

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
19 JANUARY 2006**

**REVIEW OF POLICY REGARDING THE PROVISION OF WHEELCHAIR
ACCESSIBLE VEHICLES FOR USE AS 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 20 January 2005, to invite the Members to review the policy decision requiring 25% of the vehicles licensed as Taxis within East Ayrshire to be wheelchair accessible by 1 May 2006.

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 report by the Director of Community Services, agreed to defer implementation of the policy until 1 May 2005.
- 2.3 At the meeting of the Licensing Panel held on 20 January 2005, having considered a further report by the Executive Director of Neighbourhood Services, the Members agreed that:-
- (i) by 1 May 2006, 25% of all vehicles licensed as Taxis in each zone be capable of carrying a wheelchair user so that the occupant can complete the journey in their wheelchair;
 - (ii) that if the Taxi trade failed to meet the target detailed above, sufficient additional Taxi Operators' Licences (having a condition attached that the vehicle must comply with the standard set out in (i) above) be issued to bring the percentage up to 25%;
 - (iii) that the policy be further reviewed by the Licensing Panel in January 2006.

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 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 take place some time during 2005, but this has not taken place. 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 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 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 than serve the needs of the population.
- 3.7 At a meeting with representatives of the Taxi Trade in late 2004, 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 to be approached for the purposes of the survey were to include those representing wheelchair users, elderly people and people with sensory impairments.
- 3.8 The responses from those organisations who returned the survey showed no clear preference for wheelchair accessible vehicles.
- 3.9 For the information of Members, there are currently 112 licensed Taxis operating within East Ayrshire, of which 17 are wheelchair accessible (15.2%). In the North Zone, 13 wheelchair accessible vehicles are available out of a total of 93 (14%) and, in the South Zone, 4 out of a total of 19 (21%). The numbers of wheelchair accessible vehicles available in both Zones has decreased since January 2005.

- 3.10 While the wheelchair accessible vehicles currently in use are considered acceptable by the Council, there is no guarantee that they will meet any proposed specification in terms of the Disability Discrimination Act 1995.
- 3.11 The members now need to consider the way forward given (a) the fact that a number of operators have invested in suitable vehicles; (b) the fact that the Government's policy on wheelchair accessible taxi provision still 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 the community noted from the survey; and (d) that the Civic Government (Scotland) Act 1982 permits the Council to make whatever decision is deemed appropriate for local circumstances.
- 3.11 A copy of this report has been forwarded to East Ayrshire Taxi Trade Council.

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 In 1999 it was agreed that by 1 May 2004 all vehicles licensed as Taxis in East Ayrshire would be of a type or types capable of carrying a disabled person in their wheelchair if so required.
- 7.2 In 2003 the implementation date for this policy was deferred until 1 May 2005.
- 7.3 In January 2005, the required percentage of wheelchair accessible taxis was reduced to 25% and the implementation date deferred to 1 May 2006.
- 7.4 A survey of the existing taxi fleet indicates that 21% of the available vehicles in the South Zone and 14% of available vehicles in the North Zone are wheelchair accessible. The numbers of wheelchair accessible vehicles available in both Zones has decreased since January 2005.

7.5 East Ayrshire Taxi Trade Council has always been of the opinion that there was no public demand for all taxis to be wheelchair accessible and at a recent meeting confirmed that, in their opinion, the current number of suitable vehicles in each Zone is adequate for the needs of the population.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel, having considered the contents of this report, and bearing in mind the delay in implementing the relevant provisions of the Disability Discrimination Act 1995 and the results of the survey of the various relevant organisations, agree;-

- (i) that by 1 May 2006, as an interim measure pending full implementation of the relevant provisions of the Disability Discrimination Act 1995, a minimum 25% of all vehicles licensed as taxis within each Zone of East Ayrshire should be capable of carrying a disabled passenger in their wheelchair; and
- (ii) that if the Taxi Trade fails to meet this target, sufficient additional Taxi Operators' Licences (having a condition attached that the vehicle must comply with the standard set out in (i) above) be issued to bring the percentage up to 25, all as previously agreed; or
- (iii) to amend the policy decision of the Panel made at the meeting held on 20 January 2005, as Members see fit; and
- (iv) otherwise note the report.

William Stafford
Executive Director of Neighbourhood Services

WS/GS

24 November 2005

LIST OF BACKGROUND PAPERS

1. Minutes 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.
3. Minutes of the Local Government Licensing Panel held on 20 January 2005.

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