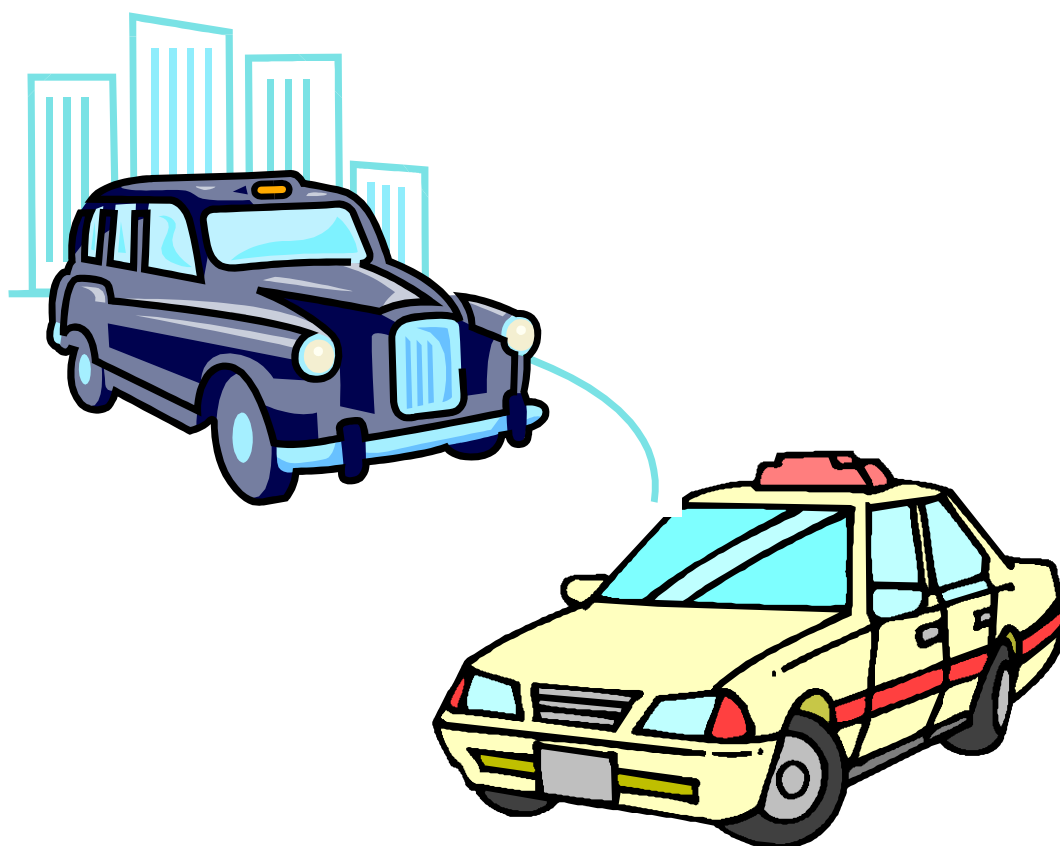


NORTHERN IRELAND REVIEW OF TAXI REGULATION INITIAL DRAFT PROPOSALS



A DISCUSSION PAPER

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1. Consultation Arrangements

Purpose of Discussion Paper

- 1.1 This discussion paper is the result of work being carried out by the Department of the Environment (DOE)¹ on the Northern Ireland Review of Taxi Regulation. Its purpose is to inform key stakeholders about the Department's initial draft proposals for changes to taxi regulation, and to ask them to comment on those proposals.
- 1.2 The review Terms of Reference are attached at **Annex 1**.

Recipients

- 1.3 This document is aimed at people closely involved in, or connected with, the taxi industry in Northern Ireland. This includes industry representative associations and other key stakeholders. A list of recipients can be found at **Annex 2**.

Responses

- 1.4 Your views are invited on the draft proposals and, in particular, on the likely impact of them for you, your business or

¹ See **Annex 4** for a list of abbreviations used in this document.

Consultation Arrangements

organisation or those whose interests you represent. You may also present alternative ideas.

1.5 Specific questions appear throughout the paper. These are also listed in the response form at **Annex 3**. It will make analysis easier if responses are made using this form. However, separate written responses are also welcome. Representative groups (for example, taxi associations) should summarise who they represent.

1.6 If you wish to respond to the discussion paper, please forward your comments in either of the following ways:

E-mail: bill.laverty@doeni.gov.uk or

Write to: Bill Laverty
Road Transport Regulation Branch
Department of the Environment
10 – 18 Adelaide Street
BELFAST
BT2 8GB

1.7 Additional copies of this paper and of the response form may be obtained by leaving your name and postal details on telephone number 028 90541165.

1.8 All responses to this document will be considered carefully but they will not be acknowledged individually.

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Release of Information about Responses

- 1.9 Please note that responses and the name of respondents may be quoted and made available to the public. If you consider that any of the information you are providing is either confidential or commercially sensitive, please identify this information and say why you consider it to be so.

- 1.10 Information you supply to the Department may be disclosed in response to requests made under the Code of Practice on Access to Government Information or the Freedom of Information Act 2000. The Department will generally respect the respondent's request for confidentiality. Where it is decided that the public interest must over-ride a request for confidentiality, the Department will contact the respondent before disclosure and, if appropriate, provide an opportunity for withdrawal of the response.

- 1.11 Separate from any such requests, the Department may also wish to publish responses to this informal consultation in due course. Confidential responses may be included in any statistical survey of the numbers of comments received and views expressed.

Consultation Arrangements

Outcome of Informal Consultation

1.12 Responses to this discussion document are important and will help inform final proposals to be included in a public consultation document on the reform of taxi regulation in Northern Ireland. It is expected that that document will be published before the end of 2003.

Help with Queries

1.13 If you have any queries or require further information about this discussion paper, please contact Bill Laverty (028 9054 0440) or Adele Watters (028 9054 0611) or write to the address given above at Paragraph 1.6.

1.14 The closing date for responses is **7 November 2003**.

2. Introduction and Background

Purpose

- 2.1 This chapter explains the scope and objectives of the Taxi Review, the nature and size of the Northern Ireland taxi industry, and how taxi services are generally used.

Scope and Objectives of the Taxi Review

- 2.2 In Northern Ireland, the Department of Environment is responsible under the Road Traffic (Northern Ireland) Order 1981 for the licensing of taxi drivers and of public service vehicles (PSVs) used as taxis to stand or ply for hire and to carry passengers for reward.
- 2.3 In November 2002 Parliamentary Under-Secretary of State Angela Smith MP launched a major review by the Department into how taxi services in Northern Ireland could be better regulated.
- 2.4 The objective of the review is to make recommendations aimed at creating a more effective and equitable regulatory framework that promotes road and personal safety, and fair competition. In undertaking this in-depth and wide-ranging investigation, the review team is looking in detail at the legislation, policy and practice within which taxi services in Northern Ireland are currently operated. The review is also

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taking account of how taxis are regulated in other jurisdictions particularly in England and Wales, Scotland, the Republic of Ireland and the Netherlands.

2.5 The review is addressing the key issues relating to taxi regulation under a number of broad headings each of which is dealt with later in a separate chapter of this document.

- Structure of the Licensing System
- Accessible Taxi Services
- Regulation of Fares and Taximeters
- Operator Licensing
- Driver Licensing
- Vehicle Licensing
- Enforcement

2.6 For the purposes of the review, working groups have been set up with the Department for Regional Development (DRD), Driver and Vehicle Licensing Northern Ireland (DVLNI); the Driver and Vehicle Testing Agency (DVTA); the Police Service of Northern Ireland (PSNI); the General Consumer Council for Northern Ireland (GCCNI) and the Northern Ireland Transport Advisory Committee of Disability Action (NITAC). Meetings have also been held with all of the taxi representative bodies known to the Department and with representatives from the

Introduction and Background

Northern Ireland Tourist Board and the management of Belfast City Airport.

Nature and Size of the Industry

Introduction

- 2.7 The taxi industry is a significant area of employment in Northern Ireland. There are approximately 450 taxi businesses ranging in size from sole operators to much larger firms 'running' 300 or more vehicles. Although there is no reliable statement of total annual revenue derived from taxi fares, it is estimated that it could be in excess of £150 million.
- 2.8 There is no limit to the number of taxi vehicle or taxi driver licences the Department may issue. Currently there are approximately 14,000 licensed taxi drivers and a little over 6,000 licensed taxis. In addition, it is estimated that up to 1,000 people are working in the industry as radio operators, dispatchers or providing clerical support.

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- 2.9 Taxis are a growth industry. There are 60% more licensed taxis now that there were in the early 1990s. This increase has been concentrated in the public hire² sector where, over the last ten years, the number of taxis in Belfast has more than doubled and the number of taxis outside Belfast has trebled.
- 2.10 The industry is dominated by self-employment and the majority of taxis are owner-driven. While a small proportion of public hire drivers may operate independently, most public and private taxi hire vehicles are linked by radio to a depot in order to accept pre-booked calls.

Categories of Taxi

- 2.11 A taxi is defined as a PSV seating not more than eight passengers in addition to the driver. The term 'taxi' is, for the purposes of existing legislation, a generic term. A taxi may, therefore, be licensed either as a **public hire taxi** - which may stand or ply for hire and, as such, be available for immediate hire - or as a **private hire vehicle** which must be pre-booked, either by telephone or in person at a taxi booking office or

² The various licensing categories and types of taxi are described below, starting at Paragraph 2.11.

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depot. A public hire taxi may also operate as a private hire vehicle by accepting pre-booked calls.

- 2.12 Within the current two-tier licensing system of public and private hire, all taxis are licensed in one of three categories – **Belfast Public Hire, Restricted Public Hire or Private Hire**. The Private Hire licensing category also includes ‘taxi-buses’ and wedding and funeral cars.

Belfast Public Hire: In 2002/2003, 232 taxis were licensed to stand or ply for hire within a five-mile radius of Belfast city centre. They represent about 4% of all licensed taxis.

Operation of these vehicles - which are mainly of the London cab type - is governed by the 1951 County Borough of Belfast By-Laws relating to Motor Hackney Carriages (Taxi Cabs). All Belfast Public Hire vehicles must be wheelchair accessible and be fitted with a taximeter programmed to operate at a fare tariff approved by the Department.

Restricted Public Hire: During 2002/2003 approximately 3,500 vehicles, comprising around 60% of all taxis licensed in the year, were licensed for public hire outside Belfast city centre. Restricted Public Hire vehicles tend to be of the saloon car type. Fares for journeys in these taxis are not regulated. Though taximeters are not required they are fitted in some vehicles.

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Private Hire: In the region of 2,200 vehicles, representing 37% of all taxis licensed during 2002/2003, were licensed as private hire vehicles. Vehicles licensed as private hire taxis comprise all types of passenger carrying vehicles including saloon cars, multi-purpose vehicles, adapted vehicles and purpose-built taxis. Fares for journeys in private hire vehicles (PHVs) are not regulated and may be negotiated between the passenger and the taxi operator.

There are currently 229 taxi-buses licensed to operate bus-type (i.e. stage carriage and occasional private hire) services in parts of Belfast. For PSV testing purposes they are licensed as private hire vehicles. They are mainly of the London cab type and must be operated under a Road Service (Bus Operator's) Licence. Separate fares are charged. Vehicles used as taxi-buses are not statutorily required to be wheelchair accessible. However, by nature of their construction as purpose-built taxis they generally are.

Taxi Use

- 2.13 Because of their round-the-clock availability and their capacity to provide door-to-door service, taxis are an important form of transport both in their own right and because they complement other forms of public transport.

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- 2.14 Taxi services are particularly important to those who are less mobile, such as the elderly and disabled people, to people on lower incomes, and those who do not have access to a car. Results from the DOE Taxi Consumer Survey 2003³ show that 4% of respondents are dependent on taxis as their main mode of transport.⁴ Taxis are also often heavily relied upon in areas poorly served by public transport and at times when bus or train services have stopped for the night.
- 2.15 In Northern Ireland we take, on average, approximately 20 taxi journeys each year and a typical taxi journey is between three and four miles long.⁵ The percentage of consumers using all types of taxis at least once a year has increased since 1997 when a previous large-scale taxi consumer survey was carried out.⁶ Some 59% of consumers use private hire taxis (as

³ Findings from the survey - which was carried out in February 2003 on a representative sample of 1,214 Northern Ireland consumers aged 16 years and over - are quoted at various points in this document. The full set of tabular results is available at <http://www.doeni.gov.uk/roadsafety>.

⁴ This is as compared to 5% of respondents who rely on buses as their main way of getting about, and 1% who rely on trains.

⁵ Roads Service, Department for Regional Development, *Travel Survey for Northern Ireland 1999-2002*.

