

**DRAFT STELLENBOSCH  
MUNICIPALITY  
BUSKING POLICY, 2023**

## 1. PURPOSE

The purpose of this Policy is to outline the Council's approach to Busking within the Stellenbosch Municipality.

## 2. OBJECTIVES

This Policy has been developed:

- a) To encourage activities that contribute to the vibrancy and diversity of the Stellenbosch Municipality
- b) To provide a platform for artists and performers to showcase their skills and interact with a diverse audience.
- c) To identify locations in the town centres of the Stellenbosch Municipality as suitable busking sites.
- d) To contribute towards creating a harmonious environment that will balance the interests of the performers, local businesses, residents and visitors.

## 3. DEFINITIONS

**“Council”** means the Council of Stellenbosch Municipality

**“Authorised official”** means an officer authorised to carry out functions under this policy on behalf of Council

**“Busker”** means the person providing entertainment in the streets

**“Busking”** means the provision of entertainment in the streets

Types of busking performances may include, but not limited to:

- Performing with an instrument or multiple instruments, conventional or self constructed;
- Performing a song, dance routine, mime, clowning, juggling, puppetry, comedy, magic, reciting, or living statue act;
- Actively working in an artistic medium (this excludes pre-built static displays and artworks advertising or promoting a company, event or charity);
- Performing a Circle Act.

**“Permit”** shall mean any permit issued in accordance with the provisions of this policy

**“Nuisance”** is not defined but can include low-level nuisance affecting people living, trading or carrying on a business locally, as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity and environment of other persons living and working in the area

“**the Policy**” means the Stellenbosch Municipality Busking Policy which may be amended and approved from time to time

“**Busking Sites**” means those sites that are designated sites where busking is permitted by those holding a valid Busking permit

“**Regulations**” means regulation prescribed by the Stellenbosch Municipality under this policy

#### **4. APPLICATION REQUIREMENTS AND FEES**

- a) All applications must be made on an application form provided by the Stellenbosch Municipality (Economic Development and Tourism Department) and must be accompanied by an ID document size photograph of the performer, accompanied by the correct application fee (tariff to be confirmed)
- b) The following information is required for **all applications**:
  - (i) Name and address (where the application is made by a group, the names and addresses of all members of that group);
  - (ii) Contact details;
  - (iii) Type of entertainment to be performed and description of equipment to be used;
  - (iv) ID document;
  - (v) How many people are involved in the performance
- c) If a group is performing, each member of the group needs to register
- d) Prior to obtaining a Busking Permit, Buskers will be required to sign the Busker's Code of Conduct

#### **5. BUSKING SITES**

- a) Busking will be controlled and limited to the following proposed designated sites:
  - (i) **Stellenbosch: Corner of Andringa & Church Street; Corner of Dorp & Andringa Street; Corner of Church & Bird Street; and Die Braak.**
  - (ii) **Franschhoek: R45 - Lambrechts Road to Uitkyk Street (Please refer to Appendix 1)**
- b) Busking anywhere other than the designated sites during the controlled hours will be unlawful and not permitted.

#### **6. CONDITIONS**

- a) The busking permit must be displayed when performing and must be produced immediately upon request to either an Authorised Officer or Law Enforcement Officer

- b) Busking is only permitted at any of the designated sites in the Stellenbosch Municipality between the hours 8:00 and 21:00. Performances may only last for 45 consecutive minutes at any one location, after 45 minutes the busker must move to a different location at least one full street block away or to a different designated site;
- c) Busking will only be permitted by the person(s) named on the permit, and may not be used by, or transferred to, another person;
- d) The volume levels must be kept to a reasonable level, within the guidance set by the Stellenbosch Municipality: Roads and Streets By-law, 2021
- e) Busking must only be carried on in a location with sufficient space for the entertainment (and considering the number of buskers and the expected audience size)
- f) The Busking must not be carried on in a way that causes an obstruction to pedestrians or traffic or disturbance, nuisance or undue interference with, or inconvenience to or risk to safety of themselves and of persons using the Street;
- g) Buskers must ensure that the area in which they are working is kept clean;
- h) Buskers under the age of 18 must have an adult accompanying them at all times;
- i) Buskers are not permitted to sell goods and services, or conduct one-one consultations for money, a fee or reward;
- j) Licenced buskers are encouraged to set out a hat or instrument case for voluntary donations. The donations container must not obstruct pedestrian traffic;
- k) Buskers must cooperate with reasonable requests by any member of the South African Police Department, Law Enforcement Department, or any other such designated department or official. If buskers do not comply with all busking rules and regulation and relevant legislation, the following actions will be taken:
  - (i) The busker may be told to lower the volume or find a new location;
  - (ii) A performance may be stopped;
  - (iii) A compliance notice may be issued in terms of a relevant by-law;
  - (iv) A fine may be issued in terms of relevant by-laws; and
  - (v) The permit may be revoked.
- l) No pyrotechnics, fireworks or similar shall be used as part of the entertainment;
- m) Buskers must not busk with pets or other animals unless they have the Council's prior written permission;
- n) Buskers must not commit any acts of harassment against any person. Harassment includes (but is not limited to) violence or threats of violence, abusive or insulting words or behaviour, and damage or threats of damage to property belonging to another person.

