

CORK CITY COUNCIL

STREET PERFORMER

BYE LAWS 2024

Long Title.

The Lord Mayor and Members of Cork City Council (hereinafter referred to as “The Council) in exercise of the powers conferred on them by Section 199 of Local Government Act 2001, hereby make the following Bye- Laws in relation to the Council of Street Performers in the administration area of Cork City Council.

Preliminary:

Short Title: These Byelaws may be cited as the Street Performers Byelaws 2024.

Area Of Application: These Byelaws apply to the administrative area of Cork City Council.

Commencement Date: These Byelaws shall come into effect on 20th May 2024

Definitions:

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.

Amplification: Means using an electronic device to increase the audible level of an instrument, vocal or backing track

Backing Track: The use of pre-recorded or generated audio in support of the street performance.

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 Act: 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 materials as part of the act.

The Council: Means Cork City Council.

Dangerous Materials: 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.

- Public Place:** Means any street, road, footpath, open space, beach, public park, green space and amenity areas and such like places in the charge or ownership of Cork City Council.
- Performance:** Means to engage in any type of performance or exhibition with the reasonable expectation or opportunity of receiving donations, or not, and without prejudice to the generality such performance or exhibition shall include playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, circus based skills, human statues, balloon modelling, street theatre, poetry or acts of a similar nature, clowning, pavement art, musical or theatrical performance skills, creating visual art, three dimensional works of art which are created through shaping solid material such as wood, stone, clay, sand or metal by carving, modelling or similar methods, in its entirety, or similar artistic endeavours, sculptures or drawings and paintings, applied to paper, cardboard, canvas or other similar or technologically equivalent medium through the use of brush, pastel, crayon, pencil, stylus or similar object or doing other acts of a similar nature in a public space and any other type of performance or exhibition not specifically listed but which would be similar in character and words performance and to perform shall be construed accordingly. Any other street activity using amplification equipment falls within these bye laws.
- Excluded activities:** Means any activity/practice where a service or goods of any sort are offered to members of the public in exchange for payment including but not limited to face painting, caricature painting, hair braiding, jewellery making, paintings, photographic images, games of chance or any activity/practice which involves the participation of a member of the public.
- Permit Holder:** Means a person who holds a Street Performance Permit and/or a Permit to use amplification.
- Street Performer:** Means a person who performs in a public place.
- Street Performance Permit:** Means a Permit to perform in a public place issued under these Byelaws.
- Permit to use Amplification:** Means a Permit issued to a Street Performer under these Byelaws to use amplification.
- Intoxicant:** Means alcohol or controlled drugs or a combination of both.

Permits:

1. A person under 16 years of age can only perform in circumstances where a Legal Guardian is present during the performance.
2. A person **may not perform** in a public place without a Street Performance Permit issued by Cork City Council.
3. A person must apply for and may be granted a Street Performance Permit upon completion of the requisite application form for a Permit and payment of the fee. This fee is waived for those aged under 25 years.
 - (a) The Permit will be valid for one year from the date of issue.
 - (b) A Short-Term Street Performance Permit may be granted which is valid for a period of 3 months from the date of issue. The permit may be renewed once in a calendar year.
 - (c) The cost of a Street Performance Permit (without amplification) will be **€30 per annum**.
 - (d) The cost of a Short-Term Street Performance Permit will be **€10**.
- 4) A Street Performer will require an **additional** permit if they wish to use amplification.
 - (a) The cost of Street Performance Permit for the use of amplification will be **an additional €30 per annum**.
 - (b) The cost of a Permit to use Amplification for a holder of a Short-Term Street Performance Permit will be **an additional €10** for the duration of the Short-Term Street Performance Permit.
4. All Permits granted must be readily available at all times during a performance in a public place. Permits may only be used by the performer named on the permit, and may not be used by, or transferred to, any other person.

An Authorised Person may request that the Performer produce, for inspection, their permit and request proof of identity at that time.

- (a) All members of a performing group must hold their own individual street performance permit.
- (b) All Groups, and all Performers of the Group, using amplification must have an amplification permit for each amplifier.

Large Group Performance Permit

5. Where large groups (over 6 members) cannot avail of exemptions per clauses 34, 35 & 36, a Group Leader Permit will be required to perform in a public place. The cost of a Group Leader Permit will be capped at €180 per annum.

Performance Times:

6. A Street Performer shall **not** perform in a public place after 10pm and before 10am.
7. A Street Performer is only permitted to perform in a specific location for a maximum period of two hours. (See times Marked in Appendix A). After this two-hour period, they must re-locate to one of the other dedicated locations listed in Appendix A (Locations & Times) and may not return to that location until the following day.
 - (a) Performers can use the time immediately before the prescribed time slot to set up and immediately after that time to pack up.
 - (b) The maximum permitted period of two hours must end on the hours mark.
 - (c) A Street Performer shall not “reserve” a location/area by occupying that location/area while not performing, thereby, preventing its use by another Street Performer.

