

POL	STREET ENTERTAINMENT	SC54
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POLICY CODE:	SC54
DIRECTORATE:	Community Services
BUSINESS UNIT:	Corporate Communications
SERVICE UNIT:	Events
RESPONSIBLE OFFICER:	Manager, Corporate Communications
FILE NO.:	086/001
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DATE LAST REVIEWED:	
ATTACHMENTS:	Yes
DELEGATED AUTHORITY REF.:	N/A
VERSION NO.	1

Dates of Amendments / Reviews:	
DAPPS Meeting:	28 November 2013
OCM:	

BACKGROUND:

The City believes that street entertainment has the potential to add vitality and atmosphere to places. Street entertainment is a cost effective way of providing entertainment in high traffic areas. Street entertainment offers performers the opportunity to play in front of an audience and to earn money.

PURPOSE:

This policy has been developed:

- To encourage activities that contribute to the colour and life of the City and provide opportunities for a variety of entertainment.
- To provide an equitable system of use for popular street entertainment sites in the city among the street entertainers earning a living through their art form.
- To outline the operational aspects of how street entertainment will be managed.
- To identify locations in the city suitable as street entertainment/busking sites.
- To promote public safety and amenity, the protection of property and to help ensure the safety of street entertainers/buskers.
- To outline clearly what is and is not permitted.
- To provide guidelines and procedures to manage street entertainment effectively.

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POLICY:

Applies to any person(s) wishing to provide street entertainment on council land.

Definitions

Authorised Person - is a person/s authorised by the Local Government to issue permits for street entertainers, issue infringements for non-compliance or require street entertainers to cease performing immediately. This Authorised Person may choose to approve or refuse applications dependent on suitability and adherence to conditions outlined within the Local Law 2013 - Division 4, Street Entertainers.

Busking/Busker and Street Entertainer (interchangeable) – are people who provide performances for the public by playing music, dancing, singing, clowning, juggling or other similar acts. Street entertainment may also include musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.

Dangerous acts – are defined as those which use materials and implements that pose risk, hazard or uncertain outcomes for people including flammable materials and chemicals, fire, fireworks, smoke flares, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to people or property. Dangerous implements include knives, spears, saws, swords, spikes, bicycles and sharp implements of any kind that pose a threat of harm to people.

Permit – means a permit issued under clause 6.24 of the City of Cockburn (Local Government Act) Local Law 2000 Division 4, Street Entertainers.

Permitted Area – the area or areas, specified in a permit, within which the permit holder may perform.

Permitted Time - the time or times, specified in a permit, during which the permit holder may perform.

Solicit – to forcefully request.

Permitted Busking Areas

Cockburn Central Town Square, only in the area(s) identified in the attachment.

Permits

Street entertainers must have a busking permit. These are issued free of charge by the Council and are valid for one year. Entertainers must display their permit when busking.

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Children

Permits will only be issued to children under the age of 15, where the parent/guardian gives their consent in writing, agrees to be in attendance at any performance and agrees to indemnify the City of Cockburn against any claims arising from or in association with any performance of the child. Any permit granted to a child is valid only during daylight hours in which the child is not required to attend school in accordance with the School Education Act, 1999.

Register

A register of street entertainers, their permit number, and application form will be kept in the City's record system.

Non Acceptable Acts & Activities

The following acts are not permitted:

- Dangerous acts which use dangerous implements or materials including sharp objects, knives and the use of fire or flammable substances.
- Acts which create a noise level that undesirably impacts on the operation of adjacent retail outlets or the enjoyment of the public or surrounding tenants; or acts of a repetitive nature or excessive duration which have the same impact.
- Acts which cause an obstruction or nuisance to pedestrian or vehicular movement or impede in any way entrances to shops or buildings.
- Acts which use animals.

The following activities are not permitted:

- Vendors.
- Promotions.
- Political rallying.
- Public speaking.
- Touting or spruiking.
- Religious spruiking.
- Tarot card reading, palmistry and fortune telling.
- Massage or any other physical manipulation.
- Face or body painting.
- Artists selling pre-made works.
- Temporary tattoo applications.
- Balloon sculptors.

Any activity defined as trading as per clause 6.1 of the City of Cockburn (Local Government Act) Local Law 2000 Division 1, Hawkers, Stallholders and Street Traders.

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Group Acts

One permit will be issued for groups of up to 5. Larger groups will be assessed on a case by case basis but may be refused if pedestrian safety or access may be compromised.

Pavement Artists

Pavement art is permitted in designated areas only. Only chalk may be used and the area must be returned to its original condition at the end of the session. Pavement artists may remain in one location for a day.

Merchandise Sales

Performers may not offer for sale anything other than their own original CDs or DVDs. In doing so, they must not forcefully solicit sales.

Fundraising

Registered charities may apply for a permit to promote their activities or fundraise, as long as they are conducting what is deemed to be acceptable entertainment, under the categories defined above as 'Busking/Busker/Street Entertainer', excluding all non-permitted activities. There will be one slot per week allocated for fundraising, but not exclusively to fundraising. The slot will be offered on a first come first served basis.

Behaviour

Performers may not:

1. Use foul or offensive language or behaviour in their performance that may cause distress or embarrassment to the public.
2. Be intoxicated or under the influence of drugs.
3. Interfere with any approved entertainment or activity planned for that location.
4. Forcefully solicit donations in appreciation of their performance.
5. Indecently expose themselves.
6. Cause a nuisance or obstruct pedestrian or vehicle traffic and entrances to shops or buildings.
7. Noise: Amplification of sounds is not encouraged. If amplification is necessary because of the nature of the event or instruments/s then the performer should be aware of noise sensitive areas/people/times and adjust amplification to suit. If an authorised officer, or police officer believes the noise level to be too high, then the performer is expected to comply with the directions of the officer. Any noise created should not exceed noise levels specified with the Noise Abatement regulations.

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Performers must:

1. Keep their site clean and safe.
2. Only use amplification that is battery operated. Mains voltage amplification is not permitted.

Penalty

Failure to obtain a permit or non-compliance with this policy is a breach of the City of Cockburn (Local Government Act) Local Laws 2000, Division 4 – ‘Street Entertainers’.

Any breach will result in the permit being cancelled by the local government. Under these circumstances authorised officers may ask a person(s) to cease performing immediately.

Insurance

Council will insure ‘busking permit holders’ under a special Public Liability Policy obtained to cover buskers within the City of Cockburn.

The insurance is subject to the terms, conditions, excesses and exclusions of the policy, wording which can be accessed on the City’s website at www.cockburn.wa.gov.au/busking.

Under the policy ‘busking permit holders’ are only covered by Council purchased insurance if they:

- Hold a valid busker permit issued by the City of Cockburn.
- Are operating at a designated busking/street entertainment area within the City of Cockburn.
- Have adhered to the permit terms and conditions including operating only within the designated days and times.
- The policy is limited to \$10 million for any one loss and the busker is responsible for the first \$250 of each loss.

Performers who do not conform to the terms and conditions of their busking permit, or who do not have a permit, or whose activities are defined as dangerous (even if permitted by exception), are not covered by the Council purchased Public Liability Insurance and must obtain their own Public Liability insurance cover for a minimum of \$10 million for each occurrence.

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Authorisations

The following City of Cockburn officers are authorised to issue or cancel permits:

- Events Coordinator
- Manager Corporate Communications
- Cultural and Arts Officer

The following City of Cockburn officers are authorised to infringe street performers for non-compliance, require performers to cease performing on the spot or to cancel a permit on the spot:

- Environmental Health Officers
- Rangers

