

REGISTRATION OF PREMISES FOR THE SALE OF GOODS BY COMPETITIVE BIDDING

Notes for Guidance

In the following documents -

"prescribed articles" means any plate, plated article, linen, china, glass, books, prints, furniture, jewellery, articles of household or personal use or ornament or any musical or scientific instrument or apparatus;

"relevant sale" and "sale of goods by way of competitive bidding" mean any sale of prescribed articles at which the persons present, or some of them, are invited to buy articles by way of competitive bidding. References to selling goods by way of competitive bidding shall be construed accordingly.

"competitive bidding" includes any mode of sale whereby prospective purchasers may be enabled to compete for the purchase of articles, whether by way of increasing bids or by the offer of articles to be bid for at successively decreasing prices or otherwise;

"stall" includes any stand, marquee, tent, vehicle (whether mobile or not), site or pitch from which prescribed articles. are sold.

Requirement to register

Subject to the exemptions below, it is an offence to sell or permit the sale of goods by way of competitive bidding –

- a) on premises in this borough which are not registered,
- b) on premises which are registered, but in breach of a condition upon which they are registered,
- c) from a stall in this borough which is not registered,
- d) from a stall which is registered, but in breach of a condition upon which it is registered.

Exemptions

- 1) Any sales where no substantial part of the sale goods are brought onto the premises or stall (but not where a sale by competitive bidding has taken place at the premises or stall within the preceding 6 months),
- 2) Any sales for the purpose of assisting the funds of a voluntary organisation if the whole, or substantially the whole, of the proceeds of the sale are devoted to the funds of the organisation.



REGISTRATION OF PREMISES FOR THE SALE OF GOODS BY COMPETITIVE BIDDING

Please provide the following details: *(Please complete in BLOCK CAPITALS)*
When completed please return to:

**Environmental Health & Trading Standards, London Borough of Bromley
Bromley Civic Centre, Stockwell Close, Bromley, BR1 3UH**

Business trading name:

APPLY for the **REGISTRATION** of premises for the sale of goods by competitive bidding.

The applicant's interest in the premises (i.e. leased, rented etc).

The parts of the premises to be used for the relevant sale.

(a) Will the applicant be conducting the relevant sale personally? YES NO

(b) If **NO**, state the name and address of any other person who is likely to regularly conduct such sales.

(c) Has the applicant or person in (b) ever been convicted of any offence in connection with the supply of goods or services or unfair trading practices? YES NO

How often is it intended that relevant sales will take place?

What type of goods is it intended will be sold by competitive bidding?

Applicant(s):	
Business address:	
email address:	
Telephone No.:	

Your address (if different from above):	
--	--

A remittance of: is enclosed for the registration fee, cheque made payable to: **"Bromley LB"**

Signature(s) of Applicant(s):

Date:

Please sign and return to above address.

NOTES:

If you propose to change any of the particulars given in this form before or after registration is granted you must immediately inform the Chief Environmental Health Officer.

If any person knowingly or recklessly makes a false statement or omits any material particulars in this application he/she shall be guilty of an offence for which the maximum penalty is £5000.

The attached "Notification Form" may be copied and used to inform this service of forthcoming sales. If you hold regular auctions only one notification is initially required. However, you should notify us of any subsequent changes.

CONDITIONS IMPOSED ON PREMISES REGISTERED FOR THE SALE OF GOODS BY COMPETITIVE BIDDING

In these conditions, unless the context requires otherwise -

"Council" means the Council of the London Borough of Bromley;

"Premises" includes land and any stand, marquee, tent, vehicle (whether mobile or not), site or pitch;

"relevant sale" means a sale of goods by way of competitive bidding.

"goods" means any plate, plated articles, linen, china, glass, books, prints, furniture, jewellery, articles of household or personal use or ornament or any musical or scientific instrument or apparatus.

- 1) Details of each trading session at which a relevant sale is likely to take place must be notified in writing to the Chief Environmental Health officer by the person in whose name the premises are registered NO LESS THAN 14 DAYS before the event. The notification is to include the date, time, and duration of the sale and the name and address of the persons concerned with the conduct of the sale.
- 2) The full name and address of the persons intending to carry on a relevant sale shall be included in all publicity material and shall be prominently displayed at the event itself.
- 3) The person carrying out the relevant sale shall not conduct business in a manner which is detrimental to the interests of consumers, whether those interests are economic, or in respect of health, safety or other matters, or in any matter unfair to consumers.
- 4) A relevant sale SHALL NOT CONSTITUTE A MOCK AUCTION A sale becomes a mock auction if:-
 - (a) the right to bid for any lots is restricted to persons who have bought or agreed to buy one or more articles;
 - (b) goods are sold to any person at a lower price than that person's highest bid for that lot; or part of the price bid is later refunded; OR
 - (c) articles are offered or given away as free gifts.
- 5) The person conducting a relevant sale shall not attempt to restrict or exclude the rights of the buyer or any obligations to the buyer in relation to the goods sold, being rights or obligations that arise if the goods are defective or are not fit for the purposes for which they are commonly supplied or do not correspond with any description applied.
- 6) Each purchaser shall be given a receipt with the full name and address of the business entity carrying out the sale in accordance with the requirements of the Business Names Act 1985.
- 7) The occupier of the premises shall be the person in whose name the premise is registered.

- 8) Registration of the premises is not transferable to another person by the person in whose name it is registered.
- 9) Without the express written consent of the Council the person in whose name the premises are registered shall not knowingly permit the conduct of a relevant sale by any person:-
 - (a) whose application for registration for relevant sales or renewal thereof, has been refused by the Council or any other Borough Council; or
 - (b) whose registration of premises for relevant sales has been revoked by the Council or any other Borough Council.
- 10) The person in whose name the premises are registered shall comply with the requirements of the Town & Country Planning Act 1990 (as amended) and of any associated legislation and in particular with any special conditions relating to the premises.
- 11) The registration of premises for relevant sales shall not be deemed to convey any approval or consent, which may be required under any enactment, bye-law, order or regulation except as provided by Part V1 of the Greater London Council (General Powers) Act 1984.
- 12) Relevant sales shall only be conducted on the premises between the hours of 9 am and 8 pm Monday to Saturday.
- 13) All reasonable precautions shall be taken to maintain public order in the premises and to minimise any nuisance or annoyance to residents in the neighbourhood.
- 14) The person in whose name the premises are registered shall take all reasonable precautions for the safety of employees and all persons visiting the premises.
- 15) All doorways, corridors, staircases, etc., usable as a means of escape shall be kept free of obstruction and be immediately available and adequately illuminated.
- 16) Any special fire safety recommendations of the London Fire and Civil Defence Authority shall be complied with at all times.
- 17) Members of the public shall not be prevented from leaving or entering the premises during any trading session.
- 18) Any breach of these conditions may result in the immediate revocation of the registration of the premises by the Council.