

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **29 June 2023**

Time: **3.00pm**

Venue **Council Chamber, Hove Town Hall, Norton Road, Hove, BN3
3BQ - HTH/CC**

Members: Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition
Spokesperson), Davis, Baghoth, Cattell, Czolak, Fowler, Hewitt,
Lyons, McGregor, Nann, Robinson, Theobald and Thomson

Contact: **Thomas Bald**
Democratic Services Officer
01273 291354
thomas.bald@brighton-hove.gov.uk

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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 - 10

To agree the minutes of the previous meeting on the 3 March 2023.

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

- (a) Item (7) 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

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 the 23 June 2023;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 23 June 2023.

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

11 - 20

Contact Officer: Alex Evans
Ward Affected: All Wards

Tel: 0127329

8 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 21 July 2023 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.

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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.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email thomas.bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

Date of Publication - Wednesday, 21 June 2023

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

1.00PM 3 MARCH 2023

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Moonan, Pissaridou, Rainey and Theobald

Apologies: Councillors O'Quinn, Lewry and Phillips

PART ONE

21 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 There were none.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

1.3 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.

1.4 **RESOLVED:** That the press and public not be excluded from the meeting.

22 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 13 October 2022 be agreed and signed as a correct record.

23 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

There are a number of taxi licensing appeals processing through the Magistrates court at the moment, one of which was successfully defended in December last year (2022). The Court upheld a decision by the Council to revoke the licence of a taxi driver who regularly carried a drug dealer in his vehicle. The Judge dismissed the driver's appeal stating that the driver had not satisfied the fit and proper test, and they found that the conclusions of the Council that they were knowingly transporting a drug dealer were overwhelming. Our taxi and private hire drivers

hold a unique position of trust in our community, and the majority of drivers are absolutely brilliant and take the responsibility incredibly seriously. This case was an exception not the rule, and really highlights that we won't hesitate to take very serious action where a taxi driver falls short of our Licensing standards. Safeguarding the public is our priority, and we're extremely proud of our high licensing standards in Brighton and Hove. This was a really serious case, and we're pleased that the judge has upheld our decision and dismissed the appeal.

The community safety partnership has agreed to use some of the safer streets funding to extend the Taxi Marshals. It has been agreed to suspend the service during quieter months such as January – March so that we can make sure to provide the service in summer and early autumn. We will continue to monitor issues at the rank during that period via the night Marshals team, and will consider a partnership with the Police as to whether there are potentially busy weekends during this period.

The taxi licensing team coordinated another successful multi agency operation in December with the police, the DVLA, neighbouring authorities, and Councillor Dee Simson, the details of which are set out in the taxi enforcement committee report.

24 CALLOVER

Item 27 (Hackney Carriage Private Hire Driver Enforcement and Monitoring) was called.

25 PUBLIC INVOLVEMENT

There were none.

26 MEMBER INVOLVEMENT

There were none.

27 HACKNEY CARRIAGE PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

27.1 The Regulatory Services Manager (Jim Whitelegg) introduced the report starting on page 15 of the Agenda.

27.2 Councillor Simson raised the following points:

- Whilst it is sad to see a growing list of drivers with enforcement taken against them, its good to hear that the Council are taking things seriously and taking cases to court where necessary.
- It was surprisingly to see how many drivers had illegal tyres during the meeting with the Police and DVLA.

27.3 Councillor Henry was informed that multi agency meetings with the DVLA, Police, and Neighbouring authorities go ahead usually every 4 months, but the Taxi team at the Council go out twice a week to carry out enforcement duties, and that specific issues can be looked at such as out of town taxis and tyre safety.

27.4 Councillor Pissaridou was informed that drivers of taxis and heavy goods vehicles need to be at a higher standard of health than car drivers, taking into account eye health, heart health, and other conditions. An independent medical advisor makes recommendations on the Group 2 standards.

27.5 Councillor Theobald was informed that point 6 on page 19 of the Agenda referred to two taxi drivers who had an altercation, but there was no evidence so the legal advice was to suspend their licences for 21 days.

RESOLVED:

1. That Members noted the contents of this report and that officers should continue to act as appropriate.

28 ITEMS REFERRED FOR COUNCIL

There was none.

