



**Tipperary-Cahir-Cashel  
Municipal District  
Casual Trading Bye-Laws 2021**

**TIPPERARY-CAHIR-CASHEL MUNICIPAL DISTRICT**

**CASUAL TRADING BYE-LAWS 2021**

**ADOPTED UNDER**

**The Casual Trading Act, 1995**

**and**

**The European Union (Casual Trading Act 1995) Regulations 2018**

## **BYE-LAWS IN RELATION TO CONTROL, REGULATION, SUPERVISION AND ADMINISTRATION OF CASUAL TRADING**

TIPPERARY COUNTY COUNCIL'S MUNICIPAL DISTRICT AREA OF TIPPERARY-CAHIR-CASHEL (hereinafter referred to as "The Municipal District") in pursuance of the powers conferred on it by Section 6 of the Casual Trading Act, 1995 HEREBY MAKES the following Bye-Laws for the Control and Designation of Casual Trading in the administrative area of Tipperary-Cahir-Cashel Municipal District.

1. These Bye-Laws may be cited as the Tipperary-Cahir-Cashel Municipal District Casual Trading Bye-Laws 2021.
2. These Bye-Laws shall come into operation on 24 May 2021 on which date the Tipperary South Riding County Council Casual Trading Act 1995 Bye-Laws (as they relate to the Tipperary-Cahir-Cashel Municipal District area) and the Cashel Town Council Casual Trading Act 1995 Bye-Laws (2010) and the Tipperary Town Council Casual Trading Act 1995, Bye-Laws (2010) shall stand revoked.

### **DEFINITIONS**

3. In these Bye-Laws save where the context otherwise applies: -

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

"Allotted Pitch" means the trading bay or pitch allotted in a Casual Trading Licence to an individual trader.

"Authorised Officer" means any person appointed by Tipperary County Council under Section 10 of the Act to be an Authorised Officer.

"Casual Trader" means any person or his Nominated agent, authorised to carry out Casual Trading pursuant to The Casual Trading Act, 1995 and these Bye-Laws.

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

"Casual Trading Area" means the land standing designated in these Bye-Laws made under Section 6 of The Act as an area where Casual Trading may be carried on.

"Casual Trading Licence" means a licence granted by Tipperary-Cahir-Cashel Municipal District pursuant to Section 4 of the Act.

"Casual Trading Pitch" means each area designated and specified in a licence issued by Tipperary-Cahir-Cashel Municipal District for the purpose of trading at an event.

"Event" shall include festivals and street entertainment

"Goods" shall include all provisions or marketable commodities/services.

“Mobile Fast Food Casual Trader” shall include all vehicles fitted with a cooking area and a service hatch selling take-away food.

“The Municipal District” means Tipperary-Cahir-Cashel Municipal District.

“Pitch Vehicle” means and includes a mechanically propelled vehicle from which a trader may sell or store their produce.

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

“Stall” shall, in addition to its ordinary meaning, include any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or booth 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 articles.

## **EXEMPTIONS**

4. Pursuant to Section 2(2) of the Act, casual trading does not include
- a) the sale of cabbage plants only for the period from 1<sup>st</sup> February to 1<sup>st</sup> July
  - b) the selling of 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
  - c) Selling to a person at the place where he resides or carries on business
  - d) Selling during the period 1<sup>st</sup> May to 30<sup>th</sup> 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 paragraph 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
      - b) Potatoes having loose skins and which have been harvested prior to maturity
  - e) Pursuant to Section 2 (4) of the Casual Trading Act, 1995 a Local Authority may as respects its functional area, by Bye-Laws under Section 6 add to the classes of selling specified in sub-section (2) and that sub-section shall, in relation to that functional area be construed and have effect in accordance with any such Bye-Laws for the time being enforced.
- For the purposes of the Tipperary-Cahir-Cashel Municipal District Casual Trading Bye-Laws casual trading does not include:
- i. Selling Christmas trees during the period 1<sup>st</sup> November to 31<sup>st</sup> December in any year, provided such activities do not pose a road safety issue.

### **ALTERNATIVE TRADING PLACES:**

5. An existing licence for a trading place may be suspended by Executive Order to facilitate public realm developments, construction/development/maintenance of a roadway, footpath or other infrastructure or adjoining sites or for other operational reasons. As appropriate, alternative trading places may be assigned by the Municipal District to existing licence holders following consultation, subject to availability for the duration of the works.

6. **Public Realm Developments:**

The Municipal District reserves the right to make alterations to designated Casual Trading areas that may be required as a result of new public realm developments in town centres and villages, in consultation with existing casual traders.

### **DESIGNATION OF LAND AS CASUAL TRADING AREA**

7. Casual Trading shall only be carried out in the locations designated for that purpose in First Schedule to these Bye-Laws or at a specific event or events at such other locations as may be approved by Tipperary-Cahir-Cashel Municipal District in a licence as detailed in the Fifth Schedule to these Bye-Laws and issued pursuant to Section 4 (1) (a) (iii) of the Act.

