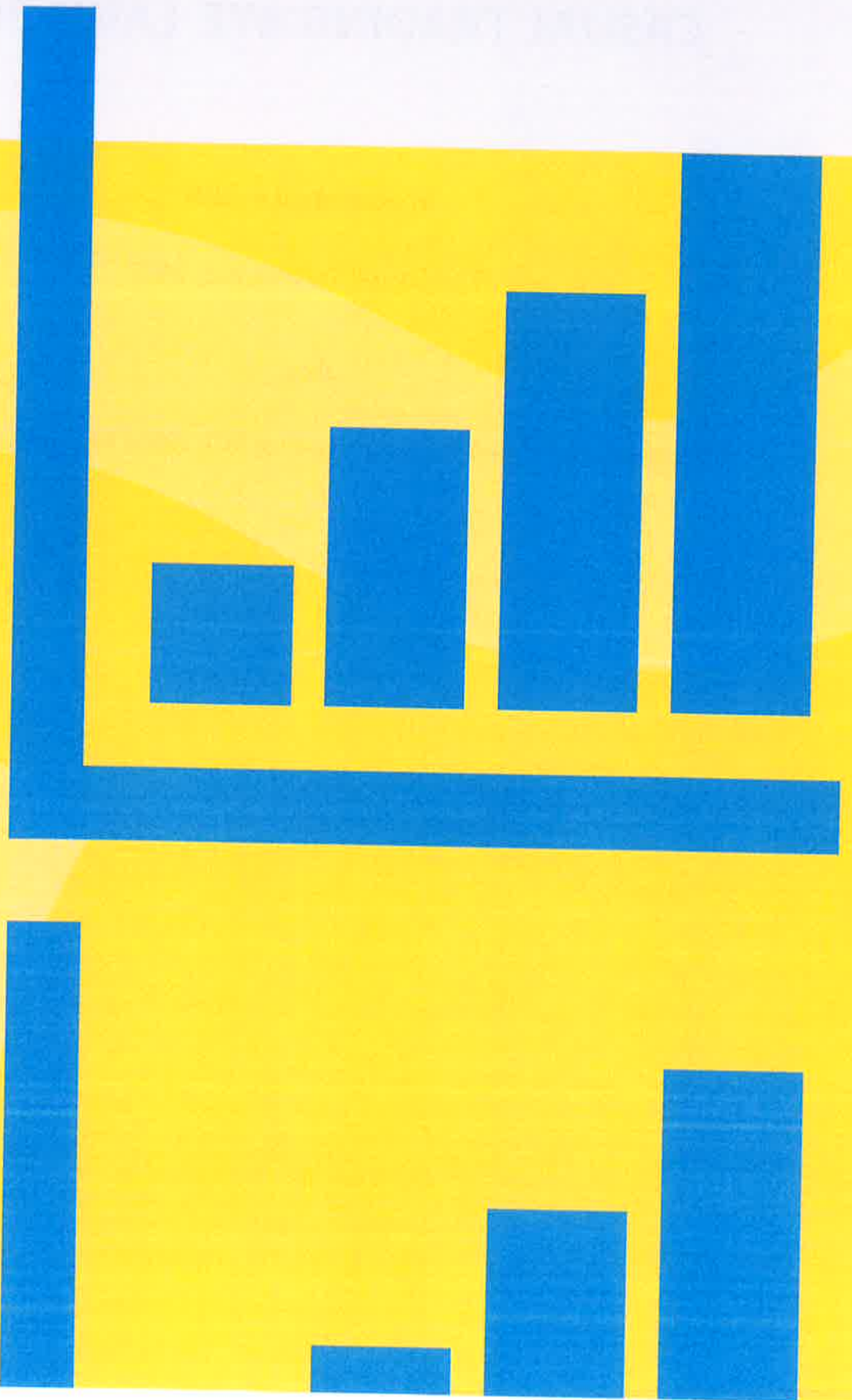




Nenagh Municipal District Casual Trading Bye-Laws 2023



NENAGH MUNICIPAL DISTRICT

CASUAL TRADING BYE-LAWS 2023

In accordance with

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

THE MUNICIPAL DISTRICT AREA OF NENAGH (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 Nenagh Municipal District.

