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TAXI AND PRIVATE HIRE VEHICLE LICENSING IN WALES

Summary outcome report

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SUMMARY HEADLINES

- 45% of respondents expressing a view agreed with the Law Commission recommendations saying that the distinction between hackneys and private hire vehicles should be retained. About 39% of respondents, mainly public authorities argued that the distinction should be removed in favour of a single framework, whilst 16% could see advantages and disadvantages in both frameworks.
- 60% of respondents expressing a view said that they believed that all journeys should be recorded, whilst 26% of respondents said that journeys that have been pre booked, or in the case of taxis, out of area journeys should be recorded.
- 90% of respondents expressing a view said that all persons involved in the handling of personal information should be licensed.
- 73% of respondents expressing a preference said that a person taking a booking for a private hire vehicle should be licensed whilst 20% did not agree.
- 93% of respondents expressing a preference said that the “fit and proper” person test should be retained, whilst the remaining respondents suggested that the test should be retained on the proviso that the criteria by which “fit and proper” would be assessed was clearly defined.
- 74% of respondents expressing a preference agreed that local licensing authorities should retain the power to set additional licence conditions.

- 81% of respondents expressing a preference believed that all fees should be set by local licensing authorities.
- 66% of respondents expressing a preference suggested that arrangements to share information between licensing authorities to support better enforcement should be in place and that the information should not be published.
- 90% of respondents said that no licence plate trading should be permissible and most local licensing authorities supported this, citing that arrangements for the transfer of plates were in place. Only one respondent felt that a compensation scheme should be set up to allow people who had invested in plates previously could be compensated.
- 62% of respondents expressing a preference believed that current requirements under the Equality Act 2010 in relation to Wales were sufficient, but 21% considered that new requirements needed to be introduced by legislation to improve access to taxis and private hire vehicles.
- 60% of respondents expressing a preference agreed that a review of any decision should be undertaken should be allowed before an appeal needed to be made to the courts, whilst 40% did not agree.

INTRODUCTION

In May 2014, the Law Commission for England and Wales published its proposals for the reform of the legislative framework governing the licensing of taxis and private hire vehicles in England and Wales. The proposals were developed as part of the Law Commission's Eleventh Programme of law reform, commissioned by the Department for Transport as the UK Government's department with responsibility for taxi and private hire vehicle licensing.

The terms of reference were to review the law relating to the regulation of taxis and private hire vehicles with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency.

In May 2012, the Law Commission published a paper setting out its draft proposals, which were subject to a public consultation between May and October 2012. More than 3000 written responses, including more than 800 replies to a survey undertaken by the Private Hire and Taxi Monthly magazine were received.

In developing the final proposals, the Law Commission also conducted various site visits, including major taxi radio circuits and private hire operators' headquarters, touring with the taxi and private hire trades both inside and outside London, observing ranks and entertainment venues with a history of enforcement difficulties.

As part of the new devolved settlement for Wales to be introduced through the Wales Act 2017, the licensing of taxis, private hire vehicles, drivers and private hire vehicle operators will become a matter within the legislative competence of the National Assembly for Wales. It is in anticipation of this new devolved settlement that the Welsh Government sought to test some of the proposals for the reform of licensing taxis and private hire vehicles put forward by the Law Commission in relation to Wales.

A full copy of the final proposals put forward by the Law Commission were republished at: <https://consultations.gov.wales/> as part of the consultation exercise. In summary, the Law Commission had proposed a new single legal framework that retains the current two-tier system, distinguishing between taxis and private hire vehicles. This would mean that only taxis should be allowed to be hailed or pick up passengers from ranks.

The Law Commission also proposed:

The introduction of national standards for all taxis and private hire vehicles, with the power for local licensing authorities to set additional conditions where it is appropriate to do so;

Local licensing authorities retaining responsibility for issuing licences and enforcement for both taxis and private hire vehicles;

Arrangements to make it easier for providers of private hire services to work across local authority borders, providing licensing officers new enforcement powers to deal with vehicles and drivers licensed in different areas. Tougher penalties on touting are also proposed (actively soliciting customers), including impounding vehicles;

Bringing 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 being retained, and

Retain the ability of local licensing authorities to limit the number of taxis working in their licensing area.

