

Regulatory Committee

10.00am, Friday, 31 January 2025

Street Trading and Markets Working Group

Executive/routine
Wards

Routine
All

1. Recommendations

- 1.1 Regulatory Committee is asked to:
 - 1.1.1 Note this update on the work undertaken by the Member Officer Working Group convened as part of the Street Trading and Market Operator Policy Review;
 - 1.1.2 Agree to additional consultation at Playfair Steps, the High Street and Hunter Square and the removal of the ID badge condition as summarised in paragraphs 4.13, 4.18 and 4.25;
 - 1.1.3 Confirm that current provisions relating to Mobile Trading remain appropriate, and that there should be no amendment to those policy provisions at this time;
 - 1.1.4 Notes the proposal to strengthen the current requirements on the provision of toilets and the identification of market dates for any annual licence application; and
 - 1.1.5 Notes that the other current provisions relating to Street Trading remain appropriate and that there are no further amendments to those policy provisions or conditions proposed at this time.

Gareth Barwell

Interim Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Street Trading and Markets Working Group

2. Executive Summary

- 2.1 This report provides an update on the work undertaken by the Member Officer Working Group convened, as requested by Regulatory Committee on 5 February 2024, to examine existing trading locations; assess the viability of a council-run market model; consider the areas in which street trading in the city centre could be encouraged; and whether markets outwith the city centre could be further supported.
- 2.2 The report recommends undertaking additional consultation on the areas of Playfair Steps, High Street and Hunter Square prior to an updated version of the Council's Street Trading and Market Operator Policy being considered. The report also recommends strengthening the current requirements for provision of toilets and identification of market dates for any annual Market Operator license application.

3. Background

- 3.1 Certain city centre locations have been redeveloped to improve the quality of the public space. This has led to competing demands for the use of that space, resulting in an increase in the number of licence applications for street trading. Areas particularly affected by this demand, with lack of available space, include Castle Street, High Street, Hunter Square and Grassmarket.
- 3.2 With public realm space continuing to attract significant demand from street traders, market operators, parades and processions and event organisers, Culture and Communities Committee approved a new approach to the [use of public spaces for events and filming](#) in October 2023.
- 3.3 On 11 September 2024, Planning Committee approved the [draft Princes Street and Waverley Valley Strategy](#) for consultation. If approved following public and stakeholder consultation, this non-statutory guidance will support the [City Plan 2030](#) (which was adopted on 7 November 2024). It is essential that the Street Trading policy is consistent with all strategic aims of the Council.
- 3.4 On 18 January 2021, Regulatory Committee considered a Street Trader Licensing Update [report](#) and agreed that no further licences would be granted for the area outside 329 and 249 High Street. Reinstatement of Hunter Square trading stalls was

not considered possible, due to the Covid-19 pandemic. It was also noted that the completion of the work at the National Galleries of Scotland had been delayed until 2024, and that further work would be undertaken by the Council in relation to the wider plans for the use of Mound Precinct and Playfair Steps, following the completion of the construction work

- 3.5 On 1 May 2023, Committee [agreed](#) to continue the prohibition on street trading at Hunter Square and the pause on issuing licences at the Playfair Steps areas until a policy review had been carried out. Committee also agreed to review the Street Trading and Market Operator Policy.
- 3.6 Public consultation was carried out between 20 September and 13 December 2023, inviting responses to questions about Street Trading and the operation of markets in the city. The consultation was promoted to licence holders and Community Councils and was publicised on the Council's social media channels.
- 3.7 On 5 February 2024, Committee [agreed](#) to convene a short-life Member Officer Working Group (MOWG) to consider appropriate areas for street trading and to examine whether there was scope for introducing council-operated markets in Edinburgh based on the models operated in some other cities across the UK. Information on the MOWG members and meeting dates is attached at Appendix 1.

