

TAXIS AND PRIVATE HIRE VEHICLES

Purpose

To provide the Third Sector with a briefing about the proposed reform of the licensing arrangements in Wales for Taxis and Private Hire Vehicles.

Background

The Welsh Government's programme for Government sets out how more and better jobs through a stronger, fairer economy will be delivered by improving and reforming our public services, and building a united, connected and sustainable Wales. Our programme for Government will further advance our objectives under the Well-being of Future Generations (Wales) Act 2015.

Delivering a more effective public transport network, comprising quality taxi services, an improved network of local bus services, together with rail services delivered as part of the next Wales and Borders Rail Franchise will better enable the development of seamless integrated multi modal transport across Wales. Taken together with effective, safe and good quality demand responsive transport provided by the taxi sector, this integrated approach to public transport regulation will be fundamental to our objective of building a connected and sustainable society

Devolution of taxi and private hire vehicle licensing

The enactment of the Wales Act 2017 and its expected commencement early in 2018 will for the first time bring the licensing regime for taxis and private hire vehicles within the legislative competence of the National Assembly for Wales. On this basis, the Welsh Government is considering afresh the significant work undertaken by the Law Commission for England and Wales for the law reform in relation to the licensing of taxis and private hire vehicles in Wales.

As a first step in developing proposals that could be implemented in Wales, the Welsh Government has undertaken a public consultation, seeking the views of local licensing authorities, operators, professional drivers and their representatives and community organisations about how licensing arrangements could be improved.

If introduced, the recommendations published by the Law Commission for England and Wales set out a range of proposals that would;

- Introduce national standards for all taxis and private hire vehicles, set by the Welsh Ministers, with the power for local licensing authorities to set additional licence conditions where appropriate;
- See local licensing authorities remaining responsible for issuing licences and enforcement for both taxis (and potentially Minicabs) as well as private hire vehicles now including novelty vehicles and stretch limousines for example;
- Make it easier for providers to work across local authority borders but will give licensing officers new enforcement powers to deal with vehicles and drivers licensed in different areas. Tougher penalties on touting would also be proposed (actively soliciting customers), including impounding vehicles;

- Bring pedi-cabs and novelty vehicles, including stretch limousines within the scope of taxi and private hire regulation, but the exemption applied to wedding and funeral cars would be retained, and
- Retain the ability of local licensing authorities to retain the right to limit the number of taxis working in their licensing area

The public consultation ended on 8 September 2017 and officials are assessing the contributions received during the consultation. The intention is to develop more detailed proposals that will be subject to a further public consultation, scheduled to take place starting in the spring of 2018.

Key facts

As at the end of March 2013, there were approximately 78,000 taxis and 153,000 private hire vehicles in England and Wales, and nearly 300,000 licensed taxi and private vehicle drivers. By comparison, latest figures published in March 2017 by Stats Wales puts the number of licenced drivers at 9200, with more than a third of these in Cardiff and Swansea. In Wales, 5,144 taxi vehicles and 4,146 private hire vehicles (PHV) were licensed by local authorities. This represents about 4% of the total number of vehicles licenced in England and Wales combined.

Together with trades unions representing professional drivers, the GMB has campaigned against the exploitation of professional drivers working for Uber receiving less than the national minimum wage, and the UK Government's alleged deregulation of the taxi and private hire market claiming that Uber operate with impunity while Transport for London "hand out licenses like sweets" according to union.

Accessibility

In February 2017, the UK Government made the Commencement Order which will bring the remaining parts of Sections 165 and 167 of the Equality Act 2010 into force on the 6th April 2017, enabling wheelchair users to travel independently and free from the fear of discrimination when using taxis and private hire vehicles.

The Department for Transport has issued guidance to support local licensing authorities to understand their role in implementing the requirements, including advice on maintaining lists of vehicles designated as wheelchair accessible, handling applications from drivers for exemption from the requirements, and on transitioning from existing arrangements to those covered by the Equality Act 2010.

Many disabled people use taxis for easier access, but allegations about the overcharging of disabled passengers who use taxis and private hire vehicles persist. Some claims have been made that disabled passengers are being charged up to twice the fare of non-disabled passengers as a direct consequence of their disability.

In 2014, the Welsh Government met local authority representatives and the Equality and Human Rights Commission (EHRC) in Wales to determine the extent of the alleged activity in Wales. Sixteen local authorities responded to the request for information and none of the responding licensing authorities set a premium rate on their regulated taxi fares for the carriage of disabled people. Whilst private hire vehicle operators are able

to set their own charges, there were no reports where licensing authorities considered operators were charging excessive fares.

Of those authorities that were able to report on complaints made, 41 were made over the past two years (in some cases figures for one year were provided). In the majority of cases, the complaints related to the non availability of suitably equipped vehicles with ramps and straps rather than overcharging. This review highlighted some anecdotal evidence that operators are reluctant to carry disabled people and that the availability of suitably accessible taxis and private hire vehicles is variable across Wales. The comparatively low level of complaints recorded and handled by licensing authorities in relation to alleged overcharging, together with the absence of a recommendation from the Law Commission to strengthen legislation on this specific issue suggests that it may not be the main issue facing disabled passengers.

Home office crime reduction strategy

In March 2016, the Home Office published its Modern Crime Reduction Strategy. As part of the Strategy, the UK Government has committed to remove opportunities for criminals to commit child sexual abuse and violence against women and girls, by working with local areas to introduce rigorous taxi and private hire licensing regimes.

Both the Jay and Casey reports on child sexual exploitation in Rotherham highlighted examples of taxi drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited in exchange for free taxi rides.

The Casey Report made clear weak and ineffective arrangements for taxi licensing had left the public at risk. In response to the reports and in contribution to the Home Office's Modern Crime Reduction Strategy, the Department for Transport has agreed to review their best practice guidance for local authorities for the licensing of taxis and private hire vehicles.