

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 19

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	23 November 2017		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
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Wards Affected:	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 19 June 2017 and 09 October 2017 and interim results of joint enforcement with TfL.

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.

- 3.5 In addition to day-to-day enforcement work, officers carry out weekly out-of-hours enforcement work, normally at weekends. This includes monitoring hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations
- 3.6 Officers have been monitoring Surrey Street. The table below shows the results of this monitoring between 18.08.2017 and the 23.09.2017. It also shows complaints received by Regulatory Services since 2012.

Day	Date	Time	Note	Photo
Friday	18.08.2017	16.43	No Queuing	Yes
Saturday	06.09.2017	14.02	No Queuing	Yes
Saturday	09.09.2017	02.27	Taxis in bus stop after station closed. No Queuing in Surrey Street	Yes x 2
Saturday	09.09.2017	21.41	No Queuing	Yes
Wednesday	13.09.2017	20.45	No Queuing	No
Wednesday	13.09.2017	20.07	No Queuing	No
Wednesday	13.09.2017	22.34	No Queuing	No
Friday	15.09.2017	16.15	No Queuing	No
Friday	22.09.2017	16.15	Queueing behind bus	Yes
Friday	22.09.2017	22.41	4 x HC pullover traffic able to pass	No
Friday	22.09.2017	23.58	No Queuing	No
Saturday	23.09.2017	02.09	Taxis in bus stop after station closed. No Queuing in Surrey Street	Yes x 2
Saturday	23.09.2017	21.15	No Queuing	No

Surrey Street Service Requests (Complaints)

Date	Subject	Investigating Team
30.10.2012	AQ Advice	Environmental Protection
26.06.2015	Noise from Taxis from 9pm to 3/4am Drivers talking to each other, radio playing	Environmental Protection
24.09.2015	Councillor complaint – Environmental issues regarding Taxis	Taxis Licensing
26.02.2016	Concerns regarding pollution caused by taxis	Environmental Protection
29.07.2016	Taxis and AQ monitoring for Cllrs.	Environmental Protection
09.08.2016	Taxis and pollution around station	Environmental Protection
20.10.2016	Councillor Complaint re 58 Surrey Street	Environmental Protection
14.03.2017	ETS committee 14.03.17 Surrey Street AQ	Environmental Protection

- 3.7 A series of joint operations have been undertaken with Enforcement Officers from Transport for London (Tfl). The operations were instigated to:
- Increase the overall intelligence picture within the London Private Hire trade outside of London
 - Detect and report drivers and vehicles who are non – compliant
 - Check for Compliance within the licensing of Private Hire Drivers and Vehicles
 - To enhance Public safety and re-assurance
 - To demonstrate to the Private Hire Trade that Transport for London take non compliance very seriously

Originally only day time inspections were planned but were later extended to include 4 weekends (Friday & Saturday Nights) in August and September. TfL have confirmed that they are currently collating the data from their joint operations and once the information has been analysed they will be arranging a formal debrief with the authorities that they worked with. We intend to update Committee accordingly.

- 3.8 There was a total of 15 Joint Operations with Tfl with 76 Vehicles Inspected including 3 non Uber Tfl Vehicles and 2 Brighton & Hove Uber vehicles. Approximately 27 Other Tfl vehicles were seen. Most vehicles inspected were compliant but some minor offences were identified such as the not wearing their badge or carrying a copy of the vehicle insurance. A number of the drivers stopped lived locally or in neighbouring districts.

- 3.9 The table below shows the results of the interim results recorded by Brighton & Hove Officers.

Date	Time	Tfl Uber	B+H Uber	Tfl non Uber	Outcomes
27.06.2017	Tuesday 10am <	6 Vehicles Inspected 2 Others seen		1 Vehicle inspected	1 Driver did not have badge - Reported to TFL 1 Driver not carrying insurance - Reported to TFL
07.07.2017	Friday 8pm <	TP Carried out on 3 Vehicles			1 Failure – Possible Prosecution Pending
12.07.2017	Wednesday 10am <	5 Vehicles Inspected			No non compliance
31.07.2017	Monday 10am <	1 vehicle inspected			Possible insurance problem but checked & was ok
08.08.2017	Tuesday 10am <	3 vehicles inspected			1 driver not wearing badge 1 issued replacement badge holder
19.08.2017	Saturday Night 10pm<	8 Vehicles inspected			1 Smoking in Vehicle Reported to TFL. 1 Driver Sleeping in Car. 1 Discs Laminated – Removed from Vehicle as not legal - Reported to TFL 1 Vehicle reported to TFL for

					cracked Windscreen
25.08.2017	Friday Night 10pm <	7 Vehicles Inspected	2 Vehicles Inspected		1 Did not have Insurance in Vehicle - Reported to TFL 1 Did not have driver badge - Reported to TFL
26.08.2017	Saturday Night 10pm<	6 Vehicles Inspected			1 Vehicle appeared unfit as not had new MOT. Requirement cleared
01.09.2017	Friday 10am<	1 vehicle inspected		2 Vehicles Inspected	No non compliance
08.09.2017	Friday Night 10pm <	3 vehicles inspected 5 Others Seen			1 driver obstructive - refused to show his uber booking history. All 3 not wearing badges.
09.09.2017	Saturday Night 10pm<	6 Vehicles inspected 4 Other Vehicles seen			No non compliance
12.09.2017	Tuesday 10.am <	7 Vehicles inspected 2 other vehicles seen			No non compliance
22.09.2017	Friday Night 10pm <	7 Vehicles Checked. 9 Others Seen			No non compliance
23.09.2017	Saturday Night 10pm<	11 Vehicles Checked 6 others seen			No non compliance
27.09.2017	Wednesday 10am <	2 Vehicles			No non compliance

3.10 On the 27th July the Magistrates dismissed an appeal by a driver against the decision not to renew his licence due to a string of violent incidents (not convictions), the most recent being a domestic violence incident in January 2016. The Court awarded the Council £250 in costs.

3.11 Following a test purchase operation where there were 2 passes and 1 failure resulting in a successful prosecution for acting as a hackney carriage without a licence. Another prosecution is also pending after a private hire picked up during pride without a prior booking.

3.12 The test purchase case which involved an Uber Private Hire Driver plying for hire in Brighton was heard in the Magistrates Court on the 8th November 2017. The defendant did not appear and the Magistrates agreed to proceed in his absence. After hearing the evidence in the case the Magistrates found the matter proved and

decided that the most appropriate sentence was a fine of £220.00 with £500.00 costs and a £30.00 Victim Surcharge.

3.13 For actions taken against drivers / applicants between 19 June 2017 and 09 October 2017. See Appendix 1

3.14 In addition, a one-off piece of work was recently carried out by the Taxi Licensing Team to evaluate the complaints we have received against BHCC-licensed drivers and OoD (Out of District)-Licensed drivers between 28th October 2016 and 11th October 2017. This can be seen in Appendix 2.

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: 09.11.17

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date: 6.10.17

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.