## 7. DECISION MAKING

- a) Busking licences will normally be granted on the following basis:
- (i) Usually for six-month period, but may be a shorter time depending on the circumstances;
  - (ii) Subject to compliance with the Standard Conditions, unless expressly removed or varied by Council;
  - (iii) To permit busking in designated busking sites between the hours of 08:00 and 21:00 on any day of the week unless otherwise agreed to by the Stellenbosch Municipality and affected property owner(s)
- b) Council may establish a busking committee to evaluate the applications for busking. The committee should comprise of:
- (i) Officials from Planning and Economic Development;
  - (ii) Senior Legal Advisors of Legal Department;
  - (iii) Manager: Traffic and Law Enforcement Services;
  - (iv) Manager: Community Development.
- c) Busking licences will be determined according to the procedure prescribed through the Council's regulations, as follows:
- (i) All applications will be decided on their own merits and those which provide all the relevant documentation, unless there have been previous enforcement/compliance issues and provided the Busking is sought within the times and at the designated busking sites specified in this policy will be granted;
  - (ii) Preference will be given to buskers who reside in the Stellenbosch Municipality and who are registered on the busking database.
- d) All applications that are not granted will be determined by the authorised official or appointed committee who takes over the responsibilities of these applications.
- e) Refusal of Applications  
The Stellenbosch Municipality may refuse an application of any of the grounds listed in Table 1 below:

<b>Table 1 – Refusal of Applications</b>	
<b>Refusal reason</b>	<b>Relevant considerations include</b>
That the applicant could be reasonable regarded as not being fit and proper per to hold a permit	<ul style="list-style-type: none"> <li>▪ Previous history of non-compliance with licence conditions</li> <li>▪ Previous complaints about conduct that have been substantiated</li> <li>▪ Advise from SAPS or law enforcement</li> </ul>
That the performance may pose risk, hazard or uncertain outcomes for people	<ul style="list-style-type: none"> <li>▪ Performance includes dangerous materials: flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a</li> </ul>

	<p>threat or harm or damage to members of the public and public property</p> <ul style="list-style-type: none"> <li>▪ Performance includes dangerous implements: knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public</li> </ul>
<p>That there is not enough space in the street in respect of which the application is made for busking to take place without causing nuisance to occupiers or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street</p>	<ul style="list-style-type: none"> <li>▪ The type of performance and equipment being used</li> <li>▪ Number of people in the band or performance</li> <li>▪ Proximity to road junctions, pedestrian crossings, stations, bus stops etc.</li> </ul>

f) Revocation of permit

- (i) Where a Police Officer or Authorised Official of the Council requests that a Busking Licence be considered for revocation, the general procedure set out for determining variation applications shall be followed.
- (ii) Stellenbosch Municipality may revoke a permit on any of the following grounds:
  - That there has been a breach of the conditions of the permit;
  - That nuisance has been caused to occupier or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking taking place;
  - That nuisance has been caused as a result of the street entertainment to occupiers of property in or in the vicinity of the street in respect of which the licence was granted.

**8. ENFORCEMENT**

- a) The Stellenbosch Municipality will seek to ensure that any person who is granted a Buskers licence complies with the Standard Conditions attached to the licence, and that appropriate action is taken for non-compliance;
- b) Any person who:
  - (i) busks in any street to which the Policy applies without the authority or a permit; or
  - (ii) is concerned with the organisation or management of busking which is not authorised by a permit; and

(iii) contravenes any condition of his/her permit.

Shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R 1000.00.

- c) Where a Busking permit is required, and the Busking is taking place or about to take place without a permit or in breach of the Conditions of a permit, the following options are available to an authorised official or a police officer:
  - (i) they may require that the Busking either cease or not take place;
  - (ii) where unlicensed Busking is taking place, equipment (including instruments) connected with the Busking may be seized;
  - (iii) proceedings may be instigated to prosecute the person for offences under this policy.
- d) Where the Busking is considered to be in breach of the conditions of the permit, the Authorised Official or Police Officer may request that the Council considers revoking the permit. The procedure set out in Section 7(f) of this Policy shall be followed.

