

TENTERFIELD SHIRE COUNCIL

POLICY STATEMENT

HEADING:

Busking Policy

MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017
168/17**

HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

23 July 2014 253/14



1. GLOSSARY OF TERMS

For the purposes of this policy the following definitions apply:

Busker: An entertainer who provides performances for the public such as playing a musical instrument, dancing, singing, clowning, juggling, reading fortunes including tarot cards and palm readers or doing other acts of a similar nature in public places.

- Artists selling previously produced work, masseurs or masseuses, vendors of any kind and solicitors of money for any purpose are not considered to be buskers.

Soliciting of 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.

Dangerous materials and implements: Materials and implements that pose or perceive to pose a risk, hazard or uncertain outcomes for people.

- *Dangerous materials* include flammable materials and chemicals, fire, fireworks, explosives, smoke, flares, heated elements, or anything giving off a level of heat or toxicity.
- *Dangerous implements* include knives, spears, swords, spikes, and sharp implements of any kind.

Offensive acts: Any act by way of direct or implied sexual or discriminatory nature or inappropriate language, content or behaviour that causes a person in the audience to feel resentful, upset, or annoyed.

2. OBJECTIVES

This policy has been developed:

- 2.1 To encourage busking in the Tenterfield Shire.

- 2.2 To identify locations suitable for different busking types.
- 2.3 To minimise complaints, criticism, accidents and other problems associated with buskers operating in the Tenterfield Shire.

3. PRINCIPLES

Tenterfield Shire Council recognises that:

- 3.1 Buskers make an important contribution to the cultural life of the Shire.
- 3.2 Buskers provide entertainment and experiences for tourists and residents of the Shire.
- 3.3 Busking should not interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

4. PUBLIC LIABILITY

Festivals, events or carnivals organised by a third party not part of Tenterfield Shire Council must have public liability insurance to cover all festival, event or carnival activities. Buskers that are part of such a festival, event or carnival should be covered under that festival, event or carnival's public liability insurance. It is the responsibility of the individual to make themselves aware of their legal liability and or insurance obligations with the festival, event or carnival organiser.

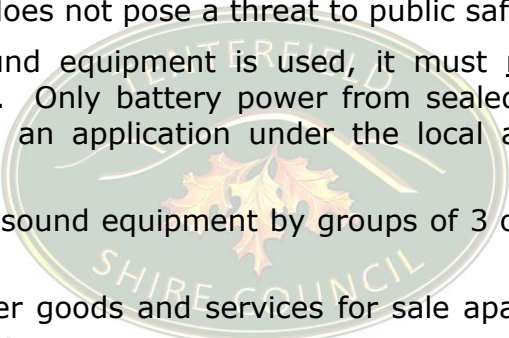
Buskers who are not part of a festival, event or carnival can be covered by Tenterfield Shire Council's public liability insurance if they have registered with Council.

Buskers that use dangerous materials and implements must have their own minimum \$10,000,000 public liability insurance as they will not be covered by Tenterfield Shire Council's public liability insurance.

5. GENERAL CONDITIONS

In relation to busking in all public areas of the Shire the following conditions apply:

1. Buskers not part of a festival, event or carnival must register with Council to busk in Tenterfield Shire. Registration to busk will be for a set time period.
2. Registering to busk with the Council allows the individual or group to be covered by the Council's public liability insurance when they busk, as often as they want during the set time period.
3. Registration with Council to busk is not transferrable to another busker.
4. Buskers must not interfere with pedestrian flow or cause obstruction. There must be a minimum of 1.4 metre corridor on the footpath for pedestrian flow. This distance may be varied on a case by case basis.
5. No equipment is to be placed within 600mm of the kerbside.
6. Buskers may receive voluntary donations from the audience but may not solicit funds.

