

POLICY NAME

Street Performers Policy

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4 June 2018

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8256345

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June 2020

RELATED DOCUMENTS

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POLICY NUMBER

PM 004

COUNCIL MINUTE NUMBER

PRC 22

POLICY TYPE

Council

RESPONSIBLE DEPARTMENT

Place Management

Purpose

The primary purpose of this policy is to provide a framework of guiding principles and decision-making criteria for street performers in the Penrith Local Government Area (LGA). By clarifying expectations, the aim is to foster an environment that encourages and enables a range of high quality street performers to thrive in the city of Penrith.

Policy Statement

The Policy aims to:

- (a) Encourage street performing that will contribute to the vibrancy, liveliness and ambience of Penrith LGA.
- (b) Minimise any potential adverse impacts on nearby businesses, properties or community members.
- (c) Respect the rights of individuals wishing to express themselves through a popular art form.
- (d) Ensure street performers operate in accordance with their approval in public spaces.
- (e) Provide guidance and assistance for people wanting to perform in public spaces within the Penrith LGA.
- (f) Recognise that street performing is a valid means for artists and performer to make a living.
- (g) Ensure that street performing does not unduly interfere with pedestrian traffic, conduct of business, community safety and public amenity.

Scope

This Policy provides the framework for appropriate street performances within the city of Penrith while acknowledging that in a mixed use environment, this activity must be carefully managed for equity and fairness to all.



STREET PERFORMERS POLICY

**Adopted
4 June 2018**

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STREET PERFORMERS POLICY

1. TITLE

This Policy (“the Policy”) is called the Street Performers Policy.

2. PURPOSE

Penrith is a vibrant and dynamic city, with distinctive landscapes and public spaces. It is an engaging retail and cultural centre with a host of unique and appealing attributes.

It is recognised that Street performers can add to the cultural richness of a vibrant place and contribute to an inherent sense of safety and security for the community. The valuable contribution street performers can make to the local culture and economy is widely recognised.

The primary purpose of this policy is to provide a framework of guiding principles and decision-making criteria for street performers in the Penrith Local Government Area (LGA). By clarifying expectations, the aim is to foster an environment that encourages and enables a range of high quality street performers to thrive in the city of Penrith.

Street Performers support the initiatives of Council’s City Renewal Program including the Penrith Night Time Economy Strategy.

Part 1 specifies the criteria which Council must consider when determining whether or not to grant an approval of a Street Performer Permit; and
Part 2 specifies the conditions that are applicable to street performers once a permit has been granted.

3. OBJECTIVES

The Policy aims to:

- (a) Encourage street performing that will contribute to the vibrancy, liveliness and ambience of Penrith LGA.
- (b) Minimise any potential adverse impacts on nearby businesses, properties or community members.
- (c) Respect the rights of individuals wishing to express themselves through a popular art form.
- (d) Ensure street performers operate in accordance with their approval in public spaces.
- (e) Provide guidance and assistance for people wanting to perform in public spaces within the Penrith LGA.
- (f) Recognise that street performing is a valid means for artists and performer to make a living.
- (g) Ensure that street performing does not unduly interfere with pedestrian traffic, conduct of business, community safety and public amenity.

4. COMMENCEMENT DATE

The Policy was adopted by Council on 4 June 2018 and will come into operation on 1 July 2018.

5. SCOPE

(a) This Policy provides the framework for appropriate street performances within the city of Penrith while acknowledging that in a mixed use environment, this activity must be carefully managed for equity and fairness to all.

(b) The Policy does not apply to:

- Contractors engaged by Council to perform in public places
- Performing on public land in accordance with an approved event
- Vendors or selling of any kind
- Fundraising, events or promotions, even if they involve any element of performance
- Spruiking – political, religious or any other kind
- Face or body painting and temporary tattoo application
- Performances involving animal, reptile or birds

6. DEFINITIONS

Authorised person: An appropriately delegated employee of the Penrith City Council or a police officer.

Council: means Penrith City Council

Designated area: A designated area is defined as an area of public land approved by an authorised person

Permit: A street performers permit issued under this policy

Penrith: means the Penrith City Local Government Area

Public Realm: Comprises the streets, squares, parks, green spaces and other outdoor spaces that require no key to access them and are available, without charge for everyone to use.

