



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: April 12, 2006
Author: Alena Straka
Phone No.: 604.871.6683
RTS No.: 05880
VanRIMS No.: 11-4600-70
Meeting Date: May 2, 2006

TO: City Council

FROM: Chief License Inspector

SUBJECT: Vehicles for Hire By-Law Amendments - Chauffeur's Permit and Vehicles for Hire License Requirements

RECOMMENDATION

- A. THAT Council approve an amendment to the Vehicles for Hire By-Law which requires that prior to the issuance of a chauffeur's permit, the Chief Constable shall conduct a police records check to determine whether the applicant has been convicted of any offence and confirm that the applicant has a valid Class 4 driver's license and possesses a working knowledge of city streets.
- B. THAT Council approve a consequential amendment to Section 7(3) of the Vehicles for Hire By-Law pertaining to a vehicle for hire license to achieve consistency with the wording concerning police records checks in recommendation A above.
- C. THAT Council approve an amendment to the Vehicles for Hire By-Law establishing the ability for the Inspector and the Chief Constable to charge a cost recovery fee of \$55 for conducting a police records search of an applicant for a vehicles for hire license and a chauffeur's permit.
- D. THAT Council approve an amendment to the Vehicles for Hire By-Law that establishes the same procedural provisions for an appeal of a suspended chauffeur's permit as those in Section 10 (2), (3) and (4) of the By-law pertaining to a vehicle for hire license.
- E. THAT Council approve housekeeping amendments to Section 7(3)(a) of the Vehicles for Hire By-Law pertaining to a vehicle for hire license which improves upon outdated language.

- F. THAT the Director of Legal Services be requested to prepare the necessary By-Law amendments to the Vehicles for Hire By-Law generally as set out in the draft by-law attached as Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the above recommendations.

COUNCIL POLICY

The Vehicles for Hire By-Law licenses and regulates the owners and drivers of vehicles for hire in the City of Vancouver.

PURPOSE

The purpose of this report is to seek Council's approval for amendments to the Vehicles for Hire By-Law pertaining to chauffeur's permits and vehicles for hire licenses. The amendments include a requirement for the Chief Constable to conduct a police records check of all applicants for a chauffeur's permit and determine that they hold a valid Class 4 driver's license and have a working knowledge of city streets; implement a cost recovery fee of \$55 for police records checks; establish the same procedural provisions for an appeal of a suspended chauffeur's permit as those which exist in the By-Law for a vehicle for hire license and improve upon outdated language.

BACKGROUND

Currently, the Vehicles for Hire By-Law stipulates that prior to the issuance of a vehicles for hire license, the Inspector must ascertain that an applicant has satisfied certain requirements and conditions. One of these is the completion of a police records check, specifically outlined in Section 7(3) of the Vehicles for Hire By-Law as follows:

"On receipt of an application and before issuing any license thereon, the Inspector shall ascertain whether the applicant has at any time within the preceding 5 years been convicted of any offence under any Statute of Canada, the province of British Columbia or elsewhere, or under any By-Law of the City of Vancouver and the Inspector, if of the belief that the nature of the offence relates to the business, trade, profession or other occupation for which the application has been made, shall refuse to issue the license....."

Section 6 of the Vehicles for Hire by-Law also stipulates conditions for the issuance of a chauffeur's permit by the Chief Constable to drivers of limousines, school shuttle vans or taxicabs. This section does not explicitly require a police records check of the applicants as identified in Section 7(3) of the Vehicles for Hire By-law above. Furthermore, other considerations in qualifying for a chauffeur's permit, such as holding a Class 4 driver's license and having a working knowledge of city streets are also not mentioned.

Other omissions in the Vehicles for Hire By-law include a cost recovery fee of \$55 for conducting a police records check and procedural provisions for an appeal of a suspended chauffeur's permit, similar to those in Section 10 of the By-Law pertaining to a vehicle for hire license.

