

# Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Wednesday, 25 July 2018 at 18:00**

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

## Information for Members of the Public

### Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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# **COLCHESTER BOROUGH COUNCIL**

## **Licensing Committee Wednesday, 25 July 2018 at 18:00**

### **Member:**

Councillor Julie Young  
Councillor Nick Cope  
Councillor Roger Buston  
Councillor Simon Crow  
Councillor Paul Dundas  
Councillor Dave Harris  
Councillor Mike Hogg  
Councillor Darius Laws  
Councillor Patricia Moore  
Councillor Gerard Oxford

Chairman  
Deputy Chairman

### **Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel.

## **AGENDA - Part A**

(open to the public including the press)

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

### **1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

### **2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

### **3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4      Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5      Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 30 May 2018.

**Minutes 30 May 2018**

7 - 8

**6      Have Your Say!**

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

**7      Colchester Charter Market Regulations Prohibited Items (Fur)**

9 - 14

The Committee have been asked to consider and approve changes to the existing Market Regulations; in specific to a rule banning the sale of fur products.

**8      Licensing Committee Work Programme 2018-19**

15 - 16

This report sets out the current Work Programme 2018-2019 for the Licensing Committee.

**Part B**

(not open to the public including the press)

**9      Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



## **LICENSING COMMITTEE**

### **30 May 2018**

*Present:* - Councillors Roger Buston, Nick Cope, Simon Crow, Paul Dundas, Dave Harris, Mike Hogg, Darius Laws, Patricia Moore, Gerard Oxford and Julie Young,

#### **52. Urgent Item - Election of Chairman for Licensing**

Nominations were given for the forthcoming year due to no Chairman being nominated at the Annual meeting on the 23 May 2018.

*RESOLVED* that Councillor J Young be appointed as Chairman for the 2018-19 municipal year

#### **53. Minutes**

*RESOLVED* that the minutes of the meeting held on 21 March 2018 be approved as a correct record.

#### **54. Licensing Work Plan**

Mrs Harrington addressed the Committee and asked them for their input with regard to the licensing work plan for the forthcoming year.

The Committee requested that the following subjects be added to the work plan;

- Caravans and Park Homes - summary of the Council's responsibilities, and what has been done so far
- Prevention of Crime - give an understanding of the risk assessments and how they link to the various licensing objectives
- Animal boarding/breeding - summary of the Council's responsibilities
- Pavement Café – draft report, including any accessibility issues
- TENS - report to explain how many Notices have been received in the past year and any issues that have occurred





25 July 2018

Report of	Lucie Breadman – Assistant Director of Community	Author	Demi Quinn ☎ 07908415085
Title	Colchester Charter Market Regulations Prohibited Items (Fur)		
Wards affected	Castle		

## 1. Executive Summary

- 1.1 At the recent licencing committee (21<sup>st</sup> March) which considered and approved changes to the existing Market Regulations, it was decided that an inclusion of a specific rule banning the sale of fur products (submitted as rule 12.6 under prohibited items) needed more consideration. The initial proposal for this inclusion was based on support of an Online Petition by Respect for Animals (launched in December 2017) banning the sale of all fur products at all UK Markets. Colchester Traders agreed in principle, and the sale of fur products has been prohibited since the start of 2018 using this existing rule:

*12.2 No goods may be displayed or sold which in the opinion of the Markets & Street Trading Manager are inappropriate, dangerous or likely to cause offence to other traders or members of the public.*

- 1.2 Respect for Animals has a rating system from zero to five stars for each market operator in the UK published on their website. Colchester Borough Council currently has a 3-star rating, and it is noted that we do not allow the sale of fur products. A 5-star rating is only awarded to market operators who adopt the following policy verbatim as drafted by Respect for Animals:

*[This Council] recognises that the United Kingdom has banned the farming of animals for their fur on ethical grounds since 2000 and the use of one of the most common traps used to catch animals for their fur has also been banned for many years.*

