

GALWAY CITY COUNCIL

CASUAL TRADING BYE-LAWS, 2003

PROPOSED UNDER

THE CASUAL TRADING ACT, 1995

Note: The underlined passages are those which differ from the provisions in the Casual Trading bye-laws made in 1997.



April, 2003

PART I

Definitions:

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

“the Act”	means the Casual Trading Act, 1995
“the Council ”	means the Mayor Aldermen and Burgesses of the County Borough of Galway.
“Designated Area”	means the areas hereinafter more particularly described in the First Schedule hereto and designated as a Casual Trading Area.
“Licence”	means a Casual Trading Licence issued under the Casual Trading Act 1995.
“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, but does not include the following class of selling: The sale of Christmas trees from the public footpath between Mill Street, and the junction of Bridge Street and Lombard Street, during the period from 8 th December to 24 th December inclusive .This exclusion does not relieve the seller of the responsibility of complying with all requirements specified in other legislation.
“Trading Place”	means a space in a designated area as determined by the Local Authority or a space delineated by paint markings within a Designated Area.
“Licence Holder”	means a person to whom a licence has been issued or his servant or agent acting on his/her behalf.
“Authorised Officer”	means an officer of the City Council or other person appointed by the City Council for the purposes of the Act.

PART II

CASUAL TRADING AREA

2. Each of the lands described in the First Schedule hereto is hereby designated as a Casual Trading Area for the purposes of the Act. The determination of the type of goods to be sold and the combination and diversity of goods to be sold in a Casual Trading Area will be made by the City Manager or his/her nominee.

LICENCE FEES

3. 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. The licence 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.

TRADING PLACE

4. A licence holder (other than the holder of a licence for a special event) shall engage in Casual Trading only within the space or spaces allocated to him/her in a designated area which space or spaces shall be identified by means of description in his/her licence and by reference to the maps of the designated areas in the First Schedule hereto and/or by paint markings on the ground. In the Designated Areas referred to in maps 2 and 3 space reference shall be linear measurement from base points with ground markings. No motor vehicles or trailers shall be permitted in zones B, C, D, in the Casual Trading area at Churchyard Street, Lombard Street and Market Street. However, in determining an application for a Casual Trading Licence, the City Manager or his nominee may, in exceptional circumstances, grant a Licence permitting the licensee to place a motor vehicle or trailer within the space allocated to him/her in these zones. These exceptional circumstances would arise only where the licensee is an established trader who has previously utilised a vehicle in engaging in casual trading in St. Nicholas Market only. No motor vehicles or trailers shall be permitted in the Casual Trading area at Churchyard Street, Lombard Street and Market Street on Sundays, Bank Holidays (excluding Saturdays) or on the 14th – 22nd

December, inclusive. Due recognition will be given to traditional traders in the allocation of Casual Trading Spaces and, in particular, to persons who can satisfactorily support their claim to be established traders. Trading shall not be conducted in a manner that is likely to cause offence. The City Council reserves the right to change and alter the internal layout of the trading spaces within the Casual Trading Areas at any time. The allocation of a trading space/spaces to a licensee, shall not confer any tenancy or any other rights, other than the rights conferred by the Licence.

TIMES OF TRADING

5. A Licence holder shall engage in Casual Trading only at the specified times and days shown on the Licence. Subject to Bye-laws no. 10, trading shall only take place between the hours of 6.00 a.m. and 6.00 p.m., on the specified days, excepting Sundays, on which trading shall only take place between the hours of 1.00 p.m. and 6.00 p.m. and on the 14th – 22nd December, inclusive (but excluding any Sunday), on which trading shall only take place between the hours of 6.00 a.m. and 8.00 p.m. Trading shall only take place on Saturdays, Sundays, Bank Holidays, and on 14th to 24th of December [both days included] in the Designated Area set out in map numbered 2 in the First Schedule hereto. Trading shall only take place on Saturdays, and on 23rd and 24th of December in the designated area set out in map numbered 3 in the First Schedule hereto. Trading shall only take place in the Designated Area set out in map numbered 1 in the First Schedule hereto from Monday to Saturday only.

DISPLAY OF LICENCE NUMBER

6. A Licence holder shall prominently display the number of the Licence at his/her trading place in such a position as to be clearly visible and easily legible to members of the public at all times during trading hours. If so requested, he/she shall produce the Licence to any person at that place.

