



Public consultation on new licensing arrangements for taxi and Private Hire Vehicle drivers in Wales

Introduction

The Welsh Government recently undertook a public consultation on new licensing arrangements for taxi and Private Hire Vehicle (PHV) drivers in Wales. The consultation was launched by the Minister for Economy and Infrastructure with the hope that *“the new rules would ensure customers had the best service possible”*.

The door to door service provided by Taxis and PHVs are essential to the independence of blind, partially sighted and disabled people including wheelchair users who are often unable to drive or use public transport.

Background

Unfortunately accessing taxis and PHVs can be a major challenge for disabled people especially assistance dog owners. A recent Guide Dogs survey¹ found that 42% of assistance dog owners were refused by a taxi or PHV driver over a one-year period because of their dog, despite this being a criminal offence under the Equality Act 2010.

This can be a traumatic experience for assistance dog owners, which has a knock on effect on their confidence and independence. As assistance dog owners report *“I was so scared that I froze. I was in shock and I couldn’t believe how angry the driver was, he was shouting louder and louder, and getting more and more irate”* (Guide Dog Owner Porthmadoc)

A Guide Dogs survey² found that assistant dog owners were refused access to taxis for a variety of reasons, indicating that many drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. This problem was also identified by the Law Commission³, which stated that *“many of the problems experienced by disabled people stemmed from lack of awareness and poor attitude”*.

However, it is not only guide dog owners who suffer. The Law Commission also saw evidence of drivers not knowing how to operate the ramp in their vehicle and failing to use the restraints to secure a wheelchair and, as recently as May 2017, a much

¹ Guide Dogs Survey 2016 - <https://goo.gl/BRsn1U>

² Guide Dogs, [Access All Areas](#), 2015 [PDF].

³ Law Commission, Taxi and Private Hire Services, Law Com No 347, May 2014, 12.8. <https://goo.gl/937Yrf>

publicised incident⁴ happened in Cardiff when an actress in a wheelchair was refused access to a taxi.

Potential Solution

Disability Equality Training

To improve practice and reduce refusals, it is vital that drivers understand their legal obligations and know how they can assist their customers with vision impairments, including those travelling with a guide dog and those with disabilities. This can best be achieved with disability equality training.

Disability equality training focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Why we should not leave it up to licensing authorities

As recognised by the Cabinet Secretary when announcing the public consultation on 24th May 2017 the current regulation of taxi and private hire services in Wales is complex and fragmented without common national standards.

A licensing authority can require their drivers to undergo training; however, as drivers operate across areas, the authority cannot stop drivers from neighbouring authorities, which might not require training, from operating in their area. Similarly, they do not have the power to prosecute a driver who refuses assistance in their boundaries, if they are licensed by a neighbouring authority.

To end this anomaly and ensure that all illegal refusals by drivers licensed and operating in Wales can be prosecuted, a national minimum standard is required mandating the undertaking of disability equality training.

Training content

Disability Equality Training should enable drivers to better understand the needs of their disabled passengers and to operate and maintain equipment properly. It should cover different types of disability and address the needs of passengers with visual, auditory and physical impairments. The training should also instruct drivers to ensure that passengers are safe once they have arrived at their destination.

We would encourage a co-production methodology where Welsh Government works with third sector organisations and service users to develop a bespoke training syllabus for this specific purpose. Guide Dogs have already undertaken some stakeholder consultation on what the training should deliver and how it should be delivered.

⁴ <http://www.bbc.co.uk/news/uk-wales-south-east-wales-40025711>

⁵ <https://www.gov.uk/government/consultations/draft-transport-accessibility-action-plan>

The training will have a cost but the Law Commission estimated the costs per trainee between £20 and £30. Licensing authorities which already require training stated that it is often cheaper than other licensing requirements, such as knowledge tests or police checks. As with most other costs associated to obtaining a licence, it is recommended that the applicant would need to pay the small cost of this training.

Medical exemptions

Under the Equality Act 2010, drivers can be exempted from carrying wheelchairs and assistance dogs on medical grounds. Where this is the case, the law requires them to display clear certification as proof of their exemption. We believe the specification for the exemption notices should be drafted in such a way as to require exemption information to be available in a format that is fully accessible.

Conclusion

Many of the positive experiences disabled people report when using taxis or PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

In Northern Ireland, there is already a requirement for taxi and PHV drivers to undergo training and in Scotland, the Accessible Transport Framework aims to bring in disability equality training for all transport staff, including taxi and private hire drivers. In 2016/2017 session of the UK Parliament, Andrew Gwynne Labour MP sponsored a Private Members' Bill that would have introduced disability equality training in England. Unfortunately, the bill ran out of time but not before it gained the support of many organisations including Licensed Taxi Drivers Association, Licensed Private Hire Car Association and National Limousine and Chauffeur Association as well as a huge number of disability groups.

The Department for Transport's recently published Draft Accessibility Action Plan, which covers England and those areas which are reserved to the UK Government, described refusals of assistance dogs by taxi and PHV drivers as "unacceptable and illegal", noting the serious impact of refusals on people's confidence and ability to live independently. The plan commits the UK Government to publish best practice guidance for licensing authorities, recommending that disability equality training be mandated in their licensing policies.⁵ The guidance is due to be published in 2017.

When control over the licensing of taxis and private hire vehicles is devolved to the Welsh Assembly in early 2018 introducing a measure to improve transport arrangements for disabled people will demonstrate the ongoing commitment of the Welsh Government to improving the well-being of disabled people in Wales.

Recommendation

The Cabinet Secretary is invited to agree that completing compulsory disability equality training becomes a requirement for receiving a licence for all taxi and PVH drivers in Wales.