### **TIMES OF TRADING**

8. A licence for Casual Trading will be valid only for the specific days as stated in the Licence issued by the Tipperary-Cahir-Cashel Municipal District.

9. A licence for Casual Trading will be valid only for the specific times as stated in the Licence issued by the Tipperary-Cahir-Cashel Municipal District.

10. Casual Trading shall only take place at the times and days specified in the licence.

11. Casual Trading in the case of mobile fast food, Casual Traders shall not trade outside of the hours of trading as follows:

October to March - 10.30 a.m. to 1 a.m.

April to September - 10.30 a.m. to 1.30 a.m.

The specific hours of trading for each location shall be specified in the licence.

### **LICENSING REQUIREMENTS**

12. A person shall not engage in Casual Trading unless he/she is or is a servant or agent acting for such 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. A person engaged in Casual Trading in the Casual Trading Area:

- a) shall only engage in Casual Trading at the Casual Trading Pitch specified in the Casual Trading Licence granted by the Municipal District.
- b) Shall only trade in the goods as specified in the Casual Trading licence and the determination of the specified goods to be sold and the combination and diversity of goods to be sold in a Casual Trading Area will be made by the Chief Executive or his nominee at the time of the granting of the individual licenses.
- c) Shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the Casual Trading Pitch specified in the Casual Trading Licence.
- d) Shall not obstruct or cause to be obstructed free passage through the Casual Trading Area or any of the immediate approaches thereto.
- e) Shall not obstruct or cause to be obstructed the entrance to the premises in the vicinity of the Casual Trading Area.
- f) Shall not obstruct or impede or assist a person to obstruct the Municipal District or its servants or agents in the carrying out of any works of maintenance or improvement in any part of the Casual Trading Area even when such work is carried out during trading hours.
- g) Shall not sell counterfeit or illegal goods, products or substances and if convicted in court the licence shall be revoked.

13. A person carrying on Casual Trading at the Casual Trading Pitch specified in the Casual Trading Licence shall display by a notice in the prescribed form the number of the Casual Trading Licence.

- (a) The notice displayed pursuant to this Bye-Law shall be painted or inscribed or printed and affixed on a durable material, and
- (b) shall be so displayed in a conspicuous position at the place where the casual trading is carried on as to be clearly visible and easily legible to members of the public at such place.
- (c) Form No. 1 set out in the Third Schedule to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law for Casual Trading not being Casual Trading at an event or events.
- (d) Form No. 2 set out in the Fourth Schedule to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law for Casual Trading at an event.

14. 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 Municipal District.

## **FOOD HYGIENE REGULATIONS**

15. Food, prepared or unprepared, shall not be made available for sale, displayed, stored or kept in any other manner except in accordance with the Food Hygiene Regulations for the time being in force or any further regulations that may be made in that regard.
16. Guidance from the Health Services Executive (<https://www.hse.ie/eng/>) in regard to safety, social distancing and other Covid-19 related matters to be complied with at the time being in force and any other regulations that may be made in the interest of public health heretofore.

## **PARKING RESTRICTIONS WITHIN CASUAL TRADING AREA**

17. (a) A person shall not park a vehicle in the Casual Trading Area during allocated trading hours.
- (b) A licensed trader shall not park a vehicle in the Casual Trading Area during trading hours unless such vehicle is being used for Casual Trading and is wholly parked within the area of the Casual Trading Pitch specified in the Casual Trading Licence.
- (c) A Licensed Trader shall remove such vehicle from the Casual Trading Pitch specified in the Casual Trading Licence and from the Casual Trading Area on each day upon which Casual Trading is permitted by the Casual Trading Licence not later than thirty minutes after the expiration of trading hours.
- (d) A Licensed Trader shall not park a vehicle earlier for a period exceeding thirty minutes from the commencement of parking in the Casual Trading area for the purposes of unloading goods or produce onto the casual trading Pitch specified in the Casual Trading Licence.

## **PITCH OPERATION AND MAINTENANCE INCLUDING HEALTH AND SAFETY**

18. The type of stall used by a person engaged in Casual Trading must be approved by the Municipal District and the dimensions of same shall not exceed the defined area of the allotted pitch.
19. Stalls used must be of safe, anchored and robust construction (Max 2.5M) in height from ground level) and suitably equipped for the particular service which it proposes to provide. Materials covering stalls must be clean, safe and tightly secured to the frame. The stall shall be maintained in a safe condition at all times and barriers shall be erected around all potential hazards. The casual trader can only display goods within the boundary of his/her stall, therefore goods shall not obstruct free passage through the market place.

The trader must provide a statement from a competent person that the structure is safe.

The Municipal District shall not be responsible for any loss, damage or injury caused by the negligence of any casual trader, his/her agents, employees or customers.

