

LICENSING COMMITTEE

26 November 2015

Present: - Councillor Mike Lilley (Chairman)
Councillors Roger Buston, Nick Cope, Margaret Fairley-Crowe, Ray Gamble, Dave Harris, Mike Hogg, Darius Laws, Richard Martin and Philip Oxford

20. Minutes

The minutes of the meetings held on 23 September and 7 October 2015 were confirmed as a correct record.

21. Street Trading Policy

The Committee considered a report by the Head of Community Services on the proposed new street trading policy and regulations. The policy had been formulated having regard to best practice from other local councils, feedback from traders in a recent review and the Council's existing operational guidance. An email had been received from Mr Zaman asking that the consideration of the matter be deferred to allow further consultation but having considered this point it was determined that the matter should proceed as the approval of the policy and regulations would preclude continued consultation with traders to try to resolve any issues they had.

The review, carried out by Quarterbridge on behalf of the Council, found that street trading contributed to the varied street trading mix in Colchester, offering a low cost and low risk approach to operating a retail business within the town centre. Shoppers appreciated and used the street traders and shop owners welcomed the added attraction that the street traders brought to the area. The key issue to be resolved was the lack of ability to enforce street trading regulations, particularly with regard to the space allocated to stalls and traders using more space than that for which they were licensed.

In carrying out the review existing traders, local businesses, the emergency services, and consumers had been consulted. The draft policy and guidance had been shared with the existing street traders. In general the feedback on the policy and guidance had been positive and some amendments were agreed as a result of the consultation. It approved the policy and guidance would come into effect on 1 January 2016.

RESOLVED that the Street trading Policy and Regulations be adopted for implementation with effect from 1 January 2016.

22. Site Management Agreement

The Licensing, Food Safety Manager presented a report on the adoption of a site management agreement between the Council and the Public Fundraising Regulatory Association (PRFA) to control face to face fundraising, commonly known as chugging, in the town centre.

As a result of the agreement the face to face collection of direct debit details would only be permitted on Mondays, Tuesdays and Wednesdays between 9am and 7pm in the High Street and Culver Street. The number of collectors would be limited to 6 with no more than 4 collectors being permitted on any individual street. A copy of the rule book by which collectors must abide was appended to the report and covered matters such as the three step rule, deliberate obstruction and financial transparency. There was discussion concerning the number of collectors in any one area and there was a feeling that the 4 was too many in one location and the Committee would prefer to see this reduced to 2 in any area. This matter would be discussed with the PRFA.

RESOLVED that the Site Management Agreement between the Public Fundraising Regulatory Association and the Council be approved for implementation in Colchester.

23. Review of the Statement of Licensing Policy // Results of Consultation

Councillor Hogg (in respect of his position as Chairman, Trustee and licence holder of the Acorn and Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

The Committee received a report by the Head of Professional Services on the outcome of the consultation exercise undertaken in relation to the statutory review of the Statement of Licensing Policy and on the receipt of Counsel's opinion.

An extensive consultation process had been carried out between 17 August and 31 October 2015 to which 5 responses had been received. The Licensing, Food Safety Manager had met with both the Civic Society and the owners of the Victoria Inn to discuss points they raised and the Licensing Manager's comments on all the points raised together with a copy of the responses were appended to the report. The draft policy had been referred to Philip Kolvin, leading licensing Counsel who had commented that the draft policy was excellent and that no reader of the policy could fail to understand the standards expected. A few small amendments were suggested and some sections re-ordered to improve its clarity; these suggestions had been implemented in the policy appended to the report.

RESOLVED to RECOMMEND that the Statement of Licensing Policy be approved and adopted for implementation with effect from 1 January 2016.

24. Review of the Statement of Licensing Policy // Results of Consultation

The Committee considered a report by the Head of Professional Services on the outcome of the consultation exercise carried out for the Council's draft Statement of Gambling Policy. The public consultation took place between 8 October and 8 November 2015 and two responses were received which were appended to the report. The review had been a light touch with a fundamental review planned in 2016 which would take into account the new amended guidance which had been issued recently by the Gambling Commission.

RESOLVED to RECOMMEND that the Statement of Gambling Policy be approved and adopted for implementation with effect from 1 January 2016.