



Comhairle Contae **Lú**
Louth County Council

Louth County Council Casual Trading Bye-Laws 2023 and 2024

Procedure for the allocation and operation of Casual Trading Stands

Renewal Process:

Casual Trading Licences are renewed on a specific annual date. Renewal forms are sent out in the month prior to the expiry of the Licence.

In circumstances where the number of casual trading licences is limited by the availability of land to accommodate them (as is the situation in County Louth), the relevant law - *Section 4A of the Casual Trading Act 1995 as amended and Regulation 17 of the European Union (Provision of Services) regulations 2010 (533 of 2010)* - prohibits the Council from granting casual trading licences of unlimited duration and governs the award of such licences as their validity lapses.

Incomplete renewal forms shall be invalidated and returned to applicant.

The acceptance of a renewal form by the Council does not guarantee the granting of a Licence.

Failure to submit a valid application for renewal of a Licence ten (10) days in advance of expiration of the current Licence may result in the revocation of the Licence.

The Council reserves the right to reallocate the Casual Trading Area.

Allocation Procedure

Where Casual Trading Areas are available, an individual applying for a Licence shall furnish to the Council the information requested in the application form 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 an individual fails to comply with this, the Council may refuse to grant the individual Licence.

Applications for Casual Trading Areas shall satisfy the Council that the proposed trading activities will contribute to and ensure **the health, safety and wellbeing of the public attending the Casual Trading Area**

As well as considering the health, safety and wellbeing of the public attending the Casual Trading Area in assigning a particular Casual Trading Area (whether vacant or not) the Council shall consider the following criteria:

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Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
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- ❖ The fullness of the service to be provided, in terms of hours per day, days per week, and months per year, with preference given to a full service,
- ❖ The nature of the trading activities to be provided with preference given e.g. to
 - traders of artisan products grown, crafted or manufactured locally in relation to areas designated as preferred locations,
 - traders of food and drink products on the basis of local sourcing, healthy options, quality products,

These criteria are justified by public health considerations, the need to protect the cultural heritage of county Louth and the protection of the environment by minimising transport generated environmental impacts.

In assigning a **vacant** (for whatever reason) Casual Trading stand, the council will also have regard to the length of time that an applicant for the stand has been on the **casual trading waiting list**.

Where multiple applications for a single trading area are received in accordance with the provisions of these Bye-laws, the Council may at its discretion award a Casual Trading Licence by way of lottery. The form of such lottery shall be at the discretion of the Council.

The Council reserves the right to grant or refuse or revoke a Licence. The final decision with regard to the granting of a Licence shall rest with the Council.

The allocation of a particular bay(s) to a Licence holder, shall not confer any tenancy or any other rights, other than the rights conferred by the licence.

Terms and conditions of trading

- Only the Licence Holder shall engage in Casual Trading at the location specified in the licence.
- No goods other than those specified in the Licence shall be sold.
- Trading shall be confined to the allocated location, for the specified times and days.
- Traders in foodstuffs must comply with the requirements of the local HSE Environmental Health Office in relation to the statutory control of food.

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- All people engaged in Casual Trading must indemnify Louth County Council and any person using the facility/service being provided, against any liability arising out of the use of the facility/service in question. In this regard public liability insurance of €6.5m (minimum) in the case of any one accident must be obtained and proof of same must be given by the applicant to Louth County Council before any Licence is granted.
- A Licence Holder shall provide, at his/her own expense, suitable receptacles that meet the requirements of Louth County Council for the disposal of litter/waste (Waste segregated system).
- A Licence Holder shall keep the Casual Trading Area and a radius of minimum 50 metres clean and tidy and free from litter arising from the Casual Trading business.
- A Licence Holder shall use compostable products and promote recycling.
- Louth County Council may remove any stall or like receptacle found in a trading place outside of trading hours.

- A Licence Holder shall prominently display his/her casual trading Licence in such a position as to be clearly visible and easily legible to members of the public.
- A Licence Holder may nominate two agents to assist in the operation of a designated trading stall under the following terms and conditions:
 - There may only be two people operating the stall at any one time and each of them must be trading within one metre of the stall.
 - The Licence Holder must 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 Louth County Council.
- While occupying a trading place a Licence Holder must obey all lawful reasonable requests of an Authorised Officer or a member of An Garda Síochána.
- This Licence may be revoked at any time if any condition of the Licence has been or is being contravened.

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- A person engaged in Casual Trading shall not obstruct any business, premises, footpath, public road or public right of way.
- A person engaged in Casual Trading shall not conduct trading in a manner that causes or is likely to cause offence.

Licensee's Responsibilities

No person shall engage in Casual Trading unless he/she holds a Licence from the Council that is for the time being in force.

A Licence shall be issued annually.

The Licence shall indicate what goods may be sold and only such goods as shown on the Licence and for which the appropriate fee has been paid may be sold by the Licence holder.

A Licence may not be rented or sold or transferred by the Licence Holder. Any Licence Holder found in breach of this condition shall have his/her Licence revoked.

An applicant for a Licence shall complete and submit to the Council an application in the prescribed form and furnish to the Council the information requested in the application form together with the appropriate fee, and together with such further information as the Council may request, and if the person refuses to comply with these provisions the Council may refuse to grant a Licence to the applicant.

A Licence Holder shall provide, at his/her own expense, suitable receptacles that meet the requirements of Louth County Council for the segregation and disposal of litter/waste.

Licence Holders shall be responsible for compliance with all relevant Bye-laws, regulations and legislation by their servants, agents, assistants and employees.

Waste Management

Licence Holders shall ensure that all waste generated at the Casual Trading Area is disposed of appropriately and in accordance with the Waste Management Act 1996, as amended, and any relevant Regulations and EU Directives. Licence holders shall, on request by an Authorised Officer, produce evidence of method of disposal of waste generated in the Casual Trading Area. Licence Holders will fully comply with the terms of the Litter Pollution Act 1997, as amended.