



Mildura Rural City Council

Riverfront and CBD Busking Policy

Policy – CP033

Prepared	Reviewed	Approved	Date	Council Minute No.
March 2019	ELT	Council	27 March 2019	2019/0060
Trim File: 18/02/01		To be reviewed: March 2023		
Document Owner: Manager Community Futures		Review Frequency: 4 years		

1. The purpose of this policy is

To encourage and support busking activities and performance art within the Riverfront and Central Business District (CBD) Precincts that is vibrant, engaging and safe, whilst maintaining the amenity and ambiance of the spaces and places.

2. Policy Statement

Mildura Rural City Council recognises the social, economic and environmental benefits to supporting a vibrant and creative community arts culture through busking performances and activities in public open spaces.

3. Principles

Mildura Rural City Council acknowledges that:

- Vibrant and activated public open spaces increase the sense of community belonging; connecting people to place and creating a sense of space.
- Accessible and lively public spaces provides opportunities for social interactions, cultural development and economic benefits.
- Well utilised public space increases surveillance and safety.

Busking activities and performance are expected to fit within the following framework:

Attractive and Quality of Appearance

Busking should contribute positively to the overall tone and amenity of public spaces and generate a safe and comfortable atmosphere.

Diverse and Engaging

Activities should be diverse, engaging and capture the interest of users of the space.

Safety and Amenity

The safety and security of the public is of the highest priority at all times. Activities and performances must not compromise the safety, security, character, natural and/or built environment of the area.

Accessibility

Access to all facilities, amenities, attractions, events, pathways and businesses are to be kept clear, pedestrian circulation and road traffic must not be compromised.

Suitability of Performance

Material should be suitable for the wider community, culturally sensitive and acceptable in regards to the public setting.

Appropriate Locations

Artists are restricted to areas where activities contribute to or enhance the vibrancy and activation of the precincts.

Permitted as Busking

This is defined as performances of low risk for performers and the public that include musical instrument/s, singing, reciting, and conjuring, juggling, puppetry, miming, comedy, dancing or producing pictures on canvases, paper or other approved surfaces.

Types of performance may include:

- Playing instruments or multiple instruments (conventional or self-constructed).
- Singing, dance, mime, clowning, juggling, puppetry, comedy, magic or living statue routines.
- Actively working in an artistic medium- this excludes prebuilt displays and works advertising a business, charity or event.
- Circle Acts that do not use dangerous goods, equipment and/or materials for example knives, whips, swords, require suspension off ground level, use hazardous and/or flammable substances.

Not Permitted as Busking

Activities that are not considered to be busking and therefore will not be issued a permit by Council include.

- Street trading (vendors and merchandisers) or selling pre-fabricated works, acceptations are made for an original CD's, DVD's or artworks that are produced on site or are directly reflective of the Buskers performance.
- Fundraising, events or promotional activities even if they involve performance.
- Touting or spruiking.
- Political rallyinging.
- Tarot card readings, palmistry and fortune telling.
- Massage therapy or physical manipulation of any type.
- Face or body painting.
- Temporary tattoo applications.
- Begging.
- Political or religious messaging and/or rhetoric.

Terms and Conditions

All busking activities and performers must adhere to the following terms and conditions:

Animals

Council does not permit any performance which involves an animal, reptile or bird and a permit will not be issued.

A Busker who requires the support of a registered assistance animal maybe accompanied by the assistance animal, however they are not permitted to be a part of the performance.

Donations

Buskers may receive voluntary, unsolicited donations from the public.

Amenity and Public Safety

Buskers are responsible for keeping the site clean and tidy and free of potential hazards to pedestrians, businesses and traffic.

Buskers must take all reasonable precautions to ensure the health and safety of the public, audience witnessing the performance and ensure public or private property is not damaged. Any threats to public safety must be removed immediately.

Any performers and/or performances which vilify any community members, demonstrate anti-social behaviour or could be perceived as harassment are not permitted.

Discriminatory behaviour or language due to race, age, religion, political affiliation, sexuality, ability and/or gender will not be tolerated nor permitted.

Buskers must not perform an act that could reasonably be considered to be a public nuisance, this could include but is not limited to excessive noise, offensive language or activities, anti-social behaviour or preventing access to facilities, businesses or attractions.

Clothing must be appropriate to the performance, conditions and non-offensive to diverse audiences.

Buskers should not direct comments to people passing by, or people trying to move through the performance area.

Working with Children's Check

In direct alignment with Section 11(2) of the Child Protection (Working with Children) Regulations 2013, under the Child Protection (Working with Children Act) 2012, Buskers whose performance is focused or directed toward children (person under the age of 18 years) require a current Working with Children Check.

This must be able to be produced on request by authorised Council Officers and noted in the application.

Authority and Directives

Buskers must immediately comply with any directions issued by an authorised Council Officer, who at any time can request a busker cease performing, in accordance with the requirements and conditions of this and/or other applicable Council policies.

Buskers are also expected to immediately follow any directive from Emergency Services personnel, such as Police, Ambulance or Fire Services.

