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Guidance

DPTAC position on taxis and PHVs

Published 8 August 2020

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The importance of taxis for disabled people

Taxis and private hire vehicles (PHVs) are one of the most popular modes of transport for disabled people after the private motor car. Disabled people use taxis more than non-disabled people despite more of them living in relative poverty. Taxis and PHVs provide a door-to-door service, with scope for individual assistance with the particular needs of a disabled passenger.

They are also one of the services most complained about by disabled people, with regular reports of drivers refusing to carry passengers or provide the assistance needed.

The Disabled Persons Transport Advisory Committee (DPTAC) believes that taxi and PHV services should be fully accessible to disabled travellers, and this statement sets out our proposed framework for achieving such a service.

A comprehensive service

DPTAC believes that in the modern era a taxi or PHV service is not simply a matter of driving the passenger from A to B. The driver needs to take active steps to ensure that the passenger is safe and comfortable, and provide reasonable assistance to enable the passenger to use their service.

This is not just a matter of assisting disabled passengers. Parents may need help getting children and buggies into a vehicle, or a young woman travelling alone at night may want the driver to check that she gets to her door safely. The recent child abuse scandals in Rochdale and Rotherham have highlighted how drivers have a role in keeping young people safe. The majority of drivers accept that this is part of their role, but a minority are unwilling to help.

DPTAC believes that it should be part of the role of a licensing authority to:

- make drivers aware of the breadth of their duties
- provide training in how to carry out the full extent of their role
- discipline drivers who provide inadequate service to passengers

To bring this about, DPTAC believes that it requires the government to amend licensing legislation to make clear the full scope of the role of taxi and PHV services. This must give licensing authorities the powers to generate sufficient income to enforce this expectation of the role of drivers and apply appropriate sanctions (DPTAC supports the recommendation of the Task and Finish Group on licensing taxis and PHVs (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-recommendations-for-a-safer-and-more-robust-system>) that larger licensing areas may be needed to fairly generate the necessary revenue to achieve this).

Government also has a role to play in guiding licensing authorities on how to effectively carry out their duties.

Licensing authorities will need – with appropriate guidance from the government – to:

- provide training for drivers on disability awareness and wider customer care issues
- develop a straight-forward and fair way of taking disciplinary action against drivers who fail to provide a reasonable level of service
- develop an exemption regime for drivers who have a disability or other health problems which may limit the assistance they can provide

We believe that this framework will go a long way to developing inclusive taxi and P.H.V. services which will meet the needs of disabled and other passengers.

A universally accessible vehicle

A universal service also requires a vehicle which is fully accessible to all disabled people. The Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>) includes powers to introduce regulations to set specifications for such a vehicle. However, these powers have never been used. Attempts to draft regulations have demonstrated that compliance would need a bespoke vehicle, and the size of the market for such a vehicle would not justify the investment needed to develop manufacturing capacity.

At present, the bulk of the UK's taxis and P.H.V.s are conventional saloon cars. These vehicles are accessible to the vast majority of the population, including many disabled people. This includes wheelchair users who can transfer into the seat of the vehicle, with the driver folding the wheelchair and placing it in their boot. However, they cannot carry anyone who has to travel seated in their wheelchair.

Anyone who has to travel in their wheelchair needs what is defined as a wheelchair accessible vehicle (W.A.V.). The London-style taxi and a small number of mass-market people carriers have been adapted so that they can provide a service to wheelchair users who cannot transfer. W.A.V.s can also be used by non-disabled people and many disabled people.

Unfortunately, for a significant number of disabled people, they are difficult to use, particularly those using artificial limbs and others with restricted mobility. Creating the space for the wheelchair frequently means that there is a gap between the door and seat, which some people find difficult to negotiate. Design features, such as swivel seats, have been introduced to mitigate these problems. But D.P.T.A.C. accepts that, at present, there is no W.A.V. available which is a truly universally-accessible vehicle.

For this reason, D.P.T.A.C. believes that a mixed fleet of W.A.V.s and conventional saloon cars is necessary at present. It remains our aspiration to see the introduction of a universally-accessible vehicle, and we're particularly monitoring the development of autonomous vehicle systems to see if they offer the potential for such a vehicle.

A mixed fleet of W.A.V.s and conventional vehicles

There should be a mixed fleet of W.A.V.s and conventional cars for both taxis and P.H.V.s in all licensing areas. Although the boundary between taxis and P.H.V.s has become blurred in recent years, for as long as the two forms of licenses exist, D.P.T.A.C. wants both fleets to meet the needs of disabled people. It's certainly the case that some disabled people will want to pre-book their vehicle by phone or on an app, while others will require a rank or hailed service.

At present, 58% of taxis are W.A.V.s but only 2% of P.H.V.s. However, they are far from evenly distributed. All 20,000 taxis in London are W.A.V.s, and the remainder are concentrated in the major urban areas (82% of W.A.V.s are in metropolitan areas). In many urban areas of the country, fewer than 5% of the licensed fleet are W.A.V.

Concerningly, the situation seems to be deteriorating. The launch of Uber and other app-based systems for booking P.H.V.s has resulted in an increase of over 4% in the number of licensed vehicles. But they are nearly all P.H.V.s and, in London, there has been a reduction in the number of licensed taxis which has resulted in an overall fall in the number of W.A.V.s on the road.

