

Application for Registration of Premises/Stall for Sale of Goods by way of Competitive Bidding

I/We, being the [proposed] occupier of the premises identified below, or the [proposed] proprietor of the stall identified below, as may be the case, hereby apply to East Lindsey District Council for registration of that premises or stall under the East Lindsey District Council Act 1982, to permit the sale of goods by way of competitive bidding.

Applicant Details

1. Is the applicant: The current occupier of the premises / proprietor of the stall
 A proposed occupier of the premises / proprietor of the stall
2. Is this application made by: An individual
Please give details of the individual in section a), below
 A body corporate
Please give details of the body corporate in section b), below

a) Individual applicant

Please give details of the individual applying for registration:

- a. Full name:
- b. Address of usual place of residence:
Postcode:
- c. Telephone number:
- d. Email address:

a) Body corporate applicant

Please give details of the body corporate applying for registration:

- a. Full name:
- b. Registered office address:
Postcode:
- c. Telephone number:
- d. Email address:
- e. Registration number:

For further information contact:

The Licensing Team, The Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH
Tel: 01507 601111

Sale Details

3. How frequently are sales likely to occur, should this registration be granted? Please give an indication of the expected number of sales to take place per year
4. What type of goods does the applicant intend to sell by way of competitive bidding?
5. Will the applicant be responsible for conducting sales at the premises? Yes No
If No, please supply details (including the name and address) of those persons who will be responsible for conducting sales on a separate piece of paper

Premises Details

6. Is this application in respect of:
- Fixed premises within the East Lindsey District
Please give details of the premises in section a), below
- A stall situated within the East Lindsey District
Please give details of the stall in section b), below

a) Fixed premises within the East Lindsey District

Please give the full trading name and postal address of the premises at which it is proposed to sell goods by way of competitive bidding, should this application for registration be granted:

Trading name:

Postal address:

Postcode:

What was the use of the premises for the 6 month period immediately prior to this application.

If it is intended only to use part of these premises for the sale of goods by way of competitive bidding, please describe the part to be used:

Details of Convictions & Cautions

Please read the guidance notes at the rear of this application form before completing this section

9. Has the applicant (or in the case of a body corporate applicant, any director, manager, secretary or similar officer) ever been convicted or cautioned for an offence in connection with the supply of goods or services or unfair trading practices, which is not considered to be spent (as defined by the Rehabilitation of Offenders Act 1974)?

Yes No

If Yes, please give details of the conviction(s) or caution(s) in the space below.

Should you need further space, please continue on a blank sheet of paper:

Name:

Date of conviction	Convicting court	Offence	Sentence

Bankruptcy

10. Is the applicant (or in the case of a body corporate applicant, any director, manager, secretary or similar officer) an undischarged bankrupt? (as defined by section 381 of the Insolvency Act 1986)

Yes No

If Yes, please give details:

Declaration & Signature(s)

I/WE, the undersigned, declare that to the best of my/our knowledge and belief the information given in this application is true and correct. I/We understand that it is an offence to knowingly or recklessly make a false statement or omit any material particular in connection with an application for registration.

I/We confirm that I/We have read and understood the appended schedule of general conditions, which would be imposed upon any registration that may be granted.

Payment of the registration fee of £98.00, payable to 'East Lindsey District Council', accompanies this application.

I enclose a scaled plan of the premises which is the subject of this application for registration.

Signed:

Date:

Print name:

Contact Details

Address for correspondence associated with this application:

Postcode:

Daytime telephone number:

Email address:

Your completed application should be sent to:

**Licensing Section, East Lindsey District Council,
The Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH**

As of April 2012, the registration fee is £98.00*.

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information contact the Licensing Team.

Contact Details:

Licensing Team
East Lindsey District Council
The Hub
Mareham Road
Horncastle
Lincolnshire
LN9 6PH

Tel: 01507 601111
E-Mail: licensing@e-lindsey.gov.uk
Website: www.e-lindsey.gov.uk

Payment options

Cheques and postal orders should be made payable to 'East Lindsey District Council'. Please note that we no longer accept cash for the payment of licence application fees. The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

East Lindsey District Council Act 1982

The following information is intended to provide guidance only, and does not offer a full statement of the legislation. Should you have any queries regarding the legality of a specific activity, you are advised to discuss your query with the licensing team, or to seek independent legal advice.

