

Licensing Sub-Committee of the Regulatory Committee

10:00am, Friday, 4 March 2016

Request for Fee Refund – Market Operator’s Licence – Greater Grassmarket Business Improvement District

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| Item number | 4.1 |
| Report number | |
| Executive/routine | |
| Wards | 11 – City Centre |

Executive summary

The Council has received a request from the Greater Grassmarket Business Improvement District to refund the fee paid for a Market Operator’s Licence fee.

They paid the applicable fee of £1,050 for a market with 14 stalls (14 x £75).

A fee refund is sought on the basis that the Business Improvement District is a not-for-profit organisation.

Links

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|--------------------------|---------------------|
| Coalition pledges | P15 |
| Council priorities | CP5 |
| Single Outcome Agreement | S01 |

Request for Fee Refund – Market Operator’s Licence – Greater Grassmarket Business Improvement District

Recommendations

The Committee is recommended to:

- 1.1 Refuse the request on the grounds that the fee is necessary to cover Council costs.

Background

- 2.1 A representative of the Greater Grassmarket Business Improvement District has requested a refund of the application fee paid for a Market Operator’s Licence.

Main report

- 3.1 A representative of the Greater Grassmarket Business Improvement District (BID) has requested a refund of the application fee paid for a Market Operator’s Licence. A copy of the relevant correspondence is attached to this report at Appendix 1.
- 3.2 The fee structure for 2015/2016 was agreed by the Council and does not include a reduced ‘administration charge’ as suggested by the applicant.
- 3.3 The fee for a commercial market in the city centre is £75 per stall. The applicable Market Operator’s Licence application fee for a market with 14 stalls is therefore £1,050 (14 x £75).
- 3.4 A refund is sought on the basis that the BID is a not-for-profit organisation whose sole purpose is to improve the local economy by supporting member businesses. However the Committee should note that the proposed activity is commercial and all stalls operate on that basis.
- 3.5 The Council incurs significant costs in dealing with issues arising from licensed events in the Grassmarket area. These costs require to be directly recovered from licence fees.
- 3.6 If the Committee agrees to fully or partially refund the fee it is recommended that it should be on a one-off basis. The Committee will wish to note that previous support has been given by allowing an annual Public Entertainment Licence in circumstances not normally permitted by the Council.
- 3.7 A representative of the Greater Grassmarket Business Improvement District will be invited to address the Committee on the request for the fee refund.

Measures of success

4.1 The event is licensed in a proportionate and effective manner.

Financial impact

5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2015. Any rebate would be required to be absorbed by the Civic Government (Scotland) Act 1982 licensing budget for 2015/16.

5.2 In 2015/2016, discounts of £28,067.25 have so far been granted by Committee.

Risk, policy, compliance and governance impact

6.1 The fee structure was agreed by full Council. Any rebate risks setting a precedent, however the Committee has discretion in this matter.

Equalities impact

7.1 There is no equalities impact arising from the contents of this report.

Sustainability impact

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

Consultation and engagement

9.1 The Regulatory Services Manager attended the BID Board meeting on 2 March 2016 to discuss licensing issues.

Background reading / external references

City of Edinburgh Council licence application fees list 2015/16

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Links

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| Coalition pledges | P15: Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors |
| Council priorities | CP5: Business growth and investment |
| Single Outcome Agreement | SO1: Edinburgh's Economy Delivers increased investment, jobs and opportunities for all |
| Appendices | Appendix 1: Letter from Greater Grassmarket Business Improvement District dated 6 January 2016 |