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To: Councillor Carle, Convener; and Councillors Allan, Boulton, Copland, Councillor Barney Crockett, the Lord Provost, Delaney, Lesley Dunbar, Graham, Hutchison, Malik, Malone, MacGregor, Nathan Morrison, Nicoll, Reynolds, Samarai and Townson

Town House,
ABERDEEN 29 March 2016

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **WEDNESDAY, 6 APRIL 2016 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

REQUESTS FOR DEPUTATION

1 Requests for Deputation

- (i) Request by Mr Campbell, Unite the Union - item 2.1 (Review of Accessible Vehicle Policy)
- (ii) Request by Mr McColl, Aberdeen Taxi Group - item 2.1 (Review of Accessible Vehicle Policy)
- (iii) Request by Mr McColl, Aberdeen Taxi Group - item 3.1 (Age of Vehicles Policy)
- (iv) Request by Mr Wilson, - item 2.1 (Review of Accessible Vehicle Policy) – Please note that this request was received beyond the deadline required by Standing Orders and therefore the Committee would need to suspend Standing Order 10(1) should it wish to hear this deputation.

COMMITTEE REPORTS

- 2.1 Review of Accessible Vehicle Policy - CG/16/053 (Pages 3 - 68)
- 2.2 Age of Vehicles - Clarification of Policy (Pages 69 - 88)

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ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE: 6 June 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Review of Policy on Taxi Licences- Consultation with Equalities and Taxi Trade Representatives

REPORT NUMBER: CG/12/045

1. PURPOSE OF REPORT

The purpose of this report is to consider the Committee's policy on taxi licences in Aberdeen City.

2. RECOMMENDATION(S)

It is recommended that the Committee instructs officers:

- (a) to impose a limit on the current number of taxi licences (as at 6 June, 2012) subject to recommendation (b) being approved;
- (b) to amend the wheelchair accessible vehicle policy, by requiring that all taxi licence holders to provide a wheelchair accessible vehicle within 5 years of the Committee's decision, subject to (a) above being approved.

3. FINANCIAL IMPLICATIONS

In terms of Paragraph 15 of Schedule 1 to the Civic Government (Scotland) Act 1982 (the "1982 Act"), the licensing authority must recover the costs of administering the taxi licensing regime through its licence fees.

If a limit is introduced it can only be maintained by regular demand surveys (ref. recommendation), which have cost and resource implications, and which would require to be factored in when assessing the application fees for taxi licences.

4. OTHER IMPLICATIONS

If a limit on taxi licences is reintroduced without revising the wheelchair accessible vehicle policy, it will have an adverse impact on the Committee's continuing compliance with the public sector equality duty in terms of wheelchair accessibility to vehicles. The gradual increase towards a 100% accessible taxi fleet will slow almost to a standstill or

reverse. This would be contrary to the aim of the Committee's WAV policy, and compliance with the public sector equality duty.

Recommendation (b) therefore has necessarily been included to address the impact a limit would have on the WAV policy in terms of the Committee's equality duties.

5. BACKGROUND/MAIN ISSUES

General Background

At its meeting on 17 April 2012 the Licensing Committee considered a report on the 'Review of Policy on Taxi Licences'.

The report recommended:-

that the Committee instructs a report back –

- (a) recommending that a limit be imposed on the number of taxi licences subject to recommendation (b) being approved;
- (b) subject to (a) above being approved, recommending that an amendment be made to the wheelchair accessible vehicle policy, requiring that all taxi licence holders provide a wheelchair accessible vehicle by 17th April, 2017 and that consultation be undertaken with the Taxi Consultation Group, the Disability Advisory Group and the Older People's Advisory Group in this regard;
- (c) takes no further action in relation to the proposal that Unight Aberdeen's members operate a scheme to arrange taxi transport for their patrons.

The Committee resolved:-

- (i) to approve the recommendations; and
- (ii) to defer items 6.1 to 6.8 on the agenda until 6th June 2012, when the Committee will consider a further report relating to the provision and policy of taxi wheelchair accessible vehicles.

The Committee will be aware that the interlinking nature of taxi licence policy requires the proposed limit on taxi licence numbers and the wheelchair accessible vehicle policy to be considered together as a joint Taxi Licence policy.

A. Consideration of a Limit on Number of Taxi Licences

Background

In terms of Section 10(3) of the 1982 Act, the Committee has the power to refuse to grant a taxi licence if, but only if, they are satisfied that there is no significant unmet demand for taxi services in Aberdeen. There is no obligation on the Committee to set a limit.

Since the introduction of these powers under the 1982 Act there have been periods when the Committee has had a policy of limiting taxi numbers and others where the market has been left to determine numbers.

The Committee introduced its WAV policy in 1994 at the same time as it introduced a limit on taxi licences. The WAV and taxi limit policies operated together as a general taxi licence policy.

In 2006 the Committee removed the limit on taxi licence numbers. All new applicants for a taxi licence were still required to provide a wheelchair accessible vehicle. This has remained as the status quo ever since.

The Committee's aim was to gradually increase the number of wheelchair accessible vehicles to a 100% WAV fleet. Over the period between 1994 and 2012 the Committee's policy led to a gradual increase in the number of WAV taxis to 45% of the fleet, recently reduced to 44% due to a number of exemptions having been granted.

During 2011 taxi trade representatives on the Taxi Consultation Group ("TCG") submitted requests that a limit be imposed on the number of taxi licences in the city. This was the starting point for the Committee's consideration of a limit, which had the consequence that a recommendation to amend the WAV policy was also required. As Members will be aware a Taxi Demand Survey was commissioned which concluded that there is no significant unmet demand for taxi services in Aberdeen and recommended imposition of a limit.

The taxi trade representatives are of the view that there is no reason for the WAV policy and a taxi licence limit being considered together. However, the Committee has a legal obligation to review its WAV policy in terms of the Equality Act 2010 because the proposal for a limit would have an impact on wheelchair users, who are the protected group of people that the Committee is assisting with its wheelchair accessible policy.

Ongoing Consultation and Engagement with the Taxi Trade Representatives

As part of the review process for taxi licence policy the TCG taxi trade representatives have been consulted and have been given opportunities to put forward their views at TCG and Committee meetings both during last year and this year. Specifically for the purpose of this report they were also given a 25 day consultation period between 23 April and 18 May 2012. In addition it is anticipated that the TCG taxi trade representatives may also wish to make deputations to the Committee at its meeting on 6 June 2012.

Current Considerations

The Taxi Demand Survey (“the survey”) conducted by consultants and considered at the Committee meeting on 23 November 2011 made recommendations that Committee set a limit on the current number of taxis in the City. The Committee is not obliged to set a limit even if the Survey results show there is no unmet demand.

Setting a limit on taxi licences may increase the number of private hire vehicles and may also increase the unofficial value of saloon plate taxi licences. Medical exemptions also have an impact.

The current wheelchair accessible vehicle policy would be impacted adversely by setting a limit because the steady increase in wheelchair accessible vehicles as a percentage of the fleet would be halted.

The Survey advised that the taxi trade will not receive the financial benefit it expects if a cap is introduced, as demand for taxis will not increase without amendments to specific areas of taxi services. The main way in which repressed demand could be unlocked is by carrying out a comprehensive review of the fare structure and implementation of the rank recommendations. The Committee instructed implementation of the rank recommendations in its earlier ‘Taxi Demand Survey- Rank Specific Recommendations’ report.

