

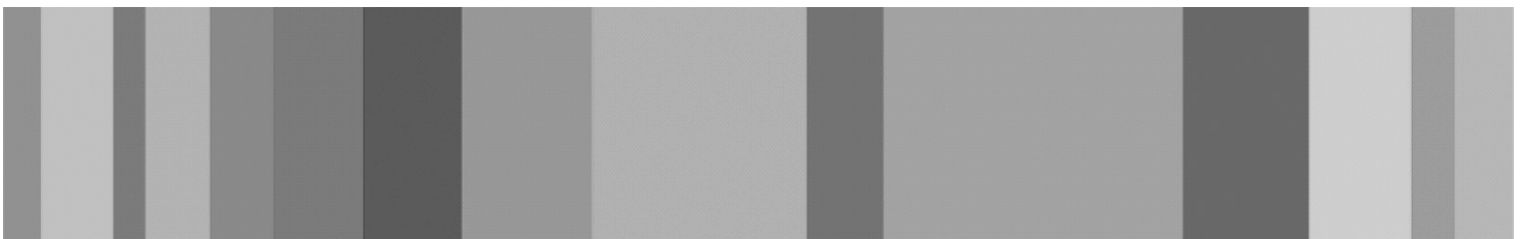
# **Environmental Services**

## **INFORMATION FOR INTENDING OPERATORS OF:**

**Commercial Private Markets  
Commercial Car Boot Sales**

**Occasional Temporary Markets  
for Charitable Fundraising purposes**

**Occasional Car Boot Sales  
for Charitable Fundraising purposes**



# INFORMATION APPLICABLE TO ALL APPLICANTS

## 1. LEGAL AUTHORITY

Bolton Council owns the Market Franchise Rights in respect of the Borough and its surrounding district, which gives the Council the exclusive franchise rights to operate, control and regulate all Markets within 6 <sup>2</sup>/<sub>3</sub> miles of its own Market operations, pursuant to Charter and Statutory Rights.

The Council has approved a policy outlining conditions under which a licence may be issued to organisations/operators of private markets, this policy enables the Council to regulate Markets within its area to ensure that proposed Markets do not become a nuisance to local residents or neighbouring businesses, and are operated in an appropriate manner.

Any person who wishes to operate a Market may only do so if such Market as been licensed by the Council. A licence will only be issued if the application complies with the evaluation criteria detailed below.

## 2. DEFINITION OF 'MARKET'

A Market is defined in law as '*a concourse of buyers and sellers*', and can be either indoors or outdoors.

Factors which are taken into account in determining whether an event constitutes a Market include:

- the number of stalls (events with 4 or less stalls are not normally considered to constitute a Market).
  - do the occupiers of the stalls pay a fee to the Operator?
  - is the event open to the general public?
  - do the occupiers of the stalls retain any of the income from sales made from those stalls?
  - for what purpose are the proceeds of the event to be used?
- The definition of a 'Market', as detailed above, applies equally to a 'car boot' sale.

## 3. REQUIREMENT TO OBTAIN A LICENCE

All Operators intending to hold any of the following events:

- Commercial Private Market
- Commercial Car Boot Sale
- Occasional Temporary Market for Charitable fundraising purposes
- Occasional Car Boot Sale for Charitable fundraising purposes

anywhere within the Bolton Borough, are required to obtain a Licence from the Markets Department – application forms are available on request (contact details on front page).

## 4. EVALUATION CRITERIA

### Commercial Private Markets/Car Boot Sales

- Licences will only be granted to private market organisers who fulfil certain conditions such as obtaining authority from the landowner; ensuring there are no highways problems, no counterfeit goods being offered for sale and that the site is suitable and can operate safely.
- As part of the application process the Market Department will consult and receive comments from local Ward Members and other Council Departments such as Highways, Environmental Health, Planning and representatives of the Emergency Services.
- The Markets Department will also consult with Trading Standards and notify them of any new application for a commercial market or car boot sale.
- The Council, through the Markets Department, will determine whether more than one commercial event is licensed on the same day considering the impact of one event on another and catchment area relating to each event.
- The Applicant will also be required to follow the Trading Standards Institute's 'Real Deal' national code of practice aimed at protecting shoppers and legitimate traders from illegal or counterfeit goods.
- After consideration as to whether the organisers have satisfied the requirements for obtaining a Private Market Licence to hold a commercial private market/car boot sale a formal Licence Agreement will be entered into between Bolton Council and the applicant.

### **Occasional Temporary Markets/Car Boot Sales for Charitable fundraising purposes**

- There will be a restriction on the number of events by charities or non-profit making bodies to a maximum of six events per calendar year.
- The use of any single site will be limited to a maximum of six events per calendar year, and there must be a minimum of 28 days between events.

## **5. SUBMITTING A LICENCE APPLICATION**

### **- Commercial Private Markets/Car Boot Sales**

Applicants are required to submit their Licence Application a minimum of 6 weeks in advance of their planned event date.

*If the event will require a temporary road closure order, then a minimum of 12 weeks notice is required.*

### **- Occasional Temporary Markets/Car Boot Sales for Charitable fundraising purposes**

Applicants are required to submit their Licence Application a minimum of 6 weeks in advance of their planned event date.

The timescales detailed above enable the Application to be properly considered by all authorities and agencies with an involvement in public safety, and, if successful, the Licence issued prior to the event being held.

## **6. PLANNING PERMISSION**

Organisers also need to be aware that if it is intended to operate a market event for more than 14 days in any calendar year on a particular piece of land, planning consent must be sought from the appropriate Planning Authority as stipulated by The Town and Country Planning (General Permitted Development) Act 1995.

