



City of Perth

City of Perth

Busking Guidelines 2019

DRAFT



City of **Perth**

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Purpose

The City of Perth greatly values the diversity of entertainment that buskers and street performers provide in the public realm. The City of Perth is also committed to providing a safe, accessible and culturally sensitive environment for all visitors, workers and residents. These Guidelines have been developed to support and encourage performers from all backgrounds, abilities and through different mediums to showcase their craft in the city.

The City recognises the valuable contribution street entertainment and busking makes to the vitality, vibrancy and ambience of the city. We also recognise the importance of having a structured policy framework in place to support performers, minimise criticism, complaints and any other issues relating to busking activity in the city's public space.

The Busking Guidelines 2019 provides this framework. The aim is to foster an environment that encourages and supports a range of busking activities to thrive in Perth city.

Objectives

The objectives of the Busking Guidelines 2019 are to:

- Encourage street entertainment performances of a high quality to enhance the vibrancy, vitality and ambience of the City;
- Provide a framework to ensure performances are well managed in order to maintain the wellbeing, comfort and safety of the public and performers;
- Minimise complaints, criticism and other issues associated with street performers, while supporting the rights of individuals to express themselves using a popular artform; and
- Determine the conditions to be applied to permits issued under the City of Perth Public Trading Local Law 2005 in relation to Street Entertainers.

Principles

The City of Perth recognises that:

- Busking activity provides a valuable contribution to the cultural life within Perth city.
- Busking should provide a variety of performances and offer new and engaging experiences to passers-by.
- Busking should not adversely affect public safety, pedestrian traffic or the amenity of a public space for city users.
- Busking should enhance the ambience of an area and take care not to adversely impact upon nearby businesses and activities.

What is Busking?

In the context of the City of Perth's Street Entertainment Policy CP18.9, a busker is considered to be an entertainer who is actively providing a performance in a public space in exchange for a voluntary donation.

Performances should create a comfortable ambience and contribute positively and respectfully to the amenity of public space. Busking throughout the city should offer a variety of performances that engage passers-by and create a sense of interest and curiosity.

Permitted forms of busking

Types of busking performances may include:

- Performing with an instrument or multiple instruments
- Live performance, including but not limited to: singing, dancing, mime, clowning, juggling, puppetry, comedy, magic or living statue act
- Performing a Circle Act (in permitted locations only)
- Creating visual art (excluding aerosol art)

Activities not considered busking

The following activities are not considered to be busking and are ineligible for a busking permit:

- Fundraising, events or promotions, even if they involve an element of performance
- Spruiking, religious or otherwise
- Political rallying
- Tarot card reading, fortune telling
- Massage, chiropractic treatment or other physical manipulation
- Face or body painting
- Temporary tattoo applications
- Vendors of any kind – including the sale of jewellery, craft items, flowers, glow sticks, pre-fabricated artwork and other merchandise
- Any activity defined as 'trading' pursuant to City of Perth's Public Trading Local Law 2005
- Begging

How to Apply

Submitting an Application

- Submit an online [Busking Permit Application Form](#) via the Busking page on the City of Perth website
- If you do not have access to a computer, hard copy application forms are available from Council House, 27 St George's Terrace, Perth.

- Applicants will be required to provide a link to a video of their performance (YouTube or Vimeo preferred).
- Visual Artist applicants will be required to submit up to six photographs of their work and their set-up.

Submissions can be provided via alternative formats if required, please contact the City of Perth on (08) 9461 3333 or email info.city@cityofperth.wa.gov.au

Permit Types

There are four permit categories for busking in the City of Perth, these categories have been named in honour of prominent buskers who once enlivened Perth's streets and malls. Please see *Assessment of Application* for further information on how permit categories are awarded.

1. Button Permit (in honour of Percy Button)

- Button permits will be awarded to buskers who meet all of the *Essential Selection Criteria*.
- Button permits will be awarded to acts that are considered 'low impact', in that they do not require a large amount of space and engage with passersby for short periods of time.
- Button permit holders will be permitted to perform at Button pitch locations and any area outside of the busking priority precincts that comply with conditions outlined in the Street Entertainment Policy 18.9.

2. Gill Permit (in honour of John Gill)

- Gill permits will be awarded to buskers who meet all of the *Essential Selection Criteria* and at least one of the *Additional Selection Criteria*.
- Gill permits will be awarded to acts that are considered 'low impact', in that they do not require a large amount of space and engage with passersby for short periods of time.
- Gill permit holders will be permitted to busk at Gill pitch locations, Button pitch locations and any area outside of the busking priority precincts that comply with conditions outlined in the Street Entertainment Policy 18.9.

