

Item: 3

Licensing Committee: 10 October 2019.

Wheelchair Accessible Vehicles – Taxis and Private Hire Cars.

Report by Executive Director of Corporate Services.

1. Purpose of Report

To report the outcome of a consultation exercise with regard to wheelchair access to licensed taxis and private hire cars and consider options for further action.

2. Recommendations

The Committee is invited to note:

2.1.

That a consultation process, to identify any unmet need in relation to wheelchair accessible vehicles licensed as taxis or private hire cars, was undertaken during the period 11 April to 24 May 2019 inclusive, with the outcome detailed in section 5 of this report.

2.2.

The options in respect of considering what action to take with regard to wheelchair access to licensed taxis and private hire cars, as detailed in section 9 of this report, with the preferred option being Option 4, namely to engage with and encourage operators to deploy increased numbers of WAVs in their taxi and PHC fleet without introducing formal requirements and encourage operators to advertise their WAVs more.

It is recommended:

2.3.

That the Council should encourage operators to deploy increased numbers of wheelchair accessible vehicles in their taxi and private hire car fleets and to advertise their WAVs more without introducing formal requirements.

2.4.

That the policy position, referred to at paragraph 2.3 above, be reviewed over the following three years, with the Executive Director of Corporate Services thereafter submitting a report, to a meeting of the Committee in 2023, detailing the outcome of the review and, if necessary, recommending amendments to the policy.

3. Introduction

3.1.

The Council licenses taxis and private hire cars (PHCs) and their drivers in terms of the Civic Government (Scotland) Act 1982 (the 1982 Act). The licensing regime only applies to the Mainland and linked south isles of Orkney.

3.2.

Arising from the 1982 Act, the main differences between taxis and PHCs are:

Taxi	PHC
<ul style="list-style-type: none">• May wait on a taxi stance for trade.• May pick up passengers on the street without prior arrangement.• May display a taxi sign on top of the vehicle.• Must have a meter fitted in the vehicle.• Must be driven by a licensed taxi driver.	<ul style="list-style-type: none">• Cannot wait on a taxi stance.• Can only pick up passengers by prior arrangement.• Cannot have a sign or other advertisement that suggests it is available for hire as a taxi.• May have a meter fitted in the vehicle.• Must be driven by either a licensed taxi driver or a licensed private hire car driver.

3.3.

The Council as a licensing authority has powers available to it in terms of section 10(2) of the 1982 Act to set suitable vehicle specifications in terms of taxis and private hire cars.

3.4.

The Council has approved standards for vehicles to be licensed as taxis or private hire cars which it believes to be acceptable in terms of safety and comfort, published at https://www.orkney.gov.uk/Files/Law-and-Licensing/Licences/Taxis-and-Private-Hire-Cars/Operators/Vehicle_Inspection_Standards.pdf. The Council does not specify any particular types of vehicles as suitable and there are no age limitations on vehicles which can be licensed. The principle is that if a vehicle passes the inspection then it is suitable to be licensed.

3.5.

The Equality Act 2010 (the 2010 Act) provides a duty on public authorities in terms of section 149 to have due regard to the need to:

- Eliminate discrimination.
- Advance equality of opportunity.

3.6.

The 2010 Act does not impose any mandatory obligation on licensing authorities to require that licensed taxis or PHCs be accessible by passengers in wheelchairs.

3.7.

In terms of section 167 of the 2010 Act, licensing authorities may maintain a list of wheelchair accessible vehicles (WAVs) for taxis and PHCs and may require that the vehicles conform to such accessibility requirements as the licensing authority thinks fit. These are known as lists of “designated” vehicles.

3.8.

In cases where licensing authorities maintain lists of WAVs, section 165 of the 2010 Act imposes statutory duties on drivers of WAVs and failure to comply with the duties is an offence incurring a fine not exceeding £1,000 on conviction. The duties are:

- To carry the passenger while in the wheelchair.
- Not to make any additional charge for doing so.
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
- To give the passenger such mobility assistance as is reasonably required.

3.8.1.

Mobility assistance is assistance:

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair.
- To load the passenger’s luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

3.9.

Drivers of WAVs can apply to licensing authorities for exemption from complying with the duties detailed in section 3.8 above on medical grounds or grounds of physical difficulty.

4. Local Licence Numbers

4.1.

In Orkney, there are currently:

- 32 licensed PHCs.
- 15 licensed PHC drivers.

- 41 licensed taxis.
- 109 licensed taxi drivers (the licence includes authority to drive PHCs).

4.2.

Of those vehicles, there are:

- Two WAV PHCs, each licensed to carry 4 passengers, one of which is contracted for use primarily by NHS Orkney.
- One WAV taxi, licensed to carry 4 passengers.

5. Consultation

5.1.

Following a seminar in January 2019, the Head of Legal Services undertook a consultation process, during the period 11 April to 24 May 2019, to identify any unmet need for WAVs. The consultation was public, and operators and representatives of persons with disabilities were also contacted directly.

5.1.1.

The Consultation appeared on the Council's website from 11 April to 24 May 2019 inclusive.

5.1.2.

