

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 3 JUNE 2025

USE OF COUNCIL LAND FOR THE OPERATION OF CAR BOOT SALES

REPORT BY GRAEME DAILLY, DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT

1. ABSTRACT

- 1.1 This report outlines proposed conditions for the use of Council land for car boot sales, with the aim of supporting community groups and voluntary organisations with their fundraising.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 This report contributes to the achievement of the priorities in the Angus Council Plan that we want: our communities to be strong, resilient and led by citizens; and Angus Council is efficient and effective; and that we support and equip our citizens to deliver on their local aspirations.

3. RECOMMENDATION

- 3.1 It is recommended the Committee approve the proposed approach for the use of Council land for the operation of car boot sales, as outlined in Section 6.

4. BACKGROUND

- 4.1 A recent request to hold a Sunday car boot sale at the car park of Bruce House, Arbroath, highlighted the absence of an agreed policy for approving car boot sales on Council-owned land.
- 4.2 At present, individuals or groups may apply to book an Angus Council Park for a car boot sale under existing procedures and scheme of charges for park bookings, and there are examples of car boot sales taking place in parks. In the case of the organiser seeking to hold a Sunday car boot sale at the Bruce House car park, they were advised that this was not currently available in the absence of an agreed policy on the use of Council land for car boot sales. As a result, the organiser instead made a park booking and is now holding the car boot sales at Inchcape Park, Arbroath.

5. CURRENT POSITION

- 5.1 The absence of a formal policy or procedures for the leasing of Council land for car boot sales has not previously caused a significant issue. The matter has only arisen in response to the recent request to hold a car boot sale at the Bruce House car park, and this is considered an isolated case. In light of this, a proportionate, lighter-touch approach is being recommended, as set out in Section 6.
- 5.2 Should it become apparent that a more detailed and prescriptive policy is necessary in future, the Director of Infrastructure and Environment will bring a further report to this Committee with appropriate recommendations.
- 5.3 A review of the practices and approaches adopted by other councils across the UK has informed and guided the proposals outlined in Section 6.
- 5.4 It should be noted that planning consent is generally not required to hold a car boot sale. However, it is the responsibility of the organising body to confirm whether this applies in their particular circumstances. In addition, appropriate public liability insurance must be in place to cover any potential risks associated with the event.
- 5.5 A Market Operator's licence is not required in terms of Section 40(2)(a) of the Civic Government (Scotland) Act 1982 where it is a private market held by "charitable, religious, youth, recreational, community, political or similar organisations".

6. PROPOSALS

- 6.1 It is proposed that permission to hold a Car Boot Sale on Council land (including parks) will only be granted subject to the following conditions being observed:
1. Applications will only be approved from charitable or community-based groups and the whole of the proceeds from holding the sale must be applied to the organisation who are given consent or charitable causes. Only reasonable direct expenses incurred in holding the sale may be deducted.
 2. The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale.
 3. No goods may be sold at the sale other than second hand goods owned by the trader. The sale of food or drink is not permitted.
 4. Pitches or spaces must not be given to commercial traders.
 5. The Council will limit an organisation to a maximum of 13 events per year.
 6. The Council will limit the use of any site to a maximum of 13 events per year.
 7. The Council reserves the right to refuse permission to hold a car boot sale on the grounds that it is likely to detrimentally affect established markets or businesses of the area or is unnecessary or undesirable for any reason.
 8. The Council reserves the right to refuse permission for a car boot sale where access to the site is insufficient or unsuitable, or where the available space is inadequate for the safe and effective operation of the event. For example, permission is unlikely to be granted where access is normally restricted by locked gates or where the site is subject to other conflicting uses.
- 6.2 For car boot sales held on Council parkland, the existing management rules and scheme of charges for Park bookings will continue to apply. However, the additional criteria outlined above will also now be applied.
- 6.3 The charge applied for community group booking a park for a Sunday car boot sale is currently £84.75. It is proposed that a charge of £100 per event be set for all car boot sales (including those held at parks), reflecting the administrative costs associated with the process and broadly aligning with the current cost of booking a Council park for such an event. Organisers would be responsible for all aspects of the event, including insurance, litter collection, and any other associated responsibilities.
- 6.4 Responsibility for the management and administration of bookings on Council-owned land (excluding parks) would rest with the Assets Service and the Facilities Management team.

7. FINANCIAL IMPLICATIONS

- 7.1 The implementation of the proposals contained in this report may generate a limited amount of additional income for the Council. However, the principle aim is to recover administrative costs, while enabling charitable and community-based organisations to raise funds in support of good causes.

8. RISK MANAGEMENT

- 8.1 There are no significant risks relating to the Corporate Risk Register arising from this report.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 There are no direct environmental implications arising from the recommendations of this report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

10.1 An Equality Impact Assessment has been carried out and is attached.

11. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

11.1 A Children's Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

12. CONSULTATION

12.1 The Director of Finance and the Acting Director of Legal, Governance and Change have been consulted on the proposals contained in this report

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix 1 - EIA