



Consultation on improving access to taxis (excluding annexes)

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Publication details

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Foreword



Taxis have a vital role to play in the transport system and help many people to travel to jobs, services, education and social networks. It gives me great pleasure to present this consultation, which explores how to improve access to taxis for disabled people, ensuring that they, in turn, might be able to have greater access and equality of opportunity.

I know that the issue of taxi accessibility has been under consideration for some time and that it has proven difficult so far to deliver the changes that are needed whilst, at the same time, ensuring that the taxi industry remains viable. I am, however, committed to finding positive solutions to the issues that need to be addressed, that will provide a fleet which meets the needs of all users and that will affirm the role of taxis as an integral part of the transport system.

I hope that this consultation document will stimulate a constructive discussion of the issues and that it will enable us to develop and implement a strategy that will result in real improvements. Following this consultation, we will publish a policy strategy in spring 2009 that will set out in detail the conclusions of the consultation and the way forward.

Your views are important, so please use this opportunity to share them with us and contribute to the discussion.

Paul Clark MP
Parliamentary Under Secretary of State for Transport

1. Introduction

1.1 Transport affects everyone and is essential for a strong economy and society, providing access to jobs, services and leisure activities. The Department for Transport's (DfT) aim is transport that works for everyone, and we have four strategic objectives to:

- sustain economic growth and improved productivity through reliable and efficient transport networks;
- improve the environmental performance of transport and tackle climate change;
- strengthen the safety and security of transport; and
- enhance access to jobs, services, leisure facilities and social networks, including for the most disadvantaged.

1.2 In November 2008, the DfT published Delivering a Sustainable Transport System. The strategy document outlines, amongst others, five goals for transport. These are to:

- **support** national **economic** competitiveness and **growth**, by delivering reliable and efficient transport networks;
- reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of **tackling climate change**;
- **contribute to better safety, security and health** and longer life expectancy by reducing the risk of death, injury or illness arising from transport, and by promoting travel modes that are beneficial to health;

- **promote greater equality of opportunity** for all citizens, with the desired outcome of achieving a fairer society; and
- **improve quality of life** for transport users and non-transport users, and to promote a **healthy natural environment**.

1.3 The DfT's aims for enhancing access and helping equality of opportunity feed into other Government objectives. For example, the cross-Government Independent Living Strategy was published in 2008, and this sets out a series of commitments that the Government and disabled people are now implementing to help disabled people have greater choice and control over their lives. In the strategy, the DfT has committed to:

- enhancing personal mobility and transport choices for disabled people, based on evidence of what works;
- promoting the training of transport providers in the needs of disabled people; developing a strategy to provide information and confidence training for disabled people in using transport;
- working with local authorities to ensure accessibility planning is reflected in Local Transport Plans and Local Area Agreements; and
- improving disabled people's participation in the development and implementation of transport policies.

1.4 Over the past 10 years, there have been major improvements in the accessibility of the transport network as a result of the Disability Discrimination Act 1995. Over a third of all trains are now accessible and over half of the bus fleet. Appropriate 'end dates' have been set in regulations by which time all trains, buses and coaches must be accessible. The DfT has acted to build the needs of different groups into its policy development and service delivery through its Race, Disability and Gender Equality schemes. As well as the DfT and its concessionary fares scheme, other Government departments are working to tackle the affordability of transport through a range of measures – for example, through the tax system, the Disability Living Allowance and the mobility component.

1.5 There are emerging challenges that the DfT is considering within the context of its work on Delivering a Sustainable Transport System as, for instance, some of the forecast social changes will have implications for accessibility and equality of opportunity. Some of the key trends to note are as follows:

- there has been a reduction in relative and absolute poverty, and income inequality is starting to fall. But these improvements have not been shared by all, and specific groups are at risk of social exclusion, including those in most poverty, those without qualifications and those with mental illness;
- disabled people, as defined by Government, account for about one-fifth of people in the UK. The Department for Work and Pensions estimates that there are currently over 10 million disabled people in Britain, 4.6 million of whom are over state pension age. Seven hundred thousand are children. One in four households has a disabled member; and
- projections by the Office of National Statistics show a clear increase in the population of the UK until 2031. It is also predicted that there will be 27 million people over the age of 50 by 2031. Disability rates increase with age, and some estimates predict a rise of 69 per cent over the next 20 years in the number of people facing disability.

1.6 It is clear that the growing number of disabled and older people will have social and economic implications. The DfT will therefore need to work with its partners and focus in the coming years on issues such as the accessibility of public transport, the provision of transport including community transport, the role of technology in improving information provision and ticketing, and improving people's confidence in using the transport system. Taxi and private hire vehicle services will continue to play an increasingly important role in helping people to travel and to connect to other public transport services.

What is this consultation about?