⁶ General Consumer Council for Northern Ireland (1997) *Taking Taxis: A Consumer View*.

Introduction and Background

compared to 41% in 1997), 11% use public hire taxis (3%) and 13% use black taxis i.e. taxi-buses (6%).⁷

- 2.16 Leisure and social trips are the main reason for using taxis with four out of every five trips being used for this purpose. Older and less affluent consumers also tend to rely on taxis when shopping and for personal business.
- 2.17 Taxis are also used extensively by a range of public bodies. Education and Library Boards spend in the region of £10m each year on taxi services used to supplement home to school bus transport provision. Taxis are also used extensively by the health trusts and health and social services agencies to transport non-emergency patients and urgent medical supplies. The annual cost of buying in these services is estimated at £2.4m.

⁷ It is possible that some consumers interviewed in both surveys were unable correctly to distinguish between public and private hire taxis.

3. Problems Associated with Existing Taxi Regulation

Purpose

- 3.1 This chapter explains the main problems associated with existing taxi regulation.

Introduction

- 3.2 The Taxi Review was initiated in response to concerns from the industry and other stakeholders about how taxi services operate under existing legislative and operational controls. Key problem areas identified include the extent of illegal taxi activity involving unlicensed drivers and vehicles; the under-provision of taxi services accessible to people with disabilities and, at peak times, for the travelling public generally; the lack of a clear distinction in operator practice and public perception between public and private hire taxis; and the need for more extensive and effective enforcement.

Illegal Taxi Activity

- 3.3 It is widely alleged that in recent years there has been a substantial increase in the extent of illegal taxi activity involving drivers not licensed as taxi drivers and/or the use of vehicles not licensed as taxis. While illegal taxiing has been a factor affecting the industry for at least a decade, it appears now to be so extensive that it is alleged that in some parts of

Problems Associated with Existing Regulation

Northern Ireland there are as many illegal taxis operating as there are licensed taxis.

- 3.4 Unlicensed vehicles may not be suitable for use as a taxi, or even be roadworthy. Where either the vehicle or driver are not properly licensed a taxi will not be properly insured to carry passengers for reward. The use of unlicensed vehicles and the activities of unlicensed taxi drivers - which on a number of recent occasions have been linked to serious assaults on women - put the safety of passengers and other road users at serious risk.
- 3.5 The Department recognises the concerns of the legitimate taxi industry about the extent of illegal taxiing and the negative impact it has on competition, standards and image within the industry. Unregulated taxis compete with the licensed trade diverting away potential business and leaving 'legal' operators and drivers to meet the running costs of their legitimate businesses out of a reduced fare income.

Under-Provision of Accessible and Other Taxi Services

- 3.6 The limited availability of licensed taxis for immediate hire at peak times, particularly at the weekends, has been identified as a significant problem by the PSNI and other bodies concerned with ensuring the public safety of people enjoying nightlife activity in our cities and towns.

Problems Associated with Existing Regulation

- 3.7 NITAC and the Northern Ireland Equality Commission have expressed concern that not enough accessible taxis are provided to meet the needs of people with disabilities.

Public Order and Safety

- 3.8 The need for more taxis available for immediate hire to alleviate the public order problems associated with the dispersal of crowds of young people leaving places of entertainment at closing time is regarded as a major priority. Significantly greater availability of public hire taxis at times of peak demand⁸ would help combat the problem of illegal taxis plying for hire taking advantage of the undersupply of taxis. It would also discourage illegal picking up and standing by otherwise legitimate private hire vehicles.

Accessible Services

- 3.9 The availability of accessible taxi services is currently very poor and the needs of people with disabilities (including, but not exclusively, those who travel in a wheelchair) wishing to use taxis are not being met.

⁸ Three quarters of all taxi journeys take place between 6 pm and 6 am and, of these, a third take place between midnight and 6 am.

Problems Associated with Existing Regulation

- 3.10 Aside from the issue of physical accessibility, people with disabilities face other significant barriers when trying to access taxi services that meet their needs. These include being unable to pre-book accessible vehicles at times when they want to travel, having to pay premium fares or additional charges to carry equipment; and taxi drivers lacking the knowledge and skills needed to help them travel in comfort and safety.

Lack of Clear Distinction Between Public and Private Hire

- 3.11 There is no clear distinction between public hire taxis which can stand or ply for hire, and private hire vehicles which must be pre-booked. This applies both to how taxis services are operated by taxi firms and drivers and in how they are perceived by the public.
- 3.12 The significant overlap which exists between the two tiers extends to virtually every aspect of taxi licensing, including taxi driver licences; vehicle types; vehicle signage (including issues relating to private hire taxi company names); taximeters and the types of work undertaken.

Problems Associated with Existing Regulation

- 3.13 The nature and extent of the overlap between public and private hire taxis is explained in more detail in Chapter 4 (Taxi Licensing System Structure). These circumstances, combined with the travelling public's apparent indifference to the peculiarities of taxi licensing, bring into question whether the existing two-tier system actually 'works' and whether its retention is in the public's best interests.

The Need for More Extensive and Effective Enforcement

- 3.14 Responsibility for enforcement of the licensing requirements lies with PSNI and enforcement officers attached to the Driver and Vehicle Testing Agency (DVTA).
- 3.15 Problems with enforcement include lack of resources⁹, inadequate powers and inappropriately low penalties. The need to enforce against the illegal standing or plying by private hire vehicles, which occurs under the current two-tier system, arguably diverts valuable enforcement resources away from combating the more major problems associated with unlicensed drivers and vehicles.

⁹ This issue is already being addressed by DOE separately from the Taxi Review.

Problems Associated with Existing Regulation

Other Problems with Taxi Regulation

- 3.16 The main primary and secondary legislation governing the regulation of taxi drivers and vehicles is more than 20 years old and needs to be revised and updated. In particular, important by-laws regulating Belfast Public Hire taxis - the 1951 County Borough of Belfast By-Laws relating to Motor Hackney Carriages (Taxi-Cabs) - are so out-of-date that they no longer reflect modern practice

4. Taxi Licensing System Structure

Purpose

- 4.1 This chapter describes how the two-tier licensing system operates in practice and sets out proposals for its replacement by a single licensing system under which all taxis (except some of those providing ‘special services’¹⁰) would be able to stand or ply for hire as well as accept pre-booked hirings.

Introduction

- 4.2 Under the present licensing system, PSVs capable of carrying eight passengers or less for hire and reward are licensed either as public hire or private hire taxis. Taxis licensed for public hire can stand or ply for hire and are, therefore, available for immediate hire. A private hire taxi must be pre-booked and, consequently, cannot stand or ply for hire.
- 4.3 In Belfast particularly, there are not enough public hire taxis available to meet immediate hire demands at night and on

¹⁰ The various categories of taxis, which would exist in the proposed new single licensing system, are described at Paragraph 4.19.

Taxi Licensing System Structure

weekends. Private hire vehicles respond by illegally standing or picking up on the street. Unmet demand for immediate hiring at peak times also encourages the operation of unlicensed 'pirate' taxis by providing a ready market for their services. However, it is difficult to enforce against illegal picking up due to the reluctance of passengers to provide the necessary corroborating evidence. Compounding all of this, there is strong anecdotal evidence to suggest that the travelling public know very little - and care even less - about the differences between public hire and private hire taxis.

- 4.4 In undertaking a review of taxi regulation it is, therefore, appropriate to consider whether the current licensing system structure should be retained and, if not, how it might be replaced.

Problems with the Present Licensing System Structure

- 4.5 At the root of many of the problems associated with the existing system is the lack of a clear distinction between the two main licensing categories of public and private hire.

Vehicle Identification

- 4.6 All licensed taxis, public or private hire, must carry a roof sign and display a small taxi licence disc on the windscreen. These roof signs are differently coloured and the discs have different prefixes (H for Public Hire and P for Private Hire). However, most members of the public are probably unaware of these

Taxi Licensing System Structure

comparatively minor variations, which do little if anything to help them identify whether any given vehicle is licensed for public hire as distinct from private hire, or vice versa.

- 4.7 Roof signs on private hire vehicles could be said to encourage street hailing and illegal picking up on the street. Often these signs prominently display the operator's name. This can be of benefit to customers wanting to identify 'their' taxi among a group of other waiting taxis but, because so many operator names include the words 'taxi' and 'cab,' they also encourage people to treat private hire vehicles as though they were public hire taxis available for immediate hire.
- 4.8 The introduction¹¹ of new taxi licence plates, coloured coded for each of four existing categories of taxis¹², is intended to help the public distinguish between these different types of taxi. But taxi plates alone, however distinctive, are not expected substantially to reduce illegal picking up.

¹¹ Expected in April 2004.

¹² Belfast Public Hire, Restricted Public Hire, Private Hire and Taxi-buses. Wedding and Funeral Cars will be required to display internal taxi licence plates only.

Taxi Licensing System Structure

Taximeters

4.9 The distinction between public and private hire is further distorted by the increasing use of taximeters by operators of private hire vehicles. While other types of licensed taxis may have them fitted, only Belfast Public Hire taxis are required to have taximeters.

Types of Work Undertaken

4.10 Public hire taxis can accept pre-booked calls and do contract work: in practice, a minority¹³ of public hire vehicles appear to be used exclusively for immediate hire work. Conversely, though in contravention of their licensing conditions, many private hire vehicles, in effect, operate as public hire taxis by illegally standing or plying for hire.

4.11 Although there is an established tradition of pre-booking private hire vehicles, there also appears to be a public expectation that any taxi should also be available for immediate hire. This is particularly evident at peak times at night and at weekends when large crowds of people are leaving pubs and clubs all wanting to hire taxis.

¹³ At most 40%, but probably less.

Taxi Licensing System Structure

Vehicle Types

4.12 The vehicles used as public and private hire taxis, respectively, are not sufficiently distinctive to allow these two types of taxis to be differentiated based on vehicle type alone. In Belfast most public hire taxis are purpose-built; e.g. of the London cab type. However, taxis providing bus-type services in Belfast (which are licensed as private hire) also use purpose-built vehicles. Outside Belfast, public hire taxis are mainly saloon cars, which could be confused with saloon cars operating as private hire vehicles.

Conclusions

4.13 It is recognised that the use of taxis both in public and private hire modes is an important feature of the Northern Ireland transport system. Nevertheless, the extent to which the two tiers overlap in practice; the problems to which the existing system contributes including illegal picking up and 'pirate' taxi activity; the apparent reluctance of the private hire trade to observe its licensing conditions; public ignorance and/or indifference; and the difficulties of enforcing against illegal picking up in the absence of public co-operation, all militate against continuation of the current two-tier system.

Taxi Licensing System Structure

- 4.14 The introduction of a single licensing system under which all taxis (except some of those providing ‘special services’¹⁴) would be able to stand or ply as well as accept pre-booked calls, should improve substantially the supply of public hire taxi services while allowing those who prefer to pre-book their taxi journeys to continue to do so. It should also lessen the difficulties encountered by the public in distinguishing between the different categories of taxi; picking up by private hire vehicles would no longer be an offence; and enforcement could be devoted to detection and prosecution of unlicensed taxi drivers and operators.
- 4.15 Also, as is explained in more detail in Chapter 5 (Accessible taxi Services), the introduction of a single licensing system is regarded as an essential prerequisite to the creation of conditions under which the availability of taxis services accessible to people with disabilities can be substantially increased.

¹⁴ See Paragraph 4.19 below.

Taxi Licensing System Structure

Proposals

- 4.16 The Department proposes the introduction of a single licensing system in which the current public hire/private hire licensing distinction would no longer exist in its present form.
- 4.17 Under a single licensing system any public service vehicle with up to eight or less passenger seats used for hire or reward with the services of a driver should be licensed as a taxi.
- 4.18 The single licensing system would come into effect immediately.¹⁵ Initially, accessibility requirements for vehicles would be the same as those that currently apply for wheelchair accessible taxis licensed as Belfast Public Hire.¹⁶ In due course, these would be replaced by accessibility requirements contained in regulations to be made under powers contained in the DDA.¹⁷

¹⁵ That is, as soon possible after the necessary reforming legislation, namely a new Taxis Act - comes into effect. The legislation is expected to be in place by 2006.

¹⁶ As now, wheelchair accessible vehicles will be mainly, but not exclusively, purpose-built taxis.

¹⁷ For more information about the proposed DDA taxi accessibility regulations, see Chapter 5 (Accessible Taxi Services).

Taxi Licensing System Structure

4.19 Under a single licensing system there would be five categories of taxi:

1. **'Regulated Taxis'**: All 'regulated taxis' would be allowed to stand or ply for hire and accept pre-booked calls. They would be licensed to operate throughout Northern Ireland.

