

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Head of Legal and Administrative Services

Council – 28 March 2007

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#### **Subject: Wheelchair Accessible Taxis – Dumbarton and Vale of Leven Taxi Licensing Zone**

#### **1. Purpose**

- 1.1 To provide Members with information concerning the decision of the Licensing Committee on 10 January 2007 in relation to the issue of taxi accessibility within the Dumbarton and Vale of Leven Taxi Licensing Zone.

#### **2. Background**

- 2.1 The issue of taxi accessibility within the Dumbarton and Vale of Leven Taxi Licensing Zone has been the subject of numerous reports to Committee and Council over a protracted period of time. A synopsis of the background to the issue and the various decisions which have been taken thereon is appended to this report for information.
- 2.2 At the meeting of the Licensing Committee on 10 January 2007 the Committee agreed to accept the recommendation of the consultants who had carried out a study of the demand for taxis that there should be a long term move to a fully accessible fleet in the Dumbarton and Vale of Leven zone.
- 2.3 Before reaching the decision, the Committee had heard representations on behalf of West Dumbarton Taxi Trade Association, Age Concern Dumbarton and West Dunbartonshire Access Panel and had received written submissions from these organisations.

#### **3. Main Issues**

- 3.1 Letters have recently been received from Age Concern Dumbarton and West Dunbartonshire Taxi Trade Association complaining about the decision of the Licensing Committee on 10 January 2007.
- 3.2 Age Concern Dumbarton maintain that the introduction of wheelchair accessible taxis will discriminate against many elderly and ambulant disabled people who would have difficulty in entering and exiting wheelchair accessible vehicles. There is, however, a range of vehicles which have been approved for use as wheelchair accessible taxis in West Dunbartonshire, some of which have a step height which is only marginally greater than a saloon car. In addition, ramps and steps, which can be manually put in place or activated electronically by drivers, are available to assist passengers with access and egress.

- 3.3** The use of wheelchair accessible taxis only in the Clydebank area has not generated complaints from members of the public. Although it has been argued that the needs of elderly or ambulant disabled taxi users are met by a Private Hire company located a short distance outside the West Dunbartonshire Council boundary, this is clearly not the case as taxis are frequently engaged by such users at taxi ranks or by on-street hailing. It should also be noted that numerous other local authorities throughout the United Kingdom have wheelchair accessible fleets.
- 3.4** The concerns of the taxi trade in relation to the proposed introduction of wheelchair accessible taxis have focused mainly on the cost of providing such vehicles and the potential merging of the existing two licensing zones.
- 3.5** With respect to the issue of the cost of wheelchair accessible vehicles, the trade specifically requested that the Council permit the Fiat Doblo (Freedom) and the Ford Tourneo Connect to be used as wheelchair accessible taxis. This request was accepted and the use of these vehicles was approved by the Licensing Committee in November 2004. The purchase price of these vehicles is broadly similar to the cost of a saloon car. It should be noted that purpose built wheelchair accessible vehicles, or vehicles converted to accommodate wheelchairs, may be operated as taxis for up to 14 years in West Dunbartonshire. The maximum permitted age for saloon cars to be operated as taxis is 8 years from date of first registration. It is evident, therefore, that wheelchair accessible vehicles would not require to be replaced as frequently as saloon vehicles.
- 3.6** In addition to the fact that wheelchair accessible vehicles have a longer lifespan than saloon vehicles, it may be considered that there is an important benefit for the drivers of accessible vehicles in terms of the increased safety and security which is provided by virtue of the physical division between drivers and passengers.
- 3.7** It is also worthy of note that the consultants who carried out the taxi study concluded from their observations of the operation of taxis in the Clydebank Taxi Licensing Zone that the use of accessible vehicles provided advantages to passengers with shopping and children's prams or buggies and that there were significant benefits to drivers in terms of the time taken for passengers to access taxis and time taken for taxis to depart.
- 3.8** Whilst it was not agreed by the Licensing Committee that the existing two Taxi Licensing Zones should be merged, it has previously been recommended to the Committee that the amalgamation of the zones should be the subject of further consultation with the trade in both zones as a logical step following on from the rationalisation of the type of vehicles which are operated as taxis. The retention of two separate licensing zones is difficult to justify given the relatively small geographical area of the Council and it would appear that this Authority is in a unique position in this regard.