1.7 This consultation is specifically about improving access by disabled people to taxis. Taxis (more formally known as licensed hackney carriages) and private hire vehicles (or PHVs or minicabs, as some of them are called) play an important part in local transport and they are being increasingly used in innovative ways, for example as taxi-buses, to provide local transport services. Taxis and private hire vehicles are often used by disabled people as an alternative to public transport, or to begin or finish a journey. But the following issues have been identified through previous consultations and discussions with user groups that the DfT would like to address:

- there is anecdotal evidence that not enough licensed taxis are available in the locations and at the times needed by disabled people, including wheelchair users and people with an ambulatory disability. There is a belief that demand is being suppressed in some areas by this lack of availability and that this is contributing to disabled people not having equal access to jobs, services and social networks. Further work and research is needed to quantify the extent to which this is a problem;
- around half of the licensed taxi fleet is currently classed as being wheelchair accessible. The majority of these taxis are available in London. There is great variation between regions and between cities and rural areas. There is also variation between standards and the level of accessibility offered;
- there is anecdotal evidence about the need to improve kerbside infrastructure, information and waiting areas at ranks and at interchanges to help disabled people transfer between modes;
- the DfT receives a steady stream of correspondence and complaints about poor driver behaviour and about licensed hackney drivers refusing to stop and pick up disabled people; and
- there is a need for improved information to help disabled people plan in advance for trips that they would like to make so that they know, for instance, if they need to pre-book a licensed taxi to make a particular connection, and so that they can travel with a greater level of certainty.

1.8 The term 'accessible taxi' can mean different things to different people. In this document and in the Impact Assessment, we will use the following terms:

- **saloon car vehicles** - these vehicles are conventional cars and are not accessible to wheelchair users. They meet the needs of many people, including those with an ambulatory disability. As well as saloons, they may be hatchbacks or estate cars. They can be licensed as hackney carriages in some areas, depending on the policy of the local licensing authority. The private hire taxi fleet is almost entirely made up of saloon cars;
- **wheelchair accessible vehicles** - these can be purpose-built vehicles (e.g. LTI, Metrocab) or converted multi-purpose vehicles (e.g. by Peugeot or Mercedes). These vehicles fall within the DfT's classification of purpose-built or converted taxis for the purposes of collecting licensed taxi statistics. In practice, however, some of these vehicles would not meet the DfT's draft interim standard (see below) for a wheelchair accessible taxi, e.g. the Fairway and Metrocab vehicles. Wheelchair

accessible taxis are mostly licensed as hackney carriages, but converted multi-purpose vehicles are increasingly being used by private hire drivers;

- **fully accessible vehicles** â this term refers to a vehicle that would meet the needs of disabled people, including wheelchair users and people with an ambulatory disability. At present, there are no vehicles on the market that would meet all the requirements that are included in the DfTâs draft enhanced specification (see below).

1.9 The following terms will be used to describe possible standards for accessible taxis:

- **DfTâs draft interim standard** â this is a draft standard that the DfT proposes putting forward. The technical specification would improve the accessibility of licensed taxis for some wheelchair users and people with an ambulatory disability. The majority of vehicles currently available on the market would meet the proposed interim standard. However, a significant minority would not;
- **DfTâs draft enhanced standard** â this is a draft standard that the DfT proposes putting forward as an aspirational technical specification. It would improve the accessibility of licensed taxis for the vast majority of wheelchair users and people with an ambulatory disability. Vehicles would need to be designed or redesigned to meet some of the specification. At present, there are no vehicles available to the taxi trade which would meet all of the requirements of the proposed specification.

1.10 The Government remains committed to improving access to taxis. It is therefore publishing this consultation package, which includes an Impact Assessment and the draft technical specifications mentioned above, with the aim of:

- improving access to taxis so that people with different types of impairment or disability can receive an equal level of service provision and improved access to jobs, services, leisure facilities and social networks;
- agreeing draft technical standards for accessibility in taxis and seeking agreement on whether these should be issued as guidance or introduced as a regulation;
- identifying the costs and benefits of potential options through the Impact Assessment, and making all the evidence available, to help inform discussions and decisions;
- exploring issues and options in relation to enforcement, driver training and links with other local transport policies and initiatives.

1.11 This consultation is not considering some of the wider issues that might relate to taxi policy and licensing. The DfT is intending to re-issue its best practice guidance on taxi and private-hire licensing later in 2009.

Who needs to read and contribute to this consultation?

1.12 We would particularly welcome responses to this consultation from:

- disabled people or their representative groups;
- taxi and private hire vehicle drivers or operators;
- vehicle manufacturers;
- local authorities and/or local licensing authorities; and
- those responsible for the management and operation of a major transport interchange.

If you have any suggestions of others who may wish to be involved in this process please contact us at the address below.

1.13 The DfT will be arranging a number of consultation seminars during the consultation period, where those affected by the consultation will have an opportunity to voice their opinions directly to the Department. Please check the DfT website for details.

How do I respond to the consultation?

1.14 The consultation period began on 2 February 2009 and will run until 24 April 2009. If you would like further copies of this consultation document it can be found at www.dft.gov.uk/open/consultations. If you require the consultation in other formats, such as large text or an audio recording, you can contact Peter Laslett using the contact details below.

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Responses to the consultation should be sent to:

Paul Lawry
Accessibility and Equalities Unit
Department for Transport
2/25 Great Minster House
76 Marsham Street
London SW1P 4DR
Or emailed to: taxiconsultation@dft.gsi.gov.uk

Confidentiality

1.15 Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1.16 If you have any queries about this consultation you should contact Paul Lawry, 0207 944 0586. Complaints relating to this consultation should be sent to Nigel Dotchin, Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Government consultation guidelines can be found at: <http://www.berr.gov.uk/files/file47158.pdf>

The Consultation criteria

The consultation is being conducted in line with the Code of Practice on Consultation. The criteria are listed at Annex D.

