

Regulatory Committee

10.00am, Monday, 1 May 2023

Licensing Policy Development – Street Trading Update

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| Executive/routine Wards Council Commitments | Executive All |
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1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Notes the contents of this report;
 - 1.1.2 Notes that the completion of works at the National Galleries of Scotland has been delayed until 2024 and that further work will be undertaken by Council officers in relation to the wider plans for the use of Mound Precinct and Playfair Steps, following the completion of the construction work;
 - 1.1.3 Continues the current arrangement that prevent street trading on the High Street and Hunters Square until a review is carried out;
 - 1.1.4 Agrees to consult on the current trading policy with emphasis on the issues identified in paragraph 4.2; and
 - 1.1.5 Notes that a further report will be submitted.

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Licensing Policy Development – Street Trading update

2. Executive Summary

- 2.1 At its meeting on [21 October 2019](#), Committee reaffirmed the Street Trading and Market Operators' policy considered at its meeting on [1 February 2016](#) (Item 6.4), and called for a further report on the proposed use of the High Street and Hunter Square. Committee agreed on [18 January 2021](#), that due to the pandemic this subsequent report would be placed on hold.
- 2.2 This report provides an update on proposals for street trading and market operator licensing within the city, and specifically the City Centre.

3. Background

- 3.1 Street Trading and Market Operator are optional licensing activities under the [Civic Government \(Scotland\) Act 1982](#). In 1983, the City of Edinburgh Council, by way of resolution, exercised its powers to adopt these activities and developed a Street Trading policy.
- 3.2 The Street Trading policy creates the ability to control and manage the activity. It ensures that traders operate within the same general constraints that apply to any other business, including that they comply with relevant legislation and meet the same minimum standards that any responsible business should observe.
- 3.3 Many parts of the city centre have been redeveloped in the period since Committee first adopted a policy on licensing of street trading.
- 3.4 This includes works to improve the quality of the public space, which has led to competing demands for the use of public space, and until the pandemic, there had been an increase in the volume of licence applications for street trading.
- 3.5 Areas particularly affected by this increased demand, and lack of available space, include Castle Street, High Street, Hunter Square, Grassmarket, Playfair Steps and the Mound Precinct. Whilst it was not possible to trade at many of these locations during the public health restrictions, the licensing service is starting to see an increase in demand for spaces and have received a number of enquiries about their availability.

- 3.6 More generally, public realm space continues to attract significant demand from street traders, market operators, parades and processions and event organisers. Demand for the use of public realm space now mirrors the levels that were experienced pre pandemic. At the Culture and Communities Committee on [28 January 2020](#) it was agreed to develop a single Public Space Management Plan (PSMP) to be supported by a single set of processes, criteria and procedures when applications are received in the future.
- 3.7 In late 2020, a period of engagement (including creation of a Stakeholder Working Group) led to the recommendation that principles for the use of public spaces for events and filming should be developed. An update on this work was reported to the Culture and Communities Committee on [13 December 2022](#). Further updates are due to be reported to Culture and Communities Committee later in the year. It is essential that all the strategic aims of the Council are considered, and that the Street Trading policy is consistent with these.
- 3.8 At its meeting on [21 October 2019](#), Committee reaffirmed the street trading and market operators' policy (which had been first considered by Committee in February 2016 (Appendix 2)). At its meeting on [18 January 2021](#), Committee considered a report from the Executive Director of Place and agreed:
- 3.5.1 That no further licences would be granted for the area outside 329 and 249 High Street;
 - 3.5.2 To continue the existing policy for street trading in Hunter Square and the High Street during 2021;
 - 3.5.3 That it would not be appropriate to allow street trading in Hunter Square from stances 11 and 12 (shown in Appendix 3); and
 - 3.5.4 Noted that the completion of the work at the National Galleries of Scotland has been delayed until 2024 and that further work will be undertaken by Council officers in relation to the wider plans for the use of Mound Precinct and Playfair Steps, following the completion of the construction work.
- 3.9 As a result of the Covid-19 pandemic, it has not yet been possible to reinstate street trading in Hunter Square.
- 3.10 Committee has previously agreed a separate policy for licensing pedicabs as street traders and this is not in scope of this report.

4. Main report

Street trading

- 4.1 Street trading has existed in the city centre for many years, and the changing landscape and redevelopment of the area has led to challenges for traders and the Council. Locations to trade from have significantly reduced, with sites that were previously traded from no longer suitable or no longer available. Many of these former sites were located outside Council buildings or other empty buildings. As a

result, the Council now has a limited number of options available to support this type of activity in the city centre.

- 4.2 The issues identified in previous reports largely remain, unchanged i.e.:
- 4.2.1 Lack of location for street traders (there are very few sites considered suitable for trading and no new sites have been identified);
 - 4.2.2 Demand for popular trading areas (potential traders are keen to trade at locations where there is high footfall particularly in city centre locations);
 - 4.2.3 Trading hours (maximum hours of trading are set out in the street trading policy but many traders do not utilise their hours preventing others from accessing sites);
 - 4.2.4 The duration of licence (the current policy is for an annual licence or for a maximum period of 28 days for a temporary licence, with the exception of the High Street where licences were granted on a weekly basis);
 - 4.2.5 Types and styles of stalls (the standard, quality and appearance of the stall fall below what would be expected of a capital city);
 - 4.2.6 Number of traders at one location (as a result of demand for trading at certain locations within the city centre, locations are being over traded at the expense of local business); and
 - 4.2.7 Multiple licences held by business, individuals (a number of traders hold multiple places throughout the city which prevents new business opportunities).
- 4.3 There are currently 22 street trader and 19 market operator locations regularly operating throughout the city. These include a number of high-profile areas that are heavily populated by traders.
- 4.4 The number of enquiries to identify trading locations far outweighs the number of identified suitable sites or are already being traded on. Many of the existing sites have been traded on by the same businesses for decades.

