

## Notice of Meeting and Agenda Regulatory Functions Board

Date	Time	Venue
Wednesday, 31 October 2018	10:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM  
Head of Corporate Governance

### Membership

Councillor Eddie Devine: Councillor Audrey Doig: Councillor Lisa-Marie Hughes: Councillor Alistair Mackay: Councillor Cathy McEwan: Councillor Kevin Montgomery: Councillor Andy Steel: Councillor Jane Strang:  
Councillor John McNaughtan (Convener): Councillor Emma Rodden (Depute Convener):

### Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at <http://renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx>

For further information, please either email [democratic-services@renfrewshire.gov.uk](mailto:democratic-services@renfrewshire.gov.uk) or telephone 0141 618 7112.

### Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

## **Items of business**

### **Apologies**

Apologies from members.

### **Declarations of Interest**

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

#### **1 List of Wheelchair Accessible Vehicles 5 - 10**

Report by Director of Finance and Resources.

#### **2 Renewal of Late Hours Catering Licence**

Submit the undernoted application for renewal of a Late Hours Catering Licence:-

Applicant: WWCM Limited, 2 Broomland Street, Paisley

Premises: Kilty Kilty, 16 New Street, Paisley

Authorised goods: bar and eatery

Operating hours: Friday and Saturday – 2.00 am to 4.00 am and Sunday (Bank Holidays only) 2.00 am to 4.00 am

Licence No.: LHC103

#### **3 Grant of Private Hire Car Operator's Licence**

Submit the undernoted application for grant of a Private Hire Car Operator's Licence:-

Allan Sneddon, 3 Ben Oss Place, Glasgow

### **EXCLUSION OF PRESS AND PUBLIC**

**The Board may by resolution exclude the press and public from the meeting during consideration of the following items of business as it is likely, in view of the nature of the business to be transacted, that if members of the press and public are present, there could be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 7A of the Local Government (Scotland) Act, 1973.**

#### **4 Request for Exemption from Assisting Wheelchair**

##### **Passengers - Personal Appearance**

Submit the undernoted request for exemption from assisting wheelchair passengers. The licence holder has been asked to appear personally for the first time:-

David Snell, 44 Abbotsford Crescent, Paisley

## **5 Grant of Private Hire Car Driver's Licence - Personal**

### **Appearance**

Under reference to item 2(c) of the Minute of the meeting of this Board held on 6 September 2018 resume consideration of the undernoted application for grant of a Private Hire Car Driver's Licence. The applicant has been asked to appear personally for the first time together with Police Scotland who has submitted a representation to the application :-

Ihsanullah Sahil, Flat 4/1 50 Kings Way Court, Glasgow

## **6 Renewal of Private Hire Car Driver's Licence - Personal**

### **Appearance**

Under reference to item 4 of the Minute of the meeting of this Board held on 2 August 2018, resume consideration of the undernoted application for the renewal of a Private Hire Car Driver's Licence. The applicant has been asked to appear personally for the second time: -

Alexander McConville, 1 Helmsdale Drive, Paisley P0190

## **7 Grant of Taxi Drivers' Licences - Personal Appearances**

Submit the undernoted applications for grant of Taxi Drivers' Licences. The applicants have been asked to appear personally for the first time together with Police Scotland who has submitted a representation to application (b): -

(a) Scott Linton, 25 Ellisland Road, Busby

(b) Naveed Iqbal, 9 Brent Way, Thornliebank, Glasgow

## **8 Renewal of Taxi Drivers' Licences - Personal**

### **Appearances**

Under reference to item 7 of the Minute of the meeting of this Board held on 22 August 2018, resume consideration of application (a) for the renewal of a Taxi Driver's Licence and submit applications (b) and (c) for the renewal of Taxi Drivers' Licences. Applicant (a) has been asked to appear personally for the second time together with Police Scotland who has submitted a representation to the application. Applicants (b) and (c) have been asked to appear personally for the first time together with Police Scotland who has submitted a representation to application (b): -

(a) Thomas McGarrell, 287 Main Road, Elderslie T0352

(b) John Connolly, Flat 1/2 4 Brediland Road, Paisley T1555

(c) Andrew Lamont, 137 Hillside Road, Paisley T0111

## **9 Grant of Street Trader's Licence - Personal Appearance**

Submit the undernoted application for grant of a Street Trader's Licence. The applicant has been asked to appear personally for the first time together with Councillor Sharkey who has submitted an objection to the application in relation to trading in the Ralston area of Paisley:-

Applicant: Alexander Brannigan, 5 Stoddart Square, Elderslie  
Authorised goods: soft icecream, soft drinks and confections  
Trading from: Renfrewshire Council area excluding Paisley town centre,  
Lochfield and Hunterhill  
Operating hours: 7 days per week – 11.00 am to 10.00 pm

## **10 Grant of Landlord Registrations - Personal Appearances**

Under reference to item 4 of the Minute of the meeting of this Board held on 23 May 2018, resume consideration of applications (a) and (b) for grant of Landlord Registration and submit applications (c), (d), (e), (f), (g) and (h) for grant of Landlord Registrations. Applicants (a) and (b) have been asked to appear personally for the second time and applicants (c), (d), (e), (f), (g) and (h) have been asked to appear personally for the first time together with Police Scotland who have submitted representations to applications (c), (d), (e) and (f); the Director of Communities, Housing and Planning Services, Renfrewshire Council, who has submitted a representation to application (g) together with Matthew Blaikie and Kerryann Clark who have submitted complaints to application (g); and the Director of Communities, Housing and Planning Services, Renfrewshire Council, who has submitted a representation to application (h) and the Director of Finance and Resources, Renfrewshire Council, who has contributed to the representation to application (h):-

- (a) Sophia Ahmed, 18 Fairfield Drive, Renfrew
- (b) Gurjit Lally, 27 McMillan Crescent, Beith
- (c) Mark Troup, 2 Niamh Court, Inchinnan
- (d) Craig Morris, Holly Lodge, Hazelwood Road, Bridge of Weir (joint owner Grant Morris)
- (e) Shahid Abdullah, 10 Tulloch-Ard Place, Rutherglen (joint owner Aziza Qozat)
- (f) Paul Docherty, 91 Glenapp Avenue, Paisley
- (g) Stuart McIlree, 3 Beinn Dubh View, Luss, Alexandria
- (h) John Owens, 6 Kincaig Park, Newton Abbey (joint owner Elizabeth Owens)



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**To: Regulatory Functions Board**

**On: 31 October 2018**

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**Report by: Director of Finance and Resources**

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**Heading: List of Wheelchair Accessible Vehicles**

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**1. Summary**

- 1.1 The Equality Act 2010 provides Local Authorities with the discretion to produce a list of wheelchair accessible taxis and private hire cars. Drivers of those vehicles listed are then required to carry and provide assistance to passengers in wheelchairs and are prohibited from charging them extra.
- 1.2 The purpose of this report is advise the Board on the relevant provisions of the Equality Act 2010 and to seek authorisation to publish a list of wheelchair accessible taxis and private hire cars in accordance with section 167 of the Act.
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**2. Recommendations**

- 2.1 The Board is asked to:-
- 2.1.1 Authorise officers to publish on 31 May 2019 and maintain a designated list of wheelchair accessible taxis and private hire cars licensed by the Council, in accordance with section 167 of the Equality Act 2010 ("the 2010 Act"); and
- 2.1.2 Instruct officers to make any necessary changes to licensing application procedures and practices as required to enable publication of the above list on 31 May 2019 and maintenance of the list thereafter.
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### 3. **Background**

#### Wheelchair accessible taxis and private hire cars in Renfrewshire

- 3.1 As part of the Council's ongoing commitment to supporting the provision of a high-quality transport service accessible by all, it has been the Board's policy, since 2002, that all Renfrewshire taxis must be wheelchair accessible. Additionally, private hire car operators in Renfrewshire who wish to license a multi-person vehicle can only do so if that vehicle is wheelchair accessible.
- 3.2 Renfrewshire Council has a duty to make reasonable adjustments to any provision, criterion or practice that puts a disabled person at a substantial disadvantage when compared to a person who is not disabled. Accordingly, exemptions have been granted from time to time to the Council's policy on wheelchair accessible vehicles.
- 3.3 At present there are 230 wheelchair accessible taxis operating in Renfrewshire and 30 wheelchair accessible private hire cars. There are 5 saloon cars operating as taxis due to the granting of exemptions.
- 3.4 There are also 13 taxi drivers who have been granted exemptions by the Regulatory Functions Board to the requirement to assist wheelchair passengers getting in and out of a vehicle.

#### Equality Act 2010: lists of wheelchair accessible vehicles

- 3.5 The 2010 Act provides the Council with the discretion to produce a designated list of wheelchair accessible taxis and private hire cars licensed by it. The driver of a vehicle identified on the list will then have duties towards wheelchair passengers under the Act as specified at Paragraph 3.6 below. Although this legislation was passed in 2010, Regulations prescribing the relevant exemptions were not commenced until 6<sup>th</sup> April 2017.
- 3.6 The duties placed on drivers are:
- To carry the passenger while in the wheelchair;
  - Not to make any additional charge;
  - To carry the wheelchair if the passenger prefers to sit in a passenger seat;
  - To take necessary steps to ensure that the passenger is carried in safety and reasonable comfort; and
  - To give the passenger such mobility assistance as required.
- 3.7 The Act defines mobility assistance as:
- To enable the passenger to get into and out of the vehicle;
  - 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;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle; and
  - To load the passenger's luggage into or out of the vehicle.

- 3.8 If an owner of a vehicle believes that their vehicle should not have been placed on the list published by a local authority, then they can make an appeal to the Sheriff Court within 28 days of the vehicle being included on the list.
- 3.9 Drivers who wish to be exempt from the above duties may apply to the Council for an exemption certificate and a notice of exemption (which requires to be displayed on the vehicle). An exemption can only be issued if the Council is satisfied that it is appropriate to do so on:
- medical grounds; or
  - the ground that the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties.
- 3.10 The holder of an exemption certificate will only be exempt from the above duties if the notice of exemption issued by the Council is displayed clearly in the vehicle and in the manner prescribed by the relevant regulations. A driver refused an exemption certificate is entitled to appeal the decision to the Sheriff Court within 28 days from the date of the refusal.
- 3.11 Any driver who fails to comply with the above duties (without an exemption notice displayed properly) will be committing an offence. It should be noted that the exemption will be from all the duties under the Act; there is no provision for making partial exemptions. As such, given that the Board presently allows exemptions to drivers which are limited to assisting wheelchair passengers, the introduction of a designated list could potentially reduce the availability of vehicles able to carry wheelchair passengers.

#### Implementation of lists of wheelchair accessible vehicles

- 3.12 It is rare for a complaint to be made to officers in relation to accessibility of licensed taxis and private hire cars for disabled users or assistance given to those users by the drivers of these vehicles. The Civic Government Enforcement Officer attends meetings of the Renfrewshire Access Panel on a quarterly basis. The Renfrewshire Access Panel have been complimentary of the steps the Council has taken in support of a high-quality transport service accessible by all. It would therefore appear that the policies adopted by the Council have assisted in the provision of accessible taxis and private hire cars for disabled users.
- 3.13 It is a matter of discretion for each local authority to decide whether to publish a designated list under the 2010 Act. Adopting the list will mean that any wheelchair passenger who believes a driver has failed to comply with their duties under the 2010 Act would be able to report the matter to Police Scotland as well as to the licensing department of the Council. This may give some passengers added assurance that they will have proper access to travel in the Renfrewshire area.

- 3.14 The Statutory Guidance published by the Department for Transport recommends that the list should
- set out the make and model of the vehicle;
  - specify whether the vehicle is a taxi or private hire car; and
  - state the name of the operator.
- 3.15 The Guidance also states that where possible it would be helpful to include information about the size and weight of wheelchair that can be accommodated and whether a vehicle can accommodate a wheelchair larger than a “reference wheelchair”.
- 3.16 It is proposed at this time, should the Board agree to publish and maintain a designated list, that the information set out at Paragraph 3.14 be included in the list. However, it is the view of officers that it would be beneficial to the travelling public if a contact telephone number could also be published on the list in respect of any vehicle. To publish this information, the consent of licence holders will be required. It is anticipated that officers will seek this consent in advance of any designated list being published and will amend the terms of licence application forms to enable this information to be updated.
- 3.17 The Statutory Guidance recommends that prior to publishing a list, local authorities should inform owners that their vehicles will be placed on the list and alert drivers to their upcoming duties. Drivers should also be given an opportunity to apply for exemptions where necessary before the publication of the list.
- 3.18 It is therefore recommended that a publication date of 31 May 2019 be approved. This will allow officers to write to operators in relation to the decision to publish a list and requesting consent to publish a contact telephone number.
- 3.19 The timescale will also allow officers to prepare and adopt an application procedure for drivers to make exemptions requests and have applications decided prior to the publication of the list. Given that failure to comply with the duties under the Act is an offence, drivers should be given adequate time to obtain exemptions where necessary.

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## Implications of the Report

1. **Financial-** There may be a requirement to refer applicants seeking an exemption to occupational health consultants with attendant costs
2. **HR & Organisational Development** – none
3. **Community/Council Planning** –
  - Tackling inequality, ensuring opportunities for all – the proposal supports the Council’s ongoing commitment to supporting the provision of a high-quality transport service accessible by all.



4. **Legal** – the relevant statutory provisions are sections 165 to 167 of the Equality Act 2010. Aggrieved owners or drivers can also make appeals to the Sheriff Court under section 172 of the Act.
5. **Property/Assets** - none
6. **Information Technology** - none
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. There is a potential negative impact on equality groups in that, as the Board presently allows exemptions to a driver restricted to assisting wheelchair passengers, the introduction of a designated list could potentially reduce the availability of vehicles able to carry wheelchair passengers, due to the wider scope of the statutory exemption. There is also a potential negative impact in that drivers who currently have an exemption from assisting wheelchair passengers on medical grounds will require to apply for exemption from the duties detailed at Paragraphs 3.6. However, it is considered that these potential impacts would likely be outweighed by the benefits of publishing and maintaining a designated list. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - none
9. **Procurement** – none
10. **Risk** - Aggrieved owners or drivers can make appeals to the Sheriff Court under section 172 of the Act. Successful appeals will result in expenses being awarded against the Council.
11. **Privacy Impact** – none.
12. **Cosla Policy Position** – none.

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### List of Background Papers

None

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