

## **Guidance On Licensing Requirements For Occasional Sales London Local Authorities Act 1996 Part III**

(This guidance is to be used with form CBS01 "Application for an Occasional Sales Licence")

1. **"Occasional sale"** means a concourse of buyers and sellers of articles held otherwise than on a highway or in a building (except a car park) and comprising of five or more stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include:-

(a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;

(b) sale by auction of farm livestock or deadstock;

(c) sales of a class which from time to time is by resolution of the borough council excluded from the operation of this Part of this Act;

(d) a market held in accordance with a planning permission granted under section 58(1)(b) of the Town and Country Planning Act 1990 (which provides for the granting of planning permission) or under a similar provision of a predecessor or successor to that Act; or

(e) a market the holding of which commenced before 1st July 1948 and has continued without extinguishment.

2. A person holds an occasional sale if:-

(a) s/he receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale; or

(b) as a person promoting the sale, or as the agent, licensee or assignee of a person promoting the sale, s/he receives or is entitled to receive payment from persons trading at the sale for goods sold or services rendered to persons attending the sale.

3. The applicant (the organiser as named on the application form) must apply, in writing, for a licence at least 42 days prior to the date of the occasional sale. (This requirement may be waived by the Council). The licence fee must be paid with the application.

**Please note that each sale is considered to be a separate event.**

4. Subject to any exceptions set out below, it is unlawful for any person to hold an occasional sale within the London borough of Redbridge unless they have been granted a licence to do so.

5. No licence is required (i.e. the occasional sale is exempt) if the proceeds of the occasional sale are to be applied solely or principally for charitable, social, sporting, religious or political purposes. This exemption does not apply where sellers pay to attend the occasional sale but retain their takings. A licence is required in these circumstances.

6. If the 'charity proceeds exemption' in 5 above does not apply but otherwise the primary purpose of the occasional sale is to raise funds for charitable, social, sporting,

religious, community or political purposes and the occasional sale comprises less than 100 stands, vehicles (whether movable or not) or pitches from which articles are sold, a reduced licence fee will be payable.

7. The granting of a licence does not constitute a granting of planning permission for the site of the occasional sale or an authorisation in lieu of planning permission for change of use. If 14 or more events per year are to be held on any one site, then the applicant **must** contact Redbridge Planning Service and obtain any necessary planning consent.

8. Each occasional sale is subject to a licence fee based on the number of stalls / sellers estimated to be attending the sale. Charges applying at a particular time are set out in the schedule accompanying this guidance.

9. If an application is refused, the licence fee will be refunded less any administration costs. An application may be refused if there are inadequate parking arrangements or controls for road congestion, litter or noise, or if, in the previous 3 years, the applicant has been granted a licence by another London borough and failed to comply with those licence conditions.

10. There is a right of appeal against a refusal to grant a licence or a condition imposed. This is by written notice to a Magistrates Court acting for the area of the proposed sale.

11. Any licence granted may require that adequate arrangements are in place for controlling road congestion, litter and noise caused by the occasional sale.

12. The applicant must ensure the site is left clean and in a litter free condition after the occasional sale. If this requirement is not fulfilled, the Council may seek to recover from the applicant, any cost incurred in bringing the site of the occasional sale up to an acceptable standard of cleanliness.

13. Any licence granted may require arrangements to accommodate the vehicles of persons attending the occasional sale.

14. Applicants are recommended to consult with the police and/or fire services on the suitability of the site/location for entry and egress during the proposed occasional sale. Consultation with Transport for London may also be required depending upon the proposed site of the occasional sale.

15. Any licence granted may require that the names and addresses of persons selling articles at the occasional sale are publicly displayed. A suitable alternative may be acceptable to Redbridge Council Licensing Service with prior agreement.

16. Any licence granted will be subject to commencement and duration times. The applicant must ensure the occasional sale commences and finishes at the times specified.

17. Any person who fails to comply with a licence condition will be guilty of an offence and liable to a prosecution and fine. Contravention of a licence condition may also result in the applicant being refused any future licences for a period of up to 3 years.

18. The licence is for the applicant's sole use and benefit, and is not transferable.

19. Where an occasional sale is cancelled after a licence application has been made, it may be possible to transfer the licence to another date within the same year, on payment of an administration fee (£20), provided notice of the cancellation is given by 12:00 noon of the previous working day.

## **Other Guidance to Ensure a Well Ordered Event**

1. It is recommended that the applicant ensure the occasional sale is covered with adequate public liability insurance up to an amount of £5m liability.
2. It is recommended that the applicant record the following information regarding each of the vendors at the sale:
  - Name of vendor;
  - Address of vendor;
  - Vehicle make and registration number;
  - Type of goods offered for sale.

This information should be available for inspection during the course of the sale by an officer of the Council or the Police and retained for such inspection for a month after the date of the sale.

3. The applicant should take reasonable steps to ensure that no illegal (e.g. stolen, unsafe, counterfeit or mis-described goods), are sold, supplied, or displayed at the occasional sale.
4. The applicant should ensure that any commercial food vendors attending the occasional sale have the necessary food hygiene registrations and that evidence is available for inspection during the course of the sale by an Officer of the Council or the Police.
5. The applicant should display a notice with his/her full name and contact address and telephone number and the full name and contact address of the person appointed to receive complaints about the sale, in a prominent position at the site where the occasional sale is held.

## **Plans**

6. Applications must be accompanied with a clear scaled plan of the site at a scale of 1/250 showing:
  - a) The access point(s) to the site from the public highway for vehicles of persons attending the sale;
  - b) The exit point(s) from the site to the public highway for vehicles of persons attending the sale;
  - c) The access and exit point(s) to and from the site to the public highway for persons trading at the sale if different from above;
  - d) Access point for emergency vehicles, which shall be at least 3.5m wide and be maintained throughout the whole of the sale;
  - e) Vehicle parking area(s) for those persons attending the sale;
  - f) Controlled areas of no parking on car park access routes;
  - g) Adequate and unobstructed pedestrian access away from moving vehicles.

**If you have any query about this guidance call us on 020 8708 5231 or email us at:**  
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