

# Draft Street Trading Policy & Licensing Conditions for Consultation

## Background

Street trading licences are required by persons selling or offering to sell goods or services in a public place, including from a kiosk, vehicle or moveable stall. A street trader licence is not required by persons selling newspapers, milk or coal.

Market Operator Licences are required 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.

Attractive, well managed street trading and markets can add to the vibrancy of an area adding interest, character and function to shopping streets and other areas of the city. Destination markets can be a draw for tourists and can bring a wider 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.

However, 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.

There is a need for a common set of rules that would apply to all street traders and market operators. The new policy for Street Trading describes what is expected in terms of the responsible management of stalls and the use of public space

### **The Street Trading policy aims to provide:**

- Traders with a one stop shop approach to licensing.
- Clarity and transparency explaining how the licensing conditions will be applied in order to minimise uncertainty.
- Sufficient controls that protect established local interests, in particular the nature of the local retail offer, to help create conditions for profitable trade for everyone.
- Controls on the location, duration of licence, trading hours, type of activity, type and style of stalls, number of traders and licence conditions.

### **The policy proposes to grant a licence to traders:**

- Where the location is acceptable in respect of planning, transportation and public safety;
- In low amenity areas such as industrial estates; and
- Within the curtilage of business premises where their presence is visually acceptable and will not result in an adverse affect 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.

## City Centre and Areas of Special Interest

A number of city centre locations have been redeveloped to improve the quality of the public space. This has led to competing demands for the use of the public space, and a significant increase in the volume of licence applications for street trading.

There are currently 300 street trader and 12 market operator locations regularly operating throughout the city. Areas particularly affected by this increased demand include Castle Street, High Street and Grassmarket but other areas of concern include:

Street Traders	Market Operators
Ward 11 – City Centre Ward (see attached map)	
Castle Street	Castle Street
Grassmarket	Castle Terrace
High Street & Hunters Square	Grassmarket
Lauriston Place	High Street
Mound Precinct & Playfair Steps	Leith Street
Rose Street	Mound Precinct
Out with Ward 11	
The Meadows	Juniper Green
South Gyle	Balerno
Bankhead	Morningside
	Portobello
	South Queensferry
	Stockbridge
Sport Stadia	
Easter Road Stadium	
Meadowbank Stadium	
Murrayfield Stadium	
Tynecastle Stadium	

It is *highly unlikely* that street trading or market operator licences will be granted in the following circumstances:

- a. 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**.
- b. Within the World Heritage Site, Conservation areas and areas of important landscape value, the use of portacabins or other large units of similar scale, are not considered suitable.
- c. 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.

- d. Where key views are likely to be adversely affected by the presence of street trading stances.
- e. At important gateways to the city. This will include the approach to, and roundabout at, Edinburgh Airport and principle traffic routes in the centre of the city.
- f. Within certain areas not regarded by the Council as suitable for street trading or market operations except in exceptional circumstances. Long standing factors that would make a location unsuitable include areas of high pedestrian footfall, narrow footways and busy arterial routes. It is proposed, streets affected by this should include:
  - Princes Street
  - Parliament Square and the Lawnmarket;
  - George IV Bridge;
  - Lawnmarket;
  - Lothian Road;
  - North Bridge;
  - Lothian Road;
  - South Bridge;
  - St Giles Street; and
  - Waverley Bridge.
- g. Within certain high profile areas (see [table, page 2](#)) where all suitable locations are current being utilised. It is proposed that no further licences are granted, however if in the future a suitable location becomes available this can be reviewed. Operating plans will be developed for all of these areas. Plans have already been developed for a number of these areas and are detailed in [Appendices 6-8](#). Streets suitable for consideration include:
  - Castle Street;
  - Grassmarket;
  - High Street;
  - Hunters Square;
  - Mound Precinct;
  - The Meadows;
  - Playfair Steps; and
  - Rose Street.

It is proposed that, because of the historic nature and prominence of the High Street and Hunters Square, they are considered unsuitable for the sale of hot and cold

food. However, a working group established to oversee the development of this new policy considered that it would be appropriate to allow trading of hot and cold food during the Edinburgh Festival period.

- h. Any additional licenses 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 it is proposed that additional licences would only be granted when an existing location becomes available.

### Mobile Trading Zones

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.

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.

The specified zones in which street traders are permitted to trade are included in [Appendix 4](#). 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.

### Duration of Licence

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 Traders and Market Operator's licences are currently renewed on an annual basis. Once an annual licence has been granted this will prevent another licence being issued for the same location and trading hours. Given the temporary nature of street trading and occupation of public realm space it is not intended to increase the period of issue beyond that of an annual licence.

Temporary licences can be granted for any period of up to six weeks, and are mainly used in connection with public entertainment or an event. The council has chosen to limit this period to 28 days. The main exception to this is street trading in the High Street and / or Hunters Square where licences are allocated on a weekly basis due to the high volume of demand for stances.

