

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) BILL

*Wednesday 9 February 2022*

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CLAUSES 1 to 6 agreed to.  
Bill to be reported, without amendment.

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**Sunday 13 February 2022**

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**The Committee consisted of the following Members:***Chair:* MRS SHERYLL MURRAY

- |   |  |
|---|--|
| † Baillie, Siobhan ( <i>Stroud</i> ) (Con)                              | † Marson, Julie ( <i>Hertford and Stortford</i> ) (Con)                |
| † Baynes, Simon ( <i>Clwyd South</i> ) (Con)                            | Miller, Mrs Maria ( <i>Basingstoke</i> ) (Con)                         |
| † Brennan, Kevin ( <i>Cardiff West</i> ) (Lab)                          | † Mohindra, Mr Gagan ( <i>South West Hertfordshire</i> ) (Con)         |
| Carmichael, Mr Alistair ( <i>Orkney and Shetland</i> ) (LD)             | † Morton, Wendy ( <i>Minister of State, Department for Transport</i> ) |
| Champion, Sarah ( <i>Rotherham</i> ) (Lab)                              | Thompson, Owen ( <i>Midlothian</i> ) (SNP)                             |
| † David, Wayne ( <i>Caerphilly</i> ) (Lab)                              | † Trott, Laura ( <i>Sevenoaks</i> ) (Con)                              |
| † Evennett, Sir David ( <i>Bexleyheath and Crayford</i> ) (Con)         | † Wright, Jeremy ( <i>Kenilworth and Southam</i> ) (Con)               |
| † Furniss, Gill ( <i>Sheffield, Brightside and Hillsborough</i> ) (Lab) | Adam Mellows-Facer, <i>Committee Clerk</i>                             |
| † Hart, Sally-Ann ( <i>Hastings and Rye</i> ) (Con)                     |  |
| Hillier, Dame Meg ( <i>Hackney South and Shoreditch</i> ) (Lab/Co-op)   | † <b>attended the Committee</b>  |

## Public Bill Committee

Wednesday 9 February 2022

[MRS SHERYLL MURRAY *in the Chair*]

### Taxis and Private Hire Vehicles (Disabled Persons) Bill

9.25 am

**The Chair:** My selection and grouping for today's meeting is available online and in the room. No amendments were tabled. We will have a single debate covering the six clauses of the Bill. The formal decisions on those clauses will be taken without further debate at the end.

#### Clause 1

##### DUTIES OF DRIVERS

**The Chair:** With this it will be convenient to discuss clauses 2 to 6 stand part.

**Jeremy Wright** (Kenilworth and Southam) (Con): It is a great pleasure to serve under your chairmanship, Mrs Murray, and I thank all members of the Committee for their attendance and assistance in scrutinising this Bill today. I hope it will be helpful if I explain what the Bill seeks to achieve, and what its clauses will do.

The Bill aims to amend the Equality Act 2010 to do four main things. First, it creates new duties for taxi and private hire vehicle drivers and private hire vehicle operators to ensure that a disabled person is provided with reasonable assistance, and is not unfairly charged or refused a booking simply because they are disabled. Secondly, it affords disabled passengers assistance in identifying a vehicle where appropriate. Thirdly, it requires local licensing authorities to maintain and publish a list of wheelchair-accessible taxi and private hire vehicles, ensuring that both the new and existing duties are consistently applied. Fourthly, it amends the taxi and private hire vehicle driver exemptions for those with a disability or physical impairment, to ensure they are exempt only from the duties it would be unreasonable for them to fulfil.

Clause 1 would create two new sets of duties in sections 164A and 165A of the Equality Act, and amend the existing duties in section 165 of that Act. Section 164A would create new duties on drivers of non-wheelchair-accessible taxis and private hire vehicles not to refuse carriage to any disabled person who could reasonably travel in their vehicle; to make every reasonable effort to ensure the disabled passenger is comfortable and safe while travelling; and not to charge them any extra for doing so.

