

LEITRIM COUNTY COUNCIL

CASUAL TRADING BYE-LAWS, 2018

UNDER

THE CASUAL TRADING ACT, 1995



Made by the members of Leitrim County Council at its meeting on 8th May 2018

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

THE COUNCIL OF THE COUNTY OF LEITRIM in pursuance of the powers conferred on it by section 6 of the Casual Trading Act, 1995 HEREBY MAKES the following Bye-Laws in respect of the area comprising the administrative county of Leitrim.

1. These Bye-Laws may be cited as the Leitrim County Council Casual Trading Act, 1995 Bye-Laws 2018
2. These Bye-Laws shall come into operation on the 8th Day May 2018.

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 space allotted in a Casual Trading Licence to an individual trader.

”Authorised Officer” means any person appointed by Leitrim 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 The Council pursuant to Section 4 of the Act.

”The Council” means Leitrim County Council.

”Designated Area” means such Locations as may be designated for Casual Trading in these Bye-Laws.

”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.

”Casual Trading Space or Bay” means each individual area numbered on the schedule Map attached to the Bye-Laws or at a location specified in a licence issued by Leitrim County Council for the purpose of trading at an event.

”Vehicle” means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or articles.

EXEMPTIONS

4. In exercise of the powers conferred by Section 2(4) of the Casual Trading Act, 1995 Leitrim County Council adds the sale of cabbage plants to the classes of selling specified in Section 2(2) of the Casual Trading Act, 1995

DESIGNATION OF LAND AS CASUAL TRADING AREA

5. 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 Leitrim County Council 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

6. Casual Trading shall only take place at the following times on the following days:
at Town Centre Car Park, Drumshanbo (Map Ref. 203/1223) - Tuesdays 8am – 7pm,

at all other locations at the times and days specified in the licence and shall be between the hours of 8 am and 7 pm .

LICENCING REQUIREMENTS

7. A person shall not engage in Casual Trading unless he/she is or is a servant or agent acting as such for 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 Space specified in the Casual Trading Licence granted by The Council.
 - (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 County Manager 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 Space 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 Council 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 cause or suffer: -

- (i) any fish to be trimmed, gutted or cleaned at or about his/her Stall,
or
- (ii) any fowl, or feathered game to be plucked at or about his/her Stall,
or
- (iii) any untrimmed vegetables or vegetables with clay, soil or dirt
adhering to the roots thereof to be conveyed upon or exposed for
sale on his/her Stall.

8. A person carrying on Casual Trading at the Casual Trading Space 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 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 Fourth Schedule to these Bye-Laws shall be the prescribed form of notice required to be displayed under this Bye-Law for Casual Trading at an event or events.

9. 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 Council.

FOOD HYGIENE REGULATIONS

10. 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.

PARKING RESTRICTIONS WITHIN CASUAL TRADING AREA

11. (a) A person shall not park a Vehicle in the Casual Trading Area during trading hours unless such Vehicle is for the time being in use for the Casual Trading and is wholly parked within the area of the Casual Trading Space specified in the Casual Trading Licence.

(b) A person shall remove such Vehicle from the Casual Trading Space 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.

(c) A person shall not park a Vehicle earlier than thirty minutes prior to commencement of trading hours in the Casual Trading Area for the purpose of unloading goods or produce therefrom onto the Casual Trading Space specified in the Casual Trading Licence

(d) A person shall not park a Vehicle for a period exceeding thirty minutes from the commencement of parking in the Casual Trading Area for the purpose of unloading goods or produce therefrom onto the Casual Trading Space specified in the Casual Trading Licence

(e) A person shall not park a Vehicle earlier than the expiration of trading hours in the Casual Trading Area for the purpose of loading goods or produce thereon from the Casual Trading Space specified in the Casual Trading Licence.

(f) A person shall not park a Vehicle for a period exceeding thirty minutes from the commencement of parking the Casual Trading Area for the purpose of loading goods or produce thereon from the Casual Trading Space specified in the Casual Trading Licence.

