

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **20 June 2024**

Time: **3.00pm**

Venue **Council Chamber - BTH**

Members: McGregor (Chair), Cattell (Deputy Chair), Pickett (Opposition Spokesperson), Davis, Fowler, Gauge, Helliwell, Hewitt, Lyons, Mackey, Nann, O'Quinn, Sheard and Thomson

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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 - 12

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

- (a) Item 8 will be read out at the meeting and Members invited to reserve this item 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 14 June;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 14 June.

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

13 - 20

Contact Officer: Alex Evans
Ward Affected: All Wards

8 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the next 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 , (01273 291354, email thomas.bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 13 FEBRUARY 2024

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillors Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition Spokesperson), Davis, Bagthoth, Fowler, Hewitt, Nann, Robinson and Thomson

Apologies: Councillors Czolak, Cattell, Lyons, McGregor and Theobald

18 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor Grimshaw was present in substitution for Councillor Cattell.

(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.

19 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 12 October 2023 be agreed and signed as a correct record.

20 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

I would like to thank Jo Player who is retiring from the Council for all her hard work over many decades to our community safety and licensing objectives. She has worked hard to support members across the parties in working through their decisions and supporting her officer teams. We will miss her but we wish her well on her next chapter and may it be long and fun.

I would like to thank Jim Whitelegg for stepping up as Acting Head of Safer Communities and I know members will be delighted with his appointment.

21 CALLOVER

The following items were reserved for discussion:

- 24 Hackney Carriage and Private Hire Driver Enforcement and Monitoring
- 25 Hackney Carriage and Private Hire Penalty Points Scheme

The following item was therefore agreed as per the recommendations set out in the report:

- 26 Hackney Carriage Fare Review

22 PUBLIC INVOLVEMENT

22.1 The Chair invited Ahmed Abuorof to present the petition found on page 7 of the Agenda.

22.2 The Chair gave the following response:

Thank you Ahmed for bringing this petition to committee, I note the number of people who responded to the petition triggers a debate. Therefore I propose that we bring item 25 forward and debate this petition alongside that report.

The engagement and feelings of the local taxi trade to the issue of the penalty points proposal has been extremely high and therefore I, along with the deputy Chair Cllr Sheard met with every rep who requested a meeting last summer.

As a result of those meetings we agreed that the trade needed more time to consider the proposals and we moved the item to this February meeting rather than the October meeting to give full consultation time in order that committee members could receive the detailed feedback and representations that trade groups in the city wanted to provide to us to support that decision making process.

Ahmed, to respond to the points you raise in your petition I wanted to address specifics, not withstanding, the decision that rests with full committee and they may or may not support the proposal.

You raised 9 points within the petition which I will respond to now for the benefit of those that signed the petition and for fellow committee members.

Our concerns and those of many others in our community are as follows:

1. Driver Shortage

The number of first applications have increased since pre covid years which is a positive although I accept that driver shortages across UK and sectors is a reality. There are a number of reasons why drivers may decide to be licensed elsewhere and its open to debate that a PPS would be a reason, as many other authorities, including neighbouring authorities like Lewes, already have a PPS.

2. Complex Violations: Some violations by taxi drivers may involve complex

circumstances or disputes that are better addressed through arbitration or mediation rather than a straightforward penalty points system.

I would assure members and the trade that this proposal does not change the part of process relating to the investigation of complaints and we will still, that process remains the unchanged by this proposal. This proposal relates to the next steps where the investigation concludes.

3. Economic Impact: Considering current economic impact on taxi drivers and council itself, this will cost money to implement, plus the excessive use of penalty points could lead to financial hardship for drivers.

Members will see in the report that no new rules are being implemented by this process, and therefore I do not accept that this proposal would add any cost pressure to drivers or companies. Officers do not believe there will be a cost to implementing the scheme for the council side of the scheme. There are no “new rules” but they believe it will provide a clear, structured framework to enforcement, reducing officer time in chasing persistent low level offenders.

4. Focus on Core Issues: Councils may prioritise addressing more significant issues in the taxi industry, such as safety concerns, vehicle standards, or customer service, and may choose to allocate resources accordingly.

The PPS addresses the issues of safety concerns, vehicle standards and customer service. It does not add new rules but is intended to be a consistent approach to dealing with the very issues raised by the petitioner. Again, councillors will need to consider the report alongside this petition and make that choice.

5. Enhancing vehicle standards: By applying Vehicle suitability test every 6 months, rather than waiting for the driver to commit an offence and issue him a penalty point.