The amendments to section 165 would complement section 164A by ensuring that those duties are consistently applied to drivers of designated wheelchair-accessible taxi and private hire vehicles. Section 165A would create new duties on drivers of private hire vehicles and pre-booked taxis to assist any disabled person to identify the vehicle at no extra charge. This would support not only visually impaired passengers, but those with less evident impairments, such as cognitive, memory and learning impairments.

For too long, the Equality Act's patchwork of rights and protections, based on specific impairments, vehicles and ways of travelling, have excluded many disabled people from basic rights and protections when travelling in a taxi or private hire vehicle. These new and amended duties cover not only any disabled person who can reasonably access a taxi or private hire vehicle, whether it be wheelchair accessible or not, but the range of scenarios in which a disabled person intends to travel. If a wheelchair user intends to transfer to a passenger seat, it cannot be right that they would have rights and protections if they were accessing a designated wheelchair-accessible taxi or private hire vehicle, but would have no rights or protections in a non-designated wheelchair-accessible vehicle. This Bill will put that right.

Clause 4 proposes to add a new offence for private hire vehicle operators who fail or refuse to accept a booking from any disabled person because of their disability, or charge extra for duties that their drivers must fulfil—a right and protection currently offered only to assistance dog owners, which should apply to all disabled people. Clause 5 proposes amendments to sections 168 and 170 of the Equality Act to ensure that the duties not to make, or propose to make, any additional charge for carrying an assistance dog are consistent with the same duties applied in relation to disabled people and wheelchair users in sections 164A and 165A. That clause would also make other minor and consequential amendments in relation to certain definitions and cross-referencing for the numbering of sections.

Collectively, the new and revised duties in clauses 1, 4 and 5 will resolve the inconsistencies in the Equality Act 2010. No matter their impairment or the type of vehicle they wish to travel in, disabled people should not be unfairly treated when accessing a taxi or private hire vehicle. These clauses will provide any disabled person with protections from, and rights not to be subject to, unfair treatment, providing reassurance that they will receive reasonable assistance to travel where they want to go.

**Sir David Evennett** (Bexleyheath and Crayford) (Con): I have listened with great interest to my right hon. and learned Friend. This is a most welcome Bill. Many taxis in London already do the things he highlights—I am a big supporter of London taxis, because they do a fantastic job and offer a good service—but the new duties are needed to ensure that those with disabilities are treated as fairly and equally as everybody else. I welcome the Bill, and I put on the record that London taxis are great.

**Jeremy Wright:** I agree with my right hon. Friend: London taxis are great. He will be reassured to learn that I spoke to representatives of London taxi drivers about the Bill. He is entirely right: there are many very good drivers of taxis and private hire vehicles who do all the things the Bill is intended to achieve. But as he will recognise, and as I will repeat in a moment, it is important to raise the standards for all drivers. However, he is entirely right to recognise the good work of London taxi drivers and, indeed, taxi drivers elsewhere in the country.

It is important to note that, to make the Bill work in practice and ensure that taxi and private hire vehicle drivers and operators are not unfairly penalised, defences

are in place for cases where a driver could not reasonably have known that a passenger was disabled or required mobility assistance, or where a driver could not reasonably or safely have carried the passenger and their wheelchair or mobility aids. However, in order for the existing duties in section 165 of the Equality Act to work for any wheelchair user intending to travel in a wheelchair-accessible taxi or private hire vehicle, they must be applied consistently across the country.

Clause 3 would amend the existing duties on local licensing authorities in section 167 of the Equality Act, requiring them to maintain and publish their list of designated wheelchair-accessible taxi and private hire vehicles. That matters because it is only by being designated a wheelchair-accessible taxi or private hire vehicle that the duties on drivers set out in section 165 apply. The clause would end the current state of affairs where these duties apply only based on a local licensing authority's decision to maintain a designated list or not. It would also go further than that, requiring local licensing authorities to publish their lists, providing easily accessible information about locally accessible services to wheelchair users who rely on those wheelchair-accessible vehicles.

