

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE
VEHICLES – VEHICLE SPECIFICATION**

1. EXECUTIVE SUMMARY

- 1.1 Following the Committee's decision at its meeting on 17th November 2021 to agree to publish a list of designated wheelchair accessible vehicles (WAVs) for licensed taxis and private hire cars (PHCs) within the Council's area for the purposes of Section 167 of the *Equality Act 2010* (the 2010 Act), officers have considered what accessibility requirements should be met before a vehicle will be included in any designated list. A copy of the draft vehicle specification is included as **Appendix 1** of this report.

2. RECOMMENDATION

- 2.1 This report invites the Committee to adopt the draft WAV specification document as set out at **Appendix 1** of this report.

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3. INTRODUCTION

- 3.1 Following the Committee's decision at its meeting on 17th November 2021 to agree to publish a list of designated WAVs for licensed taxis and PHCs within the Council's area for the purposes of Section 167 of the 2010 Act, officers have considered what accessibility requirements should be met before a vehicle will be included in any designated list. A copy of the draft vehicle specification is included as **Appendix 1** of this report.

4. RECOMMENDATION

- 4.1 This report invites the Committee to adopt the draft WAV specification document as set out at **Appendix 1** of this report.

5. DETAIL

- 5.1 Following the Committee's previous decision to publish a list of designated WAVs for taxis and PHCs licensed by Argyll and Bute Council, officers have been engaged in the first step of the overall process, which is to consider what accessibility requirements must be met before a vehicle will be included in any designated list.
- 5.2 As part of this process, officers had specific regard to the Department for Transport's Statutory Guidance: *Access for wheelchair users to Taxis and Private Hire Vehicles – Moving Britain Ahead*, published in 2017, which is attached as **Appendix 2**. This is a statutory guidance document, issued under Section 167(6) of the 2010 Act and constitutes the Secretary of State's formal guidance to licensing authorities in England, Wales and Scotland on the application of Sections 165 – 167 of the 2010 Act. Local authorities must have regard to this guidance.
- 5.3 The 2010 Act and associated guidance state that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to state that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 5.4 Having particular regard to the provisions of the 2010 Act, and associated statutory guidance, officers have considered what accessibility requirements should be met before a licensed vehicle should be included on Argyll and Bute Council's designated list and have produced the draft WAV Specification document attached as **Appendix 1**.
- 5.5 The draft WAV specification documents sets out some of the general requirements and considerations as to the necessary requirements and features for vehicles to appear on the designated list. As vehicles appearing on the designated list should be able to carry passengers in their wheelchairs should they prefer, this means that to be placed on the list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchair. In line with the statutory guidance, officers propose that a vehicle should only be included in the designated list if it would be possible for the user of a

“reference wheelchair” to enter, leave and travel in the vehicle in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

- 5.6 A “reference wheelchair” is as defined in Schedule 1 of the *Public Service Vehicle Accessibility Regulations 2000* and a diagram illustrating the dimensions of such wheelchairs can be found at Paragraph 2.3 of the WAV specification document attached as **Appendix 1**.
- 5.7 Taking such an approach allows the duties under Section 165 of the 2010 Act to apply to a wider range of vehicles and more drivers than if the licensing authority only included on the list vehicles capable of taking a larger type of wheelchair.
- 5.8 It is appreciated that this approach will mean that some larger types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included on the designated list. The Act recognises this possibility and Section 165(9) of the 2010 Act provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. However, if the designated list is to include information about the size and weight of wheelchair that can be accommodated in each vehicle (and in particular, whether a wheelchair larger than a “reference wheelchair” can be accommodated) this can help to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

6. CONCLUSION

- 6.1 Should the Committee agree to adopt the draft WAV Specification document, officers will thereafter identify which current taxi and PHC operators have vehicles appearing to meet that specification and produce a draft consultation list. Officers aim to carry out this exercise over the course of January 2022.
- 6.2 Following on from this, officers propose to intimate to the relevant operators in writing that the Council propose to include their vehicle on the designated list, inform them of the legal consequences of being included on the list, and invite them to make representations regarding the proposals. The consultation period is to take place over February and March 2022, with all consultation responses and a finalised designated list being reported back to the Committee for approval in April 2022.

7.0 IMPLICATIONS

- 7.1 *Policy:* A number of policies are in the process of being developed in relation to the designated list (i.e. vehicle specification, exemptions for drivers, guidance notes for operators/drivers, etc.) Members are being specifically invited to approve the draft vehicle specification document.
- 7.2 *Financial:* None
- 7.3 *Legal:* The recommendations made in this report have taken due consideration of the Council’s statutory role, duties and powers under the *Civic Government (Scotland) Act 1982* and the *Equality Act 2010* respectively.
- 7.4 *HR:* None
- 7.5 *Fairer Scotland Duty:*
 - 7.5.1 *Equalities - protected characteristics:* The proposals as set out in this report are formulated with the intention of increasing wheelchair users’ accessibility to taxi and private hire car services in Argyll and Bute, and protecting the rights of those

individuals. Adoption of these proposals would also demonstrate compliance by the Licensing Authority with their public sector equality duty, specifically with regards to wheelchair accessible vehicles.

7.5.2 *Socio-economic Duty*: None

7.5.3 *Islands*: None

7.6 Climate Change: None

7.7 *Risk*: None

7.8 *Customer Service*: Publication of a designated list will result in information about the availability of WAVs in the area to be more accessible to customers.

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APPENDICES

1. **Appendix 1:**

Wheelchair Accessible Taxi and Private Hire Vehicle Specification – Argyll and Bute Council

2. **Appendix 2:**

Statutory Guidance: *Access for wheelchair users to Taxis and Private Hire Vehicles – Moving Britain Ahead*, Department for Transport (2017)