

EAST RENFREWSHIRE COUNCILLICENSING COMMITTEE18 April 2017Report by Chief Officer (Legal & Procurement)CIVIC GOVERNMENT (SCOTLAND) ACT 1982
WHEELCHAIR ACCESSIBLE VEHICLES**PURPOSE OF REPORT**

1. As a result of discussion at the meeting on 22 November 2016, this report is for the Committee to consider a change of policy on the grant of taxi or private hire vehicle licences in East Renfrewshire. This is an update on previous reports to the committee from 2013 to 2016.

RECOMMENDATIONS

2. The committee is asked to consider the options in the conclusions section and decide what option it wishes to take.

- (a) 100% Wheelchair Accessible Vehicle (WAV) taxis (permanent)

This option would provide that all taxis within East Renfrewshire would have to be WAVs by 31st March 2022. Existing licence holders would be unaffected until that date but any new licences or substitute vehicles would have to comply immediately after a 6 month lead-in period.

- (b) 100% WAV taxis and private hire vehicles (temporary)

All new taxi and private hire licences to be restricted to wheelchair accessible vehicles only until 20% of total numbers of all taxi and private hire vehicles are wheelchair accessible. At that point, licences will be opened up again to any type of authorised vehicle. This would not affect any existing licence holders who could keep their existing vehicle types for the duration of the licence and 6 months notice would be given of the change.

- (c) Conversion of all MPV Licences

All MPVs (people carriers) whether taxis or private hires should be WAVs only. This requirement is restricted to new private hire vehicles and taxis and for a limited period of 3 years but must always remain wheelchair accessible for the life of the licence, thus retaining a certain proportion of wheelchair vehicles. The change would be implemented in 6 months time and all existing licence holders will be unaffected for the life of their licence.

- (d) Taxi number limitation

In addition to the above, the committee is highly recommended to abandon the limitation on taxi licence numbers as an unmet demand for wheelchair accessible vehicles exists and a limit is only lawful where there is no unmet demand. Alternatively the committee is asked to authorise the purchase of an unmet demand

survey to comply with the legal requirements. The survey would be paid from licence application fees.

FINANCIAL IMPLICATONS

3. In terms of paragraph 15 of Schedule 1 to the Civic Government (Scotland) Act 1982, the Council is legally obliged to recover the cost of administering the licensing scheme through the fees received.

BACKGROUND

4. As at 6th April 2017 East Renfrewshire Council licenced 63 taxi vehicles of which 4 are wheelchair accessible. By way of comparison, the Council also licences 482 private hire vehicles of which 2 are wheelchair accessible.

5. On 16 August 2016 the committee approved an amendment to the booking office conditions regarding both taxis and private hire vehicles operated by booking office licence holders. In April 2016 the committee continued the provision of free licensing fees for WAVs and increased the age limits for WAVs. Since November 2016 no such licences have been issued to any Booking Office operator and this change is therefore unlikely to make any significant impact on the availability of WAVs in East Renfrewshire.

6. The target compliance rate anticipated in the March 2015 report was 10% of all taxis to be WAVs by the end of the trial period. This target was not met and the current level is 6.3% for taxis, an increase from 1.7% in April 2016.

7. By comparison, the ratio of WAVs for private hires is 0.4% and the ratio across both taxis and private hires is 1.1% an increase from 0.6% in April 2016.

8. The Council continues to receive complaints regarding the lack of WAVs in East Renfrewshire. Complaints have been received from members of the public, MSPs and ERDA. In addition, the Council was featured in a recent STV news bulletin highlighting it as one of the worst in Scotland for the provision of WAVs.

9. At the meeting on 22 November 2016 officers were instructed to hold a public meeting for the purpose of further public consultation. The meeting was widely advertised and attended mostly by existing licence holders but also by representatives from ERDA. Discussions were wide ranging and useful. In summary, wheelchair users remained concerned at the lack of WAVs in East Renfrewshire and that the Council was not meeting its commitment to improve the situation. Taxi and private hire operators remained concerned about increased costs and a perceived lack of need for this type of vehicle.

REPORT

10. The lack of WAVs remains an issue for members of the public and is also a concern for Council school contracts and HSCP contracts.

11. The committee is reminded that the Council has already adopted the following equality outcome in its Equality Mainstream Report and Equality Outcomes 2013/2017 "wheelchair users are confident that they can hire a wheelchair accessible

taxi at a fair cost when they need one" (Chief Executive's Department (Legal Services)). (SOA 3.5)".

12. The committee is asked to consider taking further action to improve the availability of WAVs in East Renfrewshire.

EQUALITIES IMPACT

13. Deciding on a policy which would increase the number of WAVs used as taxis in East Renfrewshire would have a positive impact on wheelchair users and carers and others who may require additional support to access taxis or private hire vehicles as a form of public transport.

CONSULTATION

14. Direct consultation with the public, ERDA and licence holders has taken place during the period since the last meeting of the committee.

CONCLUSIONS

15. It is recommended that, in addition to any previous decisions by the committee, the committee takes further action in some form to increase the number of WAVs available to the public of East Renfrewshire. The following options are for consideration:-

- (a) 100% WAV taxis (permanent)

This option would provide that all taxis within East Renfrewshire would have to be WAVs by a certain date. In the interest of fairness to existing operators this date may be up to 5 years from the date of the decision in order to allow a reasonable lead in time if, for example, a taxi operator has a long finance deal or an existing vehicle. To balance this, I am aware that the Council needs to increase the percentage of WAVs almost immediately so any new licences or substitute vehicles would have to comply immediately.

- (b) 100% WAV taxis and private hire vehicles (temporary)

This option is for all new licences to be restricted to WAVs only until sufficient numbers of these vehicles are available, when licences can be opened up again to any type of authorised vehicle. This would not affect any existing licence holders who could keep their existing vehicle types for the duration of the licence.

- (c) Conversion of all MPV Licences

All MPVs (people carriers) whether they be taxis or private hires, should be WAVs only. At first glance this is an attractive solution but it does single out a particular type of vehicle user within East Renfrewshire whilst leaving other vehicle users unaffected which could lead to accusations of a less than fair system. In addition, operators could just abandon the use of this type of vehicle in order to avoid buying WAVs. This would not provide a solution for wheelchair users and would also see the loss of the use of these vehicles for non-wheelchair users. If the committee was minded to follow this solution then it is suggested that the requirement is restricted to taxis and private hires for a limited period. It is probably not necessary for all of

these to be wheelchair accessible but it would help for a proportion of these vehicles to comply. It is therefore suggested that if the committee is minded to follow this approach it should apply to new licence applications only for a period of 3 years. At the end of that time, providing there are a sufficient number of WAVs, those licences would be restricted to substituting only WAVs in the future, thus retaining a certain proportion of wheelchair vehicles

RECOMMENDATIONS

16. The Committee is asked to consider the options in the conclusion section, to consider the following recommendations and decide what option it wishes to take.

- (a) 100% WAV taxis (permanent)

This option would provide that all taxis within East Renfrewshire would have to be WAVs by 31st March 2022. Existing licence holders would be unaffected until that date but any new licences or substitute vehicles would have to comply immediately.

- (b) 100% WAV taxis and private hire vehicles (temporary)

All new taxi and private hire licences to be restricted to WAVs only until 20% of total numbers of all taxi and private hire vehicles are wheelchair accessible. At that point, licences will be opened up again to any type of authorised vehicle. This would not affect any existing licence holders who could keep their existing vehicle types for the duration of the licence and 6 months notice would be given of the change.

- (c) Conversion of all MPV Licences

All MPVs (people carriers) whether they are taxis or private hires should be WAVs only. This requirement is restricted to new taxis and private hire vehicles for a limited period of 3 years but must always remain wheelchair accessible for the life of the licence, thus retaining a certain proportion of wheelchair vehicles. The change would be implemented in 6 months time and all existing licence holders will be unaffected for the life of their licence.

- (d) Taxi Number Limitation

In addition to the above, the committee is highly recommended to abandon the limitation on taxi licence numbers as an unmet demand for wheelchair accessible vehicles exists and a limit is only lawful where there is no unmet demand. Alternatively the committee is asked to authorise the purchase of an unmet demand survey to comply with the legal requirements. The survey would be paid from licence application fees.

REPORT AUTHOR

Report by: Chief Officer (Legal & Procurement), Gerry Mahon, Tel: 0141 577 3801
e-mail: gerry.mahon@eastrenfrewshire.gov.uk

Report Author and further information from: Joe Abrami, Principal Solicitor,
e-mail: joe.abrami@eastrenfrewshire.gov.uk Tel: 0141 577 3012

Licensing Committee Convenor: Councillor Tommy Reilly,
e-mail: tommy.reilly@eastrenfrewshire.gov.uk Tel: 07718697116

KEY WORDS

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