



Report No: Public Agenda Item: **Yes**

Title: **Wheelchair Accessible Vehicles**

Wards Affected: **All**

To: **Licensing Committee** On: **4 June 2015**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**
Telephone: **01803 208034**
E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 Members are being asked to consider three possible options for an increase in the number of Wheelchair Accessible Vehicles. This is to meet a new aspiration of 20% of Wheelchair Accessible Vehicles within the Hackney Carriage and Private Hire Vehicle fleet by 2018 and to undertake a public consultation on these potential changes to Torbay Councils Hackney Carriage and Private Hire Vehicle Licensing Policy.

2. Recommendation(s) for decision

- 2.1 That the Licensing Committee agrees that one or more of the options below are consulted upon for a period of six weeks and a further report is brought to a future Licensing Committee to hear any representations or objections and agree any final policy changes.
- (i) Torbay Council will set the vehicle application or vehicle renewal fee for Wheelchair Accessible Vehicles at half the financial amount set for non Wheelchair Accessible Vehicles.
 - (ii) Torbay Council requires all new and replacement Hackney Carriage and Private Hire Vehicles from 1st November 2015 to be Wheelchair Accessible Vehicles.
 - (iii) Torbay Council requires from 1st November 2015 that all new Hackney Carriage and Private Hire Vehicles with 5 passenger seats or more, to be Wheelchair Accessible Vehicles and those vehicles will have a higher rate of tariff set for those journeys where 5 or more passengers are carried.

3. Key points and reasons for recommendations

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 On the 31st January 2013, Licensing Committee set an aspiration level of 5% of the Hackney Carriage and Private Hire Vehicles to be wheelchair accessible. This was achieved by September 2013, but the percentage has remained stubbornly at about 7% since that time.
- 3.3 On the 22nd January 2015, Licensing Committee set an aspiration level of 20% of the Hackney Carriage and Private Hire Vehicles to be wheelchair accessible and for a report to be brought to the next Licensing Committee to consider a range of options to incentivise that aspirational increase. See Appendix One.
- 3.4 During the Unmet Demand study 2014, advice was sought on increasing the number of Wheelchair Accessible Vehicles. Section 8.5 of that report recommends that incentives are implemented to encourage or require the uptake of Wheelchair Accessible Vehicles. See Section 8.5 of the report in Appendix Two. This could include
 - Reducing the fee for new or/and renewal Wheelchair Accessible Vehicles for a time limited period.
 - Requiring all transferred licences to become Wheelchair Accessible Vehicles until the 20% aspiration is achieved.
 - Requiring all new vehicles with 5 seats or over to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff when there are 5 or more passengers.
- 3.5 Each option has been considered and proposed new conditions suggested and the potential implications of those proposed changes. All options will require amendments to the Hackney Carriage and Private Hire Licensing Policy, with one option requiring the Hackney Carriage tariff being reviewed, with the potential for an increase in certain circumstances.
- 3.6 It is recommended that a public consultation exercise is undertaken for a period of six weeks and that a further report is written for a future Licensing Committee to consider the representations made and any final Policy changes to be agreed.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Executive Head Community Safety

Appendix A – Supporting information to Report

A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 On the 31st January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible by 2018.
- A 1.3 This was achieved as of the 30th September 2013 6.8% of the Hackney Carriage Fleet (11 out of 169) and 7.2% of the Private Hire Fleet (21 out of 293) were wheelchair accessible.
- A1.4 It was agreed that a further report be submitted following the renewal period commencing 1st May 2014. The figures for that date were 9.5% of the Hackney Carriage Fleet (16 out of 169) and 6.8% of the Private Hire Fleet (18 out of 273) were wheelchair accessible. This is a small increase in Hackney Carriages but a slight decrease in Private Hire Vehicles. Overall this is an increase in two vehicles.
- A1.5 On the 1st May 2015, after the annual renewal process was completed the figures for that date are 7.7% of the Hackney Carriage Fleet (13 out of 169) and 6.8% of the Private Hire Fleet (18 out of 262) were wheelchair accessible. This is a small decrease in Hackney Carriages and the same number Private Hire Vehicles. Overall this is a decrease of three vehicles.
- A1.6 Licensing Committee on the 22nd January 2015, set a new aspiration of 20%. This would be an amendment to condition 14.16 below. See Appendix Two.

“The Licensing Authority aspires to achieve 20% wheelchair accessible vehicles by 2018 with regard to both hackney carriage and private hire vehicles.”

- A1.7 The figures above fall significantly short of the new aspiration of 20% and would suggest that the measure of increasing the vehicles life for Wheelchair Accessible Vehicles from 8 to 10 years has now stabilised and new incentives are required.
- A1.8 In 2014, Halcrow, a company commissioned by Torbay Council to undertake an Unmet Demand Study, did as part of this study review and identify methods for increasing the percentage of Wheelchair Accessible Vehicles. They were asked to:
- determine the level of provision of Wheelchair Accessible Vehicles across the Taxi and Private Hire industry in Torbay;
 - determine the demand for Wheelchair Accessible Vehicles across the Taxi and Private Hire Industry in Torbay; and
 - recommend a scheme on how to increase the percentage of Wheelchair Accessible Vehicles across the Taxi and Private Hire industry in Torbay.

