

Regulatory & Appeals Committee Minutes

Date: 13 February 2017

Time: 7.00 - 8.40 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors S Broadbent, M Clarke, Mrs L M Clarke OBE, C Etholen, R Gaffney, M Hussain JP, D Knights, I L McEnnis, R Raja and Ms J D Wassell, A R Green

15 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor A D Collingwood.

16 MINUTES

RESOLVED: That the minutes of the meeting of the Regulatory & Appeals Committee held on 17 October 2016 be approved as a true record and signed by the Chairman.

17 DECLARATIONS OF INTEREST

Councillor M Hussain (JP) declared that he would not participate in minute number 19 due to personal circumstances.

18 WELCOME

The Chairman welcomed all those present and outlined and clarified the procedure for the meeting, stating that a representative from both the Hackney Carriage trade and a representative from the private hire trade had been given prior permission to speak at the meeting for a maximum of 5 minutes each.

19 VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

A report was submitted which requested that the amendments to the Hackney Carriage and Private Hire Policy and Conditions be approved and recommended to Council for adoption to become effective from 1 April 2017.

The report stated that the proposed amendments to the Hackney Carriage and Private Hire Policy had been previously considered in October 2016 and subjected to a 12 week period of consultation with current licence holders and relevant bodies along with organisations and individuals representing all sections of the community. Following the consultation which had concluded at the end of January 2017,

Members were requested to reconsider the proposed amendments in the light of the comments received.

Comments which had been received from the Hackney Carriage trade following a meeting with them were attached at (Appendix A) to the report, whilst comments from the meeting with the private hire trade were attached at (Appendix B). (Appendix C) contained further comments from either individuals or companies during the consultation period.

Details of the comments received and amendments proposed were summarised in the main body of the report.

Members were reminded that the Council was required by law to license the operation of taxis and private hire vehicles, paramount consideration being given to the safety and convenience of those travelling within the vehicles. As such Local Authorities were permitted by law to place conditions on both vehicles and drivers to ensure an improvement in service and the protection of users.

The presenting officer informed Members that the last formal review of the policy had been undertaken in 2012, with further reviews being postponed until the present time due to anticipated comprehensive changes in licensing law, as a consequence of a Law Commission report. As the report had not resulted in any significant changes it had been considered timely to now update and review the policy.

The presenting officer proceeded to elaborate on each of the issues which had been addressed by the trade. In relation to Hackney Carriages this related to four main issues, including, rear loading wheelchair accessible vehicles, age limits for wheelchair accessible vehicles, tinted windows and warnings / advisory notices.

The private hire trade had also laid out concerns relating to these issues, with additional comments being made in relation to seat requirements, knowledge tests, medical testing, use of bus lanes, door stickers, executive licence plates and advertising on licensed vehicles.

During the presentation, the Chairman reminded a Member that anyone with a non-disclosable pecuniary interest could not participate in the meeting as it was noted that the Member attempted to speak to Mr Ali (a taxi spokesperson) during the meeting. The Legal Adviser to the Committee also clarified the position on the Members Code of Conduct.

Mr Ali addressed the meeting, covering some of the issues outlined in his submission, highlighting that the policy with regards to tinted windows was unnecessary. It was felt that any manufactured tint should be permitted, as opposed to the current requirement to allow 70% light transmission.

Mr Rahman concurred with this view claiming that the Council needed to relax the rules, and by way of example cited that in October 2016 Slough Council had implemented the policy of allowing vehicles with manufactured tints to be licensed. He also requested that only side loading vehicles should be allowed for wheelchair

accessible hackney carriages, due to the current design of taxi ranks within the Wycombe area, and for the purposes of customer safety.

Mr Rahman also stated that the trade felt aggrieved over the policy relating to warnings/advisory notices. The policy presently stipulated that warnings would be retained on file for a period of 3 years unless further matters arose during that period. In such cases the original warning would continue to be taken into consideration until a clear 3 year period had passed whereby no other complaints had arisen. Mr Rahman felt that it was unfair to retain records of any complaints for longer than 3 years.

