



WESTMEATH COUNTY COUNCIL

Casual Trading Bye-Laws

2013

CASUAL TRADING ACT, 1995

Westmeath County Council, in exercise of the powers conferred upon it by Section 6 of the Casual Trading Act, 1995, hereby makes the following Bye-laws, which include matters prescribed in the Act and other incidental, subsidiary and ancillary provisions.

1. CITATION

These Bye-laws may be cited as the Westmeath County Council Casual Trading Act 1995 Bye-Laws 2013.

2. COMMENCEMENT

These Bye-Laws shall come into operation on the 1st day of January 2014 or in the event of an appeal on the date of final confirmation by the District Court or Circuit Court whichever is applicable.

3. DEFINITIONS

"The Act" means the Casual Trading Act, 1995.

"Authorised Officer" means the person(s) appointed under Section 10 of the Act to be an Authorised Officer.

"Casual Trading" has the meaning given to it in Section 2 of the Act.

"Casual Trading Area" means the lands designated as an area, as per these bye-laws and the schedule attached hereto, where casual trading may be carried on.

"Casual Trading Licence" means a licence granted by the Council pursuant to Section 4 of the Act. "The Council" means the Council of the County of Westmeath.

"Licence Holder" means the person to whom a casual trading licence is issued in accordance with the Act and shall include his/her authorised servants or agents.

"Selling" includes agreeing or offering to sell or displaying for sale, or inviting an offer to buy.

"Stall" means any moveable or demountable structure used for the purpose of casual trading.

"The Council" shall mean Westmeath County Council

"Trading Place" means a part of the Casual Trading Area as set out in the schedule hereto.

4. GENERAL

- (a) Casual trading shall only be carried out on the days and at the locations designated for that purpose in Schedules 1 & 3 to these Bye-Laws or for a specified event or events at such other locations as may be approved by Westmeath County Council in a licence issued pursuant to Section 4(1)(a)(iii) of the Act. This schedule may be amended by resolution of the Council following a public consultation phase, of at least one month incorporating public advertisement and submission of representations. A person shall not engage in casual trading unless he/she holds a Casual

Trading Licence from Westmeath County Council that is for the time being in force and the casual trading is in accordance with the licence and any conditions attached thereon.

- (b) The Council reserves the right to remove stalls found on the casual trading area after trading hours and/or goods or other articles left outside the trading place at any time. These items will be stored by the Council and will only be returned to the licence holder on the payment of the Council's costs in relation to the administration, removal and storage of these items.
- (c) The allocation of a trading place by the Council shall not confer upon the licence holder any tenancy or right to occupy or to transfer said Trading Place.
- (d) No licence holder or any other person shall interfere with or obstruct any officer, servant or agent of the Council engaged in the carrying out of any works of maintenance on any part of the casual trading area even where such work is carried out during trading hours.
- (e) The Council may grant more than one casual trading licence in respect of one trading place within a Casual Trading Area.
- (f) In general, the Council will only issue a licence for one trading bay to any individual applicant, but consideration will be given to issue more if requested.
- (g) The Council shall not be responsible for any property belonging to any person wherever deposited or left in any part of the casual trading area nor for any loss, damage or injury caused by the negligence of any licence holder, his agents, employers or customers.
- (h) The Council reserve the right to re-allocate a Trading Place(s) on a particular trading day should a licence holder be absent.
- (I) The Council reserves the right to revoke a licence at any time.
- (J) The Council shall have sole discretion in regard to the period of time for which licenses are granted for each trading area.
- (K) The Council shall establish an appeals process in the case of a dispute arising from these Bye-laws.

5. CONDITIONS

The following general conditions apply to every license except where varied by the County Council. Additional conditions may be applied.

- I. Casual trading shall be confined to the trading place at the designated Casual Trading Area in accordance with the licence issued and stalls are to be wholly within the trading places in the Casual Trading Area. The Council must approve the type of stall used. No stall shall exceed two metres in height.
- II. No goods or articles shall overhang a stall or be deposited on the ground except within the trading place.

