

LONDON BOROUGH OF ENFIELD
APPLICATION FOR AN OCCASIONAL SALES LICENCE
LONDON LOCAL AUTHORITIES ACT 1996

Email completed form and proof of online payment to licensing@enfield.gov.uk

***Mandatory fields**

1. Applicant - person who intends to hold the sale
Name* :-
Address* :-

Telephone number(s)* :-

Email address* :-

2. Location/address of intended sale site*
.....
.....

Extent of premises to be occupied or used by sale*:

3. Proposed date of sale* -
(NB Application must be submitted at least 42 DAYS prior to event)

Time of setting up vendors' pitches

--/-- --
--/-- --
--/-- --
--/-- --

Time of starting the sale

Time of closing the sale

Time that site will be vacated

4. Estimated numbers at sale*

Number of stalls/pitches _____

Number of persons attending _____

5. PROPOSED ARRANGEMENTS and CONTROLS at and around SITE (Inclusion of a SCALE SITE PLAN indicating KEY FEATURES may help the Council to understand your proposals fully)*

(a) ACCOMMODATION of VEHICLES
Proposal -

(b) CONTROL OF ROAD CONGESTION
Proposal -

(c) CONTROL OF LITTER
Proposal -

(d) CONTROL OF NOISE
Proposal -

6. PERSON APPOINTED TO RECEIVE and ANSWER COMPLAINTS*
(if different from applicant)

Telephone number(s):-

Email address:-

7. APPLICANT'S DECLARATION AND FEE SUBMISSION*

I, _____, hereby apply to the London Borough of Enfield for an OCCASIONAL SALES LICENCE.

I have read the Council's Rules and Conditions regarding Occasional Sales in Annex 1 below, and understand that opposed applications will be decided by the Council's Licensing Sub-Committee who may grant, refuse or impose additional conditions on any licence granted.

Applicant's Signature

Date

8. The application form, fee and plan must be received **at least 42 days before the sale date.**

Applications must be submitted via email only, application in the post will be returned. Applications cannot be accepted unless the correct fee has been paid online.

9. **How to Pay Online:**

Payments must be made online [here](https://new.enfield.gov.uk/services/business-and-licensing/licensing-fees/) (<https://new.enfield.gov.uk/services/business-and-licensing/licensing-fees/>), and then follow these steps:

- Click on 'pay all other licence fees';
- In the first box, enter existing licence number if applicable, or name of premises;
- In the second box, enter the application type you are paying for e.g. Occasional Sales licence;
- In the third box, enter the amount you need to pay;
- Email payment confirmation and the application to licensing@enfield.gov.uk.

ANNEX 1: RULES GOVERNING APPLICATIONS FOR OCCASIONAL SALES

INTERPRETATION

1. In these rules:-

The masculine always includes the feminine.

“Licence” means any licence which is granted by the Council under Part III of London Local Authorities Act 1996

“Licensee” means the holder of such an occasional sales licence.

“Applicant” means the applicant for a licence.

“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 not less than five 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) a sale by action 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 to that Act; or
- (e) a market the holding of which commenced before 1st July 1948 and has continued without extinguishment.

NB. No licence is required if its proceeds of the occasional sale are to be applied solely or principally for charitable, social, sporting, religious or political purposes.

“Objector” means any person who has given Notice in accordance with Rule 10 hereof and who has complied with its terms.

“Parties” means the applicant(s), any objector(s) to the grant of the application, including any Council Officer, in circumstances where he/she is making formal objection or seeking revocation.

“Premises” means the place for which a licence is sought or for which a licence is in force.

“Licensing & Trading Standards” includes his/her representative/s.

“Assistant Director Planning & Transportation” includes his/her representative/s.

“Assistant Director, Operations” includes his/her representative/s.

“Council” means the London Borough of Enfield.

“Licensing Committee” means the panel set up by the Council and consisting of a group of Councillors.

COMPOSITION OF THE LICENSING PANEL

2. The Councillor for the Ward in which the applicants’ or objectors’ premises are situated shall not sit on the Licensing Committee when that application is to be considered.

APPLICATION FORMS

3. An application for a licence shall be made in writing on the form provided by the Council and not later than 42 days before the date on which the occasional sale is to be held.