1. These Bye-Laws may be cited as the Nenagh Municipal District Casual Trading Bye-Laws **2023**.
2. These Bye-Laws shall come into operation on **1st June 2023** on which date the Nenagh Town Council Casual Trading Bye-Laws 2008 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 Nenagh Municipal District pursuant to Section 4 of the Act.

“Casual Trading Pitch” means each area designated and specified in a licence issued by Nenagh 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.

“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 Nenagh 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), Section 2(3) and Section 2(4) of the Act, casual trading does not include:

(a) 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.

(b) Selling to a person at the place where he resides or carries on business.

(c) Selling in respect of which it is shown by the seller—

(i) that any profits therefrom 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 therefrom.

Sellers claiming an exemption under this provision may be required to submit evidence in the form of charitable status certificate identifying the seller and Garda permit where appropriate.

(d) Selling, during the period 1st May to 30th 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—

(I) strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants,

and

(II) potatoes having loose skins and which have been harvested prior to maturity.

(e) 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.

(f) 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 Tipperary County Council for specific locations e.g. Amenity Area Bye-Laws.

(g) Organised markets, including Farmers' Markets, Christmas Markets, etc. held on public property subject to—

(i) The market being co-ordinated by an individual or group to whom stall holders apply for permission for inclusion;

(ii) Application being made to Nenagh Municipal District for permission to hold the market by the individual or group – either on an event by event basis or on the basis of a yearly schedule;

(iii) Evidence of insurance for the market, including an Indemnity to Tipperary County Council, being provided, and

(iv) Compliance with any conditions imposed by Nenagh Municipal District.

(h) Sale of Christmas Trees.

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 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 the First Schedule to these Bye-Laws OR at a specific event or events at such other locations as may be approved by Nenagh Municipal District in accordance with a licence issued in respect of an application made as set out in the Fifth Schedule to these Bye-Laws and issued pursuant to Section 4 (1) (a) (iii) of the Act.

TIMES OF TRADING

8. An application for a licence for Casual Trading shall specify:
- a) The period for which the licence is being applied (date from/date to);
 - b) The days of the week for which the licence is being applied;
 - c) The proposed times of operation
9. A licence for Casual Trading will be valid only for the specific period and days as stated in the Licence issued by Nenagh Municipal District.
10. A licence for Casual Trading will be valid only for the specific times as stated in the Licence issued by Nenagh Municipal District.
11. Casual Trading shall only take place at the times and days specified in the licence.
12. Casual Trading shall not take place outside of the permitted hours of trading as set out below:

October to March	-	10.00 a.m. to 4 p.m.
April to September	-	9.00 a.m. to 8 p.m.

LICENSING REQUIREMENTS

13. 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 licences.

- 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 any 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.
14. 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.
15. 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 & PUBLIC HEALTH REGULATIONS/GUIDANCE

16. 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.

17. Guidance from the Health Services Executive with regard to safety, social distancing and other health related matters, at the time being in force and any other regulations that may be made in the interest of public health, shall be complied with.

PARKING RESTRICTIONS WITHIN CASUAL TRADING AREA

18. (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 than 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

19. 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.
20. Stalls used must be of safe, anchored and robust construction 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.
21. 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.
22. Trading shall be confined to the Allotted Pitch at the designated Casual Trading Area and no goods shall overhang 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.

23. If a trader's stall operates in the form of a roadworthy truck or van, the 2.5 metre height restriction does not apply. The vehicle cannot exceed the allocated pitch area.
24. 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.
25. 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.
26. 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.
27. A person engaged in Casual Trading shall not sell and/or demonstrate any power tools and motorised implements to include saws, angle grinders, air compressors, welders, trimmers, generators and transformers.
28. 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.
29. 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 Nenagh 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.