- III. The licence holder shall only trade in the goods specified in the casual trading licence.
- IV. A suitable receptacle for refuse, agreed with the Council, must be provided by the licence holder and must be kept at all times of trading within the trading place. Casual Traders shall comply with any requirements of the Waste Management Acts and any Regulations or Bye-laws made therefrom.
- V. Litter must not be allowed to accumulate in the vicinity of the trading place during casual trading hours and at the end of trading the trading place must be cleaned up and all refuse removed and shown to be properly disposed of by the licence holder.
- VI. Stalls and all other articles must be removed after the hours of trading specified in the licence.
- VII. Licence holders involved in the sale of foodstuffs shall comply with any requirements of the Food Hygiene Regulations or Food Safety Authority of Ireland and hold an appropriate licence from the Health Board.
- VIII. A licence holder trading in a casual trading area shall display the Casual Trading Licence number relating to the trading in such a position as to be clearly visible and easily legible to members of the public
- IX. Casual trading shall take place only on days and hours specified in a casual trading licence. In the absence of being so specified –on days listed in Schedule 3 of these byelaws between the hours of 8.00 a.m. and 8.00 p.m.
- X. Licence holders shall ensure that no obstruction is caused or allowed to be caused to the owners or occupiers of premises and their invitees in the vicinity of the Casual Trading area
- XI. Any person engaged in Casual Trading shall not erect any signs or advertisement in the vicinity or otherwise of the Trading Place.
- XII. No vehicle shall be parked in the Casual Trading Area during the hours specified for Casual Trading unless the vehicle is associated with the casual trading being carried out and is parked within the Trading Place.
- XIII. A person engaged in Casual Trading in the Casual Trading Area: shall not cause or suffer: -
 - any fish to be trimmed, gutted or cleaned at or about his/her Stall, or
 - any fowl, or feathered game to be plucked at or about his/her Stall, or
 - any untrimmed vegetables or vegetables with clay, soil or dirt adhering to the roots thereof to be conveyed upon or exposed for sale on his/her Stall.

6. AUTHORISED OFFICERS

(a) The Council shall appoint Authorised Officers for the purposes of managing and controlling its Casual Trading Areas.

(b) An Authorised Officer may:

(i) Enter, inspect and examine any place where he has reasonable cause to believe casual trading is being engaged in,

(ii) Require any person whom he has reasonable cause to believe to be engaging in casual trading:-

To produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the officer or a member of the Garda Siochana to examine the licence, and

If he fails, neglects or refuses to produce such a licence or, in a case in which it is not being displayed, to furnish to the officer his name and address and, if he is the servant or agent of another person, the name and address of the other person,

(iii) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or of bye-laws made thereunder are being complied with,

(iv) Require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of this Act to give such information as is in his power to give as to the ownership of any goods being sold in the course of such trading,

(v) Require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of these Bye-laws to produce to him any documents, books or records relating to such trading in his power, possession or control and give to him such information as he may request in relation to entries in those documents, books or records and examine, copy or take extracts from any such document, book or record.

(c) An authorised officer who proposes to perform a power or function conferred on him by paragraph (b) may request a member of the Garda Siochana to accompany him if he has reasonable cause to apprehend any obstruction in the execution of his duty.

(d) A person shall not obstruct or interfere with, or give false information to, an authorised officer or a member of the Garda Siochana in the performance of his functions under these Bye-laws.

(e) A person shall not fail, refuse, or neglect to comply with a requirement of an Authorised Officer or a member of the Garda Siochana under these Bye-laws.

(f) A person shall be deemed not to have failed or refused to comply with a requirement of an authorised officer under these Bye-laws to produce a casual trading licence if he gives to the officer his name and address and if

he is the servant or agent of another person, the name and address of that other person.

7. INSURANCE

A person carrying on Casual Trading in the Casual Trading Area shall indemnify The Council against all action, claims or demands whatsoever by any person claiming damages for personal injuries, loss or damage caused by any act, neglect or default of such Casual Trader, his servants, agents or employees in and about the carrying on of such Casual Trading in the Casual Trading Area. Every such Casual Trader shall be required by The Council to have in force at all times an appropriate Public Liability Insurance with an Insurance Company to be approved by The Council insuring against the aforesaid risks in a sum to be specified by The Council from time to time. The interest of The Council is to be noted on the face of such policy of insurance and if at any time the said policy is allowed to lapse or is rendered void The Council shall be at liberty to revoke the Casual Trading Licence of such person forthwith.

