

REPORT TO: LICENSING COMMITTEE - 23RD OCTOBER 2012

REPORT ON: POLICY ON TAXI LICENCES - RECOMMENDATIONS AS TO COMPOSITION OF TAXI FLEET AND A POSSIBLE LIMIT ON THE NUMBER OF TAXIS

REPORT BY: HEAD OF DEMOCRATIC AND LEGAL SERVICES

REPORT NO: 393-2012

1.0 PURPOSE OF REPORT

- 1.1 To submit recommendations to the Committee regarding the composition of the City's taxi fleet in the light of the Committee's decision of 20th December 2011 to agree in principle to maintain a "mixed fleet" of saloon cars and wheelchair accessible vehicles (WAV's) and to obtain the Committee's instructions as to an unmet demand survey.

2.0 RECOMMENDATIONS

- 2.1 That the Committee resolves to set a target of a taxi fleet comprised of 40% saloon cars and 60% WAV's as constituting a proper balance to comply with its public sector equality duty under the Equality Act 2010;
- 2.2 That the Committee determine whether or not to commission an unmet demand survey for the purposes of Section 10(3) of the Civic Government (Scotland) Act 1982;
- 2.3 That, in the event the Committee resolves to carry out an unmet demand survey, new Taxi Licences be issued to any applicants prepared to put WAV's on service in accordance with the current policy until such time as any numerical limit on taxis is imposed; whereupon proposals will be submitted to the Committee as to how the respective percentages in Paragraph 2.1 can best be achieved.

3.0 FINANCIAL IMPLICATIONS

- 3.1 In terms of Paragraph 15 of Schedule I to the Civic Government (Scotland) Act 1982, the Council is legally obliged to recover the costs of administering the taxi licensing scheme through the fees received. There should, therefore, be no financial implications for the Council arising from this report.

4.0 BACKGROUND

- 4.1 On 20th December 2011, the Committee agreed:-
- (i) in principle to a mixed taxi fleet of saloon cars and wheelchair accessible vehicles (WAV's) to comply with its public sector equality duty under the Equality Act 2010, to meet the varied needs of the travelling public and to address the accessibility requirements of ambulant disabled and elderly people in addition to those of wheelchair users;
 - (ii) that the composition of the fleet be the subject of further analysis and investigation by officers with a report thereon to be submitted to the Committee as soon as possible and for such persons to be consulted in this regard as deemed appropriate by the Depute Chief Executive (Support Services) and that it would be necessary for the report to establish the degree of the need for WAV's and also to address the issue of how the licences for the vehicles in the mixed fleet were to be allocated fairly and also that if it became necessary to incur expenditure through the engagement of external bodies, further Committee authority would be applied for at that stage;
 - (iii) that in the light of the views of Senior Counsel set out in Paragraph 6.1 of [Report 487-2011], no decision be made on the issue of an overall limit on the number of taxis in the City, until the completion of the process outlined [above]; and

- (iv) that in order to address the concerns raised in the responses to the recent public consultation regarding the level of assistance being offered to passengers (especially those with infirmity or disabilities), the Depute Chief Executive (Support Services) be authorised to report back with recommendations for appropriate driver training to be undertaken as part of the Taxi Driver's Licence conditions.

4.2 The background to that decision is contained in Report No 487-2011 which was considered by the Committee at the aforesaid meeting on 20th December 2011. This present report relates to parts (ii) and (iii) of the decision narrated at Paragraph 4.1 above.

5.0 SUGGESTED FLEET COMPOSITION

5.1 In light of the Committee's decision of 20th December 2011, officers undertook various items of research to attempt to obtain sufficient material regarding the extent and pattern of taxi use by disabled persons, whilst at the same time continuing to take into account the results of the survey carried out locally which informed the decision of 20th December 2011.

5.2 Enquiries were made with other local authorities in England who were considering making a percentage of their taxi fleets wheelchair accessible and also discussions were undertaken with a transport consultant. The contacts with the other authorities revealed that they felt unable to make a specific recommendation as to what percentage of their fleets should be wheelchair accessible. The discussions with the transport consultant also produced no readily available data, without the need to commission a lengthy (and likely expensive) survey exercise. It was also noted that the Department of Transport have yet to announce any minimum percentage of WAV's under Section 161 of the Equality Act 2010. Authorities in England and Wales will not be allowed to limit the overall number of taxis in their area if the number of WAV's is below this prescribed percentage.