The introduction of mandatory disability awareness training for all taxi and private hire drivers was part of the package of proposed measures designed to improve the accessibility of services for disabled people. The Law Commission recommended that local licensing authorities

should have the power to introduce a duty on taxis to stop when hailed, to help address the problem of certain drivers passing by disabled people. The Law Commission's proposals also recommended that local licensing authorities should be required to review accessibility needs in their area every three years, and take accessibility issues into account when installing taxi ranks.

Furthermore, in order to help address the lack of accessible vehicles, it was recommended that the Secretary of State for Transport should have the power to require large operators (or dispatchers, as they would be referred to under the proposed reforms) to meet certain quotas of accessible vehicles which must be available to them.

CONSULTATION EXERCISE

In launching the consultation, the Welsh Government stated that it considered that the majority of the recommendations put forward by the Law Commission would, if introduced, clarify and simplify the legislation governing the licensing of taxis and private hire vehicles. On that basis, the Welsh Government was supportive in principle of the majority of the proposals in relation to taxi and private hire vehicle licensing in Wales.

There were however, some recommendations that, in our opinion, required further detailed consideration. The purpose of the policy consultation was therefore to seek views on some of the specific recommendations set out in the consultation document and to begin a dialogue with local licensing authorities, drivers, operators, passenger groups and other stakeholders about how taxi and private hire vehicle licensing can be improved in Wales.

At the start of the public consultation, we contacted more than 300 stakeholders including representatives of local licensing authorities in Wales, taxi and private hire vehicle drivers and operators, bus and coach operators including those in the community transport sector, transport planners and regulatory organisations including the Competition and Markets Authority.

In addition to undertaking visits to private hire vehicle operators in Wales during the consultation period, officials attended the Welsh expert group on licensing in Wales and attended two drivers forums, one in south Wales and one in north Wales to hear directly from more than 70 drivers and operators about some of the issues being experienced under the current licensing framework. During the consultation, we heard from international private hire vehicle operator UBER, trades unions representing professional drivers and the National Transport Authority responsible for licensing taxis in the Republic of Ireland.

During the course of the consultation period, 41 formal consultation responses were received. This summary outcome report seeks to summarise the responses we received and are the views and opinions expressed by respondents and are not the views and opinions of the Welsh Government. Based on the feedback we received, we will be preparing detailed proposals for the reform of licensing taxis and private hire vehicles in Wales, which we expect to be able to publish for further consultation in the Spring of 2018.

FEEDBACK WE RECEIVED

In our consultation, we asked should the two tier system be retained in Wales or should a single tier model be developed for the taxi and private hire vehicle sector in Wales?

In response, 45% of respondents expressing a view agreed with the Law Commission recommendations saying that the distinction between hackneys and private hire vehicles should be retained. About 39% of respondents, mainly public authorities argued that the distinction should be removed in favour of a single framework, whilst 16% could see advantages and disadvantages in both frameworks.

In support of maintaining the two tier system, an operator in south east Wales commented that,

“At present, the same qualifications are wanted for both Hackney and Private Hire Vehicle Drivers. By keeping the two tier system, changes can be made so less onerous requirements are made for private hire drivers, eg route knowledge”

A national private hire vehicle operator commented:

“It is desirable that the differential between the two types licensing status remain. This would assist in preventing any potential ‘misunderstanding’ by drivers on their distinct roles and responsibilities and reduce potential confusion for the public. Maintaining the different types of driver licence also increases access and choice to the market for drivers. It is not everyone’s preferred option to be a taxi driver and having to face the time consuming challenge of a ‘taxi knowledge test’ would be a significant deterrent to most would-be drivers and create a significant backlog in accessing a licence”

Licensing authorities responding the consultation argued that moving to a single licensing framework would remove the unhelpful distinction between hackneys and private hire vehicles, a distinction that many people do not understand. The Institute of Licensing suggested how a single framework could work in practice.

