

COMHAIRLE CHONTAE CHILL DARA
KILDARE COUNTY COUNCIL



CASUAL TRADING BYE-LAWS
NEWBRIDGE
2013

Kildare County Council, in exercise of its powers under section 6 of the Casual Trading Act, 1995, hereby makes the following bye-laws in relation to the control, regulation, supervision and administration of casual trading in its functional area.

These Bye-Laws may be cited as “Kildare County Council’s Newbridge Casual Trading Bye-Laws 2013”.

Interpretation

1. In these Bye-Laws except where expressly stated to the contrary the following words shall have the meanings hereby respectively assigned to them, viz:-:

“the act” means the Casual Trading Act, 1995;

“authorised officer” means any person appointed by the council under section 10 of the act to be an authorised officer;

“casual trading” means selling of goods at a place (including a public road) to which the public have access as a right or any other place that is a casual trading area as defined by the act;

“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 area” means the land standing designated in these bye-laws as an area where casual trading may be carried on;

“the council” means Kildare County Council;

“Event” means any public, social, sporting or religious festival or occasion or like event to which the public are admitted, whether subject to or free of charge, which may be specified in an Event Licence as such;

“Event Area” means the area specified in an Event Licence at which (or in the immediate vicinity thereof) an Event is due to take place;

“Event Licence” means a casual trading licence granted by the Council pursuant to Article 7 of these Bye-Laws and Section 4(1)(a)(iii) of the Act, and in force at the time casual trading takes place;

“food” includes drinks except alcoholic drinks, and “grown” shall be construed accordingly;

“goods” means all marketable commodities, articles and items;

“licence” means a casual trading licence (other than an Event Licence) granted by the Council in relation to the Casual Trading Area pursuant to Article 6 of these Bye-Laws and in force at the time casual trading takes place;

“sell, selling or sale” includes agreeing to offer, to sell or displaying for sale or inviting an offer to buy;

“stall” includes 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 any one area numbered on the schedule map attached to these bye-laws;

“vehicle” means 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

- 2 The council hereby designates the following as a casual trading area:
Georges Street, Newbridge (exclusive of any part of Main Street, Eyre Street and the area known as Market Square), situate in the administrative area of Kildare County Council, which said land is more particularly delineated in red and described on drawing attached to these bye-laws.
3. Casual trading shall only be carried out within the Town of Newbridge in the Council's functional area at the following specified locations and in accordance with the provisions of these Byw-Laws, viz:-
 - (i) the Casual Trading Area so designated by Article 2 of these bye-laws; or
 - (ii) at an Event within the Event Area as specified in an Event Licence.
4. A person shall not engage in casual trading with in the Town of Newbridge unless he/she holds a Licence or Event Licence granted by the Council which is for the time being valid and in force, and the casual trading is carried out in accordance with the Licence or the Event Licence and these Bye-Laws.

Trading Hours

5. Casual trading by a Casual Trader pursuant to a Licence shall only be permitted to take place at the Casual Trading Area Saturday of each week between 9.00 a.m. and 4.00 p.m. unless otherwise specified in the Licence.

No stall shall be established or set up earlier than 40 minutes before the trading hours specified in these bye-laws. No stall shall remain in the casual trading area for longer than 40 minutes after the end of the said hours.

Casual trading by a Casual Trader at an Event pursuant to an Event Licence shall only be permitted to take place at an Event Area at such times and on such days as may be specified in the Event Licence.

Produce to be Sold

6. Having regard to the need for sustainable development and the protection of the environment, goods to be sold in the casual trading area shall consist of the items set out in the first schedule hereto.

Licences

7. An applicant for a licence must complete the required application form and pay the appropriate licence fee as set out in the Second Schedule hereto and do so not less than 30 days before the first day on which the applicant intends to engage in casual trading at the Casual Trading Area and also provide the Council with all of the information which it may require in relation to such application. Such Licence if granted shall indicate what goods may be sold and only such goods as are shown on the Licence and for which the appropriate licence fee has been paid may be sold by the Licence holder.
8. An applicant for an Event Licence must complete the required application form and pay the appropriate Event Licence fee as set out in the Second Schedule hereto and do so not less than 30 days before the date on which the Event is due to commence or take place. An Event Licence if granted shall indicate the location where casual trading can be engaged in during the Event and will be subject to the conditions specified in the Event Licence.
9. The Council may refuse to grant a Licence or an Event Licence or may revoke a Licence or an Event Licence in accordance with the provisions of the Act.
10. A Licence, unless previously revoked, shall continue in force for a period of twelve (12) months from the date of issue of same or such lesser period as specified in the Licence and shall then expire. Licences are renewable on an annual basis and must be renewed 30 days prior to expiration.
11. An Event Licence, unless previously revoked, shall continue in force for the duration of the Event as specified in the Licence and shall then expire.
12. A person engaged in casual trading pursuant to a Licence or an Event Licence for the time being in force:-
 - (i) Shall trade only in the goods specified in the Licence or Event Licence;
 - (ii) Shall not engage in the sale of dangerous, noxious, offensive, illegal or immoral goods;
 - (iii) Shall only engage in the casual trading at the general location identified in and during the times permitted by the Licence or Event Licence;