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

- (a) any fish to be trimmed, gutted or cleaned at or about his stall;
- (b) any fowl or feathered game to be plucked at or about his stall; or
- (c) 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

31. 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.

32. 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.

33. 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 Municipal District and will only be returned to the licence holder on the payment of the Municipal District's cost in relation to the administration, removal and storage of these items.

AUTHORISED OFFICER

34. The Municipal District may appoint an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area.
35. A Casual Trader shall comply with the lawful requests and directions by an Authorised Officer or by a member of An Garda Síochána.
36. An Authorised Officer appointed by the Municipal District or a member of An 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 Authorised 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.
37. A person shall not fail, refuse or neglect to comply with a requirement of an Authorised Officer or a member of An Garda Síochána under these Bye-Laws.
38. A person shall not obstruct or interfere with or give false information to the Authorised Officer or member of An Garda Síochána in the performance of functions under these Bye-Laws.
39. 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

40. 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 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

41. 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 in Schedule 6 of these Bye-Laws, 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.
42. Applications for Casual Trading Licences shall be made in the appropriate form addressed to: **District Administrator, Nenagh Municipal District, Civic Offices, Limerick Road, Nenagh, Co. Tipperary. Email address customerservices@tipperarycoco.ie.**
- (a) An individual application shall be made for each licence.
 - (b) A current 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) The allocation of a licence will be based on a transparent decision process taking account of: (a) compliance with the requirements of these Bye-Laws, (b) the availability of Casual Trading Pitches, (c) types of goods (d) competition or lot.
 - (e) Where the number of applications for a Casual Trading Licence exceeds the number of available Casual Trading Pitches, Nenagh Municipal District will allocate the individual Casual Trading Pitches having regard to:
 - i. Consultation with applicants on potential alternative locations or potential alternative days or times of operation;

- ii. Potential re-allocation of Casual Trading Pitches not currently being traded in;
- iii. Types of goods (see Article 42 (f) of these Bye-Laws);
- iv. Competition or lot if required.

- (f) In allocation of Casual Trading Pitches 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 which 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.

- (g) A Casual Trader who fails to trade, on one or more days, for eight consecutive weeks, within the period specified in the Casual Trading Licence, may 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.

- (h) Trading Pitches shall not be exchanged or sublet.

- (i) The Municipal District or its servants or agents may, at its discretion, from day to day, permit any trading Pitch which has already been allocated to be temporarily used by another Casual Trader when not in actual use by the Casual Trader to whom it was allocated or where it has not been occupied within two hours of the time of commencement as specified by the Casual Trader in his/her application and as specified in the Casual Trading Licence.

43. The allocation of a Casual Trading Pitch by a licence shall not confer upon the trader any tenancy or right to occupy or transfer the said Pitch.

44. 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.

45. The Municipal District 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.

46. Casual Trading Licences are issued annually and remain valid for a period of 12 months from 1st January to 31th December subject to Article 47 of these Bye-Laws. Applicants must reapply for a licence on an annual basis no later than 1st November each year. Nenagh Municipal District, at its discretion, may accept applications submitted after 1st November where Casual Trading Licences have not been allocated for specific Casual Trading Pitches.
47. Nenagh Municipal District may issue Licences for periods less than twelve (12) months at its discretion where considered appropriate, and this may include festivals, events or seasonal trading.

SERVICE OF NOTICES

48. 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 to the address 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

49. The appropriate annual Casual Trading Licence fee as set out in the Second Schedule of these Bye-Laws shall be payable to Tipperary County Council 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.
50. A fee as set out in the Second Schedule of these Bye-Laws shall be payable to Tipperary County Council in advance of the issue 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(1) (a) (iii) of the Act.

51. 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.
52. Casual Trading Licence fees shall be non-refundable in the event of revocation of a licence.
53. A licence holder may surrender his/her licence to Nenagh Municipal District at any time prior to the expiry of the licence period. Where a licence has been surrendered, Nenagh Municipal District may issue a new licence for the unexpired term of the surrendered licence.

