

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:	03 March 2023	
Report of:	Executive Director of Housing, Neighbourhoods & Communities	
Contact Officer:	Name: Jim Whitelegg/Juliet Evans	Tel: 296637
	E-mail: Jim.Whitelegg@brighton-hove.gov.uk Juliet.evans@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 October 2022 and February 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 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 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. 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 A multi-agency operation took place on the 17th of December 2022, with officers from Sussex Police, Driver & Vehicle Standards Agency (DVSA).
- 3.7 53 vehicles were stopped & checked, 36 of these vehicles were licenced with Brighton and Hove, and 17 from other Local Authorities. 6 Prohibition notices were issued by the DVSA, 3 to Brighton & Hove Vehicles and 3 to vehicles from other Authorities. 1 Delayed suspension was issued to a Brighton & Hove vehicle. A Brighton & Hove Hackney was issued a Sec 59. which can be given to vehicles being used in manner causing alarm, distress, or annoyance. The driver was driving erratically, the previous night by tailgating and then over taking the Police Officer. The driver admitted the offence after being cautioned by the Police. 2 Brighton & Hove Vehicles were issued prohibition notices and 1 driver fined and given points for defective tyres.
- 3.7 For actions taken against drivers / applicants between October 2022 and February 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: 19/01/2023

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date:

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.

Appendices

A. Actions taken against Drivers