“The Institute of Licensing made a two fold response to the Law Commission Consultation. The first via it’s Taxi Consultation Panel (the group responsible for the national survey in 2010) favoured a simplified single tier system and set out how that might work as follows:

Vehicles

- a) *All vehicles to be taxis able to stand and ply for hire within the district or zone in which they are licensed and be pre-booked for journeys anywhere;*
- b) *All vehicles must be driven by a driver licensed by the same authority that licensed the vehicle;*
- c) *The minimum standards to enable a vehicle to be licensed would be that the vehicle is safe and suitable for use as a taxi;*
- d) *National minimum standards must take into account the environmental impact,*
- e) *The national minimum safety and suitability standards would set out factors such as testing levels (which we consider should be above MOT level) and frequency (more than annual and could be based on mileage and vehicle age), seating capacity (minimum seat sizes per passenger), and*
- f) *minimum identification requirements.*
- g) *Local authorities would have the ability to set higher suitability standards than the national minimum suitability standards through a statement of licensing policy for taxis. This would enable them to set out what they consider to be a 'suitable vehicle' for taxi work. A saloon car and a purpose built taxi may both meet the vehicle safety standards, but a licensing authority might, within the discretion the Law Commission provisionally proposes to give them, opt to restrict the licensing of taxis to purpose built taxis, whether for reasons of civic pride, wheelchair accessibility or driver safety. Local authorities would be able to apply conditions to individual vehicle licences.*

- h) Wheelchair accessible vehicles would be able to use all ranks within the district / zone in which they are licensed. Local authorities would be able to introduce a permit system for using specified ranks by non wheelchair accessible vehicles.*
- i) Local authorities could set fares. All rank hiring and hailing would be at no more than the metered rate. All pre-booked hiring would be subject to negotiation with no consideration of the metered rate.*
- j) All journeys (whether pre-booked or otherwise) should be recorded. Receipts should be given to all passengers.*
- k) No ability for the licensing authority to limit the number of licensed vehicles.*

Drivers

- a) A national minimum standard for drivers.*
- b) Drivers licensed by local authorities to work in that local authority area.*
- c) Local authority able to apply driver standards above the national minimum (e.g. knowledge tests).*

Operators

- a) Any person taking bookings for more than 1 vehicle must be licensed as an operator.*
- b) Minimum requirements for information recorded by licensed operators.*
- c) All operators and staff working for licensed operators must meet minimum standards.”*

In our consultation, we asked should the arrangements in Wales require taxi drivers to maintain accurate records of all journeys undertaken in taxis; only journeys that have been pre booked or started out of the taxis licensing area; or not to require taxi drivers to maintain records.

In response, 60% of respondents expressing a view said that they believed that all journeys should be recorded, whilst 26% of respondents said that journeys that have been pre booked, or in the case of taxis, out of area journeys should be recorded. One responded said that taxi drivers should not be required to keep records.

A number of respondents in favour of records of all journeys being undertaken by passengers using taxis or private hire vehicles recognised that some operational difficulties would arise if taxi drivers were required to maintain records. A local licensing authority commented:

“The Council believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. Attempting to obtain a passengers name and address at the end of an evening not only would be difficult (refusals, false names etc.), but could put the driver in a confrontational situation.

The purpose of record keeping is primarily for safeguarding reasons. The retention of records would provide evidence of where a vehicle has been and who has been conveyed, assisting enormously with enforcement. But these records would be easily manipulated and as such wouldn't have much worth. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.

Without a technological answer, the only real option would be to require records to be kept for pre-booked work only”.

In our consultation, we asked should the arrangements for licensing taxis in Wales require all persons handling personal information to be licensed or not?

In response, 90% of respondents expressing a view said that all persons involved in the handling of personal information should be licensed, whilst 10% considered that not all people, for example people taking bookings over the phone, need to be licensed. However, 73% of respondents expressing a preference said that a person taking a booking for a private hire vehicle should be licensed whilst 20% did not agree.

A small private hire vehicle operator based in west Wales questioned whether a this requirement, if introduced, would mean that a person would require a licence in addition to licence to drive a taxi or private hire vehicle, pointing out that many smaller operators take bookings and drive the vehicle.

A national operator commented;

“The main responsibility should remain with the licensed operator, as it does now. The important point for the licensing structure is that the information is correctly handled and managed within the principles of the Data Protection Act and again we feel that should be the responsibility of the Information Commissioner. Perhaps one way to give a high level assurance would be a condition upon an operating licence that ISO 27001 (information security management)is required”.

“The control and integrity of personal information should apply equally across the whole of licensing framework. Hackney carriage only companies (often described as ‘radio circuits’ or ‘taxi associations’) currently do not have to be licensed which means there is no legislative control over them. This is despite the same operating practices being undertaken in accepting and dispatching private hire bookings. By drawing Taxi companies into the licensing framework it creates the ability for a Local Licensing Authority to have enforcement powers over Taxi Associations and access to information to investigate complaints and allegations of illegal activity”.