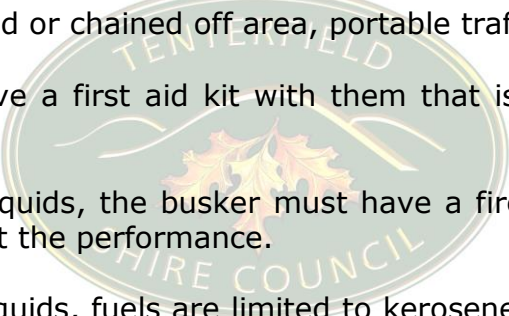
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7. Buskers must provide a duty of care and keep the site in use clean and ensure that their use of the site does not pose a threat to public safety and amenity.
 8. Where amplified sound equipment is used, it must **not** be powered by mains power or generators. Only battery power from sealed (gel) or dry cell batteries may be used unless an application under the local approvals polices has been obtained.
 9. The use of amplified sound equipment by groups of 3 or more is permitted only in the parks.
 10. Buskers may not offer goods and services for sale apart from those consisting of the buskers own work.
 11. Authorised officers of the Tenterfield Shire Council or the NSW Police Force may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public nuisance, offense or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
 12. Buskers must also comply with directions issued by Ambulance, SES, Fire and Rescue and any other Emergency Services personnel.
 13. Buskers may not perform near retail outlets without permission of the shop or property owners, whilst the businesses are open.
 14. Buskers must be aware that when performing in the vicinity of food outlets and serving areas, they must not use animals or materials that may leave a residue on tables, chairs or eating utensils (e.g. bubbles).

6. USE OF DANGEROUS MATERIALS AND IMPLEMENTS

Tenterfield Shire Council recognises that buskers may use materials and implements that may be viewed as dangerous. Tenterfield Shire Council acknowledges that, in the hands of skilled and experienced buskers, the use of dangerous materials and implements is visually exciting and popular with the viewing public.

In relation to the use of dangerous materials and implements in busking the following extra conditions apply:

1. Buskers not part of a festival, event or carnival using dangerous materials and implements must register with Council **and** apply for a permit to busk using dangerous materials and implements in the Shire.
2. Buskers not part of a festival, event or carnival using dangerous materials and implements must supply Council with a copy of their minimum \$10,000,000 public liability insurance when registering with Council.
3. Busking using dangerous materials and implements is permitted only in the areas listed on the permit.
4. The busker must, at all times ensure the health and safety of the audience watching the performance.
5. The busker must ensure that public property is not damaged before, during or after the performance.

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6. The busker must, at all times define the performance space by establishing a physical boundary of at least 2 metres between herself/himself and the audience utilising either a roped or chained off area, portable traffic barriers or fence.
 7. The busker must have a first aid kit with them that is accessible throughout the performance.
 8. If using flammable liquids, the busker must have a fire blanket with them that is accessible throughout the performance.
 9. If using flammable liquids, fuels are limited to kerosene, firewater or scented lamp oils (e.g. citronella) only. No other fuels will be permitted.
 10. Storage and transport of any flammable liquids permitted will be in accordance with Section 7 of the Australian Dangerous Goods Code, that is:
 - i. Portable plastic containers of no greater than a 5 litre capacity.
 - ii. Containers must be conspicuously marked with the words 'HIGHLY FLAMMABLE', in capital letters on both sides of container and 'Class 3 Flammable liquids',
 - iii. The name of the liquid must be clearly marked on the container.
 11. When using flammable liquids a busker must use a bucket as a drip tray for flares or torches, or preferably use a pre-soaking method for the flares or torches. Tenterfield Shire Council will not tolerate drip stains on ground surfaces that are not immediately removed, or able to be removed by the busker after the act has been completed.
 12. If using dangerous materials or implements in a performance the busker must hold the appropriate licence or certificate e.g. Chain saw operator's certificate, pyrotechnics certificate.
 13. Council reserves the right to withdraw a permit for Busking using dangerous materials and implements based on Council's risk assessment and continual review of hazard identification.
 14. Council reserves the right not to issue a permit for Busking using dangerous materials and implements based on Council's risk assessment process.

7. FEES

This policy is in accordance with Council's adopted fees and charges.