EXPLANATORY MEMORANDUM TO

THE TAXI ACCESSIBILITY REGULATIONS (NORTHERN IRELAND) 2015

2015 No. 396

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 32 of the Disability Discrimination Act 1995 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Statutory Rule ("SR") covered by this Memorandum is to set new technical standards for certain taxis licensed as wheelchair accessible taxis on or after 31st May 2016.

3. Background

3.1. Currently only taxis licensed as public hire and used for that purpose in the city of Belfast are required to meet the current wheelchair accessibility specifications. Taxis licensed as public hire and used for that purpose outside Belfast and all private hire vehicles are not required to meet those specifications.

3.2. The introduction of the new Taxi Licensing Regulations (Northern Ireland) 2015 will mean that only wheelchair accessible taxis will be permitted to stand at taxi stands or to advertise as wheelchair accessible.

3.3. These Regulations introduce new technical specifications that will apply to certain wheelchair accessible taxis that are licensed as such after the operative date of these Regulations.

3.4. The Regulations do not apply to taxis that were licensed under Article 61 of the Road Traffic (Northern Ireland) Order 1981 ("the 1981 Order") at any time during the period of 12 months ending on the operative date of the Regulations as they will be permitted to meet the existing wheelchair accessibility requirements for a period of 6 years after which time all taxis licensed as wheelchair accessible will be required to meet the new technical specifications set by these Regulations.

3.5. The Regulations set out the specifications and requirements for wheelchair spaces, including wheelchair restraint systems and wheelchair user restraint systems. They set out the detailed specifications for boarding lifts and ramps fitted or carried in wheelchair accessible taxis.

3.6. The Regulations also introduce new general accessibility requirements including the fitting of communication devices and the specifications for steps, handrails and handholds.

4. Consultation Outcome

4.1. A consultation exercise was carried out by the Department between 7th February and 4th April 2014 and the consultees who responded were generally supportive of the proposals. Some respondents expressed concern with certain aspects of the technical requirements. The Department conducted further research and subsequently concluded that it would be appropriate to amend the legislation in order to address those concerns.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have significant implications for equality of opportunity. There are minor impacts for men compared to women since drivers of taxis are predominantly male. There is also a minor impact on consumers with disabilities, but it is anticipated that this will be a positive impact and therefore no mitigation is required. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. An initial Regulatory Impact Assessment ("RIA"), was included in the consultation paper and a full RIA is attached as an annex to this Memorandum. The RIA indicated that provision of transitional arrangements for existing wheelchair accessible taxis would provide the most effective means of upgrading and improving the number of accessible taxis in use in Northern Ireland, and to this end such vehicles will be permitted to meet less stringent standards for 6 years after the Regulations come into operation.

7. Financial Implications

7.1. The Department has considered the financial implications and concluded that the introduction of the new requirements will, for the most part, only impact small businesses. This impact is, however, mitigated by the fact that the Department is granting grandfather rights to those taxis that were licensed under the 1981 Order at any time in the 12 months ending on the operative date of the Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Regulations were notified to the European Commission as technical Regulations under Directive 98/34/EC. The Commission did not comment on the Regulations.

10. Parity or replicatory measure

10.1 The taxi industry is regulated differently in Great Britain and so no equivalent Regulations currently exist in Great Britain.

11. Additional information

11.1. Not applicable.

Annex

FINAL REGULATORY IMPACT ASSESSMENT

1. TITLE OF PROPOSAL

Introduction of a statutory rule to implement revised and upgraded technical standards for wheelchair accessible taxis in Northern Ireland.

The Taxi Accessibility Regulations (Northern Ireland) 2015.

2. INTRODUCTION

A Regulatory Impact Assessment (RIA) is a tool that informs policy decisions. It provides a basis on which potential impacts can be identified and highlights the costs, benefits and risks of a proposal or set of proposals.

It is Government policy that all Departments and Agencies, where they exercise statutory powers and make rules that will have a general effect on others, should produce RIAs.

3. PURPOSE AND INTENDED EFFECT

The proposed statutory rule is part of a programme of measures designed to reform the legislative framework within which taxis operate in Northern Ireland. The aim is to create a more effective and equitable regulatory framework whilst promoting road and personal safety and fair competition.

This RIA lays out the options considered during the development of the relevant policy and gauges the potential impact that they will have on the taxi industry, other related businesses, taxi users and wider society.

4. KEY OBJECTIVES

The key objectives are to:

- create equality of access to the taxi industry for wheelchair users
- modernise the technical specification to take account of modern wheelchair design
- promote road and passenger transport safety
- improve overall consumer confidence in the Northern Ireland taxi industry as a whole

5. BACKGROUND

In July 2011 the DOE consulted on new proposals for Taxi Licensing for vehicles being used to provide transport for reward. The next step was to consider the technical specification for wheelchair accessible taxis licensed under the new regime.

In November 2012 the Department engaged Integrated Transport Planning (ITP) to conduct research into the taxi industry in Northern Ireland. One of the research outputs delivered in December 2013 was a recommendation for a new technical specification for a wheelchair accessible vehicle, and a detailed assessment of the potential impact of its introduction.

Building on this research the Department developed a new specification for wheelchair accessible taxis and consulted on it between 7 February and 4 April 2014. The main proposals in this consultation were:

- a phased introduction of the new specification for wheelchair accessible taxis;
- that non-wheelchair accessible taxis should still be permitted to carry wheelchair users if requested to do so; and
- that existing wheelchair accessible taxis (i.e. those currently licensed as Belfast Public Hire) should be permitted to continue operating as wheelchair accessible for up to 5 years provided they can comply with the existing wheelchair accessible specification.

