

**Minutes of Meeting of the Moore St Advisory Group
Department of Culture, Heritage & the Gaeltacht
15 Jan 2019 @ 11a.m., 23 Kildare St. Dublin 2**

In attendance were:

Tom Collins (Chairman), Ernie Beggs, James Connolly Heron, Patrick Cooney, John Conway, John Daly, Tom Holbrook, John Lyons, Muriel McAuley, Margaret Hanway, Mícheál MacDonncha, Éamon Ó Cuív TD, Aengus O'Snodaigh, Maureen O'Sullivan TD, Garry McDonagh – Secretariat

Apologies:

Joan Burton, John Connolly, Christina McLoughlin, Sean Haughey TD, Sean Paul Mahon, Cara O'Neill, Nial Ring, John Stephenson

1. Minutes of the meeting 13 November 2018

The draft minutes of the meeting of 13 November 2018 were approved.

2. Matters Arising

The Chair was asked to contact the Minister or Ceann Comhairle and request that Peadar Toibin remain as a member.

Mr Connolly Heron asked that 3 motions adopted by the 1916 Relatives Association be recorded in the minutes:

1. The 1916 Relatives Association supports the work of the MSAG in its objective of delivering Phase Two of the 'Securing History' process, namely the achievement of a new, generally agreed Planning Application for the area in line with the recommendations of the Moore St report
2. The RA welcomes the publication in 2017 of the Moore St report 'Securing History' and supports its conclusions and recommendations for the future development of the area.
3. The RA welcomes the decision of the Dept of Culture Heritage & the Gaeltacht to undertake a comprehensive and definitive survey of the Moor St battlefield site, taking into account all previous surveys and reports on the area.

3. Discussion with Dept of Business officials re traders licences

The Chair welcomed officials from Department of Business, Enterprise and Innovation, Paul Brennan and Aedin Doyle, who spoke about the implementation of SI 308/2018 at local authority level. They confirmed that the measure entered into force on 1 January 2019 and that it amends the Casual Trading Act 1995 to conform with the terms of the Service Directive 2006 in 3 specific areas:

- Selection procedures used by local authorities in issuing licences;
- Charges and fees, and
- The duration of casual trading licences.

They pointed out that S.I. 533 of 2010 which transposed the EU Directive on services into Irish law in 2010 should have been applied by local authorities in relation to casual trading licences since that time. DBEI officials confirmed that the purpose of SI 308/2018 was only to align the Casual Trading Act 1995 with the Services Directive in the 3 areas referred to above.

DBEI officials confirmed that they had met with officials from Dublin City Council recently and clarified with them that the terms of SI 308/2018 would have to be fully reflected in the new casual trading bye laws which DCC propose to bring forward in due course. DBEI officials elaborated that this would differ from the custom and practices operated by DCC officials up until recently where existing licences had been routinely renewed without first undertaking a clear and transparent competitive process.

Mr Brennan informed members of the group that regulation 17(4) of S.I. No 533 of 2010 allows a competent authority (CA) to take a number of matters into consideration when a CA is establishing rules for a selection procedure. He further indicated that the provisions in regulation 17(4) would need to be taken into account by DCC when they are drafting the new byelaws on casual trading licensing in due course. Similarly, all local authorities who have to deal with the issue of a limited supply of permits to issue would have to apply the terms of regulation 17 to the situation in their functional areas of responsibility.

With regard to inputting to the work on the 2017 Report on the regeneration of the Moore St area, and particularly markets, DBEI officials confirmed that their Department was not approached about the work or requested to provide comments on the report's recommendations in relation to casual trading licensing before the document was published. DBEI has policy responsibility for casual trading and occasional trading licensing in this State.

Many of the members expressed frustration and disappointment that no city officials had shown up at the meeting. It was agreed that DCC officials should be asked to meet with the Group to discuss licencing issues.

DBEI, as part of its on-going consumer policy agenda, is reviewing the provisions of both the Casual Trading Act 1995 and the Occasional Trading Act 1979. As part of the review process, the Department is seeking submissions from interested parties and have suggested that the MSAG put forward a submission on behalf of the Moore St Traders.

The Chair undertook to draft a page on traders issues for the Department (DBEI).

4. Appoint new Chair to the Survey sub-group

Deputy Aengus O'Snodaigh was appointed as new Chair to the survey sub-group.

5. Reports from Working Groups

Maureen O'Sullivan reported as Chair of the Traders sub-group. She expressed her disappointment that DBEI weren't involved in the formulation of the Report. The issue of licences came up at the last meeting and DCC officials expressed confidence that any issues can be resolved. The next meeting will be on Monday (21 Jan) when the DIT students will attend and discuss designs for street stall. Also, DCC have agreed to survey license holders to try ascertain who wants to continue or cease. They will produce a draft report.

Cllr Lyons stated that he was aware of 31 new applications for stalls licences and is waiting for information from council officials. Cllr MacDonncha said that Brendan Kenny had informed him that there would be no new licences issued until a new development has been decided.

Patrick Cooney reported on the work of the Sub Group responsible for setting up a survey. James Kelly, Kevin Rudden and Ned Kelly (formally of NMI) have all made presentations to the group. He reported that a suitable specialist team to complete a survey of the battlefield site was available but it would be a decision for the group as to who would complete such a survey. Ned Kelly expressed an interest in making a presentation to the Group. He further stated that the views of the specialists regarding the Hammerson plan would be conveyed to the MSAG.

The issue of membership of the sub groups was raised. It was agreed that if a member of a sub group wanted to invite non-members it should be done through the Chair of that particular Group

6. AOB

The Chair stated that Mr Terry Dooley from Maynooth College was looking at the provenance of the buildings 10/25 and he hoped that he would make a presentation at the next meeting.

7. Next meeting

The next meeting will be on the 5th of February

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