

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **24 June 2021**

Time: **3.00pm**

Venue **Council Chamber, Hove Town Hall and Hybrid**

Members: **Councillors:** Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Atkinson, Bagaeen, Ebel, Heley, Knight, Lewry, Moonan, Phillips, O'Quinn, Rainey and C Theobald

Contact: **Penny Jennings**
Democratic Services Officer
01273 291065
penny.jennings@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS](#)/[Windows](#)/[Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

1 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

2 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of meeting held on 3 March 2021 (copy attached)

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

(a) Items (5 – 8) will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

5 PUBLIC INVOLVEMENT

13 - 22

To consider the following matters raised by members of the public:

(a) Petitions: to receive any petitions presented to the full council or at the meeting itself;

(b) Written Questions: to receive any questions submitted by the due date of 12 noon on 18 June 2021;

(c) Deputations: to receive any deputations submitted by the due date of 12 noon on 18 June 2021 (copy attached)

6 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

(a) Petitions: to receive any petitions submitted to the full Council or at the meeting itself;

(b) Written Questions: to consider any written questions;

(c) Letters: to consider any letters;

(d) Notices of Motion: to consider any Notices of Motion referred from Council or submitted directly to the Committee.

7 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

23 - 34

Report of the Executive Director of Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: Alex Evans

Tel: 0127329

Ward Affected: All Wards

8 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the [insert date] Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 4 MARCH 2021

VIRTUAL VIA MICROSOFT TEAMS

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Ebel, Fowler, Henry, Knight, Lewry, Osborne, Rainey and Wares

Apologies: Councillors Atkinson and Bagaeen

PART ONE

19 PROCEDURAL BUSINESS

Minutes Silence in Memory of Members of the Licensed Taxi Trade lost to Covid 19

Before proceeding to the formal business of the Committee

19(a) Declarations of Substitutes

19.1 There were none. Apologies were received from Councillor Bagaeen.

19(b) Declarations of Interest

19.2 There were no declarations of interests in matters listed on the agenda.

19(c) Exclusion of Press and Public

19.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

19.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

20 MINUTES OF THE PREVIOUS MEETING

- 20.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 26 November 2020 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS**Covid 19 Update – Taxi Operators Across the City**

- 21.1 The Chair, Councillor Deane, explained that Officers would be providing an update on the current Covid situation and she felt sure that everyone would be relieved to see there that there appeared to be light at the end of the tunnel, particularly with the roll out of the vaccine programme and gradual easing of restrictions. Even so, there was still a long way to go before people would be jumping into taxis with the same level of confidence as pre-pandemic.
- 21.2 Members we were acutely aware of the hardship that this situation had had on the city's taxi drivers. Although many of them would have been eligible for government support through their self-employed status, there were also a significant number who had not been able to access this, so she was pleased to be able to report that officers in the Licensing and Finance teams had been working on this, with the result that grants totalling an estimate of up to £520k were being made available to support our cabbies. The scheme had gone live on Monday of that week and it was understood that to date nearly 900 applications had been received for the one-off payment of £400.
- 21.2 The Chair stated that she would also like to extend her thanks and those of the Committee to all the local taxi drivers who had been taking part in the Cabs for Jobs initiative which had been giving free journeys to and from vaccination centres for elderly and vulnerable residents. This act of generosity went beyond the call of duty and had been much appreciated across the city.
- 21.3 **RESOLVED** – That the content of the Chair's Communications be noted and received.

22 PUBLIC INVOLVEMENT**22(a) Written Questions**

- 22.1 There were none.

22(b) Petitions

- 22.2 There were none.

22 (c) Deputations

- 22.3 There were none.

23 MEMBER INVOLVEMENT

23(a) Petitions

23.1 There were none.

23.(b) Member Questions

23.3 The Chair, Councillor Deane noted that two questions had been received, one from Councillor Appich and one from Councillor O'Quinn. The Chair explained that although the questions did not fall within the Committees remit she had agreed to permit those questions to be asked at this Committee and for both Councillors to ask them subsequently at the Environment Committee which was the correct forum. Both Councillors welcomed this stating that they would be happy to do so. Councillor O'Quinn stated that she wanted to raise this matter at this Committee as she considered that there was an anomaly, these highlighted that, responsibilities for this were unclear and in consequence issues arising could fail to be adequately addressed, Councillors O'Quinn and Appich wished to draw attention to that. Councillor Appich concurred in that view.

