



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

**Implementation of the Taxis Act
(Northern Ireland) 2008**

23 June 2011

NORTHERN IRELAND ASSEMBLY

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ENVIRONMENT**

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mr Cathal Boylan
Mr John Dallat
Mr Danny Kinahan
Mr Patsy McGlone
Mr Francie Molloy

Witnesses:

Mr Thomas Doyle	)	Accessible Taxi Association
Mr Stephen Savage	)	Belfast Taxi CIC
Mr Jackie Mahood	)	Belfast Taxi Association
Mr Tommy Strong)	
Mr Ryan Simpson	)	Consumer Council
Mr Kevin Doherty	)	Disability Action
Ms Monica Wilson)	
Ms Deborah Howe	)	Equality Commission NI
Mr William McCausland	)	fonaCAB

Ms Anne Maguire	)	Glenone Taxis
Mr Noel Maguire)	
Ms Barbara Fleming	)	Inclusive Mobility and Transport Advisory Committee
Mr Michael Lorimer)	
Mr Brian Press	)	International Airport Taxis
Mr Hugh Dougal	)	National Association of Funeral Directors
Mr Barry McBratney)	
Mr James Armstrong	)	National Limousine Association NI
Mr David McCracken	)	NI Wedding Car Hire Association
Mr Mike Thompson)	
Mr Andrew McCartney	)	North West Taxi Proprietors
Mr Eamonn O'Donnell)	
Mr Martin Johnston	)	Public Hire Belfast
Mr Robert McAllister)	
Mr Sean Beckett	)	Public Hire Coalition
Mr Martin Bell)	
Mr Jim Fairclough	)	Taxi Federation of Northern Ireland
Ms Cathy Maillie)	
Mr Christopher McCausland	)	Value Cabs
Mr Stephen McCausland)	
Mr Alex Boyle)	
Ms Sharon Clements	)	Department of the Environment
Mr Trevor Evans)	
Mr Stephen Spratt)	

The Chairperson:

Thank you all for coming to Parliament Buildings to participate in this evidence event. As you are aware, the Taxis Act (Northern Ireland) 2008 came into force over three years ago. However, recent consultations by the Department of the Environment (DOE) about how some aspects of it should be implemented have raised considerable concerns. Those concerns are not confined to those in the industry; they are also felt by people who use taxis or share the roads with them.

The previous Committee spent 17 weeks scrutinising the Taxis Bill before it became law. Members of the current Committee have made it clear that they simply cannot afford to spend week after week revisiting each of the individual aspects of the Act as the Department implements them. Today, we are trying to condense as much evidence as we can into the time available. I hope that, having heard the evidence and the Department's response to it, we will be able to reach a Committee position on the key aspects of the Act. Thank you, in advance, for helping us to reach that position.

Three weeks ago, we took evidence from representatives of the public and private hire taxi sectors, along with representatives of the wedding car industry. Many issues were raised, and, although most of those are intrinsically linked, the Committee has agreed to focus today on the five key issues of operator licensing; a single-tier taxi system; licence plates; disability access and equality; and enforcement. Those issues have been consistently brought to the Committee's attention by many interested parties.

Last week, we heard the Minister say that he has yet to make his decision on the different aspects of the 2008 Act and that he would pay close attention to today's event. Based on your input and feedback from the departmental officials, which will follow at the end, I hope that we will be able to agree our position and inform the Minister of how the Committee thinks that he should proceed in implementing this important legislation.

I will now outline the format for the evidence session. A paper setting out the order in which evidence will be taken has been provided to everyone. A reminder of the issue being discussed at any one point will be displayed on the plasma screen. There are five areas for discussion, and I will be strict in keeping you within the confines of the discussion area. Frustrating as that may be, we simply do not have time to go through every aspect of the 2008 Act. I will outline the areas for discussion and then open up the meeting by calling the organisations listed against that topic to present their perspectives on it. I ask you to be as brief as possible. If necessary, we will stop you to give everyone a chance to present their views.

Anyone else who wishes to make follow-up comments should indicate to that effect. Before speaking, you should ensure that you state your name and organisation for the record. There will

also be an opportunity for Committee members to ask questions or seek clarification. I will then move on to the next issue listed. Once all the areas listed have been dealt with, departmental officials will be invited to respond to the issues raised and answer any questions or points of clarification that Committee members may have. A number of MLAs have to leave by about 4.00 pm, so we want to finish the presentations from stakeholders by about 3.30 pm to let the departmental officials have about half an hour to respond to all the concerns and issues raised.

We will now start the first discussion, which is on operator licensing. I remind members that the Department recently conducted two consultations on introducing an operator licensing system that will require all taxi operators to hold such a licence. The licence will impose additional duties on operators, such as a requirement to obtain and keep certain records.

Mr David McCracken (NI Wedding Car Hire Association):

Thank you, Chair. We were asked here today to discuss the proposed new taxi legislation that refers to taxi operator licensing. It also refers to the Taxis Act (Northern Ireland) 2008. We do not do taxis; we do wedding cars. A stated aim of the paper is to bring Northern Ireland into line with existing regulations in England, Wales and Scotland. It quotes the London operator's licence regulations from 2006 and outlines how the DOE used them as a template when developing the current proposals. The Committee will be aware that the London regulations and their Scottish equivalent exempt wedding cars and funeral cars. The DOE already exempts wedding cars from displaying roof signs and plastic licence plates outside the vehicle. Why, then, can it not exempt us from this operator's licence?

The DOE says that it widely consulted in the industry when forming the proposals yet, when asked, it could not tell us one single wedding car company that it had spoken to. That, perhaps, explains why it has so heavily discriminated against us. For example, it proposes a fee of under £30 for some private hire taxis but a fee of over £300 for a wedding car. Some types of wedding vehicles are included and others are not, thus creating a very uneven playing field and making it even more confusing for the public.

We think that the basic mistake was made when the DOE looked at classification — by that I mean public service vehicles (PSV) — rather than whether those vehicles were used as taxis,

wedding cars or funeral cars. Since we were not asked to be involved, we do not know when the discussions took place, but it was probably a while back, when the economy was buoyant. That is no longer the case, and firms are already struggling with the worst economic downturn in trade that they have ever had to deal with. Make no mistake: legislation such as this and the financial penalties that go with it may well be the difference between individual closures or survival.

We hope that we have made our total opposition to the proposals clear. However, on a more conciliatory note, if the DOE wishes to discuss an operating licence and the issues surrounding it for wedding cars, we will be happy to assist in any way we can.

Mr Stephen McCausland (Value Cabs):

Good afternoon members of the Committee, ladies and gentlemen. I am a director of Value Cabs and am here today jointly representing Value Cabs and fonaCAB, which together generate employment for almost 1,300 people, including 170 staff and 1,100 self-employed taxi drivers. That representation is the largest grouping of self-employed taxi drivers in Northern Ireland. We request that the 2008 Act, as passed by the Assembly, be rolled out as soon as practically possible because it will greatly improve the service and quality of the whole taxi industry in the North of Ireland and vastly improve the experience of the end-user, the public.

An important aspect of that improvement will stem from the introduction of a taxi operator's licence. The operator's licence will make the whole taxi industry more professional by giving clarity and accountability to the regulations. The issue of costs should not get in the way of the principle that was agreed regarding the operator licence. The cost, which was previously quoted as £460 for a single operator, is for a five-year licence. That breaks down to £92 per year, or £7.70 per month. To facilitate the cash flow of individual or smaller operations, the licence could be reduced to a three-year period, and the fee would then be three-fifths of that amount, which would be £276. If individual drivers grouped together into groups of 50 drivers with one operator licence, the cost per vehicle would be reduced to £120, which equates to £24 per vehicle per year or £2 per vehicle per month.

The drivers and organisations who are committed to high standards should welcome the implementation of a taxi operator's licence. The Assembly has already agreed to that

implementation, and, with major events coming up such as the MTV Europe awards, the Titanic centenary and others, it is vital that it is done now so that visitors and locals can enjoy the highest level of taxi service. There is no need to re-examine the issue as it has already gone through the consultation process by the Assembly prior to the implementation of the 2008 Act.

Operator's licences will offer private and public taxi drivers, the majority of whom are committed to excellent service, the legislative support that they deserve and deter unscrupulous drivers and operators in the industry.

The Chairperson:

Thank you, Mr McCausland. I now invite other organisations to make their comments. I remind you to address your comments through the Chair, not to one another, and be as succinct as you can.

Mr Eamonn O'Donnell (North West Taxi Proprietors):

It was identified 20 years ago in the Sterling report that we needed change, but that change has not happened. Twenty years later, we are still waiting. The taxi review and all of that has been rolled out over the past 10 years. There is a lack of confidence in the taxi industry in relation to the way in which it has been rolled out. The Department should deal with the issues, put in place the proper resources and put enough people on it to move it forward.

North West Taxi Proprietors agrees in principle with operator licensing, but we have concerns around the detail. All taxi operations should be licensed. Operator licensing is a central plank in the fight against the unregulated sector. Consumers want it; that has been established in the consultation. A loophole in the current legislation has allowed standards in the taxi industry to fall significantly over a long period of time. There is no accountability in taxi operations.

The operator licensing measure will introduce accountability and responsibility. It will tackle the problem of unfair competition. North West Taxi Proprietors has been told that the legislation is weak and limits enforcement. The Department has been slow to inform the Committee of the weaknesses, which can be addressed in a number of ways. First, you can write further legislation and plug the gaps. That is very doable. Secondly, you can create new regulation and use

licensing to plug the gaps using suspension and revocation. The Department needs to have the will to deliver that change. We would like to have further meetings with it about licensing to address the issue. You could also use both methods: make new legislation and deliver tougher regulation.

It is shocking that the Department has left gaps after so much preparation. That concerns us in the taxi industry, particularly as it asked for over £5,000 from every operation over 25 cars. We need to have confidence that operator licensing will deliver the anticipated results. It is needed for the improvement of the taxi industry. We need operators to be accountable, and we need licensing to combat the unregulated sector. A lot of that stuff was done about addressing the issues around the unregulated sector, and we feel that the Department has fallen short in doing that.

