

**COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL**

**MUNICIPAL DISTRICT OF WEST CLARE**

**Casual Trading Bye-Laws 2021**

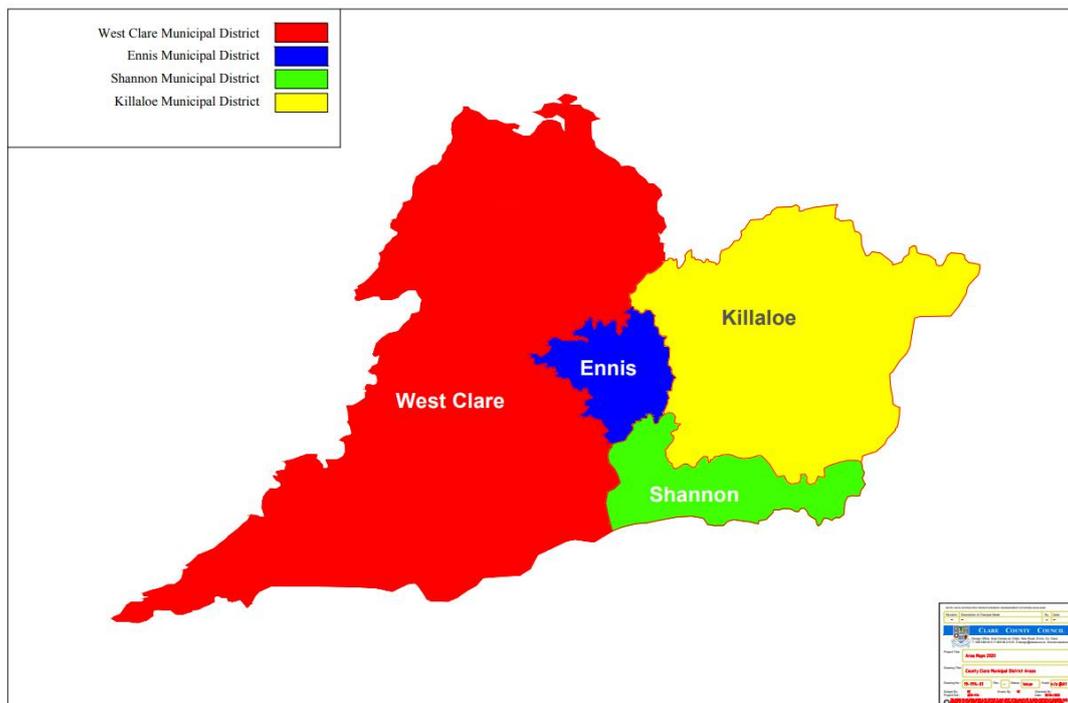
**made under  
THE CASUAL TRADING ACT, 1995**

**and  
SI No. 191 of 2004-Casual Trading Act 1995-(Section 2 (3)) Regulations 2004  
SI No. 308 of 2018-European Union (CasualTrading Act 1995) Regulations 2018**

**made by the Clare County Council Municipal District of West Clare**

**on the**

**24th day of June, 2021.**



# **MUNICIPAL DISTRICT OF WEST CLARE CASUAL TRADING BYE-LAWS 2021**

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# **1. Introduction**

Clare County Council Municipal District of West Clare in pursuance of the powers conferred on it under the Local Government Act, 2001, Local Government Act, 2001 (Bye-Laws) Regulations, 2006, Local Government Reform Act 2014 (Section 131A(1)(a) and Schedule 14 A Part 1) provides that the making of Bye-Laws in relation to the control, regulation, supervision and administration of Casual Trading, being a reserved function conferred under Section 6 of the Casual Trading Act 1995, is a reserved function that is performed, in respect of each municipal district, by the municipal district members concerned. The Municipal District, in the interests of the common good, hereby make the following bye-laws for Casual Trading:

The Casual Trading Bye-Laws relate to:

- 1.1 Annual Casual Trading Licences at designated trading areas throughout the Municipal District of West Clare.
- 1.2 Farmers' Markets
- 1.3 Events which have casual trading as part of the event which require to be licensed

## **2. Preliminary and General**

### **2.1 Citation**

These bye-laws may be cited as the Clare County Council Municipal District of West Clare Casual Trading Bye-Laws 2021

### **2.2 Commencement:**

The provisions of these bye-laws shall come into effect on the 26<sup>th</sup> day of July, 2021.

### **2.3 Revocations:**

The following bye-laws are hereby revoked:

- Clare County Council Casual Trading Act, 1995 Bye-Laws adopted on 9<sup>th</sup> of June, 2008 (as amended by Ennis District Court on 27<sup>th</sup> November 2008)
- Kilrush Town Council Casual Trading Bye-Laws adopted on 1<sup>st</sup> September 2011.

### **2.4 Definitions:**

In these bye-laws, the following definitions shall apply:-

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

"**The Council**" means the Council of the County of Clare.

"**Authorised Officer**" means any person appointed by Clare County Council Municipal District of West Clare under Section 10 of the Act to be an authorised officer.

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

"**Casual Trading Area**" means the lands designated as an area, as per these bye-laws and the schedule attached hereto, where casual trading may take place, within the administrative area of County Clare.

**“Casual Trading Space/Bay”** means the area, numbered on the Map(s) attached in the Schedule of these bye-laws that may be used by a Casual Trader/licence holder.

**“Casual Trader/Licence holder”** means any person licensed by Clare County Council Municipal District of West Clare to carry out casual trading pursuant to “the Act” and these bye-laws and shall include his/her servants or agents, if authorised in writing in accordance with these bye-laws.

**“Craft-Worker”** means any person licensed to carry out casual trading and only selling handcrafts made by that person or his/her spouse/partner or their children.

**“Home producer”** means any person or his/her spouse/partner or their children or nominated agent, agreed in writing with Clare County Council Municipal District of West Clare that is producing the products being sold, in their home or on their farm/property.

**“Dutch Auction”** has the meaning assigned to it in Section 1 (1) of the Act.

**“Fair Day”** shall mean any day on which a Fair may take place in a market town pursuant to Franchise and/or Statute which created the Fair.

**“Licence”** means licence issued under Section 4 of the Casual Trading Act, 1995 and for the time being in force.

**“Sell, Selling or Sale”** includes agreeing to offer to sell or displaying for sale or inviting an offer to buy.

**“Stall”** shall include any wheeled or moveable stall or box, barrow, cart, trailer, caravan or other vehicle or both or other stand or conveyance used for casual trading.

**“Vehicle”** means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or article.

**“Event”** shall mean any event or special occasion, to which the public are admitted, whether subject to or free of charge, taking place in the administrative area of Clare County Council Municipal District of West Clare including festivals and fairs.

**“Event Licence”** shall mean a Casual Trading Licence granted by the Clare County Council Municipal District of West Clare to carry out casual trading at an Event or Events specified in the Event Licence pursuant to Section 4(1) (a) (iii) of the Act.

**“Event Licensee”** shall mean any person who is granted an Event Licence and is licensed to carry out casual trading at an event specified in the Event Licence pursuant to the Act and these bye-laws and shall include the person’s employees, servants or agents, if authorised in writing in accordance with these bye-laws.

**“Data Protection Acts 1988-2018 & the General Data Protection Regulation (GDPR)”** are designed to protect people’s privacy. The legislation confers rights on individuals in relation to the privacy of their personal data as well as responsibilities on those persons holding and processing such data.

**“PPSN”** is your personal public service number which is a unique reference number issued by the Client Identity Services Section of the Department of Employment Affairs and Protection. The PPSN is required under the amendment to Section 4 of the Casual Trading Act 1995, The Finance Act 1996 and Section 161 of the Income Tax Act 1967.

### **3. Exemptions:**

Pursuant to Section 2 of the Act, casual trading does not include:-

- 3.1** Selling by auction (other than by Dutch auction) by the holder of a licence or permit for the time being in force under the Auctioneers and House Agents Acts, 1947 to 1973.
- 3.2** Selling to a person at the place where he resides or carries on business
- 3.3** Selling in respect of which it is shown by the seller -
- (i) That any profits there from are for use for charitable purposes or for other purposes from which no private profit is derived, and
  - (ii) That no remuneration, emolument, gain or profit will accrue to the seller or his servants or agents there from.
- 3.4** Selling, during the period 1 May to 30 September in any year, by –
- (i) The grower (within the meaning assigned to that expression by the Casual Trading Act 1995 (section 2(3)) Regulations 2004, or
  - (ii) Subject to the condition specified in relation to this subparagraph by those Regulations being satisfied, a servant or agent of the grower, of one or more of the following fruits and vegetables, namely –
    - (a) Strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants, and
    - (b) Potatoes having loose skins and which have been harvested prior to maturity.
- 3.5** The selling of newspapers, periodicals, magazines, or other printed matter or pious or religious objects at or in the immediate vicinity of a church or place of worship on days on which service or other religious ceremonies take place therein.
- 3.6** Selling of fish by the person whom, or member of the crew by which, the fish were caught.
- 3.7** Selling of ice-cream from mobile units which must remain mobile (the maximum time that the mobile unit can be stationary at any one location is 20 minutes) unless expressly prohibited under bye-laws made by Clare County Council for specific locations e.g Beach Bye-Laws.
- 3.8** Selling of periwinkles.