Geographical coverage

1.17 This consultation covers England, Wales and Scotland. The legislation contained in the Disability Discrimination Act is a reserved matter, that is, the responsibility of the UK Government. The DfT is also responsible for taxi licensing policy for England and Wales. Taxi licensing itself is a matter for individual licensing authorities under the Town Police Clauses Act 1847 and supplementary powers under the Local Government (Miscellaneous Provisions) Act 1976. The Welsh Assembly Government has agreed to engage with the DfT and other devolved administrations to explore how access to taxis could be improved. In Scotland, the licensing of taxis and private hire cars and their drivers is the responsibility of local authorities under powers set out in the Civic Government (Scotland) Act 1982 and associated Regulations. Within this legislative framework, local authorities have discretion to decide the licensing arrangements appropriate for the needs and circumstances of their area. The Scottish Government has also agreed that this consultation package can cover Scotland. In Northern Ireland, the Department of the Environment is responsible for taxi regulation as a transferred **matter**.

Next steps

1.18 Following this consultation, the Government will analyse the responses and publish a strategy in spring 2009. Any legislative changes will be taken forward at the earliest opportunity.

Summary of questions in the consultation document

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?

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

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?

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'?

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?

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

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

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.

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

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

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

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

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

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

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?

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

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

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?

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

2. Improving access to taxis

2.1 This part of the consultation document will consider in more detail the options for Government action and what we can do to improve access to taxis.

Legislative background

2.2 To help overcome some of the barriers preventing disabled people from travelling, Part 5 of the Disability Discrimination Act (DDA) 1995 gave the Government the power to introduce accessibility regulations for several land-based modes of transport. The original intention of the powers was to enable disabled people to travel between train, bus and taxi easily, and to be able to hail a taxi in the street or go to a taxi rank and be able to find a taxi that met their needs. The powers available in the Disability Discrimination Act 1995 do not cover private hire vehicles, as it was felt that people pre-booking these services could specify at the time of booking that they needed a particular type of vehicle.

2.3 The Government has used its powers under Part 5 of the 1995 Act to introduce regulations for trains and trams and for buses and coaches. Regulations applying Part 3 of the 1995 Act to vehicles used to provide public transport services, including taxis and private hire vehicles, hire services and breakdown services also came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. Guidance and a Code of Practice to explain the Part 3 duties for the transport industry that was produced by the Disability Rights Commission is available from the Equality and Human Rights Commission.[1]

2.4 However, no regulations have been developed or made under Part 5 of the 1995 Act for licensed taxis. This project has proven to be complex for the following reasons:

- Sections 32-35 of Part 5 of the 1995 Act gives the Secretary of State powers to make regulations for the purpose of making it possible:
 - for disabled people to get in and out of taxis in safety; and to be carried in safety and in reasonable comfort; and
 - for disabled people in wheelchairs to be conveyed in safety into and out of taxis while remaining in their wheelchairs, and to be carried in taxis in safety and in reasonable comfort while remaining in their wheelchairs.
- at the time of the 1995 Act, it was thought that a taxi could be designed and manufactured that would meet the needs of all disabled people, including wheelchair users and people with an ambulatory disability. However, the challenges and potential costs involved in designing and manufacturing a taxi that would meet the needs of a majority of disabled people have proven to be significant, set against the potential market for such vehicles, which is currently quite low;
- the licensed taxi trade is quite disparate, a significant minority of drivers operate from a low economic base, particularly in rural areas, and many compete with or are able to transfer easily to the private hire sector;
- we do not know the extent to which disabled people want wheelchair accessible taxis, given that such vehicles may not meet the needs of many disabled people. Further work is needed on this point;
- evidence from the Impact Assessment is highlighting the need for more policy-based solutions that

cover both licensed taxis and the private hire fleet, rather than an engineering-led solution that would only focus on part of the trade. There is also a need for local flexibility to reflect local circumstances and needs; and

- we need to meet the aims of other Government policies, for example, the objectives of the better regulation agenda, which is about ensuring that government departments consider in full the potential costs and benefits of any regulation on the private and public sector, including potential enforcement costs and impacts on carbon emissions.

2.5 Since 1995, the DfT has consulted informally on the issue of improving access to taxis, we have commissioned research to inform the development of a technical specification and we have participated in work being taken forward by the European Conference of Ministers of Transport (ECMT)[2] on accessible taxis. A full bibliography of the research and other work can be found at Annex A.

2.6 Section 36 of Part 5 of the 1995 Act includes additional powers for the Secretary of State to impose a duty on the driver of a taxi that falls within the definition of any regulations made under sections 32 to 35 to:

- carry the passenger while he remains in his wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in the passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure the passenger is carried in safety and in reasonable comfort; and
- to give such assistance as might reasonably be required:
 - â to enable the passenger to get in and out of the taxi;
 - â if the passenger wishes to remain in his wheelchair, to enable him to be conveyed into and out of the taxi while in his wheelchair;
 - â to load the passenger's luggage into and out of the taxi; and
 - â if the passenger does not wish to remain in his wheelchair, to load the wheelchair into and out of the taxi.

2.7 Failure to observe this duty would be a criminal offence and, on conviction, a driver could face a fine of up to Â£1,000. A local licensing authority would be able to take a prosecution on behalf of a disabled person. The authority would also be able to exempt a person from the duties on medical grounds, or on the grounds that his physical condition would make it impossible or unreasonably difficult for him to comply with the duties.

2.8 The Government has not so far commenced this section of the 1995 Act, as it is currently linked to the existence of regulations made under sections 32-35 of the Act, which have not been made. The Local Transport Act 2008 includes a limited amendment to section 36. The amendment applies the section 36 duties to drivers of taxis and private hire vehicles who are providing local bus services - known as taxi-buses - using a wheelchair accessible vehicle. In these cases, the local licensing authority maintains a list of taxi-buses that are identified by the authority as being wheelchair accessible. The amendment came into effect on 26 January 2009. It will apply to PHV-buses when the relevant provisions in the Local Transport Act have been commenced and we have made the necessary regulations. We intend to do so by spring 2009.

