

# CODE OF CONDUCT - BUSKING

## PURPOSE

- To encourage quality activities which contribute vibrancy and life to public areas, and to allow opportunities for public performance.
- To provide an equitable system of use for busking sites within the Launceston CBD.
- To minimise complaints, criticism and other problems associated with buskers operating in the city area.

## SCOPE

This policy applies to busking carried out on all City of Launceston owned and or managed sites within the CBD. Authorised busking is permitted in approved areas under the conditions outlined in this policy. City of Launceston reserves the right to limit the number of approvals at any time.

## OUR VALUES:



**Our people  
matter**



**We care about  
our community**



**We bring an  
open mind**



**We go home  
safe and well**

## POLICY

### 1. PROVISIONS

- 1.1. City of Launceston recognises a strong tradition of busking in the Launceston area. Buskers contribute to a sense of place; provide entertainment and thought provoking experiences to tourists and members of the general public.
- 1.2. Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- 1.3. Busking should not interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

### 2. DEFINITIONS

- 2.1. Authorised Officer means an Authorised Officer under the Facilities and Highways By-Law No 1 of 2021
- 2.2. Busker: An entertainer who provides performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.

- 2.3 Busking Permit: a permit issued under the Facilities and Highways By-Law No 1 of 2021.
- 2.4 Circle acts: Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20 minutes.
- 2.5 Dangerous materials and implements: Materials and implements that pose an unreasonable risk or hazard to people or property. Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.
- 2.6 Offensive acts: Any act by way of direct or implied sexual nature, lewd or offensive language or behaviour.
- 2.7 Offering for sale: The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).
- 2.8 Performance: Musical, dramatic or other entertainment substantially involving musical, theatrical or circus performance skills.
- 2.9 Soliciting of funds: The act of asking, begging or requesting money or goods from members of the public.
- 2.10 Special Events: An event/s of a public nature utilising wholly or in part public land, public roads and/or footpath areas.
- 2.11 Walk-by acts: Spontaneous performances where the audience is not required to stop and watch.

### **3. OBTAINING A PERMIT TO BUSK**

- 3.1. A Busking Permit can be obtained through an audition process. Prospective buskers may audition at any time by sending a short video of their performance to [contactus@Launceston.tas.gov.au](mailto:contactus@Launceston.tas.gov.au). If successful a Busking Permit will be issued.

Successful buskers must hold valid public liability insurance. Cover can be facilitated through the City of Launceston on application if required, at a cost of approximately \$20.

Criteria for assessing a proposed busking activity include:

- Presentation and appearance of the performer/s
- Entertainment value and uniqueness of the performer/s
- Professionalism of the performer/s
- Quality of performance

- 3.2. For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking Permit will be issued:

#### Proof of identify

- Proof of identity in one of the following forms:
  - A current motor vehicle driver's licence,
  - A student identity/proof of age card,
  - A current passport
- Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a Busking Permit.

3.3. Permits are not transferable or refundable and are valid for one year from date of issue.

3.4. The following is not considered to be busking under the terms of this policy and as such a permit will not be issued:

- tarot card and palm readers, fortune readers;
- artists selling their works (such as portrait artists);
- masseurs or masseuses;
- vendors of any kind or solicitation for money for any purpose, or;
- any like act or activity.

#### **4. LIMITATIONS ON BUSKING:**

4.1. Buskers must hold a Busking Permit to busk, issued by City of Launceston. Busking Permit may only be obtained by auditioning.

4.2. Buskers must display their Permit to busk in a prominent, highly visible position in the busking site at all times during their acts.

4.3. Buskers may only perform between the hours of 11am and 3pm.

4.4. Buskers may perform for a maximum of two (2) hours at their designated site.

4.5. Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.

4.6. Buskers may receive voluntary donations from the audience but may not solicit funds.

4.7. Buskers using amplification are restricted to battery operated amplifiers set at a reasonable level, taking into consideration the businesses close by (refer to point 7)

4.8. Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance. The only article that may be sold is CD/s consisting of the busker's own work.

4.9. Buskers must not interfere with pedestrian flow or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.

4.10. Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Attachment 3.

- 4.11. Buskers may only use dangerous implements and materials if they hold a Special Busking Permit to do so and must comply with the terms and conditions in the Code of Practice at Attachment 2.
- 4.12. Consumption or use of drugs and/or alcohol is not permitted.
- 4.13. Appropriate clothing and footwear must be worn at all times.
- 4.14. Authorised Officers are able to revoke permits if the holder is causing public inconvenience, is likely to cause harm to the public or property, or is otherwise in breach of this Code of Conduct.
- 4.15. Offensive acts will not be tolerated. An Authorised Officer is entitled to cancel a permit in such circumstances and the busker will be disqualified for at least 6 months. At the conclusion of the disqualification period, the busker must re-apply for a permit to busk.
- 4.16. Designated sites and conditions for their use will be recorded in a schedule and provided to all approved buskers.
- 4.17. Buskers must comply with directions issued by TAS Police Force, Ambulance, Fire and any other emergency services.
- 4.18. City of Launceston reserve the right to prohibit use of a designated site while public works are in progress.
- 4.19. By issuing permits and approvals to buskers, City of Launceston does not assume any responsibility for any claims made against buskers
- 4.20. Buskers must hold appropriate public liability insurance.

