



Minutes of meeting of the REGULATORY COMMITTEE held on WEDNESDAY 3 NOVEMBER 2021 at 6.38 pm

Present: Councillor McLean (Chair)
Councillors Alexander (Vice-Chair), Baines, Bowyer, Clarke, Exon, Marlow, McQuillan, Rolfe and Wallis (Vice-Chair)

Officers: N Allen (Head of Regulatory Services), S Teesdale (Licensing and Business Manager), A Wearing (Strategic Lead - Transport), J Agar (Taxi Licensing Lead), D Charles (Principal Trading Standards Officer), M Sheppard (Trading Standards Officer), M Tiley (Solicitor - Litigation) and J Crighton (Committee Manager)

Also Present: One member of the public

Apologies: Councillors Fuller and Minns

RC03 DECLARATIONS OF INTEREST

None received.

RC04 MINUTES

RESOLVED -

That the Minutes of the meeting of the Regulatory Committee held on 25 March 2021 and the special meeting held on 19 May 2021, be approved and signed by the Chair as correct records.

RC05 REVIEW OF LOCALLY SET FEES FOR VARIOUS REGULATORY REGIMES

The Committee considered the review of fees for the granting of animal licenses.

It was noted that a typographical error had been identified on Page 7, Paragraph 1.3, of the Agenda as detailed below:

“The AW Regulations is in place” and should have read “The AW Regulations are in place”.

It was reported that, under the Animal Welfare Regulations 2018, which were administered and enforced by Trading Standards, fees for the granting of animal licenses were required to be established.

The Committee noted the Council was not permitted to generate profit from license fees and the determination of fees had been difficult in 2018 due to being unable to foresee the actual cost of administering the licensing regime.

It was noted that the majority of fees had previously been set too low and, following a detailed review, accurate data had facilitated the calculation of separate fees for new and renewal applications which had resulted in a substantial increase.

The Committee was informed that, at present, there were no commercial license holders for the activity 'Doggy Day Care' and if the proposed fees were not adopted, the current fees could become more open to challenge.

RESOLVED -

1. That the proposed fees be endorsed and recommended they be adopted by due process for implementation on 1 April 2022.
2. That a review of the fees be undertaken in September 2023.

RC06

DELEGATIONS TO THE REGULATORY SUB-COMMITTEE AND OFFICERS

The Committee considered the current Scheme of Delegation.

It was reported that the Committee was required to discharge its functions to either a Sub-Committee or officers of the authority.

It was noted that functions would be delegated to officers' roles and not a named officer due to changes in employment that may take effect.

RESOLVED -

That the current Scheme of Delegation for the Regulatory Committee be endorsed.

RC07

SAFEGUARDING AND EQUALITY TRAINING FOR TAXI AND PRIVATE HIRE LICENSE HOLDERS

The Committee considered safeguarding and equality training for taxi and private hire license holders.

The Committee was informed that, with effect from 1 November 2021, taxi licensing sat under the remit of Passenger Transport. The Chair expressed disappointment that the change had not been relayed in advance of the meeting and requested any further changes be brought to the Committee's attention as soon as is practical to do so.

It was reported that, from 2016 to 2019, the Council had provided independent child sexual abuse and safeguarding training to all private hire and hackney carriage license holders, which had been free of charge.

It was noted that, since 2019, new applicants had been required, at their own expense, to undertake online safeguarding training provided by Barnardo's, however, at present, there had been no requirement for existing license holders to complete refresher training.

As a result of an announcement made by the Department for Transport and the Local Government Association in 2020/21, safeguarding and equality training be made available to all private hire and hackney carriage license holders every three years or at the time of renewing their license.

The Committee noted the training would be delivered by the Taxi Licensing and Safeguarding teams at a cost of £44 per license holder and failure to complete the course would result in the suspension of the license until such time training had been successfully completed.

It was reported that training would be held every Thursday between 10.00 am and 12.00 noon at the Professional Development Centre, Galley Hill, and members of the Committee were welcome to observe.

