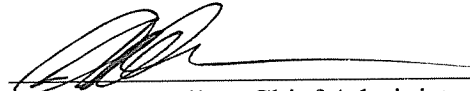


Halifax Regional Council
January 11, 2005
6:00 p.m.

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Wayne Anstey, Q.C., Municipal Solicitor

DATE: January 06, 2005

SUBJECT: **Taxi and Limousine Committee**

ORIGIN

Direction from Regional Council that staff bring forward a recommendation on the future structure of the Taxi and Limousine Committee.

RECOMMENDATION:

It is recommended that the Taxi and Limousine Committee as well as the Hotel Standards Committee be disbanded and that staff be directed to arrange for the introduction of the necessary legislation amendments to accomplish that end.

BACKGROUND:

The Taxi and Limousine Committee is established by By-Law T-100 (copy attached as Appendix "A"). The Committee is presently composed of eleven members made up as follows:

- (a) two Councillors;
- (b) two citizens of the Region which are not and have not been involved within the last five years prior to their appointment in taxi or limousine industries;
- (c) three taxi brokers (owners or managers) one from each zone;
- (d) three taxi drivers/owners (one from each zone);
- (e) one limousine representative.

The mandate of the Committee is to promote and encourage service to the public, professionalism, and the interests of the taxi and limousine industries as an integral part of the regional transportation system.

Pursuant to the By-law, the Committee may receive recommendations and submissions, conduct investigations and ultimately make recommendations to Council on the following topics:

- (a) rates and fees;
- (b) limitation of the number of taxi or limousine drivers in the various zones of the Municipality;
- (c) the role of the taxi and limousine industries in regional transportation objectives;
- (d) problems generally in the taxi and limousine industries; and
- (e) changes to by-laws or other legislation relevant to the taxi and limousine industries

however, the Committee has no power to resolve or mediate in individual disputes within the taxi or limousine industries.

In addition, under the Taxi and Limousine By-law 108, a Hotel Standards Committee is established. That Committee is made up of nine members appointed as follows:

- (a) one member appointed by Tourism Halifax;
- (b) one member appointed by the Tourism Industry Association of Nova Scotia;
- (c) two members appointed by the Hotel Association of Halifax
 - (i) one to act as chair; and
 - (ii) the other to represent the hotel industry at the Concierge or Public Service Manager level, this appointment to be on a rotational basis among the Hotels;
- (d) five members appointed by Council on the recommendation of the Mayor with
 - (i) one member being a Hotel Standards licensed taxi driver;
 - (ii) one member being a licensed Hotel Standards taxi owner;
 - (iii) one member being an owner or manager of a 24 hour dispatch taxi brokerage;
 - (iv) one member being a member of Council; and
 - (v) one member being a concierge from a residential facility.

The mandate of the Hotel Standards Committee is to improve the level of service for visitors to the Halifax Regional Municipality and to enhance the working relationship between taxi drivers and the entire tourism industry.

Prior to amalgamation, there were taxi and limousine committees in both the former cities of Halifax and Dartmouth. The Town of Bedford and the Halifax County Municipality has no such industry committees.

The make-up of the former City of Halifax committee was similar to the current Committee while the committee in the former City of Dartmouth was made up of 5 Councillors and 1 citizen at large.

Staff has done a survey of a number of the more prominent cities across Canada (15 in total) to determine the governance structure in place in each of those communities. In addition information was obtained from Manitoba and British Columbia where the taxi industry is regulated provincially. The results of that survey are attached as Appendix "B".

Of the 15 cities surveyed, 8 of the municipalities do not have any taxi committee of any kind in place. In the local region, there are no taxi committees in place in Prince Edward Island and New Brunswick. Saint. John, New Brunswick did have a committee until May, 2004, when the members of the Committee walked out. Toronto has not had an active committee since 2003. It is currently under review by the Council. The mandate and structure of the committees in Ottawa and Mississauga are currently under review. There appears to be a trend in that committees that exist in eastern Canada appear to have industry members as a majority or at least a substantial portion of its committee. On the other hand, committees in western Canada appear to have no industry representation.

DISCUSSION:

In staff's opinion, the primary purpose in the municipality regulating the taxi and limousine industry is to ensure that the public receives a safe and effective taxi and limousine service within the municipality as an integral part of the overall transportation system. In achieving this goal, it is necessary for the municipality to regulate the quality and safety of vehicles, the qualification and training of drivers and to create a regulatory environment in which the industry can operate effectively in the public interest.

Unfortunately, it is staff's observation that, for the most part, in recent years, the Committee has not focussed on the interests of the public, but rather on the financial self-interests of the owners and operators. The Committee has resisted efforts to raise the standards for both vehicles and drivers. The Committee has not been prepared to attempt to address major problems facing the industry such as the "leasing" of roof lights. Much of the discussion time of the Committee has been spent on issues like taxi limitations and transferability which many members of the industry see as a potentially substantial financial windfall to current members of the industry. Recent discussions have shifted from limitations on taxi vehicles to limitations on drivers. Historically, this has resulted in citizen members of the Committee losing interest in the Committee and eventually ceasing to attend. In recent months, even industry members have begun to become frustrated with the Committee proceedings with the result that it has been difficult to achieve and maintain quorums. Non-committee members of the industry have expressed frustration with the ineffectiveness of the Committee.