Taxi Licence Cap/Survey Outcomes

The consultants undertook a systematic analysis and determined that imposing a limit at the current number of licences would not result in a significant detrimental effect on the quality of service available to the public. However, a limit on its own would be unlikely to result in the positive impact anticipated by the trade, which forms the basis of their request.

The Survey advises that the main benefit of introducing a limit is that regular reviews would provide the Committee with detailed and accurate evidence regarding the City’s taxi services. Such evidence would assist the Committee when dealing with taxi services for the benefit of the City, public and taxi trade.

Furthermore, the consultants advised that linking fare and demand reviews is appropriate as there is a strong connection between the size of a taxi fleet and the appropriate level of taxi fares. Ensuring that taxi fares and fleet size are set at an appropriate level will ensure the most efficient operation of taxi services. It may also ‘unlock’ the latent demand for services, which is repressed by the public perception that taxi fares in Aberdeen are too high.

Conclusion on Taxi Licence Limits

The Committee can place a limit on taxi licences if it wishes as there is no significant unmet demand.

Officers recommend the introduction of a limit in conjunction with an amended wheelchair accessible vehicle policy (see discussion below at B). The recommendation is based on all available evidence from the Survey, consultation responses and consideration of the Committee's legal obligations in terms of both the Equality Act 2010 and the Civic Government (Scotland) Act 1982.

If the Committee wishes to introduce a licence limit it should also be aware of the consequential effects of such a policy. A limit would require regular surveys, ideally at least once every 3 years with additional mini surveys in between at 18 month intervals.

Regular surveys would be required to assist the Committee in deciding if a limit requires to be maintained and to minimise the prospect of successful challenge.

There will be other practical effects of implementing a limit and they will require to be addressed if a limit is set.

B. Review of Wheelchair Accessible Taxi Policy

The Survey recommends (at p.147) that new Taxi Licences remain restricted to Wheelchair Accessible Vehicles (WAVs), and that the Committee reviews its definition of WAVs to ensure they are fully accessible and appropriate for use.

The Committee already uses the current specification of WAV available from and encouraged by the Department for Transport (see appendix 2). The specification includes accessibility requirements for both wheelchair passengers and those with restricted mobility. This permits a range of wheelchair accessible vehicles to be used in the taxi fleet, which offers a broad choice of vehicles to suit both passengers and drivers who have a disability (see appendix 3 for the current approved list of WAVs). New vehicles can quickly be added to the approved list provided they meet the specification.

The Committee also agreed to give any person or organisation wishing to provide a WAV, which does not comply with the new specification the opportunity to address the Committee.

The Committee's main consideration on its WAV policy is how it requires to be implemented as an integral part of its Taxi Licence Policy.

WAV Policy Options

The Committee has two main options in relation to its WAV policy review, which are set out below. Option 1 is recommended as compliant with the Public Sector Equality Duty ("PSED").

Introducing a limit on licences without addressing the current WAV policy would stop the current WAV policy from being compliant with the PSED.

Option 1- Licence Limit & 100% Wheelchair Accessible Fleet

Option 1 is recommended as the best option for the following reasons:

1. it complies with the Council's public sector equality duty;
2. it complies with the court's recommendations in Wilson v Aberdeen City Council, which recommended that the Council would best meet the equality aim of its wheelchair accessible vehicle policy by setting a date by which all vehicles required to be accessible;
3. it eliminates the unfairness of only some drivers being required to provide a wheelchair accessible vehicle, which can be more expensive to purchase;
4. it would eliminate the unofficial market in the hiring of saloon taxis; and
5. 50% of members of the public questioned in the Survey advised that having a wheelchair accessible fleet would positively encourage them to use taxis more often (whether or not they themselves had a disability).

Public Sector Equality Duty - The Committee introduced its wheelchair accessible vehicle policy in 1994 to address disadvantage experienced by wheelchair users in accessing taxi services. The Committee was entitled to introduce such a policy to meet the needs of disabled taxi users under the Disability Discrimination Act 1995.

The law has since been updated and the Committee's main statutory consideration in relation to its wheelchair accessible vehicle policy is that it must have due regard to the public sector equality duty under Section 149 of the Equality Act 2010. Members are referred to the relevant sections of the Equality Act 2010 in appendix 1, which include Sections 6 (Disability), 149 (Public Sector Equality Duty) and 158 (Positive Action: General).

In the circumstances, the relevant protected characteristics of disability and age require to be taken into account. A disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Disability includes age related medical conditions, such as restricted mobility. The current wheelchair accessible vehicle specification

adopted by the Committee is designed to meet the needs of both wheelchair and restricted mobility passengers. It is the best available taxi specification to meet broad ranging disabled passenger requirements.

Members will note that the duty requires the Committee to have due regard to the need to remove or minimise disadvantage suffered by people with relevant characteristics, and take steps to meet those needs that are different to those of people who do not share these characteristics (i.e. age and disability). The Committee's adoption of the wheelchair and ambulant accessibility requirements in its taxi vehicle specification assists in meeting the duty. The recommendations to amend the WAV policy also assist in meeting the duty by addressing the needs of disabled passengers.

The Committee's duty is to have due regard to the needs of the relevant groups, rather than to fulfil those needs. The duty is therefore compatible with a policy approach.

Members are directed to the below summaries of responses from the equalities consultees.

In summary, they are in favour of an increase in WAV numbers. Although, some wish to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis.

It appears from evidence regarding the current WAV fleet that there is a wide variety of vehicles many of which are suitable for wheelchair passengers and passengers with restricted mobility. The design of certain WAVs permits easier entry for people with restricted mobility, even compared to saloon cars, as people with restricted mobility can access the vehicle at floor height in different ways.

The equalities consultees advised that they almost exclusively pre-book their vehicles mainly due to convenience, therefore even if they have a preference for a saloon car, it can continue to be catered for by the Private Hire Car fleet, which has no restriction. It appears that this already may be what is happening to a large extent.

The request from the equalities consultees can therefore be accommodated by the Committee a) continuing its policy with regard to permitting all types of WAVs into the fleet, provided they meet the required specification; and b) by the Private Hire Car fleet, which is currently around 200 saloon vehicles and may increase if a limit is placed on taxi licences.

It is therefore recommended (recommendations (a), (b) above) that the Committee proceeds with the amendment of its WAV policy to 100% within 5 years, in order that a limit can be set immediately. 5 years is

considered to be a reasonable period to allow transition to a fully wheelchair accessible fleet. The current policy intended a gradual increase to 100% fleet and thus far it has taken 17 years to get to less than 45%.

Option 2 - No Licence Limit, & Current Wheelchair Accessible Vehicle Policy

This option is not compatible with the introduction of a limit and is not recommended.

The current WAV policy appears to be relatively consistent with the public sector equality duty. The policy was also subject to a court challenge *Wilson v ACC*, which was appealed to the Court of Session.

There are a number of problems which have occurred as this version of the WAV policy required a gradual increase towards the aim of a 100% wheelchair accessible fleet. It was not intended that the increase would be quite so gradual. The result is that for almost 20 years the Committee has had only a percentage of its fleet as wheelchair accessible and this will continue for a number of years if this version of the policy remains in place.

Hiring of Taxi Licences

The market for hiring of taxi licences is partly created by the Committee's current policy. It appears from anecdotal evidence that many taxi drivers would prefer a saloon car and therefore saloon car taxi licences have a value to be hired out by taxi companies or individuals. The current policy has an in built exemption, which permits the substitution and re-substitution of saloon cars for licences which were in existence in 1994 or before. Drivers who may otherwise surrender their taxi licence are encouraged to continue to renew it as they can hire out a saloon taxi licence or otherwise convey it to a taxi company or individual.

