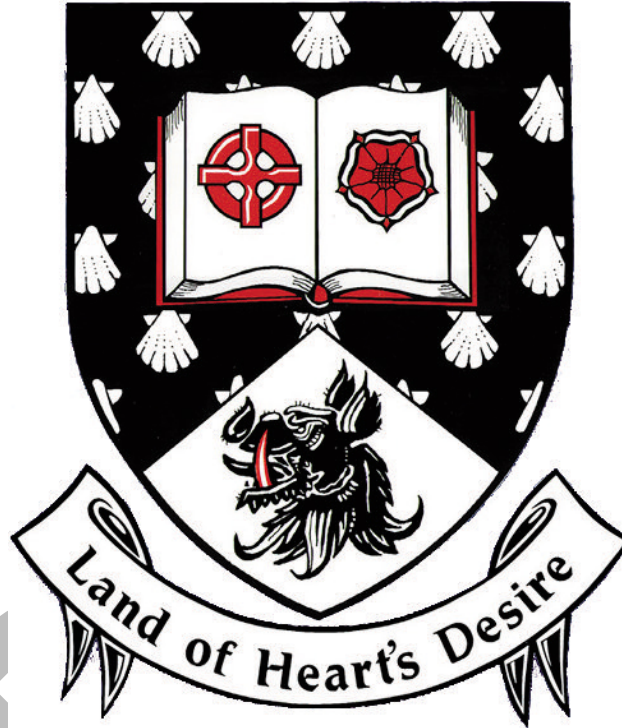


Comhairle Chontae Shligigh

Sligo Council Council



Casual Trading Act 1995

DRAFT CASUAL TRADING BYE-LAWS 2018

Arrangements of Bye-Laws

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Sligo County Council in exercise of its powers under Section 6 of the Casual Trading Act, 1995 hereby makes the following Bye-Laws for the control, regulation, supervision and administration of Casual Trading in its functional area.

1. TITLE

These Bye-Laws may be cited as “Sligo County Council Casual Trading Act 1995, Bye-Laws 2018”

2. COMMENCEMENT DATE

These Bye-Laws shall come into effect on XXXXXXX on which date Sligo County Council Bye-Laws, made on 7th July, 2003, and Sligo Borough Bye-Laws, made on 1st July, 2014, shall stand revoked.

3. DEFINITIONS

In these Bye-Laws, except where expressly stated to the contrary, the following words have the meanings hereby respectively assigned to them, that is to say:

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

“**Licence**” means a Casual Trading Licence granted by the Council under Section 4 of the Act.

“**Trial Licence**” means a Casual Trading Licence which allows a Casual Trader to trade temporarily for 4 consecutive market days as specified in their Licence.

“**Seasonal Licence**” means a Casual Trading Licence which is valid from 1st April to 30th September each year, both dates inclusive, or 1st October to 31st March each year, both dates inclusive.

“**Trading Area**” means land standing designated, as per these Bye-Laws and the schedule attached hereto, as an area where casual trading may be carried on, within the administrative area of County Sligo.

“**Trading Bay**” means a space(s) or pitch(es) within a designated area, delineated by the Council with paint or other marking, or measurement, on which a stall may be placed.

“**Peak Season**” means 1st April to 30th September each year, both dates inclusive.

“**Off-Peak Season**” means 1st October to 31st March each year, both dates inclusive.

“**The Council**” means Sligo County Council.

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

“Stall” shall include any wheeled or moveable stall or box, barrow, cart, trailer, or other vehicle conveyance, and any standing structure, booth or enclosure 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 article.

“Authorised Officer” means a person or persons appointed by Sligo County Council under Section 10 of the Act to be an Authorised Officer.

"Casual Trader" means a person to whom a licence has been issued to carry out Casual Trading pursuant to the Act and these Bye-Laws, or the licence holders servant or agent acting on the licence holders behalf, if authorised in writing in accordance with these Bye-Laws.

“Event Casual Trading Licence” means a Casual Trading Licence granted by Sligo County Council to carry out Casual Trading at an Event or Events specified in the Event Licence pursuant to Section 4 (1) (a) (iii) of the Act.