If an application has not been determined within 21 days of its submission, it will be deemed as granted. Submission of the application will commence when the form is properly completed and any additional information is received. It shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.

Important Note:

Applicants must make early contact with the Operations Manager of the relevant Metropolitan Police Division to agree traffic control measures. If the Police require a Traffic Order this will take at least 3 months to obtain. If insufficient notice is given to the Police to make arrangements for a Traffic Order an objection to the application will be lodged.

Note: A copy of these rules should be supplied to any potential applicant with the forms for application.

APPLICANTS

4. (a) An application for a licence shall be made by the person who 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) Applicants, including directors of companies, shall disclose their normal residential address either on the form provided by the Council or in accompanying correspondence but this address need not be disclosed on any public notice.

PLANNING USE

5. The applicant shall state on the application form the lawful planning use of the premises and shall submit with the application documentary evidence that either planning permission has been obtained for the use and hours sought under the licence, or that planning permission is not required. Should the Council so require “a certificate of lawful use” in respect of the planning position shall be supplied. The application will not be considered unless the Council is satisfied that the proposed activity would constitute a lawful planning use.
 - (a) It is open to the applicant to ask the Licensing Panel to waive the rule where it is considered there are exceptional circumstances.

PLANS AND SPECIFICATIONS

6. An applicant shall submit such plans and specifications of the site concerned as may be required by the Council and thus form part of the application. To assist the Council to fully consider the application a detailed scale plan should accompany the application showing:-

- Layout of Stalls/Pitches.
- Layout of Parking areas.
- Arrangements for controlling Road Congestion.
- Arrangements for controlling litter (bin and skip positions).

Note: When the licence application forms are submitted to the Council, the Assistant Director, Planning & Transportation and Assistant Director, Operations will arrange for a survey to determine the suitability of the site concerned with a view to ensuring public safety. **One copy of plans and specifications must be submitted by the applicant for formal approval and record purposes.**

NOTIFICATION OF THE POLICE AND FIRE AUTHORITY

7. Licensing & Trading Standards will send a copy of your application, on your behalf, to the Commissioner of Police and to the London Fire and Civil Defence Authority, for consultation purposes.

However, **IMPORTANT NOTE** detailed in paragraph 3 above must be taken into account.

INFORMATION ON HOW TO OBJECT TO A LICENCE

8. A person who wishes to object to an application shall object within 14 days of the submitted application in writing and write to the Licensing & Trading Standards giving in detail the reasons for objection. The Council is unable to consider anonymous objections.
9. On receipt of an objection the Licensing & Trading Standards shall forward to the applicant a copy of every valid written objection.
10. If an objection is made by an Association it shall be confirmed at any Licensing Hearing that the objection has been formally authorised by that Association. This confirmation should be by the Chair, Secretary or other duly authorised officer of the Association.

11. Petitions shall bear the prayer of that petition on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the applicant. Each person signing should also print his/her name and address preferably written in black ink. Each page of the petition should be dated.
12. No late objection can be accepted by the Council.
13. The Council will not accept an objection or any individual ground of an objection when it considers that either the objection as a whole or the individual ground is irrelevant to the decision to be reached.
14. Council officers may seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.
15. An opposed application shall be decided at a hearing where evidence (oral and written) is given orally and in public unless the Licensing Committee decides otherwise.
16.
 - (a) At any oral hearing in public of an application an objector shall not be allowed to raise any matter not referred to in the written objection lodged by the objector concerned unless there are exceptional reasons for so doing and the objector is able to justify why the new material should be placed before the Licensing Committee.
 - (b) Any such application to introduce new matters will be open to representations by the applicant or his/her legal representative as to whether such matters should be considered by the Licensing Committee. When representations have been made by both parties, the Licensing Committee will decide whether the new material should be placed in evidence.
 - (c) If the objector's application is granted, an adjournment of the hearing may have to be permitted in order to allow the applicant time to consider the new material and respond. In consideration of the extra costs likely to be incurred by all parties occasioned by an adjournment, any application by the objector must demonstrate exceptional grounds before it is granted.
17. At any oral hearing in public or an application the applicant and the objector shall attend in person or, if the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate and who, in the case of the applicant, is empowered to supply any undertaking requested by the Licensing Committee or demonstrate that any conditions attached to the licence will be complied with.

