

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a stag's head facing left on a red field. The bottom-left quarter shows a three-masted sailing ship on a blue field. The bottom-right quarter shows a crowned eagle with wings spread on a red field. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A' in gold letters.

Agenda Item 7

Falkirk Council Taxi and Private Hire Car Fleet Composition

Falkirk Council

Title: Falkirk Council Taxi and Private Hire Car Fleet Composition

Meeting: Civic Licensing Committee

Date: 30 November 2016

Submitted By: Chief Governance Officer

1. Purpose of Report

- 1.1 This report provides Members with a summary of the Council's Taxi and Private Hire car fleet composition, assesses the recent change in vehicle specification policy and considers trends in relation to future licensed Wheelchair Accessible Vehicles (WAVs). It is set against the statutory duty the Council has under the Equality Act 2010 (Specific Duties) Scotland Regulations 2012 to assess equality issues when reviewing policies and practices.

2. Recommendations

Members are requested to:-

- (1) note the contents of the report**

3. Background

Legal basis

- 3.1 Section 10(2) of the Civic Government (Scotland) Act 1982 is the legal basis that enables local authorities to be satisfied that any prospective taxi or private hire car is suitable in terms of its type, size and design for use as such.

Policy development

- 3.2 Falkirk Council has adopted a mixed fleet approach to its licensed taxis and private hire cars. In 1998, and in anticipation of regulations flowing from the Disability Discrimination Act, the Council changed its policy on licensed vehicle specification. Before this change a car was suitable to be licensed if it had a minimum engine capacity of 1600cc and a boot capacity of 300 cubic litres. The change to the policy required any new taxi that had a passenger seat capacity in excess of 5 had to be fully wheelchair accessible.
- 3.3 In 1999 the Council revisited the policy and agreed that any new private hire car that had a passenger seat capacity of more than 5 had to be fully wheelchair accessible. In addition the Council changed the age policy for new and replacement licensed cars from being no older than 7 years to no older than 5 years.

- 3.4 In 2002, the Council revisited the policy again and agreed that **all new taxi** vehicles be capable of taking a wheelchair at all times irrespective of the capacity of the vehicle. The Council also agreed to increase the age of a new or replacement taxi from 5 to 6 years as the price of WAVs was higher than non WAV.
- 3.5 This created 2 categories of taxi operator licence, those operated by the original taxi operators who had held a licence before the 2002 policy change and operated a traditional "saloon" style taxi or a WAV if the vehicle had 5 or more passenger seats and new operators who operate WAV only taxi vehicles. No sunset clause was put in place and therefore the saloon vehicles were not phased out.
- 3.6 In 2013, the policy was revisited again. To encourage a greener, more environmentally friendly taxi fleet, Members agreed to change the WAV only option for new taxi operators to include hybrid cars and also fully electric cars, whilst retaining the WAV option. In addition, the age policy was revisited and the age limit for new/ replacement cars was reduced from 6 years to 3 years. This was achieved incrementally with the limit being reduced by a year on an annual basis to lessen the financial impact on the trade.
- 3.7 The policy has achieved its environmental aims with the fleet having 33 hybrid taxis and 3 hybrid private hire cars. There are no electric taxis at present, although this is expected to change once electric charging stations infrastructure increase throughout the district.
- 3.8 The changes to vehicle specification policy in 2013 created 3 distinct taxi operator categories.
1. Pre 1998 Taxi operators who can operate saloon cars
 2. 2002 to 2013 Taxi operators who operate WAVs only
 3. 2013 onwards who operate WAV, hybrid or electric

4. Considerations

Analysis of Falkirk WAV numbers

- 4.1 Annual statistical returns on taxi information are sent to Transport Scotland. The figures below show the number of Falkirk taxi and private hire cars and the % that are WAV from 2012 (the year before the policy changed in May 2013) until the most recent return to Transport Scotland in November 2016.

	Taxis	WAV Taxis	%WAV	PHC	WAV PHC	%WAV
2012	441	95	22%	77	10	13%
2013	444	97	22%	83	9	11%
2014	437	101	23%	83	13	16%
2015	438	84	19%	88	10	12%
2016	430	84	20%	129	11	9%

- 4.2 In 2014, the total numbers of WAV vehicles was 114 out of a total of 527 taxis and private hire cars which amounted to 22%.of the overall fleet. This was the highest number of WAVs in the past 6 years. There was a marked decline

in WAV taxis in 2015 from 101 to 84. At present the WAV taxis remain steady on 84. In total the number of WAV vehicles currently stands at 95 out of 559 vehicles which amount to 17% of the overall fleet.

