

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 22 FEBRUARY 2018**

**COMMENCEMENT OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010**

**REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES**

The purpose of this report is to provide Members with the responses received during the public consultation in connection with the review of the arrangements for wheelchair accessible taxi and private hire vehicles in the Angus area.

**1. RECOMMENDATION**

It is recommended that the Committee:-

- (i) note that the public consultation was open for responses between 19 December 2017 and 30 January 2018;
- (ii) note the responses received during the public consultation attached within Appendix 1 of the report;
- (iii) determine whether or not there is unmet need for wheelchair accessible taxi and private hire vehicles in the Angus area; and
- (iv) if so, agree to commence a consultation exercise with taxi and private hire operators and drivers, to inform the decision as to how best to address unmet need in respect of the provision of wheelchair accessible taxi and private hire vehicles in Angus.

**2. BACKGROUND**

- 2.1 Report 369/17 provided Members with details of the commencement of sections 165 and 167 of the Equality Act 2010. Additionally, the report provided an overview of the duties the sections would impose on the driver of a designated taxi/private hire vehicle should a designated list be maintained by Angus Council and no exemption had been granted.
- 2.2 The decision of Members in relation to Report 369/17 was to note the commencement of the relevant sections of the Equality Act 2010 and commence a consultation exercise to inform the decision as to whether there is an unmet need in respect of the provision of wheelchair accessible vehicles in the Angus area. The consultation was to include:
  - (a) wheelchair users;
  - (b) the taxi and private hire trade;
  - (c) groups and agencies involved in protecting and promoting the interests of users of wheelchair accessible vehicles;
  - (d) other agencies involved in the licensing of taxi and private hire vehicles; and
  - (e) Local bus companies.
- 2.3 Between 19 December 2017 and 30 January 2018, a public consultation was advertised via the "Have Your Say" page of Angus Council's website. Details of the consultation and contact details were provided for responses. The consultation was advertised via Angus Council's Facebook page and Twitter feed. Additionally, letters and e-mails were directed to the following, as appropriate:
  - (a) wheelchair users, including Angus Long Term Conditions Support Groups, Care Homes, Medical Centres, Sheltered Housing Complexes and Housing Associations in the Angus area;
  - (b) all taxi and private hire operators in the Angus area;

- (c) groups and agencies involved with protecting and promoting the interests of users of wheelchair accessible vehicles, including Capability Scotland, Cornerstone, Sense Scotland, Turing Point Scotland, Lilybank, Lochlands and Rosehill Resource Centres, PAMIS, Angus Carers Centre, the Children with Disabilities Service, Tayside Dynamos Powerchair Football Team and Visit Scotland;
  - (d) other agencies involved in the licensing of taxi and private hire vehicles, including all Councillors of Angus Council, the Strategic Directors of Angus Council, Police Scotland, NHS Tayside, Angus Council's Housing Department, Education Department and Transport Team, Angus Health and Social Care Partnership and Angus Child and Adult Protection Committees; and
  - (e) local bus companies – eight local bus and coach companies were contacted.
- 2.4 16 responses were received. The responses are attached within **APPENDIX 1**. Three responses were received outside of the consultation window but are included for completeness.
- 2.5 Officers have considered the issues and ask Members to note that a decision of the Committee determining that there is unmet need could have significant cost implications to the trade and may require to be the subject of, possibly lengthy, transitional arrangements. This is the case particular to Angus given the significant number of sole traders with one vehicle.
- 2.6 In the first instance, Committee may wish to try and deal with meeting any unmet need on a voluntary basis. This could be achieved by Officers writing to operators advising that they consider there is unmet need for wheelchair accessible vehicles in the area and their wish to see this addressed voluntarily, if possible. Officers would highlight the powers available to the Committee to require operators to provide wheelchair accessible vehicles but that the Committee would rather the trade worked with Committee to resolve this issue. Officers would also indicate that the number of licensed wheelchair accessible vehicles would be monitored and reported to Committee periodically to see if the issue was being addressed.
- 2.7 Should compulsory action be required, this could include:-
- (a) requiring all taxis and private hire vehicles to be wheelchair accessible by 2023 (example date);
  - (b) requiring operators with x number of vehicles or above to have y% of their vehicles wheelchair accessible by 2023;
  - (c) a combination of a and b; or
  - (d) another formula acceptable to Members.
- 2.8 In determining the route to be taken, it is crucial that consultation takes place directly with the trade regarding this matter. A date/venue has already been identified in March 2018 to meet, face to face, with operators. This meeting could also be used to note the views of operators and drivers with regard to resolving any unmet need of wheelchair accessible taxi and private hire vehicles, should that be the determination of this Committee.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising directly from this report.

**REPORT AUTHOR:** T Magson

**EMAIL DETAILS:** [MagsonT@angus.gov.uk](mailto:MagsonT@angus.gov.uk)