4. Main report

- 4.1 Street Trading and Market Operator are optional licensing activities under the [Civic Government \(Scotland\) Act 1982](#) ('the Act'). The City of Edinburgh Council exercised its powers by way of resolution to adopt these activities and developed a Street Trading policy.
- 4.2 The [Street Trading policy](#) provides the ability to control and manage activity. It ensures that street traders operate within the same general constraints that apply to any other business, including that they comply with relevant legislation and meet the minimum standards that any responsible business should observe.
- 4.3 As a result of changes to the property development landscape, the Street Trading Policy states that street trading in the city centre is generally not suitable or convenient. This is sometimes referred to as a presumption against trading in those locations.
- 4.4 At its first meeting on 5 August 2024, the MOWG identified the requirement for engagement with communities to assess whether there was a need and/or demand to create opportunities for street trading and markets within particular areas of the city.
- 4.5 Further to the [consultation exercise](#) in September 2023, on 1 October 2024 officers re-contacted Community Councils to invite their views on potential locations for, and interest in, community-led markets. Only one response was received - from Cramond and Barnton Community Council (attached as Appendix 2).

- 4.6 Officers investigated whether the street trading and market operators' policy could support the Council's [20-minute neighbourhood strategy](#). That strategy emphasises the important role of town and local centres for people to access local facilities. Local markets would clearly support the aim of making it easier for people to access services, facilities and amenities within their local area. Committee will note, however, that further work to support that strategy cannot be pursued without significant input from other Council services and Community Councils. This does not preclude the establishment of street trading or markets within the city's town or local centres, but their establishment are more likely to be part of a wider 20-min neighbourhood strategy for a particular area.
- 4.7 Westminster and York models were investigated at the request of the MOWG. These demonstrate that a council-operated market can work effectively if it is operated by Licensing in collaboration with other Council services, e.g. roads or parks.
- 4.8 While a council-managed market could be beneficial to Edinburgh if a suitable location or locations were agreed by the Council, at the time of writing no such potential sites have been identified. The consultation suggests that there is currently limited evidence that a significant need or demand exists within local communities for a community or council-led market.
- 4.9 A full cost analysis of establishing and operating a council-run market would require officer resource equivalent to a full-time post.

Existing traders

- 4.10 Data on the numbers of street trading and market applications granted by the Council is provided at Appendix 3. 28 street traders hold annual licences to operate within Ward 11 (City Centre). This includes four non-active licences granted to Playfair Steps traders, who have been permitted to renew at no cost following the suspension of trading at the location in August 2018 pending a policy review.
- 4.11 Despite the policy position in respect of the grant of street trader licences in Ward 11 (City Centre), these locations remain those in the highest demand. Other areas which attract several regular traders are the route leading from Roseburn to Murrayfield stadium, and Portobello promenade.

Playfair Steps

- 4.12 On 5 February 2024, Committee agreed to maintain the pause on issuing licences at the Playfair Steps areas pending the conclusion of the MOWG.
- 4.13 Issues surrounding street trading at Playfair Steps are set out in a [report](#) considered by Committee on 1 May 2023. Officers had liaised with Police Scotland and National Galleries Scotland on the matter with the latter continuing to have concerns linked to their Counter Terrorist Strategy about the use of the Mound Precinct and Playfair Steps for street trading activity. There are also concerns about pedestrian access and congestion caused by the stances at Playfair Steps, especially during the Festival and festive periods. In light of these significant concerns, it is

recommended that an additional consultation is carried out with the National Galleries, Police Scotland, affected traders and the public, to determine whether Playfair Steps should be regarded as unsuitable for street and market trading activity. The outcome will be reported back to Committee but, in the meantime, no changes are proposed in regard to trading at the Mound Precinct.

