

APPENDIX

Street Performance Bye-Laws 2015 – Proposed Changes

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 Street Performers Bye-Laws 2015

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 7th April 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

Amplification: Means using an electronic device to increase the volume of a musical instrument.

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 Síochána.

Circle Act: Means street performers 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.

The Council: Means Dublin City Council

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.

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 with the reasonable expectation or opportunity of receiving donations 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.

Add definition of Excluded Activities: Means any activity/practice where a service or goods of any sort are offered to members of the public in exchange for payment including but not limited to face painting, caricature painting, hair braiding, jewellery making, paintings, photographic images, games of chance, or any activity/practice which involves the participation of a member of the public.

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.

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 as shown highlighted on map index SM-2015-0085, any place on the street known as Temple Bar between the junction at Fownes Street/Fownes Street Lower and the junction at Temple Lane South and any place on East Essex Street between the junction at Temple Lane South and the junction at Eustace Street. The prohibited places in Temple Bar are as shown highlighted on map index SM-2015-0040.

Amend definition of Prohibited Place:

Means (a) any place outside the GPO as shown highlighted on map index SM-2015-0085 **between the hours of 11.00pm and 7.00pm Monday – Saturday** (b) any place on the street known as Temple Bar between the junction at Fownes Street/Fownes Street Lower and the junction at Temple Lane South, (c) any place on Fleet Street between the junction at Anglesea Street and the junction at Asdill's Row and (d) any place on East Essex Street between the junction at Temple Lane South and the junction at Eustace Street. The prohibited places in Temple Bar are as shown highlighted on map index SM-2015-0040 (*map to be redrawn*).

Permits:

1. A person may not perform in a public place without a Street Performance Permit issued by the Council.
1. (a) A person may not perform in a prohibited place with or without a Street Performance 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.
 - Add a Bye-Law: "A Visitor Street Performance Permit may be granted which is valid for a period of 2 weeks from the date of issue. This permit may be renewed once in a calendar year"
2. (b) The cost of the Street Performance Permit (without amplification) will be €30 per annum.
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.
 - Add a Bye-Law: "The cost of a Visitor Street Performance Permit will be €10.
 - Add a Bye-Law: "A Street Performer wishing to sell their music on CD or other media formats may be granted a permit to do so on condition that the CDs or other media formats (but excluding all other merchandise) contains the performer's original work only."
 - Add a Bye-Law: "The cost of a Permit to sell music on CD or other media format (excluding all other merchandise) will be €100 per annum."

*Note: In addition, it will be necessary to make provision for this in the forthcoming revision of the Casual Trading Bye-Laws.
4. All permits granted will contain a photograph of the permit holder and must be on display and clearly visible at all times during a performance in a public place.
4. (a) The permit holder must be present at all times during a performance.
 - Delete Bye-Law 4(a) and replace with a Bye-Law: "All members of a group must apply for a Street Performance Permit"
 - Add a Bye-Law: "All groups using amplification must have an amplification permit for each amplifier."

Performance Times:

5. A Street Performer shall not perform in a public place after 11pm and before 9am on any day SAVE AND EXCEPT on pedestrianised streets where a person shall not perform before 11am.
 - Amend Bye-Law 5: “ A Street Performer shall not perform in a public place after 11 pm or before 9 am on any day SAVE AND EXCEPT on pedestrianised streets **to which delivery vehicles have access** where a person shall not perform **or set up to perform** before 11.00 am.

6. A Street Performer is only permitted to perform in a specific location for a maximum period of two hours in any day. After this two hour period he/she must re-locate to a different street not within 50 metres of his/her previous location.
 - Amend Bye-Law 6: “A Street Performer is only permitted to perform in a specific location for a maximum of **ONE** hour. After this one hour period he/she must re-locate to a different place not within 100 metres of his/her previous location and may not return to that location until the following day.”
 - Add a Bye-Law: “The maximum period of one hour shall include any time spent setting up before a performance and packing up afterwards.”
 - Add a Bye-Law: “The maximum permitted period of one hour must commence and end on the hour mark”.

7. A Street Performer shall not “reserve” a location/area i.e. arrive prior to performance and wait.
 - Add a section titled “**Special Restrictions**”
 - Add a Bye-Law: “No more than 5 street performers using amplification will be allowed on Grafton Street at any one time.
 - Add a Bye-Law: “Dance troupes, circle acts and bands of more that three members may not perform at any time on Grafton Street between the junction at Nassau Street/Suffolk Street and the junction at South King Street/St. Stephen’s Green.”
 - Add a Bye-Law: “The Council may by Executive Order set such other additional terms and conditions as it considers appropriate to Permits issued in respect of Street Performance on Grafton Street.

