STELLENBOSCH MUNICIPALITY

BUSKING POLICY, 2024

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TABLE OF CONTENTS Page

1. DEFINITIONS……2
2. PURPOSE & OBJECTIVES……2
3. APPLICATION REQUIREMENTS AND FEES……3
4. CONDITIONS……3
5. BUSKING ……5
6. DECISION MAKING……5
7. ENFORCEMENT……7
8. POLICY REVIEW PROCESS……8
9. SCHEDULE 1……9

1. DEFINITIONS

"Council" means the Municipal Council of Stellenbosch Municipality as referred to in section 157 of the Constitution;

"Official" means an employee in the service of the Municipality;

"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

"Regulations" means regulation prescribed by the Stellenbosch Municipality under this policy

2. PURPOSE AND OBJECTIVES

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

2.2 The policy aims to encourage activities that contribute to the vibrancy and diversity of the Stellenbosch Municipality

2.3 The purpose of the policy is to provide a platform for artists and performers to showcase their skills and interact with a diverse audience.

2.4 The policy contributes towards creating a harmonious environment that will balance the interests of the performers, local businesses, residents and visitors.

3. APPLICATION REQUIREMENTS AND FEES

3.1 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)

3.2 The following information is required for **all applications:**

3.2.1 Name and address (where the application is made by a group, the names and addresses of all members of that group);

3.2.2 Contact details;

3.2.3 Type of entertainment to be performed and description of equipment to be used;

3.2.4 Copy of ID document;

3.2.5 How many people are involved in the performance

3.3 If a group is performing, each member of the group needs to register

3.4 Prior to obtaining a Busking Permit, Buskers will be required to sign the Busker's Code of Conduct

4. CONDITIONS

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

4.2 Busking is permitted in the central business districts of the Stellenbosch Municipality between the hours 08:00 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;

4.3 Busking will only be permitted by the person(s) named on the permit, and may not be used by, or transferred to, another person;

4.4 The volume levels must be kept to a reasonable level, within the guidance set by the Stellenbosch Municipality: Roads and Streets By-law, 2021;

4.5 Busking must only be carried out in a location with sufficient space for the entertainment (and considering the number of buskers and the expected audience size);

4.6 The Busking must not be carried out 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;

4.7 Buskers must ensure that the area in which they are working is kept clean;

4.8 Buskers under the age of 18 must have an adult accompanying them at all times;

4.9 Buskers are not permitted to sell goods and services, or conduct one-one consultations for money, a fee or reward;

4.10 Permitted buskers are encouraged to set out a hat or instrument case for voluntary donations. The donations container must not obstruct pedestrian traffic;

4.11 Buskers must cooperate with reasonable requests by any member of the South African Police Services and Stellenbosch Municipality Law Enforcement Section. If buskers do not comply with all busking rules, regulations and relevant legislation, the following actions will be taken:

4.11.1 The busker may be told to lower the volume or find a new location;

4.11.2 The performance may be stopped;

4.11.3 A compliance notice may be issued in terms of a relevant by-law;

4.11.4 A fine may be issued in terms of relevant by-laws; and

4.11.5 The permit may be revoked.

4.12 No pyrotechnics, fireworks or similar shall be used as part of the entertainment;

4.13 Buskers must not busk with pets or other animals unless they have the Council's prior written permission;

4.14 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.

5. BUSKING

5.1 Busking will be limited to the central business districts of Stellenbosch and Franschhoek;

5.2 Busking outside of the controlled hours is unlawful and will not be permitted;

5.3 Buskers are not to enter the demarcated areas of restaurants to solicit donations.

6. DECISION MAKING

6.1 Busking permits will be granted on the following basis:

6.1.1 Six-month or shorter period depending on the circumstances;

6.1.2 Subject to compliance with the Standard Conditions, unless expressly removed or varied by Council;

6.1.3 To permit busking between the hours of 08:00 and 21:00 on any day of the week.

6.2 Council may establish a busking committee to evaluate the applications for busking. The committee should comprise of:

6.2.1 Officials from Planning and Economic Development;
6.2.3 Manager: Traffic and Law Enforcement Services;
6.2.4 Manager: Community Development.

6.3 Busking permit will be determined according to the procedure prescribed through the Council's regulations, as follows:

6.3.1 All applications will be decided on their individual merits and those which provide all the relevant documentation, unless there have been previous enforcement/compliance issued and provided the Busking is sought within the approved times and centres of Stellenbosch Municipality.

6.3.2 Preference will be given to buskers who reside in the Stellenbosch Municipality and who are registered on the busking database.

6.4 Decisions regarding applications will be determined by the authorised official or appointed committee who takes over the responsibilities of these applications.

6.5 Refusal of Applications

The Stellenbosch Municipality may refuse an application of any of the grounds listed in Table 1 below:

Table 1 – Refusal of Applications	
Refusal reason	**Relevant considerations include**
That the applicant could be reasonably regarded as not being fit and a proper person to hold a permit	▪ Previous history of non-compliance with permit conditions ▪ Previous complaints about conduct that have been substantiated ▪ Advice from SAPS or law enforcement
That the performance may pose risk, hazard or uncertain outcomes for people	▪ 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 threat or harm or damage to members of the public and public property ▪ Performance includes dangerous implements: knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public
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	▪ The type of performance and equipment being used ▪ Number of people in the band or performance ▪ Proximity to road junctions, pedestrian crossings, stations, bus stops etc.

6.6 Right of Appeal

6.6.1 The applicant may appeal against a decision where their application has been refused as referred to in section 6.5;

6.6.2 An appeal must be lodged to the Municipality, within 21 days of the notification of decision.

6.7 Revocation of permit

6.7.1 Where a Stellenbosch Municipality Law Enforcement Officer requests that a Busking permit be considered for revocation, the general procedure set out for determining variation applications shall be followed.

6.7.2 Stellenbosch Municipality may revoke a permit on any of the following grounds:

6.7.2.1 That there has been a breach of the conditions of the permit;

6.7.2.2 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;

6.7.2.3 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 permit was granted.

7. ENFORCEMENT

7.1 The Stellenbosch Municipality will seek to ensure that any person who is granted a Busking permit complies with the Standard Conditions attached to the permit, and that appropriate action is taken for non-compliance;

7.2 Any person who:

7.2.1 busks in any street to which the Policy applies without the authority or a permit; or

7.2.2 is concerned with the organisation or management of busking which is not authorised by a permit; and

7.2.3 contravenes any condition of his/her permit.

Shall be guilty of an offence and will be issued with a written warning, if the offender fails to act after notice to comply their permit will be suspended or revoked.

7.3 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:

7.3.1 they may require that the Busking either cease or not take place;

7.3.2 where unlicensed Busking is taking place, equipment (including instruments) connected with the Busking may be seized;

7.3.3 proceedings may be initiated to prosecute the person for offences under this policy.

7.4 Where the Busking is in breach of the conditions of the permit, a Stellenbosch Municipality Law Enforcement Officer or South African Police Officer may request that the Council considers revoking the permit.

8. POLICY REVIEW PROCESS

8.1 This policy shall come into effect on the date of the council resolution;

8.2 This policy may be reviewed annually and when required by way of Council Resolution.

SCHEDULE 1

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 manner 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