Instruments/Equipment Materials:

8. A Street Performer who performs in a public place shall be solely responsible for their instruments, equipment and props and shall not leave them unattended in a public place at the end of their performance.
9. The sound produced at a distance in the immediate vicinity of Street Performer shall not exceed 75 decibels.
10. A Street Performer or Circle Act using potentially dangerous materials in a performance in a public place must hold Public Liability Insurance of at least €6.5 million and indemnify Cork City Council in writing at time of Application.

11. A Street Performer or Circle Act using potentially dangerous materials shall return a copy of Public Liability Insurance with their Permit Application.
12. A Street Performer shall not connect to or maintain an electrical connection by way of a cord or wire to an adjacent building or to any mains power source.
13. The use of petrol or diesel generators is not permitted.

Charges/Donations:

14. A Street Performer shall not charge Members of the Public a fee for a performance in a public place. Members of the Public may however leave or give money to a Street Performer.
15. A Street Performer shall not use any measure to solicit donations from the public other than a receptacle for receipt of donations including but not limited to the use of a contactless payment devices, QR code or visible link for digital payments. Without prejudice to the generality of this Byelaw such measures to solicit donations shall include blocking or impeding the passage, going behind, ahead or alongside a person with the intent to solicit a donation or to intimidate, coerce or threaten by work or gesture a person into making a donation.

Locations:

16. The Permitted Locations will be identified with a MARKER (See Appendix B). Street Performers may perform within 3 metres of this MARKER provided they do not interfere or block the public or entrances.

Busking in any Public Area outside of the designated City Centre (refer to Appendix B) shall not exceed two hours.

After 2 Hours the Performer will have to change location to another designated busking location at least 50 metres away.

Obstructions:

17. A Street Performer shall not obstruct the public's access to or egress from any premises.
18. A Street Performer shall be responsible for ensuring that the crowd they have attracted is not blocking a street.

19. A Street Performer shall not perform within 50 metres of another Performer.
20. A Street Performer shall not perform in a public place within 3 metres of the outer edge of the entrance to any business or premises including, but not limited to, doors, vestibules, driveways, outdoor dining areas, entries and emergency exits, during the hours that the business on the premises is open to the Public or to persons having or conducting business in those premises.
21. A Street Performer shall not perform in a public place within 3 metres of the outer edge of any residence at any time.
22. A Street Performer with instruments, equipment or props shall not block, obstruct, or interfere with the free and safe movement of pedestrians.

Behaviour and Conduct:

23. A Street Performer must conduct themselves in a safe, professional manner and fully co-operate with other Street Performers, Members of the Public and Persons Authorised by the Council and An Garda Síochána.
24. A Street Performer must not use lewd, offensive, or racist language or conduct (including song lyrics) as part of their Act.
25. A Street Performer must not consume alcohol or be under the influence of an intoxicant while performing.
26. A Street Performer must have a sufficient repertoire of songs to play without repetition for at least 30 minutes.

Health & Safety:

27. A Street Performer shall, at all times, ensure that no aspect of their performance endangers the public safety in their use of a public place.
28. A Street Performer must keep the location they use clean while performing and ensure that it is left in the condition that it was found.

Miscellaneous:

29. The Council may prohibit performances in a specific Public Place on a temporary basis by Executive order in order to facilitate the

construction, development, maintenance or repair of a Public Place or part thereof or for other infrastructural work thereon or such work on adjoining private property or for other operational reasons.

30. The Council may by Executive order set limits on the number of Street Performance Permits, Short-Term Permits, Permits to use Amplification or Permits for a specific type of performance which may be issued.
31. As an adjunct to setting limits on Permit Numbers the council may by Executive Order exercise an option to issue Permits for a lesser period than one year.
32. The Council may by Executive Order introduce a requirement that all Applicants demonstrate a minimum level of ability and/or evidence of a sufficient repertoire of songs to prevent unnecessary repetition.
33. The Council's assessment as to what constitutes Street Performance for the purposes of these Byelaws shall be at its sole discretion and shall be final.

Exemptions:

34. 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 a Public Event Licence under Part XVI of the Planning and Development Act 2000 or a Licence to Use a Public Area for an Activity/Event issued by Cork City Council.
35. These Byelaws shall not apply to activities taking place which have received permission of An Garda Síochána for a cash collection in a Public Place under the Charities Act 2009.
36. The Council 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 the Byelaws, but the collection of donations is for the purpose of fundraising.

Revocations & Refusals:

37. Any Permit issued by the Council may be revoked in circumstances where the holder of the Permit contravenes or fails to observe these Byelaws on three or more occasions whether prosecuted or

not for such contraventions; provided however written notice is given to the holder of the Permit by the Council of the alleged breaches and is given an opportunity to reply before the Permit is revoked.

Fixed Payment Notice:

38. Where a Byelaw is contravened an Authorised Person or a Member of An Garda Síochána may serve a Fixed Payment Notice in respect of the contravention. The Notice shall specify the Name and Address of the Alleged Offender and in general terms the nature of the contravention alleged to have been committed and the date and place of the alleged contravention. The Notice shall state that if the Fixed Payment of €75 is paid to the Council within the period of 28 days no legal proceedings will be instituted 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.

Offences:

39. Any person who contravenes any Byelaw shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
40. **An Authorised Person or a Member of An Garda Síochána has the power to direct a Performer to move from a non-specified area at any time.**
An Authorised Person or a Member of An Garda Síochána has the power to direct a Performer to move from a specified area where they are outside specified hours on designated street marker, have exceeded their time limit of two hours, or if the Performer does not hold or produce a valid Permit.
41. Any person who obstructs or impedes or refuses to comply with a request of an Authorised Person acting in exercise of the functions conferred on an Authorised Person by the Act or a Member of An Garda Síochána shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
42. Where an Authorised Person or a Member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under either of the two preceding Bye-Laws the Authorised Person or Member of An Garda Síochána 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 €1,500.

43. Pursuant to Section 204 (3) (d) of the Act where a Member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under the preceding three Byelaws that Member may arrest that person without warrant.

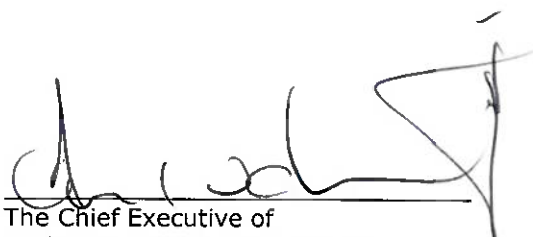
Appeals:

44. 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 receiving the Notice to the Administrative Officer in charge of Cork City Council's Licensing Section. A decision on the 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.
45. Where Cork City Council decided to refuse to give a Permit or revokes an existing Permit the affected Street Performer may appeal that decision to Administrative Officer in the Operations, Roads & Environment Directorate within 28 days of the date of refusal. If still dissatisfied after this appeal they can appeal to a Senior Executive Officer or equivalent in the Operations, Roads, and Environment Directorate. No Appeals beyond this will be accepted.

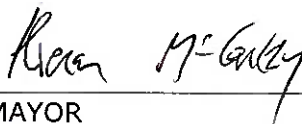
Made and Adopted under the Common Seal of Cork City Council this

8th day of April 2024

PRESENT when the
Common Seal of Cork City Council
was affixed hereto and was
authenticated by:



The Chief Executive of
Cork City Council and a person
nominated under Section 11 (8) of the
Local Government Act 2001 to
authenticate the Common Seal of
Cork City Council



LORD MAYOR



HEAD OF LEGAL AFFAIRS

Cork City Council
City Hall, Cork

APPENDIX A – List of Locations

No.	Location	Details	Times
1	Maylor Street	Side of Debenhams	10am-12pm/2pm-4pm/6pm-8pm
2	St. Patrick Street	Outside Brown Thomas	10am-12pm/2pm-4pm/6pm-8pm
3	Oliver Plunkett St.	Outside G.P.O.	10am-12pm/2pm-4pm/6pm-8pm
4	St. Patrick Street	Junction of Cook Street	10am-12pm/2pm-4pm/6pm-8pm
5	Oliver Plunkett St.	Junction of Cook Street	12pm-2pm/4pm-6m/8pm-10pm
6	St. Patrick Street	Junction of Marlboro St.	12pm-2pm/4pm-6m/8pm-10pm
7	Oliver Plunkett St.	Junction of Marlboro St.	10am-12pm/2pm-4pm/6pm-8pm
8	Oliver Plunkett St.	Junction of Princes St.	12pm-2pm/4pm-6m/8pm-10pm
9	Nano Nagle Bridge	Grand Par. side of Bri.	10am-12pm/2pm-4pm/6pm-8pm
10	Daunt Square	Central Rectangle	12pm-2pm/4pm-6m/8pm-10pm
11	Paul St/Waterstones	Gate of TK MAXX	10am-12pm/2pm-4pm/6pm-8pm
12	Rory Gallagher Pl.	By telephone Kiosk	12pm-2pm/4pm-6m/8pm-10pm
13	Emmet Place	By Art Gallery (Opera House)	12pm-2pm/4pm-6m/8pm-10pm
14	Opera Lane/Emmet	Outside Topman	10am-12pm/2pm-4pm/6pm-8pm
15	Opera line/Patrick	Outside Compu B	12pm-2pm/4pm-6m/8pm-10pm
16	St. Patrick Street	Side of Modern	10am-12pm/2pm-4pm/6pm-8pm
17	Grand Parade	By Fountain	12pm-2pm/4pm-6m/8pm-10pm
18	Grand Parade	Outside Lifestyle Sports	10am-12pm/2pm-4pm/6pm-8pm
19	Washington St.	Steps of Courthouse	12pm-2pm/4pm-6m/8pm-10pm
20	St. Patrick Street	Outside Debenhams	12pm-2pm/4pm-6m/8pm-10pm
21	Christy Ring Bridge	Middle of Bridge	10am-12pm/2pm-4pm/6pm-8pm
22	Patrick's Bridge	Middle of Bridge	12pm-2pm/4pm-6m/8pm-10pm
23	Mary Elme's Bridge	Middle of Bridge	10am-12pm/2pm-4pm/6pm-8pm

APPENDIX B - Markers

Marker A



Marker B

