

CIVIC LICENSING COMMITTEE – 20 FEBRAURY 2020

Consultant 1

1. Angus Council have undertaken extensive consultation regarding the level of service provided to wheelchair users and have established that there is demand from wheelchair users that is unmet by wheelchair accessible licensed vehicles.
2. This submission outlines a proposed approach to build upon the existing work and establish 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.
3. Based on our experience in undertaking related work in the past, unmet demand for wheelchair accessible vehicles manifest itself in two main forms. Most hires of wheelchair accessible vehicles are obtained through pre-booked hires, either for immediate travel or for future travel. Relatively few hires are made from taxi ranks. Unmet demand is principally identified as trips for which an attempt is made to book a wheelchair accessible vehicle and none are available at the time(s) required, or trips which would otherwise be made, but no attempt is made to book travel, as there is no expectation that a suitable vehicle will be available.
4. Licensed vehicle operators and booking offices may be aware of the level of demand for wheelchair accessible vehicles which is fulfilled and the level of enquiries which are not able to be fulfilled. However, this information provides only part of the picture. Often the desire for impromptu travel, or even planned trips, such as to pubs, restaurants or other discretionary destinations and in particular travel late at night, is not particularly well quantified. Wheelchair users may have an expectation that there will be no capacity so it is not worth even trying to book. It is often the case that anxiety over potentially not being able to obtain a suitable wheelchair accessible vehicle for the return leg of a trip can limit scope for travel.
5. Our approach would include contacting a selection of licensed vehicle operators to ask about their experience of wheelchair user demand. Contact would be made by telephone initially, using publicly available contact details. We would seek to gather information which quantified how many wheelchair user trips are services by each provider, whether the wheelchair users are carried in the wheelchair or in a vehicle seat with the wheelchair carried separately and how many wheelchair user enquiries are not able to be fulfilled. These quantities would be related to overall hires as an estimated proportion.
6. We would contact representatives of wheelchair users to establish similar information regarding desire for travel by wheelchair users and particular difficulties faced by users including whether they felt confident travelling for non-essential trips.
7. In addition to information obtained directly from suppliers, users and user representatives, we would develop an estimate of demand from wheelchair users for travel by licensed vehicle, using national and local statistics and recognised trip rates.

8. The data collected from all sources would be used to estimate overall demand and the shortfall in provision. This information will be used to determine the level of unmet demand for wheelchair accessible licensed vehicles.
9. A feature of Angus is the dispersed nature of settlements and the commensurately dispersed distribution of licensed vehicles between the main settlements. A low level of provision of wheelchair accessible vehicles can mean that carrying wheelchair users falls to a relatively low number of vehicles. This feature, in turn, can reduce the probability that a suitable vehicle will be located nearby, in order to fulfil a booking for a wheelchair user. Conventionally, bookings made through a larger operator's booking office, for travel by able bodied passengers, would be assigned to a nearby vehicle. This practice reduces the 'dead mileage' by vehicles travelling between the drop off location of the last hire, to the pick-up location of the next hire. Hires of wheelchair accessible vehicles, by wheelchair users, are less likely to use a vehicle which happens to be nearby. Consequently, there is often a significant level of dead mileage associated with wheelchair user hires of wheelchair accessible vehicles. This feature, can lead to wheelchair hires being unpopular with drivers, owing to the perceived additional cost, if the dead mileage cannot be charged, or discomfort at having to charge extra for dead mileage related to what could be a relatively short trip.
10. The geography of the area, the dispersed settlement pattern and dispersed nature of provision would be taken into account, along with the estimated level of unmet demand, when determining the number of wheelchair accessible licensed vehicles required. It is essential to define the target level of provision that would be required, before defining measures which could be implemented to encourage additional provision.
11. Options for addressing the issues surrounding provision of wheelchair accessible licensed vehicles, to serve the needs of wheelchair users, will be developed and discussed with Council officers. Whilst there may be a range of potential measures for consideration, the feasibility of delivery and likely probability of success would also need to be considered.
12. One option could be to force all licensed vehicles to be wheelchair accessible vehicles. However, this would introduce additional challenges to the travelling public and may present a sub-optimal solution. A mix of vehicle types is likely to better meet the requirements of the area, especially given the mix of short distance and longer distance travel which is generated from dispersed settlement patterns. Whilst all wheelchair accessible fleets within the private hire and taxi fleets may not be the most desirable solution, it cannot be ruled out at this stage, as other options may not be feasible, or may not have a high probability of fulfilling the goals of the study.
13. The output from the study would be a report which quantifies the level of unmet demand for wheelchair accessible vehicles and discusses options to deliver improved availability of wheelchair accessible vehicles for wheelchair users, together with a recommendation of what measures to implement.

