



# Busking Guidelines

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APPROVAL / VERSION NO.	27 <sup>th</sup> October 2014, Version 1
VERSION NO:	Version 1
TRIM REF:	13/122324
REVIEW	Policy to be reviewed by 27 <sup>th</sup> October 2018
RESPONSIBLE EXECUTIVE	General Manager City Assets and Environment
POLICY OWNER	Arts and Cultural Development Coordinator

## 1. Purpose of the Policy

Provides guidelines for busking activity across the municipality. To be used in conjunction with the Busking Permit Application Form.

## 2. Scope

Applies to buskers, traders, residents, and visitors.

## 3. Definitions

### **Busking**

Busking may be categorised as actively providing a public performance in a public space in exchange for a donation. In the City of Kingston, busking refers to activities which include a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, recitation and other appropriate theatrical and visual forms. It may also include activities such as drawing any message, picture or representation on a pavement, paper or canvas surface.

## 4. Responsible Executive

**General Manager Corporate Services**

## 5. Policy owner

**Arts and Cultural Development Coordinator**

## 6. Related Documents

- Arts and Cultural Strategy 2011-2015 available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)
- Public Art Strategy 2012-2016 available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)
- Footpath Trading Policy available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)
- Living Kingston 2035 available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)
- Local Laws available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)
- Busking Permit Application Form available from [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)

## 7. Delegation Authority

- Arts and Cultural Project Officer
- Local Laws Officers
- Victoria Police

## 8. Policy Statement

The City of Kingston is proud of its reputation for supporting lively street culture and values the diversity of entertainment that buskers provide. Artistic and cultural life is integral to Kingston as a liveable, creative city, encouraging buskers from all backgrounds, abilities and through different mediums to showcase their craft in the municipality.

The City of Kingston also recognises the importance of having a structured policy framework to provide a safe, accessible and culturally sensitive environment for buskers, traders, residents, and visitors.

## 9. Policy Details

### 1. What is busking?

Busking may be categorised as actively providing a public performance in a public space in exchange for a donation. In the City of Kingston, busking refers to activities which include a musical instrument and/or singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, recitation and other appropriate theatrical and visual forms. It may also include activities such as drawing any message, picture or representation on a pavement, paper or canvas surface.

#### 1.1 What type of busking is not permitted in Kingston?

- Acts with dangerous goods (includes the use of substances that are flammable, toxic or use hazardous implements such as swords, knives and whips); and
- Acts which include animals.

#### 1.2 What is not busking?

The activities listed below are not considered busking and are not supported by Council:

- vendors of any kind – including glow sticks, flowers, jewellery and other merchandise sellers;
- charity collectors and promoters;
- touting or spruiking;
- political rallying;
- religious spruiking;
- tarot card reading, palmistry and fortune telling;
- massage, chiropractic treatment or any other physical manipulation;
- artists selling pre-fabricated work – pavement artists must be actively engaged in producing their artistic medium and not simply selling displayed goods;
- temporary tattoo applications; and
- begging (begging is illegal under the Summary Offences Act and enforcement is the responsibility of the Victoria Police).

## **2. How do I apply?**

There is no interview or audition process required to engage in busking in Kingston however permits are required.

Applications for a busking permit are available for a 12 month period and are available to download at the City of Kingston's website at [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au), Kingston Arts' website at [www.kingstonarts.com.au](http://www.kingstonarts.com.au) and from all Customer Service Centres.

All applicants are asked to read these Busking Guidelines and agree to the terms and conditions therein before a permit is issued. By accepting the permit, the applicant agrees to fully comply with all of the terms and conditions of the permit and the Busking Guidelines on the understanding that the permit may be suspended, cancelled or revoked on non-compliance of any condition contained within these Guidelines.

Applications for a busking permit must be submitted to Arts and Cultural Development Coordinator for assessment before being made available to Local Laws who will be responsible for issuing permits.

Buskers are required to display their permit at all times when carrying out activities. Permits are non-transferable and apply only to the nominated holder.

The City of Kingston does not charge a fee for busking permits.

In the situation where a trader directly commissions an artist for a fee to perform outside their premises, performers are required to adhere to the Footpath Activities Policy. For more information on the Footpath Activities Policy, please contact Council's Economic Development unit on 1300 653 356.

### **2.1 Is there an age limit?**

Buskers under the age of 16 must have parental or legal guardian consent. It is mandatory that children under this age have parental or legal guardian supervision at all times whilst performing.

### **2.2 Do I need insurance?**

Buskers are required to hold their own public liability insurance for the life of the permit (twelve months) and supply a certificate of currency as part of the application process. Absence of appropriate coverage may expose them to personal liability. In the instance where a busker does not hold public liability insurance, they can apply for insurance through Council via the Arts and Cultural Development Coordinator.

### **2.3 What about donations?**

Buskers may give audiences an opportunity to provide voluntary donations by placing a container on their site but in a way that doesn't constitute a tripping hazard. Buskers are not permitted to approach individuals requesting money or solicit funds in a way that is overtly offensive to members of the public.

### **3. Where can I perform?**

Busking in the City of Kingston is applicable within all public spaces as long as buskers adhere to the Busking Guidelines.

Busking permits are necessary for those wishing to perform on Council land. For those wishing to perform on privately owned land such as the Forecourt steps at Mordialloc Shopping Centre, Aspendale Gardens or Southland Shopping Centre they will need to obtain permission from shopping centre management.

