



Minutes of the meeting of the REGULATORY COMMITTEE held on WEDNESDAY
29 JUNE 2011 at 17.36 pm

Present: Councillor Burke (Chair)
Councillors Barry, Bradburn, Box, Clarke, Exon, Kennedy,
McKenzie, Tallack, Tamagnini-Barbosa and Wright

Officers: P Winsor (Assistant Director – Regulatory Services), E Fisher
(Senior Licensing Officer), I Ali (Principal Solicitor), D Imbimbo
(Committee Manager).

Apologies: Councillor Miles

Also Present Councillor Williams, Mr Grimley and Mr Kirkham Chair of Milton
Keynes Hackney Carriage association

**Number of
Public Present:** 55

RC04 MINUTES

RESOLVED -

That the Minutes of the meeting of the Regulatory Committee held
on 20 April 2011 be approved and signed by the Chair as a correct
record.

RC05 DEPUTATIONS AND PETITIONS

The Committee received a Deputation of residents of Milton Keynes,
which was presented by Mr Kirkham, Chairman of the Milton Keynes
Hackney Carriage Association, the object of which was to:

‘To ask the Committee to freeze the issuing of Hackney Carriage
Vehicle Licenses’.

The Committee also received a petition from Hackney Carriage
drivers, also calling for the Council to freeze the issuing of Hackney
Carriage Vehicle Licenses.

The Committee, having heard the representations, considered
requesting that a report be submitted to its next scheduled meeting

on 28 September 2011, in order to facilitate an informed discussion of the issues raised.

RESOLVED –

That a report be submitted to the next scheduled meeting of the Committee on 28 September 2011, on the availability of Hackney Carriage Vehicle Licenses in Milton Keynes.

RC06

QUESTIONS FROM MEMBERS OF THE PUBLIC

- (a) Mr Keith Weldon asked the Chair of the Committee whether he was aware that the taxi trade was only 10% productive because of taxi numbers, and gave the example, that for every 14 hours he worked, he only conveyed passengers for 1 hour 24 minutes. Mr Weldon also asked the Chair whether he would conclude that if any other business, or a Council Department was only 10% productive that it had too many staff, or in the case of the Hackney Carriage trade, too many taxis.

The Chair of the Committee indicated that, having consulted with officers, and it was their view that this was a matter for the trade to consider, and that there was a need for the trade to adapt to the needs of the community as Milton Keynes expanded.

- (b) Mr Ashek Hussain asked the Chair of the Committee if he could demonstrate how demand for Hackney Carriages had changed in Milton Keynes over the last three years.

The Chair of the Committee indicated that, having consulted with officers, it was their view that drivers were best placed to know how the sector was changing.

- (c) Mr Amjad Nazir asked the Chair of the Committee if he agreed that waiting on average 80 minutes for the next fare once returning to a rank was financially unviable and that this was as a result of the number of taxis currently licensed?

The Chair of the Committee indicated that the Council had recently provided additional ranks in Central Milton Keynes, but these were not being used by Hackney Carriages and unless they were used, officers were of the view that, they would likely to revert back to paid parking bays.

- (d) Mr Hohammed Anwar asked the Chair of the Committee if he agreed that the original premise behind the decision to de-limit the taxi trade 'that the taxi trade would only increase by 10% because that is what happened in Northampton' was seriously flawed, particularly as the numbers had increased by nearly 200%.

The Chair of the Committee indicated that when the decision to de-limit the trade was made, the Council could only base its decision on the facts known at the time.

- (e) Mr Arshad Majid asked the Chair of the Committee if he was aware of how much demand there was for Hackney Carriages in Milton Keynes.

The Chair of the Committee indicated that, having consulted with officers, during the last 9 years there had been an additional 121 plates issued (13.4 p.a.) and the population had increased by 25,000.

- (f) Mr Sajid Hussain asked the Chair of the Committee if he agreed that the taxi passenger survey undertaken on behalf of the Council for the redevelopment of Station Square, which concluded that the travelling public would be best served by 19 taxis at the station, was a more realistic figure than the 100 plus taxis that currently served the Railway Station.

The Chair of the Committee indicated that he understood that the Transport Division had undertaken a detailed consultation and analysis in order to finalise the Station Square upgrade, but this was not an issue for the Regulatory Committee.

- (g) Mr Raja Hader Khan asked the Chair of the Committee if he considered the taxi trade to be disadvantaged in Milton Keynes because cars and pedestrians were separated and therefore taxis could only ply for hire at taxi ranks. Mr Khan also asked the Chair whether he thought taxi numbers should be regulated as a result.

The Chair of the Committee indicated that the only constraint to plying for hire was on the grid roads, on any other road pedestrians could hail a Hackney Carriage.

The Chair told the Public that he personally recognised the difficulties they were facing and that he would ask for the matter to be considered expeditiously by the Officers and would seek to see the matter resolved as soon as the position was clarified

RC07

CENTRAL MILTON KEYNES – TRADING ARRANGEMENTS - PITCH A

The Committee heard from the Assistant Director, Licensing and Regulatory Services that over 3 years ago four experimental street trading locations, known as Pitches A, B, C, & D were created in Central Milton Keynes. The rationale for their creation was to provide legitimate street trading for mobile traders rather than enforcement action being taken during anti-social hours trying to combat illegal trading activities that were taking place.

