

ANNEX C: CONSULTATION QUESTIONNAIRE

Taxi and Private Hire Car Licensing



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

☐

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?
- Please tick as appropriate* ☐ Yes ☐ No
- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis
- Please tick ONE of the following boxes*
- Yes, make my response, name and address all available ☐
- or
- Yes, make my response available, but not my name and address ☐
- or
- Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).
- Are you content for your **response** to be made available?
- Please tick as appropriate* ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
- Please tick as appropriate* ☒ Yes ☐ No

CONSULTATION QUESTIONS

Please provide examples/evidence for your answers. Of particular interest will be information on the impact to business and regulators as a result of proposed changes including information on the additional costs of any changes proposed, the impact on competition and impact on micro and small businesses. Solutions to mitigate any negative impacts are also welcome.

1. Should local authorities have the power to restrict numbers of private hire cars?

Yes ☒ No ☐

YES If this is used as a means of providing a diversity of vehicles in the fleet. In many parts of Scotland there are no opportunities for people with disabilities to book an accessible private hire vehicle.

2. What issues would arise from allowing local authorities to restrict numbers of private hire cars and how could these be resolved? For example, would consideration need to be given to setting percentages for certain vehicle types?

Local authorities should be charged as part of the licensing process with assessing the demand for accessible vehicles and ensuring an appropriate number find their way into the fleet by, eg setting percentages for fleet operations. For those authorities who restrict numbers of taxis but require taxis to be accessible then a removal of this restriction would increase choice and availability.

3. Training:

(a) Is it necessary to specifically allow local authorities to require training of private hire drivers? What evidence is there of local authorities already doing this with their current powers?

(b) What might that training include? Should this be specified in legislation?

Training should be provided in dealing with passengers with special requirements. There is no comprehensive information that this already occurs although some authorities have provided mandatory courses for both taxi and private hire drivers. This training against a national template, including full Disability Awareness training should be a legislative requirement.

4. What alternative options are there – legislative or non-legislative – that could improve the process of justifying a restriction on numbers of vehicles (taxis and/or private hire cars)?

For our interests any restriction could only be justified if linked to a net

increase in the provision of accessible vehicles.

5. Inclusion of contract work in licensing:

a) How would the inclusion of contract work within licensing affect:

- i) Those tendering and awarding contracts?**
- ii) Licensing authorities?**
- iii) Those providing driving services which are currently unlicensed?**
- iv) Passengers using a contracted service?**

b) How could issues be resolved?

For our interests we would prefer that contract work remained outwith the licensing regime. Tendering authorities have the ability to use conditions to maintain standards on accessibility.
Licensing authorities would have a further cost burden to be recouped. Services provided by volunteers would find the additional administrative burden difficult and volunteer drivers may be discouraged.
Passenger experience is governed by vehicle quality which is covered in contract specification.

6. Are there any issues that need to be considered with reference to operations not run for profit? (Such as voluntary transport arrangements that are run basically as charitable activity, which will continue to be excluded from licensing.)

Issues are already adequately covered. Vehicles must pass MoT checks and drivers dealing with children or vulnerable adults pass PVG checks. No further burdens should be applied to this sector.

7. Updating licensing conditions:

(a) Would the use of a combination of mandatory and recommended conditions achieve an appropriate balance between national consistency and local context?

(b) Do different levels of licence (driver, vehicle, booking office) require a different combination of mandatory and recommended conditions?

(c) What issues of national concern could be included in a set of mandatory conditions?

(d) Who should be involved in this work? (Please also indicate if you would be willing to be involved).

We would only comment that we would wish a mandatory duty to assess and respond to the needs of those persons with disabilities and wishing to

travel.

8. Is the extension of the Booking Office Order a proportionate response to concerns at some companies circumventing this layer of licensing?

No comment

9. What specific measures would assist the enforcement of a licensing regime that covers businesses using mobile/smart phone technology?

No comment

10. Role of police:

a) How might the role of the police within the 1982 Act be refocussed?

b) What would be an appropriate timeframe for police to respond to a request for information?

c) How well defined should the information be that they should submit?

No comment

11. Licensing objectives:

a) Is the introduction of statutory licensing objectives a useful tool for local authorities?

b) Who should be involved in the creation of the licensing objectives?

There should be a mandatory objective requiring an assessment of demand from persons with disabilities and measures formulated to meet this. Simply placing a duty under the Equality Act 2010 has proved ineffective.

12. Should one set of licensing objectives apply to all Civic Government regimes or be specific to taxi and private hire car licensing?

No comment

13. Guidance on licence application process:

a) Is guidance an appropriate response to this issue?

b) Are there other elements this specific guidance should cover?

c) Should a power be introduced to the 1982 Act (similar to the Licensing (Scotland) Act 2005) to make regulations on hearings procedures?

