

Wales Safer Communities Network response to: Welsh Government- Taxi and Private Hire Vehicle (Wales) Bill White Paper

Closed 01 June 2023

Response submitted via the online survey.

Questions:

Question 1: Are the proposed definitions of taxis, PHVs, there and then hire and pre-booking appropriate? Please provide comments, including anything you think is missing from the definitions.

In Principle, the definitions appear clear and show the difference between taxis and PHVs and where there is overlap. The definition though may be lacking in acknowledging that both types of transport are licenced, and drivers are subject to enhanced DBS and a qualification.

Question 2: Do you agree with our proposal to introduce national minimum standards which will apply to all taxis and PHVs in Wales? Please provide comments.

Yes, we agree with the proposal for a national minimum standard to ensure consistency across Wales and reduce any potential risks to clients, pedestrians and other road users.

Question 3: Do you agree that local authorities should be mandated to offer separate taxi and PHV driver's licences as well as to offer the option of a dual licence? Please provide comments.

In principle, we agree with the proposal but there should be an opportunity for local authorities to work together to manage as some already do with enforcement services. For example a rural local authority like Monmouthshire, or smaller authorities such as Blaenau Gwent or Torfaen it may take more resources than is practicable to offer all three options but if they could work together or possibly work jointly with another such as Newport or Caerphilly they could reduce the impact on each individual local authority.

Question 4: Do you agree with the national minimum standards proposed for a driver's licence? Please identify any standards you think should be removed, changed or added.

We agree partially with the proposals. However, we think that to limit age discrimination and ensure all drivers of such vehicles are safe that there should be consistent group 2 medical check at regular intervals for all ages.

The basic information for running a business we feel should be the same for PHV drivers as some, especially in rural areas may be single operators or may be classed as self employed and then linked to an operator.

We think there should be specific reference to training in domestic abuse awareness and safeguarding training, including what to do if a driver or operator suspects someone is a victim or if someone mentions that they are.

The consultation lists a number of issues to be covered in the regulated qualification with county lines being specifically named, this is just one form of serious organised criminality and therefore we would suggest the wording is changed to serious organised crime awareness including county lines. Mental health awareness is listed which we agree should be but think it may be worth considering expanding it to mental health and mental wellbeing awareness including suicide awareness.

Question 5: Do you agree with the national minimum standards proposed for a vehicle licence? Please identify any standards you think should be removed, changed or added.

The requirement for Welsh to be treated the same as English meant we were confused by the requirement “All taxis to display a roof light displaying only the words ‘Taxi’ and/or ‘Taksi’.” For fairness to the Welsh language, it is our opinion there should not be an ‘or’ option.

There doesn’t seem to be much detail for comment such as the bullet of “Vehicle age limits/emission requirements....” But without the specification it is difficult to make any specific response. If the detail is to be laid in separate guidance or legislation it would be useful to have this identified so there is clarity as to where this information can be found for reassurance of the public as well as for those who are looking to licence their vehicle(s).

We would expect to see something around insurance and that the vehicle is roadworthy so has an up to date MOT, vehicle is insured and is insured for carrying paying passengers.

If a proprietor is not the driver then this should be noted for the ease of passengers for reporting any issues about any particular vehicle.

Question 6: Do you agree with the national minimum standards proposed for an operator’s licence? Please identify any standards you think should be removed, changed or added.

In principle, we agree however we note that they will be required to have a DBS check at renewal we think this should be specified as at least annual, and that all those who work in the operators office must also have a DBS check at the same frequency as they are likely to be handling information that identifies a vulnerable person, such as wheelchair user etc and therefore there should be a requirement around safeguarding for both adults and children.

Whilst the proposal includes how they will handle those with additional needs etc, there is nothing specified around managing those who are vulnerable whether that is in regard to Violence Against Women and Girls (VAWG) which is especially relevant in the night-time economy where a lone female can be more vulnerable and need to do a short journey that they would walk in the daytime.

There should also be a policy around domestic abuse and a zero tolerance for those who have committed domestic abuse to be either drivers, operators or proprietors as they have already demonstrated their ability to be violent and/or coercive. We think there should be specific reference to training in domestic abuse awareness and safeguarding training, including what to do if a driver or operator suspects someone is a victim or if someone mentions that they are.

We would expect or want to see support for undisputed transportation of guide or assistance animals rather than leave vulnerable people struggling to make their own way home. If a taxi or PHV driver has an allergy or other certified medical reason for not transporting domesticated animals then how this is managed should be clear and no booking made via operators with the drivers in such circumstances.

There does not appear to be anything in the proposal around data management and compliance with data protection legislation and running of secure systems, especially where booking is online and/or details are shared electronically or on the telephone between the operator and driver. There is a need to prevent current passengers from seeing future passengers details for example, even a postcode in a rural area can identify just one, two or three properties whereas in a town or city it can be 50 or more homes.

Question 7: Beyond the national minimum standards do you think local authorities should have discretion to have additional local standards/requirements for drivers, vehicles and operators in their area? If yes, what do you think these should cover?

We think there should be national standards for the Welsh language, Wheelchair accessible vehicles as both of these are covered in equalities legislation so are unsure why they are listed in the beyond national minimum standards and think they should be moved to within the minimum standards.

Question 8: Do you agree with our proposals for local licensing administration? Please provide comments.

