

BUSKING OR PREACHING PERMIT

Application Form

Permit Application forms are required to be lodged with Council a minimum of **21 business days** in advance of the activity unless otherwise negotiated with Council.

APPLICANT DETAILS:	
Name	
Association (if applicable)	
ABN (if applicable)	
Phone Number	
Postal Address	
Email Address	

Hereby apply for a Busking or Preaching Permit from Alexandrina Council to use all/part of public land/road pursuant to Council's By Laws.

ACTIVITY DETAILS	
Proposed Activity Location: (please also provide map on page 2)	
Dates	
Times	
For the purpose of (tick applicable):	
<input type="checkbox"/>	Busking
<input type="checkbox"/>	Preaching
<input type="checkbox"/>	Entertainment
<input type="checkbox"/>	Other:



ANNEXURE A – MAP

ANNEXURE B – GENERAL CONDITIONS OF PERMIT:

The Applicant agrees:

1. Indemnification of Council

The Applicant agrees to indemnify and to keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the granting of such permit and the establishment and operation of the said Permit.

2. Public Liability Insurance

The Permit holder shall take out and keep current during the period of this permit a public liability insurance policy in a form approved by the Council insuring, for a minimum sum of ten million dollars (\$10,000,000) the Council and the Applicant against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the Council or the Applicant or both arising out of or in relation to the granting of such permit or the operation of the permit.

3. Operation of Permit

This Permit will not commence to operate until payment of the prescribed fee is made (if applicable), the Permit has been duly executed by both parties, proof of all insurances have been provided to Council and a copy of the Permit returned to you by Council.

4. No Exclusive Occupation

This Permit does not confer on the permit holder any exclusive right, entitlement or interest in the defined area (unless specifically provided pursuant to Section 223 of the Local Government Act 1999) and does not derogate from the Council's powers arising under the Local Government Act 1999.

5. Ownership of Equipment

All equipment placed on or over public land remains the property of the Permit Holder pursuant to Section 209 of the Local Government Act 1999.

6. Alterations to Permit by Permit Holder

Any alteration to the permit may only be granted upon a new application being lodged with Council and/or on written approval of the amendments by Council.

7. Transfer

The permit is not transferable. The permit holder may not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.

8. Cancellation or Amendment of Permit by Council

A Council may, by notice in writing to the holder of a permit; cancel, revoke, amend the conditions or withdraw a permit for breach of a permit condition or for any other reason deemed justifiable by Council.

9. Presentation of Permit

This permit shall be produced to any Authorised Officer of the Council on demand.

10. Compliance

The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.

11. Legislative Compliance

The operation of the permitted activity is to be in accordance with all applicable industry standards, health or safety standards, Australian Standards, Codes of Conduct and legislation.

12. Area to be Kept Clean

The Applicant shall keep the area of permitted use clean, tidy and undamaged.

13. Reinstatement

The area of permitted use is to be reinstated to its original condition by the Permit holder on completion of the activity.

14. Damage to permit area

- (a) Repairing and/or replacing any damaged Council infrastructure will be the responsibility of the permit holder.
- (b) The Applicant shall bear the cost of all repairs carried out by the Council within the defined area which, in the opinion of the Chief Executive, have been made necessary by the activities of the Permit.
- (c) The Chief Executive may give notice requiring certain work to be done by the Applicant within 14 days from the giving of such Notice, and if the work specified in the Notice has not been completed within the said 14 days, the Council may by notice in writing signed by the Chief Executive cancel the permit forthwith.

15. Activity to be within defined Permit area

- (a) The location will be allocated by the Council and the permit area may not be altered without the approval of the Council.
- (b) All persons, equipment and activities associated with the permit shall remain wholly within the permit area at all times.

16. Clear and unrestricted pedestrian access

Should the permit allow the placement of structures on road related area (footpath), the permit holder must ensure that a clear and unrestricted public/pedestrian access walk through of no less than 1.5 metres in width, is retained at all times along the footpath across the entire frontage of your business and permit area.

17. Removal of Equipment

All equipment, rubbish, infrastructure and other associated with the permit, shall be removed from the area at completion of the permitted activity.

18. The Prescribed Fee

The Prescribed Fee shall be applied in accordance with Council's annual Schedule of Fees and Charges. The Prescribed Fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 188 of the Local Government Act, 1999.

19. Licence

The permit holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this permit.

20. Music

No music system or amplified sound to be used by any permit holder without the prior written approval of the Council. If you are wishing to use music please attach details.

21. Power

Council will not provide power. If you are wishing to provide your own power to your permit zone, please attach details.

22. Serving of Liquor

If you wish to serve alcohol, please attach details. A separate application must be made to Consumer and Business Services. Council reserves the right to refuse the sale/distribution of alcohol.