The Licensing service wrote to all taxi and private hire car operators and Orkney Disability Forum on 11 April 2019 and emailed the Access Panel on 24 April 2019.

5.1.3.

The Council's Communications team also published a News item on the Council's website from 17 April and arranged a press release which appeared in the Orcadian on 25 April 2019.

5.2.

Ten responses were received, summarised as follows:

Respondents	Summary of Response
Taxi operator	Support for more WAVs. One WAV taxi subsequently licensed.
Taxi operator	Not in favour of more WAVs.
Orkney Disability Forum	Support for more WAVs.
OIC Transportation Manager	Support for more WAVs.
2 members of the public	Support for more WAVs.
3 Committee Members, Access Panel Orkney	Support for more WAVs.

Respondents	Summary of Response
Volunteer Befriender	Support for more WAVs.

5.3.

Copies of the responses are attached as Appendix 1 to this report.

6. Other Surveys of People with Disabilities

6.1.

An accessible travel event was hosted by Disability Equality Scotland in Kirkwall in September 2018 and the summary report gave an indication of the lived experiences for people with a disability travelling around Orkney. The report also cited the frequency of service of taxis as an issue with the provision of one accessible taxi (at that time) being inadequate resulting in long waits for those in need of a taxi, which the bus service could not accommodate.

6.2.

The Scottish Government's Accessible Travel Framework for Scotland published in 2016 provides a large body of evidence-based information relating to travel for people with disabilities. The framework cites the role that local transport authorities have to play in respect to transport, including the responsibility for taxi licensing.

The Framework includes a list of issues raised by disabled people with Transport Scotland and the Convention of Scottish Local Authorities (COSLA) which formed the basis for the high-level action plan within the Framework. The following were identified as issues related to taxis considered to be priorities by disabled people:

- Accommodate the different needs for an accessible taxi.
- Funders such as Scottish Government could offer grants to help taxi firms improve their fleet to include accessible taxis.
- Local authorities should collect information on numbers and types of accessible taxis in their area to help them identify where improvements are needed.
- Require taxis to provide evidence (for example a certificate) of their exemption from taking passengers in wheelchairs or assistance dogs (the Council complies with this in respect of carriage of assistance dogs).
- Use taxi licensing to ensure 20 percent of taxis at any one time are accessible to wheelchair users in each local authority area.

7. Other Licensing Authorities

7.1.

Research with other licensing authorities has resulted in the following information:

Authority	Status
Aberdeen City Council	New taxis applying for licence must be WAV.
Aberdeenshire Council	No WAV requirements.
Argyll and Bute Council	No WAV requirements.
Dundee City Council	Progressing towards a requirement of 40 percent saloon cars and 60 percent WAVs for taxis.
East Lothian Council	All taxis must be WAV.
City of Edinburgh Council	All taxis must be WAV.
Falkirk Council	New taxis applying for licence must be WAV. Larger PHCs (5 to 8 passengers) must be WAV. Published lists of designated vehicles – taxis and PHCs.
Glasgow City Council	All taxis must be WAV.
Highland Council	No WAV requirements.
Moray Council	No WAV requirements.
North Ayrshire Council	Vehicles licensed on or after 1 October 2016 or licensed as WAVs before that date must be WAVS. Publishes list of designated vehicles – taxis.
Renfrewshire Council	All taxis must be WAV. Publishes list of designated vehicles – taxis and PHCs.
Scottish Borders Council	No WAV requirements.
Shetland Islands Council	Has approved adoption of a list of designated vehicles, but not yet developed.
South Ayrshire Council	All taxis must be WAV. Publishes list of designated vehicles – taxis and PHCs.
Western Isles Council	No WAV requirements.
West Lothian Council	All taxis must be WAV. Larger PHCs (5 to 8 passengers) must be WAV. Does not publish list of designated vehicles.

7.2.

Some authorities (Dundee, Edinburgh, West Lothian) only approve specific types of vehicles as taxis or PHCs. For WAVs, the types of vehicles approved by some authorities must be either side-loading (West Lothian) or rear-loading (Dundee, Edinburgh) for wheelchair accessibility.

8. Vehicle Costs

8.1.

Examples of types of non-WAVs licensed in Orkney are:

Types of Vehicles	Estimated Price £ and Age
Ford Tourneo Connect	17,000 at 1 year to 10,000 at 5 years
Ford Transit	18,000 at 1 year to 6,000 at 8 years
Mercedes Vito	21,000 at 1 year to 8,000 at 8 years
Peugeot 4007 GT	27,000 new to 4,000 at 9 years
Renault Trafic	16,000 at 1 year to 6,000 at 8 years
Skoda Octavia	18,000 at 1 year to 6,000 at 8 years
Skoda Superb	22,000 at 1 year to 6,000 at 8 years
VW Sharan	24,000 at 1 year to 8,000 at 8 years
VW Transporter	23,000 at 1 year to 13,000 at 8 years

8.2.

