

Notice of meeting and agenda

Licensing Sub-Committee

9.00 am Tuesday, 17th December, 2019

Dunedin Room - City Chambers

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

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1. Order of Business

- 1.1** Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of Interests

- 2.1** Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Miscellaneous Reports

- | | | |
|------------|--|---------|
| 3.1 | Application for Grant of Private Hire Car Licence – LPG Conversion – Report by the Regulatory Services Manager | 7 - 10 |
| 3.2 | Application for Grant of Private Hire Car Licence – LPG Conversion – Report by the Regulatory Services Manager | 11 - 14 |
| 3.3 | Application to Vary the Conditions of Taxi Driver's Licence – Wheelchair Exemption Request – Report by the Regulatory Services Manager | 15 - 40 |

4. Resolution to Consider in Private

- 4.1** The Sub-Committee, is requested under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

5. Suspension/Revocation Requests

- | | | |
|------------|---|---------|
| 5.1 | Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager | 41 - 48 |
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5.2	Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager	49 - 56
5.3	Police Requests for Suspension or Revocation of Licences – Report by the Regulatory Services Manager	57 - 92

6. Application for Renewal of Licence

6.1	Application for Renewal of Private Hire Driver's Licence – Report by the Regulatory Services Manager	93 - 110
6.2	Application for Renewal of Private Hire Driver's Licence – Report by the Regulatory Services Manager	111 - 130

7. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications

7.1	Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications	131 - 134
7.2	Private Hire Car Driver Licence (New) - Waqas Habib	135 - 144
7.3	Private Hire Car Driver Licence (New) - Josateki Koroi Wakolo	145 - 156
7.4	Private Hire Car Driver Licence (New) - Jason Reilly	157 - 168
7.5	Private Hire Car Driver Licence (New) - Omar Ghuffar	169 - 182
7.6	Private Hire Car Driver Licence (New) - Brian Horan	183 - 194
7.7	Private Hire Car Driver Licence (New) - Ramzal Khan	195 - 204
7.8	Taxi Driver Licence (Renewal) - Douglas Marr Thomson	205 - 214
7.9	Private Hire Car Driver Licence (Renewal) - Khaled Mahmood	215 - 222

7.10	Private Hire Car Driver Licence (Renewal) - Abid Ghulam	223 - 226
7.11	Private Hire Car Driver Licence (Renewal) - Faisal Hussain	227 - 238
7.12	Private Hire Car Driver Licence (Renewal) - Norman Mackie	239 - 250
7.13	Private Hire Car Driver Licence (Renewal) - Jose Simon	251 - 260
7.14	Private Hire Vehicle Licence (Renewal) - Steven Martin PH1057	261 - 270

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Derek Howie, Councillor Max Mitchell, Councillor Susan Rae, Councillor Cameron Rose, Councillor Neil Ross and Councillor Donald Wilson

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

The Licensing Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell or Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4340 / 0131 529 4237, email lesley.birrell@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk.

The above items are not for publication as they fall within the description of exempt information and, consequently, are likely to be considered in private.

Members are reminded that they may appoint substitutes. If members intend to appoint substitutes, they should contact Committee Services, City of Edinburgh Council,

Business Centre 2.1, Waverley Court, 4 East Market Street Edinburgh, EH8 8BG 📞
529 4261, email committee.services@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to
<https://democracy.edinburgh.gov.uk/ieDocHome.aspx?bcr=1>.

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Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday, 17 December 2019

Application for Grant of Private Hire Car Licence – LPG Conversion

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

A new application for the grant of a Private Hire Car Licence for a vehicle converted to LPG has been received. The current policy allows applications to be granted for vehicles which are currently within the existing fleet. As this vehicle is not currently within the fleet the application is referred to the committee for determination.

This report sets out relevant sections of the policy background which should be considered when determining this application.

