# Taxi and private hire vehicle licensing in Wales

4 September 2017

## 1. About RNIB Cymru

RNIB Cymru is Wales’ largest sight loss charity. We provide support, advice and information to people living with sight loss across Wales, as well as campaigning for improvements to services and raising awareness of the issues facing blind and partially sighted people.

We welcome this consultation, which is of much relevance to the 106,000 people living with sight loss in Wales (1). Being able to get about independently is one of the most important things that they want to do. Taxi and private hire vehicles can play an essential role in enabling them to do this. As is recognised in the Cabinet Secretary’s Foreword to the consultation document, travel by taxi and private hire vehicles is simply the only transport option for many people – and this is particularly true for people with sight loss.

This consultation response focuses on the experiences reported to us by people with sight loss. We also support the comments made in Guide Dogs Cymru’s response to this consultation.

## 2. General comments

All too often RNIB Cymru hears from people with sight loss about problems using taxi and private hire vehicles. This includes refusals to take guide dogs, reluctance or refusals to help blind people in and out of the vehicles, or walk them to the door and even companies refusing to take bookings from known guide dog owners. Such anecdotal evidence is also substantiated in Guide Dogs’ 2016 Hail Storm report (2) which found that 42 per cent of assistant dog owners were refused by a taxi or private hire vehicle over a one year period because of their dog. Not only this, but this figure had not changed significantly from previous research conducted by Guide Dogs, indicating little improvement despite legal requirements. Indeed, RNIB’s My Voice (2015) research found that discrimination by taxi drivers was one of the most common sources of unfair treatment experienced by people with sight loss (3).

The impact of such experiences on people with sight loss is significant. The additional stress of having to negotiate with drivers or telephone operators at companies can be the tipping point between independence and reliance on others, or isolation. For example, one person has told RNIB Cymru that they can no longer do their weekly supermarket shop because they can’t rely on being able to get a private hire vehicle home, and it is too difficult to manage multiple bags and a guide dog on the bus alone. Guide Dogs’ research found that the stress of refusals has had a detrimental impact on the mental health of assistance dog owners and whether they feel able to leave the house (2).

RNIB Cymru has also had people with sight loss tell us that they have been told that they would be charged more for their journey because of their guide dog – despite this being against the explicit statement in the Equality Act that there should be no extra charge. For example, one individual took a taxi to their local society for the blind to attend a meeting, only to be told that they would have to be charged extra because their dog was wet, so the vehicle would have to be cleaned.

People with sight loss need to be able to have the same access to taxi and private hire services as any other person. They cannot drive, so are more reliant on taxi and private hire vehicles. Indeed in an unfamiliar place, using taxi’s may be the only option for them to get about. Given the feedback that we receive, and the evidence provided by Guide Dogs, it is clear that protections in the Equality Act are having limited effect.

RNIB Cymru knows that such incidents of discrimination are under-reported to licensing authorities. This is partly because of the processes – for example, it is difficult to report an instance when you cannot visually identify a vehicle or the driver. There is also a fear of a backlash if they do so, particularly in areas where there are only a small number of private hire companies operating. In addition to this, Guide Dogs’ research (2) found that people were disappointed by the lack of action following an assistance dog refusal and the low level of fines.

## 3. Disability equality training

RNIB Cymru believe that one way of improving the experiences of blind and partially sighted people in using taxis and private hire vehicles is to make sure that drivers are clear of their legal obligations under the Equality Act. We would emphasise that the Law Commission’s proposal that drivers of both taxis and private hire vehicles should undergo training on disability awareness training met with high levels of support as a means of enabling drivers to better understand the needs of their disabled passengers. They therefore recommended that such training is required for taxi and private hire (4).

Currently, the regulation of taxi and private hire services in Wales lacks common national standards, as recognised by the Cabinet Secretary when announcing this public consultation. Thus one licensing authority may require their drivers to undergo training, however as drivers operate across areas, the authority cannot stop drivers from other authorities from operating in their area. Similarly, they do not have the power to prosecute a driver if they are licensed by a neighbouring authority.

To end this practice and enable licensing authorities to ensure that all drivers operating in their area have received disability equality training and all refusals can be prosecuted, RNIB Cymru believes that it is essential that Welsh Government introduces national minimum standards for all taxi and private hire drivers.

## 4. Response to the consultation questions

**Q10. Do you consider that equality requirements proposed by the Law Commission can be met under the requirements imposed by the existing public sector equality duty (s149 of the Equality Act 2010) and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011?**

We recognise that the equality requirements proposed by the Law Commission lie within the scope of the existing public sector equality duty and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. However, we note that licensing authorities are subject to the duty to eliminate discrimination and provide equality of opportunity. Given the feedback that we are receiving from people with sight loss, we believe that they could be using this power more effectively to prevent such instances occurring. RNIB Cymru believe that guidance from Welsh Government could be instrumental in encouraging local authorities to use this power.

It is our view that specific national minimum standards from Welsh Government would support improvements in blind and partially sighted people’s experiences in using taxi and private hire vehicles. We agree with the Law Commission’s recommendation that such standards could be wider than accessibility issues, but must feature accessibility as a central feature.

We would also like to draw attention to the recognition in the Law Commission’s review that the only means of enforcing infringements of the provisions of the Equality Act is through pursuing an action in the civil courts. This is costly, complex and, without the support of a representative organisation or charity, not feasible for most individuals. Furthermore, even if action were to be taken against a driver or dispatched, the court would not have the power to take action against the licensee. While we have heard positive experiences of licensing authorities supporting people with sight loss in bringing prosecutions against drivers, it can still be an upsetting experience that many people with sight loss will not wish to have the additional stress of. We therefore ask Welsh Government to consider how they might act on recommendation 66 of the Law Commission’s report.

## 4. Further information

For further information, please contact Tess Saunders, Policy and Campaigns Officer.

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## References

1. RNIB sight loss data tool: <http://www.rnib.org.uk/knowledge-and-research-hub-key-information-and-statistics/sight-loss-data-tool>, accessed on 15/8/2017.
2. Guide Dogs (2016). Hail Storm: the experiences of assistance dog owners when trying to use taxis and private hire vehicles. Hannah Trussler, November 2016.
3. RNIB (2015). My Voice 2015: the views and experiences of blind and partially sighted people in the UK. John Slade and Rose Edwards, November 2015.
4. Law Commission, Taxi and Private Hire Services, Law Com No 347, May 2014, 12.8. <https://www.lawcom.gov.uk/project/taxi-and-private-hire-services/>.