

Licensing Sub-Committee of the Regulatory Committee

10am, Friday, 6 September 2013

Temporary Market Operators licences – Castle Street (Two Applications)

Item number	
Report number	
Wards	Ward 11 City Centre

Links

Coalition pledges	P15 and P28
Council outcomes	CO8
Single Outcome Agreement	SO1

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Executive summary

Temporary Market Operators licences – Castle Street (Two Applications)

Summary

The Committee is asked to consider applications for two temporary Market Operator's licences for Castle Street. These are temporary licences as issues have arisen about the suitability and frequency of markets in the Castle Street area.

Recommendations

- 1 The Committee is asked to consider the applications and any representations from the proposed market operators and decide whether to grant each licence.

Measures of success

That the Council discharges its statutory duties in respect of these applications.

Financial impact

The Council's scale of fees for licensing applications was approved with effect from 1 April 2013. All costs are contained within the licensing budget.

Equalities impact

There are no equalities implications arising from this report.

Sustainability impact

There are no sustainability implications arising from this report.

Consultation and engagement

Not applicable.

Background reading / external references

Not applicable.

Temporary Market Operators licences – Castle Street (Two Applications)

1. Background

- 1.1 The Council has been licensing markets in the lower Castle Street area for a number of years. Essential Edinburgh are no longer involved and market operators are applying on an ad-hoc basis for licences. These markets have grown in scale and frequency and in 2013 there have so far been 16 applications for markets in this area.
- 1.2 The markets have been operated by a number of applicants and are of a temporary nature. As the Civic Government (Scotland) Act 1982 does not require the display of site notices for temporary licences this means that businesses and residents are not normally consulted prior to the grant of these licences.
- 1.3 A number of service areas within the Council have received notice of concerns about markets within the Castle Street area. A copy of a letter received by the Council is attached in Appendix 1 as background information and illustrates the concerns being raised. As a result of these concerns these applications are referred to Committee for decision.

2. Main report

- 2.1 The Council has received two applications for temporary Market Operators licences from the following:
 - Market Square Group & Paul Kennedy. Dates requested 12-15 September 2013.
 - Continental Market Ltd & Ali Yaich. Dates requested 19-29 September 2013.
- 2.2 Additionally it is relevant to note a third application was granted under delegated powers for the weekend of 7-9 Sept 2013. There have been therefore sixteen applications for markets in this area this year and in effect a market has been in place for much of the summer months.
- 2.3 The use of the street for open air markets, in increasing frequency and is causing concerns for neighbouring businesses. The Council has committed to taking the following steps to seek to alleviate some of the concerns raised.
 - The Council will consider taking appropriate steps to ensure that appropriate planning permission is sought.

- The Council has provided local businesses with a list of future markets and where possible seeks to make relevant persons aware of any future applications. This is in addition to the Council's statutory duties.
- Council officers will respond to complaints and will take steps to ensure that appropriate checks are carried out on the markets to ensure that licence conditions are complied with.
- Consideration will be given to standardising the layout of the markets. This will involve a reduced area in which Market Operators can erect a stall and how they should be orientated.
- The Council's Roads team has accepted only provisional bookings for 2014 whilst further discussion takes place.
- These applications have been referred to the Licensing Sub-Committee for determination. Both applicants have been invited to Committee and have been provided a copy of the letter attached at Appendix 1.

3. Recommendations

- 3.1 The Committee is asked to consider the applications and any representations from the proposed market operators and decide whether to grant each licence in turn.

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Links

Coalition pledges	P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors. P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities.
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 – Letter from Pinsent Mason