In time all 'regulated taxis' will be required to meet DDA accessibility requirements. Until such times as all 'regulated taxis' are required to meet DDA accessibility standards, and in order to preserve the existing position, only wheelchair accessible vehicles will be permitted to stand or ply for hire in the city of Belfast.

Outside Belfast, non-accessible 'regulated taxis' will be allowed to continue to stand or ply for hire subject to the application of age limits as proposed in Chapter 9 (Vehicle Licensing) .

Taxis Providing 'Special Services'

2. **Taxi-buses**: Taxi vehicles restricted to providing bus-type (e.g. stage carriage, flexibly routed and demand responsive

Taxi Licensing System Structure

services) on the basis of separate fares and occasional private hire. Vehicles would have to be clearly identified as a taxi-bus including through prescribed external display of the destination and/or route. All taxi-buses would be required immediately¹⁸ to be wheelchair accessible and, in due course, to meet DDA accessibility requirements.

In addition to PSV licensing, services operated by taxi-buses would be subject to the regulatory framework for public transport services similar to that which applies to the operation of buses. Taxi-buses would, therefore, continue to be required to operate under a Road Service Licence granted by the Department under Part II of the Transport Act (Northern Ireland) 1967.

¹⁸ That is, as soon possible after the necessary reforming legislation, namely a new Taxis Order (or Act) - comes into effect. The legislation is expected to be in place by 2006.

Taxi Licensing System Structure

3. Executive Cars: Not permitted to stand or ply for hire. Minimum pre-booked hire period requirement. Vehicles to meet very high specification, to be prescribed. Prohibited from carrying roof signs or installing meters. Maximum age restrictions (e.g. two years at first licensing and five years at annual re-licensing) to apply.

4. Wedding and Funeral Cars: Vehicles used exclusively for weddings and funerals. Would be exempt from any requirement to display roof signs or to have taximeters installed.

5. Stretch Limousines: Licensed as taxis but restricted to eight passenger seats in addition to the driver. Exempt from the requirement to display roof signs or have taximeters installed. Evidence to be produced on application at first licensing that the vehicle has been examined and certified by the Vehicle Certification Agency (VCA) or another recognised agency or body acceptable to the Department. This condition to apply regardless of whether the vehicle was manufactured as a 'stretched' limousine or converted. Vehicle to be subject to an appropriate annual test and maximum age limits.

4.20 At any one time a vehicle would be able to be licensed as one category of taxi, only.

Taxi Licensing System Structure

- 4.21 The driver of any category of taxi will be required to hold a valid taxi driver's licence.

- 4.22 All vehicles would be required to display (in appropriate cases, discreetly) taxi licence plates for their relevant category.

Taxi Licensing System Structure

Questions:

Q 1 Should a single licensing system be introduced?

Q 2 What are your views on the categories of taxis proposed under a single licensing system?

When answering these questions, please give your reasons.

5 Accessible Taxi Services

Purpose

- 5.1 This chapter describes existing provision of taxi services accessible to disabled people and explains the Government's commitment to making transport services, including taxis, more accessible. It seeks views on proposals to require, on the basis of long-term phased introduction, all 'regulated taxis' to be accessible to disabled people.

Government Commitment to an Accessible Transport System

- 5.2 The UK Government is committed to creating an inclusive society in which nobody is disadvantaged. An important part of delivering this commitment is breaking down unnecessary physical barriers imposed on disabled people by, for example, poor design of buildings and inadequate service provision.
- 5.3 The Regional Transportation Strategy 2002-2012 (RTS) acknowledges that Northern Ireland's existing transport system presents physical barriers that deny travel opportunities to many people, particularly those who are older or disabled. Improving the accessibility of our transportation system will, therefore, make a very significant contribution to the process of creating an inclusive environment that can be used by everyone, regardless of disability.

Accessible Taxi Services

- 5.4 The RTS indicated that the DRD would prepare an 'Accessible Transport Strategy' for Northern Ireland¹⁹, which would among other things, examine the scope for a more co-ordinated approach to the planning and provision of transport for people with disabilities and older people. Also, DRD undertook a review recently of its 'Transport Programme for People with Disabilities'. One outcome of that review will be to expand the availability of door-to-door transport services for people with disabilities. It is too early to say what, if any, role taxis might play in providing those services.²⁰
- 5.5 The Disability Discrimination Act 1995 introduced measures aimed at ending the discrimination which many disabled people face. Among other things, DDA allows government to set minimum standards to assist disabled people to use public transport services - including buses, coaches, trains and taxis - more easily.
- 5.6 Regulations have already been introduced in Northern Ireland to set accessibility standards for buses, coaches, and trains. DDA accessibility regulations for taxis have still to be made.

¹⁹ The strategy is to be finalised by December 2004.

²⁰ DRD has, however, indicated that quality and reliability of services will be particularly important considerations when assessing tenders.

Accessible Taxi Services

As other forms of public transport increasingly become accessible there is a danger that the benefits of these changes will not be fully realised unless access to taxis is substantially improved.

- 5.7 DDA will have a number of implications for the provision of accessible taxi services across the UK, including Northern Ireland. These are explained below.

Impact of DDA on Accessible Taxi Services

Taxi Accessibility Regulations

- 5.8 The making of regulations stipulating technical requirements for the design of accessible public hire taxis and setting dates by which (a) all newly licensed public hire taxis and (b) all public hire taxis must meet these requirements. Likely developments regarding the making of these regulations are discussed in more detail beginning at Paragraph 5.21 below.

Guide Dogs and Assistance Dogs

- 5.9 Section 37 of the Disability Discrimination Act 1995 (DDA) imposes a duty on all licensed taxi drivers to carry guide, hearing and assistance dogs in public hire taxis and to do so without charge. This legislation applies in the whole of the UK.

Accessible Taxi Services

5.10 Following a successful Private Members Bill²¹, which received full Government support, the DDA was modified by way of a new section 37A to extend this duty to drivers of private hire vehicles. Section 37A (as modified for Northern Ireland) makes provision for PHV drivers to seek exemption from this duty on medical grounds. Introduction of the exemption procedures is the subject of a consultation currently underway in England and Wales. Subject to consultation, similar procedures will be introduced in Northern Ireland as soon as possible.

²¹ Private Members' Bills are put before Parliament by individual MPs rather than the Government.

Accessible Taxi Services

Part III Exemption Removal

5.11 The proposed removal²² of the current exemption in Part III for transport services. Removing this exemption will give disabled people the right to challenge operators to improve their services where they find it impossible or unreasonably difficult to access them. This may, for example, result in drivers receiving disability awareness training. It will also ensure that, where it is possible for a disabled person to travel safely in a taxi or private hire vehicle, they should not be refused carriage or be subject to additional charges on the grounds of their disability.

Existing Provision of Accessible Taxi Services

5.12 Belfast Public Hire taxis are the only taxis in Northern Ireland legally required to be accessible to disabled people. PSV regulations require these vehicles to meet certain standards which enable them to be used by someone travelling in a

²² In Great Britain only, and by way of amending the DDA. A decision has yet to be made as to how or when a similar proposal might be taken forward in respect of Northern Ireland.

Accessible Taxi Services

wheelchair.²³ These 232 vehicles currently represent just 6% of all public hire taxis. They are available for immediate hire but are also used for contract work, for example, taking children with special educational needs to and from school.

5.13 Because they use purpose-built vehicles, the taxi-buses operating in parts of Belfast and Londonderry are, in effect, wheelchair accessible. The 229 taxi-buses currently licensed account for approximately 10% of all taxis licensed as Private Hire.

5.14 There is no legal requirement for either public hire taxis outside Belfast (Restricted Public Hire) or for private hire vehicles anywhere in Northern Ireland to be wheelchair accessible. Provision of accessible taxis in these sectors is generally limited to operators who also use them to provide contract services to the education boards and health trusts.

²³ The existing specification for accessible Belfast Public Hire taxis relates to wheelchair accessibility only and does not require features that would make these vehicles more accessible to other disabled people, for example, those with less severe mobility problems; impaired vision or hearing; or a learning disability. However it is expected that the new DDA accessible taxi specification will meet the needs of a wider range of disabled people. There are no proposals to change the existing 'Belfast Public Hire' accessibility specification in advance of the introduction of new DDA taxi accessibility regulations.

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5.15 Outside Belfast there are few wheelchair accessible taxis available for immediate hire, including at major transport interchanges. Even in Belfast where the concentration of accessible public hire vehicles is greatest, disabled people face significant barriers when trying to use taxi services that suit their needs. Disabled people say they generally pre-book taxi journeys but often find that accessible vehicles, which are used primarily for immediate hire at stands and for contract work, are unavailable at times when they wish to travel. Drivers of accessible vehicles may also be unwilling to take the time needed to pick up a disabled person.

Use of Non-Accessible Taxis by Disabled People

5.16 Although saloon cars cannot accommodate wheelchairs, some disabled people find them more convenient and comfortable to use than purpose-built vehicles. Currently most taxi journeys made by disabled people involve use of a saloon car. This may reflect their needs in that they might not require an accessible vehicle but it is almost certainly a product of the limited provision, availability and the current design of accessible taxis.

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Affordability of Accessible Taxi Services

5.17 Where an accessible vehicle is available and can be booked, a disabled person may then be asked to pay a premium fare (usually 50% more than the standard fare) to use it and/or pay additional charges for the carriage of mobility equipment.²⁴

This can have a major impact on access to taxi services for those disabled people who rely on taxis as their only viable form of transport and who, research suggests, are more likely than non-disabled people to be living on a below average income.

5.18 Under the current Northern Ireland Concessionary Fares Scheme, administered by DRD, certain groups of disabled people are entitled to free travel on buses and trains.²⁵ There are no plans to extend the scheme to include taxis. Nor are

²⁴ For more information on charging of premium fares to passengers with disabilities see Paragraph 6.18.

²⁵ These include disabled people over 65 years old, disabled war pensioners and registered blind persons. From 1 February 2004, the scheme will be extended to provide half-fare travel to an additional four categories of disabled people; persons in receipt of Disability Living Allowance; partially sighted people; people with a learning disability; and those who have been refused driving licences on medical grounds.

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there plans to introduce a taxi-card or taxi voucher scheme similar to those available in some GB licensing authorities.²⁶

Disability Awareness and Safety Issues

- 5.19 It is acknowledged that a small percentage of taxi drivers, particularly those contracted to deliver home to school transport services to disabled children, have undergone disability awareness training. Usually this training will have been provided either by one of the education and library boards or by NITAC.
- 5.20 Generally, however, there is a lack of training among taxi drivers in disability awareness and in the skills needed to ensure that they can transport disabled people comfortably and safely.²⁷ Disabled people have also expressed concerns that, in the absence of technical regulations for the loading and securing of wheelchairs, they may be at risk when travelling in accessible taxis.

²⁶ These schemes are designed to help reduce the travel costs for people physically unable to use other forms of transport.

²⁷ The issue of disability awareness training is discussed in more detail in Chapter 8 (Driver Licensing).

Taxi Accessibility Regulations

- 5.21 DfT, the Scottish Executive and DOE are currently considering options for implementing the taxi accessibility provisions of the DDA. In Northern Ireland, the power to make accessibility regulations under DDA rests with DOE.
- 5.22 An informal UK-wide consultation held in 1997 proposing that all new public hire taxis should meet the accessibility regulations from 2002, with all taxis to comply from 2012, was broadly welcomed by disability groups but generally opposed by the trade. DfT, which has responsibility for taxi services in England and Wales, delayed the original 2002 start date after the consultation responses indicated a realistic balance between the needs of disabled people and the trade could not be struck on that timescale.
- 5.23 DfT is now developing revised proposals and has initiated a research project to develop the accompanying technical specification. They will be consulting again in due course on the revised proposals and the technical specification.
- 5.24 It is envisaged that the regulations will encourage the development of a new generation of accessible vehicles and that, as with the 1997 informal consultation, any implementation timetable proposed would allow a lead time sufficient to allow the existing public hire taxi fleet to be gradually replaced with compliant vehicles.

