

The Licensing of Taxis and Private Hire Vehicles

Research Paper 95/81

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This paper describes the existing system for the licensing of taxis and private hire vehicles, both in London and in the rest of England and Wales. It does not cover Scotland. The Government's proposals for reforming the system are examined with particular reference to accessibility for the disabled.

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Summary

The regulation of the taxi industry could be said to have begun in 1636 under Charles I, who was concerned about congestion in the City. He issued a proclamation restricting the number of hackney coaches to 50 and preventing them from carrying passengers less than three miles. In 1654 Oliver Cromwell authorised the establishment of the Fellowship of Master Hackney Coachmen, leading to the present day definition of "hackney carriages". The present licensing system is a little more modern but much of it does date back to the last century. The distinction which is made between taxis and private hire cars and the different rules each is subject to are briefly described in the paper. The system has been reviewed on various occasions in the past, but few changes have resulted.

In October 1993, the Government published a consultative paper on the future of taxis and private hire cars in England and Wales and in March 1995 it announced the results of the consultation. The Government proposes to tighten very considerably the controls on minicabs operating in London, including checks on the drivers for criminal records and safety checks on vehicles. The situation outside London was not seen as particularly unsatisfactory. The distinction between the two types of hire will be retained: as now, taxis will be allowed to ply for hire in the street and minicabs will have to be pre-booked. The changes will require legislation and consultation continues on certain detailed points. The public have long been concerned about unlicensed drivers, but drivers of taxis, particularly in London, are concerned that giving greater respectability to minicabs, but without demanding the same high standards that taxi drivers are subject to, might erode the market for the highly regulated but more expensive black cabs. Outside London, concern centres on the removal of the power to limit entry to the industry and the requirement that all taxis should be wheelchair accessible 10 years from the passing of the likely legislation.

Part I The Licensing System

There are basically two trades providing driver and car hire, taxis or the old fashioned "hackney carriage", and private hire vehicles, which are also referred to as minicabs. Taxis ply for hire from taxi ranks and can be hired in the street whereas minicabs must be pre-booked by telephone or calling in person at an office. There is a large market overlay between taxis and private hire vehicles. An increasing proportion of taxis undertake pre-booked and contract hirings, and private hire vehicles are not infrequently booked immediately before hire (eg. at supermarkets) so being used in a way almost undistinguished from plying for hire. The dividing line between the two trades has therefore become increasingly blurred.

The present regulatory arrangements governing taxis and minicabs have grown up by historical accident rather than design. The law has different rules for taxis and private hire vehicles and varies within London and outside London. The trade is continually evolving and technological change has marked effects. For example, the increasing use of radio booking systems and the growing use of portable telephones may lead to the erosion of the hailing of cabs in the street. Various reviews have been undertaken over the years, usually with inconclusive results, but following the Government's latest consultation paper¹, it is likely that new proposals will appear later this year. Legislation will have to be introduced to implement the changes and the aim is to replace the present antiquated legislation with a single Act and appropriate Regulations. The Acts of Parliament applying to London taxis still on the statute book go back to 1831 and taxis outside London are still licensed under an Act of 1847. Minicabs are a more recent phenomena, starting up in London in the 1960s.

A Existing Licensing Arrangements

The present law governing taxis and minicabs varies depending whether one is in London or outside London. In England and Wales, outside London, taxis are licensed by district councils under the *Town Police Clauses Act 1847* or that Act as amended by the *Local Government (Miscellaneous Provisions) Act 1976*. All taxis and their drivers must be licensed by the district council. Minicabs, drivers and operators are only subject to licensing if a district council has adopted Part II of the 1976 Act or has similar provisions contained in a local Act. In London, the legislation dates back to the last century, but the main licence conditions are made under the *London Cab Order 1934*. The minicab trade is not licensed at all, so there are no controls over drivers and vehicles other than those which apply to any driver.