This proposal would be an increased cost for drivers whereas the penalty points scheme does not add any cost pressures to drivers. We welcome the idea and will consider it in due course again, if we felt appropriate as a proposal we would consult the whole trade on this idea.

6. It is already implemented in the British Law: If a driver commits a driving offence, he will be issued with penalty points and if it is serious, driver will lose his driving licence and taxi licence at the same time.

The scheme before committee today should not be confused with driver licensing. The points scheme before committee only relates to adding points to the taxi license. Whilst, the wider point that there are other ways of dealing with vehicle issues or driving safety enforced by the police is accepted, this penalty points scheme only applies to taxi license enforcement and those points do not apply to the driver’s driving license. It is important that both the trade and councillors are clear on this point.

7. Monitoring and Improvement: Councils may opt for continuous monitoring and improvement programs for taxi services, where they work closely with drivers to identify

and rectify issues without resorting to penalty points.

8. Educate and do not prosecute: Educating taxi drivers effectively by training courses, communication, online seminars and support do not wait till the driver makes a mistake to be prosecuted.

To take points 7 & 8 together as they are related: members will see in the papers it is proposed that the investigation process would remain the same as it is now and each case would be judged on its own merits. As is the case now, where appropriate additional training may be required and this point is made in the papers and members may wish to ask follow up questions about the use of training rather than other sanctions.

9. Inconsistent Enforcement: The application of penalty points appears to be inconsistent and sometimes arbitrary. Drivers often receive points for minor infractions that do not necessarily pose a threat to passenger safety.

This point gets the heart of today's debate and decision making. Councillors will indeed need to satisfy themselves as to whether this proposal makes the system more consistent or not.

Once again, I would like to thank you and the many trade reps who have worked so hard to provide feedback to ensure that councillors can make a decision today with the benefit of all the views on this proposal.

23 MEMBER INVOLVEMENT

There was none.

24 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

24.1 The Chair invited Martin Seymour to introduce the report.

24.2 Councillor Baghoth was informed that joint enforcement action can take place between neighbouring authorities.

RESOLVED:

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

25 HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

25.1 The Chair invited Alex Evans to introduce the report starting on page 15 of the Agenda.

25.2 Councillor Hewitt thanked the officers for the report, and raised that the scheme could come across as punishing drivers instead of simply keeping them to a high standard, and other methods such as further training and warning letters would be a better alternative. He was also informed that:

- Each offence would be assessed by the investigating officer.
- Alternatives such as training would be prioritised.
- Consistent complaints for drivers would be where the points scheme would come in.
- Feedback would be a standing item at the Taxi Forum.
- 21 days would be the appeal period if a license is suspended or revoked.

25.3 Councillor Grimshaw was informed that:

- There was positive feedback from neighbouring authorities who are currently using the penalty points scheme.
- A points scheme would deliver an approach where drivers have more chances before facing a prosecution or revocation of license.

25.4 Councillor Baghoth was informed that:

- We can't verify if everyone that signed the petition were taxi drivers.
- During the consultation there were 64 people opposed to the scheme, and a minority of people that supported the scheme.
- The majority of B&H drivers live in the city.
- Any intel would be referred to colleagues in neighbouring authorities.

25.5 Councillor Robinson was informed that smaller offences like cherry picking from taxis aren't included in the blue book.

25.6 Councillor Nann was informed that:

- The points system was inspired by neighbouring authorities.
- The points system would operate the same as the current system in terms of officer demand.
- One offence that is reported by numerous people would still only count as one offence, but there is discretion to give more points depending on the seriousness of the offence.

25.7 Councillor Pickett was informed that:

- All prior taxi offences are kept on record except for verbal warnings.
- Applications for licences are now being moved online instead of paper.
- The points system would move previous records online.
- A licensed vehicle being used privately would be investigated on a case by case basis.
- Appellants have the right to appeal at a magistrate's court where a license has been revoked or suspended.

25.8 Councillor Fowler was informed that:

- Higher level offences like turning off CCTV would result in more immediate action – the points system would be for persistent low level offences.
- No neighbouring authorities have stopped the points system since having it in place.

25.9 Councillor Davis raised that more consultation with the trade should be taken before going ahead with the system.

25.10 Councillors Sheard and Thomson raised that the points system could be really beneficial for the trade.

25. The Chair called for a vote on the recommendations in the report which were refused by 7 votes to 3.

RESOLVED:

The recommendations in the report were refused.

26 HACKNEY CARRIAGE FARE REVIEW

27 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 16:32.