Question – Councillor O'Quinn – Complaints About Dog Attacks

23.4 Councillor O'Quinn put the following question:

“Over the last 5 years there were 450 complaints made to the council of dog-on-dog attacks and no action was taken – fines etc. What is the council doing about this situation?”

23.5 The Chair gave the following response:

“It is right to say that there have been no Community Protection Notices (CPNs) issued with regard to dog-on-dog attacks, but it is not correct to conclude from this that no actions have been taken. The Animal Warden Service has taken formal enforcement action in relation to dog-on-dog attacks.

A recent ombudsman enquiry into a complaint about the council's decision not to issue a CPN concluded in December 2020 that the council applied the wrong thresholds when considering whether to issue a CPN. The council did not bring in the policy to use CPN powers in relation to dog related enquiries until 2018 and these procedures have now been revised following the recommendations in the ombudsman's report. In more complex cases or where the incident is of a serious nature, CPNs will be considered along with other enforcement tools, such as the Dogs Act 1871 and the Dangerous Dogs Act 1991 as amended. The CPN procedure will be considered in cases of low level dog-on-dog attacks and when a dog owner habitually allows their dog to stray and is subsequently collected as a stray by the Animal Wardens.

There are a number of issues that have frustrated the Council when investigating cases. In the majority of cases (approx. 60%) the identity of the owner of the offending dog is not known by the complainant. In addition, in many cases complainants have not given sufficient evidence to support action. Where dogs and owners are identified the service offers advice and guidance to owners to avoid further incidents this approach has

proved successful, it is very rare that there are any repeat incidents. Such cases are of course followed up.

Over the last 5 years, in the most serious of cases we have laid 2 complaints on a lead and muzzled. And one offender had their dog put to sleep of their own volition.” Under the Dogs Act 1871 and obtained control orders on the dogs involved. We have made formal agreements with a further 3 offenders, with an additional case pending, to abide by control measures as agreed with the Councils solicitors. We have had one offender accept our advice to keep her dog.

23.6 Councillor O’Quinn was invited to put a supplementary question if she had one.

Question – Councillor Appich – The Number of Stray Dogs Picked up Over the Last Eighteen Months

23.7 Councillor Appich put the following question:

“I am trying to find out how many strays have been picked up over the last 18 months, and whether there has been a change since the start of the pandemic. I’d also like to know how many have gone to kennels, how many rehomed and how many sent to rescue centres.”

23.8 The Chair gave the following response:

“Over the last 18months there have been:

Total strays dealt with 92

Placed in kennels 46

Sent to rescue for rehoming 22

In addition to the figures given, you or the Animal Welfare team had collected less and anecdotally, the word from many rescue centres was that dogs which would have been placed with them directly from the public or abandoned and found, were now being sold by the owners because prices for dogs had increased enormously and the demand now exceeded the supply. As there had been fewer strays during the pandemic, this could also be because more people were at home with their animals and so noticed them more.”

23.9 Councillor Appich was invited to ask a further question if she had one.

23.10 **RESOLVED** – That the questions and the responses given to them be noted and received. Councillors Appich and O’Quinn confirmed that they would put their questions at TECC Committee as well having highlighted these issues at this Committee.