The legislation covering both taxis and minicabs is clearly set out in the Government's consultation paper. It can be summarised as follows:

Taxis in London

¹ *Taxis and Private Hire Vehicles - a consultation paper on the future of taxi and private hire services in England and Wales.*
Department of Transport October 1993

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There has been little fundamental change in the legislation relating to taxis in London since the present system was established in the first half of the 19th century. The *London Cab Order 1934* is the main legislative base for the present licensing regime in London². Overall responsibility for London taxis lies with the Secretary of State for Transport, who took over the function from the Home Secretary in 1984. He sets fare levels and approves fees for driver and vehicle licences directly. Taxi fares are set in accordance with a formula which was devised by the Home Office with the help of independent consultants and agreed by the London Taxi Board. They are reviewed annually. Delegated authority for day to day licensing operations initially rested with the Commissioner of Police of the Metropolitan Police District but under the *London Cab Order 1955*, this authority was transferred to an Assistant Commissioner of the Police Service. Under the Assistant Commissioner, most of day to day licensing work is carried out by the Public Carriage Office which is a civilian branch of the Metropolitan Police. The Assistant Commissioner is responsible for ensuring that taxi drivers and proprietors are of the standard he specifies and that their taxis conform to the specification he sets.

Vehicles for use as taxis in London have to satisfy the Metropolitan Conditions of Fitness laid down by the Assistant Commissioner. These prescribe, for instance, a turning circle of 7.62 metres, a partition separating passenger from driver, an overall width of vehicle exclusive of driving mirror of no more than 1.755 metres, an overall length of no more than 4.575 metres, and a flat floor in the passenger compartment for which there are minimum height limits. In addition, a taximeter must be fitted. All new taxis are required to be constructed to accommodate a person in a wheelchair in the passenger compartment. No specific age limit is imposed and if a vehicle is in good order, it will be licensed. Licences are valid for one year.

In London, the Public Carriage Office has a duty to ensure it grants licences only to people who are "fit and proper" to drive a taxi. This involves:

- a) a criminal record check;
- b) a comprehensive topographic examination (the knowledge of London test);
- c) a medical;
- d) a driving test in a purpose-built taxi; and
- e) a check on the financial standing of prospective proprietors.

The minimum age is 21 and there is no upper age limit. The PCO requires a medical with the first application and again at 50, 56, 62 and 65. From then on an annual medical is required. A licence can be suspended, limited or revoked by the licensing authority although there is an appeal mechanism to the courts. Driver licences are valid for three years.

² SI 1934 No 1346

Taxi owners (proprietors), including owner-drivers, are licensed. If a proprietor is deemed unsuitable, his taxi(s) will not be licensed. The majority of taxi drivers in London own their vehicles although there are some owners of fleets of 10 taxis or more. The PCO carries out a criminal record check on proprietors, and an applicant has to be of sound financial standing. The object of the financial standing test is to ensure that the owner has sufficient resources to maintain his taxis properly.

Private Hire Vehicles in London

Vehicles used as minicabs in London are normally saloon cars as opposed to the purpose-built vehicles used as licensed taxis. There are no controls on operators, apart from the requirement under the planning laws that they have planning permission for their operational base, and that they have paid the appropriate licence fees for the number of radios they use.

Minicabs must be pre-booked: it is illegal for them to ply for hire and in order to prevent minicabs from competing unfairly with licensed taxis, legislation prohibits the display in them or on them of any sign or other feature which may suggest that the vehicle is a taxi available for immediate hire. It is estimated that between 40,000 and 60,000 minicabs operate within the Metropolitan Police District. In many suburban areas they are the predominant, or even the only, mode. The majority of minicabs are driven by their owners, who pay a weekly fee to a radio circuit, to cover a two-way radio and the booking services of the office.

Minicab operators in the London area vary from respectable, responsible organisations which ensure that their drivers have references, proper insurance and well maintained, clean cars offering a good service, through the spectrum to others who do not ensure any of these. There was a significant problem with minicab drivers who illegally used touts (or touted themselves) outside nightclubs, theatres, cinemas and at railway stations although efforts have been made to deal with this in the *Criminal Justice and Public Order Act 1994* section 167.