High Street and Hunter Square

- 4.14 The background to street trading in the High Street and Hunter Square was also set out in the [report](#) on 1 May 2023.
- 4.15 Current policy restricts street trading in the High Street to temporary licensing. It refers to licensing stances to businesses and individuals on that basis, to ensure that the High Street also remains available for other events and uses. However, in practice, street trading at High Street stances has not taken place since 2018.
- 4.16 [Committee previously agreed](#) that trading stances outside 329 High Street and 249 High Street would not be reinstated. No alternative High Street location has since been identified which could accommodate street trading stalls.
- 4.17 Since Committee agreed to suspend street trading stances due to the Covid-19 pandemic, all temporary applications received for stances and markets at Hunter Square have been treated as outwith policy and thus have required consideration by the Licensing Sub-Committee. The area is intensely used during the Festival Fringe and festive periods. It is also a location which has attracted a significant level of anti-social behaviour over the years. Additionally, the character of businesses operating at Hunter Square has changed since 2019 with available space further reduced as businesses have increased their use of outdoor areas. The current available space is not sufficient to accommodate the five street trading stances previously allowed to operate at the Square, while allowing for the free flow of pedestrian traffic. It is worth noting that on 18 January 2021 Committee [decided](#) against allowing the return of two stances adjacent to Tron Kirk, amid concerns over the ability to allocate them to satisfy demand from traders.
- 4.18 It is therefore recommended that the additional consultation covers the proposal to amend part 4 of the Policy to reflect that trading from High Street and Hunter Square, other than that linked to events, would not be suitable or convenient. The consultation on the proposal will include all key stakeholders including traders, statutory consultees and the relevant Community Councils. It is also recommended that the consultation should include a specific question on the granting of temporary licences during the festivals period, with the intention of clarifying that position within the policy. The outcome of the consultation will be reported back to Committee.

Mobile Trading

- 4.19 The current Street Trading and Market Operator Policy (Appendix 4) restricts mobile trading to specified zones in which street traders are permitted to trade. Princes Street, George Street, Rose Street, the Mound Precinct and the Royal Mile were

excluded from the trading zones as unsuitable for this type of activity. The nature of mobile trading is such that traders can stop and remain in the same place for the time it takes to serve the queuing customers. Considering the parking restrictions in place across the city centre, and especially in the abovementioned streets, allowing mobile trading in those locations would lead to traffic congestion and increased inconvenience to road users. Committee will be aware of a trend whereby applicants for a mobile street trading licence are seeking licences covering large parts of the city and, in particular, the city centre. It is therefore recommended that Committee confirm that current provisions relating to Street Trading remain appropriate, and that there should be no amendment to those policy provisions at this time.

Market Operators

- 4.20 The number of locations in the city centre where markets can operate are limited and operators, who consider themselves to provide a 'destination market', want to operate in the city centre where there is a large footfall.
- 4.21 It has become common practice for applicants who trade at two or three stalls on a temporary basis to apply for a Market Operator's Licence. This practice may be designed to avoid the fees associated with the Street Trading Policy. Often the mandatory Market Operator's Licence conditions requiring adequate toilet facilities are not adhered to.
- 4.22 Committee is requested to agree that the current condition on toilet provision should be retained, and that application requirements should be strengthened to require applicants to provide information on toilet provision as part of the application. Applications lacking information on provision of toilets on site or premises would be returned as invalid.
- 4.23 As noted in the current policy, the issue of an annual Market Operator'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, the policy states that an annual licence should only be considered where the operators trade at a frequency of at least once per calendar month, and those dates should be clearly identified on the licence. The MOWG discussed whether this condition should be relaxed to allow traders more flexibility. The strengthening of procedures to ensure that operators provide a list of market dates as part of their annual applications would be more beneficial than amending the current policy wording as this will allow the opportunity for new operators to trade in the spaces when not being used by annual licence holders. It is recommended that Committee notes the above course of action.
- 4.24 The MOWG raised concerns over the types of goods sold and whether sustainability could be promoted through the policy and conditions framework. The Council cannot generally control the type of goods sold by street traders through licensing powers, where the goods sold are otherwise legally

compliant. Safety of goods, consumer protection, and product standards are regulated by other legislation, and it would not be competent for the Council to require that only goods of a particular type or quality can be sold by a licensed street trader. Like other businesses, street traders and market operators are subject to waste disposal and recycling requirements under the terms of the Environmental Protection Act 1990 (as amended by the Waste (Scotland) Regulations 2012). Consequently, it is not appropriate to amend current conditions on waste disposal.

