

# LOUTH COUNTY COUNCIL

## CASUAL TRADING ACT, 1995

*Louth County Council, in exercise of the powers conferred upon it by Section 6 of the Casual Trading Act, 1995, hereby makes the following Bye-laws, which include matters prescribed in the Act and other incidental, subsidiary and ancillary provisions.*

### 1. Citation

These Bye-laws may be cited as the Louth County Council Casual Trading Act 1995 Bye-Laws 2003.

### 2. Commencement

These Bye-Laws shall come into operation on the     day of     2003 or in the event of an appeal on the date of final confirmation by the District Court or Circuit Court whichever is applicable.

### 3. Definitions

“**The Act**” means the Casual Trading Act, 1995.

“**Authorised Officer**” means the person(s) appointed under Section 10 of the Act to be an Authorised Officer.

“**Casual Trading**” has the meaning given to it in Section 2 of the Act.

“**Casual Trading Area**” means the lands designated as an area, as per these bye-laws and the schedule attached hereto, 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 the Council of the County of Louth.

“**Licence Holder**” means the person to whom a casual trading licence is issued in accordance with the Act and shall include his/her authorised servants or agents.

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

“**Stall**” means any moveable or mobile structure used for the purpose of casual trading.

“**Trading Place**” means a part of the Casual Trading Area as defined on the maps set out in the schedule hereto.

### 4. Fees

- (a) An applicant for a casual trading licence shall pay a fee of €255 per annum where trading takes place on one day per week. Where trading takes place on more than

one day per week, the fee of €255 shall be increased by €127 for each additional day. The maximum fee for a Casual Trading Licence will be €1,015 per Trading Place.

- (b) An applicant for a Casual Trading Licence to trade at locations specified in the licence for a specified event or events pursuant to Section 4(1)(a)(iii) of the Act shall pay a licence fee of €100 per day.

The Council may, at its discretion, revise the fees from time to time.

## **5. General**

- (a) Casual trading shall only be carried on at the locations designated for that purpose in the Schedule to these Bye-Laws or for a specified event or events at such other locations as may be approved by Louth County Council in a licence issued pursuant to Section 4(1)(a)(iii) of the Act. This schedule may be amended by resolution of the Council following a public consultation phase, of at least one month incorporating public advertisement and submission of representations. A person shall not engage in casual trading unless he/she holds a Casual Trading Licence from Louth County Council that is for the time being in force and the casual trading is in accordance with the licence and any conditions attached thereon.
- (b) The Council shall attach conditions to each licence issued.
- (c) Casual trading shall be confined to the trading place at the designated Casual Trading Area in accordance with the licence issued and stalls are to be wholly within the trading places in the Casual Trading Area. The Council must approve the type of stall used.
- (d) No goods or articles shall overhang a stall or be deposited on the ground except within the trading place.
- (e) The licence holder shall only trade in the goods specified in the casual trading licence.
- (f) A suitable receptacle for refuse, agreed with the Council, 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.
- (g) 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.
- (h) Stalls and all other articles must be removed after the hours of trading specified in the licence.
- (i) The Council reserves the right to remove stalls found on the casual trading area after trading hours and/or goods or other articles left outside the trading place at any time. These items will be stored by the Council and will only be returned to the licence holder on the payment of the Council's costs in relation to the administration, removal and storage of these items.

