

# Regulatory & Appeals Committee Minutes

Date: 27 November 2017

Time: 7.00 - 8.15 pm

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

Councillors: M Clarke, Mrs L M Clarke OBE, A D Collingwood, R Gaffney, M Hussain JP, D Knights, R Raja, D A C Shakespeare OBE and Ms J D Wassell.

## 8 APOLOGIES FOR ABSENCE

An apology for absence was received from C Etholen.

## 9 MINUTES

**RESOLVED:** That the minutes of the meeting of the Regulatory & Appeals Committee held on 24 July 2017 be confirmed as a true record and signed by the Chairman.

## 10 DECLARATIONS OF INTEREST

In respect of item 5, Cllr M Hussain declared for information that he had an involvement in a private hire business in the borough of Slough. He did not withdraw from the meeting and took full part in both the discussion and the voting.

## 11 CONSTITUTIONAL REVIEW

A report was submitted which stated that at the present time there were no specific recommendations to take forward regarding changes to the constitution, but that members views were being sought on the proposed review planned to take place in the near future. Following this a report would be submitted for approval of the proposed changes to be implemented.

The report also stated that the request for a review of the constitution to be conducted had been brought about at the meeting of this Committee in July 2017. Members were informed that having reviewed certain sections of the document it had become evident that a complete re write was required to be undertaken. This would ensure that the Constitution continued to be compliant with current law and that it remained clear and concise.

The Presenting Officer went on to outline her proposals for additions as part of the re write of the Constitution, seeking to provide greater clarity to some areas, for example within the delegated responsibilities section, and changes to the way in

which certain sections were divided providing a more meaningful series of descriptions for executive, non- executive and scrutiny functions.

Members` views were sought on whether to progress the proposed rewrite.

A Member highlighted that the Constitution should be viewed as a very important document which was fundamental to the efficient working of the Council, and as such the authority should seek to gain a Crystal Mark showcasing it as an example of clarity and conciseness.

Another Member emphasised that a decision on modernising Local Government by the Secretary of State for Communities and Local Government was likely to be imminent, and as such it would be wise to delay the rewrite until a decision had been made. It was proposed that a Sub Group be established at the next meeting to consider the Constitution by which time a decision as to the authority`s future direction would also be clearer.

(M Clarke withdrew from the meeting prior to the resolution having been passed).

**RESOLVED:** That the rewrite of the Constitution be delayed until the next meeting of this Committee following the expected decision by the Secretary of State for Communities and Local Government regarding modernising Local Government.

## **12 WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES AND COMMERCIAL ADVERTISING ON LICENSED VEHICLES**

Members considered a report which proposed that the current policy requiring wheelchair accessible hackney carriage vehicles to be side loading be maintained. It was also proposed that the current policy prohibiting commercial advertising on licensed vehicles also be maintained.

Following discussion of this item, Members were informed that due to further information having come to light since the drafting of this report there would need to be some amendments to the decisions as printed.

The presenting officer stated that the Regulatory and Appeals Sub Group formed to consider these issues had met on several occasions and also conducted an inspection of all the ranks within the town centre. In addition the group had viewed two demonstrations of wheelchair users being loaded into different types of vehicle at the High Street rank. Following careful consideration of the issues, it was the view of the group and of relevant officers that a wheelchair could not be safely loaded into a rear loading wheelchair accessible vehicle from the High Street rank. The majority of the remainder of the ranks were also deemed to be unsuitable. Consequently it was recommended that the current policy remain in force until the ranks were made safe and suitable for rear loading vehicles, at which time the issue could be revisited.

It was also agreed that the current age restrictions of vehicles which had been reduced from 14 to 10 years of age, be put into abeyance for wheelchair accessible

hackney carriages pending the review of the taxi ranks and a decision of vehicle type. It was deemed to be unfair to enforce this ruling at the present time when a change in policy might be imminent.

Members were informed that having considered the issue of commercial advertising on privately licensed vehicles the sub group had decided that in line with the large majority of Local Authorities that this should not be allowed. This was on the basis of safety concerns and in the interests of making the vehicle easily identifiable as a private hire vehicle.