2.9 During discussions on the Local Transport Act, it became clear that disabled people and local licensing authorities were keen to see commencement of section 36 as an additional enforcement tool.

[1] www.equalityhumanrights.com/en/publicationsandresources/Pages/CoPtransport.aspx

[2] European Conference of Ministers of Transport, 2007. Improving Access to Taxis.

What is the make-up of the current licensed taxi fleet?

2.10 The make-up and nature of the current licensed hackney fleet are as follows:

- the UK has more wheelchair accessible taxis than most EU nations;
- there are currently approximately 85,000 licensed taxis in Great Britain. Of these, 40,285 are classed as being wheelchair accessible. Of these, the DVLA's registrations database suggests that there are 8,442 Fairway and 3,565 Metrocab vehicles still in use in the UK. These vehicles would not meet the requirements specified in the DfT's draft interim standard, but it is expected that they will be replaced by 2015 as they come to end of their economic life;
- there are approximately 140,000 private hire vehicles in Great Britain, approximately 45,000 of which are in Greater London;
- Greater London has 21,596 wheelchair accessible taxis. Other cities with licensed taxi fleets made up entirely of wheelchair accessible taxis include Liverpool, Manchester and Edinburgh;
- there is one main manufacturer of purpose-built wheelchair accessible taxis and a number of small companies who convert standard production vehicles into wheelchair accessible taxis;
- a new wheelchair accessible taxi (either purpose-built or a converted multi-purpose vehicle) can cost between £20,000 and £30,000. The second-hand market for these vehicles is small, as consultation with manufacturers suggests that a driver tends to purchase such a vehicle new and then keeps it until the end of its life (typically for 12 years);
- approximately 2,500 new wheelchair accessible taxis are sold each year;
- the typical purchase cost of a second-hand saloon car for use as a taxi is between £6,000 and £8,000. Drivers of these vehicles tend to buy second-hand cars when they are three years old and sell them on (for very little) at seven years old;
- annual running costs tend to be higher for wheelchair accessible taxis (typically just over £1,000 per year more than for drivers of saloon cars);
- the taxi trade can change rapidly and is relatively volatile. The market in urban areas, especially in Greater London, is vastly different from the market in areas with lower population numbers. Many licensed taxi drivers also hold private hire vehicle driver licences and would easily be able to transfer from the licensed hackney to the private hire sector if they wished;
- 64 out of 342 local licensing authorities in England and Wales have implemented a policy of licensing only wheelchair accessible taxis;
- there is no direct correlation between the population size of a local authority and the size of its taxi fleet. There is no direct correlation between the size of taxi fleet and how accessible it is;
- other factors can influence disabled people's use of taxis, for example, driver training and behaviour, links with the physical environment at taxi ranks, links with wider local transport policies and financial incentives or user subsidies like taxi-card schemes; and
- current technical standards used by local licensing authorities are variable.

2.11 It is clear from the data that there are certain risks that the Government wishes to avoid in taking this work forward. We do not want to pursue any policies that might lead to fewer wheelchair accessible taxis being available. We do not want to create any difficulties for a local licensing authority who may have already adopted a policy of only licensing wheelchair accessible taxis. We also do not want to implement a policy that might mean licensed hackney drivers transfer en masse into the private hire sector or leave the industry altogether. What we do want to achieve is an improvement in technical standards, for more taxis to be available to disabled people so that they can have improved access to jobs, services and social networks, and for the taxi trade to remain viable. We also want to continue to permit local licensing authorities to impose their own conditions to suit their own local circumstances, and for other aspects of the journey to be improved, for example boarding, driver assistance, and interchange with other public transport modes.

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?

Options

2.12 As noted above, the Government remains committed to improving access to taxis. This consultation document and the Impact Assessment bring together the findings from work and research that have been carried out by the Department and others, and it puts forward options for taking this issue forward.

2.13 The options are:

- a 'do nothing' option – that is, leaving the market, the trade and local licensing authorities to continue to make local decisions on the make-up of the taxi and private hire fleet and levels of accessibility, without any additional Government guidance or intervention;
- implementing a pro-active programme of DfT led initiatives that would involve measures such as issuing technical standards as an advisory note, guidance to local licensing authorities, a demonstration scheme, additional enforcement provisions and making best use of other Government policy levers; and
- regulation: either using the regulation-making powers that are currently in part 5 of the Disability Discrimination Act 1995, or seeking new or amended regulatory-making powers at the next legislative opportunity.

2.14 The following parts of this consultation document consider, firstly, the potential impacts, costs and benefits of the 'do nothing' option, then the additional potential impacts, costs and benefits of the DfT-led proactive programme, and finally the additional potential impacts, costs and benefits of a regulatory approach.

