

To: The Mayor and Each Member of Limerick City and County Council

**Limerick City and County Council Street Performance and Busker
Draft Bye-Laws 2024**

The Street Performance Bye Laws were developed at the request of the Climate Action, Biodiversity and Environment SPC. A number of members proposed that the bye laws should contain an element of promotion of street performance. After consultation with the Arts Officer, the view was formed that the Byelaws should strictly be an enforcement tool and that promotion and street performance encouragement could be achieved through other means.

The draft laws were put out to public consultation from the 1st July to 12th August, with all submissions to be received by 23rd August. The details of the submissions and the proposed draft bye laws are in the attached Director General's Report.

The members are now asked to approve the draft byelaws.

Signed:



Cathal Brodie
Senior Executive Scientist
Environment and Climate Action

MEMO

Director General Briefing

**Re: Limerick City and County Council Street Performance and Busker Draft
Bye-Laws 2024**

August 27th 2024.

Background.

The Street Performance Bye Laws were developed as a result of a Notice of Motion from Councillor Olivia O'Sullivan. A draft set of bye laws were presented to the February Climate Action, Biodiversity and Environment SPC and comments from the members were taken on board. A number of members proposed that the bye laws should contain an element of promotion of street performance. Senior Team recommended that the Arts Office and Events be consulted to ascertain their views on the bye laws containing an element of promotion of street performance and busking. After consultation with Arts, Events and Community, all were of the view that the Byelaws should strictly be an enforcement tool; promotion could be achieved through other means and that the byelaws were not the vehicle for such. As a result, Senior Team directed Environment Strategy to progress the byelaws as an enforcement tool.

Timeline 2024



Public Consultation.

The draft laws were put out to public consultation from the 1st July to 12th August, with all submissions to be received by 23rd August. Submissions could be made in writing, email and on

MyPoint. All Metropolitan Members were emailed the draft laws and advised of the public consultation process. Table 1. details the submissions received and the proposed response. Fifteen submissions, from six individuals were received.

The submissions received concerned two aspects of the proposed Bye laws;

Amplification/Backing tracks

Duration of performance in a location.

Most concern was raised in relation to the prohibition on amplification. A number of the submissions requested that amplification would be allowed and highlighted its importance to their performance.

Proposed Amendment to original draft.

To reflect the concerns raised in relation to the prohibition on backing tracks and amplification, it is proposed to amend byelaw 19 to allow for appropriate exemptions to be granted. It is proposed to amend the original draft with the new wording as detailed here;

Original wording in Draft;

- *The Director General by an Executive Order may grant on a case-by-case basis an exemption from these Byelaws to certain groups or individuals in instances where the nature of the activity constitutes performance as defined in these Byelaws but the collection is for the purpose of fundraising.*

Proposed amended wording;

- *The Mayor by an Executive Order may grant on a case-by-case basis an exemption from these Byelaws to;*
 - (a) certain groups or individuals in instances where the nature of the activity constitutes performance as defined in these Byelaws but the collection is for the purpose of fundraising.*
 - (b) to groups or individuals where there is a specific requirement for the use of amplification and/or backing tracks for their performance. This exemption will be time limited and can be revoked if noise complaints are received by the Council.*

The replacement of the Director General with the Mayor reflects the changed legal status since the byelaws were first drafted.

Attachments.

1. Table detailing public engagement submissions.
2. Proposed draft byelaws.

Recommendation

I recommend that the Draft Limerick City and County Council Street Performance and Busker Bye-Laws 2024 be approved by Management Team and forwarded to the September Council meeting for adoption by the elected members.

Signed:



Cathal Brodie
Senior Executive Scientist
Environment and Climate Action

Recommended:



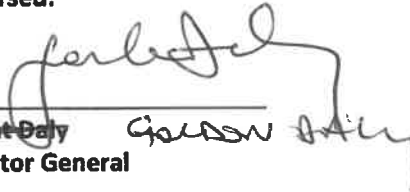
Aidan Finn
Senior Engineer
Environment and Climate Action

Recommended:



Kieran Lehane
Director of Services
Environment, Climate Action
& Shared Services

Endorsed:



Dr Pat Daly
Director General

Attachments.

1.

Table 1.

Item No.	Observation	Response	Observer
1.	Section II Part 9 of this proposed bye-law states that "All performances must end on the hour mark." I believe that this proposed rule is incredibly unfair for street performers, many of whom are out on the streets of Limerick as a way to sustain themselves through tough times. Forcing them to end on the hour leaves them between a rock and a hard place when it comes to any possible arrangements they may have. For example a doctor's appointment at 15:45pm less than 100m up the street from where they are performing. In this case they would have to end their show at 15:00pm and lose out on a potential 40 minutes of income that may be necessary to pay for a meal that day. However, if the wording was changes to "All performances must end on the hour or half hour mark" as I propose, the performer would only lose out on 15 minutes of potential income and gain an extra 30 minutes as opposed to the current bye-law. Under the current wording, if the performer was to end their show at 15:30pm, they would be forced to pay an unjust fine of €75 which could easily exceed the total earnings for the entire day's work up to that point.	Misinterpretation. No amendment required.	Ely White-Linnane
2.	Hi Christy Kelly here don't no what big problem is but this my way of living not happy one bit with new bye laws coming in for 2 hours how can I make money in two hours Impossible and your Ban amplifier on streets sure I need my amplifier so don't no what way this going but it's wrong not happy 😞	Noted. No amendment required.	Christy Kelly
3.	Im just wondering if you could give further clarification on the proposed new Byelaws for Street Performance and Busking in the City Centre, namely point 15 and 16 on Amplification and Backing Tracks. Restrictions on Amplification and Backing Tracks 15. Amplification as defined in these Byelaws shall be prohibited save and except as directed by the provisions of any exemption granted under these Byelaws. 16. Backing tracks as defined in these Byelaws shall be prohibited save and except for use by Circle Acts or as	Query responded to. Proposed change to wording of Bye Law 19	Matthew Ryan

	<p>directed by the provisions of any exemption granted under these Byelaws.</p> <p>It seems very Subjective. On what basis would Buskers get "Exceptions as directed by the provisions or any exemption granted under the Byelaws? " Would this require a further specific "one off " licence from the Council?</p> <p>Will Singing or Drumming performers be prohibited from using Amplification?</p> <p>Thanks a lot and looking forward to hearing from you</p>		
4.	<p>Hi Christy Kelly here I just wondering when can u get busking license for streets how much is it for year or month ☹ people are 12th August new bye laws coming in to limerick 2 hours play in one spot can u move to other spot or just play at one place .</p>	<p>Responded to.</p> <p>No amendment required.</p>	Christy Kelly
5.	<p>Hi Mr Kelly here just wondering where do I get the busking license for streets play music how many hours can u play and can u move to Different spot just one spot what way is going new bye laws coming in on 12th August how much license is it going for year or what (Received twice)</p>	<p>Responded to.</p> <p>No amendment required.</p>	Christy Kelly
6.	<p>Hi Christy Kelly here don't no what big problem is but this my way of living not happy one bit with new bye laws coming in for 2 hours how can I make money in two hours Impossible and your Ban amplifier on streets sure I need my amplifier so don't no what way this going but it's wrong not happy</p>	<p>Proposed change to wording of Bye Law 19</p>	Christy Kelly
7.	<p>I can't comprehend why you need to put restrictions on street entertainers. I am a member of a trad group that started playing music outdoors during covid. We played every Thursday evening from 7-9. We played in various parts of the city during the summer months. We eventually found that the best place for us was in front of Brown Thomas. We have to use microphones so that our music and songs can be heard. We got a great reaction from locals and tourists . There were plenty of places that they could sit and enjoy us especially since O Connell Street was revamped. The city is normally quiet in the evenings anyway so hopefully both locals and visitors had a nice memorable evening. We haven't played this year yet as the weather has been very poor. On a personal note I think you should not put any</p>	<p>Noted.</p> <p>Proposed change to wording of Bye Law 19</p>	Eamonn O'Connor