Consideration was also given to the matter of training of drivers of wheelchair accessible vehicles. Members overwhelmingly agreed that refresher training on a three yearly basis should be undertaken as a requirement of their licence. Members agreed that because relevant issues were subject to change over a period of time, for example types of wheelchairs, advice in relation to the use of them and appropriate ways of dealing with various disabilities, continuing training was essential.

Members` attention was also drawn to the fact that as a result of the implementation of parts of the Equality Act 2010, guidance was expected to be published regarding the suitability of wheelchair accessible vehicles.

It was felt that until guidance had been issued, it was imperative that converted wheelchair accessible vehicles should be M1 certified to confirm that they were fit for purpose. The policy currently stated that a certificate of compliance/conformity must be provided for any vehicle which had been modified in any way since manufacture. It was felt however that this alone did not sufficiently ensure that only appropriate vehicles were licensed.

It was agreed that this matter would also be revisited when the guidance was issued.

Members considered the report in some considerable detail. One Member questioned if there would be a test following the training, and whether this could lead to a revocation of a license. The Presenting Officer confirmed that this was not the case, there would be no such test, but that undertaking the training would be a requirement of retaining a licence.

(Councillor Ms J Wassell withdrew from the meeting).

**RESOLVED:** That

- (i) The current policy requiring that all wheelchair accessible hackney carriage vehicles are side loading be maintained.
- (ii) From 1 January 2018, drivers of wheelchair accessible vehicles be required to undertake refresher training on disability awareness on a three yearly basis as a requirement of their licence. This training was to be carried out by 31<sup>st</sup> December 2018.

- (iii) Further consideration be given to appropriate hackney carriage wheelchair accessible vehicle type when all taxi ranks are safe and suitable for all vehicle types and following publication of government guidance on this issue
- (iv) The current policy prohibiting commercial advertising on licensed vehicles be maintained.
- (v) Any new wheelchair accessible hackney carriage vehicles to be M1 certified with immediate effect.
- (vi) The age restriction in relation to wheelchair accessible hackney carriages be held in abeyance pending the outcome of the review of the ranks within Wycombe and a decision being made on vehicle type.

### **13 STATUTORY DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

A report was submitted which sought Members' views over whether to designate a list of wheelchair accessible vehicles and, if minded to do so, to approve the undertaking of a consultation exercise with relevant parties.

The report stated that provisions of the Equality Act 2010 which came into force in April 2017, permitted authorities to specify a designated list of wheelchair accessible private hire vehicles and hackney carriages. Whilst this was a discretionary duty, the Government's preference was for local authorities to adopt the provisions.

The presenting officer explained that once the list had been published and designated, it became a statutory duty for the driver of such a vehicle to provide mobility assistance. In addition section 165 of the Act made it a criminal act to make an additional charge to disabled passengers, or to fail to carry the wheelchair if the person chose to sit in a passenger seat.

Designation of such a list provided the advantage of publicity for the trade, and also made them more easily available to disabled customers. Section 166 of the Act made provision for authorities to issue exemptions to drivers on medical grounds or on the grounds of physical conditions which would make it difficult for the driver to comply with the conditions of the Act.

It was confirmed that should Members be minded to approve the adoption of the legislation in principle, a further report would be brought to a future meeting further to a full consultation exercise with all relevant parties.

**RESOLVED:** That a consultation exercise with all relevant parties be undertaken to consider whether to designate a list of wheelchair accessible vehicles under section 167 of the Equality Act 2010.

## 14 CHAIRMAN`S NOTE

The Chairman informed Members that he had made contact with local MPs who had contacted the Department for Transport to suggest policy amendment, which is reported to be supported by many members of the house regarding the problem of taxi drivers being issued licences to operate outside of their relevant areas/districts. He confirmed that they had expressed concern with regards to the matter and that it was now in hand.

The Chairman was hopeful that some action to remedy this problem would now be considered and imposed.

**RESOLVED:** That the report be noted.

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Chairman

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

Ian Hunt	- Democratic Services Manager
Iram Malik	- Democratic Services Officer
Caroline Steven	- Licensing Team Leader
Catherine Whitehead	- Head of Democratic, Legal & Policy.