A national charity campaigning to reduce the risk of violence and aggression in society commented;

“any other (than a driver) person with access to personal information about taxi passengers should be licensed and subject to the same safety checks and licensing requirements as drivers. This is due to personal information including credit/bank card details, names and addresses being handled and open to misuse”.

A driver in south east Wales did not agree that people handling personal information needed to be licensed, on the grounds that;

“No personal information is needed to take a booking”.

In our consultation we asked should the “fit and proper persons” test for the application and issue of licences be retained in Wales?

In response, 93% of respondents expressing a preference said that the “fit and proper” person test should be retained, whilst the remaining respondents suggested that the test should be retained on the proviso that the criteria by which “fit and proper” would be assessed was clearly defined.

There was also concern expressed that the current test was not consistently applied across the licensing authorities in Wales and in some cases, the test was not been applied at all. One respondent suggested that a more appropriate term would be “safe and suitable”.

In our consultation, we asked whether respondents agreed that local authorities should have the discretion, within certain constraints, to impose conditions on individual licence holders to meet additional local requirements and standards where there is a reason to do so?

In response, 74% of respondents expressing a preference agreed that local licensing authorities should retain the power to set additional licence conditions, whilst 23% of respondents did not agree.

Most local authorities agreed that local licensing authorities should retain the power to set additional licence conditions where it is appropriate to do so in their area. A local licensing authority commented:

“The Council believes that Local Authorities should be able to impose additional conditions. Drivers who have certain medical conditions for example may require additional conditions to ensure that they remain safe to drive. Another example would be disciplinary requirements, where the Local Authority as a result of a complaint / conviction, may wish to attach a condition to a driver’s licence for them to attend a specific local course”.

Public Health Wales also agreed that local authorities should be able to apply additional conditions on taxi and private hire vehicle providers to tackle air pollution.

“Public Health Wales would support local conditions or policies that encourage the taxi fleet towards the uptake of low or zero emission vehicles and that discourage unnecessary engine idling, in order to improve air quality and protect public health. This is particularly so for areas declared, or at risk of becoming, an Air

Quality Management Area or where taxi fleet emissions are identified e.g. via source apportionment data, as contributing to reductions in air quality”.

A national private hire vehicle operator also expressed concern that relying on national standards without any local discretion to add conditions to licences to meet local needs could be problematic.

“We think it is difficult to set a definite set of rules for every part of the country and it would be reasonable for local licensing authorities to be able to further define some aspects of local work that is proportionate and justified. It would be really beneficial if the majority licensing rules were a national statutory standard and with the same forms and application procedures throughout the country to create a consistent approach to the licensing pathway”.

Some respondents did not agree with additional local conditions being added to licences. A local authority told us:

“We feel that the imposition of local conditions on individual licences could cause an element of unfairness as different local authorities (LA’s) issue different licenses whereas our standard umbrella licence conditions have been ratified and adopted by democratically elected Members following consultation, discussion and debate. It is felt that an equal playing field should be encouraged and the imposition of conditions on individual licenses could be problematic for enforcement and may give rise to a Judicial Review. If an individual licence is not compliant with the conditions that are already in place, then that licence should be reviewed for suspension or revocation”.

In our consultation, we asked whether the fees for the licensing of private hire vehicles should be set by the Welsh Ministers with fees for taxis being set by local licensing authorities at a rate not less than those applied to private hire vehicles – as recommended by the Law Commission; or whether local licensing authorities be required to set all fees in their areas, exercising their functions having due regard to guidance issued by the Welsh Ministers?

In response, 11% of respondents expressing a preference agreed that fees for the licensing of private hire vehicles should be set by Welsh Ministers with taxi fees being set by local authorities, although a further two respondents (8%) said that the Welsh Government should set all fees. But 81% of respondents believed that all fees should be set by local licensing authorities.

