

City of Yarra Busking Conditions

1. Buskers must obtain a busking permit from the Council before conducting any performances on public land.
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 of Council.
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
 - Current driver's licence
4. A temporary busking permit will not be issued unless the relevant fee is paid to Council
5. Busking permits are not transferable or refundable
6. Buskers must carry out any directions given by the Victorian Police, Ambulance, Emergency Services or an Authorised Officer.
7. 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 of a nearby dwelling, it is deemed to be too loud.
8. An Authorised Officer of Council 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.
9. Buskers and their audience must be located away from any building line, in accordance with the City of Yarra's Footpath Trading Policy.
10. Buskers must not perform near the entry to retail, business and/or residences without approval of affected shops, tenants or property owners.
11. 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.
12. Buskers and or their audience must not damage any public asset or private property.
13. Buskers must ensure that the approved area is left in a clean and trafficable state.
14. Buskers must not use dangerous or flammable materials and implements as part of their performance.
15. Buskers must not perform longer than three hours in any one approved area.
16. Buskers must not sell or offer to sell any product.
17. Display structures must not be used, eg. A-Frames
18. Buskers must not use battery or mains voltage amplification.
19. Buskers must maintain a minimum distance of 100m from other buskers in the area at all times.
20. By signing the *Application for Busking Permit* applicants agree to comply with these conditions, the City of Yarra's Busking Policy or any relevant local law.
21. At any time Council may cancel a permit without prior notice if the permit holder fails to comply with any of the provisions contained in the permit or the City of Yarra's Busking Policy.
22. It is not a mandatory condition of the Busking 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 exposed to personal liability such as in the event that a negligent act leads to a third party injury or loss.
23. Council's public liability insurance policy does not cover a Busker's liability exposure.
24. There is no right of review of a decision of the Council to refuse to issue or extend a busking permit (whether temporary or not) in its absolute discretion.

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 monthly 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

- 5.2 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.
- 5.3 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

General Local Law (2016) and Footpath Trading Policy.