

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with thistles, a shield divided into four quarters (top-left: saltire, top-right: lion passant guardant, bottom-left: ship, bottom-right: eagle), and a motto scroll at the bottom.

AGENDA ITEM

9

Licensing of Taxis and Private Car Hires

Falkirk Council

Title: Licensing of Taxis and Private Car Hires
Meeting: Executive
Date: 28 November 2017
Submitted By: Director of Corporate and Housing Services

1. Purpose of Report

- 1.1 The report brings a number of issues relating to the licensing of taxis and private hire cars to the attention of the Executive.

2. Recommendations

2.1 The Committee is asked to agree:-

- (1) to note the changes to the legislation;**
- (2) to implement the provisions of section 165 and 67 of the 2010 Act;**
- (3) to instruct officers to:**
 - (a) notify relevant operators, that all wheelchair accessible taxis and private hire cars licensed by Falkirk Council will be considered designated vehicles under section 165 of the Act; and**
 - (b) prepare a register of licensed taxis and private hire cars to show that they are wheelchair accessible and therefore considered designated vehicles for the purposes of section 165 of the Act.**
- (4) to note the taxi matters detailed in the report**
- (5) to agree to the implementation of a knowledge test for private hire car drivers (subject to consultation with the Taxi Forum); or**
- (6) to consider the establishment of a policy development panel to consider further the taxi matters detailed in the report**

3. Background

- 3.1 Sections 165 and 167 of the Equality Act 2010 which relate to wheelchair accessible taxis and private hire cars (PHCs) were commenced on 6 April 2017.

4. Considerations

- 4.1 The UK Government has commenced sections 165 and 167 of the 2010 Act making it a criminal offence for drivers of designated taxi and PHCs to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance or to charge them extra. This sends a clear message to those drivers who discriminate on grounds of disability that such behaviour will not be tolerated, and importantly, that wheelchair users are able to travel in wheelchair accessible vehicle (WAV) taxis and PHCs with confidence.
- 4.2 Section 165 provides local authorities with the powers to make lists of wheelchair accessible vehicles ("designated vehicles") and section 165 then requires the drivers of those designated vehicles to carry passengers in wheelchairs and to provide assistance to those passengers and prohibits them from charging extra.
- 4.3 Section 167 does not require Local Authorities to maintain a designated list of wheelchair accessible taxis and PHCs but in the absence of such a list the requirements of section 165 do not apply.
- 4.4 At present, the Council does not maintain such a list.
- 4.5 It is recommended that the Executive agree to adopt the provisions of section 167 of the 2010 Act in respect of all licensed WAV taxis and PHCs and instructs officers:-
 - to notify relevant operators that their vehicles will be designated under section 167 of the 2010 Act; and
 - create a register of licensed taxis and PHCs to show that they are wheelchair accessible and thus considered "designated vehicles" for the purposes of section 165 of the 2010 Act.
- 4.6 The legislation does not make provision for the contact details for the operator to be shown on the list; however, it would be easier for potential passengers to make a booking if this information was displayed. Should Members agree to adopt the above provisions it is proposed that all operators on the list be given the option of providing a contact telephone number for bookings that would be published as part of the list on the Council's website.
- 4.7 It is possible that some drivers may have or develop a medical condition which makes it impossible or very difficult for them to provide the physical assistance that would be required in pushing a wheelchair into the vehicle. The Act allows local authorities to grant exemptions from these duties to individual drivers. These provisions are contained in section 166.
- 4.8 The licensing authority has established procedures in place should a driver have a medical condition that prevents them from assisting wheelchair accessible passengers. Application can be made for a wheelchair exemption certificate. They must provide medical evidence of how they are unfit, which would be in the form of a doctor's letter detailing the reasons why they are unable to assist wheelchair passengers, the nature of the injury/ illness and how long they anticipate the incapacity will last.

- 4.9 Once an application is made the matter will be referred to the Civic Licensing Committee for consideration.

Current Taxi and Private Hire Car Wheelchair Accessible Vehicles (WAV)

- 4.10 At the time of preparing this report there are approximately 428 licensed taxis in Falkirk with 84 being of wheelchair accessible type (WAV). There are also 12 licensed WAV PHCs from a total of 145 vehicles.
- 4.11 This translates to 20% of the taxi fleet being wheelchair accessible and 8% of the Private Hire Car fleet being wheelchair accessible.
- 4.12 Officers are considering the issue of WAV numbers and whether there are sufficient numbers to supply an adequate level of service to those wheelchair users within the Council area. This is set against a backdrop of gradually reducing numbers and concern that this trend will continue. In order to arrest the decline, officers are considering adjustments to current taxi policies (that could either be discussed or consulted upon with the taxi trade via the Taxi Forum or through the establishment of a Policy Development Panel that could hear evidence from the Taxi Forum). This may include a more general reconsideration of the policy for vehicle specifications for taxis and private hire cars in line with the Scottish Government climate change proposals with the introduction of ultra-low emission vehicles (ULEVS)

