

Application Form for a Designated Area Casual Trading Licence 2024

NENAGH MUNICIPAL DISTRICT – CASUAL TRADING BYE-LAWS 2023

CASUAL TRADING ACT 1995

European Union (Casual Trading Act 1995) Regulations 2018

PLEASE READ CONDITIONS (ATTACHED) BEFORE COMPLETING THIS FORM.
PLEASE COMPLETE IN BLOCK CAPITALS

<u>Applicants Details:</u> Name of Applicant: _____ Full Postal Address: _____ Mobile No: _____ E-Mail: _____	***PPS No/ Tax Reference No (CRO): _____ <hr/> ***Public Liability Insurance: Name of Insurance Company: _____ <hr/> Insurance Renewal Date: _____ <hr/> ***Tax Clearance Details: _____
Trading Details: Location of Trading: _____ Pitch No. _____ Goods to be sold: _____ Date of Commencement of Trading: _____ Date of Cessation of Trading: _____ Days for which Licence is required: _____ Proposed Times of Operation: From _____ to _____ If you were the holder of a previous Casual Trading Licence please quote the following: Licence Number: _____ Expiry Date: _____	

*****Note:** Please note that before a licence can issue you will be required to produce a copy of the required Public Liability Insurance details (including indemnity to Tipperary County Council) and copy of your current Tax Clearance Certificate.

Specification of Stall from which Casual Trading will operate:

(Please specify if vehicle, booth, stand, covered stall or otherwise. Provide dimensions if other than a vehicle will be used)

Arrangements for Waste Disposal – (include specific details of receptacle for refuse and/or waste oil):

I declare:-

1. 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 intend to commence casual trading.
2. That the foregoing particulars are correct.
3. That I have read and agree to abide by the conditions of the Licence (See pages 3,4 & 5 attached)

Signature: _____ **Date:** _____

The closing date for receipt of completed application forms together with relevant supporting documentation **is 4.30 p.m. on Wednesday the 1st November 2023.**

Once the application is approved and in advance of the issue of a Casual Trading Licence, the appropriate fee fixed under the Nenagh Municipal District Casual Trading Bye-Laws 2023 shall become payable. The Fee shall be payable to Tipperary County Council and payment can be made by the following methods;

- Cheque/Bank Draft/Postal Order/Money Order payable to Tipperary County Council
- Bank Transfer (Tipperary County Council’s bank details supplied on request)
- Cash/Debit/Credit Card payment at the Tipperary County Council’s Civic Offices Nenagh.

Licence will not issue until the required fee has been paid and evidence has been produced of required insurance indemnity to Tipperary County Council and copy of Tax Clearance Certificate.

NOTE: The acceptance of an application by NENAGH MUNICIPAL DISTRICT does not guarantee the granting of a licence.

CONDITIONS OF CASUAL TRADING LICENCE

1. Only the Licence Holder and/or his or her Agent may engage in Casual Trading at the location specified in the licence.
2. Trading shall be confined to the allocated location for the specified times and days and no goods or articles shall overhang a stall or be deposited on the street except inside the allocated pitch.
3. The licence holder must prominently display the number of the licence at his/her trading place using the prescribed form in such a way as to be clearly visible and easily legible to members of the public.
4. If requested the Licence Holder shall produce his/her licence on demand to an Authorised Officer or to a member of An Garda Síochána.
5. The Licence Holder must trade within one metre of the stall.
6. The Licence Holder or his/her agent shall 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 Nenagh Municipal District as soon as is practically possible. Nenagh Municipal District should be advised immediately of any decision to cease trading.
7. Nenagh Municipal District reserves the right to re-allocate any pitch that has been left unoccupied by a licence holder for a period of 2 months without reasonable explanation to Nenagh Municipal District.
8. No goods other than those specified in the licence may be sold.
9. The Licence Holder shall not sell counterfeit goods and must be able to produce a paper trail identifying the provenance of goods clearly identifying where stock came from.
10. The Licence Holder will clearly identify all goods that are sold as "seconds" at the point of sale.
11. Traders in foodstuffs must comply with the requirements of the HSE Environmental Health Officer in relation to the statutory control of food.
12. **Disposal of Waste**
 - a. The removal of waste generated at each trading location is the responsibility of the trader.
 - b. The Licence Holder shall provide a suitable container/receptacle for refuse and waste oil (if applicable) which must be kept at times of trading within the allotted pitch.
 - c. The Licence Holder shall not allow litter to accumulate in the vicinity of the allocated pitch during trading hours.
 - d. At the end of trading each day, the Licence Holder shall clean the allocated pitch, arrange for the removal and proper disposal of waste or waste oil generated.
 - e. Under the Waste Management Act 1996 traders have two options to dispose of their waste –

