

## ITEM 4(c)(ii)

### **Annual Report 2017/18 from the Chair of the Licensing and Regulatory Committees**

This is my fourth Chairman's report to Council, from Regulatory and Licensing Committees. I'm very pleased that this report is far more "business as usual" rather than having to report on major incidents that may have happened through the year. This doesn't mean we don't have ongoing challenges, cross boarding hiring of taxis being the most obvious.

The committees both continue to look in more detail at more and more areas within our areas of responsibility and I'm extremely grateful for the support I receive from all members of the committee and particularly the vice-chairs Councillors Chris Williams and Norman Miles. The Committee and I rely greatly on the input of numerous officers supporting the committees in different ways, all of whose involvement is vital. I would specifically like to thank Jane Crighton, who has given enormous help for a number of years now.

#### **Regulatory Committee**

##### **Taxi Licensing**

###### **(a) Introduction**

The Taxi Licensing Service has continued to make service improvements whilst combatting the increasing numbers of out of town vehicles operating in Milton Keynes that are licensed by the neighboring authorities.

###### **(b) Restructure**

A restructure of the Service was carried out and completed in the summer in order to make the Service more efficient for the licence payers.

###### **(c) Regulatory Committee Decisions in 2017**

The Regulatory Committee has continued to receive reports from the Taxi Licensing Service and has worked closely with officers in reviewing, refining and amending the Taxi Licensing Policy. Over the last year the Committee has approved the following:

- Holding fees at the same level for second year;
- Imposing a maximum age limit of 10 years on all vehicles;
- Allowing rear loading Hackney Carriage wheelchair vehicles;
- Requiring drivers of wheelchair vehicles to undertake training;
- Reducing burdens on the trade by granting 12 month licences and testing vehicles only twice a year; and
- Imposing new conditions on Operators to combat plying for hire.

The Regulatory Sub-Committee sat on two occasions in the last year to consider applications to renew an operator license and a driver license.

(d) **High Court Appeal**

The Taxi Licensing Service, after taking independent legal advice, took the first prosecution in the Country under the Deregulation Act 2016 on the basis that an unlawful sub-contract arrangement had taken place. The arrangement resulted in a Milton Keynes operator dispatching a vehicle licensed by another Council without evidencing the appropriate transfer and acceptance took place. The High Court ruled against the Council's position.

(e) **Taxi Engagement**

The two Vice-Chairs of the Committee and I regularly meet with the Hackney Carriage and Private Hire trades. These meetings have proven constructive and over the last year have allowed wider discussion to take place in terms of ranks, parking spaces and pick up and drop off areas which allows us to feed in to the wider transport picture.

Officer colleagues continue to work with neighbouring districts to try to ensure consistency in taxi licensing across the region.

## **Regulatory Services**

(a) **Fees and Charges for Regulatory Services**

In light of the **Hemmings v Westminster City Council** judgment it was considered prudent for councils to reviewed the costs covered by their licence fees to ensure that the fees no longer reflect costs of addressing unlicensed business activity. We took this opportunity to ensure that our licence fees are based on an up to date cost recovery approach, which is transparent and can be understood by both businesses and residents alike.

This was a complicated and time consuming project, but it was made easier by the activity time recording that had been established in this area over a number of years. We now have a bespoke designed template in place, so it will be possible to annually review our fees and charges.

(b) **Street Trading Policy**

Since the adoption of our Street Trading Policy in 2016 it has been proven to be a useful document and it is a live document which is open to review at any time. We have recently had comments by local traders about the scope of the restrictions covered by the Policy and have therefore made some amendments and additions so that it is clearer in how it applies to traders within multi outlet buildings.

(c) **Noise Policy**

As with other areas of regulation it is useful, if not essential, to have a policy that can direct the way in which we approach our response to different situations. It has been a concern for some time that Regulatory Services did not have a policy showing our approach in

dealing with noise nuisance. Therefore a new policy has been drafted and consulted upon with councillors, town and parish councils and other relevant responsible authorities. Their responses have been evaluated and a report with the new policy will be presented at the next Regulatory Committee.

(d) **Procedure for Safety Certification in Milton Keynes**

We have reviewed and updated our policies and procedures regarding safety certification at the Stadium:MK including the terms of reference for the safety advisory group. We have been audited by the Safety at Sports Ground Authority which has confirmed that there are no outstanding actions for the Council to take.

## **Licensing Committee**

(a) **Casino Licensing**

The Casino brings considerable amounts of income to the Council and the Committee has considered how this money is being used within the Council to achieve the "greatest benefit". At the request of the Committee the next annual report submitted to the Committee will include a more detailed breakdown of income and expenditure from the Casino with the information being made publically available.