Public Space: Spaces that are generally open and accessible to people. Including the pavement, public squares, parks and open spaces.

Soliciting of funds: The act of asking, begging, seeking or requesting money or goods from members of the public

Street Performer or busker: A person who provides public performances in place, by dancing, singing, playing a musical instrument, reciting a story or poem, miming, puppetry, juggling or performing acts of a similar nature with the intention of receiving donations from members of the public.

7. WHAT IS STREET PERFORMING

Street performing or busking in the context of this policy is, an entertainer who is actively providing a public performance in the public space in exchange for a donation.

Street performance or busking is the act of performing in public spaces for gratuities. Types of street performances include:

- Performing with an instrument or multiple instruments, conventional or self-constructed

- Performing a song, dance routine, mime, clowning, juggling, puppetry, comedy, magic or living statue act
- Actively working an artistic medium (this excludes pre-built static displays and artworks advertising or promoting a company, event or charity)

For the purpose of this policy, the following activities are not considered street performing. Permits will not be issued for any of the following activities:

- Vendors or selling of any kind (with the exception of clause 11 - General Conditions and Guidelines) – including balloon sculpting or modelling, tarot cards, palm reading, artists selling their works, massage or any type of healing therapy and solicitation of money for any purpose
- Fundraising, events or promotions, even if they involve any element of performance as previously listed
- Spruiking - religious, political or any other kind
- Face or body painting and temporary tattoo application
- The City of Penrith does not permit any performance which involves an animal, reptile or bird and permits will not be issued for such performers

PART 1: COUNCIL APPROVAL REQUIREMENTS

Council must consider the criteria as outlined in this Policy when determining applications for Street Performer Permit approvals to operate within the Penrith Local Government Area (LGA).

Anyone wishing to do street performing within Penrith LGA must hold a valid permit from Council.

1. PERMIT TYPES

- a) General Area Permit: This permit allows performers to work in the designated permissible areas as defined in this Policy in Appendix 1 – Site Locations
- b) Special Event Permit: This permit allows performers to work throughout Penrith LGA in areas designated by authorised council staff (outside of the scope of what is identified in Appendix 1 – Site Locations), for the purpose of special events and activations.
- c) Pavement Art Permit: This allows a suitably experienced artist to work in appropriate designated locations (upon application) within the boundaries of Penrith. This applies to artists actively engaged in an artistic medium who work either directly on the pavement with chalk or other approved material on paper, canvas or other removable surfaces.

2. PERMIT APPLICATION PROCESS

All applicants must apply for a permit in person at Council's Civic Centre building and acknowledge and agree to comply with the terms and conditions of the permit.

All applicants must provide the following to Council when applying for a permit:

- Full name, address and contact phone number
- Photo identification (driver's license, passport, student ID card)
- Description of performance, CD, sound bite or visual demonstration (for example, a performance on You Tube)
- Any other information reasonably required by Council
- Certificate of currency where applicable

3. FEES

- a) The application fee is payable at the time the application is made. Applications not accompanied by a fee will not be processed and may be refused after 5 days if payment is not made.
- b) Incomplete applications may also be rejected if additional information is not supplied within 5 days of request.
- c) An application fee of \$20 per year applies for all new permits and \$10 per year for annual reapplications.
- d) An application fee of \$10 for short term permits (valid for 3 months) for under 18's, interstate or international applicants.

These fees are outlined in the Schedule of Fees and Charges Document on Council's website <https://www.penrithcity.nsw.gov.au/>.

4. CHILDREN AND YOUNG PEOPLE

- a) Young people under 16 years of age require written permission from a parent or guardian and that parent or guardian must accompany the applicant with photo identification when applying for a permit.
- b) During school term, children and young persons under the age of 16 will only be permitted outside of school hours. That is before 9am and after 3:30pm.
- c) Penrith City Council strongly recommends that all street performers under the age of 16 be accompanied by a parent, guardian or other appropriate adult at all time while performing.
- d) The granting of a permit does not constitute the condoning by Council of that person performing without the appropriate adult supervision.

