

Taxi Regulator
An Rialálaí Tacsaithe



Commission For Taxi Regulation
An Coimisiún Um Rialáil Tacsaithe

Licensing Conditions and Procedures

Commission for Taxi Regulation's
Regulatory Impact Analysis of
proposed actions for building on
progress to date

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1. Background & Issues

1.1 Introduction

One of the Commission's stated objectives under the Taxi Regulation Act (2003) is to pursue the continued development of a qualitative and customer orientated licensing system, regulatory code and standards for small public service vehicles, licence holders and drivers. Licensing conditions act as the means of matching the regulatory code with individual operator obligations. They play a key role in setting and maintaining quality standards for both operators and vehicles, to the benefit of both operators and SPSV users. The licensing function also facilitates enforcement of the regulations. Finally, licensing fees serve to pay for the regulation of the sector.

Due to the nature of its terms of reference, the Economic Review of the SPSV Industry (2009), made no specific recommendation on licensing practices. It did however make some broad suggestions around improving quality, enforcement, data collection and provision, and accessibility to SPSV services for people with a disability. Changes in these areas often require changes in licensing conditions and procedures.

Following the publication of the Economic Review, the Commission invited submissions from interested stakeholders regarding the Review's recommendations. Following a review of these submissions, the Commission organised a consultation process with interested parties. Actions for amending licensing conditions and procedure were discussed with a wide range of user representative groups, driver representative groups and dispatch operators.

The Commission has now evaluated the proposed changes to licensing conditions and procedures in line with the Department of An Taoiseach's guidelines on Regulatory Impact Analysis. The primary objective of this document is to summarise the evaluation of the proposed actions, and in light of this evaluation, to present the Commission's planned actions in this regard. The remainder of the document is structured as follows:

- The remainder of *Section 1* summarises the Commission and other stakeholder's role in licensing, and summarises the key challenges and issues as highlighted in the review of submissions and consultation process following the Economic Review;
- *Section 2* outlines the internally (Commission) and externally suggested changes to licensing conditions and procedures;
- Following this, *Section 3* presents the Commission's evaluation of the proposed actions;
- *Section 4* outlines the consultation process and summarises the views of stakeholders with regard to licensing;

- Finally, *Section 5* presents the Commission's planned actions for moving forward, together with the associated enforcement and review considerations.

1.2 Current Approach and Key Issues

1.2.1 OVERVIEW

The submissions and consultation process highlighted a number of concerns that both the Commission and stakeholders had regarding various existing licensing conditions and procedures. The focus of the issues raised were in relation to how the current licensing conditions and procedures were impacting on quality standards, health and safety, unfair competition between drivers, and enforcement issues. An added dimension from the Commission's perspective, was to ensure a proportionate and cost-effective pace of regulatory reform that balances increasing standards with industry readiness and the principles of a liberalised market. A summary of the issues raised are outlined below.

1.2.2 DRIVER LICENSING

An Garda Síochána are currently the issuing authority for SPSV driver licences. The Commission has increased its role in administration of the driver licensing procedure over the last number of years. However, it is the Gardai who issue, collect and check the documentation in the first instance. Going forward, the Commission will take over full responsibility for driver licensing (excluding the vetting of driver licence applicants which will remain with Gardai), subject to the administrative processes being put in place.

Due to the fragmented nature of the SPSV industry, submissions and opinions often differ as to what stakeholders see as the major issues. However, a number of key points were raised in relation to driver licensing procedures. These include:

- *Licence entry standards*: a number of people stated that licensing entry standards for new drivers are not high enough and therefore are having an adverse impact on quality. It should be noted that the Commission launched the Driver Skills Development Programme in May of this year which has and will continue to alleviate many of these concerns;
- *Renewal frequency*: that licence renewal is too infrequent (5 years) and increases the chances of non-compliant or unfit operators being allowed to operate; The Commission has undertaken that when it takes over driver licensing, renewal frequency will be reduced to three years, subject to operational resources and processes being in place;
- *Existing driver standards*: a number of stakeholders raised issues around the standard of driver in the industry. The skills development programme seeks to address these issues. However, existing drivers only have to undertake the development programme on renewal of their licence from 2012. This timeframe was put in place by the Commission in 2008 following extensive

consultation and industry support for a phased roll-out. Approximately 55% of existing driver licence holders are due to renew their licences between 2010 and the end of 2011. These drivers are therefore not due to sit the Skills Development Programme until 2015 – 2016 under the current policy;

- *Entry and renewal checks:* concerns have been raised that some people are being allowed to operate an SPSV that may not be able to work elsewhere, because the licensing information collected is insufficient and/or is not being shared with relevant third parties. A further concern is that Section 36 has not been fully implemented to date;
- *Licensing condition for working hours:* drivers with second occupations (“double-jobbers”) are permitted to operate in the SPSV industry. Some stakeholders suggested that this may lead to health and safety concerns for drivers and their customers if drivers have been working very long hours.

Proposed actions to address these concerns are outlined in Section 2.

1.2.3 VEHICLE LICENSING

The Commission administers the SPSV vehicle licensing process. Vehicle licences must be renewed every year. In order to purchase a vehicle licence the applicant must provide the Commission with: personal contact details; PPS number; Vehicle Registration Certificate; an original current Tax Clearance Certificate (TC2); and an original current SPSV insurance certificate.

Vehicle licence holders are not required to have an SPSV driver licence, although the vast majority of vehicle licence holders are owner operators. Vehicle licence holders who do not have a SPSV driver licence typically employ somebody to operate on their licence or offer the vehicle licence (and possibly a vehicle too) for rent or lease to another operator. In these cases, the Commission requires that the vehicle licence holder must ensure any additional driver has a current SPSV driver licence and is insured to drive the vehicle as an SPSV. Details of the SPSV driver licence and insurance certificate must be held by the vehicle licence holder and made available for inspection by the Commission on request.

Where the vehicle licence holder has a number of vehicle licences, a separate record must be held regarding the SPSV driver licence and SPSV insurance cover of each driver with regard to each vehicle licence. Again, records must be available for inspection by the Commission on request.

Against this background, there were a number of issues raised by stakeholders around vehicle licensing:

- *Age of existing fleet:* In 2007, the Commission set new vehicle standards which included a provision that from 2012, all taxi and hackney vehicle licences being renewed must be on a vehicle that is nine years old or less. However, since then the average fleet age has increased,

and at present 29% of taxis and 32% of hackneys are nine years old or more. The current 2012 timeframe may be acting as a target for some drivers, before which they will not upgrade their car. A number of stakeholders have made the point that it is unfair for drivers who operate higher quality and newer vehicles to have to compete with operators who are not investing in their vehicles. This is particularly a problem in the cases where customers do not always have a clear choice in what vehicle they hire;

- *Age of new vehicle entrants:* whereas the existing fleet had until 2012 to comply with the nine year rule, new vehicle licence applicants have had to meet this rule since 2009. However, concerns were raised that entrants can enter the industry with a vehicle which is over nine years old by buying a pre 2009 vehicle licence from an existing operator;
- *Rented licences and multiple licence holders:* a number of stakeholders raised the point that the rental market may be a source of non-compliance, given that vehicle licence holders renting out their licence to third-parties may not be undertaking sufficient driver licensing checks. As outlined above, the Commission does carry out compliance checks with respect to this market.