Local licensing authorities were generally of the opinion that local authorities are well versed in setting fees locally, being aware of their local costs. Their view was that any fees levied should be at a level set to recover the actual cost of providing the service. One local authority commented:

“The fee setting power included in any new legislation, should allow the local authority to recover all costs associated with administration and enforcement of the regime. The Council would welcome that the fees could also be generated to provide services that have a direct impact on the taxi trade and protection of the travelling public, such as the employment of taxi marshals, providing electric charging points the upkeep of signage and road markings at ranks. Furthermore, if a one tier system is created, that authorities can provide appropriate waiting / rank areas for vehicles so as to prevent illegal ranking and parking. Nationally set fee levels present another set of concerns as can be found in respect of the Licensing Act 2003 where nationally set fees have not been reviewed by central government since November 2005 (almost 12 years), they do not reflect actual costs to local authorities or individual circumstances”.

In support of the Welsh Government setting all the fees for taxis and private hire vehicles, a driver commented:

“I believe that the licence fees for both private hire and taxis should be set by the Wales Government, in consultation with all stakeholders. This introduce some consistency throughout the country and help avoid the practise of drivers becoming licenced in areas they have little or no intention of working in”.

In our consultation, we asked whether local licensing authorities should be required to publish driver, vehicle and operator licensing data information as prescribed by the Welsh Ministers as recommended by the Law Commission, or whether local licensing authorities should be required to share information about any enforcement action that has taken place and resulted in the removal or suspension of a licence, and that licensing authorities required to consult that information prior to any application for a licence being granted.

In response, 13% of respondents expressing a preference said that information about drivers, vehicles and operators should be published. A further 13% considered that the information should be published but that information about enforcement actions should be shared more easily between local licensing authorities. Whilst 66% of respondents suggested that arrangements to share information between licensing authorities to support better enforcement should be in place but not published to the general public.

In supporting the publication of information by licensing authorities, one respondent commented that:

“Publication of data is important and would be supported. A national database of revocations and refusals is currently being developed and will significantly assist licensing authorities - they should be required to consult this database or share information as well as meeting the minimum data publication requirements”

A majority of respondents to the consultation suggested however, that there was no benefit in publishing licensing information to the general public, but that there was a need to improve arrangements for the sharing of licensing information between local licensing authorities. A trade union representing professional drivers commented:

“We agree with the Law Commission’s recommendation, that driver’s data should be shared with relevant licencing/Law enforcement bodies, but this data should not be open to the General Public. A National data base of both drivers and operators would assist with public safety, and licencing bodies when determining whether or not to issue or re-issue a licence”.

In our consultation, we asked whether the Welsh Ministers have the power to make a scheme that allows taxi licences to be traded between licence and perspective licence holders; or requires licences to be returned to the local licensing authority for reissue but allow for a compensation scheme to be established ensuring that licence holders that have traded plates previously in relation to Wales to be compensated for any potential loss.

In response, 90% of respondents said that no licence plate trading should be permissible and most local licensing authorities supported this, citing that arrangements for the transfer of plates were in place. Only one respondent felt that a compensation scheme should be set up to allow people who had invested in plates previously could be compensated.

The Competition and Markets Authority (CMA) told us that they welcomed Welsh Government wishes to remove characteristics of the industry that may create barriers to entering it. However, it argued that it is not the ability of taxi licence holders to buy and sell their licences that creates a barrier to entry, but the existence of quantity restrictions on the number of taxi licences in the first place. The CMA argued that quantity restrictions on the number of taxis able to operate in an area

create a barrier to entry, thereby reducing competition and harming consumers, resulting increased waiting times, reduced scope for competition to drive fares down and service quality up, and may also encourage the use of illegal taxis. Therefore, in its view, consumers are likely to benefit from the removal of quantity restrictions, where they exist.

Where quantity restrictions are removed however, the CMA believe that it is important that fare caps are adjusted if necessary to ensure that consumers benefit from their removal and to avoid creating inefficiencies in the taxi industry.

In CMA's view however, the Law Commission was wrong to say that the market for plates creates a barrier to entry. Its view is that the price paid for licences is merely a symptom of the barrier to entry created by the quantity restriction.

“Assuming it is competitive (which seems likely), economic theory would suggest that the market for plates itself will not have any negative impact on the number of taxis on the road. Indeed, the market is likely to result in the individual or firm who will use the licence most efficiently (for instance, for most hours per week) obtaining the licence as they are likely to make the highest bid for it. Any sort of restriction on the market for plates does nothing to tackle the barrier to entry caused by quantity restrictions, and indeed is likely to result in reduced availability of taxis on the roads”

In our consultation, we asked whether respondents considered that equality requirements proposed by the Law Commission can be met under the requirements imposed by the existing public sector equality duty (s149 of the Equality Act 2010) and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011?