Requests for WAV Policy Exemption

The Committee has received a number of requests for exemption from the requirement to provide a wheelchair accessible vehicle based on medical problems of the taxi licence holder.

The requests appear to be based on the assumption that there is an alleged difference between the standard of vehicle design of saloon cars and WAVs. The main examples given are in relation to drivers' seats and the height or layout of the vehicle, which makes it difficult or impossible for the driver to operate any type of WAV, but apparently does not apply to any type of saloon car.

It appears that vehicle specifications such as seats, driver position and layout differ by manufacturer or model, irrespective of whether they are WAVs or saloon cars. Taxi licence holders have a range of WAVs from which to choose. It is noted for example that some WAVs, already on the Committee's approved list, have floor heights lower than saloon cars whereas others have higher floor heights. There appears to be no generic WAV vehicle as they have different features and layouts. It is difficult therefore to understand those claims from certain licence holders that only saloon cars are suitable rather than WAVs.

Disabled passengers are the protected group which the Committee is assisting with its WAV policy. Granting exemptions from its policy without sufficient evidence does not have due regard to the equality duty, in relation to the needs of disabled passengers.

The Committee should still consider each taxi licence application on its own merits but may wish to set a requirement for taxi drivers to provide medical evidence why they cannot use any of the broad range of available wheelchair accessible vehicles. As the number of requests has increased considerably the Committee may also wish to consider requests only in respect of a taxi licence application. This will better meet the terms of the licence application procedures in terms of Schedule 1 and Section 10 of the Civic Government (Scotland) Act 1982. Each application for exemption must also be considered in terms of the Committee's equality duty to have due regard to the impact on disabled passengers.

Medical Exemptions from the Requirement to Carry a Wheelchair Passenger

For clarification, seeking an exemption from providing a WAV should not be mixed up with seeking exemptions from carrying a wheelchair passenger. It is important to note that there is a separate statutory class of exemption for taxi drivers from the requirement to carry a wheelchair passenger in a wheelchair accessible taxi. This exemption relates to the taxi driver's licence rather than the taxi licence, which is linked to a vehicle. The effect of a "medical exemption" is that no taxi driver with a disability is required to carry a wheelchair passenger if they are medically unfit to provide assistance.

Relevant case law advises that it is appropriate for licensing authorities to have a wheelchair accessible vehicle policy. It also provides that a taxi licence is not exclusive to a specific driver. The licence relates to the vehicle, which can be driven by more than one taxi driver. This means that, although one driver may have a medical exemption from carrying a wheelchair passenger in their WAV, any other driver using the same vehicle can pick up wheelchair passengers. Granting exemptions to the requirement to provide a WAV therefore has a potentially wider impact on the availability of WAVs.

No taxi driver is currently asked to carry out duties for which they are medically unfit. There is a statutory procedure for medical exemption from the requirement to carry a wheelchair passenger in a wheelchair accessible vehicle.

Furthermore, taxi drivers are only required to provide passengers such assistance with luggage as they are able. If they cannot lift heavy luggage into a vehicle they are not required to do so.

This means that the policy which requires drivers to provide a wheelchair accessible vehicle has no disproportionate impact on disabled taxi drivers compared to medically fit drivers and therefore does not require the Committee to make exemptions to its policy in terms of its equalities duties.

C. Consultation Responses

The Committee must also consider the equalities legislation (appendix 1) when considering the consultation responses.

Responses were received from the Disability Advisory Group, Older People's Advisory Group, Taxi Consultation Group taxi trade representatives and The Older People's Consultation and Monitoring Group. The last group was added to the consultation exercise, as recommended by the Equalities Officers.

Aberdeen City Council- Equality Consultees' Responses

1. Disability Advisory Group

The Disability Advisory Group ("DAG") is facilitated by the Council. It advises on disability matters and provides liaison with the Council in relation to the provision of and access to services for people with disabilities.

a. Taxi Usage by DAG Members (Persons with the protected characteristic of Disability)

DAG members provided 7 responses. 6 of those who responded use taxis in Aberdeen. They prefer to pre-book a taxi by telephone as it is convenient and ensures that an appropriate driver and vehicle is available for a wheelchair or restricted mobility passenger.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

Most of the DAG members who responded recognised that any decrease in the number of WAVs would severely reduce their opportunity of obtaining suitable transport.

DAG was aware of the recent decisions by the Committee to allow exemptions from providing a WAV. The group expressed particular concern against this development which has led to a reduction in the percentage of WAVs in the Aberdeen fleet.

Other comments related to the impact a further reduction of WAVs in the fleet would reduce disabled passengers opportunity to undertake their daily activities both in business and pleasure and in some cases may lead to a disabled passenger being stranded through lack of WAV availability.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

6 of the consultees agreed that an increase in the number of wheelchair accessible vehicles would have a positive impact for taxi passengers with disabilities. This would make it more possible to hire a suitable vehicle and would reduce waiting times for suitable taxis at peak periods.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

4 of the DAG members agreed with the proposal and 3 disagreed. It appears that those who disagreed were in favour of an increase in wheelchair accessible taxis but wished saloon cars to be made available for people with visual, spinal/musculoskeletal and mobility restriction disabilities. Some wheelchair accessible vehicles have steps, which appears to be a problem for those with the above mentioned disabilities. It appears the consultees may not have been aware of the broad range of wheelchair accessible vehicles in the fleet, all of which must meet ambulatory requirements to address the specific needs of people with restricted mobility.

2. Older People's Advisory Group

The Older People's Advisory Group consists of elected members and Council officers. Its aim is community engagement with older people in to meet a need for that group to have access to elected members, service providers and decision makers.

a. Taxi Usage by OPAG Members

2 OPAG members responded. They use taxis and hire them from ranks, by pre-booking and by hailing on the street.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

They were of the view that a decrease in the number of disability access taxis would have an impact on passengers with disabilities, which would result in less choice and greater delay.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

1 was of the view that an increase would provide more choice for disabled passengers, whereas the other was of the view that an increase would not have an impact.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

1 member of OPAG was in favour of the proposal, whereas the other was against it, because some WAVs have a step although both wished to see increased numbers of taxis rather than a limit.

3. Older People's Consultation and Monitoring Group

The Older People's Consultation & Monitoring Group ("OPCMG") involves older people in the planning and development of Joint Future services in Aberdeen is facilitated by the Council.

a. Taxi Usage by OPCMG Members (Persons with the protected characteristic of Disability)

OPCMG members provided 15 responses. 12 of the respondents use taxis in Aberdeen. They all prefer to pre-book a taxi by telephone as it is convenient and ensures availability. 3 also hire taxis from a rank, and 1 hails taxis from the street.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

11 members were of the opinion that a decrease in the number of wheelchair accessible vehicles would have an impact on disabled taxi passengers, 3 did not know whether or not it would have an impact and 1 said it would have no impact.

They were of the view that a decrease would result in longer waiting times for wheelchair passengers, which for example may impact on their ability to make appointments or socialise or return home from town by taxi.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

8 of the group members were of the view that an increase in WAVs would allow disabled passengers a better opportunity to participate in daily activities. 7 were unsure whether or not disabled people would benefit from an increase.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

5 group members agreed with the proposal and 6 did not agree. The others did not know or submitted no response to the question.