These exemptions do not relieve the seller of the responsibility of complying with all requirements specified in other legislation.

## **4. Designated Areas for Casual Trading**

Clare County Council Municipal District of West Clare hereby designates the areas indicated in the Schedule attached to these bye-laws and more particularly defined on the maps attached as the lands on which casual trading may be carried on (in these bye-laws referred to as “the casual trading area”).

Casual trading shall only be carried on at the locations designated for that purpose in these bye-laws or at a specified event or events at such other locations as may be approved by the Council where an event licence issued pursuant to Section 4(1)(a)(iii) of the Act.

## **5. Terms and Conditions**

### **5.1 Dates for submission of Applications**

- (a) An application for an Annual Casual Trading Licence shall be made between 1<sup>st</sup> November and 30<sup>th</sup> November **only** each year.
- (b) An application for an Event Casual Trading Licence shall be made not less than **thirty days** in advance of the first date on which trading is to take place.
- (c) An application for a Casual Trading Licence for the selling of Christmas Trees during the month of December shall be made not less than seven days in advance of which trading will commence.
- (d) A casual trading licence will normally be issued for a period not be issued for more than 12 months. However the Council may issue a licence of less than 12 months at its discretion. Consideration will be given to accepting applications for seasonal trading licences at the discretion of the Council.

### **5.2 Stalls – Type/Presentation/Orientation/Size**

- (a) The type and presentation of stall used must be approved by Council.
- (b) A photograph of the proposed stall must be submitted with each application and each stall must be approved by the Council.
- (c) The orientation and positioning that trading will be allowed, within the casual trading space/bay shall be as indicated on maps attached in the Schedule, or as determined by an Authorised Officer appointed for the purpose of regulating casual trading.
- (d) Stalls shall not obstruct entry to any premises and shall not obstruct the trading name displayed on any commercial business.
- (e) No stall shall be of such weight or be so loaded as to be capable of transmitting a bearing pressure in excess of 7kg/mm.sq. to any of its supports to the surface on which it is placed.
- (f) No stall shall exceed 2.4m in height (from ground level).

- (g) All stalls must be of the highest quality, properly maintained and presented and must be approved by the Council in advance upon receipt of application for the licence.
- (h) If stalls are covered, the material covering the stalls must be clean, not torn and tightly secured to the frame.
- (i) Wheels or tow bars shall not be exposed.

### **5.3 Operational Arrangements**

- (a) A person shall not engage in casual trading in the casual trading area unless:-
  - i. He/she holds a valid Annual Casual Trading Licence from Clare County Council Municipal District of West Clare for the date in question and the Casual Trading is carried out in accordance with the licence.
  - ii. He/she holds a valid Event Casual Trading Licence for a specified Event and the casual trading is carried out in accordance with the licence.
  - iii. A Casual Trading Licence shall only be used by the person to whom the licence was issued or by such agent of such person as agreed in writing by the Council. The holder of a Casual Trading Licence shall be restricted to trading in the space/bay, allocated for that specific licence, at any one time in the County.
- (b) Clare County Council Municipal District of West Clare reserves the right to include any condition, within reason, on a Casual Trading Licence.
- (c) A person carrying on casual trading shall display by a notice in the prescribed form the number of the casual trading licence. The notice displayed pursuant to these bye-laws shall be painted or inscribed or printed and affixed on a durable material, and shall be so displayed in a conspicuous position while casual trading as to be clearly visible and easily legible to members of the public at such place.
- (d) The Council may, in its absolute discretion, permit a space/bay, allocated under a casual trading licence to be temporarily used by any other licensed trader when not in use by the trader to whom it was allocated.
- (e) Casual Trading shall be permitted on the days and times and in the areas indicated as per Schedule attached.
- (f) No trading shall take place outside of the hours as indicated in the attached Schedule.
- (g) No trading stall or part thereof will be permitted to be erected in a Casual Trading Area prior to or after the licenced trading day(s). The trading stall may only be erected during the hours and days as per attached Schedule. The Council may revoke a Casual Trading Licence if this is not adhered to.
- (h) The allocation of a space/bay, in the Casual Trading Area shall be a matter for the Council. Individual trading spaces shall be allocated by the Council by such methods that it may, at its discretion, decide. This may include allocation by lot.
- (i) The maximum area that may be occupied in the casual trading space/bay by a person engaged in casual trading shall be the maximum area of the casual trading space/bay

the subject matter of the casual trading licence granted by Clare County Council Municipal District of West Clare.

- (j) A person shall not park a vehicle in the Casual Trading Area during trading hours unless such vehicle is for the time being in use for the purpose of Casual Trading and is wholly parked within the area of the Casual Trading space/bay the subject matter of the Casual Trading Licence.

#### **5.4 Parking.**

- (a) When Casual Trading is taking place parking shall be permitted on unoccupied Casual Trading Bays after 10.00 am.
- (b) Notwithstanding the provision of 5.4 (a), parking of vehicles in designated Casual Trading Areas is prohibited during the hours of Casual Trading on Casual Trading days.
- (c) For the purpose of the regulation of access to the Casual Trading Area and for the purpose of the regulation of the parking of vehicles in the Casual Trading Area for the purpose of the loading or unloading of goods or produce onto or from a Casual Trading Space specified in a Casual Trading Licence, a member of An Garda Síochána in uniform may do all or any of the following things by oral or manual direction:
  - i) direct, regulate and control traffic; and regulate and control the parking of vehicles.
  - ii) prohibit the passage of traffic,
  - iii) indicate the direction in which traffic is to proceed,
  - iv) prohibit the parking of vehicles and in particular prohibit the parking of vehicles in any particular place in the Casual Trading Area for the purpose of the loading or unloading of goods or produce onto or from a Casual Trading Space specified in a Casual Trading Licence,
  - v) indicate places for the parking of vehicles and in particular indicate places for the parking of vehicles in the Casual Trading Area for the purposes of the loading or unloading of goods or produce onto or from a Casual Trading Space specified in a Casual Trading Licence,
  - vi) make any other prohibitions or indications which he/she considers necessary for the purpose of the regulation of access to the Casual Trading Area and in particular for the purposes of the regulation of the parking of vehicles in the Casual Trading Area for the purposes of loading or unloading of goods or produce onto or from a Casual Trading Space specified in the Casual Trading Licence.

## 5.5 Waste Management

A person carrying on casual trading shall keep the area in which he/she is trading in a clean and tidy condition and for that purpose shall:-

- (a) cause the stall to be properly cleansed and removed immediately after the sale of goods for the day.
- (b) as often as is necessary and, when directed by the Council or its servants or agents, cause all refuse arising from his trade or business to be placed in a suitable and sufficient receptacle to be provided by him/her in close connection with such stall. Separation of waste for recycling is recommended.
- (c) as often as is necessary cause the contents of any receptacle provided for the reception of refuse to be promptly removed, without creating a nuisance or obstruction, to any other person or persons.
- (d) remove all refuse arising from his/her trade and stall at the end of each day's trading and dispose of this refuse to a licensed facility.
- (e) Failure to comply with litter management shall result in a litter fine being issued under the Litter Pollution Act 1997 as amended.
- (f) The Council shall not be held responsible for any property belonging to any person whatsoever deposited or left at any place while Casual Trading, nor for any loss, damage or injury caused by the negligence of any trader, their agents, employees or customers.

## 5.6 Equipment

- (a) All generators, used in conjunction with Casual Trading stalls, shall conform to acceptable noise levels (i.e. 55 db(A) by day and 45db (A) by night – where db(A) means decibel level.) and a manufacturer's certificate will be required to confirm specification.
- (b) The use of gas fired cooking equipment is not permitted unless written approval is given by the Council for the use of gas and the following conditions are complied with:
- (c) Vending units using gas fired cooking equipment shall be sited at least 6 metres from any other unit
- (d) Gas supplies to units should be in compliance with IS 820 "*Non Domestic Gas Installations*" and should be in areas that are ventilated and fully secure against entry by members of the public. Ready access to these areas should be available only to designated staff to enable them to shut off the gas supply in the event of fire or other emergency.
- (e) The installation of supply pipe work from gas storage cylinders/appliances should be carried out in accordance with appropriate recognised standards.
- (f) The use of electrical cooking equipment is permitted in accordance with the following conditions:

- (g) The design, erection and function of any electrical equipment shall be in compliance with current ETCI standards for Electrical Installations in Ireland
- (h) Any lining (including canopies) used with any individual vending shall have a fire performance rating in compliance with Technical Guidance Document B – Fire - Section B2. The recognised rating is to Class 0 as set out in BS 476 “*Fire tests on Building Materials and Structures*” or Class B as set out in I.S. En 13501-1 “*Fire classification of construction products and building elements*”.

## 5.7 General

- a) Where the number of applications for trading in any particular location exceeds the number of trading bays available, lots will be drawn.
- b) Where demand exceeds supply of Trading Bays only **One** Trading Bay per Casual Trader may be allocated.
- c) The Council may, by notice in writing, revoke, suspend, alter, amend or limit the terms and any conditions of an issued licence.
- d) A person engaged in casual trading shall indemnify the Council to a minimum value of €6.5 million 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 licence or his/her servants or agents in and about the carrying on of casual trading.
- e) A person applying to the Council for a Casual Trading Licence shall furnish to the Council, 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.
- f) The Council may revoke a Casual Trading Licence if it is satisfied that a condition of the 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/she was the holder of a casual trading licence or an offence under the Act.
- g) Clare County Council Municipal District of West Clare reserves the right to pause casual trading licences if a special event is scheduled e.g. Fleadh Cheoil na hÉireann, Irish Open Golf Championship, Town or Village Festival Event, Christmas Markets or other special events.
- h) No broadcasting or speech or music from a mechanical or electronic amplification system shall take place from any stall or any vehicle and no loud playing of radios or music reproduction appliances shall take place at any stall.
- i) A person shall comply with a direction given by a member of An Garda Síochána under these bye-laws.
- j) The allocation of a trading space/bay shall not confer upon the licence holder any tenancy or right to occupy or transfer said trading space/bay.

- k) A licence may not be rented or sold or transferred by the Licence Holder. Any licence holder found in breach of this condition shall have his/her licence revoked.
- l) The following types of behaviour by casual traders are deemed unacceptable by Clare County Council Municipal District of West Clare:
- i) Verbal abuse /bullying/ harassment
  - ii) Non-verbal abuse/ bullying/ harassment
  - iii) Physical abuse/ bullying/ harassment
  - iv) Coercion
  - v) Intrusion, menacing behaviour
  - vi) Intimidation of any sort
  - vii) Aggression
  - viii) Engaging in antisocial behaviour

The above violations by the holders of a Casual Trading Licence issued by Clare County Council Municipal District of West Clare will be classed as misconduct for the purposes of invoking disciplinary procedures and sanctions, therefore, persons who engage in such conduct may be subject to the following penalties:

- Suspension and/or revocation of a casual trading licence
- Immediate eviction from the Casual Trading Area
- Further penalties pursuant to Section 14 of the Casual Trading Act

- m) The Council reserves the right to make alterations to designated Casual Trading areas that may be required as a result of public realm developments in town centres and consultation will be held with licensed casual traders if such changes are proposed.
- n) Persons that breach any conditions of trading or have outstanding fees from a previous market/event will be refused a licence in the future.

## **5.8 Health & Safety**

- a) All casual traders must hold a valid public liability insurance policy specifically indemnifying Clare County Council Municipal District of West Clare to a minimum value of €6.5 million.
- b) Guidance from the Health Service Executive and/or Government in relation to public health, social distancing, COVID-19 and any other pandemic related matters shall be complied with at the time of being in force and any further regulations that may be made in that regard shall also be complied with. (<https://www.hse.ie>)
- c) Casual trading shall be confined to the trading space/bay at the designated Casual Trading Area in accordance with the licence issued and stalls are to be wholly within the trading spaces/bays in the Casual Trading Area. The licensee
- i. shall not use or cause to be used for the purpose of Casual Trading any stall, the dimensions of which shall cause to be obstructed in any way the free passage to or from the immediate approaches thereto.
  - ii. shall not obstruct or cause to be obstructed in any way the entrance to any premises in the vicinity of the casual trading.

- iii. shall not obstruct or cause to be obstructed in any way a public road, footpath or public right of way.
- iv. shall not conduct trading in a manner that causes or is likely to cause offence.
- d) All generators, used in conjunction with Casual Trading stalls, shall conform to acceptable noise levels (i.e. 55db(A) by day and 45db(A) by night – where db(A) means decibel level.) and a manufacturer’s certificate will be required to confirm specification.
- e) The use of gas fired cooking equipment is not permitted unless the following conditions are complied with:
  - (i) Vending units using gas fired cooking equipment shall be sited at least 6m from any other unit
  - (ii) Gas supplies to units should be in compliance with IS 820 “*Non Domestic Gas Installations*” and should be in areas that are ventilated and fully secure against entry by members of the public. Ready access to these areas should be available only to designated staff to enable them to shut off the gas supply in the event of fire or other emergency.
  - (iii) The installation of supply pipe work from gas storage cylinders/appliances should be carried out in accordance with appropriate recognised standards
- f) The use of electrical cooking equipment is permitted in accordance with the following condition:
  - (i) the design, erection and function of any electrical equipment shall be in compliance with current ETCI standards for Electrical Installations in Ireland
  - (ii) Any lining (including canopies) used with any individual vending shall have a fire performance rating in compliance with Technical Guidance Document B – Fire - Section B2. The recognised rating is to Class 0 as set out in BS 476 “*Fire tests on Building Materials and Structures*” or Class B as set out in I.S. En 13501-1 “*Fire classification of construction products and building elements*”.

## **5.9 Products for sale**

- (a) Only goods listed on the casual trading licence application may be sold from the stall of a casual trading licence holder.
- (b) The type of goods or products sold by the licence holder must be approved by Council:-

### **Preferred applications will include:**

- (i) Locally or regionally produced food products that are grown, produced, caught, brewed, pickled, baked, smoked or processed by the home producer, and are of good quality; or
- (ii) Locally or regionally produced arts and craft goods, manufactured by the licence holder and are of exceptional quality; or

- (iii) Other products or goods, which by their nature/ novelty/ uniqueness/ high quality, are considered to have the potential to add to the overall attractiveness and diversity of the market.
- (c) Food, prepared or unprepared shall not be displayed, stored or kept in any other manner except and in accordance with the Food Hygiene Regulations, or any further regulations that may be made in that regard and applicants for a Casual Trading Licence relating to the sale of food must produce evidence from the Health Service Executive of compliance with such regulations and:-
  - (i) shall not cause or suffer any fowl or feathered game to be plucked at or about his/her stall
  - (ii) shall not cause or suffer any fish to be trimmed, gutted or cleaned at or about his/her stall
- (d) The sale of alcohol shall be prohibited.
- (e) The sale of counterfeit goods shall be prohibited.
- (f) The sale of political merchandise shall be prohibited.
- (g) The sale of goods/ products which are deemed by the Council to be already available from local ratepayers in the immediate vicinity will generally be prohibited.

## **6. Authorised Officers:**

- a. Clare County Council Municipal District of West Clare shall appoint an Authorised Officer or Officers for the purposes of the control, regulation, supervision and administration of Casual Trading within its functional area.
- b. A Casual Trader shall comply with all lawful requests and directions by an authorised officer or a member of An Garda Síochána. Any person requested by a member of An Garda Síochána to leave the designated casual trading area shall do so peaceably and forthwith.
- c. An Authorised Officer appointed by Clare County Council Municipal District of West Clare or a member of An Garda Síochána may:-
  - i. Enter, inspect and examine any place where he/she has reasonable cause to believe that casual trading is being carried out.
  - ii. Require any person whom he/she has reasonable cause to believe to be engaging in casual trading to produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the Officer or member of An Garda Síochána to examine the licence, and if he/she fails, neglects or refuses to produce such a licence or, in a case in which it is not being displayed, to furnish to the officer his/her name and address and, if he/she is the servant or agent of another person, the name and address of the other person.
  - iii. Make such examination and enquiry as may be necessary to ascertain whether the provisions of the Act or of these bye-laws are being complied with, 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/her power to give, as to the ownership of any goods being sold in the course of such trading.
- d. 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 functions under these bye-laws.

## **7. Event Trading**

- a. Clare County Council Municipal District of West Clare reserves the right to award casual trading licences to traders for Special events, festivals and fairs. A Casual Trading Licence may be issued to a person carrying out 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 Council.
- b. Applications for event licences shall be made not less than **thirty days in advance** of the date on which the event is to take place. An application for a casual trading licence for an event that requires a Road Closure must be submitted at least six weeks prior to the start of the Event.
- c. Where a special event is being operated by an event organiser, the event organiser may apply for one casual trading licence for all traders operating at the event. The event organiser must be satisfied that each trader meets the requirements of the Casual Trading Act 1995 and Clare County Council Municipal District of West Clare Bye-Laws made there under. The event organiser shall be fully responsible for each casual trader at such an event and the public liability insurance must specifically indemnify Clare County Council Municipal District of West Clare to a minimum value of €6.5 million for each such trader.
- d. Clare County Council Municipal District of West Clare reserves the right to hold an event at any location, outside of the areas in maps in the attached Schedule of these Bye-Laws and designate casual trading areas for such an event should the occasion arise.
- e. Clare County Council Municipal District of West Clare reserves the right to limit the number licences awarded for each event.
- f. Clare County Council Municipal District of West Clare reserves the right to allow trading for certain events to take place outside of the hours specified in the attached Schedule.
- g. Clare County Council Municipal District of West Clare reserves the right to revoke a licence at any time during the licensing period for failure to comply with these bye-laws and/or licence conditions.
- h. Only goods listed on the application form and approved by Clare County Council Municipal District of West Clare shall be sold by the licensee.
- i. Trading shall be carried out in accordance with specific conditions attached to the event licence and all conditions of such licence shall be strictly adhered to by the licensee.
- j. All articles and conditions of these bye-laws shall apply to licensee's licensed for event trading.
- k. The licence fee for an event will be determined on application.