RESOLVED -

1. That the following condition be placed on all combined driver licences:

'The licence holder must complete a council approved safeguarding and equality training course, at their own expense, at the time of renewing their licence (every three years). The course will include subjects such as child sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines, and the carrying of wheelchair users and assistance dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.'

2. That the following condition be placed on all private hire operator licences:

'The private hire operator must complete a Council approved Safeguarding and Equality training course, at their own expense, at least every three years or at renewal. The course

will cover subjects including child sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines and the carrying of wheelchair users and assistance dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.'

3. That licence holders have 21 days to appeal the condition to the Magistrates' Court. Once the appeal period has lapsed, should a licence holder be in breach of the condition, then the licence will be suspended under the Local Government (Miscellaneous Provisions) Act 1976 until the breach is rectified. The licence holder may also be given penalty points.
4. That approved safeguarding and equality training for taxi licensing be provided by the Council 'in-house' at a proposed cost of £44 per licence holder. The Council is permitted under current law to recover reasonable costs associated with taxi licensing which, in regard to safeguarding and equality training, includes training room(s), staffing and software costs. All new applicants and licence holders will have to pay this fee. This fee will be reviewed on an annual basis along with all taxi licensing fees and charges.
5. That the Head of Service, Strategic Lead, or Director, be permitted to make appropriate changes to the delivery of safeguarding and equality training, if required.

RC08

REVIEW OF TAXI LICENSING FEES AND CHARGES 2022/23

The Committee considered the review of taxi licensing fees and charges 2022/23.

It was reported that taxi licensing fees and charges were reviewed annually but this had not taken place in 2020/21 due to the Pandemic.

The Committee noted that an increase of 2%, which was in line with inflation, had been proposed, together with a new fee of £44 for safeguarding and equality training, as detailed in RC07 above, and an advertisement had been placed in the MK Citizen on 16 September 2021 and one objection had been received.

RESOLVED -

1. That driver associated fees, as set out in Annex A to the report, be approved and to take effect from 1 April 2022

under section 53 of the Local Government (Miscellaneous Provisions) Act 1976.

2. That Cabinet be recommended that the vehicle and operator associated fees, as set out in Annex A to the report, take effect from 1 April 2022 under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

RC09

MOT AMENDMENT AND ENFORCEMENT ACTION

The Committee considered a report on MOTs and enforcement action.

It was reported that, in January 2021, the Council had outsourced vehicle testing to DVSA approved MOT stations, which had been successful.

The Committee noted a minor change to the Policy had come into effect on 13 September 2021 which permitted license holders to submit completed MOTs within 31 days of a vehicle license expiry, as opposed to 14 days.

RESOLVED -

That the report be noted.

RC10

LICENSING AND BUSINESS TEAM UPDATE 2020/21

The Committee received an update from the licensing and business team on work undertaken during 2020/21 and a view of activities to be taken during 2022/23.

The Committee were informed of the following:

- (a) there had been an increase in applications for the off sale of alcohol by delivery from retailers and small businesses;
- (b) there had been a reduction in the number of applications for Temporary Event Notices;
- (c) the number of gambling licensed premises had fallen;
- (d) an external audit had been undertaken regarding the safety certificate at Stadium MK and the local authority had received a score of 97 out of 100;
- (e) in 2019, the licensing team had dealt with 91 notifications of events; and
- (f) the work programme to be undertaken by the licensing team in the next six months.

RESOLVED -

1. That the report be noted

2. That Licensing officers look at undertaking test purchasing for the off sale of alcohol by delivery from retailers and small businesses.

RC11

DATE OF NEXT MEETING

It was noted that the next meeting of the Regulatory Committee would be held on Wednesday 9 February 2022 at 6.35 pm or on conclusion of the Licensing Committee, whichever is the later.

THE CHAIR CLOSED THE MEETING AT 7.28 PM