

REPORT

To: CORPORATE SERVICES COMMITTEE	Subject: LICENSING OF TAXI CARS
From: HEAD OF LEGAL SERVICES	
Date: 30 Jul y 2012	Ref: JM/MK

1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to present a number of issues for consideration in relation to regulation of taxi cars and to seek authority to enter consultation with the taxi trade.

2. BACKGROUND

- 2.1. The Council licences taxis and private hire cars and drivers under the provisions of the Civic Government (Scotland) Act 1982 ("the 1982 Act").
- 2.2. The 1982 Act allows local authorities discretion in relation to specification for vehicles to be used as taxi cars (and private hire cars).
- 2.3. The Council has made a number of decisions in relation to the types of cars to be used as taxis against the background of the Disability Discrimination Act 1995. The DDA proposed a number of duties and responsibilities in relation to public transport, including taxi cars, however the relevant provisions were never brought into force.
- 2.4. In brief, current policy in relation to taxis is that any new grant of a licence shall require the provision of a wheelchair accessible vehicle ("WAV"), be that purpose built or purpose adapted. Existing operators who have traditionally provided saloon type cars retain the right to operate a saloon car until transfer of licence, when the act of transfer shall (with certain exceptions) require the transferee to provide a WAV. Saloon cars utilise a portable swivel seat as an assistance for access for wheelchair-borne passengers.
- 2.5. The Equality Act 2010 ("the 2010 Act") consolidated previous legislation in relation to discrimination, including the DDA 1995, and makes substantive proposals in relation to taxi and private hire vehicles and drivers.
- 2.6. Section 160 of the 2010 Act provides that the Secretary of State may make regulations for securing that it is possible for disabled persons -
- (a) to get into and out of taxis in safety;
 - (b) to do so while in wheelchairs;
 - (c) to travel in taxis in safety and reasonable comfort;
 - (d) to do so while in wheelchairs.

The regulations may require a regulated taxi to conform with provisions as to the size of a door opening, floor area of the passenger compartment, the amount of head room in the passenger compartment, the fitting of restraining devices, and the carrying of ramps or other assistance devices.

- 2.7. Against that legislative background there have been discussions with, and representations from, taxi trade members on a number of issues, specifically areas of operation, vehicle specification relating to wheelchair accessibility and vehicle age limits.
- 2.8. The current number and distribution of taxi licences within North Lanarkshire is shown in the Appendix to the report.

3. AREAS OF OPERATION

- 3.1. At reorganisation in 1996 the Council, through the then General Purposes Committee, agreed for the purposes of administration of licensing of taxi and private hire under the 1982 Act that three areas of operation would be adopted equivalent to the former District Council areas. These areas were North (ex Cumbernauld and Kilsyth District); Central (ex Monklands District); and South (ex Motherwell District). Those communities which had formed part of the former Strathkelvin District were assimilated into the North licensing area.
- 3.2. At the same time the various policies which had been adopted by the former District authorities in relation to vehicle specification and conditions of licence were harmonised and these have remained harmonised since that time.
- 3.3. In relation to taxi fares, while these were broadly the same across the licensing areas, there were some variations between areas. These were ultimately able to be harmonised at the last taxi fares review which was approved by this Committee at its meeting held on 12 May 2011.
- 3.4. There has been an increasing aspiration on the part of members of the authority that, given the passage of time from reorganisation, it would reinforce the unified identity of North Lanarkshire to actively pursue the establishment of a single North Lanarkshire area of operation for taxi cars (and private hire cars).
- 3.5. During previous discussions with representatives of the taxi trade within North Lanarkshire on a number of issues associated with taxi licensing a proposal was put to the trade that the Council could consider removal of the boundary areas of operation for wheelchair accessible type taxis only for a pilot period to last twelve months. During the period of the pilot operators of WAVs would be able to pick up anywhere within the North Lanarkshire area.
- 3.6. Consultation on this limited proposal was issued to all existing operators of taxi licences in May 2011 and the outcome of that consultation was reported to the meeting of this Committee held on 4 August 2011. In brief, the proposal to remove areas of operation on a limited pilot basis for WAVs was given minimal support by members of the trade across the three licensing areas. As well as referring to the number of WAVs currently operating in some parts of North Lanarkshire, trade members also referred to the positive advantage of local service provision and local knowledge and the potential for conflict between operators and drivers from different areas. At the meeting held on 4 August 2011 the Committee resolved not to proceed with the proposed pilot.
- 3.7. A further perceived disadvantage of removing the current area boundaries is that there is scope for polarisation to certain town centres which have "magnet" shopping or leisure destinations to the exclusion of other more rural areas (or polarisation to evening entertainment destinations) and the impact that saturation might have on town centre traffic management generally.