Taxis outside London

In England and Wales, outside London, taxis are licensed by district councils under the *Town Police Clauses Act 1847* or that Act modified by the *Local Government (Miscellaneous Provisions) Act 1976*. All district councils must license taxis and their drivers. In granting a taxi driver's licence the district council is required to satisfy itself that the applicant is a "fit and proper" person. This expression is not defined in statute and its interpretation is for each council to decide. A provision in the *Road Traffic Act 1991* gave councils a power to check an applicant's background with the police. The licensing conditions that are applied to taxis are also for each council to decide as part of its general licensing powers. Councils may make byelaws covering such matters as fares and taxi ranks, but these have to be confirmed by the Secretary of State.

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A number of district councils throughout England and Wales have adopted Conditions of Fitness identical to those imposed in London and only allow taxis that meet them to be licensed in their areas. Some of the larger councils have gone further than as yet in London and stipulate that only wheelchair accessible vehicles will be licensed. However the majority of taxis outside London are still saloon cars.

Private Hire Vehicles outside London

Private hire vehicles, drivers and operators are subject to licensing if a district council has adopted Part II of the *Local Government (Miscellaneous Provisions) Act 1976* or has similar provisions contained in a local Act. About 95% of councils, including all the larger ones, have adopted the provisions. Private hire vehicle drivers can be subject to the same criminal record checks as taxi drivers and some councils insist on the same topographical knowledge test as that required for taxi drivers. There is no control on the fares which may be charged. As private hire vehicles have to be booked in advance, the customer is expected to agree the fare at the time of booking.

B The Government's Proposals

Proposals for the future of the taxi and private hire vehicle trade were announced by Steven Norris on 22 February 1995³. Details were given in the government's response to the Transport Committee's report on the subject⁴. The most important features of Mr. Norris' statement were:

- Taxi licensing in London will continue to be the responsibility of the Public Carriage Office which will be transferred from the Metropolitan Police to the Department of Transport. Outside London, it will continue to be the responsibility of district councils.
- Minicabs in London will be subject to a form of control similar to that operating outside London. This is largely for reasons of public safety and will include vehicle safety checks, operator licensing and criminal record checks for drivers. It may include a test to ensure that drivers have an adequate knowledge of the area in which they are based.
- Taxis will continue to have the exclusive right to ply for hire in the street and at ranks. PHVs or minicabs will continue to be booked in advance.
- All taxis will have to be accessible to wheelchair users although this requirement will be phased in.
- The power of local authority control over numbers outside London will be phased out.

Before legislation is published, the Department of Transport has said it will consider certain factors further, including:

- shifting the emphasis so that the onus to ensure vehicles are properly licensed etc. lies with the operators;
- considering the criteria for vehicles to be used for taxis or PHVs;
- the requirements for drivers, possibly including their ability to communicate in English;
- the testing of vehicles outside London.

Other areas which presently cause problems and need to be agreed before legislation can be introduced are the meaning of "plying for hire", what happens at private facilities such as supermarkets, the effect of new technology such as mobile phones, what can be displayed on taxis or PHVs and the principles of cross border hirings.

³ PQ HC Deb 22.2.95 c 189w

⁴ *Taxis and Private Hire Vehicles* The Government's response to the Transport Select Committee's recommendations February 1995 - Cm 2715

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These conclusions followed the review of the law on taxis and minicabs throughout England and Wales (but not Scotland which has its own legislation) announced on 1 January 1993. Steven Norris promised a green paper "to stimulate debate" and following this, the Government would bring forward "comprehensive proposals" for controls on the industry⁵. A consultation paper, *Taxis and Private Hire Vehicles* was published on 27 October 1993. The green paper described how taxis and PHVs are regulated in England and Wales, reviewed the legislation governing them and invited comments and proposals for a new framework for the industry that would address the needs of the public, in particular issues of safety, accessibility and consumer protection; be readily understood by them; be reasonably easy to enforce; and enable the taxi and PHV trades to adapt and grow, with a minimum of regulation.

