

## Appendix 1

### General comments

The Council welcome the proposal for a new system of operator licensing for taxi services. The Council recognise that it should prevent the problem of illegal taxing and contribute to higher standards in quality and safety of the service.

The Council would suggest that in order to create a level playing field for taxi operators and ensure a choice of service for the users that the Taxi regulations covering fares and taximeters, the use of taxi ranks and hiring of taxis in bought forward in line with this legislation.

The Council would request further consultation on the fee structure. Taxi operators provide an important service to the local community and contribute to the evening economy. An adequate supply of taxis along with a reasonable fare is needed to ensure customers are not deterred.

The Council would be concerned in relation to the impact of small firms who provide a valuable local service. Steps must be taken to ensure costs and administration is kept to the minimum.

Question Number	Question	Agree/Disagree
1	<b>Do you agree that all persons who wish to operate a taxi service must hold or be named on a Taxi Operator Licence?</b>	<b>Agree</b>
	The Council would welcome proposals to regulate taxi operators and their booking offices in Northern Ireland	
2	<b>Do you agree that all drivers and vehicles associated with an Operator Licence should be properly licensed?</b>	<b>Agree</b>
3	<b>Do you agree that a driver may only work for one Licensed Operator at any one time?</b>	<b>See comments below</b>
	The Council seeks clarification in relation to part time drivers and if a reduced rate or sharing of a license can be considered.	
4	<b>Do you agree with the above proposal only to allow bookings to be accepted in licensed operation centres?</b>	<b>Agree</b>
5	<b>Do you agree with the proposal that any person, who wishes to be a Licensed Operator, completes the required application forms?</b>	<b>Agree</b>

<b>6</b>	<b>Do you agree to the proposals relating to application and the licensing of operators?</b>	<b>Agree</b>
<b>7</b>	<b>Do you agree that everyone listed on an application for an operator licence sign a personal declaration that all the information provided is correct?</b>	<b>Agree</b>
<b>8</b>	<b>Do you agree that the Department may decline to proceed with applications where the application process has not been sufficiently completed?</b>	<b>Agree</b>
<b>9</b>	<b>Do you agree that a Taxi Operator Licence will be valid for a maximum of five years?</b>	<b>Agree</b>
<b>10</b>	<b>Do you agree that applicants must be considered to be 'fit and proper' in order for the Department to grant them a licence?</b>	<b>Agree</b>
<b>11</b>	<b>Do you agree with the proposed 'fit and proper' criteria?</b>	<b>Agree</b>
<b>12</b>	<b>Do you agree with the proposed conditions of licence?</b>	<b>Agree</b>
<b>13</b>	<b>Do you agree with the details which will appear on each licence?</b>	<b>Agree</b>

14	Do you agree that records relating to bookings, drivers, vehicles, complaints and lost property should be kept and maintained as proposed?	Agree
15	Do you agree the proposal for publishing a public register?	Agree
16	Do you agree with the proposals for replacement and variation of licences?	Agree
17	Do you agree with the proposals for display of licences?	Agree
18	Do you agree with the proposals for information on licences?	Agree
19	<p><b>Do you agree with the proposals for fee structure?</b></p> <p>The Council would request further consultation on the fee structure. Taxi operators provide an important service to the local community and contribute to the evening economy. An adequate supply of taxis along with a reasonable fare is needed to ensure customers are not deterred.</p>	See comments below
20	Do you agree with the proposals for enforcement?	Agree
21	Do you agree with the proposals for inspecting operating centres?	Agree

<b>22</b>	<b>Do you agree with the proposals for suspension and revocation of licences?</b>	<b>Agree</b>
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<b>23</b>	<b>Do you agree with the proposals for appeals?</b>	<b>Agree</b>
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<b>24</b>	<b>Do you agree with the assumed impacts outlined in this EQIA? If no, please can you explain why and provide any evidence which supports that view?</b>	<b>Agree</b>
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<b>25</b>	<b>Are there any issues that will impact specifically on Section 75 groups? If there are any such issues, can you explain them and provide evidence that supports that view?</b>	
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<b>26</b>	<b>Do you agree with the assumptions of the impact of the proposed changes on the various categories of taxi operator? If not, please can you explain why and provide any evidence which supports that view?</b>	<b>See comments below</b>
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The Council would be concerned in relation to the impact of small firms who provide a valuable local service. Steps must be taken to ensure costs and administration is kept to the minimum.

## Appendix 2

### Taxi Bill – Summary of Proposals

The consultation document seeks views on the proposal to introduce Taxi Operator Licensing in NI.

The proposed Regulations will introduce:

- Taxi operator licensing
- Make provision for offences and
- Establish the penalty system provided for by the Act

Currently neither taxi operators nor their bookings offices in Northern Ireland are subject to any regulation. The licensing regime is different in Great Britain although private hire operator licensing has been in place since 2000.

### Transitional arrangements

The Department intends to put in place transitional arrangements to allow existing taxi service providers to continue to operate from the time the new regulations come into effect. In a two month transitional period, taxi operators will be required to apply for a license and can operate under the application process until the license is granted or refused by the Department.