23(c) Letters

23.11 There were none.

23(d) Notices of Motion

23.12 There were none.

24 HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS BLUE BOOK REVIEW - 6TH EDITION

- 24.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities provided in order to update the conditions, advice and information contained in the blue book handbook (The Blue Book) following statutory standards issued by the Department for Transport (Dft)
- 24.2 Councillor Wares stated that whilst he was in agreement with the proposed changes he did not agree with those proposed in respect of the requirements being sought in respect of MOT's pending a full review of the compliance testing process. He sought confirmation regarding the rationale for doing so at the present time as he was aware that the taxi trade had experienced substantial financial difficulties during the past year as a result of the pandemic. He was averse to making any changes at the present time which could add additional pressures on top of those which the trade were already suffering. A full and detailed explanation was given and whilst Councillor Wares accepted that he stated that he could not accept any changes which could have an adverse impact on the trade at a time when the post covid recovery process was at an early stage and was very fragile.
- 24.2 Councillor Simson concurred in that view stating that she considered no changes should be made to the current arrangements pending the full review of the current testing process which had not been progressed in consequence of the pandemic. Councillor Simson stated that she was of the view that that the trade needed to be given as much support as possible until a proper review could take place and the trade could be fully involved and consulted in respect of that process. Committee Members were in agreement with those comments. Councillors O'Quinn considered that in the current circumstances that represented a reasonable and pragmatic approach. The Chair, Councillor Deane and the Deputy Chair, Councillor Davis were in agreement and the Chair sought an amendment which incorporated the discussion which had taken place.
- 24.3 Councillor Wares proposed that the following wording be agreed:
- “That the Committee approve the 6th edition of the handbook save for the requirement for the MOT pending a full review of the compliance testing process.”
- The proposed amendment was seconded by Councillor O'Quinn. The amendment was put and Members voted unanimously to accept the proposed wording which then became the substantive recommendation. Members voted unanimously in support of the recommendation.
- 24.5 **RESOLVED** –That the Committee approve the 6th edition of the handbook save for the requirement for the MOT pending a full review of the compliance testing process.

25 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

25.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities which provided an update for Members on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants between November 2020 and March 2021.

25.2 **RESOLVED** – That Members note the contents of this report and that officers should continue to act as appropriate.

26 ITEMS REFERRED FOR COUNCIL

The meeting concluded at 4.10pm

Signed

Chairman

Dated this

day of

Subject: Deputation – Pedicabs Proposal
Date of Meeting: 24 June 2021
Report of: Executive Lead for Strategy, Governance & Law
Contact Officer: Name: Penny Jennings Tel: 29-1065
email: Penny.jennings@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 Under the Council’s Procedural Rules a Deputation may be presented to an appropriate Committee meeting for consideration.

2. RECOMMENDATIONS:

- 2.1 That the Committee either
- (a) Notes the deputation; or
 - (b) Notes the deputation and calls for an officer report on the issues raised by the deputation.

3. CONTEXT/ BACKGROUND INFORMATION:

- 3.1 A copy of the deputation is attached to the report as appendix 1.

4. ANALYSIS & CONSIDERATION OF ALTERNATIVE OPTIONS:

- 4.1 The Procedural Rules states that ‘the lead spokesperson will receive written confirmation of the response given to the deputation and that the signatories to the deputation will be invited to attend the meeting and will be permitted 5 minutes speaking time in total.

SUPPORTING DOCUMENTATION

Appendices:

1. Deputation and supporting information.

David Bernstein 10 Gladstone Place, Brighton BN2 3QD

May 26th 2021-

Proposal to trial 2 x electric bicycle pedicabs (velocabs)

The proposed idea is to introduce an electric bicycle passenger service in Brighton and Hove. Utilising modern electric cargo bike technology, our three wheel 'Velocabs' would carry 2 passengers and operate within a 3km radius of Brighton train station . We would aim to provide a safe and reliable zero emission addition to the city's existing taxi services. If provision cannot be granted as Hackney carriages we would also consider a private hire licence allowing us to transport prebooked passengers, using a dedicated phone number or app and allow us to conduct tours of Brighton.

We are at a major turning point in the future of transport within the urban environment .With the pressures of climate change ,zero carbon targets and the desire for a post pandemic green recovery our Velocabs can help to make a difference. Velocabs will contribute to achieving the councils zero carbon 2030 objectives, help to reduce congestion and add a fun and exciting transport option for locals and tourists alike.

