

Tam Connell 2015/07  
update to SPC  
COPY

To: The Chairman and each member of The Environment Strategic Policy Committee

Date: 3<sup>rd</sup> July 2015

Re: Control of Street Performance/Busking – Update on Review

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### Introduction

Further to previous report and presentations on this issue, the following report summarises the submissions received in relation to the review of street performance/busking and outlines the issues and suggestions/recommendations raised.

### Public Consultation

The public consultation process into the review of busking & street performance was advertised on the 28<sup>th</sup> January 2015 with an initial closing date of 27<sup>th</sup> February, which was extended to 27<sup>th</sup> March 2015.

A total of 51 submissions were received from various individuals and groups, and included submissions from the busking community, local businesses, city centre employees, residents, Arts groups, and others. Presentations were also made to the last Environment SPC meeting by both the Busking Community and the Business community.

The views expressed would appear to be representative of all sides of the argument. What was clear from the submissions, was the recognition that street performance makes a valued contribution to the cultural life, attractiveness and colour of the city and that in general over-regulation was not seen as the preferred route to take. However, the issue of noise nuisance was acknowledged by the busking community as well as the business community and that some measures were required to address this issue.

The majority of the submissions did not think a permit system was necessary or would work in practice and fears were expressed that it would result in a decrease in the variety of buskers as non-resident buskers would decide to go elsewhere.

The busking community put forward and presented before the SPC a proposal for a Street Performers Code of Conduct.

A further submission received on 1<sup>st</sup> July 2015, from Galway Business Watch which called for amplification to be banned outright, unless in a designated space with prior approval from Galway City Council.

A summary of the main points raised in the submissions are outlined in the table below:

## Summary of All Submissions

### Breakdown of Submissions

16 no. from Buskers/Street Performers

8 no. from Businesses/ Business Representatives

27 no. from Others/Residents

**Total number of submissions = 51**

### General Comments

A summary of the general comments that were made in the submissions were:

- Extreme regulation would do more harm than good
- A licence or permit would result in the same buskers on the streets, and decrease variety of buskers as non-resident buskers would decide to go elsewhere
- Regulation of some form is a requirement to address the issues
- The process will require a trial and error approach to get it right
- Buskers will not come to Galway if strict regulation and permits are introduced
- Galway would lose part of its soul
- A decibel level would be very difficult to measure and enforce
- If amplification is banned, buskers could start performing with louder instruments, e.g. drums, brass instruments
- Permit should only be a requirement for amplifiers
- Amplification is required for quieter acts in order to be heard over the background street noise e.g. harp, soft singing voice

### Suggestions/Recommendations Made

Many of the submission made suggestions and recommendations to address the issues highlighted and these included:

- Establish regular meetings between buskers & businesses
- That a time limit be put on buskers e.g. 2 hour maximum on any pitch
- No amplifiers be permitted except at designated points
- A minimum space be set between buskers
- Rope off performance areas to allow flow of pedestrians
- All amplification should be banned
- A maximum noise level should be introduced
- Annual licence be required for all street performances
- Trapeze and fire act should be banned for health & safety reasons
- Only year-round buskers should be permitted

- Audition buskers for licences
- If permits are introduced – set as minimum fee as possible
- Surveys should be carried out to assess public opinion on street performance
- Implement bye-laws without a permit system
- Allow up to 10 watt amplifier only (there would be no need for decibel counter)
- One 50 watt amplifier would be sufficient. No ban on amplifiers completely
- Employ busking 'Managers'
- Signage should be erected to advise buskers of time restrictions
- Wait and see how the regulations work in Dublin
- Have buskers audition at the Town Hall Theatre by staff there, who then issue free permits.
- Mark out pitches on the street.
- Designate a stage/site in Eyre Square and Spanish Arch
- Zone sections of city centre – no act to perform same zone more than once a day

### Amplification

On the subject of amplification, of the submissions received, 7 of these called for an outright ban on amplification. In addition, the submission received from Galway Business Watch on 1<sup>st</sup> July 2015, called for amplification to be banned unless in a designated space with prior approval from Galway City Council.

A number of the submissions suggested allowing only a maximum wattage amplifier and only portable amplifiers. This would mean that the noise source would be limited through amplifier output size rather than by way of a measurable noise level.

Many of the submissions from the busking community, expressed the need for amplification in order to be heard over the ambient street noise for certain performances, e.g for solo instruments such as harps, soft singing voices, or for Circle Acts addressing the audience.

### Dublin City Council Bye Laws

The Dublin City Council Street Performers Bye-laws came into effect on the 7<sup>th</sup> April 2015. These bye-laws introduced a permit system for all buskers, as well as setting out additional measures such as maximum duration at any location, minimum distance between street performers. Discussions have taken place with staff of Dublin City Council. While it is still too early to thoroughly examine the effectiveness of the bye-laws since their introduction, and DCC propose to carry out a review after an operational period of 6 months, the following was noted:

- Approximately 300 applications and permits have been issued.
- Enforcement is an issue, as office staff have been assigned the duties of enforcement along with existing office duties.
- Weekend monitoring is limited, as staff who work at weekends do so on the basis of time in lieu, which has impacts during the week on other work duties.
- Businesses expect instant monitoring following a complaint, however there are no dedicated on the ground officers at all times to inspect and monitor.

- Difficulties have been encountered in assessing applications, and the possibility of legitimising certain questionable activities by the issuing of a permit.
- The decibel levels cannot be properly enforced, as the bye-law does not specify the distance from the source at which the noise is to be measured, or the duration of measurement.

### Next Steps

The following options should now be considered by the SPC:

1. Prepare a Street Performers Code of Practice/Conduct, implement it for a trial period, to be reviewed after a 6 month period.

Or

2. Prepare and bring back a set of draft Bye-Laws for discussion and approval by the Environment SPC, to go before the City Council for final approval.

PP   
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