

Comhairle Contae  
Fhine Gall  
Fingal County  
Council



# **COMHAIRLE CONTAE FHINE GALL (Fingal County Council)**

## **Casual Trading Bye-Laws 2021**

made under the

## **THE CASUAL TRADING ACT, 1995**

### **Bye-Laws**

**For the control, regulation, supervision and administration of casual trading in the administrative area of Fingal County Council**

**LONG TITLE:** The Mayor and members of Fingal County Council (hereinafter referred to as "The Council") in exercise of the powers vested in them by the provisions of The Casual Trading Act, 1995 and all other enabling statutory powers hereby make the following Bye-laws for the control regulation, supervision and administration of casual trading in the administrative area of Fingal County Council

**PRELIMINARY AND GENERAL**

- 1. CITATION** These Bye-Laws may be cited as the Fingal County Council Casual Trading Bye-Laws 2021
- 2. AREA OF APPLICATION** These Bye-Laws apply to the administrative area of Fingal County Council
- 3. COMMENCEMENT DATE** These Bye-Laws shall come into effect on 12<sup>th</sup> August 2021
- 4. REVOCATION** The Fingal County Council Casual Trading Bye-Laws 1999 made by the Council on the 8<sup>th</sup> day of November, 1999 are hereby revoked as and from the commencement date of 12<sup>th</sup> August 2021
- 5. DEFINITIONS** In these Bye-Laws, except where expressly stated to the contrary, the following words or phrases shall have the meanings hereby respectively given to them, that is to say:
- "the Act"** means the Casual Trading Act, 1995.
- "the Regulations"** means the Casual Trading Act, 1995 (Forms) Regulations, 1996
- "the Council"** means the County Council of the County of Fingal.
- "Casual Trading Area"** means an area listed in the First Schedule hereto and designated as a casual trading area.

<b>"Licence"</b>	means a casual trading licence issued by the Council under the Casual Trading Act, 1995 and for the time being in force.
<b>"Casual Trading"</b>	means selling goods at a place (including a public road) to which the public have access as of right or at any other place that is a casual trading area as defined by the Act.
<b>"Casual Trading Area"</b>	means an area listed in the first schedule. In a designated area delineated by markings at the boundary, where casual trading may be carried on. A Casual Trading Area shall not exceed the area delineated by markings.
<b>"Licence Holder"</b>	means a person to whom a licence has been issued or the licence holders servant or agent acting on the licence holders behalf.
<b>"Authorised Officer"</b>	means an officer of the Council or other person appointed by the County Council for the purposes of the Act
<b>"Event Trading"</b>	means licensed casual trading at an event or events specified in the licence or at/in the immediate vicinity of the place where and on the day or days on which the event takes place
<b>"Registered Stall"</b>	means any wheeled or moveable stall, or box, barrow, cart, caravan, trailer or other vehicle or both or other stand or conveyance used for Casual Trading
<b>"Vehicle"</b>	means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or article
<b>"Sell, Selling or Sale"</b>	means agreeing to offer to sell or displaying for sale or inviting an offer to buy

**“Preferred Licence”**

Licence issued in preference for locally/regionally produced food products or arts/crafts of exceptional quality

**“Seasonal Trading”**

means licensed Casual Trading Licence which is valid from 1<sup>st</sup> April to 30<sup>th</sup> September (Peak Season) or from 1<sup>st</sup> October to 31<sup>st</sup> March (Off-peak Season). A Seasonal Licence will be issued for a six month period only.

## **PART II**

### **Regulation**

#### Casual Trading Area

Each of the lands described in the First Schedule hereto is hereby designated as a Casual Trading Area for the Purposes of the Act. The designated areas are divided into categories A to D as shown in the first schedule.

Casual Trading shall only take place in accordance with the Casual Trading Act 1995 and these Bye-Laws.

Casual Trading shall only take place at the locations designated for that purpose and on the days and at the times specified in the Licence or for a specified event or events at such other locations as may be approved by the Council.

Casual Trading shall take place only within the space allocated to the Licence Holder, identified by means of a description in his/her Licence and delineated by the Council.

The allocation of a Casual Trading Area by the Council shall not confer upon the Licence Holder any tenancy or right to occupy or to transfer the said Casual Trading Area.

Servants, agents, assistants, employees and/or family members of the Licence Holder shall have no right or entitlement to succeed to a Casual Trading Area.

The Council may grant more than one Licence in respect of any one Casual Trading Area.

