



STREET PERMIT POLICY

Approved: By Council on 12 March 2013

Owner: Sean McNamara
Program Manager, City and Customer Services
8203 7640

Trim: ACC2013/39568

1. Introduction

The purpose of the Street Permit Policy is to provide a policy framework for the Adelaide City Council that supports a vibrant city of streets that are welcoming and safe and that attract people to visit and return. The *Local Government Act 1999* provides the legislative basis for the enactment of By-Laws. Council will exercise its powers as appropriate under the By-Laws to support this policy.

Activities that Council may manage on streets include busking, pamphlet distribution, preaching and pedestrian advertising. This policy also provides the framework for similar activity (excluding events) in city squares and Park Lands.

The policy is executed through the Street Permit Guidelines.

2. Strategic Context

Jurisdiction	Name	Key Elements relating to Street Permit Policy
National	'Our Cities, Our Future', The Commonwealth National Urban Policy 2011	<ul style="list-style-type: none">• Improve the planning and management of our cities• Improve the quality of the public domain
State	South Australia's Strategic Plan 2011	<ul style="list-style-type: none">• Urban spaces (T 1)
State	The Thirty Year Plan for Greater Adelaide, 2010	<ul style="list-style-type: none">• Ensuring safe and walkable communities that incorporate Crime Prevention Through Environmental Design principles
Adelaide City Council	City of Adelaide Strategic Plan 2012-2016	Outcome 4: Liveable City 'Enable people to use the city safely'

3. Policy Objectives

The Street Permit Policy:

- defines Council's contribution creating safer, vibrant and welcoming streets, squares and Park Lands
- describes Council's role in managing public space in collaboration with the city community to ensure that activity does not have adverse impacts

4. Policy Principles

The policy is underpinned by the following principles:

4.1 Amenity

Council, as guardian of the public realm, has a responsibility to ensure clean, welcoming, well-designed, well-managed and well-maintained city streets.

Why this policy principle is important

Council is committed to creating a high quality city environment. City streets are a key element of city life.

How Council will enact this policy principle

Council will continue to:

- Engage and listen to the community regarding their concerns and needs in relation to the amenity of city streets, squares and Park Lands including perceived or actual obstructions or impediments to that amenity

4.2 Safety

All members of the community have the right to travel safely and easily within the city, feeling welcome, safe and free from harassment.

Why this policy principle is important

Council is committed to creating pedestrian-friendly streets which belong to everyone, and is committed to creating a welcoming environment, free of harassment and discrimination. There is a community expectation that Council, in partnership with the State Government, will act to support public safety on city streets, squares and Park Lands.

How Council will enact this policy principle

Council will continue to:

- Act in the best interest of city users to support city safety through the administration of permits for, and overseeing of, activities.

4.3 Convenience and Access

Council has a responsibility to ensure that city users can conveniently move about the city without experiencing obstructions to access.

As our population ages and Council encourages more foot traffic across the city, it will be increasingly important to ensure clear and accessible footpaths for city users, particularly those with limited mobility, vision impairment and related disabilities, to ensure their comfort and safety.

How Council will enact this policy principle

Council will continue to:

- Apply relevant policies to ensure ongoing access and convenience on city streets through advising and managing street permit holders

4.4 Street activation

Council is committed to creating vibrant streets that offer city users the opportunity to experience high quality street performances and activity.

Why this policy principle is important

- Street activation is a key element of creating a more vibrant city
- People feel safer in places that attract people to engage in positive social interaction

How Council will enact this policy principle

- Making it easier for the community to activate streets through an easy to navigate permit process

5. Policy Statements

Council holds the following positions on occupation and activity of streets, squares and Park Lands.

- 5.1 Council will work with and engage the local community to ensure the actions of permit holders do not impede or create adverse impacts.
- 5.2 Council will 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.
- 5.3 Street activity should not impede or disrupt pre-existing safety design elements, in accordance with Councils Crime Prevention Through Environmental Design Guidelines, including obstruction of CCTV, lighting and sightlines.
- 5.4 Council is cognisant of its role in minimising harm to users of the public realm. To this end Council may request a current police background check of street permit applicants, particularly regarding offences involving children.
- 5.5 Council is committed to enabling an accessible city by requiring at least 1.8 metres of clear footpath.

6. Legislative Context

In implementing this policy it is recognised that there are specific legislative requirements and standards to be met.

The *Local Government Act 1999* provides the legislative basis for the enactment of By-Laws. Council will exercise its powers as appropriate under the By-Laws to support this policy.

The Street Permit Policy is also guided by the following legislation:

- *City of Adelaide Act 1998*
- *Adelaide (City) Development Plan June 2011/Development Act 1993*
- *Dog and Cat Management Act 1995*
- *Emergency Management Act 2004*
- *Expiation of Offences Act 1996*
- *Public Assemblies Act 1972*
- *Local Government Act 1934*

7. Roles and Responsibilities

Adelaide City Council works to support safer and more welcoming streets undertaking the following roles:

- **Enabler** – Enabling of the public realm by issuing permits for street activity.
- **Influencer** – Influencing the community to support Council in managing anti-social behaviour concerns and create a more vibrant city
- **Regulator** - Regulating public space through the *Local Government Act 1999* to reduce personal safety risks and improve perceptions of safety on city streets and in the Park Lands (for example, by ensuring that footpaths are free of obstructions).

