
**Draft Street Performers Bye-Laws
Report to Strategic Policy Committee**

Background

Street Performance is a time honoured art form in Dublin City Centre which enhances the character of the City and adds to its attractiveness and colour as well as providing a welcome addition to the programming of diverse on-street entertainment. This activity is generally welcomed by the Irish public and by Tourists to the City. Unfortunately, in recent years there has been a significant increase in the number of complaints to the City Council, and to An Garda Síochána from various businesses in the city, from workers/staff in city shops and offices and from the general public. These complaints reflect the fact that more and more Street Performers now use amplification some of which can cause excessive sound levels. In 2012 the City Council agreed that some level of regulation for Street Performance in the city was necessary and initially a Voluntary Code of Conduct was implemented however this exercise did not succeed.

Following this a draft set of Bye Laws was formulated in 2013 and submissions were invited from the public (small number of submissions received). At that stage and following the public consultation process we reached the conclusion that the then draft Bye Laws were quite weak and that they would be very difficult to enforce.

Therefore a new proposal on Bye Laws was developed which is based on a permit system and the revised draft set of bye laws were put out to public consultation in November 2014.

Dublin City Council recognises the need to achieve a balanced approach to ensure that this popular art form is preserved and is cognisant of the potentially negative effect of over regulation.

In considering the proposed draft Bye Laws now before the Strategic Policy Committee the following points are relevant:

- **Up to now there was no regulation at all in place to control Street Performance therefore the City Council and the Gardai had no powers to intervene – The proposed Bye Laws for the first time allows the City Council and the Gardai to regulate this activity.**
- **We are not trying to stop Street Performance, we want to encourage it but some degree of regulation is necessary otherwise quality and vibrant performance on city streets will not survive.**
- **For Bye Laws to be enforceable they have to be practical and simple, the main component of these Bye Laws is the permit, and the power by Dublin City Council to refuse or revoke such a permit. Once a permit is revoked the Gardai will be immediately notified.**
- **In conjunction with the Bye Laws we will formulate a comprehensive Code of Practice which all Street Performers will have to adhere to. Non adherence will result in the revocation of the permit.**
- **The Code of Practice will cover issues such as sound level, complaints from businesses etc. engagement with businesses, consideration of residents, control of audiences etc.**
- **The proposed Bye Laws if approved will be reviewed after 12 months.**
- **Dublin City Council will consider issues around possible Street Performance competitions and the possible designation of specific locations as a Busking ‘stage’ and the general promotion of Street Performance on the city’s public domain.**

At its meeting on 3rd November 2013, Dublin City Council considered the draft Bye Laws, and decided to remove reference to the banning of busking in the Temple Bar area from the draft Bye-Laws and approved the initiation of the public consultation process.

The public consultation for the draft bye laws commenced on 7th November and the closing date for submissions was 19th December 2014.

If the Bye Laws are endorsed (with or without amendment) by this Strategic Policy Committee then they will be submitted to the full City Council at its meeting on 2nd February. If approved by the City Council they will then be enforceable on the following month.

A total of 88 submissions were received.

A document including a copy of all submissions together with an analysis of same has been provided to all members of the Strategic Policy Committee. The main issues identified were excessive noise, times performers could operate, entrances to businesses and residents being obstructed, designated performance areas and the proposed ban on potentially dangerous performances.

Noise (Draft Bye-Laws 3 and 10)

72 submissions (82% of the total received) identified excessive noise as the main issue. Of these 31 (44%) are seeking an outright ban on amplification, 17% want percussion instruments, and other types of loud music banned, 15% want amplification prohibited in certain locations and 17% requested that the volume from amplifiers be restricted.

7% submit that the 'cause for annoyance' proposed in Bye-Law 10 is too subjective and would be difficult to enforce. Dublin City Council's Noise Pollution Officer agrees that Bye-Law 10 is inappropriate and unenforceable in the case of noise produced by street performers so it is **proposed to remove Bye-Law 10.**

In view of the high number of submissions in relation to noise we consider that it is essential to consider some options to deal with the issue and the following are some of these options:

1. Add a new Bye-Law to prohibit amplification altogether but this may be too extreme.
2. Add a new Bye-Law to prohibit amplification at specific locations, but this may be very difficult to enforce.
3. Add a new Bye-Law to limit the volume from amplifiers by limiting the use of amplification to non-acoustic instruments, again this may be difficult to enforce and unfair to the users of some musical instruments.
4. Introduce a sound limit of **80 decibels** in the immediate vicinity of the street Performer.

We are recommending option number 4 as being a reasonably balanced option.

Performance Times (Bye-Law 5/6/7)

Bye-Law No 5: A person shall not perform in a public place after 11pm and before 9am on any day SAVE AND EXCEPT on Grafton Street where a person may perform up to 1am on Saturday mornings and Sunday mornings only.

Submissions in relation to time ranged from a proposed limit of 6 pm in Temple Bar and 8 pm in Grafton St to making no change. Changes were also proposed to the starting time.

