

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

22 October 2014

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 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.

RECOMMENDATIONS

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

- (i) make no change and retain existing limit on numbers of licences issued. Under this option, the Council would be required to carry out a survey to ascertain the level of demand for taxis in East Renfrewshire.
- (ii) remove the existing limit. This option would not require the Council to conduct an unmet demand survey at the licence holders' expense.
- (iii) require taxi vehicles to be wheelchair accessible vehicles (WAVs)

3. The Committee would then have to decide if:

- (i) all taxis should be wheelchair accessible; or
- (ii) a proportion of taxis should be wheelchair accessible and, if so, what that proportion should be.

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

5. The Committee is also asked to decide if:-

- (i) roof signs on taxis should contain only the words "Taxi" or "For Hire" or a combination of the two;
- (ii) taxis should only be acceptable in a certain colour or colours;
- (iii) should compulsory WAVs be introduced, the Chief Officer (Legal & Procurement) and the Principal Solicitor can be delegated appropriate authority to decide, in consultation with the Operations Manager (Transport), if a vehicle is appropriate to be licensed as a WAV, to

determine if GPS based meters can be installed instead of mechanical meters and to adjust licence conditions appropriately by adding or removing any Civic Government (Scotland) Act licence conditions in consultation with the Chair of the Licensing Committee;

- (iv) irrespective of any other option chosen, the licence conditions in all vehicle licences should be amended to remove reference to full size spare wheels; and
- (v) to make any other decision it considers appropriate in respect of taxi licensing or other Civic Government Licensing matters.

FINANCIAL IMPLICATONS

6. 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

7. 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”.

8. In East Renfrewshire, the limit is presently 77 taxis. Whereas numbers were previously oversubscribed, demand is now falling and only 60 taxis are presently licensed, 3 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 or MPV type vehicles similar to private hire vehicles. In a survey carried out by Legal Services in 2012, 93% of existing licence holders wanted 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.

8. Legal Services 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%).

9. A public meeting of taxi operators was held earlier this year and the results of the survey were duplicated in the responses and comments on the day, i.e. that demand was very low, costs to the trade would be high and a WAV policy unnecessary.

10. A further survey of demand was carried out with the six booking offices in East Renfrewshire. Two did not reply but the results of the other four are attached at Appendix 1.

11. A meeting between East Renfrewshire Disability Action (ERDA) and council officers also took place in September 2014. ERDA members expressed a desire to use taxis in East Renfrewshire but did not book taxis from booking offices in East Renfrewshire as they were aware that they had no wheelchair accessible vehicles. They did say that there was a demand for WAVs with wheelchair users but at present they have to book a taxi from Renfrewshire or Glasgow which is inconvenient and more expensive for them. They reminded East Renfrewshire Council of its statutory duties in respect of equalities and urged the Council to take action.

12. 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.

13. It should also be noted that East Renfrewshire Council has already adopted the following equality outcome in its Equality Mainstreaming 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)"

REPORT

14. 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.

15. If the Committee was 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%.

16. If the limit is retained then the Committee would have to decide whether all vehicles are 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.

17. The Committee could alternatively decide to remove the existing limit on taxi numbers. This would not require any unmet demand survey. If the limit was removed, then the Committee would still have 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. Alternatively, the Committee could, for example, decide to retain the existing mixed fleet of 60 taxis with reserved rights to operate the existing mix of vehicles but only allow any new licenses above 60 to be wheelchair accessible vehicles. However, as there is little or no demand for new taxi licences and numbers are falling, this is perhaps no longer a viable alternative.

18. The Committee is further asked to consider delegating the appropriate authority to the Chief Officer (Legal & Procurement) and the Principal Solicitor to decide, in consultation with the Operations Manager-Transport, which vehicles are acceptable to the Council as being wheelchair accessible or meeting the particular

needs of other disabled persons; to decide on the fitting of alternative meters; and to add or remove licence conditions, on their own or in consultation with the Chair of the Licensing Committee.

19. The Committee is further asked to consider the following:-

- (i). should all wheelchair accessible vehicles be of a single colour? The survey revealed a need to distinguish a taxi from a private hire vehicle and this could assist partially sighted people. If so what colour?
- (ii). 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. Again this assists people with disabilities.
- (iii) 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.

