



OPERATING GUIDELINES

Busking Operating Guidelines

Approved by: General Manager City Services (September 2005)

Document Owner

Position: Team Leader Approvals (Trevor Battersby)

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1 INTRODUCTION

- 1.1 To provide a controlled approach to busking activities within the city precinct.
- 1.2 These guidelines provide direction for the issuing of permits and conditions relating to activities of a busking nature.

2 LEGISLATIVE AND CORPORATE REQUIREMENTS

- 2.1 In adopting these guidelines it is recognised that there are specific legislative requirements to be met as well as other Corporate goals.

Relevant major legislative requirements are the:

- Local Government Act, 1999
- By-Law No. 1 – Permits and Penalties
- By-Law No.3 – Local Government Land

- 2.2 These guidelines are to be implemented in conjunction with the Council's Strategic Directions and other relevant Council Policies and Strategies including;
 - POPULATION GROWTH – The City as a place to Visit
 - POPULATION GROWTH – The City as a place to Work
 - POPULATION GROWTH – The City as a place to Study and Learn
 - POPULATION GROWTH – The City as a place to Live

3 ROLES AND RESPONSIBILITIES

- 3.1 Customer Service Team – Customer Service Officers
Responsible for customer contact, assisting customer with application and provision of permit, providing information on eligibility and applicable conditions.
- 3.2 Approvals Team – Approvals Officer
Responsible for the development and review of guidelines and conditions pertaining to busking permits. Also responsible for the maintaining and updating of administrative documentation.
- 3.3 Team Leader Approvals
In consultation with the General Manager City Services, is responsible for making the determination whether an applicant is a 'Fit and proper person' (as defined).

4 MONITORING AND REVIEW

- 4.1 The performance of the process will be monitored by monthly team KPI reports.
- 4.2 Procedures will be reviewed on a 6 monthly basis to ensure performance and customer satisfaction.

BUSKING PERMIT PROCEDURE

Application

1. No busking may occur in the public domain without a valid permit issued by an Approvals Officer or Customer Service Officer.
2. All persons wishing to obtain a busking permit must apply in person to the Customer Service Centre, Adelaide City Council, 25 Pirie Street, Adelaide. No application form exists as written applications will not be accepted. Each applicant(s) must provide the following in person;
 - 1 x type of photographic I.D (drivers licence, passport, proof of age card, student id etc);
OR
 - 2 x types of non photographic (medicare card, credit cards, etc);and
 - A declaration that the applicant has no prior relevant criminal history (ie excluding parking/traffic related matters or other misdemeanours) and that they are a fit and proper person.
3. There are two types of busking permits available to the public – daily and monthly. Permits can be issued to individuals or groups (maximum of 6 people in a group).
4. All busking applicants are automatically registered on Adelaide City Council's Busking Register. Should the applicant NOT wish to be on the register this will need to be pointed out on application. The busking register is available to members of the public wishing to contact/book a particular busker.
5. Prohibited locations include prominent buildings such as Town Hall, Parliament House and Government House.
6. Adelaide City Council permits do not extend to cover busking in the Central Markets or inside the Railway Station on North Terrace or other private areas.

Procedure

7. The Customer Service Officer takes all necessary details from the applicant and inputs details directly into Pathway and must sight the applicant(s) identification.
8. The Customer Service Officer must also ask the applicant to make a statement whether they have a prior relevant criminal history (ie excluding parking/traffic related matters or other misdemeanours).
9. If the applicant makes a declaration that they have a relevant criminal history then no permit will be issued.
10. If the applicant makes a declaration that they have no **relevant criminal history** (as defined), then the issuing of a permit can be considered.
11. The Customer Service Officer assesses the information and providing the applicant(s) meets permit criteria and there are no prior issues outstanding a permit may be issued (please check Pathway notes for additional conditions or if a person/group is banned).
12. Payment must be made at the time of application, The permit is not valid until the relevant fees have been paid and all criteria has been met.

Conditions

The Permit holder(s) must:-

1. Read and comply with all of the conditions of the busking licence and any other legislative requirement(s) (non compliance may result in the permit being revoked and an infringement notice being issued).
2. Be a fit and proper person (as defined).
3. Only perform between 10.00am and 10.00pm on the date(s) specified on the permit.
4. Display the permit in a prominent position so it can be seen at all times when performing.
5. Comply with the directions of any Authorised Council Officer or Police Officer.
6. Ensure that a minimum distance of 50 metres from any other busker or event/promotion is maintained (to ensure a fair and reasonable spread of performers).
7. Comply with all conditions of this permit, By-Laws and any other legislative requirement.
8. If under 12 years of age, be constantly supervised by a parent/guardian and only perform in daylight hours.
9. Permit holders must ensure that the performance does not obstruct pedestrian flow.
10. When performing in Rundle Mall, only perform within 2 metres of the centre line of the Mall.
11. Be aware that any amplification or percussion must only be loud enough to be heard within 50 metres and not cause a nuisance to traders.
12. Be aware that non compliance with permit conditions will result in the permit being revoked and an infringement notice may be issued
13. Comply with the following restrictions as part of the performance. (Failure to comply without the special permission of the Team Leader Approvals may result in the permit being revoked and an infringement notice being issued)

Buskers must not:-

1. Perform without a valid permit
2. Use any sharp object or other dangerous instrument including knives, swords, chainsaws
3. Perform for any longer than 30 minutes in any one location (in consideration of retailers)
4. Perform in any one location more than twice in any one day
5. Use a stock whip
6. Light or use fire or any flammable liquid
7. Play bagpipes
8. Sell or display for sale any merchandise
9. Charge a specific fee for a performance

10. Cause damage to, or paint - draw on the footpath or floor surface or use any aerosol containers
11. Use a child or any other person not covered by the permit or use any animal in or as part of the performance
12. Advertise any product, service or sponsorship
13. Harangue, argue with, abuse or cause discomfort to the public
14. Make physical contact with the public unless it is to apply face paint, a henna tattoo, or similar type of act/performance (including fortune telling etc)
15. Busk in doorways particularly in Rundle Mall
16. Use any of the street furniture for the purpose of the performance;
17. Leave any equipment in a position that may create a hazard to the public

Council reserves the right to suspend, cancel or revoke a busking permit at any time on whatever grounds it considers reasonable.

Complaints

Complaints against buskers will be investigated and may lead to the cancellation and/or refusal of further busking permits.

Definitions

For the purpose of this policy, the following definitions are provided:

Public Domain - any street corner, road, footpath or Park Land under the care of the Adelaide City Council, but does not include private streets or arcades.

Busking – an itinerant musician, actor or street performer or group of the same (up to 6 people) performing in a public place (in line with the conditions listed above).

Group – a group of buskers is deemed as having a minimum of 3 and a maximum of 6 performers

Relevant Criminal History – Includes but is not limited to a criminal record of offences such as sex offences (including child sex offences) – drug dealing – violent crimes (against persons or property).

Fit and Proper Person – is a person who has no Relevant Criminal History