5. DESIGNATED STREET PERFORMANCE AREAS

- a) This policy covers areas under the jurisdiction of Penrith City Council only.
- b) All street performing must be undertaken within an approved designated area.
- c) Permitted sites may move, be temporarily unavailable or permanently removed at Penrith City Council's discretion. Street performers must follow the direction of authorised Penrith City Council Officers if a performing site is moved, becomes temporarily or permanently unavailable.

6. STREET PERFORMANCE LOCATIONS

Appendix 1 – Site Locations identify areas within the Penrith LGA where street performing is allowed. Performances in areas outside of what is designated must be approved by an authorised person prior to any street performance.

Street performing should only occur in locations where the activity enhances the vibrancy and social activation of the street or precinct. The capacity of the space in terms of footpath width and pedestrian volume is a primary consideration.

7. GROUP ACTS

Group acts are generally limited to five performers with larger groups assessed on application. Each performer in the group is required to hold a valid permit. The same guidelines and conditions apply to group and individual performers.

8. PUBLIC LIABILITY/PERSONAL INJURY

Street performers are solely responsible for all actions, claims, costs and demands made against them in respect of damage or injury to property or persons caused by or resulting from or directly or indirectly relating to them doing street performing. Street performers are not insured under Penrith City Council's public liability insurance and are encouraged to effect and maintain their own public liability insurance. Council reserves the right to request evidence of insurance where applicable. In addition, Penrith City Council does not provide any insurance for injury to or loss or damage to property or clothing owned or used by a street performer.

9. SAFETY

Street performers must work to ensure that neither themselves nor their audience, pedestrians or the general public are put at risk at any time during the performance.

Street performers must accept responsibility for any impact their performance may have on other city services and activities.

10. ASSESSMENT OF APPLICATIONS

Applications will be assessed on the following:

- a) **Appropriate Location**
Proposed location for performing within the Penrith City Centre and St Marys Town Centre are identified as per Appendix 1 – Site Locations. Other sites will be considered on a case by case basis upon application.
- b) **Attractive and Quality of Appearance**
Street performing should create a comfortable ambience in the public realm and contribute to the amenity of the public space.
- c) **Diverse and Engaging**
Street performing should offer a variety of performances, positively engage passers-by and create a sense of interest and curiosity.
- d) **Safety and Amenity**
The safety and security of the general public is a significant consideration when assessing a street performers application.
- e) **Accessibility**
Street performing should be integrated into the street in a way that does not compromise circulation and safety requirements for other users of the street or space.

Council reserves the right to deny applications as it sees will not meet the objectives of this policy.

PART 2: CONDITIONS OF PERMIT APPROVAL

Street performers must agree to the following conditions of a permit approval to operate within the Penrith Local Government Area.

1. DISPLAY OF PERMITS

Performers must display their permit in a prominent position for the duration of their performance.

2. HOURS

- a) Street performers are not permitted between 10:00pm and 7:00am, unless approved under special consideration.
- b) Some areas (for example Triangle Park) may often be used for paid performances supported by Council, local business or the Penrith CBD Corporation. In these cases, allocated performance areas may not be available due to programmed activities.

3. DURATION

Permits are limited to a maximum of two hours, per location. Performers may use multiple locations on any given day.

4. AMPLIFICATION

Use of battery operated amplification only. Excessive amplification will not be tolerated. Loud acts may be asked to lower their volume or cease busking. As a general rule performance should not be heard beyond approximately 30 metres distance from the performer.

Special consideration and possible additional restrictions (location and time) will apply to instruments identified as naturally amplified as below:

- a) Naturally loud instruments (including bagpipes, drums and other percussion instruments)

5. DISTANCE BETWEEN PERFORMERS

Sound performances should be situated a minimum of 30 metres away from each other. Buskers are expected to respectfully negotiate and cooperate with each other.

6. PROHIBITED ACTIVITIES

The use of sharp objects or other dangerous instruments such as knives, swords, chainsaws, fireworks, stockwhips, fire, flammable liquids and other hazardous substances that may cause a risk to public safety are prohibited.

