

Minutes of the meeting of the REGULATORY COMMITTEE held on WEDNESDAY
15 MARCH 2017 at 6.51 pm

Present: Councillor Morris (Chair)
Councillors Alexander, Buckley, Geaney, Green, McDonald, Patey-Smith, Petchey, Webb, C Williams and P Williams.

Officers: N Allen (Head Of Regulatory Services), J Agar (Regulatory Unit Senior Practitioner), N Ahmad (Solicitor - Planning and Environment), S Bailey (Parking Strategy and Implementation Manager), A Burton (Rights of Way Officer), E Fisher (Senior Practitioner), L Gardner (Case Manager Litigation), L Hodgkinson (Regulatory Unit Practitioner), E Kampaite (Solicitor - Planning and Environment), A Ward (Senior Practitioner) and T Milner (Committee Manager).

Also Present: 14 Members of the public.

Apologies: Councillor Legg

RC31 MINUTES

That the Minutes of the meeting of the Regulatory Committee held on 7 December 2017, and the Minutes of the meeting of the Regulatory Sub-Committee held on 25 January 2017 be approved and signed by the Chair as correct records, subject to the Minutes of the Regulatory Committee held on 7 December being amended to show Councillor Petchey as in attendance.

RC32 DISCLOSURES OF INTEREST

Councillors Miles, Petchey and C Williams disclosed personal interests in Items 8 and 9.

RC33 CONSIDERATION OF SAFETY CERTIFICATION PROCEDURES AND TERMS OF REFERENCE FOR THE STADIUM SAFETY ADVISORY GROUP

The Committee considered Safety Certification Procedures and the Terms of Reference for the Stadium Safety Advisory Group.

Councillor Morris, on behalf of the Committee expressed her thanks to the Practitioner Licensing for the report and to all officer colleagues involved and undertaking the excellent work.

RESOLVED -

That the revised Policy and Procedure for overseeing safety certification and the Stadium Safety Advisory Group Terms of Reference documents be endorsed.

RC34 AMENDMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

The Committee considered a report in respect of the Amendment of the Hackney Carriage and Private Hire Vehicle Licensing Policy.

The Committee heard from 3 members of the Public during consideration of the item.

The Committee heard from the Senior Practitioner that since publication of the initial report, an Addendum that included an update on the Appendices and Legal comments had been provided to the Committee prior to this meeting.

The Senior Practitioner informed the Committee that he was aware of some of the issues and concerns from Taxi drivers, particularly in respect of tinted windows and rear loading. The new Policy was due to come into effect from 1 May 2017.

The Committee expressed concern that the Council was seeking to protect the public by introducing strict policy but could not restrict Taxi drivers who were working within the Borough registered with neighbouring authorities.

The Senior Practitioner recognised the concerns and informed the Committee that a new Enforcement Officer would be working mainly at the Train station, and would be taking a lead in Taxi enforcement, and paying particular attention to Taxis working in the area from other neighbouring authorities. The Senior Practitioner reassured the Committee he was working with other neighbouring authorities very closely on the issues raised, with a view to encourage the introduction of Knowledge Tests about Milton Keynes amongst other issues.

The Committee also heard that the Council would be looking to be more vigorous when inspecting Milton Keynes registered vehicles. The Chair informed the Committee that a number of Taxi drivers had sent letters to the local Members of Parliament, in addition to a letter sent to the Secretary of State for Transport, raising the issue of conformity being introduced across neighbouring areas for Taxi drivers.

In addition, the Case Manager Litigation indicated that a new Government Policy was currently being worked on and anticipated that a revised version of the Policy would be available later in the year.

The Case Manager, Litigation, responding to a question, indicated that the Policy had been reviewed to ensure that appropriate Safeguarding of children had been addressed as a result of a recent childcare issue.

The Chair confirmed that the Taxi issues were being taken seriously by the Council and that Councillors were being kept informed on the various changes due to come into effect.

RESOLVED -

That the Cabinet be recommended to adopt the draft Hackney Carriage and Private Hire Vehicle Licensing Policy, subject to the inclusion of the following changes:

- a. Page 16, paragraph 5.11 and page 24, paragraph 6.10 to put a full stop after the word 'circumstances' and to remove the remainder of the sentence; and
- b. Page 22, paragraph 6.8.3 the word 'prove' being deleted and replaced with the words 'be satisfied'.

RC35

**APPLICATION TO REGISTER LAND AT THE ORCHARD,
WOUGHTON ON THE GREEN, MILTON KEYNES, UNDER THE
PROVISIONS OF SECTION 15 OF THE COMMONS ACT 2006**

The Committee considered an application to Register Land at the Orchard, Woughton on the Green, Milton Keynes, under the Provisions of Section 15 of the Commons Act 2006.