In response, 62% of respondents expressing a preference believed that current requirements under the Equality Act 2010 in relation to Wales were sufficient, but 21% considered that new requirements needed to be introduced by legislation to improve access to taxis and private hire vehicles. A leading charity representing older people in Wales told us:

“We are supportive of the Law Commission’s recommendations regarding how local licensing authorities should exercise their functions to enable better performance of the duties set out in the Equality Act 2010, including: regular accessibility reviews; the review of taxi rank design to ensure compliance with the Equality Act 2010; and the provision of appropriate information in alternative formats. We believe that the Equality Act 2010 must be effectively used by the Welsh Government and all public authorities in Wales, and must be robustly enforced by the Equality and Human Rights Commission. We deem that taxi and private hire services in Wales should be assessed against passenger experience to ensure their compliance with the Equality Act 2010. We would also suggest the inclusion of dementia awareness training in appropriate taxi/PHV staff training programmes”.

In our consultation, we asked whether respondents agreed that applicants or existing licence holders must first allow a review of a refusal, suspension or revocation by a person not involved with the initial decision to be undertaken within a reasonable timeframe before an appeal to magistrates’ courts can be made?

In response, 60% of respondents expressing a preference agreed that a review of any decision should be undertaken should be allowed before an appeal needed to be made to the courts, whilst 40% did not agree. A private hire vehicle operator told us that:

“Licence holders should be given a choice to ask for reconsideration or proceed to magistrates’ court. If the driver requests a reconsideration, this should be done within well-defined and respected timeframes. National standards should include very clear guidance for refusals, suspensions, or revocations of licences”.

Licensing authorities in Wales did not support the introduction of a process that sought to review the decision of the licensing authority, preferring instead to rely on the current mechanism whereby the right of appeal is to the Magistrate or Crown Courts. One licensing authority said that:

“Introducing a review of a licensing authority decision delays the effect of the decision and could be detrimental to public safety as in the majority of cases the licence remains valid until such time as an appeal is determined. The only advantage may be that there would be a reduction in the number of cases brought before the Magistrates. Licensing committees or officers making decisions should have good documented procedures in place to ensure fair hearings and that the reasons for the decision are fully documented.”

OTHER ISSUES RAISED DURING THE CONSULTATION

In taking a fresh look at the recommendations published by the Law Commission for England and Wales in May 2014 for the reform of licensing for taxis and private hire vehicles, stakeholders were asked eleven specific questions about how the proposals could be implemented in Wales. Stakeholders were also encouraged to submit additional comments in relation to the licensing of taxis and private hire vehicles in Wales.

Disability access

Groups representing disabled people expressed concern that disabled people continue to experience discrimination when using taxis and private hire vehicles. Groups claimed that the lack of availability of accessible taxis and private hire vehicles often leads to excessive waiting times and overcharging remains common place. Additionally, they said that disabled people are repeatedly being ignored when hailing taxis or are being refused journeys by taxi drivers. One group told us that:

“We have received reports of individuals with assistance dogs being refused access to taxis. Deaf people have reported the lack of deaf awareness and willingness of some drivers to communicate more clearly as causing anxiety and also resulting in individuals being taken on much longer routes than necessary, incurring higher costs”

A leading charity commented that a survey found 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 Commission, which stated that “many of the problems experienced by disabled people stemmed from lack of awareness and poor attitude”. The 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. The charity said:

“To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to offer assistance to their customers with vision impairments, including those travelling with a guide dog. 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”.

It was however noted from discussions with equality groups that 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.