20. Trading shall be confined to the Allotted Pitch at the designated Casual Trading Area and no goods shall over hang a stall or be deposited on the ground except in the allotted pitch and no stall shall exceed 2.5 metres in height without prior agreement of the Municipal District.
21. If a trader's stall operates in the form of a roadworthy truck or van, the 2.5metre height restriction does not apply. The vehicle cannot exceed the allocated pitch area.
22. The Municipal District reserves the right to change and alter the internal layout of the Casual Trading Pitches within the Casual Trading Areas at any time.
23. A person carrying on Casual Trading in the Casual Trading Area shall ensure that the Casual Trading Pitch, specified in the Casual Trading Licence remains unaltered and undamaged as a consequence of their Casual Trading.
24. No broadcasting or speech from a mechanical 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.
25. A person engaged in Casual Trading shall not sell and/or demonstrate any power tools and motorized implements to include saws, angle grinders, air compressors, welders, strimmers, generators and transformers.
26. All generators, used in conjunction with Casual Trading Stalls, shall conform to acceptable noise levels (i.e. 65db (A) – where db (A) means decibel level) and a manufacturer's certificate may be required to confirm specification. Any electrical lighting or power provision supplied by the Council and used by the trader shall not be adapted or overloaded and equipment used by the trader shall meet all current electrical regulations and standards.
27. A person carrying on Casual Trading in the Casual Trading Area shall, keep the Casual Trading Pitch, specified in the Casual Trading Licence in a clean and tidy condition and for that purpose shall;
  - (a) cause the stall to be properly cleansed immediately before and after the sale of goods for the day,
  - (b) cause the Casual Trading Area and a radius of at least 50 metres to be kept free of litter arising from the Casual Trading business as approved by licence,
  - (c) A suitable receptacle for refuse, agreed with the Municipal District, must be provided by the licence holder and must be kept at all times of trading within the trading place. Casual Traders shall comply with any requirements of the Waste Management Acts and any Regulations or Bye-Laws made therefrom.



- (d)** A suitable receptacle for waste oil, agreed with the Municipal District, must be provided by a Fast Food Trader, licence holder and must be kept at all times of trading within the trading place. Fast Food Traders shall comply with any requirements of the Waste Management Acts and any Regulations or Bye-laws made therefrom regarding the disposal of waste oil.
- (e)** Litter must not be allowed to accumulate in the vicinity of the trading place during casual trading hours and at the end of trading the trading place must be cleaned up and all refuse removed and shown to be properly disposed of by the licence holder. Each trader shall also clean their trading pitch as often as is necessary or when directed by Tipperary-Cahir-Cashel Municipal District, its employees or agent, during the day on which the stall is in use for the sale of goods.
- (f)** Every person conveying goods to or from the Casual Trading area shall, as often as necessary and without creating a nuisance or obstruction remove or cause to be removed from every avenue or passage in the market place and from the footway or roadway of the immediate approaches thereto all refuse arising from the loading or unloading or the conveyance of the goods by them upon or through the avenue passage footway or roadway.
- (g)** No person shall obstruct or hinder any other person in the proper use of the trading area or any article provided by the Municipal District for use therein.
- (h)** Traders must comply with the Litter Pollution Act in relation to the erection of signs in the vicinity of the trading site.

28. A Casual Trader in charge of a stall shall not cause or suffer

- 1) any fish to be trimmed, gutted or cleaned at or about his stall.
- 2) any fowl or feathered game to be plucked at or about his stall or
- 3) any untrimmed vegetables or vegetables with clay, soil or dirt adhering to the roots thereof to be conveyed upon or exposed for sale at any stall

29. No licence holder or any other person shall interfere with or obstruct any officer, servant or agent of the Municipal District engaged in carrying out of any works of maintenance on any part of the Casual Trading Area even where such work is carried out during trading hours.

30. The Municipal District shall not be held responsible for any property belonging to any person whatsoever deposited or left in any part of the Casual Trading Area, nor for any loss, damage or injury caused by the negligence of any trader, their agents, employees or customers.

31. The Municipal District reserves the right to remove stalls found on the designated Casual Trading Area after trading hours and/or goods or other articles left outside the Allotted Pitch at any time.

These items will be stored by the council and will only be returned to the licence holder on the payment of the Council's cost in relation to the administration, removal and storage of these items.

### **AUTHORISED OFFICER**

32. The Municipal District may appoint an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area.
33. A Casual Trader shall comply with the lawful requests and directions by an Authorised Officer or by a member of the Garda Síochána.
34. An Authorised Officer appointed by the Municipal District or a member of the Garda Síochána may: -
  - (a) enter, inspect and examine any place where he/she has reasonable cause to believe that Casual Trading is being engaged.
  - (b) require any person whom he/she has reasonable cause to believe to be engaging in Casual Trading: -
    - (i) 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
    - (ii) 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 or a member of an Garda Síochána his name and address and, if he/she is the servant of another person, the name and address of the other person.
  - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of the Act or of these Bye-Laws are being complied with,
  - (d) 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.
35. A person shall not fail, refuse or neglect to comply with a requirement of an Authorised Officer or Member of the Garda Síochána under these Bye-Laws
36. A person shall not obstruct or interfere with or give false information to the Authorised Officer or member of the Garda Síochána in the performance of functions under these Bye-Laws.

