

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL  
20 JANUARY 2005**

**REVIEW OF POLICY REGARDING THE PROVISION OF WHEELCHAIR  
ACCESSIBLE VEHICLES FOR USE AS TAXIS**

**Report by Executive Director of Neighbourhood Services**

**1. PURPOSE**

- 1.1 To invite the Panel to review the policy decision of the Licensing Sub-Committee of the Community Services Committee, subsequently amended by the Licensing Panel, to require all vehicles operating as Taxis within East Ayrshire to be wheelchair accessible by 1 May 2005.

**2. BACKGROUND**

- 2.1 The Licensing Sub-Committee, at the meeting held on 24 February 1999, having considered a report by the Director of Community Services, agreed that by 1 May 2004, all vehicles licensed as Taxis should be wheelchair accessible.
- 2.2 Subsequently, the Licensing Panel, at the meeting held on 22 May 2003, having considered a further report by the Director of Community Services, agreed to defer implementation of the policy until 1 May 2005.
- 2.3 It was also agreed that it be remitted to the Director of Community Services to submit a further report to a future meeting of the Panel, setting out possible alternative policy approaches including specifically that which had been suggested by the Taxi Trade Council.

**3. DISCUSSION**

- 3.1 The original decision was taken in the light of the provisions contained in the Disability Discrimination Act 1995 relative to taxis, and the powers contained in the Civic Government (Scotland) Act 1982, which permits a licensing authority to specify the type or types of vehicle which may be used as taxis within their area.
- 3.2 The provisions relating to taxis contained within the Disability Discrimination Act 1995 have yet to be brought into force by the Scottish Executive and, prior to a final decision being taken, a consultation document is to be issued to all interested parties seeking their views.

- 3.3 The Scottish Executive has advised that the consultation process is likely to take place sometime during 2005. Following this exercise they will then fix an implementation date and hopefully issue a detailed specification for suitable vehicles. It is currently thought that the Executive will allow a 'lead-in period' of some 10 to 15 years for full compliance with the provisions of the legislation.
- 3.4 In terms of the Civic Government (Scotland) Act 1982, licensing authorities are free to formulate their own policies, taking into consideration the proposed provisions within the Disability Discrimination Act 1995, and the Scottish Executive fully endorse this course of action as an interim measure.
- 3.5 Since the original decision in 1999, the Wheelchair Accessible policy has been a regular topic for discussion at the liaison meetings with representatives of East Ayrshire Taxi Trade Council and the Chairs of the Licensing Sub-Committee/Licensing Panel.
- 3.6 The Taxi Trade have always been of the opinion that there was no demand for a 100% wheelchair accessible fleet and have suggested that, from their experience on the street, 10% to 15% would more that serve the needs of the population.
- 3.7 At a recent meeting with representatives of the Taxi Trade, the Chair agreed that a survey of various relevant organisations be undertaken in order to establish a more accurate idea of the demand for such specialised vehicles. Organisations approached for the purposes of the survey included those representing wheelchair users, elderly people and people with sensory impairments.
- 3.8 A summary of the results of this survey is attached as Appendix 1 to this report. It can be seen from the results that no clear preference for wheelchair accessible taxis was intimated by those who responded to the consultation.
- 3.9 For the information of Members, there are currently 112 licensed Taxis operating within East Ayrshire, of which 26 are wheelchair accessible (23.2%). In the North Zone, 16 wheelchair accessible vehicles are available out of a total of 93 (17.2%) and, in the South Zone, 10 out of a total of 19 (52.6%). It can be seen that the Taxi Operators in the South Zone have made more progress than their colleagues in the North Zone towards the Council's target of 100% by May 2005. Although the Council's policy has been intimated to the Taxi Trade since 1999, they have made insufficient progress towards meeting the target.
- 3.10 The Council now needs to consider the way forward given (a) the fact that a number of operators have (in good faith) invested in vehicles which comply with the desired policy; (b) the fact that the Government's policy on disabled taxi provision remains unclear and there is no guarantee that such existing vehicles will meet any proposed specification in terms of the Disability Discrimination Act 1995; (c) the varied views of sections of the disabled community; and (d) that the

present legislation provides for the Council making whatever decision is deemed appropriate for the current circumstances.

- 3.11 Given these circumstances, there is merit in the Panel amending the policy to require that by May 2006, the Taxi Trade ensures that 25% of their licensed vehicles (in each Zone) are capable of carrying a wheelchair user so that the occupant can complete the journey in their wheelchair. This approach would allow the Taxi Trade to demonstrate flexibility and allow a further twelve months to secure an improvement on the existing position in the North Zone. If such an improvement is not secured by May 2006, the Panel would then have the opinion of issuing such additional Operator's Licenses (with the condition that the vehicle must be capable of carrying a wheelchair user so that the occupant can complete the journey in their wheelchair) to ensure the 25% target was met.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Nil.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 10 (2) of the Civic Government (Scotland) Act 1982.
- 5.2 The provisions relating to taxis contained within the Disability Discrimination Act 1995.

#### **6. POLICY IMPLICATIONS**

- 6.1 In terms of the Council's Community Plan, there is a commitment to continuously improve local transport, the safety and comfort of the travelling public and, in particular, to improve access to transport for the disabled members of the community.

#### **7. CONCLUSIONS**

- 7.1 On 22<sup>nd</sup> May 2003, the Panel agreed that a policy decision taken in 1999 that all licensed taxis be suitable for wheelchair-bound passengers by May 2004, be deferred until 2005 and the policy reviewed before that date.
- 7.2 A survey of the existing licensed taxi fleet indicates that while more than 50% of the taxi fleet in the South Zone comply with the policy, only 17% comply in the North Zone.
- 7.3 The Taxi Trade is of the view that the 100% policy is not required and suggest that between 10 and 15% of the licensed fleet would be sufficient.

- 7.4 It is not clear when the Government's proposals for the design of taxis will be issued.
- 7.5 Consultation with user groups in the disabled community indicates no clear preference for the types of vehicles required in terms of the current policy.
- 7.6 A number of taxi operators have already made a significant financial investment in vehicles which now comply with the policy.

## **8. RECOMMENDATIONS**

8.1 It is recommended that:

8.1.1 by May 2006, 25% of the vehicles licensed as taxis in each Zone are capable of carrying a wheelchair user so that the occupant can complete the journey in their wheelchair;

8.1.2 if the Taxi Trade fails to meet this target, sufficient additional Taxi Operators' Licenses (having a condition attached that the vehicle must comply with the standard set out in 8.1.1 above) be issued to bring the percentage up to 25;

8.1.3 the policy be reviewed by the Panel in January 2006; and

8.1.4 otherwise note the report.

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WS/GS/JFC

12<sup>th</sup> January 2005

### **LIST OF BACKGROUND PAPERS**

- 1 Minute of meeting of the Licensing Sub-Committee of the Community Services Committee held on 24 February 1999.
2. Minutes of the Local Government Licensing Panel held on 22 May 2003.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on [john.crawford@east-ayrshire.gov.uk](mailto:john.crawford@east-ayrshire.gov.uk)