



**COMMERCIAL PRIVATE MARKETS/CAR BOOT
SALES**

INFORMATION PACK AND APPLICATION FORM

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COMMERCIAL PRIVATE MARKETS/CAR BOOT SALES

NOTES FOR GUIDANCE

Traders who wish to operate a private market or car boot sale in the Leeds area are strongly advised to read these notes of guidance before making a formal application to Leeds City Council

GENERAL MARKET POWERS

1. Leeds City Council is vested with the rights and duties of holding regulating and controlling markets in the Metropolitan District of Leeds, West Yorkshire pursuant Charter and Statutory Rights.
2. Applicants should be aware that the definition of “market” includes car boot sales. A market is a concourse of buyers and sellers and can exist indoors or outdoors and will normally consist of more than one stall.
3. It will always be a question of fact as to whether a particular arrangement constitutes a market and if in doubt, applicants should contact the Market Service before making an application for consent.
4. If a person sets up a market/car boot sale without first obtaining the consent of the Council the market will be considered unlawful and the Council will be entitled to take action to stop the market trading. Action is normally taken in the High Court, which can be expensive for traders, if they have to defend proceedings. In addition if a market is stopped by the Council the operator could face claims from stall holders.
5. A grant of planning permission relates to use of the site only and does not authorise the holding of markets/car boot sales without the licence or consent of Leeds City Council pursuant to its market rights.
6. **See the enclosed information relating to s.37 of the Local Government (Miscellaneous Provisions) Act 1982** Applicants should note that the application for consent to hold a private market/car boot sale form must be completed even if the applicant considers he is exempt from the requirement of Section 37 of the Local Government (Miscellaneous Provisions) Act 1982. Compliance with Section 37, either by giving notice or being exempt, does not constitute consent for the purposes of operating a market/car boot sale.

PLANNING PERMISSION

1. Applicants should ensure that where that they have the necessary Planning Permission to use the site/hold the Markets/Car Boot Sales
2. Applicants should be aware that Planning Permission granted to an application made under Part III of the Town and Country Planning Act 1990 is required for the purpose of a market if:
 - a market is to be held on the land for more than 14 days in total in any calendar year;
 - the land in question is a building or the curtilage of a building;
 - the use of the land for a market involves the construction or siting of any immovable structures.
3. If Planning Permission is necessary and has not been obtained the application will not be considered.
4. If a Market/Car Boot Sale is held without the appropriate Planning Permission the Planning Authority can take appropriate Planning Enforcement action against the applicant and/or the owner of the site e.g. the service of stop notices and enforcement notices and injunction proceedings.
5. If the Markets Office issues a licence for an event to take place and it transpires that Planning Permission is necessary and has not been obtained - the licence will terminate immediately.

OBTAINING A LICENCE

1. Persons wishing to obtain a Licence from Leeds City Council should first of all ensure:
 - (a) they have an appropriate site to hold the Market or Car Boot Sale on;
 - (b) permission to use the site must be obtained and provided with the application, from the owner of the site;
 - (c) the site must be one that can operate safely including the movement of vehicles onto and away from the site so as not to cause congestion on the Highways.

2. Contact numbers of the relevant Departments at Leeds City Council who will be able to assist with queries in relation to these matters are contained within this pack.
3. The applicant should then complete the enclosed application form and submit it to the Markets Office at least **28 days** before the proposed event. Application does not imply a licence will be approved. **If Planning Permission is required this should be obtained before submitting an application for Commercial Market Licence.**
4. The applicant will be expected to pay the relevant fee for the Licence, as contained in the information in this pack.
5. Once the application is processed and in order, the applicant will enter into an agreement with the Council in the form of a licence which will be signed by both parties.
6. The licence will place the following obligations on the applicant:
 - (a) to comply with all statutes byelaws and other regulations affecting the site, including complying with food legislation and health and safety legislation.
 - (b) to ensure there is safe access to and egress from the site for vehicles and the public and that the site itself is safe for people to use.
 - (c) to only allow food for immediate consumption to be sold by traders licensed to do so by the Council's Environmental health officers.
 - (d) to provide first aid facilities on site.
 - (e) not to sell livestock.
 - (f) not to sell explosive materials of any kind.
 - (g) not to allow/permit gaming or betting on site.
 - (h) not to allow/permit the sale of illegal or counterfeit goods.

There may also be other conditions to comply with depending on the nature of the site and or event/s.

7. The licence will also make it clear that:

- 7.1 The Council will not be liable for any loss arising out of the operation of the event/s.
- 7.2 The licensee will be expected to take out a policy/policies of insurance to cover public liability on relation to any loss or damage arising out of the events on site and to keep the Council indemnified against any loss.
- 7.3 The licensee will allow Council officers on site at all times in order for them to check that the conditions of the licence are being complied with.
- 7.4 That the Council can terminate the Licence at any time.

SECTION 37 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The requirements of Section 37 are set out below. If s.37 is applicable to the type of market/car boot sale you wish to hold then notice must be given to the Council. This is **in addition to** any application for consent. If notice is not given as required you and/or the owner of the site could face prosecution in addition to any action the Council may take to stop the market.