A national context

- 4.3 An analysis of other local authorities in Scotland shows a wide range of approaches to the composition of the licensed taxi fleet. Some authorities have a policy requirement of 100% Wheelchair Accessible Vehicles while other authorities have a mixed fleet approach. A table obtained from Transport Scotland providing Scottish Local Authority area taxi details from 2015 is attached as appendix 1 to the report. The table shows a clear urban/ rural divide regarding WAV vehicles.
- 4.4 When the figures contained in appendix 1 are broken down Falkirk ranks 11th out of 32 Councils in terms of the overall % of its licensed fleet being WAV. If you consider mixed fleet authorities, Falkirk ranks 7th for WAV taxi provision and 3rd for WAV private hire car provision. Appendix 2 provides the full list of 32 local authorities and the breakdown of taxi and private hire WAV provision as a %.

Equality considerations

- 4.5 The Council must meet its public sector equality duty under the Equality Act 2010 and have due regard to what is commonly known as the three strands:-
1. Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 4.6 There is currently no legislative requirement for a local authority to impose a requirement of wheelchair accessibility on taxis and private hire cars. Section 160 of the Equality Act 2010 provides for the imposition of taxi accessibility regulations, however there is no current prospect of these provisions being commenced.

Competing Council policy objectives

- 4.7 Any policy adjustment to incentivise more WAV vehicles must be set against other Council policies. The Council is under an obligation to regularly review Air Quality in its area. An Air Quality Management Action Plan for Falkirk Town centre is in place due to higher levels of air pollution in the area. Any change to policy to increase potentially less environmentally friendly older WAV vehicles could work against the Council's objective of improving air quality in the town centre.
- 4.8 At certain times the availability of WAV taxis and private hire cars can be restricted due to them being utilised on school contracts.

Way ahead

- 4.9 Consideration could be given as to whether the practice of retaining a mixed fleet of saloon style and WAV vehicles should continue. If the status quo is to be maintained then what is considered to be an acceptable level of WAV vehicles could be agreed with measures developed to achieve this aim. There are currently no recommended figures for WAV vehicles from the Government for local authorities to adhere to.
- 4.10 There is now the potential of regularising the three operator categories referred to in paragraph 3.8 into 1. This would undoubtedly lead to resistance from the trade. Operators, be it full time or part time, have traditionally used saloon cars which cost less than a WAV. Any move towards a fully WAV fleet will have major economic implications for the trade. There are lower capital and running costs for saloon cars as opposed to WAVs. Setting a time frame to be fully WAV compliant (a sunset clause) could be an option for consideration. Another option could be to relax the age policy in respect of WAV cars from the current 3 years to 5. Imposing a WAV requirement without incentive could lead to a contraction in the number of taxis.
- 4.11 Informal discussions have taken place between officers and the Taxi Forum about WAV numbers and possible ways to address the decline. The trade members of the Forum were supportive of initial officer suggestion that a relaxation of the age policy for WAV vehicles from 3 years to 5 years. It was thought that this would lead to a greater uptake from operators. One operator advised that used motability WAV vehicles are often put up for sale after their initial 3 year lease period has ended and that the current age policy precluded such vehicles from being considered for purchase by operators.
- 4.12 There have been multiple Private Hire Car Operator licence applications considered recently by the Civic Licensing Committee (not for WAV vehicles) and questions were posed of the two main companies in terms of their WAV vehicles. Both companies confirmed that they are able to satisfy demand from the public for WAV vehicles.
- 4.13 In order to gauge whether there are too few WAV vehicles and demand is outstripping supply, officers will check with booking offices to examine WAV bookings. The purpose of this will be to identify if there have been occasions where bookings have been declined due to no availability of WAV vehicles. Officers will also consult with Falkirk Area Disability Access Panel (FADAP) who promote accessibility and equality for disabled people.
- 4.14 Officers will also consult with colleagues in Transport Planning in respect of the taxi card scheme to determine usage by Wheelchair users and whether there is unmet demand for WAV taxis and private hire cars.
- 4.15 A further report will be prepared for Members in light of the results of the officer approaches outlined above.

Consultation

- 4.16 No formal consultation has taken place as yet.

