

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

22 November 2016

Report by Chief Officer (Legal & Procurement)

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMIT Etc. (No. 2)

PURPOSE OF REPORT

1. As a result of discussion at the meeting on 16 August 2016 this report is for the Committee 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 19 April 2016, 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) 100% WAV Taxis

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 2022 but all new licences issued from the date of this meeting must be Wheelchair Accessible Vehicles and any substitution or new vehicle and replacement of an existing vehicle between now and January 2022 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 December 2017 rising to 100% compliance by January 2022.

(b) 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:-

- (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) 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.

- (iii) Consider extending free licence period.
- (iv) Any other policy which the Committee may decide on.

(c) 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.

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.

BACKGROUND

4. As at November 2016 East Renfrewshire Council licenced 64 taxi vehicles of which 4 are wheelchair accessible. By way of comparison, the Council also licences 471 private hire vehicles of which two are wheelchair accessible. This particular report is mainly 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.

5. On 16 August 2016 the Licensing 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.

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 has not been met, the current level is 6.2% 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, 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.

REPORT

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

10. 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)”.

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

EQUALITIES IMPACT

12. 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

13. 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

14. It is recommended that the Committee take 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 Wheelchair Accessible Vehicles 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 Committee can consider extending the trial period.

(c) 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

15. 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.

(d) 100% WAV Taxis

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 2022 but all new licences issued from the date of this meeting must be Wheelchair Accessible Vehicles and any substitution or new vehicle and replacement of an existing vehicle between now and January 2022 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 December 2017 rising to 100% compliance by January 2022.

(e) 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:-

- (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) 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.
- (iii) Consider extending free licence period.
- (iv) Any other policy which the Committee may decide on

(f) 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.

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

Civic Government (Scotland) Act 1982, Taxi, Taxi Licence, Licensing, wheelchair accessible vehicle, disabilities, equality.