

Committee for the Environment

Report on the Taxis Bill (NIA 4/07)

**TOGETHER WITH THE MINUTES OF PROCEEDINGS, MINUTES OF EVIDENCE
AND WRITTEN SUBMISSIONS RELATING TO THE REPORT**

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Membership and Powers

The Committee for the Environment is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 46.

The Committee has power to:

- Consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- Consider relevant secondary legislation and take the Committee stage of primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on any matters brought to the Committee by the Minister for Health, Social Services and Public Safety

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee since 9 May 2007 has been as follows:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Alex Maskey
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

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Executive Summary

Purpose

1. This report sets out the Committee for the Environment's consideration of the Taxis Bill.

Key Issues

2. The introduction of the Taxis Bill was welcomed by the Committee. The Committee considered that the key issues relating to the Bill were:
 - Enforcement
 - Disability Issues
 - Criminal Records Checks
 - Training
 - Taxi Sharing Scheme
 - Taxi Marshals

- Taxi Plates
 - Role of Consumer Council
 - Informal Appeals Mechanism
 - Role of Traffic Attendants
 - Fees
 - Taxi Touts
 - Funeral Cars
3. Members sought a balanced range of views as part of their deliberations on the Taxis Bill and requested evidence from interested organisations and individuals as well as officials from the DOE. The views of the Consumer Council were also sought on the potential impact of the Bill on consumers.

Enforcement

4. A recurring issue of concern to members was enforcement. The Committee heard evidence from taxi drivers and taxi organisations that there was a need for greater levels of enforcement and a need for more resources. The Committee took oral evidence from enforcement officials at the meeting on 18 October and welcomed the news that a bid had been made for more enforcement officers. However, the Committee still had serious concerns about the effectiveness of the current team. The Committee made a recommendation on enforcement, see page 4, paragraph 1.

Disability Issues

5. The Committee took evidence from the Inclusive Mobility Transport Advisory Committee (IMTAC) at its meeting on 27 September and from Disability Action at the meeting on 11 October. Members were concerned to hear about the extreme problems that disabled people had experienced using taxis and to hear that there were real concerns about vehicle standards for wheelchair accessible taxis. The Committee made a recommendation on disability issues see page 4, paragraph 2.

Criminal Records Checks

6. Members were concerned to hear that criminal records checks carried out by the Department did not extend to the Republic of Ireland or to foreign nationals. The Committee felt that it was not sufficient for the Department to merely state that it would only give a licence to someone that it considered to be a fit and proper person and felt that the procedures relating to repute and criminal records checks needed to be tightened. The Committee made a recommendation on criminal records checks, see page 4, paragraph 3.

Training

7. The Committee was fully supportive of the Department's intention to introduce training for all taxi drivers but were concerned that some drivers of lower educational standards, who may have been taxi drivers for many years, may suffer as a result.

Taxi Sharing Scheme

8. The Committee was generally supportive of the idea of a taxi sharing scheme but was concerned about the workings of such a scheme and how it could be enforced. One member, Mr Clarke, was against the proposals for taxi sharing.

Taxi Marshals

9. Members were concerned about the role of taxi marshals and their possible powers and felt that more thought needed to be given to how this would work on the ground. It was felt that there was an overlap between any potential enforcement powers that they may, or may not, have and the role and powers of enforcement officers and there was a lack of clarity on what the role of a marshal may be in certain circumstances.

Taxi Plates

10. The Committee was concerned to hear evidence from taxi drivers that it could take up to 6 weeks for the issuing of taxi licence plates when a driver changes vehicles. This meant that drivers were unable to work and lost income as a result. The Committee made a recommendation on taxi plates, see page 4, paragraph 4.

Consumer Council Role

11. The Committee took evidence from the Consumer Council who argued that their role should be embedded within the legislation. The Committee agreed with the Consumer Council's views and asked that the Department provide a greater role for the Consumer Council within the Bill.

Informal Appeals Mechanism

12. The Committee was concerned that there was no informal appeals mechanism in relation to issuing of licenses for drivers and operators. The Committee suggested an amendment to provide for an informal appeals mechanism and the Department agreed to this.

Role of Traffic Attendants

13. The Committee thought that it would be useful for attendants to enforce any parking infringements by taxis at ranks or elsewhere.

Fees

14. The Department wanted to have the potential within the Bill to charge fees in respect of appeals to the Department. Members felt that as taxi drivers were going to be burdened with compliance costs it would be unfair to ask them to pay for appeals in the future. Members did not agree to this proposed amendment by the Department and the Department agreed to withdraw it.

Taxi Touts

15. The Committee was concerned about the definition of taxi touts and sought clarification from Departmental officials. The officials explained that it was trying to set a wide net for the offence of taxi touting but that it needed an exemption for taxi marshals. The Committee was satisfied with the Department's response on this issue.

Funeral Cars

16. The Committee noted that the National Association of Funeral Directors (NAFD), had requested an exemption from the Taxis Bill. The Committee was content with the Department's response that traditionally in Northern Ireland, funeral cars have been regarded as public service vehicles and have been licensed as taxis. They are granted many exemptions from certain requirements, such as those for signage and taximeters. The Committee noted that should a strong case be made by NAFD in favour of a complete exemption either now or in the future provision can be made for this by subordinate regulation.

Enabling powers

17. The Committee noted that the Bill would introduce enabling powers to make regulations in a number of areas such as the hiring of taxis at separate fares, the regulation of taxis, taxi operator's licenses and enforcement. The Committee looks forward to receiving the policy proposals for these regulations in due course, which will be subject to Committee scrutiny.

Recommendations

Enforcement

1. The Committee heard evidence from individual taxi drivers and taxi organisations that resources for the team of enforcement officers were inadequate to allow them to police an industry of 11,000 taxis. The Committee recommends that the Department increases the team of enforcement officers as soon as possible and provides them with the resources necessary to carry out their duties.

Disability Issues

2. The Committee heard evidence from the Inclusive Mobility Transport Advisory Committee (IMTAC) and Disability Action that disabled people were being discriminated against in terms of extra charges for carrying luggage and extra charges for waiting the few extra minutes that a disabled person may need to get into the taxi; Taxi drivers complain that walking aids have scraped paintwork on cars; refusal of some drivers to move seats to give extra leg room; difficulty with storage of mobility enhancements, such as crutches; and extra charges for guide dogs for the blind, or, as is more often the case in Northern Ireland, refusal to transport them. The Committee is extremely concerned at this evidence and recommends that the Department engages urgently with IMTAC, Disability Action and representatives of the Taxi Industry to address these issues.

Criminal Records Checks

3. The Committee was concerned to hear that criminal records checks on licence applicants do not extend to the Republic of Ireland or foreign nationals. The Department confirmed to the Committee that it would review the current driver licensing regulations when it comes to implementing the Taxis Bill. The Committee recommends that the Department review this as soon as possible and extend the criminal records checks to the Republic of Ireland and foreign nationals.

Taxi Plates

4. The Committee heard evidence from taxi drivers that it could take up to 6 weeks for the issuing of taxi licence plates when a driver changes vehicles. This meant that drivers

were unable to work and lost income as a result. The Committee recommends that a fast track system is introduced for the issuing of taxi licence plates to ensure that a driver is not prevented from working any longer than is necessary.

Introduction

5. The Taxis Bill (NIA 4/07) (the Bill) was referred to the Committee for the Environment for consideration in accordance with Standing Order 31(1) on completion of the Second Stage of the Bill on 26 June 2007.
6. The Minister of the Environment (the Minister) made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Taxis Bill would be within the legislative competence of the Northern Ireland Assembly.”

7. The Bill proposes a new legal framework for the regulation of taxis and taxi services. It covers the licensing of taxi operators, drivers and vehicles, fares and taximeters, hiring of taxis at separate fares, enforcement and penalties.
8. During the period covered by this Report, the Committee considered the Bill and related issues at 17 meetings - on 24 and 31 May 2007; 7, 14, 21 and 28 June 2007; 5 July 2007; 6, 20 and 27 September; 4, 11, 18, and 23 October; 8, 15 and 22 November. The relevant extracts from the Minutes of Proceedings for these meetings are included at Appendix 1.
9. The Committee had before it the Taxis Bill (NIA 4/07) and the Explanatory and Financial Memorandum that accompanied the Bill.
10. On referral of the Bill to the Committee after Second Stage, the Committee inserted advertisements on 29 June 2007 in the Belfast Telegraph, Belfast Telegraph North West edition, Irish News and News Letter seeking written evidence on the Bill.
11. A total of 18 organisations/individuals responded to the request for written evidence and a copy of the submissions received by the Committee is included at Appendix 3.
12. The Committee was first briefed by officials about the consultation stages and policy development of the Taxis Bill on 24 May 2007 and took evidence on the Bill from Departmental officials on 31 May, 7 and 28 June 2007; Mr Samuel Egerton, the West Belfast Taxi Association and Mr Robert McAlister on 13 September 2007; North West Taxi Proprietors and the Consumer Council on 20 September; Inclusive Mobility and the Transport Advisory Committee, London Taxis International, T+G Section of Unite, the Transport and General Workers' Union and Mr Anthony McCloskey from the George Belfast City Airport Taxi Rank on 27 September; Eamon Grogan and Raymond Dempster from the Accessible Taxi Association NI, Mr Terence Maguire, Mr William Black and Mr James McVeigh and Mr Brian Press, from the International Airport Taxi Co on 4 October; Mr Kevin Doherty, Disability Action and Departmental officials on 11, 18 and 23 October. The Minutes of Evidence are included at Appendix 2.
13. The Committee began its clause by clause scrutiny of the Bill on 18 October and concluded this on 8 November – see Appendix 2.

Extension of Committee stage of the Bill

14. On 17 September 2007, the Assembly agreed to extend the Committee Stage of the Bill to 7 December 2007.

Report on the Taxis Bill

15. At its meeting on 22 November, the Committee agreed its report on the Bill and agreed that it should be printed.

Consideration of the Bill by the Committee

16. The Bill has 6 Parts and 3 Schedules as follows -

- Part 1 on the regulation of taxi operators. This introduces the requirement for a taxi operator to apply for and obtain a taxi operator's licence and imposes duties on licensed operators. It also introduces requirements and duties relating to the operation of taxi services at separate fares.
- Part 2 on the regulation of vehicles used to provide taxi services. This includes more flexible and extensive powers for the Department to set appropriate suitability requirements for vehicles, as regards their type, size and design. It also gives the Department powers to set the maximum rates and fares that can be charged for the hire of a taxi and to require all taxis to have taximeters and receipt printers.
- Part 3 on the regulation of drivers of taxis. It amends the existing legislation by reducing the period of a taxi-driver licence from 5 to 3 years, bringing it into line with taxi-driver repute checks.
- Part 4 on licences: general provisions. This contains the general provisions for the licence that can be applied for and includes provisions relating to fees, applications, suspensions, revocations, curtailments and appeals.
- Part 5 on enforcement. This gives the police and Department powers to stop, search and seize vehicles believed to be taxiing illegally and to inspect premises under warrant where there are reasonable grounds for suspecting that a person is operating an unlicensed taxi service.
- Part 6 on miscellaneous and general matters. This provides for a number of general issues relating to the operation of the Bill, including sharing information, payment of grants and the provision of training.
- Schedule 1 – entries to be inserted in the Road Traffic Offenders (Northern Ireland) Order 1996. This schedule lists the offences and penalties that will be included under the Bill.
- Schedule 2 – minor and consequential amendments
- Schedule 3 – repeals

17. 17. On 31 May, 7 and 28 June and 11 October 2007 the Committee took evidence from Departmental officials on the proposals for the Bill – see Appendix 2. At the evidence session on 31 May 2007, the Committee was advised that the Department had carried out a review of the taxi industry and undertaken a major consultation exercise in 2005. The areas of concern at that time were considered to be the extent of illegal taxi activity; inaccessibility by people with disabilities; the absence of requirements for the training and testing of drivers; under-provision of taxis at peak times; lack of a clear distinction between public and private-hire taxis and the regulation of fares. Members also asked officials about the introduction of a single tier system; enforcement; the regulation of stretch limousines and emission tests.

18. 18. On 7 June, the Committee took evidence from the Department on the consultation exercise it had carried out in 2006 on the proposed legislation and was advised that as a

result of the initial consultation in 2005, the Department had changed a number of its proposals. These were 1) the introduction of taximeters with receipt printers would now be phased in; 2) there would be provision for exceptions to the general rule that drivers could only be affiliated to one operator as this could be restrictive especially in rural areas; 3) the annual re-issue of taxi plates would no longer be a requirement. The re-issuing of taxi plates will become an operational matter rather than a legislative one. Officials also advised that some of the issues raised by respondents as matters to be included in the Bill were already provided for in legislation such as the requirement for drivers to display identification. The Committee was also informed that there were still some concerns about the possible removal of the two tier system. It was pointed out that although the Taxis Bill would allow for a one tier system, it did not rule out a two tier system. That would be a matter for consideration when the subordinate legislation was being drawn up.

19. The Committee noted the results of the equality impact assessment, the regulatory impact assessment and the rural proofing exercise. Members asked officials about the duration of taxi licences, the positioning of taxi ranks, the testing and training of taxi drivers and accessibility of taxis.
20. There was a further evidence session with Departmental officials on 28 June 2007, following Second Stage of the Bill on 26 June 2007, when the Committee was briefed on the main provisions of the Bill. Members asked officials about full cost recovery, enforcement, the revocation of licences, costs of PSV tests, the one tier system, accessibility issues and the delay in providing taxi licence plates.
21. On 11 October 2007, the Committee was briefed by the Department on a number of technical and consequential amendments to the Bill which the Minister intended to table at Consideration Stage - see Appendix 5. The Committee also took evidence from Departmental officials on enforcement issues.

Evidence from Mr Samuel Egerton, the West Belfast Taxi Association and Mr Robert McAllister on 13 September 2007

22. On 13 September 2007 the Committee took evidence from Mr Egerton, West Belfast Taxi Association and Mr McAllister - see Appendix 2. Mr Egerton advised that he had serious concerns about the Bill. These covered a number of aspects including the impact of the regulations on single operators particularly in relation to costs; the abolition of the two tier system and the estimated knock-on effect on jobs; problems with enforcement and inadequate taxi ranks. Mr Egerton was also asked about the concerns set out in his written submission to the Committee (see Appendix 3), in relation to the appeals procedure set out in clause 34 and his views that there should be some intermediate system before a referral to court.
23. The West Belfast Taxi Association advised that it recognised the need for the Bill and was a key stakeholder in the consultation that led to its development. It listed a number of concerns which it had about the Bill and suggested amendments to some of the clauses. These included the impact on fares of increased regulatory demands; that there should be a requirement for a check of drivers against the sex offenders register; holders of existing operator licences should not be required to obtain new licences; that applications for additional taxi-sharing schemes, where these already existed, must demonstrate the need for such a scheme; the legislation should provide that there should be no differential in the application of taxi charges irrespective of able bodied or non-able bodied usage and there should be provisions in relation to child safety. The Association advised the Committee that it agreed in principle with the one-tier system for all and considered that the issue of training, which was currently undergoing consultation, should be addressed once this had been completed.

24. Mr McAllister set out his concerns that the proposals would allow private-hire taxis which were not wheel chair accessible to pick up members of the public who had not pre-booked. He advised the Committee that he considered that there were too many taxis in Belfast, not enough public-hire taxi ranks and too few enforcement officers. In his view a one tier system for Belfast would be wrong. It would exacerbate the over abundance of taxis, lead to further reductions in earnings and reduce the availability of wheelchair accessible taxis.

Evidence from North West Taxi Proprietors and the Consumer Council on 20 September 2007

25. The Committee took evidence from North West Taxi Proprietors and the Consumer Council on 20 September 2007 – see Appendix 2. The North West Taxi Proprietors stated that in principle they agreed with almost all of the content of the Bill and welcomed the proposals to introduce operator licences. They considered that as well as setting a maximum fare, the Department should also set a minimum fare and agreed that all taxis should have a taximeter. They pointed out that cost would be an issue with a number of the proposals such as training, accessibility for older people and people with disabilities and this was of concern. In addition, they called for additional information on the costs of the proposals for taxi drivers, a time frame for the implementation of the changes from the Department, a new enforcement strategy and detail on designated areas.
26. The Consumer Council advised that it strongly supported the key objectives of the Bill. Research which it had carried out indicated that consumers had real concerns about charging and that there was a lack of consumer knowledge about rights and protection. The Consumer Council wished to see a more passenger-focused system with accessibility, availability and affordability. It welcomed the reference in the Bill to the need for the Department to take into account any recommendations made by the Council in authorising separate fares and suggested that the Bill should also require the Department to consult the Council on fare setting, passenger information, accessibility standards and the handling of passenger complaints. The proposals in relation to training were welcomed and the Council advised that enforcement was central to the success of the Bill.

Evidence from Inclusive Mobility and the Transport Advisory Committee, London Taxis International and Mr Sean Smyth T+G Section of Unite, the Transport and General Workers' Union and Mr Anthony McCloskey from the George Belfast City Airport Taxi Rank on September 27 2007

27. The Committee took evidence from these groups at its meeting on 27 September 2007 – see Appendix 2.
28. The Inclusive Mobility and the Transport Advisory Committee (IMTAC) advised the Committee that taxis provided a key service for disabled people. However, disabled people had experienced extreme problems in using taxis, there was a lack of availability of accessible taxis when disabled people wanted to travel and there was evidence of extreme discrimination in relation to charging. It broadly supported the Bill and felt that the Department had come up with a balanced approach to the requirements of taxi users and operators. In particular, IMTAC supported operator licensing, the proposals in relation to setting a maximum fare, taximeters and driver training. IMTAC informed members that they also had real concerns about vehicle standards and vehicle safety and pointed out that while the focus tended to be on wheelchair users, standards of vehicle accessibility were required for a broad range of people. There were also concerns about the lack of accessible vehicles outside Belfast and in rural areas.

29. The Committee also took oral evidence from London Taxis International (LTI) and Mr Sean Smyth, T+G Section of Unite, on 27 September 2007. Mr Smyth advised the Committee that Unite had serious concerns about certain issues. These included the proposed changes in the way in which public-hire taxis would operate in Belfast. Unite considered that these would be to the detriment of the public-hire taxi drivers and would lower the number of accessible taxis in the city. There were also concerns about the delay in the issuing of plates as vehicles cannot operate without plates and this could mean that a driver could be unable to work for some weeks. Mr Smyth informed the Committee that although Unite supported the proposals in relation to taximeters it did not support the setting of a maximum fare and considered that it would be better to have a uniform, single rate that would vary at different times of the day. Fares should be set via negotiations involving the Department and the Consumer Council and the PSNI should have full enforcement rights on taxi legislation. London Taxis International advised that it supported the training of drivers and recognised that there was a need for better standards for taxis. However they had serious concerns about the impact of the Bill in Newry, Cookstown, Enniskillen, Armagh and Belfast. If private-hire taxis were permitted to pick up on the street, that would have a dramatic impact on drivers' incomes. LTI suggested two amendments to clause 20 which it felt would secure the provision of disabled-accessible vehicles that could be hired on the street and the provision of non-accessible taxis that can operate a pre-booking service.
30. Oral evidence was then heard from the Transport and General Workers' Union. The Union raised concerns about the effect that it considered the introduction of a one-tier system in Belfast would have on drivers' incomes and advised the Committee that there were insufficient taxi ranks in the city which affected the ability of drivers to increase their income. The Union also felt that the proposals in the Taxis Bill would decrease the number of accessible taxis in Belfast. The Union pointed out that it did not know what the Department might charge for the proposed taxi driver test; it also had concerns about the use of taximeters and considered that the introduction of a maximum fare would cause chaos. Another area which the Union felt should be given further consideration by the Department was the introduction of guidance for taxi drivers setting out the various rules and regulations.
31. The last person to give oral evidence on 27 September 2007 was Mr McCloskey from the George Best Belfast City Airport Taxi Rank. He advised that his group supported the one-tier system as long as it included wheelchair-accessible taxis. It considered that all taxis should have meters and that a maximum fare should be set at the highest possible rate. It also felt that getting a licence should involve going on a four or five day training course which would include a driving test, aptitude and knowledge tests and IMTAC training. In relation to enforcement, the group considered that the enforcement powers should be extended to the Belfast Harbour police as the airport was part of the harbour estate. Finally, Mr McCloskey suggested an amendment to the Bill which would provide for a zone in Belfast in which the only type of taxi that would be allowed to ply for hire would be an accessible vehicle.

Evidence from Accessible Taxi Association Northern Ireland, Mr Terence Maguire, Mr William Black and International Airport Taxi Co Ltd on 4 October 2007

32. The Committee took oral evidence from these groups on 4 October 2007. The Accessible Taxi Association NI (the Association) advised the Committee that Association drivers are sole traders and that the Bill would place an extra burden on them as they would each, for example, have to pay for an operator's licence. It also had concerns about the requirements that those holding an operator's licence would need to keep records, as this would mean that drivers who could not read or write would not be able to meet the required standards. The Association informed the Committee that it had previously been

told by the Department that Belfast public-hire taxis would be exempt from having to hold such a licence but that no such exemption was provided for in the Bill. It proposed that the Bill should be amended to provide for such an exemption. In addition the Association was opposed to a one-tier system as this would allow all drivers to pick up on the street and therefore put public-hire taxis at a distinct disadvantage. The Association would therefore like the two-tier system to be retained. Other issues of concern to the Association were the proposals in relation to designated areas, training for drivers as this may pose problems for drivers with literacy difficulties and problems with enforcement.

33. The Committee then heard from Mr Trevor Maguire. He raised concerns about the lack of taxi ranks in Belfast and about the problems which he felt would be created for taxi depots if people were permitted to hail private-hire taxis in the street. He advised the Committee that a one-tier system would be unfair to public-hire taxi drivers and that all taxis in Northern Ireland should be wheelchair accessible. Mr Maguire also raised concerns about enforcement and suggested that this should be a matter for local councils.
34. Mr William Black then gave evidence to the Committee. He advised the Committee that he considered that the proposal to classify all vehicles, including hackney cabs public and private-hire vehicles, as taxis was confusing and did not reflect what was happening elsewhere in the United Kingdom. He also stated that he felt that if the two-tier system was not kept in Belfast it would mean fewer accessible taxis available for hire and pointed out that the Department had advised the Committee that respondents to the consultation exercise had narrowly preferred the two-tier system. In addition he outlined concerns about possible loss of revenue and increased costs which could arise because of receipt printers, meters, training courses, the operator's licence and PSV tests.
35. The last group to give evidence on 4 October 2007 was the International Airport Taxi Company Ltd. The Company advised the Committee that in addition to the two-tier system there was also a third tier of public and private hire outside Belfast and drivers could operate from a taxi rank, through a depot or by mobile phone. He also drew the Committee's attention to the overheads which could arise as a result of the legislation. The Company considered that the proposal, that all taxis working from a taxi rank would have to be wheelchair accessible, would put them at a disadvantage and would affect small country areas such as villages and towns. The Committee was advised that the Company had received a letter from the Department stating, inter alia, that the passing of the Taxis Bill would not automatically mean that all airport taxis would have to become accessible nor would the way that taxis are presently operated be immediately affected. Finally, it pointed out that it had a robust complaints system and strict disciplinary code in place and these were lacking in some other parts of the industry.

Evidence from Mr Kevin Doherty, Disability Action on 11 October 2007

36. The Committee took evidence from Disability Action on 11 October 2007. Mr Doherty advised the Committee that disabled people often relied on taxis as their only means of mobility but attitudes, safety, charging, inaccessibility of information and lack of communication made journeys dangerous, uncomfortable and overly expensive. He outlined in some detail the problems which people with disabilities experienced in using taxis and proposed amendments to a number of clauses. These were to clause 2(5) to include a reference to the number or percentage of taxis which should reach an agreed level of accessibility; clause 3(2) which should contain provision that licensed operators should be required to have a designated SMS number, text or other device that would enable deaf people to access the booking system; clause 3(9) which should provide for accessible complaints methods for disabled users; clause 13(3)(a)(ii) should include accessibility as a condition for granting a taxi licence; exorbitant fares charged to disabled people should be challenged by clause 16(1)(b); the highest penalties for overcharging

should be imposed under clause 16(3) and a further clause should be added regarding the carriage of assistance animals.

Evidence from the Department of the Environment on 11 October

37. The Committee took evidence from the DOE Enforcement Officers on 11 October 2007. The officials gave an outline of the utilisation of additional resources that had been made available to the DVTA enforcement team via an increase in taxi-licensing fees in 2003. The officials described the role of an enforcement officer, methods of operation and gave statistics of operations carried out and penalties awarded. They then described how best to approach the current problems that exist by the industry, including the training of officials, education of drivers and operators, and increased awareness within the general public. They advised that a DVA restructure of the enforcement section had taken place, resulting in an increase in the taxi enforcement team. It was acknowledged that existing staff numbers are insufficient and that more are to be recruited when the Bill comes into effect.

Evidence from the Department of the Environment on 11 October

38. The Committee took evidence from Departmental officials at the meeting on 11 October in relation to the technical amendments to the Bill. Members sought clarification on the amendment to clause 42 and the offence of taxi toutting. Members also sought further clarification on the proposed role for taxi marshals and their functions. The Committee asked for further information in relation to the proposed amendment to clause 53 dealing with taxi bye laws, and members wished to know if the bye laws covered all of Northern Ireland or only council areas.

Proposed Departmental Technical Amendments

39. The Committee discussed the proposed list of Departmental technical amendments at the meeting on 11 October. These amendments were described by the Department as minor drafting amendments which did not involve any policy changes. A copy of these amendments is attached at Appendix 5. The Committee sought clarification on amendment number 6 but was content with the other technical amendments.

Evidence from the Department of the Environment on 18 October 2007

40. The Committee took evidence from Departmental officials at the meeting on 18 October. Officials briefed the Committee on clauses 1-21 of the Bill and answered members' queries. The officials answered members' queries on operator's licences, training, an informal appeal mechanism, the role of the Consumer Council, the hiring of taxis at separate fares, a taxi sharing scheme, enforcement, taxi plates, maximum fares, taxi marshals and traffic attendants.

Evidence from Department of the Environment on 23 October 2007

41. The Committee took evidence from Departmental officials at the meeting on 23 October. Officials briefed the Committee on clauses 22-58 of the Bill and answered members' queries. The officials answered members' queries on criminal records checks, compliance costs, enforcement, taxi toutting, taxi marshals, convictions, zoning and the Consumer Council's role.

Key Issues

42. Having considered the oral and written evidence from the interested individuals and organisations the Committee identified a number of key issues on which further advice was sought from the Department. These were:

Enforcement

43. The Committee heard evidence from taxi drivers and taxi organisations that there was a need for greater levels of enforcement and a need for more resources. Members felt that a team of 5 officers to enforce an industry of 11,000 taxis was totally inadequate. The Committee took oral evidence from enforcement officials at the meeting on 18 October and welcomed the news that a bid had been made for more enforcement officers. However, the Committee still had serious concerns about the effectiveness of the current team.

Disability

44. The Committee was concerned to hear evidence from the Inclusive Mobility Transport Advisory Committee (IMTAC) and Disability Action that persons with a disability were being discriminated against in terms of extra charges for carrying luggage; extra charges for waiting a few extra minutes that a disabled person may need to get into the taxi; taxi drivers complaining that walking aids have scraped paintwork on cars; refusal of some drivers to move seats to give extra leg room; difficulty with storage of mobility enhancements, such as crutches; and extra charges for guide dogs for the blind or refusal to transport them. The Committee wrote to the Department to enquire if any investigations had been carried out into discrimination against disabled people using taxis. The Department replied that no investigation had taken place as no allegations of discrimination have been made to them. The Committee is extremely concerned at this evidence and recommends that the Department engages urgently with IMTAC, Disability Action and representatives of the Taxi Industry to address these issues.

Criminal Records Checks

45. The Committee was concerned to hear that criminal records checks on licence applicants do not extend to the Republic of Ireland or foreign nationals. The Department stated that the current process of checking criminal records does not systematically involve checking records in the Republic of Ireland and that when it comes to implementing the Taxis Bill, the Department will need to review the current driver licensing regulations. Members remain concerned at this issue and recommend that the Department consider the extension of checks to the Republic of Ireland and foreign nationals.

Training

46. The Committee was fully supportive of the Department's intention to introduce training for all taxi drivers, particularly in relation to disability. However, members remain concerned that training may have an adverse impact on existing drivers that have lower educational standards and feel that the training needs to be tailored accordingly.

Taxi Sharing Scheme

47. The Committee asked for clarification on the hiring of taxis at separate fares and how the proposals in the Bill to regulate charging separate fares would be enforced. This prompted members to ask for a worked example from the Department for any proposed taxi-sharing scheme. The Department provided an example for the meeting on 8 November which showed that passengers and taxi drivers using the shared taxi scheme

would both benefit financially from such a scheme and the Committee agreed to the taxi sharing scheme proposal. However, one member, Mr Clarke was not content with the taxi sharing scheme, believed the sample fare table provided was totally unsatisfactory and asked that his opposition to the scheme be noted.

Taxi Marshals

48. The Committee sought clarification on the potential role of a taxi marshal and whether the role may be one of management rather than enforcing order. The Committee sought an amendment to clause 20 to reflect the role of a marshal as one of management rather than enforcement. The Department agreed to this proposed amendment.

Taxi Plates

49. The Committee took evidence from several taxi drivers who stated that it was taking up to six weeks for taxi plates to be issued when a driver changes vehicle. This meant that drivers were unable to work and lost income as a result. The Committee feels this is an unacceptable situation and recommends that a fast track system is introduced for the issuing of taxi licence plates to ensure that a driver is not prevented from working any longer than is necessary.

Consumer Council Role

50. The Committee heard evidence from the Consumer Council who argued that their role should be embedded in the legislation by making amendments in relation to passenger complaints, fares and passenger information. The Committee agreed with the Consumer Council's views and asked that the Department provide a greater role for the Consumer Council within the Bill. The Department met with the Consumer Council and it was agreed that their role would be embedded within the Bill by making several amendments to several clauses.

Informal Appeals Mechanism

51. The Committee was concerned that the Bill did not provide for an informal appeals mechanism on Departmental decisions on licensing and licences authorising separate fares and that any appeals by taxi drivers or operators would go straight to a magistrate's court. The Committee suggested an amendment similar to clause 11 to provide for an informal appeals mechanism throughout the Bill. The Department agreed to this amendment and this led to several minor and consequential amendments throughout the Bill. It also led to the introduction of a new clause, 35a, which provides power for the Department to make regulations in respect of appeals.

Role of Traffic Attendants

52. The Committee sought clarification on the role of traffic attendants and thought that it would be useful for attendants to enforce any parking infringements by taxis at ranks or elsewhere. This will lead to a minor consequential amendment to a piece of DRD legislation.

Fees

53. The Committee was informed at its meeting on 8 November that the Department wanted to have the potential within the Bill to charge fees in respect of appeals to the

Department. Although the Department stated that this clause would only give them powers to charge and that there was no plans to do so, members felt that as taxi drivers were going to be burdened with compliance costs it would be unfair to ask them to pay for appeals in the future. Members did not agree to this proposed amendment by the Department and the Department agreed to withdraw it.

Taxi Touts

54. The Committee was concerned about the definition of taxi touts and sought clarification from Departmental officials at the meeting on 23 October. The officials explained that it was trying to set a wide net for the offence of taxi toutting but that it needed an exemption for taxi marshals. The Committee was satisfied with the Department's response on this issue.

Funeral Cars

55. The Committee noted that the National Association of Funeral Directors (NAFD), had requested an exemption from the Taxis Bill. Members asked for the Department's view on this possible exemption. The Committee was content with the Department's response that traditionally in Northern Ireland, funeral cars have been regarded as public service vehicles and have been licensed as taxis. They are granted many exemptions from certain requirements, such as those for signage and taximeters. The Committee noted that should a strong case be made by NAFD in favour of a complete exemption either now or in the future provision can be made for this by subordinate legislation.

Enabling powers

56. The Committee noted that the Bill would introduce enabling powers to make regulations in a number of areas such as the hiring of taxis at separate fares, the regulation of taxis, taxi operator's licenses and enforcement. The Committee looks forward to receiving the policy proposals for these regulations in due course, which will be subject to committee scrutiny.

Clause by clause scrutiny of the Bill

57. The Committee began its clause by clause scrutiny of the Bill on 18 October and completed this on 8 November – see Minutes of Evidence in Appendix 2. The Committee proposed a number of amendments which are outlined below. The wording of the amendments is attached at Appendix 5.

Clause 1 – requirement for operator's licence

58. The Committee agreed to clause 1 as drafted.

Clause 2 – operator's licences

59. The Committee noted that clause 2 provided that any person may apply to the Department for an operator's licence. Members sought an amendment (clause 2(8)) to make provision for an internal or independent review of DOE decisions before appeal to the courts. The Committee agreed to clause 2 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 3 – duties of licensed operators, etc

60. Members noted that clause 3 placed certain duties on licensed operators. The Committee felt the Department should take into consideration the recommendations of the General Consumer Council for Northern Ireland (GCCNI). The Committee sought an amendment (clause 3(9)) to involve the Consumer Council in the complaints procedure. The Committee agreed to clause 3 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 4 – hirings accepted on behalf of another operator

61. The Committee agreed to clause 4 as drafted.

Clause 5 – hiring of taxis at separate fares – General

62. Members noted clause 5 which is declaratory and states that the hiring of taxis at separate fares is permissible in three ways. The first is under clause 6 by way of a taxi-sharing scheme. The second is under clause 7, which covers the circumstance in which all the passengers book their journeys in advance and consent to sharing a taxi. The third is where the Department authorises an operator to provide a service for the carriage of passengers at separate fares. The Committee had concerns over this clause as the nature of the schemes being proposed seemed unclear. Members were also concerned about the enforcement of such proposed schemes. The Committee requested a sample fare table from the Department in relation to taxi-sharing. The Committee was provided with this information at the meeting on 8 November. Members discussed the sample fare table and were content with it. The Committee agreed to clause 5 as drafted.

Clause 6 – compliance with a Departmental taxi sharing scheme

63. Members noted that clause 6 provides for the hiring of taxis at separate fares by way of a taxi sharing scheme. The Committee had concerns about the enforcement of a taxi sharing scheme and how taxi sharing zones would be defined. The Committee requested a sample fare table and more information on fare charging and taxi sharing schemes. The Committee was provided with this information at their meeting on 8 November and following consideration of this the Committee agreed to clause 6 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

However, one member, Mr Clarke was not content with the taxi sharing scheme, believed the sample fare table provided was totally unsatisfactory and asked that his opposition to the scheme be noted.

At the meeting on 22 November the Chairperson proposed that clause 6 subject to the amendment agreed between the Committee and the Department (the Committee having agreed the text of the amendment), be agreed.

The Committee divided: Ayes 5; Noes 1

AYES

Patsy McGlone
David Ford

Ian McCrea
Tommy Gallagher
Peter Weir

NOES

Trevor Clarke

Agreed: That the clause, subject to the amendment agreed between the Committee and the Department, be agreed to.

Clause 7 – advance booking

64. The Committee noted that this clause covers the circumstance in which all the passengers book their journeys in advance and consent to sharing a taxi. This clause is linked to clauses 5 and 6 and the Committee had similar concerns to those set out above and requested more information on this clause. Members were provided with this information by the Department at the meeting on 8 November and were satisfied with the explanation. The Committee agreed to clause 7 as drafted.

Clause 8 – operator's licence authorising separate fares

65. The Committee agreed to clause 8 as drafted.

Clause 9 – information

66. The Committee agreed to clause 9 as drafted.

Clause 10 – functions in relation to operator's licence authorising separate fares

67. The Committee agreed to clause 10 as drafted.

Clause 11 – appeals in relation to operator's licence authorising separate fares

68. Members noted that this clause introduced the right of appeal in relation to operator's licence authorising separate fares. As a result of the Committee seeking an amendment to introduce appeal to clause 2 the Department indicated that this will require an amendment to clause 11. The Committee agreed to clause 11 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 12 – requirements for taxi licence

69. The Committee agreed to clause 12 as drafted.

Clause 13 – taxi licences

70. Members noted that clause 13 allowed the Department to grant a licence in respect of:

- (a) taxis of such different classes of use as may be prescribed; and
- (b) such different classes of use.

The Committee sought an amendment (clause 13(8)) to introduce an interim appeal mechanism to the Department rather than going straight to a magistrate's court. The Committee agreed to clause 13 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 14 – duties of owners of licensed taxis

71. The Committee agreed to clause 14 as drafted.

Clause 15 – identification of license vehicles

72. The Committee agreed to clause 15 as drafted.

Clause 16 – regulation of fares, etc.

73. The Committee noted that clause 16 dealt with the regulation of fares and allows the Department to set the maximum rates and fares to be charged for the hire of a taxi. The Committee felt that the Consumer Council should have a role in the regulation of fares and that the wording around the setting of a maximum fare needed tightened up. The Committee agreed to clause 16 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 17 – display and publication, etc. of fares

74. The Committee agreed to clause 17 as drafted.

Clause 18 – regulation of taximeters etc.

75. The Committee agreed to clause 18 as drafted.

Clause 19 – taxis not to carry more than the prescribed number of persons

76. The Committee agreed to clause 19 as drafted.

Clause 20 – regulations concerning taxis or use of taxis

77. Members noted that clause 20 set out the Department's regulatory powers and sought a possible amendment in relation to taxi marshals powers (clause 20(2)(c)). The Committee requested more information from the Department on the proposed role of taxi marshals. The Committee agreed to clause 20 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 21 – orders concerning taxis, taxi stands etc.

78. The Committee noted that there is currently an anomaly between the Department for Regional Development (DRD) and DOE with regard to taxi ranks. DRD sets the policy for taxi ranks, but the legislative function rests with DOE. Clause 21 places the legislative function with DRD. The Department proposed an amendment to Schedule 2 paragraph 12 to extend the powers of traffic attendants. The Committee requested further clarity on the roles of traffic attendants. Further information was provided at the meeting on 8 November. Members were content with this information. The Committee agreed to clause 21 as drafted.

Clause 22 – requirements for taxi driver's licence

79. The Committee agreed to clause 22 as drafted.

Clause 23 – taxi driver's licences

80. The Committee noted that clause 23 provided that the Department shall grant a licence if satisfied that the applicant has been authorised to drive a car for three years prior to the application; is a fit and proper person; has undergone training; and has passed a test of competence to drive a taxi. The Committee requested further information from the Department on the possibility of criminal records checks being extended to the Republic of Ireland. At the meeting on 8 November the Department further briefed the Committee on this issue. However, members remained concerned that criminal records checks would not extend to the Republic of Ireland. Members indicated that they would include a recommendation in the report on the Bill on this issue. The Committee agreed to clause 23 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 24 – issue of driver's badges etc.

81. The Committee agreed to clause 24 as drafted.

Clause 25 – applications for licences etc.

82. The Committee agreed to clause 25 as drafted.

Clause 26 – power to suspend, revoke or curtail licences

83. The Committee agreed to clause 26 as drafted.

Clause 27 – suspension, revocation and curtailment under Section 26: procedure etc.

84. The Committee noted that clause 27 outlined the procedure that the Department will follow for suspending or revoking a licence. The Committee sought an amendment (clause 27(4)) to introduce a mechanism for appeal to the Department. The Committee agreed to clause 27 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 28 – variation of licence on request

85. Members noted that clause 28 allowed an operator to apply to have his licence varied to add a new operating centre or to remove an existing centre, and to vary the number of taxis that he may operate. The Committee sought a possible amendment to clause 28(8) to introduce appeal to the Department. The Committee agreed to clause 28 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 29 – variation of operator's licence by Department

86. The Committee noted that under clause 29 the Department may also suspend or vary an operator's licence where it is satisfied that an operating centre no longer meets the necessary requirements. The Committee sought a possible amendment to clause 29 (4) to introduce an interim appeal mechanism to the Department. The Committee agreed to

clause 29 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 30 – fees

87. Members noted that clause 30 lists the various activities and services for which the Department feels that it may have to prescribe fees. As a result of the Committee seeking an amendment to introduce an appeal mechanism to the Department, the Department indicated that this will require an amendment to clause 30. The Department had proposed an amendment to clause 30 which would enable them to take powers to charge fees in respect of appeals to the Department. At the meeting on 8 November members were opposed to the Departmental amendment and the Department agreed to withdraw the amendment. The Committee agreed to clause 30 as drafted.

Clause 31 – production of documents

88. The Committee agreed to clause 31 as drafted.

Clause 32 – return of licences, etc.

89. The Committee agreed to clause 32 as drafted.

Clause 33 – register of licences

90. The Committee agreed to clause 33 as drafted.

Clause 34 – appeals

91. The Committee agreed to clause 34 as drafted.

Clause 35 – effect of appeal on decision appealed against

92. Members noted that clause 35 stated that the decision of the Department will not take effect until the appeal has been heard, disposed of, or withdrawn. Therefore, the decision is in abeyance until the court hears the appeal. As a result of the Committee seeking an amendment to introduce an appeal mechanism to the Department, officials indicated that this will require an amendment to clause 35. The Committee agreed to clause 35 as drafted.

93. As a result of the Committee seeking an amendment to introduce an interim appeals mechanism the Department introduced a new clause, 35(A). This clause allows the Department by way of regulations to make such further provision in respect of appeals as it considers necessary or expedient. The Committee agreed to the new clause 35A as agreed between the Committee and the Department as drafted.

Clause 36 – enforcement notices

94. The Committee noted that clause 36 covered enforcement notices and applied where a licensed operator has failed to comply with certain record-keeping duties covered by the Bill. The Committee proposed an amendment (clause 36(6)) to introduce an appeal mechanism to the Department. The Committee agreed to clause 36 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Clause 37 – powers of entry

95. The Committee agreed to clause 37 as drafted.

Clause 38 – power to stop and examine licensed taxis

96. The Committee agreed to clause 38 as drafted.

Clause 39 – power to stop and examine motor vehicles suspected of illegal taxiing etc.

97. The Committee agreed to clause 39 as drafted.

Clause 40 – power of seizure

98. The Committee agreed to clause 40 as drafted.

Clause 41 – regulations concerning vehicles and equipment seized under section 37 or 40

99. The Committee agreed to clause 41 as drafted.

Clause 42 – taxi touts

100. The Committee agreed to clause 42 as drafted.

Clause 43 – false statements, forgery and power of seizure in connection with certain documents

101. The Committee agreed to clause 43 as drafted.

Clause 44 – obstruction of authorised officers etc.

102. The Committee agreed to clause 44 as drafted.

Clause 45 – offences due to fault of other people

103. The Committee agreed to clause 45 as drafted.

Clause 46 – offences by corporations

104. The Committee agreed to clause 46 as drafted.

Clause 47 – offences

105. The Committee agreed to clause 47 as drafted.

Clause 48 – access to information

106. The Committee agreed to clause 48 as drafted.

107. The Committee also agreed to a new clause 48(A) which provided for the publication of information and the input of the Consumer Council as agreed between the Committee and the Department.

Clause 49 – payment of grants

108. The Committee agreed to clause 49 as drafted.

Clause 50 – training

109. The Committee agreed to clause 50 as drafted.

Clause 51 – service of notices

110. The Committee agreed to clause 51 as drafted.

Clause 52 – restriction of application of other statutory provisions

111. The Committee agreed to clause 52 as drafted.

Clause 53 – ancillary and transitional provisions etc.

112. The Committee agreed to clause 53 as drafted.

Clause 54 – orders and regulations

113. The Committee agreed to clause 54 as drafted.

Clause 55 – interpretation

114. The Committee agreed to clause 55 as drafted.

Clause 56 – consequential amendments and repeals

115. The Committee agreed to clause 56 as drafted.

Clause 57 – commencement

116. The Committee agreed to clause 57 as drafted.

Clause 58 – short title

117. The Committee agreed to clause 58 as drafted.

Schedule 1 – entries to be inserted in Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of offences under this Act

118. The Committee agreed to schedule 1 as drafted.

Schedule 2 – minor and consequential amendments

119. The Committee noted that Schedule 2 detailed all the minor and consequential amendments resulting from the provisions of the Taxis Bill. The Committee proposed an amendment at paragraph 12 to ensure that traffic attendants can enforce all taxi parking infringements. The Committee agreed to schedule 2 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

Schedule 3 – repeals

120. The Committee agreed to schedule 3 as drafted.

Long title

121. The Committee agreed with the long title as drafted.

Appendix 1

Minutes of Proceedings of the Committee Relating to the Report

**Thursday 31 May 2007,
Room 144, Parliament Buildings**

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr Tommy Gallagher
Mr Ian McCrea
Mr Peter Weir

In Attendance:

Mrs Debbie Pritchard (Principal Clerk)
Mrs Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)
Mr Kendrew Colhoun (Assembly Research and Library Services)

Apologies:

Mr David Ford
Mr Samuel Gardiner
Mr Alex Maskey
Mr Daithí McKay

The meeting opened at 10.33am in public session.

4. Taxis Bill

Ms Adele Watters (Road Safety Division) briefed the Committee on the 2005 policy consultation document.

Ms Adele Watters and Bill Laverty (Road Safety Division) answered questions from the Members.

11.13am. Mr Billy Armstrong joined the meeting.

Patsy McGlone

Chairperson

[Extract]

Thursday 7 June 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Alex Maskey
Mr Ian McCrea
Mr Daithi McKay
Mr Peter Weir

In Attendance:

Mrs Debbie Pritchard (Principal Clerk)
Mrs Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)
Mr Kendrew Colhoun (Assembly Research and Library Services)

Apologies:

The meeting opened at 10.30am in public session.

4. Taxis Bill

John McMullan, Departmental Official, briefed Members on the Draft Taxis (Northern Ireland) Order: Report on the Outcome of the Consultation.

Mr McMullan and Mr Bill Laverty, Departmental Official, answered questions from the Members.

10.39am Mr Boylan joined the meeting.

10.42am Mr McCrea joined the meeting.

10.42am Mr McKay joined the meeting.

Patsy McGlone

Chairperson

[Extract]

**Thursday 14 June 2007,
Room 144, Parliament Buildings**

Present:

Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Samuel Gardiner
Mr Alex Maskey
Mr Ian McCrea
Mr Daithí McKay

In Attendance:

Mrs Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Tommy Gallagher
Mr Patsy McGlone
Mr Peter Weir

The meeting opened at 10.36am in public session.

9. Taxis Bill – Public Notice

Members noted the tabled Departmental press release announcing Introduction (First Stage) of the Taxis Bill.

Agreed: The Committee agreed the contents of the draft press notice and requested for it to be issued.

Agreed: Members to be provided with a briefing on the protest by taxi owners for discussion at next week's meeting.

Patsy McGlone

Chairperson

[Extract]

**Thursday 21 June 2007,
Room 144, Parliament Buildings**

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Mrs Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Trevor Clarke
Mr Alex Maskey

The meeting opened at 10.34am in public session.

4. Taxis Bill

The Chairperson briefed Members on a protest by taxi drivers that occurred last year.

Agreed: The Members were content with the general principles of the Taxis Bill.

Patsy McGlone

Chairperson

[Extract]

Thursday 28 June 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr David Ford
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Mrs Debbie Pritchard (Principal Clerk)
Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Trevor Clarke
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Alex Maskey

The meeting opened at 10.33am in public session.

4. Taxis Bill – Committee Stage

The Chairperson confirmed that Members had no interest to declare.

Alan Rehfisch, Researcher, provided the Members with a brief introduction to the regulation of taxis currently in operation in Northern Ireland.

Adele Watters, Road Safety Division, briefed the Members on the provisions of the Taxis Bill.

Ms Watters and Bill Laverty, Departmental official, answered questions from the Members.

Patsy McGlone

Chairperson

[Extract]

Thursday 5 July 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea

In Attendance:

Mrs Debbie Pritchard (Principal Clerk)
Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)
Mr Kendrew Colhoun (Assembly Research and Library Services)

Apologies:

Mr Billy Armstrong
Mr Alex Maskey
Mr Daithí McKay
Mr Peter Weir

The meeting opened at 10.32am in public session.

8. Correspondence

3. Letter from William Black re: Taxis legislation.

Agreed: Members to treat as a written submission for the Committee Stage of the Taxis Bill.

10. Letter from Sam Egerton re: Taxis Bill.

Agreed: Members to treat as a written submission for the Committee Stage of the Taxis Bill.

16. Email from James Neeson re: Taxis Bill.

Agreed: Members to treat as a written submission for the Committee Stage of the Taxis Bill.

Patsy McGlone

Chairperson

[Extract]

Thursday 6 September 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Alex Maskey
Mr Daithí McKay
Mr Peter Weir

The meeting opened at 10.36am in public session.

4. Taxis Bill

The Chairperson briefed Members on their role in the Committee Stage of the Taxis Bill.

Agreed: The motion to extend Committee Stage until Friday 07 December 2007.

Agreed: Late submission from National Association of Funeral Directors to be accepted. Request Department to clarify position re funeral cars.

Agreed: Committee to invite oral evidence from every individual/organisation who has provided a written response.

Patsy McGlone

Chairperson

[Extract]

Thursday 13 September 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

The meeting opened at 10.33a.m. in public session.

4. Taxis Bill

Members were advised that late submissions on the Taxis Bill had been received from the Consumer Council and the Belfast Public Hire Taxi Association.

Agreed: that the submissions are accepted and that both organisations are invited to give oral evidence.

Samuel Egerton, public hire taxi driver, outlined his views on the proposed Taxis Bill and answered members' questions.

Mr McKay left the meeting at 11.35a.m.

Stephen Long and Stephen O'Reilly, West Belfast Taxi Association, outlined their views on the proposed Taxis Bill and answered members' questions.

Robert McAllister, public hire taxi driver, outlined his views on the proposed Taxis Bill and answered members' questions.

Mr Armstrong left the meeting at 12.05p.m

Mr McCrea left the meeting at 12.10p.m.

Patsy McGlone

Chairperson

[EXTRACT]

Thursday 20 September 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Samuel Gardiner
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Ms Debbie Pritchard (Principal Clerk)
Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Tommy Gallagher

The meeting opened at 10.33 a.m. in public session.

Mr Armstrong joined the meeting at 10.36a.m.

4. Taxis Bill

The Committee considered a letter from the department outlining proposed amendments to the Taxis Bill.

Agreed: That departmental officials are invited to brief the Committee on proposed amendments to the Taxis Bill.

Eamonn O'Donnell and Andrew McCartney, North West Taxis Proprietors, outlined their views on the proposed Taxis Bill and answered members' questions.

Mr McGlone left the meeting at 12.28p.m. and Mr Boylan assumed the Chair

Mr McGlone rejoined the meeting at 12.34p.m. and re-assumed the Chair.

Eddie Lynch and Claire Toner, Consumer Council, outlined their views on the proposed Taxis Bill and answered members' questions.

Patsy McGlone

Chairperson, Committee for the Environment.
20 September 2007

[EXTRACT]

Thursday 27 September 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Ian McCrea
Mr Alex Maskey
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Tommy Gallagher
Mr Samuel Gardiner

The meeting opened at 10.35 a.m. in public session.

4. Taxis Bill

Members noted an e-mail from Monica Wilson, Disability Action requesting the opportunity to make an oral presentation to the Committee re: the Taxis Bill.

Agreed: That Disability Action are invited to give oral evidence at the Committee meeting on 11 October 2007.

Mr Maskey joined the meeting at 10.41a.m.

The Committee noted a letter from the department outlining standard fines scales.

Michael Lorimer and Barbara Fleming, Inclusive Mobility and Transport Advisory Committee (Imtac), outlined their views on the proposed Taxis Bill and answered members' questions.

Mr McKay left the meeting at 11.33a.m.

Sean Smyth, Unite the Union, and Andrew Overton and Richard Daniels from the London Taxi Industry Vehicles, outlined their views on the proposed Taxis Bill and answered members' questions.

Jimmy Beckett and James Matier, Transport and General Workers' Union (TGWU), outlined their views on the proposed Taxis Bill and answered members' questions.

Tony McCloskey, George Best Belfast City Airport Taxis, outlined his views on the proposed Taxis Bill and answered members' questions.

Mr McKay rejoined the meeting at 12.28p.m.

Mr Weir left the meeting at 12.30p.m.

Mr Maskey left the meeting at 12.30p.m.

Mr Boylan left the meeting at 12.30p.m.

Patsy McGlone

Chairperson, Committee for the Environment.

27 September 2007

[EXTRACT]

Thursday 4 October 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Trevor Clarke

Mr David Ford

Mr Samuel Gardiner

Mr Ian McCrea

Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)

Mr William Long (Assistant Assembly Clerk)

Mr Sean McCann (Clerical Supervisor)

Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Billy Armstrong

Mr Trevor Clarke

The meeting opened at 10.04a.m. in public session.

4. Taxis Bill

Eamon Grogan and Raymond Dempster, Accessible Taxi Association NI, outlined their views on the proposed Taxis Bill and answered members' questions.

Terence Maguire, public hire taxi driver, outlined his views on the proposed Taxis Bill and answered members' questions.

Mr McCrea left the meeting at 11.02a.m.

William Black, public hire taxi driver, outlined his views on the proposed Taxis Bill and answered members' questions.

James McVeigh and Brian Press, International Airport Taxi Co, outlined their views on the proposed Taxis Bill and answered members' questions.

Patsy McGlone

Chairperson, Committee for the Environment.
4 October 2007

[EXTRACT]

Thursday 11 October 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Ian McCrea
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Billy Armstrong
Mr Samuel Gardiner

The meeting opened at 10.35 a.m. in public session.

4. Taxis Bill

Kevin Doherty from Disability Action outlined his organisation's views on the proposed Taxis Bill and answered members' questions.

Mr Boylan joined the meeting at 11.00 a.m.

Adele Watters and John McMullan from the Department of the Environment briefed the Committee and answered members' questions on possible amendments to the Taxis Bill.

Stephen Spratt and John Martin from the Department of the Environment briefed the Committee and answered members' questions on enforcement.

Agreed: That the Committee request a written paper on the enforcement issue

Kevin Shiels, Assembly Bill Clerk, briefed the members on procedures for scrutinizing the Taxis Bill.

Patsy McGlone

Chairperson, Committee for the Environment.
11 October 2007

[EXTRACT]

Thursday 18 October 2007, Room 144, Parliament Buildings

Present: Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea

In Attendance: Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies: Mr Billy Armstrong
Mr Alex Maskey
Mr Daithi McKay
Mr Peter Weir

The meeting opened at 10.40 a.m. in public session.

5. Taxis Bill

Members were given a briefing from Departmental officials on the Taxis Bill, and began their clause by clause scrutiny of the Bill.

Mr Gardiner rejoined the meeting at 11.45 a.m.

Mr Ford left the meeting at 12.04 p.m.

Mr Ford rejoined the meeting at 12.56 p.m.

Patsy McGlone

Chairperson, Committee for the Environment.
18 October 2007

[EXTRACT]

Tuesday 23 October 2007, Room 135, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Alex Maskey
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Samuel Gardiner

The meeting opened at 10.10 a.m. in public session.

4. Taxis Bill

Members were given a briefing from Departmental officials on the Taxis Bill, and continued their clause by clause scrutiny of the Bill.

Mr Maskey joined the meeting at 10.41 a.m.
Mr McCrea left the meeting at 11.00 a.m.
Mr Ford rejoined the meeting at 11.09 a.m.
Mr Maskey left the meeting at 11.15 a.m.

The Chairman adjourned the meeting at 11.43 a.m.

The meeting reconvened at 11.51 a.m. with the following Members present:

Mr Patsy McGlone, Mr Cathal Boylan, Mr Billy Armstrong, Mr Trevor Clarke, Mr David Ford, Mr Tommy Gallagher, Mr Peter Weir

Agreed: Committee to issue responses to William Black and Thomas Doyle and provide them with a copy of Department's "Overview of Taxi Enforcement" paper.

Patsy McGlone

Chairperson, Committee for the Environment.
23 October 2007

[EXTRACT]

Thursday 08 November 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Samuel Gardiner
Mr Ian McCrea
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:

Mr Billy Armstrong
Mr Tommy Gallagher

The meeting opened at 10.12 a.m. in public session.

4. Taxis Bill

Members completed their clause by clause scrutiny of the Bill and agreed as follows:

Clause 1

Agreed: "that the Committee is content with clause 1 as drafted".

Clauses 2 to 3

Agreed: "that the Committee recommend to the Assembly that clauses 2 to 3 be amended as agreed between the Committee and the Department, and the Committee agreed to the text of the amendments.

Clause 4

Agreed: "that the Committee is content with clause 4 as drafted".

Clauses 5 to 6

Agreed: "that the Committee recommend to the Assembly that clauses 5 to 6 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendments. Mr. Clarke asked for it to be noted that he was not content with these clauses.

Clauses 7 to 10

Agreed: "that the Committee is content with clauses 7 to 10 as drafted".

Clause 11

Agreed: "that the Committee recommend to the Assembly that clause 11 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendment.

Clause 12

Agreed: "that the Committee is content with clause 12 as drafted".

Clause 13

Agreed: "that the Committee recommend to the Assembly that clause 13 be amended as agreed between the Committee and the Department with the agreed text.

Clauses 14 to 15

Agreed: "that the Committee is content with clauses 14 to 15 as drafted".

Clause 16

Agreed: "that the Committee recommend to the Assembly that clause 16 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendments.

Clauses 17 to 19

Agreed: "that the Committee is content with clauses 17 to 19 as drafted".

Clause 20

Agreed: "that the Committee recommend to the Assembly that clause 20 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendment.

Clauses 21 to 22

Agreed: "that the Committee is content with clauses 21 to 22 as drafted".

Clause 23

Agreed: "that the Committee recommend to the Assembly that clause 23 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendment.

Clauses 24 to 26

Agreed: "that the Committee is content with clauses 24 to 26 as drafted".

Clauses 27 to 29

Agreed: "that the Committee recommend to the Assembly that clauses 27 to 29 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendments.

Clauses 30 to 35

Agreed: "that the Committee is content with clauses 30 to 35 as drafted".

Agreed: "that the Committee insert new clause 35a as agreed between the Committee and the Department".

Clause 36

Agreed: "that the Committee recommend to the Assembly that clause 36 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendment.

Clauses 37 to 47

Agreed: "that the Committee is content with clauses 37 to 47 as drafted".

Clause 48

Agreed: "that the Committee is content with clause 48 as drafted".

Agreed: "that the Committee insert new clause 48a as agreed between the Committee and the Department".

Clauses 49 to 58

Agreed: "that the Committee is content with clauses 49 to 58 as drafted".

Schedule 1

Agreed: "that the Committee is content with schedule 1 as drafted".

Schedule 2

Agreed: "that the Committee recommend to the Assembly that schedule 2 be amended as agreed between the Committee and the Department , and the Committee agreed to the text of the amendment.

Schedule 3

Agreed: "that the Committee is content with schedule 3 as drafted".

Long Title

Agreed: "that the Committee is content with the long title as drafted".

Other Departmental amendments

Agreed: "that the Committee is content with the proposed list of Departmental technical amendments as discussed with the Committee on 11 October 2007.

Mr Clarke left the meeting at 12.35 p.m.

Agreed: Committee to write to Equality Commission re any possible disability discrimination by taxi drivers/operators.

The Chairman adjourned the meeting at 12.45 p.m.

The meeting reconvened at 12.55 p.m. with the following Members present:

Mr Patsy McGlone, Mr Cathal Boylan, Mr David Ford, Mr Sammy Gardiner, Mr Ian McCrea, Mr Peter Weir

Patsy McGlone

Chairperson, Committee for the Environment.

08 November 2007

[EXTRACT]

Thursday 15 November 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:
Mr Billy Armstrong
Mr Daithí McKay

The meeting opened at 10.39 a.m. in public session.

4. Taxis Bill

Members were advised that they should consider the draft Taxis Bill Report that was provided for them.

Agreed: That members take a week to scrutinise the draft Taxis Bill report.

Patsy McGlone

Chairperson, Committee for the Environment.

15 November 2007

[EXTRACT]

Thursday 22 November 2007, Room 144, Parliament Buildings

Present:
Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Ian McCrea
Mr Peter Weir

In Attendance:
Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)

Apologies:
Mr Samuel Gardiner

The meeting opened at 10.41 a.m. in public session.

5. Taxis Bill

Members were advised that clause by clause scrutiny has been completed.

Members were advised that they should vote on Clause 6 of the Taxis Bill as there was no consensus on this clause at the last meeting.

The Chairperson proposed that clause 6, as drafted, be agreed.

The Committee divided: Ayes 5; Noes 1

AYES

Patsy McGlone
Tommy Gallagher
Peter Weir
Ian McCrea
David Ford

NOES

Trevor Clarke

The clause, as drafted, was accordingly agreed to.

Patsy McGlone

Chairperson, Committee for the Environment.

15 November 2007

[EXTRACT]

Thursday 29 November 2007, Room 144, Parliament Buildings

Present:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr David Ford
Mr Ian McCrea
Mr Peter Weir

In Attendance:

Ms Patricia Casey (Assembly Clerk)
Mr William Long (Assistant Assembly Clerk)
Mr Sean McCann (Clerical Supervisor)
Miss Pauline Devlin (Clerical Officer)
Mr Philip Maguire (Clerical Officer)

Apologies:

Mr Trevor Clarke
Mr Samuel Gardiner
Mr Datihī McKay

The meeting opened at 10.36 a.m. in public session.

Mr Armstrong joined the meeting at 10.40a.m.

3. Matters Arising

Members were advised that the proofing of the Taxis Report has produced a number of minor changes which members need to approve for the final draft of the report.

Agreed: That the Committee agree that Paragraph 63, in relation to clause 6, should read:

Clause 6 – compliance with a Departmental taxi sharing scheme

63. Members noted that clause 6 provides for the hiring of taxis at separate fares by way of a taxi sharing scheme. The Committee had concerns about the enforcement of a taxi sharing scheme and how taxi sharing zones would be defined. The Committee requested a sample fare table and more information on fare charging and taxi sharing schemes. The Committee was provided with this information at their meeting on 8 November and following consideration of this the Committee agreed to clause 6 subject to the amendment agreed between the Committee and the Department. The Committee agreed to the text of the amendment.

However, one member, Mr Clarke was not content with the taxi sharing scheme, believed the sample fare table provided was totally unsatisfactory and asked that his opposition to the scheme be noted.

At the meeting on 22 November the Chairperson proposed that clause 6 subject to the amendment agreed between the Committee and the Department (the Committee having agreed the text of the amendment), be agreed.

The Committee divided: Ayes 5; Noes 1

AYES

Patsy McGlone
David Ford
Ian McCrea
Tommy Gallagher
Peter Weir

NOES

Trevor Clarke

Agreed: That the clause, subject to the amendment agreed between the Committee and the Department, be agreed to.

Agreed: That the Committee agree that Paragraph 78, in relation to clause 21, should read:

Clause 21 – orders concerning taxis, taxi stands etc.

78. The Committee noted that there is currently an anomaly between the Department for Regional Development (DRD) and DOE with regard to taxi ranks. DRD sets the policy for taxi ranks, but the legislative function rests with DOE. Clause 21 places the legislative function with DRD. The Department proposed an amendment to Schedule 2 paragraph 12 to extend the powers of traffic attendants. The Committee requested further clarity on the roles of traffic attendants. Further information was provided at the meeting on 8 November. Members were content with this information. The Committee agreed to clause 21 as drafted.

Agreed: That the Committee agree that Paragraphs 92 and 93, in relation to clauses 35 and 35(A), should read:

Clause 35 – effect of appeal on decision appealed against

92. Members noted that clause 35 stated that the decision of the Department will not take effect until the appeal has been heard, disposed of, or withdrawn. Therefore, the decision is in abeyance until the court hears the appeal. As a result of the Committee seeking an amendment to introduce an appeal mechanism to the Department, officials indicated that this will require an amendment to clause 35. The Committee agreed to clause 35 as drafted.

93. As a result of the Committee seeking an amendment to introduce an interim appeals mechanism the Department introduced a new clause, 35(A). This clause allows the Department by way of regulations to make such further provision in respect of appeals as it considers necessary or expedient. The Committee agreed to the new clause 35A as agreed between the Committee and the Department as drafted.

Patsy McGlone

Chairperson, Committee for the Environment.

29 November 2007

[EXTRACT]

Appendix 2

Minutes of Evidence

31 May 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Billy Armstrong

Mr Trevor Clarke

Mr Tommy Gallagher

Mr Ian McCrea

Witnesses:

Mr Bill Lavery
Mrs Adele Watters (Department of the Environment)

1. The Chairperson (Mr McGlone): The Taxis Bill will be introduced on 11 June, and Second Stage will take place on 25 June. If it is successful at Second Stage, its Committee Stage will begin.

2. We welcome Adele Watters and Bill Lavery from the Department of the Environment. Adele, you will brief us on the Bill, and I believe that next week you will come back to talk to us about the consultation process. Is that correct?

3. Mrs Adele Watters (Department of the Environment): Yes, it is. Thank you, and good morning, Chairman and members. Today I will discuss the slides that members will find in their briefing packs.

4. Thank you for giving us the opportunity to address the Committee again on the Taxis Bill, on which it is carrying out pre-legislative scrutiny. We have been asked to address the Department's 2005 policy consultation. I understand that copies of the report on the outcome of that consultation are also in members' packs.

5. I wish to cover three areas. First, I will give the context of the review in order that members may appreciate the outcome of the consultation. It will be useful if I explain briefly how taxis are currently regulated, particularly the two-tier licensing system. Secondly, I will set out the main problems relating to taxi regulation that the policies are intended to address. Thirdly, I will outline the main policy proposals that we consulted on in 2005 and summarise the main responses that we received. I will try to be brief. We will be happy to answer questions, and if there are any questions that we cannot answer today, we will return to them next week when we discuss the 2006 legislative consultation.

6. The slide headed "Taxi Licensing Structure" reduces a lot of complicated information into a relatively simple table. It makes it clear that there are two tiers in the current taxi licensing system: a public-hire tier and a private-hire tier. Essentially, public-hire taxis can do all types of taxi work. They can pick up people at taxi ranks; they can ply for trade on the streets; they can take bookings through a radio network; or they can do contract work. That is quite distinct from private-hire taxis, which can only operate on a pre-booked basis. To engage a private-hire taxi legally, the customer must make a booking by going into a depot or phoning, texting or emailing in advance. That is the broad distinction.

7. In the public-hire system, there are differences between the Belfast area and areas outside the city. Taxis licensed as Belfast public hire are seen, for example, outside the old Robinson and Cleaver building near the City Hall. There are approximately 400 of them in total. Many are London-style hackney cabs, although newer-style vehicles are now operating as well. They can do all types of work: accept bookings; fulfil contracts; stand at taxi ranks; or ply for hire. Although they are called Belfast public hire, as well as working in Belfast city centre, they can operate anywhere in Northern Ireland. However, they mainly operate in Belfast.

8. Taxis licensed as Belfast public hire must be accessible. By that, I mean that they must be accessible to wheelchairs, with a ramp and doors that are sufficiently wide and high to enable a wheelchair to be brought into the vehicle. The Department sets fares for Belfast public hire. Currently, those are the only fares regulated by the Department — fares for 400 vehicles out of an overall total of 10,500.

9. Taxis licensed as restricted public hire account for by far the biggest sector in the industry. These vehicles are typically seen in any town or city outside Belfast. Taxis licensed as Belfast public hire can be identified by yellow taxi licence plates, while those licensed as restricted public hire have white plates. There are between 7,000 and 7,500 restricted public-hire taxis in Northern Ireland; when the table in the members' pack was prepared, there were 7,400. They can do all types of work outside Belfast, but if they want to operate in Belfast, they can only do so on a private-hire basis. That is because the restricted public-hire licence does not meet the standards required of Belfast public hire; generally speaking, taxis licensed as restricted public hire are not accessible, and the Department does not set their fares.

10. In Northern Ireland, there are just over 2,500 vehicles licensed as private hire, which means that they can only be used for pre-booked fares and contract work. Those vehicles are not permitted to stand or ply anywhere. Although the table states that they operate "anywhere", that, in a sense, does not apply — such vehicles operate mainly in Belfast. To summarise, vehicles licensed as private hire must operate through advance bookings or contract work: they do not have to be accessible, and the Department does not set their fares.

11. The second slide outlines “Problems with Existing Taxi Regulation”. A number of the issues are fairly self-explanatory, such as the problem of too much illegal taxiing, by which we mean the use of vehicles that are unlicensed or uninsured or whose drivers are not licensed.

12. There is a lack of clear distinction between public-hire taxis and private-hire taxis. I have mentioned the different types of work that they are each permitted to do, but many of their features are similar — for example, they are both called taxis. Northern Ireland is the only part of the UK where what we call a “private-hire taxi” is allowed to be known as a taxi. Everywhere else in the UK, they are called private-hire vehicles to make it clear that they are distinct from the public-hire sector and are permitted only to do certain types of work.

13. Another confusing similarity is that, in Northern Ireland, both public-hire taxis and private-hire taxis can carry roof signs. Under many licensing authorities in the rest of the UK, private-hire vehicles are prohibited from carrying roof signs because that makes them look like public-hire taxis.

14. In Northern Ireland, many private-hire taxis have taximeters. The public-hire taxis in Belfast must have taximeters but, under some licensing authorities in the rest of the UK, private-hire vehicles are not allowed to have taximeters because that would make them look like public-hire taxis.

15. There is, therefore, a great blurring of the possible distinctions between the two types of taxis. That leads — along with a number of other factors — to vehicles licensed as private hire picking up people who do not have bookings. That is often termed as “p-uing” — picking up. P-uing has become increasingly difficult to prevent. Many people who wish to use taxis do not understand the distinction between public-hire taxis and private-hire vehicles. If they do understand that distinction, they do not care about it and they ignore it. People who are out for the night and want to get a taxi home do not care about whether they have a booking — they just want to get in. That means that the two-tier system, as it operates in Belfast, has become increasingly unsustainable. Also, now that people carry mobile phones, the distinction between booking a taxi in advance and immediately hiring one has all but disappeared.

16. Another problem is the lack of effective controls to address overcharging. I have mentioned that the Department regulates only a small proportion of taxi fares and, in the absence of fare regulation, it is difficult to assert a clear concept of overcharging. One could state that a person had been overcharged if he or she were charged more than the regulated fare. However when operators are free to set their own fares — as is mostly the case across Northern Ireland — and they can decide whether they want to charge extra at night, at weekends or on public holidays, it is difficult to address situations in which people feel that they have been overcharged.

17. A common complaint about the taxi industry in Northern Ireland is the lack of immediate-hire taxis at peak times. For example, in Belfast, there are around 400 taxis licensed as Belfast public hire. During peak times, such as at night and at weekends, when not all of those 400 taxis are operating, there is often a much bigger demand for the immediate hire of taxis. That is when vehicles licensed as private hire pick up much of the demand illegally.

18. I shall return to the issue of too few accessible taxis being available regardless of when disabled people want to travel. However, for the purposes of comparison, in the rest of the UK, about 50% of those vehicles equivalent to Northern Ireland’s public-hire taxis are accessible. Even with the size of the overall taxi and PHV fleet, it is an impressive number. At a generous estimate, only 10% of Northern Ireland’s public-hire taxis are accessible. Our accessibility rates are very low.

19. In Northern Ireland, there is no requirement for drivers to be trained or tested — the Department has no legislative powers to require that. Other problems stem from a lack of enforcement powers. For example, there is no power for Driver and Vehicle Agency (DVA) enforcement officers to stop a private car that they believe to be taxiing illegally. They can only take such action if they are working with the police, who have the necessary powers.

20. There is also a lack of powers to enforce against taxi businesses. I described a situation with unlicensed vehicles and unlicensed drivers. Sometimes, these drivers operate alone — they are individuals who have cars and think that they will do some taxiing to pick up some easy money. However, an awful lot of illegal taxiing goes on under the auspices of what local people think are reputable firms. These firms have depots, and the cars operating from those depots have the company names all over them and carry roof signs. Some of the drivers may be legal and licensed and their vehicles may be legal and licensed, but quite a number will not be. At the moment, in the absence of operator licensing, the Department's power to prosecute those firms is very limited. Operators walk away from the problems, with the attitude that the illegal behaviour is nothing to do with them and the Department should go after the drivers.

21. That was an overview of some of the extensive problems with the existing taxi-regulation system. Last week, I mentioned the key players in the taxi review. The information that members have received on taxi users is fairly self-explanatory.

22. Also last week, we discussed the number of different taxi associations in the taxi industry. It is useful to recognise that in the taxi industry, there are very strong divisions between the different sectors. The sectors comprise Belfast public hire; restricted public hire; private hire, which operates mostly in Belfast; and the west Belfast taxibuses, which are licensed as a form of private-hire taxi. Each of those sectors has its viewpoint on taxi regulation issues. It is important to realise that they all come with their own agendas and vested interests.

23. Members have been given copies of the '2005 Policy Consultation Report and Summary of Responses'. We did not include copies of the consultation document, because it is quite a weighty tome. However, we can provide members with copies, and the document is available on road safety division's website — www.roadsafetyni.gov.uk. The consultation document sets out 50 proposals, which cover all aspects of taxi regulation. For the benefit of the Committee, I have highlighted 12 that pick up some of the key points.

24. When we were devising the policy proposals, we grappled with two particularly difficult issues. First, what structure should the licensing system have? Should we keep the two-tier system? At the moment, we do not think that it works very well, but can we keep it and fix it? Alternatively, should we move to a one-tier system where there is no longer a distinction between private hire and public hire? The second issue is what measures could be put in place to increase the number of accessible taxis? At the moment, expecting taxi drivers to supply accessible vehicles voluntarily is not delivering an acceptable number.

25. The Department proposed that a two-tier system should be retained, albeit revised to differentiate to a much greater extent between the two tiers of public hire and private hire. For example, we proposed that what are currently termed "private-hire taxis" be renamed "private-hire vehicles". We also proposed that roof signs on private-hire vehicles be removed.

26. There is a feeling that taximeters are a positive feature and that, when private-hire operators choose to use them, we should not stop them. We, therefore, proposed that public-hire vehicles must have taximeters and that private-hire vehicles could have taximeters if their drivers or operators wished.

27. The second key proposal was that all new public-hire taxis that come into service from 2008 must be accessible and that, over a relatively long period, we would work towards all public-hire taxis being accessible. Unlike taxis, private-hire vehicles would not have to be accessible. We were concerned that if we raised the standard for taxis to the extent that they must all become accessible, many operators would choose to move from the public-hire sector to the private-hire sector. Therefore, we proposed powers that require taxi operators to ensure that a percentage of their private-hire vehicles be accessible. In a sense, that was a fallback measure, which we did not propose initially to implement.

28. We wanted to require all taxis, but not PHVs, to work to regulated fares, and to require all taxis to have taximeters, but allow PHVs the option to have them.

29. Another key proposal was that all taxi businesses must have an operator's licence. We proposed that an exemption could potentially be allowed for operators, particularly sole operators, in the rank-and-hail sector — those who work from taxi ranks and who pick up passengers in the street.

30. We proposed that it be an offence for an operator to use unlicensed vehicles or drivers. We further proposed that all new drivers be required to pass a taxi-driving test and do job-relevant training, and that all drivers — including existing ones — be required to complete disability training.

31. I have already mentioned the proposal that roof signs be removed from PHVs. Enforcement officers will be given powers to stop cars that are suspected of being involved in unlicensed taxiing, and there will be tougher penalties for taxi-licensing offences.

32. I turn to the responses to the policy proposals. When we asked directly whether respondents would prefer a one-tier system or a two-tier system, the two-tier system was narrowly preferred if the alternative was that all taxis — public hire and private hire — must be accessible.

33. The accessibility proposals were, generally, opposed by the taxi industry. Its strong view was that people with disabilities do not need to use taxis because a lot of transport is specially provided for such people and, therefore, there is no need for any additional accessible vehicles.

34. On the other hand, section 75 groups, such as the Inclusive Mobility and Transport Advisory Committee (Imtac) and the Equality Commission, were in favour of better provision for people with disabilities. However, they were concerned that a requirement for a 100% accessible public-hire taxi fleet would be too much of a burden on the taxi industry. As a result of the consultation, both the taxi industry and groups that represent people with disabilities asked whether we could come up with proposals on accessibility that form a unique Northern Ireland solution to that problem. I shall revisit that later.

35. Proposals on fare regulation were broadly supported. In fact, those who supported those proposals asked why — if they are such a good idea — apply them to public-hire taxis only. The view was expressed that those proposals should apply across the board to taxis and private-hire vehicles. Similarly, the proposals on taximeters were supported, but some respondents said that we had not gone far enough and that those proposals should apply across the board.

36. Operator licensing proposals were welcomed widely. Indeed, of all the proposals, almost everyone was keen on and signed up to operator licensing. However, concerns were expressed about costs.

37. There was strong support for the proposals on operator-licensing offences and for the Department's being able to pursue operators who use unlicensed vehicles and drivers. The

Department proposed that there should be a due diligence defence when drivers or vehicle owners present operators with licences that appear to be valid but turn out to be fake. Operators must be protected.

38. Respondents were keen to go even further than the proposals on the taxi-driving test and training. At present, new drivers must undertake disability training, and respondents felt that all drivers, not only new drivers, should take full training courses.

39. There was strong opposition to the removal of roof signs from private-hire vehicles. Both taxi operators and taxi users have become accustomed to roof signs. When people are leaving a club, for example, signs are helpful because the taxis that those people ordered can be identified. Respondents were not interested in signs appearing along the sides of vehicles.

40. New powers for enforcement officers and stiffer penalties were also welcomed.

41. When the Department examined the outcome of the policy consultation, it set out to revise its key proposals. Respondents were asked:

“Do you agree with the proposal to keep a revised two-tier system as described?”

42. Respondents came down narrowly on the side of a two-tier licensing system. However, they also stated that they wanted all taxis to be able to pick up fares, have roof signs, work to regulated fares and have taximeters, which sounds like a one-tier system. Therefore, the Department interpreted the responses as saying that people were in favour of a one-tier system, which is the system that I have just described.

43. If a one-tier system is in operation, no one, including people with disabilities and those representing them, wants all taxis in Northern Ireland to be accessible. The Department proposes that all operators should have a percentage of accessible vehicles.

44. There was broad agreement on the proposals that all taxi fares should be regulated, all taxis should have taximeters, and operator licensing should be introduced. Sole operators who work in the rank-and-hail sector supported proposals for their exemption from operator licensing. All other respondents disagreed with that proposal, stating that everyone who provides a taxi service should be included in the operator-licensing system.

45. If a one-tier system is implemented, the Department proposes to retain roof signs on all taxis.

46. The Department decided to keep its options open on driver testing and training for existing drivers. There has been subsequent consultation on that.

47. The Department believes that the revised package of measures that emerged from the consultation process addresses the main concerns about taxi regulation and has achieved the best possible balance between competing interests. The Department will never keep everyone happy all the time, but it feels that it has gone a long way towards satisfying most interested parties. Most stakeholders welcomed the proposals, which were viewed as being uncontroversial. Costs are still a concern, and the Belfast public-hire sector does not support any of the proposals that they feel would open up the city's taxi industry to more competition.

48. That ends my rather lengthy presentation.

49. The Chairperson: Thank you for your comprehensive presentation.

50. Mr I McCrea: I have a couple of concerns, but I am sure that the answers to those will be teased out as the change to the one-tier licensing system takes place. First, I am concerned that private-hire firms will be forced into the new single-tier licensing system. One must accept that some taxis from the private-hire sector are operated illegally as public-hire taxis — it would be silly to think that that does not happen. However, some firms operating solely on a private-hire basis will have no desire to be part of the new system because they feel that it will have an adverse effect on their businesses. As things stand, private-hire firms are content to set their own fares, and if passengers want to pay those, or higher, fares to other firms, so be it.

51. Secondly, I am also concerned about the condition and age of some public- and private-hire vehicles. I know that there is nothing that the Department can do about how old a taxi is, but, perhaps, we could introduce age discrimination legislation for cars. [Laughter.]

52. The Chairperson: Section 75 for vehicles.

53. Mr I McCrea: There must be a limit on how old a car can be before it is deemed inappropriate for public or private hire. Has an agency been set up to enforce that?

54. Mrs Watters: Even though it has been said that private-hire firms will be forced into a system with which they are not happy, the one-tier licensing system would permit them to do public-hire work. However, some private-hire firms might say that their preferred mode of business is through pre-booked work and fulfilling contracts. They would be permitted to carry out public-hire work if they wished, but they would not have to do so.

55. When we talk about private-hire companies, we are — for the most part — talking about companies in Belfast. At present, the majority of those companies have a large percentage of vehicles licensed for public hire. The Department is not getting a lot of feedback from the industry indicating that firms do not want to move into the wider regulatory regime.

56. The Department proposes to regulate the maximum fares that firms will be permitted to charge. An upper price limit will be set, and charges higher than that limit will be considered as being too much. The Department also wants to consider ways in which it can allow firms the freedom to charge lower fares. Therefore, if operators are setting their own fares at present, the only change would be that the Department would tell them that they could continue to do so as long as those fares are not greater than the limits set.

57. The Chairperson: What would be the consequences for an operator who charges more than the limits set by the Department?

58. Mrs Watters: They would be committing an offence under the regulations, which would be made under the provisions of the Bill. The Bill would give the Department the powers to set limits, and anyone who charges more than those limits would be committing an offence.

59. In its consultation paper, the Department did not state any specific proposals to bring in age restrictions for vehicles. The Department did propose a measure in the 2003 initial draft proposals discussion document, but it was quite complex and did not get a good response. The Bill would give the Department powers to introduce age restrictions for taxis, but, at the moment, there is no intention to exercise those powers. The Department might want to consider age restrictions as a means to improve vehicle standards.

60. Under the current arrangements, DVA and the PSNI are jointly responsible for the enforcement of taxi regulations. DVA can draw on a team of 21 enforcement officers who have overall responsibility for bus, lorry and taxi enforcement. However, within that team of 21, a

dedicated team of five is responsible purely for taxi enforcement. There is no need for a new enforcement body, because such a body exists.

61. Mr I McCrea: The issue of taxi enforcement must be examined across Northern Ireland; it is not specific to Belfast. Given that there are 10,000 taxis in Northern Ireland — and that number may increase if the changes are introduced — I cannot see how five people can make a big difference should taxi drivers continue to operate under the existing system.

62. Mrs Watters: That is true. However, when I said that five people are dedicated to taxi enforcement, all 21 members of the team can be drawn on for enforcement exercises in which large teams take part. DVA is conscious that taxi enforcement must not simply be a Belfast issue; it must apply throughout Northern Ireland.

63. The Department envisages that the introduction of new IT systems, which are required to support the provisions in the Taxis Bill, will facilitate much more from-the-record enforcement by DVA using information that it holds on taxis. Enforcement does not have to be all about men in yellow coats out on the roads.

64. Mr I McCrea: Or women.

65. Mrs Watters: Indeed.

66. Mr Boylan: Much of the information on the consultation process relates to Belfast. What kind of response did you receive from rural areas?

67. Mrs Watters: The Department received many written responses from taxi operators and drivers in rural areas. As part of the consultation, a big effort was made to engage with the taxi industry. Some 1,800 full consultation documents were sent to taxi operators and statutory consultees, and a summary of the consultation document was sent to every licensed taxi driver, which, in 2005, amounted to approximately 18,000.

68. The Department made a conscious effort to ensure that all interested parties in rural and urban areas were aware of the consultation. During the process, many of the 13 consultation meetings were held outside Belfast. Although they were advertised as public meetings, members of the public did not attend. The main attendees were people from the taxi industry.

69. Mr Boylan: I asked the question because I am conscious that unlike full-time taxi drivers in the cities, most taxi drivers in rural areas have other occupations and taxi only on a part-time basis.

70. Mrs Watters: It was not a Belfast-centric consultation; it was held across Northern Ireland.

71. Mr T Clarke: All in all, the proposals must be welcomed. As someone who lives in a rural community, I know that taxi drivers there are under pressure from illegal taxis. Therefore, I think that they will, in general, welcome the proposals.

72. The single, probably minor, issue that concerns me is driver testing and training. The Department's suggestion to keep the options open for existing drivers is wrong. Testing and training should apply to existing drivers. Otherwise, there will be an influx of people wanting to get their licences before the new regulations come into force.

73. Mrs Watters: That has already happened.

74. Mr T Clarke: It has happened, and that is why I mentioned it. When the taxi-driving test was abolished in the past, people rushed out to get licences. New training programmes should be introduced, with the requirement for refresher training every three to five years.

75. Mrs Watters: Today's presentation captures where we were at the end of the 2005 taxi consultation process. The Taxis Bill, as it stands, has powers to require drivers to undergo training or testing, and that applies to drivers across the board. The Department could decide to apply those powers to new drivers or to new and existing drivers, as the Bill has the full range of powers. Earlier this year, DVA consulted on how it proposed to use those powers. The consultation proposals included the suggestion that there should be periodic training for existing drivers.

76. The Chairperson: Consultees from the taxi industry have called for stretch limousines to be subject to PSV requirements and to conform to type-approval standards. Is that not the case already?

77. Mrs Watters: No.

78. Mr Bill Lavery (Department of the Environment): At present, stretch limousines do not meet PSV requirements. Every taxi is subject to annual PSV testing. The requirements state that a vehicle must be right-hand drive. As stretch limousines do not meet that requirement, they cannot be awarded a PSV licence.

79. The Chairperson: Given that many EU nationals are coming to live in Northern Ireland, and are bringing their cars with them, the requirement that a vehicle must be right-hand drive to be granted a licence must be changed.

80. Mrs Watters: A left-hand-drive vehicle can be licensed here in the normal way for private use. It simply cannot be licensed as a taxi.

81. The Chairperson: I appreciate that. However, some of the people who operate stretch limousines here import them from Germany and the United States. Those people should not be disadvantaged by a quirk in the legislation.

82. Mrs Watters: Under the Taxis Bill, the Department would have powers to make regulations for taxi vehicles. It wants to determine whether American stretch limousines, or other unusual types of vehicles, could be granted PSV licences where it is safe to do so and where appropriate conditions can be attached.

83. Mr Lavery: The Taxis Bill would give the Department enabling powers to make regulations to license taxis by class and use, and that would include different types of vehicles, such as vintage wedding cars, stretch limousines, and so on. Obviously there would be regulations appropriate to those vehicles, providing that they were safe and roadworthy.

84. Mr T Clarke: That those vehicles cannot be included is an unfair caveat. Just because they are left-hand drive does not mean that they are unsafe. If a left-hand-drive vehicle can pass an MOT test, it should be able to pass a PSV test also. The Committee should not bury its head in the sand and ignore the number of left-hand-drive vehicles that are on our roads. Taxi operators run good businesses and are very enterprising, and I have absolutely no problem with that. The DOE must recognise that such businesses exist, and some way should be found to make it easier for those operators to keep their businesses in line, as opposed to operating illegally. The majority of the vehicles are probably illegal because they do not meet the requirements for a PSV licence.

85. A left-hand-drive vehicle can pass an MOT test. If a left-hand-drive vehicle has passed an MOT test, it is considered safe and roadworthy. Therefore, it is unfair to assume that such vehicles are unsafe simply because they happen to be stretch limousines.

86. Mrs Watters: There are several problems with stretch limousines. It is not just the fact that they are left-hand drive. There are concerns with visibility, the turning circle and other technical matters. The Department must be confident that it is appropriate and safe to license those vehicles as taxis. Mr Clarke made the point that if a vehicle is good enough to pass an MOT test, it should be good enough to be used as a taxi. However, the issue is that the Department would be licensing stretch limousines in order that they could be hired out to members of the public. It is appropriate that there be a distinction.

87. The Chairperson: To be fair, that is not the issue here.

88. Mr T Clarke: That is not what I meant. A PSV test differs from an MOT test in that the PSV test checks the appearance of the interior and the exterior of a vehicle and requires the vehicle to be equipped with a fire extinguisher. If a car were in a reasonable condition, it would not be hard to bring it from MOT test standard to PSV test standard. The process would involve only simple measures. We cannot hide behind the excuse that it is much more difficult for stretch limousines to meet regulations. For example, Chambers Coach Hire Ltd in Magherafelt has brought in new vehicles, American Humvees, and it would be ludicrous to assume that they could not be brought up to the necessary standard. The vehicles under discussion are so similar that no difference can be made between them.

89. The Chairperson: We want to facilitate safe business; we do not want to place obstacles in the way.

90. Mrs Watters: Absolutely. The Taxis Bill would provide much more flexible and extensive new powers that recognise the many new types of vehicles that wish to work in the industry.

91. Mr T Clarke: A range of vehicles should be included.

92. Mr Boylan: Are there any other proposals relating to emissions tests and environmental concerns? They would be key as well.

93. Mrs Watters: Our proposals contain nothing to suggest that taxis should have to meet higher emissions standards than those for other vehicles. In due course — perhaps in five or 10 years' time — new powers may be introduced that could permit the Department to set higher standards. We were conscious of ensuring that the fees system was sufficiently flexible so that, in future, cleaner, greener taxis could be treated more favourably and could, for example, be subject to lower licence fees.

94. As part of the policy process, we talked to our colleagues in the air quality unit of the Department of the Environment about whether it was necessary and appropriate to improve the air quality standards for taxis. In essence, the response that we received was that the pollution problems in Belfast are not caused by cars or by taxis particularly, and that it was not an issue that really needs to be addressed.

95. Mr I McCrea: Given that these vehicles cover many more miles than normal cars over the MOT or PSV period, the issue of emissions testing should be examined more closely — and sooner rather than later. The Committee must also keep an eye on the stretch limousines issue.

96. Mrs Watters: The Department has consulted on the licensing of stretch limousines. The taxi review team did not carry out the consultation, but it was aware of it.

97. Mr Lavery: We estimate that some 100 stretch limousines operate in Northern Ireland, and there were calls for them to be legalised. Therefore, about a year and a half ago, in response to calls from the trade, the Department issued a consultation paper that included proposals for the licensing of American stretch limousines, which would involve setting aside some of the requirements under the current PSV regulations. The proposals were well received, and the Department is considering the responses with a view to possibly amending the current PSV regulations. Alternatively, the Department may wait for the introduction of the Taxis Bill, which will result in an overall review of all the PSV regulations that apply to taxis. That would give the Department an opportunity to consider emissions standards for taxis.

98. We are aware that Transport for London introduced emission standards. Therefore, a precedent has been set that could be taken into account when the PSV regulations are being reviewed.

99. The Chairperson: Thank you for coming. The Committee Clerk has reminded me that you will be appearing before us next week. The consultation on the taxi industry has been done well.

Thursday 7 June 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Billy Armstrong

Mr Trevor Clarke

Mr David Ford

Mr Tommy Gallagher

Mr Samuel Gardiner

Mr Alex Maskey

Mr Ian McCrea

Mr Daithí McKay

Mr Peter Weir

Witnesses:

Mr Bill Lavery
Mr John McMullan (Department of the Environment)

The Chairperson (Mr McGlone): Mr Bill Lavery and Mr John McMullan, you are very welcome. You are going to provide the Committee with a briefing on the Taxis Bill, the 2006 consultation exercise, the equality impact assessment and the regulatory impact assessment.

100. The Bill will be introduced in the Assembly on 11 June 2007, and its Second Stage will be on 26 June 2007. The Bill will progress to Committee Stage if it passes its Second Stage.

101. Mr John McMullan (Department of the Environment): I am head of the Department of the Environment's (DOE) road traffic legislation branch. I was involved in drafting the legislation for the Taxis (Northern Ireland) Order 2006, which, given the devolution of powers to the Assembly, has become the Taxis Bill. My colleague, Bill Lavery, has worked on policy development for the legislation. I hope that, between the two of us, we can answer the Committee's questions. If not, we will contact the Committee in writing to clarify matters.

102. We welcome the opportunity to bring the Committee up to speed on the outcome of the consultation on the Order. Last week, the Committee was briefed on the policy consultation. The legislation was drafted once the policy had been settled. I will not go into the detail of the legislation today, because there will be opportunity for full scrutiny when the Bill moves to the Committee Stage, assuming it passes its First and Second Stages.

103. I will mention, briefly, some key points in the Taxis Bill that differ from current legislation governing the taxi system. First, there is the proposal to introduce operator licensing for taxi businesses. There are more than 800 taxi businesses in Northern Ireland; they are not regulated and there is no requirement for them to obtain operator licences. That situation causes anomalies in that taxi businesses can, without committing an offence, employ unlicensed vehicles and unlicensed drivers. The Department wishes to use the Taxis Bill to address those anomalies.

104. Secondly, the Department proposes to allow all taxis to pick up passengers in the street without the need for pre-booking. The proposal was welcomed widely in the responses to the policy consultation and will remove the current two-tier system, whereby only public-hire taxis may pick up passengers in the street. The general public does not understand the current restrictions on taxis picking up passengers in the street.

105. Thirdly, the Department wants to set a maximum fare level for all taxis in Northern Ireland and require all taxis to have taximeters. At present, the requirement to fit taximeters applies only to those vehicles licensed as Belfast public hire. However, many drivers and operators choose to fit taximeters in vehicles licensed as private hire. Taximeters work well, especially for consumers who can see the fares that they will be charged.

106. We propose to reintroduce a taxi-driving test. The previous taxi-driving test was removed in 1996 under deregulation legislation. During the consultation process, the reintroduction of a test was widely supported, and the Department's Driver and Vehicle Agency (DVA) recently consulted on what form the taxi-driving test should take. As it is important that the taxi industry is seen to be professional, the Department also wants all taxi drivers to receive relevant training in how to deal with customers, particularly people with disabilities.

107. It is proposed that taxis be allowed to operate shared services. At the moment, when someone hires a taxi, he or she is the sole hirer of that taxi, and whether it is acceptable for a driver to admit another passenger is a bit of a grey area. We want to regulate that practice, and there are a number of ways to do so. For example, we could set up a taxi-sharing scheme from Belfast City Airport, with a flat-rate fare dependent on to which zone of the city the taxi is travelling. Alternatively, we could legislate that passengers, who agree in advance to share a taxi, pay a cheaper than normal fare. Also, we could allow operators to provide taxibus-type services similar to those offered by the west Belfast taxibuses.

