

<b>Subject:</b>	<b>Hackney Carriage &amp; Private Hire Driver Enforcement and Monitoring</b>		
<b>Date of Meeting:</b>	<b>28 November 2019</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
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<b>Wards Affected:</b>	All		

**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 June and November 2019.

**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 carry out 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 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 Officers carried out a joint operation in July with the Driver & Vehicle Standards Agency (DVSA) focussing on vehicles dropping off at a Prom evening at the Amex Stadium. 1 vehicle was taken off the road by the DVSA and 2 other were temporarily prevented from working while tyres were changed. Officers have also assisted Adur-Worthing officers with test purchasing but no infringements were detected.
- 3.7 Officers have conducted two separate test purchasing exercises in the city, the first exercise was conducted on a weekday evening involving 14 vehicles and the second on a Saturday evening where 13 vehicles were approached during the course of the evening which ranged from both Hackney Carriage and Private Vehicles licensed by Brighton and Hove City and also those licensed by other authorities but working in Brighton and Hove.

As a result of the exercise 2 Brighton and Hove Private hire drivers and 1 Lewes Private Hire drivers were cautioned for the offence of 1) Plying for hire 2) No insurance.

We are now working with disability groups to look at undertaking some test purchases for wheelchair accessible vehicles.

- 3.8 A joint operator test purchase exercise was carried out on an operator that is licenced by both Brighton & Hove and Adur/Worthing. No offences were committed in Brighton & Hove and there is an on-going investigation in Adur/Worthing.
- 3.9 Joint enforcement was carried out between Brighton and Hove and Southampton Officers on Wednesday 18<sup>th</sup> September 2019. There are 5 vehicles licensed by Southampton where the drivers live in Brighton and Hove and work for Uber. One vehicle was found to have a tyre that was near the legal limit and was issued an advisory notice.
- 3.10 Officers took part on a multi-agency operation (Operation Arizona) at Gatwick Airport on the 15<sup>th</sup> October. A number of vehicles were stopped by the Police and then inspected by the DVSA, DWP, Immigration, HMRC (Checking for Red Diesel), The Police, and Officers from their respective Licensing Authority checking for licencing infringements. Brighton & Hove vehicles stopped passed all checks.

3.11 Brighton & Hove City Council in partnership with YMCA (Downslink) has held eight free awareness raising sessions for the city's licensed taxi drivers so they know how to spot the signs of Child Sexual Exploitation (CSE) & Child Criminal Exploitation (CCE) and how and where to report cases. Most licensing authorities are now either in the process of or will be shortly introducing compulsory Safeguarding training for licensed drivers which will be charged to the driver. Brighton & Hove City Council provided a limited period of training for free available to all licence holders. 563 drivers attended voluntarily over 2 days.

Exploitation of children and vulnerable adults is a criminal offence and it can happen to any child, young person or vulnerable adult from any background. The process means victims often do not realise that they are being exploited and so it is vital that everyone takes responsibility for identifying people at risk. Reporting can help victims get support and be safeguarded and help bring the perpetrators to justice.

We are looking to offer further training to drivers in the late Autumn to give those drivers that could not attend the opportunity to receive the training. It is anticipated that this course will become a requirement of licensing in the near future.

3.12 On 4<sup>th</sup> October 2019 a driver was convicted of Sexual Assault and False Imprisonment and was sentenced to 36 months and 24 months respectively and placed on the Sexual Offenders Register indefinitely. The Council had previously revoked his driver's licence when the above allegations came to light in March 2018 including picking up a passenger without a prior booking (flipping).

3.13 For actions taken against drivers / applicants between June and November 2019. See Appendix B. Previous actions reported to Committee from November 2018 can be seen at Appendix C.

#### **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: 19/09/2019

##### Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 18.10.2019

Equalities Implications:

- 5.3 Licensing authorities must ensure that a safe hackney carriage and private hire vehicle 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.