

Policy: Grey District Busking in Public Places Policy

Adopted by Council: 14 May 2018

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1. Purpose

- 1.1 Council acknowledges busking as a form of entertainment and a means of introducing a festive atmosphere in public spaces.
- 1.2 Unfortunately, it does lend itself to misuse and Council identified the need to regulate it and to apply specific rules as a means of ensuring that all interests, including those of buskers, are provided for. Notwithstanding, no license for busking will be required.

2. Definitions and Scope

- 2.1 This policy applies to all public places in the Grey District.

2.2 Definition of a public place

Clause 147(1)(a) of the Local Government Act 2002:

"...a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it"

3. Alignment

- 3.1 The Policy aligns with the following community values and outcomes:
 - a) Personal and property safety
 - b) A healthy community
- 3.2 This policy also aligns with the Model General Bylaws NZS 9201: Part 2 – Public Places.

4. Relevant Legislation

- 4.1 The NZ Standard Model General Bylaws NZS 9201: Part 2: Public Places clause 202.1 provides that no person shall, except with the prior permission of Council or an authorised officer, in any public place undertake a number of activities, including busking.
- 4.2 The general focus of the Local Government Act 2002 is on the promotion of social, economic, environmental and cultural health and wellbeing of communities.
- 4.3 The health and safety responsibilities of local authorities, and other land owners, as PCBUs (persons conducting a business or undertaking) under the Health and Safety at Work Act 2015 also impacts on busking.

5. Policy

5.1 Busking in public places

This policy makes busking on public land within the District generally permitted, if not encouraged.

5.2 Specific rules applicable to busking

Notwithstanding, and in order to provide for the protection of different interests, the following specific rules will apply to busking:

- a) Busking is subject to the prior approval of the owner of the land involved. Apart from a fairness consideration, it provides the landowner with the opportunity to also preserve his/her rights in relation to health and safety etc.
- b) Audible noise/sound or other emissions, including smells/odours/gases of any kind, must be maintained at levels that will not offend the relevant Council officer attending complaints to, in his/her exclusive opinion, determine the validity of complaints received.
- c) Busking will not be allowed if it involves any aspects that may detract from the amenity value of the area.
- d) Busking shall not involve any material that may be deemed objectionable, also seen from a religious, cultural or ethnic viewpoint.
- e) No busking will take place where it or the audience watching impedes the free flow of traffic, including pedestrians or access to businesses or places of interest.
- f) Council seeks to have a collaborative relationship with those wishing to engage in spaces under its administration, however if this is not respected by those wishing to busk, with due consideration for the clauses listed here, the right to busk may be terminated with immediate effect.

5.3 **Enforceability**

Council will, in general terms, adopt a “hands-off” approach to busking and will undertake enforcement in response to specific complaints only. Notwithstanding, any authorised Council officer may, at any time, undertake inspections.

In the event that any complaints or objections are proven to be justified, the busker will be given one chance to bring his/her conduct in line with this policy, failing which the busker will be trespassed.

6. **Tenure**

- 6.1 This policy will become operational on 14 May 2018 and will be reviewed as and when the need for a review arises.