Instruments/Equipment/Properties:

8. A Street Performer who performs 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 his/her performance.

9. The sound produced in the immediate vicinity of a Street Performer or Street Performers during a performance shall not exceed 80 decibels, SAVE AND EXCEPT in Temple Bar, as shown highlighted on map index SM-2015-0084, where the sound produced in the immediate vicinity of a Street Performer or Street Performers during a performance shall not exceed 75 decibels.
 - An amendment to Bye-Law 9 is necessary. It is proposed that the following 4 options be put out to public consultation:

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| Option 1 | A total ban on the use of amplification |
| Option 2 | A ban on amplification at certain locations and/or at certain times |
| Option 3 | Amend the existing Bye-Law of a sound limit of 80 decibels to include a set measurement distance and recording interval |

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| Option 4 | Introduce a revised sound limit of 100 decibels at a distance of one foot from the front of an amplifier. |
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(Option 4 has has been suggested by street performers on the basis that there is almost no ambient noise distorting the reading at such a distance and that the decibel level further away would be significantly lower.)

- Add Bye-Law: “The use of backing tracks is not permitted except in the case of dance and circle acts.”

10. A Street Performer or Circle Act using potentially dangerous properties in a performance in a public place must hold public liability insurance of at least €6.4 million and indemnify Dublin City Council.
11. A Street 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/Donations:

12. A Street Performer shall not charge Members of the Public a fee for a performance in a public place. Members of the public may however leave or give money to Street Performer.
13. A Street Performer 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:

14. A Street Performer shall not obstruct the public’s access to and egress from any premises.
15. A Street Performer shall immediately cease performing if the crowd they have attracted is blocking a street.

• Amend Bye-Law 15: “A Street Performer shall be responsible for ensuring that the crowd he/she has attracted is not blocking a street.”
16. A Street Performer shall not perform within 50 metres of another performer.
17. A Street Performer shall not perform in a public place within 3 metres of the outer edge of the entrance to any business or premises 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.
17. (a) A Street Performer shall not perform in a public place within 3 metres of the outer edge of any residence at any time.
18. A Street Performer with instruments, equipment or props shall not block, obstruct or interfere with the free and safe movement of pedestrians.

• Add a Section titled “**Behaviour & Conduct**”
• Add a Bye-Law: “A Street Performer must conduct themselves in a safe, professional manner and fully co-operate with other street performers, members of the public, persons authorised by the Council and An Garda Síochána
• Add a Bye-Law: “A Street Performer must not use lewd, offensive or racist language or conduct (including song lyrics) as part of his/her act.

- A Street Performer must have a sufficient repertoire of songs to play without repetition for at least 30 minutes.

Health and Safety:

19. A Street Performer shall at all times ensure that no aspect of his/her performance endangers the public safety in his/her use of the public place.
- Add a Bye-Law: "A Street Performer must keep the location he/she uses clean while performing and ensure that it is left in the condition that it was found."

Miscellaneous:

20. 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.
- Add a Bye-Law: "The Council may by Executive Order set limits on the number of Street Performance Permits, Grafton Street Performance Permits, Visitor Permits, Permits to use Amplification or Permits for a specified type of performance, which may be issued."
 - Add a Bye-Law: "As an adjunct to setting limits on permit numbers the Council may by Executive Order exercise an option to issue permits for a lesser period than one year."
 - Add a Bye-Law: "The Council may by Executive Order introduce a requirement that all applicants demonstrate a minimum level of ability and/or evidence of a sufficient repertoire of songs to prevent unnecessary repetition."
 - Add a Bye-Law: "The Council's assessment as to what constitutes Street Performance for the purposes of these Bye-Laws shall be at its sole discretion and shall be final".

Exemptions:

21. 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.
- Add a Bye-Law: "These Bye-Laws shall not apply to activities taking place which have received the permission of An Garda Síochána for a cash collection in a public place under the Charities Act 2009."
 - Add a Bye-Law: "The Council may grant on a case by case basis an exemption from these Bye-Laws to certain groups or individuals in instances where the nature of the activity constitutes performance as defined in these Bye-Laws but the collection of donations is for the purpose of fundraising."

Offences:

22. 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.

23. 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.
24. 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.
25. 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.
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Fixed Payment Notice:

26. 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.
27. 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.
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Appeals:

28. 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.