

REGULATORY COMMITTEE

When: Tuesday 27 September 2022 at 6.35 pm (or on conclusion of the Licensing Committee, whichever is the later)

Where: Suite 1.02
Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ

This meeting will not be live streamed, but a recording of the meeting will be available on <https://www.youtube.com/user/MiltonKeynesCouncil> as soon as practical after the event.

Public Questions

The deadline for the submission of public questions is 6.35 pm on Friday 23 September 2022 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 no 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 Councillor McLean (Chair)
Councillors Andrews, A Carr, Clarke, Cryer-Whitehead, Exon (Vice-Chair), Lancaster, Legg, McQuillan, Rolfe and Wallis (Vice-Chair)

For more information about attending or participating in a meeting please see overleaf.

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Agenda

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www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf

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 25 July 2022 (Item 3) (Pages 4 to 8).

4. Regulatory Fees and Charges 2023

To consider Item 4 (Pages 9 to 13)

5. Date of Next Meeting

To note the next meeting of the Regulatory Committee has been scheduled for Wednesday 2 November 2022 at 6.35 pm or on conclusion of the Licensing Committee, whichever is the later.

Minutes of meeting of the REGULATORY COMMITTEE held on MONDAY 25 JULY 2022 at 6.35 pm

- Present:** Councillor McLean (Chair)
Councillors Andrews, A Carr, Clarke, Cryer-Whitehead, Lancaster, Legg, Rolfe and Wallis (Vice-Chair)
- Officers:** N Allen (Head of Regulatory Services), A Wearing (Strategic Lead - Transport), J Agar (Taxi Licensing Lead), M Tiley (Lawyer - Litigation) and J Crighton (Democratic Services Officer)
- Also Present:** 16 members of the public
- Apologies:** Councillors Exon (Vice-Chair) and McQuillan

RC03 DECLARATIONS OF INTEREST

None received.

RC04 MINUTES

RESOLVED -

That the Minutes of the meetings of the Regulatory Committee held on 9 February 2022 and the special meeting held on 18 May 2022, be approved and signed by the Chair as correct records.

RC05 HACKNEY CARRIAGE VEHICLE LIMIT, ELECTRIC / HYDROGEN VEHICLES AND CARBON NEUTRAL 2030

The Committee considered a report on the hackney carriage vehicle limit, electric / hydrogen vehicles and Carbon Neutral 2030.

J Agar (Taxi Licensing Lead) informed the Committee that the Council currently had a limit of 137 on the number of hackney carriage vehicle licences that it would grant each year.

The Committee, in June 2018, had set the limit following the completion of an unmet demand survey in September 2017. In order to maintain a limit an unmet demand survey should be conducted every three years. However, due to the pandemic, it had been decided not to review the hackney carriage limit until this year.

It was reported that, out of a fleet of 991, only 26 licenced vehicles were electrically powered (zero emissions / no exhaust), of which none were hackney carriages. In order for the Council to achieve its target to become carbon neutral by 2030, significant steps needed to be made especially as vehicles in Milton Keynes now only had a licensing life of ten years.

Council officers had engaged with the taxi and private hire trade outlining proposals to significantly reduce licenced petrol / diesel / hybrid vehicles in Milton Keynes by 2030.

The Committee heard from members the hackney carriage trade who, in summary, highlighted the following:

- (a) they had not been against electric vehicles, but to achieve the target by 2025 was too soon;
- (b) due to the financial impact of the pandemic, vehicle proprietors had limited funds to invest in new electric vehicles (zero emissions / no exhaust);
- (c) rapid charging facilities were not available at hackney carriage ranks; and
- (d) there was no demand for electric vehicles.

RESOLVED -

- 1. That an unmet demand survey be undertaken.
- 2. That the survey results and recommendations be reported back to the Committee at the earliest opportunity.

RC06

THIRD-PARTY ADVERTISING ON PRIVATE HIRE VEHICLES

The Committee considered a report on third-party advertising on private hire vehicles.

J Agar (Tax Licensing Lead) informed the Committee that, in 2019, the Council had approved third-party (commercial) advertising on hackney carriage vehicles.