The Government did not present any of its own conclusions in the green paper but said it was particularly interested in receiving comments on whether taxis and PHVs should be licensed at all. It invited comments on four options in particular:

- Introducing minimal regulations for taxis and minicabs, with no controls on fares or vehicles. Drivers would undergo a criminal record check.
- Extending the regime in London to the rest of England and Wales. Taxis and their drivers would be licensed, but private hire vehicle drivers would be subject only to a minimal character vetting.
- Extending to London the two-tier system of licensing in the provinces, making minicab drivers in London conform to stricter regulations.
- A single taxi licensing regime throughout England and Wales, with no distinction between private hire vehicles and taxis.

Even at the initial, consultation stage, the Government itself appears to have favoured some type of regulation. One argument it put forward was the necessity to protect the safety and security of passengers, and to provide accessibility for people with disabilities. It also argued that some customers such as foreign tourists and those in a weak bargaining position need to be protected from exploitation and overcharging. Furthermore it felt there were no grounds for arguing that users of private hire vehicles in London needed a lower level of protection than those in the provinces.

The Transport Committee considered the Government's green paper and reported their views in March 1994⁶. Many of those who reacted to the Government's consultation paper also submitted evidence to the Committee which published all the evidence it received. The Committee argued that there was no justification for the existing difference between licensing regimes in London and in the rest of England and Wales. It recommended that a revised two-tier system should be introduced nationally. It proposed, however, that the distinction between taxis, which are allowed to ply for hire, and PHVs, which may not, should be retained. The government agreed with these recommendations in principle. It is likely that

⁵ Department of Transport press notice, 1 June 1993

⁶ Transport Committee "*Taxis and Private Hire Vehicles*" 4th report 1993-94, HC 239-I

the special problems and history of London taxi legislation will mean that in practice the system of licensing in London will continue to be different from that in the rest of England and Wales, although the principles will be similar.

The other issues on which the Government had particularly asked for views were the facilities which should be required, were important or were merely desirable in taxis and PHVs; and the standards that drivers and operators of taxis and PHVs should be required to meet. The advantages of the London "black" cab are outlined in the Green paper and by a number of witnesses to the Transport Committee. These include safety, ease of recognition, the capacity to carry up to five passengers, a tight turning circle and, in the case of the most recent models, wheelchair accessibility. It was suggested by the Committee, and in principle the Government agreed, that areas outside London should gradually adopt the Metropolitan Conditions of Fitness. This would imply their taxis were gradually replaced by London style cabs, but the Government emphasised that this did not mean that only such vehicles would be licensed. The important factor was the ease of wheelchair accessibility.

Tougher licensing requirements were recommended for both drivers and operators. This particularly applied to PHVs in London as outside London most areas already have strict conditions attached to the licences and the means to ensure that properly qualified drivers operate vehicles that meet a strict standard of roadworthiness. The Labour Party in its conclusions argued for stricter regulation through a national framework of minimum standards and for more effective enforcement.

The Government do make the point in their response to the Select Committee that their aim is "to improve the safety, security, comfort and convenience of individual passengers" and that the essential test to any change in the law is that it demonstrably improves the lot of consumers of personal transport. The aim is not to achieve a "tidy" statute book or to protect the providers of the services.

C Earlier Attempts at Reform

In October 1967 a committee under the chairmanship of Mr. Maxwell Stamp was set up to inquire into the taxi and private hire trades in London and recommended in 1970 that minicabs should be licensed as well as the black cabs, but under a separate system⁷. A general review of taxi and private hire car legislation was undertaken by the Home Office, but it proved even more complicated than the Home Office expected. By April 1976, no paper was in sight and James Marshall M.P. moved amendments to the *Local Government (Miscellaneous Provisions) Bill* to introduce a licensing code for private hire cars. The Government conceded the importance of the new clauses, but at the time preferred to continue with its preparations for a consultation paper and did not want to include such an important subject in a Miscellaneous Provisions Bill. However the Committee voted to include the amendments and the Government accepted the decision⁸. The legislation did not affect the London area.

