

LIVERPOOL CITY COUNCIL

BUSKERS POLICY

Adopted: 8 May 2017

TRIM: 052364.2017



BUSKERS POLICY

1. PURPOSE/ OBJECTIVES

This policy seeks:

- a) To encourage activities that contribute to the colour and life of the Liverpool and to provide opportunities for alternative voices to be heard through public performance;
- b) To provide an equitable system of use for popular busking sites in Liverpool among buskers earning a living through their art form;
- c) To identify locations in Liverpool suitable as busking sites;
- d) To promote public safety and amenity, the protection of property and to help ensure the safety of buskers and members of the public.
- e) To support the rights of buskers to express themselves in an artistic manner.

2. LEGISLATIVE REQUIREMENTS

Anti-Discrimination Act 1977
Companion Animals Act 1998
Local Government Act 1993
Work Health and Safety Act 2011

3. DEFINITIONS

Authorised person: an appropriately delegated Council employee or a police officer

Busker: a person who entertains in a public place by playing a musical instrument, dancing, singing, clowning, juggling, or performing acts of a similar nature with the intention of receiving donations from members of the public

Permit: a Busking Permit issued under this policy

Council means Liverpool City Council.

Liverpool means the City of Liverpool Local Government Area.

4. POLICY

4.1 Principles

- 4.1.1 Buskers make an important contribution to the cultural life of a community by reflecting styles, values and issues of society at large.
- 4.1.2 Busking is a valid means for artists and performers to express their creative talents, make a living, provide cultural experiences and entertain members of the public.
- 4.1.3 Busking should not interfere with pedestrian traffic, the conduct of business or contribute to a lack of safety or disturb public amenity.

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4.2 Busking permits

- 4.2.1 Anyone wishing to busk within Liverpool must obtain a valid permit from Council.
- 4.2.2 All applicants must apply for a permit in person and acknowledge and agree to comply with the terms and conditions of the permit.
- 4.2.3 All applicants must provide the following information to Council when applying for a permit:
- a) Full name;
 - b) Residential address;
 - c) Postal address;
 - d) Contact phone number;
 - e) Photo identification (driver's licence, passport, student ID card);
 - f) Description of performance or visual demonstration (for example, a performance on YouTube);
 - g) Any other information reasonably required by Council
 - h) Certificate of Currency
- 4.2.4 The details of all buskers holding a permit will be entered into a register of approvals granted by Council.
- 4.2.5 Buskers must display their permit when busking at all times.
- 4.2.6 A permit will be valid for a period of six months, except where varied by a condition of approval set out in the permit or if the permit is revoked or modified by Council.

4.3 Eligible criteria

- 4.3.1 Buskers must hold a public liability insurance policy to the value of \$20 million and this must cover the entire license period. A certificate of currency must be provided in the name of the busker for a permit to be issued by Council.
- 4.3.2 Council may, in special circumstances, provide the public liability cover required for major events (up to 15 annual permits).
- 4.3.3 Buskers must not obstruct pedestrian flow, fire exits, busk in doorways or incorporate street furniture as part of their performance.

4.4 Limitations on busking

- 4.4.1 Buskers must not perform in any street or road without the written permission of Council;
- 4.4.2 Buskers must not perform in any street or road after being requested to stop busking by an authorised person.
- 4.4.3 Buskers must limit their sound so that they can only be heard within 30 metres of the site in which they are located and they must not cause a noise nuisance to nearby businesses or pedestrians

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4.4.4 Buskers can only perform for a maximum of two hours in the one designated location. Upon completion of the two (2) hour maximum for that location the busker must move to another busking location (at least more than four building frontages away).

4.4.5 Buskers must not congregate with other persons in or upon any street or public place or upon or over any footway so as to obstruct the free passage of traffic.

4.4.6 Buskers must not make or cause to be made any loud or violent outcry, noise or disturbance in or upon any street or public place or on or over any footway.

4.4.7 Council does not permit any performance which involves an animal, reptile or bird and will not issue permits for such performances.

4.4.8 A busker who is supported by an assistance animal (as defined by section 5 of the *Companion Animals Act 1998*) may deliver a performance while accompanied by that assistance animal. The assistance animal must not form part of the performance.