- 3.8. It is proposed to enter further discussions with the taxi trade to establish whether there is support for a range of wider proposals affecting taxis. For the purposes of those discussions it is proposed, on balance, that the interim position be that the Council will move to a single (unified) area of operation for all taxi cars within North Lanarkshire on a future date to be determined.

4. VEHICLE SPECIFICATION - WHEELCHAIR ACCESSIBLE VEHICLES

- 4.1. As noted in paragraph 2.4 above, current policy in relation to taxis is that any new grant of a licence shall require the provision of a wheelchair accessible vehicle, be that purpose built or purpose adapted. Existing operators who have traditionally provided saloon type cars retain the right to operate a saloon car until transfer of licence, when the act of transfer shall (with certain exceptions) require the transferee to provide a WAV.
- 4.2. At meetings of this Committee held on 4 November 2010, 10 February 2011 and 4 August 2011 members had considered reports on developing representations from, and discussions with, taxi trade representatives in relation to specification for wheelchair accessible type vehicles.
- 4.3. The Committee had noted that there had initially been a proposal from members of the trade to remove the requirement to upgrade to a WAV on transfer of licence but rather to permit existing saloon cars to continue to operate on the basis that an approved swivel seat would be provided in place of the front passenger seat. There was also a representation that there was limited demand for WAVs amongst taxi users and indeed that there was a marked preference amongst customers for saloon type vehicles.
- 4.4. During the course of consideration of that matter, views were sought from groups representative of disabled persons within North Lanarkshire. The meeting of this Committee held on 10 February 2011 noted that the North Lanarkshire Disability Access Panel, while noting that the then current proportion of wheelchair accessible taxis is about one third of licensed vehicles, suggested that the proportion of wheelchair accessible taxis should ideally be nearer one half. The North Lanarkshire Disability Forum suggested that a minimum of one third taxis should be wheelchair accessible and that this figure should be in place in each of the licensing areas within North Lanarkshire. Both groups acknowledged that there was a different demand for different types of vehicles amongst elderly passengers and disabled passengers and indicated that a mix of vehicles could be supported.
- 4.5. The outcome of the consultation with the groups representative of disabled persons was the subject of further discussion with trade representatives. It was noted at that stage that the initial proposal for adaptation of saloon cars to provide for an approved swivel seat would not meet the requirements of Section 160 of the Equality Act and while it might be an adjustment that could be supported by the Council in appropriate circumstances it would not be undertaken on a compulsory basis.
- 4.6. As was noted in paragraph 3.5 during the discussions a proposal emerged to consider a pilot to allow operators of WAVs to operate throughout the North Lanarkshire area to assess whether this might impact on availability of WAVs within the Council area as a whole. This proposal was not supported by the trade and did not ultimately proceed.
- 4.7. There is a further specific matter on which representations have been made by the trade in recent months. The current specification for wheelchair accessible vehicles is that the holder of a licence shall provide an approved purpose built or purpose adapted wheelchair accessible vehicle. Purpose built vehicles are those specifically

built as a purpose unit with the body of the vehicle designed around a separate chassis. This means that every part of this type of vehicle can be repaired/removed as and when required, with the body being a totally separate part of the vehicle which is custom fitted to the chassis. Examples are the Metro Cab, LTI-TX1, LTI-TX2 and Carbodies FX4 (Fairway). A number of vehicles of the "people carrier" type have been purpose adapted by different suppliers to allow wheelchair access. Those currently permitted are the Peugeot Euro 7, Peugeot E7, Peugeot European, Citroen Voyager Le Cab Noir, Fiat Dakota Cab, Fiat Hackney Eurocab, TW200, Fiat Scudo Urban 7 Eurocab, Mercedes M8, VW TW300, Citroen Eurotaxi and Mercedes Vito 111.