Increasing the Provision of Accessible Taxi Services

- 5.25 A key objective of the Taxi Review is to investigate ways in which a substantial and geographically widespread increase in the provision of taxi services accessible to disabled people can be achieved.
- 5.26 As has already been explained, the existing specification for accessible Belfast Public Hire taxis relates to wheelchair accessibility only. In due course it is proposed to introduce, across the whole of Northern Ireland, the new DDA accessible taxi specification which is expected to take account of the needs of a greater range of disabled people.
- 5.27 As evidenced by the small numbers of vehicles that are accessible at present it is clear that few taxi owners buy accessible taxis unless required to do so. The main exception appears to be when a vehicle is purchased in order to attract contract work transporting people with disabilities. Clearly, unless some or all of the taxis that are not currently accessible are required to become so, the Government's objective of improving access to taxi services for people with disabilities will not be realised.
- 5.28 It is often suggested that one way in which to increase the provision of accessible taxi vehicles is to require operators to have a percentage of their fleet accessible. Although such a proposal is superficially attractive, the Taxi Review team is not

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aware of any evidence from the many taxi licensing regimes it has investigated that such a scheme is actually workable in practice. In particular, it is not believed that such a mechanism could operate effectively to guarantee that a requisite number of accessible vehicles would be available on demand at all times.

Proposals

- 5.29 It is proposed that, ultimately, all 'regulated taxis' in Northern Ireland should be required to be accessible. Initially, the relevant taxi accessibility specification will be that which currently applies to Belfast Public Hire: later, it will be the new DDA accessible taxi standard. Requiring all 'regulated taxis' to be accessible will, over time, assist the Government to meet its objective of creating a more inclusive public transportation system. Accessibility would also become a recognised trade mark of a 'regulated taxi' making it less easy for unlicensed saloon cars to operate as 'pirate' taxis.
- 5.30 It is proposed that, within the next 20-25 years, all 'regulated taxis' should meet the DDA accessibility requirements. From some earlier date (say ten years before the 'full compliance' date), all vehicles being licensed for the first time will have to

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meet **either** the existing wheelchair accessibility specification **or** the new DDA standard for accessible taxis which is expected to be in place by then.²⁸ More details of the outline timetable are contained in **Annex 5** and the proposed interim arrangements for the implementation of accessibility requirements for 'regulated taxis' are set out at **Annex 6**.

- 5.31 An important principle underpinning this proposal is that no existing vehicle should have to be replaced before the end of its reasonably expected life. The introduction of age limits for taxi vehicles (as explained in Chapter 9, Vehicle Licensing) is intended to facilitate the expected gradual transition from a largely non-accessible, to a predominantly accessible, taxi fleet.

Taxi-Buses

- 5.32 Most taxis providing bus-type services are already accessible although they are not required to be. Given their role in providing public transport services it is proposed that all of these vehicles should be accessible. This measure would take effect immediately on implementation of the new Taxis Act. As

²⁸ Both options will initially be available in an effort to minimise the burden on the taxi trade of converting to accessible vehicles during a period when supplies of (particularly pre-used) new generation DDA accessible taxis may be comparatively limited.

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with 'regulated taxis' the initial requirement would be for vehicles to be wheelchair accessible. In due course, when those regulations come into force all taxi-buses would have to meet the DDA taxi accessibility specification.

Cost Implications and Licence Fees

- 5.33 Until more is known about the specification for the new generation of accessible taxi vehicles which DfT is currently developing, it will not be possible to assess the full cost impact of these proposals.
- 5.34 In order partially to offset the cost of buying accessible vehicles during the period when non-accessible vehicles are still eligible to be licensed as 'regulated taxis', the licensing system in Northern Ireland will provide for the payment of a lower licence fee for taxis that are either wheelchair accessible or DDA compliant. It is not possible to advise on a likely fee at this stage but it would be set to be significantly lower than that for a non-accessible vehicle. This concession, which is intended to facilitate the transition from saloon to accessible vehicles, will gradually be phased out as the end date for full DDA compliance approaches.

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Questions:

- Q 3 Is the outline implementation timetable for the phasing in of accessibility requirements for all 'regulated taxis', reasonable?***
- Q 4 What are your views on the proposed 'interim arrangements'?***
- Q 5 Do you agree that taxi-buses should be required to be accessible?***
- Q 6 How do you regard the proposed measures designed to facilitate the transition towards all 'regulated taxis' becoming accessible, i.e. the introduction of age limits for existing vehicles and significantly reduced licence fees for accessible vehicles?***

When answering these questions, please give your reasons

6. Regulation of Taxi Fares and Taximeters

Purpose

6.1 This chapter describes how taxi fares are currently regulated and the existing requirements and practice relating to the use of taximeters and the display of information about fares. It seeks views on proposals to require the use of taximeters and the display of standardised fare tariff cards in all 'regulated taxis'.

Fares Regulation

Public Hire

6.2 Almost without exception in GB taxi licensing authorities public hire fares are regulated. Such regulation, it is said, provides a means of ensuring that passengers making an immediate hiring of a taxi are not overcharged. It involves setting the level of fares according to a tariff. A tariff usually consists of an initial rate and a subsequent rate based on time or distance. Alternatively, it may consist of a combination of both time and distance which allows time taken when the vehicle is slowed or stopped in traffic to be taken into account. Additional tariffs may allow for higher fares to be charged during evenings, at night or on public holidays. Often provision is made for additional charges to be added to the fare to account for extra passengers, luggage and soilage.

Regulation of Taxi Fares and Taximeters

- 6.3 Northern Ireland is unusual in that the only public hire fares which are regulated by the Department are those in respect of journeys using Belfast Public Hire taxis, of which there are approximately 230. Fares for journeys in the 3,500 Restricted Public Hire taxis operating outside Belfast are unregulated with tariffs being set by the operators themselves. Also, the way in which regulated fares are currently charged in Belfast - with a single tariff based on a minimum charge and distance only and no allowance for time spent in traffic or for higher fares at different times - is out of step with modern practice elsewhere in the UK.
- 6.4 The tariff used by Belfast Public Hire taxis and the maximum and minimum rates which may be charged must be approved by the Department. In practice, the maximum and minimum rates are always set at the same level. These rates are reviewed periodically and increases agreed with the trade, subject to consultation with GCCNI.
- 6.5 Following representations made by the trade, and with a view to encouraging more public hire taxis to work at night and on weekends, there are plans soon to introduce a new multi tariff fare structure in Belfast. It will be based on the distance travelled or time lapsed since the start of a journey, or a combination of both. Different rates will apply for day, evening and night working as well as on specified public holidays.

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6.6 The fare charged for a journey in a Belfast Public Hire taxi should, generally speaking, be the fare registered on the meter. However the relevant by-laws do allow for 'special terms' - i.e. different rates - to apply for the hire of the vehicle for any period of time. This would permit a fare lower than the metered fare to be charged, for example, for contract work.

Private Hire

- 6.7 Typically fares for journeys in private hire vehicles are not regulated by licensing authorities and are a commercial agreement between the operator and the hirer. As with Restricted Public Hire, private hire taxi fares are set by operators themselves without reference to the Department.
- 6.8 Arguably someone pre-booking a private hire vehicle is in quite a different position from the person who has to take the first public taxi from a rank. Making a pre-booking by phone they have the opportunity to ask what the fare will be and, if they are not satisfied, to shop around for a more competitive price.
- 6.9 It is unclear how much shopping around or negotiation regarding taxi fares actually happens in Northern Ireland. Just under half of taxi consumers say they either ask the fare in advance or know what fare to expect from previous trips. However, it is believed that the presence of taximeters in many private hire vehicles may confuse customers in thinking that

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these fares are actually regulated when they are not, and that they are obliged to pay at least the metered fare.

- 6.10 Where a customer is picked up in the street by a private hire vehicle illegally plying or standing for hire, there is more potential for overcharging.

Problems Related to Fares Regulation/De-Regulation

Inconsistency

- 6.11 Current arrangements requiring the regulation of fares in public hire taxis in Belfast but not in those operating outside Belfast, are inconsistent. Arguably, public hire fares should either be regulated or de-regulated in the same way throughout Northern Ireland.

Public Hire: Overcharging

- 6.12 Experience appears to be that where fare regulation does exist in Northern Ireland, it does not, in practice, provide much protection for customers against overcharging.

- 6.13 The Department receives few formal complaints about overcharging in public hire taxis but of those, most relate to Belfast Public Hire. This is not altogether surprising given that these are the only fares that are regulated.

- 6.14 However, just because consumers do not often make complaints about overcharging does not mean that it does not

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occur. Of taxi consumers surveyed, 51% perceived themselves as having been overcharged occasionally or more often within the previous 12 months when using a public hire taxi. Reports of overcharging appear to be more common in Belfast, where fares are regulated, than in areas outside the city where fares are not regulated.

- 6.15 There is evidence that some Belfast Public Hire drivers do not always operate 'on the meter' (see 'Taximeters' below), particularly where enforced taxi-sharing takes place. This practice involves filling up the taxi before moving off and charging individual passengers a fare decided upon by the driver. Current taxi regulation does not allow for this type of taxi-sharing.²⁹ Consequently, no provision is made for how individual fares for shared journeys should be charged. Consumers outside Belfast also report being forced to share public hire taxis, though it is unclear to what extent this activity is linked to overcharging.
- 6.16 Enforcement of the 1951 County Borough of Belfast By-Laws in relation to the regulation of fares and use of taximeters has presented particular problems to the enforcement agencies.

²⁹ The first passenger in the taxi has the right to exclusive hire of the vehicle and no other passenger may be carried unless he or she expressly consents.

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Difficulties include being unable to prove malpractice because of passengers' unwillingness to provide corroborating evidence, and the ineffectiveness of penalties for infringement.

Private Hire: Overcharging and Premium\Excessive Fares

- 6.17 Though their fares are not regulated, users of private hire vehicles report being overcharged. Of taxi consumers surveyed, 37% perceived themselves as having been overcharged occasionally or more often within the previous 12 months when using a private hire taxi. There is also anecdotal evidence that, at times of high demand, private hire vehicles are prepared to pick up passengers on the street but will only do so if they agree to pay an inflated fare far in excess of their usual rates. In such cases the fare is being negotiated - but to the advantage of the operator rather than the hirer.
- 6.18 Private hire firms may, quite legally, charge a higher than usual or 'premium' fare for a journey if, for example, a particular type of vehicle (usually a purpose-built London style cab) is requested. This would include situations where an accessible vehicle is hired to carry a passenger using a wheelchair. Typically, firms will charge a premium of 50% on top of the usual fare. They claim that they do this in order to cover the additional purchase cost of these vehicles and that customers are always made aware when the booking is being made of any premium fare payable.

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Uneconomic Fares

- 6.19 While fare regulation arguably provides protection for the consumer, it can also benefit taxi operators. There are concerns, for example, that where taxi fares are not regulated, legitimate operators may be under pressure to maintain fares at artificially low rates in order to compete with unlicensed operators who would otherwise undercut them.
- 6.20 Passengers may benefit economically from these lower fares, but operators may find it difficult to earn enough from fares to cover all of their overheads and make a reasonable profit. Quality standards - such as the condition of the taxi vehicles used - may also suffer.

Taximeters

- 6.21 Because Belfast Public Hire fares are regulated, these taxis must use a taximeter to calculate and register the fare. Although the type of taximeter is not prescribed, the taximeters have to be tested and sealed annually by DVTA. As soon as the taxi has been hired, the taximeter should be engaged and the fare charged should, in most cases, be the fare shown on the meter.
- 6.22 Although they are not required to do so, some public hire taxis outside Belfast have taximeters installed. This practice is also common in private hire vehicles, particularly those used by the larger operators in Belfast. Current regulations state that where

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a taximeter is fitted 'it shall be tested and sealed'. However, in practice and for operational reasons, taximeters in vehicles other than those licensed as Belfast Public Hire are neither tested nor sealed.

- 6.23 There are concerns that the use of taximeters in taxis other than Belfast Public Hire taxis gives rise to a public perception that the charging system is regulated when it is not. Also, meters that are not calibrated and sealed provide no guarantee for the hirer that the fare registered by the meter accurately reflects any fare tariff that the operator may display.

Display of Fares Information

- 6.24 PSV regulations require the licensee or driver of a Belfast Public Hire taxi to exhibit in a conspicuous place in the vehicle a 'fares board' or 'fares card' displaying the fares payable by passengers. Fares cards are issued to Belfast Public Hire drivers by the Department.
- 6.25 The fares card shows the minimum hire charge (i.e. for the first mile and a half, or part of that distance); the rate chargeable for the remaining distance (in tenths of a mile, or part of a tenth of a mile); and the cost for extras (for fifth and subsequent customers and for items of luggage carried outside the taxi). The charge (per minute) for the time the taxi is kept waiting by the hirer is also shown. In addition, the card gives information

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about who to contact if a passenger has a complaint about a fare.

- 6.26 The tariffs currently displayed on the fares card mean little to the travelling public and do not provide the information they need in order to easily work how much their journey is likely to cost. For example, they do not show the typical cost of a journey of a given mileage or specimen fares for journeys between popular destinations.