- 1) Arrange for a private waste disposal company to do it or
- 2) Arrange to dispose of the waste in an alternative proper manner.

f. Traders must comply with their responsibilities under the Waste Management legislation and Nenagh Municipal District's Bye Laws. Failure to do so may result in prosecution.

13. **Stalls**

- a. A Licence Holder shall at his/her own expense provide a stall/unit, the specifications of which must be agreed with Nenagh Municipal District.
- b. Stalls must be maintained to a good standard of appearance and repair.
- c. Stall and other articles must be removed from the street after the hours of trading specified on the licence, unless otherwise agreed with Nenagh Municipal District.
- d. Nenagh Municipal District reserves the right to remove any stall or like receptacle found in a trading place outside of trading hours and/or goods or articles left outside the allocated pitch at any time.
- e. Nenagh Municipal District reserves the right to re-allocate any pitch which has been left unoccupied by a Licence Holder for a period of two months without reasonable explanation to Nenagh Municipal District.

14. The Licence Holder shall not obstruct any business, premises, footpath, public road or public right of way.

15. The Licence Holder shall not conduct trading in a manner that causes or is likely to cause offence.

16. Nenagh Municipal District reserves the right to suspend trading in order to facilitate works to a roadway, footpath, other infrastructure, on adjoining sites or for other operational reasons and where possible to relocate existing traders in or adjacent to the works into other available designated trading pitches within the Nenagh Municipal District's administrative area. This will be done following consultation with traders.

17. The Licence Holder must have Public Liability Insurance in place at all times, indemnifying Tipperary County Council to the value of €6.5m in the case of any one incident. Before a licence can issue the applicant will be required to produce evidence of their Public Liability Insurance including evidence indemnifying Tipperary County Council.

18. The Licence Holder must have a current valid tax clearance certificate in place at all times and before a licence can issue the applicant will be required to provide a copy of this certificate.

19. The Licence Holder must give two months' notice if surrendering a pitch.

20. While occupying a trading place a Licence Holder must obey all lawful requests of an Authorised Officer or a member of the Garda Síochána.

21. The licence may be revoked at any time if any condition of the licence has been or is being contravened.

22. A person who contravenes any of the conditions of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,270.

Casual Trading and Event Trading –GDPR

Reasons for requesting your personal information

- Your information is required in order to process your application for a Casual Trading/Event Trading licence.
- Your information is collected to process requests for a Casual Trading/Event Licence. The legal basis is provided for under the Casual Trading Act 1995.
- **If your application is successful it may be necessary to share your information with the statutory bodies i.e. Revenue Commissioners and the Minister for Social Welfare.**
- If the Casual Trading/Event Licence is granted, the information supplied by you will be kept securely for a period of up to seven years.
- If you do not provide the personal data required under the Casual Trading Act 1995 and the Casual Trading Bye-Laws 2023, Nenagh Municipal District will not be in a position to process your application.

For more information on the privacy statement please contact Nenagh Municipal District at 0818 06 5000.

If you would like more information on section 4 (11) of the Casual Trading Act, or would like to read it please click

<http://www.irishstatutebook.ie/eli/1995/act/19/section/4/enacted/en/html#sec4>

If you would like more information on Casual Trading, Act, 1995 (inserted by section 141 of the Finance Act, 1996) please click

<http://www.irishstatutebook.ie/eli/1996/act/9/section/141/enacted/en/html>

If you would like more information on section 13 of the Casual Trading Act 1995 (Register of Casual Trading Licences on computer) please click

<http://www.irishstatutebook.ie/eli/1995/act/19/section/13/enacted/en/html#sec13>

If you would like more information on Statutory Instrument No 308 of 2018 European Union (Casual Trading Act 1995) Regulations 2018 please click

<https://dbei.gov.ie/en/Legislation/SI-No-308-of-2018.html>