## **5. DESIGNATED SITES (3 designated sites)**

- 5.1. Use is subject to review.
- 5.2. Busking acts may only be performed at one of the 3 designated areas marked on the attached map (Attachment 1).

## **6. BOOKINGS**

- 6.1. Bookings can be made up to two weeks in advance at <https://cityoflaunceston.skedda.com/>
- 6.2. Please note buskers are responsible for checking and managing booking times and City of Launceston's Customer Service staff don't occupy the office on weekends or public holidays.
- 6.3. Busking sessions are two (2) hours and there are two (2) sessions available daily:
  - 11.00am - 1.00pm
  - 1.00pm - 3.00pm

6.4. Buskers are permitted to book up to two (2) sessions a week. Additional sessions can be booked only if there is still availability 24 hours prior. For example if a busker has two (2) sessions booked for the week, and on a Thursday night there is a session the next day (Friday) available, this may be booked.

## **7. DESIGNATED VOLUME LEVELS**

- 7.1. Busking activity in Launceston Central City should operate at a level so that the sound:
- Is not intrusive above background levels to the degree that a passer-by would have to strain their voice to be heard above the sound
  - The sound from a busking performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity.
- 7.2. If more than three noise complaints are received over a two month period, City of Launceston reserves the right to revoke a Busking Permit.

### ***PRINCIPLES***

City of Launceston's Organisation Values apply to all activities.

