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REGULATORY COMMITTEE

When: 6.35 pm
(or on conclusion of the Licensing Committee)
Thursday 25 March 2021

Where: Online

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Public Questions

The deadline for the submission of public questions is 6:35 pm on Tuesday 23 March 2021 and should either be delivered to the address below or sent by email to meetings@milton-keynes.gov.uk

Public Speaking

Persons wishing to speak on an agenda item must give notice by not later than 6.20 pm on the day of the meeting. Requests can be sent in advance by email to meetings@milton-keynes.gov.uk

Enquiries

Please contact Jane Crighton on 01908 252333 or jane.crighton@milton-keynes.gov.uk

Members

Councillor Legg (Chair)
Councillors Baines, Bowyer, Brackenbury, Carr (substitute for Councillor Alexander) Cryer-Whitehead, Exon, Lancaster, Marlow (Vice-Chair), Miles, Nazir, Trendall, Wallis and Williams and 1 Labour vacancy

This agenda is available at <https://milton-keynes.cmis.uk.com/milton-keynes/Committees.aspx>

Agenda

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AGENDA

1. Apologies of Absence

2. Declarations of Interest

Councillors to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

3. Minutes

To approve, and the Chair to sign as a correct record, the Minutes of the meeting of the Regulatory Committee held on 28 October 2020 (Item 3) (Pages 4 to 8).

4. Update on Amendment to Street Trading Restrictions in Central Milton Keynes (Station Square)

To consider Item 4 (Page 9)



Minutes of meeting of the REGULATORY COMMITTEE held on WEDNESDAY 28 OCTOBER 2020 at 7.02 pm

Present: Councillor Legg (Chair)
Councillors Akter, Alexander (Vice-Chair), Baines, Bowyer, Brackenbury, Cryer-Whitehead, Exon, Lancaster, Marlow (Vice-Chair), Miles, Nazir, Trendall, Wallis and Williams

Officers: N Allen (Head of Regulatory Services), S Teesdale (Licensing and Business Manager), J Agar (Taxi Licensing Lead), E Fisher (Senior Licensing Officer), B Lewis (Head of Property and Facilities), M Tiley (Solicitor - Litigation) and J Crighton (Committee Manager)

RC03 DECLARATIONS OF INTEREST

None received.

RC04 MINUTES

RESOLVED -

That the Minutes of the meetings of the Regulatory Committee held on 11 March 2020 and the special meeting held on 20 May 2020, together with the meetings of the Regulatory Sub-Committee held on 14 July 2020 and 30 July 2020, be approved by the Chair as correct records.

RC05 AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING PROCEDURES AND CONDITIONS DOCUMENT

The Committee received a report from the Taxi Licensing Lead on the Amendments to the Hackney Carriage and Private Hire Licensing Policy and the Hackney Carriage and Private Hire Licensing Procedures and Conditions.

The Committee noted that, in July 2020, the Department for Transport (DfT) had published a report on Taxi and Private Hire Vehicle Standards. The report set out recommendations to improve the suitability of individuals and operators to be licensed to safeguard children and vulnerable adults.

There had been 42 recommendations from the DfT of which 23 were already included in the Council's Hackney Carriage and Private Hire Licensing Policy.

The DfT had recommended new conviction guidelines for the granting of driver licenses. The guidelines, if adopted by all councils, would create a national standard across the industry in England and Wales, which would significantly reduce the risk of applicants applying to multiple councils until they were eventually granted a licence.

The DfT had consulted with the licensed trade, regulators and safety campaign groups across England and Wales in preparing the recommendations. The Council had actively taken part in the consultation process, with the public, local taxi / Private Hire trade and MK Together being made aware of the recommendations.

RESOLVED -

1. That the amendments to the Hackney Carriage and Private Hire Licensing Procedures and Conditions document be approved and come into effect once Cabinet has approved the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy).
2. That Cabinet be recommended to approve the amendments to the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy).

RC06

COUNCIL VEHICLE TESTING - TAXI LICENSING SERVICE

The Committee received a report from the Taxi Licensing Lead on the Council Vehicle Testing - Taxi Licensing Service.

The Committee noted that, in March 2020, the Council had suspended Hackney Carriage and private hire in-house vehicle testing due to the Covid-19 Pandemic.

It was reported that, in June 2020, due to the financial impact of the Pandemic on the Council's finances, a rapid service review of the Taxi Licensing Service had been conducted. The service review concluded that the Council's vehicle testing service at Synergy Park was too expensive and vehicle testing could be successfully provided, without compromising public safety, by local private firms. By allowing local firms to conduct vehicle testing this would:

1. support local businesses (garages) by providing Hackney Carriage and private hire vehicle testing and potential repair work;
2. reduce inspection costs for vehicle proprietors; and
3. save the Council expenditure by removing Council workshop and associated costs.