## **7.1 Horse Fairs**

Horse Fairs are traditional events in some towns and villages in County Clare.

### **Kilrush Horse Fair**

Specifically in relation to Kilrush Horse Fair, casual trading of goods shall only be carried out in the area outlined in the Schedule & map attached hereto.

### **Ennistymon Horse Fair**

Specifically in relation to Ennistymon Horse Fair, casual trading of goods shall only be carried out in the area outlined in the Schedule & map attached hereto.

## **8. Farmers' Markets:**

- a. A Farmers' Market is a physical retail market-place intended to sell foods directly by farmers to consumers. Farmers' markets may be indoors or outdoors and typically consist of booths, tables or stands where farmers sell their home-grown produce and plants, prepared foods and beverages.
- b. Farmers' Markets must have a named co-ordinator who agrees to liaise directly with Clare County Council Municipal District of West Clare on an ongoing basis. Any changes of the co-ordinator must be notified to the Council within 14 days.
- c. Where a special event is being operated by an event organiser, the event organiser may apply for one casual trading licence for all traders operating at the event. The event organiser must be satisfied that each trader meets the requirements of the Casual Trading Act 1995 and Clare County Council Municipal District of West Clare Bye-Laws made there under. The event organiser shall be fully responsible for each casual trader at such an event and the public liability insurance must specifically indemnify Clare County Council Municipal District of West Clare and cover all traders to a minimum value of €6.5 million for each such trader.
- d. The Licence Fee for Farmers' Markets will be determined on application.
- e. A person who wishes to trade at a Farmers' Market within a designated casual trading area, shall 30 days prior to the Market apply to the Council for a Casual Trading licence. In the case of an annual licence the window for application process will be the month of November each year.
- f. The Farmers' Markets shall take place on the date(s) specified on the licence.
- g. The Farmers' Markets shall take place between the times specified on the licence on the date(s) outlined.
- h. Only goods approved by the Council can be sold at each stall.
- i. Alcohol is not permitted to be sold.
- j. Counterfeit goods are not permitted to be sold.
- k. Political merchandise is not permitted to be sold.
- l. All sections of these bye-laws shall apply to licence holders for Farmers' Markets.

## **9. Licence Fees**

- a) The annual fees as set out in the attached Schedule of these Bye-Laws shall be payable to the Council in advance of the issue of a Casual Trading Licence for each Casual Trading space/bay to be allocated to a trader in a Casual Trading Area.
- b) Casual Trading Licence fees can be paid annually or biannually or by a pre-agreed arrangement with the Council.
- c) The Licence Fees, as set out in the attached Schedule, may be updated annually by the Council in accordance with the Consumer Price Index and in line with Section 6(a) of the Casual Trading Act 1995 as amended by S.I. No. 308 of 2018 Statutory Instruments European Union Regulations.
- d) The licence fee shall be non-refundable in the event of revocation of a licence or in the event of non-use of a licence. In exceptional circumstances or if an event is cancelled, fees may be refunded at the discretion of the Council.

## **10. Offences and Penalties**

- a. A person who contravenes any of the Casual Trading 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 €1,250 as specified in Section 14 of the Act.
- b. The following types of behaviour by casual traders are deemed unacceptable by Clare County Council Municipal District of West Clare:
  - i. Verbal abuse /bullying/ harassment
  - ii. Non-verbal abuse/ bullying/ harassment
  - iii. Physical abuse/ bullying/ harassment
  - iv. Coercion
  - v. Intrusion, menacing behaviour
  - vi. Intimidation of any sort
  - vii. Aggression
  - viii. Engaging in antisocial behaviour
- c. The above violations by the holders of a Casual Trading Licence issued by Clare County Council Municipal District of West Clare will be classed as misconduct for the purposes of invoking disciplinary procedures and sanctions, therefore, persons who engage in such conduct may be subject to the following penalties:
  - i. Suspension and/or revocation of a casual trading licence
  - ii. Immediate eviction from the Casual Trading Area
  - iii. Further penalties pursuant to Section 14 of the Act
- d. In accordance with the provisions of the 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.

- e. In accordance with the provisions of the Act, 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 (other than an offence under Section 5 of the Act) during the period of 3 years before the date of application for the licence.
- f. In accordance with the provisions of the Act, 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 (other than an offence under Section 5 of 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.

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**These Bye-Laws shall be known as the Clare County Council Municipal District of West Clare Casual Trading Bye-Laws, 2021 and shall come into operation on the 26<sup>th</sup> July, 2021.**

**Made and adopted under the Common Seal of Clare County Council on 24<sup>th</sup> day of June, 2021.**

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**Cathaoirleach,  
Municipal District of West Clare**

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**Director of Service  
Municipal District of West Clare**

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**AUTHENTICATED BY**

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**DATE**

## Municipal District of West Clare Casual Trading

### Schedule

**Note: 1 casual trading bay = 2 car park spaces**

MAP NO.	DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS	ANNUAL FEES	TIMES OF TRADING
1	Doolin Pier (1 trading bay)	€400 - 1 bay	Monday – Sunday 8am – 7pm
3	Fanore Beach (1 trading bay)	€400 - 1 bay	Monday – Sunday 9am -7pm
5	Kilfenora, The Square (1 trading bay)	€400 - 1 bay	Monday - Sunday 9am – 7pm
4	Kildysart, The Square (1 trading bay)	€400 - 1 bay	Tuesdays, Fridays & Saturdays only 9am – 7pm
6	Kilkee, The Square (19 trading bays)	€400 - 1 bay €800 - 2 bays	Saturdays & Sundays all year round 9am to 7pm  1 <sup>st</sup> May to 30 <sup>th</sup> September Monday – Sunday (7 days a week) 9am – 7pm
9	Milltown Malbay, Main Street (2 trading bays - annual trading)	€400 - bay	Thursdays only 9am – 7pm

### Farmers' Markets

**Farmers' Market Trading bays = 1 car park space**

7	Kilrush, The Square (Farmers' Market map) Max 16 traders	€200 - 1 bay €400 – 2 bays OR (max cost €2,000 p.a. for full Farmers' Market paid through market co-ordinator)	Thursdays only Farmers' Market 10am - 3pm
2	Ennistymon (Farmers' Market map) Max 16 traders	€200 - 1 bay €400 – 2 bays OR (max cost €2,000 p.a. for full Farmers' Market paid through market co-ordinator)	Saturdays only Farmers' Market 10am – 3pm

## Municipal District of West Clare Casual Trading

### Annual Events

#### Festivals

MAP NO	DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS	FEES To be determined on application	TIMES OF TRADING
10	Scoil Samhraidh - Willie Clancy (7 bays, 3 food & 4 arts & crafts)	To be determined on application	Scoil Samhraidh - Willie Clancy Festival only 9am – 1:30am
8	Lisdoonvarna Matchmaking (4 bays, 2 food & 2 arts & crafts)	To be determined on application	Lisdoonvarna Matchmaking Festival only 9am – 1:30am