The potential impacts, costs and benefits of a 'do nothing' approach

2.15 The Impact Assessment contains an annex that summarises the analysis and the assumptions behind the 'do nothing' scenarios that are explored in the Assessment. Based on existing data, we have assumed that:

- mid to low growth scenarios estimate that it would take 20-30 years to achieve a licensed taxi fleet that was totally made up of wheelchair accessible taxis, if the policy was to leave the market, the trade and local licensing authorities to continue to make local decisions on the make-up of the taxi and private hire fleet and levels of accessibility without any additional Government guidance or intervention;
- levels of accessibility would be no greater than is currently the case - that is, in terms of the number of people being able to fit into taxis while remaining seated in their wheelchairs. Levels of accessibility for people with an ambulatory disability might be reduced if the licensed fleet was only made up of wheelchair accessible taxis;
- the 'do nothing' scenario is unlikely to meet Government objectives or the needs and expectations of disabled people.

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

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?

The potential impacts, costs and benefits of a proactive programme of DfT-led initiatives

2.16 To help achieve the objectives of this project and improve access to taxis, the DfT could lead the development and implementation of a programme of initiatives to provide solutions to specific issues. The paragraphs below outline the measures that could be included in this package.

2.17 The DfT could develop a comprehensive package of guidance to local licensing authorities and other stakeholders. It could be issued as supplementary advice on how to discharge existing duties under Part 3 of the 1995 Act. It could include:

- examples of good practice; and
- advice on issues like service levels, the preferred make-up of the fleet to meet the needs of people with different types of disability, procurement policies, how to improve joint working with local transport providers and other local authorities, and enforcement and inspections.

2.18 The guidance could be applied to the private hire fleet as well as to licensed taxis. It would be publicised, made available on the internet, through sites such as Direct.gov, and kept up to date.

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?

2.19 The DfT could issue the attached draft technical specification as an advisory note for licensing authorities to take account of when licensing particular vehicles, and for manufacturers to consider in the future development of vehicles. We would also continue research as and where necessary into safety issues and to issue guidance on links with the EU type approval process.

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?

2.20 The DfT could fund some demonstration schemes. We could work with three or four local authorities representing, for example, rural areas, small towns and suburban areas, to look at how access to taxis could be improved. We could jointly develop practical advice on, for example, developing business cases, quantifying benefits, carrying out local accessibility demand surveys to identify in greater detail the needs and requirements of local disabled people, joint working, and how to make best use of links with the local transport planning system. We could also consider including driver training or awareness raising exercises as part of a scheme and we could assess their effectiveness. Advice could then be publicised and made available to other local authorities, and those that had participated in the schemes could act as mentors or advisers to others.

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

2.21 The DfT could consider how we can strengthen links between the provision of more accessible taxis and the local transport planning regime. The DfT is due to consult in 2009 on guidance for LTP3.

2.22 The DfT, local authorities and others could consider in detail the potential costs and benefits of national and/or local financial or other incentives to encourage drivers and operators to purchase vehicles that offered greater levels of accessibility. For example, it has been suggested that there should be reduced Vehicle Excise Duty for taxis designated as being accessible, or there could be reduced licence fees, or accessible taxis could be allowed access to all areas – for example, interchanges that are currently only serviced by private hire vehicles or bus lanes.

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

2.23 The DfT could consider additional action on enforcement. Paragraphs 2.6â2.8 above discuss section 36 of the 1995 Act and duties that it would place on taxi drivers to assist people in wheelchairs. The Government believes that it ought to amend this section to enable these duties to be imposed separately to any action that might or might not be taken on the regulations. Primary legislation is needed to make such an amendment. The Government also believes that the duties to assist passengers in wheelchairs, to carry them in safety and in comfort and to not charge them an additional fare should apply to drivers of both licensed taxi drivers and drivers of private hire vehicles. Such vehicles could be designated as being wheelchair accessible by the local licensing authority. The Impact Assessment considers the potential costs and benefits of such an option. Applying the duty to all drivers of wheelchair accessible taxis would bring the legislation into line with the law on the carriage of guide dogs and hearing dogs, and it would provide local licensing authorities with an additional enforcement tool.

2.24 Some stakeholders have suggested that local authorities could make better use of their existing enforcement powers, and that they could link up more effectively with other enforcement areas for which the local authority is responsible. For example, some drivers have received parking tickets for taking extra time to set down or pick up a passenger in a wheelchair. They believe that this is an unfair practice and that local authorities should change their parking enforcement policies. The DfT could include advice on these issues in its guidance.

2.25 The DfT could consider the penalties that would apply to offences under the 1995 Act and whether or not alternative penalties could result in improvements in driver behaviour. The penalties for sections 32â37 of Part 5 of the 1995 Act would currently involve prosecution through a magistrateâs court and a maximum fine of Â£1,000. The DfT and other Government departments have recently been considering the use of flexible or alternative penalties as a way of achieving longer-term changes in behaviour. For example, someone found guilty of a speeding offence can be given the option of attending a speed awareness training course which, typically, costs the same as an average speeding fine. Research into some of these schemes has shown that these courses can be an effective way of reducing repeat offences. For example, in Humberside, only 8 per cent of drivers who attended a speed awareness course were found to have offended again. In comparison, 25 per cent of those offenders who opted for a fine were found to have repeated the offence. A similar approach could be taken for offences under sections 32â37 of the Disability Discrimination Act 1995 whereby offenders could be given the option of attending a disability awareness course instead of a fine.

2.26 Another approach being taken in some areas is to permit local enforcement officers to issue fixed penalty notices for minor breaches. Primary legislation would be needed to amend any aspect of the penalty regime for Part 5 of the Disability Discrimination Act 1995.

Q8: What are your views on the Governmentâs proposal to amend and commence section 36? 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.