Types of vehicles specified by other authorities include some of those listed at section 8.1 above, as well as the following vehicles which are non-WAV unless otherwise stated:

Types of Vehicles	Estimated Price £ and Age
Citroen Dispatch	15,000 at 1 year to 4,000 at 8 years
Fiat Ducato	17,000 at 1 year to 6,000 at 8 years
Ford ProCab (8 passengers, WAV)	35,995 new to 26,995 at 2 years
Nissan NV200 (electric vehicle)	12,000 at 1 year to 5,000 at 8 years
Vauxhall Movano	18,000 at 1 year to 6,000 at 8 years
Vauxhall Vivaro	16,000 at 1 year to 6,000 at 8 years
VW Caravelle	40,000 at 1 year to 20,000 at 8 years

8.3.

Prices for common WAVs are:

Types of Vehicles	Estimated Price £ and Age
Ford Grand Journey (4 passengers)	24,395 new
Ford Maxicab (8 passengers)	28,695 new
Ford ProCab (8 passengers)	35,995 new to 26,995 at 2 years
Mercedes-Benz M8 (6 passengers)	41,995 new to 19,995 at 4 years
Mercedes-Benz Vito (6 passengers)	20,995 at 3 years
Peugeot Premier (4 passengers)	22,595 new
Peugeot Premises RX (4 passengers)	17,995 at 1 year
VW Kudos (4 passengers)	24,895 new

9. Options

9.1.

There are four options to be considered in respect of considering what action to take with regard to wheelchair access to licensed taxis and private hire cars.

9.2.

Option 1: Do not introduce any formal requirements for the provision of WAVs and continue the status quo.

9.2.1.

There is no specific statutory requirement for licensing authorities to require that licensed taxis or PHCs be accessible by passengers in wheelchairs nor to maintain lists of designated vehicles.

9.2.2.

The Council has a public sector equality duty in terms of the 2010 Act and, of the 10 submissions received in response to its recent consultation, 9 were in favour of more WAVs.

9.2.3.

Nonetheless, the Council has not received formal representations about lack of WAV taxis or PHCs in the past and has received a submission in response to its recent consultation recording historical low usage of a WAV and associated costs and practical implications.

9.3.

Option 2: Move towards formal requirements for a proportion of WAVs in either the licensed taxi fleet or both the taxi and PHC fleet and approve and adopt standard conditions to be developed. This option would meet the views of the majority of respondents. A move towards requiring 20 percent of taxis to be accessible to wheelchair users would accord with one of the priority issues identified by disabled people within the Scottish Government's Accessible Travel Framework for Scotland.

9.3.1.

Dundee City Council, as an example, has taken a formal decision to work towards a requirement that their taxi fleet should be 40 percent saloon cars and 60 percent WAVs. They note that this decision will help the authority comply with its public sector equality duty under the Equality Act 2010 and meet the varied needs of the travelling public, as well as addressing the accessibility requirements of ambulant disabled and elderly people in addition to those of wheelchair users.

9.3.2.

Operators will be affected by costs, details of which are provided in section 8 above. For example, if an operator wishes to put a new taxi on the road but is required by the Council to purchase a WAV (new or second hand), they may choose not to increase their fleet.

9.3.3.

Any requirement to introduce WAVs, either in terms of new licences or replacement vehicles for existing licences, will have a greater impact on smaller operators. There are only 3 existing taxi operators with 4, 5, 6 or 7 cars, respectively. The remaining 16 taxi operators and 30 PHC operators have 1, 2 or 3 cars each.

9.3.4.

Aberdeen City Council reported some negative public feedback from steps they took to move towards a 100 percent WAV taxi fleet. Their consultation exercises indicated a preference for a mixed fleet and included claims that some mobility restricted persons cannot enter a WAV. This comment relates to problems encountered by ambulant disabled or mobility-restricted or elderly passengers when trying to enter WAVs carrying up to 8 passengers which tend to be higher off the road than saloon type vehicles.

9.3.5.

If Option 2 is resolved by the Committee, further reports will be required at future meetings.

9.4.

Option 3: Move towards formal requirements for a 100 percent WAV licensed taxi fleet and a proportion of the PHC fleet, for example requiring larger PHCs licensed to carry up to 8 passengers to be WAV and approve and adopt standard conditions to be developed.

9.4.1.

Some authorities require 100 percent WAV taxi fleets to comply with their public sector equality duty in terms of the 2010 Act, such as East Lothian, Edinburgh, Glasgow, Renfrewshire, South Ayrshire and West Lothian.

9.4.2.

Other authorities are working towards 100 percent WAV taxi fleets provision by requiring that new taxi licences must relate to WAVs, such as Aberdeen, Falkirk and North Ayrshire.

9.4.3.

Requiring a 100 percent WAV taxi fleet would permit any wheelchair passenger or companion to hire a taxi at a taxi rank or flag one down in the knowledge that the wheelchair passenger would be able to access the vehicle.

9.4.4.

Responses to consultations carried out by, for example, Aberdeen City Council, have indicated that passengers, wheelchair users or otherwise, book journeys, requesting a certain type of vehicle to suit their needs. Any form of pre-booked journey can be provided by PHCs as well as taxis.

9.4.5.