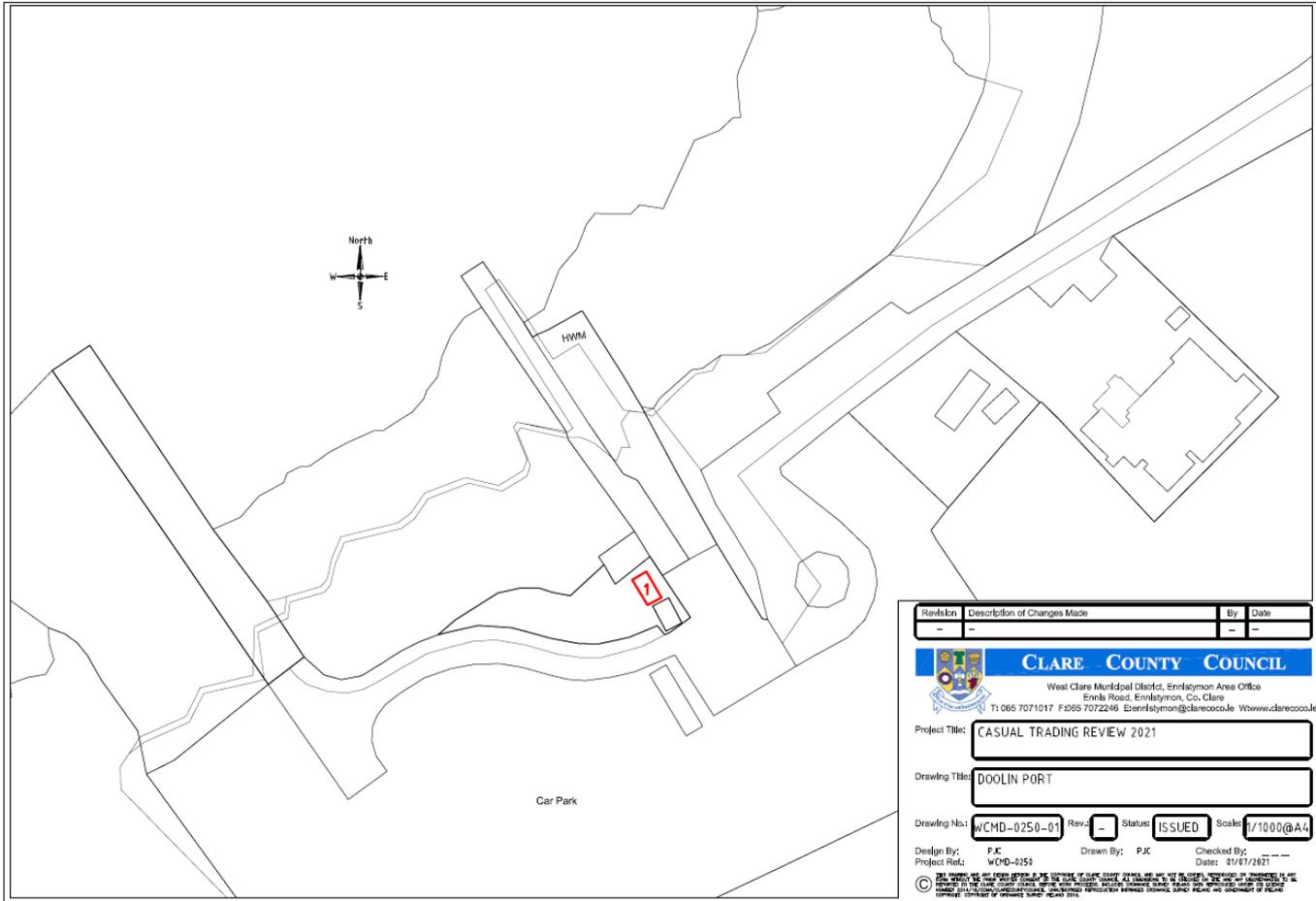
#### Christmas Trading

MAP NO	DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS	FEES	TIMES OF TRADING
7	Kilrush, (The Square)	€15 per day per bay	Month of December only 9am – 6pm Monday - Sunday (Christmas Trees only)
9	Milltown Malbay, Main Street Bay No. 3 only	€15 per day per bay	Month of December only 9am – 6pm Monday - Sunday (Christmas Trees only)

#### Horse Fairs

MAP NO	DESIGNATED AREAS AS OUTLINED IN RED ON ATTACHED MAPS	FEES	TIMES OF TRADING
2	Ennistymon	€50 per fair 2 car space €75 per fair 3 car space €100 per fair 4 car space	<b>Horse Fair Days</b> Nearest Sunday to April 6th and November 20th annually <b>Exception of Easter Sunday,</b> <b>held on alternative nearest</b> <b>Sunday.</b> <b>9am – 6pm</b>
7	Kilrush, Frances Street (33 bays)	€50 per fair 2 car space €75 per fair 3 car space €100 per fair 4 car space	<b>Horse Fair Days</b> 25 <sup>th</sup> March, 1 <sup>st</sup> Thursday in June, 10 <sup>th</sup> October & 23 <sup>rd</sup> November 9am – 6pm <b>(If the Fair Day falls on a</b> <b>Saturday or Sunday the fair is</b> <b>held on a Monday)</b>

# Map 1 Doolin Pier



Revision	Description of Changes Made	By	Date
-	-	-	-

**CLARE COUNTY COUNCIL**  
 West Clare Municipal District, Ennislymon Area Office  
 Ennis Road, Ennislymon, Co. Clare  
 T: 065 7071017 F: 065 7072246 E: ennislymon@clareccoco.ie W: www.clareccoco.ie

Project Title: CASUAL TRADING REVIEW 2021

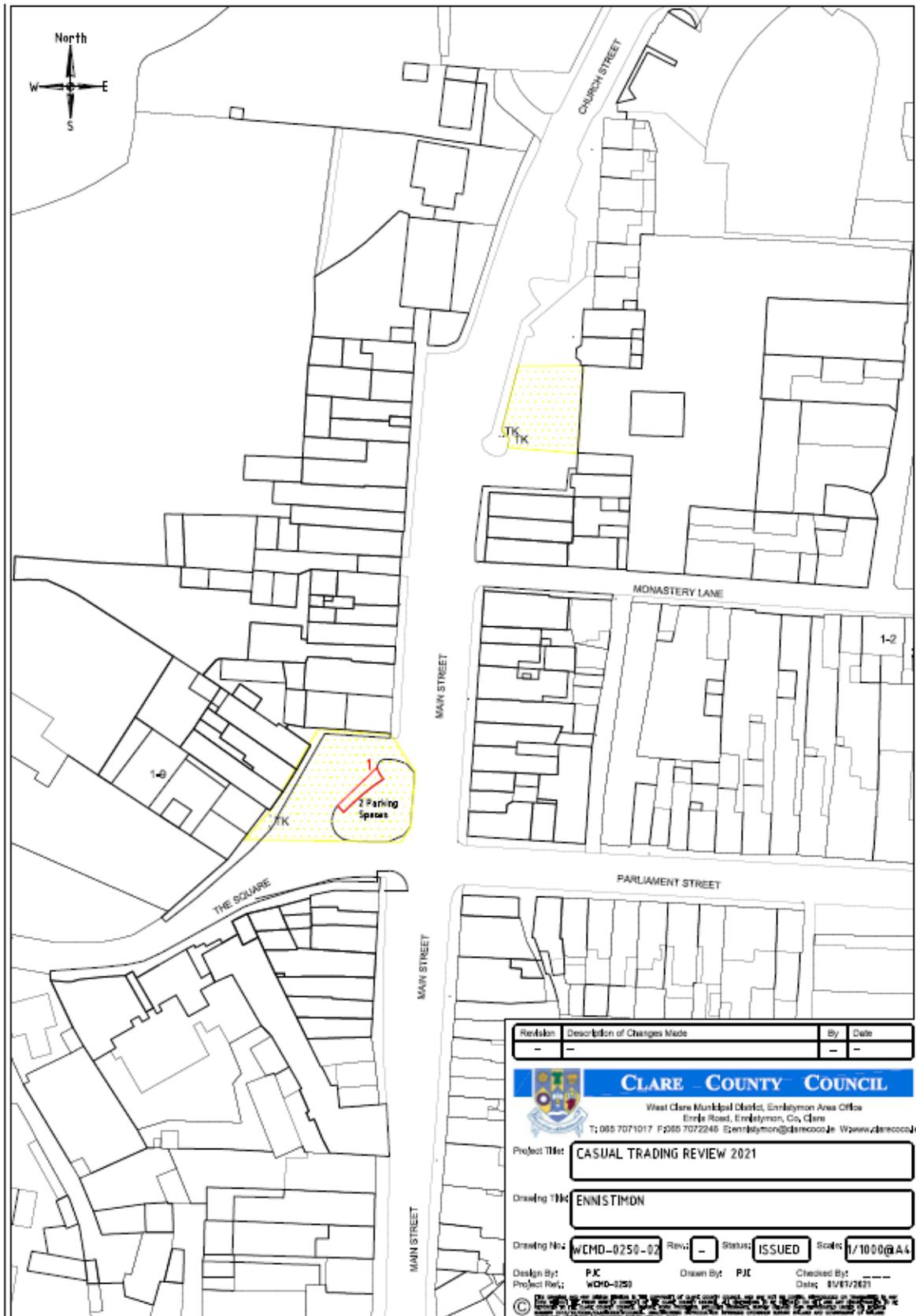
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Drawing No: WCMD-0250-01 Rev: - Status: ISSUED Scale: 1/1000@A4

