

Gloucester City Council

Meeting:	Cabinet	Date:	8 February 2023
Subject:	Hempsted Meadow – Seasonal Car Boot Sale		
Report Of:	Cabinet Member for Culture and Leisure & Cabinet Member for Performance and Resources		
Wards Affected:	Westgate		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Site Plans 2. Site Issue Photographs 3. Mitigating against Site Constraints		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider the options for the provision of a car boot sale at Hempsted Meadow and provide information about site constraints and how these can be managed.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- (1) authority be given to the Property Commissioning Officer in consultation with the Markets and Green Spaces Officers, and the Cabinet Members for Policy & Resources and Culture & Leisure to undertake a competitive process to identify, award, and enter into legal agreements with the chosen operator to run the car boot sale at Hempsted Meadow
- (2) the car boot sale be operated as a seasonal provision due to physical site constraints from flooding and high water tables.

3.0 Background and Key Issues

- 3.1 The Council are aware of the importance of a car boot sale for the City of Gloucester. Car boot sales promote recycling and reuse of items and can improve wellbeing by providing important social contact.
- 3.2 The site at Hempsted Meadow was used successfully for several years as a car boot sale. The site had been extremely successful for previous operators who are keen to return.

- 3.3 In terms of location, size (capacity), access, and topography, the site at Hempsted Meadow is well suited to the holding of car boot sales. However, the current site constraints are difficult and financially draining on the Council. If not properly managed, this will prevent the site from remaining a viable option.
- 3.4 The car boot sale was previously run under a contract, but the Council still needs the opportunity to learn to adapt contract terms to protect the longevity of the opportunity. We need to ensure that we can plan ground works, budget sufficiently, for site access arrangements work and trespass instances have not occurred or been collaboratively managed, site neighbours are satisfied with arrangements, general complaints will have been considered, managed and action to mitigate future occurrences, good working practices will have been established collaboratively with other site users, the site will have been considerately managed with good established recycling policies, site set up and marshalling provisions working well.
- 3.5 The attached appendices provide background information a site plan, showing the area intended to be demised to an operator, photos of current flooding issues and ground conditions in appendix two.
- 3.6 Specifically those mitigating site constraints are (more photos Appendix 2):
- Flooding – the soil is predominately silty clay composite, which is not free draining. This causes risk of vehicles breaking down, unwillingness of people to attend and cancellation.
 - Permeable surface membrane requirement – to allow the best chance for water to drain the surfaces must be permeable. The surface needs constant replacement and care to be taken with regard to use and weight of operations.
 - Water retaining subsoils – unstable subsoils can lead to areas sinking, the land needs to be given to opportunity to drain and dry to ensure a stable surface.



Photo of entrance road (no rain for over 24 hours, Dec 2022)

- Land management – the area best suited to holding a car boot sale is practically a field. The Council need to actively manage the grass cutting, and thicket/ hedge and tree management, to manage and encourage biodiversity and opportunity for other uses. It is a balance. We need our operators to help keep the surface conditions suitable to continue to host a car boot sale.
- Utilities – there is no running water, gas or electricity available to the site operator. Generators are polluting and have in the past caused noise complaints. Customers expect to have toilets to use on site, these cannot be permanent or left on site.
- Neighbours and inclusive site opportunities – for the car boot sale to run successfully, we need a considerate and empathetic operator who can work with the Council, neighbours and the local community to help ensure that other events can run alongside it for maximum community benefit. A few times a year there is a local Gala and summer fiesta, and an outdoor cinema. The Circus and Fair have also run from this location when ground conditions are suitable. There is space for all events to be run simultaneously. Access, traffic flow, parking and marshalling need a collaborative approach from the operators to maximise the opportunity and safeguard the individual operations.
- Site management – litter and litter management is high on our agenda. Just as the sale of good promotes recycling we would want the disposal of rubbish to have equal consideration given to support our green and recycling agenda.

- 3.7 The key areas that will need to be considered by the Council and operators to ensure viability due to site constraints are outlined in Appendix 3 – Mitigating Against Site Constraints.

The operation was previously procured and managed by way of a contract. This requires a detailed specification defining the terms of the arrangement. There are limited circumstances in which you can amend the agreement once it has been advertised.

- 3.8 At this stage, the opportunity should be marketed by a property agent as a one-year licence. This will enable the council to work out the best way of managing it in the best interests of the Council.
- 3.9 In addition, car boot sales are usually managed as a land transaction, and therefore potential operators may not look to the procurement portal for these types of opportunities. To ensure that the Council benefit from reaching a far wider range of bidders, it is proposed that land agents would be better placed to market the opportunity in the first instance.
- 3.10 Potential operators will be invited to submit their bids to the Council along with:
- A business plan – which will include details of the fixed fee payable to the Council for the opportunity to operate the site. This will allow the Council to assess the financial viability of the operation of the site for a car boot sale.
 - Method statement / operations manual (when only site users and for collaborating with other users) covering the following as a minimum:
 - Vehicle weight limits and control proposals;
 - Access controls and trespass prevention measures;
 - Marshalling proposals;
 - Steps to be taken when land is waterlogged or flooded;
 - Site surface management and waste removal;
 - Provision of services (toilets, bins, complaint management);
 - Generator control measures;
 - Proposals for working with neighbours or potential neighbours;
 - Site management statement.
 - Proposed site layout (supporting the above)
- 3.11 This information will demonstrate an operator's competency and business understanding to ensure that they submit a viable proposal.