DISCUSSION

Staff recommend that the Vehicles for Hire By-Law be amended to ensure consistency between the requirements for a vehicle for hire license and a chauffeur's permit. This includes the following proposed amendments:

1. That prior to the issuance of a chauffeur's permit, the Chief Constable must conduct a police records check to determine whether the applicant has been convicted of any offence and confirm that the applicant has a valid Class 4 driver's license and possesses a working knowledge of city streets.
2. That a consequential amendment to Section 7(3) of the Vehicles for Hire By-Law pertaining to a vehicle for hire license be made to achieve consistency with the wording used with the same intent for the chauffeur's permit section.
3. That a cost recovery fee of \$55 be charged for conducting a police records check of all applicants for a vehicles for hire license or a chauffeur's permit.
4. That the same provisions for an appeal of a suspended chauffeur's permit as those that currently apply in Section 10 of the By-Law for the suspension of a vehicle for hire license be established.
5. That a housekeeping amendment to Section 7(3)(a) of the Vehicles for Hire By-Law pertaining to a vehicle for hire license be made which improves upon outdated language. The proposed changes include replacing the words "intimate knowledge" with "a working knowledge" and deleting the word "continuous" as taxicabs are the only vehicle for hire that the phrase "continuous service" would apply to and Section 23(10) of the By-Law already identifies the amount of time that each taxicab shall be available for hire.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report proposes that Council approve amendments to the Vehicles for Hire By-Law which clarify the requirements for chauffeur's permits and are consistent with the existing requirements for vehicle for hire licensing.

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APPENDIX A

BY-LAW NO. _____

**A By-law to amend Vehicles for Hire By-law No. 6066
regarding chauffeur's permits and miscellaneous amendments**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Vehicles for Hire By-law.
2. After section 6(2), Council adds:

“(2A) On receipt of an application for a chauffeur's permit and before issuing the permit, the Chief Constable must:

 - (a) ascertain whether the applicant has at any time within the preceding five years been convicted of any offence under any statute of Canada or the Province of British Columbia or under any city by-law, and the Chief Constable, if of the belief that the nature of the offence relates to the business, trade, profession, or other occupation for which the application has been made, must refuse to issue the permit;
 - (b) determine whether or not the applicant has a Class 4 driver's licence under the Motor Vehicle Act of British Columbia, and, if not, must refuse to issue the permit; and
 - (c) determine whether or not the applicant has a working knowledge of city streets, and, if not, must refuse to issue the permit.”
3. Council repeals the first sentence of section 7(3), and substitutes:

“On receipt of an application for a license and before issuing the license, the Inspector must ascertain whether the applicant has at any time within the preceding five years been convicted of any offence under any statute of Canada or the Province of British Columbia or under any city by-law, and the Inspector, if of the belief that the nature of the offence relates to the business, trade, profession, or other occupation for which the application has been made, must refuse to issue the license.”
4. From section 7(3)(a), Council strikes out:
 - (a) “intimate knowledge of the city and its traffic regulations and of this By-law”, and substitutes “working knowledge of city streets”; and
 - (b) “continuous”.

5. After section 7, Council adds:

"Cost of police records check

7A. Concurrently with submitting an application for a license or a chauffeur's permit, the applicant must pay to the city the fee for the police records check specified in Schedule A of this By-law."

6. To the end of Schedule A of this By-law, Council adds:

"The fee, under section 7A, for a police records check under section 6(2A) or 7(3) of this By-law is \$55.00."

7. Council repeals section 10(2), and substitutes:

"(2) If the Inspector suspends a license or the Chief Constable suspends a chauffeur's permit, the license holder or permit holder who wishes to appeal the suspension to Council must deliver to the City Clerk, within 10 days after the date of the suspension, notice in writing of intention to appeal the suspension."

8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2006

Mayor

City Clerk

EXPLANATION

Vehicles for Hire By-law amending by-law re chauffeur's permits and miscellaneous amendments

The attached by-law will implement Council's resolution of _____, 2006 to amend the Vehicles for Hire By-law to deal with chauffeur's permits, police records checks, and other updating.

Director of Legal Services
_____, 2006