

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

19 April 2016

Report by Chief Officer (Legal & Procurement)

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMIT Etc.

PURPOSE OF REPORT

1. For the Committee to assess the results of the trial voluntary approach to the provision of wheelchair accessible taxis decided by the Committee on 3 March 2015 and to consider a change of policy on the grant of taxi vehicle licences in East Renfrewshire and associated changes. This is an update on previous reports to Committee dated 3 March 2015, 22 October 2014 and 27 June 2013.

RECOMMENDATIONS

2. The Committee is asked to consider the options in the conclusion section or a combination of them. The Committee is particularly asked to consider the following recommendations and decide what options, or any combination of them, if any, it wishes to take.

(a) Voluntary Approach

The introduction of free licences brought in for the trial period one year ago has failed. The Committee can either abandon this voluntary approach or continue with it in the hope that numbers will improve. However, there is no evidence that continuing with the trial for a further period would be any more successful than the previous trial period.

(b) Compulsory Approach

Declare that all taxi licences within East Renfrewshire will only be issued to Wheelchair Accessible Vehicles (WAVs). With this option all vehicles must be wheelchair accessible by January 2021 but all new licences issued from the date of this meeting must be WAVs and any substitution or new vehicle and replacement of an existing vehicle between now and January 2021 for an existing licence holder would also have to be wheelchair accessible. Again, the Council would be looking for 10% compliance by the end of March 2017 rising to 100% compliance by January 2021.

(c) Other Approach

Having considered the above, to decide on some other arrangement as may be agreed by the Committee such that numbers would increase to, for example, 10% of all taxi licences by the end of December 2016 and be reviewed thereafter. Other approaches can include:-

- (i) Consider making all MPV taxis wheelchair accessible as well as a proportion of MPV private hires for a period of 3 years, such licences to be for wheelchair accessible vehicles only for the life of the licence.
- (ii) Increase age limits for wheelchair accessible vehicles to 12 years with an entry level increase to 7 years.
- (iii) Delegation to the Chief Officer (Legal & Procurement) and the Principal Solicitor complete authority to take whatever steps are necessary in order to increase the availability for wheelchair accessible vehicles in East Renfrewshire.
- (iv) Any other policy which the Committee may decide on.

(d) Taxi Number Limitation

The Committee is recommended to abandon the limitation on taxi numbers as an unmet demand for WAVs exists and a limit should only occur where there is no such unmet demand.

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 in administering the taxi licensing scheme through the fees received. The “free” licence fees introduced in the last financial year 2015/2016 did not have a significant impact on the overall budget and the cost in administering Civic Licensing remained recovered in full.

BACKGROUND

4. At the Licensing Committee on 3 March 2015, the Committee considered the various options available to it on that day and, having taken into account the consultation input from taxi licence holders and representatives from East Renfrewshire Disability Action (ERDA), the Committee voted by majority to implement a voluntary scheme to encourage licence holders to licence WAVs in East Renfrewshire.

5. The voluntary scheme involved the reduction of licensing fees for WAVs to a no cost level. Some publicity for the new policy appeared in local press and Customer First information was changed accordingly to inform licence applicants.

6. In the 3 March 2015 report the total number of taxis is noted as 58 with 3 being wheelchair accessible. These figures were subsequently challenged by ERDA with a claim that the number of wheelchair taxis at the date of the meeting was zero. The number of taxis licenced at any particular time is fluid, as is the potential number of WAVs. It is accepted that the figures in the March 2015 report may have been out of date. In any event, whether the numbers were three or zero, does not particularly matter, as the purpose of quoting the numbers was to emphasise that the numbers of wheelchair accessible taxis were very low and to emphasise that some action should be taken to try to increase numbers available

7. As at March 2015 East Renfrewshire Council licenced 58 taxi vehicles of which one is wheelchair accessible. By way of comparison, the Council also licences 435 private hire vehicles of which two are wheelchair accessible. This particular report is in respect of policies for taxis and not private hires. At the time of writing this

report I am unaware of any other authority which has any policy or requirements in respect of wheelchair accessible private hire vehicles.

8. 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 has not been met, the current level is 1.7% for taxis.

