

RECONVENED REGULATORY SUB-COMMITTEE AGENDA

(RECONVENED FROM THE 30 SEPTEMBER 2010
AND 26 JANUARY 2011)

MONDAY 14 MARCH 2011
6.00 PM

ROOM 3
CIVIC OFFICES
CENTRAL MILTON KEYNES

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Councillors: Box, Bradburn, Eastman and Mallyon

If you have any enquires about this agenda please contact John Zammit, Committee Manager, Tel: (01908) 252484 or E-mail: John.Zammit@milton-keynes.gov.uk

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Meeting Attended: Regulatory Sub Committee

Date of Meeting: 14 March 2011

Comments:.....
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Contact details:.....

1. Chair's Announcement

The Chair to welcome and introduce all in attendance at the meeting.

2. Apologies for Absence

3. Regulatory Sub-Committee Procedure

The Chair will outline the procedure to be followed by the Regulatory Sub-Committee for Licence Reviews (**Pages 4 to 5**) and Licence Applications (**Pages 6 to 7**).

4. Exclusion of Public and Press

Press and Public had been excluded from the original meetings by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Committee could consider the following matters:

- (a) Review of Private Hire and Hackney Carriage Renewal Application (originally considered on the 30 September 2010)
- (b) New Applicant for Private Hire and Hackney Licences (originally considered on the 26 January 2011)

5. Review of Private Hire and Hackney Carriage Renewal Application (Reconvened from 30 September 2010)

To consider Item 5 which is not for publication by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972.

Papers from the original meeting on 29 September 2010 have been attached at Item 5 (**Distributed separately**).

6. New Applicant for Private Hire and Hackney Licences (Reconvened from 26 January 2011)

To consider Item 6 which is not for publication by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972.

Papers from the original meetings on 26 January 2011 have been attached at Item 6 (**Distributed separately**).

REGULATORY SUB-COMMITTEE PROCEDURE FOR DEALING WITH REVIEW HEARINGS FOR DRIVER'S WITH A LICENCE

1. The Chair to propose excluding the public and press representatives by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Sub-Committee may continue with the hearing.
2. On being seconded, voted upon and carried, the public, press and officers with no connection with the item, leave the room.
3. The Chair will introduce the Sub-Committee Members and Officers and explain their roles for the purpose of the hearing.
4. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:
 - (a) The Enforcement Officer will introduce his report, but make no recommendations regarding a decision on issues to be considered by the Sub-Committee. The Enforcement Officer is permitted to call any witness or present any information in support of their case.
 - (b) The Sub-Committee may ask questions of the Enforcement Officer.
 - (c) The License Holder or the Licence Holder's representative may ask questions of the Enforcement Officer.
 - (d) The License Holder or the License Holder's representative will then present their case. The Licence holder is permitted to call any witnesses or present any information in support of their case.
 - (e) The Licensing Officer has the opportunity to ask questions of the License Holder or the License Holder's representative.
 - (f) The Sub-Committee may ask questions of the License Holder and the License Holder's representative.
 - (g) Parties will be invited to sum up their case in the following order:
 - (i) The Enforcement Officer will be invited to sum up his case.
 - (ii) The Licence Holder or the Licence Holder's representative will be invited to sum up their case.
 - (h) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only officers who may remain with the Sub-Committee during its adjournment shall be the Committee Manager and the legal advisor.
 - (i) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the

decision of the Sub-Committee and any conditions made, with the reasons for those conditions.

5. The Regulatory Sub-Committee may choose to take one of the following options:
 - (a) Formal caution
 - (b) Suspension of his Private Hire driver licence and Hackney Carriage driver licence for a period considered appropriate.
 - (c) Revocation of Private Hire driver licence and Hackney Carriage driver licence.
6. The Committee will reconvene and inform all present of its decision. If the Licence Holder is not present during this part of the meeting a letter will be sent to the Licence Holder within 5 working days of the hearing.
7. If the Sub-Committee decides to revoke or suspend a licence, the Licence holder has the right to appeal to the magistrate's court within 21 days of notification.

At any stage, the Committee may seek 'advice/clarification' from its legal representative, adjourning the meeting if necessary.

**REGULATORY SUB-COMMITTEE
PROCEDURE FOR DEALING WITH HEARINGS
FOR DRIVER LICENCE APPLICATIONS**

1. The Chair to propose excluding the public and press representatives by virtue of Paragraph 2 (Information which is likely to reveal the identity of an individual) and Paragraph 3 (Information relating to the Financial or Business Affairs of a Particular Person (including the Authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Sub-Committee may continue with the hearing.
2. On being seconded, voted upon and carried, the public, press and officers with no connection with the item, leave the room.
3. The Chair will introduce the Sub-Committee Members and Officers and explain their roles for the purpose of the hearing.
4. The Chair will explain the procedure to be followed by the Sub-Committee, which will normally take the form of:
 - (a) The Enforcement Officer will introduce his report, but make no recommendations regarding a decision on issues to be considered by the Sub-Committee. The Enforcement Officer is permitted to call any witness or present any information in support of their case.
 - (b) The Sub-Committee may ask questions of the Enforcement Officer.
 - (c) The applicant or the applicant's representative may ask questions of the Enforcement Officer.
 - (d) The applicant or the applicant's representative will then present their case. The applicant is permitted to call any witnesses or present any information in support of their case.
 - (e) The Licensing Officer has the opportunity to ask questions of the applicant or the applicant's representative.
 - (f) The Sub-Committee may ask questions of the applicant and/or the applicant's representative.
 - (g) Parties will be invited to sum up their case in the following order:
 - (i) The Enforcement Officer will be invited to sum up his case.
 - (ii) The applicant or the applicant's representative will be invited to sum up their case.
 - (h) The Sub-Committee will be invited to adjourn to come to its decision. Upon adjournment, all parties will withdraw, directly or through retirement of the Sub-Committee. The only officers who may remain with the Sub-Committee during its adjournment shall be the Committee Manager and the legal advisor.
 - (i) Where the Sub-Committee has to make a decision at the end of the hearing, all parties will be called back and informed orally of the decision of the Sub-Committee and any conditions made, with the reasons for those conditions.

8. The Regulatory Sub-Committee may choose to take one of the following options:
 - (a) Grant the application
 - (b) Refuse the application
9. The Committee will reconvene and inform all present of its decision. If the Licence Holder is not present during this part of the meeting a letter will be sent to the Licence Holder within 5 working days of the hearing.
10. If the Sub-Committee decides to refuse a licence, the applicant has the right to appeal to the magistrate's court within 21 days of notification.

At any stage, the Committee may seek 'advice/clarification' from its legal representative, adjourning the meeting if necessary.