Proposed actions to address these issues are outlined in Section 2, and evaluated in Section 3.

1.2.4 TRANSFERABILITY

Person to person transferability of vehicle licences is currently allowed for taxi and wheelchair accessible licences. The Commission implements a number of conditions to aid monitoring of transferred licences, including:

- The licence can only be transferred if the licence is active;
- A formal application form to transfer a taxi or wheelchair accessible taxi licence must be completed;
- Both parties are required to fill out their full contact details and the change of vehicle details if the licence is to be transferred to a different vehicle;
- If a change of vehicle is involved a valid NCT certificate is required in respect of the vehicle being licensed (which should not be more than 90 days old) and a valid suitability certificate for the vehicle being licensed;
- An original current SPSV insurance certificate is required in respect of the vehicle being licensed;
- An original current Tax Clearance Certificate (TC2) is required in respect of the applicant applying to transfer the licence into his or her name.

The transfer of a SPSV licence is only deemed to have transferred once the relevant documentation and appropriate fee has been validated and processed and a licence certificate with details of the new licence holder issued. The details of all licence holders and vehicles (past and present) in respect of a taxi or WAT licence are stored on the SPSV vehicle database. Only the current licence holder's details are shown on the SPSV vehicle register.

In 2007 the Commission ran a consultation process which considered restricting the transferability of vehicle licences between persons. Industry responses were generally against the notion of a change to transferability at this time. However, following the Economic Review consultation process industry representatives and other stakeholders have expressed a belief in a need of some form of restriction in the transferability of vehicle licences between persons (although existing licence holders should be allowed to get a financial return for their licence). This is borne of their perception that transferred licences are difficult to monitor and are being used by multiple licence holders for rental opportunities.

The Commission believes that a restriction of transferability will facilitate a number of actions aimed at improving quality standards, enhancing enforcement and compliance activities, and improving access to SPSV services for people with disabilities.

1.2.5 EQUIPMENT LICENSING

The Commission does not licence the sale of vehicle equipment such as roof signs, taximeters and so on. Issues around ensuring only licensed operators are issued with SPSV related equipment is not addressed in this document, but will be addressed in the Commission's new action plan for 2010 – 2011.

2. Objectives and Options

2.1 Summary of Objectives

In light of the challenges outlined above, the Commission has explored a number of proposed options for changing licensing conditions and procedures. The Commission has evaluated these options with the following objectives in mind:

1. Greater administrative efficiency and frequency for the driver licensing process;
2. Greater use of the driver and vehicle licensing process to improve quality and standards in a timely fashion;
3. Maximising the use of licensing processes and related data collection to improve enforcement and compliance activities.

A number of potential options for achieving these objectives are outlined below. These were put forward during internal Commission workshops, stakeholder submissions following the Economic Review, as well as in consultations and workshops with industry representatives.

2.2 Proposed Actions on Driver Licensing

A number of changes to driver licensing conditions and procedures have been considered. These include:

- Increased driver licence renewal frequency (a shorter life for the licence);
- Annual checks of driver licensing information;
- Additional information on licence applications and renewals;
- A licensing application condition whereby applicants must have held a full Irish driving licence for 2 years before entry to the industry;
- New entrants to undertake to be available 30+ hours per week;
- Fast-track the requirement for existing drivers to sit the Skills Development Programme.

Responsibility for the implementation of any of these options would lie with the issuing authority. This is currently An Garda Síochána. However, the Commission will take over this function when a handover plan is agreed with an Garda Síochána and the subsequent administrative processes are put in place. It is unlikely that any significant changes will occur until this happens.

2.3 Proposed Actions on Vehicle Licensing

A number of actions to increase the quality and standards of vehicles, as well as compliance and enforcement improvements, have been considered, including:

- All vehicle licence holders to hold an SPSV drivers licence;
- No more vehicles licences issued for those with one existing licence;
- Commission to implement a “fleet licence” for multiple licence holders;
- Change of vehicle transfers to comply with nine year rule;
- Nine year age rule for existing vehicles to be fast-tracked to 2010.

These are evaluated in Section 3 of this document.

2.4 Proposed Actions on Transferability

In 2007, the Commission consulted industry with regard to an end to transferability. At that time, the majority of industry responses called for maintaining the status quo. However, industry responses as part of the post Economic Review submission and consultation process have been in favour of some form of restriction in the transferability of vehicle licences between persons, in order to address both compliance and quality concerns. A number of approaches are considered:

- An end to transferability of licences, except on death or serious illness;
- Restricting transferability to “One (more) transfer only” for existing licence holders, and zero for new entrants;
- “One more transfer” only to vehicles that are less than three years old, and zero transfer for new entrants;
- The Commission to buy-back vehicle licences for those looking to exit the industry.

Each of these options are considered in detail in Section 3. Particular cognisance has been given to balancing the Commission’s quality and enforcement objectives with meeting the expectations of existing operators who entered the industry on the assumption they could transfer their licence.

3. Costs, Benefits and Impact

3.1 Driver Licensing

OPTION 1: INCREASE DRIVER LICENCE RENEWAL FREQUENCY		
Description: A reduction in the length of time between driver licence renewals from the current five year renewal period to three years.		
Likely Impact: An increased frequency in renewals would improve compliance and enforcement checks, as driver licensing conditions and driver background (vetting) is carried out on a more frequent basis, assuming the Gardai were in a position to vet applicants every three years.		
Stakeholder	Benefits	Costs
Exchequer	Greater assurance that operators are fit and proper persons.	None
New Entrants	None	More frequent payment of the driver licence renewal fee.
Existing Drivers	Levels the playing field as drivers that are not 'fit and proper person' will be identified sooner.	More frequent payment of the driver licence renewal fee.
SPSV Users	Greater assurance that operators are fit and proper persons.	None
Dispatch Operators	Affiliated drivers more likely to be 'fit and proper'	None
Fleet Owners/Multiple Licence Holders	If they are renting licences, then they benefit from greater assurance that driver is fit and proper.	None
The Commission	Greater assurance that operators are fit and proper persons. Facilitates the collection of data that will ensure an up-to-date picture of the shape of the industry.	If the Commission takes over the process this will require additional resources and systems development. This would build on the Commission's existing systems.
An Gardai	Greater assurance that operators are fit and proper persons.	Increased renewal frequency would be an additional administrative burden that the Gardai may not be able to meet at present.
Critical Success Factor(s): Commission to take over the driver licensing administration process. It is highly unlikely that An Gardai will be able to increase the frequency of renewal under the current administrative structures and processes.		
Other Requirements/Issues: Gardai to be in position for vetting every three years.		

OPTION 2: ANNUAL CHECKS OF DRIVER INFORMATION

Description: Operators to provide information updates to the licensing authority on a more frequent/annual basis. Certain information changes on an annual basis (e.g. tax clearance certificates). However, currently such information is only collected every five years. There may be scope to develop systems where drivers can update the status of this information when the data changes.