Consultant 2

1. Angus Council (AC) is the taxi and private hire vehicle licensing authority for the area, which consists mostly of urban centres towards the coast with a significant rural hinterland. The urban centres include Arbroath, Brechin, Carnoustie, Forfar and Montrose. Overall population is ca. 116,000 and a land area of 842 sq. miles. The East Coast mainline runs along the coast with a number of stations within Angus but not all served regularly. The southern part of Angus (Monifieth and Sidlaw) wraps around Dundee City Council area which has a significant impact on journey patterns and cross-border hirings.
2. The 2018 Scottish Transport Statistics shows that Angus had 173 licensed vehicles, of which 14 were wheelchair accessible (WAVs). This gives a WAV ratio per 1000 population of 0.12, the 6th lowest for Scottish Council areas. However, in October 2019 AC Committee Report 363/19 it was reported that the latest number of WAVs across the four Angus licensing zones was:

• 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

This would put Angus below all other authorities except Clackmannanshire, Eilean Siar and Orkney Islands.

3. AC agreed to commence maintaining a designated list of WAVs in line with section 167 Equality Act 2010. It was hoped that, combined with engagement with the trade, this would stimulate a growth in WAV provision. However, the opposite appears to have occurred. This raises the question of what other measures AC can take to improve the availability of licensed WAVs in its area.
4. Some relevant points about the trade in Angus:
 - AC does not use its powers under 10(3) and (3A) Civic Government (Scotland) Act 1982 to limit the number of licences issued
 - Operates within four zones, two of which contain substantial rural areas
 - The trade is dominated by owner drivers - there are no dominant operators
 - There is relatively little distinction between taxis and private hire cars in terms of vehicle requirements. Taxi drivers do require a knowledge test for their zone.
 - There is significant provision in the south of Angus by vehicles licensed by Dundee which are pre-booked and therefore carrying out legitimate out-of-area work under s21(2) 1982 Act. No arrangement has been made with Dundee City Council under s15 1982 Act in respect of outside of area taxi operation.

Assessing Unmet Demand

5. Although there are accepted methodologies for assessing the demand for taxis in an area, required where authorities might seek to impose a numbers limit, these are formulaic in nature and a 'least-worst' solution to meeting the legal requirement. They bear limited relationship to real-life behaviour. There are no accepted and/or peer-reviewed methodologies for assessing the requirement for WAVs in an area, upon which one could base a business model.
6. However, we understand that it is nevertheless necessary to undertake an assessment that is robust enough to defend the Council's position, either from:
 - The trade, on the basis that AC concludes that unmet demand is proven and consequently imposes conditions that increase the number of WAVs available;
 - Disabled people who may feel that AC has not met its general Equality Duty towards wheelchair users when exercising its licensing powers under the 1982 Act. In particular that AC has not given adequate consideration to section 4 of the Taxi and Private Hire Car Licensing: Best Practice Guidance for Authorities, in particular that AC has not followed 4.3 of the Guidance and utilised its powers under s10(2) 1982 Act to specify WAVs.
7. Although both the 1982 Act and associated Scottish Government guidance set out issues to be considered when assessing demand for taxi or private hire vehicles generally, there is no equivalent guidance in respect of WAVs. The DfT provided statutory guidance (Access for wheelchair users to Taxis and Private Hire Vehicles) in 2017 but this is exclusively focused on the implementation of ss165 and 167 Equality Act 2010 i.e. the implications of establishing a designated list for WAVs. It says nothing about how to ensure that there are enough WAVs to merit maintaining a designated list in the first place.
8. We do not think that there is any utility in undertaking surveys to assess user/potential user behaviour, nor of observing actual demand for WAVs at taxi stances, nor of counting reported journey refusals by operators. The fundamental methodological problem is that the absence of supply suppresses demand - wheelchair users who are aware that few accessible taxis are available are not going to subject themselves to lengthy frustration by optimistically turning up to wait at stances. Where there is only limited availability to pre-book in particular zones, spontaneous journeys will be suppressed - potential users will make use of any other possible arrangements they can access, including making awkward physical transfers into friends' and relatives' cars when travelling in their wheelchair would be more convenient and less painful or stressful.
9. Whilst one might do some direct public consultation, AC's own consultation experience across December 2017/January 2018 reveals the limitations of this process which, despite widespread and targeted publicity, only attracted 16 responses.
10. Our approach would therefore be:
 - To deploy our tested Census analysis tool, Censyble, which combines the latest available population age and gender cohort statistics at local level with age-related incidence estimates for particular disabilities associated with wheelchair use;