Note: All objectors and applicants are reminded of their right to have a legal representative at the Hearing.

18. If any person who has written to the Licensing & Trading Standards objecting to the grant etc. of a licence fails to attend the oral hearing in public the Licensing Committee will hear and consider any evidence and arguments put forward by or on behalf of the applicant in relation to the written objection

received. The Licensing Committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about his/her statements.

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

19. The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
20. A report will be put before the Licensing Committee, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a detailed plan of the premises and, where appropriate, an Ordnance sheet indicating the locations of both the objectors and other premises within a suitable radius which are licensed either as night cafes or for public entertainment. A copy of the report will be sent to the applicant in advance of the meeting.

WARD COUNCILLOR'S SUBMISSION

21. The Councillor for the Ward in which the applicants or objectors premises are situated may either:
 - (a) Object to an application in accordance with numbers 8 to 17 of these rules or
 - (b) Appear as a witness on behalf of an applicant or objector or
 - (c) Give evidence by way of a Ward Councillor's submission as detailed in rule 22 below.
22. If a Councillor for the Ward, who has not made a formal objection, wishes to give evidence he/she may either address the Licensing Committee or may submit written representations in respect of the application regardless of whether or not he/she is an objector called by any party as follows:
 - (a) If a Ward Councillor wishes to give oral testimony this will normally be given after the Chair of the Licensing Committee has introduced the report and any evidence of objectors has been heard.
 - (b) Before a Ward Councillor addresses the Licensing Committee he/she must first make a declaration that he/she has not previously discussed the application with the Members of the Licensing Committee and will take no part in the determination of the application.
 - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Licensing Committee.
 - (d) If representation is given by way of written submission the Chair will indicate that the Licensing Committee will take into account the fact that the submission of the Ward Councillor cannot be tested by questioning.

- (e) Any evidence presented by a Ward Councillor by way of a Ward Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to the Licensing Committee or otherwise.
- (f)
 - (i) Evidence given by way of written submission under this rule shall be provided to the Licensing & Trading Standards at least 7 days in advance of the Hearing.
 - (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Licensing & Trading Standards at least 7 days in advance of the hearing. If he/she wishes to raise issues which are not already known to the applicants, such notice shall be in writing and shall set out in general terms the issues to be raised.
 - (iii) Licensing & Trading Standards shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Ward Councillor's submission, the Ward Councillor and both parties may give their reasons for or against the submission to the Licensing Committee. The Legal Advisor to the Licensing Committee may also give advice before the Licensing Committee decides whether to allow the submission in as evidence. If the Licensing Committee decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made so as to allow the party objecting to it time to consider the submission in detail.

Note: It should be noted that a Ward Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

ORDER OF PROCEEDINGS

- 23. At the start of the hearing the Chair will introduce himself/herself and other members of the Licensing Committee.
- 24. The Chair will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he/she will then briefly introduce the report and outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
 - (a) The Chair of the Licensing Committee may call at any time any necessary officer(s) to give factual information (e.g. as to the technical arrangements of the premises). These officers can be questioned by any of the parties present or questioned by members of the Licensing Committee on matters relating to that evidence.
 - (b) Any Council officer(s) who are making a formal objection will then be required to present their respective cases and call any evidence in support.

- (c) All other objectors will then be required to present their cases and call any evidence in support.
- (d) The objectors present their case by addressing the Licensing Committee and/or calling evidence. The objector may address the Licensing Committee either before or after calling his/her evidence.

Note: In appropriate cases the Licensing Committee may during or at the end of the objector's case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.

- (e) The applicant (or his/her representative) is then entitled to address the Licensing Committee and call evidence in support of his/her application.
- (f) When the applicant has called his/her evidence the objectors may each make a closing statement. An objector is not entitled to call new evidence at this stage and his/her closing statement must be limited to commenting on matters raised by the applicant either in the applicant's opening statement or the evidence called in support of the application.
- (g) When the objectors have made their closing statements the applicant (or his/her representative) may make a closing statement to the Licensing Committee.

25. Each person giving evidence may be questioned by the opposing party or parties and by Members of the Licensing Committee. A person may decline to be questioned but less importance would then be attached to his/her evidence.