In February 2022, private hire operator VIA requested the Council to permit private hire vehicles to carry third-party (commercial) advertising to generate further income in order to meet escalating drivers and vehicle costs.

The Committee noted that the current taxi policy stated that private hire operators could only display Council approved door signage on private hire vehicles they operated, which included the following:

- (a) it is a private hire vehicle;
- (b) the name of the operator; and

- (c) the vehicle must be pre-booked.

It was reported that private hire vehicles, like hackney carriage vehicles, be allowed to display third-party (commercial) advertising in order to generate additional income, however, advertising would not:

- (a) replace current Council approved door signage;
- (b) detract from the lawful purpose of the vehicle; or
- (c) be offensive or obscene in anyway.

RESOLVED -

1. That an amendment to Section H (Advertising on Licensed Vehicles) of the Hackney Carriage and Private Hire Licensing Procedures and Conditions document (Part 2) be approved to allow third-party (commercial) advertising on private hire vehicles, as outlined in Annex A to the report.
2. That Cabinet recommend that Section 11.6 (Signage, Advertising and Livery) of the Taxi Policy (Part 1) be amended to allow third-party (commercial) advertising on private hire vehicles, as outlined in Annex B to the report.
3. That an advert be placed in the local newspaper under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 proposing an advertising application and compliance fee of £102.00 for private hire vehicles.
4. That, following any objections, Cabinet be recommended to approve the new fee.

RC07

PROPOSED VARIATION OF FARES FOR HACKNEY CARRIAGES

The Committee considered a report on the proposed variation of fares for Hackney Carriages.

J Agar (Taxi Licensing Lead) informed the Committee that the Milton Keynes Taxi Association had formally requested that the current Table of Fares for Hackney Carriages be increased by 20% on Tariff 1 (day) and 10% on Tariff 2 (night) due to the increases in the cost of living and fuel; and fares had not been increased since 2012.

It was noted that a public consultation had been completed and there had not been any formal objections.

RESOLVED -

1. That the proposal to increase Hackney Carriage fares, attached at Annex C to the report, be noted.

2. That it also be noted that there were no formal objections to the proposed schedule of Hackney Carriage fares which was advertised, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
3. That the proposed increase in Hackney Carriage fares be referred to the executive for immediate implementation.

RC08

VEHICLE AGE POLICY AND WHEELCHAIR ACCESSIBLE VEHICLES

The Committee considered a Briefing Note on the Vehicle Age Policy and wheelchair accessible vehicles.

J Agar (Taxi Licensing Lead) informed the Committee that a private hire operation had requested that the Council allow wheelchair accessible vehicles to be licensed between six and ten years.

It was noted that the operator specialised in home to school contracts and had had difficulty in sourcing such vehicles that were less than six years old and, if the request be approved, it would reduce service problems for special needs children in Milton Keynes.

The Committee, at its meeting on 13 December 2017, had stated that it was committed to improving taxi services to those with disabilities in Milton Keynes.

The Committee noted that the amendment to the Hackney Carriage and Private Hire Licensing Procedures and Conditions document (Part 2) had been implemented on 1 April 2022.

RESOLVED -

1. That the Briefing Note be noted.
2. That wheelchair accessible vehicles be included in future unmet demand surveys.

RC09

CONDITIONING DRIVER LICENCES

The Committee considered a Briefing Note on conditioning driver licences.

J Agar (Taxi Licensing Lead) informed the Committee that a private hire operator had formally requested:

- (a) the requirement for their drivers to take the topographical element (route knowledge) of the Council's driver assessment procedure be removed; and
- (b) the Council condition their drivers that they can only complete contracted work (home to school).

It was noted that the particular operator specialised in contract work with local authorities / schools and transported special needs children and, if the request be approved, it would enable to recruit additional drivers and meet customer needs.

Taking into account the nature of work undertaken by the particular operator, Council officers considered the exemption (specifically in regard to 'route knowledge' only) would not compromise public safety.

The Committee noted that the amendment to the Hackney Carriage and Private Hire Licensing Procedures and Conditions document (Part 2) had been implemented on 1 April 2022.

