



Galway City Community Network
Líonra Pobail Chathair Na Gaillimhe

Galway City Community Network

The Public Participation Network in Galway City

Submission on the draft of the
Street Performance and Busking Bye-laws
2017

About Galway City Community Network

Galway City Community Network (GCCN) is the Public Participation Network in Galway City, representing 130 groups and organisations in the community, voluntary and environmental sectors. GCCN is the main link through which Galway City Council connects with the community, voluntary and environmental sectors. GCCN member organisations represent the network on a variety of bodies including the Council's Strategic Policy Committees. The twin objectives that GCCN pursues are to

- Advance the values of sustainability, equality, culture, community, empowerment and inclusivity and embed these in the policies, programmes and practice of local government, state organisations, national government and civil society;
- Develop and implement progressive models of and approaches to representation, participation and engagement for civil society in informing and shaping policy development and implementation.

This submission has been developed by the Galway City Community Network working with the members of the GCCN Environmental Linkage Group and GCCN representatives on the Environment, Recreation and Amenity Strategic Policy Committee and the Joint Policing Committee.

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GCCN's position on Busking Bye-laws

Galway City Community Network believes that the introduction of the Street Performance & Busking Bye-laws poses a significant threat to the continued flourishing of busking as an important and valuable social and cultural practice in Galway City.

GCCN endorses the Galway Buskers' Code of Conduct. Our members call on Galway City Council to:

1. **Reject the draft Street Performance & Busking Bye-laws as an inappropriate and potentially damaging approach to the regulation of busking;**
2. **Endorse Galway Buskers' Code of Conduct as the most sensible and workable way to regulate and support busking in our city.**

Notwithstanding this position, this submission will also comment on specific elements of the proposed bye-laws.

The importance of busking to Galway City

Galway City is famous for its music and busking tradition. Buskers are an integral part of the social and cultural fabric of the city.

The enormous contribution of the busking community to Galway's vibrant city-scape is intrinsic and invaluable. At the same time, there can be no doubt that buskers contribute significantly to the local economy as a draw for the many thousands of tourists who visit the city every year.

Busking and cultural rights

As we approach the European Capital of Culture year in 2020, GCCN believes that busking must be cherished and nourished in Galway City as part of the city's cultural heritage - as something which contributes to the City's unique cultural identity.

GCCN also notes the importance of open and accessible artistic performance by and for the people of Galway as cultural right. Galway City Council has recognised the importance of cultural rights through its participation in the Culture 21 Pilot Cities Programme.¹

Regulating busking- a common sense approach

GCCN calls on Galway City Council to adopt a flexible common-sense approach to the regulation of busking. Key to such an approach should be working in a spirit of collaboration and partnership with the busking community itself. GCCN notes the significant, proactive and positive work undertaken by the busking community to develop a code of conduct and build relationships with the business community in Galway City.

¹ For more information on Galway City's participation in the Culture 21 programme please see:

<http://galwaycitycommunitynetwork.ie/culture-21/>

We also note that the current Buskers' Code of Conduct is significantly different from the earlier 2015 version in both content and the process of its development. The current code of conduct was developed collaboratively by the Galway Buskers' Community in summer 2017 and enjoys significant support from amongst the buskers thanks to the ongoing awareness raising efforts of the Galway Buskers' Community.

A balanced approach

GCCN notes the vital need to balance the facilitation of what is a vibrant art form with the right of local businesses, residents and pedestrians to carry out their business in a manner that is free from any nuisance or disturbance.

The merits of a voluntary approach

GCCN strongly believes that, in this instance, the merits of such a voluntary and proactive approach which has the support of the busking community *far outweigh* the introduction of bye-laws. Bye-laws provide only for reactive and disciplinary regulation, whereas the establishment and promotion of the Galway Buskers' Code of Conduct has illustrated how a voluntary approach can have greater success in addressing potential issues with busking in the city.

Existing national legislation

GCCN acknowledge that, in extreme circumstances, it may be useful for members of An Garda Síochána to be able to call on legislation in order to deal with issues arising from street performance, such as noise levels. However, we note that existing public order and environmental legislation provide a sound framework from which Garda may act with confidence to address any issues which may arise in this regard. The existing legislation in this area is the Environmental Protection Agency (EPA) Act 1992 and the (Noise) Regulations 1994 (S.I. No. 179/1994) which support the implementation of the act².

A diversion of City Council & Garda resources

GCCN therefore questions the need for additional bye-laws when existing national legislation provides sufficient certainty for members of An Garda Síochána to do their job. Indeed, GCCN is concerned that the introduction of bye-laws would necessitate additional City Council and Garda resources being diverted from other areas, particularly from vital community policing in the city's suburbs.

Issues with the current draft bye-laws

The vagueness of many of the provisions in the current draft of the Bylaws leave them open to interpretation to such an extent as to make them unworkable and difficult to abide by from the perspective of buskers and street performers.

2.5 – 2.9 Permits for under 16s

The requirement for a permit for those under 16 is ill-conceived and unnecessary. Firstly, 16 is an arbitrary age which does not represent any legal change in status from child to adult. Secondly, there is no evidence from the ISPCC, Youth Work Ireland Galway or the Gardaí that this is necessary. GCCN's representatives at the Joint Policing Committee asked for clarification from Chief Superintendent Tom Curly regarding child protection

² See: <http://www.irishstatutebook.ie/eli/1994/si/179/made/en/print>

issues with busking and were told that the Gardaí have no such concerns. GCCN therefore suggests its removal.

2.12 **Causing harm, distress or offence**

The inclusion of this clause is unsafe and has the potential to contravene the democratic right to freedom of speech. The interpretation of offence is entirely left to the personal interpretation of a wide range of individuals without any safety for the position of the busker or street performer. GCCN suggests its removal.

2.15 **Circle acts**

This should be replaced with a specification that circle acts should perform only in areas where there is adequate space to ensure the safety of their audience.

2.16 **Amplification & drums**

The reference to amplification is ill-conceived. GCCN suggests replacing this with the approach suggested by the acoustic engineer in his report to Galway City Council; namely, that sound from busking must not be heard at a distance greater than 35 metres.

Furthermore, GCCN believes that drumming is a key feature of street music in Galway. The outright banning of drumkits should be removed. The use of drumkits should be controlled by ensuring that noise from drumkits remains within the 35 metre limit.