Operator licensing should not be another tax on the taxi industry for the sake of money. It comes down to delivery; money is not the issue. It is simple: are we buying a service of proper regulation and enforcement, or are we paying a tax? That is what it comes down to for us. Costs are not the big issue for us. I want to look at the cost, and we have broken it down even further than Mr McCausland did. You are looking at £1.77 per week for a single operator. If that is what is going to put us out of business, I am fearful for the whole taxi industry. If people want to band together into larger groups, the cost goes down further. Operator licensing is designed to create blocks of accountability. If blocks of individuals band together, the cost drops. You are talking about 34p a week for 80 people and 14p a week for 300 people. We want to see the blocks of accountability come up to the mark. Thank you for the opportunity to speak on the issue.

Mr Robert McAllister (Public Hire Belfast):

I drive a public hire wheelchair-accessible taxi in Belfast. There are over 600 wheelchair-accessible taxis in Belfast, with the drivers working 70 or 80 hours a week and not even on the minimum wage. The only people who will profit from the new Bill, if it comes in, are the private hire proprietors.

The sole taxi drivers in Belfast are finding it very difficult to make a living and are working

very long and stressful hours. Our taxi meters are the only ones throughout the Six Counties of Northern Ireland that are tested and sealed by the DOE. We are regulated. Taxis go right back to the by-laws of the 1800s; they have operated from the days of the horse and cart to the present day. Our taxi meters are the only ones in the Six Counties that are tested and sealed by the DOE. The private hire proprietors can set their meters at any rate they wish, and there is nothing from any government body about that. I find that totally unfair and totally unstable for the public, because the private hire taxis can have a monopoly and manipulate their fares below our regulated fares. That causes total confusion in the public.

To be frank and honest, the DOE was formed in March 1972, and, before that, the taxis were run by Belfast borough council. Regardless of whether we like this, Northern Ireland is the only part of the United Kingdom where the taxis are run by a government body. In the rest of the United Kingdom, they are run by councils. I know that I am going off course here, but I want to make it abundantly clear that I believe that the taxi services should be put back into the hands of the councils.

The Chairperson:

We need to restrict you to talking about the operator's licence.

Mr R McAllister:

As the driver of a wheelchair-accessible taxi, I am not making a living. I am finding it difficult to make a living. The private hire taxis lift people off the streets illegally across the streets of Belfast, and that restricts our living. The proprietors are gaining from it. The big company proprietors have 500 and 600 drivers. In the real world, they do not have the work for them, but those private hire taxis sit around pockets of the city centre and lift people off the streets illegally. In the real world, you would not like it if I went over and put my hand into your handbag and took money out of it, but that is what is happening to public hire taxi drivers, and it is totally wrong.

Mr Tommy Strong (Belfast Taxi Association):

I think that anybody who does not want this licence has something to hide, to be frank, especially in the privates, because there are a lot of illegal taxi operations going on. The enforcement

people tell you that they do not have the laws or the powers to close these places. We are paying tax, we are paying PAYE for our workers and we are paying VAT, but only about 50% of the industry is doing that. Money is being lost to the Exchequer. With the licensing, somebody who is operating illegally has a licence to lose. Never mind the cost, because we do not want it to be too dear. With the licence, if you do not have one you cannot operate, which means that the illegals will go out of the trade. This is the only part of Europe — not Britain — that does not have licensing for taxiing. We are the poor cousin. Do something about it today, will yis?

Mr Thomas Doyle (Accessible Taxi Association):

We are in favour of the operator's licence for private hire. Public hire drivers in Belfast should be exempt. The Road Traffic (Northern Ireland) Order 1981 states quite clearly:

“‘public service vehicle’ means a motor vehicle or a trolley vehicle used in standing or plying for hire, or used to carry passengers for hire, but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department”.

The licensing regime in GB for private hire operating licences has been a long-standing and effective feature of taxi legislation in the rest of England and Wales, and was introduced in London in 2000. In Scotland, all the taxi depots are licensed as well. As public hire drivers, we stand and ply for hire; therefore, by the Department's own definition of an exemption, as taken from the Road Traffic (Northern Ireland) Order 1981, we should be exempt.

Mr Sean Beckett (Public Hire Coalition):

There is an exemption written into the 2008 Act for public hire taxis. We have brought that up with the Committee on various occasions. The exemption is on the first page of the 2008 Act, where it states:

“(2) The requirement under subsection (1) to hold an operator's licence shall not apply to a person who, in standing or plying for hire or reward or to carry passengers for hire or reward, drives a taxi”.

The Department has gone further in misleading the Committee by stating that operator's licences are imposed on all public hire taxis throughout GB. I have spoken to representatives of all the towns that the Department put to the Committee as examples, including Sheffield, Norwich, Norfolk, Manchester, London and the South of Ireland.

The cost in the South of Ireland is implemented on the vehicle going through its test; it is not an operator's licence. Our test is pretty much an operator's licence for everybody, public and

private. Therefore, on those grounds, public hire taxis should be exempt. The response that the Committee got from the Department was that the 2008 Act requires everyone who provides a taxi service to hold an operator's licence and that there are only exemptions if the person concerned is listed on an operator's licence. It said that there are no other exemptions. If there is no operator's licence, how can you be named on it?

The girl in Sheffield pointed out that public hire taxis, or hackney carriages as they are still called over there, are exempt over there because they are not operators and because they are self-employed drivers. Another reason she stated for public hire taxis not incurring the operator's cost was the cost of providing wheelchair-accessible vehicles.

Furthermore, they state that, in relation to the policing of the system, the Vehicle and Operator Services Agency (VOSA) does not require public hire taxis to have an operator's licence because they are more heavily regulated than the private sector in GB. So, in Great Britain, nationwide, public hire taxis do not have to pay for an operator's licence.

In relation to fees, the Department states that the price it will charge for the operator's licence will be in accordance with the outlines that they have set out in the consultation. The example in the document was based on 3,000 operators obtaining an operator's licence. It stated in the last consultation that, for a single operator, the licence would cost about £460. However, that is not accurate. At present, there are 450 depots in Northern Ireland, 600 public hire taxis and some 250 sole operators who are not connected to a depot in Northern Ireland. That makes a total of 1,300. I would like the Committee to ask the Department about that. The Department said that it needs £2.5 million to cover the costs of operator's licence. Where will it get the other 1,700 operator licence fees?

I also want to ask the Department, through the Committee, what a sole operator will get for the higher cost of the licence. Will this be similar to the PSV test that we have been paying for over the last seven years and which has gradually grown and grown? When that test was implemented, we were told that it would be for better enforcement. However, seven years down the road, we have nothing. We have two more officers. The Department cannot commit to the further two officers who they were supposed to put in post three years ago. In its submission last

week, the Department says that it intends to employ another three.

The Chairperson:

We are now moving on to discussion of enforcement.

Mr Beckett:

Thank you.

The Chairperson:

Thank you. Are there any comments from other organisations?

Mr Brian Press (International Airport Taxis):

Generally speaking, most proprietors are in favour of the proposals relating to an operator's licence, but there are concerns about the cost. Obviously, a big operator is in a better position to pay fees than a small or medium-sized company. That should be taken into consideration by the Department.

A lot of responsibility will be attached to the licensed operator, who will have to enforce regulations set by the Department. In the process of recruiting to a company, will data be made available to the licensee on potential employees regarding misdemeanours or serious offences, so that the employer knows not to recruit particular people? That can be a big responsibility for the licensee. We would like the Department to make that information accessible to operators.

Basically, we are all in agreement. The cost is the major concern, and the Department needs to look into that.

The Chairperson:

Obviously, the officials are here and they are taking notes. They will answer your points later.

Mr Barry McBratney (National Association of Funeral Directors):

Approximately 80% of funeral directors in the Province are members of the National Association of Funeral Directors. All our limousines are specifically designed for funeral service work, and

all our drivers and limousines are subject to PSV requirements. I cannot see how a funeral limousine, designed specifically for that work, can come under the taxi legislation. Will the Department clarify that?

Mr Jim Fairclough (Taxi Federation of Northern Ireland):

The feedback that I have received from across the Province is that if the taxi operator licensing comes in first, a lot of guys will be put out of business immediately. The feedback was that meters should be brought in immediately. After meters are introduced and the public are aware of the fees and the cost of taxis, we can then afford to pay the operator's licence fees.

The Chairperson:

Thank you. That is all the comments from the various organisations on this topic. Do members have any questions or comments that they want to make at this stage?

Mr McGlone:

At what point are we going to ask the Department to respond to these matters?

The Chairperson:

At the end.

Mr Boylan:

I welcome the opportunity to listen to the arguments once again. We had 17 weeks of this during the past mandate, and I thought that we had come to some resolution. I will stick with the issue of the operator's licence. I have a couple questions that I need to put to the Department about the fees that are paid now for plates and everything else and the difference between the cost of the plates and a single operator's licence. I just want to get some clarity on the difference in the cost of the plates, which includes a PSV licence and everything else that goes along with that, and an operator's licence, if we were to introduce that.

There is a lot of interest in the figures. I have a table of figures here among a lot of documents. I think that we had 5,000 documents the last time, but we seem to have more this time. It is a serious issue, and we have already spent a lot of time going through it. I welcome

your comments at the start, Madam Chair. As a Committee member, I do not propose to go through it with the same amount of scrutiny. However, I shall do whatever it takes to go through it. Nevertheless, we have spent a lot of time on this legislation already, and we need some results. That is my main question for the departmental officials. The idea of self-regulation and, in particular, self-financing was brought forward to us, and the idea of the operator's licence was sold to us on the premise that it would be self-financing. However, now that we have seen all the figures, that does not seem to be the case. So, I would certainly like some clarity on those figures. Maybe the Department can respond to that.

The Chairperson:

I think that the officials will answer that in their time slot at the end of this. Is that OK, Cathal?

Mr Boylan:

Yes. Thank you.

The Chairperson:

We move on to the second topic of discussion on the one-tier system. I remind members that a two-tier taxi system is currently in operation in Northern Ireland: public hire, which can sit in ranks and pick up passengers in the street; and private hire, which can take pre-booked fares only. The Department has indicated its intention to introduce, under the Taxis Act (Northern Ireland) 2008, a single-tier system that would allow all taxis to pick up on the street and only disabled-access taxis to sit in ranks. More information has been provided at tab 5. I invite Mr Ryan Simpson from the Consumer Council to speak on the one-tier system.

