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Industry News

Taxi, Hackney and Limousine Industry News

From the Commissioner

Welcome to Issue Six of our industry newsletter. As most of you will be aware, in May of this year I formally took up the position of Commissioner for Taxi Regulation. Whilst the role is a new one, having previously been Deputy Commissioner and Director of Operations at the Commission since its establishment, I have been closely involved in implementing the Action Plan for the industry.



Since May I have had a number of meetings with industry representatives and other stakeholders around the country and I intend to continue to work closely with these groups to reach our common goal of a first class SPSV industry in Ireland.

In this edition of the newsletter we look at our first initiative towards licensing dispatch operators and give an update on our review of the transferability of licences. As usual we also try to answer the most frequently asked questions we receive through our industry information line.

Our regular enforcement update concentrates on the application of 'on-the-spot' penalties. However, I feel it should be noted that we continue to be pleased by the overall standard of compliance and levels of service across the industry. Of course, this doesn't mean we should be complacent and we must continue to ensure that everyone is meeting the same standard.

One of our identified priorities is to encourage the use of SPSVs amongst the general public. We recently ran advertising campaigns around the Galway races and the Rose of Tralee and we are currently running a national television, radio and print campaign. We have also produced a guide to SPSV use for consumers and similarly one aimed at the industry itself is being prepared.

Over the coming months we will continue with the implementation of 'Driving Forward'. Next year we will be taking over driver licensing from the Gardai and we also intend to announce the new vehicle standards following our recent public consultation process. As you can see, we have a busy period ahead of us, but one that will move us closer to our goal.

Kathleen Doyle
Commissioner for Taxi Regulation

Licensing of Dispatch Operators

The Commission is of the view that dispatch operators in Ireland are, and will continue to be, a key element in the provision of a first-class service to the travelling public.



They have a critical role to play in ensuring that customers can have confidence that, when they book a vehicle the dispatch operator has the ability to deliver the service or, where difficulties arise, to inform the customer in a timely fashion so that alternative arrangements can be made. They also have a key role to play in improving the delivery of SPSV services to people with disabilities, many of whom are reliant on a door to door transport service.

It is important that the Commission encourages the growth of this sector in a properly regulated fashion and it has previously stated its intention to put in place new operational standards and licensing for dispatch operators.

As the first step towards this full licensing, the Commission is commencing a voluntary register of dispatch operators. Those who wish to join the register can download a form from the Commission's website www.taxiregulator.ie or order one through the industry information line 1890 347 347.

As part of this process, the Commission will also be making a number of presentations to inform dispatch operators of the plans for improving regulation of this part of the industry.

Transferability of SPSV Licences

In June 2007, the Commission began seeking views from the industry in relation to the appropriate operation and control of taxi and wheelchair accessible taxi licences. The purpose of this review is to enhance compliance with SPSV legislation.

The deadline for responses was 1st September 2007 and over 130 submissions were received. The Commission will now consider all views submitted and review current regulations in relation to the operation and control of these licences.

Enforcement Update

Whilst the Commission continues to be impressed by the overall standard of compliance in the industry, there is no room for complacency. Effective enforcement is an essential element in achieving and sustaining consistently high standards and in preventing unlawful or sub-standard service provision.

In July of this year, The Commission brought its first prosecution against a driver. Mallow District Court found in the Commission's favour convicting and fining the driver €1,000 for operating an unlicensed taxi. The Commission was also awarded €800 in costs.

As well as bringing prosecutions, the Commission also has the power to issue on-the-spot penalties for a number of 'fixed charges offences'. Whilst common sense will prevail and the Commission will continue to give advice and warnings to drivers where appropriate, the penalties system represents an efficient method of administering a range of offences under the SPSV Regulations that would otherwise be prosecuted in court.

Contravention of a fixed charge offence attracts an on-the-spot penalty of €250. In the event that the fine is not paid within 28 days from the date of issue, the Commission will institute court proceedings, which could result in a fine of up to €5,000 together with a possible award of costs against the accused.