Requirement to register with local authority

An individual (or body corporate) is required to register with the local authority if they intend to sell or permit the sale of goods by way of competitive bidding (hereafter referred to simply as 'auction') on premises or from a stall situated within that authority's area.

The requirement to register only applies to auctions featuring any plate, plated articles, linen, china, glass, books, prints, furniture, personal or household articles, jewellery, musical instruments or scientific apparatus.

Carrying on an auction in any of the following locations is an offence under the above-mentioned Act:

- on premises not registered with the local authority;
- on registered premises but in breach of the conditions imposed upon the registration;
- from a stall not registered with the local authority; or
- from a registered stall but in breach of the conditions imposed upon the registration.

However, there are specific exemptions to the above - see below.

Exemptions

There are a number of circumstances whereby auctions may legally be held on unregistered premises or stalls:

- any auction at which the goods being sold were not brought on to the premises, providing no other auction has taken place at those premises in the previous six months;

- any auction carried on for the purposes of raising funds for a charitable organisation, providing the whole (or substantially the whole) proceeds of the auction are donated to that organisation.

Consideration of applications

When considering an application for registration, the local authority will take into account the suitability of the premises or stall for conducting auctions.

Particular attention will be given to:

- the physical suitability of the premises/stall;
- whether the intended use of the premises/stall is likely to cause nuisance;
- whether the premises/stall has previously been used to conduct auctions otherwise than in good faith; and
- whether the applicant (or officers of a body corporate applicant, as the case may be), occupier or proprietor of the premises/stall is a fit and proper person to be concerned in the conduct or management of auctions.

The local authority may refuse to register a premises/stall if satisfied that it is reasonable to do so, based upon the above criteria. However, before refusing an application, the applicant will be given the opportunity to appear before and be heard by a Licensing Committee (consisting of Councillors), in order to set out any additional, relevant information that may affect the application.

Any registration granted will be subject to the general conditions listed in the attached schedule, in addition to any specific conditions imposed in response to particular concerns.

False Statements

Any person who knowingly or recklessly makes a false statement or omits any material particular in their application will be guilty of an offence and liable on summary conviction to a fine.

Duration of registration

Registrations will be for a period of 5 years. However, registrations cease to have effect if revoked by the local authority (for one of the grounds upon which a new application may be refused).

However registrations are not transferrable – if a different individual or organisation intends to take over a registered premises and conduct auctions there, it will be necessary for that individual or organisation to apply afresh for registration.

Convictions & Cautions

In considering an application for registration, the local authority is obliged to consider whether the applicant (or the director, manager, secretary and other similar officer of a body corporate applying for registration) is a fit and proper person to be concerned with the conduct and management of auctions. A key part of the authority's consideration will be whether the applicant has any past convictions or cautions for relevant offences, which are not regarded as spent. Applicants do not need to disclose 'spent' convictions, and the Council will not take them into account when considering the suitability of an applicant. Any details given in an application that relate to convictions and cautions will not be open to public inspection.

The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time, convictions for offences are to be regarded as 'spent'.

Further information can be found on the following Government website: www.gov.uk.

Rights of inspection

Authorised Council Officers and Police Officers may enter, examine or inspect any premises/stall being used to conduct auctions, at any reasonable time. During these inspections, officers may take any actions reasonably necessary to ascertain whether there has been a contravention of the Act or breach of conditions imposed upon a registration.

