

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 26

Brighton & Hove City Council

Subject: Hackney Carriage & Private Hire Driver Enforcement and Monitoring

Date of Meeting: 17 February 2022

Report of: 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 update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between October 2021 and January 2022.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to act 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. When acting 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 acted.
- 3.5 In addition to day-to-day enforcement work, officers normally 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 several 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 A multi-agency exercise involving Sussex Police, Driver and Vehicle Standards Agency (DVSA) and Enforcement Officers took place on the 22nd December 2021. A total of 42 vehicles were stopped with 8 vehicles licensed by other authorities. Licensed Vehicles stopped from other areas were: Adur 1, Chichester 1, Lewes 5, Southampton 1. The majority of vehicles were found to be compliant or needed advice. However, the follow action was taken by the DVSA where some major faults were identified.
- An Immediate Prohibition was issued to the Southampton Vehicle as both front tyres were below the legal limit.
 - An Immediate Prohibition was issued a Lewes and a Brighton & Hove Vehicle as the nearside indicator repeater was inoperative.
 - Delayed Prohibition was given to a Brighton & Hove Vehicle for a split gator
- 3.7 The council is continuing to receive complaints about a small number of licenced drivers that are repeatedly sitting at the front (south side) of Brighton Train Station on Zig Zags, Double Yellow lines, Loading Bays and Bus Stops in contravention of the Traffic Signs Regulations and General Directions 2002. All drivers were emailed an advice letter reminding them about waiting for work outside Brighton Station. See Appendix C
- 3.8 For actions taken against drivers / applicants between Oct 2021 and January 2022 See Appendix B.

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: 05/01/2022

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 30/09/2021

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.

Appendices

A. Vehicle Inspection Sheet

B. Actions taken against Drivers