High Street and Hunter Square

- 4.5 The High Street is a long-standing event space and is still one of the main Fringe locations during August. Traditionally, normal street trading was suspended during this period and the High Street (from George IV Bridge to North/South Bridge) becomes an event area managed by the Festival Fringe. In addition, policy which normally prevents the sale of hot food in the High Street has previously been relaxed during the period of the August festival. The context of this has changed over time, in that, the number of food business trader from premises in and around the high street has increased including a number of new food business now trading in Hunter Square.
- 4.6 As a matter of current policy, street trading in the High Street has been restricted to temporary licensing. Stalls are licensed to businesses and individuals on that basis to ensure that the High Street also remains available for other events and

uses. In practice, street trading has not taken place since 2018 and the policy position on this needs to be reviewed and updated as it reflects the situation pre 2018.

- 4.7 Since Committee last considered these policy issues, the Council no longer occupies the office space at 329 High Street. The redevelopment of the property has taken place, and this now makes the previous three street trading pitches outside this building untenable not least due the presence of tables and chairs.
- 4.8 The Council has also sublet office space at 249 High Street (next to the Customer Hub) to VisitScotland, and Committee agreed, in 2019, that this location is now also unsuitable for trading with the loss of a further three street trading pitches.
- 4.9 The Edinburgh High Street and Playfair Steps Traders Association (EHSPSTA) was formed to represent the interests of the street traders. They had previously asked that consideration be given to a number of proposals for street trading in Hunter Square. Committee agreed on [21 October 2019](#), in principle, that these proposals were not without merit and there were no obvious barriers to implement changes, specifically:
 - 4.3.1 Implementation of a code of conduct and a set of core principles for traders;
 - 4.3.2 Creation of a standard for street trading stalls with regard to look, size and structure, reducing the size of the existing stall from 10 x 10 feet to 8 x 8 feet;
 - 4.3.3 Installation of anchor points; and
 - 4.3.4 Increasing the number of stalls in Hunter Square to six.
- 4.10 While Committee was supportive of the EHSPSTA proposals, it also recognised that further consultation was required. That consultation did not take place due to the pandemic and, in 2021, Committee agreed to place a hold on this piece of work.
- 4.11 Given the changed picture since 2019, it is recommended that a consultation of trading at this location is undertaken with a view to determining whether or not to continue the policy of allowing street trading on the High Street and Hunter Square. It is recommended that Council continues not to issue temporary street trading licences until that a consultation has been carried out.

Mound Precinct and Playfair Steps

- 4.12 The area at the bottom of Playfair Steps, to its junction with the south side of Mound Precinct, has accommodated street trading for several years. As previously reported, National Galleries Scotland, Police Scotland and Council officers have reservations about the continued use of the Mound Precinct and Playfair Steps for street trading, in part due to possible security issues at the location. In addition, there are concerns about pedestrian access and congestion caused by the stances at Playfair Steps, especially during the Festival and festive periods.
- 4.13 The Council has been advised that the Scottish National Gallery Project has encountered a number of challenges in the building work, combined with the added

complications that Covid-19 has brought to the project. As a result, the project, which was due to complete by the end of 2021, has been pushed back towards the start of 2024. Committee is asked to note that further work will be undertaken by Council officers in relation to the wider plans for the use of this area following the completion of the works, but that at this time street trading remains suspended in that location. There are four licence holders licenced for Playfair Steps who have given undertakings not to trade whilst the works continue.

Temporary Events

- 4.14 A significant number of temporary licences are applied for and granted each year for events such as The Fringe, Edinburgh Christmas and Hogmanay. Many of these events directly affect annual licence holders and create competing needs when considering how, when and who should be allowed to trade. Separately, there are Parades and Processions which are notified to the Council and which use the High Street in particular.
- 4.15 The principles for the use of public spaces for events and filming has a direct impact on trading and it is essential that this is included in any future consideration.

Mobile Trading

- 4.16 The interest in mobile trading has increased significantly since the start of the pandemic. The range of activity proposed is no longer confined to ice-cream and food vans (which were common when that aspect of the policy was formed). Mobile trading is designed to enable traders to service a variety of streets within a specific location in line with the current street trading zones. Trading zones within the policy were previously identified to enable trading, mainly in housing estates, throughout the city. Mobile street traders were originally restricted to working in only two zones.
- 4.17 The concept of mobile trading has evolved over the years and there is now a demand for city centre trading. Traders want to be able to stop to serve their customers and can remain in place for some time. The current policy restricts this and any changes must be careful not to circumvent existing policy in relation to an identified static location. It is therefore recommended that the policy with regard to mobile trading is included in the policy consultation.

Market Operators

- 4.18 The number of locations in the city centre where markets can operate are limited, and, in reality, operators who consider themselves to be a destination market want to operate in the city centre where there is a large footfall. Site specific plans for locations like Castle Street (Appendix 5) were developed to address specific concerns.
- 4.19 It has become commonplace for applicants who trade at two or three stalls on a temporary basis to apply for a market operator's licence. This practice is designed to circumvent street trading policy and the associated fees. Mandatory conditions requiring adequate toilet facilities have not been adhered to. It is therefore recommended that any consultation considers the interaction between the street trading and market operators.

5. Next Steps

- 5.1 Regulatory Services will consult on the street trading policy as highlighted and will bring forward detailed proposals for Committee consideration.
- 5.2 Further engagement with traders and relevant parties will be carried out in respect of Playfair Steps, Mound Precinct and Hunter Square.
- 5.3 Internal engagement will also be progressed.

6. Financial impact

- 6.1 The overall change to policy will not create any additional costs to the Council budget. The Council's scale of fees for licensing applications was approved with effect from 1 April 2023. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

7. Stakeholder/Community Impact

- 7.1 The development of policy in respect of licensing of street traders is part of a wider place-making role for the Council. It is essential that all strategic aims of the Council are considered and that the Street Trading policy is consistent with these aims.
- 7.2 The policy framework and conditions continue to support:
 - 7.2.1 A safe, clean and well-maintained environment;
 - 7.2.2 A more attractive environment for those living in, working in and visiting the city;
 - 7.2.3 An improved, more diverse, retail offer; and
 - 7.2.4 An environment that promotes and protects the economic wellbeing of the city.
- 7.3 Destination markets and street trading can be a draw for tourists and can bring a wide variety of stalls, commodities and cultures. Licensed street trading activities can also assist in the prevention of illegal street trading, by displacing undesirable criminal activity and hawking.
- 7.4 Conversely, if poorly managed, street trading and markets can have a negative effect on an area leading to obstruction to pedestrians, a visually unappealing and untidy street scene, sale of poor-quality goods which do not meet local needs and an increase in complaints to the Licensing Authority.
- 7.5 There is a need for a common set of rules that would apply to all street traders and market operators. As with any business, these should not cause nuisance or

inconvenience to their neighbours, or to the community, within which they are located.