WAVs are significantly more expensive to purchase than conventional saloon cars, which is why they are generally only widely available where licensing authorities have decided that only WAVs can be licensed as taxis.

The other driver for the introduction of WAVs is where local authority education and adult day services have out-sourced transport services to PHV operators who need WAVs to deliver the service. However, even where outsourcing has encouraged the introduction of WAVs, they tend to disappear from service at the end of the day once their contracted work has been completed, and they are less available in the evening and at weekends.

For those disabled passengers who require a WAV, they are a crucially important part of local transport provision. They will be unable to use a conventional car, and their only way of getting about will be to buy a specially adapted car or rely on the very patchy provision of charitable community transport.

Although they can use their Personal Independence Payment (PIP) mobility component to purchase an adapted car, they will, in most cases, still be reliant on family members or paid carers to drive it for them. It may be a far more flexible solution for them to be able to use local taxis when they require them than having a specialist vehicle stood outside their house.

Licensing authorities to set requirements for the provision of WAVs

DPTAC believes that legislation should require licensing authorities to set the proportion of WAVs required in their fleets of taxis and PHVs. This should be based on their knowledge of the current market and existing provision and a review of potential demand.

This review must acknowledge that, in areas of low WAV provision, those who require such vehicles will have developed coping strategies to minimise their use of taxis and PHVs. This will have significantly suppressed demand and may have led some disabled people to dismiss the possibility of using this mode of transport altogether. Government should provide guidance on how to assess need.

The licensing authority's objective in setting the proportion of WAVs in their fleets of taxis and PHVs should be to achieve a number in service sufficient to ensure that they will be readily available to those who need them at all times of day, 7-days-a-week. We suggest that 'readily available' should mean that someone who needs a WAV does not need to wait for more than twice as long as they would for a conventional car.

DPTAC believes that it's unlikely that a proportion of lower than 25% WAVs will achieve the necessary level of service. In cities where there is a high demand for spontaneous travel, the proportion of WAVs in the taxi fleet may need to be higher. Conversely, in areas with many older residents, it may be that they prefer to pre-book their journeys and a higher proportion of PHVs which are WAVs will be required.

In the medium term, we note the opportunities provided by emerging technologies and, in particular, mobility as a service platform (MaaS). MaaS can help match users with the mode of transport best suited to their needs and for each portion of their journey.

Crucially, this also includes the first and last mile of journeys where WAVs can be particularly helpful in getting people to mass transit modes. This can help identify the proportion of WAVs needed for pre-booked journeys, as well as making sure these are allocated effectively. We encourage the Department for Transport (DfT) to consider how MaaS can contribute to improving the mobility of disabled persons and, in particular, provide enhanced access to WAVs.

Achieving a proportion of WAVs in the PHV fleet

To achieve the proportion of PHVs in the fleet of a licensing authority, DPTAC supports the recommendation of the Law Commission that operators of larger fleets should be required to provide a proportion of WAVs. This proportion will be larger than the overall target for the fleet, depending on the number of smaller operators who are exempt.

The government will need to decide whether it wishes to put the definition of a larger operator in legislation, or, leave it to licensing authorities to decide the threshold based on the local market. DPTAC believes that the turnover of vehicles within a PHV fleet is sufficiently rapid that this change will speedily increase the number of WAVs in the area.

DPTAC acknowledges that the, apparently simple solution of the Law Commission, will be complex to implement. A significant proportion of PHVs are owned (or leased) by the driver rather than the operator. Moreover, some owner/drivers work for several different operators.

The PHV sector also includes niche operators of executive travel services and specialist vehicles such as stretch limos, where wheelchair accessibility may not be achievable at present. Nevertheless, we believe that it will be possible for government to find a fair solution for implementing the spirit of this recommendation. For example, adopting an outcome-based approach whereby operators commit to service levels of provision for users requiring WAVs.

DPTAC is also aware that the rise of Uber and other large operators in the PHV market has given rise to potential problems where, drivers and vehicles can be licensed by one authority, but operate elsewhere. This might result in situations where operators seek to avoid their responsibility to provide WAVs by picking where they license their vehicles. We favour some link between the licensing of PHVs and the areas in which they can operate, but we are open to alternative solutions to this problem. For example, if mandatory national standards were introduced.

Achieving a proportion of WAV taxis in the fleet

Because taxis are generally owned by an individual driver, DPTAC believes that some form of subsidy will be required to cover the additional cost of purchasing a WAV. The government should research the amount of the cost difference, and refresh this regularly to avoid market distortion.

Depending on the outcome of this research, DPTAC's preferred model is for the subsidy to WAV drivers to be funded within the licensing budget, either by abolishing the license fee for WAV owners or by subsidising the purchase of the vehicle (or a combination of the two). In this way, taxi owners effectively share the additional cost of purchasing a WAV. If the effect of this is to significantly increase licensing costs, we recognise that some increase in fares will be necessary.

During the implementation phase there will be a period when, in many parts of the country, all the taxis licensed will be WAVs to increase the proportion in the fleet. Some form of additional finance to top up the licensing budget from public funds will be required during this period. We acknowledge that this subsidy may need to continue if the final level of license fees is such that it might force some drivers out of business.

DPTAC understands that, under current legislation, differential licensing fees are not possible. We believe that primary legislation will be required to implement our proposal.