RESOLVED -

That the Briefing Note be noted.

RC10

DATE OF NEXT MEETING

It was noted that the next meeting of the Regulatory Committee would be held on Tuesday 27 September 2022 at 6.35 pm or on conclusion of the Licensing Committee, whichever is the later.

THE CHAIR CLOSED THE MEETING AT 7.25 PM

Regulatory Committee report



27 September 2022

Regulatory Fees and Charges 2023

Report sponsor **Neil Allen**
Head of Regulatory Services

Report author **Ed Fisher**
Licensing Officer
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

This report applies to the discretionary fee setting ability of Milton Keynes City Council for certain permissions, licences, and registrations etc that we administer. The report sets out the proposed level of these fees with effect from April 2023.

1. Recommendations

- 1.1 That the proposed fees be endorsed and recommended they be adopted by due process for implementation in the next financial year.
- 1.2 That a review of the fees be taken in September 2024.

2. Why is the decision needed?

- 2.1 Local Authorities are responsible for a number of business permissions under various legislation.
- 2.2 The legislation allows us to charge fees for some of these permissions at our discretion. This report refers to the fees we propose for next financial year but also lists certain permissions for which we cannot charge a fee.

- 2.3 There are potentially two types of fees. One for processing applications and then a second 'grant' fee. The cost of compliance and enforcement can be considered in respect of grant fees, the application fee refers to the cost of deciding applications.
- 2.4 The current fees were last reviewed in 2020 and implemented for the financial year 2021/2 as part of annual budget setting. A review date of September 2022 was set at Committee to periodically review whether they were still reasonable based on the work concerned in terms of time spent and accounting for any increased organisational costs (such as inflation). This review enables our fees to either be reduced or increased where necessary. Reviewing fee levels enables us to work towards an objective of cost neutrality. We can assess fees levels by considering time recording data we have for specific applications and applying an organisational rate per hour in terms of time.
- 2.5 Based on the review there is a limited increase of fees to account for inflationary pressures but also the cost of work undertaken. The overall impact of the changes will be a predicted increase in fee income of £4723 spread across the 5 regulatory regimes for which fees may be levied. This is spread across several hundred applications a year. A flat rate inflationary increase has not been applied across all fees because in some cases we believe existing fee levels remain adequate for cost recovery purposes.

How Fees Are Calculated

- 2.6 For each type of process the time spent on applications received within the last financial year is reviewed. The amount of time spent by administrative staff, officers, senior officers, and management have been totalled and averaged by the number of specific applications received. Armed with this information together with an organisational cost for staff per hour and historical information on process times we can calculate on average how long particular types of application have and should cost in the future together with the compliance cost per premises sector.
- 2.7 The revised fees and charges include on costs for staff plus Head of Service, Legal and Democratic Services (committees). They also include costs for the writing and review of policies, including this review project.
- 2.8 Costs of inspections and regulatory work have also been included as a factor in setting the grant fee levels.
- 2.9 Guidance on fee setting has been considered.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

There will be increase to revenue received overall but this is to off set increases in organisational costs and to reflect how long it takes to administer various processes.

b) Legal implications

The implications of not reviewing the fees now would go against a Committee resolution. The implications of not adopting the fees would make the fees below cost recovery.

c) Other implications

Our Existing policy recognises fee setting ability

Any change in charges is open to challenge and needs to be seen to be reasonable and attributable to the associated costs through administration and enforcement. If charges are not found to be justifiable then the result can be that charges paid to the council are returned to those who have paid for the licences.

4. Alternatives

- 4.1 The Council could choose to retain the fees as they currently are, reduce them, or instruct officers to carry out such work on revisions as may be considered necessary.

