

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	4 December 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fleet Composition
REPORT NUMBER	CORS/24/358
DIRECTOR	Gale Beattie
CHIEF OFFICER	Alan Thomson/Vikki Cuthbert
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

- 1.1 To provide an update on the options for implementation of a mixed taxi fleet.

2. RECOMMENDATION(S)

That the Committee :-

- 2.1 consider the options for the implementation of a mixed fleet;
- 2.2 agree the details in Appendix 2 to be put to a public consultation; and
- 2.3 instruct the Chief Officer - Governance to report the results of the public consultation to the Committee on 19 February 2025.

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 The backstop date was removed at the Committee meeting on 15 March 2023 and officers instructed to prepare a report on possible methods of operation for a mixed fleet.
- 3.9 A consultation exercise was undertaken with the trade representatives on the taxi and private hire consultation group. Their response is attached as Appendix 1.
- 3.10 The first decision is the ratio of the split itself. Currently we have approximately 305 WAVs (58%) and 217 saloons (42%). The trade have suggested a split of 60% saloon vehicles and 40% WAVs. There is no clear formula with which to obtain a suitable ration but in order to ensure the Authority is complying with the Public Sector Equality Duty it is recommended that any split is at least 50% WAVs. Accordingly it is suggested that the policy commences with a 50-50 split which can be reviewed at a later date.
- 3.11 In order to achieve and maintain the suggested ratio it is recommended that the current policy which requires all new vehicles to be WAVs is retained. Current licence holders can then apply to a waiting list for saloon plates. The trade have suggested that priority is given to licence holders who have operated WAVs for the longest time. Whilst that suggestion has merit it may not be possible to

implement in practice. As a result of retention policies the necessary data is unlikely to be available to accurately do so. Additionally, that would create the potential problem of applicants joining the list near the top and pushing others who have been awaiting a vacancy further down the list.

- 3.12 The alternative is to request licence holders to email their interest in joining the waiting list and operate the list in the order of application. It is suggested that a date and time is provided to all licence holders and requests received prior to that date and time are not considered. It may be possible to stagger the time and date to provide those who have operated WAVs the longest an earlier opportunity to join the list.
- 3.13 A process for taking up a vacant saloon plate also needs to be considered. Given that it will likely require the purchase of a new vehicle for a licence holder it is suggested that when a plate becomes available the first name on the waiting list is asked to confirm their interest remains live within 7 days. If so, the licence holder then has 3 months in which to submit a substitution application, failing which the opportunity passes to the next name on the list.
- 3.14 The other aspect mentioned by the trade is a possible financial incentive to encourage applicants to licence a WAV. That suggestion has merit and it is suggested that officers investigate the possibility of a reduced fee for a WAV vehicle.
- 3.15 In summary, it is proposed that the options detailed in Appendix 2 is subject to a public consultation exercise to include the trade, disability groups and other relevant stakeholders.

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?
Strategic Risk	No significant risks identified.			
Compliance	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	
Operational	No significant risks identified.			
Financial	No significant risks identified.			
Reputational	Departing from previous policy may result in reputational damage from licence holders who held a reasonable expectation that the policy would be implemented.	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 maintenance of a mixed fleet.	M	
Environment / Climate	No significant risks identified.			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	No significant impact from the recommendations of this report.
<u>Aberdeen City Local Outcome Improvement Plan</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.
Regional and City Strategies	No significant impact from the recommendations of this report.

9. IMPACT ASSESSMENTS

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

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 None

12. REPORT AUTHOR CONTACT DETAILS

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