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

2.27 There are other measures that the DfT could promote more vigorously and encourage action by others.

2.28 For example, the ECMT in its report, Improving Access to Taxis, concluded that **training in disability equality issues** for the taxi industry is essential. No matter how well a vehicle is designed, a taxi journey for a disabled person can be ruined by inappropriate behaviour or actions. Refusal to stop and pick up a disabled person can also mean they develop a negative view of the industry. All those involved in the industry, including operators and despatch centres, should have an appropriate level of training. The DfTâs Best Practice Guide for Taxi and Private Hire Vehicle Licensing recommends training in customer care, including meeting the needs of disabled people. The DfT has funded work by GoSkills, the Sector Skills Council for passenger transport, to develop nationally recognised vocational qualifications for taxi drivers. This training should cover disability awareness.

2.29 Inappropriate behaviour by those who work in the taxi trade towards disabled people needs to be overcome. There is simply no excuse, if a wheelchair accessible taxi is available, for refusing to pick up a person in a wheelchair. The DfT has also heard examples of drivers refusing to take people with mobility impairments such as arthritis the short distances they need to travel. We have heard a number of excuses for poor behaviour â for example, drivers who do not think they are insured, who are worried they might injure themselves assisting people in wheelchairs in and out of the taxi (many wheelchair users do not need assistance, simply a working ramp), who do not want to spend the time waiting for disabled people to get in and out, who think that it will cost them money, etc. Many of these issues can be overcome by training and by raising awareness, improving driversâ confidence and overcoming common

misunderstandings. Disabled people are likely to be a growing part of the potential market for the taxi trade in the future, so it also makes good business sense to improve the way the industry meets their needs.

2.30 Some local authorities are actively taking forward driver training. For example, Merseytravel, GoSkills and UnionLearn have been working closely to support a programme of driver training in the Greater Merseyside area. Some others are making training a requirement of their licensing conditions. Others use enforcement and a points system in response to complaints made about drivers. We would be interested to receive comments and views on how we and local licensing authorities can encourage the taxi industry to take a more positive and proactive approach to meeting the needs of disabled people. We would particularly welcome ideas for ways of encouraging good behaviour, for example codes of practice, voluntary quality assurance schemes, local awareness initiatives, or use of new technology in booking systems.

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

2.31 Local authorities have a key role to play in improving access. The **role of the licensing officers** is obviously critical in ensuring that they understand the demand and needs of their local communities, ensuring an effective balance between the licensed and private hire fleets, enforcement, training and in communicating changes to the local taxi trade. They should ensure that they keep up to speed with good practice guidance and that they co-ordinate and work jointly where appropriate with neighbouring authorities.

2.32 There are other links that need to be made to other aspects of local transport policies. For example, the ECMT report concludes that the infrastructure within which taxis operate is critical to their use by disabled people. The report highlights good practice in relation to location of ranks, the provision of sheltered seating close to a rank, information provision, kerb heights and pavement widths. Some local authorities are already making the links between local taxi service provision, local transport planning and local area agreements and taking a more strategic, long-term view of taxi provision, but more could be done.

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

2.33 We appreciate that the private sector is involved in the provision of taxi services at many **transport interchanges**. One of the original aims of the Disability Discrimination Act 1995 was to enable disabled people to transfer between transport modes easily. The operators of some stations and airports have contracts with private hire companies and do not permit ranks for licensed hackney carriages. In these cases, accessible taxis ought to be available^[3] but, often, passengers arriving do not know beforehand that they need to pre-book, how to do it, or they may have some difficulty communicating their needs over the telephone.

2.34 Section 33 of the 1995 Act originally envisaged that any taxi regulations would apply to "franchise agreements", that is contracts entered into by an operator of a designated transport facility (port, airport, railway station or a bus station) with a provider of hire car services. The Government was given a power to include conditions in any regulations about the type of taxis that needed to be available at these facilities. This section has also not been commenced, as it is reliant on the existence of regulations made

under section 32 of the 1995 Act which have not been made. We are interested in your views about how to take this issue forward. Would guidance from the DfT to operators of such transport facilities help to ensure better provision of accessible taxis or should we still consider the need for legislation in this area?

2.35 The lack of **information** about what can be expected at particular points in a journey, and the lack of consistency, can be other factors that suppress travel by disabled people. The lack of certainty can affect their confidence and ability to travel. Inadequate provision at one end of a journey can also negate good provision at the other, since people will not make the trip if they cannot arrive easily at their destination or, if they have a bad experience, they will not make the trip again.

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

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

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

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?

[3] In the case of airport operators, the DfT has recently published, Access to Air Travel for Disabled Persons and Persons with Reduced Mobility â Code of Practice, July 2008. This includes advice for arrival and departure at airports.

The potential impacts, costs and benefits of regulation

2.36 In addition to the package of DfT-led initiatives, the DfT could seek a regulation in this area, either using the existing powers set out in sections 32â35 of the Disability Discrimination Act 1995, or we could seek additional or amended powers through primary legislation.

2.37 The powers in the 1995 Act originally envisaged that it would be possible to have one vehicle type that would meet the needs of the majority of disabled people. Since the Act came into force, the DfT has commissioned research to inform the development of a possible technical standard. This research is listed in the bibliography at Annex A. The DfT has also held discussions with manufacturers and with other European colleagues as part of the work carried out by the ECMT.[4] These discussions suggested that achieving one vehicle type would mean either designing and developing a completely new taxi vehicle, or modifying a light commercial vehicle with a higher roof line. Developing a completely new vehicle was estimated to cost in excess of Â£100 million. This was not considered by the ECMT to be a viable proposition, given the size of the taxi market.