- 4.8. All of the purpose adapted vehicles are of the side-door opening type. When this specification was adopted it was the view of the Transport Manager that a vehicle which had doors opening onto the footpath, rather than on to a roadway, afforded a measure of protection to wheelchair borne passengers. It was also the view of the Transport Manager that statistics indicate that more vehicles are included in front/rear collisions than side collisions. This position was supported by the Spinal Injuries Association amongst other organisations. Additionally, the Transport Manager had expressed reservation about the angle of the tailgate elevation for access by wheelchairs in vehicles which he had examined.
- 4.9. Against that background, it has been suggested by the trade that the number of wheelchair accessible vehicles available would substantially increase if operators were afforded the opportunity to purchase vehicles of the rear-door opening type. The advantage of this proposal to the trade itself is principally one of cost. It is understood that the rear-door opening vehicles are considerably cheaper to acquire than those of the side-door opening type. It can be noted that purpose built vehicles are at the highest end of the cost spectrum.
- 4.10. During consultation with groups representative of disabled persons, views were canvassed on whether disabled persons had a particular preference for either of the different styles of purpose adapted wheelchair accessible vehicles. Different views were expressed. While there was some preference amongst passengers to sit in the vehicle facing frontwards rather than sideways it was recognised that the majority of journeys are comparatively short and that this factor might therefore have limited impact on passengers.
- 4.11. During the most recent discussions with the taxi trade representatives, these various matters were canvassed and it can be fairly reported that there are different views amongst taxi operators. The majority of operators appear to be in favour of increasing availability to include rear-door opening type vehicles but there is some significant view that the present policy of permitting side-door opening vehicles should remain.
- 4.12. Earlier this year, in consultation with the Convener, suppliers of taxi vehicles were afforded the opportunity to present to members of the previous Corporate Services Committee a range of vehicles of the rear-door opening style for consideration. That presentation was attended by members of the North Lanarkshire Taxi Trade Association and also by the Transport Manager. Having had that opportunity, the Transport Manager has given the matter of approval of vehicles of this style further consideration. In light of the technical advances that have been made by manufacturers, and the whole vehicle approval which is now available in respect of certain vehicles of the rear-door opening style, the Transport Manager advises that he is now in a position to give approval to certain types of vehicles should the Committee be minded to agree change to the existing specification. The Transport Manager has advised that he would give approval to vehicles which have whole vehicle approval and have a maximum angle for the rear access ramp of 15 degrees.

Currently vehicles which meet this specification are the Volkswagen Caddy Maxi, Citroen Multispace and Peugeot Premier.

- 4.13. It is accordingly proposed for the purposes of further discussions with trade representatives that the interim position be that the Council will consider moving towards amending the specification for taxis to include suitable wheelchair accessible vehicles of a rear-door opening type. It is also proposed that the interim position be that the "target" proportion of wheelchair accessible vehicles be one half of the taxi fleet and that when the proportion is reached and maintained by express condition of licence holders of saloon taxi licences will be able to vary/transfer licences without requirement to upgrade to a WAV.

5. VEHICLE SPECIFICATION - VEHICLE AGE LIMITS

- 5.1. The existing policy in relation to age limits for taxi vehicles (approved at the General Purposes Committee in 2005 and 2006) is as follows:-

- (1) An age limit for non purpose built (i.e. saloon type) taxis of 5 years old from the date of first registration to the date of licence renewal or vehicle substitution;
- (2) An age limit for purpose adapted taxis of 7 years old from the date of first registration to the date of licence renewal or vehicle substitution;
- (3) An age limit for purpose built taxis of 10 years old from the date of first registration to the date of licence renewal or vehicle substitution.

These "entry" age limits create an effective operating life span for each type of vehicle of 8 years, 10 years and 13 years respectively, taking into account that licences are granted for a 3 year duration.

- 5.2. The formulation of current policy was predicated on a number of factors. There was an impression amongst members and the public at large that the fleet generally consisted of older vehicles which were considered "shabby" in appearance. Older vehicles were considered to have less in the way of safety features such as anti-lock breaking systems and traction control systems. Older vehicles generally had undertaken higher mileages and, while the vehicle continued to meet MOT standard, there was a feeling that vehicles which had undertaken high mileages were less comfortable in ride terms. It was acknowledged that testing vehicle comfort was a subjective matter and it was considered that that aspect could be better addressed by setting an effective upper age limit rather than an upper mileage limit.
- 5.3. When current policy was originally introduced information was obtained from other local authorities with a similar urban/rural demographic to North Lanarkshire, and the age limits then proposed were broadly similar to other local authorities.
- 5.4. When current policy was set a number of other outstanding issues were also addressed. The authority had been subject to representation from the taxi trade for some time to remove or amend the previously established policy that required all operators of saloon cars to upgrade to wheelchair accessible type vehicles, or at a minimum to convert existing saloon cars to provide a full size passenger swivel seat, by a specified date and also to allow transfer of licences. Policy on non-transfer of licences was amended to permit transfer subject to an obligation on the person acquiring the licence to provide a wheelchair accessible vehicle. The amended policy also reflected the historic involvement of some operators in the taxi trade and allowed a dispensation from upgrade for those operators who had held licences prior to a specified date (which was based on a previous "amnesty" in relation to taxi licences).