108. We wish to provide more accessible taxis for elderly and disabled people by requiring that a percentage of each taxi operator's fleet must be made up of accessible vehicles.

109. We want to address an existing loophole in the Department's enforcement powers, which means that its enforcement officers do not have the power to stop private cars that are suspected of illegal taxiing. The Taxis Bill would give the Department's enforcement officers the power to stop a private car, to seize it if necessary and to remove any relevant equipment. We also want the power to enter premises from which it is suspected an illegal taxi business is operating.

110. Once the Order was drafted, it was subjected to an extensive 12-week consultation period. The consultation document was sent to the 800 known taxi businesses. Each of the 17,000

licensed taxi drivers received notification of the consultation and the 10 public meetings that were held throughout the Province. We held 16 meetings with other representatives. In total, over 1,600 consultation documents were issued.

111. As a result, the draft legislation has been subject to intense scrutiny by the industry, and we have taken two general points from that exercise. The first is that the majority of the taxi industry is supportive of the proposals and wants the legislation to be in place sooner rather than later. The Department is pleased, therefore, that the Taxis Bill will be introduced prior to the summer recess. The second point is that there are no fundamental flaws in the legislation. It is one thing to draft legislation at your desk, but it must work on the street, and there have been no suggestions that any of the proposals will not work.

112. However, not everyone was happy with the proposals, and a number of their suggested changes were accepted and have been made to the legislation. Some of the points that were made were accepted but were not included in the Taxis Bill, as we felt that it contained sufficient powers already. Other points that were made were either deemed not to have merit or the issues were settled during the consultation process.

113. As I said, some of the points that were made during the consultation period were accepted and were drafted into the legislation. At all the meetings, a recurrent theme was the need for tough enforcement to cut down on illegal taxiing. The new powers contained in the Taxis Bill will increase the available fine for taxi-driving offences from level 4 to level 5, which is a maximum £5,000 fine for anyone who commits a serious breach of his or her licensing requirements. We have also extended to enforcement officers the power to stop private cars suspected of taxiing illegally, which means that when the Taxis Bill is introduced, enhanced enforcement powers will be available.

114. There was concern that the Department would be unable to enforce the regulation that states that only accessible vehicles can use taxi ranks. The Department has been able to amend the Traffic Management (Northern Ireland) Order 2005 — the legislation that brought in the new traffic attendants — to allow traffic attendants to patrol taxi ranks to ensure compliance with the law and to issue penalty charges for infringement.

115. The industry is always concerned with costs. The Taxis Bill includes a provision that, subject to the approval of the Department of Finance and Personnel, will allow DOE to provide grants to persons or bodies in the industry. We have not raised expectations by doing that: the industry has been told that there is no money to hand out at this time. However, if money were to become available, unless those powers are included in the Taxis Bill, the Department would have no legal mechanism whereby it could award grants to the industry.

116. A further point on costs is that, for the first time, road traffic legislation has been drafted to allow fees to be paid in instalments. Allowing operators and drivers to pay fees over a period of time should, in some ways, offset their costs.

117. Some of the larger taxi businesses were concerned by the proposal for taximeters to be connected to receipt printers. They argued that they had invested a lot of money in taximeters without printers and really wanted to see a return on that investment. Therefore, we adjusted the legislation slightly, thus allowing the phased introduction of receipt printers. Ultimately, all taximeters will have to have receipt printers, but we recognised that the taxi operators had a fair point.

118. Consultees expressed concern over the proposal stating that drivers could be affiliated to one operator only. If a driver is affiliated to an operator, he or she does not have to obtain an operator's licence. The consultees' point was that that could be restrictive, particularly in rural

areas, where, for example, a driver might work as a taxi driver for one operator but drive wedding cars for another. The legislation, therefore, now allows for exceptions to the general rule.

119. Another point raised during the consultation process was that taxi plates should not have to be issued every year. It is an extensive exercise for the Department to re-issue 10,500 plastic plates every year, and it is not very environmentally friendly. We have changed the legislation so that an annual re-issue is no longer a legal requirement. The re-issuing of taxi plates will become an operational matter rather than a legislative one.

120. There was some confusion over what type of services an operator's licence will allow a business to provide. The legislation now states that the Department will prescribe on the operator's licence the sort of services that each business can provide.

121. Meeting with taxi industry representatives was very useful. It allowed us to improve the draft Order and to add further elements to what is now the Taxis Bill.

122. Other consultation responses and suggestions were accepted as being equally valid but the outworking of them required no further change to the Taxis Bill. For example, there was concern that people with disabilities, including those who rely on assistance dogs, should not have to pay extra for a taxi. Ensuring that that does not happen did not require an amendment to the Taxis Bill as, under the Disability Discrimination Act 1995, it is unlawful to charge disabled persons higher fares or to charge for the carriage of a guide dog.

123. There were some concerns about the "good repute" requirements for operators and drivers. To be a taxi driver or operator, one must be a fit-and-proper person, which can involve the Department's taking into account any previous convictions. In the Taxis Bill, we have stated that the Department must be satisfied on that point. We have deliberately kept it flexible. We want to be able to take into account the guidelines that the Office of the First Minister and the Deputy First Minister issued on recruiting people with conflict-related convictions. We want to be able to consider all information when deciding whether someone is of "good repute".

124. Some drivers felt that operators would simply pass on the high cost of compliance to them. Under existing legislation, the conditions on those costs that can be imposed on taxi operators can also apply to drivers.

125. Some consultees suggested that the non-display of driver identification should become an offence. However, under current legislation, it already is. It was also suggested that insurance requirements should be stricter, but the current legislation states that all taxis must be appropriately insured, and it allows the Department to make further requirements. Therefore, the Department can make tougher requirements, if necessary, through existing regulations.

126. Other respondents stated that it should be an offence for taxis to carry signage that advertises services for which they are not licensed to provide. The Department already has the power to regulate on that issue.

127. The Department did not take some of the other changes suggested during the consultation through to the Taxis Bill. It was argued that the number of taxi vehicle and taxi drivers' licences should be capped, but the Department does not intend to introduce limits to the number of licences in circulation. Doing so would immediately prevent new owners or drivers from coming into the industry, and it would almost immediately create a trade in licence plates.

128. I want to raise standards, and anyone who comes into the industry will have to pass the new taxi-driving test and be properly trained. Some local authorities in England have set

restrictions on the number of taxis permitted in their areas, but that measure is becoming less common. A report by the Office of Fair Trading stated that there should not be a cap on the number of taxis in an area, so we do not propose to introduce such a measure in Northern Ireland.

129. There is still some contention about removing the two-tier system, but, when the policy was being developed, the consensus was that it should be removed. However, although the Taxis Bill permits a one-tier system, it does not preclude a two-tier system. Therefore, a two-tier system may be introduced or retained in certain areas if that is considered necessary. However, the argument about the two-tier system is academic in any discussion of the Taxis Bill. It will, however, become more pertinent when the Department decides what the new regulations will do.

130. It was suggested that sole taxi operators should not need to conform to operator licensing. The Department seriously considered that suggestion during the consultation process, but officials felt that exempting sole operators from the operator-licensing regime could potentially undermine the whole system. A situation might arise in which an unscrupulous operator, with a collection of drivers, will state that his or her drivers are sole operators, thus meaning that he or she does not need an operator's licence. Operators will have to conform to certain standards and duties. That should apply across the board. Sole operators will have to pay considerably less for their licences than an operator who runs 100 or 200 cars.

131. It was suggested that the Department should set a minimum rather than a maximum fare limit. However, the Department is proposing that it sets a maximum fare to ensure that users know that they are not being overcharged. That proposal would also allow operators to charge less than the maximum fare, thus introducing some competition to the industry. The maximum fare would not be a flat-rate charge; it would be a multi-tariff charge. For example, it could cost more to hire a taxi on Christmas Day or New Year's Eve than it would on any other day of the year. Part of the multi-tariff charge is likely to include an initial charge — which, to all intents and purposes, would be a minimum fare — that a customer would be liable for as soon as the taxi is hired. That should satisfy concerns on that issue.

132. One consultation response suggested that, for safety reasons, stretch limousines should not be licensed as taxis. However, last week, the Committee said that they should be licensed. The Department shares that opinion. There are 100 stretch limousines in Northern Ireland, and they have been operating here over the past 16 or 17 years. In that time, there has been only one serious collision involving a stretch limousine, and the accident was not attributable to the driver of the limousine. The Department is content with the construction and use of stretch limousines, and we know that they have a good road safety record. However, we want to ensure that they conform to certain safety standards.

133. Last year, we completed a consultation on stretch limousines, and we hope to introduce regulations that include stretch limousines in the licensing system. Provision for that could be included in the Taxis Bill, but it is more likely that separate regulations will be made, which will, in time, come before the Committee.

134. An equality impact assessment was carried out on the draft proposals, and it was determined that the proposals will have a positive impact on equality of opportunity, particularly for people with disabilities, the elderly and their carers. More vehicles will be available for those people, and for young people aged 16 to 24, who tend to use taxis more often. Those groups will all benefit from the provision of safer and higher quality taxi services. There is no evidence to suggest that there would be any adverse or negative impact on any of the nine equality groups listed under section 75 of the Northern Ireland Act 1998.

135. Moreover, we carried out a regulatory impact assessment to identify the costs, benefits and risks associated with all the proposals, and more detailed regulatory impact assessments must be carried out on the regulations that will arise from the Bill. It is likely that operators and consumers will face increased costs, but they will be based on the cost of licensing and running taxis and what consumers can reasonably afford. An entire economic exercise will have to be carried out. The reduction in illegal taxiing will open up the market, allowing operators to get a better return on their investments and consumers to benefit from the increased standards and greater availability of various types of taxi.

136. A rural-proofing exercise was carried out. Such an exercise was important, as rural dwellers rely on taxis more than urban dwellers, and they tend to make longer journeys. Just as in urban areas, the disabled and elderly in rural areas need accessible taxis. The proposals to allow taxis to provide bus-type services and to set up taxi-sharing schemes in rural areas should help rural communities, and the increased provision of accessible taxis will be of benefit. None of the provisions was thought to have an adverse impact on rural communities.

137. That is where the legislation currently stands. The Taxis Bill that will be introduced in the Assembly on Monday is the same as the draft Taxis (Northern Ireland) Order 2006.

138. Mr I McCrea: An issue that was raised with me in the past week, and which was also raised at the Cookstown consultation meeting, is the reduction of the period of the taxi licence from five years to three years. There are concerns that people who depend on taxiing for their income could fall into the category of those who might not be able to renew their licences. An extra couple of years on the licence would make a difference to, for example, 63-year-old drivers who are close to retirement age.

139. Last week, we discussed stretch limousines, and I am not sure whether the Committee agreed that they should be allowed to provide taxi services. However, issues were raised about MOTs and PSVs for limousines.

140. Mr McMullan: The reduction in the term of the licence from five years to three years is in keeping with best practice throughout the rest of the UK. It also ties in with the system for criminal records checks, which are carried out on taxi drivers every three years. We are not considering the introduction of any age discrimination measures in that regard. If someone were retiring or approaching 65, they could still apply to renew their taxi licence.

141. Although stretch limousines cannot pass the current PSV test, we want them to be properly tested. No one envisaged the use of those hybrid vehicles, and appropriate legislation is required. We are drafting legislation to govern those limousines and to ensure that they are safe.

142. Mr Gardiner: I found Mr McMullan's presentation informative, and I thank him for it.

143. I am concerned about the positioning of taxi ranks. That is a problem in my constituency of Upper Bann, where there are no designated areas in the town centres where local people and visitors can get taxis. If people see a sign with a telephone number on it, that is fine — they can telephone for a taxi. Craigavon Borough Council is revamping the centres of Lurgan and Portadown, and I would like DOE to ensure that areas are reserved for taxi ranks, if that matter has not been brought to its attention already.

144. Mr Bill Laverty (Department of the Environment): The taxi review team recognised that there is a need for more taxi rank provision, particularly in rural towns. The provision of taxi ranks is a traffic management matter and falls under the remit of the Department for Regional Development's (DRD) Roads Service. The taxi review team has made strong representations to DRD about the provision of taxi ranks. The sub-regional transportation plan has recognised that

planners of rural towns will have to look critically at the provision of taxi ranks, particularly since the taxi review team has recommended that there be a greater number of accessible taxis. Given that only eligible taxis — those that are accessible — would be allowed to stand at taxi ranks, provision of more taxi ranks would be an incentive to owner-drivers to supply accessible taxis.

145. Mr Gardiner: DRD currently sponsors a door-to-door transport scheme. Does that programme cut across what DOE is trying to do with vehicles licensed for private hire? Passengers of a certain age, or who suffer from a disability, can avail of the door-to-door transport service free of charge. They are collected at their doors and brought to their destinations, whether that is to a hospital or to visit people — within a designated area, of course. Passengers can also telephone the drivers to say when they want picked up again. That is a good scheme, particularly for the elderly and those who suffer from a disability. Some of the buses that provide that service are new and are excellent, and I welcome that scheme.

146. Mr Laverty: We believe that taxis — particularly accessible taxis — would be appropriate for the provision of those services. Some of the door-to-door transport services use accessible taxis, and our legislation envisaged that type of scheme.

147. Mr Gardiner: So, you believe that such schemes would work.

148. Mr Laverty: Yes.

149. Mr Ford: I wish to tease out two points that Mr McMullan made in his presentation. First, he mentioned the reintroduction of the taxi-driving test, and I would like to hear more about those proposals. Secondly, he mentioned the percentage of accessible taxis that operators would be required to have. What percentage is envisaged, and would there be any variation, depending on the size of the operator's fleet?

150. Mr McMullan: The reintroduction of the taxi-driving test was supported widely at consultation stage. DVA consulted on the test because it wanted to know whether it should apply to new drivers entering the industry, new and existing drivers, or only new drivers and those existing drivers who did not pass the previous taxi-driving test. The test will comprise practical requirements and a theory test. Consultation finished on 27 April, and the responses are being considered in detail. I do not know what the outcome will be.

151. Mr Ford: Do you know when your colleagues will come to the Committee to discuss that issue?

152. Mr McMullan: The taxi-driving test cannot be introduced until the Taxis Bill becomes law. The nuts and bolts of the taxi-driving test should be in place when the Taxis Bill becomes law, and I expect that to happen later this year or early next year.

153. Mr Laverty: The required percentage of accessible taxis has not been decided. For larger operators, the figure could be about 10%. Obviously, a proportionate level would be applied to operators of smaller fleets.

154. The Department envisages that vehicles run by sole operators should be accessible. By operating such a vehicle, sole operators could provide a range of services, including contract work, picking up at taxi ranks, and bus-type services. The Department feels that the bus-type services operating at present will remain accessible in the future.

155. Mr Armstrong: Are there plans to make taxi bays more accessible to shoppers and visitors to towns? How will people who want to move from one part of a town to another find a taxi easily and how will they be able to identify that taxi?

156. Mr McMullan: As mentioned earlier, taxi ranks and taxi bays are a traffic management issue, for which DRD has responsibility. It is an important matter, and we will be engaging with DRD to ensure that there is sufficient provision throughout the Province. The taxi-plating scheme identifies clearly the services that vehicles are licensed to provide and shows which taxis are accessible.

157. Mr Armstrong: The current taxi-plating scheme is not that visible to passengers: are there any ideas to improve it?

158. Mr McMullan: Roof signs are very visible. Therefore, it might be better if taxi plates were integrated into roof signs. Mr Armstrong is correct: at the moment, one needs to focus below eye level to be able to read a taxi plate. Integrating taxi plates into roof signs might make the information more easily identifiable.

159. Mr Armstrong: Would it be possible to have a universal sign for all taxis, with integrated taxi plates?

160. Mr Lavery: PSV regulations govern roof signs, which must be of certain dimensions, with particular signage, giving information such as the name of a taxi firm, its telephone number and the type of taxi being operated. Signs are colour-coded to distinguish the type of work the vehicle's licence permits. The public may not appreciate that the taxi plate corresponds to the type of taxi being operated, and the Department would seriously consider incorporating taxi plates into roof signs. We have seen examples, and they appear to do the job quite well.

161. Mr Armstrong: That could be an easier way of making the information more visible.

162. The Chairperson: The Department's summary of key issues on the consultation states: "it should be an offence for a taxi to carry signage for services it is not licensed to provide."

163. Will you please clarify what that means? Does it refer to advertising?

164. Mr Lavery: No. At present, some taxis display advertising, and the Department intends to introduce guidelines to ensure that any advertising is appropriate and does not cause offence.

165. The Chairperson: In that case, to what does that point refer?

166. Mr Lavery: I can answer that with an example. Some of the accessible vehicles that are currently in operation have signage that describes them as taxibuses. Under the Taxis Bill, the term "taxibus" has a particular meaning: a taxi that is licensed to provide a bus-type service. Where an ordinary taxi operates in that way, but does not have a licence authorising it to do so, it clearly infringes the regulations. That operation would, therefore, be an offence.

167. The Chairperson: I understand. Thank you.

168. Does any member wish to add anything? On behalf of the Committee, I thank Mr Lavery and Mr McMullan for giving up their time this morning.

28 June 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Billy Armstrong

Mr Ian McCrea

Mr Daithí McKay

Mr Peter Weir

Witnesses:

Mrs Adele Watters
Mr Bill Lavery) (Department of the Environment)

169. The Chairperson (Mr McGlone): Welcome, Mrs Adele Watters and Mr Bill Lavery, and thank you for attending today, for what, I think, is your fourth time.

170. Mrs Adele Watters (Department of the Environment): Yes, indeed it is.

171. The Chairperson: I also thank you for the concise way that the documentation has been presented to the Committee. It is very readable, which is useful when distilling the legislation into the pros and cons of what is to be achieved.

172. Mrs Watters: I thank the Chairperson and members for the opportunity to address the Committee as it starts its detailed scrutiny of the Taxis Bill. I proposed that we brief the Committee on the main provisions of the legislation, so a summary of the provisions has been provided for members.

173. However, before I outline the provisions and answer questions that members may have, it would be useful to mention a few key points that the Department had in mind when drafting instructions to the Office of Legislative Counsel in preparation for the Bill. Some of those points will pick up on themes that were mentioned by Alan Rehfish in his briefing earlier and will help members to understand why the legislation has been drafted in this way.

174. The first point concerns linkages in the licensing system and the licensing framework; the second concerns uniformity, but with flexibility; the third relates to the need for forward-looking legislation; the fourth relates to the range of sanctions that are available in the Bill, and the fifth and final point relates to fees. I will cover all of those quickly.

175. First, with regard to linkages in the licensing system, I will recap some of our previous briefings on the main problems in the taxi industry. One of those problems is the extent of illegal taxiing that is taking place — and a lot of it happens through taxi depots that engage unlicensed vehicles and drivers. Another problem is that there are too few accessible taxis, and there is also a lack of accountability for service standards, which, in practice, often results in poor customer service. The Department believes that the one key measure that will allow it to make substantial headway in addressing those problems is the introduction of operator licensing, and that is why powers to introduce operator licensing are a key aspect of the Bill.

176. Furthermore, the legislative framework recognises that to achieve the objectives of fewer instances of illegal taxiing, more accessible taxis and better customer standards, it is vital to establish taxi operators as legal entities and link them legally to the drivers that they engage and, separately, to the vehicles that they use.

177. It is also worth pointing out that the legislation contains no legal linkage, as such, between a taxi driver and the taxi vehicle that he or she drives. Although many taxis are owner-driven, that is not necessarily the case. The Department has no difficulty with the idea that someone — maybe a car dealer or taxi dealer — can own a taxi but allow it to be driven by someone else, or even by two people alternately. It is important to get those linkages in place, because the Bill does not comprise a series of completely unrelated parts. The provisions interlink like pieces of a jigsaw.

178. The Department is seeking to achieve uniformity across the licensing system. The Bill provides for a one-tier licensing system across Northern Ireland; the same basic requirements for operators, regardless of the size of their operations; the same basic rules for drivers, regardless of the types of taxis that they drive; and the same basic requirements for vehicles, at least for those providing normal, non-specialist accessible and non-accessible services.

179. It is also important that the legislation enables the Department to provide flexibility where needed — through measures that can be applied differently, according to circumstances and cases, or by way of exemptions. For example, clause 18 requires all taxis to have taximeters, but it also gives the Department the power to make regulations establishing exemptions to that rule.

180. Another example of the legislation's flexibility is that it gives the Department the power to require all operators to provide a certain percentage of accessible vehicles. However, the conditions, and, therefore, the percentage of accessible vehicles required could differ depending on the size of a taxi operator's fleet. For example, the figure could be 10% for a large fleet but 100% for an operator who has only one vehicle.

181. Clause 54 provides further flexibility. It permits the Department, where it deems it appropriate, to apply regulations made under the Bill to a specific area or areas rather than to Northern Ireland as a whole. The Bill has been developed on the premise of providing a one-tier system. However, it contains a great deal of flexibility to allow the Department to vary those basic rules. For example, clause 54 enables the Department to retain the two-tier system in Belfast, if it considers that to be appropriate.

182. The Bill must be forward looking. The Road Traffic (Northern Ireland) Order 1981, under which taxis are currently regulated, is over 25 years old. The Taxis Bill may not have to last quite as long as that before, in due course, it is also replaced. However, we should anticipate that it will provide the licensing framework for the next 10 to 15 years. The Bill must be capable of anticipating developments that are on the horizon but whose impact is not fully known and for which the Department is not necessarily thinking actively about the development of policies.

183. The Department has included in the Bill matters on which it does not necessarily intend to act. They include: restrictions on age; the ability to regulate for taxi marshals; and provision for in-car security equipment, such as CCTV, which is not used in Northern Ireland but is installed in some taxis in GB. The Department at least wants the powers to regulate that. The increase in the number of applications for taxi-driver licences from people from the rest of the EU is also an issue, and the legislation must be flexible to enable the Department to deal with it.

184. A range of sanctions must be put in place. To an effective regulator, prosecution should be, if not quite the last resort, certainly not its first resort. Enormous importance should be attached to education, persuasion, warning letters, the potential for civil penalties and enforcement notices. Next should come criminal penalties, and the final stage should be the suspension and revocation of licences. That is why the Bill contains a broad range of sanctions. It is important that all those are available to the regulators, who must use them effectively to target the main areas of risk.

185. A fundamental tenet of licensing systems, such as taxi licensing, is that they should, as far as possible, be run on a full cost-recovery basis. The cost of the licensing service should be met through the income generated from fees. Typically, the powers to charge fees must appear in primary legislation and must be specific. Without a clear primary power to charge a fee, regulations on fees cannot be made. A prime example of that, which has caused difficulty for the Department, relates to the introduction of taxi plates in 2004.

186. Although the Department took the policy decision to introduce taxi licence plates, it does not have the power to charge a fee for issuing them. Therefore, the costs of producing and issuing the plates had to be rolled into that for the PSV test. Ideally, the Department should be able to charge for all items that need to be produced as part of the licensing system.

187. In addition, the Department needs to be able to charge for the services that it provides, including the work involved in processing applications that may end up being rejected. At the moment, if the Department processes a driver's application, which, for some reason, is rejected, the fee has to be returned to the unsuccessful applicant. There is no opportunity for the Department to state that because it has completed its work, it will hold on to the fee.

188. The fees issue is not all one-way traffic. The Department is conscious that it does not have the powers to refund or remit fees in cases where, for example, a person has booked a PSV test — the fee for which includes the cost of the taxi licence plates — but finds that he or she cannot attend the appointment. The fee would be lost, and the applicant would have to pay a second fee for a subsequent test. In effect, drivers can pay twice for one set of plates, which means that quite a significant amount of money is involved.

189. Many people in the taxi industry say that the Department is mostly interested in fees. Therefore, the Department must ensure that every aspect of the fees issue is covered in the legislation.

190. The Committee will be glad to know that I will not be going through all the briefing material that has been provided. The Bill comprises six parts, with 58 clauses and three schedules. It is a significant piece of legislation.

191. Part 1 deals with the regulation of taxi operators. It introduces the requirement for a taxi operator to apply for, and obtain, a taxi operator's licence, and imposes duties on licensed operators. It also introduces requirements and duties relating to the operation of taxi services at separate fares.

192. Part 2 of the Bill deals with the regulation of vehicles used to provide taxi services. It includes more flexible and extensive powers for the Department to set appropriate suitability requirements for vehicles, as regards their type, size and design. Part 2 also gives the Department powers to set the maximum rates and fares that can be charged for the hire of a taxi, and to require all taxis to have taximeters and receipt printers.

193. Part 3 of the Bill deals with the regulation of taxi drivers. In particular, it amends existing legislation by reducing the period of a taxi-driver licence from five years to three years, bringing it into line with taxi-driver repute checks, which are repeated every three years.

194. Part 4 of the Bill contains general provisions for the licences that can be applied for, and includes provisions relating to fees, applications, suspensions, revocations, curtailments and appeals.

195. Part 5 of the Bill makes provision for enforcement. It gives the police and the Department powers to stop, search and seize vehicles believed to be taxiing illegally, and to inspect

premises, under warrant, where there are reasonable grounds for suspecting that a person is operating an unlicensed taxi service.

196. Part 6 provides for a number of general issues relating to the operation of the Bill, including sharing information, payment of grants and the provision of training.

197. The Bill contains three schedules. Schedules 2 and 3 deal with minor and consequential amendments, and repeals. Schedule 1 will probably be of most interest, as it lists the offences and penalties that will be included under the Bill. The most serious licensing offences — all of which, on conviction, will attract a maximum fine of £5,000 — include: driving a taxi without a taxi-driver licence; operating a taxi service without an operator's licence; a taxi operator's using unlicensed vehicles or drivers; and using a taxi, or permitting a taxi to be used, without a taxi licence.

198. That completes a quick overview aimed at familiarising members with some of the detail of the Bill. I am happy to take questions.

199. The Chairperson: Thank you. I am sure that many questions will emerge when the Committee's consultation begins. Do members wish to ask any questions either on Adele Watters's briefing or on the information that Alan Rehfisch from Research and Library Services provided earlier?

200. Mr Weir: Alan Rehfisch mentioned the financial elements of the legislation. Although the Bill is enabling legislation, one of the aims of the taxi-licensing system is full cost recovery. How will the cost of enforcing the legislation — such as the checking of licences — be worked out? Are there costings for that, and how will those costs be met?

201. Mrs Watters: Currently, £20 of the PSV licence fee goes towards funding enforcement. Further funding for enforcement comes directly from the Department.

202. Mr Bill Laverty (Department of the Environment): The Driver and Vehicle Agency's enforcement team comprises 21 officers. Of those 21, four officers deal with taxi-related matters. The full enforcement team deals with road freight, bus licensing and taxi licensing and, as Adele said, funding for its work comes mainly from the Department.

203. Mr Weir: Presumably, the intention is to expand that team? A much stronger framework, with regulations and a fee structure, will require much greater enforcement.

204. Mrs Watters: Yes, it will. However, some of that enforcement will be supported by the IT systems that are already in place. We will have much more and better information on who is licensed, whose licences have been renewed, and what is going on in general. Consequently, we will be able to make better use of that information.

205. Current taxi legislation is drafted in such a way that the Department has powers and sanctions to deal with those in the taxi industry who are regulated. Most legislative power is directed at the prosecution of offenders, which is very resource intensive. The intention is that the new legislation will provide a range of sanctions that could be used before the prosecution stage is reached, which would mean that enforcement officers would not necessarily need to be out on the roads.

206. Mr Weir: It was mentioned that the more serious offences would, ultimately, attract a maximum fine of £5,000. Is there any provision for the revocation of licences in the event of prosecutions for serious offences? For example, if a taxi operator were to employ unlicensed

cash-in-hand drivers, will the legislation provide for the ultimate sanction of revoking that operator's licence? My thinking behind that is that in the bar trade, if a publican is responsible for a number of serious breaches, his or her liquor licence can be revoked. Will the Taxis Bill provide for similar sanctions for taxi operators?

207. Mr Laverty: Yes. The legislation provides powers to suspend, revoke or curtail an operator's licence. Curtailing an operator's licence would reduce the number of vehicles that his or her company could operate. Repeated convictions could affect an operator's reputation and fitness to hold a licence, and, therefore, could justify the revocation of his or her operator's licence.

208. Mr Armstrong: If a driver is unable to keep a PSV test appointment, he or she must still pay for a licence. How much does it cost the Department to supply a licence?

209. Mrs Watters: Is the question whether the component costs of a PSV test can be separated out?

210. Mr Armstrong: Yes. If a driver is unable to keep a PSV test appointment, he or she cannot claim the licence cost back. Is there a separate cost for the supply of a licence?

211. Mr Laverty: The Driver and Vehicle Agency, which is responsible for the testing of vehicles, calculates the cost of the test.

212. Mr Armstrong: Yes. There is a cost for the PSV test. However, the Department charges applicants for supplying licences, even if they were unable to attend their PSV test appointments. In other words, are there separate costs for PSV tests and for supplying licences?

213. Mr Laverty: Is that a reference to the administrative cost of issuing licences?

214. Mrs Watters: There is a separate administrative cost.

215. Mr Laverty: The PSV test fee comprises several components: the cost of the taxi licence plates; the cost of administration; and the cost of the test.

216. Mr Armstrong: Is it correct to say that the Driver and Vehicle Agency does not refund the licence part of the application fee if a driver is unable to keep a test appointment?

217. Mrs Watters: The Department does not currently have the power to make such a refund.

218. Mr Armstrong: Should that issue not be examined?

219. Mrs Watters: In cases such as that, the Department wants the legislation to give the Driver and Vehicle Agency the power to refund the licence part of the fee. That is right and fair, and we should be able to do that.

220. Mr Armstrong: Will the Department look into that matter?

221. Mrs Watters: Absolutely.

222. Mr Boylan: In the debate on the Second Stage of the Taxis Bill on 26 June 2007, my party broadly supported a one-tier system for taxi licensing. The Department's position appears to be that a one-tier system should apply across the board, and the taxi industry has voiced some concerns about that. Will you clarify that situation?

223. Mrs Watters: The Bill paves the way for a move to a one-tier system across Northern Ireland. However, when the Bill was sent out for consultation, we considered the impact that responses in favour of retaining the two-tier system in Belfast would have on the legislation. Consequently, clause 54 of the Taxis Bill gives the Department the flexibility to apply certain rules and regulations to different areas of Northern Ireland.

224. Although the Department's clear intention is that there should be a one-tier system, the Bill does not close the door entirely on the idea of a two-tier system. It is not that we are in two minds about that — we support the idea of a one-tier system, but we are also saying that that is not the end of the matter.

225. Mr Boylan: There are many taxi operators in rural areas where a one-tier system would not be suitable. It would be unfair, for example, to demand that all taxi firms should have disabled-accessible vehicles.

226. Mrs Watters: That is not the intention of the legislation.

227. Mr Boylan: There are other concerns about a one-tier system, but I wanted clarification on that specific point.

228. Mrs Watters: No one wants a fully disabled-accessible taxi fleet — not even people with disabilities.

229. Mr McKay: If a one-tier system is introduced in Belfast, where all taxis licensed as Belfast public hire are already wheelchair accessible, only those taxis will provide disabled access, with the rest not having to meet that requirement. Would that system be compatible with the Disability Discrimination Act 1995? Will an equality impact assessment be carried out?

230. Mrs Watters: An equality impact assessment has been carried out. It concluded that if the number of accessible taxis could be increased, and the availability of accessible taxis improved throughout Northern Ireland, a one-tier system would be acceptable. If there were accessible taxis that, for example, did not work out of depots with dispatch facilities and, therefore, could not be booked by telephone, it would restrict disabled people's ability to avail of them.

231. The Department believes that the Taxis Bill will have a positive impact on disabled people. It has worked closely with the Inclusive Mobility and Transport Advisory Committee (Imtac) to establish whether the Bill conflicts with the Disability Discrimination Act 1995. Imtac is sponsored by the Department for Regional Development and is the main adviser to Government in Northern Ireland on accessibility and transport for people with disabilities. Certainly, it takes the view that there is no conflict between the Disability Discrimination Act 1995 and the Taxis Bill's ability to regulate for accessible taxis.

232. Mr Laverty: I should point out that the spirit of the Disability Discrimination Act 1995 has been a major consideration throughout the taxi review. By virtue of existing regulations, taxis that are licensed for public hire in Belfast must be accessible. There is a shortcoming in the number of accessible taxis in rural areas. The Disability Discrimination Act 1995 gives UK territorial Departments powers to prescribe accessibility for taxis that are available for immediate — in other words, public — hire. The Department has been conscious of that from the start.

233. Mr McKay: Has consideration been given to an increase in the number of taxi ranks, particularly in Belfast?

234. Mrs Watters: Practical responsibility for the provision of taxi ranks is a traffic-management issue, which is the responsibility of the Department for Regional Development. However, through its work with the taxi industry and colleagues in the Department for Regional Development, the Department of the Environment is aware that moves are already afoot to increase the number of taxi ranks in Belfast. The sub-regional transport plan has, I understand, been published. It refers to consideration of the provision of taxi ranks in towns and cities outside Belfast. That is a pressing issue. There are several towns of considerable size where ranks are not provided.

235. Mr I McCrea: During the Committee's earlier briefing, Mr Rehfish mentioned the cost implications of taximeters. There is also the issue of taxi divers and operators who want to bring their vehicles up to disabled-accessible standards. That has major cost implications — perhaps thousands of pounds, rather than a few hundred.

236. Part 6 of the Bill refers to "Payment of grants". Could any specific issues arise from that? Obviously, it is up to the Department of Finance and Personnel to produce any extra money that is required. Does the Department envisage that grants would be made available to improve accessibility or, indeed, for the introduction of taximeters, given that fitting them would lead drivers and operators to incur costs?

237. Mrs Watters: The Department believes that to obtain completeness, and for the Bill to be forward-looking, it would have been remiss to exclude the provision of a grant-making power. Therefore, the legal provision is being included in the Taxis Bill. However, no money is available, and there are no proposals to introduce grants.

238. With the Taxis Bill, the Department has made it clear that it wants to raise the standard of provision for consumers. It is inevitable that that will involve some costs: there will be one-off costs relating to taximeters and receipt printers, and more significant costs from vehicle purchasing. The Department has not indicated what the vehicle specification for accessible taxis will be. It is a complex area, and we are conscious of not being overly prescriptive about accessible taxis. Much has been said about accessible taxis costing between £30,000 and £35,000, but those would be top-of-the-range purpose-built taxis. It is important that there is a range of accessible taxis and a range of prices.

239. The Chairperson: I am conscious that the potential costs to the industry, compared to the incomes of taxi drivers and operators, have become a feature of the debate on the Bill. I would like to see a breakdown of the different tariffs that have been proposed and I would like to be able to compare them with existing tariffs.

240. Costs associated with taximeters and accessible vehicles have been mentioned, although no vehicle specifications have been recommended. I presume that the associated costs have been considered. The Committee would find such figures useful during its deliberations, as this issue will inevitably arise. Projected costs must have been calculated at some point.

241. Mrs Watters: Some costs are easier to calculate than others, and I am referring to compliance costs. Figures for taximeters and receipt printers would be relatively easy to produce. However, the cost of accessible vehicles, or the potential cost of adapting vehicles to make them accessible, would be more complicated, and the Department would not have details on those items.

242. The Chairperson: It seems to me that the Department is not laying down any specifications as regards accessible vehicles. Does the Department anticipate introducing specifications through, for example, section 75 of the Northern Ireland Act 1998 or the Disability Discrimination Act 1995?

243. Provision for specifications has been left very loose. There are two ways that that could be resolved. First, the Department could make it easier for taxi drivers to buy accessible vehicles that will meet the required specifications. Secondly, in the future, another agency could say that those specifications are not up to standard and could introduce new provisions for higher specifications.

244. Mr Laverty: The Bill gives the Department the power to prescribe the accessibility requirements for taxis, as does the Disability Discrimination Act 1995. The Department envisages that the Taxis Bill will enable it to prescribe accessibility requirements for Northern Ireland. We will take notice of any regulations that may be made in GB under the Disability Discrimination Act 1995.

245. The Chairperson: Are you satisfied that the Bill's provisions for vehicle specifications are entirely compatible with the Disability Discrimination Act 1995 and any other regulatory requirements?

246. Mrs Watters: If the Disability Discrimination Act 1995 requires that regulations be made, the Department for Transport is responsible for them for England and Wales and the Scottish Executive are responsible for them for Scotland.

247. Mr Laverty: The Disability Discrimination Act 1995 gives the UK territorial Governments powers to make regulations.

248. Mrs Watters: The Department for Transport does not make UK-wide taxi-accessibility regulations.

249. The Chairperson: I am trying to ascertain which regulations apply here, other than the Disability Discrimination Act 1995. Are you sure that the flexibility that the Bill contains on vehicle specifications meets the requirements of the Disability Discrimination Act 1995 and any other statutory requirements?

250. Mrs Watters: We are.

251. Mr Boylan: I had a question about designated areas, but it was covered in the reply to Daithí McKay.

252. Mrs Watters: Designated areas are a slightly different concept in the legislation. Taxi ranks or stands might be situated in designated areas, and disabled access to taxis in those areas might be required. The term "designated areas" is designed to bring together several matters. We have in mind key instances in which taxis should be accessible to disabled people who wish to make connections with other forms of transport, such as at airports, train stations or ferry terminals. A great deal of money has been spent to ensure that ferries, trains and other forms of public transport are accessible to people with disabilities; however, if those people cannot manage that final leg home, they may not set out on the big journey at all.

253. The Chairperson: Can you provide the Committee with a list of any associated costs that may be incurred by the Department of the Environment or the taxi industry?

254. Mrs Watters: When we become aware of costs, we will provide them to the Committee. Do you also require information about income that will be generated by fees? It will be for the Driver and Vehicle Agency to collate such information, but we will press for it.

255. The Chairperson: Yes.

256. Mr McKay: Taxi drivers have reported that, following a PSV test, it can take the Department up to 10 days to issue a taxi vehicle licence — in other words, the taxi licence plates. That results in the loss of work and money. Have you considered providing drivers with some form of disc to cover those 10 days and to prevent their being out of pocket during that period?

257. Mr Laverty: The taxi review team is conscious that the time between the PSV test's taking place and the issuing of taxi licence plates has been a major area of complaint from taxi drivers. We will aim to streamline those procedures when we review taxi vehicle regulations. There will probably be a resultant cost, but the solution to the problem is for taxi licence plates to be issued at the point of testing.

258. Previously, a disc was used to identify a licensed taxi. However, the disc was indiscernible to the travelling public. That was one of the reasons for the introduction of the taxi-plating system. I appreciate that the delay between the time of the test and the issuing of plates is a problem.

259. Mr McKay: When will the review of taxi vehicle regulations take place?

260. Mr Laverty: The Taxis Bill will give the Department enabling powers to make new taxi vehicle regulations. The current PSV requirements will be reviewed and enhanced. I would like to believe that the review will take place sooner rather than later, possibly within 18 months of the new Bill's being enacted.

261. The Chairperson: On a final note, could the Committee have sight of the early draft of the regulations flowing from the Bill?

262. Mrs Watters: The Department does not have any early drafts of regulations.

263. The Chairperson: Could they be made available to the Committee when the Department has them?

264. Mrs Watters: Of course, but it will be some time before early drafts of regulations are available. The Department's main focus is on the primary legislation, but, as the policy is being developed in those regulatory areas, we are happy to work with the Committee. The Department does not envisage that the Committee will first hear about those regulations when it sees the secondary legislation.

265. The Chairperson: I thank the departmental representatives for their time; does any other Committee member want to add anything?

266. Mr Boylan: After these discussions, taking a taxi has a whole new meaning for me. [Laughter.]

267. The Chairperson: Thank you for your time today.

20 September 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Billy Armstrong

Mr Trevor Clarke

Mr David Ford

Mr Samuel Gardiner
Mr Ian McCrea

Witnesses:

Mr Andrew McCartney	North West Taxi Proprietors
Mr Eamonn O'Donnell	
Mr Eddie Lynch	Consumer Council
Ms Claire Toner	

268. The Chairperson (Mr McGlone): I welcome Mr Eamonn O'Donnell and Mr Andrew McCartney from North West Taxi Proprietors (NWTP). It is good to see you. The Committee's standard format is quite informal: you will have about 10 minutes to make your presentation or to add to the submission that you provided to the Committee, and then Members will ask a few questions for clarification. Your written submission is concise, and you have put a lot of work into it. Your submission is highly focused on the Bill: if you wish to supplement it, you have 10 minutes.

269. Mr Eamonn O'Donnell (North West Taxi Proprietors): Before I begin our presentation, I wish to thank the Committee for giving us the opportunity to discuss the Taxis Bill. Our presentation will outline some background, examine the proposals and specify some of our concerns.

270. NWTP has been involved in the taxi review from the beginning and at every stage of its progress. We lobbied for the taxi review, responded to the key-stakeholder consultation, responded to the consultation on the regulation of taxis and private-hire vehicles, and we responded to the draft Order in Council. We wrote a briefing paper for MLAs before the debate in June 2007, and we responded to the Environment Committee's recent request for submissions.

271. We were very pleased when the Assembly decided to introduce the Taxis Bill early in its mandate. We are impressed with local politicians for taking that decision, and we thank them.

272. We met the Department of the Environment (DOE), various taxi groups, the Inclusive Mobility and Transport Advisory Committee (Imtac), the Consumer Council and many others in our quest to create a fair and regulated taxi industry for everyone. It is fair to say that we have been involved in the process from the beginning and at every level.

273. On 3 May 2002, I sat before the previous Environment Committee to lobby for a taxi review and to call for the Department to give proper priority to the taxi industry. It is worth revisiting the reasons behind our call for a review of taxi administration and the introduction of the Taxis Bill.

274. In 1992, the Sterling Report was completed and given to the Department. That report highlighted the inadequacies of the Department and the fragmentation of the taxi industry, but it was inexplicably shelved. NWTP discovered through research that poor working practices and attitudes existed in the local taxi industry. That was later confirmed by the Department's own research. It was widely accepted that the taxi industry's system of administration had failed and was inadequate for dealing with the problems of the industry.

275. In Derry, where I live, regulated taxi services were outnumbered by the unregulated providers by at least 2:1. The situation was dire. At the start of the legislative process, the taxi industry was heading for total collapse. The current legislative process has pulled that situation back. However, it is vital that you, our local representatives, complete that process and deliver meaningful change that impacts on community safety and proper working conditions for those in the taxi industry.

276. NWTP welcomes the proposals in the Taxis Bill. We are happy to finally see the taxi review being translated into legislation. In principle, we agree with almost all the content of the proposed Taxis Bill. The changes are necessary to bring the taxi industry into the twenty-first century.

277. I turn to the specific proposals in the Bill. Clause 1 deals with operator licensing for taxi businesses. That will make office owners more accountable and will put the taxi industry firmly into the mainstream economy. NWTP welcomes the introduction of operator licensing, because it is long overdue and should go some way to addressing many of the bad practices of some office owners. The industry needs operator licensing, but, as in the past, if that measure is not enforced properly, all the good work will amount to nothing.

278. We agree that all taxi operators should be licensed. We see that as a central plank in the fight against the unregulated sector. Under the current system, sex offenders cannot be taxi drivers, but they can own and run taxi offices. That must change, and we would welcome such a change.

279. All taxi proprietors should be licensed. Owing to the loophole in the current regulations, standards in the taxi industry have fallen significantly. There is no accountability for taxi offices, and the Bill will introduce accountability and responsibility. That measure will be very effective in tackling the problem of unfair competition.

280. Clause 20 allows for taxis to pick up passengers on the street without them having booked. The structure of the taxi industry will change to a one-tier system. The Department intends to designate areas where only accessible vehicles will be able to pick up. We believe that a one-tier system is the best option for the local taxi industry. Regulation should maintain a safe standard for the industry, but market forces should dictate who services the different aspects of the diverse market. Regulation for the taxi industry in the North is undertaken by the Driver and Vehicle Agency (DVA) and is confined to the probity and health of drivers and vehicle suitability, roadworthiness and safety, including insurance cover. If the current position were enforced, it would regulate a safe standard for the industry.

281. Market forces should be allowed to develop and supply services, where there is a demand, and entrepreneurs in different localities could develop sustainable services that are tailored to that locality, covering the mix of urban and rural services. The taxi industry outside Belfast currently operates as a one-tier system, although on paper it is supposed to be a two-tier system. A two-tier system is not practical or enforceable. The law should not cover something that is not enforceable.

282. We want the taxi industry to be regulated to a safe standard. We want the marketplace deregulated and opened to allow the development of twenty-first-century services. If a taxi driver's medical and repute checks are in order and his vehicle is up to standard, he has earned the right to work in the taxi industry marketplace. There should be no monopolies.

283. The new proposals will make it safer for the general public by providing more taxis at key times to pick up on the streets. We do not accept the Transport and General Workers Union analysis that such a measure will cost 400 jobs in Belfast public-hire taxis. Rank designation will protect them. The claim made by the union was sensationalist. It was an attempt to grab headlines on the day of the debate to protect what is an unfair monopoly in the city centre of Belfast. The union's claim should not deflect the Committee from establishing equity and endorsing the proposal.

284. Clause 16 of the Taxis Bill proposes that maximum fare rates are set for all taxis. The Department has agreed that it will commission a taxi cost index to establish what a fair fare is.

The maximum fare will come from that report. At present, the economics of the taxi industry are wrong. It is imperative that the Department also sets a minimum fare. North West Taxi Proprietors believe that the taxi cost index will establish what a fair fare is; it should be initiated immediately, and maximum and minimum fares should be set. A multi-tariff system should be put in place to cover day, evening and night-time shifts. Holiday rates should also be built into the system. Once the taxi cost index is completed, the cost of taxiing will be officially established here for the first time ever. If the Office of Fair Trading (OFT) wants fair competition on fares, it is important that parameters be set at both the maximum and minimum ends. The minimum wage is currently set. If the taxi cost index sets out the cost of running a taxi, it will not be rocket science to set a minimum fare, equating to a minimum wage for taxi drivers, alongside the maximum fare.

285. Clause 18 requires all taxis to have taximeters. NWTP agree that all taxis should have taximeters. A taximeter is a measuring instrument for time and distance to set the cost. Taximeters are good for the taxi industry. They give the general public clarity, and, as they are standard in most European taxis, they are good for tourism. Taximeters are fundamental to the success, sustainability and growth of the industry. Implementation of the policy will increase fees for taxi drivers, so it is important that the Department moves at an early stage on two key issues for taxi drivers: improved enforcement and the early introduction of taximeters.

286. It is important to deal with unregulated taxis and offices that use them before we introduce taximeters. We believe that that will mean that operator licensing, at least in part, will be initiated within the next year. It is also important that the Department shows some understanding of taxi-driver issues and deals with costs by the early introduction of taximeters.

287. Clause 23(3) proposes that all new taxi drivers must pass a taxi-driving test. Existing taxi drivers will be required to complete one training day a year. The taxi driver's licence must be re-established as a vocational licence, and that will require the reinstatement of the taxi-driving test. Only new applicants should be required to sit the test and existing taxi drivers should have their grandfather rights respected as they have already invested significant sums of money in becoming taxi drivers.

288. Clauses 50 and 23(2)(a)(iii) require taxi drivers to complete vocational training at the same time as other vocational lorry and bus licence holders. We expect training in disability awareness, customer care, health and safety and other relevant areas. Cost is an issue for drivers. NWTP admits that the taxi industry has room for improvement in areas such as disability awareness, customer service, health and safety and new innovation. We agree with the proposal, but cost will be an issue for the industry.

289. The shared-fares scheme — in which taxi drivers are permitted to charge individual passengers separate, but less expensive, fares — is covered by clauses 5 and 6. Shared-fares schemes are to be introduced, where possible, and will provide for some diversity in the development of services. The scheme will also cover the current “black hack” services. Shared-fares schemes are aimed at peak periods when taxis are scarce, or they operate between entertainment centres or busy areas in a town or city centre. The schemes result in a person getting a taxi more quickly, saving money on the standard meter fare, and they may meet interesting fellow travellers. Such schemes help to reduce congestion and pollution and will enable the development of new urban and rural services.

290. As regards clause 2(5) and the issue of requiring operators to provide more taxis designed to meet the needs of older people and people with disabilities, Disability Discrimination Act requirements insist that each taxi operator provides more accessible vehicles. We expect this to be mandatory for a percentage of each fleet. We believe that the needs of people with disabilities should be addressed. However, it is important that the solution is balanced with the

scale of the problem. Cost will be an issue, and it will be important for the Department to take a balanced approach when setting percentages for businesses and when designating areas.

291. With respect to allowing only accessible vehicles to use taxi ranks, it appears that in certain transport hubs and other designated areas only accessible vehicles will be allowed to ply for hire, and that, after a certain period, only accessible vehicles will be allowed on taxi ranks. Accessible vehicles are expensive to buy and more expensive to run than ordinary taxis. The Department is creating non-financial incentives for those who buy and operate accessible vehicles.

292. There are other issues covered in the Taxis Bill such as advertising, signage, enforcement, increased penalties, requirements for taxi drivers and operators, vehicle licenses. The main issues will be dealt with within the first three years. Other issues may take longer.

293. We have specific concerns relating to clause 55. We ask for clarification regarding article 66A of the Road Traffic (Northern Ireland) Order 1981, which deals with car sharing arrangements and provides an exemption for people in the rural transport schemes run by DRD to transport people in a similar way to taxis. Has that exemption been written into the Taxis Bill? If so, that will enable people to abuse the scheme, as has happened on a wide scale in the past.

294. Taxi drivers have to undergo repute and medical checks; their vehicles undergo rigorous tests; they have to carry identification plates, and they will be required to undergo training under the new legislation. Why put us through all of that while providing an exemption that could become a loophole and be abused? Why not run voucher schemes in rural communities and other areas that require special services, and use local taxis to bolster the local industry? If that exemption is to be retained, enforcement will be important.

295. As regards clause 15(2), the Department has stated that a taxi driver could be fined £1,000 for failing to have proper identification on his taxi. Past inefficiency in the Department concerns us. We have an unwritten agreement with the Department that taxi drivers can work, once they acquire the vehicle inspection notice in the test centre, for a period of up to ten days, and they should then contact the Department to find out why their taxi plates have been delayed. If the Department is serious about fining taxi drivers for failure to display, we need a system that provides drivers with certificates or plates at the test centre.

296. Our preference is that the plates are replaced with roof signs containing the information. We agree with the principle of plating but would rather have the information displayed at eye level on roof signs. There is also an environmental impact to be considered in destroying more than 20,000 plastic plates annually. A disc, or certificate, could be issued at the test centre.

297. Changing vehicles is a vital issue for taxi drivers. The current process can keep a taxi driver off the road and losing earnings for two weeks to six weeks, except when the Department grants an amnesty through goodwill. We acknowledge that the merger between DVTA and DVLNI should improve the situation, together with the new legislation that will remove the criminal records office check from the vehicle. We would like to see the Department put a fast-track process in place for taxi drivers who are currently on the Department's records. The process needs to be speeded up, and provision needs to be written into the Bill.

298. The cost of change is going to be a massive issue for taxi drivers. That can be illustrated by examining clause 30. Under the legislation, taxi drivers will be charged additional fees. We accept that fees must increase so that the new system can be introduced, but we would like some understanding from the Department about taxi drivers' costs. We would like the Department of the Environment to spell out the time frame of change in an action plan. With regard to clause 8, we do not want all the costs to be introduced to taxi drivers without the introduction of meters in all taxis.

299. We would like clauses 18 and 30 to be linked at the implementation stage. We are pleased that the Department and the Committee are bringing the administration of the taxi industry into the twenty first century. However, we are concerned that the taxi enforcement team consists of only five people for the whole industry. Although a bigger pool of 21 can be tapped into on occasions, that is not good enough. All the good work of the Department and the Assembly will come to nothing if the legislation is not properly enforced. We would like a new enforcement strategy that instills confidence and has a local element of enforcement or compliance. Given that the taxi review is five years old, what is the action plan for implementation? What resources will the Department put into that?

300. In the consultation, the Department was vague on designated areas. We need a common-sense approach and more detail before implementation. Our fear is that whole areas of city centres and towns will be designated out of bounds to non-accessible taxis.

301. In conclusion, NWTP welcomes the Taxis Bill. We are happy that the Department is taking steps to update policy and the administration of taxis. The taxi review and the Taxis Bill are long overdue. We agree, in principle, with almost all the proposed Taxis Bill. However, we have concerns because we do not have the detail. The legislation is enabling, but our main concern is that it is so open. Although we understand that more consultation will follow, it points up the inherent difficulty that we have in giving a complete welcome to the Bill.

302. The Committee for the Environment should endorse the Taxis Bill and do all that it can to ensure that it receives Royal Assent, so that the development of the taxi industry can move ahead as soon as possible and the Department can get on with planning the programme of change that will bring the taxi industry into the twenty first century. I thank the Committee for taking time to listen to us and for giving us the opportunity to express our opinion.

303. The Chairperson: Thank you for that well-constructed, cogently argued submission.

304. Mr I McCrea: I reiterate what the Chairperson said. It was a well put-together response that dealt with almost every clause, which helps the Committee to understand any potential problems with the Bill.

305. There is concern that a one-tier system may put sole operators out of business if large companies can come in and take business off the street. You also touched on the benefits that you have reaped from tourism. Will there be room for everyone if a one-tier system is introduced?

306. Secondly, you mentioned setting meters at the maximum fare rate. There would be no obligation for anyone to discount if the meter was set at the maximum rate. I do not know how that discount would work, given that taxi drivers, quite rightly, want to make as much money as possible, as does any business. Obviously, it would be down to the individuals or the companies.

307. Mr O'Donnell: There is room for everyone in the one-tier system. Operator licensing is imperative because there is nothing in place to make operators accountable. Many of the industry's problems, including the growth of the unregulated sector, have arisen from the lack of operator licensing.

308. As with others, if the Department takes a common-sense approach to the sole-operator issue and if there is good consultation with the taxi industry, there is an opportunity. We hear, mainly from rural operators, that sole operators in each location could, together, cope with operator licensing under a percentage system. If not, in other words, a sole operator should be forced to provide the service. As long as a sole operator can contact someone in a village with access to a vehicle to provide the service needed, that is enough to cover that clause. Without

sole-operator licensing, a loophole will be created that could be abused, and there has been massive abuse in the past.

309. The second issue is the maximum fare. Maximum fares and discounts are not the preference of the taxi proprietors. Our preference is a maximum and a minimum fare: the taxi cost index would set a fare for the region, and we would all work from that. However, a report by the Office of Fair Trading recommends competition, and the argument is that someone could go on a taxi journey, find at the end of it that the fare is the maximum, and argue the price. It was put to the Office of Fair Trading that someone filling a trolley with groceries in a supermarket would not negotiate the prices when their shopping came to be rung through at the checkout. Taxi proprietors also find that unacceptable, and our counter argument is that, if there is to be one rate, all meters must be set at that. They cannot be set at the lowest rate, because there would not be one.

310. Mr Boylan: Thank you for your presentation. You have outlined many issues, and I hope that they have all been noted. Could you expand on fast tracking and on designated areas?

311. Mr Andrew McCartney (North West Taxi Proprietors): Fast tracking is a big concern in the taxi industry. If a taxi driver writes off his or her car, or it is burnt, or, for whatever reason, the vehicle can no longer be used as a taxi, that situation is out of his or her control. The driver has to buy a new car, and re-apply for a PSV licence, and the process can take up to six weeks. Even if the driver knows someone in the Department who can put it through more quickly, it can take two weeks. Therefore, a taxi driver is off the road from between two to six weeks, and there is absolutely no mechanism written into the Bill to fast track the process.

312. Every week, taxi drivers face the possibility of being off the road. If a driver forgets to apply for a PSV licence, that is his or her fault; however, if, for reasons that are out of the driver's control, the vehicle no longer works, provision should be written into the Bill to fast track that process. There would have to be very strict criteria, but there should be some mechanism whereby the vehicle could be presented at a test centre, tested, and the paperwork done in reverse. If there is a problem, the licence can then be revoked, as opposed to the current situation in which the Department takes the safe option of going through the bureaucratic process and issuing the licence six weeks later. No driver can afford to be off the road for six weeks, earning no money. That has not even been considered, but it must be. It is perhaps not too high on the scale, but, from a practical point of view, it is a possibility that taxi drivers face every week.

313. Mr O'Donnell: NWTP fears that the Bill is vague on designated areas. They work on a ranking space where accessible taxis are allowed to queue up, but saloon cars will be allowed to pick up at a designated distance. We are afraid that four or five places in a town or city centre will be chosen as designated areas and that the whole city centre will, therefore, be designated as out of bounds. I suggest that the departmental officials use their common sense and talk to representatives from the local taxi industry to work out what the designated areas should be.

314. Mr T Clarke: Mr O'Donnell referred to the test for new drivers, but he seems to be against the one-day training course for existing drivers. Perhaps I misunderstood him, but would that examination not surely be a good way of maintaining an excellent service in the taxi industry?

315. Mr O'Donnell: You picked me up wrongly. We are in favour of the training because we accept that there is room for improvement in the industry.

316. Mr T Clarke: Are you happy for existing drivers to do the one-day training course?

317. Mr A McCartney: We are opposed to the introduction of a driving test for existing licence holders; we are not against the one-day training course.

318. Mr T Clarke: In the past, some drivers — although others might call them cowboys — have been given taxi licences even though they have not received adequate training. In fact, it has been said that the licences were given out like Guinness labels. If that is the case, the obligation on those drivers to do the complete test would iron out lots of problems in the system.

319. Mr A McCartney: The difficulty that I have with that might sound like a contradiction. Many people who have invested in taxiing as a job and a livelihood might not pass the test and would be out of work. We are trying to be all inclusive. Many people in the industry — even the operators — have played their part in destroying it over the past number of years. You called them cowboys, but I call them pirates. If they license themselves, they should be part of the process: they should not be excluded. The Department decided to do away with the driving test and give out licences. Existing drivers should not have to do the test, but drivers who join the industry hereafter should. However, every driver — existing and new — should be trained in disability and customer awareness.

320. Mr T Clarke: Mr McCartney's comments about drivers who have invested heavily in the industry but who might not pass the test make me fearful. For the sake of the industry, the Bill should enforce the test. I know that people have made heavy investments, but if those individuals are not of the standard required to transport the public, they should not be in the industry. I am almost afraid to say that, but that is why I agree with that part of the legislation. The Department was wrong to do away with the test.

321. Mr A McCartney: That is what I meant when I said that my comments might sound like a contradiction. However, it is about defending people's rights, and the Department has to make a decision on that. If it goes back on its decision, many people — not just one person — will be affected. The taxi industry has always been honest enough to say that there are gaps in its service — even with regard to disability awareness — but the Department has created those. Therefore, the Department must be careful when drafting the legislation, because some people might be put out of work. We may have to deal with a few contradictions to protect those who are working. There are worse things happening than taxis being driven by people who are not properly trained to drive; for example, people who do not even have licences are taxiing. We have to draw a line in the sand and get a fully regulated, professional service.

322. Mr O'Donnell: For instance, some people are capable of driving taxis, but they might be slow learners or have literacy problems, so they must be protected.

323. Mr Gardiner: I compliment the witnesses on their professional presentation; thank you for that. You have suggested areas that the Department can consider and hopefully amend.

324. The Chairperson: We could not finish on a finer point. Thank you for travelling from Derry to make your valuable presentation.

325. I welcome Claire Toner and Eddie Lynch from the Consumer Council. The Committee has limited time and a lot of business to do; nonetheless, the Consumer Council's contribution is extremely valuable in bringing the voice of the consumers to the Committee. The Committee hears similar and conflicting messages from the taxi industry.

326. Mr Eddie Lynch (Consumer Council): Thank you for the opportunity to come before the Committee. I appreciate the opportunity to present the views of passengers on this subject, and I will try to keep my presentation brief. I will focus on the views of the Consumer Council and on why the Taxis Bill is important to consumers here. I will also focus on areas of the Bill where the

council feels that there should be some amendment. Members should have copies of our presentation. I will outline the role of the Consumer Council in the process, the impact that the Taxis Bill could have on consumers and taxi users, the process so far and the need for changes.

327. The Consumer Council is a statutory body and represents passengers travelling to, from and within Northern Ireland. It has been involved with the Department and others in the review since 2002. Early in the review, the Consumer Council conducted consumer research and produced a report, 'Talking about Taxis', which fed into the review of taxis and outlined the key issues and concerns faced by consumers who use the industry. Throughout the process, the Consumer Council felt that the consultation was very well handled by the Department and officials. It has always had an opportunity to speak to the Department during the various stages and put its views across. Indeed, several areas that caused concern have been addressed, and I will refer to them later.

328. What does the taxi industry need? The Consumer Council strongly supports the key objectives of the Taxis Bill because it believes that the current standards are not high enough for consumers and must be raised across the industry. More legal taxi operators must be introduced, and we need to tackle and remove illegal operators. We need improved consumer protection, awareness to enable passengers to make informed decisions and choices and a framework for competitive and reasonable fares for all, both for the industry and for the passenger.

329. Why is change needed? Over one million passenger journeys are made annually. Research carried out by the Consumer Council a few years ago showed that 5% of consumers use taxis as their main mode of travel, which is significant when compared to the 4% who use buses and the 1% who use trains. Taxis have a key role in transporting people about their business.

330. The research also highlighted real concerns about charging. Around 51% of consumers believed that public-hire taxis may have overcharged them at least once, and 37% of consumers believed that they had been overcharged by private-hire taxis. That highlighted not necessarily that taxis were overcharging, but real consumer confusion over what is a fair price. The Bill is needed to ensure a proper and fair system of charging and to ensure that consumers know what they have to pay and how to take action if they believe that they have been overcharged.

331. There is a lack of consumer knowledge about rights and protection. More than half of the consumers who made a complaint were unhappy about how that complaint was received. Many felt that there was no avenue to progress it.

332. Some key issues emerged from the consultation process. Initially, it was proposed that roof signs should be removed from taxis. We strongly opposed that, believing that they are vital for passenger information and safety. We are pleased that the Department of the Environment has changed its mind on that issue, and we welcome the new suggestions. Roof signs could be used more effectively and could include licence plates, making them more visible. We are keen to work with the Department on that proposal.

333. Accessibility is another key issue. We argued that Northern Ireland consumers require a mixture of fleets and vehicles to meet various needs and disabilities. A single solution would not meet all of those requirements. Accessible taxis, or "wheelchair taxis", would not meet the needs of all consumers. We agree with the Department's approach that a proportion of taxi operators' fleets should be wheelchair-accessible, leaving other taxis to meet other needs.

334. We have some concerns about operator licensing, particularly in regard to sole operators in rural areas. I will touch on that issue later.

335. In general, any concerns that we raised with the Department have resulted in safeguards being put in place throughout the Bill. Although the Taxis Bill provides a framework for change, the devil will be in the detail. Many issues still need to be teased out to get it right.

336. In summary, the status quo is not an option. There must be a more passenger-focused system that meets the three principles of accessibility, or the three As: accessible vehicles that meet the needs of all passengers; vehicle availability when passengers wish to travel; and affordability. In the future, we want consideration to be given to how concessionary fares could be extended to the taxi industry.

337. Taxis must be available at the point of need. We must work to ensure that, for every passenger, a vehicle that meets requirements is available when it is wanted and at a fair price.

338. I have some specific points about the Bill itself. In the area of operator licensing, consideration must be given to the needs of sole operators — particularly in rural areas. That matter is addressed in the Bill; however, we want reassurances that the Department will ensure that those operators are not overburdened by huge costs, which would have a negative impact on consumers in such areas.

339. Although passenger complaints are mentioned in regard to the operator licence, a robust complaint system must be put in place. In addition to operators having to have a complaints procedure, it is essential that there be a further avenue to pursue if passengers are unhappy with the taxi company's initial response. In other areas, that is a role for the Consumer Council. It is vital to ensure that passengers are adequately protected.

340. We welcome clause 10(4), which states that:

"The Department shall take into consideration ... any recommendations made by the General Consumer Council for Northern Ireland."

341. That is an important initiative. However, recourse to the Consumer Council should be embedded in other parts of the legislation, and its role enshrined. In particular, the Bill should state that the Consumer Council should be consulted in relation to fare-setting and maximum fares; passenger information; accessibility standards; and the handling of passenger complaints. Currently, that happens in many of those areas. We have close links and discussions with the Department of the Environment; however, if the Bill is to be passenger-focused, the passenger representative must be enshrined in it.

342. Ms Claire Toner (Consumer Council): We are aware that there has been a separate consultation on taxi-driver training, and we have responded to that.

343. The Consumer Council welcomes the additional training proposed for drivers and believes that it will help to raise standards in the industry, as well as meet the needs of passengers. Disability-awareness training is a particular issue for those passengers and will help to address their needs. The Consumer Council has recently received feedback from passengers with disabilities, regarding driver attitudes, so disability-awareness training is vital. However, the Consumer Council recognises that a balance needs to be struck, so that the costs of that training are managed and the benefits of the system to passengers are not outweighed by increases in fares.

344. Mr Lynch: To finish, there are two points. First, enforcement — which has been mentioned already — is central to the success of the Taxis Bill. The Department needs sufficient resources to ensure that there is compliance and that standards are met across the industry. Raising standards is very important for the industry, but we recognise that it is a challenge. Therefore,

as they move to improve service for passengers, those working in the industry need protection from damage by illegal operators. The Consumer Council urges that the Department be given the necessary resources to ensure that the Bill is implemented fully.

345. Secondly, to date, the Consumer Council has welcomed the implementation and monitoring of the process by the Assembly, and it welcomes the Committee's role in overseeing progress on the issue. As the current system does not meet the needs of passengers, the Consumer Council urges the Committee to take an active role in setting timescales and in the monitoring process, so that passengers can benefit from the changes as soon as possible.

346. Consumers must have feedback; they have played a part in the whole review and given their views, so communication with them is vital. We would like to see the "what", the "when" and the "why" addressed; consumers must be told what key changes they can expect, when they can expect them, and why they are happening and what their impact will be. The Consumer Council looks forward to working with the Department and other stakeholders, to ensure that the Taxis Bill meets its objectives.

347. We thank members for their attention and are happy to answer any questions that they may have.

348. Mr Deputy Chairperson: Thank you for your presentation. Does anyone have any questions?

349. Mr Ford: The Committee has heard a lot about accessibility in the earlier presentation, and the Consumer Council talked about regulating the one-person operator. If there is a situation such as that, and we accept the idea that only a proportion of taxis should be fully accessible, how do you decide what the necessary proportion is? Furthermore, could that proportion vary between the single operator — or possibly two or three operators sharing in a type of partnership — in a rural area, and the big Belfast firms? How can a reasonable balance be produced in a situation where not every operator has to be fully accessible?

350. Mr Lynch: That is a very good question, and one with which we have struggled. Initially, we thought of exemptions for sole operators, in relation to providing fully accessible taxis. After speaking to the Department, we had concerns that that route could open up a loophole for the industry to register a number of drivers as sole operators. We felt that it would have a negative impact on efforts to increase accessibility standards across the industry. Further discussion is needed on that issue, and we are happy to work with the Department on it.

351. The question of proportions has to be looked at on an area-by-area basis, to see what is needed. Again, referring to our principles about accessibility, what is important is that a taxi that meets the needs of the passenger is available when he or she wants to travel. That is where the level of proportion is vital. The situation in Belfast must be viewed differently to that in rural areas. We must examine the system again to see how it will operate.

352. There is no easy answer. There must be incentives that encourage the industry to provide accessible taxis. We welcome the proposals to develop taxi ranks and to establish interchanges at such strategic points as public transport stations, which only accessible taxis will be able to enter. The industry must be offered business benefits and incentives to encourage it to go down that route, so that it considers the provision of accessible taxis worthwhile.

353. Mr Ford: That leads us to regulation. Last week, we heard significant complaints from Belfast public-hire drivers that taxi ranks do not work, because there is no enforcement and because ordinary private-hire saloon cars hover around — if not use — the ranks. Without a proper regulatory regime, how can one achieve a balance and offer incentives? It appears that the Department is failing — at least, according to the Belfast public-hire drivers.

354. Mr Lynch: The current system is failing and in no way meets the general needs of passengers, including those who require wheelchair access to taxis. We are trying to develop a public transport network that is accessible to everyone. We are introducing fully accessible trains and buses, and our focus is on connectivity. We want people with disabilities and older people with reduced mobility to be able to get from A to B. Many journeys involve more than one bus or train service; people are required to use more than one mode of transport. We recognise that unless all links in the chain are accessible, some journeys cannot be completed.

355. I agree that the current situation does not meet the needs of passengers, particularly those with disabilities.

356. The Deputy Chairperson: Thank you for your presentation. It is important that the Consumer Council has a major input in the discussion.

27 September 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Billy Armstrong

Mr Trevor Clarke

Mr David Ford

Mr Alex Maskey

Mr Ian McCrea

Mr Daithí McKay

Mr Peter Weir

Witnesses:

Ms Barbara Fleming	Inclusive Mobility and Transport Advisory
Mr Michael Lorimer	Committee

Mr Richard Daniels	London Taxis International
Mr Andrew Overton	

Mr Sean Smyth	T&G Section of Unite
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Mr James Beckett	Transport and General Workers' Union
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Mr James Matier	
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Mr Anthony McCloskey	George Best Belfast City Airport Taxi Rank
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357. The Chairperson (Mr McGlone): Ms Fleming and Mr Lorimer, you are very welcome. The Committee tries to keep these evidence sessions as informal as possible, and they focus on legislation. Witnesses are invited to take between 10 and 15 minutes to make their submissions. The Committee has your written submissions; if there are aspects of those that you want to emphasise particularly, or other issues that you want to raise, please feel free to do so.

358. Mr Michael Lorimer (Inclusive Mobility and Transport Advisory Committee): Thank you, Mr Chairperson. I will set out the position of the Inclusive Mobility and Transport Advisory Committee (IMTAC) on the Taxis Bill, and Barbara Fleming will then speak on the experiences of disabled people who use taxis.

359. IMTAC is the main source of advice to Government — and others — on transport issues for disabled and older people. It is sponsored by the Department for Regional Development to perform that function. IMTAC works towards an inclusive transport system on the basis that

disabled people should have access to the same goods and services as everyone else, which is current Government policy. There should be a move to change the transport system from one of segregation to one of inclusivity.

360. Taxis are a key service for disabled people. Before I go into detail, I wish to record that, for many years, taxis have provided a vital service for disabled people; taxi drivers provide a door-to-door service, and many drivers go the extra distance to help disabled people — for example, by carrying shopping into passengers' homes. Taxis are often available when other transport is not. Historically, because of the inaccessibility of public transport, taxis have often been the only available source of transport for some disabled people.

361. Despite that, disabled people have had extreme problems using taxis. I will highlight some of those as a background to IMTAC's position on the Taxis Bill. The number of taxis suitable for disabled people is low, including wheelchair-accessible taxis. There is a particular problem outside Belfast; however, the problem of access to those taxis in Belfast is huge.

362. There is a lack of availability of taxis at the times when disabled people want to travel. Many vehicles that are wheelchair accessible — again, particularly outside Belfast — are hired by Departments for home-to-school transport. Therefore, disabled people are restricted in the times that they can travel.

363. To illustrate this point, we had a meeting with one of the direct rule Ministers at Stormont Castle around a year and a half ago, and we had to be there at 4.00 pm. One of our members is disabled, and, because of school transport, the only time that a taxi could take him was around 12.00 noon. Therefore, he was at Stormont three hours before the meeting and had to hang around for an hour afterwards, and he had to pay £70 for the privilege. His journey was from Bangor to Stormont. Those are the type of issues that disabled people face.

364. We also have real concerns about vehicle standards. Again, London-style taxis are being used in Belfast, and standards are set for those vehicles, and they are safe. However, we have grave concerns about the safety of some of the vehicles outside Belfast that purport to be accessible vehicles. Many of them are van conversions, and we have grave concerns about whether the people being transported in them are safe.

365. Staff attitudes are a big issue for disabled people. That can permeate in a number of ways. A common problem is that disabled people are refused taxis. Once they say that they are wheelchair users or are disabled, the answer from the taxi firm is that it does not carry disabled people. There are also issues around language. Basically, disabled people are often treated with lack of dignity by taxi drivers.

366. Last week, I had a case in Dungannon in which a young girl being transported to school by taxi was verbally abused by the taxi driver. The disappointing aspect of that case was that when the parents complained to the Department of Education, they were told that unless the daughter could prove it, the Department would do nothing about the matter. Attitudes are a big issue for disabled people.

367. The final issue is the cost of services. There is a premium to be paid, particularly if you are a wheelchair user and need an accessible taxi, on many services in Belfast, and there is clear evidence of extreme discrimination as regards charging.

368. A man from Derry spoke to me yesterday about his mother, who was dying of cancer. In the last weeks of her life, she had to use a wheelchair and needed to travel a quarter of a mile. She had to use an accessible taxi and was charged £70 for the privilege of doing so. There is a lot of anger among disabled people about charges for wheelchair-accessible vehicles.

369. IMTAC broadly supports the Taxis Bill. The Department has sought to consult with the taxi trade, taxi users and stakeholders. In particular, it has sought to be proactive in gauging the views of disabled people and older people. IMTAC facilitated several public meetings in Derry and Belfast, and there were focus group meetings comprising disabled people in places such as Dungannon. The Department got real first-hand accounts from disabled people about the issues that they faced when using taxis. There were people attending who were blind, had learning disabilities, were deaf, were wheelchair users and those who had other impairments.

370. The Department has clearly listened to the views of users as well as those in the trade and has come up with a balanced approach on the requirements of taxi users and operators. I would like to stress that the solution is for all of Northern Ireland. It is not a solution for the centre of Belfast, where much of the focus on these issues tends to be.

371. There is much debate about the tiered systems. There is a good deal of merit in having a one-tier system, the reason being that the only place where the current two-tier system makes a difference is in Belfast, where there are public- and private-hire vehicles.

372. The public-hire system does not work for disabled people. It may be that there are 450 accessible taxis available from ranks, but the message that we hear from disabled people is that they cannot access those services. The public-hire sector has not done enough to engage and promote its services to disabled people. Why is there no contact or dispatch service so that disabled people can phone to access those vehicles? We also have anecdotal evidence of disabled people trying to access taxis at ranks, only to be told that those vehicles do not accommodate wheelchairs.

373. There are difficult issues around the availability of the public-hire fleet in Belfast. I know of very few disabled people who use public-hire taxis in Belfast. Those who do use taxis do so on a private-hire basis. Predominantly, the wheelchair users to whom I have spoken use the main private-hire operators in Belfast: Value Cabs, fonaCAB, and so on.

374. There are difficulties with the current two-tier system for disabled people in Belfast. Outside Belfast, the one-tier system is the only one that addresses accessibility issues. In a two-tier system, public-hire taxis will migrate into the private-hire sector, and accessibility issues would not be addressed. The one-tier system is crucial to increasing the number of taxis that are accessible to disabled people. There is no point in having 450 accessible taxis if they are not available to disabled people.

375. We support operator licensing, and we particularly support the link between operator licensing and accessible vehicles. Accessibility of vehicles should be tied to operator licensing. We support the link between accessibility and the provision of taxis at ranks. We stress that that should apply to all ranks.

376. One big issue that was identified early in the review process is taxi provision at Belfast International Airport, the main point of entry for visitors to this country. There are very few accessible vehicles there, and that sends out a message to visitors that we do not take seriously the requirements of disabled visitors. We understand that that is not part of the contract, but contracts can stipulate levels of accessibility, and they should. Obviously, other taxi ranks should also connect to the transport system.

377. We support the measures relating to fares, particularly the provision for a maximum fare. That will not end discriminatory charging, but it will end the extreme discrimination encountered by some disabled people. Some have been charged as much as £70 for a quarter-of-a-mile journey. A maximum fare will end that type of discrimination. We support the use of taximeters; a clear display of fares will give all passengers greater confidence in the use of taxis.

378. We support proposals to give the Department powers to prescribe driver training. That is important. Unless we challenge the attitudes of some drivers, disabled people will not be able to access taxis. Better training of drivers and driver development will bring benefits to the taxi system in general, and that should be available to drivers with disabilities. We do not want to discriminate against drivers with, for example, learning disabilities.

379. We want vehicle standards to be addressed; people need vehicles that are safe. The Department should establish vehicle accessibility standards throughout Northern Ireland. We are assured that the Bill includes the powers for the Department to do that. As it stands, the Taxis Bill will improve standards for all consumers, particularly for consumers with disabilities.

380. Other transport services, both large and small, have had to become accessible because of legislation and Government policy, as have service providers such as hairdressers and café proprietors. The Disability Discrimination Act 1995 has affected all such businesses. We have seen massive changes to public transport. Taxis have been left behind somewhat, and that must be addressed. It is essential that the powers in the Taxis Bill that change how taxis are regulated are not watered down any further.

381. I will hand over to Barbara Fleming, who has been an IMTAC member for eight years and has been a taxi user for a long time. She is connected to nearly every disability group in Belfast, so she has talked to many people about their experiences of using taxis.

382. Ms Barbara Fleming (Inclusive Mobility and Transport Advisory Committee): I will switch myself off the loop because I cannot stand my own voice. [Laughter.] As Michael said, I am not speaking just on behalf of myself; I have talked to many disabled people across the board. For example, I am heavily involved in 18 organisations; I am the principal chairperson of the board of Open Arts, which serves more than 300 disabled people; and I am the secretary of the Northern Ireland Neurological Charities Alliance (NINCA), which is an alliance of all the charities that support people with neurological conditions. Despite being a qualified interpreter, I am hard of hearing, so I serve on a rota basis as chairperson of the regional division of the British Deaf Association.

383. I am representing disabled people with every conceivable impairment, including the deaf sign-language-using community. Everyone to whom I have spoken has had the same experiences as I have had, so when I speak for myself, I am speaking for them as well; not just wheelchair users but people with mental-health issues, visual impairments or people like me who have multiple impairments. I cannot tell you how excited we are about the Taxis Bill, because it is a giant leap forward in resolving many of the issues that Michael has addressed. It is especially exciting for disabled people in rural areas, where it is next to impossible to get a taxi. The lack of taxis means that we have to go with what is available, which has led to exploitation and attitudinal difficulties that disabled people have experienced.

384. For example, I represented a friend whose husband was the first deaf chairperson of the bowling club on the Malone Road. I know how much taxis cost; it amounts to a fare and a half, and there is also a minimum charge. I had worked out that the taxi from my home would cost me about £15 either way. I was charged £35 one way, and so had no money to get home. I could not tell my friend, because I was there to support her and did not want to upset her. I cannot explain to you what that did to me physically as well, because of my heart condition. I had to get through that night without knowing how I was going to get home.

385. I have had taxi drivers shout at me and swear at me. I have had to sit cramped; I have been shoved into a taxi that I was told was accessible and have had to sit doubled-over because I am too tall. My chair reclines backwards and has to be put into that position, forcing me to bend over in agony. I have been charged extortionate rates for those privileges.

386. Why do I not complain about that treatment or report it? The answer is simply because the firm would refuse to take me; therefore, I am not in a position to complain. A colleague and I were asked to talk about this on the radio, but we could not — if we did, we would no longer have a taxi service to use. There is only one main taxi service in Belfast that I can use. There have been only two journeys in the past 11 years during which I have not been exploited. As a wheelchair user, one really depends on the taxi drivers. When the taxi driver that I mentioned earlier charged me £35, I told him that that was not what the meter said, and he simply cleared the meter. He was a big man, and, as a woman, what could I have done? I did not want to make a big scene and alert people to the situation, because I was there as a support and I did not want to worry or stress anyone.

387. On Monday evening, a friend of mine booked a taxi to travel to an Open Arts event. She explained to the driver that she was travelling with another wheelchair user with whom she lived. However, she could not get into the taxi because it was too high. She was a wheelchair user, but she could transfer from the wheelchair into the car, so the taxi driver just thought she was being awkward. When she transferred to the backseat, the driver shouted at her. He folded up her chair and just set it down without securing it, meaning that the chair fell on top of her and injured her knee.

388. On a few occasions, I have tried to get a taxi at a rank. I have been ignored, but, thankfully, on two occasions, I was recognised by a taxi driver from a firm that had transported me a couple of times, and he said that he would take me. I had to wait until his taxi came down the queue at the rank, and then I knew that I was going to get home.

389. Like Michael, other people have told me that they have been refused by a taxi driver. The drivers have said that they are sorry, but they do not transport disabled people. Sometimes drivers have said that their taxis are not accessible when it is very obvious that they are accessible. In some ways, taxi drivers are a bit fearful, or perhaps they do not know how to work the ramps. Again, the Bill is a giant step forward because it means that training will be provided that will tackle that fear. Equality training is not like disability-awareness training: it does exactly what it says. It enables people to see disabled people as they are: members of the public and a very important part of society. We are contributors. If we do nothing else, we supply a vast amount of employment; if disabled people are taken out of society, it will collapse, and a lot of people would be unemployed.

390. As members of the public, we have the right to travel as other people do. Not only that, our money is worth the same as anyone else's. If a driver makes a taxi wheelchair accessible, wheelchair users will get in it and will pay. Setting a maximum rate will not mean that taxi drivers will be poverty-stricken. They will have more clients, especially when the one-tier system comes into effect and there are more accessible taxis. There are many disabled people in rural areas who cannot access any form of transport whatsoever; they are just waiting to use this service. Therefore, it will pay in the long run. If the system is established correctly, the cost of setting it up will be recouped in fares that drivers receive from the increased number of clients using the service. It will go a long way.

391. For disabled people who are totally dependent on others, getting out and about will have a knock-on effect in many areas. The Bill will cut down on abuse and the exploitation of them as people. It will open up opportunities for friendships, employment, and so much more than I have time to talk about today. You have no idea about the knock-on effect that the proposed legislation will have on the disabled community and the deaf community in Northern Ireland.

392. I have deaf friends who have been charged a ridiculous amount of money for taxi journeys. They do not have a mobility impairment, but because they are deaf, speak with a monotone voice and are difficult to make out, they are classed as having a learning difficulty. Consequently,

they are charged an extortionate amount for their taxi journeys. Unfortunately, they are afraid to complain.

393. People with learning difficulties and mental-health difficulties have been exploited. I feel that the Bill will resolve many of those problems. It will supply more taxis, so it will even out the ground a bit more by providing more competition. The training will enable taxi drivers to interact with disabled people and other members of the public, including older people. Overall, I think it is a very positive step.

394. The Chairperson: Thank you for that, Barbara. I am sure that, like other Committee members, I am shocked to hear, at first hand, people's experience of that type of exploitation, unacceptable practice and behaviour. It provides a human focus on why we should be here today and dealing with the Taxis Bill. Thank you for your evidence.

395. Mr Weir: First, thank you for your presentation. If we hear no other evidence, the evidence that you have given today shows, at least, the need for some degree of reform of the current system to ensure that disabled people are put on a level playing field with everyone else. You highlighted, principally from your own experiences, a number of problems that wheelchair users, in particular, have with the current system and the level of exploitation that they suffer. You touched on the deaf community as well. Do you have any other information, from your own experience, of the levels or types of discrimination or exploitation that any other disabled groups are suffering?

396. As you have said, wheelchair users are vulnerable to exploitation. Similarly, a deaf person's voice may make them vulnerable to exploitation. Could you give us any information on the impact on any of the other disabled groups?

397. Ms Fleming: Certainly. I have a few colleagues and friends who have a visual impairment and who have guide dogs. There have been occasions when a taxi driver has said that he could not carry a guide dog in his taxi. Although the new policy has helped in some ways, there was an incident, a couple of weeks ago, when a taxi driver said that he could not carry a guide dog in his taxi because he was allergic to dogs.

398. A married couple, who each have a dog, because the man works and the woman is a housewife, had to give up one of their dogs. The taxi could have carried two dogs but the driver, nevertheless, refused to carry both. That left one person at a disadvantage. In that case, the woman gave up her dog because her husband needed to travel by taxi. That left the woman at a disadvantage because she did not know how she was going to get into the building at the end of the journey. Thankfully, it was arranged by mobile phone that someone would wait for her at the other end.

399. Mr Lorimer: Blind people who do not use guide dogs have also expressed concerns about drivers who treat blind people as stupid and take them on the scenic route, thereby building up a healthy fare. That is a fairly common experience for blind people. People with mobility impairments who are not wheelchair users have problems accessing saloon taxis.

400. Earlier, we talked about vehicle accessibility: the focus tends to be on wheelchair users but we must look at the standards of vehicle accessibility for a broad range of people, including those with walking difficulties. For instance, fitting a swivel seat in a saloon vehicle can make it much more accessible to people with a walking difficulty. There are taxi accessibility issues for disabled people apart from wheelchair users.

401. Mr A Maskey: Thank you for your illuminating presentations. In your written presentation, you said that you had held meetings with taxi drivers' representatives and others in the trade at

which you addressed areas of common concern, such as enforcement and accessible vehicle standards. Was there clear dissent between you and the taxi operators on any issue? Was there anything that you did not agree on that may or may not be covered by the Taxis Bill?

402. Mr Lorimer: The vehicle standards favoured by taxi operators and those favoured by disabled people differ. Ideally, we want a standard of vehicle that everyone can access. However, that aspiration may not be achievable, as we must be realistic about the nature of the industry and the costs of developing such a vehicle.

403. There are issues about Belfast public-hire taxis, and there has been a great deal of publicity about the Bill affecting taxi accessibility for disabled people. We said in strong terms that that will not be the case, because, at present, disabled people cannot access many Belfast public-hire vehicles. It is a bone of contention for us that some representatives of the public-hire sector say that they are the defenders of disabled people.

404. We also want a higher percentage of fleets to be of a disabled-access standard, whereas the taxi industry probably wants a lower percentage; but that is life. We will have to compromise on that as much as the taxi trade in the outcome of the Bill.

405. There are differences, but there is common ground as well. We share Belfast public-hire representatives' concerns about enforcement and vehicle standards, and we would like to see those issues addressed.

406. Mr Ford: Thank you both for your presentations. Your written submission highlights several issues that will come up only in secondary legislation, such as the percentage of fleets that should be disabled-accessible. You both talked about the attitude of taxi drivers and training. Should training be compulsory for all drivers or solely for new drivers?

407. Mr Lorimer: We would prefer that all drivers go through some kind of disability equality training, but some already have. In the past, as the disabled persons' Transport Advisory Committee, we were connected with Disability Action and we trained taxi drivers, so there are 300 to 400 drivers who have done that training. There must be flexibility in recognising that some drivers have already undertaken training, but, ideally, we would like all drivers to go through periodic refresher training, because issues change.

408. Mr Boylan: Thank you both for your presentations. Over the past weeks, the Committee has heard from taxi drivers, so it is good to hear the customers' perspective, and that is all part of social inclusion.

409. You mentioned a one-tier system in rural areas. Is accessibility even more difficult there?

410. Ms Fleming: Very much so.

411. Mr Boylan: Can you clarify the issues?

412. Mr Lorimer: There are fewer accessible vehicles outside Belfast. Saloon taxis are predominantly used in rural areas. Since there are no standards for those vehicles, many vehicles in rural areas are van conversions that have been done by local firms, and that presents serious safety concerns. Taxi firms in rural areas tend to do a lot of work for Government agencies, such as ferrying patients to medical appointments and providing home-to-school transport, so their vehicles are not readily available to disabled people in any case.

413. Therefore, they are not available to disabled people anyway. Furthermore, because there are so few of them, companies can charge whatever the heck they want for the use of those vehicles by disabled people. The low number of accessible vehicles is a huge problem in rural areas. Imtac has received a lot of feedback about the absence of any other form of transport in rural areas from older people and disabled people who rely on taxis.

414. Mr Boylan: It is hoped that the Bill will deal with that problem.

415. The Chairperson: Thank you very much for giving your time to attend the meeting. It is an important matter, and you have made compelling arguments. I am sure that you have gathered that from the members' comments.

416. Mr Sean Smyth (T&G Section of Unite): I am Sean Smyth of the T&G section of Unite. There appears to be an administrative error on the agenda. Representatives from London Taxis International (LTI Vehicles), which manufactures London-type taxis, are present. LTI and I would like to address the Committee as one group. Afterwards, Mr Beckett and Mr Matier, as the T&G, will address the Committee.

417. The Chairperson: That is permissible if you can compact your presentation into ten or fifteen minutes. Provision has been made for several people to speak. Others must be included in the schedule.

418. Mr Smyth: We are on the agenda twice.

419. The Chairperson: I have not seen the notification to which you refer.

420. Mr Smyth: I refer to today's agenda, on which we appear twice. We are referred to first as Unite and then as the Transport and General Workers' Union (TGWU). If Mr Chairman agrees, I will speak first on behalf of LTI. Afterwards, my colleagues will address the Committee.

421. The Chairperson: Mr Smyth, can you clarify that you are with the union, Unite, and your colleagues are with the TGWU?

422. Mr Smyth: TGWU and Unite are now one union. TGWU merged with Amicus, which is now the T&G section of Unite.

423. The Chairperson: I see — sorry about that.

424. The Committee Clerk: The confusion has arisen because the Committee received two submissions, rather than just one.

425. Mr Smyth: That is quite possible. I am aware that the Committee is under time constraints. Therefore, rather than drag out the matter, LTI Vehicles and I shall address the Committee for fifteen minutes.

426. The Chairperson: Can you clarify for the Committee who LTI Vehicles is?

427. Mr Smyth: LTI Vehicles manufactures the London-type taxis that are well known throughout the world. Its representatives are present to voice the concerns of its customers.

428. The Chairperson: The Committee has not received a submission from LTI Vehicles.

429. Mr Smyth: We have put forward a joint submission.

430. The Chairperson: The Committee has not received a submission from LTI Vehicles for today's meeting. Today's agenda includes Unite and the TGWU.

431. Mr Smyth: As part of my presentation, may I call LTI Vehicles to give a detailed response on —

432. The Chairperson: The Committee's agenda is to discuss the submission that it has received and all members have read. The Committee has received a submission from TGWU, which is also on the agenda. Clearly, any submission that may have been made by LTI Vehicles is not on the agenda. That may be for another occasion.

433. Mr Boylan: Is the submission from LTI Vehicles incorporated in Unite's submission?

434. The Chairperson: No.

435. Mr James Beckett (Transport and General Workers' Union): Mr Chairman, perhaps I could clear up the matter.

436. The Chairperson:

437. Perhaps you could indicate who you are.

438. Mr Beckett: I am James Beckett of T&G. I was told by — (inaudible) — Mr Overton, who is very busy.

439. Mr Overton asked me to make his presentation for him.

440. The Chairperson: Just for clarification, because there may be people here who have travelled a considerable distance, and we have little time, are you saying that the other company should make part of its submission in your allotted 15 minutes?

441. Mr Smyth: Yes. I imagine that we will take no more than five to seven minutes each. Then we will take questions.

442. The Chairperson: I will limit you to 15 minutes. Bear in mind that the Committee has your submissions, so if you want to curtail your presentation, that is up to you. We have the submissions in front of us, although you might want to emphasise aspects of them to the Committee. If the representatives of LTI Vehicles wish to speak, they will have five minutes each. I understand that they have come all the way from London.

443. Mr Smyth: I thank the Committee for the opportunity to speak on this emotive subject. As we heard during the previous submissions, there is a great deal wrong with the taxi industry. I am a regional industrial organiser with Unite, with responsibilities for transport that include representing 2,000 bus drivers in Translink. For the past 12 months or more, I have been trying to organise public-hire taxi drivers in Belfast.

444. Unite believes in striving for a fully inclusive public-transport service for the whole of Northern Ireland, not just Belfast. After consulting its members in the taxi industry — Unite represents some 30% of the public-hire taxi drivers in Belfast — it put forward nine proposals for a root-and-branch reform of the industry. The industry must be pruned hard and re-grown to develop the affordable, safe, accessible taxi service that everyone wants for the whole of Northern Ireland.

445. Unite entirely supports the Department's endeavours to rectify the taxi industry. I am a taxi user, and I too have been ripped off. We want to stop people being charged £40 to travel to Bangor at a certain time of night, for example. However, it will not be easy to change that without changing the very foundations of the industry, as I intend to show the Committee.

446. It is difficult to argue against the balanced and reasonable expectations of taxi users who want a higher-quality taxi service that has the flexibility to adopt new ways of thinking and working in order to provide that service. However, those ideas must be balanced against economic realities and must allow those who work in the industry to make a reasonable return on their considerable investment.

447. Although Unite agrees with most of the points raised, it has serious concerns about certain issues. There are approximately 450 public-hire taxi drivers in Belfast who enjoy a two-tier system. As the Committee will have learned, another two-tier system operates outside Belfast between town and country taxi services. In the country, there are private operators, and the Committee will know about Belfast's two-tier system.

448. Most of our disabled-accessible vehicles are of the London Taxi type. The newer models can cost more than £30,000, which is a large investment for the taxi driver. If the system were changed, as proposed, it would be to the detriment of public-hire taxi drivers. I will explain that as I go on. It would lower the number of accessible taxis in Belfast. Rather than reduce, we want to expand the number of accessible taxis outside Belfast and throughout Northern Ireland. Unite believes that its proposals will do that.

449. We oppose the delimitation of public taxis. My union also represents 4,000 cabbies in London, Manchester, Liverpool, Glasgow, Edinburgh and Southampton; it has vast experience of organising public-hire taxis in those areas. We must keep the specialised conditions under which public-hire taxis operate. That is the only way of making the industry viable. We propose that the number of public-hire taxis operating, not only in Belfast but in the whole of Northern Ireland, should come under the constraints and control of the Department of the Environment. The Department should allocate plates for public-hire taxis according to need. The number of taxis would be increased so that the availability of taxis would grow in accordance with the expansion of a town or city.

