

# DRAFT CLONMEL BOROUGH

## DISTRICT

### Casual Trading Bye-Laws 2021



**CLONMEL BOROUGH DISTRICT**

**DRAFT**  
**CASUAL TRADING BYE-LAWS 2021**

**PROPOSED UNDER**

**The Casual Trading Act, 1995**

**And**

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

**DRAFT**

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

THE DISTRICT AREA OF CLONMEL BOROUGH DISTRICT (hereinafter referred to as “Clonmel Borough 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 Clonmel Borough District.

1. These Bye-Laws may be cited as the Clonmel Borough District Casual Trading Act 1995, Bye-Laws 2021.
2. These Bye-Laws shall come into operation on **[INSERT DATE HERE]** on which date the Tipperary South Riding County Council Casual Trading Act 1995 Bye-Laws (as they relate to the Clonmel Borough District area) and the Clonmel Borough Council Casual Trading Act 1995, Bye-Laws 2004 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 Clonmel Borough District pursuant to Section 4 of the Act.

“Casual Trading Pitch” means each area designated and specified in a licence issued by Clonmel Borough District for the purpose of trading at an event.

“Event” shall includes 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 District” means Clonmel Borough 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(4) 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

#### **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 District to existing licence holders following consultation, subject to availability for the duration of the works.
6. **Public Realm Developments:**

The 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, 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 Clonmel Borough 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 Clonmel Borough District.
9. A licence for Casual Trading will be valid only for the specific times as stated in the Licence issued by the Clonmel Borough 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	-	10.30a.m. to 1a.m.
April to September	-	10.30a.m. to 1.30a.m

### **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 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 the premises in the vicinity of the Casual Trading Area.
- f) Shall not obstruct or impede or assist a person to obstruct The 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 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://www2.hse.ie/coronavirus/>) 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 Licenced 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 Licenced 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 Licenced 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 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 Casual Trader must provide a statement from a competent person that the structure is safe.

The 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 District.

21. If a Casual 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 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.
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 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 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 Casual Trading Pitch as often as is necessary or when directed by The Clonmel Borough 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 Casual Trading Area or any article provided by the 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 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 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 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 District and will only be returned to the licence holder on the payment of the District's cost in relation to the administration, removal and storage of these items.

#### **AUTHORISED OFFICER**

32. The 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 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 actions, 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 or Pitch and every such Casual Trader shall be required by the District to have in force at all times an appropriate Public Liability Insurance with an Insurance Company to be approved by the 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 District shall be at liberty to revoke the Casual Trading Licence of such person forthwith.

## **APPLICATION PROCESS**

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

as the 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 District may refuse to grant the person the licence.

40. Applications for Casual Trading Licences shall be made in the appropriate form addressed to: District Administrator, Clonmel Borough District, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co Tipperary or emailed to [clonmelbd@tipperarycoco.ie](mailto:clonmelbd@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 District reserves the right to grant or refuse a Casual Trading Licence.
- (d) Individual Trading Pitches shall be allocated by the District by such methods that it may, at its discretion decide.
- (e) The allocation process shall not exclude allocation by competition or lot when deemed necessary. The District may run the competition or lot as it considers appropriate.
- (f) The allocation of a licence will be based on applicants meeting specific criteria and subject to a transparent decision making process which is not arbitrary. However, the allocation process shall not exclude allocation by competition or lot when deemed necessary due to over-subscription of qualifying applicants.
- (g) 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 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 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 12.00 p.m.

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

42. 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.
43. The 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.
44. The 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 District where possible will notify any affected licence holders in advance of any such prohibition taking effect.
45. Casual Trading Licences 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, Clonmel Borough District may issue Licences 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**

46. 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 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**

47. The appropriate annual fee as set out in the Second Schedule of these Bye-Laws shall be payable to The 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.
48. A fee as set out in the Second Schedule of these Bye-Laws shall be payable to The 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(1) (a) (iii) of the Act.
49. 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.

50. A licence holder may surrender his/her Licence to The 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, The District may issue a new licence for the unexpired term of the surrendered licence.
51. 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.
52. 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**

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

## **EVENT TRADING**

54. Clonmel Borough District reserves the right to award Casual Trading Licences to traders for special events, festivals and fairs.
55. 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.

56. 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.
57. Clonmel Borough District reserves the right to limit the number of licences awarded for each event.
58. Clonmel Borough District reserves the right to allow trading to take place outside the hours specified in Sections 8 – 11 inclusive, for certain events.
59. Only goods approved by Clonmel Borough District shall be sold by the Casual Trader at these events.
60. 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 Casual Trader.
61. All articles of these Bye-Laws shall apply to the licence holder's licence for event trading.

