**Temporary Use of Specified Council Land by Individuals/Groups or Community Organisations**

Effective from: 1st January 2024 to 30 June 2024

Contact Officer: Municipal District Officer, Bandon Kinsale Municipal District

Next review date: 1st May 2024

Locations: Dromderrig Kinsale

**OBJECTIVES**

The objectives of this policy are to outline /define a level of uses/activities which:

* regulate activities in the aforementioned locations and ensure appropriate standards of conduct.
* do not diminish the good reputation of Cork County Council and the enjoyment open spaces by the community.

**POLICY STATEMENT**

All applications for the use of the specified council open spaces by private individuals, businesses or other groups will be determined in accordance with the criteria outlined in Attachment A hereunder

**SCOPE**

This policy will apply to all applications by individuals or businesses seeking permission to sell refreshments from mobile vending units in the aforementioned areas and will permit the issuing of an annual licence in accordance with criteria set out below.

**RESPONSIBILITIES**

Compliance with the provisions of this policy, and any attached guidelines/templates, is mandatory.

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| **Sponsor** | Director, Municipal District Operations & Rural Development |
| **Owner** | Cork County Council |
| **Policy Implementation** | Municipal District Officer, Bandon- Kinsale Municipal District. |

**SUPPORTING DOCUMENTATION**

Submission of the following documentation is required in advance of any assessment of eligibility for use of the specified area.

* Public Liability Insurance with Specific Indemnity to Cork County Council
* Certificate of Tax Compliant
* Provide appropriate evidence of being HSE Registered

**ATTACHMENT A – ASSESSMENT CRITERIA**

**Applications may only be approved if:**

1. The proposed use is unlikely to cause damage to space in question

2. The proposed use is unlikely to adversely affect the health and safety of any users of the area in question.

**Applications will not be approved if:**

1. An adverse impact on surrounding residential amenity is likely to result.
2. The activity has an adverse impact on the reputation of Cork County Council. (For the activity not to adversely impact on the reputation of Cork County Council, activities and any associated infrastructure are required to be presented and set out in a smart and tidy manner.)

**Provisos**

1. All costs including damages, repairs, removal, and cleaning of the approved area as a result of the activities, howsoever caused, shall be paid by the applicant unless the area is repaired and/or cleaned to the satisfaction of the Municipal District Officer.
2. Cork County Council takes no responsibility for any Personal Injury or damage to property caused by the activity and requires that the applicant should hold Public Liability Insurance for at least €6.5million containing a specific indemnity to Cork County Council. If the applicant has employees then Employers Liability of €13 million is required
3. Traders have a legal responsibility to ensure the Health, Safety and Welfare of any employees, volunteer, helpers and to the public. Consequently, a detailed risk assessment must be carried out by each trader. It is the responsibility of the trader to ensure that the risk assessment is adequate and that all hazards associated with their operations are identified; the level of risk assessed, and appropriate action taken to reduce these risks to an acceptable level. All activities must comply with recognised safety standards and you must take all reasonable precautions to ensure the activities take place safely.
4. Trading shall commence at 9:00 a.m. at the earliest and cease by 21.00p.m.
5. Traders must not trade out onto or on a public road.
6. Traders must not create a nuisance (odour/noise)
7. Atrader trading in a trading space:
8. Shall keep and leave the trading space in a clean and tidy

Condition to the satisfaction of the Municipal District Officer.

1. A trader selling consumable food or drink shall provide litter receptacles and properly dispose of litter within the vicinity of their stall.
2. Shall confine his/her stall and his/her goods, equipment, or other articles to the allotted trading bay space. The trading bays denoted on the associated map are the only locations to be utilised.
3. Shall ensure that any cables shall be covered so as not to cause a danger to the health and safety of other traders or members of the public.
4. All gas cylinders and the associated fixtures and fittings used in conjunction with casual trading stalls shall conform to storage and usage guidelines in accordance with the manufacturers’ instructions and may be subject to spot checks by a member of the Fire Service. The gas cylinders and associated fixtures and fittings shall also conform to the requirements of “Code of Practice 24, Use of LPG cylinders Part 4: 1999, Use of LPG for catering at Outdoor Functions”. Particular attention should be paid to Section 8.3 which sets out that all equipment should be provided with “all necessary instruction/training on installation, testing, operation, emergency action and decommissioning” and Section 9.3: “where the gas cylinder is sited outdoors from the appliance, consideration should be given to placing fire extinguishers adjacent to appliances and gas cylinders”.
5. A fee of €1,300 per trading bay is applicable for the period January to June 2024. It is at the discretion of the trader on the number of days they wish to trade during the week.
6. Should traders wish to enter into an agreement with other traders to share a trading bay on alternate dates it is the responsibility of both traders to enter into such arrangement and agreed specific trading days. The cumulative monetary bid will be the one considered.
7. Cork County Council will not exclude any trader based the type of food/drink product they are selling and any commonality it may have with other approved traders in the area.
8. The concession scheme is based on each trader “bidding” on a bay. Should 2 or more traders submit similar bids and are inseparable then an independent draw will be held to select the approved trader.