When performing in the CBD City Heart area, Buskers are required to report to and follow the directives of Mildura City Heart staff.

Health and Safety

Buskers are responsible for their own health and safety and personal indemnity insurance arrangements.

If a performer feels threatened by any members of the public they should contact '000' for police assistance and/or stop the performance and remove themselves from any danger.

Buskers should take note of the conditions and surrounding they will be performing in and prepare accordingly e.g. weather conditions, expected temperatures, remove and address hazards and risks etc.

Complaints

Where a complaint has been received by Council in regards to a busking performance and the complaint is deemed justified a Busker may be directed by authorised Council Officers to cease busking.

Underage Performers

Buskers and performers under 18yrs will require consent from a parent or guardian.

Buskers aged 15yrs and under must be accompanied and supervised by an adult during their complete performance. The adult must be at least 18years of age.

Equipment

Buskers are required to provide their own equipment, instruments and all materials required for their performance.

Council is not responsible for any damages caused to or by Buskers property, equipment, instruments or materials.

Buskers may only use amplification that is battery operated, no mains or generator power. Council reserves the right to impose a decibel limit on amplified sound.

Sound levels should not cause any disruption to businesses trading in the area or be intrusive to the passer-by or workplaces.

Sound performance should be at least 30 metre away from other performers and buskers are expected to negotiate and cooperate to not detract from or intrude on each other's performance.

Public Liability

Performers are wholly responsible for all claims made against them for any personal injury or property damage.

Buskers are not covered under Mildura Rural City Councils existing Public Liability Insurances policy and must hold their own Public Liability insurance to minimum value of \$10 Million to obtain a permit.

If the Buskers Public Liability Insurance expires during the 12 month period of the permit issued, it is the responsibility of the applicant to submit a copy of a renewed and/or current certificate or the permit will be deemed invalid.

CCTV Surveillance

Public open spaces in the Riverfront and CBD Precincts are under CCTV surveillance, with material filmed, monitored, stored and accessed as per the Mildura Rural City Council CCTV Policy and Guidelines. Busker's performances will most likely be captured on CCTV and will be managed as per the policy.

Permits

All Buskers must have a valid permit from Council to ensure they are operating with an understanding of the appropriate policy and guidelines. All people have the right to access and use public open spaces and the permit system protects that right.

Performers hired by a private organisation as part of an event do not require a busking permit. However it is the responsibility of event organisers to ensure that the relevant permits for a specific event have been obtained prior to delivery.

Council issues general area permits to Buskers to work within the designated areas of the Riverfront Precinct or CBD Precinct allocated for Busking activities only.

All Permits are assessed under the following conditions as outlined in the policy and guidelines.

- Permits must be applied for in person, with applicable identification and documents supplied at the time of application.
- When issued with a valid permit all applicants are agreeing to the terms and conditions as listed in this policy and the MRCC Busking Guidelines, Riverfront and CBD precincts.
- Permits are valid for 12 month period from the date issued, unless revoked.

- Permits are free to successful applicants.
- A Public Liability Insurance Certificate of Currency must be supplied with the application for a permit or it will not be granted.

Permits for Individuals

All applicants under 18 years require a parent or guardian to co-sign the application.

Permits for Groups

Busking permit can be issued to individual members of group of no more than five (5) members. Each member must have a valid permit.

In some circumstances an exception to the limit of five (5) can be made subject to approval by the Manager Development Services, for example Christmas Carolling performances from singing groups.

Removal of Permit

Permits may be revoked where it is determined that a Busker has not complied with this policy or Mildura Rural City Council Busking Guidelines.

Buskers can appeal this decision through Councils existing complaints process if they feel the process has not been equitable.

Busking Precincts

Busking performances and activities under this policy relate to the precincts known as the Riverfront Precinct and Central Business District (CPD) Precinct.

Buskers are only able to work within the areas designated for busking activities and performances in these precincts and must hold and have a valid permit with them when doing so.

Riverfront Precinct

The Riverfront Precinct is defined as the area from the Chaffey Bridge to the western edge of Jaycee Park and from the Riverfront to the Railway Corridor.

Busking activities are not permitted within the immediate area or surrounding:

- Water Play and its amenities, other Children's play equipment and/or designated play areas, such as Jaycee Park and Nowingi Place playground.
- Any public amenities, including but not limited to public BBQ's, toilets, change facilities etc. and/or Riverfront attractions (permanent or mobile).

- Any business, public facility and/or event, without the express permission from the operator.
- Any roadway, emergency access routes, median strips, loading zones, walking/cycling pathways and/or parking areas.
- Busking must not encroach on plantings, garden beds, landscapes and/or park furniture.

Busking must not be held in any place that encroaches on the amenity or safety of anyone accessing the Riverfront.

CBD Precinct

The CBD Precinct busking area is defined as the area that covers Seventh Street to Eleventh Street and from San Mateo Ave to Walnut Avenue.