Any steps the Council may take regarding wheelchair access to licensed taxis and private hire cars must be proportionate, taking into account its public sector equality duty under the Equality Act 2010, the varied needs of the travelling public, the accessibility requirements of ambulant disabled or mobility-restricted and elderly people in addition to those of wheelchair users and any unintended consequences, such as an overall reduction in the licensed taxi and PHC fleet.

9.4.6.

Potential negative impacts of moving towards formal requirements for a 100 percent WAV licensed taxi fleet and possibly a proportion of the PHC fleet, for example requiring larger PHCs licensed to carry up to 8 passengers to be WAV, are detailed in sections 9.3.2 to 9.3.4 above.

9.4.7.

If Option 3 is resolved by the Committee, further reports will be required at future meetings.

9.5.

Option 4: Engage with and encourage operators to deploy increased numbers of WAVs in their taxi and PHC fleet without introducing formal requirements and encourage operators to advertise their WAVs more.

9.5.1.

Not all authorities have taken formal steps towards requiring WAV taxi or PHC fleets (for example, Aberdeenshire, Argyll and Bute, Highland, Moray, Scottish Borders, Shetland, Western Isles). However, a number of authorities require 100 percent WAV taxi fleets as indicated in section 9.4.1 above and other authorities are working towards 100 percent WAV taxi fleet provision as indicated in section 9.4.2 above.

9.5.2.

Although the Council has a public sector equality duty in terms of the 2010 Act, there is no specific statutory requirement for licensing authorities to require that licensed taxis or PHCs be accessible by passengers in wheelchairs nor to maintain lists of designated vehicles.

9.5.3.

The numbers of vehicles licensed in Orkney are small compared to larger authorities, with a recent increase in the number of vehicles being licensed as PHCs rather than taxis. This trend is largely aimed at the tourist trade, for example tours, and many tourists will have a disability.

9.5.4.

Potential negative impacts of moving towards formal requirements for a percentage WAV licensed taxi fleet and possibly a proportion of the PHC fleet are detailed in sections 9.3.2 to 9.3.4 above, which may result in unintended consequences, such as an overall reduction in the licensed taxi and PHC fleet.

9.5.5.

Although the Council received 9 submissions in favour of more WAVs in response to its recent consultation, it has not previously received formal representations about lack of WAV taxis or PHCs.

9.5.6.

Two operators have licensed additional WAVs (one taxi and one PHC) during 2019. This trend may potentially continue.

9.5.7.

Encouragement of operators to deploy increased numbers of WAVs in their taxi and PHC fleet without introducing formal requirements and encouragement of operators to advertise their WAVs more would address competing concerns by meeting the needs of users of taxis and PHCs, including wheelchair users, ambulant disabled or mobility-restricted and persons with age related impairments, whilst taking account of the potential financial impact on licensed operators which could otherwise result in unintended consequences, such as an overall reduction in the licensed taxi and PHC fleet.

9.5.8.

If Option 4 is resolved by the Committee, it is recommended that progress be reviewed over the following 3 years by way of a consultation, with the Executive Director of Corporate Services thereafter submitting a report to a meeting of the Committee in 2023, detailing the outcome of the review and consultation and recommending any further steps to be taken.

9.6.

The preferred option is Option 4. This would take account of the needs of users of taxis and PHCs, including wheelchair users, ambulant disabled or mobility restricted and persons with age related impairments whilst recognising the potential financial impact that a more prescriptive approach might otherwise have on licensed operators, including unintended consequences such as an overall reduction in the available licensed taxi and PHC fleet.

10. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

11. Corporate Governance

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

12. Financial Implications

There are no direct financial implications to the Council arising from the recommendations of this report.

13. Legal Aspects

The legal aspects are contained within the body of this report.

14. Contact Officers

Gillian Morrison, Executive Director of Corporate Services, extension 2103, email gillian.morrison@orkney.gov.uk.

Gavin Mitchell, Head of Legal Services, extension 2233, email gavin.mitchell@orkney.gov.uk.

Elaine Sinclair, Legal Clerk, extension 2232, email elaine.sinclair-hill@orkney.gov.uk.

15. Appendices

Appendix 1: WAV Consultation responses.

Appendix 2: Equality Impact Assessment.

Elaine Sinclair-Hill

From: Brian Murray <orkneycabs@gmail.com>
Sent: 12 April 2019 12:47
To: Licensing
Subject: Orkney Cabs

Good Afternoon

We have just received your letter regarding wheelchair accessible vehicles.

Orkney Cabs have only been trading for a short period of time but have been made aware that there is a lack of provisions in Orkney for wheelchair users in general not just within the Taxi & Private hire sector. Due to information received Orkney Cabs have purchased a wheelchair accessible vehicle which will be presented for a taxi test within the next 2 weeks and all documents will be forwarded to Orkney Island Council here after. Orkney Cabs will then be in a position to offer transport to wheelchairs users in the community of Orkney as soon as the licence and plates are issued.

yours sincerely

Mr Brian Murray
Orkney Cabs
39 Junction Road
Kirkwall
Orkney
KW15 1AG
01856875000

Elaine Sinclair-Hill

From: Hazel Aim <hazel@octocic.co.uk>
Sent: 18 April 2019 10:54
To: Licensing
Subject: WAV public consultation

