

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 28

Brighton & Hove City Council

<b>Subject:</b>	<b>Hackney Carriage &amp; Private Hire Driver Enforcement and Monitoring</b>		
<b>Date of Meeting:</b>	<b>12 March 20</b>		
<b>Report of:</b>	<b>Interim Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b><i>Martin Seymour</i></b>	<b>Tel:</b> <b>296659</b>
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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 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 affected 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 illegally 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. Joint working with neighbouring authorities is ongoing and joint operations are planned over the coming months.
- 3.6 Taxi Licensing, Adur and Worthing Council and Sussex Police conducted a multi-agency operation on Saturday 25 January 2020. 4 Hackney Carriage Drivers were issued 3 points (FPN) for stopping in a bus stop on Zig Zags – They were not dropping off or picking up and admitted to be standing for hire for customers at the train station. 1 out of town driver (Lewes) failed a test purchasing exercise by picking up a passenger that had not been booked through their operator.
- 3.7 Officers from Brighton & Hove and Lewes have worked together to investigate an Operator to ensure that the correct procedures and records were in place. Visits to the Operators base and proposed base in Brighton were undertaken and a Joint interview was undertaken at Lewes offices.
- 3.8 Brighton & Hove City Council in partnership with YMCA (Downslink) has held eight additional 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 previously provided free training available to all licence holders and 563 drivers attended voluntarily over 2 days. 872 drivers have now undertaken this free training which is 63% of all Brighton & Hove Licensed Drivers (1383).

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.

## **Brighton Station Rank**

- 3.9 On the 11<sup>th</sup> November GTR (Govia Thameslink Railways) relocated the station taxis rank from the front of the station (Junction Road) to the North side of the station (Stroudley Road). The decision on where the rank sits and how it is operated is the train operators as both ranks are located on private land. The new rank to the north is larger than the rank provided at the south and can accommodate more taxis than the southern rank. In preparation of moving the rank GTR made improvements to the road layout to accommodate the taxis rank.
- 3.10 Hackney Carriage Brighton Station permit holders have objected to the move citing several reasons such as a drop in trade, difficulties in exiting via New England Road, no shelter for passengers from the weather and congestion caused by private hire and private vehicles causing around the rank. Members of the public have also complained due to increased travel distance to the rank within the station and increase journey costs in terms of distance & time leaving the new rank. While there will be some losers with the move in terms of the actual journeys, anyone travelling to the north and west will have quicker access so it will always depend on where you are travelling to regarding the cost.
- 3.11 Following the move a meeting was arranged on the 16<sup>th</sup> December with GTR, Trade reps and Council Officers. This was the first meeting directly with GTR since two other reps came to the trade forum meeting earlier last year and the instigation of moving the rank to the North.
- 3.12 There have been benefits such as less traffic at the front of the station and significant improvements to the bus network. The bus operator is currently collating the detailed data to support the improvements that have resulted from the change. Taxi trade reps have expressed concern that the rank is not working for either the trade or their customers outlining all the issues of higher fares access and egress to the rank and the area being clogged up with other traffic such as private cars mini-buses and private hire vehicles including out of town private hires.
- 3.13 It was suggested that access to the rank could be changed to only allow permit holders to turn left at the mini roundabout. This would mean that all other traffic would have to go into the car park where a 20-minute free waiting time is currently allowed. If this was put in place this should prevent non-permit holders from accessing the area. GTR agreed that they would explore this option and come back with an indication of when this could be achieved as it should not be a significant piece of work.
- 3.14 GTR was informed that the current arrangement when Bus Rail Replacement was in place was not working and that there is space at the rank for both buses and taxis in the area. A notional plan was put to the GTR reps which they agreed to investigate the suggested approach as to how taxis can have better access during rail replacement.
- 3.15 GTR were made aware that their customers were sometimes getting wet due to the current way they queue for taxis. There is a station overhang, but often passengers are waiting outside of the zone that the overhang provides shelter. GTR agreed to

investigate the options including a new shelter. They are also exploring some changes in this location and the possibility of introducing a better queuing system that should keep passengers under the overhang.

3.16 Officers will continue to work with GTR on these improvements and will continue to press GTR to act quickly to support the trade.

3.17 The taxi licensing team are working closely with parking enforcement (NSL), who have been targeted with increased enforcement activities at the South of the station, this includes no loading restrictions so NSL can issue an immediate ticket. CCTV will continue to monitor the bus stops, where there is evidence that they are standing and not picking up dropping off they can be issued a penalty notice by post. In addition, a rapid response unit is available between 9am and 7 pm on 0345 603 5469 option 2.

Where there is evidence that licenced drivers are continuing to breach road traffic regulations and have been sufficiently advised to educate then, then the Taxi Licensing Office will review individual licences and to consider if a driver remains to be fit and proper.

3.18 For actions taken against drivers / applicants between November 19 and March 2020 See Appendix B. A graph showing 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: 17.01.2020

##### Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 21.02.2020

##### Equalities Implications:

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

