

LICENSING & APPEALS COMMITTEE - 13 OCTOBER 2004

APPENDIX 2 - ENFORCEMENT PROTOCOL CONSULTATION

THE COMMENTS FROM DATOA

	Suggested Amendments/Additions/Omissions to the Draft Protocol	Licensing Managers' Comments
Page 1	New para 1.1 inserted: "The taxi service is essentially part of the public transport and it operates, in the City of Derby, on the similar basis as the private company buses. The buses and the bus drivers are subject to the same Council rules and regulations and legal requirements as the taxis and taxi drivers"	The suggested paragraph is contrary to the legal position. The City Council has a statutory duty to enforce the licensing provisions relating to hackney carriages and private hire vehicles. The Council has no legal powers to undertake any enforcement action against buses or bus drivers, which are separately regulated by the DETR. <u>Recommendation:</u> Not to include the suggested paragraph.
Page 2 Para 1.1	To replace the word "seek" in the second sentence with "aims".	The word change has little significant impact upon the meaning of the sentence. However, given the more limited scope available to protect the taxi trade and other road users, the word "seek" is probably more appropriate. <u>Recommendation:</u> To retain the original wording.
Page 1 Para 2.12	To add the words "...and the taxi drivers". to the end of the second sentence.	Nearly all the legal requirements (legislation, specifications and licence conditions) are aimed at public protection, which is the fundamental aim of the licensing law. However, some will also offer protection to licence holders

		<p>so, there is no objection to additional wording to reflect this.</p> <p><u>Recommendation</u> To add the words “and licence-holders”.</p>
<p>Page 2 Para 2.13</p>	<p>The addition of the following sentence at the end of this paragraph: “The Council’s Licensing Section to publish a 3-monthly newsletter for better exchange of information to keep the taxi trade made aware of all the issues being dealt with “behind the scenes”, including vehicle spot check test and annual test results”</p>	<p>Whilst agreeing with the idea of trade newsletters, officers do not believe that this is relevant to the Enforcement Protocol. Newsletters will be provided (one is currently in preparation) but frequency will depend upon available time/resources. Also, some potentially sensitive issues, such as vehicle test results, are more appropriate for discussion in trade meetings than in a newsletter.</p> <p><u>Recommendation</u> Not to include the suggested sentence.</p>
<p>Page 2 Para 2.2</p>	<p>This paragraph is omitted.</p>	<p>The legislation and codes referred to in para 2.2 govern the actions of authorised officers in the carrying out of criminal investigations. For this reason it is important to state the Council’s adherence to these requirements in this document.</p> <p><u>Recommendation</u> To include para 2.2 in the document.</p>
<p>Page 2 Para 2.3</p>	<p>This has been amended to read: “Some enforcement situations will require immediate action, such as the service of a legal notice to suspend a vehicle licence. Such notices will be served on the vehicle proprietor after the inspection and test of the vehicle only”.</p>	<p>The omission of the stated possible need to serve statutory notices, from time to time, at a licence-holder’s home address is unhelpful to licence-holders, who should be aware of this.</p>

		<p>Such an action is correct, legal service of notice. The omission of the words “by the Enforcement Officers” is inappropriate, since it is these officers that are authorised to serve the notices referred to in the paragraph.</p> <p>The service of notice referred to “Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 relates specifically to situations prior to the inspection/test of a vehicle at a Specified Testing Station.</p> <p><u>Recommendation:</u> To retain the existing paragraph.</p>
Page 2 Para 2.4	<p>1. To change the words “which may be covert” to “which may NOT be covert”.</p> <p>2. To add the sentence “During such enforcement activities, consideration should be given to the impact this will have on the trade and the public at the weekends and public holidays, as there are no test facilities for the vehicles”.</p>	<p>1. The City Council does (and will in the future) need, from time to time, to carry out covert surveillance operations, as this is the only means to properly investigate certain criminal activities. Such covert surveillance is tightly controlled and each operation is specifically authorised by a Senior Manager; the legislation and codes of practice in respect of this are strictly adhered to.</p> <p>2. The sentence implies that Enforcement Officers should not take enforcement action at times that may inconvenience the trade or their customers. However, it could be argued that the busiest periods are the most appropriate time for enforcement/monitoring activities; some drivers/vehicles, for</p>