Members of the group reported that there was a mixture of good and bad experiences of disabled taxi services and were concerned that the requirements of people with restricted mobility should be taken into account. Some appear to be of the view that all WAVs have a step. A few expressed a preference for saloon cars.

Taxi Consultation Group- Taxi Trade Representatives' Responses

The full responses are attached at appendix 4 for Members information.

1. Unite the Union

“A number of comments and observations have been made during our Union meeting about some of the contents of the document where statements made or opinions offered have not been backed up with any hard evidence e.g. triple shift working of taxis, poor availability of taxis at night during the weekends.”

Officer response: It is acknowledged that ‘shifting’ of taxis occurs across Scotland. Taxis can be driven by more than one person to enable them to be used for most of the day and night. This can involve the licence holder driving the taxi and also employing other persons to drive his taxi, which is legally permitted. Shifting of taxis is discussed in taxi court cases such as Egan v Renfrewshire Council, (2011) and Coutie v Dundee City Council (2009). The cases confirm that the Committee cannot restrict the use of a taxi to one driver.

No allegation has been made regarding poor availability of taxis. However the Aberdeen Taxi Demand Survey of 23 November 2011 advised that there are peaks in demand for taxis in the city centre at weekend night times when waiting times are longer.

“FARE STRUCTURE

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that fares should not form part of the consultation document as they are dealt with entirely on their own merit whenever a request for a change to the fare structure is requested by those representing Taxi Drivers or Groups and Organisations representing the general public.”

Officer response: A fare review does not form part of the current consultation. The Committee is required to review taxi fares at intervals of not more than 18 months, whether or not the taxi trade representatives make a fare review request.

“CAPPING

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that the capping of taxi licences is necessary in light of the recent survey report that indicates there is no unmet demand now in Aberdeen.

They (sic Unite taxi drivers) also see no reason to connect the capping of taxi licences to the policy of securing an increase provision of Wheelchair Accessible Vehicles as this can still be achieved with or without a cap as has been demonstrated over the past 17 years since the introduction of the Disability Discrimination Act 1995.”

Officer response: The Committee's legal obligation to review its policy was triggered by the trade request to introduce a limit, as it was clear if introduced it would impact on the wheelchair accessible vehicle policy. As previously stated the current policy is that all new taxi licences must be wheelchair accessible with a view to reaching 100% wheelchair accessible over a number of years. If a limit is imposed the transition towards a 100% fleet will stop or slow down radically. This means that the aim of the policy, which is to address disadvantage experienced by wheelchair users in accessing taxi services, will no longer be met and the policy will not be compliant with the Public Sector Equality Duty.

“Wheelchair Accessible Vehicles Policy

It has to be acknowledged and accepted by the Council that there is a two way obligation under the Equalities Act one to the general public and the other to the Taxi Drivers themselves who do have and some who will develop disabilities and will require assistance from the Council to allow them to continue with their chosen profession as taxi Drivers.”

Officer response:

No driver is currently asked to carry out duties for which they are medically unfit. There is a statutory procedure for medical exemption from the requirement to carry a wheelchair passenger in a wheelchair accessible vehicle. Furthermore, taxi drivers are only required to provide passengers such assistance with luggage as they are able. The policy which requires drivers to provide a wheelchair accessible vehicle therefore has no impact on disabled taxi drivers and does not require the Committee to make exemptions to its policy in terms of its equalities duties.

The Committee has previously considered requests for exemption from its wheelchair accessible vehicle policy.

When considering requests for exemption from the wheelchair accessible vehicle policy the Committee must consider whether or not a driver has a disability which may impact on the use of all wheelchair accessible vehicles. This must be balanced with the aim of the policy

which is to meet the specific needs of disabled taxi passengers, and to re-address the difficulty they have in accessing taxi services compared to passengers who are not disabled.

It cannot be established that there are characteristics of all available wheelchair accessible vehicles, which make them inaccessible to drivers. In these circumstances, it appears that to comply with the equality duties the Committee can treat wheelchair users more favourably than taxi drivers who request an exemption from the requirement to provide a wheelchair accessible vehicle.

“We believe that the Council should consider a transitional period of more than five years of moving towards a far greater number of Wheelchair Accessible Vehicles policy.”

Officer response:

Five years is recommended as it represents the average life cycle of a taxi. It is also considered that it is sufficient time for taxi licence holders to arrange for the purchase of a wheelchair accessible vehicle.

2. Aberdeen Taxi Group

“As a general overview of the Wheelchair Accessible Vehicle Policy and Capping of the plates it is thought that these are two completely different issues and should be looked at in this way.”

Officer response: Please refer to the explanation provided above in relation to the same contention from Unite the Union.

“On the item of capping of plates it is the view of ATG that this is not needed within the trade. Although the survey showed that there is no unmet demand at the moment we do not believe that capping of plates would make a significant difference”

Officer response:

It is noted that these views differ to those expressed by Unite the Union who consider a cap is necessary.

“On the Wheelchair Accessible Vehicle Policy ATG do not agree with a 100% WAV fleet.”

Officer response: The wheelchair accessible vehicle policy has been in operation since 1994 and always had the aim of reaching a 100% fleet over a number of years. The only change is that the amended policy sets a time limit of five years to reach 100%.

3. Representative of Licensed Booking Offices (Central Taxis)

“I am not in favour of a limit to the number of Taxi Licences nor am I in favour of the suggestion to introduce a 100% wheelchair accessible vehicle policy.”

Officer response: No reason is put forward to support the view so there is no officer response.

It is noted that these views correspond with those of ATG but differ to those expressed by Unite the Union who consider a cap is necessary.

6. IMPACT

Corporate – The Council’s Single Equality Scheme would be negatively impacted by a decision to remove the wheelchair accessible vehicle policy.

The Council’s Single Equality Scheme and its compliance with the public sector equality duty could be supported by an improvement to its wheelchair accessible vehicle policy.

Public - Members of the public who use taxi services in the city may have an interest in the recommendations.

Equality and Human Rights Impact Assessment - In the circumstances, because the Committee’s policy decisions could impact on the protected characteristics of disability and age an Equality and Human Rights Impact Assessment (EHRIA) was completed for the previous report. The current report details the responses from the equalities consultees, to which the Committee must have due regard. The Committee must also have due regard to taxi licence holders’ disability.

In making its decisions in relation to this report the Committee must have due regard to the public sector equality duty (appendix 1).

7. BACKGROUND PAPERS

- (a) City of Aberdeen Taxi Demand Survey, by TRI (Transport Research Institute, Taxi Studies Group, Edinburgh Napier University).
- (b) Scottish Government- Taxi and Private Hire Car Licensing, Best Practice for Licensing Authorities, 2nd edition, April 2012

8. REPORT AUTHOR DETAILS

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Section 6- Disability

- (1) A person (P) has a disability if—
 - (a) P has a physical or mental impairment, and
 - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.
- (2) A reference to a disabled person is a reference to a person who has a disability.
- (3) In relation to the protected characteristic of disability—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
- (4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
 - (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
 - (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
- (5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
- (6) Schedule 1 (disability: supplementary provision) has effect.

Section 149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
- age;
 - disability;**
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
- (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

Section 158 - Positive action: general

(1) This section applies if a person (P) reasonably thinks that—

- (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic,
- (b) persons who share a protected characteristic have needs that are different from the needs of persons who do not share it, or
- (c) participation in an activity by persons who share a protected characteristic is disproportionately low.

(2) This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of—

- (a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage,
- (b) meeting those needs, or
- (c) enabling or encouraging persons who share the protected characteristic to participate in that activity.