A1.9 The provision of Wheelchair Accessible Vehicles were benchmarked against other authorities which are classified by the Audit Commission as it's statistically nearest neighbours to Torbay. Torbay was the ranked lowest amongst those 10 Local Authorities; see Section 8.1 of the report in Appendix Two.

A1.10 Section 8 of the report identifies a number of methods that are being tried or have been successful in other areas in increasing the percentage of Wheelchair Accessible Vehicles. The report also identifies that about half the trade would not be prepared to change to Wheelchair Accessible Vehicles for any reason. In addition all parties believe that a mixed vehicle fleet is the best vehicle fleet. See Section 8 of the report in Appendix Two.

A1.11 Section 8.5 recommends incentives are implemented to encourage or require the uptake of Wheelchair Accessible Vehicles. See Section 8.5 of the report in Appendix Two. This could include

- Reducing the fee for new or/and renewal Wheelchair Accessible Vehicles for a time limited period.
- Requiring all transferred licences to become Wheelchair Accessible Vehicles.
- Requiring all new vehicles with 5 seats or over to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff when there are 5 or more passengers.

A1.12 The first option is the reducing the fee, which is a cost neutral option in medium term, but it may require a slight increase in fees for non Wheelchair Accessible Vehicles, should a significant number of new vehicles become Wheelchair Accessible. This would require a report to Full Council, as it would be an amendment to the discretionary fees and charges.

A recommended new condition 14.17 could read;

“Torbay Council will set the vehicle application or vehicle renewal fee for Wheelchair Accessible Vehicles at half the financial amount set for non Wheelchair Accessible Vehicles.”

A1.13 The second option is requiring all transferred licences to become Wheelchair Accessible Vehicles. In Torbay, there are very few transfers and this refers transferring a vehicles from person A to person B. However a 'Change of Vehicle' is when an owner replaces their vehicle. This option should include both change of vehicles and new vehicles. Wheelchair Accessible Vehicles are generally more expensive to purchase and if members were considering the implementation of this option, current vehicle owners should be given sufficient notice before such implementation, as additional capital will be required. This may also have an impact on fee income, as 'Change of Vehicles' are a significant income stream.

A recommended new conditions 14.18 could read;

“Torbay Council requires all new and replacement Hackney Carriage and Private Hire Vehicles from 1st November 2015 to be Wheelchair Accessible Vehicles until the 20% aspiration is achieved.

A1.14 The third option is requiring all new vehicles with 5 seats or more to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff where there are 5 or more passengers being carried. This would be cost neutral, as it does not affect the fee structure. However a Hackney Carriage tariff change will require both the advertising of that new tariff and a subsequent Committee hearing to consider any objections before it can be implemented. This will have a cost implication but such costs can be recouped through the fees in the medium term.

A recommended new conditions 14.19 could read;

“Torbay Council requires from 1st November 2015 that all new Hackney Carriage and Private Hire Vehicles with 5 passenger seats or more to be Wheelchair Accessible Vehicles and Hackney Carriage vehicles will have a new higher rate of tariff set for those journeys when 5 or more passengers are carried”

A1.15 It should be noted that 50% of those who responded to previous consultation, stated that they would not change to a Wheelchair Accessible Vehicles under any circumstances.

A1.16 The implementation of one, two or all three of the options/incentives will require a Policy change and/or a tariff change. It is recommended that the above changes are consulted upon for a period of six weeks and that a further Licensing Committee hearing is set to hear any objections or any further recommendations, which can then agree those changes and set a new tariff for the third option, if appropriate.

A1.17 Since no Policy changes are to be agreed by this Licensing Committee meeting, there is no right of appeal.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is no immediate risk, as there are no Policy changes being implemented by this Licensing.

A3. Options

A3.1 There are two other options:

- (i) Members to implement the Policy changes outlined above, though this will exclude public consultation and could result in a legal challenge.
- (ii) Refuse the recommendation.

A4. Summary of resource implications

A4.1 There are some resource implications for the approval of the recommendation, as there will be some costs in resources to undertaking the consultation, however there are no external costs.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no crime and disorder or sustainability issues regarding this report.

A5.2 There are equality issues regarding Wheelchair Accessible Vehicles, as the aim of the report and recommendation is to increase the percentage of such vehicles within the Hackney Carriage and Private Hire Fleets, which should be regarded as a positive change.

A6. Consultation and Customer Focus

A6.1 There has been consultation with users, stakeholders and operators of Hackney Carriage and Private Hire Vehicles, which formed part of the aforementioned Unmet Demand Study.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units, if the recommendations are supported.

Annexes

Appendix 1 Draft minutes Licensing Committee 22nd January 2015

Appendix 2 Hackney Carriage Unmet Demand Study Final Report – Section 8.0 January 2015

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None