

**LETTERKENNY TOWN  
COUNCIL**



**CASUAL TRADING  
BYE-LAWS, 2014**

**UNDER**

**THE CASUAL TRADING ACT, 1995**

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

THE COUNCIL OF THE TOWN OF LETTERKENNY in pursuance of the powers conferred on it by section 6 of the Casual Trading Act, 1995 HEREBY PROPOSES TO MAKE the following Bye-Laws for the administrative area of Letterkenny Town Council.

## **1. CITATION**

These Bye-Laws may be cited as the Letterkenny Town Council Casual Trading Bye Laws 2014.

## **2. COMMENCEMENT DATE**

These Bye-Laws shall come into operation on 20<sup>th</sup> of May 2014, on which date the Letterkenny Town Council Casual Trading Bye Laws 2006 shall stand revoked.

## **3. DEFINITIONS**

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 Letterkenny Town 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

”**Day Time Trader**” means any person or his Nominated agent, trading within the times specified in Section 6(a), with the exception of trading in hot food or the preparation thereof.

”**Night Time Trader**” means any person or his Nominated agent, trading within the times specified in Section 6(b), and trading in hot food and/or the preparation thereof via a mobile catering unit.

”**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 Letterkenny Town 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 Letterkenny Town 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.

”**Goods**” *shall include all provisions or marketable commodities/services*

”**Mobile Catering Units**” *means any stall that engages in the preparation and of prepared Hot or Cool food.*

”**Local Handcrafted goods traders**” *Traders selling only hand made good manufactured by themselves or their employees.*

#### **4. EXEMPTIONS**

Where an organization holds an event within the administrative area of Letterkenny Town Council with the specific permission of Letterkenny Town Council, any trading that occurs or stalls located in the confines of the event area is the sole responsibility of that organization. All insurances and associated documents should be to the satisfaction of Letterkenny Town Council. It is the responsibility of the aforementioned organization to furnish Letterkenny Town Council with an inventory of all proposed traders and proposed merchandise offered for sale, relating to said event. Letterkenny Town Council has the right to inspect and amend inventory where it is deemed fit. All traders within the relevant area, are subject to all conditions within the Casual Trading Bye Laws 2014.

#### **5. DESIGNATION OF LAND AS CASUAL TRADING AREA**

The following areas are hereby designated as Casual Trading Areas for the purpose of Section 6 of the Act.

- (a) The area described in Schedule 1 – Map 1 attached to these Byelaws.
- (b) In an event or special occasion where Letterkenny Town Council deems it necessary or advisable, a trading spot or area as listed in the First Schedule may temporarily be relocated at the discretion of Letterkenny Town Council.

#### **6. TIMES OF TRADING**

Casual Trading shall only take place at the following times on the following days:

##### **(a) Day Time Traders**

DT 1 – DT 4 At Oldtown Road (Schedule 1 Map No. 1) - Monday to Saturday  
7am – 6pm,

DT 5 – DT 8 At Market Square (Schedule 1 Map No. 1)- Monday to Saturday  
7am – 6pm,

**(b) Night Time Traders (Mobile Catering Units)**

At all locations on (Schedule 1 Map No. 1 ) shown as night trading areas NT1, NT2 and NT3 –

- i. On each Thursday, Friday, Saturday and Sunday night from 9pm until 4am the following morning **and**
- ii. Where a bank holiday or New Year’s Eve falls on a day other than Thursday, Friday, Saturday or Sunday on each such night from 9pm until 4am the following morning”

(c) All traders should not take up occupancy of their casual trading pitches before thirty (30) minutes of commencement of the trading hours.

All traders should vacate their casual trading pitches within thirty (30) minutes of expiry of the trading hours.

**7. LICENCING REQUIREMENTS**

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.

An application for a Casual Trading Licence must be requested in writing to Letterkenny Town Council.

**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 Town Clerk or Authorised Officer at the time of the granting of the individual licence.

(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 in and around the immediate vicinity of 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 any 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.

(h) shall not obstruct or impede the use of any public service such as benches, parking ticket machines public telephones private or commercial entrances or commercial services i.e. ATM machines, Post boxes etc.

(i) Applicant shall provide appropriate toilet and wash facilities for casual traders and their employees or subsequently shall submit written evidence from a third party with appropriate sanitary facilities within a one hundred metre radius of the casual trading area, which is willing to provide toilet and wash facilities during licensed trading times of that allotted pitch.