Currently, section 166 of the Equality Act allows a driver of a designated wheelchair-accessible taxi or private hire vehicle to apply for an exemption on medical grounds or owing to a physical condition. A driver with an exemption is, by default, exempt from all the duties in section 165, including the duty not to charge disabled passengers extra, which are not affected by an exempt driver's medical or physical condition. Clause 2 would amend section 166 so that exemptions apply only to duties to give the passenger such mobility assistance as is reasonably required under new section 164A and section 165 of the 2010 Act. Other duties, such as to carry the passenger and not to impose additional charges, would still apply to drivers who hold medical exemption certificates.

Finally, clause 6 covers the extent and commencement of the Bill. First, it provides that the Bill applies to England and Wales and to Scotland. Secondly, it will commence at the end of the period of two months beginning with the day on which it is passed. This will ensure the swift implementation of the rights and protections that the Bill offers disabled people while providing local licensing authorities and drivers sufficient time to review and prepare for the changes. On that point, I stress, as I said a moment ago, that the Bill will not impact the excellent service that the vast majority of drivers already provide to disabled people, as they already fulfil the fundamental duties that the Bill proposes.

During the covid-19 pandemic, for example, drivers provided a vital service, transporting essential workers to their places of work and ensuring that those who needed it most arrived safely at their medical appointments. However, we must ensure that all drivers meet the reasonable duties in the Bill so that any disabled person has rights and protections to access a taxi or private hire vehicle across the country.

I hope that that explanation of the Bill has been helpful to the Committee and that the reasons I have set out make it clear that the law simply cannot continue to provide rights and protections for some disabled people when accessing taxis or private hire vehicles, but not others.

**Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairpersonship, Mrs Murray. I start by congratulating the right hon. and learned Member for Kenilworth and Southam on bringing the Bill forward and overcoming all the hurdles that private Members' Bills face to get to this stage.

Disabled people across the country still face unacceptable barriers when going about their everyday lives, not least when travelling. Research shows that 60% of disabled people do not have a car, and public transport is still nowhere near accessible enough. Hence, for many disabled people, taxis are the only option if they are to continue to live an independent life. As the explanatory notes highlight, disabled people take on average twice the number of taxi journeys each year as those without disabilities. The Bill therefore presents a perfect opportunity to tackle discrimination against all disabled people when they use taxis and private hire vehicles. Its aims are commendable and have the full support of the Opposition.

I am proud of the last Labour Government's landmark Equality Act 2010, which provides comprehensive protections against discrimination that is due to someone's disability. It is in that spirit that I share the assessment in this Bill that specific rights already given to wheelchair users and those with guide dogs should be extended to all disabled people. The new obligations under clause 1 are eminently reasonable and have the potential to vastly improve the lives of people with disabilities.

I also welcome the provisions under clause 3, which require local authorities to maintain a list of wheelchair-accessible vehicles. Although the majority of local authorities do that already, we support making it mandatory. That will ensure that wheelchair users can quickly and conveniently book a taxi, safe in the knowledge that it will be accessible to them.

However, after a decade of austerity I am concerned about the capacity that local authorities have to create and maintain their lists. For instance, in my patch, Sheffield City Council has seen its spending power cut by £215 million since 2010—almost a half of its total budget. I note that in the explanatory notes the Department for Transport commits to publishing guidance for local authorities. I would welcome further details from the Minister about that and a commitment to providing administrative support to local authorities whose budgets are already stretched wafer thin. We must ensure that the lists are up to date and easily accessible across the entire country or the provision simply will not work.

I move on to the issue of enforcement. Although current legislation makes it an offence to refuse to carry a passenger on the basis that they have a guide dog with them, all too often we hear stories of people still being turned away for that reason. Given these new duties, we must ensure that people with disabilities are fully aware of their rights and know exactly who to turn to if they are ever denied them. It is also vital that taxi drivers have the adequate guidelines and training to match their new responsibilities. We must ensure that they have the confidence to assist people of all disabilities before, during and after their journeys. Guidance and training must cover how to provide safe and comfortable travel to people with all disabilities and make drivers aware of the specific adjustments that they may have to make.