PITCH OPERATION AND MAINTENANCE

12. The type of Stall used by a person engaged in Casual Trading must be approved by The Council and the dimensions of the same shall not exceed the defined space of the allotted pitch.

13. 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 metres in height.

14. The Council reserves the right to change and alter the internal layout of the Casual Trading Spaces within the Casual Trading Areas at any time.

15. A person carrying on Casual Trading in the Casual Trading Area shall ensure that the Casual Trading Space, specified in the Casual Trading Licence remains unaltered and undamaged as a consequence of their Casual Trading.

16. 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.

17. A person carrying on Casual Trading in the Casual Trading Area shall, keep the Casual Trading Space, 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) as often as is necessary and when directed by The Council or its servants or agents cause all refuse arising from the trade or business to be placed in a suitable and sufficient receptacle provided at the trader's own expense and approved in advance by Leitrim County Council.

(d) as often as is necessary cause the contents of any receptacle provided for reception of refuse to be removed, without creating a nuisance or obstruction and to arrange for its disposal in a manner acceptable to Leitrim County Council.

18. The Council 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.

19. The Council 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.

AUTHORISED OFFICER

20. The Council may appoint an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area.

21. A Casual Trader shall comply with the lawful requests and directions by an Authorised Officer or by a member of the Garda Siochana.

22. An Authorised Officer appointed by The Council 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 the Garda Siochana 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 his name and address and, if he/she is the servant or agent 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.

23. A person shall not obstruct or interfere with, or give false information to the Authorised Officer or member of the Garda Siochana in the performance of functions under these Bye-Laws.

INSURANCES

24. A person carrying on Casual Trading in the Casual Trading Area shall indemnify The 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, agents 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 Council to have in force at all times an appropriate Public Liability Insurance with an Insurance Company to be approved by The Council insuring against the aforesaid risks in a sum to be specified by The Council from time to time . The interest of The 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 Council shall be at liberty to revoke the Casual Trading Licence of such person forthwith.

APPLICATION PROCESS

25. 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.
26. Applications for Casual Trading Licences shall be made in the appropriate form addressed to Administrative Officer, Community, Culture and Enterprise Department, Leitrim County Council, Áras an Chontae, Carrick-on-Shannon, Co. Leitrim.
- (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 Council reserves the right to grant or refuse a Casual Trading Licence.
 - (d) Individual trading spaces shall be allocated by the Council by such methods that it may, at its discretion decide.
 - (i) Due recognition will be given to traditional traders in the allocation of Casual Trading Spaces and, in particular to persons who satisfactorily support their claim to be established traders.
 - (ii) The allocation process shall not exclude allocation by lot when deemed necessary.
 - (e) 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 Council 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 space in question. The holder will be given the opportunity to explain their absence prior to any decision regarding revocation of the licence.

(f) Trading spaces shall not be exchanged without the prior consent of The Council in writing.

(g) The Council or its servants or agents may from day to day, permit any trading space 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 am.

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

28. The Council 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 the importation, possession or sale of goods committed while he was the holder of a Casual Trading Licence or an offence under the Act.

29. The Council 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 Council where possible will notify any affected licence holders in advance of any such prohibition taking effect.

SERVICE OF NOTICES

30. (1) 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 at which he or she ordinarily resides or, to the address most recently received by The Council from the Casual Trader for correspondence purposes or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter addressed to him or her at the address at which he or she ordinarily resides or, to the address most recently received by The Council from the Casual Trader for correspondence purposes or, in a case in which an address for service has been furnished, at that address;
- (d) 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 authorized 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;

(2) 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 unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

LICENCE FEES

31. The appropriate annual fee as set out in the Second Schedule of these Bye- Laws shall be payable to The Council in advance of the issue of a Casual Trading Licence for each Casual Trading Space to be allocated to a trader in a Casual Trading Area.
32. A fee as set out in the Second Schedule of these Bye- Laws shall be payable to The Council 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(I) (a) (iii) of the Act.
33. The Fees and charges set out in articles 29 and 30 of these Bye-Laws shall be updated one year after the bye law comes into operation and annually thereafter in accordance with the consumer price index.
34. A licence holder may surrender his/her licence to the County Council 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 the licence, subject to a maximum refund of 50% of the total fee. Where a licence has been surrendered, the County Council may issue a new licence for the unexpired term of the surrendered licence.