450. There are major problems with accessibility. If I were to buy a new taxi tomorrow morning, I would have to wait two to four weeks to get it tested. I would then have to wait a further four to six weeks to get the plate issued: the vehicle cannot operate without a plate. We propose that the driver be given a plate on the day that he receives his licence and that that plate would go on any vehicle that the driver bought. On the day that the driver retired from the service, his plate would not be sold but returned to the Department. Therefore, if I were to upgrade my vehicle after three years, I could transfer my plate immediately after the vehicle had passed its test. At present, a driver can spend £30,000 on a vehicle and then be unable to work for four weeks. That is expensive for a driver and cannot be maintained. Changes in the plating system would alleviate the lack of vehicles on the roads.

451. We support the proposals requiring all taxis to have taximeters. However, rather than setting a maximum fare for all taxis, it would be better to have a uniform, single rate that would vary at different times of day. Getting people home from nightclubs at the peak times between midnight and 4.00 am on Friday and Saturday nights is a major problem. We suggest that fares be adjusted to cope with that.

452. If the two-tier system is kept in Belfast, the city should have a limit. If a driver was required to operate outside that limit, a penalty fare would be incurred, of which the passengers would be aware. All fares would be set in conjunction with the Department of the Environment, the

Consumer Council and non-governmental organisations, such as ourselves. That way, the customer would know exactly what had been charged and why they had been charged. People would know that the fare from Belfast city centre to Bangor town centre, for example, was £20. They would not be charged £40 because the fare would be in black and white. That would reduce the activities of rip-off merchants and eventually stop them. More easily identifiable plates would enable the culprits to be more easily identified. I will return to the issue of plates later, but I will press on as I know that the Committee is pushed for time.

453. The Unite proposal would ensure that Belfast and Northern Ireland would have a first-class public-hire taxi service that would be fully integrated with all other forms of public transport. From arrival to departure, people would have access to reasonably priced, accessible public transport. Achieving that would be a first for any city in the European Union; we would be setting standards instead of playing catch-up. Restrictions on the number of licence plates would enable drivers to work an average working week, instead of having to work excessive hours.

454. Drivers in Belfast work in circuits on a radio system.

455. Drivers pay between £100 and £110 a week to rent their radio systems. If they go on holiday or are on sick leave, they must continue to pay the operator or they will lose their radios. Unfortunately, some people coming into the taxi industry do not have the finances to buy a cab, so some operators rent cabs to them. Therefore, those drivers must pay for cab rental, radio rental and diesel, and they must make more than £350 a week before they can earn a shilling.

456. Many drivers work more than 90 hours a week to earn a living, and the Bill does not address that. It is dangerous to work such hours, and drivers have caused crashes by falling asleep at the wheel, but those crashes have been put down to accidents. The Bill does not address that. In fact, we are concerned that the introduction of the Bill will worsen the situation.

457. All public-hire taxis must have disability access, and all drivers must be trained to deal with disabled people. I have not met any drivers who are trained to assist blind people. Fortunately, when I was a bus driver, I was trained to work with disabled people through the minibus driver awareness scheme (MiDAS). I strongly recommend that training, because it gives participants a whole new focus on how to work and live with disadvantaged people, from those with slight disabilities to those who are more severely disabled. The MiDAS system must be introduced for all taxi drivers in Northern Ireland who want to operate a public-hire taxi service. All fares should be set via negotiations involving the Department of the Environment and the Consumer Council, so that there is third-party involvement, and the PSNI should have full enforcement rights on taxi legislation.

458. We have heard stories today about getting access to a taxi. If people are shopping in the centre of Belfast, in CastleCourt, they cannot get access to a public-hire taxi unless they walk for half a mile in either direction. We do not have access to shopping areas, ports, airports or train stations. It is difficult for a disabled person to get a public-hire taxi. We also do not have access to hospitals. If a disabled person phones for a taxi to collect them from a hospital appointment, a saloon car arrives, they are pushed from the rear into the back seat of the car, and their wheelchair is put in the boot. I have witnessed that. Public-hire taxis must have disability access. Give us the tools to do that job, and I will guarantee that our taxi charter will deliver for Northern Ireland.

459. Mr Andrew Overton (London Taxis International): London Taxis International (LTI Vehicles) supplies the majority of purpose-built taxis in Northern Ireland. I have been in the business all my life and have been coming to Belfast for 20-odd years, and we are passionate about the taxi trade that operates in this city. We support the intentions of the Taxis Bill and the fact that it addresses matters such as professionalising the taxi trade. Many good intentions are represented

in the Bill. We support training for taxi drivers, and we will help to provide that, as we manufacture accessible taxis. There is a need for better standards for taxis, and the standard of conversions that was mentioned by Michael Lorimer is an issue that must be addressed. New accessible taxis should be introduced outside Belfast.

460. My comments relate to Belfast city. Officials from the Department of the Environment have said that their public consultations have shown that a one-tier system is the way forward. We have considered that conclusion and the Department of the Environment's documents, and we find that there serious concerns in Newry, Cookstown, Enniskillen and Armagh about the impact of the Bill. Certainly, the taxi trade in Belfast is concerned about the impact of the Bill. There is an impression that there will be no financial impact on the taxi trade. However, there are 450 purpose-built vehicles operating as public-hire taxis and 2,000 private-hire taxis, and, if those 2,000 private-hire taxis can suddenly pick up in the street, that will have a dramatic impact on the drivers' incomes. I am sure that drivers have informed the Committee of that. It is similar to one shop opening up in a street and, suddenly, four other shops open up in the same street selling exactly the same thing. That will have an effect.

461. Our concern is that the number of accessible cabs will decrease. I accept as valid the point that IMTAC made earlier that people need to be able to contact accessible taxis. The public-hire taxi drivers to whom we have been talking accept that they may have to use a radio. However, were their income to drop substantially, they would return to driving saloon cars, so the overall number of accessible cabs would fall. That is contrary to what is happening in the rest of the UK. My role in LTI Vehicles is to liaise with local authorities across the country on implementing accessible taxi policies. Public-hire taxi companies everywhere else in the UK are increasing their number of accessible taxis, not reducing it.

462. The Bill may be a charter for the private-hire industry. That industry will view the Bill as being wonderful, because those who drive saloon cars must sign up to a radio circuit. One private-hire operator told me that private-hire drivers want to make life as difficult as possible for black-cab drivers, and, for that reason, he supports the Bill.

463. The legislation will have a serious effect on the trade's livelihood and on the number of accessible cabs in Belfast, which will go down, not up. I am not saying that private-hire operators will not rub their hands and put on more taxis, but that is not the issue. The issue is that people are trying to earn a living. LTI Vehicles pleads with the Committee to take that point seriously.

464. My colleague Richard Daniels will propose a couple of amendments to the Bill. Those amendments would enable the Department to preserve the current system, because we do not believe that the rank-only pick-up point will work. There are only 31 permanent rank spaces in Belfast city, and taxi drivers will be unable to earn a living solely from working on those ranks. It will also be very difficult to police the exclusion zone that the Bill provides for, and we do not think that that proposed system will work properly. My request is that the Committee take that point seriously.

465. Mr Richard Daniels (London Taxis International): We are essentially looking at the regulatory framework that will be adopted. Andrew's point is that we must ensure that regulation is proportionate. To that end, I wish to propose two amendments, both of which apply to clause 20.

466. My first amendment would secure the provision of disabled-accessible vehicles that can be held on the street. If accepted, clause 20 would include:

"The Department may make regulations to apply to taxis of a specific class or to taxis of a particular class of use to operate within a designated geographic area in standing or plying for hire or reward or to carry passengers for hire or reward."

467. The second amendment would secure the provision of non-accessible taxis that can operate a pre-booking service. As a result, those vehicles would remain accessible. The proposed amendment reads:

"The Department may make regulations to taxis of a specific class or to taxis of a particular class of use to operate within a designated geographic area as vehicles which are used (a) solely in connection with a hiring for the purpose of carrying one or more passengers; or (b) are immediately available to an operator to carry out pre-booked work."

468. Those definitions are taken from the Private Hire Vehicles (London) Act 1998. Those amendments would secure the provision of an accessible taxi service, which should be a right in a city such as Belfast, as it is in Glasgow, Edinburgh, Manchester, London or Liverpool. It is important to state that. The comments that the IMTAC representatives made earlier are also valid.

469. Mr Weir: I appreciate that the Committee will have a record of the proposed amendments, because members will want to absorb their content and return to them at a later date.

470. You have concerns about Belfast's moving from a two-tier system to a one-tier system. Why do you think that Belfast should be different to anywhere else in Northern Ireland?

471. Mr Smyth: Belfast is the only place in Northern Ireland in which public-hire taxis as we know them operate.

472. Mr Weir: That is a circular argument.

473. Mr Smyth: We are proposing that the whole of Northern Ireland has access to accessible taxis, but, unfortunately, we are dealing with Belfast now.

474. Mr Overton: The issue is pertinent to Belfast; it is not an issue outside Belfast. All taxis outside Belfast are, for the most part, public-hire taxis. There is a two-tier system in Belfast, so there is an economic balance between the taxis that ply for hire at taxi ranks and on the street and those that are not allowed to do so. If the rules for Belfast are changed, and five times as many vehicles are permitted to pick up fares along the street, the taxi operators' business model will be undermined completely.

475. Mr Weir: Regardless of the system, should there not be a level playing field across Northern Ireland? Mr Overton used a good analogy: someone sells a product in a shop and other shops open on the same street and sell the same product. I understand that markets change suddenly, but that is how business operates. Are you suggesting that shops on a street should be banned from selling fruit and vegetables merely because another shop is already doing so?

476. Mr Smyth: I am a self-employed taxi driver and I operate a public-hire taxi. I want to be self-employed. However, under the new legislation, I will be forced into a circuit, and I do not want to work for one. I do not want to have to give backhanders to radio operators to ensure that I will get my fair share of work; nor do I want to have to pay depot rent when I am sick or on holidays. I want to be self-employed. Why am I being forced to join a circuit?

477. Mr Weir: I understand why someone who is working in public-hire taxis, particularly in Belfast, will have concerns about the legislation and, perhaps, be opposed to it. However, I am still not convinced that Belfast should be treated differently to the rest of Northern Ireland.

478. Mr Smyth: Competition is good, but this legislation will mean that our drivers will not be permitted to pick up fares at locations such as the George Best Belfast City Airport or Belfast International Airport. However, taxi drivers operating at the airports will be able to come to Belfast and work the ranks.

479. Mr Weir: There should be equality for all taxi drivers, but we will hear from the airport taxi drivers later, and the issue will be dealt with then.

480. Mr Daniels: In urban areas, disabled people have the right to hail a taxi and get a taxi from a rank. After a while, because these proposals will unbalance the economic model, they will have to phone for taxis. In rural areas, there is no justification for having all vehicles as disabled-accessible vehicles. However, in urban areas it is justified, because disabled people should have the right to hail taxis on the street or at a rank. That is what happens in many other cities.

481. Mr Weir: Belfast is much smaller than many of the cities that you have used in your examples. Glasgow and Edinburgh would be closer in size to Belfast whereas London would be larger.

482. Mr Daniels: London is bigger, and I would not draw on that analogy too strongly.

483. The Chairperson: We have spent enough time on that question.

484. Mr T Clarke: It was feared that people would go for the cheaper taxi if the one-tier system were introduced. You are from London: why not make your taxis cheaper so that everyone can buy them — that is, if you are really concerned about disabled people in Northern Ireland?

485. Mr Overton: Let me give you a simple answer. If we were selling saloon cars that were non-accessible, we could make them cheaper. Today we have heard about the standard of accessible taxis, and IMTAC has said that it wants good-quality, safe vehicles for use by disabled people. Michael Lorimer praised London-style taxis, and we have spent much time and effort developing a purpose-built taxi that is safe for the passenger and the driver and that is accessible for wheelchair users and non-wheelchair users. It costs more to build such a vehicle.

486. Mr T Clarke: Perhaps we let Mr Lorimer off with his comments about some taxis being converted vans. Vehicles in Northern Ireland go through a more rigorous test than those on the mainland, and converted vans have been inspected by DOE vehicle-testing centres and approved for the purpose for which they were built. We let Mr Lorimer off with his comments about van conversions, because those vans have to be brought up to a standard.

487. Mr Overton: Even the DOE officials have said that they want to address accessibility and safety standards for vehicles. They have said that the Bill will enable them to address those issues. The argument was about whether we have saloons or whether we have accessible cabs at all.

488. Mr T Clarke: Some vehicles may need to be improved. If the Government have set a standard for van conversions, and if those vans pass the test, it is unfair to say that they are not up to standard. However, if the Government now believe that their standard could be tightened to make the test more rigorous, that would be welcome. It is unfair on the owners of such vehicles for the Government to assume that they are not up to standard.

489. Mr Daniels: To be fair, there are different standards. There is European Community whole-vehicle-type approval, which we and companies such as Peugeot 07 and Allied Vehicle Contracts have, and there are lower standards within the EU framework, so there is a separation. Some of the vehicles mentioned come under low-volume small-series-type approval, which is a lesser standard.

490. Mr Overton: I do not want to lose the focus. If a saloon car can pick up a fare off the street, why would a taxi driver have a purpose-built vehicle? He would not. If he can pick up off the street — and there are only 31 rank spaces — the 400 accessible cabs would diminish. As the vehicles get older, drivers will replace them with saloon cars. I am not debating the quality of accessible taxis: they will not be accessible at all; drivers will go back to saloons. Therefore, the overall fleet of accessible cabs will decrease.

491. Mr Boylan: I will not get into the debate about rural and city taxis. It seems strange that you want to reduce the numbers. You also referred to additions, tests and training levels. Are they referred to in the Bill? Can you elaborate on that?

492. Mr Overton: We would support taxi-driver training, as taxi drivers benefit from training in handling and dealing with disabled passengers. As the manufacturer of accessible taxis, we are happy to help authorities to set up training courses for drivers to learn how to use the facilities that we provide in our vehicles. We are aware that drivers do not always load wheelchair passengers into our vehicles in the best way, so we would be happy for taxi drivers to have training in that. I have spent years dealing with disabled people who complain about some of the issues that we have heard today, and we must move that issue forward.

493. Mr Smyth: Who would provide the training? Belfast Metropolitan College advertised for tutors, but it was unable to fill the position. The problem is that the training needed, which is part of the certificate of professional competence (CPC) training, has been extended to taxi drivers, and they must obtain seven hours' training a year. Bus drivers have to obtain 35 hours' training and, when that is complete, their licence will be renewed. Taxi drivers will have to train for 21 hours.

494. Will I, as a taxi driver, invest in my training this year, not knowing whether I will be in the taxi trade in three years' time, or will I wait — as I suspect most people will do — until year three when there will be a mad rush to get the training in order to get my licence renewed? The T&G Section of Unite has 12 registered tutors, fully competent in delivering the training programme, with the North West Regional College. The West Belfast Taxi Association is developing a training course for its drivers. However, that will add additional charges, and in the circuits they will pass those on to drivers, incurring more hours to pay more depot rent.

495. Mr Armstrong: My statement may be a bit unfair, but taxis are not very visible. On the subject of safety, ordinary saloon cars are more visible, better lit up and can be easily seen at dusk. However, the lighting system on black taxis is poor and does not come on automatically when it becomes dull during the day.

496. Mr Overton: I was referring to the safety of the people inside the vehicles —

497. Mr Armstrong: I know what you were referring to —

498. Mr Overton: I take your point. There is nothing to stop drivers from deciding to have a colour code. For instance, in Derby —

499. Mr Armstrong: I am not talking about colour codes; I am talking about lighting systems.

500. Mr Daniels: It is not something that we have come across with any regulatory authority that we have spoken to.

501. Mr Armstrong: I know that.

502. Mr Overton: I will be happy to consider any proposals that you have. It is not an issue that has been raised before, but I take your point.

503. Mr Smyth: On that point of safety, a number of years ago Dublin Bus instructed all its drivers to drive with their headlights on at all times — day, night, summer and winter. That reduced accidents by 50%. All public-hire vehicles should drive with their headlights on at all times. Personally, when I am driving my car — day or night — I always have the headlights on.

504. Mr Armstrong: I have noticed that black taxis do not have lights on when every other car does.

505. The Chairperson: I thank the witnesses for attending. We explored many issues, and I was quite generous with the time allocation. Needless to say, your comments will be considered by the Committee.

506. Mr Smyth: In closing: we want to work in partnership with the non-governmental organisations, the Government and elected representatives for the future of public transport in Northern Ireland.

507. The Chairperson: We have a submission from Mr James Beckett in his capacity as vice-chairman of the Transport and General Workers' Union (TGWU).

508. Mr James Matier (Transport and General Workers' Union): I am a committee member of the TGWU also.

509. The Chairperson: Are you giving the presentation?

510. Mr Matier: Yes.

511. The Chairperson: The submission that has been given to the Committee is very detailed. Your presentation should last no longer than 10 to 15 minutes. Members will then ask questions.

512. Mr Beckett: Chairman, we believe that the Taxis Bill is a personal baby for Adele Watters.

513. The Chairperson: Hold on a minute, James. Irrespective of the personalities involved in this, Adele Watters is a civil servant who is acting on behalf of the Department of the Environment. We are here to discuss the Department's Taxis Bill. Please focus on the context and the content of that Taxis Bill. Thank you.

514. Mr Beckett: No disrespect to Adele, sir.

515. The Chairperson: Sorry, sir. I do not want to emphasise the point again, and I will not say it again. We are here to focus on the Taxis Bill.

516. Mr Beckett: Right, OK. I will focus on that. Our main concern is public safety, the cost to the public and accessibility to the public. Mr Boylan asked a question about the views of rural areas on the Taxis Bill. There was a public meeting in Newry, and the people there were critical of the Bill and rejected it —

517. The Chairperson: You have referred to an issue that Cathal raised earlier. We are here to discuss the Taxis Bill; we are not referring back to what was said earlier. After your presentation, Mr Boylan will have the opportunity to question you on aspects of that submission.

518. Mr Beckett: That was part of my presentation. Can I not present my evidence?

519. The Chairperson: Just to be clear, if you are referring to the issue of rural isolation, that is fair enough. Please address the issue of rural isolation and the difficulties with rural taxis. Mr Boylan asked a question; however, it does not refer to your submission. Please stick to the subject of your submission.

520. Mr Beckett: My submission deals with his question. I submitted the 10 findings that emerged from the public consultation meetings. There was opposition in nine of those meetings to the Taxis Bill. That is why I provided those statements.

521. We met the Minister of the Environment on 12 September, and she gave us assurances. We received an immediate response from the Department. On Tuesday night, I spoke to an official in the Department who told James Matier and me that the provisions in the Bill could not — and would not — be policed. That official told us that there was no way that the Department would police the provisions.

522. I wish to mention a past Member of the Assembly, the late David Ervine. He was greatly respected in the political world. He worked with us on the Taxis Bill for three years, and I have a copy of his response to it. He met us regularly, used our contributions and fought our corner. The closing words of his response are:

“The Department had the opportunity to make this taxi industry work for the benefit of the public and the driver. We believe they have failed miserably. This is mainly a money-making exercise.”

523. Mr Weir: With respect, I appreciate those sentiments; however, to take evidence from someone who has died is a difficult road for us to go down.

524. The Chairperson: I listened carefully to determine the relevance of that evidence to the Taxis Bill. Mr Beckett, I hear your point, but please confine yourself to the opinions of your organisation.

525. Mr Matier: I wish to explain the reason that the one-tier system will not work in Belfast and the reason that my income will drop by 75% if that mechanism is introduced and private-hire taxis are allowed to pick up on the street. There are not enough taxi ranks to enable us to earn back that 75%.

526. I know of four proposed taxi ranks, which we believe are to be approved in Stormont today. Of those, the proposed taxi rank in Donegall Street, near the John Hewitt bar, is out of the way and unsuitable for disabled people. Taxi ranks must be at shopping centres such as CastleCourt and the new Victoria Square development. We asked for 12 taxi ranks, but only four have been proposed. That will not enable us to regain that 75% drop in our incomes.

527. I wish to submit a proposal to the Committee that would benefit disabled people and the public in Belfast. I have submitted a map that highlights the existing taxi ranks as well as our proposed additional ranks, which we believe will bring the taxi industry into the twenty-first century.

528. On 12 September, Adele Watters admitted that we were 20 years behind —

529. The Chairperson: Please stick with your own submission.

530. Mr Matier: The taxi industry is behind, and it has always been classed as a terrorist threat. Drivers have asked for ranks within the city limits in places such as CastleCourt, but we have been told repeatedly that we are a terrorist threat. More than 10 years after the ceasefires, we should be growing with the city, but we have been unable to do so. It took more than two years to get those four taxi ranks.

531. They are a waste of time. There is a proposal for a taxi rank on the Lisburn Road at Hunter's bar. Do disabled people drink there? No. There is one proposed for Chichester Street, near the new shopping centre. The other two are proposed for the Dublin Road and Donegall Street — disabled people do not go there. Accessible taxis should have unlimited access in the city, and there should be taxi ranks throughout the whole city.

532. The two-tier system should be retained because if a one-tier system were implemented, I would lose 75% of my income, which will mean changing my vehicle to an ordinary saloon car. My taxi cost £32,000, whereas I can buy a saloon car for £10,000. Over a three-year period of payments, I would save £21,000 by changing my vehicle to a saloon car.

533. If the Taxis Bill passes, it will ruin accessible-taxi provision in Belfast. I have raised my misgivings about the taxi ranks, and I have an Equality Commission report on working with the taxi industry. To my knowledge, the Taxis Bill was never discussed with anyone in the black-taxi industry — yet they are the people who are concerned about it. Adele Watters and Disability Action should come and talk to us. The taxi branch of the Transport and General Workers Union (TGWU) opened 12 months ago. We tried to talk to people about the Taxis Bill before it got to this stage, but the doors were closed in our faces. The Taxis Bill might increase the number of accessible taxis in rural areas, but it will not in Belfast — it will decrease them, and put me in financial difficulty.

534. Mr Weir: I appreciate your point about the lack of taxi ranks. That is something that the Department should be addressing through regulations rather than in the Bill; presumably, the Bill will not list where the new taxi ranks will be.

535. Mr Matier: Under the Bill, private-hire taxis will not be allowed to pick up a fare within a certain distance of taxi ranks. Pick-ups cannot be enforced now — how will that be enforced in future? Currently, the taxi rank at Belfast City Hall has 35 spaces; how are 400 of us supposed to fit into that? If disabled people say that there is a lack of accessible taxis, it is down to a lack of taxi ranks.

536. Mr Weir: Again, I will ask a question that has been posed to many bodies. Much of the debate will centre on whether there should be a one-tier or two-tier system. I appreciate that a one-tier system would have a detrimental impact financially on public-hire taxi drivers. The flip side of that is that the private-hire taxis would pick-up a lot more trade. Objectively, although I understand the impact on public-hire taxis, it would be a case of swings and roundabouts. Why do you think that Belfast — particularly the city centre — should be treated differently from anywhere else in respect of the regulation of taxis?

537. Mr Matier: That is because there is already a sizeable number of accessible taxis in Belfast. If the Taxis Bill is implemented, it will decrease the number of accessible taxis in Belfast. There needs to be an increase in accessible taxis in rural areas. If the Taxis Bill is implemented, with a one-tier system, my income will drop.

538. Mr Weir: Do you not think that the whole of Northern Ireland should be on a level playing field?

539. Mr Matier: No, because there is already a sizeable number of accessible taxis in Belfast.

540. Mr Beckett: The Department created the two-tier system, not us. When applying for a vehicle licence, a driver has a choice between public hire or private hire. It is the driver's choice whether he wants to work the streets or work from a depot. There is choice and competition.

541. Mr Matier: I understand what Barbara was saying; some of the things that I heard made me feel sick. I understand the training issue — I started the taxi branch of TGWU because I understand that training is necessary. I do not have disability training — I learnt how to put a wheelchair in a taxi myself. I understand that all fares should be shown on the meter.

542. If Belfast public-hire taxis have to leave the city limits, there should be a surcharge for returning; however, taxi ranks and other matters are 20 years behind. I totally agree on the training. I disagree with people's being ripped off. That is why our proposals for the taxi industry go into the twenty-first century. If DOE and DRD give us taxi ranks, we will be able to provide a service for all disabled persons, no matter whether they are blind, wheelchair-users or whatever. We all know that, because of the Troubles, the industry, in every part of the city, is 20 years behind. The industry needs to grow; it needs to have the chance to grow. The two-tier system should stay in Belfast to give us, as the Belfast public-hire taxis branch of TGWU, a chance to grow with the city.

543. Mr Boylan: My question has been answered; however, I am concerned about the issue with Belfast and the surrounding area. Many rural taxis that service regular runs and weekly work are saloon cars. Those will all, therefore, have to become accessible taxis. For those drivers to argue that they have saloon cars, and a regular run during the week, with a bit of extra work at the weekend, is the same as your arguing the case to secure your business in your area. It should be fair.

544. The Committee has listened to submissions over past two weeks and, apart from the Consumer Council, we have heard mostly from taxi associations. We listened to a customer this morning, and when I heard —

545. Mr Matier: May I point out —

546. Mr Chairman: Had you finished?

547. Mr Boylan: No. From the point of view of that passenger, I understand that people are trying to secure a one-tier fares system that applies to everyone, or, if not that, then a two-tier system.

548. My other concern was taxi ranks. Stakeholders have the opportunity to discuss the problems and to challenge some of the clauses in the Bill, and you say that there are not enough taxi ranks.

549. Mr Matier: There are not enough taxi ranks. There are 31 to 35 spaces in Belfast to hold 400 Belfast public-hire taxis. Every day, the NCP give out tickets for double parking. The eyesore opposite Belfast City Hall is not our fault; we are trying to ply for work. There are eight spaces there, and six at the side of the City Hall. Some days, probably 20 to 30 taxis sit there, trying to get into those spaces. The NCP warden comes around, leaves a ticket and goes. It is the same at the side of the City Hall: that space is for public transport, and we are not allowed in there.

On occasions, the traffic wardens and the police are at the City Hall. They make us drive up Howard Street, past Jury's Hotel and back down again. We are Belfast public-hire taxis, but we are not looked upon as a public service.

550. If a disabled person in a wheelchair gets into my vehicle, I am not allowed to charge any more than the meter price, whereas other taxi companies in Belfast charge a minimum of £8 or £10. I get out, put the wheelchair into the car, strap it up, get back into my vehicle and put on the meter. We do not rip people off. We charge whatever amount is on the meter.

551. Mr Ford: You made it clear in your written submission that a major concern is regulation, and Jimmy quoted a department official as saying, "We cannot police this Bill". I am well aware of your concerns at the moment, as well as the proposals. How do you see regulations alleviating those concerns? Clearly, elements of the Bill require regulations to ensure that taxi ranks are used appropriately, and so on. What is the appropriate body to do that? If it should be the Department, and if there are issues concerning resources, are you prepared to see an increase in the cost of licences to pay for that?

552. Mr Beckett: The Department did away with taxi-driving tests. I did a test, but many of the new drivers have not done a test. Six years ago, my licence fee was £26. It is now £75: it has increased by 200%. The cost of an MOT test for a taxi has increased twice in six months and is now £126.50. However, the MOT test for a car — which is, more or less, the same test as for a taxi — costs only £30. We do not know what the Department proposes to charge for the test but it has inserted a clause into the Bill enabling the fee to be paid in instalments, which suggests to me that it will be substantial.

553. Another major concern is the use of taximeters. A fare at 9.00 am might cost £8, and the same fare at 11.00 am might cost £3 because there is no traffic or waiting around at that time. When, at my depot, one company introduced taximeters, a fare of £3 rose to £4.50, and at peak periods became £5 or £6. As a result, the public took its custom elsewhere. The depot owner had to remove the taximeters and return to the set fare structure.

554. Taxis are regulated by the Department, and the Bill states that all taximeters will be required to be sealed by the Department. The Department has also said that it does not have the manpower to seal all the taximeters. If that is so, then how does it expect to be able to police the new proposals?

555. There is another major issue. When I was invited to attend today's meeting, I received the Committee's rule booklet explaining what I should do. However, taxi drivers have no rules to guide them: there is no code of conduct. For the past year, I have been asking for a book of rules and regulations for taxi drivers. The Department's response has been that it has no book. However, day after day, taxi drivers are pulled in and accused of breaking this rule or that regulation. I have asked that taxi drivers be shown the rules or regulations, but that is not done. The Department produces no guidance.

556. For example, I was prosecuted for picking up someone from the street without a booking. I had a white plate on my vehicle, which authorised me for public hire outside Belfast. I was fined £56 and a further £28 in costs. The two sections of the Department work side by side. The licensing section sent me a letter asking me to attend a meeting or my licence would be revoked because I did not tell them about my conviction. However, they were the very people who prosecuted me; they had sat in the courtroom during my hearing. That is what we are up against daily.

557. As I said, on 12 September, the Minister spoke to DOE officials and said to them that if these are the facts, she is not surprised that taxi drivers are angry. That was on 12 September.

On 14 September, we got action from the Department because Arlene Foster had intervened directly.

558. Mr I McCrea: You mentioned taximeters. What opinions do you have on a maximum fare?

559. Mr Matier: A maximum fare will create chaos, especially in the area served by the Belfast public-hire taxis. The driver at the front of the rank might charge the maximum fare; if I am second or third in the rank, I could charge less than that. The passenger will go down the taxi rank asking drivers how much they will charge. The way we work the rank, the first taxi there is the first one away. The maximum fare will create chaos; the minimum fare should stay. It is understandable that a maximum fare could be imposed in certain circumstances, but, in general, it will create chaos in our industry.

560. The Chairperson: Thank you very much for your time; your contribution has been very useful.

561. Mr Beckett: Mr Chairperson, may I say that all the evidence that I have given is publicly available.

562. The Chairperson: Thank you.

563. Mr Matier: May I submit these supporting documents? There is also a map of the proposed taxi ranks.

564. The Chairperson: Thank you. Will the representatives from the George Best Belfast City Airport taxi rank please come forward? Mr McCloskey, thank you for coming today. You have probably sat through the whole session, so we will try to make this as relaxed as possible — although within certain guidelines.

565. Mr Anthony McCloskey (George Best Belfast City Airport Taxi Rank): I have only a few questions to ask and a short submission to make. I made most of my proposals in writing, and I am here only to highlight a few of them.

566. I have been a Belfast public-hire taxi driver for more than 34 years and have had very little help or protection from the Department of the Environment in that time. The franchise for George Best Belfast City Airport runs a fleet of 50 taxis, all of which are wheelchair accessible. We do not charge anyone extra.

567. All our taxis are in pristine condition, and we would advocate to the Committee that all ports, airports, bus and train stations, and city centres, should have wheelchair-accessible taxis; in fact, I would suggest extending that to every town and city in Northern Ireland.

568. We agree with a one-tier system, as long as it includes wheelchair-accessible taxis. All our taxis at Belfast City Airport are metered, and we set a fair rate in conjunction with the airport. We would like all taxis in Northern Ireland to be metered, those meters having been calibrated and sealed by the Department of the Environment or its appointed agent.

569. We want a maximum fare to be set at the highest rate possible in order to accommodate people such as us who pay a high premium to stand and ply for hire at Belfast City Airport. At the moment, our minimum fare is £5, which is scarcely enough.

570. Rather than running backwards and forwards looking for rises every year or every second year, if the maximum fare was set at a high rate, drivers could get a price rise and it would not

take up a lot of time — it would be within the maximum fare, if you understand what I mean. In the past, we have found getting a fare rise to be a very laborious task, and by the time the rise was passed and implemented, it was time to look for another one. It took about a year to get the rise, and we were kicked from Department to Department and then to the Consumer Council. I was a wee bit bemused as to how we ended up at the Consumer Council. I wish that the process for getting a fare rise was more accessible, and that it was easier, rather than harder, to get one.

571. Our taxi licences are too cheap — licences should be expensive. Getting a licence should involve going on a four- or five-day course that includes a driving test, an aptitude test, a knowledge test and Inclusive Mobility and Transport Advisory Committee (Imtac) training. The majority of our drivers carry have such training; they have paid for it themselves. Such training and testing should be part of the licence-application process. In layman's terms, the drivers should be told the rules, regulations and penalties, so that when they are sent out to ferry the public around, they know exactly what they can and cannot do, and they go out to do a professional job.

572. We have different types of vehicles, all passed by the Department. Some of them do not carry the Belfast public-hire specification, which includes a partition. That should be an optional extra for the driver — if he wants it for his own safety, depending on where he works. Manufacturers are now producing wheelchair-accessible vehicles, which are readily obtained. We have a variety of such vehicles at George Best Belfast City Airport.

573. Finally, I suggest only one amendment to the Taxis Bill. I would like to see a zone in Belfast in which the only type of taxi that is allowed to ply for hire is an accessible vehicle. That could be amended slightly to allow outside taxis to come in to the city at the weekend, say from midnight Friday to dawn on Saturday and from midnight Saturday to dawn on Sunday. Those are the only times when there is a scarcity of taxis in Belfast. Other than that, a zone should be in operation in which only wheelchair-accessible taxis are allowed to pick up or ply for hire.

574. The Chairperson: Thank you for outlining your case with such clarity.

575. Mr Weir: Thank you for your evidence. Other witnesses have mentioned the situation at the airport. How do things operate at George Best Belfast City Airport? Is there some sort of franchise system? Do drivers pay a particular premium? I was going to use the word "accessible", but that might be the wrong word in this case. How open is the system, and who can avail of it?

576. Mr McCloskey: The committee advertises when it needs drivers. We interview them to see whether they meet the criteria, and we explain to them the way in which we operate.

577. I omitted to mention enforcement. We work at George Best Belfast City Airport, which, as you know, is part of Belfast harbour industrial estate and has its own by-laws. I would like enforcement powers to be extended to the Belfast harbour police.

578. In answer to Mr Weir's question, we carry out interviews and we run the scheme on a committee basis. We do not make a profit.

579. Mr Weir: I am trying to clarify the way in which the scheme operates. Is it almost like a form of licensing that permits taxi drivers to operate at the George Best Belfast City Airport? If so, do those taxi drivers have to pay a fee?

580. Mr McCloskey: We pay the George Best Belfast City Airport a substantial fee for the franchise to operate at the airport.

581. Mr Weir: If a taxi driver has not gone through your process, would he be able to drive into the George Best Belfast City Airport and pick up a fare?

582. Mr McCloskey: No.

583. Mr Weir: Some people feel that there is not a level playing field inasmuch as the range of taxi drivers that can operate at George Best Belfast City Airport is restricted. Presumably, taxi drivers who work at the airport are free to pick up fares outside the airport.

584. Mr McCloskey: No. Airport taxi drivers have a restricted public-hire plate for use outside Belfast. We do not operate in the city centre. We operate only at the airport.

585. Mr Weir: Is that because you are restricted by regulations?

586. Mr McCloskey: Yes.

587. Mr Weir: Finally, as regards the proposed legislation, do you see any particular implications for taxiing at George Best Belfast City Airport, over and above anything that applies elsewhere?

588. Mr McCloskey: No. Our boss — for want of a better description — is the director of the airport. If he tells us to reverse around the airport, we would do that because he is the king of the castle.

589. Mr Weir: It would be interesting to see you reversing around the airport.

590. Mr McCloskey: I read about a court case in Birmingham in which the judge said that the director of the airport was akin to the king of the castle who ruled over all he surveyed. The Belfast harbour estate has its own by-laws. However, the harbour police do not have any by-laws that control taxis. In addition to the airport, there is the harbour, and many types of transport, including cruise ships are coming into Belfast. Therefore, the harbour police should be involved in enforcement.

591. Mr Ford: Are all your vehicles, rather than just a proportion of them, wheelchair-friendly? I know that some of the vehicles are of an MPV-style.

592. Mr McCloskey: We have purpose-built taxis. We have Volkswagens, Mercedes' and Peugeotts that are in pristine condition. They have to be below a certain age.

593. Mr Ford: Are you operating a 100% accessible fleet of taxis?

594. Mr McCloskey: Yes.

595. The Chairperson: Thank you very much for your time, Mr McCloskey. Your attendance at today's meeting has been very useful.

596. Mr McCloskey: I must tell Mr Armstrong that, after 35 years, I found the lighting at Stormont to be not too bad. I managed to get around all right.

4 October 2007

Members present for all or part of the proceedings:
Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Ian McCrea
Mr Peter Weir

Witnesses:

Mr Raymond Dempster Accessible Taxi Association NI
Mr Eamon Grogan
Mr Terence Maguire
Mr William Black
Mr James McVeigh International Airport Taxi Co Ltd
Mr Brian Press

597. The Chairperson (Mr McGlone): Today we shall receive oral evidence from Mr William Black; the Accessible Taxi Association NI; Mr Terence Maguire; and the International Airport Taxi Co Ltd. Members will find all the submissions in their members' pack.

598. One further evidence session is scheduled for next Thursday. The witness will be Monica Wilson of Disability Action, and, unless we receive any late requests, that will be the final oral evidence session. Departmental officials should be in attendance for that.

599. We will now begin to take formal evidence. Is Mr William Black here? He is not. We will move on. Are Mr Eamon Grogan and Mr Raymond Dempster here? They are.

600. You are both very welcome. We try to keep evidence sessions as informal and relaxed as possible. We have received your submission. We will allow 10 to 15 minutes for you to present to the Committee. Please try to keep within that time frame. You do not have to repeat everything that you have already said in your written submission, but if there are particular points that you wish to emphasise, please feel free to do so. After that, Committee members will indicate whether they have further questions to ask or points that they would like you to clarify. Please stay focused on the Taxis Bill. The floor is now yours, so I thank you very much for giving up your time to be with us today.

601. Mr Eamon Grogan (Accessible Taxi Association NI): I wish to thank the Committee for the Environment for its invitation and the Committee Clerk for the work that she has done on our behalf.

602. I want to talk about the Department's proposal for an operator's licence and how that will affect me as a driver.

603. Mr Raymond Dempster (Accessible Taxi Association NI): I will be helping Eamon. We have put together our notes, and obviously Eamon will need some help with what he is saying. Basically, that will be my role.

604. As Eamon has said, the association's first problem with the Taxis Bill is operator licensing. The association feels strongly that that licence is not suitable for Belfast public-hire taxis. It is widely known that that type of licence is used to regulate the private-hire taxi industry. The operator's licence requires drivers to take and maintain records. Eamon wants to explain exactly what that would mean for him.

605. Mr Grogan: The Department stated that Belfast public-hire taxis would always be exempt from having to hold operator's licences. However, the Taxis Bill will require all taxi drivers to hold an operator's licence. Therefore, someone such as myself, who cannot read or write, will be unable to keep the records required by the licence. As the driver of an accessible taxi, I will no longer be able to meet the required standards. Therefore, I feel that there is no legislation to help people such as myself.

606. On the health and safety issue, public-hire taxis are of the highest standard — M1 type approval standard vehicles — and they are wheelchair accessible. Public-hire taxis have always been exempt from holding an operator's licence.

607. Mr Dempster: Association drivers are sole traders — self-employed people who do not work for companies. As sole traders, we feel that an extra burden will be placed on us. For example, we will have to pay for the operator's licence — whatever the cost — and that cost will be set by the Department. However, taxi drivers who work for companies will have that cost paid by the company owner, who may then pass the cost on to the taxi driver. The association feels that drivers' having to pay for the licence themselves is an extra burden, and that that has not been fully recognised by the Department.

608. As Eamon also said, before the Taxis Bill was drawn up, an early consultation included an exemption from holding an operator's licence for our type of taxi. However, when the later consultation document on the Taxis Bill was issued, that exemption had been removed. We spoke to the Department about that, but were given no firm answers to our questions. We would like the Committee to amend the Taxis Bill to allow that exemption to remain in place. The Committee should remember that an operator's licence has never before been used in respect of a public-hire taxi service.

609. Mr Grogan: The Department proposes to put in place a one-tier system that will allow all taxis, when hailed, to pick up passengers on the streets of Belfast. The public have always been able to recognise easily that public-hire taxis can be hailed in the street. However, the new legislation will make it easier for any taxi to pick up people on the streets — the public will not be able to recognise that they could be getting into anyone's car and that that is not a safe situation. Therefore, the association wants the two-tier system to remain in place.

610. Mr Dempster: As an association, we are aware that there is a need for more taxis at peak times and, has already been discussed with the Committee, those times are between 1.00 am and 3.00 am at weekends.

611. There is no need for extra taxis in Belfast outside those hours. Taxi industries in every town and city have the same problems at the same times; the situation is not unique to Belfast or anywhere else in Northern Ireland. It is at that time of night that taxis are used most.

612. Drivers of Belfast public-hire taxis have serious concerns about the amount of work that will be taken away from them if the Assembly passes the Taxis Bill. The booking of private-hire taxis has grown beyond anyone's expectations. In Belfast, the system works very well, and private-hire taxis provide a good service when the public want to phone and book a taxi.

613. However, the proposal to allow private-hire taxis to pick up people in the street without a prior booking goes against what has always been normal practice in Belfast and will put public-hire taxis at a distinct disadvantage. The rest of the industry can work in the public- and private-hire arenas whereas, by definition, our type of taxi can work only from taxi ranks. The Bill will, therefore, push our association into doing something that it does not want to do. Our taxi drivers do not want to work for private-hire companies through phone booking. They want to continue to work from taxi ranks and be hailed in the street. I am aware of the fact that to limit ourselves

to that type of work could be detrimental to us, but we believe that there is no level playing field and that proposals in the Taxis Bill, at the risk of repetition, will allow saloon cars to work in the public- and private-hire arenas. The Taxis Bill will create a huge movement towards private-hire companies.

614. Another problem posed by the Bill and the one-tier system is the provision of designated areas, which are to be regulated by the Department of the Environment. That greatly concerns us because our association has never been told what distances those areas will cover or how they will be enforced. The Department will regulate that private-hire cars cannot pick up passengers in designated areas around a taxi rank, but passengers being picked up by private-hire taxis without a prior booking has been one of the main problems in Belfast to date.

615. The proposal in the Bill is for private-hire taxis to pick up people in designated areas. The association does not feel that that measure can be enforced effectively. The authorities have never been able to enforce it in Belfast city centre in the past, and we feel that they would be unable to do so in the future. We cannot expect to have complete enforcement in every designated area. As representatives of our industry, we believe that the more designated areas there are, the better; but a bigger problem is going to be created.

616. The association's other concern is based on the requirements for accessible taxis under the one-tier system. Eamon will take up that point.

617. Mr Grogan: Drivers of accessible taxis have always been told that permission to pick up passengers on the street relies on our vehicles being wheelchair accessible. The Department is now saying that it will allow private-hire vehicles to pick up people on the street and is easing the current requirements about permission. Taxi drivers in the association have had to go to the expense of buying wheelchair-accessible public-hire taxis, and now the standard is being lowered; that is wrong.

618. Mr Dempster: As Eamon said, the association's taxis have to meet the highest standards to gain M1 type approval. We want the specific standard of M1 type approval to remain as the classification for an accessible taxi, simply for the safety of passengers. It is the highest standard, and to go below it might be detrimental to the industry and, later, probably to the Department too. We ask the Committee to be mindful that the best taxi industries in the world use our type of taxi and that regulation for accessible taxis in Belfast is in its infancy. There should be a sustained period of stability and enforcement, so that the public can gain confidence in the public-hire, wheelchair-accessible taxi service.

619. Eamon will now explain what the training that all drivers must undergo means to him.

620. Mr Grogan: The training means that drivers of accessible taxis will have to meet certain requirements. The Department will train drivers on issues specific to taxis. I feel that if I do not meet the requirements, I will be out of a job.

621. Mr Dempster: When the association had a meeting with GoSkills, the company that will develop the training schedule, I raised a concern about the training. It is proposed that drivers be trained to BTEC level, but how can someone in Eamon's position, or someone like him, comply with that? How will he be trained? That problem must be recognised now, and he must be given the same rights as other drivers to receive training, attain qualifications and better himself as a professional driver.

622. The association knows what those rights mean to Eamon. We asked the Department about the scenario of keeping records relating to operator's licences and were told that Eamon may be

able to use a Dictaphone. That simply does not seem right: to say the least, it is a poor suggestion. Eamon, do you want to say anything else about training?

623. Mr Grogan: No.

624. Mr Dempster: I remind the Committee that Eamon has been forced to go public, as at today's meeting, on having trouble with reading and writing. That has never happened before and is happening now only because the Department has offered nothing to help drivers in Eamon's position.

625. A dedicated taxi-enforcement team was created as a result of a previous presentation to the Committee by the association's chairman and other members of the association. We warmly welcome the establishment of that dedicated team and praise its work. The level of compliance by taxi drivers in our industry in Belfast has never been higher. They are now starting to do their job as they are required to do, and that is positive.

626. Our concern is with the level of priority or commitment that the dedicated taxi-enforcement team has been given. Since the new plating system was introduced several years ago, the enforcement team has not grown at all. Provisions must be made to expand the team.

627. The association wants consideration to be given to the possibility of more localised enforcement throughout the Province. It believes that that would be of great benefit to the entire taxi industry. The team could respond much quicker if enforcement were more localised. The association agrees with the proposal that the DVA could use its own test-centre facilities. The Committee is aware that, at present, the dedicated enforcement team has only five officers. More officers are needed. Recently, the association was informed that one of the officers must leave the dedicated team tomorrow to work in enforcement elsewhere. That is absolutely wrong. I want to take the opportunity to mention that because the team should be getting bigger rather than smaller. That is what the taxi industry needs.

628. Mr Grogan: There are over 19,000 licensed taxis in Northern Ireland. There are 11,000 plated taxis. The five members of the dedicated enforcement team must enforce regulations for the entire plated-taxi industry. As Raymond has mentioned, the licence fee went from £61.50 to £120 when the new plating system was introduced in November 2004. The association was told that £20 from the cost of each licence would be used to take on more enforcement officers. However, there has not been an increase in the number of officers. How are only four enforcement officers expected to enforce the Bill, which regulates on operators, licences, training, ensuring that meters are on, and so on, for 11,000 taxis across Northern Ireland? That is impossible.

629. The Chairperson: Thank you for your evidence, particularly the information on enforcement, which brings the Committee right up to speed. It is a burning issue, on which, I am sure, members will pick up.

630. Mr Weir: I thank you for your evidence. How many drivers and taxis does the Accessible Taxi Association NI represent in Northern Ireland?

631. Mr Grogan: Around 150 drivers are represented by the association.

632. Mr Weir: The Committee receives different evidence from different parties. Therefore, it must ensure that the weight of evidence from each party is at the right level. Does the association believe that all taxi drivers should be regulated in the same way?

633. Mr Grogan: No, not unless they drive vehicles that are of the standard to provide passengers with a hail-and-ride service. The association does not believe that it is acceptable to let private-hire vehicles pick up passengers on the street.

634. Mr Weir: The association has said that drivers of the type that it represents are the principal providers of the service to disabled passengers in Belfast. The Committee has heard evidence from representatives from IMTAC, who said that disabled people are often ripped off by taxi drivers. Is that not a strong argument for proper regulation of all taxi drivers, which would ensure, for example, that all passengers get receipts and that all journeys are metered, and so forth?

635. Mr Dempster: I do not believe that drivers of the type that the association represents are involved in ripping off passengers. Drivers of that type of taxi cannot overcharge: the driver must use the taximeter when he or she picks up a disabled passenger, whether the taxi has been booked privately or hailed for immediate hire on the street. Drivers cannot charge any extra; they can charge only the metered fare for that passenger's journey. Private-hire companies are charging extra fares.

636. Mr Weir: I do not suggest that disabled passengers are overcharged only by the type of drivers that the association represents. However, they are the drivers of the type of taxis that are most used by disabled people. The evidence from IMTAC has been that those people have suffered from having been ripped off by taxi drivers.

637. Mr Dempster: They have suffered at the hands of private-hire companies. When disabled people phone to book a taxi, they are told that because of —

638. Mr Weir: With respect, that was not necessarily the evidence that was given. The evidence that we heard mentioned taxi drivers in general. That clearly means that although such incidents may have involved drivers of private-hire taxis at times, they also involved drivers of public-hire taxis.

639. I want to raise a few issues about the one-tier system. Why should Belfast be different from Banbridge, Bangor or Enniskillen? Why should there be a special rule that allows a two-tier system in Belfast but not anywhere else in Northern Ireland?

640. Mr Dempster: Belfast should have enjoyed proper regulation for public-hire taxis, given that those taxis are the only ones in Northern Ireland with a regulated fare structure. This service should be given the utmost chance to succeed because it is the best taxi service. If you consider other major cities in which taxis of this type operate, you will agree that it is a very good service. People sometimes do not want to book a taxi; they want one straight away. That is the service that we provide.

641. Mr Weir: Why should Belfast be different from anywhere else in Northern Ireland?

642. Mr Dempster: Belfast should be seen as a capital city. If Belfast had been given the proper regulation that it deserved, it would be in a very different situation today.

643. Mr Weir: You said that a number of drivers in your association operate only out of taxi ranks, and that if private firms are allowed to pick fares up on the street, it would, in one sense, mean that there would not be a level playing field. I appreciate that point. However, everyone would have the opportunity to make some form of arrangement to receive phone bookings — public-hire taxis and private-hire taxis alike — and under no circumstances would private-hire taxis be allowed to operate out of a taxi rank. Do you therefore agree that a level playing field would not exist for self-imposed reasons? There would be the same opportunities for everyone.

644. Mr Dempster: My understanding of the Taxis Bill is that if drivers want to accept private-hire bookings — in other words, get work via telephone calls — they will need an operator's licence. The association's taxi drivers should be given a choice; if they want to accept such bookings, they must get an operator's licence, and, if they do not, they will not need that licence. That is the way that it is everywhere else.

645. Mr Weir: My point is that, to the extent that there would be a non-level playing field, it might be described as a self-imposed non-level playing field, in that your drivers would have the option to avail of those arrangements under the Bill, but some of them would simply choose not to do so.

646. Mr Dempster: Yes, some of them would choose not to do so. The association's taxis make up probably less than 5% of the total taxi population. When the Taxis Bill is passed, you can imagine that the other 95% will point their cars towards Belfast, because they will be allowed to lift passengers from the street there. That is where the Bill will be detrimental to us.

647. Mr I McCrea: I thank the witnesses for coming here today.

648. In every evidence session to date, witnesses have raised the issue of how enforcement will be administered. It was mentioned that, from tomorrow, there will be only four enforcement officers. Obviously, the Committee cannot answer for the Department, but I am sure that the Department could find someone else to replace the officer who is leaving — I cannot see why not, because it said that there should be five officers. You talked about the need for more enforcement officers, and I agree with you.

649. Mr Dempster: I think that everybody would agree with that.

650. Mr I McCrea: How would that work? Given that there is talk about the need for a number of extra ranks, how many officers do you realistically feel would be needed — and how many are needed even now?

651. Mr Dempster: Belfast certainly needs many more enforcement officers. I would like the Committee to consider the possibility of localised enforcement across the Province. As I said, DVA test centres could be used as bases for a localised enforcement team. That would mean that the enforcement teams would be much smaller and could respond more quickly. I am not in a position to state actual numbers, but I am certain that more than five officers are needed to look after Belfast. I have listened to the problems that others have experienced across the country, and it is clear that more officers are needed elsewhere, too.

652. In the event of localised enforcement, taxi drivers might choose not to go outside Belfast. For instance, if taxi-enforcement teams were active in Belfast, taxi drivers might choose to hunt for a job outside Belfast where they would be able to work more freely. However, if localised enforcement were introduced, those taxi drivers who go out of Belfast illegally might run into a taxi-enforcement team in a different town. That is another reason why I feel strongly about enforcement. I do not know how many officers would be required, but they should be spread across the Province.

653. Mr I McCrea: Do you accept that training is necessary?

654. Mr Dempster: Yes.

655. Mr I McCrea: I understand the circumstances that you are describing, and the Department must do something in respect of the drivers who are unable to read or write. How can we ensure that all drivers are trained to the same standard?

656. Mr Dempster: That is correct. Eamon deserves the same rights as me as regards training and the ability to receive a qualification in passenger transport.

657. Mr Ford: Thank you both for attending the Committee, and I especially thank Eamon for talking about his personal circumstances. With regard to the operator's licence, Raymond, you said that there should be exemption for your type of taxi. Is that on the basis of vehicle type or because you are a sole operator?

658. Mr Dempster: We are entitled to exemption on both counts. It is unfair that sole operators will have to foot the bill for the operator's licence whereas drivers working for private-hire companies will not. Furthermore, the licence is not suitable for our type of taxi. Some of our immediate hires are picked up late at night when the passengers are rowdy — you can imagine the scenario. Black taxis accommodate up to seven people, so I can only imagine what would happen when the passengers are rowdy and the driver starts taking their names, addresses and destinations. That exercise has not previously been tried in black taxis.

659. The operator's licence is, by design, more suited to private-hire taxi operators. Belfast always had such a scheme, until its removal in the past few years. It was never enforced for private-hire operators and now, suddenly, it is being reintroduced under the guise of an operator's licence. Belfast has always had a licence for private-hire operators, but it was never regulated or enforced properly.

660. Mr Ford: I have two views on record keeping. First, everyone should be required to maintain proper records so that customers are not ripped off. Eamon, you are working satisfactorily even though you have problems with reading and writing, and I have sympathy with your position. Are you suggesting that a method of record keeping should be introduced that would not depend on a driver's ability to read and write, or are you suggesting that there should be an exemption for existing drivers who cannot meet those standards? How do you want the situation to be handled?

661. Mr Grogan: Amendments should be made to the operator's licence requirements. We have always been exempt from holding an operator's licence, and the Department said that we would continue to be exempt.

662. Mr Ford: Do you mean that the entire group of current public-hire drivers should be exempt?

663. Mr Grogan: Yes.

664. Mr Dempster: Especially sole operators, because that is where the disadvantages will happen.

665. Mr Ford: If I have sympathy with Eamon because he has difficulties with reading and writing and no sympathy with Raymond's position, and do not buy the argument for complete exemption, can anything be done to make life easier for drivers who have particular disabilities?

666. Mr Grogan: I hope that the Department will put something in place for people in my circumstances.

667. Mr Ford: Do you have any specific proposals?

668. Mr Grogan: No.

669. Mr Ford: You are, therefore, looking for appropriate measures to be put in place.

670. Mr Grogan: Yes.

671. The Chairperson: No one else has indicated a wish to speak, so I thank Mr Grogan and Mr Dempster for giving of their time today.

672. I welcome Mr Terence Maguire to the meeting, which will be quite informal. The Committee has received submissions, which have been placed in front of members. Please feel free to add to those submissions. You will have 10 to 15 minutes in which to make a presentation. Members will ask questions for the purpose of clarity and will, perhaps, invite you to expand on the points that you have raised.

673. Mr Terence Maguire: Thank you, Mr Chairman. I represent around 15 public-hire taxi drivers. Belfast public-hire taxi drivers ply for hire within a five-mile radius of Castle Junction. Public-hire taxis are the only taxis that are allowed to be hailed or to sit in ranks.

674. Currently, a hard core of illegal taxis work within that five-mile radius, and that presents a big problem. The Department of the Environment is not addressing that matter. It is not that the Department cannot do anything about it — the taxi drivers are known to the Department — but it seems incapable of enforcing current legislation. I would like the Department to make a better effort to enforce the legislation.

675. The Department's team of five enforcement officers has been reduced to four. It is impossible for a team of that size to enforce regulations in Belfast, never mind Northern Ireland, and I am worried about how it will enforce the proposed legislation. I suggest that the five-mile zone in which we operate be reduced to a two-mile zone if an adequate number of taxi ranks could be made available in Belfast city centre.

676. I suggest that there are plenty of public- and private-hire taxis in the whole of Northern Ireland except, perhaps, during the early hours of Sunday morning between the hours of 1.00 am and 3.00 am. At all other times, lots of public- and private-hire taxis are available. Mr Ford was driven around Belfast one night by a couple of public-hire taxi drivers, and he saw the number of taxis that were parked and waiting for work.

677. Permitting people to hail private-hire taxis in the street will create a problem for taxi depots. While private-hire cars are on the streets, lifting people willy-nilly, their depots will be receiving phone calls from other people who are trying to book taxis — and those taxis will not be available. By allowing that situation to happen, the number of taxis on the street will not be increased — there will still be the same number of taxis on the street. However, a different problem may be created whereby the depots will not have enough cars, at times, to cover work because their drivers will be out on the streets trying to pick up fares.

678. The one-tier system, which is under discussion today, is unfair to public-hire taxi drivers who work in Belfast. Private-hire taxi drivers will be working from the depots when the depots are busy, and they will be working on the streets when the streets are busy. By contrast, my colleagues and I will be sitting at taxi ranks whether they are busy or not. We do not take phone calls. Therefore, private-hire taxi drivers will have more opportunity to get work.

679. A taxi-rank system should be put in place around Belfast. At present, there are virtually no taxi ranks in Belfast. Last week, Barbara Fleming from IMTAC talked about access to public-hire taxis. There is virtually no access to public-hire taxis in Belfast for disabled people. Currently, there is taxi rank at the City Hall, and another outside Great Northern Mall, beside the Europa Hotel. The only way that a disabled person can get a public-hire taxi is if they go to one of those ranks. Otherwise they have to phone the private-hire depots, which is when the rip-off begins. When the major private-hire companies in Belfast carry disabled people in their cars, the minimum fare is £8 — that is before the engine is turned on. By comparison, the minimum fare for a public-hire taxi is £2•70. Private-hire companies are discriminating against disabled people.

680. Many private-hire depots do not want work from disabled people. We can talk until we are blue in the face about how many private-hire taxis should be wheelchair-accessible, but if disabled people ring depots for taxis, nine times out of 10 they will be told that there are none available — or that all the taxis with wheelchair access are fully booked or are off the road. Most of the depots do not want fares from disabled people. However, all public-hire taxis in Belfast are wheelchair-accessible, and if there were sufficient taxi ranks around the town, disabled people would have no problem getting wheelchair-accessible taxis.

681. That brings me on to another point: all taxis in Northern Ireland should be wheelchair-accessible. That could be achieved in a three-year period and would mean that disabled people could order taxis without mentioning their disabilities. Disabled people are being discriminated against, because if they phone for a taxi, they have to specify that they are disabled, which would not be the case if every taxi were wheelchair-accessible.

682. Finally, control and enforcement of the taxi industry should be transferred from the Department to local councils. Local councils would be able to take a more hands-on approach and enforce penalties for any misdemeanours, which would make taxi depots and taxi drivers more accountable. That transfer could be financed by revenue from the fees that all taxi drivers pay for PSV tests, and the fees for the proposed licence for operators. The councils could also charge private-hire depots for an operator's licence. That would enable councils to be more hands-on in their approach. The Department has been in charge of the taxi industry for 30 years, which is why we are in the current mess. The Department does not seem to be capable of looking after the taxi industry.

683. The Chairperson: Thank you very much, Mr Maguire; you have raised major issues about enforcement. The Committee needs to hear from the Department about why there has been a downgrade in the number of enforcement officers available. The Committee needs to seek clarity from the Department on that immediate problem, irrespective of what may happen as regards the legislation.

684. Mr Gardiner: Thank you for your presentation, Mr Maguire. You stated that private-hire depots are discriminating against disabled people by telling them that no wheelchair-accessible taxis are available, or that they are booked or out of order. I wonder if, as a Committee, we could have that allegation investigated. If a taxi company is discriminating against disabled people, the Committee wants to know about it. Its licence should be withdrawn. People with disabilities should be treated equally. I would like that matter investigated, Chairman.

685. Mr Maguire: That is why I brought up the idea of all taxis being wheelchair-accessible, because that type of situation would not occur.

686. The Chairperson: Mr Gardiner, the Committee can return to that issue when it has heard all the other questions.

687. Mr Boylan: Thank you for the presentation. I was also concerned about the allegation of discrimination. You have said that all taxis should be wheelchair-accessible. In rural areas, many taxi drivers make a living by driving saloon cars. You say that private-hire depots are ignoring disabled people.

688. Mr Maguire: I am suggesting that disabled people who phone for taxis are being ignored. I know that that is the case from past experience of working in depots.

689. Mr Boylan: You are calling for more taxi ranks. However, if there were more ranks, and more taxi drivers moved in, would it not be fair to say that they would still be doing the same thing?

690. Mr Maguire: No.

691. Mr Boylan: It may not be a solution; I am only making a suggestion.

692. Mr Maguire: If we had more taxi ranks in Belfast, a disabled person could come along to one of those ranks. There are only two taxi ranks in Belfast at the moment.

693. Mr Boylan: Surely a disabled person should go to whatever rank is available.

694. Mr Maguire: Yes, if there were more of them. In that event, there would be greater choice.

695. Mr Boylan: Are they not entitled to go to the ranks that are already there?

696. Mr Maguire: Yes. However, if a disabled person is at the Wellington Park Hotel, the nearest taxi rank is at the Europa Hotel.

697. Mr Boylan: That is something that can be looked at later. However, I feel strongly that disabled people should be able to access taxi ranks.

698. You referred to taxi drivers being out doing other work and not being available from the depots. Would you clarify that please?

699. Mr Maguire: Private-hire taxi drivers who are permitted to lift fares in the street could get hailed once the city centre starts to get busy on a Saturday night. That would mean that their depot would be short of cars. The depot would not be able to take phone bookings because no drivers would be available; they would all be out on the street trying to get flagged down.

700. Mr Boylan: Having one regulation for an operator's licence would curb that behaviour.

701. Mr Maguire: In what way?

702. Mr Boylan: There has talk of one-tier and two-tier systems? What is your view on that? Should there be a law that allows Belfast drivers to lift fares in the street but requires people in rural areas to phone for accessible taxis?

703. Mr Maguire: There are public-hire taxis and taxi ranks outside Belfast. Drivers do not have to be in Belfast to sit in a taxi rank.

704. Mr Boylan: Yes, but you are talking specifically about taxi ranks.

705. Mr Maguire: I am speaking as a public-hire taxi driver, and I am suggesting that we need more taxi ranks. However, you are asking me about drivers who work in depots.

706. Mr Boylan: You are saying that you want the taxi ranks; but people still want to use taxis outside taxi ranks. Is that correct?

707. Mr Maguire: We need taxi ranks, and we need —

708. Mr Boylan: I am only asking you the question. The reason that I am asking is so that the Committee can bring forward your suggestions at the overview. You specifically said that there may not be enough taxi drivers at the ranks —

709. Mr Maguire: In the depots.

710. Mr Boylan: Sorry; in the depots.

711. Mr Maguire: If I am working in a depot and my depot is quiet, and if Belfast city centre is busy, I will go into the city centre and try to earn some money. If people then phone my depot, I will not be there, and the depot will find it hard to get its work covered. This legislation will not put more taxis on the street; it will shift the problem from one area to another.

712. Mr Boylan: So with that in mind, are you saying that the number of taxi drivers should be restricted? What happens if new people come in?

713. Mr Maguire: I did not say that.

714. Mr Boylan: I am only asking the question.

715. Mr Maguire: That is not for me to say.

716. Mr Boylan: That would be a lead-on question.

717. Mr Maguire: I think that there are plenty of taxis. Personally, I would like to see a cap put on the number of taxis. As I said earlier, there are plenty of taxis for everybody except for about two hours on a Saturday night, and that is when private-hire taxis will flood the city centre, leaving their depots exposed.

718. Mr Weir: With regard to leaving depots exposed at peak times — especially on Saturday nights — when private-hire taxi drivers head in the direction of the city centre, and I appreciate that there is likely to be a lot of cars going in that direction, surely what is more likely to happen is that a depot would hire in more drivers for those peak periods.

719. Mr Maguire: The depots could not do that. They could not hire people to work for only two hours on a Saturday night.

720. Mr Weir: Why not? Surely they would earn money; they are providing a service.

721. Mr Maguire: If you were a taxi driver, would you work for two hours a week?

722. Mr Weir: Presumably, any business that experiences a massive increase in trade at a particular time will bring in more people to cover that period.

723. Mr Maguire: What would taxi companies do with those people for the rest of the time — tell them to go home without any wages?

724. Mr Weir: Presumably, not every driver works 40 hours a week. Some drivers must work flexibly or part-time.

725. Mr Maguire: There is no work for those people for the rest of the week.

726. Mr Weir: Surely, as in any profession, some people work part-time and do something else for the rest of the time.

727. Mr Maguire: With respect, Mr Weir, you are stretching the point by suggesting that people would work for just two hours at peak time on a Saturday night. Let us be realistic.

728. Mr Weir: I appreciate that, but the reality is —

729. The Chairperson: We are veering from the legislation into the management of private companies.

730. Mr Weir: To be fair, the witness raised that point to illustrate a repercussion of the proposed legislation. I am suggesting that the problem will not be as bad as he fears.

731. I have two further questions. On the subject of increased accessibility for disabled people, you mentioned concerns about the potential for disabled people to be ripped off by private-hire taxis. The Committee has heard evidence on that issue that suggests that disabled people have been ripped off by a minority of drivers in the system as a whole, not only by one section of it.

732. Mr Maguire: I agree. It is not just one section. The disabled girl, Barbara Fleming, who gave evidence to this Committee last week, said that the taxi driver from the depot that she normally uses charged her £35 for a journey from the city centre to upper Malone, which left her with no money to get home. She should be asked to name the company responsible for that. Her friend was charged £70 for a journey of a quarter of a mile. Those are people who —

733. Mr Weir: The problems appear to be across the board. May I ask you —

734. Mr Maguire: Can something not be done about that?

735. The Chairperson: Again, we are veering into investigations.

736. Mr Weir: You said that the taxi-rank system works fairly well in areas outside Belfast. Why do you believe that a two-mile radius —

737. Mr Maguire: If we had more ranks.

738. Mr Weir: OK, assuming that there were more ranks, why do you believe that a special system, which does not apply anywhere else in Northern Ireland, should operate within a two-mile radius of Belfast city centre? Why should it have a different system?

739. Mr Maguire: Do you mean that public-hire taxis in Belfast would be the only taxis allowed to —

740. Mr Weir: Why do you believe that there should be a two-tier system in the centre of Belfast, when such a system does not apply anywhere else in the Province?

741. Mr Maguire: In comparison with, say, Banbridge, on a Thursday night, Belfast is much busier than any of the outlying areas. In Belfast, there is a need to have 450 taxis waiting for people to jump into to go home. In Banbridge or Coleraine, there is not.

742. Mr Weir: If there is that volume of business in Belfast, and I agree that, on any Thursday night, there is —

743. Mr Maguire: That is the difference between Belfast and other areas.

744. Mr Weir: Hold on. Given that volume of business, would it not still be there if there were a one-tier system and anyone could pick up from the streets?

745. Mr Maguire: There would still be the same number of people; however, as has been said, the number of taxis would not increase. Currently, people are being picked up illegally, by illegal taxi drivers. The DOE is doing nothing about that. In order to turn its back and wash its hands of the problem, the DOE intends to legalise the illegal drivers. That is the Department's solution.

746. The Chairperson: Thank you, Mr Maguire, for bringing your practical experience to the Committee, and for your time.

747. I welcome Mr William Black and thank you for giving the Committee your time. The Committee already has your written submission and, as you have probably gathered, the meeting is pretty informal and relaxed, so please be at ease. If you wish to highlight particular points of your submission to the Committee, please do so, and the members will ask for clarification or further details, as required.

748. Mr William Black: Thank you, Mr Chairman. My name is William Black, and I have been in the taxi industry for just over 25 years, during which time there have been many changes. Fifteen minutes is not long, and I do not want to waste time, so I will start with the matter of the operator's licence.

749. The operator's licence was introduced on the mainland so that there would be some sort of accountability for private-hire vehicles, which they call minicabs. As far as I am aware, hackney cabs did not need an operator's licence.

750. The Department of the Environment was informed about a case on the mainland in which a council had decided that hackney cabs working for a private-hire company should require an operator's licence. The case went to the High Court, which ruled that a hackney cab did not need an operator's licence. Brentwood Borough Council took the case to the Court of Appeal, but the previous ruling was upheld.

751. I have been in touch with the Department, which has sent me some material stating that that case falls under a particular category. The bottom line is that the High Court and the Court of Appeal stated that a hackney cab does not need an operator's licence — that sector is already regulated.

752. The Department intended to allow certain exclusions from the operator's licence clause, which would include Belfast public-hire cabs. However, the proposed legislation was changed, because when all stakeholders and other interested parties were asked about the operator's licence, the response was that all taxis should be covered by an operator's licence. That goes back to consultations in 2005 and 2006.

753. There are 512 public-hire hackney cabs working in Belfast, according to information supplied by the DOE licensing office on 18 September 2007. There are 7,841 public-hire vehicles, 2,782 private-hire vehicles and 272 taxi buses outside Belfast. If we compare the 512 drivers in the Belfast public-hire sector with the 10,895 other drivers in various categories, who are, at present, unregulated, it is safe to assume that the Belfast public-hire cabs will not have any real opportunity to be exempted from the operator's licence, because the other sectors that never had to pay before will now have to do so.

754. Hackney cabs are still regulated by the Department, but they will fall foul of the regulations through sheer numbers. The Belfast public-hire cab must conform to certain standards and can cost anything up to £35,000. That is a massive price difference in comparison with the average price of £10,000 to £14,000 for a private-hire vehicle.

755. The Department was a bit clever in changing the proposed legislation in July 2006 to state that the Belfast hackney cab and all other taxis, private or otherwise, would be classed as a taxi. I have that document with me. The minutes of evidence that were presented to the Committee on 31 May 2007 state:

"Northern Ireland is the only part of the UK where what we call a 'private-hire taxi' is allowed to be known as a taxi. Everywhere else in the UK, they are called private-hire vehicles".

756. The evidence from DOE officials goes on to state:

"Under many licensing authorities in the rest of the UK, private-hire vehicles are prohibited from carrying roof signs because that makes them look like public-hire taxis."

757. The Department decided to call every type of vehicle a taxi. That is a somewhat confusing decision. If that is the Department's idea of progress, I find it totally amusing.

758. My next point concerns the proposal to allow taxis that are not accessible to wheelchairs to pick up passengers in Belfast. That proposal, in my opinion and those of many others, will destroy Belfast public-hire cabs. Some 512 hackney cabs operate in Belfast, but not all of them work at peak times, as the Department of the Environment told the Committee on 31 May 2007. However, I am disappointed that the minutes of evidence do not record the fact that the two largest companies working in Belfast have more than 500 drivers who are available for work, but they also do not have a full complement of taxis working during peak periods.

759. The Department went on to state that vehicles licensed for private hire, or public hire outside Belfast, pick up much of that demand illegally. That is true, but one of the main reasons for so much illegal "p-uing", as we call it, is that drivers would rather work off the street so that they can choose whatever work they want. If they work for a depot, they have to take the job that is allocated to them, but if people phone a taxi depot during peak periods and are told that there is a two-hour waiting time, they will go out and try to hail a taxi illegally on the street. If those taxis worked for depots, it would cut down on the number of people trying to hail a taxi illegally on the street. That is a fact.

760. On Friday and Saturday nights between 1.00 am and 3.00 am, taxi demand reaches saturation point, not only in Belfast but all over the UK. That is six hours out of 160 hours a week — 3.57% — during which accessible taxis are still working. That seems to be an unjustified reason for the drastic changes that the Department has proposed. In evidence to the Committee, the Department said that people do not know or care about differences in taxi plating — they just want to get home. It appears that departmental officials are saying that if enough people are prepared to break the law, the law will be changed to suit them.

761. The Department carried out an impact assessment, which states that allowing other taxis to pick up on the street would have no detrimental effect, financially or otherwise, on any part of the industry. For those members who know central Belfast, take the scenario of someone walking out of Fountain Street onto Wellington Place, he or she can obtain a taxi by phoning for one, walking to the nearest taxi rank or hailing a hackney cab. If there is permission for private-hire taxis to pick up on the street, people will not need to walk to the taxi rank, and those taxis will sit in the ranks for longer.

762. We have been told that the Belfast public-hire cab is an integral part of the public transport system, but taking away part of my business and telling me that it will not affect me is ludicrous. Of course it will affect me, because this will happen all over Belfast. Public-hire taxis in Belfast need protection to maintain the current system and the facilities that they provide.

763. The Department says that it wants more accessible taxis operating throughout Northern Ireland. If Belfast does not keep the two-tier system, there will be fewer accessible taxis available for immediate hire. I have spoken to many drivers in my sector of the business, and they have stated that if they were to lose a percentage of their business in such a way, they would be better going into private hire, taking into consideration the cost of the cab, the extra charge of £25 for having a PSV-accessible vehicle just for the test, as well as the loss of business. The business would be unsustainable and drivers could not cope with it. There are not many taxi ranks around Belfast, but they are all full, considering that they are 24-hour ranks operating successfully during daylight hours. What with National Car Parks (NCP), the PSNI and the enforcement officers, drivers cannot get into the ranks. Are drivers supposed to drive round the city in the hope that they will eventually get in?

764. The enforcement team working in the taxi industry does a remarkable job, considering that there are only five officers who cover the whole of Northern Ireland. I understand that we are about to lose one of our enforcement officers. I say "our" enforcement officers, because I believe that they have done a great job.

765. Recently, I discovered which enforcement officer was being moved. I suggest that the Committee for the Environment approach the enforcement office and stop that transfer, if it has the power to do so. Losing enforcement personnel who know their job in order to bring in new personnel is a waste of money and manpower. We need those personnel.

766. The Committee has been informed that there are 21 officers who may be called on to carry out sting operations, if requested. Can the Department tell the Committee how many times since the taxi plates were introduced in 2004 more than five enforcement officers have been used in an operation? In November 2004, changes were made to legislation that were aimed at substantially reducing the number of illegal taxis in order to minimise the risk to the travelling public. Legislation is only as good as its enforcement.

767. When the plates were introduced, the fee was increased to up to £120 a cab; currently, the fee is £126.50. At the time of the increase, we were informed that the Department would take £20 from each application to use for enforcement. There were 9,000 taxis in 2004, and that number has increased to 11,470. A levy of £20 per person adds up to a lot of money, so why has there not been an increase in enforcement? That is more than £750,000. Where is that money going?

768. The money that has gone into enforcement seems like a large amount, although, after it is spread out, perhaps it is not. In either case, five officers is not enough. I would like the Department to explain where the money has gone, and whether the other 16 officers have been called on to become involved in sting operations at any time in the past three years. If they have, I do not think that that would have cost £750,000.

769. At present, a two-tier system protects the Belfast public-hire cab sector. To change to a one-tier system would devastate that part of the industry. I refer to the Committee's minutes of evidence of 31 May 2007, when departmental officials stated:

"When we asked directly whether respondents would prefer a one-tier system or a two-tier system, the two-tier system was narrowly preferred if the alternative was that all taxis — public hire and private hire — must be accessible."

770. The costs of making those taxis accessible would be astronomical. The vast majority did not want to make their vehicles accessible, and the simple reason was cost. I refer members to the same minutes of evidence:

"When the Department examined the outcome of the policy consultation, it set out to revise its key proposals. Respondents were asked: 'Do you agree with the proposal to keep a revised two-tier system as described?'

771. Respondents came down narrowly on the side of a two-tier licensing system. However, they also stated that they wanted all taxis to be able to pick up fares, have roof signs, work to regulated fares and have taximeters."

772. That sounded like a one-tier system to the Department, which decided to push for a one-tier system.

773. Any licensed taxi that has a meter must have it sealed by the Department, regardless of whether the taxi is private hire, public hire outside Belfast or Belfast public hire. Currently, the only vehicles that have had their meters tested and sealed are Belfast public-hire taxis. Private-hire and public-hire vehicles outside Belfast have never been tested or sealed. The Department's explanation is that it does not have the manpower. That is not my problem.

774. The question is: a one-tier or a two-tier system? In my opinion, by virtue of the numbers involved, the Belfast public-hire cab is becoming a scapegoat. If the Belfast public-hire cab, as we know it, is to survive, the two-tier system within a five-mile radius of Belfast must be retained. That is paramount to its survival. If the Belfast public-hire cab is to be part of an integrated public transport system, the Department must keep the two-tier system for Belfast.

775. In any review, all parties involved should gain something, but if certain amendments are not made to these proposals, public-hire cabs in Belfast will lose substantially. There will be loss of revenue, because no one is going to pay an extra £25 for a cab simply because it is wheelchair accessible. In addition to that, the cultural identity of the hackney, or black, cab, will be lost. There will also be charges: approximately £242 for receipt printers; £400 to install meters in taxis that do not already have them; a separate fee for calibrating those meters; the cost of courses up to, possibly, NVQ level; the cost of an operator's licence, which has not even been discussed; the paperwork that must be kept to comply with "due diligence"; and the cost of renewal of the licence. A separate fee for processing applications for licences is currently £75, and that includes a repute check. Under the new proposals, an extra £30 will be added for the repute check, which will bring the licence fee up to £105. For new applicants, a licence will cost £110, plus a £30 repute check.

776. There will also be a reduction in the number of years that a licence covers. A five-year licence now costs £75, and over a period of 15 years, taxi drivers would buy three licences, which would cost £225. However, if the period of the licence is going to be reduced to three years, the cost, over a period of 15 years, would be £375 — an increase of £150.

777. The PSV test costs £126•50, and a retest costs £19•50. There has been talk about splitting the categories of PSV testing; therefore, there could be a charge of £40 for documentation, £30 for the meter test and £40 for the mechanical test, and so forth. Currently, if a taxi fails in any, or all, of those categories, the cost of the retest is £19•50, but that would not be the case if the categories were split — it may be £30 for the meter test and £25 for the mechanical test. That is another increase that taxi drivers would have to pay. When a PSV test is booked, a date and a time are given, but if I am told that my test can only be undertaken on a Friday evening at 7.00 pm, I have to pay extra.

778. At present, when a taxi is being sold, the new owner receives a V36 on the vehicle, which means that the seller takes the taxi to the PSV centre for a quick check for which there is no charge. However, that practice will stop, because the Department is seeking powers to charge for processing the change of ownership, registration and the type of hire and plates.

779. The Chairperson: I am conscious of the time.

780. Mr Black: I have just one more matter to mention.

781. A one-tier system will result, in all probability, in a substantial reduction in the number of accessible taxis available for people with different types of disabilities. I was distressed to hear a number of respondents saying that people with disabilities have enough transport supplied for them and that there is no need for more accessible taxis. It is disgraceful that anyone in public or private hire would say that. People with disabilities have the same right to have transportation as any other person, and there is already legislation, which states that overcharging someone with a disability will result in the loss of a licence. I would like to see that legislation enforced.

782. The Chairperson: Thank you very much. You put your evidence very comprehensively.

783. Mr Weir: Thank you for your evidence, Mr Black. I apologise to the Chairperson — I will have to leave in a few minutes to attend a briefing.

784. I agree with the witness. What was said about enforcement is valid, and that point has been made by a number of witnesses. There is a need for greater levels of enforcement and for more resources. It is nonsense to suggest that the measures will not have any grave detrimental impact on the public-hire sector in Belfast. They will clearly have some effect in that some business will be shifted away from the public-hire sector into the private-hire sector.

785. I will play devil's advocate. Mr Black, you mentioned that, already, many taxis are breaking the regulations and picking people up from the street when they should not. You also said that the public does not care who picks them up, as long as they get home. How do you respond to the suggestion that what the legislation proposes simply reflects the economic reality on the ground? That is how things are operating in practice, and the Department is trying to regulate what is happening.

786. Mr Black: Taxis are operating illegally in Belfast. Private-hire taxis are doing that outside Belfast too, so it is not just in Belfast that that happens.

787. The regulations exist. When people apply for a plate, they can choose what type of plate they want and in what type of business they want to work. The number of taxis that are picking up illegally is clear to anyone who travels around Belfast at peak periods. Those taxis should be working from their depots. However, when a customer telephones a depot, he or she may be told that there is a two-hour wait. If that were not so, taxi drivers would not have to go out and do something illegal. Drivers would prefer to be able to pick up on the streets and turn away

business that does not suit them. When a customer wants to go to Bangor late at night, the driver might then charge him or her £40.

788. Mr Weir: I would have thought that taxi drivers would have considered such an opportunity a gold mine.

789. Mr Black: That is the point. When drivers choose a licence, they should abide by its rules. If drivers do not like it, they should get out of that business. I want to work in one type of business, and I buy a type of vehicle that complies with that. However, someone else with the same licence might decide that: the depot is not that busy; a customer will give him a job that will earn him £3; or he has to travel from the Holywood Road to Ballysillan to pick up his next fare. Those things happen regularly. Those are the reasons that taxi drivers in private-hire companies — and the public-hire sector — come in, pick up people from the street and refuse whatever work they do not want.

790. Mr Boylan: Thank you for your presentation. With respect to the point about taxis working from the depot, did you have an opportunity to submit anything during the consultation period?

791. Mr Black: I did.

792. Mr Boylan: I would like to hear your thoughts on enforcement.

793. Mr Black: Our enforcement team — I am sorry — I refer to it as “our enforcement team” because I believe that enforcement is necessary for the industry and for my benefit. That team has operated since 2004, when the plates were introduced, but, with five officers, it is not nearly adequate. However, they do an excellent job.

794. I was disgusted to hear this morning that we were losing an officer. When I found out which officer we were losing, I was even more upset. The person concerned is not merely good at the job, the person is excellent at it. In my opinion, that is why that person has been removed. If I can get enough people to phone up and complain about someone, it will not matter whether that person is innocent or guilty — rather than take the heat, that person will be swept under the carpet. It is as simple as that. That is what is happening. The enforcement officer has been moved —

795. The Chairperson: I am sorry. The Committee cannot get into that issue.

796. Mr Black: The Committee should get into it.

797. The Chairperson: I am sorry. That is a matter for the Department. We will raise the general question of enforcement with the Department. Specific issues about staffing are not the Committee’s responsibility. The Committee is here to examine the legislation.

798. Mr Black: Enforcement is not good enough. At £20 a driver going towards the costs of enforcement, over the past three years, where has the money been spent? I cannot get an answer to that question.

799. Mr Ford: In your written submission, you referred to the need to increase the number of accessible vehicles.

800. What would you see as an appropriate proportion of fully accessible vehicles for any operator to have, if we are moving in the direction that the legislation proposes?

801. Mr Black: The proposed legislation is for each depot to have a percentage of accessible vehicles.

802. Mr Ford: What would your percentage be in that context?

803. Mr Black: My percentage, for private-hire vehicles, would be around 10%. That begs the question of who has the right to give you a job or make you buy an accessible taxi. If the law were to be that 10% of taxis had to be accessible, for example, and another gentleman and I were to buy two Mercedes and both of us wanted to work for the same company, we could not both be employed if that left the company with less than 10% of its fleet being accessible taxis. Who gives an owner, or anyone else, the right to give someone a job on the condition that they have a wheelchair-accessible vehicle? The Department would call that a grey area.

804. The Chairperson: Thank you for your time, Mr Black; we covered a lot of ground today.

805. Mr Black: Thank you.

806. The Chairperson: Are all of the representatives from the International Airport Taxi Co here?

807. Mr James McVeigh (International Airport Taxi Co Ltd): I apologise for Mr Kennedy, who has been unable to make the meeting.

808. The Chairperson: So there are just the two of you? Thank you for being with us. As you can see, the format is informal, but within certain guidelines. Our focus is on the Taxis Bill that is in front of us, and we already have a submission from you. It is not necessary to go over the whole submission again, but if there are particular aspects of it that you wish to add to, please do so. Committee members will then seek clarity or ask for further detail.

809. Mr McVeigh: First of all, Chairman, I want to thank the Committee for the opportunity to come here. I have listened with great interest this morning. This has been much talked about in the taxi industry.

810. Can I say, as someone who moved to Randalstown 10 years ago, that there is life outside Belfast? I would like to point out that there is a three-tier system in operation, not a two-tier system. There are two tiers in Belfast, and we have no problem with that. Neither has any driver who works in a country town or village. The third tier is public and private. It provides people who live in a small village, whether in County Fermanagh, County Down, County Armagh, or even somewhere such as Bangor, with the opportunity to expand their business. They can work off a taxi rank, through a depot, or by mobile phone, as most people do. We work outside Belfast at the international airport, and we feel that there is a need to retain that third tier, which no one seems to have mentioned. It is private hire with limited public access, which is represented by white plates.

811. I will not go too deeply into my second point, as it has already been covered and I am conscious of the time — the overheads that will arise from the legislation. As the gentlemen before me said, no one has any idea how much the operator's licence will cost. There is talk about different structures for sole traders, but any taxi drivers that I know in Belfast, Randalstown, Antrim or wherever are sole traders. They may, at certain times, work through a depot, they may work off a taxi rank; but they are sole traders.

812. If they work from a depot, they pay a fee. However, they are responsible for their own vehicle, their insurance, the running costs of the vehicle, and, if they are out of work — tough.

The introduction of an operator's licence will mean that all drivers will have to pay for it; depot owners will not necessarily pay for it because they can simply offload the costs.

813. An increase in test fees for the cars will be introduced. The fee is currently £126•50. I recently changed my vehicle, and I was fortunate that the bank did not own the one that I had been driving. I could not get a test date for my new car, which resulted in it having to sit in the car showroom for four weeks. When I eventually did get a test date, I had to torture the people in Corporation Street to get the plates ready.

814. Officially, I could not drive my new vehicle. Had I had an accident while driving my old car, or if the engine had blown, it would not have been worth while getting it fixed. Therefore, technically, I would have been out of work for approximately six to eight weeks. I would have had no earning power, which would have been bad for me as I have a mortgage, and so on. Why should I pay £126•50, when the cost for a coach that is capable of carrying 75 passengers is virtually half of that? I do not think that that is fair.

815. The fee for a taxi licence is increasing again. At present, after a five-year period, taxi drivers have to reapply for a licence. The Department, because of business and management problems, advises people to apply six weeks prior to the end of that five-year period. I, like most of the drivers, apply at least three months ahead. Those of us who are over the age of 45 have to complete a medical, and that too has to be paid for. Furthermore, we have to pay for a taxi test, on top of which will now be added the cost of the operator's licence. We feel that that is unfair, because we get nothing in return.

816. There is also talk that all taxis that work off a rank system will have to be wheelchair accessible. As a small private company, we feel that that will put us at a distinct disadvantage. Working at Belfast International Airport, we offer an across-the-board taxi service. Foreign dignitaries or businessmen can book an executive car in advance of their arrival. If they arrive and have not booked one — maybe their secretary has made a mistake — we can still supply one.

817. We also supply wheelchair-accessible vehicles, and we do not charge any extra for those facilities. If people book those vehicles in advance, they pay the standard rate. I agree with the chaps who represented Belfast public-hire taxis that that should not be an issue.

818. We also run a general taxi service, which enables anyone to get a taxi at their convenience. All of our customers are supplied with written receipts, which are printed with our company logo, and our company is registered with Companies Registry. The driver's number is at the top of the receipt, and the office address is included in case anyone wishes to make a complaint. We have set fares. We feel that we meet quite a lot of the Department's criteria, and some of the legislation.

819. For two hours on a Friday night, and two hours on a Saturday night, Belfast taxi drivers are under pressure. We may be wrong, but we feel that it is unfair for taxi drivers who work in small country towns, such as Magherafelt, Banbridge, Bangor, Holywood — where my colleague comes from — and Randalstown, to be classed the same as those who work in Belfast. Given that there is a system that works in the country areas, why fix what is not broken?

820. Making all taxi drivers drive wheelchair-accessible vehicles would affect small country areas — the villages and towns. The information note that accompanied The Draft Taxis (Northern Ireland) Order 2006 stated:

“Accessible taxis will, in due course, become the only taxis that will be allowed to stand for hire in taxi ranks”.

821. It goes on to clarify the locations at which they can do so:

“(airports, ferry terminals and railway stations and the like) but also areas such as shopping centres and entertainment complexes.”

822. Does that mean, for example, that if taxi drivers want to sit outside the Buttercrane shopping centre in Newry, they will need wheelchair-accessible vehicles? Does every person who comes out of the Buttercrane centre want a wheelchair-accessible vehicle? The answer is no.

823. In the past four years, we have had four — or possibly five — requests for wheelchair-accessible vehicles at the airport. I will give one example. One Saturday night when we were under severe pressure, a passenger on a diverted British Midland flight from London wanted a wheelchair-accessible vehicle, and one of our drivers was instructed to do the job. The flight was delayed, and the driver had to wait for 30 minutes for the lady to come out. He got the ramps out and pushed the wheelchair into the back of the vehicle, and the lady then got out of the wheelchair and walked to the front seat of the car. Those things happen.

824. I am not saying that disabled people are not entitled to a service: they are. However, as Dr McCrea said to Stephen Peover when they met in Clarence Court, the legislation must be examined on a broader scale, and we must examine what all our customers need. We agreed that that should happen. A blanket decision cannot be taken based on what is happening in Belfast. The problems in Belfast do not necessarily equate to those in country areas. I think that the country is a brilliant place to live; it is a bit more laid-back and, people are more easy-going. Belfast is very fast and is becoming more like Dublin, suffering similar traffic problems. My daughter said that she has banged on the windows of taxis outside the Bot on more than one Friday night and asked to be taken up the road, but the drivers do not want to know.

825. Those are my views on the plating system. People in country areas should still have the choice of using the white plates.

826. Mr Brian Press (International Airport Taxi Co Ltd): To verify what Jim McVeigh said, we try to work to passenger needs at Belfast International Airport. We find that, as Mr Gardiner said, there is a demand for wheelchair-friendly vehicles. However, we have found that that percentage is not very high, as Jim said. As a company, we try our best to keep around 20% of our vehicles that are on the rank wheelchair-friendly to ensure that disabled people will be catered for. We have found that to work quite well, and we have not had any problems. Our franchise arrangement at the airport states that we cannot keep a wheelchair-bound person waiting for more than 20 minutes. We have never exceeded that time; in fact, we have never come close.

827. I sometimes wonder whether the people who use the industry —passengers — have been consulted about their needs. Has the Committee met with the Consumer Council or similar agencies? We find that a lot of business people use the back of the taxi as an office. They prefer to travel in saloon cars, and we also use those cars for tourists who have large amounts of luggage. We have Mercedes cars for executives and celebrities, and around 20% of our vehicles are wheelchair-friendly. Our company tries to cater for all needs.

828. From a business perspective, we are concerned that if people come out of the airport and cannot get the vehicle of their choice, they will phone the local private-hire companies. Consequently, our company and our drivers will suffer a loss of income. At that point, the question would be: are we needed? That scenario is occurring quite often at the George Best Belfast City Airport, which is now completely wheelchair-friendly. You will see private-hire taxis waiting outside in large numbers, but people will phone for a saloon car rather than travel in a wheelchair-friendly vehicle. Our business could be adversely affected while, at the same time, passenger interests are not being considered.

829. Ours is a country depot, and, therefore, the Belfast taxi drivers' argument does not really affect us as such. However, we understand their concerns. The enforcement issue needs to be looked into. There should be a more robust complaints procedure as regards overcharging. We know that overcharging happens and, undoubtedly, there are still cowboys in the industry. We have a very strict disciplinary code. Any driver who overcharges a customer is dismissed — and there is no going back on that. Our disciplinary code works well and perhaps could be considered by the industry. By adopting a better complaints procedure and stricter disciplinary codes, the industry could be cleaned up.

830. Our main concern is that the one-tier system — which some companies are arguing for — would be unfeasible in a country location such as Aldergrove. Why change something that has worked well over the years?

831. Mr McVeigh: Recently, our company went to the expense of developing a website. It will be activated in the next two or three months. Aer Lingus has now come to the airport, which has created a lot of problems down below.

832. The Chairperson: You will be the beneficiaries of that.

833. Mr McVeigh: We had similar problems here when British Airways and British Midland pulled out. We will be advertising an across-the-board service on our website, and undoubtedly, we will be expecting a lot of tourists to visit next year. We are a small company, and we are all shareholders. No one makes any money out of it. We are not like the big guys.

834. The Chairperson: Those of us from rural areas would regard Belfast International Airport as a cosmopolitan area — I have to point that out to you. However, on a serious note; while we may be more able to present our views, nonetheless the rights and entitlements that we expect as public representatives should be exactly the same as those of our cousins in urban areas such as Belfast. That is a point well worth making. In your submission you referred to exemptions for the airport area — is that a public area?

835. Mr McVeigh: I am not an expert on the legal aspects. The airport is on private ground, but there is public access, and there are certain criteria to be followed. For example, I cannot access the taxi park unless I have a gizmo in the car. We also have to be security-cleared by the Department and checked out by the airport police. Therefore, not just anyone can access the taxi park. Each taxi driver must display the airport badge and must have a transponder in his vehicle before he can access the taxi parking area.

836. Mr Ford: Following the eulogy for Randalstown and Aldergrove, I must declare an interest as MLA for South Antrim. Mr McVeigh raised interesting comments about the status of the international airport, given that it is privately owned, but semi-public — but the Chairperson has followed up on those comments. Have you had discussions with the Department about its attitude to the taxi rank at the airport?

837. Mr McVeigh: I met the MP for South Antrim, the Rev William McCrea, who was interested in that issue. He and I had a meeting with Mr Peover — the permanent secretary in the Department of the Environment — and I subsequently received a letter from Bill Lavery. That letter stated: "As was advised in the course of the meeting, the Taxis Bill, subject to the approval of the Northern Ireland Assembly, would give the Department enabling powers to introduce regulations which may require certain classes of taxi to meet accessibility standards. These regulations would be subject to public consultation and also the approval of the Assembly. It is expected that such regulations will take some time to draft and in doing so the Department would take fully into account the representations made by your Company about the way taxis are currently operated under the airport contract."

838. I can therefore assure you that the passing of the Taxi Bill into law of itself will not automatically mean that all airport taxis will have to become accessible nor will the way that taxis are presently operated be immediately affected."

839. Mr Ford: This is another instance in which we will have to wait for regulations, rather than expect measures in the Bill.

840. Mr Boylan: Thank you for your presentation. I was glad to hear mention of the customers in rural areas. You mentioned the variety of services that you offer. Do you follow a code of practice that is governed by the airport?