Andrew Mitchell

Regulatory Services Manager

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Application for Grant of Private Hire Car Licence – LPG Conversion

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 grants the application attaching standard conditions

2. Background

- 2.1 The requirement to hold a Private Hire Car ('PHC') Licence is detailed in the Civic Government (Scotland) Act 1982 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car ('PHC') fleet.
- 2.3 On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.
- 2.4 This policy stated that LPG converted vehicles may be licensed where relevant documentation has been received and the vehicle has been satisfactorily examined by the Taxi Examination Centre.
- 2.5 On 20 May 2019 the Regulatory Committee resolved to refer applications for new vehicles that have been converted to LPG to the Licensing Sub-Committee for determination.
- 2.6 The committee can add other reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 A new application for the grant of a Private Hire Car Licence has been received from Brian Le Vell for a vehicle which has been converted to LPG.
- 3.2 The relevant vehicle has been inspected by the Taxi Examination Centre and found to be suitable for use as a Private Hire Car.

- 3.3 As officers do not have delegated authority to grant new applications for LPG converted vehicles, the application is referred to the committee for consideration of whether to make an exemption to policy.
- 3.4 The applicant or his representative have been invited to address the committee.
- 3.5 After hearing from the applicant, it is recommended that members of the committee then hear from Executive Director of Place or his representative regarding this report.

4 Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5 Financial impact

- 5.1 All associates costs are contained within the existing Licensing budget.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal would be made to the Sheriff Court.

7 Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 [Age Limitation and Emission Standards for Taxis and Private Hire Cars – update report](#) to Regulatory Committee on 20 May 2019.

11 Appendices

11.1 None.

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday, 17 December 2019

Application for Grant of Private Hire Car Licence – LPG Conversion

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

A new application for the grant of a Private Hire Car Licence for a vehicle converted to LPG has been received from Kenneth Fowler. The current policy allows applications to be granted for vehicles which are currently within the existing fleet. As this vehicle is not currently within the fleet the application is referred to the committee for consideration of whether to make an exemption to policy.

This report sets out relevant sections of the policy background which should be considered when determining this application.

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Application for Grant of Private Hire Car Licence – LPG Conversion

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 grants the application attaching standard conditions

2. Background

- 2.1 The requirement to hold a Private Hire Car ('PHC') Licence is detailed in the Civic Government (Scotland) Act 1982 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car ('PHC') fleet.
- 2.3 On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.
- 2.4 This policy stated that LPG converted vehicles may be licensed from within the existing fleet where relevant documentation has been received and the vehicle has been satisfactorily examined by the Taxi Examination Centre.
- 2.5 On 20 May 2019 the Regulatory Committee resolved to refer applications for new vehicles not previously within the fleet that have been converted to LPG to the Licensing Sub-Committee for determination.
- 2.6 The committee can add other reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 A new application for the grant of a Private Hire Car Licence has been received from Kenneth Fowler for a Toyota Prius (registration number YF12 LTY) which has been converted to LPG.

- 3.2 The relevant vehicle has been inspected by the Taxi Examination Centre and found to be suitable for use as a Private Hire Car.
- 3.3 As officers do not have delegated authority to grant new applications for LPG converted vehicles, the application is referred to the committee for determination.
- 3.4 The applicant or his representative have been invited to address the committee.
- 3.5 After hearing from the applicant, it is recommended that members of the committee then hear from Executive Director of Place or his representative regarding this report.

4 Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5 Financial impact

- 5.1 All associates costs are contained within the existing Licensing budget.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal would be made to the Sheriff Court.

7 Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 [Age Limitation and Emissions Standards for Taxis and Private Hire Cars – update](#) report to Regulatory Committee on 20 May 2019.

11 Appendices

- 11.1 None

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday, 17 December 2019

Application to Vary the Conditions of Taxi Driver's Licence – Wheelchair Exemption Request

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

The Equality Act 2010 outlines specific duties of drivers of licensed taxis and private hire vehicles to provide assistance to passengers using wheelchairs, unless they have been issued with an exemption certificate.

The Licensing Service has received an application to issue such an exemption certificate. This is referred to the committee to determine whether the licence holder should be granted an exemption from the duties imposed in the Equality Act 2010 and relevant licence conditions, as sufficient reasons for granting an exemption have not been identified for officers to grant under Delegated Authority.

Application to Vary the Conditions of Taxi Driver's Licence – Wheelchair Exemption Request

1. Recommendations

- 1.1 After hearing from Council officers and the licence holder, the Committee is recommended to refuse the exemption request and subsequent variation to licence conditions.

