

Council Report

Ward(s) affected: All

Report of the Director of Community Services

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Taxi and Private Hire Enforcement – Delegations for Surrey Joint Warranting

Executive Summary

This report seeks approval for the proposed arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County.

This proposal was considered and supported by the Licensing Committee at its meeting on 25 September 2019. The delegation of non-Executive functions to another local authority and the acceptance of any delegation of functions from another local authority are decisions that only full Council may take.

Recommendation to Council

(1) That the Council's Taxi and Private Hire enforcement powers, as set out in Appendix 1 to this report, be delegated jointly to the following licensing authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

without prejudice to the Council's ability to exercise those powers itself within the Borough.

(2) That similar delegated Taxi and Private Hire enforcement powers be accepted from the following licensing authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

(3) That the Regulatory Services Manager be authorised to undertake the Taxi and Private Hire enforcement powers referred to in paragraph (2) above.

Reason for Recommendation:

To improve safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

1.1 The purpose of this report is to seek approval for the arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the County, following the recommendation from Licensing Committee on 25 September 2019.

2. Strategic Priorities

2.1 The joint warranting of Licensing Officers will contribute to our fundamental themes as follows:

- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi service.
- **Innovation** – using new ways of working to improve efficiency.

3. Background

3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

3.2 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles

licensed by that authority, including the immediate suspension of driver and vehicle licences for reasons of public safety.

- 3.3 However as there is no geographical restriction on where a licensed vehicle driven by a licensed driver can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across drivers and vehicles licenced by another authority operating in their areas.

4. Proposed changes

- 4.1 Officers currently only have the legal power to inspect and act against drivers and vehicles if they have been authorised in writing by the authority which licensed that driver or vehicle. As such, officers in one authority will not have the power to inspect or act against drivers and vehicles operating in its area which are licensed by other authorities.
- 4.2 This can lead to situations where officers in one authority, for example Guildford, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Guildford. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.
- 4.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 4.4 Such joint working arrangements between Local Authorities are also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 recently consulted upon.
- 4.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.
- 4.6 The proposal is that the hackney carriage and private hire enforcement powers, as set out in Appendix 1 to this report, be delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Guildford Borough Council receives similar delegated enforcement powers from the other Surrey Authorities.
- 4.7 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 4.8 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced.

- 4.9 Following the recommendation from Licensing Committee, the Council is asked to delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix 1 to the Surrey local licensing authorities (referred to Appendix 1), in addition to retaining those functions within the Borough and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix 1) from those local authorities.

5. Consultation

- 5.1 Consultation has taken place with other ten other Surrey Licensing Authorities who are supportive of this initiative and who themselves are seeking the necessary delegations.
- 5.2 Whilst there is no formal requirement to consult with the taxi trade, informal discussion has taken place at Taxi Advisory Group Meetings with the trade being supportive of improved enforcement against drivers and vehicles from other authorities operating in Guildford.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.
- 6.4 There are no Equality and/or Diversity issues arising from the initiative of Joint Warranting Across Surrey.

7. Financial Implications

- 7.1 The implementations be managed through the existing licensing budget.

8. Legal Implications

- 8.1 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge their functions. Having done so, the Council may, however, continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible

warranting scheme to carry out some of its Licensing functions, it may also continue to exercise those functions itself.

- 8.2 If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge.

9. Human Resource Implications

- 9.1 There are no human resource implications arising from these proposals.

10. Conclusion

- 10.1 Advancing a scheme of Joint Warranting across Surrey will help ensure travelling by taxis is safer for customers by enabling improved enforcement across Surrey.

11. Background Papers

[Taxi and Private Hire Licensing Policy 2015-2020](#)
[Taxi and Private Hire Vehicle Licensing: Protecting Users. Consultation on Statutory Guidance for Licensing Authorities](#)

12. Appendices

Appendix 1: List of powers to be delegated and list of authorities participating in Joint Warranting.