

MEATH COUNTY COUNCIL

DRAFT BYE-LAWS IN RELATION TO CONTROL, REGULATION, SUPERVISION AND ADMINISTRATION OF CASUAL TRADING:

THE COUNCIL OF THE COUNTY OF MEATH in pursuance of the powers conferred on it by Section 6 of The Casual Trading Act, 1995 **HEREBY MAKES** the following Bye-Laws in respect of the area comprising the administrative County of Meath.

1. These Bye-Laws may be cited as the Meath County Council Casual Trading Act, 1995 Bye-Laws (1997).
2. These Bye-Laws shall come into operation on the

Definitions

3. In these Bye-Laws save where the context otherwise applies:-

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

"*Allotted Pitch*" means such part of a designated area as may be allotted in a casual trading Licence to an Individual Trader.

"*Authorised Officer*" means any person appointed by Meath County Council under Section 10 of the Act to be an authorised officer.

"*Casual Trader*" means any person or his nominated agent, authorised to carry out casual trading pursuant to The Casual Trading Act, 1995 and these Bye-Laws.

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

"*Casual Trading Area*" means the land standing designated in these Bye-Laws made under Section 6 of the Act as an area 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 Meath County Council.

"*Designated Area*" means such locations as may be designated for casual trading in these Bye-Laws.

"*Sell, Selling of Sale*" includes agreeing to offer to sell or displaying for sale or inviting an offer to buy.

"*Stall*" shall, in addition to its ordinary meaning, include any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or both or other stand or conveyance used for casual trading.

"*Trading Bay or Space*" means each individual area numbered on the Schedule Map attached to the Bye-Laws.

"*Vehicle*" means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or articles.

Designation of Land as Casual Trading Area

4. Casual Trading shall only be carried out in the locations designated for that purpose in Schedule No. 1 to these Bye-Laws OR at a specified event or events at such other locations as may be approved by Meath County Council in a Licence issued pursuant to Section 4 (1) (a) (iii) of the Act.
5.
 - (a) Casual Trading shall only take place at the times specified in the licence and shall generally be between the hours of 8 a.m. in the forenoon and 6 p.m. in the afternoon.
 - (b) In the case of mobile fast food traders, the hours of trading shall generally be between the hours of:- 10.30 a.m. to 2.30 a.m.
6. A Person shall not engage in Casual trading unless he/she is or is a servant or agent acting as such for a person who holds a Casual Trading Licence that is for the time being in force and the casual trading is in accordance with the Licence. A person engaged in casual trading in the casual trading area:
 - (a) shall only engage in casual trading at the casual trading space specified in the casual trading licence granted by the Council and numbered on map schedule, attached to these Bye-Laws.
 - (b) shall only trade in the goods as specified in the Casual Trading Licence.
 - (c) shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the casual trading space specified in the casual trading licence.

- (d) shall not obstruct or cause to be obstructed the free passage through the casual trading area or any of the immediate approaches thereto.
 - (e) shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the casual trading area.
 - (f) shall not obstruct or impede or assist a person to obstruct or impede the Council or its servants or agents in the carrying out of any works of maintenance in any part of the casual trading area.
 - (g) shall not cause or suffer:-
 - (i) any fish to be trimmed, gutted or cleaned at or about his/her stall, or
 - (ii) any foul, 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.
7. Food, prepared or unprepared, shall not be displayed stored or kept in any other manner except and in accordance with The Food Hygiene Regulations for the time being in force or any further Regulations that may be made in that regard.
8. (a) A person shall not park a vehicle in the casual trading area during trading hours unless such vehicle is for the time being in use for the purpose of casual trading and is wholly parked within the area of the casual trading space specified in the Casual Trading Licence.
- (b) A person shall remove such vehicle from the casual trading space specified in the Casual Trading Licence and from the casual trading area on each day upon which casual trading is permitted by the Casual Trading Licence not later than thirty minutes after the expiration of trading hours.
- (c) A person shall not park a vehicle earlier than thirty minutes prior to the commencement of trading hours in the Casual Trading Area for the purpose of unloading goods or produce therefrom onto the Casual Trading Space specified in the Casual Trading Licence.
- (d) A person shall not park a vehicle for a period exceeding 30 minutes from the commencement of parking in the Casual Trading Area for the purpose of unloading goods or produce

therefrom onto the Casual Trading Space specified in the Casual Trading Licence.

