



CASUAL TRADING (CONTROL AND DESIGNATION) BYE LAWS

made under

THE CASUAL TRADING ACT, 1995

Bye Laws made by Dublin City Council on the 4th March 2013

LONG TITLE: “The Lord Mayor and Members of Dublin City Council (hereinafter referred to as “The Council”) in exercise of the powers vested in them by the provisions of The Casual Trading Act, 1995 as amended and all other enabling statutory powers hereby make the following Bye-Laws for the Control and Designation of Casual Trading in the administrative area of Dublin City Council ”

PRELIMINARY

- NO. 1** **SHORT TITLE:** These Bye-Laws may be cited as the Dublin City Council Casual Trading (Control and Designation) Bye-Laws 2013.
- NO. 2** **AREA OF APPLICATION:** These Bye-Laws apply to the administrative area of Dublin City Council.
- NO. 3** **COMMENCEMENT DATE:** These Bye-Laws shall come into effect on the 4th day of March 2013.
- NO. 4** **REVOCATION:** The Dublin City Council Casual Trading (Control and Designation) Bye-Laws 2012 made by the Council on the 5th day of March 2012 are hereby revoked as and from the commencement date of the 4th day of March 2013.
- NO. 5** **INTERPRETATION:** In these Bye-Laws the following words or phrases shall have the meanings hereby expressly given to them that is to say:

“the Act”	Means the Casual Trading Act, 1995.
“Dublin City Council”	Means the administrative body for Dublin City as set out in Sections 10 & 11 and schedule 5 of the Local Government Act 2001.
“Designated Area”	Means an area marked in red on the attached maps and listed in Part III 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 goods at a place (including a public road) to which the public have access as of right or any other place that is a casual trading area as defined by the Act.
“Event Trading”	Means licensed casual trading at an event or events specified in the licence or at or in the immediate vicinity of the place

where and on the day or days on which the event takes place.

“Trading Place”

Means a place in a designated area delineated by paint marking or different colour brick at pitch boundary. A trading place shall not exceed an area of 4 sq. metres.

“Licence Holder”

Means a person to whom a licence has been issued or the licence holders servant or agent acting on the licence holders behalf.

“Authorised Officer”

Means an employee of Dublin City Council or other person appointed by Dublin City Council for the purposes of the Act.

PART I

CASUAL TRADING AREA

1. Each of the lands described in Part III hereto and as set out in the attached Schedule of maps is hereby designated as a casual trading area for the purposes of the Act.

LICENCE

2. An applicant for a licence must pay the appropriate fee for the type of goods to be sold in the particular designated trading area. 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 fees have been paid may be sold by the licence holder. The Schedule of fees for designated trading areas are set out in Fees Bye-Laws made under the Casual Trading Act 1995.

An applicant for a licence for event trading must pay the appropriate fee for the type of goods to be sold under the appropriate heading as set out in the Fees Bye-Laws made under the Casual Trading Act 1995.

A Casual Trading Licence may not be rented or sold by the holder.

TRADING PLACE

3. A licence holder shall engage in casual trading only within the space allocated to the licence holder in a designated area which space shall be identified by means of a description in the licence holders licence and delineated by paint marking or different colour brick at pitch boundary.

DISPLAY OF LICENCE NO.

4. A licence holder shall prominently display the number of the licence at the licence holders 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 the licence holder shall produce the licence on demand to any person.

STALL	5. A licence holder shall only use a stall or other like receptacle for carrying/displaying goods which is approved by an Authorised Officer of Dublin City Council and shall remove same at the end of each day's trading. Dublin City Council may remove any stall or like receptacle found in a trading place outside of trading hours. Stalls shall not exceed 2.5 metres in height.
OFFENCES	6. A person who contravenes a Bye Law shall be guilty of an offence.
PENALTY	7. 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 €1,269.74. Licences can be revoked for failure to stay within a casual trading pitch and/or failure to remove litter.
REPEAL OF BYE LAWS	8. From and after the date of confirmation of these Bye laws, the Bye laws relating to the Casual Trading Act 1995 which were made on the 5 th March 2012 shall be repealed.
MISCELLANEOUS PROVISIONS	9. The issue of licences for a trading place may be temporarily suspended by executive order to facilitate construction/development/maintenance of a roadway, footpath or other infrastructure or on adjoining sites or for other operational reasons.
ALTERNATIVE TRADING PLACES	10. An existing licence for a trading place may be temporarily suspended by executive order to facilitate construction/development/maintenance of a roadway, footpath or other infrastructure or on adjoining sites or for other operational reasons. As appropriate, alternative trading places within designated areas may be assigned by the local authority to existing licence holders following consultation, subject to availability.

