

BUSKING GUIDELINES AND CONDITIONS

Introduction

Whilst the City of Ryde recognises the valuable contribution street entertainment and busking performances makes to the life and vitality of the City, it also recognises the importance of having a guidelines and conditions in place to minimise complaints, criticism and other issues relating to the ambience, safety and amenity of the public realm.

These guidelines aim to provide a framework to assist performers, businesses and residents in understanding the rules for busking, whilst encouraging and enabling a range of busking activities to thrive in our city.

What is Busking?

In the context of the City of Ryde Busking Guidelines and Conditions, a busker is considered to be an entertainer who is actively providing public performance in the public domain in exchange for a donation.

Busking is defined as sounding or playing a musical instrument, singing or reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of these things concurrently.

Activities not considered busking include:

- Vendors of any kind
- Fundraising, events or promotional activities
- Touting or spruiking
- Political rallying
- Religious spruiking
- Tarot cart / palm / fortune readers
- Aerosol artists
- Pavement art
- Balloon sculpting
- Massage, chiropractic treatment of any other physical manipulation
- Face or body painting
- Artists selling pre-fabricated work
- Temporary tattoo applications
- Begging

Busking approval, permits and fees

Pursuant to Section 68(a) of the Local Government Act, any person or persons wishing to carry out an activity on community land controlled by Council requires the approval of Council. This means that busking and other public performance activities on operational land controlled by Council (such as footpaths and public plaza areas) require the approval of Council.

To obtain approval and a busking permit, buskers must apply to the City of Ryde by completing the *City of Ryde Application for Busking Permit*.

Busking permits are valid for up to 12 months. All permits will expire on 30 June each year. Applicants will need to reapply for a permit for the following 12 months if required.

Each busker within a group act must obtain their own individual busking permit. If the busking group provides their own public liability insurance to the value of \$20,000,000, only one permit is required for the group.

Busking permits are issued by Councils Events team. As part of the application process, buskers are required to provide photographic proof of identity in the form of:

- Current Australia Drivers licence
- Current Passport
- Proof of Age Card
- Student Identification Card

Performers hired by a private organisation as part of an event do not require a busking permit. However, event organisers must ensure that the relevant permits for the specific event have been obtained.

Compliance and failure to comply with approval

A Council Officer may at any time request a busker to cease busking if the officer is of the opinion that the performance is loud or intrusive, or excessively repetitive, or is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.

Buskers must also comply with directions issued by Authorised Council Officers and members of the NSW Police Force, Ambulance, Fire and any other Emergency Services.

Pursuant to Sections 89, 109, 110 and 124 of the Local Government Act 1993, The City of Ryde may revoke or modify permits if the permit holder fails to comply with the requirements and conditions of approval. Authorised officers of The City of Ryde may confiscate permits for non-compliance. The City of Ryde may serve notice upon the person or persons holding a busking permit, giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause why the approval should not be revoked or modified.

Busking permits may be revoked or modified in any circumstance where persons:

- Are deemed by The City of Ryde to be causing a nuisance
- Do not keep their site safe and clean while working
- Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings
- Interfere in any way with an approved entertainment or activity without permission
- Sell or offer for sale any articles or commodity
- Use dangerous implements or materials as part of a performance

Council and other authorised officers reserve the right to prohibit use of a restricted area, designated site or such area as may be specified by it while Council or other road works are in progress, or while a special event is in progress. It is possible that restrictions on busking may be imposed during such occasions as the Granny Smith Festival, New Year's Eve, Australia Day, Anzac Day, or other events.

Permit Display

Buskers must display their valid busking permit in a visible location in the busking site at all times during the performance.

Busking Locations / Sites

Busking is permitted on public land (community land and/or operational land) where the City of Ryde is the land owner.

Buskers must not be located within five metres of another busker, a shop front, or outdoor dining perimeter.

Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.

Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.

Buskers are not permitted to attach any cables, wires, ropes or other materials or objects to railings, light poles, seats or other permanent fixtures.