Proposals

- 6.27 All taxis must be fitted with a taximeter and all fares must be calculated using a taximeter. The requirement to use a taximeter will not prevent a passenger from negotiating a fare with the operator in advance. However, the agreed fare must not exceed that calculated using the taximeter. Similar arrangements would apply where taxi services are supplied under a contract.
- 6.28 All taximeters must be of an approved type and equipped with a printer capable of producing a printed receipt. A receipt, generated via the meter, must be provided on request to the hirer for all metered journeys. This requirement reflects the contention that a receipt should be an integral part of every consumer transaction. It is also designed to tackle problems of actual and/or perceived overcharging and to eliminate the operation of taxis 'off the meter'. The receipt must record such

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details as the date of the journey and the fare. Other information such as the operator's name, driver licence number, etc. may also be prescribed.

- 6.29 The installation of a taximeter linked to a receipt printer and the display of a tariff or fares card (see below) are features that will help identify the vehicle as a licensed taxi.
- 6.30 All taximeters to be subject to annual calibration, testing and sealing by DVTA or by a fitter or workshop approved by the Department.
- 6.31 All taxi operators would be free to set the level of their own fares and, therefore, the level of Belfast Public Hire fares would no longer be regulated. Operators' fares would have to comply with a standardised fare structure to be determined by the Department in consultation with the taxi industry. It is expected that there would be a multi-tariff structure under which different levels of fare could be charged at evenings, weekends and on public holidays or when large groups of passengers are carried. Operators could decide whether to vary fares according to the multi-tariff structure or to charge all fares, irrespective of the time or other circumstances, according to a single tariff.
- 6.32 All fare tariffs would have to be notified to the Department which would then issue official fares cards. Fares cards would be required to list typical fares for journeys in the appropriate

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local area. They would also have to provide contact details to enable an aggrieved passenger to make a complaint to the operator about the hire of the vehicle. Cards would have to be displayed prominently in all of the operator's vehicles and in all booking offices accessible to the public.

6.33 GCCNI would no longer be consulted informally about taxi fare reviews. Regular publication by the Department of operators' fare tariffs would facilitate oversight of the level of fares by consumer organisations and taxi customers alike.

Regulation of Taxi Fares and Taximeters

Questions:

Q 7 Should all taxi operators be free to set the level of their own fares?

Q 8 What are your views on the proposed regulation of the structure of fare tariffs?

Q 9 What are your views on the proposed requirements relating to fares cards?

Q 10 Should all taxis be fitted with taximeters ?

Q 11 Should all fares be calculated using a taximeter, subject to negotiation of a lower fare ?

Q 12 Should all taximeters be of an approved type ?

Q 13 Should all taximeters be subject to annual calibration, testing and sealing?

Q 14 What are your views on the proposed requirements relating to the compulsory production, on request, of taximeter-generated printed receipts ?

Q 15 Should operators' fare tariffs be published ?

When answering these questions, please give your reasons.

7. Operator Licensing

Purpose

- 7.1 This chapter seeks your views on a proposal to introduce a system of licensing for taxi operators including, but not exclusively, those who accept hirings through a taxi booking office.

Present Position

- 7.2 Taxi booking offices or depots - whether or not they are open to the public - facilitate the invitation or acceptance of bookings for both private and private hire taxis.
- 7.3 The majority of taxi drivers in Northern Ireland own and operate their own vehicles. In practice, private hire bookings tend to be the main business of a majority of taxis including many Belfast Public Hire and Restricted Public Hire. Most taxi drivers are, therefore, associated with a taxi booking office for the purpose of being connected to a radio communications circuit. That circuit, if legal, will be operated under licence from the Radiocommunications Agency.³⁰ This enables a taxi driver

³⁰ An Executive Agency of the Department of Trade and Industry.

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to carry out pre-booked hirings previously accepted by office. Taxi drivers pay a premium or rental to the taxi operator for access to the radio circuit.

- 7.4 Taxi bookings or hirings are not always made via booking offices. Mobile phones, for example, enable hirings to be invited and accepted anywhere - including from a public hire taxi.
- 7.5 It is estimated that there are around 450 taxi businesses in Northern Ireland, many of which have booking offices. The size of a taxi enterprise will depend on the number of taxis available to it. In Belfast some of the major companies operate up to 300 vehicles.
- 7.6 Taxi operators who organise bookings via taxi booking offices have a particularly key role to play in ensuring that only licensed vehicles and drivers are used in providing taxi services. Despite this, neither taxi operators nor their booking offices are subject to any regulation under current Northern Ireland taxi legislation. It is expected that regulation of taxi operators using booking offices would, go some way towards combating the problem of illegal taxis. It is also believed that it would contribute to the setting and achievement of higher standards in the industry generally.

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- 7.7 The licensing of taxi or private hire operators and/or their booking offices is now a feature of many other licensing regimes. Private hire operator licensing, which has been a long-standing and effective feature of taxi regulation in the rest of England and Wales, has recently been introduced in London. Following major reform of taxi regulation in the Netherlands in 2000, the conducting of a taxi business in that country must be authorised by a taxi permit issued by the Ministry of Transport and Water Management. Also, proposals to introduce taxi depot licensing are currently under consideration in Scotland.
- 7.8 The introduction of operator licensing in Northern Ireland was one of the main recommendations of the Sterling Report³¹ in 1992 and was widely welcomed by the trade at that time. Although this recommendation was never implemented, recent discussions with industry representatives have revealed continued support for operator licensing.

³¹ R.S. Sterling (1992) *Report of a Review of the Northern Ireland Taxi Service*.

Operator Licensing

Proposals

- 7.9 It is proposed that any person who invites or accepts any taxi hiring/booking must hold a Taxi Operator's Licence. This requirement would extend to a 'sole operator' e.g. a person who runs a single vehicle and invites or accepts hirings from his home or other premises.
- 7.10 A Taxi Operator's Licence would last for five years and would specify the operating centres at which the operator is allowed to arrange bookings. It would be an offence either to operate without a licence or to fail to comply with taxi licensing requirements by, for example, using unlicensed vehicles and drivers. Compliance of the operator licensing requirements would be enforced rigorously by the Department.
- 7.11 The taxi operator licensing system would require an applicant for a licence to:
- satisfy the Department that he and his employees are of good repute;
 - demonstrate that the legal requirements in running a business have been complied with;
 - use only licensed taxi drivers and vehicles to undertake bookings;
 - demonstrate certain requirements in relation to the operating centre such as public liability insurance, planning permission, radiocommunications licence, etc;

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- keep and make available for inspection purposes by enforcement agencies, records relating to bookings, journeys, drivers and vehicles;
- keep records of complaints and lost property; and
- pay a licence fee for the application and grant of an operator's licence.

Less onerous conditions would apply to sole, and other small, operators.

7.12 The Department would be required to keep a register of licences, which would be available for public inspection free of charge.

Operator Licensing

Questions:

Q 16 Should all taxi operators have to be licensed?

Q 17 Should the requirement to be licensed as a taxi operator extend to sole operators?

Q 18 Are the suggested requirements for a Taxi Operator's Licence reasonable?

Q 19 Are the suggested requirements for a Taxi Operator's Licence sufficient to ensure that only reputable operators can become licensed?

Q 20 What are your views on the proposed arrangements for ensuring compliance with taxi operator licensing requirements?

When answering these questions, please give your reasons.

8. Driver Licensing

Purpose

- 8.1 This chapter describes the arrangements currently in place regarding the licensing of taxi drivers and seeks your views on proposals for how these should be changed, particularly in relation to requirements for the training and testing of drivers.

Present Position

introduction

- 8.2 Anyone who wants to drive a taxi must hold a taxi driver's licence. This accords with the principle that any person who drives a vehicle for reward should hold an appropriate vocational licence. A taxi driver's licence is valid for five years and there is no distinction between a licence for a public hire taxi or a private hire vehicle.³²

³² In England and Wales licensing authorities have powers to issue separate licences although in practice more than 50% of the authorities issue dual licences. In Scotland the holder of a taxi (public hire) driver's licence may also drive a private hire vehicle.

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Repute

- 8.3 Before it will grant a taxi driver's licence, the Department must be satisfied that the applicant is of good repute. Good repute is determined having regard to departmental guidelines and account is taken of the results of criminal conviction record checks carried out by PSNI. As an integral part of the licence process, the guidelines are kept continuously under review by the Department. Also, the courts have regard to these guidelines when adjudicating on appeals for refusal, suspension or revocation of licences.
- 8.4 Repute is checked at least every three years. It is also a condition of a taxi driver's licence that he/she must notify the Department of any conviction received at any time.

Medical Fitness

- 8.5 The Department must be satisfied that a person who wishes to drive a taxi is medically fit. Medical fitness is assessed based on a report from the applicant's GP. Taxi drivers aged 45 years of over are required to submit a medical report every five years.

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- 8.6 On advice from the Occupation Health Service³³ (OHS), certain prescribed conditions and disabilities will prevent the Department from granting or renewing a licence.

Age/Driving Experience

- 8.7 There is no minimum age requirement for taxi drivers, per se. However, an applicant must be the holder of a Category B (car) driving licence for at least a period of 12 months. Although legally someone could be licensed to drive a taxi when aged 18, in practice, a driver under 21 is unlikely to be able to obtain the necessary insurance.
- 8.8 Raising the effective minimum age limit at which someone can become a licensed taxi driver would bring taxi drivers more into line with existing age requirements for other vocational drivers.

Testing

- 8.9 An applicant for a licence does not have to undertake a specific taxi driving test. This requirement was abolished in

³³ OHS operates as an NICS-wide body providing comprehensive occupational health and medical advisory services to Northern Ireland Government Departments and Agencies.

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1996, as a de-regulation measure. Increasingly GB licensing authorities (including the Public Carriage Office, which is responsible for licensing of taxis in London) require potential taxi or private hire vehicle drivers to pass a special practical driving test conducted by the Driving Standards Agency (DSA). Some 38 licensing authorities presently require applicants to pass this test which includes a wheelchair exercise in the case of candidates being tested in purpose-built vehicles. This trend demonstrates a growing expectation that taxi drivers should be able to demonstrate a higher level of competency and skills related to their job.

- 8.10 There is no requirement in Northern Ireland to pass a 'knowledge' or topographical test. The London taxi drivers 'knowledge' is particularly notable and across England and Wales roughly half of all taxi and private hire drivers are required to pass some form of knowledge test. There may be an argument in favour of requiring taxi drivers in Northern Ireland to demonstrate that, for example, they are aware of the location of key buildings and attractions and of major routes, and have adequate map-reading reading skills. However, there seems little support for anything more extensive and, arguably, the growing availability of in-car navigational systems may soon make 'traditional' knowledge testing obsolete.

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Training

- 8.11 In Northern Ireland there is no requirement for a taxi driver to receive any particular form of training as a condition either or obtaining or renewing his taxi driver's licence. So, for example, taxi drivers do not have to demonstrate any competency in customer care skills³⁴ or any knowledge of law relating to the operation of taxis.
- 8.12 Similarly there is no requirement at present for taxi drivers to receive training, or be capable of displaying competency, in the needs of disabled people. However, removal of the current exemption for transport services contained in Part III of the DDA³⁵ may result in drivers receiving disability awareness training.

³⁴ Some taxi drivers appear to lack these skills: approximately 7% of taxi consumers surveyed said they found taxi drivers to be unhelpful, rude or unfriendly.

³⁵ See also Paragraph 5.11 above.

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Driver Identification

- 8.13 It is a condition of a taxi driver's licence that he must at all times³⁶ wear an identity badge in a conspicuous place on his person. Badges, containing a photograph and showing the taxi driver's licence number, are supplied by the Department. In practice many drivers do not wear the badge and instead attach it to the rear-view mirror.
- 8.14 This highlights a shortcoming with the existing identification requirements. If worn, the badge enables a passenger to identify the driver as a taxi driver outside the vehicle but is not so easily seen inside the taxi. If the badge is not worn but is affixed to the vehicle the position is reversed. There is arguably a case for requiring the driver to carry some form of identification both on his person and in the taxi. The display of an additional badge in a prominent place in the vehicle would assist identification of the driver by a passenger whilst travelling in the vehicle.

³⁶ Except when engaged in connection with a wedding or a funeral.

Driver Licensing

Proposed Changes

Introduction

8.15 A number of measures designed to raise standards within the taxi industry in order to benefit people wishing to use taxis, are proposed. Discussions with industry representatives suggest that re-introduction of the taxi driving test, and a requirement for all new and existing taxi drivers to undergo disability awareness training, are measures that would be particularly welcomed by the trade.

Age/Driving Experience

8.16 It is proposed that an applicant for a taxi driver's licence should be aged 21 or over and have held a full driving licence for a car for at least three years.

