

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 13 FEBRUARY 2024

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillors Daniel (Chair), Sheard (Deputy Chair), Pickett (Opposition Spokesperson), Davis, Bagthoth, Fowler, Hewitt, Nann, Robinson and Thomson

Apologies: Councillors Czolak, Cattell, Lyons, McGregor and Theobald

18 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Councillor Grimshaw was present in substitution for Councillor Cattell.

(b) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public not be excluded from the meeting.

19 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 12 October 2023 be agreed and signed as a correct record.

20 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

I would like to thank Jo Player who is retiring from the Council for all her hard work over many decades to our community safety and licensing objectives. She has worked hard to support members across the parties in working through their decisions and supporting her officer teams. We will miss her but we wish her well on her next chapter and may it be long and fun.

I would like to thank Jim Whitelegg for stepping up as Acting Head of Safer Communities and I know members will be delighted with his appointment.

21 CALLOVER

The following items were reserved for discussion:

- 24 Hackney Carriage and Private Hire Driver Enforcement and Monitoring
- 25 Hackney Carriage and Private Hire Penalty Points Scheme

The following item was therefore agreed as per the recommendations set out in the report:

- 26 Hackney Carriage Fare Review

22 PUBLIC INVOLVEMENT

22.1 The Chair invited Ahmed Abuorof to present the petition found on page 7 of the Agenda.

22.2 The Chair gave the following response:

Thank you Ahmed for bringing this petition to committee, I note the number of people who responded to the petition triggers a debate. Therefore I propose that we bring item 25 forward and debate this petition alongside that report.

The engagement and feelings of the local taxi trade to the issue of the penalty points proposal has been extremely high and therefore I, along with the deputy Chair Cllr Sheard met with every rep who requested a meeting last summer.

As a result of those meetings we agreed that the trade needed more time to consider the proposals and we moved the item to this February meeting rather than the October meeting to give full consultation time in order that committee members could receive the detailed feedback and representations that trade groups in the city wanted to provide to us to support that decision making process.

Ahmed, to respond to the points you raise in your petition I wanted to address specifics, not withstanding, the decision that rests with full committee and they may or may not support the proposal.

You raised 9 points within the petition which I will respond to now for the benefit of those that signed the petition and for fellow committee members.

Our concerns and those of many others in our community are as follows:

1. Driver Shortage

The number of first applications have increased since pre covid years which is a positive although I accept that driver shortages across UK and sectors is a reality. There are a number of reasons why drivers may decide to be licensed elsewhere and its open to debate that a PPS would be a reason, as many other authorities, including neighbouring authorities like Lewes, already have a PPS.

2. Complex Violations: Some violations by taxi drivers may involve complex

circumstances or disputes that are better addressed through arbitration or mediation rather than a straightforward penalty points system.

I would assure members and the trade that this proposal does not change the part of process relating to the investigation of complaints and we will still, that process remains the unchanged by this proposal. This proposal relates to the next steps where the investigation concludes.

3. Economic Impact: Considering current economic impact on taxi drivers and council itself, this will cost money to implement, plus the excessive use of penalty points could lead to financial hardship for drivers.

Members will see in the report that no new rules are being implemented by this process, and therefore I do not accept that this proposal would add any cost pressure to drivers or companies. Officers do not believe there will be a cost to implementing the scheme for the council side of the scheme. There are no “new rules” but they believe it will provide a clear, structured framework to enforcement, reducing officer time in chasing persistent low level offenders.

4. Focus on Core Issues: Councils may prioritise addressing more significant issues in the taxi industry, such as safety concerns, vehicle standards, or customer service, and may choose to allocate resources accordingly.

The PPS addresses the issues of safety concerns, vehicle standards and customer service. It does not add new rules but is intended to be a consistent approach to dealing with the very issues raised by the petitioner. Again, councillors will need to consider the report alongside this petition and make that choice.

5. Enhancing vehicle standards: By applying Vehicle suitability test every 6 months, rather than waiting for the driver to commit an offence and issue him a penalty point.

This proposal would be an increased cost for drivers whereas the penalty points scheme does not add any cost pressures to drivers. We welcome the idea and will consider it in due course again, if we felt appropriate as a proposal we would consult the whole trade on this idea.

6. It is already implemented in the British Law: If a driver commits a driving offence, he will be issued with penalty points and if it is serious, driver will lose his driving licence and taxi licence at the same time.

