

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 6

Brighton & Hove City Council

<b>Subject:</b>	<b>Hackney Carriage &amp; Private Hire Driver Enforcement and Monitoring</b>		
<b>Date of Meeting:</b>	<b>28 June 2018</b>		
<b>Report of:</b>	<b>Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b><i>Martin Seymour</i></b>	<b>Tel:</b> 29-6659
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<b>Wards Affected:</b>	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 March 2018 and June 2018.

### 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. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was really serious and required immediate suspension then officers would come to members as soon as possible after they had taken action.

3.5 In addition to day-to-day enforcement work, officers carryout 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. General enforcement is essentially checking the vehicle is safe to be on the road and that the drivers details are correct. The officers are trained in vehicle inspection and checks could include a number of 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 Reports of TfL cars operating in the City.

Since 14th March Uber voluntarily introduced their scheme to limit drivers to only being able to pick up in the “region” in which they are licensed. We subsequently received a number of enquiries of TfL vehicles operating in Brighton & Hove which we have followed up with the vehicle owner, driver, TfL and Uber to clarify the situation.

As you are aware it is legal for a properly licensed vehicle to operate anywhere in the country. The evidence we have is that TfL vehicles reported to us are either legally dropping off, legally picking up (with another operator to Uber) or using the vehicle for personal means. Uber have categorically stated that the app will not allow TfL cars to pick up in B&H and we know that TfL cars are taking bookings with other operators. Uber have provided details of vehicle movements which shows the reported TfL vehicles were not using the Uber app in B&H.

This work has been very time consuming and none of these investigations has demonstrated an actionable offence. We will not be investigating further reports unless there are reasonable grounds for believing an offence has been committed.

Officers have noted, when carrying out enforcement duties, that the number of TfL vehicles operating in the City appears to be greatly reduced.

3.7 BHCC Licensing Enforcement Officers are now authorised by Lewes DC to carry out enforcement checks on vehicles licensed by Lewes DC.

3.8 Alex Evans, our new Licensing & Enforcement Officer, started on the 8<sup>th</sup> May 2018 in the Taxi Licensing Team. Alex brings a wealth of experience in taxi enforcement and safeguarding matters and I’m sure will be a real asset to the team.

3.9 Officers have been monitoring various locations as well as general enforcement the results of which can be seen in the tables below.

## Monitoring

Location	Date	Time	Observation / Action
Lewes Court	03.03.2018	14.30 - 1450	14.33 PH36 Drove Past
Falmer House	03.03.2018	15.00 – 15.25	15.04 PH 298 Drove Past 15.11 PH893 Drove Past 15.16 TFL Vehicle Drove Past
Varley Halls	03.03.2018	15.35 – 15.50	15.40 HC39 Picked Up
Surrey Street Trains Due: 16.11 Bedford 16.16 London Victoria 16.18 Chichester 16.20 Ashford 16.24 London Victoria 16.29 Hove 16.29 Seaford	03.03.2018	16.00 – 16.30	16.04 2 Buses blocking road – no taxis in street 16.07 Road Clear 16.09 TFL Vehicle dropped off at bus stop in Junction Road 16.12 Private Car obstructs road opposite Arka 16.16 Private Car moved to bus stop 16.17 Private Car parked in bay outside Arka 16.20 Queuing traffic due to lights in Junction Road preventing vehicles leaving Surrey Street 16.22 2 <sup>nd</sup> private car parked outside Arka 16.23 Traffic queue moving 16.27 2 Private cars sounding horns excessively 16.29 Queuing traffic due to lights in Junction Road preventing vehicles leaving Surrey Street
Old Steine by Sainsbury's	03.03.2018	16.42 – 16.55	16.44 Unidentified Vehicle Picked up passengers 16.44 TFL Vehicle dropped off passengers 16.47 TFL Vehicle waiting left 16.48 16.55 PH311 Dropped Off
Old Steine by Sainsbury's	10.03.2018	20.15 – 20.42	20.15 3 Uber vehicles waiting. 2 Sefton and 1 TFL Plate missing from 1 Sefton vehicle reported to Sefton 20.36 HC423 Dropped off 20.39 TFL driver asked questions about becoming a B+H driver 20.42 Chichester PH dropped off
Surrey Street	10.03.2018	20.57 Drive through	6 HC vehicles and 2 Private cars stationary
Old Steine by Sainsbury's	24.03.2018	19.20 - 1931	19.22 HC725 Waiting for passenger to return 19.30 TFL FR13 LMM Drove past passengers on board.
Surrey Street Trains Due: 19.54 Littlehampton 20.00 Seaford	24.03.2018	19.46 – 20.15	19.46 3x HC Queuing + 1 Private Car 19.50 Road Clear 19.56 3 Buses Blocking Road 7 Vehicles behind (3HC's) 19.58 Private Car on bus stop. Bus

