



Review of Street Performance Bye-laws

Submission on behalf of DublinTown – February 2016

DublinTown is the Business Improvement District for Dublin City Centre. The organisation was provided with a mandate to represent the city centre's 2,500 businesses following a plebiscite of businesses in 2007. This mandate was renewed in 2012 following a second ballot. DublinTown welcomes the opportunity to make this submission in relation to the review of the street performance bye-laws 2015.

Introduction

DublinTown has been actively involved with issues surrounding busking and street performance for a number of years. Research conducted in the city centre has shown that street performance is popular with both Dubliners and visitors and that on-street entertainment can be a significant point of differentiation between a vibrant city centre and a sterile out of town shopping environment. The majority of the city's businesses see busking and street performance as a positive to be cherished and promoted and something that is part of the fabric of everyday city life. Indeed DublinTown organised the first "DublinTown Unplugged" street busking competition to celebrate the variety of musical talent on our city's streets as part of the wider City Council's "Musictown" initiative.

However, while there is this positive overall attitude towards street performance it is important to acknowledge that a balance must be struck between the competing demands of all those who use the city centre. It is important that each of us respects the right of others to use the city. Performances that hinder the ability of citizens or visitors to move easily through city streets or which block entry to business premises or render it impossible to conduct business in an orderly fashion should not be permitted. It was in this context that DublinTown first engaged with the City Council and other stakeholders in the creation of a street performers code of practice and later, bye-laws and subsequently made proposals in relation to street performances in the city.



DublinTown unplugged 2015

Prior to the introduction of the current bye laws DublinTown received on average more than 700 complaints per annum from businesses, mostly relating to excessive volume and obstruction to their premises or lack of free movement on the street. While the code of practice had many positive suggestions it was not successful in reducing the number of complaints to DublinTown as there were no consequences for non-compliance. This showed the necessity for properly enforced bye-laws.

Grafton Street provisions

DublinTown is in favour of the suggested special provision of specific licences for Grafton Street. This appropriately recognises the street's unique layout and geography as well as its central importance as both a very busy pedestrian route and one of the premier retail destinations in the country while also recognising the huge demand to perform on this street in particular. There were also more complaints received in relation to street performances on Grafton Street than any other street. Complaints generally related to excessive amplification or the congregation of people blocking up the street and entrances to surrounding businesses.

DublinTown supports the proposals in relation to Grafton Street under the new "Special Restrictions" heading, including limiting the number of amplified acts that may perform at one time on Grafton Street and especially in relation to the large dance groups and "circle acts" that tend to perform in the section of Grafton Street between the junctions with Suffolk Street and Wicklow Street as well as near the junction of Chatham Street. These large dance and acrobatic acts, some of which use items like knives and flaming torches as part of their performances, effectively close the central channel of the city's busiest pedestrian street. This has a number of impacts, it deters people coming from Suffolk Street, Nassau Street and Lower Grafton Street from continuing up Grafton

Street, it creates bottlenecks between the shopfronts and line of bollards which can block off customers wishing to enter or exit stores and it can also disrupt Dublin City Council staff from carrying out their duties. For example Dublin Town staff have witnessed City Council waste management crews being unable to move up the street to empty public litter bins.



A performance & viewing crowd blocking Grafton St.

It is suggested that large acts such as “dance troupes” or “circle acts” perform only at the St. Stephen’s Green end of Grafton Street and then, only in such a way as to not impede pedestrian movement including access to Stephen’s Green shopping centre. This could be achieved by having an area physically designated for performances. This could be done in such a way as to be sympathetic to the new quality granite paving. It should not be permitted for any act to tape off or artificially cordon off an area of any public street. This could be considered as a specific action as part of the bye-law review. This should be further reviewed once the proposed public plaza area at the top of Grafton Street/Stephen’s Green North is developed.

Visitor permits

Specific permits at a cost of €10 for visiting acts is a common sense approach that should help ensure that all performers are abiding by the agreed bye-laws once properly enforced. Such a move is to be welcomed.