(b) **Site Inspections**

Over the last year site inspections have been implemented to help Licensing Sub-Committee members to better gauge the issues relating to contested licensing/gambling applications. This approach has been positive in achieving a better understanding of the location, proximity of neighbours and the local issues that are being expressed to the Sub-Committee.

The feedback from councillors and officers is that the inspections are proving useful and certainly giving a better understanding in some cases as to the reason for the objections that are being made. It is therefore the intention to continue with the pre-hearing inspections where they are deemed appropriate.

(c) **Statement of Licensing Policy**

The Licensing Policy, which was first adopted in 2013, needs to be reviewed every 5 years. It is for that reason that the policy has recently been updated with legislative and other changes. The policy has been widely consulted upon with councillors, town and parish councils and other relevant responsible bodies.

The many replies were reviewed by the Committee along with recommendations from officer colleagues on whether the Policy should be changed.

(d) **Gambling Inspections**

During 2017 officer colleagues visited a large number of gambling premises to check on gaming machines and compliance with conditions. The outcome of the visits was that the premises in Milton Keynes are generally good.

(e) **The Licensing Sub-Committee**

The Licensing Sub-Committee has held 7 Hearings during 2017/18, hearing applications for premises licenses or variation to existing licenses.

**Village Greens**

Village Green applications continue to be considered by the Committee. We previously agreed a robust process for dealing with these applications, which has improved the applicant's experience and we continue to review the process with the aim of improving further.

Details of all registered Town and Village Greens and current pending applications, including all internal and external costs incurred by the Council relating to Village Green applications are set out below. Internal costs are a combination of rights of way and legal staff costs. External costs are a combination of external legal advice fees and costs incurred by Milton Keynes Council as landowner.

Transferred List										
A. N.	Date	Area	Stage	Applicant	area (ha)					
6 VG6	01.01.1967	Bletchley	R	Bletchley UDC	0.14					
103 VG103	06.12.1979	Moulsoe	R	Moulsoe PC	0.06					
105 VG105	27.01.1978	N' Crawley, N of parish church	R	North Crawley PC	0.1					
106 VG106	27.01.1978	N' Crawley, Lodge to Crawley Grange	R	North Crawley PC	0.1					
107 VG107	27.01.1978	N' Crawley, land E Rookery Farm	R	North Crawley PC	0.41					
75 VG75	04.10.1978	Ravenstone Playing Field	R	Ravenstone PC	0.21					
67 VG67	27.01.1978	Shenley Brook End,	R	Shenley Brook End PC	0.51					
68 VG68	27.01.1978	Shenley Brook End,	R	Shenley Brook End PC	0.11					
52 VG52	05.07.1973	Sherrington	R	Sherrington PC	0.13					
7 VG7	05.07.1973	Simpson, NW of Church St Thomas	R	Bletchley UDC	0.03					
8 VG8	13.07.1973	Bletchley	R	Bletchley UDC	0.15					
15 VG15	01.10.1970	Stony Stratford, Horsefair Green	R	Wolverton UDC	0.22					
5 VG5	2.4.1967	W-on-the-Green, The Green (part)	R	Mr J R Shirley	3.3					
11 VG11	23.05.1983	W-on-the-Green, The Green (part)	R	Mr W F Clarkson	2.67					
Milton Keynes Council Applications										
AN: - Application number										
AN	Date	Area	Stage	Applicant	ha	Registered	Costs (£)		Total £	
1 TV1	16.10.12	Great Holm	RS	Mr Ballantyne	0.13	Yes	1,440	7,420	8,860	
2 TV2	29.01.13	Fenny Stratford	RF	Mr T M James	0.02	No	12,378	20,980	33,358	
3 TV3	18.03.14	Woughton Play Fields	RF	Dr A S Humphries	14.59	No	15,218	7,644	22,862	
4 TV4	27.10.14	Passmore	RS	Mr M Blomley	1	Yes	625	2,394	3,019	
5 TV9	18.11.14	The Paddocks	RF	Mr P T McDonald	8.74	No	10,025	1,498	11,523	
6 TV10	27.02.15	Woughton Park	RS	Mr S Bennet	1.17	Yes	625	1,016	1,641	
7 TV12	22.01.16	The Green	RS	Mr P Nash	0.77	Yes	1,200	826	2,026	
8 TVG13	16.09.16	The Orchard	RF	Mr R Brown	1.73	No	0	4,424	4,424	
9 TVG16	15.08.17	Woolstones Play area green	V	Mrs L-C Looi	0.32		N/A	N/A		
									87,713	

Key	Stage	DM V C CD I RS RF	Duly Made Validation Committee Committee Decision Inquiry Resolved Application Successful Resolved Application Failed
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UDC	Urban District Council
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