

CASUAL TRADING BYE-LAWS 2024
BOROUGH DISTRICT OF WEXFORD
FLEADH CHEOIL NA hÉIREANN 2024

WEXFORD COUNTY COUNCIL (CASUAL TRADING) TEMPORARY
BYELAWS FOR THE
BOROUGH DISTRICT OF WEXFORD FOR FLEADH CHEOIL NA
hÉIREANN

TEMPORARY BYE-LAWS IN RELATION TO THE CONTROL, REGULATION,
SUPERVISION AND ADMINISTRATION OF CASUAL TRADING IN THE *BOROUGH*
DISTRICT OF WEXFORD (IN SUCH LOCATIONS AS ARE PRESCRIBED HEREIN) FOR
FLEADH CHEOIL NA hÉIREANN FOR THE PERIOD 4TH TO 11TH AUGUST 2024

THE Members of the Borough District of Wexford in exercise of the powers conferred on them by Section 6 of the Casual Trading Act, 1995 (as amended) and Schedule 14A of the Local Government Act 2001 as amended **HEREBY MAKE** the following bye-laws in respect of the functional area of the **Municipal (Borough) District of Wexford**.

1. In these Bye-Laws:-

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

"The Council" means Wexford County Council.

"Authorised Officer" has the meaning given to it in Section 1 of the Act.

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

"Casual Trading Area" means the lands in the Municipal (Borough) District of Wexford as designated on the Map appended hereto as an area where casual trading may be carried on in accordance with these Bye-Laws.

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

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

"Casual Trading Location" means the specific location identified on each Casual Trading Licence as the location in the Casual Trading Area which the casual trading authorised by that licence shall take place.

2. These Bye-laws shall come into operation on 4th August 2024 and shall be revoked at midnight on 11th August 2024.
3. An application for a Casual Trading Licence shall be made to the Council in the format as prescribed by the Council
4. A person shall not engage in casual trading unless he/she is, or is the servant or agent acting as such of, a person who holds a Casual Trading Licence from the Council that is for the time being in force and the casual trading is in accordance with that licence.
5. Fees in respect of a Casual Trading Licence shall be those as determined by the District Manager following consultation with the Elected Members of the Municipal (Borough) District of Wexford. Different fees may be determined for different types of casual trading activity and such fees may vary in accordance with the scale and frequency of the casual trading activity taking place. In addition to the licence fee, a service charge for use of water or electricity facilities will apply, if appropriate.

Such fees shall be paid at such time as determined by the District Manager and no casual trading may take place in advance of the payment of the relevant casual trading fee.

The holder of a Casual Trading Licence shall comply with any conditions attaching to that Licence and shall only operate from the Casual Trading Location and shall comply with, and co-operate with, any instructions issued by Wexford County Council and its officers or agents. Wexford County Council reserves the right to relocate the Casual Trading Location if necessary.

6. A person who contravenes any of the conditions of a Casual Trading Licence shall be guilty of an offence.
7. A Casual Trading Licence may be revoked at any time if any condition of that licence has been or is being contravened.
8. A person carrying on casual trading shall display the number of the Casual Trading Licence relating to the trading in such a position as to be clearly visible and easily legible to members of the public and shall, if so requested, produce the licence on demand to any person.
9. No goods shall be sold or offered for sale other than those specified in the licence.
10. Trading shall take place on the day/s specified in the Casual Trading Licence. Trading shall take place at the times specified in that licence and shall generally be between the hours of 8.00 a.m. in the forenoon and 6.00 p.m. in the afternoon or such other hours as agreed with the District Manager.
11. Stalls and/or other articles must not be placed in the Casual Trading Location earlier than half an hour before the hours of trading specified in the Casual Trading Licence. Unless otherwise agreed with the District Manager.
12. Stalls and all other articles must be removed within half an hour after the hours of trading specified in the Casual Trading Licence. Unless otherwise agreed with the District Manager.
13. Wexford County Council reserves the right to remove stalls found in the casual trading area after trading hours, and the Casual Trading Licence holder shall be liable for the costs incurred by the Council.