8. Monitoring and Implementation

Monitoring and implementation of this policy is the responsibility of the City Safety and Customer Services Program.

9. Review

This policy will be reviewed in 2016.

10. Revision History

Revision #	Approval Date	Council or Committee	Decision #	TRIM Reference	Related policy documents



STREET PERMIT OPERATING GUIDELINES

Noted by Council on: **xxxx**

Next Review Date: **March 2015**

Responsible Officer: **Sean McNamara**
Position: **Program Manager City Safety and Customer Service**
Phone: **8203 7640**

1. Introduction

Council encourages and supports activities in the City that promote a sense of vibrancy through enlivening and attracting people to places. Council has a role to ensure these activities do not have adverse impacts on city users. Council issues Street Permits for such activity. The conditions for permitting the following activity are outlined in these Guidelines:

- Busking
- Pamphlet Distribution
- Pedestrian Advertising
- Preaching
- Park Lands Occupation (excludes events)

2. Strategic Context

The City of Adelaide Strategic Plan 2012-2016 - Outcome 4: Liveable City - provides the strategic context for these Guidelines.

3. Legislative Requirements

In implementing these guidelines it is recognised that there are specific legislative requirements to be considered and abided by. These include:

- Local Government Act 1999
- Council By-Laws

4. Objectives

The objective of these Guidelines is to provide a clear set of conditions for street activity, including in squares and Park Lands, in line with the Street Permit Policy.

5. Definitions

Busker/s	An independent musician, actor or street performer or group of the same (up to 6 people) performing in a Public Place and may include the collection of money for the performance.
Fit and Proper Person	A person who has no Relevant Criminal History.
Pamphlet Distribution	To give out, hand out or distribute to any bystander or passer-by any Pamphlet (other than Pamphlet distribution promoting a business, which is covered by Council's business promotion permit).
Pamphlet	A handbill, book, notice, advertisement, leaflet or other printed matter.
Park Land Occupation	Using the Park Lands for any activity covered by this guideline.
Pedestrian Advertising	The activity of carrying advertising generally, but not limited to, slung over the shoulders in the form of a sandwich board or similar.
Permit	Written permission given by Council or an authorised Council Officer to conduct an activity in accordance with the specified conditions.
Preaching	To proclaim, advocate or inculcate asserted religious or moral truth and right conduct in speech or in writing.
Public Place	Any street corner, road, footpath or Park Land under the care, control or management of the Adelaide City Council, but does not include private streets or private property.
Relevant Criminal History	Includes but is not limited to a record of offences against children, breaches of the <i>Local Government Act 1999</i> , <i>Local Government Act 1934</i> , Council's By-laws or the conditions of permits issued by Council or other Councils.
School Hours	8:30 am to 4:00 pm school days during school terms as dictated by the State Government.
Street Occupation	For the purpose of this guideline includes Park Land Occupation

6. Application for a Street Permit

- 6.1 Applications for Street Permits must be applied for in person at the Customer Centre located at 25 Pirie Street Adelaide. Applicants must provide the following information:
- Personal details including name, address, phone number(s) and email address;
 - 1 x Photo identification (e.g. drivers licence, passport, student ID card) OR 2 x non-photo identification (e.g. Credit card, Medicare card, Bank Statement)
 - For *non-buskers* a copy of Public Liability insurance to the value of \$20 million naming ACC as an interested party (Council provides the Public Liability for buskers)
- 6.2 The following information applies to applications related to children:
- Children under 16 years of age will only be permitted outside school hours and during daylight hours;
 - Requests from school groups are welcome and will be assessed on merit.
 - If under 16 years of age, written permission from a parent or guardian.
- 6.3 Permit applications (Daily or Monthly) must be made a minimum of two business days' in advance of the activity, unless otherwise indicated.
- 6.4 Subsequent applications for Permits can be made by email or online for a period of up to two years. Thereafter, updated identification information will be required.
- 6.5 Council must be informed of any changes in personal details including address, phone number or email address, immediately during the term of the Permit and must be confirmed upon making a subsequent application for a Permit.
- 6.6 Applications for group permits are permissible, provided that identification details and relevant parental permissions are provided for each group member.
- 6.7 Daily or Monthly permits can be issued.
- 6.8 Monthly fees will be the daily fee multiplied by a factor of 10 and all fees set each year by the Council through the Annual Budget Process and documented in Council's Fees and Charges Schedule.
- 6.9 For further information please contact our Customer Centre on 08 8203 7203 or visit <http://adelaidecitycouncil.com/services/permits-and-licences.html>