### General requirements of the Legislation

- The new regulations will apply to all taxi operators within N.I
- It will make it illegal for an organisation or individual to operate a taxi service without having a license
- Driver will be required to hold a taxi drivers license in addition they must hold an Operator License if running their own taxi business or be named on a Taxi Operators License
- All licensed operators must ensure that taxis operating within their Taxi Operator License are licensed taxi vehicles, driven by licensed taxi drivers. It will be an offence to provide a taxi service without a Taxi Operator license.
- Drivers will only be allowed to be named on one license at any one time and work for one licensed operator at any one time.
- The legislation outlines information to be contained in the application for the license
- The Department proposes that the License will be valid for a maximum of five years from the date it was granted. Shorter license periods can be issued at the discretion of the Department.
- The new regulations will require an applicant to be fit and proper. To determine 'fit and proper' criteria applicants will be expected to demonstrate that they have complied with other legal requirements connected with running a business.

The proposed '**fit and proper**' criteria are as follows:

- Convictions – must declare any past convictions
- Bankruptcy - must declare details if failed to cooperate with the Receiver
- Company directorship – declare any disqualification
- Health and Safety – show that they comply with requirements
- Planning - show that they comply with planning requirements e.g radio antennae
- Radio Circuit – provide appropriate radio license

- Accounts – audited or certified accounts
- Insurance – comply with insurance requirements
- Right of abode and to work – supply evidence of their right to reside and work in N.I
- Previous applications – details of previously refused applications

### **Conditions of license**

Insurance – operating centre accessible to the public an insurance policy must be in place

Fares – operator should be able to agree a fare or provide an estimation

Convictions – details must be provided to the department within 14 days

**Information changes** relating to the license must be provided to the department within 14 days

Radio – citizen band radio apparatus shall not be used

Records must be preserved in line with timeframes relating to bookings, drivers, vehicles, complaints and lost property.

Fare metering – fare should not be greater than that metered

### **Contents of the license**

- The address of any operating centres listed on the license
- The taxi operator name and number
- The date of expiry of the license
- Any special conditions or exceptions relating to the license and licensed operator and
- The declaration of the Department allowing the license holder to operate a hire or reward taxi service

### **Register of Taxi Operator Licenses**

The Department proposes to maintain a register of operators which will be available for public viewing

### **Replacement / Variation of licenses**

The legislation will allow for the grant of a replacement or varied license in a number of circumstances. Provisions will be made for the operator to appeal any decision by the Department not to replace or to vary their license.

### **Display of a license**

The licensed operator will be required to display a copy of the license at every operating centre. Where an operator depot is not accessible to the public they must present it on request to the public or authorised officer

### **Information and publications**

Information relating to Taxi operating License will be made available to authorised personnel as requested (PSNI)

## Fees

### Operator Licences

	3,000	2,000	1,000
<b>Application</b>	£300	£450	£800
<b>Grant of Licence (5 years)</b>	£900	£1250	£2400
<b>Grant of Licence (Small Operator) (5 years)</b>	£300	£450	£800
<b>Licence Variation</b>	£5	£5	£5

The Department has included a range of fees to take account of differences in cost depending on the number of license application expected. The Department will establish the final cost of a license before the regulations are made law. Circumstances are outlined for reduced fees and refunding fees.

### Enforcement

Where a licensed operator has failed to comply with any of the requirements imposed by the Taxi Operator Regulations, the Department proposes to serve an enforcement notice on the operator. The notice will require that the operator carries out any specified actions before the expiry date in the notice. This will be a period of at least 21 days. If the operator does not comply with the notice and any specified actions, they will be guilty of an offence.

### False Statements and Forgery

It is proposed that any person who makes a statement which is false or misleading, or causes this to be made, for the purpose of procuring a Taxi Operator Licence, or the replacement or variation of a licence, will be guilty of an offence.

### Operating Centre Inspections

The proposed Regulations will allow an authorised officer or constable to enter, at all reasonable times, any premises specified as an operating centre within a Taxi Operator License. The premises can be inspected to ensure conditions of the license are being complied with.

### Obstruction of Officers

It is proposed that any person who obstructs an authorised officer or constable in carrying out any of the requirements of the proposed operator licensing regulations will be guilty of an offence.

### Suspension, revocation and curtailment of an operators license

It is proposed that the Department may suspend, revoke or curtail an operators license where it is no longer satisfied that the licensed operator holder is fit to hold the license

or has evidence that the operator has failed to comply with the conditions or any compulsory obligations of the license.

### **Appeals**

The proposed regulations allow for appeal of the Departments decision with regards to Taxi Operator Licensing

### **Exemptions**

It is proposed that an Operator License will not be required by those persons exempted by the Road Traffic Order 1981 Article 2 (2)

### **Implementation**

Subject to public consultation the department proposes that the new Regulations will come into effect in April 2011.

### **Summary**

The Department considers that the introduction of Taxi operator licensing will help to modernise the industry and introduce a regime more similar to its counterparts in Great Britain and Ireland.

This will contribute to the provision of a fair and safe transport industry, enhancing the role of taxi operators and ensuring that taxi services in a more regulated way, which should lead to a reduction in illegal taxi operators.