The meeting concluded at 13:16pm.

Signed

Chair

Dated this

day of

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item

Brighton & Hove City Council

Subject: Hackney Carriage & Private Hire Driver Enforcement and Monitoring

Date of Meeting: 29 June 2023

Report of: Executive Director of Housing, Neighbourhoods & Communities

Contact Officer: Name: Martin Seymour / Alex Evans 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 January 2023 and June 2023.

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 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.
- 3.2 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.

- 3.3 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](#).
- 3.4 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.
- 3.5 On the 27 April 2023 the Government announced that it had brought the remainder of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 into force. This means that it is now mandatory for all licensing authorities in England to use the National Register for Revocations, Refusals and Suspensions (NR3S) Hosted by the National Anti-Fraud Network (NAFN).
- Licensing authorities in England must:
- Record refusals, suspensions and revocations of taxi and private hire vehicle driver licences relating to safeguarding or road safety reasons.
 - Search the NR3S database for every application for a new or renewed taxi and private hire vehicle driving licence and have regard to any information found.
- This is in addition to the requirements that came into effect in May 2022 which require licensing authorities in England to:
- Report serious safeguarding and road safety concerns about licensed drivers operating in their area but licensed by another authority to the relevant licensing authority.
 - Consider suspending or revoking a driver's licence if another GB licensing authority reports a serious safeguarding or road safety concern and inform the reporting authority of its decision.
- 3.5 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. General enforcement is essentially checking the vehicle is safe to be on the road and that the driver's details are correct. The officers are trained in vehicle inspection and checks. The officers are trained in vehicle inspection and checks could include several 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.

- 3.6 Multi-agency operations take place at various times throughout the year with officers from other Local Authorities, Sussex Police, Driver & Vehicle Standards Agency (DVSA).
- 3.7 On the 17th June 2023 a Multi-agency operation took place with Sussex & Surrey Police, The DVSA and Licensing Officers from Lewes District Council, Chichester District Council and Brighton & Hove. 43 Vehicles were stopped and inspected, 27 vehicles licenced by Brighton & Hove, 9 vehicles licensed by Lewes District Council, 5 vehicles Licensed by Chichester District Council & 1 vehicle Licensed by Reigate & Banstead Borough Council. 1 Vehicle belonging to a member of the public was also stopped for having too many passengers.
- 3.8 2 Prohibition Notices and 1 Delayed Prohibition Notice were issued to Brighton & Hove Vehicles. These were for a tyre showing cords, a faulty seat belt, and split gaiter. A Lewes licensed vehicle was issued a Prohibition Notice for having 2 tyres below the legal limit. A Chichester Driver was fined for use of a mobile phone whilst driving.
- 3.7 For actions taken against drivers / applicants between January 2023 and June 2023 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: 12/05/2023.

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date: 13/06/2023

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.

8. Appendices

- A. Vehicle inspection and checklist
- B. Actions taken against Drivers



BTEC Vehicle Inspection Programme

Vehicle Reg No _____
 Mileage _____
 Examining Officer _____

Private Hire Badge No _____
 Hackney Carriage Time Stopped _____
 Vehicle No _____ Date Stopped _____
 Location _____