In principle they appear clear and fair, however we are concerned about the additional administrative burden and resources that may be needed for multiple authority licencing where it may not be possible to do cost recovery for the local authority due to the numbers involved and where they would be an additional authority so receive a much reduced fee. This is why we think the option of a group of local authorities being allowed to work together to deliver licencing that is consistent and allows for economy of scale and opens up the opportunity for more cross boundary activity is more practical.

Question 9: Do you agree with our proposal to enable local authority enforcement officers to propose a sanction against a taxi or PHV driver found to be in breach of a national minimum standard while operating in their administrative area but not licenced in their area? Please provide comments.

Yes, we agree this would be appropriate however we think this should be accompanied with a process for reporting to the licenced area, and due consideration should be given to the circumstances. For example, a taxi licensed in Cardiff who has driven passengers' home to Newport who is then returning to Cardiff and is flagged down by a lone female and picks her up for VAWG prevention purposes providing they can demonstrate this should not be penalised as safeguarding should take precedence.

Question 10: Do you agree with our proposal to enable local authority enforcement officers to suspend a licence issued by another authority where there is an immediate risk to public safety? Please provide comments.

Yes, with an easy process for reporting to the relevant licensing authority.

Question 11: Do you agree that fixed penalty notices (FPNs) should be introduced for certain taxi and PHV offences? Please provide comments.

Yes, we agree with the proposal for FPNs. However, we think there should be guidance on the number of FPNs before further action is taken either through licence or vehicle removal for a fixed or permanent time or that the case will have to go to court. If an FPN is not paid then it may be appropriate for a civil injunction to be used as occurs in some other FPN circumstances.

Question 12: Do you agree that a national penalty points scheme should be introduced for certain taxi and PHV infringements? Please provide comments.

In principle we agree, but would need more detail about how this would be managed and the resourcing required and expected and how this would be resourced.

It is difficult to comment without all the detail which may appear in guidance. Whilst the consultation mentions that this would not be suitable for refusing a passenger with an assistance dog, there is no mention of refusal of a fair of a vulnerable person on their own and where this would sit within the proposed new structure of FPNs, penalty points and hearing/legal action.

Question 13: Do you think that there is a need to address the negative consequences of 'multi-apping'? If yes, which option, including any suggestions of your own, do you think would be most effective. Please provide comments.

Whilst we do not have an opinion on this, we understand why both passengers and drivers may be on multiple apps and as technology changes how it is used will also adapt. However, there may already be legislation that can be used around this especially as there is a record of the agreement and therefore once a booking is accepted by an operator and then a driver it may already be covered in the delivery of services and goods legislation.

Question 14: Do you agree that option A is the best means to address concerns about cross-border hire between Wales and England? Please provide

comments, including practical considerations and/or other options which you believe to be better.

No as we think it would be almost impossible to implement. We think there is a simpler option which is that any PHV/Taxi journey that begins in Wales should wherever possible be with a provider licenced in Wales with exceptions for where a specialised vehicle is not available at that time in the area.

Question 15: Do you agree that use of the NR3 register in the driver licensing process should be mandatory in Wales? Please provide comments.

This would appear a sensible approach but the cost of being part of the NR3 register should be monitored to ensure that it is giving value for money and also delivering what is needed to safeguard passengers and potential passengers in Wales.

Question 16: Do you think that Welsh Ministers should take action to accelerate the transition to ZEV taxis/PHVs? If yes, which of the following options would you prefer? Please provide comments.

- a. set a deadline for all taxis and PHVs to be zero emission at the tailpipe
- b. set an age limit for vehicles which are not ZEV
- c. do something else

No, whilst the idea seems good setting a deadline without the infrastructure to support the ZEV seems inappropriate. Currently there are few taxi ranks with electric charging points, and limited for access by any other vehicle. There should be a nationally funded programme for the infrastructure to support such vehicles before mandatory deadlines are set.

Question 17: Do you agree with our proposals for Class B vehicles? Please provide comments.

Potentially we agree, but we would require more detail as some of the use of the vehicles, such as school transport, we would want to ensure that both the vehicles and the drivers were suitable for the safeguarding of either a child or children on a regular basis. If there are regular drivers then the risk for exploitation or abuse increases as the driver has the opportunity to build up a rapport with the passenger(s).

Question 18: Do you have any comments on the draft Regulatory Impact Assessment published alongside this paper?

We do not have enough specialist knowledge in regard to the Taxi and Private Hire Vehicle licencing process to provide any specific response to the Regulatory Impact Assessment beyond our answer to the specified questions in this consultation.

Question 19: Is there any data that you would be willing to provide to help in the development of this RIA?

Not Applicable due to the role of the Wales Safer Communities Network.

Question 20: We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for

people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Please see our answer to question 5 and question 7.

Question 21: Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Please see our answer to question 5 and question 7.

Question 22: Are there any other issues you would like to raise about taxi and PHV licensing?

The Taxi and PHV licencing system whilst often separate from community safety is important as they are frequent road users with an ability to influence road safety, they often transport those who are vulnerable due to age (children or older people), disability or gender (lone female). They have the potential opportunity to identify abuse, victims of violence or coercion and by delivering their services may prevent harassment, assaults and sexual violence by providing safe transportation to those at risk. We think it is therefore important that safeguards are put in place through a robust licencing process to ensure that as much as is possible they provide mobile safe havens for individuals and assist the prevention agenda.