This matter was before the Committee to consider an application for the continued use of a street trading position –‘Pitch A’ situated outside of Xscape Central Milton Keynes on public parking for a further period of 3 years or until the land is required for

redevelopment. The Committee heard that the land was owned by HCA.

The Officer reported that it remained his recommendation that the committee agree to Pitch A being available to sell hot and cold food but excluding alcohol from 23:00 – 05:00hrs each day for a period of up to 3 years or until the HCA require the land back prior to the three years.

Councillor Williams addressed the Committee and asked that the application be extended for the full 3 years and stated that he supported the application which was being made by Mr Kirimli who had demonstrated a responsible attitude towards street trading and was the Chair and Founder of the Milton Keynes Street Trader Group, which sought to ensure minimum standards were met.

The Committee also heard that there were no objections to the application.

The Committee considered the request to extend for the full three years but recognised this may prove difficult should there be an unforeseen reason to have to revoke the license in advance of that period.

It was moved by Councillor Barry, seconded by Councillor Clark that the Committee grant the extension as recommended by the Officer

RESOLVED -

That the License to trade on Pitch A be extended to allow the licensee to sell hot and cold food but excluding alcohol from 23:00 – 05:00hrs each day for a period of up to 3 years or until the HCA require the land back prior to the three years.

RC08

STREET TRADING MILTON KEYNES

The Senior Licensing Officer told the Committee that following a committee decision in March 2011 a consultation exercise to prohibit street trading in Lynmouth Crescent, Furzton, had been undertaken.

The Committee heard that the request followed complaints from residents of an evening trader selling kebabs etc from the car park / driveway of Furzton Sports Pavilion off Lynmouth Crescent.

The Licensing Team consulted the following parties on the proposal: Highways; Thames Valley Police; Ward Members; the Street trader concerned; Leisure services; Parish Council; Parks Trust; Milton Keynes Street Trading Association. A notice was also published in Milton Keynes Citizen on 17 March 2011.

The Licensing team received two responses to the consultation. Thames Valley police supported the proposal and one resident supported the trader being allowed to stay. The resident declined to give their address but said they did not live in the immediate vicinity.

The Officer stated that it was his recommendation that Lynmouth Crescent be added to the Councils list of prohibited streets.

The Committee heard from Councillor Williams that residents had not responded to the consultation as they had previously responded to earlier consultation in large numbers and believed that there was no need to repeat the exercise. He stated that he supported the recommendation.

A motion in support of the Officers recommendation was proposed by Councillor Burke and seconded by Councillor Box before being put to the vote

RESOLVED UNANIMOUSLY –

That Lynmouth Crescent, Furzton Milton Keynes be added to the Councils list of prohibited streets.

RC09

REVIEW OF STREET TRADING CONSENT – PRET A PIZZA

The Committee heard from the Senior Licensing Officer that the Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Street Trading, that allows streets to be designated as ‘Prohibited’ or ‘Consent’ for street trading purposes. Bradwell Common Boulevard is designated as a ‘consent’ street. This means trading on this adopted highway or within 60 metres of its centre line is only permitted if a valid Consent is held by the trader.

Consent was granted in October 2010 subject to a four month review. In February a further review was resolved by Committee. The reasons for these centred on possible nuisance issues and potential breach of trading hours.

The Committee heard that there had been no objections to the License but it was noted that there does not appear to be any trading taking place.

The Officer reported that it remained his recommendation to allow the existing consent to continue with the current conditions until its 12 month renewal in October 2011.

A motion in support of the Officers recommendation was proposed by Councillor Burke and seconded by Councillor Box before being put to the vote

RESOLVED UNANIMOUSLY –

That the License be allowed to continue with the current conditions until its 12 months renewal in October 2011.

RC10

REVIEW OF STREET TRADING CONSENT – TINY WORLD

The Committee heard from the Senior Licensing Officer that The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Street Trading, that allows streets to be designated as ‘Prohibited’ or ‘Consent’ for street

trading purposes. Oldbrook Boulevard is designated as a 'consent' street. This means trading on this adopted highway or within 60 metres of its centre line is only permitted if a valid Consent is held by the trader.

Consent was granted in February 2011 subject to a four month review. The reasons for these centred on concerns about the location re safety and the objection received from the Police and others.

The Committee heard that although there had been no complaints received from Thames Valley Police, The Fire Service or residents, the Parish Council had made representations that there remained a problem with inadequate parking and excessive litter.

The Committee heard from the trader who stated that he was willing to accept any conditions that the Committee wished to add to the licence.

The Committee noted that whilst the letter had been received from the Parish council there was no evidence to support it.

The Officer said that in light of the Parish council objection his recommendation would be to stop the existing consent from continuing as the objection had come to light after the report was submitted.

A motion in support of the original officer's recommendation (to allow the consent to continue) together with a condition to require the trader to undertake a litter pick after trading was proposed by Councillor Burke and seconded by Councillor Box before being put to the vote

RESOLVED UNANIMOUSLY –

That the License be allowed to continue with the additional condition to conduct a litter pick at the conclusion of trading, until its 12 months renewal in February 2012

THE CHAIR CLOSED THE MEETING AT 19:55 Hrs