PART II

General terms and conditions

Designated area trading pitch allocation policy

- Persons wishing to register for a designated area Casual Trading pitch must complete an “Expression of Interest to trade” form.

- Vacant pitches will be offered on a first come first served basis, except in the case of new areas which will be allocated by lottery.

- A licence will not be granted unless all the relevant information required in the application process is supplied. Documentation must be supplied within 30 days of receipt of offer. The acceptance of an application form by Dublin City Council does not guarantee the granting of a licence.

- An individual who is not in a position to accept the offer of a pitch at the time, for whatever reason, but still wishes to be considered for a pitch must go back to the end of the waiting list.

- Due to demand for spaces only one pitch per Casual Trading area will be allocated to an individual.

- A Casual Trading pitch cannot be sub-let or sold.

- Dublin City Council reserves the right to revoke a licence at any time during the licensing period for failure to comply with the licence conditions.

- Licences are not transferable but consideration may be given in exceptional circumstances (i.e. in the event of either death or long-term illness of the licence holder) to the transfer of a licence on a Casual Trading pitch to an agent/assistant who is a family member subject to the following conditions:
 - The family member has been the registered agent of the licence holder and has been working with the licence holder on the pitch for a minimum of four years.
 - The family member who has been the agent/assistant must also have previously registered an expression of interest for a Casual Trading pitch with Dublin City Council before consideration can be given to the transfer request. Priority may be given in this instance over others on the waiting list.

- Dublin City Council reserves the right to re-allocate any pitch that has been left unoccupied by a licence holder for a period of 2 months without reasonable explanation to Dublin City Council.

- Agents must register an expression of interest if they wish to be considered for a Casual Trading licence to trade in a designated Casual Trading area.

- An agent has no right or entitlement to succeed to a Casual Trading pitch.

- Dublin City Council reserves the right, in the event of works planned or due to take place, to relocate existing traders in designated areas in or adjacent to works, into other available designated trading areas within the City Council functional area. This will be done following consultation with traders.
- Licence holders must give two months notice if surrendering a pitch.

Terms and conditions of trading

- Only the licence holder shall engage in Casual Trading at the location specified in the licence.
- No goods other than those specified in the licence shall be sold.
- Trading shall be confined to the allocated location, for the specified times and days.
- Traders in foodstuffs must comply with the requirements of the local HSE Environmental Health Office in relation to the statutory control of food.
- All people engaged in Casual Trading, with the exception of those “trading from the hand” at particular events, must indemnify Dublin City Council and any person using the facility/service being provided, against any liability arising out of the use of the facility/service in question. In this regard public liability insurance of €6.4m (minimum) in the case of any one accident must be obtained and proof of same must be given by the applicant to Dublin City Council before any licence is granted.
- A licence holder shall provide, at his/her own expense, a suitable receptacle that meets the requirements of Dublin City Council for the disposal of litter/waste and shall keep the trading place clean and tidy at all times.
- Dublin City council may remove any stall or like receptacle found in a trading place outside of trading hours.
- A licence holder shall prominently display his/her casual trading licence in such a position as to be clearly visible and easily legible to members of the public.
- A licence holder may nominate two agents to assist in the operation of a designated trading stall under the following terms and conditions:
 - There may only be two people operating the stall at any one time and each of them must be trading within one metre of the stall.
 - The licence holder must be present at all times where practicable. It is acceptable that the licence holder be absent during holiday periods or due to illness but this absence must be advised to the Casual Trading Section as soon as practically possible.
 - Phone: 01-2222165
 - Mobile: 087-9358903
 - E-mail: casualtrading@dublincity.ie.
 - A medical certificate is required for prolonged period of absence.
- A licence holder must at all times be able to produce a paper trail identifying the provenance of goods clearly identifying where stock came from.
- The sale of counterfeit items is strictly prohibited.

- All goods that are sold as “seconds” must be clearly identified as “seconds” at the point of sale.
- While occupying a trading place a licence holder must obey all lawful reasonable requests of an authorised officer or a member of An Garda Síochána.
- This licence may be revoked at any time if any condition of the licence has been or is being contravened.
- The only generators which are acceptable for use should be of the Diesel variety.
- A person engaged in Casual Trading shall not obstruct any business, premises, footpath, public road or public right of way
- A person engaged in Casual Trading shall not conduct trading in a manner that causes or is likely to cause offence.