- To interpolate these data into Scottish Transport Statistics patterns of taxi and private hire use to provide estimates that can be compared to potentially available capacity within Angus;
- To survey a limited number of key institutions where demand for WAVs might be focused to identify their current experiences and means of mitigating any lack of supply (ASN school transport team / adult social care / hospitals / larger disability care organisations) - this underlines the point that demand for licensed WAVs is not simply an issue for private individuals;
- To identify key travel interchange points where wheelchair users might expect to arrive from outside Angus for onward conveyance, but less likely to be able to book a WAV in advance;
- To benchmark Angus against other authorities in Scotland, allowing for demography and geography (e.g. population density);
- To provide some sample modelling of costs faced by wheelchair users in practice when pre-booking WAVs because of the additional distances involved.

Measures that address unmet need

11. In our view, this is the more important part of the consultancy but for a number of reasons this is more challenging:
 - The lack of a specified vehicle type for taxis - it has been easier for urban authorities to move from requiring a London-type taxi, to requiring a wheelchair accessible London-type taxi;
 - The decreasing relevance of the distinction between taxis and private hire cars as pre-booking grows, particularly via Apps. This makes it difficult to impose significant costs just on one side of the industry as that would result in a 'leakage' from taxis to private hire (or vice versa);
 - The absence of quantity limits - a standard approach deployed by authorities is to issue additional licences (above the quantity limit) but only in respect of WAVs (with a clause requiring licences to be returned if WAV status is lost);
 - The structure of the Angus licensed trade which makes it more difficult just to focus on persuading larger operators.
12. The first task is to fully understand the context for WAV use in Angus, including:
 - a) AC's own procurement requirements:
 - ◆ ASN home to school (we note that in AC Children & Learning Committee Report 156/19 it was estimated that the whole life value of home to education conveyance contracts commissioned by the Council amounts to ca. £10m. A significant proportion of these will relate to children with Additional Support Needs and many will require to be wheelchair accessible)

- ◆ Adult (and Child) Social Care - for attendance at day care and other support and therapeutic institutions
- b) NHS requirements, including:
- ◆ Scottish Ambulance Service which has subcontracts to purchase taxi and private hire services for back up
 - ◆ Spot hire discharge arrangements at hospitals where discharge decisions occur outside the SAS booking notice parameters
 - ◆ Local Primary Care
- c) How this fits into the Council's Transport strategy for Angus. We note the section on Taxis and Private Hire Vehicles in the Local Transport Strategy publicly available on the Council's website (we recognise that this document is due for revision). In particular, in the summary of action points it states:

Angus Council will continue:

- ◆
 - ◆ *to make grants available to taxi operators towards the purchase of new wheelchair accessible vehicles;*
- d) Associated with the above is the Council's approach to supporting DRT (Demand Responsive Transport) services, including Community Transport. It may be that some of the unmet demand is being taken up by community-based transport operations. There are examples in Scotland and elsewhere in the UK where such services have obtained taxi or private hire licences.
- e) Generally the issue needs to be looked at as a Public Transport challenge for the Council as well as a Licensing challenge. And it needs to be set within the Community Planning framework.

