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**Minister of the Environment**  
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**Lord Morrow MLA**  
**Northern Ireland Assembly**  
**Parliament Buildings**  
**Ballymiscaw**  
**Stormont**

**AQW 27856/11-15**

**Lord Morrow has asked:**

**To ask the Minister of the Environment to provide a copy of the report compiled by senior Driver and Vehicle Agency staff following video-footage taken of private hire taxis by enforcement officers at Ravenhill Rugby Ground.**

**ANSWER**

The Department recently assessed the manner in which taxi services were being provided at Ravenhill rugby ground to ascertain whether there were any breaches of the current taxi legislation and to help inform the Department's policy position for enforcement.

The observations of enforcement officers were not captured in a separate formal report but rather formed part of the overall consideration of the Ravenhill arrangements, which included seeking legal clarification and advice from the Departmental Solicitors' Office. After careful deliberation, the Department determined that the provision of taxi services at Ravenhill rugby ground was compliant with the requirements of the Taxis Act (NI) 2008 and other related legislation.

My Department's interpretation of the legal position as regards provision of taxis at Ravenhill was issued on 21<sup>st</sup> October 2013 and is attached for information.

**Signed:** Mark Durkan  
**Mark H Durkan MLA**

**Date:** 14/11/13

## THE LEGAL POSITION REGARDING TAXI PROVISION AT RAVENHILL RUGBY GROUND

### **Introduction**

The following is a summary of the Department's interpretation of the legal position as regards provision of taxis at Ravenhill. It will be of use when considering other venues where similar circumstances may apply. It has been developed after extensive review of the legislation, review of activities on the ground, and taking solicitor advice. It represents the Departmental view which is to be used by licensing and enforcement staff.

The legislation considered is the Public Services Vehicles (NI) Regulations 1985, the Taxis Act (NI) 2008 and the Taxis Operators Licensing Regulations (NI) 2012. No public order considerations have been taken into account – it would be for PSNI to instruct DOE staff if they determined that public order considerations should override any particular legislative provisions in the above legislation.

### **Particular provisions and considerations**

#### 1. Taxis proceeding to Ravenhill

Regulation 13(i) of the 1985 Regulations allows private hire taxis to wait in order to fulfil an engagement previously entered into. This allows for an organisation or individual to order one or more taxis to a particular location for passengers.

*Requirements* – there must be an explicit engagement made. This requires a request by someone other than an on-duty employee of the taxi operator, to the taxi operator, to send specified numbers of vehicles at specified times to a specified location. A record of this request must be maintained by the operator in accordance with the record keeping requirements of the 2012 Regulations.

#### 2. Taxis used by patrons

The taxis which arrive to fulfil the engagement entered into are subject to Regulations 9(2) and 9(3) of the 2012 Regulations which requires certain records of individual journeys to be kept.

*Requirements* – the required records as per 9(3) – date, time and location of pick up; location of drop off; number of passengers – must be recorded by an affiliated driver in a complete and unambiguous manner prior to or at the end of the journey and returned to an Operating Centre within 5 working days.

#### 3. Guiding patrons to taxis

Patrons leaving the rugby ground have not explicitly been party to the initial taxi engagement, but that engagement has been entered into by the Ravenhill authorities to facilitate patrons to leave the ground in a timely manner.

*Requirements* – given that they have not been party to the engagement, it is important that the process of guiding the patrons to a taxi makes clear to them that they are free to use other means of leaving the ground, including other firms of taxi provider. This might usefully be done by a sign at the exits from the ground.

Regulation 49 of the 1985 Regulations outlaws touting – the activities of a person employed as a driver to tout, call out or otherwise importune any person to be carried for hire in the vehicle. Section 43 of the 2008 Act (which is not yet commenced) draws the touting provisions more broadly, subject to detailed regulations which are not yet made.

For the avoidance of any doubt, therefore, it is appropriate at this stage to require that anyone guiding patrons to an operator's taxis is not listed as an affiliated driver on that operator's Operating Licence.

#### 4. Parties to the taxi booking

When the initial engagement is made – which commences the booking record for the taxi operator – the parties to the booking are the Ravenhill authorities and the Taxi Operator (currently Fonacab). This is akin to any other organisation ordering taxis to its place of business for visitors to that place of business, or indeed a member of the public calling a number of taxis to his/her house for use by visitors.

However, the individual passenger is entering into an agreement with the operator by entering one of the operator's vehicles and providing instruction on the journey to be undertaken. The information set out in Regulation 9(3) of the 2012 Regulations must be recorded and returned to the operating centre within 5 working days.

*Requirements* – the list in the Regulation does not include the name of the passenger; however, to follow up any complaint or allegation concerning the journey, after the journey, in advance of the new plating and meter/ printer requirements (which will provide the passenger with written information on the taxi firm and vehicle used), it would be helpful in terms of customer service (but not mandatory in the Regulation as written) for the name of at least one of the passengers to be recorded against the journey.

#### 5. Operating Centres

Operating centres, given the records that are required to be kept, need to have longevity and accessibility, and also need to meet specified requirements as regards matters such as planning permission. The Licensing Authority (DVA) will consider each Operating Centre that is applied for on a case by case basis. Generally, very temporary structures will not meet the requirements for an Operating Centre.