Penalties for infringements of terms and conditions

Infringements of the above terms and conditions shall be treated as follows:

1st Infringement – 1st written warning

2nd Infringement – 2nd written warning

3rd Infringement - total revocation and non renewal of licence

Waste Management

The removal of waste generated at each trading stall is the responsibility of the trader.

Under the Waste Management Act 1996 traders have two options to dispose of their waste:

1. Arrange for a private waste disposal company to do it.
2. The trader can arrange to dispose of their waste in an alternative proper manner.

Both options must comply with the Waste Management Act 1996 and relevant EU regulations/directives. Traders are reminded that when they are disposing of their waste and either fail to do so or do it in a way which infringes the Waste Management Act 1996 they are liable to be prosecuted by the local authority. Traders are also reminded of their responsibilities under the Protection of the Environment Act, 2003 and the Litter Pollution Act 1997.

Application process

Designated Area Licences

All Designated Area Licences are renewed on a specific annual date. Renewal forms are posted out in the month prior to the expiry of the Licence. The following must be submitted for an application for a Casual Trading Licence for a designated area:

- Completed application form
- 2 passport photographs of the licence holder
- Proof of identity – Passport/drivers licence

- Copy of public liability insurance policy of at least €6.4 million with Dublin City Council indemnified on the policy.
- If the licence holder wishes to nominate agents, they must supply the agent's name, PPS number and passport photograph.
- In the case of licences to sell food, a copy of HSE registration and a photograph of the unit to be used will also be required.
- Valid tax clearance certificate
- Appropriate fee

Event Trading Licences

All applications must be made up to 10 days in advance of the event for "trading from the hand" Licences and 30 days for all other licences. Applications made outside of these timeframes may not be processed. The following must be submitted for an application for a Casual Trading Licence for an event:

- Completed application form
- 2 passport photographs of the licence holder
- Proof of identity – Passport/drivers licence
- Copy of public liability insurance policy of at least €6.4 million with Dublin City Council indemnified on the policy, with the exception of "trading from the hand" licences.
- In the case of licences to sell food, a copy of HSE registration and a photograph of the unit to be used will also be required.
- Valid tax clearance certificate
- Appropriate fee

PART III

Designated Areas and Times of Trading.

DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS. MAP REF. NO.	TIMES OF TRADING
<i>Abbey Street at Irish Life Centre:</i> 2010-0488 Tea/Coffee and light hot and cold snacks	Mon – Sat 7.00 a.m. – 6.00 p.m.
<i>Abbey Street Middle:</i> 11543 Jewellery, Fashion Accessories, Souvenirs and Crafts(excluding copyright infringement, C.E. mark only) Flowers	Mon - Sat. 9.00 a.m. - 6.30 p.m.
<i>Amien Street at entrance to IFSC:</i> 15064 Tea/Coffee and light hot and cold snacks	Mon – Sat 7.00 a.m. – 6.00 p.m.
<i>Anne Street South:</i> 11543/8 Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)	Mon - Sat. 10.00 a.m. – 6.30 p.m.
<i>Baggot Street Lower:</i> 11543/12 Flowers	Mon - Sat. 9.00 a.m. - 6.30 p.m.
<i>Barnardo Square:</i> 2011-0373 Jewellery/Craft, Portrait/Caricature Artist, Books	Mon – Sat 10.00 a.m. – 6.00 p.m.
<i>Boardwalk on the Liffey:</i> 2011-0370 Paintings and Drawings (licence holders own original work)	Sat & Sun (May – Aug only) 10.00 a.m. – 6.00 p.m.
<i>Camden Street:</i> 11543/9 Fruit & Veg. Flowers	Mon - Sat 9.00 a.m. - 6.30 p.m.

DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS. MAP REF. NO.	TIMES OF TRADING
<p>Cardiffsbridge Road, Finglas: 11543/19</p> <p>Clothing (excluding copyright infringement)</p> <p>Flowers</p> <p>Jewellery, Fashion Accessories, Souvenirs and Crafts. (excluding copyright infringement, C.E. mark only)</p> <p>Miscellaneous household goods (C.E. mark only)</p> <p>Confectionery</p> <p>Fruit & Vegetables</p>	<p>Sunday only</p> <p>9.00 a.m. - 2.30 p.m.</p>
<p>Chatham Street: 11543/8</p> <p>Flowers</p>	<p>Mon. – Sat</p> <p>10.00 a.m. - 6.30 p.m.</p>
<p>Coles Lane: 11543/3</p> <p>Flowers</p> <p>Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)</p> <p>Clothing (excluding copyright infringement)</p>	<p>Mon - Sat.</p> <p>9.00 a.m. - 6.30 p.m.</p>
<p>College Green: 15070</p> <p>Jewellery, Fashion Accessories, Souvenirs and Crafts. (excluding copyright infringement, C.E. mark only)</p>	<p>Mon - Sat.</p> <p>9.00 a.m. - 6.30 p.m.</p>
<p>Coppinger Row: 2011-0371</p> <p>Irish food produce (Meeting Bord Bia approval)</p> <p>Crafts</p>	<p>Thurs & Fri</p> <p>10.00 a.m. – 6.00 p.m.</p> <p>Saturday</p> <p>10.00 a.m. – 2.00 p.m.</p>
<p>Cumberland Street North: 11543/5</p> <p>Miscellaneous household goods (C.E. mark only)</p> <p>Clothing (excluding copyright infringement)</p> <p>Bric-a-brac</p>	<p>Sat. only</p> <p>8.00 a.m. – 2.00 p.m.</p>

DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS. MAP REF. NO.	TIMES OF TRADING
Duke Street. 11543/7 Flowers, Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)	Mon – Sat. 10.00 a.m. – 6.30 p.m.
Erne Street junction with Pearse Street: 11543/10 Fruit & Veg.	Mon – Sat. 9.00 a.m. - 6.30 p.m.
Fade Street: 11543/11 Flowers	Mon – Sat. 9.00 a.m. - 6.30 p.m.
Finglas Road: 11543/6 Flowers & 11543/18	Mon-Sun 9.00 a.m. - 6.30 p.m.
Fishamble Street: 2010-0636 Ice-Cream	Mon – Sat (May-Aug only) 10.00 a.m. – 6.00 p.m.
Fownes Street and Dame Street: 2011-0369 Portrait/Caricature Artist	Thurs – Sun 10.00 a.m. – 6.00 p.m.
Grafton Street (Top of): 2011-0375 Flowers	Mon – Sat 10.00 a.m. – 6.00 p.m.
Grattan Bridge: 2011-0376 Flowers, Arts and Crafts (excluding copyright infringement)	Mon – Sat 10.00 a.m. – 6.00 p.m.
Harold's Cross Road: 11543/15 (Mount Jerome Cemetery) Flowers	Mon – Sun 9.00 a.m. - 6.30 p.m.
Harry Street: 11543/8 Flowers	Mon – Sat 10.00 a.m. - 6.30 p.m.

DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS. MAP REF. NO.	TIMES OF TRADING
<p>Henry Place: 11543/23 Jewellery, Fashion Accessories, Souvenirs and Crafts, Clothing Poster (all excluding copyright infringement, C.E. mark only)</p>	<p>Mon-Sat 1st January – 30th November. and 27th December – 31st December. 10.00 a.m. – 6.30 p.m.</p>
<p>Henry Street/Mary St. 11543/23 & 11543/24 Christmas Goods as outlined below (excluding copyright infringement, C.E. mark only)</p> <ul style="list-style-type: none"> • Balloons • Cards • Cribs • Decorations • Holly and ivy wreaths, artificial holly • Hand crafts • Gift sets incl. Hats and gloves (excl. copyright infringements) • Jewellery (excluding copyright infringements) • Mistletoe and Christmas plants • Posters (excluding copyright infringements) • Toys (CE Mark only) • Selection Boxes • Wrapping paper • Santa Claus Hats • Clothing (excluding copyright infringement) • Handbags (excluding copyright infringement) • Shoes (excluding copyright infringement) 	<p>Mon-Sun 1st -31st December 10.00 a.m.– 9.00 p.m.</p>
<p>Houston Station – north east of LUAS stop: 2010-0486 Tea/Coffee, light hot and cold snacks</p>	<p>Mon – Sat 7.00 a.m. – 6.00 p.m.</p>
<p>Lemon Street: 11543/8 Jewellery, Fashion Accessories, T-shirts, Souvenirs and Crafts. (excluding copyright infringement, C.E. mark only)</p>	<p>Mon-Sat 10.00 a.m. - 6.30 p.m.</p>
<p>Liffey Street Lower 11543/16 Jewellery, Fashion Accessories, T-shirts, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only) Flowers</p>	<p>Mon – Sat 9.00 a.m. - 6.30 p.m.</p>
<p>Marlborough Street 11543/4 Fruit & Veg. Flowers</p>	<p>Mon – Sat. 9.00 a.m. - 6.30 p.m.</p>
<p>Merrion Square: 11543/35 Paintings and Drawings (licence holders own original work)</p>	<p>Sat, Sun and 1-24 December.</p>