37. A person shall be deemed not to have failed or refused to comply with a requirement of an Authorised Officer under these Bye-Laws to produce a Casual Trading Licence if he gives to the Officer his name and address and if he is the servant or agent of another person, the name and address of that other person.

## **INSURANCES**

38. A person carrying on Casual Trading in the Casual Trading Area shall indemnify Tipperary County Council against all action, claims or demands whatsoever by any person claiming damages for personal injuries, loss or damage caused by any act, neglect or default of such Casual Trader, his servants, or employees in and about the carrying on of such Casual Trading in the Casual Trading Area and every such Casual Trader shall be required by the Municipal District to have in force at all times an appropriate Public Liability Insurance with an Insurance Company to be approved by the Municipal District insuring against the aforesaid risks in a minimum sum of €6,500,000 for any one incident. The interest of Tipperary County Council is to be noted on the face of such policy of insurance and if at any time the said policy is allowed to lapse or is rendered void the Municipal District shall be at liberty to revoke the Casual Trading Licence of such person forthwith.

## **APPLICATION PROCESS**

39. A person applying to the Municipal District for a Casual Trading Licence shall furnish to the Municipal District, the information requested in the form prescribed, together with such further information as the Municipal District 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 Municipal District may refuse to grant the person the licence.

40. Applications for Casual Trading Licenses shall be made in the appropriate form addressed to: Tipperary-Cahir-Cashel Municipal District, Civic Offices, Rosanna Road, Tipperary Town or email [customerservice@tipperarycoco.ie](mailto:customerservice@tipperarycoco.ie) .

- (a) An individual application shall be made for each licence.
- (b) A Tax Clearance Certificate from the Revenue Commissioners must be lodged with each completed application form.
- (c) The Municipal District reserves the right to grant or refuse a Casual Trading Licence.
- (d) Individual trading Pitches shall be allocated by the Municipal District by such methods that it may, at its discretion decide.
  - (i) The allocation process shall not exclude allocation by lot when deemed necessary.

- (e) The allocation of a licence will be based on applicants meeting specific criteria and subject to a transparent decision process which is not arbitrary. However, the allocation process shall not exclude allocation by lot when deemed necessary due to over-subscription of qualifying applicants.
- (f) A Casual Trader who fails to trade, on one or more days, for eight consecutive weeks is liable to have his/her licence revoked. The Municipal District may, at its discretion, serve notice on the licence holder that his/her licence has been revoked for the remainder of the licence period, and arrange to reallocate the pitch in question. The holder will be given the opportunity to explain their absence prior to any decision regarding revocation of the licence.
- (g) Trading Pitches shall not be exchanged or sublet.
- (h) The Municipal District or its servants or agents may from day to day, permit any trading pitch which has already been allocated to be temporarily used by any other Casual Trader when not in actual use by the Casual Trader to whom it was allocated or where it has not been occupied by 10.00 a.m.

41. The allocation of a trading pitch by a licence shall not confer upon the trader any tenancy or right to occupy or transfer the said pitch.

42. The Municipal District 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 any 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.

43. The Municipal District where possible reserves the right to prohibit Casual Trading on any trading day, or part thereof, in the event that exceptional circumstances arise which necessitate such prohibition. The Municipal District where possible will notify any affected licence holders in advance of any such prohibition taking effect.

44. Casual Trading Licenses are issued annually and valid for a period of 12 months from 1<sup>st</sup> January to 31<sup>th</sup> December. Applicants must reapply for a licence on an annual basis no later than 1<sup>st</sup> November each year.

However, Tipperary-Cahir-Cashel Municipal District may issue Licenses for periods less than twelve (12) months at its discretion, and this can include festivals, events or seasonal trading. Fees will be applied on a pro rata basis.

## **SERVICE OF NOTICES**

45. Where a notice in relation to any provision of these Bye-Laws is required to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in one of the following ways: -

- (a) where it is addressed to him or her by name, by delivering it to him or her;
- (b) by leaving it at the address or sending it by post by registered letter at which he or she ordinarily resides or, to the address most recently received by the Municipal District from the Casual Trader for correspondence purposes or, in a case in which an address for services has been furnished, at that address;
- (c) where the address at which he or she ordinarily resides cannot be ascertained by reasonable inquiry and the notice or copy is so required or authorised to be given or served in respect of any Allotted Pitch by delivering it to some person over the ages of 16 years employed, or otherwise engaged in connection with the carrying out of the Casual Trading to which the notice related, on the allotted pitch or by affixing it in a conspicuous place on or near the allotted pitch

For the purposes of this section, a company registered under the Companies Acts, 1963 to 2006, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every incorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

## **LICENCE FEES AND REFUNDS**

46. The appropriate annual fee as set out in the Second Schedule of these Bye-Laws shall be payable to the Municipal District in advance of the issue of a Casual Trading Licence for each Casual Trading Pitch to be allocated to a trader in a Casual Trading Area.