The Committee noted that, since March 2020, the Council had accepted an MOT certificate as proof that a licensed vehicle was roadworthy and had ensured that any advisories had been completed in accordance with the Council's policy and conditions. In addition,

specialised Council Enforcement Officers had also conducted daily foot, Rank and roadside patrol checks on vehicle safety.

It was reported that if officers were concerned about a vehicle, they had authority to suspend it until all works had been carried out.

The Committee noted that a procurement exercise would not be required as licence holders would use DVLA approved MOT garages.

It was reported that licence holders currently had two vehicle tests and one MOT test per year, at a cost of £176.85. If the service was outsourced, licence holders would only have to pay for one MOT per year, at a cost of £54.85, which would be beneficial to local garages as current demand was down by 50%.

RESOLVED -

1. That the reference to the Council's in-house vehicle testing be removed from the Hackney Carriage and Private Hire Licensing Procedures and Conditions document and the condition 'that all vehicle licence holders to provide one MOT certificate per year from local MOT firms' be added, be approved.
2. That Cabinet be recommended to approve the removal of the reference to Council's in-house vehicle testing from the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy) and allow all licence holders to produce one MOT certificate from local MOT firms per year.
3. That a further report on Council Vehicle Testing - Taxi Licensing Services be brought to the Committee in six months' time.

RC07

VEHICLE AGE LIMIT (HACKNEY CARRIAGES AND PRIVATE HIRE)

The Committee received a report from the Taxi Licensing Lead on the Vehicle Age Limit (Hackney Carriage and Private Hire).

The Committee noted that, at the meeting of the Regulatory Committee held on 25 November 2019, a private hire operator had requested that the six-year vehicle age limit for new licenses be removed from the Council Policy as they had found it difficult to fund / source vehicles for school transport that were less than six years old.

It was reported that the responsible Cabinet member, under delegated powers, in considering the views of Taxi Licensing officers, the Head of Transport and the Chair and Vice-Chairs of the Committee, had concluded that the following take effect from 1 June 2020:

- (a) if a vehicle had previously been licenced by the Council from 1 March 2020 then it would be re-licensed if it is under ten years of age. Existing Hackney Carriage / private hire vehicle licence holders could licence a new vehicle up to ten years old;

- (b) if a vehicle had not previously been licensed by the Council then it could be licensed only if it is a Hybrid (low emission) vehicle and is less than ten years old; and
- (c) in all other circumstances, the Council would not grant a new licence in respect of a vehicle that is over six years of age.'

RESOLVED -

That the report be noted.

RC08 REVIEW OF LOCALLY SET FEES FOR VARIOUS REGULATORY REGIMES

The Committee received a report from the Senior Licensing Officer on the Review of Locally Set Fees for Various Regulatory Regimes.

The Committee considered the suggested level of fees with effect from April 2021.

It was noted that the Council was not permitted to generate an income from license fees; but could charge such fees as reasonable to cover the work undertaken in the processing, consideration, determination and granting of certain licences it administered.

The Committee noted that, following the recent review, a limited number of fees had been assessed as being too high, with some being too low. However, the majority of fees appeared to be correct. The overall impact of the changes would be a increase in overall income over the next two-year period.

RESOLVED -

1. That the proposed fees be endorsed and adopted by due process for implementation in the next financial year.
2. That a review of the fees be implemented from September 2022.

RC09 MILTON KEYNES SAFETY ADVISORY GROUP CONSTITUTION AND GUIDANCE DOCUMENT

The Committee received a report from the Licensing and Business Manager on the Milton Keynes Safety Advisory Group's Constitution and Guidance Document.

The Committee noted that, in 2019, the Emergency Planning College updated its "UK Good Practice Guide to Working in Safety Advisory Groups". This document was used by local authorities to inform their Safety Advisory Groups.

It was noted that the Group's Constitution provided a framework as to how it and its members would operate. This was very important because there was no statutory framework currently in place for this purpose.

The Committee noted that the Guidance would be available to event organisers.

It was reported that the revisions to the Group's Constitution and Guidance had been sent to members of the Safety Advisory Group and the responses had been incorporated in the final documents.

RESOLVED -

1. That the Safety Advisory Group Constitution be noted.
2. That the Guidance for Events Managers be noted.

THE CHAIR CLOSED THE MEETING AT 8.02 PM

DRAFT