Operational update

- 4.25 Street Trading Standard Conditions of Licence 10 and 11 require the licence holder to wear an ID badge while engaged in licensed activity. The Licensing Service no longer issues ID badges with Street Trader Licences, and it is proposed that the consultation exercise includes consideration of removing this condition.

Proposed consultation

- 4.26 In summary the proposed consultation will be on the following topics:
- 4.26.1 whether Playfair Steps should be regarded as unsuitable for street and market trading activity;
 - 4.26.2 Whether trading from High Street and Hunter Square otherwise than linked to events should be supported;
 - 4.26.3 Whether temporary licences should be granted for High Street and Hunter Square during the Festivals period; and
 - 4.26.4 Whether the condition requiring the holder of a Street Trader's licence to wear an ID badge should be removed.

Remaining elements of the policy and conditions

- 4.27 Committee is asked to note that current provisions relating to Street Trading remain appropriate and that there are no further amendments to those policy provisions or conditions proposed at this time.

5. Next steps

- 5.1 If Committee approves the recommendations in this report, officers will take the necessary steps to consult relevant stakeholders on the proposals with regard to Playfair Steps and Hunter Square/High Street trading.
- 5.2 A report on the outcome of the consultation will be brought forward in due course when the final policy will be presented for consideration.

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 2024. Costs associated with implementing any policy changes that Committee may approve will be contained within the current ring-fenced income generated from licence application fees.

7. Equality and Poverty Impact

- 7.1 Street trading has potential to generate income for persons who might be affected by poverty and/or the cost-of-living crisis.

8. Climate and Nature Emergency Implications

- 8.1 Where required, an integrated impact assessment will be carried out as part of any proposed changes to the Street Trading and Market Operator Policy.

9. Risk, policy, compliance, governance and community impact

- 9.1 The development of policy for 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.
- 9.2 The policy framework and conditions continue to support:
- 9.2.1 A safe, clean and well-maintained environment;
 - 9.2.2 A more attractive environment for those living in, working in and visiting the city;
 - 9.2.3 An improved, more diverse, retail offer; and
 - 9.2.4 An environment that promotes and protects the economic wellbeing of the city.
- 9.3 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.
- 9.4 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.
- 9.5 The history of complaints and issues raised with the Council shows 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.

10. Background reading/external references

- 10.1 [Licensing Policy Development – Street Trader Licensing update](#) - Regulatory Committee, 25 September 2015.
- 10.2 [Licensing Policy Development – Street Trader Consultation update](#) - Regulatory Committee, 1 February 2016.
- 10.3 [Public Spaces Protocol](#) - Transport and Environment Committee, 9 March 2018.
- 10.4 [Licensing Policy Development Street Trader Licensing Update](#) - Regulatory Committee, 21 October 2019.
- 10.5 [Licensing Policy Development Street Trader Licensing Update](#) - Regulatory Committee, 18 January 2021.
- 10.6 [Licensing Policy Development Street Trading Update](#) - Regulatory Committee, 1 May 2023.
- 10.7 [Use of Public Spaces for Events and Filming](#) - Culture and Communities Committee, 2 October 2023.
- 10.8 [Street Trading and Markets – Update After Consultation](#) - Regulatory Committee, 5 February 2024.

11. Appendices

Appendix 1 – Street Trading and Markets Member Officer working group

Appendix 2 – Consultation response from Cramond and Barnton Community Council.

Appendix 3 – Street Trading and Market Operator data for Edinburgh – October 2024.

Appendix 4 – Current Street Trading and Market Operator Policy.

