

SB/ LIC/DISABLED TAXIS  
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Paul Lawry  
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Dear Mr. Lawry

**RESPONSE TO DFT CONSULTATION ON IMPROVING ACCESS TO TAXIS**

Following the seminar in Bristol on the 24<sup>th</sup> March 2009 I wish to respond to the consultation on behalf of Torfaen County Borough Council Licensing Authority. The first section is a narrative response on the issues as they are seen from the council's perspective; your specific questions are answered where possible in the second section of this response.

Yours sincerely

**Steve Bendell**  
**TEAM LEADER LICENSING**

## **NARRATIVE RESPONSE:-**

Torfaen is a small semi rural authority which occupies a valley which is the furthest east in South Wales just north of, but not including Newport, it includes 2 large towns Cwmbran in the south and several village areas along the valley slopes up to Blaenavon and the border with the Brecon Beacons National Park. Our hire car mix is mainly private hire vehicles on a ratio of approximately 300 to 50 hackneys. Therefore my biggest problem is control of the private hire fleet as hackney carriages make up a small proportion of our licensed vehicles.

In June 2008 we brought into force a new policy covering all aspects of the trade, one of the objectives was to increase the number of wheelchair accessible vehicles available, the need was identified in responses to an unmet demand survey as we had at that time a limit on the number of HC licensed vehicles.

Initially we intended to make all HC's become wheelchair accessible when they replaced their vehicles, following consultation it was decided that there was a need for a mixed fleet as some persons with disabilities that did not require wheelchairs could not get into the wheelchair accessible vehicle as the height of the step up is too high.

As a result we reversed our proposal for all vehicles, removed our limit on the number of HC's we would licence, retained the existing fleet of normal saloon/estate vehicles and would only grant new plates to wheelchair accessible vehicles, the licenses would then be specific to wheelchair accessible vehicles or not as the case may be.

As we had very limited rank space we decided to restrict the vehicles to side loading access only. Consideration was also given to the safety of the driver and wheelchair user standing in the road to load rear access vehicles; we have licensed 4 extra vehicles since that time, which is a significant increase in percentage. However this has not been without its problems, some of the new vehicles seem to be restrictive for headroom for wheelchair users, other passengers are refusing or unable to climb into them as the floor height is too high.

TX London type cabs have not been used successfully in this county due to the steep hills along the valley, some have tried and none have retained the vehicles. Our fleet includes what can be best described as normal saloon and estate vehicles and some purpose built wheelchair accessible vehicle, we still have some rear access vehicles on the fleet but our current policy would require them to be replaced with side loading when they become due for replacement.

I therefore make the following comments and suggestions for your consideration in the consultation process.

1. With regard to the regulation of private hire and hackney carriages the legislation itself is not fit for purpose, we are trying to fit 21<sup>st</sup> century requirements into 19<sup>th</sup> century legislation, even the 1976 Act is now outdated, 33 years in transport history is a very long time, especially with the raft of new legislation being produced to try and balance the old with up to date requirements. I would firstly suggest that the basic legislation be looked at to bring private hire and taxis into the 21<sup>st</sup> century.
2. The lack of technical standards for wheelchair accessible vehicles which suit all sections of society and varying degrees and types of impairment is something that is required, at least all licensing authorities, trade and vehicle manufacturers would have something to follow as opposed to the situation we have now of; lets take a production vehicle and see what we can do with it as cheaply as possible.
3. We need to have technical standards for private hire vehicles as well as hackney carriages, let's put them all on a level playing field, as it stands the hackney carriage operators justifiably see unfairness with restrictions placed on them which are not imposed on private hire vehicles.
4. This leads on to a further issue, why have we got a 2 tier system of hire cars, should we encompass all hire cars into one regime, lets call them Taxis, or as I am in Wales Tacsí.
5. What works in London does not work in a welsh valley or a rural area, there need to be local decision making on the need of the local community, I am all for regulation for the greater good, e.g. the technical standards and Section 36 DDA 1995, but to regulate making all vehicles utopian at this time will not work as there is a divers society with different needs.
6. A comment that was made at the seminar yesterday, that it would be unlawful under section 36 DDA 1995 for a driver to charge on waiting time for loading and unloading. We looked at this as it was a complaint we were getting from disabled groups, we felt that it would be unfair to say to a service provider that they could not charge for a service they are providing, they after all are not a subsidised social service, they are running a business and their time is money. It must be taken into account that many if not all disabled persons are entitled to mobility allowances as it is understood that transport can be an

additional expense, therefore that expense should be used to assist with their transport and the provider of that transport should be reimbursed for their time. What we would not accept is a higher fare for the actual journey just because the passenger is disabled and requires a specific vehicle.

7. I would also like to comment with regard to training for taxi and private hire drivers, we have regular complaints about the professional standards of drivers and receptionists, we have tried to get training for our drivers but the company who have been providing training for English authorities (Go-Skills) seem to be coming up against hurdles with the Welsh Assembly Government to get the courses off the ground. I would recommend that the same as PCV drivers etc. there should be a nationally recognised training program for all drivers and operators which should be a requirement before getting a licence; we do it for alcohol sales and gambling providers, surely public service providers such as taxi PH drivers should also have a minimum required standard of training, it is a very responsible and sometimes challenging profession.