5. Implications

Financial and Resources

5.1 None.

Legal

5.2 The Council must comply with the public sector duty under the Equality Act 2010.

Risk

5.3 None

Equalities

5.4 An equality and poverty impact assessment will require to be undertaken in terms of the current policy

Sustainability/Environmental Impact

5.5 None.

Conclusions

6.1 Although there has been stability in terms of WAV taxi numbers over the past 12 months there is a gradual trend of declining WAV taxis. That said the Council is placed favourably as the 11th best in % terms for overall WAV provision when compared to other Scottish local authorities. To ensure that the Council is meeting its duty under the Equality Act further investigation by officers is required. This will include the scrutiny of booking office records in respect of WAV bookings. Officers will also consult with colleagues in Development Services in respect of the taxi card scheme and it's usage by Wheelchair users.

Chief Governance Officer

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List of Background Papers:

None

Appendix 1

Taxi and private hire cars licensed by local authority area, 2015

	Taxi vehicles	Private hire cars	Total	Wheelchair accessible taxis	Wheelchair accessible private hire cars
Council					
Aberdeen City	1,029	259	1,288	537	-
Aberdeenshire	509	298	807	42	14
Angus	130	54	184	8	5
Argyll & Bute	187	42	229
Clackmannanshire	55	48	103	5	2
Dumfries & Galloway	206	156	362	8	3
Dundee City	604	188	792	345	-
East Ayrshire	125	90	215	24	11
East Dunbartonshire	357	287	644	24	-
East Lothian ¹	112	129	241	112	-
East Renfrewshire	59	432	491	-	2
Edinburgh, City of	1,316	1,012	2,328	1,316	..
Eilean Siar	92	20	112	1	-
Falkirk	438	88	526	84	10
Fife ¹	492	339	831	32	68
Glasgow, City of	1,421	2,638	4,059	1,421	20
Highland	562	175	737	23	13
Inverclyde	244	57	301	22	-
Midlothian	50	137	187	50	..
Moray	186	18	204	10	2
North Ayrshire	215	58	273	33	-
North Lanarkshire	492	1,203	1,695	163	5
Orkney Islands	29	14	43	3	-
Perth & Kinross ¹	105	163	268	8	22
Renfrewshire	214	768	982	206	20
Scottish Borders	215	86	301	12	22
Shetland Islands	91	57	148	4	3
South Ayrshire	126	165	291	126	-
South Lanarkshire	341	1,237	1,578	30	24
Stirling	69	117	186	19	0
West Dunbartonshire ¹	336	28	364	172	-
West Lothian	133	318	451	133	21
Scotland	10,540	10,681	21,221	4,973	267

Source: Scottish Government - Not National Statistics

Appendix 2

This table shows the % of taxis and private hire cars that are wheelchair accessible (WAV) and the combined total % per Scottish local authority. The figures were obtained from Appendix 1.

Ranking	Council	%WAV Taxi	%WAV PHC	Overall WAV %
1	City Of Edinburgh	100%	0%	57%
2	West Dunbarton	51%	0%	47%
3	East Lothian	100%	0%	46%
4	Dundee City	57%	0%	44%
5	South Ayrshire	100%	0%	43%
6	Aberdeen City	52%	0%	42%
7	City of Glasgow	100%	0.75%	35%
8	West Lothian	100%	7%	34%
9	Midlothian	100%	0%	27%
10	Renfrewshire	96%	3%	23%
11	Falkirk	19%	12%	18%
12	East Ayrshire	19%	12%	16%
13	North Ayrshire	15%	0%	12%
14	Fife	6%	20%	12%
15	Perth & Kinross	8%	13%	11%
16	Scottish Borders	6%	26%	11%
17	North Lanarkshire	33%	0.4%	10%
18	Stirling	28%	0%	10%
19	Aberdeenshire	8%	5%	7%
20	Angus	6%	9%	7%
21	Clackmanannshire	9%	4%	7%
22	Inverclyde	9%	0%	7%
23	Orkney Islands	10%	0%	7%
24	Moray	5%	11%	6%
25	Highland	4%	7%	5%
26	Shetland	4%	5%	5%
27	East Dunbartonshire	7%	0%	4%
28	South Lanarkshire	9%	2%	3%
29	Dumfries & Galloway	4%	2%	3%
30	Eilean Siar	1%	0%	1%
31	East Renfrewshire	0%	0.5%	0.4%
32	Argyll & Bute	0%	0%	0%