*Recognising that real fur is cruel and unnecessary, this Local Authority prohibits the selling of products containing real animal fur on council owned land, council run markets or council leased markets (including seasonal and Christmas markets). All products wholly or partially made with real fur are covered by this ban and include for example; fur coats, vintage fur, fur shawls, garments with fur trim, fur pompom hats, and fur accessories and trinkets.*

- 1.2 Only twenty market operators have a 5-star rating, and they are all privately operated. The highest rating of any Local Authority-run market is 4 stars. CBC's 3 star rating is above average.
- 1.3 Including fur-products to the list of prohibited items as recommended at the review of Market Rules & Regulations in March would, at best, increase our online rating to 4 stars. However there is no guarantee the rating will change. Respect for Animals offer no guidelines for their rating system and analysis of the current ratings show inconsistencies with award and practice (see point 5). Therefore our recommended decision has changed.

## **2. Recommended Decision**

- 2.1 To continue to prohibit the sale of real fur products using the existing rule 12.2. This enables Colchester Borough Council to support the campaign while maintaining flexibility for special events and themed markets.

## **3. Reason for Recommended Decision**

- 3.1 The Market and Street Trading Manager has been working closely with traders, to make sure the regulations are fit for purpose. This means that both traders and the Council are clear about their responsibilities but are also protected. Using best practice from other Councils, feedback from traders and our existing operational guidance the Licencing Committee are now asked to ratify the decision.
- 3.2 The current stance works well and we have had no registered complaints or lobbying from the Colchester public to upgrade our current rating on the Respect for Animals site.
- 3.3 Since the campaign was launched in December 2017 there has been little coverage in National media and our stance on fur products presents a positive response in any case.
- 3.4 A table of responses from a cross-section of local authority managed markets, and their ratings, can be found in point 5.1. Neighbouring markets Ipswich, Chelmsford and Braintree are included, as well as recent Market of the Year Winners, Cambridge.

## **4. Alternative Options**

- 4.1 Alternative options include:
- Adopting the policy amendment in full as petitioned by Respect for Animals in 1.1
  - Include fur products to list of prohibited items in 12.6 of Market Rules & Regulations
  - Additional amendments: Licensing Committee may suggest additional amendments for Officers to look at.

## **5. Responses from Markets and their ratings**

- 5.1 Below is a table showing a cross-section of responses to question posed by Respect for Animals regarding whether the sale of fur products is permitted, and the ratings received:

<b>Market Operator</b>	<b>Response</b>	<b>Rating</b>
<ul style="list-style-type: none"><li>• City of London</li></ul>	No – we do not allow the sale of fur products. However, we are unaware of any official policy documents or guidelines to enforce this. We understand the Council is in the process of drafting an Animal Welfare Charter.	2 stars

<ul style="list-style-type: none"> <li>Stoke-on-Trent City Council</li> </ul>	We exert commodity restrictions on our stall holders but subject to the products being lawful and within their prescribed commodity line, we would not proactively prohibit them being stocked.	1 star
<ul style="list-style-type: none"> <li>Ely Market</li> </ul>	We do NOT allow real fur to be sold on any of our markets or events throughout the year. We have had to enforce this in the past when we became aware that a trader was selling real fur pom-pom hats imported from China.	4 stars
<ul style="list-style-type: none"> <li>Ipswich Borough Council</li> </ul>	Only approved goods which are listed in the Market Regulations are allowed to be sold on the market. Real fur goods are not on this list. Other occasional markets: The Council is not aware of any traders selling real fur products at the occasional markets, however this is not something which is specifically asked.	3 stars
<ul style="list-style-type: none"> <li>Braintree District Council</li> </ul>	We have nothing listed to stop them [stall-holders selling fur-products]	0 stars
<ul style="list-style-type: none"> <li>Cambridge City Council</li> </ul>	Yes, we do allow the sale of real-fur product	0 stars
<ul style="list-style-type: none"> <li>London Borough of Camden</li> </ul>	We have no policies to cover this area so there are no restrictions placed by the council on these items, they are subject to any relevant laws that would be enforced by the police or trading standards as required.	0 stars
<ul style="list-style-type: none"> <li>Aylesbury Vale District Council</li> </ul>	Examples of items that will not be permitted: -Items made from animals eg [sic] fur, ivory or bone.	4 stars