(The Council's Planning Service can be contacted through the Contact Centre 01204 333333).

## **7. LANDOWNER'S PERMISSION**

It is the Operator's responsibility to obtain the written permission of the Landowner of the proposed site **before** a Licence application is submitted.

## **8. FEES AND CHARGES**

### **Commercial Private Markets/Car Boot Sales**

- A non-refundable administration fee for processing the application is payable as follows:
  - £50 for up to six event/days per year
  - £100 for more than six event/days per year.
- A licence fee of £1 per stall/car per event day, subject to a minimum fee of £50 per event/day should there be less than 50 stalls/cars.

### **Occasional Temporary Markets/Car Boot Sales for Charitable fundraising purposes**

- A licence fee of £10 will be payable per event providing the event is limited to a maximum of 50 cars in cases of occasional car boot sales or 25 pitches, stalls or spaces for occasional temporary markets.
- For larger events of more than 50 cars (for occasional car boot sales), or more than 25 stalls (for occasional temporary markets), then the licence fee will be £1 per car or stall per event/day.

## **9. UNIT SIZE**

### **Markets and Car Boot sales**

A 'stall' is defined, for the purposes of calculating fees and charges due, as any space, pitch, vehicle or other temporary construction, and shall not occupy a total floorspace exceeding 3m<sup>2</sup>.

## **10. LEGAL COMPLIANCE**

It is the Operator's responsibility to comply with **all** statutory and legal requirements, both civil and criminal, and in particular, but not limited to, those relating to consumer goods and services, food safety, health and safety, traffic control, fire safety, planning consents, Sunday trading, and waste containment, collection and disposal.

The Operator of a market or car boot sale for charitable fundraising purposes is responsible for ensuring compliance with legislation and requirements relating to Street Collection Permits, as provided for in the Police, Factories & Miscellaneous Provisions Act 1916. Further guidance on this subject can be obtained from Legal Services Department, Bolton Town hall, Bolton BL1 1RU.

## **11. INSURANCE INDEMNITY**

It is the Operator's responsibility to arrange appropriate insurance indemnity cover for the duration of the event, and also to indemnify the Council against any third-party claims which may arise through, or as a result of the, the approved event being held.

A copy of the certificate of insurance is required to be submitted along with the Application form.

## **12. DISCLAIMER**

The issue of a Licence to operate an event shall not be interpreted as indicating the Council's endorsement of:

- the event,
- the suitability of the intended site,
- the ability of the Applicant to operate the event.

## **13. COUNCIL'S RIGHT TO DECLINE AN APPLICATION**

The Council reserves the right to decline the issue of a Licence where the proposed event is deemed to be contrary to the public interest in the area surrounding the proposed site, or would be severely detrimental to the local community.

## **14. UNLICENSED EVENTS**

The Council will take all necessary action, including recourse to the Courts, against any Operator (and Site Owner if different) of any event held, or proposed to be held, without the Council's approval, such approval to be signified by the issue of a Licence to hold the event.

## **15. RESTORATION COSTS INCURRED BY THE COUNCIL**

In the event that the Council finds it necessary to undertake remedial or restoration work resulting from any environmental or other damage caused through the holding of the event, then the costs of such work shall be recharged to the Operator.

## **16. INSPECTION BY COUNCIL OFFICERS**

The Council reserves the right to inspect the operation of the event at any time.

## **17. TERMINATION OF A LICENCE**

The Operator shall ensure that all terms and conditions contained within the Licence are observed at all times. The Licence is likely to be terminated if any of the following breaches are observed:

- the event is allowed to operate outside of the Licensed Area.
- the event is allowed to operate outside of the Licensed hours/dates.
- the Operator fails to:
  - maintain Public Liability Insurance indemnity cover.
  - ensure that all food traders are registered under the Food Act, and comply with the requirements of the Food Safety (General Food Hygiene) Regs. 1995.
- prevent the sale of live animals, fish or birds.
- prevent the sale of counterfeit/illegal, contraband or offensive goods.

- ensure that all goods being offered for sale are in keeping with the type of event for which the Licence was granted.
- ensure the event and its surrounds are kept free of litter or other such nuisance.

## **18. ADVERTISING**

Section 132 of the Highways Act 1980 makes it an offence to inscribe or affix any sign within or upon the highway (which includes any verge, footway, tree, boundary wall/fence, roundabout). Private signs placed within or upon the highway could constitute an obstruction and/or danger to highway safety, and will therefore not be permitted. If any sign is displayed within or upon the highway, then the Council may remove such sign without notice, and charge the advertiser for its removal and storage.

## **19. DATA PROTECTION ACT 1998**

Data will be held manually and electronically in accordance with the terms of the Data Protection Act 1998.

The Council is under a duty to protect the public funds it administers, and to this end may use the information provided on an Application form for the prevention and detection of fraud.

The Council may also share this information with other appropriate bodies responsible for auditing or administering public funds for the purposes of the prevention and detection of fraud.

## **20. FREEDOM OF INFORMATION ACT 2000**

The above Act gives a right of access to information held by the Council to both individuals and companies; however certain information may be exempt on the grounds of confidentiality or commercial sensitivity.

The Council shall, in order to preserve the integrity of the application process and to respect the commercial and competitive positions of Applicants, endeavour to treat details of applications marked as 'Confidential' or 'Commercially Sensitive' at least until after the determination of the Application.

In the event that the Council receives an FOI request following receipt of an Application, and the Council considers that on the merits and in the light of relevant circumstances that any of the information therein is not covered by an exemption, then the Council shall, following consultation with the Applicant, be entitled to refer the matter for determination by the Information Commissioner prior to any disclosure.

**END OF GUIDANCE NOTES.**