4. DESIGNATED CASUAL TRADING AREAS / TRADING BAYS

4.1. Casual Trading shall only be carried out at the locations designated and times specified in the attached Schedule 1 or at areas specified in a Licence issued in respect of a specified event or event under Section 4 (1) (a) (iii) of the Casual Trading Act, 1995.

5. CASUAL TRADING LICENCE

5.1. A Person(s) shall not engage in casual trading unless he/she, or the servant or agent of such person as agreed in writing by the Council holds a casual trading licence that is for the time being in force and the casual trading is in accordance with the licence.

5.2. A Casual Trading licence shall only be issued by, and at the discretion of, Sligo County Council.

5.3. Period of a Licence

5.3.1. A Licence may be issued for a period up to, but not exceeding, 12 months

5.3.2. A Trial Licence will be issued for 4 consecutive trading days as per 5.2 of these Bye-Laws

5.3.3. A Seasonal Licence shall be issued for a 6 month period as per 5.4 of these Bye-Laws

5.4. Trial Licences permit the holder to trade for 4 consecutive trading days at the designated Casual Trading Area and Bay as specified in the Licence. Such a Licence will be granted to a Casual Trader once within a 12 month period.

- 5.5. A Trial Licence shall only be issued where vacant trading bays exist within a designated Casual Trading Area at the time of application for such a Licence.
- 5.6. Peak Season Licences will start on 1st April and expire on the 30th September each year, both dates inclusive, and Off Peak Season Licences will start on 1st October and end on 31st March each year, both dates inclusive.
- 5.7. A Casual Trading Licence shall only authorise the person to whom it is issued to engage in Casual Trading, in the Council's functional area, or the servant or agent of such person as agreed in writing by the Council.
- 5.8. A Casual Trading Bay/Licence cannot be sub-let or sold.
- 5.9. Applications for a Licence must be accompanied by evidence of a current valid policy of insurance to include public/product liability cover with an Insurer recognised by the Central Bank of Ireland. 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
- 5.10. An application for a Licence shall be made in the prescribed form and shall be submitted, together with the appropriate fee, as set out in the attached Schedule 2, to Sligo County Council, County Hall, Riverside, Sligo.
- 5.11. No goods other than those of the nature specified in the Licence shall be sold.
- 5.12. A Licence fee shall not be refunded in the event of a Licence being revoked.

6. EVENT CASUAL TRADING LICENCES

- 6.1. An Event Casual Trading Licence may be issued to a person wishing to engage in Casual Trading during an event. Such Licences will prescribe the location for trading and will be subject to the regulations and conditions as specified by the Council. The Council shall determine the extent of Casual Trading at any event or events.
- 6.2. All applications for a Casual Trading Event Licence must be made not less than 30 days prior to the Event. Applications made outside of these timeframes may not be processed. An Event that requires a Road Closure must be submitted at least 6 weeks prior to the start date of the event
- 6.3. The Council may approve / refuse an application for an Event Casual Trading Licence during an event within the County of Sligo.
- 6.4. Fees must be submitted with the Casual Trading Event Licence Application Form. If the market does not proceed or a Casual Trading Event Licence is refused the Council will refund the event Licence fee paid. Persons that breach any condition of trading or have outstanding fees from a previous market event will be refused a Licence in the future.

