

CAR BOOT SALES AND TABLE TOP SALES

The Council of the City of Wakefield has sole Market Franchise rights throughout the Metropolitan District. In the past the Council has taken legal action to protect its market rights and this policy will continue in the future.

Under existing policy, the Council is prepared to consider raising no objection to or approving certain car boot sales or table top sales but only under the policy determined by the Council and outlined as follows.

The car boot sale/table top sale must be organised for charitable, sporting, political or social purposes whereby the organiser only retains proceeds for the car boot sale/table top sale rent and the proceeds from the sale of goods are retained by individual "stallholders".

Where an event is to take place ALL items to be sold must be of a second-hand nature. The Council will only approve such an event once in any period of twelve months.

The organisation should only allow goods to be sold from cars/tables; there should be no vans, lorries, trailers or professional stall equipment allowed to be present.

Organisers of events, which fall into this category, are asked to take very careful note of these provisions and ensure that full details are provided to the Council's Market Headquarters on the form provided. Arrangements for the event should not be completed until the Council has acknowledged receipt of the form and indicated that the arrangements are satisfactory.

Only four Car Boot Sales (operated by different organisations) will be authorised for any one piece of land e.g. Education or private. There must be a minimum of 28 days between events held on the same site and a maximum of four car boot sales will be allowed on any one day.

Please note that the notice provisions which have been referred to in this note are required by the Council to assist in assessing the effect of car boot sales on its own markets. In addition the provision of the Local Government (Miscellaneous Provisions) Act 1982 require that notice is given to the Council in respect of certain temporary markets. If such information is not forthcoming the Council is entitled to prosecute an offender and fines of up to £500 can be awarded by the courts. Please ensure that the relevant information is given on the form enclosed with this notice so that if the provisions of the Act apply to you, you will have discharged the obligations imposed upon you.

Organisers wishing to hold specialist temporary markets must apply to the council for a Specialist Markets and Fairs application form.

It is also recognised that there are other annual/one off events which take place throughout the district and where there is a concourse of buyers and sellers, this constitutes a market and approval must be sought from the council. Organisers must take into account that the sale of general commodity goods will not be approved at these events.

Trade Stalls associated with the event will be given consideration. Organisers of annual shows, fairs, galas whose intention is to have stalls offering goods for sale must apply to the council for the Annual Shows/Fairs/Galas application form. Any organiser who decides to operate events on more than a one off/annual basis will need to comply with the Specialist Markets and Fairs Policy and the fees it entails.

Whilst the Council has no desire to prevent bona fide fund raising activities by organisations where events fall into the categories set out above the Council is obliged to have regard to the overall effects of these events on its markets. Taken in isolation one event may appear to be of little significance but please understand that the holding of a number of temporary markets or car boot sales – particularly on the same site – is likely to have a significant effect.

Organisers should note that NO food should be sold from the boots of cars and all food including that being sold from catering vehicles must be registered under the Food Act and comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995.

Should organisers who are holding their event on private land or on Council land receive requests from unregistered traders to sell food at car boot sales they should ask the trader to contact 01924 306936 with regard to registration. Failure to comply with the necessary requirements could result in legal proceedings being instituted and the organiser should inform food traders accordingly.

Please also note that in accordance with Council policy and the provisions of the Pet Animal Act 1951 (Amendment) Act 1983 there must be no sale of live animals, fish or birds at any car boot sale/table top sale.

Organisers should ensure that no counterfeit/illegal/contraband or offensive goods are sold at the event.

Organisers who intend to hold car boot sales and/or table top sales obviously need to obtain permission from the landowner. If the land is Council owned, applications should be made to the relevant Department and any approval given to the holding of the car boot sale or table top sale by the Corporate Director of Neighbourhood Services is conditional upon approval also being given by the land owner. If you have obtained permission from any other Council Department for use of the land please forward evidence.

Council policy stipulates that ALL applications in respect of proposed car boot sales/table top sales etc. must be forwarded with a £52.50 administration fee (which is subject to review on 1st April each year).

