

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: 29 June 2023

Report of: Executive Director of Housing, Neighbourhoods & Communities

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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 January 2023 and June 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 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.
- 3.5 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. The officers are trained in vehicle inspection and checks could include several 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 Multi-agency operations take place at various times throughout the year with officers from other Local Authorities, Sussex Police, Driver & Vehicle Standards Agency (DVSA).
- 3.7 On the 17th June 2023 a Multi-agency operation took place with Sussex & Surrey Police, The DVSA and Licensing Officers from Lewes District Council, Chichester District Council and Brighton & Hove. 43 Vehicles were stopped and inspected, 27 vehicles licenced by Brighton & Hove, 9 vehicles licensed by Lewes District Council, 5 vehicles Licensed by Chichester District Council & 1 vehicle Licensed by Reigate & Banstead Borough Council. 1 Vehicle belonging to a member of the public was also stopped for having too many passengers.
- 3.8 2 Prohibition Notices and 1 Delayed Prohibition Notice were issued to Brighton & Hove Vehicles. These were for a tyre showing cords, a faulty seat belt, and split gaiter. A Lewes licensed vehicle was issued a Prohibition Notice for having 2 tyres below the legal limit. A Chichester Driver was fined for use of a mobile phone whilst driving.
- 3.7 For actions taken against drivers / applicants between January 2023 and June 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: 12/05/2023.

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date: 13/06/2023

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.

8. Appendices

- A. Vehicle inspection and checklist
- B. Actions taken against Drivers