7. Permit Holder – General Conditions

7.1 The Permit Holder MUST:

-
- Be a Fit and Proper Person
-
- Carry a valid Permit at the time of the performance/activity, display the Permit in a visible place
-
- Produce the Permit upon request of an Authorised Officer of Council or Police Officer
-
- Only undertake the activity permitted by the Permit
-
- Undertake the activity in the areas or locations specified in the Permit
-
- Undertake the activity during the times and dates specified in the Permit
-
- If under 12 years of age, be constantly supervised by a parent/guardian.
-
- If under 16 years of age only undertake the activity outside School Hours and during daylight hours
-
- Comply with all directions issued by an Authorised Officer of Council or Police Officer
-
- Cease the activity immediately if directed to do so by an Authorised Officer of Council or Police Officer
-
- Cease activity immediately if a crowd of persons are congregating in the area preventing the free flow of pedestrian or vehicular traffic
-
- Pick up any and lawfully dispose of rubbish or other litter associated with the activity
-
- If in Rundle Mall, undertake the activity within 2 metres of the centre of the Mall
-
- Treat members of the public with respect

7.2 The Permit Holder MUST NOT:

- Obstruct or impede fire exits, closed circuit television cameras or shop front advertising or undertake the activity in doorways or other access points
-
- Obstruct or impede the free flow of pedestrian or vehicular traffic or otherwise prevent such thoroughfare
-
- Stand, climb or otherwise use street furniture to undertake the activity or cause damage to any infrastructure
-
- Unless, other expressly authorised by Council, undertake the activity for longer than 30 minutes in one location, cannot use a location more than once a each day and must move at least 50 metres from the previous location before re-commencing the activity (Pedestrian Advertising excluded)
-
- Not use mechanical, electronic or other means of amplification (Busking excluded subject to limitations)
-
- 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
-
- Adversely affect or disturb the peace, comfort or convenience of users of the Public Place
-
- Leave any equipment in a position that may cause a hazard to the general public or cause an obstruction to vehicular or pedestrian traffic flow
-
- Undertake the activity on the carriageway of a road

8. Permit Specific Conditions

8.1 Busking

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

The Busking Permit Holder MUST:

- Maintain a minimum distance of 50 metres from any other busker, preacher, event or promotion
 - 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
-

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 a performance
-

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

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

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
-

Busking permits may be issued on day of application if all documentation is supplied during business hours

8.2 Pamphlet Distribution and Pedestrian Advertising

The Permit Holder MUST NOT:

-
- 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
-
- Use private property unless explicit permission has been obtained from the property owner
-

8.3 Preaching

The Preaching Permit Holder MUST:

-
- Maintain a minimum distance of 50 metres from any other active busker, event or promotion
-
- Conduct preaching activities (speeches, pamphlet distribution or signage display etc) in a group no larger than 4 persons, all of whom must hold a valid Permit
-

The Preaching Permit Holder MUST NOT:

-
- Use staging, podiums or structures
-
- Advertise any product, service or sponsor
-
- Approach or single out for specific attention any member of the public or business
-
- Display more than one hand held sign - the sign must not be larger than 1 metre in height and 500 millimetres in width (A-frames not permitted)
-
- Preach or distribute Pamphlets within five meters 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
-

9. Roles and Responsibilities

Where possible, the Customer Centre will assess and approve applications for Permits that meet the criteria outlined in these guidelines.

Authorised Officers under the Local Government Act 1999 will respond to and investigate complaints or reports of activities occurring other than in accordance the Permit conditions.

Permit holders are responsible for ensuring that they conduct their activity in accordance with the conditions as stated in these guidelines and contained within their Permit.

10. Restrictions and Limitations

Legislation and By-Laws take precedence over these Guidelines. In cases where there are allegations that the person is not a Fit and Proper Person to undertake street activity, a police clearance may be requested from the applicant.

Any complaints received about street activities will serve as an indicator as to the effectiveness or limitations of these Operating Guidelines. Substantiated complaints about the conduct of a Permit holder or non-compliance with Permit conditions may result in a Permit being revoked.

11. Penalties

Failure to comply with these conditions or directions of an Authorised Officer or Police Officer may result in:

- 11.1 the permit being revoked and/or
- 11.2 refusal to issue further permits for a period to be determined by the Program Manager City Safety and Customer Services and/or
- 11.3 an expiation notice being issued

12. Complaints

Any complaints with respect to activities by Street Permit holders will be investigated and resolved in accordance with Council's Complaint Handling Policy.

Any complaints with respect to Street Permit holders that constitute a breach of law will be referred to Police

13. Review

Internal procedures will be monitored and reviewed regularly to ensure efficiency and customer satisfaction considering both the applicant and the public.

This Operating Guideline should be reviewed every two (2) years or as circumstances change to ensure relevance and effectiveness.

14. Revision History

<i>Revision #</i>	<i>Approval Date</i>	<i>Council or Committee</i>	<i>Decision #</i>	<i>TRIM Reference</i>	<i>Related policy documents</i>