8. Background reading/external references

- 8.1 Review of Street Trading Policy report to Central Local Development Committee on [7 January 2004](#).
- 8.2 Licensing Policy Development Street Trading report to Regulatory Committee on [4 April 2014](#).
- 8.3 City Centre Public Spaces Manifesto update report to Transport and Environment Committee on [2 June 2015](#).
- 8.4 Licensing Policy Development – Street Trader Licensing update report to Regulatory Committee on [25 September 2015](#).
- 8.5 Licensing Policy Development – Street Trader Consultation update report to Regulatory Committee on [1 February 2016](#).
- 8.6 Public Spaces Protocol report to Transport and Environment Committee on [9 March 2018](#).
- 8.7 Licensing Policy Development Street Trader Licensing Update Report to Regulatory Committee on [21 October 2019](#).
- 8.8 Licensing Policy Development Street Trader Licensing Update Report to Regulatory Committee on [18 January 2021](#).

9. Appendices

- 9.1 Appendix 1 - Statutory background.
- 9.2 Appendix 2 - Street Trading Policy.
- 9.3 Appendix 3 - Street Trading and Market Operators conditions.
- 9.4 Appendix 4 – Hunter Square Existing Street Trading Stances.
- 9.5 Appendix 5 - Operating Plan for Area of Special Interest – Castle Street.

Statutory Background

The Civic Government (Scotland) Act 1982 differentiates between activities which **must** be licensed (mandatory), and those which a local authority may elect to license (optional) if it sees fit. The purpose for regulating both mandatory and optional activities is not to restrict trade or competition, but to help prevent crime and disorder, ensure public safety and protect the environment. If an authority wishes to license an optional activity it must do so by way of resolution. Both street trading and market operator licensing are optional licensing activities and the City of Edinburgh Council exercised its powers to adopt these licensing activities in 1983.

Street Trading

A licence is required for street trading by a person whether on their own account or as an employee. Street trading means doing any of the following things in a public place:

- (a) hawking, selling or offering or exposing for sale any article;
 - (b) offering to carry out or carrying out for money, or money's worth, any service;
- and includes doing any of these things in or from a kiosk or moveable stall not entered in the valuation roll, except where it is done in conjunction with or as part of a retail business being carried out in premises abutting the public place.

The Civic Government (Scotland) Act 1982 provides exceptions from the requirement to hold a Street Trader's Licence. These include:

- (a) the sale of newspapers;
- (b) sale of milk on or on behalf of a person registered under section 1(3) of the Food Safety Act 1990;
- (c) sale of coal, coke or solid fuel;
- (d) activities in respect of which a certificate is required under the Pedlars Act 1871;
- (e) other activities in respect of which a licence is required under the Civic Government (Scotland) Act 1982; and
- (f) organising or participating in a public charitable collection;

Market Operator

A licence, to be known as a 'market operator's licence', shall be required for carrying on a private market.

The Act provides exceptions from the requirement to hold a market operator's licence. These include:

- (a) functions held by charitable, religious, youth, recreational, community, political or similar organisations;
- (b) markets held only for the sale of livestock, fodder or grain.

In addition to any other condition which may be included, a licence in respect of a private market shall include conditions as to:

- (a) the regulation of days and hours of opening;
- (b) the provision of adequate toilet facilities;

(c) the layout of the site or premises on which the market is to be held;

(d) the maintenance of order and public safety.

“private market” means a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public.

Street Trading Policy

1. Street Trading Policy

The aim of the Street Trading policy is to grant a licence to traders:

- 1.1 Where the location is acceptable in respect of planning, transportation and safety;
- 1.2 In low amenity areas such as industrial estates; and
- 1.3 Within the curtilage of business premises where their presence is visually acceptable and will not result in an adverse effect on traffic movement or safety.

However, it is recognised, that this may be difficult to achieve in areas within the city centre due to high pedestrian flow and lack of identifiable sites.

2. City Centre and Areas of Special Interest

Unless the Council makes a specific exemption to the policy it is highly unlikely that street trading or market operator licences will be granted in the following circumstances:

- 2.1 In streets that have a significant formal layout and plan form, which would be undermined by the presence of additional items in the street. These include the New Town, and in particular George Street.
- 2.2 Within the World Heritage Site, conservation areas and areas of important landscape value, the use of portacabins or other large units of similar scale e.g. metal containers used for freight, are not considered suitable in these locations.
- 2.3 Within the setting of certain historic buildings or places which are internationally significant, including in particular HM General Register House, the Royal Scottish Academy and National Gallery, Parliament Square, St Giles Cathedral and the Signet Library. These areas should be retained as open space.
- 2.4 Where key views are likely to be adversely affected by the presence of street trading stances.
- 2.5 At important gateways to the city. This will include the approach to, and roundabout at, Edinburgh Airport and principal traffic routes in the centre of the city.
- 2.6 Within certain areas not regarded by the Council as suitable for street trading or market operations except in exceptional circumstances. Longstanding factors that would make a location unsuitable include areas of high pedestrian footfall, narrow footways and busy arterial routes. It is proposed that streets affected by this should include:
 - 2.6.1. Princes Street;
 - 2.6.2. The Lawnmarket/Parliament Square

- 2.6.3. George IV Bridge;
- 2.6.4. Lothian Road
- 2.6.5. North Bridge
- 2.6.6. South Bridge
- 2.6.7. Lothian Road
- 2.6.8. St Giles Street
- 2.6.9. Waverley Bridge

2.7 Within certain high profile areas where all suitable locations are current being heavily utilised:

- 2.7.1. Castle Street;
- 2.7.2. Rose Street;
- 2.7.3. Grassmarket;
- 2.7.4. Mound Precinct;
- 2.7.5. Playfair Steps; and
- 2.7.6. The Meadows.