Having given due consideration to all submissions we are **recommending that the deadline for street performance should be 11pm with no exception. It is also recommended that the commencement time is changed to 11am in pedestrianised areas** for Health and Safety reasons (shop deliveries)

Bye-Law No 6: A person is only allowed to perform in a specific location for a maximum period of two hours. After this two hour period they must re-locate to an alternate location, not within 250 metres of their previous location.

The submissions made included a request that Performers should have to relocate to a different street. This seems reasonable and accordingly it is **recommended to remove ‘not within 250 metres of their previous location’ and replace with ‘to a different street’**.

Bye-Law No7: A person may not perform twice in the same location within a 24 hour period.

Several submissions suggested that this Bye Law was unnecessary and would be difficult to enforce. **We are recommending that Bye Law no 7 be removed.**

Obstructions (Bye-Law 18)

Bye-Law No18: A person shall not perform in a public place within 3 meters of the outer edge of the entrance to any business, including, but not limited to: doors, vestibules, driveways, outdoor dining areas, entries, and emergency exits, during the hours that the business on the premises is open to the public or to persons having or conducting business in those premises.

We are recommending that Bye-Law 18 should be edited to read ‘...within 3 meters of the outer edge of the entrance to any business *or residence or premises*’

Ban on use of potentially dangerous props (Bye-Law 11)

The submissions made by performers who use props contend that the equipment they use is not dangerous when used by a skilled performer. They use theatrical props, and the ‘knives’ for example are very light with blunt edges. One street performer group proposed that insurance cover would be a suitable requirement for acts that use potentially dangerous props. **We are recommending that Bye-Law no 11 be amended to allow the use of props and include the requirement for such Street Performers to hold Public Liability Insurance.**

A number of other amendments are recommended as follows:

Temple Bar:

The City Council have already agreed that Street Performance would not be banned in the Temple Bar area but would be subject fully to whatever Bye Laws that are ultimately approved. Notwithstanding this and in light of the submissions from residents in the Temple Bar Area we are now recommending that Street Performance activity not be allowed on the street known as Temple Bar between the junction at Fownes Street and Temple Lane South and on East Essex Street between the junction at Temple Lane South and Eustace Street. This is because footpaths and the street there are very narrow with some residents living over the shops. It will be allowed in all other parts of Temple Bar subject of course to whatever Bye Laws are approved.

Title

- Change title to 'Street Performers Bye-Laws 2015'

Definitions

- **Define 'Amplification'** *Means using electronic device/s to increase the volume of musical instruments*
- **Define 'Circle Act'** *Means street performer/s that have a structured performance or routine that requires the audience to stop, watch and/ or participate. Performances may incorporate elements of street theatre, puppetry, dance, comedy, fire manipulation, juggling and acrobatics and may involve the use of dangerous properties as part of the act.*
- **Define 'Dangerous Properties'** *Means substances that are flammable, toxic or hazardous and items including but not limited to sharp implements or those that pose a risk /capable of causing bodily harm such as swords, knives and axes.*
- **Define 'Non-Acoustic Musical Instrument':** Means a musical instrument that requires electronic amplification to work
- **Edit 'Perform'** definition to include '...with the reasonable expectation or opportunity of receiving donations'
- **Edit 'Prohibited Place'** to remove "on O'Connell Street".

Replace 'Person' with 'Street Performer' throughout the Bye-Laws.

Bye-Laws

Bye Law 1, 1(a): Replace “*an official permit*” with “*a Street Performance Permit*”

Bye-Law 13: A Street Performer shall not charge a fee for a performance in a public place. Members of the public may however leave or give money to a person who performs in a public place.

A performer may receive payment from different businesses for performing on the public footpath such as outside nightclubs and this Bye-Law could have a serious impact on his/her ability to earn a living.

We are recommending that Bye-Law 13 be amended to “A Street Performer shall not charge members of the public a fee....”

Three submissions suggested having a clear process in place for revoking permits. A few also noted that the Bye Laws do not make provision for an appeal by an individual performer. It is therefore recommended that a new Bye-Law is included to deal with this matter. The recommended Bye-Law is as follows:

‘Where Dublin City Council decides to refuse to give a permit or revoke an existing permit the affected Street Performer may appeal that decision to the Administrative Officer in charge of the Dublin City Council’s Licensing Section. If still dissatisfied after this appeal he/she can appeal to a Senior Executive Officer in the Culture, Recreation, Amenity and Community Department. No appeal beyond this will be accepted.

Overall the draft Bye-Laws were welcomed through the public consultation process and it was felt that the Council was being proactive on this issue.

This report and recommendations are submitted for the consideration of the Members of the Strategic Policy Committee. The agreed recommendations from this SPC will be incorporated into the draft Bye-Laws which will then be submitted for approval to the next meeting of the City Council (February).

Brendan Kenny

Assistant Chief Executive

Date: 19th January 2015