It is our hope that the two-month period between the Bill's being passed and its coming into force will be used by the Government to ensure that all taxi drivers are

[Gill Furniss]

fully aware of their new obligations. The Bill will, of course, rightly penalise those who fail to live up to their responsibilities. However, it is our sincere hope that the primary outcome of this legislation will be a cultural change whereby people can safely and confidently use taxis without fear of being discriminated against due to their disability.

**Simon Baynes** (Clwyd South) (Con): I consider the hon. Lady's remarks to be very constructive and I strongly agree with them. I am sure she will join me in balancing the requirements of this private Member's Bill, which are very necessary, against a recognition of the fantastic service that many taxi drivers and private hire vehicles have provided, particularly during the covid crisis. They have been a lifeline for many disabled and vulnerable people.

**Gill Furniss**: I completely agree. I represent an area where a large number of taxi drivers live. At one point, my son-in-law was a taxi driver; I praise him every day for his past service. He spent a lot of time taking renal patients to hospital in the early mornings. The job is about not just picking up people from the roadside but getting people to dialysis and children with special needs to school. It is something of a public service.

I invite the Minister to outline how she intends to work with local authorities to ensure that the message is effectively communicated to all taxi and private hire vehicle drivers.

I conclude by once again commending the right hon. and learned Member for Kenilworth and Southam for progressing the Bill and the Minister for giving it the Government's support. The Bill will not put an end to the discrimination that disabled people continue to face every day, but it is a big step in the right direction. I look forward to working in the spirit of cross-party co-operation to ensure that it delivers on its aims.

**The Minister of State, Department for Transport (Wendy Morton)**: It is a pleasure to serve under your chairmanship, Mrs Murray, in this Committee to consider the private Member's Bill of my right hon. and learned Friend the Member for Kenilworth and Southam. I put on the record my thanks to him for his dedication and hard work in bringing the Bill forward.

First, and most importantly, I would like to reiterate a point raised on Second Reading: the vast majority of taxi and private hire vehicle drivers provide a professional and first class service, as we have heard from hon. Members on both sides this morning. They strive to support all passengers, both disabled and non-disabled, including during the worst of the covid-19 pandemic. The Bill is not intended to unfairly penalise or put unreasonable burdens on these drivers—indeed, it will make things fairer for them. It is not right that some drivers have legal duties under the Equality Act 2010 while others do not. The Government remain committed to ensuring that disabled people have the same access to transport as everyone else, which is why I am pleased to confirm that the Bill has the full support of the Government.

At present, only wheelchair users and assistance dog users have the rights and protections under the 2010 Act concerning the use of taxis and private hire vehicles.

Even those rights and protections do not apply consistently. Clauses 1 and 4 would rectify that by creating new duties to ensure that any disabled person who could reasonably travel in a taxi or private hire vehicle is protected against refusals and extra costs, and afforded reasonable assistance to make their journey in comfort and safety, regardless of their disability and whether the vehicle is wheelchair-accessible or not, provided that their wheelchair or mobility aids can be carried safely and reasonably in the vehicle.

I am pleased to say that the Bill would go further than rectifying that inconsistency. In addition, it would afford disabled passengers assistance in identifying the vehicle where appropriate. Crucially, it would also strengthen existing duties. Clauses 1, 3 and 5 would tighten the wording in the 2010 Act to ensure that the duties are appropriately defined. In particular, clause 3 would remove the postcode lottery for the duties applied to wheelchair-accessible taxis and private hire vehicles by requiring all local licensing authorities to maintain and publish a list of wheelchair-accessible taxis and private hire vehicles. That is currently not a requirement.

Although I am pleased that 70% of authorities in England have none the less chosen to provide such a list, 30% still do not. The Bill will address that, ensuring that drivers of vehicles on such lists will be subject to the relevant duties. I am satisfied that defences are in place for cases in which a driver could not reasonably have known that a passenger was disabled or required mobility assistance, or could not reasonably or safely have carried the passenger and their wheelchair or mobility aids.

