

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
15 MARCH 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 instructed by the Licensing Panel, at the meeting held on 25 January 2007, this report invites Members to consider the method of advertising and allocating additional licences for wheelchair accessible Taxis.

2. BACKGROUND

- 2.1 At the meeting of the Panel held on 25 January 2007, the Members agreed:-

- (i) that an additional 13 Taxi Operator's Licences be issued in the North Zone, each licence subject to a condition that the vehicle would be, and would remain in perpetuity, capable of carrying a disabled passenger in their wheelchair;
- (ii) that it be remitted to the Executive Director of Neighbourhood Services in consultation with the Head of Legal and Administrative Services to provide a further report to the Panel setting out the options for the Members to determine a suitable method of advertising and allocating the additional licences; and
- (iii) that in the event of any current licensed wheelchair accessible vehicle being replaced by a non-compliant vehicle, it be remitted to the Executive Director of Neighbourhood Services to issue such additional taxi operator's licence as required to maintain the required percentage, all in terms of the Council's Scheme of Delegation.

3. DISCUSSION

- 3.1 Each individual taxi operator within the North Zone was invited to attend a meeting with Council Officers on 19 February 2007, the purpose being to give them the opportunity to discuss possible methods of advertising and allocating the additional licences.
- 3.2 Of the 56 licensed operators within the North Zone, 12 operators availed themselves of this opportunity. The operators who attended the meeting currently hold a total of 40 licences out of the total of 93 in the North Zone. A number of issues were raised by the operators present and details are

provided below. Unfortunately, those present could not reach a consensus opinion in respect of any of these issues:-

- (i) Concerns were raised regarding the possible impact on the taxi trade of issuing of the 13 additional plates at the same time.
On this basis, Members may wish to consider whether it might be more appropriate to issue the plates in two separate phases, namely 6 on 30 June 2007 and the remainder necessary to achieve the required percentage on 31 December 2007. This would lessen the immediate impact and allow the trade yet further time to regularise their position. It would also allow the Council an opportunity to monitor and review both the efficacy of the allocation process and the impact on trade arising from the introduction of the first batch of additional licences.
- (ii) Several taxi operators also hold private hire car operators licences, currently operating wheelchair accessible vehicles, and it was suggested that any taxi operators in this position might wish to consider transferring the wheelchair accessible vehicles to taxi plates and so reduce the number of additional taxi licences required. However, this would not necessarily reduce the number of vehicles available for hire, as saloon cars could then be operated on the existing private hire car licences.
- (iii) It was also suggested that the additional licences should be subject to a higher requirement in terms of vehicle age than is currently applied to all existing licensed vehicles, namely that vehicles should be new or no more than, for example, 3 or perhaps 5 years, rather than the current cut-off point of 8 years for all vehicles (other than purpose built taxis which can continue to be licensed after they reach that age provided they continue to pass inspections, which are carried out every 6 months thereafter, rather than the normal practice of once a year.) Against the background of the existing arrangements operated by East Ayrshire Council, there is not considered to be any policy basis for applying a more restrictive age requirement to wheelchair accessible vehicles when compared with other licensed taxis and private hire vehicles, as any vehicle passing inspection will continue to meet the necessary standards of safety and comfort for all passengers.
- (iv) Any additional licences would at present be subject to the surrender of licence and granting of the same to a nominated successor as agreed by the Licensing Sub-Committee of the Community Services Committee at the meeting held on 10 November 1999.

It is considered appropriate, on balance, that this policy be disapplied in respect of a period of 3 years from the grant of the new licences other than in exceptional circumstances, in order to achieve consistency in delivering the Council's overall policy aims in respect of wheelchair accessible vehicles, although it is acknowledged such an approach may

actually increase the risk of 'black market' trading in respect of the additional licences.

The Panel may wish to consider whether this policy should be discontinued for a period of 3 years in the case of the additional plates.

4 PROPOSED ARRANGEMENTS FOR THE ALLOCATION OF ADDITIONAL LICENCES

- 4.1 It is proposed, subject to the Panel's consideration and approval of this report, that an advert will be placed in the Kilmarnock Standard advising of the opportunity to apply for 6 additional licences (in the first phase) and seeking expressions of interest by a given deadline.
- 4.2 It is further proposed that equal preference be given to applications from those licensed taxi and private hire operators currently operating wheelchair accessible vehicles (ie those who have already demonstrated a willingness to comply with the Council's policy on a voluntary basis) and to currently licensed drivers who may wish to set up in business as operators for themselves (this being their first formal opportunity to do so within the lifetime of this Council as there has only been one new licence granted within East Ayrshire since 1st April 1996.)
- 4.3 If the number of applications from these two categories is greater than six, then these will all be pooled together and allocation made by way of a lottery, ie the first six expressions of interest drawn will be invited to make formal application for one of the additional licences.
- 4.4 It is further proposed that, in the interests of openness and transparency the draw will be made by the Chair of the Licensing Panel, with all interested parties invited to attend if they so wish. On the basis that the availability of plates is likely to be oversubscribed, the draw shall be continued to provide a waiting list for use should the need arise.

5. FINANCIAL IMPLICATIONS

- 5.1 Nil.

6 LEGAL IMPLICATIONS

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

7. POLICY IMPLICATIONS

- 7.1 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.

8 CONCLUSIONS

- 8.1 As instructed by the Licensing Panel, at the meeting held on 25 January 2007, this report invites Members to consider the method of advertising and allocating the additional licences for wheelchair accessible Taxis.

9. RECOMMENDATIONS

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

- (i) that the additional taxi operators licences required for the North Zone, be released in two phases, namely 6 by 30 June 2007 and the remainder necessary to achieve the required percentage by 31 December 2007, 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;
- (ii) that the existing policy in respect of the surrender of licence and granting of the same to a nominated successor, as referred to in paragraph 3.2 (iv) be disapplied for a period of 3 years in respect of the additional licences;
- (iii) that the additional licences be allocated in accordance with the proposed arrangements set out in paragraph 4.0 of this report and;
- (iv) to otherwise note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/GS

22 February 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.
5. Minutes of the meeting of the Local Government Licensing Panel held on 25 January 2007.
6. Minutes of the meeting of the Licensing Sub-Committee of the Community Services Committee held on 10 November 1999.

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