(3) Regulations may specify action, or descriptions of action, to which subsection (2) does not apply.

(4) This section does not apply to—

- (a) action within section 159(3), or
- (b) anything that is permitted by virtue of section 104.

(5) If section 104(7) is repealed by virtue of section 105, this section will not apply to anything that would have been so permitted but for the repeal.

(6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

SECTION ONE Wheelchair Accessibility Requirements

1. Wheelchair spaces

Number required	1 (minimum)
Orientation	Either forwards or rearwards

2. Forward facing wheelchair spaces

Wheelchair space requirements	Length 1130mm (min) Width 690mm (min) Height 1340mm (min)
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.

3. Rearward facing wheelchair spaces

Wheelchair space requirements	Length 1070mm (min) Width 690mm (min) Height 1340mm (min)
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user

	restraint system.
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4. Boarding Lifts and Ramps

Safe Working Load	300 kg (min)
Means of preventing the vehicle being driven away	Not allow the vehicle to be driven away whilst device is deployed.
Dimensions (length applies to that outside of the overall vehicle body footprint at the ramp entry level)	Single piece ramp Width 700mm (min) Length 1600mm (min) Lift Width 700mm (min) Length 1200mm (min)
Ramp Gradients (can be achieved using a kneeling system)	Side Entry Kerb (125mm): 14 degrees (max) Ground : 19 degrees (max) Rear Entry Ground : 14 degrees (max)
Slip Resistant Surfaces	All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
Handrails	Ramps : Not required Lifts : Where the platform travel exceeds a height of 500mm from the ground then a handrail must be provided.
Guards	Ramps : None Lifts : Side upstands 25mm high and automatic roll-off devices fitted at least 100mm high at each end of the platform.
Colour contrasting edge markings	A band contrasting with the remainder of the boarding ramp or lift surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.
Control and fail-safe mechanisms for power operated equipment	Power operated equipment shall only be capable of operation from a control adjacent to the ramp or lift.
Load sensors and recycling mechanisms for power operated equipment	A device to stop the movement of the boarding ramp or lift if that motion is likely to cause injury.
Manual over-ride provisions for power operated equipment	A provision to repeatedly operate the equipment in the event of power failure shall be provided.
Manual / portable ramp storage	Such ramps must have a designated stowage location which can store the equipment such that it

provisions	does not present a risk of injury.
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5. Entrances and Exits

Number and position	A minimum of one located on the nearside or the rear of the vehicle.
Minimum doorway width	740mm
Minimum doorway height	1230mm

6. Interior Manoeuvring

From a wheelchair entrance to a wheelchair space	No requirement
From a wheelchair space to a wheelchair exit	No requirement
Floor gradient	No requirement

7. Signs and Markings

Interior	Visible advice to wheelchair user and taxi driver on positioning of wheelchair and use of wheelchair tie-down and occupant restraint systems.
Exterior	Clear indication that the vehicle is wheelchair accessible.

SECTION TWO Ambulatory Accessibility Requirements

1. Entrances and Exits

Number and location	A minimum of one located on the nearside or the rear of the vehicle.
Aperture dimensions	Where the priority seat meets the requirements of 3(a) it shall be of adequate dimensions to allow the passage through the aperture of the occupied priority seat. Where the priority seat meets the requirements of 3(b)(i) the door aperture shall allow the passenger to easily access the seat from outside of the vehicle. Where the priority seat meets the requirements of 3(b)(ii) the doorway shall be 650mm wide by 1230mm high.
Manual door design	Hinged and sliding doors acceptable.
Powered door	(a) Shall be capable of operation by a

requirements	<p>passenger when the vehicle is stationary.</p> <p>(b) A device to stop the movement if that motion is likely to cause injury to a passenger or pedestrian.</p> <p>(c) A provision to operate the equipment in the event of a power failure.</p>
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2. Interior Space

Floor	Any surface over which a passenger is required to walk shall have a slip resistant finish.
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3. Priority Seat

Provision	<p>At least one priority seat must be provided which may be either :</p> <p>a) a multi-axial moving seat which can be easily used by a passenger boarding from the kerb or ground or ;</p> <p>b) a fixed seat design ;</p> <p>i) providing the cushion is no more than 200mm measured inwards from the entrance or ;</p> <p>ii) providing the cushion is as near as practicable to the entrance and the internal floor to roof height exceeds 1500mm.</p>
Orientation	Forward or rear facing.
Spacing	<p>For all forward facing priority seat configurations, the clear space in front of the SRP shall be 650mm minimum.</p> <p>For facing seat configurations the seat back separation shall be 1300mm minimum and the distance between the leading edges of each seat cushion shall be 400mm minimum.</p>
Dimensions	<p>All priority seats shall have a minimum width of 380mm and a depth of 340mm - 510mm.</p> <p>The SRP of a fixed seat complying with the requirements of 3(b)(i) or (ii), or of a multi-axial moving seat when positioned for travel, shall have a height above the vehicle floor of 300mm – 450mm.</p> <p>Additionally, the SRP of a fixed seat complying with the requirements of 3(b)(i), or a multi-axial moving seat complying with 3(a) when deployed for boarding and alighting, shall have a height above the ground of 420mm – 870mm.</p>

4. Steps – Applies to vehicles with a floor or sill height exceeding 320mm. (may be achieved with kneeling)

Dimensions	1 st step from the ground shall not exceed 250mm. Subsequent steps 100mm - 200mm. Width 400mm minimum Depth 190mm minimum
Design features	Steps shall be designed to be, slip resistant, minimise tripping risk and have a contrasting band along the front edge of 45mm - 55mm.
Maximum number of intermediate steps from ground to vehicle floor	Two
Step operation for non-fixed steps	No requirement.
Requirements for power operated steps	A device to stop the movement if that motion is likely to cause injury. A provision to repeatedly operate the equipment in the event of power failure shall be provided.

5. Handrails and Handholds

Position	Handrails / handholds must be provided for disabled passengers entering / exiting the vehicle and when manoeuvring inside the vehicle to a seat.
Dimensions	20mm – 35mm diameter or oval with the maximum section 30 – 35mm and the minimum section 20mm.
Design	Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings.

SECTION THREE General Requirements

1. Lighting

Design Features	Lighting shall be fitted to illuminate the interior and exterior of the vehicle sufficient to allow both wheelchair users and other passengers to board and alight the vehicle in safety. Any lighting fitted in accordance with this requirement shall have a means of preventing its operation when the vehicle is in motion if its use is likely to affect adversely the driver's vision.
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2. Kneeling Systems

Design Features	When a kneeling system is fitted a switch shall be used to enable operation and must be under the direct control of the driver. The lowering process shall be capable of being stopped and reversed and shall prevent the vehicle being driven at a speed exceeding 5 mph. when the vehicle is lowered.
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3. Securing Equipment

Design Features	All wheelchairs shall be secured with tested and approved equipment.
Storage	Secure storage is required for all securing equipment when not in use.

Two items of the original specification are not covered by the new specification.

Item 45, which refers to transfer boards – these items are no longer deemed appropriate.

Items 51, 52 and 53 which refer to swivel seats. These items were originally introduced for a particular type of seat which has not found favour. The use of multi-axle moving seats is covered by the section in the new specification which relates to priority seats.