13. A second task will be to better understand the business and market conditions faced by the licensed trade in Angus, with the intention that even though the trade may not agree with any changes that require them to invest, at least it may be possible to reflect some of the pragmatic issues for them and also to explore with them ways in which the market could be grown. A larger market has the potential to support additional vehicle costs.

14. Using information and insights from the first two tasks we would then create a 'long list' (no idea excluded) of potential measures to respond to low provision of WAVs, also applying our experience of introducing accessible vehicles and equipment into the licensed trade in other areas. These might include [this is a very quick and dirty list and is illustrative rather than comprehensive or fully informed of local circumstances at this point]:

- a) Supply-side grants - to compensate for the cost difference between a saloon car and a WAV - could be cash limited on a first come basis, potentially allocated differentially across the four zones.
- b) Introducing a limit to licences, combined with a policy that any further licences will only be for WAVs. This would create added value for incumbents and make investment in a WAV more viable. However - needs to be consistent with 1982 Act duties in respect of quantity limits.
- c) Simply adopting an 'all new licences must be for WAVs' policy. Issue of substitute and replacement vehicles needs to be thought through.
- d) Introducing cost differentials to licensing fees that would favour WAV operators. Need to check that this approach would withstand challenge given the 'no better-no worse' basis for setting licensing fees.
- e) Is there any potential to focus the investment requirement on 'larger' operators? Might have perverse consequences.
- f) Looking at leveraging AC procurement to require more locally licensed WAVs on e.g. ASN school transport contracts - would require adjustment of tendering evaluation criteria to reflect the added community value deriving from locally licensed WAVs. Need to ensure compliance with Public Procurement rules, but not insurmountable.
- g) Are there any opportunities to publicise and focus bookings - needs to reflect whether the trade is already fully up to speed on web / SMS booking. Ideal would be good quality real-time information as disabled people are likely to need greater reassurance in respect of service because of the absence of alternatives.
- h) Creating a Quality Taxi Partnership - in effect a Gold Standard for Taxis / PH vehicles involving a number of service quality standards, including wheelchair access and disability awareness/support training. The Quid Pro Quo would be to get public sector commissioners to target suppliers who meet this standard in their procurement processes. Only QTP members would be allowed to advertise / be publicised at publicly owned or controlled premises (e.g. Hospitals, Recreation Centres).
- i) Such a partnership could potentially extend to the third sector who might be expected to actively promote its use across their members.
- j) Examine whether the trade collectively can meet performance challenges e.g. that if a wheelchair user arrives at a taxi stance then the trade will ensure amongst themselves that a WAV will be provided within X minutes.
- k) Liaise with other major users or facilitators of taxi use to try to influence their approaches in ways that align with Angus new policy e.g. as regards criteria for access to Scotrail stations; links to accessible retail centres, especially where mobility scooter hire is available.

- l) Examining whether introducing WAVs could be tied in with introducing battery electric vehicles into the Taxi/PHV fleet. For example the latest London-style taxi, the TX, is available in full Battery Electric format and the eNV-200 Combi MPV is available from a number of converters in WAV form. WAVs based on the Renault Kangoo ZE are deployed as taxis in Switzerland and available in the UK. Such an initiative could also attract external finance and could be tied in with the provision of e-Chargepoints at suitable locations potentially at an advantageous rate to licence-holders.
 - m) Examining whether any community-based operations would consider moving into licensed activity
15. The above list would then be subject to challenge and triaged down to a short list in conjunction with a small working group set up by the Council to act as the reference point for this project.
 16. That would then act as the basis for informal and then formal consultation as required with the various stakeholders already identified by AC in earlier reports on this issue. It will be worth having discussions with Transport Scotland during the project and keeping them informed to ensure that any potential for 'pilot project' financing is identified and pursued.