Sale of merchandise

Despite the existence of casual trading bye-laws and the specific prohibition of the sale of CDs, DVDs and other merchandise in the original street performance bye-laws of 2015 the sale of merchandise has continued regularly on main city streets in Dublin such as Grafton Street, Henry Street and O’Connell Street. DublinTown staff have witnessed occasions when performers have been cautioned by Gardaí about the sale of CDs only for them to return the following day with merchandise for sale once again.

We would not support the issuing of permits to allow for the sale of CDs and DVDs by street performers and would request that casual trading bye laws be enforced in this regard. In the past effective unlicensed casual trading pitches have appeared on streets like Grafton Street and Henry

Street which offered services like hair braiding and jewellery making which were not controlled under either casual trading or street performance bye-laws. We would note that the original bye laws prohibited the sale of merchandise, however, it would appear that these provisions were ignored in a number of instances. This ignoring of existing bye-laws has proven to be a matter of concern for many within the business community.

Performance times

At present performances are allowed until 11pm on the majority of city streets, including Grafton Street. We would suggest due to the location of the Westbury Hotel off Harry Street that the section of Grafton Street and including all of Harry Street, Balfe Street, Chatham Street and sections of Clarendon Street have an earlier time for the cessation of performances in order to not disturb guests visiting the city.

We also support the limit of one hour for performances. This, combined with the requirement to have an appropriate repertoire should reduce incidents of performers trying to monopolise pitches or playing a very small number of songs repetitively.

Equipment and volume controls

The use of amplifiers has been a consistent source of complaints from our members. The bye-laws allow for a maximum level of 80 decibels in most locations apart from Temple Bar, however some confusion has arisen about how this is measured (proximity to speaker, duration of loud volume etc).

Of the four proposed solutions to this issue we are in favour of Option 1: A total ban on the use of amplification. We believe that this is the only way that excessive volume issues can be effectively dealt with. The present decibel levels often mean that the volume controls are only adhered to when a member of the Gardaí or City Council staff are present and this would also remove any confusion over decibel readings, distance from speakers etc. The removal of amplified busking should theoretically make it possible for more acoustic performers in total to perform on city streets.

DublinTown fully supports the prohibition on the use of backing tracks for groups that are not dance or circle acts. This change will help raise the overall quality of the acts performing in the city centre.

Obstructions

It is crucial to ensure easy movement through the city that performers manage the crowds they attract to their performances. Also as mentioned above, no performer should be allowed cordon off areas of public streets by the use of tape or rope. This needs to be specifically addressed.

Behaviour and Conduct

DublinTown fully supports the new provisions under the Behaviour and Conduct headings. There have been a number of complaints, mainly in the Henry Street and O'Connell Street areas relating to performers using offensive language and on occasion lewd references. It should be noted that this

relates to a very small number of “performers” who are consistently found performing this material. Such acts should have their permits revoked if found to breach of the bye-laws.

Health and Safety

DublinTown supports the recommendation that performers should keep the area where they are performing clean and tidy. Specific note should be taken of some performers who use large amounts of soapy detergent for bubble displays. This soapy water can make the paving very slippery and could cause someone to slip. It also leaves stains on the street. These performers should be compelled to make sure that the path is left as found once they have finished.

Enforcement

The difficulties and levels of non-compliance that were noted above during the trial “code of practice” amply demonstrated the need for proper bye-laws, and with them, sufficient enforcement. To our knowledge, at present there are only two City Council staff dedicated to the enforcement of these bye-laws. While the staff in question have been helpful and responsive when issues have been raised and it is simply not feasible for two staff to effectively enforce the bye-laws for the whole city, day and night, seven days a week. It should be noted that street performers operate well into the evening, indeed there are specific issues around late evening and night time performances causing issues for hotel guests and residents. As with any piece of legislation gaps in enforcement will be exploited by a minority. We believe adequate resources should be invested in the enforcement of the reviewed bye-laws.

DublinTown

Ulysses House

22-24 Foley Street

Dublin 1