841. Mr McVeigh: Taxi drivers who work at the airport are security vetted by the airport authorities. We have to supply a certain standard of vehicle, and it must not be more than six years old. Every driver is subject to checks by the police — if the authorities wish — and our insurance and PSV certificates must be 100% up to date. A complaints procedure is also in place. If a complaint is made against one of our drivers, it is immediately acted on. We have a training and employment agency in Ballymena to look after those affairs, and that keeps us completely right. If a complaint is made against an airport driver — through the international airport — a representative from the training agency gets in touch with one of the management team on the taxi rank, who will strictly monitor the service.

842. Mr Boylan: Customer care is very important in your line of work.

843. Mr Press: Complaints — when they are made — come through to us via the airport authorities. We know how important it is for our type of franchise to have a proper disciplinary procedure in place. However, that is something that is sadly lacking in other private companies and, perhaps, even in the public sector. Some organisations do not have effective complaints procedures, and proper disciplinary procedures might not be taken against those who fall foul of the legislation. People care so much about their jobs that they do not step out of line. In the past two years, only two drivers have left because they have overcharged passengers.

844. Mr Boylan: You deal with many different nationalities.

845. Mr Press: We look upon ourselves as ambassadors for our country, because there are lots of tourists. Last year, seven million visitors came through the airport, and we are the first people that they meet. There has been talk about training, but we are already there. We direct, advise and give people estimates of the cost of their journeys, for instance. I am not being big-headed, but we lead by example. We are further ahead than some private companies.

846. The Chairperson: Thank you both very much for coming here today. You are quite right; you are the ambassadors meeting people who have just arrived in the country.

847. Mr Gardiner: They work at the airport, but they seem to run a tight ship.

11 October 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Trevor Clarke

Mr David Ford

Mr Tommy Gallagher

Mr Ian McCrea
Mr Peter Weir

Witnesses:

Kevin Doherty	Disability Action
Ms Adele Watters	Department of the Environment
Mr John McMullan	
Mr Stephen Spratt	
Mr John Martin	

848. The Chairperson (Mr McGlone): There was no written submission from Disability Action, but members may recall that at our meeting on 27 September, we agreed that it was important that the Committee hear an oral brief from a Disability Action representative. I also advise members that unless the Committee receives and accepts any late requests, today is our last day for oral evidence.

849. Mr Doherty, you are very welcome. Our proceedings are informal; you will have 10 or 15 minutes to explain your case and any views you may have on the Taxis Bill. Members will then ask questions seeking further detail or clarity.

850. Mr Kevin Doherty (Disability Action): Thank you. Our chief executive, Monica Wilson, sends her apologies. I am here to present evidence on behalf of Disability Action, which is a pan-disability organisation that works to create an inclusive Northern Ireland with, and for, people with disabilities. There are currently more than 330,000 people in Northern Ireland with a declared disability. The most recent census survey in Northern Ireland has identified certain barriers to social and economic inclusion for people with disabilities, and transport is one of those barriers. Disability Action urges the Committee to examine the results of that survey as part of any inclusive strategy for transport in Northern Ireland.

851. Disabled people's experiences of using taxis are very mixed. The vast majority of taxis are private, and can be used by some with mobility impairments, but are often difficult for wheelchair users in particular.

852. Disability Action represents 180 different disability organisations throughout Northern Ireland, and the evidence I am giving today is of specific examples that have been given to us. The issues faced by disabled people using taxis that are private include: extra charges for carrying luggage; extra charges for waiting the few extra minutes that a disabled person may need to get into the taxi; taxi drivers complaining that walking aids have scraped paintwork on cars; refusal of some drivers to move seats to give extra leg room; difficulty with storage of mobility enhancements, such as crutches; and extra charges for guide dogs for the blind, or, as is more often the case in Northern Ireland, refusal to transport them.

853. For wheelchair users who can transfer into a private car issues include: refusal to allow the wheelchair user to put their chair as close as possible to the car to facilitate ease of transfer in case of damage; extra charges for waiting; extra charges for storing the wheelchair — I will give examples of that later; rough handling, and subsequent damage to wheelchairs, which is an ongoing issue that has been highlighted to us; refusal to allow the wheelchair user to travel by themselves by some companies who insist that they have an escort; and the driver's attitude, language and lack of experience in transporting disabled people can make the journey uncomfortable.

854. Comfort and safety are key issues with self-styled accessible transport, although there are a small number of examples of good practice in transporting wheelchair users with knowledge, sensitivity and confidence, but they involve a select number of drivers who specialise in services for disabled people. Disability Action urges that those services should be used as the benchmark for good practice.

855. Examples that are reported to Disability Action include; lack of knowledge on the use of ramps; wheelchair users not being restrained; being forced to travel facing sideways, or sometimes, the wrong way; lack of driver training and knowledge of effects of impairment, including poor balance; and inability to stay in the chair due to the driver's poor braking or turning.

856. There are key concerns over the consistency of service, safety and comfort for the disabled person. However, the key significant issue that is often reported to Disability Action is the exorbitant fares imposed on disabled people. I will give two specific examples: a return journey from Lisburn Road in Belfast to Carrickfergus, where there was a ten-minute wait, resulted in a fare of £86, and a return journey of one mile in County Derry with a 20 minute wait was £70. Many disabled people find it difficult, and are afraid to challenge, such discriminatory practice, and pay the fare for a quiet life. In addition, deaf and blind people experience the barriers of lack of accessibility and information, and poor attitude of dispatch and driving staff.

857. In effect, disabled people often rely on taxis as their only means of mobility, but attitudes, safety, charging, inaccessibility of information, and lack of communication make journeys dangerous, uncomfortable and overly expensive.

858. The Taxis Bill must secure significant changes for the 20% of Northern Ireland's population who are disabled.

859. I recommend that several clauses of the Taxis Bill be amended. Clause 2(5) should include a reference to the number, or percentage, of taxis in each taxi fleet that should reach an agreed level of accessibility. Clause 3(2) should contain the provision that licensed operators be required to have a designated SMS number, text phone or other device that enables deaf people to access the booking system. I also suggest that clause 3(9) recommends accessible methods through which disabled users may make complaints to the licensed operators, for instance, a person with a learning disability may wish to make an oral complaint and a deaf person may wish to communicate his or her complaint by text. Clause 13(3)(a)(ii) should include accessibility as a condition for the taxi to be granted a taxi licence, and we ask that the exorbitant fares imposed on disabled people be challenged by clause 16(1)(b). With regard to clause 16(3), the highest penalties should be imposed for overcharging. Disability Action urges the comprehensive enforcement of clause 20(2)(c). If strong enforcement measures are not in place, the situation will become even more difficult for people with a disability.

860. With regard to clauses 20(2)(h) and 20(2)(j), we seek assurances that accessibility will be the key elements of a future DOE regulation. Even though clause 50 is another enabling clause, the Department recommends that disability and equality training is made mandatory. That would eliminate the lack of disability knowledge that some taxi drivers have — as I mentioned earlier. A further clause should be added regarding the carriage of assisting animals to bring Northern Ireland into line with the rest of Great Britain.

861. We welcome the introduction of the Taxis Bill, however the overall needs and basic rights of disabled people must be taken into account at the Bill's Committee Stage. This is an opportunity for the Department of the Environment and the Committee to set the benchmark that future Bills will have to reach if society is to be made more inclusive for people with disabilities.

862. Mr I McCrea: Thank you for your evidence, Kevin. It is always important to hear from someone who is speaking on behalf of people with disabilities and who wants to ensure that the needs of disabled people are catered for. It is also important that the legislation caters for disabled people. At the beginning of your evidence, you talked about the extra charges faced by disabled people — regardless of their disability. Have you evidence to show the differences in charges imposed by public-hire and private-hire taxis?

863. Mr K Doherty: Taxi firms in small rural villages, for example, are unlikely to have accessible vehicles. Therefore disabled users have to get taxis from firms in bigger places, such as Belfast, Derry and Newry, which have accessible transport, and pay exorbitant fares for taxis to travel to the individuals. However, the problem would be eliminated if all licensed operators were to have some accessible vehicles — as recommended in my proposed amendment to clause 2(5).

864. Mr Ford: Thank you for your evidence. I hope that you will send the Committee a written list of your suggested amendments to the clauses because I did not have time to note them all.

865. Mr K Doherty: I will.

866. Mr Ford: Can drivers' attitudes and ignorance be improved through regular training? Should such issues be part of the licensing procedure? How should they be dealt with?

867. Mr K Doherty: It is a training issue. Working with and being with people who have disabilities often requires a lot of understanding of the disability.

868. Training should be mandatory across public transport in general, not simply for taxi drivers. There should be mandatory disability and equality awareness training so that those in the transport industry are aware of issues that may face those with a disability, because often such needs are inadvertently not recognised.

869. Mr Ford: Last week, a driver who has the disability of reading and writing with difficulty gave evidence. Have you discussed the significant requirements for record-keeping with any of the drivers who may be similarly affected?

870. Mr K Doherty: The taxi drivers themselves?

871. Mr Ford: Yes, or are you solely concerned with issues relating to passengers?

872. Mr K Doherty: Currently, in regard to the Bill we are solely concerned with issues related to passengers.

873. Mr Ford: In a sense, a number of points that you highlighted about the legislation may be regarded as beefing up the existing Bill, which is, as you have said, overwhelmingly an enabling Bill. Have you had any discussions with departmental officials about that? It appears that you are proposing a fundamental change to the concept of the Bill. You are seeking to have issues that would normally be regulated included in the Bill.

874. Mr K Doherty: We are open to discussion on the issues.

875. Mr Ford: Have discussed them yet?

876. Mr K Doherty: Not at this stage.

877. Mr Weir: The Department has provided the Committee with a list of potential regulatory amendments. Certain witnesses, including Mr Doherty, have given us a list of specific amendments. It would be useful if a full list of amendments were drawn up relatively soon. Also, it would be useful to have the Department's opinion on the workability of those amendments. Some issues raised by Mr Doherty could be dealt with through amendments, some through regulations, and others through obtaining assurances. The Committee could break that information down for the Department and seek confirmation that there would be amendments or satisfactory regulations put in place. It may be helpful to Mr Doherty's organisation to get written responses from the Department to confirm, for example, that certain clauses will be enforceable in certain situations. The issue of amendments is separate, but it would be helpful to get written assurances and clarification from the Department on the regulations. That is a role that the Committee could play.

878. The Committee Clerk: A lot of work is going into producing a single document that will break down the legislation, by clause, to outline the key issues. That work will be ongoing until next week. The document will include suggested amendments to clauses and subsections in the Bill. The Department is working hard to put its comments in a third column, so that the information that members need will be contained within a single document.

879. Mr Weir: The potential impact and merit of suggested amendments will vary. On the one hand, everyone will agree that some suggestions make common sense while, on the other hand, a proposal by an individual taxi driver, for example, could amount to a pet theory that no one else agrees with. It will be important for the Committee to make distinctions between suggested amendments; and, therefore, unless the Department comments on workability, it will be difficult for the Committee to make value judgements on what may be sensible improvements to the Bill and what may constitute pet theories that will not work in practice.

880. It was not really a question; I was just seeking clarification.

881. The Committee Clerk: The Bill Clerk, Kevin Shiels, is here today. He will explain the process of clause-by-clause scrutiny to members. I hope that the document that we are going to use will answer all of the questions that members may have. The Committee will examine the clauses, the issues that were raised during oral and written evidence, and the Department's responses. There will also be an opportunity to discuss the responses with the departmental officials. The document is very large; we have tried to provide members with all the evidence as best we can.

882. Mr Ford: I have one further question. Mr Doherty highlighted clause 2(5) and the issue of the percentage of taxis that should be disabled-friendly. Does Disability Action have a figure in mind?

883. Mr K Doherty: It is difficult to say; in some rural communities there may only be two taxis. I could not say, for example, that 50% of the Value Cabs fleet in Belfast should comprise disabled-friendly vehicles. The question is whether opportunities exist for disabled people to avail of accessible taxis.

884. Mr Ford: I suspect that when we come to the regulations we may have to set a figure.

885. The Chairperson: Mr Doherty, thank you for coming along and giving of your time.

886. We shall now move on to the proposed amendments. We are going to be briefed by Adele Watters and John McMullan from the Department of the Environment. I have been advised that the proposed amendments are minor and do not involve any policy changes. Adele and John will probably clarify that for us.

887. Members have been provided with a copy of the proposed amendments.

888. Mr John McMullan (Department of the Environment): Thank you for the opportunity to address the Committee on the Department's proposed amendments to the Taxis Bill. Although it may appear slightly odd that the Department wishes to propose amendments so soon, the tight drafting deadlines that were imposed, initially for Westminster and then for the Assembly, allowed our lawyers only the summer recess to reflect on the legislation. It is probably inevitable that when lawyers look at draft legislation they will always find something that they want to change.

889. We have described the proposed amendments as minor drafting improvements. No policy changes are being suggested in any of the amendments, save one or two, and even then the overall integrity of the Bill will not be greatly affected. The amendments iron out certain ambiguities and uncertainties in the legislation. Although the changes may look small or even insignificant, they are the sorts of issues that can come back to haunt us in years to come, and the Department invariably ends up in Court trying to defend such legislation.

890. At the beginning of the oral evidence session, Mr Chairperson, you stated that the Committee was determined to get the legislation right. We share that objective, and the amendments will assist us in that regard.

891. To understand the proposed amendments fully, it will be important to read the clauses; identify the offending wording; examine the replacement wording, and try to read the whole thing afresh as an amended version. The process is rather tedious, but I hope that I can get through the proposals without being too legalistic. If the Committee requires more detail, I am happy too discuss individual amendments. The Chairperson mentioned the list of proposed amendments, which has been provided to members, and I propose to go through those individually.

892. The first amendment is to clause 6, which deals with compliance with a departmental taxi-sharing scheme. The clause contains a catch-all provision for the Department — under subsection (1)(c) — when making legislation, to create taxi-sharing schemes.

893. Clause 6(1)(c) states that the Department shall:

"include such provision, or provision of such description, as may be specified in the scheme for the purposes of this paragraph."

894. That is a rather clumsy way of saying that the Department shall include such other provisions as it thinks fit. The amendment will make that clear: it will tighten up the initial draft.

895. Clause 6(3) states that:

"The Department may vary any scheme made by it under this section."

896. That is the same as saying that the Department can change subordinate legislation, which goes without saying as the Interpretation Act (Northern Ireland) 1954 enables all Departments to change subordinate legislation. Sometimes, stating something in legislation that is unnecessary can lead to legal arguments that it must mean something different. In this case, it does not mean anything different from what is in the Interpretation Act (Northern Ireland) 1954, therefore, the safest approach is to omit clause 6(3) altogether. That is what is being proposed.

897. The next amendment is to clause 10, which refers to functions in relation to operator's licence authorising separate fares. This refers to taxi-operators who wish to provide a bus-type service. At present, they must obtain a Roads Service licence, which is basically a bus licence. They must also satisfy fairly rigorous criteria set out in the Transport Act (Northern Ireland) 1967.

898. The Taxis Bill means that it will be no longer necessary for them to obtain such a licence; they will get all their licensing under the Taxis Bill. We have imported the same criteria from the Transport Act (Northern Ireland) 1967 into the Bill. Our intention is that someone who holds a Roads Service licence will not need to meet all the criteria again — there is no point in making someone jump through the same hoops twice.

899. Inadvertently, we exempted them from only one criterion, which was the suitability of routes. This amendment will restore the policy intention that those drivers who want to operate a bus-type service are exempt from all of the various conditions in clause 10. We have also included additional power to enable the Department to make further exemptions in regulations if it is thought to be necessary.

900. The next amendment is to clause 27(3), which outlines the time during which a licence will be suspended or curtailed. The amendment simply removes the reference to "curtailment". The reason for that is that clause 26(4) already covers curtailment. Therefore, the amendment is not only removing duplication, there was actually a contradiction between the two clauses. Clause 27(3), therefore, will be left as the clause that deals solely with suspension.

901. The next amendment is to clause 37, which refers to powers of entry. The legislation states that:

"an authorised officer or a constable may ... inspect those premises and other item".

902. However, clause 37(8) states that the powers of seizure extend to:

"any equipment or other items".

903. Equipment had not been mentioned when the powers of inspection were referred to. Therefore, the amendment will ensure consistency in that it will make it possible to also inspect equipment.

904. Clause 42 refers to dealing with taxi touts. It provides an exemption to the offence of toutting if it is permitted in regulations made under clause 20(2)(c). Clause 20(2)(c) refers to regulations dealing with taxi marshals. Taxi marshals, by their nature, will be toutting; they will be trying to get people into taxis in order to clear the streets. Therefore, it is right that they should be exempt.

905. We also felt that there may be other situations and regulations where someone could be exempt. For example, we provide regulation powers for advertising. Therefore, in clause 42(3) we want to leave out "20(2)(c)" and insert "20." If something is legally permitted, it should not be an offence under taxi toutting.

906. Mr T Clarke: Could I get an explanation of that amendment? Can it be explained from the start again?

907. Mr McMullan: The Bill makes it an offence for someone to be toutting for a taxi.

908. Mr T Clarke: What do you mean when you refer to "touting"?

909. Mr McMullan: I mean someone shouting for business on the street — letting people know that a taxi is available. That is not permissible at the moment, and it is not permissible in the Taxis Bill. We are including an exemption in the clause for taxi marshals. In future years, if they are brought in, they will be regulated by the Department, and their role will be to get people into taxis.

910. Mr Weir: At present, are there any taxi marshals, or is that a role that will be introduced in the future if the legislation is adopted?

911. Mr McMullan: There are currently no taxi marshals. The proposal is to introduce them in the future.

912. Mr Weir: Does the law on touting also include taxi drivers? Presumably, they are not allowed to roll down their window and shout that their taxi is available. If they did, would they be guilty of an offence?

913. Mr McMullan: Yes, that is correct.

914. Mr T Clarke: There is a problem with the wording of the Bill. Surely, it should make it clear that marshals are allowed to solicit taxis. The Bill appears to state that taxi drivers can solicit business. Who is to deem whether a taxi driver is doing that correctly or incorrectly? The wording is a bit loose.

915. Mr McMullan: If a taxi driver were to do that, he would be committing an offence.

916. Mr T Clarke: That is not what the Bill says.

917. Mr McMullan: Clause 42(1) of the Taxis Bill states that:

"a person who solicits any person to be carried for hire or reward in a taxi is guilty of an offence."

918. Mr T Clarke: Yes, but we are talking about clause 42?

919. Ms Watters: Yes. Clause 42, subsection 1.

920. Mr McMullan: The word "person" covers taxi drivers.

921. Ms Watters: The Bill intends to recognise the fact that certain situations in which someone solicits persons to be carried for hire or reward would be permissible. Mr McMullan's point is that, in focusing on ensuring that the Bill does not criminalise taxi marshals, we lost sight of our policy aim, which was to ensure that advertising on a taxi or an advertising hoarding were permitted. Potentially, advertising could be regarded as soliciting also.

922. The Chairperson: Clause 20(2)(c) states:

"enforcing order at and regulating the use of places referred to in paragraph (a)".

923. What does it mean by "places"?

924. Ms Watters: The word "places" means taxi ranks.

925. The Chairperson: The Committee has heard that there are not enough taxi ranks. When the Bill refers to “enforcing order”, it does not refer specifically to taxi marshals. Potentially, anyone could solicit a taxi and claim that they were enforcing order.

926. Mr McMullan: They could only claim that if the Department makes regulations to allow them to do so. The regulations will stipulate who will be legally entitled to enforce order.

927. The Chairperson: Those enforcers of order will regulate and tout legally. How will it be ensured that they are not touting on behalf of a company or a person?

928. Mr McMullan: The Department will regulate for that. It may be that departmental marshals are appointed and that that they will be only people allowed to enforce order.

929. Ms Watters: Alternatively, representatives from a local council might carry out that role. Their training, type of uniform and activities would be tightly regulated. Regulating the enforcement of order at ranks means that that activity can be controlled. Currently, people may try to enforce order by claiming to be a taxi marshals, although were they to do that, they would be at risk of breaking the law on touting.

930. The Chairperson: Will you explain what taxi marshals would do? I am intrigued by the notion of how their role would work in practice, particularly if the number of taxi ranks is limited. Would taxi marshals be designated to work from specific taxi ranks?

931. Ms Watters: In many British cities, queues generally develop at taxi ranks around closing time, when the city is busy and people are leaving — it is a night-time phenomenon. Many of those people have taken alcohol, which can result in allegations of queue-jumping. Taxi marshals, who are appointed by the taxi-licensing authority, the local council, or a combination of both, are on the scene, wearing high-visibility gear. Part of their role will be to ensure that the queue is orderly and that people get taxis as quickly as they become available. That makes it possible to tackle issues such as a driver refusing to take someone to Bangor unless he is paid £40. The aim will be to match people with available taxis as efficiently as possible.

932. The Chairperson: If you wish to build some elbow room into the legislation in order to introduce marshals in the future, what provisions would give them the necessary authority, and what powers would you conceive of them having? In addition, for the issues you raised, such as overcharging, would it be necessary to introduce a two-tier approach requiring enforcement officials — albeit reduced by 20% — as well as marshals, and would that result in the replication of, or an overlap in, work?

933. Ms Watters: We envisage distinct roles for both jobs. The marshal's role would be to keep order at the rank, match passengers to taxis and help to clear the town at night. Enforcement officers would enforce the regulations. To have enforcement officers marshalling at taxi ranks would not be a good use of that resource.

934. The Chairperson: I am intrigued. Perhaps you did not anticipate this question; however, if you build-in provisions for marshals and, in the future, they are dealing with issues such as keeping order or overcharging, which someone else is empowered to do, would there not be an overlap in duties, and what potential legal role — other than simply herding people into taxis in order to keep them moving — do you envisage for those marshals? Why should the concept of such a role be introduced at this stage if they would not be empowered to do anything?

935. A further element is that if marshals are employed by councils, as you said, some people might consider that to be an attempt by the Department to offload some of its responsibilities onto the local authorities — particularly in light of the oncoming review of public administration.

936. Ms Watters: I do not envisage the marshals having any enforcement role. For potential issues, such as overcharging, the presence of marshals would be a deterrent. If a driver arrives at the rank and the next customer is waiting, the inference is that they will take that customer. The issue of refusing to take them unless they pay £40 will not arise. The idea is that the most a driver could charge would be the maximum fare. The marshal's role would be to act as a deterrent, rather than one of enforcement.

937. The Chairperson: But, if he cannot do anything about it —

938. Mr T Clarke: As soon as the industry gets to know that that marshal cannot do anything, he will be as useless as a sleeping policeman.

939. The Chairperson: They will just laugh at him.

940. Ms Watters: The marshal may not be able to do anything at the time. However, information could be passed to the Department if specific companies refuse to carry customers because they are not prepared to pay more than the maximum fare or if a particular pattern of behaviour being is displayed at taxi ranks. There are ways to tackle such issues without giving enforcement powers to marshals.

941. Mr McMullan: We do not envisage marshals being enforcement officers. They would be used more in taxi-sharing schemes — to match people to taxis that are going to particular areas. They would not have a specific enforcement role. They would keep order at the ranks. They would not enforce licensing or taxi regulations.

942. Mr T Clarke: However, you are portraying the marshals as having an enforcement role by saying that they would be at taxi ranks to deter certain acts from taking place. If that is the case, then there must be a perception that they have power to act. Once the industry knows that marshals have no power to act, they will be useless. Either they are at taxi ranks to get people into taxis and clear the streets, or they are there with an enforcement role. It has to be clear. If they have such a role, it must be clearly defined.

943. Ms Watters: Their role will be clearly defined in regulations.

944. Mr T Clarke: We started by talking about touting and what the marshals can and cannot do. I do not think that the proposed amendment makes that clear.

945. In other Committees, we are trying to make things easier for organisations. I must admit that I am at pains to understand this provision, and taxi drivers will have difficulty in understanding it too. There will be problems if this is left the way it is.

946. The case is clear-cut: either taxi drivers are permitted to tout for business or they are not. If they are allowed, that should be clearly defined. Perhaps marshals should be allowed to tout for business at a taxi rank, but not drivers.

947. The Chairperson: Clause 42(1) states that:

“a person who solicits any person to be carried for hire or reward in as taxi is guilty of an offence.”

948. The issue is: if that person is guilty of an offence and he is observed by a marshal, the marshal should be able to do something about it. That is the problem.

949. Mr T Clarke: However, the effect of the amendment is to make it clear that a person may be exempt from a taxi touting offence if it is permitted in regulations made under clause 20.

950. The Chairperson: That is under clause 20(2)(c): "enforcing order at and regulating the use of places referred to in paragraph (a)".

951. That is where the concept of the marshals comes from.

952. Peter, you have been trying to get in for a while.

953. Mr Weir: I will perhaps add to the confusion.

954. I agree with Trevor and with the Chairman. More confusion is being caused than clarity given. I do not know why this amendment has come from legislative counsel, saying that clause 42 should include all regulations made under the whole of clause 20 rather than those made under paragraph 20(2)(c).

955. A wide range of potential regulations could be made under subsection 20(2) as a whole or under clause 20 as a whole. Why does the Department want to address the issue of marshals in any provision other than paragraph 20(2)(c)? It strikes me that that paragraph is directly relevant; the others are not. I cannot envisage any set of circumstances in which the Department would want to make regulations for marshals in any other part of the Bill.

956. Mr McMullan: I agree. Marshals are covered under paragraph 20(2)(c). The other one we thought of was —

957. Mr Weir: If marshals are covered under paragraph 20(2)(c), then none of the other paragraphs in subsection 20(2) are relevant to marshals. Why change from a specific reference to paragraph 20(2)(c) to clause 20 as a whole?

958. Mr McMullan: The other one we thought might be caught was clause 20(2)(l), which relates to advertising. There could be an argument that someone advertising is actually soliciting for business.

959. Ms Watters: Mr McMullan is suggesting that a more appropriate amendment, rather than reference to regulations in the whole of clause 20, should be to paragraphs 20(2)(c) and 20(2)(l).

960. Mr Weir: If it were paragraphs (c) and (l) there might be a little more logic to it. This might be pedantic of me, but I am not sure that regulations for advertising would be confused with touting for business. I do not think anyone would confuse the two: they are different. There remains, however, the separate point raised by the Chairman and Mr T Clarke, which is that people might find the wording that we now have confusing. It might create a situation where we have marshals who are virtually powerless.

961. Members must give a great deal of thought to that in order to ensure that we get it right. I did not see the point of opening the provision out from paragraph 20(2)(c) because that does not add anything.

962. Mr McMullan: It may be useful for members to ask questions as I go along, rather than leaving them all to the end.

963. Clause 53 is a technical savings provision for the existing taxi by-laws. The Taxis Bill will disapply the power under which a plethora of taxi by-laws were made. Therefore, the taxi by-laws must be underpinned by legislation to ensure that they will continue to be in force until such times as regulations replace them. Our amendment simply states that taxi by-laws will be treated as though they had been made under provisions in the Bill.

964. Mr Weir: May I have a point of clarification on taxi by-laws, because I do not know a great deal about them? Do those by-laws cover all of Northern Ireland or to specific areas?

965. Mr McMullan: Generally, they relate to taxi ranks, and they differ from one local council area to another.

966. Mr Weir: Therefore, the by-law for taxis in Fermanagh may differ, in part, from the one that applies in Magherafelt?

967. Mr McMullan: Yes.

968. Clause 55 is the interpretation clause to which we propose to add a definition of the word "notice" to clarify that we mean notice in writing. If a driver's licence is to be revoked, suspended or curtailed, the Department must give "notice". As the driver's rights flow from that notice, it is an important legal document — from date of receipt, a driver has 21 days to appeal before the decision takes effect.

969. There is a small amendment to clause 57, which the commencement clause. It is normal drafting practice for commencement and interpretation provisions to come into effect immediately, or shortly after, a Bill receives Royal Assent. We missed that point when the Order was converted into a Bill for the Assembly. Therefore, as things stand, the clause is potentially embarrassing to the Department because without the power to make commencement orders, even if we get the legislation right, we may not be able to act. It is one of those critical amendments I mentioned earlier, and we definitely want it to be included.

970. Mr Weir: The proposed amendment will exempt four sections. Does the wording of the amendment have a bearing on when those four sections will come into effect?

971. Mr McMullan: Yes, the amendment means that those four sections will come into effect when the Bill is granted Royal Assent — and every other section will come into effect on such day, or days, as the Department may by order appoint.

972. Mr Weir: Presumably it is standard practice that if no provision is made for a section to come into effect on a named day, it comes into effect immediately?

973. Mr McMullan: Yes.

974. Schedule 2 to the Bill details minor and consequential amendments. Paragraph 2 refers to Article 66A(1) of the Road Traffic (NI) Order 1981, which relates to car-sharing arrangements. This amendment clarifies that the definition of the word "taxi" will be as defined in the Taxis Bill. When cross-referencing legislation, it is important to ensure that a wrong definition is not referenced: for example that the definition of taxi is not taken from the 1981 Order.

975. We are adding one more repeal in schedule 3 of the Bill. This is a provision from the Road Traffic (Amendment) (Northern Ireland) Order 1991, which deals with taxi licences. That provision is no longer needed, because the taxi licence will be covered in the Taxis Bill. It is a repeal that was not spotted first time round.

976. There is then a run of amendments relating to all references to offences in the body of the Bill. We have referred to the mode of trial and the penalty for each offence in the body of the Bill. However, the drafting convention for road traffic legislation is that the penalties are set out in schedule and should be put into a road traffic offenders Order. It is handy for practitioners to know that all the road traffic offences and penalties are listed in that Order. We have done both in the draft: we have set it out in schedule 1, and we have also set it out in the body of the Bill.

977. On several occasions, the Bill refers to a person who is:

“guilty of an offence and liable on summary conviction to a fine not exceeding level 3”,

978. or whatever. However, it is unnecessary to state that wording in the body of the Bill when it is also at schedule 1. While the duplication is not wrong, the amendment will make the Bill consistent with all other road traffic legislation.

979. The final amendment is a consequential amendment to section 37A of the Disability Discrimination Act 1995 and relates to the carrying of assistance dogs in private-hire vehicles. The concept of private-hire vehicles is no longer in the Taxis Bill and, therefore, the terminology has to be changed to cover the new legislation that will be introduced.

980. The previous witness mentioned assistance dogs. The Department has already drafted regulations under section 37, and the SL1 will be coming to the Committee in the next couple of weeks, which will basically say that no one can charge to take an assistance dog in a private-hire taxi.

981. Mr T Clarke: Can drivers refuse to do that?

982. Mr McMullan: No.

983. Mr T Clarke: Do the regulations deal with refusing to carry an assistance dog as opposed to charging?

984. Mr McMullan: Yes. Drivers cannot refuse and they cannot charge extra. That is all part of the regulations.

985. That completes the proposed amendments. Most of them are fairly small, but they iron out some ambiguities and will help us in future.

986. The Chairperson: Thank you, Adele and John. If members do not want to add anything or seek clarity on any issue, we will move on to the enforcement issue that arose last week.

987. I thank Mr Stephen Spratt and Mr John Martin for attending. I understand that you work in the enforcement section of the Department — so that section will be 50% down today. I invite you both to say something about enforcement and how you are fixed at the moment. I presume that you have been briefed before coming today. Time and again, when the Committee has been taking oral evidence, enforcement has cropped up as a major recurring theme. Last week a witness said that the enforcement section was down another member — and it was a small team to begin with, which is another issue. The Committee would like to hear about your role, and members will raise concerns about current and future enforcement. Much of the Taxis Bill rides on having proper and adequate enforcement and dedicated resources. Do you have any sequence for speaking?

988. Mr John Martin (Department of the Environment): We will give the Committee a 10- to 15-minute talk on the background of enforcement and what we are doing. We will then take the Committee through the Bill and how we see enforcement being taken forward. We will present four key topics and then answer any questions that members might have. The issue of having four members of staff will be covered in the presentation.

989. The Chairperson: OK. Please go ahead.

990. Mr Martin: First, I would like to thank the Chairperson and the Committee for giving us the opportunity to give an insight into enforcement and to show what we have been doing to date and what we will be doing after the Taxi Bill becomes law.

991. The first key subject is the utilisation of additional resources made available to DVTA enforcement in 2003. Members who were in the Assembly then may recall that the taxi-licensing fee increased by £20 to provide additional funding.

992. Prior to 2003, taxi enforcement was undertaken by the DVTA on an ad hoc basis, and it was given a relatively low priority in comparison to goods vehicle or bus enforcement. Concerns about the lack of enforcement were elevated to a political level by the industry, which set out that DVLA did not have effective strategies to deal with the unlicensed sector, estimated to be around 40% in 2003.

993. The industry also felt that enforcement was too focused on volumetric targets, which involved the systematic checking of licensed taxis, while illegal taxis drove past because they had no signs on them. To improve the situation at that time, additional funding was made available to DVTA through an increase of £20 on the cost of the taxi-licensing fee and an overall increase in the budget was provided by the core Department. As a result of the additional revenue, DVTA established a dedicated taxi enforcement team in 2003. One of its main focuses was to deal with the unlicensed sector of the industry.

994. The team, which consisted of four full-time dedicated officers, was based in Belfast. However, it had another 21 enforcement officers to call upon. Those 21 officers dealt mainly with goods vehicle and bus enforcement. However, the team was able to call upon them to undertake larger-scale operations around the Province.

995. I will provide details of the number of taxis that have been licensed over the last four years and the income generated from that, because some concerns were raised about the amount of revenue being generated from the extra £20 and the use to which it was being put.

996. I will give a couple of examples: in 2003-04, 7,167 taxis were tested. The actual income from that equated to £143,000, while the Department spent £267,000 on taxi enforcement. In the financial year 2006-07, 10,334 taxis were tested and the income from that — which included the £20 extra on the licensing fee — was £206,680, and the Department spent £294,000 on taxi enforcement.

997. Over the past four years, 35,475 taxis have been tested, generating a total income of £709,000, and the total expenditure on taxi enforcement has been more than £1 million. More has been spent on taxi enforcement than has been received in revenue from the extra £20 taxi-licensing fee.

998. The Chairperson: Will you be expanding on those figures, because a substantial amount of money has been spent on enforcement? The Committee would be anxious to hear how that money is being spent. If four members of staff are engaged in enforcement, is the rest of the money being spent on administrative costs or elsewhere?

999. Mr Martin: Spending involves a combination of the salaries for the full-time enforcement officers; the cost of administrative support; the cost of processing prosecutions, and the costs of travel, subsistence, overtime, equipment, vehicles and some management charges that are built in.

1000. The Chairperson: How many members of staff is that for in total?

1001. Mr Martin: In 2003, there were four permanent members of staff who dealt with enforcement for the taxi industry.

1002. The Chairperson: That amounts to £250,000 apiece.

1003. Mr Martin: When one considers the four members of staff and all of the ancillary activities; such as processing prosecution cases, administrative support and accommodation costs —

1004. The Chairperson: Do other staff process prosecutions?

1005. Mr Martin: An enforcement officer's role is to investigate levels of non-compliance and complaints. He will make detections at the roadside and gather sufficient evidence. If there is sufficient evidence to warrant prosecution, the officer will generate the initial file. The file must go through an administrative process and is then passed to the Public Prosecution Service (PPS). When the enforcement officer completes the initial file, it goes through an administrative process and a management process in order to ensure that when it reaches the PPS —

1006. The Chairperson: Is that a departmental process, rather than that of the specific section? In other words, is all the money that is spent classed as central departmental expenditure, which is not specific to the branch that deals with enforcement of taxi regulations?

1007. Mr Martin: The money has always been spent by the enforcement branch of the Department, which completes the entire process.

1008. The Chairperson: How many staff would be involved from the initiation of the process; for example, from when an enforcement officer stops a driver because there is a problem? How many enforcement branch staff would be involved in the process to deal with the matter before it is passed on elsewhere? How many staff would be employed by the branch?

1009. Mr Martin: The total staff complement for enforcement is 32.

1010. The Chairperson: Does that include administrative staff and officers on the ground?

1011. Mr Martin: That includes administrative staff, officers on the ground, the management structure, policy staff, and so on, to cover the enforcement section's full remit. The section is not solely staffed by the officers who stop vehicles at the roadside. There is a support structure of administrative staff, management staff, staff who develop policies for stopping vehicles and for dealing with investigations. A large amount of money is associated with non-productive activities.

1012. There are four full-time members of staff. However, staff are regularly brought in from other teams to supplement the four full-time staff during, for example, large-scale operations in Belfast, Derry or Newry, or perhaps during covert operations that require more than four staff. Therefore, there might be eight staff during such operations, four of whom were from the taxi team and the other four from the goods teams. That is the cost for all staff, taking into consideration all of their salaries, when they have been involved with taxi enforcement. It is not

just the salaries of the four full-time staff, but also includes costs for the time spent by additional staff on taxi enforcement.

1013. In 2003, the DVTA realised that the previous approach to enforcement did not deal with what was required. Officers were carrying out high visibility checks while wearing yellow coats. The legal taxi industry — those drivers who had signs, licences, and so on — had nothing to fear. However, they got caught up in the checks, while the illegal drivers, who did not have signs, were harder to identify and simply drove past.

1014. Therefore, in order to utilise the new taxi enforcement team effectively, it was necessary to move the focus from working in a high-profile capacity to working in a more covert, investigative unit. That proved to be an effective approach towards securing reliable, first-hand prosecution evidence. Previously, passengers were reluctant to provide statements of evidence or to attend court as witnesses.

1015. The team also adopted a more proactive and reactive management approach in response to complaints and intelligence, using the national intelligence model to grade and prioritise high-level work priorities. An example of high-priority work in 2003 was to target illegal taxi drivers, disqualified drivers, and drivers who operated poorly-maintained vehicles.

1016. The enforcement office received a number of complaints that enabled us to target particular taxi depots that were reportedly operating illegal taxis. Since April 2003, the DVTA, working in partnership with the PSNI, has carried out 641 taxi operations and checked around 13,000 taxis. That has resulted in 291 commercial taxi radio sets being seized by the police, under the Police and Criminal Evidence Act 1984, on behalf of enforcement officers. Upwards of £150,000 in fines has been generated; 1,650 penalty points have been awarded to taxi drivers; and 80 drivers have received a driving ban in that period. In total, there were 824 prosecutions for taxi drivers who had no public-service licence, 513 prosecutions for those who had no driving licence, eight prosecutions for those driving while totally disqualified and 742 prosecutions for those who had no insurance. That gives the Committee an indication as to what the enforcement office's activities have been since 2003.

1017. In addition, we see education and communication as key in addressing the problems that exist. Best practice has traditionally been developed through experience coupled with a combination of internal and external training. The DVTA has made a significant investment in training taxi-enforcement officers; all officers are required to obtain the Advanced Professional Certificate in Investigative Practice, which is equal to NVQ level 5. That is a high standard, which all our taxi-enforcement officers have attained.

1018. Introducing effective systems of educating drivers and operators was also made a high priority, which resulted in the introduction of advice being routinely given during roadside spot checks. Frequent meetings have been hosted with the industry at all levels so that people are aware of their legal requirements. The DVTA also committed resources to promotional events, which aimed to raise awareness of taxi compliance in the greater public arena. Examples of those include the 2005 Motorplus show and the 2006 DVA Roadworthiness Open Day, in which the taxi industry participated.

1019. It must be remembered that the police can enforce all taxi regulations as part of their normal activities. The enforcement office has also undertaken a number of training sessions with the PSNI to train existing officers and new recruits on taxi regulations.

1020. We are also focusing on forging a strong alliance with the taxi industry; to that end our enforcement officers have established a professional relationship at all levels with industry representatives.

1021. I am aware that taxi-industry representatives have submitted oral evidence to the Committee, which included the claim that the DVA intend to reduce the number of dedicated enforcement officers from five to four — something that the Chairperson mentioned earlier. The DVA recently completed an evaluation of its high-level business priorities in the enforcement section. That exercise identified strong business grounds for a temporary restructuring of the section. That was done by reducing the number of enforcement teams dedicated to goods-vehicle enforcement from two small teams to one large team based in Craigavon. The evaluation also supported increasing the number of enforcement officers presently attached to the taxi-enforcement team; so as opposed to its members going down to four it has now gone up to over five.

1022. The Chairperson: How much over five?

1023. Mr Martin: Five plus an allocation of 0.3; one person, who manages the team, has a third of his time dedicated to being an enforcement officer.

1024. The Chairperson: But he is a manager, not an enforcement officer. Is he doing that for one third of his time?

1025. Mr Martin: That is correct. So the complement has not gone down to four; it has gone up slightly.

1026. The Chairperson: The complement is the same as it was before.

1027. Mr Martin: Not exactly; the team used to have four members.

1028. The Chairperson: It had four members, but before that the team had five members. That is what the Committee is discussing.

1029. Mr Martin: In 2003 there were four members. Between 2003 and 2007 the number of members rose to five, which is the level it is staying at. We are also allocating an additional resource of management.

1030. The Chairperson: To be fair, the Committee is discussing the situation in the last year, not about what it was four or five years ago.

1031. Mr Martin: It is currently sitting at five plus, with a management resource of one third.

1032. Mr Clarke: Can we get into this matter before we hear the rest of the presentation? I am grey, and I am going to be completely bald before this is over? I am totally frustrated. The Committee has had various presentations from the taxi industry that have reported consistently that there are not enough enforcement officers. With no disrespect to the two gentlemen here, because they are only the messengers, they are going to be shot today, because they are telling us what a wonderful job they are doing, and yet we have had the whole taxi industry saying what a poor job is being done by the enforcement section. Can we look at that matter, Mr Chairman?

1033. The Chairperson: Yes. Please complete the presentation, Mr Martin, and we will come back to that point.

1034. Mr Clarke: Do you have any tablets, Mr Chairman?

1035. Mr Martin: One of the key weaknesses within the existing taxi legislative framework is that anyone wishing to operate a taxi depot can do so provided they obtain adequate planning permission and a commercial taxi radio licence so that they cannot operate out of just any depot. Officers have encountered illegal taxis operating and controlled from an array of premises that range from Portakabins to private dwellings in residential housing developments. Those businesses operate free from regulatory control and often from premises that do not meet suitable accessibility standards.

1036. The big weakness with the existing system is that there is no regulatory provision to make taxi depots accountable for the types of taxis that carry passengers on their behalf, or keep records of customer bookings, etc.

1037. Enforcement officers are currently powerless to stop repeat offenders. We stop taxi drivers on a regular basis who have flouted the regulations on two or three occasions, and continue to do so. We cannot physically put them off the road. All we can do is gather sufficient evidence and process the cases through to prosecution stage. That is another serious weakness.

1038. We do not have any jurisdiction over taxis that are sitting in the Harbour Estate, for instance, where they service a lot of the cruise liners, or at the Odyssey complex, which is part of the Belfast Harbour Commissioner's land. We have no authority to deal with taxis operating illegally at those venues. There are also not enough taxis to deal with public demand on Friday, Saturday and Sunday nights between the hours of 8.00 pm to 4.00 am, and that entices people to operate illegally.

1039. Enforcement officers also do not have the authority to issue fixed-penalty notices. Currently, if we detect an offence at the roadside we have to go through the court process, which is long, costly, laborious and time-consuming. We are in the process of looking at introducing a fixed-penalty system.

1040. The enforcement office's strategy in combating future illegal activities includes proposals to recruit additional staff to enable us to deal with the issues in the taxi industry. We have had only between four and five members of staff over the last few years, and that is not sufficient to deal with the problems. Our staff have been successful, but there are nowhere near enough of them, and that is recognised and appreciated. We intend to establish a more regionalised approach to deal with the problems, with teams in Belfast, the north-west and the west of the Province.

1041. As I have already said, we hope to adopt a fixed-penalty and deposit-scheme approach, which will allow us to deal with offences more efficiently and effectively, as opposed to all our cases going through the courts, which takes a lot of time and money.

1042. We also intend to introduce live access to data at the roadside through the use of laptop computers, and will be investing in new equipment and technology. We have purchased two high-visibility liveried vehicles, which have proven to be quite effective at the roadside, in highlighting to the industry that enforcement officers are trying to deal with the problems. We have also recently purchased two automatic number-plate recognition cameras that will enable us to target the unlicensed sector of the industry.

1043. As I have said, we are hoping to recruit 15 to 18 members of staff.

1044. We are currently working with the Department to determine how those staff will be funded to enable us to deal more effectively with the issues in the industry. One of the main reasons for having the Taxis Bill in the first place is to strengthen the regulatory framework for taxis and enforcement. If regulations and powers were in place to enable us to deal with the

problems in the industry, and if we had the necessary staff, we would not need the Taxis Bill. That is one of the main reasons why we are here.

1045. The Chairperson: I would like some clarity on recruitment. You said at one point that you were hoping to recruit, and then, on another occasion, you said that you were proposing to recruit. At what stage is the recruitment process, and what type of staff would be recruited?

1046. Mr Martin: The current position is that we have assessed the provisions in the Bill. We are fully aware of the difficulties in the industry with unlicensed and defective vehicles. We have worked up figures in relation to the number of staff that we perceive that we need to deal with those issues and to enforce the new licensing regime effectively. We have identified the number of staff that we need and that that they will work on a regionalised basis, and we are in the process of considering how the salaries for those staff will be funded.

1047. The Chairperson: At this stage, no recruitment process has been started, then.

1048. Mr Martin: No recruitment process has started because the Bill has not come into effect yet. We are simply carrying out the initial development work.

1049. The Chairperson: So your recruitment is based solely on the Bill?

1050. Mr Martin: Yes.

1051. The Chairperson: So, at the moment, you do not identify any weaknesses or shortcomings in enforcement?

1052. Mr Martin: No, that is not what I am saying. My point is that the current regulatory framework is deficient. We recognise that to bring this matter forward, we need additional powers. That is one of the main reasons for the Taxis Bill. We need additional staff to ensure that when the enhanced licensing regime is introduced, it can be effectively regulated. At the moment, we do not have sufficient funds to recruit additional staff. We will make representations to the Department that we need x amount of money to effectively regulate the provisions of the Bill.

1053. The Chairperson: Let me just get this clear; at this stage, you are working up a case, but you have not yet made that case to the Department?

1054. Mr Martin: It is at an advanced stage. I cannot say what stage it is at exactly, but it is a very advanced stage. We are hoping for a positive response from the Department on funding.

1055. The Chairperson: With the greatest of respect, you cannot get a positive response from the Department if you have not submitted a proposal.

1056. Mr Martin: It has been submitted.

1057. The Chairperson: It has? Sorry, but I thought you said that the case was at an advanced stage.

1058. Mr Martin: Yes, but it is not finalised.

1059. The Chairperson: Sorry, but what part is not finalised?

1060. Mr Martin: The actual approval.

1061. The Chairperson: Do you mean the approval from the Department?

1062. Mr Martin: Yes.

1063. The Chairperson: So, you have submitted a bid to the Department for extra funding, and the Department has not responded yet.

1064. Mr Martin: Final approval has not been given.

1065. The Chairperson: OK, that is a bit clearer.

1066. Mr Boylan: I was just trying to make some sense of the whole issue, to be honest.

1067. Mr Martin, you gave figures over a four-year period, and you mentioned the cost of enforcement and the money generated by enforcement. You also said that 500 people were caught taxiing without a licence. Could you go through those figures again, please? Can you tell me how much, on average, has been generated through enforcement, and whether that money has been put back into enforcement?

1068. Mr Martin: We have carried out 641 taxi operations since April 2003. We have also checked 12,926 taxis. During that period, 291 commercial radio sets — the radio sets that they use to communicate — have been seized from taxi operators. Some 997 drivers have been reported for prosecution.

1069. During that time, fines totalling £147,000.97 were imposed. Payment of fines does not go into enforcement but into the consolidated fund. The courts awarded 1,654 penalty points for various offences. Immediate driving bans were given to 80 drivers, either as a result of an offence or because they already had sufficient penalty points on their licence to lead to a licence suspension.

1070. Of the 997 drivers who were prosecuted, the range of offences was as follows: 824 did not have a public service vehicle licence, which is the licence for the taxi; 513 did not have a taxi driver's licence; eight did not have a driving licence as they had been disqualified from driving, and were prosecuted again for not having a licence, and 742 had no insurance.

1071. Mr S Spratt: The figure of 742 uninsured drivers is a good benchmark, as they did not have a PSV licence either. Therefore, 742 drivers were working as taxi drivers in private saloon cars and carrying out a stealth activity in the black economy, which the normal eye could not detect.

1072. That re-emphasises the amount of resources that it took to enable officers to collect satisfactory evidence for the higher reward test. We are highly visible when we stop a vehicle; normally, the driver will say that the passengers are his friends, and the passengers will say that the driver is giving them a lift. In cases where passengers have disclosed that the vehicle is a taxi, and have asked us to get them another taxi, they were not prepared to take the case to the next stage and go to court. In order to thwart that, our staff must operate in a stealth capacity so that they can gather evidence first-hand. Using legislation such as the Regulation of Investigatory Powers Act 2000 and putting undercover operatives on the ground is expensive and convoluted, and has resulted in this process.

1073. Pre-2003, we made detections that resulted mainly in apparent offences. We had enough evidence to strongly suggest that the offenders were operating illegally, but such cases did not go to court because they did not pass the evidential test. We are seeking to impress upon the

Committee that the 742 drivers who have been picked up operating without insurance also did not have a PSV licence, and that the vast majority of them did not have a taxi driver's licence. However, because that licence is so easy to obtain they could get it in any case. Some of them do not want a licence because that may compromise them by alerting the authorities to the fact that they work elsewhere. There are various reasons why some have driving licences and some do not.

1074. The Chairperson: How many of those 742 drivers were exclusively picked up by the police, with no involvement from your organisation?

1075. Mr S Spratt: None: those figures represent our staffing resources.

1076. The Chairperson: Therefore, there is a bigger problem potentially, and other offenders could have been picked up by the police.

1077. Mr S Spratt: The figures do not reflect detections by the police. From the perspective of our operational protocol the role of the police is to provide operational support. When we put operatives on the ground to travel in taxis, the police are there to uphold the law and to provide operational support. In certain areas, detecting bandit operators involves going through a plethora of proper planning and preparation before the operation take place.

1078. As John has highlighted, we also have to draw in resources from other sections and utilise 21 other members of staff: in certain operations there may be four staff on the ground and an additional eight in the background who carry out pre-surveillance work, provide surveillance, and give support by speaking to passengers after the event. There is a lot of work involved to support the four staff on the ground. The back-end is much bigger than the just the four staff who are upfront.

1079. Mr Martin: To give the Committee an insight into some operational tactics; prior to 2003 staff used high-visibility jackets. They stood on the roadside and, essentially, only checked vehicles that looked like taxis.

1080. It is a more resource-intensive activity now. We are in plain clothes; we are phoning depots and posing as passengers, and taking rides in taxis because that is the only way that we can obtain evidence that people are operating illegal taxis.

1081. Whereas, if we are wearing high-visibility jackets and speak to a driver, he might say that the vehicle is not a taxi. We might speak to the passengers, who will say that the driver is just a mate. However, because there are about 15 complaints in the system, we know that the driver is providing a taxi service but we cannot get the evidence to take a case to court. It is a resource-intensive activity.

1082. Mr Boylan: I wondered where the money to finance that operation was coming from. You mentioned a strategy. Are you thinking about including the taxi marshals in the enforcement system? Taxi marshals were mentioned earlier, but who is going to stop a person touting for one firm or another? Would it not be better to give the marshals enforcement powers, rather than having to employ enforcement officers to go and stand up to those people. At the minute, you cannot operate from the Harbour Estate and at the Odyssey.

1083. Mr Martin: Hopefully, the Taxi Bill will change all that.

1084. Mr S Spratt: I would like to comment on the role of the marshal, having given serious consideration to the work that our staff do. For example, if one person is sent out to marshal a

taxi rank and carry out enforcement activities in the city centre at 11.00 pm, midnight or 1.00 am — when there might be many intoxicated people and serious potential for public order offences to be committed — health and safety considerations will limit what he or she can do.

1085. I see the marshal's role as being partly to interface with the customer; he will exist predominately to bring order to the taxi ranks. He can also provide an interface between drivers and the Department. We can build into our strategy a reactive strand whereby, following consultation with marshals and drivers on local issues that build up at ranks, we can enforce those issues.

1086. If the marshals were to take up enforcement responsibilities — given the splits and different views and factions in the industry at the moment — it would quickly become difficult for them to carry out that role on health and safety grounds alone. They would probably require permanent police support eventually.

1087. Mr Weir: Before I move onto the crux of the matter, which is the potential recruitment of new staff, I want to clarify a point that confused me slightly during the evidence. In answer to a previous question, you mentioned that you had more success when you switched from a high-visibility approach to a more subtle approach. When enforcement officers wore the high-visibility jackets they had limited success, whereas officers in plain clothes were more successful. It strikes me that, when tackling crime, you can go down one of two routes. For example, if there is antisocial behaviour in an area, sometimes the high visibility of police can act as a deterrent or shift people on. However, it strikes me that the most productive route in your case is that of plain-clothes, undercover enforcement.

1088. What surprised me was that you mentioned that you intended to get two high-visibility vehicles. I would have thought that, rather than leading to more prosecutions, that would be counterproductive. If I were an uninsured or unlicensed taxi driver, and I were to spot a high-visibility vehicle and enforcement officers, I would get offside very quickly.

1089. Mr Clarke: You would probably tell others too.

1090. Mr Weir: Yes. What was the thinking behind that intention?

1091. Mr Martin: We can use an array of possible tactics when we are planning operations. For example, if we are going into Belfast to detect unlicensed taxis, we might deploy a covert approach and phone an operator or try to pick up a taxi on the street. The benefit of using the high-visibility vehicles is that, just as you and your colleague said, we can go into an area two or three times a week, and unlicensed or uninsured drivers, or those with defective vehicles, will see the vehicle, and they might go home. If they see the vehicle regularly, it may deter them from operating illegally. We would use a combination of the two approaches.

1092. Mr Weir: When the police have been highly visible in a specific area to try to — for want of a better term — scare off crowds of young people, it can work for that specific area. However, the crowd congregates elsewhere. The danger is that those high visibility vehicles will simply shift the problem elsewhere. For example, if there is a problem outside Antrim railway station, would that problem not simply be shifted elsewhere?

1093. Mr Martin: We are not saying that the high visibility vehicles are a sole approach; they are used in conjunction with other approaches.

1094. Mr Weir: Problems have been raised about enforcement. To be fair, several witnesses made complimentary remarks regarding the work that the enforcement officers were doing. However, owing to a lack of resources, they are unable to stem the flow.

1095. What is the scale of the bid for the 15 to 18 members of staff? Is it simply going to involve the relocation of existing resources in the Department, or is a bid going to the Department of Finance and Personnel? Having been involved with another organisation, my experience has been that when one Department eventually gives a green light for a bid, a business case then also has to be approved by the Department of Finance and Personnel.

1096. How many of the 15 to 18 members of staff would actually be enforcement officers out on the ground? You have been getting favourable responses from the Department, but, as yet, you have not got approval. If you get approval, what would be the likely timescale for the new members of staff to become operational?

1097. Mr Martin: Those staff will be on the front line dealing with the issues at the roadside. We are not ashamed to say that we have done a reasonably good job. However, it has to be taken into consideration that we have had extremely limited resources, and have been working with legislation that was inadequate. However, a number of staff will be working on the front line.

1098. We are hoping to appoint staff and to have them ready for duties prior to the implementation of the Bill. In other words, when the Bill becomes law, the staff will be trained and ready to roll.

1099. Mr Weir: When do you think that that will happen?

1100. Mr Martin: That depends on the progress of the Bill. We think that it may be late 2008 or early 2009. We are hoping appoint the staff in middle or latter half of 2008.

1101. Mr Weir: What is the overall value of the bid? What is the amount in the business case that you have submitted?

1102. Mr Martin: The business case not only reflects additional resources for taxi enforcement; it also reflects additional resources for other enforcement vehicles that we have to increase our activities on. It is in the region of 15 to 18 members of staff.

1103. Mr Weir: Will you tell the Committee what the monetary resource is?

1104. The Chairperson: It may be useful if the witnesses provided the figures to the Committee in writing.

1105. Mr Weir: I do not want to get approximate figures. Will you provide those figures in writing? The figure of £1.5 million was mentioned. I presume that that will be being requested from the Department of Finance and Personnel.

1106. Mr T Clarke: Can I get clarification; are you both enforcement officers?

1107. Mr Martin: Yes, we are enforcement officers and managers. We have come through the enforcement field as operatives, and we are now managers in the enforcement regime.

1108. Mr T Clarke: Therefore, are you no longer enforcement officers?

1109. Mr Martin: We still undertake enforcement activities.

1110. Mr T Clarke: I am getting confused again. Are you still one of the four enforcement officers?

1111. Mr Martin: Stevie is the one third — he is the senior manager in charge of the enforcement section.

1112. The Chairperson: Were you in the enforcement section before?

1113. Mr S Spratt: Yes, I was an enforcement operative a few years ago.

1114. The Chairperson: Have you been there all along?

1115. Mr S Spratt: I still invest my time going out with the staff on occasions.

1116. The Chairperson: Have you consistently been in enforcement?

1117. Mr S Spratt: Yes.

1118. The Chairperson: Thank you very much for giving us your time. We look forward to getting further detail from you.

18 October 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Trevor Clarke

Mr David Ford

Mr Tommy Gallagher

Mr Samuel Gardiner

Mr Ian McCrea

Witnesses:

Mr Bill Lavery

Mr John McMullan Department of the Environment

Mrs Adele Watters

1119. The Chairperson (Mr McGlone): I welcome Mr Bill Lavery, Mr John McMullan and Mrs Adele Watters from the Department of the Environment. I believe that you are going to give the Committee a short introduction and that John will then provide a short summary of each clause.

1120. Mr Ford: On a technical point; when they were with us last week, the officials were referring to the printed copy of the Bill, which contains line numbers. Committee members have before them what appears to be a printout from the website, which does not have line numbers. That makes it difficult to follow what the officials are talking about in detail. Could we all have the same version of the Bill when we are doing clause-by-clause scrutiny?

1121. The Committee Clerk: The master file and copies of the Bill should be here.

1122. The Chairperson: Do members have a photocopy of the original Bill?

1123. Mr Ford: The problem is that each version we have been given has not been a copy of the original Bill.

1124. The Committee Clerk: We will get that version for members.

1125. Mrs Adele Watters (Department of the Environment): I will make a few brief introductory comments on two matters. The first is a preamble to today's proceedings, and the second will pick up on some of the matters that Mr Shiels mentioned concerning the enabling nature of the Bill. The Bill team is happy to be here today, and we will try to assist the Committee in any way.

1126. First, we have been working with the Committee Clerk and her staff to provide the Department's comments on the key issues identified in the written submissions and in the oral evidence. Although the Department has not attempted to respond to every comment, we are happy to answer questions on anything raised in the written submissions and oral evidence or on any other points pertaining to the Bill. We will try to answer members' questions as fully as possible, but, if there are questions we cannot answer, we will try to respond before next week's meeting.

1127. Secondly, the Bill is enabling legislation: its purpose is to put into place a new framework for taxi regulation. When the proposed legislation was being brought forward as an Order in Council, the Department issued an information note with it at consultation stage — that note has been circulated to members. It set out the Department's vision and described the key elements of the new system when fully in place. The Department is pleased with that approach because it was open and transparent and helped us to engage stakeholders, particularly the taxi industry, in the issues. It has also meant that the Committee has received a number of responses, some directly on the Bill and many others on the implications of the future reform programme.

1128. As Mr Shiels said, there will be a lot of detail in the implementation of the Bill, and we will be returning to the Committee with consultation papers, regulatory impact assessments and, of course, regulations. We will be able to engage with the Committee on detail at that time. We look forward to engaging with the Committee over the coming years in that programme and are happy to start today by assisting with the clause-by-clause scrutiny.

1129. Mr John McMullan (Department of the Environment): Part 1, Chapter 1 of the Bill deals with the regulation of taxi operators. Clause 1, which deals with the requirement for operator's licences, is one of the Bill's fundamental clauses. At the moment, there is no regulation for taxi operators in Northern Ireland. Clause 1 will make it a requirement for a person to have an operator's licence before he or she can operate a taxi service. Operating a taxi service without such as licence will be an offence with a maximum fine of £5,000. The exception to that requirement will be for the "affiliated driver", who is a person who works for an operator and therefore comes under the umbrella of that operator's licence.

1130. The term "operate a taxi service" is defined in the Bill and encompasses the present modes of taxi business, which are: accepting a taxi booking and standing or plying for hire. It is worth mentioning that, at the top of page 2 of the Bill, the definition of the term "operate a taxi service" is "subject to such exceptions as may be prescribed." That phrase will allow the Department to make exemptions to the requirements of an operator's licence. Basically, that is the set-up.

1131. The Chairperson: Will you clarify where that provision may be found in the Bill?

1132. Mr McMullan: It is the last few words of clause 1. The wording reads:

"subject to such exceptions as may be prescribed."

1133. The Chairperson: Did you say exceptions or exemptions?

1134. Mr McMullan: The word is “exceptions”. It allows us to except — or exempt, I suppose — certain activity that does not equate to operating a taxi service.

1135. Mrs Watters: Does the Committee want officials to address the key issues raised?

1136. The Chairperson: I apologise. Do you mean as regards to how the Committee wishes to deal with the issues at today’s meeting?

1137. Mrs Watters: Yes.

1138. The Chairperson: We would like you to present a brief overview of each clause, then, if members wish to raise an issue based on some of the written or oral evidence that the Committee has received, they can do so. Questions can also be based on the departmental comments that have been included in the synopsis. Members have the key issues before them, which they can peruse as you present details of the clauses. John, have you dealt with clause 1, completely?

1139. Mr McMullan: Yes.

1140. The Chairperson: Do members have any issues that they would like to raise from the evidence that has been received? I asked about “exceptions” or “exemptions” because of an issue that was raised by undertakers. They suggested that vehicles used for mourners should be granted an exemption from the licence. What is the Department’s view on that?

1141. Mrs Watters: Traditionally in Northern Ireland, funeral cars have been regarded as public service vehicles and have been licensed as taxis. They are granted many exemptions from certain requirements, such as those for signage, taximeters, and so forth. The Department has always taken the view that if a vehicle is being provided for hire and reward then, in the interests of those who pay for those services, it is important that such a vehicle is regulated.

1142. The situation in GB is different, and that is partly why the National Association of Funeral Directors suggested the exemption. We do not know much more about the funeral directors’ position other than what is in their written submission. We invited them to meet us, as did the Committee, to explore their position in more detail. Without pre-empting the outcome of that meeting, the Department’s starting position is that it would prefer them to remain covered by the legislation rather than exempted on the face of the Bill. If a strong case were to be made, there is provision in the Bill for an exemption.

1143. The Chairperson: Are there any other queries?

1144. Mr Boylan: Are affiliated drivers who work for a firm but also work privately required to obtain an operator’s licence?

1145. Mrs Watters: I am not sure whether that issue comes under clause 1. Is the member content for us to return to the matter when it is dealt with under a later clause?

1146. Mr Boylan: I just wondered, because affiliated drivers are mentioned in clause 1.

1147. Mrs Watters: There may be occasions when the detailed comments have been correctly linked with a clause and other occasions when they relate to other clauses.

1148. Mr T Clarke: To be seen as a totally reasonable person, given our last debate, I would say that clause 1 is fine. My only query relates to the smaller operator. Could the cost of an

operator's licence be banded according to the size of a business? That would help small businesses and act as an incentive for them to ensure that they operate within the law.

1149. Mrs Watters: Yes, there is that flexibility. In the information note to which I referred, we were conscious that the industry would be concerned about the size and structure of the fees. Feedback from the industry should that it would be happiest for the fee to reflect, roughly, the size of the business. Therefore, small operators would pay a greatly reduced fee.

1150. The Chairperson: Are members content? Before moving on to clause 1(2) —

1151. Mr McMullan: We have covered all subsections in clause 1. Perhaps we should move on to clause 2.

1152. The Chairperson: Sorry, I did not realise that. In that case, is the Committee broadly happy with clause 1?

1153. Mr T Clarke: During the oral submissions it was suggested that an operator's licence should be required at places such as Belfast City Airport. Would that form part of the legislation?

1154. Mrs Watters: The legislation will cover every taxi business, irrespective of its size or where it operates.

1155. Mr T Clarke: Therefore, a business operating there should have an operator's licence.

1156. Mrs Watters: Yes, absolutely.

1157. The Chairperson: Are members broadly content with clause 1?

1158. Members indicated assent.

1159. Mr McMullan: Clause 2(1) provides that:

"Any person may apply to the Department for an operator's licence."

1160. Clause 2(2) states that the applicant must state the name and address of an operating centre in Northern Ireland. Clause 2(4) states that the Department will grant an operator's licence if it is satisfied that the person is a fit and proper person and meets any other requirements that may be prescribed. The Department may impose conditions on a licence, and the important point to note in clause 2(5) is that it may specify a percentage of vehicles that must be of a particular class. The Department wants to be able to set a percentage for operators as regards accessible vehicles.

1161. Clause 2(7) states that the licence will be granted for five years, and any refusal of a licence will be subject to appeal to the magistrates' court.

1162. The Chairperson: Members will recall Mr Grogan, the driver with literacy problems, who provided evidence to the Committee. He is probably a brilliant driver, but he queried the obstacles that may be placed in the way of his being able to fulfil that role and how he — and people like him — could be accommodated. I am not sure where that is covered in the Bill, but it is an important issue.

1163. Mrs Watters: I agree. Those points are reflected under clause 1. Mr Grogan said that drivers who cannot read or write should be exempt from holding an operator's licence — and I

think that he said that in response to a question from Mr Ford. I believe Mr Grogan had two main concerns: first, he was concerned about whether he would be able to meet the training requirement; and, secondly, whether he would be able to maintain the required records. The Department's feeling is that the duties for an operator should be proportionate and take account of circumstances. A sole operator's recording requirements will be different from those required by a driver from a larger depot, for example. In discussion with Mr Grogan, we suggested that there would be different ways of recording the information that he was required to keep. The meters used in taxis are sophisticated small computers, and they may be able to keep a lot of the information that the driver is required to keep. The Department wants to explore various workarounds for operators' record keeping.

1164. As regards training requirements, the Department has been working closely with GoSkills — part of the Sector Skills Council for Road Passenger Transport — and the Department for Employment and Learning. They will soon commence a specific programme to develop essential skills training for taxi drivers, who will be trained in reading, writing and ICT. It is intended that a number of drivers will undertake the training in the next couple of years. The Department, therefore, is taking a number of positive steps to accommodate such people as Mr Grogan.

1165. Mr T Clarke: One of the issues arising was that a sex offender should not be able to obtain a taxi operator's licence. The Department's view is that:

"it would not be appropriate to amend the Taxis Bill to automatically bar any category of offender from obtaining a licence. Such a provision would potentially conflict with the Protection of Children and Vulnerable Adults Order (Northern Ireland) 2003".

1166. Surely the opposite applies. Barring any category of offender would protect children, would it not?

1167. Mrs Watters: That is correct. However, the Department is saying that the rules and arrangements for vetting and barring are set out in legislation relating to the protection of children and vulnerable adults, which came out of the Bichard inquiry into the Soham murders.

1168. The Chairperson: Therefore, you are saying that there is other legislation to oversee those issues?

1169. Mrs Watters: Yes. The Taxis Bill may state that a person must be fit and proper in order to get an operator's licence, but the Department can only go so far in stating what constitutes a "fit and proper person" before someone steps in and says that the arrangements for all occupations and professions are set out in other legislation.

1170. The Chairperson: Therefore, other legislation would provide that definition for all Departments.

1171. Mr T Clarke: However, the wording of the Department's response is not good.

1172. Mrs Watters: I apologise if it looks as if there is some conflict.

1173. Mr T Clarke: The response states that such a provision would potentially conflict with the protection of children, but the contrary is true.

1174. Mr Ford: It says that it would conflict with the Order.

1175. Mr T Clarke: That is not what it says.

1176. Mr Ford: It is what it is says.

1177. The Chairperson: We know now what the position is, so we have clarity.

1178. There is a suggestion that provision should be made for an internal or independent review of DOE decisions before appeal to the courts. Is the Department going to provide for that?

1179. Mr McMullan: The Department sees merit in this. A similar provision is included in clause 11, which I hope we will get to today. As occurs in other legislation, the first tier of appeal is to the Department. If a person is still dissatisfied, the appeal then moves to the magistrates' court. There are several benefits, in that cases that go to the courts unnecessarily can be filtered out and dealt with more quickly. Depending on the Committee's feelings, the Department would not object to a two-tier appeals system; the first being to the Department, and the second to the magistrates' court.

1180. The Chairperson: Are members content with that?

1181. Mr Ford: I want to refer back to the point made by Eamon Grogan. Does the Department see its provision as applying to existing taxi drivers only, or would it be a continuing provision?

1182. Mrs Watters: It would be a continuing provision.

1183. Mr Ford: I welcome the fact that the Department is saying that it sees merit in the informal appeal mechanism, but there needs to be a little bit more than merit. It is slightly anomalous that clause 11 has a specific provision for one area only. I would have thought that there needed to be a bit more spelling-out as to how such an appeal mechanism might operate, although I accept that most of it will be covered by subordinate legislation. One of the things that the drivers are looking for is an assurance that they will get some sort of hearing without having to end up in court.

1184. The Chairperson: Is it appropriate for the Committee to ask for that to happen as a recommendation or an amendment?

1185. Mrs Watters: The matter has been raised in written and oral evidence. As has been pointed out, there is an anomaly. The Bill was read across and was drafted from one piece of legislation in such a way that that provision only applied in one instance. Now that it has been brought to our attention, there is merit in applying it more broadly.

1186. Mr Ford: Given the complexity across a range of different areas, I hope that the Department will return with a comprehensive set of amendments, rather than leaving us to do it. And, for the purposes of Hansard, I see the officials nodding in agreement. [Laughter.]

1187. The Chairperson: Is the Committee content that this is a proposed amendment that could be agreed?

1188. Members indicated assent.

1189. Mr McMullan: Clause 3 places certain duties on licensed operators. First, an operator must use only licensed drivers and vehicles. Failure to do will result in a maximum fine of up to £5,000. An operator must also:

"keep such records as may be prescribed";

1190. and those records are set out at clause 3(3)(b). An operator must be able to produce those records for departmental inspection. Records of complaints must also be kept, and complaints must be dealt with in such a manner as may be prescribed. Contravention of that provision could also lead to a fine of up to £1,000.

1191. The point made by Mr Boylan is covered by clause 3(7), which deals with affiliated drivers.

"Subject to such exceptions as may be prescribed, a person shall not be an affiliated driver of more than one licensed operator at any one time."

1192. Exceptions can be worked in under that provision.

1193. The Chairperson: Are there any questions?

1194. Mr Ford: How will that provision apply to a sole-operator who may, at times, want to work in a wider grouping and be affiliated to another operator while remaining a sole-operator? That point was raised in one of the submissions.

1195. Mrs Watters: The Department is saying that the general rule should be that someone can work for only one operator at a time, and that if they are a sole-operator, they are working for themselves. In general, they would not be able to work for themselves and work for a depot as well. In a sense, they would have to make that election.

1196. Through consultations with the industry, we are aware that there may be situations in which a person whose main work during the week comes from school contracts wants to work at the weekend for his brother who has a taxi company. Alternatively, he may want to be available for wedding services. Provided the case is made for such an arrangement, and that it does not undermine the overall intention of operator licensing and is not difficult for operators to control, such activity will be allowed.

1197. However, it should be borne in mind that if someone is working for one operator, and is also working for himself or another operator, the difficulty could be that it may be unclear who that person is actually working for at any given time.

1198. We have provided for exceptions in the Bill to cover situations such as that. The Department cannot foresee any definite exceptions, but has left it open for a case to be made.

1199. The Chairperson: I see merit in the suggestion that the Department should take into consideration the recommendations of the General Consumer Council for Northern Ireland (GCCNI). I know that the Department is meeting with the GCCNI next week. If the GCCNI is to have a role, what shape or form would that take?

1200. Mrs Watters: It could take the form of an amendment, which would be written into the Bill and would give the GCCNI a statutory role that would require the Department to consult with it on the arrangements for passenger complaints.

1201. Alternatively, it could be the case that the first line of complaint would be to the operator; the second line of complaint would be to the GCCNI, copied to the Department. We want to meet with the GCCNI to find out what they would like to happen in practice, and we will then ascertain how that may be translated into an amendment.

1202. The Chairperson: Do members agree that that should be proposed as an amendment?

1203. Mrs Watters: Would the Committee like us to return with details for an amendment that would be agreeable to all parties?

1204. Members indicated assent.

1205. Mr McMullan: Clause 4 can be described fairly simply. It provides that a licensed operator may only sub-contract a booking to another licensed operator. To do otherwise will be an offence that can result in a £1000 fine being imposed.

1206. The Chairperson: Are members happy with clause 4?

1207. Mr Ford: Mr Samuel Egerton asked whether it was legal for someone to ask an affiliated driver to cover a job. Presumably, officials are saying that it is legal only if drivers tell their depot they are doing so.

1208. Mrs Watters: Yes.

1209. The Chairperson: In practice, how will that work? Would they inform their depot via mobile phone, or maybe text messages?

1210. Mrs Watters: Yes, with a mobile phone or a text message it would be very easy to tell the operator that one is doing a job.

1211. The Chairperson: Yes, as long as you have the number at hand.

1212. Mr T Clarke: The job could be done by the time a text message is sent.

1213. The Chairperson: Are we agreed on the general thrust of clause 4?

1214. Members indicated assent

1215. Mr McMullan: At clause 5, we move into chapter 2 of the Bill, which deals with the hiring of taxis at separate fares. Clause 5 is a general clause, as members can see from the title. It is declaratory, and it states that the bidding of taxis at separate fares is permissible in three ways. The first is under clause 6 by way of a taxi-sharing scheme. The second is under clause 7, which covers the circumstance in which all the passengers book their journeys in advance and consent to sharing a taxi. The third is where the Department authorises an operator to provide a service for the carriage of passengers at separate fares. That sets out what happens in clauses 6, 7 and 8.

1216. Mr Ford: The nature of the schemes that the Department may approve appears to be rather unclear. Analogous examples came up in the evidence from the North-West Taxi Proprietors and that from Mr Samuel Egerton, who pointed out that on a weekend night in the centre of Belfast, a taxi driver who finds a passenger who wants to go to Glengormley and two for Ballyclare cannot put them all in his taxi together. Surely to be able to do so would be entirely sensible and worthwhile, and would be in keeping with the Committee's desire to see large groups of people moved as fast as possible at night. Am I correct that as those clauses are currently drafted, the circumstances that I have outlined are not legal, unless the passengers pretend that they are friends?

1217. Mr McMullan: That situation is permissible if they book the taxi in advance, because they all consent to sharing the fare. Again, the mobile phone may be useful.

1218. Mr Ford: If our aim is to get taxi ranks and taxi marshals to operate as efficiently as possible in Belfast, surely people would be asked to share taxis in the interests of efficiency? It appears that the circumstances that I have outlined do not fit the bill, with the clauses as currently drafted.

1219. Mrs Watters: They do not fit the bill, in the sense that that all sounds reasonable. However, that situation can become unreasonable, and abuse can occur when the person who is dropped off first is charged approximately the same fare as if they had had exclusive use of the taxi, and the customers who are dropped off second are charged in the same way. In that case, the taxi driver wins, but the passengers have not won.

1220. Mr Ford: They have not lost either.

1221. Mr T Clarke: How do you police that situation?

1222. Mrs Watters: Many complaints have been received about such situations. It is all very well when passengers consent, and they are happy, but the problem arises in the situation when there is enforced sharing. If a taxi is going in a certain direction, it is assumed that all the passengers must share the fare, but the basis on which the fare will be divvied up is not clear to the passengers, and that is a situation where abuse can take place.

1223. Mr T Clarke: If two people pick up a taxi in Belfast and are not friends but constitute separate fares, surely the taxi driver has nevertheless done a good job by taking two people or parties off the street rather than leaving one for another taxi, which may not turn up, especially late at night. Were two people, one going to Glengormley and the other to Antrim, to get in a taxi, they would know that if they were going on their own, they would pay from Belfast to Glengormley, or to Antrim. Why make it so complicated?

1224. Mr Lavery: Traditionally, taxis are hired as a whole, although in Northern Ireland the legislation is silent on that. We are trying to legitimise taxi sharing. One of the main stems is the setting up of taxi-sharing schemes. The scheme would be ordered by the Department from particular locations, for example from busy spots in towns and particular ranks. The regulations governing the scheme would state the destinations to which the taxis would go.

1225. Mr T Clarke: You are complicating the issue. Let us get back to the situation on Saturday night in Belfast. We have heard from the taxi industry that not enough taxis are in operation at that time. Say, for example, four people, two couples, are waiting to get a taxi home. One pair wants to travel to Glengormley and the other wants to travel to Antrim. Under this legislation, what practice are you trying to promote?

1226. Mrs Watters: Under this legislation, we propose the setting up of a taxi-sharing scheme that would clearly state that the fare to Glengormley would be x and the fare on to Antrim would be y. Both those fares would be cheaper for the passengers than a single separate fare to either destination.

1227. Mr T Clarke: So if I was travelling to Antrim, the person who is being dropped off in Glengormley would subsidise my fare to Antrim. That is what you are saying, and that is unfair to the taxi industry.

1228. Mr Lavery: No.

1229. Mr T Clarke: I will go back to my example of the two couples and the two fares. If those two couples had taken separate taxis, the couple travelling to Antrim would not have had their

fare subsidised. Why are we penalising the taxi drivers for clearing the streets more quickly? That is, in effect, what the scheme would do.

1230. Mrs Watters: Passengers have complained to the Department about their experience of enforced taxi-sharing, where the taxi driver gets all the benefit. He basically gets all the fares —

1231. Mr T Clarke: He is providing the service.

1232. Mrs Watters: Yes, the driver is providing the service, but on a take-it-or-leave-it basis. Either the passenger shares the taxi with someone else and pays the full fare, or they do not get a taxi at all. We would like a scheme whereby passengers can have exclusive use of a taxi if they wish, but, if they avail of a shared service, they would be able to get a price discount.

1233. Mr T Clarke: The Department is putting a provision in the Bill that it cannot police.

1234. The Chairperson: I was about to make that point.

1235. Mr T Clarke: Through this provision, the Department is trying to criminalise taxi drivers and make life difficult for them, yet it cannot even police the proposal.

1236. The Chairperson: Let us say that the fare to Glengormley is 20 quid and the fare to Antrim is 40 quid. The Department believes that there should be a required stipulation for a shared fee, whatever it might be. However, how can the Department ensure that those fees are charged?

1237. Mrs Watters: Situations may arise whereby the passengers and the taxi-drivers are agreed on a fare, and it is in the interests of all parties to come to that arrangement. In those instances, you are right, we cannot enforce any stipulation. However, we want to make provision for sharing schemes.

1238. The Chairperson: We are back to the situation that was described in evidence that we heard from disabled people. I read last night about a person who had to attend a meeting in the Stormont estate with the NIO. That individual obviously had to be here at a set time. That person had to pay a fare of, I think, 70 quid and had to footer around Stormont for about three hours. No matter how much we legislate here, in practice, excessive fares will still be charged.

1239. Mrs Watters: Yes. However, we want to at least make provision in the Bill for shared schemes that are properly controlled, and that are of benefit to both the taxi driver and the passenger.

1240. The Chairperson: That brings me back to the issue of control and enforcement. Those words pop up throughout the Bill.

1241. Mr I McCrea: You talked about how the scheme would operate from specific ranks. However, passengers may not be near those ranks when they want to go home. Again, it is a matter of taking people off the streets at night. Surely the same rules should apply when someone hails a taxi on the street. I find it difficult to understand how the scheme will be policed. Taxi-sharing will continue to happen in Belfast, whether we like it or not, and whether or not we provide for it in the legislation.

1242. If the scheme were to apply to taxis picking fares up on the street, how would the metering system be factored in? The meter runs from point of pick up to destination. The idea seems to be to help passengers by giving them a fare concession, but no concession can be given if a meter is in operation.

1243. Mr Laverty: Not every taxi would be allowed to participate in the taxi-sharing scheme. The Bill states that the Department may by Order make a taxi-sharing scheme.

1244. That would be a scheme with a starting point. Taxis at peak times, for example on Friday and Saturday night, that are prepared to travel long distances and accommodate a number of passengers, could drop passengers off on the Antrim Road perhaps, on the way to Glengormley. The fares for the taxi-sharing scheme would be set in the regulations by the Department. There are examples of those schemes operating in London. The main one is at Paddington Station, where a number of taxis provide a zonal service that people can use, providing they are prepared to share a taxi. The fares are set by Transport for London.

1245. Mr T Clarke: Sorry, I cannot wait any longer to say this: London is bigger than Northern Ireland, so it would be ridiculous for us to try to copy something that is happening in London.

1246. The Chairperson: There is another aspect to this aside from enforceability. What incentive is there for a taxi driver, other than some currently unenforceable legislative imperative, to do that?

1247. Secondly, I can see how a zoned area works. If you hail a taxi and you know that it is part of a shared scheme, it is your choice, and may be an easy way to get home. The big problem that we have, particularly in Belfast, is will the Department define zones within which such schemes will operate, and only taxis authorised to provide shared services will be available?

1248. Mr I McCrea: Accessible zones.

1249. The Chairperson: Yes.

1250. Mr T Clarke: You are going to put taxi drivers against each other if you go down that route. That is provided that the taxi drivers operate the sharing scheme correctly, because if Patsy and I were taxi drivers, and I was picking up, and Patsy was sitting at the rank waiting for the next fare, if I take two to get the price of one fare that would leave Patsy with nothing. Taxi drivers would not want to take the fares. Why would Patsy want to take a double fare — a Glengormley and an Antrim lift — if he is only being paid for one.

1251. Mr Boylan: To be honest, if I was paying a certain amount to travel from Armagh to Belfast, and someone got into the taxi at Portadown and paid the same as me, I certainly would not object to that. The main problem that I can see is enforcement. I would like to hear how that could be done. I understand the concept of the proposal. A taxi driver can pick up two people, and get paid £40 for a trip to Bangor and £20 for the half distance as well. What we want is a system that is fair and gives value for money to the passenger as well. I am concerned about enforcement.

1252. The Chairperson: To come back to that point — the issue of zoning has obviously at least been raised, but have you given any further thought as to how that would work out?

1253. Mrs Watters: Not a great deal. Remember, the taxi-sharing schemes are something that the Department may put in place, so there is discretion. Where taxi-sharing schemes have been implemented in GB, initially they were on a pilot basis to see how they would work in that particular environment, to assess the demand and to see how they would work out for passengers and drivers. Before the use of those provisions could be ruled out, there could perhaps be one or two pilot schemes, and we would then work out the details and any difficulties over zoning.

1254. Mr T Clarke: We are launching the space shuttle before we have it built.

1255. The Chairperson: We need to reach some conclusion. There have been some reservations and caveats inserted around clause 5.

1256. Mrs Watters: To summarise to ensure that we are agreed: there is an issue about the enforceability of taxi sharing at separate fares. Also, is it that members can envisage situations that although everyone has consented to sharing, advanced bookings would be a problem? Are members saying that that should be provided for in the legislation?

1257. Mr T Clarke: I am more concerned about the taxi industry. Cathal referred to an Armagh to Portadown trip. If a taxi drives through Portadown, and it is teeming out of the heavens, a customer should not get into that taxi if they do not want to pay the fare. I am thinking of the taxi driver here. Much of the legislation is designed for everyone, but, at the end of the day, the taxi driver is running a business and if he wants to drive past a fare, he should drive past it rather than picking up the fare to share it with someone else.

1258. The Chairperson: What incentives for taxi drivers are contained in the legislation?

1259. Mrs Watters: A taxi driver could take one passenger from Belfast to Glengormley and it could cost, for example, £8•00. However, under a taxi-sharing scheme, they could take five passengers, each paying £5•00, and the taxi driver could get £25•00, so everyone wins.

1260. Mr T Clarke: That scheme does not exist.

1261. Mrs Watters: Yes, I know, but that level of detail to allow for such a scheme could be provided in the legislation. The idea is that both parties would win in the taxi-sharing scheme. At the moment, when there is taxi sharing, the taxi driver wins and the passengers do not — apart from the fact that they get home.

1262. Mr T Clarke: That is a fair system, as they are the guys who buy the expensive cars and sit out late at night when we are asleep in bed. Having listened to some of them, they have problems even paying for that investment. Three people sharing a taxi is the norm on Friday or Saturday nights anyway, so the chances of taxis having any space are slim. We are talking about something that does not even happen very often. Anyone who is in business likes to get the icing on the cake. For the taxi driver, the icing on the cake is when they get a double run in the one journey. They should be allowed that icing; therefore, I am against that clause.

1263. Mr Lavery: Under the taxi-sharing scheme, the taxi driver would get more and the passenger would pay less.

1264. Mr T Clarke: We do not have a taxi-sharing scheme.

1265. Mr Lavery: Clause 5 makes provision for that. Not all taxis will participate in the scheme. There is provision in this clause for taxis operating under such a scheme to be discretely identified as taxi-sharing taxis operating from a particular location.

1266. The Chairperson: Do you have locations in mind, or is that subject to further regulation down the line? Perhaps there would be pilot exercises, subject to zonings, to specific locations and to the identification of such taxis.

1267. Mrs Watters: Exactly, that is correct. There could be a taxi-sharing scheme at a bus station or train station, for example, particularly where a flood of people arrive at one time. It helps to match passengers to taxis.

1268. The Chairperson: Will you summarise your view of our opinion?

1269. Mrs Watters: The Committee feels that enforceability would be a problem, and you would like the Department's views on how a taxi-sharing scheme could be properly enforced. In essence, that is really the issue.

1270. Mr T Clarke: What about the taxi driver?

1271. Mrs Watters: That is where piloting comes in. If the Department were to agree that a taxi-sharing scheme could be set up at Central Station, but the industry were not interested in getting involved, the scheme would not run. It would only run if members of the industry wanted to get involved and, in practice, they often do.

1272. Mr T Clarke: That is fine, but what about the taxi drivers who would work from other ranks? We need to be sure that we are not tying down that taxi driver in other areas of Belfast or wherever it may be. It is all very well to talk of a special scheme operating at Central Station or wherever, but we have already put something in the legislation that will prevent that from happening.

1273. Mr Gallagher: Since the Department has an enabling power, it can try out a pilot scheme and develop the taxi-sharing schemes, if there is anything worth developing as a result of the pilot. We are agreeing only that the Department has the power to do that. The taxi industry may then avail of the opportunity; but it is for the industry to reflect on whether it is viable.

1274. Mr T Clarke: Are we not also saying that they cannot do all the different scenarios that we have said that they are doing? Are we not preventing them from doing that by agreeing to allow taxi-sharing schemes?

1275. The Chairperson: We are providing the legislation, but that does not mean that the schemes will happen.

1276. Mr Boylan: If the operators and customers consent to it they will try it out. That is their choice. We are making it available. If it does not work, it does not work.

1277. Mr T Clarke: It says here, under Departmental comments, that this is:

"to protect taxi users from being overcharged".

1278. Do we accept that? Central Station is the pilot scheme; so take that out of the equation. If a taxi driver lifts three customers at Belfast City Hall to go to Glengormley or Antrim, and charges three different fares for three different passengers —

1279. The Chairperson: Can we arrive at an agreement? Is the Committee happy with the summary that Adele has presented?

1280. Mr T Clarke: No.

1281. Mr Gallagher: Yes.

1282. The Chairperson: Please read it out one final time.

1283. Mrs Watters: Some members are concerned that the provisions that the Department would like to put in place in relation to taxi-sharing schemes may be unenforceable. One member considers it unfair on taxi drivers to be subjected to any restrictions on when they can charge separate fares, because that is, as he says, the icing on the cake.

1284. Mr T Clarke: I am happy with that.

1285. The Chairperson: We will review this aspect again. [Laughter.]

1286. Mr Gardiner: The issue is how the schemes would be policed; that is the bottom line.

1287. Mrs Watters: Yes.

1288. The Chairperson: We have covered clauses 5 and 6. We will move quickly to clause 7. I want to speed up progress.

1289. Mr McMullan: We touched on clause 7 as well. That relates to customers booking a journey in advance and then consenting to share that taxi. Mr Clarke's point that we should not get hung up on the booking. People can hail a taxi and consent to the fare. That is something we will have to consider.

1290. The Chairperson: Can we move to clause 8?

1291. Mrs Watters: I should say that there are some points relating to clause 6 that the Committee has not addressed. It is suggested that taxibus operators who already hold a roads service licence should automatically be permitted to operate taxi-sharing schemes. The Department's view is that that would discourage competition. It was suggested that, if the Department decided to run a taxi-sharing scheme, there should be open competition for taxi drivers who want to be involved.

1292. The Chairperson: We are agreed on that bit. Let us move on then to clause 8.

1293. Mr McMullan: We can link clauses 8, 9 and 10, which all do the same thing. This is the situation where the Department can authorise an operator to provide a service at separate fares. This is really the bus-type service which the West Belfast taxis presently operate.

1294. Clause 8 sets out the framework. It enables the Department to authorise an operator's licence to provide such a service and can restrict it to a particular class of taxi, which the Department sees as accessible taxis, and such other conditions that may be prescribed.

1295. The information that the Department will want from an applicant is set out in clause 9:

"such information as may reasonably be required"

1296. It also includes information about the timetabling of the service. When the Department is deciding on whether to authorise such a licence, it should consider various criteria. Those criteria are based on the interests of people that are likely to use the service, the people that are providing such a service, the suitability of routes, the need for the service and the effect on other holders of the same type of licence or a road service licence.

1297. Clause 10(3) contains an exemption. It states that "Subsection (2)(a) shall not apply". Subsection 2(a) refers to the suitability of routes. As we said last week, the Department intends that someone who, as the holder of a road service licence, has already gone through all those criteria, should not have to go through the process again. Rather than linking to one criterion, they should be exempt from the whole provision if they hold a road service licence.

1298. Mr T Clarke: How does a taxibus work?

1299. The Chairperson: Not mechanically, I hope.

1300. Mr T Clarke: No, how does it collect its fares?

1301. Mr Lavery: Taxibuses operate in seven routes in west Belfast and in north Belfast. For PSV purposes, they are licensed as taxis and they go through the PSV test annually. However, the service that they provide is not a typical taxi service. They do not respond to pre-booked calls, and they do not stand for hire as the black taxis in Belfast do. A number of years ago, in addition to licensing taxibuses as taxis, the Department decided to grant them a road service licence, which is a bus operator's licence, to operate the seven authorised routes.

1302. Mr T Clarke: Taxibuses have various stops and they can lift more than one passenger at each of those stops. The person who gets on first pays the same price as the next person. That leads to the same point that I have just made about taxi drivers. It is unfair that there are any restrictions on when taxi drivers can charge separate fares. Taxibuses are exempt from those restrictions. A taxibus driver can go on a route and the first and last passengers may be charged £5 for a journey to the centre of Belfast; the passengers are charged separately. However taxi drivers cannot do that. That is a two-tier system, and I can understand the frustration in the industry towards taxibuses. That is why I asked you to outline exactly how they work.

1303. Mrs Watters: The system is similar to any bus service. Currently, the standard fee on a Translink bus is £1•30, or 65p for a concession. It does not matter at what stage you get on the bus; everyone knows what the deal is.

1304. Mr T Clarke: It is unfair that someone pays £1•30 and someone behind him also pays £1•30, no matter where they are going. It is considered unfair for taxis to charge separately but not unfair for buses to do it. It is considered unfair for someone to pay the taxi fare from Belfast to Glengormley, and for another passenger to pay the extra part of the fare to Antrim.

1305. The Chairperson: The average punter does not see a distinction between taxis, whether they are black, blue or red.

1306. Mrs Watters;

1307. The idea is that the deal should be transparent when someone gets a taxi. A taxibus is a type of bus, where the person pays, for example, £1•30 no matter at what point on the route they get on. If someone gets a taxi, they have exclusive use of it and they will pay what is charged by the meter at the end of the journey. Under a proper scheme, passengers would know that they would definitely get a discount if they shared a taxi. It would not be an icing-on-the-cake situation, where the passenger would pay the same if he or she had got the taxi themselves.

1308. Mr T Clarke: That is unfair. If a person is travelling from Belfast to Antrim and knows that, because they are travelling alone, the fare will be £16. Why should the fare be different because

the person is sharing that car with someone else? The person would have to share when travelling in a taxibus.

1309. Mrs Watters: It is quite different. The general rule is that when someone opts to travel by taxi, the members of their party are going to be the only passengers. If someone opts to travel by bus, the deal is that they are sharing with other people and would pay a much cheaper fare.

1310. Mr T Clarke: Are you saying that if someone gets into a taxi and there are two passengers in the back, they will not know that they are sharing it?

1311. Mrs Watters: If there were no control over the sharing of fares, then one would have no way of knowing whether they are going to get ripped off.

1312. Mr T Clarke: If it were made clear to the general public, then they would know. I draw a strong parallel between this clause and the one that the Committee discussed earlier. I have nothing against what is being said about taxibuses. However, I am trying to draw a comparison between taxibuses and taxi sharing, where people could be charged different fares.

1313. The Chairperson: Will no taxibuses be participating in taxi sharing?

1314. Mrs Watters: Operators may be licensed to provide taxibus services, and they may also want to work in a taxi-sharing scheme. This discussion is likely to get very complicated if we try to think of scenarios in which operators are doing both. However, it should be remembered that if a taxi is operating in a particular mode — for example as a taxibus — then there would be signage display requirements, which would state where the vehicle is going; for example from west Belfast to the city centre. Similarly, if the vehicle were part of a taxi-sharing scheme, it would be clear what scheme it is part of; for example, from Central Station to wherever. Therefore, taxibuses could potentially participate in taxi sharing.