Note: Objectors to an application may not question each other but an objector may question his/her witness(es).

26. When a person gives evidence:

- (a) He/she is first asked to state his/her full name and address
- (b) He/she either makes a statement or, if appropriate, is questioned by the person calling him/her.
- (c) He/she may be questioned by the other party or parties or their representative.
- (d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may be put by Members of the Licensing Committee. Such questions will normally be put immediately following the questions by the opposing party or parties.

(Following the questions by Members of the Licensing Committee they may have to **consider** whether another opportunity for further questioning should be afforded to the other party or parties on "new" evidence introduced as a result of the replies to Members' questions).

- (e) He/she may be questioned further (if appropriate) by the person who called him/her. These questions must be limited to matters which have already arisen in previous examination or Members' question. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

DOCUMENTARY EVIDENCE

27. Documentary evidence on which it is intended to rely shall be submitted to the Head of Licensing & Trading Standards not less than 7 days before the date of the Hearing so that it may be included with the report to be submitted to the Licensing Committee. If documents are not easy to photocopy on an A4 machine, (e.g. photographs) then normally eight copies must be supplied.

28. Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:

- (a) The party concerned should explain why the document concerned was not submitted in advance.
- (b) If the Chair accepts the explanation he/she shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submissions.
- (c) If the other parties have not previously seen the document the Chair will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Licensing Committee and if so the grounds of their objection.

Note: For this purpose it may be necessary to allow time for the study of the document.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Licensing Panel. The Legal Adviser to the Licensing Committee may also give advice before the Licensing Panel decide whether to allow the document to be submitted.

Note: (i) In some cases it may be necessary for them to see the document before making a decision.

- (ii) Clearly rules 27 and 28 have to be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc. should give notice in advance to the Licensing & Trading Standards.

29. If there has been no objection to the submission of a document or if the Licensing Committee has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his/her representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chair (if the Licensing Committee have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Licensing Committee will

attach to the document will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned. In some cases it may be appropriate to adjourn the proceedings so as to allow the party objecting to the submission time to consider the submission in detail.

Note: At least 6 copies should be provided of any document which is to be submitted at the meeting.

DECISION

30. At the end of a hearing the Chair will announce that the hearing is adjourned to enable the Licensing Committee to deliberate in private and will return as soon as possible to announce their decision (which can be reached by majority decision). The Licensing Panel will normally be accompanied by the relevant officers of the Council but the decision shall be arrived at by Members of the Licensing Committee only. Sometimes the Licensing Committee will go to a private room or they may ask the parties concerned and their witnesses and the public to leave.

Note: Any officer retiring with the Licensing Committee must be completely impartial.

31. The Licensing Committee may decide to grant the application in whole or in part, to refuse the application, or to make a revocation and if granting or varying a licence, may attach any conditions they consider appropriate.

NOTIFICATION OF A DECISION

32. The Chair will normally announce the Licensing Committee's decision in public at the end of the hearing and the reasons for this decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

WAIVER OF RULES

33. In any particular case, any of these rules may be waived, altered or modified by the Community Services Sub Committee or Licensing Committee or in the case of Rules 3, 6 and 12 by the Licensing & Trading Standards.

Note: A person refused an application for a licence or a licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court. The Council is the party who defends any such appeal but the Court rehears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be. A person aggrieved by the order of a Magistrates Court on such an appeal has a right of appeal to the Crown Court.

An objector aggrieved by the decision of the Licensing Committee does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.

IMPORTANT REQUIREMENT

The Food Safety and Hygiene (England) Regulations 2013

If you or other persons renting pitches, stalls etc. propose to provide or sell hot and/or cold high risk food at a Farmers Market, Seasonal Market or any event where a licence is being applied for (eg Occasional Licence), please provide the following information with your application form:

- **Name of the Local Authority the caterer is food registered with.**
- **A copy of the most recent food hygiene inspection report with the National Food Hygiene rating risk score. The score must be a 3 or above.**
- **Copies of basic food hygiene/Level 2 certificate for operatives who will be handling food on the day of the event.**

If the event is in a park which already has a catering concession, permission must be sought from the concessionaire and the Council's Parks Department to supply additional catering.