

**TAXI AND PRIVATE HIRE ENFORCEMENT:
SURREY JOINT WARRANTING**

Portfolio:	Community
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Ward(s) Affected:	All
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Purpose

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

1. Summary 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.

2. Strategic Priorities

- 2.1 The joint warranting of Licensing Officers will contribute to our fundamental themes as follows:
- **Place** – ensuring safe travel in the Borough through a well regulated taxi service.
 - **Prosperity** – 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 area.

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 Surrey Heath, are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Surrey Heath. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed 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 Annex 1 of this report, are delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Surrey Heath 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 This reports seeks the Committee's approval to recommend to full Council that the Taxi and Private Hire enforcement powers as set out in Appendix A of this report are delegated by Surrey Heath Borough Council to the following local authorities, namely:
- Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Guildford Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Spelthorne Borough Council
 - Tandridge District Council
 - Waverley Borough Council
 - Woking Borough Council

And that the Council should agree to accept similar delegated enforcement powers from:

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

4.10 Advancing a scheme of Joint Warranting across Surrey would help ensure travelling by taxis and private hire vehicles is safer for customers by enabling improved enforcement across Surrey.

4.11 The Joint Warranting would be regulated through the use of a Memorandum of Understanding signed by all local authorities participating. A copy of the Memorandum of Understanding has been attached as Annex 2 to this report.

5. Consultation

5.1 Consultation has taken place with other 10 Surrey Licensing Authorities who are supportive of this initiative and who themselves are seeking the necessary delegations.

6. Equality and Diversity Implications

6.1 There are no Equality and/or Diversity issues arising from the initiative of Joint Warranting across Surrey.

7. Financial Implications

7.1 The implementations will 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. Recommendation

- 10.1 The Committee are asked to recommend to full Council that:
- i. the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Annex 1 to this report to the Surrey local licensing authorities, in addition to retaining those functions within the Borough .
 - ii. to receive the delegated Taxi and Private Hire enforcement functions, as set out in Annex 1, of those Surrey authorities listed in the annex.

Background Papers: Hackney Carriage and Private Hire Licensing Policy 14 March 2018
Taxi and Private Hire Vehicle Licensing: Protecting Users.
Consultation on Statutory Guidance for Licensing Authorities

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