Hello

In response to the consultation regarding wheelchairs in taxis in Orkney. As manager of Orkney disability forum and dialabus, I am aware that this has been a problem wince longer that I have been in my 12 year employment. We are often asked to accommodate wheelchair users in times that we either don't operate, usually in the evening and also when we already are at capacity. Many times this is locals that are not members or visitors. As you have stated on the radio this morning, there are no current wheelchair taxis and only one private hire company that has a WAV. As there is such inconsistency, I actually have no idea who this operator is and how equipped the vehicle or the driver is for carrying wheelchairs. It the past we have found that when they are available, the standards fall short of appropriate standards and the drivers often have no training is fitting wheelchairs in vehicles and this places the wheelchair passengers at risk. We know of times when wheelchair taxis have been accessed by thin individual temporary ramps that require the drivers expertise in ensuring they are fitted appropriately, there is risk of the wheelchair not being driven straight and veering off the rails. I am also aware of a taxi in the past that loaded the wheehchair side-facing. This is probably not unsafe but its not a pleasant experience to be staring at the side door during your journey unlike other passengers who look forward facing. Another issue in the past is that on occasion, the taxi may not have adequate head room and cause the wheelchair user to crouch for the duration of the journey. Most of all I have concerns that many taxi drivers have very little experience in working with people in wheelchairs and just getting them to the taxi may be a challenge in itself. How the wheelchairs are tied down in taxis is also a concern and ensuring the driver is trained in fitting wheelchairs to their vehicle as each one is different. I am greatly concern that with good intentions, OIC may impose some mandatory WAV requirement on operators without ensuring that the service is suitable and standards are regulated. Dialabus and OCTO are willing to discuss options that would see a better level of service for wheelchair users. I hope this helps with the consultation.

**Hazel Aim,
OCTO Manager**

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Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 19 April 2019 08:30
To: Licensing
Subject: Consultation re. wheelchair accessible taxis

Hello

This may seem a bit obvious, but.....

It's often the case that people in wheelchairs, can't get out and about, because they are in a wheelchair. Public methods of transport don't always fit with the timing they need, to get to and from somewhere. So – wheelchair accessible taxis, would definitely be a good thing.

Thank goodness, I don't need a wheelchair, but many folk do, so I'm thinking about them.

You ask for names and addresses :-

[REDACTED]

Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 19 April 2019 18:52
To: Licensing
Subject: Accessible Taxis

Dear Mr Mitchell,

I'm waiting in response to the accessible taxis consultation.

I feel very strongly that there should be many more wheelchair accessible taxis. Fully able bodied people have a choice of several taxi firms in Kirkwall but people in wheelchairs do not have that luxury or that choice.

Not only that, but if the one and only wheelchair accessible taxi is on a hire and someone else in a wheelchair needs to use it, they have no option but to wait until the taxi becomes available. This is not good enough.

You and I have the luxury of calling any taxi firm and if the one we call is busy, we can call another taxi firm. Also, what if someone in a wheelchair doesn't get on with the one and only wheelchair accessible taxi operator?

Dial-A-Bus there's a wonderful service, but they can only do so much. They have limited resources and cannot take everyone everywhere who want to book a journey on a bus.

We have the freedom to go out to do whatever we want whenever we want wherever we want for whatever reasons. We can get taxis to go out and socialize, go shopping, go to events and to do activities. People in wheelchairs do not have the freedom to do that if they require a taxi.

I lived in Edinburgh for 5 years. Edinburgh City Council required all taxi companies to have a certain percentage of their fleet as accessible taxis. This worked very well as there were plenty of accessible taxis to cope with the demand. Why can't Orkney Islands Council do the same? This could come into effect for current taxi operators and any taxi operators wanting to get a licence in the future. That way, there would be enough accessible taxis for locals and tourists alike.

[REDACTED]

Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 22 April 2019 17:52
To: Licensing
Cc: [REDACTED]
Subject: Wheelchair taxis

Hello I hope this email may offer you some useful feedback. I personally think that there needs to be more than one wheelchair accessible taxi for the whole of Orkney. One of the things that I really love about living in Orkney is the wonderful inclusive attitude towards disability. However I feel that it is not immediately reflected to the general public when they first become familiar with Orkney as there is only currently one wheelchair taxi. I know it is cliché but for a lot of people first impressions even if they are not correct do make a difference. I think it would be reasonable to at least make a requirement for a certain percentage of taxis to be wheelchair accessible. I personally think it would be ideal if all taxis were required to become accessible however a percentage would be a positive step. Also I think it would be good if some grant or incentive could be offered to local taxi companies to aid them in upgrading their fleets.

Lastly I hope that you receive this correspondence in the context of friendly feedback which was intended.

Yours faithfully [REDACTED]

[REDACTED]

Elaine Sinclair-Hill

From: Naomi Bremner
Sent: 23 April 2019 10:53
To: Licensing
Subject: Wheelchair-accessible taxis and private hire cars – consultation

Hi there,

Saw the consultation on this topic.

Just to mention, we have had several comments on this topic and the lack of availability, and it was on my to do list from our most recent transport forum to make contact.