Street Trading and Markets Working Group

Meeting dates:

5 August 2024

24 October 2024

Members:

Cllr Neil Ross (Chair) – Scottish Liberal Democrats

Cllr Joanna Mowat – Scottish Conservatives

Cllr Margaret Graham – Labour and Co-operative Party

Cllr Martha Mattos Coelho – Scottish National Party

Cllr Susan Rae – Scottish Green Party

Andrew Mitchell – Head of Regulatory Services

Anna Darocha

From: John Loudon [REDACTED]
Sent: 02 October 2024 11:39
To: Community Councils
Cc: Anna Darocha; Marco Galli
Subject: Re: Street Trading Policy Review - Community Council engagement

External email >

First time sender >

Good morning

The harbour area at Cramond would be a good location for street trading / farmers market especially if the area is improved.

Regards

John Loudon
[REDACTED]
[REDACTED]
[REDACTED]

Chair - Cramond and Barnton Community Council

- > On 1 Oct 2024, at 13:50, Community Councils <Community.Councils@edinburgh.gov.uk> wrote:
- >
- > Sent on behalf of the Licensing Service.
- > The City of Edinburgh Council is currently reviewing its Street Trading Policy. As part of the review, the Council's Regulatory Committee will examine whether there is support for community-led market trading in locations across the city.
- > We would like to hear from community groups that may be interested in running markets within their community council areas.
- > Similarly, if you are aware of any locations within your Community Council's area which may be suitable for market trading, we would appreciate you contacting us to discuss further.
- > The information you provide will be considered by the Street Trading and Markets Working Group set up by the Council in order to develop the policy.
- > Should you wish to share information or ask any questions, please email anna.darocha@edinburgh.gov.uk or tetiana.talalaiko@edinburgh.gov.uk.
- > Kind regards
- > Anna Darocha
- > *****
- > This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.
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Edinburgh Street Trading Figures – October 2024

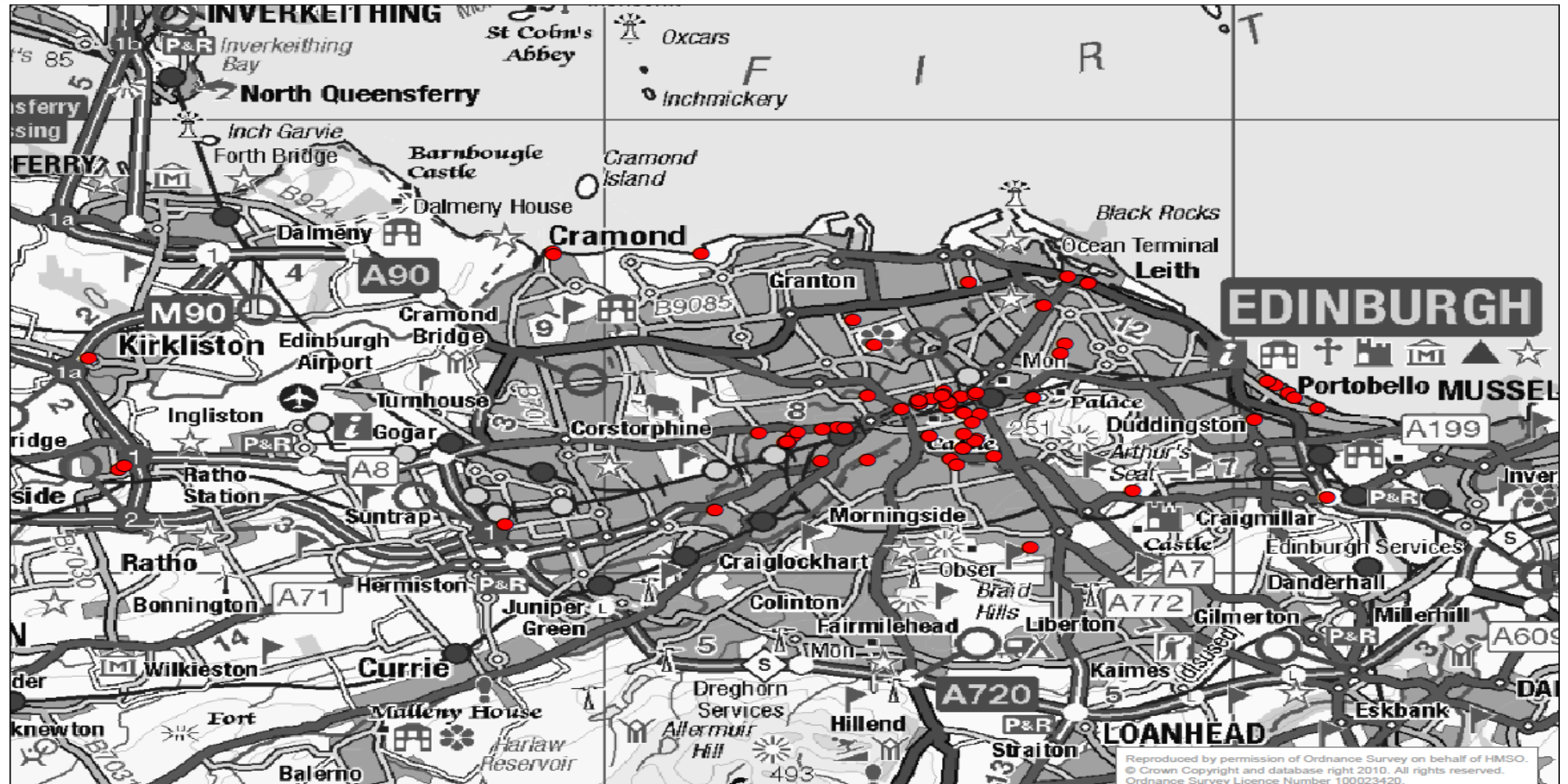
The number of annual Street Trader Licences in place as at 15 October 2024:

Number of Annual Street Trader Licences	October 2024	October 2019
Stance - Ward 11	28 (Incl. 4 at Playfair Steps)	50 (Incl. 10 at Playfair Steps)
Stance - outwith Ward 11	49	67
Mobile Trader	20	23
Pedicab	4	6
Total	101	146

Only 10 temporary street trader licences were issued by the Council between 1 January and 15 October 2024, 22 temporary licences were issued in 2023.

To compare - the number of licences issued in 2019 was 386. Notably 338 of those licences were High Street trader licences.

Street Trading Map – October 2024



Market Operator Licence - figures

Number of annual Market Operator Licences in place as at 15 October 2024:

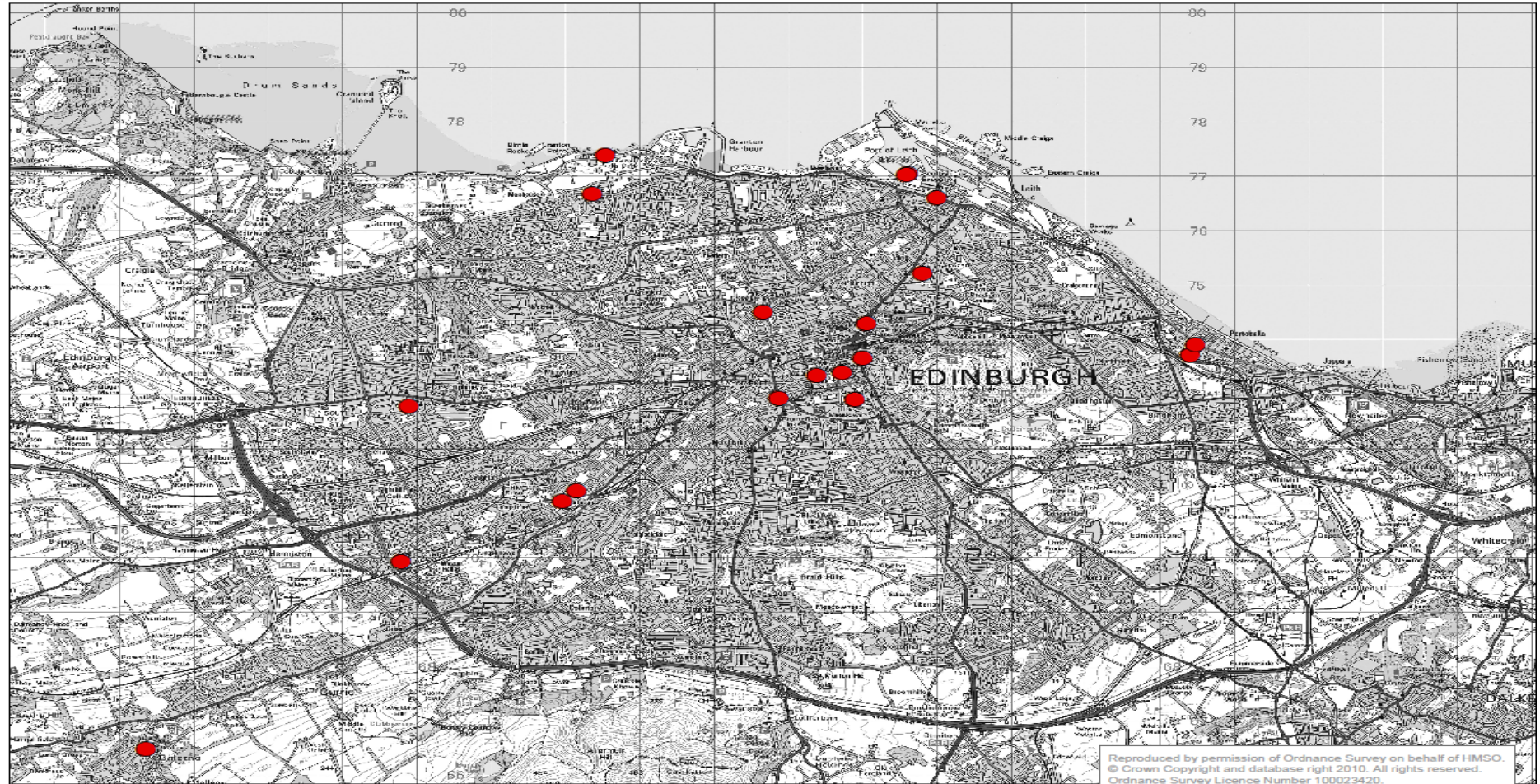
Number of Annual Market Operator Licences	October 2024	October 2019
Ward 11	6	4
Outwith Ward 11	14	13
Total	20	17

Annual licences are available to markets which operate at least once per calendar month.

4 new annual applications are pending consideration as at 15 October 2024 – including farmers market at Castle Terrace (fail to renew).

The Pitt market previously located in Leith has moved to Granton Harbour.

Market Operator Licences - Map



Temporary Market Operator Licences

- Most market operators rely on temporary licences – the Council issued 136 of those licences between 1 January and 15 October 2024. 159 temporary market operator licences were issued in 2023.
- Royal Highland Centre, Neighbourgood markets at Stockbridge and Portobello, Castle Street market and Leith Arches are amongst markets relying on temporary licences
- Demand for temporary licences peaks around summer festivals and Christmas
- Unique Assembly operate Christmas markets at Princes St Gardens and George Street
- Markets operating in ward 11 during the Summer Festivals are operated by Underbelly, Assembly Festivals, Gilded Balloon and Edinburgh Festival Fringe Society

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 A to this policy. 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 may be suspended during this period.

- 4.4 Trading at these locations may also 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 outwith 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
- 6.14 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
- 6.15 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
- 6.16 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
- 6.17 A Street Trader's Licence is required for street trading by a person whether, on their own account or as an employee
- 6.18 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

Appendix A – 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 money's 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 wear the identity card which is issued with the licence. The licence 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
- 1.1 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 south east, south and west by the Edinburgh City Boundary.

Appendix B -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 outwith 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