In special circumstances performers wishing to make use of prohibited objects or materials may make a written request to Council. Animals and young children are not permitted to be part of performers acts.

7. PUBLIC AMENITY AND PEDESTRIAN AND VEHICLE ACCESS

Street performers must not undertake any act which could be considered causing a public nuisance, including excessive noise and or the use of discriminatory or offensive behaviour.

- a) Street performers and their audience must be positioned so as to not interfere with the pedestrian flow, not to obstruct shop access during business hours, bus stops, fire exits, street furniture, roads and residential access.
- b) Street performers must not interfere in any way with a Council approved activity or event.
- c) Street performers should be aware that a clear building line needs to be maintained for people with a vision impairment.
- d) Street performers will need to make provision for a clear and accessible pathway of travel for people with disability, ensuring clear access of at least one metre is maintained.

8. CLEANLINESS

The permit holder must ensure the approved area is kept clean and tidy, during and after the performance.

9. ANIMALS

The City of Penrith does not permit any performance which involves an animal, reptile or bird. Permits will not be issued for such performers.

- a) A street performer who is supported by an assistance animal (as defined by section 5 of the *Companion Animals Act, 1998*) may deliver a performance whilst accompanied by that animal. The animal must not form any part of the performance.

10. MONETARY APPRECIATION

Buskers may give audiences an opportunity to provide voluntary donations by a container on their site, in a way that does not constitute a tripping hazard. Buskers may not approach individuals requesting money or solicit funds in any way that overtly offensive to members of the public.

11. SALE OF CDS AND DVDS

The sale of CDs and DVDs ancillary to a performance is allowed in all areas of Penrith, subject to the following conditions:

- a) The CD or DVD must contain original material of the performer. Only one item for sale is allowed to be displayed, with a maximum of fifty items available for sale at any single performance.
- b) The sale of CDs and DVDs should be secondary to the performance and should not dominate the performers time on site.
- c) Performers cannot delegate the sale of CDs or DVDs to another person.

12. PAVEMENT ART

Street performers who have a permit to utilise pavement art as a form of entertainment may only do so at specific locations identified during the application process. Pavement artists must ensure:

- a) The material used is removable by water and does not leave residue.
- b) The surface is of non-porous material, such as bitumen and concrete. Prohibited surfaces include sandstone, granite and other porous surfaces currently used in some pavements and walkways in Penrith.
- c) Pavement artists may choose to draw onto a large removable surface (such as canvas or plastic).
- d) Any proposed material to be used in carrying out pavement art must not be slippery (wet or dry weather) and must not be likely to cause a public hazard.
- e) The site is used for no more than 8 hours.
- f) The workspace to be used is clearly defined and artist's tools and personal belongings must be kept within this area.
- g) Pavement artist's must be conscious of public safety and accessibility at all times.

13. LEGAL OBLIGATIONS AND CANCELLATION

Street performers must comply with all relevant laws, regulations, policies and lawful directions of authorised persons. The holding of a permit will not constitute a defence for any offence committed.

Street performer permits may be revoked or modified where persons breach any law or conditions outlined in this policy and guidelines.

Street performers must cease their activity if directed to do so by an authorised person.

City Rangers or other authorised officers may take enforcement action to non-compliance with this Policy and all related legislation.

