

**ITEM 3. UPDATE OF THE BUSKING POLICY FOR PUBLIC EXHIBITION****FILE NO: S051488****SUMMARY**

Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large. Sydney has a long tradition of busking, providing entertainment to visitors, residents and workers and providing opportunities for buskers to earn a living and to develop their performance skills.

The City of Sydney Busking Policy identifies the principles and conditions under which individuals and groups may busk in the City. The Policy was last updated in August 2006.

This report recommends changes to the Busking Policy that have been identified by the Busking Review Committee since the last update of the Policy, namely:

- the introduction of time limits on busking;
- the inclusion of three new Special Busking Permit sites;
- the introduction of two sites at which buskers may sell self produced CDs/DVDs; and
- delegation of authority to the Chief Executive Officer to authorise temporary (one-day only) busking zones for events and/or festivals.

These changes have been incorporated into the revised Busking Policy (Attachment A).

As these changes will have impacts on buskers and the public, it is recommended that the Busking Policy be placed on public exhibition to allow further comment.

**RECOMMENDATION**

It is resolved that Council:

- (A) endorse the draft City of Sydney Busking Policy September 2007 for public exhibition and consultation from 13 August 2007 to 10 September 2007; and
- (B) delegate authority to the Chief Executive Officer to authorise temporary (one-day only) busking zones for events and/or festivals.

**ATTACHMENT**

**Attachment A:** City of Sydney Busking Policy September 2007, incorporating recommended changes marked in italics.

**BACKGROUND**

1. The City of Sydney recognises that Sydney has a strong tradition of busking and that buskers contribute to a sense of place in the city; that buskers make an important contribution to the cultural life of the City and that busking is a valid means for people to make a living.
2. The City of Sydney Busking Policy outlines the conditions under which people may busk in the city, including areas which may be restricted or be designated to a particular type of busking act.
3. Busking licences cost \$10 per person for three months and \$40 per person for a year. Many buskers travel to Sydney to work during the summer months. The revenue to the City from busking licences is approximately \$14,000 per financial year. This income contributes to the costs of managing the Busking Program.
4. To ensure that the Busking Policy remains up to date and the needs of buskers, the public and the City are all considered, a Busking Review Committee meets quarterly to consider any issues arising from busking in the city. The Committee includes buskers, representatives from the City and the Media Entertainment and Arts Alliance.
5. The Busking Policy was last updated in August 2006. Since that time the Busking Review Committee has considered the issues identified in this report and have recommended that the Policy be updated. The Policy has also been reformatted to make it more easily understood.
6. The changes that are recommended are significant changes and therefore it is recommended that the Busking Policy be put on public exhibition to allow comment.

**Introduction of time limits on busking**

7. The current Busking Policy has no limits on the hours of operation of buskers. Buskers may busk at any time of the day and night anywhere in the city for a maximum of two hours in one location.
8. When the City of Sydney Busking Policy was originally drafted in 1992, the City's LGA did not encompass the areas that were once South Sydney Council and therefore the areas that the Busking Policy covered were significantly smaller than they are now. The residential mix in the city is also significantly different than it was fifteen years ago after a general policy of encouraging residence in the city.
9. Busking now has a significantly greater impact on residential amenity than it did in the past. While the previous policy of allowing busking at all times was effective as buskers would self regulate and only busk where there was the potential to make an income, in mainly entertainment areas, there is now no clear distinction between residential and entertainment areas.

10. It is recommended that a time limit now be imposed on the hours in which buskers can operate to ensure that busking does not impact on residential amenity. The hours proposed are:
  - 9am-10pm Mon - Thurs and Sundays
  - 9am-Midnight Fridays and Saturdays
11. The proposed hours of operation are consistent with the City's approach to dealing with and reducing offensive noise.
12. The proposed limits to the hours of permitted busking has been discussed with, and endorsed by, the Busking Review Committee.

