

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

3 March 2015

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 to Committee dated 22 October 2014 and 27 June 2013.

**RECOMMENDATIONS**

2. The Committee is asked to consider the options in the conclusion section below or a combination of them. The Committee is particularly asked to consider the following recommendations and choose options (a), (b) or (c) or any combination of them.

(a) Voluntary Approach

Introduce free licences for any taxi or private hire operator renewing a wheelchair accessible vehicle. This would be valid only from 1<sup>st</sup> April 2015 to 31 March 2016 but a continuation of a reduction could be considered by the Council when it considers charging for services at its meeting towards the end of 2015. Hopefully, this would encourage the use of this type of vehicle and the aim would be to obtain sufficient numbers to have the equivalent of 10% of all taxis as wheelchair accessible by the end of 2015. This number would include both taxis and private hire vehicles. This option would not involve any compulsion on any operators to change their vehicles and is based on a voluntary system. The Committee could review the numbers at the end of 2015 and if 10% has not been reached then consider further action.

(b) 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 2020 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 2020 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 2015 rising to 100% compliance by January 2020.

(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 2015 and be reviewed thereafter.

## 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. Introducing discounted or 'free' licences would reduce income by an estimated £2,000 but increased fees payable from 1<sup>st</sup> April 2015 for other Civic Government licences should absorb the shortfall. The reduction is only for a fixed period and further considerations would be required if any reduction was to continue beyond that date.

## BACKGROUND

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 licences if, but only if, they are satisfied there is no significant demand for the services of taxis in their area which is unmet".

5. In East Renfrewshire, the limit is presently 77 taxis. Whereas numbers were previously oversubscribed, demand is now falling and only 58 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.

6. 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%).

7. 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.

8. A further survey of demand was carried out with the six booking offices in East Renfrewshire and the results appended to the 21<sup>st</sup> October 2014 Report (copy attached).

9. 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.

10. A further meeting attended by ERC officials, ERDA and taxi trade representatives took place in December 2014. The trade representatives again emphasised that WAVs were not economically viable for the average taxi driver and made the point that neither the Council nor ERDA have demonstrated a demand for wheelchair accessible vehicles. They are not opposed to a change in policy provided demand can be shown. ERDA on the other hand emphasised the Council's need to comply with its statutory requirements and referred to the decision already taken by the Council in its Equality Mainstreaming Report and asked the Council to honour

those commitments. ERDA also provided some information on the cost of WAVs and it was noted the prices started at showed the same cost as a new saloon car. The trade offered a suggestion of replacing all existing MPV vehicles with WAVs and ERDA repeated its assertion that only 100% compliance would provide the service they would reasonably expect. No mutually agreeable solution was found.

11. It has come to the attention of the author that there is a shortage of wheelchair accessible vehicles within East Renfrewshire, but especially in the Barrhead area, to meet the demand of CHCP and Education.

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%. With only one taxi for the whole of Barrhead, Neilston and Uplawmoor it may be difficult to maintain a position that there is no demand for more than one taxi to cover this area.

16. The Committee has 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 58 taxis with reserved rights to operate the existing mix of vehicles but only allow any new licences above 58 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.

## **EQUALITIES IMPACT**

19. 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**

20. 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. The Council held a public meeting in January 2014 obtained further information on wheelchair accessible vehicle provision within East Renfrewshire from booking offices in September 2014 and carried out a further discussion meeting attended by representatives of ERDA, representatives of the taxi trade and Council officials in December 2014.

## **CONCLUSIONS**

21. 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 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.

### **(b) Discounted licence fees**

The cost of a licence could be substantially reduced (perhaps even to the extent of a free licence) in order to encourage the use of wheelchair accessible vehicles. This could be extended to both taxis and private hire vehicles to encourage voluntary compliance and be for the period up to 1<sup>st</sup> April 2016.

### **(c) Age Limits**

It has been suggested that age limits could be lifted as the existing age limit is 10 years, in my opinion the existing age limits are sufficient and do not need to be lifted or further extended and doing so would not necessarily increase availability and would undo the progress made in this area.

(d) Conversion of all MPV Licences

The taxi trade put this forward as a solution. All MPVs (people carriers) whether they be taxis or private hires would be converted to wheelchair accessible vehicles 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 and does not include private hire vehicles which, traditionally, have not been restricted in this way.

## **RECOMMENDATIONS**

22. 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 choose options (a), (b) or (c) or any combination of them.

(a) Voluntary Approach

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(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 2015 and be reviewed thereafter.

In all of the options above the Committee is also asked to confirm that the existing limit on taxi licences be removed, again, to encourage more use of these vehicles and therefore more use of WAVs.

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## **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.

<b><u>Question 2.</u></b>	<b><u>BO1</u></b>	<b><u>BO2</u></b>	<b><u>BO3</u></b>	<b><u>BO4</u></b>
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

<b><u>Question 3</u></b>	<b><u>BO1</u></b>	<b><u>BO2</u></b>	<b><u>BO3</u></b>	<b><u>BO4</u></b>
	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.