Taxi and Private Hire Car

- 4.13 As detailed above at paragraph 4.9, there are 428 taxis and 145 PHCs licensed in Falkirk. Whilst taxi numbers have remained fairly static, private hire car numbers are on the rise. Due to advances in modern technology with the advent of mobile phone booking apps, there has been a blurring of lines in terms of taxi and private hire car operations. To the general public the two operations are almost indistinguishable.
- 4.14 At present taxi operators and taxi drivers are subject to more rigorous training and vehicle specifications than their private hire counterparts. In order to promote an equality of approach officers are considering a review of vehicle specification for private hire cars that would also include a more general review of taxi vehicle specifications. This could result in a uniform approach for both. Such a review could be included in the considerations of a PDP if established. The next section provides some detail in terms of private hire car driver training.

Private Hire Car Driver Training

- 4.15 Recent changes to the Civic Government (Scotland) Act 1982 allow licensing authorities the opportunity to require private hire car drivers to undertake a topographical test (also known as a knowledge test) in order that they can demonstrate that they have a good knowledge of the roads layout. This practice is already in place for taxi drivers.

- 4.16 Although private hire car drivers know in advance where they are taking their passengers and routes can be worked out using satellite navigation (sat nav) systems, such technology can fail. It is also possible that sat nav systems will not always direct drivers to the quickest route for the journey. It is therefore desirable that prospective private hire car drivers be subject to the same test of local knowledge of road layout that is currently applied to taxi drivers.
- 4.17 Such an approach could either be agreed by the Executive or remitted for consideration by a PDP or be subject to consultation with the trade via the Taxi Forum.

Taxi and Private Hire Car Operator Licence processes

- 4.18 All prospective applicants for a new taxi or private hire car operator licence must provide the licensing authority with certain information as part of the formal lodging of the application. These processes and practices have been developed over the years and form part of guidance notes in literature such as the application forms and online guidance.
- 4.19 Such practices include that appropriate insurance cover must be submitted along with proof of ownership of the vehicle. This is normally evidenced through a vehicle registration document (V5). In addition, the vehicle must also have been presented at the Council's testing station and successfully completed the taxi inspection test (also known as the "hackney test"). Following on from a successful test the licensing section receive a test certificate from the testing station indicating whether the vehicle has passed or failed.
- 4.20 The current practices outlined above ensure that all relevant matters are in place prior to a licence being granted. They also however place a significant upfront financial burden on the applicant who is not guaranteed a licence.
- 4.21 Once an application is accepted and processing has commenced there is a period of 28 days that must elapse before the licence can be granted. This timescale is set in legislation and allows for consultation with the Chief Constable and the submission of any representations/ objections from other parties. This results in applicants having paid usually for 12 months insurance and at best only enjoying the benefit of 11 months insurance cover. There is also the issue of purchasing a vehicle and having it tested before a decision on whether to grant a licence has been taken.
- 4.22 It is proposed that the current practices are changed to reflect that a properly lodged application will only initially require the make/ model and age of the vehicle. Applicants would still require to evidence proof of ownership, appropriate insurance and roadworthiness of the vehicle (via a positive hackney test) in due course before a licence was issued.

5. Consultation

- 5.1 Consultation by email has taken place with members of the Falkirk Taxi and Forum.

6. Implications

Financial

- 6.1 There is no direct financial impact on the Council.

Resources

- 6.2 There are no resource implications arising from the report.

Legal

- 6.3 The legal implications arising from the report recommendations are the implementation of provision 165 and 167 of the 2010 Act.

Risk

- 6.4 None identified.

Equalities

- 6.5 By implementing the provisions of the 2010 Act noted above, the Council will be fulfilling its duties under the section 149 of the Act, the public sector equality duty.

Sustainability/Environmental Impact

- 6.6 There is no environmental impact arising from the contents of the report.

7. Conclusions

- 7.1 The implementation of Sections 165/167 of the Equality Act 2010, will assist people with a disability to more easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with Section 167 of the Act.
- 7.2 The additional taxi related matters detailed in the report are highlighted for information but could be taken forward through the establishment of a Policy Development Panel or alternatively through direct consultation with the Taxi Forum and the Portfolio holder for Public Protection and the Convener of the Civic Licensing Committee.

Director of Corporate and Housing Services
Author – Bryan Douglas, Licensing Co-ordinator 01324 501262,
bryan.douglas@falkirk.gov.uk
Date: 9 November 2017

Appendices

None

List of Background Papers:

Guidance from Department of Transport: Access for wheelchair users to taxis and private hire vehicles, March 2017.