

Minutes of the meeting of the REGULATORY COMMITTEE held on WEDNESDAY
14 MARCH 2018 at 6.47 pm

Present: Councillor Morris (Chair)
Councillors, Buckley, Exon, Geaney, Green, Legg, McDonald, Miles,
Patey-Smith, Petchey, Wallis, Webb, C Williams and P Williams

Officers: N Allen (Head of Regulatory Services), S Teesdale (Licensing and
Business Manager), S Bailey (Strategic Lead Parking and Taxis),
L Gardner (Case Manager - Litigation), N Ahmad (Senior Solicitor),
J Agar (Regulatory Unit Senior Practitioner), K Evans (Senior
Enforcement Officer), E Fisher (Senior Practitioner), R Armstrong
(Rights of Way Officer), A Ward (Senior Practitioner) and S Heap
(Committee Services and Scrutiny Manager)

Also Present: 29 members of the public.

Apologies: Councillor Alexander

RC24 MINUTES

RESOLVED -

That the Minutes of the meeting of the Regulatory Committee held
on 13 December 2017 be approved and signed by the Chair as a
correct record, subject to Councillor McDonald's apologies being
recorded.

RC25 DISCLOSURES OF INTEREST

Councillor Buckley advised the Committee that the law firm in which
he was a Partner had acted for the taxi company in the High Court
Case referred to in Item 10 (Proposals to Deal with Excessive Levels
of Cross-Border Hiring and its Impact on Milton Keynes Residents
and Taxi Licensing), however he had had no involvement in the
Case.

**RC26 REFERRAL FROM COUNCIL - 21 FEBRUARY 2018: SINGLE
USE PLASTICS AND DISPOSABLE CUPS**

Further to Minute CL108 of the Council's meeting held on 21
February 2018, the Committee considered, at the request of the
Council if there were any recycling requirements that could be
placed on all licensed premises, within current legislation on single
use plastics and disposable cups.

RESOLVED -

That the Committee receive a report at a future meeting on whether there are requirements with regard to recycling Single Use Plastics, including plastic drinking straws and Disposable Cups that could be placed on all licensed premises, within current legislation.

RC27

AMENDMENTS TO MILTON KEYNES COUNCIL STREET TRADING POLICY AND DEREGULATION OF CITY SQUARE

The Committee considered the possibility of making minor amendments to the Milton Keynes Street Trading Policy and to consult on the request of deregulating City Square in Central Milton Keynes.

The Committee noted that the Council's Street Trading Policy had been adopted on 1 April 2017 and that there was a duty to review the Policy every three years, so was next due for review in 2020. However, a review could be triggered at any time by a change in legislation or other relevant factors, or the Policy amended without consultation when the amendments were minor.

It was reported that since the adoption of the Policy, it had been identified that a number of amendments to the Policy would provide additional clarity, specifically if the Policy was amended:

- (a) to clarify that the 60 metre boundary of designated streets did not apply to any internal shopping mall (i.e. Centre:MK); permanent structures with covered areas (i.e. INTU); and the outdoor walkways within the shops jurisdiction. This will apply to all premises of this type within the Borough (Clause 2.4);
- (b) to clarify that it was a mandatory requirement that the street trading consent permit summary should be displayed within a food mobile when trading, in a place where it could be easily read by members of the public (Appendix A section 22);
- (c) by expanding the mandatory minimum food hygiene rating requirement at Clause 10.2 (e);
- (d) by expanding the Market exemption definition at Clauses 24.4 and 24.5; and
- (e) by expanding the Community event exemption definition at Clause 2.3.1

It was also reported that the Council has received a request from Cripps/Hermes Investment Management to consider deregulating City Square, so that the 60 metre Prohibited Boundary of Saxon Gate and Silbury Boulevard did not apply.

RESOLVED -

1. That Cabinet be recommended to adopt the amendments to the Street Trading Policy, as highlighted in the Policy Document circulated with the agenda.

2. That a consultation be undertaken on the deregulation of City Square, the results of which are reported to the next available meeting of the Committee.

RC28

REGISTERED TOWN AND VILLAGE GREENS AND CURRENT APPLICATIONS

The Committee considered an updated list (further revised at the meeting) of all registered Town and Village Greens and current pending applications, which also detailed all internal and external costs incurred by the Council relating to Village Green applications.

It was reported that internal costs were a combination of rights of way and legal staff costs, and external costs were a combination of external legal advice fees and costs incurred by Milton Keynes Council as landowner.

The Committee also considered elements of the procedure for processing village green applications, particularly in respect of land in Council ownership, the possibility of the Council registering potential village greens voluntarily and the involvement of councillors in the decision making process.

RESOLVED -

1. That the procedure for processing village green applications be amended to include that prior to the submission of a village green application in respect of Council owned land, applicants be provided with a copy of the Land Transfer document showing the Terms and Conditions on which the land was transferred.
2. That the Cabinet, or responsible Cabinet member be requested to consider implementing a voluntary village green registration procedure.

RC29

CHANGE IN TAXI APPLICATION PROCESS (ONLINE SERVICES) AND SAFEGUARDING AND CHILD SEXUAL EXPLOITATION TRAINING

The Committee consider suggested amendments to the application process outlined in the Hackney Carriage and Private Hire (Taxi) Policy, specifically:

- (a) the provision of online applications;
- (b) Disclosure and Barring Service checks being carried out by a third party service to provide a more convenient and cheaper service to the driver;
- (c) making the application process more user friendly and streamlined by rescheduling where in the process the various checks and training are carried out; and
- (d) by clarifying around the acceptance of non-British driving licenses.

