

DUDLEY METROPOLITAN BOROUGH COUNCIL

TEMPORARY MARKETS AND CAR BOOT SALES

CODE OF PRACTICE

1. **PURPOSE**

- 1.1 This code of practice draws attention to the statutory and common law provisions relevant to the holding of temporary markets and car boot sales within the Metropolitan Borough and is intended as a guide for organisers and promoters of such markets.

2. **THE DEFINITION OF A MARKET**

- 2.1 The legal definition of a market is a “concourse of buyers and sellers”. Any person, therefore, who takes ground space or premises and engages in attracting or letting any space, accommodation, stalls etc. to sellers on whatever payment or acknowledgement and invites buyers is likely to be operating a market.
- 2.2 The definition includes car boot sales, markets and fairs of any type, e.g. antiques, coins, stamps, books, toys, cars, memorabilia, collectors’ items, arts and crafts or merely miscellaneous goods.
- 2.3 If you are in any doubt as to whether an activity is a market, you should contact the Corporate Resources, Claughton House, Blowers Green Road, Dudley (Telephone – 01384 815323).

3. **THE COUNCIL’S MARKET RIGHTS**

- 3.1 The Dudley Metropolitan Borough Council are the proprietors of a Charter or Ancient Market situated in the Dudley town centre, and, as such, claim the rights to protection from disturbance by competing markets. Any person, therefore, who holds a temporary market or car boot sale without first obtaining the permission of the Council will be regarded as infringing the Market Rights.

4. **REQUESTS TO HOLD A MARKET**

- 4.1 If you wish to hold a market or car boot sale you must first apply in writing to the Director of Corporate Resources at 4 Ednam Road, Dudley, West Midlands DY1 1HL.
- 4.2 Generally events will be restricted to a maximum of 50 cars or stalls and no individual site will be permitted to be used for the purpose of a temporary market or car boot sale on more than 12 occasions in any 12 months’ period.

- 4.3 In respect of car boot sales Dudley Council's policy is to prohibit the attendance of commercial traders and therefore a vendor must only sell goods which are surplus to his own personal or household requirements.
- 4.4 A list of names, addresses and car registration numbers of ALL vendors must be sent to Dudley Council, along with a completed Form of Statement, within 28 days of any sale.
- 4.5 All applications must be accompanied by the payment of the Council's processing fee which is NOT REFUNDABLE. In addition, the Council reserve the right to make a CHARGE in respect of a temporary market or car boot sale by way of acknowledgement of the Council's Market Rights and to impose conditions covering such matters as traffic and parking control, disposal of any litter and the provision of toilets.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982 SECTION 37**

- 5.1 This section applies to temporary markets in the Dudley Metropolitan Borough and is entirely separate and distinct from the Council's market rights referred to in paragraph 3 above. For the purpose of Section 37 "temporary market" means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway comprising not less than 5 stalls, stands, vehicles or pitches.
- 5.2 A person intending to hold a temporary market in the district, and any occupier of land who intends to permit the land to be used as the site of a temporary market, must give the Council at least one month's written notice of the intention to hold the market before the date on which it is proposed to hold the market.
- 5.3 There are exceptions to the need for notification under this Act, if the whole of the proceeds of the market are to be applied solely or principally for charitable, sporting or political purposes, but if the proceeds of the sale of goods are going to firms or individuals (not the charity) this exemption does not apply.
- 5.4 Any person who, without giving the notice required, holds a temporary market or permits land occupied by him to be used as the site of a temporary market is guilty of an offence and liable on summary conviction to a maximum fine of £2500.

5.5 As previously stated Section 37 is additional to the Council's market rights. However, any application made to the Council in accordance with paragraph 4 above will be treated as formal notification for the purposes of Section 37 and no separate communication is required.

6. **PLANNING CONSENT**

6.1 Planning permission is required for the holding of a market or car boot sale in a building or on land within the curtilage of a building, i.e. on land within the grounds of a building (for example car parks to shops or public houses, transport depot yards etc.) irrespective of how long or how often the market or car boot sale is to be held.

6.2 Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (The "GPDO") automatically grants planning permission (without the need to apply for it) for certain types of development. If the land in question is not in or within the curtilage of a building then (as long as the market or car boot sale is not held for more than 14 days in total in any one calendar year) an application for planning permission is not required because permission is granted under Article 3 and Schedule 2 Part 4 of the GPDO.

6.3 Should you be in any doubt you are strongly advised to contact the Directorate of Urban Environment at an early stage for advice with regard to a proposed market or car boot sale as it can take up to eight weeks to determine a planning application. Contact the Development Control Division, 4 Ednam Road, Dudley (Telephone – 01384 814136).

Please return application form and licence fee to:-

CAR BOOT SALE OR TEMPORARY MARKET APPLICATION
FAO Linda Clift
Property Management & Valuations
Corporate Resources
Claughton House
Blowers Green Road
Dudley
West Midlands
DY2 8UZ

(Tel: 01384 815323)