8. APPLICATION PROCESS

- (a) A person applying to the Council for a Casual Trading Licence shall furnish to The Council, the information requested in the form prescribed, together with such further information as The Council may request for the purposes of the exercise of its powers and functions under The Act and, if a person fails to comply with this article, The Council may refuse to grant the person the licence.
- (b) Applications for Casual Trading Licences shall be made in the appropriate form addressed to Senior Executive Officer, Corporate Affairs, Westmeath County Council.
 - (i) An individual application shall be made for each licence.
 - (ii) A Tax Clearance Certificate or a C2 from the Revenue Commissioners must be lodged with each completed application form.
 - (iii) The Council reserves the right to grant or refuse a Casual Trading Licence.
 - (iv) Individual trading spaces shall be allocated by the Council by such methods that it may, at its discretion decide.
 - (i) Due recognition will be given to traditional traders in the allocation of Casual Trading Spaces and, in particular to persons who satisfactorily support their claim to be established traders.
 - (ii) The allocation process shall not exclude allocation by lot when deemed necessary.
 - (iii) The number of traders seeking to sell similar products in a particular trading area.

9. SPECIAL EVENTS

The Council will give consideration to the granting of casual trading licences for special events at relevant locations, times and days.

10. PENALTIES

Penalties for infringement of these Bye-laws will be the penalties as set out in Section 14 of the Casual Trading Act 1995 or by any amendment thereto.

Schedule I
Designated Trading Areas

The lands as set out below are hereby designated as the Casual Trading Areas by the Council for the County of Westmeath.

A. Town/Village: Mullingar

Location 1: Car Park, Fairgreen as designated by County Council
outlined in red on attached Map ref. **394-13-01**

Location 2: Dominick Street as designated by County Council
outlined in red on attached Map ref. **394-13-01** (Note: Confined
to Thursday only and For Sale of Raw Fish only)

B. Town/Village: Castlepollard

Location: The Square as Designated by County Council
outlined in red on attached Map ref. **394-13-02**

C. Town/Village: Delvin

Location: Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-05**

D. Town/Village: Clonmellon

Location - Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-03**

E. Town/Village: Kilbeggan

Location - Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-06**

(Note: North Side confined to Saturday only, South side confined
to Stall Trading only)

F. Town/Village : Collinstown

Location : Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-04**

G. Town/Village: Moate

Location : Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-07**
(Note: Trading on Friday & Saturday only)

H. Town/Village: Ballymore

Location : Areas Designated by the County Council
outlined in red on attached Map ref. **394-13-08**

Schedule II

Fees

An applicant for a casual trading licence shall pay a fee in respect of each trading bay in a designated area as follows:-

- Charge of €5 per bay per day; *plus*
- Administration charges of :
 - €250 (annual licence);
 - €150 (monthly licence);
 - €100 (weekly)
 - €75 (daily)

In the licenced casual trading areas outside of the two principal towns of Mullingar and Athlone, Traders who sell their own local produce shall be charged a fixed licence fee as follows;

- For those operating in a single bay for one day per week; a flat fee of €150.00 per annum shall apply
- For those operating in a single bay for two days per week; a flat fee of €200.00 per annum shall apply

Fees may be revised from time to time by order of Westmeath County Council.

Schedule III

Trading Days

Casual trading will only be permitted on every Tuesday, Thursday, Friday and Saturday except in the Month of December where Monday and Wednesday will also be allowed subject to licence.

Trading restrictions will also apply in terms of the following bays:

- Dominick Street Bay - Thursday trading only (sale of raw fish)
- Kilbeggan bays - Saturday Trading only in Bays 1-3 on North of Square
 - Stall trading only in bays South of Square
- Moate Bay - Friday & Saturday Trading only

Casual trading on other days may be permitted for special events & for community activities

(Note: valid licences issued before these byelaws are adopted will continue to apply until the expiration of the licence)

**Westmeath County Council
MEMORANDUM**

WESTMEATH COUNTY COUNCIL

BYE-LAWS

MADE UNDER

Casual Trading Act, 1995.

Present when the Seal of the Council was affixed hereto:

AUTHORISED OFFICER

DIRECTOR OF SERVICE

COUNTY MANAGER



G.S. Station

NOTE:
PROPOSED TRADING BAY
LOCATED WITHIN THE RED
LINE

TO MULLINGAR (R390) >

< TO ATHLONE (R390)

REV.	DESCRIPTION	DATE	BY.