APPENDIX 1: SITE LOCATIONS

PENRITH CITY CENTRE LOCATIONS

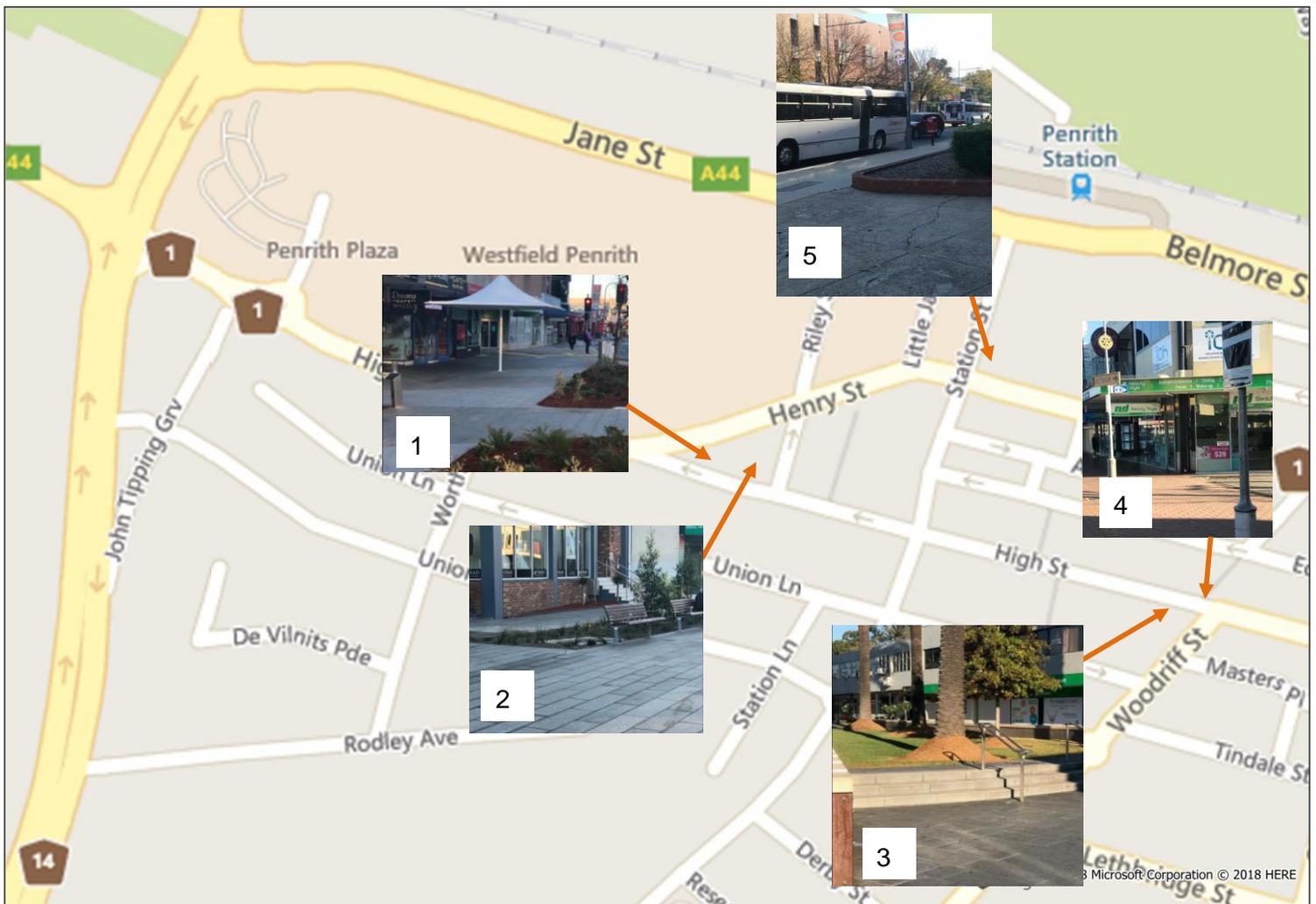
1. Triangle Park (Eastern end) – This location allows battery powered amplification performances. No musical or sound performance can be here at the same time as the other location (2) in Triangle Park.

2. Triangle Park (Western end) - This location allows battery powered amplification performances. No musical or sound performance can be here at the same time as the other location (1) in Triangle Park.

3. Memory Park (High Street side near steps) - This location allows battery powered amplification performances

4. Woodriff Lane pedestrian walkway entrance – This location allows non amplified performances. No musical or sound performance can be here at the same time as the location (3) across the road at the entrance of Memory Park.

5. Old Council Chambers. This location allows non amplified performances.



ST MARYS TOWN CENTRE LOCATIONS

1. Coachmans Park (Northern Corner) – This location allows battery powered amplification performances.
2. Special Place Station Plaza - This location allows battery powered amplification performances.
3. Special Place Highway Gateway - This location allows non amplified performances.
4. Special Place Crana Junction - This location allows non amplified performances.