	<p>restrictions on street performers. It adds a bit of life to the city which is quiet enough at the best of times. You need electronic equipment to be heard. Sometimes they could turn down the volume a bit but overall they are not a problem. There are a lot more important issues to be addressed.</p>		
8.	<p>I wish to apply for a busking licence for playing in limerick city . Ronald Mcknight home address no 56 Glasgow Park Roxboro Road limerick city .</p>	<p>Responded to.</p> <p>No amendment required.</p>	RonMcKnight
9.	<p>I have used an amplifier for voice amplification over the past 25 years in Cruises Street and Bedford Row/Thomas Street.</p> <p>I understand the frustration of shopkeepers when my speaking interrupts their business so I have learned to decrease the volume.</p> <p>I noticed that Dublin has placed a limit on decibel levels of 80 db. in general and 75 db in Temple bar. I have found phone apps which could allow us to self monitor our volume.</p> <p>Has there been any thought given to basing fines on volume levels?</p> <p>I know Dublin has also required a license system for buskers.</p> <p>In the interest of fairness I would appeal to Limerick City Council not to ban voice assisted amplification as I would then be required to shout to be heard above the background of traffic noise.</p>	<p>Amplification prohibition-Exemptions can be applied for.</p> <p>Proposed change to wording of Bye Law 19</p> <p>Monitoring of the decibel level and thus the noise level, is not straight forward. Our experience and advice indicates that the limits are not enforceable. No noise limits are proposed.</p>	Daniel Nickel
10.	<p>Hi Christy here just Have a concern about amplifier I need my amplifier for playing music on streets for busking I hope ye don't band amplifier</p>	<p>Amplification prohibition-Exemptions can be applied for.</p> <p>Proposed change to wording of Bye Law 19</p>	Christy Kelly
11.	<p>Hi musican here playing limerick city long time people love here my music it brings joy to city Atmosphere to city as well I keeps level down as I can when I'm playing I hope amplifier are not gone off from busking cause that's part of busking streets kind Regards Christy</p>	<p>Amplification prohibition-Exemptions can be applied for.</p> <p>Proposed change to wording of Bye Law 19</p>	Christy Kelly

12.	Hi Christy here I see buskers around town but they are not moving after two hours what happens here in this situation buskers are not following the rules unfair and as I was saying about my amplifier I need that people love hear my music not to loud but some buskers are very loud kind regards Christy	Noted and explained laws not in force yet	Christy Kelly
13.	Hi Christy here buskers are not moving after their two hours there staying one place this is unfair pls should be someone Petrol around watching buskers pls what's going be done after this they are not Following the rules	Noted and explained laws nit in force yet	Christy Kelly

14.	This going wrong way with busking streets two hours it don't work buskers are not following rules so should be gone this rules don't make sense	Noted and explained laws nit in force yet	Christy Kelly
15.	This not fair buskers not following rules seeing busker to day walking in down in same place more 4 hours how that loud very unfair for other buskers I think not ban amplifier I need for my music without that not able to busk	Noted and explained laws nit in force yet	Christy Kelly

2.

**Long title Limerick City and County Council Street Performance
and Busker Draft Bye-Laws 2024**

Limerick City and County Council (hereafter referred to as “The Council”) in exercise of the powers conferred on them by the provisions of Part 19 of the Local Government Act, 2001, “The Act”, as amended by the Local Government Act, 2014, hereby make the following Street Performance and Busking Byelaws for the administrative area of Limerick City and County Council.

Part I (Preliminary & Definitions)

Preliminary:

1. Short Title: These Byelaws may be cited as the “Limerick City Street Performance and Busking Byelaws 2024
2. Area of Application: These Byelaws apply to all public roads (including footpaths, green areas, pedestrian areas etc.) taken-in-charge by The Council in the City Centre Zone as defined in the Limerick Development Plan 2022-2028 and any subsequent revision of said zone.
3. Commencement Date: These Byelaws shall come into effect on xxxxxxxx (Date to be agreed)

Definitions

4. In these Byelaws 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 as amended.

Amplification: Means using an electronic device to create or increase the volume of a musical instrument or vocal performance

Backing Track: An amplified audio recording that street performers play or sing along to.

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 Acts: 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.

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.

Excluded Activities: Means any activity/practice where a service or goods are offered to members of the public in exchange for payment including but not limited to face painting, caricature painting, hair braiding, temporary tattoos (including henna), fortune telling, jewellery-making, pre-fabricated paintings, photographic or printed images, games of chance, or any activity/practice which involves charging a member of the public to participate.