2. Background

- 2.1 The Equality Act 2010 ("The 2010 Act") provides that drivers of taxis and private hire vehicles, designated by the local licensing authority as being wheelchair accessible, must comply with the duties outlined in Section 165 of "The 2010 Act", unless they have been issued with an exemption certificate (issued under S.166 of "The 2010 Act").
- 2.2 Section 166 allows a local authority to exempt drivers from these duties, of providing assistance to passengers in wheelchairs, if it is satisfied that it is appropriate to do so for;
 - 2.2.1 medical grounds, or
 - 2.2.2 on the grounds that the person's physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 An extract of both section 165 and section 166 of "The 2010 Act" is included on Appendix 1 for members reference.
- 2.4 The Council's Licensing Conditions for Taxi Drivers (Appendix 2) provide that the driver of a licensed vehicle suitable for transporting passengers travelling in wheelchairs shall:
 - 2.4.1 assist passengers travelling in wheelchairs to access the vehicle using the ramp; unless
 - 2.4.2 the driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010
- 2.5 All taxi vehicles in Edinburgh are wheelchair assessable.

- 2.6 A driver holding an Exemption Certificate must display a copy of the certificate on the passenger doors of the vehicle and on the windscreen so it can be read by passengers attempting to enter.
- 2.7 At the time of writing the Council had issued 461 Exemption Certificates, thus exempting approximately 14% of licensed taxi drivers from their duty to assist passengers in wheelchairs.
- 2.8 All of these exemptions issued by the Council have been done so on medical grounds, upon the recommendations from the Councils medical assessment provider for taxi and private hire drivers.
- 2.9 At its meeting on 1 February 2016 the Regulatory Committee provisionally agreed to a programme of improvement actions with respect to taxi customers using wheelchairs (Appendix 5). Officers understand that at the time of this decision a request for a further report was recorded in error and the recommendations agreed by committee were implemented.

3. Main report

- 3.1 On 6 August 2018 the Licensing Service received an application from the holder of a Taxi Driver's Licence, Elizabeth Williams, to be granted an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010.
- 3.2 If granted, such a certificate exempts the holder from complying with Conditions 131(a) – (d) of the "Licensing Conditions for Taxis, Private Hire Cars And Their Drivers" – these being the conditions requiring a licensed driver to assist passengers who use wheelchairs to get into and out of the licensed vehicle; and also to load the wheelchair into the licensed vehicle. An extract of these conditions is included on Appendix 2 for members reference.
- 3.3 At the time of her application, Ms Williams did not provide the Council with reasons as to why she required an exemption.
- 3.4 As is standard procedure upon receipt of such an application, the Licensing Service referred Ms Williams to the Council's medical assessment provider to carry out a medical assessment, with respect to the issuing her an Exemption Certificate. The report from the assessing doctor details that Ms Williams "*..wanted an exemption on the basis of age/gender alone; there is no medical reason for a wheelchair exemption*". The medical report details that Ms Williams is fit to drive a taxi without restriction. A copy of this report is provided on Appendix 3.
- 3.5 On 19 September 2018 the Licensing Service sent Ms Williams a letter advising her that the Council were due to refuse her request for an exemption certificate and invited her to make representations in support of her application. Two further letters were sent on 24 and 25 October 2018 (Appendices 3a-3c). No representations were received from Ms Williams.

- 3.6 Subsequently, as the reasons for granting an exemption under S.166 of “The 2010 Act” (as outlined in 2.2 above) were not met, the application was refused by officers. However, the applicant can request a review of this decision.
- 3.7 Ms Williams has asked for this decision to be reviewed and as such, this application is referred to the committee to determine whether the exemption should be granted.
- 3.8 At the meeting council officers will address the committee. The licence holder and her representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the council officers and of the licence holder.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

8. Sustainability impact

- 8.1 None.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 None.

Andrew Mitchell
Regulatory Services Manager

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11. Appendices

- 11.1 Appendix 1: Section 165 Equality Act 2010
- 11.2 Appendix 2: Extract from “Licensing Conditions for Taxis, Private Hire Cars and Their Drivers” effective from 1 December 2016
- 11.3 Appendix 3: Letter from City Health Clinic dated 26 September 2018
- 11.4 Appendices 4a-4c: Letters dated 19 September 2018, 24 October 2018, 25 October 2018
- 11.5 Appendix 5: Report to Regulatory Committee 1 February 2016

Appendix 1 - Equality Act 2010

165 - Passengers in wheelchairs

- (1) This section imposes duties on the driver of a designated taxi which has been hired—
- (a) by or for a disabled person who is in a wheelchair, or
 - (b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
- (2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.
- (3) For the purposes of this section—
- (a) a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167;
 - (b) “the passenger” means the disabled person concerned.
- (4) The duties are—
- (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.
- (5) Mobility assistance is assistance—
- (a) to enable the passenger to get into or out of the vehicle;
 - (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - (c) to load the passenger's luggage into or out of the vehicle;
 - (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- (6) This section does not require the driver—
- (a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
 - (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

(7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—

- (a) the vehicle conformed to the accessibility requirements which applied to it, but
- (b) it would not have been possible for the wheelchair to be carried safely in the vehicle.

(10) In this section and sections 166 and 167 “private hire vehicle” means—

- (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
- (c) a vehicle licensed under an equivalent provision of a local enactment;
- (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

166 - Passengers in wheelchairs: exemption certificates

(1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 165 (an “exemption certificate”) if satisfied that it is appropriate to do so—

- (a) on medical grounds, or
- (b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

(2) An exemption certificate is valid for such period as is specified in the certificate.

(3) The driver of a designated taxi is exempt from the duties imposed by section 165 if—

- (a) an exemption certificate issued to the driver is in force, and
- (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.

(4) The driver of a designated private hire vehicle is exempt from the duties imposed by section 165 if—

- (a) an exemption certificate issued to the driver is in force, and
- (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.

(5) For the purposes of this section, a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.

(6) In this section and section 167 “licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area.

Appendix 2 – City of Edinburgh Council Taxi and Private Hire Licence Conditions

Passenger Assistance

131. The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:

- (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
- (b) in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; the Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's Luggage into and out of the Licensed Vehicle;
- (c) the Driver shall make use of the Licensed Vehicle's step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this;
- (d) the Driver shall take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort. Regulatory Committee Licensing conditions update November 2016

132. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their Luggage when required to do so, but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.

133. The Driver shall either:-

- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey; or
- (b) if the Driver has an Exemption Certificate issued in terms of Section 169 of the Equality Act 2010 from complying with Conditions 131(a) – (d) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to wait for the next suitable Licensed Vehicle.

134. The Driver holding a Certificate of Exemption from compliance with condition 131 shall display a copy of the Certificate on the passenger doors of the Licensed Vehicle and on the windscreen so it can be read by passengers attempting to enter the Licensed Vehicle.

135. Conditions 131(a) – (d) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

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2.00pm, Monday, 1 February 2016

Access to Taxis by Customers using Wheelchairs or Customers accompanied by Assistance Dogs - Update

Item number

Report number

Executive/routine

Wards

Executive

All

12. Executive summary

The Council, as the licensing authority, is fully committed to ensuring that licensed taxis are able to accommodate customers using wheelchairs and that taxi drivers provide reasonable assistance to these customers to access the vehicle.

The Council has previously received a number of complaints concerning the service provided to customers using wheelchairs and this was reported to the Committee on 23 June 2015 when a plan of action was approved to address the concerns identified.

This report provides details of the progress made in respect of the actions arising from the agreed plan.

Additionally, enquiries have been received by the Council from groups representing persons with visual impairment. These enquiries raise concern about the transport of assistance dogs accompanying visually impaired customers using taxis. The report provides information concerning complaints received regarding refusal to transport an assistance dog and the Council's procedure in respect of drivers requiring to be medically exempt from transporting assistance dogs.

Access to Taxis by Customers using Wheelchairs or Customers accompanied by Assistance Dogs - Update

13. Recommendations

It is recommended that the Regulatory Committee:

- 1.1 notes the contents of this report;
- 1.2 notes the reports to this Committee in respect of Taxi Driver Training and Taxi & Taxi Driver's Licence Conditions;
- 1.3 agrees the proposed actions as set out in paragraph 3.20; and
- 1.4 receives a further update in six months.

14. Background

- 2.1 At present taxis must be readily wheelchair accessible. The current conditions state that the driver of a taxi is required to assist customers using wheelchairs into the taxi, using the ramps if necessary, and ensure that they are properly secured by means of the fixed straps and seatbelts before starting the journey. Prior to the grant of a Taxi Driver's Licence, drivers are required to undertake training on 'Wheelchair Access and Disability Awareness'.
- 2.2 The Council has received a number of complaints from customers using wheelchairs who have been denied taxi travel within the city. These concerns have also been raised by some equalities groups within the city.
- 2.3 In June 2015, the Committee agreed to consult on the development of a fit for purpose training programme that meets the needs of a modern taxi service for the Capital City. It is proposed to introduce a range of measures including refresher training for drivers which will include Passenger Assistance and Disability Awareness. The outcome of the consultation is the subject of a separate report to this Committee.
- 2.4 In June 2015, the Committee approved an action plan (Appendix 1) to address the concerns identified through the investigation of complaints regarding access to and use of taxis by wheelchair users.
- 2.5 This report gives details of the progress of the actions taken to address the issues. The report does not deal with any aspect of the licensing of private hire cars (PHCs) or their drivers because the type of vehicles permitted are not normally capable of being wheelchair accessible. There are a small number of PHCs capable of carrying a wheelchair and these are subject to specific Council conditions.

- 2.6 During August and September 2015, Freedom of Information requests were received from groups representing persons with visual impairment asking for information regarding complaints concerning licensed hire car drivers refusing to transport assistance dogs in breach of their licence conditions. Only one such complaint has been received in the past three years however, these inquiries revealed a perceived anxiety concerning the matter within those groups.

15. Main report

- 3.1 The Council is fully committed to ensuring that all taxi services are fully accessible. Licensing conditions require taxis to be wheelchair accessible. This means that all taxis must be fitted with ramps and other fittings to secure a wheelchair, and that these must be in good working order at all times. Doors must be wide enough to allow a wheelchair to be accommodated with fixtures in place to allow the wheelchair to be safely anchored within the vehicle.
- 3.2 Drivers are required to assist customers using wheelchairs and secure wheelchairs in the vehicle. The driver should also facilitate and assist any accompanying carer to use the equipment.
- 3.3 Should a driver have a medical condition that prevents them from assisting wheelchair passengers they can apply to the Council for a Wheelchair Exemption Certificate (WEC). They must provide medical evidence of why they are unfit, which would be in the form of a doctor's letter detailing the reasons why they are unable to assist wheelchair passengers, the nature of the injury/illness and how long they anticipate the incapacity will last.
- 3.4 On receipt of this information the driver will be referred to the Council's medical provider for examination. Once all the relevant information is available a WEC may be granted or refused. The certificate must be displayed in accordance with licence condition 130. This exemption can be reviewed as required, normally based on advice from the medical advisor.
- 3.5 Investigation of complaints received by the Council identified a number of issues which highlighted that a thorough review of the relevant conditions and level of compliance is necessary. An action plan (Appendix 1) detailing how this work would be taken forward was formulated and agreed by the Regulatory Committee on 23 June 2015. The plan proposed a series of actions including:
- raising general awareness of Council policy;
 - holding focus groups with third sector partners and clients;
 - an audit of the wheelchair exemptions;
 - a review of relevant issues as part of the refresh of the taxi driver training programme;
 - analysis of the number of taxis failing their annual test due to lack of wheelchair accessibility; and
 - a campaign of enforcement activity.
- 3.6 In order to raise the profile and awareness of the Council Policy and the relevant licence conditions, letters were sent to the taxi trade via the companies

operating licensed booking offices within the city and the information was cascaded by them to all licence holders operating on their circuits. This was reinforced in discussion between Council officers and individual managers responsible for customer care and standards within the companies.

- 3.7 Discussions have been held with representatives from the Edinburgh taxi trade together with London Taxis International Ltd (manufacturers of the TX model London Taxi) regarding perceived issues concerning the loading and unloading of wheelchairs, in particular electrically operated chairs, and information concerning best practice has been circulated to the trade.
- 3.8 All licence holders who have a medical wheelchair exemption certificate are now required to attend for a medical examination by the Council's health service provider when renewing their Taxi Driver's Licence, at which point the exemption is reviewed.
- 3.9 There are currently 62 Wheelchair Exemption Certificates in effect which are considered to be permanent, subject to medical review, together with a fluctuating number of exemptions of varying tenure determined by medical condition. There are over 3,000 licensed taxi drivers.
- 3.10 A review of the training requirement in respect of taxi drivers has been carried out and is the subject of a separate report to this Committee.
- 3.11 A review of the conditions relating to taxi and taxi drivers' licences has also been carried out and will be the subject of a separate report to this Committee. Proposals include additional conditions in respect of licence holders' responsibility to ensure functionality of equipment and licence holder compliance with the relevant conditions in respect of passengers using wheelchairs.
- 3.12 An enforcement campaign was implemented between July and October 2015. Between these dates, Taxi Examination Centre inspectors carried out routine roadside enforcement on eight occasions when 174 taxis were examined and of these 8 (5%) were found to have defects in respect of the wheelchair ramps.
- 3.13 Additionally, in September 2015, in a joint enforcement campaign to ensure full wheelchair accessibility, Council Enforcement Officers carried out spot checks on taxis with the Cab Inspector. These checks included checks on the display of any certificate of exemption. During this exercise 20 taxis were checked and nine were found to be in breach of the licence conditions in relation to wheelchair accessibility. The most prevalent fault was the straps, needed to secure a wheelchair, were missing from the vehicle.
- 3.14 In all cases above, where defects were found which could not be remedied immediately, the vehicles were 'red labelled' and put out of service until compliance with all conditions was met.
- 3.15 Taxis presented for an annual test at the Taxi Examination Centre, which fail on any aspect of the wheelchair accessibility equipment are 'red labelled' in terms of the

licence conditions and cannot operate as a taxi until the faults are remedied. Analysis of the number of taxis failing the annual test at renewal of the licence is not available as it has not previously been specifically recorded however the Taxi Examination Centre now records this information for future reference.

- 3.16 On a related disability access issue, during August and September 2015, Freedom of Information requests were received from groups representing persons with visual impairment, asking for information regarding complaints concerning licensed hire car drivers refusing to transport assistance dogs, in breach of their licence conditions. Only one such complaint has been received by the Council in the past three years however, these inquiries revealed a concern about the matter within those groups. The relevant information was released to the groups together with details of the Council's procedures in respect of Exemption Certificates for licence holders with a medical condition which required restriction of contact with dogs and details of the Council's complaints procedure and disciplinary process, in circumstances where a breach of licence conditions occurs.
- 3.17 The licence conditions, in respect of both taxi drivers and private hire car drivers, require the drivers to carry assistance dogs accompanying persons with a disability. Where there are medical grounds which prevent a driver from carrying an assistance dog they can apply to the Council for an Exemption Certificate. These are mandatory conditions of licence for both taxi and private hire drivers in terms of The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004. Drivers must provide medical evidence of why they are unfit, which would be in the form of a doctor's letter detailing the reasons why they are unable to carry assistance dogs, the nature of the condition and how long they expect it will last.
- 3.18 On receipt of this information the driver will be referred to the Council's medical provider for examination. Once all the relevant information is available an Exemption Certificate may be granted or refused. Only once such an exemption certificate is issued to the driver are they exempt from carrying assistance dogs. The certificate must be displayed in accordance with the relevant conditions. This exemption can be reviewed, as required, normally based on advice from the medical advisor.
- 3.19 In relation to wheelchair accessibility and assistance dogs the following future action is proposed:
- that the enforcement campaign is continued during both annual vehicle inspections and roadside enforcement checks by Council vehicle examiners and that relevant information is collated to measure compliance;
 - the Complaints Officer will continue to investigate reports of breach of licence conditions, referring licence holders to the Licensing Sub-Committee, where appropriate, for consideration of suspension of licence;
 - a tender is issued for a contract for test purchasing exercises and procurement of a service provider or providers deploying a customer using a

- wheelchair and requiring assistance to access a taxi, and a customer accompanied by an assistance dog, and reporting thereon; and
 - holding focus groups with third sector partners and clients.
- 3.20 A further report updating Committee on these actions will be presented in November 2016.
- 3.21 In September 2015 the Committee agreed to carry out full consultation on the licence conditions since they were last amended, to reflect current practice and legislative changes (including requirements introduced by the Equality Act 2010). The outcome of this consultation will be the subject of a separate report to this Committee.

16. Measures of success

- 4.1 That taxis and hire cars continue to be licensed appropriately and the Council discharges its statutory duties.
- 4.2 That there is appropriate access to taxis for passengers requiring wheelchair assistance and passengers travelling with assistance dogs.

17. Financial impact

- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

18. Risk, policy, compliance and governance impact

- 6.1 Prior to the grant of a medical Exemption Certificate in respect of loading passengers using wheelchairs or conveying passengers accompanied by assistance dogs, taxi drivers must provide medical evidence of why they are unable to do so from their own doctor. The driver would then be referred to the Council's medical provider for examination. Should the committee refuse to grant an Exemption Certificate this could be going against medical advice.
- 6.2 Should the Committee decide not to grant an application for a medical exemption, the applicant may appeal against the decision to the Sheriff Court within 28 days of the date of the decision.
- 6.3 The Council has a number of contracts with service providers that rely on the availability of transport for disabled or elderly persons. Any change to policy could have a direct impact on this provision.

19. Equalities impact

- 7.1 The Committee has to ensure that any policy decisions on this topic do not have an adverse effect on the availability of transport for disabled or elderly persons. However, it is also important that all passengers are transported safely and additionally, the Committee must balance these rights against the rights and wellbeing of taxi drivers.

- 7.2 Steps to ensure the adequate transport of disabled passengers are directly relevant to the public sector general equality duty. Any change which may be recommended in future will require a full Equalities and Rights Impact Assessment.

20. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

21. Consultation and engagement

- 9.1 Any change requires consultation prior to implementation. Full consultation will be undertaken, and will involve licence holders, disability groups and interested members of the public.

Paul Lawrence

Executive Director of Place

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22.

23. Links

Coalition pledges	P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 – Action Plan

Appendix 1

Action Plan (Approved 23 June 2015)

Action	Description	Timescales
1. Issue press statement	<p>Draft press statement which covers main points of conditions and commits to a public review of the situation</p> <p>Encourage affected customers to come forward by providing information concerning the complaints process to equalities and disability groups via press statements and during focus group meetings (see 4 below).</p>	<p>Complete</p> <p>31 March 2016</p>
2. Raising general awareness of council policy	Letter to all drivers and operators and engage with main operators at a meeting to discuss Council's view on current conditions and standard of conduct.	Complete
3. Arrange focus groups with 3 rd sector partners and clients	<p>Sessions to receive feedback on the access to taxis which would inform items 4 and 5 below.</p> <p>e.g. ECAS</p>	31 March 2016
4. Audit Number of wheelchair exemptions in existence	<p>Number, on average how long they are in effect.</p> <p>Review existing policy and practice for issuing medical exemption certificates</p> <p>Consider tightening of policy to make more robust and transparent. Possible review of long term certificate.</p> <p>Report to Regulatory Committee as required.</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Report attached</p>

5. Review relevant issues as part of the refresh of the Taxi Driver training programme	Included within current workplan.	Ongoing. This is subject of a separate report to this Committee.
6. Analysis of number of taxis failing annual test due to lack of wheelchair accessibility	Paper examination of records to see if any evidence of problem.	Complete
7. Campaign of Enforcement Activity	<ul style="list-style-type: none"> a) Spot checks taxis in operations (Any found not to be fully serviceable re accessibility will be put off road). b) Check on display of certificates (Any found not found to be displaying certificates will firstly receive a written warning and thereafter be reported to committee) c) Consider feasibility of test purchase to test drivers particularly out of hours. 	<p>Campaign June and July 2015</p> <p>Results attached in report.</p> <p>To be taken forward in 2016. See para. 3.</p>

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