EVENTS

7. A Casual Trading Licence may be issued to a person carrying on Casual Trading at an event or events specified in the 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 in which the event takes place. Such Licence will prescribe the location for trading and will be subject to the regulations and conditions as specified by the City Council. The City Council shall determine the extent of Casual Trading at any event or events.

LITTER

8. A licence holder shall provide, at his/her own expense, a suitable receptacle that meets the requirements of Galway City Council for the disposal of litter/waste and shall keep the trading place clean and tidy at the end of each day's trading.

STAFF

9. A licence holder shall only use a stall or other like receptacle for carrying/displaying goods which are approved by the City Council, and shall remove same at the end of each day's trading. The City Council may remove any stall or like receptacle found in a trading place outside of trading hours.

NECESSARY WORKS

10. No trader, or any other person, shall interfere with, or obstruct any officer, servant or agent of Galway City Council, or any other provider of public utilities, engaged in the carrying out of any works of maintenance or improvement in any part of the Designated Areas, even when such work is carried out during trading hours. The City Council reserves the right to prohibit casual trading on any trading day, or part thereof, in the event that exceptional circumstances arise which necessitate such prohibition. The Council will notify any affected licence holders in advance of any such prohibition taking effect.

OBLIGATION TO OBEY DIRECTIONS

11. While occupying a trading place a licence holder must obey all lawful requests of an Authorised Officer or a member of the Garda Síochana.

OFFENCES

12. A person who contravenes a Bye-law shall be guilty of an offence. Furthermore, in accordance with the provisions of the Casual Trading Act, 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 that is for the time being

in force and the casual trading is in accordance with the licence. A person who contravenes these provisions shall be guilty of an offence, the penalty for which may be a fine not exceeding €1,270. The Act also provides that a local authority may refuse to grant a casual trading licence to a person who has been 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 during the period of 3 years before the date of application for the licence, and that a local authority shall not grant a casual trading licence to a person who was convicted of two or more offences (each offence being either an offence in relation to the importation, possession or sale of goods committed while the person was the holder of a casual trading licence or an offence under the Act if two, at least, of the convictions occurred less than 3 years before the first day on which the person proposes to engage in casual trading to which the application for the licence relates.

PENALTY

13. Every person who shall offend against any of the foregoing Bye-laws shall be liable for every such offence on summary conviction to a fine not exceeding €1,270.00.

USE OF TRADING PLACE

14. If a trading space is not taken up for a continuous period of one month, or for a total of not less than 60 days in any licence period, Galway City Council may, at its discretion, serve notice on the licence holder that his/her licence has been revoked for the remainder of the licence period, and arrange to reallocate the space in question. The holder will be given the opportunity to explain their absence prior to any decision regarding revocation of the licence.

SURRENDER OF LICENCE

15. A licence holder may surrender his/her licence to the City Council at any time prior to the expiry of the licence period. A person who surrenders a licence may obtain a refund of that portion of the licence fee equivalent to the unexpired term of the licence, subject to a maximum refund of 50% of the total fee. Where a licence has been surrendered, the City Council

may issue a new licence for the unexpired term of the surrendered licence.

REPEAL OF BYE-LAWS

16. From and after the date of confirmation of the Bye-laws, the Corporation of Galway Bye-laws relating to Casual Trading made on 7th April, 1997 shall be repealed.

FIRST SCHEDULE

Those lands hereunder described and outlined in the map annexed hereto.

Eyre Square - **Map 1**

**Churchyard Street, Lombard Street,
Market Street -** **Map 2**

Woodquay - **Map 3**

Made this _____ day of _____ 2003.

Signed and sealed in the presence of: -

SECOND SCHEDULE

FEES

The Fees for a Casual Trading Licence shall be as follows:

A. Eyre Square Map 1 – First Schedule

€200 per annum

B1. Churchyard Street, Lombard Street, Market Street (i.e. St. Nicholas) – Saturday, 23rd December, 24th December. Map 2 – First Schedule

€50 per linear metre measured from designated points on the map.

B2. Churchyard Street, Lombard Street, Market Street (i.e. St. Nicholas) - Sunday, Bank Holidays (other than Saturdays), 14th - 22nd December, inclusive.

€50 per linear metre measured from designated points on the map.

C. Woodquay Map 3 – First Schedule

€50 per linear metre measure from designated points on the map.

D. Events

The fee for a Casual Trading for an Event shall be €100.00 per day [or part thereof].