**WESTMEATH
COUNTY
COUNCIL**

PROJECT:

**PROPOSED CASUAL
TRADING BAYS**

TITLE:

**SITE LOCATION MAP
BALLYMORE, Co WESTMEATH**

Scale: 1:500	Datum: M.A.S.N.	Date: 30/07/2013	Revision
Drawn: H.C.	Drawn: H.C.	FOR CONSULTATION	
394-13-08			
Surveyed	Drawn	Checked	Approved
	ALMOORE		H.C. KELLY
DESIGN OFFICE: COUNTY BUILDINGS, MULLINGAR.			
FILE NAME AND DIRECTORY BALLYMORE TRADING BAYS P:\COUNCIL MAPS\Trading Bays			

Church Lane

~~St. Michael's Church~~

moment

Statue
Market &
Court 110

Hotel
Derravaragh Court

$$\frac{0}{0}$$

75

St. Michael's
Church

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**WESTMEATH
COUNTY
COUNCIL**

PROJECT: **PROPOSED CASUAL
TRADING BAYS**

生面俱开

SITE LOCATION MAP
CASTLEPOLLARD Co WESTMEATH

<u>Scale:</u> 1:500	<u>Date:</u> 11/05/2013	<u>Revision</u>
<u>Datum:</u> WGS 84		<u>Stage</u>
<u>Drawing No.</u>		

	Surveyed	Drawn M MCGRAW	Checked	Approved D LEONARD
39-13-02				

DESIGN OFFICE,
COUNTY BUILDINGS,
MULLINGAR.

FILE NAME AND DIRECTORY
in English words long
BSN-CADWAT ST Tapping Bank

NOTE:
PROPOSED TRADING BAY
LOCATED WITHIN THE RED
LINE



> TO DELVIN

PO
TO KELLS >



REV.	DESCRIPTION	DATE	BY.



WESTMEATH
COUNTY
COUNCIL

PROJECT
PROPOSED CASUAL
TRADING BAYS

TITLE:

SITE LOCATION MAP
CLONMELLON Co WESTMEATH

Scale:	1:1000	Datum:	SADN	Date:	1/02/2013
Drawn No.	394-13-03	Sheet		Revision	

Surveyed	Drawn	Checked	Approved
DESIGN OFFICE, COUNTY BUILDINGS, MULLINGAR, Co. DU			
FILE NAME AND DIRECTORY Westmeath North map C:\ROADS\JMB\B Trading_Bays			

