

# LICENSING COMMITTEE (NON-LICENSING ACT 2003)

## Agenda Item 19

Brighton & Hove City Council

<b>Subject:</b>	<b>Hackney Carriage &amp; Private Hire Driver Enforcement and Monitoring</b>		
<b>Date of Meeting:</b>	<b>24 November 2016</b>		
<b>Report of:</b>	<b>Director Neighbourhoods Communities and Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Martin Seymour</b>	<b>Tel:</b> 01273 296659
	<b>Email:</b>	<a href="mailto:Martin.seymour@brighton-hove.gcsx.gov.uk">Martin.seymour@brighton-hove.gcsx.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 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 July 2016 and October 2016.

#### 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.
- 3.2 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](#).
- 3.3 The following actions were taken against drivers / applicants between 01 July 2016 and 31 October 2016.

<b>Licence Type</b>	<b>Date</b>	<b>Action</b>	<b>Reason</b>
Private Hire Licence	05.07.2016	Suspension	Allegations were made regarding a 16 year old girl of inappropriate behaviour by the driver. Driver has not been charged but put on Police Bail with conditions.
Hackney Carriage and Private Hire Dual Licence	08.07.2016	Suspension	Advised by GP not to drive due to pending medical investigations.
New Applicant	19.07.2016	Warning	Previous Licence revoked following conviction for Driving a Motor Vehicle with Excess Alcohol. Now 3 years free of conviction and more than 12 months elapsed since restoration of DVLA Licence
Private Hire Licence	08.08.2016	1 Month Suspension	Taking Bookings without holding a Private Hire Operator Licence
Hackney Carriage and Private Hire Dual Licence	10.08.2016	Refusal to renew licence	DBS certificate showed a historical rape allegation (Acquitted at Trial) An appeal against the Council's decision has been made at the magistrates court – ongoing
Private Hire and Hackney Carriage Licence	18.08.2016	Suspension	Driver waiting results of medical tests following fit.
New Applicant	24.08.2016	Warning	Previously revoked in 2012 following a conviction. He is now 4 years post conviction with no further cautions / convictions on his record.
Hackney Carriage Licence	09.09.2016	Revocation	The Hackney Carriage Office was made aware of incidents of domestic violence. An appeal against the Council's decision has been made at the magistrates court
Private Hire Licence	19.09.2016	Suspension	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	20.09.2016	Suspension	Currently does not meet the DVLA Group 2 medical criteria.
Hackney Carriage and Private Hire Dual Licence	27.09.2016	Refusal to renew licence	Initial renewal application was found to be invalid. Second application to renew was after licence had expired so not possible to renew.
Hackney Carriage and Private Hire Dual Licence	11.10.2016	Suspension	Currently does not meet the DVLA Group 2 medical criteria.
Private Hire Licence	18.10.2016	Revocation	Licence revoked for non-payment of Licence fee
Hackney	18.10.2016	Refusal to	Convicted of 3 Sexual Offences and failing

Carriage and Private Hire Dual Licence		renew licence	to provide a specimen of breath whilst driving and driving while uninsured.
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#### 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:* 18/10/16

##### Legal Implications:

5.2 There are no direct legal implications.

*Lawyer Consulted:* Rebecca Sidell *Date:* 14.10.2016

##### 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.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None.

### **Documents in Members' Rooms**

1. None.

### **Background Documents**

1. None.