**An explanation of the Council’s policy to hold a temporary market, fair or car boot sale**

**What are the legislative powers held by the council?**

Part XIV of the Greater Manchester Act 1981 provides the Council with the powers under, what is now, Part III of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its borough. In addition the Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.

**What is a market event?**

a) The legal definition of a market is a “concourse of buyers and sellers” (this means that the public are entitled to attend market events to buy and sell).

b) A market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.

c) The term “market event” includes car boot sales, antique and craft markets, general

markets, farmers' markets and charity markets.

d) A market may sometimes be held as an integral part of a special event and where this arises the market element will fall within the Council's markets policy.

**What kind of event will the Council permit to take place?**

Special interest selling events may be held provided that a licence from the Council is first obtained and subject to a condition that no general goods are offered for sale. Broadly this means that the goods must either be second hand or domestically produced or not acquired from a wholesaler. Examples of acceptable events are antique, craft and record fairs. Other events of a similar nature may be accepted, but each application will be considered on its merit.

**Will the Council allow car boot sales?**

Car boot sales will be permitted where (a) they are to be held by charitable organisations and (b) where ALL the proceeds raised by the organiser are donated to charitable or community projects. In other words all proceeds made from stall charges, entry fees etc. are donated.

**Will licences only be granted to charities?**

No - the council is now prepared to grant licences for commercial operations.

**How much does a licence cost?**

A reasonable administrative fee will be charged for applications. The fee takes into consideration the time and cost to the Council of considering the application. If the application is approved a licence fee will be payable and will be based on the amount of stalls/pitches.

**How can a licence be obtained?**

A licence application form can be obtained from the Environmental Services Manager - Markets, whose address is given below, completed and returned with the relevant fee. If the Environmental Services Manager – Markets is satisfied that the event will comply with the ‘Market’ policy he/she will issue the appropriate licence.

**Is the Market Manager’s decision final?**

Where an applicant is refused a licence it is open to him/her to write an appeal against that decision with supporting reasons, to the Assistant Director - Environmental Services for his/her adjudication. If after a decision from the Assistant Director – Environmental Services the applicant is still aggrieved, the matter will then be referred to the Council’s Corporate Complaints Procedure.

**Where can I obtain further information?**

If you require any further information:-

Nicola Martin

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