47. A fee as set out in the Second Schedule of these Bye-Laws shall be payable to the Municipal District in advance with an application for the grant of a Casual Trading Licence in respect of Casual Trading at an event or events specified in a Casual Trading Licence to be issued pursuant to Section 4(l) (a) (iii) of the Act.

48. The fees and charges set out in these Bye-Laws shall be reviewed five years after the Bye-Laws come into operation and thereafter any increase in fees cannot exceed the cost of administration of the Bye-Laws.

These fees shall be non-refundable in the event of revocation of a licence.

49. A licence holder may surrender his/her licence to the Tipperary-Cahir-Cashel Municipal District at any time prior to the expiry of the licence period. A person who surrenders a licence may obtain a refund of that portion of the licence fee equivalent to the unexpired term of licence, subject to a maximum refund of 50% of the total fee. Where a licence

has been surrendered, Tipperary-Cahir-Cashel Municipal District may issue a new licence for the unexpired term of the surrendered licence.

50. A licence holder may obtain a refund of a portion of their licence fee subject to a maximum refund of 50% of the total fee when non-trading conditions, arising from exceptional circumstances and/or in the interest of public health are declared nationally.

51. A licence fee will be refunded where it is shown that any profits from casual trading in one of the designated pitches, are used for charitable purposes. In such circumstances a licence is to be applied and paid for. Refunds will be issued on submission of the charitable status certificate identifying the seller and Garda permit where appropriate.

## **PENALTIES**

52. A person who contravenes any of the Bye-Laws shall be guilty of any offence under Section (12) of Section 6 of the Act and shall be liable to such penalties as specified in Section 14 of the Act. 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 €1,270. Licences can be revoked for failure to stay within a casual trading pitch and/or failure to remove litter.

## **EVENT TRADING**

53. Tipperary-Cahir-Cashel Municipal District reserves the right to award trading licenses to traders for special events, festivals and fairs.

54. Applications for event licenses shall be made not less than 15 working days in advance of the date on which the trading is to take place.

55. In exceptional cases whereby the event is announced within the 15 working day requirement, applications can be submitted for consideration provided evidence of the announcement date is provided.

56. Tipperary-Cahir-Cashel Municipal District reserves the right to limit the number of licenses awarded for each event.

57. Tipperary-Cahir-Cashel Municipal District reserves the right to allow trading to take place outside the hours specified in Sections 8 – 13 inclusive, for certain events.

58. Only goods approved by Tipperary-Cahir-Cashel Municipal District shall be sold by the licensee at these events.

59. 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.

60. All articles of these bye-laws shall apply to licensee's licence for event trading.

**GENERAL**

61. These Bye-Laws may be amended by resolution of Tipperary-Cahir-Cashel Municipal District following a public consultation phase of at least one month incorporating public advertisement and submission of representations.

62. Car Park Bye-Laws are hereby partially revoked insofar as they apply to any of the car parks or parts thereof referred to in schedules to the said car parks with effect from the date on which these (Casual Trading Bye-Laws) come into effect.

At a meeting of Tipperary-Cahir-Cashel Municipal District held on Monday 24<sup>th</sup> May 2021.

**It was proposed by: Cllr. Michael Fitzgerald**

**Seconded by: Cllr. Máirín McGrath**

**And Resolved:**

**That the Tipperary-Cahir-Cashel Municipal District (Casual Trading Act 1995) Bye-Laws 2021 be and are hereby adopted.**

Signed:   
**Cathaoirleach**

Signed:   
**District Administrator**

## FIRST SCHEDULE

### CASUAL TRADING LOCATIONS

#### Casual Trading Locations & Pitches in Tipperary Cahir Cashel Municipal District

No.	Locations	Trading Areas / Pitches	Trading Areas / Pitches	Amenity Areas Pitches	Trading Areas / Larger Bays & Pitches
1	Tipperary	Market Yard - Canopy area & 4 pitches in Car Park	Abbey Street Car Park - 2 pitches		Market Yard - New Canopy Area - Farmers Market Area
2	Cahir	Granary Car Park - 1 pitch	Car Park outside entrance to Cahir Park - 2 pitches		Castle Car Park - Farmers Market area at the rear wall (Saturday only)
3	Cashel	Friar Street Car Park - 3 pitches			Main Street at Rear of Town Hall & Cashel Plaza - Farmers Market Area
4	Ardfinnan	The Green Car Park - opposite community centre - 1 pitch			
5	Ballyporeen	Lower Main Street - near Sensory Garden - 1 pitch			
6	Bansha	Car Park beside O'Heaney's Pub - 1 pitch			
7	Clogheen	Area near playground and public toilets - 1 pitch			
8	Clonoulty	Area near Clonoulty Community Centre - 1 pitch			
9	Dundrum	Car Park in front of Golden Vale site - 1 pitch			
10	Goatenbridge	Area outside GAA Grounds - 1 pitch			
11	Golden	Area Outside GAA Grounds - 1 pitch			
12	Newcastle	Church Car Park, opposite the bottle banks - 1 pitch			
13	The Vee			Car Park overlooking Bay Lough - 1 pitch	
14	Aherlow			Christ the King Car Park - 1 pitch	