In 1984 the Government published a White Paper on *Buses*. This pointed out that taxis and hire cars had become an increasingly important form of passenger transport and that, in recognition of that, responsibility for policy had been transferred from the Home Office to the Department of Transport. Two consultation papers were published, one covering England and Wales and one covering Scotland. Both made it clear that there was no intention of undertaking any fundamental revision of the legislation, but it was proposed to remove the power of district councils to restrict the number of taxi licences, and to make provision for passengers to be carried at separate fares. The suggestion was not popular with the taxi drivers and in the end the Government had to compromise. The *Transport Act 1985* allowed councils to limit the number of licences issued but only in certain circumstances.

In 1988 the Department of Transport carried out a review of the legislation relating to taxis and private hire cars in England and Wales. At the time many thought that this would result in legislation to introduce the licensing of minicabs in London and the removal of the local authorities' power outside London to ration taxi licences. However, it was decided not to introduce any changes. The *Transport Act 1985* had introduced changes outside London designed to increase business opportunities and limit the restriction on entry into the taxi trade. Mr Portillo, then Transport Minister, said that with regard to taxi licensing outside London⁹, "more time should be allowed for the new opportunities introduced by the 1985 Act to develop".

A Private Bill, the *London Local Authorities [No 2] Bill* was introduced in the House of Lords at the beginning of 1990. Clause 4 and Schedule 2 would have allowed the licensing of minicabs in London by local authorities. Despite great opposition, the clause was approved by the Lords on the grounds that it was better than no minicab licensing at all, but when the Bill reached the House of Commons, the promoters agreed to withdraw it.

⁷ *London Taxicab Trade* Report of the Departmental Committee under the Hon A. Maxwell Stamp, October 1970 - Cmnd 4483

⁸ Standing Committee B 6.4.76 cc 142-186

⁹ PQ HC Deb 11 July 1989 c488

A working party was set up in July 1991 under the Department of Transport "to make recommendations on the framework needed to ensure that users of taxis and minicabs in London can travel in reasonable safety and security". The committee was set up following a research report on minicabs from the Suzy Lamplugh Trust. Following this report, the Government decided it was necessary to examine in greater detail the operation of both taxis and hire cars in London. The working party included delegates from the Home Office, the police, the local authority associations, the Department of Transport, the London taxi and minicab trade associations, and the Suzy Lamplugh Trust. The report of the working party on *Safety of Users of Taxis and Minicabs in London* was published on 15 July 1992 and concluded that some form of minicab licensing was desirable. The overall conclusion of the working party was that "regulation should be introduced to cover minicab operations within London" but the committee also concluded that it was "unable to recommend what form such control should take".

All involved with the subject recognise there is no easy solution to the problem of unlicensed minicabs in London. Outside London it is possible to licence private hire vehicles and most councils use the provisions available under the *Local Government (Miscellaneous Provisions) Act 1976*. However not all areas choose to regulate and even amongst those who do standards can vary considerably. The concern over the varying standards and requirements covering different types of vehicles and in different areas led to the Government green paper published in October 1993.

Taxi Touts

The Deregulation task force recommended controlled deregulation of taxis and that restrictions on taxis at airports should be relaxed or abolished. On 14 April 1994, Steven Norris announced the Government would put down a new clause to the *Criminal Justice Bill* when it reached the House of Lords to outlaw taxi touts. He particularly wanted to ensure that the measure would catch the taxi touts who operate at airports and railway stations (which are not always public places). Section 167 of the Act came into force on 3 November 1994.

Part II Numbers of Taxi Licences

Hackney Carriages outside London are licensed by district and borough councils under the *Town Police Clauses Act 1847* section 37 as modified by the *Transport Act 1985* section 16 and by the *Local Government (Miscellaneous Provisions) Act 1976* Part III. Section 37 of the 1847 Act empowers councils to issue licences for hackney carriages and they could choose whether numbers were to be restricted. Section 16 of the 1985 Act introduced the provision "that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence should apply) which is unmet". A council must be convinced that there is too little demand and be able to satisfy, should the need arise, a Magistrates Court if an applicant takes the council to court for refusing to grant a licence.