PENALTIES

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

Made and adopted by Leitrim County Council under the Common Seal of the Council on the 8th Day May 2018.

Present when the Corporate Seal of the County Council of the County of Leitrim was affixed thereto.

F McGuire Armstrong

Cathaoirleach

J Lowe

Meetings Administrator

FIRST SCHEDULE

CASUAL TRADING LOCATIONS

FIRST SCHEDULE			
TOWN	MAP No.	LOCATION	DESIGNATED AREA.
MANORHAMILTON	222/578	LOCATION + ENLARGEMENT MAP. CAR PARK ADJACENT TO FIRE STATION ALONG N.16.	BAYS M2 + M3. ALONG S/W. KERBLINE. 26.00 M. FROM N/W FACE OF FIRE STATION, EXTENDING NORTH WEST FOR A DISTANCE OF 17.50 M. WIDTH: 4.00 M. BAYS M4 + M5. ALONG S/W. KERBLINE: 55.00 M. FROM N/W FACE OF FIRE STATION EXTENDING N/W. FOR A DISTANCE OF 17.70 M. WIDTH: 4.00 M.
BALLINAMORE	222/579	LOCATION MAP. CAR PARK AT COLLEGE.	
BALLINAMORE	222/579A.	ENLARGEMENT MAP. CAR PARK ADJACENT TO COLLEGE. S/E + S/W CORNER.	BAYS B1 + B2. S/W. SIDE: EXTENDING N/W FOR A DISTANCE OF 16.80 M. WIDTH: 4.30 M. BAY B3. S/E. SIDE: 0.5M. FROM SOUTHERN CORNER OF CAR PARK, N/E FOR A DISTANCE OF 10.00M. WIDTH: 2.40 M.
CARRICK-on-SHANNON	222/580	LOCATION MAP. CAR PARK ADJACENT TO FIRE STATION.	

TOWN	MAP No.	LOCATION	DESIGNATED AREA.
CARRICK-on-SHANNON	222/580A.	ENLARGEMENT MAP. CAR PARK ADJACENT TO FIRE STATION.	BAYS C & C1. STARTING AT A PT. 4.40 M. N/E. OF THE N/E. BDY. OF THE PUMP STATION & EXTENDING N/E FOR A DISTANCE OF 19.20 M. WIDTH: 4.30 M.
DRUMSHANBO	203/1222	MART ROAD, SOUTH SIDE <i>SEE LOCATION + ENLARGEMENT MAP</i>	BAY "D": STARTING FROM A POINT 21.0m. FROM THE EASTERN WALL OF MART BUILDING AND EXTENDING EASTWARDS FOR A DISTANCE OF 9.6m. WIDTH: 2.0m. BAY "D1" STARTING FROM A POINT 41.0m FROM THE EASTERN WALL OF MART BUILDING AND EXTENDING EASTWARDS FOR A DISTANCE OF 9.6m. WIDTH: 2.0m. BAY "D2" STARTING FROM A POINT 63.0m FROM THE EASTERN WALL OF MART BUILDING AND EXTENDING EASTWARDS FOR A DISTANCE OF 9.6m. WIDTH: 2.0m. BAY "D3" STARTING FROM A POINT 83.0m FROM THE EASTERN WALL OF MART BUILDING AND EXTENDING EASTWARDS FOR A DISTANCE OF 9.6m. WIDTH: 2.0m.
DRUMSHANBO	222/582	LOCATION + ENLARGEMENT MAP. CAR PARK ON LINK ROAD FROM CHURCH STREET TO MART ROAD.	"BAY D4" ALONG N/W SIDE OF CAR PARK. STARTING 15.00 M. N/E OF C/L OF CAR PARK ENTRANCE, 9.60M LONG BY 4.00M. WIDE. "BAY D6" ALONG N/W SIDE OF CAR PARK. STARTING 24.60 M. N/E OF C/L OF CAR PARK ENTRANCE, 7.20M LONG BY 4.00M. WIDE. "BAY D5" ALONG S/E SIDE OF CAR PARK. STARTING 13.60 M. N/E OF PROJECTED C/L OF CAR PARK ENTRANCE. 9.60M LONG BY 4.00M. WIDE.

TOWN	MAP No.	LOCATION	DESIGNATED AREA.
DRUMSHANBO	203/1223	TOWN CENTRE CAR PARK, SOUTH SIDE <i>SEE LOCATION + ENLARGEMENT MAP</i>	BAY “D7” STARTING FROM A POINT 10.0m FROM THE WESTERN BUILDING LINE OF MAIN ST. (SOUTH OF CAR PARK ENTRANCE), MEASURED ALONG THE SOUTHERN BOUNDARY OF THE CAR PARK AND EXTENDING WESTWARD FOR A DISTANCE OF 7.2m . WIDTH: 4.0m .
MOHILL	203/1221	CAR PARK, CASTLE STREET, N/E SIDE <i>SEE LOCATION + ENLARGEMENT MAP</i>	BAY “M” STARTING AT S/E CORNER OF CAR PARK AND EXTENDING NORTHWARDS FOR A DISTANCE OF 7.2m . WIDTH: 4.0m . BAY “M1” STARTING AT A POINT 7.2m FROM S/E CORNER OF CAR PARK AND EXTENDING NORTHWARDS FOR A DISTANCE OF 7.2m . WIDTH: 4.0m . BAY “M2” STARTING AT A POINT 14.4m FROM S/E CORNER OF CAR PARK AND EXTENDING NORTHWARDS FOR A DISTANCE OF 13.2m . WIDTH: 4.0m and reducing to 1.1m .

SECOND SCHEDULE

FEES

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

- (a) 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 Space allocated as follows:-**

Carrick on Shannon € 400

All other locations € 200

- (b) Events € 25 per day(or part thereof)**

THIRD SCHEDULE

FORM NO.1

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

LEITRIM COUNTY COUNCIL

THE CASUAL TRADING ACT, 1995

Leitrim County Council has granted a Casual Trading Licence under Section 4 of The Casual Trading Act, 1995 authorising Casual Trading at this Casual Trading Space.

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

The Casual Trading Licence expires on(insert the date upon which the Casual Trading Licence expires)

Signed: _____

Leitrim County Council

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.

LEITRIM COUNTY COUNCIL

THE CASUAL TRADING ACT, 1995

CASUAL TRADING AT AN EVENT OR EVENTS

Leitrim County Council 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)

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

Signed: _____ Leitrim County Council

FIFTH SCHEDULE

FORM NO 3

LEITRIM COUNTY COUNCIL

CASUAL TRADING ACT, 1995

CASUAL TRADING LICENCE NO._____

Leitrim County Council hereby grants to;

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

in Trading Space Number _____ in the Casual Trading Area in _____

(Ref: Map _____) on _____ subject to full compliance

with the Leitrim County Council Casual Trading Bye-Laws 2005 and the following

Special Conditions.

This licence comes into force on the _____

and unless otherwise withdrawn will expire on the _____

Signed: _____ **Date:** _____

Senior Executive Officer

FIFTH SCHEDULE

FORM NO 4

LEITRIM COUNTY COUNCIL

CASUAL TRADING ACT, 1995

SPECIFIED EVENT(S)

CASUAL TRADING LICENCE NO._____

Leitrim County Council 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 Leitrim County Council Casual Trading Bye-

Laws 2005 and the following special conditions:

Signed: _____ **Date:** _____

Senior Executive Officer