

# Licensing Sub-Committee of the Regulatory Committee

**2.00pm, Monday, 1 February 2021**

## **Request for Fee Refund – Market Operator Licence – Edinburgh Farmers’ Market**

**Item number**

**Report number**

**Executive/routine**

**Council Commitments**

**Wards**

Leith (13)

### **Executive Summary**

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The Council has received a request on behalf of the organisers of Edinburgh Farmers’ Market at Castle Terrace to agree to accept a reduced application fee for a Market Operator Licence.

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

## Request for Fee Refund – Market Operator Licence – Edinburgh Farmers’ Market

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 notes the terms of the request; and
  - 1.1.2 refuses the request.

### 2. Background

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- 2.1 The Edinburgh Farmers’ Market Cooperative Committee has requested that the application fees due for the required Market Operator Licence should be reduced.
- 2.2 The Council agreed that the fees charged for licence applications with effect from 1 April 2018 shall remain unchanged.
- 2.3 Historically, fee reductions or refunds for large events have only been granted if the organiser is a charity or a community group. The cooperative is a community based collective but not a charity.
- 2.4 On 21 February 2019 the Council agreed to adopt a policy of full cost recovery for major events in the city delivered by third parties. It was agreed to increase cost recovery through charges levied for licensing and regulatory services, road occupation licences and consents, where permitted by legislation.
- 2.5 As previously reported to Regulatory Committee in November 2020, at a meeting of the Policy and Sustainability Committee on 20 August 2020 the Council agreed not to offer further deferral of licensing fees. The Committee was provided information regarding the financial impact of the public health emergency on licensing income.

### 3. Main report

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- 3.1 The Edinburgh Farmers’ Market Cooperative Committee has submitted a written request (Appendix 1), seeking that the application fee due for a Market Operator Licence at Castle Terrace should be reduced. A copy of the relevant correspondence is attached to this report at Appendix 2.
- 3.2 The fee structure for 2020/2021 was agreed with effect from 1 April 2018. As this location falls in the city centre, the fee due for the market with 40 stalls is £3,520 (40 x £88).

- 3.3 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.
- 3.4 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.
- 3.5 A representative of the applicant will be invited to address the Committee on the request for the fee reduction.

## **4 Measures of success**

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- 4.1 The premises are licensed in a proportionate and effective manner.

## **5 Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. Any reduced fee would be required to be absorbed by the licensing budget for 2020/21.
- 5.2 The Regulatory Committee was provided an update on the impact of the public health emergency in a report in November 2020. A link to that report is included below in the 'Background' section.

## **6 Risk, policy, compliance and governance impact**

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- 6.1 The fee structure was agreed by full Council. Any reduction risks setting a precedent. However the Committee has discretion in this matter.
- 6.2 Should the fees be waived or reduced it is likely other licence holders will seek a similar reduction and this may negatively impact the Council's overall financial position.

## **7 Equalities impact**

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

## **8 Sustainability impact**

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

## 9 Consultation and engagement

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

## 10 Background reading/external references

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- 10.1 [City of Edinburgh Council licence application fees list](#)  
10.2 [Report to Regulatory Committee 2 November 2020](#)

### **Andrew Mitchell**

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## 11 Appendices

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- 11.1 Appendix 1 - Letter from Edinburgh Farmers' Market Cooperative Committee  
11.2 Appendix 2 - Email from Councillor Fullerton dated 1 December 2020