The Green Paper made clear the Government's belief that such intervention was no longer desirable, on the grounds that it was for the market to determine supply and demand. The effect of limiting licences is that people wishing to enter the trade for the first time have to purchase already licensed vehicles from existing proprietors. These can sometimes cost several thousand pounds. In its response to the Transport Committee, the Government did conclude that some power over numbers should be retained in case of special circumstances and it suggested that the removal of controls should be phased in over fifteen years.

There are no precise figures of the number of taxis and PHVs. Best estimates say there are about 22,000 licensed taxi drivers in London and about 17,500 licensed taxis. Estimates of the number of minicabs operating in the Metropolitan Police District vary between 40,000 and 60,000. In the rest of England and Wales the figures are about 32,500 taxis and 52,500 private hire vehicles. The average ratio of taxis to population is 1:1,325; the equivalent figure for PHVs is 1:825. The average ratio of taxis to PHVs is 1:1.6. However there are marked differences between areas for all these figures. For example the figure for population per taxi varies from 1 for every 2,000 people in Nantwich and Crewe to 1 for every 1,000 in Rochford and Southend. Such differences reflect local traditions and car ownership rates, and also the number of taxi licences issued in areas where there is still number control.

Part III Access for the Disabled

A distinctive feature of taxis in the UK is the existence of a purpose-built vehicle and the importance attached to wheelchair accessibility. Since 1 February 1989 all newly licensed taxis in London have had to be able to take a passenger in a wheelchair and from 1 January 2000 every taxi operating in London will be required to take wheelchairs. This was announced by Michael Portillo¹⁰, when Minister for Public Transport, following discussions with the Metropolitan Police who are responsible for taxi licensing through the PCO. According to the PCO about 8,400 London taxis can currently take wheelchairs out of a total of nearly 22,000. Outside London, different councils have introduced different rules, but some of the larger urban areas have even stricter requirements than London.

About 4.5 million people have a mobility problem and 500,000 people are wheelchair users.

The Consultation Paper

In March 1995, the Government published its conclusions on its consultation paper on taxis and hire cars and in it said that a requirement would be introduced that all taxis should be accessible to people who are wheelchair users. This requirement was to be phased in over a period of several years to give owners time to replace their vehicles. A general requirement could be introduced in the *Disability Discrimination Bill 1994/95*, now going through Parliament, with the detail specified later in Regulations. The text of the Government's response to the Transport Committee's recommendations on disabled access to taxis is reproduced below:

"5. Mandatory Orders should be the norm and legislation should create a presumption in favour of their introduction, except where local circumstances make this inappropriate.

The Government considers that all taxis should, after an appropriate transitional period (see recommendation 6), be wheelchair accessible. People in a wheelchair should be able to hail a taxi in the street or at a rank in the same way as more mobile people. This does not, of course, mean that only taxis which comply with the Metropolitan Conditions of Fitness could be licensed. They would be appropriate in London and, as the local authority decides, in other places in England and Wales, particularly the larger cities. However, elsewhere other vehicles, for example conversions of "people carriers", might also provide suitable wheelchair access.

[The phrase "Mandatory Orders" has traditionally meant that the licensing authority has adopted the Metropolitan Conditions of Fitness, which means

¹⁰ HC Deb 13.12.88 c 522-523w

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that all taxis in their area have to be of the London type. All London type taxis built since 1989 have had to be wheelchair accessible.]

6. Mandatory Orders should be phased in over a period. Legislation should provide a target date, perhaps five years from the passing of the Act, for full introduction of Mandatory Orders.

The Government accepts the principle behind this recommendation. However, the Government considers existing targets for wheelchair accessibility (eg. the year 2000 in London) should remain, but where there is no existing requirement for wheelchair accessibility then the transitional period should be 10 years. In all cases, any vehicle being newly licensed as a taxi in a particular place would have to be wheelchair accessible after the passing of the legislation. This should help to smooth the transition period and discourage taxi owners from leaving it until the ninth year before buying a wheelchair accessible vehicle.

7. The Department of Transport, through the Disabled Persons' Transport Advisory Committee, should cooperate with vehicle manufacturers and others in developing a fully accessible vehicle.

The Government accepts this recommendation in principle. The wheelchair accessible vehicles in the current range are not always the best for people who have other disabilities. However, any vehicle produced as a result of this initiative would have to compete on its merits with other vehicles in the market."