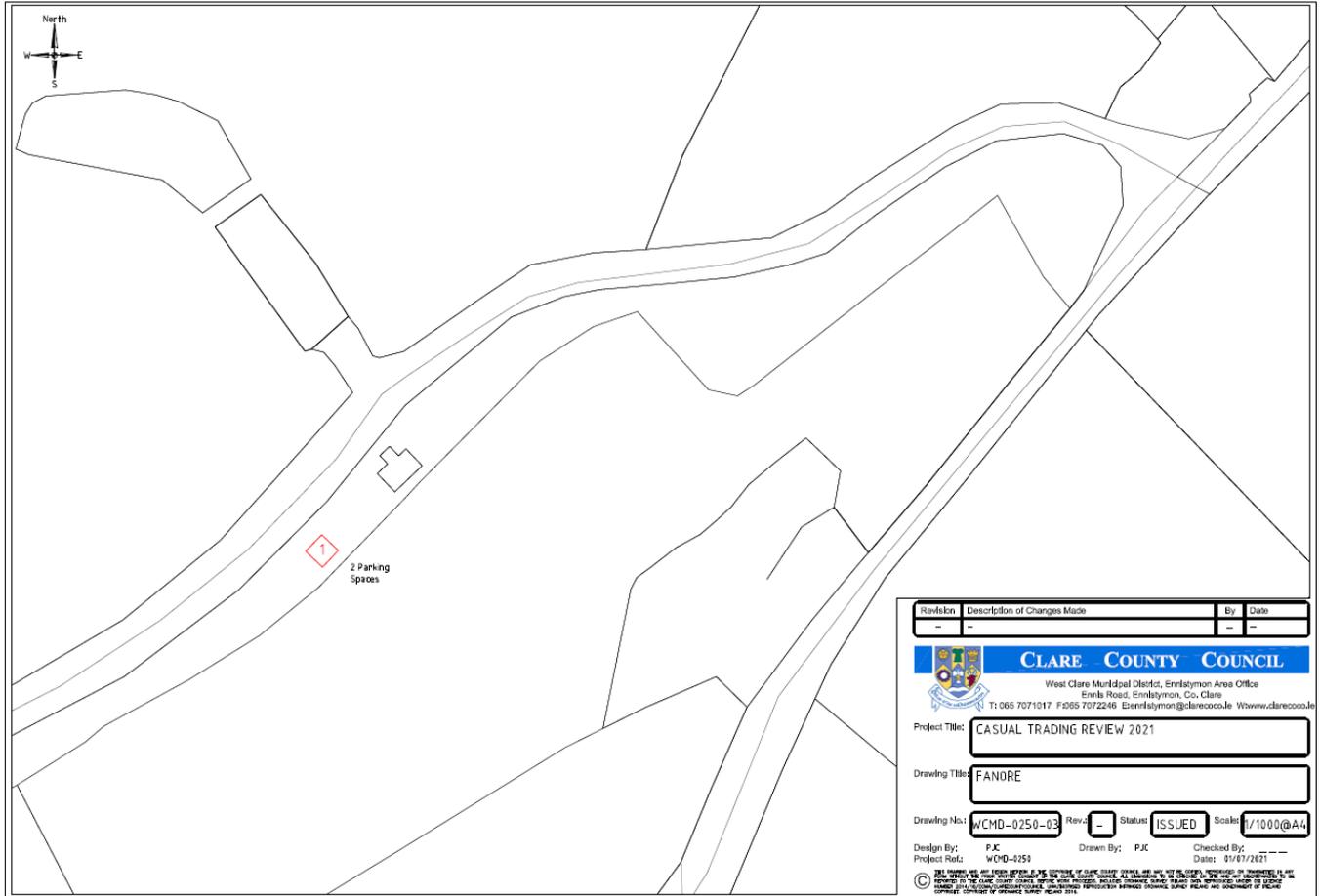
Design By: P.J.C. Drawn By: P.J.C. Checked By: - - -  
 Project Ref: WCD-3359 Date: 31/07/2021

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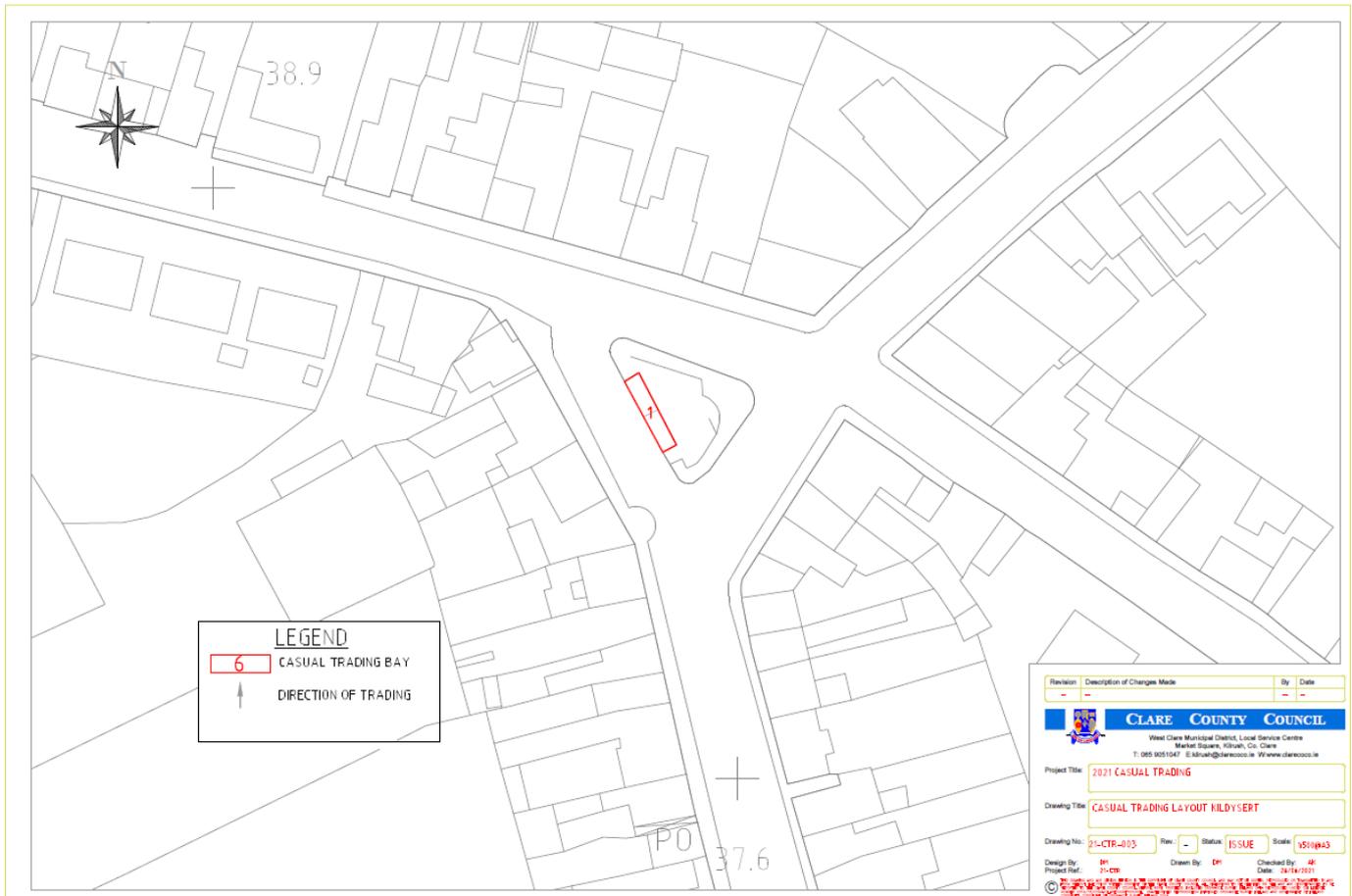
# Map 2 Ennistymon



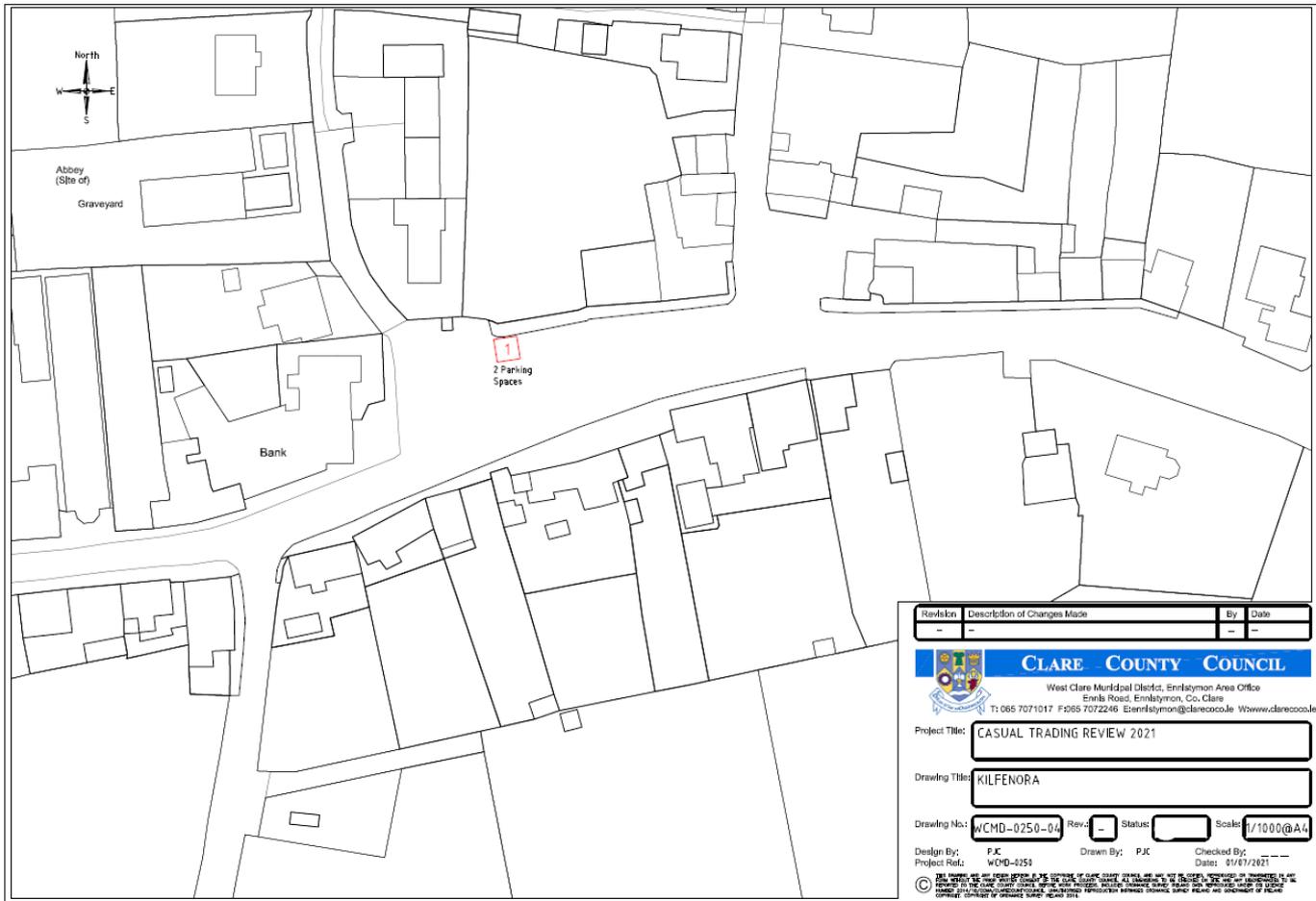
# Map 3 - Fanore Beach



# Map 4 Kildysart



# Map 5 – Kilfenora



Revision	Description of Changes Made	By	Date
-	-	-	-

**CLARE COUNTY COUNCIL**  
 West Clare Municipal District, Ennislymon Area Office  
 Ennisc Road, Ennislymon, Co. Clare  
 T: 065 7071017 F:065 7072246 Ennislymon@clarecoco.ie W:www.clarecoco.ie