		<p>example, only work weekends and would therefore avoid all enforcement.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
Page 2 Para 2.6	Change the word “major” to “all”.	<p>It is not feasible or appropriate to consult the trade on all policy issues but it is appropriate to consult on major policy issues, as the Council currently does.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
Page 2 3.1.1.	<p>1. Change the words “Officers.....” in the first sentence to “Principal Licensing Officer”.</p> <p>2. Omit the second sentence “Officers in the Licensing Section have considerable experience and expertise and can give valuable advice on good practice and legal requirements”.</p>	<p>1. The original wording is correct; <u>all</u> officers within the section will help and advise customers.</p> <p>2. The sentence is correct and reflects the current good practice, and it should be retained.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
Page 2 Para 3.1.2	<p>1. Omit the words “....or written warning”.</p> <p>2. Omit the second sentence “Such action would not be appropriate where the problem is more serious or where the licence-holder has a poor record of compliance”.</p>	<p>1. Written warnings are an ‘informal action’ and are used widely to keep a record of minor infringements; this is recognised as good practice in any enforcement field and it is appropriate to recognise their use within the protocol (transparency).</p> <p>2. The statement is correct and in keeping with the principles of proportionality and targeting.</p> <p><u>Recommendation:</u> To retain the original wording.</p>

Page 3 Para 3.1.3	<p>Addition of wording to the paragraph.</p> <p>1. “The licence holder will have the right to complain against the Council Officers for intimidation behaviour and claim damages, if incorrect action is taken by them causing loss of earnings and/or excessive vehicle repair bill for incorrect diagnosis. The Council Officers will be held accountable and responsibility for their actions”.</p> <p>2. “.....and take disciplinary action against Council Officers, including authorising compensation/payment to the licence-holders”.</p>	<p>1. The Council’s complaints procedure is referred to in Section 5 of the protocol. The proposed sentences are inappropriate to this paragraph which deals with referral of infringements by licence-holders to the Licensing Committee; this Committee does not consider complaints or disciplinary matters relating to Council Officers.</p> <p>2. The Protocol is not intended to address the Council’s complaints or disciplinary procedures and this comment is inappropriate to this document.</p> <p><u>Recommendation</u> To retain the original wording.</p>
Page 3 Para 4	<p>Change the word “testing” to “visual inspection”.</p>	<p>This is incorrect. The Officer’s enforcement duties include various issues around the testing of vehicles (training of examiners, monitoring standards, auditing, giving advice etc) and not solely the visual inspection of vehicles.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
Page 4 Para 1.1	<p>1. Replace the words “Enforcement Officers” with “Complaint Officer”.</p>	<p>1. This is incorrect. All such complaints are investigated by the Enforcement Officers. There is no such post as “Complaints Officer”.</p>

	<p>2. Remove the words “.....prosecution” and “....with a view to the revocation of the licence”. from the second sentence.</p> <p><u>NOTE:</u> There are several further references within DATOAS amendments to the removal of the term “Enforcement Officers” and the word “prosecution”.</p>	<p>2. Overcharging is a serious offence and offenders may be prosecuted by the Council; the Assistant Director (Environmental Health & Trading Standards) is authorised to initiate legal proceedings if satisfied with the evidence. He may also refer the matter to the Licensing Committee, whether or not a prosecution is initiated, in these cases (i.e. where he is satisfied with the evidence of deliberate overcharging) he will recommend revocation of the licence. The original sentence is therefore correct and should be included for the purposes of transparency.</p> <p><u>Recommendation:</u> To retain the original wording.</p> <p>The comments above apply to all of these references.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
Page 4 Para 1.4	Omit the word “written warning”.	See comments for P.2, 3.1.2.
Page 5 Para 1.6	<p>1. Omit the sentence “All cases of violence towards Council Officers will be reported to the Police”.</p> <p>2. Add the sentence “Likewise the City Council will take appropriate action against members of the public if found to be violent and aggressive towards the taxi drivers and if its employees are</p>	<p>1. The original statement is correct; it reflects current policy and the Council’s desire to carry out its statutory duty to protect its employees.</p> <p>2. As DATOA are aware, the Council has no statutory powers to investigate complaints by drivers against members of the</p>