**See attached maps and drawings for further details of casual trading locations.**



## SECOND SCHEDULE

### FEES

The fees for a Casual Trading Licence shall be as follows:

(1) In locations designated as Casual Trading Areas and described in the first Schedule to these bye-laws a fee per annum shall be payable for each Casual Trading Pitch allocated as follows:-

<p>Tipperary-Cahir-Cashel Municipal District Area (see list and maps in First Schedule).</p>	<p>€650 annual fee for each pitch equivalent to no more than 35 m<sup>2</sup> (approx. equivalent to three car parking spaces) and inclusive of space for pitch vehicle. This fee allows a licence holder to trade one day per week in a designated casual trading location as defined in the licence issued.</p>	<p>Where trading takes place on more than one day per week, the Licence Fee shall be €325 for each additional trading day but maximum fee per pitch of €2,000.</p>
<p>* Casual Trading Areas Serving public amenity areas including: The Glen of Aherlow Car Park and the Vee Car Park overlooking Bay Lough (see list and maps in First Schedule).</p>	<p>€650 annual fee for each pitch equivalent to no more than 35 m<sup>2</sup> (approx. equivalent to three car parking spaces) and inclusive of space for pitch vehicle. These pitches are solely for the purposes of servicing public amenity areas with refreshments. No mobile fast food casual trading permitted. Licence holders will be required to use environmentally friendly packaging and products.</p>	<p>€325 per additional day per week but maximum fee per pitch of €2,000.</p>
<p>Farmers Market Areas / Larger Bays including Cahir Farmers Market Area &amp; Cashel Farmers Market &amp; Tipperary Market Yard (see list and maps in schedule)</p>	<p>€950 annual fee for each Farmers Market Area / Larger Bays and inclusive of space for pitch vehicle.</p>	<p>This fee allows all members of the Farmers Market Group included in the licence application to trade one day per week in a designated casual trading location as defined in the licence issued.</p>

(2) Events Licence - €35 per day (or part thereof)

(3) The annual fees are fixed for a period of five years from date of adoption and subject to review by the Members.

**THIRD SCHEDULE**

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**FORM NO. 1**

**Form of Notice required to be displayed at a  
Casual Trading Pitch in the Casual Trading Area**

**TIPPERARY-CAHIR-CASHEL MUNICIPAL DISTRICT**

**THE CASUAL TRADING ACT, 1995**

**Casual Trading Bye Laws 2021**

**Traders Name:** \_\_\_\_\_

Tipperary-Cahir-Cashel Municipal District has granted a Casual Trading Licence under Section 4 of the Casual Trading Act, 1995 authorising Casual Trading at this Casual Trading Pitch.

The Number of the Casual Trading Licence is \_\_\_\_\_  
(insert the Number of the Licence)

This licence is for trading at \_\_\_\_\_ only.

The Casual Trading Licence expires on **31<sup>st</sup> December** \_\_\_\_\_.  
[Complete date by inserting the year upon which the Casual Trading Licence expires]

**Signed:** \_\_\_\_\_  
**Tipperary-Cahir-Cashel Municipal District**

**Date:** \_\_\_\_\_

## FOURTH SCHEDULE

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### FORM NO. 2

Form of Notice required to be displayed at an event or events specified in a 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 on which the event takes place.

### Tipperary-Cahir-Cashel Municipal District

### THE CASUAL TRADING ACT 1995

### CASUAL TRADING AT AN EVENT OR EVENTS

Tipperary-Cahir-Cashel Municipal District has granted a Casual Trading Licence under Section 4 of the Casual Trading Act, 1995 authorising Casual Trading at the event/events as set out below:

**Event(s):**

\_\_\_\_\_  
(set out the event(s) and the location of such event(s))

**Date of Event(s):**

\_\_\_\_\_  
(set out the date(s) upon which Casual Trading is authorised under the Casual Trading Licence)

**Trading Location:**

\_\_\_\_\_  
(set out area where Casual Trading is authorised under the Casual Trading Licence)

The Number of Casual Trading Licence is \_\_\_\_\_ (insert the number of the Licence)