Project Title: CASUAL TRADING REVIEW 2021

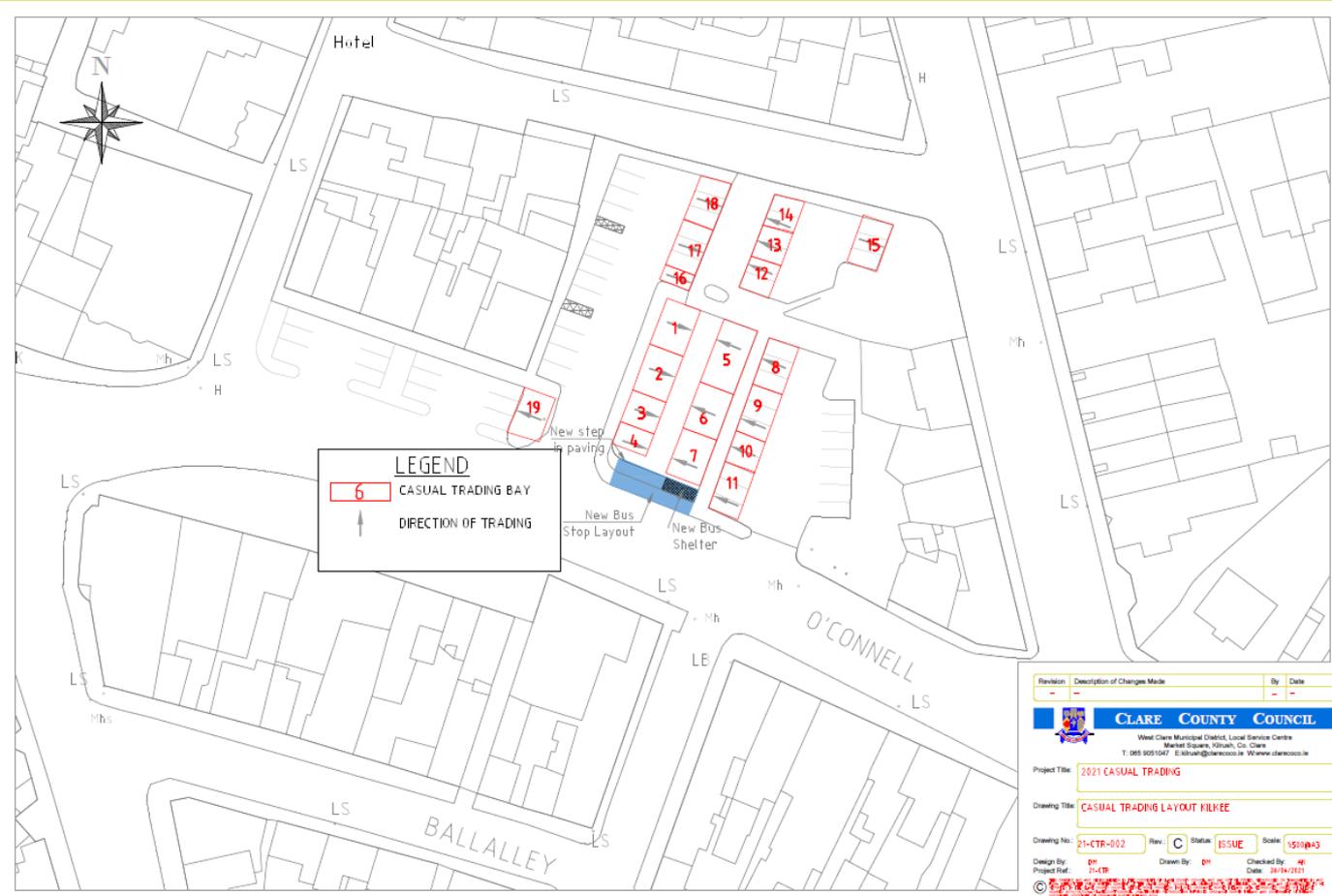
Drawing Title: KILFENORA

Drawing No: WCMD-0250-04 Rev: - Status: - Scale: 1/1000@A4

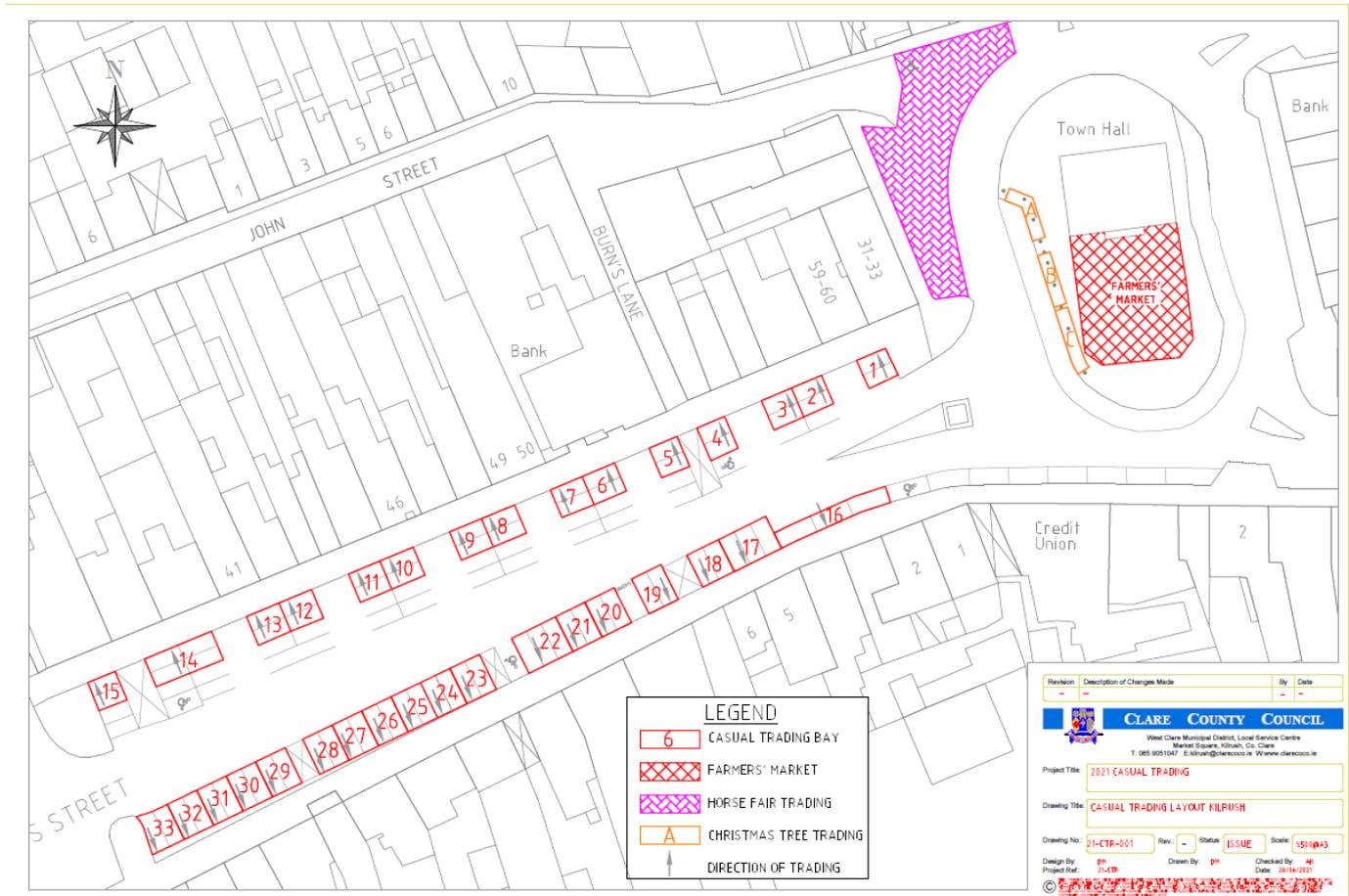
Design By: PJK Drawn By: PJK Checked By: -  
 Project Ref: WCMD-0250 Date: 01/07/2021

