

## REPORT

To: CORPORATE SERVICES COMMITTEE	Subject: PETITION – ESTABLISHMENT OF PINK TAXI SCHEME WITHIN NORTH LANARKSHIRE COUNCIL AREA	
From: HEAD OF LEGAL SERVICES		
Date: 13 May 2009	Ref: JM/GBM	

## 1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to provide a response in answer to a petition received from Soroptimist International of Motherwell and Wishaw to investigate the possibility of establishing a pink taxi scheme.

## 2. BACKGROUND

- 2.1. A petition dated November 2008 was received by the Council on behalf of the Soroptimist International of Motherwell and Wishaw signed by 88 persons asking the Council to investigate the establishment of a pink taxi scheme within the Council area whereby a number of taxis would be driven by women, solely for women travellers. The rationale behind the implementation of such a scheme being that the petitioners' are concerned for the safety of women travelling alone within North Lanarkshire and believe that there have been a significant number of attacks and threats to women travelling alone in taxis, particularly late at night, and that many lone women, particularly young and elderly are uneasy about taking a taxi at night. The Soroptimist Society feel that the establishment of such a scheme would provide a safer environment for women.
- 2.2. At the meeting of the Corporate Services Committee on Thursday 8 January 2009 it was decided that the Head of Legal Services submit a report on the establishment of a pink taxi scheme within the area be submitted to a future meeting of the Committee.

## 3. REPORT

- 3.1. At present under the terms of the Civic Government (Scotland) Act 1982 the Council as a licensing authority licences individual operators of taxi and private hire cars (and drivers of these cars) and not companies or businesses.
- 3.2. For practical and economical reasons most operators combine in groupings or radio control systems and advertise as "TOA" and similar. Imminent change in the legislation to provide for the licensing of taxi and private hire car booking offices will not alter the fact that the Council licence individual operators.
- 3.3. If the Council made it mandatory for any individual operators or groups of operators to operate such a pink taxi scheme (or indeed any other scheme for women only) it is considered that they would leave themselves open to a successful judicial review challenge along the lines that they are acting ultra vires. There could also be challenges on grounds that any mandatory conditions of this nature would constitute a restraint of trade. Furthermore a condition like this sits uncomfortably alongside equalities legislation/policies. The legislative framework does not afford any licensing authority power to regulate in this manner.

- 3.4. In the event that such a business be established by an individual operator on a voluntary basis the authority would possibly require to consider advertising material (pink logos and the like) and this is something which could be sympathetically considered against existing policy on advertising on vehicles.

#### 4. **RECOMMENDATION**

- 4.1. On balance the Committee is asked not to recommend the implementation of a pink taxi scheme.
- 4.2. That the Head of Legal Services correspond with the Soroptimist Society to explain the reasons for their decision not to implement such a scheme, and to advise them that if they wish to proceed they should in the first instance contact trade operators in the area to ascertain if they are willing to operate such a scheme on a voluntary basis.



Head of Legal Services