

# **Busking Policy 2024**

## **POL029**



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<b>Policy No:</b>	<b>POL029</b>
<b>Policy Title:</b>	<b>Busking Policy</b>
<b>Section Responsible:</b>	<b>Corporate and Community Services</b>
<b>Minute No:</b>	<b>23/212</b>
<b>Doc ID:</b>	<b>8344</b>

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## **1. INTENT**

- Encourage performers and events to contribute to the cultural life of Narrandera Shire.
- Provide alternative performance options for performers.
- Provide a platform for community expression.
- Identify and qualify locations suitable as busking sites.
- Manage busking within the Narrandera Shire local government area.

## **2. SCOPE**

- This policy applies to any person, persons, group or groups performing in a public space within the Narrandera Shire local government area.
- Busking is only permitted on pedestrian footpaths in East Street, Narrandera, or within Kiesling Lane, or outside the Narrandera Destination and Discovery Hub (NDDH), or the village centres of Barellan and Grong Grong. Location maps are attached to this policy and are also included as part of the busking application form.
- The Narrandera War Memorial Gardens is not to be used for busking purposes.

## **3. PROVISIONS**

### **3.1 REQUIREMENTS**

- Applications for a busking permit-within designated areas must be sought through the Narrandera Shire Council.
- Buskers must hold their authorised permit on their person, to and must be shown at the request of Narrandera Council Rangers/Officers or adjoining property owners or tenants.
- Council reserves the right to cancel a permit should the applicant or Busker not comply with this policy.
- Applicants for a busking permit **who do not** hold their own Public Liability insurance with a minimum \$20 Million coverage, must pay the annual charge detailed within

Council's annual fees and charges to access Council's Local Community Insurance Scheme; the applicant must also pay the booking fee for each busking occasion.

- Applicants for a permit **who do** hold their own Public Liability insurance with a minimum \$20 Million coverage need only pay the booking fee for each busking occasion – a valid certificate of currency must be supplied.
- Not for profit performers must still apply for a permit.
- Children under 18 years of age must still apply for a permit, however an appropriate adult must make the application. Proof of parental or legal guardian consent must be provided for applicants under the age of 18 years to reduce the risk of potential breaches of the *Modern Slavery Act, 2018*. Presentation of a Medicare Card with both the parents or legal guardians name with the name of the child will suffice.
- For the purposes of identification, applicants are required to present proof of identity in one of the following forms at the time of application:
  - Student identity/proof of age card.
  - Current passport with photo.
  - Credit card with signature.
  - Current photo driver's licence.
- Buskers must remain in their approved area or areas as detailed on the permit.
- Buskers must not solicit funds; however, Buskers can accept volunteered monetary appreciations.
- Permits are not transferable from an applicant to another person; however, the date of performance may be altered due to events such as a weather event.
- Buskers must follow directives issued by NSW Police force, Ambulance, Fire and any other Emergency Services or Narrandera Shire Council Rangers/Officers.
- Narrandera Shire Council Rangers and Officers may at any time request Buskers to immediately terminate their performance if the Ranger/Officer deems the activity as too loud, offensive, dangerous or as causing harm to private or public property or for any other reason found to be a breach of the law.
- Buskers must not unreasonably restrict or cause obstruction to pedestrian flow or entrances to shops or buildings. An unobstructed corridor with a minimum width of 1.5 metres must be maintained.
- Buskers must ensure their site does not pose a threat to public safety.
- Buskers must keep their designated site clean while performing, also at the time of departure the site must be clean.
- Buskers must not use dangerous implements or materials as part of their performance.
- Buskers must not perform longer than three (3) hours at any one approved location without the permission of Narrandera Shire Council.
- Busking may only be conducted within the generally accepted normal business hours operating in within the approved precinct.

- Buskers must not sell or make offers for sale of any commodity without the permission of Narrandera Shire Council.
- Buskers must not advertise or be seen to be endorsing any product of any kind in conjunction with their performance without the permission of Narrandera Shire Council.
- Display structures must not be used such as A-frames.
- Buskers must not use mains voltage amplification without the permission of Narrandera Shire Council. Buskers may use battery-operated amplification without the permission of Narrandera Shire Council. Amplification must be kept at a level that would be reasonably acceptable for the area.
- By signing the busking application, the applicant agrees to comply with conditions contained within this policy.
- Buskers must make themselves aware of and comply with any health orders regarding public gatherings.

#### 4. DEFINITIONS

- **Busker:** A person conducting an act/performance to be seen by the general public. The act may be arranged or impromptu performances including the playing of a musical instrument, dancing, singing, clowning, or juggling, or doing other acts of a similar nature in public. Buskers may or may not accept volunteered monetary appreciations.
- **Child:** A child is defined as a person who is under the age of 18 years of age.
- **Dangerous materials and implements:** Materials and implements that pose a risk, or uncertain outcomes for people. This includes:
  - Dangerous materials that gives off any kind of heat or toxicity including flammable materials and chemicals, fireworks, smoke, flares, heated elements.
  - Dangerous implements include knives, spears, swords, spikes, sharp implements, and any other implement that pose a threat of harm to any person.
- **Non-profit performer:** A person performing an act/performance to be seen by the general public but who or which does not accept volunteered monetary appreciations is still a Busker.
- **Performance:** Musical, dramatic, or other entertainment involving musical, theatrical, or circus performance skills.
- **Soliciting funds:** The act of asking, begging, seeking or requesting money or goods from members of the public.
- **Prohibited activities:** Narrandera Shire Council does not define the following as a busking performance and are therefore not permitted:
  - Fortune telling by tarot card or the reading of palms, messages of propaganda that a reasonable person would consider offensive, the display of items that a reasonable person would consider offensive, vendors and artists selling portraits or other works, vendors selling commercial goods such as toys or services such as remedial massage therapy.

## 5. ROLES AND RESPONSIBILITIES

- Corporate and Community Services for the issuing of permits.
- Compliance staff for the regulation of the busking permit.

## 6. RELATED LEGISLATION

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- *Modern Slavery Act, 2018*
- *Roads Act, 1993*

## 7. RELATED POLICIES AND DOCUMENTS

- Busking Application form (MagiQ #623745)
- Busking Permit template (MagiQ #437354)
- Busking Register (MagiQ #695803)

## 8. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes where applicable. Council may also amend this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

## 9. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS80 Busking Policy 2018.

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### POLICY HISTORY

<b>Responsible Officer</b>	<b>Deputy General Manager Corporate &amp; Community</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>9 January 2024</b>		
<b>GM Signature</b> <i>(Authorised staff to insert signature)</i>			
<b>Next Review</b>	<b>31 December 2027</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Resolved by Council</b>	<b>Date signed by GM</b>
<b>1 Adopted</b>	-	19/07/2005	19/07/2005
<b>2 Reviewed</b>	15/01/2018	-	15/01/2018
<b>3 Reviewed</b>	11/08/2020	15/09/2020	4/12/2020

<b>4 Reviewed</b>	31/08/2023	21/11/2023	9/01/2024
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# Attachment (1)

Image 1 - Narrandera