Likely Impact: An increased frequency in information provision would improve compliance and enforcement checks. Data collected would facilitate third party enforcement checks by agencies such as the Revenue Commissioners (tax), Department of Social and Family Affairs (welfare), Department of Justice, Equality and Law Reform (visa status) and insurance companies.

Stakeholder	Benefits	Costs
Exchequer	A potentially low cost means of checking that operators are compliant in areas relevant to the Exchequer (e.g. welfare, tax)	None
New Entrants	Levels the playing field for compliant drivers by reducing competition from drivers that non-compliant.	Time related to providing information on a more frequent basis.
Existing Drivers	Levels the playing field for compliant drivers by reducing competition from drivers that non-compliant.	Time related to providing information on a more frequent basis.
SPSV Users	Greater assurance that operators are fit and proper persons.	None
Dispatch Operators	Affiliated drivers more likely to be 'fit and proper'	None
Fleet Owners/Multiple Licence Holders	If they are renting licences, then they benefit from greater assurance that driver is fit and proper.	None
The Commission	Greater assurance that operators are fit and proper persons. Facilitates the collection of data that will ensure an up-to-date picture of the shape of the industry	If the Commission takes over the process this will require additional resources and systems development. This would build on the Commission's existing systems.
An Gardai	Greater assurance that operators are fit and proper persons.	Would increase the administrative costs to Gardai. Gardai would have to redevelop their IT systems and information collecting practices.

Critical Success Factor(s): Commission to take over the driver licensing administration process, as this information is directly linked to the driver (rather than vehicle licensing). It is highly unlikely that An Gardai will be able to increase the frequency of renewal or document checks under the current administrative structures and processes.

Other Requirements/Issues: Also dependent on third party data sharing and IT developments.

OPTION 3: ADDITIONAL INFORMATION ON APPLICATIONS AND RENEWAL FORMS

Description: With a focus on data relevant to tax compliance, insurance, visa status, other employment status etc.

Likely Impact: The collection of additional information on application and renewal would enable a greater understanding of the shape of the industry. Data collected would facilitate third party enforcement checks by agencies such as the Revenue Commissioners (tax), Department of Social and Family Affairs (welfare), Department of Justice, Equality and Law Reform (visa status) and insurance companies.

Stakeholder	Benefits	Costs
Exchequer/Govt	A potentially low cost means of checking that operators are compliant in areas relevant to the Exchequer (e.g. welfare, tax)	None
New Entrants	Levels the playing field for compliant drivers by reducing competition from drivers that are operating illegally.	Time related to providing information.
Existing Drivers	Levels the playing field for compliant drivers by reducing competition from drivers that are operating illegally.	Time related to providing information.
SPSV Users	Greater assurance that operators are fit and proper persons.	None
Dispatch Operators	Affiliated drivers more likely to be 'fit and proper'.	None
Fleet Owners/Multiple Licence Holders	If they are renting licences, then they benefit from greater assurance that driver is fit and proper.	None
The Commission	Greater assurance that operators are fit and proper persons. Facilitates the collection of data that will ensure an up-to-date picture of the shape of the industry	If the Commission takes over the process this will require additional resources and systems development. This would build on their existing systems.
An Gardai	Greater assurance that operators are fit and proper persons.	Would increase the administrative costs to Gardai. Gardai would have to redevelop their IT systems and information collecting practices if they remain as the licensing authority.

Critical Success Factor(s): More feasible if Commission is licensing authority. Information collected subject to data protection legislation – some information may not be within the Commission's remit or powers to collect

Other Requirements/Issues: Also dependent on third party data sharing and IT developments.

OPTION 4: FULL IRISH DRIVING LICENCE FOR 2 YEARS BEFORE ENTRY

Description: Currently EU/EEA licence holders can drive on their domestic licence, or transfer to an Irish licence. Most Non-EU drivers already have to transfer to Irish licence after 12 months. To ensure that entrants have adequate driving experience in Ireland, and to ensure that their licence is subject to Ireland penalty points etc, those applying for a SPSV driver licence must produce a full Irish driving licence, that has been valid for two years.

Likely Impact: Delays entry for younger drivers or drivers from other countries. Increases the chances that these drivers have experience of driving on Irish roads. However, possession of a two year old licence is not a guarantee that the holder has in fact been driving over that period, although it would be reasonable to expect that this would be the case for most licence holders.

Stakeholder	Benefits	Costs
Exchequer	Help ensure that other non-Irish drivers here are subject to the same endorsements on their licences as those holding an Irish driving licence.	None
New Entrants	For many it would mean that they have experience of driving on Irish roads before carrying members of the public.	May increase the amount of time it takes for some drivers to enter the industry.
Existing Drivers	None	None
SPSV Users	Increases the chance that their driver has significant experience of driving on Irish roads.	None
Dispatch Operators	Assuming this results in more knowledgeable drivers, may reduce complaints/increase customer satisfaction with service provided.	None
Fleet Owners/Multiple Licence Holders	None	None
The Commission	May help the Commission in achieving its objective of promoting high quality service provision.	Could be subject to legal challenge.
An Gardai	Help ensure that other non-Irish drivers here are subject to the same endorsements on their licences as those holding and Irish driving licence.	Requesting the production of a licence on application for a SPSV licence would constitute an additional administrative step.

Critical Success Factor(s): Implementation of additional licensing requirements is more feasible if Commission is licensing authority.

Other Requirements/Issues: Upcoming RSA initiatives may also impact on the feasibility of this option. Also, there may be issues around enforcing this condition on EU/EEA drivers, given that Ireland is signed up to the mutual recognition of national driving licences. A possible workaround for this would be that drivers are allowed to retain their domestic licence, but are required to have an Irish licence in addition to their domestic licence. This would require the cooperation and additional systems development/change of legislation within the Motor Tax Office.

OPTION 5: NEW ENTRANTS TO BE AVAILABLE 30+ HOURS PER WEEK

Description: The introduction of a licensing requirement whereby operators undertake to be available to drive for more than thirty hours a week. Those that don't meet this licensing condition would not be granted a licence.

Likely Impact: The implied objective of this suggested action would be to reduce the number of part-time operators and double jobbers in the industry. The Economic Review estimated that at least 16% of drivers were part-time, and 14% had another job.

Stakeholder	Benefits	Costs
Exchequer/Govt	None	None
New Entrants	Full-time new entrants would face a reduction in competition from part-time drivers and double-jobbers.	Barrier to entry for part time drivers and operators with another job. To enable monitoring of this, a 'tachograph' type technology would have to be introduced to the vehicles. This would be a cost to the driver.
Existing Drivers	Existing operators would face a reduction in competition from part-time operators and operators with another job..	If it were extended to existing operators (i.e. on renewal of your licence), then a significant portion of the fleet would be decimated part-timers and operators with another job), assuming full disclosure of actual working hours. Monitoring and enforcing this would carry additional costs to the Commission. To enable monitoring of this, then a 'tachograph' type technology would have to be introduced to the vehicles. This would be a cost to the driver. The reduction in the number of drivers, together with additional enforcement costs, may result in increased driver licence renewal fees.
SPSV Users	None	May reduce supply of vehicles available at peak times. May reduce supply of services in rural areas, where SPSV operators offer services on a part-time basis.
Dispatch Operators	None	May reduce supply of vehicles available at peak times.
Fleet Owners/Multiple Licence Holders	None	Cost of tachograph/technology to enable monitoring.
The Commission	None	Significant monitoring and enforcement costs. Would probably require a change of legislation/regulations which would be open to legal challenge
An Gardai	None	This would constitute an additional administrative step in the driver licensing process.