The age limit of wheelchair accessible vehicles was another contentious point raised, with both sides of the trade questioning the need to reduce the limit from 14 to a maximum of 10 years prior to ending a licence. They maintained that they would like to see the issue of annual licences until the vehicle had reached 8 years of age. The presenting officer stated that all vehicles over 6 years old would be issued with half yearly licences as was commonplace throughout the country. It was essential that they were checked with regularity, both mechanically and visually. However, Members were informed that a departure from policy was possible in appropriate circumstances in terms of a licence being issued to a wheelchair accessible vehicle over the age of 10 years.

The debate was subsequently opened to Members. The pros and cons of rear versus side loading wheelchair accessible vehicles were mentioned. Having discussed this with disabled groups a preference had been expressed for rear loading vehicles where they had electric tail lifts. This benefitted users of powered wheelchairs in particular. Members voiced their concern over the unsuitability of the ranks as currently designed, and expressed the view that people with disabilities needed to have a choice in their decision to use a rear or side loading vehicle.

Members also deliberated on the permitted age limit of vehicles. There was agreement over the need to reach a consensus as to what constituted exceptional circumstances prior to a vehicle being licensed beyond the proposed 10 year period whereby express consent was given by a Licensing Officer.

Members were in agreement with regard to the proposed policy on tinted windows. Whilst they were sympathetic with the trade about the design of one of the environmentally friendly vehicles, the Toyota Prius Plus, it unfortunately came with a standard factory tint of less than 30% light transmission, which was felt for safety reasons not to be permissible.

Another Member questioned the policy relating to warnings and felt that sometimes malicious allegations could be made against a driver resulting in the revocation of a licence. She felt that it should be about whether committal of a crime was proven or likely to be proven. The presenting officer emphasised that in most cases it was not possible to prove or disprove whether a complaint was justified as it came down to one person's word over another. It was stressed that although the number of licences revoked as a result of repeated complaints under this policy was relatively low, it was considered to be an important tool in deciding whether a driver was "fit

and proper” to hold a licence. Furthermore each case was very carefully considered and treated on its own merits.

Members raised concerns shared by the trade and officers over the large number of out of area vehicles and drivers working in the district. The drivers in question were choosing to obtain licences from an authority with lower requirements. This was due to a loophole in the law and officers were actively working with the relevant other authorities involved in an attempt to resolve the issue.

Other areas of discussion took place regarding knowledge tests, medical testing and advertising. In relation to the latter whilst the matter was accepted in principle, Members felt that it would be beneficial to agree the parameters of this policy.

Prior to closing the meeting, the Chairman thanked the officers and the taxi trade for their engagement in the process.

RECOMMENDED: That the proposed amendments to the Hackney Carriage and Private Hire Policy and conditions as described in the report be approved to become effective from 1 April 2017.

RESOLVED: That;

- (i) A Sub Group be established to consider the advertising policy for licensed vehicles consisting of Councillors Broadbent, Knights, Raja and Wassell;
- (ii) The Chairman of the Committee be requested to write to Bucks CC to consider the safety of the ranks for wheelchair users;
- (iii) Wording relating to exceptional circumstances during consideration of the age limit of a vehicle beyond 10 years be agreed by the Head of Environment in consultation with the Chairman of the Committee;
- (iv) Officers be requested to despatch a letter to the appropriate Government Office and the Chairman be requested to write to our local Members of Parliament regarding the problems faced by out of area vehicles and drivers working within the district.

20 DISABLED TAXI USERS

The Presenting officer reported that the Department for Transport had issued a briefing on 7th February in respect of changes to the law for equal treatment of disabled taxi users.

As from 6 April 2017 it will be illegal for taxi drivers who drive wheelchair accessible vehicles to discriminate against wheelchair users, and drivers could face fines of up to £1000 if they refused to transport wheelchair users or attempted to charge them extra as part of provisions being enacted from the Equality Act 2010. There was also the possibility that Drivers could face having their taxi or private hire vehicle licenses suspended or revoked by their licensing authority.

: From 6th April taxi and private hire vehicle drivers would be obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

21 ACTIONS TAKEN UNDER DELEGATED AUTHORITY

The file relating to actions taken under delegated authority was circulated for information.

Chairman

The following officers were in attendance at the meeting:

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| Kiran Khanna | - Principal Solicitor (Litigation, Contracts & Property) |
| Iram Malik | - Democratic Services Officer |
| Caroline Steven | - Licensing Team Leader |