

11.1.11



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council

October 28, 2003

November 4, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Stephen Adams", written over a horizontal line.

Councillor Stephen Adams, Chair of the Taxi and Limousine Committee

DATE: October 21, 2003, 2003

SUBJECT: **By-law T-127 - Amendments to By-Law T-108 re Criminal Record Check**

ORIGIN

Taxi and Limousine Committee meeting of October 20, 2003

RECOMMENDATION

It is recommended that Regional Council:

1. Approve in principle the amendments to By-Law T-108 found in Attachment "A" of this report, and direct staff to arrange for their formal adoption by Council.

BACKGROUND

This matter was introduced by a Committee member at the Regional Taxi and Limousine Committee on September 15, 2003 and was dealt with at the October meeting of the Committee.

DISCUSSION

The original Notice of Motion given on September 15, 2003 did not address the issue of penalty as a result of false declarations. An approved amendment to the motion made during the discussion at the October 20, 2003 meeting provided that any driver making a false declaration would be banned from driving taxi for a five year period. The driver could maintain his owner's license and, if he/she desired, lease his vehicle for that period.

BUDGET IMPLICATIONS

There are no budgetary implications inherent in this document.

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 Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Approve in principle the amendments to By-Law T-108 attached as Attachment "A" to this report, and direct staff to arrange for their formal adoption by Council.
2. Refuse to amend the By-law as set out in this report.

ATTACHMENTS

1. Attachment "A", By-law T-127
2. Extract of Draft Minutes of the October 20, 2003 meeting of Halifax Regional Council

<p>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: Sherryll Murphy, Legislative Assistant, 490-6517.</p>

First Reading: Nov. 4/03

Second Reading / Public Hearing: Nov. 25/03

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER T-127

RESPECTING THE REGULATION OF TAXIS

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 that Bylaw T-108, the Halifax Regional Municipality Taxi and Limousine Bylaw, as amended is hereby further amended as follows:

1. Section 43 of said Bylaw T-108 is amended by adding "(1)" immediately after the Section number and adding thereto the following subsections:

(2) Notwithstanding subsection (1), commencing the first day of January, 2004, in any year other than the year in which the applicant's motor vehicle driver's license is renewed or due for renewal by the Registrar of Motor Vehicles for the Province of Nova Scotia, the applicant for the renewal of a driver's license, in lieu of a criminal records report from the appropriate police agency as required by clause (f) of Section 38, may file with the Inspector a Statutory Declaration by the applicant stating that an order as described in clause (a) of Section 40 of this Bylaw is not in effect as of the date of the application for renewal and that the applicant has not been convicted of an offense described in clause (b), (c) or (e) of Section 40 of this Bylaw since the date that a criminal report was last filed with the Inspector.

(3) If an applicant makes a false statement in a Statutory Declaration filed with the Inspector pursuant to subsection (2), the Inspector, in addition to any penalty prescribed by Section 74 of this Bylaw, shall refuse to issue a driver's license to the applicant or shall revoke the driver's license issued to the applicant immediately upon the Inspector becoming aware of the false statement and the applicant shall thereafter not be eligible to make application for or to be granted a driver's or an owner's license pursuant to this Bylaw for a period of five (5) years from the refusal or revocation of the license.

7.2 **Bob Richards - Criminal Records Check**

- Notice of Motion was given at the September 15, 2003 meeting of the Regional Taxi and Limousine Committee.

MOVED by Bob Richards, seconded by David Withrow that commencing January 1, 2004, the applicant for a taxi driver's license, a temporary taxi driver's license or a limousine driver's license will provide the Taxi Inspector with a criminal records check as set out in Section 36(F) of By-law T-108 Respecting the Regulation of Taxis and Limousines. This criminal record check will be valid until the said applicant's next renewal of his/her motor vehicle driver's license. Upon annual renewal of the applicant's taxi driver's license, the statutory declaration (Form IV) will be accepted by the Taxi and Licensing Officer, in lieu of an annual criminal records check in the interim period between the last renewal of his/her motor vehicle driver's license and the upcoming renewal for that motor vehicle driver's license.

MOVED by Councillor Cooper, seconded by Mr. Hatcher that the motion be amended to provide that any person giving a false declaration be barred from owning a driver's licence for a five year period from the date of conviction.

A discussion ensued with Don Shannon indicating that Council has not been supportive of the statutory declaration option in the past. He commented that he did not believe they would change their position in this regard.

In response to a question from the Committee, Mr. Steele indicated that his understanding was that the individual would not be barred from driving for a five year period, however, the individual could retain their owner's license and lease out their vehicle.

Derek Mathers expressed concern that the timing of this amendment is not good given that the industry is seeking an increase in the meter rate.

Mr. Ed Flewwelling, a member of the industry, expressed concern that the criminal records check given was not even a proper check. He went on to explain that no fingerprints were taken and that the check was merely a name check. Mr. Flewwelling noted that it was his understanding that this type of check did not guarantee that the individual does not have a record.

A brief discussion of how often criminal record checks are required for individuals working as cross walk guards or in a day care ensued. Ms. Susan Bowers, a member

EXTRACT - DRAFT MINUTE - REGIONAL TAXI AND LIMOUSINE COMMITTEE
OCTOBER 20, 2003

of the industry, indicated that she believed that crossing guards were only required to obtain a criminal record check upon hiring.

Mr. Shannon, referring to comments made by Mr. Flewwelling, indicated that he was concerned that a proper criminal records check be undertaken and that work towards this should be undertaken. He noted that although he was in favour of eliminating the requirement for a criminal record check, he did not believe the timing was correct.

MOVED by Mr. Shannon, seconded by Mr. Auld that this matter be deferred pending further information regarding the validity of the criminal records check.

After a brief discussion, the **MOTION TO DEFER WAS PUT AND DEFEATED.**

In response to a question from the Committee, Mr. Steele indicated that he understood that he has the authority to require a criminal records check, if at any time he becomes aware of the possibility of criminal activity.

After a further short discussion, the **MOTION TO AMEND WAS PUT AND PASSED.**

The **MAIN MOTION, AS AMENDED, WAS PUT AND PASSED.**