1315. The Chairperson: What are the Committee's views?

1316. Mr T Clarke: It was suggested to the Committee that taxibuses should not be allowed to be used as normal taxis, yet the Department's response is:

"Such a rule would be unfairly restrictive particularly in areas where there are relatively few taxis."

1317. The inference is that it is acceptable to be restrictive on taxibuses but unfair to be restrictive on taxis.

1318. The Chairperson: Where are the areas with relatively few taxis? Taxibuses are a predominantly urban feature, are they not?

1319. Mrs Watters: Taxibuses have been an urban phenomenon in Northern Ireland. However, in the Scottish highlands, for example, they are used in rural areas because although the local population may want a bus service, it may not be economically viable to use a large bus. For example, for journeys between an outlying village and a town, a taxibus might bridge the gap between having a weekly service using a large bus and a daily service using a smaller vehicle. The point being made in the submission was that a vehicle providing a taxibus service should never be used for any other service. That seems to be an overly restrictive measure to put in the Bill. A vehicle being used for taxibus services during the day — with proper signage — should be permitted to be driven at night by someone else for another purpose.

1320. The Chairperson: That is fine. Is the Committee content?

1321. Members indicated assent.

1322. Mrs Watters: I do not think that there are any points that the Committee wants us to return with as regards taxibuses.

1323. Mr Boylan: I think that they are fine. [Laughter.] Whatever way one looks at it, they are value for money. I know that Trevor is making a point —

1324. Mr T Clarke: I am only using taxibuses to make a point about taxis.

1325. Mr Boylan: I know that and totally agree.

1326. Mr Gardiner: I am inclined to support Trevor, particularly when it comes to taxibuses. If a taxibus sets off from Lurgan to Belfast and a passenger gets in at Moira, which is eight miles down the road, for the sake of fairness, a meter should be fitted to help the driver calculate the lesser fare and allow the passenger to see how that has been done.

1327. Mr T Clarke: In that case, you are not in agreement with me. In the example I used earlier, when the taxi leaves Belfast —

1328. The Chairperson: The point that Mr Gardiner was making concurs with what Adele said, which would allow that elbow room and build in flexibility to allow taxis to travel outside zoned or urban areas.

1329. Mr Gardiner: I am from Upper Bann, and was thinking about travelling from my area into Belfast, rather than coming from Belfast.

1330. The Chairperson: As you should. Much of our focus has been on Belfast.

1331. Mr Gardiner: There are six counties in Northern Ireland.

1332. The Chairperson: Is the Committee content with the discussion on clauses 8, 9 and 10?

1333. Members indicated assent.

1334. The Chairperson: We will move to clause 11. No issues have been raised.

1335. Mr McMullan: That is correct.

1336. The Chairperson: Presumably, by this stage, the Committee does not have any further issues. Are members content?

1337. Members indicated assent.

1338. Mr McMullan: We are now moving into Part 2 of the Bill, which covers the regulation of taxis. Clause 12 states that a taxi licence is required in order to use a vehicle as a taxi. Contravention of that requirement will result in a fine of £5,000.

1339. The Chairperson: Is the Committee content?

1340. Members indicated assent.

1341. Mr McMullan: Clause 13 states that:

“The owner of any taxi may apply to the Department for a taxi licence”.

1342. Clause 13(2) is important because it allows the Department to grant a licence in respect of

“(a) taxis of such different classes of use as may be prescribed; and

(b) such different classes of use”.

1343. There has been a lot of talk about one-tier and two-tier systems of use, and I apologise if members have been searching through the Bill for those systems because neither of them is mentioned. Clause 13(2) will allow the Department to license different classes of vehicle. In theory, we could license vehicles as they are now — for public and private hire. However, we will be licensing vehicles as accessible or non-accessible within a single, clear system. Therefore, this is where the one-tier system resides in the Bill.

1344. Clause 13(3) covers another important point. The Department will be able to set out in regulations the suitable type, size and design of taxis. That will give us the power to specify what is meant by an accessible taxi.

1345. A taxi licence will be granted for one year, and, as mentioned earlier in relation to other appeals procedures, appeals will be to the magistrates’ court.

1346. The Chairperson: Are there any issues?

1347. Mr T Clarke: Will the Department clarify the last point? Moving to a one-tier system will undoubtedly affect Belfast public-hire taxis, which will still be allowed to use the ranks, but will they also be allowed to tout for other business?

1348. Mrs Watters: Anyone who is allowed to use a rank will be allowed to pick up fares from the street.

1349. Mr T Clarke: Thank you.

1350. Mr I McCrea: If memory serves me correctly, there were concerns about reducing the term of the licence to one year.

1351. Mrs Watters: The Bill proposes that drivers will be required to renew their licences every three years. Currently, that must be done every five years. We will come to that when we review clause 23, which will be for next week. [Laughter.]

1352. Mr I McCrea: I am glad you pointed that out.

1353. The Chairperson: Do you think so Adele? Of course, we would not assume that you are not ready for that. [Laughter.] We move now to clause 23. [Laughter.]

1354. As regards clause 13, we received a suggestion on capping the number of public taxi hire plates and only increasing them in line with business needs. Is there any merit in that or, ultimately, is it down to the market finding its own way through?

1355. Mrs Watters: It is down to the market finding its own level. It is very easy to get into the taxi industry, and there may well be an oversupply of taxis, although it may not feel like that at peak times. If the number of taxis were capped — and that is becoming less common across the UK — it would put a lot of power into the hands of the taxi industry. The moment it would be decided to raise the cap, taxi drivers would say that that affects the value of their licences. Licences would become tradable and transferable. In the South, licences were worth €130,000 before the industry was deregulated.

1356. Mr T Clarke: How could a cap be imposed? How would someone bid to become included?

1357. Mrs Watters: A limit of 11,000 taxis could be set.

1358. Mr T Clarke: So those who are in, are in?

1359. Mrs Watters: One would be pulling the ladder up, which is why the industry liked the idea.

1360. The Chairperson: It is a bit like a pub licence.

1361. Mrs Watters: Yes.

1362. The Chairperson: The Committee received evidence that disabled people are being discriminated against. If they phone for a taxi they have to specify that they are disabled. That point was made during some very well articulated evidence from Mr Maguire. How can that situation be dealt with?

1363. Mrs Watters: Mr Maguire went on to make the point that if all taxis were disabled-accessible nobody would have to say that they needed a taxi that meets their needs. If an operator has a mix of accessible and non-accessible taxis and it does not matter which taxi comes, that is fine. However, if someone needs a wheelchair-accessible taxi, they would have to request that from the operator. It is not a discrimination; it is an indication of the type of service that that person requires, and that an appropriate vehicle needs to be sent.

1364. The Chairperson: Is there broad agreement on the issues regarding clause 13?

1365. Members indicated assent.

1366. Mr McMullan: Clause 14 places certain duties on the owners of licensed taxis. An owner will be required to present a taxi for inspection and testing through the Department. The taxi will not be required to be presented on more than three occasions in any one period of 12 months. Owners must report any accidents to their vehicles, particularly if it affects the safety or performance of their vehicle, and they must also report change of ownership and return the licence and the plates. Again, contravention of that will be an offence and incur a fine of £1,000.

1367. The Chairperson: That brings things more or less into line with what the rest of us do with our own private vehicles.

1368. Mrs Watters: Statutory off-road notification (SORN) applies to normal vehicles, and it would apply anyway if the vehicle were destroyed or sold on.

1369. Mr I McCrea: I know that this question is going into details, but are you talking about any damage to a vehicle? Is it specific to any area, or damage, that could risk someone's health? Would it apply to any bump?

1370. Mr Laverty: PSV regulations specify the extent of damage and define the word "bump". Strictly speaking, any accident should be reported and the vehicle should be taken off the road while it is repaired. It is a matter of standards of service to the public; it is a public-service vehicle.

1371. The Chairperson: Are members content?

1372. Members indicated assent.

1373. Mr McMullan: Clause 15 deals with the identification of licensed vehicles. The Department will issue whatever identification plates, signs or distinguishing marks it decides to use. Driving a taxi without such identification will be an offence that carries a fine of £1,000. The plates must be exhibited in, "such manner as may be prescribed". That wording is important because it may be inappropriate to have taxi plates on wedding or funeral cars, for example, and it gives the Department some flexibility in dealing with such circumstances.

1374. The Chairperson: There is nothing contentious there. Are members agreed?

1375. Members indicated assent.

1376. Mr McMullan: Clause 16 is one of the fundamental clauses in the Bill, and it deals with the regulation of fares. It allows the Department to set the maximum rates and fares to be charged for the hire of a taxi, and it will be an offence for a taxi to charge more than the maximum fare.

1377. The Chairperson: The Committee Clerk has just pointed out to me that the General Consumer Council has raised some issues about the clause. Presumably, the Department will bring the General Consumer Council's recommendations back to the Committee.

1378. Mrs Watters: Yes.

1379. Mr T Clarke: I recall that there was talk about a maximum fare. I never use taxis, but does that refer to taxis that have a set fare for a journey before it begins?

1380. Mrs Watters: That would be what people refer to as the minimum fare or the flag-fall fare.

1381. Mr Clarke: OK. What is the maximum fare that was referred to?

1382. Mrs Watters: There might be a tariff that could be tailored for different times of the day. For example, the maximum initial charge for a particular journey could be £2.50, with a further charge of £1 per mile thereafter.

1383. The Chairperson: Sorry, do you mean that £2.50 would be the least that they could charge?

1384. Mrs Watters: No, £2.50 would be —

1385. Mr T Clarke: Is that the minimum charge?

1386. Mrs Watters: It would be the maximum initial charge.

1387. The Chairperson: The maximum —

1388. Mrs Watters: It is the maximum minimum charge.

1389. The Chairperson: Do you mean the maximum basic charge?

1390. Mrs Watters: Yes. When a person gets into the taxi and the driver turns on the meter, that fare would be displayed.

1391. The Chairperson: Therefore, that fare cannot go any higher before the taxi sets off?

1392. Mrs Watters: Yes.

1393. Mr T Clarke: Are we talking about the maximum fare?

1394. Mrs Watters: What we are saying is that when the Department sets fares, it —

1395. The Chairperson: It is the maximum minimum charge.

1396. Mrs Watters: Yes. It is the maximum minimum charge.

1397. Mr T Clarke: Is that where the word “maximum” is coming from?

1398. Mrs Watters: The Department would set out fares and charges, which would show the most that a taxi could charge. We would not penalise anybody for wishing to charge less, for example by giving students or pensioners a discount.

1399. Mr T Clarke: I cannot grasp that; the wording does not seem right. It is a minimum fare. Could we not give it a different name?

1400. Mrs Watters: “Initial charge” might be a more useful term. There are people in the taxi industry who say that there should be a minimum charge. I am not sure whether they mean that there should be an initial fare or that, whatever the initial fare is, nobody should be able to undercut it.

1401. Mr T Clarke: Could we say that there would be a standard charge to a maximum of such and such, or that a standard charge should not exceed a certain sum?

1402. The Chairperson: Or, perhaps we could say that the initial fare shall be no greater than an agreed amount?

1403. Mr T Clarke: Yes.

1404. Mrs Watters: There is a concern in some parts of Northern Ireland — for example, in Derry/Londonderry — where some drivers say that operators are charging uneconomic fares. Ultimately, the drivers suffer because fares are their income, and they want to be guaranteed at least £3 for every journey.

1405. Mr T Clarke: Some of them have referred to a maximum fare.

1406. Mr I McCrea: Will meters be set to the highest possible minimum fare? Some drivers have asked that the highest possible charge for the minimum fare is set.

1407. Mrs Watters: There are technical details with regard to the calibration of meters.

1408. The Chairperson: The Committee is confused about the wording, and there appears to be a need to tighten the precision of the wording in order to ensure that it is not subject to other interpretations.

1409. Mr Lavery: The Republic of Ireland's Taxi Regulation Act 2003 provides for maximum fares. The Committee may be aware that, in September 2006, the Republic introduced a national taxi fare across the industry on the basis of the maximum fare described in the Act.

1410. The Chairperson: That is precisely the issue under discussion. Perhaps there is an appropriate form of words from which we can learn in the Act.

1411. Mr Gardiner: I believe that it is the "maximum minimum" bit that is confusing. I understand where you are coming from but —

1412. Mrs Watters: The words "maximum minimum" do not appear in the legislation. There is no reference in the legislation to an initial charge.

1413. Mr Gardiner: Joe Public will not understand that. If members are confused, how are the public supposed to understand it? Words must be selected that will convey the message.

1414. Mr T Clarke: I understand the term. It was the industry that did not understand it. When drivers gave evidence to the Committee, they referred to minimums and maximums.

1415. Being from a rural area, I know that there is no minimum charge when someone gets into a taxi. I am concerned that there should be a mandatory maximum initial charge.

1416. Mrs Watters: The Bill's provisions would not make that mandatory, although some people in the industry would like it to be.

1417. Mr T Clarke: We need to agree a form of words that would mean that the minimum fare could not exceed a certain sum of money. People in the countryside, particularly the elderly, depend on taxis to take them on short journeys. Where I live, there is a charge of £2.50 from outside the town. However, if a senior citizen is charged £2.50 before they are even taken down the street, the eventual fare will be too expensive.

1418. Mrs Watters: Often the initial charge will cover the entire journey because the meter does not start the minute that the taxi moves off. Sometimes, the initial charge will include a certain distance.

1419. Mr Lavery: When the meter is engaged, the minimum fare shows up automatically.

1420. Mrs Watters: That is not a requirement of the Bill.

1421. The Chairperson: In order to reflect the Committee's views, can the wording be tightened up in order to make it more precise and clear?

1422. Mr I McCrea: Is it the Department or the individual driver who sets the tariff on meters?

1423. Mr Lavery: Normally, each taximeter is calibrated.

1424. The Chairperson: That matter will come up when we discuss taximeters during our consideration of clause 18. The Committee is seeking further clarification on clause 17. Are Members content?

1425. Members indicated assent.

1426. Mr McMullan: As you rightly pointed out, Mr Chairman, clause 18 is linked to fares. It will be a requirement for all taxis to have a taximeter and a receipt printer, and it will be an offence if a taxi is not fitted with those devices. The Department has the power to regulate the testing, sealing and operation of taximeters, the display of tariffs and the details that must be included on receipts.

1427. The Chairperson: Are there any questions?

1428. Mr I McCrea: It should be compulsory to issue receipts on request. In evidence to the Committee, it was clear that people were being overcharged. Therefore there should be a mechanism whereby passengers who ask for a receipt should get one. That would be evidence of whether they had been charged an amount between the recommended minimum and maximum fares.

1429. Mrs Watters: Should receipts be provided only on request, rather than there always being an expectation that they will be issued, or are you saying that the onus should be on the driver to provide receipts rather than on the passenger having to ask?

1430. Mr I McCrea: I do not mind not getting a receipt. However, if I wanted one, I would like to be able to get it.

1431. Mr McMullan: The legislation covers that.

1432. Mr I McCrea: I am happy to take it to mean that everyone will get receipts.

1433. Mrs Watters: If every driver is required to have a receipt printer, the provision of receipts becomes less of an issue. The main thing is that drivers have the mechanism to create receipts.

1434. Mr I McCrea: There would be a concern about the cost of the receipt printers to the taxi drivers.

1435. The Chairperson: Are members content?

1436. Members indicated assent.

1437. Mr McMullan: Clause 19 states that each taxi may carry a prescribed number of passengers, and that is worked out in the regulations. To carry a greater number of passengers means a £1000 fine.

1438. The Chairperson: Are members content?

1439. Members indicated assent.

1440. Mr McMullan: Clause 20 sets out the Department's regulatory powers. There has been much talk about the Taxis Bill being an enabling Bill, and this is the classic enabling clause. Clause 20(1) states that the Department can make general regulations relating to taxis. Clause 20(2) allows the Department to regulate on a wide range of issues. Some provisions look to the future, such as regulating the colour of taxis — and I do not expect to see yellow taxis on the streets in Northern Ireland any time soon. The clause simply details issues on which the Department may regulate.

1441. The Chairperson: Are there any issues?

1442. Mr T Clarke: I want to be clear about how clause 20 will work when the Bill is passed. I am not being facetious but should the Department decide to paint all the taxis yellow, how would it implement that decision? That is simply an example. The same applies to other issues, but you will kill my curiosity by answering that question.

1443. Mr McMullan: The general procedure is the same as for making any regulation. We would consult with the industry, the Committee and other stakeholders before deciding whether the regulation is sensible.

1444. Mr T Clarke: Would any new regulations become amendments to the Bill?

1445. Mr McMullan: No. They would be made as separate sets of regulations that will be sent to this Committee to agree.

1446. Mr T Clarke: Do not take this the wrong way, but does clause 20 give you a clean brush to do what you want?

1447. Mrs Watters: No. Any changes require regulations. We would have to consult and carry out a regulatory impact assessment that we would share with the Committee.

1448. Mr Gallagher: That is important to know.

1449. The Chairperson: Adele, at the last meeting, an issue with respect to clause 20(2)(c) cropped up.

1450. Mrs Watters: Yes. The taxi-marshal proposals.

1451. The Chairperson: It was put to you then that a little more thought needs to be put into that concept to reflect the views of the Committee that someone could be standing at the kerb with absolutely no powers to do anything. The other aspect of that was that there was an overlap between any potential enforcement powers that may, or may not, be there, and lack of clarity on what the role of a marshal might be in certain circumstances, as opposed to the enforcement officers. To be honest, I am not a wild pile wiser after last week.

1452. Can you come back to the Committee with some detail on how you envisage the taxi-marshal proposals being taken forward?

1453. Mrs Watters: OK.

1454. The Chairperson: Thanks for that. With that built in, can we agree, with that caveat, clause 20?

1455. Mr Boylan: I want to raise the issue of seat belts. Some taxis have flip-down seats that do not have seat belts. I was thinking about that from the point of view of children using them.

1456. Mrs Watters: The provision for seat belts in taxis is included in the legislation for seat belts in other vehicles, so that is not a Taxi-Bill issue directly, because it is already provided for. Recognition is taken of the fact that because of the nature of the journeys, not all taxis can be expected to have child seats or restraints available. Certainly, where restraints or seats are available, they must be used.

1457. The Chairperson: Can we move to clause 21?

1458. Mr McMullan: There is currently an anomaly between the Department for Regional Development (DRD) and DOE with regard to taxi ranks. DRD makes the policy for taxi ranks, but the legislative function rests with DOE. Clause 21 places the legislative function with DRD. An opportunity will arise, when total responsibility for taxi ranks moves over to DRD, to use the traffic attendants in an enforcement manner. We recommend that the traffic attendants should enforce the taxi regulation Order, which means that they will provide enforcement for incorrect parking at ranks and prescribe parking distances from ranks, etc. DOE can work out that transfer; it will require a small consequential amendment to a piece of DRD legislation.

1459. The Chairperson: It says in the paper that you supplied on the proposed amendments to the Taxis Bill that:

"In the Department's view, it would not be appropriate to extend the powers of traffic attendants to include the full range of enforcement powers."

1460. If they will not have the full range, what range will they have?

1461. Mr McMullan: There is a distinction there in that the traffic attendants would not have any enforcement powers over the licensing of taxis. Their power would be confined to parking infringements at ranks. Their enforcement powers could be used, but only in relation to the parking of vehicles.

1462. Mr T Clarke: Could that be clarified, because it is a bit of a grey area? I understand why they cannot have full enforcement powers — well I do and I do not, because we need a large degree of help with enforcement.

1463. The Chairperson: I am not entirely sure that the first point squares with the second. Unless I am reading it wrong, it says:

"In future, DRD will make by means of 'Taxi Regulation Order'...."

and then:

"DOE and DRD agree that it would be appropriate for traffic attendants to be able to enforce such regulation orders" .

1464. Mrs Watters: The second sentence needs to come out. That is wrong.

1465. "transfers the legislative function by making taxi stands from DOE to DRD by means of 'Taxi Regulation Orders'."

1466. The Chairperson: Can we park clause 21 and get clarification on that. We can revisit it later. We will probably begin at clause 21/22 at our next session.

1467. We are agreed that clause 21 needs further clarification? We have exhausted most of the matters that we wanted to address on the Taxis Bill today — unless anyone wants to ask another question.

1468. Mr T Clarke: No, thank you.

1469. The Chairperson: I thank members, and I thank Bill, Adele and John for giving us their time today. We will see you next week.

23 October 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)
Mr Cathal Boylan (Deputy Chairperson)
Mr Billy Armstrong
Mr Trevor Clarke
Mr David Ford
Mr Tommy Gallagher
Mr Samuel Gardiner
Mr Alex Maskey
Mr Ian McCrea
Mr Daithí McKay
Mr Peter Weir

Witnesses:

Mr John McMullan
Mrs Adele Watters Department of the Environment

1470. The Chairperson (Mr McGlone): Are the witnesses happy to continue with the process that we used last week?

1471. Mrs Adele Watters (Department of the Environment): Yes. We have made available a short paper that addresses the issues that were raised on the earlier clauses. We can come back to that. I am happy to start with clause 22.

1472. The Chairperson: Any member who has any interest to declare should do so now.

1473. Mr John McMullan (Department of the Environment): Last week, we considered part 1, which refers to operator licensing, and part 2, which refers to the regulation of taxis. Today, we will move on to part 3, which refers to the regulation of drivers of taxis.

1474. Clause 22 sets out a requirement that only the holder of a taxi-driver's licence may drive a taxi. Contravention of that requirement will be an offence, carrying a maximum fine of £5,000. It will also be an offence, carrying a fine of up to £1,000, for a driver to drive a taxi if he or she does not hold a licence for that class of taxi. For example, someone may be entitled to drive a non-accessible vehicle, but not a stretch-limousine. Basically, that is the general requirement as set out in clause 22.

1475. Mrs Watters: Do you want to highlight the key issues, and I will respond?

1476. The Chairperson: It worked well last week when members raised any issues that they had with the clauses. Therefore, members can do that again. Does any member have anything that he wants clarified in clause 22, or are members happy to move to the next clause?

1477. Members indicated assent

1478. Mr McMullan: Clause 23 is the main substantive clause in this part of the Bill. It provides that the Department shall grant a licence if satisfied that the applicant has been authorised to drive a car for three years prior to the application; is a fit and proper person; has undergone training; and has passed a test of competence to drive a taxi.

1479. An important point to note on the taxi-driving test is that it will not apply to those who already hold a taxi-drivers' licence immediately prior to the provision's coming into effect. Therefore, it will apply only to drivers who are new to the industry.

1480. The licence will be granted for up to three years; at present, it expires after five years. The licence will be granted for a specific class of taxi; for example, it may enable the holder to drive limousines only. The right of appeal, as it stands at the moment, is to a magistrate's court.

1481. The Chairperson: Does any member have any queries regarding clause 23?

1482. Mr Weir: Is the switch from licences expiring after five years to after three years in order bring that area into line with Department for Transport best practice?

1483. Mrs Watters: Yes, both the Department for Transport and DOE are moving in the same direction on that issue. We were conscious that as drivers' licences lasted for five years, they were not in line with the period allocated for criminal record checks. We thought that it was important to bring those into line. At approximately the same time that we were deliberating on that matter, the Department for Transport issued its guidance to the 350-plus taxi-licensing authorities in England and Wales. That also influenced our decision.

1484. Mr Gallagher: Why do UK criminal record checks not extend to the Republic of Ireland?

1485. The Chairperson: That is relevant to where you live, Tommy.

1486. Mrs Watters: I honestly do not have an answer for that at the moment. I will need to go back to check what occurs now, and whether any changes are proposed in relation to that.

1487. The Chairperson: That is an important query; so you can come back to us on that.

1488. Mr Boylan: One of the main issues regarding the switch from the five-year licences to the three-year licences is costs. That is one problem that was raised during the witness sessions.

1489. Mrs Watters: Two issues were raised regarding costs. The first one was that drivers will have to pay a taxi-driver licence fee every three years. The second one was that people were afraid that they would have to pay for a medical examination every three years, instead of every five years.

1490. Taxi drivers were concerned about those two costs. The Department's current position is that there are no proposals to change the requirement for taxi drivers to undergo a medical examination from every five years to every three years. Therefore, their fears about the level of increased cost are, perhaps, unfounded. The only change will be that taxi drivers will now have to pay a licence fee every three years rather than every five years.

1491. The Chairperson: You make the important point that for people with a lower level of educational skills, the Bill need not be amended to implement training. However, the Department must have given some thought to the fixed provision that will be made for training. Although it is not a critical element of the Bill, the Committee will need clarification in order to be satisfied with that provision's detail.

1492. Mrs Watters: We touched on that subject last week when we discussed the project that GoSkills and the Department for Employment and Learning (DEL) is to undertake. They are working with the Department of the Environment to tailor training to taxi drivers' needs. Everyone who presents for taxi-driver training will be assessed, so GoSkills and DEL want to ensure that they are assessing drivers' essential skills and determining their current level of learning. The first stage of the project will be to raise drivers' essential skills to a level at which they could then undertake taxi-driver training. That is, by and large, the training provision that the Department sees itself creating. If prospective taxi drivers have a skills gap, we will work with them to address that skills gap and raise their skills level.

1493. The Chairperson: If members have nothing further to add on clause 23, we can move on, subject to the requested detail being provided to the Committee.

1494. Mrs Watters: OK.

1495. Mr McMullan: Clause 24 deals with the issuing of drivers' badges. It states that the Department will issue badges and other evidence of identification to each person who has been granted a taxi-driver's licence. The badge must be worn and identification displayed at all times for drivers to be acting in accordance with their licence, unless they are specifically exempt. Drivers of funeral cars or wedding cars, among others, may be considered for exemption. Failure to comply with the wearing of the badge will result in a penalty of up to £1,000.

1496. The Chairperson: No issues were raised, or comments made, about clauses 24 and 25. Are members happy to move on?

1497. Members indicated assent.

1498. Mr McMullan: Clause 26 is important. It gives the Department the power to suspend or revoke any licence under the Bill or to curtail an operator's licence for any reasonable cause. Moreover, an operator's licence can be suspended or revoked if the Department is no longer satisfied that the licence holder is a fit and proper person or if another condition or obligation imposed on the licence holder has not been complied with.

1499. Should an operator's licence be curtailed, the Department can remove one or more vehicles from the licence, or it can reduce the maximum number of taxis or the class of taxis that the operator can use.

1500. The Chairperson: If members have no points to raise, we shall move on.

1501. Members indicated assent.

1502. The Chairperson: No issues were raised, or comments made, about clauses 27, 28 and 29. However, will you run through those clauses briefly, John? If any member wishes to raise anything, that is fair enough.

1503. Mr McMullan: Clause 27 complements clause 26. It outlines the procedure that the Department will follow for suspending or revoking a licence. If the Department decides to suspend, revoke or curtail a licence, it must give notification and grounds for its decision. Suspension, revocation or curtailment will take effect 21 days after notice is served. Why 21 days? That is also the length of the appeal period, during which a licence holder or operator can appeal against a revocation or suspension.

1504. Clause 28 allows an operator to apply to have his licence varied to add a new operating centre or to remove an existing centre, and to vary the number of taxis that he may operate. Owners or drivers may also apply to have their licences varied, and all have a right of appeal to the magistrates' court.

1505. Under clause 29, the Department may also suspend or vary an operator's licence where it is satisfied that an operating centre no longer meets the necessary requirements. The Department must give the operator notice of such a decision, which would take effect 21 days thereafter; unless, in the interests of public safety, it should take effect immediately.

1506. The Chairperson: Do members wish to seek clarity on those clauses? Is the Committee agreed on the content of clauses 27, 28 and 29?

1507. Members indicated assent.

1508. Mr McMullan: Clause 30 sets out all the various activities and services where the Department feels that it may have to prescribe fees. The fee regulations will eventually come before the Committee.

1509. The Chairperson: Are members happy with clause 30?

1510. Members indicated assent.

1511. The Chairperson: We move on to clauses 31 and 32. No key issues were raised around these clauses. However, John will give us an overview.

1512. Mr McMullan: Clause 31 is a typical clause found in Bills, and it relates to the production of documents. In this case, the documents include licences and certificates of insurance. Any other documents must be produced to an enforcement officer or to the police for inspection, and failure to do so would be an offence and incur a £1,000 fine.

1513. Clause 32 deals with the return of licences. If the Department decides to suspend, revoke or curtail a licence, the licence plate or badge or other evidence of identification must be returned to the Department.

1514. The Chairperson: Do members want any further information? Are we agreed on clauses 31 and 32?

1515. Members indicated assent.

1516. Mr McMullan: Clause 33 deals with the register of licences. It places a duty on the Department to maintain a register containing the details of each licence issued under the Bill. The Department must make that register available for inspection to members of the public free of charge.

1517. The Chairperson: OK.

1518. Mr Boylan: The major issue was the cost of the changes. Will that cost ultimately go to customers? Will there be any incentives?

1519. Mrs Watters: There will be additional costs on operators and drivers, and some of them will be through licence fees and others through compliance costs. For example, if a driver does not have a taximeter and is buying one, it is expected that, ultimately, he will seek to pass any

of those additional costs on to customers. If services and standards are being improved then, in a sense, the customer is getting more. However, we do not want operators to be in a position where they can put their fares up without limit, and that is where the regulated fares come in to play. The Department will set the maximum fares that the operator will be able to charge. We agreed that the Consumer Council will be involved in the setting of fares, and, therefore, consumers' interests will be looked after. We are trying to get a balance. It will cost more to provide better services, and we will have to take account of people's ability to pay.

1520. Mr Weir: I suppose this is the flip side of the coin. We have talked about the various penalties that could be put in place for non-compliance, particularly where people would be acting fraudulently in various ways, and new revenue will come in as a result of that. What happens to the fines that will arise? Do they simply go back into the courts?

1521. Mr McMullan: Yes, they go back to the courts.

1522. Mr Weir: Therefore, there is nothing from the Department of the Environment?

1523. Mrs Watters: No.

1524. Mr Weir: To take Mr Boylan's point, in the case where there are costs, is it correct that additional fines could not be used to offset those costs?

1525. Mr McMullan: That is correct, the fines go back to the courts but the fees are what we use to run the system.

1526. The Chairman: Are Members in agreement on clause 33?

1527. Members indicate assent

1528. The Chairperson: We move to clauses 34 and 35 for which there were no key issues, or comments made. John, please give the Committee a brief overview.

1529. Mr McMullan: Clause 34 covers appeals to the magistrate's court, and sets out that an appeal to the court must be made within 21 days of receiving notice of the decision, and that the Department must inform the subject of their appeal rights and of the time limit when it gives that notice.

1530. Clause 35 states that the decision of the Department will not take effect until the appeal has been heard, disposed of, or withdrawn. Therefore, the decision is in abeyance until the court hears the appeal. The clause is useful, as we have had certain drivers who cannot work during the time it takes for a case to go to court, which may be six months.

1531. The Chairperson: Are Members in agreement over clauses 34 and 35?

1532. Members indicate assent

1533. The Chairperson: We will move to the clauses that deal with enforcement in part 5 of the Bill, starting with clause 36.

1534. Mrs Watters: The first table is not in relation to clause 36. There were many general comments relating to enforcement that did not relate to any particular clause, and those have been grouped together. Therefore, the table is not clause-specific but deals with how effective the Department is at enforcement.

1535. The Chairperson: Should we go through those page by page?

1536. The Committee Clerk: That may be a more useful exercise to do after we look at the document as a whole.

1537. The Chairperson: As members wish; I am seeing the information for the first time.

1538. Mr Weir: It has been a long time since members have seen detailed legislation going through the Assembly. With our final position, in addition to having the power to make recommendations for amendments, may we make general comments?

1539. The Committee Clerk: Yes, you may make recommendations and general comments on enforcement.

1540. Mr Weir: I do not wish to be pre-emptive but I assume that the Committee is reasonably concerned about the lack of enforcement, or the lack of resources for enforcement.

1541. The Committee Clerk: Last week, certain general, rather than clause-specific, enforcement issues were discussed. The officials will address those when we come to the end of part 5. They have provided a document that addresses some of those issues.

1542. The Chairperson: As the document will address some of those issues, we may leave the discussion of part 5 of the Bill for now.

1543. Mrs Watters: It may be best to deal with the table later.

1544. The Chairperson: The Committee will now examine clause 36.

1545. Mr McMullan: Clause 36 covers enforcement notices and applies where a licensed operator has failed to comply with certain record-keeping duties covered by the Bill. The idea of the enforcement notice is that the person will be granted up to 21 days to put his books in order, rather than going directly to court. If the person still does not comply, the case will go to court. A person may also appeal to the magistrate's court against an enforcement notice.

1546. The Chairperson: There were no problems with that clause during consultation, and if no one has further comments to make, we will move on.

1547. The Chairperson: Are members agreed on clause 36?

1548. Members indicated assent.

1549. The Chairperson: Clause 37 provides powers of entry to licensed premises. Did that power not exist before?

1550. Mr McMullan: The problem is that, previously, there was no operator licensing. Therefore, there was no provision for legal entry.

1551. The Chairperson: I see.

1552. Mr McMullan: Clause 37 provides that enforcement officers and the police might enter any licensed operating centre to ensure that the provisions of the Bill are complied with. Private dwellings can only be entered under the authority of a warrant.

1553. Enforcement officers and the police can also enter unlicensed premises — again, under a warrant — where there are reasonable grounds for suspecting that a person is operating a taxi service. On exercising the power of entry, the officers may seize and remove any items or equipment that may be required as evidence in court.

1554. The Chairman: Does anyone have anything further to add?

1555. Mr T Clarke: Someone suggested that an operator's licence should not be given to someone who is operating the business from his or her home. Is the place deemed as licensed premises if the operator's licence is for a private address?

1556. Mr McMullan: Yes.

1557. Mr T Clarke: Therefore, that place will be considered to be licensed premises?

1558. Mr McMullan: Yes, and because it is a private dwelling, a warrant will be needed before anyone can enter.

1559. Mr T Clarke: That is why I ask. What way are such properties dealt with as private dwellings or licensed premises? That seems to be a grey area. The point that I am trying to make is that to the taxi driver on the main street, clause 37 means that the Department has power to enter without a warrant. In the case of someone who deems himself to be operating a taxi business from a house, who has a taxi operator's licence, the Department should not need a warrant. If a person is setting up a business up as licensed premises, there should be no need for a warrant. Running a business from a private house makes it more difficult to enter the premises.

1560. Mr McMullan: Our legal advice is that if the location in question is private premises, a warrant should always be obtained before entering. I take your point.

1561. Mr T Clarke: There is also the difficulty of issuing an operator's licence to a private address.

1562. Mrs Watters: The Department recognises that a number of operators, particularly in rural areas, run their businesses from their homes. If we were to rule that it is inappropriate to have an operating centre in domestic premises, they would either go out of business or they would have to set up some sort of office outside their homes. It would have implications for a lot of small operators.

1563. The Chairperson: Are members agreed on clause 37?

1564. Members indicated assent.

1565. The Chairperson: At this stage, perhaps we can park our proceedings, so that the Committee can welcome back Mr Billy Armstrong. It is great to see you back in good fighting form. You went through a traumatic event.

1566. Mr Armstrong: I do not know about fighting form, but I am back anyway.

1567. The Chairperson: That is good. I am glad to see you in good health again.

1568. Mr Armstrong: Thank you very much.

1569. The Chairperson: There was nothing on clause 38; we had no issues with it. Please give us a run through it in any case, John.

1570. Mr McMullan: Clause 38 provides that enforcement officers and the police may stop and examine any licensed taxi. If they find that the condition of the vehicle is a danger to passengers, the officers may require passengers to leave the vehicle and the driver to make suitable arrangements for the passengers to be taken to their destination.

1571. The Chairperson: Are members happy enough with that?

1572. Members indicated assent.

1573. Mr McMullan: Clauses 39, 40 and 41 are linked; they all have the same purpose. Under clause 39, officers may stop vehicles suspected of illegal taxiing, and may require drivers and passengers to provide information and documents as specified. Once an officer has stopped a vehicle in those circumstances, and he still feels that there are reasonable grounds to suspect illegal taxiing, he has the power to seize and remove the vehicle, as well as any other equipment or items found in it. As members will appreciate, seizure of a vehicle is a severe sanction. It must be tightly controlled, and that control is provided for in clause 41, which sets out conditions for removal of the vehicle, detention of it, release and disposal of it, notifying the owner, payment for release of the vehicle, and, where the vehicle is being disposed of, who gets the proceeds of the sale.

1574. Those three clauses are similar, in that they all combat illegal taxiing.

1575. The Chairperson: Are members content with clauses 39 to 41?

1576. Members indicated assent.

1577. Mr McMullan: Clause 42 deals with taxi toutting. The Committee discussed that matter a couple of weeks ago. Clause 42(1) provides that:

“a person who solicits any person to be carried for hire or reward in a taxi is guilty of an offence.”

1578. That is a fairly broad statement, and when creating an offence of that nature, it must be decided whether anyone should be exempted. The Department considers that clause 42(1) should not apply to taxi marshals because the nature of their job involves almost toutting for business. We are moving into a discussion about taxi marshals, and I am aware that we have provided a separate paper on that matter, which relates more to clause 20(2)(c) and the enforcement of order at taxi ranks.

1579. Clause 42 makes toutting for taxi business an offence, although there is to be an exception.

1580. The Chairperson: The public consultation did not throw up any issues relating to clause 42 or clauses 43 to 47, which deal with offences, obstruction and associated legalities. Will you give us a brief overview of those, John?

1581. Mr McMullan: Those clauses are typical to many Bills. False statements and forgery are regarded as serious matters and will result in a £5,000 fine. Equally, clauses dealing with obstructing an officer or a police officer typically appear in Bills.

1582. Clause 45 is peculiar to the Taxis Bill and serves a useful role. There is a strong interrelationship between owners, operators and drivers. Sometimes, an offence may be committed, which may be the fault of the operator rather than the driver. Clause 45 states that someone else may be liable if an offence is:

“due to the act or default of another person”.

1583. Clause 46 links back to the Interpretation Act (Northern Ireland) 1954 and makes it clear that individuals and companies can also be liable for offences under the Bill. Clause 47 is simply a directional clause.

1584. The Chairperson: Are members content with clauses 40 to 47?

1585. Mr T Clarke: Is the Committee accepting clause 42 at this stage?

1586. The Chairperson: Are we not accepting it?

1587. Mr T Clarke: I thought that we were going to talk about taxi touts in more depth.

1588. Mr McMullan: The Department has prepared a separate paper on taxi touts and marshalling, which will be discussed later.

1589. Mr T Clarke: It is a grey area.

1590. The Chairperson: To my mind, touting is, potentially, an offence. How can it be said that marshalling and touting are similar? I am trying to establish a connection: one is supposed to be legal while the other is illegal.

1591. Mrs Watters: John was explaining that clause 42 recognises that some people will be present at taxi ranks in order to legally enforce order and may be soliciting by matching taxis to passengers and that such people will not be guilty of an offence. John was highlighting that there is an overlap in the provision as regards taxi touts and marshals.

1592. The Chairperson: I am getting a bit confused: the marshal would be performing a legal function, whereas touting is an illegal act.

1593. Mrs Watters: Touting would be illegal if it were carried out by anyone other than a marshal who is doing the job in an official capacity.

1594. The Chairperson: However, a marshal may not tout for individual companies.

1595. Mrs Watters: That is correct.

1596. The Chairperson: Therefore, marshalling would become touting when someone performs that role on behalf of an individual company.

1597. Mrs Watters: That is exactly right.

1598. The Chairperson: Therefore, a marshal who is doing his or her job should not be working for an individual company, in the same way that a policeman on the street should not be working on behalf of some of the security companies.

1599. Mrs Watters: The only people who should be inviting passengers to be carried in taxis are marshals who are working under the provisions of the Bill — under taxi marshalling regulations that the Department would develop.

1600. The Chairperson: I have not entirely grasped this matter. Should the marshal be touting?

1601. Mrs Watters: The activity could be described as touting. Matching passengers to taxis becomes a difficulty only when it is being carried out by a person who is not working in an official capacity. Were somebody to carry out that activity on behalf of a particular company, it could well cause disorder at a rank. For example, a driver might object to the person who is telling passengers to get into taxis belonging to another company. The activity is fine if it is being carried out in a controlled and regulated manner. However, it would be illegal for such activity to be carried out in a partial fashion by drivers or companies.

1602. The Chairperson: Forgive me for pursuing this matter, but why is touting being linked with marshalling when, under the law, marshals should not be touting?

1603. Mr Boylan: It is the terminology.

1604. The Chairperson: I know, but the terminology is critical to our examination of this matter.

1605. Mr T Clarke: It seems that we are going to be accepting that terminology.

1606. Mrs Watters: The term “touting” is commonly used throughout the UK. That is how the activity is being described and understood.

1607. Mr T Clarke: But we are legitimising that activity.

1608. The Chairperson: We are talking about illegal touting.

1609. Mrs Watters: Touting would be legitimised only if it were carried out by a proper official marshal.

1610. Mr T Clarke: However, that marshal could be touting for one particular business.

1611. Mrs Watters: No, that would not be the case.

1612. Mr McMullan: In clause 42, the Department is trying to set a wide net for the offence. The clause states that anyone who solicits someone to be carried for hire in a taxi will be guilty of an offence. In setting such a wide net, consideration must be given to whether too many fish may be caught. The one person that we do not want to be caught in the net is the one who is legally allowed to tell passengers to get into certain taxis, wait their turn, or whatever. We want the taxi marshal to be exempted from that provision.

1613. Mrs Watters: It is not a taxi marshal's job to provide business to a particular company. His role is to enforce order and get people home as quickly as possible. In carrying out his role, there should be no sense of favouritism for one company or driver over another.

1614. Mr T Clarke: Who will marshal the marshals?

1615. Mrs Watters: They would be marshalled by whoever employs them. I am sure that the Department and the local councils would play a role in that. The marshals would be working under regulations.

1616. The Chairperson: I want clarification on another issue, which caused some confusion when it cropped up before. The marshals' role is to enforce order, but the marshal has no enforcement powers — he can only call a taxi.

1617. Mrs Watters: The use of the word "enforce" again raises the issue of terminology.

1618. The Chairperson: The marshal's role would be to facilitate a taxi service. That is about the height of it.

1619. Mrs Watters: They would be there to facilitate, yes.

1620. The Chairperson: They are not there to enforce anything.

1621. Mr McMullan: Whether the use of the word "enforce" may be unfortunate —

1622. The Chairperson: Their role is to facilitate order, but they cannot enforce it because they do not have the legal powers to enforce anything. That certainly seems to be the case, judging from what I have heard.

1623. Mrs Watters: Yes; a marshal would not have the enforcement powers that an authorised officer of the Department or a police officer would have.

1624. Mr T Clarke: We should be considering this matter with the enforcement section because we have all expressed concerns about it. In effect, a marshal would be a toothless tiger. Furthermore, at the moment there are five enforcement officers. How many marshals will there be who will have no real role to play?

1625. Mr Weir: Just to clarify; would the marshals be employed by individual companies?

1626. Mrs Watters: No.

1627. Mr Weir: Who would employ them?

1628. Mrs Watters: In GB, they are employed by local councils or city-centre community-safety group.

1629. Mr Weir: Therefore, town-centre management would employ them.

1630. Mrs Watters: Yes, exactly. It is that sort of role.

1631. The Chairperson: Therefore, they are more like managers of order than enforcers of order?

1632. Mrs Watters: Yes. Perhaps "management" is a better word.

1633. The Chairperson: The Committee has been given a paper by the Department on enforcement, which it has not had time to peruse. Perhaps we could park issues of overlap, marshalling and touting, and, if the paper on enforcement is satisfactory, the Committee could examine those issues in that context.

1634. Mr Clarke is correct. We will park clause 42 and consider it again in the context of further information. Is the Committee content with clauses 40 and 41, and with clauses 43 to 47?

1635. Members indicated assent.

1636. Mr McMullan: Clause 48 deals with access to information. To facilitate the Taxis Bill, a database will be set up containing all licensing information. The Department hopes to provide the police with access to the database, which happens in other road-traffic matters. Providing access to information must be controlled, and that will be done through regulations. People will not be able to undertake a fishing expedition to discover information about people other than for the purposes of prevention, investigation or prosecution of taxi offences.

1637. The Chairperson: Are members content with the clause?

1638. Members indicated assent.

1639. Mr McMullan: Clause 49 states that:

"The Department may, with the approval of the Department of Finance and Personnel, pay such grants to such persons or bodies"

1640. in relation to the Act.

1641. The important words are "The Department may". We are not saying that we shall, or will, do that. The clause simply gives us the power to do so if moneys become available.

1642. The Chairperson: Are members content with clause 49?

1643. Members indicated assent.

1644. Mr McMullan: Clause 50 gives the Department power to make regulations in relation to the training of any person in connection with the Bill.

1645. The Chairperson: Are members content with the clause?

1646. Members indicated assent.

1647. The Chairperson: No comments or issues were raised in relation to clauses 51 to 54, which seem to deal with regulatory matters. Perhaps John will give the Committee a brief overview of them.

1648. Mr McMullan: You are correct, Mr Chairman, these clauses are typical of those that finalise a Bill. Clause 51 links back to the Interpretation Act (Northern Ireland) 1954 and allows notice to be served by ordinary post.

1649. Clause 52 tidies up existing legislation and states that any mention of taxis in previous legislation will not apply when the Taxis Bill comes into force. There is one important point concerning the Belfast Harbour estate. At present, the Department has difficulty with enforcement in that area because the estate's roads are deemed to be private. Clause 52(3) changes that situation by stating that the roads are to be deemed as being roads to which the public has access. Therefore, our enforcement officers will be able to enforce taxi regulations in the Belfast Harbour estate.

1650. Clause 53 is a typical clause allowing the Department to make Orders and regulations that are incidental, or complementary, to the provisions of the Bill.

1651. Clause 54 also deals with Orders and regulations. There is an important point in that clause, because the question of whether Belfast should be treated differently has been asked more than once by the Committee. Clause 54(3) allows the Department to make regulations that may be limited in their application to a particular area. If, for example, the Committee were to conclude that circumstances in Belfast were different, the Department could make provision for that by limiting regulations to that area.

1652. Mr Weir: I appreciate what you are saying in that there might be a need for some sort of transitional arrangement. However, if the Department is allowed to make different regulations for different areas, does that not negate much of the core aim of the Bill, which is to have a system that applies everywhere?

1653. Mrs Watters: The idea that Orders and regulations could be limited in their application to a particular area is something that we thought applied across the whole of the Bill. In fact, the provision was written into the Bill before the Department was addressing directly whether a two-tier system could be retained in Belfast. When that issue was raised, we looked at the Bill to examine whether we could provide for it if a strong case were made. However, that was not the reason why that provision is in the Bill. It was included for more general applications; for example, where we may wish to do things slightly differently in some areas.

1654. The Chairperson: There was the issue of shared fares and the concept that you introduced of zoning areas in Belfast in which certain taxis could operate. Does clause 54 make provision for zoning?

1655. Mrs Watters: That is not how we would provide for zoning.

1656. The Chairperson: How would you provide for it?

1657. Mrs Watters: It would be set out under the taxi-sharing scheme, which is a form of regulation. As regards zoning, it would be a case of having areas in which taxi-sharing schemes would apply. Other normal types of taxi services may also apply there. The idea would be, for example, that the centre of Belfast could be divided into north, south, east and west areas. Taxis could go to each of those zones, and the cost would be the same in each zone.

1658. The Chairperson: Are members content with clauses 51 to 54?

1659. Members indicated assent.

1660. Mr McMullan: Clause 55 is the usual clause that appears at the end of a Bill. It sets out the words and phrases that have been used in the legislation and provides definitions for them. Clause 56 allows schedules 2 and 3 of the Bill to come into effect. Clause 57 is the commencement provision, and it allows us to introduce provisions on particular days. Clause 58 relates to the short title of the Bill.

1661. Schedule 1 sets out the offences and penalties in the Bill that will be inserted into the Road Traffic Offenders (Northern Ireland) Order 1996. Schedule 2 covers all the minor and consequential amendments when making legislation, whereby one must consider the knock-on effect for other legislation. Schedule 3 sets out the repeals of existing taxi legislation that will cease to apply when the Bill comes into force.

1662. The Chairperson: Are members content with clauses 55 to 58?

1663. Members indicated assent.

1664. The Chairperson: This is detailed stuff, so it may be helpful if you give us an overview of the schedules, John.

1665. Mr McMullan: Schedule 1 sets out all the offences and penalties in the Bill, and will be inserted into the Road Traffic Offenders (Northern Ireland) Order 1996 for use by practitioners. That is where one will find all offences and penalties relating to road traffic legislation.

1666. The Chairperson: Are members content with schedule 1?

1667. Members indicated assent.

1668. Mr McMullan: Schedule 2 sets out minor and consequential amendments. New legislation always has a knock-on effect on existing legislation. Schedule 2 tidies up legislation in which taxis are mentioned.

1669. Mr T Clarke: Schedule 1 reminds me of our discussion on whether convictions have been spent. It has been said that some convictions are never spent. What is the difference?

1670. Mr McMullan: All convictions come under the Rehabilitation of Offenders (Northern Ireland) Order 1978. Certain convictions will never be spent, such as life sentences or sentences that have lasted more than 30 months. Other convictions will be spent. When we ask taxi drivers whether they have any previous convictions, they are not required to state spent convictions.

1671. Mr T Clarke: Would they be required to state whether they have had a sentence that has lasted more than 30 months?

1672. Mr McMullan: Yes. Schedule 2 set out minor and consequential amendments to other legislation that may contain some reference or relevance to taxis. It tidies up all the other legislation as a result of this legislation coming into effect. Schedule 3 deals with legislation to be repealed.

1673. The Chairperson: Adele, will you please take us through the summary table of responses?

1674. Mrs Watters: Yes. We apologise that the Committee has not had an opportunity to read it. First, I will deal with the Consumer Council's involvement and its suggestion that the Bill should be amended to include its role on a number of matters. As we have set out in the paper, this will have implications for clauses 3, 16 and, potentially, will require a new clause in Part 6.

1675. We met the Consumer Council on Friday and talked through its suggestions. The Department is happy to go along with amendments relating to passenger complaints, fares and passenger information. The Consumer Council, as a statutory body, is in a position to give expert recommendations to the Department on all those issues. The Consumer Council is interested in accessibility standards for vehicles but is not really a statutory body in that regard — many groups would be interested in accessibility standards. The Consumer Council is content to be consulted about those standards in the normal way and that its role should not be specifically outlined in the Bill.

1676. The Department is happy to go along with a proposed amendment at clause 3(9) that will ensure that the Consumer Council will be involved in the complaints procedure that will be set out in regulations. The Department sees merit in a proposed amendment to clause 16 that would require the Department to take the Consumer Council's recommendations into consideration when determining the maximum rate of fares.

1677. The Chairperson: Adele, I apologise for interrupting you. Your paper states:

“to ensure that the Consumer Council is involved in the complaints procedure”

1678. Any of us could, potentially, be involved in the complaints procedure. How would one be involved, and to what extent? I would be surprised that if, during the course of your conversation with the Consumer Council, its role — rather than its involvement — would have been discussed.

1679. Mrs Watters: The Consumer Council's recommendations would be taken into account when the Department is setting out instructions for operators on what they should be doing as regards their complaints procedures. Moreover, we would take into account the Consumer Council's recommendations about who should consider complaints after they have been dealt with by an operator and have not been resolved.

1680. The Chairperson: Forgive me for asking about how individual deliberations or views would be taken into account. I am trying to get a handle on what shape the outworkings might take.

1681. Mrs Watters: The Consumer Council deals with complaints from passengers who use other modes of road transport, and it is anticipated that it will be the official body that will deal with taxi passenger problems. Obviously, that will have a resourcing issue for the Consumer Council, and we are unable to resolve that problem at this stage. The Consumer Council is content to be consulted when we are designing best-practice guidance for operators on handling complaints. We will consider the council's recommendations on who should deal with complaints if the operator is unable to resolve them — which will be either the Department or the Consumer Council.

1682. Wording in other legislation is often that the Consumer Council's recommendations will be taken into account. The Consumer Council has a consultative role and is content to be described as such.

1683. The Chairperson: Is the Consumer Council happy with that?

1684. Mrs Watters: Yes.

1685. Mr McMullan: The Consumer Council has a lot of experience in dealing with complaints. The Bill might state that the Department will consider recommendations made by the Consumer Council. However, when we would be making regulations, we would consult with the Consumer Council on the best way to deal with individual items such as complaints. For instance, the Consumer Council would have ideas about time limits and how long someone should expect to wait before receiving a response. The Department would build those points into the legislation. Alternatively, as Adele said, the Consumer Council might want to be the complaints body, and if that were the case, it would be set out in subsequent regulations. However, that would depend on the Consumer Council's resources.

1686. Mr T Clarke: If the Consumer Council is to be involved in the setting of fares, then I would be concerned that it would be acting in the interests of consumers and not the industry. There must be fairness for the industry. I would be concerned that the set-up is geared too much to the benefits for consumers.

1687. Mrs Watters: Although the Department will take account of the Consumer Council's recommendations, the council does not have the final call. The Department wants to set fares by developing a taxi cost index that will examine the costs associated with running a taxi business

and making a living from it. Significant increases in that cost index — from licence fees or an increase in fuel costs — must be taken into account. It is important that the consumer's voice is heard but does not override everything else.

1688. The Chairperson: We will move on to issues relating to passenger information.

1689. Mrs Watters: The Bill does not mention rights to, or duty and responsibility for, passenger information other than information relating to fares. That is why the Department is recommending the need for a new clause in Part 6 that will enable the Department to make passenger information available to taxi users following the consideration of the recommendations of the Consumer Council. The Department will be seeking advice from legislative counsel on whether that is the best way to proceed. This demonstrates the Department's willingness to give the Consumer Council a role in guiding it on the best way of producing passenger information and on what the contents should be.

1690. The Chairperson: The Committee agrees with the principle, but what wording do you recommend?

1691. Mr McMullan: The wording will have to be negotiated with legislative counsel. Everyone agrees with the principle, but one must consider how it will fit into the Bill. From an administrative perspective, the measures could be carried out, but it would be useful to have them included in the Bill. The wording will have to be right, and, following discussions with legislative counsel, we will establish where the provision would be best located in the Bill.

1692. The Chairperson: We shall move on to discussion of the two-tier appeals system.

1693. Mr McMullan: During the oral evidence sessions, there was a suggestion that instead of always requiring persons to go to court, the Department should consider the appeal in the first instance. We were not opposed to that, and a two-tier system of appeal is proposed in clause 11 of the Bill.

1694. The Committee wanted to know how that would work in practice. At the moment, that system works in other transport appeals, such as those connected with road freight operators' licences and bus licences, whereby the first appeal is to the Department. The Department sets up an internal review panel comprising three senior officers who have no connection to the decision-making process.

1695. The issues of the case are discussed with the appellant, who is usually accompanied by a legal representative, and the panel makes its recommendations to the Department. In practice, such recommendations are always accepted, and very few cases go to court after having been through the departmental panel process. We feel that that is a template that we could use for taxi appeals. If that principle is accepted, it will have a knock-on effect for those instances in the Bill in which it is stated that there is an appeal to the magistrates' court. We might have to build in provision for an appeal to the Department, followed by an appeal to the magistrates' court, if dissatisfied. That is the way in which we envisage that process working.

1696. The Chairperson: Is the Committee content with that?

1697. Members indicated assent.

1698. We shall move on to clause 16, which deals with the regulation of fares.

1699. Mr McMullan: There were some comments last week to the effect that clause 16 should be tightened up. The Committee discussed maximum and minimum fares, and that discussion became somewhat convoluted. We examined the instructions that we had provided to counsel, and we asked counsel to provide a clause that would cover the maximum initial rate, subsequent rates and rates based on time and distance. A maximum fare is not just one rate; it is a combination of tariffs. At the time of drafting, counsel were content that they had provided tight wording. However, because we were already going back to legislative counsel with other amendments, we decided to run the clause past them again, just to be sure that the provision was open-ended.

1700. The Chairperson: OK. As there are no questions on that matter, we shall return to the matter of taxi marshals. I will get my head around this yet. [Laughter.]

1701. Mr McMullan: I was hoping that Adele would deal with this subject. [Laughter.]

1702. Mrs Watters: I can make a start on it.

1703. The Chairperson: It is a Mexican stand-off, marshals included.

1704. Mr McMullan: As Mr Boylan has said, the starting point is the terminology. Clause 20(2)(c) gives the Department regulation-making powers in respect of:

“enforcing order at and regulating the use of places referred to in paragraph (a);”.

1705. In this case, “places” means ranks.

1706. There is a distinction to be made, and the phrase “enforcing order” may cause confusion. The taxi marshal will not be given any enforcement powers under this Bill. As members can imagine, the enforcement officer must have detailed knowledge of all the licensing provisions in the Bill. He or she also needs technical knowledge of vehicles in relation to matters such as roadworthiness. The marshal does not have an enforcement role under the Bill. That role is more about managing or facilitating. We do not envisage the marshal having any role other than trying to get people into taxis at busy times of the day.

1707. The Chairperson: Are you going to drop the phrase “enforcing order” from that paragraph?

1708. Mrs Watters: The wording of that paragraph is intended to provide for the setting up of marshalling schemes. However, it also gives the Department other powers in respect of enforcing order at ranks, including, for example, the conduct of drivers at ranks; it is not simply concerned with marshals.

1709. The Chairperson: Our discussion is dealing specifically with marshals.

1710. Mrs Watters: OK.

1711. The Chairperson: We are dealing specifically with taxi marshals in respect of clause 20(2)(c). It appears to me that the term “enforcing order”, in the context of a taxi marshal, is not applicable. Their role will be to manage order, perhaps, but they will not be empowered to enforce. The term “enforcing order” is misleading.

1712. Mrs Watters: In respect of the marshals?

1713. The Chairperson: Yes.

1714. Mrs Watters: Are you suggesting that there should be a separate power for managing order?

1715. The Chairperson: I do not think that that needs to be clarified that distinctly.

1716. Mrs Watters: The marshal's role would be a management role, rather than an enforcement role.

1717. Mr T Clarke: We need to make it clear what their duties are.

1718. The Chairperson: That would not be a primary legislative matter.

1719. Mrs Watters: The marshals' duties would be set out in regulations.

1720. The Chairperson: Is the Committee content with that?

1721. Mr Boylan: I think so. We must be very careful about whether or not the taxi marshals have powers. They would require a limited power to put people off the street, but they cannot enforce anything.

1722. Mr T Clarke: The notes before us state that the marshals' enforcement role is "limited", which indicates that they do have some enforcement role.

1723. The Chairperson: We are returning to the question of what their role entails.

1724. Mrs Watters: It is really a management role.

1725. Mr T Clarke: However, the briefing notes state that the enforcement role is limited. The word "enforcement" should not even be mentioned.

1726. The Chairperson: Have accepted that point, Adele?

1727. Mrs Watters: Yes. We understand why the wording is causing some difficulty.

1728. The Chairperson: OK. We shall move to clause 21.

1729. Mr McMullan: The provisions of clause 21 would have come forward, regardless of the Taxi Bill. First, it clears up an anomaly that currently exists, namely that DRD has policy responsibility for where taxi ranks should be sited, but legislative responsibility rests with DOE. We are placing the legislative and policy role with DRD. The result of that will be that DRD has control of the new traffic attendants. Through the Taxis Bill, we were considering whether traffic attendants could have a role, because they are already on the streets. However, that role would not include power over the licensing requirements that are laid out in the Bill, but they could handle parking infringements on the ranks or at a distance from the ranks, or any general parking offences by taxis. That would be very useful.

1730. The Chairperson: Are members content with that?

1731. Members indicated assent.

1732. The charging of separate fares is covered by clauses 5 to 11 of the Bill.

1733. Mrs Watters: The Committee asked for clarification on the concept of charging separate fares for taxi journeys, and how the proposals in the Bill to regulate the charging of separate fares will be enforced. There were concerns about how that would be policed.

1734. Clauses 5 to 11 of the Bill provide for taxi sharing at separate fares in three circumstances. The first circumstance is when a taxibus is in operation, whereby a taxi operates in the same way as a bus, picking up and setting down passengers at stops along a route, and to a timetable. The second circumstance is the taxi-sharing scheme that is being set up by the Department. The third circumstance is when an advance booking has been made whereby all the passengers have agreed to share the taxi.

1735. In particular, the Committee wanted to know how the Department could police situations other than those specified in the Bill whereby a number of different people want to travel in the same general direction by taxi, and pay separate fares. One basic premise of the Taxis Bill is that when someone hires a taxi, they have the right to the exclusive use of that taxi, which means that they cannot be expected to share it unless they wish to. Another fundamental principle of the legislation is that all fares should be regulated and charged according to what is shown on the taximeter. There are certainly circumstances when it is in the interests of both taxi users and drivers for passengers to agree to share a taxi and pay their own fares.

1736. However, the Bill aims for — and the Department wants to see — the regulation of such situations. Otherwise, taxi drivers may not give any discount — and certainly not the full discount — to passengers, who will then complain to the Department about being ripped off. In all three of the circumstances provided for in the Bill for sharing — the taxibus, the taxi-sharing scheme, and advance booking — every passenger has agreed, explicitly or implicitly, to share. In return, they should have a right to a cheaper fare.

1737. In taxibuses, passengers will pay a flat fare. In a taxi-sharing scheme or an advance booking arrangement, the Department will insist that the driver gives each passenger a discount on what the metered fare would have been, had they had hired the taxi without sharing. That amount would be regulated by the Department and would depend on how many people share the taxi. We have provided the Committee with an example of a shared-fare table, which I will return to.

1738. Taxi drivers will also benefit from that arrangement, because the total fares that they receive from the passengers will be, not to play on words, a fair bit more than if they had only one passenger. In that scenario, everyone wins — not just the driver. How can that be policed? That is largely down to the passengers and whether they know their rights — that they have a right to exclusive use of the taxi, and that the meter should always be on, unless separate provision has been made.

1739. If all the passengers agree to pay a separate fare that is more than that for which the Department has regulated, they can accept that. However, if someone feels aggrieved at having been forced to share and pay more than the regulated fare, they can complain to the operator, the Department, or the Consumer Council, and that complaint will be investigated. If shared-fare arrangements are not controlled, the principle of having regulated fares in the first place is completely undermined.

1740. The Chairperson: You said that, in all three of the circumstances provided for in the Bill, each passenger will have agreed either explicitly or implicitly to share the taxi. What do you mean by agreeing implicitly?

1741. Mrs Watters: When using a taxibus, no one asks the passengers whether they have agreed to share, but everyone knows the deal is that there will be a number of people in the taxi, and each passenger will pay their own bit. However, no one actually states that.

1742. The Chairperson: That is an interesting concept.

1743. Mr T Clarke: I made my opposition clear last week. I have no problems with taxibuses or the designated scheme, but if taxi drivers pick up two fares, with two different drops-offs, when they are on way from Belfast, the driver will lose out. My reason for asking about the Consumer Council earlier was because of the Department's response to the Committee's discussion on the charging of separate fares:

"It is the Department's strong view — and one which is shared by the Consumer Council — that allowing taxis to pick-up passengers going in a general direction" —

1744. The best interests of the consumer are then referred to. Again, the taxi driver is not mentioned — it is always the consumer.

1745. The Chairperson: I can understand why that is so, in those circumstances. If taxi drivers have one or two extra passengers going the same direction for the same 10 miles, they will get extra money.

1746. Mr T Clarke: I look at it from a different perspective. If I were a taxi driver who was not getting any extra money to pick up a double fare, I would leave the last fare standing for my mate to collect them, so that he would have more work. This issue has to be examined from a taxi driver's point of view. What incentive is there for the taxi driver to pick up the two fares? If there is a double fare that he can pick up from Belfast to go in a general direction, with two different drop-offs, surely it is better to leave the second fare for someone else to pick up.

1747. Mrs Watters: That fare would not then be part of that driver's income. If the taxi driver takes the two fares, he gets more money than if he had picked up one.

1748. Mr T Clarke: If the taxi driver leaves the second fare for his colleague Mr X, then Mr X will leave a fare for him the next day.

1749. Mr Weir: If you scratch my back, I will scratch yours.

1750. Mrs Watters: That fare will be long gone by the time the other driver comes for them.

1751. Mr Weir: The drivers may not be too bothered about an individual fare, but if, for example, I let Trevor pick up the next fare on a Thursday night, perhaps he will return the favour a couple of nights later.

1752. Mr T Clarke: To take it a step further, if a passenger is not willing to share a taxi, the person asked to pay the fare twice was going to have to pay the fare anyway to take the taxi on their own. How is the consumer losing out?

1753. Mrs Watters: They are losing out because they have to share. When a passenger gets a taxi on their own they are paying for a different experience than when they have to share with several other people. That is a different proposition.

1754. Mr Ford: The Department appears to be addressing some of the concerns that I expressed last week. However, I cannot make head nor tail of the table of sample fares that has been submitted.

1755. Mrs Watters: That table is wrong.

1756. Mr Ford: More fundamental is the matter of people's sharing taxis. If I remember correctly, in the example that Trevor Clarke and I discussed last week, we assumed that, of two people sharing a taxi, one person was going to Ballyclare and the other to Glengormley. You have not addressed the issues that would arise from that scenario.

1757. Mrs Watters: The driver would still make more money from that deal, even if he did not take every passenger the full distance.

1758. Mr Armstrong: That is not 100% true, because the driver must stop and, if he stops, it costs more.

1759. Mrs Watters: OK.

1760. Mr Ford: If you try to drive through Glengormley these days, you will get stuck anyway.

1761. Mrs Watters: The reason that we submitted the sample fare table was to illustrate that the more passengers there are in a taxi, the less that they pay individually, although, ultimately, the driver is paid more, depending on the number of people that he carries. That fairly extensive table is based on figures that were provided by the Public Carriage Office in London. The idea is that the Department or the licensing authority will be seen to be regulating the levels of discounts. Based on the number of people in the taxi, each passenger should be capable of examining the meter and calculating his or her discount.

1762. Mr T Clarke: In the example of the metered fare of £1•80, I would prefer to be the fifth passenger because I would pay less than everyone else.

1763. Mrs Watters: The discount depends on the number of people who are sharing; it does not apply progressively to passenger 2, passenger 3, passenger 4, etc.

1764. The Chairperson: Perhaps we should scrub that table.

1765. Mrs Watters: I am afraid that the table seems to complicate the issue.

1766. The Chairperson: Can you clarify that it is not an accurate guide, and that the statistics might be misleading?

1767. Mrs Watters: I agree that the statistics might be misleading.

1768. Mr T Clarke: Was the table drawn up to convince us?

1769. Mrs Watters: To confuse you. [Laughter.]

1770. Mr Gallagher: You would not go to Glengormley in the cars that are included in the table.

1771. Mrs Watters: The figures are purely indicative.

1772. The Chairperson: For clarity: as a result of these proposals, will more people share taxis?

1773. Mrs Watters: Yes. We will certainly make provision for, facilitate and regulate taxi sharing, which should mean that passengers will be happier with that concept, and that it will become more popular. Currently, enforced taxi sharing is sometimes very unpopular.

1774. Mr Ford: Can we assume that the penultimate paragraph of your submission refers to something other than the three scenarios of taxi sharing that you originally outlined in your presentation on the proposed Bill? That appears to be the case. In the third sharing scenario, people agree to share a taxi in advance; however, "in advance" may mean only 30 seconds before stepping into the taxi.

1775. Mrs Watters: The key phrase in the final paragraph is:

"with the driver charging fares at his discretion."

1776. We would not be happy for drivers to make things up as they go along. The Department and the Consumer Council are supportive of regulated and controlled shared-fare arrangements.

1777. Mr Ford: No one sitting around this table is in favour of drivers making up fares. That is one thing that we are trying to get away from.

1778. The penultimate paragraph of your paper creates a fourth sharing scenario — or adapts the third scenario — whereby the agreement to share occurs, literally, as people step into the taxi.

1779. Mr McMullan: That is outside the terms of the proposed Bill.

1780. Mr Ford: In order to get it right, should that scenario not be provided for in the Bill? I agree with Trevor Clarke, and I suspect that, for most of the week, such circumstances will be rare. However, I am considering the problems that might arise on Friday and Saturday nights, when the system will be attempting to deal as quickly as possible with large numbers of people who are on the streets. Taxi marshals could probably lend a hand in that.

1781. Mr T Clarke: I suggest that it is stated in the Bill that David Ford and Trevor Clarke agreed. That would be positive. [Laughter.]

1782. The Chairperson: I do not think that we can legislate for that.

1783. Mr Boylan: There are two arguments: Trevor Clarke is arguing for the taxi operator, but there is also an argument to be made on behalf of the consumer. Taxi sharing is about consumer choice. If the consumer wants to use the sharing system, that is fair enough. The only fear, as Trevor Clarke has said, is that there may be a reduction in the number of taxis that are required because there may be fewer taxis picking up single passengers. Surely to God, though, taxi sharing provides consumer choice, and that is why it should be introduced. Customers could decide whether they wish to share or not, but I take Trevor Clarke's point.

1784. Mr T Clarke: When a taxi leaves Belfast, for example, the passengers would know that they are sharing it, and if they do not wish to share, they should not get in the taxi. That is their choice.

1785. The Chairperson: That is Mr Boylan's point.

1786. Mr Boylan: Yes, it is up to the customer whether to share or to hire a taxi on their own. I take Trevor Clarke's point that two people might take the same car, and the taxi driver may charge them individually.

1787. The Chairperson: What could be done about that?

1788. Mr Boylan: That is understandable, but it is up to the consumer whether to get into a shared taxi or not.

1789. The Chairperson: Does the Committee agree on this element of the Bill — the concept of taxi sharing?

1790. Mr T Clarke: Could you summarise what we are agreeing to?

1791. Mrs Watters: The Department does not propose to make any changes to the provisions of the Bill on shared fares.

1792. Mr T Clarke: I cannot agree to that.

1793. The Chairperson: For complete clarity, Trevor, what is your reason for not agreeing to the provisions of the Bill on shared fares?

1794. Mr T Clarke: My reason is that that system would work for the consumer, but not for the industry. The taxi industry clears the streets of Belfast, but the Bill proposes to penalise taxi drivers for picking up two fares in one go, which would be deemed illegal.

1795. The Chairperson: A balance must be struck between the interests of the consumer, and those of the industry. If a taxi travels in one direction on one journey and charges duplicate fares to more than one person, what is wrong with the concept of taxi sharing and allowing people to travel in that taxi at reduced rates?

1796. Mr T Clarke: The Committee was told last week that a taxi-sharing scheme would only work with designated stops.

1797. The Chairperson: People could choose places inside designated zones. Taxi drivers could choose to operate in those areas.

1798. Mr T Clarke: When two passengers are travelling in the same direction from Belfast to Antrim, the journey is straight down the M2. However, if a passenger travelling from Belfast to Antrim were to share a taxi with a passenger travelling to Glengormley, the taxi would have to go off the M2. That would not result in the same fare as the journey from Belfast to Antrim.

1799. The Chairperson: I am not entirely sure about your main concern — could you run through that again?

1800. Mr T Clarke: All the representatives from the taxi industry have told the Committee that there are not enough taxis in Belfast on a Friday or Saturday night. A taxi driver with a queue at his rank outside a busy nightclub in Belfast on a Saturday night currently has a possibility of picking up two separate fares. Under a taxi-sharing scheme, two different passengers would realise that they were sharing a taxi, and were going to two different places, but the taxi driver would not be allowed to charge the fare twice. However, if those two customers had had to wait for an individual taxi, they would have had to have paid that fare anyway. The consumer does not lose out under the existing arrangements.

1801. The Chairperson: The consumer would not lose out under the shared-taxi scheme.

1802. Mr T Clarke: The shared-taxi scheme would not work everywhere.

1803. The Chairperson: Correct me if I am wrong, but the shared taxi scheme would provide choice for the consumer, and for the taxi driver, in specific areas. The legislation provides for that further down the line.

1804. Mrs Watters: That is right.

1805. The Chairperson: Mrs Watters outlined that there would be pilot projects in various areas — to dip the toe into the water and see how that might work. There is no obligation whatsoever on either party, consumer or taxi driver, to use that scheme. They can if they wish; and if they do not, drivers can move 100 yards down the street to another nightclub, pick up people there and ferry them, backwards and forwards, in single journeys.

1806. Mr T Clarke: Mr Chairman, you have alluded to the issue. We are discussing a taxi-sharing scheme that does not yet exist; and about a system that already operates in Belfast, whereby people are sharing taxis. We are going to make illegal something that is practised already and replace it with something that is not yet in place. We are discussing the piloting of a taxi-sharing scheme, but there is a practice taking place at the moment, which we recognise, and we are going to make that illegal, as opposed to legalising it.

1807. The Chairperson: That is a matter of choice for both the taxi driver and the consumer. They can either operate in a particular area or choose to move 20, 30 or 40 yards down the street and operate from a different location.

1808. Mr T Clarke: We are making illegal the situation where a double fare is picked up by one taxi.

1809. Mrs Watters: At the moment, within Belfast, the taxi driver should be charging the regulated fare. That is all that should be charged: once, not twice. In Belfast, where fares are regulated, there is an element of practice that is already illegal.

1810. The Chairperson: So a double fare should not be charged anyway?

1811. Mrs Watters: That is correct.

1812. The Chairperson: Does that allay your concerns on that issue, Trevor?

1813. Mr T Clarke: No.

1814. Mr Ford: This has further confused me too, Chairman. I thought that we were reaching the point of regularising something that we saw as useful at the busy times of the week. However, having just been told that the Department does not propose to make any changes, I was on the point of asking what its legislative draftsmen would suggest to further define clause 7(a):

“all the passengers carried on the occasion in question booked their journeys in advance”.

1815. The logical meaning of “in advance” is not that bookings are put together by the taxi marshal in the interest of good order on the streets. However, that is what we have discussed as ideal: that we deal with the crowds by encouraging people to double book.

1816. Mrs Watters has accepted that the sample fare table does not work; therefore, we need to know how such a scheme would work when people are not all getting out at the same place. It is fine to state how we would regulate the fares, and what proportion people would pay if everyone is making the same journey. However, in the circumstances that we have discussed — weekends in Belfast — that will not be the case. People will be travelling to a number of different, relatively nearby locations, but we need to work out how the fare structure will work.

1817. The Chairperson: Owing to the confusion on this matter, could we be provided with a sample fare table that will show how the scheme will work in practice? Could you address the point that David has just made about a taxi driver who picks up from different locations, and drops off at different locations.

1818. Mr Ford: On a journey from Glengormley to Ballyclare, for example.

1819. Mr T Clarke: That was what I was trying to say, but David put it much better.

1820. Mr Ford: I hope that Hansard has noted that. [Laughter.]

1821. The Chairperson: For use in an election: “endorsed by Mr Trevor Clarke”.

1822. So, with that proviso, we shall move on to discuss the paper on enforcement. I ask members to turn to the second page of that document — the first is just a preamble about role and function.

1823. Mrs Watters: Mr McMullan and I are not necessarily in a position to speak about that paper in detail. We are not the taxi enforcement team.

1824. However, I could refer members to the summary table of responses, in which various comments on enforcement that not specific to clauses are brought together. That is where we set out the Department’s overall response on enforcement matters. That begins at page 139 of the summary table of responses.

1825. The Chairperson: Are you referring to the synopsis?

1826. Mrs Watters: On the summary document; yes.

1827. The Chairperson: We have seen some of that information during a previous presentation. The Committee will suspend for five minutes to allow members to look through that information and ascertain whether it includes anything of relevance to the issues that we raised. I do not expect Mrs Watters to answer our questions; the taxi enforcement team can do that the next time we see them.

1828. The Committee suspended.

1829. On resuming —

1830. The Chairperson: The paper before us informs some of the background to the Taxis Bill, but I am not sure that it adds anything. What are other members’ views? Does the paper add anything to the enforcement issues that we are discussing today?

1831. We will go back to part 5 of the Bill, which deals with enforcement. The Department’s summary of responses states that:

"The Department has provided a detailed briefing to the Committee on both its current taxi enforcement activity and successful CSR bid to increase the number of enforcement officers from five to 18."

1832. Mrs Watters: That was written on the assumption that the Committee might have had an opportunity to consider it in more detail.

1833. The Chairperson: Do members have any issues with the paper? The Committee should be in agreement that, in the eventual production of a report, it might include the caveat that the Bill would, by and large, be worthless unless sufficient resources were made available to enforce its provisions. Do we have general agreement and consensus on that?

1834. Mr Weir: We should refer to the fact that there is a bid in to increase the number of enforcement officers, and that we regard that as being vital.

1835. The Chairperson: Yes. Having dealt with all those issues, is there anything further that needs to be considered today?

1836. The Committee Clerk: Perhaps it would be useful if I were to state the outstanding issues, so that members can be clear about what is left to do, and also to see whether there is anything that the officials feel that they could address. Would that benefit members or should we wait until our last meeting on 8 November?

1837. Mrs Watters: The Committee had proposed to consider the Department's amendments. Do we still intend to look through those to see whether the Committee is agreeable with them? We went through them during a previous session, but I do not know whether the Committee reached a consensus on them.

1838. The Chairperson: There were issues around some of them, from what I can recall.

1839. Mr McMullan: The main issue was the taxi marshals, which we have rehearsed again today.

1840. The Chairperson: Many of the issues about taxi marshals were quite technical. I can remember that taxi marshals were discussed — it would be hard to forget. I do not recall any other outstanding issues. However, that is not to say that there were no peripheral or marginal issues that may have been important at the time. We can double check the Hansard report of that meeting and, if necessary, revisit those issues.

1841. Mr T Clarke: How many taxis are there in Northern Ireland?

1842. Mrs Watters: There are approximately 11,000.

1843. Mr T Clarke: There has been a bid for 18 enforcement officers. The constant cry is that there are not enough enforcement officers. Part of the new legislation will require all taxis to have meters. With 11,000 metered taxis, how will the systems be implemented to ensure that that aspect is policed, and that the meters are not tampered with?

1844. Five enforcement officers have not been sufficient to monitor the industry without taximeters. As 11,000 cars will now have to have taximeters, I imagine that the point of the bid to get the number of enforcement officers up to 18 is to enable them to carry out roadside duties.

1845. Mrs Watters: The issue regarding meters is about getting them tested, calibrated and sealed. After that is done, any time a vehicle is stopped, the enforcement officer — if he or she is doing a thorough inspection — will check that the seal is still there. However, the actual meters would not cause the enforcement officers a great deal of extra work.

1846. As it will be easier for people to prove when they have been overcharged, the installation of taximeters might cause the Department additional work in dealing with complaints, but that would not have direct implications for the enforcement officers.

1847. Mr T Clarke: Overcharging will only be an issue if the taximeters are incorrect.

1848. Mr Gallagher: I agree. Enforcement is important in carrying out checks.

1849. Mrs Watters: The first thing that the enforcement officer would notice is whether the seal has been broken. If a difficulty is established, there may be an investigation and enforcement action. However, hopefully, enforcement officers will be able to establish — from quick visual checks — that in the vast majority of cases, there is nothing wrong with the meters — they have been properly set as tested by the Department.

1850. Mr Gallagher: That is going to require 13 enforcement officers, but there will not be 13 for some time yet. It will take a long time to check half of the 11,000 taxis that are currently licensed. I know that the number of licences being issued has increased. Therefore, there may well be more than 11,000 taxis.

1851. Mrs Watters: The number of taxis has been increasing.

1852. Mr McMullan: Taxis also have to have an annual PSV test, which will include a check to determine whether meters have been installed.

1853. Mr T Clarke: Will that be part of the PSV test?

1854. Mrs Watters: The people conducting the PSV test will be able to check that taximeters have been installed.

1855. The Chairperson: Thank you for that. Patricia, will you outline the next stage of the process for members?

1856. The Committee Clerk: Last week, the Committee and the departmental officials considered clauses 1 to 21, and about seven broad issues were raised. The departmental officials have returned with a written response on those issues, which members have considered today. Although it has not been stated for definite that all the issues have been agreed to, it appears that there is consensus on the majority of them, but some issues have again been raised.

1857. The next phase of the process, which will be worked through on 8 November 2007, is the formal clause-by-clause analysis and agreement of those clauses. The culmination of the Committee's deliberations on the clauses will happen on that day.

1858. The Committee and the departmental officials have today also considered clauses 22 to 58 and schedules 1, 2 and 3, and a number of issues have been raised regarding those. Therefore, the departmental officials will address those issues on 8 November, and again, the Committee will have to form some sort of view prior to the clause-by-clause analysis.

1859. Over the past number of weeks, the Committee asked for specific briefing on three areas: enforcement, which has been considered today; disability, which is an issue that Adele will address when I have finished; and, finally, funeral cars and whether they should be subject to exemptions.

1860. Those are the key matters that have not been covered. I anticipate that, on 8 November, a lot of the clause-by-clause analysis will be worked through relatively quickly. At that stage, the Department may have a better idea about the actual wording of some of the amendments. However, I understand from the Bill Clerk that it is not absolutely essential to know the exact wording of those amendments by 8 November; the requirement is that the amendments are agreed in principle.

1861. The other matters that the Committee will have to consider, and obtain broad agreement on, are the departmental amendments. The Committee must also agree final recommendations on issues such as enforcement and agree the broad wording of the clauses. Then, on 8 November, Sean McCann and I can start to work on the draft Taxis Bill, based on the Committee's deliberations. That will keep the Committee on time to agree the report by 7 December and to publish it by 16 December.

1862. The Chairperson: Do members wish to seek further clarification from the Department or the Committee Clerk on any matters?

1863. The Committee Clerk: Perhaps the officials could address the issues around disability and funeral cars, and let the Committee know when they will be able to deliver briefings on those matters?

1864. Mrs Watters: The Department has undertaken investigations on the refusal of service to people with disabilities, and its reply is in the system and should be with the Committee shortly. We had hoped to be able to provide the Committee with a fuller written reply on funeral cars after meeting representatives from the National Association of Funeral Directors. They chose a date for that meeting, but it will not be until 15 November. Therefore, the Department will go ahead with a response, based on its current position, to clarify the points that the Committee raised.

1865. The Chairperson: Thank you for that, Adele and John, and for giving the Committee your time. No doubt we will see you both again.

8 November 2007

Members present for all or part of the proceedings:

Mr Patsy McGlone (Chairperson)

Mr Cathal Boylan (Deputy Chairperson)

Mr Trevor Clarke

Mr David Ford

Mr Samuel Gardiner

Mr Ian McCrea

Mr Peter Weir

Witnesses:

Mr Bill Laverty Department of the Environment

Mr John McMullan

Mr Kevin Shiels Northern Ireland Assembly Bill Office

1866. The Chairperson (Mr McGlone): The Committee Clerk will outline the details of clause-by-clause scrutiny of the Taxis Bill. As no one has any interest to declare, we will move to the task of agreeing the clauses. Kevin Shiels from the Bill Office is in attendance, and he will provide procedural advice if necessary. We will suspend proceedings soon to allow members to attend the service of remembrance in the Senate Chamber.

1867. The Committee Clerk: In order to conduct the clause-by-clause analysis, you will need three documents from your packs. I suggest that you remove them from your folders and place them in front of you. The first document is the Bill. The second document is the clause-by-clause briefing paper; it has been divided into the 58 clauses and three schedules, and the Chairperson and officials from the Department of the Environment will take you through each of those.

1868. For the initial stages, you can ignore the small italicised writing at the end of every clause, because that will be dealt with at the end of the meeting. If you come to any box containing bold type, that means that either an amendment has to be agreed or that there was an issue with it. At that stage, the Chairperson will engage the departmental officials, Mr John McMullan and Mr Bill Laverty, who will take the Committee through the departmental comments or the responses, or refer members to the amendments, which will have to be agreed.

1869. The third document is the departmental response, which is divided into two halves. The first half contains comments from the Department on outstanding matters. The Chairperson will introduce those comments and ask the departmental officials to comment on them. You will be directed to those comments. The second half of the document contains amendments supplied by legislative counsel that members will have to agree as we go through the clauses. Overall, members must agree to two matters: they must agree the individual clauses and the amendments.

1870. The Chairperson: If members agree to them?

1871. The Committee Clerk: Yes, if they are agreed to.

1872. The Chairperson: It will be difficult for members to focus on the document and to get their heads around it. Therefore, I suggest that we suspend and reconvene at 11.20 am.

The Committee was suspended.

On resuming —

1873. The Chairperson: The Committee will go through the clause-by-clause analysis of the Bill with the departmental officials.

Clause 1 agreed to.

Clause 2 (Operator's licences)

1874. Mr John McMullan (Department of the Environment): Clause 2 has an amendment, which concerns the two-tier appeal system; that issue affects several clauses. We agreed that it was useful to have a two-tier appeal system. Instead of drivers and operators going directly to the court, they could appeal in the first instance to the Department; that is what this amendment does. I will outline it briefly.

1875. The amendment takes out the first reference to “a court of summary jurisdiction” — the Magistrate’s Court — as opposed to the Department. The appeal is firstly to the Department. It then sets out the time limit for that appeal, which is 21 days. It sets out what the Department can do on appeal: it can confirm, reverse or vary a decision, or it can approve, revoke or vary the condition on a licence. The Department is required to give the appellant notice of the decision, and if the appellant is still aggrieved, he or she can appeal to the Magistrate’s Court. That is how we achieve the two-tier appeal system.

1876. There are six other instances in the Bill where that appeal system arises, and I do not know if there is any point in explaining it six times when we come to it later on. However, that is how we propose to bring in the two-tier system.

1877. Mr Weir: Will the two-tier appeal system be outlined in more detail in the subsequent regulations? I am assuming — but I am not 100% clear — that the appeal to the Department is a written appeal. If that were the case, it would need to be spelt out.

1878. Mr McMullan: Yes, it would be a written appeal. The Department can handle the administration of that. The Department will give the appellant notice of the decision and the grounds of that decision. In doing that, the Department will also state the appeal rights — the time limit for appeals, and so forth — and invite the appellant to write to the Department.

1879. Mr Bill Laverty (Department of the Environment): It is intended to add a new clause 35A — Regulations in respect of appeals.

1880. The Chairperson: We will come to that proposed new clause later.

1881. Mr Ford: I am not entirely satisfied that a written appeal meets the Committee’s concerns. The written appeal would give people the right to something more informal than going straight to the Magistrate’s Court, but, to some extent, they should be given their day in court rather than simply submitting another written appeal against a decision that has been considered on the basis of a written application and refused. If we are trying to get to the point where we will circumvent the need to go to the Magistrates’ Court, we may need to have an appeal procedure that allows people the right to a hearing.

1882. I am concerned that the Department’s intention to draft regulations will simply lead to another paper exercise. That will not solve the problem.

1883. Mr McMullan: At present, there is an internal system for appeals regarding other forms of transport. Three senior officers convene a hearing, and, very often, the appellant attends the hearing and has legal representation. That is the way in which the Department proposes to operate taxi appeals. Therefore, it will not be a paper exercise.

1884. Mr Ford: I thought that you said that it would be a paper exercise.

1885. Mr McMullan: The paper exercise would be regarding the person initiating an appeal.

1886. Mr Gardiner: I am glad that the Committee has received clarification that people have a right to present their own point of view during any appeal.

Question proposed:

1887. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 2, line 30, leave out "a court of summary jurisdiction" and insert "the Department".
— [The Chairperson.]

Question put and agreed to.

Question proposed:

1888. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 2, line 38, at end insert

"(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(10) On an appeal under subsection (8), the Department may decide to –

(a) confirm, reverse or vary the decision; or

(b) approve, revoke or vary the condition,

(as the case may be) as it thinks fit.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars on the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision." — [The Chairperson.]

Question put and agreed to.

1889. Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 2, subject to the Committee's proposed amendments, agreed to.

Clause 3 (Duties of licensed operators, etc.)

1890. Mr McMullan: Clause 3(9) concerns complaints made about a licensed operator. The Consumer Council felt that it could play a role in the complaints procedure. As was discussed at a previous Committee meeting, the Department thinks that that could be useful.

1891. Legislative counsel has proposed that the clause be amended as follows: at the end of subsection (9) insert:

"(and without prejudice to the generality of the foregoing, regulations may include provision for the involvement of the General Consumer Council for Northern Ireland in relation to any such complaints)".

1892. Therefore, it will be included in the Bill that the Consumer Council may have a role. The Department does not yet know exactly what that role will be. However, that will be worked out in regulations with the Consumer Council, and, eventually, with the Committee as well.

1893. The Chairperson: I appreciate that the regulations may include provisions for the involvement of the Consumer Council. From my recollection of a previous Committee meeting, that was subject to the Department putting out feelers to the Consumer Council to ascertain whether it was content with a level of involvement in the complaints process. Since that Committee meeting, the Department has met representatives from the Consumer Council. It might be useful for members to get a flavour of what went on at that meeting.

1894. Mr McMullan: The Consumer Council felt that it could play a useful role in three areas: complaints, fares and public information. The Consumer Council has considerable experience of dealing with complaints in other transport areas, and other areas of work. The Department outlined what involvement it felt that the council should have.

1895. Dealing with complaints can be a resource issue for the Consumer Council, and, therefore, it did not want to be the main body to which any complaint about licensed operators would go. However, it was content that the Department can work out, through regulations, what its involvement should entail. It was left fairly flexible that we can come back and discuss any further issues with the Consumer Council and also with the Committee.

1896. The Chairperson: Do members have any queries on that issue?

1897. Mr T Clarke: I am not sure about the issue of the Consumer Council's involvement. It seems that it will be involved but will not have a definitive role.

1898. The Chairperson: What John is saying is that the Department has agreed that the Consumer Council will be part of the complaints process, and the further detail can be worked out through regulations.

1899. Mr T Clarke: If the role of the Consumer Council was outlined now, the Committee may not agree with that role. By saying that the details can be worked out later, is that simply a way to get the council in through the back door?

1900. Mr McMullan: When the Department produces the regulations, an SL1 will be given to the Committee outlining what it proposes to do. The Committee has already shown that it is prepared to annul regulations. Therefore, if the Committee is unhappy with the role of the Consumer Council, it will have the opportunity to pray against that.

1901. Question proposed:

1902. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 4, line 3, at end insert

“(and without prejudice to the generality of the foregoing, regulations may include provision for the involvement of the General Consumer Council for Northern Ireland in relation to any such complaints)”. — [The Chairperson.]

Question put and agreed to.

1903. Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 3, subject to the Committee's proposed amendment, agreed to.

Clause 4 agreed to.

Clause 5 (Hiring of taxis at separate fares – General)

1904. The Chairperson: The Committee was to consider the related departmental written response. There was some confusion about sample fares; it would be useful if John took us through the details.

1905. Mr McMullan: Members have copies of an example conversion table for use in calculating shared taxi fares, which should make the issue slightly clearer than it was at the last meeting. The first column sets out the fares that would be displayed on the meter and the other columns show the number of passengers that may be sharing the taxi. Mr Ford asked what happens when passengers get out at different destinations. The working example is four passengers sharing a taxi: the first passenger gets out when the meter shows £3 and pays a discounted fare of £1·40; if the second passenger gets out when the meter shows £5, he or she will pay £2·30; the third passenger gets out when the meter shows £7 and pays £3·20; the final passenger gets out when the meter shows £9 and pays £4·10.

1906. The passengers get a good deal because they pay 46% of the metered fare. In that scenario, the driver does not do as well and makes £11 for a £9 fare. However, there are permutations that show that the driver can get a good deal. For example, if the first passenger stayed in the taxi to the end of the journey, the driver would get two fares of £4·10, one of £3·20 and one of £2·30, which would be £13·70 for a £9 fare. Also, if the four passengers stay to the end of the journey —

1907. Mr T Clarke: There is no point in going any further, because the explanation is as clear as the muddiest water in the bottom of the lough.

1908. The Chairperson: Please let John finish.

1909. Mr T Clarke: The process is absolute nonsense. How is that going to work out?

1910. The Chairperson: Can you park your concerns for the present, and we will come back to you. John, please continue. Is it time for the Prozac, Trevor? [Laughter.]

1911. Mr McMullan: If the four passengers continue for the full journey, the taxi driver will get £16·40 for a £9 fare. That illustrates that it is a win-win situation for the passenger and the driver. The driver receives more than is shown on the meter, and the passenger is charged less.

1912. The Chairperson: We asked for this detail last week. Is there anything further that you wish to add?

1913. Mr McMullan: The fare system will come before the Committee again as a set of regulations. The ratio may not be correct. It is possible that the discount could be less for the passenger and more for the driver. That is something that must be worked out. Nevertheless, it is an illustration that the passenger will pay less and the driver will receive more.

1914. Mr T Clarke: Will we set a minimum qualification of a maths degree for taxi drivers so that they can work out the fares? That is the most complicated system for fares that I have ever seen. It is supposed to be clearer than the earlier table, but it is getting muddier.

1915. The Chairperson: An average punter might step into a taxi with two or three people in it, and the taxi driver would have to try to work out how much to charge those passengers. Can that be built into a metering system, or how would that work in practice?

1916. Mr Laverty: A fares table in the vehicle would reflect the fares. That fares table would also be displayed at the authorised starting point of that taxi-sharing scheme so that customers would be able to see what fare they will have to pay. The meter would be running from the moment that the taxi leaves the authorised point, and the fares table would reflect what individual passengers would pay.

1917. The Chairperson: Surely the fare would have to reflect a distance, whether that be 10, 15, 20 or 30 miles. How could the various computations of distance and number of passengers be crammed into a chart with a sliding scale in the back of a taxi? A person who stepped into a taxi — whether as the driver or a passenger — would have to work out the mathematics of the fare. In practice, how would that work?

1918. Mr Laverty: A taxi-sharing scheme would involve a designated fare for a particular route. It would have a fixed pick-up point, and the scheme would provide for taxi-sharing from that point to, for example, Glengormley.

1919. The Chairperson: If, for example, the destination were Antrim, the taxi drivers might all pick up at a point inside a zoned area, but they would be going to different destinations.

