



DRAFT – NOVEMBER 2011

COMHAIRLE CHONTAE CHILL MHANTAIN

WICKLOW COUNTY COUNCIL

CASUAL TRADING BYE-LAWS FOR THE COUNTY OF WICKLOW

Amendments to Bye-Laws in relation to the Control, Regulation, Supervision and Administration of Casual Trading

The Council of the County of Wicklow, pursuant to the powers conferred on them by Section 6 of the Casual Trading Act, 1995 and in pursuance of the powers conferred on it under Part 19 of the Local Government Act, 2001, hereby makes amendments to the following Casual Trading Bye-Laws which were adopted by Wicklow County Council on 8th June, 1998, in respect of the area comprising the Administrative County of Wicklow.

1. These Bye-Laws shall be cited as the Wicklow County Council Casual Trading Bye-Laws 2012. They replace the Casual Trading Bye Laws 1998..
2. This Bye-Law shall come into operation the xxxxxxxxxxxx 2012...
3. In these Bye-Laws the following definitions shall apply:

“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 assigned to it under 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 Wicklow.

“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 defined on the maps set out in the schedule to the Wicklow County Council Casual Trading Bye Laws 2012.

4. General

- (a) Casual Trading shall only be carried on at the locations designated to 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 the Council in a licence issued pursuant to Section 4(1)(a)(iii) of the Act.
- (b) A person shall not engage in casual trading unless he/she holds a Casual Trading Licence from the Council that is for the time being in force and the casual trading is in accordance with the licence.
- (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 type of stalls used must be approved by the Council.
- (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.
- (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 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 payment of the Council's costs in relation to the administration, removal and storage of these items. The Council may, not less than three months after the seizure, cause the stall to be sold and shall out of the proceeds of such sale, defray all expenses incurred in the seizure, removal, storage and sale of the stall and shall pay the surplus of such proceeds to the person who at the time of the seizure was the owner of the stall. If the stall is left unsold following an attempt by the Council to sell it, the Council may cause such stall to be destroyed.

- (j) Licence holders engaged in the sale of food stuffs shall comply with the requirements of the Health Service Executive. Licence holders engaged in the sale of food stuffs must produce Certificate of Registration from HSE at time of application for Casual Trading Licence.
- (k) A Licence Holder trading in casual trading areas 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) A Licence Holder trading in a casual trading area shall not be permitted to use a loud speaker or public address system and shall refrain from causing nuisance or disturbance.
- (m) 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 8.00a.m. and 6.00p.m.
- (n) An applicant for a casual trading licence shall pay a licence fee as set out in the current Bye-Laws made under Section 6(2)(d) of the Act.
- (o) The allocation of a trading place by the Council shall not confer upon the Licence Holder and tenancy or right to occupy or to transfer said trading place.
- (p) 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.
- (q) 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.
- (r) The Council may grant more than one Casual Trading Licence in respect of one trading place within a Casual Trading Area.
- (s) 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.
- (t) The Licence holder shall indemnify, and keep indemnified, Wicklow County Council, its servants and agents from any and all risks arising from his/her trading activities and in this regard shall submit a certificate from an insurance broker that public liability insurance cover is in force, with a minimum limit of indemnity of €6,400,000, or subsequent amount as deemed appropriate by Wicklow County Council.

5. Authorised Officers

- a) The Council shall appoint Authorised Officers for the purpose of managing and controlling its Casual Trading Areas.
- b) An Authorised Officer or Member of the Garda Síochána 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 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 "The 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 "The 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 (a) 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 to another person, the name and address of that person.
 - g) A person who obstructs or impedes or refuses to comply with a request of a member of An Garda Síochána or of an authorised person acting in the

exercise of the functions conferred on an authorised person by these bye-laws shall be guilty of an offence.

- h) Where an authorised person or a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person give a name or address which is false or misleading, the person shall be guilty of an offence.
- i) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.
- j) An offence under these bye-laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána

6. 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 an amendment thereto.

Any person who contravenes a provision of these bye-laws or of any permit or condition or conditions of any permit granted under these bye-laws shall be guilty of an offence and shall be liable to an on-the-spot fine of €75.00 for a simple breach of the bye-laws, or to a fine not exceeding **€1,900** on summary conviction.

If the contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding **€126.00** per day.

SCHEDULE - CASUAL TRADING BYELAWS 2012

WICKLOW COUNTY COUNCIL CASUAL TRADING ACT 1995

AMENDMENT TO BYE-LAWS

CASUAL TRADING BYE-LAWS FOR THE COUNTY OF WICKLOW

**Amendments to Bye-Laws in relation to the Control,
Regulation, Supervision and Administration of Casual Trading**

The lands as set out below and as delineated on the maps attached hereto are hereby designated as the Casual Trading Areas by the Council for the County of Wicklow. The number of trading places as indicated below for each Casual Trading Area shall be the maximum number of trading places for that Casual Trading Area and the location of each trading place shall be as indicated on the maps attached hereto.

TOWN/VILLAGE	LOCATION	NO. OF TRADING PLACES	MAP NO.
Glendalough	Opposite Cemetery – Roadside Carpark	3	3/267/1
Baltinglass	Weaver's Square	3	3/267/2
Rathdrum	Market Place	3	3/267/3
Glendalough	Upper Car Park	1	3/267/4
Brittas Bay	Southern Car Park	2	3/267/5
Brittas Bay	North Car Park	2	3/267/6
Blessington	Public Road, Outside Mart	3	3/267/7