

# 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

Scottish Accessible Transport Alliance (SATA)

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

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#### 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

**(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

**(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

Yes, make my response available,  
but not my name and address

or

Yes, make my response and name  
available, but not my address

**(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     x

## **PREAMBLE**

SATA is an independent self-funding Scottish Charity with over 80 individual and corporate members active in the voluntary, public and private sectors. It is led by disabled people, works for improvements in transport services, and makes representations on issues of concern to disabled people.

SATA has 17 years of experience in working for improving transport for disabled people but there are some aspects of this consultation which are not pertinent to our aims or to our expertise, and so rather than make comments which have no sound basis, we have simply marked these questions as outwith our competency to answer.

We welcome the emphasis of this consultation on safety and crime prevention. Many disabled people rely heavily on taxis and private hire cars for their mobility. High standards of service are therefore essential. So measures that can improve the situation in this regard have our support.

We have not a clear view on whether a single or two tier licensing system is best. But measures to bring them closer together, especially the training of drivers (which must include disability awareness) seem sensible.

Ways of testing demand (or lack of it) must be improved and the results published by licensing authorities, together with policies for meeting it with numbers of suitable vehicles, trained drivers and affordable fares.

We note with concern, that although in the last six years there have been several consultations both by the DfT and the Scottish Government on the licensing of taxis and PHCs, improvements in services which are useable by disabled people have been both limited and patchy. This may be partly because of the large number of licensing authorities and operators (compared with, for example, TOCs and BOCs).

Examples include:

1. The availability of accessible vehicles, especially outside the major cities. "Accessible" does not simply mean "wheelchair accessible". A vehicle which can take a wheelchair may be very difficult for other people with mobility problems to get into, so a wider range of vehicles is needed.
2. Disabled people being ignored on the street and of assistance dogs being refused. Evidence is anecdotal in that we have not collected data on these cases, but it could be gathered.
3. Training of drivers is very variable, in both attitudes and skills.

Finally we think that public meetings should be seen as a requirement of

consultations such as this and urge that they be arranged.

## 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?**

No

From the point of view of the user, this does not seem a good idea. The question implies that there is an oversupply of private hire cars. Private hire cars operate in a competitive market and would not be on the road unless there were to be a demand for their services. We hear complaints at meetings regarding private hire cars, but never that there are too many vehicles available or that hires are not easy to obtain.

Powers which will increase the number of private hire cars which are wheelchair accessible or have adaptations such as swivel seats would be welcome.

### **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?**

It is not a manageable concept. A private hire car may be used by someone who has no other form of transport available, or by someone who for any reason has chosen to hire a car with driver rather than use their own car. The use of a private hire car is not necessarily adding to traffic problems.

A quota system would inevitably force vehicles off the road where quotas had been exceeded, without guaranteeing that a vehicle which was surplus to demand in one area would be transferred to an area where vehicles were in short supply.

The demand for private hire vehicles varies from day to day with some days and indeed times of day being much busier than others. A quota system

which prevented vehicles responding to demand would be very unpopular with passengers.

The local authority cannot predict demand with sufficient accuracy to enable a workable quota system to be devised.

### 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?**

- a) More than "allow", all local authorities should be required to require training of private hire drivers.

We have no evidence that any LAs presently require training for PHC drivers.

- b) The training should include the physical handling of passengers (physical assistance in entering or leaving the vehicle and in the case of wheelchair users the securing and handling of wheelchair) and recognising the requirements of different types of user (e.g. visual or auditory impairment, communication difficulties, learning disabilities). The same kind of training as bus drivers are given in use of things such as the Thistle card. In addition to training relating to disability, there should be standards relating to driving skills and navigational skills.

We are in favour of training for all drivers being mandatory. Legislation should impose a training requirement and give guidance but not specify the content of the training in detail because the training is likely to vary from time to time and from place to place. It is also important that drivers' qualifications should be refreshed and updated regularly.

**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)?**

### **Private hire cars**

For the reasons given in the answers to Questions 1 and 2 above it is suggested that a quota system for private hire cars could not be successfully operated, would reduce the supply of vehicles, increase fares charged to users and be extremely unpopular with passengers.

### **Taxis**

If LAs decide to restrict the number of taxi licences in their areas they should have to justify this. Their decision, and the evidence for it, needs to be made public and open to independent challenge and appeal. We had a case in Argyll & Bute some years ago where an application for a wheelchair accessible taxi licence was turned down on the grounds of 'no demand'. But we had evidence to the contrary which had been overlooked.

LAs should publish their policy on licensing, consult on it and review it annually.

## **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?**

We are in favour of contract work being included in licensing. This is a profitable area for some operators - carrying both passengers and materials - and is open to abuse. It also utilises resources that could be used or met in other ways. It would provide some control over fares and open up the possibility of a dis-satisfied passenger complaining to the licensing authority.

## **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.)**

The larger organisations which have several vehicles and drivers (e.g. in Lothians LCTS, HcL and SEAG) already have in place procedures and training schemes which would certainly meet all the requirements. There may be issues for smaller organisations with a less formal structure in ensuring that they have the same standards as those who are required to be licensed.

It is important that volunteer drivers continue to be exempt from taxi licensing as it would be unwise to discourage this valuable form of voluntary activity.