The Committee also considered the possibility of an additional condition being imposed to require drivers to undertake Safeguarding and Child Sexual Exploitation training.

The Committee noted that Hackney Carriage and private hire drivers were licensed under the Local Government (Miscellaneous Provisions) Act 1976 and that the Council had adopted its Hackney Carriage and Private Hire (Taxi) Policy in 2014.

The Committee heard from two members of the public during consideration of this item.

RESOLVED -

1. That the Cabinet be recommended to approve the changes to Appendix B and D of the Policy with regard to the Taxi Application Process.
2. That the following condition be added to all combined private hire and Hackney Carriage driver licences:
 - (a) GB.22A "The licence holder shall attend a training session on Safeguarding and Child Sexual Exploitation as directed by the Council."; and
 - (b) Cabinet be requested to change the Hackney Carriage and Private Hire (Taxi) Policy to reflect the new Condition.

RC30

PROPOSALS TO DEAL WITH EXCESSIVE LEVELS OF CROSS-BORDER HIRING AND ITS IMPACT ON MILTON KEYNES RESIDENTS AND TAXI LICENSING

The Committee noted that there had been a significant increase in private hire vehicles licensed by other councils working within this Council's boundary over the past 2-3 years.

It was reported that recent results obtained from the independent Unmet Demand Survey and the Council's Taxi Enforcement Team showed that 50% of private hire vehicles working in Milton Keynes were licensed by neighbouring districts. During the same period the number of private hire vehicles in the UK has increased by 14% whereas the number of vehicles licensed by the Council had fallen by 20%, as a result with the number of out of district vehicles growing, and the number of Milton Keynes private hire vehicles falling, the impact of the Council's Policy aimed at protecting Milton Keynes residents was diminishing.

It was also reported that results of enforcement activity carried out so far in 2018 showed that 15% of the Council's licensed vehicles that were checked were defective compared to 24% of non- Milton Keynes licensed vehicles.

The Committee accordingly considered proposals to recommend changes to the Council's Taxi Policy in an attempt to reverse the trend for increasing numbers of private hire vehicles licensed by

other councils working within Milton Keynes in order to have more vehicles and drivers licensed by this Council and therefore subject to its higher policy standards.

The Committee accordingly considered potential measures which the Council could take to encourage the take up of licenses issued by Milton Keynes Council, which included replacing the Driver Induction and Knowledge Test with a new procedure known as Driver Assessment Suitability which was of an equal or higher standard to the current testing arrangements, and the associated fee, and changing certain conditions to reflect current circumstances. However, the Committee was of the view that any changes should not diminish the service or safety currently provided to Milton Keynes residents by vehicles licenced by the Council.

The Committee heard from two members of the public during consideration of this item who, amongst other matters, referred to problems being experienced by Hackney Carriage drivers at the Station Square and Midsummer Boulevard Ranks with the Ranks being used by other than Hackney Carriage Vehicles for drop off, collection and parking, which the officers undertook to investigate.

RESOLVED -

1. That the Cabinet, following consultation with the Taxi Trade on the recommended changes to the Driver Induction and Knowledge Test, be recommend to consider abolishing the current fee for the Driver Induction and Knowledge Test for all new applicants and replacing the tests with a new procedure known as Driver Assessment Suitability which is of an equal or higher standard to the current testing arrangements, together with details of how the Driver Assessment Suitability test will be implemented and structured.
2. That the Cabinet be recommend to remove the restriction that vehicles cannot have rear tinted windows by amending Condition A2.52 of Appendix A of the Taxi Licensing Policy to read:
"Side and rear windows will not have a visual light transmission restriction but they can only be installed by the vehicle's manufacturer. Adhesive window tints of any shade are not accepted for any licensed vehicle."

RC31

UNMET DEMAND SURVEY 2018

It was reported that the Council limited the number of Hackney Carriage Vehicle licences it issued to 138. Government guidance was however that councils should not have a Hackney Carriage Vehicle limit, but if they did, the council should satisfy itself that there was no unmet demand for Hackney Carriage Vehicle licences every 3 years. As a result the Council had carried out an Unmet Demand Survey in the autumn of 2017, which had found that if a limit should remain the limit should be set at 137 vehicles.

The Committee accordingly considered if a limit on Hackney Carriage Vehicle numbers should remain, noting that the survey only related to Hackney Carriage vehicles acting in a public hire capacity from a rank and took no account of the increasing number of journeys using private hire vehicles. As part of its consideration the Committee noted the possible economic effect on drivers and the potential impact of removing the limit.

The Committee heard from six members of the public during consideration of this item

RESOLVED -

That the limit on the number of Hackney Carriage Vehicles licences that will be granted by Milton Keynes Council be set at 137 vehicles and officers colleagues requested to prepare a report, in consultation with representatives of the Hackney Carriage Trade, outlining the steps that the Council could take to bring the number of vehicles down to the 137 limit within a timescale to be agreed between the Council and the Trade.

RC32

DATE OF THE NEXT MEETING

The Committee noted that the date of the next meeting of the Committee was scheduled for Tuesday 26 June 2018 at the conclusion of the Licensing Committee meeting.

THE CHAIR CLOSED THE MEETING AT 10.11 PM