- (j) Licence holders involved in the sale of foodstuffs shall comply with any requirements of the Food Hygiene Regulations or Food Safety Authority of Ireland and hold an appropriate licence from the Health Board.
- (k) A licence holder trading in a casual trading area shall display the Casual Trading Licence number relating to the trading in such a position as to be clearly visible and easily legible to members of the public.
- (l) A licence holder trading in a casual trading area shall not be permitted to use a loudspeaker or public address system and shall refrain from causing any nuisance or disturbance.
- (m) Casual trading shall take place only during the hours specified in a casual trading licence. In the absence of being so specified – between the hours of 8.00 a.m. and 6.00 p.m.
- (n) An applicant for a casual trading licence shall pay a licence fee as set out in Bye-law 4 of these bye-laws.
- (o) The allocation of a trading place by the Council shall not confer upon the licence holder any tenancy or right to occupy or to transfer said Trading Place.
- (p) Licence holders shall ensure that no obstruction is caused or allowed to be caused to the owners or occupiers of premises and their invitees in the vicinity of the Casual Trading area.
- (q) Any person engaged in Casual Trading shall not erect any signs or advertisement in the vicinity or otherwise of the Trading Place.
- (r) No licence holder or any other person shall interfere with or obstruct any officer, servant or agent of the Council engaged in the 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.
- (s) The Council may grant more than one casual trading licence in respect of one trading place within a Casual Trading Area.
- (t) The Council shall not be responsible for any property belonging to any person wherever deposited or left in any part of the casual trading area nor for any loss, damage or injury caused by the negligence of any licence holder, his agents, employers or customers.
- (u) No vehicle shall be parked in the Casual Trading Area during the hours specified for Casual Trading unless the vehicle is associated with the casual trading being carried out and is parked within the Trading Place.
- (v) The Council reserve the right to re-allocate a Trading Place(s) on a particular trading day should a licence holder be absent.

## **6. Authorised Officers**

- (a) The Council shall appoint Authorised Officers for the purposes of managing and controlling its Casual Trading Areas.

(b) An Authorised Officer may:

- (i) Enter, inspect and examine any place where he has reasonable cause to believe casual trading is being engaged in,
- (ii) Require any person whom he has reasonable cause to believe to be engaging in casual trading:-

To produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the officer or a member of the Garda Siochana to examine the licence, and

If he 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 is the servant or agent of another person, the name and address of the other person,

- (iii) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or of bye-laws made thereunder are being complied with,
- (iv) Require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of this Act to give such information as is in his power to give as to the ownership of any goods being sold in the course of such trading,
- (v) Require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of these Bye-laws to produce to him any documents, books or records relating to such trading in his power, possession or control and give to him such information as he may request in relation to entries in those documents, books or records and examine, copy or take extracts from any such document, book or record.

(c) An authorised officer who proposes to perform a power or function conferred on him by paragraph (b) may request a member of the Garda Siochana to accompany him if he has reasonable cause to apprehend any obstruction in the execution of his duty.

(d) A person shall not obstruct or interfere with, or give false information to, an authorised officer or a member of the Garda Siochana in the performance of his functions under these Bye-laws.

(e) A person shall not fail, refuse, or neglect to comply with a requirement of an Authorised Officer or a member of the Garda Siochana under these Bye-laws.

(f) 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.

## **7. Penalties**

Penalties for infringement of these Bye-laws will be the penalties as set out in Section 14 of the Casual Trading Act 1995 or by any amendment thereto.

## **Schedule Part I (Lands & Maps)**

The lands as set out below and as delineated on the maps attached hereto are hereby designated as the Casual Trading Areas by the Council for the County of Louth. The number of trading places as indicated below for each Casual Trading Area shall be the maximum number of trading places for that Casual Trading area and the location of each trading place shall be as indicated on the maps attached hereto.

Town/Village: **Clogherhead**

Location: **Car Park**

Number of Trading Places in Designated Area: **1**

Maps Attached: **Clogherhead 1.**

Town/Village: **Clogherhead Pier**

Location: **Pier**

Number of Trading Places in Designated Area: **1**

Maps Attached: **Clogherhead 2.**

Town/Village: **Ardee**

Location: **Market Street**

Number of Trading Places in Designated Area: **2**

Maps Attached: **Ardee**

Town/Village: **Carlingford.**

Location: **Car Park and Tholsel Street.**

Number of Trading Places in Designated Area: **6.**

Maps Attached: **Carlingford.**

Town/Village: **Omeath.**

Location: **Leading to Shore**

Number of Trading Places in Designated Area:

Maps attached: **Omeath**

# **LOUTH COUNTY COUNCIL**

## **BYE-LAWS**

### **MADE UNDER**

#### **Casual Trading Act, 1995.**

Present when the Seal of the Council was affixed hereto:

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CATHAOIRLEACH/NOMINATED MEMBER

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DIRECTOR OF SERVICE

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COUNTY MANAGER