### **Introduction of new special permit zones**

13. The City recognises that many buskers operating in the city use materials and implements in their practice that may reasonably be considered dangerous, such as knife juggling and fire twirling.
14. All buskers who use dangerous implements must undertake a safety audition and then may only busk in specially designated sites. To identify that they have passed the requirements of the safety audition they are issued with a Special Busking Permit.
15. Under the Busking Policy August 2006 there are three Special Busking Permit sites. Through the Busking Review Committee there have been many requests from buskers to expand the number of sites available for use by those holding a Special Busking Permit.
16. Buskers who perform under the Special Busking Permit are generally very popular with the public and encourage audiences to particular areas by providing free entertainment.
17. In recognition of the benefits that busking can bring to the public space, the City encourages buskers to work in particular areas to activate them culturally and commercially and for public safety reasons. This includes the use of busking in Taylor Square as a safety, entertainment and public amenity benefit.
18. Three new areas are recommended for designation as Special Busking Permit areas:
  - (a) Taylor Square North (1 site);
  - (b) Taylor Square South (1 site); and
  - (c) Newcombe St Mall, Paddington, next to Paddington Markets (1 site).
19. All the areas recommended have been selected with consideration of safety needs, the interest of buskers in using the spaces and the potential for buskers in the area to enliven the spaces and attract audiences.

**Introduction of sites where selling of CDs/DVDs is permitted**

20. Under the current Busking Policy, sales of CDs, DVDs or merchandise are not permitted anywhere in the city. This decision was made due to concerns from retailers that buskers would impact on their livelihood and difficulties of regulating sales.
21. Buskers have made numerous requests to the City, both individually and through the Busking Review Committee, asking that the limited sale of CDs and DVDs be considered. They state that prohibiting sales of self produced CDs and DVDs significantly impacts on their capacity to earn a living through busking and that they are not able to access mainstream points of sale (such as record stores) which would allow them to promote their work.
22. Buskers are permitted to sell copies of their CDs/DVDs in some other local government areas (including the City of Melbourne) in defined locations and under strict conditions.
23. Considering that the area the Busking Policy now covers has expanded from the boundaries that existed when the decision not to permit sales was first made, and in recognition of the difficulties that individual artists have in generating an income from their work, it is recommended that a one year trial of two sites for the sale of CDs/DVDs be introduced.
24. The sites will be located in Taylor Square, one in the North and one in the South. This will both assist in encouraging buskers of a high standard into the area, therefore enlivening the public space and in promoting the area as an arts and cultural hub.
25. Buskers will only be permitted to sell their own self produced CDs and DVDs, not commercially available products. They will only be able to display one copy of their CD/DVD at one time and hold no more than fifty copies with them for sale to limit potential street clutter. As with all other busking spaces in the city, they will only be able to perform at one site for a maximum of two hours.
26. These sites will be regularly reviewed over the course of the one year trial by the Cultural Development and City Ranger Units.

**Delegation to the Chief Executive Officer to authorise new temporary busking zones**

27. The current Busking Policy does not allow Special Busking Permit acts in parks or in any sites other than those outlined in the Policy. This is to ensure public safety.
28. However, there have been occasions during festivals or one-off events when requests have been made to the City to allow Special Permit Buskers to perform, under monitored conditions, as part of the general entertainment at an event or festival. This would provide further opportunities for buskers to perform and earn an income and would allow festival or event organisers to add colour to the event without incurring the cost of hiring an act.

29. It is therefore recommended that authority be delegated to the Chief Executive Officer to authorise temporary (one-day only) busking zones for events or festivals. Event or festival organisers wishing to have a zone authorised will be required to put this request in writing to the Chief Executive Officer. All requests will be considered by the Cultural Development and City Ranger Units.
30. All standard conditions will need to be met by any buskers using temporary busking zones, including those addressing public safety.

**KEY IMPLICATIONS**

31. All recommendations have been made in consultation with, and after consideration by, the Busking Review Committee.

**FINANCIAL IMPLICATIONS**

32. The City generates revenue of approximately \$14,000 per financial year from busking licences. This contributes to the costs of managing the Busking Program.

**RELEVANT LEGISLATION**

33. Local Government Act s.68

**CRITICAL DATES / TIME FRAMES**

34. The peak periods for buskers performing in the City of Sydney are over spring and summer. Any changes to the Policy should be made in time to allow buskers to utilise these changes over their peak earning period.

**PUBLIC CONSULTATION**

35. All changes to the Busking Policy have been made in consultation with the Busking Review Committee.
36. Paddington Markets Management has been consulted regarding the inclusion of Newcombe Place Mall, Paddington, as a Special Busking Permit site and is supportive of the recommendation.
37. Darlinghurst Business Partnership has been consulted about the inclusion of new Special Permit Busking zones in Taylor Square and the trial of two CD selling zones in Taylor Square and is supportive of the recommendations.
38. Public comment will be sought on the recommended changes over the period that the Busking Policy is on public exhibition.

**GARRY HARDING**

Director, City, Community and Cultural Services

Kiersten Fishburn, Senior Cultural Development Manager