Public Place: Means any street, road, footpath, open space, beach, public park, green space and amenity area and such like places in the charge or ownership of Limerick City & County 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, magical tricks, circus based skills, human statues, balloon modelling, street theatre, poetry or acts of a similar nature, pavement art, creating visual art, and the words Performance and to Perform shall be construed accordingly and shall not include the Excluded Activities.

Street Performer: Means a person who performs in a public place.

The Council: Means Limerick City & County Council.

PART II Street Performers and Performance Times

5. A person under 16 years of age shall only perform in circumstances where a legal guardian is present during the performance.

6. A Street Performer shall not perform in a public place either before 10:00 am or after 11.00 pm on any day, save and except:

- (a) on pedestrianised streets to which delivery vehicles have access where a person shall not perform or set up to perform before 11:00 am;
- (b) silent acts such as human statues, pavement art, balloon modelling which body of performers shall be excluded from the time limits and proximity rules as long as using such pitches is wholly consistent to their particular art form provided for hereinafter.

7. A Street Performer is only permitted to perform in a specific location for a **maximum of TWO hours in a public place**. After this period has lapsed the Street Performer must relocate to a different place not within 100 metres of the previous place and shall not return to the previous place until at least the following day.

8. The maximum performance period set out in Byelaw 7 shall include any time spent setting up before a performance and gathering belongings afterwards.

9. All performances must end on the hour mark.

10. A Street Performer shall not perform within three metres of the Public's access to and egress from any premises (residential, public or business) and a Street Performer must

immediately cease a performance in circumstances where a crowd has gathered thereby interfering with the free and safe movement of pedestrians.

11. A Street Performer shall not perform within 100 metres of another performer.

12. A Street Performer does not have the exclusive right to use a public place and while not performing shall not prevent its use by another Street Performer.

13. A Street Performer of music or song shall minimise repetition within each 2 hour block and shall not repeat any song or tune within each 1 hour block.

14. A Street Performer, Circle Act or group of Street Performers shall be prohibited from using dangerous properties save and except as directed by the provisions of any exemption granted under these Byelaws.

Restrictions on Amplification and Backing Tracks

15. Amplification as defined in these Byelaws shall be prohibited save and except as directed by the provisions of any exemption granted under these Byelaws.

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Exemptions

17. These Byelaws 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.

18. These Byelaws 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.

19. The Mayor, by an Executive Order may grant on a case-by-case basis an exemption from these Byelaws to;

(a) certain groups or individuals in instances where the nature of the activity constitutes performance as defined in these Byelaws but the collection is for the purpose of fundraising.

(b) to groups or individuals where there is a specific requirement for the use of amplification and/or backing tracks for their performance. This exemption will be time limited and can be revoked if noise complaints are received by the Council.

Fixed Charge Notices & Offences

20. Where a Byelaw is contravened an Authorised Person may serve a Fixed Charge Notice in respect of the contravention. The Notice shall be in the general form as directed by the

Council setting out the name, address, the general nature of the contravention alleged to have been committed, its location and the date of the offence. The Notice shall state that if the fixed payment of €75.00 or €150.00 is paid to the Council within 28 or 56 days respectively, that no legal proceedings will be initiated 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. For the purpose of these Byelaws the amount of the Fixed Charge Notice shall be €75.00 for a period of 28 days after the date of issue of the Fixed Charge Notice, then the amount increases to €150.00 for a further period of 28 days, failing payment within 56 days after the date of issue of the Fixed Charge Notice summary proceedings will be issued against the alleged offender.

21. Where an Authorised Person is of the opinion that a person is committing or has committed an offence under the preceding byelaw the authorised person 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 €2,500.

22. Any person who contravenes any of these Byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,500.

23. A person who obstructs, 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 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,500.

24. A person who has been served with a Fixed Payment Notice pursuant to these Byelaws may appeal a decision to serve the said Notice within 21 days of the date of the Fixed Charge Notice to the Officer in charge of Limerick City and County Council's Environment and Climate Action Section. A decision on the appeal will be notified within 21 days of receipt of appeal. Where the decision on appeal is to affirm the Fixed Payment Notice, the Council will allow a further period of 28 days for payment. No further appeal will be accepted.

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