5. Timetable for implementation

- 5.1 If endorsed by Committee the revised fees would go forward for budgeting setting process in October with a view for adoption via the budget in March 2023

List of annexes

Annex A: Spreadsheet of proposed fees for financial year 2023 to 2024

List of background papers

None

Regulatory Services - Licensing fees 2023/24

	APPLICATION FEE 2022/23	PROPOSED APPLICATION FEE 2023/4	GRANT FEE 2022/23	PROPOSED GRANT FEE 2023/24	TOTAL FEE 2022/23	TOTAL FEE 2023/24	CHANGE PER APPLICATION
Sex Establishment Venue - LG(MP)A 1982							
New	3374	3678	313	455	3687	4133	446
Renewal	1286	1286	313	455	1599	1741	142
Variation	325	325	0	0	325	325	0
Transfer	194	211	0	0	194	211	17
Street Trading LG(MP)A 1982							
New (maximum 3 hours)	560	560	£42.00 per hour	£46.00 per hour	Variable	560	0
Renewal - 1 hour trading per day	528	528	42	46	570	572	2
Renewal - 2 hours trading per day	528	528	84	92	612	620	8
Renewal - 3 hours trading per day	528	528	126	138	654	666	12
Renewal - 4 hours trading per day	528	528	168	184	696	712	16
Renewal - 5 hours trading per day	528	528	210	230	738	758	20
Renewal - 6 hours trading per day	528	528	252	276	780	804	24
Renewal - 7 hours trading per day	528	528	294	322	822	850	28
Renewal - 8 hours trading per day	528	528	336	368	864	896	32
Renewal - 9 hours trading per day	528	528	378	414	906	942	36
Renewal - 10 hours trading per day	528	528	420	460	948	988	40
Variation	414	414	£42.00 per extra hour	£46.00 per extra hour	Variable	414	0
Transfer	254	277	0	0	254	277	23
Borough Wide Mobile Operator (4 vehicles)	2402	2618	£145 per vehicle	£145 per vehicle	2402	2618	216
Additional Vehicle (operator consent)	79	88	n/a	n/a	79	88	9
New Employee Notification (revised consent issued)	n/a	n/a	15	16	n/a	16	1
Renewal Operator	1708	0	£145.00 per vehicle	£145 per vehicle	1708	1708	0
Scrap Metal Scrap metal dealers act 2013							
Scrap metal collector licence - Renewal/New (3years)	406	442	139	161	545	603	58
Variation (site to collector)	175	191	0	n/a	175	191	16
Variation - minor	87	95	0	n/a	87	95	8
Scrap metal site licence - New (3years)	454	454	278	321	732	775	43

Scrap metal site licence - Renewal (3years)	415	415	278	321	693	736	43
Additional Site	242	264	0	n/a	242	264	22
Variation (collector to site)	291	317	0	n/a	291	317	26
Hypnotism - Hypnotism Act 1952							
New	84	93	0	0	93	93	9
Piercing/ Acupuncture LG(MP)A 1982							
New - Premise	283	314	0	0	283	314	31
Registration of Person carrying on Acupuncture	223	248	0	0	223	248	25
Registering Business / Activity	306	306	0	0	306	306	0
Adding Activity to existing registration	new fee	251	0	0	new fee	251	251
Premises and Business / Activity combined	372	437	0	0	372	437	65
Updated registration for existing persons and premises	30	30	0	0	30	30	0
Additional Inspections if required	158	184	0	0	158	176	18
Special Events Registration (conventions / exhibitions etc)							
1-5 premises	541	601	82	92	623	693	71
6 - 10 premises	965	1073	82	92	1047	1165	118
11 - 20 premises	2139	2378	82	92	2221	2470	249
20 +			Price on application				
Other Permissions							
House to House Collections	No Fee		No Fee		No Fee	0	0
Street Collections	No Fee		No Fee		No Fee	0	0
Children in Entertainment	No Fee		No Fee		No Fee	0	0
Chaperone - Volunteer	No Fee		No Fee		No Fee	0	0
Chaperone - Non Volunteer	No Fee		No Fee		No Fee	0	0
Children's Work Permit	No Fee		No Fee		No Fee	0	0
Camping and Caravan Licence (Holiday)	No Fee		No Fee		No Fee	0	0
Change of details to a permission (name, address, towing vehicle etc) or provision of documents where not statutorily set	30	33	0		33	33	3
Pre application or business advice	79	92	0		92	92	13