**Signed:**

\_\_\_\_\_ **Tipperary-Cahir-Cashel Municipal District**

**Date:** \_\_\_\_\_

**FIFTH SCHEDULE**

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**FORM NO. 3**

**TIPPERARY-CAHIR-CASHEL MUNICIPAL DISTRICT**

**CASUAL TRADING ACT, 1995**

**Casual Trading Bye Laws 2021**

**CASUAL TRADING LICENSE NO.** \_\_\_\_\_

Tipperary-Cahir-Cashel Municipal District hereby grants to:

\_\_\_\_\_

a licence to engage in Casual Trading for the purpose of selling the following goods:

\_\_\_\_\_

in Trading Pitch Number \_\_\_\_\_ in the Casual Trading Area in \_\_\_\_\_

(ref: Map \_\_\_\_\_) on \_\_\_\_\_ subject to full

compliance with the Tipperary-Cahir-Cashel Municipal District Casual Trading Bye-Laws 2021 and the following Special Conditions

\_\_\_\_\_

\_\_\_\_\_

This licence comes into force on the \_\_\_\_\_

And unless otherwise withdrawn will expire on the \_\_\_\_\_

**Signed:** \_\_\_\_\_  
[ Authorised Officer]

**Date:** \_\_\_\_\_

**FIFTH SCHEDULE**

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**FORM NO. 4**

**Tipperary-Cahir-Cashel Municipal District**

**CASUAL TRADING ACT, 1995**

**SPECIFIED EVENT(S)**

**CASUAL TRADING LICENSE NO.** \_\_\_\_\_

Tipperary-Cahir-Cashel Municipal District hereby grants to:

\_\_\_\_\_

a licence to engage in Casual Trading for the purpose of selling the following goods:

\_\_\_\_\_

at \_\_\_\_\_

**Specified Event(s)**

on \_\_\_\_\_

**Specified Date(s)**

at \_\_\_\_\_

**Location**

Subject to full compliance with the Tipperary-Cahir-Cashel Municipal District Trading Bye-Laws 2021 and the following special conditions:

\_\_\_\_\_

\_\_\_\_\_

**Signed:** \_\_\_\_\_

**[Authorised Officer]**

**Date:** \_\_\_\_\_

**SIXTH SCHEDULE**

**Application Form for a Designated Area Casual Trading Licence**  
**CASUAL TRADING ACT 1995**  
**European Union (Casual Trading Act 1995) Regulations 2018**

PLEASE READ CONDITIONS (ATTACHED) BEFORE COMPLETING THIS FORM.  
PLEASE COMPLETE IN BLOCK CAPITALS

<p><b><u>Applicants Details:</u></b></p> <p>Name of Applicant: _____</p> <p>Full Postal Address: _____ _____</p> <p>Mobile No.: _____</p> <p>Email: _____</p>	<p>PPS No/ Tax Reference No. (CRO): _____</p> <hr/> <p>Public Liability Insurance: <b>Name of Insurance Company:</b> _____</p> <hr/> <p><b>Insurance Renewal Date:</b> _____</p> <hr/>
<p><b>Trading Details:</b></p> <p><b>Location of Trading:</b> _____ <b>Pitch No.</b> _____</p> <p><b>Goods to be sold:</b> _____</p> <hr/> <p><b>Commencement Date of Trading:</b> _____</p> <p><b>If you were the holder of a previous Casual Trading Licence please quote the following:</b></p> <p>Licence Number: _____      Expiry Date: _____</p>	

**I declare:-**

1. That I have not been convicted of two or more offences under the Casual Trading Act 1995, within three years prior to the date on which I intend to commence casual trading.
2. That the foregoing particulars are correct.
3. That I have read and agree to abide by the conditions of the Licence

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

I enclose a cheque/bank draft/postal order/money order made payable to TIPPERARY COUNTY COUNCIL for the fee fixed under Bye-Laws by the Local Authority under Section 6 of the Casual Trading Act, 1995.

NOTE: The acceptance of an application by the Council's TIPPERARY-CAHIR-CASHEL MUNICIPAL DISTRICT does not guarantee the granting of a licence.

## **CONDITIONS OF CASUAL TRADING LICENCE**

1. Only the Licence Holder may engage in Casual Trading at the location specified in the licence.
2. Trading shall be confined to the allocated location for the specified times and days and no goods or articles shall overhang a stall or be deposited on the street except inside the allocated pitch.
3. The licence holder must prominently display the number of the licence at his/her trading place in such a way as to be clearly visible and easily legible to members of the public.
4. If requested the Licence Holder shall produce his/her licence on demand to any person.
5. The Licence Holder must trade within one metre of the stall.
6. The Licence Holder shall 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 Tipperary-Cahir-Cashel Municipal District as soon as is practically possible and within at least within 2 months of ceasing trading. A medical certificate is required for a prolonged period of absence.
7. Tipperary-Cahir-Cashel Municipal District 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 Tipperary-Cahir-Cashel Municipal District.
8. Only two people may operate the stall at any one time.
9. No goods other than those specified in the licence may be sold.
10. The Licence Holder shall not sell counterfeit goods and must be able to produce a paper trail identifying the provenance of goods clearly identifying where stock came from.
11. The Licence Holder will clearly identify all goods that are sold as "seconds" at the point of sale.
12. Traders in foodstuffs must comply with the requirements of the HSE Environmental Health Officer in relation to the statutory control of food.
13. **Disposal of Waste**
  - a. The removal of waste generated at each trading location is the responsibility of the trader.
  - b. The Licence Holder shall provide a suitable container/receptacle for refuse and waste oil (if applicable) which must be kept at times of trading within the allotted pitch.
  - c. The Licence Holder shall not allow litter to accumulate in the vicinity of the allocated pitch during trading hours.

