



**Ashfield
Council**

Street Entertainment Policy

June 2011

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Summary:	The policy defines permitted street entertainment within the Ashfield Council LGA and the requirements for a permit for street performers.
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Related Ashfield Council Policy:	Business Trading on Footpaths policy
Related Ashfield Council Procedure:	

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OBJECTIVES

The objectives of the Street Entertainment Policy are to:-

- encourage street entertainment performances of a high quality to enhance the vibrancy, vitality and ambience of the Council's business districts;
- provide a framework to ensure performances are fostered in a well managed manner, while maintaining the well being, comfort and safety of the public and performers; and
- minimise complaints, criticism and other problems associated with street performers, while supporting the rights of individuals to express themselves using a popular art form;
- encourage local businesses to utilise public open space for the purpose of improving the ambience of footpath dining precincts using live music and/or dance performers.

POLICY STATEMENT

Intent

1. This policy supports Ashfield Council's Business Trading on Footpaths Policy and provides additional information for people wanting to undertake street entertainment performances. Those people wishing to undertake street entertainment within the municipality prior to making an application should consider both the local law and this policy.

Definitions

2. In this policy unless the context otherwise requires:-
Street Entertainment Permit – means a permit issued to a person to perform under this policy and is current for either a three month or 12 month period.
Perform – includes activities such as to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, including a performance commonly known as 'street entertainment', but does not include public speaking;
Permitted area – means the area or areas, specified in a permit, in which the permit holder may perform;
Restricted areas – means areas designated by the Council where a person is unable to perform.
3. All other words and expressions used in this policy have the same meaning given to them as the Local Government Act 1993 as amended from time to time.

REQUIREMENTS FOR A STREET ENTERTAINMENT PERMIT

4. A person shall not perform in a public place without first obtaining a valid street entertainment permit issued under this policy.
5. A person can perform for either a three month period or for twelve months from the date of issue of the permit.
6. Permits cannot be renewed, however, a fresh application for a new permit can be made.
7. Permits cannot be transferred in any form to any other person or entity.
8. Performances must not be hazardous or of a nature that may endanger the public. The proposed performance must be appropriate for both the location and characteristics of the performance area.
9. A Street Entertainer must not –
 - a) Obstruct or hinder pedestrians or prevent vehicular access;
 - b) Cause inconvenience, annoyance or obstruction to any person;
 - c) Create unreasonable noise or other public nuisance;
 - d) Beg or solicit for money except for the activity defined under clauses 10 and 30 of this policy;
 - e) Operate in an area adjacent to a place of worship. Any entertainment must not create any disturbances during occasions of solemnity such as funeral services.
10. A Street Entertainer may seek voluntary donations by placing a receptacle on the ground close to the point of performance but shall not ask members of the public for money nor approach them nor sell good or services of any description other than as permitted by this clause and clause 30.
11. The Street Entertainment Permit must be displayed at all times with any receptacle for collecting funds.
12. Council recommends that each Street Entertainer obtain Public Liability insurance cover for Street Entertainment.
13. Street Entertainment is not permitted in areas that have public events taking place without the express approval of Council.

Proof of Personal Identity

14. A person is required to submit the following information with every application for a Street Entertainment Permit:-
 - a. Proof of personal identity in one of the following forms:-
 - current Motor Vehicle driver's licence;
 - a student/ Proof of Age card;
 - birth certificate;
 - a current passport;
 - a bank card or credit card with the personal signature;

- passport and appropriate work visa if the applicant is a non-resident of Australia; and
- a parental consent form signed by the applicant's parents or guardian should the person be under the age of 18 years.