Section 37

- (2) Subject to sub-section (3) below any person intending to hold a temporary market shall give the Council not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used as the case may be.
- (3) No notice is required under sub-section (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.
- (4) Any notice given under sub-section (2) above shall state:
 - (a) The full name and address of the person intending to hold the market;
 - (b) The day or days on which it is proposed that the market shall be held and its proposed opening and closing times;
 - (c) The site on which it is proposed that it shall be held;
 - (d) The full name and address of the owner/occupier of that site, if they are not the person(s) intending to hold the market.
- (5) A person who without giving the notice required by sub-section (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.00.
- (6) In this section “temporary market” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include:
 - (a) A market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order; or
 - (b) A sale by auction of farm livestock or deadstock.

- (7) A person holds a temporary market for the purposes of this section if:
- (a) They are entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market; or
 - (b) They are entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.
- (8) This section does not apply to a market held on any land in accordance with planning permission granted on an application made under Part III of the Town and Country Planning Act 1990.

If you require any further advice or information concerning the operation of markets in the Leeds Metropolitan District you should contact:

**The Markets Service
Markets Office
34 George Street
Leeds LS2 7HY**

Telephone No: 0113 214 5162

Fax No: 0113 214 5177

CONTACT ADDRESSES AND TELEPHONE NUMBERS

MARKETS OFFICE (0113) 214 5162

HIGHWAYS (0113) 247 7500

PLANNING (0113) 247 8000

EDUCATION (0113) 247 5597

ENVIRONMENT (0113) 247 6284



LICENCE FEE STRUCTURE FOR PRIVATE MARKETS/CAR BOOT SALES

Valid from 1 March 2011

The charges apply to each day of the event. For example an event scheduled to be held each Sunday will attract the daily event fee on each day the event takes place. Similarly, if an event is scheduled to be held on consecutive days, each scheduled day of that event will attract the daily fee.

Number of stalls/pitches/cars	Fee Payable per Daily event from 1 March 2011
Up to 50	£3.30 per pitch or £110.00 whichever is the lesser amount
Over 50	£2.65 per pitch

These fees are payable in advance. However for regular markets (more frequent than once per month) the fee is payable four weekly in arrears dependant on attendance. In these cases a bond of four weeks average attendance will be required.

APPLICATION FOR CONSENT TO HOLD A COMMERCIAL PRIVATE MARKET/CAR BOOT SALE

IMPORTANT: Applicants are strongly advised to read the Notes for Guidance included in the pack **BEFORE** completing this form. Failure to do so could involve the applicant in unnecessary expense.

Please provide the full name and address of the person(s) intending to hold the market (including the registered office if a company) include a contact telephone number.

NAME

ADDRESS

.....

.....

TEL. No:

Please provide two passport size photographs of the applicant. (One to be kept with the application and the other to form part of the licence (if granted) and expected to be worn by the applicant whilst the event takes place). If there is more than one applicant, each applicant is to provide two photographs of themselves. If the applicant is a company then a senior person within the company who will be present at the event is to provide two photographs of themselves.

Please indicate the full name and address of the owner of the site and include written permission from the landowner for use of the site as proposed in the application:

(Please note that until written permission to use the site is received from the landowner the application will not proceed)

NAME

ADDRESS

.....

.....

TEL. No:

1. Please indicate the day or days of the week the market/car boot sale will be held. *(please see Notes of Guidance in relation to planning permission. if planning permission is required then the applicant must provide proof in writing that this has been obtained when submitting this application)*

2. Please indicate the opening and closing times of the market/car boot sale.

3. Please indicate when the market/car boot sale will commence (**NOTE:** This must be at least **TWENTY EIGHT DAYS after** this form has been delivered to the Council) and finish

4. Please indicate the site of the proposed market/car boot sale and supply a detailed plan showing principal access and egress points, emergency egress points, available car parking and stall/car layout.

5. Please provide a schedule indicating the numbers of stalls and or cars anticipated on site. Please note, the commencing fee is based on this information (see schedule).

6. Please provide details of how you will comply with statutory legislation and byelaws relating to refuse disposal, etc.

7. Please provide details of how you will comply with health and safety legislation requirements.

8. Please provide details of first aid facilities to be provided on site.

9. If successful may Leeds City Council pass your contact details on to parties interested in the event.

Yes No

Now complete the declaration on page 13



DECLARATION -to be completed by applicant(s)

I hereby declare that all the above questions have been answered to the best of my knowledge and ability. Any change in circumstance will be reported in writing to the Markets Office immediately.

I include with this application:

- written permission to use the proposed site from the landowner;
- passport size photographs as indicated on page 10 of this application.
- Copy of planning permission notice.
- Initial fee based on anticipated attendance (question 5).

I accept ALL the conditions relating to Commercial Private Markets or Car Boot Sales.

I understand that the proposed Market/Sale can not proceed until I have received approval from Leeds City Council and paid the relevant licence fee.

Signed:

Dated:

Return to: Leeds City Council Markets Service,
Markets Office, 34 George St, Leeds, LS2 7HY.

Telephone No: 0113 214 5162

Fax No: 0113 214 5177

Data will be held manually and electronically in accordance with the terms of the Data Protection Act 1998 and will be used for stall allocation purposes.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.