



Haringey Council

GUIDANCE FOR OPERATORS OF OPEN AIR MARKETS AND CAR BOOT SALES

The Street Enforcement Section of the Council deals with various aspects of open-air trading including Markets and Car Boot Sales.

These Guidance Notes have been produced by Haringey Council for people who wish to run or already operate markets in the Borough. It may also be of interest to persons who rent stalls and general members of the public, particularly Page 4.

WHAT IS AN OPEN AIR MARKET?

A market has been defined as a concourse (place) of buyers and sellers of articles held otherwise in a building and comprising of not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold.

DO I NEED PLANNING CONSENT?

A market can be operated from a site on 14 days in any one year without the need for Planning Permission. (This is permitted under Class B of Part 4 of the Town and Country Planning General Permitted Development Order 1995).

DO I NEED ANY OTHER TYPE OF APPROVAL?

For a temporary market (one where you do not need Planning Permission) the Council has to be given proper notice. (This is required under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982). You do not have to do this however if the proceeds are to be applied solely or principally for charitable, social, sporting or political purposes. See also Notes on Page 4.

The notification must be given by the person intending to hold the temporary market. They must give the Council at least one month's notice in writing and state their full name and address; the day or days on which they propose to hold the market together with its opening and closing times; and the address and details of the site.

If the person holding the market is not also the normal occupier of the site then the full name and address of the occupier must be given.

The occupier of the land who intends to permit it to be used must also then Give the Council one month's notice confirming the above details.

WHAT IF THE COUNCIL FAILS TO BE NOTIFIED?

A person who without giving notice holds a temporary market or permits land occupied by them to be used as a temporary market shall be guilty of an offence and liable on summary conviction to a Fine of **£2,500** (Level 4).

WHAT HAPPENS WHEN THE COUNCIL IS NOTIFIED?

An Officer of the Council will meet the promoter at the site and generally discuss the matter.

The general site layout will be considered together with the surface and land drainage arrangements. Toilet facilities for stallholders, their helpers and the public will be inspected. Both on and off site parking arrangements will be discussed together with emergency evacuation procedures, general fire, noise prevention and safety measures.

Other Officers may be brought on site including those from the Police, Fire Service, Trading Standards and the Environmental Health Service.

WILL OFFICERS VISIT WHEN THE MARKET IS RUNNING?

The answer is Yes! Sometimes Officers will announce their attendance or possibly be in uniform. On other occasions they may appear resembling a potential customer or browser.

HOW CAN I ADVERTISE THE MARKET?

You can place advertisements in the local newspapers or even on commercial radio. If you put up placards or billboards or flypost in the street they will be taken down by Council Officers and you will be prosecuted. If you intend giving out leaflets in the streets you may well need a Licence.

The Council also maintains a list of people who are interested in trading at market sites and have given permission for their names and addresses to be passed onto reputable market organisers.

WHAT STALLHOLDERS WILL I GET?

Car Boot Sales (although really classed as markets) tend to get people mainly selling second-hand goods which they have either bought-in; have cleared their attic; or the items now surplus to requirements around the house and which they now wish to turn into cash.

Haringey Council have made every reasonable effort to make sure that information contained in these Guidance Notes is correct at the date of publication.

There are now some additional powers that Local Authorities may adopt to control Markets and Car Boot Sales but regulations may vary from Borough to Borough in particular outside of the London Area.

The Council's Street Enforcement Officer can be contacted by telephone if further details are required.

Some people go to different Car Boot Sales each day of the week and their livelihood wholly depends on their profits. Other people sell at Car Boot Sales on an occasional basis.

Events advertised as markets have the vast majority of stallholders selling new items and their income is derived solely from market trading.

ARE SELLERS LIABLE FOR GOODS THAT THEY SELL?

You may well have the situation particularly with second-hand goods of a trader knowingly or unknowingly selling stolen property, counterfeit goods and unsafe or otherwise illegal items. Police and Council Officers have certain powers to prosecute and members of the public can also bring civil actions. More information appears on Page 4 of this pamphlet.

WHAT ABOUT INSURANCE?

Both the promoter and each individual stallholder should have insurance to cover any eventuality.

The promoter can be faced with a claim of somebody stumbling on an uneven surface seeking compensation for a stay in hospital, loss of income and general inconvenience. A stallholder could face a claim for an incident resulting from their stall collapsing or causing injury to a customer by having sold them a dangerous product.

HOW CAN I BECOME AN IDEAL MARKET PROMOTER?

Do everything that you are requested to do by the Enforcement Officers. So that the public can buy with a fair degree of confidence exclude any 'dodgy trader'. Council Officers become very suspicious when traders cover up their Registration Number plates on vehicles.

Reputable traders will not object to providing evidence to you of their name and address. If you keep a record of this plus their Pitch Number it will help customers that have a genuine cause for complaint about something they have previously purchased at your market.

Be on site yourself or have a responsible representative available at a clearly designated place to deal with queries and booking enquiries.

HARINGEY COUNCIL CONTACTS

Notifications concerning temporary markets have to be sent to the STREET ENFORCEMENT TEAM.

Enquiries about Planning Consents should be made direct to the ASSISTANT DIRECTOR, PLANNING AND DEVELOPMENT

Information concerning Consumer's rights is obtainable from the Council's TRADING STANDARDS GROUP.

All these Officers and Services are located at the following address:-

*Enforcement Services,
Techno Park,
Ashley Road,
Tottenham,
London, N17 9LN*

*Tel:
0208-489-0000*

*Hours: 8.45 a.m. to 4.45
p.m. Monday to Friday
excluding Public Holidays.*

CUSTOMER INFORMATION

Many second-hand items offered for sale do not comply with strict modern-day laws and are worn out and downright dangerous. Unfortunately some traders do use Car Boot Sales as an opportunity to sell counterfeit goods, which although cheaper than the real thing, are very inferior in quality and illegal to sell.

Most people who sell goods are private individuals; when you buy from a private individual you do not have your normal rights as a consumer under the Sale of Goods Act. You cannot take them back - the person you purchased from is most unlikely to return and you do not know their name and address.

If you buy goods from a shop which are later found to be mis-described or faulty, you should be entitled to your money back. Think! Is this likely to happen from a market stall at a Car Boot Sale?

Some traders sell counterfeit goods such as music cassettes, videos, designer clothing, perfume which is unlawful. Look out for stalls which have large quantities of these items and be wary.

Second-hand electrical items have often served their useful purpose. Many are so old that there is almost no chance that they comply with current legislation. An electric fire with faulty earthing or an electric drill that someones Uncle Harry had thrown out onto a skip because it was dangerous, may now appear on sale at a bargain price on a car boot stall.

Toys often have lead in the paint, the hair can come away from the heads of dolls presenting a choking hazard and look there's a nice spike for a child's eye!

CHARITABLE, SOCIAL, SPORTING AND POLITICAL MARKETS

These may be held in the school playground to raise urgently needed funds or in the grounds of a big house, even the Vicarage.

Although they are exempt from being notified to the Local Council, because its a Charity - certain risks don't just go away.

Check that the arrangements are safe, eliminate tripping hazards. People do want to enjoy themselves and not remember the event as having a dodgy stomach after visiting the home-made cake stall or buying an ice cream from the Van let in to the site at the last minute. Make sure the toilets are unlocked - sometimes this is forgotten.

Some 'Charitable' events have simply been a cover with just a five pound note going to the deserving cause. A reputable organiser should give the named Charity advance notice that they are holding the event and be able to produce accounts showing the total entrance fees from the public, fees from pitch-holders, total sales and expenses with the residue wholly going to the named Charity.