

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL 25 JANUARY 2007

THE PROVISION OF ADDITIONAL WHEELCHAIR ACCESSIBLE VEHICLES FOR USE AS LICENSED TAXIS

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 As agreed by the Licensing Panel, at the meeting held on 29 January 2006, to invite the Members to now consider granting additional Taxi Operator's Licences in order to achieve the policy decision of having a minimum of 25% of the taxi fleet wheelchair accessible and to determine the method of allocating the additional licences.

2. BACKGROUND

- 2.1 At the meeting of the Licensing Panel held on 29 January 2006, the Members agreed that if the taxi trade in East Ayrshire should fail by 31 December 2006 to meet the required target of a minimum of 25% of all vehicles licensed as taxis within each Zone being capable of carrying a disabled passenger in their wheelchair, the Council, as Licensing Authority in terms of the Civic Government (Scotland) Act 1982, would issue sufficient additional taxi operator's licences to bring the percentage of compliant vehicles up to 25% in each Zone. The additional licences would be subject to a condition that the vehicle would be, and would remain in perpetuity, capable of carrying a disabled passenger in their wheelchair.

3. DISCUSSION

- 3.1 The original decision taken by the Members in February 1999, and all subsequent amendments to the policy, were 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 Government and, prior to a final decision being taken, a consultation document is to be issued to all interested parties seeking their views.
- 3.3 In late 2004, the Scottish Executive advised that the consultation process was likely to proceed during 2005, but this has not taken place to date. Consequently no implementation date has been set and no detailed specification for suitable vehicles is available. 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 once the implementation date has been set.

- 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 For the information of Members, there are currently 112 licensed Taxis operating within East Ayrshire, of which 21 are wheelchair accessible (18.75%). In the North Zone, 14 wheelchair accessible vehicles are available out of a total of 93 (15.05%) and, in the South Zone, 7 out of a total of 19 (36.8%).
- 3.6 In order to meet the target figure of 25% an additional 13 taxi operator's licences would be required in the North Zone bringing the total number of licensed taxis to 106, of which 27 would be wheelchair accessible. No additional licences would be required in the South Zone.
- 3.7 Several licensed private hire car operators and licensed taxi and private hire car drivers have expressed an interest in applying for any additional taxi operators licences and it is anticipated that the demand may exceed the number of available licences.
- 3.8 As the taxi trade in East Ayrshire have now had some 7 years in which to take the opportunity of moving towards compliance with the Council's policy on wheelchair accessible vehicles, the Members may wish to consider whether or not existing taxi operators should be permitted to make applications for the additional licences or to restrict the issue of licences to persons wishing to enter the taxi trade or a combination of both.
- 3.9 If so agreed, the additional licences to be issued would be subject to the condition as noted in paragraph 2.1 above, but existing taxi operators who currently operate wheelchair accessible vehicles cannot be made subject to that condition. Consequently, these operators could replace their current vehicles with saloon/estate cars thus reducing the percentage of wheelchair accessible vehicles to below the agreed 25%. It may therefore be prudent for Members to agree, that in such circumstances and in terms of the Council's Scheme of Delegation, it be remitted to the Executive Director of Neighbourhood Services to issue such additional taxi operators licences, with the condition attached, to maintain the required percentage.

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 At the meeting of the Licensing Panel held on 29 January 2006, the Members agreed that if the taxi trade in East Ayrshire should fail by 31 December 2006 to meet the required target of a minimum of 25% of all vehicles licensed as taxis within each Zone being capable of carrying a disabled passenger in their wheelchair, the Council, as Licensing Authority in terms of the Civic Government (Scotland) Act 1982, would issue sufficient additional taxi operator's licences to bring the percentage of compliant vehicles up to 25% in each Zone. The additional licences would be subject to a condition that the vehicle would be, and would remain in perpetuity, capable of carrying a disabled passenger in their wheelchair.

7.2 There are currently 112 licensed Taxis operating within East Ayrshire, of which 21 are wheelchair accessible (18.75%). In the North Zone, 14 wheelchair accessible vehicles are available out of a total of 93 (15.05%) and, in the South Zone, 7 out of a total of 19 (36.8%).

7.3 In order to meet the target figure of 25% an additional 13 taxi operator's licences would be required in the North Zone bringing the total number of licensed taxis to 106, of which 27 would be wheelchair accessible. No additional licences would be required in the South Zone at this time.

7.4 A number of licensed private hire car operators and licensed taxi and private hire car drivers have expressed an interest in applying for any additional taxi operators licences and it is anticipated that the demand may exceed the number of available licences.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel, having considered the contents of this report, agree;-

(i) that an additional 13 taxi operators licences be issued for the North Zone, each licence subject to the condition that the vehicle would be, and would remain in perpetuity, capable of carrying a disabled passenger in their wheelchair; and,

(ii) determine a suitable method of advertising the availability of the additional licences and of allocating same; and,

- (iii) that if any currently licensed wheelchair accessible vehicle is replaced by a non-compliant vehicle, it be remitted to the Executive Director of Neighbourhood Services to issue such additional taxi operators licences required to maintain the required percentage, all in terms of the Council's Scheme of Delegation; and
- (iv) otherwise note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/GS

4 January 2007

LIST OF BACKGROUND PAPERS

1. Minutes of the meeting of the Licensing Sub-Committee of the Community Services Committee held on 24 February 1999.
2. Minutes of the meeting of the Local Government Licensing Panel held on 22 May 2003.
3. Minutes of the meeting of the Local Government Licensing Panel held on 20 January 2005.
4. Minutes of the meeting of the Local Government Licensing Panel held on 19 January 2006.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576023 and ask for William Stafford, Executive Director of Neighbourhood Services or e-mail on william.stafford@east-ayrshire.gov.uk