The Hotel Standards Committee was first established in the former City of Halifax with a goal of upgrading the quality of taxis and the drivers servicing hotels. A standard was set for both vehicles

and drivers who would be permitted to access private stands on hotel properties. Since that time, the standard for all taxis has been upgraded to the hotel standard so that there is now no higher standard for taxis which can be licensed to operate anywhere and those that access hotels. In addition, all new drivers are now required to take the same training as was originally established for hotel standard drivers. Therefore, in staff's opinion, the purpose of the Committee has become redundant.

There are many industries operating in the municipality which are regulated to some extent either by the Municipality or the Province. HRM has not created an advisory committee for these industries. Most facets of the transportation in the Province of Nova Scotia are regulated either by the Province or by municipalities. HRM has not created advisory committees for other sectors of the transportation industry other than for taxis and limousines. As our research has pointed out, the majority of communities do not have advisory committees in place with respect to the taxi and limousine industry and there is no indication that those communities that do not have committees are any less effective in regulating the industry. Even in the absence of an HRM sponsored Committee, there is nothing to prevent the HRM taxi and limousine industry from organizing itself to input to Council on issues that it considers important to the industry. Likewise if the hotel industry wishes to organize itself with respect to standards for taxis and limousines accessing their private stands they can do so on their own without HRM assistance.

If Council does perceive a need to continue to have an oversight body with respect to this industry, then it is staff's opinion that one advisory body should replace the two present committees and be made up of representatives of stakeholder groups such as the chamber of commerce, the tourism industry, the hotel and hospitality industry and the general public, including representatives from the disabled community. Council representation is not necessary since Council members will have an opportunity to input on industry issues when they come before Council. This Committee could receive input from all interested parties including owners, brokers and drivers.

BUDGET IMPLICATIONS

This recommendation has no significant budget implications. There would be some small savings as a result of staff no longer being required to provide support services to the Committees.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Operating reserves, as well as any relevant legislation and business plans.

ALTERNATIVES

If Council does perceive a need to continue to have an oversight body with respect to this industry, then it is staff's opinion that one advisory body should replace the two present committees and be made up of representatives of stakeholder groups such as the chamber of commerce, the tourism industry, the hotel and hospitality industry and the general public, including representatives from the disabled community.

ATTACHMENTS:

Appendix "A" - By-Law T-100 Respecting Taxi and Limousine Committee

Appendix "B" - Survey Of Information Respecting Taxi Industry Governance From Select Cities
Across Canada.

Additional copies of this report and information on its status can be obtained by contacting the Office
of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Wayne Anstey, Q.C., Municipal Solicitor.

Report approved by: 
Wayne Anstey, Director of Legal Services 490-4229

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER T-100

RESPECTING

A REGIONAL TAXI AND LIMOUSINE COMMITTEE

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 305 of the Motor Vehicle Act, Chapter 293, R.S. N.S., 1989 as follows:

Short Title

1. This By-law shall be known as By-law No. T-100 and may be cited as the "Taxi and Limousine Committee By-law".

Committee

2. (1) The Council hereby establishes the Taxi and Limousine Committee which shall promote and encourage service to the public, professionalism, and the interests of the taxi and limousine industries as an integral part of the regional transportation system.

(2) The Committee shall consist of eleven (11) members who shall be appointed by Council on the recommendation of the Mayor and shall consist of:

- (a) two (2) Councillors;
- (b) two (2) citizens of the Region which are not and have not been involved within the last five years prior to their appointment in taxi or limousine industries;
- (c) three (3) taxi brokers (owners or managers) one from each zone);
- (d) three (3) taxi drivers/owners (one from each zone);
- (e) one (1) limousine representative.

(3) The members of the Committee shall be appointed for such term as Council may direct and shall hold office at the pleasure of Council.

(4) A member of the Committee shall be eligible for re-appointment.

(5) A member who is absent from three consecutive meetings of the Committee without cause shall be deemed to have resigned

(6) If any of the Councillor members of the Committee ceases to be a Councillor during the member's term on the Committee, the member's appointment shall be vacated.

(7) Should a vacancy occur on the Committee, for any reasons other than the expiration of the term of a member, the Council shall within 30 days of notification thereof, appoint a person to fill the vacancy, and the person so appointed shall hold office for the remainder of the term of the member to whose place he or she was appointed.