Critical Success Factor(s): Ability to monitor and enforce. This would require the availability of suitable, low cost technology. Then the ability to link the vehicle to driver is a further factor. For example, two part-time drivers on one car (and therefore one tachograph) could get around any enforcement activities.

Other Requirements/Issues Would exclude part-time operators from entering business, which may be anti-competitive/illegal. Secondly, requires considerable design considerations, e.g. how do you deal with holiday, days off due to illness and so on.

OPTION 6: FAST TRACK THE REQUIREMENT TO SIT THE SKILLS DEVELOPMENT PROGRAMME

Description: The Skills Development Programme went live in May 2009 in order to improve the quality of service provided by operators and to ensure that drivers had the requisite knowledge to operate in the industry. Since then, all new entrants have to study the programme materials and sit the subsequent exam before being issued a SPSV driver licence. For existing drivers the original decision was for all drivers to pass the core test (not the area knowledge) on renewal of their licence from 2012. However, because drivers only currently renew their licence every five years, those drivers renewing in 2010 and 2011 (approx 55% of drivers) would not sit the programme until 2015 and 2016.

As an objective, the Commission could seek to fast-track the uptake of the driver skills development programme with the aim of ensuring that SPSV driver licence holders will have undertaken it prior to 1st January 2012.

Likely Impact: Would mean that existing drivers will sit the programme sooner than otherwise would have been the case, with the associated quality improvement benefits.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	None	None
Existing Drivers	Sitting the programme sooner rather than later will be of benefit to drivers. The programme helps drive a positive image of the industry, which may lead to commercial benefits.	Some drivers may find it difficult to pass the test. Test fee, where applicable, although this would have been paid post 2012 in any case.
SPSV Users	Benefit from higher quality of service from drivers that have sat the skills development programme.	None
Dispatch Operators	The programme helps drive a positive image of the industry, which may lead to commercial benefits.	None
Fleet Owners/Multiple Licence Holders	None	None
The Commission	Facilitates the Commission in its objective of ensuring high quality service provision.	Cost of informing operators of the changes. Administrative costs in fast tracking test.

Critical Success Factor(s): Addressing the fears that some drivers may have regarding sitting the exam.

Other Requirements/Issues: A number of design and operational considerations remain outstanding as to what is the most efficient and effective way of achieving this goal.

3.2 Vehicle Licensing

OPTION 7: ALL VEHICLE LICENCE HOLDERS TO HOLD SPSV DRIVERS LICENCE		
<p>Description: Requirement whereby anybody holding or applying for a vehicle licence must also hold an SPSV drivers licence. This then would mean that vehicle licence holders are subject to the same licensing conditions as operators, such as sitting the driver skills development programme, being vetted by the Gardai and so on.</p> <p>Likely Impact: This would help ensure that non-operating licence holders are fully versed with the SPSV regulations. This may decrease the incidence of multiple licence holders renting out licence and vehicles to drivers that do not meet the Commission's standards and/or licensing conditions. It would also mean that vehicle licence holders are vetted, and therefore subject to the same licensing conditions as drivers.</p>		
Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	For those renting, it ensures that they are renting from somebody that is fully aware of the industry regulations and operating conditions.	None
Existing Drivers	For those renting, it ensures that they are renting from somebody that is fully aware of the industry regulations and operating conditions.	None
SPSV Users	Greater assurance that operators are fit and proper persons.	None
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	This would mean that vehicle licence holders are aware of the regulations pertaining to operating in the SPSV industry.	Cost of an SPSV driver licence, currently €250. Cost of undertaking the Skills Development Programme (where necessary).
The Commission	Greater assurance that licence holders are fit and proper persons. May decrease the incidence of multiple licence holders renting out licence and vehicles to drivers that do not meet the Commission's standards and/or licensing conditions. Would ensure that all the major SPSV industry stakeholders are familiar with industry standards and regulations.	Minimal, other than the cost of informing multiple licence holders of the new licensing requirements.
An Gardaí	Greater assurance that licence holders are fit and proper persons.	Additional vetting requirements.
<p>Critical Success Factor(s): The cooperation of An Garda Síochána (if applicable).</p>		
<p>Other Requirements/Issues: May be open to legal challenge. Certain exemptions may be needed, e.g. if a child inherits a licence. Also, need to consider whether a licence holder that does not deal with the public needs to be vetted by the Gardai.</p>		

OPTION 8: NO MORE VEHICLES LICENCES ISSUED FOR THOSE WITH ONE EXISTING LICENCE

Description: Licensing conditions whereby from now on, if you already hold one vehicle licence, you cannot purchase a subsequent licence. A number of industry stakeholders have suggested that multiple licence holders, which facilitate a rental market, do not adequately police who they are renting out their licences to.

Likely Impact: This would mean an end to new multiple licence holders. It would end the ability to build existing fleets. It would mean the rental market remains at the same size, possibly decreasing going forward.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	None	Going forward this would decrease the supply of rental from fleet owners. This could increase the cost of renting.
Existing Drivers	Reduces competition, assuming potential rental market entrants do not enter the market.	Restricts ability to sell on their licence. May increase the cost of renting in the medium-long term.
SPSV Users	None	Means the rental market cannot grow and could possibly decrease. This could have an adverse impact on supply at peak times.
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	For existing operators, this measure would reduce any 'new' competition.	Removes the ability to build on existing fleet.
The Commission	May be easier to match vehicle with drivers in the long term.	Possible small reduction in licence fee income from fleet builders.

Critical Success Factor(s): Requires legislative change – possibly open to legal challenge.

Other Requirements/Issues: Restricts competition in the rental market; Limits employment in the SPSV industry. This may be an ineffective way of regulating existing multiple licence holders/fleets.

OPTION 9: COMMISSION TO IMPLEMENT A “FLEET LICENCE” FOR MULTIPLE LICENCE HOLDERS

Description: Some multiple licence holders have a fleet of vehicles employing drivers and others rent/lease licences and licensed vehicles. Currently, multiple licence holders are required by regulations to hold records of the driver licence and insurance information on the vehicle. A fleet licence would impose new licence conditions to be met by multiple licence holders, regarding understanding of regulations, driver records, checking of bona fides, Gardai vetting and other conditions which require further consideration.

Likely Impact: Depending on the licensing conditions, the introduction of a fleet licence could improve the monitoring and enforcement around the rental market. It could also help ensure that multiple licence holders are fully aware of the regulations that their drivers are subject to.

