

AGENDA ITEM NO. 3

REPORT: Regulatory Committee
DATE: 20th June 2005
REPORTING OFFICER: Council Solicitor
SUBJECT: Cross boundary enforcement of taxi enforcement
WARDS: Boroughwide

1. PURPOSE OF REPORT

To provide for cross boundary enforcement of legislation relating to hackney carriage and private hire legislation through reciprocal arrangements with other licensing authorities.

2. RECOMMENDATIONS

RECOMMENDED: That

- (1) That the Executive Board be recommended, subject to reciprocal arrangements being made, and in accordance with section 101 Local Government Act 1972:**
 - (a) to arrange for the discharge by one or more named officers of any other local authority of the Council's enforcement functions in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they arise from actions and/or activities taking place outside of the Borough of Halton;**
 - (b) to arrange for the discharge by any other local authority of the Council's prosecution powers in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they relate to actions and/or activities taking place outside of the Borough of Halton;**
 - (c) to arrange for the discharge by the Council of the prosecution powers of other local authorities in relation to hackney carriage vehicles and drivers and private hire vehicles and drivers to the extent that they relate to actions**

**and/or activities taking place inside the Borough of Halton;
and**

- (2) The Council Solicitor be authorised to make all appropriate arrangements in the furtherance of this resolution including entering into reciprocal arrangements with other authorities and the appointment of any named officer of any other local authority as an authorised officer of the Council within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.**

3. SUPPORTING INFORMATION

- 3.1 The enforcement of taxi legislation is governed mainly by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act'). Any contraventions which occur, whether inside or outside the Borough, are enforced by the Council through its Licensing Section in Legal Services.
- 3.2 However, if a contravention involving a vehicle or driver licensed by the Council is spotted by taxi enforcement staff in neighbouring authorities, those enforcement officers have little or no jurisdiction to intervene. The best that they can do is report the matter to this Council (or in some cases the police).
- 3.3 The reverse of this is also true. If a contravention involving a vehicle or driver licensed by another local authority is spotted in this Borough by the Council's taxi enforcement officer, he has little or no jurisdiction to intervene. The best that he can do is report the matter to the relevant local authority (or in some cases the police).
- 3.4 The reason for this situation is that the 1976 Act specifically expresses enforcement powers as being exercisable by any authorised officer of the district council which licensed the vehicle or driver being investigated.
- 3.5 Improvements to the service could be achieved by authorising taxi enforcement staff in other local authorities to act (subject to reciprocal arrangements being made) to act on behalf of this Council. Such staff would become authorised officers of the Council within the meaning of the 1976 Act.
- 3.6 The details of enforcement might vary with individual arrangements: for example, prosecutions might be handled in the area of either participating local authority.
- 3.7 It is anticipated that the greatest use of the proposed arrangements would be by the Merseyside authorities but they could include a number of

Cheshire authorities as well as others along the 'corridor' to Manchester Airport. Preliminary discussions have already taken place with a number of local authorities but it is considered that the present proposals could be a model for others to follow. At present Warrington Borough Council have indicated their intention to enter into reciprocal arrangements. Other authorities have expressed interest and will act following the implementation of the arrangements in Halton and Warrington.

4. POLICY IMPLICATIONS

- 4.1 This report represents a policy development which both improves efficiency and symbolises the partnership approach which should be developed between local authorities.
- 4.2 In the Council's Constitution, Strategic and Policy item number 14 delegates to the Executive Board the power to consider and approve agreements with other authorities.

5. OTHER IMPLICATIONS

- 5.1 There are no other implications. The proposals in this report do not represent any increased costs on the part of the Council. Each local authority involved will bear its own costs and continue to be responsible for insurances effecting their own staff.