Due to traffic problems caused by previous events the organisation should contact the Police well in advance of their event to organise traffic control.

For events taking place on Council owned land there should be a provision of litter bins on site for your use. It is important for the organiser to ensure that all the rubbish is cleared after the event otherwise a charge will be made to the organisation for the time the area takes to be cleared by Council workmen.

Organisers of events should only erect directional signs which comply with all the conditions laid down by Transportation, Engineering & Design, Newton Bar, Wakefield, WF1 2YN, Tel. 01924 306068. Posters etc, advertising the event cannot be allowed. Please contact the above officer for any further details regarding the erection of signs for your event.

Car Boot Sales on Public Open Space.

It is a requirement of the Council's Leisure Services Committee that any car boot sales which are authorised to be held on public open space will be subject to:

- i. Each event being previously authorised under the Council's markets policies;
- ii. The issue of a licence to hold each such event on Council land;and
- iii. The organisers meeting any specific requirements of the Corporate Director of Environment Services (including the maintenance of a register of all vendors and arranging for each to display a sign indicating his name/trading name and business/home address in a manner satisfactory to the Council).

No more than four car boot sales (operated by different organisers) will be authorised in any particular public open space,

A separate fee for administration costs is also charged for an event held on such land. Also a fee (subject to review on the 1st April each year) per vendors car will be charged at all car boot sales on Council owned or controlled land in order to cover costs of supervision (excluding events held on Education or Social Services premises where the proceeds are to benefit an organisation representing the premises concerned). The Council's supervisor will count and agree with the event organiser the number of vendors cars attending the event and this amount will then be invoiced to the organiser shortly after the event.

Persons wishing to hold car boot sales on such sites should, therefore, apply to the Leisure Services Administration Section of the Environment Services (telephone 01924 307810) for approval in principle to use the land either before, or at the same time, as completing form CB5. Such form of approval in principle to use the land can then be attached to the completed form CB5 in relation to paragraph 5e and returned with the appropriate fees.

Persons who are given such approval must:

- 1: Ensure that every person displaying or selling goods does display his/her name, trading name and home/business address in a clearly visible manner and;
- 2: Maintains a register of all vendors details in order that queries following the event can be followed up.

Car Boot Sales on Education Committee Land

Likewise, persons wishing to hold car boot sales on Education Committee Land need to first obtain approval in principle for the use of the land and then should forward the form of approval to Neighbourhood Services together with the completed form CB5.

Data Protection Act 1998

The information given on the application form is used to compile a computerised database from which a list of car boot sale events is produced. This list of events is distributed to members of the public on request. Under the Data Protection Act 1998 we are required to obtain your consent to use the information you have provided on the form.

The amended application form now includes a Data Protection Notice. Please read the notice carefully and note that you should only sign the declaration if you wish us to include your information on the list of events.

DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

The Freedom of Information Act 2000 (FOIA) gives a right of access by any person (including companies) to information held by the Council, which could include information relating to or submitted as part of an application for a market licence. Certain information may be exempt on the grounds of confidentiality or commercial sensitivity.

The Council encourages all applicants to visit the Information Commissioners website at www.informationcommissioner.gov.uk for further information on the FOIA and its effect on public authorities and service providers in relation to the disclosure of information in respect of public sector tendering and contracts and specifically to access and peruse Awareness Guidance Document No. 2 (Confidential Information) and Awareness Guidance

Document No. 5 (Commercial Interests) on the application of the exemptions from disclosure under the FOIA.

Applicants should indicate, in writing with supporting reasons, the parts of their application which the applicant considers is commercially sensitive and/or confidential should a Freedom of Information (FOI) request be received by the Council.

The Council, in order to preserve the integrity of the application process and to respect the commercial and competitive positions of applicants, will endeavour to treat details of applications marked as confidential and 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, following consultation with the applicant, shall be entitled to refer the matter for determination by the Information Commissioner prior to any disclosure.

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