Testing

8.17 It is proposed that as a requirement for a taxi driver's licence all new applicants should demonstrate competence to drive a taxi. The new test might comprise two parts, one practical and the other theory. The practical taxi driving test would be of a different, and higher, standard than that for a motor car. If this proposed measure is proceeded with, it would be the intention of the Department to publish for consultation separate detailed proposals on the format and content of any new taxi driving test.

Driver Licensing

8.18 It would also be the intention of the Department to take powers to provide for the possibility of requiring the driving skills of existing taxi drivers to be periodically tested. This reflects recent proposals contained in a recent EU Directive which will require drivers of Light Goods Vehicles and Passenger Carrying Vehicles as holders of vocational licences to undergo periodic driver re-training in order to demonstrate continued driving competency.

Training

8.19 To ensure a better understanding of and support for, passenger needs, it is proposed that all new taxi driver's licence applicants should be required to provide certificated evidence that they are competent in a range of customer care and other key skills to include:

- communication skills;
- awareness of disability and diversity;
- responding to disabled passengers;
- dealing with accidents and emergencies, and with lost property;
- map reading skills, route selection and awareness of in-car navigation systems; and

Driver Licensing

- familiarity with the legal requirements regarding the operation of taxis.

8.20 It is proposed that training in these skills would be delivered by an outside agency (or agencies) approved by the Department. Applicants and drivers will therefore be required to submit evidence to the Department that they have achieved an accepted level of competency.

8.21 Although it is not proposed that existing taxi driver's licence holders would be required to undergo the full range of training, they would be encouraged to do so if they wished.

8.22 Given the particular importance attached to taxi drivers having the skills necessary to transport disabled people, it is proposed that all existing licensed drivers should have to satisfy the Department that they have undergone disability awareness training. This requirement would take effect at the end of three years after the introduction of the training requirements for all new drivers.

Driver Identification

8.23 It is proposed that in addition to the existing driver's badge details such as a photographic image, licence number and expiry date of the driver's licence should also have to be displayed inside the vehicle.

Driver Licensing

Questions:

Q 21 Should there be a minimum age for a taxi driver's licence and should the length of driving experience be increased ?

Q 22 Should a specific taxi driving test be re-introduced?

Q 23 Should all taxi drivers be required to have disability awareness training ?

Q 24 Do you agree that all new taxi drivers should be required to demonstrate competency in the whole range of skills outlined in Paragraph 8.19?

Q 25 Should existing drivers be encouraged to demonstrate competency in the whole range of skills as outlined in Paragraph 8.19?

Q 26 Do agree that there is a need for additional identification of the driver inside the vehicle?

When answering these questions, please give your reasons.

9. Vehicle Licensing

Purpose

9.0 This chapter describes the arrangements currently in place regarding the licensing of PSVs as taxis and seeks views on proposed changes, including the introduction of maximum age limits for taxi vehicles.

Present Position

Introduction

9.1 A taxi is defined as a PSV seating not more than eight passengers in addition to the driver.

9.2 Before the Department will grant a PSV licence for a taxi, it must be satisfied that the applicant is of good repute and that the vehicle meets prescribed roadworthiness and suitability requirements. An applicant for a taxi vehicle licence need not necessarily hold a taxi driver's licence: he may be the owner/driver of the vehicle or simply someone who proposes to operate a taxi using a licensed taxi driver.

9.3 Taxi vehicles are tested by DVTA at first licensing and each year thereafter. Vehicles submitted for testing must meet PSV and 'Construction and Use' requirements.

Vehicle Licensing

- 9.4 Depending on the type of taxi operation applied for at the time of testing, a public hire licence will be issued permitting the vehicle to operate either as a Belfast Public Hire taxi or as a Restricted Public Hire taxi working outside Belfast. A Private Hire licence will be issued to a private hire taxi.
- 9.5 Licences comprise a written part and a windscreen disc with the prefix 'H' for Public Hire or 'P' for Private Hire. At first licensing, yellow licence plates are issued for fixing to the front and rear of Belfast Public Hire taxis.
- 9.6 Licences are granted subject to the conditions appropriate to the type of taxi being licensed. These conditions include operating the taxi only for the purpose for which it is licensed; complying with the legal requirements relating to the maintenance and driving of the vehicle, and producing documents upon request.

Type Approval

- 9.7 There are concerns that some taxi vehicles - particularly those that have been adapted for use as taxis - do not comply with European Whole Type Approval (M1) or other appropriate type approval requirements for passenger carrying vehicles. For example, vehicles originally manufactured to type approval standards for goods vehicles but adapted to carry passengers, may fall short of the passenger carrying requirements in relation to brakes, steering and suspension.

Vehicle Licensing

Licensing Procedures

- 9.8 Two government agencies, DVLNI and DVTA, are involved in the licensing of taxi vehicles. Applications for licences are made to DVTA but before a test date can be arranged that Agency must check with DVLNI that the applicant (who may/may not be a taxi driver) is of good repute.
- 9.9 This process can add significantly to the time taken from application to issue of licence. Also, where an applicant for a taxi vehicle licence is an existing taxi driver this repute check will be additional to similar checks regularly carried out on him as a driver.
- 9.10 Industry representatives complain about the time taken to process licences. They also question the value both of repeated repute checks on those applicants who are taxi drivers, and of repute checks on applicants who are not taxi drivers (and who therefore may not in direct contact with the public).

Insurance Requirements

- 9.11 The present legal requirement is that, on the day the taxi vehicle PSV licence is to come into force, the Department must be satisfied that there is in effect a valid certificate of insurance to cover 'public and private hire' or 'private hire only' operation. However, there is evidence to suggest that, with the

Vehicle Licensing

presentation of insurance certificates for 30 days or less, the appropriate insurance cover may not always be maintained for the entire period of the licence.³⁷

Age Limits

- 9.12 At present in Northern Ireland there are no restrictions on the age of vehicles that may be licensed as taxis. Age limits are common elsewhere in the UK where they are seen as an important means of maintaining the quality and image of the taxi fleet. Also, by encouraging owners to replace their vehicles, age limits can facilitate the transition towards having more accessible taxi vehicles. They can also bring about environmental benefits as vehicles manufactured after 1996 have had to meet considerably more stringent emission standards than vehicles manufactured in previous years.
- 9.13 Typically, one maximum age limit will apply to vehicles being licensed as a taxi for the first time and another, higher, maximum limit will apply to vehicles being re-licensing as taxis.

³⁷ Of the taxis stopped by enforcement agencies during 2002/03 almost 6% were being driven without proper insurance.

Vehicle Licensing

Stretch Limousines

9.14 Despite the fact that many car hire services using stretch limousines³⁸ are currently operated in Northern Ireland, the present regulatory system does not permit these vehicles to be licensed either as taxis or as buses because they do not comply with PSV regulations.

Proposals

Vehicle Categories

9.15 The licensing system will facilitate the licensing of:

- 'Regulated taxis'
- Taxi-buses
- Executive cars
- Wedding and funeral cars
- Stretch limousines (up to a maximum of eight passenger seats).

³⁸ For more information on stretch limousines see Paragraphs 11.6 and 11.23 below.

Vehicle Licensing

Type Approval/PSV Requirements/Licensing Procedures

9.16 All vehicles licensed as taxis including 'regulated taxis', taxi-buses, wedding, funeral and executive cars would be required to:

- have an appropriate type approval (i.e. M1 European Whole Type Approval or Low Volume type approval);
- conform with current PSV and 'Construction and Use' requirements; and
- comply with maximum age criteria both on first licensing and on re-licensing..³⁹

9.17 It is proposed that the repute check on an applicant for a taxi vehicle licence be abolished.

9.18 DVTA will issue a PSV (taxi) test certificate when a vehicle passes the roadworthiness and suitability tests appropriate to the category of taxi being licensed.

9.19 The grant of a taxi vehicle licence and issue of taxi licence plates by DVLNI will be subject to the vehicle having:

- an appropriate type approval

³⁹ For details of suggested age limits see below. Wedding and funeral cars would be exempt from any age restriction.

Vehicle Licensing

- a valid, relevant, PSV test certificate
- a certificate of insurance.

The procedures proposed at 9.18 and 9.19 above will in effect separate the vehicle testing function exercised by DVTA from the licensing function exercised by DVLNI.

Insurance Requirements

9.20 Valid certificate of taxi insurance to be carried at all times in a receptacle in a prescribed place inside the vehicle.

9.21 Vehicle examiners to be given power to require the driver of a taxi to produce certificate of insurance at the nearest police station or DVTA test centre.

Age Limits

9.22 It is proposed that maximum age restrictions be introduced for taxi vehicles. In setting these limits the DOE will take account of the age profile of the Northern Ireland taxi fleet. It will also take account of average age limits already applied elsewhere in the UK. The following maximum age limits are suggested for regulated taxis and taxi-buses.⁴⁰

⁴⁰ Lower maximum age limits would apply to executive cars and stretch limousines.

Vehicle Licensing

Accessible Vehicles

- At first licensing as a taxi: 11 years from date of first vehicle registration, reducing year on year to 5 years.
- On re-licensing: 18 years from date of first vehicle registration reducing year on year to 12 years.

Non-accessible Vehicles

- At first licensing as a taxi: 7 years from date of first vehicle registration, reducing year on year to 3 years.
- On re-licensing: 12 years from date of first vehicle registration reducing year on year to 8 years.

Proposed Maximum Age Limits

Vehicle Type	2006		2007		2008		2009		2010		2011		2012	
	F	R	F	R	F	R	F	R	F	R	F	R	F	R
Accessible	11	18	10	17	9	16	8	15	7	14	6	13	5	12
Non-accessible	7	11	6	10	5	9	4	8	3	7				

F= First licensing; R= Re-licensing

Advertising

- 9.23 Advertising on vehicles to be subject to a code of practice to be agreed between the Department and the trade.

Vehicle Licensing

Questions:

Q 27 Do you agree with the proposal to re-define a taxi as a PSV having between four and eight passenger seats?

Q 28 Do you agree with the proposed requirements for a taxi vehicle licence as set out in Paragraphs 9.16?

Q 29 What are your views on the age limit proposals?

When answering these questions, please give your reasons.

10. Enforcement

Purpose

10.1 This chapter outlines the need for more extensive and effective enforcement of taxi licensing legislation and discusses the need for increased resources to fund this activity. It seeks views on outline proposals to create new offences, grant additional enforcement powers, and introduce stronger penalties for infringement.

Incidence of Taxi Licensing Offences

10.2 The prevalence of illegal taxiing compromises personal and road safety. So too, though to a lesser extent, does the practice of private hire taxis standing and plying for hire and the failure of otherwise legitimate taxi operators and drivers to comply fully with the licensing requirements.

10.3 Of the 'taxi' vehicles stopped and checked in the year 2002/03 by DVTA enforcement, almost 20% were found to be committing at least one offence. Some 10% were found to be operating without a PSV (taxi) licence and 5% were being driven by drivers who did not hold a taxi driver's licence. Almost 6% of the vehicles stopped were being driven without proper insurance.

Enforcement

- 10.4 It is a further cause of concern that the level of offending actually detected is believed to represent only a small fraction of the perceived extent of non-compliance with the licensing requirements.

Powers

- 10.5 Taxi licensing offences are often difficult to detect and prosecute because of the limited powers currently available to enforcement officers. In particular, there are significant gaps in the powers needed to tackle 'pirate' taxis effectively. For example, although DVTA enforcement officers have powers to stop licensed taxis, these powers do not extend to being able to stop private cars suspected of illegal taxiing. Similarly, they have no powers to seize radios suspected of being used in connection with illegal taxi activity.

Offences and Penalties

- 10.6 Experience has shown that the existing range of taxi licensing offences is too limited and that the available penalties for infringement are not as effective as they should be. Additional offences may need to be created, particularly to deal with 'pirate' taxi activity.

Resources

- 10.7 PSNI and DVTA enforcement officers are responsible for ensuring that the licensing requirements are enforced. In the

Enforcement

past, lack of resources and pressure of other priorities has limited the level and type of enforcement activity undertaken.

- 10.8 Taxi licence fees have recently been increased to fund more enforcement. Departmental funding of enforcement has also increased significantly. These additional resources are now being used to facilitate the implementation by DVTA of a new strategy directed towards taxi enforcement.

Making Enforcement More Effective

- 10.9 If 'pirate' taxi activity and other licensing infringements are to be tackled and as far as possible eliminated, enforcement and compliance strategies must be underpinned by a combination of effective powers, appropriate penalties and adequate resources.

DVTA Enforcement Strategy

- 10.10 The objective of DVTA's new Enforcement Strategy is to maximise the detection of unlicensed drivers and vehicles. The strategy uses a 'targeted enforcement' approach and its effectiveness will be judged by 'outcomes' (detections and prosecutions) rather than 'activities' (numbers of vehicles stopped).