	<p>found using intimidation and harassment tactics against the drivers”.</p>	<p>public – this is the role of the Police.</p> <p>Complaints against Council Officers are dealt with via the Council’s complaints procedure (Section 5) and should not be included within this paragraph.</p> <p><u>Recommendation:</u> To retain the original wording.</p>
<p>Page 5 Para 1.7</p>	<p>Omit all of the paragraph and replace it with: “This is not applicable until</p> <ul style="list-style-type: none"> • The Licensing Office and Transport Section are able to provide vacant spaces in the City Centre which equal 25% of the licensed hackney carriages. • The “visual link” or pressure pads are placed on the sections of all ranks”. 	<p>There are currently 51 24-hour rank spaces within the City and 50 additional night time rank spaces. Discussions are continuing between Licensing Officers and Traffic and Transportation Officers to look for spaces for new taxi ranks. However, it should be borne in mind that the Council has no duty to provide any taxi ranks at all, and if it does provide ranks there is no designated or recommended quota.</p> <p>The enforcement of overcrowding of taxi ranks will need to continue. The Council receives many complaints each year from other road users (particularly bus companies and private motorists) about the obstruction caused by overcrowding of taxi ranks. Members should also note that enforcement of this provision has not resulted in any prosecutions in recent years, reflecting the commonsense approach adopted by Enforcement Officers when addressing this problem.</p>

		<u>Recommendation</u> To retain the original wording.
P.5 1.8	<p>Para (a). Omit the words ".. and asked to stop working until he has found it and is wearing it. He may be asked to show his badge to officers before he resumes work."</p> <p>Para (b). Replace the words ".. he will be asked not to work until he has obtained a new one." with "he will be asked to display his Council Driver's Licence and obtain a new badge as soon as possible."</p> <p>Para (b). Omit the paragraph: "In both cases the driver will be cautioned (see 1.7 above) for the offence and a written warning issued. A second or subsequent incident(s) would normally be reported for prosecution."</p> <p>Para (c). Omit the sentence: "If the driver commits a second offence he would receive a written warning; further offences within a 12 month period would normally result in prosecution or referral to the Licensing Sub-Committee."</p> <p>Para (d). Omit the words: ..,"defaced or tampered with, the driver's details will be taken and the matter referred for further investigation."</p>	<p>(a) This reflects current practice. Failure to wear a badge is an offence and the public are always advised not to travel in a licensed vehicle if the driver is not wearing his badge.</p> <p>(b) Displaying a 'paper' Licence does not offer the same safeguard to the public as the Licence does not contain the driver's photograph. Such documents could be copied or borrowed by an unlicensed driver.</p> <p>Also, Private Hire Drivers do not have a second 'paper' Licence; their driver's badge is their driver's licence.</p> <p>(b) This is the correct procedure and is the current practice. The Assistant Director (Environmental Health & Trading Standards) has delegated authority to initiate legal proceeding in such cases.</p> <p>(c) Omission of this sentence is unhelpful to Licence-holders as it fails to explain the likely outcome of repeated infringements, (i.e. transparency).</p> <p>(d) Any incident of possible deliberate tampering must be fully investigated on public protection grounds.</p>

		<u>Recommendation</u> To retain the original wording.
P.6 2.2.	<p>(a) Replace the words "routine checks" with "visual routine checks."</p> <p>(b) Omit the words ".." to ensure that vehicles are being maintained to the required standard."</p> <p>(c) (last sentence) Replace the words ... "will usually be asked to.." with ... "will not .."</p>	<p>(a) This is incorrect since not all checks are purely visual (e.g. handbrake efficiency).</p> <p>(b) Since this is the purpose of the routine checks there is no reason to omit these words.</p> <p>(c) The City Council works in partnership with many other agencies/groups/businesses to achieve its aims and objectives.</p> <p>This approach also applies to public safety, including licensing, and it is entirely appropriate that the Council (like most local authorities) works closely with the Police and Ministry inspectors on joint exercises aimed at checking vehicle standards.</p> <p><u>Recommendation</u> To retain the original wording.</p>
P.6 2.3	<p>(a) Replace the words "...reason to suspect that .." with "...found (by visual inspection).."</p> <p>(b) Omit the words "... (or may have) .."</p>	<p>(a) The original wording is correct, having been taken directly from Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(b) This was originally included because not all defects can be identified at the roadside, even though there may be reason to suspect a fault.</p>

