

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 **xxxxxxx (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.
16. Backing tracks as defined in these Byelaws shall be prohibited save and except for use by Circle Acts or as directed by the provisions of any exemption granted under these Byelaws.

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 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.

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.