

# 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>27 June 2019</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b><i>Martin Seymour</i></b>	<b>Tel:</b> 29-6659
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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 March and May 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 licensing manager/head of regulatory 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. 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 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.
- 3.6 Officers are planning a joint operation with the DVSA and the Police to target vehicles used to transport passengers to prom nights from local schools as these are often unlicensed and unregulated. A regional operation with the Police, Immigration Officers, Customs Officer and the DVSA is due to take place at Gatwick Airport spot checking licensed vehicles dropping passengers at the airport.
- 3.7 Officers are also planning a programme of test purchasing over the summer looking at refusal of short journeys and flipping.
- 3.8 Joint enforcement agreements currently exist between BHCC and Lewes and Adur/Worthing, and we are liaising with Chichester (CDC) regarding CDC vehicles operating in B&H. Officers recently met with their counterparts in Lewes DC to discuss Lewes's recently revised Taxi Licensing Policy, information sharing and joint operations. We are planning some joint operations with Lewes over the summer. In addition, to individual joint enforcement agreements, officers have started working on an Enforcement Concordat that would cover East & West Sussex as well as other areas as necessary. The Concordat would simplify the authorisation process between authorities and include Data Sharing agreements. It is expected that the final Concordat would come back to Committee for approval later in the year.
- 3.9 Officers working in partnership with a local community organisation called YMCA Downslink to deliver a short course on child sexual exploitation (CSE), child criminal exploitation (CCE) and drug dealing on behalf of organised crime networks often referred to as 'County Lines'. It is anticipated that this course will become a requirement of licensing.
- 3.10 For actions taken against drivers / applicants between March and May 2019. 2018. 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: 22/05/2019

### Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: 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.