The scheme before committee today should not be confused with driver licensing. The points scheme before committee only relates to adding points to the taxi license. Whilst, the wider point that there are other ways of dealing with vehicle issues or driving safety enforced by the police is accepted, this penalty points scheme only applies to taxi license enforcement and those points do not apply to the driver’s driving license. It is important that both the trade and councillors are clear on this point.

7. Monitoring and Improvement: Councils may opt for continuous monitoring and improvement programs for taxi services, where they work closely with drivers to identify

and rectify issues without resorting to penalty points.

8. Educate and do not prosecute: Educating taxi drivers effectively by training courses, communication, online seminars and support do not wait till the driver makes a mistake to be prosecuted.

To take points 7 & 8 together as they are related: members will see in the papers it is proposed that the investigation process would remain the same as it is now and each case would be judged on its own merits. As is the case now, where appropriate additional training may be required and this point is made in the papers and members may wish to ask follow up questions about the use of training rather than other sanctions.

9. Inconsistent Enforcement: The application of penalty points appears to be inconsistent and sometimes arbitrary. Drivers often receive points for minor infractions that do not necessarily pose a threat to passenger safety.

This point gets the heart of today's debate and decision making. Councillors will indeed need to satisfy themselves as to whether this proposal makes the system more consistent or not.

Once again, I would like to thank you and the many trade reps who have worked so hard to provide feedback to ensure that councillors can make a decision today with the benefit of all the views on this proposal.

23 MEMBER INVOLVEMENT

There was none.

24 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

24.1 The Chair invited Martin Seymour to introduce the report.

24.2 Councillor Baghoth was informed that joint enforcement action can take place between neighbouring authorities.

RESOLVED:

1. That Members noted the contents of this report and that officers should continue to act as appropriate.

25 HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

25.1 The Chair invited Alex Evans to introduce the report starting on page 15 of the Agenda.

25.2 Councillor Hewitt thanked the officers for the report, and raised that the scheme could come across as punishing drivers instead of simply keeping them to a high standard, and other methods such as further training and warning letters would be a better alternative. He was also informed that:

- Each offence would be assessed by the investigating officer.
- Alternatives such as training would be prioritised.
- Consistent complaints for drivers would be where the points scheme would come in.
- Feedback would be a standing item at the Taxi Forum.
- 21 days would be the appeal period if a license is suspended or revoked.

25.3 Councillor Grimshaw was informed that:

- There was positive feedback from neighbouring authorities who are currently using the penalty points scheme.
- A points scheme would deliver an approach where drivers have more chances before facing a prosecution or revocation of license.

25.4 Councillor Baghoth was informed that:

- We can't verify if everyone that signed the petition were taxi drivers.
- During the consultation there were 64 people opposed to the scheme, and a minority of people that supported the scheme.
- The majority of B&H drivers live in the city.
- Any intel would be referred to colleagues in neighbouring authorities.

25.5 Councillor Robinson was informed that smaller offences like cherry picking from taxis aren't included in the blue book.

25.6 Councillor Nann was informed that:

- The points system was inspired by neighbouring authorities.
- The points system would operate the same as the current system in terms of officer demand.
- One offence that is reported by numerous people would still only count as one offence, but there is discretion to give more points depending on the seriousness of the offence.

25.7 Councillor Pickett was informed that:

- All prior taxi offences are kept on record except for verbal warnings.
- Applications for licences are now being moved online instead of paper.
- The points system would move previous records online.
- A licensed vehicle being used privately would be investigated on a case by case basis.
- Appellants have the right to appeal at a magistrate's court where a license has been revoked or suspended.

25.8 Councillor Fowler was informed that:

- Higher level offences like turning off CCTV would result in more immediate action – the points system would be for persistent low level offences.
- No neighbouring authorities have stopped the points system since having it in place.

25.9 Councillor Davis raised that more consultation with the trade should be taken before going ahead with the system.

25.10 Councillors Sheard and Thomson raised that the points system could be really beneficial for the trade.

25. The Chair called for a vote on the recommendations in the report which were refused by 7 votes to 3.

RESOLVED:

The recommendations in the report were refused.

26 HACKNEY CARRIAGE FARE REVIEW

27 ITEMS REFERRED FOR COUNCIL

There were none.

The meeting concluded at 16:32.

Signed

Chair

Dated this

day of