It is proposed that no further licences are granted in these areas, however if in the future a suitable location becomes available this can be reviewed.

2.8 Any additional licences in the vicinity of the main sporting stadiums at Tynecastle, Easter Road, Meadowbank and Murrayfield. These locations are already well served by existing Street Trader's Licences and additional licences would only be granted when an existing location becomes available.

3. Mobile Zones

- 3.1 Street trading mobile zones were first introduced in the city in 1984 following a number of complaints about the number of mobile traders operating in one area. The zones were based largely on the residential population and popular street trading locations at the time. The zones were revisited as part of the policy review in 2004 and re-adopted.
- 3.2 While the zones were introduced to control the sale of ice cream from vehicles, they are now utilised for all mobile street trading activity. The purpose of mobile trading zones is to control and manage areas in which traders can operate. The current system restricts city wide trading and limits numbers to ensure balance for local communities and existing commercial activity.
- 3.3 The specified zones in which street traders are permitted to trade are included in Appendix 3. Princes Street, George Street, Rose Street, the Mound Precinct and the Royal Mile were excluded from the trading zones as being unsuitable for this type of activity. A street trader will not be licensed for more than two zones at any one time.

4. High Street/Hunter Square Trading

- 4.1 Street trading in the High Street and Hunter Square is intended to be temporary in nature, and given demand for space traders should not expect to be consistently trading on the High Street.
- 4.2 Given the historic nature and prominence of the High Street and Hunter Square, neither location is considered suitable for the sale of hot and cold food, although this may be relaxed in Hunter Square during the month of August.
- 4.3 The High Street is one of the main Fringe locations. During August both the High Street and Hunter Square are considered event spaces and normal trading is suspended during this period.
- 4.4 Trading at these locations may be required to be suspended for events in the area i.e. Royal visits, Armistice day services, parades and processions etc.
- 4.5 Stances in the High Street and Hunter Square will be subject to the following criteria:
 - 4.5.1. Stances will be allocated on a weekly basis (Monday – Sunday);
 - 4.5.2. Trading hours will not exceed 10:00 – 20:00hrs daily;
 - 4.5.3. Multiple applications by individuals linked to one business will not be accepted and will be returned;
 - 4.5.4. Traders will be required to indicate whether or not they are the sole trader and if they intend to apply for employee licences;
 - 4.5.5. Traders will display, in a prominent position, so that it may easily be read by customers or suppliers, a notice containing the name of the trader and/or business and details of their trading address;
 - 4.5.6. A separate licence application will be required for each date applied for. The practice of adding multiple dates to one application will not be accepted;
 - 4.5.7. A separate licence application will be required for each location applied for i.e. Hunter Square/High Street. The practice of naming specific stances will no longer be accepted;
 - 4.5.8. The relevant application fee is submitted at time of application;
 - 4.5.9. Applicant will provide the following information/documentation:
 - name of business and/or trader;
 - details of the stall to be used, including dimensions (not to exceed 8ft in length);
 - wind management plan (it is no longer appropriate to produce a generic wind management plan the plan must reflect the actual stall);
 - type of goods sold;

- public liability insurance;
- tax reference of the business/trader;
- photograph of proposed stall;
- type of goods sold (which will then be detailed on the licence);
- a copy of public liability insurance including cover for employees where appropriate.

5. Mound Precinct and Playfair steps

- 5.1 The area at the bottom of Playfair Steps to its junction with the south side of Mound Precinct has accommodated street trading for a number of years. Initially street trading at this location was intended to have utilised just the railings, but in more recent years this has expanded to include market type stalls.
- 5.2 Annual trading stances are restricted to:
- 5.2.1. Two within the Mound Precinct: stance 1 on the East side of the Mound Precinct, 25 feet from Princes Street, and stance 2 on the west side of the Mound Precinct, 25 feet from Princes Street
- 5.2.2. 13 Stances on Playfair Steps

6. Licensing Criteria

All licence applications will be subject to the following criteria:

- 6.1 In general, the issuing of licences will be limited to areas of retail, business and entertainment activity e.g. retail parks and industrial estates. Street traders/market operators shall not be permitted in streets that are predominantly residential:
- 6.2 Street traders must not obstruct or restrict pedestrian or vehicular traffic or cause a danger to road users.
- 6.3 Street traders/market operators must obtain all necessary and appropriate consents prior to making an application, and in particular the consent of the owners of any land on which a stance is to be situated or which is adjacent to any stance. The grant of a licence does not imply that the owner has consented or that there is a right to occupy the space.
- 6.4 The precise location of the proposed stance must be marked on an Ordnance Survey Map with a box and a distance in metres given to the nearest junction. The location of the stance should be clearly described:
- 6.4.1. The precise location of the proposed stance must be marked on an Ordnance Survey Map with a box and a distance in metres given to the nearest junction. The location of the stance should be clearly described, giving:

- the name of the street;
 - the side of the street (e.g. north, south etc);
 - the name of the nearest side street; and
 - the distance in metres from the nearest side street.
- 6.5 all street trading stances and markets will be mapped to clearly identify locations.
- 6.6 Stances will be clearly delineated. This may be achieved by placing brass studs or wind management anchors in the pavement where the Council directs.
- 6.7 Street trading/market operations and the stalls, kiosks, vehicles or mobile units associated with these shall only occupy a stance during trading hours.
- 6.8 At the end of trading hours the licence holder shall promptly remove and take away any stall, kiosk, mobile unit or vehicle and all other ancillary equipment placed on or in the vicinity of the trading stance.
- 6.9 Street trading is considered to be of a temporary nature and traders shall not be allowed to permanently occupy any stance. Licences will be granted on either a temporary or annual basis dependant on location.
- 6.10 Stances sited on the footway should normally be located out with pedestrian desire lines, for example at suitable recesses.
- 6.11 Where a high density of annual Street Trader's Licences already exists, further licences will only be considered where there is significant additional space identified to accommodate them.
- 6.12 Consideration will be given to how any stall or trading unit will be set up at the specified location. Driving over a public pavement will not be allowed and another means of placing a unit will be required. This will include any deliveries to or servicing of any unit, stance or stall.
- 6.13 When locating street trading stances, consideration should be given to access to street furniture by utilities and other owners of cabinets, manholes and access covers etc. A trader shall move when asked to do so by an owner or their representative wishing to access their apparatus. Maintaining the integrity of the paved surfaces, roads and pavements is important for the future maintenance of the streets being utilised. It is therefore vital that every effort is made by a licence holder to protect the road and pavement surfaces from damage caused by either placing or removing a unit or stall. Protection should also be given from any footings or stabilisers while the unit/stall is in place.