As we are seeing, buses within the city are already going electric and as new low or zero emission zones are imposed and car free city centres implemented, taxis too will have to go electric especially if London's model is to be followed.

Velocabs are not intended as competition to the existing taxi companies but rather a complimentary service. A velocab ride is different to a taxi journey, it carries less passengers over shorter distances and may be more impulsive ,especially for example with tourists. We would welcome the opportunity to collaborate with the existing taxi companies so they could Pre-empt further restriction on car traffic by perhaps themselves investing now as an additional service to their fleet.

As our velocabs will be able to access the growing network of bike lanes they will offer a unique perspective of the city to passengers. They are proposed as both an A to B option , as well as being able to offer longer tours for tourists or new students and residents wishing to get acquainted with the city. Our themed tours would be curated by professional performers and/or tour guides , offering a unique view on our city.

Bicycle passenger schemes are currently operating in London, Edinburgh, Hereford, Oxford and many other towns and cities throughout the UK, Europe and worldwide. We believe a similar scheme would be a perfect fit for Brighton and Hove, helping to achieve promised carbon emission targets, as a great asset to tourism and reflecting the city's vibrant modern image .

We are seeking permission to to trial a couple of electric bicycle taxis in Brighton city centre and work with the council, tourist partners and local groups to help grow the project. We welcome the idea of carrying tourists and locals alike and working with community groups .

From my initial responses from Brighton and Hove licensing department, its clear there are currently barriers to the licensing of pedicabs here as they would be considered Hackney carriages or Private hire vehicles and fall under the councils controlled growth cap of 5 new licences permitted each year.

We would like to draw on successful examples from Hereford, York and South Cumbria councils of how they have successfully licenced pedicabs as Hackney carriages or private hire vehicles. In York's case for example they removed their hackney carriage licence cap to allow pedicab licences and added specific clauses to accommodate them. We would like to explore ideas with the council that could help facilitate licensing for example 1 in 5 new licences going to a pedicab or allowing a separate quota for zero emission vehicles etc. We have identified an insurance company that insures existing schemes and also provides an excellent template for compliance of pedicabs regarding safety and suitability. Riders would carry full driving licences, DBS checks and all be fully insured and trained.

We look forward to working with the council , tourism and licensing team to take this idea forward.

Supporting the project

David Bernstein, 10 Gladstone Place , Brighton BN2 3QD- Telephone: 07957237177

Hannah Barker , 10 Gladstone Place , Brighton, BN2 3 QD

Felicity Camm , 29 Lansdowne Place , Hove, BN3 1HF

Jason Pegg, 29 Lansdowne Place , Hove , BN3 1HF

Charlotte Bernstein 40 Hanover Street, Brighton, BN2 9ST

Gabriel MacKenzie 15 Canning Street, Brighton BN2 0EF

Subject: Deputation – Current State of the Licensed Taxi Trade in Brighton and Hove

Date of Meeting: 24 June 2021

Report of: Executive Lead for Strategy, Governance & Law

Contact Officer: Name: Penny Jennings **Tel:** 29-1065

email: Penny.jennings@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 Under the Council's Procedural Rules a Deputation may be presented to an appropriate Committee meeting for consideration.

2. RECOMMENDATIONS:

- 2.1 That the Committee either
- (a) Notes the deputation; or
 - (b) Notes the deputation and calls for an officer report on the issues raised by the deputation.

3. CONTEXT/ BACKGROUND INFORMATION:

- 3.1 A copy of the deputation is attached to the report as appendix 1.

4. ANALYSIS & CONSIDERATION OF ALTERNATIVE OPTIONS:

- 4.1 The Procedural Rules states that 'the lead spokesperson will receive written confirmation of the response given to the deputation and that the signatories to the deputation will be invited to attend the meeting and will be permitted 5 minutes speaking time in total.

SUPPORTING DOCUMENTATION

Appendices:

1. Deputation and supporting information.

Brighton & Hove City Council

Deputation Request – Licensing Committee June 24 2021

Purpose of Deputation

To address Licensing Committee Councils on the current state of the trade with non-Brighton & Hove licensed vehicle predominantly working in the city.