## **YOUR QUESTIONS ANSWERED:-**

Q1: What is your view of the analysis and data included here and in the Impact Assessment? Do you have any further or more accurate data that you would be able to send us?

**The analysis appears to reflect what I believe to be the current situation.**

Q2: What do you think are the potential impacts, costs and benefits of the 'do nothing' scenario?

**I do not believe the do nothing scenario is acceptable in this day and age, we need to address the needs of disabled persons and legislation need to promote there equal treatment and accessibility to services and Taxis is a service that disabled groups use, the cost implication of doing nothing is not financial it is in perception of the governments view on disabled groups.**

Q3: Do you have any further or more accurate data on potential costs and benefits of a 'do nothing' scenario that you would be able to send us?

**No**

Q4: What type of guidance would be most effective, in what format should it be produced and what can the Dft do to promote? Take-up?

**Guidance on technical standards and accessible vehicle ratios, the current guidance to local authorities is good but would benefit by being beefed up. The guidance was a very useful tool when I drafted our new policy and many of its recommendations were written into the policy.**

Q5: What do you think of the draft technical specification? Do you think that it would help to improve levels of accessibility? Which aspects of it could be delivered easily and which ones would be problematic?

**Without seeing the words recreated in a vehicle it is very difficult to tell, but there need to be standards and these seem to fit the need to the best of my knowledge.**

Q6: What do you think are the advantages and disadvantages of Dft-funded demonstration schemes?

**It depends what you intend to get out of it, I am all in favour of research projects to identify the issues in order to come up with an appropriate solution, but hasn't that research already been done?**

Q7: What do you think would be the most effective ways of influencing action by local licensing authorities, drivers and manufacturers?

**Some legislation e.g. technical standards and section 36 DDA 95 and some guidance. There needs to be a basis of regulation from which an authority can make informed decisions on what is right for their area, guidance on what authorities should consider when producing policy.**

Q8: What are your views on the Government's proposal to amend and commence section 36 of the Disability Discrimination Act? This would impose a duty on drivers of taxis and private hire vehicles that are designated as being wheelchair accessible to assist passengers in wheelchairs, to carry them in safety and comfort and to not charge them any extra.

**This is long overdue; this is the one element that will give the guidance teeth.**

Q9: What additional enforcement action or tools would be the most effective ways of improving driver behaviour and attitudes?

**This could be addressed in national guidance backed up by a need for training for drivers, receptionists and operators. Legislation could then be used as necessary to review licenses if there are continual complaints, as we do now with the fit person test. There is still a need for the legislation that exists to be updated.**

Q10: What measures do you think could act as positive incentives to improve driver behaviour and the levels of service offered to disabled people?

**Training courses/qualifications and sanctions as stated above.**

Q11: In relation to improving access to taxis, what do you think the Dft and local licensing authorities could do better or more effectively?

**Greater awareness of the issues faced by all types of disabled person which should form part of a training package, and one of the issues I have identified is how do drivers physically deal with disabled persons and where does health and safety come into the equation.**

Q12: How could we help to increase the availability of accessible taxis and private hire vehicles at ports, airports, bus and rail stations?

**There is a need for integrated transport and that needs to be addressed through planning legislation and guidance. Provision should be made at all transport terminals for Taxi and Bus stops and they should also be linked.**

Q13: How could we improve the consistency and quality of information provided to disabled people about taxis?

**Having one publication that many groups could feed into, at present everyone does their own thing which is good but it is not integrated, having all information in one source would enable all interested parties to access all of the information without the possibility of missing something.**

Q14: What do you think are the potential impacts, costs and benefits of a proactive programme of Dft-led initiatives?

**It depends on the initiative, if it is draconian enforcement and regulation that has a considerable cost implication to the trade then it will be negative, if it is encouragement, training and guidance then the trade will adapt of its own accord following market forces.**

Q15: Do you have any further or more accurate data on potential costs and benefits of a programme of Dft led initiatives that you would be able to send us?

**The only cost implications of implementing a new regime would be the cost to the local authority in implementation, please do not set unrealistic fees like the DCMS have done with the Licensing Act 2003.**

**The cost to the trade of having to purchase potentially expensive vehicles when there is not enough business to support them.**

Q16: What do you think about the draft technical specification?

**They seem OK, but I would like to see them converted into a mock up vehicle and the potential cost of that vehicle before I commit myself.**

Q17: What do you think are the potential impacts, costs and benefits of a regulation?

**Over regulation could adversely affect the trade to the extent that many will give up the business reducing the amount of provision of taxis, probably transferring to private hire, which is why you must not leave private hire vehicles out of the equation.**

**Regulation always has a benefit, however small as there can be no argument over the requirements and everyone is playing on a level playing field with clearly defined rules.**

Q18: Do you have any further or more accurate data on the potential costs and benefits of a regulation that you would be able to send us?

**No**

Q19: How do you think that a technical standard should be enforced?

**They should form part of construction and use regulations that will make them clear and testable in an MOT.**