



STREET PERFORMANCE AND BUSKING

policy handbook



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WELLINGTON CITY COUNCIL
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Wellington is without a doubt New Zealand's most creative city. As such, we are home to some of the most talented, innovative, and exciting performers in the country—including those who perform on our streets. Buskers and street performers help to enhance Wellington's reputation as the energetic and interactive, cultural and entertainment capital.

We at Council welcome the opportunity to support high-quality street performance. We want to build on our already well-known reputation as a busking-friendly city—one that delights both locals and visitors alike.

But to do that, we have to take into account both the needs of our inner city residents and the needs of our street performers. This handbook has been developed to help performers, residents, retailers, workers and visitors understand the rules around performing on Wellington's streets. It allows us to outline to everyone what's allowed, while still supporting our vibrant street performance culture.

A handwritten signature in black ink that reads "Kerry". The signature is written in a cursive, slightly slanted style.

Kerry Prendergast
Mayor

Street performance in Wellington



HOW IT WORKS

- 1. Street performance is encouraged in public places where performance contributes to safety and doesn't interfere with pedestrian or traffic flow, business activity, or residential living.**
- 2. Access to favourable street performance pitches is to be fairly shared among buskers, to give residents, retailers and workers a variety of performance.**
- 3. Access to a street performance license is unrestricted unless a performer does not comply with the conditions of the license. The Council can cancel or refuse to issue a license to any street performers they believe are acting irresponsibly or in an unsafe way.**
- 4. Street performance is a valid way for people to make money but members of the public should not feel coerced to give money.**
- 5. The use of fire and potentially dangerous implements must not endanger the public, the performers, property or the environment.**

Rights and Responsibilities



FOR PERFORMERS AND THE PUBLIC

Street performers have the right to...

- perform in any one site for up to 90 minutes per day,
- occupy a site for a total of 2 1/2 hours per day,
- ask the audience for money in a polite way.

Street performers have the responsibility to...

- show their licence when asked,
- comply with licence conditions.

Members of the public have the right to...

- not give money to a street performer,
- make a complaint if they believe the performance doesn't comply with the conditions in this Handbook.

Street performance licences



WHAT THEY'RE ALL ABOUT

- 1. All buskers and street performers must hold a current Wellington City Council street performance licence. Proof of identity¹ is required when the application is lodged. Licences are free and valid for six months. After six months you must reapply for a new licence.**
- 2. The street performance licence is designed to protect both performers and the public. Licences may be withdrawn if the performer does not comply with the licence conditions.**
- 3. Licences can be issued to individuals or groups.**
- 4. Licences cannot be transferred to other performers.**
- 5. Street performers must display, or make available to Council officers or any member of the public, their street performance licence whenever they perform.**
- 6. Street performers under twelve years of age need permission from a parent or caregiver to apply for a street performance licence. Wellington City Council recommends that street performers under twelve be supervised by an adult at all times when performing.**

¹ For example, drivers licence or student ID

- 7. Street performance involving dangerous materials or objects requires a special street performance permit.**
- 8. Performers (not using dangerous materials or objects) employed for a scheduled street event approved, or organised, by the Council (including protests, community festivals and commercial promotions) do not need a street performance licence for that event. However, organisers of street events must ensure that the street performance conditions are complied with, or obtain approval for exemption from the conditions.**

HOW TO GET A LICENCE

You can get a licence by going to any Council Service Centre ², filling out an application form and showing proof of your identity to staff. A licence will be issued straight away.

² Civic Centre, Tawa, Johnsonville Library, Newtown Library, Kilbirnie Library.

