
**A REVISED POLICY FOR NON-COUNCIL MARKETS INCLUDING CAR BOOT
SALES**

**Responsible Cabinet Member - Councillor John Williams, Economy Portfolio
Responsible Director - Cliff Brown, Director of Community Services**

SUMMARY REPORT

Purpose of the Report

1. To review the current policy for markets other than the Council's to reflect changes in both departmental and democratic arrangements and to set a scale of charges for the grant of car boot sale market licenses.

Summary

2. Current policy for non-Council markets is established in various Council decisions recorded in the minutes of those meetings, some of which are more than 20 years old. As such both references to officer and democratic arrangements are outdated. Bearing in mind the recent planning permission to Darlington Football Club to hold Car Boot Sales, it is therefore appropriate to review current policy. This is necessary both to bring the policy up to date and also to allow applicants to seek the grant of a licence to hold markets or car boot sales which are larger than 30 stalls. The policy needs to reflect the grant of a license, set a fee and change the current limit on the size of such markets from 30 stalls to something more appropriate.

Recommendation

3. It is recommended that the revised policy attached at **Appendix 1** be approved.

Reasons

4. The recommendations are supported by the following reasons:
 - (a) The current policy needs updating to reflect current departmental and democratic structures.
 - (b) The current policy of limiting the maximum number of stalls to 30 is insufficient in number for car boot sales.
 - (c) The current policy does not set a charge for car boot sales.

Cliff Brown
Director of Community Services

Background Papers

Existing policy for the number of stalls and charges is contained in Minute E6/Jun/86 as amended by Minute E79/Nov/87 and Minute C98/Sep/01 (fees).

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S17 Crime and Disorder	General outdoor markets are controlled by the Markets Manager. For larger events this is supplemented by PESAG
Health and Well Being	Not applicable
Sustainability	The sale of second hand goods by private members of the public may divert some material away from landfill.
Diversity	The markets will be fully accessible to all.
Wards Affected	All
Groups Affected	Not applicable
Budget and Policy Framework	This report does not recommend a change to the Council's Policy framework
Key Decision	This is a key decision
Urgent Decision	This is not an urgent decision. The scale of charges will be made from the commencement of the licensed markets.
One Darlington: Perfectly Placed	The grant will state that only second hand goods may be sold by private members of the public at a car boot sale. This supports the markets and shops within the town centre.

MAIN REPORT

Information and Analysis

5. The Council has an existing policy for determining both the grant of a licence for any type of market held within a distance of six and two thirds of a mile from their current markets (and the fees to be charged). This permits the Markets Manager to grant a licence if it is considered that it would not be injurious to the markets operated by this Council.
6. The existing policy determines that licences should have a limit of 30 stalls. This reduces the impact of any other market, whether organised on a not for profit basis or by a commercial operator.
7. Darlington Football Club who wish to hold car boot sales at their stadium have been granted planning permission and the current policy therefore needs amending to reflect this decision and provide a licensing and charging framework for all non-Council markets and car boot sales.
8. All public events, including markets such as a car boot sale, are considered by the Public Events Safety Advisory Group (PESAG), comprising representatives of the Council, Police, Fire and Ambulance services. Any conditions imposed by PESAG and relevant Planning Permissions for a car boot sale must be adhered to and appropriate controls need to be exercised. This includes commercial selling, including food and drink refreshments, not being allowed.
9. To ensure compliance with such conditions markets in general will be subject to appropriate compliance monitoring.

Fees and Charges

10. The existing fees charged for a not for profit licence is £50 per event with no more than two licences being granted (to them) within any 12 month period. The fee charged to a commercial operator is £80 for 1-10 stalls and thereafter £8 per stall (to the maximum of 30 stalls).
11. In applying an appropriate fee for non-Council markets and car boot sales, with 30 stalls or more, consideration must be given to the reasonableness of any fee imposed and in particular the need for these to be financially viable and so the cost must be factored into the organisers business plan. It is therefore suggested that the fee for each stall should be £4 and that the revenues be utilised to offset any monitoring costs.

Outcome of Consultation

12. The Darlington Football Club have been made aware of their obligations in respect of the Planning Permission, the PESAG approval and the fee proposed to be charged. They also understand that Council Officers would attend to maintain compliance and the safety of persons buying second hand (domestic) goods at car boot sales. The Football Club fully accept their obligations and will apply them via their chosen market promoter and operator once identified.

Revised Policy

13. A revised policy is attached as **Appendix 1**. This reflects existing policy documented in Council minutes and the changes outlined in the report to facilitate Car Boot Sales, arising from recent planning decisions.