

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE
VEHICLES**

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), and subsequent approval of the WAV Specification Document on 15th December 2021, a consultation exercise with potentially affected operators has been concluded. This Report sets out the findings of that consultation exercise and produces a finalised list of designated WAVs for approval by Members.

2. RECOMMENDATIONS

- 2.1 The Committee are invited to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators.
- 2.2 The Committee are invited to approve the finalised list of designated wheelchair accessible vehicles as attached at **Appendix 1**.
- 2.3 If Recommendation 2.2 is agreed, the Committee are invited to further agree that the finalised list of designated WAVs will be published on the Council's website as of 21st July 2022.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE TAXI AND PRIVATE HIRE
VEHICLES – VEHICLE SPECIFICATION**

3. INTRODUCTION

3.1 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), and subsequent approval of the WAV Specification Document on 15th December 2021, a consultation exercise with potentially affected operators has been concluded. This Report sets out the findings of that consultation exercise and produces a finalised list of designated WAVs for approval by Members.

4. RECOMMENDATION

4.1 The Committee are invited to note the responses received as part of the consultation exercise with the relevant taxi and private hire vehicle operators.

4.2 The Committee are invited to approve the finalised list of designated wheelchair accessible vehicles as attached at **Appendix 1**.

4.3 If Recommendation 2.2 is agreed, the Committee are invited to further agree that the finalised list of designated WAVs will be published on the Council's website as of 21st July 2022.

5. DETAIL

5.1 Following the Committee's previous decisions to publish a list of designated WAVs for taxis and PHCs licensed by Argyll and Bute Council, and to approve a vehicle specification document setting out what technical requirements constitute a WAV for purposes of the said list (which is attached at **Appendix 2**), officers have been engaged in a consultation exercise with the relevant vehicle operators.

5.2 The consultation exercise took place over the course of February and March 2022. The relevant operators received intimation in writing that the Council proposed to add their specified vehicle(s) to the designated WAV list that the Council has decided to publish. That correspondence informed the operators of the legal consequences of a vehicle being included on the designated list, and invited those operators to make any representations regarding the proposals.

5.3 Letters were issued to thirteen taxi operators and three private hire operators outlining the above given that those operators appeared to hold one or more licensed vehicles meeting the requirements as set out in the WAV Specification document previously agreed by this Committee.

- 5.4 A total of two responses were received. One was from a taxi operator in the Bute and Cowal Zone agreeing with the proposals to publish a WAV list and agreeing that his taxi should be included on the said list. The other representation was received from a taxi operator in the Helensburgh and Lomond Zone also agreeing with the proposals and for his taxi to be included on the said list.
- 5.5 Since the consultation exercise closed, this Committee also granted a further taxi operator's licence in the Oban, Lorn and the Isles Zone at a hearing on 23rd March 2022. The applicant declared that the vehicle to be licensed was a WAV and it meets the requirements as set out in the Council's WAV Specification. Therefore, this newly licensed vehicle has been included in the draft WAV list.
- 5.5 Following the close of the consultation period, officers have updated and finalised the draft list of designated WAVs for approval by the Committee which is attached as **Appendix 1**. Should Members agree to approve this finalised list it will be published on the Council's website on or around 21st July 2022. This allows a three month period for any drivers of designated vehicles who may wish to apply for an exemption to do so (under Section 166 of the 2010 Act), or for any operators wishing to appeal against their vehicle(s) appearing on the designated list (under Section 172 of the 2010 Act).

6. CONCLUSION

- 6.1 Following a consultation exercise with the relevant existing taxi and private hire operators, officers have finalised a draft list of designated WAVs for approval by Members which is attached at **Appendix 1**.
- 6.2 Should Members agree to approve this finalised list, all of the operators appearing on the said list will be advised in writing that their vehicles are to be included. Thereafter, the finalised WAV list will be published on the Council's website on or around 21st July 2022.

7.0 IMPLICATIONS

- 7.1 *Policy:* If it is agreed to publish the finalised list on the Council's website, at the same time information for existing licence holders and applicants will also be made available explaining the WAV list, legal implications should a vehicle appear on this list, the procedure for applying for a driver's exemption, etc.
- 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.

DOUGLAS HENDRY

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11th April 2022

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APPENDIX

1. **Appendix 1:**
List of Wheelchair Accessible Taxi and Private Hire Vehicles designated for purposes of Section 167 of the *Equality Act 2010* – Argyll and Bute Council
2. **Appendix 2:**
Wheelchair Accessible Taxi and Private Hire Vehicle Specification – Argyll and Bute Council