EQUALITIES IMPACT

20. 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. The easy access of these vehicles could also benefit people with age related impairments and possibly also those who are pregnant or parents of young children with prams or buggies.

CONSULTATION

21. 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.

CONCLUSIONS

22. 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.

RECOMMENDATIONS

23. The Committee is asked to consider options and decide if the present policy should be changed and, if so what changes to make, for example:

- (i) make no change and retain existing limit on numbers of licences issued. Under this option, the Council would be required to carry out a survey to ascertain the level of demand for taxis in East Renfrewshire.
- (ii) remove the existing limit. This option would not require the Council to conduct an unmet demand survey at the licence holders' expense.
- (iii) require taxi vehicles to be wheelchair accessible vehicles (WAVs)

24. The Committee would then have to decide if:
- (i) all taxis should be wheelchair accessible; or
 - (ii) a proportion of taxis should be wheelchair accessible and, if so, what that proportion should be.
25. A transitional period would require to be fixed in both cases and a mechanism decided as to which licence holders should be forced to transfer to WAVs if a mixed fleet was decided upon.
26. The Committee is also asked to decide if:-
- (i) roof signs on taxis should contain only the words "Taxi" or "For Hire" or a combination of the two;
 - (ii) taxis should only be acceptable in a certain colour or colours;
 - (iii) should compulsory WAVs be introduced, the Chief Officer (Legal & Procurement) and the Principal Solicitor can be delegated appropriate authority to decide, in consultation with the Operations Manager (Transport), if a vehicle is appropriate to be licensed as a WAV, to determine if GPS based meters can be installed instead of mechanical meters and to adjust licence conditions appropriately by adding or removing any Civic Government (Scotland) Act licence conditions in consultation with the Chair of the Licensing Committee;
 - (iv) irrespective of any other option chosen, the licence conditions in all vehicle licences should be amended to remove reference to full size spare wheels; and
 - (v) to make any other decision it considers appropriate in respect of taxi licensing or other Civic Government Licensing matters.

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.

Further Information Relating to Wheelchair Accessible Vehicle Provision Within East Renfrewshire

The following information was obtained from enquiries made by the Council's Civic Government Enforcement Officer in September 2014.

The booking offices were asked for information in relation to a number of questions:-

- 1.** The total number of vehicles currently operating on your network which are Wheelchair Accessible. Please specify the number of Public Hire and Private Hire cars.
- 2.** The total number of pre-booked hires recorded by your Booking office during the last year which specified the request for a WAV. If possible please show this information on a monthly basis.
- 3.** The total number of street hires carried out by Public Hire vehicles which required the use of a WAV. If possible please show this information on a monthly basis.
- 4.** Details of any company policy or information provided by your Booking Office to customers requesting a WAV.
- 5.** Details of any other relevant information or comments you wish to make in relation to the provision of WAV's within East Renfrewshire.

As of 6th October 2014, information had been provided by 4 of the Booking Offices licensed by this Authority, Eastwood Mearns Taxis; Compass (Barrhead); Hampden Cars; and Thornliebank Radio Cars.

The results are as follows.

Question 1

Booking Office 1 – 2 – Private Hire

Booking Office 2 – No WAV's

Booking Office 3 – No WAV's licensed in East Renfrewshire

Booking Office 4 – No WAV's.

<u>Question 2.</u>	<u>BO1</u>	<u>BO2</u>	<u>BO3</u>	<u>BO4</u>
October 2013	50	1	0	0
November 2013	44	2	0	0
December 2013	35	2	0	0
January 2014	52	0	0	0
February 2014	43	0	0	0
March 2014	53	0	0	0
April 2014	51	0	0	0
May 2014	36	0	0	0
June 2014	57	0	0	0
July 2014	25	0	0	0
August 2014	32	0	0	0
September 2014	N/A	1	0	0
Total:	478	6	0	0

<u>Question 3</u>	<u>BO1</u>	<u>BO2</u>	<u>BO3</u>	<u>BO4</u>
	N/A	N/A	N/A	N/A

Question 4

BO1: All hires must be allocated at time of booking.

BO2: All hires are allocated at time of booking

BO3: Not applicable

BO4: Not applicable.

Question 5

BO1: No information or comments

BO2: No information or comments

BO3: No information or comments

BO4: No information or comments.

Two Booking offices did not reply or provide any information.