- 6.14 Amenity areas may have to be shared by street trading activities and tables and chairs being used by adjoining properties as part of the café culture within the city. In these circumstances agreements need to be reached with the relevant service departments prior to the grant of a licence.
- 6.15 Planning permission is required for open air markets if the land is used for this purpose for more than 28 days in a year. This is not 28 days per market operator, as any permissions go with the land not the applicant. It is the responsibility of the person using the land for open air market operations to obtain planning permission for this purpose.
- 6.16 A Street Trader's Licence is required for street trading by a person whether, on their own account or as an employee.
- 6.17 Employee licences will be issued to provide assistance to the actual licensed traders, but not for the purposes of operating the business on behalf of someone else.

7. Duration of Licence

- 7.1 A licence granted under the Civic Government (Scotland) Act 1982 can be issued for a period of no more than three years, or shorter period if the Council decides. Both Street Trader's and Market Operator's licences will be limited to a period of one year. Once an annual licence has been granted this will prevent another licence being issued for the same location and trading hours.
- 7.2 Temporary licences can be issued for a period of no more than six weeks, or a shorter period if the Council so decides, and are mainly used in connection with public entertainment or an event. Temporary licences will be limited to a period of 28 days. The main exception to this is street trading in the High Street and/or Hunter Square, where licences are allocated on a weekly basis due to the high volume of demand for stances.
- 7.3 Temporary licences for street trading, not linked to public entertainment or an event, will be for a maximum period of seven days.
- 7.4 In circumstances where the demand is far greater than the actual number of temporary stances available, allocation will be by way of a ballot system. This would apply to areas such as the High Street and Hunter Square
- 7.5 The issue of an annual Market Operator's licence or Street Trader's Licence could prevent other licences from being granted for the same location and hours of operation. To prevent an annual licence from restricting other trading opportunities in public realm space, it is proposed that an annual Market Operator's licence should only be considered in cases where the operator's trade is at a frequency of at least once per calendar month, and those dates should be clearly identified on the licence.

8. Hours of Operation

- 8.1 Street trader and/or market operator trading hours will normally be considered to operate between the hours of 10:00 – 20:00hrs daily.
- 8.2 Between April and October street traders will be expected to trade between 10am – 4.30pm (or other agreed hours). This should be considered as a minimum trading period.
- 8.3 There will be a presumption against street traders selling food between 23:00hrs and 5:00hrs except in exceptional circumstances at the discretion of the Licensing Sub Committee.
- 8.4 Licence holders wishing to trade between 23:00hrs and 5:00hrs will also require a Late Hours Catering Licence. A Late Hours Catering Exemption certificate can also be granted for a period of up to two months to allow trading on a temporary basis.

Street Trading and Market Operators conditions

Standard Conditions – All Street Traders

1. The holder of a Street Trader's Licence shall not be less than 18 years of age.
2. The licence holder shall not carry on business on any street so as to unreasonably obstruct road users or affect their safety.
3. The licence holder shall carry on business subject to any direction which the Police or authorised officers of the City of Edinburgh Council may reasonably be required to give.
4. The licence holder shall not, without the consent of the Licensing Authority, sell or offer or expose for sale any goods or carry out or offer to carry out for money or monies worth any service at any place other than as specified in their licence. In particular, no goods or articles of an objectionable or indecent character shall be sold or offered or exposed for sale.
5. The licence holder shall on all occasions, when carrying on business, behave in a proper and civil manner, and shall not carry on business in such a way as to cause a nuisance or annoyance to any person.
6. The licence holder shall at all times conduct business and position any vehicle used in connection with the business in such a manner that no danger is likely to arise to any other person.
7. Where vehicles are to be used to site or locate street trading units they must follow the Highway Code at all times. This includes NOT driving over public pavements to access an area or to place the unit on a stance. Vehicles may only drive over a pavement at specific designated locations where the kerb has been lowered for this specific purpose for vehicles. Pedestrian dropped crossings should not be used. This will include any deliveries to or servicing of any unit, stance or stall.
8. The licence holder shall only trade from the location or stance detailed on the licence. Any temporary relocation of stance can only be made with the consent of the appropriate Executive Director.
9. The licence holder shall obtain all necessary and appropriate consents prior to commencing trading from any stance, and in particular the consent of the owners of any land on which a stance is to be situated or which is adjacent to any stance.
10. The licence holder shall at all times when trading, wears an identity card which is issued with the licence. Licences must be displayed on any vehicle or stance.
11. The licence holder shall not lend to or allow any other person to use any licence or identity card issued by the Council.
12. The licence holder shall not sub-let the use of the site to a third party.

13. Licence holders shall have a Public Liability insurance policy to the value of £1 million.
14. The licence holder shall trade only during the hours of operation stated in the licence.
15. All temporary structures shall be designed, erected and maintained to suit their intended purpose. The design and erection shall be to the satisfaction of the Council's appropriate Executive Director.
16. Traded goods must be kept on and traded from the vehicle, trailer or stall. At no time shall such goods be permitted to lie or stand on the surrounding area or be left against adjacent walls or railings.
17. Where the licence allows the holder to sell from a vehicle, kiosk or moveable stall at an approved stance, the vehicle, kiosk or moveable stall shall be capable of being speedily and easily removed.
18. At the end of trading hours on each working day, the licence holder shall immediately remove the vehicle, kiosk or moveable stall from the approved stance and all other ancillary equipment placed on or in the vicinity.
19. The licence holder shall, during business hours and at the end of each day, ensure the collection and removal of any paper, garbage or other refuse which may be produced, or may accumulate in the course of trading on any pavement around the stance within a distance of 25 metres either side. If adjacent stances, to which the street trading licence conditions apply, are within 25 metres, any distance to be cleaned shall be the mid-point between the two stances.
20. Any stall or trading unit should not be connected to any utility service i.e. water, gas or electricity supplies either on a permanent or temporary basis and should not therefore be arranged by a Licence holder.
21. All generators must be used and stored in accordance with manufacturer's guidance.
22. The licence holder shall ensure that all music, amplified music and/or vocals are controlled to the satisfaction of the consent of the appropriate Executive Director.
23. The Health and Safety at Work etc Act 1974 and all other relevant health and safety legislation must be complied with at all times by the licence holder.
24. Any Authorised Officer of the City of Edinburgh, Fire Officer or, Police Constable or Council shall be permitted to enter and inspect any vehicle, trailer or stall at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with.
25. A Licence holder who changes his address shall within 14 days thereafter give notice thereof to the Licensing Authority and shall produce his licence to the Licensing Authority who shall update the particulars of such change of address.
26. If, during the currency of the licence, the licence holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.