## **9. POLICY REVIEW PROCESS**

- a) This policy shall come into effect on the date of the council resolution;
- b) This policy may be reviewed annually and when required by way of Council Resolution.

**SCHEDULE "A"**

**BUSKER CODE OF CONDUCT**

**BUSKERS WILL:**

Respect the right of business to operate without undue disturbance by entertainers outside their premises.

Exhibit good conduct and character while performing (no nudity, swearing, performing while intoxicated, etc.)

Abide by all municipal By-laws and Provincial statutes and regulations while performing.

Not solicit donation; however unsolicited donations are permitted in a receptable such as a musical instrument case, box or hat.

***I have read and understood the Buskers Code of Conduct.***

Name: (Please Print) \_\_\_\_\_

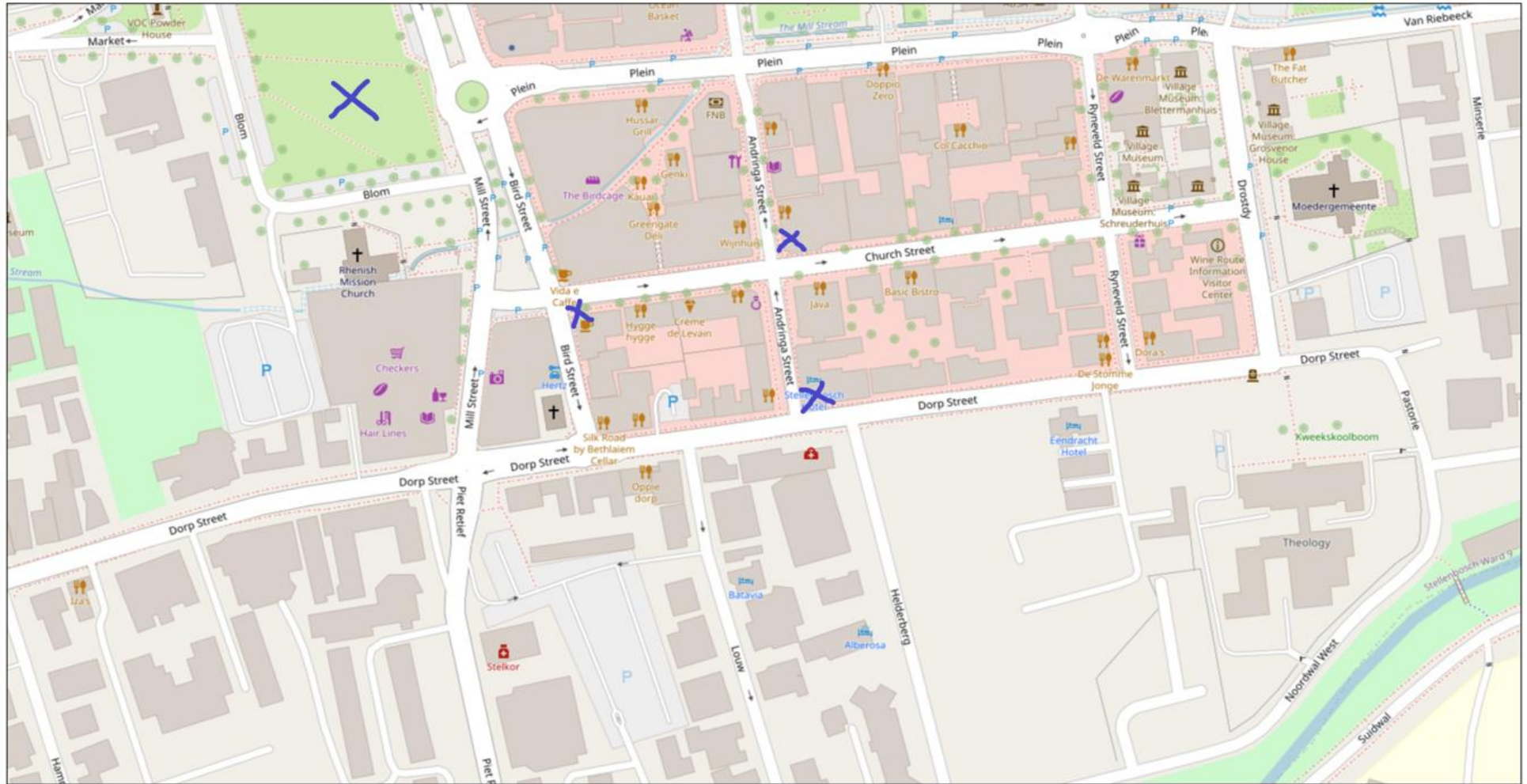
\_\_\_\_\_  
Signature or Signature of Guardian (Buskers under the age of 18)