## **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).**

If it were possible to separate conditions into "essential/primary" and "optional/secondary" then it would be possible to make the first mandatory and the second recommended, but as far as possible mandatory would be preferable to recommended.

It would seem sensible for issues such as driver training, customer care, disability awareness training and all issues concerning passenger safety to be mandatory rather than recommended. It is preferably that licensing conditions are set out in a Scottish Statutory Instrument and not in primary legislation because it is much easier to amend a statutory instrument than to pass amending legislation.

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

[Outwith the competency of SATA]

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

[Outwith the competency of SATA]

**10. Role of police:**

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

**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?**

[Outwith the competency of SATA]

**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?**

We are in favour of licensing objectives and representatives of disability organisations should be involved in setting them.. They should be included in LA policy statements and kept under regular review. .

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

[Outwith the competency of SATA]

**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?**

[Outwith the competency of SATA]

**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?**

There must already be a suitable set of requirements for drivers and vehicles but sets would probably have to be devised for booking offices.

**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?\_**

Disability organisations should be involved in any licensing policy network especially when equality and disability access issues are concerned.

**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?**

[Outwith the competency of SATA]

**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?**

We refer you to the information enclosed therewith and especially the Taxi Policy adopted by SATA (a copy of which is contained in our response to the consultation referred to in our answer to the next question).

The issues raised by us in 2009 remain relevant and urgent and in particular the supply of accessible and affordable taxis and private hire cars outside the major cities remains totally inadequate

An issue, raised by our members, is that of taxis pulling away from the rank when they see a wheelchair user or person with lower mobility problems approaching their taxi.

There is also a real problem with taxis not returning to pick up a pre-booked disabled passenger later at night, when it is more profitable for them to do the pub runs.

## **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?**

In 2009 the Department for Transport (with the cooperation of the Scottish Government and Transport Scotland) organized a consultation called "*Improving Access to Taxis*" to which SATA submitted a response a copy of which is enclosed. Since that consultation there has been no progress regarding improving taxi accessibility. After the consultation ended the Department for Transport announced the intention to set up taxi demonstration schemes but these did not proceed apparently due to lack of funding.

We therefore call upon the Scottish Government to take up the challenge so far as it has the power to do so, that the Westminster Government failed to respond to; and in particular to promote research into improved taxi design and to set up demonstration schemes, recognising that no one design of taxi will ever be suitable for all disabled people.

We suggest a Scottish Government loan scheme to encourage investment in accessible vehicles and equipment. We would also like to see ring-fenced funding for taxicard schemes - affordability is a big issue for disabled people which we flag up. Only 12 out of 32 LAs currently have taxicard schemes and many of the remaining concessions are not keeping pace with rises in fares. Compared to other forms of public transport notably trains and buses, the taxi/PHC trade receives no government money to promote availability and access for all.

**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?**

Probably not. The official statistics should only slight changes in the numbers of taxi and private hire cars and there are still wide variations across Scotland. The provision of other forms of transport, including community transport, has also to be considered. Perhaps the Equality Act has not been in force for long enough to enable a firm conclusion to be reached regarding its effectiveness on transport provision. Some research is needed and should be funded by the Scottish Government.

We note the requirement in the Public Sector Equality Duty for LAs to publish Equality Outcomes in April 2013 and publish a report on progress in 2015.

However we believe the greater availability of wheelchair accessible vehicles has probably had more effect in urban areas than the Equality Act. In the days when taxi licences were limited to specific vehicles (e.g. the FX series or Metrocab) there were virtually no wheelchair accessible vehicles outside the main cities.

The modern taxi vehicle which is easily wheelchair accessible can however be more difficult because of the high floor for the non-wheelchair user who has a mobility problem. For these people a conventional saloon car where they can sit on the seat and then swing their legs into the car is often easier. And for some a swivel seat will help.

Outside the main cities and urban areas our evidence is that little has changed.

Failure to treat PHCs as public transport is also putting those disabled people who need to use PHCs at a disadvantage. For example PHCs cannot use bus lanes making journeys slower and more expensive.

Charging is also an issue that should be addressed more thoroughly under the Public Sector Equality Duty. Currently taxi drivers can charge during the period taken to deploy the ramp and load/unload a wheelchair. This makes the journey more expensive than that for someone who does not use a wheelchair. This should be addressed as a "reasonable adjustment" in licensing.

Ensuring that a minimum percentage of PHCs are wheelchair accessible would also assist disabled people

**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)?**

Drivers' attitudes towards all customers are important and must be addressed through training and a complaints procedure.

Elderly people share many of the problems of disabled people regarding the use of taxis and private hire vehicles.

**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?**

[Outwith the competency of SATA]

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

It is not clear what areas the taxi marshals would cover but we favour increased enforcement/compliance provided it does not give rise to increases in fares.

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

[Outwith the competency of SATA]

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

[Outwith the competency of SATA]

[Redacted]

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

[Outwith the competency of SATA]

**27. What form should a national response take?**

[Outwith the competency of SATA]

**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?**

[Outwith the competency of SATA]

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

[Outwith the competency of SATA]

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

We would refer in particular to the answers to questions 18 and 19 above and the information enclosed therewith.

It is very important that the Scottish Government takes up the challenge to make taxis and private hire vehicles more accessible to all their users.

Drafted by Alan Rees & Mike Harrison from comments received. Jan 2013