

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 17 MAY 2018

COMMENCEMENT OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010

REPORT BY SERVICE LEADER - LEGAL AND DEMOCRATIC

The purpose of this report is to provide Members with an update after contact with the Trade by letter and via public meeting.

1. RECOMMENDATION

It is recommended that the Committee:-

- (i) note that letter contact was made with all Taxi and Private Hire Drivers and Operators on 3 April 2018 as per **Appendix 1** to this report;
- (ii) note that a public meeting was held with the Trade on 17 April 2018 in the Canmore Room, Forfar between 3pm and 5pm;
- (iii) agree to hold a further public meeting with the Trade in Arbroath; and
- (iv) agree that a further report on this matter, containing an Options Appraisal, be submitted to the September meeting of this Committee.

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
- (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, Turning 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

(e) local bus companies – eight local bus and coach companies were contacted.

2.4 16 responses were received. The responses were considered by Committee on 22 February 2018.

2.5 Officers were directed, in the first instance, to try and deal with meeting any unmet need on a voluntary basis. Officers wrote to drivers and operators advising that Members consider there to be unmet need for wheelchair accessible vehicles in the area and their wish to see this addressed voluntarily, if possible. Officers highlighted the powers available to the Committee to require operators to provide wheelchair accessible vehicles but indicated that the Committee would rather the trade worked with Committee to resolve this issue. Officers further indicated 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, it was suggested to Members at Committee on 22 February 2018 that 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 A date/venue had already been identified in March 2018 to meet, face to face, with operators. The meeting in March was not attended by any members of the Trade. A second meeting was arranged on 17 April 2018. This meeting was attended by members of the Trade and views were noted regarding the Committee's decision that there is an unmet need with regard to wheelchair accessible taxi and private hire vehicles.

2.9 Officers were advised during the meeting as follows:-

- a. those present did not feel that there is an unmet need;
- b. it is not financially viable for operators to invest in a wheelchair accessible vehicle at present; they tend to cost more for fuel, road tax, and initial spend (one operator advised that his wheelchair accessible vehicle is needed for that purpose six times a week);
- c. business customers prefer not to use vehicles as large as a wheelchair accessible vehicles;
- d. not all persons with a disability require the use of a wheelchair accessible vehicle; some people with disabilities request that a saloon car is sent to pick them up rather than a wheelchair accessible vehicle;
- e. disabled passengers have differing needs and these vehicles can be difficult to use;
- f. there is a lack of financial incentive/support from the Council to the Trade with regard to addressing this issue;

- g. Angus operators are rarely successful when applying for Angus Council contracts to assist wheelchair users;
- 2.10 Those present felt that it was necessary for the Council to provide financial support to the Trade whether by way of grant funding, reduced licence fees or contractual work. A suggestion was made that the only way to support this would be if an operator has 4 or more vehicles, then the next vehicle would require to be wheelchair accessible. Another approach could be looking at the needs of each Burgh area. Requiring all taxi and private hire vehicles to be wheelchair accessible by a future date would mean that the Trade couldn't make a living; the additional costs would not be sustainable.
- 2.11 With regard to the requirements of sections 165 and 167 of the Equality Act 2010 and the duties imposed, those present did note that the Trade is, generally, aged in the upper brackets so assisting wheelchair users may prove difficult. Officers confirmed that an exemption could be applied for, if appropriate. In the main, those present felt that the assistance to be provided in terms of the legislation is already being provided; that it is reasonable and that training is available to the Trade.
- 2.12 Due to many of the representations received being from the Arbroath area in connection with the Report considered by Members at Committee on 22 February 2018, and there being no representation from members of the Trade in the Arbroath area at the public meeting, Members are asked to endorse recommendation (iii) of the Report and direct Officers to arrange and hold a meeting in the Arbroath area with the Trade, should they decide to attend.
- 2.13 Some additional written representations have been received from the Trade regarding this matter. They are attached, for completeness, in **Appendix 2**.

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

Our Ref TM

3 April 2018

FIRST CLASS

«FIRST_NAME» «SURNAME»,
«ADDRESS_1»
«ADDRESS_2»
«ADDRESS_3»
«POSTCODE»

PLACE

Strategic Director:
Alan McKeown

Dear Sir/Madam

Equality Act 2010 (sections 165 and 167)

Consultation – how to address the unmet need for wheelchair accessible taxi and private hire vehicles in the Angus area

The Civic Licensing Committee for Angus decided at its meeting on 22 February 2018 that, having considered the responses received during the public consultation held between 19 December 2017 and 30 January 2018, there is an unmet need for wheelchair accessible taxi and private hire vehicles in the Angus area.

The Civic Licensing Committee has considered two reports regarding this matter. Both reports can be found on Angus Council's website under Civic Licensing Committee on the "Council Committees" page. The Reports are 369/17, considered at the 2 November 2017 Committee and 75/18, considered at the 22 February 2018 Committee.

This issue affects Operators due to the need for the additional provision of wheelchair accessible taxi and private hire cars in Angus. This issue affects Drivers should the Committee, at a later date, determine to hold a "designated list" of wheelchair accessible taxi and private hire vehicles. If a vehicle appears on the list, without an exemption, the Driver requires to undertake the duties contained in section 165 of the Equality Act 2010. Failure to do so, may be a criminal offence.

In the first instance, the Civic Licensing Committee wish to address the unmet need for wheelchair accessible taxi and private hire vehicles, on a voluntarily basis, if possible. If this is not achievable, it may be necessary for the Committee to require Operators to provide wheelchair accessible vehicles. However, the Committee would prefer that the trade worked with the Committee in order to resolve this issue. The number of wheelchair accessible vehicles will be monitored and reported to Committee periodically to see if the issue is being addressed.

Representations regarding how to best to address the unmet need can be made to LAWlicensing@angus.gov.uk until 4 May 2018.

Additionally, a meeting has been arranged on 17 April 2018 between 3.00pm and 5.00pm in the Canmore Room, Municipal Buildings, Castle Street, Forfar, DD8 3AF to allow for representations to be submitted to the Clerk directly, should you wish to attend. Views/comments are welcomed in relation to the discussion points noted at the end of this letter.

Please note that due to an administration error with our initial letter to you regarding this matter, we required to write to you again.

Should you require any further information, please contact Tina Magson, Solicitor, on 01307 476276.

Yours faithfully

Head of Legal and Democratic Services

Discussion Points

Meeting in the Canmore Room, Municipal Buildings, Castle Street, Forfar between 3.00pm and 5.00pm on 17 April 2018

1. Taxi Fare Review
2. Unmet need for wheelchair accessible taxi and private hire cars in Angus
3. The Open
4. Use of hands free devices
5. Other