	(c) Omit the words ".. and the officers will use their discretion ..."	(c) The inclusion of this wording is important because without the officers' discretion they would have no choice but to automatically suspend the vehicle
		<p>licence, which is the only legal option offered by S.68 of the Local Government (Miscellaneous Provisions) Act 1976. Other decisions taken by Enforcement Officer are informal and can only be utilised if the officers are allowed to use their discretion.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P.6 2.4	<p>Para (b)</p> <p>Replace the words "...that cause the vehicle to fall below the Council's standard, but are not sufficiently serious to warrant" with</p> <p>"... which do not warrant ..."</p>	<p>The original wording is correct because the defects, albeit minor, cause the vehicle to fall below the Council's standard; if this was not the case they would not be defects.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P.7 2.5	<p>This Section has been substantially re-written, with only paragraph (c) remaining unaltered. The proposed new wording is:</p> <p>Where an Enforcement Officer has noted any defects by visual inspection of the vehicle from a distance of 3 metres, he will usually take the following action:</p> <p>(a) A notice will be served that does <u>not</u> suspend the Licence, but still requires the vehicle to attend a testing station for a spot check and</p> <p>(b) (As original para. (c))</p>	<p>These proposed changes not only seriously undermine the Council's public safety role (in dealing with potentially dangerous vehicles), but are also contrary to the legal requirements of the Local Government (Miscellaneous Provisions) Act 1976, which requires immediate suspension of a vehicle licence where an officer has reason to suspect serious defects.</p>

		<p>As previously stated, Enforcement Officers cannot restrict their inspections to 'visual' only, and certainly cannot do even that from a distance of 3 metres; this suggestion is totally unworkable, and would only serve to reduce the effectiveness of the Enforcement Officers in carrying out their duties.</p> <p>The other paragraphs that DATOA would seek to remove all represent good practice, balancing public safety needs with consideration for the hackney carriage and private hire trade's business needs.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P.8 2.6	Replace the words "... at another one of the Council's specified Testing Stations ..." with "... with the Ministry of Transport Inspector or."	<p>Since the Council's test exceeds the MOT standard, and Specified Testing Station examiners are the only people trained to inspect to this standard, it is entirely appropriate that they are involved in the Appeals process.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P.8. 2.8	Replace the words: "... immediate suspension of the Licence (pending a spot check) and prosecution of the proprietor", with "...spot check of the vehicle."	<p>The original wording in the paragraph (which includes the word '<u>may</u>') is correct. The spot check procedure in Section 68 would require the vehicle licence to be suspended <u>but</u> an informal approach could be adopted (depending on the circumstances) at the</p>

		<p>Enforcement Officers' discretion. Failure to notify the Council of an accident is an offence, and therefore could result in prosecution; it is appropriate to state this so that the trade understand the possible implications.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
<p>P.8 2.9</p>	<p>Replace the entire paragraph with the following:</p> <p>"If a taxi meter is suspected to be inaccurate or its seal missing, this will involve the Enforcement Officer being driven over the measured mile by the driver. If the vehicle meter is found to be inaccurate the vehicle proprietor will be asked to have the meter repaired, calibrated, sealed and obtain the certificate from the suppliers. The certificate is then delivered to the Licensing Officers."</p>	<p>The original paragraph is correct. Where there is any remaining doubt over the accuracy of a taxi meter the licence must be suspended (Section 68) to prevent overcharging of the public. Without this action there is no way of preventing the vehicle being used before the meter is re-calibrated/re-sealed.</p> <p>The absence of a meter seal would suggest possible tampering with a meter; this would justify the licence suspension until a spot check is carried out.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
<p>P.8 2.10</p>	<p>Replace the words: "may result in suspension of the vehicle licence." with "will result in referral to the Principal Licensing Officer".</p>	<p>The proposed change does not explain the possible outcome of continued non-compliance. It would be more appropriate for the wording to be changed to read ..." and may result in the prosecution of the proprietor for non-compliance with licence conditions."</p> <p><u>Recommendation</u></p>