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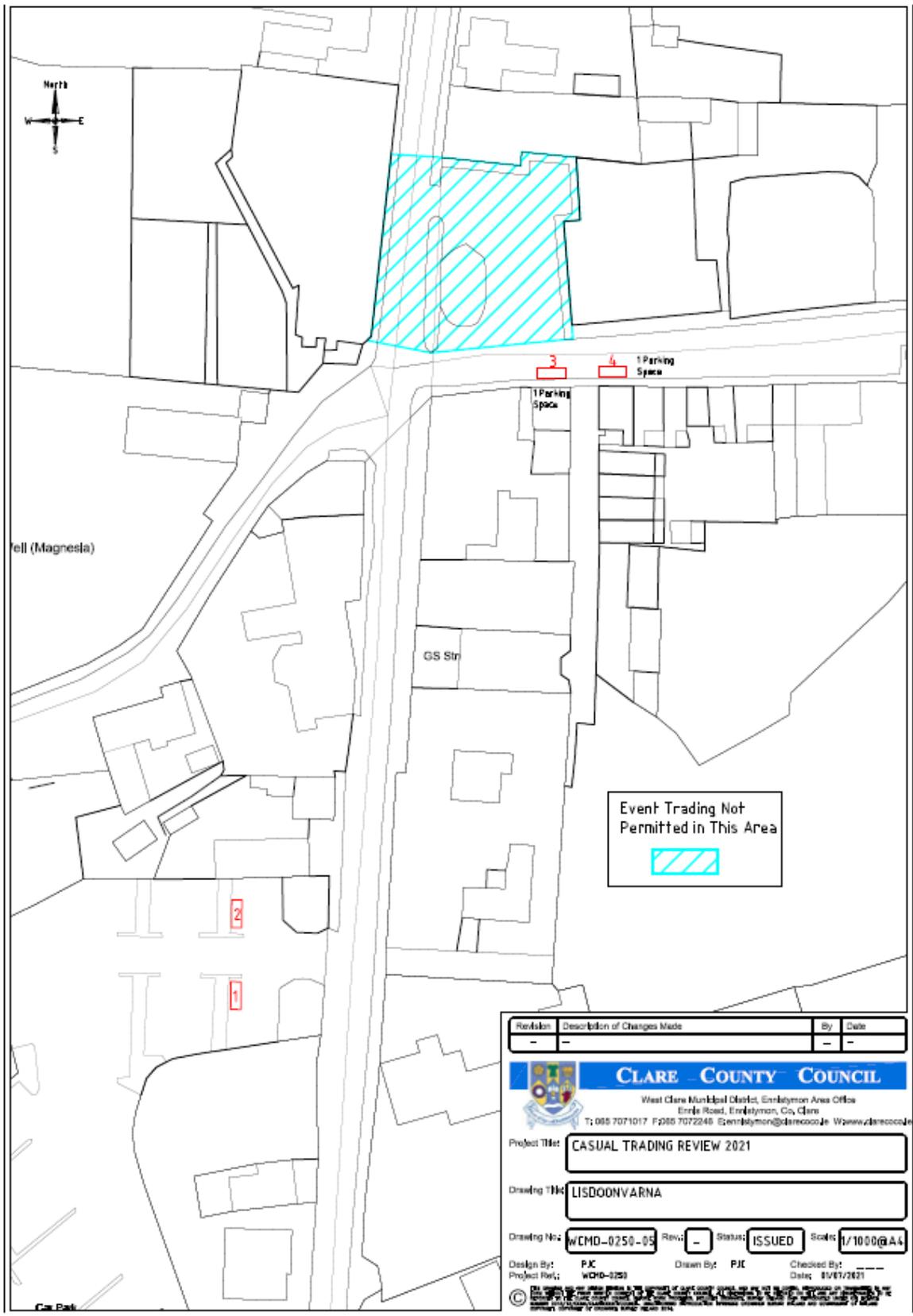
# Map 6 – Kilkee



# Map 7 – Kilrush



# Map 8 - Lisdoonvarna Match Making Festival



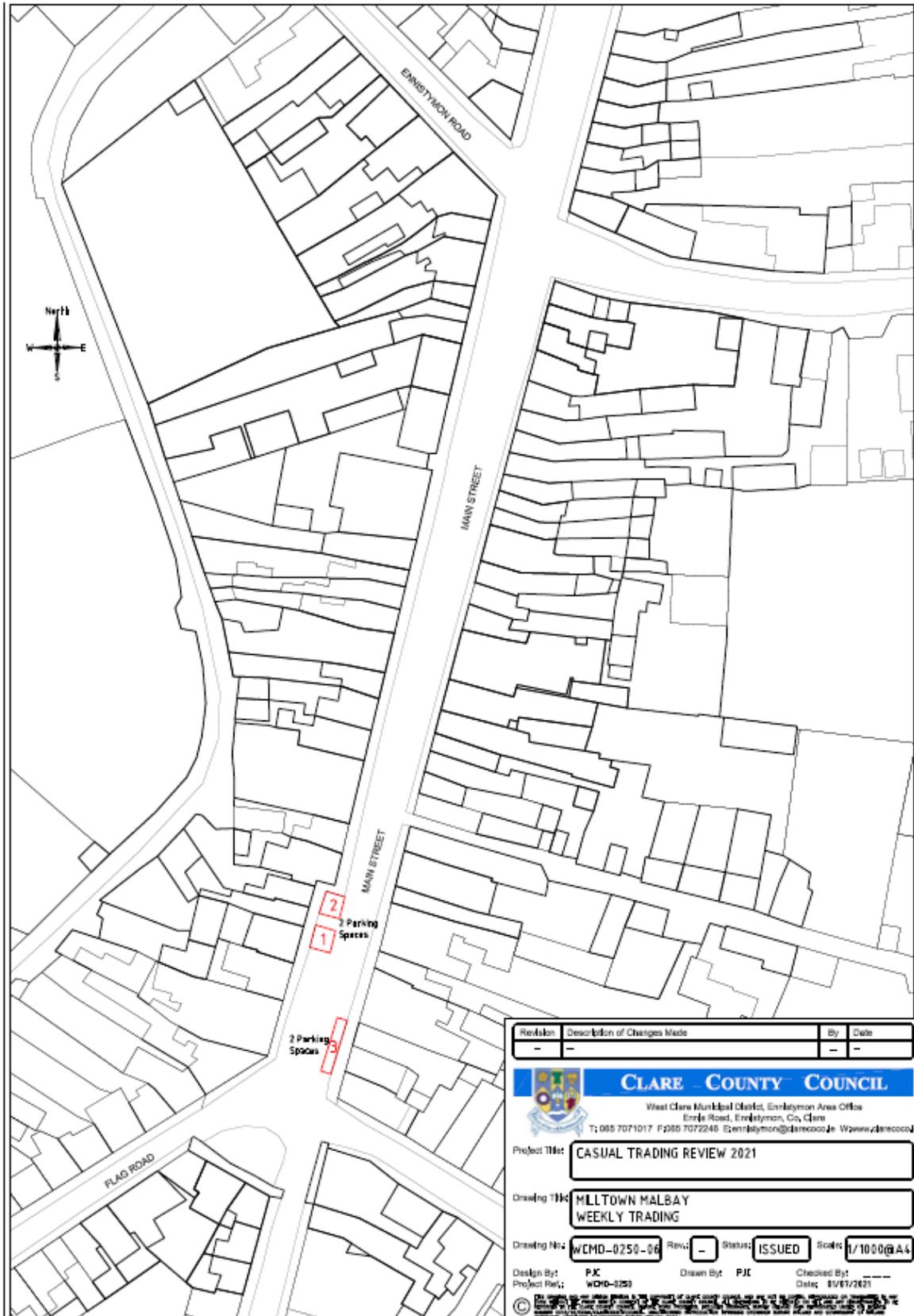
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**CLARE COUNTY COUNCIL**  
 West Clare Municipal District, Enniscorthy Area Office  
 Enniscorthy Road, Enniscorthy, Co. Clare  
 T: 055 7071017 F: 055 7072246 E: enniscorthy@clarecoco.ie W: www.clarecoco.ie

Project Title: CASUAL TRADING REVIEW 2021  
 Drawing Title: LISDOONVARNA  
 Drawing No: WCMD-0250-05 Rev: - Status: ISSUED Scale: 1/1000@A4  
 Design By: PJK Drawn By: PJK Checked By: \_\_\_\_\_  
 Project Ref: WCD-0250 Date: 31/07/2021

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# Map 9 – Milltown Malbay



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**CLARE COUNTY COUNCIL**  
 West Clare Municipal District, Embaymon Area Office  
 Embay Road, Embaymon, Co. Clare  
 T: 065 7071017 F:085 7072246 E:embaymon@clarecoco.ie W:www.clarecoco.ie

Project Title: CASUAL TRADING REVIEW 2021

Drawing Title: MILLTOWN MALBAY WEEKLY TRADING

Drawing No: WCMD-0250-06 Rev: - Status: ISSUED Scale: 1/1000@A4

Design By: PJC Drawn By: PJC Checked By: ---  
 Project Ref: WCMD-0250 Date: 01/01/2021

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# Map 10 – Willie Clancy Festival