- (iv) Shall not obstruct or cause to be obstructed in any way any access or entrance to a premises in the vicinity of the Casual Trading Area or an Event Area;
 - (v) Shall not obstruct or cause to be obstructed in any way a public road (including any footpath) or public right of way;
 - (vi) Shall leave the Casual Trading Area or Event Area clean and tidy and safe and in the same manner as before casual trading took place;
 - (vii) Shall provide, at his/her own expense, a suitable receptacle that meets the requirements of the Council for the disposal of litter and waste;
 - (viii) Shall use for sale/trading purposes a stall of a type approved of by the Council and shall remove same at the end of each day's trading as permitted by the Licence or the Event Licence;
 - (ix) Shall not interfere with or obstruct any officer servant or agent of the Council or any other provider of public utilities engaged in the carrying out of any works of maintenance or improvement to any public infrastructure in any part of the Casual Trading Area or Event Area notwithstanding that such works may be carried out during times when casual trading has been authorised to take place.
 - (x) Shall not conduct sales or casual trading in manner that causes or is likely to cause nuisance or disturbance or offence to other casual traders or members of the public;
 - (xi) Shall comply with all lawful requests and directions by an Authorised Officer or by a member of An Garda Síochána.
13. Food, prepared or unprepared, shall not be displayed stored or kept in any other manner except and in accordance with "The Food Hygiene Regulations, 1950" or any further regulations that may be made in that regard.
14. No stall shall:
- (i) be of such weight that it damages the pavement
 - (ii) exceed 3 meters in height
15. A person shall not park a vehicle in the casual trading area during the trading hours specified in article 5 of these bye-laws. Exceptions to this article may be agreed by the council at its absolute discretion.
16. The Council may appoint any of its officers or other persons to be an Authorised Officer for the purposes of exercising the powers conferred on such persons under Section 10 of the Act. An Authorised Officer so appointed may:
- (i) enter, inspect and examine any place where he/she has reasonable cause to believe that casual trading is being engaged in;
 - (ii) require any person whom he/she has reasonable cause to believe to be engaging in casual trading:-
 - (a) to produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the Authorised Officer or any member of An Garda Síochána to examine the licence, and

- (b) if the licence is not produced forthwith or, in a case in which it is not being displayed, to furnish to the Authorised Officer his/her 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 these Bye-Laws are being complied with;
 - (iv) 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 power to give as to the ownership of any goods being sold in the course of such trading;
 - (v) require any person to whom he/she has reasonable cause to believe to be engaging in casual trading in contravention of the Act to produce to him/her any documents, books or records relating to such trading in his power, possession or control and give to him/her such information as he/she 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.
- 17. A person shall not obstruct or interfere with, or give false information to an Authorised Officer or member of An Garda Síochána in the performance of his/her functions under these Bye-Laws and the Act.
- 18. The Council shall not be held responsible for any property belonging to any person whatsoever deposited or left at any part of the Casual Trading Area or an Event Area.
- 19. A person engaged in casual trading shall indemnify the Council, to such an extent and in such amount as the Council may require, against any and all claims whatsoever by any person for damages for personal injuries, loss or damage caused by any act or omission of the said person holding a Licence or an Event Licence or his/her servants or agents in and about the carrying on of casual trading.
- 20. A person carrying on casual trading in the Casual Trading Area or in an Event Area shall display in any stall operated by him/her, whether on his/her own behalf or otherwise, by a notice in the prescribed form the number of the Licence/Event Licence relating to the stall. The notice shall be painted or inscribed or printed and affixed on a durable material, and shall be so displayed in a conspicuous position as to be clearly visible and easily legible to members of the public at such place. The Form set out in Third Schedule to these bye-laws shall be the prescribed form of any such notice.
- 21. A Licence or an Event Licence shall only be used by the person to whom it is issued or by such agent of such person as agreed in writing by the Council.
- 22. A person applying to the council for a licence shall furnish 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.

23. Applications for Licences and Event Licence shall be made on the appropriate form addressed to: the Council at Áras Chill Dara, Devoy Park, Naas, County Kildare, and a separate application shall be made for each Licence/Event Licence.
24. The council reserves the right to grant or refuse a licence.
25. Individual trading spaces shall be allocated by the council by such methods as it may at its discretion decide. This shall not exclude allocation by lot.
26. If a trading space is not taken up for six successive markets, the council may, at its discretion reallocate the space in question.
27. Trading spaces shall not be exchanged without the prior consent of the council in writing.
28. The allocation of a trading space by means of a licence shall not confer upon its holder any tenancy or right to occupy or transfer the said space.
29. The Council may revoke a Licence or an Event Licence if it is satisfied that a condition of the particular licence is being or has been contravened or if the person to whom it was granted is convicted of an offence in relation to the importation, possession or sale of goods committed while he was the holder of a casual trading licence or an offence under the Act. Any fees paid to the Council for a Licence/Event Licence shall be non-refundable in the event of revocation of a Licence/Event Licence pursuant to these Bye-Laws.
30. A person who contravenes any of these Bye-Laws shall be guilty of an offence under sub-section (12) of Section 6 of the Act and shall be liable on summary conviction to a fine not exceeding €1,270.00 specified in Section 14 of the Act.

These bye-laws shall be known as the "Kildare County Council's Newbridge Casual Trading Act 1995 Bye-Laws 2013" and shall come into operation on such date as the Council may order.

Made and adopted on this day of 2013.

In witness whereof the common seal of Kildare County Council was affixed hereto.

COUNTY MANAGER

NOMINATED MEMBER

FIRST SCHEDULE

The Casual Trading Area

The council hereby designates the following as a casual trading area:

Georges Street, Newbridge (exclusive of any part of Main Street, Eyre Street and the area known as Market Square), situate in the administrative area of Kildare County Council, which said land is more particularly delineated in red and described on drawing attached to these bye-laws.

SECOND SCHEDULE

Nature of Goods to be sold in Accordance with Article 5

- (a) Locally or regionally produced food products that are grown, produced, caught, brewed, pickled, baked, smoked or processed by the licence holder, and are of exceptional quality; or
- (b) Locally or regionally produced arts and craft goods, that are of exceptional quality

THIRD SCHEDULE

Fees

A fee for a licence shall be €350 per annum.

The fee for an Event Licence shall be €50 per day in respect of the particular Event.