

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 7

Brighton & Hove City Council

<b>Subject:</b>	<b>Hackney Carriage &amp; Private Hire Driver Enforcement and Monitoring</b>		
<b>Date of Meeting:</b>	<b>29 June 2017</b>		
<b>Report of:</b>	<b>Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b><i>Martin Seymour</i></b>	<b>Tel:</b> <b>29-6659</b>
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<b>Wards Affected:</b>	All		

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between February 2017 and June 2017.

### 2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to take action 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 effected by means of action taken against the licence held by the person who has transgressed.
- 3.2 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](#).
- 3.3 The Council is in the process of approving authorisations for Officers from other Local Authorities so that they may enforce their licensed vehicles and drivers operating in Brighton and Hove. Joint authorisations will also enable Brighton & Hove enforcement officers to take action against vehicles from other areas operating within Brighton & Hove. Officers are already authorised to enforce Brighton & Hove vehicles in the districts of Adur & Worthing. Officers from Horsham and Crawley are also authorised to enforce Brighton & Hove Vehicles.

- 3.4 Enforcement Action has been taken regarding licensed vehicles from other areas parking on ranks and further action may be taken by the relevant local authority with regard to where the vehicle is predominately working.
- 3.5 On the 26<sup>th</sup> May, legal and licensing council officers, as well as the Chair of Licensing met with representatives from Transport for London (TfL). The meeting was positive and TfL recognised the difficulties we are facing locally regarding out of town drivers operating in the City. Both parties recognised the constraints we face with current legislation that leaves us with limited options to address these concerns.

TfL have taken advice regarding operating an “intended use” policy and as a result would not pursue such a policy as they do not believe it would be legal. Of the 125K private hire drivers TfL licence, about 20k live/work beyond the Home Counties. TfL are lobbying for a change of legislation for journeys to either start or finish in the licensed area (return to area policy). Most of TfL’s joint enforcement work is centred around transport hubs, e.g. airports/major train stations. They would welcome a national database but unlikely to support joint authorisation.

However, TfL have agreed to undertake some joint enforcement operations in Brighton & Hove and that any particular concerns about TfL drivers in the City, where there is clear evidence of breaches, should be forwarded onto TfL.

As a result of the meeting we are better placed to share information. TfL and BHCC, together with other local authorities and the Local Government Association, are lobbying for a change to legislation to address the issue of “out of town” private hire vehicles operating predominantly in any area regardless of where they are licenced.

- 3.6 On the 9<sup>th</sup> May the Magistrates dismissed an appeal by a driver against the decision not to renew his licence because of historic sexual activity and awarded the Council £2500 in costs.
- 3.7 The following actions were taken against drivers / applicants between 23 February 2017 and 30 May 2017

	<b>Licence Type</b>	<b>Date</b>	<b>Action</b>	<b>Reason</b>
1.	Hackney Carriage and Private Hire Dual Licence	23.02.2017	Warning	Inappropriate Sexual Conversation
2.	New Applicant	23.03.2017	Warning	Previous Caution for Drug Offence
3.	Hackney Carriage and Private Hire Dual Licence	30.03.2017	8 Week Suspension	Regarding Conduct and Homophobic Abuse
4.	Private Hire Vehicle Licence	10.04.2017	Revocation	Non-payment of Licence Fee
5.	Hackney Carriage Driver Licence	10.04.2017	Revocation	Non-payment of Licence Fee

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7.	Hackney Carriage Driver Licence	10.04.2017	Revocation	Non-payment of Licence Fee
8.	Hackney Carriage Driver Licence	10.04.2017	Revocation	Non-payment of Licence Fee
9.	Private Hire Vehicle Licence	10.04.2017	Revocation	Non-payment of Licence Fee
10.	Hackney Carriage and Private Hire Dual Licence	17.05.2017	Warning	Coercive and controlling behaviour, alleged assault disclosed on DBS check
11.	Hackney Carriage and Private Hire Dual Licence	22.05.2017	Application refused	Applicant does not meet DVLA Group 2 Medical Standard
12.	Hackney Carriage and Private Hire Dual Licence	23.05.2017	Warning	Previous Cautions for Drug Offences and Obstruction
13.	Private Hire Driver Licence	30.05.2017	Simple Caution	Acting as a Driver of a Hackney Carriage Without First Obtaining a Licence
14.	Hackney Carriage and Private Hire Dual Licence	13.06.2017	Revocation	Allegation of Sexual Assault
15.	Private Hire Driver Licence	13.06.2017	Refusal	Applicant does not meet DVLA Group 2 Medical Standard
16.	Hackney Carriage and Private Hire Dual Licence	16.06.2017	Suspension	Medical Condition meaning driver does not meet DVLA Group 2 Medical Standard

#### 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: 16.06.2017

##### Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 16.06.2017

Equalities Implications:

5.3 None.

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.