

# Regulatory & Appeals Committee Minutes

Date: 24 July 2017

Time: 7.00 - 8.25 pm

**PRESENT:** Councillor J A Savage (in the Chair)

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

## 1 APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr D Shakespeare.

## 2 MINUTES

**RESOLVED:** That the minutes of the meeting held on 13 February 2017 be confirmed as a true record and signed by the Chairman.

## 3 DECLARATIONS OF INTEREST

M Hussain declared an interest in item 6 due to his involvement in a private hire business in Slough. He did not withdraw from the meeting and took full part in both the discussion and voting.

## 4 UPDATE ON CHANGES TO CONTRACT STANDING ORDERS

A report which provided an update on previous changes to contract standing orders was considered. A review of standing orders had been conducted during 2015 and 2016 and a series of changes suggested which had subsequently been approved by Council on 11 April 2016. These changes were attached at Appendix 1 of the report.

Members` attention was drawn to change 10 which made it mandatory to advertise all contracts above the value of £10,000. In the attempt to ensure that all potential suppliers and local businesses were able to view opportunities to sell to the Council, the Council had recently introduced a facility through which interested parties could register to receive an email newsletter notification when a new opportunity was advertised. This facility had been publicised in the Bucks Free Press. Members were informed that further publicity in the next few weeks was being considered.

In considering the report before them a Member referred to item 2 (appendix 1) and questioned whether the permission to allow the award of a contract up to a value of £5,000 on a non-competitive basis was too low. Another Member considered that

the current amount should remain in order to widen the opportunities for smaller businesses. The presenting officer stated that this amount was at the lower end of the scale in comparison to other authorities and that further benchmarking was planned.

Members also noted the proposed change to procurement of works required by the Council's Facilities Management team, through the route of a measured term contract for lower value opportunities for works up to £25,000 and also through a select list system for planned work contracts of a higher value (in excess of £25,000).

A Member expressed the view that Wycombe had held an exemplary record for a number of years and fully supported the report presented.

**RESOLVED:** That the updates to Contract Standing Orders be noted and the proposed next steps outlined within the report be endorsed.

## **5 AMENDMENTS TO THE CONSTITUTION**

A report was submitted which proposed that a review of the constitution be conducted to ensure that it remained clear and compliant with current law and practice. The most recent review had taken place in 2015 and had considered such aspects as arrangement, functions and the petition scheme, whilst in 2014 revisions had mainly concentrated on the layout of the document.

Members were informed that the Constitution, as well as being a statement of rules for the Council, was also designed to be an outward facing document and a public statement of how the Council operated thereby providing the transparency required.

The presenting officer stated that it was proposed that some changes to the document would also be designed to improve accessibility and ease of use. It was emphasised that consultation would take place with officers and Members across the Council, with the proposed final document being presented to this committee with a recommendation for approval by Full Council.

Debate on the report highlighted the importance of consultation and affording Members the opportunity to comment on the proposed changes to the constitution. The presenting officer confirmed that there would be scope for this in the forthcoming review. Members also expressed the need for exercising some version control to ensure that there was only one up to date public version available.

Members also felt that the next steps should be time limited. It was confirmed that the process would begin promptly.

**RESOLVED:** That

- (i) A review of the Constitution be conducted to ensure that it continued to be compliant with current law and to ensure that the document remained clear

- (ii) A further report be presented to the October meeting of the Regulatory & Appeals Committee.

## **6 VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

A report was submitted which stated that in February 2017 Members had approved various amendments to the hackney carriage and private hire policy but that two matters required further consideration. These related to (a) the loading point of wheelchair accessible hackney carriage vehicles and (b) the advertising on licensed vehicles.

The report requested Members' approval of the current policy requiring that all wheelchair accessible hackney carriage vehicles be side loading. Members were also asked to determine the best way forward with regard to the sub-group dealing with commercial advertising on private hire vehicles.

The Presenting Officer specified that in the event that rear loading wheelchair accessible vehicles were permitted, there would also be a need to consider the type of vehicle that was to be approved.

Members were informed that currently rear loading vehicles, whilst permitted for private hire vehicles, had not been authorised for hackney carriages. Since the previous meeting of this committee, the High Street rank had been inspected by the division's Health and Safety Officer and the use of rear loading vehicles was considered. He determined that due to a number of factors including kerb height, rear loading vehicles were deemed to be dangerous for the loading/unloading of wheelchair users. Therefore, based upon the current design of the town centre ranks, only side loading vehicles were recommended to be allowed, with possible revisiting of the decision in the future in the event of a change in the design of the ranks as part of the proposed Oxford Road alterations.

Following the Presenting Officer's introduction Mr Isaq Mr Rahman and Ms Lewis were each permitted to address the Committee for 3 minutes. Mr Isaq spoke in favour of allowing rear loading vehicles. Mr Rahman, who indicated that he had been elected as a spokesman on behalf of some 80% of the hackney carriage trade, then spoke in favour of retaining the current policy of side loading vehicles only. Finally, Ms Alison Lewis (Chairman of Wycombe Area Access For All) spoke confirming her preference for allowing rear loading wheelchair access. She outlined her main concerns including the lack of availability of suitable vehicles and an instance of a high price quoted for a Marlow to High Wycombe journey.

In considering the report before them, a number of Members expressed the view that there was no perfect solution, but that a choice should be presented to the customer and that both rear and side loading vehicles should be permitted. Members were informed that if rear loading vehicles were allowed it was likely that within quite a short time they would become the only type of wheelchair accessible vehicle available, as they were far cheaper to provide than side-loading vehicles, and therefore choice may not prove to be available in the longer term.

Several Members expressed the view that they wished to see both types of vehicles and that the ranks should be reviewed to seek to allow safe use of both types and that with creativity between the District and County Councils, choice could be improved. It was pointed out that the imminent works to Oxford Road and Eastern Street could encompass the majority of the ranks in question.

Following much debate and deliberation, it was resolved that the current policy requiring all wheelchair accessible hackney carriage vehicles to be side loading be maintained, but that further investigation/exploration take place in collaboration with the County Council with the aim that both types of vehicles could be safely accommodated within the planned road works.

It was also resolved to establish a working party of Members to follow up this piece of work including a site visit and demonstration of vehicles within the various ranks.

The presenting officer was requested to investigate the question of charging for wheelchair accessible journeys in light of the provisions of the Equality Act 2010.

Members also resolved that in relation of to the issue of commercial advertising on vehicles, the working party which had been established but unable to meet would be re-established to consist of the same membership as those on the working party above.

**RESOLVED:** That

- (i) The current policy requiring that all wheelchair accessible hackney carriage vehicles are side loading vehicles be maintained, and
- (ii) A working party be formed comprising of Cllrs Mrs L Clarke, M Clarke, A Collingwood, M Hussain JP, R Raja and Cllr Ms J Wassell, with a report back in October on the issues of wheelchair accessibility and commercial advertising on licensed vehicles.

**7 ACTIONS TAKEN UNDER DELEGATED AUTHORITY**

A file containing the actions taken under delegated authority were circulated.

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Chairman

**The following officers were in attendance at the meeting:**

Marcus Allen - Facilities Management Partner (minute 4 only)  
Iram Malik - Democratic Services Officer

- Steve Middleton - Procurement Officer (minute 4 only)
- Julie Openshaw - District Solicitor
- Caroline Steven - Licensing Team Leader