- (e) A person shall not park a vehicle earlier than the expiration of trading hours in the casual trading area for the purpose of loading goods or produce thereon from the Casual Trading Space specified in the Casual Trading Licence.
 - (f) A person shall not park a vehicle for a period exceeding thirty minutes from the commencement of parking the Casual Trading Area for the purpose of loading goods or produce thereon from the Casual Trading Space specified in the Casual Trading Licence.
 - (g) The Council reserves the right to remove stalls found on the designated trading area after trading hours and/or goods or other articles left outside the allotted pitch at any time.
9. The type of stall used by a person engaged in casual trading must be approved by the Council and the dimensions of same shall not exceed the defined space of the allotted pitch.
10. Trading shall be confined to the allotted pitch at the designated casual trading area and no goods or articles shall overhang a staff or be deposited on the ground except in the allotted pitch.
11. No stall shall be of such weight or be so loaded as to be capable of transmitting a bearing pressure in excess of 7kg/mm.sq. to any of its supports to the surface on which it is placed.
12. No broadcasting or speech or music 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.
13. The Council may appoint an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area.
14. A Casual Trader shall comply with all lawful requests and directions by an authorised officer or by a member of the Garda Siochana.
15. An Authorised Officer appointed by the Council may:-
- (a) enter, inspect and examine any place where he/she has reasonable cause to believe that casual trading is being engaged.
 - (b) require any person whom he/she has reasonable cause to believe to be engaging in casual trading:-
 - (i) to produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the Officer

or member of the Garda Síochána to examine the licence,
and

- (ii) if he/she 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/she is the servant or agent of another person, the name and address of the other person.
 - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of the Act or of these Bye-Laws are being complied with,
 - (d) require any person whom he/she has reasonable cause to believe to be engaging in casual trading in contravention of the Act to give such information as is in his/her power to give as to the ownership of any goods being sold in the course of such trading.
16. A person shall not obstruct or interfere with, or give false information to an Authorised Officer or member of the Garda Síochána in the performance of functions under these Bye-Laws.
17. A person carrying on casual trading in the casual trading area shall display by a notice in the prescribed form the number of the casual trading licence at the casual trading space specified in the Casual Trading Licence.
- (a) The notice displayed pursuant to these Bye-Laws shall be painted or inscribed or printed and affixed on a durable material, and
 - (b) shall be so displayed in a conspicuous position at the casual trading space specified in the casual trading licence as to be clearly visible and easily legible to members of the public at such place.
 - (c) Form No. 1 set out in Schedule No. 2 to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law.
18. A Casual Trading Licence shall only be used by the person to whom the licence was issued or by such agent of such person as agreed in writing by the Council.
19. A person carrying on casual trading in the casual trading area shall, keep the casual trading space, specified in the Casual Trading Licence in a clean and tidy condition and for that purpose shall:-
- (a) cause the stall to be properly cleansed immediately before and after the sale of goods for the day and

- (b) as often as is necessary and when directed by the council or its servants or agents cause all refuse arising from the trade or business to be placed in a suitable and sufficient receptacle which may be provided by the Council for that purpose or in a suitable or sufficient receptacle to be provided by the person carrying on casual trading in close connection with such stall;
 - (c) as often as is necessary cause the contents of any receptacle provided for the reception of refuse to be promptly removed, without creating a nuisance or obstruction, to a place outside the Casual Trading Area or to such place within the Casual Trading Area as may be appointed by the Council.
- 20. The Council shall not be held responsible for any property belonging to any person whatsoever deposited or left in any part of the Casual Trading Area, nor for any loss, damage or injury caused by the negligence of any trader, their agents, employees or customers.
- 21. A person engaged in casual trading shall indemnify the Council against any claim whatsoever by any person for damaged for personal injuries, loss or damage caused by any act or omission of the said person holding a licence or his/her servants or agents in and about the carrying on of casual trading.
- 22. A person carrying on casual trading at an event or events specified in a Casual Trading Licence to which the public are admitted, whether subject to or free of charge, or at or in the immediate vicinity of the place where and on the day on which the event takes place:-
 - (a) shall display by a notice in the prescribed form at the place where the casual trading is carried on the number of the Casual Trading Licence.
 - (b) the notice displayed at the event or events pursuant to this Bye-Law:
 - (i) shall be painted or inscribed or printed and affixed on a durable material, and
 - (ii) shall be so displayed in a conspicuous position at the place where the casual trading is carried on as to be clearly visible and easily legible to members of the public at such place.
 - (c) Form No. 2 set out in the Schedule No. 3 to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law.
- 23. 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.