Conditions To Be Imposed Upon Premises/Stalls Registered For Sale Of Goods By Way Of Competitive Bidding

The following conditions are imposed on the registration of premises for the sale of goods by way of competitive bidding under Section 6(1) of the East Lindsey District Council Act, 1982: -

- (i) no transactions shall take place outside of the times and days laid down by the Shops Act "General Closing Hours" or by order in force under that Act relating to Sunday or late night trading.
- (ii) no amplification equipment shall be used in connection with the sale of goods by way of competitive bidding which would result in the proceedings being audible to persons outside the building.
- (iii) no touting shall take place from any part of the building or the vicinity of it by the use of amplification equipment or otherwise.
- (iv) the Certificate of Registration shall be displayed in a prominent position on the premises where it can be seen by the public.
- (v) overcrowding in such a manner as to endanger the speedy exit of the persons present shall not be permitted in any part of the premises.
- (vi) all exits and other doors or openings used by the public for the purpose of exit shall be indicated by notices reading "EXIT" or "EMERGENCY EXIT" sited above or beside the exit at a height at least 6'9" above floor level. The notice shall be distinctive, bearing the word EXIT in block letters of at least 125mm in size coloured white in a green background or green on a white background or as otherwise approved by the Council.
- (vii) all barriers and doors shall be made to swing or open outwards unless the licensing authority are satisfied that this is unnecessary with regard to any particular door or doors. All doors or fastenings shall at all times be kept in working order and the doors kept unlocked as long as members of the public are on the premises.
- (viii) on those occasions when disabled or handicapped persons are present on the premises such special arrangements as may be necessary in the circumstances shall be made, so as to enable all persons to leave the premises safely in the event of fire.
- (ix) moveable seating:
 - (a) the seating shall at all times be so disposed as to provide free and unobstructed access to all exit doors.
 - (b) Passages or gangways not less than 1.06m (3'6") wide shall be provided leading direct to the exit doors.
 - (c) gangways not less than 1.06m (3'6") wide shall be provided intersecting the rows of seating in such a manner that no seat shall be more than 3.65m (12') away from a gangway measured in the line of seating.
 - (d) width of seat ways (minimum 305mm (1'))
 - (e) securing seating – where the permitted number exceeds 200 persons, seats shall be securely fixed together in sections of not less than four seats.
 - (f) where the permitted number exceeds 400 persons the rows of seats flanking the front, back and cross gangways and seats near to exits shall be appropriately secured.
 - (g) no person shall be allowed to sit or stand in the gangways or passages whilst the public are on the premises. The gangways and passages shall be kept entirely free from chairs or any other obstruction.
- (x) maintenance of the structure or any building works shall not be carried out in such a manner as may obstruct the means of escape from the premises.

- (xi) all gangways, corridors, staircases and external passages intended for exit shall be kept entirely free from obstruction whether permanent or temporary. All exit doors shall be maintained immediately available for use.
- (xii) heating appliances, other than hot water radiators, shall be adequately guarded or fixed in position out of reach of the public, and shall be of a type approved by the Council.
- (xiii) in all premises, suitable fire fighting equipment shall be provided, to the satisfaction of the Council and placed in suitable positions ready for immediate use.
- (xiv) a responsible person shall be in charge and upon the premises while they are open to the public and there shall also be during that time a sufficient staff of competent attendants on duty.
- (xv) the registration certificate will remain in force for a period of five years from the date of issue unless previously revoked.
- (xvi) no person other than those persons named in the registration certificate shall use the premises for the purpose of conducting sales by the way of competitive bidding.
- (xv) the maximum permitted number of persons attending the premises at any time shall be

Data Protection Notice – Competitive Bidding

East Lindsey District Council is a Data Controller and can be contacted at:
The Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH
Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your application for a Competitive Bidding Registration under the East Lindsey District Council Act 1982, as we are the Licensing Authority.

Your data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Some limited registration holder information may be made available to the public where relevant legislation requires or permits it and publication is in the public interest. Examples include registration holder names and associated registration numbers, together with the status and expiry dates of those registrations.

In line with our retention policy your data will be kept for the period of time that you hold a registration with this Authority and then for a further 6 years after your last registration expires. The data will then be deleted / destroyed.

We also keep data for six years from the resolution of an unsuccessful registration application or the resolution of legal proceedings.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113

If you do not provide the information required on the application form then we will not be able to process your application for a Competitive Bidding Registration.

For further information on our Data Protection Policies please go to our website: www.e-lindsey.gov.uk

Form last revised February 2023