DEFINITIONS – in this document –

“boarding lift” means a lift fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight the vehicle;

“boarding ramp” means a ramp fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“contrast” means a contrast in the amount of light which is reflected by the surfaces of the parts of a licensed taxi or its equipment, which is required by this specification to contrast

“cushion” means that part of the seat on which the person using the seat sits, whether padded or not;

“deep” in relation to a step, means the distance from the outer edge of the nosing of the step tread to the rear of the step tread;

“entrance” means an entrance to a licensed taxi providing access to a priority seat or a wheelchair space;

“exit” means an exit from a licensed taxi but does not include an exit which is provided for use only in case of emergency;

“external step” means the last step or platform from an entrance or an exit which leads directly from the vehicle to the ground;

“kg” means kilogram(s);

“kneeling system” means a system which enables the bodywork of a licensed taxi to be lowered relative to its normal height of travel;

“licensed area” means the area of The City of Aberdeen;

“licensing authority” means Aberdeen City Council;

“mm” means millimeter(s);

“normal height of travel” means the height specified by the vehicle’s manufacturer for normal vehicle travel;

“portable ramp” means a ramp which is carried in a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“power grip” means a grip in which the fingers and thumb are able to wrap around a handle;

“priority seat” means a seat designated as such in accordance with Paragraph 3 of Section 2 of this specification;

“private hire car” means a hire car other than a taxi as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“reference wheelchair” means an occupied wheelchair having the dimensions shown in Diagram A of the consultation document;

“seat” means a seat intended for use by passengers and, accordingly, does not include the driver’s seat;

“SRP” means Seat Reference Point, which is the point at which the seat cushion and seat back join, midway across the seat cushion width. Where the seat cushion and back components do not meet, the plane of the seat back and cushion shall be projected to an intersection;

“taxi” means a hire car as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“Taxi Inspector” means any person authorised by Aberdeen City Council to exercise the powers to carry out the duties of the Taxi Inspector or any person acting under the direct instructions or with the authority of the Taxi Inspector;

“wheelchair user” means a disabled person using a wheelchair

Appendix 3

Licence_HolderName	Vehicle_Registration
Voyager Multi Purpose Vehicles Ltd	Renault Traffic
The Taxi Centre Ltd	Citroen Berlingo
Murison Commercials Ltd	Citroen Berlingo
Jamal Eddine Issouquaein	Citroen Dispatch
Cabdirect / Allied Vehicles Ltd	Peugeot Partner Premier
Allied Vehicles Ltd	Citroen Eurotaxi G9
Clark Commercials	Volkswagen Caddy Maxi
Allied Vehicles Ltd	Volkswagen Caddy Kudos
John Paton Ltd	TX1/TX2
Voyager Multi Purpose Vehicles Ltd	LC7 Citroen, Peugeot & Fiat
Cab Direct	Peugeot Euro 7 & E7
JMD Motors	Fiat Scudo
Bernard Mansell	Ford Tourneo
Jubilee Automotive	Fiat Eurocab
Bernard Mansell	VW Caravelle Unique
Cab Direct	Fiat Doblo
Voyager Multi Purpose Vehicles Ltd	Citroen Voyager
Voyager Multi Purpose Vehicles Ltd	Nissan Primastar
Voyager Multi Purpose Vehicles Ltd	Vauxhall Vivaro
Voyager Multi Purpose Vehicles Ltd	Renault Traffic NX8

Appendix 4

Taxi Consultation Group Responses (in full)

1. Unite the Union

42/44 King Street
ABERDEEN
AB24 5TJ

Tel:
Fax:

REGION: SCOTLAND



10th May 2012

Paul Connolly
Solicitor (Litigation and Licensing Team)
Aberdeen City Council
Business Hub 6
Marischal College
Broad street
Aberdeen

Dear Mr. Connolly

Ref: Consultation on Review of Policy on Taxi Licences

We refer to the document formally issued on 23rd April 2012.

First of all we believe that the Policy as proposed needs to be put to the next TCG meeting prior to being considered by the Licence Committee.

We along with others sought the original adjournment for the TCG to have proper time to consider, not just an administrative consultation process but the importance of all concerned being at a TCG meeting along with Elected Members to discuss, debate and then hopefully determine in a sensible and fair way any new Taxi Licence policy to be adopted by Aberdeen City Council.

We therefore ask that the proposed Taxi Licence policy not be determined at the meeting of the Licence Committee on 6th June 2012 but it be formally referred to the next meeting of the Taxi Consultation Group.

We have now had an opportunity to discuss the contents with UNITE members who are professional Taxi Drivers licensed by Aberdeen City Council at a Union Branch meeting on Wednesday 25th April 2012.

There was a considerable high turnout for the Union meeting and the debate on the proposed new policy on Taxi licences was broad ranging in views as different aspects of Taxi Drivers long term experiences were shared in an open and democratic manner during a full and frank discussion.

The following is a general summary of the views expressed at the meeting and UNITE requests that a deputation be allowed to address the Licence Committee meeting on 6th June 2012.

A number of comments and observations have been made during our Union meeting about some of the contents of the document where statements made or opinions offered have not been backed up with any hard evidence e.g. triple shift working of taxis, poor availability of taxis at night during the weekends.

Len McCluskey
General Secretary

www.uniteunion.org

Contd/...2



It was also noted during our Union meeting that where it states that 50% of those interviewed have no objection to using a WheelChair Accessible Vehicle then why is there an omission of what the other 50% surveyed opinions are as they too should be noted for the record.

Whilst it is recognised that the consultation is wide ranging on a number of areas of Council policy in relation to the Taxi Trade we believe that each area of policy has to be dealt with separately as opposed to linking one issue to the other thus making support for one area of policy conditional on support for another which is not a welcome development as it has the hallmarks of a take it or leave it approach rather than allowing for an element of negotiated change based on the representations made by all those with an interest in the taxi trade within Aberdeen.

The matters listed in the document should be dealt with separately on their own merit albeit at the same time as discussion and decisions are made on the Council to ensure that WheelChair Accessible Vehicles are provided by Taxi Drivers in relation to its obligations under the Equalities Act.

FARE STRUCTURE

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that fares should not form part of the consultation document as they are dealt with entirely on their own merit whenever a request for a change to the fare structure is requested by those representing Taxi Drivers or Groups and Organisations representing the general public.

CAPPING

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that the capping of taxi licences is necessary in light of the recent survey report that indicates there is no unmet demand now in Aberdeen.

They also see no reason to connect the capping of taxi licences to the policy of securing an increase provision of WheelChair Accessible Vehicles as this can still be achieved with or without a cap as has been demonstrated over the past 17 years since the introduction of the Disability Discrimination Act 1995.

WheelChair Accessible Vehicles Policy

It has to be acknowledged and accepted by the Council that there is a two way obligation under the Equalities Act one to the general public and the other to the Taxi Drivers themselves who do have and some who will develop disabilities and will require assistance from the Council to allow them to continue with their chosen profession as Taxi Drivers.

In addition it has to be said that Taxi Drivers are supportive of the Council's efforts to meet its obligations under the Equalities Act in its efforts to move towards an even greater number of WheelChair Accessible Vehicles.

It has achieved an almost 50% WheelChair Accessible Vehicles in the last 17 years and the Council should consider whether it is realistic to aim towards achieving the other 50% within 5 years.

We believe that the Council should consider a transitional period of more than five years of moving towards a far greater number of WheelChair Accessible Vehicles.

It must be said that the Council has also to take into account there will be need for saloon cars and thus it has to consider whether it's a correct policy to aim for an absolute 100% WheelChair Accessible Vehicles policy.