NOTE:
PROPOSED TRADING BAYS
LOCATED WITHIN THE RED
LINE



REV	DESCRIPTION	DATE	BY



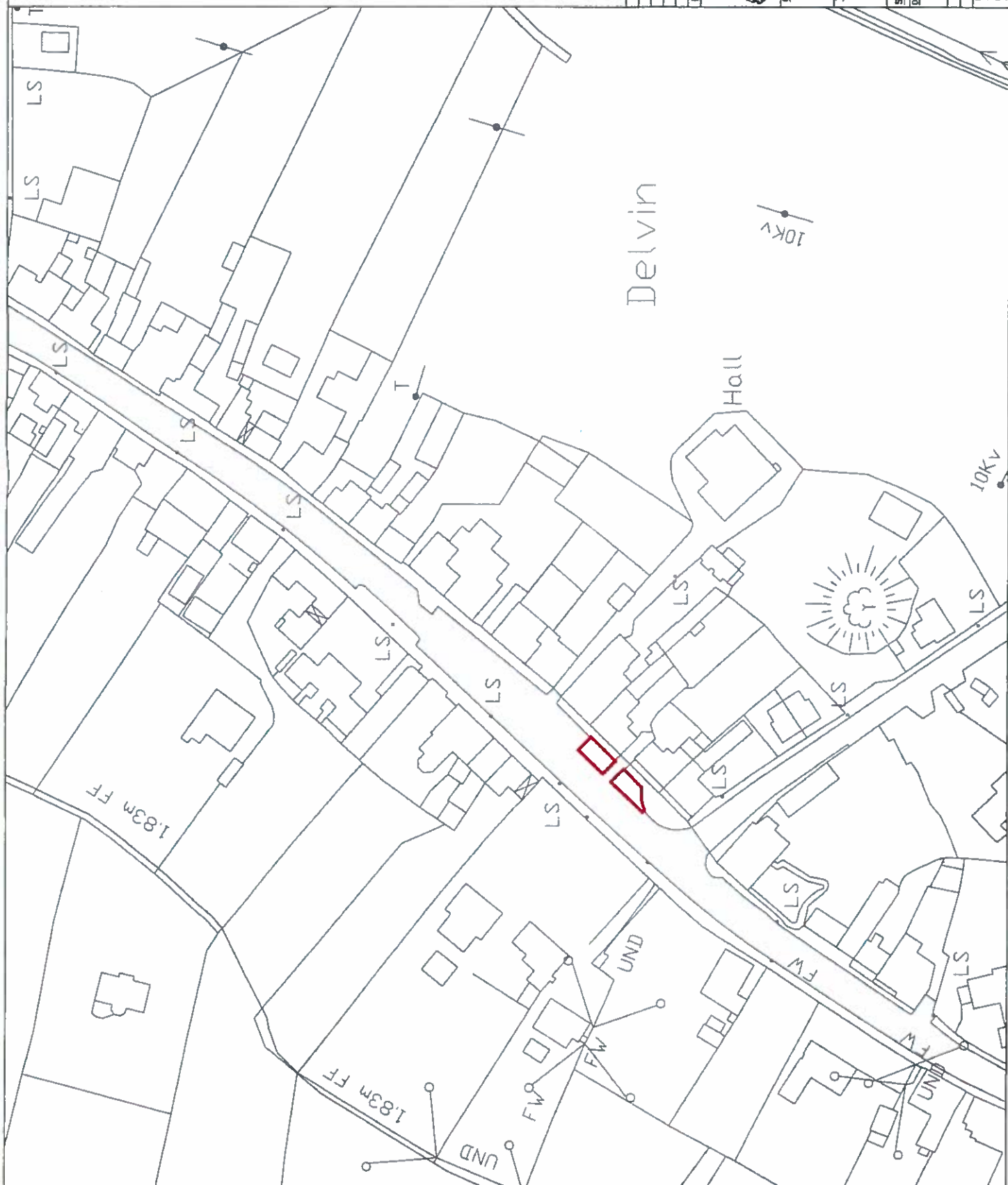
**WESTMEATH
COUNTY
COUNCIL**

PROJECT:
PROPOSED CASUAL
TRADING BAYS

TITLE:
SITE LOCATION MAP
COLLINSTOWN Co WESTMEATH

Scale: 1:100	Datum: MALBY	Date: 11/05/2013	Revision
Drawn by: 304-13-04	Checked:	Approved:	
DESIGN OFFICE: COUNTY BUILDINGS, MULLINGAR.	FILE NAME AND DIRECTORY: P:\000000\000000\Trading Bays		