5.3 Notwithstanding the above there is material available upon which a recommendation can be made to the Committee as to the respective percentages of WAV's and saloon cars which the Committee can set as a target to aim towards. This is to be found primarily in a survey carried out in 2001-2002 by the Disabled Persons Transport Advisory Committee (DPTAC). This is an independent statutory body advising the UK Government on the transport and mobility needs of disabled people. DPTAC provides expert advice and carries out independent research on disabled people and their use of transport. The 2001-2002 survey 'Attitudes of Disabled People to Public Transport' is believed to be the largest of its type dedicated to the transport needs of disabled people. Although it was carried out in England and Wales and over 10 years ago, there is no reason to believe that there will have been any significant change in the pattern of travel of disabled persons since then or that the results of a Scottish survey would be any different. This survey showed that disabled persons are, on average, 67% more likely to use taxis and private hire cars (PHC's) than the general public as a whole. Equally, 30% of disabled people never use taxis/PHC's as opposed to 21% of the general population. The survey findings also showed that, amongst various types of disability, wheelchair users are the most likely (54%) to need to use taxis/PHC's at least once a month and those with an ambulant disability are at 39%. This would tend to indicate a greater reliance on taxis/PHC's amongst wheelchair users (proportionately 38% higher) as opposed to passengers with ambulant disabilities. Figures produced by the Office for National Statistics (ONS) show that there are roughly the national average of "DDA disabled adults" in Scotland at 27% of the whole adult population (national average = 28%), although this is not broken down into different categories of disability. There are currently (as of 30th September 2012) 621 taxis in the City, of which 328 (52.8%) are WAV's and 293 (47.2%) saloon cars.

5.4 In the absence of any universal formula, it is considered that the proposal in the following paragraph deals with the issues identified by Senior Counsel in the advice given by her and summarised in Report 487-2011 concerning the compatibility of a mixed fleet with the Council's equality duty.

5.5 **It is recommended that the respective percentages of WAV's to saloon cars to which the Committee should aspire is 60% to 40%.**

5.6 This proposal seeks to take account of the greater use by disabled persons of taxis/PHC's compared to the general population as a whole and the greater reliance by wheelchair passengers as opposed to the ambulant disabled. The basis for the calculation of the respective percentages is the degree of need as opposed simply to the level of demand. Whilst a majority of those responding to the Committee's 2011 survey said that they needed vehicles with "low entry level/low seating", it has to be remembered that 126 of the 133 vehicles in the current PHC fleet are saloon vehicles. This means that the majority of vehicles for public hire in the City will still be saloon vehicles. The 2011 survey also revealed that the most common method of booking a taxi/PHC is by telephone (82%) therefore it is considered that this proposal will offer the greatest suitable range of vehicles available for hire by disabled passengers and the general public as a whole. There are in excess of 60 licensing authorities in Great Britain with 100% WAV taxi fleets, and many others who have fleets with a percentage of WAV's less than 20%.

6.0 LIMIT ON NUMBER OF TAXIS AND ALLOCATION OF LICENCES

6.1 The Committee agreed to look at these issues once a decision had been reached on the composition of the taxi fleet. Section 10(3) of the Civic Government (Scotland) Act 1982 allows a Licensing Authority to refuse an application for a Taxi Licence, "If, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet". To determine demand, a survey by an independent company or other external body would require to be commissioned and this would result in a figure being recommended in due course as being the upper limit of the demand for taxis in the City. If the Committee wish to know the level of demand, then it is recommended that such a survey be instructed at this point and officers will undertake the necessary steps to put this in place and report back to the Committee in due course.