7. CONDITIONS FOR TRADING

- 7.1. Stalls must be of the highest quality, properly maintained and presented, and suitably equipped for the particular service which it proposes to provide. No makeshift or aesthetically unsuitable structure/unit will be allowed.
- 7.2. The Casual Trader shall trade only at locations and within the Trading Bay (s) allotted to him/her on the days and within the times and period specified in a Licence.
- 7.3. During the days and hours as specified in Schedule 1, no vehicle or objects shall be parked in the Casual Trading Area by the Casual Trader unless said vehicle or objects are for the specific purpose of carrying on Casual Trading and are contained within the Trading Bay allocated. There shall be no overnight parking of trading vehicles.
- 7.4. No Casual Trader shall occupy the Casual Trading Area for the purpose of the sale of any goods more than half an hour before the opening time specified in Schedule 1 or occupy or allow any goods belonging to him/her to be in the Casual Trading Area more than half an hour after the closing time specified in Schedule 1.
- 7.5. The Casual Trader shall not display goods beyond the boundaries of his/her Stall either on the ground or hanging over the sides of the Stall, or deposit or cause to be deposited any goods or articles outside the Trading Bay.
- 7.6. 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
- 7.7. The Council shall not be responsible for any property belonging to any person deposited or left in any part of the Trading Area. The Council shall not be responsible for any loss, damage or injury caused by the negligence of any Casual Trader, his/her agents, employees or customers.
- 7.8. No Casual Trader shall obstruct or hinder any other person in the proper use of the Trading Area or any article provided by the Council for use therein.
- 7.9. No person shall bring or convey to or from the Casual Trading Area or stand in the Casual Trading Area any goods belonging to him/her in such a manner as to obstruct free passage through the marketplace or any of the immediate approaches thereto for any longer time than is reasonably necessary for the loading and unloading of goods.
- 7.10. A person engaged in Casual Trading shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the place where Casual Trading is taking place.
- 7.11. No person shall place or park any vehicle whatsoever in the Casual Trading Area on a market day so as to obstruct or hinder the market and any vehicles so placed shall be removed.

- 7.12. A person engaged in Casual Trading shall not cause or do any act or thing which interferes with the free flow of traffic or which would create a traffic hazard.
- 7.13. Each Casual Trader is responsible for keeping the area around their Stall and any avenue, passage, footway or roadway within the vicinity of the Stall free of litter. The removal of waste generated by each Stall is the responsibility of the Casual Trader.
- 7.14. Every Casual Trader using a Stall/Trading Bay in the Casual Trading Area shall:
- 7.14.1. cause the Stall/Trading Bay to be properly cleansed immediately before and after the sale of goods for the day and
 - 7.14.2. as often as is necessary and when directed by The Council or its agent during any day on which the Stall is used for the sale of goods cause all refuse from his/her Stall to be placed in a suitable or sufficient receptacle to be provided by him/her and must be kept at all times of trading within the allotted Trading Bay and shall be emptied regularly so as to avoid the creation of litter and
 - 7.14.3. 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 and
 - 7.14.4. comply with Waste Management Act 1996, as amended and Sligo County Council Waste Management Bye Laws 2013.
- 7.15. A Casual Trader in charge of a Stall shall not cause or suffer;
- 7.15.1. Any fish to be trimmed, gutted or cleaned at or about his/her Stall.
 - 7.15.2. Any fowl, or feathered game to be plucked at or about his/her Stall.
- 7.16. 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

8. APPLYING FOR A LICENCE

- 8.1. Trading Bays will be offered on a first come first served basis.
- 8.2. Where Trading Bays are available in a Trading area an individual applying for a Licence shall furnish to The Council, the information requested in the form prescribed, Form CT A, 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 article, The Council may refuse to grant the individual a Licence.
- 8.3. Where demand exceeds supply of Trading Bays only **ONE** Trading Bay per Casual Trading Area will be allocated to a Casual Trader.

8.4. The following must be submitted to the Council when applying for a Casual Trading Licence to trade at the areas specified in Schedule 1 of these Bye-Laws and also when applying for an Event Casual Trading Licence to trade an event within the functional area of the Council.

1. Fully completed Application Form
2. 2 passport photographs of licence holder
3. Copy of Current Tax Clearance Certificate or, alternatively, provide Tax Clearance Registration Number and Certificate Number
4. Evidence of Public Liability Insurance
5. Copy of Certificate of Motor Insurance
6. Copy of Certificate of Road Worthiness
7. Copy of HSE Food Registration, *where selling food*
8. Photographs of stall
9. Appropriate fee – see Schedule 3

9. NOISE NUISANCE

9.1 A person engaged in Casual Trading in a designated area shall not be permitted to use a loud speaker or public address system and shall refrain from causing any nuisance or disturbance.