Mr Ryan Simpson (Consumer Council):

The Consumer Council recognises the important role that taxis play in providing transport. We have actually been involved in the review of the taxi industry since 2002, and that has brought us to the stage we are at now. We strongly support the overall objectives of the 2008 Act to raise service standards in the industry, to deter illegal operators, and to improve consumer protection, safety and accessibility. The Consumer Council believes that the change to a one-tier system will prove beneficial for passengers. Currently, there is a bit of confusion among passengers about which types of taxis can actually be hailed in the street. We believe that moving to a single-tier

system will help to address that. A related issue is the taxi plate system and the confusion among passengers about which taxi plates mean that taxis can be hailed in the street and which mean that they cannot. For example, one type of taxi plate denotes a private hire taxi —

The Chairperson:

I will stop you there, because we will talk about taxi plates later. Please restrict your presentation to the one-tier system.

Mr Simpson:

The confusion is that some taxis are private hire within Belfast and public hire outside a five-mile radius of Belfast. The issue for passengers is where that five-mile radius is, because that is not particularly clear. We question what benefit that gives to passengers. Moving to a one-tier system will give consumers an increased availability of taxis to hail and provide them with a choice of taxis that they can hail.

Mr Beckett:

The Public Hire Coalition represents the interests of over 600 non-funded self-employed drivers. We are here to express our concerns about the implementation of a single-tier Act. We are totally opposed to the single-tier system, and I will explain our reasons for that. With over 600 wheelchair-accessible vehicles, we are the only fully governed and regulated taxi service in Northern Ireland. We are an initial part of the public transport system in Belfast and beyond, offering accessible and affordable transport to all members of society and visitors to our city, regardless of their ability, at the same time and the same cost.

The public hire taxi industry goes back a long way. It started off as a hackney service way back in the 1600s and evolved into a two-tier system in the 1900s. The two-tier system worked perfectly well for many years and will continue to work if private hire drivers and operators act responsibly and within the law when providing their services. We need a competent, dedicated taxi enforcement branch with the drive and determination to deal with drivers who do not comply with the law and ensure that all drivers working in the industry are fully legal and compliant.

The one-tier system will create major driver safety concerns. A driver in a normal saloon car

that does not have a driver safety partition fitted for protection, as all buses and public hire taxi service vehicles have, is more vulnerable to attack from the inaccessible job that they have picked up. However, with taxis that are pre-booked, booking operators will hold the name, address and telephone number of most jobs and undertake to provide those in the event of an incident.

This type of single-tier approach has been tried and tested in other countries. It has not worked in the USA or Ireland, to name but a few. In each case, discussions were needed to resolve the issue. The single-tier system was first introduced in New York in the early 1980s. It failed miserably, leading to a revolution in the industry and the Government having to revert to the two-tier system. Ireland, the country to have tried a single-tier system most recently, is still recovering and currently undergoing a total revamp of its taxi industry. In Dublin alone, attempting to increase the number of available taxis from 2,000 to 25,000 cabs between 2000 and 2009 caused serious infighting between drivers. Drivers raced each other to get to the next pick-up point first, which caused many accidents and road safety issues. Is what we want for our taxi industry in Northern Ireland?

The Department's attempt to force the one-tier system on our industry is unjustified. It is against the advice of the Office of Fair Trading and the synopsis of the survey that was carried out when complying with the 2008 Act. Both favoured retaining the two-tier system. The Department claims that going against the recommendation of the Office of Fair Trading and the industry and opting for a one-tier approach is based on the fact that, when members of the public jump into a private hire taxi that is not pre-booked, they do not realise that the driver is acting illegally. Instead of educating the public, the Department proceeded to make it much simpler for drivers to engage in illegal activity. This is the case for taxi industries everywhere. Private hire taxis do not pick up off the street.

The one-tier system would also include the renaming of Belfast public hire taxis to wheelchair-accessible taxis. Those wheelchair-accessible taxis — ourselves — would be allowed to work from ranks around the city as we do now. However, renaming will put the mindset into the public head that we cater for wheelchair users only. Under a one-tier system, we will sit in taxi ranks while the current private hire taxis will sit at the roadside between us and the public, so they will be approached first. Those saloon cars will also be able to be flagged down on a hail-

and-ride basis, where, at present, only public hire taxis can legally provide that service.

The loss of income due to the opening of the hail-and-ride service to all taxis will put many public hire drivers out of business. Is that what the Committee wants? Does it want to reduce public hire services for the disabled and elderly from 600 to about 200? The requirements mentioned by the Department in the early stages stated that 10% would be needed for disability access. The Department once again has moved the goalposts and has suggested that it “may” require a percentage of vehicles to be wheelchair-accessible. However, it has not stated what percentage is required. We believe that the Act is designed and constituted by the Department to include the one-tier system for the main private hire company representatives in an attempt to eradicate the public hire sector from the industry by forcing it out of business or into the private hire sector, eventually privatising the Northern Ireland taxi industry by allowing the daily running and management of the responsibility of enforcement and drivers compliance to lie solely with the private hire operators. So, the Department wants to hand the running of the industry over to people that it feels the need to regulate, because it does not trust that those operators are running a legally compliant company in the first place.

Self-policing will lead to a reduction in proper regulation and enforcement by the Department, and, as it does not and will not have the necessary resources to drive or to carry out its duties throughout the whole of Northern Ireland, we believe that, to provide invaluable service to the travelling public, the two-tier system must be retained for the benefit of the disabled, the elderly and the future of the taxi industry as a whole. We should retain the existing accessible fleet and build upon it until we have full accessibility throughout the industry, which, hopefully, will be sooner than later. I thank the Committee and the Chair for the opportunity to put our views forward.

Mr R McAllister:

The one-tier system will be like what happened with Tesco and Sainsbury’s — the small businesses will be wiped off the map. The same applies to the public hire taxi drivers in Belfast. It is ludicrous to introduce the one-tier system.

I can give you a few examples. There are not a lot of taxi ranks around Belfast. Theorise that

you have introduced the one-tier system: a wheelchair user is not near a public hire wheelchair-accessible taxi rank, and she sticks her hand out because, in theory, private taxis will be allowed to pick up. So, what will that driver, whose taxi is non-wheelchair-accessible, do? Will he tell the person to get out of the wheelchair to get into his taxi?

The one-tier system will introduce a line of so many metres from a public hire taxi rank around Belfast, of which there are not too many. A private hire taxi will not, for example, be allowed to pick up within 25 m of that. Let us theorise: you and I are walking down Donegall Place towards the taxi rank at Donegall Square North with the intention of using a public hire taxi. Along comes a private hire taxi and I say to you, “Anna, I will stick out my hand.” Basically, then, you are causing suffering to the public hire taxi driver because he is going to be sitting longer at that taxi rank because, when people like us are walking towards that rank, a private hire taxi — they doing it now anyway, without any remit from the law — can pick us up. That is the real world. That is all that I have to say on that, Anna.

Mr O’Donnell:

Thank you for the opportunity to speak to this issue. There is a taxi industry outside Belfast, and the Department needs to cater for the whole lot of us. We would like to see that reflected more. A one-tier system would be the best option for the development of the taxi industry. Regulations should maintain a standard for the industry, but market forces should dictate who services the different aspects of the diverse market. Regulation of the taxi industry in the North is undertaken by the DOE and is confined to probity, the health of drivers, vehicle suitability, roadworthiness and safety, including insurance cover.

Market forces should be allowed to develop and supply services where there is a demand, and, in different localities, entrepreneurs could develop sustainable services that are tailored to that locality, to cover the mix of urban and rural services. The taxi industry currently operates a single-tier system outside Belfast. A two-tier system is unenforceable and does not work across the North. Stephen, you have to make a strong call and say that the two-tier system is not enforceable. It works as a one-tier system outside of Belfast.

In the past, the volumes of work in the Belfast metropolitan area allowed for a mix of services

to be broken down. That has become problematic in recent years. We are hearing that from outside Belfast, and it is not working there either. Outside Belfast, the taxi industry needs to be able to provide a mix of services to sustain its business. A single-tier system in Belfast would free up enforcement to address more serious issues such as the unregulated sector. On the issue of disability, if we had a one-tier system, Belfast taxis could bring in another 200 accessible vehicles into the city, so it would increase, not decrease, the number. Under a one-tier system, we would see immediately an increase of 200-plus vehicles.

There is inequality because it states on the licence of a taxi driver who is working outside Belfast — I am taking about restricted public hire — that they cannot work in a restricted area of Belfast, but a Belfast public hire driver can work in any of our areas. A blatant discrimination is being printed on the licence. Belfast public hire and public hire restricted licences are the same except for one additional clause that is added to the restricted one, which is that it is subject to the condition that the vehicle shall not be used to stand or apply for hire on any street, road or public place in the city of Belfast. Basically, that means that, as much as I do not wish to work in the city of Belfast, I am not allowed to under that licence.

Mr R McCallister:

Or us in Derry as well.

Mr O'Donnell:

But, they can come and work where I live. That is discrimination. *[Interruption.]*

The single tier sorts out discrimination — *[Interruption.]*

The Chairperson:

I am going to stop the other witnesses.

Mr O'Donnell:

— along with a number of other issues. The development of a taxi industry will be curtailed if this proposal does not stand at a time when other industries are being deregulated to allow market forces to develop. A single tier is good for the consumer, as we have heard from the Consumer

Council, and good for the taxi industry in that it benefits the public because it is much easier to understand. You are right to make the point. It is also much easier to enforce, and it concentrates enforcement on what we see as the real problem: the unregulated sector.

In addition, a single tier will deal with the historical inequalities and should unify the industry further down the road. Why should a taxi not pick up if the driver has a licence, the vehicle has passed its roadworthiness test and is properly insured? In other words, if a taxi driver has all his criteria, what gives one taxi driver pre-eminence over another, or why should certain taxis have a monopoly on business in Belfast city centre? A single-tier system will be good for the taxi industry. It will be good for equality and, in our opinion, it will unify people further down the road and stop the infighting.

Mr R McAllister:

It will not be good for disabled people. If all public hire taxis are non-wheelchair-accessible, there will be no room for the people with disabilities to use the city centre.

Mr Martin Bell (Public Hire Coalition):

I want to comment on the single-tier licence and try to expand on what Mr McAllister was trying to get across. If, under the single-tier system, I am driving down Dublin Road, past the public hire taxi rank and Auntie Annie's, which I am sure you know, and someone flags me down as a public hire taxi and one that is wheelchair accessible, that is where accidents occur. The PU-er, as we term it, cuts across in front of me, thinking that I am stealing the job. What happens if I have passengers in the car? He has almost caused an accident. That is number one.