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Licensing Committee (Non-Licensing Act 2003 Functions)

Agenda Item 8

Subject: Hackney Carriage & Private Hire Driver Enforcement and Monitoring

Date of meeting: 20 June 2024

**Report of: Executive Director of Housing,
Neighbourhoods & Communities**

**Contact Officer: Name: Martin Seymour / Alex Evans Tel: 296659
Tel: 01273 296659
Email: martin.seymour@brighton-hove.gov.uk**

Ward(s) affected: All

For general release

1. Purpose of the report 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 2024 and June 2024.

2. Recommendations

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

3. Context and background information

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.

3.6 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 which 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.

3.7 Multi-agency operations take place at various times throughout the year with officers from other Local Authorities, Sussex Police, Driver & Vehicle Standards Agency (DVSA).

3.8 For actions taken against drivers / applicants between January 2024 and June 2024 See Appendix 1.

4. Analysis and consideration of alternative options

4.1 None – for Information only.

5. Community engagement and consultation

5.1 Not Applicable

6. Conclusion

6.1 For information only

7. Financial implications

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

Name of finance officer consulted: Mike Bentley Date consulted
(03/06/24):

8. Legal implications

8.1

Name of lawyer consulted: Date consulted (dd/mm/yy):

9. Equalities implications

9.1 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.

10. Sustainability implications

10.1 None – for information only

11. Other Implications [delete any or all that are not applicable]

Social Value and procurement implications

11.1 None – for information only

Crime & disorder implications:

11.2 None – for information only

Public health implications:

11.3 None – for information only

Supporting Documentation

1. Appendices

1. Actions taken against Drivers.

Enforcement Actions Since Licensing Committee February 2024

	Licence Type	Date	Brief Description of Case	Other Information:	Enforcement Action Taken:
1.	Hackney Carriage & Private Hire Dual Driver Licence	09/01/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 15/11/2024	Licence Suspended pending further information
2.	Hackney Carriage & Private Hire Dual Driver Licence	11/01/2024	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
3.	First Applicant	17.01.2024	Not fit & proper to hold a licence	Previously Revoked	Application Refused
4.	Hackney Carriage & Private Hire Dual Driver Licence	31/01/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 22/02/2024	Licence Suspended pending further information
5.	Hackney Carriage & Private Hire Dual Driver Licence	05/02/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 26/03/2024	Licence Suspended pending further information
6.	Hackney Carriage & Private Hire Dual Driver Licence	05/02/2024	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
7.	Hackney Carriage & Private Hire Dual Driver Licence	07/02/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 07/03/2024	Licence Suspended pending further information
8.	Hackney Carriage & Private Hire	22/02/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 07/03/2024	Licence Suspended pending further information

	Dual Driver Licence				
9.	Hackney Carriage & Private Hire Dual Driver Licence	07/03/2024	Not fit & proper to hold a licence		Licence Revoked
10.	Hackney Carriage & Private Hire Dual Driver Licence	07/03/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 25/03/2024	Licence Suspended pending further information
11.	Hackney Carriage & Private Hire Dual Driver Licence	22/03/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 28/03/2024	Licence Suspended pending further information
12.	Hackney Carriage & Private Hire Dual Driver Licence	28/03/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 02/04/2024	Licence Suspended pending further information
13.	Hackney Carriage & Private Hire Dual Driver Licence	11/04/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 07/05/2024	Licence Suspended pending further information
14.	Hackney Carriage & Private Hire Dual Driver Licence	17/04/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 19/05/2024	Licence Suspended pending further information
15.	Hackney Carriage & Private Hire	22/04/2024	Not fit & proper to hold a licence		Licence Revoked

	Dual Driver Licence				
16.	First Applicant	01.05.2024	Driver does not meet DVLA Group 2 Medical Standard		Application Refused
17.	First Applicant	17.05.2024	Driver does not meet DVLA Group 2 Medical Standard		Application Refused
18.	Hackney Carriage & Private Hire Dual Driver Licence	31/05/2024	Driver does not meet DVLA Group 2 Medical Standard	Licence Reinstated 19/05/2024	Licence Suspended pending further information
19.	Hackney Carriage & Private Hire Dual Driver Licence	31/05/2024	Up to date DBS not provided		Licence Suspended
20.	Hackney Carriage & Private Hire Dual Driver Licence	31/05/2024	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information
21	Hackney Carriage & Private Hire Dual Driver Licence	31/05/2024	Driver does not meet DVLA Group 2 Medical Standard		Licence Suspended pending further information