Street performance conditions

WHAT YOU CAN AND CAN'T DO

1. Anyone performing or busking in any public place (unless employed for an approved event) must hold a current Wellington City Council street performance licence.
2. Quiet walkby acts and quiet roaming acts ³ may be performed at any time and in any public place (excluding those named below) in Wellington, including the Railway Station subway and outside forecourt, so long as all the street performance conditions are met.
3. Performance can only take place in the following locations with permission from the appropriate authority (see map on page 13 for details)
 - Civic Square (Wellington City Council- 499-4444)
 - Parks (Wellington City Council- 499-4444)
 - Waterfront (Lambton Harbour Management Limited- 495-7820)
 - Te Papa forecourt (Te Papa Tongarewa – Museum of New Zealand-381-7000).
4. Noise from any street performance should not be greater than reasonable background noise when heard from more than **30 metres** (horizontal or vertical) from where the performance is taking place.



³ See definitions on inside cover

5. There are special conditions for sound performances.

These are:

- **Sound performances that meet all street performance conditions are allowed in any public place in Wellington between 7am and 9pm.**
- **Sound performances that meet all street performance conditions are also allowed in the following locations between 9pm and 3am:**
 - **Courtenay Place from Cambridge Terrace to Tory Street only,**
 - **Cuba Mall from Manners Street to Dixon Street only,**
 - **the Railway Station subway and outside forecourt (see the map on page 14).**
- **A sound performance should be no closer than 50 metres to another sound performance.**

6. Circle acts are only allowed in the following public places: Cuba Mall, Manners Mall, Courtenay Place, Railway Station subway and outside forecourt, and Oriental Parade.

7. If a street performer is performing immediately outside retail premises, and is asked by the retailer to move on, they must do so.

8. Street performers or their audiences must not block shop doorways during business hours, or footpaths, residential doorways, bus stops or fire escapes at any time. Performers must ensure that wheelchair access is maintained around the site in which they are performing.

- 9.** Each performer or group of performers is limited to a maximum time of 150 minutes including no more than 90 minutes of performance, per day in any one site. Performance and/or occupation of a site does not have to be continuous.
The remaining 60 minutes of non-performance time is available for any of the following activities: setting up, breaks, packing down.
- 10.** Street performers wanting to sell goods that relate to their performance (e.g. CDs or balloon animals) can only do so during the performance and immediately before or afterwards only.⁴
- 11.** Street performers can receive voluntary donations by holding a container or by placing a container on the ground. Street performers can have a written sign asking for donations and can ask the audience for donations but they cannot approach individuals for money.
- 12.** Performers using dangerous materials or objects are required to be skilled and experienced in using these materials. They must also have an understanding of, and commitment to, safety for the public, themselves, and the environment.
- 13.** Performers can only use dangerous materials and objects if they hold a special permit ⁵ to do so, and comply with the terms and conditions in the Code of Practice in addition to the conditions of a general street performance licence. Special street performance permits require peer endorsement

⁴ Subject to the forthcoming review of the Hawkers and Peddlers Bylaw.

⁵ See Code of Practice, p17.



BOTANIC GARDEN *

LAMBTON QUAY

FEATHERSTON STREET

WATERLOO QUAY

JERVOIS QUAY

WATERFRONT *

WILLIS STREET

VICTORIA STREET

6 VIC SQUARE *

WAKEFIELD STREET

MANNERS MALL

TE PAPA FORECOURT *

DIXON STREET

CABLE STREET

WILLIS STREET

VICTORIA STREET

CORBA MALL

COURTENAY PLACE

GHUZZEE STREET

TARANAKI STREET

TORY STREET

COURTENAY PLACE CIRCLE

CAMBRIDGE TERRACE

Y

from two peers approved by the Manager of Recreation Wellington. The special permit is valid for three months from the date of issue.

LIABILITY

- **Street performers will be responsible for claims made against them for personal injury or property damage.**
- **Buskers and street performers are not protected by the Council's public liability insurance and are encouraged to hold their own public liability insurance.**

Code of Practice



USE OF DANGEROUS MATERIALS AND OBJECTS IN STREET PERFORMANCE

1. Introduction

- 1.1** Wellington City Council recognises that some street performers use dangerous materials and objects in their performances and that performances with these items are popular with the public.

- 2.2** The purpose of the Code of Practice is to ensure the use of dangerous materials and objects is restricted to street performers who have skills and experience in their use, and who maintain high safety standards for themselves and the public.