3. Blade Permit (in honour of Captain Matty Blade)

- Blade permits will be awarded to Circle Acts and large group acts that meet all of the *Essential Selection Criteria* and at least one of the *Additional Selection Criteria*.
- Blade permits will be awarded to acts that are considered 'high impact' in that they have the potential to gather large crowds, require a large amount of space and/or emit sound at a higher volume than would be acceptable in 'low impact' spaces.
- Blade permit holders will be permitted to perform only at Blade pitch locations, which have been established to safely accommodate 'high impact' performances.

4. Visual Artist Permit

- Visual artists are permitted to set up in designated locations for the purpose of actively creating visual art. Visual artists must setup within a 1 square metre space. Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are visually impaired, setting up against the building line is not permitted.
- Visual artists may receive voluntary donations while creating their artwork.
- Visual artists may sell their artworks while busking if the following conditions are met:
 - The artist is only selling artwork they have created themselves
 - The artist must be actively creating artwork while busking
 - The artist has a valid Sale of Media permit (Sale of Media permits are only issued for the same duration as Visual Artist busking permits – e.g. 3 months or 12 months)

Permit Fees

Duration	Cost – 2018/19
Three (3) Months	\$25
Twelve (12) Months	\$60
Permit printing fee (one off fee for initial printing of permit)	\$12
Sale of Media – Three (3) Months	\$20
Sale of Media – Twelve (12) Months	\$45
Replacement of lost or damaged permit	\$12

Please note –

- Sale of Media permits are only issued for the same duration as busking permits.
- Fees are subject to change each financial year. Please refer to the City of Perth's [Municipal Fees and Charges Schedule](#) for confirmation of current fees.

Assessment of Application

Applications will be assessed by the City's Arts, Culture and Heritage team in accordance with the following criteria and permit categories will be allocated accordingly:

Essential Selection Criteria

The following criteria are relevant to all categories and must be demonstrated by the application for a permit to be granted.

- The application provides evidence of a rehearsed act/established visual art practice with a variety of content.
- The performance/artwork is appropriate for public space (no offensive language or behaviour).
- The performance/artwork does not involve political or religious rallying, advertising or canvassing.
- The performer/artist is well presented, their set-up is neat and suitable for public space.
- Equipment and materials used are appropriate for public space.

Additional Selection Criteria

The below are non-essential criteria. Additional assessment points will be allocated to applications that meet these criteria.

- The application provides evidence of a high level of skill and highly developed repertoire (the performer delivers a wide variety of songs/material).
- The application provides evidence that the performer, performance or artwork possesses a unique quality and can entertain and engage a large audience.

Applications will be assessed on a weekly basis and applicants will be notified via email of the outcome of their application.

Unsuccessful applicants may reapply two months after the date of their previous submission.

Permit Collection

Successful applicants will receive an email advising of the permit category they have been allocated and the associated fee. Applicants will need to visit Council House, 27 St George's Terrace, Perth with the following to receive their Busking Permit:

- Photo identification
- Payment for cost of permit fee

At Council House a Customer Service Officer will:

- sight the applicant's photo identification
- process payment of the Busking Permit fee
- take a photo of the applicant (to be printed on the Busking Permit)
- print and issue the Busking Permit

Permits must be displayed clearly during all busking performances. Failure to display a valid Busking Permit may incur a \$100 penalty.

Permit Renewal/Reapplication

Permit holders will be able to renew their permit for an additional three months or 12 months following their original permit period. All permit holders will be required to reapply for a Busking Permit after two (2) years from their initial date of application and every two years following.

Permit renewal and reapplication can be completed online at the [Busking page](#) on the City of Perth website.

Busking Locations

In consideration of the valuable contribution busking and street entertainment makes to the vibrancy and ambience of an area, a number of precincts have been identified as priority areas for busking. To ensure busking activities are positioned in locations that are conducive to live performance and pose minimal risk of disruption to traffic flow and nearby businesses, busking pitches are demarcated on the ground at each location.

Buskers are not to deviate more than 2m from the demarcated pitch (or a reasonable distance for a reasonable amount of time during the performance, depending on the nature of the act). A map of these locations can be found at the [Busking page](#) on the City of Perth website.

The City of Perth recognises and encourages the broad diversity of performances within the busking community. To ensure performances are distributed evenly and appropriately throughout priority areas, busking pitches are divided into four categories; Button, Gill, Blade and Visual Art. Permit holders will be permitted to perform in locations that correspond to their permit category.