#### **GENERAL**

62. These Bye-Laws may be amended by resolution of Clonmel Borough District following a public consultation phase of at least one month incorporating public advertisement and submission of representations.
63. Car Park Bye-Laws are hereby partially revoked insofar as they apply to any of the carparks or parts thereof referred to in the First Schedule with effect from the date on which these Casual Trading Bye-Laws come into effect.

At a meeting of Clonmel Borough District held on Wednesday XXXX 2021.

It was proposed by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

And Resolved:

That the Clonmel Borough District Casual Trading Act 1995 Bye-Laws 2021 be and are hereby adopted.

Signed: \_\_\_\_\_  
Mayor

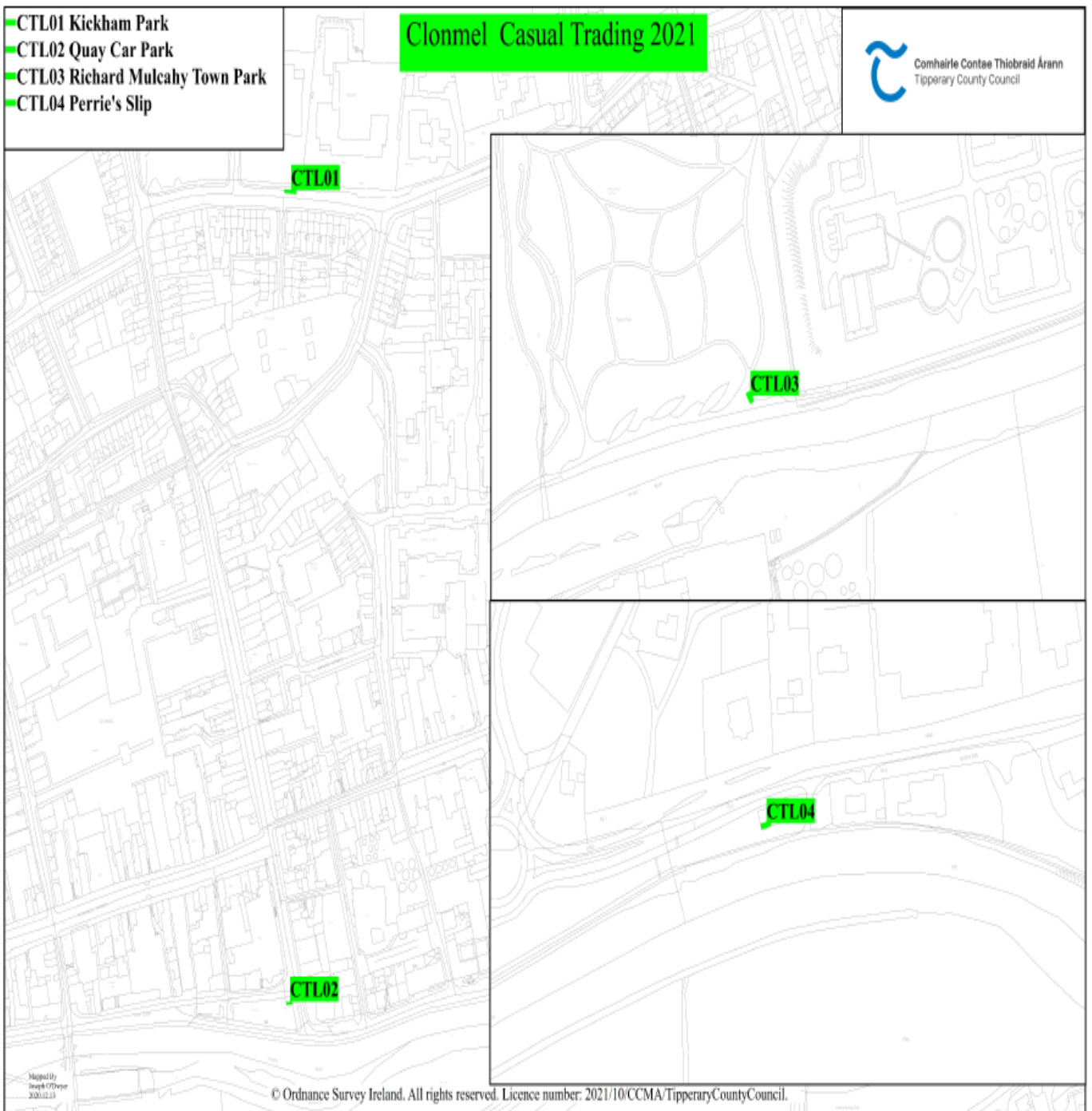
Signed: \_\_\_\_\_  
District Administrator

