

WRITTEN MINISTERIAL STATEMENT

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Environment

TAXIS ACT (NI) 2008: IMPLEMENTATION

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Mr Mark Durkan (The Minister of the Environment): Members of the Assembly will, I am sure, share my view that taxis are a vital and valuable part of our economy. Every year they greet many of the million plus visitors who come to Northern Ireland. They make tens of thousands of trips to bring people to and from work or safely home after a night out. They also help some of our most vulnerable people, young and old, travel in the way the majority of us take for granted.

The majority of our taxi legislation, however, dates back to the early 1980s – in fact, in Belfast it goes back to by-laws devised in the early 1950s. The problem is, quite simply, that it not up to the task of effectively regulating taxis in the 21st century.

For this reason the Taxis Act was debated and approved by this House and received Royal Assent in April 2008. It is a piece of enabling legislation, designed to create a new legislative framework for the operation and regulation of taxis here.

The aims of the Taxis Act are to raise the standard of taxi services, reduce illegal taxiing and improve compliance. Its objectives are to promote road safety, improve accessibility for older people and people with disabilities, and facilitate fairer competition for taxi services. In short, it is about creating a safe, fair and fit for purpose industry that allows those involved in it to make a living from it.

For the last six years my Department has been working to implement the Act by way of subordinate regulations. To date, the only part of the Act that has been commenced is the introduction of Taxi Operator Licensing, which came into force in 2012. This, for the first time, made operators accountable for the operation of their business and the actions of their drivers. High levels of compliance with these provisions have already been achieved, and improvements to the accountability of the industry delivered.

The purpose of this statement is to set out my intentions for the implementation of the remaining aspects of the Act. These include new arrangements for taxi vehicle licensing (including new plating and roof sign requirements), taxi driver licensing (including the introduction of a taxi driver test for new drivers and periodic training for all drivers) and other elements including provisions for a maximum fare and the use of taximeters and receipt printers, new powers of seizure, and a revised specification for Wheelchair Accessible taxis.

There has been much debate, going back some years, about the need for these changes. Since taking office, I have listened carefully to many representations and have considered many points made in favour and against implementing the remaining provisions of the Taxis Act. After careful consideration, I have decided that it is essential we implement these changes now, to give full effect to this legislation and to deliver improvements to the industry for the benefit of users and suppliers alike.

A key element of the taxi reform programme is the arrangements for taxi vehicle licensing and the classes of taxis that will be recognised across Northern Ireland.

The Act's provisions, one of which is introducing a single tier licensing regime, have been well-known and much debated for many years, and has been the subject of consultation on more than one

occasion. Indeed, I have lost count of the number of Assembly questions that I have received on this one issue.

I believe that the current dual tier system in place in Belfast, with some taxis able to be hailed and others only available through prior bookings, cannot adequately address a number of problems that the Act was designed to tackle. The public (residents and visitors alike) are confused as to which taxis they can use in different circumstances. There are insufficient numbers of taxis which can pick up on the street in Belfast, particularly at peak periods, to meet demand and ensure public order. Furthermore, there is too much enforcement activity addressing relatively minor licensing offences, which reduces the resources available to address the illegal and dangerous taxis which are out there.

I have listened to, considered and reconsidered the concerns expressed that the change would adversely impact on Belfast Public Hire taxi drivers, and that enforcement difficulties around illegal picking up in Belfast have given cause for concern about the Department's ability to enforce a new licensing regime. I must advise members that I am not persuaded by these arguments.

The changes that are proposed will, I believe, enhance the reputation of the taxi industry as a whole, increasing the confidence of the public in Northern Ireland to use taxis because we will have a professional and fit for purpose service. The demand for the services of Belfast Public Hire, which represent around 5% of taxis in Northern Ireland and around 10% of taxis in Belfast, should be determined by the service they provide and the price at which it is provided. I am convinced that any sector of the industry that provides a good quality and price-competitive service will be able to thrive in the improved regulatory regime that the Taxis Act provides for.

Further, consumers will, and should, be able to exercise choice and their preferences in terms of how and when to secure the services of a taxi and which type of taxi they wish to use. It is the responsibility of my Department, as regulator, to set the minimum standards which all operators, vehicles and drivers must meet, so that taxi users can receive the service they expect; and then to ensure compliance with those standards.

Picture the scene when on a Saturday night a member of the public wants to hail a fully compliant, licensed taxi, licensed driver and licensed operator in any part of the North. I don't believe that there is justification for my Department to deny such a transaction.

I feel that my Department has given very great consideration to the concerns of the Belfast Public Hire drivers and has gone a long way to help them prepare for change. The measures that we have put in place include that all taxi drivers currently in possession of a taxi driver's licence will be unaffected by plans to introduce a new taxi driver test. Belfast Public Hire taxis will be granted grandfather rights in respect of any changes to the specification for Wheelchair Accessible Taxis. Furthermore only Wheelchair Accessible Taxis will be permitted to stand at ranks in Belfast, securing to some degree the status quo for the current Belfast Public Hire fleet in relation to ranks.