- 5.2 It should be noted that Camden operates over twenty markets, and while Camden Market is one of the few markets to have issued a press release regarding their adoption of a fur ban, they have a zero-rating from Respect for Animals based on the response from the local authority that manages them, rather than their actual practice.
- 5.3 There are inconsistencies in the rating system and Respect for Animals has not published any guidelines to help explain their ratings. Colchester and Ipswich do not permit the sale of fur on their markets and receive 3 stars. City of London does not permit the sale of fur on its markets and receives 2 stars. Ely Market does not permit the sale of fur on its markets and receives 4 stars.

## 6. Equality, Diversity and Human Rights implications

- 6.1 The EQIA for the Colchester Charter Market regulations can be found here:  
<http://www.colchester.gov.uk/article/12744/Communities>

## **7. Strategic Plan References**

7.1 The links to the [Strategic Plan 2018-21](#) are:

1. GROWTH: Help make sure Colchester is a welcoming place for all residents and visitors
2. GROWTH: Work with partners to create a shared vision for a vibrant town centre.
3. OPPORTUNITY: Promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation
4. OPPORTUNITY: Help business to flourish by supporting infrastructure for start-up businesses and facilitating a Business Improvement District

## **8. Consultation**

- 8.1 The Market and Street Trading Manager has been working with all Market Traders to consolidate their ideas to the suggested amendments.
- 8.2 NABMA (National Association of Market Authorities) – no directive offered though the topic may be considered at the annual conference in September.
- 8.3 Respect for Animals – data verified by the petitioners.

## **9. Publicity Considerations**

- 9.1 We will make the Market and Street Trades aware of the revised regulations in writing and with a face to face discussion / hand delivered letter, where feasible. We will also upload an electronic copy to the Colchester website.
- 9.2 Market Traders are aware of the suggested amendments put forward.

## **10. Financial implications**

- 10.1 No immediate financial implications to note. If total fur ban agreed then there would be a small impact on Vintage themed markets as it would prohibit traders offering second-hand fur-products.

## **11. Community Safety Implications**

- 11.1 There are no specific Community Safety implications to note.

## **12. Health and Safety Implications**

- 12.1 There are no specific Health and Safety implications to note.

## **13. Risk Management Implications**

- 13.1 There are no specific Risk Management implications to note.

## **Appendices**

Appendix One – Colchester Charter Market Regulations

## **Background Papers**

None.



25 July 2018

Report of	Assistant Director of Environment	Author	Sally Harrington/Zoe Gentry ☎ 506055
Title	Licensing Committee Work Programme 2018-2019		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report sets out the current Work Programme 2018-2019 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.

## 2. Recommended Decision

- 2.1 The Committee is asked to note the contents of the Committee's Work Programme for 2018-19.

## 3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

## 4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

## 5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications

## 6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

## Licensing Work Plan May 2018 – Apr 2019

<b>25 July 2018</b>	Real Fur and other prohibited items
<b>29 August 2018</b>	Taxi Policy and Pavement Café Policy
<b>26 September 2018</b>	Gambling Act - need to be agreed for full Council
<b>14 November 2018</b>	Caravans and Park Homes – Summary
<b>12 December 2018</b>	Animal Boarding/ Breeding Summary New legislation Unmet demand survey for Hackney Carriages
<b>23 January 2019</b>	Post-Christmas summary
<b>27 March 2019</b>	TENS report and Prevention of Crime