Events or activities approved by the City of Perth may from time to time occur in areas where busking is permitted. In these instances, Buskers must respect the space requirements of the event organisers and find alternative locations outside of the event area to perform during the set-up, duration and pack-down of the event/activity.

Priority Busking Precincts

The following precincts are considered a priority for busking, however performances must take place only at demarcated pitches in these areas:

- Hay Street Mall (no amplification)
- Murray Street Mall
- Elizabeth Quay
- Yagan Square
- Kings Square
- Cathedral Square
- Perth Cultural Centre
- Forrest Place

Open Busking Areas (all permit holders)

Button, Gill and Visual Art permit holders are permitted to busk at sites outside of the priority busking precincts that comply with the following (as outlined in the Street Entertainment Policy 18.9):

- a) the performance does not interfere with the passage of pedestrians or vehicles;
- b) the doorways to shops and buildings are kept clear at all times;
- c) the performance does not interfere with an event or activity approved by the City of Perth; and
- d) the performance is a reasonable distance from another performance permitted by the City of Perth (so as not to interfere or distract from the other performance).

Visual Artist Areas

Visual artists are permitted at demarcated visual art pitches in the following precincts:

- Hay Street Mall
- Elizabeth Quay
- Perth Cultural Centre

Busking No-Go Zones

Busking is not permitted:

- On or either side of the Perth Train Station Concourse
- Padbury Walk (the upper concourse above the Murray Street Mall)
- Forrest Place (except the main stage, which is permissible for Blade permit holders only)

The City may by notice in writing to a permit holder vary the areas or precincts in which the permit holder is permitted to perform.

General Guidelines and Conditions

General guidelines and conditions for busking in the City of Perth may include but are not limited to the following:

Permit required to perform

A valid Busking Permit must be displayed at all times during performances. Failure to display a valid permit or produce a valid permit on request of an authorised person may incur a fine.

Age restrictions

A person under the age of 14 years must be supervised by a parent or guardian at all times and is not permitted to perform:

- (a) during school hours on school days; or
- (b) between 7:00pm and 6:00am on any day.

People under the age of 14 who wish to perform as part of a group will be required to apply for their own permit and a parent/guardian will be required to accompany the applicant to Council House to complete a Consent Form prior to the permit being issued.

Buskers under the age of 14 must carry their permit with them whenever they perform.

Obligations of a permit holder

A permit holder shall not in a public place:

- Use fire or any weapon or object with sharp edges;
- Perform any act that endangers the safety of the public;
- Perform any act of cruelty to an animal;
- Act in an offensive or obscene manner;
- Sell or permit the sale of any music, tapes, recordings compact discs, artwork or other media unless authorised by the City through a valid Sale of Media permit;
- Place, install, erect, play or use any musical instrument or any device which emits music or amplified sound, including a loud speaker or an amplifier –
 - other than in the permitted area; and
 - unless the musical instrument or device is specified in the permit
- Solicit money from members of the public by approaching individuals requesting money
- Perform wearing dirty, torn or ragged clothing;

Safety

Busking activity should at all times prioritise public safety and the accessibility of public space for all people. The amenity of an area must not be compromised by noise, excessive amplification, tripping hazards, anti-social behaviour or dangerous activities. Busking should be integrated into the street in a way that does not compromise the flow of pedestrian movement and access to businesses and amenities.

Buskers must ensure that neither themselves, nor their audience, pedestrians or the general public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on any other City services and activities.

Pedestrian Access/Audience Management

Buskers are responsible for maintaining pedestrian flow and public amenity at all times.

Buskers and street performers must ensure free and safe access for pedestrians along pathways or thoroughfares near the performance site. Performers should ensure that their audience do not block doorways, business entrances, dining areas, fire escapes, bus stops, train station entrances and access to other amenities.

Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are visually impaired, busking against the building line is not permitted.

Buskers must not perform within five (5) metres of a road intersection including any pedestrian crossing or traffic signals.

Where necessary, buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Noise Management

Sound from busking activities has the potential to disrupt business trading, affect workplace performance and detract from public amenity. While busking activity and street performance can enhance the vibrancy of the public realm, it can also cause discomfort to others in the area if it is excessive.

Buskers are responsible for ensuring that the volume of their performance is maintained at a reasonable level. The volume should be appropriate for an audience viewing the performance from up to five (5) metres away and should not be intrusive above background levels to the degree that a passer-by would need to strain their voice to be heard over the sound.