Number two: if my car is empty and I have my roof light on, that person in their wheelchair has flagged me down to pick them up. That person is someone like Monica Wilson or the other lady. They have not flagged down the private car, which cannot accommodate the wheelchair. There might be an enforcement vehicle behind me, and Mr Spratt knows that. Who is breaking the law if I do not spot that person in the wheelchair, or if I ignore them and say, "Oh, I've missed that person", and someone in an ordinary car with a roof sign pulls across in front of me? It is illogical. A single-tier system does not work under those circumstances. Because I am regulated, I am the one who is going to be hammered by the DOE, because I have broken the law, even

though I did not spot the person at the side of the road, due to what was happening in front of me and being too busy taking evasive action.

Mr Noel Maguire (Glenone Taxis):

By definition, a single-tier system should mean that there should be no exemptions from standing on ranks anywhere. By discriminating against someone in a private car stopping at a taxi rank you are, therefore, negating single tier; you are still enforcing a two-tier system.

Mr R McAllister:

You made the choice to go into a private hire company.

The Chairperson:

I have to stop you from shouting across the Chamber. You have had your turn; let someone else speak.

Mr Strong:

The public hire men do not want a licence; they do not want anyone else to pick up in the town; they want it all the way it is. In saying that, the private hire sector has invested heavily in wheelchair-accessible vehicles. I am not saying that we should be taking the work off the public hire taxis. I do not think that a private man should be on the rank, but I believe that they should be hailed down, because it is not a private vehicle. It becomes a public vehicle when it passes its PSV test. It is not a public vehicle five miles inside the Belfast ring. If we go out to Glengormley, we can PU — pick up. Furthermore, when a vehicle picks up, it puts the job through to dispatch, and dispatch lodges that job. If there are any articles left in that vehicle — something that has not come up today — the article can be returned through the depot to the customer. When a public hire taxi picks up, it has no offices and no logs of what jobs it has done. It has nothing.

In saying that, I still believe that they should be allowed to operate the rank. We all want to come under licence; we want to protect the public. The public needs to be protected from everyone in the industry, not only what they call the private hire taxis. I do not like the term “private hire”. When my vehicles go through the PSV, they become taxis. That is why we do the

test. The public hire people should take into consideration that everyone in the industry wants them to operate at a rank, but we also want the same as what we have outside Belfast. If the public hire get their way, they are dictating what the rest of Northern Ireland wants, that is: no responsibility.

Mr Press:

Madam Chairman, we all pay the same fees. At the moment there is a discriminatory procedure in place whereby only certain taxis are permitted to use bus lanes. We would very much like to see all taxis, which pay equally for licences, be allowed to use bus lanes. I want the Department to consider that. Thank you.

Mr Beckett:

Some comments were made about west Belfast taxis coming in and how that will boost the industry for wheelchair-accessible taxis. That is not the case. West Belfast taxis now come under a bus operator's licence and are no longer considered to be taxis.

As for the private hire sector investing in a lot of wheelchair-accessible vehicles, those vehicles are not compliant. For a wheelchair-accessible vehicle to be compliant, it must meet the M1 specification. As most of the vehicles in the private hire sector are long wheel base and termed as N1, they are not crash-tested, so that is a health and safety issue for their use as wheelchair-accessible and multi-seater vehicles.

Mr Stephen Savage (Belfast Taxi CIC):

Currently, my firm has 220 wheelchair-accessible vehicles in the city centre, where our depot is situated. We have a bus operator's licence. We can also do private work under our licence if we are booked to. Currently, we cannot drive around the city centre picking up, but where wheelchair pickups are needed, we do them if the law permits. We use bus lanes under our taxi-bus licence, and we pay to use them under our bus operator's licence.

Mr O'Donnell:

I have just one point, and I do not want to dwell on it. Are you saying that that their black taxis are different to your black taxis? They are FXs; they are all made by the same company. You

need to get real.

The Chairperson:

Have members any comments to make before we move on?

Mr Boylan:

Obviously, I welcome the comments. I am delighted that someone has mentioned the consumer. Thank God for that; that is what this is all about. We went through all this process before.

Perhaps the departmental officials will refer to this at the end: are we creating a loophole in relation to exemptions? I only want to raise the matter. There may be justifiable reasons for going down that road, but I want to hear the Department's comments on exemptions.

Mr McGlone:

I am trying to assimilate all this stuff. One of the issues that arose during our scrutiny of the matter was disabled access. I have heard the arguments for and against. To be honest, I cannot yet draw a conclusion as to whether there will be more disabled-access taxis or fewer. One argument is that there will be more; another is that there will be fewer. We need to get to the bottom of that. I trust that the Department will shed some light on that at the end of today's proceedings, because it is a very big issue for a lot of people with limited mobility and disabilities.

Mr Kinahan:

I will follow up on a similar point. Noel Maguire said that we are keeping a two-tier system. Wheelchair-accessible taxis can only pick up at a rank, whereas every other taxi can pick up anywhere. We need to explore where we are going. If we do not go to a one-tier system, we make one part of the two-tier system that much weaker, if I understand the point correctly.

Mr Maguire:

Yes. That is the point that I was trying to make.

The Chairperson:

The departmental officials will answer the various points put forward in this discussion.

We will move on to the third discussion, which is on the taxi plating system. I remind members that Northern Ireland currently has a four-plate licensing system. There are green, yellow, white and blue-and-white plates, each of which depicts a different category of licence. Under the 2008 Act, the Department proposes to simplify that system. I invite Mr Thomas Doyle from the Accessible Taxi Association to start this discussion.

Mr Doyle:

The plates were brought out by the Department to distinguish between the various types of taxi services provided and to validate legal taxis. When the Department brought out the plates, it ran a publicity campaign to introduce the new taxi-plating system. However, that campaign fell short of advising the public of the services and the constraints of the various plates. The main focus of the campaign was the strapline: “If it’s not on it, don’t get in it.” Without further clarification on how to engage a taxi, the public were left with the impression that they could legally hail any vehicle on the street as long as it had a taxi plate. At no point did the Department seek to educate the public that only taxis with yellow plates in Belfast and black-and-white plates outside Belfast could be hailed on the street. We believe that that omission is one of the root causes of illegal picking up in Belfast and has added to the public’s confusion about the various taxi services.

The Department has cited a lack of distinction between public hire and private hire as a problem with the existing taxi regulations. However, it appears that that lack of distinction is down to the fact that the Department did not enforce its plating system or educate the public on it. Rather than enforcing and educating, the Department proposes that all vehicles that provide a taxi service should be known as taxis. They will all have taxi plates, taxi roof signs and taxi meters, and they can all be hailed on the street, so there is no distinction. Does this mean that all vehicles will become public hire?

Taxi plating is a visible sign in the industry and should be easily enforceable. However, you only have to travel around Belfast to see how widely it is abused. Given the volume of incorrectly plated vehicles, there appears to be no enforcement of plating. We now have vehicles

working in private hire depots in Belfast with green, black-and-white and yellow plates. We also have vehicles with black-and-white, green and yellow plates that supply taxi-bus services. The Department's own test centres are the root cause of that. When a vehicle goes through the PSV test, the driver is given a choice of what colour of plate he would like. The introduction of the plates was at a cost to the taxi driver through an increase in the yearly costs of a PSV licence to cover the cost of the plates. If taxi drivers are paying for a system, surely they have the right to expect the system to work and compliance to be enforced.

The Department indicates that it intends to move to a one-tier system so that it will be able to simplify the plating system. As yet, it has not made clear how it plans to simplify what is a simple four-colour plating system that should work if it were clearly communicated and enforced. Given that taxi plating, operator licensing, fare structure and licensing structure are all interrelated, if not directly linked, should all the information not be available to make informed decisions on the way forward? It is a bit like having most of the jigsaw pieces but no picture to see what we are aiming for. One could say that the taxi industry in the rest of the UK is the benchmark and that is the picture. However, the Department has seen fit to substitute some of the pieces and move other pieces into different positions so we now have no clear picture of how all the elements will fit together. There seems to be a strategy of disregarding things that do not appear to work because of symptoms rather than looking at why they are not working in the first place and dealing with the root causes.

Mr William McCausland (fonaCAB):

Basically, plates are there for one reason: to allow the customer to identify a vehicle that is legally licensed and tested. That is their primary purpose. Therefore, the principle of plates is excellent. I believe, first, that the position of plates is not enforced in the way that it should be and, secondly, that the system could be improved. My view is that plates should be on the roof sign of any saloon car that has a roof sign, like they are in Dublin and in the South of Ireland, where the plate is on the roof and is highly visible to the customer. That is what they are there for; they are not there to be a colour code or to differentiate between vehicles. They are there to show that there is a licence on the vehicle; that it has passed its test and is legal to operate.

There was a lot of talk about the different colours of plates. That is harking back to the

previous topic of the one-tier system. A one-tier system will lead to simplification for the consumer: it is a cab; it has a licence; the driver is fit and proper to drive it; it is safe for you to get into it; let us get home. That is what it is about. All the rest of it is window dressing. We need to have legal cars on the road that are properly tested and driven by fit and proper people so that the customer can get a taxi at a reasonable price and be safe in doing so. That is what it is really all about.

I believe that, since taxi plates were introduced, there are fewer illegal taxis on the road. There definitely has been an improvement because the customer knows to look for them. If they were made even more visible, the customers would be able to see them more quickly, and that would improve the system even more. So, they either need to be moved up higher and illuminated or the rules on where they are meant to be on the vehicle should be enforced. Drivers should not be allowed to put them in the window or under the bumper, or not have the front plate on. If you have a plating system, enforce it rigorously. The more visible they are, the better it is for the customer, and the fewer plates and colours of plates that there are, the better it is for everyone.

Mr O'Donnell:

I will be very brief. North West Taxi Proprietors has a clear view on licensing plates: we should move to a single plate and a single-tier system. All taxis should have a plate that individually identifies the taxi. The plate should be attached to or be part of the roof sign, where it is most visible to the general public. There should not be a variety of plates that confuse the general public or tourists. A taxi is a taxi in any man's language, and there should be one plate, not four. Accessible vehicles are, by their structure, identifiable, but they should have a sticker that indicates that they supply the accessible services. The taxi-bus services that come under the Department for Regional Development (DRD) should carry an extra plate that clearly identifies that they provide an additional service under strict criteria. Driver identification should be clearly visible inside the taxi.