		10.30 a.m. – 6.30 p.m.
DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS.		TIMES OF TRADING
	MAP REF. NO.	
Moore Street:	11543/2	Mon – Sat.
Fruit & Veg.		9.00 a.m. - 6.30 p.m.
Flowers		
Confectionery		
Jewellery and Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)		
Clothing (excluding copyright infringement)		
Newmarket Square:	2011-0372	Sunday
Bric-a-brac		10.00 a.m. – 6.00 p.m.
Night-time Trading:		Thurs – Sunday
Sale of hot/cold food and non-alcoholic drinks		11.00 p.m. – 4.00 a.m.
O'Connell Bridge	11543/1	
Grafton Street	11949-1	
Lower Camden Street	11949-2	
College Green	11949-3	
Hatch Street Lower	11949-4	
Cuffe Street	11949-5	
Fade Street	11543/11	
Fleet Street	2010-0493	
Fownes Street & Dame Street	2011-0369	
Harcourt Street	2010-0494	
O'Connell Bridge:	11543/1	Mon – Sat.
Flowers		9.00 a.m. - 6.30 p.m.
Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)		

DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS. MAP REF. NO.	TIMES OF TRADING
O'Connell Street: 2011-0531 Flowers Newspapers, Magazines	Mon-Sat 9.00 a.m. – 6.30 p.m.
Ranelagh Triangle: 2011-0374 Jewellery, Foodstuffs, Crafts	Sat & Sun 9.00 a.m. – 6.30 p.m.
Sandymount Promenade: 2010-0490 Tea/Coffee, light hot and cold snacks	Mon – Sat 7.00 a.m. – 6.00 p.m.
South King Street: 11543/39 Flowers	Mon – Sat 9.00 a.m. – 6.00 p.m.
St. Patrick's Park (Railings): 2011-0377 Paintings, Drawings, Photography (licence holders own original work) Portrait/Caricature Artist	Sat, Sun and 1 st –24 th December 10.30 a.m. – 6.30 p.m. Mon – Sat 10.00 a.m. – 6.00 p.m.
Store Street Plaza: 2011-0632 Flowers, Arts and Crafts (excluding copyright infringement)	Mon – Sat 10.00 a.m. – 6.00 p.m.
Thomas Street: 11543/13 Fruit & Veg Flowers Confectionery Misc. Household Goods (C.E. mark only) Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only) Clothing (excluding copyright infringement, C.E. mark only)	Mon – Sat. 9.00 a.m. - 6.30 p.m.
Wicklow Street: 11543/7 Jewellery, Fashion Accessories, Souvenirs and Crafts (excluding copyright infringement, C.E. mark only)	Mon – Sat 10.00 a.m. – 6.30 p.m.

Special Themed Markets may be considered and determined by executive decision by Dublin City Council at the following locations:

- Smithfield 2011-0534
- Wolfe Tone Park 2011-0378
- Coppinger Row (Sunday only) 2011-0371
- East Essex Street 2011-0379
- Lotts 2011-0581
- Cathedral Street 2011-0381
- South William Street 2011-0533
- Anglesea Street 2011-0383

Applications to the Casual Trading Section should be made no later than 2 months prior to such markets where the expected attendance is less than 5,000 people. Where the expected attendance is more than 5,000 people, applications should be made to the Casual Trading Section, Dublin City Council no less than 3 months prior to the proposed date of market. Applicants for Theme Markets should also be aware that they must hold a valid Event Licence issued by Dublin City Council. An Events Licence will be issued following the completion of the requisite information which includes the following:

- Name of applicant
- Address of applicant
- Key Contact Person
- Contact Number
- Start date (incl. set up)
- Finish date (incl. de rig)
- Location
- Start time
- Finish Time
- Summary overview of content of the event.
- Expected audience attendance.
- Public liability insurance cover with a specific indemnity for Dublin City Council to the sum of €6.4m and employers liability of €13m (if applicable)
- A detailed Event Management Plan to include a site specific risk assessment & Health & Safety Statement.
- A Litter Management Plan.
- Details of road closures if required.
- Details of suspension of parking requests.
- Details re. positioning of vehicles.
- Details of any temporary structures/props being used as part of the event.

These Bye-Laws shall come into effect on the 4th March 2013

TO WHOM IT MAY CONCERN

PRESENT when the seal

Of Dublin City Council was affixed

Hereto:

City Manager.