2. Approved sites for using dangerous materials and objects

- 2.1** There are three approved locations for street performance involving dangerous materials and objects: Cuba Mall, Manners Mall and the Courtenay Place circle ⁶. Performances with dangerous materials or objects can also take place in Civic Square, on the waterfront and in City parks with written permission from the appropriate authority (see p11).

⁶ See map on p14.

3. Special street performance permits

- 3.1** Street performers using dangerous materials and objects must hold a current special street performance permit to use these items in their acts.
- 3.2** Special street performance permits are free of charge and valid for three months.
- 3.3** Special street performance permits require peer endorsement from two peers reviewers approved by Wellington City Council and listed on the special permit application form.

Please note:

- A performer renewing their permit within one year of expiry is not required to undergo further peer review.
- A performer renewing their permit more than one year from the expiry date is required to undergo the peer review.
- Organisers of festivals that include international street performers using dangerous materials or objects can obtain peer endorsement on behalf of a performer by providing a detailed description of the show, an assessment of its safety standards and references.

- 3.4** All general conditions applying to street performance licences also apply to the special street performance permit.

- 3.5** Street performers holding special street performance permits must have the permit with them while performing with dangerous material and objects, with the permit either on display or ready to show to any Council officer or member of the public who asks to see it.
- 3.6** A special street performance permit may be withdrawn if any of the conditions of the street performance license or Code of Practice is not met. Any performer whose permit is withdrawn is not eligible to reapply for at least one year.

4. Conditions for special street performance permits

- 4.1** Street performers holding a special street performance permit must meet the following conditions when using dangerous materials or objects in their acts.
- Define the performance space by setting a visible boundary of at least two metres between herself/himself and the audience, using one of the following options:
 - Roped or chained off area,
 - Chalk line that is removed once the performer has completed the act.

- Include a fire blanket or fire extinguisher in their performance kits, and ensure it is visible and accessible throughout the performance.
- 4.2** The only flammable liquid permitted is kerosene.
- Store and transport kerosene in portable, unbreakable, closed containers of a 5 litre maximum capacity (for example, a plastic squeeze bottle for accurate fuel application). Containers should be clearly labelled ‘KEROSENE/POISON’.
 - Avoid dripping, tipping or flicking fuel onto vegetation, people or property. Drip stains on ground surfaces must be removed by the performer before the end of the performance.
- 4.3** All dangerous objects (including chain saws and mechanical devices) used in a performance must be blunted so they are incapable of piercing human skin when pressure is applied directly.

5. Restrictions on special street performance permits

- 5.1** The same restrictions applying to holders of street performance licences apply to holders of special street performance permits.

- 5.2** Special street performance permits are only issued to individual street performers, not groups. Each performer in a group must hold a current special street performance permit if they are to use dangerous materials or objects.
- 5.3** Wellington City Council reserves the right to withhold permission for street performances involving fire, if a fire ban is in force in the city.

Special street performance peer review – How it works

Peer review is the process of discussing or viewing a performer's act and making sure all the safety issues have been considered. Because each performance is unique, the best way to assess the safety of an act is for a performer's peers to review it and give their opinion.

Peer review for safety is to assess whether a performer has considered safety and whether they are aware of basic safety principles.

Peer review doesn't guarantee that an act is 100% safe but instead assesses whether a performer is aware of the risks of working with fire and other dangerous objects and committed to minimising those risks at all times.

Peer reviewers are experienced local performers. Two peer reviewers will meet with a performer to discuss the show and if necessary view part of the performance. Performers need to contact the peer reviewers to arrange a review time. Contact numbers for peer reviewers are on the special licence application form. Peer reviewers will try and assess all acts as quickly as possible.

Any performer who does not pass the peer review will not be permitted to perform in Wellington using dangerous materials or objects. They will still be able to perform without using dangerous materials or objects.

