



## BRISTOL CITY COUNCIL

### Markets and Estate Service – Guidance Notes for Market and Car Boot Sale Organisers

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Bristol City Council is aware of the fundraising potential of markets and car boot sales. This document has been prepared in order to assist prospective organisers in holding a safe and well organised event. It explains the steps to be taken and the relevant agencies or City Council Departments that should be contacted if you are seeking to organise a market or car boot sale.

#### 1. Planning

Planning consent may be required from the City Council before land or buildings can be used for markets or car boot sales. If the proposed event is to be held at the same site for more than 14 times a year, it will certainly be necessary to make a planning application. Each application will be considered on its individual merits. It may be helpful to note that the following points are often taken into consideration by the planners:

a) Location

Sites should not conflict with surrounding uses, especially in housing areas.

b) Traffic

Adequate parking provision should be made for both stall holders and customers. It may be advantageous to liaise with the local Police Station in respect of traffic management problems.

c) Nuisance

Noise and litter are important environmental considerations. Both site location and management should seek to minimise such problems.

d) Retail Impact

Markets/car boot sales should not adversely affect existing/other trade to an unacceptable degree.

e) Hot Food/Drink Provisions

Steps should be taken to minimise any odour nuisance from catering facilities.

If you need specific advice about noise or odour control, or any general advice about Environmental Protection please contact the Pollution Control Unit in Environment, Transport and Leisure, telephone number 0117 9222000.

Further information in respect of planning issues is available from Planning Services, telephone number 0117 9222000.

## 2. **Safety at Markets and Car Boot Sales**

Buyers and sellers are entitled to expect any event to be organised safely. In making the necessary arrangements, the minimum entrance width should be 3.1 metres. The minimum height restrictions should be 3.7 meters. This should provide for adequate access for any emergency vehicle. It should also be possible for any emergency vehicle to exit without having to reverse. If necessary a turning circle of 19.2 metres should be provided to facilitate this.

If fire hazards exist at the site or if hazardous activities are to be undertaken during the sale, it will be important to ensure that adequate precautions are taken. Firefighting equipment should be readily accessible where such risks have been identified.

Dependent upon the scale of the event, further conditions may be applicable regarding safety issues but it may be wise for organisers to arrange for some form of first aid facility on site.

Further information on fire safety matters is available from your local fire service.

## 3. **Goods for Sale**

Although as an organiser you may have very little control over who comes to sell goods at your event, it would be wise to take steps to make sure nothing untoward is being sold. Particular attention should be paid to:

a) Stolen Goods

There is clearly a possibility of the event being used as a means of disposing of stolen property. If you suspect this is happening you should contact the Police immediately.

b) Unsafe Goods

Electrical goods, toys, upholstered furniture and fireworks are just some of the items

that can pose a hazard to consumers. Specific controls exist to ensure the safety of purchases. Further advice and guidance is available from the Trading Standards Department, Bristol City Council, telephone number 0117 9223604.

c) Counterfeit Goods

The car boot sale, due to its itinerant nature, is one of the most common outlets of counterfeit clothing, watches, pirate videos etc. If you suspect any of these are being sold, or indeed any other items which you believe may be counterfeit, please contact the Trading Standards Department at Bristol City Council, telephone number 0117 9223604.

d) Duty Free Goods

It is an offence for sellers to supply duty-free products such as alcohol, cigarettes or perfume.

e) Sale of Goods Act

Goods bought from traders should be of merchantable quality, as described and fit for the purpose for which they are intended. Goods bought from 'private' sellers should conform to any description applied to them.

f) Health & Safety at Work etc Act 1974

The City Council is responsible for the enforcement of this Act as events such as markets and car boot sales. A recent survey of Car Boot Sales revealed widespread contravention of this important health and safety legislation. Please pay particular attention to the following:

- I. Site management and car parking
- II. Safety of liquid petroleum gas (LPG) cylinders, especially in mobile food vehicles
- III. Safety of roundabouts or any other fairground equipment

Further information on the application of the Health & Safety at Work etc Act 1974 can be obtained from the Health & Safety Team, telephone number 0117 9222000.

#### 4. **Food Safety**

It is often the case that food sold at car boot sales and on occasions at markets is of poor quality, near - sometimes even past - its 'use-by' date or from damaged stock. All efforts should be made to prevent hazardous products from reaching the consumer. Where possible you should notify the Food & Safety Team in Health & Environmental Services if you expect that anyone will be selling food at any planned sale or market so that preliminary enquiries can be made about their likely compliance with the law. All stalls or vans selling goods must comply with the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966 and any premises used to store or prepare food for sale from a stall or van must comply with the Food Hygiene (General) Regulations 1970. These regulations contain provisions relating to

the cleanliness and structure of food rooms/areas, the facilities needed, the hygiene of staff and the conditions under which goods should be transported and stored. Guidance notes on the regulations are available from the Food and Safety Team, telephone number 0117 9222000.

## **5. Road Safety**

It will be necessary, especially if a large event is being organised, to make contact with the local Police. Car boot sales can give rise to concerns regarding parking restrictions, road safety and the likelihood of conflict with other events.

## **6. Market Franchise Rights**

Bristol City Council has statutory Market Rights which prevent any person from operating a market/car boot sale within  $6\frac{2}{3}$  miles of any Council run market without the Council's expressed permission. For your information a Market is defined at common law as a concourse of buyers and sellers and for the purposes of this document includes car boot sales.

## **7. Advance Notification**

Bristol City Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 which requires market/car boot sale operators to give at least one month's notice of their intent to hold a market. Failure to provide the requisite notice renders both the operator and occupier of the land liable to prosecution in accordance with this legislation.

## **8. Operators Licence**

Attached is a copy of a Bristol City Council's Occasional Markets/Fairs & Car Boot policy document. This clearly details the conditions surrounding the holding of a market i.e. type of event, maximum number of stalls/booters to be let, number of events permissible etc. Compliance with this policy is essential and failure to do so may result in formal legal action being taken against the organiser/operators or the land owner.

For further information please contact: Markets Office, telephone number (0117) 9224017.

For information regarding permission for other fund raising or charitable events e.g. Street collection. Lotteries etc. please contact Health & Environmental Services Licensing Section, telephone number (0117) 9778075.