Fixed Charges Offences

There are 22 fixed charges offences, listed below as follows:

- Failure to comply with roof sign requirements for taxis and wheelchair accessible taxis, including failure to display current licence number within 28 days of the date of issue of a new licence number;
- Failure to display tamper-proof disc;
- Failure to provide a receipt;
- Operation of more than one small public service vehicle licence in respect of a single vehicle;
- Removal or attempt to remove tamper-proof disc;
- Failure to display any in-vehicle information specified by the Commission in a small public service vehicle;
- Removal or attempt to remove the in-vehicle information;
- Refusal to carry a passenger for a journey of not more than 30 kilometres;
- Failure to have taximeter properly calibrated in line with the current national maximum fare;
- Causing the taximeter in a taxi or wheelchair accessible taxi to operate while the vehicle is standing for hire or plying for hire;
- Failing to operate the taximeter while the taxi or wheelchair accessible taxi is on hire;
- Refusal to carry a guide dog or other assistance dog;
- Standing at an appointed stand when the vehicle is not available for hire;
- Operating as a taxi or wheelchair accessible taxi without having demonstrated satisfactory knowledge of the local area;
- Failure to display driver identification;
- Failure to carry driver smartcard identification;
- Failure to comply with requirements in relation to the fitting and operation of the taximeter;
- Displaying on a hackney or limousine a sign or advertisement other than one prescribed by the Commission;
- Applying a booking fee when plying for hire or standing for hire or, without having been pre-booked by a consumer, at an airport or other transport station or terminal;
- Plying or standing for hire in a hackney or limousine;
- Standing for hire other than at an appointed stand; and
- Displaying forged driver identification.

Lapsed Licence Renewal

As part of its rollout of the new national vehicle licensing system for SPSVs last year, the Commission changed the procedures in relation to the restoration of lapsed licences. The main change was the removal of the perception of a 'period of grace' in some local authority areas which gave licence holders an additional two months to renew their vehicle licence.

The change was made as this 'period of grace' was contrary to existing regulations and also to ensure that there was a consistent approach to licensing. The Commission took a number of steps to ensure that this did not create undue practical or financial difficulties for individual licence holders, including:

- *Introducing a renewal facility up to 12 weeks in advance of the expiry date;*
- *Issuing a written reminder to all individual licence holders 12 and then six weeks prior to the expiry date;*
- *Changing the requirement for a District Court order for renewal from two months after expiry to six months after expiry;*
- *Introducing an interim waiver of part of the restoration fee (€125 of the full €500 to cover the cost of renewal) for the vast majority of licence holders whose licences have lapsed on a once-off basis only.*

From 1st October, 2007, all active licence holders will have had an opportunity to renew at least once under the new national licensing system and the Commission will therefore be ending the interim waiver of part of the restoration fee in respect of all lapsed licences. Therefore, from October 2007 onwards the full restoration fee of €500 will be charged.

The Commission cannot accept responsibility for any delays in the securing of documentation from a third party administrative process e.g. the Revenue Commissioners, insurance companies or the NCTS vehicle testing service. However, in the case that a licence holder has experienced undue hardship such as illness or a family bereavement, or where the licence lapsed due to the death of the licence holder, the Commission will consider such applications (supported by relevant evidence) on a case-by-case basis and may refund part of the restoration fee at their discretion.

The Commission is still processing a significant number of applications for lapsed licences and there remains a low uptake of licence holders availing of the early renewal facility. We would urge all licence holders not to allow their licences to lapse, not only for their own convenience but also to ensure that drivers are not operating with lapsed licences - this is a criminal offence and is liable to prosecution. Operating without a licence also has potentially serious insurance implications.

An explanatory guide to the restoration of lapsed licences (G4), and a copy of the application form for the restoration of lapsed licences (Form VL4) are available from the Commission's website at www.taxiregulator.ie or by phoning the Commission's industry line at 1890 347 347.

Renewing your SPSV Licence

Please remember that upon renewal of your SPSV licence, it is essential that all the documents you present at the NCT centre are originals, not copies. Those presenting photocopies or other non-original documents will not be able to renew their licence.

The original documentation required for renewal is:

- 1. an original current tax clearance certificate in the name of the licence holder and with the correct address;**
- 2. an original insurance certificate which is in date, includes the registration number of the vehicle and clearly states that it is insured as a SPSV;**
- 3. an original NCT certificate in respect of the vehicle that is not older than 90 days; and**
- 4. the renewal fee of €125.**

Renting Vehicles and/or Vehicle Licences

Drivers who rent their vehicles and/or their vehicle licences should remember that it is their responsibility to ensure that the tamper-proof discs on the vehicle they are using have not expired. It is not enough for the person renting to rely on assurances given by the person leasing out the vehicle. It is the driver who will be liable to prosecution.