'Local' Enforcement

- 10.11 The review has examined whether districts councils should be given an enforcement role. On balance, it is thought that such

Enforcement

a move could potentially fragment current efforts to tackle illegal taxing and other licensing infringements in a more consistent and strategic way than has previously been the case.

10.12 In response to calls for more locally-based enforcement, there may be a case for DVTA further developing its enforcement activities outside of the cities and larger towns.

Operator Licensing

10.13 Under the proposals for operator licensing taxi operators will be legally required to operate only licensed vehicles driven by licensed taxi drivers. Licensed operators will be jointly liable for offences committed by their drivers or by the owners of taxi vehicles operated under their licences.

Resources

10.14 The Department's continued commitment to strengthening and increasing enforcement activity by DVTA will, of necessity, over time result in increase in the level of licensing fees.

Proposals

Powers

10.15 It is proposed that the new Taxis Act will provide authorised vehicle examiners with a power to stop vehicles reasonably suspected of operating as unlicensed taxis.

Enforcement

- 10.16 A power to seize equipment, such as radios, suspected of being used in connection with illegal taxi activity will also be sought.
- 10.17 Police will be given a power, presently available only to DVTA vehicle examiners, to remove a taxi vehicle licence, disc or plates where a notice of prohibition is issued in respect of a defective vehicle. Until the prohibition is removed, such a vehicle would no longer be able to operate as a licensed taxi.

Offences and Penalties

- 10.18 It is proposed that a review of existing offence and penalty provisions be carried out with a view to putting in place a more appropriate range of offences and new and stronger penalties. Proposed new penalties would include temporary and permanent forfeiture of unlicensed vehicles.
- 10.19 It is also proposed that a 'taxi penalty points' scheme be devised to take account of convictions or mitigated penalties received by licensees, and any instances of non-compliance with their licence conditions. The numbers of points received would be taken into account when considering disciplinary action.

Enforcement

Questions:

Q 30 Do you agree with the outline proposals to grant additional powers of enforcement to authorised vehicle examiners and police officers?

Q 31 Do you agree with the outline proposals to extend the range of taxi licensing offences and impose stiffer penalties for taxi licensing offences?

When answering these questions, please give your reasons

11. Miscellaneous Issues

Purpose

11.1 This chapter deals with a number of miscellaneous, but nevertheless important, issues relating to the regulation and operation of taxis. It seeks views on proposals on licensing of stretch limousines; setting up a taxi consultative forum; and the introduction of guidelines relating to advertising on vehicles.

Present Position

General Legislative Provisions

11.2 The Road Traffic (Northern Ireland) Order 1981, as amended, provides for the licensing of PSVs including taxis and taxi drivers. The powers contained in the order also enable the Department to make regulations prescribing detailed requirements relating to the grant or otherwise of such licences. These regulations include the Public Service Vehicles (Northern Ireland) Regulations 1985; Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (NI) 1995; and the Motor Vehicles (Taxi Drivers' Licences) Regulations (Northern Ireland) 1991 (all as amended).

11.3 In addition, the Road Traffic (Northern Ireland) 1981 gives the Department powers to make by-laws regulating public service

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vehicles including taxis used in standing or plying for hire or used to carry passengers for hire within any area. These powers are mainly used from time to time to make local by-laws designating taxi ranks and spaces at locations throughout Northern Ireland and to regulate the fare tariffs for Belfast Public Hire taxis.

Belfast Taxi By-Laws

11.4 Taxis licensed for public hire in Belfast are also subject to the 1951 County Borough of Belfast By-Laws relating to Motor Hackney Carriages (Taxi-Cabs). Responsibility for these by-laws transferred to the Department on local government re-organisation in 1973. These by-laws place obligations and duties upon owners and drivers of Belfast Public Hire taxis standing or plying for hire within 'prescribed limits'.⁴¹ The by-laws lay down requirements in relation to the conduct of drivers; the operation of taxis; and the regulation of taximeters and fares. They also provide powers of inspection and enforcement and penalties for non-compliance.

⁴¹ This is defined as the area within the boundary of a circle the radius of which shall be five miles from Castle Junction in the City of Belfast.

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- 11.5 The Belfast by-laws are considered to be very much out of date having regard to their intent, meaning and language and are not considered relevant to present day custom and practice.

Stretch Limousines

- 11.6 The number of stretch limousines being imported into the UK from abroad is increasing. Popular demand means that more of these vehicles are being operated in Northern Ireland. Under existing legislative requirements, the operation of these vehicles without a current taxi licence or a Road Service (Bus Operator's) Licence is illegal.

- 11.7 These vehicles, which may exceed eight passenger seats, cannot be licensed as taxis or buses because they do not comply with the Northern Ireland PSV regulations. Many are left hand drive and have features such as side facing seats and tinted windows that place them outside of the scope of the PSV regulations. As a result, the only test to which these vehicles are subject is the annual MOT test. There are also concerns about the safety of front seat passengers in these vehicles being required to alight into traffic from the offside of the vehicle.

- 11.8 In GB the PSV requirements only apply to passenger carrying vehicles with more than eight passenger seats. Stretch

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limousines do not meet the PSV requirements for minibuses (i.e. vehicles with more than eight passenger seats). Lawfully, therefore, these vehicles cannot carry more than eight passengers. However, it is considered that stretch limousines are more likely to fall within the licensing regime for private hire vehicles, provided that they do not exceed eight passenger seats. In line with DfT guidance, individual local authorities in England and Wales have discretion to decide whether they wish to licence such vehicles as private hire vehicles taking into account local needs and circumstances.

Taxis in Bus Lanes

11.9 Powers under the Road Traffic Regulation (Northern Ireland) Order 1997 enable DRD to make bus lane orders. 'Permitted taxis', defined as Belfast Public Hire taxis and taxis licensed to operate bus type services, can use those bus lanes to which access is permitted.

Taxi Ranks

11.10 DOE has powers to make by-laws designating taxi ranks and spaces at prescribed locations.⁴² These by-laws are made on

⁴² In Northern Ireland, there are in total 42 taxi ranks capable of accommodating 215 taxis. 12 of these ranks, providing 64 stands, are located in Belfast.

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the direction of Roads Service. Requests for the provision of taxi ranks normally come from the public hire taxi trade although the Roads Service will consider requests from other bodies and individual groups such as PSNI, Translink and hoteliers.

- 11.11 The provision of taxi ranks at transport interchanges and other appropriate locations is kept under continual review by Roads Service.

Taxi Regulator

- 11.12 In assessing the need for the appointment in Northern Ireland of a taxi regulator independent of the Department, the Review Team has taken into consideration recent developments in the Republic of Ireland (RoI). Where the new Taxi Regulation Act 2003 provides for the appointment of a National Taxi Regulator. The regulator acts as chairperson of a new public body to be known as the Independent Commission for Taxi Regulation. The Commission's principal function is the development and maintenance of a national regulatory framework for the control of taxis and their drivers.

- 11.13 The new RoI Taxi Regulation Act also provides for the establishment of a National Taxi Council whose role is to advise and make recommendations to the Commission and

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the Minister of Transport in relation to regulations, standards and codes of practice for the taxi industry.

- 11.14 In Northern Ireland, taxi regulation is a function of central government, namely, the Department of Environment. The core Department is responsible for overall policy in relation to taxis. DVLNI, as an executive agency of the Department through its Road Transport Licensing Division (RTLTD), undertakes the operational policy and licensing functions. Another DOE executive agency, DVTA, undertakes the testing function and shares the enforcement role with the PSNI. This compares with the situation in the rest of the UK where DfT and the Scottish Executive have responsibility for taxi regulation policy with over 400 local authorities being responsible for the day-to-day licensing functions.
- 11.15 Given that the function of taxi regulation is already a central government responsibility, the Department does not consider that any re-organisation of the taxi licensing and enforcement functions is necessary. Nor, in discussions with taxi industry representatives undertaken as part of this review, has this view been expressed. The Review Team is of the view that if as policy maker, legislator and regulator the Department is seen to be exercising the functions effectively and efficiently, there is no real benefit in delegating the functions to a taxi regulator. Consequently there are no proposals either to

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involve district councils in taxi licensing or to transfer taxi regulatory powers to an external regulator.

Liaison between the Department and the Taxi Industry

11.16 The Department is of the view that the taxi trade has primary responsibility for managing and operating the services it provides and for ensuring high overall standards. DOE also recognises and accepts that it has an important role to play in ensuring that there is in place an effective and equitable regulatory framework which promotes road and public safety as well as fair competition.

11.17 The Department also recognises that the industry is fragmented and that, by virtue of its nature and the presence of disparate interests, there is room for improved organisation. The establishment of groups representing the interests of the trade in different parts of Northern Ireland is welcomed and encouraged by the Department. The Department also believes that the trade should give consideration to development of a self-regulatory body.

Informing Taxi Consumers

11.18 There is concern that both in terms of public safety and advice available to taxi users, the travelling public are not familiar to the extent that they should be about the hiring of a licensed taxi. Results from the DOE Taxi Consumer Survey 2003 show

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that a significant number of taxi consumers, particularly in the older age groups, did not know if they had travelled in legal taxi or not. Some 8% of consumers were unsure whether the type of taxi hailed on the street was properly a public hire taxi. Worryingly, the results revealed that 41% of consumers did not know how they would find out the fare.

11.19 These results suggest that public information on the operation of licensed taxis falls considerably short of what should be expected in relation to the provision of taxi services. Both the Department and the taxi industry bear responsibility for these shortcomings.

Advertising on Vehicles

11.20 External and internal advertising on vehicles licensed as taxis is currently not subject to any form of regulation or control. However, anything that would obscure the vision of the driver while the vehicle is being driven would contravene certain legal requirements in relation to construction and use.

Proposed Changes

Taxis Act

11.21 It is proposed that the legislative framework for the regulation of taxis including the licensing of operators, drivers and vehicles be enshrined in a new Taxis Act, which will also provide powers to make regulations as necessary. Developing

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this new primary and secondary legislation will also provide an opportunity to amend, update and consolidate the existing legislative provisions.

Taxi By-Laws

11.22 The Department proposes to revoke all of the by-laws relating to taxi regulation and to regulate taxis and taxi related matters by primary and secondary legislation alone. The attachment of conditions to licences will continue to provide a means of placing duties and obligations on licensees.

Stretch Limousines

11.23 Given that these vehicles are being operated for hire it is proposed that, in the interests of public safety, they should be licensed as taxis - provided that they do not exceed eight passenger seats. It is proposed that the revised licensing structure will provide for the licensing of stretch limousines as a new category of taxi.

11.24 The Department also proposes to draw up, in consultation with the trade, criteria for the licensing of stretch limousines as taxis. These criteria might include:

- evidence to be produced at the time of first licensing confirming that the vehicle has been examined and certified by VCA or any other recognised agency or body acceptable to the Department - regardless of whether the

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vehicle has been manufactured as a stretch limousine or converted;

- requirements for annual testing;
- minimum hire period; and
- age limits.

11.25 These vehicles will not be required to be DDA compliant or to display roof signs or to have taximeters installed. Identification of these vehicles as licensed taxis will be discreet and confined to displaying an internal taxi vehicle licensing plate. Their operation will have to comply with taxi operator licensing requirements and only licensed taxi drivers will be permitted to drive these vehicles.

Taxis in Bus Lanes

11.26 It is proposed that all wheelchair accessible and DDA complaint vehicles should be allowed to use bus lanes to which taxi access is permitted.

Taxi Ranks

11.27 The RTS recognises the important contribution that taxis make to the transportation system. Local transport studies to feed the programme of transport plans being developed by DRD under RTS will identify proposals for new ranks and re-assess existing facilities. These studies will take account of the need for multi-modal interchange, town centre taxi ranks and centres of major attraction and would involve consultation the

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trade and the appropriate authorities. On-going review of taxi rank provision will take account of the change in numbers of accessible vehicles and the outcome of the DRD Accessible Transport Strategy.

Public Information Campaign

11.28 In giving effect to the measures resulting from the outcome of the Taxi Review, the Department proposes to mount an extensive publicity campaign. Its purpose will be to familiarise the travelling public in a clear and concise way about:

- how to identify and hire a licensed taxi;
- the nature and standard of the service they can reasonably expect to receive; and
- how and where to complain if these expectations are not met.

Taxi Consultative Forum

11.29 Improved regulation and enforcement, as proposed in this discussion paper, are intended to improve conditions within the trade and to provide better services to the travelling public. Implementation of these proposals is envisaged as a major stepping-stone towards raising standards in the industry.

