

CAR BOOT SALES AND MOBILE VENDORS

This note has been produced by the Planning Division to provide advice and guidance to Parish Councils, other interested parties and the public in general, on the issue of car boot sales and mobile vendors.

These activities can fall within the responsibility of one or more of the departments of the Council and can also involve other agencies. For ease of reference, the addresses of all the relevant contacts, together with their telephone numbers, are listed at the end of this brochure.

CAR BOOT SALES

The District Council has exercised its powers under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, to require organisers and landowners/occupiers to give at least one month's notice of any proposal for a car boot sale. The only exception to this requirement is where the proceeds are for charitable, social, sporting or political purposes.

Such notices should contain the following information:-

- (i) the full name and address of the person intending to hold the car boot sale;

- (ii) the day or days on which it is proposed to hold the car boot sale and its proposed opening and closing times;
- (iii) the site on which it is proposed to be held; and
- (iv) the full name and address of the occupier of that site, if he/she is not the person holding the car boot sale.

Failure to provide this information is an offence, punishable on summary conviction by a fine not exceeding £2,500. Notifications should be sent to the Council's Environmental Health Division. Officers in the Division will also provide further advice and guidance on the notification procedure.

Under planning legislation, the Town & Country Planning General Development Order permits the use of any open land for a car boot sale for up to 14 days in any one calendar year, without the need for planning permission. However, the creation of any new access point required as a result of operating a car boot sale, even if only for up to 14 days, may in itself require both planning permission from the District Council and consent from the County Council as Highway Authority.

On land within the curtilage of a building (e.g. School site), a car boot sale would normally require planning permission, other than the most occasional event, say, once or twice a year as a fund raising or charitable exercise.

It should be noted that land used for car boot sales may also be liable for assessment for business rates under the Local Government Finance Act 1998, even if the use is only for a temporary period. Such assessments are the responsibility of the District Valuer and Valuation Officer.

MOBILE VENDORS

Where this involves the selling of food, for example, a hot dog van, then the vendor is required to register with the District Council in whose area their van, car, trailer, stall, etc., is normally kept or garaged, if he/she operates on 5 or more days, whether consecutive or not, in any 5 consecutive weeks. This is a requirement of the Food Premises (Registration) Regulations 1991 and further details on this can be obtained from the Council's Environmental Health Division.

Where the mobile unit is to be pitched on Highway land for any length of time, for example, in a layby or in a side road, then the permission of the County Council as Highway Authority must be sought, as it

exercises powers under the Highways Act 1980 to control such units.

Where a mobile unit is to be pitched on private land, that pitch is easily identifiable on the ground and the use occurs on more than 28 days (or part days) in any one calendar year, then planning permission will be required and further details on this can be obtained from the Council's Planning Division.

It is not possible within the contents of this leaflet to provide an exhaustive guide to all those aspects related to car boot sales and mobile traders. If you require clarification or further guidance, please contact the relevant Council Division or organisation listed below.

LIST OF CONTACTS

For advice on planning matters

The Planning Division
Rochford District Council
Council Offices
South Street
Rochford
Essex SS4 1BW

Tel: 01702-318191 Fax: 01702-318181

Email: planning.applications@rochford.gov.uk

**To notify arrangements for a temporary market or
for advice on hygiene and safety matters**

Environmental Health Dept
Rochford District Council
Council Offices
South Street
Rochford District Council Essex SS4 1BW

Tel: 01702-546366 Fax: 01702-545737
Email: environmental.health@rochford.gov.uk

For advice on highway matters

Area Highways Manager
Essex County Council
Highways & Transportation South Area
No.1 Endeavour Drive,
Festival Business Park,
BASILDON, SS14 3WF

Tel: 01268-297500 Fax 01268-297501
Email: planning@essexcc.gov.uk

For advice on rating matters

District Valuer & Valuation Officer
34 Southway
COLCHESTER
Essex CO2 7BB

Tel: 01206-760821 Fax: 01206-562356