



LEETON SHIRE COUNCIL
Preserving the Past, Enhancing the Future

LEETON SHIRE COUNCIL POLICY

BUSKING

1 Introduction & Purpose of this Policy

- 1.1 To encourage Buskers to perform and contribute to the cultural life of the Shire of Leeton.
- 1.2 To manage busking within the Shire of Leeton 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 Shire of Leeton.
- 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 designated by the Shire of Leeton as suitable for busking.
- 3.2 **Authorised officer:** Authorised Officer of Shire of Leeton.
- 3.3 **Busker:** A person performing an act/performance to be seen by the general public. Buskers accept volunteered monetary appreciations.
- 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 **Soliciting Funds:** The act of asking, begging, seeking or requesting money or goods from members of the public.
- 3.6 **Structures:** Any items additional to musical equipment (eg A-Frames) are not permitted. Utensils for collecting money (eg hat or musical instrument case) are exempt.

4 Provisions & Requirements

- 4.1 Buskers must obtain a busking permit from Leeton Shire Council 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 Busking Permits are not transferable or refundable.
- 4.4 Buskers must carry out any directions given by the NSW Police or an Authorised Officer.
- 4.5 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.
- 4.6 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.
- 4.7 Buskers and their audience must be located away from the building line so as to not obstruct pedestrian movement.

- 4.8 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.
- 4.9 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.
- 4.10 Buskers and or their audience must not damage any public asset or private property.
- 4.11 Buskers must ensure that the approved area is left in a clean and trafficable state.
- 4.12 Buskers must not use dangerous materials and implements as part of their performance.
- 4.13 Buskers must not perform longer than two hours in any one approved area unless specifically approved.
- 4.14 Buskers must not sell or offer to sell any product. An exception may be made, by prior approval, for the sale of product (CD's etc) by the Busker.
- 4.15 At any time Council may cancel a permit if the permit holder fails to comply with any of the provisions contained in this policy.
- 4.16 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.
- 4.17 The Busker must ensure that a minimum clear contiguous pedestrian pathway of 1.2m is maintained in the area where the busking performance is to be undertaken to permit pedestrian access along the footpath and that the storage of equipment, the act of performing or gathered audience does not encroach on this clear space.

The area of performance must be clearly delineated by traffic cones or high visibility markers to ensure pedestrians with impairment are aware of any equipment or materials present on the footpath.

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. Therefore it is recommended that each busker obtains valid Public Liability coverage for busking in the Leeton Shire Council Local Government Area for no less than \$10,000,000.
- 5.2 Council's public liability insurance policy does not cover a Busker's liability exposure.

Policy History:

Date of Adoption/Amendment	Resolution Number
4 November 2009	09/363
26 June 2013	13/135
22 February 2017	17/018