4.4.9 Permits may be issued subject to the following conditions:

- a) There is no form of amplification;
- b) There is no advertising or association with advertising in conjunction with any performance;
- c) The performance involves fewer or more than four performers;
- d) No animal is used in conjunction with any performance;
- e) In the opinion of the relevant authorised person, the sound level created is not excessive.
- f) By-standers and passers-by are not accosted or solicited for money;
- g) The performance does not cause any undue obstruction, directly or indirectly, to the movement of pedestrians;
- h) The performance is not conducted from a lane entrance or doorway;
- i) One of the performers is the permit holder;
- j) The permit is produced on demand.

4.5 Children and young persons

4.5.1 Children and young persons under 16 years of age require written permission from a parent or guardian and that parent or guardian must accompany the applicant with photo identification when applying for permit.

4.5.2 During school term, children and young persons under 16 years of age will only be permitted to busk outside of school hours, that is, before 9:00am and after 4:00pm and during daylight hours and must be supervised by their parent or guardian at all times.

4.5.3 Children and young persons under 16 years of age are permitted to busk during the school holidays but must be supervised by their parent or guardian at all times during the daylight hours.

4.6 Group acts

4.6.1 Each member of the group must be identified on the permit and this must be clearly displayed during their performance.

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- 4.6.2 Groups are limited to a maximum of four members. This is to ensure that pedestrians are able to move freely and to prevent crowd crush.
- 4.6.3 In special circumstances, groups with more than four members may make a written request, setting out valid reasons, to Council to busk in certain locations.
- 4.7 Designated busking areas**
- 4.7.1 All busking must be undertaken within a designated area.
- 4.7.2 A designated area is defined as an area of public land approved by an authorised person.
- 4.8 Permissible times for busking**
- 4.8.1 Council will designate areas within Liverpool for the purpose of busking. Permit holders may busk within designated areas during the following times:
- a) 9am -10pm Monday – Wednesday
 - b) 9am – 11pm Thursday – Saturday
 - c) 9am – 9pm Sunday
- 4.9 Unacceptable acts**
- 4.9.1 Unacceptable busking acts include but are not limited to the following:
- a) The use of sharp objects or other dangerous instruments including knives, swords or chainsaws, stock whips, fire, flammable liquids and any other equipment that may create a hazard to public safety;
 - b) Causing damage to public property including permanent painting or drawing on footpaths;
 - c) Using children or any other person not covered by the permit;
 - d) Including any animal in or as part of a performance;
 - e) Advertising any non-approved product, service or sponsorship;
 - f) Haranguing, arguing with, abusing or causing discomfort to the public;
 - g) The use of amplification which exceeds ambient noise levels, with the exception of percussion or wind instruments in which case no amplification is permissible.
 - h) Offering for sale or the provision of goods or services or one-on-one consultation is not considered to be busking under the terms of this policy, for example, balloon sculpting, modelling, fortune telling, tarot card and palm reading and massage or any type of healing therapy.
- 4.10 Sale of CDs and DVDs**
- 4.10.1 The sale of CDs and DVDs in addition to a busking performance is permissible, subject to:
- a) The CDs or DVDs must contain original material of the busker. Only one item for sale is allowed on display and a maximum of 20 items can be available for sale at any given time;
 - b) The sale of CDs and DVDs may only occur as a complement to the busker's performance and should not dominate the time a busker occupies a site;
 - c) Buskers must not approach a member of the public for the purpose of selling their goods, nor seek assistance of someone else to sell their goods.

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4.11 Legal obligations

4.11.1 Buskers must comply with all relevant laws, regulations and policies and lawful directions of authorised persons. The holding of a permit will not constitute a defence where a busker has committed an offence.

4.11.2 Permits may be revoked or modified at the discretion of Council or if a Busker breaches any law, any requirement of this policy or any condition of a permit.

4.11.3 Buskers must cease their activity if directed to do so by an authorised person.

4.12 Review of this policy

4.12.1 This policy will be reviewed every two years.

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AUTHORISED BY

Chief Executive Officer

EFFECTIVE FROM

8 May 2017

DIRECTORATE RESPONSIBLE

City Corporate (Customer Service)

REVIEW DATE

Two years from the date of adoption of this policy

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Not applicable	Chief Executive Officer	8/5/2017	052364.2017

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Corporate Services (Governance and Legal Services)
Liverpool Services Alliance (former) – Customer Service
Economic Development
Community Standard

REFERENCES

City of Sydney: Interim Busking Policy
City of Melbourne: Buskers Guidelines
Adelaide Council: Street Permit Operating Policy and Guidelines

ATTACHMENT

Busking Permit Application Form,