No comment

14. Do you agree improved Best Practice Guidance is required?

Yes

15. Requiring applicant for any level of licence (driver, vehicle, booking office) to prove they are 'fit and proper':

(a) What would be the effects on the system of requiring applicants to prove they are 'fit and proper'?

(b) What would be a suitable set of requirements for applicants to meet?

(c) Who would be responsible for setting these?

No comment

16. Develop licensing policy network:

(a) Who should be part of this network?

(b) Could this network be used to share information on licence refusals, suspensions and revocations?

(c) What format could a policy network take? E.g. physical meetings, shared web space?

No comment

17. Taking into account the proposals on the Booking Office Order, updated conditions and contract work and proposals on the licence application process, do you think that these will assist in tackling the presence of organised crime in the industry?

No comment

18. Is there sufficient access for disabled people to taxi and private hire car services? What would make it easier for everyone to access taxis or private hire cars?

This area is our core concern. There is a huge variation in standards imposed by licensing authorities across Scotland and in many areas, especially rural areas it is impossible to obtain a taxi or private hire vehicle that can accommodate travellers with disabilities. As an example of a national issue, Scotrail as part of their franchise agreement will provide a taxi to take travellers to the nearest accessible station if their local station

cannot be accessed. In many areas this provision cannot be exercised owing to the complete absence of accessible taxis!

We are also aware that in many areas there are accounts of some taxis seeking to avoid a hire involving wheelchair users or those with obvious disabilities.

For example, taxis approaching a stance where the first person is a wheelchair user at busy times.

We would also point out that the presence of accessible taxis in the licensing area does not guarantee the availability at different times or the arrival of an accessible taxi when a booking is made. Councils need to consider these issues as a factor in considering license numbers.

19. What measures or support could be implemented that would increase the availability of wheelchair accessible taxi and private hire vehicles, particularly outside of Scotland's cities?

Emphasising the need for licensing authorities to recognise their obligations under the Equality Act 2010 (see below) and incorporating specific requirements within Licensing regulation to assess and provide for the needs of those with disabilities.

We would prefer that all vehicles were accessible. As a practical point we recognise the difference in cost between a saloon car and an accessible taxi and would suggest the introduction of some form of national financial support towards purchase of accessible vehicles where an authority judges it impractical to make accessible taxis mandatory.

We would also wish to see a wider application of taxi-card schemes that provide a subsidy towards fares for those who cannot use mainstream public transport. Affordability is a key concern for those who have to rely on accessible taxis and currently only 12 of 32 local councils have such schemes.

There should also be a common national specification for an accessible taxi. This would cover both access for those persons with disabilities and include provision for those with a sensory impairment through speaker systems, notices etc.

It should also be made easier to register a complaint about a taxi journey without having to submit a written complaint as this discriminates against certain disabilities.

20. As well as the specific requirements in relation to taxis and private hire vehicles in sections 160 to 173, the Equality Act 2010 places a general duty on public bodies such as local authorities to advance the equality of opportunity of disabled people. Do you believe that this has had an effect on the provision of wheelchair accessible taxi and private hire vehicles?

No. We see no evidence in vehicle numbers that this has been recognised through an increase in accessible vehicles nor in Disability Awareness training.

21. Are there any other issues related to taxi and private hire car licensing for people who share other protected characteristics under the Equality Act 2010 (age, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy or maternity)?

For all groups this needs to be addressed through a system of driver training. (See response to 3b)
Elderly people often possess mobility difficulties and this also needs to be reflected in the training.

22. Statutory Licensing Enforcement Officer:

a) How would a statutory requirement for local authority enforcement officers work in the context of Civic Government licensing?

b) What would be the potential pitfalls?

No comment

23. Are there other solutions to creating increased enforcement/compliance capacity e.g. taxi marshals at night. Who should provide/pay for these?

No comment

24. Do you know of licensing authorities that currently licence special events vehicles under the 1982 Act?

No comment

25. What prevents those authorities who don't licence special events vehicles from doing so?

No comment

26. Does this issue require a national response and why?

No comment

27. What form should a national response take?

No comment

28. What effect, if any, would the proposal to bring contract work within the taxi and private hire car licensing regime have on the operation of special event vehicles?

No comment

29. How would the weddings exemption within the 1982 Act affect any attempt to specifically licence special events vehicles?

No comment

30. Do you have any other information or comments related to taxi and private hire car licensing not covered in the consultation document?

We feel that the issues for those within the population with disabilities difficulties can best be addressed by Scottish Government imposing minimum standards through legislation. Within Scotland some local councils have sought to ensure accessible taxis are provided and basic mobility standards maintained. Others have not and responsibilities under the Equalities Act have not been translated as requiring action in this area. For those outwith the major cities mobility is much more difficult and this is not just a problem confined to the more remote rural areas. With an increasingly elderly population this is an issue which will become more acute over time.
Mobility should not be dictated by post code.