Out of area working

A key concern expressed by drivers and private hire vehicle operators during the consultation was the overcapacity in the market as the result of vehicles operating in the Cardiff area, licensed in neighbouring authorities. Drivers told us that in some cases, vehicles licensed in England, including London, have been witnessed operating in and around Cardiff. A trade union representing the interests of professional drivers commented:

“we believe that stronger measures need to be put in place to halt the practice of “cross border working”, which sees drivers that have a licence from one authority, working in a different authority, in breach of their intended use declaration. This has an impact on drivers’ earnings and raises serious public safety concerns, particularly in relation to the possibility of this practice invalidating drivers insurance”

National standards

Most respondents supported proposals put forward by the Law Commission to introduce national standards to improve consistency between local licensing authorities. For example, Cardiff licensing authority told us that all drivers applying for a license from the authority are required to have undertaken a customer care qualification, which includes a local knowledge test, irrespective of whether the application

is for driving a hackney or a private hire vehicle. It notes that this standard is not required in neighbouring authorities, which in turn has encouraging the out of area working highlighted above. One respondent to the consultation echoing this support for introducing national standards providing a common solution to licensing issues told us:

“We believe that Welsh Government should set the national standards for vehicles. The problem is at the moment each authority can make up their own standards which are not already mentioned in legislation, especially for vehicles. We would suggest the powers for setting consistent standards, rest with the Cabinet Secretary/Minister, and not the Local Authorities. This will provide consistency across the country and avoids the practice that you can be in neighbouring authorities but see totally different standards for vehicles in place”

Some professional drivers also supported the introduction of national standards to address other concerns in the sector about the lack of rank space in the case of hackney drivers, and safe pick up and drop off points in city and town centres for private hire vehicle drivers. In some cases, private hire vehicles are not permitted to drop off passengers at bus stops and whilst being able to drop off and pick up on restricted parking and waiting areas, drivers told us that they are often are subject to fines and penalties when doing so. Operators and drivers also told us that the different approach to the licensing of accessible taxis between local licensing authorities was problematic. In one example, it was alleged that one authority permits rear access to a wheelchair accessible vehicles, whilst a neighbouring authority permits only side access as part of the licensing requirement.

Public Health

The Chartered Institute of Environmental Health (CIEH) in Wales commented that reforming the licensing regime is an opportunity to address some of the environmental health issues currently being experienced in parts of Wales. The CIEH told us that Air pollution is a

public health crisis in Wales, accounting for about 2,000 premature deaths a year. Motor vehicles, we were told, are an important source of air pollution and exposure to traffic related air pollution e.g. nitrogen dioxide and particulates is linked to a range of adverse health outcomes. It urged the Welsh Government as a consequence of this review, to introduce requirements which will reduce emissions from taxis and private hire vehicles.

This point was supported by Public Health Wales, who told us:

“In Wales, around 40 Air Quality Management Areas (AQMAs) have been declared by local authorities (as at July 2017). AQMAs are priority areas for intervention because actual or potential breaches of statutory pollutant-specific Air Quality Objectives (AQO) are possible. While general air quality in Wales, like the rest of the UK, has improved over past decades, problems persist. Road traffic emissions account for more than 64% of air pollution at urban monitoring sites. Pollutants not only cause problems locally but, when suspended in air, can travel long distances and over wide geographical areas”.

The CIEH also commented that smoking is the leading single cause of serious illness and avoidable early death in Wales. Legislation to ban smoking in enclosed public places was introduced in 2007 to protect the public from second-hand smoke. The legislation was strengthened in 2015 when, amongst other things it became illegal to smoke in private vehicles when someone under the age of 18 is present. The question as to whether the smoking ban applies to private hire vehicles used only occasionally to transport the public needs to be addressed. The CIEH urged that the Welsh Government should use this review as an opportunity to clarify the position and ensure private hire vehicles come within the scope of the smoking ban regardless of how often they are used to convey passengers.

Next steps

The discussion groups we attended and the responses we received during the consultation exercise raised a number of issues relevant to local markets in the taxi and private hire vehicle sector. Issues such as the relationships between local operators, licensing authorities and drivers of private hire vehicles and taxis; the rental rates for equipment charged by private hire vehicle operators on owner drivers working with operators, the cost of acquiring vehicles especially wheelchair accessible taxis used for taxi hackney services.

Some respondents also told us that vehicles used to carry people where the transport of passengers is not the main occupation of the business, such as wedding and funeral cars (not a hearse), should not be exempt from the licensing regime.

We have not sought to set out all of these individual comments within this summary report, but give a flavour of the views and comments that have been expressed in relation to the main topic areas. The views and opinions that have been provided however, will inform the detailed proposals that will be developed by the Welsh Government on how best the licensing regime can be reformed to better meet the transportation needs of the people of Wales, operators and professional drivers in Wales.

It is expected that these detailed proposals will be published for public consultation in the Spring of 2018.