Our new tamper-proof discs, which clearly display the licence expiry date, should make it simpler for a person renting a vehicle to establish whether or not a SPSV vehicle licence is valid and current.



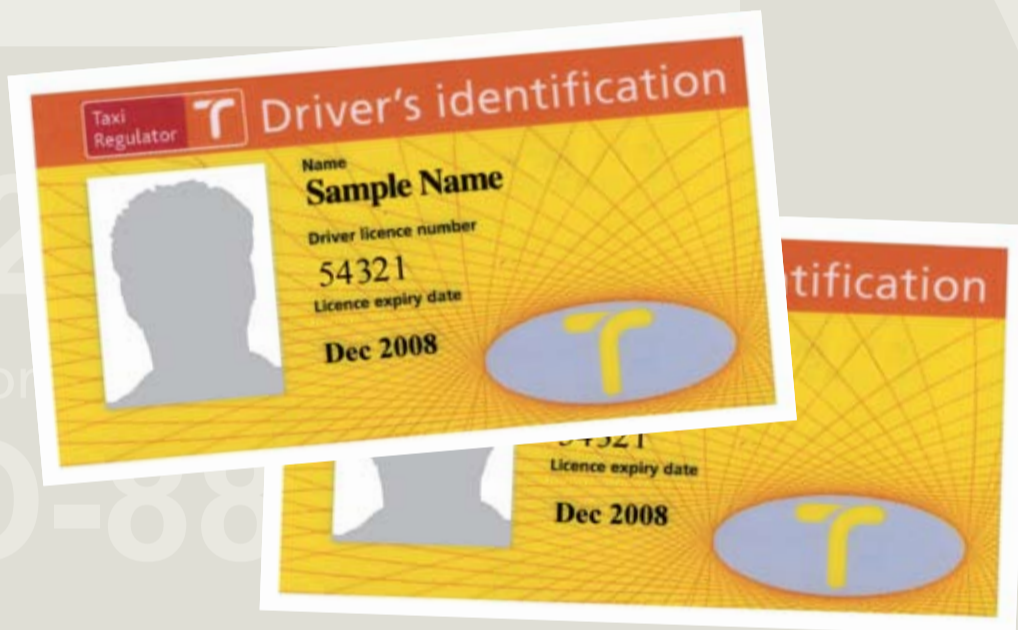
Your Questions Answered

Q: How do I obtain a SPSV driver's licence?

A: To become a licensed SPSV driver you must first contact your local Garda station or PSV office where you will receive an application form.

Upon completion of the form, it should be submitted along with all the necessary documents requested to your local Garda station where you are put forward for vetting. If you are deemed a suitable candidate your file is then returned to your local PSV office. If all requirements are met, you will then be informed of the dates to attend for a knowledge test. If you achieve the necessary results, you are compelled to obtain a €3 receipt from the Motor Tax Office which shows that you have paid for your new licence.

Once you have collected your licence you may operate as a SPSV driver. A copy of your licence and a photograph is also sent to the Commission for Taxi Regulation.



ID cards

On receipt of licence information from the PSV office, the Commission for Taxi Regulation enter the relevant details of your licence into the national register. Once this is completed, the process of printing your driver ID cards can start. You should receive your driver ID cards by post approximately two weeks after receipt of your file from the PSV office.

Q: What do I do if my cards are stolen or lost?

A: If you lose your ID cards or they are stolen from you, you must report it to your local PSV office. The Commission has provided DL4 forms to assist with the process.

The PSV office will sign and stamp the form and provide you with two copies. You then have to send one to the Commission at the PO box address provided on the form. You also need to arrange for payment – there is a €25 charge to have your cards replaced.

Please follow the instructions on the form regarding the payment process. No cards will be reprinted until a stamped copy and payment has been received. If you have any queries on this please call the Commission on 1890 347 347.

Q: Am I insured if my SPSV licence has expired?

A: Many insurers adopt the policy that if either your SPSV vehicle or driver's licence is invalid for any reason, they will deny liability. This means that you would not be insured in the event of an accident.

Q: Do I still need to keep my hackney plate when I have been transferred to the new licensing system?

A: The new tamper-proof discs placed on the windscreen and rear windows of all licensed small public service vehicles replace the need for plates/badges. When you have licensed your vehicle for the first time under the new system you are required to remove your hackney plate number from your vehicle. Similarly, limousines are required to remove their limousine plate from the vehicle.