UNITE Taxi Drivers accept that there are obligations to be met by them in regards to the provision of WheelChair Accessible Vehicles but also they recognise that the Council has obligations to Taxi Drivers who themselves need support when they have disabilities or medical conditions that may not allow them to utilise a WheelChair Accessible Vehicle.

This support from the Council should enable them to carry out their Taxi Driving duties and this may well mean that there is exemption granted to them so that they can use a saloon car rather than a WheelChair Accessible Vehicle.

In recognising this the Council should acknowledge that its not practically possible to have an absolute 100% WheelChair Accessible Vehicles fleet of taxis.

UNITE also sees the need for the Council to have a reasonable transitional period to move towards an increase in the number of WheelChair Accessible Vehicles and believes this is possible by winning over the majority of Taxi Drivers to this policy by way of accommodating change within a wider scale of time than five years.

It is for the Council to consider if the five years limit of time is realistically possible and whether they want to consider that a small percentage of saloon cars are allowed to continue allowing the availability of saloon vehicles to cover taxi drivers who themselves are either covered by the Equalities Act or have a medical condition that makes driving and operating a WheelChair Accessible Vehicle impossible.

It has to be accepted that the Council in association with the Taxi Drivers has moved considerably to a substantive increase in WheelChair Accessible Vehicles over the past 17 years compared to the period prior the Disability Discrimination Act being introduced in 1995.

This is welcome progress and has been achieved by a combination of a moderate policy of having a mixed fleet moving in a reasonable transitional way towards increasing the number of WheelChair Accessible Vehicles rather than decreasing.

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There is no substantive evidence of significant disquiet from all bodies representing and promoting the interest of people with disabilities or any medical condition that there is a need for an absolute 100% fleet of WheelChair Accessible Vehicles. There is feedback from some passengers with disabilities that there preference is for a saloon car rather than a WheelChair Accessible Vehicle.

It also must be noted that taxi passengers are not always on short journeys and we have had feedback that some journeys are often to well outside the City boundaries to towns like Peterhead, Buckie and Elgin and most passengers do prefer the comfort of a saloon car on these long journeys.

These views are a consensus of general opinion amongst UNITE Taxi Drivers based on their hard won practical experience of providing the Taxi service to the public in Aberdeen.

They are committed to continuing to provide an improved service to the public but wish to do so by way of transitional negotiated and agreed change that also improves their ability to continue working in their chosen profession without having to meet continue additional cost born from any Council policy that results in them paying out more because unlike the bus industry Taxi drivers receive no subsidy from the Government or their local Council to assist in their costs of providing a Taxi Service to the public in Aberdeen.

Yours sincerely

A black rectangular redaction box covering the signature of Tommy Campbell.

TOMMY CAMPBELL
Regional Officer

2. Aberdeen Taxi Group

ATG
c/o Aberdeen Taxi Centre
Burnside Drive
Dyce
Aberdeen
AB21 0HW


Paul Connolly
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Ref: Consultation on Review of Policy On Taxi Licences

Dear Mr Connolly,

ATG hoped that the proposed policy was going to be put to the TCG meeting prior to the Licensing committee meeting on the 6th of June 2012. With the local elections happening it became apparent that this was not going to be the case, but we still feel that this consultation would benefit coming before that working group.

ATG have discussed this matter in great length and our response is as follows:

As a general overview of the Wheelchair Accessible Policy and the Capping of plates it is thought that these are two completely different issues and should be looked at this way. 

On the item of capping of plates it is the view of ATG that this is not needed within the trade. Although the survey showed that there is no unmet demand at the moment we do not believe that capping of plates would make a significant difference.

This is due to the fact that there is still a steady stream of drivers that leave the trade and also enter the trade every year. When the cap was lifted last time in Aberdeen City there was Approximately 900 Taxi plates on the road with the Approximate number now being 989 there does not seem to have been a particularly large jump in that period (10%). We are aware that a 10% increase could be argued as dilution of business for the existing fleet, but if the cap was still in place would the new driver not just have become Private Hire??

This would maybe have left the Hackney carriage fleet with either the same or slightly less cars but would this have meant a better fleet for the city and the passengers that they carry?

On the Wheelchair Accessible Vehicle Policy ATG do not agree with a 100% WAV fleet.

The reasoning behind this is that although it is mentioned that 50% of people surveyed said it would positively encourage them to use taxis more often, we do not have all the responses to the other 50%. We can't believe that the 50% that we do not have an opinion on all thought that it would be a bad idea or indeed had no comment.

We appreciate that the council have to look at all the factors and that the Equality Act 2010 is a large part of this and we are not discouraging this act in anyway.

It is our opinion that a mixed fleet is a good option as it then caters for all of the general public from able bodied to those who require a WAV vehicle. We do disagree with the statement that some of the characteristics of some WAVs are shared with saloon vehicles, especially that of the lower entry point, if this were the case then there would not need to be a step either attached to the vehicle or carried in the back of the taxi so that it could assist passengers in and out.

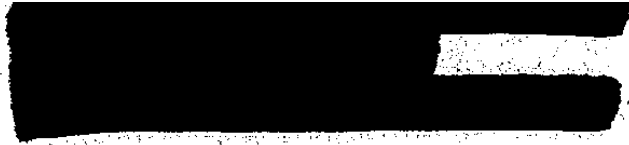
If the decision is to be taken to become a WAV fleet it is felt that a further consultation process be done on all aspects of this including exactly what vehicles should be in the fleet (so as they can be future proof) and also the timings for implementing the 100% WAV fleet (is five years ample time)?

Regards

A black rectangular redaction box covering the signature of Graeme McColl.

*Graeme McColl
ATG Chairman*

3. Representative of Licensed Booking Offices (Central Taxis)



Afternoon Paul,

In response to your paper on the above.

I am not in favour of a limit to the number of Taxi Licences nor am I in favour of the suggestion to introduce a 100% wheelchair accessible vehicle policy.

Regards

Lynne

Lynne Smith

Managing Director

Central

Taxis-Coaches-Garage Services

Derek Smith House

Hareness Road, Altens,

Aberdeen, AB12 3LE



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Equality and Human Right Impact Assessment: The Form



EHRIA

Aberdeen City Council

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1:Equality and Human Rights Impact Assessment- Essential Information

Name of Proposal:
Review of Accessible Vehicle Policy

Date of Assessment:
18 March 2016

Service:
Legal and Democratic Services

Directorate:
Corporate Governance

Committee Name or delegated power reference (Where appropriate):

Licensing Committee

Date of Committee (Where appropriate):

6 April 2016

Who does this proposal affect?

Please Tick ✓

Employees

☐

Job Applicants

☐

Service Users

☐

Members of the Public

☒

Other (List below)

☒

2: Equality and Human Rights Impact Assessment- Pre-screening

Is an impact assessment required?

Yes

☒

No

☐

If No, what is the evidence to support this decision?

(Once this section is completed, please complete section 8 of the form).

3: Equality and Human Rights Impact Assessment

a- What are the aims and intended effects of this proposal?

The report recommends that the Committee continue with the implementation of its policy requiring all taxis to be accessible vehicles by 6 June 2017.

In 1994 the Committee agreed to move to a 100% accessible taxi fleet. It was intended that this would be a gradual move and no fixed date was set for implementation. In 2011 it was noted that the introduction of accessible vehicles to the taxi fleet was slow and that a proposed limit on the number of taxis in the city would further stifle the introduction of accessible vehicles to the fleet. Accordingly at its meeting on 6 June 2012 the Committee agreed that all taxis would require to be accessible by 6 June 2017.

