

Minutes of the meeting of the REGULATORY COMMITTEE held on WEDNESDAY  
13 DECEMBER 2017 at 6.55 pm

**Present:** Councillor Morris (Chair)  
Councillors Alexander, Buckley, Exon, Geaney, Legg, Petchey,  
Wallis, C Williams and P Williams.

**Officers:** T Blackburne-Maze (Service Director - Public Realm), S Hayes  
(Head of Transport), N Allen (Head of Regulatory Services),  
S Teesdale (Licensing and Business Manager), J Agar (Regulatory  
Unit Senior Practitioner), R Armstrong (Assistant Rights of Way  
Officer), M Barnes (Landscape Client Service Manager),  
N Ahmad (Senior Solicitor), L Gardner (Case Manager – Litigation),  
E Gineikiene (Solicitor - Planning and Environment), L Hodgkinson  
(Regulatory Unit Practitioner), A Ward (Senior Practitioner), and  
T Milner (Committee Manager).

**Also Present:** 4 Members of the public.

**Apologies:** Councillors Miles, Patey-Smith and Webb.

**RC11 FORMER COUNCILLOR JEANETTE GREEN**

The Chair expressed her sadness with regard to the recent death of Councillor Jeanette Green, who had been a valued member of the Committee. The Committee stood for one minute's silence as a mark of respect for the late Councillor Green.

**RC12 MINUTES**

That the Minutes of the meeting of the Regulatory Committee held on 6 September 2017, and the meetings of the Regulatory Sub-Committee held on 10 August 2017, 7 September 2017, 2 October 2017 and 11 October 2017 be approved and signed by the Chair as correct records.

**RC13 DISCLOSURES OF INTEREST**

Councillor Petchey disclosed a personal interest in Item 8 (Application to Register a Village Green – The Orchard, Woughton on the Green) as he knew a number of the residents who had provided evidence in support of the application.

**RC14 QUESTIONS FROM THE PUBLIC**

The Committee received three questions submitted by members of the public which were referred for consideration as part of Item 8 (Application to Register Village Green – The Orchard).

**RC15****TAXI FEES AND CHARGES**

The Committee reviewed charges for the grant of “Taxi” licences under the Local Government (Miscellaneous Provisions) Act 1976, noting that officer colleagues were suggesting that fees should remain at their current rate, largely as a result of the declining numbers of private hire vehicles being licensed by the Council and the impact that was having on the Council’s income.

The Committee recognised that many drivers were obtaining licences with neighbouring district councils, where in some the fees were significantly lower, but working in Milton Keynes. This increased both the number of taxis in Milton Keynes and the burden on the Enforcement Team, which had a duty to protect the public from any person carrying out a regulated “taxi” activity, whether they are licensed by this Council or not.

The Chair, on behalf of the Committee, thanked the Senior Practitioner for the detailed report.

RESOLVED –

That the Council be recommended to adopt the Taxi Fees and Charges.

**RC16****REVIEW OF FEE AND CHARGES FOR REGULATORY SERVICES FOLLOWING A SUPREME COURT RULING IN LICENSING CASE OF HEMMINGS**

The Committee received the outcome of a review of fees and charges for Regulatory Services in relation to licences granted following the recent “Hemmings” Supreme Court decision which provided that fees for a licence (unless set under statute) must be separated into two fees, the first must only cover the cost of dealing with the application and the second, any costs incurred after the grant of a licence (including enforcement).

The Committee considered suggested revised fees to be charged, together with the predicted income and the impact of the new fees and charges.

The Committee heard from the Licensing Practitioner that most of costs incurred by the Council were as a result of the time spent by officer colleagues assisting applicants to apply for licences, which involved a huge amount of work by officers. The new fees that were due to come into effect from 1 April 2018, reflected the workload undertaken by officers. All applicants would be informed of the new fees coming into effect.

The Committee was advised that all current licence holders were contacted in November 2017, informing them of this report and the date and time of the Regulatory Committee when it would be discussed.

The Committee heard that a further review of the service would be undertaken during the summer of 2019, with the findings being reported to a later meeting of the Committee, either at the end of 2019 or early in 2020.

The Chair, on behalf of the Committee, thanked the Licensing Practitioner and officers for their work.

**RESOLVED**

1. That the proposed fees and charges be adopted and be put in place by 1 April 2018.
2. That a review of the Regulatory Service's fees and charges take place during September 2019 in order to allow for the fees and charges to have been in operation for a full year.