Legislation

There are two Bills going through the House in the 1994/95 session which concern the disabled, the *Civil Rights (Disabled Persons) Bill*¹¹ which is a Private Member's Bill introduced by Harry Barnes and the *Disability Discrimination Bill*¹² which is a Government Bill.

The *Civil Rights (Disabled Persons) Bill* provides for a general ban on discrimination, but without prejudice to its generality, the Bill also lists specific examples of areas where it would apply. Part IV covers the provision of goods, facilities and services including transport

¹¹ Bill 12 of 1994-95

¹² Bill 32 of 1994-95

although taxis are not mentioned separately. The Bill passed its Second Reading on 10 February 1995 and has been through Standing Committee, but it has little chance of becoming law.

Of more significance is probably the *Disability Discrimination Bill* which had its Second Reading in the Commons on 24 January 1995 and is now in the House of Lords. The original Bill did not contain any provisions for increased access to transport by the disabled. Some new clauses (NC6-10) containing very detailed provisions for wheelchair accessibility to taxis were put down on 23 February 1995 during the Committee Stage in the House of Commons but never considered. At Third Reading and Report Stage of the Bill on 28 March 1995, three new clauses were introduced which provided for access to the disabled in new public transport systems. The government did not accept the new clauses as drafted but during the debate¹³ the Minister for Social Security and Disabled People, William Hague, said that at a later stage in the passage of the Bill the Government would include new requirements for access to transport by the disabled and he specifically mentioned taxis. Mr Hague gave assurances that:

"In the light of the representations that have been made and the arguments that have been advanced, the Government are preparing to introduce provisions at a later stage in the discussion of the Bill, to amend existing legislation or, where necessary, introduce new powers covering buses, trains, coaches, trams, taxis, underground systems-- even trolley buses, if such systems are introduced in future".

The following new clause was added to the Bill in the House of Lords on 15 June 1995:

— (1) The Secretary of State may make regulations ("accessibility regulations") for the purpose of securing that it is possible—

(a) for disabled persons—

(i) to get into and out of taxis in safety;

(ii) to be carried in taxis in safety and in reasonable comfort; and

(b) for disabled persons in wheelchairs—

out (i) to be conveyed in safety into and of taxis while remaining in their wheelchairs; and

(ii) to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.

(2) Accessibility regulations may, in particular—

(a) require any regulated taxi to conform with provisions of the regulations as to—

(i) the size of any door opening which is for the use of passengers;

(ii) the floor area of the passenger compartment;

(iii) the amount of headroom in the passenger compartment;

¹³

HC Deb 28.3.95 c 852-869

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- (iv) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving;
 - (b) require the driver of any regulated taxi which is plying for hire, or which has been hired, to comply with provisions of the regulations as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
 - (c) require the driver of any regulated taxi in which a disabled person who is in a wheelchair is being carried (while remaining in his wheelchair) to comply with provisions of the regulations as to the position in which the wheelchair is to be secured.
- (3) The driver of a regulated taxi which is plying for hire, or which has been hired, is guilty of an offence if—
 - (a) he fails to comply with any requirement imposed on him by the regulations; or
 - (b) the taxi fails to conform with any provision of the regulations with which it is required to conform.
 - (4) A person who is guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
 - (5) In this section—
 - "passenger compartment" has such meaning as may be prescribed;
 - "regulated taxi" means any taxi to which the regulations are expressed to apply;
 - "taxi" does not include a taxi which is drawn by a horse or other animal.").

The desire to make taxis accessible to wheelchairs does not mean that all taxis will have to be replaced by the London style "black" cabs. There are other designs which are as good and indeed the present designs are often not suitable for those who have other disabilities. The Disabled Persons' Transport Advisory Committee (DPTAC) was set up under the *Transport Act 1985* section 125 to advise the Secretary of State on issues relating to the needs of disabled people in relation to public transport and has established a working party on taxis. It acknowledges that the current Metrocab and Fairway models represent a considerable design improvement on previous versions. Most wheelchair users can get in and out of them. The introduction of the swivel seat in the Fairway assists ambulant disabled people and the colour contrasting of seat edges and hard grips assists visually impaired people. However other people, such as those with arthritis, find the design particularly difficult. Design work is taking place and there are likely to be innovations in this area.