1920. Mr T Clarke: When people go on a foreign holiday, they often have a calculator to convert currency. Passengers in taxis will need calculators to work out the fares.

1921. Mr McMullan: Neither the passenger nor the driver would need to work anything out. The taximeter would show, at every point where the taxi stops, what the metered fare is. Perhaps on the back of the seat, a conversion table, similar to the one that members have in front of them, will show that if, for example, a £3 fare is displayed on the meter, the fare will be £1.40 for each passenger if four passengers were to share the taxi.

1922. The Chairperson: I understand that, but I just wanted some clarity on how that would work in practice. The meter would show a fare, and the table that is displayed in the taxi would show the rates that lead from the fare on the meter.

1923. Mr Ford: Although I may be about to disagree with clause 6, I am satisfied that the Committee has been given a sensible worked example. At least we know how fares under the taxi-sharing scheme would operate.

1924. Mr I McCrea: Perhaps that system of charging passengers works in theory, but I cannot see how it will work properly in practice. I cannot see that passengers can be confident that they are being charged the proper fare or that drivers can be confident that they are charging the proper fare. The blame lies with the driver if there is a dispute; it is a nearly an argument over who gets in first and who gets out last.

1925. Regardless of sharing, if four people were to get out at the same the same destination, it would be wrong if the driver were to charge each passenger a fare of £4.10 separately, resulting in a charge of £16.40 for what should have been a £9 fare. That might not happen on every occasion, but that would be unfair to the passengers. The taxi driver would be rubbing his hands at such a situation, as he would have made a profit of around £7. It may be easy to put up a sign or a table, but I certainly have doubts about whether the scheme could work in practice.

1926. Mr McMullan: At the same time, the passenger is paying only £4.10 for a £9 fare, so should be happy with that. Similar taxi-sharing schemes operate in parts of GB, and this example is based on taxi-sharing fares in London. I am not saying that the ratio is the same —

1927. Mr T Clarke: Two wrongs do not make a right.

1928. Mr Weir: To be fair, let us imagine the slightly unusual situation whereby four people get into a taxi at a fixed point and all four get out at a particular point. If the fare is set at £9 — no matter how many people are in the taxi — if I were a taxi driver, I would not give myself the additional hassle of carrying two or three extra passengers. My thought would be, why not pick up the single passenger — there would be less chance of that passenger jumping out without paying or throwing up in the back seat or whatever. From a taxi driver's point of view, more passengers mean additional hassle.

1929. There is another matter that slightly confuses me. I agree that there is a great deal of logic in designating a particular starting point. However, I am not sure how workable particular routes might be. That slightly negates the arrangement. A group of three or four friends sharing a taxi could be travelling in roughly the same direction, but there may be different drop-off points. It may be that three people want to travel to Glengormley, and a fourth passenger wants to be dropped off in Antrim. There must be some flexibility as far as the destination is concerned.

1930. The Chairperson: We have heard all the views. Is the Committee content with clause 5 as drafted?

1931. Mr T Clarke: No.

1932. The Chairperson: I would never have guessed. I want to ask Kevin Shiels to comment on this.

1933. Mr Kevin Shiels (Northern Ireland Assembly Bill Office)

I remind the Committee that if it does not agree a clause, it can oppose it at Consideration Stage. If a member — or members — disagree with a clause, they can propose an amendment to a clause or vote against it at Consideration Stage.

1934. I will try to allay some of the members' concerns; I know that Mr Trevor Clarke has some particular concerns. If we turn to the example that the Department has given, a quick calculation shows that the distance travelled is seven miles. Mr Clarke's concern was about whether the driver would be able to benefit from the scheme. If, as Mr Weir suggested, a driver were to transport each passenger individually from the same starting point, he would end up travelling some 34 miles backwards and forwards. Thus, the journeys would take roughly five times as long and the mileage would be five times greater— instead of travelling seven miles, he would travel 34 miles. By my calculations, the total fare for the shared journey would be £11, whereas the combined fare for the separate journeys would be £24.

1935. Mr T Clarke: I would rather get £24. The distance is seven miles — the average car does 30-plus miles to the gallon.

1936. Mr Shiels: My point is that the driver would get £24, but he would have to travel five times as many miles. If I were a taxi driver, I would prefer the shared scheme.

1937. I want to touch on another point. The Committee is being asked to agree the framework for the principle of a shared scheme. My understanding — and I hope that John can confirm this — is that the scheme would be piloted, and more detail would emerge when the regulations come back to the Committee.

1938. The Chairperson: That is correct, and that should clarify the matter for members. Thank you for that.

1939. There is disagreement on the clause. Can we perhaps hear the mind of other members without having to put the clause to a vote? Is there general agreement on the concept of taxi-sharing?

1940. Mr Boylan: Yes.

1941. Mr Gardiner: Yes.

1942. Mr I McCrea: Yes. I agree with the principle of the scheme, it is the workings of it that I am concerned about.

1943. Mr Weir: That is a yes.

1944. Mr T Clarke: Have you joined the Alliance Party?

[Laughter.]

1945. The Chairperson: We will come to the workings of it later on.

1946. From your own point of view, Trevor, do you want to place officially on record your opposition to this scheme?

1947. Mr T Clarke: Yes.

1948. The Chairperson: The Committee has agreed clause 5 as drafted, with one objection from Mr Clarke.

1949. Question, That the Committee is content with the clause, put and agreed to.

Clause 5 agreed to.

Clause 6 (Compliance with a departmental taxi-sharing scheme)

1950. Mr McMullan: There is an issue relating to taxi marshals, which is linked to clause 6. Normally, we argue about taxi marshals towards the end of the Bill, around clauses 20 and 42. The first mention of taxi marshals appears in clause 6(2)(e), under the regulatory power to establish taxi marshals. The Committee is unhappy with powers given in clause 6(2)(e) and with: "regulating the use of such authorised places".

1951. The Chairperson: There is a proposed amendment to clause 6 to insert the words: "providing for persons to manage, and regulating the management of, the use of such authorised places;".

1952. Mr McMullan: The point is that taxi marshals had no enforcement or management role. That was put to our legislative counsel, and the proposal suggests leaving clause 6(2)(e): "enforcing order at and regulating the use of such authorised places,"

1953. and creating a new paragraph for taxi marshals. The amendment allows the Department to make provision for:

"providing for persons to manage, and regulating the management of, the use of such authorised places;"

1954. as referred to in clause 6(1)(a) — namely, taxi ranks. "Providing for persons to manage" defines the role of the taxi marshal as a management one. The Department can regulate the management of that and, therefore, the performance of the management role. The wording has been changed from "enforcement" to "management".

1955. Mr Shiels: For clarification, a new paragraph (f) will be inserted after clause 6(2)(e).

Question proposed:

1956. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 5, line 33, at end insert

"(ea) providing for persons to manage, and regulating the management of, the use of such authorised places;". — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 6, subject to the Committee's proposed amendment, agreed to.

Clause 7 (Advance booking)

1957. Mr McMullan: Again, it is with some trepidation that I wish to make a point. At a previous meeting, we suggested that there should be a taxi-sharing immediate-hire scheme, where people boarding a taxi agree to share it. That happens legally at the moment, and it can continue to happen under the Bill. For example, Bill and I could have decided this morning to hail a taxi and share it to Stormont. There may have been a £10 metered fare for that journey. I would have paid the driver £10 and then would have tried to get £5 from Bill, which might be the more difficult part of it.

1958. When I say that is a form of taxi sharing, the driver does not actually get anything extra — he gets the metered fare — and the consumer is in control in that case, because he has decided to share the taxi. The wider question is why we should not introduce a graduated fare system so that the driver gets something as well.

1959. There are a number of reasons for that. It is all right for Bill and me to get a taxi on the street in Belfast in broad daylight because we know the law, but there is less accountability when someone tries to do that late at night, and certainly less than in advanced booking, for example. A monetary incentive is also created for the driver, because why would he ever drive off with one fare when he can make more money by putting lots of people in his taxi? Our fear is that that could lead to drivers coercing passengers to share rather than them consenting, and that impinges on a fundamental principle in taxiing, which is that the person hiring the taxi has an exclusive right to it. That is the principle in Northern Ireland, and in the rest of the UK, the Republic of Ireland and in any other countries that we have considered in the development of a taxi policy.

1960. More importantly, taxi sharing impinges on safety. The main users of taxis in Northern Ireland are young girls between the ages of 16 and 24, and the taxi industry does a great job in

getting those young people home safely at night. If enforced taxi sharing on the street is introduced, or drivers can stop for other fares, a situation could occur where a young girl going home could find herself in a taxi with two young fellows the worse for drink, who decide that they will get out when she gets out. The Department is not comfortable with that.

1961. Taxi sharing has a role to play, but it has to be controlled, and the Department is not really prepared to go to immediate hiring and sharing, other than friends sharing or people who are going to the same area. We do not want to create an incentive for the driver to increase his money in that way.

1962. Mr Ford: I take many of those points on board. However, in some clauses, the Department appears to agree to promoting sharing in order to clear the streets quickly and in others to disagree that we should do it in the way that has just been outlined.

1963. I am still unclear whether the Department regards the amendment to clause 6 on the role of taxi marshals as constituting a sharing scheme, or whether a sharing scheme has to be more organised than that. The streets can be cleared as fast as possible with proper taxi marshals ensuring that the arrangements for sharing are reasonable. In other words, the young girl would not have several drunken young men imposed on her. However, there must be some way of providing the incentive to ensure that taxis operate in a way that clears the streets as quickly and as efficiently as possible.

1964. The role of taxi marshals as envisaged in the amendment to clause 6 is fair enough, but I am not sure that we have agreed that at this stage.

1965. Mr McMullan: The role of taxi marshals is to manage the situation and match the person to the vehicle. When a young girl waiting for a taxi sees a couple of young fellows getting into taxi, she can say that she does not want to share that taxi, and she can wait for the next one. An environment controlled by taxi marshals will provide a safer service.

1966. Mr T Clarke: That is very sexist. What about the young man with three women getting into a taxi?

1967. Mr Weir: You would be safe, Trevor.

1968. The Chairperson: The issue of public safety has been raised, particularly that of vulnerable young females. How would you envisage a taxi marshal operating in a situation where a young female is, perhaps, on her own and is particularly vulnerable because of an excess of drink or drugs? In other words, although it may be considered relatively safe for her to get into a taxi with two or three young fellows, she might not be fully compos mentis because of drink or drugs.

1969. Mr McMullan: The taxi marshal would use his common sense. If lads behaved rowdily or badly, they would be put into a taxi and sent off. That is the way in which that would operate.

1970. Mr Lavery: Taxi marshals would operate at busy ranks. From my observation, the police are relatively close by. If there was a problem, the taxi marshal could ask for police assistance.

1971. The Chairperson: That is also an advantage of the scheme. Thank you for making that point.

Question, That the Committee is content with the clause, put and agreed to.

Clause 7 agreed to.

Clauses 8 to 10 agreed to.

Clause 11 (Appeals in relation to operator's licence authorising separate fares)

1972. Mr McMullan: The amendment on clause 11 is described as a "knock-on" amendment — where a change to the appeal system is provided for in the Bill. In the original draft Bill, clause 11 was the only clause in which we have the two-tier appeal system. If we make amendments to that clause, there will be a knock-on effect on other clauses. The clause merely inserts a couple of legislative references and takes some words out. It is an attempt to make it all fit into the appeal amendment. It does not do anything of substance.

Question proposed:

1973. That the Committee recommend to the Assembly that the clause be amended as follows: In page 7, line 24, after "2(8)" insert "or (12)". — [The Chairperson.]

Question put and agreed to.

Question proposed:

1974. That the Committee recommend to the Assembly that the clause be amended as follows: In page 7, line 27, leave out "in writing". — [The Chairperson.]

Question put and agreed to.

Question proposed:

1975. That the Committee recommend to the Assembly that the clause be amended as follows: In page 7, line 42, leave out "in writing". — [The Chairperson.]

Question put and agreed to.

Question proposed:

1976. That the Committee recommend to the Assembly that the clause be amended as follows: In page 8, line 1, after "2(8)" insert "or (12)". — [The Chairperson.]

Question put and agreed to.

Question proposed:

1977. That the Committee recommend to the Assembly that the clause be amended as follows: In page 8, line 4, leave out subsection (6). — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 11, subject to the Committee's proposed amendments, agreed to.

Clause 12 agreed to.

Clause 13 (Taxi licences)

1978. The Chairperson: The Committee sought amendments to clause 13(8) that would provide for an appeal to the Department.

1979. Mr McMullan: The amendments address the two-tier appeal system.

Question proposed:

1980. That the Committee recommend to the Assembly that the clause be amended as follows: In page 9, line 7, leave out "a court of summary jurisdiction" and insert "the Department". — [The Chairperson.]

Question put and agreed to.

Question proposed:

1981. That the Committee recommend to the Assembly that the clause be amended as follows: In page 9, line 13, at end insert

"(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(10) On an appeal under subsection (8), the Department may decide to –

(a) confirm, reverse or vary the decision; or

(b) approve, revoke or vary the condition,

(as the case may be) as it thinks fit.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision." — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 13, subject to the Committee's proposed amendments, agreed to.

Clauses 14 and 15 agreed to.

Clause 16 (Regulation of fares, etc)

1982. Mr McMullan: Two issues arose when the Committee considered clause 16. The Committee was concerned with the wording. We have explained that, when talking about maximum fares, we are not talking about a single maximum fare.

1983. Rather, the clause refers to maximum fares for the initial hire of a vehicle, for the combination of time and distance of the journey, for working unsociable hours, for working on Christmas Day, and so forth. However, because of the Committee's concern, we asked our legislative counsel to ensure that the clause contains adequate provision.

1984. Legislative counsel assured us that we can regulate for a range of fares under clause 16. I want to highlight that clause 16 is not outward facing, in that it does not put a requirement on operators or drivers. It enables the Department to make regulations, and we are content that we can make the regulations for which clause 16 provides.

1985. An amendment to the clause has been proposed. The Consumer Council thought it could have input by making recommendations on fares to the Department. The amendment suggests:

"Before the Department makes any regulation under this section, it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland."

The crucial wording in the proposed amendment is "take into consideration". That wording does not bind the Department to accept the Consumer Council's recommendations.

1986. The Chairperson: Proposed new subsection (2A) specifies the Consumer Council, but, in practice, how does that differ from the clause's stating that the Department will take into consideration any organisation's views?

1987. Mr McMullan: Legislative counsel told the Department that it would be good to amend the Bill as such, because it would demonstrate a consumer focus and take into account the Consumer Council's oral evidence to the Committee. However, we could have proceeded without proposing such an amendment, with regulations being drafted after a consultation process.

1988. The Chairperson: For clarity, does the proposed amendment accord the Consumer Council any more or less weight than any other opinion that it may express to the Department?

1989. Mr McMullan: No; not really.

1990. The Chairperson: It is simply titular. OK, I understand.

Question proposed:

1991. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 10, line 26, at end insert

"(2A) Before the Department makes any regulations under this section, it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland." — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 16, subject to the Committee's proposed amendment, agreed to.

Clause 17 (Display and publication, etc. of fares)

1992. Mr McMullan: Clause 17 is connected to clause 16. If there were to be a change to clause 16, clause 17 might have to change, too. However, as the Committee is content with clause 16, subject to its proposed amendment, it should also be content with clause 17.

Question, That the Committee is content with the clause, put and agreed to.

Clause 17 agreed to.

Clauses 18 and 19 agreed to.

Clause 20 (Regulations concerning taxis or use of taxis)

1993. The Chairperson: The Committee has sought a possible amendment to clause 20.

1994. Mr McMullan: We dealt with clause 20 when dealing with clause 6, because, for both clauses, the proposed amendments provide for persons to manage the use of authorised places. Exactly the same amendment that has been proposed to clause 6 has been proposed to clause 20.

Question proposed:

1995. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 12, line 19, at end insert

"(ca) providing for persons to manage, and regulating the management of, the use of places referred to in paragraph (a);". — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendment, put and agreed to.

Clause 20, subject to the Committee's proposed amendment, agreed to.

Clause 21 (Orders concerning taxis, taxi stands etc.)

1996. Mr McMullan: Clause 21 will allow the Department for Regional Department to make taxi regulation orders. The clause moves the responsibility to regulate taxi ranks from DOE to DRD. At the Committee meeting on 23 October, we decided that it would be useful for traffic attendants to be able to enforce any parking infringement at ranks, or at areas around ranks. That will require a slight amendment to a piece of DRD legislation, The Road Traffic Regulation (Northern Ireland) Order 1997. Legislative counsel has provided a proposed amendment, which would be inserted into schedule 2 to the Bill. The proposed amendment to schedule 2 simply connects the 1997 Order to The Traffic Management (Northern Ireland) Order 2005, in order to allow traffic attendants to carry out the aforementioned enforcement.

1997. The Chairperson: Otherwise, we are broadly content with clause 21.

Question, That the Committee is content with the clause, put and agreed to.

Clause 21 agreed to.

Clause 22 agreed to.

Clause 23 (Taxi driver's licences)

1998. Mr McMullan: Mr Gallagher asked in Committee on 23 October whether the Department's criminal-record checks extend to the Republic of Ireland. We checked, and they do not at present. The issue is particularly important in border areas. On a wider point, given that there are now so many different nationalities residing in Northern Ireland, an issue arises concerning information being shared among EU member states. The Department must do some more research in that area.

1999. However, an amendment to that effect to clause 23 is not necessary, because the clause states that the Department merely must be satisfied that an applicant is a "fit and proper person" — all investigative checks happen in the background. I would be loath to propose an amendment to the clause in case it did not comply with European legislation, but the Department does undertake to look at criminal-record checks when the Taxis Bill becomes law. It is important enough for the Department to mention the issue in the recommendations so that it is not forgotten in the discussion of the Bill.

2000. The Chairperson: That is very important. You propose to mention the issue?

2001. Mr McMullan: An amendment is not required, because the clause already states that the Department only must be satisfied that a driver is a "fit and proper person". All the administrative checks on how the Department would be satisfied are never included in a Bill. The Committee's making a recommendation that it is a very important point for the Department to consider is sufficient.

2002. Mr T Clarke: Does that not leave the legislation a bit loose? Unless checks are put in place to ensure that taxi drivers are fit and proper people, the clause does not go far enough. To assume is all very well. I might assume that the Chairperson were a fit and proper person, and I am sure that he is —

2003. Mr Weir: Keep the faith.

2004. Mr T Clarke: However, unless a check were carried out, there would be no way of knowing whether he was.

2005. Reference has been made to young girls travelling in taxis. I am not saying that all of them are the same, but a reputation has been attached to taxi drivers. If checks are not carried out on prospective drivers, regardless of where they come from, it unfair to assume that an individual is OK.

2006. Mr McMullan: I accept that point; it is right that we should not assume that.

2007. The Chairperson: An assumption is one thing, but how the checks are conducted is another. Many checks are dependent on external agencies. That is the main point to make. In many instances, it could be a policing matter or — by extension — a social services matter. Can you explain to the Committee how checks are conducted?

2008. Mr Lavery: The term "fit and proper person" implies that the Department must be satisfied that an applicant is of good repute and medically fit. In the current process, every

applicant for a taxi-driver's licence must undergo a Criminal Records Office check for any previous convictions, and they must demonstrate that they are medically fit. The Department uses guidelines that it has drawn up to determine good repute, and the courts have access to those guidelines when they deal with appeals. Therefore, quite a thorough check is carried out on applicants for a taxi-driver's licence, and that check is repeated every three years with the Criminal Records Office.

2009. The Chairperson: However, the nature of any check is determined not by the Department but by external agencies. How comprehensive are those checks? In other words, you ask the police to determine whether an individual is a "fit and proper person". Issues that have arisen, including Tommy Gallagher's point about whether checks extend to the Republic of Ireland, clearly mean that liaison between the PSNI and Garda Síochána is required. I presume that the Department cannot legislate on those issues, so, to return to John's point, the Committee must include them in its report.

2010. Mr T Clarke: If a requirement of obtaining a licence is that a background check must be performed, were prospective taxi drivers from the Republic of Ireland, they should assist our people by going to the Garda Síochána to ask whether they are permitted to do the job.

2011. The situation is not right. It is like the problems in the classroom. Proper background checks cannot be performed on foreign nationals who come here, yet they are allowed to be employed in our schools. However, if someone from Northern Ireland wants to apply for a job in a school, he or she must have a background check performed. There, we have a two-tier system. The same is true of taxiing. Border towns have been mentioned. If we are to say that people from the Republic of Ireland can come here to work on good name only, without the Garda Síochána's having performed a background check on them in the country where they reside —

2012. The Chairperson: Or vice versa.

2013. Mr T Clarke: Or vice versa: I am not discriminating one way or the other.

2014. If our intention is to run a robust taxi industry, we must have parity and consistency.

2015. The Chairperson: However, all that the Committee can do is to flag that matter up in its report. The Department will take further action with those external agencies.

2016. Mr McMullan: I agree totally with what Mr Clarke has said. He has raised an important point. It is one that we must explore, so we intend to look at it. It is a wider issue, and not one that is confined to prospective drivers from the Republic of Ireland. Many different nationalities work in Northern Ireland.

2017. The Chairperson: That is correct.

2018. Mr T Clarke: I take on board what you have said, Chairman. However, background checks should be in place before anyone gets a taxi licence. Regardless of what country the driver comes from, that check should be conducted. If we do not do that, we will be creating a monster. In fact, we are discriminating against the people of Northern Ireland who have to undergo that check.

2019. Mr Ford: That is not entirely so. In his comments, Trevor has not covered those people from Northern Ireland who commit motoring or other offences outside Northern Ireland. Those offences do not appear in a criminal-record check here. However, I agree that we cannot include

such a measure in the Bill, because the situation is changing. Harmonisation of penalty points will start to make a difference in the coming years. All that we can do is note the point and hope that the regulations will be kept up to date.

2020. Mr Boylan: [Inaudible.] being from a border town. However, we will keep an eye on them anyway, just in case.

2021. The Chairperson: The Committee will include the whole issue of background checks in its report.

2022. Mr McMullan: An amendment to introduce appeal to the Department has also been proposed.

Question proposed:

2023. That the Committee recommend to the Assembly that the clause be amended as follows: In page 16, line 32, leave out "a court of summary jurisdiction" and insert "the Department". — [The Chairperson.]

Question put and agreed to.

Question proposed:

2024. That the Committee recommend to the Assembly that the clause be amended as follows: In page 16, line 36, at end insert

"(9A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(9B) On an appeal under subsection (9), the Department may decide to—

(a) confirm, reverse or vary the decision; or

(b) approve, revoke or vary the condition,

(as the case may be) as it thinks fit.

(9C) The Department shall, on making a decision under subsection (9B), give notice of the decision to the appellant including particulars of the ground of the decision.

(9D) A person who is aggrieved by a decision of the Department under subsection (9B) may appeal to a court of summary jurisdiction against any such decision." — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 23, subject to the Committee's proposed amendments, agreed to.

Clause 24 (Issue of driver's badges etc.)

2025. Mr Ford: We have already passed over the issues of vehicle identification, but one point that was made by some of the drivers was that of driver identification. If we are seeking to ensure that people are properly badged, whether on their vehicle or individually, we must ensure that the Department issues those badges efficiently; otherwise, we will be encouraging drivers to drive illegally.

2026. Given some of the complaints that drivers made, that is something that the Committee might report.

2027. The Chairperson: That is a fair point, but it is one that the Committee cannot deal with except to include it in our report.

2028. Question, That the Committee is content with the clause, put and agreed to.

Clause 24 agreed to.

Clauses 25 and 26 agreed to.

Clause 27 (Suspension, revocation and curtailment under section 26: procedure etc.)

2029. Mr McMullan: Clauses 27 to 29 are all subject to the same appeals process. The proposed amendments to those three clauses all follow the same format.

Question proposed:

2030. That the Committee recommend to the Assembly that the clause be amended as follows: In page 19, leave out lines 1 to 8 and insert

"(b) (subject to section 35), it shall direct in the notice when the suspension, revocation or curtailment is to take effect." — [The Chairperson.]

Question put and agreed to.

Question proposed:

2031. That the Committee recommend to the Assembly that the clause be amended as follows: In page 19, line 13, leave out "a court of summary jurisdiction" and insert "the Department". — [The Chairperson.]

Question put and agreed to.

Question proposed:

2032. That the Committee recommend to the Assembly that the clause be amended as follows: In page 19, line 14, at end insert

"(4A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(4B) On an appeal under subsection (4), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(4C) The Department shall, on making a decision under subsection (4B), give notice of the decision to the appellant including particulars of the grounds of the decision.

(4D) A person who is aggrieved by a decision of the Department under subsection (4B) may appeal to a court of summary jurisdiction against any such decision." — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 27, subject to the Committee's proposed amendments, agreed to.

Clause 28 (Variation of licence on request)

2033. Mr McMullan: Two amendments are proposed to clause 28.

Question proposed:

2034. That the Committee recommend to the Assembly that the clause be amended as follows: In page 19, line 41, leave out "a court of summary jurisdiction" and insert "the Department". — [The Chairperson.]

Question put and agreed to.

Question proposed:

2035. That the Committee recommend to the Assembly that the clause be amended as follows: In page 19, line 42, at end insert

"(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(10) On an appeal under subsection (8), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision." — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 28, subject to the Committee's proposed amendments, agreed to.

Clause 29 (Variation of operator's licence by Department)

2036. Mr McMullan: Three amendments are proposed to clause 29.

Question proposed:

2037. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 20, leave out lines 15 to 20 and insert

“(b) (subject to section 35), it shall direct in the notice when the decision is to take effect.”

Question put and agreed to.

Question proposed:

2038. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 20, line 21, leave out “a court of summary jurisdiction” and insert “the Department”.
— [The Chairperson.]

Question put and agreed to.

Question proposed:

2039. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 20, line 22, at end insert

“(4A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(4B) On an appeal under subsection (4), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(4C) The Department shall, on making a decision under subsection (4B), give notice of the decision to the appellant including particulars of the grounds of the decision.

(4D) A person who is aggrieved by a decision of the Department under subsection (4B) may appeal to a court of summary jurisdiction against any such decision.” — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 29, subject to the Committee's proposed amendments, agreed to.

Clause 30 (Fees)

2040. Mr McMullan: Legislative counsel suggests a small amendment to clause 30, as a result of an increase in the number of appeals to the Department. It suggests that the Bill should contain a power to charge a fee for an appeal. The Department had no intention of charging a fee, as most internal appeals to the Department are free at source, but I am content to hear the Committee's opinion on the proposed amendment.

2041. In three or four years, there may be a benefit to including such a measure if the level of appeals was such that we were forced to impose a fee. The only way in which to create extra resources may be if we had the power to charge a fee to bring an appeal. We did not come up with that measure, but we accept that there may be merit in keeping the appeals process

efficient. We do not want to be unable to resource it, but if we not take advantage of the proposed power, perhaps the powers that be [Inaudible.].

2042. Mr Ford: Is that provision included in legislation pertaining to buses?

2043. Mr McMullan: There is no charge for fees included in buses legislation.

2044. Mr Ford: Taxi drivers may think that they are being discriminated against if that provision were to be included in the Bill, even if the Department does not intend to charge fees. I am concerned that the Bill should not give the impression that taxi drivers are being treated worse, given the concerns that many taxi drivers have already.

2045. The Chairperson: Were the concept of fees introduced, the question of whether there would be charges would come back to us. The Department is unlikely to introduce charges quickly.

2046. Mr McMullan: It may be included in the Bill but never used. It could be there for a rainy day.

2047. Mr Ford: Until Peter Robinson notices it.

2048. Mr Gardiner: What is the history of the volume of appeals?

2049. Mr McMullan: Our agency said that it did not have any concerns about the volume of appeals. I do not know the exact figures, but the volume does not seem —

2050. Mr Gardiner: You do not have the figures?

2051. Mr McMullan: No.

2052. Mr Ford: I am not happy with the proposed amendment. The Department may not intend to use the power, but it is something that taxi drivers may perceive as being another rod to beat them with. I am not sure that the Committee should endorse that.

2053. The Chairperson: The timing of the provision is wrong.

2054. Mr Weir: Irrespective of whether provision for fees is included in the legislation now, would the power be there to introduce fees at a later stage?

2055. Mr McMullan: No, not unless that power were included in clause 30.

2056. The Chairperson: Does the Committee disagree with the proposed amendment?

2057. Mr Shiels: John can correct me if I am wrong, but provision would exist, in the future, for the Department to introduce a Bill to amend the legislation to give it the enabling power to make regulations. If the Committee is not content with the proposed amendment to charge for appeals, it should express its discontent. However, if the Minister decides to table such an amendment to the Taxis Bill, the Committee may raise its concerns at Consideration Stage. In the past, however, the Committee [Inaudible.]

2058. The Chairperson: Is it the mood of the Committee not to agree to the proposed amendment to clause 30? I believe that, were we to agree to it, that would send out the wrong

message about the Taxis Bill. The story would become about money and charging rather than about regulating taxi operators, taxis and taxi drivers.

2059. Mr Weir: We must make it clear that we are concerned about the amendment, not the actual drafting of clause 30.

2060. The Chairperson: Clause 30 deals with fees.

2061. Mr Weir: Yes, but some of us are slightly concerned about including an appeals function in clause 30.

2062. The Committee Clerk: Members have no difficulty with clause 30 as it stands. The difficulty is with the extension that legislative counsel proposes. Members appear to be saying that the proposed amendment is not required, but they are content with the general departmental powers for which the clause provides.

2063. Mr McMullan: The Department did not devise the amendment. However, I sense the Committee's discontent with it, so I am prepared to withdraw it.

2064. The Chairperson: That might resolve some of the issues.

2065. Mr T Clarke: I must leave the meeting shortly. Before I go, I want to return to the example conversion table for use in calculating shared taxi fares. It was only presented to the Committee today, and we have not had time to study the passenger-fare proposals. The example of a £9 fare was discussed earlier. In the four-passengers column, the shaded areas of the table read £1·40, £2·30, £3·20 and £4·10 respectively. Is that the fare that each of those passengers would pay? That would earn the taxi driver £11.

2066. Mr McMullan: Yes.

2067. Mr T Clarke: I thought that that was what had been done.

2068. Let us look at the example of a £10 fare for four passengers. If the first passenger were dropped off at 50p, the second at 90p, the third at £1·40 and the final one at £4·50, the taxi driver would get only £7·30.

2069. Mr McMullan: No.

2070. Mr T Clarke: That is not how you have —

2071. Mr McMullan: If we move to the five-passengers column —

2072. Mr T Clarke: I am sorry; I said four passengers and a £10 fare. I will make it even easier by using the example of a £3 fare for two passengers. If the first passenger were dropped off at 70p and the second at £2, the taxi driver would get £2·70 rather than the £3 fare that would be shown on the meter. That is what we have agreed to in clause 5.

2073. The Chairperson: Run that past me again, Trevor.

2074. Mr T Clarke: It was said earlier that, if the meter showed £3 and there were two passengers in the taxi, the first to get out would pay 70p and the second would pay £2. That would mean that the taxi driver would receive £2·70 instead of £3. The example given in the shaded areas of the conversion table —

2075. The Chairperson: We are not bound by that conversion table. The Department still has to come back to the Committee with the statute.

2076. Mr T Clarke: The Committee is, however, accepting the conversion table in principle.

2077. Mr McMullan: Mr Clarke has made a fair point. I do not have a particular answer, but the conversion table is merely illustrative. We are trying to arrive at a win-win situation in which the taxi driver gets more and the passenger pays less. However, I understand exactly what Trevor is saying.

2078. Mr T Clarke: Do you understand why I am saying it? I do not mean to be rude, but the table has been presented to make it look as if the taxi driver is doing well — that he would get £11 for a £9 fare. However, instances in which he would get only £2.70 for a £3 fare, or £7.30 for a £10 fare, are ignored.

2079. Mr McMullan: The Committee has not agreed to that table. It is important to ensure that, when regulations are introduced, the driver does not receive less than the fare displayed on the meter.

2080. Mr T Clarke: You can see why I was concerned, Chairman.

2081. The Chairperson: You could start up a consultancy business, Trevor, and perhaps head over to the DOE for a day or two. Are you happy enough with Mr McMullan's answer, Trevor?

2082. Mr T Clarke: I was never happy with the clause, but that is OK.

2083. The Chairperson: To return to clause 30, the mood of the Committee was not to agree to the Department's proposed amendment and that it should be withdrawn.

2084. The Committee is happy with the original wording of clause 30 and accepts the withdrawal of the Department's proposed amendment.

Question, That the Committee is content with the clause, put and agreed to.

Clause 30 agreed to.

Clauses 31 to 34 agreed to.

Clause 35 (Effect of appeal on decision appealed against)

2085. Mr McMullan: There is no amendment proposed to clause 35. There is however, a proposed amendment to insert a new clause after clause 35. The amendment is drafted at present as clause 35A, but, if approved, it would appear in the Bill as clause 36.

Question, That the Committee is content with the clause, put and agreed to.

Clause 35 agreed to.

Proposed new clause

2086. Mr McMullan: Proposed new clause 35 is a knock-on amendment, which has been caused by the appeals system. In reality, it is a relocation of the subsection that currently appears at 11(6), which the Committee has recommended be left out, because it is peculiar to the two-tier

pay system under clause 11. It is now more appropriate that it appear after the clauses on appeals. The effect of the proposed new clause would be to allow the Department to make regulations on appeals under the Act rather than under section 11 — clause 11 as it stands. It would not change the Bill, other than by relocating existing clause 11(6) to new clause 35A.

2087. Mr Ford: I have one point to make on terminology. Each clause stands alone; for example, clause 34 refers to appeals only from the point at which they reach the legal system. However, we are now talking about clause 35 and proposed new clause 35A covering the informal departmental appeal as well. We may not be able to do anything about the terminology used, but, the way in which those clauses would be grouped leads me to suspect that people would misread them.

2088. Mr Weir: Is David suggesting that we should reverse the order of the clauses?

2089. Mr Ford: I am not sure. In dealing specifically with the legal aspect of appeals, the way that they would appear in the Act as sections 34, 35 and 35A — or section 36 — might be confusing. The best way in which to deal with that may be to reverse the order. General appeals would be covered before specific appeals to the legal system.

2090. The Chairperson: Does the first of those clauses deal with appeals or reviews?

2091. Mr McMullan: Mr Ford is correct when he says that clause 34 deals with appeals to the courts, and it must appear in the legislation in order to —

2092. Mr Ford: I am not saying that clause 34 should not be in the Bill I am simply saying that, because it deals specifically with the legal aspect of the appeals process, logically and chronologically, it should appear after references to general aspects of appeals.

2093. Mr McMullan: If that is preferable, we do not have a problem with that sequence.

2094. The Chairperson: Following on from that, will you outline your proposal to the Committee, John?

2095. Mr McMullan: As drafted, clause 34 deals with appeals to the courts. General appeal issues will be covered by the current clause 35, which deals with the effect of appeal on decision appealed against, and the proposed new clause 35A, which would deal with regulations in respect of appeals. The current running order is to make provision for appeals to the courts, followed by general aspects of appeals.

2096. The order of that does not particularly matter.

2097. The Chairperson: Therefore, the sequence is not a big issue.

2098. Question proposed:

2099. That the Committee recommend to the Assembly that the following clause be inserted:
After clause 35 insert

“Regulations in respect of appeals

35A. The Department may by regulations make such further provision in respect of appeals under this Act as it considers necessary or expedient.” — [The Chairperson.]

Question put and agreed to.

Clause 36 (Enforcement notices)

2100. Mr McMullan: The amendments concern appeals. They have the same format as the amendments to clause 6.

Question proposed:

2101. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 24, line 14, leave out "a court of summary jurisdiction" and insert "the Department".
— [The Chairperson.]

Question put and agreed to.

Question proposed:

2102. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 24, line 14, at end insert

"(6A) On an appeal under this section, the Department may either cancel or affirm the notice, and if it affirms it, it may do so either in its original form or with such modifications as the Department may in the circumstances think fit.

(6B) The Department shall, on making a decision under subsection (6A) give notice of the decision to the appellant including particulars of the grounds of the decision.

(6C) A person who is aggrieved by a decision of the Department under subsection (6A) may within 21 days of the notice being served under subsection (6B), appeal to a court of summary jurisdiction." — [The Chairperson.]

Question put and agreed to.

Question proposed:

2103. That the Committee recommend to the Assembly that the clause be amended as follows:
In page 24, line 18, leave out "or with such" and insert

", in its form as modified by the Department under subsection (6A) or with such other". — [The Chairperson.]

2104. Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Committee's proposed amendments, put and agreed to.

Clause 36, subject to the Committee's proposed amendments, agreed to.

Clauses 37 to 41 agreed to.

Clause 42 (Taxi touts)

2105. Mr McMullan: It is fair to say that the Committee has had robust discussion on taxi touts. The role of marshals has now been clarified, so the Committee has taken the steam out of that discussion slightly. The outstanding matter is whether marshals should be exempt from the general offence of soliciting. It is a legal nicety. The people who will have responsibility for prosecutions for taxi tutoring will be the enforcement officers and the police. There is no chance that they will ever pursue marshals who are in their uniforms and who are entitled to be there to match people to their taxis.

2106. Convention generally maintains that if an offence is created to trap people, an exemption must also be provided to allow them to get out of it. Clause 42 provides that exemption. Taxi marshals are there to match people to taxis. Touts do the same thing. However, marshals are legally allowed to do so. Counsel has suggested to the Department that there should be a general exemption: any person who is permitted under regulations should be exempt from the offence. The question remains for the Committee as to whether the provision should be more specific in how it relates to marshals and soliciting. Clause 42 simply provides an exemption to the offence.

2107. Mr T Clarke: Therefore, why call them taxi touts instead of marshals? Why not refer to touts as marshals, as they all carry out that specific role? That would get rid of confusion and a grey area.

2108. Mr McMullan: Taxi touts are those drivers who shout out for business. That can affect other taxi drivers, who see that guy as stealing their business. That is why it is an offence. The marshal does not commit any offence because he is legally allowed to match people to taxis.

Question, That the Committee is content with the clause, put and agreed to.

Clause 42 agreed to.

Clauses 43 to 48 agreed to.

Proposed new clause

2109. Mr McMullan: New clause 48A emanated from one of the Consumer Council's proposals, that information should be made available to taxi users. Legislative counsel has provided an amendment of that nature to come in as a new clause after clause 48. The clause is important for people who want to make a complaint. They need to know their rights, and the publication of information states what their rights are when hiring a taxi.

Question proposed:

2110. That the Committee recommend to the Assembly that the following clause be inserted:
After clause 48 insert

"Publication of information

48A. (1) The Department may publish, in such form and manner as it thinks appropriate, information in connection with the provisions of this Act.

(2) Before the Department publishes any such information under subsection (1), it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland." — [The Chairperson.]

Question put and agreed to.

Clauses 49 to 58 agreed to.

Schedule 1 agreed to.

Schedule 2 (Minor and consequential amendments)

2111. Mr McMullan: Schedule 2 was previously dealt when we discussed clause 21, which is to ensure that traffic attendants can enforce all taxi-parking infringements.

Question proposed:

2112. That the Committee recommend to the Assembly that the schedule be amended as follows: In page 39, line 29, after "penalty charges)," insert

"—

(a) after the paragraph beginning 'An offence under Article 19(1) or (3)' insert — 'An offence under Article 27A(2).'; and

(b)". — [The Chairperson.]

Question put and agreed to.

Question, That the Committee is content with the schedule, subject to the Committee's proposed amendment, put and agreed to.

Schedule 2, subject to the Committee's proposed amendment, agreed to.

Schedule 3 agreed to.

Long title agreed to.

2113. The Chairperson: There are other departmental amendments. Is the Committee content with the proposed list of departmental technical amendments as discussed with the Committee on 11 October 2007?

2114. The Committee Clerk: The Committee agreed all 44 proposed departmental amendments, apart from the one that related to the powers of marshals.

2115. The Chairperson: The Committee is now content with the Department's amendment.

Question, That the Committee is content with the proposed list of departmental technical amendments as discussed with the Committee on 11 October 2007, put and agreed to.

2116. The Chairperson: Are there any further recommendations to be made in the report? There were issues concerning the Bill's impact on persons with a disability, which were picked up during the consultation process. The question of enforcement and resources came up again and again. Today's issues related to people with criminal convictions coming here from other jurisdictions to seek work as taxi drivers. Mr Ford also raised the issue of badging. Those matters should be included in the Committee's report.

Thank you all very much; we have covered a lot of ground.

2117. Mr Shiels: The Committee has now finished its long session on the Taxis Bill. Congratulations on that. There will be over 70 amendments at Consideration Stage, which, you will be glad to hear, is more amendments than any previous Bill in the Assembly. When the Bill comes to Consideration Stage, I am happy to brief the Committee on the procedure and how it will be handled. The good thing is that most of the amendments will be non-contentious. It bodes well for the Department, now and for the future, that the Committee has agreed those amendments. I am happy to come back to Committee members before Consideration Stage, which will probably be in January 2008, to talk you through what will happen. There are likely to be six or seven mini-debates as we go through the Bill, which will be quite difficult to follow.

2118. The Committee Clerk: The first draft of the Taxis Bill report will be available for the Committee next week. That will have to be agreed next week so that it is with the printers in time for publication on 7 December 2007.

2119. The Chairperson: Thank you to Bill Laverty, John McMullan and Kevin Shiels, and to Adele Watters, who is not here today, for their help and guidance. It was new territory for many of us, and it was useful to work with you to tease out the issues. Thank you for your time.

Appendix 3

Written Submissions

Unite

RECEIVED
15 JUN 2007



Amalgamated T&G Section
Regional Secretary MICK O'REILLY

SS/WM

13 June 2007

Mr Patsy McGlone
Chairperson
Member of the Environment Committee
Stormont
BELFAST 5

Dear Mr McGlone

Please find enclosed UNITE the Union's response to the taxi Order Bill which was present to Chamber on Monday 11 June 2007 by the Minister for Environment, Arlene Foster.

In addition to the information I have enclosed, we would request the right to address the Committee on the issue of the Tax Order, as soon as is practicable.

Yours fraternally

A handwritten signature in black ink, appearing to read "Seán Smyth".

SEAN SMYTH
Regional Industrial Organiser

Encs

Unite the Union

Transport House 102 High Street Belfast BT1 2DL Telephone 02896 232381 Facsimile 02890 240133 / 02896 329904

General Secretary Tony Woodley



Amalgamated T&G Section
Regional secretary MICK O'REILLY

Taxi Drivers Charter

In supporting the demands of taxi drivers, Unite the Union is campaigning to implement the Taxi Drivers' Charter which calls for:

National Cab Legislation: A new Transport Act to repeal of all existing legislation in respect of Hackney Carriage and private hire to be replaced by new national legislation to provide local flexibility and define a single tier taxi system and also establish regulations governing legitimate private hire provision, the role and scope of which would be determined by local taxi boards according to local needs.

Vehicle licensing and testing: There is a need to ensure the highest quality of vehicles and all new licences should be issued only to new vehicles, whilst existing licence holders should not downgrade their vehicles to keep the age of a fleet fresh. There should be a national standard test for roadworthiness for all vehicles, with fees earmarked for the financing of the system itself. The introduction of taxi card schemes throughout the country would be a tremendous use of public funding to help persons with disabilities.

Fares and fees: Licensing should not be a means of fund raising for local authorities. All monies received should be spent on enforcement of the quality of taxi provision. Fares need to reflect the practical needs of vehicle standards and a reasonable remuneration to drivers. A cost index structure as an annual review, as applies in London, should apply in all local licensing areas.

Bus lanes: All bus lanes should be open to the hackney carriage vehicle, because it is a mode of public transport. This will give the public a faster and better service, by avoiding traffic queues and congestion.

Free access: For the taxi to fulfil its vital public transport role it is essential for the trade to be legally allowed access to places such as airports, railway stations, shopping centres and pedestrian areas.

Enforcement: Enforcement should be carried out by the police and local authorities. It should be made an offence to use a vehicle other than a licensed taxi to ply for hire in the street, or to offer such a service.

National Taxi Commission: A National Taxi Commission should be set up under the auspices of the department of transport to improve design, training (NVQs) and safety standards; to sponsor research into the future of the industry and to act as a focal point for development.

Local Taxi Boards: National legislation should oblige all licensing authorities to set up a local taxi board, consisting of representatives from the local authority, the local police, and the local taxi industry. They would take over the responsibility for the day to day operation of the licensing system.

The way forward for Public Hire Taxis in Northern Ireland

The Amalgamated T&G Section of Unite the Union currently organises over 140 public hire taxi drivers in Northern Ireland and this document is our response to the Department of the Environment's proposed changes in the Northern Ireland Taxi Industry:

There are currently over 450 public hire taxis working in Belfast all of which are DDA accessible, these cabs can cost over £30000 to buy, if the new proposals are introduced our members will not be able to afford to run these taxis and will be financially better off buying a second hand car and putting a roof sign on it. This would not only lower the number of accessible taxis but encouraging private operators in to City Centre Streets, trawling for work further clogging up a already congested City.

Unite the Union believe that if our proposals were introduced every one would have accountable reasonably priced Disabled Accessible Public Hire Taxis right the way through Northern Ireland;

1. All public hire taxis must be Disabled Accessible
2. Reintroduce public hire taxi drivers' license and hold a MIDAS/NVQ certificate in working with disabled passengers.
3. All fares will be set in consultation with the consumer council/DRD and Taxi operator's representatives with increases linked to inflation.
4. The PSNI will have full enforcement powers such as the power to issue prohibition orders.
5. All public places must have taxi ranks i.e. hospitals, Air/Ferry ports Bus and Train stations
6. Belfast Public Hire Taxis will only operate in specific designated areas i.e. Belfast City limits, all fares must be on the meter, however for fares outside the metro area drivers will be able to ask for the minimum fare in advance. Any fare outside the city will have a penalty fare in addition to the meter fare i.e. £5, £7.50 and £10.00.
7. A formal grievance and discipline procedure to be introduced to protect both the public and drivers and a loss of licence appeals panel established.
8. The number of public hire taxi plates will be capped and will be increased in line with business needs "sustainable growth"
9. Belfast Public Hire drivers should not have to apply for an operator's license.

Unite the Union's plan will guarantee that Belfast/Northern Ireland has a first class public hire taxi service which will be fully integrated with all other forms of public transport, this plan will deliver high level of safety, as drivers will have to sit an additional test and training levels which must be maintained yearly. The capping of plates will enable drivers to work to an average working week instead of have to work excessive hours while increasing passenger safety and value for money.

S.H. Egerton

11/23/2007

Mr William Black

to Eminent Committee

Mr William Black
3 Abbeyhill Road
Newtownabbey
Co. Antrim
BT37 0YE

RECEIVED
26 JUN 2007

Copy to
Mr Black
Quality of
Service

Dear Mr Patsy McGlone – Chairperson (Social Democratic & Labour Party)

With reference to the proposals 2006 for the Taxi Industry in Northern Ireland, I would like to point out that some of these proposals in some cases are both draconian and are not wanted by the Taxi Industry in their present form.

Over the years the Departments within the DOE (Legislators) have passed legislation on the Taxi Industry knowing that there was no accountability and therefore would not be challenged.

Now that we have our own Government and our own Ministers we hope we will have someone who will listen to the genuine concerns within the Taxi Industry.

Examples of disagreement within these new proposals are as follows:-

- ❖ The Operators Licence
- ❖ The Extra Charges (approx 11)
- ❖ The permission for non-accessible vehicles to pick up in Belfast
- ❖ The Extra Charge for driving a Wheelchair Accessible Taxi
- ❖ Enforcement

The complete disregard for any driver who has obtained a Certificate for carrying disabled passengers (Government run course) and will now have to complete the new test brought in by these new proposals.

Operators Licence

An Operators Licence was introduced on the mainland so that there would be some accountability for private hire (Minicab). The Hackney cab driver as I am aware does not need an operators licence ie court case Brentford County Court.

The legislator has already been informed both verbally and in writing regarding this particular case but as per usual with no accountability intends to do what it normally does just steam roller over the top.

This is no longer acceptable.

Extra Charges

The different courses and fees that the legislator has suggested they intend to introduce will add more expenditure to the drivers and yet no increase in returns. The department states that there is a potential for increase in business.

I have asked the department "Where do you get your assumptions from?" – no answer.

The Permission for Non-Accessible Vehicles to pick up in Belfast/ The Extra Charge for driving a Wheelchair Accessible Taxi

In the proposals the department states they want more accessible taxis both in Belfast and across Northern Ireland.

"Where is the incentive for any driver to upgrade his/her taxi to an accessible taxi costing up to £35,000 when the department intends to charge an extra £25 on your test fee for having an accessible taxi and at the same time permit private hire to take a percentage of your work away by being permitted to pick up on the streets?"

This is also not acceptable.

Enforcement

I do believe that we have an excellent Enforcement Team within the DOE, unfortunately we do not have enough Officers in this team. When the Taxi plates came into force the increase of fees went to £122.00 per year which included £20 from each fee to go towards enforcement. At that point there were approximately 5000 drivers in Northern Ireland which has now doubled to 10,000 approx, yet no increase in enforcement.

"Where is our money going?"

Throughout these proposals the department has talked about costs and charges yet nowhere does it state how much these charges or fees will cost ie the charge for a PSV test is £126.50 which must be paid in full however if the department is going to permit the Operators licence to be paid by instalments "What is the cost?"

The questions which are asked within the 2006 proposals are "YES" or "NO".

How can anyone answer Yes or No when there is no fee on the table for discussion?

I am not on my own with the concerns of these proposals as there are several thousand drivers asking the same questions.

Are we to be ignored?

The departments within the DOE had a great opportunity to sort out the Taxi Industry for the benefit of all, unfortunately I and many others believe these proposals will fail miserably as they have not listened to the Taxi Industry but instead have chosen to follow their normal route.

Yours truly,



James Neeson

Dear Sir/Madam, with reference to new Taxi Bill that is proposed I would like to submit the following

Taxis should be licenced to pick up anywhere they are hailed at any time. Taxis which are purpose built are sufficient to fulfill the needs of the disabled community. The argument that purpose built taxis are more expensive to operate is null and void as the taxis which are saloon cars are as expensive if they are to the standard which should be required. It is imperative that every taxi is fitted with a meter, calibrated to Licencing standards and approved makes only.

To bring in legislation that does not compel meters makes a nonsense of any attempts to regularise the industry. Enforcement should be strictly enforced but done fairly. It is to the advantage of drivers that meters are fitted, this will ensure that passengers get a fair deal and drivers will get a good wage.

I do not need to remind the Assembly committee of the extortionate late night fares particularly in the city of Belfast, it is criminal. Enforcement should not only apply to those drivers who break the law but to the depot owners who subcontract them. Persistent abuse by drivers of a particular depot should reflect on the ability of a depot owner to hold a licence. Depots should be made to comply with planning and health and safety laws.

The taxi/bus community taxis should only be able to operate on the routes specified in their licence and not allowed to be hailed on other routes. There is an anomaly in that taxi/bus operators, particularly on Shankill/Shore roads work their routes and also run part-time as public hire taxis, this is forbidden by the rules of the West Belfast Taxi Association.

My reason for objecting to this particular problem is that the communities they serve are losing out. Outside of purpose built taxis, saloon cars should be no older than five years. This is an unwritten law in the larger taxi depots as can be seen by the standard of vehicles employed by them.

I have spent the last thirty years arguing for change in the industry, the Sterling Report was never really taken seriously by the Government and this was a mistake. Albeit the new legislation will require a rise in fares to compensate, but the better service, cleaner cars, correct metered fares will give better value for money to the public.

Training should be a priority to make this industry a success, many years ago the Industry Training Board revolutionised the rest of the Transport Industry and this should be a priority in the future.

Whoever or whichever dept heads decided to abolish the Driving Test for PSV drivers had little or no comprehension of the Taxi Industry.

The legislation proposed is a major step forward but more needs done,

Regards James Neeson

S.H. Egerton

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Belfast
BT6 9GB
Northern Ireland
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25 June 2007

The Chairperson &
Environment Committee Members.
All Belfast East M. L. A.s

RECEIVED
29 JUN 2007

Dear Mr. P. McGlone,

Taxis bill 2007

When you enter a Taxi the passenger places their life in the hands of a complete stranger.

A Taxi which has a fixed partition between the driver and his passengers should be the only vehicle permitted to legally "pick up" of the street. A drunken person is more vulnerable getting into a vehicle without a divide between driver/passenger.

I have been involved within the Taxi Industry for the past 25 years and during that time the DOE have done very little to improve the lot of taxi drivers any movement has always been forced out of them. The DOE have rightly or wrongly always blamed direct rule for inaction the Bill that is before the Assembly is a direct result of Direct Rule objectives.

It was a Bill that the DOE hoped Westminster would pass but thankfully you are in a position to hopefully bring about change because there are aspects of the Bill that do concern me and many others.

I am an owner/driver a "sole trader" I work from the public hire ranks in the centre of Belfast. My vehicle is under 4 yrs old from new costing in the region of £30000. The type of faith in the taxi industry that the DOE want to encourage but their respond to date is the reverse.

My fare is controlled and I keep to the rules which many ignore. In 2004 after a 2 year wait we got a 10p rate increase again I repeat it permitted me 10p of an increase with extra if you worked after midnight and the DOE did permit a week end rate. When the drivers who like myself work mostly days asked for it to be upgraded they refused to address the issue for many months. We finally got what the DOE consider to be a catch up rate which they calculated using methods similar to that used by Govt. to calculate

pensioner's rates and like the elderly we are always playing catch up.

That is one person's view of the background to this Bill.
The Bill itself is based upon the England /Wales model which came out of an highly criticised OFT report which has deregulate the taxi industry in England and is causing hardship. The taxi industry was deregulated here when they did away with taxi driving test in the 90s now to be brought back.

There are according to DOE figures 17000 taxi drivers with 2000 applying for a licence. The DOE may believe up to third may not work but as the industry is "cash in hand "many work out of the shadow economy...

We need a Taxi Bill but it is the form its takes? there are many issues I have no forward business plan because I do not know what my new costs will be what is the point in being given credit facility if you are not earning the money in the first place.

There are good parts in the Bill
Enforcement=YES but DOE have Taxi Squad for whole of NI consisting of 5 persons
PSNI =YES but NOT REALLY INTERESTED except traffic branch
Taxi Driving Test= YES essential
Standards=YES long overdue
Depot Lic. =YES but not sole person with one vehicle

The other issues are to numerous to mention except to say that I find it strange that a Bill that comes under a Road Safety Heading does not once deal with the level of part time drivers who hold down a job during the day and then work equally long hours at Taxi game.

I thank you for taking the time to read this all I ask is the good parts are used that the rest is referred back because there is needed a lot more work

Yours sincerely



S.H.Egerton

Ps the above is not an attack upon the Minister who has been briefed that this is the best course of action.

I hope that the committee will stand up to the Department and give us a shorter but better Bill then we can address the real issues facing my industry.

T.J. Monaghan

The Committee Clerk
Environment Committee
1.1 Assembly
Assembly Buildings,
Belfast.

J.G. Monaghan,
45 Stewartstown Park,
Belfast,
BT11 9GJ.

27 June 07

Dear Sir/Madam

Re: The Taxi Bill - Bus type Black taxis in Belfast
With Translink making an effort to get the new Metro bus
service introduced on The Falls Rd, Andersonstown Rd, Stewartstown
Rd, Shankill Rd and others, and in direct competition with
the Black taxis (Taxi Bus) system on these routes. I would
request you to consider withdrawing the Taxi Bus license
for the following reasons:-

CONGESTION

If you follow up on this request - see for yourself by a
visit to the Falls Rd / Andersonstown Rd - Monday - Saturday.
Also there is no order as to where these vehicles stop, to
pick up or set down.

POLLUTION

Exhaust fumes from all these black taxis.

NORMALISATION

As far as I know, no other major city in the UK has this
Taxi Bus system of transport operating on arterial routes

am well aware of the origins of the taxi bar system
dating on these routes, from the start of the troubles when bus
services should be removed when there was a threat to passengers
buses.

am also aware that a large number of people under 65
prefer to use the taxi bars.

have no axe to grind against any driver or their organisation,
I would have no objection to taxi buses operating outside
city centres.

have sent a copy of this request to the DOE Minister
or Arlene Foster in Adelaide St, Belfast.

Yours Sincerely
J. Monaghan

J Beckett

From: jimmy [mailto:jimmy.beckett@ntlworld.com]
Sent: 18 July 2007 11:41
To: +Comm. Environment Public Email
Subject: Taxi Bill

Dear Committee

As Vice Chairman of the TGWU I would ask you to consider the findings of the ten public meetings carried out by the DOE & DRD on their opinion on the TAXI BILL you will find 97% against this Bill.

As any other Minister or Committee decides on a Bill they visit the people involved I would ask you to appoint a member of your committee to accompany me on a weeknight before midnight

and you will see the taxis lined up as there is no work for them and a Saturday night between the hours of 12 30 and 3 am and you will see the condititions the Cab drivers have to work under.

There is also illegal taxi operators on every corner and outside every ber which the DOE turn a blind eye to.

I would ask you to see for yourself then decide on this Bill. If this Bill is passed it will put many drivers of the road as the town will be flooded# One major concern is how does the DOE intend to enforce these proposals as they do not enforce what they have at present.

Thank you for your time and please take on board my request to view yourselves the conditions that the cab drivers work under due to no enforcement in Belfast

J Beckett

Public Consultation on Proposal for a Draft Taxis (Northern Ireland) Order 2006

Public Meeting – Belfast

Venue: Wellington Park Hotel

Date: Thursday 28 September 2006 – 12 Noon

Between 80 and 100 people were in attendance. They included operators and drivers from all licensed sectors from the Greater Belfast area, Lisburn, Antrim and Londonderry.

A very wide range of views were expressed during the meeting including:

Regulatory Impact of Proposals

- Concerns if measures enabled by the Taxis Order are implemented that costs and other regulatory requirements for legitimate operators and drivers will put them out of business.
- Absence of any commitment to provide government financial assistance for accessible vehicles and training was criticised.

Regulatory Framework

- Fears that allowing all taxis to ply for hire will prompt confrontation near to ranks.
- Industry needs to be advised about the extent of 'exclusion zones' around taxi ranks. Major concerns about where 'non-accessible' taxis are going to wait. Would waiting on in a 'pay and display' parking place be allowed?
- Clarification sought as to whether the new legislative provisions can apply in places such as airports which are subject to the Airports (NI) Order 1991.
- Suggested that number of licences should be capped given the considerable over-provision of taxis in Belfast and that plates should have a value as an investment for drivers.
- There should be distinction made between full-time and part-time drivers with a view to capping the number of taxi driver licences issued.

- There should be a Public Carriage Office in Belfast.
- Department needs to be more transparent about fee levels and increases.
- Alleged that DOE proposals are based on assumptions instead of carrying out surveys e.g. unmet demand.

Accessible Taxis

- Fleet percentage requirements will cripple operators if they have to purchase vehicles themselves.

Taxi Fares

- Department's performance in relation to fare regulation has been abysmal.
- Provision for fuel hikes need to be taken into account when setting fares rates.
- Immediate action needs to be taken on setting new fare structure which should include minimum rates.
- In the new fare structure there should be allowance for 'dead miles'.
- There should be procedures for fare reviews.

Taximeters

- Concerns that if a taximeter stops working, driver will be penalised. Provision needs to be made to avoid drivers having to stop working if taximeter breaks down at a busy time.

Training

- PATS training already acquired by some drivers should be recognised for the purpose of meeting any new disability training requirements.

Enforcement

- Enforcement of plating requirements is not obvious given evidence of illegal trade and also expired plates.
- Enforcement must be evident and there is need for support and commitment from PSNI particularly when drivers need assistance.
- Claimed that in the Antrim area, some drivers cancel insurance cover once vehicle passes test.
- The DOE as regulator should be regulated by an independent body.

Other Issues

- A Taxi Consultative Forum with statutory powers should be set up as soon as possible with proper representation from the taxi industry.
- Given the increase in the immigrant population in NI, DOE should ensure that there are adequate measures in place to check repute of foreign nationals and their ability to speak English.

- Procedures for licensing of taxis need streamlined to reduce delays in having vehicles tested and plated and to accommodate change of vehicles.
- Suggested that use of domestic premises as an 'operating centre' will mean independent operators will have to pay commercial rates.

Note prepared by:

Road Transport Regulation Review Branch

Public Meeting – Armagh

Venue: City Hotel

Date: Wednesday 20 September 2006 – 12 Noon

Approximately 20 people attended including taxi drivers (who were in the majority), taxi operators, an insurance broker and a vehicle adapter. They came from Armagh, Craigavon, Keady and Newry.

Views expressed included:

- Concerns from one operator that, if implemented, the impact of the proposals provided for in the draft Order would put some taxi firms out of business.
- Serious concerns about lack of enforcement; targeting of the legitimate trade while ignoring illegals (particularly by PSNI); unfamiliarity by PSNI officers with taxi legislation; and the lack of support to the industry shown by PSNI in protecting drivers from attacks and non-payment by passengers.
- Criticism of DOE in that there is no perception that it is fulfilling its promises to increase enforcement using money generated by recent taxi PSV fee increases. Contention that if even the current legal requirements cannot be enforced, then introduction of new legislative requirements will be unworkable. Lack of enforcement is seriously demoralising the taxi industry and, as a result, the Department can expect little support for the new proposals.
- Alleged that there are serious insurance deceptions which elude DVTa because of shortcomings in the current road traffic legislative requirements. Claimed that unscrupulous operator can obtain insurance from GB brokers by declaring that their vehicles are funeral cars and that certificates are being issued without addresses and are not vehicle specific. Since the draft Order is silent on insurance requirements other than production, the legislation should be more specific in this respect.
- Taxi sharing could result in passengers taking a taxi for a very short distance as a means of just getting a taxi at peak times.

Questions were raised and clarification given (where appropriate) on specific issues relating to operation of taxis:

- The proposed accessibility requirements for vehicles.
- The accessibility requirements in the case of fleets below 10 vehicles will probably mean that one vehicle at least will have to be accessible and that a single vehicle operator will only be allowed to operate an accessible vehicle. It was agreed that if this were not the case operators might seek to subdivide themselves into smaller units to avoid having to operate accessible vehicles.
- New provisions will only allow driver and vehicle to be affiliated to a single operator – i.e. a driver cannot be an operator in his own right and also affiliated to another operator. If

a driver were to accept a booking by mobile phone, he would be required to inform his operator. If not he would be operating without an operator's licence.

- Multiple operators using one operating centre.
- Drivers' inability to deal with number of passengers who insist on using taxi which results in vehicle being overloaded and driver being prosecuted. Taxi drivers can experience intimidation – and indeed violence or damage to vehicles – if they refuse to comply with the wishes of unruly passengers. Passengers. One operator the Newry/S. Armagh area had recently had £3k damage caused to his taxi when he refused to carry more passengers than permitted by his licence. It was suggested that legislation should either exempt drivers or provide them with a defence to prosecutions for overloading. There were also concerns that PSNI regard violent or abusive passenger behaviour as what taxi drivers should expect.
- Smoking and eating in taxis.

Note prepared by:

Road Transport Regulation Review Branch

Public Meeting – Ballymena

Venue: Adair Arms Hotel

Date: Thursday 21 September 2006 – 12 Noon

Approximately 50 people attended – mainly taxi operators, some number of drivers and a vehicle adapter. They came from a wide area covering Ballymena, Ballymoney, Coleraine, Antrim, Portrush, Portglenone, Toomebridge, Larne and Glens of Antrim.

Views expressed included:

- Operator from Glens of Antrim regarded the proposals as 'Belfast-orientated' and not appropriate for application in rural areas.
- Lack of enforcement stressed as a major shortcoming. The industry felt let down given that there appeared to be no 'enforcement dividend' as promised following the increase in taxi licence fees when taxi plating was introduced in 2004. 'One enforcement operation in two years' was not enough. Illegal taxiing was seriously undermining the legitimate trade and there was criticism of PSNI and their alleged lack of understanding regarding taxi regulation requirements and tendency to target the licensed trade whilst ignoring the illegals. Not convinced that stronger powers and penalties in the Order would combat the illegals. Calls for passengers in illegal taxis to be culpable as well as the driver/operator. Government should be resourcing the combating of illegals – not the industry from increased licence fees.
- Claims that there were inconsistencies in the way DVTA tested taxis – one year things were accepted, the next turned down – and from test centre to test centre (e.g. location of fire extinguisher). Also, lack of information forthcoming about changes to PSV regulations resulting in failed PSV tests and additional fees for re-tests.
- Calls for more rank spaces/ new ranks/ranks in smaller towns (some of which currently have no provision at all for taxis), including temporary ranks for use at peak times.
- Concern from a Belfast operator that legislation would allow taxis operating bus-type services also to do 'normal' taxi work and, in doing so, potentially could exploit permitted use of bus lanes.
- Concerns that fare proposals do not include provision for setting of minimum fares by Department. Flexibility in allowing operators to set their own fares within a NI maximum

is not welcomed. Fares should be standard. Also concerns that higher fares cannot be charged for carriage of disabled people in accessible vehicles which cost more to buy and operate.

- Regulatory impact of proposals, particularly those regarding accessibility, could have serious consequences for both independent operators and fleet operators. Operators anticipating the new requirements for provision of accessible vehicles, are not convinced there is demand or justification for the accessibility proposals to the extent envisaged by the Department. One Ballymoney operator allows his vehicles to stand on ranks while waiting for pre-booked hirings. The proposed requirements would not justify all his vehicles becoming accessible and therefore will create problems for drivers with non-accessible vehicles of (a) where they will wait and (b) their inability to accept immediate hirings at ranks.
- Concerns that the additional costs for accessible vehicles and training will have to be met by industry without any financial assistance from government.

Note prepared by:
Road Transport Regulation Review Branch

Public Meeting – Cookstown

Venue: Burnavon Arts And Cultural Centre

Date: Tuesday 19 September 2006 – 10.30am

Approx 30 people comprising mainly taxi drivers. Audience also a number of taxi operators. One of the operators was known to be a wedding car proprietor.

Views expressed included:

- Serious concerns that if proposed reform programme enabled by the draft Order are implemented it will lead to more rather than less illegal taxiing. The measures would not stop illegal taxis from operating and higher costs would force many current legitimate taxis to go illegal.
- No confidence that either DVTA or PSNI will significantly increase enforcement. Serious criticisms of PSNI were expressed especially in relation to the blatant operation of illegal taxis and minibuses. PSNI 'ignore illegal taxiing' whilst 'hounding the legal trade'. Despite the identification by the trade of illegals and PSNI knowledge of those who operate illegal taxis, police appear reluctant to take appropriate action. Also there is a perception that where offences take place on private property (e.g. car parks) neither PSNI nor DVTA can take effective action because of lack of powers and evidence to prosecute. In relation to DVTA there was very strong criticism that despite recent steep PSV fee increases and assurances that the extra income would be used to mount increased enforcement, illegals are still operating freely. The perception is that DVTA will still not have the resources to provide adequate enforcement cover particularly in rural areas.
- Claims that two unlicensed minibuses regularly pick-up at the weekend at a local GAA club and operate on a regular basis at entertainment venues in Cookstown and in Dungannon 'under the noses' of PSNI.
- Concerns that differentiating between licensing of owners and drivers could create loopholes. Who is prosecuted for e.g. roadworthiness offences, in the case of a taxi not being owned by driver ?
- Doubts that DOE or PSNI would have powers or the will to prosecute breaches of the new legislation on private property.

- A Belfast Public Hire driver queried how the new legislation could be applied to non-accessible taxis which ranked up just outside a taxi rank 'exclusion zone'.
- Claims that limiting the taxi drivers licence to three years would mean more profit from fee income for the Department and concerns that drivers over 45 years of age would have undergo medical checks every three years instead of five were refuted.
- One taxi operator suggested that 'grandfather rights' – similar to those which applied in the past to freight and bus operators -- should apply to existing operators when taxi operator licensing is introduced.
- It was suggested that there should be provision for a five year review or evaluation of the new measures.
- Concerns expressed that the proposal to establish a taxi consultative forum appeared to have been shelved.
- A number of concerns were expressed about the taximeter and taxi fare proposals. These included a claim that taximeters by recording all mileage travelled by the vehicle including personal mileage, could create problems in relation to income tax returns. There were also concerns that having fares calculated on both time and distance would mean that elderly people could have to pay more if the vehicle is delayed in traffic.
- One operator complained strongly that the local taxi trade is unfairly disadvantaged by DOE-DRD supported rural transport and car sharing schemes. Also that the 10B permit scheme is not always properly operated and is, on occasion, being exploited.
- Clarification was sought regarding the legal requirements for forward facing seats in vehicles not exceeding eight passenger seats.

Note prepared by:

Road Transport Regulation Review Branch

Public Meeting – Lisburn

Venue: Island Centre

Date: Thursday 26 October 2006 – 12 Noon

The public meeting was attended by a local taxi operator (20 vehicles), a driver and a vehicle converter – 3 people in total.

Proposals for introduction of taxi operator licensing and driver training were welcomed as were the proposals in the main which were regarded as largely overdue. The proposals should be implemented sooner than later.

Taximeters and Fares

Concern that currently installed taximeters may not be compatible with receipt printers. Given that there is undercutting of fares by some operators and illegals, it was suggested that there should be an initial minimum fare.

Enforcement

It was claimed that illegals coming into Lisburn from outside the City at weekends are a problem. Concern at the lack of enforcement was expressed particularly in light of the assurances given that part of the increased taxi licence fee would fund additional enforcement. This has been perceived not to have materialised.

There were claims that some taxis in the City are operating with false plates.

Bus Lanes

It was suggested that taxis carrying urgent blood supplies and medical staff on urgent call should be allowed to use bus lanes.

Note prepared by:
Road Transport Regulation Review Branch

Public Meeting – Londonderry

Venue: Da Vinci's Hotel

Date: Friday 22 September 2006 – 12 Noon

Approximately 80 people including primarily taxi drivers and operators attended. They came from Londonderry, Limavady, Strabane, Coleraine and Dungiven.

Views expressed included:

- Concern about the major regulatory impact on the industry if measures enabled by the Order are implemented.
- Drivers were further concerned that operators would seek to pass all of these additional costs on to them and that, as now, they would have no power to ensure that operators charge realistic fares. The result will be higher depot rents while operators continue to be able to insist that drivers charge the low, uneconomic, fares that they, the operators, dictate. As result, drivers claim that the current situation whereby they earn less than the guaranteed minimum wage rate and to supplement this they have to work 70+ hours per week will not improve.
- Operators need to take responsibility for setting realistic fare rates but the Department should also set minimum rates in order to provide a level playing field.
- Fares set by the Department need to take into the regulatory impact of any new requirements and increased licence fees.
- The new taximeter and fares requirements should be introduced as soon as possible and drivers would welcome advice on the specification relating to approved meters.
- Drivers are want operators to be unable to insist that they rent all equipment (e.g. taximeters and GPS) from them rather than buying it themselves.
- Calls for financial assistance in meeting the new requirements through tax and VAT concessions and fuel duty rebate.
- Demands for effective enforcement particularly at a local level.
- Calls for capping of the number of vehicles licensed as taxis given that there is not enough business to justify the number of taxis that are currently licensed.
- Grandfather rights should be afforded to operators who are presently in business.
- Concerns expressed about the impact section 10B (bus permits) vehicles are having on the taxi trade in the area and that this is unfair competition.
- Review of the current PSV requirements would be welcomed including those relating to the determination of carrying capacity given for example the carrying capacity of a seven-seater MPV is being determined for taxis at a lesser number.

- Streamlining of the taxi licensing process was called for in view of the time delay between testing and issue of taxi plates and to facilitate 'emergency tests', change of vehicles etc.
- Suggested that drivers over 65 years of age should have to pass the new taxi driving test and that PATS/MIDAS - trained taxi drivers should be exempt from undertaking further disability awareness training.
- If independent owner drivers are required to have accessible vehicles it will only encourage them to operate illegally and will wipe out the legitimate trade in rural areas.

Note prepared by:
Road Transport Regulation Review Branch

Public Meeting – Newry

Venue: Canal Court Hotel

Date: Friday 27 October 2006 – 12 Noon

The meeting was attended by around 20 people from Newry and Warrenpoint. These included mostly independent drivers from the Newry Taxi Association, two people representing one of seven depots in Newry and a member of a local development/enterprise group.

Members of the taxi association were extremely critical of the proposals on the basis that the regulatory impact of the requirements particularly for accessible taxis would put them out of business, force them to affiliate to operators or compel them to operate illegally.

Accessible Taxis

A number of drivers believed that the proposal that standing taxis should eventually all become accessible was unreasonable, discriminatory in terms of rural operation (they would regard Newry as a rural area) and had no justification given the negligible demand for wheelchair accessible taxis in their area. In fact disabled people refuse to travel in accessible vehicles because they are difficult to access. It was claimed that if fares are increased to meet even just other expected cost increases people will refuse to pay or not use taxis at all. Lack of Government funding or other financial incentives to meet the new requirements was severely criticized.

One member suggested that there should be different measures for rural areas and that a lesser accessibility standard for taxis should be considered such as installation of a swivel seat. As an incentive there should be lower licence fees for accessible vehicles as in RoI.

Taxi Ranks

Given the number of taxis operating in the City, rank provision is regarded as inadequate and provided at the wrong locations. Drivers criticised the influence the local Chamber of Commerce has on where ranks are located. It was acknowledged that there were proposals to provide additional space at various locations in the City. However, the problem of waiting would be made more difficult from 30 October when new arrangements for the enforcement of parking restrictions come into effect.

Enforcement

Lack of enforcement by police and DVTA was criticised as was PSNI's unwillingness to support drivers when they encounter problems with passengers. It was also contended that the

significant hike in the taxi licence fee did not result in increased enforcement by DVTa as had been promised. Instead, illegal taxis are being allowed to operate without hindrance severely undermining the trade of legitimate owner/drivers while licensed taxis are targeted.

Note prepared by:
Road Transport Regulation Review Branch

Public Meeting – Omagh

Venue: Silverbirch Hotel

Date: Wednesday 25 October 2006 – 12 Noon

6 people attended including 1 taxi operator, 5 independent owner drivers based in Omagh and 1 vehicle converter

Support of the proposals envisaged under the provisions of the draft Order was limited to re-introduction of the taxi driving test and introduction of most of the aspects of taxi operator licensing. The proposals in the main were perceived as being more appropriate to Belfast and Londonderry and other major urban areas and that there should be a distinction between the ways taxis are regulated in rural and urban areas. Concern was expressed that given the regulatory impact of the proposals, no financial support in the form of grants or assistance would be forthcoming from Government.

Taximeters and Fare Regulation

Most considered that any requirement for taximeters and regulation of fares in rural areas was inappropriate claiming that customers would and could not pay higher fares and would probably use illegal taxis. Discussion suggests that regular clientele are accustomed to paying set fares which appear to be less than economic and they would not accept paying higher fares particularly if waiting time in traffic was taken into account. It is claimed that people in Omagh could not afford to pay higher fares given the limited income of regular customers. It is also claimed that traffic conditions in Omagh are chaotic and using a taximeter would inevitably mean higher fares. If fare regulation and taximeters are introduced, the consensus was that there should be a minimum fare.

Concerns were expressed about receipt printer in particular that taximeter would not register any discount given on the fare as registered and that this would have implications when it came to making tax returns to Revenue and Customs.

Accessible Vehicles

Many of the drivers were independents not linked to an operator and the cost of providing an accessible vehicle would be regarded as prohibitive based on work available which is patchy during weekdays. Demand from disabled people is almost non-existent and a requirement for accessible vehicles for rank work is not warranted in Omagh. Furthermore, experience has shown that there is a resistance on the part of elderly and disabled people to get into larger vehicles.

The only rank in Omagh is located at the bus station (on Translink property) and this is under threat from a proposal to erect a multi-storey car park on site. Any requirement for independents to provide an accessible taxi would put them out of business.

It was also claimed that any requirement for taxi operators to provide a quota of accessible vehicles could put smaller operators in Omagh out of business.

Enforcement

Illegals are regarded as a significant problem and drivers were critical of the lack of enforcement by both DVTA Enforcement and PSNI. The taxi licence fee hike was criticised since there was no obvious subsequent increase in enforcement in the area. It was alleged that it was several years since DVTA enforcement were seen in the town and then only the legitimate trade was targeted while the illegals were left alone.

Taxi Plating

It is alleged that a number of drivers in the town operate with taxi plates that have expired.

The delay in being issued with plates is of major concern given the practice of some insurance companies who demand to have a photocopy of the plates before they issue a cover note. It was alleged that advice from the Department on operating while waiting for issue of plates was contradictory. Streamlining of the licensing process would be welcomed particularly if it can ensure that drivers can get their plates at point of test.

Other Issues

Drivers felt that driver training was inappropriate for drivers in rural areas on the basis that they are already providing a social service which is of an acceptable standard to customers.

It was suggested that vehicles should display an insurance disc on the windscreen as is the case in the RoI since insurance companies do not encourage carrying of insurance documents in the vehicle.

Given that the bus station rank is the only taxi rank in Omagh, drivers expressed concern about where non-accessible taxis should wait if a taxi rank 'exclusion zone' is created. This could create a problem since there is a taxi depot within 300 yards of the rank. Proper rank space needs to be provided.

Note prepared by:
Road Transport Regulation Review Branch

Public Meeting – Banbridge

Venue: Belmont House Hotel

Date: Monday 25 September 2006 – 12 Noon

Approximately 30 people from the Banbridge, Lurgan and Portadown areas attended. They included taxi operators, taxi drivers (independents and those working for depots) with the latter being in the majority.

Views expressed included:

- The current system is adequate and works. Major regulatory impact will bring additional costs on the industry of the Order proposals which some drivers claim are not justified.
- Proposals are seen simply as means for the Department to make money at the expense of drivers and to facilitate HM Revenue and Customs investigations.
- Concern expressed about the burden on drivers if taximeters are a statutory requirement. Taximeters are not needed and the public will not pay higher fares particularly for waiting time in traffic. It will create problems either of people refusing to

pay at end of journey or not taking taxis at all. Will complicate position where fares are agreed and in some cases paid at start of journey. One driver who said he only did contract work asked if he would be exempt from the taximeter requirements.

- Concerns were expressed about when, and when not, to use taximeters when operating in a rural area which requires drivers to go some distance to pick-up passengers. An example given was of a driver travelling from Banbridge to Tandragee (where there is no locally-based service) to do a short run. The job would be uneconomic if all he could charge was the metered fare for the journey while the passenger was on board. Could he charge a surcharge or could he turn the meter on as soon as he leaves the depot to do the pick-up ?
- Some drivers asked about being affiliated to an operator and being able to hold a taxi operators licence in their own right given that they (a) independently undertake contract work and (b) would wish to take their own bookings or stand for hire at quiet times. Another asked whether his working arrangement – where he taxis for his brother doing school runs during the week and works for another operator during the summer and at the weekends – would be provided for. There were also queries as to how easy it would be for a driver to transfer between operators. If there is a delay it could mean a driver being unable to earn a living.
- Major concerns were expressed about the cost of licence fees in particular the 'hike' in fees when taxi plates were introduced and the current procedures; the restriction on taxiing pending receipt of new plates; and the delay between testing and receipt of plates and when trying to licence a replacement vehicle. Drivers say that DVTA attribute delay in testing times to delays in RTLD repute checks coming through.
- Lack of local enforcement was criticised as was the PSNI's lack of support to the licensed trade in dealing with illegals and people who don't pay fares.
- The high cost of taxi insurance was criticised.

Note prepared by:

Road Transport Regulation Review Branch

Public Meeting – Enniskillen

Venue: Clinton Centre

Date: Tuesday 26 September 2006 – 12 Noon

Approximately 35 people from Enniskillen, Belleek, Castlederg and Kesh attended. They included drivers (some independent but mostly affiliated to operators) and taxi operators, with the latter being in the majority. A reporter from the Fermanagh Herald was there for part of the meeting.

Some attendees were under the impression that PSNI would be at the meeting and were very disappointed that this was not the case. DOE officials agreed to pass on to Driver and Vehicle Testing Agency (DVTA) a request from those present for a early meeting involving officials from the Taxi Review Team, DVTA Enforcement and local PSNI. Action Point

Views expressed included:

- Very serious concerns were voiced about the regulatory impact on the industry of the Order proposals. Additional costs in the form of higher licence fees and having to buy taximeters would just compel legitimate drivers to become illegal. It would be easier to 'throw their signs away' and operate illegally knowing that the odds are that they will be allowed to get away with it.

- The proposals are seen as a means of raising for revenue for the Department. One person suggested that the taximeter proposals were being introduced to facilitate Revenue and Customs. New enforcement powers contained in the draft Order were dismissed in light of the current high level of illegal activity which is being ignored and that fact that even the existing legislation is not being enforced. One driver commented that, in attempting to reform taxi regulation, the Department 'was whipping a dead horse'.
- It was very strongly felt that without effective enforcement against illegals operating private cars, the legislation will actually make things worse.
- There is absolutely no confidence that the current level of illegal taxing will be combated. The local trade is disgusted and discouraged by the lack of enforcement particularly by PSNI who ignore the blatant operation of illegals 'under their noses' but yet 'harass the legal driver'.
- One operator reported an additional problem of RoI buses coming into Belleek at the weekends to pick up and set down passengers at places within NI.
- In relation to taxi fares, it was confirmed that the legitimate trade is not able to charge economic fares because of competition from illegals. Overall, attendees favoured all taximeters being calibrated to a regulated fare which individual operators could choose to discount e.g. for groups of customers such as older people, students etc. They were against operators being able to go back to the Department to get meters re-calibrated to higher fares within the maximum fare ceiling every time they wanted to change the fare e.g. when petrol prices go up. It was felt this would be very confusing for customers.
- There was criticism of the procedures in relation to testing of taxis and long delays in getting tests and issuing plates and there were calls for streamlining existing processes. Drivers were very critical of the current warning given to drivers when taxis are tested they are not to taxi until plates are received from DVLNI which means they could lose revenue for several days or even weeks. The introduction of a 'one stop shop' system at test centres would be welcomed and better arrangements for facilitating the licensing of new vehicles. There were calls for these issues to be resolved as a priority i.e. before implementation of the Taxis Order.
- It was suggested that the Department should be checking whether taxi drivers are claiming unemployment or DLA benefits.
- It was felt that the Government could do more to reduce the cost of taxi insurance by encouraging more insurance companies to do business in NI.
- The question was asked as to why legislation allows private cars to get an MOT exemption certificate but a taxi can't get a PSV exemption certificate.
- DRD's policy of allowing private cars and minibuses, not subject to PSV requirements, to provide Government-funded rural transport was heavily criticised and seen as unfairly taking business away from the trade.
- There were complaints about the position of a new taxi rank in Enniskillen which, it is claimed, is not used by the trade because it is in the 'wrong place'. It was felt that consultation with the local taxis was patchy and that independent taxi drivers not linked to depots were not sufficiently involved in the process if at all.

Note prepared by:
Road Transport Regulation Review Branch

North West Taxi Proprietors

A Response by North West Taxi Proprietors to The Environment Committee

The Committee for the Environment put a public notice in the paper about the Taxis Bill 2007 inviting written evidence; this is a response from North West Taxi Proprietors.

The North West Taxi Proprietors have been instrumental in this process of change within the taxi industry by first calling for a Taxi Review and lobbying strongly for change within the taxi industry.

We would like to raise a concern about the public notice. In our opinion the public notice only invites those who are negative about the Taxis Bill, or negative about parts of it, to submit a response to the committee. If only those who are negative respond it will give MLA's a distorted opinion about the way the Taxi Bill is generally viewed (we acknowledge that the committee sent the letters out to stakeholders when we raised this issue).

We would like to thank you for taking the time to consider these pressing issues that face the local taxi industry.

Thank you
Eamonn O'Donnell
Development Worker
NWTP
02871 362556
eamonn@nwtpl.com43.net

The Taxis Bill 2007

North West Taxi Proprietors welcome the DOE proposals in the Taxis Bill that are up for discussion in the Assembly Committee. We are happy to finally see the Taxi Review translating into legislation. We need this to happen sooner rather than later.

The NWTP agree with the objective of the Taxi Review 'to make recommendations aimed at creating a more effective and equitable regulatory framework that promotes road and personal safety, and fair competition'.

NWTP gives a guarded welcome to the Taxis Bill because we have many concerns about the way the Bill is drafted. We agree in principle with almost all of the content of the proposed new Taxis Bill but we do have concerns because there seems to be a massive grey area in regards to everything that follows this enabling legislation. The Department is requesting all the powers within the new Taxis Bill but the department wants the ability to write the script at a later date without filling out much detail in this phase.

For example, the Information Note points out that the taxi test is to be re-introduced and in public seminars we are told that this will be for new entrants and that existing taxi drivers will have to undergo some training but the legislation would allow the DOE to make everyone sit the test.

We are concerned not only about this case but all through the document there are many similar cases. We understand that this is enabling legislation and that more detail will follow but we are very uneasy about agreeing to something that is very much left open to interpretation. The counter balance for us is the Assembly committee and a common sense approach from the department that includes the taxi industry. In principle we agree with almost all of the content proposed in the new Taxis Bill.

That said this is only enabling legislation. It will give the department the ability and authority to bring in much needed changes to the taxi industry. We believe that these changes are necessary in order to bring the taxi industry into the 21st century.

The department assures us that they will consult the taxi industry and others at every juncture before implementing the different changes. We expect that the detail will be thrashed out at that stage on each issue. For example, we have seen the consultation on the taxi test and are happy to proceed.

The main changes covered in the new Taxis Bill are:

- Bringing in operator licensing for taxi businesses

Operator licensing will make office owners more accountable and will put the taxi industry firmly within the mainstream economy.

NWTP welcome the introduction of Operator Licensing. This has been long overdue and should go along way to addressing many of the bad practices of some office owners. The taxi industry needs operator licensing but, as in the past, if this measure is not enforced properly all this good work will amount to nothing.

We agree that all taxi operators should be licensed. We would see this as a central plank in the fight against the unregulated sector. (Under the current system a sex offender could not be a taxi driver but they could own and run a taxi office – that needs to change and we welcome that change).

The NWTP believe that all taxi operators should be licensed. We believe that due to this loophole in the current regulation the standards within the taxi industry have fallen significantly. There is no accountability within offices and this measure will introduce accountability and responsibility. We believe that this measure will be very effective in tackling the problem of unfair competition.

This is a good proposal and the Committee should endorse it.

Allowing all taxis to pick up on the streets without a booking

The structure of the taxi industry will change to a one-tier structure. The department intends to designate areas where only accessible vehicles will pick up.

We believe that a one-tier system is the best option for the local taxi industry. Regulation should maintain a safe standard for the industry but market forces should dictate who services the different aspects of the diverse market.

Regulation for the taxi industry in the North is undertaken by DOE (NI) and is confined to the probity and health of drivers and vehicle suitability, roadworthiness and safety, including insurance cover. This current position if enforced would regulate a safe standard for the industry.

Market forces should be allowed to develop and supply services where there is a demand and in different localities entrepreneurs could develop sustainable services tailored to that locality covering the mix of urban and rural services.

The volumes of work within the Belfast Metropolitan Area allows to a degree for the mix of services to be broken down while outside Belfast the taxi industry needs to be able to provide a mix of services in order to sustain their business.

The taxi industry outside Belfast currently operates as a one-tier system, although on paper we are supposed to be two-tier. Two-tier is not practicle and is not enforcable. If it is not enforcable it should not be law.

We want the taxi industry regulated to a safe standard. We want the market place deregulated and open to allow us to develop 21st century services. If a taxi driver has their medical and repute checks done and their vehicle is up to standard then they have earned the right to work within the taxi industry market place. There should be no monopolies.

We accept that certain transport hubs (airports) and certain services (taxibus) will require a higher spec of vehicle and that certain ranks will be designated.

The new proposals will make it safer for the general public by providing more taxis at key times to pick up on street.

We do not accept the T&G union analysis that this will cost 400 jobs in Belfast Public Hire taxis (BPH taxis have already split over the proposals with about half of them joining the union). Rank designation will protect their ranks. We believe that their claim was sensationalist and an attempt to grab the headlines on the day of the debate and protect what is an unfair monopoly in the city centre of Belfast.

We believe that there will be some displacement of BPH taxi drivers. Some BPH taxis will move into established taxi companies and others will amalgamate together to avoid Single Operator Licensing and extra administration. There will be those that will continue and become single operators. This claim by the union should not deflect the committee from establishing equity and endorsing this proposal.

This is a good proposal and the Committee should stand by it.

Setting maximum fare rates for all taxis

The department has agreed that they will commission a 'Taxi Index Cost report' to establish what a fair fare is. The maximum fare will come from that report. At present the economics of the taxi industry are wrong. We believe that it is imperative that the department also set a minimum fare.

NWTP believe that the 'Taxi Index Cost Report' on the cost of taxiing will establish what is a fair fare and should be initiated immediately and a maximum and minimum fare should be set.

We also believe that all taxis should be calibrated at the maximum fare. The OFT want competition built into the system. If a company or a taxi driver wants to set fares lower to compete then they should state that they charge 10%, 20%, etc lower than the maximum fare and the passenger will know that they are receiving discount. If meters are all calibrated differently passengers will not know if they are getting a bargain or not.

If meters are calibrated differently then it will cause difficulty every time a taxi driver moves from one office to another.

We believe that a multi tariff system should be put in place to cover day, evening and night time shifts. Holiday rates should also be built into the system.

Once the Taxi Index Cost Report is completed then the cost of taxiing will be established here for the first time officially. If the Office of Fair Trading (OFT) want competition on fares then it will be important that the parameters are set at both ends; maximum and minimum. If someone is charging less than the established rates then it would be fair to assume that some other income is in play creating unfair competition. The minimum wage is currently set. If the Taxi Index Cost Report sets out the cost of running a taxi then it will not be rocket science to set a minimum fare / wage alongside the maximum.

This is also a good proposal but this one needs amended at the secondary stage to address the maximum and minimum fares.

Requiring all taxis to have taximeters

All taxis should have meters and we agree with that. It is a measuring instrument for time and distance to set the cost. It is good for the taxi industry, gives the general public clarity and its also good for tourism as it is a European standard.

The NWTP believe that Taximeters in all taxis are fundamental to the success, sustainability and growth of the industry.

The NWTP also believe that the overall process will be helped if the department set the criteria and specifications for taximeters at an early stage and publicise this to the taxi industry.

The department should set a date for the introduction of taximeters within the first year and set the maximum fare at the only agreed rate in the region, the Belfast Public Hire Rate. This would only be a temporary rate until the Taxi Index Cost Report on a fair fare is completed. The Report will probably take approximately two years to complete creating a proper baseline for the first time ever for the industry and the department to work from.

The department intends to introduce operator licensing and training for all taxi drivers within the first phase. We believe that the new taxi signs will follow that and DOE fees to the industry will increase in the near future for the vehicle road test, CRO check, taxi plate (or sign), meter test, taxi driver test, taxi badge (increased fee) and advertising. We also believe that operators will increase office fees to taxi drivers in order to pay for Operator Licensing and added administration costs. Taxi drivers will be hit by a range of extra costs.

We believe that it is important that the department move at a very early stage on two key issues for taxi drivers. One is to introduce improved enforcement and the other is to introduce taxi meters.

It is important that the issue of unregulated taxis and offices using unregulated taxis is dealt with and seen to be dealt with by the industry before we introduce taxi meters. We believe that this will mean Operator Licensing or part of it being initiated within the year.

It is important that the department show some understanding of taxi driver issues and deal with costs by introducing meters at an early stage.

Another issue is to introduce the public to meters at an early stage. We believe that the cost set by the Taxi Index Cost Report will be significantly higher than what is generally charged by taxi drivers across the North. We may need to gradually move fares to the required fare in stages to

avoid an adverse reaction from the public. We believe that the Belfast Public Hire fare would be a good starting point.

This is a good proposal and the Committee should stand by it.

Making all new drivers pass a taxi driving test

New taxi drivers will be required to pass a test to receive a vocational license. Existing taxi drivers will be required to complete one training day per year.

The NWTP believe that major decline entered the taxi industry in 1996 when the vocational taxi drivers license was deregulated to something that could be bought instead of earned and the test requirement was abandoned without proper enforcement to counter what happened. It sent out the wrong message and the taxi industry took a downward spiral.

We believe that the taxi drivers license needs to be re-established as a vocational license and that will require the taxi test to be re-instated. We believe that this measure will address the casual approach that some people have to the taxi industry.

This measure will produce a higher standard of service to the general public as existing taxi drivers will also be required to do vocational training every year. We believe that only new applicants should be required to sit the test and existing taxi drivers should have their grandfather rights respected as they have already invested significant sums of money in becoming taxi drivers.

We also believe that there needs to be benefit for the taxi industry arising out of the new taxi test and the department needs to lobby insurance companies to accept the benchmark set down by the department and provide taxi insurance to the new drivers that pass the test regardless of their age. There should be no age discrimination. If a person passes the test then that should ensure entry into the trade.

This is a good proposal and the Committee should stand by it.

Insisting that all taxi drivers have relevant training, including in how to deal with customers

Taxi drivers will be required to do vocational training the same as other vocational license holders (Lorry & Bus). Disability awareness, customer care, health & safety and other relevant training is what we expect. Cost is an issue for taxi drivers.

The EU have made a directive that Lorry and Bus vocational license holders should be required to complete one training day (under CPC requirement 35 hours every five years) per year to keep abreast of new innovation and maintain their capability (beginning 2008 & 2009).

As the department is re-instating the taxi drivers' license as a vocational license they are moving ahead of most regions of Europe and creating a requirement that taxi drivers also must complete 21 hours of training every three years.

The NWTP admits that the taxi industry have room for improvement in areas like disability awareness, customer service, health & safety and new innovation. We agree with the proposal but cost will be an issue for the industry.

This is a good proposal and the Committee should stand by it.