Stakeholder	Benefits	Costs
Exchequer/Govt	None	None
New Entrants	For those renting, it ensures that they are renting from somebody that is fully aware of the industry regulations and operating conditions.	None
Existing Drivers	For those renting, it ensures that they are renting from somebody that is fully aware of the industry regulations and operating conditions.	None
SPSV Users	Greater assurance that operators are fit and proper persons.	None
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	This would mean that vehicle licence holders are aware of the regulations pertaining to operating in the SPSV industry. Implementation of the fleet licence may coincide with roll-out of a Commission run system which makes it easier for multiple licence holders to provide	Cost of the fleet licence, plus any additional administration or implementation costs. The level of this depends on the licensing conditions.

	regular, up-to-date information on the status of their fleet.	
The Commission	<p>Greater assurance that licence holders are fit and proper persons.</p> <p>May decrease the incidence of multiple licence holders renting out licence and vehicles to drivers that do not meet the Commission's standards and/or licensing conditions.</p> <p>Would ensure that all the major SPSV industry stakeholders are familiar with industry standards and regulations.</p>	<p>The cost of informing multiple licence holders of the new licensing requirements.</p> <p>Follow-on enforcement costs.</p> <p>IT/database development costs.</p>
An Gardai	Greater assurance that licence holders are fit and proper persons.	Minor additional vetting requirements, if this were to be a condition of the fleet licence.
Critical Success Factor(s): Subject to design considerations and legislative change.		
Other Requirements/Issues: May require its own RIA/detailed consideration of the specific licensing conditions and supporting administrative structures.		

OPTION 10: CHANGE OF VEHICLE - VEHICLE-TO-VEHICLE TRANSFER: MUST COMPLY WITH 9 YEAR RULE		
Description: As of 2012, all vehicles have to be nine years old or less. In the meantime, existing operators can operate older vehicles, while all new vehicle licences must be on vehicles that meet the nine year age rule. The Commission proposes to introduce the 9 year rule for current licence holders who change their vehicle to ensure the existing fleet maintains a high standard.		
Likely Impact: Drivers seeking to change their vehicle will only be able to transfer their licence on to a vehicle that is nine years old or less. The element of the fleet that have to change their vehicle due to technical difficulties, or for other reasons, will therefore meet the nine year rule quicker than otherwise would have been the case.		
Stakeholder	Benefits	Costs
Exchequer	<p>Possible earlier reduction in the number of older taxis on the roads, with associated fuel consumption concerns.</p> <p>Possible short-term VRT and VAT gains, as vehicle owners upgrade to new, higher cost vehicles, sooner than otherwise would have been the case.</p>	None
New Entrants	None	None
Existing Drivers	Levels the playing field for those drivers that have already invested in higher quality vehicles. Currently they face competition from operators who have not invested in a quality vehicle, but nonetheless may attain a comparable number of fares.	Drivers who currently fall outside the nine year rule and have to transfer their vehicle before 2012 will be required to meet the Commissions quality standards quicker than otherwise would be the case.
SPSV Users	May reduce the likelihood of accessing an older vehicle.	None
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	None	Cost of upgrading their vehicles sooner
The Commission	Facilitates the Commission's objective of increasing quality of SPSV services	None
Critical Success Factor(s):		
Other Requirements/Issues:		

OPTION 11: FAST TRACK THE NINE YEAR RULE

Description: Approximately 25% of the standard taxi and hackney fleet are over the age of 9 years, some by a number of years. This rule could be fast-tracked to commence in 2010 to bring all standard taxis and hackneys under the 9 year rule. The original date announced was 2012. The remaining vehicle standards for incumbents would continue to be phased in on renewal of licence in 2012 i.e. vehicle size and specification. To fast track this 9 year rule would have a notable cost to those who choose to purchase new vehicles, but a lower impact to those who purchase second hand vehicles.

Likely Impact: Significant early reduction of the age of the fleet.

Stakeholder	Benefits	Costs
Exchequer	Increased tax revenue from the purchase of upgraded vehicles.	None
New Entrants	None	None
Existing Drivers	Levels the playing field for those drivers that have already invested in higher quality vehicles. Currently they face competition from operators who have not invested in a quality vehicle, but nonetheless may attain a comparable number of fares.	This will result in operators upgrading their fleet sooner than they might have expected. It is unlikely that vehicles over 9 years old have financial packages outstanding.
SPSV Users	Increases the availability of newer vehicles. Reduces the chances of being sent a very old car by a dispatch operator, or flagging down a vehicle only to find that it's very old.	None. This in itself would not lead to a tariff increase.
Dispatch Operators	Commercial benefits of having higher quality vehicles affiliated.	None
Fleet Owners/Multiple Licence Holders	None	Means they may have to upgrade some of their fleet sooner than expected.
The Commission	Facilitates the Commission's objective of increasing quality of SPSV services	Cost of informing operators of the changes.

Critical Success Factor(s): Ensuring that drivers are given sufficient notice. Ensuring drivers don't buy a vehicle that will meet the age requirement in 2012, but that won't meet the other vehicle standards due to come in to operation then.

Other Requirements/Issues: Positive environmental benefits as very old vehicles are taken off the road. Fast-tracking the rule to 2011 rather than 2010 would give operators more time to plan for replacing their vehicle.

3.3 Transferability

OPTION 12: END TO TRANSFERABILITY OF LICENCES, EXCEPT ON DEATH OR SERIOUS ILLNESS		
<p>Description: The ending of the ability of an existing vehicle licence holder to sell or transfer their licence to another person, with exceptions around when a person is seriously ill or after they die.</p> <p>Likely Impact: Almost the complete end to the transferability of licences. This would mean that the majority of people looking to purchase a vehicle licence would have to buy directly from the Commission. A restriction in transferability would facilitate the implementation of a number of Commission initiatives aimed at improving accessibility, quality and compliance.</p>		
Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	<p>Reduces the possibility that they will enter the industry without meeting the regulations as a result of misleading information from sellers on the secondary market</p> <p>Should reduce irrational entry, as this will mean that entrants see the licence as a permission rather than an asset that they can recoup costs on. Therefore they may take greater stock of the costs of entry and exist to the industry.</p>	<p>Means they have to pay the full cost of the licence as set by the Commission.</p> <p>Increases their exit costs as the ability to recoup any of the licence fee paid is very limited.</p>
Existing Drivers	<p>Reduces new entrants' ability to by-pass quality standards or other regulations, thus levelling the playing field.</p> <p>New entrants to the industry will have to pay the full licence cost. This may slightly reduce the number of new entrants in the short term.</p>	<p>May have entered the industry on the premise that the licence was an "asset" rather than permission.</p> <p>Increases their exit costs as the ability to recoup any of the licence fee paid is very limited.</p>
SPSV Users	Facilitates improvements in quality, accessibility and compliance, to the benefit of all users.	None
Dispatch Operators	Affiliated drivers more likely to be 'fit and proper'.	None
Fleet Owners/Multiple Licence Holders	<p>Increases the cost of new competition to develop.</p> <p>May increase demand for rented licences.</p>	Increases the cost of building a fleet as they have to pay the Commission the full licence fee.
The Commission	<p>Clearly identifies the licence as a "permission" going forward</p> <p>Facilitates the implementation of a number of initiatives to improve accessibility, enforcement and compliance, and quality standards.</p>	None, other than the cost of informing operators of the changes. Minor loss in transfer fees.
<p>Critical Success Factor(s): Legislative change required.</p>		
<p>Other Requirements/Issues: May be seen to be unfair to existing drivers, who entered the industry on the basis that they could transfer their licence should they wish to exit.</p>		

OPTION 13: RESTRICT TRANSFERABILITY TO “ONE (MORE) TRANSFER ONLY” FOR EXISTING LICENCE HOLDERS, AND ZERO FOR NEW ENTRANTS.