While some of our public services are accessible and Dial-A-Bus can be booked in advance for many journeys, the combination of the two do not always work for everyone all of the time, and so ordinarily the taxi network would pick up the slack and gaps. I understand from colleagues in NHS that there is one accessible vehicle, which is a requirement for an NHS-contract. Accessibility and equality would be greatly improved if this number could be increased across Orkney through some mechanism.

We are working on the new bus contract specification, and in future years the whole local bus service network will be accessible, but this does not of course give comprehensive coverage of Orkney.

I also wanted to check, the Access Panel were not referenced as being consulted in the press release. The list was perhaps not exhaustive, but just wanted to make sure that the intention was to engage them directly.

Happy to provide any further input as may be required.

With thanks, Naomi.

Naomi Bremner, ext 2535
Transportation Manager
Development and Infrastructure
Orkney Islands Council Offices, Kirkwall, Orkney, KW15 1NY
01856 873535
www.orkney.gov.uk/transport

Craigie's Taxi's Ltd

58 Junction Road, Kirkwall, KW15 1AG

Tel: 01856 878787 Fax: 01856 872817

Ref: GRM/ES/14/15 – WAV CONSULTATION

Regarding the usage of WAV's Craigie's taxis had a vehicle for many years but then with Dial a Bus operating, the vehicle was rarely used for public wheelchair hires and without the NHS contract we held at the time (which required a WAV vehicle) it would have been removed from the fleet considerably earlier. Once we no longer held that contract, the usage, already very low dropped off to virtually nothing so when the vehicle was replaced a WAV just was not needed.

It should also be pointed out that another taxi company now holds the NHS contract so they have to have a WAV available 24/7 and in addition, public buses are also required to have vehicles with wheelchair access. So on that basis, Orkney seems to be adequately covered. If a real demand existed then without a doubt, we would have considered replacing the vehicle at the time.

Additionally it is a very complicated subject – some items that need to be carefully considered are listed below:

- Dial a Bus (DaB) already covers the WAV demand and with their financial status are already able to substantially undercut the commercial companies that are required to make money just to survive and of course most are required to pay VAT. If more capacity was insisted upon then surely Dial a Bus should be restructured to fully cover any demand as part of their existing charitable status/subsidised status etc otherwise the effect would be even more cherry-picking of hires by DaB and forcing the financial burden of anything out of sociable hours onto Taxis. The situation should be one system or another: taxis or DaB – it is would be totally unacceptable to undercut/subsidise convenient hires while discriminating against taxis by forcing them to subsidise the unsocial hires themselves Unless of course the OIC would offer fair and reasonable compensation/subsidy to the companies for doing every WAV hire – like those already given to ferry companies and bus companies.
- Over recent years, the design of the chairs has changed massively with more motorised chairs used and this has a huge impact on WAV's and even more so on the drivers, unless expensive specialist vehicles are used then it's a vary hard job to get the chairs into a vehicle manually.
- As many (estimated 60%) of our regular drivers are "more mature" and/or now driving after retiring from more manual jobs for health concerns, we would have very limited numbers of drivers able to do these hires with out risks to their own health. That of course would make it very hard to operate a WAV if drivers were off with back problems and there are very real potential insurance and litigation implications if an accident occurred while unsuitable staff were forced to do the hires.

- Surely legally we cannot force a driver to do a hire they believe they are not physically able to do? Unless of course the OIC make it a licence requirement for all drivers to do it – in which case the question of who is to blame would be clarified. There are many “accident at work / not your fault “companies that would love the opportunity of this sort of accident to make money – but if the company/driver is forced against their better judgement to do an unsuitable hire who should be sued?
- If we had to go down the route of specialist vehicles other problems arise for commercial operators: the sheer size of the ramps etc reduce the passenger/ luggage capacity to the extent that some vehicles would need to be relicensed and others may be rendered unusable by breaking the OIC luggage requirements. There are also financial implications for installation, training, testing, upkeep and insurance of the vehicles and equipment.
- Not all of our drivers are employed – we also work with owner-drivers and quite simply, to comply with HMRC legal requirements we are not allowed to insist the drivers use a vehicle owned by us or they would not legally be able to be classed as a genuine self-employed driver – and with the current legal wrangling with uber that is a very real issue. This again would make it very hard to be able to rota suitable drivers – and on some shifts impossible – unless of course we were forced/subsidised to specially employ a driver for an almost never used WAV service.
- If the larger companies were forced to have a WAV then it would be a huge case of discriminating against these companies who are already suffering with being VAT registered compared with the smaller companies– although this would not be the case if ALL operators had this requirement – including all operators with single or two vehicles – this would have a massive effect of the taxi sector and potentially massively decimate the number of vehicles in operation leading to a real shortage of availability and of course a big increase in the already large number of illegal unlicensed/ untested / unregulated cars in use without any penalty or action from OIC or the police.
- Due to the practical disadvantages with WAV’s (less seats and less luggage) the vehicles will be parked on a rank waiting for a hire so would be pre-booked hires only, so there would be no reason why private hire cars should not also be part of any scheme forced on taxi firms – this of course would make any scheme fairer – but totally over the top with the current lack of demand.
- In addition the public will also potentially be penalised if WAV’S were forced onto the taxi trade – currently 4 people can occupy a car for the meter price but if WAV’S there may be reduced seating capacity would mean that the same group of four people would need to have a second vehicle.