Allowing some taxis to operate shared services able to charge individual passengers separate, but cheaper-than-normal, fares

Shared fare schemes are to be introduced where possible. This will allow for some diversity and development of services. It will also cover current 'Black Hack' services.

The Taxi Bill allows for diversity and development of new services as we move into the 21st century.

Shared fare schemes are aimed at peak periods when taxis are scarce or as schemes that operate between entertainment centres or areas within a town or city.

Shared fare schemes mean that you:

- get a taxi quicker
- save money on the standard metred fare
- may meet interesting fellow travellers
- help reduce congestion and pollution in your area

This measure will also allow the development of new rural services.

This is a good proposal and the Committee should stand by it.

Requiring operators to provide more taxis designed to meet the needs of older people and people with disabilities

DDA requirements will be introduced insisting on more accessible vehicles in each taxi operation. We expect that it will be mandatory for a percentage of the fleet to be accessible.

The NWTP believes that the needs of people with disabilities should be addressed. It is important that the solution is on a balance with the size of the problem. We accept that in the past some areas had poor coverage of accessible vehicles but there has been significant progress in most areas in recent years.

Cost will be an issue and it is important that a balanced sensible approach is taken by the department when setting percentages for businesses and designating areas.

This is a good proposal and the Committee should stand by it. There needs to be a balanced sensible approach to this problem.

Allowing only accessible vehicles like these to use taxi ranks

In certain transport hubs and other designated areas only accessible vehicles will be allowed to ply for hire. After a certain period then only accessible vehicles will be allowed on ranks.

Accessible vehicles are expensive to buy and more expensive to run. The department is creating non financial incentives for those who buy and operate accessible vehicles.

There is an argument that at transport hubs like airports there should be accessible vehicles to accommodate visitors on entry to the country who do not book and that is fair enough.

This is the measure that will protect Belfast Public Hire Taxis in the short term as long as they provide the service to those with disabilities. In the longer term, should others who make the same investment be allowed to operate in that area? Of course!

This is a good proposal and the Committee should stand by it. The department will need to have a sensible approach when setting the distance on designated areas and ranks.

There are other issues covered in the New Taxis Bill like advertising, signage, enforcement, increased penalties, requirements for taxi driver's, operator's and vehicle license and other issues.

This new legislation is aimed at giving the department powers that will be rolled out over a long period of time. Some issues will be dealt with within the first three years. Some issues may take 15 years. For instance the department will have the power to colour code taxis and insist on uniformity, like yellow cabs in New York or Black Taxis in London, but we do not expect that within the next ten years. There are more pressing issues.

Conclusion

In conclusion NWTP welcome the new Taxis Bill. We are happy that the department is taking steps to up date policy and bring the administration of taxiing into the 21st century. We believe that the Taxi Review and new Taxis Bill have been long overdue.

We agree in principle with almost all of the content of the proposed new Taxis Bill but we do have concerns because we do not have the detail. We understand that this is enabling legislation but our main concern is that it is so open. While we understand that more consultation will follow on the issues it points up the inherent difficulty we have in giving a complete welcome to this Bill.

The Environment Committee should endorse this Taxis Bill and pass it on for Royal Assent so that the development of the taxi industry can move ahead as soon as possible and the department can get on with the job of planning a programme of change that will bring the taxi industry into the 21st century.

The Benefits of introducing the proposed changes:

- Modernizing the taxi industry and the administration of the taxi industry and bringing it into the 21st century

The Department needs to address a thirty-year legacy of under development during which the taxi industry fell into disarray under the stewardship of the DOE.

The DOE need to invest in new systems and software to administer the taxi industry. They also need to invest in a programme of change that implements the issues addressed in the new order creating a new framework on which the taxi industry can build.

- Create a diversity of taxi services

The new proposals will allow the taxi industry to develop a greater range of taxi services, pick up on street, door to door, limo, shared fare and taxi bus services.

- Create a safer environment for passengers with more taxis available at key times.

The new proposals will make it safer for the general public by providing more taxis at key times to pick up on street.

- Create a safer environment for passengers

New legislation will regulate the taxi industry to a higher standard.

- Create Investment & Job creation

The proposed changes are already showing signs of creating a new confidence in the taxi industry leading to investment and creating jobs. This needs to be built upon.

We need the 'Taxi Index Cost Report' started ASAP. May take two years!

- Increase Personal Safety and Fair Competition

The new proposals will create a more effective and equitable regulatory framework that promotes road and personal safety, and fair competition'. We are five years into a process of change that will affect and impact on many citizens safety and on fair competition for the taxi industry. We need to deliver!

- Accountability within the Taxi Industry and placing it firmly in the Mainstream Economy

Operator Licensing will make the Taxi Industry much more accountable. It will lead to the taxi industry being placed firmly in the mainstream economy.

- Tourism will also benefit from the New Taxis Bill

A city's taxi service has a visibility impact on visitors out of all proportion to its significance in the public transport system. The service to visitors has a multi-dimensional aspect, which performs an incalculable marketing benefit for a city or region.

Old background info: Need for Review

Listed below are some of the reasons why the NWTP have lobbied strongly for a review of the taxi industry.

- State of taxi industry
- On going decline within taxi industry
- Poor Public Safety
- Lack of Enforcement
- Lack of Development within Industry
- Lack of Investment within taxi industry because it is unregulated

- Lack of Accountability / Need for Depot Licenses
- Abolishment of Badges / Need for New Taxi Drivers ID
- Diminishing standards / Re-introduction of Driving Test / Training
- Mass Abuse of present circumstances
- Consumer Protection needed
- Improve the Availability of Service if industry was more structured
- Improve Service Quality and Provision if industry was regulated
- Reasonable Profitability of Service / becoming less profitable leading to a lowering of standards
- Visibility impact / Poor image; bad impact on tourism and other related industries
- Reduced Traffic and Pollution / Taxi industry can be part of regional solution to other transportation problems if regulated
- To ensure that the taxi industry gets proper recognition from government agencies and that access to bus-lanes is granted to all taxis

The NWTP believe that the outcome of the review should address these and the other outstanding issues.

To fully understand the issues we need to take a more detailed look at the taxi industry in the North and the background of it. We also need to look at the wider political and social background and understand the recent developments and try and see where the taxi industry can evolve in the mist of the wider picture.

Specific Concerns:

1. The main specific concern is that parts of legislation are too open and do not give enough detail. We understand that it is only enabling legislation and we will have an input into the detail in further consultation.

As long as the department has a common sense approach and involve the taxi industry at every opportunity and we have local people on the Environment Committee scrutinising the way forward we are confident that good progress can be made and the industry and the administration of the taxi industry can be improved.

2. 66a of the 1981 Order (car sharing arrangements) is an exemption for people in the Rural Transport scheme run by DRD to transport people about similar to taxis. This gives a bye ball to "people" and could be abused considering the widespread abuses we have seen in the past.

Taxi drivers go through repute and medical checks and their vehicles go through a much more rigorous test and carry identification plates and taxi drivers will be required to train under the new legislation. Why put us through all this and then legislate an exemption that could become a loophole and be abused.

Why not run voucher schemes in rural communities and other areas that require special services and use local taxis and bolster the local industry.

3. In 17:2 the department are suggesting that a taxi driver could be fined £1,000 for not having proper identification on the taxi. Past experience of department inefficiency concerns us here. Currently we have an unwritten agreement with the department that a taxi driver can work once

they get the Vehicle Inspection Notice in the test centre for a period up to ten days then they should contact the department to find out why taxi plates are delayed. If the department are serious about 17:2 then we need a system change that provides a taxi driver with a certificate or plates at the test centre.

Our preference is that roof signs with the plate information be introduced and do away with the plates. We agree with the principle of plating but put the information at eye level on roof signs. There is also an environmental impact to be considered in destroying more than twenty thousand plastic plates annually. If this was implemented then a disc or certificate could be issued at the test centre.

4. A big issue for taxi drivers is changing vehicles. The current process can keep a taxi driver off the road and not earning for a period of two weeks and up to six weeks except where there is good will from the department. We acknowledge that the merger between DVTA and DVLNI should improve things along with the new legislation that removes the CRO check from the vehicle but we would like to see the department put in place a fast track process for current taxi drivers who are on record with the department. This process needs to be speeded up!

5. The cost of change is going to be a massive issue for taxi drivers. Under the legislation the department have legislated for the ability to charge taxi drivers more fees. We accept that fees will go up to introduce the new system. What we would like to see is some understanding from the department about taxi drivers' costs.

We would like to see the department spell out the time frame of change. We do not want to see all the costs introduced to taxi drivers without the introduction of meters in all taxis. We need meters introduced at the start of the process. We would like to suggest that we use the Belfast Public Hire rate initially. The department have agreed that they will commission or carry out themselves a Taxi Index Cost Report to establish what the cost of running a taxi is and what a fair fare is. This could take up to two years. We need movement earlier than that.

6. We are pleased that the department have moved to bring the administration of the taxi industry into the 21st century. We are concerned that the Taxi Enforcement Team consists of five people for the whole industry. They can tap into a bigger pool of 21 on occasions but that is not good enough.

All the good work done by the department and the Assembly will come to nothing if this is not properly enforced. We would like to see a new enforcement strategy that instils confidence and has a local element of enforcement and / or compliance.

7. We are concerned given that this process is five year old, what is the action plan for implementation and what resources are the department putting into the taxi section?

8. The department have been very vague on the issue of designated areas in the consultation. We need common sense approach to this issue and more detail before implementation. Our fear is that whole areas of cities and towns are designated as out of bounds to non-accessible taxis.

Thank you for taking the time to consider these pressing issues.

Robert McAllister

I have to inform you about the home truths regarding taxi services.

It is clear that these proposals are some of the most radical for the reformation of taxi licensing that have been proposed anywhere in United Kingdom. The D.O.E. as the licensing authority are in a unique position as it is the only government run licensing authority in the U.K.

D.O.E was formed under Direct Rule in May 1972 after Stormont was abolished in March 1972. Taxis were run by Belfast Borough Council.

Civil servants tried their best to get Draft Order passed at Westminster. It was sent to get passed on 9th December 2006 knowing local government was to be formed some time in Spring 2007.

I must let you know my feelings regarding pro direct rule civil servants within D.O.E. who wanted Order passed over your heads. These bureaucrats were happy under Direct Rule Administration because they had a field day under Direct Rule Ministers who flew in and out of N.I. and had no proper control of managing civil servants who capitalised on this big time.

I, as a public hire taxi driver in Belfast for many years, have seen big mistakes created by D.O.E. between public hire wheel-chair accessible taxis who are only legal taxi to be hailed by public in five mile radius from Castle Junction.

D.O.E taxi enforcement for many years have turned a blind eye to private hire taxis picking up illegally on streets of Belfast. D.O.E. by mis-management of taxi industry have created taxi war between public and private hire taxi services. As long time taxi driver, what I see happening in future is, by permitting private hire non-accessible taxis to be hailed by members of public, this will deteriorate into possible violence between taxi drivers.

Public hire taxi drivers in Belfast are finding it impossible to make decent living. There are approximately five hundred public hire taxis in Belfast. If I was putting my hand in your pocket/purse seven days a week would you like it.

These proposals are unfair to Belfast public hire taxis. Minister, have you got authority to put Belfast public hire taxi licensing back in charge of Belfast City Council, as it is in every other part of U.K. ie. councils license public hire taxis. Is N.I. part of U.K. or not. Are you aware civil servants visited many European countries looking at taxi services. This wasted tax payers money - typical pen pushers who know little about

taxi industry. Are you aware many millions was spent on wasted taxi bill. Money would have been better spent on taxi enforcement officers and taxi marshals which other parts of U.K. have operating.

As voter and proud to have our own local government up and running, I hope this matter is addressed properly by Environment Minister Committee.

Yours sincerely

Concerned Public Hire wheel-chair accessible taxi driver

Robert McAllister
TEL 07721537387

Robert McAllister

To Whom It May Concern in the Environment Committee regarding taxi services in Belfast City Centre,

Public hire accessible taxis are getting treated badly by lack of taxi enforcement by the D.O.E, who is letting private hire taxis pick up public without booking which is presently illegal.

Value Cabs and Fon-A-Cab have over a thousand drivers who are paying one hundred and twelve pounds a week depot charges. Owners from both companies know they have too many drivers and are gladly allowing drivers to pick public up without booking knowing they are getting rich on the backs of public hire accessible taxis.

What is so sickening is the Environment Committee are going to legally permit non accessible taxis to pick public up without booking. The only time taxi services are at peak is midnight on Saturday until about four AM on Sunday. Every city in the world has that peak time.

Value Cabs presently have a taxi rank at central station which I believe is illegal. The problem at central station is the Dublin train which arrives ten times daily. Value Cabs, non accessible taxis, are picking public up without booking. N.I. Railways are tendering taxi services to Value Cabs for a large amount of money which is totally wrong. For example, if you and I were coming from Dublin to Belfast on train, when we get off the train and walk to the barrier and the attendant at the barrier punched your ticket, would you not agree that N.I Railway services business is finished with the public, who have the basic right to get whatever taxi service they wish? N.I Railways are tendering the public who they don't own. The public are not aware N.I Railways are infringing their human rights of choice of taxi services. If the D.O.E was doing its job properly, Value Cabs would not be sitting at central station without booking.

Also at Jury's Hotel in Belfast, Fon-A-Cab are sitting seven days and nights a week waiting on an air coach arriving from Dublin on the hour nine times daily, seven days and nights a week. Some Fon-A-Cab drivers have threatened public hire taxi drivers with violence

Taxi enforcement is a total disgrace. Taxi marshals employed by the Environment Committee are urgently needed. There is presently a taxi war going on between public hire accessible taxis and private hire non accessible taxis. By permitting new Taxi law to allow private hire to pick up without booking, the D.O.E will create ongoing violence between taxi drivers. I hope the Environment Committee has the vision to make public hire accessible taxis the only legal taxis to pick up public without booking.

There are about five hundred public hire accessible taxis in Belfast. There are no public hire taxi ranks in the city centre for example Castlecourt and Castle junction, High Street. The only taxi rank is at Donegal Square North which only holds nine taxis. Other taxis waiting to get on to that rank have got numerous traffic tickets from P.S.N.I and traffic wardens. Once again this is a total disgrace by D.R.D

Public hire accessible taxi drivers believe there is a wide campaign by different departments deliberately undermining the morale of drivers, possibly forcing them to go and work for private hire or going unemployed.

The right way is simple,. Private hire means you book taxi by phone, giving name and place where you want picked up. Public hire accessible means public hail you at random or go to public hire taxi rank. Please will somebody with sense see right from wrong? Belfast is the capital of Northern Ireland. London is the capital of England. This would not happen in London regarding public hire accessible taxis. I sincerely hope the Environment Committee see the sense I have said above. Be smart and put public hire accessible taxis back in charge of Belfast City Council, the way it was in the nineteen seventies. I believe they would do a better job than the D.O.E regarding taxi Services and sort major problems out for the benefit of the public.

Once again I am a voter and proud to have our local government up and running. My colleagues in public hire accessible taxis are proud of you in government from eighth of May 2007. Please take all the above into consideration.

Robert McAllister

From: MBE Belfast [info@mbebelfast.co.uk]
Sent: 03 August 2007 09:13

To: +Comm. Environment Public Email
Subject: On behalf of Robert McAllister

To whom it may concern, from environment minister and committee,

I hope you take this into serious consideration before making decision regarding letting private hire non accessible taxis pick up members of the public without bookings.

Value cab driver three weeks ago picked up three males in Belfast city centre, saying they were going to Andersonstown. On route to Andersonstown, Driver had to stop at traffic lights which were red. Passenger in the back of private hire non-accessible taxi then put noose round drivers neck and tightened it and told him to drive. They took him to a cul-de-sac and robbed him and took the taxi as well.

His taxi was later found badly damaged. This once again is my main point that non-accessible taxis should not be picking up public without bookings in Belfast city centre.

My deepest sympathies are with the taxi driver concerned. For the safety of future taxi drivers, picking up public without bookings, the only thing that can safeguard the driver and the public against this shocking incident occurring again is that public hire accessible taxis have partition between driver and public. These are purpose built taxis for the safety of driver and the public.

Robert McAllister

Public hire wheelchair accessible taxi driver

07721537387

West Belfast Taxi Association



West Belfast Taxi Association



The Castle Junction
35a King Street, Belfast BT1 1HU
Tel: (028) 9031 5777 Fax: (028) 9031 5222

3rd August 2007

Mrs Patricia Casey
Clerk of the Environment Committee
Northern Ireland Assembly
Room 245
Parliament Buildings
Stormont Estate
Belfast
BT4 3XX

Dear Mrs Casey

TAXIS BILL

We refer to your letter of 19th July 2007 and attach our written submissions in relation to the proposed taxis bill.

In addition to this we are attaching our response to the Consultation of the Introduction of the Taxi Driving Test and Periodic Training for Taxi Driver Licence Holders which, in our opinion, will also have and impact on the required legislation.

The West Belfast Taxi Association has been a key stakeholder in the entire review process for the new regulations on taxis and would welcome an opportunity to address the full committee and Minister in relation to the contents of the submissions now forwarded.

Yours sincerely

Stephen Long

Stephen Long
General Manager
West Belfast Taxi Association

Comments in relation to Primary Legislation

**Draft Order in Council
The Taxis
(Northern Ireland)
Order 2006**

Prepared by

West Belfast Taxi Association

1st November 2006

Submitted 7th November 2006

FOREWORD

The West Belfast Taxi Association will submit our proposals in relation to the Arrangement Of Order listing part and part number. However, we firstly wish to address issues raised in the Information Notes that are not fully addressed in the Draft Order.

This specifically in relation to our views and what we deem as appropriate changes for the benefit of all of the taxi industry including customer and taxi provider alike.

In relation to the Information Notes the licensing of vehicles will be in order of class. These are indicated as Accessible taxis, Non-accessible taxis and Taxis used exclusively to provide particular services. The later in the main being applicable to taxi buses among others.

While the core provision of service given by the West Belfast Taxi Association is based on a multi occupancy stage carriage shared fare services, we have alternative provision of taxi services.

These types of services relate to Occasional Private Hire and Contract Carriage. For the purpose of this submission we will define our role in relation to each as follows:

Occasional Private Hire

1. The provision of taxi services to passengers with special needs who have the necessity to use an accessible multi occupancy vehicle seating no more than 6 or 7 passengers.
2. The provision of taxi services to passengers who have contacted us by telephone, fax or email or in person, who have the necessity to use an accessible multi occupancy vehicle seating no more than 6 or 7 passengers.
3. The provision of taxi services to enable tourists or passengers to avail of the taxi service to visit places of historical and political interest.

Contract Carriage

1. The provision of taxi services to Education and Library Boards, Colleges etc to passengers availing of paid transport provision. This service applicable to able bodied and those with special needs of an accessible vehicle. Vehicle seating no more than 6 or 7 passengers.
2. The provision of taxi services to bars, restaurants, social clubs, entertainment centres and social events as part of contractual agreement in letter format from said bars, restaurants, social clubs entertainment centres and social events. This in order to diminish the possibility of low level street crime in accordance with that listed by the Police Service of Northern Ireland. This specifically when said

bars, restaurants, social clubs, entertainment centres and social events are located in or around private and public housing.

All of the services listed are currently covered under a Road Service licence which is paid annually in June at a cost of £39.00 for each individual Association member.

All of the Association vehicles are and continue to be what is classed as Accessible vehicles. For over thirty-five years the West Belfast Taxi Association have used vehicles of this type. In fact the Association within its Articles of Constitution will only accept members driving the following type approved vehicles:

Vehicles manufactured by London Taxis International being of the type of Fairway, Fairway Driver, TX1, TX11 and more lately TX4. Vehicles supplied by Allied Vehicles/Cab Direct, which are manufactured to M1 European Standard.

The inclusion of a type-approved vehicle from Allied Vehicles/Cab Direct was ratified by all Association members after a month's trial and customer survey in November 2003 on the vehicle supplied. The type-approved vehicles supplied by Allied Vehicles/Cab Direct include the Euro Taxi, E7, E7S and E7SE. These vehicles are manufactured by Peugeot and adopted to the highest standard for the taxi industry, which includes the unique service supplied by the West Belfast Taxi Association.

The West Belfast Taxi Association would suggest that the Department make contact with insurance companies in relation to statistical information on Road Traffic Accidents involving what they would deem as an Accessible Vehicle.

It is inevitable that taxis will be involved in Road Traffic Accidents. Unfortunately some of these accidents will lead to serious injury or death. What is required is an Accessible vehicle that will give the ultimate protection to user and provider.

Lately a number of what is deemed as Accessible vehicles have been licensed to carry six, seven or eight passengers. Albeit they may on presentation, meet the required criteria of the Department, these vehicles can have the required adaptation easily removed from the vehicle. It is vital that any 'hybrid' vehicle adapted for use as an Accessible vehicle has those adaptations permanently in place.

'Hybrid' vehicles need to be stringently tested including crash tests in the interest of the Health and Safety of the user and provider.

The West Belfast Taxi Association is self-governed under its own established Code of Conduct, which already contains the vast majority of the key elements in the Draft Order.

The Information Notes state that it is proposed that for the licensing of taxi buses there will be no necessity to hold a bus operators Road Service Licence. While

agreement can be reached, as indicated that the Department who will set up taxi sharing schemes with new rules applying, the Association does not wish to have its current arrangements under the existing Road Service Licence diluted in any way. Furthermore it would suggest that what is already regulated cannot be diluted in any way.

The West Belfast Taxi Association recognises the need for the Draft Order. The Association also commends the Department of Environment and particularly the Taxi Review Team in relation to the consultation process of March 2005 and now the Draft Order in relation to the Regulation of Taxis and Private Hire Vehicles.

The West Belfast Taxi Association would also commend those who have made themselves available for public and private meetings in relation to the regulations.

The taxi industry is increasingly growing. What needs to be achieved is customer and provider satisfaction. Consideration has to be given in relation to the economic affect all changes will make for the provider. Any excessive increases on providers of service with new regulatory demands will ultimately lead to increased fares which impacts on the customer base.

The reduction in renewing taxi licences after three years will ultimately economically affect taxi providers. This also in the case of those over 45 years of age who are required to have a medical at each and every renewal after they reach the age of 45.

What needs to be considered is the affect that could lead to. This in some other countries has led to "underground" service availability when customers who have not got a disposal income elect to use illegal services even with the knowledge that they are not properly covered under insurance etc.

Arrangement Of Order

Part I INTRODUCTORY

Interpretation

Addition to include the meaning of taxi bus.

“Taxi bus” means the provision of a taxi service based on multi occupancy of 6 or 7 passengers based on the Department agreed shared fare tariff.

Part II

REGULATION OF TAXI OPERATORS

CHAPTER I

GENERAL

Operator’s licence

Amendment 4 (4) (a) the applicant (i)

Is a fit and proper person to hold an operator’s licence and checked against the Child Sex Offender Register

Addition (4) (9)

Holders of existing Road Service Licences who provide taxi bus services will

- (a) Automatically qualify for an operators licence**
- (b) No changes to conditions of Road Service Licence to operate existing services under new operators licence.**
- (c) Capping of charge of operators licence in view of service provision to public transport by licensed taxi bus providers.**

CHAPTER II

HIRING OF TAXIS AT SEPARATE FARES

Compliance with a Departmental taxi-sharing scheme

Addition 8 (4)

Only those who have through public consultation identified the need for a taxi-sharing scheme will be permitted to operate a taxi-sharing scheme.

Information

Amendment 11 (b)

The frequency of the services, the times of departure and the times to be taken on the journeys included in those services and the number of taxis to be used on those services is not realistic. Reason as follows:

1. Frequency of services is restricted in relation to volumes of traffic specifically at peak times. Services from the West Belfast Taxi Association operate from 5.00 a.m. to 2.00 a.m.
2. Times of departure are based on demand. The West Belfast Taxi Association adopts a 4-passenger 8-minute rule. This means either after four passengers have entered the vehicle or eight minutes have elapsed from the first passenger entering the vehicle. This policy operates from 9.00 a.m. until 11.00 a.m. and from 7.00 p.m. until 12.00 midnight. At all other times passenger demand dictates the departure of a vehicle.
3. Times taken on journey are restricted due to length of journey and volume of traffic.
4. Number of taxis will be denoted by number of vehicles on operator's licence.

PART III

Duties of owners of licensed taxis

Redraft of 16 (5) (a)

Give notice under same conditions of SORN information to the Department of the fact that the name and address of the new owner whose vehicle must be licensed in accordance with the taxi service they will provide under an operator's licence.

Identification of licensed taxis

Addition 17 (7)

No licensed taxi will be permitted to carry signage that is not applicable to the service provision that the taxi is licensed to provide. Permitted signage should only indicate applicable type Accessible or Non Accessible Public Hire, Private Hire or Taxi Bus. Anyone who contravenes this regulation is guilty of an offence.

Regulation of fares, etc

Addition 18 –(1) (c)

In accordance with Disability Discrimination No differential in application of taxi fare irrespective of able bodied or non-able bodied usage.

Taxis not to carry more than the prescribed number of persons

Addition required at 21.

This relates specifically to the carrying of children 5 years and under in taxis. Usually parents/guardians will keep child on their knees or in arms. Primary legislation for change.

PART IV

REGULATION OF DRIVERS OF TAXIS

Taxi driver's licences

25 (2) (a) the applicant - (ii) amendment.

The applicant is a fit person in accordance with a General Practitioners examination and statement of same. The applicant is of good repute, which is determined by internal Departmental process. Applications will be accepted from a person who is classed as exempt under the Rehabilitation of Offenders Act. Schedule 1 and 2 offences to be dealt with in accordance with the exemption under the Rehabilitation of Offenders Act. The Department will consider applications from those not exempt under the Rehabilitation of Offenders Act. Repute checks will also include checks against the Child Sex Offenders Register.

25 (2) (a) the applicant - (iii) addition

Training will be delivered in a format to include persons with low-level educational skills.

Conclusion

The West Belfast Taxi Association is willing and within its capacity in the taxi industry, welcome the operational and other changes required. What is paramount in all of this is the compliance costs.

In light of this fact the West Belfast Taxi Association would suggest that an Independent Regulatory Body or Taxi Commissioner is appointed to adjudicate on the introduction of fees and regulations in relation to the Draft Order.

The taxi industry in Northern Ireland already faces higher costs in relation to insurance and fuel than any other taxi provider in mainland United Kingdom. The much-needed establishment of an independent authority should be responsible for seamless transition of the new Draft Order especially in respect of fees.

Representation of the independent authority should include urban and rural taxi providers from public hire, private hire, wedding and funeral cars, stretch limousines, (including novelty vehicles), chauffeur-driven cars providing exclusive services and taxi buses. Representation should also be made on behalf of the consumer.

The taxi industry from a user and provider scenario is made up from persons irrespective of social, economic, religious, gender or ethnic background. The industry in many ways is the "first face" of tourism. While the Department has no direct responsibility for tourism it needs to recognise its role.

Any higher additional compliance costs will ultimately in the end be passed onto the consumer. What needs to be realised is that while addressing the issue of illegal taxi providers the Draft Order could lead to unachievable compliance costs resulting in the further establishment of illegal activity.

The West Belfast Taxi Association would like to thank the Department for the opportunity to consult in this process. Furthermore it would be more than happy to discuss the contents of this document with any duly appointed responsible persons. We would suggest that particular attention is given to the changes we deem appropriate for addition or amendment within the Draft Order.

17th April 2007

Amanda Herron
Driver and Vehicle Testing Agency
Balmoral Road
Belfast
BT12 6QL

Dear Amanda

In accordance with the consultation process please find attached submission from West Belfast Taxi Association in relation to the Introduction of the Taxi Driving Test and Periodic Training for Taxi Driving Licence Holders.

The West Belfast Taxi Association has currently 230 operational drivers holding Public Service Vehicle Licences. While this document does not reflect the views of each individual member of the West Belfast Taxi Association, who are in their own right, all self employed taxi drivers, it reflects what are the views of the West Belfast Taxi Association in general.

Albeit we provide an alternative form of transport using taxi vehicles to provide the taxi bus service and are licensed under a Road Service Licence to provide Stage Carriage Fares, Occasional Private Hire and Contract services, we see our Association as part and partial of the taxi industry in Northern Ireland.

Our response document will indicate, where appropriate, our views in relation to the Article or Schedule and will as indicated in Paragraph 1.4 of Your Invitation to Comment, reflect our views within the consultation process, which we deem are important to us.

Yours sincerely

Stephen Long
General Manager
West Belfast Taxi Association

Appendix A – Reply Form

Q1. Do you agree that the option 2.1.1 is the most appropriate option for those to be affected by the introduction of the Taxi Driving Test?

Reply Yes. This by far is the best option. Grandfather rights as with other introductions of driving tests with various licence categories should apply.

Q2. Do you agree that DVTA should conduct the Taxi Driving Test in Northern Ireland?

Reply Yes. However the compliance costs need to be looked at in relation to ongoing increase in testing of vehicle costs, fuel, insurance and if legislated upon an Operators Licence. This together with existing costs of the increase in June 2007 of the Road Service Licence from £39.00 to £78.00.

Q3. DVTA recommend option (b) for taxi drivers' theory test. Do you agree with this recommendation?

Reply No. The theory test should consist of a mixture of option (a) and (b). However with option (b) a number of elements, in relation to communication skills and customer care, responding to passengers with special needs, awareness of disability and diversity should be placed in the category for Training and Periodic Training needs.

More importantly and what has been eluded from in identifying the criteria for the theory test is the basic requirements of Child Protection. This is a fundamental element to be addressed at the earliest opportunity when applying for a Public Service Vehicle License.

Q4. Do you agree that the pass criteria for a Taxi Driver taking a practical test should be stricter than that for a private car?

Reply Yes. However it does not need to be to the criteria required to become an Approved Driving Instructor. It should be based along Category B but decreasing the number of driving faults allowed to pass.

- Q5** Do you think the maximum number of driving faults should be reduced or that the assessment criteria should be similar to that of an Approved Driving Instructor?
- Reply** Yes. However it does not need to be to the criteria required to become an Approved Driving Instructor.
- Q6.** Do you agree that a taxi driver be assessed on their ability to put the passenger at ease with their practical driving?
- Reply** Yes.
- Q7.** Do you agree that a right hand reverse exercise should form part of the practical driving test for a taxi driver?
- Reply** Yes.
- Q8.** Do you consider that a taxi driver should be able to demonstrate the ability to select a suitable position for passenger to alight?
- Reply** Yes. This element should also be included in theory part of test.
- Q9.** Do you agree that the Taxi Driving Test should have both a theory element and a practical element?
- Reply** Yes. The criteria for both should be set by the DVTA after consultation with Private Hire, Public Hire and Taxi/Bus providers with representation from urban and rural areas. Other representation should include those directly responsible for disability awareness and child protection.
- Q10.** Do you agree that the proposal to assess drivers of accessible taxis to ensure they are able to assist the passenger?
- Reply** Yes. However this element should form part of the Training and Periodic Training needs. In conjunction with this, at vehicle testing only, the driver should be able to demonstrate their ability to assist a passenger with accessible needs into a wheelchair accessible vehicles with the whatever necessary equipment is available to do so.
Historically the taxi industry faces a migration of persons from Private Hire to Public Hire to Taxi/Bus. These people although initially driving a saloon type vehicle as part of their training needs can be included irrespective of the type of service and vehicle they wish or want to provide.
- Q11.** Should existing taxi licence holders who drive wheelchair accessible vehicles be required to take this test upon licence renewal?
- Reply** No. The details and response to Q10. apply.

Q12. Do you think DVTa should conduct a wheelchair assessment test if introduced, and if not do you think it should be a stand alone test or form part of a training course?

Reply DVTa should not conduct a test. All aspects of disability awareness, once defined, should be dealt with in training needs. The only other additional requirement should be demonstration on the assembly and fitting of equipment to assist passenger to and from vehicle at vehicle testing.

Q13. Do you agree with these proposals for the minimum test vehicle requirements for Taxi Driving Test?

Reply Yes. However we have reservation in relation to what is classed as a suitable vehicle licensed as taxi under the DOE regulations for licensing of a taxi. These reservations to be dealt with in Chapter 3, Partial Regulatory Impact Assessment under various Headings.

Q14. Do you agree that those drivers wishing to drive wheelchair Accessible taxis should have their test conducted in an accessible Vehicle?

Reply No. The test consisting of theory and practical ability will measure the competence of the applicant. Their ability to drive a vehicle is not being judged on the type of vehicle as they may over a period of time drive various makes and models vehicles including saloon and wheelchair accessible vehicles.

Q15. Do you agree that taxi drivers from GB should be required to take the DVTa Taxi Driving Test to obtain a Northern Ireland taxi licence?

Reply Yes. Great Britain has various councils with various rules and regulations governing the supply of taxi services. Each differs in its regulations in relation to theory and practical tests and training requirements. This also is reflected in the type approved vehicles particularly in London.

What has to be considered is either European Standard, National Standard or in the case of the demography of Northern Ireland and All Island of Ireland Standard bearing in mind that taxis will convey passengers across borders.

The eligibility proposals stemming from the DOE Taxi Review Consultation of applicants holding Category B driving licence is for more than 3 years is acceptable. The issue of satisfactory repute needs to be looked at in relation to checking of Child Sex Offender List and Schedule 1 and 2 Offences not involving any

element of Child Protection being dealt with under Rehabilitation of Offenders.

Q16. Do you agree with the DVTa proposal to introduce option 2.9.2 in order to keep the Taxi industry on par with other vocational transport industries.

Reply No. The suggested training period of 21 hours and delivery in a minimum of 7 hour sessions needs to be looked at. The modules in relation to what is necessary in relation to training needs defined. In conjunction with this how the training is delivered bearing in mind that some current taxi drivers have learning difficulties. While these taxi drivers are very beneficial for the industry they should not be excluded if training could not be delivered in an applicable format. Northern Ireland is fast becoming a more multi-cultural society and equally delivery of training must include those from different ethnic backgrounds.

The West Belfast Taxi Association along with Belfast Institute of Further and Higher Education, Department of Learning, Adele Waters and Bill Lavery of the Taxi Review Team, Go Skills who are responsible for designing National Occupational Standards, Una McCann from Europa General Insurer's, Kieran McStea from A1 Driving School Limited and representative from IMTAC responsible to the government for disability awareness training needs have attended a several meetings with regard to the specific needs of training in relation to taxi drivers.

These meetings have highlighted specific needs and in turn the delivery of the required training. While it is recognized that training is needed and this will in turn attain the level of professionalism associated with other vocational transport sectors it needs to be defined thoroughly.

In turn the compliance costs need to be identified and where appropriate grant aid given to those with low level educational skills. It is interesting to note that no question related to Item 2.9 in relation to the Period of Validity of a Taxi Driving Licence. The suggested three year renewal will have its own financial implications as within a 15 year period you will be forced to pay unlike the current 5 year renewal an additional 2 renewal payments. Likewise if over 45 years of age at renewal a further payment for 2 additional medical references. This coupled with the retraining needs will only increase the potential for illegal taxi type activity.

Compliance costs will be dealt with separately in relation to our comments on the Partial Regulatory Impact Assessment.

Q17. Do you agree that larger operators would be able to get in-house training courses approved?

Reply Yes. Once the training requirements have been defined then larger operators could give in-house training. The West Belfast Taxi Association as advised in reply to Q16, in the series of meetings proposed to conduct a training pilot scheme once the training course was defined. The pilot scheme would consist of 15 Association members ranging in different educational skills. This could be delivered either once Association members including the General Manager underwent approved trainer requirements and then either in partnership with colleges of further education or standing alone deliver the defined pilot training course.

Furthermore the Association recognizes that time spent by taxi drivers training outside of their normal core hours of work would have its own financial implications. The West Belfast Taxi Association stated that once their Association members had been approved as trainers then they could deliver the defined theory and practical training at suitable times to suit the taxi industry. For those taxi drivers who work day shifts in the evenings. For those that work evening shifts at the end of their shifts. For those who neither suits but potentially a Saturday or Sunday morning, would be applicable.

It is therefore imperative that the suggested training time of 21 hours in relation to concentration span and the training requirements are defined before the renewal period and introduction of training and retraining are levied in relation to legal requirements and compliance costs.

Q18. DVTA recommend option 2.10.3 for licensing of ASL's. Do you agree with this recommendation?

Reply Yes. Competency of driving and training needs for ASL drivers are generic as they are taking passengers for hire and reward. We agree they need to further demonstrate their ability to make various maneuvers in a type approved ASL vehicle.

Q19. If option 2.10.2 were chosen, do you think that existing ASL drivers should have to complete the test upon licence renewal?

Reply No. Training courses should be defined generically for Private Hire, Public Hire, Taxi/Bus and ASL drivers. ASL drivers should be given grandfather rights but further display the element as suggested in 2.10.3

- Q20. Do you agree that limousine drivers should carry a comment on their taxi driver card to indicate they are qualified to do so?
- Reply Yes.
- Q21. Do you agree that limousine drivers caught with a regular Taxi Driving Licence should be dealt with as above.
- Reply NO. Those with a regular Taxi Driving Licence should be face proper disciplinary procedure if found to have not undertaken the additional requirements of an ASL driver when changes are implemented.

Conclusion

The West Belfast Taxi Association recognizes the need for a more professionalism within the industry. It also recognizes the opportunity to improve road safety.

However once again we would call for a Forum to be established. This Forum to include statutory agencies of the DVTA, DVLI, NITB, IMTAC and across section of the taxi industry including representation from consumers and also the consumer council in relation to value for money for the customer and taxi driver alike.

The West Belfast Taxi Association would be a willing key stakeholder with the issues contained in this document and any others affecting the taxi industry.

The West Belfast Taxi Association would like to make further attached comments in relation to the Partial Regulatory Impact Study.

Comments by West Belfast Taxi Association
Reference Chapter 3- Partial regulatory Impact Assessment
Reintroduction of the Taxi Driving Test and Periodic Training for Taxi Driving
Licence Holders

3.1	Agree										
3.2	Agree										
3.3.2.1	Agree										
3.3.2.2	Disagree. This in the main to the increasing costs faced by the taxi industry. In conjunction with this a separate charge for those wishing to drive wheelchair accessible vehicles should not face any additional charge as they like all new applicants would do this in training requirements.										
3.3.2.3	Agree with Minimum Test Vehicle Requirements. However we have issue with certain vehicles that are currently being used for provided taxi services. These vehicles are not to hackney carriage specification. They are often van conversions to give 7 or 8 seat passenger capacity and also MPV's normally used for families with 5 or more dependants. In relation to van conversions they are often M1 European Standard. This as a van and not a hackney carriage in relation to crash tests. The construction methods allow for easy removing of seats and restraints ability after testing. The DOE need to look at whether vehicles have European Whole Vehicle Type Approval, National Vehicle Type Approval, Single Vehicle Type Approval or Low Volume Vehicle Type Approval. It is envisaged that changes will assist the professionalism of the taxi industry but this must also apply to the health, safety and well being of the passengers we carry.										
3.3.2.4	Agree										
3.3.2.5	Disagree. The following are a collective existing breakdown of annualized compliance costs associated with a person aged 45 wishing to become taxi driver before cost of vehicle and insurance.										
	<table> <tr> <td>Application for licence</td><td>£ 75.00</td></tr> <tr> <td>Medical Reference</td><td>£ 50.00</td></tr> <tr> <td>Application to PSV Vehicle</td><td>£ 126.00</td></tr> <tr> <td>Road Service Licence</td><td>£ 78.00</td></tr> <tr> <td>Total</td><td>£ 329.00</td></tr> </table>	Application for licence	£ 75.00	Medical Reference	£ 50.00	Application to PSV Vehicle	£ 126.00	Road Service Licence	£ 78.00	Total	£ 329.00
Application for licence	£ 75.00										
Medical Reference	£ 50.00										
Application to PSV Vehicle	£ 126.00										
Road Service Licence	£ 78.00										
Total	£ 329.00										
	Take into consideration and not allowing for increased costs over 15 year period which is unlikely, they will renew their licence under the current criteria 3 times with an additional cost of 3										

medical references but annually renew their PSV on vehicle and Road Service Licence which will be replaced by an Operator Licence annually. Therefore the cost over a 15 year period.

Application for licence	x 3	£ 225.00
Medical Reference	x 3	£ 150.00
Application to PSV Vehicle	x 15	£1890.00
Road Service Licence		£ 78.00
Total		£2343.00

Terence Maguire

From: TERENCE MAGUIRE [terencemaguire442@btinternet.com]
Sent: 04 August 2007 17:09
To: +Comm. Environment Public Email
Subject: TAXIS BILL

I am in total opposition to private hire taxis being hailed in the street as it would give them an unfair advantage over public hire. They would work in their depots when busy and on the streets when the depot is quiet taking public hire work. In my opinion there are plenty of taxis on the streets of Belfast, except maybe for 2 hours on a Saturday night.

I would like to know who will implement any changes to the law, as no one seems to be able to do so at the minute, Judging by the amount of illegal taxing being done in Belfast at the minute.

Patrick Kearns

From: margaret kearns [maggiekearns2@hotmail.co.uk]

Sent: 03 August 2007 18:27

To: +Comm. Environment Public Email

Subject: taxis bill

My worries about the taxi review is to the normal cars that pick up on the streets is that all the hackney taxi drivers will give up there disabled vehicles to get into cars, unfortunately for the disabled and the old we will have to use cheap vans with the sides cut out and windows and seats put in. These vehicles will not be as safe as our hackney vehicles because they won't carry the M1 specifications. What driver will pay for an M1 spec when he can pick up of the streets or get someone to convert an old van or used car. I would like to ask who in the taxi offices is against the Belfast hacking drivers and the disabled in Belfast.

Patrick Kearns

International Airport Taxi Co. Ltd

INTERNATIONAL AIRPORT TAXI CO LTD
Belfast International Airport, Belfast, BT29 4AB

To Whom It May Concern:

3rd August 2007

Dear Sir/Madam,

Ref: Belfast International Airport Taxi Co Ltd (in Administration)

A Taxi Service at the Belfast International Airport is currently provided by Belfast International Airport Taxi Co Ltd, a company incorporated under the Northern Ireland Companies Order.

The company operates under a license between itself and Belfast International Airport Ltd. Our understanding is that the Belfast International Airport is not deemed to be a public area and the regulation governing all services within the ambience are governed by bylaws which in turn are governed by a separate statute. It is therefore our view that general statutes governing public services do not necessarily apply.

The current license under which the International Airport Taxi Co Ltd is operating is dated 10th November 2004 and inter alia it incorporates the following

Clause 3 – Exclusivity of License reads as follows:

- 3.1. In consideration of the agreement, and provided that the operator is in compliance with its obligations hereunder, the Company hereby agrees to take all reasonable steps to enforce the *exclusive* nature of the license.

The exclusive license is subject to conditions laid down in the license agreement and inter alia these include a provision under clause 6.3(b) That the operator shall ensure that the maximum time that any passenger spends waiting for a taxi is 10 minutes, or in the case *where a vehicle capable of conveying a wheelchair bound passenger is required*, 20 minutes.

It appears to us therefore by virtue of its status, operating under a separate statute and bylaws, that the taxi Rank at Belfast International Airport does not constitute a public taxi rank. It further appears that the International Airport have stipulated that there is requirement to provide a service for wheelchair bound passengers but they also recognise in the agreement that other forms of transport are required and must be provided by the licensee. It is our contention that these other forms of transport and wheelchair accessible vehicles are mutually exclusive, i.e. we are expected to provide an executive saloon service for visiting businessmen, dignitaries etc. and such vehicles cannot have wheelchair access by their very nature.

It appears to me that if the Taxi Rank at Belfast International Airport were to be designated a public Taxi Rank a number of difficulties would arise, for example, who would guarantee that taxis were available, as required under the existing license agreement, from 30 minutes before the expected time of the first arrival of the day until 45 minutes after the actual time of the last flight arrival of the day, 365 days per annum week, as is required under paragraph 6.1 of the license.

INTERNATIONAL AIRPORT TAXI CO LTD
Belfast International Airport, Belfast, BT29 6AB

Cont'd.....

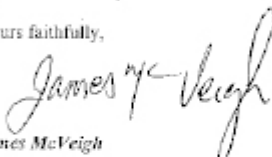
Also para 6.2 of the license states that the Operator shall use all reasonable endeavours to ensure that all staff employed by it at the Airport are persons of good character and suitable in age and integrity who have the requisite skill and experience for the efficient and safe performance of their duties.

Another condition states that no driver shall unreasonably refuse a fare when not engaged.

And a final example of the restrictive and onerous conditions is that under paragraph 6.2 the operator shall ensure that no designated Taxi is more than 6 years old.

These requirements of the license appear to us to set it apart from the normal public taxi rank and it is therefore our view that, given the nature of these requirements and the varied nature of the service required by the Airport authorities, it is not correct that the license arrangement should be subject to the requirements of a public Taxi Rank.

Yours faithfully,


James McVeigh
Director

IMTAC

From: Michael Lorimer [Michael.Lorimer@tacni.org.uk]
Sent: 06 August 2007 10:07
To: +Comm. Environment Public Email
Subject: Taxis Bill Consultation

Importance: High

Attachments: Taxi Draft Order Response (2).doc

Dear Sir/Madam

In response to the request for evidence from interested parties around the Taxis Bill I have attached Imtac's response to the previous consultation on the Draft Taxis Order. This clearly sets out Imtac's position on the review of taxi regulation in Northern Ireland and the provisions of the current Taxis Bill. Imtac is supportive of the proposed Bill. We believe that the Department has presented a way forward that balances the needs of the taxi trade and consumers (including older people and disabled people).

Research, such as that undertaken by the General Consumer Council, shows that disabled people and older people use taxis to a greater degree than other members of the public. Having said this older people and disabled people experience difficulties accessing taxi services - including a lack of accessible vehicles, the safety of vehicles, high charges and the attitudes of staff and drivers. Through discussions with disabled people and older people the Department has gained an understanding of these issues and has sought through the Taxis Bill to address them.

Given Imtac are the advisors to Government on mobility issues that affect older people and disabled people and given the importance of taxis to this mobility, the Committee wanted to make a submission to the Environment Committee. Imtac would welcome the opportunity to further assist the Environment Committee in any way during the consideration of the Taxis Bill. Please feel free to contact me if you require any other clarification.

Yours faithfully

Michael Lorimer

Executive Secretary
Imtac
Portside Business Park
189 Airport Road West
Belfast BT3 9ED

Website: www.imtac.org.uk
Telephone/textphone: 028 9029 7885
Fax: 028 9029 7881

Imtac's response to the proposal for a Draft Order in Council: The Taxis (Northern Ireland) Order 2006



October 2006

Any enquiry concerning this document should be made to
Michael Lorimer, Executive Secretary,
IMTAC, 189 Airport Road West
Belfast, BT3 9ED

Tel: 028 90 297885
Fax: 028 90 297881
Textphone: 028 90 297885
Email: Info@tacni.org.uk
Website: www.imtac.org.uk

1 Introduction

1.1 Imtac is a committee of disabled people and older people as well as others including key transport professionals. Our role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

1.2 Our aim is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

1.3 Imtac receives support from the Department for Regional Development.

2 Comments on the consultation process

2.1 Imtac commends the Department for the approach to the current consultation process. The consultation document clearly indicates the availability of accessible formats and includes a textphone number. The consultation document makes clear that the Department is pro-actively seeking the views of stakeholders through steps such as public meetings and offering to meet with organisations on an individual basis.

2.2 The Committee believes that the overall review process has been an example of good practice with regard to consultation. The Department has sought to involve stakeholders at an early stage and throughout every stage of the process. From Imtac's perspective the Department pro-actively sought the views of disabled people through a series of meetings across Northern Ireland. The Equality Impact Assessment published with the current consultation clearly articulates what steps the Department took to involve disabled people and more importantly how this consultation informed the development of policy.

2.3 Imtac would like to formally record its praise for the approach to consultation taken by officials during the Review. We believe that the process should be seen as a benchmark for other consultation processes.

3 Detailed comments on the consultation

3.1 Imtac approached the Review with a number of key objectives. In summary these issues are:

- To increase the numbers of accessible taxis in Northern Ireland
- To address safety concerns around taxis
- To address discriminatory charging experienced by some disabled people
- To have training become a licensing requirement for drivers

3.2 Imtac believes that the new framework for taxi regulation as outlined in the consultation document represents a sound way forward for the taxi trade in Northern Ireland, balancing issues for providers and users such as disabled people and older people. The Committee is satisfied that the proposed legislation provides the potential to address our key issues outlined above.

3.3 The consultation document acknowledges that the legislation provides only the framework to allow the Department to make the detailed changes required to make services more accessible to disabled people and older people. Imtac welcomes the commitment by the Department in paragraph 6 to continue to engage with providers and other stakeholders when making the

detailed policies connected with the legislation. It is essential that users of taxis have a continued input into future changes to taxi regulation in Northern Ireland.

3.4 The Committee does not feel it appropriate to raise detailed issues around future changes as part of our response to the current consultation as these will be subject to future consultation. However Imtac as well as disabled people and older people in general must be included in any future consultation around changes connected to the legislation. In particular we view it essential that Imtac (as well as disabled people and older people) are involved with regard to the following:

- The setting of the maximum fare rates for all taxis
- The details of the proposed training for taxi drivers
- Measures connected with shared taxi services
- The setting of the percentage of accessible taxis required to be provided by operators

3.5 Imtac has a number of concerns and queries about aspects of the legislation and proposed way forward. These issues include standards for accessible taxis, future enforcement and provision for owners of guide and assistance dogs.

3.6 A key aspect of the proposals is the distinction between accessible and non-accessible taxis. As previously stated a major consideration for Imtac throughout the review has been safety for disabled people. Imtac has anecdotal evidence from users of and providers that some current vehicles operating as accessible could potentially compromise the safety of both disabled and non-disabled passengers. Imtac would like the Department to clarify whether the current draft legislation enables the Department to set future vehicle accessibility standards. Imtac views the setting of standards for accessible vehicles as an essential component of improving the taxi trade in Northern Ireland and protecting consumers. Future standards should be agreed through consultation with providers, manufacturers and users including disabled people.

3.7 Central to the success of the proposed way forward for taxi services, are the resources available to the Department particularly with regard to enforcement. Without a substantially increased and effective enforcement regime the changes as outlined simply will not work. For example the proposals for increased taxi ranks connected with accessible vehicles will not work unless there is a deterrent to prevent other taxis picking up or forming ranks around these areas. Imtac would ask that the Department make it clear in the strongest possible terms that resources will be made available to enforce new arrangements.

3.6 One area not addressed by the legislation is the issue of the carriage of assistance dogs in taxis. Imtac has previously called for Northern Ireland to be brought into line with the law in the rest of the United Kingdom and outlaw discrimination against guide dog and other assistance dog owners when travelling by taxi. We understand that separate legislation has already been drafted to address this issue. The Committee would urge the Department to bring this forward at the earliest opportunity.

3.7 During the consultation period Imtac held a number of meetings with taxi driver representatives and others connected with the taxi trade. A number of concerns were raised at these meetings some of which Imtac shares. Areas of common concern are future enforcement of the regulatory framework and accessible vehicle standards.

3.8 There are also areas of shared concern that Imtac would like to see addressed when the detail of future arrangements are decided. These include ensuring training takes account of the nature of the taxi trade in Northern Ireland. Imtac would also support any incentives the

Department could offer in future to help drivers and operators to make their services more accessible. Finally Imtac fully supports a wider role for taxis in the provision of mainstream transport services. We believe that the proposed changes will make this easier. Imtac will continue to recommend that DRD utilise the potential of taxis in the delivery of transport services.

4 Comments on the Equality Impact Assessment

4.1 Imtac commends the Department for an excellent Equality Impact Assessment. The Committee believes that approach taken by the Department could be used to inform similar processes by Government.

4.2 In particular the Committee would like to commend the Department for the following. Importantly the Department went into this process with clearly defined aims and objectives. The EQIA highlights that the Department looked at an extensive range of available data and more importantly sought to use consultation to further inform the process.

4.3 Too often when developing EQIA's Government uses only statistical data and therefore make assumptions about impact of policies without effective evidence to back up statements. The Department has shown during this review how effective consultation can be used to assess the impact of policy proposals and more importantly how the Section 75 process can help to develop better policy.

5 Conclusion

5.1 Imtac welcomes the proposed new framework for taxi regulation in Northern Ireland. We believe that in general the legislation as detailed provides the Department with the powers to make the required changes to improve current services but in particular improve the accessibility of taxi services for older people and disabled people. Imtac looks forward to continuing to work with the Department on the detailed future changes connected to the legislation.

5.2 Imtac would like to commend the Department for its approach to consultation throughout the review process. Stakeholders have been consulted from an early stage and this consultation has clearly been used to develop a sound way forward. We believe this inclusive approach sets a benchmark for others in Government. Needless to say Imtac would urge the Department to maintain this approach when it comes to future changes.

5.3 The Committee has not made detailed comment on future changes to regulation in this response. We have however raised in our response a number of key issues that we believe require further clarification. The first is whether the legislation enables the Department to set future vehicle accessibility standards. We believe such powers are essential. The second is whether the resources and powers will be made available to make future changes work. Finally we would like the Department to ensure that owners of guide and assistance dogs in Northern Ireland enjoy the same rights when accessing taxis as owners of guide and assistance dogs in the rest of the United Kingdom.

Imtac Members

Frank Caddy, Chair
William Stewart, Vice-Chair
Alison Black
Philip Blair
Maureen Brennan
Terry Butler

Ann Collins, Convenor Personal Mobility Group
Sinclair Duncan
Barbara Fleming
Tom Hoey, Convenor Public Transport Group
Karen Magill
Gerry Maguire
Henry Mayne
Joe McCusker
David McDonald, Convenor Information & Training Group
Geraldine Mulhern
Andrew Murdock
Bryan Myles
Alan Sheeran
Colin Spence

More information on our members is available on our website, visit www.imtac.org.uk.

Observers

Olaf Hvattum, Age Sector Reference Group
Kevin Doherty, Disability Action
Tony O'Reilly, Equality Commission for Northern Ireland
Gregor Kerr, Mobility and Inclusion Unit (DRD)
Eddie Lynch, General Consumer Council

Secretariat

Michael Lorimer, Executive Secretary
Jill Shanks, Administrator

**George Best
Belfast City Airport Taxi Rank**

George Best

Belfast City Airport Taxi Rank



Anthony McCloskey
36 Nutts Corner Road
Crumlin
BT29 4SQ

Clerk to the Committee for the Environment
Northern Ireland Assembly
Room 245
Parliament Buildings
Stormont Estate
Belfast
BT4 3XX

2nd August 2007

Dear Ms. Casey

Here are a few proposals for the new Taxis Bill.

The cost of a license should be between £750 – £1000 to attract genuine drivers
– not someone who is part-time or moonlighting

Driving test, knowledge and aptitude test, controllment on the number of
licenses granted – age limit 25 – 70

Taxi license plates to be fixed permanently to the vehicle, by-laws to be printed
in layman's language

Accessible Taxis

All ports, airports, towns and city centres – wheelchair friendly

Only wheelchair accessible taxis to be permitted to stand or ply for hire 1 ½
mile radius from city centre. This would eliminate cruising or kerb-crawling

Two nights per week outside taxis should be permitted to operate inside city
limits e.g. 11.00pm until dawn Friday and Saturday

Metering

All taxis to be fitted with meter which is calibrated (and serviced) by the Department or agents appointed by the Department for the protection of the travelling public

The meter should be used at all times even if the fare has been agreed. The maximum fare should be set at a high rate to accommodate those who pay high rates for the use of taxi ranks

Easy access to a price rise for changes

The Belfast spec no longer needed – this should be an optional extra

Taxi Depots

All taxi companies required to have a holding pen or yard – Taxis are sitting on unofficial taxi ranks

Operators License Required

Cars and mobile phones are not a booking office

All operators are responsible for their drivers

The bigger the operator the higher the cost of the license

Enforcement

Drivers who flaunt the law will have their licences withdrawn – a penalty point system for P.S.V offences

Traffic wardens able to enforce along with P.S.N.I and Harbour Police

I hope some of our concerns raised will help with the New Taxis Bill

Yours sincerely



Anthony McCloskey
Chairman
George Best Belfast City Airport

S.Beckett

From: Sean [sean.mb@ntlworld.com]
Sent: 06 August 2007 23:20
To: +Comm. Environment Public Email
Subject: Taxi Driver

To whom it may concern,

As to the new taxi proposals, I agree with most of the proposals but what i dont agree with is making Belfast a one teir taxi system as it has always been a two teir taxi system and this would be unfair to the disabled people as they would be left standing on the edge of the road until a

taxi was prepared to lift them or if they ring a private sector and have to pay the surcharge of £8 that the private sector charges and the public sector does not. Furthermore the public sector does not have a surcharge for disabled people and I also see from your minutes that Mrs Watters failed to mention that the private sector has most of the public sectors work sewn up in most of Belfast. I also do not think that it is necessary for taxi drivers to sit a test every time their licence is due renewed. I do think this should be implemented to all new taxi drivers just to take a test and I do not think it is necessary for all taxis to be allowed to pick up in the city centre as the D.O.E cannot implement their duty's that they have at present and furthermore as the rush only last for 6 hours every weekend this would bring a large number of so called pirate drivers back on the streets of Belfast I think the D.O.E need to enforce their regulations now that they have in place as we do not see enough of them on the street to reinforce the regulations that are in place at present. I think it would be necessary if the control of the taxis in Northern Ireland was give back to the council to take change off and I think the public sector should have a dress code.

Your Thankfully

S.Beckett

Taxi Driver

S.H.Egerton

Taxi Bill 2007 Submission of views

From S.H.Egerton B A

Taxi Owner/Driver since 1982

The above named was also member of Taxi delegation led by the late Mr. C. Walker MP which met Minster of State Mr. Richard Needon to discuss Taxi Roof Signs.(early 90s) from that meeting came the Sterling Report into the Taxi Industry which mostly never saw day light. As a Belfast Public Hire Owner/Driver my fare structure is totally controlled by the DOE.

Operators License

Chapter 1

This whole process has been very much geared towards the DOE desire for a one operator set up I have for a long time been of the opinion that this taxi industry is so framagated as to merit a two license approach. A small operator license to cater for the sole trader or two car operator and the more important commercial run depot/operator running on pure business plan set up.

Whilst I acknowledge that the question of the sole operator has caused consideration within the DOE I do believe that "a catch all "clause could be created whereby it would be an offence to create a system or scheme designed to corrupt or abuse the operator licensing system.

Within the articles relating to "operators license"

(8) an applicant may appeal to the courts etc throughout this Taxi Bill if anyone is not happy with a DOE decision on a subject its a "take us to court" attitude in the interests of fair play there should be a review process either internal or better totally separate from the Department.

Under the heading a licensed operator shall keep various records again extra costs for the small player a totally commercial depot collecting driver depot rents can pass these costs on to the drivers and they will?.

Where a complaint is made either to a depot or DOE the driver concerned should be informed within 48 hrs.

Regarding the keeping of records it should be possible to have second approved locations for back up purposes only.

An affiliated driver must have greater freedom when moving from depot to depot and the records system must be able to respond quickly within 2 days.

Hirings accepted on behalf of another operator

To restrictive interferes with commercial freedom

If I as operator cannot cover job and ph a friend who is affiliated driver to another operator to cover is that legal? Can an affiliated driver be able to undertake his own private work "own Job"? Not giving choice is the DOE saying that an affiliated driver cannot do work outside of the depot structure in his own right. Given that he is in business to make a profit if he makes known his own work a depot will try and ease it away from him/her.

Hiring at separate fares

With regard to public hire taxis to say you can only pick up separate fares at certain spots but not elsewhere is again interfering with commercial freedom. Have a sign saying taxi sharing possible at City Hall but what about down the street at High St 2 jobs going same way turn one down cannot take. I should have the right to pick up separate fares but at no extra cost to myself as it will in practice only happen at certain times but I should also display sign stating percentage of fare i.e. 80%.etc.

Part two regulation of taxis

One major area of concern is how easy it is for an license application to get bogged down in the necessary admin procedures after the vehicle has passed its test it is not very satisfactory to be met by blank indifference strictly speaking it is excepted that until all procedures are cleared and plate issued a driver should not work the reality is far different. When a vehicle passes psv the examiner should be able to issue a temp certificate to allow all paperwork to be completed this will help eliminate the very strong practice of non licensed drivers of saying it is being dealt with

Another area of concern is the simple fact that an owner/driver who may also have an operator license could find himself on three separate offences

Driving unlicensed taxi being the owner of unlicensed vehicle and being in breach of operator license that is why it is important to have a mechanism in place whereby no gaps can occur due to admin. at the paperwork end this can result in anger and confusion? at not being able to work legally.

Most drivers at some stage will hit a problem with paperwork which can affect them being able to work, it should be remembered that whilst a civil servant wage goes on it is totally different for the driver with the problem. They may not be able to earn a wage legally.

Regulation of fares

The DOE see themselves as the helping to control the public purse and its overall control of which is understandable but from a driver/businessman he is out to create his profit we do live in a market economy he is entitled to a return on his investment herein lies the clash of interest. The OFT attempt to deal with this problem was to have a max.fare policy this policy has been attacked and I read that there may be a review in 2007 by DoT London

16b refers to no extra charge on top of the max rate how then do we deal with say flat removal during term time (very common) hallway full of back bags how do we put a price upon that situation going maybe 400yds. There are many more examples. We need a degree of flexibility.

Displays of Fares etc.

In a normal situation people are entitled to have an idea of what to pay many regular taxi users have it down to a fine art. But at 1.00 in morning party with few drinks walks in sees £5.60 Shan kill Rd amongst the list gets up the Shan kill sees £6.30 on meter that is going to get the flak the driver who is on his own police will not respond nothing to do with them. He will be handed with luck £5.60 more likely £5.00 for they the punter see it as chancing his arm. The point I am attempting to show is that the taxi industry like all business have their own problems in this case a person who is normal during the day can be totally oppose with drink in them. A christen lady said to me many years age " drink steals your brains and gives them back in a confused state " and therein lies the problem with the taxi industry a lot of our work is not normal at least when the taxi driver sees them.

18 there is no need for a receipt for every job the shops don't do it why should I be a litter creator if a receipt is requested yes for every job no. another point very important for the one man operator or small operator. If a meter or printer breaks in a large set up they will have a means of changing quickly. Is DOE saying if it breaks go sit in the house till fixed or do they recognise running repairs issues like these need to be addressed at an early stage.

Number of persons being carried

I hope that the DOE have reduced the number of plated 3 person taxis because if 4 come out the driver is illegal but the public don't want to know the min number should be 4 hopes that is the situation all taxis should be capable of carry at least 4 persons.

Taxis

This heading takes almost a whole page and appears to give the Department a lot of power before commenting I would like it spelt out more clearly. If they are saying two systems gone then that is wrong not enough research has been done as to its effect upon people like me a sole trader not working out of depot... The Doe cannot enforce existing regulations most unlikely that they will be able to enforce new rules meant to protect me. How do you police an exclusion zone take Gt.Victoria St is the department saying to other taxi drivers you are not allowed to get food or tie laces within 250 metres of my taxi rank this will not work in practice.

Totally new vehicles should not be subjected to test first year

The handbrake comes out looser than when it goes in (first hand experience totally new vehicle)

It is good to see reference to conduct of passengers drivers need more support from the legal system we are a very vulnerable group dealing with sometimes very difficult persons we need more rights than the so called consumer you are carrying. In certain situations.

Road traffic I believe the road service have failed in the provision and upgrading of taxi ranks

There are too many taxi driver licenses within Northern Ireland there is an over supply the taxi driving test is welcomed this is a policy area that the DOE cannot ignore but have done so for many years. It is too easy to get a lic. If the planning service adopted this attitude then every shop on the Lisburn Road would either be a carry out or wedding dress shop. I believe the DOE are failing in a fundamental duty of controlling the number of badges in circulation it has helped to create a free for all situations that this committee is trying to resolve. Finally if a person has committed a crime it should be automatic exclusion for 3 years not a year a serious crime starts at 6 years.

Whilst I support the limiting of new taxi drivers due to over supply I have a concern about the DOE desire to limit the number of drivers within a depot I wrote earlier about commercial freedom for myself I do feel that the principle of commercial freedom should apply to depots. If they have too many drivers they normally move on to another depot.

Fees

It is easy to say that fees are the bottom line but they are a fact of life.

Across in GB various fees are a real fact of life the difference between the two is the fact that here we are coming from a very low base line and no body has any faith in the DOE ability to police the industry. For years the black market controlled this industry. Fares were low this was constantly ignored by the DOE. At one of the public meetings I spoke of the need to build up a fare structure earlier on so that drivers had some money to meet these new costs any new fare increase either public or private have already been absorbed by increasing costs. The drivers have always played catch up the DOE answer to provide credit card facilities better than nothing but how can you pay if you are not earning Will drivers on benefits be exempt?

Register of licences

Whilst this is excepted practice in GB and elsewhere these areas have not had many years of trouble and many persons including my self have concerns about info being in the public area especially in rural areas

Appeals

As stated earlier I feel it is wrong for the DOE to force people into court at stage one there should be some in-between method before court.

Power of entry

An earlier proposal from the DOE was that they could enter unannounced into my home under regulation I am glad that this now requires a warrant but it should never have been presented in the manner that it was we do still have some rights I think it says more about a DOE mind set.

Enforcement.

Whilst I have no problems with much of what is contained I do feel that the DOE could have created an offence of being in an unlicensed taxi. If it is an offence to be in a pub after hours then it should be similar for an unlicensed taxi at anytime.

Other Issues

- I must pay tribute to the many legal taxi drivers who provide a public service often especially at night in trying circumstances.
- It should be remembered that drivers have been murdered many assaulted many subjected to verbal abuse vehicles damaged etc.
- I also acknowledge the effort that the Taxi review team have put into the review during the past 5 years I hope that this is the start of a "clear the air" and a new start. It is in my interests to have a sound foundation upon which to build a new industry.

I have stated my views above on the proposed Taxi Bill 2007 however I do feel that over two decades there have been systematic failures in policy or lack of by the DOE in relation to my industry. I feel strongly that they have failed me as a driver but more important they have failed the public they are meant to protect.

It's my belief that the committee should investigate the DOE handling of its role/performance and the audit office also look at the DOE/Taxi industry over the past two decades.

I expect that the committee may rule my views are "out of order" but the views I express are held by many good people I will not state how it is normally expressed ? Since the 90s I have seen a yearly drop in my disposable income. As more people came into the industry and went out of the industry on a casual basis cash in hand non declarable etc. When the plating system came into existence it is said it legalised over 3000 drivers that speaks volumes of what had gone on before.

There are many good people within the Taxi Industry the name we have been given is in many cases wrong Hearts and Mind programme being an example. I have no control over peoples intentions I have no say or control over so called over charging or is so called over charging really market forces of supply & demand in a pure form ?.

When DOE Enforcement is out in Belfast half the taxis go to ground in both private & public sectors until they move on. Again no control

One of the main planks of the Bill is a all over one tier system this I believe is wrong on two grounds safety of female passengers and lack of research into its effect upon myself here in Belfast. If this Bill is meant to clear streets at night it will fail that has been shown in other areas in many countries where there has been derulation it has not worked. The Bill is about Road Safety yet no one has addressed the issue of casual 2nd job drivers who drive around at night with two match sticks keeping eyes open.

I would like the good parts of this bill to progress and the parts like road safety lack of and one tier system referred back I would also like the committee to set new terms of reference for a short review so that we can get a broader better bill that will take us forward this was a direct rule driven bill.

.Finally we need a Forum where all aspects of the industry can engage the Consumer Council have too much power or influence in relation to the public hire taxis in Belfast they have bigger input than I have in determining taxi fares.

National Association of Funeral Directors



Memorandum

To: Environment Committee, Northern Ireland Assembly
From: Nick Berryman, Secretary, National Association of Funeral Directors (Northern Ireland)
Date: October 5, 2007
Re: Taxis Bill

Submission on the Taxis Bill

On behalf of the National Association of Funeral Directors (NAFD) in Northern Ireland, I am writing to request that Funeral Director Vehicles for Mourners are granted an exemption from this legislation.

With over 70 members, the NAFD represents the majority of Funeral Directors in Northern Ireland and the interests of the entire spectrum of funeral directing businesses – including independent businesses, the Co-operatives and major funeral groups – who conduct in excess of 80 per cent of funerals. The NAFD is dedicated to maintaining the highest professional standards, and monitoring its members to ensure compliance with a strict Code of Practice.

Funeral Director Vehicles are used primarily for the carriage of mourners to and from a funeral and not used for the purposes of “taxiing”. The majority of independent funeral directors only operate one hearse and one limousine, even the large Cooperative’s and large firms do not operate anywhere near the number of vehicles “taxi” operators would. The economics of any funeral director from small to large to facilitate the new taxi operator’s licence would add another cost implication for the bereaved.

The use of Funeral Director Vehicles is a niche market and unique to our industry. There is no problem with the vehicles undergoing annual PSV checks to ascertain that they remain fit for purpose however they do not need to be classified as a “Hackney Carriage” in order to do this.

Funeral directors vehicles should have a separate classification from that of “taxis”. The motor insurance industry does not classify them as the same use as a “taxi” as the premiums are significantly smaller than that of a private or public hire “taxi”.

The situation in England, Scotland and Wales is also worth noting. Funeral vehicles are exempt from registering as private hire vehicles for those vehicles used “wholly or mainly for funerals or weddings” under The Miscellaneous Provisions Act 1976 Part 2.

Both myself and our President, Mr William Millar, would be happy to provide oral evidence and/or provide additional written material to support our call for an exemption.

Kind regards,
Nick Berryman

Secretary
NAFD (Northern Ireland)

Contact Details

Mr Nick Berryman
Melville Funerals & Co
Head Office
195 York Road
Belfast
BT15 3HB

Tel: 028 9077 9252
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Mr William Millar
Ivan Murdock & Sons
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Tel: 028 7034 3350
Email: william@ivanmurdockandsons.co.uk

Accessible Taxi Association N.I.

ENVIRONMENT COMMITTEE

13 SEP 2007

RECEIVED

**Accessible Taxi Association
N.I.**

(formerly BELFAST PUBLIC HIRE TAXI ASSOC)

c/o 20 Greenbank
Belsize Rd
Lisburn
BT27 4JF

Email : nigel135@msn.com
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11TH SEPTEMBER 2007

F.A.O. Mr Patsy McGlone MLA. Environment Committee N.I. Assembly.

Dear sir,

I wrote to yourself, back in May 2007 (copy of letter enclosed), with regard to the N.I. Taxi Draft Order, seeking to arrange an appointment with yourself, to highlight our concerns over some of the items contained within the final draft.

To date, we as a consultative group, within the taxi industry, have received no response from yourself. I can only assume that somewhere in the system, you did not receive this correspondence. It was sent via your constituency office.

I have been made aware, that other individuals and groups, have been, or are in the process of, being able to get an audience with yourself or members of the Environment Committee, to put forward their various points of view.

We as a major influence within the taxi industry, would like very much, to meet with yourself or your committee, to put forward several points, that we feel, at least need serious discussion, explained, or even changed, before implementation, could possibly take place.

Yours sincerely Nigel Lucas

secretary



ENVIRONMENT 0000

13 SEP 2007

RECEIVED

Accessible Taxi Association N.I.

(formerly BELFAST PUBLIC HIRE TAXI ASSOC)

c/o 20 Greenbank
Belsize Rd
Lisburn
BT27 4JF

Email : nigel135@msn.com
Mob 07849 738239

F.A.O. Mr Patsy McGlone MLA Chairman Environment Comm N.I. Assembly.

Dear sir,

May I first take this opportunity, to wish you every success, in your new post as minister for the environment, and like most people who live and work here in N.I. I hope that your endeavours, will be as rewarding to yourself as to the population.

As I am sure you are aware, the taxi industry is earmarked for major reform changes,(N.I. DRAFT TAXI ORDER) in the very near future. Many of these changes are greatly needed, and long over due, to bring our industry into line with the rest of the U.K and Europe, particularly to do with the disabled.

However, there are areas within the reforms, that to say the least are GREY.

As a recognized consultation group, we have not been able to get sufficient clarity on certain matters, with this in mind, we would ask kindly for a meeting with yourself, to discuss this and highlight our concerns.

Yours sincerely

Nigel Lucas

Secretary

17th MAY 2007

Consumer Council

Our Ref No. 3/4/4.14 7 September 2007

Patricia Casey
Committee Clerk
Room 245, Parliament Buildings
Stormont, Belfast BT4 3XX

Re: Taxi Bill

Dear Ms Casey

I am writing to express the Consumer Council's support for the Taxi Bill currently being considered by the Environment Committee of the Northern Ireland Assembly. We have worked closely with the Department of the Environment throughout the review of taxi regulation and look forward to continuing to work with the department and the committee as the details of the proposals are further developed and implemented.

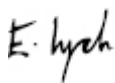
Taxis play a significant role in transporting consumers in Northern Ireland, with four per cent of consumers listing it as their main way of getting around, [1] which is highly significant when you consider that only 5% of consumers are dependent on buses. Therefore, it is important that steps are taken to raise the standards in the local taxi industry to protect consumers and increase accessibility. The quality of this mode of transport in particular impacts on consumers on low-incomes, older consumers, and those without access to a car who more are dependent on taxis to transport them to key locations such as doctor surgeries and shopping centres.

The Consumer Council supports the overarching aims of the taxi review and the principles and supporting work that will attempt to:

- Increase standards and remove illegal operators
- Encourage more 'legal' entrants to the taxi industry
- Improve consumer protection
- Ensure competitive and reasonable fares for all

The Consumer Council would welcome the opportunity to give our view on any aspect of the Taxis Bill over the coming months if the committee believed this would be useful. If you require any further information on the views of the Consumer Council on this matter please do not hesitate to contact me.

Yours sincerely



Eddie Lynch, Head of Consumer Affairs

Consumer Council

[1] General Consumer Council 'Talking About Taxis' 2004

Consumer Council

From: Lynch, Eddie [mailto:elynch@consumercouncil.org.uk]
Sent: 20 September 2007 15:46
To: Casey, Patricia
Cc: adele.watters@doeni.gov.uk
Subject: Taxi Bill

Hi Patricia

Thanks again for letting us have the opportunity to present to the committee this morning. I have outlined below the changes that we believe need to be made in relation to the bill for your information.

Operator Licensing (Part 1) Chapter 1 - Requirement for operator's licence (point 2)

- Need to ensure the bill allows for consideration to the needs of sole operators, particularly in rural areas
- There needs to be a robust system for handling passenger complaints. As well as the requirement on operators to handle complaints and keep a record of them there needs to be an adequately resourced body established under legislation to take up complaints for passengers if they are unhappy with the response from the company. This would ensure the consumer is protected and incentivise the company to handle the complaint properly. The Consumer Council currently has this role in relation to all other forms of passenger transport and we would be happy to discuss this further with yourself, the committee and the department if this was useful.

CC role in the legislation

- The bill needs to state that the Dept will consult with the Consumer Council, the statutory passenger representative, on the details of key issues affecting passengers and in particular:
 - fares setting/maximum fares (Part 2 - clause 16)
 - passenger information (Part 2 - clause 17)
 - accessibility standards
 - Passenger Complaints
- This will ensure that the bill contains a passenger focused approach throughout.

I hope this is helpful and thanks for your help in preparing for this. If you need anything further from us in relation to this bill please do not hesitate to contact me.

Kind regards

Eddie

Eddie Lynch
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Web: www.consumercouncil.org.uk - www.consumerline.org

Appendix 4

List of Witnesses who Gave Oral Evidence to the Committee

Adele Watters	Department of the Environment
Bill Laverty	Department of the Environment
John McMullan	Department of the Environment
Stephen Spratt	Department of the Environment
John Martin	Department of the Environment
Samuel Egerton	Public Hire Taxi Driver
Stephen Long	West Belfast Taxi Association
Stephen O'Reilly	
Robert McAllister	Public Hire Taxi Driver
Andrew McCartney	North West Taxi Proprietors Ltd
Eamonn O'Donnell	
Barbara Fleming	Inclusive Mobility Transport Advisory Committee (IMTAC)
Michael Lorimer	
Sean Smyth	UNITE the Union
Richard Daniels	London Taxis International (LTI)
Andrew Overton	
Jimmy Beckett	Transport and General Workers Union
James Matier	
Anthony McCloskey	George Best Belfast City Airport Taxi Rank
Raymond Dempster	Accessible Taxi Association NI
Eamon Grogan	
Terence Maguire	Public Hire Taxi Driver
William Black	Public Hire Taxi Driver
James McVeigh	International Airport Taxi Co Ltd
Brian Press	
Kevin Doherty	Disability Action

Appendix 5

Other Papers Submitted to the Committee

Note:

A research paper from West Belfast Taxis Association and a letter dated 3 October 2007 from Sean Smyth (Unite the Union) were submitted to the Committee but have not been published. These may, however, be inspected by members in the Assembly Library and by the public in the Environment Committee Office, by prior arrangement, with the Committee Clerk, during normal hours. (Tel. No. 028 90521347).

Other Papers Submitted to the Committee

[Assembly Research Paper on the Taxis Bill](#)
[DOE Letter re Taxis Income and Costs](#)
[West Belfast Taxis Association Speaking Notes](#)
[DOE Proposed Amendments to Taxi Bill](#)
[Petition from Robert McAllister](#)
[DOE Response to Committee re Standard Fines Scales](#)
[North West Taxis Proprietors article re the Taxis Bill](#)
[LTI Submission \(submitted at oral evidence session\)](#)
[Jimmy Beckett Speaking Notes](#)
[Equality Commission Paper](#)
[Jimmy Beckett email following Oral Evidence Session](#)
[PUP Paper](#)
[DOE Response to Committee Queries on Taxis Bill](#)
[DOE Response to Committee Queries Including Amendments](#)
[DOE Response on Disability Issues](#)
[DOE Response on Funeral Cars](#)
[Further Letter from Robert McAllister following his Oral Evidence Session](#)

Assembly Research Paper on the Taxis Bill

22 June 2007

This short briefing provides a brief introduction to the regulation of taxis currently in operation in Northern Ireland. It goes on to provide some key facts about the taxi service industry and outline the problems with the current arrangements. It concludes with a summary of the key proposals in the Bill and an outline of the views of key stakeholders on these proposals.

Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

Summary of Key Points

- The Bill would require every taxi operator to obtain a licence from the Department of the Environment
- Taxi operators would be guilty of an offence if they knowingly allowed services to be provided by taxis or drivers without the necessary licences
- The Bill would do away with the distinction between public hire taxis and private hire, allowing all suitably licensed taxis to pick up passengers on the street
- The Bill would create a regulatory regime for shared taxi services (taxi buses)
- The Bill would allow police officers and authorised officials to take action where they consider vehicles are being used as taxis without the appropriate licences

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[The Northern Ireland Taxi Industry](#)
[Problems with the Current System of Taxi Regulation](#)
[Key Proposals in the Taxis Bill](#)

Introduction

The Taxis Bill [NIA Bill 4/07] was introduced in the Assembly by the Minister for the Environment on Monday 11 June 2007. The Bill aims to update the regulation of the taxi industry in Northern Ireland. This short briefing outlines the current system of taxi regulation in Northern Ireland and provides key taxi industry statistics. It goes on to highlight problems with the current system and how the proposals in the Bill aim to deal with these problems. Finally, it outlines the views of key stakeholders on the proposals in the Bill

Current Regulation of Taxis and Taxi Drivers in Northern Ireland

The Department of the Environment is currently responsible for licensing taxis and taxi drivers under the provisions of the Road Traffic (Northern Ireland) Order 1981. Licensing work is carried out on the Department's behalf by the Driver and Vehicle Agency.

Vehicle Licensing: All vehicles used as taxis must be individually licensed. There are four different categories of taxi license:

- Private Hire: They may only accept pre-booked work. Their licence prevents them from being hailed in the street or working from a rank.
- Belfast Public Hire: These must be wheelchair accessible vehicles and work to fares regulated by the Department of the Environment. Under the 1951 County Borough of Belfast By-Laws Relating to Motor Hackney Carriages (Taxi Cabs), they are the only taxis that can be hailed in the street and work from ranks within a five-mile radius of Belfast city centre.
- Restricted Public Hire: Also known as 'Public Hire Outside Belfast'. These taxis are licensed to accept pre-booked journeys throughout Northern Ireland and to be hailed in the street and work from ranks outside of the five-mile limit of Belfast city centre.
- Taxibuses: Taxibuses, such as West Belfast's black taxi operation, charge separate fares on services provided along pre-set routes. Taxibuses are regulated through a mixture of legislation. Operators must hold a Road Service (Bus Operators) licence while the vehicles used to provide the service are licensed as private hire taxis.

All licensed taxis are required to display license plates, which clearly indicate which kind of license applies to that vehicle.

Driver Licensing: Every taxi driver in Northern Ireland is required to hold a taxi drivers' licence. To obtain such a licence a prospective driver must:

- Have held a full EU car drivers licence for at least 12 months
- Be medically fit
- Be of 'good repute'

Taxi and taxi driver licences are issued by the Driver and Vehicle Agency. It is worth noting that taxi operators, i.e. those companies that organise taxi services at taxi ranks, take and fulfil bookings or provides any kind of paid service using a taxi to carry passengers, are not currently subject to any specific regulation.

Enforcement: Enforcement of taxi and taxi driver licensing is principally the responsibility of the Department of the Environment, with day to day enforcement work carried out by the Driver and Vehicle Agency. The PSNI can also undertake enforcement work. At present there is no power allowing government officials or police officers to take action where they suspect that a vehicle is being used as an unlicensed taxi.

The Northern Ireland Taxi Industry

There is very little comprehensive information on the taxi industry in Northern Ireland. The Department of the Environment commissioned the Quantitative Survey of Northern Ireland Taxi Operators 2004 (Northern Ireland Statistics and Research Agency 2004) to provide some basic quantitative information on the industry prior to the review of taxi policy. In addition to this, the Road Transport Regulation Review Branch of the Department of the Environment (2007) has supplied further information directly to the Regional Development Committee. The following key points are taken from these two documents:

- Almost 50% of all adults in Northern Ireland use a taxi at least once a month, with 20% of all adults using a taxi at least once a week
- Annual taxi industry turnover is estimated to be in excess of £70m per annum
- There are approximately 17,000 licensed taxi drivers, of which two-thirds are currently working as taxi drivers
- There are 10,500 licensed taxis. 400 Belfast Public Hire, 7,400 Restricted Public Hire and 2,700 Private Hire (including 250 taxibuses)
- There are an estimated 850 taxi operators
- The majority of taxi operators (43%) run five vehicles or fewer.
- The majority of taxis are owner-driven: Belfast Public Hire (82%), Restricted Public Hire (84%), and Private Hire (85%)
- Over two thirds of taxi operators (67%) calculate fares based on distance travelled, with 95% imposing a fixed minimum fare

Problems with the Current System of Taxi Regulation

The Taxis Bill was introduced to deal with perceived problems in the operation of the current system of taxi regulation in Northern Ireland. The Road Transport Regulation Review Branch of the Department of the Environment (2007) has identified the following issues which the proposals in the Bill seek to address:

- A proportionately high number of unlicensed taxis and drivers and the possible involvement of organised criminal gangs in the operation of such services
- Overcharging of passengers
- Poor road safety and customer service standards
- A lack of accessible vehicles
- A lack of taxis available at ranks or to be hailed in the street in Belfast at peak times
- Limited regulation of taxibus services

Key Proposals in the Taxis Bill

The following is a summary of the key proposals in the Taxis Bill. A detailed clause by clause description of the proposals can be found in the Explanatory and Financial Memorandum (Northern Ireland Assembly 2007) that accompanies the Bill.

Regulation of taxi operators: Chapter 1 of the Bill would make it an offence to operate a taxi service, i.e. to organise taxi services at taxi ranks, take and fulfil bookings or provide any kind of paid service using a taxi to carry passengers, without holding an operators licence.

Taxi operator licensing would be administered by the Department of the Environment, which would only issue a licence were it satisfied that a prospective operator is a 'fit and proper person' who also meets 'any further requirements that may be prescribed'. An operator's licence would have a maximum duration of five years and may be subject to conditions at the discretion of the DoE, e.g. setting a minimum number of accessible taxis to be provided by the operator. In addition the licence would specify the address(es) which the operator may use as operating centre.

An applicant for an operator's licence could appeal to a court against a refusal to grant a licence, a decision not to specify a particular address as an operating centre, a decision to grant a licence only in respect of certain type of taxi service or against any condition attached to the licence.

A licensed taxi operator would be required to ensure that all taxis and taxi drivers that they use to provide taxi services are correctly licensed. In addition they would be required to operate only from the addresses specified on their licence and to keep accurate records of the services they have provided, which must be available for inspection by an authorised person if required. Failure to meet any of these requirements would be an offence.

It would also be an offence for a licensed operator to sub-contract the provision of any taxi service to any person other than another licensed operator.

A licensed operator may only provide for the hiring of taxis at separate fares, i.e. taxi sharing, where:

- (1) The operator is providing a service in compliance with a Departmental taxi-sharing scheme
- (2) All the passengers to be carried have made their booking in advance and have agreed to share their taxi on that occasion
- (3) The operator's licence authorises the provision of shared taxi services. In deciding whether to grant such a licence the DoE will take account of the interests of potential passengers and other taxi and bus operators. In addition the DoE will consider representations made by the General Consumer Council of Northern Ireland, local taxi and bus operators, local authorities and the Northern Ireland Tourist Board. Any appeal against a refusal to grant such a licence or apply particular conditions can be appealed to the DoE.

Regulation of taxis: The current requirement that every vehicle used as a taxi must have a taxi licence remains in place. However, the current distinction between public and private hire would be replaced by licences based on:

- (1) Class: The DoE will have the power to define taxis by class, e.g. 'accessible' or 'non-accessible'
- (2) Use: Some vehicles will only be licensed for specific uses, e.g. wedding cars or chauffeur driven cars.

All taxis, except some with specific use licences, would be able to pick up passengers from a rank, be hailed on the street and do contract or pre-booked work.

The Bill would require every taxi to meet certain design, condition and use criteria established by the DoE through Regulation, possibly including a maximum permitted age. In addition every taxi would be required to be fitted with an approved type of taximeter and a device for printing receipts, which would be inspected by the DoE at regular intervals. Operating a taxi without a licence or in contravention of licence conditions would be an offence.

Regulation of taxi drivers: The current requirement that every taxi driver holds a taxi driver's licence remains in place. The DoE will grant a licence to any applicant that:

(1) Has held a full EU car driver's licence for at least three years prior to application, or held a taxi drivers licence immediately prior to this provision coming into force

(2) Is a 'fit and proper person'

(3) Has passed any taxi driving test required by the DoE, this would not required where a driver held a taxi driver's licence immediately prior to this requirement coming into force

(4) Meets any other requirements that may be required by the DoE

The DoE may attach such conditions as it thinks fit to any taxi driver's licence it issues. A prospective taxi driver may appeal to the courts where the DoE refuses to grant them a taxi driver's licence or attaches conditions to the licence which they do not agree with

A taxi driver's licence would be valid for a maximum of three years. Every licensed taxi driver would be required to wear a badge issued by the DoE, as well as displaying a licensing certificate in the taxi, when driving a taxi. Failure to display these items while driving a taxi is an offence.

Licences: General Provisions: The DoE would have a general right to suspend or revoke a taxi driver, taxi or operator's licence for any reasonable cause, in addition it could suspend or revoke such licences if:

- It was no longer satisfied that the licence holder was fit to hold the licence; or
- The licence holder had failed to meet a licence condition or obligation

In addition the DoE would be able to curtail an operator's licence, i.e. require a taxi operator to remove a particular taxi from its fleet, increase or decrease the proportion of accessible taxis in its fleet or reduce the total number of taxis it is allowed to operate. The DoE would also be able to suspend an operator's licence as it applies to a particular operating centre or vary a licence to remove all reference to a particular operating centre where it was satisfied that the centre no longer met its licensing requirements or for any other reasonable cause.

The DoE would also be able to suspend or revoke a taxi licence where it is no longer satisfied that the taxi is fit for use. A licence holder could appeal to the courts against the decision to suspend, revoke or curtail a licence.

Through Regulation the DoE would be able to establish a fee regime for the licensing system. In addition the DoE will be required to establish a publicly accessible register of taxi operator, driver and taxi licences.

Enforcement: The DoE can issue an 'enforcement notice' against the holder of a taxi operator's licence where it considers that the operator has failed to meet its obligations to keep, maintain and supply accurate records. The notice will specify what the operator needs to do to comply with the terms of the notice and the time available to do so, which must be at least 21 days. Failure to comply with an enforcement notice is an offence. An operator can appeal to the courts against an enforcement notice within 21 from the date it was served. The notice does not have effect while the appeal is ongoing.

Police officers and authorised government officials would have the power to enter any licensed taxi operating centre without a warrant, except where such a centre is also a private residence, to check whether licence or statutory conditions are being met. In addition a police officer or authorised government official may enter, with a warrant, any premises where there are reasonable grounds for suspecting that a person is operating a taxi service from those premises without an operator's licence.

Authorised government officials or uniformed police officers would have the power to stop and examine any licensed taxi and, where there is reasonable suspicion that a vehicle is being used as an unlicensed taxi, stop and examine any vehicle. If after stopping a vehicle suspected of being used as an unlicensed taxi, the officer or official remain suspicious, they can seize the vehicle. If the vehicle failed to stop or did not stop long enough for the officer or official to investigate then the vehicle can be removed from private property, except that used as a private dwelling, within 24 hours. The DoE will have the power to make regulations covering the seizure and handling of seized vehicles.

The Bill would also make it an offence to:

- Make false or misleading statements on an application for a taxi operator's, taxi driver's or taxi licence application or application for a variation
- Forge or alter any licence, record, identity document or record as prescribed in Regulation
- Makes false statements to an authorised official or police officer exercising powers authorised by the Bill
- Obstruct an authorised official or police officer in the execution of any duty imposed by the Bill

Miscellaneous and General: The Bill would allow:

The DoE to release information it holds on taxi licensing to police officers, police support staff and anyone else it prescribes. The DoE would have the power to make Regulations governing the disclosure and handling of such information.

The DoE, with the approval of the Department of Finance and Personnel, would have powers to make grants to people or organisations it considers appropriate in connection with the provisions or purposes of the Act.

The DoE would also have the power to make regulations with requiring mandatory training in respect of any person in connection with the Act.

Views of Key Stakeholders

This section provides a brief summary of key issues raised during the consultation exercise which preceded the introduction of the Bill. It does not provide a comprehensive summary or analysis

of consultation responses, rather it highlights areas of concern raised by stakeholders during the consultation process.

The proposals in the Bill have been through two full rounds of consultation. Following the publication of an initial discussion document in 2003, the DoE published a consultation on the Reform of Taxis and Private Hire Vehicles (Department of the Environment 2005), which ran from 18 March 2005 until 29 July 2005. The DoE received 343 responses to this consultation, representing taxi operators, drivers and other interested organisations.

Following consideration of the responses to the initial consultation the DoE published Proposals for a Draft Order in Council: The Taxis (Northern Ireland) Order 2006 (Department of the Environment 2006). Information on the proposals were distributed to taxi companies, drivers, equality groups and other interested parties and the DoE held a series of eight stakeholder meetings and 13 public meetings to discuss the proposals. The DoE received 53 formal written responses to the consultation. The proposals in the draft Order form the basis of the proposals in the Taxis Bill.

The 2006 key proposals were generally welcomed by the great majority of respondents, for example:

Newry and Mourne District Council (2006) "...would be supportive of this new regulatory system, which will help to ensure a more efficient, accessible and high quality service from the taxi sector to the general public", while the PSNI (2006) state that "Comments have been positive concerning the improvements this legislation will make to the accountability of operators and the reduction in the number of illegal taxis. Other enhancements to enforcement powers are also welcome". The Homefirst Community Trust (2006) stated that the proposals could make "...a very significant contribution to raising levels of professionalism in this service area."

However, a number of respondents did highlight minor areas of unease and several raised major concerns, particularly the Belfast Public Hire Taxi Association (2006) which stated that:

- Standards for accessible taxis should not be diluted
- Operators of Belfast Public Hire taxis should not require an operator's licence
- Only Belfast Public Hire Taxis should be able to pick up passengers from the street within five miles of the city centre
- Taxi drivers should not be required to wear seatbelts
- Drivers should receive financial support for any training they need to undertake
- A uniform Northern Ireland wide taxi fare system should be introduced

The concern regarding the maintenance of accessibility standards was also shared by the West Belfast Taxi Association (2006), which had particular concerns about the safety of vehicles which were not purposefully designed to be accessible but adapted for that use. As the major provider of shared taxi services (taxi buses) the West Belfast Taxi Association was content with the proposals for the revised regulation of shared taxi services.

The Equalities Commission (2006) and Disability Action (2006), while acknowledging that the DoE will attempt to tackle the issue through Regulation, both asked that fares be regulated in such a way as to ensure that disabled people cannot be charged more for using a taxi service than anyone else.

Many other concerns raised relate to a lack of detail on the face of the Bill and statements made in the Explanatory and Financial Memorandum or in policy statements by the DoE, e.g. provision of accessible taxis by owner/operators, maintenance of records, regulation of fares, taxi driver testing or the definition of a 'fit and proper person'. The Bill allows for these issues to be set out in secondary legislation, which the Assembly will have an opportunity to scrutinise at a later date if the Bill is passed.

Sources

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DOE Reponse on Taxi Incomes and Costs



Central Management Branch
10-18 Clarence Court
BELFAST
BT2 8GB

Ms Patricia Casey
Clerk to the Environment Committee
Northern Ireland Assembly
Parliament Buildings
Stormont
Belfast BT4 3XX

Telephone: 028 90 5 40855
Facsimile: 028 90 5 41169
Email: una.downey@doeni.gov.uk

Your reference:
Our reference:

Date: 11 July 2007

Dear Patricia,

Taxis Bill

At its meeting on 28 June the Environment Committee in their consideration of the main provisions of the Taxis Bill requested further information from the Department in respect of the following issues:-

- income from licence fees;
- details of indicative costs arising from the Taxis Bill, i.e. in relation to taximeters and accessible vehicles; and
- early sight of draft regulations made under the Taxis Bill when they become available.