My officials have engaged extensively with Belfast Public Hire representatives to help them arrange meetings with other parts of government on a range of issues including, training, taxi ranks and access to bus lanes. We have also delayed the reform programme to provide all taxi operators – not least Belfast Public Hire – additional time to prepare for the reforms. So while I am aware of the concerns of the Belfast Public Hire taxi drivers, I must balance these with the requirements, clearly set out by consumer and disability groups, to improve regulation for a safe, fair and fit for purpose taxi industry. It is high time the remaining elements of the Act were implemented.

The alternative is to continue to operate a dual tier regime, limited to Belfast, and to prevent taxi users in Belfast from exercising the same choice available in all other parts of the North, in order to continue to protect the commercial interests of Belfast Public Hire taxi drivers.

I have a number of serious concerns in respect of such a system. A dual tier approach provides more confusion, not less, to Belfast consumers in terms of which taxis they can legally hail in the street or access at ranks. It provides less choice, not more, to Belfast consumers – they are constrained in the choice that is extended in every other part of the North, in terms of which type of taxi they want – instead they are limited to using the small Belfast Public Hire fleet unless they pre-book a taxi.

I am concerned that the dual tier model is unable to cope with the need to empty the city of people in a timely manner in the evenings, particularly at weekends. Suspension of the regime for these high peak periods could be considered, but would create even further confusion for users and would prove difficult, if not impossible, to enforce.

The Taxis Act is based on a single tier licensing regime. During the development of the then Bill, two options were consulted on – single tier; or a clearer distinction between public hire and private hire taxis (along the lines of the London model of ‘black cabs’ and ‘mini-cabs’). A public consultation at that time showed a preference for single tier, and this was included in the Bill and passed by this Assembly, without division, as part of the Act.

Since enactment, a 2011 public consultation showed 84% support for single tier licensing. Those in favour included the Consumer Council (who stated that single tier would remove public confusion and free up enforcement resource), Inclusive Mobility and Transport Advisory Committee (IMTAC) and Disability Action.

Recently, I have received explicit support for single tier licensing from Disability Action, IMTAC, the Consumer Council, Women’s Aid, Victim Support, Belfast Chamber of Trade & Commerce, the Northern Ireland Hotels Federation, Pubs of Ulster and Visit Belfast, all of whom see the clear benefits to consumers, tourists and the industry itself. I have also received 913 letters from Belfast private hire taxi drivers in support of single tier. And that is in addition to the 4,200 postcards the Committee received from private hire taxi passengers of a similar mind.

I therefore remain of the view that a single tier model should be introduced throughout the North. I am aware that the Law Commission has recently recommended the retention of two tier licensing for taxis in England and Wales, and that the Department for Transport is currently considering those proposals. With respect to those that say that we should do the same here, I would point out that exactly this point was debated in the development of the Taxis Act, with decisions made to progress a single tier regime. I would point out that the two tiers of taxis here are less differentiated than those in England and Wales have traditionally been. It is also worth noting that a Comparative Study on Regulation in Europe concluded that taxi licensing regimes differ based on local circumstances. Devolution has been designed to allow local solutions to local issues. We have debated this issue for far too long and should now implement our intent.

Understandably, given the delays and changes in the timings for the various elements of taxi reform, the industry has expressed concerns and has sought clarity about my intentions. I intend to provide this clarity today.

I am, therefore, today giving notice that I intend to make Taxi Vehicle Licensing regulations introducing single tier licensing in October 2014 with the provisions coming into force at the end of January 2015. Alongside this, I intend to commence the new Powers of Seizure regulations in January 2015 so that, from day one, these powers are available to enforcement officers to take action against illegal taxis.

This delay in the implementation date for the new arrangements is a result of the time needed to consider the different options put forward; and to avoid changes for the industry in its busiest period of the year in the run up the Christmas and New Year.

In advance of that, in October 2014, a new taxi driver test will be introduced for new taxi drivers only. This will be followed in September 2015 with the start of periodic training requirements for all taxi drivers.

In relation to taximeters and printers, I intend to make regulations before the end of the year, with the requirements coming into force in September 2015.

Finally, in respect of the new specification for Wheelchair Accessible Taxis, I intend to make these regulations in April 2015, coming into force in May 2015. Importantly, this new specification will ensure that users with disabilities will be better served by the taxi industry.

I look forward to continuing to work with the industry, the Environment Committee and other consumer and disability groups in the coming months as we introduce the relevant legislation to deliver on the aims of the Act in relation to this vital industry.