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GUIDANCE NOTE No GN.C100

Registration Conditions for Premises Offering Goods for Sale by Competitive Bidding

In these conditions, unless the context requires otherwise, the following expressions shall have the meanings hereby assigned to them:-

“Council” means London Borough of Croydon.

“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.

1. Details of each trading session at which a relevant sale is likely to take place is to be notified in writing to the Licensing Section by the person in whose name the premises are registered not less than 5 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 and management of the event.
2. The full name and address of the persons intending to carry on a relevant sale is to be included in all publicity material and shall be prominently displayed at the event itself.
3. The person carrying out a relevant sale shall not conduct the 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 manner 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 lot 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 persons highest bid for that lot, or part of the price bid is later refunded; or
 - (c) articles are offered, or given away free as 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 a purpose or do not correspond with the description.
6. The occupier of the premises shall be the person in whose name the premises are registered.
7. The registration is not transferable by the person in whose name the premises are registered.
8. 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 of premises 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.
9. The person in whose name the premises are registered shall comply with the requirements of the Town and Country Planning Act 1971 (as amended) and of any associated legislation and in particular with any special conditions relating to the premises.
10. The registration of premises for relevant sales shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation except as provided by Part VI of the Greater London Council (General Powers) Act 1984.
11. 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.
12. The Licensing Team is to be advised of any proposed material change either permanent or temporary, in structure or layout of the part/s of the premises registered for relevant sales. No changes may be made without the prior approval of the Licensing Team.
13. 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.
14. All doorways, corridors, staircases etc usable as a means of escape shall be kept free of obstruction and be immediately available and adequately illuminated.
15. Any special fire safety recommendations of the London Fire Brigade shall be complied with at all times.
16. Members of the public shall not be prevented from entering or leaving the premises during any trading session.
17. The council may amend or alter these conditions without prior consultation.