

## **Appendix 20.**

28 February 2014.

# **LICENSING REGULATIONS AND APPLICATION FORM FOR TEMPORARY MARKETS AND CAR BOOT SALES**

## **1. Markets Charter**

The Council currently operates markets in Bury, Ramsbottom and Radcliffe. By virtue of a Royal Charter, the Council is entitled to protection against the operation of rival markets including car boot sales, within the Metropolitan Borough of Bury. The legal definition of a Market is defined as a concourse of buyers and sellers comprising not less than five stalls, stands, vehicles or pitches from which articles are sold.

Consequently, any event having four or fewer stalls is not classed as a market. For the purposes of licencing, Bury Council defines a stall as being no larger than 3 meters by 3 meters. (9 sq, ms) in size.

## **2. Applications to Markets Management**

In accordance with the above, applications to hold temporary markets and car boot sales must be submitted for approval by Bury Markets Management at least 28 days in advance of the event being held.

Where an applicant seeks to hold a temporary market/car boot sale on land owned by Bury Council, the applicant must first obtain the separate written consent of the Council as land owner to hold such an event on that land. Applicants must have obtained such consent prior to applying to Markets Management for approval. Details in respect of which Council Department controls the land in question, can be obtained from the Council's Land Management section on 0161-253-5811.

The Council will not grant consent for the holding of temporary markets/car boot sales on its car parks.

Any party wishing to hold such an event must complete the designated application form which is available at the Markets Office. Markets Management reserves the right to refuse any application for temporary markets/car boot sales for whatever reason.

## **3. Regulations**

Commercial traders are not allowed on private car boot sites. Bury Markets Management visit car boot sites regularly and if commercial traders are evident then future licences from the applicant and that site will be refused. Opportunities for commercial traders exist at Bury's markets. Commercial traders wishing to sell goods that they have purchased for resale should be directed by the applicant to Bury Markets Management on 0161-253-6520.

Only second hand goods or goods that are surplus to a household's requirements may be sold at car boot sales. Items acquired for the purpose of resale, will not be permitted.

The Council operates a list of prohibited goods. Prohibited goods will not be permitted under any circumstances. Details are available for inspection at the Markets Office. Trading Standards Officers check to ensure compliance.

The organisers shall not cause or permit notices or posters advertising the event to be displayed on lamp posts, buildings etc, without permission of the owner, or in contravention of Planning Statutes and Regulations. All advertising matter relating to a market, including car boot sales etc requires permission from the Councils Highway Network Services. It is the responsibility of the organiser to enquire whether the area is Council adopted. Contact details: 0161-253-7628 or email [Traffic@bury.gov.uk](mailto:Traffic@bury.gov.uk).

Please note any posters without approval will be removed.

When organising events, please ensure that a start/finish time is clearly publicised within all advertising matter produced for the event. Furthermore, where such events take place near to residential areas, consideration should be given to residents within the neighbouring area. Events taking place in close proximity to residential areas are recommended to start no earlier than 8.00am, with traders arriving no earlier than 7.00am.

All events should be adequately supervised throughout. In addition, it is recommended that you make the appropriate arrangements for the provision of all those facilities, including toilet facilities, normally associated with such events, including making appropriate arrangements for the removal of all litter from the licensed site.

The Council will restrict an individual or organisation and any specific location to holding a maximum of eight non commercial markets per year, but in either case permission will not be granted for events to be on consecutive weekends. If an application is received for consecutive days, upon approval, each day would require a licence.

The Council will restrict an individual or organisation and any specific location to holding a maximum of two commercial events per year.

#### **4. Charges and Payments**

Markets Management will review periodically, the fees for temporary markets/car boot sales details of which are included within the application form and are also available for inspection at the Markets Office.

Approval for any application for temporary markets or car boot sales will be subject to receipt of the prescribed fee.

Applicants should submit payment for the minimum fee with the application form and depending on the number of stalls or pitches let on the day must pay any additional sums due to Markets Management when requested after the event. Any failure to pay Markets Management such additional sums will result in an additional administration fee being incurred, details of which are available for inspection at the Markets Office.

Should any event be cancelled for whatever reason, charges cannot be refunded or credited towards another date.

## **5. Compliance**

Any individual or organisation that fails to comply with the above conditions will not be eligible for consent for future events.

Temporary markets/car boot sales are inspected by Bury Markets Management on the day and checks are made to verify compliance with regulations.

## **6. Types of Market**

There is no statutory distinction between different types of market, however Bury Council, for the purposes of licensing, make two distinctions:

### **(a) Non Commercial Markets and Business Groups**

For the purposes of these Regulations, non commercial operators and business groups are defined as being organised and run by locally constituted charities and community groups. All of the proceeds from the letting of stalls must go directly to that charity or community group.

To be accepted as such by the Council, all non commercial operators and business groups must, if so required, provide proof to the Council's satisfaction that all proceeds from stall rents are retained directly by that organisation.

Bury Markets Management has absolute discretion in determining whether any particular event is for charitable purposes, or otherwise.

### **(b) Commercial Markets**

The Council may allow temporary markets/car boot sales for which the aim of the organisers is to make a profit; i.e. to have commercial interest, which derives financial benefit from the organisation of the event. In considering applications for a commercial market, the Council will only issue an approval if it is in the interests of the Borough and does not conflict with an existing market.

The Council will not approve events held on consecutive weekends.

### **Council Markets**

- The Council currently runs permanent Markets in:
  - Bury – Wednesday, Friday and Saturday
  - Radcliffe – Tuesday, Friday and Saturday
  - Ramsbottom – Saturday
- The Council also runs the following temporary markets:
  - Car boot sales – Ramsbottom (Sundays between the months of April to October inclusive).

## **Artisan Markets**

The Council has also granted a franchise for an Artisan Market, which holds 22 events a year in Ramsbottom, Radcliffe, Whitefield and Prestwich.

## **Council Supported Markets Events**

In recognition of the fact that events and activities which incorporate a market element play an important role in enhancing the vitality and viability of the Borough's town centres, the Council formally supports a number of non-commercial events. These are events which significantly increase the number of visitors to the towns within the Borough. A schedule of these market events is maintained and reviewed on an annual basis, the New Year starting on 1<sup>st</sup> April each year.

The criteria for such events being included within the schedule is as follows:

- The applicant can demonstrate that the proposed market event has the minuted approval of the relevant local constituted business group, or, should one not exist, the local Township Forum.
- Apart from Council supported market events, no proposed markets shall be held in the same town and on the same day as the Council's permanent Markets.
- No proposed markets shall be held on the same day as the Artisan Market if the former is to sell predominantly the same produce as the latter.
- No proposed market events shall be held on the same day as the Speciality Market if the former is to sell predominantly the same produce as the latter.

The judgment of what constitutes 'predominantly' shall be taken by the Markets Management, in consultation with the Head of Property & Asset Management.