BUSKING GUIDELINES AND CONDITIONS (CONTINUED)

Busking times

Busking is permitted between 8.00am and 8.00pm, 7 days a week.

Buskers are permitted to perform for a maximum of 2 (continuous) hours at any one site.

As a matter of courtesy, it is recommended that buskers notify nearby businesses and/or property owners/occupiers that they intend to busk near their premises before commencing their performance.

Performance material and content

The use of political, religious, racial, sexually explicit or homophobic material that may be deemed by a reasonable person to be offensive or discriminatory is not permitted and may constitute a contravention of the Anti-Discrimination Act 1977 (NSW).

Buskers must not perform any act that could reasonably be considered a public nuisance (such as the use of excessive noise, offensive language or anti-social behaviour). Busking activities/performances that contain offensive and/or discriminatory outfits/clothing are not permitted.

Vilification of any community members based on, but not limited to, race, sexuality, gender or ability is not permitted.

Buskers should not direct comments to people passing by, or people trying to move around or through the performance area.

Buskers must take all reasonable precautions to ensure the health and safety of the audience witnessing the performance and ensure that public property is not damaged in the course of the performance.

The City of Ryde will only issue busking permits for the below busking performances if the busker provides their own public liability insurance to the value of \$20,000,000.

- Performances that the use of stilts, fire, saws, spears, swords, knives (including theatrical knives and swords)
- Any activity involving the use of fire, bicycles or similar implements
- Performances that involve dangerous materials and/or implements
- Performances that include animals, reptiles or birds as part of the performance are not permitted.
- Group acts of more than three people

Buskers with a disability are permitted to be accompanied by an assistance animal during their performance.

Buskers are strictly prohibited from utilising pavement (chalk) art as a form of entertainment.

Group Acts

To ensure pedestrian flow is not obstructed and pedestrian safety is maintained, group acts of up to three people are permitted. Each busker within a group act must obtain their own individual busking permit.

If the busking group provides their own public liability insurance to the value of \$20,000,000, only one permit is required for the group.

Monetary appreciation

A busker may accept voluntary donations (money or goods) in appreciation of their performance, however donations are to be offered voluntarily at the discretion of the audience. Buskers are not to request donations from the audience.

Noise

Buskers are required to comply with the *Protection of Environment Operations Act 1997* (POEO Act) and the *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited. Excessive amplification will not be tolerated. The City of Ryde reserves the right to impose a decibel limit on amplified sound in appropriate circumstances.

Where a complaint has been received about the excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place or work or residence, and the complaint is deemed to be justified, a busker may be directed by a Council Officer to cease their performance immediately.

Selling and advertising

Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.

The sale of digital recordings is permitted. The recordings must be original material of the busker.

Busking permits will not be issued to individuals, clubs or companies wanting to promote their business or activities or fundraise on behalf of another individual, organisation or entity even if they are engaging in a public performance to do so.

Buskers are permitted one sign advertising their own original digital recordings (CDs and DVDs) and/or act. The sign must be no greater than A4 size and displayed in a way that does not create a trip hazard or limit pathways of travel. No other form of advertising is permitted.

Working with Children Check

Pursuant to Section 11(2) of the Child Protection (Working with Children) Regulation 2013 under the Child Protection (Working with Children) Act 2012, buskers whose performance is focused/directed towards children (persons under the age of 18 years) require a current Working with Children Check.

Public Liability Insurance

The City of Ryde provides insurance cover for busking permit holders under a General Public and Products Liability Insurance Policy obtained through Local Community Insurance Services (A division of Jardine Lloyd Thompson Pty Ltd). This policy provides cover for up to 63 individual stall holders, buskers, performers and entertainers over a 12 month period. This policy is limited to \$10million for any one loss, and the busker is responsible for the first \$1000 of each and every Property Damage claim of series f Property Damage claims arising out of any one occurrence.

Applicants who do not hold a valid Busking Permit will not be covered for public liability under Council's policy.