

To: Regulatory Functions Board

On: 6th June 2019

Report by: Director of Finance and Resources

Heading: Review of Fees for Licence Applications: Community Events

1. Summary

- 1.1 The purpose of this report is to advise the Board of a review by officers of licensing charges for community events and to recommend changes arising from the review.
-

2. Recommendations

- 2.1 The Board is requested to:-
- 2.1.1 Note the review of various licensing charges relevant to community events; and
- 2.1.2 Approve the proposed revised charges for market operators' licences set out at Appendix 1.
-

3. Background

- 3.1 At its meeting on 13th December 2018, Council agreed the terms of a Motion which called for a review of the Council's charging policy for community events. The Motion made reference to other Councils, in

particular City of Edinburgh and Stirling, which had established tourist footfall.

- 3.2 The holding of community events could potentially involve the following licences being required. The Council normally considers, in relation to community events, applications for (i) public entertainment licences, as well as applications for (ii) market operators' licences or (iii) street traders' licences, where goods are sold.
- 3.3 Separately, the Licensing Board is responsible for considering any applications for occasional licences for the sale of alcohol, which in terms of Regulations made under the Licensing (Scotland) Act 2005, currently require to be accompanied by a £10 fee. (This occasional licence fee is set by legislation and is not part of this review).
- 3.4 Officers have now carried out a review of the current charges for the licences detailed at Paragraph 3.2 above and the details of this review are set out in this report.

Licensing of Community Events

- 3.5 The Council has licensed various activities as "public entertainment" under the terms of the Civic Government (Scotland) Act 1982 ("the 1982 Act") for many years. Community events in Renfrewshire require a public entertainment licence if they involve a large fete, funfair, live music or other activities which are included in the Council's public entertainment licensing resolution. Where goods are sold, it is likely that a market operator's licence, or individual street traders' licences, will also be required. The Council's charges for these licences are set out at Paragraphs 3.6 to 3.10 below.

Public Entertainment Licensing

- 3.6 In relation to public entertainment licence applications, the Council charges a fee of £182 when a person applies for a new licence, with the exception of outdoor events involving amplified music, funfairs, circuses and other activities likely to cause public concern. The Council's policy is that those events should be advertised in a local newspaper. Given the cost of an advertisement, an increased application fee of £891 is payable in respect of those events, with a higher fee applicable to large commercial events, which are also advertised.

Exemptions from Public Entertainment Licence Application Fee

- 3.7 However, the Council has had a policy of specifically exempting certain events from payment of a licence application fee, including a number of traditional gala days, since 2004. These events are listed at Appendix 2

to the report. As a result, although organisers of these events require to make an application for a public entertainment licence, the organisers need not pay a fee for that application. Where traditional gala days, or other local annual events, are not contained in the list at Appendix 2, it is still open to the organisers of the event to request exemption from payment of the fee. As a result, organisers of community events, provided their event has taken place in previous years, are generally granted an exemption from payment of any public entertainment licence fee. As such, with the exception of funfairs run by commercial operators (which are normally the subject of a separate licence application by the operator), no fee is usually payable.

Market Operators' and Street Traders' Licence Applications

3.8 As stated at Paragraph 3.5, it is likely that a market operator's licence, or individual street traders' licences, will be required if goods are to be sold at an event, unless the market is operated by a charitable, religious, youth, recreational, community, political or similar organisation and exempt from licensing in terms of the 1982 Act.

3.9 The current charges in Renfrewshire for these licences are as set out below:

Street Trader (New Grant 1 year or temporary)	£74
Street Trader (Renewal 2 years)	£143
Market Operator (New Grant 1 year or temporary)	£367
Market Operator ((Renewal 2 years)	£719

3.10 An organiser of an event, in addition to any public entertainment licence, may require a market operator's licence, or for the traders at the event to hold individual street traders' licences, unless the market is exempt from licensing as set out at Paragraph 3.8. Where a market operator's licence is obtained, there is no need for additional street traders' licences to be obtained under the terms of the 1982 Act. Similarly, where all street traders at an event are licensed, the Council will not expect the organiser of the event to apply for an additional market operator's licence.

The fee for a temporary market operator's licence, which will normally be obtained in relation to a one-off event, is £367, as shown at Paragraph 3.9.

Comparisons with Other Local Authority Areas

- 3.11 The City of Edinburgh Council has a complex charging structure for market operators' licences. Different fees apply according to whether markets are held regularly and whether they are indoor or outdoor and also according to the number of stalls. There is also a different fees structure depending upon whether markets are held within or outwith the city centre. The full charging structure is shown at Appendix 3 to this report.
- 3.12 The City of Edinburgh Council also has a separate fee for community markets or markets run by registered charities which involve a maximum of 20 stalls. In relation to these markets, they charge £121, provided there is no commercial element with 100% of the profits being given over to the charity or community group. Otherwise, their normal fee structure will apply. In Renfrewshire, no licence is required (and accordingly no fee is payable) where charitable, religious, community or other similar groups operate a market on that basis.
- 3.13 In relation to their charges for public entertainment licence applications, the City of Edinburgh Council do not require a public entertainment licence for free community events where the capacity does not exceed 500 people, or community events where people pay to enter provided that the capacity does not exceed 250 people. In Renfrewshire, these events do require a public entertainment licence, which allows events to be regulated but, as noted at Paragraph 3.7 above, are generally exempted from payment of a licence application fee.
- 3.14 Stirling Council charges a fee of £119 for market operators' licences. This fee applies to licences of a one year duration, while a three year licence can be applied for at a cost of £276.
- In relation to Stirling Council's public entertainment licensing approach, they provide that a public entertainment licence will not be required for certain voluntary or community groups, provided that they admit no more than 300 people in total to an event and do not charge in excess of a specified admission fee. In Renfrewshire, a licence is required for large fetes and other events which fall within the Council's public entertainment resolution, but traditional gala days and other local events are generally granted an exemption from payment of the licence application fee, as noted above.
- 3.15 Otherwise, the approach differs from one local authority area to another. The period for which a licence is granted, subject to a three year maximum under the 1982 Act, varies. Some authorities have agreed a

restricted temporary licence fee and a small number of authorities provides for a higher fee based on the number of stalls.

4. Conclusions, Recommendations and Further Information

4.1 Public Entertainment Licences

- 4.1.1 The majority of community events in Renfrewshire are covered by a public entertainment licence and, where goods are sold by commercial traders, these traders are covered either by individual street traders' licences or by a single market operator's licence (unless the statutory exemption set out at Paragraph 3.8 applies). As stated above, in most cases, given that these events will have taken place in the previous year or years, an exemption is allowed from payment of a public entertainment licence fee as set out at Paragraph 3.7. As such, no fee is usually payable. It is therefore the view of officers that no further changes in relation to these licence application fees are required.

Proposal in relation to Market Operators' Licence Fees

- 4.2 In relation to market operators' licence fees, while markets with no commercial element are already considered exempt from licensing and therefore are not required to pay any fee, it is recognised that the current fee of £367 may be prohibitive in relation to small markets, especially those of a short duration or which have a limited number of stalls. Equally, the Board may consider the current fee reasonable for commercial market operators who hold markets and rent out stalls to traders regularly throughout the duration of a one year market operator's licence.
- 4.3 A revised licensing fees structure in relation to these licences is therefore proposed at Appendix 1 to this report. This retains the existing fees for market operators' licences, for grant (for 1 year) and renewal (for 2 years), but allows a reduction in fee in respect of those markets which are not exempt from licensing but operate a small number of stalls for a restricted period. The proposed revised fees structure would mean that any market taking place over a maximum period of 7 days, and which involves no more than 20 stalls, would be liable to a reduced licence application fee of £120. This fee is comparable to the temporary licence application fee in Glasgow (£124), the fee payable in Stirling (£119) and the concessionary fee charged in Edinburgh for a one week licence as detailed at Paragraph 3.12 of the report.
- 4.4 It would be open to the Board to agree that this reduced fee should apply to a greater, or lesser, number of stalls, should they consider appropriate. Officers have recommended a number of 20 stalls, having regard to the

potential for organisers to recover the cost of the existing licensing charge through the hire of stalls to traders (who will not require to obtain street traders' licences as a result of a market operator's licence being obtained).

- 4.5 Equally, it would be open to the Board to agree that a nil charge should apply, restricted to those markets associated with community events. However, the Board will wish to ensure that, where considering this option, licensing charges remain sufficient to meet the Council's expenses in considering applications for licences, as provided under the 1982 Act.

Street Traders' Licences

- 4.6 Given that the Council currently avoids the duplication of licensing in relation to market operators and street traders, as set out at Paragraph 3.10, it is the view of officers that there is no need to set any reduced fee in respect of street traders' licences in addition to the proposed reduced fee relating to market operators' licences detailed at Paragraph 4.3.

5. Alternative Options

- 5.1 In carrying out the review, officers identified alternative options which the Board may wish to consider. These are set out at Paragraphs 5.2 and 5.3.
- 5.2 The Council's Scheme of Delegated Functions currently grants power to officers, in consultation with the Convener of the Board, to direct that an event similar in nature to a traditional gala day or local event be exempted from the requirement to pay a fee for a Public Entertainment Licence. This is the basis for granting the exemptions set out at Paragraph 3.7. It would be open to the Board to consider granting a similar power to officers, in consultation with the Convener, to exempt applicants for market operators' licences from payment of the current application fee, where the market is for a limited number of stalls and of a limited duration. However, this would be in addition to the statutory exemption from licensing available as stated at Paragraph 3.8 above where non-commercial markets take place.
- 5.3 A further alternative would be to agree a reduced fee for temporary market operators' licence applications, covering all temporary licences (which may be granted for a maximum period of 6 weeks). A reduced temporary licence application fee would be a straightforward approach to reducing the cost of those applications, which are subject to reduced statutory formalities, although it should be noted that the Council consults widely on these applications having regard to the public interest.

Recommendation

- 5.4 In the circumstances, it is recommended that the Council should introduce the restricted fee applicable to small, short-term markets as detailed at Paragraph 4.3 and Appendix 1 to this report.

6. Additional Information

- 6.1 It is understood that the charges imposed by the Council for the hire of stalls by community groups at Council-run events have been the subject of a separate review by Council officers.

Implications of the Report

1. **Financial** – the recommended fee structure at Appendix 1 would result in a small reduction in licensing income.
2. **HR & Organisational Development** – nil.
3. **Community/Council Planning** –
 - *Our Renfrewshire is thriving*- The options for a reduced licensing fee for market operators may assist the Council's commitments to driving cultural regeneration and increasing visitor numbers through encouraging local markets.
 - *Our Renfrewshire is safe*-The continuing regulation of events is key to the Council working with partners in keeping people safe.
 - *Creating a sustainable Renfrewshire for all to enjoy*- Effective business regulation and encouraging communities to use and enjoy outdoor spaces.
4. **Legal** – as detailed in the report. The Council is entitled to charge fees for licensing applications in terms of Paragraph 15 of Schedule 1 to the 1982 Act.
5. **Property/Assets** nil.
6. **Information Technology** – nil.
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified

arising from the recommendations contained in the report because the report simply recommends a reduction in some licensing application fees. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety** – nil.
- 9. **Procurement** – nil.
- 10. **Risk** – nil.
- 11. **Privacy Impact** – nil.
- 12. **Cosla Policy Position** – nil.

List of Background Papers

- (a) Background Paper 1 - None

Author: Douglas Campbell, Assistant Managing Solicitor (Licensing)
0141-618-7172
Douglas.Campbell@renfrewshire.gov.uk

APPENDIX 1

Proposed Revised Market Operators' Licence Charges for Renfrewshire

	<u>£</u>	
Application for New Licence (1 year)	367	(as existing)
Reduced Fee (applicable to markets which involve no more than 20 stalls and are of a duration of 7 days or less)	120	
Application for Renewal (2 years)	719	(as existing)

APPENDIX 2

List of Community Events Exempt from Public Entertainment Licensing Fee

1. Lillas Day
2. Bridge of Weir Gala Day
3. Inchinnan Gala Day
4. Bishopton Gala Day
5. Sma' Shot Day
6. Central Nursery Open Day
7. Barshaw Park Fun Day
8. Red Cross Fun Day
9. Johnstone Festival
10. Erskine Festival

APPENDIX 3

Edinburgh City Council- Market Operator's Licence Fee Structure

MARKET OPERATORS - Including car boot sales within Ward 11 (City Centre)

The annual fee is only available to markets that operate with a frequency of at least once per calendar month	annual indoor markets	£56 - per stall – 1 year new/ renewal
	annual outdoor markets	£84 - per stall – 1 year new/renewal
temporary outdoor markets who operate less than once per calendar month	temporary outdoor markets- subject to a max fee of £5,000	£84 – fee per stall for up to 28 days
	temporary outdoor markets- subject to a max fee of £5,000 inc late application surcharge	£101 – fee per stall for up to 28 days
temporary indoor markets who operate less than once per calendar month	temporary indoor markets- subject to a max fee of £1,000	£56 – fee per stall for up to 28 days
	temporary indoor markets - subject to a max fee of £1,000 inc late application surcharge	£68 – fee per stall for up to 28 days

Note an indoor market is considered to be wholly or substantially contained within a building or other permanent structure. This does not apply to the exterior grounds of a building, any area temporary fenced off or restricted area or any temporary structure i.e. marquee

MARKET OPERATORS - Including car boot sales out with the City Centre (Ward 11)

temporary markets are those who operate **less than once** per calendar month

temporary indoor or outdoor market

£6 – fee per stall for up to 28 days

temporary indoor or outdoor market- **inc late application surcharge**

£7- fee per stall for up to 28 days

The annual fee is only available to markets that operate with a frequency of at least once per calendar month

£14 – fee per stall new / renewal for 1 year

COMMUNITY MARKETS OR REGISTERED CHARITIES - See Note 1

provided there is no commercial element, i.e. where 100% of the profits is given over to the charity or community group

City wide - 20 stalls maximum (thereafter normal fees will apply)

£121 – per week or part of a week (up to a max 7 days per application)

City wide - 20 stalls maximum (thereafter normal fees will apply) - **inc late application surcharge**

£144 – per week or part of a week (up to a max 7 days per application)