NOTE:
PROPOSED TRADING BAYS
LOCATED WITHIN THE RED
LINE



REV	DESCRIPTION	DATE	BY



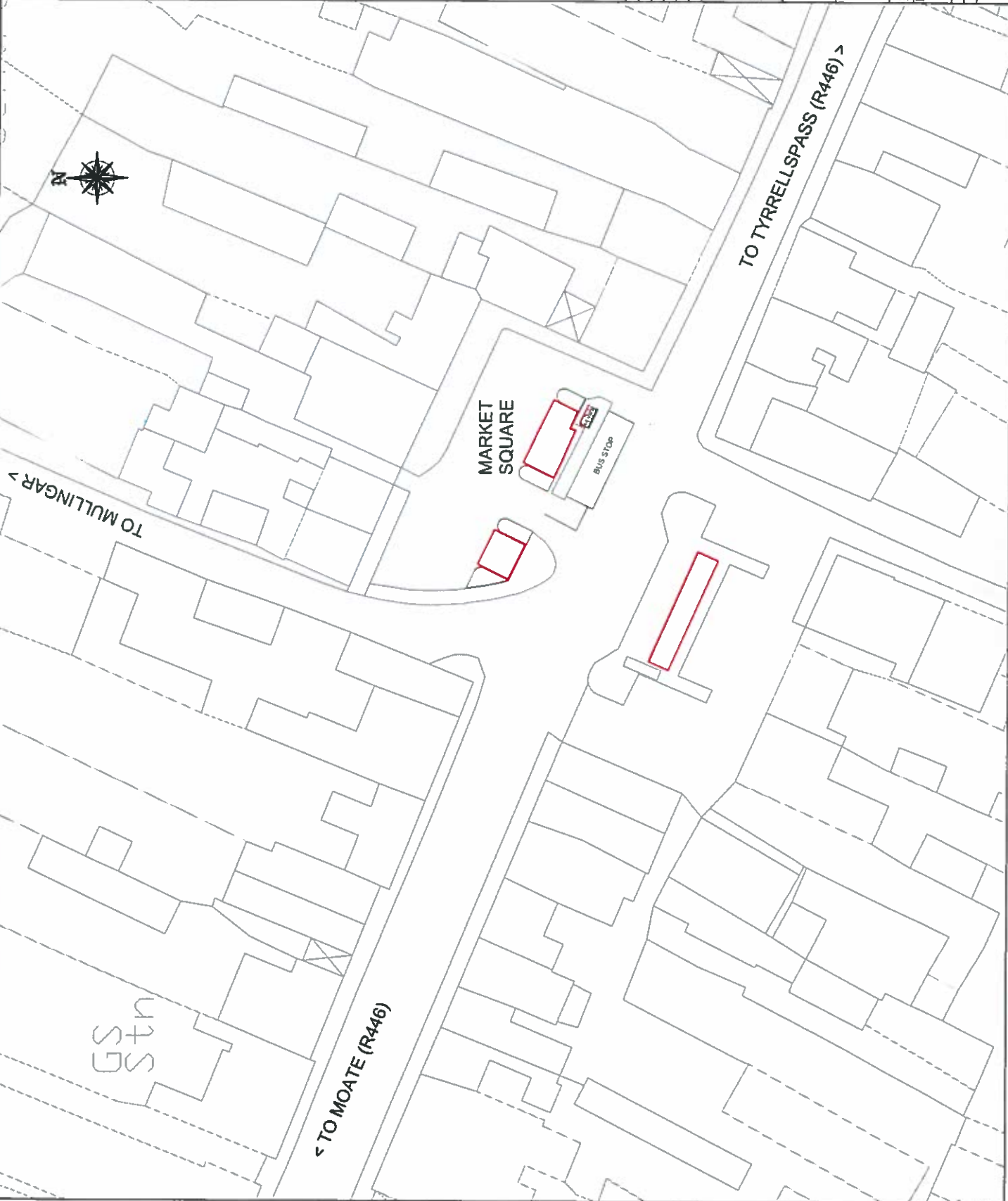
**WESTMEATH
COUNTY
COUNCIL**

PROJECT:
**PROPOSED CASUAL
TRADING BAYS**

TITLE:
**SITE LOCATION MAP
DELVIN Co WESTMEATH**

Scale: 1:1000	Date: 11/05/2013
Drawing No. 394-13-05	Revision
Surveyed	Drawn
Checked	Approved
DESIGN OFFICE: COUNTY BUILDINGS MULLINGAR	FILE NAME AND DIRECTORY WestmeathTradingBays 394-13-05.dwg

NOTE:
PROPOSED TRADING BAYS
LOCATED WITHIN THE RED
LINE



REV.	DESCRIPTION	DATE	BY

**WESTMEATH
COUNTY
COUNCIL**

PROJECT: PROPOSED CASUAL TRADING BAYS

TITLE: SITE LOCATION MAP
KILBEGGAN Co WESTMEATH

Scale:	1:500	Datum:	WALN	Date:	11/05/2013
Revision No.	394-13-06	Stage	FOR CONSULTATION		
Surveyed		Drawn		Checked	
DESIGN OFFICE:	KILBEGGAN Co WESTMEATH				
COUNTY BUILDINGS:	MULLINGAR				
FILE NAME AND DIRECTORY	PROJECT 394-13-06_Traffic_Map				