Where performances can take place and who can perform

15. The Council may designate certain restricted areas where no street entertainment will be allowed (refer to **Attachment 1**).
16. A permit holder may perform in all other public places other than those specified in clauses 13 and 15, subject to:-
 - a. the person having obtained a valid permit under this policy and complying with those conditions in the permit;
 - b. the performance not interfering with the passage of pedestrians or vehicles;
 - c. doorways to shops and buildings being kept clear at all times;
 - d. the performance not interfering with an event or activity approved by the Council; and
 - e. the performance being a reasonable distance from another performance permitted by the Council.
17. A permit holder cannot reserve a location or leave equipment or articles in the permitted area for performances.
18. A permit holder, other than a pavement or visual artist, can only perform in one location for no longer than 3 hours, after which time the permit holder:-
 - a. must move at least 50 metres from the permitted area; and
 - b. cannot return to, or be within 50 metres of the permitted area for at least three (3) hours.
19. Should a permit holder not use their permitted area as specified in the permit, they must vacate the location.
20. A person under the age of 14 years is not to perform in any part of a performance:-
 - a. during school hours; or
 - b. between 7.00pm and 6.00am;
 - c. unless accompanied by an adult at all times.
21. A maximum limit of six artists applies in any one performance. Larger groups such as brass or school bands may be permitted depending upon the availability of a suitable performance area which does not hinder pedestrians or motor vehicles.

Pavement and Visual Artists

22. A permit holder performing pavement or visual art that is working on paper or card must use chalk only and no other materials.

23. A permit holder performing pavement or visual art must not damage the pavement surface and must return the permitted area, including the pavement surface to its former condition after the performance has ended.

Content of performances

24. All performances are to be compliant with local laws and Protection of the Environment Operations Act 1997 (POEO Act) as amended from time to time.
25. Dangerous acts including the use of fire, saws, swords, spears, knives, bicycles and similar implements are prohibited. Animals are not to be used in any act whether in an active or passive form.
26. The following acts are not considered as Street Entertainers and will not be issued a permit – balloon sculptors, tarot card/palm/fortune readers, aerosol artists, face painting artists, masseurs and vendors of any kind.
27. The use of amplification during a performance can only be battery operated as main voltage amplification is prohibited. The Council reserves the right to impose a decibel limit on amplified sound at its discretion. The maximum level permitted at the noise source is 72dB(A).
28. Street performers may perform in a permitted area from Monday to Saturday, except between the hours of 9.00pm and 7.00am the following day. On Sundays no performance may occur before 9.00am but must also conclude by 9pm. Permit holders are allowed to perform until 10pm in the Ashfield Town Centre. Of note -
- a. The provisions of the Protection of the Environment Operations Act may overrule these requirements in the case of persistent noise nuisances being experienced by surrounding residences and business premises.
 - b. Where a complaint has been received about excessive noise, the level of amplification, music of a percussive or repetitive nature or excessive duration of an act, particularly in proximity to a place of work or residence, and the complaint is deemed justified, a Street Entertainer may be directed by an authorised officer of Council to cease performing.

Sale of Goods and Services

29. Unless expressly authorised by Council, a person must not offer for sale or sell any goods or services.
30. The Council may authorise a person issued with a valid Street Entertainment Permit to sell one or more DVD's, CD's or cassettes, or both, on the following conditions:-

- a. each DVD, CD or cassette is a recording of the permit holder's own performance;
- b. no advertising signage being erected or displayed;
- c. no more than one DVD, CD and cassette being on public display at any one time;
- d. the purchase price being displayed on the cover of the DVD, CD or cassette; and
- e. there is no soliciting of the public to purchase a DVD, CD or cassette.

Cancellation or revocation of permit

31. A permit may be cancelled or revoked for a period of time or permanently for any one or more of the following reasons:-
 - a. noise limitations are exceeded after two warnings; or
 - b. failure to comply with a condition of the permit or any provision of the Business Trading on Footpath's Policy.
 - c. Council reserves the right to instruct persons engaging in activities that are considered potentially dangerous to immediately cease that activity. Failure to comply with a Council officer's instruction in this regard will result in the permit being cancelled.
 - d. Authorised officer(s) of Ashfield Council may at any time request a Street Entertainer to cease performing if the officer is of the opinion that the performance is either loud or intrusive, excessively repetitive, causing public inconvenience or is likely to cause harm to the public or property. The Street Performer must immediately comply with such as request.

Attachment 1

Restricted areas in Ashfield:

No street entertainment is permitted to take place along Liverpool Road.