9. By comparison, the ratio of WAVs for private hires is 0.4% and the ratio across both taxis and private hires is 0.6%.

10. In the year since March 2015, the Council has continued 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, East Renfrewshire Council was featured in a recent STV news bulletin highlighting the Council as being one of the worst in Scotland for the provision of WAVs.

11. The conclusion of the trial period is that either the voluntary approach has not worked or requires longer to have any impact. Although some members of the taxi trade have indicated a willingness to replace existing vehicles with WAVs, the take up has been extremely slow.

REPORT

12. The lack of WAVs remains a concern for members of the public and is also an issue for school contracts and social work contracts.

13. The Committee is reminded that East Renfrewshire 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)).

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

EQUALITIES IMPACT

15. 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 and egress taxis.

CONSULTATION

16. No further direct consultation has taken place during the trial period. However, there was extensive consultation prior to March 2015 and it is believed that the positions of the stakeholders consulted have not changed since that time. In particular, wheelchair users have continued to make known to the Council that the lack of vehicles continues to impact on their day to day lives and the trade continues to comment on the cost of purchasing and running these vehicles.

CONCLUSIONS

17. It is recommended that the Committee takes 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

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) Discounted licence fees

The Committee previously decided to make no charge in respect of an application for a wheelchair accessible vehicle for a trial period. The trial period has now ended and this approach has not been successful. It may be that this approach requires longer to work or may simply not work at all. The Committee can consider extending the trial period but progress may be slow, if any.

(c) Age Limits

An increase in age limits was previously rejected. The taxi trade continued to cite the high cost of WAVs as a reason not to use them. As a compromise, it is suggested that increasing the overall age limit for WAVs from 10 years to 12 years and increasing the first registration limit from 5 years to 7 years may help to encourage usage.

(d) Conversion of all MPV Licences

A member of the taxi trade has put forward this solution. 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 wheelchair accessible vehicles. 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 I would suggest that the requirement is restricted to taxis only. As for private hire vehicles, 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. I would therefore suggest that if the Committee is minded to follow this approach that it should apply to new licence applications only for a period of 3 years. At the end of that time, those licences would be restricted to substituting only WAVs in the future, thus retaining a certain proportion of wheelchair vehicles

RECOMMENDATIONS

18. The Committee is asked to consider the options in the conclusion section above or a combination of them. The Committee is particularly asked to consider the following recommendations and decide what options, or any combination of them, it wishes to take.

(e) Voluntary Approach

The introduction of free licences brought in for the trial period one year ago has failed. The Committee can either abandon this voluntary approach or continue with it in the hope that numbers will improve. However, there is no evidence that continuing with the trial for a further period would be any more successful than the previous trial period.

(f) Compulsory Approach

Declare that all taxi licences within East Renfrewshire will only be issued to Wheelchair Accessible Vehicles. With this option all vehicles must be wheelchair accessible by January 2021 but all new licences issued from the date of this meeting must be WAVs and any substitution or new vehicle and replacement of an existing vehicle between now and January 2021 for an existing licence holder would also have to be wheelchair accessible. Again, the Council would be looking for 10% compliance by the end of March 2017 rising to 100% compliance by January 2021.

(g) Other Approach

Having considered the above, to decide on some other arrangement as may be agreed by the Committee such that numbers would increase to, for example, 10% of all taxi licences by the end of March 2017 and be reviewed thereafter. Other approaches can include:-

- (v) Consider making all MPV taxis wheelchair accessible as well as a proportion of MPV private hires for a period of 3 years, such licences to be for wheelchair accessible vehicles only for the life of the licence.
- (vi) Increase age limits for wheelchair accessible vehicles to 12 years with an entry level increase to 7 years.
- (vii) Delegation to the Chief Officer (Legal & Procurement) and the Principal Solicitor complete authority to take whatever steps are necessary in order to increase the availability for WAVs in East Renfrewshire.
- (viii) Any other policy which the Committee may decide on.

(h) Taxi Number Limitation

The Committee is recommended to abandon the limitation on taxi numbers as an unmet demand for wheelchair accessible vehicles exists and a limit should only occur where there is no such unmet demand.

Whatever decision the Committee takes, the Committee is asked to delegate appropriate authority to the Chief Officer (Legal & Procurement) and the Principal Solicitor to take the necessary steps in order to implement the decision of the Committee.

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