Busking activities are not permitted within the immediate area or surrounding:

- Any public amenities, including but not limited to public, toilets, and change facilities etc.
- Any business, public facility and/or event, without the express permission from the operator/business and/or their representative.
- Any roadway, emergency access routes, median strips, loading zones, walking/cycling pathways and/or parking areas.
- Any area in the Mildura City Heart that has not been assigned by the City Heart Management.

Busking must not be held in any place that encroaches on the amenity or safety of anyone accessing the CBD.

Mildura City Heart

Buskers must report to the Mildura City Heart Management Office and present their permit to be directed to a designated busking area by staff.

4. Implementation

Manager/General Managers	Responsible for knowing and ensuring staff are aware of this policy.
Manager Community Futures	Responsible for the review of this policy.
Civic Compliance	Responsible for enforcing the terms and conditions of the policy.
Riverfront Place Maker	Responsible for reviewing and implement the application process and guidelines.

5. Definitions

<i>Busking</i>	<i>A public performance (usually outside) of Art for the entertainment of passer-by and pedestrians for a voluntary donation.</i>
<i>Busker</i>	<i>A performance artist delivering a busking performance or artist activity.</i>
<i>Circle Act</i>	<p><i>A Circle Act, is defined as a show that gathers and maintains a crowd around the performer for the duration of the act. The act has a distinct beginning, middle and end. The show often includes the use of props and requires a clear separation between the actor and the crowd.</i></p> <p><i>These acts are done in conjunction with street theater, magic, comedy, acrobatics and juggling.</i></p> <p><i>The policy identified circle acts that do not use dangerous goods, equipment and/or materials.</i></p>
<i>Precincts</i>	<i>Areas for the activity of busking in set precincts (Riverfront and Central Business District).</i>
<i>Dangerous material or goods</i>	<p><i>Materials and implements that pose adverse risks, hazards or uncertain outcomes for people or property</i></p> <p><i>Are any substance whether solid, liquid or gas that because of their chemical or physical properties pose an adverse risk, hazards or uncertain to safety and/or welfare to members of the public, any person handling the substances, explosive, fire, smoke, toxic substances or extreme hot or cold substances.</i></p> <p><i>Dangerous implements are objects that because of the way they are used or designed or constructed pose an adverse risk, hazard or potential adverse risk or hazard to the safety and/or welfare of a member of the public. Any person handling the objects and or public property. This term includes, but is not limited to knives, spears, swords, spikes, whips and sharp implements</i></p>
<i>Donations</i>	<p><i>Voluntary money or goods provided to a busker in appreciation of their performance; however donations are to be offered voluntarily, at the discretion of the audience and cannot be directly requested from the audience.</i></p> <p><i>Soliciting donations is defined as asking for or trying to</i></p>

<i>Soliciting Donations</i>	<i>get money or goods. Soliciting donations is prohibited.</i>
<i>Public Nuisance</i>	<i>An act or omission which endangers the lives, safety, health, property or comfort of the public or by which the public are obstructed in the exercise or enjoyment of any right common to all.</i>
<i>Anti-Social behaviours</i>	<i>Are actions that harm or lack consideration for the well-being of others, conduct that violates the basic rights of another person and any behaviours that are considered to be disruptive to others.</i>
<i>Valid permit</i>	<i>A valid permit is a Busking Permit issued by Mildura Rural City Council that reflects the busking activity/s applied for and is still within the expiry date of issue.</i>
<i>Amenity</i>	<i>Refers to the sociability and level of comfort of the environment, conditions, services, and facilities</i>
<i>Ambiance</i>	<i>Refers to the mood, character, quality, tone, atmosphere of the surrounds and/or environment.</i>
<i>Passer-by</i>	<i>Any person who is, or happens to be, going past on foot or some other form of transport. Included general public and those working in the area.</i>
<i>Low risk performances</i>	<i>Activities that are not very likely to expose the public and/or performer to danger, injury or death and/or damage or destroy property. This could include performances of musical instrument/s, singing, reciting, and conjuring, juggling, puppetry, miming, comedy, dancing or producing pictures on canvases, paper or other approved surfaces.</i>
<i>Authorised Council Officer</i>	<i>Refers to any Council Officers with the delegated authority to enforce Community Local Law 2 and/or Council Policies with in the community.</i>

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- Local Government Act
- Community Local Law 2
- Child Protection (Working With Children) Regulations 2013
- Child Protection (Working with Children) 2012
- MRCC CCTV Policy

6.2 Documents

This Policy is implemented in conjunction with the following:

- MRCC Community and Council Plan 2017-2021
- MRCC Busking Guidelines- Riverfront and CBD Precinct 2018
- MRCC CBD Strategy
- MRCC Arts, Culture and Heritage Strategy 2016-2020

6.3 Risk Assessment Reference

Please tick the corporate governance risk(s) that this policy is addressing.

Risk Category		Risk Category	
Asset Management Committees Compliance – Legal & Regulatory Contract Management Contract Tendering & Procurement	✓	Financial Sustainability Human Resource Management Leadership & Organisational Culture Occupational Health & Safety Organisational Risk Management	✓
Corporate Governance Environmental Sustainability		Project Management Public Image and Reputation	✓