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Belfast
BT2 8GB

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Date: 22 May 2015

Dear Consultee

CONSULTATION ON PROPOSALS FOR FIXED PENALTIES FOR OFFENCES ORIGINATING FROM THE TAXIS ACT (NORTHERN IRELAND) 2008

This letter is seeking your views on the Department of the Environment's (the Department) proposals to introduce a suite of fixed penalties for offences related to the current taxi driver licensing regime and the forthcoming regulations governing taxi licensing, taximeters and the maximum fare.

Many of these fixed penalties are not new but, rather, replace those that currently exist under the regulations made under the Road Traffic (Northern Ireland) Order 1981 (although we propose that the levels increase). In addition to the current suite of penalties under the Taxis Act, the Driver and Vehicle Agency (DVA) and the Police Service for Northern Ireland will have the discretion to offer someone who has committed one of the offences listed in the table a fixed penalty of the amount outlined, rather than referring the offender to the Public Prosecution Service for court action.

The Department considers that the current levels for many of these fixed penalties are disproportionately low compared to fixed penalties in other areas. For instance, for littering or dog-fouling the Fixed Penalty level is £80. Transport sectors such as heavy goods vehicles also have higher fixed penalties in place: for example, the Fixed Penalty for using a driver card for which the driver is not the holder is £200; in comparison, the Fixed Penalty for driving a taxi without a taxi driver licence is currently £60.

The current levels risk some offences being perceived as trivial and inconsequential as the penalty levels are so low. This is certainly not the Department's view or intention, hence our review of the penalties. We have also received significant feedback from the taxi industry that the levels are too low and, therefore, not an effective deterrent; indeed, 99% of respondents to a 2013 consultation thought that the levels then proposed were too low.

The Department intends that the revised Fixed Penalties will come into force at the same time as the new Taxi Licensing and Taximeter & Maximum Fare regimes are introduced. The Department intends to issue a separate communication on these matters in early course.

As with other taxi fixed penalty offences, DVA will continue, where appropriate, to offer advice and warning in the first instance. DVA also retains the right, for serious offences, not to offer a Fixed Penalty but to prepare a prosecution file. Where DVA Enforcement Officers detect more than 1 endorsable offence, or 3 or more non-endorsable offences, fixed penalty notices cannot be offered to the offender in lieu of prosecution.

The proposed suite of fixed penalties is set out in the table below. The Department welcomes comments on the proposal to introduce fixed penalties for the offences and on the proposed level of fixed penalty. A reply form is included to help you respond.

Provision creating offence (Taxis Act 2008)	Offence	Current Fixed Penalty amount	Fixed Penalty	Maximum level of fine through the Court process
Section 5	Charging separate fares without authorisation.		£90	£1,000
Section 12	Using a taxi for hire and reward without a taxi licence.	£30	£200	£5,000
Section 14	Failing to present vehicle for inspection.		£60	£1,000
	Failing to notify the Department of change of vehicle ownership.		£60	£1,000
	Failing to surrender licence plates where there is a change of ownership.		£60	£1,000
Section 15	Failing to display taxi licence plates on a licensed taxi as prescribed.	£30	£90	£1,000
Section 16	Charging a fare greater than the maximum fare.		£120	£1,000
Section 17	Failing to display the fare card supplied by the Department in vehicle or Operating centre.		£90	£1,000
Section 18	Using a taxi for hire and reward without an approved taximeter and / or printer, both of which are in good and efficient working order.		£120	£1,000
	Using a taxi for hire and reward with more than one taximeter and / or printer fitted to the taxi.		£90	£1,000
	Failing to issue a receipt produced by the printer to the person who hired the taxi or paid the fare.		£60	£1,000
	Tampering with a taximeter.		£120	£1,000
	Commencing the operation of the taximeter in advance of the passenger being seated in the taxi.		£90	£1,000
	Failing to cease the operation of the taximeter immediately on completion of the journey.		£90	£1,000
	Breaking or otherwise tampering with the seals affixed by the Department.		£120	£1,000
Section 19	Carrying a greater number of passengers than that prescribed for the taxi.	£30	£90	£1,000
Section 20	Using a licensed taxi for an unpermitted purpose.		£120	£1,000

