



**COMMERCIAL PRIVATE MARKETS/CAR BOOT
SALES**

INFORMATION PACK AND APPLICATION FORM

CONTENTS

1. NOTES FOR GUIDANCE

2. S.37 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

3. CONTACT NUMBERS

4. FEE STRUCTURE

5. APPLICATION FORM

6. IMPORTANT INFORMATION – HEALTH & SAFETY

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 378 1950

CONTACT ADDRESSES AND TELEPHONE NUMBERS

MARKETS OFFICE (0113) 378 1950

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 2014

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 2014
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 a passport size photograph of the applicant to be kept with the application and to form part of the licence (if granted) and expected to be available from the applicant whilst the event takes place. If there is more than one applicant, each applicant is to provide a photograph of them. If the applicant is a company then a senior person within the company who will be present at the event is to provide a photograph of them.

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 type of market proposed and 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 378 1950

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.

Private Market Operators

Markets Service
34 George Street
Leeds LS2 7HY

Contact: Sue Burgess
Tel: 0113 3781950
Fax: 0113 214 5177
email: susan.burgess@leeds.gov.uk

10/12/2015

Dear Sir / Madam

IMPORTANT INFORMATION: FRANCHISED MARKETS, HEALTH AND SAFETY MANAGEMENT

As the operator of a private market event you are advised that health and safety regulations place a duty on you as the event operator - or Licensee - to undertake a suitable and sufficient risk assessment for the event you are operating. As part of this process the assessment must demonstrate that you have identified all potential hazards and risks and detailed the control measures you have put in place to eliminate, or reduce, the risk of injury or damage as a result of the event.

Therefore please ensure you undertake a documented risk assessment and make this readily available for inspection if requested. If you require assistance in completing the assessment, or require any additional information on the process, then please contact James Peart, Assistant Commercial Development Manager on 0113 3781947.

You are also reminded that a condition of permission for the event is for you to adequately indemnify the Council against the risk to public safety as a result of the event and also the requirement for you to have adequate insurance cover.

As the operator you are responsible for managing the event throughout, integral to this is for you to appoint a 'Competent Person' who will be present at the event throughout and have sufficient authority to make significant operational decisions as required during the event.

Stall hire:

If you are hiring the stalls and the stall erection/dismantling service from the Markets service you are advised that there are inherent risks associated with the use of the stalls during windy/gusty weather if the process is not managed effectively and as detailed below.

The stall delivery, erection and dismantling service is undertaken by competent Leeds City Council staff that are trained in the safe erection and dismantling of the stalls. However as the stalls are temporary demountable structures (i.e. not fixed to the surface) there is a risk associated with their use in inclement weather which must be managed and eliminated by yourself as the operator.

Predicted weather conditions: if your event is operated outdoors then you are advised to check the predicted weather conditions before each event - for example on the met office website- www.metoffice.gov.uk/public/weather/forecast and also as required during the event. If you have a concern about the predicted weather conditions then you are responsible for making the decision either to go ahead with the event as planned or to cancel.

You should contact the Markets service a few days before the event to confirm the number of stalls required and the layout – however please note the Markets service will not offer advice or a view/opinion as to what the weather may or may not be like for the event. Furthermore the Markets service will not offer an opinion as to whether the event should go ahead – this is strictly a decision for you as the operator.

In the event of predicted inclement weather on the day please note the following:

On the day of the event:

If you have taken the decision to operate the event but you have concerns about the predicted weather for the period of the event then you must ensure your Competent Person (CP) is on site at the same time as the erectors so that the CP can make the decision as to whether the event should go ahead and before the erection process commences.

If at this point your CP decides to go ahead with the event then the CP must liaise with the stall erecting team to introduce the following control measures:

- Stall roofs (canvas canopies) not to be fitted.
- For stalls not being used the stall boards (wooden counters) must be taken off the stall and removed from site. If it is not possible to remove from site then the boards to be laid flat on the ground and in such a way as to not be a trip hazard.
- If, in the opinion of the CP, the hazard/risk would be reduced by dismantling vacant stalls then all stalls not occupied by the time trading commences should be safely dismantled

If the weather deteriorates on the day:

If the stalls are already erected and then weather conditions change to such an extent that the CP considers it unsafe to continue to trade then the CP must cancel the event. In these circumstances the CP must instruct all traders to:

1. stop trading with immediate effect
2. remove their stock
3. lay stall boards on the ground
4. vacate the site asap.

The CP will then need to contact the LCC stall erectors to make arrangements to bring them back to site to dismantle the stalls safely asap.

The CP will need to take into account the risk of injury to themselves and others during the dismantling process.

For all events:

Your CP must undertake visual checks of all stalls once erected, and as required during the day, and take action if any hazards are identified with the stall erectors whilst they are still on site. If the team has left site then the CP should address the issue or contact the stall erectors to ask them to return to address the issue.

Thank you in anticipation of your cooperation with these essential health and safety requirements. If you require any clarification on any aspect of this letter then please do contact me.

Please note the detail set out in this letter forms part of the agreement and by accepting franchise of our market rights you are agreeing to these conditions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sue Burgess', with a horizontal line underneath.

Sue Burgess
Head of Markets service