2.38 The ECMT considered the alternative of converting a light commercial vehicle, but it found there were disadvantages with this approach if a vehicle of this type were to be thought of as a universal replacement for conventional taxis. The responses they received from motor manufacturers at the time suggested that they would not be interested in mass-producing a taxi vehicle. This led the ECMT to the conclusion that, by process of elimination, the only means of producing a vehicle that met the required standard was by post-manufacture conversion. But, again, there were a number of problems with this

approach. Both vehicle manufactures and conversion specialists were of the opinion that such conversions would be too expensive, both in initial purchase costs and in running costs. There were also concerns that such a vehicle would not appeal to the majority of taxi drivers and might not appeal to all passengers.

2.39 Some experts engaged in this field still believe that it would be possible to overcome the design and manufacturing problems if sufficient lead times were provided, some sort of financial incentive could be provided to help offset some of the additional costs and if some guarantee of a market could be given by, for example, issuing a regulation.

2.40 The DfT has developed a draft technical specification based on research and informal consultation. It sets out a two-staged approach. The initial specification sets out the standards that could be achieved easily and relatively quickly, especially as much of the current fleet would already meet the standard. Two notable exceptions, however, would be the existing Fairway and Metrocabs. These would not meet the suggested minimum doorway widths. However, no new Fairways or Metrocabs have been manufactured since 1997 and 2003 respectively, so many of these vehicles are likely to reach the end of their economic life by 2015.

2.41 The draft specification sets out possible requirements for wheelchair accessibility, ambulatory accessibility, and general accessibility requirements for disabled people. It does not specify that all these requirements should be met in one vehicle. They could potentially be applied separately to wheelchair accessible taxis and to, for example, saloon cars that might meet the ambulatory accessibility requirements.

2.42 The **enhanced specification** is intended to move the standard towards a design that would meet the majority of disabled people's needs and one that was envisaged in the 1995 Act. The enhanced specification would be something that might be achieved over a longer time period and it is intended to be ambitious and to stimulate innovation. The wheelchair accessibility requirements are based on the dimensions of a reference wheelchair. These are the same dimensions on which regulations for buses and trains are based and would mean that most, but not all, manual and electric wheelchairs would fit into the space.

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

2.43 The DfT believes that there are the following regulatory options:

- we could draft and implement a regulation that would make it mandatory for all licensed taxis to meet the requirements of the interim standard by a specified date. The Impact Assessment considers a compliance date of 2025; or
- we could draft and implement a regulation that would make it mandatory for all licensed taxis to meet the requirements of the enhanced standard by a specified date. Again, the Impact Assessment considers a compliance date of 2025; or
- we could implement a regulation according to, for example, whether an area is an urban authority or areas with high levels of limiting, long-term illness. The Impact Assessment uses a compliance date for this option of between 2012 and 2020. We have concluded that regulating for a certain proportion of the fleet being wheelchair accessible and a certain proportion being saloon cars would be unworkable, as it would be open to legal challenge and there would be practical implementation problems. We would need to amend the existing regulation-making power through primary legislation to take this option forward.

2.44 The Impact Assessment shows that the costs of regulating in whatever form would be significant. The net cost of adopting an interim standard is estimated to be Â£453 million. The net cost of adopting an enhanced standard is estimated at Â£772 million. And the net cost of implementation in urban areas is estimated at Â£197 million. It has proven to be very difficult to quantify benefits, although figurative/scoping exercises suggest that they would be many magnitudes lower than the costs. Even if we were able to quantify the benefits through further work, it is likely that the potential costs would still mean any form of regulation would be very expensive.

2.45 It could be argued that regulation is necessary in this area to help guarantee certain levels of accessibility, to improve certainty and reliability and to level the playing field for manufacturers and the taxi industry. But the following issues would also need to be considered:

- any regulation would focus on the standards of the vehicle. It would not necessarily deliver the outcomes that are required;
- any regulation is likely to involve high costs;
- any regulation could have high impacts. For example, the costs involved could potentially mean that all licensed taxi drivers would simply move to the private hire sector or would leave the industry altogether. Some of the regulatory options could also be high impact in carbon terms;
- options for offsetting costs are minimal; and
- implementation could be problematic in terms of agreeing appropriate dates. Implementation in some areas but not others could create difficulties, for example, for licensed taxi drivers who work in different local authority areas, and in agreeing an appropriate basis on which to allow local flexibility.

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

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

2.46 If we were to agree a technical standard and introduce it as a regulation, we would need to consider the issues of initial and ongoing compliance. It would be relatively easy to ensure that vehicles newly licensed complied with a regulation, but it would also be important to ensure continued compliance.

2.47 At present, vehicles are subject to a class IV MOT inspection, which assesses the mechanical condition of the vehicle. This is undertaken once a year. Taxis need to have an MOT certificate or a certificate of compliance from the first year onwards. A supplementary or hackney inspection is also carried out at the time of the MOT which will, for example, assess interior and exterior condition and other items such as cleanliness and wheelchair tie-downs. The items assessed as part of the supplementary inspection vary between local licensing authorities. In some cases, local licensing authorities can demand both an MOT and a supplementary/hackney inspection to be carried out more than once a year if a taxi is a particular age or it has reached a particular mileage.

2.48 The variation in requirements for supplementary or hackney inspections can mean that a driver operating across boundaries can be subject to different standards, unless recognition agreements exist. There is also variation in enforcement. Some local licensing authorities conduct the MOT and supplementary/hackney inspections at their own premises, with their own staff. Others have subcontracted the work to regulatory bodies such as VOSA or to the private sector.