Yours Faithfully

Craigies Taxis Ltd

Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 24 May 2019 15:17
To: Licensing
Subject: Accessible Taxis

I would like to make the following points in relation to accessible taxis.

1. You cannot say that because there is no demand for more than one accessible taxi, there is no need to provide more. People have learned not to demand what is not there. If they existed, they would be used. (And the one that exists is often borrowed by a family member, so not always available).
2. Having just one means that just one disabled person can go out on, for instance, a Friday or Saturday night. This is quite absurd, and does rather suggest that the message is that disabled folk ought to just stay home.
3. We are meant to be promoting ourselves as an accessible tourist destination - this is not supported by a lack of accessible taxis for visitors. If we had more taxis, we could make it known that we encourage visitors with access issues rather than seeing them as an inconvenience.
4. They do not have to be used only by people with access needs - we should be working towards a time when everything is accessible to everyone, with no differentiation.
5. They are not necessarily more expensive.
6. There is an increase in the number of people with access needs - not just wheelchair users but people with hidden and less visible disabilities. It would be good if the increase in number of taxis was accompanied by training for staff in how best to treat people with access needs - the Access Panel would be glad to offer this training as a sign that we are all committed to increasing access for all.

Thank you for your consideration

[REDACTED]
Committee Member, Access Panel Orkney

Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 24 May 2019 15:19
To: Licensing
Subject: Accessible taxis

As a volunteer befriender, I see the difficulty befriendeds have getting an accessible taxi. I've lost count how many times they've been left waiting for up to 30 minutes on cold winter days, despite being pre booked. I do have difficulty getting in the accessible taxi myself as the step is too high. I definitely can't get in and out the back doors. The current solitary accessible vehicle does not take electric chairs, and anyone in a manual wheelchair is wheeled up a ramp, rather undignified into a boot of the car, and not anchored, just brakes on, with no room for an escort.

I do feel we need more accessible taxis that are for for purpose, multi accessible, clean and we'll maintained, with respectful drivers, who've been trained in handling wheelchairs. I thought taxis of all kinds had to be of a certain higher standard than a runaround, and has to be maintained and monitored in order to get and keep a taxi licence.

Yours

[REDACTED]

Elaine Sinclair-Hill

From: [REDACTED] >
Sent: 24 May 2019 16:32
To: Licensing
Subject: Taxi consultation

Orkney has never seen a fleet of taxis that are suitable for everyone. Having only one Illusive accessible private hire, for a county of 22,000 isn't good enough. Our community have developed their own ways of navigating the transport that is available to them.

It would be great to see vehicles being replaced with newer types which would be suitable for all. The need for these vehicles only comes to light during a personal/family/work crisis. An emergency appointment, not on the main bus route, collecting a sick child from school. The list goes on.

Orkney Islands Council should make it part of the taxi licensing, to have a supply of such vehicles like other councils nationwide.

Kind regards

[REDACTED]
Access Panel Orkney

[REDACTED]



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Wheelchair Accessible Vehicles – Taxis and Private Hire Cars.
Service / service area responsible.	Corporate Services – Legal Services.
Name of person carrying out the assessment and contact details.	Gavin Mitchell, Clerk to the Board. Email: gavin.mitchell@orkney.gov.uk . Tel: 01856 873535 extension 2210.
Date of assessment.	03.10.2019.
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New. To advise the Licensing Committee of the outcome of a public consultation on a policy regarding Wheelchair Accessible Vehicles (WAVs) to be licensed as taxis and private hire cars (PHCs) and to make recommendations to the Committee as to future policy in terms of the Civic Government (Scotland) Act 1982 and the Equality Act 2010.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To advise the Licensing Committee of four options regarding WAVs to be licensed as taxis and private hire cars ranging from taking no action to requiring 100 percent WAV taxis and PHCs; and to recommend that the Council should encourage operators to deploy increased numbers of wheelchair accessible vehicles in their taxi and PHC fleets without introducing formal requirements and to advertise their WAVS more, with a review and consultation after three years to evaluate progress.

<p>Is the function / policy / plan strategically important?</p>	<p>(Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans).</p> <p>No.</p>
<p>State who is or may be affected by this function / policy / plan, and how.</p>	<p>Users of taxi and PHC services, being the travelling public, including ambulant disabled or mobility-restricted, people with age related impairments and wheelchair users by getting the benefit/protection of the regulatory process.</p> <p>Operators of licensed taxis and PHCs by being required to adhere to the regulatory process.</p>
<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>The Council carried out a consultation process to identify any unmet need for WAVs. The consultation was public via its website and a local newspaper – the Orcadian – and operators and representatives of persons with disabilities – Orkney Disability Forum and the Access Panel – were also contacted directly. Comments were taken on board in the preparation of the report to the Committee.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Scotland's accessible travel framework provides a large body of evidence-based information relating to travel for people with disabilities. This framework cites the role that local transport authorities have to play in respect to transport including the responsibility for taxi licensing.</p> <p>There are a number of outcomes for transport accessibility and indicators of performance which includes a suggestion that 20 percent of taxis at any one time should be accessible to wheelchair users in each local authority area.</p> <p>It is generally recognised that people with disabilities do not travel as often or as far as the rest of the population. This can have a limiting effect both on the person with a disability and on society in general. The report also states that in order for a person with a disability to have equal access to employment and healthcare and participation in learning, social, leisure, and cultural activities, to live life to the full, they are likely to need to travel with the same freedom, choice, dignity and opportunity as other citizens.</p> <p>This also links to the OIC Equality Outcomes:</p> <ul style="list-style-type: none"> • People in Orkney have the opportunity to fulfil their potential throughout their life. • People in Orkney have an equal opportunity to access and shape public services.