Mr Fairclough:

Too many taxi plates are issued to drivers, with scant regard for their suitability to the profession. Too many tradesmen think that they can operate a taxi because they drive a car. One solution is

to introduce the taxi driver test and include a commentary drive. When a taxi passes the PSV test, the receipt of licensing plates can take up to two months, which effectively stops that vehicle working for that time. When a taxi passes the test at a test centre, the driver is given a document that states:

“This document is not a taxi licence. Before a taxi may stand or apply for hire or carry passengers for hire, there must be in force a vehicle licence issued by the Department.”

The only item that the driver has is that document, which is not a licence. One solution for that would be to have the taxi plates at that taxi inspection place. If the taxi fails, that driver will lose time. The wise people apply for a PSV retest way before their time so that any repairs can be effected.

There is no space on the taxi application form to denote what kind of taxi plate is being applied for. That would remove any human error at the taxi test centre. The public still risk their safety by using unlicensed taxis. There needs to be a more focused campaign to educate them. Having all legal plated taxis fitted with a single tariff meter would be an easily identifiable option and allow enforcement officers to concentrate on real criminals.

We consider the use of four types of plates to be confusing to all. Taxi drivers tout for business wherever they go, so reducing the types of plate infringement may make it easier for serious rogue drivers to be pursued. We ask for your assistance to provide a better service to our customers.

Mr R McAllister:

Once again, I thank the Environment Committee. There should be only two taxi licence plates; one should be the yellow one for public hire in Belfast and the other should be for private hire. Eamonn spoke about Derry. A lot of taxis from outside Belfast come down into Belfast at the weekends. I know that I am moving the goalposts, but this has to be heard because this is the final curtain on the 2008 Act. What knowledge do drivers coming from Derry/Londonderry have when they come to Belfast city centre to take people home? That is another point. There should be only two plates.

The Chairperson:

Mr Ryan Simpson mentioned plating earlier. Do you want to come back now?

Mr Simpson:

Most of the points have been covered.

The Chairperson:

We will move on to the next discussion topic, which is disability access and equality. I remind members that they raised concerns about the current practice of higher fares being charged to those who require accessible taxis. Suggestions have been made to the Committee that the Department's proposed changes might exacerbate that problem.

Mr Michael Lorimer (Inclusive Mobility and Transport Advisory Committee):

There has been a lot of discussion about accessible taxis. It is worth going over the background briefly. Disabled people are consumers like everyone else. They face a lot of issues, such as those highlighted by Ryan Simpson from the Consumer Council. However, they also face a lot of other issues as regards access to taxis. We have been a stakeholder throughout this process, during the review and the development of the 2008 Act.

The key issues for us include the poor availability of taxis for wheelchair users. Surprisingly, given what was said during today's discussion, wheelchair users in Belfast sometimes struggle to get wheelchair-accessible vehicles. Outside Belfast, there are relatively few wheelchair-accessible vehicles. We also have issues around what is an accessible vehicle. Disabled people are much more than just wheelchair users. Getting into a wheelchair-accessible vehicle can be exceptionally difficult for someone with arthritis, for example. When we talk about accessible vehicles, we are talking about more than just wheelchair-accessible vehicles. We are talking about the lack of clear standards for vehicles. We will not be able to develop one-size-fits-all vehicles, because the cost is too prohibitive.

We have issues around the attitudes of taxi drivers. Again, it comes down to the fact that not all disabled people are automatically apparent as being a disabled person. Training has a big part to play in improving services for disabled people. We have a range of issues around the problems that disabled people have with service, which can be refusal of service. We have cases of people with guide dogs still being refused access to taxis. We have cases of wheelchair users being

refused access to taxis. We then come to charging and the fact that disabled people pay more for taxis. A wheelchair user pays a premium for a wheelchair-accessible vehicle. Guide dog owners pay additional costs for the transport of them and their dogs. People also pay more for the carriage of mobility aids, such as rollators.

There are a range of issues, and we raised those issues with the Department during the review. I have to commend the Department on its commitment to engaging with disabled people and factoring those issues into the 2008 Act, which we support. We need a one-tier system, because there is the potential for people to migrate to the lesser standard to avoid meeting some of the accessibility requirements. We support operator licensing. Accessibility should be linked to operator licensing. Accessibility requirements must be applied proportionately so that we are not hammering small operators.

We need to look at what is an accessible vehicle and make a decision on that. It may not be only wheelchair-accessible vehicles. Someone with arthritis, to use that example again, may go to a rank where there are only wheelchair-accessible vehicles. Being shovelled into one of those vehicles may not be the best option for that person. We need to think about these issues.

The maximum fare is hugely important. We need to set a bar so that disabled people know that they will not be charged more than a certain price. We need powers to specify training to address the issue of attitudes by educating taxi operators. We were happy with the 2008 Act because it contained the powers to do all that. We are frustrated about the length of time it has taken to get some of the elements of the Act off the ground. It is now time for us to roll up our sleeves, sit down with the Department and operators and come to a sensible solution that suits everyone.

Ms Monica Wilson (Disability Action):

Good afternoon. I am glad to appear before the Committee, most of whom I have seen before. I have a couple of points to make. First, it is obvious that there is a range of vested interests in the room. I also have a vested interest, which is the citizenship and social inclusion of people with disabilities.

A recent Northern Ireland Statistics and Research Agency survey revealed that one of the big issues that disabled people identified across the board was transportation and mobility. If we are talking about delivering a range of government policies on social inclusion, that issue is of prime importance, and not only to disabled people. There are about 300,000 disabled people, so I advise our taxi operator colleagues that it is a big industry that the taxi business is not taking best value from. If operators want to increase their profits, they need to start looking at a range of ways to include disabled people.

The first thing to do is to talk to disabled people to find out what they want. A lot of things can be done that are low cost or no cost. I support what the representative of IMTAC said on the range of issues that exist. However, the other point I would make is that 75% of older people are now acquiring disabilities. There is a much bigger market than the operators may even be thinking about.

Michael Lorimer made the point about the range of disabilities. In any population of disabled people, there are probably only about 4% who are, like me, permanent wheelchair users. We need to look at the rest of the people, not only those with mobility disabilities, but people, for example, with intellectual disability. The big issue there is not about the cost of changing something in the fabric of the taxi, but about changing attitudes and teaching drivers to have good attitudes. I know that there will be groans from everyone, but we believe that the Department should start looking at mandatory training provision for taxi drivers, depot operators — if that is the right technical term — and everyone who has face-to-face or direct contact with a disabled customer. They need to know a few things.

I do not know the industry that everyone has been speaking about, but I know my industry, to use a crude term. Finding ways to respect the dignity and rights of people with disabilities is a big issue, and training is a key part of that. There are also legal issues. A new code of practice under the Disability Discrimination Act 2005 has just been introduced. It lays out the legal requirements. I advise the Department and operators to have a look at how that code of practice delivers equality. This is an equality issue. The UK is just about to deliver its first report to the UN Committee on the Rights of People with Disabilities. One of the articles of the Convention on the Rights of People with Disabilities is about freedom of movement. There are other

obligations, not only on operators, but on the Department, to think very clearly about that and plan that in.

We deal with about 45,000 disabled people a year. The enquiries that we get about this issue are quite simple. The first is the fare: 70% of disabled people live on or about the poverty line. The importance of the fare has become even greater. We get regular complaints from groups of disabled people about trying to deliver a training programme or trying to contract a taxi operator to bring people to a centre. There have been complaints from some operators about scrapes on their cars that have been caused by wheelchairs, crutches and so on. Drivers sometimes refuse to do something because they do not understand disabled people's needs. I do not blame someone who is ignorant in the proper sense of the word, but I sometimes blame the Department for how it thinks about things. It needs to do certain things in conjunction with people with disabilities.

My final point is that a lot of focus today has been on Belfast. The issues for people in rural areas are absolutely massive. I do not mean people in urban areas in rural parts of Northern Ireland; I mean people who live in the countryside and who try to move within the countryside. The Department needs to put some focus on that issue. There needs to be regulation as a follow-up to the Act because we, like IMTAC, support the Act, but it needs to be properly focused and properly framed, and then it will be to the benefit of all. We are not looking to make people poor or to impose things on them unnecessarily. However, if we do not have the right regulation and framework, we may need to make that imposition.

Mr Maguire:

Some time ago, in a meeting with Patsy McGlone and Adele Watters, I raised the issue of the mandatory requirement for taxi operators to supply wheelchair-accessible vehicles while the DRD subsidises community transport and door-to-door transport. I am in no way trying to diminish the problems that people with disabilities face. I am looking for a level playing field because, at the end of the day, it costs roughly £50,000 a year to run one of the wheelchair-accessible vehicles that are currently available. We are being accused of charging extra fares. My company has installed meters and set a fare for a specific size of vehicle, whether it takes a wheelchair, one person or seven people. It does not matter; the fare on that meter is chargeable, full stop. So, the Department needs to look at some way of passing on to the industry the sort of

help that is going to the community transport groups to buy minibuses and so on. Those vehicles are out there competing for school runs. That is against European law, because they are subsidised vehicles.

Mr W McCausland:

We agree totally with all that has been said by Monica and Michael. All accessibility needs to be looked at, such as that for partially sighted people, non-sighted people, people with learning disabilities, and so on.

Training is a very important area. We already do quite a lot in that area, but we could do a lot more. The Department needs to step up and bring in legislation on the amount of training that a driver has to have. That is very important. There is also a lot of talk about the requirement for accessible vehicles. The Department needs to decide how many vehicles are needed and needs to enforce that. If a fleet needs a certain percentage — for example, if it decides that, across Northern Ireland, a 10-car fleet needs one accessible vehicle — all it has to do is put that in legislation, and the fleet will work on that basis. If a fleet needs two vehicles, it will have two vehicles. However, the Department needs to take control of it and make a certain requirement. There is certainly no requirement for 100% of vehicles to be wheelchair accessible because, as Monica and the other chap said, people with arthritis and with reduced mobility who are not in a chair find it very difficult to get into the buses. We have quite a few buses on, but those people request that buses are not sent to them because they cannot step up into them. So, it is important to think of all disabilities. Training is a very important area.

The Chairperson:

I will take just one more contribution because I am conscious of the time.