\_\_\_\_\_  
Date



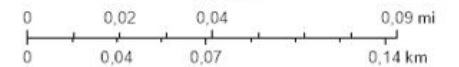
# **APPENDIX 1**

# STELLENBOSCH TOWN: BUSKING SITES

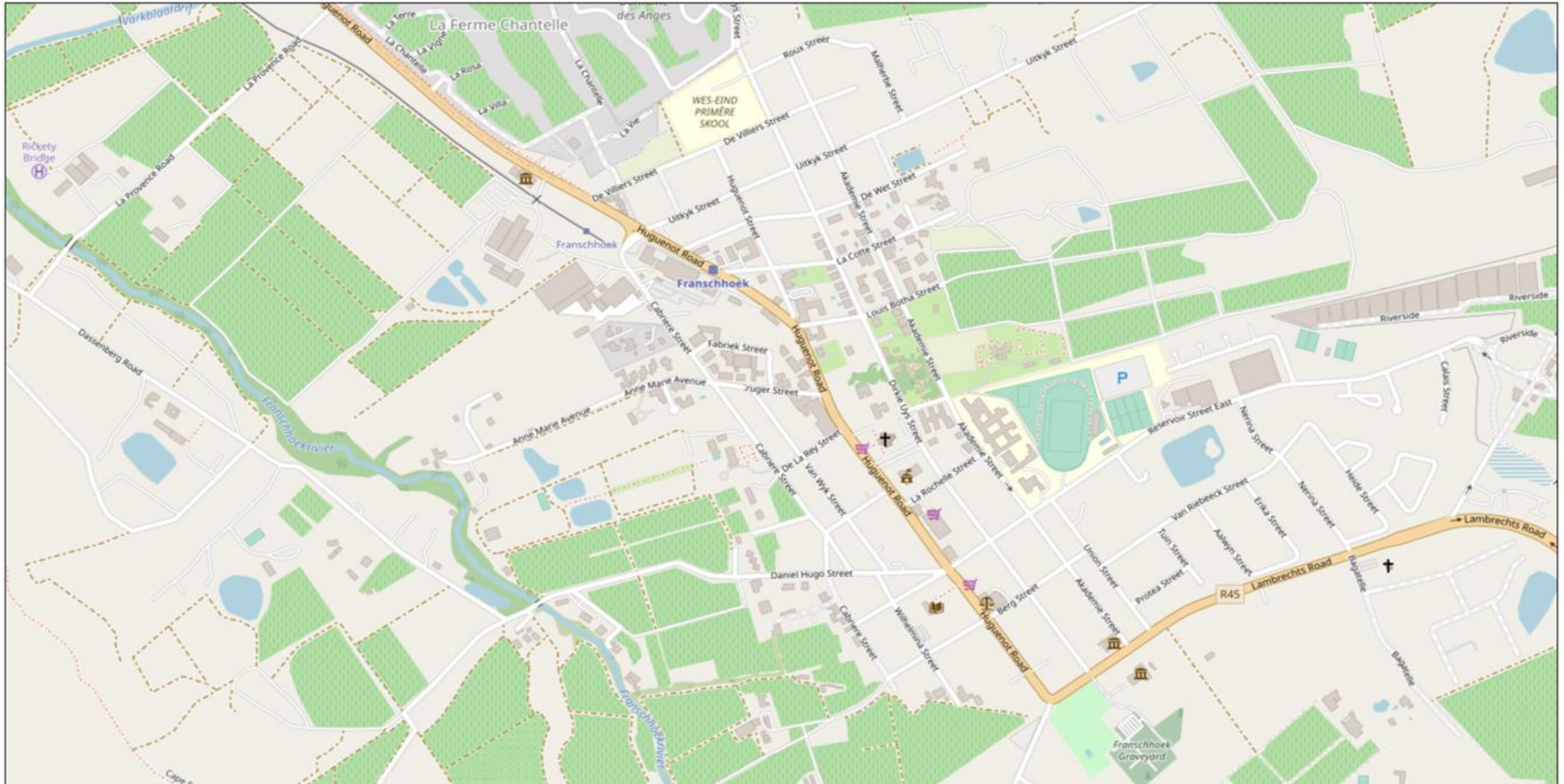


May 30, 2023

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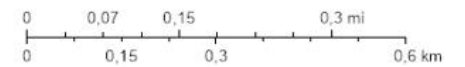


# Franschhoek Town: Busking Sites



May 30, 2023

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