Any site may become temporarily unavailable due to an organised special event. Buskers must follow the direction of City of Kingston Authorised Officers if a site becomes unavailable either temporarily or permanently.

In the case of an organised event, buskers should not attempt to associate themselves with that event unless otherwise advised or invited by an event organiser.

#### **3.1 What are prohibited areas for busking?**

The following locations are prohibited for buskers wishing to perform in the City of Kingston:

- directly in front of shop doorways during business hours, businesses, dining areas and cafes, bus stops, fire escapes, roads, residential doorways and Automatic Teller Machines;
- within ten (10) metres of any intersection, pedestrian crossing, traffic signal or public telephone booths unless otherwise designated;
- private property (particularly where access and safety are considerations i.e. train stations, kindergartens, schools and hospitals);
- outside accommodation hotels and motels;
- outside, adjacent to or on the grounds of places of worship, religious, and memorial sites; and
- narrow streets and footpaths with inadequate pedestrian capacity and against the building line.

### **4. Are there any limitations or restrictions?**

#### **4.1 Can I draw on the pavement?**

Pavement Art (chalk) must be applied with biodegradable, non-permanent and non-slippery chalk and easily washable. Works can be no larger than one square metre and not explicit in nature. There is no warranty for pavement art being removed by Council Officers or any other third parties, particularly overnight as part of Council's maintenance schedule. Permit holders must ensure that the site is not stained with any material, chemical or other residue.

#### **4.2 What are the performance times?**

Buskers can only perform between 9.00am to 9.00pm throughout the week.

Pavement Artists are permitted to remain in one location for a day.

Up to a maximum of four (4) buskers can apply under the one permit.

Buskers can only perform for a maximum of two (2) hours per day at any one location. Buskers are encouraged to take breaks. At the end of the two (2) hour maximum for that location, the busker must move to another location (at least more than four building frontages away) and not return to that location again that day.

#### **4.3 Are there noise restrictions?**

Sound performers must be at least 30 metres from the other sound performer.

Activity should operate at a level:

- So that a passer-by would not have to strain their voice to be heard above the sound;
- It is not readily audible over other background noise when a person is more than two standard building frontages from the source of sound; and
- In line with the Environmental Protection Authority's (EPA) Guidelines, which sets the maximum noise limit for noise sensitive areas at 65DB, Kingston Authorised Officers will allow for an additional 10 decibels of background noise making the maximum noise level 75DB.

Amplification that does not actually cause, or threaten to cause, disruption at locations is allowed via the use of portable battery operated amplifiers only. Main voltage amplification is strictly prohibited.

The sound levels from a performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity, unless in the case where an artist has been commissioned by the business.

Buskers generating sound need to consider other buskers who may not use sound. Buskers who generate sound are expected to negotiate appropriate distances with silent or quieter artists such as pavement artists, statue acts and magicians.

If the noise output has generated complaints and is determined to be intrusive, City of Kingston Authorised Officers will assess appropriate noise levels via decibel readers in line with Environmental Protection Authority's (EPA) Guidelines.

The busker must cease performance immediately. Repeated excessive noise may result in the cancellation of a permit.

#### **4.4 What about access and safety?**

Buskers are responsible for ensuring pedestrian flow and public amenity at all times. They must ensure free and safe access for pedestrians along any pathways or thoroughfares near the performance site and leave 1.5 metres of footpath for use by pedestrians. Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Buskers must work to ensure that, neither themselves nor their audience, pedestrians or the general public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on other city services and activities.

Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are blind or have low vision, performing against the building line is not permitted.

Buskers must keep the site clean while they are working, ensure that their use of the site does not pose a threat to public safety and that the site is left in the condition that it was found.

#### **5. What if there is a complaint?**

In the interests of creating and maintaining a lively, safe and entertaining community environment, the City of Kingston encourages self-regulation of busking activities. The Guidelines encourage buskers to work co-operatively and take responsibility for managing performance spaces and to solve disputes and complaints at a local level.

Following a complaint or a report of a breach of permit conditions or any requirements under the Guidelines, an Authorised Council Officer will visit the site and seek rectification if a breach is identified.

If, after all reasonable steps have been taken to rectify a complaint, the Authorised Council Officer or any member of the Victoria Police, may direct that a busker cease or relocate to another site, if the officer is of the opinion that the performance is:

- in breach of these guidelines;
- displaying unacceptable behaviours;
- loud or intrusive;
- excessively repetitive;
- causing public inconvenience; or
- likely to cause harm to the public or property.

The busker must immediately comply with such a request which may also result in suspension or cancellation of the permit. Failure to comply with such a request is a breach of Council's Local Law and may result in a penalty notice being issued.

In addition, Authorised Council Officers or any member of the Victoria Police may direct that a busker cease, if the Officer is of the opinion that the busker is displaying unacceptable behaviours:

- illicit, aggressive, abusive, offensive or hostile behaviour;
- use of obscene expletives;
- unwillingness to cooperate with retailers, residents, other buskers; Authorised Council Officers and any members of Victoria Police;
- personal attacks or insults;
- hostility; and
- threats of physical violence.

Applications for a permit are available for a 12 month period and are available to download at the City of Kingston's website at [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au), Kingston Arts' website at [www.kingstonarts.com.au](http://www.kingstonarts.com.au) and from all Customer Service Centres.

For further information on the City of Kingston Busking Guidelines please contact Council's Arts and Cultural Development Coordinator on 9556 4440.

## **10. Transition/Translation arrangements**

Upon adoption of Policy by Council.

## **11. Review**

Policy to be reviewed by 27th October 2018.