

Memorandum of Understanding

Between

The local authorities of 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, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council.

For the purpose of

A Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme

1. Definitions

- 1.1 'Taxis' refers to both hackney carriages and private hire vehicles.
- 1.2 'Participating enforcement local authorities'. These are the local authorities of:
- 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
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Waverley Borough Council
 - Woking Borough Council
- 1.3 'Cross Border Taxi and Private Hire Vehicle Authorisation Scheme' is 'The Authorisation Scheme' subject to the principles set out in this Memorandum of Understanding which permits a participating enforcement local authority to inspect taxis and interview drivers licensed by another participating enforcement local authority.
- 1.4 'Home licensing local authority'. Is the local authority responsible for licensing the taxi or driver.
- 1.5 'Designated contact address'. Is the email address that each local authority has designated to receive communications about drivers, vehicles, inspections and interviews.
- 1.6 'Lead Officer'. Is the named officer designated by each participating local authority to be the lead contact (and deputy if nominated) for communications about the operation of the scheme.

- 1.7 'The Next Working Day' means the next day that the home local authority licensing office is open for business, or the day after that, if circumstances prevent a more speedy communication.
- 1.8 'Working Group' is the group attended by the lead officer or deputy from each participating local authority to oversee the scheme.
- 1.9 'Delegated Power' means the discharge of a function under the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and any related legislation for the purpose of carrying out enforcement on Hackney Carriages and Private Hire Vehicles, Drivers and Operators licensed by a participating local authority within the terms of this Memo of Understanding.

2. Purpose of the Scheme

- 2.1 The primary purpose of the Authorisation Scheme is to advance the safety of the public travelling by taxis through enabling improved enforcement across Surrey. The focus of the scheme is on immediate public safety risks and potentially significant offences. Inspections and interviews will be guided by the primary purpose.
- 2.2 Enforcement officers will deal with taxis, interviews and inspections for vehicles and drivers who are licensed by another participating enforcement local authority in the same way they would deal with taxis and drivers licensed by their home licensing local authority.
- 2.3 Each participating enforcement local authority is responsible for identifying competent enforcement officers to be authorised by other participating enforcement local authorities. The home licensing local authority which employs the enforcement officers and related officers will retain responsible for their conduct, behaviour and employment terms and conditions.
- 2.4 The Authorisation Scheme places no obligation on a participating enforcement local authority to inspect taxis or interview drivers licensed by other participating enforcement local authorities. The decision to inspect is voluntary. Financial payments between participating enforcement local authorities are not required.
- 2.5 In all cases, enforcement officers are normally only permitted to inspect taxis within the boundary of their own home licensing local authority, unless assisting another licensing authority in their district on a pre-arranged basis, such as a joint-operation.

3. Reporting of Activity

- 3.1 Interventions resulting from a vehicle inspection or driver interview should be notified to the home licensing local authority the next working day by email to include; time, date, registration number, driver name and identification; evidence gathered, action taken and why and enforcement officer name and contact details.

- 3.2 Details of individual inspections and interviews involving no action or minimal action should still be notified to the home licensing local authority for evidence gathering.
- 3.3 Each participating enforcement local authority must collate evidence of inspections and communications to be considered by the Working Group.
- 3.4 Each participating enforcement local authority will designate a secure email address for communications about interviews and inspections.
- 3.5 Each participating enforcement local authority will designate a Lead Officer and may designate a Deputy for communication about the scheme.

4. Practical Arrangements

- 4.1 Enforcement officers are permitted to issue suspension notices for immediate public safety risks provided that the enforcement officer would normally have issued a suspension notice for a taxi licensed by their own home licensing local authority under the same circumstances. Indicative examples of when a suspension notice would be appropriate are; one of more bald / illegal tyres, less than 2 functioning headlights, less than 2 functioning brake lights and dangerous bodywork (i.e. jagged or sharp edges which in the opinion of the enforcement officer pose an immediate public safety risk).
- 4.2. Enforcement officers are permitted to withdraw a suspension notice they have issued if circumstances require this.
- 4.3. Normally, the home licensing local authority for a licensed driver or licensed vehicle is responsible for ensuring remedial action is monitored or completed.
- 4.4 Should any decision made by an Enforcement Officer be appealed, the appeal will be dealt with by the authority employing that officer. The home authority will be expected to provide any evidence to assist the enforcing authority with the defence of the appeal. The home authority may deal with the appeal if this is agreed by all parties.
- 4.5 If a taxi driver has no badge or a defective badge, the driver should be advised that it is an offence not to display a badge, to cease trading and that the details will be reported to the home licensing local authority.
- 4.6 In the event of obstruction or conflict between a driver and an enforcement officer, the home licensing local authority should be provided with as much information as possible the next working day to allow a decision to be made.
- 4.7 Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified as soon as practicable.

5. Delegation and Review

- 5.1 Certificates of Authorisation will be issued by each participating enforcement local authority to the designated enforcement officers in the other participating enforcement local authorities in an agreed format.
- 5.2 Each participating enforcement local authority will establish their own schemes of delegation and what procedural steps are required to validly authorise enforcement activities undertaken by other participating enforcement local authorities.
- 5.3 The delegated powers within the provisions of this Memo of Understanding will come into force on the agreed commencement date.
- 5.4 The scheme will be reviewed by the Working Group overseeing the Scheme after 6 months from the commencement date.
- 5.5 Notwithstanding the terms and conditions in this Memo of Understanding, this does not prejudice the right of any participating enforcement local authority to withdraw from the delegated power scheme with 14 days notice given to all other participating enforcement local authorities. Each participating enforcement authority undertakes not to withdraw their delegated powers prior to the Review which is due 6 months after the commencement date, unless it considers there is good reason to do so. The delegated power is not to be unreasonably withdrawn.

6. Functions to be delegated to the Surry Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer