

Busking Guidelines

In accordance with the *Activities and General Amenities Local Law 2018*, busking includes conducting any of the following activities on a road or in a municipal place:

- sounding or playing any musical instrument;
- singing;
- haranguing or reciting;
- performing conjuring tricks;
- juggling;
- dancing; and
- engaging in miming or puppetry like activities.

Conditions

1. Buskers must obtain a permit from Council before conducting any performance on any road or in a municipal place;
2. The permit must be carried on the person busking at all times while performing, and must be presented upon request by an Authorised Officer of Council;
3. Before a permit will be issued, applicants (or the parent/guardian of an applicant under the age of 16) are required to provide proof of identity in one of the following forms:
 - a. student identity / proof of age card;
 - b. current passport;
 - c. bank card or credit card with signature;
 - d. current driver's licence;
4. Busking Permits are not transferable or refundable;
5. Buskers must comply with any directions provided to them by an Authorised Officer of Council, Victoria Police, Ambulance Victoria or another emergency services agency;
6. Performances must be within acceptable volume levels, so as not to inconvenience the general public or traders within close proximity of where the

busker is performing. If, for whatever reason, the performance can be heard from the other side of a main street or within a habitable room of a nearby dwelling, it may be deemed by an Authorised Officer as too loud. No amplification equipment may be used;

7. An Authorised Officer may instruct a busker to cease their performance if the Officer deems it to be in contradiction of any of these conditions, too loud, offensive, dangerous or harmful, or if the busker does not hold a valid permit;
8. Buskers are not to perform within 1.2m or 1.8m (in some locations, as identified within the permit) from the frontage of any building line, in accordance with Council's *Footpath Trading Policy*;
9. Buskers must seek approval to perform near entries of businesses or residences from the affected traders, residents or property owners;
10. The area where the busker is performing must not pose a threat to public safety;
11. Buskers must not cause damage to Council assets;
12. Buskers must ensure that an area is left in a clean state at the completion of the performance;
13. Buskers must not use dangerous or flammable materials or implements as part of their performance;
14. Buskers must not perform longer than three (3) hours at any one approved location;
15. Buskers must not sell or offer to sell products during their performance;
16. Display structures (tables, a-frames) must not be used;
17. Buskers must not use mains voltage or battery amplification.

Council may cancel a permit without prior notice if the permit holder fails to comply with any of the provisions contained within the permit or above conditions.

Public Liability Insurance

Council's Public Liability Insurance policy does not cover a busker's liability exposures.

Depending on the risks involved with an activity, Council may require busking applicants to hold and maintain current Public Liability Insurance policy, to protect themselves against legal liabilities for third party injury and/or damage to property caused by an occurrence in connection with the applicant's busking activities.

The below list provides examples of when it is compulsory to provide Council with evidence of valid Public Liability Insurance. This list is not definitive, and Council has discretion to assess the activity and associated risks and stipulate whether Public Liability Insurance is required before approving any permit application.

- Any use of props i.e. artist's equipment
- Use of musical instruments

For advice on whether an application requires Public Liability Insurance, please contact Council on 9243 8888 or council@mvcc.vic.gov.au

Buskers who do not hold a current Public Liability Insurance policy may purchase Public Liability Insurance from Council (subject to terms and conditions) or through a suitable insurance provider. If cover is purchased through Council, the busker is responsible for the payment of the premiums and any associated costs.

Application for Busking Permit

Applications for buskers under the age of 16 must be completed and signed by a parent or guardian.

Supporting documents, including proof of identify, must be attached to this form upon submission.

Section one: Applicant details

Full name:

Mailing address:

Residential address:

Telephone (BH):

Mobile phone:

Email:

Business details (if applicable):

Section two: Details of performance

Performer's name / stage name (if different to applicant's name listed above):

Nature of performance:

Type of musical instrument/s (if applicable):

Number of people involved in performance:

List of items to be placed on footpath (if applicable):

Requested location:

Requested date/s:

Requested time/s:

Buskers must not use dangerous or flammable materials and implements as part of their performance.

Section three: Indemnity clause

This applicant agrees to indemnify and keep indemnified Moonee Valley City Council (Council), its servants and agents and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, arising out of or in any way related to the granting of this permit and be directly related to the negligent acts, errors or omission of the applicant.

The applicant's liability to indemnify Council shall be reduced proportionately to the extent that any act or omission of Council contributed to the loss or liability. The applicant also agrees to hold harmless Council, its servants and agents, and each of them from claims resulting from damage, loss, death or injury whatsoever which may otherwise be brought or made or claimed by the applicant against Council, except to the extent that the principal is negligent.

Section four: Declaration

I have read, fully understand and agree to comply with Council's *Busking Guidelines*. I understand that my permit may be revoked by Council for any breach of those conditions or conditions outlined within my permit.

Print name

Signature

Date

Section five: Submitting an application

Submit the completed application form and copies of copies of supporting documentation:

- **By mail:** Coordinator City Compliance, Moonee Valley City Council, PO Box 126, Moonee Ponds VIC 3039
- **By email:** council@mvcc.vic.gov.au
- **In person:** 9 Kellaway Avenue, Moonee Ponds (open 8.30am to 5pm, Monday to Friday)

Section six: Fees and payment

A permit fee, in accordance with current Council fees and charges, will apply should the permit be approved. An invoice will be issued upon approval of any permit.

The application of fees is at the discretion of Council.