From 1st April 2015 the current system of a one day Street Trading Licence, not linked to public entertainment or an event, were replaced by a weekly temporary street trading licence.

In circumstances where the demand is far greater than the actual number of temporary stances available they will be allocated by way of a ballot system. It is proposed that once a trader has been allocated a trading period they will not be allocated another trading period until the application list is exhausted. This would apply to areas such as the High Street and Playfair Steps.

Historically, charitable organisations in addition to an annual licence have been able to obtain a street traders licence for a period of up to six months. The six month licence was to allow charities that had previously operated a Public Charitable Collection, to also sell charity related goods e.g. pin badges. There are also a small number of charities which operate a seasonal market in the city. It is proposed that this arrangement continues.

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, it is proposed that an annual Market Operator's licence should only be considered in cases where operator's trade is at a frequency of at least once per calendar month, and those dates should be clearly identified on the licence.

### **Hours of Operation**

Street trader and or market operator trading hours will normally be considered to operate between the hours of 10:00 – 20:00hrs daily.

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.

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 Subcommittee.

Licence holders who want 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.

### **Employees**

Previously, temporary street traders could not apply for employee licences.

A new fee of £50 for employees has now been introduced, allowing Temporary Street trading licence holders to apply for up to five employees. This change aims to simplify and improve this category of licence, as currently licence holders have to be present in order to trade and cannot arrange for any substitution, if they require to be absent for a short period. Allowing employee licences provides this increased flexibility.

### **Food hygiene certificate**

Where an application for a Street Trader's licence is made in respect of an activity which consists of, or includes, a food business within the meaning of section 1(3) of the Food Safety Act 1990, the application must be accompanied by a food hygiene certificate stating that the unit complies with the relevant legislation. The food hygiene certificate is currently issued by the local authority issuing the street traders licence.

The Regulatory Reform (Scotland) Act 2014 amended section 39 of Civic Government (Scotland) Act 1982. This amendment came into effect on 30 June 2014 and requires that the certificate is issued to the trader by the Authority in which the trader is registered as a food business. A number of traders operating within Edinburgh area will be registered as a food business with another local authority.

As a result of the change in legislation, compliance certificates and street trader's licences are unlikely to have the same issue and expiry dates. Whilst, the current licence system allows the local authority to inspect a vehicle prior to the grant of a licence, under the new system this will no longer happen. It will be necessary to have a more robust compliance and inspection regime to ensure that the necessary standards are maintained during the life span of a food and hygiene certificate.

New conditions (see [Appendix 2](#)) will be attached to both street trading and market operator licences to reflect the changes in legislation as follows:

- a) 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 Director of Services for Communities.
- b) A valid food hygiene certificate must be provided to the Licensing Authority at time of application for a licence
- c) 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.
- d) On the renewal of a food hygiene certificate the licence holders will provide the Licensing Authority with a copy of the new certificate.

### **Proposed Licensing Criteria**

It is proposed that consideration of all licence applications will be subject to the following criteria:

- a) 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.
- b) Street traders must not obstruct or restrict pedestrian or vehicular traffic or cause a danger to road users.
- c) Street traders / market operators must 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. The grant of a licence does not imply that the owner has consented.

- d) 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.

It is proposed that all street trading stances and markets will be mapped to clearly identify locations.

- e) Stances will be clearly delineated. This may be achieved by placing brass studs or wind management anchors in the pavement where the council directs.
- f) 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 Directors of Corporate Governance and Services for Communities.
- g) Street trading / market operations and the stalls, kiosks, vehicles or mobile units associated with these shall only occupy a stance during trading hours.
- h) 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.
- i) 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.
- j) Stances sited on the footway should normally be located out with pedestrian desire lines, for example, at suitable recesses.
- k) 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.
- l) 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.
- m) When locating street trading stances consideration should be given to the 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.
- n) Maintaining the integrity of the paved surfaces, roads and pavements is important for the future maintenance of the streets being utilised. It is vital therefore 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.

- o) 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.
- p) Trader during business hours and at the end of each day will 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.
- q) 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.
- r) A street trader's licence is required for street trading by a person whether, on their own account or as an employee. The holder of a Street Trader's Licence shall not be less than 18 years of age. Traders will provide at time of application:
  - a business plan / model
  - tax reference number of the business
  - details of the type of products to be sold
  - details of public liability insurance
  - wind management plan
- s) 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.

In addition within certain high profile areas, of which the High Street is one, operating plans will be developed.

Full details of the proposed Licence Conditions can be found in [Appendices 1-5](#) of this policy document.

## **Pedicabs**

Pedicabs have operated in the city since 1996. At present there are five pedicab companies, 200 employees and approximately 120 pedicabs operating in the city centre.