Additional Street Trading Conditions – Food Trading

1. When any vehicle, trailer or stall is trading in food, all requirements of Food Safety legislation must be complied with, to the satisfaction of the appropriate Executive Director.
2. A valid food hygiene certificate must be provided to the Licensing Authority at time of application for a licence.

The licence holder shall ensure that the food hygiene certificate and relevant documentation are valid, maintained and available for inspection by any authorised officer of the Council at any time during trading hours and at any other reasonable time. Relevant documentation includes:

- Food Hygiene Training certificates for all that will be working on the stall.
 - PAT certificates (electrical safety certificates) for electrically operated equipment;
 - Gas Safety certificates for any LPG operated equipment. This must be issued by a Gas Safe registered engineer, who is registered to do LPG, Non-Domestic, and Mobile Catering; and
 - A copy of the Pressure Vessel Test for any espresso type coffee machine being used.
3. On the renewal of licence a food hygiene certificate, the licence holders will provide the Licensing Authority with a copy of the new certificate.

Additional Street Trading Conditions – Vehicles and Mobile Units

1. The licence holder shall only trade from the vehicle or trailer detailed in the licence.
2. The vehicle or trailer shall be roadworthy, and if it is to be used for trading during the hours of darkness it shall have appropriate lighting and reflectors to ensure that it is visible to other road users.
3. The vehicle or trailer shall be maintained in a sound condition so as not to leak oil or other substances onto the pavements or roads. Such an occurrence may damage the integrity of the surfacing used on the pavement and road. Failure to comply may incur costs being recovered to repair any damage caused.
4. The licence holder shall not use whistles or other sound producing devices apart from chimes and loudspeakers to attract business.
5. The licence holder shall comply with all statutory provisions relating to noise and in particular with the provisions of section 62 of the Control of Pollution Act 1974 relating to the use of loudspeakers in streets.
6. Where the licence allows the holder to trade from a vehicle, kiosk or moveable stall other than at a fixed stance, the licence holder shall remain in the same place only for the time it takes to serve the queuing customers and shall then move on.

Specified Trading Zones for Mobile Street Traders

The specified zones in the City of Edinburgh local authority in which street traders are permitted to trade shall be the streets within the including and following boundaries (with the exception of Princes Street, George Street, Rose Street, the Mound Precinct and the Royal Mile.

1. Queensferry Road, Hillhouse Road, Telford Road, Groathill Road North, Ferry Road, Pennywell Road, Marine Drive.
2. Marine Drive, Pennywell Road, Ferry Road, Groathill Road North, Telford Road, Queensferry Road, Dean Park Crescent, Comely Bank Avenue, East Fettes Avenue, Ferry Road, Granton Road, Wardie Steps to Lower Granton Road.
3. Granton Road from Wardie Steps to Ferry Road, East Fettes Avenue, Comely Bank Avenue, Dean Park Crescent, Queensferry Road, Queensferry Street to Princes Street, Waterloo Place, Regent Road, Easter Road, Leith Links to Seafield Road.
4. Seafield Road, Leith Links, Easter Road, Regent Road, Waterloo Place, North Bridge, South Bridge southward to Lady Road, Peffermill Road, Duddingston Road West, Duddingston Road, Southfield Place, Brighton Place, Bath Street to Promenade.
5. Bath Street, Brighton Place, Southfield Place, Duddingston Road, Duddingston Road West, Niddrie Mains Road, Newcraighall Road.
6. Newcraighall Road, Niddrie Mains Road, Peffermill Road, Lady Road, Gilmerton Road.
7. Gilmerton Road from City Boundary, Craigmillar Park northwards to North Bridge, Princes Street, Lothian Road, Earl Grey Street, Home Street, Leven Street, Bruntsfield Place, Morningside Road, Comiston Road, Biggar Road.
8. Biggar Road, Comiston Road, Morningside Road, Bruntsfield Place, Leven Street, Home Street, Earl Grey Street, Lothian Road, Shandwick Place, West Maitland Street, Dalry Road, Ardmillan Terrace, Slateford Road, Lanark Road.
9. Lanark Road, Slateford Road, Ardmillan Terrace, Gorgie Road, Calder Road.
10. Calder Road, Gorgie Road, Dalry Road, Haymarket Terrace, West Coates, Roseburn Terrace, Corstorphine Road, St John's Road, Glasgow Road.
11. Glasgow Road, St John's Road, Corstorphine Road, Roseburn Terrace, West Coates, Haymarket Terrace, West Maitland Street, Shandwick Place, Queensferry Street, Queensferry Road.
12. In the north by the shore at South Queensferry, in the east by the Edinburgh City Boundary, in the south by the River Almond and in the west by the Edinburgh City Boundary.
13. In the north by the River Almond, in the east by the Edinburgh City Boundary, in the south by the Calder Road (A71) and in the west by the Edinburgh City Boundary.

14. In the north by the Calder Road (A71) in the east by the Edinburgh City Boundary and in the southeast, south and west by the Edinburgh City Boundary.