- 14.** Trading shall be confined to the Casual Trading Location specified in the licence. Service from the stall is on a takeaway basis and limited to those goods authorised by the licence.
- 15.** The type of stall proposed to be used, including appearance, design and scale must be approved in advance of the issuing of a Casual Trading Licence and the Council reserves the right to determine the nature of documentation to be submitted in order to allow such approval process to be conducted.
- 16.** Litter must not be allowed to accumulate in the vicinity of the Casual Trading Location and at the end of each trading period, the Casual Trading Location must be left in a clean and tidy state. The holder of the Casual Trading Licence must specify, as part of the Casual Trading Licence application, proposals satisfactory to the District Administrator for the control and disposal of litter arising from the casual trading activity. The operator of a stall, motor vehicle or mobile unit shall comply with the terms of Section 15 of the Litter Pollution Acts 1997-2003 which requires the operator of any mobile outlet selling food to provide sufficient litter receptacles in the vicinity of the mobile outlet and to remove any litter caused by the operation of the mobile outlet within 200 metres of its location.
- 17.** A Casual Trading Licence holder, or a person acting as his/her servant or agent, shall not trade in, park vehicle/s in, deposit refuse in, or in any way interfere with any Casual Trading Location or hinder any other person engaged in casual trading.
- 18.** A Casual Trading Licence holder engaged in casual trading in a Casual Trading Location shall not be permitted to use a loudspeaker or public address system or amplified music of any kind and shall refrain from causing any nuisance or disturbance in the casual trading area during the hours of trading.
- 19.** A Casual Trading Licence holder involved in the sale of foodstuffs shall comply with the requirements of the Food Hygiene Regulations and hold a current licence from the Health Service Executive where appropriate.

- 20.** The allocation of any Casual Trading Location shall be at the discretion of the Council and shall not confer upon the Casual Trading Licence holder any tenancy or right to occupy or transfer the said allocation.
- 21.** If in the opinion of the District *Manager* a Casual Trading Location is not being used, the Council may, at its discretion, decide to re-allocate the location in question.
- 22.** No person shall place or park any vehicle whatsoever in a Casual Trading Location so as to obstruct or hinder trading and any vehicle so placed shall be removed at the request of an officer, servant or agent of the Council or a member of the Garda Síochána.
- 23.** No person shall interfere with, interrupt or obstruct any officers, servants or agents of Wexford County Council during the carrying out of any works or maintenance on any part of a Casual Trading Location even if such work is necessary during trading hours.
- 24.** The Council may appoint officers of the Council or other persons to be authorised officers for the purpose of the Act, and Casual Trading Licence holders will be required to co-operate in all respects with the authorised officers.
- 25.** 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/her functions under the Act.
- 26.** A person engaged in casual trading shall indemnify the Council against any claim whatsoever by any person for damages for personal injuries, loss or damage caused by any act or omission of the said person holding a Casual Trading Licence or his/her servants or agents in and about the carrying on of casual trading.

27. Applications for a Casual Trading Licence must be accompanied by evidence of a current valid policy of insurance with a recognised insurance company and covering all activities associated with the purposes for which the Casual Trading Licence is to issue including all risks and perils to a minimum of €6,500,000 for any one incident, extending to provide an indemnity to the Council in respect of claims arising from the negligence of the Trader. Notice of termination of a policy shall render the said Casual Trading Licence null, void and of no effect and in which event the Licence holder including servants and agents of the applicant shall forthwith cease to trade and render the area vacant and returned to the control of the Council.
28. Any person who shall offend against or contravene any of the foregoing bye-laws shall be liable on conviction to a fine not exceeding €12,679 (Section 14) and €1,269 (other than Section 14) in accordance with the Casual Trading Act 1995 as amended or such increased amounts which may be fixed by statute from time to time.

MADE AND ADOPTED under the Common Seal of the Council of the County of Wexford this [] day of [] 2024.

Designated Member

District Director of Service

County Secretary

MAP

CASUAL TRADING AREAS

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