

To: Each Member
Waterford City and County Council
October 2019

Re: Draft Bye-laws for Parks, Playgrounds and Open Spaces

Dear Councillor,

In May 2019, the Council approved a draft proposal to amend the Parks, Playgrounds and Open Spaces Bye-laws 2015 to include public realm areas for the purposes of Bye-law No. 8 which deals with the control of Musical, Vocal and Artistic performances.

It is proposed that the general provisions on the control of and the requirement for permission for musical and artistic performances be extended to public realm areas including pedestrianised streets and an amendment to Bye-law No. 8 states that no person shall broadcast amplified vocal or other performances in public realm areas save with the permission of the Council.

The draft Parks, Playgrounds and Open Spaces Bye-laws 2019 were subsequently advertised on July 16th 2019 for public consultation and the closing date for submissions was August 30th 2019.

One submission was received by the due date and a further submission was received following the cut off date for submissions – the details are below

Submission No. 1 – received from Mr. Tom Doherty, Deise4Life – there were three points raised in this submission –

- Suggested that most would have no problem with the type of small portable sound amplifiers used by most street performers, that these musicians should be encouraged and suggested that a power (suggested 30watts or similar) or a decibel limit be applied to street musicians and performers.
- Suggested that the proposed change to Section 8 would appear to restrict the freedom of expression and the freedom to practise religion
- That Section 5 (existing bye-law) restriction with respect to holding a religious service in a Park, Open Space etc be repealed

Submission No. 2 – this was received late after the closing date on September 3rd. The submission was from Deise for Life, signed by four individuals and identical word for word to Submission No. 1 above.

Comment on submissions

- The application of a sound or power limit on amplified sound would be extremely difficult to police and would not address the localised issues around noise nuisance that the bye-laws seek to address. A 30w or similar level of amplification could represent a significant level of nuisance if played directly outside a shop, residence or business premises.
- There is nothing in the draft bye-laws that seeks to restrict either freedom of expression or religious freedom. There is no prohibition on any person who wishes to express their views

in public but in order to prevent a public nuisance they do place a requirement on those wishing to engage in amplified public performances to seek the permission of the Council.

It is not proposed to amend the draft Bye-laws on foot of the submissions received and the Bye-laws are attached for your consideration with the proposed changes highlighted in yellow.

All other aspects of the 2015 Bye-laws remain unchanged and the Draft Bye-laws, as presented, are recommended for adoption.

Fergus Galvin
Director of Services