

Appendices:

- A. Request to change letters
- B. Car Boot Sales Policy



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Review of Car Boot Sale Frequency and number of events.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	2nd February 2016
Policy Document:	Car Boot Sales
Directorate:	Customers and Communities

1. Purpose

That the Committee formally review Car Boot Sale frequency of events and time stipulation between events (condition 1 of existing policy).

2. Recommendations

- 2.1** That with effect from 1st March 2016.
- (i). The limit on the number of events and the time restriction between them be removed

3. Issues and Choices

3.1 Report Background

3.1.1. Northampton Borough Council, as holder of the market franchise, requires all car boot sales and similar events held within 6 $\frac{2}{3}$ miles of Northampton Market Square to be registered with the Council and operate under a permit issued by the Council.

3.1.2. Permits are granted for a period not exceeding 12 months and will expire on 31st December each year. They will only be issued to charities or non-profit making philanthropic bodies. Traders are not allowed to trade at these events.

- 3.1.3 In August of last year we received an initial request from a representative of Duston Mill Charity Car Boot Sale to remove the requirement to have a minimum of 14 days between each car boot sale and remove the maximum of 12 events per year. Two further requests from him for the matter to be considered by the Licensing Committee and they are attached at Appendix A.
- 3.1.4 Currently, condition 1 of the policy stipulates that events are limited to 12 per year and there must be at least 14 days between them. The current policy is attached at Appendix B
- 3.1.5 The most relevant reason affecting licence holders put forward to change the current policy is:
- that the regular appearance of the German Market is in direct Breach of the Councils' Car Boot policy as detailed in appendix A.
- 3.1.6 The representative lists further reasons and benefits specific to Duston Mill that the removal of the condition would bring in the letter of 3rd August 2015
- 3.1.7 I can also attest that in recent years been an increasing concern voiced by other car boot sale licence holders is the number of events that have to be postponed or become a washout due to inclement weather. Often they would like to rearrange for the following day or weekend but at present this is not possible under the existing policy.

4. Issues

- 4.1 While this request has come in to remove the restrictions on Duston Mill Car Boot sale only, any decision should be a policy decision affecting all car boot sales and not just Duston Mill
- 4.2 Removing the limit of 12 events per year will not create a situation where car boot sales will be held every weekend as Part 4(B2) Town and Country Planning Act (General Permitted Development) Order 1995 restricts temporary markets on any land to 14 days per year.
- 4.3 The Committee may want to consider stipulating that Car Boot sales can only be held at weekends and Bank Holidays.

5. Choices (Options)

- 5.1 To amend condition 1 as requested for Duston Mill Car Boot sale.
- 5.2 To amend condition 1 for all car boot licence holders
- 5.3 To amend condition 1 and include the stipulation regarding weekends and bank holidays.
- 5.4 To refuse the requested amendment so the policy remains the same.
- 5.7 To introduce alternative amendments.

6. Implications (including financial implications)

6.1.1 Policy

6.1.2 Save for the recommended changes, there would be no other change to the existing policy.

6.1.3 Resources and Risk

6.1.4 There is a fee payable to the authority from the organisers of Car Boot Sales that contributes towards the cost of administration and enforcement of the service.

6.1.5 Choosing 5.1 will have a prejudicial impact on other Car Boot licence holders

6.1.6 Legal

6.1.7 The current restriction of markets within six and two thirds is derived from Common Law and the Markets Charter by way of a Markets Franchise

6.1.7 The Markets Franchise does not breach Chapters I and II of the Competition Act 1998 and Articles 81 and 82 of the EC Treaty

6.1.8 The Council may lawfully adopt a policy (which is what this report purports) to regulate the Franchise

6.1.9 Any decisions may be subject to Judicial Review and must be made within Wednesbury reasonableness principle.

6.1.10 Associated Provincial Picture Houses Ltd. v Wednesbury Corporation [1948] 1 KB 223 [1] is an English law case that sets out the standard of unreasonableness of public-body decisions that would make them liable to be quashed on judicial review, known as Wednesbury unreasonableness.

6.2.1 Equality

6.2.2 There are no equality issues to be addressed; any issues relating to public safety have been addressed within the existing policy.

6.2.3 Consultees (Internal and External)

Legal.
Car Boot Licence Holders

6.3 Other Implications

6.3.1 N/A

5. Background Papers

- 5.1 Car Boot Sales Policy and Conditions.
- 5.2 Northampton Markets Charter
- 5.3 Town and Country Planning Act (General Permitted Development) Order 1995

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