20.04 Portsmouth & Southsea 20.05 Ore 20.15 Lewes 20.15 London Victoria Replacement Bus Service Running			continuously sounds horn until vehicle moved. 19.59 Number 12 Bus sounded horn excessively directly outside house number 22 and 24 surrey street to move private car out of bus stop 20.01 Road Clear 20.08 Queuing HC's held up by lights
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### 10.03.2018 General enforcement 20.45Hrs-21.15Hrs

PH/HC Driver or Plate No	Location	Actions
HCVL787	Brighton Station	Satisfactory
HCVL7	Brighton Station	Satisfactory
HCDL7039	Brighton Station	Satisfactory
HCVL470	Brighton Station	Satisfactory
HCDL4840	Brighton Station	Satisfactory
HCVL359	Brighton Station	Satisfactory
HCDL5288	Brighton Station	Satisfactory
HCI31	Brighton Station	Satisfactory
HCDL3872	Brighton Station	Satisfactory
HCVL389	Brighton Station	Satisfactory
HCDL4086	Brighton Station	Satisfactory
HCVL601	Brighton Station	Satisfactory
HCDL3233	Brighton Station	Satisfactory
HCVL489	Brighton Station	Satisfactory
PHVL84	Brighton Station	Roof sign missing. Found in boot of car
HCDL5388	Brighton Station	Satisfactory
PHVL23	Brighton Station	Vehicle not working

### 17.03.2018 General enforcement 14.45Hrs-17.15Hrs

PH/HC & Plate No	Location	Actions
HCVL669	East Street	Roof sign blank on rear. To report HCO
HCDL7098	East Street	Satisfactory
HCVL368	East Street	Satisfactory
HCDL2670	East Street	Satisfactory
HCVL165	East Street	Satisfactory
HCDL5347	East Street	Satisfactory
HCVL375	East Street	Satisfactory
HCDL6250	East Street	Satisfactory
HCVL143	East Street	Satisfactory

HCDL2717	East Street	Not wearing badge
HCVL38	East Street	Satisfactory
HCDL6311	East Street	Satisfactory
HCVL86	East Street	Meter Slow. To report to HCO
HCDL4770	East Street	Satisfactory
HCVL80	Paston Place	Satisfactory
HCDL80	Paston Place	Satisfactory
HCVL183	Paston Place	Meter Fast. To report to HCO
HCDL675	Paston Place	Satisfactory
HCVL120	Paston Place	Satisfactory
HCDL6155	Paston Place	Satisfactory
HCVL767	Brighton Station	Satisfactory
HCVL57	Brighton Station	Satisfactory
HCVL220	Brighton Station	Satisfactory
PH5VL92	Brighton Station	Satisfactory

#### 24.03.2018 General enforcement (18.30Hrs-21.30Hrs)

PH/HC & Plate No	Location	Actions
PHVL49	Billington Way	Satisfactory
HCDL 732	Billington Way	Satisfactory
HCVL725	Old Steine	Advised driver OSF Tyre near legal limit
HCDL4405	Old Steine	Satisfactory
PHVL51	Terminus Road	No roof light – Call in

In addition, general enforcement was also carried out on the following dates and times (details recorded in the officers note books):

- 05.05.18 11.20-14.20Hrs
- 18.05.18 19.00-21.00Hrs
- 19.05.18 16.30-19.15Hrs
- 24.05.18 19.00-22.30Hrs
- 02.06.18 20.00-02.00Hrs (Joint operation with Adur DC)
- 13.06.18 19.00-21.30Hrs
- 16.06.18

**General Enforcement** – this includes monitoring 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 drivers details are correct. The officers are trained in vehicle inspection and checks could include a number of 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 and that the meter is working correctly.

3.6 For actions taken against drivers / applicants between March 2018 and June 2018. See Appendix 1

#### 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: 24/05/18

##### Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date:

##### 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.