The operation of pedicabs within the city has not been without difficulty and over the years there have been a number of concerns about passenger safety.

The current conditions were introduced in 2004. Given the complexity of the issues in respect of pedicab licensing, this is subject of a separate work stream has been developed to review the current conditions and progress will be reported to the Regulatory Committee in due course.



## Walking Tours

There is an ongoing commitment within the [Royal Mile Action Plan](#), which was initiated by the Planning Committee to help the street live up to its role as one of the most important streets in Edinburgh, to reduce street clutter and to create an environment where all walking tour companies operate under a consistent licensing framework.

An initial stakeholders meeting took place which considered:

- A cap on the amount of people on the tour (for safety reasons);
- Route detail;
- A requirement for tour companies to stagger their start times; and
- A method statement on how their operatives will manage the public when walking along the route. This is especially important when stopping at points of interest as it blocks pavements.

## Appendix 1: Proposed 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 Director of Services for Communities.
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 between 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 Directors of Corporate Governance and Services for Communities.
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 Director of Services for Communities.
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

## Appendix 2: 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 Director of Services for Communities.
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.

### Appendix 3: 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 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.

## Appendix 4: 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 5: 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 License 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 require 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 Director of Services for Communities.
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 Director of Services for Communities.
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 manufactures 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 Council's Directors of Corporate Governance and Services for Communities. The licence shall not be effective until the licence holder has received final

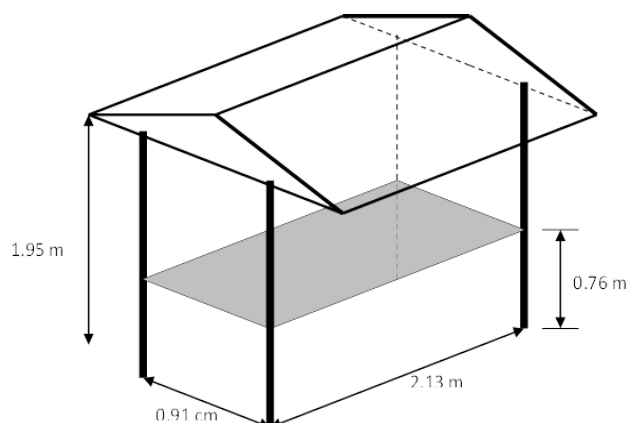
clearances from the Council's Directors of Corporate Governance and Services for Communities confirming that the premises may be operated.

34. 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.
35. 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 6: Operating Plan for Area of Special Interest – Castle Street

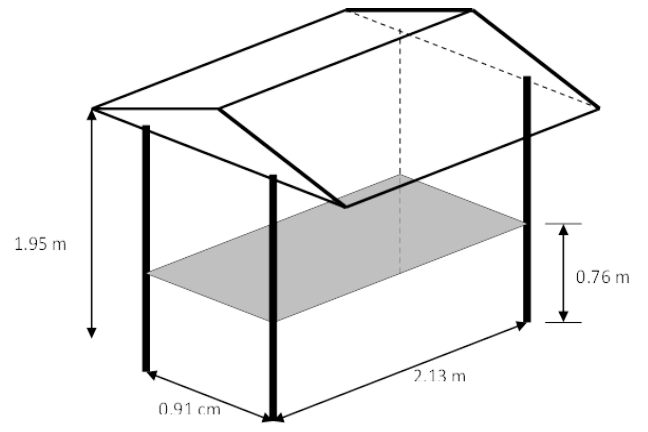
1. Market operators will supply an Events Management Plan and Risk Assessment when they make an application.
2. Market operators should have Market Operator / Public Liability insurance with a minimum value of £5 million in any one claim.
3. Market operators will not sub-let the use of the site to a 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 will 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 four stalls back to back (eight traders in total), space then two stalls (four traders in total) back to back with a space and finally another four stalls back to back (eight traders in total).
8. The number of stalls shall be restricted to a maximum of 20.
9. The stalls shall all be of a standard size and appearance as shown.



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

## Appendix 7: Operating Plan for Area of Special Interest – High Street / Hunters Square

1. Street trading in the High Street is meant to be of a temporary nature and stances will be allocated to individuals on that basis. The person allocated the stance will be on site when the stance is in operation. Employee licences will be issued to provide assistance to the actual licensed traders but not there to run a stall on behalf of someone else.
2. Street Traders will not sub-let the use of the site to a third party.
3. There will be a general presumption against sale of the food in the High street with the exception of the period during the Edinburgh Festival.
4. Normal trading arrangements will be suspended during August for the period of the Edinburgh Festival
5. Street Traders will provide at time of application:
6. business plan / model
  - tax reference number of the business
  - details of the type of products to be sold
  - details of public liability insurance
  - wind management plan
7. Licence Holders shall have a Public Liability insurance policy to the value of £1 million.
8. On allocation of a stance there will be an expectation that the street trader will trade the dates allocated.
9. Between April and October street traders will trade between 10am – 4.30pm (or other agreed hours). This should be considered as a minimum trading period.
10. Street traders can only operate between the hours of 10:00 – 20:00hrs daily.
11. The number of stalls shall be restricted to a maximum of 14 in the High Street and six in Hunters Square and be no larger than 2m x 2m.
12. A number of stances will be allocated to street artists.
13. Stances will be allocated on both a weekly and monthly basis.
14. Council will clearly delineate stances. This could be achieved by placing brass studs or wind management anchors in the pavement
15. The stalls shall all be of a standard size (2m x 2m) and of a standard appearance as shown.



## **Appendix 8: Operating Plan for Area of Special Interest – Mound Precinct / Playfair Steps**

### **The Mound Precinct**

The square at the foot of The Mound represents Edinburgh's premium pedestrian space. It is situated at the centre of the World Heritage Site and gives direct access to Princes Street, Princes Street Gardens and the National Galleries complex.

The space, which has the status of a publicly adopted road, was upgraded in conjunction with the National Galleries' major expansion (The Playfair Project).

Historically there are two annual street trader's stances within the Mound precinct shared by four traders operating winter and summer seasons. Stall holders are regularly required to move stance locations to accommodate events throughout the year.

### **Appropriate use of the space**

The Council and the Galleries receive many requests for the use of the square. The proposed uses include some that are openly commercial, some that are connected to other major events taking place in Edinburgh, some that relate directly to the National Galleries and some which are political in nature (such as marches and demonstrations).

As a publicly adopted road, the principal purpose of the square is to enable the passage of pedestrians. The space attracts a large footfall and is one of the few spaces in the city centre where pedestrians can pause without creating an obstruction. It also provides the architecturally important National Galleries buildings with an appropriate setting.

The types of use that should be encouraged are those that support the activities of the National Galleries (for example the promotion of special events and exhibitions) or the Council (for example those linked to festivals and other special events). Use of the square linked to events of special national significance should also be considered.

It should also be remembered that the organisers of many political events view the Mound as a place of significance. As one of the relatively few major pedestrian spaces in Edinburgh, it is likely that there will be a continuing demand to use the space for rallies and demonstrations. Proposals of this kind will be dealt with in conjunction with the Police.

Given the importance of the square, it is appropriate to prioritise uses that are sympathetic to the aim of maintaining a pedestrian friendly environment without compromising the quality of the infrastructure of the setting of the buildings. Accordingly, the use of vehicles on the square, other than any necessary to service the Galleries at appropriate times, should be strictly controlled. It follows that events requiring the use of vehicles on the square should normally be prohibited. Equally, except in exceptional circumstances, only short term events will be considered.

Similarly, the primary purpose of the square should dictate the response to proposals for events of a commercial nature. It is accepted that many events might include a commercial element (for example the sponsorship of an exhibition or the promotion of Festival events). However, anything arranged with the sole purpose of promoting sales of a product or event not supported by either the Council or the National Galleries should be resisted. Where commercial elements are allowed to support use of the square, the accompanying "dressing" should be subject to the same scrutiny process that is applied to other locations.

## Playfair Steps

Due to the high volume of pedestrian traffic at this location the number of stances will be limited to 13. The only goods permitted to be sold at this location are to be arts and crafts. Annual licences are currently granted for this location.

<b>Consideration of applications to use Mound Square</b>	
Criteria for uses likely to be acceptable Council Projects	Events that are a recognised part of or directly linked to a Council of Council-sponsored project.
National Gallery Projects	Events that are a recognised part of or directly linked to a National Gallery or National Gallery-sponsored project
Recognised Festival	Part of or directly linked to a recognised Festival such as Winter Festivals, Edinburgh International Festival & Fringe, Science Festival, Book Festival and all other 'official recognised Festival'
Charitable events	Events linked to charitable causes supported by the Council or National Galleries
Political events	Marches approved by Council / Police procedure
Not Long term events	Only events / installations which are short term will be allowed on site. Discretion to be used but nothing beyond 2 weeks (unless part of Festivals as noted above)



<b>Approval considerations and process</b>	
Does the proposal require any statutory approvals to make it work?	Traffic Regulation Orders Licences Planning approval
Is it safe?	Consider EPOG
Does it have a budget? Does it require financial support?	What are the Council's priorities? Does the Council have a statutory responsibility? Is it an event that the National Galleries wish to support?
What infrastructure is required? It is appropriate for the space?	Staging Lighting Electrical power supply Generators Posters / other dressing
What servicing arrangements are required?	Delivery arrangements? Vehicles?
If the event includes a commercial element, what is required to support this?	Stalls? Bar etc?