

11. NON-ACCEPTABLE ACTS

- 11.1. 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.
- 11.2. Acts that have previously, or are likely to, cause offence to a reasonable person.
- 11.3. Causing damage to public property including painting or drawing on footpaths.
- 11.4. Use a child or any other person not covered by the permit or incorporating any animal in or as part of the performance.
- 11.5. Advertising any non-approved product, service or sponsorship.
- 11.6. Haranguing, arguing with, abusing or causing discomfort to the public.
- 11.7. Where approved, 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.
- 11.8. 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, Tarot Card and Palm reading
 - Giving of material (i.e. tarot cards, business cards, marketing material etc.)
 - Massage or any type of healing therapy
 - Selling of any kind (with the exception of Clause 12)

12. CDs AND DVDs

- 12.1. The sale of CDs and DVDs in addition to a busking performance is permissible, subject to:

<p style="text-align: center;"><i>Electronic version on the Central Server Computer System is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.</i></p>	Page 4 of 10
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- 12.1.1. The CDs or DVDs must contain original material of the busker. Only one item for sale is allowed on display and a maximum of 10 items can be available for sale at any given time.
- 12.1.2. 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.
- 12.1.3. 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.

13. LEGAL OBLIGATIONS AND CANCELLATION

- 13.1. Buskers shall comply with all relevant laws, regulations, 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.
- 13.2. 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.
- 13.3. Buskers must cease if directed to by an Authorised Officer or Police Officer.

14. REVIEW AND EVALUATION

This Policy shall be reviewed at least every seven (7) years or more frequently if legislation or Council needs changes to the content.

15. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: 08 8620 0500
 Email: council@frc.sa.gov.au
 Appointment: The Flinders Ranges Council Administration Centre, 1 Seventh Street, Quorn.
 Letter: PO Box 43, QUORN, SA 5433.

16. AVAILABILITY OF POLICY

The Policy is the Council's website at www.frc.sa.gov.au. A printed copy may be purchased on request from the Council's Administration Centre.


17. RESPONSIBILITIES

The Supervisor – Tourism and Administration is accountable for ensuring the proper operation of this policy.

18. LEGISLATION

19. REFERENCES

Nil

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Adopted by Council 23 March 2023
Resolution 46/2023

Review Date	Version Number	Change	Resolution
	1	Adopted by Council	46/2023

Permit Agreement

Busking

I (name)

for and on behalf of (hereinafter called the permit holder),

..... (organisation, business, group)

of address:

of telephone:

of email

Hereby make application to **THE FLINDERS RANGES COUNCIL**

to undertake busking as follows:

Location:

Date:

Between the hours of and

Names of all buskers (maximum of 5):

.....

.....

.....

Age of buskers (if under 16 parental approval is required):

.....

Type of activity:

.....

.....

Items to be placed on footpath (if any):

.....

.....

If music will be played, please provide details:

.....

.....

Council will not provide power. If it will be provided, please provide the details:

.....

The issuing of this permit is subject to:

- A. The Permit Holder agreeing to the General Conditions of the permit as contained herein.
- B. The Permit Holder agreeing to all Special Conditions which the Council may determine.
- D. The Permit Holder providing a copy of all appropriate insurances as required by either the General Conditions or Special Conditions of the Permit.

General Conditions of Permit:

1. The Permit Holder agrees to act within all guidelines as outlined in The Flinders Ranges Council Busking Policy, available from www.frc.sa.gov.au.
2. The Permit Holder agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges, and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the Permit.
3. The Permit Holder shall take out and keep current a public risk insurance policy in the name of the Permit Holder insuring the Permit Holder for the minimum sum of twenty million dollars (\$20 000 000.00) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the Permit Holder in relation to the activity.
4. The Permit Holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the Permit Holder.
5. The Permit Holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this Permit.
6. The Permit is not transferrable.
7. The Permit Holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.
8. No food or drink will be offered for sale by any Permit Holder without the prior approval of the Council.

9. No music system or amplified sound to be used by any Permit Holder without the prior approval of the Council and if approved noise must be limited to where it can only be heard within 50 metres and/or does not cause a nuisance to traders or residents.
10. Stalls and exhibitors sites will be allocated by the Council and no allocated sites may be altered without the approval of the Council.
11. The Permit Holder shall ensure that its site or sites are left in a clean and tidy condition at the end of the event. Failure to do so may result in cleaning fees being charged.
12. The use of power by Permit Holders shall not exceed that agreed to and approved by the Council.
13. This Permit is liable to be revoked by Council if the Permit Holder fails to comply with a condition of this Permit or may be revoked in any other justifiable circumstance.
14. This Permit will not come into operation until proof of the appropriate insurance has been provided to the Council and a copy of this document, signed by the Council has been returned to you.
15. Performers should have a copy of this permit on display at all times whilst performing.
16. Permit will be valid for a period of up to 12 months except where varied by a condition of approval or revoked or modified at the discretion of Council.
17. No fees will apply for Permit.
18. Applicants must provide Council with a valid police check (no older than 12 months) or a statutory declaration stating they are a fit and proper person to undertake street activity.
19. Permit holders must not obstruct pedestrian flow, fire exits, doorways or incorporate street furniture as part of their performance.
20. Permit Holders under 16 years of age require written permission from a parent or guardian and that parent or guardian must accompany the application and provide photo ID when applying for the Permit.
21. Permit Holders under 16 years of age will only be permitted to busk outside of school hours and must be supervised by a parent or guardian.
22. Permit Holders may only perform in designated areas between the hours of 9am-10pm Monday to Thursday, 9am-12am midnight Friday and Saturday and/or 9am-10pm Sunday.
23. Non-acceptable acts are outlined in the Busking Policy and must be adhered to.
24. Permit Holders shall comply with all relevant laws, regulations, policies and lawful directions of Authorised Persons.

I acknowledge that I have read and understand the permit conditions and agree to abide by the said conditions.

Signed for and on behalf of the permit holder

Name

Date

Position

Signature

COUNCIL AUTHORISATION

Insurance _____ Photo ID Sighted _____

Valid Police Check Sighted / Statutory Declaration Provided _____

Copy of Busking Policy provided to applicant

☐

Permit Approved / Denied

Permit Number

Signed _____

Date _____