Exterior Lights Front	Serviceable	Unserviceable	Driver Interior / Exterior	Serviceable	Unserviceable	Rear Of Vehicle	Serviceable	Unserviceable
Side Lights			Condition of Steering Wheel			Side Lights		
Headlights / Dip / Main			View to Front and Side / Tints			Brake Lights + High Level / Central Lights		
Fog Lights Front			Seatbelts / Driver + Passenger			Indicators N/S O/S + Hazards		
Indicators N/S O/S + Hazards			Footbrake Operation + Slip Device			Rear Fog Lights		
Exterior Front	Serviceable	Unserviceable	Carpets / Wires / Obstructions			Reversing Lights		
Condition Of bodywork + Number Plate			Radio + PDA + Sta Navs			Number Plate Condition + Light		
Underbonnet Condition			ABS Warning + Other Warning Lights			Tailgate / Boot Operation		
Oil / Brake / Steering Fluid			Handbrake Operation + Warning Light			Spare Wheel or Inflator Kit		
Fluid Leakage			Seat Security			N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
N/S Front Tyre Depth Pressure			Door + Window Operation (All)			Seatbelts / Passenger		
N/S Wheel + Nuts			Signs / Fare Tables / Badges Etc			Carpet Condition / Tears / Trip Hazard		
N/S Suspension Leaking / Bounce			Taximeter + Calibration			Window Operation		
N/S Wing Mirror			O/S Passenger / Interior + Exterior	Serviceable	Unserviceable	Door Operation / Fuel Filler + Cap		
O/S Front Tyre Depth Pressure			Seatbelts / Passenger + Centre Belt			O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts			Carpet Condition / Tears / Trip Hazard			O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce			Window Operation			O/S Suspension Leaking / Bounce		
O/S Wing Mirror			Door Operation / Fuel Filler + Cap			Additions	Serviceable	Unserviceable
Steering Systems	Serviceable	Unserviceable	O/S Rear Tyre Depth + Pressure			Fire Extinguisher		
Amount of Free Play			O/S Wheel + Nuts			First Aid Kit		
Condition of Gaitors			O/S Suspension Leaking / Bounce			Wipers / Washers / Horn		

Brief Report

Defects likely to warrant suspension Yes No

General Condition of Vehicle

Good
 Average
 Poor
 Very Poor

Other Defects Noted _____

Categorisation of Defects
 Section _____ Page _____ I.M No _____

Note _____

Enforcement Actions Since Licensing Committee March 2023

	Licence Type	Date	Brief Description of Case	Other Information:	Enforcement Action Taken:
1.	Hackney Carriage & Private Hire Dual Licence	31.01.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 08.02.2023	Licence Suspended pending further information
2.	Private Hire Driver Licence	09.02.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 13.03.2023	Licence Suspended pending further information
3.	First Applicant	11.02.2023	Previously licensed by Brighton and Hove City Council as a Hackney Carriage Driver. Discretionary information revealed an allegation of rape in 2005 but acquitted in Court. Driver admitted to the Police that he had consensual sexual intercourse with the 16 year old passenger in the taxi having initially denied any sexual impropriety.	Licence Renewal Refused in 2016 Driver appealed our decision in the Magistrates Courts and in March 2017 the magistrates upheld our decision not to renew. Another application was made in 2017. This was also refused as The Council remained concerned that the driver posed a risk to the safety of future vulnerable passengers the Driver might carry. Currently Holds a Hackney Carriage Vehicle Licence	Application Refused
4.	Hackney Carriage & Private Hire Dual Licence	22.02.2023	Female passenger reported that during the journey the driver was asking sexual questions and asked her to touch him inappropriately. There was also a similar complaint in relation to conduct with female passengers in October 2021.		Renewal of Licence Refused
5.	Hackney Carriage & Private Hire Dual Licence	08.03.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 21.03.2023	Licence Suspended pending further information

6.	Hackney Carriage & Private Hire Dual Licence	13.03.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 30.03.2023	Licence Suspended pending further information
7.	Hackney Carriage & Private Hire Dual Licence	17.03.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 23.03.2023	Licence Suspended pending further information
8.	Private Hire Driver Licence	17.03.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 20.03.2023	Licence Suspended pending further information
9.	Private Hire Driver Licence	29.03.2023	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
10.	Hackney Carriage & Private Hire Dual Licence	05.04.2023	Driver does not meet DVLA Group 2 Medical Standard	Licence reinstated 11.04.2023	Licence Suspended pending further information
11.	Hackney Carriage & Private Hire Dual Licence	03.05.2023	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
12.	Hackney Carriage & Private Hire Dual Licence	09.05.2023	Driver failed to provide an upto date medical		Licence Suspended pending provision of medical
13.	First Applicant	16.05.2023	Applicant had 2 Convictions, 1 of Battery in April 2014 and 1 of ABH in January 2019.		Application Refused
14.	First Applicant	02.06.2023	Applicant had 2 Convictions, 1 Using False Instrument with intent and Perverting the Course Of Justice on 19 th December 2019.		Application Refused

15.	Hackney Carriage & Private Hire Dual Licence	06.06.2023	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
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