



DublinTown submission in relation to the review of Casual Trading bye-laws 2018

DublinTown welcomes the opportunity to make a submission in relation to the review of the Casual Trading bye-laws. DublinTown (formerly Dublin City Business Improvement District) is the city centre's Business Improvement District. Its mandate was provided by the city centre's 2,500 businesses following a plebiscite in 2007. This mandate was renewed by a further vote of businesses in 2012 and again in the summer of 2017.

Quality and provenance of goods

DublinTown would like to emphasise the importance of the provenance of goods sold from authorised casual trading pitches and the initiation of preventative controls to ensure that the public are reassured as the quality of product being sold from such authorised dealers in Dublin City centre.

At present the onus is on the brand-holder to identify counterfeit product, make test purchases, report this to the Gardaí and take a prosecution. While in cases this has been successful there is a view that the fines imposed have not deterred future sales of inferior and on occasion dangerous product. We believe that a successful prosecution for the sale of counterfeit product should serve as a prima facie reason for the refusal of future casual trading licenses in the city.

The costs are borne in these instances by the brand-holders, many of whom have to bring in expert staff from outside the jurisdiction to identify counterfeit products. It is also not always practical or feasible for brand-holders to send staff to Dublin in order pursue these infringements, however, Dublin as a retail destination suffers reputational damage. It also hinders our ability to sell Dublin as a destination for retail tourism. With the advent of on-line retail, creating a positive experience will, in our opinion, prove vital in maintaining footfall and sales within the city centre.

The process should be streamlined with the onus being placed on the stallholder to demonstrate that the goods they have for sale have been properly sourced and if they are selling branded goods it should be the requirement of the stallholder to show the provenance and authenticity of their product.

We welcome the new provision that *“Dublin City Council reserve the right to refuse to issue a licence to persons convicted for offences relating to the sale of counterfeit goods in the previous three years”*.

Moore Street market

Moore Street’s renown as a market destination dates back centuries and it is important that this unique heritage is cherished, protected and developed to meet the demands of the 21st Century Dublin customer.

While there have been some welcome improvements, including improvements to stall, and new street lighting the market area still needs to develop significantly if its offering is to attract new footfall and trade. DublinTown monitors footfall levels on Moore Street via a footfall camera located at F.X. Buckley’s butcher shop and this has witnessed a decrease in footfall of approximately 420,000 pedestrian movements between 2015 and 2017, a decline of just under 4%. In light of this there is concern among businesses and stallholders that relocating the stalls to Wolfe Tone Square, even for a temporary basis, could have long term negative impacts on the viability of a street as a market destination.

There are a number of issues here to consider. At present Wolfe Tone Square is to undergo significant improvements works as approved by the recent part VIII planning permission (ref 4144/16). Longer term it is intended to continue paving and wider improvement works for the lower end of Mary Street. These works would not be conducive to staging a regular street market. Also the plans for the improvement of Wolfe Tone Square provides for a welcome return of trees and greenery to the area which are bringing back features of the former park but are not necessarily those of a thriving street market.

As noted above the annual footfall per annum on Moore Street is just above 10 million pedestrians. The nearest footfall camera to Wolfe Tone Square is located on Mullen Sports at the corner of Mary Street and Capel Street, the footfall recorded here in 2017 was just under 3.3 million. The challenges this would pose for the continued viability of the operation of market stalls is clear.

Concern has also been expressed about the introduction under section **Moore Street: 11543/2** of “mobile food trailers”. There is no description here of the design or size of the trailers. In customer research for the Dublin One project, Dubliners identified Moore Street as a location where they would like to see good quality cafes and restaurants. The placing of mobile and potentially lesser quality units on the streets, would in all likelihood deter this investment, which DublinTown sees as being of utmost importance in the regeneration of the Dublin One district.

It is also possible that hot food trailers could obstruct the views and sight lines of existing brick and mortar businesses while providing unfair competition due to the reduced overheads of operating out of a mobile unit.

We are pleased to see the addition of Sunday trading and later trading hours (until 8pm) being proposed under the new bye-laws.

Henry Street Christmas trading

It is clear from the feedback we have received while running the Dublin at Christmas website (<https://dublinatchristmas.ie/>) and related social media accounts (this is a jointly funded initiative of DublinTown and Dublin City Council) that there is a public appetite for a professionally-managed, attractive Christmas market. However, research conducted by Red C on behalf of DublinTown noted that the public were less than enthusiastic about the current Henry Street Market. In this wide ranging research the public, and in particular, younger Dubliners were very critical of the market, its appearance and the poor quality of product on offer. Many noted that quality window displays on Henry St. were obscured by the market stalls and this irritated them. It was noted that waste materials from the stalls reduced the Henry Street experience while the lost space on the street restricted movement at a busy time of the year.

The researchers in analysing this feedback produced the following evaluations of the Henry Street trading stalls:

Strong interest in short term seasonal offers, but expectations are higher than before with comparative experiences abroad they are unwilling to tolerate poor quality or poor value.

We understand that purchases from the Henry Street market have been poor and are reducing reflecting the antipathy of the public to it.

In light of the negative feedback from the public we would object to the change in the timing of the market stalls and would welcome a review of the market and its ambition.

Coles Lane

The bye-laws mention Coles Lane only in relation to the updated trading hours. It is noted generally in the bye-laws that;

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.

This is not the case in Coles Lane as stalls are not removed at the end of the trading day and in some cases empty stalls remain on the street for prolonged periods of time completely unused. These empty stalls create unfortunate opportunities for antisocial behaviour and have on regular occasions been used as seating areas or tables for people who are drinking alcohol on the street.

We would ask that the updated bye-laws address these issues. Coles Lane is an important access point for the Ilac Centre, Dunnes Stores and Debenhams yet the street trading here is not well managed and empty stalls add nothing to the appearance or safety of the street. Either the stalls should be made a feature that have attractive or useful purposes outside of trading hours or some arrangement should be made for their storage off the street when not in use.



Empty Coles Lane stalls

Enforcement

We welcome the recent recruitment of additional enforcement personnel and the widening of their enforcement remit to deal with not only casual trading but also street performance and issues around signage and sandwich boards. We believe that the Council's relevant enforcement staff should be further empowered to enforce all applicable bye-laws including waste management, parking enforcement as well as casual trading.

We believe that the Dublin experience could be considerably enhanced by the creation of a multi-functional enforcement regime that would police all matters under the control of Dublin City Council and which are subject of its bye laws. This would include casual trading being maintained within pre-determined spaces and the monitoring of illegal casual trading.

We would also envisage this enforcement ensuring that sale by hand at times such as St. Patrick's Day is also adhered to. Other key issues highlighted by member businesses

included keeping casual trading pitches (especially in the Grafton Street area) from extending beyond their pitch boundaries and blocking adjacent streets.

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