Ways to get support for street performance



Community groups interested in developing street performance shows, or organising workshops for young people to learn performance skills may be eligible for Arts and Culture, Youth Development or Community grants. Application forms and funding criteria can be obtained from the Council's Grants Officer. Assistance and advice about preparing grant applications is available from Recreation Wellington. Please contact them on 499 4444.

Street performers interested in supporting community groups and helping young people to devise street performances should contact the Community Services Unit.

Making Complaints

If you believe a street performance does not comply with the Council's street performance conditions, you can:

- talk to the performer(s) and explain what you want them to do differently (e.g. perform some where else or perform more quietly);
- ask to see their street performance licence and note their licence number so they can be contacted by Council;
- complain by ringing the Council on 499-4444 – 24 hours a day;
- lay a complaint with Police (if the performer is drunk, violent, indecent, disorderly or behaving offensively).

When you are laying a complaint about a street performance or performer it's helpful if you provide the following information:

- your name and contact details,
- the performer's name and licence number,
- what time the performance started, what kind of performance it is,
- what you object to about the performance,
- the ways in which the performance is not complying with the licence conditions.

Once the complaint is received, a Council officer will investigate and take appropriate action.

Guidelines for organising street events

- People organising street events, including parades, festivals, marches and protests, have to get approval from the Council for using public roads.
- If the event includes performance, the performers are not required to hold street performance licences as the organisers are responsible for ensuring their performance complies with the conditions in this guide. Organisers should ensure all performers understand the street performance conditions in this guide.
- If the organiser wants a performance that will not comply with the street performance conditions, they must obtain written permission from the Council for exemption.
- If the performance will involve dangerous materials or objects, the performers must hold a current Special Permit and comply with the Code of Practice. (See p17).
- For further information about planning an event that will impact on a road, see the 'Planning a Street Event' brochure available from Council Service Centres, or contact Council on 499-4444.

Need more information?

GIVE US A CALL AT 499 4444

To inquire about street performance licences and special permits -

Events Facilitator, Recreation Wellington

To complain about a street performance or busker -

Wellington City Council Call Centre

To organise a street event -

Events Facilitator, Recreation Wellington

To find out about community grants -

Grants Officer, Recreation Wellington

To find about about youth events -

Youth Projects Co-ordinator, Community Services

To comment on the street performance policy -

Policy Adviser, Policy Unit

Definitions

Busking is street performance where performers accept money from the public.

Circle acts are performances lasting 20-40 minutes that encourage the audience to stop and watch or participate.

Dangerous materials or objects are materials and objects that could be a risk, or hazard to the public and performers.

- Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements, or anything giving off heat or toxicity that could harm or damage the public or the environment.
- Dangerous objects include whips, knives, spears, swords, spikes, chainsaws and sharp objects of any kind that could harm the public or performers.

Pitch is a site where busking or street performance takes place. The size of the pitch is set by the boundaries of equipment, props, participants or movements that are part of the performance.

Public places are places in the city managed by Wellington City Council or its LATE's where busking is permitted. This includes streets, footpaths, pedestrian malls, squares, parks and the waterfront.

Quiet performances: are performances with no amplification, musical instruments or noise making objects. Can involve up to four voices at a time, if the tone is conversational.

Reasonable background noise: is based on an assessment made by Wellington City Council's noise control officers when measuring the sound volume of a street performance and taking into account the location, time, day of week, weather and traffic conditions and other activities happening in the area.

Sound performance is performance that involves amplification, musical instruments or other noise making objects (such as tools, fireworks, chainsaws, sticks or motors), loud voices or more than four voices.

Squatting/holding a pitch is where a person occupies a performance site so they can perform there later.

Street performance is musical, dramatic or other performance (including busking), involving musical, theatrical or circus performance skills including playing musical instruments, dancing, singing, clowning or juggling, pavement art, speeches, poetry or doing other acts of a similar nature in public places.

Roaming act is performance that does not take place in a single pitch/site but involves the performer(s) moving around and mingling with the public.

Walkby acts are spontaneous shows that can last much longer than a circle act and do not require the public to stop and watch.