

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Tuesday, 23 April 2019

Request for Fee Reduction – Market Operator’s Licence – Meadows Festival Association

Item number	5.1
Report number	
Executive/routine	
Council Commitments	
Wards	Leith (13)

Executive Summary

The Council has received a request on behalf of the Meadows Festival Association to agree to accept a reduced application fee for a Market Operator’s Licence.

A fee reduction is sought on the basis of points made in the applicant’s email (Appendix 1).

Request for Fee Reduction – Market Operator’s Licence – Meadows Festival Association

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 Notes the terms of the request; and the terms of the previous decision.
 - 1.1.2 Refuses the fee reduction request.

2. Background

- 2.1 The Meadows Festival Association has requested that the application fee due for the required Market Operator’s Licence should be reduced.
- 2.2 The Council has agreed it’s fee structure for the coming financial year (2019/20) for licence applications to take effect from 1 April 2019.
- 2.3 Additional fees for city centre markets were confirmed by Regulatory Committee in 2015.
- 2.4 Prior to 2017 the Meadows generally was included in Ward 11. Since the 2017 elections the section east of Middle Meadow Walk is no longer part of Ward 11.
- 2.5 Members are also asked to note the details of the report considered on 29 May 2018 in which a fee reduction request was requested for the same event in 2018. At that time the committee resolved to grant a reduced fee but advised the applicant to consider cost management of future events to ensure the appropriate budgetary arrangements are made in respect of covering any licensing fees (see appendix 3).

3. Main report

- 3.1 A representative of the Meadows Festival Association has submitted a written request (Appendix 1), seeking that the application fee due for a Market Operator’s Licence in Meadows Park should be reduced. A copy of the relevant correspondence is attached to this report at Appendix 1.
- 3.2 The fee structure for 2019/2020 was agreed with effect from 1 April 2019. The applicant has not paid any licensing fee in relation to this application as an exceptional agreement was reached to consider their fee reduction request on this occasion, without any partial fee payment.

- 3.3 The market is planned to be held on the west side of the Meadows, which falls within Ward 11. As a result higher application fees apply than those for markets outwith Ward 11.
- 3.4 The application fee for a temporary outdoor market in Ward 11 operating less than once per calendar month is £84 per stall, subject to a maximum of £5,000.
- 3.5 In this case, as the application was for 130 stalls (£84 x 130 = £10,920) the fee due is £5,000, which is the maximum fee or cap that the Regulatory committee agreed within the fee structure. The applicant has not made any payment. Other than the inflammatory uplift the fees have remained unchanged since 2015 and the effect of the cap is that the fee is identical to the fee for the market in 2018.
- 3.6 If the Committee is minded to grant a fee reduction it is requested that it is made clear to the applicant that this level of fee reduction cannot be sustained, as the cost is being met by other licence holders through their payment of fees, and that the applicant should plan their budget in future years accordingly.
- 3.7 The Council incurs significant costs in dealing with issues arising from licensed premises in the city. These costs are required to be directly recovered from licence fees.
- 3.8 Members are also asked to note that within this year's Full Council budget motion the following statement was included and agreed:
- 3.8.1 *"The Administration will adapt a policy of full cost recovery for major events in the city delivered by third parties.*
- 3.8.2 *We will increase cost recovery through charges levied for licensing and regulatory services, road occupation licensed and consents, where permitted by legislation".*
- 3.9 A representative of the applicant will be invited to address the Committee on the request for the fee reduction.

4 Measures of success

- 4.1 The market is licensed in a proportionate and effective manner.

5 Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019. Any reduced fee would be required to be absorbed by the licensing budget for 2019/20.

6 Risk, policy, compliance and governance impact

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

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

- 9.1 Officers of the Council have discussed the licensing requirement with the applicant.

10 Background reading/external references

- 10.1 [City of Edinburgh Council civic licence application fees list 2019/20](#)
10.2 [Request for Fee Reduction – Market Operator’s Licence – Meadows Festival Association \(2018\)](#)

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11 Appendices

- 11.1 Appendix 1 - Email correspondence with Meadows Festival Association (Appendix 1)
11.2 Appendix 2 - Application form (Appendix 2)
11.3 Appendix 3 - Note of action from Licensing Sub-Committee on 29 May 2018 (Appendix 3).