11.30 Additionally, and for the purposes of monitoring and reviewing performance of standards within the industry and of the Department in exercising its licensing and enforcement

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functions, it is proposed that a Taxi Consultative Forum should be established. This forum, which should meet on a regular basis, could comprise representatives from the taxi trade and:

- DOE (including DVLNI and DVTA)
- DRD (including Road Service)
- PSNI
- GCCNI
- NITAC

Advertising on Vehicles

11.31 It is proposed that detailed guidelines governing external and internal advertising are drawn up in consultation with the trade and that legislation is introduced to give effect to these guidelines.

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Questions:

Q 32 Do you agree with the proposal to licence stretch limousines as a specific category of taxi and to draw up a set of requirements for their licensing?

Q 33 Do you agree that there is a need for a taxi consultative forum and with its proposed make-up?

When answering these questions, please give your reasons

12. Conclusion and Way Forward

Conclusion

12.1 The proposals set out in this discussion paper constitute major radical reform of taxi regulation in Northern Ireland. They are intended to create an effective and equitable regulatory framework that promotes road and public safety. This will be achieved by raising standards within the trade; ensuring accessibility; encouraging fair competition; and, as far as possible, eliminating the unregulated sector.

Way Forward

12.2 Responses to this discussion paper will help inform final draft proposals to be included in a public consultation paper to be published later this year. To give consultees a better understanding of the potential impact of its proposals, the publication consultation paper will, where appropriate, contain regulatory and equality impact assessments together with an assessment of the likely impact on people in rural areas.

12.3 Responses to this discussion paper and to the public consultation will be taken into account when final policy recommendations are developed. Final proposals for reform will then be put to Ministers for agreement by March 2004.

Conclusion and Way Forward

- 12.4 It is expected that work on the drafting of the new Taxis Act will begin in August 2004 and that public consultation on a draft Taxis Bill will take place in early 2005. The earliest date by which the Taxis Act is expected to become law is early 2006.
- 12.5 The Taxis Act will give the Department powers to make more detailed regulations about particular measures - for example, the introduction of operator licensing. All regulations made under the provisions of the new Act will, themselves, be subject to detailed public consultation.

ANNEX 1

Northern Ireland Review of Taxi Regulation Terms of Reference

The objective of the review is to examine comprehensively the principles, mechanisms and practices which are features of the present regulatory system within which taxi services in Northern Ireland are operated and to make recommendations aimed at creating an effective and equitable regulatory framework which promotes road and public safety and fair competition.

The review will address the structure and organisation of the industry; economic regulation; and the licensing of taxi operators, drivers and their vehicles. Under these broad headings the following specific issues will be examined.

1. Structure and organisation of the industry	<ul style="list-style-type: none">▪ Review of present two-tier system differentiating between public and private hire▪ Provision of bus type services▪ Appointment of a regulator▪ Service standards and complaints procedures▪ Enforcement▪ Role of district councils in licensing/enforcement
2. Economic regulation	<ul style="list-style-type: none">▪ Meters▪ Regulation of fares▪ Numbers of taxis, including wheelchair accessible taxis
3. Operator licensing	<ul style="list-style-type: none">▪ Criteria and conditions▪ Licensing of booking offices
4. Driver licensing	<ul style="list-style-type: none">▪ Taxi driver licences (duration and conditions)▪ Testing (driving and 'local knowledge')▪ Other licence criteria, including medical requirements and repute▪ Training▪ Driver Identification
5. Vehicle Licensing	<ul style="list-style-type: none">▪ Taxi identification▪ Permitted vehicle types▪ Disabled (including wheelchair) accessibility▪ Type approval▪ Testing of vehicles▪ Age of vehicles▪ Advertising on vehicles▪ Insurance requirements▪ Licence conditions

ANNEX 2

Discussion Paper Recipients

Belfast City Airport Taxis
Belfast Private Hire Proprietors Association
Belfast Public Hire Taxis Association
Causeway Taxi-Owners Association
Department for Regional Development (DRD)
Derry Taxi Association
Driver and Vehicle Licensing Northern Ireland (DVLNI)
Driver and Vehicle Testing Agency (DVTA)
Education and Library Boards
Mid-Ulster Taxi Association
Newry Taxi Association
North Belfast Taxi Association
North West Taxi Proprietors Ltd (NWTPL)
General Consumer Council for Northern Ireland (GCCNI)
Northern Ireland Transport Advisory Committee (NITAC)
Police Service of Northern Ireland (PSNI)
West Belfast Taxis (Transport) Ltd.

ANNEX 3

Response Form

Chapter 4: Taxi Licensing System Structure

Q 1 Should a single licensing system be introduced?

Q 2 What are your views on the categories of taxis proposed under a single licensing system?

When answering these questions, please give your reasons.

Chapter 5: Availability of Disabled Accessible Taxi Services

- Q 3 Is the outline implementation timetable for the phasing in of accessibility requirements for all 'regulated taxis', reasonable?***
- Q 4 What are your views on the proposed 'interim arrangements'?***
- Q 5 Do you agree that taxi-buses should be required to be accessible?***
- Q 6 How do you regard the proposed measures designed to facilitate the transition towards all 'regulated taxis' becoming accessible, i.e. the introduction of age limits for existing vehicles and significantly reduced licence fees for accessible vehicles?***

When answering these questions, please give your reasons.

Chapter 6: Regulation of Taxi Fares and Taximeters

- Q 7 Should all taxi operators be free to set the level of their own fares?***
- Q 8 What are your views on the proposed regulation of the structure of fare tariffs?***
- Q 9 What are your views on the proposed requirements relating to fares cards?***
- Q 10 Should all taxis be fitted with taximeters ?***
- Q 11 Should all fares be calculated using a taximeter, subject to negotiation of a lower fare ?***
- Q 12 Should all taximeters be of an approved type ?***
- Q 13 Should all taximeters be subject to annual calibration, testing and sealing?***
- Q 14 What are your views on the proposed requirements relating to the compulsory production, on request, of taximeter-generated printed receipts ?***
- Q 15 Should operators' fare tariffs be published ?***

When answering these questions, please give your reasons.

Chapter 7: Operator Licensing

Q 16 Should all taxi operators have to be licensed?

Q 17 Should the requirement to be licensed as a taxi operator extend to sole operators?

Q 18 Are the suggested requirements for a Taxi Operator's Licence reasonable?

Q 19 Are the suggested requirements for a Taxi Operator's Licence sufficient to ensure that only reputable operators can become licensed?

Q 20 What are your views on the proposed arrangements for ensuring compliance with taxi operator licensing requirements?

When answering these questions, please give your reasons.

Chapter 8: Driver Licensing

Q 21 Should there be a minimum age for a taxi driver's licence and should the length of driving experience be increased ?

Q 22 Should a specific taxi driving test be re-introduced?

Q 23 Should all taxi drivers be required to have disability awareness training ?

Q 24 Do you agree that all new taxi drivers should be required to demonstrate competency in the whole range of skills outlined in Paragraph 8.19?

Q 25 Should existing drivers be encouraged to demonstrate competency in the whole range of skills as outlined in Paragraph 8.19?

Q 26 Do agree that there is a need for additional identification of the driver inside the vehicle?

When answering these questions, please give your reasons.

Chapter 9: Vehicle Licensing

Questions:

Q 27 Do you agree with the proposal to re-define a taxi as a PSV having between four and eight passenger seats?

Q 28 Do you agree with the proposed requirements for a taxi vehicle licence as set out in Paragraphs 9.16?

Q 29 What are your views on the age limit proposals?

When answering these questions, please give your reasons.

Chapter 10: Enforcement

Q 30 Do you agree with the outline proposals to grant additional powers of enforcement to authorised vehicle examiners and police officers?

Q 31 Do you agree with the outline proposals to extend the range of taxi licensing offences and impose stiffer penalties for taxi licensing offences?

When answering these questions, please give your reasons.

Chapter 11: Miscellaneous Issues

Q 32 What do you consider is the best way of informing the public about hiring a taxi?

Q 33 Do you agree that there is a need for consultative forum for the purpose of improving communication between key stakeholders?

When answering these questions, please give your reasons.

ANNEX 4

List of Abbreviations

DDA	Disability Discrimination Act 1995
DRD	Department of Regional Development
DfT	Department for Transport
DSA	Driving Standards Agency
DVLNI	Driver and Vehicle Licensing Northern Ireland
DVTA	Driver and Vehicle Testing Agency
GCCNI	General Consumer Council Northern Ireland
NITAC	Northern Ireland Transport Advisory Committee of Disability Action
ROI	Republic of Ireland
RTLD	Road Transport Licensing Division of DVLNI
RTS	Regional Transportation Strategy (for Northern Ireland)
PSNI	Police Service of Northern Ireland
PSV	Public Service Vehicle
VCA	Vehicle Certification Agency

ANNEX 5

Outline Timetable and Phased Implementation Plan

The attached timetable gives an indication of when and in what order the main proposed reforms might be implemented.

Phased Implementation: Outline Timetable

Phase	Key Area	Measure	Belfast	Outside Belfast
Phase 1: Implementation of Taxis Act 2006	Single licensing system	<ul style="list-style-type: none"> • Begin licensing new taxi categories 		
		<ul style="list-style-type: none"> • Only accessible 'regulated' taxis permitted to stand and ply for hire 	✓	✗
		<ul style="list-style-type: none"> • All taxi-buses to be accessible 		
	Operator licensing	<ul style="list-style-type: none"> • Introduction 		
	Driver licensing	<ul style="list-style-type: none"> • Minimum age • Training requirements • Display of driver ID in vehicle 		
	Vehicle licensing	<ul style="list-style-type: none"> • Separation of licensing and testing functions • Vehicle ID • Age limits • Type approval • Prescribed requirements for: <ul style="list-style-type: none"> - Stretch limos - Executive cars - Taxi-buses (signage) 		
	Taxi Consultative Forum			

Phase	Key Area	Measure	Belfast	Outside Belfast
Phase 2: Following successful implementation of measures at Phase1	Driver Licensing	<ul style="list-style-type: none"> • Introduction of taxi driving test 		
	Fares and Taximeters	<ul style="list-style-type: none"> • Taximeters in all 'regulated taxis' • Printers Fares cards 		
Phase 3: DDA accessibility regulations are in place and new generation accessible taxi vehicles are available.	Accessibility	<ul style="list-style-type: none"> • All vehicles being licensed as 'regulated taxis' must be accessible 	✓	×
Phase 4: Phase 3+ 10 years	Accessibility	<ul style="list-style-type: none"> • All 'regulated taxis' must be accessible 		

ANNEX 6

Accessible 'Regulated Taxis': Interim Arrangements

- It is proposed that from (approximately) 2025 all 'regulated taxis' should meet the DDA accessibility requirements and that from (approximately) 2015 all vehicles being licensed for the first time will have to meet either the existing Belfast Public Hire wheelchair accessibility specification or the new DDA standard for accessible taxis which is expected to be in place by then.

Accessible 'Regulated Taxis'

- From the date of coming into operation of the Taxis Act, expected in 2006, all accessible 'regulated taxis' would be able to stand or ply for hire anywhere in Northern Ireland.
- To preserve the existing position whereby all public hire taxis operating within the Belfast five-mile zone⁴³ are already required to be wheelchair accessible, it is proposed that, **in Belfast, only** accessible 'regulated taxis' which meet current wheelchair accessibility requirements or the DDA accessibility requirements when they are introduced, will ever be allowed to stand or ply for hire.

⁴³ Currently defined as the area within the boundary of a circle the radius of which shall be five miles from Castle Junction in the City of Belfast. As Castle Junction no longer exists it is proposed that the zone be re-defined as the area within a five-mile radius of Belfast City Hall.

- From (approximately) 2015 all 'regulated taxis' being licensed for the first time will have to meet either current wheelchair accessibility requirements or the new DDA accessibility requirements. **Outside Belfast** from 2015 onwards, **only** accessible 'regulated taxis' would be permitted to stand or ply for hire.

Non-Accessible 'Regulated Taxis'

- Until (approximately) 2025 non-accessible 'regulated taxis' (i.e. mostly saloon cars) while they continue to exist⁴⁴ will be permitted to undertake private bookings anywhere in Northern Ireland or operate as public hire **outside the Belfast 5-mile zone**.
- Non-accessible taxis will not at any time in the future (as now) be permitted to stand or ply for hire in Belfast city centre.
- A guiding principle in the transition of 'regulated taxis' outside Belfast from mainly non-accessible saloon cars to 100% accessible vehicles is that no operator of a saloon car would lose the right to stand or ply for hire before the end of that vehicle's reasonably expected life.

⁴⁴ Over time, fewer of them will be eligible to be licensed as taxis as maximum age limits take effect.