Standard Conditions – Market Operators

1. Market operators will supply an Events Management Plan and Risk Assessment when they make an application. This will be available for inspection at any time when the market is in operation by any Authorised Officer of the City of Edinburgh, Fire Officer or Police Constable.
2. Licence holders shall have Market Operator Public Liability insurance with a minimum value of £5 million for any one claim.
3. Market operators will not sub-let the use of the site to a third party.
4. Any Authorised Officer of the City of Edinburgh, Fire Officer or, Police Constable shall be permitted free access to the whole of the market premises/area at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with. The licence holder shall obtain all necessary and appropriate consents prior to commencing trading from any stance and in particular the consent of the owners of any land on which such a stance is to be situated or which is adjacent to any such stance.
5. It is the licence holder's responsibility to inform the Council and other road users that a market will be in place between specific dates. The Licence holder must give the Council a minimum of seven days' notice, prior to the market being erected, to allow notification to other road users.
6. The licence holder shall ensure that the layout of the market and its stalls conforms to the configurations shown in the plan lodged with the application and approved for licence. The licence holder shall not, without the consent of the Licensing Authority, alter or amend the site or the premises or the layout of the site or of the premises. Nor shall the licence holder increase the number of stalls within the site from that specified on the licence.
7. Exit routes must be kept free of obstruction at all times whilst the market is open.
8. Wires, ropes or cables crossing any of the public areas must be out with the reach of the public, or installed to avoid any hazard to the public.
9. No motorised vehicles shall be permitted in the area used for the market during the hours of operation.
10. The licence holder shall not permit trading out with the trading hours specified in the licence.
11. The licence holder must maintain an accurate register with individually numbered pages and entries showing:
 - (i) The date of each occasion upon which the market is open for business to the public.

- (ii) The name, permanent address, telephone number and place of business address of each trader, the nature of the goods sold and the registration marks of all vehicles used in connection with each trader.
 - (iii) The register must also identify, on each occasion the market is open for business, the location within the market where each trader has a trading position.
12. The licence holder shall take all reasonable steps to ensure that all details of trading unit operators which are required to be registered are completed no later than four hours from the time of the market opening.
 13. The licence holder shall ensure that the register and such other documents as are maintained shall be available for inspection on the licensed premises by any Police Constable, Fire Officer or Authorised Officer of the Council at any time when the market is open for business, and at any other reasonable time.
 14. The licence holder shall ensure that registers and such other documents as are maintained must be retained by the licence holder for a minimum of two years.
 15. The operator will provide details of all individual stallholders, including equipment, scope of business and type of product to the **Licensing Manager**, at least one week before the event.
 16. The licence holder shall nominate in writing to the Council a suitable person who shall be responsible for the day-to-day running of the market and shall be in charge of and present at the market at all times when the market is open for business, with the exception of reasonable absences. The licence holder shall not, without the consent of the Licensing Authority, change the nominated person responsible for the day-to-day running of the market.
 17. The licence holder shall comply with all reasonable requirements of the Scottish Fire and Rescue Service relating to fire precautions and safety.
 18. The licence holder shall have a fire risk assessment and written evacuation policy for the site.
 19. Adequate means of escape and firefighting facilities must be maintained during all hours of operation.
 20. The number of persons admitted to the premises shall be controlled to ensure there is no overcrowding or numbers in excess of the evacuation capacity of the escape routes.
 21. The premises shall be adequately illuminated to the satisfaction of the Council. Any emergency or escape route lighting shall be by a maintained system throughout the premises, kept in proper working order and in operation when the premises are open to the public.
 22. A person, who is suitably qualified and equipped shall be nominated as a First Aider, and they will be in attendance in the market during trading hours and also while stalls are being erected and dismantled.

