

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

6 June 2014

Report by Chief Officer (Legal & Procurement)

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
WHEELCHAIR ACCESSIBLE VEHICLES

PURPOSE OF REPORT

1. For the Committee to consider a change of policy on the grant of taxi vehicle licences in East Renfrewshire.

RECOMMENDATIONS

2. The Committee is asked to consider the following options and decide if the present policy should be changed and, if so what changes to make:-

Option 1 Make no change and retain existing limit. Under this option, the Council would be required to carry out a survey to ascertain the level of demand for taxis in East Renfrewshire.

Option 2 Keep the existing limit and require non wheelchair accessible vehicle operators to convert their vehicles.

Under this option, the Council would be required to carry out a survey to ascertain the level of demand for taxis in East Renfrewshire.

The Committee would then have to decide if,

- (a) all taxis should be wheelchair accessible or
- (b) a proportion of taxis should be wheelchair accessible and, if so, what that proportion should be

A transitional period would require to be fixed and a mechanism decided as to which licence holders should be forced to transfer to WAVs if a mixed fleet is decided upon.

Option 3 Remove the existing limit on taxi numbers and introduce a new policy that all future new licences must be wheelchair accessible vehicles.

This option would not require the Council to conduct an unmet demand survey and would not require existing operators to change their existing vehicle styles, unless they wanted to voluntarily do so. It is further recommended that, if this option is chosen, new applications must be for wheelchair accessible vehicles less than 5 years old and that the roof sign on these

vehicles should contain only the words “taxi” or “for hire” or a combination of the two. The Committee is also asked to consider if such vehicles should only be acceptable in a certain colour or colours. It is not recommended that the Council adopts a specific list of vehicles but that the Chief Solicitor and Principal Solicitor are delegated appropriate authority to decide if a vehicle is appropriate as an acceptable wheelchair accessible vehicle or of particular suitability for another disability.

Irrespective of option chosen, the licence conditions in all vehicle licences be amended to remove references to full size spare wheels.

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. There should, therefore, be no financial implications for the Council arising from the contents of this report. In the event that a demand survey is to be undertaken under paragraph 2 above, the cost of this (and any interim update surveys) will require to be recovered from application and renewal fees for taxi and taxi driver licences. It is estimated that a full demand survey could add around £100 to the price of every taxi operator and taxi driver licence per year.

BACKGROUND TO POLICY ON TAXI LICENSES

4. The Committee is empowered to limit the number of taxis by virtue of section 10 (3) of the Civic Government (Scotland) Act 1982 which states *inter alia* that the Committee “may refuse taxi licenses if, but only if, they are satisfied there is no significant demand for the services of taxis in their area which is unmet”.

In East Renfrewshire, the limit is presently 77 taxis, 2 of which are wheelchair accessible vehicles. The number of wheelchair accessible vehicles has not increased significantly over recent years with most of the taxis being saloon, estate, MPV type vehicles similar to private hire vehicles. 93% of existing licence holders want to keep the limit, but only 61% agreed that this was beneficial to the public. 62% of the public agreed they would use taxis more if more were available.

At present East Renfrewshire Council has no policy on the age of vehicles although other local authorities do have limits.

The licensing section carried out a survey of the general public and a separate survey of the licence holders. In general, the public were in favour of more wheelchair accessible vehicles and vehicles suitable for other disabilities and the trade were opposed to a 100% WAV fleet of taxis. (89%).

The public also favoured newer vehicles with 87% wanting vehicles no more than 8 years old. By contrast only 38% of licence holders favoured an age limit with 78% of that group favouring 8 years as a limit.

In terms of Equality legislation, the Council has a duty to avoid discrimination against and promote access to persons with disabilities in its policies. The impact of increasing wheelchair accessible vehicles would be to improve access to wheelchair users. It is recognised that wheelchair users are only one sub group of persons with

disabilities so vehicles particularly suitable to other disabilities should also be considered suitable.

REPORT

5. The status quo is not a recommended option. In order for the Council to meet its statutory duties under the Equality legislation, it must take steps to adjust its policy accordingly.

If the Committee were minded to retain the existing limit on taxi numbers, then it would also have to agree to instructing regular surveys to establish the level of unmet demand and the cost for the surveys would be added to the cost of an annual taxi vehicle or taxi driver licence, increasing the cost by over 100%.

If the limit is retained, and wheelchair access is to be added, then the Committee would have to decide whether all vehicles were to be wheelchair accessible or just a proportion of vehicles. If a proportion of vehicles is chosen then the Committee would have to decide what that proportion should be and a mechanism to decide which existing licence holders would have to convert and which would be allowed to stay the same. There would also have to be a transitional arrangement decided upon to allow a period of adjustment.

The Committee could decide alternatively to remove the existing limit on taxi numbers. This would not require any unmet demand survey. If the limit is removed, then the Committee still has to address how the existing number of wheelchair accessible vehicles should be increased. Again, the Committee can decide on a mixed fleet or an all wheelchair fleet. If an all wheelchair fleet is chosen then some of the issues above regarding transitional periods etc would have to be decided upon. Alternatively, the Committee could, for example, decide to retain the existing mixed fleet of 77 taxis with reserved rights to operate the existing mix of vehicles but only allow any new licenses above 77 to be wheelchair accessible vehicles.

The Committee is further asked to consider delegating the appropriate authority to the Chief Solicitor and Principal Solicitor to decide which vehicles are acceptable to the Council as being wheelchair accessible or meeting the particular needs of other disabled persons.

The Committee is further asked to consider the following:-

- a. Should all wheelchair accessible vehicles be of a single colour? The survey revealed a need to distinguish a taxi from a private hire vehicle.
- b. Should roof signs be restricted to having the words "taxi" or "for hire" or a combination of both? Often, roof signs are used to advertise booking offices but don't tell the public that the vehicle is a taxi.
- c. Should wheelchair accessible vehicle licences be restricted to vehicles no more than 5 years old from the date of first registration of the vehicle at the time of application for the licence and in addition, or separately, should there be an age limit for these vehicles of 8 years from date of first registration. This is in response to the survey. Newer vehicles tend to be safer and more efficient than older vehicles.

- d. 78% of licence holders said that the Council should not insist on a full size spare wheel. It is suggested this is outdated and the condition should be removed from all vehicle licences.

It is recommended that the Committee should review the numbers of wheelchair accessible vehicles after a year to see if numbers have increased and to see if any further changes to the policy in connection with WAVs is necessary.

EQUALITIES IMPACT

6. Changing the existing policy to increase the number of wheelchair accessible vehicles 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. It would also benefit positively people with age related impairments and possibly also those who are pregnant or parents of young children with prams or buggies.

CONSULTATION

7. The licensing section carried out a survey of the general public and a survey of existing licence holders. Additional input was received from disability groups from the "Barriers and Bridges" event.

CONCLUSIONS

8. It is recommended that the Council's existing policy is amended in some form to increase the number of wheelchair accessible vehicles available to the public of East Renfrewshire.

The results of the public and licence holder consultations and other information available to the licensing section appears to indicate that a mixed fleet of vehicles is the most appropriate solution to existing licence holders, ordinary users, wheelchair users and users with other disabilities.

RECOMMENDATIONS

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KEY WORDS

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