23. Health Act

It is the permit holder's responsibility to ensure they operate within all South Australian Public Health Act, Food Act and Food Business Notification requirements.

24. Fit and Proper Person

The permit holder must be a fit and proper person who acknowledges and agrees that Council reserves the right to request a current police background check of permit applicants, particularly in regards to permit activities involving children.

25. South Australia Police

The permit holder acknowledges and agrees that Council reserves the right to engage the services of South Australia Police where any activity is deemed to be unlawful and / or in breach of the peace beyond Council jurisdiction, irrespective of whether a permit has been issued by Council for the activity or not.

26. Respect

The permit holder must treat all members of the public with respect.

27. Public Order

The permit holder must not convey, whether verbally, in writing or on signage, a message or communication which jeopardises public order or otherwise might encourage a breach of the peace.

28. Comfort of use

The permit holder must not adversely affect or disturb the peace, comfort or convenience of users of any public place.

29. Harangue

The permit holder must not harangue, abuse, accost or argue with any member of the public.

30. Comply with directions

The Permit holder must comply with all directions issued by an Authorised Officer of Council.

31. Cease activity

The permit holder must cease the permitted activity immediately if directed to do so by an Authorised Officer of Council.

32. Obstruct or Impede

The permit holder must not obstruct or impede the free flow of pedestrian or vehicular traffic or otherwise prevent such thoroughfare.

33. Certificate of Currency – Insurance and Business details

In addition to the completion of the application form, the applicant must provide the following information to Council prior to the issue of the Permit. A current "Certificate of Currency" stating the:

- Business Name (as stated on this permit application)
- Policy Number (Insurance policy number)
- Minimum \$10 million Public Liability cover
- An acknowledgement or note on the policy, stating that the insurance covers the permitted use
- Any other relevant supporting documentation.

34. Occupational Health, Safety & Welfare Responsibility

Statement of Responsibility of Permit Holders

- Permit Holders, whilst holding permits authorised by Council are responsible for ensuring their capacity as responsible employers, that they and their employees comply with the provisions of the Occupational Health, Safety & Welfare Act 2012 and associated regulations.
- Notifying both the Council and the Department of Administration and Information Services of accidents, incidents and/or dangerous occurrences as defined by Regulation 6.6 of the Occupational Health, Safety & Welfare Act (Notification of Certain Occurrences) Regulations 1995, involving contractors or their employees.
- Ensuring compliance with the advice and/or directive regarding occupational health and safety issued by the Council and its agents.
- Abiding by the terms of the Permit, including compliance with these occupational health and safety responsibilities.
- Providing for themselves and their employees, all necessary protective equipment and enforcing the correct usage and maintenance of any such equipment.
- Exercising due skill, care and expertise in undertaking all defined permit activities.

35. PAMPHLET / LEAFLET DISTRIBUTION – Additional Conditions of Permit (if applicable)

The Applicant further agrees that they MUST NOT:

- Without the consent of the vehicle owner, place or deposit Pamphlets, leaflets, flyers or other on vehicles.
- Deposit Pamphlets in either public or private letterboxes.
- Use any table or other infrastructure to distribute any Pamphlet.
- Use private property unless explicit permission has been obtained from the property owner.

BUSKING – Additional Conditions of Permit

Busking is considered to include activities that provide a sense of entertainment and enjoyment.

General

- A busking permit is issued for a maximum term of one month per application.
- A fee applies in accordance with Council's Annual Fees and Charges.
- The Council reserves the right to add any additional conditions or amend the permit conditions as deemed appropriate.

The Applicant further agrees:

1. The Busking Permit Holder MUST:

- Maintain a minimum distance of 50 metres from any other busker, preacher, event or promotion or any other licence or permit holder.
- Keep noise from amplification or percussion limited to where it can only be heard within 50 metres and does not cause a nuisance to traders or residents.
- Only undertake the busking activity between the hours of 10am and 6pm.

2. The Busking Permit Holder MUST NOT:

- Approach members of the public for the purpose of selling products or services or employ or otherwise utilise the services of some other person or agent to sell the product or service.
- Advertise any product, service or sponsor.
- Charge a fee for performance.

3. The Busking Permit Holder MUST NOT WITHOUT PRIOR WRITTEN AUTHORISATION FROM COUNCIL:

- Use sharp objects or other dangerous instruments including knives, sword or chainsaws.
- Use stockwhips or whips of any kind.
- Use paint, chalk or aerosol on any infrastructure including the street, road or footpath.
- Use fire or any flammable liquid.
- Use a child or animal as part of the performance.

4. The Busking Permit Holder MAY:

- Supply for sale a small amount of approved original merchandise such as CD's or DVD's that directly relate to the artist performing and the busking performance.

PREACHING– Additional Conditions of Permit

General

- A preaching permit may be issued for a maximum term of one month, per application.
- A fee applies in accordance with Council's Annual Fees & Charges.
- The Council reserves the right to add any additional conditions or amend the permit conditions as deemed appropriate.