- 5.5. A proposal has been received from a group representative of taxi and private hire operators in one of the licensing areas to either remove, or extend, the age limits for vehicles on the basis that in the current economic situation including a significant downturn in trade and the increased cost of fuel, insurance, VAT etc. that the limitation on age of vehicles could prove to be the issue that will drive many operators out of business. It is also contended that the high specification and reliability of modern vehicles renders it unnecessary to impose such arbitrary age limits and that the introduction of twice yearly vehicle inspections for vehicles which reach a certain age would protect standards and safeguard the interests of the public.
- 5.6. It should be noted that the policy in relation to private hire cars is the same as for non purpose built (i.e. saloon type) taxis and any consideration on this issue should bear in mind that it is almost inevitable that operators of private hire cars would seek any relaxation in age limits which might be afforded to operators of similar taxi cars.
- 5.7. The Transport Manager advises that in his view since the Council introduced age limits for vehicles the standard of vehicles made available has changed beyond recognition. Failure rates which used to be 20% are now at 2%. A taxi/private hire conformance test examines a number of factors in addition to MOT test requirements - seats to be in good condition; paintwork to be in reasonable condition; carpets to be in a reasonable condition; vehicle to be clean inside and out; first aid kit present; fire extinguisher present; brake pipes and suspension to be sound i.e. not heavily corroded.
- 5.8. The Transport Manager further advises that even with the entry age limits in place the test station has recorded a six year old vehicle with 300,000 miles on the clock. Removing the upper age limit would in his view render the authority liable to see the return of a number of factors which by and large have been eradicated - vehicles presented for test with over 600,000 miles on the clock; brake pipes and suspension corroding (but still sound enough to pass a MOT test on the day); seats cut and worn with seat springs defunct; faded paintwork; corroded body work. This in turn will increase the prospect of disagreement between testers and operators regarding "non MOT" failure issues.
- 5.9. The current vehicle age limits have now been in place for the duration of one full licensing cycle (3 years) for every taxi (and private hire car) on the fleet. There is an option to operators to apply for early renewal of a licence to maximise the operating lifespan of a vehicle against the various 8/10/13 "exit" age limits. While there have been isolated instances of operators misjudging the timing of application for renewal against the "entry" age limit the vast majority of operators have been fully compliant with policy without any misunderstanding of its provisions.
- 5.10. It is fully recognised and appreciated that the trading environment for taxi operators will have changed to an extent as a consequence of the recession, just as it will have done for a range of other trades and businesses. The Council has, however, to balance the burden of cost on members of the trade with its obligation to preserve the public interest. Considerations which influenced the setting of vehicle age limits - particularly passenger comfort and vehicle safety features - were fully considered by the Council's General Purposes Committee when policy was set and it is the current view that these remain just as valid and important notwithstanding the financial climate. The relaxation of age limits may be seen as a retrograde step at a time when it is considered that the taxi trade enjoys a positive profile following the implementation of changes in policy. Recent dialogue with members of the Taxi Trade Association indicates that a relaxation in age limits may not be universally supported by taxi trade members.

- 5.11. Further recent research has been undertaken into vehicle age limits within other local authority areas. This indicates that a number of authorities have entry/exit age limits broadly similar to this authority. While there are some variations on either side of the threshold it can be noted that there are authorities in the central belt which remove vehicles from their fleet at an earlier age than that adopted by this authority.
- 5.12. It is proposed, on balance, for the purpose of further discussion with trade representatives that the interim position be that the status quo position on vehicle age limits will be maintained.

6. CORPORATE/FINANCIAL CONSIDERATIONS

- 6.1. The matters under consideration in this report reflect the Council's commitment to keep regulation of taxi licensing under review. There are no immediate financial implications arising from the matters under consideration.

7. RECOMMENDATION

- 7.1. The Committee is asked to consider the terms of this report and to authorise the Chair and Vice-Chair to further meet with taxi trade representatives on the basis of the interim position noted in this report and to otherwise continue consideration pending a further report.


Head of Legal Services

NORTH LANARKSHIRE TAXI LICENCES

Area	Numerical Limit	Licences at Issue	Compulsory WAVs	Voluntary WAVs	Saloons
North	55	55	55	0	0
Central	238	242	23	20	199
South	182	202	44	11	147
Total	475	499	122	31	346