Description: New entrants are informed before purchasing a vehicle licence that they will be unable to transfer that licence to another person going forward. That is, any new vehicle licence issued will never be transferred. Existing vehicle licence holders will be allowed to transfer their licence one more time only. Once that licence has been transferred once more, that licence cannot be transferred again. Anybody receiving this transferred licence will need to understand that this licence cannot be transferred again.

Likely Impact: This ends transferability for new entrants. However, the purchase of a vehicle licence on the secondary market is still possible in the medium – long term. This would retard the implementation of, or reduce the benefits of, the measures aimed at improving quality, compliance and accessibility.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	Should reduce irrational entry, as this will mean that entrants see the licence as a permission rather than an asset that they can recoup costs on. Therefore they may take greater stock of the costs of entry and exist to the industry.	Increases their exit costs as they cannot recoup any of the licence fee paid.
Existing Drivers	Gives them a chance of one more transfer.	Delays the possible implementation of a number of measures aimed at improving compliance and enforcement, quality improvement and accessibility.
SPSV Users	None	Delays the possible implementation of a number of measures aimed at improving compliance and enforcement, quality improvement and accessibility.
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	Allows them to continue to purchase licences on the secondary market.	None
The Commission	None while licences are still available on the secondary market.	Delays the possible implementation/reduces the effectiveness of a number of measures aimed at improving compliance and enforcement, quality improvement and accessibility. IT system development costs regarding recording what licences can still be transferred. Cost of informing licence holders.

Critical Success Factor(s): Provision of information to both new entrants and existing operators, together with the ability to monitor enforce this measure. Legislative changes required.

Other Requirements/Issues:

OPTION 14: “ONE MORE TRANSFER” ONLY TO VEHICLES LESS THAN THREE YEARS OLD; AND ZERO TRANSFER FOR NEW ENTRANTS

Description: New entrants are informed before purchasing a vehicle licence that they will be unable to transfer that licence to another person going forward. That is, any new vehicle licence issued will never be transferred. Existing vehicle licence holders will be allowed to transfer their licence one more time only, on the provision that such licences on transfer should transfer to a saloon vehicle under three years old, thereby ensuring that people entering the industry will do so at a very high standard.

When that licence has been transferred once more, that licence cannot be transferred again. Anybody receiving this transferred licence will need to understand that this licence cannot be transferred again, and that they can only put it on a saloon car that is less than three years old.

Likely Impact: Ends transferability for new entrants. However, the purchase of a vehicle licence on the secondary market is still possible in the medium – long term. However, unlike Option 13, this option facilitates the implementation of a number of accessibility and quality improvement initiatives, while still allowing existing licence holders to transfer their licence if necessary.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	Should reduce irrational entry, as this will mean that entrants see the licence as a permission rather than an asset that they can recoup costs on. Therefore they may take greater stock of the costs of entry and exist to the industry.	Increases their exit costs as they cannot recoup any of the licence fee paid.
Existing Drivers	Retain the ability to transfer their licence. Facilitates a number of measures which will benefit existing drivers. For example, all new entrants will have to be of high quality (one year old saloon cars)	May take longer to transfer licence (if selling it) than otherwise would be the case. However demand for transferred licence will likely still exist. Licence holders could rent their licence if they were struggling to sell it.
SPSV Users	Increased and quicker access to higher quality and accessible vehicles.	None
Dispatch Operators	Higher quality entrants make it easier for dispatch operators to have high quality and accessible affiliated drivers.	None
Fleet Owners/Multiple Licence Holders	Retain the ability to transfer their licence. Those that build their fleet to the higher quality requirements may find it easier to rent their vehicles.	Increased quality requirements mean they face higher costs to building their fleet.
The Commission	Facilitates the implementation of a number of measures aimed at improving accessibility, quality and compliance.	IT system development costs regarding recording what licences can still be transferred. Cost of informing licence holders.

Critical Success Factor(s): Provision of information to both new entrants and existing operators, together with the ability to monitor enforce this measure. Legislative changes required.

Other Requirements/Issues:

OPTION 15: END TRANSFERABILITY OF WHEELCHAIR ACCESSIBLE TAXI LICENCES

Description: An end to the transferability of wheelchair accessible vehicle licences.

Likely Impact: The cost of a new wheelchair accessible licence is the same as administration cost of transferring a licence between people (€125). Therefore ending this practice will not have any negative impact on genuine operators looking to purchase a licence. It will reduce the number of transferred licences, which has compliance enforcement benefits for the Commission.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	More likely to be aware of the regulations and licensing conditions if buying the licence from the Commission rather than on the secondary market.	None. The admin cost associated with transferring the licence is the same as buying a new one. There is no economic reason why somebody would buy a wheelchair accessible vehicle licence on the secondary market.
Existing Drivers	This measure improves enforcement and compliance, which is to the benefit of genuine operators.	None
SPSV Users	This measure improves enforcement and compliance, which is to the benefit SPSV users.	None
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	None	None
The Commission	Improves enforcement and compliance.	Cost of communicating the licensing changes.

Critical Success Factor(s):

Other Requirements/Issues:

OPTION 16: COMMISSION TO BUY-BACK VEHICLE LICENCES

Description: The Commission to buy-back licences from those wishing to exit the industry, perhaps including an administration fee. At the same time, other transferability options would be eliminated. Industry representatives have expressed concerns that multiple licence holders, many of who buy transferred licences, do not adequately police who they are renting out to, and that this would be addressed if the Commission was the only authority to buy a transferred licence. It would also provide a very quick sale point for somebody looking to exit the industry.

Likely Impact: A change in the transferability of licences would indeed benefit compliance and enforcement activities, as well as quality and other initiatives. However, this would be a hugely costly approach, and would result in a dramatic increase in licence renewal fees.

Also, regardless of whether a multiple licence holder purchases a licence from the Commission or on the secondary market, they still have still go through the Commission, are still registered as owners responsible for the licence, and are subject to the same licence owning conditions.

Stakeholder	Benefits	Costs
Exchequer	None	None
New Entrants	Clear exit route, and identifiable exist costs before entering the market.	Could distort the entry decision to potential new entrants i.e. if they take the message being that there is no real entry costs because the Commission will buy-back the licence if things don't work out for you.
Existing Drivers	Clear exit route, and identifiable exist costs.	If the Commission has to finance the buy-back of licences, it would have to greatly increase the driver licence and vehicle licence renewal fee. A real reduction in entry costs will mean that more people look to enter the industry, thus increasing the competition for existing drivers. If the buy-back fee is less than otherwise may have been attained on the secondary

		market, exiting operators may be at a disadvantage.
SPSV Users	None	Increased licence fees are a cost to drivers, which, depending on the levels in questions, could result in increased tariffs. This in turn could lead to a decrease in demand for taxis.
Dispatch Operators	None	None
Fleet Owners/Multiple Licence Holders	Re-values the licences held. If this is higher than the price they paid for the licences (on the secondary market), then the holder could profit from selling them back to the Commission.	Cost to building a fleet could be increased, as they can no longer get licences on the secondary market. Likely that cost of renewing existing licences would increase significantly.
The Commission	None	Huge potential financial liability, which would be passed on the operators. Would require additional personnel for set up and admin costs.
Critical Success Factor(s): Buying back licences is outside the Commission's remit and is beyond the Commission's powers. In any case it would have a number of negative downsides for new entrants, existing drivers, and the Commission.		
Other Requirements/Issues: Overly costly and possibly ineffective approach to increasing compliance.		

