

## 1. Statement of Intent

- 1.1 To encourage Buskers to perform and contribute to the cultural life of the City of Yarra.
- 1.2 To manage busking within the City of Yarra in a way that does not cause detriment to the quality of the public environment and adjacent uses and activities.

## 2. Eligibility

- 2.1 This policy applies to any person or group performing in a public space in the City of Yarra.
- 2.2 A permit will not be issued for more than three performers in a group unless there are exceptional circumstances and/or when the intent of the policy is not compromised.

## 3. Definitions

- 3.1 **Approved area:** An area of public land (generally in a strip shopping centre) designated by the City of Yarra as suitable for busking.
- 3.2 **Busker:** A person performing an act / performance to be seen by the general public. Buskers accept volunteered monetary appreciations.
- 3.3 **Soliciting Funds:** The act of asking, begging, seeking or requesting money or goods from members of the public.
- 3.4 **Dangerous materials and implements:** Materials and implements that pose a risk or uncertain outcomes for people. This includes materials that give off any kind of heat or toxicity.
- 3.5 **Structures:** Any items additional to musical equipment (e.g. A-Frames) are not permitted. Utensils for collecting money (e.g. hat or musical instrument case) are exempt.
- 3.6 **Authorised officer:** Authorised Officer of Yarra City Council.
- 3.7 **Relevant Authority:** City of Yarra
- 3.8 **Busking Fee:** An annual fee applies for a Busking Permit.

## 4. Provisions

- 4.1 Buskers must obtain a busking permit from the Relevant Authority before conducting any performances.
- 4.2 A busker must retain the authorised permit on their person at all times while performing and present the permit upon request of an Authorised Officer.
- 4.3 For the purposes of identification, before a permit will be issued, applicants are required to present proof of identity in one of the following forms,
  - student identity / proof of age card;
  - current passport;

- bankcard or credit card with signature; or
  - current driver's licence.
- 4.4 Busking Permits are not transferable or refundable.
- 4.5 Buskers must carry out any directions given by the Victorian Police, Ambulance, Emergency Services or an Authorised Officer.
- 4.6 All performances must be within acceptable volume levels, so as not to inconvenience the public or the operation of businesses in the area. If a performance can be clearly heard from the other side of a main street or within a habitable room, it is deemed to be too loud.
- 4.7 An Authorised Officer may at any time instruct a Busker to immediately terminate their performance if the Officer deems it to be too loud, offensive, dangerous or harmful to private or public property or the busker is without a permit.
- 4.8 Buskers and their audience must be located away from the building line, in accordance with the Footpath Trading Policy.
- 4.9 Buskers may not perform near the entry to retail, business and/or residences during trading hours without the approval of affected shop, tenant or property owners.
- 4.10 Buskers must ensure that the area within which they are performing (including the area used by any audience) does not pose a threat to public safety.
- 4.11 Buskers and or their audience must not damage any public asset or private property.
- 4.12 Buskers must ensure that the approved area is left in a clean and trafficable state
- 4.13 Buskers must not use dangerous materials and implements as part of their performance.
- 4.14 Buskers must not perform longer than three hours in any one approved area.
- 4.15 Buskers must not sell or offer to sell any product.
- 4.16 Display structures must not be used, e.g. A-Frames.
- 4.17 Buskers must not use battery or mains powered amplification.
- 4.18 By signing the *Application for Temporary Busking Permit* the applicant agrees to comply with the conditions of this policy.
- 4.19 At any time Council may cancel a permit if the permit holder fails to comply with any of the provisions contained in this policy.
- 4.20 A permit may be subject to conditions imposed at Council's discretion and the conditions contained in the permit must be complied with at all times.

## 5. Insurance

- 5.1 It is not a mandatory condition of this policy that Buskers hold and maintain a public liability insurance policy, however, in certain circumstances the absence of appropriate insurance coverage may leave a Busker open to personal liability in the event that a negligent act leads to a third party injury or loss.
- 5.2 Council's public liability insurance policy does not cover a Busker's liability exposure.

## **6. Responsibility & Accountability**

- 6.1 The Community Amenity Unit will report to Council quarterly on the operation of the Busking Policy and the issue of busking permits.
- 6.2 Council's Community Amenity Unit will be responsible for issuing busking permits and for implementing and enforcing the Busking Policy.

## **7. Related Provisions**

- 7.1 Council's Roads and Council Land Local Law No 2 and Footpath Trading Policy.