Andrew Peters - Brighton & Hove Taxi Trade Association

Supported by Registered Trade Reps (verified with Democratic Services)

June 15 2021

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	24 June 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 296659
	E-mail:	martin.seymour@brighton-hove.gov.uk	
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report was requested by Members to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between March 2021 and June 2021.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to act as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Officers are deeply conscious of how the taxi trade has been impacted by the coronavirus pandemic and subsequent restrictions. We appreciate that this is very difficult time for licence holders. The Taxi Licensing Team have kept in contact and checked in with the Trade whenever possible, including holding virtual taxi forums.
- 3.2 Officers are working with the Trade to be as flexible as possible with regard to licensing drivers and vehicles in these difficult times, at the same time as continuing to operate the licensing regime to the best of our capabilities in a way that is fair to all and ensuring the safety of the public.
- 3.3 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non-criminal enforcement can also be affected by means of action taken against the licence held by the person who has transgressed such as warnings, suspensions or revocations.

- 3.4 Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.
- 3.5 The council can suspend, revoke or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).
- 3.6 All cases are looked at on their own individual merit and if necessary, such as in child sexual exploitation (CSE) cases, multi agency meetings may be held to review available evidence. When acting against a licence, decisions are investigated by officers and a recommendation is made to a manager who makes the decision in consultation with a lawyer. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was serious and required immediate suspension, then officers would come to members as soon as possible after they had acted.
- 3.7 In addition to day-to-day enforcement work, officers normally carryout weekly out-of-hours enforcement work, normally at weekends and weekday evenings. This includes monitoring of hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations. This has greatly reduced during lockdown periods to avoid face to face contact as much as possible. General enforcement is essentially checking the vehicle is safe to be on the road and that the drivers details are correct. The officers are trained in vehicle inspection and checks could include a number of things illustrated on the check list in Appendix A. Primarily, it involves checking the tyres, lights, steering, suspension, as well as the general condition of the vehicle, livery and that the meter is working correctly.
- 3.8 Joint working has been conducted with Adur and Worthing District Council & Lewes District Council and Sussex Police to monitor vehicles working in Brighton and Hove City. A multi-agency operation with DVSA (Driver Vehicle Standards Authority), Police and Neighbouring Authorities has been taken place.
- 3.9 A joint advice letter has been sent (a copy can be seen at appendix C) to all Brighton and Hove licenced proprietors and drivers in relation to vehicles stopping outside the front of Brighton Train Station plying for hire in contravention of the local bylaws and legislation. This appears to have had a positive impact and the amount of complaints has reduced. This is being closely monitored by officers and enforcement action will be taken where required. Work is still being completed to install bollards in the service road next to Budgens and this is hopefully being completed in the next few weeks.
- 3.10 Lewes District Council (LDC) have recently recruited an enforcement officer on a 12-month contract that will be working across Brighton and Hove and Lewes and Eastbourne. Their duties will include enforcement for LDC licence vehicles working in Brighton and Hove as well as licencing act duties for Lewes and Eastbourne.

3.11 For actions taken against drivers / applicants between March 2021 and June 2021
See Appendix B.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley

Date: 27/05/21

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 28/05/2021

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.

Appendices

A. Vehicle Inspection Sheet

B. Actions taken against Drivers

C. Advice letter sent to proprietors and drivers



BTEC Vehicle Inspection Programme

Vehicle Reg No _____

Mileage _____

Examining Officer _____

Private Hire

Hackney Carriage

Vehicle No

Badge No

Time Stopped

Date Stopped

Location

Exterior Lights Front	Serviceable	Unserviceable
Side Lights		
Headlights / Dip / Main		
Fog Lights Front		
Indicators N/S O/S + Hazards		
Exterior Front	Serviceable	Unserviceable
Condition Of bodywork + Number Plate		
Underbonnet Condition		
Oil / Brake / Steering Fluid		
Fluid Leakage		
N/S Front Tyre Depth Pressure		
N/S Wheel + Nuts		
N/S Suspension Leaking / Bounce		
N/S Wing Mirror		
O/S Front Tyre Depth Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
O/S Wing Mirror		
Steering Systems	Serviceable	Unserviceable
Amount of Free Play		
Condition of Gaitors		