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 attached to the trading stall

(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.

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.

## **10. FOOD HYGIENE REGULATIONS**

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.

#### **11. PARKING RESTRICTIONS WITHIN CASUAL TRADING AREA**

(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 there from onto the Casual Trading Space specified in the Casual Trading Licence.

#### **12. PITCH OPERATION AND MAINTENANCE**

(a) 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 as defined in the first and second schedule.

(b) 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.

(c) 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.

(d) 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.

#### **13. NOISE POLLUTION**

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. Silent generators must be used at all times.

#### **14. LITTER**

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 Casual Trading Area 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 30 metres around the trading area to be kept free of litter arising from the Casual Trading business as approved by licence,

(c) ensure that 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 Letterkenny Town Council.

(d) ensure that all waste and litter arising from the trade or business be disposed of in a compliant manner in accordance with the relevant waste management legislation.

**15.** 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.

**16.** 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. All expenses incurred during any such removal shall be directed to the casual trading licence holder.

#### **17. AUTHORISED OFFICER**

**17.1** The Council may appoint an Authorised Officer or Officers or a member of the Garda Siochana for the purposes of managing and controlling the Casual Trading Area.

**17.2** 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/her 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 Byelaws are being complied with.

(d) The Appointed Authorised Officer may, at any time, request of the trader, or agent acting on the trader's behalf to view and inspect the toilet and wash facilities required by the Proposed Byelaws, Section (7)(i)

(e) 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.

(f) An Authorised Officer who proposes to perform a power or function conferred on him by Bye-Law Number 17 may request a member of the Garda Siochana to accompany him/her if he/she has reasonable cause to apprehend any obstruction in the execution of his/her duty.

**17.3** 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 Byelaws.

## **18. INSURANCES**

A person carrying on Casual Trading in the Casual Trading Area shall indemnify Letterkenny Town Council and Donegal County 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.

## **19. APPLICATION PROCESS**

**19.1** An application for a Casual Trading Licence must be requested in writing from Letterkenny Town Council and the following process shall be adhered to;

- (a) Applicant to receive application form from Letterkenny Town Council, which must be completed including all information, requested.
- (b) Letterkenny Town Council will consider and may provisionally offer in writing a casual trading license at a specific casual trading location. Letterkenny Town Council will provide map of location offered.
- (c) Applicant must notify Letterkenny Town Council in writing of acceptance of provisional offer and associated conditions 30 days prior to the intended commencement date of trading. Fees to be paid in full and all other documentation requested to be forth coming

(d) Applicant will be granted license on receipt of full fee amount, evidence of adequate insurances and all other documentation requested by Letterkenny Town Council.

**19.2** 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.

**19.3** Applications for Casual Trading Licences shall be made in the appropriate form addressed to the Town Clerk, Letterkenny Town Council, Public Service Centre, Neil T. Blaney Road, Letterkenny, Co Donegal.

(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 with all insurance documentation in order.

(c) The Council reserves the right to grant or refuse a Casual Trading Licence.

(d) Applicant shall provide appropriate toilet and wash facilities for casual traders and their employees or subsequently shall submit written evidence from a third party with appropriate sanitary facilities within a one hundred metre radius of the casual trading area, which is willing to provide toilet and wash facilities during licensed trading times of that allotted pitch.

(e) Individual trading spaces shall be allocated by the Council in the following manner;

- (i) Current licence holders will be given the option to renew their licence.
- (ii) All other applications will be dealt with on a priority basis based on date of receipt of application.

(f) 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.

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

**19.4** 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.

**19.5** 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/she was the holder of a Casual Trading Licence or an offence under the Act.

**19.6** 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.

## **20. SERVICE OF NOTICES**

**(a)** 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:-

- (i)** Where it is addressed to him or her by name, by delivering it to him or her;
- (ii)** 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;
- (iii)** 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;
- (iv)** 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;

**(b)** For the purposes of this section, a company registered under the Companies Acts, 1963 to 1999, 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.

## **21. LICENCE FEES**

**21.1** 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.

**21.2** A 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 in respect of an event or events specified in the Licence to be issued pursuant to section 4(1) (a) (iii) of the Casual Trading Act.

**21.3** The Fees and charges set out in articles 21.1 and 21.2 of these Bye-Laws may be updated one year after the bye law comes into operation and annually thereafter in accordance with the consumer price index.

**21.4** A licence holder may surrender his/her licence to the Town 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 Town Council may issue a new licence to another Casual Trader for the unexpired term of the surrendered licence.

## **22. PENALTIES**

A person who contravenes any of the Byelaws 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 Section 14 in the Act.

**Made and adopted** under the Common Seal of Letterkenny Town Council on the

Dated this        day of                    2014

**Present when the  
Seal of the  
Letterkenny Town Council  
was affixed hereto.**

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**P. DOHERTY  
TOWN CLERK**

Dated this        day of                    2014

LETTERKENNY TOWN COUNCIL  
APPOINTED CASUAL TRADING  
BYE- LAWS 2014

## **FIRST SCHEDULE**

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### **CASUAL TRADING LOCATIONS**

**The lands as described hereunder and delineated on Map 1 attached hereto, are hereby designated as the casual trading areas referred to in Bye-Law No.5(a).**

**Trading pitch NT 1, Ramelton Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch NT 2, Grill Car Park, is 7 metres long and 2.4 metres wide.**

**Trading pitch NT 3, High Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch DT 1, Oldtown Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch DT 2, Oldtown Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch DT 3, Oldtown Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch DT 4, Oldtown Road, is 7 metres long and 2.4 metres wide.**

**Trading pitch DT 5, Market Square, is 3 metres long and 1.5 metres wide.**

**Trading pitch DT 6, Market Square, is 3 metres long and 1.5 metres wide.**

**Trading pitch DT 7, Market Square, is 4 metres long and 1.5 metres wide.**

**Trading pitch DT 8, Market Square, is 2.5 metres long and 1.2 metres wide.**

## **SECOND SCHEDULE**

### **FEES**

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**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 byelaws, a fee shall be payable for each allocated Casual Trading space, as follows: -**

**Day Time Traders**

**€1000 per annum or  
(Seasonal) €300 per 3 months**

**Night Time Traders (Mobile Catering)**

**€3000 per annum or  
€800 per 3 months**

- (b) **Events €150 per day ( or part thereof)**

**THIRD SCHEDULE**

**FORM NO 1 – CASUAL TRADING LICENCE**

**LETTERKENNY TOWN COUNCIL**

**CASUAL TRADING ACT, 1995**

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

Letterkenny Town Council hereby grants to;

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

in Trading Space Number \_\_\_\_\_ at location \_\_\_\_\_

(Ref: Map \_\_\_\_\_) subject to full compliance with the Letterkenny Town Council Casual Trading Bye-Laws 2014.

Trading Times \_\_\_\_\_

Description of Goods For Sale \_\_\_\_\_

\_\_\_\_\_

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

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

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

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

**P. DOHERTY  
TOWN CLERK**



# **FOURTH SCHEDULE**

## **LETTERKENNY TOWN COUNCIL**

### **APPLICATION FORM FOR A CASUAL TRADING LICENCE Casual Trading Act, 1995**

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***Please read the notes overleaf before completing this form***

- (1) Name of Applicant \_\_\_\_\_
- (2) Full Postal Address \_\_\_\_\_  
\_\_\_\_\_
- (3) Telephone No \_\_\_\_\_
- (4) Occupation \_\_\_\_\_
- (5) (a) PPS no. (in the case of individual) \_\_\_\_\_
- (b) Tax Reference no. (in the case of a Co.) \_\_\_\_\_
- (6) If application is in the name of Limited Company, the Company Registration Number, as supplied by the Companies Registration Office \_\_\_\_\_
- (7) Is the application for:      General Licence      \_\_\_\_  
   An event(s) Licence      \_\_\_\_
- (8) Where the application is for a licence to trade at an event(s) specify:
- Name of Event      \_\_\_\_\_
- Address of where event takes place \_\_\_\_\_
- Date(s) for which licence is sought from \_\_\_\_\_ to \_\_\_\_\_
- (9) Registration of vehicle/vehicles associated with moving/locating of stalls for the purpose of casual trading \_\_\_\_\_
- (10) Description of the goods to be sold \_\_\_\_\_
- If you were a holder of a previous Casual Trading Licence please quote the following:
- Licence No: \_\_\_\_\_ Expiry Date: \_\_\_\_\_
- Number of previous years trading within Letterkenny Urban Area \_\_\_\_\_

#### **I DECLARE**

That I have not been convicted of two or more offences under the Casual Trading Act, 1995 within three years prior to the date on which I intended to commence casual trading.

Signature \_\_\_\_\_ Date \_\_\_\_\_