

# Licensing Sub-Committee of the Regulatory Committee

10.00am, Friday, 19 June 2015

## Market Operators Licence - Hand Up Media Grassmarket - 5 to 14 August 2015, and Castle Street - 16 to 22 August 2015

Item number	9.1
Report number	
Executive/routine	
Wards	11 – City Centre

### Executive summary

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The City of Edinburgh Council has received applications for two Market Operators Licences from Hand Up Media to take place between 5 and 14 August 2015 in the Grassmarket and between 16 and 22 August 2015 in Castle Street.

This operator has managed a number of events and markets throughout the city in recent years and has previously appeared before the Licensing-Sub Committee regarding the operation of markets in Castle Street.

The applications are referred to Committee as they are outwith the current policy.

### Links

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

## Market Operators Licence - Hand Up Media Grassmarket 5 to 14 August 2015, and Castle Street 16 to 22 August 2015

### Recommendations

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It is recommended that the Committee:

- 1.1 notes this report;
- 1.2 refuses the application for the Grassmarket;
- 1.3 grants the Castle Street application within policy guidelines; and
- 1.4 advises the applicant that all future applications should only be submitted if they comply with existing policy.

### Background

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- 2.1 The City of Edinburgh Council has received applications for two Market Operators Licences from Tania Pramschufer on behalf of Hand Up Media to take place between 5 and 14 August 2015 in the Grassmarket and between 16 and 22 August 2015 in Castle Street.
- 2.2 Castle Street (appendix 1) has been identified as a site of particular concern due to the frequency and duration of markets, their impact on local amenity and also retailers' fears that they were suffering loss of business. As a result of these concerns an operating plan was agreed by Regulatory Committee on 2 February 2015, which includes additional conditions as detailed in Appendix 2.
- 2.3 At the Licensing-Sub Committee on 24 April 2015 the Greater Grassmarket BID was granted a Public Entertainment Licence in addition to their existing Market Operators Licence. The grant of the licence was designed to allow the Greater Grassmarket BID to manage the public realm space for a pilot period of one year.

### Main report

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#### Grassmarket

- 3.1 As part of the pilot period the Greater Grassmarket Bid committed to creating an active space that is respectful to both business and residents of the surrounding area, ensuring a balance between civic and event use of the space.

- 3.2 The Greater Grassmarket Bid has a number of events, including weekly markets, organised throughout the year, including the period requested by the applicant.
- 3.3 The Greater Grassmarket Bid is unable to accommodate this market within their existing plans for the area during August and more specifically for the period requested.
- 3.4 Due to the clash of existing licences, Council Officers are unable to support the grant of a Market Operators Licence at this location for the period requested.

### **Castle Street**

- 3.5 Castle Street has been identified as a site of particular concern due to the frequency and duration of markets, their impact on local amenity and also retailers' fears that they were suffering loss of business.
- 3.6 At the Regulatory Committee Meeting on 8 September 2014 the Committee agreed that greater control was required. It was agreed that:
- markets will be restricted to one per calendar month for a maximum of seven days;
  - markets should trade between 10:00 – 18:00hrs daily;
  - there shall be no preparation and sale of hot food products;
  - stalls should all be of a similar size and design (appendix 3);
  - the number of stalls shall be restricted to a maximum of 20; and
  - additional conditions would be attached to all licences granted in the event that demand for the space was greater.
- 3.7 Given the demand for the use of Castle Street, traders were given an opportunity to make application for the use of the site as a market. There are currently no other applications to use the site during the period requested.
- 3.8 There is currently no planning permission in place for the use of Castle Street as a market. This was one of the main complaints by local retailers. Whilst it is not grounds to refuse a Market Operators Licence, it is proposed that a trader is strongly encouraged to make application for the relevant permission.
- 3.9 This report is brought before the Committee in order that members can satisfy themselves that the appropriate safeguards are in place to ensure that the terms of the exiting policy are met. However, the Committee may consider it appropriate to waive the seven day restriction and allow an extended trading period.
- 3.10 The additional market operator conditions attached at Appendix 2 should be attached to the grant of any licence at this location.
- 3.11 A representative of Hands up Media has been invited to address the Committee.

## Measures of success

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4.1 That the event is licensed in a proportionate and effective manner.

## Financial impact

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5.1 None arising directly from this report.

## Risk, policy, compliance and governance impact

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6.1 The event organisers can appeal the decision of the Licensing-Sub Committee to the Sheriff Court.

## Equalities impact

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7.1 There is no adverse impact on the public sector equalities duty. There would accordingly be no direct equalities impact arising from the contents of this report

## Sustainability impact

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8.1 There is no environmental impact arising from the contents of this report.

## Consultation and engagement

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9.1 Objections received have been dealt with in accordance with Council policies and procedures.

## Background reading / external references

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## Links

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<b>Coalition pledges</b>	<p>P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors.</p> <p>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.</p>
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities.
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
<b>Appendices</b>	<p>Appendix - 1 Map of Castle Street / Photograph proposed trading area in Castle Street</p> <p>Appendix 2 - Additional Conditions</p> <p>Appendix 3 – Proposed market stalls</p> <p>Appendix 4 – Market Operator Licence applications</p>