

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 31 OCTOBER 2019**

**WHEELCHAIR ACCESSIBLE VEHICLES**

**DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

The purpose of this report is to provide an update, for Members in relation to assessing and addressing unmet need for wheelchair accessible vehicles in Angus.

**1. RECOMMENDATION**

It is recommended that the Committee:-

- (i) note the work previously undertaken and progress in connection with the commencement of Sections 165 and 167 of the Equality Act 2010 and in relation to assessing and addressing unmet need for wheelchair accessible vehicles in Angus;
- (ii) note that officers commenced maintaining a designated list of wheelchair accessible vehicles following the Committee's decision of 13<sup>th</sup> September 2018;
- (iii) note that on the designated list there are currently seven vehicles declared as wheelchair accessible vehicles (as determined by the current assessment criteria for appointing vehicles to the designated list approved by the Committee on 13 September 2018);
- (iv) note that the current number of wheelchair accessible vehicles per licensed zone are as follows:

Arbroath/Carnoustie	1 taxi	0 private hire
Forfar/Kirriemuir	4 taxi	1 private hire
Monifieth/Sidlaw	0 taxi	0 private hire
Montrose/Brechin	0 taxi	1 private hire; and
- (v) determine whether the Committee is minded to consider imposing requirements on the trade to address unmet need for wheelchair accessible vehicles in Angus; and
- (vi) if so minded, instruct the Director of Legal and Democratic Services to investigate the availability of suitable consultants to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend measures to address assessed unmet need and to report back to advise of the outcome of those investigations and the likely costs involved.

**2. BACKGROUND**

- 2.1 On 2 November 2017, the Committee considered report No 369/17 in respect 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 and 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 was 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 On 22 February 2018, the Committee considered report No. 75/18 regarding the same matter. Having considered the terms of this report, and the outcome of the consultation exercise referred to therein, the Committee agreed:-
- (i) to note the responses received during the consultation exercise which had taken place between 19 December 2017 and 30 January 2018 as detailed in Appendix 1 to the Report;
  - (ii) to determine that there was an unmet need for wheelchair accessible taxis and private hire vehicles in the Angus area; and
  - (iii) 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.
- 2.4 On 13 September 2018, the Committee considered report No. 276/18 regarding the same matter. Having considered the terms of this report, and the outcome of the consultation exercise referred to therein, the Committee agreed:-
- (i) to note that a public meeting had been held with the Trade in Arbroath at the Arbroath Registration Office, 67-71 High Street, Arbroath, DD11 1AN on Tuesday 26 June between 1.00pm and 2.30pm but that no members of the Trade had attended;
  - (ii) that the licensing authority should maintain a designated list and agreed:-
    - (i) to adopt Dundee City Council's current assessment criteria as per Appendix 1 to the Report, as the criteria for appointing vehicles to the designated list (and as amended from time to time);
    - (ii) to appoint all vehicles that meet the criteria to the designated list; vehicles will be appointed when they are first licensed or, for current vehicles, at their next vehicle test;
  - (iii) to defer consideration of the Options Appraisal, attached as Appendix 2 and Appendix 3 to the Report to allow a further Report to be submitted to a future Civic Licensing Committee; and
  - (iv) to issue a letter to the Trade stating:-
    - (i) that the Committee has determined that there was an unmet need for wheelchair accessible taxi and private hire vehicles in Angus;
    - (ii) that the Committee determined, in the first instance, that the Trade be engaged voluntarily; and
    - (iii) that the number of wheelchair accessible taxi and private hire vehicles be monitored periodically.
- 2.5 The letter referred to in recommendation (iv) above was duly issued to the trade.

### 3. REPORT

3.1 As at 13 September 2018, operators had declared that there were 13 wheelchair accessible vehicles in operation in Angus as follows:-

Arbroath/Carnoustie	1 taxi	1 private hire
Forfar/Kirriemuir	4 taxis	2 private hire
Monifieth/Sidlaw	2 taxi	0 private hire
Montrose/Brechin	0 taxi	3 private hire

3.2 At the present time, there are currently 7 wheelchair accessible vehicles in Angus as follows:-

Arbroath/Carnoustie	1 taxi	0 private hire
Forfar/Kirriemuir	4 taxi	1 private hire
Monifieth/Sidlaw	0 taxi	0 private hire
Montrose/Brechin	0 taxi	1 private hire

3.3 Committee will note that there has been a significant decrease in the number of wheelchair accessible vehicles in operation in Angus. There are two reasons for this. The first is that four vehicles previously declared as accessible did not meet the criteria adopted by the Committee on 13 September 2018 for appointing vehicles to the designated list. The second is that two vehicle licences were not renewed.

3.4 In light of the above, and having regard to the decision of the Committee on 22 February 2019 in relation to unmet need, it would appear that there remains an unmet need for wheelchair accessible vehicles in Angus. It is also submitted that voluntary engagement with the trade has not resulted in an increase in the number of wheelchair accessible vehicles in Angus. Therefore, Committee is invited to consider whether it is minded to consider imposing requirements on the trade to address unmet need for wheelchair accessible vehicles in Angus.

3.5 Options for addressing unmet need were considered in the Options Appraisal which accompanied report No. 276/18 above. Officers are aware that this issue has proven to be particularly challenging in other local authority areas throughout Scotland. Therefore, it is submitted that any decision of the Committee should be based on the best evidence available and made in a reasoned and appropriate manner to ensure that any decision is proportionate, fair and lawfully made. It is, therefore, recommended that external consultants be engaged to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend measures to address assessed unmet need.

3.6 If the Committee is minded to engage external consultants then officers will investigate the availability of suitable consultants to undertake this task and identify the scope of the exercise to be undertaken. A further report will be submitted to the Committee advising of the outcome of these investigations and the costs involved.

### 4. FINANCIAL IMPLICATIONS

4.1 Engaging external advisers will represent a cost to the Council.

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