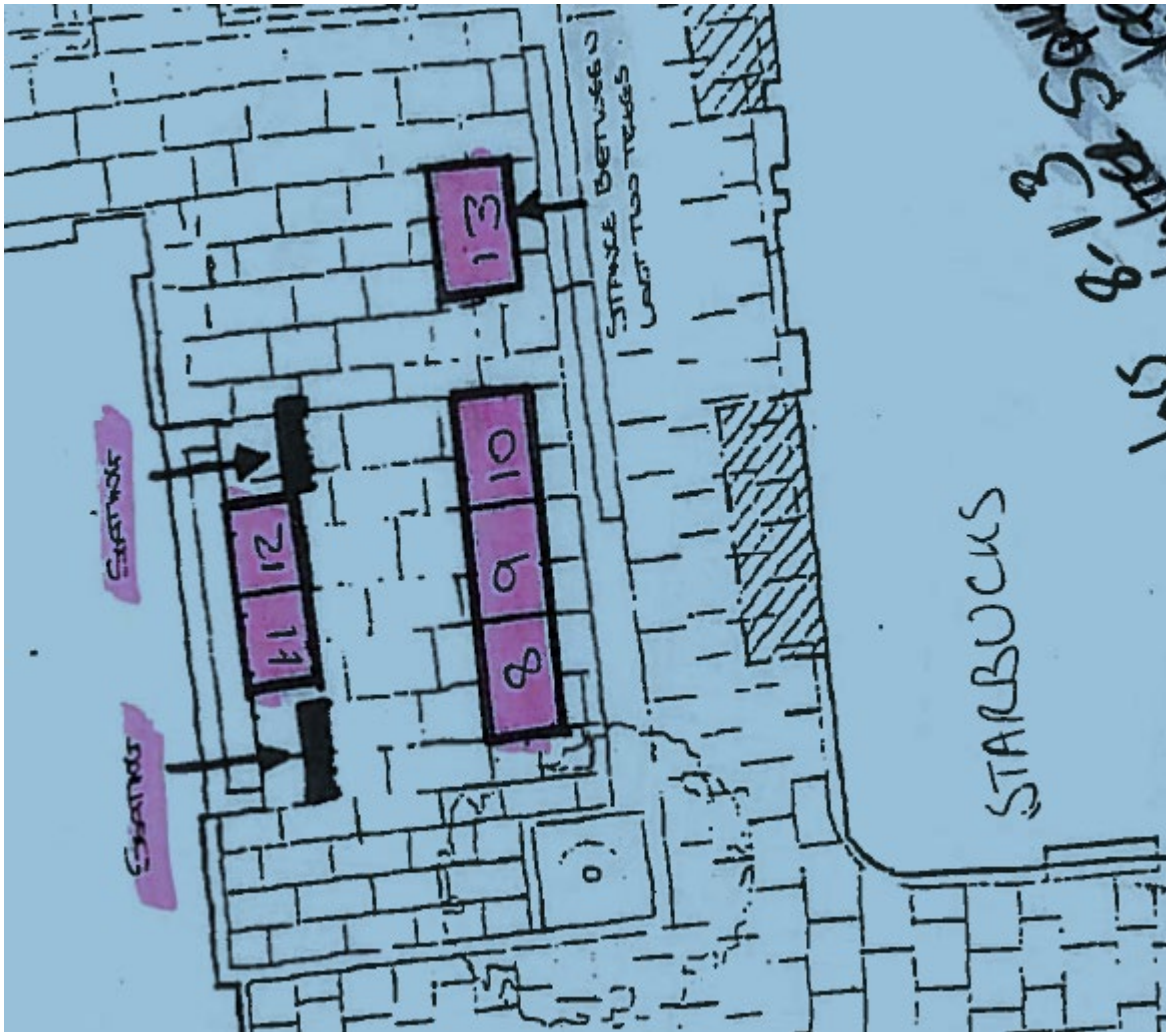
23. The licence holder or his/her agents shall take all reasonable precautions and exercise due diligence to ensure that no trader known or reasonably believed to be displaying for sale solely or mainly counterfeit merchandise (including contraband products) is permitted to trade upon the market. The licence holder or his/her agent shall also exercise due diligence in ensuring to the best of their ability that no such merchandise is displayed for sale as part of any trader's overall stock of goods.
24. The Health and Safety at Work etc Act 1974 and all other relevant health and safety legislation must be complied with at all times by the licence holder.
25. When any stall is trading in food, all requirements of the Food Safety legislation must be complied with, to the satisfaction of the appropriate Executive Director.
26. The licence holder shall ensure that the food hygiene certificate and relevant documentation are valid, maintained and available for inspection by any authorised officer of the Council at any time during trading hours and at any other reasonable time. Relevant documentation includes:
 - Food Hygiene Training certificates for all that will be working on the stall.
 - PAT certificates (electrical safety certificates) for electrically operated equipment;
 - Gas Safety certificates for any LPG operated equipment. This must be issued by a Gas Safe registered engineer, who is registered to do LPG, Non-Domestic, and Mobile Catering; and
 - A copy of the Pressure Vessel Test for any espresso type coffee machine being used.
27. Adequate litter bins shall be provided by the licence holder for use by the public and shall be distributed throughout the market site. All dropped or windblown litter must be collected after close of trading and removed with the other commercial waste.
28. The licence holder shall ensure that adequate and suitable provision is made for the storage and removal of refuse and other waste from the premises; that a suitable litter bin of adequate capacity is provided outside the premises during all hours of opening.
29. The licence holder shall ensure that all music, amplified music and/or vocals are controlled to the satisfaction of the appropriate Executive Director.
30. The licence holder shall provide suitable and sufficient public sanitary accommodation on the site or in the premises for traders, their employees and the public, all to the satisfaction of the Licensing Authority.
31. All generators must be used and stored in accordance with manufacturer's guidance.
32. Wherever possible, all electrical and fuel controls must be made inaccessible to members of the public; failing which there must be suitable protection in place: all

electrical installations must be certified as complying with current I.E.E. Regulations.

33. All temporary structures shall be designed, erected and maintained to suit their intended purpose. The design should meet with the approval of the appropriate Executive Directors.
34. The licence shall not be effective until the licence holder has received final clearances from the appropriate Executive Directors confirming that the premises may be operated.
35. The licence holder shall ensure that publicity material advertising events occurring on the premises is not distributed in such a manner as to produce litter.
36. The licence holder is responsible for the clearing of the area of all stalls and associated goods, debris, tools and any traffic management placed by them including all refuse as a result of the market, prior to vacating the site.

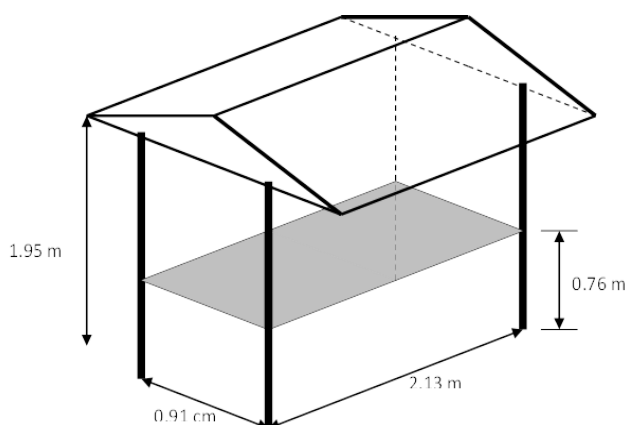
NOTE: Additional conditions may be attached at the discretion of the licensing authority.

Appendix 4 – Hunter Square Existing Street Trading Stances



Appendix 5 - Operating Plan for Area of Special Interest – Castle Street

1. Market operators will supply an Events Management Plan and Risk Assessment when they make an application.
2. Market operators should have Market Operator / Public Liability insurance with a minimum value of £5 million in any one claim.
3. Market operators will not sub-let the use of the site to a third party.
4. Market operators will appoint a day to day manager who will be on site when the market is in operation.
5. Markets will be restricted to one per calendar month for a maximum of seven days.
6. Markets can only operate between the hours of 10:00 – 20:00hrs daily.
7. The layout of the market will be in the centre of Castle Street with units facing outwards towards the existing buildings. Access corridors will be created throughout the market to allow free flow of pedestrians from east to west and vice versa; the layout format should include 4 stalls back to back (8 traders in total), space than 2 stalls (4 traders in total) back to back with a space and finally another 4 stalls back to back (8 traders in total)
8. The number of stalls shall be restricted to a maximum of 20.
9. The stalls shall all be of a stand size and appearance.



10. There shall be no preparation and sale of hot food products.
11. The operator will provide details of all individual stallholders, including equipment, scope of business and type of product to the **Licensing Manager**, at least one week before the event.

No motorised vehicles shall be permitted in the area used for the market during the hours of operation.