	<p>An accessible travel event was hosted by Disability Equality Scotland in September 2018 and the summary report gives an indication of the lived experiences for people with a disability travelling around Orkney. The report also cites the frequency of service of taxis as an issue with the provision of one accessible taxi (at that time) being inadequate, resulting in long waits for those in need of a taxi, when the bus service cannot accommodate.</p> <ul style="list-style-type: none"> • Department for Transport Statutory Guidance 2017 published at https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles. • Benchmarking with other Scottish local authorities. • Consultation 11.04.2019 – 24.05.2019.
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>(Please complete this section for proposals relating to strategic decisions).</p> <p>N/A.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p> <p>Yes.</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No differential impact likely.</p>
<p>2. Sex: a man or a woman.</p>	<p>Potentially. Typically, there are more women than men with disabilities, particularly with age related disabilities due to life expectancy and so there may be a differential impact for women here.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No differential impact likely.</p>

4. Gender Reassignment: the process of transitioning from one gender to another.	No differential impact likely.
5. Pregnancy and maternity.	Yes. Pregnant users of taxis and PHCs and anyone accompanying them, as well as parents of young children, particularly those in prams or buggies, may find access and egress from WAVs more convenient.
6. Age: people of different ages.	<p>Yes. People with age related impairments may benefit from availability of WAV taxis and PHCs, although results from consultations carried out by other Scottish local authorities also indicate that not all people in this category prefer WAVs with some finding their needs better met by saloon type vehicles.</p> <p>Evidence also shows that likelihood of isolation can increase with age and the ability to travel independently can help to address this.</p>
7. Religion or beliefs or none (atheists).	No differential impact likely.
8. Caring responsibilities.	Yes. Carers of wheelchair users would benefit from availability of WAV taxis and PHCs in terms of access and egress from the vehicles. This may also be true of carers of other passengers who require additional support to access and egress vehicles, although results from consultations carried out by other Scottish local authorities also indicate that not all people in this category prefer WAVs with some finding their needs better met by saloon type vehicles.
9. Care experienced.	No differential impact likely.
10. Marriage and Civil Partnerships.	No differential impact likely.
11. Disability: people with disabilities (whether registered or not).	<p>(Includes physical impairment, sensory impairment, cognitive impairment, mental health)</p> <p>Yes. Wheelchair users and accompanying carers would benefit from availability of WAV taxis and PHCs in terms of access and egress from the vehicles. This may also be true of other passengers who require additional support to access and egress vehicles, although results from consultations carried out by other Scottish local authorities also indicate that not all people in this category prefer WAVs with some finding their needs better met by saloon type vehicles.</p>

12. Socio-economic disadvantage.	It is generally recognised that people with disabilities do not travel as often or as far as the rest of the population. This can have a limiting effect both on the person with a disability and on society in general. The report on Scotland's accessible travel framework also states that in order for a person with a disability to have equal access to employment and healthcare and participation in learning, social, leisure, and cultural activities, to live life to the full, they are likely to need to travel with the same freedom, choice, dignity and opportunity as other citizens.
13. Isles-proofing.	This policy and underlying licensing regime only applies to the Mainland and linked south isles of Orkney.

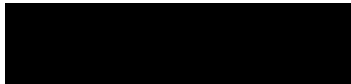
3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	Yes.
How could you minimise or remove any potential negative impacts?	<p>The policy is intended to meet the needs of users of taxis and PHCs, including wheelchair users, ambulant disabled or mobility-restricted and persons with age related impairments whilst taking account of the potential financial impact on licensed operators which could otherwise result in unintended consequences, such as an overall reduction in the licensed taxi and PHC fleet.</p> <p>Operators will be encouraged to deploy increased numbers of wheelchair accessible vehicles in their taxi and PHC fleets and to advertise their WAVs more.</p>
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	Yes.
What action is to be taken?	To review progress after 3 years.
Who will undertake it?	Head of Legal Services.
When will it be done?	Over following 3 years with a report in 2023.
How will it be monitored? (e.g. through service plans).	<ul style="list-style-type: none">• Monitoring of any complaints received regarding lack of WAV taxis and PHCs.• Monitoring of numbers of licensed WAV taxis and PHCs.• Review of progress after three years to evaluate effectiveness.

Signature:



Date: 03 October 2019

Name: GAVIN MITCHELL, Head of Legal Services.

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk