



Subject:	Markets Issues - Update
Date:	12 August 2015
Reporting Officer:	Lisa Toland, Head of Economic Initiatives and International Development
Contact Officer:	Clodagh Cassin, Markets Development Manager

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to: <ul style="list-style-type: none">- seek Members' approval to grant a licence for a market in Custom House Square in September 2015 and to- update on the request by Folktown CIC to waive stallage fees for Folktown market.
2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none">- Agree to grant the licence for the Taste of Northern Ireland festival at Custom House Square on 18-20 September 2015- Adhere to the original decision of the Development Committee from February 2015 which concluded that stallage fees should be payable at Folktown market.

3.0	Key Issues
3.1	<u>Request to grant markets' licence to Taste of Northern Ireland event, September 2015</u>
	<p>Members will be aware that anyone wishing to operate a market or car boot sale within Belfast must apply to Belfast City Council for permission to do so. An application has recently been received for the "Taste of Northern Ireland Festival" to be held in Custom House Square, Belfast on 18, 19 and 20 September 2015.</p>
3.2	<p>This is the fifth year that this event has taken place in Belfast. It is designed to showcase the range of food and drinks produced in Northern Ireland. Some stall holders do have products for sale on the day; however most will offer free samples and use the event as an opportunity to demonstrate their product range.</p>
3.3	<p>The event is being organised by Denvir Marketing on behalf of Tesco. The organisers have supplied the relevant documentation for this event such as public liability insurance, method statement and risk assessments, HACCP policy and house rules, operational plan covering issues such as security and stewarding, traffic management system and first aid provision, environmental health information regarding noise emission, sale of food and beverages, food sampling, alcohol sampling and licensing, waste management and fire regulations. Officers from the Markets Development Unit have also engaged with the relevant officers across the Council in order to check and verify this documentation and are content that all is in order. Checks will also be carried out during the event, in line with the Markets Rights Policy guidelines.</p>
3.4	<p><u>Request by Folktown CIC to waive stallage fees at Folktown Market</u></p> <p>At the 17 February 2015 meeting of the Development Committee, a report was presented to provide some clarification around the Markets Rights Policy. The policy, which has been in force since June 2012, sets in place a framework which allows the Council to utilise its historic rights to hold markets and to extend these rights to third party organisations to allow them to operate in dependent markets.</p>
3.5	<p>The policy sets out the various types of markets, the relevant conditions and the fees applicable to each. Currently, there are two elements to the market licence fee, namely a one-off licence fee and a fee per stall for each market day. The policy had indicated that, in some instances, both the licence fee and the stallage fee</p>

	would be waived for any market which was run “for solely charitable purposes”.
3.6	With the policy in operation for over two years at that point, it had become clear that there was a level of ambiguity around the fees payable and instances in which fees might be waived. Working in conjunction with the Legal Service team, a number of clarifications were provided, and these were endorsed by the Development Committee and ratified at the Council meeting in March 2015.
3.7	The upshot of this decision was that Community Interest Companies (CICs) – such as Folktown – did not meet the criteria set out in the policy in respect of events run for “solely charitable purposes”. These were described as “organisations operating for solely charitable purposes, namely a charity, sporting group, social group, church or one-off fundraising market where the event is staffed by volunteers and the groups receive full proceeds of the sale. Such groups were entitled to have both the licence fee and the stallage fee waived.
3.8	The policy clarification continued that “registered charities, non-commercial organisations including CICs, social enterprises and organisations where the primary purpose is not for commercial return” should benefit from a discounted licence fee (50% of fee payable) but that full stallage fees should be paid. For information, the stallage fees are £5 or £6 per stall, depending on the number of stalls in the market.
3.9	The organisers of Folktown Market – Folktown CIC – made a presentation to the March 2015 Development Committee at which they set out their plans for the market. In the course of the presentation, they also asked that the Council would give consideration to waiving the licence fee and stallage fees for Folktown Market for a three year period, in order to help the market establish itself. After some consideration, the Members agreed to refer the request to the City Growth and Regeneration Committee for its consideration.
3.10	Folktown Market has been operating since mid-April 2015. The market runs each Thursday and generally attracts between 20 and 30 traders. The organisers were successful in attracting some funding from DSD to purchase equipment and to carry out some marketing and promotional activities. Based on the original committee approval, the organisers would be liable to pay the Council in the region of £100-£180 per week, depending on the number of stalls in place.

3.11	Given the previous confusion around the markets rights policy and the clarification recently agreed by the Development Committee in March 2015, it is recommended that Members adhere to this policy clarification and that, therefore, the request from Folktown CIC to waive the fees for a three year period is not endorsed as it does not fit the criteria. However, officers will seek to support the market as appropriate.
4.0	Appendices – Documents Attached
4.1	None.