24. Applications for Casual Trading Licences shall be made on the appropriate form addressed The Secretary, Meath County Council, County Hall, Navan, Co. Meath.
 - (a) An individual application shall be made for each licence.
 - (b) The Council reserves the right to grant or refuse a Casual Trading Licence.
 - (c) Individual trading spaces shall be allocated by the Council by such methods that it may, at its discretion decide. This shall not exclude allocation by lot.
 - (d) A Casual Trader who fails to trade, on one or more days, for four consecutive weeks is liable to have his/her licence revoked.
 - (e) Trading spaces shall not be exchanged without the prior consent of the Council in writing.
 - (f) 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 10.00 a.m.
25. The allocation of a trading space by a licence shall not confer upon the trader any tenancy or right to occupy or transfer the said space.
26. The Council may revoke a Casual Trading Licence if it is satisfied that a condition of the licence is being or has been contravened or if the person to whom it was granted is convicted of an offence in relation the importation , possession or sale of goods committed while he was the holder of a casual trading licence or an offence under the Act.
27. A non-refundable fee of £20 shall be lodged to the Council with each application for the grant of a Casual Trading Licence in respect of casual trading in the casual trading area.
28. An annual maintenance charge of £300 shall be payable in advance to the Council in respect of each casual trading space allocated to a trader in a casual trading area prior to occupancy of the casual trading space.
29. A fee of £20 per day shall be payable to the Council in respect of 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 issued pursuant to Section 4(I) (a) (iii) of the Act.

30. The fees and charges set out in Articles 26, 27 and 28 of these Bye- Laws shall be updated annually by the Council in accordance with the Consumer Price Index.
31. A Casual Trading Licence may be revoked at any time if any condition of the Licence has been or is being contravened.
32. A person who contravenes any of the Bye-Laws shall be guilty of an offence under Sub-Section (12) of Section 6 of the Act and shall be liable to such penalties as specified in the Act.

PRESENT when the Common Seal of
THE COUNCIL OF THE COUNTY
OF MEATH was affixed hereto:

Chairman
MEATH COUNTY COUNCIL

County Manager
MEATH COUNTY COUNCIL

SCHEDULE NO. 1

<u>TOWN/VILLAGE</u>	<u>LOCATION</u>	<u>DESIGNATED AREA</u>
Oldcastle	Market Square	2 No. Pitches
Athboy	Car Park	2 No. Pitches
Athboy	Main Street	1 No. Pitch
Laytown/Bettystown	From the Public Toilets at Laytown to the Lady's Finger at Mornington	6 No. Pitches

SCHEDULE NO. 2

FORM NO. 1

**Form of Notice required to be displayed at a
Casual Trading Space in the Casual Trading Area**

MEATH COUNTY COUNCIL

THE CASUAL TRADING ACT, 1995

Meath County Council has granted a Casual Trading Licence under Section 4 of The Casual Trading Act, 1995 authorising casual trading at this Casual Trading Space.

The Number of the Casual Trading Licence is
(insert the number of the Licence)

The Casual Trading Licence expires on
(insert the date upon which the
Casual Trading Licence expires)

Signed: _____
Meath County Council

SCHEDULE NO. 3

FORM NO. 2

Form of Notice required to be displayed at an event or events specified in a Casual Trading Licence to which the public are admitted, whether subject to or free of charge, or at or in the immediate vicinity of the place where and on the day on which the event takes place.

MEATH COUNTY COUNCIL

THE CASUAL TRADING ACT, 1995

CASUAL TRADING AT AN EVENT OR EVENTS

Meath County Council has granted a casual trading licence under section 4 of The Casual Trading Act, 1995 authorising casual trading at the event/events as set out below:

Event(s): _____

(set out the event(s) and the location of such event(s))

Date of Event(s): _____

(set out the date(s) upon which casual trading is authorised under the Casual Trading Licence)

The Number of the Casual Trading Licence is
(insert the number of the Licence)

Signed: _____
Meath County Council