



WESTMEATH COUNTY COUNCIL

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 2005.

2. Commencement

These Bye-Laws shall come into operation on the 1st day of March 2006 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 mobile structure used for the purpose of casual trading.

“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 on at the locations designated for that purpose in the Schedule 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 shall attach conditions to each licence issued.
- (c) 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.
- (d) No goods or articles shall overhang a stall or be deposited on the ground except within the trading place.
- (e) The licence holder shall only trade in the goods specified in the casual trading licence.
- (f) 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.
- (g) 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.

- (h) Stalls and all other articles must be removed after the hours of trading specified in the licence.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) Casual trading shall take place only during the hours specified in a casual trading licence. In the absence of being so specified – between the hours of 8.00 a.m. and 8.00 p.m. Monday to Sunday.
- (m) 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.
- (n) 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.
- (o) Any person engaged in Casual Trading shall not erect any signs or advertisement in the vicinity or otherwise of the Trading Place.
- (p) 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.
- (q) The Council may grant more than one casual trading licence in respect of one trading place within a Casual Trading Area.
- (r) 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.

- (s) 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.
- (t) The Council reserve the right to re-allocate a Trading Place(s) on a particular trading day should a licence holder be absent.
- (u) The Council reserves the right to revoke a licence at any time.
- (v) A person engaged in Casual Trading in the Casual Trading Area: shall not cause or suffer: -
 - (i) any fish to be trimmed, gutted or cleaned at or about his/her Stall, or
 - (ii) any fowl, or feathered game to be plucked at or about his/her Stall, or
 - (iii) 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.
- (x) The Council shall have sole discretion in regard to the period of time for which licenses are granted for each trading area.

5. 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 Síochána 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 Síochána 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 Síochána 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.

6. PITCH OPERATION AND MAINTENANCE

- (a) The type of Stall used by a person engaged in Casual Trading must be approved by The Council and the dimensions of the same shall not exceed the defined space of the allotted pitch.
- (b) Trading shall be confined to the Allotted Pitch at the designated Casual Trading Area and no goods shall over hang a Stall or be deposited on the ground except in the Allotted Pitch and no Stall shall exceed 2 metres in height.
- (c) The Council reserves the right to change and alter the internal layout of the Casual Trading Spaces within the Casual Trading Areas at any time.

- (d) A person carrying on Casual Trading in the Casual Trading Area shall ensure that the Casual Trading Space, specified in the Casual Trading Licence remains unaltered and undamaged as a consequence of their Casual Trading.
- (e) No Broadcasting or speech from a mechanical amplification system shall take place from any Stall or any Vehicle and no loud playing of radios or music reproduction appliances shall take place at any Stall.

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 and 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 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.
- (c)** A Casual Trader who fails to trade, on one or more days, for eight consecutive weeks is liable to have his/her Licence revoked. The Council may, at its discretion, serve notice on the licence holder that his/her licence has been revoked for the remainder of the licence period, and arrange to reallocate the space in question. The holder will be given the opportunity to explain their absence prior to any decision regarding revocation of the licence.
- (d)** Trading spaces shall not be exchanged without the prior consent of The Council in writing.
- (e)** The Council or its servants or agents may from day to day, permit any trading space which has already been allocated to be temporarily used by any other Casual Trader when not in actual use by the Casual Trader to whom it was allocated or where it has not been occupied by 10.00am .

9. Special Events

A fee shall be payable to The Council in advance with an application for the grant of a Casual Trading Licence in respect of Casual Trading at an event or events specified in a Casual Trading Licence to be issued pursuant to section 4(l) (a) (iii) of the Act.

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: **Car Park, Fairgreen as Designated**

B. Town/Village: **Castlepollard**
Location: **The Square as Designated**

C. **Town/Village: Tyrellspass**
Areas Designated by the Council

D. **Town/Village: Delvin**
Areas Designated by the Council

E. **Town/Village: Lough Lene**
Location : The Cut

F. **Town/Village: Clonmellon**
Areas Designated by the Council

G. **Town/Village: Kilbeggan**
Areas Designated by the Council

H. **Town/Village: Ballymore**
Areas Designated by the Council

I. **Town/Village : Collinstown**

Areas Designated by the Council

J. **Town/Village: Moate**

Areas Designated by the Council

K. As specified in Special Event Licence

Schedule II

Fees

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

One year	€500.00
One month	€100.00
One week	€ 50.00
One day	€ 20.00

Annual fee for one day per week €100.00

Annual fee for two days per week €150.00

The licence fee for periods other than those above shall be determined by the Council.

An applicant for a Casual Trading Licence to trade at “special” events at locations specified in the licence for a specified event or events pursuant to Section 4(1)a(iii) of the Act shall pay a licence fee of €50.00 per day or other such fee as the Council deem appropriate.

The Council may, at its discretion, revise the fee from time to time.

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:

CATHAOIRLEACH/NOMINATED MEMBER

DIRECTOR OF SERVICE

COUNTY MANAGER