Driver Interior / Exterior	Serviceable	Unserviceable
Condition of Steering Wheel		
View to Front and Side / Tints		
Seatbelts / Driver + Passenger		
Footbrake Operation + Slip Device		
Carpets / Wires / Obstructions		
Radio + PDA + Sta Navs		
ABS Warning + Other Warning Lights		
Handbrake Operation + Warning Light		
Seat Security		
Door + Window Operation (All)		
Signs / Fare Tables / Badges Etc		
Taximeter + Calibration		
O/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger + Centre Belt		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		

Rear Of Vehicle	Serviceable	Unserviceable
Side Lights		
Brake Lights + High Level / Central Lights		
Indicators N/S O/S + Hazards		
Rear Fog Lights		
Reversing Lights		
Number Plate Condition + Light		
Tailgate / Boot Operation		
Spare Wheel or Inflator Kit		
N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
Additions	Serviceable	Unserviceable
Fire Extinguisher		
First Aid Kit		
Wipers / Washers / Horn		

Brief Report

Defects likely to warrant suspension

General Condition of Vehicle

Good

Average

Poor

Very Poor

Other Defects Noted _____

Suspension Issued Yes No

Categorisation of Defects Section Page I.M No

Note _____

Enforcement Actions Since Licensing Committee June 2021

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1.	Hackney Carriage Dual Licence	11.03.2021	Arrested on suspicion of Possession and distribution of indecent images of children			Licensed Revoked
2.	Hackney Carriage Vehicle Licence	11.03.2021	Proprietor arrested on suspicion of Possession and distribution of indecent images of children			Licensed Revoked
3.	Hackney Carriage Dual Licence	24.03.2021	Disqualified from Driving. Driver does not hold a DVLA Driving Licence			Licensed Revoked
4.	Hackney Carriage Dual Licence	09.04.2021	Driver charged regarding 2 allegations of rape			Licensed Revoked
5	Hackney Carriage Dual Licence	28.05.2021	Driver detained under section 2 of the Mental Health Act			Licence Suspended
6	Hackney Carriage Dual Licence	11.04.2021	Driver witnessed smoking by Licencing Enforcement Officers in Hackney Carriage Vehicle.			Written warning issued to driver and Proprietors of Vehicle.
7	Hackney Carriage Dual Licence	05.02.2021	1) Smoking in licenced vehicle, 2) Condition of vehicle 3) Stopping at the front of Brighton Station in loading bay, plying for hire.			Vehicle licence suspended. Written warning issued to driver.

8	Hackney Carriage Dual Licence	04.06.2021	<p>1) Continue to Smoke in Licence vehicle after warnings given</p> <p>2) Condition of vehicle – Not improved after warnings given, Fire extinguisher 2 years out of date, safety screen not secured, vehicle littered with rubbish.</p> <p>3) Continued to ply for hire in loading bay outside station – numerous warnings given</p> <p>4) Plying for hire in hackney carriage vehicle whilst the vehicles licence had been suspended.</p> <p>5) Allegation driver charged customer extra for using a payment card.</p>	Driver failed to attend interview with officers		Licensed Revoked
9	Hackney Carriage Dual Licence	08.06.2021	Driver unable to complete enhanced DBS check as currently unable to return to the UK due to Travel Restrictions of Covid 19			Licence Suspended
10	Hackney Carriage Dual Licence	09.06.2021	Driver suffering medical matter and currently does not meet the group 2 driving standard.			Licence Suspended
11	Hackney Carriage Dual Licence	09.06.2021	Vehicle stopped on Loading bay at the front of Brighton Station	Driver already been issued letter of advice		Final Advice Letter



Safer Communities
Taxi Licensing Office
Hove Town Hall
Norton Road
Hove
BN3 3BQ

Date: 17 May 2021
Ref: 2021/00480/TDN/EH
e-mail: hco@brighton-hove.gcsx.gov.uk

Dear Licenced Driver / Proprietor.