The second part of the proposal is to ensure that once accessible vehicles are widely available taxi drivers recognise that it is a fundamental part of their duties to carry disabled transport.

EC Directives

There is a proposed EC Council Directive on minimum requirements to improve the mobility and the safe transport of workers with reduced mobility¹⁴. This was submitted by the

¹⁴ COM (90) 588 as amended by COM (91) 539

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Commission to the Council of Ministers on 11 February 1991. The proposals have in effect been under discussion since then. As part of the discussion procedure the Commission was asked to produce a Compliance Cost Assessment for this measure. This was completed very recently and has been circulated to member states. No date for future discussions has been timetabled at the moment.

The proposal aims to ensure that disabled people are able to travel to and from work in safety in appropriate forms of public transport. The idea is not to make all public transport vehicles capable of carrying disabled passengers, but to have a sufficient number of vehicles and systems that are capable available for disabled use at appropriate times. The proposal, which covers transport infrastructure as well as transportation vehicles, would allow access to be given either by physical and technical means (say, lifts and ramps), or by staffing measures. It would apply to surface systems of public transport, including transport which is provided by employers and special services for disabled people. Other requirements are that if accompanied travel is necessary, then the disabled person does not have to pay for the cost of being accompanied; that advice on how to use the transport system should be available for the disabled; and, that transport staff should be properly trained in assisting the disabled. However the proposal has not got very far.

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Part IV Further Reading

1. *Taxis and Private Hire Vehicles* The Government's response to the Transport Select Committee's recommendations, February 1995 Cm 2715
2. Debate in committee on the *Disability Discrimination Bill* HL Deb 15.6.95 cc 2033-2054
3. Disabled Persons Transport Advisory Committee Eighth Annual Report December 1994
4. *Taxis and Private Hire Vehicles* House of Commons Transport Committee fourth report, 30 March 1994 HC 239 I-III
5. *Meeting Individual Transport Needs - the future of taxi and private hire vehicles in England and Wales* The Chartered Institute of Transport March 1994
6. *Taxis and Private Hire Vehicles - a consultation paper on the future of taxi and private hire services in England and Wales* Department of Transport October 1993
7. *Taxi Touting* Department of Transport circular 4/94
8. *Economic Affairs* February 1994 "Taxis and Private Hire Vehicles"
9. *Taxis and Private Hire Cars in Great Britain outside London in 1992* TRL Research Report 374, 1993
10. Debate on London taxis HC Deb 26.3.93 cc 1404-10
11. *Taxis into the next century* National Association of Taxi and Private Hire Licensing and Enforcement Officers, March 1993
12. *Report of the Working Party on Safety of Users of Taxis and Minicabs in London* Department of Transport July 1992
13. Debate on Minicabs HL Deb 21.10.92 cc 826-842
14. *The 1989 London Taxi Survey* TRL Research Report 341, 1992
15. *Access to Taxis* ECMT 1992
16. *Disclosure of Criminal Records: applicants for hackney carriage and private hire vehicle drivers' licences* Department of Transport circular 2/92

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17. Debate in committee on amendment 4 to the *Road Traffic Bill* HL Deb 24.6.91 cc 435-47
18. Second Reading of the *London Local Authorities (no 2) Bill [Lords]* HC Deb 3.5.90 cc 1242-78
19. Third Reading of the *London Local Authorities (no 2) Bill* HL Deb 13.2.90 cc 1322-44
20. Second Reading of the *London Local Authorities (no 2) Bill [Lords]* HC Deb 3.5.90 cc 1242-78

Related Research Papers include:

Transport

95/57	Deregulation of the Buses	95.05.95
95/2	Channel Tunnel Rail Link Bill [Bill 3 of 1994/95]	10.01.95
94/118	Motorcycles: EC Type Approval	22.11.94
94/75	Safety of School Transport	10.06.94