Mr Strong:

I am not going to blow trumpets, but the medium-sized and larger companies in Belfast have provided quite a few wheelchair-friendly vehicles. Fares have to be a bit dearer, because some of the vehicles cost £32,000, and we do not get anything from anyone towards that cost. We try to keep the fares as low as possible, but, to pay for the vehicle, they have to be slightly higher. I hate to say that. I could turn round and say that we do not charge a higher fare in a wheelchair-

friendly vehicle, but we do, and we have to. That is basic economics. The bus either runs or it does not. Those vehicles are usually a bit harder on fuel, they are a bit harder on maintenance and, by God, they are hard to buy.

Everything comes down to one point — licensing. Taxi companies that do not have wheelchair-friendly vehicles probably do not have a legal taxi. The point is that, if the licences are put in place, everything can be put in place, and we can keep everyone happy. We need to do that.

The Chairperson:

Can you please just add one sentence?

Mr O'Donnell:

One sentence will do. North West Taxi Proprietors believes that work needs to be done to establish the best practice and method of delivery. The Department, IMTAC, the Equality Commission and representatives of the taxi industry should be tasked with establishing best practice. The Committee for the Environment should push the Department to incorporate the regulations. It is sad that we have not arrived at that position yet. We agree with Michael; we are equally frustrated with how long it is taken.

Ms Barbara Fleming (Inclusive Mobility and Transport Advisory Committee):

About three years ago, at the time of the Taxis Bill, taxi reform began to be discussed. Before that, I depended on taxis way before there was accessible public transport. I did my own personal survey because of the extortionate amounts that I was paying, which varied between taxi companies. I asked 30 taxi drivers from various companies why they bought their accessible taxis. I asked whether it was to transport wheelchair users and disabled people or whether it was for any other reason. I was told by 29 of those companies, all but one, that they had bought their accessible taxis to take more luggage and to transport more people. One company said that it had bought an accessible taxi solely because it wanted to concentrate on the field of work for disabled people.

As Monica Wilson pointed out, most of us come from a low-income bracket. An awful lot of

people, especially in rural areas, still depend on taxis as the only form of transport that they can manage, and even door-to-door services are not sufficient for them. Surely there is a way for the cost not to have to be picked up by the disabled person, which puts them at a greater disadvantage.

Mr R McAllister:

It is disgraceful that people with disabilities have been exploited. One example is that when people in wheelchairs use public hire vehicles, they are charged the regulated fare. Private hire companies can charge people with disabilities a minimum of £8, and they charge an able-bodied person £3. That is discrimination against people with disabilities. That will have to be addressed. People have said that they pay £30,000-odd for vehicles. The public hire vehicles at the taxi ranks in Belfast cost £30,000 or £40,000, so there is no difference. A private hire company charges someone with a disability £8, but when that same person goes to a taxi rank, they are charged the £3 regulated fare. That is discrimination, and it has to stop, full stop.

Mr Beckett:

I disagree with what Michael Lorimer said. A maximum fare should not be set for someone with a wheelchair or for anyone else with a disability. A person with a disability should not be charged more because of the taxi that they want.

Public hire taxis in Belfast are totally opposed to charging people with any form of disability extra money. Also, for the last year, public hire taxi drivers have been going through a number of courses on all disabilities, such as in relation to blind people, elderly people, people in wheelchairs and other issues leading up to disability, so we totally disagree with your proposal.

The Equality Commission's code of practice states that, for a taxi driver operating outside of Belfast — I spoke to the commission about that, and it is just a term it uses, but it refers to all taxis in general — if they charge a higher cost for five people in a taxi, it is feasible to charge someone in a wheelchair the same price. Most of those taxis, as has already been pointed out, charge £8 for the bigger number of people. That is totally not agreeable, because a wheelchair does not take up five seats. It takes up three in a London-style taxi, four in my style of taxi and two in the bigger Volkswagen. It is therefore discrimination against the disabled person, and we

call for the Committee to make sure that the Department sets the fee on one level for anybody with a disability the same as that for an able-bodied person.

Mr Press:

I agree with Michael Lorimer that different disabilities require different vehicles. There certainly is a need for the wheelchair-accessible minibus vehicle, where ramps are used to get people in. Obviously, a blind person prefers to travel in an ordinary saloon car. I will give a bit of information that might be useful for the Department. At the International Airport, we have operated for the past four years, within a contract, 20% for wheelchair-accessible vehicles. We have found that to be adequate. It has covered all our needs, and I think it would be a good percentage for the Department to come to.

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The Chairperson:

I have to move on now to the final discussion on enforcement. Enforcement has been an ongoing concern of the Committee. It is the driver behind many of the issues being discussed today. I ask Mr Sean Beckett to say a few words. Can you please be brief?

Mr Beckett:

As the Committee knows we have been here over the last lot of months lobbying heavily on the issue of enforcement. A lot of people who I have seen here for the first time over the last lot of months will not be aware of our issues in relation to enforcement. I hear a lot of you saying that the one-tier system will work and the operator's licence will work. Are you all aware that the Department's proposal is that the operator's licence will give you the right to regulate yourselves? That cannot lead to a better industry.

We need a proper enforcement team, and we need commitment and resources for that. If this is going to go back to what we were told when the price of a PSV licence went up — that it was to supply better enforcement — then God help us, because they are going to charge us five times the amount for no service. We will be paying for nothing. We will be paying to regulate ourselves. If you, the people in this room now, think that that is justifiable, I pity you, because you will get nothing for your money.

Mr W McCausland:

I thank you for the opportunity to speak today. The Taxis Act (Northern Ireland) 2008 is the single biggest opportunity in a generation to provide a professional, reliable and regulated taxi system that can benefit everyone — drivers, citizens and visitors to Northern Ireland. We are glad that the Committee is taking the time to examine the Act so early in this Assembly term, and we hope that it will clarify any issues and expedite the passing of each element of the Act. I am happy to answer questions and volunteer ideas with the Committee at any time.

I am now going to speak specifically about enforcement. That goes right to the very heart of the debate. All of the effort to reform our taxi system will be in vain if it is not matched by the enforcement needed to make it effective. At present, we feel that enforcement provision is not adequately protecting the rights and safety of the consumer. It is spread across all areas of responsibility of the DOE and is staffed by a small number of officers. That means that the staff are stretched and cannot provide the coverage needed across Northern Ireland to implement the law. That is not the fault of the staff; it is simply the reality of the situation. Although we are open to ideas, we feel that there needs to be a dedicated taxi enforcement team. That will enable them to focus specifically on that area and enforce taxi legislation.

The creation of a single-tier system will also make enforcement more effective. Although it is not particularly beneficial to us, as a business, for pick-ups to be permitted in Belfast, we recognise that that will benefit the consumer. As such, we are happy to support it. It will also bring Belfast into line with the rest of Northern Ireland, which makes sense. That move would also free up enforcement officers from having to target private hire taxi drivers who are picking up and enable them to focus on more serious issues, such as unlicensed drivers and dangerous vehicles. If we are serious about providing high levels of service in Northern Ireland, enforcement needs to be effective and penalise infringements by all types of taxi drivers.

Sometimes, we have to set aside our selfish business interests and look at the wider picture and what will work for the people of Northern Ireland. A single-tier system will do just that. It will make enforcement more effective and the system simpler. We also believe that there is a problem with the fact that different Departments have different roles when it comes to enforcement. There needs to be stronger cross-departmental co-operation between DOE, Roads

Service, NSL and the police to maximise the effectiveness of enforcement. For example, DOE has responsibility for taxi legislation enforcement; Roads Service and NSL deal with parking violations; and the Police Service deals with obstructions and vehicles in transit. Agencies that operate in their own silos allow too much to fall between the cracks. By working in a co-ordinated way, those agencies can present a united and effective front to deal with enforcement. It also means that civilian staff at DOE, Roads Service and NSL will have the police backup that they need to make their jobs easier, particularly if they feel threatened or isolated.

In summary, I am sure that everyone in this room would agree that strong, even-handed and effective enforcement is a good thing. Drivers of all types of taxis should work to the highest standards. Those drivers who want to provide a professional service and take pride in their work will benefit from effective enforcement, as it will hit those who do not want to play by the rules. It also makes for a healthier marketplace in which drivers can make a living, as it will discourage those who are not committed to doing a job from taking up taxi driving. The 2008 Act presents a real opportunity to change taxiing in Northern Ireland for the better. However, it needs to be progressed and met with proper enforcement provision so that people on the streets enjoy the fruits of the legislation. I hope that we can all work together to deliver high standards and safety across the board for the public. Thank you.

The Chairperson:

I must ask those who wish to speak to restrict themselves to making very brief comments, please.

Mr R McAllister:

I will say briefly that I would like to see enforcement and taxi services put back in the hands of councils. Let councils throughout the Six Counties enforce legislation for the taxi industry. I believe that that is the way forward. Thank you.

Mr Jackie Mahood (Belfast Taxi Association):

As regards enforcement of taxi legislation, we, like many other stakeholders in the industry, believe that a more proactive approach must be taken to eradicate the use of illegal taxi operators and drivers. For too long, we have listened to DOE tell us that the role of enforcement is a matter for the police and the police tell us that they act only on the request of DOE and with the support

of its enforcement units. Lately, there has been a more visible presence of DOE enforcement units. That has had an impact in forcing some illegal drivers away from popular areas where taxi drivers conduct their business. However, due to the high percentage of illegal drivers and operators, the problem will require additional resources.

The Belfast Taxi Association represents 800 drivers. We have had the opportunity to discuss the issue in depth with DOE officials. We are pleased to state that we have had an encouraging response to our concerns. However, we recognise the need for additional funding to recruit to and enhance the overall size of the enforcement section. To that end, we have proposed that we would be willing to support an increased fee for vehicle inspections and the PSV vehicle test from £138 a year, as it is at present, to £150 a year, which equates to an extra £1 a month. As around 25,000 vehicles go through the PSV vehicle test annually, an additional £12 per vehicle would generate a fund of around £300,000, which should be used exclusively to enlarge the enforcement section by an additional 12 inspectors. That measure would place more inspectors on the ground and remove illegal drivers. Also, the inspectors should have the power to close illegal operators who allow illegal drivers to operate under their control.