	Using a Class C taxi without the appropriate journey form. ¹		£90	£1,000
	Using a taxi for hire and reward without the fitment of a fire extinguisher specified in regulations.	£30	£120	£1,000
	Using a taxi for hire and reward without the specified fitment of a fully inflated spare tyre, a lifting jack and a wheel brace.	£30	£90	£1,000
	Using a taxi without the specified steps and handrails.		£90	£1,000
	Using a taxi for hire and reward whilst the bodywork, doors, upholstery and fittings of the vehicle are not in accordance with regulations.		£60	£1,000
	Using a Class B ² taxi for hire and reward without the required wheelchair accessible signage.		£90	£1,000
	Using a taxi for hire and reward without a compliant roofsign.	£30	£90	£1,000
	Using a Class C taxi whilst displaying a roofsign or markings advertising hire and reward services.		£90	£1,000
	Using a Class A ³ , C or D ⁴ taxi whilst displaying a wheelchair accessible logo or markings purporting the taxi to be wheelchair accessible.		£90	£1,000
	Using a taxi for hire and reward with insufficient luggage space.		£90	£1,000
Section 22	Driving a taxi for hire and reward without a taxi driver licence.	£60 (and 3 penalty points)	£200 (and 3 penalty points)	£5,000
	Causing or permitting, by the owner or operator, the driving of the taxi for hire and reward without a taxi driver licence.		£200	£5,000
Section 24	Failing to display a taxi driver badge.	£30	£90	£1,000
Section 37	Failure to comply with an enforcement notice		£120	£1,000
Section 39	Failing to make alternative transport arrangements for passengers.		£60	£1,000
Section 43	Soliciting any person to be carried in a taxi	£30	£90	£1,000
Section 44	Altering, with intent to deceive, the plaque affixed by the Department following the taximeter test.		£200	£5,000
	Making or possessing, with intent to deceive, the plaque affixed by the Department following the taximeter test.		£200	£5,000

¹ Some Class C vehicles (these include novelty vehicles, limousines and chauffeur services, but not wedding cars or vehicles undertaking courtesy transport) will be required to carry a completed journey form which includes the details of the journey being undertaken.

² A Class B taxi will be a wheelchair accessible taxi.

³ A Class A taxi will be a non-wheelchair accessible taxi. All Private Hire and Public Hire Outside Belfast taxis will be deemed to be Class A taxis.

⁴ A Class D taxi is a Taxibus.

Q1	Do you agree that fixed penalties should be introduced for the offences listed in the table above?
Q2	Do you agree that the level of fixed penalty for the offences is set at an appropriate level? If no, please indicate if you believe these should be higher or lower and provide your justification for the amendment in the level of fixed penalty.

How to respond

Responses should be received no later than **19 June 2015** and should be sent in any of the following ways—

Post to: **Taxi Reform
Vehicle Policy Branch
Room G-17
Department of the Environment
Clarence Court
10-18 Adelaide Street
Town Parks
Belfast
BT2 8GB**

or

Email: taxisact@doeni.gov.uk

or

Textphone: **(028) 9054 0642**

If you have any questions on the consultation document and associated Appendices, please contact us using the details above.

A list of consultees is provided in each consultation document. If you have any suggestions about others who may wish to be involved in the consultation process, please let us know.

Internet Access

The consultation document may be freely reproduced and further copies are available on request. If it is not in a format that meets your needs, please contact the Department as above and we will arrange for it to be provided in a suitable format. A copy of the consultation document has been placed on the Department's website at: <http://j.mp/1zZVbfo>

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

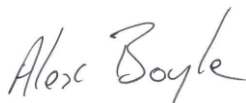
For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

The Information Commissioner's Office – Northern Ireland
3rd Floor
14 Cromac Place,
Belfast
BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114
Email: ni@ico.org.uk

Alternatively, see their website at: www.informationcommissioner.gov.uk

Yours Faithfully,



ALEX BOYLE

Annex 1: List of Consultees

The following is not an exhaustive list, but is indicative of the types of organisations this document was sent to:

DOE

DVA

PSNI

Public Prosecution Service

Equality Consultees

NIPSA

House of Lords Library

House of Commons Library

Northern Ireland Assembly Library

MP's and MEP's

MLAs

Northern Ireland Party Leaders

All Taxi operators

Road Safety Organisations

Individuals/Organisations who requested further information

Annex 2: Reply Form

Please note: The Department is unable to consider any views submitted anonymously. We would therefore be grateful if the following details could be completed.

Name: _____

Address: _____

Postcode: _____

Email address : _____

BUSINESS DETAILS (IF APPLICABLE)

Name of group / company: _____

Address (if different from above): _____

Postcode: _____

Email address: _____

TAXI INFORMATION

Number of vehicles used in business according to type:

Regular car vehicles _____ Stretched limousines _____

Vintage cars _____ Former military vehicles _____

Former fire engines _____ Two or three wheeled vehicles _____

Other (please specify number and type) _____

No. of views represented: _____

Measures taken to gather these views: _____

The following reply form contains a 'tick box' style answer sheet, with room for additional comments.

Q1: Do you agree that fixed penalties should be introduced for the offences listed in the table?	Yes	
	No	

Q2: Do you agree that the level of fixed penalty for the offences is set at an appropriate level? If no, please indicate if you believe these should be higher or lower and provide your justification for the amendment in the level of fixed penalty.	Yes	
	No	