PENALTIES

54. A person who contravenes any of the Bye-Laws shall be guilty of any offence under Section 6 (12) of The Act and shall be liable to such penalties as specified in Section 14 of the Act.

EVENT TRADING

55. Nenagh Municipal District reserves the right to award Casual Trading Licences to traders for special events, festivals and fairs.
56. Applications for event licences shall be made not less than 15 working days in advance of the date on which the trading is to take place.
57. 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.
58. Nenagh Municipal District reserves the right to limit the number of licences awarded for each event.
59. Nenagh Municipal District reserves the right to allow trading to take place outside the hours specified in Sections 8 – 12 inclusive, for certain events.
60. Only goods approved by Nenagh Municipal District shall be sold by the licensee at these events.
61. 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.

62. All articles of these bye-laws, other than the restriction of Casual Trading to designated Casual Trading Areas, shall apply to event trading licences.

GENERAL

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

Present when the Corporate Seal of Tipperary County Council was affixed thereto:

Seal Affixed By  Chief Executive^A/Director of Services

Seal Authenticated By:  Nominated Officer

Dated this 15th Day of May 2023

FIRST SCHEDULE

CASUAL TRADING AREAS

1. **Dromineer** – 2 Casual Trading Pitches, the location of which is as shown on Map No. 1
2. **Clare Glens** – 1 Casual Trading Pitch, the location of which is as shown on Map No. 2
3. **Garrykennedy** – 1 Casual Trading Pitch, the location of which is as shown on Map No. 3
4. **Castlelough** – 1 Casual Trading Pitch, the location of which is as shown on Map No. 5
5. **Ballina** – 2 Casual Trading Pitches, the locations of which are as shown on Map No. 6
6. **Newport** – 2 Casual Trading Pitches, the locations of which are as shown on Maps No. 7 and 8 respectively
7. **The Lookout** – 1 Casual Trading Pitch, the location of which is as shown on Map No. 9

Maps

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 of €300 per annum shall be payable for each Casual Trading Pitch allocated. Where two Casual Trading Pitches are allocated in the Casual Trading Area the fee shall be €600 per annum.
- 2) The Casual Trading Licence Fee for Events shall be €50 per event.
- 3) The annual fees are fixed for a period of five years from date of adoption and subject to review by the Members of Nenagh Municipal District.

THIRD SCHEDULE

FORM NO. 1

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

NENAGH MUNICIPAL DISTRICT

THE CASUAL TRADING ACT, 1995

Casual Trading Bye Laws 2023

Trader's Name: _____

Nenagh 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 dates for which the licence applies are from _____ to _____ only.

The days & times for which the licence applies are:

The Casual Trading Licence expires on **31st December** _____.
[Complete date by inserting the year upon which the Casual Trading Licence expires]

Signed: _____
Nenagh Municipal District

FOURTH SCHEDULE

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.

Nenagh Municipal District

THE CASUAL TRADING ACT 1995

Casual Trading Bye Laws 2023

CASUAL TRADING AT AN EVENT OR EVENTS

Nenagh 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: _____ **Nenagh Municipal District**

FIFTH SCHEDULE

FORM NO. 3

NENAGH MUNICIPAL DISTRICT

CASUAL TRADING ACT, 1995

Casual Trading Bye Laws 2023

CASUAL TRADING LICENCE NO. _____

Nenagh 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 _____) between the dates from _____ to _____

on _____ (days) between the times _____ to _____ subject to full compliance with the Nenagh Municipal District Casual Trading Bye-Laws 2023 and the following Special Conditions

This licence comes into force on the _____

And unless otherwise withdrawn will expire on the _____

Signed: _____

District Administrator

Date: _____

FIFTH SCHEDULE

FORM NO. 4

Nenagh Municipal District

CASUAL TRADING ACT, 1995

Casual Trading Bye Laws 2023

SPECIFIED EVENT(S)

CASUAL TRADING LICENCE NO. _____

Nenagh 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 Nenagh Municipal District Casual Trading Bye-Laws 2023 and the following special conditions:

Signed: _____

District Administrator

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><u>Applicants Details:</u></p> <p>Name of Applicant: _____</p> <p>Full Postal Address: _____ _____</p> <p>Mobile No: _____</p> <p>E-Mail: _____</p>	<p>PPS No/ Tax Reference No(CRO): _____</p> <hr/> <p>Public Liability Insurance: Name of Insurance Company: _____</p> <hr/> <p>Insurance Renewal Date: _____</p> <hr/> <p>Tax Clearance Details: _____</p>
<p>Trading Details:</p> <p>Location of Trading: _____ Pitch No. _____</p> <p>Goods to be sold: _____</p> <p>Date of Commencement of Trading: _____</p> <p>Date of Cessation of Trading: _____</p> <p>Days for which Licence is required: _____</p> <p>Proposed Times of Operation: From _____ to _____</p> <p>If you were the holder of a previous Casual Trading Licence please quote the following:</p> <p>Licence Number: _____ Expiry Date: _____</p>	

Specification of Stall from which Casual Trading will operate:

(Please specify if vehicle, booth, stand, covered stall or otherwise. Provide dimensions if other than a vehicle will be used)

Arrangements for Waste Disposal – (include specific details of receptacle for refuse and/or waste oil):

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: _____

Once the application is approved and in advance of the issue of a Casual Trading Licence, the appropriate fee fixed under the Nenagh Municipal District Casual Trading Bye-Laws 2023 shall become payable. The Fee shall be payable to Tipperary County Council and payment can be made by the following methods;

- Cheque/Bank Draft/Postal Order/Money Order payable to Tipperary County Council
- Bank Transfer (Tipperary County Council's bank details supplied on request)
- Cash/Debit/Credit Card payment at the Tipperary County Council's Civic Offices Nenagh.

Licence will not issue until the required fee has been paid and evidence has been produced of required insurance indemnity to Tipperary County Council.

NOTE: The acceptance of an application by NENAGH MUNICIPAL DISTRICT does not guarantee the granting of a licence.

CONDITIONS OF CASUAL TRADING LICENCE

1. Only the Licence Holder and/or his or her Agent 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 using the prescribed form 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 an Authorised Officer or to a member of An Garda Síochána.
5. The Licence Holder must trade within one metre of the stall.
6. The Licence Holder or his/her agent 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 Nenagh Municipal District as soon as is practically possible. Nenagh Municipal District should be advised immediately of any decision to cease trading.
7. Nenagh 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 Nenagh Municipal District.
8. No goods other than those specified in the licence may be sold.
9. 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.
10. The Licence Holder will clearly identify all goods that are sold as "seconds" at the point of sale.
11. Traders in foodstuffs must comply with the requirements of the HSE Environmental Health Officer in relation to the statutory control of food.
12. **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 Nenagh Municipal District's Bye Laws. Failure to do so may result in prosecution.

13. **Stalls**

- a. A Licence Holder shall at his/her own expense provide a stall/unit, the specifications of which must be agreed with Nenagh 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 Nenagh Municipal District.
 - d. Nenagh 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. Nenagh 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 Nenagh Municipal District.
14. The Licence Holder shall not obstruct any business, premises, footpath, public road or public right of way.
15. The Licence Holder shall not conduct trading in a manner that causes or is likely to cause offence.
16. Nenagh 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 into other available designated trading pitches within the Nenagh Municipal District's administrative area. This will be done following consultation with traders.
17. 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.
18. The Licence Holder must have a current valid tax clearance certificate in place at all times.
19. The Licence Holder must give two months notice if surrendering a pitch.

20. While occupying a trading place a Licence Holder must obey all lawful requests of an Authorised Officer or a member of the Garda Síochána.
21. The licence may be revoked at any time if any condition of the licence has been or is being contravened.
22. 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 2023, Nenagh Municipal District will not be in a position to process your application.

For more information on the privacy statement please contact Nenagh Municipal District at 0818 06 5000.

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 Licences 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>