2.49 The following options could be considered as ways of enforcing a technical standard.

- an initial compliance inspection at the time of registration supported, as now, by spot checks or intelligence/complaint led checks carried out by local authority officers or other agencies like VOSA. This approach would guarantee compliance at the time of registration only, but it would place the responsibility for compliance on the owner of the vehicles and it would be a low-cost enforcement option;
- a national, standard list of items to be checked at the time of the annual supplementary or hackney test to prove compliance with the technical accessibility standard could be developed and implemented by each local licensing authority. This would provide for compliance to be checked on an annual or more regular basis and would provide a consistent approach across the UK. But implementation might require a change in legislation, and it would involve additional cost for the drivers and for inspectors, as they would need to be trained in any new annual accessibility check; and
- a national, standard list of items that could be checked at the time of the annual supplementary or hackney test could be developed by the DfT and issued as good practice to be adopted on a voluntary basis by local licensing authorities. This could still be supported by spot checks or intelligence/complaint led enforcement.

2.50 The Impact Assessment considers some of the potential costs and benefits of these options. It is likely that enforcement would be easier if all licensed hackney taxis were subject to the same standard.

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

[4] European Conference of Ministers of Transport, 2007. *Improving Access to Taxis*.

Summary of options

Desired outcome	Could it be achieved by regulation?	Could it be achieved by another measure?
<p>More taxis available for disabled people, including: (a) wheelchair users; (b) people with an ambulatory disability.</p>	<p>In conjunction with other measures (e.g. section 36 duty to assist wheelchair users) â yes, but high implementation cost could mean fewer licensed taxis available as drivers move to PHV sector. Movement out of licensed hackney trade likely to be highest where trade is least buoyant (e.g. rural areas).</p>	<p>accessibility demand surveys could lead to more targeted provision of type of taxis needed in areas where they are needed. (b) Guidance issued by DfT, stronger links to local strategic transport planning or DfT-funded demonstration schemes could improve numbers available. (c) National or local financial or other (e.g. use of bus lanes) incentives could help influence purchase decisions by drivers and operating companies.</p>
<p>More accessible taxis and private hire vehicles available for people with all types of disability at interchanges and/or ranks.</p>	<p>Perhaps. Existing regulatory powers for setting standards apply to licensed taxis only. But there are supplementary powers in the DDA that, if in place, could mean certain conditions could be applied to contracts between interchange operators and the PHV sector.</p>	<p>a) Guidance issued by the DfT, stronger links to local strategic transport planning or DfT-funded demonstration schemes could improve numbers available at specific locations. (b) Greater engagement or joint working between local authority and transport interchange operators could meet this objective</p>
<p>Improved kerbside infrastructure, information and waiting areas at ranks and interchanges.</p>	<p>No. Existing regulatory powers only apply to potential standards for licensed taxis.</p>	<p>(a) Local authorities could use local transport planning and funding regime to improve infrastructure, inform and educate drivers on how to use infrastructure, and enforce requirements. (b) Greater engagement or joint working between local authority and transport interchange operators could meet this objective.</p>

Desired outcome	Could it be achieved by regulation?	Could it be achieved by another measure?
<p>More accessible taxis available for people with all types of disability that can be hailed on street.</p>	<p>No. Regulations could not guarantee that more accessible taxis would be available for all types of disability. In some areas, local policies have led to more wheelchair accessible taxis being available, but existing vehicles may not be suitable for all wheelchair users. The high implementation cost involved in delivering the DfT's draft enhanced standard could lead to drivers moving to the PHV sector.?</p>	<p>(a) More detailed local demand surveys could lead to more targeted provision of type of taxis needed in areas where they are needed. (b) Guidance issued by DfT, stronger links to local strategic transport planning or DfT-funded demonstration schemes could improve numbers available. (c) Better driver training and enforcement could mean that more drivers would stop and pick up some wheelchair users in areas where wheelchair accessible taxis are available.</p>
<p>Wheelchair accessible taxis accommodate a greater percentage of wheelchair users.</p>	<p>Possibly, but high costs would be involved for manufacturers in developing or adapting vehicles and in purchasing and upgrading the fleet.</p>	<p>(a) DfT could issue technical standard as a voluntary advisory note and encourage take-up through guidance. (b) National or local financial incentives could help influence purchase decisions.</p>
<p>Greater safety and comfort for disabled people travelling in taxis.</p>	<p>Possibly, but regulations would only apply to licensed taxi fleet. Improvements made to help some disabled people may make it more uncomfortable for other disabled people.</p>	<p>(a) DfT could issue technical standard as a voluntary advisory note and encourage take-up through guidance. (b) Better driver training and enforcement could lead to improvements and greater consistency.</p>

Desired outcome	Could it be achieved by regulation?	Could it be achieved by another measure?
Improved driver behaviour and willingness to pick up disabled people.	No.	<p>(a) Better driver training and enforcement could lead to improvements and greater consistency.</p> <p>(b) DfT could amend and commence the duty to assist people in wheelchairs that is in section 36 of the Disability Discrimination Act 1995. DfT could also explore the use of alternative penalties.</p> <p>(c) Operators/drivers could set up an industry-led and managed quality assurance scheme.</p>
Greater certainty for disabled people planning trips and connections between transport modes.	No.	<p>(a) Improved and more accessible information provided by national and local organisations and transport providers.</p>