NOTE:
PROPOSED TRADING BAY
LOCATED WITHIN THE
RED LINE

SUNDAY TO THURSDAY -
FRIDAY AND SATURDAY -

PARKING
TRADING BAY

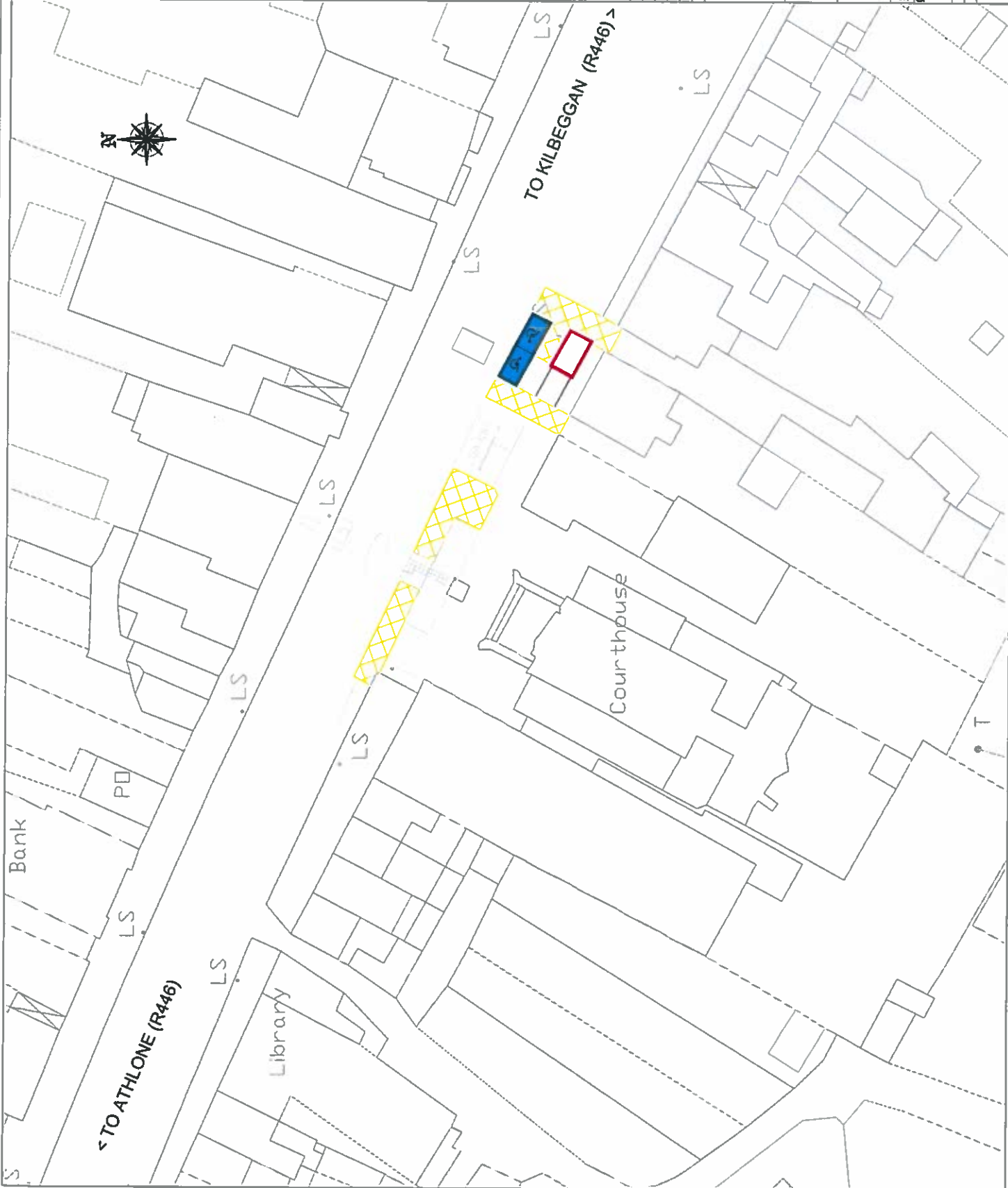


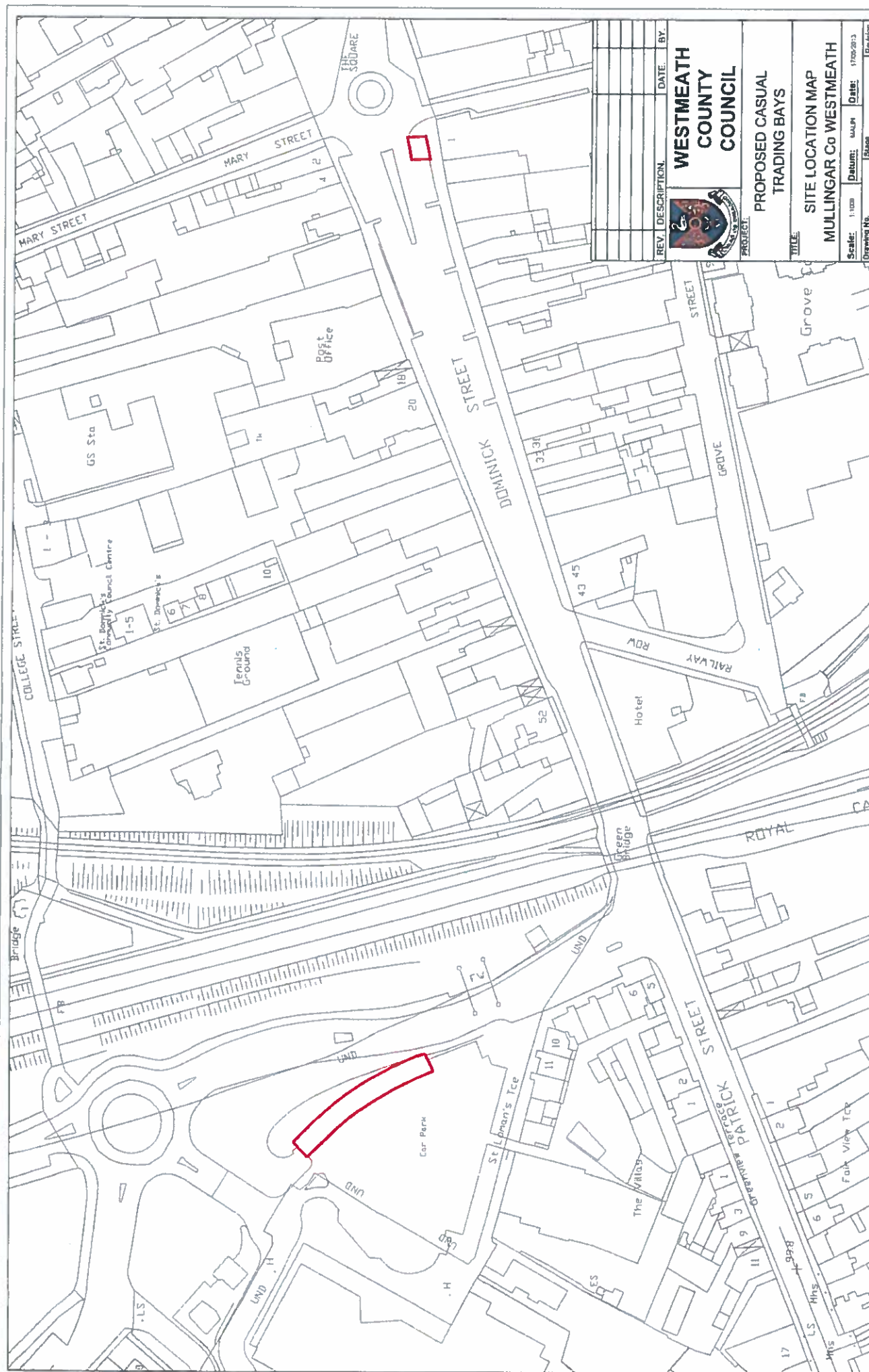
**WESTMEATH
COUNTY
COUNCIL**

**PROPOSED CASUAL
TRADING BAYS**

**SITE LOCATION MAP
MOATE CO WESTMEATH**

Scale: 1:500	Datum: MALIN	Date: 30/07/2013
Drawing No. 394-13-07	Sheet	Revision
FOR CONSULTATION		
Surveyed	Drawn	Checked
	M. MOORE	
DESIGN OFFICE		
COUNTY BUILDINGS,		
MULLINGAR,		
Phone: 045 832220		
File Name and Directory		
P:\MOATE\39413\Maping_Bay		



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