10. NECESSARY WORKS

10.1 No trader or any other person shall interfere with or obstruct any officer, servant or agent of Sligo County Council, or any other provider of public utilities engaged in the carrying out of any works of maintenance or improvement in any part of the Designated Areas, even when such work is carried out during trading hours. Sligo County Council 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 will notify any affected licence holders in advance of any such prohibition taking effect.

11. SERVICE OF NOTICES

11.1 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:-

- 11.1.1. where it is addressed to him or her by name, by delivering it to him or her;
- 11.1.2. 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;

- 11.1.3. 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;
- 11.1.4. 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;
- 11.2. 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.

12. AUTHORISED OFFICER

- 12.1. The Council may appoint an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area.
- 12.2. Casual Trader shall comply with the lawful requests and directions by an Authorised Officer or by a member of the Garda Siochana.
- 12.3. An Authorised Officer appointed by The Council may:-
- 12.3.1. enter, inspect and examine any place where he/she has reasonable cause to believe that Casual Trading is being engaged.
- 12.3.2. 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.
- 12.3.3. 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,

12.3.4 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.

12.4. 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.

13. OFFENCES

13.1 A person who contravenes any provision of these Bye-laws shall be guilty of an offence. A person guilty of an offence shall be liable on summary conviction to fines as outlined in Section 14 of the Act, or by an amendment thereto.

Any person who contravenes a provision of these Bye-Laws or of any licence or condition or conditions of any licence granted under these bye-laws shall be liable to an on-the-spot fine of **€75** for a breach of these bye-laws and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice for such person to avoid a prosecution.

14. REPEAL OF BYE-LAWS

14.1 From and after the date of confirmation of the Bye Laws, the Sligo County Council Casual Trading Act 1995 Bye Laws 2008 and the Sligo Borough Council Casual Trading Bye-Laws 2015 shall be repealed.

Sligo County Council Casual Trading Bye-Laws 2018 shall come into operation on the DATE TO BE INSERTED HERE.

MADE AND ADOPTED UNDER THE COMMON SEAL OF SLIGO COUNTY COUNCIL

This _____ day of _____ 2018

Cathaoirleach

Chief Executive

Director of Services

SCHEDULE 1

DESIGNATED CASUAL TRADING AREAS, DAYS & TIMES

<u>Sligo City Locations:</u>	<u>Sligo County Locations:</u>	
<i>Non Seasonal</i> A. Market Place B. Doorly Park C. Cleveragh Park	<i>Non Seasonal</i> D. Tubbercurry E. Ballymote	<i>Seasonal</i> F. Enniscrone G. Rosses Point

MARKET PLACE

Location: Trading Bays at Market Place outlined in Red and numbered 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 as shown on Map **SCC/CT/2018/01**.

Days/Times: Fridays and Saturdays, 8.00 am - 7.00 pm

DOORLY PARK

Location: Trading Bay at Doorly Park outlined in Red and numbered 1 as shown on Map **SCC/CT/2018/02**.

Days/Times: Fridays and Saturdays, 8.00 am - 7.00 pm

CLEVERAGH PARK

Location: Trading Bay at Cleveragh Park outlined in Red and numbered 1 as shown on Map **SCC/CT/2018/03**.

Days/Times: Fridays and Saturdays, 8.00 am - 7.00 pm

BALLYMOTE

Location: Ballymote at Lord Edward Street (3 No. Bays) and Emmett Street (2 No. Bays). Outlined in red and Numbered 1 – 5 as shown on **SCC/CT/2018/04**.

Days/Times: Thursdays, 8.00 am – 7.00 pm and Saturdays, 8.00 am – 1.00 pm

TUBBERCURRY

Location: Wolfe Tone Sq, Tubbercurry on R294 side. Outlined in Red and numbered 1 – 6 as shown on **Map SCC/CT/2018/05**.