The Committee noted that on the 16 March 2016 the Regulatory Committee had validated the guide for the Registration of Village Greens, which provided that "Should an application be received whereby the land owner is Milton Keynes Council then to ensure there is no bias it shall seek external independent advice on the application and receive a report and recommendation for the Committee to review".

The Committee heard from the Solicitor - Planning and Environment, who apologised for the limited information provided within the report and confirmed that future reports would be more comprehensive and include a thorough investigation of the application.

The Solicitor also confirmed, in respect of this application, that there had not been a request to voluntarily register the land.

The Committee heard from Councillor P Williams, who indicated that he would like to see a more flexible approach from the Council in respect the designation of Village Greens. In addition, Councillor McDonald commented about the feasibility of the voluntary registration.

The Committee heard from 1 member of the Public during consideration of the item.

RESOLVED -

That an independent expert be engaged to scrutinise the evidence to Register Land at the Orchard, Woughton on the Green, Milton Keynes, under the Provisions of Section 15 of the Commons Act 2006 and produce a written report for consideration by the Regulatory Committee to inform its determination of the application.

APPLICATION TO REGISTER LAND KNOWN AS 'THE GREEN' IN WUGHTON ON THE GREEN, MILTON KEYNES AS A VILLAGE GREEN UNDER THE PROVISIONS OF SECTION 15 OF THE COMMONS ACT 2006.

Further to minute RC06, of the meeting held on 5 July 2016, the Committee considered the application to register land known as 'The Green' Woughton on the Green, Milton Keynes to be registered as a Village Green under Section 15 of the Commons Act 2006. The Committee received additional papers produced since the publication of the report and heard from the applicant, 1 resident of Woughton on the Green and the Chair of Woughton Heritage Group during consideration of the item.

It was reported that Councillors McDonald and Morris had visited the site on 13 March 2017, and had found neither any fencing in place, nor any signs to suggest the area in question had previously been fenced off. Likewise no information had been provided to the Committee to suggest otherwise. The Committee also noted that the area surrounding the application site was designated as a Village Green.

The Committee heard from the Solicitor - Planning and Environment that she appreciated the need for councillors to be clear on the statutory test for an application to meet the criteria for designation as a Village Green.

A number of comments were raised by the Committee in respect of the application, as follows:

- insufficient information on public usage of the area had been provided;
- the Committee should seek additional information from the applicant in respect of all 3 sections to support the request for Village Green status;
- the report from Counsel provided insufficient information, including a lack of legal advice and information on the application and additionally did not take resident's feedback on the application into consideration;
- If the Committee required further evidence, the detail would not now be available until June or July 2017 at the earliest; and

The Committee was requested to consider the evidence that had been provided, particularly the significant lawful evidence in respect of the area's usage over the past 20 years.

The Committee expressed concern that the information that had initially been requested by the Committee on the application had, in its view, not been fully provided by officer colleagues. In response,

the Solicitor - Planning and Environment reminded the Committee that further evidence and information could be provided.

Councillor Morris moved and Councillor Buckley seconded that the officer's recommendation to refuse the application on the merits provided be not agreed.

On being put to the vote the proposal to refuse the officers' recommendation was carried.

Councillor P Williams moved and Councillor Webb seconded the following motion on which a recorded vote was requested:

That the application for Land at The Green, Woughton on the Green ("the Land") to be registered as a Town and Village Green pursuant to Section 15 of the Commons Act 2006 ("the 2006 Act") be granted.

The voting was as follows:

FOR:	Councillors Alexander, Geaney, Green, McDonald, Morris, Patey-Smith, Petchey, Wallis Webb and P Williams (10)
AGAINST:	Councillors Buckley and C Williams (2)
ABSTENTIONS:	(0)

The motion was declared carried.

RESOLVED -

That the application for Land at The Green, Woughton on the Green ("the Land") to be registered as a Town and Village Green pursuant to Section 15 of the Commons Act 2006 ("the 2006 Act") be granted.

RC37

CHAIRS ANNUAL REPORT TO COUNCIL

The Committee considered the Chair's Annual Report to Council.

The Chair expressed her thanks to the Committee for the continued support and to officer colleagues for attendance during meetings through 2016/17.

RESOLVED –

That the Annual report be noted and referred to Council.

RC38

CORPORATE ENFORCEMENT POLICY

The Committee noted that the Corporate Enforcement Policy had been considered at the Licensing Committee meeting earlier in the evening.

RESOLVED -

That guidelines to aid the Committee when dealing with enforcement issues be drawn up and used at future meetings of the Regulatory Committee.

THE CHAIR CLOSED THE MEETING AT 9.06PM