The Department received 386 responses to the consultation, stating that they represented the views of 2,463 people. Responses were received from the Public and Private Hire taxi sectors as well as from the Consumer Council and the Inclusive Mobility and Transport Advisory Committee. The responses were generally supportive of the proposals, although there was a sizeable minority of responses which did not fully support the new specification. These were mostly from Belfast Public Hire drivers who felt that it would have a strong negative effect on their particular vehicles.

6. IMPACT OF OPTIONS

Option 1: Do nothing:

The **benefits** of this option are:

- no cost to the Department or industry to introduce and no new operational guidance required

The **cons** are:

- difficulty continues for some wheelchair users who cannot use current wheelchair accessible taxis
- disabled consumers are unable to have confidence that the vehicle is suitable for their needs

Option 2: Introduce new specification without transitional arrangements being in place.

The **benefits** of this option are:

- provides for an instant modernisation of the wheelchair accessible fleet
- the economy will benefit through increased enterprise, including a boost to the tourism potential of a more accessible Northern Ireland
- disabled consumers are able to have confidence that the vehicle is suitable for their needs

The **cons** are:

- operational guidance will need to be updated
- the cost of new wheelchair accessible taxis could increase
- around 52 existing vehicles would not meet the new specification and could no longer be used with little warning

Option 3: Introduce new specification with transitional arrangements for the existing fleet that last for 6 years (this having been increased from 5 years after consideration by the Department of a request to do so by the Assembly's Environment Committee):
The **benefits** of this option are:

- it provides for a phased modernisation of the wheelchair accessible fleet
- the economy benefits through increased enterprise including a boost to the tourism potential of a more accessible Northern Ireland
- disabled consumers are able to have confidence that they can obtain a vehicle suitable to their needs
- allows the existing fleet owners time to prepare for the change

The **cons** are:

- operational guidance will need to be updated
- the cost of new wheelchair accessible taxis could increase
- disabled consumers would have to wait longer to see a fully accessible fleet

7. BENEFITS AND COSTS

Sectors and groups that will be affected by the proposed changes include:

- taxi drivers who drive wheelchair accessible taxis;
- all taxi operators who provide wheelchair accessible taxis;
- wheelchair users; and
- consumers with disabilities which do not require the use of a wheelchair.

Benefits

Option 1: The principal benefit is that no change is required operationally.

Option 2: The principal benefit is that wheelchair users can be assured of immediate improvement in service.

Option 3: The principle benefit is that wheelchair users will gradually see improvement in their service, and the industry will have time to prepare for the change.

Costs

Option 1: The main cost to this option is that current wheelchair accessible taxis are not suitable for many modern wheelchairs.

Option 2: The main cost of this option is to the taxi industry, as new vehicles must be purchased within the next 12-18 months. The total industry cost is projected to be almost £440k; with the amount individual drivers will have to pay depending on the saleable value of their existing vehicle. There is a minor cost to the Department of operational change to DVA.

Option 3: Introduce new specification from the operative date of the Regulations with transitional arrangements for the existing fleet: The main cost to this option is to the industry, but the transitional period allows this to be prepared for.

8. SMALL FIRMS IMPACT TEST

Since drivers of many existing wheelchair accessible taxis are owner-operators, these proposals will for the most part only impact small businesses. However this impact is mitigated by the transitional arrangements proposed.

Some small private hire firms may be affected as they will now be required to have vehicles fully compliant with the wheelchair accessible specification if they wish to

continue to advertise the vehicles or services as wheelchair accessible. The Department will work with the private hire industry to mitigate the impact of this.

9. COMPETITION ASSESSMENT

The proposal is slightly advantageous towards taxis licensed for Public Hire in Belfast, as all such vehicles are already required to be wheelchair accessible; however this is balanced with other areas of Taxi Reform which are less advantageous to them. The transitional provisions will apply to all currently licensed wheelchair accessible taxi.

10. ENFORCEMENT, SANCTIONS AND MONITORING

The Department is responsible for ensuring that vehicles licensed for use as taxis in Northern Ireland are fit for use in respect of safety and the comfort and convenience of the travelling public. Following the introduction of these Regulations the Department, in liaison with the DVA, will monitor the construction of wheelchair accessible taxis through the annual taxi vehicle test. DVA will also carry out occasional roadside checks to ensure compliance.

If an operator, owner or driver contravenes the relevant taxi licensing laws, the maximum penalty is a fine not exceeding level 3 on the standard scale, currently £1,000.

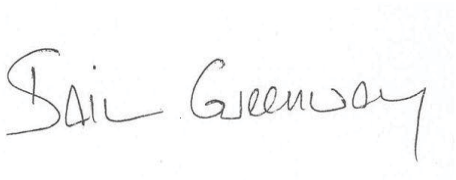
11. SUMMARY AND RECOMMENDATION

The policy intentions embodied in the Taxis Act in 2008 will not be fully realised until the necessary subordinate legislation is made and operative, and the rationale for modernisation and rationalisation remains unchanged since the Department commenced the policy development process. For this reason the recommendation is that Option 3 is pursued, the legislation is made with transitional arrangements and the new regulatory framework introduced. This will be achieved by making regulations now for vehicles that are new to the industry, and then making

regulations prior to the end of the 6 year transition period to encompass all taxis which operate under a Wheelchair Accessible Vehicle licence.

12. DECLARATION

"I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs."



Signed

IAIN GREENWAY

Date **14th May 2015**

Contact Point

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