- d. At the end of trading each day, the Licence Holder shall clean the allocated pitch, arrange for the removal and proper disposal of waste or waste oil generated.
- e. 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 or
  - 2) Arrange to dispose of the waste in an alternative proper manner.
- f. Traders must comply with their responsibilities under the Waste Management legislation and Tipperary-Cahir-Cashel Municipal District's Bye Laws. Failure to do so may result in prosecution.

#### 14. **Stalls**

- a. A Licence Holder shall at his/her own expense provide a stall/unit, the specifications of which must be agreed with Tipperary-Cahir-Cashel Municipal District.
  - b. Stalls must be maintained to a good standard of appearance and repair.
  - c. Stall and other articles must be removed from the street after the hours of trading specified on the licence, unless otherwise agreed with Tipperary-Cahir-Cashel Municipal District.
  - d. Tipperary-Cahir-Cashel Municipal District reserves the right to remove any stall or like receptacle found in a trading place outside of trading hours and/or goods or articles left outside the allocated pitch at any time.
  - e. Tipperary-Cahir-Cashel Municipal District reserves the right to re-allocate any pitch which has been left unoccupied by a Licence Holder for a period of two months without reasonable explanation to Tipperary-Cahir-Cashel Municipal District.
15. The Licence Holder shall not obstruct any business, premises, footpath, public road or public right of way.
16. The Licence Holder shall not conduct trading in a manner that causes or is likely to cause offence.
17. Tipperary-Cahir-Cashel Municipal District reserves the right to suspend trading in order to facilitate works to a roadway, footpath, other infrastructure, on adjoining sites or for other operational reasons and where possible to relocate existing traders in or adjacent to the works site into other available designated trading pitches within the Council's administrative area. This will be done following consultation with traders.
18. The Licence Holder must have Public Liability Insurance in place at all times, indemnifying Tipperary County Council to the value of €6.5m in the case of any one accident.
19. The Licence Holder must have a current valid tax clearance certificate in place at all times.



20. The Licence Holder must give two months notice if surrendering a pitch.
21. While occupying a trading place a Licence Holder must obey all lawful requests of an Authorised Officer or a member of the Garda Síochána.
22. The licence may be revoked at any time if any condition of the licence has been or is being contravened.
23. A person who contravenes any of the conditions of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,270.

### **Casual Trading and Event Trading –GDPR**

#### **Reasons for requesting your personal information**

- Your information is required in order to process your application for a Casual Trading/Event Trading licence.
- Your information is collected to process requests for a Casual Trading/Event Licence. The legal basis is provided for under the Casual Trading Act 1995.
- **If your application is successful it may be necessary to share your information with the statutory bodies i.e. Revenue Commissioners and the Minister for Social Welfare.**
- If the Casual Trading/Event Licence is granted, the information supplied by you will be kept securely for a period of up to seven years.
- If you do not provide the personal data required under the Casual Trading Act 1995 and the Casual Trading Bye-Laws 2013, Tipperary-Cahir-Cashel Municipal District will not be in a position to process your application.

**For more information on the above please contact Tipperary-Cahir-Cashel Municipal District at Civic Offices, Rosanna Road, Tipperary Town or email [customerservice@tipperarycoco.ie](mailto:customerservice@tipperarycoco.ie) .**

**If you would like more information on section 4 (11) of the Casual Trading Act, or would like to read it please click**

<http://www.irishstatutebook.ie/eli/1995/act/19/section/4/enacted/en/html#sec4>

**If you would like more information on Casual Trading, Act, 1995 (inserted by section 141 of the Finance Act, 1996) please click**

<http://www.irishstatutebook.ie/eli/1996/act/9/section/141/enacted/en/html>

**If you would like more information on Section 13 of the Casual Trading Act 1995 (Register of Casual Trading Licenses on computer) please click**

<http://www.irishstatutebook.ie/eli/1995/act/19/section/13/enacted/en/html#sec13>

**If you would like more information on Statutory Instrument No 308 of 2018 European Union (Casual Trading Act 1995) Regulations 2018 please click**

<https://dbei.gov.ie/en/Legislation/SI-No-308-of-2018.html>

**Print Name:** \_\_\_\_\_

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_