Buskers are entrusted to monitor their own sound levels and adjust the volume of their performance accordingly. **If an authorised person requests that the volume of the performance be reduced, the busker must turn the volume down to an acceptable level immediately.** If the busker is found by an authorised person to have turned the volume up after having received notice to turn it down, their permit may be cancelled or suspended and/or an infringement issued. Repeated excessive noise will result in the cancellation of a busking permit.

Noise restrictions exist around residential dwellings between 10pm – 7am Monday to Saturday, and until 9am on Sundays and public holidays. If a busker is found to have breached noise regulations during these restricted times, their permit may be cancelled or suspended and/or an infringement issued.

Amplification

The use of amplification during a performance:

- Can only be battery operated
- Is not permitted from Monday to Saturday, between 10.00pm and 7.00am, and on Sundays between 10.00pm and 9.00am
- Is not permitted in the Hay Street Mall
- Only one amplifier per person is permitted

Performance Duration and Frequency

A busker should not exceed 45 minutes in duration per performance, including setup and pack-down time. Visual artists and “living statue” performers are exempt from this restriction as it can take a long time to set up a workspace and develop an artwork.

A busker is not permitted to perform in the same location twice within a four (4) hour period.

Sale of Media

The City acknowledges that the sale of CDs, media or artworks helps to support the development of an artist, however a Sale of Media permit must be obtained and the following rules adhered to:

- Sale of Media permits will only be issued for the same time period as busking permits
- No advertising signage is to be erected or displayed
- The performer must not solicit the public to purchase
- Media may only be sold while busking. Selling media independently of busking is not allowed

Breach of General Conditions and Guidelines

In the interest of creating and maintaining a lively, safe and respectful community environment, the City of Perth encourages self-regulation of busking activities. In the case of busking related complaints being received by the City, all efforts will be made to discuss the nature of the complaint with the busker and explain the reasons behind permit conditions and guidelines to resolve disputes without further action.

If further complaints are received or the busker is found to have continued to breach the conditions of their permit, these breaches will be dealt with in accordance with the Public Trading Local Law 2005.

City of Perth Public Trading Local Law 2005 Offences and Penalties

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.7	Failure to comply with a condition of a permit	\$100
2	2.12	Failure to produce permit on request of an authorised person	\$100
8	4.2(1)	Performing in a public space without a permit	\$100
9	4.4(2)	Failure of performer to move on to another area when directed	\$100
10	4.6	Failure of performer to comply with obligations	\$100
11	6.1(1)	Failure to obey a direction of an authorised person	\$100
12	6.1(2)	Obstructing or hindering an authorised person in the performance of their duties	\$100
13	6.3	Failure to comply with notice under this local law	\$100
14		Other offences not specified	\$100

Cancellation or Suspension of a Permit

In accordance with the Public Trading Local Law 2005, a permit may be cancelled or suspended by the City on any one of the following grounds:

- a) The permit holder has not complied with –
 - i. a condition of the permit; or
 - ii. a provision of the local law or any other written law which may relate to the activity regulated by the permit.

On the cancellation or suspension of a permit, no fees paid in relation to the permit will be refunded.

Enquiries

This document is available in alternative formats upon request including Braille, Audio and Large Font. To request this document in an alternative format or for further information on the City of Perth Busking Guidelines please contact 9461 3333 or email info.city@cityofperth.wa.gov.au

References

Document Title	Location
City of Perth Policy 18.9 Street Entertainment	https://www.perth.wa.gov.au/council/finance-and-corporate-documents/city-perth-policy-manual
City of Perth Public Trading Local Law 2005	https://www.perth.wa.gov.au/council/finance-and-corporate-documents/local-laws

Definitions

Term	Definition
Amenity	Means a useful feature or facility of a building or place.
Authorised Person	Means the Chief Executive Officer or any other person authorised by the City of Perth under section 9.10 of the Local Government Act 1995 to be an authorised person for the purposes of enforcing the provisions of local law.
Busker	Means the holder of a valid City of Perth busking permit.
Busking	Busking is defined as playing a musical instrument, singing, reciting or performing comedy, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently. For further information on what is and is not considered busking, please see <i>Busking and Street Entertainment</i> below.
Circle Act	Means a structured show that gathers and maintains a crowd around the performer for the duration of the act.
City	Means the City of Perth
Fee	Means fee or charges outlined in the City of Perth Annual Budget
Permit holder	Means the holder of a permit issued under these guidelines.
Public place	Includes:

	(a) any thoroughfare, pedestrian mall or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and (b) local government property.
Valid	In relation to a permit issued under these guidelines, means current and for which all associated fees have been paid in full.