		To change the wording to read "and may result in the prosecution of the proprietor for non-compliance with the licence conditions."
P.8 2.11	<p>Replace the sentence:</p> <p>"A warning letter will be sent by Enforcement Officer to confirm the breach of licence conditions. Repeated breaches or failure to comply with the request will result in referral to the Licensing Sub-Committee."</p> <p>with:</p> <p>"Failure to comply with the request will result in referral to the Principal Licensing Officer."</p>	<p>It would be more appropriate to change the wording (as suggested above) to read "...Repeated breaches or failure to comply with the request may result in prosecution for non-compliance with licence conditions". This is an accurate description of the action available to the Council, and the Assistant Director (Environmental Health & Trading Standards) has delegated authority to agree such an action.</p> <p><u>Recommendation</u></p> <p>To amend the wording as described above.</p>
P9 2.12	<p>(a) To change the words "..Enforcement Officer.." to "..Licensing Officers.."</p> <p>(b) To change "... will carry out a full investigation ..." to "will report to the Complaints Officer to carry out a full investigation."</p>	<p>(a) This original wording is correct. Such matters <u>are</u> investigated by the Enforcement Officers.</p> <p>(b) As above. There is no 'Complaints Officer' within the Division; the officers authorised for this purpose are the Enforcement Officers.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P9 3.2 and 3.3	Change the references to "Enforcement Officers" to "Licensing Officer" and "Complaints Officer" respectively.	Para 3.2 has a typing error and should read 'Enforcement Officer'. This is correct in both cases for the reasons given in para 2.12 (above).

		<u>Recommendation</u> To retain the original wording.
P.10 Appendix B	This has been completely re-written by DATOA to require all complaints investigations to be referred to a Council Complaints Section for investigation, removing the current investigation role of the Licensing Section, and of the Enforcement Officers in particular.	<p>The original Appendix B sets out clearly the roles of all Council officers involved, and the current procedure followed. This procedure meets the requirements of the Division's Enforcement Policy <u>and</u> the Enforcement Concordat.</p> <p>Such investigations into potential criminal offences can only be carried out by suitably competent officers specifically authorised under the Act; these are the Taxi Licensing Enforcement Officers. This is not the role of a 'Complaints Officer' appointed to investigate complaints about Council officers or about procedures. A Complaints Officer's role is governed by the Council's Complaints Procedure and not by Criminal law. The proposal set out by DATOA is wholly inappropriate.</p> <p>Members should also note that the Complaint Investigation Procedure was written and introduced 2 years ago on the advice of the Departmental Complaints Officer.</p> <p><u>Recommendation</u> To retain the existing wording.</p>
P12 Appendix C	(a) To change the word ".. testing.." to "inspection.."	The original wording is correct. The Local Government (Miscellaneous Provisions) Act 1976 specifically states that: "Any

		<p>authorised officer of the Council ..(or any constable) shall have power at all reasonable times to inspect and <u>test</u>, for the purpose of ascertaining its fitness any hackney carriage or private hire vehicle licensed by the Council, or any taxi meter affixed to such a vehicle ..."</p>
	<p>(b) To replace original items 1. to 7. with new items 1. to 7. as follows:</p> <ol style="list-style-type: none"> 1. Visual inspection of a licensed vehicle from a distance of 3 metres (a distance from where a taxi user can judge the condition of the vehicle). 2. The inspection will be carried out on a side street and not on the taxi ranks, testing station or major roads. 3. Principal Licensing Officer to maintain a regular dialogue with testing station proprietors, managers to discuss vehicle testing issues and staff training in relation to the Council's Supplementary Testing Manual. 	<p>(b)</p> <ol style="list-style-type: none"> 1. This is totally unacceptable. The Enforcement Officers are not "users" of vehicles; their job is to monitor vehicle standards, including 'testing' and 'inspection' (which cannot be done from a distance of 3 meters) with a view to protecting the public, which is the Council's principal function in Licensing. 2. Although every effort is made not to obstruct a taxi rank or highway, the Enforcement Officers are entitled to inspect and test licensed vehicles in any location where they are found to be operating. 3. This is the role of the Enforcement Officers, as set out in their job descriptions. The Principal Licensing Officer (PLO) will have contact with Testing Station Proprietors about contacts or other policy issues.

