



**Comhairle Contae an Chláir | Clare County Council**

**CLARE COUNTY COUNCIL**

**STREET PERFORMERS**

**BYE-LAWS 2016 (ENNIS)**

**COUNTY CLARE**

The Members of Clare County Council (hereinafter referred to as "The Council") in exercise of the powers conferred on them by Section 199 of the Local Government Act 2001, hereby make the following Bye-Laws in relation to the Control of Street Performers in the administrative area of Ennis Municipal District.

Preliminary:

Short Title: These Bye-Laws may be cited as the Street Performers Bye-Laws 2016 (Ennis).

Area of Application: These Bye-Laws apply to the administrative area of Ennis Municipal District.

Commencement date: These Bye-Laws shall come into effect on the **1st day of June 2016**.

Definitions:

In these Bye-Laws 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 volume of a musical instrument.

The Council: Means Clare County Council.

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 Clare County Council or to which the public have access as of right.

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, engaging in magic or acts of a similar nature 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 the words Performance and to Perform shall be construed accordingly.

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

Performance Times:

1. A Street Performer shall not perform in a public place after 11pm and before 9am on any day SAVE AND EXCEPT on pedestrianised streets where a person shall not perform before 11am.
2. A Street Performer is only permitted to perform in a specific location for a maximum period of two hours in any day. After this two hour period he/she must relocate to a different street not within 50 metres of his/her previous location.
3. A Street Performer shall not "reserve" a location/area i.e. arrive prior to performance and wait.

Instruments/Equipment/Properties:

4. A Street Performer who performs in a public place shall be solely responsible for his/her instruments, equipment and props and shall not leave them unattended in a public place and shall remove them from the public place at the end of his/her performance.
5. 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.
6. A Street Performer shall not use amplification for speech or music unless authorised in writing by the Council.

Charges:

7. 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 Street Performer.



8. A Street Performer shall not use any measures to solicit donations from the public other than a receptacle for receipt of donations.

Without prejudice to the generality of this Bye-Law such measures 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 word or gesture, a person into making a donation.

Obstructions:

9. A Street Performer shall not obstruct the public's access to and egress from any premises.
10. A Street Performer shall immediately cease performing if the crowd they have attracted is blocking a street.
11. A Street Performer shall not perform within 50 metres of another performer.
12. 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.
13. A Street Performer shall not perform in a public place within 3 metres of the outer edge of any residence at any time.
- 13(a). A Street Performer with instruments, equipment or props shall not block, obstruct or interfere with the free and safe movement of pedestrians.

#### Health and Safety:

14. A Street Performer shall at all times ensure that no aspect of his/her performance endangers the public safety in his/her use of the public place.

#### Miscellaneous:

15. 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.

#### Exemptions:

16. These Bye-Laws shall not apply to activities taking place in a public place that are organised by the Council or are activities that have received formal consent subject to conditions (if applicable).

#### Offences:

17. Any person who contravenes any Bye-Law shall be guilty of an offence and shall be liable on summary conviction to a fee not exceeding €1500.
18. A person who obstructs or 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 or a member of An Garda Síochána shall be guilty of an offence and shall be liable on summary conviction a fee not exceeding €1500.
19. 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 €1500.

20. Pursuant to Section 204(3)(d) of the Act where a member of An Garda Siochana is of the opinion that person is committing or has committed an offence under the preceding three Bye-Laws, that member may arrest the person without warrant.

**Fixed Payment Notice:**

21. Where a Bye-Law is contravened an authorised person or a member of the Garda Siochana 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 a period of 28 days that 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.

Present when the Corporate Seal of the Council was affixed hereto:

In the presence of



  
**Mayor of Municipal  
District of Ennis**

  
**Administrative Officer**

Dated this 9<sup>th</sup> day of May, 2016.