(8) The Committee may receive recommendations and submissions, conduct investigations and ultimately make recommendations to Council on the following topics:

- (a) rates and fees;
- (b) limitation of the number of taxi or limousine drivers in the the various zones of the Municipality;
- (c) the role of the taxi and limousine industries in regional transportation objectives;
- (d) problems generally in the taxi and limousine industries; and
- (e) changes to by-laws or other legislation relevant to the taxi and limousine industries;

however, the Committee shall have no power to resolve or mediate in individual disputes within the taxi or limousine industries.

(9) The Committee shall meet within thirty (30) days of its appointment each year and thereafter at the call of the Chair, or at the request of any six members of the Commission.

(10) A quorum of the Committee for each meeting shall be one half of the actual number of members on the Committee from time to time.

(11) The Committee shall, at its first meeting each year, elect from its members a Chairman and a Vice-Chairman who shall act in the absence of the Chair for the coming year.

(12) Repealed by T-110

(13) The procedure of the Committee shall be governed, where not inconsistent with this By-law, by the Rules of Order Administrative Order of the Region.

Incidental Amendments

3. Clause (b) of Section 2 and Section 3 of former City of Halifax Ordinance 116, the Taxi and Limousine Ordinance, clause (d) of Section 1 and Section 2 of former City of Dartmouth By-law T-500, respecting the Licensing of Taxis, Clause (b) of Section 1 of former Halifax County Municipality By-law 10, the Taxi By-law and Clause (b) of Section 1 of former Town of Bedford By-law 15901, the Taxi By-law are hereby repealed.

Done and passed in Council this ninth day of July, 1996.

Walter R. Fitzgerald
MAYOR

Vi Carmichael
MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of Halifax Regional Council held on July 9, 1996.

Vi Carmichael
Vi Carmichael
Municipal Clerk

APPENDIX "B"

Taxi Boards and Committee's
November 2004

Municipalities	Purpose	Composition & Term	Enabling Legislation
Halifax	Promote and encourage service to the public, professionalism and the interest of the Taxi and Limousine industry as an integral part of the regional transportation system	2 councillors 2 citizens 3 brokers 3 drivers 1 limo rep. Appointed by Council	By-Law T-100 "Respecting A Regional Taxi And Limousine Committee"
Charlottetown	No Advisory Committee	N/A	N/A
Moncton	No Advisory Committee	N/A	N/A
Saint John	Committee not active at this time, last met in May and members walked out.	1 Police Member 1 Hotel Manager 3 Drivers	Taxi By-law M -12
Fredericton	No Advisory Committee	N/A	N/A
St. John's NFLD	Promote and encourage service to the public, and professionalism	1 Stand Owner 5 Drivers 2 License Owner 1 Hotel / Hospitality 3 General Public Random, no set terms	N/A

Oshawa	No Advisory Committee	N/A	N/A
Ottawa	To work with all stakeholders to encourage the self-management of the industry and improve its overall quality	2 councillors 2 citizens 2 brokers 2 drivers 1 limo rep. 1 board of trade 1 tourism member Committee Currently Under Review term, same as council	Municipal Government Act Appointed by Council and follow rules of order
Hamilton	No Advisory Committee	N/A	N/A
Mississauga	To work on improving the working conditions, public relations, safety and business opportunities within the city of Mississauga	3 councillors 2 citizens 8 industry members Appointed by Council term same as council Committee Currently Under Review	Council's Procedural By-Law and rules of order
London	No Advisory Committee	N/A	N/A

Toronto	To work on improving the working conditions, public relations and business opportunities within the industry	4 drivers 2 owners 1 independent 1 broker rep Industry Committee only term, same as council Committee currently suspended	Municipal Government Act
Regina	No Advisory Committee	N/A	N/A
Winnipeg	Manitoba taxi services are controlled by a Provincial Board To ensure that persons within Winnipeg receive adequate taxicab service at a reasonable cost.	Board membership includes a member of the City of Winnipeg Council, the Chief / Constable of the Winnipeg Police Force, and five other persons appointed by the Lieutenant-Governor in Council.	Manitoba Transportation & Government Services "Manitoba Taxicab Act"
Edmonton	The Commission controls the licensing and operation of Taxis, Taxi Brokers, Taxi Drivers and the taxi business in the city	(7) members at large appointed by City Council (no industry involvement) One year term: January 1 to December 31, (to a maximum of six years)	Municipal Government Act By-Law 12020

Calgary	To serve the citizens of Calgary and its visitors and contribute to the City of Calgary's overall transportation strategy, by ensuring a safe and effective livery system.	3 person at large, 2-3 yrs (no industry involvement) 4 person all of whom may be a Member of Council or an employee of the city or the Police Commission, 1 year each	Municipal Government Act "Taxi Business By-Law"
British Columbia	British Columbia taxi services are controlled by a Provincial Board The Board is responsible for developing application guides and forms, accepting all applications, verifying safety requirements and issuing all licences.	Board membership includes: 5 appointed members 2 - 3 year terms 4 Staff Members	Provincial Minister of Transportation "Passenger Transportation Act"

Whitehorse	No Advisory Committee	N/A	N/A
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