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# FIRST SCHEDULE

## CASUAL TRADING LOCATIONS

### Maps/Drawings





## SECOND SCHEDULE

### FEES

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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:-

Clonmel Borough District Area	Licence Fee of <b>€750 per annum</b> per Trading Bay/Pitch where trading takes place on one day per week, equivalent to three car parking spaces and inclusive of space for pitch vehicle.  Where trading takes place on more than one day per week, the Licence Fee shall be €750 for each additional trading day.
* Casual Trading Areas Serving the Blueway (see map in First Schedule).	These are solely for the purposes of servicing the Blueway with refreshments. No mobile fast food casual trading permitted.

- (2) Events Licence: €35 per day (or part thereof) pitches will be determined on an individual basis.
- (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**

**CLONMEL BOROUGH DISTRICT**

**THE CASUAL TRADING ACT, 1995**

**Casual Trading Bye Laws 2020**

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

Clonmel Borough 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.

Days of the week \_\_\_\_\_

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:** \_\_\_\_\_  
**Clonmel Borough District**

## 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.**

**Clonmel Borough District**

**THE CASUAL TRADING ACT 1995**

**CASUAL TRADING AT AN EVENT OR EVENTS**

Clonmel Borough 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):**

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

**Date of Event(s):**

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

**Trading Location:**

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(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:**

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**District Administrator,  
Clonmel Borough District.**

**FIFTH SCHEDULE**

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**FORM NO. 3**

**CLONMEL BOROUGH DISTRICT**

**CASUAL TRADING ACT, 1995**

**Casual Trading Bye Laws 2020**

**CASUAL TRADING LICENCE NO.** \_\_\_\_\_

Clonmel Borough 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 the following days \_\_\_\_\_ subject to full

compliance with the Clonmel Borough District Casual Trading ACT 1995, Bye-Laws 2020 and the following Special Conditions

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

**District Administrator,  
Clonmel Borough District.**

**FIFTH SCHEDULE**

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**FORM NO. 4**

**Clonmel Borough District**

**CASUAL TRADING ACT, 1995**

**SPECIFIED EVENT(S)**

**CASUAL TRADING LICENCE NO.** \_\_\_\_\_

Clonmel Borough 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 Clonmel Borough District Casual Trading Act 1995, Bye-Laws 2020 and the following special conditions:

\_\_\_\_\_

\_\_\_\_\_

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

**District Administrator,  
Clonmel Borough District.**

**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 – It is mandatory to complete all sections**

<b>Applicants Details:</b> Name of Applicant: _____ Full Postal Address: _____ Mobile No: _____ E-Mail: _____	PPS No/ Tax Reference No(CRO): _____ <hr/> <b>Public Liability Insurance:</b> <b>Name of Insurance Company:</b> _____ <hr/> <b>Insurance Renewal Date:</b> _____
<b>Trading Details:</b> <b>Location of Trading:</b> _____ <b>Pitch No.</b> _____ <b>Goods to be sold:</b> _____ <b>Trading Days:</b> _____ <b>Date of Commencement of Trading:</b> _____	

**I declare:-**

1. That I have not been convicted of any offences under the Casual Trading Act 1995.
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 CLONMEL BOROUGH 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 Licence Holder be absent during holiday periods or due to illness but this absence must be advised to Clonmel Borough District as soon as is practically possible. A medical certificate is required for a prolonged period of absence.
7. Clonmel Borough 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 Clonmel Borough 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 the Casual Trading Act 1995, Clonmel Borough District's Bye Laws 2000. 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 Clonmel Borough District.
  - b. The Licence Holder is fully responsible for providing their own electric power to the stall/unit and Clonmel Borough District has no role in this.
  - c. Stalls must be maintained to a good standard of appearance and repair.
  - d. Stall and other articles must be removed from the street after the hours of trading specified on the licence, unless otherwise agreed with Clonmel Borough District.
  - e. Clonmel Borough 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.
  - f. Clonmel Borough 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 Clonmel Borough 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. Clonmel Borough 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 Borough Districts 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, Clonmel Borough District will not be in a position to process your application.

**For more information on the privacy please contact Clonmel Borough District at [clonmelbd@tipperarycoco.ie](mailto:clonmelbd@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 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>**

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