

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 26

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	14 March 2019		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
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Wards Affected:	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 November 2018 and February 2019.

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 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 CSE cases multi agency meetings may be held to review available evidence. Legal

advice is sought where appropriate and all enforcement decisions are approved by the Regulatory Services Manager/Head of Safer Communities services. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was really serious and required immediate suspension then officers would come to members as soon as possible after they had taken action.

- 3.5 In addition to day-to-day enforcement work, officers carryout weekly out-of-hours enforcement work, normally at weekends and weekday evenings. A table of days/dates and times of out of hours enforcement can be found in Appendix 3. This enforcement 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 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 1. 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 Officers have continued to work with neighbouring Local Authorities and are planning to carryout joint operations with officers from Lewes, Portsmouth, Chichester and Adur-Worthing throughout the year.
- 3.7 Officers have been carrying out routine inspections of operators to check that the operator is operating from the licensed premises and that bookings have been maintained correctly and where work has been transferred to/from another operator that this is recorded correctly.
- 3.8 The Council decision to revoke a taxi driver's licence was upheld on appeal at Brighton Crown Courts on 15 February 2019. This was a second appeal following the Justices decision to uphold the Council's actions at Brighton Magistrates Court on 17 December 2018.
- 3.9 For actions taken against drivers / applicants between November 2018 and February 2019. See Appendix 2

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: 23/01/19

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date:

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.