The aim of the policy is to ensure that there is proper provision of taxis and private hire cars to enable persons with a range of disabilities to access these services, whether on the street, at a taxi rank or by pre-booking. It is considered the best option

b- What equality data is available in relation to this proposal? (Please see guidance notes)	
c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the	<p>Consultation was carried out prior to the Committee decision on 6 June 2012. In summary, the consultees were in favour of an accessible taxi fleet.</p> <p>There were concerns raised at the time from some</p>

<p>proposal.</p>	<p>respondents who wished to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis. These concerns have also been expressed by members of the taxi trade during recent meetings of the Taxi Consultation Group.</p> <p>It was noted that the time of consultation that the majority of those passengers with a preference for saloon cars advised that they almost exclusively pre-booked their vehicles mainly due to convenience. The request for saloon vehicles to remain within the fleet could therefore be accommodated by private hire cars without any significant restrictions on service to that particular group of passengers. This remains the case. Private hire vehicles will not be subject to the accessible vehicle policy. It is</p> <p>The Committee was also advised when it took the decision in June 2012 that elderly persons and mobility restricted persons who were capable enough to walk to a taxi rank would also be capable to gain entry and exit</p>
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from accessible taxis which all have adaptations for the mobility restricted. It was, and still is, a condition of licence that a driver provides assistance to these passenger groups and in particular assisting said passengers into the priority seat by the driver.

Members of the trade have also expressed concerns regarding the perceived prohibitive cost of obtaining an accessible vehicle. During recent meetings of the Taxi Consultation Group there has been discussion on the downturn in the city economy. Officers are however aware that the cost of second hand accessible vehicles is now on a par with saloon vehicles. The original decision to move to an accessible fleet was taken by the Committee in 1994; in 2012 an implementation date of 6 June 2017 was set for all taxis to be accessible. The Committee has therefore afforded licence holders a significant transitional period. Further, whilst the Committee can have regard to the views of licence holders, in seeking to promote the public sector equality

	duty it must give precedence to protected groups and the public interest as a whole.
d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.	Costs (£) Implementation cost £ 0 Projected Savings £ 0
e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?	
The recommendation is to implement the Committee's policy to have a 100% accessible vehicle taxi fleet. The aim of the policy is to eliminate discrimination and remove or minimise disadvantage experienced by persons with disabilities in accessing taxi services.	

It contributes to the public sector equality duty by promoting equality of access to taxi and private hire car services for persons with and without protected characteristics. The policy is based on the premise that disabled persons should have equal access to taxi services compared with other passenger groups. It aims to minimise disadvantage in accessing taxi services for wheelchair and ambulatory passengers, who themselves have varied needs and preferences in terms of vehicles, by moving to an accessible taxi fleet within a defined timescale, whilst minimising disruption to the existing taxi and private hire fleet. Having a 100% accessible taxi fleet, complimented by a private hire fleet, is considered the best way of ensuring that the needs of passengers were met and ensuring the promotion of the public sector equality duty.

It is recognised that some elderly and disabled groups have a preference for saloon cars. However the range of accessible vehicles is considered wide enough to meet a range of need. Indeed, the range has widened considerably since the Committee's decision in 2012. Drivers are bound by the conditions of their licence to assist such passengers in entering and exiting the vehicle, thereby minimising any difficulties for the passenger. Further saloon vehicles will still be available for pre-booking as private hire cars and it is understood that the number of private hire vehicles will increase, as some licence holders move over from the taxi to the private hire fleet in order to retain a saloon vehicle. It is therefore considered that there will not be any adverse impact on those persons with a preference for a saloon car.

f- How does this proposal link to the Council's Equality Outcomes?

The policy seeks to ensure proper provision of taxis and private hire cars to enable persons with a range of disabilities to access the services, whether on the street, at a rank or by pre-booking. The recommendations therefore link to the following equality outcomes:-

- Improved customer service provision which advances equality and addresses people's different needs; and
- An accessible city

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Age (People of all ages)	✓			
Disability (Mental, Physical, Sensory and Carers of Disabled people)		✓		
Gender Reassignment	✓			
Marital Status (Marriage and Civil Partnerships)	✓			
Pregnancy and Maternity	✓			

Equality Impact Assessment Test:				
What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	√			
Religion or Belief or Non-belief	√			
Sex (Women and men)	√			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	√			
Other (e.g: Poverty)	√			

5: Human Rights Impact Assessment Test	
Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate	
Article 2 of protocol 1: Right to education	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

Article 6: Right to a fair and public hearing	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 8: Right to respect for private and family life, home and correspondence	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 10: Freedom of expression	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 14: Right not to be subject to discrimination	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

Other article not listed above, please state:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X Evidence:
6: Assessment Rating:	
Please rate the overall equality and human right assessment (Please see Completion terminology)	<div> <input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input checked="" type="checkbox"/> X Green </div>
Reason for that rating:	

7: Action Planning				
As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

8: Sign off	
Completed by (Names and Services) :	
Signed off by (Head of Service) :	
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p> Equalities Team Customer Service and Performance Corporate Governance Aberdeen City Council Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB </p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p>	

9: Completion Terminology:	
Assessment Pre-screening Rating:	<p>This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.</p>
Assessment Rating:	<p>After completing this document, rate the overall assessment as follows:</p> <p>Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.</p> <p>Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p>Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

Equality Data:	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i>
Genuine Determining Reason	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
Human Rights	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
Legal Status:	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>

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Equality and Human Right Impact Assessment: The Form



EHRIA

Aberdeen City Council

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1:Equality and Human Rights Impact Assessment- Essential Information

Name of Proposal:
Age of Vehicles – Clarification of Policy

Date of Assessment:
18 March 2016

Service:
Legal and Democratic Services

Directorate:
Corporate Governance

Committee Name or delegated power reference (Where appropriate):
Licensing Committee

Date of Committee (Where appropriate):
6 April 2016

Who does this proposal affect?

Please Tick ✓

Employees

☐

Job Applicants

☐

Service Users

☐

Members of the Public

☒

Other (List below)

☐

2: Equality and Human Rights Impact Assessment- Pre-screening

Is an impact assessment required?

Yes

☐

No

☒

If No, what is the evidence to support this decision?

(Once this section is completed, please complete section 8 of the form).

The report recommends an amendment to the Committee's policy in respect of the age of vehicles for taxi and private hire licensing. The proposal will have a neutral impact on all of the protected characteristic groups. In particular, it will maintain the current limit for accessible vehicles thereby having no impact on persons with disabilities.

3: Equality and Human Rights Impact Assessment	
a- What are the aims and intended effects of this proposal?	
b- What equality data is available in relation to this proposal? (Please see guidance notes)	

<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	
<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost <input type="text" value="£"/></p> <p>Projected Savings <input type="text" value="£"/></p>

e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?	
f- How does this proposal link to the Council's Equality Outcomes?	

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
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Article 8: Right to respect for private and family life, home and correspondence	Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence:
Article 10: Freedom of expression	Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence:
Article 14: Right not to be subject to discrimination	Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence:

Other article not listed above, please state:	Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence:
6: Assessment Rating:	
Please rate the overall equality and human right assessment (Please see Completion terminology)	<div> <input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input type="checkbox"/> Green </div>
Reason for that rating:	

7: Action Planning				
As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

8: Sign off	
Completed by (Names and Services) :	Ruth O'Hare
Signed off by (Head of Service) :	
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