

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	15 March 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Taxi Fleet Composition
<b>REPORT NUMBER</b>	COM/23/101
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Jenni Lawson
<b>REPORT AUTHOR</b>	Sandy Munro
<b>TERMS OF REFERENCE</b>	17.3

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### 1. PURPOSE OF REPORT

- 1.1 To cancel the backstop date by which all taxis were required to be Wheelchair Accessible Vehicles (WAVs) and to provide an update on the options for implementation of a mixed taxi fleet.

### 2. RECOMMENDATION(S)

That the Committee :-

- 2.1 agree that a report on the options for a mixed fleet are brought to committee on 28 June 2023;
- 2.2 agree that all new applications for taxi licences still require to be for WAVs; and
- 2.3 agree that the fixed date of June 2023 for all taxis to be WAVs is no longer required.

### 3. CURRENT SITUATION

- 3.1 The Committee introduced a policy in 1994 whereby new applications for taxi licences were required to be for WAVs. An exemption was allowed for existing licence holders at that time which effectively meant that they could retain a non-WAV and even licence a further non-WAV on the renewal of the licence or replacement of the vehicle. At that time, it was intended that there would be a gradual move to a 100% WAV taxi fleet but no backstop date was fixed for implementation.
- 3.2 In 2006 the Committee removed the overall limit on the number of taxi licences which existed then, although all new applications still required to be for WAVs.

- 3.3 The Committee's policy was challenged in the case of *Wilson v Aberdeen City Council* in 2007 and the Court of Session ruled that both the Committee's policy and also the "two tier" system of licences that resulted (pre and post 1994) were valid.
- 3.4 A limit on the overall number of taxi licences was re-imposed on 6 June 2012 and the Committee instructed a consultation exercise to review the WAV policy. The majority of consultees were in favour of a WAV taxi fleet and at the meeting on 6 June 2012 the Committee fixed a date of 6 June 2017 by which time all taxis would require to be WAVs. The Committee recognised this as the most efficient way of meeting the Public Sector Equality Duty imposed by the Equality Act 2010.
- 3.5 The Committee considered the implications of setting aside the policy regarding WAVs at its meeting of 6 April 2016 and decided to retain the policy, although the matter was referred to Full Council for consideration. At the meeting of 11 May 2016 Full Council upheld the decision of the Committee which was to retain the 100% WAV taxi fleet, but they amended the backstop date for implementation to 6 June 2018.
- 3.6 The matter was placed before the Committee again on 13 June 2017 following updated information from the Scottish Government and Dundee City Council and the Committee requested a further report on the process and potential implications for revisiting the policy. At the meeting of 17 September 2017, the Committee instructed a consultation exercise on a mixed fleet policy and instructed officers to report back with the results of that exercise and details of the potential legal and financial implications on adopting a mixed fleet policy.
- 3.7 At the meeting of 5 June 2018 the Committee amended the date by which all vehicles licensed as taxis required to be WAVs to June 2023 but instructed officers to prepare a report with suitable mixed fleet policy options for the split which would address all customer needs whether they are a wheelchair user, visually impaired or have other mobility requirements or other relevant disability.
- 3.8 A consultation exercise is being undertaken with the Disability Equity Partnership to gauge preferences for a mixed fleet composition and this will feed into an update report to be brought before committee on 28 June 2023.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from the recommendations of this report.

## 6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified.			
<b>Compliance</b>	Failure to provide facilities for all could leave the Authority open to challenge under the Public Sector Equality Duty	Ensure the final policy means vehicles are accessible to all.	M	
<b>Operational</b>	No significant risks identified.			
<b>Financial</b>	No significant risks identified.			
<b>Reputational</b>	Departing from previous policy may result in reputational damage from licence holders who held a reasonable expectation that the	If the goal of 100% WAV fleet is disregarded there may be some operators who switched to WAVs in the reasonable expectation that the previous policy would have been implemented. That will have to be factored into the composition and	M	

	policy would be implemented.	maintenance of a mixed fleet.		
<b>Environment / Climate</b>	No significant risks identified.			

## 8. OUTCOMES

<u><a href="#">COUNCIL DELIVERY PLAN 2022-2023</a></u>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	No significant impact from the recommendations of this report.
<u><a href="#">Aberdeen City Local Outcome Improvement Plan</a></u>	
Prosperous Economy Stretch Outcomes	No significant impact from the recommendations of this report.
Prosperous People Stretch Outcomes	No significant impact from the recommendations of this report.
Prosperous Place Stretch Outcomes	No significant impact from the recommendations of this report.
<b>Regional and City Strategies</b>	No significant impact from the recommendations of this report.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	N/A

## **10. BACKGROUND PAPERS**

10.1 None

## **11. APPENDICES**

11.1 None

## **12. REPORT AUTHOR CONTACT DETAILS**

<b>Name</b>	Sandy Munro
<b>Title</b>	Solicitor
<b>Email Address</b>	AleMunro@aberdeencity.gov.uk