- 3.9** The previously stated preferred option of the taxi trade that a quota or percentage of the total taxi fleet in the Dumbarton and Vale of Leven zone should become wheelchair accessible is not a viable solution.
- 3.10** The problems of enforcing a policy which would result in only a specific number of taxis being required to be wheelchair accessible have been highlighted in previous reports on this issue. At the meeting of the Licensing Committee in November 2005 the Committee agreed that the trade should continue to work towards providing 25 wheelchair accessible taxis in the Dumbarton and Vale of Leven zone and that this figure should be achieved by April 2006. However, in the period from November 2005 to January 2007 there was a fall in the number of accessible taxis operating in the zone, from 12 to 11. Previously the trade failed to adhere to a commitment to introduce only 4 wheelchair accessible taxis. These facts clearly cast doubt on the ability of the trade to fulfil any requirement which may be set by the Council on a self-regulating basis.

#### **4. Conclusions**

- 4.1** The decision which was taken by the Licensing Committee on 10 January 2007 was in accordance with the recommendation that there should be a long term move to a fully accessible fleet in the Dumbarton and Vale of Leven Taxi Licensing zone, which was contained in the Taxi Study Report submitted by the consultants, the Transport Research Institute Taxi Studies Group, who were commissioned to undertake an independent survey of the demand for taxis, including wheelchair accessible taxis, in West Dunbartonshire.
- 4.2** The arguments which have been put forward by Age Concern Dumbarton and West Dunbartonshire Taxi Trade Association against approving a policy which would lead to full accessibility of the taxi fleet in the Dumbarton and Vale of Leven Taxi Licensing zone are refuted for the reasons detailed in Section 3 of this report.
- 4.3** An alternative option, which would involve a specific number of new taxi licences being granted in respect of wheelchair accessible vehicles, could not be justified having regard to the accepted conclusion of the Taxi Study that there is no Significant Unmet Demand for the services of taxis in the area.

#### **5. Personnel Issues**

- 5.1** There are no personnel issues.

#### **6. Financial Implications**

- 6.1** There are no financial implications.

#### **7. Risk Assessment**

- 7.1** There is no increased risk to the Council associated with the contents of this report.

## **8. Recommendations**

**8.1** It is recommended that Council agrees:-

- (a) to note the contents of the report; and
- (b) to reaffirm the decision of the Licensing Committee on 10 January 2007 in relation to the issue of taxi accessibility in the Dumbarton and Vale of Leven Taxi Licensing Zone.

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Head of Legal and Administrative Services

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### **Appendix:**

Synopsis of background to the issue of Taxi Accessibility in the Dumbarton and Vale of Leven Taxi Licensing Zone and decisions thereon.

### **Background Papers:**

1. Report on Study of Taxi Supply in West Dunbartonshire by Transport Research Institute Taxi Studies Group, Napier University, Edinburgh.
2. Report to meeting of the Licensing Committee held on 10 January 2007.
3. Minutes of meeting of the Licensing Committee held on 10 January 2007.

**Wards Affected:** N/A

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**Synopsis of background to the issue of Taxi Accessibility in the Dumbarton and Vale of Leven Taxi Licensing Zone and decisions thereon.**

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**1996 – Local Govt. Reorganisation**

**2 Taxi Licensing Zones**

Clydebank

Dumbarton & Vale of Leven

In terms of policy decision taken by former Clydebank District Council, all Clydebank taxis required to be adapted to allow them to carry passengers with wheelchairs from October 1996.

**August 1996 – March 2001**

Various reports to Committee on proposed introduction of "taxi accessibility regulations" under the Disability Discrimination Act 1995.

Noted delayed introduction of proposed regulations – discussions to take place with taxi trade on possible improvement of accessibility to taxis within Dumbarton and Vale of Leven area in advance of the introduction of regulations and appropriate disabled groups to be consulted on the matter.

**July 2001 – April 2002**

Meetings with representatives of the trade and local disabled groups.

Survey of disabled people within Dumbarton and Vale of Leven area carried out to ascertain views on level of demand for wheelchair accessible taxis. Also agreed that representatives of the taxi trade would consider feasibility of achieving provision of a percentage of wheelchair accessible taxis and, if considered feasible, put forward their proposals in this regard for consideration.

In April 2002 the Regulatory Committee (Licensing) accepted a proposal by the taxi trade to provide two wheelchair accessible taxis per taxi company in the Dumbarton and Vale of Leven Taxi Licensing zone, i.e. a total of 4 wheelchair accessible vehicles.

The taxi trade failed to adhere to the proposal which had been agreed by the Committee and only introduced 3 accessible taxis (all 3 provided by the one firm, Dumbarton TOA). Reminder letters were sent to the other firm, Leven and District Taxis, over a period of time but they failed to introduce any accessible vehicles.