### ***RELATED POLICIES & PROCEDURES***

05-Fmx-028 - Busking Permit - Parental Consent Form

### ***RELATED LEGISLATION***

Facilities and Highways By-Law Number 1 of 2021

### ***REFERENCES***

05-Pr-017 - Procedure - Busking in Launceston Central City

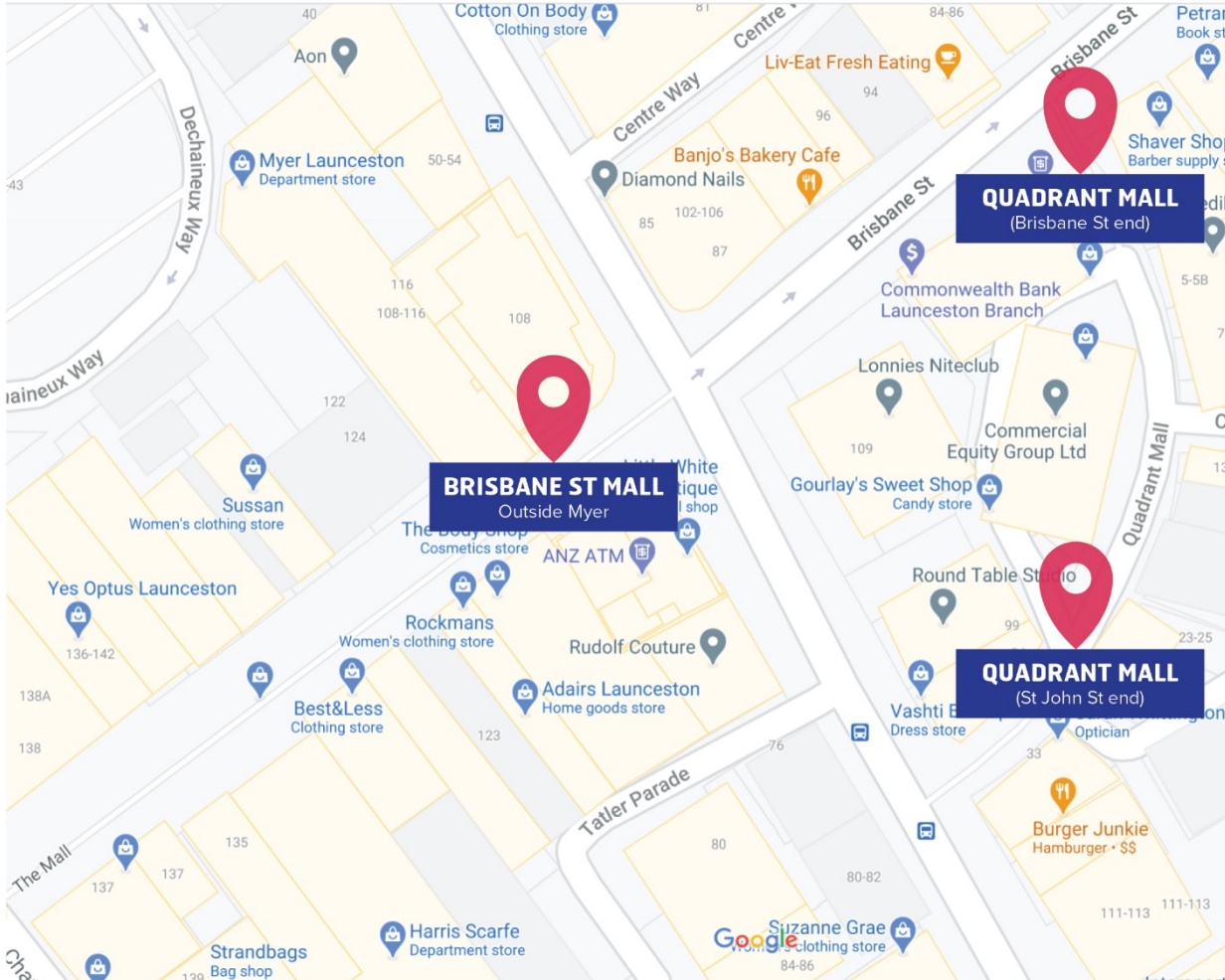
### ***REVIEW***

This policy will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.

## ATTACHMENT 1

### Designated Sites

The three designated busking sites are marked on the map below.



## ATTACHMENT 2

### Use of Dangerous Materials and Implements in Busking

City of Launceston recognises that many buskers use materials and/or implements in their performance that may reasonably be considered as dangerous.

City of Launceston also acknowledges that, in the hands of skilled and experienced performers, the use of fire or superficially dangerous implements such as knives and swords within circus or juggling acts lends an appealing theatrical element that is popular with the viewing public.

The purpose of this code of practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use and who are able to ensure the safety of both the performer and the viewing public.

#### 1. Approval of the use of dangerous materials and/or implements

Buskers using dangerous materials and/or implements must hold a current Special Busking Permit to use such items in their performance. Buskers holding Special Busking Permits must also adhere to all terms and conditions of the standard busking permit.

All dangerous implements to be used in the performance covering the use of prohibited items, must have edges blunted and rendered non dangerous (including chain saws and mechanical items). An implement is determined to be blunt if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

Where flammable liquids are to be used, fuels are limited to;

- Kerosene
- Citronella Oil or scented lamp oils

Where flammable liquids are to be used, all storage and transport must occur in accordance with all lawful requirements including:

- Portable plastic containers to be no greater than 5 Litre capacity
- Containers to be conspicuously marked "HIGHLY FLAMMABLE"
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Buskers are encouraged to contact Work Safe Tasmania for further information.

#### 2. Restrictions on Special Busking approvals

- All restrictions applying to holders of a Standard Busking Approval will apply to holders of Special Busking Approvals.
- Special Busking Approvals will only be issued to individual buskers, not groups. Therefore, each member of a group must hold a current Special Busking Approval.

## ATTACHMENT 3

### Pavement Art Code of Practice

1. This code of practice only covers the areas that are the responsibility of City of Launceston.
2. Busking may include pavement art where it can be seen as a public form of entertainment under the guidelines of the City of Launceston Busking Policy, with all of the City of Launceston Busking Policy conditions applying and including the following specific applications City of Launceston policies to pavement art
3. Pavement art, for the purposes of this policy, is defined as Chalk Drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out onto the pavement.
4. Drawing directly onto the pavement may only occur where:
  - a. The material used is removable by water and does not leave a residue; and
  - b. The surface of the pavement is non-porous material, such as bitumen or concrete. Surfaces not able to be drawn upon directly include sandstone, granite and other porous surfaces.
5. Individual renditions of the artists work may not be offered for sale, or sold to the public.
6. Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.
7. There must be no complaints received from shop owners regarding walking materials used in carrying out the pavement art into shops (such as chalk).
8. Pavement art must be removed by a permit holder where directed to do so by an Authorised Officer, and the permit holder will be responsible for any associated costs.



**DOCUMENT INFORMATION**

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<b>To be communicated to</b> <i>(To be identified by Approver)</i> (Insert ✓ in relevant row)		Department/Area only
		Networks via General Manager and Team Managers
		Specific Areas:
		•
	✓	Organisation-wide
	✓	Website
		Intranet (via a link)
	External notification e.g. Department Premier and Cabinet, Director Public Health, Tasmania Police	
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<b>Hard copy distribution</b>	N/A
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