ADVICE NOTICE

The council is continuing to receive complaints about a small number of licenced drivers that are repeatedly sitting at the front of Brighton Train Station on Zig Zags, Double Yellow lines, Loading Bays and Bus Stops in contravention of the law.

Zig Zags

No stopping is allowed on a zebra or pedestrian crossing including the area marked by zig zag lines. There is no exemption for loading or unloading, or for picking up or setting down passengers. Those that do risk both a fine and penalty points on their DVLA licence.

Double Yellow Lines

Whilst you're not allowed to park on double yellow lines you are permitted to set down or pick up passengers. If you're in a hackney carriage licenced vehicle and you're flagged down, you may stop to pick up a passenger(s). You cannot sit and wait for passengers on a double yellow line. All pre-bookings must be directed to the pickup / drop off point at the north entrance (rear) of Brighton Station which is in the north end of the ground floor multi storey car park.

Loading Bays

The same rules apply for loading bays as they do for double yellow lines.

Bus Stops

Under the Traffic Signs Regulations and General Directions 2002 act a taxi which is stationary **only** for so long as may be reasonably necessary for a passenger to board or alight and to load or unload any luggage of the passenger may stop in a bus stop.

Also, if no alternative stopping is available there is a local agreement that disabled passengers can be picked up or dropped off here in exceptional circumstances.

Hackney Carriage drivers who have paid for a permit from Govia Thameslink Rail are permitted to use the taxi rank provided by GTR at the north entrance of Brighton Train Station. You can not enter this area unless you have a permit.

Hackney Carriages can be flagged down if passing, but they cannot wait or tout and must return to a council-appointed rank in accordance with the byelaws,

Telephone: 01273 290000
www.brighton-hove.gov.uk
Printed on recycled, chlorine-free paper



**Brighton & Hove
City Council**

Safer Communities
Taxi Licensing Office
Hove Town Hall
Norton Road
Hove
BN3 3BQ

The byelaws under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 with respect to hackney carriages in the Brighton & Hove Council area. Byelaw 7(a) states:

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -

- (a) proceed with reasonable speed to one of the stands appointed by the Council which that hackney carriage is permitted to use.
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand which that hackney carriage is permitted to use.

We would like to remind drivers and proprietors that under the Local Government (Miscellaneous Provisions) Act 1976 the council has powers to issue and manage taxi licences. We also have a duty under this act to ensure only fit and proper persons hold a licence

As the correct test is that a driver must be a fit and proper person – we consider a range of issues which might bring this into question.

We are in receipt of several complaints relating to contraventions of the above matters. I must warn you that any licenced driver, witnessed by a Police Officer, Taxi Licensing Enforcement Officer, a civil enforcement officer, CCTV operator or evidence provided by a member of the taxi trade or the public will be investigated and this may involve CCTV being downloaded from a licenced vehicle to prove or disprove any offence at the proprietors expense.

This may include the driver's licence being revoked, suspended, or not renewed. Where a breach of the byelaws is committed the Council may also take formal action through the courts where, if found guilty, a driver could be liable, to a fine of up to level 2 (currently £500).

Drivers are reminded in all cases the licence holder must within 3 days disclose to the Council the details of any fixed penalty notice imposed upon him or her. Failing to disclose will be regarded as a serious breach of the terms of the license and action will normally take place. Fixed Penalty covers endorsable and non-endorsable fines.

If you are a licenced driver that is stopping at the front of Brighton Station looking to be hired, then please stop this practice immediately, whilst we sympathise with the financial stress brought about by the pandemic we cannot allow this practice to continue. You must abide by the rules and conditions of your licence and the legislation as set by parliament.

Yours sincerely

Jim Whitelegg
Regulatory Service Manager

Cllr. Steve Davis
Deputy Chair of the Licencing
Committee

www.brighton-hove.gov.uk
Printed on recycled, chlorine-free paper