



## **Dublin City Council Control of Street Performers Draft Bye - Laws**

### **DublinTown Submission**

#### **Introduction:**

Dublin City BID trading as DublinTown is a not for profit collective of 2,500 businesses in Dublin City Centre charged with creating a welcoming and economically vibrant city environment. We work with our partners to enhance the appeal of the city centre as a place for shopping, recreation and socialising. We welcome this opportunity to make a submission on the Draft Control of Street Performers Bye-Laws.

DublinTown and our members recognise that Street Performers bring entertainment and animation to our city's streets. There is a rich tradition of music and busking in Dublin and the talent of the performers helps to distinguish our city from other destinations.

While we are very supportive of the positive impact that buskers can have on our city, there has been a significant increase in complaints related to street performance in recent years. These complaints mainly relate to loud amplification, continuous noise, obstruction of premises, disturbance of city residents at night and intimidation by some performers soliciting donations. An effective noise-regulation system already exists for business premises operating in the city and this methodology could be used to regulate persistently loud street performers.

The city sees a daily footfall of 328,000 and we all need to consider how we can best share the city's limited space. We are strongly in favour of the introduction of bye-laws to regulate Street Performers in Dublin city which we believe will create a better and less intrusive environment for people who wish to visit and enjoy the city. Effective bye-laws would empower the City Council and the Gardaí to take action against the minority of performers who diminish enjoyment of public space for others.

#### **Background:**

In recent years with the advent of cheap but powerful mobile amplification, Dublin City Council, An Garda Síochána and various business representative organisations have all reported a rise in the number of street performance related complaints. A high volume of calls received by DublinTown relate to disruptive street performers. From September 2011 to September 2012, we received 724 complaints in relation to the activities of the street performers, i.e., almost two per day, seven days a week.

In early 2012, DublinTown participated in a Working Group organised by Dublin City Council on the issue of street performers. We were supportive of the voluntary code of practice for Dublin's street performers which was subsequently introduced in August 2012 for a period of three months. In December 2012, DublinTown met representatives from Gardaí and Dublin City Council to review the trial period. It was agreed that additional regulation by way of bye-laws was necessary as the Code of Practice had not achieved its intended results. A minority of performers refused to be bound by the protocols and this resulted in continued difficulties for members of the public and city businesses.

The majority of complaints received by DublinTown related to excessive noise caused by amplification, loud percussive instruments such as drum-kits and the obstruction of public access to a street or premises.



*Figure 1: Busking crowds blocking Grafton St.*

Unfortunately, the impact of this behaviour on the ability of the public to browse casually was not respected by some of these performers. The level of amplification has made it difficult for businesses to trade, particularly those in offices of which there is a high concentration above shops on Henry and Grafton Street. Sales staff have also experienced difficulty speaking with their customers and the noise caused by some performers makes it impossible for their business to be carried out efficiently.

Consequently, DublinTown and our members welcome the proposed new bye-laws on street performers. The permit system proposed by the bye-laws will allow for regulation of street performers in the city. Repeated violations will result in revocation of the permit and the bye-laws make provision for a fine. The bye-laws would empower the City Council and the Gardaí to take action against the minority of performers whose behaviour has had a detrimental impact on the public's ability to fully enjoy their city. They will also give the majority of performers the opportunity to perform unimpeded.

#### **Definitions:**

We submit that 'stilt-walkers' should be included under performers. There should also be regulation of costumed characters (i.e. those dressed as superhero characters, see photo below) to come under

the control of the bye-laws as street performers. Such characters may also be infringing on registered copyrights and trademarks.



Figure 2: "Spiderman" character collecting money on Henry St.

#### **Permits:**

DublinTown welcomes the additional cost regarding amplification. Clarification is sought on whether the cost of a Street Performance Permit for the use of amplification (€60) is in addition to, or separate to, the cost of a Street Performance Permit without the use of amplification (€30).

#### **Performance Times:**

DublinTown welcomes the curfew of 9am-11pm throughout the city but we note that the curfew is extended to 1am on Grafton Street on Saturday and Sunday. We believe that special consideration should be given to the proximity of hotels, guesthouses and residential units. Thus, we submit that the area around the Westbury Hotel should also be subject to the curfew of 9pm. This area includes the junction of Harry Street and Balfe Street and the south end of Clarendon Street. Also included should be other areas in close proximity to hotels such as areas around Stephen's Green or Dame Street.

#### **Instruments/Equipment/Properties:**

Section 10 of the draft bye-laws provides that *'A person who wishes to perform in a public place shall not use any instruments/equipment/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 of members of the public in that*

*public place*'. Clarification on how volume levels will be monitored is required. There is concern that this could merely be a subjective definition of "reasonable cause".

**Enforcement:**

DublinTown would welcome further explanation of the enforcement of the Control of Street Performers Bye-Laws. Section 28 of the bye-laws provides that *'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.'* Clarification is sought on whether a written notice will be served for all violations, the means of recording violations and the threshold for repeated violations before a permit is revoked.

DublinTown submits that An Garda Síochána or any authorised person under the Act should have the capacity to confiscate equipment of any street performer who obstructs or impedes or refuses to comply with an official request.

DublinTown submits that the Bye-Laws should make reference to the requirement to have a casual trading permit to sell any merchandise, in accordance with the Casual Trading Act 1995.

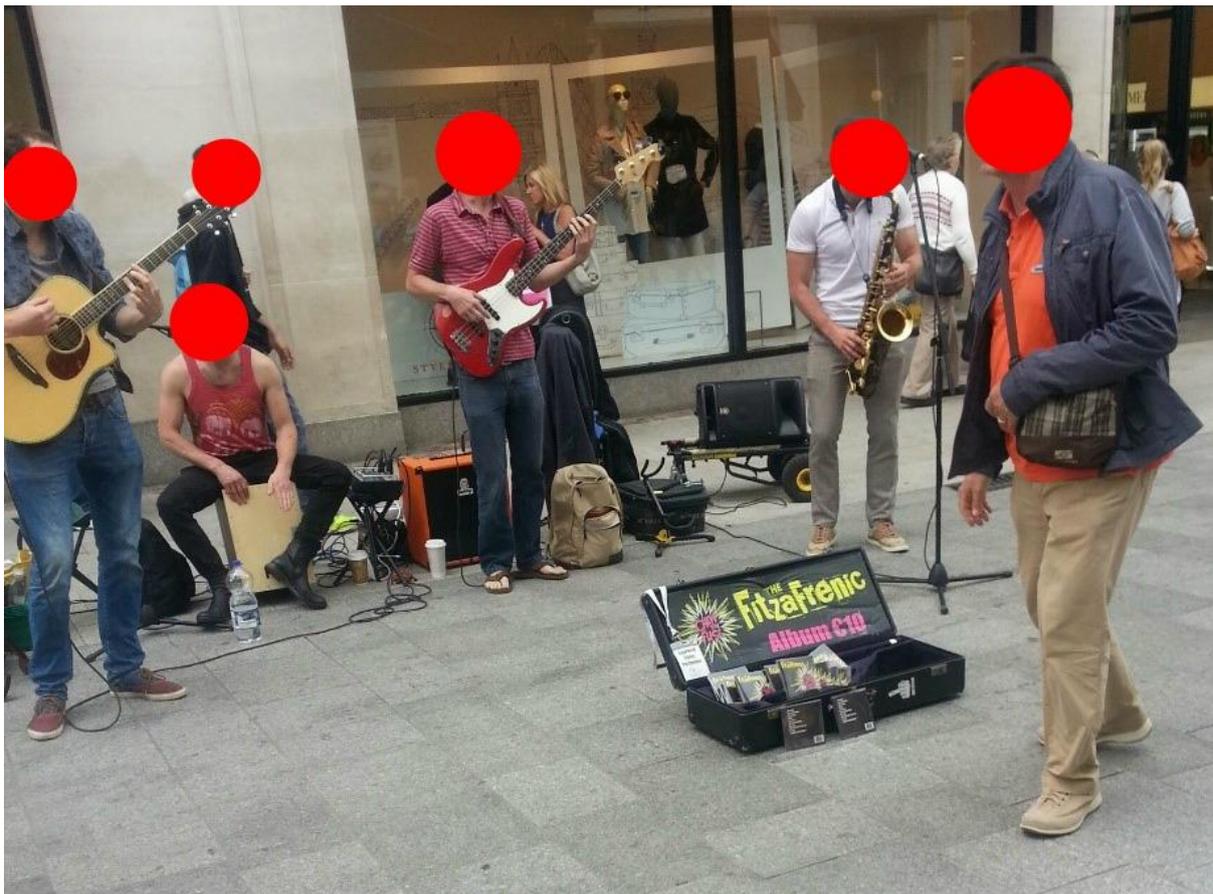


Figure 3: CDs for sale on Grafton St.

**Contact details**

In addition to the assigned email address, a phone number should be provided to ensure that violations can be promptly reported to the Council.

**Dublin City Business Improvement District t/a DublinTown**

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