## **August 2003**

The Licensing Committee considered an update report and agreed:-

- (a) that steps should now be taken to improve the accessibility of taxis to disabled people within the Dumbarton and Vale of Leven areas, in advance of the introduction of taxi regulations by the government, through the imposition of relevant conditions to taxi licences held by operators within the Dumbarton and Vale of Leven Taxi Licensing Zone;
- (b) that from 1 January 2006 all taxis, except those which have been licensed continuously by West Dunbartonshire Council from an earlier date than 1 January 2006, should require to be wheelchair accessible; and
- (c) that all taxis should require to be wheelchair accessible by 1 January 2009.

## **September 2004**

In response to requests from the taxi trade to have further discussions on the Council's decision to require 100% wheelchair accessible taxis, Councillor Duffy, Councillor Maceira and the Head of Legal & Administrative Services met with representatives of the trade and disabled groups. Councillor Duffy put forward a compromise proposal whereby by 1 January 2006, 20 disabled-friendly taxis would require to be put on the road and if this is the case then the Council may be prepared to put on hold the proposal for all taxis to be disabled-friendly.

## **November 2004**

The Licensing Committee agreed that the Fiat Doblo (Freedom) and Ford Tourneo Connect be approved for use as wheelchair accessible taxis. The general issue of taxi accessibility was referred back to Council.

## **December 2004 - Council meeting**

Council reaffirms it will adhere to the previous decision on the accessibility of taxis (taken on 6 August 2003).

## **November 2005**

Further report to the Licensing Committee on the issue of taxi accessibility within the Dumbarton and Vale of Leven Taxi Licensing Zone and in particular the decision which was previously taken by the Committee in relation to this matter.

The Committee agreed:-

- to accede to the request from the representatives of the taxi trade that an independent survey of the demand for taxis be commissioned;
- that the study should consider the statutory test of demand in both the Dumbarton/Vale of Leven and Clydebank zones and the survey would also include an assessment of the demand for the services of wheelchair accessible taxis;
- that the previously agreed implementation date of 1 January 2006 for commencement of the move towards 100% wheelchair accessible taxis in the Dumbarton/Vale of Leven zone be deferred to allow the survey to be undertaken and the findings to be reported to a future meeting of the Committee;
- that the representatives of the taxi trade should continue to work to achieve their previously stated preferred option of having 25 wheelchair accessible taxis; this figure should be reached by April 2006 and the trade representatives should continue to liaise with officers in this connection, with any problems being reported back to the Committee; in the event of the trade failing to provide 25 wheelchair accessible taxis by April 2006, the Committee may require to consider granting a number of new taxi licences for wheelchair accessible vehicles to bring the available number of such taxis up to 25.

## **June 2006**

Further report to the Licensing Committee on the outcome of the survey.

Report recommended that the Committee agrees:-

- (a) to note the finding of the study that there is no Significant Unmet Demand in either the Clydebank or Dumbarton and Vale of Leven Taxi Licensing Zones;
- (b) to note the findings of the study in relation to the issue of accessible taxis in both the Clydebank and Dumbarton and Vale of Leven zones;
- (c) to accept the recommendation of the consultants that there should be a long term move to a fully accessible fleet in the Dumbarton and Vale of Leven zone;
- (d) that with effect from 1 August 2006, all taxis in the Dumbarton and Vale of Leven zone which are being replaced be replaced with fully accessible vehicles; and
- (e) that the matter of the two existing taxi licensing zones in West Dunbartonshire being amalgamated be the subject of further consultation with the trade and a report on the issue be prepared for consideration at a future meeting of the Committee.

The Committee agreed to a request from the taxi trade to continue consideration of the matter to allow the trade sufficient time to consider the contents of the Consultants' report.

### **September 2006**

Update report submitted to the Licensing Committee. Similar recommendations to previous report – proposed implementation date of 1 November 2006.

A paper by Mr. Tom McEntegart of Messrs Anderson Fyfe LLP, Solicitors, detailing the response by Dumbarton and Alexandria Taxi Trade Association to the West Dunbartonshire Taxi Study undertaken by the Transport Research Institute Taxi Studies Group had been issued with the papers for the meeting and the Committee heard Mr. McEntegart.

It was agreed that consideration of the matter be continued to allow relevant user groups to be consulted and a report on the outcome of that exercise to be submitted to the Committee.

### **January 2007**

Report on outcome of consultation with user groups submitted to Licensing Committee.

The Committee heard representations on behalf of West Dumbarton Taxi Trade Association, Age Concern Dumbarton and West Dunbartonshire Access Panel and had received written submissions from these organisations.

The Committee agreed to approve Option 1 detailed in report, i.e., to accept the recommendation of the consultants that there should be a long term move to a fully accessible fleet in the Dumbarton and Vale of Leven zone. Implementation date to be 1 April 2007. (On this basis the provision of a fully accessible taxi fleet would be achieved by April 2015.)