We have expressed our views comprehensively and in detail to DOE officials, and we understand that they need powers to enable them to carry out their functions. How is it possible that taxi operators sold illegal goods — alcohol, cigarettes, DVDs and even drugs — from their premises, and yet, when they were apprehended by the DOE, HM Revenue and Customs and the PSNI, no one was charged and their premises and taxi operations restarted after the search was completed? That is not a one-off example. Some operators have been apprehended on a number of occasions but still remain open and operating. What signal does that send to those who operate within the rules?

A legal position, as regards closure of illegal depots and operators, already exists. It is illegal to use telecommunications and networks to perform illegal acts or to supply goods or services that are not lawful. We have taken legal advice as regards that issue, and we have been informed that anyone using equipment licensed by OFCOM can have that apparatus turned off and disconnected. Also, as it clearly states on our licences, the licence can only be used to carry out lawful business. That enables the removal of radio equipment and disconnection of telephone

networks from premises where illegal acts take place. Anyone who allows illegal acts to take place should be barred from holding an operator's licence. Visitation by the enforcement officers to taxi premises to request registers of drivers and staff and random inspection of drivers' documentation will also assist against illegal activity. Operators who knowingly engage illegal drivers should also have their licences revoked. Addressing the problem is essential in order to make our industry a professional service, provide meaningful employment not only for drivers but also for office staff, IT personnel and others in the motor trade and, more importantly, to safeguard the public.

Mr O'Donnell:

The Department of the Environment's taxi enforcement team came before the Committee and stated that it would have 18 officers working in enforcement before operator licensing would be introduced. It came back and said that that number of officers would be changed to 11, and then it changed it again to 14. Now the team says that it needs 14.5 officers, and that it will increase the complement to 17.5 after operator licensing is introduced. If the funds were available for 18 officers over a year ago, why do we now have to pay more fees for 17.5 officers? The enforcement team's approach does not instil confidence. We need to see a clear strategy with an action plan that spells out what we can expect and what resources the team needs to deliver the plan. To date, we have not seen a plan, even though we have been told that the team is developing a new strategy.

Down South, the taxi enforcement team has to cover three times the land mass and 27,000 taxis, which is almost three times as many taxis as we have. It has seven enforcement officers who visit operating centres once a year. Those officers are helped by an Garda Síochána and they deliver enforcement across the South. In the South, taxi drivers expect unregulated operators and centres to be dealt with, and they have a lot more confidence in their system than we have in ours. Officers down South use technologies, they have moved forward, they have GPS and all sorts of stuff. They send out individuals with the proper technologies and cover a lot more ground.

North West Taxi Proprietors believes that enforcement must face two major issues. First, has the enforcement team the powers to deal adequately with the unregulated sector within the 2008 Act? If not, why not? It has had the opportunity to input into the Act. We need the team to have

sufficient powers. Secondly, what resources does the team need, and do they know what those are? Where is the action plan that details the workload? Is it enough to instil confidence throughout the taxi industry?

I commend Patsy for trying to get at the numbers. We understand your frustrations. We want the Department to come clean and set out what exactly is needed and what it has.

Mr Maguire:

Part of the problem falls under the remit of the Department of Justice. If you look at the DOE website, the maximum fine for someone who is operating without a taxi licence, without PSV and without insurance, is £8,500. If an illegal driver is caught in the street tonight, the maximum fine that they would get is about £600, which they would get back in one night. Although I have concerns and issues with enforcement, there are also other issues to be looked at. For example, if you are caught on the street tomorrow with no tax on your car, it will be taken and can be crushed. However, the illegal operator will be let away with a slap on the wrist; he will get his car back and will go back to operating.

The Chairperson:

We will move on to the responses from the Department, unless there are any further comments.

Mr Boylan:

I will just say one thing. Patsy and I had the pleasure, or displeasure, of dealing with the Taxis Bill. To be honest, it is shocking that we have not seen one positive element of this piece of legislation being implemented since 2008. I want to put that on record. As I said in my opening comments, we need to move this forward. Whatever way we are going to resolve the problem, I want to see major resolve and major secondary legislation in respect of the 2008 Act.

Mr McGlone:

Are we going to ask questions to the Department now, Chair?

The Chairperson:

We will, but do you wish to make any comments before they give their responses?

Mr McGlone:

No. Maybe they will respond and take questions? Thank you.

The Chairperson:

I thank everybody who took part today and made comments. It has been very worthwhile listening to the range of comments from all stakeholders.

I invite the departmental officials to respond to the issues raised this afternoon. I welcome Trevor Evans, Alex Boyle, Stephen Spratt and Sharon Clements. You have about 15 minutes in which to respond.

Mr Alex Boyle (Department of the Environment):

Good afternoon, Madam Chairperson, members and representatives of the taxi industry and other interested bodies. We will do our best to deal with the issues that have been raised this afternoon. Quite a lot of issues have been raised, so we will try to work our way through them as best we can as a group.

We welcome the opportunity to be here to hear the views that are being expressed by Committee members and by the invited guests who are here. We have been working closely for some time with all stakeholders. We are quite happy to do so, and we intend to do so in the future as we progress through the Taxis Act (Northern Ireland) 2008.

We are happy to go back to the start of the process, if that is acceptable to you, to talk about operator licensing and work our way through the other issues. Committee members may have specific questions, and we have noted some already.

Mr Trevor Evans (Department of the Environment):

It might be helpful for me to round up a lot of the issues with operator licensing in particular by going through how the scheme will work and its aims.

As you know, operator licensing is designed first of all to bring Northern Ireland into line with

the rest of the UK, the Republic and, as someone else said, the whole of Europe. This is the only part of the country that does not have an operator licensing scheme for taxis. It is also at odds with the rest of the road transport industry, because we have operator licensing for bus operators and road freight operators. In many ways, the taxi operator licensing scheme is designed to work in exactly the same way as those schemes are already working.

It is based, to a large degree, on making the industry more self-regulating. As I said in a previous session, non-compliance with various laws, whether that is illegal drivers, illegal vehicles or whatever, is not just wrong when you are caught; it is wrong to start with. Operators should not be carrying out wrongful practices. Operator licensing will put more onus on the industry to regulate itself.

There is a degree of difficulty in trying to take individual action against what is, at the minute, almost a self-employed industry. Once it has been amalgamated into operators, we will have an extra layer of enforcement against the operator. The operator will have to comply with the conditions of the scheme and the conditions of his licence, and will have vicarious liability for making sure that all his drivers obey the law, whether that is around having the right insurance, having the right licences, having a roadworthy vehicle, not overcharging or wrongfully charging disabled persons, not discriminating against people and, generally, running their business in a very satisfactory way. If they do not, they put their operator licence in jeopardy, and, if they do not have an operator licence, they cannot operate legally and anyone driving one of their taxis would be subject to enforcement action.

The scheme is not instead of effective enforcement. We all agree that effective on-the-road enforcement is very important. Operator licensing gives an extra tier of enforcement to try to produce a better industry.

Some specific points were raised about fees. One point was that the fee would be a bit lower if it were a three-year fee instead of a five-year fee. We did consider that. We considered everything from a one-year fee to a five-year fee. Yes, three years would mean a slightly smaller fee, but that would have to be collected more frequently. Therefore, the total cost of the scheme would be greater and operators would end up paying more. They would pay that in smaller

slices, but they would end up paying more overall. The two other operator schemes that I mentioned — bus operator and road freight operator — are based on a five-year licence. I will not say that that is the norm, because every local authority in GB does its own thing and, I am afraid to say, there is no such thing as the norm for taxi industry regulation. Believe you me, we looked to see whether we could find in GB a model that worked brilliantly that we could lift and apply to NI, but everyone does their own thing. There is no such thing as two similar schemes anywhere across GB.

To what extent will the operator licensing fee give more resources for enforcement? It is designed to give the enforcement people the extra resources that they need for this part of the taxi reform. Within the fee that operators will be paying, there will be provision to supply up to three more enforcement officers for the enforcement team, who will concentrate on aspects of operator licensing, but not work on that exclusively. I am trying to be clear about the numbers. I know that there has been a lot of confusion about the numbers, but my understanding is that, at the minute, there are 10.5 enforcement officers in the taxi enforcement team, which is increasing to 14.5. That recruitment process is under way. One of those officers has already been recruited and the others are coming as quickly as our personnel people can recruit them. We will be recruiting up to three more people for operator licensing through the fees for the scheme, so that will mean that the dedicated taxi enforcement team will shortly be 17.5 full-time officers.

I am looking through my notes very quickly to see whether there are other issues that I can pick up on. One point that Mr Boylan asked me about was how the fees were set. I have to put my hands up and say that it was extremely difficult to set the fee. We had very little information about how many operators would apply. We sent out 1,000 questionnaires at random to licensed taxi drivers to ask whether they were likely to apply as an individual or to join with another organisation. We hoped that that would give us a handle on how many people were likely to apply. I am afraid to say that we got 68 replies out of the 1,000 questionnaires.

Of those questionnaire responses, just under half the people — 43% to be precise — said that they would apply for an operator's licence. That would give us about 4,500 applications. Our gut feeling was that that was far too high. For instance, there are only 3,000 operators in the whole of London. We had to put together every scrap of information that we could and come up with a

best guesstimate. That is what it is; I am not going to try to fool the Environment Committee by saying that it is any more scientific than that.

It was a bit of a chicken and egg situation. We needed an assumption about the number of operators to set the fee, and we probably would have been better running the scheme for a while to see how many would apply. However, we could not start the scheme unless we had a fee; therefore, we came up with our best guesstimate. The figures and the costs could be wrong. However, we will review the fees after a short time of running the scheme, and if the figure work is wrong we will adjust the fees upwards or downwards. I hope that it will be downwards, but I cannot guarantee it.

Mr Boylan:

For clarification, how much would it cost a single operator for PSV and plating?

Mr Evans:

The PSV fee is £138.50, and, of that, £20 is allocated towards compliance costs. The bulk of the costs of the existing enforcement team are met by the Department from its ordinary funding. However, some years ago there was a recognition that the taxi team needed to be supplemented and, as usual, there was a scarcity of resources. Therefore, that supplement was put on to the PSV fee to help to bring some extra resources into the enforcement team. That £20 does not go anywhere near paying for all of that team's activities, it just helps towards its costs.

Mr Boylan:

Thank you for that clarification. Clearly it must be self-financing, but you said that, up to this point, it had been supplemented in some way.