4.0 Social Value Considerations

- 4.1 Car boot sales can be a social destination, a family day out and can promote an inclusive environment.
- 4.2 The site is large enough to support simultaneous event opportunities. A car boot sale can run alongside a variety of events including a Gala, Summer Fiesta, Circus, Fair or open-air cinema, creating unique one-off villages of entertainment

and opportunity. It promotes social gathering, exciting, unique, inclusive environments.

5.0 Environmental Implications

5.1 Car boot sales, by their very nature, encourage recycling of everyday items.

5.2 The operator will be asked to submit their recycling policy with their bids.

6.0 Alternative Options Considered

6.1 Is this the best location for a car boot sale? The Councils land holding portfolio has been considered to seek alternative locations for a car boot sale. Unfortunately, there is no other site that offers sufficient scale, transport connections, access provisions, to hold a car boot sale. Car parks provide the closest potential but were unlikely to be big enough for vendors and patrons to be located on the same site. Also a car park being unavailable to shoppers and business users, due to a car boot sale, would have a detrimental impact on the local economy.

6.2 Should Hempsted Meadow be developed in a different way? A multitude of other opportunities have been considered at Hempsted Meadow but the site does not lend itself to any permanent use due to the physical restricting elements of the site noted above. However, the Council will continue to investigate possible site uses and more permanent site optimisation. The car boot sale opportunity will be under constant review, primarily to ensure that the opportunity is beneficial to all.

6.3 Hempsted Meadow when considered for a car boot sale leads to the following options:

- Do nothing - The Council could decide that the site constraints mean that the proposals are no longer viable. However, the support and the public desire to see the car boot sale return was at such an extent that this is not an option
- Procure the services by way of a contract - A contract is a long-term solution and requires officers to have a good understanding of the services that they are procuring. There are limited circumstances in which a contract can be varied during its term. Officers will use the licence period to gain a better understanding of the requirements of the operation and may decide to use this to structure any procurement that follows.

7.0 Reasons for Recommendations

7.1 The physical nature of the site is limiting its possible uses. However, there is much local support for bringing the car boot sale back to Hempsted Meadow

8.0 Future Work and Conclusions

8.1 Officers will use the period of the licence to review the success of the car boot sale with the potential of putting the arrangement on a firmer contractual footing.

- 8.2 The opportunity needs to continue to be evaluated against emerging projects, competing opportunities, Council objectives and priorities.

9.0 Financial Implications

- 9.1 The Hempstead Meadow site is subject to a myriad of natural constraints noted above. The operation of activities on the site lead to the need for significant investment to be made on an annual basis to ensure that the site is appropriately maintained.
- 9.2 Any agreement with an operator for the provision of a car boot sale will need to demonstrate that the items noted in Section 3 of this report are appropriately considered and that the financial contribution from the Operator covers the costs to maintain the site appropriately.
- 9.3 As noted it would be appropriate to have an initial trial period and assess the financial and social impacts on the Council.

10.0 Legal Implications

- 10.1 The Council owns the site and is proposing to grant a licence (up to a maximum use of 4 days a week). The operator will occupy the land with the permission of the Council which may be determined in accordance with the terms of the licence terms. The occupier will not have exclusive possession of the land during the licence period. A licence is a personal, contractual right between the owner and the occupier, and grants no legal right to the land.
- 10.2 Officers are proposing to use land agents to undertake the marketing and evaluation of the bids for the licence. It is essential that officers ensure that the opportunity is marketed in an open, fair, and transparent manner. The evaluation process should be clear at the outset, and bidders must be notified of the evaluation criteria before they submit their bids.
- 10.3 During the licence period, officers will evaluate the success of the operation and may want to consider carrying out a procurement to appoint an operator under a services concession arrangement. Any procurement will need to be carried out in accordance with the Council's Contract Rules and applicable procurement legislation. One Legal can provide further advice to the Property Commissioning Manager to assist with her review.

11.0 Risk & Opportunity Management Implications

- 11.1 Previously the uncertainty around the income from the car boot sale, meant that due to the amount of land management required (due to the nature of the land), it was running at a loss and it was becoming unviable for the Council. This will be monitored to ensure if there is an adverse impact, corrective action can be considered.

12.0 People Impact Assessment (PIA) and Safeguarding:

- 12.1 The PIA Screening Stage was completed against the protected characteristics.

13.0 Community Safety Implications

13.1 Our main issues are around Trespass and Fly tipping, an increased presence on the site should help mitigate against these issues as long as the operator acts diligently.

14.0 Staffing & Trade Union Implications

14.1 None

Background Documents:

None