

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject: Covid19 Update – Taxis Licensing & Hackney Carriage & Private Hire Driver Enforcement and Monitoring

Date of Meeting: 26 November 2020

Report of: Interim Executive Director of Housing, Neighbourhoods & Communities

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Wards Affected: All

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report was requested by Members to provide an update of the effects of Covid-19 on Taxis Licensing and to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between June and November 2020.

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 Officers are deeply conscious of how the taxi trade has been impacted by the coronavirus pandemic and subsequent restrictions. We appreciate that this is very difficult time for licence holders. The Taxi Licensing Team have kept in contact and checked in with the Trade whenever possible, including holding a virtual taxi forum in September.
- 3.2 Officers are working with the Trade to be as flexible as possible with regard to licensing drivers and vehicles in these difficult times, at the same time as continuing to operate the licensing regime to the best of our capabilities in a way that is fair to all and ensuring the safety of the public.
- 3.3 The taxi licensing team have had to continually adapt how licenses are issued including some checks such as for CCTV. As some GP's are not currently carrying out driver medicals officers are issuing temporary licences depending on past

medical history and previous 12 months GP record which is reviewed by the council independent medical advisor.

- 3.4 Officers have taken a pragmatic approach in maintaining the licensing regime under difficult circumstances, working from home and occasional access to Hove Town Hall to issue, plates, badges and applications received by post. The trade has been very appreciative of how the service has been adapted in such difficult circumstances continuing issuing licences largely by email application as well as post. Officers have prioritised the inspections and licensing of new or replacement vehicles to ensure that drivers are able to work as soon as possible.
- 3.5 Several proprietors have SORN (Statutory Off Road Notification) their vehicles and cancelled insurance or reduced cover during this period and officers have designed a plate sticker to show that a particular vehicle is not currently licensed. Private Hire Vehicle proprietors can delay renewal until returning to work but due to the Council's restricted numbers policy for Hackney Carriage Vehicles these vehicles must make application to renew.
- 3.6 The issue of five new Hackney Carriage plates from the waiting list has now been completed and the 5 successful drivers have been notified.
- 3.7 In normal times we would be asking the November Licensing committee whether they wish for an unmet demand survey to be undertaken next year in considering whether to continue our restricted hackney carriage policy (managed growth of offering 5 new plates a year). Due to Covid-19 and the impact of the subsequent restrictions it is considered that conducting a survey during such unpredictable and unprecedented times would not give an accurate picture in terms of deciding on and justifying a decision on the delimiting policy. Therefore, we will continue with the current policy and defer on deciding on the unmet demand survey for another year
- 3.8 First Applications have now recommenced, and knowledge test are taking place with officers conducting these at operators' officers ensuring that these are covid-19 safe for the officer and the applicant. The route test has temporary been changed from a practical test to a written test. However, knowledge tests are likely to be limited during the latest lockdown.
- 3.9 The Council has temporarily allowed vehicles 10 years old or over at the date the licence expiry, to renew for an extra year until 31st March 2021. The policy will then revert to current age limits on 1st April 2021. As Private hire vehicles numbers are not restricted, they are already able to delay relicensing and the Council will continue to allow existing private hire vehicles to renew after expiry. The Council temporary allowed Hackney Carriages whose licences expired on or before the 30th September 2020 to delay completing their application for 6 months provided that a valid application was made before the existing licence expired and the required licence fee is paid.
- 3.10 Covid-19 and the need to avoid face to face and social distancing has impacted on enforcement and prevented officers undertaking enforcement activities for several months. Limited out of hours enforcement work recommenced late August by officers not limited by shielding during the evenings and at weekends. Officers are extremely

keen for joint operational work with all neighbouring authorities and to work with them to support each other and identify and resolve any issues especially those identified by the trade and has included joint enforcement operations with Lewes District Council and Worthing and Adur Council. 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. However, this work is likely to be limited again during the latest lockdown.

- 3.11 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.
- 3.12 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.
- 3.13 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](#).
- 3.14 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. When taking action against a licence, decisions are investigated by officers and a recommendation is made to a manager who makes the decision in consultation with a lawyer. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was serious and required immediate suspension, then officers would come to members as soon as possible after they had taken action.
- 3.15 For actions taken against drivers / applicants between June and November 2020 See Appendix B.

Brighton Station Rank

- 3.16 On the 11th November 2019 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.