3.4 Other Impacts

3.4.1 OVERVIEW

Figure 1 (overleaf) summarises the Commission's evaluation of the impact of the actions, giving consideration to the themes to be examined under the Department of the Taoiseach Revised RIA guidelines (2009). While a number of these impacts have been discussed in detail above (especially market impact), this is summarised below. The Commission has also summarised the environmental impact of the proposed actions; together with looking at national competitiveness; the rights of citizens; compliance burden and; North-South and East-West relations.

3.4.2 MARKET IMPACT

A number of the proposed measures could have a negative impact on the SPSV market. The most serious of these relates to the potential negative market impact if the Commission were to buy-back licences. This would result in a significant increase in both driver and vehicle licence renewal fees. It could also lead to excessive churning, where new entrants irrationally enter the industry for a short time (at a low cost and risk) and then leave the industry to recoup their licence fee.

Other measures that limit the transferability of licences have a less pronounced impact on the market, in that they limit (but not necessarily abolish) the ability to buy a licence on the secondary market.

If effective, a driver licensing condition which requires drivers to be available for more than 30 hours a week would remove part-timers from the industry. These represent a significant part of the fleet (c16% according to the Economic Review) which are important for meeting peak demand. Furthermore, the refusal to issue more than one licence per person would reduce the ability of companies to build a fleet, thereby removing the possibility for people to rent or be employed directly by a taxi company.

3.4.3 SOCIALLY EXCLUDED OR VULNERABLE GROUPS

The options that encourage operators to undertake the Skills Development Programme, and add further depth to the licensing compliance checks, are to the benefit of all users including socially excluded and vulnerable groups.

3.4.4 ENVIRONMENTAL CONCERNS

The actions that involve the fast tracking of the nine year rule for vehicles will have positive environmental impacts, as they remove older vehicles from the fleet sooner than otherwise would have been the case.

3.4.5 COMPLIANCE BURDEN

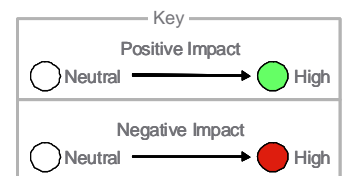
The driver licensing actions would require that operators provide additional and more frequent data on licence applications and renewals, which could feasibly be a minor compliance burden. Changes to the transferability of licences would also likely add additional requirements for operators.

3.4.6 OTHER CONCERNS

None of the proposed actions have significant impact on and North-South and East-West relations or national competitiveness.

Figure 1: Summary of Impacts of Proposed Options

	Market Impact	Socially Excluded or Vulnerable Groups	Environmental	Compliance Burden	Other RIA 'Impacts'
Driver Licensing					
Option 1: Increase driver licence renewal frequency					
Option 2: Annual checks of driver information					
Option 3: Additional information on applications and renewals					
Option 4: Full Irish Driving Licence for 2 years before entry					
Option 5: New entrants to be available 30+ hours per week					
Option 6: Fast track the requirement to sit the skills development programme					
Vehicle Licensing					
Option 7: All vehicle licence holders to hold SPSV drivers licence					
Option 8: No more vehicles licences issued for those with one existing licence					
Option 9: Commission to implement a "fleet licence" for multiple licence holders					
Option 10: Vehicle-to-Vehicle transfer: Must comply with 9 year rule					
Option 11: Fast track the nine year rule					
Transferability					
Option 12: End to transferability of licences, except on death or serious illness					
Option 13: Restrict transferability to "One (more) transfer only" for existing licence holders, and zero for new entrants.					
Option 14: "One more transfer" only to vehicle less than three years old; and zero transfer for new entrants					
Option 15: End Transferability of wheelchair accessible taxi licences					
Option 16: Commission to buy-back vehicle licences					



4. Consultations

4.1 Introduction

This section outlines the consultation process, and summarises the views expressed by various stakeholders. These views have helped to develop the proposed actions and have informed the Commission's analysis of the costs, benefits and impact of each measure.

It should be noted that this section gives only a high level summary of views expressed in the consultation process, as to re-iterate all views would be an unnecessarily burdensome task. Furthermore, the Commission is cognisant that the views of certain representatives may not be aligned to that of every single stakeholder.

4.2 The Consultation Process

The Commission seeks to consult with stakeholders on an ongoing basis. Following the publication of the Economic Review, the Commission invited interest parties to make a submission regarding the Economic Review recommendations. A number of these submissions addressed the subject of licensing conditions, both highlighting issues and in some cases suggesting actions for improvement.

Following the receipt and review of the submissions, the Commission ran a national and regional consultation process to discuss this subject, together with wider industry issues. This concluded in June 2009. This included face-to-face consultations, phone consultations, and workshops. Licensing conditions and procedures were discussed with a broad range of stakeholders, including:

- **National driver representative groups:** The Commission held a number of one-to-one consultation with national driver representative groups, including SIPTU, the National Taxi Drivers Union (NTDU), Irish Taxi Drivers Federation (ITDF) and the National Private Hire and Taxi Association (NPHTA). A workshop with the umbrella group for these four organisations was also held;
- **Regional representatives:** The Commission invited over 25 regional representatives to workshops around the country. In the cases where representatives could not attend these meetings, the Commission made a number of follow-up telephone calls to these, to discuss licensing and other issues;
- **Dispatch operators:** The Commission held a workshop with the Taxi Company Owners Association (a representative group) together with City Cabs, Xpert Cabs, and National Radio Cabs;

- **Policy Groups:** the Commission discussed quality and accessibility issues (which in some cases require changes to licensing conditions) with the Competition Authority, National Consumer Agency, the Accessible Taxi Consortium, Deafhear and the National Disability Authority (NDA).

Following the conclusion of consultation process, the Commission presented a summary of the process to the Advisory Council. Feedback from the Advisory Council has also informed this process.

4.3 Driver Representatives

Driver representatives had four key concerns overall which they felt could be addressed through amendments to the current licensing conditions and procedures:

1. Ease of entry to the industry (potential entrants may enter the market without due consideration for potential earnings due to the low cost of a vehicle licence and the level of SPSV driver licence requirements/entrants who only invest in a vehicle licence are not vetted);
2. No ease of exit (second hand market value of taxi licences has decreased and those who wish to exit are finding it difficult to do so);
3. The health and safety risks posed by part time SPSV operators who also have another full time occupation and thus work long hours;
4. The risk that SPSV operators who rent a vehicle licence may not be tax compliant, properly insured or have the correct working visas.

Driver representatives stressed the importance of accountability within the industry so that there is a 'level playing field' for all. They were largely in favour of increased checks on areas such as visa status, tax compliance and the character of the applicant during vehicle and driver licence application and renewal processes.