**RC17**

**APPLICATION TO REGISTER LAND AT THE ORCHARD, WOUGHTON-ON-THE-GREEN, MILTON KEYNES, UNDER THE PROVISIONS OF SECTION 15 OF THE COMMONS ACT 2006**

Further to its meeting held on 15 March 2017, the Committee considered the report of the independent inspector who had reviewed the evidence in respect of the application to register land at the Orchard, Woughton on the Green, Milton Keynes, under the Provisions of Section 15 of the Commons Act 2006.

The Committee noted that the inspector had found that the use of the land had been exercised by right, not as of right.

It was noted that Committee members attended a site visit on 8 December 2017.

The Committee heard from 3 members of the public during consideration of the item, and received an oral response from the Solicitor regarding the Right of Way.

**RESOLVED -**

That, having considered the independent inspector's report, the application for land known as The Orchard, Woughton-on-the-Green ("the Land") to be registered as a Town and Village Green pursuant to Section 15 of the Commons Act 2006 ("the 2006 Act"), be refused.

**RC18**

**REGISTERED TOWN AND VILLAGE GREENS AND CURRENT APPLICATIONS**

The Committee received an update in respect of Registered Town and Village Greens and Current Applications.

The Committee noted that the level of costs incurred by the Council when it proved necessary to hold a public enquiry in respect of an application. It was suggested that applicants should be made aware of the potential costs the Council could incur in processing applications. However, the Committee recognised that it was important that members of the public had the opportunity to pursue their causes in respect of Village Green applications, in accordance with legislation.

RESOLVED –

That the report be noted.

**RC19**

**IMPROVING “TAXI” SERVICES TO THOSE WITH DISABILITIES  
IN MILTON KEYNES**

The Committee considered, in connection with its duty under the Equality Act 2010 ways of improving taxi services for users with disabilities, together with a draft Taxi Licensing Disability Guide.

It was reported that various complaints and comments had been received by the Council, including the need for drivers to be better trained in the loading and un-loading of wheel-chairs. In addition the Committee recognised that there were a number of different types of vehicle available to help operators provide an improved service for users with disabilities.

It was reported that a consultation would be undertaken in due course on the draft Guide to help identify how it could potentially be improved.

The Committee raised a number of issues which included the following:

- The lack of wheelchair access Hackney Carriages;
- The need for a Guide, that could be incorporated within the Taxi Policy, which included information for private hire and Hackney Carriage drivers on how to deal more effectively and politely with people who have disabilities;
- The Council should consider liaising with disability groups in Milton Keynes to gain a better understanding of concerns and an overall view of how best the Council could respond to those concerns; and
- It should be clear who to contact at the Council to raise any concerns.

In response to a question the Committee noted that it was a criminal offence not to treat people who had a disability with respect, and the Council did seek prosecution in when substantiated reports were received.

The Committee expressed its thanks for the work undertaken on this matter.

The Committee recognised that Milton Keynes had a good number of operators who could provide vehicles suitable for persons who found it difficult to travel in ‘regular’ taxis and for wheelchair users. However, it did appear that there were some difficulties where taxis needed to be booked at short notice.

RESOLVED –

1. That the Senior Licensing Practitioner, in consultation with disability organisations within the Borough be requested to ascertain what improvements can be made to the ‘taxi’ services provided to those with disabilities with a view to:
  - (a) obtaining agreement from all licensed operators on the principles of the guidance document;
  - (b) considering how more wheelchair accessible vehicles could be made available;
  - (c) considering whether more wheelchair accessible Hackney Carriages can be used to fulfil private hire bookings;
  - (d) considering whether it is necessary for the Council to impose a condition requiring that a certain percentage of an operator’s fleet must be wheelchair accessible; and
  - (e) looking at ways to reduce and deal with the common complaints made about taxis.
2. That Committee members advise the Senior Licensing Practitioner of any organisations they would wish to see included as part of the consultation process.

**RC20 UNMET DEMAND SURVEY**

RESOLVED -

That this item be deferred to the next meeting of the Committee on 14 March 2018.

**RC21 DATE OF THE NEXT MEETING**

It was noted that the date of the next Regulatory Committee meeting was scheduled for Wednesday 14 March 2018 after the conclusion of the Licensing Committee meeting.

**RC22 EXCLUSION OF PUBLIC AND PRESS**

That the public and press be excluded from the meeting by virtue of Paragraph 3 (Information Relating to the Financial or Business Affairs of the Authority) of Part I of Schedule 12A of the Local Government Act 1972, in order that the meeting consider the Exempt Minutes of the meeting of the Regulatory Sub-Committee meeting held on 10 August 2017.

**RC23 MINUTES (EXEMPT PART 2)**

RESOLVED -

That the Exempt Minutes of the meeting of the Regulatory Sub-Committee held on 10 August 2017 be approved and signed by the Chair as a correct record.

THE CHAIR CLOSED THE MEETING AT 8.22PM