In general, the Council will issue a Licence for only one Casual Trading Area to any individual applicant. However, consideration may be given to applications for more than one Casual Trading Area.

## **LICENCE**

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 form as prescribed and shall furnish to the Council information as requested 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.

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.

Licence Holders shall be responsible for compliance with these Bye-Laws by their servants, agents, assistants and employees.

## **LICENCE FEES**

An applicant for a Licence must pay the appropriate fee for the type of goods to be sold in the particular category of the Casual Trading Area.

Licence fees will be reviewed annually and may be revised from time to time by Executive Order.

## **DISPLAY OF LICENCE NUMBER**

a Licence Holder shall prominently display the number of his/her Licence in such a position as to be clearly visible and easily legible to members of the public at all times during trading hours.

## **SURRENDER OF LICENCE**

A Licence Holder may surrender his/her Licence to the Council prior to the expiry of the Licence period

A Licence Holder who wishes to surrender his/her Licence must give a minimum of one month's notice to the Council.

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 the maximum refund of 50% of the total Licence fee. Where a Licence has been surrendered, the Council may issue a new Licence for the unexpired term of the surrendered Licence.

## **REVOKING OF LICENCE**

The Council may, at its discretion, decide that a Licence Holder has lost their claim to a Casual Trading Area for the remainder of the year and/or their claim to a Licence for future years, if they have been found to have not engaged in Casual Trading at their designated Casual Trading Area for four (4) consecutive weeks. The Licence Holder will be given the opportunity to explain the absence prior to their Licence being revoked.

Before deciding to revoke a Licence, a 21 days notice giving particulars of the breach and the Council's intention to revoke the Licence will be sent to the Licence Holder.

The Council shall have regard to any written submissions made by Licence Holder prior to deciding whether to revoke the Licence.

A Licence fee shall not be refunded in the event of a Licence being revoked.

## **STALL**

A Licence Holder shall only use a stall, vehicle, trailer or other structure for carrying/displaying goods which is approved by the Authorised Officer of the Council and shall remove same at the end of each day's trading where appropriate.

Stalls shall be maintained in a safe condition at all times and barriers shall be erected around all potential hazards.

## **MISCELLANEOUS PROVISIONS**

An existing Licence or the issue of Licences for a Casual Trading Area may be temporarily suspended by Executive Order to facilitate construction/development/maintenance of a roadway, footpath, cycle track or other infrastructure or on adjoining sites of for other operational reasons.

## **OFFENCES**

A person who contravenes any provision of these Bye-Laws shall be guilty of an offence.

## **PENALTY**

Any person who shall contravene any provision of these Bye-Laws shall be liable for every such offence on summary conviction to a fine in accordance with Section 14 of the Act. The Council reserves the right to revoke a Licence for contravention of these Bye-Laws including failure to remove litter.

## **Application Process**

Incomplete application forms shall be invalidated and returned to applicant.

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

## **Casual Trading Licences (Designated Areas)**

The following must be submitted for an application for a Casual Trading Licence for a designated area:

- Completed application form
- 2 passport photographs of the Licence Holder
- Proof of identity – Passport/drivers licence
- Copy of public liability insurance policy of at least €6.5 million, in the case of any one accident, with Fingal County Council indemnified on the policy.



- If the Licence Holder wishes to nominate agents, they must supply the agent's name, agent's proof of identity and passport photograph.
- In the case of licences to sell food, a copy of HSE registration and a photograph of the unit to be used will also be required.
- Photograph of the stall to be used.
- Waste Management Plan, outlining procedure for receptacle waste segregated system (general/recyclable/food waste).
- Valid Tax Clearance Certificate or Tax Clearance Access Number (TCAN).
- Appropriate fee.

### **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.

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 shall result in the revocation of the Licence.

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

### **Allocation Policy**

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.

The Council shall consider the following criteria when assigning a particular Casual

## Trading Area:

- the proper operation of the Casual Trading Area
- the health, safety and wellbeing of the public attending the Casual Trading Area
- Preference will be given to traders of artisan products grown, crafted or manufactured locally in relation to areas designated as preferred locations.

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.

