



Dublin City Council

Comhairle Cathrach Bhaile Átha Cliath

DUBLIN CITY COUNCIL

CONTROL OF STREET PERFORMERS

DRAFT BYE - LAWS

DRAFT

Long Title:

The Lord Mayor and Members of Dublin City Council (hereinafter referred to as “The Council”) in exercise of the powers conferred on them by Section 199 of the Local Government Act 2001, hereby make the following Bye-Laws in relation to the Control of Street Performers in the administrative area of Dublin City Council.

Preliminary:

Short Title: These Bye-Laws may be cited as the Control of Street Performers Bye-Laws 2014

Area of Application: These Bye-Laws apply to the administrative area of Dublin City Council.

Commencement Date: These Bye-Laws shall come into effect on the [xxxxx] day of [xxxxx] 2015.

Definitions:

In these Bye-Laws the following words or phrases shall have the meanings hereby expressly given to them that is to say:-

The Act: Means the Local Government Act, 2001

The Council: Means Dublin City Council

Authorised Person: Means a person authorised in writing by the Council pursuant to and for the purposes of Section 204 of the Local Government Act 2001 or a member of An Garda Siochana.

Public Place: Means any street, road, footpath, open space, beach, public park, green space and amenity areas, including the Liffey Boardwalk, and such like places in the charge or ownership of Dublin City Council.

Perform:	Means to engage in any type of performance or exhibition and without prejudice to the generality such performance or exhibition shall include playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, circus based skills, human statues, balloon modelling, street theatre, poetry or acts of a similar nature, clowning, pavement art, musical or theatrical performance skills, creating visual art, three dimensional work of art which is created through shaping solid material such as wood, stone, clay, sand or metal by carving, modelling or similar methods, in its entirety, or similar artistic endeavours, sculptures or drawings and paintings, applied to paper, cardboard, canvas, or other similar or technologically equivalent medium through the use of brush, pastel, crayon, pencil, stylus, or other similar object or doing other acts of a similar nature in a public space and any other type of performance or exhibition not specifically listed but which would be similar in character; and the words Performance and to Perform shall be construed accordingly.
Permit Holder:	Means a person who holds a Street Performance Permit and/or a Permit to use Amplification
Street Performer:	Means a person who performs in a public place.
Group:	Means two or more persons performing together in a public place.
Street Performance Permit:	Means a Permit to perform in a public place issued under these Bye Laws
Permit to use Amplification:	Means a Permit issued to a Street Performer under these Bye-Laws to use amplification.
Prohibited Place:	Means any place outside the GPO on O'Connell Street.

Permits:

1. A person may not perform in a public place without an official permit issued by the Council.
1. (a) A person may not perform in a prohibited place with or without an official permit issued by the Council.
2. A person may apply for and be granted a Street Performance Permit by the Council upon completion of the requisite application form for a permit, payment of the fee and on the production of evidence of identity together with two recent photographs of the applicant.
2. (a) The permit granted will be valid for 1 year from the date of issue.
2. (b) The cost of the Street Performance Permit (without amplification) will be €30 per annum.
2. (c) In the case of a performance group one member shall be the person responsible for the organisation and management of the group (i.e. the Permit Holder).
3. A Street Performer will require an additional permit if they wish to use amplification.
3. (a) The cost of a Street Performance Permit for the use of amplification will be €60 per annum.
4. All permits granted will contain a photograph of the permit holder and must be on display at all times during a performance in a public place.
4. (a) The permit holder must be present at all times during a performance and the permit must be on display at all times during a performance in a public place.

Performance Times:

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.
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.
7. A person may not perform twice in the same location within a 24 hour period.
8. A person shall not “reserve” a location/area i.e. arrive prior to performance and wait.

Instruments/Equipment/Properties:

9. A person who wishes to perform in a public place shall be solely responsible for his/her instruments, equipment and props and shall not leave them unattended in a public place and shall remove them from the public place at the end of their performance.
10. A person who wishes to perform in a public place shall not use any instruments / equipments / props in a manner which the noise produced is so loud, so continuous, so repeated or of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the vicinity or members of the public in that public place.
11. A person shall not use a knife, sword, flame, axe, saw or other object that can cause serious bodily harm in a performance in a public place.
12. A performer shall not connect to or maintain an electrical connection by way of a cord or wire to an adjacent building or to any mains power source.

Charges:

13. A person 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.
14. A person who performs in a public place shall not use any measures to solicit donations from the public other than a receptacle for receipt of donations.

Without prejudice to the generality of this bye-law such measures shall include: blocking or impeding the passage, going behind, ahead or alongside a person with the intent to solicit a donation or to intimidate, coerce or threaten, by word or gesture, a person into making a donation.

Obstructions:

15. A person performing in a public place shall not obstruct the public's access to and egress from any premises.
16. A person shall immediately cease performing if the crowd they have attracted is blocking a street.
17. A person shall not perform within 50 metres of another performer.
18. 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.

19. A person performing in a public place with instruments, equipment or props shall not block, obstruct or interfere with the free and safe movement of pedestrians.

Health and Safety:

20. A Street Performer who performs in a public place shall at all time ensure that no aspect of his/her performance endangers the public safety in his/her use of the public place.

Miscellaneous:

21. The Council may prohibit performances in a specific public place on a temporary basis by Executive Order in order to facilitate the construction, development, maintenance or repair of a public place or part thereof or for other infrastructural work thereon or such work on adjoining private property or for other operational reasons

Exemptions:

22. These Bye-Laws shall not apply to activities taking place in a public place that are organised by the Council or are activities that have received consent from the Council by way of event approval or have received a Public Event Licence under Part XVI of the Planning and Development Act 2000.

Offences:

23. Any person who contravenes any bye-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1500.
24. A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised person by the Act or a member of An Garda Síochána shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1500.
25. Where an authorised person or a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under either of the two preceding bye-laws the authorised person or member of An Garda Síochána may demand the name and address of such a person and if that demand is refused or the person gives a name and address

which is false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1500.

- 26.** Pursuant to Section 204 (3) (d) of the Act where a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under the preceding three bye-laws, that member may arrest the person without warrant.

Fixed Payment Notice:

- 27.** Where a Bye Law is contravened an authorised person or a member of the Garda Síochána may serve a Fixed Payment Notice in respect of the contravention. The Notice shall specify the name and address of the alleged offender and in general terms the nature of the contravention alleged to have been committed; and the date and place of the alleged contravention. The Notice shall state that if the fixed payment of €75 is paid to the Council within a period of 28 days that no legal proceedings will be instituted against the person in respect of the alleged offence. The Notice shall contain a statement to the effect that the alleged offender is entitled to disregard the Notice and defend a prosecution of the alleged contravention in Court.
- 28.** Any permit issued by the Council may be revoked or not renewed in circumstances where the holder of the permit persistently contravenes or fails to observe these Bye-Laws, whether prosecuted or not for such repeated contraventions; provided however written notice is given to the holder by the Council of each such alleged breach and the applicant is given an opportunity to reply.

**PRESENT WHEN THE CORPORATE SEAL
OF THE DUBLIN CITY COUNCIL
was affixed hereto:**

IN THE PRESENCE OF:-

Chief Executive

**City Council Official
Civic Offices**

Dated the day of , 2015

**Dublin City Council,
Civic Offices,
Wood Quay,
Dublin 8**