Mr Evans:

The enforcement activity is not self-financing. Taken as a scheme, taxi operator licensing will be entirely self-financing, and the fee that we proposed will be enough to cover the resources needed by the enforcement team for the taxi operating part of their work. In isolation, the scheme is entirely self-financing, but the enforcement team is not. It is partly funded by the Department and partly funded by the supplement on the PSV licence.

Mr Boylan:

I do not desire to be a taxi driver, but I may be one in the future. If I was a taxi driver who was paying fees and someone was operating illegally, I would be asking what those fees were being used for. Do you understand me?

Mr Evans:

Yes.

Mr Boylan:

You clarified that point for me. Thank you.

Mr Dallat:

Mr Evans, you keep talking about this being a chicken and egg situation. What would you say to those who claim that allowing the industry to become self-regulating and putting operators in charge is a bit like putting the fox into the chicken coop?

Mr Evans:

We are not putting operators in charge; we are encouraging, promoting and enforcing a degree of self-operation. We are telling operators that they are responsible for the conduct of their business, in the same way as freight or bus operators. They must run every aspect of their businesses properly: they must ensure that their drivers and vehicles obey the law and that they provide a good service to their customers. That is what the operator licence demands of them.

Operators will still be subject to action if their taxis are not roadworthy; none of that will stop. We are putting in place an extra tier that means that operators will jeopardise their licences if they do not run their businesses properly, and, without that licence, they will be out of business. Therefore, the onus will be on them to run their businesses properly. That is how operator licensing works everywhere else.

Mr McGlone:

I am trying to get a handle on all the issues that have been raised around the room. Lots more

questions have probably been raised than answers.

The first big issue that was raised was the fees and how some compatibility of fees can be arrived at, so that we do not have a situation whereby a person with a few taxis, or even one, is paying much more than a larger operator. That is clearly a big issue. Another issue is the exemption of wedding and funeral cars, which also needs to be resolved.

We move on to the issues around disability access. I am glad that Monica is here because she had a handle par excellence on these matters. I hear different views around the room about vehicle accessibility. Forgive me; I am not from an urban area, which leads me on to another issue about rural access that was touched on by Noel. It is good to see Noel and Anne here too. There is an issue about accessibility for people with disabilities, and Eamonn's suggestion is very worthwhile. At our previous meeting, Sharon undertook to do some work with the Equality Commission. It is important that we hear what that work is, so that we can ensure that any potential for discrimination in accessing services is eradicated.

On that point, I want to ensure that it is rendered illegal to charge anyone with a sight impairment for the guide dog that is travelling with them. It is crucial that that matter is dealt with. Will we have an increase in the number of disabled-access vehicles or will we have a decrease? I heard strong views from around the room, and I just do not know. John referred to the issue of self-regulation, which is another issue.

Finally, depending on whom you ask and who is here on the day, you get a different answer or lack of clarity on the issue. As of today, how many people work in taxis enforcement right now? When are you likely to have more staff? I want an answer to a question that I certainly did not get from Mr Wilson the last time he was here: has there been some form of business case to look at the implications of any future taxis Act? How many staff would be required in enforcement? Following one of our more recent meeting attended by enforcement people, could you also clarify whether there was a revised restructuring of staff issued in that section?

Mr Evans:

I will deal with the enforcement issue first, and I may have to ask Stephen to give some of the

detail. With regard to staffing numbers, there are 10·5 people in the taxis team at the minute, with one about to start or has just started, which is 11·5. That will come up to 14·5 as soon as our personnel section sends us people, and it is in the process of recruitment. Within weeks, we expect that that will be up to 14·5. When the taxi operator scheme comes in, the business case for that scheme allows for the recruitment of up to three more people, which will take us up to 17·5.

Mr McGlone:

What about my other question? I am asking a question that I know the answer to, so I am presuming that you will give me the right answer. After a recent meeting, was that done?

Mr Stephen Spratt (Department of the Environment):

No, that was not the case. The taxi team, which sits in one office and works as a unit, consists of 9·5 staff. We have an additional manager who has accepted a promotion to come into the branch to head up that team. Today, I have another new manager who has come in and, hopefully, will take up post in the north-west of the Province. I have an additional officer who is temporarily promoted to the grade of STE and who will provide support. Already, he has been working on the integration of that manager into the section. He falls under the auspices of the taxi enforcement team, and his temporary promotion was granted on that basis. I hope that that is clear.

Mr McGlone:

So, you are telling me that there was a revised restructuring of staff.

Mr S Spratt:

How long ago? Not since the last Committee meeting.

Mr McGlone:

I am talking about recently.

Mr S Spratt:

Prior to that, yes. Absolutely, yes there was. That officer's temporary promotion had to be justified on the basis of that. Unfortunately, the new managers who are coming in do not have

any foundation of enforcement experience. They are coming in as new managers, and they will have to go through retraining to bring them up to speed. I need assistant managers to carry that through, which is why we refer to 10·5 officers.

Mr McGlone:

Of the 10·5 who are included in your computations, does one work in intel, as you refer to it?

Mr S Spratt:

The manager who is on his temporary promotion is still based in the intelligence team office.

Mr McGlone:

So, is he not included in that 10·5? Is it 10·5 or 9·5?

Mr S Spratt:

He is included in the 10·5. As I said before, there are 9·5 officers — my resource constitutes 0·5 of that — who are linked directly to the team that sits in that office. Another officer's promotion has been approved on the basis that he is a taxi enforcement manager at STE grade.

Mr McGlone:

I do not want to labour the point, but I want to get it clear because there has always been confusion associated with this. Is it 9·5 at the minute, with someone's promotion having just been approved?

Mr S Spratt:

The promotion was approved well over a month ago. He had been promoted within the intelligence unit, and the incumbent who has the full-time post came back. We wanted to ensure that, for the purposes of lining up our little ducks, so to speak, with the new managers coming in, I would have the support to carry that through. That is the position.

Mr McGlone:

So, it is 9·5 at the moment?

Mr S Spratt:

It is 9.5 plus one. That makes 10.5 in total.

Mr Evans:

I will deal with the fee structure, which was the other issue that you raised, and then pass over to Alex and Sharon about the other policy issues. The current fee structure model is based loosely on the London model, but it was revised after consultation with the industry. The London model has a fixed fee, so no account is taken of the size of the operator. It does not matter whether you have one taxi or 100 taxis; you pay exactly the same fee, which, of course, is disproportionately hard on the small operator. Our model now proposes a variable per vehicle fee, which means that a larger operator pays more.

We were trying to strike some sort of balance so as not to overburden the small operators but still produce a fee that is affordable for a large operator. It is a sliding scale; we could adjust the fee one way or the other. We tried dozens of combinations. I cannot put my hand on my heart and say that the current structure is the absolute best, but it is the best of all of the ones that we looked at. It seemed to be the fairest, taking the balance between the small operator and the big operator. You could play around with that fee for ever. We have reached the stage at which we have to say that that is it, and move forward.

Mr McGlone:

When will we see those revised fees?

Mr Evans:

Those revised fees were in the second consultation document that came out some time ago.

Mr A Boyle:

With your permission, Chair, I will move on to the issue that David McCracken and Mr McGlone raised about wedding cars. As was said, we met on a number of occasions and listened very carefully to the representations from the wedding car industry and the funeral industry. We are very conscious of the issues that were put to us. To put it in context, a well-known difficulty in looking at these issues is that the 2008 Act did not allow for any particular exemption. When the

Bill was being taken through the Assembly, it was decided that there would not be any exemptions. That meant that wedding cars and funeral cars were caught up in the process.

Having said that, I am conscious of the points that were raised and the fact that these issues were aired in front of the Environment Committee. It is fair to say that the Committee was sympathetic to the views that were expressed. We are and have been looking at that. We have developed options that may help move the issue forward. We put those proposals in a submission that is with the Minister. In his appearance before the Committee, the Minister indicated that he was considering a number of things. I cannot go into the detail of that because it is still being considered by the Minister. I can say that we have taken on board the views expressed by the Committee and by representatives of the funeral and wedding car organisations, the outworkings of which will, hopefully, become clear in the not-too-distant future.

The Chairperson:

I thought that something was said about there being exceptions.

Mr A Boyle:

That is the area that we are looking at. I do not want to get too technical, but, although exemption was not an issue in the legislation, there was a possibility that we could make exceptions in certain areas. It is around that area that we have been trying to be creative in how to address those issues. The proposals and options that we feel may be feasible are contained in the submission that has gone to the Minister for his consideration.

The Chairperson:

They are not really taxis, as such.

Mr A Boyle:

No; hindsight is a marvellous thing. When you look back, perhaps the problem initially arose in the 2008 Act because, for a variety of reasons at the time, it was decided that there would be no exemptions. Under the then legislation, those vehicles were deemed to fall within that remit. David McCracken and I have discussed that ad infinitum. If you were looking at it again, you may take a different approach to this issue, but to exempt, for example, these type of vehicles

would require amending the primary legislation, the 2008 Act. That would be a time-consuming process. We are trying to address it in a slightly different way that will hopefully satisfy all concerned.

Mr Boylan:

We heard earlier that there is an opportunity for exemptions. You did well to try to get around that in your answer, Alex, because it has gone from “exemptions” to “exceptions”. Based on what we have heard from firms that have come to the Committee, I think that there may be some scope there. However, clarity is needed. I know that the Minister is looking at it again. Are you saying that there may be an opportunity through the legislative process? That is why I asked originally about creating a loophole. I know that you cannot say too much, because the Minister might change his mind. We are just trying to get an idea of exactly what is possible.

Mr A Boyle:

I am in a difficult position, as you will appreciate, because it is with the Minister. As I said, without getting technical, exemption is not an issue but exceptions in the legislation can be progressed through subordinate legislation. That is the area that we are looking at to try to address the concerns and the issues that have been raised. The economic downturn has been mentioned today. We are certainly conscious that times are hard for business and industry in general. We are not trying to make it harder for people to operate in the current climate. I know that that does not answer your question in as much detail as you would like, Mr Boylan. Hopefully, as I said, we will see some clarity around it.

Mr Boylan:

There seems to be some confusion. Sean said something about an exemption. Will you please clarify whether —

The Chairperson:

At this point, I would like to mention to everybody here that we have just lost our quorum, so we cannot take evidence from now on. Hansard will have to stop reporting. We can hear your views but we are not, strictly speaking, taking evidence as a Committee.