The Applicant further agrees:

1. The Preaching Permit Holder MUST:

- Maintain a minimum distance of 50 metres from any other busker, preacher, event or promotion or any other licence or permit holder.
- Maintain a minimum distance of 10 metres from any outdoor dining or licensed premises.
- Conduct preaching activities (speeches, pamphlet distribution or signage display etc) in a group no larger than 4 persons, all of whom hold a valid Permit.
- Only undertake the preaching activity between the hours of 10am and 6pm.

2. The Preaching Permit Holder MUST NOT:

- Use staging, podiums or structures (including planter boxes or garden beds).
- Use amplification devices of any kind.
- Advertise any product, service of sponsor.
- Approach or single out for specific attention any member of the public or business (note should a breach of the peace occur this may result in penalties to the permit holder).
- Display more than one hand held sign – the sign must not be larger than 1 metre in height and 500 millimetres in width. A-frame signs are not permitted.
- Preach or distribute Pamphlets within five (5) metres of any active business frontage, including shop fronts and free standing stalls.
- Without consent of the vehicle owner, place or deposit Pamphlets on vehicles.
- Deposit Pamphlets in either public or private letterboxes.
- Use any table or other infrastructure to distribute any Pamphlet.
- Undertake the permitted activity on the carriageway of a road.
- Undertake the permitted activity while a crowd or persons are congregating in the vicinity of the activity preventing the free flow of pedestrian or vehicular traffic.

- Undertake the activity for longer than two continuous hours at one location on any day.
- Use the same location to undertake the permitted activity on any day without ensuring that at least a two hour break is provided between instances of the permit holder undertaking the permitted activity at that location, on that day.



ANNEXURE C – INSURANCE

DECLARATION BY APPLICANT

I / We agree and acknowledge that:

1. I have read and understood the Permit conditions and agree to abide by said conditions.
2. I have attached a copy of my current insurance in accordance with the Terms and Conditions of this Permit. I confirm that the insurance attached is adequate in providing the appropriate insurance cover for the permitted activity.
3. I agree to any/all Special Conditions that the Council may determine and attach to this Permit.
4. I understand that this Permit does not provide me with exclusive use of the site and as such, I acknowledge that other traders or activities may be located in relatively close proximity to the location of this permitted activity.
5. I understand that a fee may apply to undertake this activity and agree to pay such fee by the due date.
6. I understand that this permit application is not consent to undertake the activity until such time as I receive a copy of the Permit / Authorisation form signed by Alexandrina Council.

I / We acknowledge that I / we have read and understand the Permit conditions and I / we agree and abide by the conditions of this Permit:

.....

Signature of Applicant

.....

Name of Applicant

.....

Position of Applicant

.....

Date

OFFICE USE ONLY

AUTHORISATION BY COUNCIL

**SIGNED for
ALEXANDRINA COUNCIL
by its authorised delegate in the presence of:**

.....
Signature of Witness

.....
Signature of Authorised Delegate

.....
Name of Witness

.....
Name of Authorised Delegate

.....
Date

.....
Position of Authorised Delegate

Permit Number:	
Permit Expiry Date:	
Permit Expiry Time:	
Approved Location:	

Busking or Preaching Permit

A person must not without the permission of Council, undertake certain activities on Local Government Land (including reserves) or Roads (including footpaths).

Council will strive to ensure that activities that promote a sense of vibrancy and local attraction do not impede or create adverse impacts on other users.

Activities which require a Busking or Preaching Permit include but are not limited to

- **Busking**
- **Preaching**
- **Small group entertainment**

The permit will authorise the permit holder to use an approved portion of land for an approved use, in accordance with all conditions of the permit, on a non-exclusive basis. Applications for and approval of permits will be determined by Council taking a range of factors into consideration. There is no obligation on Council to approve a permit

Alexandrina Council charges a fee for use of public land or road for Busking or Preaching purposes. Fees payable will be in accordance with Council's Schedule of Fees and Charges (as applicable).

Permit application forms are required to be lodged with Council a minimum of twenty one (21) business days in advance of the activity unless otherwise negotiated with Council.

Applications for and approval of permits will be determined by Council taking a range of factors into consideration. There is no obligation on Council to approve a permit.

A Busking or Preaching Permit will be valid for a period of time/s and day/s as stipulated on the permit.

Generally, a Busking or Preaching Permit will be issued for a 24 hour or a 72 hour period.

In order to obtain a Busking or Preaching Permit please read all of the information provided in the

- **General Conditions of Permit**
- **Permit Application Form**

For more information:

Website - www.alexandrina.sa.gov.au

Email – property.officers@alexandrina.sa.gov.au

Phone - (08) 8555 7000

