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WESTPORT URBAN DISTRICT COUNCIL

BYE-LAWS

CASUAL TRADING ACT, 1995

Westport Urban District Council in pursuance of the powers vested in it by Section 6 of the Casual Trading Act, 1995 hereby make the following bye-laws in respect of the Westport Urban District Area.

Title:

These bye-laws may be cited as the Westport Urban District Casual Trading Act Bye-Laws, 1998.

Commencement Date:

These bye-laws shall come into operation on _____ day of 1998.

Definitions:

In these bye-laws save where the context otherwise implies:-

``The Act`` means the Casual Trading Act, 1995, and amendment thereto and any regulations made thereunder.

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

``Casual Trading Area`` means those areas designated for casual trading in Schedule One below.

``The Council`` means Westport Urban District Council.

``Stall`` shall include any wheeled moveable or static stall or box, barrow, cart, van, caravan, tent, booth or other structure or vehicle used for casual trading.

``Day`` shall include a part of a day.

``His`` shall include her and their plurals.

``Licensee`` shall mean the holder of a current valid casual trading licence issued and not revoked by the Council.

Trading Areas:

- 4.1.1. Casual trading shall only be carried out at the locations designated for the purpose in Schedule 1 or at such other locations for a specified event or events as may be approved in a licence issued pursuant to Section 4(1) (a) (iii) of the Act.
- 4.2. Except for licensees in the category 7.4. below casual trading outside the designated area is prohibited.
- 4.3. The sale from stalls of prepared of hot food or drink for immediate consumption is prohibited in those parts of the Westport Urban District to which the public have access as of right.

Casual Trading Licence:

- 5.1. Casual Trading in Westport Urban District Area is prohibited except by licensees.
- 5.2. Casual Trading shall be in accordance with the terms and conditions of the casual trading licence.
- 5.3. Licences shall not be transferable.
- 5.4.1. In the event of breach of these bye-laws or of the terms and conditions of the licence, the licence may be revoked by the Council.
- 5.4.2. Before deciding on the revocation of a licence, 21 days notice giving particulars of the breach and of the Council's intention to revoke the licence shall be posted by ordinary post to the licensee. The Council shall have regard to any written submission made by the licensee prior to deciding whether or not to revoke the licence.

Times for Casual Trading:

- 6.1. Casual Trading shall be between the times specified in the licence.
- 6.2. In default of specification of times in the licence licensees shall trade only between the hours of 10am to 9pm.

License Fees:

- 7.1. Applicants for an annual casual trading licence for one day a week per annum shall pay a fee of €32.00 per square metre of pitch size.
- 7.2. Applicants for an annual casual trading licence for two or more days a week shall pay an extra €19.00 per square metre per annum for each extra day's trading.
- 7.3. The Council may at it's absolute discretion grant licences for periods shorter than one year.
- 7.4. Occasional casual trading at particular events:-

€65.00 a day.
- 7.5. Licence fees are payable on issue of licence.
- 7.6. V.A.T. if applicable shall be in addition to above amounts.

Trading Pitches:

- 8.1. The Council shall at it's sole discretion allot trading pitches in the designated area to licensees. The size and location of each pitch shall be at the sole discretion of the Council. Such allocation shall not create a tenancy, licence or other entitlement to said pitch. Allocations may be changed or revoked at the discretion of the Council, and shall not be transferable.
- 8.2. Each licensee shall confine his stall and all his goods, equipment or other articles to the allotted pitch. No goods or articles shall overhang the area outside the allotted pitch.
- 8.3. Stalls and all other goods and articles must be removed by licensees from the pitch and from the entire designated area within one hour of the time specified for ceasing casual trading.
- 8.4. Stalls and other articles shall not be left on or near a pitch earlier than one hour prior to the permitted trading time.
- 8.5. The Council shall be entitled to remove stalls, vehicles and other equipment and articles left on the pitch or in the designated area in breach of this regulation.

- 8.6. Licensees shall keep a refuse bin on their pitch during the permitted hours and shall ensure that all litter is put in it.
- 8.7. Licensees shall comply with the requirements of the Litter Act, 1997.

Management:

- 9.1. Licensees shall sell only the goods specified in their licence.
- 9.2. Licensees shall while trading clearly display their licence so as to be clearly legible to members of the public.
- 9.3. Licensees selling food shall comply with the relevant Food Hygiene Regulations and requirements of the Western Health Board/Mayo County Council and the Council where appropriate.
- 9.4. Licensees shall not use a loudspeaker or other public address system, or otherwise cause any nuisance or disturbance.
- 9.5. The Council may appoint persons to be authorised officer for the purpose of the Act and the implementation of these bye-laws.
- 9.6. Failure by a licensee to comply with the reasonable directions and requests of such authorised officers or of the Council shall be an offence under these bye-laws.
- 9.7. Licensees shall be responsible for the compliance with these bye-laws by their servants or agents staff and family members assisting them.
- 9.8. Licensees shall indemnify the Council against all third party claims and shall maintain public liability insurance cover in the amount of at least €6,000,000 in respect of each and every claim. The policy and premium receipt shall be shown to the Council. The amount of cover shall be determined by the Council when considering each licence application.
- 9.9. Live animals or birds shall not be exhibited for sale or sold in the designated area.
- 9.10. Licensees shall not obstruct traffic or pedestrians.

Penalties:

- 10.1. A person who contravenes these bye-laws shall be guilty of an offence and liable on summary conviction to a fine not exceeding €1,270.
- 10.2. A summary offence under these bye-laws may be prosecuted by the Council.

General:

All functions of the Council relating to the Act and these bye-laws apart from the making, variation, or revocation of these bye-laws shall be executive functions.

SCHEDULE 1

The designated area is the area shown at the Octagon, Westport outlined on the attached map.