6.2 Whether or not a limit is eventually imposed (and what that limit will be) will have an impact upon the next stage of the process. It will likely take a number of months before the results of such a survey become available. In the meantime, if a survey is instructed it is recommended that any new applications for Taxi Licences for WAV's be dealt with as normal and granted in the absence of any objections/reasons for refusal. Taxi trade representatives are again raising the issue of moratorium on the grant of any new licences in the event of a survey being instructed. To hold back an application in circumstances where the Committee could be accused of doing this so that the application might be refused once any limit is imposed would however likely lead to a legal challenge and also amount to maladministration. If and when any limit is imposed, and the number of taxis to meet demand is ultimately reached through natural wastage the respective percentages of each type of vehicle will need to be calculated as at that point and proposals will then be submitted to the Committee as to how the target percentages can best be achieved thereafter.

7.0 POLICY IMPLICATIONS

7.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>

8.0 CONSULTATIONS

8.1 The Chief Executive, Director of Corporate Services, the Legal Manager, the Head of Transportation, the Plant and Vehicle Officer and the Equality and Diversity Co-ordinator have been consulted in the preparation of this Report.

9.0 BACKGROUND PAPERS

- 9.1 (i) Equality Impact Assessment
- (ii) 2011 Licensing Committee Survey (Appendix 3 to Report 487-2011)
- (iii) "Attitudes of Disabled People to Public Transport", a Research Study Conducted for the Disabled Persons Transport Advisory Committee (DPTAC), November 2001-January 2002.
- (iv) "Life Opportunities Survey", Wave 1 Interim Report 2009/10, Appendix A - Chapter 5. (Office for National Statistics).

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Head of Democratic and Legal Services

Date: 3rd October 2012



SVQ in Road Passenger Vehicle Driving Level 2

Hackney Carriage and Private Hire
Vehicles

What does an SVC comprise of ?

- The SVQ in Road Passenger Vehicle Driving for Taxi and Private Hire Drivers is made up of Nine Units, Seven of which are Mandatory and Two which are Optional.

Taxi SVQ



- The Mandatory Units are :
- Health and Safety at Work.
- Drive the Vehicle Safely and Efficiently
- Provide Professional Customer Service.
- Deal effectively with Difficult Passengers.
- Deal with Incidents and Emergencies.
- Provide a Transport service for Passengers who require assistance.
- Transporting Children and Young Persons.

Taxi SVQ



- The Optional Units are :
- Effective Working Relationships.
- Operating a Community Transport Service.
- Transporting Passengers who have Special Requirements.
- Develop and Maintain your Work skills and Knowledge.

Taxi SVQ



- Routine Cleaning of the Vehicle.
- Transport Luggage and other items.
- Route Planning for Journeys.
- Processing Fares and Payments.
- Manage a Small Business.
- Processing Telephone Bookings.

Taxi SVQ



- The UK Taxi and Private Hire industry has increased by 25% over the last decade and is forecasting a similar rise in the coming years. New and proposed regulation and licensing arrangements will require higher levels of driver competence. We are working to encourage the adoption of recognised national qualifications with raised levels of competency for all professional drivers.

Taxi SVQ



- What are the benefits for :
 - Taxi Drivers ?
 - Local Authorities ?
 - The travelling Public ?

Taxi SVQ



- In the most recent survey of Taxi Drivers who undertook an SVQ/NVQ 80% of respondents stated that they had learned new skills and knowledge, 50% gained knowledge in Taxi Legislation, 36% had heightened awareness of H&S issues and 30% gained a better understanding on providing a service for those with a disability. All agreed that the course was beneficial.

Taxi SVQ



- Local Authorities who have adopted a formal qualification agree that overall standards have risen, complaints have fallen and some now encourage their enforcement and licensing officers to participate in courses.

Taxi SVQ



- Taxi Drivers who are more professionally competent will:
 - Provide a better service to the public.
 - Be good ambassadors for visitors.
 - Be better equipped to deal with incidents.

Taxi SVQ



- As well as guiding the participants through the course, we will strive to gain other benefits such as :
 - Discounted Insurance Rates
 - Access to "Driver Care" schemes
 - Negotiating Licence benefits

Taxi SVQ



- Courses and Modules can be delivered on days and at times to suit the various work and shift patterns.
- All Tutors and Lecturers are professionally competent.
- Modules can be adjusted to accommodate Council Licensing Department requests.