9.45 am

When considering duties for disabled passengers, it is also important to consider disabled taxi and private hire vehicle drivers, too. For some drivers, providing mobility assistance simply is not feasible because they have a medical condition or impairment themselves. The last thing that the Bill intends is to deter those drivers from operating. Instead, it would balance the needs of such drivers with the needs of disabled passengers. Clause 2 would address that by allowing drivers to have medical exemptions from the provision of mobility assistance—on medical grounds or because of their physical condition, as appropriate.

I am pleased to say, however, that the measure would remove any exemptions from the broader duties to carry disabled passengers, including to charge extra for any assistance the driver does provide. As my right hon. and learned Friend the Member for Kenilworth and Southam has already made clear, that will have no impact on a driver who is exempt from carrying out those duties on medical grounds or because of their physical condition.

Clause 6 provides for commencement just two months after the Bill is passed, which the Government wholeheartedly support to deliver benefits to disabled passengers quickly. We also believe that commencement is reasonable in its impact on taxi and private hire vehicle drivers and operators.

The Government estimate that the cost to taxi and private hire vehicle drivers of familiarising themselves with the proposed changes will be, at most, one hour per driver. For the many drivers who are already fulfilling the duties that the Bill proposes, the additional duties will have minimal impact—for example, where this is

not already happening, a driver who takes a booking from a person who states that they are visually impaired might volunteer additional information to help the passenger identify and find the vehicle, and/or request information to help them identify the passenger.

As I have already mentioned, 30% of local licensing authorities do not maintain a list of designated wheelchair accessible taxis and private hire vehicles.

**Sally-Ann Hart** (Hastings and Rye) (Con): It is worth noting that clause 3 standardises the lists across all local authorities. That is very welcome because, as Members will know, rules are not currently standardised across all local licensing authorities.

**Wendy Morton:** My hon. Friend makes an important point. It is important to ensure that disabled people and people who require help or a wheelchair have confidence that this information is available and consistent. Let us face it: people do often move around from one local authority to another, so consistency is important.

Our expectation is that all local licensing authorities already have data available on wheelchair-accessible vehicles, as they already provide this data to the Department for Transport annually. The hon. Member for Sheffield, Brightside and Hillsborough asked about the cost to local licensing authorities of publishing such a list, and we expect that cost to be low. To support local licensing authorities to implement the new duties, the Government will update our current statutory guidance in advance of the Bill's commencement. I hope that offers the hon. Lady the reassurance that she is looking for.

The Bill would greatly support the Government's aim of improving the accessibility of the transport network by increasing assistance and protection against discrimination for disabled taxi and private hire vehicle passengers. I reiterate my thanks to my right hon. and learned Friend for his hard work and for the collaborative

way in which we have got to this point. I look forward to following the Bill through its remaining parliamentary stages.

**Jeremy Wright:** With your leave, may I begin by thanking you, Mrs Murray, for shepherding us so efficiently through this process? I also offer my thanks to your Clerk, who has given me some very sage advice throughout the Bill's passage. I hope that he will not stop now and continue to offer that advice as we move forward to the remaining stages.

I thank very much the hon. Member for Sheffield, Brightside and Hillsborough, who speaks for the official Opposition, for her support for the Bill, and I thank my hon. Friend the Minister for everything that she said. May I take this opportunity to congratulate my hon. Friend on her well-deserved promotion in the Department? I hope that she will continue to take an active interest in the Bill as it proceeds.

Finally, I thank every member of the Committee for their engagement. As everyone has said, this is an opportunity to improve the lives of people in this country who have disabilities. In too many places, including those represented by members of the Committee, those people are wholly reliant on taxis and private hire vehicles to assist them in getting around, so the rights in the Bill will make a real difference. I am grateful to hon. Friends and Opposition Members for their involvement in the Bill, which I hope will make further progress in its remaining stages.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clauses 2 to 6 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

9.51 am

*Committee rose.*