Limousine operator representatives stressed the differences between their sector and the taxi and hackney sector. They stated that the licensing conditions attached to a limousine licence should further differentiate them from the taxi and hackney categories. They were worried that some of the limousine operators, who provide excellent customer service to their customers, nevertheless may not be able to pass the Skills Development Programme or they may be intimidated by it and therefore not attempt to pass it. They stressed that they rely heavily on part time operators. These operators are often retired professionals who have a SPSV driver licence. They stressed how important it is that part time service provision remains a viable option within the limousine sector.

4.4 Dispatch Operators

Dispatch operators were concerned that the SPSV driver licence requirements were not rigorous enough. They felt that the Skills Development Programme will go in some way to solve this issue but said that there should be minimum English language skills requirements for SPSV driver licence applicants also. Dispatch operators had concerns about criminality in the industry and stated that it is essential that Section 36 is implemented as soon as possible. A number suggested that the cost of vehicle, driver and dispatch licences should be set against the CPI but that the cost of WAT licences and the provision of accessible services should be subsidised and further incentivised. A number queried suggestions regarding the restrictions on the transferability of vehicle licences or any restriction or elimination of the ability to purchase multiple vehicle licences.

4.5 Policy Groups

The Competition Authority stressed that a SPSV licence is not an asset and should not be assessed in terms of it being an asset. They were concerned over the ongoing existence of the second hand market in taxi and WAT licences. The Competition Authority are not in favour of putting quantitative entry restrictions in place.

The National Consumer Agency was happy with the current levels of supply and keen that they be maintained. They stated that they received very few complaints or comments on SPSV service provision and licensing.

The ATC and Deafhear were in favour of significantly increasing the number and quality of wheelchair accessible vehicles in the SPSV fleet. They stressed the importance of monitoring accessible service provision to people with disabilities by WAV operators and dispatch operators. They suggested that levels of service provision to people with disabilities by dispatch operators should be continuously monitored and this should be built into their licensing conditions. They were in favour of increased disability awareness training for WAV operators. The NDA suggested that transport *and public service* obligations should be included as part of the SPSV vehicle licensing conditions for all operators.

5. Actions & Dependencies

5.1 Introduction

Based on the evaluation of the proposed actions, this section presents the Commission's preferred actions for moving forward. However, it should be noted that implementation of a number of actions are inter-linked, that is we cannot implement one action without implementing another in some cases. Consequently, special attention has been drawn to the key external dependencies for the implementation of these actions.

Consideration is then given to how these actions will be enforced, and the arrangements that will be put in place to periodically review their effectiveness.

5.2 Preferred Actions

5.2.1 DRIVER LICENSING

ACTION 1 Commission to take over driver licensing (from an Garda Síochána) as soon as feasible.

A transfer of responsibility for driver licensing to the Commission could feasibly facilitate a number of administrative efficiency and enforcement and compliance initiatives (see Action 2). However, responsibility for vetting would remain with the Gardai. Consequently, data sharing and other relationships would have to be put in place. The handover from An Garda Síochána to the Commission is a significant project and poses a number of challenges. This will have to be carefully designed and implemented. The Commission and An Garda Síochána will establish a joint working group for this process.

Key Dependencies: Cooperation and allocation of resources by An Garda Síochána for both the set-up of a 'hand-over' project, and then for ongoing vetting procedures. The Commission will also have to be in a position to allocate resources (personnel, IT etc).

ACTION 2 More frequent and in-depth driver licensing

It is unlikely that an Garda Síochána will be in a position to significantly change the existing driver licensing procedures. Therefore, on becoming the driver licensing authority the Commission will reduce the licence renewal period to three years which will increase the effectiveness of compliance and enforcement activities. As part of this process, the Commission will seek to collect more relevant driver information which will increase compliance and facilitate enforcement activities by third party agencies. This could include third parties such as the Revenue Commissioners, Department of Justice, Equality and Law Reform, Department of Social and Family Affairs, employers and insurance companies. It will also facilitate the commencement of Section 36 of the Taxi Regulation Act 2003 in relation to mandatory disqualification.

Key Dependencies: The Commission to take over driver licensing from An Garda Síochána (non-vetting element - see Action 1). Some progress may be made on this in the interim, however. The sharing of data which facilitates third party enforcement activities is subject to the cooperation of said third parties. Furthermore, the sharing of data is subject to national data sharing and privacy legislation.

ACTION 3 Fast track the take-up of the Skills Development Programme

The Commission will fast-track the uptake of the driver skills development programme with the aim of ensuring that SPSV driver licence holders will have undertaken it prior to 1st January 2012.

Key Dependencies: Subject to operational design constraints.

5.2.2 VEHICLE LICENSING**ACTION 4 Commission to further investigate the development of a fleet licence for multiple licence holders**

The Commission agrees in principal with the idea of a fleet licence for multiple vehicle licence holders. However, further investigation and subsequent design is required. The Commission will complete an RIA of the fleet licence proposal, which will include further consultation with stakeholders. In the meantime, the Commission will continue its approach of requiring multiple licence holders to present relevant data on request.

Key Dependencies: None

ACTION 5 Change of vehicle: Transfers to comply with nine year rule

The Commission proposes to introduce the 9 year rule for current licence holders who change their vehicle to ensure the existing fleet maintains a high standard. The Commission will inform operators of the new requirements in a timely fashion.

Key Dependencies: None

ACTION 6 Fast track the introduction of the nine year rule for all vehicles

Commission is of the view that this rule could be fast-tracked to commence in 2011 to bring all standard taxis and hackneys under the 9 year rule. The original date announced was 2012. The remaining vehicle standards for incumbents would continue to be phased in on renewal of licence in 2012 i.e. vehicle size and specification. The Commission will inform operators of the new requirements in a timely fashion.

Key Dependencies: None

5.2.3 TRANSFERABILITY

ACTION 7 Practice of Transferability to be restricted

In order to improve compliance and enforcement and facilitate the raising of quality standards and accessibility, transferability of taxi licences between persons will only be allowed on a restricted basis. Existing taxi licences can only be transferred one more time, and only to saloon cars that are less than three years old. All new taxi and hackney licences will be non-transferable between people.

Key Dependencies: None

ACTION 8 End to transferability of wheelchair accessible taxi licences

In order to improve compliance and enforcement activities, and to ensure drivers go through the correct channels when purchasing vehicle licences, the Commission will end the transferability of wheelchair accessible vehicle licences. The cost of a new wheelchair accessible vehicle licence is the same as the administration charge for transferring a vehicle licence from one person to another. Therefore the purchaser is at no disadvantage by this change.

Key Dependencies: None

5.3 Enforcement and Compliance

The Commission will undertake an information provision campaign to facilitate compliance with the relevant changes in licensing conditions and procedures. The Commission's existing enforcement and compliance checks will be used to monitor and enforce compliance.

5.4 Reviewing the Effectiveness of the Actions

The Commission will review the effectiveness of the measures on an ongoing basis. The Commission's vehicle licence database will be a key source of data regarding vehicle age and transfers. The Commission will also be able to monitor the number of driver licence holders that have sat the Skills Development Programme on a monthly basis.