The relevant information is set out below:-

Income from Taxi Licensing Fees

	2002/03 £K	2003/04 £K	2004/05 £K	2005/06 £K	2006/07 £K
Taxi Driver Licensing	314,793.30	251,528.30	203,873.50	178,152.64	169,829.30
Taxi Vehicle Licensing	744,011.91	686,281.50	186,293.00	92,770.00	77,650.00
Total Income	1,058,805.21	937,809.80	390,166.50	270,922.64	247,479.30

NB: Increases in fee income are attributable to (1) the introduction of taxi plating in Nov 2004 which resulted in an increase in the number of licensed taxis; (2) increases in fees (3) increased demand probably in view of impending and anticipated changes in taxi regulation.

Indicative costs

Taximeters £200-£250

Receipt printer £200-250

Taximeter with embedded printer £300

Purpose Built – Accessible Taxi (new) £24,000-£33,000

Purpose Built – Accessible Taxi (second hand) £9,000 - £16,000

Adapted – Accessible Taxi (new) £25,000

Adapted – Accessible Taxi (second hand) £9,000-£16,000

Draft Regulations

As advised to the Environment Committee on 28 June, no regulations under the Taxis Bill have yet been drafted. I can confirm that when regulations are drafted, it would be the intention of the Department to let the Committee have early sight of them along with Regulatory Impact Assessments.

You will wish to bring this matter to the attention of the Environment Committee.

Yours sincerely,

Una Downey

DALO [By Email]

West Belfast Taxis Association Speaking Notes

Comments in relation to Impending Legislation

**The Taxis
(Northern Ireland)
Order 2007**

Prepared by

**West Belfast Taxi Association
11th September 2007**

**Presented to Committee for
Environment
13th September 2007**

FOREWORD

Good morning my name is Stephen Long and I am the General Manager of the West Belfast Taxi Association. I am accompanied by Stephen O'Reilly Chairperson of a nine member committee who are annually elected to look after the interests of all Association members. I want to take this opportunity to thank the Committee for today's invitation.

We are conscious of the length of time allotted for our submission to the Committee but in the interests of all present we wish to give you all some important background information in relation to the West Belfast Taxi Association

We have been in business since 1970 and currently have a total of 230 Association members which we are duly authorised to speak on behalf of. The West Belfast Taxi Association members all hold current Public Service Vehicle Licences and in addition to this each member is covered under a current Road Service Operators Licence issued by Department of Environment Road Transport Licensing Division to provide multi stage carriage fares, occasional private hire and contract services. This is why we are currently the only holders of a departmental Licensed TAXI/BUS plate. All of our vehicles are wheelchair accessible and plated to carry 6 or 7 passengers depending on the type approved vehicle.

An independent survey carried out in March 2001 reflects an annual usage of 5.8 million passengers. This prior to the construction of the current operating centre we operate our services from which is located in Belfast City Centre and a gateway to West and North Belfast for which we provide service too. While the main core of the service provision is multi stage carriage fares we also provide occasional private hire, specifically in relation to tourism, and through contract services supply transport for the Belfast Education & Library Board and Health Trusts for passengers with special needs.

The West Belfast Taxi Association as well as being regulated by statutory agencies is self-regulated under its own Constitution and Code of Conduct, which already contains the vast majority of the key elements in the proposed Taxi Bill.

To full appreciate the services we offer we would suggest the Committee visit our operating centre and experience at first hand the workings of the TAXI/BUS services. We are the only hail and ride bus service in Western Europe and a life line for anyone who lives, works or socialises in the areas we provide service too.

The West Belfast Taxi Association recognises the need for the Taxi Bill. The Association has been a key stake holder in the consultation leading to the Taxi Bill and commends the Department of Environment and particularly the Taxi Review Team in relation to the consultation process of March 2005.

The West Belfast Taxi Association would also commend those who have made themselves available for public and private meetings in relation to the impending regulations.

The taxi industry is increasingly growing like many other service industries particularly with the increase numbers of tourists. In many instances taxi drivers at ports, airport and bus stations are the first interpretation of the place we all live in. What needs to be achieved is passenger and provider satisfaction. Consideration has to be given in relation to the economic affect all changes will make for the provider. Any excessive increases on providers of service with new regulatory demands will ultimately lead to increased fares which impacts on the customer base.

What needs to be considered is the affect that could lead to. This in some other countries this has led too increased illegal service availability when taxi users who have not got a sizeable disposal income elect to use the illegal services even with the knowledge that they are not properly covered under insurance etc.

We now wish to deal with certain elements of the Taxi Bill in sequential order as they appear in the Taxi Bill in relation to proposed amendments, additions, omissions and advice . In principal we are in agreement with a One Tier system for all. The more forms of amenable taxis the better it will be for taxi users especially after socialising in the evenings. The more service provision the less likelihood of low level street disorder and anti social behaviour. This also has benefits for the accident and emergency services.

Arrangement of Taxi Bill

Part I INTRODUCTORY

Interpretation

Addition to include the meaning of taxi bus.

“Taxi bus” means the provision of a taxi service based on multi occupancy of 6 or 7 passengers based on an agreed and publicised fare tariff and regulated under a Road service Operators Licence

Part II REGULATION OF TAXI OPERTORS

CHAPTER I

GENERAL

Operator's licence

Amendment 4 (4) (a) the applicant (i)

Is a fit and proper person to hold an operator's licence and checked against the Child Sex Offender Register

Addition (4) (9)

Holders of existing Road Service Operators Licences who provide taxi bus services will

- (a) Require no need for an additional operators licence
- (b) Not require any changes consent the conditions and criteria of a Road Service Operators Licence to operate existing services under new operators licence.
- (c) Capping of charges for Road Service Operators Licence in view of service provision to public transport by licensed taxi bus providers.

CHAPTER II

HIRING OF TAXIS AT SEPARATE FARES

Compliance with a Departmental taxi-sharing scheme

Addition 8 (4)

Those who currently hold a Road Service Operators Licence will be permitted to operate a taxi-sharing scheme any additional taxi-sharing scheme in the defined areas of provision of transport already provided for must demonstrate the need for an additional taxi sharing scheme.

Information

Amendment 11 (b)

The frequency of the services, the times of departure and the times to be taken on the journeys included in those services and the number of taxis to be used on those services is not realistic. Reason as follows:

1. Frequency of services is restricted in relation to volumes of traffic specifically at peak times. Services from the West Belfast Taxi Association operate from 5.00 a.m. to 2.00 a.m.
2. Times of departure are based on demand. The West Belfast Taxi Association adopts a 4-passenger 8-minute rule. This means either after four passengers have entered the vehicle or eight minutes have elapsed from the first passenger entering the vehicle. This policy operates from 9.00 a.m. until 11.00 a.m. and from 7.00 p.m. until 12.00 midnight. At all other times passenger demand dictates the departure of a vehicle.
3. Times taken on journey are restricted due to length of journey and volume of traffic.
4. Number of taxis will be denoted by number of vehicles on operator's licence.

PART III

REGULATION OF TAXIS

Taxis Licences

Advice Note at 15.3 (a) the taxi – (i) design

The Department needs to look seriously at the design of some vehicles that are currently being used as taxis but have never been crash tested as taxis.

Duties of owners of licensed taxis

Redraft of 16 (5) (a)

Give notice under same conditions of SORN information to the Department of the fact that the name and address of the new owner whose vehicle must be licensed in accordance with the taxi service they will provide under an operator's licence.

Identification of licensed taxis

Addition 17 (7)

No licensed taxi will be permitted to carry signage that is not applicable to the service provision that the taxi is licensed to provide. Permitted signage should only indicate applicable type Accessible or Non Accessible Public Hire, Private Hire or Taxi Bus. Anyone who contravenes this regulation is guilty of an offence.

Regulation of fares, etc

Addition 18 –(1) (c)

In accordance with Disability Discrimination no differential in application of taxi fares or chargers irrespective of able bodied or non-able bodied usage.

Taxis not to carry more than the prescribed number of persons

Addition required at 21.

This relates specifically to the carrying of children 5 years and under in taxis. Usually parents/guardians will keep child on their knees or in arms. Primary legislation for change.

PART IV

REGULATION OF DRIVERS OF TAXIS

Taxi driver's licences

25 (2) (a) the applicant - (ii) amendment.

The applicant is a fit person in accordance with a General Practitioners examination and statement of same. The applicant is of good repute, which is determined by internal Departmental process. Applications will be accepted from a person who is classed as exempt under the Rehabilitation of Offenders Act. Schedule 1 and 2 offences to be dealt with in accordance with the exemption under the Rehabilitation of Offenders Act. The Department will consider applications from those not exempt under the Rehabilitation of Offenders Act. Repute checks will also include checks against the Child Sex Offenders Register.

25 (2) (a) the applicant – (iii) omit this part of the bill due to ongoing consultation process relating to training needs.

Training needs to be delivered in a format to include current holders of Public Service Vehicle Licences who have low-level educational skills.

Finally the Department needs to protect under legislation those providing taxi services similar to other public service providers.

Conclusion

The West Belfast Taxi Association is willing and within its capacity in the taxi industry, welcomes the operational and other changes required. What is paramount in all of this is the compliance costs.

In light of this fact the West Belfast Taxi Association would suggest that an Independent Regulatory Body or Taxi Commissioner is appointed to adjudicate on the introduction of fees and regulations in relation to the Taxis Bill.

The taxi industry in Northern Ireland already faces higher costs in relation to insurance and fuel than any other taxi provider in England, Scotland and Wales. The much-needed establishment of an independent authority should be responsible for the seamless transition of the new Taxi Bill especially in respect of fees.

Representation of the independent authority should include urban and rural taxi providers from public hire, private hire, wedding and funeral cars, stretch limousines, (including novelty vehicles), chauffeur- driven cars providing exclusive services and taxi buses. Representation should also be made on behalf of the consumer.

The taxi industry from a user and provider scenario is made up from persons irrespective of social, economic, religious, gender or ethnic background. The industry in many ways is the “first face” of tourism. While the Department has no direct responsibility for tourism it needs to recognise its role.

Any higher additional compliance costs will ultimately in the end be passed onto the consumer. What needs to be realised is that while addressing the issue of illegal taxis the Taxi Bill could lead to unachievable compliance costs resulting in the further establishment of illegal activity.

The West Belfast Taxi Association would like to thank the Department for the opportunity to consult in this process. Furthermore it would be more than happy to discuss the contents of this document with any duly appointed responsible persons. We would suggest that particular attention is given to the changes we deem appropriate for addition or amendment within the Taxi Bill.

Department of the Environment Proposed Amendments to Taxis Bill

Amendments	Effect
1. Clause 6, page 5, line 20, leave out paragraph (c) and insert - '(c) include such other provision as the Department thinks fit.'	Re-drafted to make it clear that the Department may make other provisions in respect of taxi sharing schemes as it thinks fit.

Amendments	Effect
2. Clause 6, page 5, line 37, leave out subsection (3).	The Interpretation Act enables Departments to amend subordinate legislation, therefore, this subsection is not needed
3. Clause 10, page 6, line 27, at beginning insert 'Subject to subsection (4A),'	Re-drafted to make it clear that if a person holds a Road Service Licence authorising the provision of bus type services, immediately before the new legislation comes into effect, then they will be exempt from having to satisfy similar provisions now in the Bill. It also allows the Department to make further exemptions in regulations.
Clause 10, page 6, line 38, leave out 'subject to subsection (3),'	
Clause 10, page 7, line 6, leave out subsection (3).	
Clause 10, page 7, line 13, after 'and (2),' insert 'subject to subsection (4A)'	
Clause 10, page 7, line 22, at end insert -	
'(4A) Subsections (1), (2) and (4) shall not apply, for or until such time or for such a period as may be prescribed, in relation to a person who is applying to be authorised under an operator's licence to operate a taxi service for or in respect of the carriage of passengers at separate fares and who -	
(a) immediately before the coming into operation of this section, was the holder of a road service licence to provide a service on same routes granted under the Transport Act (Northern Ireland) 1967; or	
(b) meets any other requirements that may be prescribed.'	
4. Clause 27, page 19, line 9, leave out subsection (3) and insert -	This removes reference to "curtailment" of a licence in Clause 27(3) as it is already covered in Clause 26(4).
'(3) A licence suspended under this Act shall remain suspended until such time as the Department by notice directs that the licence is again in force.'	
5. Clause 37, page 24, line 26, after 'those premises' insert 'and any equipment'.	To make it clear that an authorised officer or constable on entering premises may inspect "any equipment" which brings it into line with the powers of seizure under Clause 37(8).
Clause 37, page 24, line 36, after 'those premises' insert 'and any equipment'	
6. Clause 42, page 28, line 10, leave out '20(2)(c)' and insert '20'.	To make it clear that a person may be exempt from a 'taxi toutting' offence if it is permitted in any regulations made under Clause 20 (rather than under one specific regulatory power as presently drafted).

Amendments	Effect
7. Clause 53, page 31, line 26, leave out subsection (4) and insert - '(4) Subsection (5) applies to bye-laws made or having effect as if made under Article 65 of the 1981 Order which - (a) relate to taxis; and (b) are in force immediately before the coming into operation of section 52(1). (5) Notwithstanding anything in section 52(1)- (a) provisions of those bye-laws which could have been included in an order under Article 27A of the Road Traffic Regulation (Northern Ireland) Order 1997 shall have effect as if contained in such an order; and (b) any other provisions of those bye-laws shall have effect as if contained in regulations made under section 20.'	This is a savings provision for existing Taxi Bye-Laws and is re-drafted to show specifically the legislation under which the existing Bye-Laws will continue to have effect.
8. Clause 55, page 32, line 22, at end insert - ' "notice" means notice in writing;'	This is a short amendment to define what is meant by "notice" when referred to in the Bill
9. Leave out clause 57 and insert - 'Commencement 57. This Act (except section 53 to 55, this section and section 58) shall come into operation on such day or days as the Department may by order appoint.'	This is to ensure that there is power for the Department to make regulations and orders (including Commencement Orders) and for the Interpretation clause (Clause 55) to come into effect immediately upon the Bill receiving Royal Assent. The remaining provisions will come into effect on such day or days as the Department may appoint.
10. . Schedule 2, page 38, line 23, after 'taxi' insert '(within the meaning of the Taxis Act (Northern Ireland) 2007)'	To make it clear that "taxi" means taxi under the new Taxis Act when it is referred to in Article 66A(1) of the Road Traffic (NI) Order 1981.
11. Schedule 3, page 40, line 8, at end insert - 'The Road Traffic (Amendment) (Northern Ireland) Order 1991 (NI 3) – Article 6 In Schedule 3, Part II"	This repeals a provision in the Road Traffic (Amendment) (NI) Order 1991 which relates to taxi drivers' licences and is no longer needed as it is superseded by provisions in the Bill.

Amendments	Effect
12. Clause 1, page 1, line 14, leave out from 'and liable' to end of line 15.	This is a run of amendments to remove reference to the mode of trial and penalty for an offence from the body of the Bill as it is already covered in Schedule 1 and it makes the Bill consistent with the other Road Traffic Orders which adopt this drafting style.
Clause 3, page 3, line 30, leave out from 'and liable' to end of line 31.	
Clause 3, page 4, line 5, leave out from 'and liable' to end of line 6.	
Clause 3, page 4, line 8, leave out from 'and liable' to end of line 9.	
Clause 4, page 4, line 20, leave out from 'and liable' to end of line 21.	
Clause 5, page 5, line 6, leave out from 'and liable' to end of line 7.	
Clause 12, page 8, line 20, leave out subsection (5).	
Clause 14, page 9, line 34, leave out from 'and liable' to end of line 35.	
Clause 15, page 10, line 10, leave out subsection (6).	
Clause 16, page 10, line 28, leave out from 'and liable' to end of line 29.	
Clause 17, page 11, line 2, leave out from 'and liable' to end of line 3.	
Clause 18, page 11, line 35, leave out subsection (9)	
Clause 19, page 12, line 2, leave out from 'and liable' to end of line 3.	
Clause 20, page 13, line 5, leave out from 'and liable' to end of line 6.	
Clause 22, page 15, line 34, leave out subsections (8) and (9).	
Clause 24, page 17, line 26, leave out from 'and' to end of line 28.	

Amendments	Effect
Clause 31, page 21, line 31, leave out from 'and liable' to end of line 32.	
Clause 32, page 22, line 23, leave out subsection (7).	
Clause 36, page 24, line 2, leave out from 'and liable' to end of line 3.	
Clause 38, page 26, line 3, leave out from 'and liable' to end of line 4.	
Clause 42, page 28, line 11, leave out subsection (4).	
Clause 43, page 28, line 36, leave out subsection (4).	
Clause 44, page 29, line 17, leave out from 'and liable' to end of line 18.	
Clause 44, page 29, line 26, leave out from 'and liable' to end of line 27.	
Clause 44, page 29, line 30, leave out from 'and liable' to end of line 31.	
13. Schedule 2, page 38, line 39, at end insert -	The opportunity is taken to amend section 37A of the Disability Act 1995 relating to the carriage of guide dogs in taxis to insert legislative references in line with the terminology now used in the Bill.
'4A. In section 37A (carrying of assistance dogs in private hire vehicles) -	
(a) for 'private hire vehicle', each place it occurs, substitute 'taxi';	
(b) in subsection (9) -	
(i) for the definition of "driver" substitute -	
' "driver" means a person who holds a taxi driver's licence granted under -	
(a) Article 79A of the Road Traffic (Northern Ireland) Order 1981; or	
(b) section 23 of the Taxis Act (Northern Ireland) 2007;';	
(ii) after the definition of "assistance dog" insert -	

Amendments

Effect

' " booking" means a taxi booking within the meaning given by section 55(1) of the Taxis Act (Northern Ireland) 2007;';

(iii) for the definition of "operator" substitute

-

' " operator" means a person who holds an operator's licence granted under section 2 of the Taxis Act (Northern Ireland) 2007;'

Schedule 3, page 40, line 9, leave out 'paragraph 16(2)' and insert 'paragraphs 16(2) and 21A(2)'

Petition from Robert McAllister

FOR ENVIRONMENT COMMITTEE

Public hire accessible taxis in Belfast object to private hire non-accessible taxis to be permitted to pick up public without bookings.

NAME	BADGE NUMBER	PLATE NUMBER
S. Dunlop	AD 2409	384
V. Kelly	AD 2490	644
E. McNeill	AD 235	580
M. McNeill	AF 333	88
M. Cullagh	AF 3349	647
S. Boyd	AG 675	991
Geoff Hanna	AD 571	715
John McNeill	AD 95	690
David McNeill	AD 898	562
John McNeill	AC 1349	875
John McNeill	AD 2152	562
M. McNeill	AD 1496	678
Philip McNeill	AD 797	245
R. McNeill	AD 46	495
R. McNeill	AD 15	537
R. McNeill	AD 519	
Mr. McNeill	AD 1253	215
S. McNeill	AG 1163	700
Sam McNeill	AD 1472	792
James McNeill	AD 643	V216 TDA
Colin McNeill	L218 RTH	AD 2467
Paul McNeill	AD 817	643
Robert Scott	AC 301	643
Robert Scott	AD 2092	741
Terry McNeill	AA 1200	630
Orion McNeill	AG 20	527
Robert McNeill	AD 697	322
Bert Moore	AE 1995	722
Raymond Kane	AD 850	220
Patrick Campbell	YD 1034	723
James	AD 189	366
Paul McNeill	20 263	793
Mr. E. Brown	AD 5064	747
James	AD 1317	573

FOR ENVIRONMENT COMMITTEE

Public hire accessible taxis in Belfast object to private hire non-accessible taxis to be permitted to pick up public without bookings.

NAME	BADGE NUMBER	PLATE NUMBER
<i>[Signature]</i>	AD 284	264
<i>[Signature]</i>	AD 2486	470
P MCARDLE	AFD 1337	484
<i>[Signature]</i>	AC 739	417
<i>[Signature]</i>	AD 929	282
<i>[Signature]</i>	AD 443	645
<i>[Signature]</i>	P257 HMC	420
<i>[Signature]</i>	1883 HES	393
<i>[Signature]</i>	AF 1176	676
<i>[Signature]</i>	ALD 321	426
<i>[Signature]</i>	AD 331	629
<i>[Signature]</i>	AD 254	654
<i>[Signature]</i>	AD 2480	795
<i>[Signature]</i>	AF 1568	487
<i>[Signature]</i>	AD 1740	818
<i>[Signature]</i>	AD 194	648
<i>[Signature]</i>	5503 JCA	595
<i>[Signature]</i>	YD 433	226
<i>[Signature]</i>	RD 686	780
<i>[Signature]</i>	AGD 754	910
<i>[Signature]</i>	UD 115	318
<i>[Signature]</i>	AD 3317	631
<i>[Signature]</i>	AE 3392	646
<i>[Signature]</i>	AE 1259	310
<i>[Signature]</i>	AD 349	NEE 504
<i>[Signature]</i>	AHD 81	NEE 256
<i>[Signature]</i>	A 10 AD 2 RS	306
<i>[Signature]</i>	AD 1524	RL 52 NKN
<i>[Signature]</i>	AA 812	406
<i>[Signature]</i>	AE 2232	446
<i>[Signature]</i>	AE 1408	458
<i>[Signature]</i>	AHD 125	186
<i>[Signature]</i>	AD 793	373
<i>[Signature]</i>	AD 626	297

576

FOR ENVIRONMENT COMMITTEE

Public hire accessible taxis in Belfast object to private hire non-accessible taxis to be permitted to pick up public without bookings.

NAME	BADGE NUMBER	PLATE NUMBER
H GIBBER	AKD104	232
S. Black	1704	363
T. Black	AND 1576	599
A. Donnell	U 7370	513
P. H. Gage	KD 406	456
B. Hunter	K814 MMT	599
C. Humphreys	AND 684	248
D. Hunter	AC1507	768
B. Elton	SC2 7728	695
J. Rother	AKD 23	744
ALAN McCRAKEN	R 621 HBS	821
P. QUINN	AKD 19	517
S. BELL	HA 10660	771
DA	ACB 299	621
G. Gaffney	AD 176	669
P. H.	AB 95	713
PETER WOODGERS	AND 1288	663
Paul W. Jones	AND 1168	797
C. O'Rourke	AC 1689	476
P. H.	AD 3135	594
N. H.	TD 1691	738
Paul Mc Kenna	AD 1245	429
P. H.	AD 815	830
P. H.	102 2452	671
John Hume	AND 112	460
G. McVicar	YD 66	342
J. W. Hume	AD 613	269
J. Burns	AC 3029	729
A. Hume	AD 1391	475
G. Hume	AND 934	545
G. Hume	AD 326	499
T. Hume	AD 1375	660
P. Hume	AD 2235	510
T. Hume	1354 74	609

FOR ENVIRONMENT COMMITTEE

Public hire accessible taxis in Belfast object to private hire non-accessible taxis to be permitted to pick up public without bookings.

NAME	BADGE NUMBER	PLATE NUMBER
K. Shields	AB 108	774
S. Shields	BE 1805	800
R. Thompson	AD 2194	383
P. Smith	N394 BYU	592
W. Thompson	AC 1846	662
R. Gibson	AD 3244	516
W. Tinsley	DD 1905	737
K. Welsh	ADD 1777	210
D. Hutton	AB 1083	376
R. Gordon	AE 1114	568
S. Beck	AA 1020	634
S. H.	2A 1033	699
R. Gardner	ADD 395	278
J. Smythwood	AND 157	398
P. Saker		187
M. Laughlin	AND 837	767
P. L. L.	AE 42	671
D. Forstth	AB 666	242
A. J. J.	AF 3880	630
P. Mc Gay	AND 139	665
Matthew R.	AB 2691	547
D. Tinsley	ND 110	765
S. Smith	AA 324	569
H.	AO 1697	110
G. Hutton	ABD 1917	799
S. Webb	ACD 2012	616
S. Young	ADD 2554 ADD 2554	601
T. D. D.	AID 166	361
John P.	AF 226	205
J.	AND 2272	452
M. S.	AOD 1852	612
S. M.	AF 1180	759
P. H.	AM 1128	611
S. M.	AF 66	888

FOR ENVIRONMENT COMMITTEE

Public hire accessible taxis in Belfast object to private hire non-accessible taxis to be permitted to pick up public without bookings.

NAME	BADGE NUMBER	PLATE NUMBER
JOHN MALLISTER	AC 1976	627
S. Beckett	AC 427	697
JOHN MALLISTER	AD 3318	609
CHRIS TYRELL	AE 1823	455
DAVID MALLISTER	AD 1872	258
D. MALLISTER	2D 334	526
V. MALLISTER	AC 905	1190
B. MALLISTER	AN 3329	564
D. MALLISTER	AE 1119	280
JOHN MALLISTER	AD 488	302
R. MALLISTER	AD 19	163
D. MALLISTER	VD 67	533
B. MALLISTER	AD 210	629
S. MALLISTER	AD 188	550
J. MALLISTER	AD 188	605
P. MALLISTER	2D 806	471
M. MALLISTER	AD 188	462
J. MALLISTER	1094	762
D. MALLISTER	UD 410	769
M. MALLISTER	AB 302	386
M. MALLISTER	AD 1609	444
FRANK MALLISTER	AE 3077	408
S. MALLISTER	AD 2278	460
S. MALLISTER	AD 747	394
M. MALLISTER	AD 740	736
F. MALLISTER	AD 998	406
M. MALLISTER	AD 780	614
M. MALLISTER	AE 2645	775
P. MALLISTER	2D 1340	590
L. MALLISTER	AD 1104	637
S. MALLISTER	OD 686	506
R. C. MALLISTER	7915	585
J. MALLISTER	H 248 GKC	782
B. MALLISTER	TF 675	9731

...it was uncommon to use your mobile for any purpose other than making and receiving calls and texts.

Today mobile phones double up as address books, alarm clocks and increasingly young people are now using their hand sets as MP3 players, game consoles, cameras and for mobile Internet access.

The survey found that over their lifetime the average person will own and replace handsets to the value of £15,730, but the true cost to the consumer is softened by subsidies from the networks.

It also revealed a further £42,806 is spent on phone bills over a 60-year period, which is approximately £68 per month.

It was estimated the average person has 29,600 phone conversations with family and friends over a 60-year period and will send 12,942 texts.

Most of the 2,000 people asked if they lost their phone they would be more concerned at the loss of information and pictures than the cost.

And despite warnings, 41% of mobiles are more likely to be stored in a mobile than elsewhere.

SORTING OFFICE

STAFF spend 15 days a year sorting inboxes and one in three missed a key event as they ignored emails, Yahoo Mail found.

NOLAN ANDERSON

RAINIER

IN THE

By IAN GILHAM

HACKED-off cabbies drive to Stormont yesterday over Government proposals for the radical reform of the industry.

The Amalgamated Transport & General Workers' Union members voiced fears the plans would endanger more than 450 hire taxi jobs in Belfast.

They want to ensure they remain the only kind of cab that can be hailed on the streets.

Presenting counter-proposals, T&G's Sean Smyth said members "are determined to protect their livelihood".

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NOV/DEC SAVINGS

11/11	11/11	7/11	7/11
11/11	11/11	7/11	7/11
11/11	11/11	7/11	7/11
11/11	11/11	7/11	7/11
11/11	11/11	7/11	7/11

028 90 389 359

falconholidays.co.uk

DOE Response to Committee re Standard Fines Scales

From: Watters, Adele [mailto:Adele.Watters@doeni.gov.uk]

Sent: 18 September 2007 10:34

To: Casey, Patricia

Cc: Long, William; Downey, Una; Walker, Liz; Lavery, Bill; McMullan, John

Subject: Taxis Bill: 'Standard Scale' Fines

Patricia,

You asked for information on the current 'standard scale' fines which are as follows:

Level on the Scale	Amount of Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

These are set out in the Fines and Penalties (Northern Ireland) Order 1984, as amended.

Adele

Adele Watters

Road Transport Regulation Review Branch (RTRRB)
Road Safety Division, DOE

North West Taxis Proprietors Article re the Taxis Bill

North West Taxi Proprietors and THE TAXIS BILL 2007

North West Taxi Proprietors welcome the DOE proposals in the Taxis Bill that are up for discussion in the Assembly Committee. We are happy to finally see the Taxi Review translating into legislation. We need this to happen sooner rather than later.

The NWTP agree with the objective of the Taxi Review 'to make recommendations aimed at creating a more effective and equitable regulatory framework that promotes road and personal safety, and fair competition'.

NWTP gives a guarded welcome to the Taxis Bill because we have many concerns about the way the Bill is drafted. We agree in principle with almost all of the content of the proposed new Taxis Bill but we do have concerns because there seems to be a massive grey area in regards to everything that follows this enabling legislation. The Department is requesting all the powers within the new Taxis Bill but the department wants the ability to write the script at a later date without filling out much detail in this phase.

For example, the Information Note points out that the taxi test is to be re-introduced and in public seminars we are told that this will be for new entrants and that existing taxi drivers will have to undergo some training, but the legislation would allow the DOE to make everyone sit the test.

We are concerned not only about this case but all through the document there are many similar cases. We understand that this is enabling legislation and that more detail will follow but we are very uneasy about agreeing to something that is very much left open to interpretation. The counter balance for us is the Assembly committee and a common sense approach from the department that includes the taxi industry. **In principle we agree with almost all of the content proposed in the new Taxis Bill.**

That said this is only enabling legislation. It will give the department the ability and authority to bring in much needed changes to the taxi industry. We believe that these changes are necessary in order to bring the taxi industry into the 21st century.

This is the official position of the North West Taxi Proprietors to the Department and the Environment Committee. We have sent a 14 page document outlining our position in more detail to the Environment Committee.

The Taxi Bill has already gone through two stages and has one more to go before the Bill is given Royal Assent and becomes law. The third stage is the Assembly Environment Committee scrutinizing the detail of the Bill which is on going.

I am hearing all sorts of rumours within the taxi industry about implementation and time frames for all the new measures. So what actually happens the day the Taxis Bill is made law? To be honest not a lot!

It is my understanding that the Taxis Bill is only 'enabling legislation'. It gives the DOE the ability and authority to make the suggested changes that were in the Taxis Bill. This is just the gateway to change. The DOE do not have to implement everything that is in the Bill but they have the power to do so if they think it will improve the taxi industry or the administration of the taxi industry. The DOE have told us that that is the reason why the Taxis Bill was written so wide, it gives them room to maneuver when working out the detail.

Personally I think the Taxis Bill is good for the Taxi industry and long overdue. Let's be honest, under the stewardship of the DOE the taxi industry in the North fell into disarray. In Derry where I live the regulated taxi industry was outnumbered by the unregulated sector at least two to one at the start of this process. Unscrupulous office owners got away with a multitude of poor practices. The last number of years has not been good for the taxi industry or anyone working in it. Some areas of Belfast around the city centre may have been slightly better off but in general the taxi industry across the North is not in good shape.

Things needed to change and we, the NWTP, have lobbied strongly for that change. NWTP have been involved in this process from the start. We met the old administration before the last Assembly closed. We made the case for the Taxi Review before the old Environment Committee and both Ministers of the Environment, Sam Foster and Dermott Nesbitt. We were supported in this mainly by two representatives from Belfast Public Hire, Harry and Jackie. Two good forward thinking taxi men who unfortunately are not involved in the leadership of that group now to my knowledge.

NWTP have been involved in the lengthy consultation process that has brought us to where we are today. From 2000 to 2002 we made the case for the Taxi Review meeting the department at all levels. In October 2002 the Taxi Review was announced.

In October 2003 we responded to the '**Key Stakeholder Consultation - Initial Draft Proposals**'. Our response was us laying out broad principles that helped shape the next consultation.

'Proposals for Public Consultation - The Regulation of Taxis and Private Hire Vehicles' was next and was completed in March 2005. We made a lengthy response to this as it went into much detail about the various issues and shaped the next consultation and the actual Taxi Bill. We argued that this was too important a document for just a small number of groups and the department sent every taxi driver an Executive Summary of the document and sent full copies to anyone who requested one.

Public Consultation on Proposal for Draft Order in Council: THE TAXIS (NORTHERN IRELAND) ORDER 2006 was finished in November 2006. We made a

response to this setting out our position on the Taxis Bill. Initially the Taxis Order was to go through Westminster as an Order of Parliament but that changed when the Assembly got up and running.

To be honest we were very pleased when the Assembly agreed to run with the Taxis Bill at an early stage. We were impressed with our local politicians for this decision.

We wrote a '*Briefing Paper*' for the MLA's before the Assembly debate in June and we have written a '*Response to the Environment Committee*' who recently requested submissions from the taxi industry.

We have met the department at all levels, taxi industry groups, IMTAC (Disability group), Consumer Council, some district councils and many others in our quest 'to create a fair and regulated taxi industry for everyone'.

So it is fair to say that we have been involved in this process for some time now.

So how do we think it will play out as we move forward from here? I think the Taxi Bill will pass the third stage and become law at the end of this year creating opportunity for the taxi industry and the administration of the taxi industry.

The DOE should already be planning next year's budgets to get things moving but first they need to prioritise which measures will come first and which measures are most needed. The department has a lot of work to do with logistics like working out what new systems and hardware are needed and where they will be housed. The department has to look at the way they administer the taxi industry and look at how they come into the 21st century. Their game has to improve significantly. Taxi administration must run more efficiently.

My guess is that Operator licensing, will be an early runner.

- ***Bringing in operator licensing for taxi businesses***

Operator licensing will make office owners more accountable and will put the taxi industry firmly within the mainstream economy.

NWTP welcome the introduction of Operator Licensing and we believe that this measure will be good for the taxi industry. This has been long overdue and should go along way to addressing many of the poor practices of some office owners.

We agree that all taxi operators should be licensed. We would see this as a central plank in dealing with the unregulated sector. (Under the current system a sex offender could not be a taxi driver but they could own and run a taxi office – that needs to change and we welcome that change).

I believe that we will see some kind of registration scheme within 12 – 18 months of the Taxi Bill becoming law whereby taxi offices will register. Currently the department does

not have an official register of taxi offices. I believe that this will be followed by a Permit scheme whereby taxi offices are offered permits to operate. Permits will convert into Operator licenses as the scheme is rolled out (if not a permit scheme then something that takes us through a period of transition similar to this). It could take up to three years to fully establish the Operator Licensing scheme in my humble opinion.

Once the Permits are in place I believe that taxi drivers will have to declare where they work, whether in an office or as single operator. The department also wants a register of taxi drivers. NWTP have already developed services for taxi drivers to assist them through this phase. Taxi drivers seeking more information should contact us on 02871362556 or call at our office in Rath Mor in Derry. We also provide services for office owners.

Operator licensing will place the taxi industry firmly within the mainstream economy so it is important that we negotiate a good pay deal for the taxi industry. NWTP have already begun fighting this corner.

- **Setting maximum fare rates for all taxis**

The department has agreed that they will commission a 'Taxi Index Cost report' to establish what a fair fare is. The maximum fare will come from that report. At present the economics of the taxi industry are wrong. We believe that it is imperative that the department sets both maximum and minimum fares.

Another piece of work to be completed early is around cost. I believe that the costs of the taxi industry are set all wrong (we do not charge enough for our services). The Belfast Public Hire rate is the only rate set by the department and it increases by inflation but has no sound or scientific basis. Do not get me wrong, it is more than most of us get across the country but it has no real basis.

NWTP have argued the issue of cost with the department. We believe that the department intends to introduce operator licensing and training for all taxi drivers within the first phase (three years). We believe that the new taxi signs will follow (more on this later) and DOE fees to the industry will increase in the near future for the vehicle road test, CRO check, taxi plate (or sign), meter and meter test, taxi driver test, taxi badge (increased fee) and advertising. We also believe that operators will increase office fees to taxi drivers in order to pay for Operator Licensing and added administration costs. Taxi drivers will be hit by a range of extra costs.

In order to address this issue which is very important to every taxi driver and office owner NWTP have asked for a 'Taxi Index Cost Report' to be carried out. The good news is that the department has agreed the bad news is that it may take up to two years to complete.

What is a Taxi Index Cost Report and does it give a sound scientific basis for a fair fare? This report will take into consideration all the costs relating to running a taxi

business for taxi drivers and owners. The costs will be accumulated and then divided out to work out a fair fare.

I believe that we need to ask for our proper holiday entitlement of six weeks and we need to agree a wage that is fair for a taxi driver. Our working week should be on a par with other industries 35 to 39 hours per week. For example; our costs (e.g. £14k) would be added to our salary (e.g. £25k) the total (e.g. £39k) would be divided by 46 weeks and then by 39 hours and then by 4 (or 3) fares that you may expect to do per hour. Maybe the example over simplifies the issues but for anyone interested you should look up the Goodbody Report on the Taxi Regulator site down south (bottom line in Goodbody - A taxi driver wishing to earn a salary of €25k needs to lift €45k).

NWTP believe that the 'Taxi Index Cost Report' on the cost of taxiing will establish what is a fair fare and should be initiated immediately and a maximum and minimum fare should be set. The department only wants to set a maximum fare based on the Office of Fair Trading Report (which we also responded to) and that should be enough if the maximum fare is on all meters but we believe that a minimum fare is not unreasonable as other industries have a minimum wage set.

We believe that all taxis should be calibrated at the maximum fare. The OFT want competition built into the system. If a company or a taxi driver wants to set fares lower to compete then they should state that they charge 10%, 20%, etc lower than the maximum fare and the passenger will know that they are receiving discount. If meters are all calibrated differently passengers will not know if they are getting a bargain or not.

If meters are calibrated differently then it will cause difficulty every time a taxi driver moves from one office to another.

We believe that a multi tariff system should be put in place to cover day, evening and night time shifts. Holiday rates should also be built into the system.

Once the Taxi Index Cost Report is completed then the cost of taxiing will be established here for the first time officially. If the Office of Fair Trading (OFT) want competition on fares then it will be important that the parameters are set at both ends; maximum and minimum.

Taxi drivers should engage fully when this piece of work is being done and demand a fair wage with proper holiday entitlements. Taxi drivers should ask their MLA's to ensure that this work is undertaken as soon as possible.

- **Requiring all taxis to have taximeters**

All taxis should have meters and we agree with that. It is a measuring instrument for time and distance to set the cost. It is good for the taxi industry, gives the general public clarity and its also good for tourism as it is a European standard.

Outside of Belfast the most popular question from taxi drivers is when will we have to have meters? It may take up to two years if the department waits on the Taxi Index Cost Report.

The NWTP believe that Taximeters in all taxis are fundamental to the success, sustainability and growth of the industry.

The NWTP also believe that the overall process will be helped if the department set the criteria and specifications for taximeters at an early stage and publicise this to the taxi industry.

The department should set a date for the introduction of taximeters within the first year and set the maximum fare at the only agreed rate in the region, the Belfast Public Hire Rate. This would only be a temporary rate until the Taxi Index Cost Report on a fair fare is completed. The Report will probably take approximately two years to complete creating a proper baseline for the first time ever for the industry and the department to work from.

We believe that it is important that the department move at a very early stage on two key issues for taxi drivers. One is to introduce improved enforcement and the other is to introduce taxi meters.

It is important that the issue of unregulated taxis and offices using unregulated taxis is dealt with and seen to be dealt with by the industry before we introduce taxi meters. We believe that this will mean Operator Licensing or part of it being initiated within the year (although we are told that it will take two years).

It is important that the department show some understanding of taxi driver issues and deal with costs by introducing meters at an early stage.

Another issue is to introduce the public to meters at an early stage. We believe that the cost set by the Taxi Index Cost Report will be significantly higher than what is generally charged by taxi drivers across the North. We believe that we will need a good lead in time to gradually move fares to the required fare in stages to avoid an adverse reaction from the public. We believe that the Belfast Public Hire fare would be a good starting point.

Taxi drivers should start becoming vocal about wage issues and the cost of running a taxi as this work progresses.

- ***Allowing all taxis to pick up on the streets without a booking***
The structure of the taxi industry will change to a one-tier structure. The department intends to designate areas where only accessible vehicles will pick up.

The one-tier issue has caused a stir in Belfast.

We believe that a one-tier system is the best option for the local taxi industry. Regulation should maintain a safe standard for the industry but market forces should dictate who services the different aspects of the diverse market.

Regulation for the taxi industry in the North is undertaken by DOE (NI) and is confined to the probity and health of drivers and vehicle suitability, roadworthiness and safety, including insurance cover. This current position if enforced would regulate a safe standard for the industry.

Market forces should be allowed to develop and supply services where there is a demand and in different localities entrepreneurs could develop sustainable services tailored to that locality covering the mix of urban and rural services.

The volumes of work within the Belfast Metropolitan Area allows to a degree for the mix of services to be broken down while outside Belfast the taxi industry needs to be able to provide a mix of services in order to sustain their business.

The taxi industry outside Belfast currently operates as a one-tier system, although on paper we are supposed to be two-tier. Two-tier is not practicable and is not enforceable. If it is not enforceable it should not be law.

We want the taxi industry regulated to a safe standard. We want the market place deregulated and open to allow us to develop 21st century services. If a taxi driver has their medical and repute checks done and their vehicle is up to standard then they have earned the right to work within the taxi industry market place. There should be no monopolies.

We accept that certain transport hubs (airports) and certain services (taxibus) will require a higher spec of vehicle and that certain ranks (areas) will be designated.

The new proposals will make it safer for the general public by providing more taxis at key times to pick up on street.

We do not accept the T&G union analysis that this will cost 400 jobs in Belfast Public Hire taxis (BPH taxis have already split over the proposals with about half of them joining the union – I am told BPHTA does not agree with the union analysis). Rank designation will protect their ranks and they know it. We believe that their claim was sensationalist and an attempt to grab the headlines on the day of the debate and protect what is an unfair monopoly in the city centre of Belfast.

Personally I believe that there will be some displacement of BPH taxi drivers. Some BPH taxis will move into established taxi companies and others will amalgamate together to avoid Single Operator Licensing and extra administration. There will be those that will continue and become single operators (if they had any sense they would all come under one license and act in unity- which we told BPH in a face-to face meeting).

I am also aware that some taxi office owners in Belfast are afraid that they will loose their fleets into the city centre. I believe that only accessible vehicles will be allowed to work what we know as the BPH area and they are few as it stands. Office owners your fleets are safe, keep providing them with good work and they will go no where. If a taxi driver invests in an accessible vehicle why shouldn't they be allowed to provide a service in that area on a point of equity?

Taxi drivers in saloons across the country need to become very vocal on this issue as it will cost you £1,000 fine if you are deemed to have picked up wrongly in a public hire area if the T&G union get their way with a two-tier system (which I doubt).

- ***Making all new drivers pass a taxi driving test***

New taxi drivers will be required to pass a test to receive a vocational license. Existing taxi drivers will be required to complete one training day per year.

The NWTP believe that major decline entered the taxi industry in 1996 when the vocational taxi drivers license was deregulated to something that could be bought instead of earned and the test requirement was abandoned without proper enforcement to counter what happened. It sent out the wrong message and the taxi industry took a downward spiral.

We believe that the taxi drivers license needs to be re-established as a vocational license and that will require the taxi test the be re-instated. We believe that this measure will address the casual approach that some people have to the taxi industry. We also believe that this measure will be introduced within the first three years.

This measure will produce a higher standard of service to the general public as existing taxi drivers will also be required to do vocational training every year. We believe that only new applicants should be required to sit the test and existing taxi drivers should have their grandfather rights respected as they have already invested significant sums of money in becoming taxi drivers. The department have indicated that their intention is that new applicants sit the test and existing taxi drivers will be required to complete 21 hours of vocational training every three years. Cost is an issue for taxi drivers. We have already explored the 'Level 2 Entitlement' with DEL to pay for training but they are dragging their feet on the issue. We expect that it will be another cost for the Taxi Index Cost Report.

We also believe that there needs to be benefit for the taxi industry arising out of the new taxi test and the department needs to lobby insurance companies to accept the benchmark set down by the department and provide taxi insurance to the new drivers that pass the test regardless of their age. There should be no age discrimination. If a person passes the test then that should ensure entry into the trade.

- ***Allowing only accessible vehicles like these to use taxi ranks***

In certain transport hubs and other designated areas only accessible vehicles will be allowed to ply for hire. After a certain period then only accessible vehicles will be allowed on ranks.

Accessible vehicles are expensive to buy and more expensive to run than a saloon. The department is creating non-financial incentives for those who buy and operate accessible vehicles.

There is an argument that at transport hubs like airports there should be accessible vehicles to accommodate visitors on entry to the country who do not book and that is a fair enough argument. Airport taxis will need to make the case of usage.

This is the measure that will protect Belfast Public Hire Taxis in the short term as long as they provide the service to those with disabilities. In the longer term, should others who make the same investment be allowed to operate in that area? Of course!

In the different localities across the country rank designation will become a local issue and it will be vital that local taxi groups agree distance of rank designation.

We believe that this measure will be rolled out in Belfast at an early stage because it is a big issue for the city but it will take longer to roll out outside of Belfast.

- ***Taxi Signs & Plates***

NWTP have continued to make the case for improved signage and identification with the department. We agree in principle with plating. Taxis should have clear signage that identifies the vehicle as a taxi and a number that identifies the individual.

The department floated the idea of door stickers instead of roof signs. We have continually made the case for roof signs that carry the plating information to the department and we believe that this will also change within the three year period ahead of us. We expect that new roof signs will be introduced.

Two positives for taxi drivers arise out of this: 1) it should stifle the price increases around plating (although we do not expect the department to cut the current price) and 2) when a vehicle passes at a test centre they will receive a disc or certificate stating that the vehicle is ready for use with no 10 day wait on taxi plates.

It is also worth remembering that the Taxis Bill does away with the need for a CRO check when changing a vehicle and will allow vehicles to be road tested as taxis before being sold on.

There are other issues covered in the New Taxis Bill like advertising, enforcement, increased penalties, requirements for taxi driver's, operator's and vehicle license and other issues.

This new legislation is aimed at giving the department powers that will be rolled out over a long period of time. Some issues will be dealt with within the first three years and we mentioned most of them already. Some issues may take 15 years. For instance the department will have the power to colour code taxis and insist on uniformity, like yellow cabs in New York or Black Taxis in London, but we do not expect that within the next ten years. There are more pressing issues.

Conclusion

In conclusion NWTP welcome the new Taxis Bill. We are happy that the department is taking steps to up date policy and bring the administration of taxiing into the 21st century. We believe that the Taxi Review and new Taxis Bill have been long overdue.

We agree in principle with almost all of the content of the proposed new Taxis Bill but we do have concerns because we do not have the full detail. We understand that this is enabling legislation but our main concern is that it is so open. While we understand that more consultation will follow on the issues it points up the inherent difficulty we have in giving a complete welcome to this Bill.

The taxi industry should embrace the opportunity to shape their industry and future. We should all take an active roll and participate in consultation around these developing issues. This country is moving on and we within the taxi industry need to move with it. The Taxis Bill is good for the taxi industry as a whole. We all have our own selfish interest and would like some particular part changed, I think we all need to take a strategic view of it and go with it.

Anyone wishing to contact us can do so at 02871362556 or by email info@nwtpl.com43.net or by calling at the office to make an appointment.

Eamonn O'Donnell
NWTP

LTI Submission (submitted at oral evidence session)



Note: Northern Ireland Taxi Bill
Committee Stage 27 September 2007

We fully support the intention of the Taxi Bill to address the problems of illegal taxi activity and professionalize the industry in order to improve safety, service standards and consumer protection.

Our comments are limited to the operation of disabled accessible taxis in Belfast and the impact the bill will have on 450 drivers in the city.

Issues of Concern

- The DoE claim that the bill has public backing and that during the consultation the public supported proposals for a one tier system – having looked at the responses to consultation document we would question this conclusion. For example consultations held in Newry, Cookstown, Enniskillen, Armagh all minute serious concerns with the impact of the bill. Most respondents with no financial interest in the trade made no comment and unsurprisingly a number of consultant drivers without wheelchair accessible vehicles opposed any requirement for them to invest in wheelchair accessible taxis.
- The DoE claim that there will be no financial impact from the implementation of the bill. We question this assumption. We believe that it will undermine the economic model of the trade.

The one tier taxi licensing system proposal states that all hackney carriages and private hire vehicles (currently operating under separate licensing conditions) will become taxis and will be able to pick up fares in the street. In Belfast there are approximately 450 public hire taxis operating in the city. These vehicles are at present all wheelchair accessible and are able to earn a reasonable income. If this economic model is then changed to allow 2,000 plus saloon cars (currently private hire vehicles) to pick up off the street, then there is no doubt that the income of the public hire operator will diminish substantially.

- The DoE propose (Chapter 2, Section 20 (a), (b), (c)) to allow only accessible taxis to use the ranks in Belfast and have a distance from each rank that saloon taxis cannot pick up (100 meter was suggested in discussions with the DoE) , it is intended that this will incentivise the trade to retain their accessible taxis. However, we believe that it will be very difficult to police this rank proposal and

prohibit saloon car taxis from picking up within a distance or forming an 'informal rank', it is unlikely that the police would wish to prosecute such minor offences. Subsequently, the 'special provision' for accessible taxis is unlikely to offer any real competitive advantage to incentivise the trade to retain or buy new accessible taxis. Further to this there are only currently 31 ranks in Belfast. **This will result in the decline of accessible taxi provision in Belfast, as vehicles reach the end of their vehicle life, drivers will buy cheaper saloon cars.**

- The private hire industry is not opposing the legislation as they believe that it will provide a licensing system that incentivises owner drivers to join radio circuits – therefore increasing their business. This is indeed the intention of the bill. This will possibly lead to the operation of a single dominant radio circuit operator, which will not be in the consumers' interest.
- The bill has therefore established the premise that disabled people should phone for a taxi. We believe that an international city, such as Belfast, deserves a fully accessible fleet like London, Glasgow or Edinburgh. Disabled passengers have the right to hail accessible taxis in an urban area. In its present form the bill would mean that disabled passengers in Belfast would have to phone for a taxi and in our opinion would be unable to use rank taxis, as in a few years drivers will convert from disabled accessible vehicles to saloon cars.

Proposed Amendment

For the reasons highlighted above we propose the following amendments to the Taxi Bill, this will allow provision for the operation of wheelchair accessible taxis only to be hailed in Belfast;

Chapter 2 Section 20 -- insert;

To secure the provision of disabled accessible taxis in designated areas;

" (2) The Department may make regulations to apply to taxis of a specific class or to taxis of a particular class of use to operate within a designated geographic area in standing or plying for hire or reward or to carry passengers for hire or reward.

To secure the provision of non accessible taxis to operate via pre-booking in designated areas;

(3) The Department may make regulations to taxis of a specific class or to taxis of a particular class of use to operate within a designated geographic area as vehicles which are used (a) solely in connection with a hiring for the purpose of carrying one or more passengers; or (b) are immediately available to an operator to carry out pre booked work."

Jimmy Beckett Speaking Notes

This proposed bill is only Belfast based but will have a major effect on the rest of N Ireland if implemented.

We were told on the 12th September by Adele that we were 20 years behind; this is not our fault as the DOE has had control of us from the early 70s they have changed nothing in our industry to bring us forward into the 21st century. I think we have moved forward on our own as I am sure you will agree going from around 100 to 400 cabs in three years we have met the demand of the Belfast Public, Modern Cabs, Radio Links, and Websites where you can book a cab

One of your members spent an hour with us on the streets on Belfast and seen the problems we have with illegal taxing and this so called demand.

We have been asking for more taxi ranks, the reason we have not been given these is because we have been told we are a terrorist's threat. The most important thing we now need is access to public places as Belfast is growing fast with development all over the city.

We have 35 spaces to hold 400 cabs.

Are there any proposed taxi ranks for Titanic Quarter and Duncruic St Leisure Pk as we view these as public places?

If this Taxi Bill is passed it will bring an end to The Belfast Public Hire and bring more Illegal Taxis into the town

Our proposed taxi ranks Full Time

Castle Court

High Street

New Shopping Centre Chichester St Victoria St

Castle Court

High St

Donegal Place

Wellington Place

Donegal Sq West

Central Station

University St Holiday Inn Express

Botanic Ave junction University St

Glengall St closed to traffic

Hospitals

Botanic Station

Waterfront Hall Hilton Hotel

Warning St Public

The Odyssey complex

And all Park and ride car parks.

Our proposed taxi ranks Part Time

Donegal Sq South outside Bar Red

Howard St outside Sky Nightclub

Opera House

Bedford St Ulster Hall

Ormeau Ave Holiday Inn, Limelight

Gas works

St Georges Market

Elmwood Ave the Parlor bar Students Union

With all public bodies working together we can raise funding to provide Taxi Marshalls at peak times to help clear the streets of Belfast.

Equality Commission Paper

Equality Commission for Northern Ireland

Response to the Northern Ireland Review of Taxi Regulation - Initial Draft Proposals

Introduction

1. The Equality Commission welcomes the opportunity to comment on the initial draft proposals contained within the Department of the Environment's (DoE) discussion paper on the Northern Ireland Review of Taxi Regulation. In due course, the Commission would be grateful for feedback on the following:
 - where DoE decides not to take account of some of the comments made by the Commission, its reasons for not doing so
 - the quality of the Commission's response to this consultation exercise – it is one of our values to strive for excellence in all that we do and, therefore, we would appreciate DoE's views on the quality of our comments on the consultation document.
2. The Commission's contact for this response is:

Tony O'Reilly, Disability Policy Officer
Equality Commission for Northern Ireland
Equality House, 7-9, Shaftesbury Square
Belfast
BT2 7DP

Direct Line: 028 90 500 602

Textphone: 028 90 500 589

Fax: 028 90 315 993

Email: toreilly@equalityni.org

Summary of the Equality Commission's response

3. The Commission strongly supports the initial proposals concerning the Review of Taxi Regulation, albeit with some concerns about the proposals. These concerns are summarised as follows:
 - there is no commitment from DoE to clarify what role taxis might have within an overall accessible transport service to disabled people. We would recommend that consideration be given to this issue prior to the formal consultation process, particularly given the forthcoming development of the Accessible Transportation Strategy by the Department for Regional Development (DRD)
 - we would welcome a clearer understanding of the rationale behind the implementation timetable, with a view to exploring the scope for bringing forward the date by which all taxis are required to be accessible to disabled people . . .
 - 'Rural Proofing' of the proposals is required to ensure that there is not a differential impact regarding the introduction of accessible taxis inside and outside of Belfast. Many rural and urban areas outside Belfast do not currently have any accessible taxi provision, and should not have to lag significantly behind Belfast in this respect if this can be avoided
 - we are against the deregulation of the taxi industry and would strongly recommend that taxi operators be subject to some form of universal code of practice governing fares and other charges.
4. The Commission's detailed response to this consultation is set out below. We have addressed those issues not directly covered by the consultation questions, as well as provided specific responses to those questions.

Accessible Transportation Strategy

5. The Regional Transportation Strategy gave a commitment that the DRD would develop an Accessible Transportation Strategy for Northern Ireland. It is hoped this will take a comprehensive view of the transport requirements of disabled people, including the role that taxis might play in providing an accessible door-to-door service for disabled people. Clearly, DoE and DRD will need to work closely in the development of this strategy as the outcome of the Review of Taxi Regulation should be a key element. Care will need to be taken to 'dovetail' this work, and other policy development regarding accessible transportation issues, otherwise there is a risk of potential inconsistencies in:

- the overall planning of a region-wide policies for accessible transport
- the implementation of such a regional strategy
- the effective use of resources and service to disabled people.

Accessible taxi services

6. The Commission agrees with DoE's view that accessible taxi provision in Northern Ireland is generally poor, particularly in rural and urban areas outside of Belfast. The Commission believes that taxi services should be accessible to everyone throughout Northern Ireland, and that the issue of accessibility should not be viewed as a specific requirement for disabled people – it should be understood for its universal social and economic value for everyone.

The business case

7. Accessible taxi services benefit many constituencies, including the taxi industry itself. Accessible taxis have a longer life-span, are much more accessible to the general population, and are considered safer than saloon cars in terms of the personal security of drivers and passengers alike. They also have space to carry more people, thus giving greater flexibility and choice to its consumer base. The Commission believes that the initial cost of phasing in the introduction of accessible taxis will be of long term economic benefit to the taxi industry. We believe this will outweigh any initial costs incurred during the transition period to the introduction of a fully accessible taxi service in Northern Ireland.

8. DoE's proposal to offset the cost of buying accessible vehicles through lower licence fees, for either wheelchair accessible or DDA compliant vehicles is welcome. However, we believe that it is important that DoE does more to understand the long term business case of an accessible taxi service, and then promote it to the taxi industry and other stakeholders that might have reservations about the proposals.
9. The Commission believes that all in our society are entitled to avail of transport facilities and services. The inaccessibility of taxis at the current level permits unnecessary social, economic and cultural exclusion of disabled people by limiting their right to access employment and goods and services available to others in our society. DoE rightly acknowledges that taxis are often heavily relied upon in areas poorly served by public transport and at times when bus and train services do not run, which further reinforces the need for universal accessible taxi service provision.

'Rural Proofing'

10. The Commission is concerned about the focus on Belfast in relation to bringing forward its overall objectives of delivering accessible taxi services in Northern Ireland. It is important that, in the development and implementation of these proposals, we do not create a 'two-tier' system and that a fully accessible taxi service is achieved throughout Northern Ireland, in so far as possible, within the same timeframe.

The Northern Ireland Concessionary Fares Scheme

11. The Government has no plans currently to extend the current Northern Ireland Concessionary Fare Scheme to include taxis or introduce a taxi card or taxi voucher scheme similar to those available in many parts of Great Britain. The Commission would urge DoE and DRD to work together to review this matter to ensure that the Concessionary Fare Scheme provides comprehensive coverage of all public transport and Northern Ireland keeps pace with emerging good practice elsewhere in respect of the use of taxis to better promote social inclusion.

Jimmy Becket email following Oral Evidence Session

From: jimmy [mailto:jimmy.beckett@ntlworld.com]

Sent: 08 October 2007 12:51

To: McCann, Sean

Subject: Re: Taxis Bill Transcript

I thank you for the opportunity you gave me to address the committee which you chair on the taxi bill, twice you halted me from speaking on important issues regarding the bill.

I have sought legal advice on the matter and am within my rights to present my evidence as the taxi bill is being sought to be passed by the civil servant who I mentioned. As a committee you are being told this is public option when in fact it is the opposite I have sent you a copy of the finding of the public meetings carried out by the DOE and in fact the civil servant whom I mentioned was in attendance at all of these meetings yet she tells you the public are in support of this bill.

I would like to point out the appealing experience of Ms Barbara Fleming (Inclusive Mobility and Transport Advisory Committee): and ask you to note this was in the private sector and ask is this what you want to let loose on the streets of Belfast?

I also tried to present the submission of the late David Ervine which was rejected by Peter Weir

Mr Weir:

With respect, I appreciate those sentiments; however, to take evidence from someone who has died is a difficult road for us to go down.

The submission is submitted on PUP letterhead and has a elected member on the assembly and as for the evidence of a dead person being unacceptable I would like to make it clear that many of our laws are based on the thoughts and theories of dead people.

Mr Weir also asked why we in Belfast should be treated different in 2000 the DOE made the rule that all taxi in Belfast should be accessible and it is custom and practice as it is in London.

I am sure by now you will see clearly this is not the will of the majority of the people to pass this taxi bill but the civil servant took no other persons view on board You will also see that the problems does not lie with us but with the DOE.

It is also very important that the M1 type cab is kept in Belfast for public safety

I would also ask have you as a committee grasped what the civil servant said to you as I was questioned on a few things which had already been addressed by the civil servant.

Please take the view of the public on board and look what the people said in your own areas concerning this taxi bill

Please acknowledge this has been passed onto the committee and the minister

J Beckett

PUP Paper



THE
***Progressive* UNIONIST PARTY**

EAST BELFAST CONSTITUENCY

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**CONSULTATION ON PROPOSAL FOR A DRAFT ORDER IN COUNCIL:
THE TAXIS (NORTHERN IRELAND) ORDER 2006**

Please regard these comments as the views of the Progressive Unionist Party in relation to your consultation.

DEDICATED TO AN ANTI-SECTARIAN, PLURALIST AND EQUITABLE SOCIETY

BELFAST PUBLIC HIRE TAXIS

**PROPOSAL FOR A DRAFT ORDER IN COUNCIL:
THE TAXIS (NORTHERN IRELAND) ORDER 2006**

RESPONSE:

SAFETY

M1 Type Approval

At present only a Taxi PSV'd at Belfast Public Hire (Wheelchair Accessible) will be plated yellow, however it appears that other vehicles which are being converted are being plated as Wheelchair Accessible Taxis example (TRAJET).

How many different vehicles are going to be converted to Wheelchair Accessibility without reducing the standards of safety. It appears that the Department cannot give a positive answer. This is not good enough for drivers who have paid in excess of £20,000 for an Accessible Taxi which is purpose built for the industry.

The Department has already stated its commitment to safety so how would cheap versions of converted Taxis keep the high standard required. At a recent meeting with Mr M Lammier (Disability Action) he stated that it was beyond belief that the Trajex was plated for M1 type approval and that he requested to the Department to produce one of these vehicles for inspection purposes, as yet there has been no response from the Department. This is the normal procedure, ignore it and it might go away.

SEAT BELTS

The Department is proposing that all Taxi Drivers wear their seat belts at all times for safety reasons (even when passengers are travelling in the Taxi). In a normal society this would probably be correct but unfortunately the Taxi Driver must work in the "REAL WORLD" and are attacked by passengers and passing members of the Public time and time again.

How can the driver defend him/herself if strapped in?

We have put this point to Adel Watson, Bill Lavery and Donald Armstrong on several occasions but it seems to have fallen on deaf ears, it has unfortunately come to the point that drivers do not even report these incidents to the PSNI as when you contact "Belfast Cab Management - South Belfast, Lishorn Road, Belfast" they do not have anyone available so all calls are prioritised. Response from South Belfast is close to ZERO percent so what can a Driver do to protect him/herself? The department says the safety of the passenger is paramount, we say the safety of the "DRIVER" is paramount.

If the driver is not safe then NO ONE IS SAFE.

OPERATORS LICENCE

The introduction of the Operators Licence was introduced on the mainland for private hire (Mini Cab) in order that the councils had some form of accountability. Case law on the mainland stated that a hackney cab did not require an Operators Licence (Riverside County Council). This was in the High Court and when the council went to the appeals court the result was upheld. A hackney cab DONES NOT require an Operators Licence.

We have put this point to the Department but in their opinion they WILL introduce an Operators Licence for Hackney Cabs. The Department has I might add been very clever that they introduced Legislation in July 2006 that we WILL ALL be classed as Taxi's even though the Hackney Cab must conform to Hackney Cab specifications.

The term is "YOU ARE NOT A HACKNEY CAB - YOU ARE A TAXI".

PICKING UP FARES IN THE STREET

The Department intends to introduce that ALL TAXIS can pick up in the street. At present this is illegal for what we call Private Hire to pick up within a 5 mile radius of Castle Junction unless pre-booked. This is abused by drivers in Belfast and is almost at epidemic proportions with little to NO enforcement by the PSNI and only a limit enforcement from the DOE enforcements (I would point out that we believe that the DOE enforcements are doing a very good job considering the resources they have) but no enforcement from the PSNI is just not good enough. After having a conversation with Inspector Keith Gillespie from the PSNI approximately 2 and a half years ago - he stated that he did not care who picked up on the streets just so long as the streets got cleared and this has been the response from Inspectors in South Belfast ever since.

Every city has problems when the pubs and clubs are closing especially the Thursday, Friday and Saturday

METERS & PRINTERS

At present the legislation requires all license Taxi's that have a Meter fitted to be sealed by the Department however only the Belfast Public Hire Taxi's have their meters tested and sealed by the Department - this is in total contradiction to their own legislation.

The expectation from the Department is that it DOES NOT HAVE THE MANPOWER to test and seal all the others. I think the phrase I would use here is "CHERRY PICKING". The new proposals say that all Taxi's will have meters fitted and a receipt printer attached. All meters will be tested and sealed by the Department or an appointed agent. Meters must be engaged on all journeys but the customer can barter with the driver for a lesser amount that is on the Meter.

When Adel Waters was asked a driver completes a £10 fare and receives only £8 who will cover the driver for the difference of £2 for tax purposes? Her reply was surely your tips will cover that. If this was meant as a joke it was in bad taste however we believe she really did mean what she said - surely this cannot be acceptable from the Department.

BELFAST PUBLIC HIRE TAXIS

Belfast Public Hire Taxi's are an integral part of the Transport System in Northern Ireland, the Department needs to accept this rather than introduce legislation that will have a detrimental effect on this part of the Transport System.

Throughout all of the meetings with the various Departments over the past few years it appears that the legislator has gone in the opposite direction to what we would lead to believe. The legislator has accepted the report carried out by the OFT almost in its entirety even though the OFT carried out its surveys, 2 on the mainland and 1 in Dublin. No survey from the OFT was carried out in Northern Ireland.

Incidentally the OFT surveys on the mainland we believe were not accepted.

ARE WE TOO BE THE GUINEA PIGS AGAIN?

It appears so.

COST

The Department states that it will not have any serious financial burdens, however it also states that the Department will recover all of these costs through charges.

Charge for the Operators Licence "AMOUNT NOT KNOWN" but the Department has stated it will allow this to be paid by instalments (WHAT COST WILL IT BE?)

Charges for courses will also be paid by the driver, time off work to complete these courses means loss of revenue.

If you add all of these costs together plus Private Hire (will be called NON-Accessible Taxi's) being permitted to pick up on the streets this will have a devastating effect on the Belfast Public Hire Taxi.

At present we are lead to believe that the Department has been in consultation with a company called "GO SKILLS" to carry out these courses. We believe this company only has a pass or fail policy.

What happens to drivers who have literacy problems?

Will the Department remove their licenses because they cannot read or write? The Department had the opportunity to make this Taxi Industry work for the benefit of the Public and the Driver. We believed they have failed miserably, this is mainly a money making exercise.

It seems that the Department's conclusion that all these measures will create fair competition is one sided.

We only have to look at what has happened to the Taxi Industry in Belfast over the past few years. The main operators in Belfast have bought over a large number of Taxi companies only for those companies to disappear. This is termed as "**CORNERING THE MARKET**" and would probably make it easier for the various DOE Departments to contact perhaps one or two companies who control Belfast if and when a problem with a driver arises.

Is this what the Department calls "**FAIR COMPETITION**", if so I would suggest they check the dictionary for the definition of "**FAIR**".

DOE Response to Committee Queries on Taxis Bill

Consumer Council Involvement – Implications for Clauses 3, 16 and a new clause at Part 6

In its evidence to the Committee the Consumer Council welcomed its involvement at Clause 10(4) of the Bill but considered that their role should be embedded in other parts of the legislation in relation to accessibility standards, passenger complaints, fares and passenger information.

The Department met with the Consumer Council and the general consensus on those issues, subject to Committee approval and the opinion of Legislative Counsel, was as follows:

Accessibility Standards

Setting accessibility standards will involve technical regulations on vehicle specifications and the Consumer Council was content to be consulted about these in the normal way without having any specific role outlined in the Bill.

Passenger Complaints

It is proposed that an amendment should be made to Clause 3(9) to ensure that the Consumer Council is involved in the complaints procedure that will be set out in regulations.

Fares

It is proposed that there should be an amendment to Clause 16 to require the Department to take the Consumer Council's recommendations into consideration when determining what should be the maximum rates or fares.

Passenger Information

We would propose inserting a new clause into the Bill perhaps under Miscellaneous and General at Part 6 to enable the Department to make passenger information available to taxi users having taken the recommendations of the Consumer Council into consideration.

The Two Tier Appeal System – Implications for Clauses 2, 13, 23, 27, 28, 29 and 36

It was suggested in the oral evidence sessions that there should be an internal review to the Department or other independent body before having to take an appeal to Court. The Department saw merit in this suggestion and the Committee asked for clarification of how this would work.

At present a similar system operates within the Department in relation to the refusal of a road freight operator's licence or bus licence. The first recourse for the applicant in these cases is to an internal review panel set up within the Department. The panel consists of 3 senior officers who have no connection with the decision-making process but may have experience of transport matters. It will set a date and time for an oral hearing and the appellant, who may be legally represented, has the opportunity to present his case and produce evidence. The panel having considered the facts of the case and the law will make a recommendation to the decision-making part of the Department on whether the decision should be upheld or changed. In practice such recommendations are always accepted and the panel has been shown to operate entirely independently. If the person is still dissatisfied with the decision he can then pursue his case through the Courts.

A similar appeal procedure, firstly to the Department as outlined above and then to the Magistrates' Court, could be adopted for taxis in line with the two tier appeal system already provided at Clause 11 of the Bill. This would require amendments across clauses 2(8), 13(8), 23(9), 27(4), 28(8), 29(4) and 36(6).

Clause 16 – Regulation of fares, etc

The Committee asked if the wording of this clause could be tightened up. We have looked at what Legislative Counsel was asked to provide in this regard and the following is an extract of our Instruction to Counsel:

“Regulation making powers are therefore sought to enable the Department to prescribe maximum Northern Ireland fare rates which would consist of an initial rate and subsequent rates based on a combination of time and distance. Additional tariffs may allow higher fares based on maximum rates for journeys during evenings, at night or on public holidays all of which will be prescribed.”

We were assured by Counsel on drafting that the clause provided for the above combination of rates. However, as we will be in contact again with Counsel on the other amendments to the Bill we will seek views on whether the wording of this clause needs to be more precise.

Clause 20(2)(c) – Taxis Marshals

(c) enforcing order at and regulating the use of places referred to in paragraph (a);

The Committee expressed some concerns about this clause which is designed to provide regulations in respect of taxi marshals. The “enforcing” aspect may have caused some confusion and it may be useful to draw out the distinction between the role of taxi marshals and the “authorised officers” who will enforce the general provisions of the legislation.

The role of the authorised officer is a specialised one and for this reason they are defined in the Bill at Clause 55 as vehicle examiners or officers authorised in writing by the Department. In addition to having detailed knowledge of the taxi licensing laws contained in the Bill they must also have technical knowledge relating to the roadworthiness of vehicles etc. Their powers are quite extensive as they include stopping private vehicles and even entering private premises under warrant.

Taxi marshals will not be required to have this specialist knowledge and will not be given these powers of enforcement. Their role will be limited to matching customers to vehicles at ranks, basically assisting customers and drivers, usually but perhaps not exclusively under a taxi sharing scheme. Their enforcement role is limited to maintaining good order at busy ranks but always with the option of police or authorised officer back up if needed.

Clause 21 – The role of Traffic Attendants – Implications for Schedule 2 paragraph 12

The Committee also sought clarification on the enforcement powers that would be exercised by traffic attendants. For the reasons stated above traffic attendants would not be given any general enforcement powers as regard the licensing and vehicle issues arising from the Bill.

Their enforcement powers would be limited to taxi parking infringements at ranks and this is provided for at paragraph 12 of Schedule 2 to the Bill. It is also proposed to extend this to any parking contraventions by taxis under the new “taxi regulation orders” introduced under clause 21 of the Bill.

Charging Separate Fares (Clause 5-7)

The Committee asked for clarification about the concept of charging separate fares for taxi journeys and how the proposals in the Bill to regulate charging separate fares will be enforced.

Clauses 5 to 11 of the Taxis Bill provide for taxi sharing at separate fares in three circumstances. These are where:

1. there is a taxibus operation involving the picking up and setting down of passengers at stops on an authorised route in accordance with a timetable

2. a taxi sharing scheme has been set up by the Department
3. in the case of an advance booking, all the passengers agree to share the taxi

In particular the Committee asked: How can the Department police situations other than those specified in the Bill where a number of different people want to travel in the same general direction by taxi and pay separate fares?

A basic premise of the Taxis Bill is that when someone hires a taxi they will have the right to exclusive use of that taxi. That means that they can't be expected to share the taxi unless they want to. Other fundamental principles in the legislation are that all fares should be regulated and charged according to what is shown on the taximeter.

Clearly, there are circumstances when it's in the interests of both taxi users and drivers for passengers to agree to share a taxi and to pay their own fare. But these need to be regulated otherwise drivers will not give any/the full discount to passengers who then complain to the Department that they have been ripped off.

In all three of the circumstances provided for in the Bill each passenger will have agreed, explicitly or implicitly, that he is willing to share the taxi. In return, they should have a right to get a cheaper fare. In the taxi-bus situation everybody will pay a flat fare as on a normal Translink bus. Where there is a taxi sharing scheme or advance booking arrangement the Department will insist that the driver gives each passenger a discount on what the metered fare would be for the same journey if they had hired it without sharing. The amount of the discount would be regulated by the Department and would depend on how many people shared the taxi. (An example of a shared fare table is attached.) The taxi driver will also benefit because the total fares paid by all the passengers will be a fair bit more than if he had just taken one. In this scenario everybody wins – not just the driver.

So how can the Department police other situations where people agree to share a taxi and pay separate fares ? Firstly, the Department must make sure that taxi users are aware of their right not to have to share except as part of a DOE-authorized taxi-sharing scheme or where they have agreed in advance. Passenger guides and notices in taxis will be used to reinforce this. If passengers agree to share without any guarantee that they will get any/ the full discount then that's up to them. Where passengers feel aggrieved at having to share and pay more than the regulated fare then they can complain (to the operator/Department/Consumer Council) that they have been overcharged and their complaint will be investigated.

It is the Department's strong view – and one which is shared by the Consumer Council – that allowing taxis to pick-up passengers going in a general direction with the driver charging fares at his discretion would not be in the best interests of consumers and that it would undermine the whole point of regulating fares in the first place.

Shared Taxis: Sample Fare Table

Fare Displayed on Meter	Number of Passengers Sharing				Total Fares Paid to the Driver
	2	3	4	5	
80p	50p	40p	40p	30p	£1.60
£1.00	70p	60p	50p	40p	£2.20
£1.20	80p	70p	50p	50p	£2.50

Fare Displayed on Meter	Number of Passengers Sharing				Total Fares Paid to the Driver
	2	3	4	5	
£1.40	90p	80p	60p	60p	£2.90
£1.60	£1.00	90p	70p	60p	£3.20
£1.80	£1.20	£1.00	80p	70p	£3.70

DOE Response to Committee Queries Including Amendments

This paper covers the remaining outstanding issues to be agreed by the Committee. Draft amendments to the Bill as provided by the Office of Legislative Counsel to take account of the Committee's proposed amendments is also attached and these may assist in resolving some of the outstanding issues.

Clauses 5-7 - Hiring of taxis at separate fares; compliance with a Departmental taxi-sharing scheme; and advance booking

(a) The Committee requested that the Department provide an example of a fare table to be used either for a taxi-sharing scheme (Clause 6) or where a taxi is being shared under an advance booking arrangement for a taxi (Clause 7). Also, Mr Ford asked "how such a scheme would work when people are not all getting off at the same place".

Example Conversion Table for Use in Calculating Shared Taxi Fares

Fare displayed on the meter	The Number of Passengers Sharing the Taxi			
	2 passengers	3 passengers	4 passengers	5 passengers
£1.00	70p	60p	50p	40p
£2.00	£1.30	£1.10	90p	80p
£3.00	£2.00	£1.70	£1.40	£1.20
£4.00	£2.60	£2.20	£1.80	£1.60
£5.00	£3.30	£2.80	£2.30	£2.00
£6.00	£3.90	£3.30	£2.70	£2.40
£7.00	£4.60	£3.90	£3.20	£2.80
£8.00	£5.20	£4.40	£3.70	£3.20
£9.00	£5.90	£5.00	£4.10	£3.60
£10.00	£6.50	£5.50	£4.50	£4.00

Notes:

- The passengers sharing the taxi must all start their journey at the same point. Further passengers will not be picked up en route. (If that type of service is required then a taxi-bus would be more appropriate.)
- All of the passengers will be going in the same general direction but not necessarily to the same destination. Where there is a departmental sharing scheme the marshal(s) would match passengers to taxis.

Worked Example:

- Assume 4 people are sharing a taxi going in the same general direction and that all of them want to get out at different points along the way.
- The first passenger gets to his destination. The fare he will be asked to pay will be based on two things: the fare displayed on the meter at that point and the number of passengers sharing the taxi. Assuming the meter is showing £3.00, and given that there were 4 people sharing, he would pay £1.40. This is just under half (46%) of the full metered fare that he would have had to pay if he had had exclusive hire of the taxi.
- The second passenger gets to his destination. The fare on the meter is now £5.00. Taking into account that initially there were 4 people sharing (it doesn't matter that there are now only 3) he will pay £2.30. Again this is a little bit less than half the full metered fare.
- When the third passenger gets out the meter is £7.00. He pays £3.20. Same discount to about half-fare.
- By the time the fourth and final passenger gets out the meter is at £9.00. He pays £4.10. Discount as before.
- For one journey for which the normal fare would have been £9.00 the driver has been paid £11.00 (£1.40 + £2.30 + £3.20 + £4.10). This is 22% more than the normal metered fare. However if all of the passengers had got out at roughly the same final destination he would have been paid as much as £16.40 (4 x £4.10) - equivalent to 82% extra.
- In practice it would be for the Department working with the taxi trade and the Consumer Council to agree where the balance should lie between the percentage discount each passenger gets (in this example it is a constant 46%) and the percentage on top of the metered fare the driver gets for taking the sharing passengers (it ranges here between 22% and 82%).

(b) Also in relation to shared taxi arrangements, Mr Ford asked whether the Bill could provide a fourth taxi -sharing arrangement to cover situations where passengers agree to share as they step into the taxi – i.e. not just where there has been an advance booking as provided for in Clause 7.

- The “default position” when hiring a taxi is that it is for your exclusive use. That is fundamental to how taxi travel works.
- There are times and/or locations when we know the demand for taxis is often much greater than the supply – for example late-nights in town and city centres. It makes sense to make provision for taxi sharing in these situations and to regulate the fares that can be charged to ensure that both the driver and the passengers benefit from the sharing arrangement.
- The Department would resist any suggestion that provision be made for taxi-sharing “at the taxi door”. Consent is a key element of the advance booking sharing arrangement (Clause 7). If passengers don't want to share they can either insist on having a taxi for themselves or try another operator. If shared fares arrangements extended to immediate hirings many drivers would increasingly only want to do that type of work and would be reluctant to go anywhere without a full load of passengers. The result would be that sharing, rather than exclusive use, would become the default.
- Controlled taxi-sharing is useful because it can help to disperse crowds quickly in town and city centres at peak times. But it should not be permitted to the extent that, in practice, it becomes the only option for consumers.

Clause 6 – Taxi Marshals

As well as the taxi sharing issue in Clause 6 the Committee should note that as presently drafted there is a power to regulate for taxi marshals in Clause 6(2)(e) in the same terms as Clause 20(2)(c) which the Committee expressed concerns about. The issue is dealt with under Clause 20(2)(c) below and if the Committee accept the proposed amendment therein for consistency the same amendment should be to Clause 6. [Point 5 of the attached Amendments]

Clause 11 – Appeals

The new two tier appeal system is now provided legislatively throughout the Bill as set out at points 6 to 15 of the attached draft amendments. Quite often when making amendments of this nature to a Bill they can have a 'knock-on' effect on other clauses. In this case some minor tidying-up at Clause 11 is required. [Point 7 of the attached Amendments]. Counsel has also removed the term notice "in writing" as it is unnecessary to state this when it is defined in Clause 55 (point 8 of Department's Amendments)

Clauses 16 and 17 – Maximum Fares

The Committee expressed some concerns about the wording of Clause 16 in relation to the setting of maximum fares. Those concerns were raised with Legislative Counsel to ascertain if any further drafting would improve the provision and clarify the issue. It is Counsel's opinion that as drafted Clause 16 will allow the Department to set a range of maximum fares including the initial rate, rates based on time and distance, evening work and public holidays and no further drafting is necessary. Accordingly, no amendment to Clauses 16 and 17 is proposed.

Clause 20(2)(c) - Taxi Marshals

The Committee's view that the role of taxi marshals is more one of management than enforcement has also been raised with Legislative Counsel. It was suggested to Counsel that a solution may be to retain the present enforcement powers in Clause 20(2)(c) for enforcement officers and PSNI only and to provide a separate provision which better captures the role of taxi marshals and allows their duties to be set out in Regulations. This has now been provided as Clause 20(2)(ca) and a similar amendment has been made as Clause 6(2)(ea) to cover taxi marshals within a taxi sharing schemes. These clauses allow the Department to make regulations to provide for persons to manage the use of taxi ranks, namely, taxi marshals and to regulate how they perform those management duties. It is hoped that this may remove some of the present confusion and be more acceptable to the Committee. [Point 5 of the attached Amendments]

Clause 21 – Traffic Attendants

Under Clause 21 DRD will be empowered to make Taxi Regulation Orders. These will be used to legislate for taxi ranks and for preventing taxis using any other roads for standing. The Committee agreed that it would be useful for Traffic Attendants to enforce any parking infringements by taxis at ranks or elsewhere. A small consequential amendment to a piece of DRD legislation - The Traffic Management (NI) Order 2005 – is required to achieve this and this is now provided as an insertion at paragraph 12 of Schedule 2. [Point 1 of the attached Amendments]

Clause 23 – Taxi Driver's Licences

Mr Gallagher asked why criminal record checks on licence applicants do not extend to the Republic of Ireland. Officials agreed to advise the Committee what currently happens as regards checking ROI convictions and whether any changes are proposed.

23(2)(ii) is the part of Clause 23 relevant to the checking of criminal records. What it says, in effect, is that to get a taxi driver's licence the applicant has to be able to demonstrate that he is a "fit and proper person" to hold such a licence. The Department will (as now) have good reputation guidelines which it will use to determine what is meant by "fit and proper".

The Driver Vehicle Agency has confirmed that the current process of checking criminal records does not systematically involve checking records in the Republic of Ireland. When it comes to implement the Taxis Bill the Department will need to review the current driver licensing regulations. It will also need to review all of its related administrative processes including the reputation guidelines and checking procedures. As part of that exercise it would be appropriate for the Department to consider whether any changes should be made to the arrangements for checking the reputation of drivers who have lived and/or worked for a time outside of NI including in the Republic of Ireland.

Clause 30 – Fees

Legislative Counsel has also advised that we should take powers to charge fees in respect of appeals to the Department. We presently have no plans to charge fees but if taxi appeals became an administrative burden we may, in future, need to resource it through fees to maintain an efficient service and unless we had this power in the Bill we would be unable to do so. Any such fees in the future would, of course, be a matter for the Committee to consider by way of regulations and the option would still be cheaper than going directly to Court. [Point 13 of the attached Amendments]

Clause 35A – Regulations in respect of appeals

This is another 'knock-on' effect of the 2-tier appeal system. It simply relocates what was previously Clause 11(6) to a new Clause 35A as appeals to the Department are no longer confined to Clause 11 and, therefore, a general clause is more appropriate. It provides power for the Department to make regulations in respect of appeals. [Point 14 of the attached Amendments]

Clause 42 – Taxi Touts

Counsel has re-considered the exemption of taxi marshals from the offence of "taxi touting" under Clause 42 and is still of the opinion that an exemption is legally required and is best provided as a general exemption as was provided at point 6 of the Department's listed amendments. However, if the Committee prefers a more specific amendment relating only to the new Clause 20(2)(ca) and Clause 20(2)(l) on advertising then this can be provided.

Amendments

Taxi regulation orders

1. Schedule 2, page 39, line 29, after 'penalty charges),' insert - '-
(a) after the paragraph beginning "An offence under Article 19(1) or (3)" insert -
"An offence under Article 27A(2)."; and
(b)'

General Consumer Council

2. Clause 3, page 4, line 3, at end insert '(and without prejudice to the generality of the foregoing, regulations may include provision for the involvement of the General Consumer Council for Northern Ireland in relation to any such complaints)'
3. Clause 16, page 10, line 26, at end insert -
'(2A) Before the Department makes any regulations under this section, it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland.'
4. After clause 48 insert -

'Publication of information

48A.-(1) The Department may publish, in such form and manner as it thinks appropriate, information in connection with the provisions of this Act.

(2) Before the Department publishes any such information under subsection (1), it shall take into consideration any recommendations made by the General Consumer Council for Northern Ireland.'

Taxi marshals

5. Clause 6, page 5, line 33, at end insert -
'(ea) providing for persons to manage, and regulating the management of, the use of such authorised places;'
Clause 20, page 12, line 19, at end insert -
'(ca) providing for persons to manage, and regulating the management of, the use of places referred to in paragraph (a);'

Appeals

6. Clause 2, page 2, line 30, leave out 'a court of summary jurisdiction' and insert 'the Department'
Clause 2, page 2, line 38, at end insert -
'(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.
(10) On an appeal under subsection (8), the Department may decide to -
(a) confirm, reverse or vary the decision; or
(b) approve, revoke or vary the condition,
(as the case may be) as it thinks fit.
(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.
(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision.'
7. Clause 11, page 7, line 24, after '2(8)' insert 'or (12)'
Clause 11, page 7, line 27, leave out 'in writing'
Clause 11, page 7, line 42, leave out 'in writing'
Clause 11, page 8, line 1, after '2(8)' insert 'or (12)'
Clause 11, page 8, line 4. leave out subsection (6)
8. Clause 13, page 9, line 7, leave out 'a court of summary jurisdiction' and insert 'the Department'
Clause 13, page 9, line 13, at end insert -
'(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.
(10) On an appeal under subsection (8), the Department may decide to -

- (a) confirm, reverse or vary the decision; or
 - (b) approve, revoke or vary the condition.
- (as the case may be) as it thinks fit.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision.'

9. Clause 23, page 16, line 32, leave out 'a court of summary jurisdiction' and insert ' the Department'

Clause 23, page 16, line 36, at end insert -

'(9A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(9B) On an appeal under subsection (9), the Department may decide to -

- (a) confirm, reverse or vary the decision; or
 - (b) approve, revoke or vary the condition,
- (as the case may be) as it thinks fit.

(9C) The Department shall, on making a decision under subsection (9B), give notice of the decision to the appellant including particulars of the ground of the decision.

(9D) A person who is aggrieved by a decision of the Department under subsection (9B) may appeal to a court of summary jurisdiction against any such decision.'

10. Clause 27, page 19, leave out lines 1 to 8 and insert -

'(b) (subject to section 35), it shall direct in the notice when the suspension, revocation or curtailment is to take effect.'

Clause 27, page 19, line 13, leave out 'a court of summary jurisdiction' and insert 'the Department'

Clause 27, page 19, line 14, at end insert -

'(4A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(4B) On an appeal under subsection (4), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(4C) The Department shall, on making a decision under subsection (4B), give notice of the decision to the appellant including particulars of the grounds of the decision.

(4D) A person who is aggrieved by a decision of the Department under subsection (4B) may appeal to a court of summary jurisdiction against any such decision.'

11. Clause 28, page 19, line 41, leave out 'a court of summary jurisdiction' and insert 'the Department'

Clause 28, page 19, line 42, at end insert -

'(9) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(10) On an appeal under subsection (8), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(11) The Department shall, on making a decision under subsection (10), give notice of the decision to the appellant including particulars of the grounds of the decision.

(12) A person who is aggrieved by a decision of the Department under subsection (10) may appeal to a court of summary jurisdiction against any such decision.'

12. Clause 29, page 20, leave out lines 15 to 20 and insert -

'(b) (subject to section 35), it shall direct in the notice when the decision is to take effect.'

Clause 29, page 20, line 21, leave out 'a court of summary jurisdiction' and insert 'the Department'

Clause 29, page 20, line 22, at end insert -

'(4A) The time within which a person may bring such an appeal is 21 days from the date on which the notice of the decision appealed against is served on the person.

(4B) On an appeal under subsection (4), the Department may decide to confirm, reverse or vary the decision as it thinks fit.

(4C) The Department shall, on making a decision under subsection (4B), give notice of the decision to the appellant including particulars of the grounds of the decision.

(4D) A person who is aggrieved by a decision of the Department under subsection (4B) may appeal to a court of summary jurisdiction against any such decision.'

13. Clause 30, page 20, line 30, at end insert -

'(ba) in respect of any appeals to the Department under this Act;'

14. After clause 35 insert -

'Regulations in respect of appeals

35A. The Department may by regulations make such further provision in respect of appeals under this Act as it considers necessary or expedient.'

15. Clause 36, page 24, line 14, leave out 'a court of summary jurisdiction' and insert 'the Department'

Clause 36, page 24, line 14, at end insert -

'(6A) On an appeal under this section, the Department may either cancel or affirm the notice, and if it affirms it, it may do so either in its original form or with such modifications as the Department may in the circumstances think fit.

(6B) The Department shall, on making a decision under subsection (6A) give notice of the decision to the appellant including particulars of the grounds of the decision.

(6C) A person who is aggrieved by a decision of the Department under subsection (6A) may within 21 days of the notice being served under subsection (6B), appeal to a court of summary jurisdiction.'

Clause 36, page 24, line 18, leave out 'or with such' and insert ', in its form as modified by the Department under subsection (6A) or with such other'

DOE Response on Disability Issues



Central Management Branch
10-18 Clarence Court
BELFAST
BT2 8GB

Ms Patricia Casey
Clerk to the Environment Committee
Northern Ireland Assembly
Parliament Buildings
Stormont
Belfast BT4 3XX

Telephone: 028 90 5 40855
Facsimile: 028 90 5 41169
Email: una.downey@doeni.gov.uk

Your reference:

Our reference: CQ/26/07

Date: 24 October 2007

Dear Patricia,

I refer to your request for information about any investigations or actions undertaken by the Department to address reports of discrimination against people with disabilities by taxi operators and drivers reputedly refusing services on spurious grounds.

Having checked our records for the last two years we have not identified any complaints about providers of taxi services discriminating against disabled persons by refusing services in these circumstances. In the absence of any complaint DOE has not carried out any investigation or action into this type of activity.

The Committee may wish to know that there are proposals to bring the legislation on disability discrimination by transport providers in Northern Ireland into line with that in the rest of the UK. The intended result would be that practices like this would be made unlawful. OFMDFM is the lead department in this area.

Yours sincerely,

Una Downey

DALO [By Email]

DOE Response on Funeral Cars



Central Management Branch
10-18 Clarence Court
BELFAST,
BT2 8GB

Mr William Long
Environment Committee Office
Northern Ireland Assembly
Parliament Buildings
Stormont, Belfast BT4 3XX

Telephone: 028 90 5 40855
Facsimile: 028 90 5 41169
Email: una.downey@doeni.gov.uk

Your reference:
Our reference:

Date: 5 November 2007

Dear William,

Taxis Bill – Information of Funeral Cars

You wrote on 12 September 2007 advising that the Committee at its meeting on 6 September had accepted a late submission on the Taxis Bill from the National Association of Funeral Directors (NAFD). The Association had requested that mourning cars be exempted from the provisions of the Bill. In light of this the Committee asked the Department to clarify the current position regarding the licensing of such vehicles.

Anticipating that NAFD would take up the Committee's invitation to give oral evidence I wrote to you on recently proposing that the Department defer answering this query in detail until after that further evidence had been given. In fact, NAFD did not take up the Committee invitation. Representatives of the association have now asked to discuss this issue with Taxi Bill officials and that meeting is to take place on 13 November. However, rather than further delay my reply to the Committee's query I would like to take the opportunity now to respond.

The position is as follows. While funeral cars are exempt from licensing in Great Britain, traditionally funeral cars in Northern Ireland have been regarded as "Public Service Vehicles" (because they carry passengers "for reward") and licensed as a type of PSV, namely taxis. They are exempt from some of the requirements that generally apply to taxis such as regulated fares, displaying roof-signs and having a taximeter. It is envisaged that similar arrangements will continue to be made.

In oral evidence to the Committee departmental officials have stated that without wishing to pre-empt their meeting with the NAFD, the Department's position is that funeral cars should continue to be licensed as taxis and not given an exemption from the Bill. Should a strong case be made by NAFD in favour of a complete exemption either now or at some point in the future, provision can be made for this in regulations.

Yours sincerely,

Una Downey

DALO [By Email]

Further Letter from Robert McAllister following his Oral Evidence Session

To whom it may concern in the Environment Committee,

My name is Robert McAllister, this is relevant to the meeting I had with the Environment Committee office, Room 247 parliament buildings on 13/09/07 with Chair person Patsy McGlone and environment committee.

Belfast public hire taxis go right back to horse and carriage right up to presently the wheel chair accessible taxis catering for public right across all parts of N.Ireland and south of Ireland. Even during the darkest days of the troubles, public hire taxis were made by law of DOE to get their vehicles modified to cater for wheel chair access; this was in the late nineteen eighties. Every individual driver was his own expense, no grants like West Belfast Taxis more important Belfast Public Hire Taxis have approximately Five Hundred drivers. We are the only Black Taxis in Belfast that have all religions working together, comradeship between drivers is first class, they even socialise together. This has been happening for many years well before all political parties made the right decision to go into government for the better of people in Northern Ireland. Unfortunately Doe Taxi review team introduced new laws to let private hire non accessible taxis pick up public without booking will break bond between all public hire accessible taxis forcing them to leave industry and go a few ways like unemployed or private hire or ordinary jobs outside the taxi industry anybody with sectarian outlooks in N.Ireland mixing with public hire accessible taxis in Belfast will change their views very quickly Public hire Taxis in Belfast do tours for tourists to both Shankill and falls road, not like black taxis that operate from Shankill who only do that side and black taxis from the falls only do that side. This is my main reason why Belfast public hire wheel chair accessible taxis should remain the only taxi to be hailed without booking in Belfast please will the environment committee see sense.

Public hire accessible taxis in Belfast have no right to pick up members of the public in George Best City Airport which is in Belfast area DOE tell us they are powerless to do anything. What rights have we got? None what so ever. We were told by our government on the 8th of may 07 the rights of everyone would be fair.

Rob Allister