

Proposed Revised Policy for Non-Council Markets and Car Boot Sales

The Council, acting through its Market Division, operate a number of separate outdoor markets. In addition, they control operation of all non-Council markets whether managed for personal gain or to provide funds for non-profit making organisations.

The Council Policy

Darlington Borough Council is the holder of the market franchise for the area formerly constituting the Darlington County Borough. As the holder of the franchise, the Council has established a policy for non-Council markets and Car Boot Sales held either within the former County Borough area or within six and two third miles of the markets operated by the Council. The policy is detailed as follows:

- a. That the Director of Community Services be authorised to authorise non-Council markets and car boot sales in consultation with the relevant Cabinet Portfolio Holder.
 - b. That the Director of Community Services be authorised to grant licences for any other markets or car boot sales within this Council's franchise area, which are considered to not be injurious to the markets operated by this Council, and that the following scale of charges shall apply:
 - i. Non-charitable rival markets per day or part of the day
 - ii. A minimum charge of £80.00 for 1-10 stalls and thereafter £8.00 per stall to a maximum of 30 stalls.
 - iii. For non-Council markets and car boot sales with 30 stalls or more a minimum charge of £4 per stallThese charges to be reviewed periodically by the Council.
 - c. That the Director of Community Services be authorised to grant licences for "bona fide" charitable markets for the sale of householders' surplus household articles, including "car boot sales", and that the following scale of charges shall apply:
 - i. Charitable rival markets per day or part of the day £50.00; subject to a maximum of 30 stalls; goods be restricted to householders' surplus household articles and provided further that each charity be granted no more than two licences within any 12 month period.
2. Any person proposing to hold a "temporary market" (meaning 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 moveable or not) or pitches from which articles are sold but not including a market or fair, the right to hold which was acquired or established by virtue of an enactment or order or a sale by auction of farm livestock or deathstock) must give at least one month's notice before the date on which it is proposed to hold the market of their intention to hold it or to permit the land to be so used.

3. The notice 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 “temporary 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 occupier of that site, if not the person intending to hold the market.
 - e. Failure to give the required notice makes the person who holds the market or permits land occupied by him to be used as the site of a temporary market liable, on summary conviction, to a fine not exceeding £500.
4. No notice is required under the provisions of Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.