- 3.17 Hackney Carriage Brighton Station permit holders have highlighted some aspects of the new rank that were causing issues. Following the move a meeting was arranged on the 16th 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.
- 3.18 More recently there have been several complaints including touting regarding Hackney Carriages waiting in the slip road at the front of the station rather than using the rank at the North of Brighton Station. There have also been operational problems with the temporary rank when the rank is closed.
- 3.19 A virtual meeting with GTR & Officers was held on Friday 30th October 2020 where a range of concerns were discussed. The main points of discussion

Permit Holders Payments

GTR stated that DFT is currently looking at several measures that have impacted the transport sector as a whole over the pandemic, part of this is the taxi/private hire trade. They are awaiting that report before making any decision on permits and fees but they are completely sympathetic to the trade in relation to the permit fee. It was raised that the trade had requested a payment plan i.e. pay in instalments of some kind – GTR have taken this on board and in principle are supportive of this but will report back once the DFT report is released.

Front of Station

BHCC discussed the issue with non-permit holder taxis ranking up at the front of station particularly in the slip road and the problems that we have enforcing this. GTR raised that their staff had been surrounded by about 15 drivers at one point and they no longer deal this as it has become a welfare issue for their staff. CCTV cannot be used to enforce on yellow lines, and this needs a CEO to be in place to issue a ticket. As soon as a CEO is present, they drive off. This is a circle of events, we can look at dealing with them under fit and proper, but this would need a pattern of offending to be recorded with evidence by written or photographic means along with checking operator records / CCTV and interview of drivers – we could look at an action week to target this problem pulling in joint enforcement recourses.

A solution to deal with part of the problem is to install a barrier at the entrance to the slip road. GTR are fully supportive of this. The station managers have keys to open the main gates (into the old rank) and GTR are happy for station managers to be given keys to open a second barrier when required. Highways need to confirm with Budgens as this would affect them for deliveries, so a solution would be for them to have a set of keys to open the barrier for deliveries. This would also require an updater TRO (Traffic Regulation Order) to be put in place however this would be done as soon as possible.

GTR also gave the following updates of actions taken since the last meeting in December 2019 on the matters that had been raised at that meeting

- I. GTR have committed to investigate a canopy for waiting passengers and will consult with Trade reps

GTR removed the bike rake that was immediately outside of the station as you approach the rank, this resulted in a covered area being available for the public to queue for Taxis and therefore they decided that no canopy was required.

- II. GTR will improve the signage and comms for directing foot passengers to the rank

It was raised by BHCC that since the new one-way systems had been introduced at the station due to COVID that passengers alighting from the west bound trains (Hove) that there was no signage to direct them to the Taxi rank. GTR are in the process of installing new digital information displays that could include Taxi rank directions, these have been ordered and they have an 8 week or less turnaround. Hopefully these will be in place for January 2021.

- III. GTR will look to investigate the implications of moving the public/private hire pick up/drop off points on the South side of Stroudley Road into the station. This will make the south end of Stroudley Road permit holders and access only.

ANPR Cameras will be installed to protect the taxi rank from being used by any vehicle other than a permit holder – they are just finalising details re a supplier for this. No date is known when they will be installed but will update us.

When bus replacements are in place, this will displace the permit holders being able to use the rank – a temp area will be set up in the front portion of the carp park, spaces will be limited and there will not be the same capacity as the rank – GTR will investigate creating a white list for permit holders during bus replacement days so they would not be restricted to the 20 minute stay.

It was raised that there appears to be a lot of bus replacement days, however GTR stated that there was no more than normal and COVID had not increased the number of bus replacements days, it was also noted that permit holders are effected less with the rank being closed at the rear to what they experienced at the front as they are no longer subject to closure on days of events, such as football, Pride etc (of course with Covid-19 has an effect on events this year)

- IV. GTR will seek to provide a new public/private hire drop off within the adjacent car park

Signposts have already been installed for permits holders only / all private hire (pre-booked) and members of the public dropping off/ picking up are directed to use car park, this carp park is controlled by ANPR cameras and a 20 minute stay is allowed before an automatic penalty is issued.

- V. GTR will look into keeping the gates open to allow access to the rank from the front of the station late at night

Highways are progressing with a night time rank to be introduced outside the IBIS Hotel

- VI. GTR agreed to look at options on rail replacement days, including allowing permit taxis to share space with buses

No update on this at the moment

- VII. GTR to look at what welfare facilities are available to taxi permit holders

GTR looking at a restaurant below the cycle storage/gym and toilets may be part of this plan – further updates to provided post pandemic / 20 mins is allowed in carpark for drivers to park up and sue station facilities / plus looking at white list for permit holders may allow longer than this.

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: 10/11/20

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date:

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.