Days/Times: Thursdays and Fridays, 8.00 am – 7.00 pm,

SCHEDULE 1

DESIGNATED CASUAL TRADING AREAS, DAYS & TIMES

ENNISCRONE

Location: Area on beach marked 3 as shown on **Map SCC/CT/2018/06**. - At a distance of 250m from the stream west along the second beach, and the area between the dunes and the High Water Mark.

Licence Period:

Peak Season: 1st April – 30th September each year, both days inclusive.

Off Peak Season: 1st October – 31st March each year, both days inclusive.

Days/Times: Monday – Sunday, 8.00 am – 10.00 pm during peak season
Monday – Sunday, 8.00 am – 6.00 pm during off peak season

ROSSES POINT

Location: Rosses Point - Car Park Area at Beach. Outlined in Red and numbered 1 – 5 as shown on **Map SCC/CT/2018/07**.

Licence Period:

Peak Season: 1st April – 30th September each year, both days inclusive.

Off Peak Season: 1st October – 31st March each year, both days inclusive.

Days/Times: Monday – Sunday, 8.00 am – 10.00 pm during peak season
Monday – Sunday, 8.00 am – 6.00 pm during off peak season

SCHEDULE 2

MAPS OF DESIGNATED CASUAL TRADING AREAS AND BAYS

Drawing No.

Sligo City Locations:

A. Market Place	SCC/CT/2018/01
B. Doorly Park	SCC/CT/2018/02
C. Cleveragh Park	SCC/CT/2018/03

Sligo County Locations:

D. Ballymote	SCC/CT/2018/04
E. Tubbercurry	SCC/CT/2018/05
F. Enniscrone	SCC/CT/2018/06
G. Rosses Point	SCC/CT/2018/07

SCHEDULE 3 - LICENCE FEES

Market Place

1 & 2 car parking space (s) – to be allocated by Council upon approval of application

3 car parking spaces – Trading Bay No's: 3A, 7, 8

4 car parking spaces – Trading Bay No's : 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

Bay Size	Market Place Fees	
	6 month Licence	12 month Licence
1 car parking space	€80	€150
2 car parking spaces	€160	€300
3 car parking spaces	€235	€450
4 car parking spaces	€315	€600

Doorly Park, Cleveragh Park, Tubbercurry, Ballymote

6 month Licence	12 month Licence
€285	€545

Enniscrone, Rosses Point

Off Peak Season 1 st October – 31 st March	Peak Season 1 st April – 30 th September
€270	€450

Market Place, Doorly Park, Cleveragh Park, Tubbercurry, Ballymote,

Trial Licence	€40
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Casual Trading during Events

Casual Trading Licence to trade during an Event in Sligo County and City

An application for a Casual Trading Licence for an individual to carry on Casual Trading at an event or events mentioned at Section 6 shall pay a fee of **€50 per day per trading stall**.

(There are no reduced fees if trading for half a day or part of a day)

SCHEDULE 4 – FIXED PAYMENT NOTICE

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF
SECTION 6 OF THE CASUAL TRADING ACT, 1995.**

To: _____
Name: _____
Address: _____

It is alleged that you have contravened the provisions of a Bye-Law made under Section 6 of the Casual Trading Act, 1995 entitled Sligo County Council Casual Trading Bye-Laws 2018.

Details of alleged contravention:

On _____ within the administrative area of Sligo County Council.

During the period of 21 days beginning on the date of this notice, you must pay the sum of €75, accompanied by this notice, to Sligo County Council. If you are making such a payment you must ensure that your payment is accompanied by a copy of this notice.

A prosecution in respect of the alleged contravention will not be instituted during said period and if the sum of €75 is paid during that period, no prosecution will be initiated at any time.

Signed: _____
Authorised Person

Date: _____

You are entitled to disregard this notice and defend a prosecution

SCHEDULE 5 – ASSOCIATED DOCUMENTATION

APPLICATION FORMS

CT A – APPLICATION FORM FOR A CASUAL TRADING LICENCE

CT B – APPLICATION FORM FOR AN EVENT CASUAL TRADING LICENCE

DRAFT