	<p>4. For fair, independent vehicle tests Enforcement Officers will have no contact by any means, i.e. personal visits, by writing or phone, with Testing Station Proprietors or Vehicle Examiners to influence their decision.</p> <p>5. Any disagreements between testing station proprietors and vehicle owners will be resolved by the Ministry of Transport Inspector.</p> <p>6. During the visual inspections the Enforcement Officer will refrain from carrying out a Police Officer's, MOT Inspector's or DVLA's duties.</p>	<p>4. This proposal seeks to fundamentally undermine the role of the Enforcement Officers, who have many significant roles at a Testing Station, including:</p> <ul style="list-style-type: none"> • training of examiners in respect of the Supplementary Testing Manual • Monitoring and auditing of testing standards (including fairness and consistency) on behalf of vehicle proprietors, the Council and 'users' • Investigating complaints by proprietors about Testing Stations/Examiners and vice versa • Monitoring adherence to testing contract conditions • Provide advice/interpretation for examiners when requested. <p>It is not the Enforcement Officers' role to influence the outcome of any test/inspection being conducted by an examiner. It <u>is</u> their role, however, to ensure that all tests are carried out to the standard required by the Council by auditing the examiners.</p> <p>5. This is not the Ministry's role. An Appeals Procedure is outlined in Appendix D.</p> <p>6. The Enforcement Officers are only authorised to enforce Taxi Licensing Legislation, even though they will carry out</p>
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		<p>enforcement exercises in partnership with other enforcement agencies. The proposed paragraph is therefore unnecessary.</p>
	<p>7. Principal Licensing Officer to monitor compliance by the Testing Station with the terms and conditions of the testing contract and monitor/audit testing standard at management level.</p>	<p>7. The Principal Licensing Officer reviews the contract with testing station proprietors but it is the role of Enforcement Officers to monitor and audit testing standards.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
P.13 Appendix D	<p>DATOA propose to substitute the appeal inspection with another Specified Testing Station with an appeal inspection by a Ministry of Transport Inspector.</p>	<p>Only Specified Testing Station examiners are trained to 'test' against the Council's Supplementary Testing Manual, so it is appropriate that they are used to give an independent opinion.</p> <p><u>Recommendation</u></p> <p>To retain the original wording.</p>
New	<p>DATOA propose a new Appendix E 'Terms and Conditions of Taxi Hire'. This includes the following:</p> <ul style="list-style-type: none"> (a) Please pay your taxi fare as displayed on the meter. (b) The driver may ask for the fare to be paid up-front, particularly if the intended journey is out of town. (c) The soiling charge is £35.00. (d) Abusive/Aggressive/Violent behaviour towards Taxi driver will not be tolerated and will be fully investigated by the City Council. (e) Any damage caused by the passenger(s) in the vehicle is payable to the taxi driver including compensation thereof. 	<p>This appendix is not appropriate to an Enforcement Protocol designed to explain how the Council will enforce taxi licensing legislation.</p> <p>Although the Council must approve the fees charge by hackney carriage, private hire vehicles may set their own fee levels (which differ between companies). All vehicles (with meters) must display a tariff sheet, but no other 'terms and conditions' of hire are enforceable by the Council.</p>

	<p>(f) The City Council will not tolerate the failure of any of the above terms and conditions and all cases will be reported to the Police.</p> <p>(g) Any of the offences may result in prosecution proceedings being initiated against the offender(s)</p>	<p>In particular:</p> <p>(d) is enforced by the Police and cannot be investigated by the Council.</p> <p>(e) Criminal damage is a matter for the Police; accidental damage/compensation is a civil matter.</p> <p>(g) The paragraph implies that the Council may prosecute taxi customers; this is not the case in any circumstances as the Council has no mandate to do this.</p> <p><u>Recommendation</u></p> <p>Appendix E should <u>not</u> be included in the Protocol.</p>
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