## **Event Trading Licences**

All applications must be made 30 days in advance of the date of the event. Applications made outside this timeframe may not be processed. The Council may approve/refuse an application for an Event Trading Licence during an event in the County of Fingal. The following must be submitted for an application for a Casual Trading Licence for an Event:

- Completed application form
- 2 passport photographs of the Licence Holder
- Proof of identity – Passport/drivers licence
- Copy of public liability insurance policy of at least €6.5 million with Fingal County Council, in the case of any one accident, indemnified on the policy.
- If the Licence Holder wishes to nominate agents, they must supply the agent's name, agent's proof of identity and passport photograph.
- In the case of licences to sell food, a copy of HSE registration and a photograph of the unit to be used will also be required.
- Photograph of the stall to be used.
- Waste Management Plan, outlining procedure for receptacle waste segregated system (general/recyclable/food waste).
- Valid Tax Clearance Certificate or Tax Clearance Access Number (TCAN)
- Appropriate fee

## **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.
- All people engaged in Casual Trading must indemnify Fingal 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 Fingal County Council before any Licence is granted.
- A Licence Holder shall provide, at his/her own expense, suitable receptacles that meet the requirements of Fingal 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.
- Fingal 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 Fingal 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.
- Only approved connections for fuel or power supply shall be used.
- 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 form as prescribed in the Regulations 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 Fingal County Council for the segregation and disposal of litter/waste.

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.

Licence Holders shall be responsible for compliance with these Bye-Laws 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 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.

**PART III**

**FIRST SCHEDULE**

**DESIGNATED AS CASUAL TRADING AREAS**

<b>Category A - Cemeteries</b>	<b>Goods</b>	<b>Fees</b>
Balgriffin Burial Ground (Map Ref: CT_HM01)	Flowers Coffee\Tea\Light snacks	€1000 €500
Fingal Burial Ground (Map Ref: CT_HM01)	Flowers Coffee\Tea\Light snacks	€1000 €500
Kellystown Burial Ground (Map Ref: CT_CM01)	Flowers Coffee\Tea\Light snacks	€1000 €500
Mulhuddart Burial Ground (Map Ref: CT_CM01)	Flowers Coffee\Tea\Light snacks	€1000 €500
St Fintan's Burial Ground (Map Ref: CT_HM01)	Flowers Coffee\Tea\Light snacks	€1000 €500
<b>Category B – Parks</b>		
<b>Category B (1) – Regional Parks</b>		
Ardgillan Demesne (PL)* (Map Ref: CT_BS01)	Flowers\Plants Arts\Crafts Coffee\Tea\Light hot & cold snacks	€1000 €1000 €5000
Malahide Demesne (Map Ref: CT_HM01)	Flowers\Plants Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€1000 €7000 €2500
Newbridge Demesne (PL)* (Map Ref: CT_BS01)	Flowers\Plants Arts\Crafts Ice Cream\Confectionery Coffee\Tea\Light hot & cold snacks	€1000 €1000 €2500 €5000

<b>Category B (2) – Parks and Open Spaces</b>		
Beechpark (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks	€2000
Damastown Park (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000
Hartstown Park (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks	€2000
Kettles Park (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Millennium Park, Blanchardstown (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery Food	€2000 €2500 €2000
Ongar Open Space (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks	€2000
Paddy's Hill Car Park (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Porterstown Park (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000
River Valley Park (Map Ref: CT_BS02)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000
Rogerstown Park (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks	€1500
Santry Demesne (Map Ref: CT_BS02)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
St Catherine's Park, Lucan (PL)* (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery Food Flowers\Plants Arts\Crafts	€2000 €2500 €2000 €1000 €1000
Waterville Park (Map Ref: CT_CM01)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000

<b>Category C – Beaches</b>		
Balbriggan Beach Martello Tower (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000
Barnageeragh Car Park (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks	€2000
Donabate Beach (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery Food	€2000 €2500 €2000
Loughshinny Beach Car Park (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Malahide Beach Car Park (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery Food	€2000 €2500 €2000
Malahide Estuary (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks	€2000
Portmarnock Beach (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Red Island Car Park Skerries (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Rush, North Beach (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery	€2000 €2500
Rush, South Beach (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Ice Cream\Confectionery Food	€2000 €2500 €2000
Tower Bay (Carpark), Portrane (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks Food	€2000 €2000



<b>Category D – Additional Areas</b>		
Howth Summit car park (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks Food	€2500 €2500
Lusk Recreational Hub (Map Ref: CT_BS01)	Coffee\Tea\Light hot & cold snacks	€2000
Robswall Estate/ High Rock (Entrance to) (Map Ref: CT_HM01)	Coffee\Tea\Light hot & cold snacks	€2000
<b>Seasonal Trading</b>	Locations may be determined by Executive Order by Fingal County Council	€1000 (peak) €500 (off peak)

\*PL denotes Preferred Location as defined.